

**William G. Hundley Oral History Interview – RFK#2, 2/17/71**  
Administrative Information

**Creator:** William G. Hundley  
**Interviewer:** James A. Oesterle  
**Date of Interview:** February 17, 1971  
**Place of Interview:** Washington, D.C.  
**Length:** 22 pages

**Biographical Note**

Hundley, (1924-2006) Chief, Organized Crime and Racketeering Section, Department of Justice. Department of Justice (1958-1966), and also briefly served as Robert F. Kennedy's special assistant. In this interview, he discusses the J. Vincent Keogh case, wiretapping and bugging controversies, and tensions between the Justice Department and the FBI, among other issues.

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William G. Hundley, recorded interview by James A. Oesterle, February 17, 1971, (page number), Robert F. Kennedy Library Oral History Project of the John F. Kennedy Library.

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William G. Hundley – RFK #2

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Oral History Interview

with

William G. Hundley

February 17, 1971  
Washington, D.C.

By James A. Oesterle

For the Robert F. Kennedy Oral History Program  
of the Kennedy Library

OESTERLE: Mr. Hundley, we left off discussing the Goldfine [Bernard Goldfine] case and were just starting out on the Keogh [J. Vincent Keogh] case. What do you recall, in general, about the Keogh case?

HUNDLEY: My recollection is that they had a grand jury up in the Southern District of New York and that another attorney whose name was Charlie Shaffer [Charles N. Shaffer Jr.] and John Lally [John F. Lally], who was an attorney in the Organized Crime [and Racketeering] Section, were presenting certain evidence to a grand jury in the Southern District of New York about Judge Vincent Keogh, who was then a sitting judge on the New York State Supreme Court, and Elliott Kahaner, who was then the acting United States attorney in the Eastern District of New York. And I had known from being in the Justice Department that that was going on. I didn't know any of the details, what they were doing. But I recall that Jack Miller [Herbert J. Miller Jr.], who was then the head of the Criminal Division, called me into his office one day. He told me that the Attorney General wanted me to take over that grand jury investigation. My recollection is that I talked to Bob Kennedy about it, and I'm sure that Jack Miller was with me when I talked to him. He told me that they had this grand jury up in New York and that they were looking into the allegations against Judge Keogh. I remember Kennedy told me that the reason why he wanted me to take over the grand jury investigation was that it was a politically sensitive case because of Judge Keogh and Elliott Kahaner, who was then the

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acting United States attorney. I had been in the Department of Justice for a number of years, and I had served under both the Republicans and the Democrats, and that I was experienced; nobody could pretty well point a finger at either me or him for sending up pretty much a career guy to head it up. And he made it very clear: Go on up there and let the chips fall where they may.

So I remember I went up to New York and read all the grand jury transcript and started talking to the witnesses. The upshot of the evidence was that there was a doctor in New York, a fellow named Doctor Erdman [Robert M. Erdman]. He was the principal government witness in the matter. He was a very wealthy orthopedic surgeon.

Just so you have some of the background, as I understand it, the whole thing started this way: There was a bankruptcy case in the Eastern District of New York. Some local hoodlum types—I remember Sandy Moore [Sanford J. Moore] was the principal one—that they were indicted in the Eastern District of New York for a bankruptcy fraud. The story was that Sandy Moore had something going with Elliott Kahaner, who was the acting United States attorney in the Eastern District of New York, that he was to get some type of favorable treatment in the courts there. But what happened is that the word began to get around Long Island and Brooklyn that Sandy Moore had some type of a fix in with his bankruptcy case. The word got back to the judge; and the judge, instead of imposing a sentence of probation which Moore thought he was going to get, gave him a three-year jail term. So Moore then, of course, became disillusioned, and he began to cooperate with the Federal Government. He was mad at Elliott Kahaner because Kahaner had not followed through on the fix, and he began to give the FBI [Federal Bureau of Investigation] and the Justice attorneys information about Kahaner.

He indicated that he had paid Kahaner substantial sums of money and, in return for the money, Kahaner had told him to go ahead and enter a plea of guilty and that Kahaner would move the case before a favorable judge. The judge would then put Moore and his codefendants on probation. While Moore was being interrogated by the agents, he began to flush out the whole story. He indicated how the whole thing started with him being led to a Doctor Erdman. I think it was a cousin of Sandy Moore's, who was also a defendant in the case, had heard that Doctor Erdman had a lot of influence with the courts in Brooklyn and that Erdman might be able to help him take care of his case. He related how he went to Erdman and that Erdman put him in touch with Kahaner. This is how the fix was to be accomplished.

Then the agents and the Justice Department attorneys went to work on Doctor Erdman. All of this was before I was in the case so

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I'm relating from what I had read and whatnot. And after they worked on or talked with Doctor Erdman for a while, he began to cooperate and he took it beyond Kahaner. He told them that that's right, he had sat down with Moore and the codefendants and told them that he thought that he could take care of the case for them through Elliott Kahaner. He indicated that on several occasions he was actually the conduit for the money, that he would have Moore bring in five,

ten, fifteen thousand dollars and that he and Moore would deliver it to Kahaner. But they were advised somewhere along the line, particularly when these stories of the fix began to leak out around Brooklyn and Long Island and came to the attention of the judges, that Kahaner had told him that he was no longer, you know, able to carry out the bargain. So then what Erdman did, according to his story, is that he then brought Judge Keogh into the act, that Judge Keogh was a very close friend of the judge who had the case, who was Judge Rayfiel [Leo F. Rayfiel] in Brooklyn.

