

Courtney Evans Oral History Interview –RFK#4, 1/5/1971
Administrative Information

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Biographical Note

Evans, Assistant Director, Special Investigative Division, Federal Bureau of Investigation; Liaison to Attorney General Robert F. Kennedy [RFK], discusses wiretapping under RFK and telephone taps on Martin Luther King, Jr., among other issues.

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By Courtney Evans

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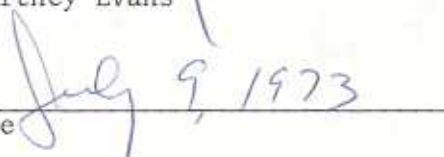
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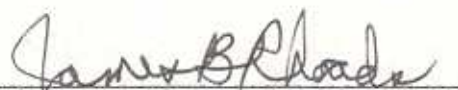
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Courtney Evans



Date



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Courtney Evans – RFK #4

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Fourth Oral History Interview

with

COURTNEY EVANS

January 5, 1971
Washington, D.C.

By James A. Oesterle

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

OESTERLE: Mr. Evans, at what point do you recall electronic eavesdropping and/or wiretapping becoming an issue at the Justice Department?

EVANS: I have refrained from saying anything publicly concerning the use of electronic devices because it seemed to me that this directly involved investigations of a most sensitive nature relating to our national security. Much of the information was recorded in classified documents, and in the absence of the official record it has been and still is difficult for me to segregate what is properly secret information and what is not. Nevertheless, so much has been said publicly by others, and so many official government documents have been released, and since my name has been injected into the controversy many times, I feel that it's proper to furnish pertinent information known to me under the circumstances of the oral history project and with the understanding that this information will be used by historians only at a time when it will no longer relate directly to matters under investigation or being litigated in any way.

In discussing the matter of wiretapping and electronic surveillances, there are certain things I consider to be part of the relevant background and which may explain in part why I am unable to be specific in certain instances. It's now been five years since I ceased working for the FBI [Federal Bureau of Investigation]. During the twenty-four years plus that I was in service there, I was involved in thousands of different cases. Obviously, I can't remember now much of what transpired in the past, even in relation to this very vital

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topic. I have only my memory to rely on, refreshed to some extent by documents that have appeared in the public press but totally unrefreshed by any reference to official files.

Actually, what I wrote as a government employee and a government official, some of which was classified and some of which was not, rightfully became a part of the official records for the exclusive use of the government and not by me personally. This is background and partially explanatory of what I'm about to say.

As I have noted in previous interviews, Robert Kennedy became attorney general with a background that was entirely different than any other attorney general I had known. He had not engaged in the private practice of law but instead had been concerned with legal matters to a limited extent when he first got out of law school with the Department of Justice, but more recently and with much greater emphasis in connection with congressional matters.

As counsel for the Senate Select Committee [on Improper Activities in the Labor and Management Fields], he had delved deeply into the field of organized crime and was very knowledgeable about it. One of the principal goals which he had when he became attorney general was to intensify the activity of federal law enforcement and prosecutive agencies in the fight against organized crime. Early in 1961 I had the opportunity of discussing with Robert Kennedy organized crime matters generally and the use of technical surveillance devices in connection with national security matters.

It's my present recollection that the first discussion in this regard was early in January of 1961, right after Robert Kennedy was sworn in as attorney general. In anticipation of Mr. Kennedy's taking office, the FBI had prepared a series of informative memoranda for him relating to major matters of interest within the FBI. Included in this material, to the best of my recollection, was a memorandum relating to the investigations of national security type cases and the use of telephone taps in them. It was at an early meeting that Robert Kennedy asked to see a list of the telephone taps then in operation.

I remember that on relaying Mr. Kennedy's request to Mr. Hoover [J. Edgar Hoover] and to other officials in the FBI, there was great concern that if such a list were prepared and kept in the office of the attorney general there was a strong possibility, it was believed, that this list might be compromised. To some extent this feeling, I think, was understandable because a whole new group of individuals had come into the Department of Justice, and these officials and their

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administrative assistants and their private secretaries were unknown to most of the officials in the FBI. Nevertheless, the list was prepared and I was under a mandate to take it over to Mr. Kennedy and let him review it but to see if I couldn't get him to give me the list back so that it could be retained in FBI files. I accomplished this mission. The attorney general was considerate. He didn't think too much of the possibility that the list might be compromised, but he did recognize that his office was not occupied on a twenty-four-hour-a-day basis and that the guard force in the Justice Department was limited. So therefore he returned the list to me for retention in the FBI files.

