

# File #:

62-BF-2665

# Serial Scope:

1B1 thru 2, 3, 3A, 4 thru 5A, 8 thru 15A, 17 thru 40,  
42 thru 49, 50 thru 67, 69 thru 79, 81, 82

Released under the John F. Kennedy Assassination Records Collection Act of 1992 (44 USC 2107 Note). Case#:NW 84368 Date: 11-16-2017

NR046 WA CODE

7:20PM NITEL 3-24-75 DEB

TO ALL SACS

FROM DIRECTOR

SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES

SENATOR FRANK CHURCH, CHAIRMAN OF THE SENATE SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES HAS MADE AN INITIAL REQUEST FOR INFORMATION FROM THE FBI. AMONG THE ITEMS REQUESTED IS A BREAKDOWN OF FIELD AGENT PERSONNEL ASSIGNED TO INTERNAL SECURITY AND COUNTERINTELLIGENCE MATTERS.

ACCORDINGLY, WITHIN FOUR EIGHT HOURS EACH SAC SHOULD SUTEL TO FBIHQ, ATTENTION: BUDGET AND ACCOUNTING SECTION, SETTING FORTH, SEPARATELY THE NUMBER OF SACS, ASACS, SUPERVISORS AND AGENTS ASSIGNED TO INTERNAL SECURITY AND COUNTERINTELLIGENCE MATTERS. PERCENTAGES OF AN AGENTS TIME, WHEN NOT ASSIGNED FULL-TIME TO THESE ACTIVITIES, SHOULD BE USED IF APPROPRIATE, PARTICULARLY IN THE SUPERVISORY CATEGORIES. THIS INFORMATION SHOULD BE BROKEN DOWN SEPARATELY BETWEEN INTERNAL SECURITY AND COUNTERINTELLIGENCE. YOUR RESPONSE SHOULD BE LIMITED TO AGENT PERSONNEL ONLY.

END

ESC FBI BU CLR AND TKS

62-2665-1

0-66-2183

SEARCHED \_\_\_\_\_  
SERIALIZED \_\_\_\_\_  
MAR 24 1975  
Jenkins

Date 12/31/75

Title and Character of Case

SENSTUDY

Date Property Acquired

12/31/75

Source From Which Property Acquired

Bureau

Location of Property or Bulky Exhibit

Bulky Exhibit Room

Reason for Retention of Property and Efforts Made to Dispose of Same

Description of Property or Exhibit and Identity of Agent Submitting Same

One copy of transcript of questions which were asked Director KELLEY during his appearance before the Senate Select Committee on Intelligence Activities, 12/10/75.

*destroyed  
2/25/81 gk/ms*

Submitted by SAC RICHARD D. ROGGE/db1

SEMIANNUAL INVENTORY CERTIFICATION TO JUSTIFY RETENTION OF PROPERTY (Initial and Date)

<i>2/26/77</i>	<i>gk</i>			
<i>8/31/78</i>	<i>gk</i>			
<i>3/9/79</i>	<i>gk</i>			

Field File # 62-2665 /B/

SEARCHED.....	INDEXED.....
SERIALIZED.....	FILED..... <i>ms</i>
DEC 31 1975	
FBI - BUFFALO	

NR074 WA CODE

10:12PM NITEL 5-2-75 MSE

TO ALL SACS

FROM DIRECTOR (62-116395)

PERSONAL ATTENTION

SENSTUDY 75

CAPTIONED MATTER PERTAINS TO BUREAU'S HANDLING OF REQUESTS FROM SENATE AND HOUSE SELECT COMMITTEES TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES. IN CONNECTION WITH WORK OF THESE COMMITTEES, STAFF MEMBERS MAY SEEK TO INTERVIEW CURRENT AND FORMER FBI EMPLOYEES.

RECENTLY, THE SENATE SELECT COMMITTEE (SSC) STAFF HAS INTERVIEWED SEVERAL FORMER EMPLOYEES AND IT IS ANTICIPATED THAT MANY MORE SUCH PERSONNEL WILL BE CONTACTED.

THE FBI HAS PLEDGED FULL COOPERATION WITH THE COMMITTEE AND WE WISH TO ASSIST AND FACILITATE ANY INVESTIGATIONS UNDERTAKEN BY THE COMMITTEE WITH RESPECT TO THE FBI. HOWEVER, WE DO HAVE AN OBLIGATION TO INSURE THAT SENSITIVE SOURCES AND METHODS AND ONGOING SENSITIVE INVESTIGATIONS ARE FULLY

1. SAC *[initials]*
2. ASAC *[initials]*
3. Sec. Supv. *[initials]*
4. Desk 4 *[initials]*
5. Desk 5 *[initials]*
6. Desk 6 *[initials]*
7. LONG *[initials]*
8. LARGE *[initials]*