There was no allegation that Rayfiel was receiving any money here. But then, according to Erdman, they brought Judge Keogh into the act, and he and Erdman collected money from Moore and the other codefendants. He in turn, delivered the money to Judge Keogh up in Judge Keogh's chambers. Judge Keogh was to get in touch with Judge Rayfiel for the money and get favorable treatment for Sandy Moore and these defendants. So, with that type of information, the Federal Government then started a grand jury, and they presented a lot of this evidence to the grand jury even before I got into the case. They had Erdman in, Moore in, and whatnot.

When I went up there, an awful lot of the evidence had been presented. The grand jury was quite anxious to indict. Initially, the grand jury was quite suspicious when I came up on the case and the other fellow went off, but it was a very good grand jury and they were willing to listen to all of the evidence in the case before they reached any determination. Kahaner would not cooperate with us at all. We talked to his attorney, and he wouldn't cooperate with us at all. We asked Judge Keogh's attorney if he would like an opportunity to appear before the grand jury, and after some deliberation, he said he would want to appear before the grand jury. So he signed all of the waivers of immunity and whatnot, and he did appear as a witness in his own behalf before the grand jury.

My recollection is that there was a lot of contact between myself and Jack Miller and Robert Kennedy on the case. He was obviously interested in the case. He never interfered, but he certainly was interested in what was going on. And one interesting thing that I remember about it was that, oh, somewhere near the end of the grand

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jury investigation, he called me up directly. He indicated—I forget just how he put it—he said, “I don't want to interfere in your case,” but had I ever given any consideration to asking Keogh and Erdman (Erdman being the principal government witness) whether or not they'd like to take a lie detector test. He said he'd feel better if that were to be done.

Well, I was never much of a believer in polygraph tests. But in any event, Erdman had always wanted to take one; he was no problem. I went to Keogh's attorney and asked him if his client would be willing to take a lie detector test and he agreed that he would. Both of them took lie detector tests. Oddly enough, the lie detector test on Erdman was completely inconclusive because he's one of those subjects that these polygraph experts tell me you just can't get a take on. As far as Keogh was concerned, I guess I'd have to say that he flunked his test rather conclusively.



The interesting thing, as far as Kennedy is concerned, about the lie detector test is that when he originally asked me if I'd be willing to do it, and I of course, said I would, I then went to the FBI. I said to the FBI, "I'd like to give these two fellows lie detector tests. You know, would you have your top polygraph expert come up and do it?" Well, then they have to check through Washington, and they sent the request down to Washington. The SAC [Special agent in charge] up in New York came back to me in a few days and he said, "The Bureau has refused to do it. But you know the Bureau; it isn't that unusual." I remember Al Bryant was the chief of Criminal for the FBI. I said, "I think you misunderstood me, Al." I said, "You know, the Attorney General wants it done." So then they went through the same process again, and it came back okay. Then we had it done. They did send their best man up.

I point that out because after the case, long after the case was over, Bob Kennedy called me into his office. He had somehow gotten a hold of the memos that went back and forth on this polygraph test, and he showed them to me. The first one came down. It said, "Hundley wants a lie detector test," and all of the supervisors in the Bureau said, "No, no, no." It went right up to Hoover [J. Edgar Hoover], and Hoover said, "I agree, absolutely no." So it came back. Then another memo went down from the Bureau saying, "It isn't just Hundley. It's Kennedy and Hundley that want it done, the Attorney General." So then each one of the supervisors then said, "Well, maybe we better do this." So it went up to Hoover and then in his handwriting on it, it said, "Sherlock Holmeses must have their fun," see referring to Kennedy and myself, you know. And then when the lie detector tests came in and there wasn't any take on Erdman, and Keogh's, although he

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kind of flunked it, was not completely conclusive, Hoover scrawled on it in his style, "This proves I was right." Kennedy showed me those after the case was over.

But in any event, as I say, we had the testimony of Erdman. We had the testimony of Moore. We had two eyewitnesses as far as Kahaner was concerned. And as far as Keogh was concerned, we really only had the one witness and some corroborating circumstances. I recommended prosecution and we had several meetings with Jack Miller about it. We had meetings with Kennedy about it. And it was a close case. There isn't any question but that Gene Keogh [Eugene J. Keogh], who was a Congressman then, had been instrumental in leading the New York delegation for Kennedy [John F. Kennedy]. It was a very painful case for Bob Kennedy. I could tell. And finally it reached a point....I had recommended prosecution; Jack Miller had recommended prosecution.

I remember he was home sick—Bobby—and we called him on the phone and told him we thought we just had to go. That's all there was to it. It was a prima facie case. I said I thought that the government's evidence was credible and that Keogh had in fact taken the money. And I remember Bobby said, "All right, let's go." But he said, "Remember, if we lose this case, you and I are going to look like a couple of real shits." That was his way of saying, "Make damn sure you win," I suppose. So we went ahead. We indicted and tried the case, and it resulted in a conviction. It was affirmed on appeal. There's still a litigation going on in the case.

OESTERLE: This is an appeal of the case?

HUNDLEY: Well, actually, all the appeals were exhausted, but they've raised some *coram nobis* petitions and things of that nature which are still pending in the court. Judge Keogh's disbarment is still pending in the courts, too. So that's still active. He actually went to jail. He got a two-year sentence. He served eight months then he was paroled, which would be the normal time you'd serve on a two-year sentence.

OESTERLE: Did you have any indication during this period of the President's interest in this case or of any other representatives of the President?

HUNDLEY: Well, I'll tell you. I was always pretty well shielded from that because I had the case. I dealt with the Attorney General on it. There isn't any doubt that it was a very difficult case for the Attorney General. It was not an open-and-shut case. It was a situation where our witnesses were interested witnesses. They were involved in the case. You had a sitting judge of the Supreme

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Court of New York who said it never happened.