I can't put the next item in place as far as time is concerned. You'll recall at our last interview you asked me about the circumstances surrounding the interview of a Russian defector. I raise this now because of its relation to the use of electronic devices. As I recall the situation, it was the CIA [Central Intelligence Agency] that wanted this interview conducted by the attorney general. He agreed to do it. The CIA wanted the interview recorded. Robert Kennedy asked me about doing this, and on very short notice we arranged for the FBI laboratory to take some equipment to the office of the attorney general to set it up in his private office and to crudely conceal a line leading to a microphone on Mr. Kennedy's desk in his outer office. The interview went off and was recorded without any problems.

At about this time, however, the attorney general – and I think on the basis of something that must have been said to him by CIA or military representatives – raised with me the question of installing some type of permanent equipment in his office so that if an occasion like this repeated itself, there wouldn't be any problem in insuring that the interview was recorded. I cautioned Mr. Kennedy about the possibilities and recommended very strongly that he not do this. I pointed out to him that the possibility of keeping this kind of information secret was somewhat remote and that the last thing in the world he wanted was for people to get the idea that they couldn't come into his office and talk without the possibility being present that this was going to be recorded. Robert Kennedy, I think, recognized the implications immediately, and nothing was ever said again about putting equipment in his own office.

Now, under the circumstances, I didn't attach much significance to this conversation with Robert Kennedy. At that time it was fairly common, I think, for executives, both in private industry and in earlier days even in the government, to have equipment of this type. I mention it now only because it illustrates a lack of sophistication on the part of Robert Kennedy with regard to these devices, a lack of sophistication that arose simply because he hadn't thought the matter through. A new administration was being started.

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There were hundreds of other problems that were more important and he just hadn't given this consideration. Also, I think, predicated on perhaps experiences with CIA and with the military and growing out of the Bay of Pigs incident, Robert Kennedy had occasion to raise the question as to the use of electronic devices.

For several months in the first part of 1961, at least in 1961, he was being informed, I think, by other agencies of the government – and I know he was informed by the FBI – as to the results of information being developed, when it was obvious that the source of the information had to be some kind of a surreptitious listening device. Robert Kennedy put this fragmentary knowledge that he had gained concerning the use of such devices together with his intense desire to do something about organized crime and suggested on a very limited number of occasions, generally privately, about the possibility of using espionage techniques to investigate organized crime.

One time I remember he had a conference in his office which was attended by ten, fifteen, or twenty attorneys who were engaged in organized crime activity – these are attorneys within the Department of Justice – and he raised this possibility openly at the meeting. The question was directed to me and I put it off by saying that I would talk to him

later about it. I think that this particular incident has been referred to in the public record at some time or another since then. In any event, it could be specifically identified from FBI files.

I guess, in self-justification, it was in response to departmental pressures for the FBI to do more about organized crime that I raised with the attorney general the matter covered in a memorandum that has since been released by the FBI. This was a memorandum dated in August 1961 and concerned the leasing of telephone lines in New York City for the purpose of monitoring microphone surveillances. In explanation, microphone surveillance not utilizing telephone transmission lines must be monitored at a location reasonably close to the point of the microphone inasmuch as they're dependent upon their own lines connected to the microphone. This is very inefficient. Security is jeopardized. And it's very expensive to do it this way. A much more efficient way is to run the lines from the microphone to a convenient location, to attach those to a leased telephone line which is dedicated solely for one purpose, and to run that telephone line to some other location where the actual monitoring can take place.

There were technical difficulties that prevented this being done in the New York City area prior to mid-1961. At that time, it's my understanding, these technical difficulties were worked out and it was possible to use telephone lines for this purpose. You have to

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recognize very specifically here that this is not a telephone tap, that it doesn't intercept any telephone conversation. It's solely an extension of a private line being used to transmit information from a microphone to some other location. The problem in New York was that the telephone company would not lease to the FBI one of these private telephone lines unless the FBI could assure the telephone company that this line was to be used in conjunction with an official investigation and that the use of this device had been approved by the attorney general. This grew up, I think, from an earlier practice with regard to telephone taps where the New York telephone company demanded the same assurance.