*Be sure  
personnel  
advised!*

*[initials]* 62-2665-10  
*[initials]*  
SAC(WST) *[initials]*

*cc SRA's*



PAGE TWO

PROTECTED. SHOULD ANY FORMER EMPLOYEE CONTACT YOUR OFFICE AND HAVE ANY QUESTION REGARDING HIS OBLIGATION NOT TO DIVULGE INFORMATION OBTAINED BY VIRTUE OF HIS PAST FBI EMPLOYMENT, HE SHOULD BE INSTRUCTED TO CONTACT LEGAL COUNSEL, FBIHQ, BY COLLECT CALL. YOUR CONVERSATIONS WITH FORMER EMPLOYEES MUST BE IN KEEPING WITH OUR PLEDGE. IT IS BELIEVED SUCH A PROCEDURE WOULD INSURE PROPER PROTECTION AND ALSO FACILITATE THE WORK OF THE SSC.

THE ABOVE PROCEDURE ALSO APPLIES TO CURRENT EMPLOYEES OF YOUR OFFICE. HOWEVER, CONTACT WITH THE LEGAL COUNSEL SHOULD BE HANDLED THROUGH THE SAC.

END

DMB FBI BUFFALO

ACK FOR TWO AND CLR

F B I

Date: 3/26/75

Transmit the following in CODED  
(Type in plaintext or code)Via TELETYPE URGENT  
(Priority)

TO: DIRECTOR, FBI

FROM: SAC, BUFFALO

ATTN: BUDGET AND <sup>ACCOUNTING</sup> ~~ACCOUNT~~ SECTION

SENATE SELECT COMMITTEE ON INTELLIGENCE  
ACTIVITIES

REBUTEL DATED MARCH 24, 1975.

BUFFALO DIVISION HAS TWO SUPERVISORS AND 23 SPECIAL  
AGENTS ASSIGNED TO INTERNAL SECURITY AND COUNTERINTELLIGENCE  
MATTERS BUT NOT NECESSARILY ON A FULL TIME BASIS.

FOLLOWING IS A BREAKDOWN OF FIELD AGENT PERSONNEL  
ASSIGNED TO THESE AREAS ON FULL TIME BASIS:

	<u>INTERNAL SECURITY</u>	<u>COUNTERINTELLIGENCE</u>
SAC	0	0
ASAC	0	0
SUPERVISORS	0	0
SPECIAL AGENTS	6	0 62-2465-1B

FBJ;lmw  
(1)

66-2183  
Searched.....  
Indexed.....

Approved: \_\_\_\_\_

Special Agent in Charge

Sent

4:04 P

M

Per

WRB

F B I

Date:

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)Via \_\_\_\_\_  
(Priority)

BU

PAGE TWO

IN ADDITION TO ABOVE, COMPUTATION OF ESTIMATED PERCENTAGE OF TIME SPENT BY OTHER AGENT PERSONNEL ASSIGNED THESE MATTERS WOULD REPRESENT EQUIVALENT OF FOLLOWING NUMBER OF FULL TIME PERSONNEL:

	<u>INTERNAL SECURITY</u>	<u>COUNTERINTELLIGENCE</u>
SUPERVISORS	1	$\frac{1}{2}$
SPECIAL AGENTS	$7\frac{1}{2}$	5
GRAND TOTALS:		
SUPERVISORS	1	$\frac{1}{2}$
SPECIAL AGENTS	$13\frac{1}{2}$	5

Approved: \_\_\_\_\_ Sent \_\_\_\_\_ M Per \_\_\_\_\_

Special Agent in Charge

GPO : 1970 O - 402-735

UNITED STATES GOVERNMENT

# Memorandum

TO : SAC (66- )

FROM : SUPV. FRANCIS B. JENKINS

SUBJECT: SENATE SELECT COMMITTEE  
ON INTELLIGENCE ACTIVITIES

DATE: 3/26/75

ReButel to Director, 3/26/75.

Information in retel was arrived at on the following basis:

As of 3/26/75, there are 1 Supervisor and 12 SAs assigned to Squad #3, and 1 Supervisor and 10 SAs assigned to Squad #4, which squads handle Internal Security and Counter-intelligence matters. In addition, 5 Resident Agents and 1 Road Trip Agent also devote a portion of their time to both of these matters.

Set forth below is the percentage of time spent on Internal Security and Counterintelligence by Agents of the #3 and #4 Squads, as well as Resident Agents:

## INTERNAL SECURITY - AGENTS

<u>Name</u>	<u>Bercent</u>	<u>Total</u>
AHART	100%	
BAGDY	100%	
KASH	100%	
LASH	100%	
MC GUIGAN	100%	
THILL	100%	= 6 SAs
KING	75%	
COMFORT	5%	
ANGLE	2%	
BUCHER	2%	
RISDON	2%	
PUCKETT	5%	= 1 SA (minus 9%)

FBJ:afe  
(1)



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

66-2153 ✓

SEARCHED	INDEXED
SERIALIZED	FILED
FBI-BUFFALO	
DESK 3	

INTERNAL SECURITY - AGENTS (Cont.)