I mean I don't have any doubt that Kennedy [Bobby] was hoping that the grand jury investigation would show that Keogh didn't do it. But I think it was a real measure of the man that when his people recommended that we go ahead, we went. He did not interfere. I don't think he was particularly happy to know that his department had to go out and indict the brother of a Congressman with whom he was personally friendly and who had done an awful lot for his brother.

As far as I know, Gene Keogh was never involved in any illegal activity. I don't think Bobby knew Vince Keogh, the judge. I don't think he knew him. But I mean I am sure that Gene Keogh was telling Bobby Kennedy and everybody at the White House that this whole case was just a frame-up, that his brother would never do this and that Erdman was a very bad guy and Sandy Moore was a very bad guy. I mean to this day, Gene Keogh and Vince Keogh stoutly maintain their innocence.

As a matter of fact, one of the matters on appeal now is—this came out of one of the hearings—how Kennedy felt, when he agreed we had to go, that we had to win it. Now, they're trying to say that at that stage of the game, we did everything we could to win it, to make him happy. In other words, we suborned perjury and everything else. Now, we didn't; and I think we've answered all that, and there's no real problem with it. But, it was a case where I would think a lesser Attorney General might had stepped in and said, "I don't want to indict this fellow on the strength of the testimony of a Doctor Erdman or a Sandy Moore." He never did; he never did. While he was Attorney General, I think he probably indicted more people like this than any other Attorney General.

OESTERLE: Was he extremely familiar with the case?

HUNDLEY: He was. He wanted to be. It's in the record, as a matter of fact. I had to prepare lengthy memorandums summing up the evidence, the corroborating circumstances, Keogh's testimony before the grand jury and everything else. So it wasn't just a case where he just took the recommendation of myself and Jack Miller. I mean he was familiar.

He was that type. If it was a case that he was personally interested in, he familiarized himself with the evidence. And I mean I know from the talks I had with him that he knew, too, that we had to indict. We had to. We just had to go ahead with the case. The evidence was sufficient and no matter how much he liked Gene Keogh, the brother had gotten himself involved, and you know, just had to go. No, it was his decision too; there's no question about it. I mean he didn't just

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sit back and say, "I disqualify myself." That's the easy way out; "I disqualify myself." Then he could go running back to Gene Keogh and say, "Well, it was that son-of-a-bitch Hundley." I mean he never did that. It was his decision. He was familiar with the facts, and he took the heat personally. Now, I had heard, and I am sure, that he got an awful lot of heat on that case.

OESTERLE: I'm not sure that I understand the full significance of the polygraph test and the fact that Robert Kennedy mentioned this to you directly. What did he hope that the polygraph would indicate? That perhaps Keogh was innocent or that it would ascertain in fact the likelihood that he had been involved?

HUNDLEY: Well, I don't know. My surmise was that—see, he had spent a lot of time with the McClellan Committee, and I think that perhaps he had more confidence in these polygraph machines than I did. My own personal experience with polygraph machines is that they're really not very reliable at all and they're not admissible in evidence, so what's the point of fooling around with them? I don't honestly think that if the polygraph machine had shown—let's say the operator had come out and said that Keogh was as innocent as the driven snow, I think we'd have gone ahead anyway, and he would have too. I just think it's that he wanted everything done that could be humanly done to try and ascertain beyond any reasonable doubt whether Keogh was lying or whether Erdman was lying, because that's kind of what broke it down to as far as Keogh and Erdman were concerned.

Unfortunately, when you deal in the field of criminal law and you deal with human beings, you don't often get that kind of certitude. What you have to do is examine all of the evidence, and you have to make a judgment whether or not you've got an obligation to proceed with the case. Then the awesome responsibility falls upon the jury to decide whether or not the fellow did it beyond a reasonable doubt. And the Keogh case is typical of a lot of cases like that where the defendant always maintains his innocence and a lot of people still believe him. I mean I don't. I couldn't have gone ahead with the case if I had any real doubt about it. But it was a very, very difficult case.

OESTERLE: Is the subject of a polygraph that is requested by the Justice Department—and of course, it requires his consent—later informed of the outcome of the polygraph?

HUNDLEY: Oh, yeah, we gave Keogh a copy of it, yeah, of the results.

OESTERLE: Did you discuss this case with the Attorney General, after it was settled, at any length on any occasion that you can recall?

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HUNDLEY: Oh, he called periodically while the trial was on in New York. And you know, he had us all up, congratulated us after the case came in. Other than the time he called me in to show me all these FBI memos, I don't think we had any extended discussion about it. No, I guess he felt I didn't to talk about it that much, and he didn't, so we never talked about it really. I think, you know, it's just one of those tough decisions you have to make every now and then.

OESTERLE: Of course then, you've been requested since then to provide information to the grand jury in terms of the hearings that are going on now?

HUNDLEY: On the Keogh case?

OESTERLE: Yes.

HUNDLEY: No. What's happened is there's been appeals, *coram nobis* hearings, disbarment proceedings. I've had to go up and testify as a witness in those cases because, you know, Keogh is still trying to save his license. New York State is trying to disbar him. So, there's just been some pending litigation. That's all.

OESTERLE: Do you have access to the briefs and the information that were prepared earlier by yourself and for your use that you can refer to?