It was as a result of this breakthrough technically and the possibility of increased coverage in organized crime matters that I took this August 1961 memorandum that's in the public record now to the attorney general, explained the situation to him in very general terms, and asked his authority to lease lines from the telephone company for this purpose. This was in very general terms. It didn't relate to any specific investigation. The attorney general concurred.

As we've mentioned earlier, the attorney general visited many cities early in his term of office. During these visits he met with FBI agents, local police, prosecutors, et cetera with regard to the drive against organized crime. When he was being briefed with regard to the situation in any particular locality by the FBI agents there, he was never informed as to the source of any of the information that was presented. Nobody ever came out and told him that a microphone surveillance was in operation at a given location or the identity of any live informant who may have furnished information.

On I think it was two occasions – and again this has been referred to in the press – tape recordings were played for Robert Kennedy...[Interruption] One of these I remember distinctly because we often referred to it later as “the story of the crooked cop.” The

conversation covered a payment to a police officer which was in the nature of a bribe. From this, Mr. Kennedy could very logically have concluded that we, the FBI, had merely borrowed the tape from a local police department that actually had the microphone installation in on one of its own officers who was suspected of illegal activity.

OESTERLE: Was this the Chicago....

EVANS: This is the Chicago situation. Right.

OESTERLE: Now, William Hundley, Ed Guthman [Edwin O. Guthman] and John Reilly were listed as confirming Robert Kennedy's view that when the tape was played at the meeting in Chicago there was no

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suggestion that this was obtained illegally or that it was obtained by the FBI.

EVANS: Well, I would agree that those are the facts.

OESTERLE: Do you recall if John Reilly was present for that entire meeting or was he perhaps called out of that meeting?

EVANS: I don't recall specifically. It was a very common thing for Mr. Reilly to be called out of these meetings. He had administrative responsibilities with regard to the attorney general's travel, and it was not at all uncommon for him to receive telephone calls for him to leave the meetings.

OESTERLE: But you and Mr. Hundley and Mr. Guthman, at least, were present for the entire meeting?

EVANS: I couldn't testify now that any of us were present for the entire meeting. It was not uncommon for any one of us to receive urgent telephone messages and have to leave a meeting for a short period of time, so I can't honestly say that any or all of us were there for the entire meeting. I'm certain that we were there for most of it, however.

OESTERLE: But wasn't it later maintained by the bureau that the attorney general had been told that this material had been furnished with electronic equipment and that the attorney general did understand the difference between bugging and wiretapping?

EVANS: In answer to the first part of the question, if this is true, I don't know it. At least I have no recollection of ever having known it, and I certainly don't recall it now. With regard to the second part of your question...[Interruption]

OESTERLE: Second part of the question.

EVANS: It's very difficult for me to say what the attorney general understood, and this is despite the fact that I have probably written scores of memoranda that are in FBI files saying that the attorney general understood this or that. It was a bad habit of articulation to use this terminology. What those of us who used it meant was that we thought that he understood. In some situations there were probably facts which would lead one to believe that ordinarily a person would understand. I've had too many conversations with Robert Kennedy, however, in all fairness, to say that I'm positive he understood. Many a time I would talk to him and after five minutes I would stop and say, "Robert, you didn't hear a word I said." And

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he would readily admit that his mind was off on some other important problem and he hadn't heard what I said. Certainly, he hadn't understood it. So I can't honestly say that he fully understood the difference. In many instances I know that there were other pressing matters on his mind. I think he had some idea as to the difference, but obviously, because of subsequent action and of failure to take action, I don't think he appreciated the full implications of the differences involved. I'm trying to think of an example that might illustrate this. One doesn't come readily to mind.

Now, unless you have any questions on what we've done so far, I would propose that perhaps we move along to the first public controversy that arose with regard to what knowledge Robert Kennedy had and what he had authorized the FBI to do with reference to use of electronic equipment which, I think, came out in December of 1966.

[Interruption]

OESTERLE: ...be best to outline the total controversy, and then we can come back at a later point if some questions come to mind.