<u>Name</u>	<u>Percent</u>		<u>Total</u>
CAIN	50%		
CORCORAN	50%	=	1 SA
THOMAS	50%		
PEARSON	50%	=	1 SA
SHAW	70%		
WAGNER	50%	=	1 SA (plus 20%)
CRAWFORD	95%	=	1 SA (minus 5%)
JENSON	95%	=	1 SA (minus 5%)
SIWULA	90%	=	1 SA (minus 10%)
SUNDERLAND	50%	=	$\frac{1}{2}$ SA
	TOTAL		13 $\frac{1}{2}$ SAs

COUNTERINTELLIGENCE - AGENTS

HORAN	20%		
SHAW	30%		
WAGNER	50%	=	1 SA
SMITH	95%	=	1 SA (minus 5%)
SMALLDON	85%		
THOMAS	5%		
ANGLE	2%		
RUDY	5%		
RISDON	2%		
PUCKETT	2%	=	1 SA (plus 1%)
CAIN	50%		
CORCORAN	50%	=	1 SA
PEARSON	50%		
SUNDERLAND	50%	=	1 SA
	TOTAL		5 SAs

BU 66-

INTERNAL SECURITY - SUPERVISORS

<u>Name</u>	<u>Percent</u>	<u>Total</u>
JENKINS	80%	
UTZ	20%	= 1 Supervisor

COUNTERINTELLIGENCE - SUPERVISORS

JENKINS	15%	
UTZ	20%	= $\frac{1}{2}$ Supervisor (minus 15%)

Based on the above computations, the Bureau was advised in retel that there are 1 Supervisor and  $13\frac{1}{2}$  SAs assigned full-time to Internal Security, and  $\frac{1}{2}$  Supervisor and 5 SAs assigned to Counterintelligence.

The format utilized in preparation of retel was based on information received in a telephone conversation by ASAC JOHN F. SHANLEY with Section Chief L. CLYDE GROVER, Budget and Accounting Section, Administrative Division, FBIHQ, on 3/25/75.

The above is for information.

NR036 WA CODE

4:10PM NITEL 5-20-75 PAW

TO ALL SACS

FROM DIRECTOR (62-116395)

PERSONAL ATTENTION

✓  
SENSTUDY - 75.

REBUTEL MAY 2, 1975.

IN CONNECTION WITH WORK OF THE SENATE AND HOUSE SELECT COMMITTEES, ITS REPRESENTATIVES MAY CONTACT YOUR OFFICE FOR INFORMATION.

IN ONE RECENT INSTANCE, A REPRESENTATIVE OF THE SENATE SELECT COMMITTEE TELEPHONICALLY INQUIRED AS TO IDENTITY OF SAC IN A PARTICULAR OFFICE DURING 1970.

IN HANDLING SUCH INQUIRIES INSURE ESTABLISHING BONA FIDES OF REPRESENTATIVE BY SHOW OF CREDENTIALS ON PERSONAL CONTACT OR, IF TELEPHONIC CONTACT, BY TELEPHONING BACK TO COMMITTEE.

UNLESS INFORMATION IS OF A PUBLIC NATURE, AS IN THE INSTANCE CITED ABOVE, OBTAIN FBIHQ CLEARANCE PRIOR TO SUPPLYING ANY INFORMATION. FBIHQ MUST BE EXPEDITIOUSLY ADVISED OF ALL INFORMATION FURNISHED.

END

1. SAC                      *(C)*
2. ASAC                      *(B)*
3. Sec. Supr.                      *(J)*
4. Desk 4                      *(J)*
5. Desk 5                      *(J)*
6. Desk 6                      *(J)*

62-2163-2

SEARCHED <u>  </u>	INDEXED <u>  </u>
SERIALIZED <u>  </u>	FILED <u>  </u>
MAY 20 1975	
FBI - BUFFALO	
SAC (LAST) <i>(C)</i>	

NR033 WA CODE

5:09PM 9/4/75 NITEL AJN

TO ALL SACS

FROM DIRECTOR (62-116395)

PERSONAL ATTENTION

SENSTUDY 75

REBUTEL MAY 2, 1975.

PURPOSES OF INSTANT TELETYPE ARE TO (1) REITERATE THAT FBI HAS PLEDGED FULL COOPERATION WITH THE SENATE SELECT COMMITTEE (SSC) AND WISHES TO ASSIST AND FACILITATE ANY INVESTIGATIONS UNDERTAKEN BY THE SSC WITH RESPECT TO THE FBI; AND (2) SET FORTH NEW PROCEDURE RELATING TO SSC STAFF INTERVIEWS OF CURRENT AND FORMER FBI EMPLOYEES.