HUNDLEY: I'll tell you, almost everything is a court record now. The memorandum I prepared for the Attorney General, that's in evidence up in the Southern District of New York. I don't have a copy of it. I remember this, which may be of some interest to you. When they started the disbarment proceeding against Judge Keogh, Bobby Kennedy was no longer Attorney General, Katzenbach [Nicholas de B. Katzenbach] was. He called me up one day and said that Gene Keogh had been in to see him. Gene Keogh had told him that New York State was trying to disbar his brother. He always maintained that his brother was innocent, and Gene Keogh wanted to know if the Department of Justice would be willing to make available the referee who was going to hear the disbarment proceedings, Bruce Bromley, a very prominent New York attorney who used to be on the curt of appeals—whether or not we would turn over to Bromley everything we had on the Keogh case because some of it might be of some help to his brother. Katzenbach called me up and I said, "I don't care. We have nothing to hide." We turned everything over, so it's all a matter of public record up there.

OESTERLE: That's why we perhaps just have bits and pieces in our records.

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HUNDLEY: Everything is either up with Bromley or it was put in evidence or marked as exhibits in the case before Judge Weinfeld [Edward Weinfeld]. So you're going to find very little anywhere else.

OESTERLE: Well, I'm glad you mentioned this, because it will help someone trace it down if they're interested at a later point.

HUNDLEY: I may be in error when I say the file that was turned over to the referee of the disbarment proceedings is a matter of public record. I don't know. It may not be. But I would think that for your purposes you could get access to anything you wanted—as I say, as long as it's being sealed, because he has not been disbarred yet or no ruling has been made on it. [Interruption]

OESTERLE: You were also involved in and somewhat familiar with the controversies that in time developed regarding bugging and eavesdropping. When did you first become aware of some of the taps that were being maintained? Or was this common policy from the outset of your tenure with the Justice Department?

HUNDLEY: Well, I had a background as an attorney in the Internal Security Division in the Justice Department; and we, of course, dealt principally with communists and espionage and subversives. So I knew from my experience there that the FBI did a certain amount of wiretapping and bugging. Back in those days, the wiretapping was the more prevalent thing, because the bugging hadn't gotten as sophisticated as it got in later years. So, as I say, I knew they were doing it in certain cases. And my understanding was that any time they did any wiretapping or bugging that they always got the written approval of the Attorney General.

Now, when I went from Internal Security to the Criminal Division—I guess I went over there in 1958; it was '58 or '59—in any event, the official position of the Bureau always was that they were not bugging or wiretapping in organized crime cases. In other words, if as chief of the section I were to write a memo to the FBI and, you know, say, "Now, are you fellows doing any bugging or wiretapping in organized crime cases?" they'd say no. But bear in mind—I mean I was on the working level and I knew an awful lot of the agents. We were involved to some extent in the investigations; and I knew in a general way that, on a very selective basis, they started putting some bugs in organized crime cases towards the end of the Eisenhower [Dwight D. Eisenhower] administration. It was when Bill Rogers [William P. Rogers] was Attorney General. I can't remember the details, but I would see things in memos or agents would say things that I could tell were the result of bugs.

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I know that they had a couple of bugs out in Chicago on some top hoodlums. This would have been in 1959.

I think what happened is that they started, on a highly selective basis, putting these bugs in—you know, the distinction between the bugs and the wiretap—about a year or so after the Apalachin meeting. Then when Kennedy came in as Attorney General, they obviously began to enlarge their efforts in this field. Now, I mean I had no idea how many were being put in or who they were putting them in against or anything else like that. But, I would run into an agent every now and then who might tell me that he almost got caught crawling out of the window of some hood up in New York where he had been putting a listening device in. And you could tell from some of the information that would come over that that's what it had to be. Again, their official position always was that they weren't doing it. As a practical matter, some of us who were on the working level knew they were doing it.

I honestly felt, at that time, that every time that Hoover was putting a bug in he was trotting over to the Attorney General and getting the Attorney General to okay it in writing, because I didn't feel that Hoover was sticking his neck out. I mean, this was clearly in violation of the Fourth Amendment because you can't get bugs in without breaking and entering. And I knew that as far as the old wiretaps were concerned, that any time Hoover put on a wiretap, he got the Attorney General to okay it in writing. So I just thought he was doing the same thing with the bugs.

It all blew out in the Las Vegas situation. I don't know exactly what happened, but in any event, some of the casino owners out in Las Vegas found the bugs. The Bureau apparently had to use certain people from the telephone company. What they used to do is they would go in and they would put the bug in the telephone because they would use the telephone company power to activate the bug. Now I understand they have bugs where they have batteries that keep them going for maybe three or four years, so they don't need the telephone. But I think it also served the dual purpose that it would pick up the telephone conversation. Then when you put the phone down, it would also pick up everything you would say in the room. A lot of times these people would be very guarded on the telephone and they'd put the telephone down and then they'd say as I'm saying to you, "Now, I just told that fellow to, you know, do such and such or scare him or, you know, take the money here or there, see."

So in any event, they found some of those bugs out in Las Vegas. The telephone company broke. They were sued, and they copped out. They admitted that they had put these devices in at the request of the FBI. There was a big civil suit against the FBI and I actually got

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the job of representing the FBI who was being sued in the case. So that got a lot of publicity, notoriety, and it then became known that the Justice Department, the FBI, had certain bugs being put in.

I can't fix the timing of when that blew, but it was right around the time that President Kennedy was assassinated, right around that time. Well, as you know, there wasn't too much

communication with Kennedy, the Attorney General, after his brother was assassinated for quite a period. I do know that when he found out about these bugs out in Las Vegas, he ordered that all the bugs be stopped and things of that nature. I did not have any discussion with him at that time. I never had any discussion with him about wiretaps or bugs. I never had any discussion with Bill Rogers about them. It was just something that—this is hard for people to believe—I knew it was going on but it was just not the thing that anybody ever talked about. And I had no extended discussion with any Attorney General about it until much later. Then, he left the Justice Department and Katzenbach came in. And I forget just how it came about again, but I was still down there. I was still in the Justice Department. Somehow we found out that some stories were going to break in the press about the bugging.