EVANS: Okay. [Interruption] As I recall the December of 1966 controversy – and it was certainly documented in the press – the original disclosure was made by the FBI in response to a letter from a congressman. The disclosure included the correspondence with the congressman.

OESTERLE: Congressman Gross [Harold Royce Gross].

EVANS: Congressman Gross of Iowa, I think. As I indicated, the first public disclosure included the correspondence with Congressman Gross and was supported by two references from FBI files. One reference was the August 1961 memorandum with regard to leased telephone lines. And the other was a letter from Assistant Attorney General Miller [Herbert J. Miller, Jr.] to a Senate committee furnishing information as to the number of telephone taps and the number of microphone

surveillances in existence at the time of the letter.

Following this original disclosure, Robert Kennedy, who was then a senator from New York, responded, denying the allegations made in the FBI correspondence and using as support for his denial a letter which I had written to him in February 1966. Some explanation is certainly due with regard to this particular letter. In fact, there were two versions of the letter, only one of which – the shorter version – has, to my knowledge, been published. The circumstances surrounding the writing of this letter involved a conversation with I had with

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Senator Kennedy which was either in January of 1966 or possibly as early as December of 1965. Mr. Kennedy was concerned about stories which he had heard, primarily from the press, that the FBI was going to make charges with regard to the use of wiretaps and microphone surveillances. The senator asked me to write him a letter setting forth my best recollection as to what had transpired in this area. He recognized that since I had been out of the FBI for over a year – about a year at the time – I would have no access to official documents. As a consequence, I wrote such a letter and took it down and gave it to Senator Kennedy. I'm not positive at this time that I gave it to him personally; I may have left it with his private secretary. In any event, I didn't discuss it with Robert Kennedy at the time.

Some time later, perhaps a week or ten days, I received a telephone call from Mr. Joseph Dolan, who was then the administrative assistant to Senator Kennedy. On meeting with Mr. Dolan at his request, he asked if the letter could not be condensed, actually eliminating some of the material referred to. I agreed to do this, had the letter retyped, and sent the new version to him. In reviewing the matter at this time, it's my feeling that the longer version of the letter presented a more accurate recording of the facts than did the shorter version. The shorter version states, for example, "I did not discuss the use of these devices with you in national security or other uses, nor do I know of any written material that was sent to you at any time concerning this procedure or concerning the use, specific location, or other details as to the installation of any such device in Las Vegas, Nevada or anywhere else." Taken as a whole, and in the context intended, that this related to discussions of specific devices and specific locations, the sentence is completely accurate. But on rereading it at this late date, it seems to me that it may be a little bit broad when it states flatly, if you just extract part of the sentence, that "I did not discuss the use of these devices with you." That blanket statement was not intended, and I think you have to read that with the rest of that sentence for it to be accurate. The longer version, covering more detail, didn't have this ambiguity.

In response to Senator Kennedy's statement and his release of my letter, of course, the public record is documented with the further reply from Mr. Hoover and then another reply from Mr. Kennedy. I don't know that there's anything that I can add that will clarify the point further, at least on the basis of my present recollection. I do think, however, that if all of the material that I personally prepared over this period of time were reviewed, it might put the whole matter into a much better perspective.

I was a little disturbed at the time Senator Kennedy made his first reply. I was called by his press secretary who told me of the

FBI charges and of the reply that he proposed to make. I cautioned against it on the basis that there was a certain amount of truth in the information that had been released and that to put out the statement in the way that the press secretary proposed was going to aggravate the issue unduly. I asked if I couldn't talk with Robert Kennedy personally on the telephone before the press release was put out. The senator was then in New York and I was just unable to reach him on the phone.

I might also point out that at the very time this was transpiring and I was trying to get Senator Kennedy and I was talking with the press secretary, I was getting ready to leave the country, and in fact, I did leave within a very few hours after this. As a consequence, I didn't have the opportunity of saying publicly then anything with regard to the controversy; and as I look back on it now, I'm not at all certain that I would have said anything even if I'd been here and had the opportunity. My wife did tell me that the telephone never stopped ringing and that there were obviously many press inquiries, so the opportunity was there to respond to them. But as I look back on it now, I'm not at all certain that I would have responded, and I have a rather strong feeling that to have done so would have aggravated the situation even more. It just seems to me that this is a much better forum in which to dispassionately try to get across what I knew and what I felt the facts were.

