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That Old Bugging Issue

ANOTHER SHOT has been fired in the long controversy over whether former Attorney General Robert F. Kennedy actually authorized widespread wiretapping and bugging by the FBI in the early 1960s.

In a new book, "Kennedy Justice," author Victor S. Navasky concludes that while no one told Kennedy the FBI was deeply involved in electronic surveillance neither did Kennedy try to find out. Further, Navasky says, Kennedy's style and sense of urgency, especially in dealing with organized

crime, created an atmosphere in which FBI Director J. Edgar Hoover could continue then-illegal snooping without qualms.

Despite Kennedy's 1966 denial that he never authorized FBI wiretapping and bugging except in national security cases, "Kennedy Justice," contends that such surveillance actually increased during Kennedy's tenure.

It was accomplished, the book says, because of Hoover's mastery of Justice Department bureaucracy. This enabled Hoover to produce documents in 1966 that purported to prove that Kennedy had given approval to everything the FBI had done in this sensitive area.

The key to Navasky's thesis is a May 4, 1961, memo from Hoover to then Deputy Attorney General Byron White which forthrightly told that the FBI was using hidden microphones to monitor conversations of "top hoodlums and organized crime."

THE MEMO, Navasky con-

tends, was part of an FBI attempt to make a paper record that would implicate Kennedy and White in the illegal eavesdropping practices. By including the important memorandum in a batch of routine-looking FBI papers, Hoover guaranteed that it would be filed without coming to White's attention, the book says.

That is what happened. White did not see the memo, but it was in the file five years later when Kennedy and Hoover clashed.

The FBI, which refused to have anything to do with Navasky during the five years it took him to research and write the book, also refused to comment this week on the results. Unofficially, however, FBI sources said that Hoover's memo was an accurate reflection of what the bureau was doing, served up to White in the normal fashion.

Navasky also contends that Hoover's report on what the FBI was doing may have been accurate, but that the legal basis for doing it was a distortion of an authorization on microphone

surveillance given by former Attorney General Herbert Brownell in 1954.

BROWNELL SAID unrestricted use of this technique was in the national interest because of "considerations of internal security and national safety are paramount."

In Hoover's memo to White, also published in the book, the director interpreted "national safety" to mean unrestricted use of bugs against so-called straight crime as well as subversion.

Navasky also located a

memo signed by Kennedy on Aug. 17, 1961, authorizing the leasing of telephone lines in New York for bugging purposes. The author asserts the FBI told Kennedy the New York Telephone Co. required his signature before they would lease the lines.

In fact, Navasky says, the FBI misrepresented the telephone company policies. He quotes a phone company spokesman denying there was ever such a requirement and concludes the exercise was to tie Kennedy further into secret surveillance tactics.

Navasky believes that Kennedy didn't actually know what was going on but that as Attorney General he had an obligation to find out.

What is most incredible are interviews with half a dozen top Kennedy aides, including White, who ultimately learned of the FBI's bugging activities but did not bring it to Kennedy's attention. All of them said, in effect, that they assumed it was being done "opside" — was being done "topside" —

The validity of national security wiretapping has only recently come under attack in the courts. When Congress passed the Omnibus Crime Control and Safe Streets Act in 1968, procedures for legitimizing electronic surveillance on criminal suspects were incorporated.

Bobby Kennedy favored wiretap legislation when he was Attorney General. But it was a time of ambiguity, and Kennedy as well as Hoover were after results.