OESTERLE: Was this in regard to the Cassius Clay [Muhammad Ali] thing and the Martin Luther King...

HUNDLEY: No, no. This was before that. This is when there was a controversy going on within the Justice Department. As I say, I had always assumed that every Attorney General had probably put his okay on every bug that had ever been put in. Well, that wasn't so. For some reason, they were handled differently than the wiretaps. The Attorney General did not put an okay on the bugs.

Hoover took the position that he had some prior authority to do this. He relied upon some old memo that he had written to Herb Brownell [Herbet J. Brownell] when Brownell was Attorney General way back. And actually, in fairness to Brownell, I think Hoover had written him a memo saying, something to do with subversive cases. I think Brownell had written back and had said, "Well, you know, if the country's about ready to topple in twenty-four hours and you can't find me, you can go ahead and put a bug in." Well, Hoover relied upon that as general authority to put all these bugs in on organized crime cases. So the thing was really heating up. And then I guess we heard that Hoover was going to put out his side of the story through some friendly reporters. He was going to take the position that Kennedy had approved all of the bugs.

Well, I honestly—as I say, I had never discussed this with Kennedy, but he was a Senator then, and I remember I went up to see him in his

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office. I suppose I thought that Kennedy probably knew about the bugs. Even then I couldn't conceive that Hoover had gone ahead and done all of this without getting the Attorney General's neck out there, too. So I went up to see him, and I told him that Hoover was going to fire the first shot. And you know they didn't get along very well.

OESTERLE: How did you hear this?

HUNDLEY: I had heard it through.... Exactly what had happened is I had found out, I think, that Deke DeLoach [Cartha D. DeLoach], who was Hoover's right-hand man, had gone to the *Washington Evening Star*. He wanted the *Evening Star* to put out Hoover's version of the bugging. The *Evening Star* had told him that they'd be glad to put it out, but they wanted to

attribute it. And I guess DeLoach checked with Hoover and Hoover said, "No, you can't attribute it." So, the *Evening Star* wouldn't run it then because it was a very touchy subject. So that's when I guess DeLoach got Congressman Gross [H.R. Gross] to write the letter and things like that.

OESTERLE: You heard this through someone that was involved...

HUNDLEY: Somebody from the *Evening Star* must have called me up. So I went up just to warn Bobby that Hoover was going to fire the first shot. And as I say, when I went up to see him in his office, I thought he had known about it. And as I was saying things like, "I knew about it," and was getting ready to say, "Now, you know, look, maybe we better just take the position that organized crime's a very serious thing and that we were taking this approach on a limited basis much the same as we had done in the subversive field," you know, to put us in the most favorable light possible.

One thing he never was—he wasn't a liar, you know. And you know, he just said he just didn't know, that he had never approved these things, and if I knew about it, why didn't I tell him. Politically, the position he was taking I thought was ridiculous, that even if he didn't know about it....And I'm convinced he didn't know, because I don't think he would have lied to me; and number two, it was bad politics to take the position he took. But he just said he didn't know. He said I should have told him if I knew about it. And that was that. And then, of course, you remember the ensuing blast where Hoover said that Kennedy knew about it, and Kennedy said he didn't know about it, and it went back and forth for quite a while. I'm convinced he didn't know about it.

It may be a little hard to understand, but I don't think the Bureau ever wanted him to know about it. They knew how hot Kennedy

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was in organized crime; they knew that they were very much behind in the field. What they wanted to do was go in and saturate the area with bugs, make cases, then walk the cases over, and then deny that they ever had any bugs in. So they didn't want him to know about it. I only knew about it because I worked pretty closely with some of the agents. So that was the big bugging controversy.

OESTERLE: Do you recall his asking you for advice at this point when he is surprised to hear...

HUNDLEY: No, he didn't ask me for any advice at all. He just said that he didn't know anything about it. He seemed surprised that I knew about it or that it was going on. And quite frankly, he chewed me out for not telling him about it. No, he didn't ask any advice at all. So I was always convinced from that meeting and other things I've heard that he just didn't know. Why Hoover didn't walk them over to him, I don't know. My guess is that Kennedy probably would have okayed them. He was a pretty tough law enforcement guy. So I'm convinced that he didn't know.



I also understand, because I was told this by Katzenbach, that—it was funny how this came up. This was a red-hot subject in the Department. I was talking to Katzenbach one day, and Katzenbach told me that Hoover himself had told him, Katzenbach, that Bobby Kennedy did not know about the bugs. So rather cynically I said to Katzenbach, “I hope you had a witness.” And he said, “I had a witness. I had the best witness in the world.” He wouldn’t tell me any more than that. Well, I found out later on from talking to Bobby....This was during the Indiana campaign. I told him this story and he just laughed. He said, “Well, the only mistake that Katzenbach made is when he told you that he had the best witness in the world. He really had the worst witness in the world.” I said, “Who do you mean?” He said, “The witness was President Johnson [Lyndon B. Johnson].”