I have to stress, however, that even in considering my remarks today, this must be judged in the context of the total written record. Whether or not this will ever be available to historians, I don't know. But obviously, if I had that written record before me and could refresh my recollection, I could be much more detailed and much more helpful in what I've said.

The next time that this matter arose publicly and was the subject of some comment was in June of 1969. This, of course, followed the assassination of Senator Kennedy. Disclosure initially came about as a result of material introduced into evidence in the prosecution of Cassius Clay, the prizefighter, which indicated that a telephone tap had been in operation against the Reverend Doctor Martin Luther King.

The controversy here related not so much to the fact that the telephone tap had been installed but as to what motivated this tap, who was the moving party in getting the tap installed. As I recall this particular situation, the memorandum of authorization for the tap, which was signed by Robert Kennedy as attorney general, was dated in October 1963. This had followed by about a month the bombing of the Negro church in Birmingham, Alabama where three little girls were killed. There was intense pressure to try and solve this

particular case and to bring the perpetrators to justice. It had no direct relationship that I know of with the Martin Luther King telephone tap, because that was predicated on national defense, security type allegations, but I point it out just to show the atmosphere that existed at the time in reference to civil rights.

Prior to the October memorandum – and I think it was on October the 11th – Mr. Hoover had made a speech in Chicago before the B'nai B'rith Society in which he discussed the nature of the Communist infiltration into the Negro movement. Actually, this same

information in perhaps greater detail was contained in a document disseminated by the FBI to the entire intelligence community in Washington. This document was a current analysis of communism and the Negro movement. There was some information in this document – which I don't have and which still may be classified, as far as I know – with regard to Martin Luther King. And I distinctly remember that the attorney general, Robert Kennedy, in October of 1963 raised a great fuss with me about the fact that this document had been disseminated particularly without his knowledge. [Interruption]

I'm certain that a great deal must have been written by me for the FBI director about this situation. I mention it because it shows an increasing independence on the part of the FBI. It also may tie in with the allegations that have been made that the FBI had secretly installed microphone coverage of Doctor King and that as a result of this coverage, had developed scandalous, sex type information. I personally had no knowledge that such microphone surveillances were, in fact, installed. I think that this may well be because of a lack of full trust on the part of the FBI, at least at the highest official level, in me personally because of my relationship with Robert Kennedy. It may have also been caused by a certain jealousy on the part of other assistant directors who had matters within their jurisdiction and resented my interfering in any way, on the basis that I was developing information for the attorney general. I say this, not in relation to the Martin Luther King surveillance, but generally.

For the record, I have no knowledge and never did have any knowledge concerning the use of these alleged microphone surveillances. I have never told and I have actually seen memoranda which were sent to the Department of Justice, particularly to Mr. Burke Marshall who was assistant attorney general in charge of the Civil Rights Division, which when I read these memoranda, it was obvious to me as a trained investigator and as an FBI official that the source of this data had to be a microphone surveillance. Nevertheless, there were many matters that went from the FBI to the main Department of Justice, both to the attorney general and to assistant attorney general, that

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I never saw. The requests for telephone taps went directly from Mr. Hoover's office to Mr. Kennedy's office, and I never saw them unless the division within the FBI that originated this request for attorney general authorization felt that there was something that should be told to the attorney general that they didn't want to put in writing. I don't remember that this happened more than once or twice in the three years.

I generally would find out that the FBI had requested a telephone tap on the basis of contacts with the attorney general or with his private secretary. Many times he would hand these requests back to me signed, saying, "Will you take these on back?" I mention this procedure because I have a distinct recollection with regard to two requests for telephone taps. One of these related to a former FBI agent who, after he left the service, got involved with some, shall we say, subversive elements. Robert Kennedy gave this one back to me and he said he'd approve it, but he didn't feel that the FBI could ever justify to anybody that they were utilizing this wiretap for national defense purposes rather than to try and get information on a former employee who had gone sour. I took this authorization back and I informed the director and other officials of the attorney general's comments and they

discontinued the telephone tap. They just never put it on, I guess. If it was on – no, they just never put it on, even though they had the authorization to do it.

