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- 4 Ross L. Malone, Jr.
4 Deputy Attorney General
- 4 Ellis Lyons, Acting Assistant Attorney General
4 Executive Adjudications Division
- 4 Investigative jurisdiction over wire tapping
offenses (47 U.S.C. 605)

4 January 6, 1953

~~SL:MM:PM~~

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To Deputy AG
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This is in further regard to our memoranda of November 10 and December 9, 1952, addressed to the Attorney General, in which it was concluded that the obligation to investigate wire tapping offenses under section 605 of the Communications Act (47 U.S.C. 605) rested upon this Department. Reference was also made to a possible overlap of investigative jurisdiction on the part of the Federal Communications Commission, but your attention is called to the fact that this was specifically and carefully limited to the situation where a communications carrier or a broadcaster, subject to the Commission's regulatory jurisdiction, might itself be the offender against section 605. In my opinion, that is the only type of case in which the Commission could perhaps state any reasonable basis for a narrowly limited investigative jurisdiction. Actually I know of no cases where the Federal Communications Commission has claimed any jurisdiction over wire tapping violations. Rather, the Commission has been insisting to the contrary in its letters to this Department over the last five years or more.