What had happened apparently is that when this thing blew oringally—Katzenbach was the Attorney General—when it was really heating up, I should say, he and Hoover had gone over to see Johnson, who was President. And it was then that Hoover made the comment that Bobby never knew about the bugs. Katzenbach told that to some other people too, by the way. I think he told that to Jack Miller and a couple of others. But when the thing broke, I knew that Bobby was hurt that Katzenbach did not really rally to his defense on this issue. Nick never did come up with this then publicly. I don’t think he should have; I really don’t. Katzenbach was then the Attorney General of the United States and he was not in a position to take sides in this. He had to work with the Justice Department, had had to work with President Johnson, and he had to work with the FBI. I know Bobby was very much

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hurt, because he told me he was hurt, that Katzenbach didn’t come forward with this evidence to help him, but I agreed with Nick. I don’t see how he could have. It just would have made the situation so much worse. And Katzenbach, as the Attorney General, had to represent the government in court on this issue. We had cases up before the Supreme Court. I think ultimately Katzenbach took the position that Hoover had general authority but not specific authority or something like that to try and patch the thing up so we could get about the business of catching criminals, really.

OESTERLE: When Robert Kennedy expressed the fact that he was hurt with regard to Katzenbach not rallying in his support, did you express your opinion at that time that you understood why Katzenbach would not?

HUNDLEY: I didn’t. It was out in Indiana during the campaign, and I didn’t. Maybe I should have, but I didn’t.

OESTERLE: I just wondered.

HUNDLEY: I didn’t agree with him; I just didn’t say anything. I knew the story. Bobby Kennedy was always tremendously fond of Katzenbach. And one of the things that Bobby did when he left was insist that Katzenbach be made Attorney General. And there’s no question that he was hurt, but I mean it really didn’t diminish his....You

know, he and Katzenbach remained very close until Bobby got killed.

OESTERLE: I wonder if you would explain the philosophical difference between bugs and taps as you conceive to be the Justice Department's rationale behind the difference? They're always discussed in very different terms.

HUNDLEY: Yeah. Well, a wiretap is illegal, per se, because a wiretap is a violation of the Federal Communications Acts. A bug is not illegal, per se, but it's unconstitutional I think that there's no statutory law that says that a bug is illegal, as there is for a wiretap. But I must say, this was pretty much the rationale that was put forward by the FBI. As a practical matter, I never thought there was much difference because, I mean, I knew that you couldn't get these bugs in without violating the Fourth Amendment of the Constitution. You couldn't use the evidence in any case; I mean they were self-defeating. As a practical matter, when they went in and put a bug in on somebody, some notorious hoodlum, they were granting him immunity because you couldn't prosecute him on anything you ever got from the bug. To this day I could never, never understand why Hoover relied upon some really non-responsive memorandum

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from Herb Brownell back—when was Brownell Attorney General?—in 1952 as his justification for the bugging. Quite frankly, I think that when the thing blew, he just looked for anything he could hang his hat on. This was the best he could find. I don't know.

OESTERLE: During your tenure in the International Security Division, were both bugs and wiretaps used?

HUNDLEY: See, I left the Internal Security Division in '58. I think it must have been, you know, 99 percent just wiretaps then.

OESTERLE: Bugging wasn't that sophisticated?

HUNDLEY: I don't think anybody was doing it much then. And as I say, on the wiretaps, everybody knew they were tapping embassies and things like that. And every time they did, they got the Attorney General to approve it in writing. I mean actually to ever find out the real answers as to why they started the bugging and in 1959 why they accelerated it....Well, I know why they accelerated it; they knew Bobby Kennedy was very interested in organized crime and they wanted to catch up in their intelligence. They didn't know anything. But all of those policy decisions, they were made in the FBI. That's why I asked you what you got out of Courtney [Courtney A. Evans] because I can never get anything out of him. I don't know.

OESTERLE: Well, did you ever discuss this at all with Courtney Evans?

HUNDLEY: A little bit, but he wouldn't. He's a great guy. It's funny. We were both subpoenaed, you know, to be witnesses in the Black [Fred B. Black, Jr.] case

on this issue, on the bugging. I had mixed emotions. Number one, I didn't particularly want to be a witness. I was the highest ranking official in the Department of Justice that said he knew anything about it, and I wasn't that high ranking. I was out by then, and I wasn't that interested in being raked over the coals on this bugging. But on the other hand, I really wanted to hear what Courtney would say under oath because—not that he'd ever lie to me. But I recall sitting in the anteroom and I said to Courtney, "Now, Courtney, this is what my testimony will be." He was sucking on his pipe. I figured, "Well, all right, now you're going to tell me." And he said, "Well, that's fine, Bill," and he didn't say a word. And then all the subpoenas were quashed. The judge quashed the subpoenas, so we didn't have to testify.

OESTERLE: And you never did hear the story?

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HUNDLEY: I never knew. I saw the letter he wrote. Did you see the letter that he wrote to Bobby where he said that Bobby didn't know?

OESTERLE: Yes.

HUNDLEY: But it was a very carefully written letter.

OESTERLE: Now, did you later read the Navasky [Victor S. Navasky] article that appeared in *Atlantic* magazine...

HUNDLEY: I didn't

OESTERLE: ...recapping this? It's a fairly recent article.

HUNDLEY: I'll have to get it. No, I haven't read it, Jim.

OESTERLE: I'll see to it that...

HUNDLEY: Yeah, would you? I'd like to read it.

OESTERLE: ...you receive a copy of it. I'd like to hear your views on it.

HUNDLEY: But, you see, the FBI traditionally—and I don't think it's a bad idea—is a very independent investigative agency. And they always made it very clear to the Department of Justice. I mean, "You fellows handle the prosecutions, and we'll handle the investigations." I had always felt that this accelerated bugging in organized crime cases was being okayed on a very high level. So I mean to me it was perfectly understandable when I might say to them, "You fellows aren't doing any bugging, are you?" They'd say, "Of course not." But, you would see things. You would hear things. On a working level you would know agents on a personal basis, and I just knew. Now, I mean, even I—and I don't want to create a misimpression. I wasn't sitting around here saying, "They're doing terrible

things and we ought to stop them.” Right or wrong, I went along—wasn’t any question about it. But I never did know the details. I just didn’t, and it was understood that....