The other incident that I remember specifically related to the Martin Luther King tap. I remember this was in October of 1963. I talked with Robert Kennedy. He had the request before him. I didn't know that he had it until he told me. He said that he was still uncertain about the advisability of utilizing this telephone tap, but that he would approve it if I could assure him that the results would be evaluated and the advisability of continuing this tap was considered in thirty days. Within the thirty-day period President Kennedy [John F. Kennedy] was assassinated, and this left my mind, and it obviously left Robert Kennedy's mind. I have no knowledge as to what action was taken after that.

In regard to the Martin Luther King wiretap, there has also been released a memorandum which I am said to have written. I don't recall whether the entire memorandum was released or only part of it, but in any event, the part of the memorandum that was released inferred that Robert Kennedy was anxious to have a telephone tap put on Martin Luther King. I don't think that this was true. If I wrote that, I would like to consider it in light with the rest of the memoranda or with other contemporary memoranda that were written at the time to find out what the full meaning was.

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At this time I just have to agree with the public statements made by subsequent Attorneys General Katzenbach [Nicholas deB. Katzenbach] and Clark [Ramsey Clark] that the motivation for the tap rested with the FBI and not with Robert Kennedy. Once again, when you try and recollect specifically without the benefit of the written record, it's hard to come up with detail to support it, but this is certainly my firm belief now. And if all of the memoranda with regard to Martin Luther King that went to the attorney general or that reported conversations with him were disclosed, I think in all fairness that nobody could charge that Robert Kennedy instigated this tap as against aggressive action by the FBI to have it installed.

OESTERLE: It did get underway through an FBI request.

EVANS: Oh, there's no question about that. The request came over in October of '63. The memorandum that I refer to I think was in June of '63 and reported a conversation with the attorney general in which he asked if a tap on Martin Luther King couldn't be installed. And I told him that it wasn't possible at that time or cautioned against it at that time. It's everything that was written at about this period of time that has to be considered together to get the whole story.

OESTERLE: What you say implies that Robert Kennedy initially asked about the possibility of installing a tap, and it was only at a later point then that the FBI...

EVANS: ...came back and said, "It's technically feasible now. We can do it. We ask your authorization."

OESTERLE: So then this originated with the attorney general and not with the bureau?

EVANS: This is what the public....

[BEGINNING SIDE II, TAPE I]

EVANS: This is what the record released by the FBI would tend to indicate, namely, that Robert Kennedy was the instigator of this telephone tap. On the public record at the time of this controversy both Katzenbach and Clark refuted this. My statement now is that the data used to support the FBI claim that Robert Kennedy instigated the tap must be considered in the light of everything that was written about this issue at that time, namely, from the spring of 1963 up to October of 1963, for a fair evaluation to be made. My personal feeling now is that it would be unfair to charge Robert Kennedy with being the instigator of the Martin Luther King tap, because I'm

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certain that there was much going on in this period of time. There were many communications to which I was not a party. I'm sure that there are others that perhaps I wrote myself, but I think you have to consider everything that was written and try to get an accurate picture and not just extract one memorandum or a part of one memorandum. That's the point that I'm trying to make here.

OESTERLE: That was, in essence, one of the replies that the attorney general made to the director of the FBI during this controversy – the earlier controversy – that the record should be made available, that if you're going to start releasing documents, you should not release them out of the context of a whole sequence of documents.

EVANS: Yes, I think this point has been made, and I am just really reiterating here that I have the same feeling. I think that I have stated most of what I can recall that's pertinent to this particular issue as best I can. I can only emphasize that there were some things to which I was not a party, some things I learned about tangentially, some things I surmised because of certain events. For example, the alleged microphone surveillance that developed salacious type material. I'm trying, for the record, to distinguish here between what I know personally and what I conclude on the basis of evidence that came to my attention, because, after all, if I didn't know it personally, my conclusions predicated on evidence are not necessarily better than anybody else's conclusions. I'm trying to distinguish here, and I'm trying to extract what I know personally and limit my comments to that; but every once in a while you have to get into something that was collateral and I've tried to identify that. But basically this is what I know about the situation.

OESTERLE: I know you have a luncheon appointment. Why don't we make another appointment? There are some questions I do want to ask you about some of the documents involved.

EVANS: This will be fine because I think if my recollection were refreshed, I might be able to supply some more detail even from personal knowledge.

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