OESTERLE: In a sense, they were protecting you.

HUNDLEY: That’s right. And the only reason why I didn’t discuss it with any Attorney General—hell, I knew they were doing it on a much smaller basis when Rogers was Attorney General. Quite frankly, I was surprised when Rogers said he knew about it,

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because I didn’t think he knew about it. I was very surprised when he said he knew about it.

OESTERLE: You haven’t discussed this...

HUNDLEY: No, no. He’s a great guy. But when the controversy broke, I mean he came out and said he knew about it. He said Hoover mentioned something to him or something like that.

OESTERLE: You’re pretty close personal friends with him, aren’t you?

HUNDLEY: Well, not really. But we like on another and I think very highly of him, an excellent man. I guess what happened, because he had a better rapport with the Director than Bobby, is that the Director probably....I think Bill Rogers said the Director said something to him at lunch or something like that, that he was putting a few bugs in on a highly selective basis. Now, Hoover never said that he told Kennedy personally, never did. But that’s why Courtney Evans was so pivotal on all of this, because what Hoover relied upon were memos that Evans had written saying that Evans had told Kennedy. Am I correct on this? I’m sure I am, because that’s the way it all came out.

OESTERLE: There are two sets of letters, the set that the Director of the FBI put forward and also then the Courtney Evans letter that was the Attorney General’s answer.

HUNDLEY: That’s right. But as I remember it, that’s what the Director relied upon principally, as proof that Kennedy knew about it, memos that Courtney Evans had made to the FBI. The Director never said that he told Kennedy personally or that Kennedy ever personally approved any of the bugs. And then quite frankly, he relied upon the fact that I had said I knew about it. He said, “Well, what the hell. They were close. He was the chief of the section. Hundley came out and he said he knew about it. He obviously told Kennedy about it.” Well, I didn’t. I just didn’t. Those are things you just don’t talk about. And I never, never mentioned it. I never mentioned it to him until I went up to his office and that was when he was a Senator.

OESTERLE: This is very interesting.

HUNDLEY: It is.

OESTERLE: Very helpful.

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HUNDLEY: Now, I mean, another thing....They took some affidavits from some FBI agents who said that the...

OESTERLE: I'm sorry.

[SIDE II, TAPE I]

OESTERLE: Okay.

HUNDLEY: There were some affidavits that were submitted by some FBI agents who indicated that the subject of the bugging came up in front of Kennedy when he was Attorney General at a meeting in Chicago. And I know that the Director was trying to get all the evidence he could to prove that Kennedy knew about it. And I am sure the Director was convinced that Kennedy did know about it. He got a couple of affidavits from some FBI agents who indicated that they played some bugs for Kennedy out in Chicago. Well, I was there.

OESTERLE: Who else was at that meeting?

HUNDLEY: From the Justice Department there was Bobby, there was Ed Guthman [Edwin O. Guthman], there was Jim McShane [James J.P. McShane] who's deceased, there was myself.

OESTERLE: Was John Reilly [John R. Reilly] there?

HUNDLEY: John Reilly was in and out. I think...

OESTERLE: He was there with you?

HUNDLEY: Yes. I don't know whether John Reilly was in for the whole meeting or not. Courtney Evans was there, and there was a whole room full of agents. It was one of these big organized crime meetings. We used to go on circuits. The agents would tell the Attorney General what they were doing. Well, I remember because I was sitting right next to Bobby. The agents would get up and they would tell what they're doing on Sam Giancana [Samuel M. Giancana] and everything else. He'd ask them questions, and it was a pretty good meeting.

In the middle of the meeting—without anybody saying a word—and I remember this very well, because bear in mind, I knew what they were doing, they bring out a machine that

looks like the machine you have there. They put it on a table and they push the button and the machine plays. Well, it's a recording. And as I remember it, it was a recording of some local tavern owner in Chicago who was complaining to some

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informant, I guess, who had a bug on him. Or maybe there was a bug in the bar. I don't know. But it was a recording. No question that a bug...

OESTERLE: Obviously was not a telephone.

HUNDLEY: Oh, no. No, it was a bug because it was obviously not a telephone. You're quite correct. The tavern owner is complaining because somehow an honest captain has been assigned to this precinct. The tavern owner or the store owner—I forget now—is saying some terrible things about Bobby Kennedy. You know, "This damn Kennedy. Now we've got nothing but honest cops," and everything like that. Well, to me it was pretty obvious that this was for effect. This was the FBI's way of impressing Bobby. And I'm thinking to myself, this is just unbelievable that they, meaning the Bureau, would bring in and play a bug in front of the Attorney General. I thought they were out of their minds. But you couldn't tell from the bug itself, from the recording itself, just what it was, except it wasn't a telephone conversation. It could have been a local bug. It could have been a bug on the person. And Bobby never said a word, never said a word, just listened. And when that was over, he said, "Let's go on to something else."

OESTERLE: Do you think that it's possible that the distinction between wiretapping and bugging had not been something that he had entertained, or that it just didn't click at this time? Or is there any other way you can explain it?

HUNDLEY: I don't know.

OESTERLE: Especially in light of your conversation later?

HUNDLEY: Yes. I must say at that very moment when I was sitting next to him—because I knew—I concluded that it was one of their illegal bugs. He didn't say a word, and I didn't say a word. And I must say that I thought that he was thinking the same thing that I was thinking, that they must be out of their cotton-picking minds to be playing one of these illegal, unconstitutional bugs for the Attorney General of the United States. But he never said anything, and I never said anything. And when it was done, he just said, "let's move on." Somebody came up and took the machine out, and they went on.

Now, the agents who submitted affidavits—now, I don't want to be critical. They were obviously under a lot of pressure to come up with what their boss wanted. It's a pretty disciplined organization.

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I understand that some of the agents said there was discussion and that Kennedy said, “Is this one of your illegal bugs?” And they said, “Yes, this is one of our unconstitutional bugs.” That never happened.

OESTERLE: There was no discussion about it whatsoever?

HUNDLEY: No discussion. There was no discussion. The thing that made an impression upon me is you could have heard a pin drop when they brought this thing in and started playing it.

Now, they also rely upon some other meeting in New York. I was not at that meeting. Why I wasn't there, I don't know. I might have been out on something, but I wasn't there, so I can't speak about that because I don't know about it.

OESTERLE: You said that Reilly was in and out. Do you recall why?

HUNDLEY: It's funny. The only reason why I recall why is that Jack Reilly and I rode back together on the plane. We were sitting next to each other on the plane. And he wasn't—'complaining' is the wrong word, but he was a little annoyed that Courtney, I think, steered him out of the meeting on a couple of occasions. You see, Jack was from Chicago, and got the impression—I'm sure it was a mistaken impression because Courtney is a wonderful guy—that Courtney wanted him out of the meeting on a few occasions because the FBI agents were talking about maybe some local politicians in Chicago that weren't everything they should be. And Jack, I think, was oversensitive. He felt that Courtney just didn't want him to hear that because he might have known some of those people or something like it. But he was a little steamed up about it. I remember. But I know that wasn't true actually. I think he was overreacting. But that's why I say I don't know whether Jack was there when they played this thing. I just don't remember. But I know I was there. I know Ed Guthman was there. I know Courtney was there. And I know Jim McShane was there. Jim O'Brien [James P. O'Brien] was there. He's dead now too. He was the United States Attorney.

OESTERLE: Did you discuss this with Guthman, McShane, or O'Brien?

HUNDLEY: No. Not at that time.

OESTERLE: At a later point?

HUNDLEY: At a later point when this became a cause celebre, I discussed it with Ed Guthman whose recollection—well, I think Ed said that he thought that it was a local bug,

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something like that. I don't know. I didn't; I though....I think I said to Ed, “What the hell would the FBI be doing with the police department's bug?” That's how I felt.

Jack Miller took the position that he didn't know that the Bureau was bugging. I would have thought that he knew. He was the next level up. Now there again, I never discussed this with Jack. I never did. But, as each level went up, the knowledge it can infer, of course, becomes more tenuous. I mean if somebody had asked me to make a guess, I would have said I thought Jack knew about it, because Jack was very close to Courtney. But as I think back now, a lot of agents might have mentioned to me that they were doing some bugging; I don't think Courtney ever did. That's why I was so interested in your interview with Courtney. He's a very....Keeps his own counsel, really.

OESTERLE: You understand, of course, that I can't discuss that with you.

HUNDLEY: No, no. That's all right.

OESTERLE: In the same way that I would not discuss your interview.

HUNDLEY: No. And I would want it that way or I wouldn't be as candid as I've been.

OESTERLE: Did you get involved at all later on, or were you in any way surprised when this again became an issue during the hearings regarding Cassius Clay that revealed a wiretap and also perhaps bugs on Martin Luther King, Jr.?

HUNDLEY: I didn't have any connection with that one at all. I guess I knew, as everybody I the Department of Justice seemed to have known that they had a tap on Martin Luther King.

OESTERLE: Oh, you actually knew that there was one on him?

HUNDLEY: Well, they were moving that information around. I mean we all knew that they seemed to be moving that information because you'd hear from Congressmen. They'd tell you that agents were up telling them about what they found out. I honestly thought that they had some information that Martin Luther King—and, I'm not even saying this critically—was somehow a risk because he was a pervert. But apparently that wasn't it. Apparently the information was that he was very fond of young girls, young white girls. They were moving that around pretty good, which I didn't think very much of actually.

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OESTERLE: I wonder if this was in any way indicative, too, of some of the biases that the Director of the FBI has been accused of in print?

HUNDLEY: I can't answer that. But let me say this: They didn't talk about the bugs and the taps that they had on organized crime figures like this. When I say I knew, I knew because of real confidences that I had developed with certain individual agents. In other words, they weren't moving this stuff around like that any more than they were moving around the information they got on security taps. They were very circumspect. I mean I only knew again that they had a lot of taps on or what they might pick up on espionage



cases because the agents trusted me. I mean they handled the information they got on the King tap entirely different. They just put that out. I mean that was all over the Justice Department and apparently and awful lot of members of Congress were told about it. Whether it was design or....All I can say is they treated that entirely different.

OESTERLE: But in a well-disciplined organization like the Bureau, you've mentioned this would be highly unusual for an agent to take it upon himself to do that other than in a kind of general way because you have an ongoing working relationship with him.

HUNDLEY: Yeah. Oh, yeah Because they never free-lance. The tapping and the bugging they did was very well disciplined. Even the bugs that were not sanctioned by the Attorney General, I mean it wasn't individual agents that were going out on their own putting these bugs on. It was all approved. It wasn't like the IRS [Internal Revenue Service]. I mean they were king of free lancing for the most part where I believe a lot of the supervisors at the IRS, when they said they didn't know, they didn't know that their field people were doing it. That wasn't true in the FBI. And nobody in the FBI said that. I mean they never said that there was any freelance. That was all approved right up to the top in the Bureau. They just said it was all approved by Kennedy.

[END OF INTERVIEW]

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