FOR INFORMATION OF THOSE OFFICES WHICH HAVE NOT PREVIOUSLY HAD CURRENT OR FORMER EMPLOYEES IN ITS TERRITORY INTERVIEWED BY THE SSC, THE BUREAU FREQUENTLY LEARNS FROM THE SSC OR OTHERWISE THAT FORMER EMPLOYEES ARE BEING CONSIDERED FOR INTERVIEW BY THE SSC STAFF. INSTRUCTIONS ARE ISSUED FOR THE FIELD OFFICE TO CONTACT THE FORMER EMPLOYEE TO ALERT HIM AS TO POSSIBLE INTERVIEW, REMIND HIM OF HIS CONFIDENTIALITY AGREEMENT WITH THE BUREAU AND SUGGEST THAT IF HE IS CONTACTED FOR

1. SAC
2. ASAC
3. Sec. Supvr.
4. Desk 4
5. Desk 5
6. Desk 6

*Copy routed to  
SRAs*

*STRIPACED  
9-10-75  
G.R.*

*SAC  
(Last)*



PAGE TWO

INTERVIEW, HE MAY CONTACT THE LEGAL COUNSEL DIVISION BY COLLECT CALL FOR FURTHER INFORMATION. IN THE USUAL CASE, AS CIRCUMSTANCES UNFOLD, THE FORMER EMPLOYEE IS TOLD (1) THAT HE HAS A RIGHT TO LEGAL COUNSEL, BUT THAT THE BUREAU CANNOT PROVIDE SAME; (2) THAT THE BUREAU HAS WAIVED THE CONFIDENTIALITY AGREEMENT FOR THE INTERVIEW WITHIN SPECIFIED PARAMETERS; AND (3) THAT THERE ARE FOUR PRIVILEGED AREAS IN WHICH HE IS NOT REQUIRED TO ANSWER QUESTION. THESE AREAS ARE RELATING TO INFORMATION WHICH MAY (A) IDENTIFY BUREAU SOURCES; (B) REVEAL SENSITIVE METHODS/TECHNIQUES; (C) REVEAL IDENTITIES OF THIRD AGENCIES, INCLUDING FOREIGN INTELLIGENCE AGENCIES, OR INFORMATION FROM SUCH AGENCIES; AND (D) ADVERSELY AFFECT ONGOING BUREAU INVESTIGATIONS.

HERETOFORE, BUREAU HAS OFFERED INTERVIEWEES CONSULTATION PRIVILEGES WHEREBY A BUREAU SUPERVISOR WOULD BE AVAILABLE NEARBY, ALTHOUGH NOT ACTUALLY AT INTERVIEW, SO INTERVIEWEE MIGHT CONSULT WITH HIM SHOULD QUESTIONS ARISE AS TO PARAMETERS OF INTERVIEW OR PRIVILEGED AREAS. THE CONSULTANT DID NOT ACT AS A LEGAL ADVISOR.

EFFECTIVE IMMEDIATELY, BUREAU WILL NO LONGER PROVIDE

PAGE THREE

ON-THE-SCENE PERSONNEL FOR CONSULTATION PURPOSES TO ASSIST EITHER CURRENT OF FORMER EMPLOYEES. PROSPECTIVE INTERVIEWEES SHOULD BE TOLD THAT, IF THEY DESIRE ASSISTANCE OF THIS NATURE DURING AN INTERVIEW, THEY MAY CONTACT EITHER PERSONALLY (IF INTERVIEW IS IN WASHINGTON, D. C.) OR BY COLLECT CALL, THE ASSISTANT DIRECTOR OF THE INTELLIGENCE DIVISION, MR. W. R. WANNALL, OR, IN HIS ABSENCE, SECTION CHIEF W. O. CREGAR.

THIS CHANGE IN PROCEDURE SHOULD NOT BE CONSTRUED AS LESSENING THE ASSISTANCE WE ARE FURNISHING TO CURRENT AND FORMER EMPLOYEES.

FOR YOUR ADDITIONAL INFORMATION, I AM WORKING WITH THE DEPARTMENT IN EXPLORING AVENUES TO ARRANGE LEGAL REPRESENTATION, WHEN NECESSARY, FOR CURRENT AND FORMER EMPLOYEES WITHOUT EXPENSE TO THEM. YOU WILL BE KEPT ADVISED OF DEVELOPMENTS IN THIS REGARD.

END

*RFP FBI BU*

(Mount Clipping in Space Below)

## Prevent Illegal Surveillance

Continuing disclosures by the Senate Select Committee on Intelligence dramatize to the American people how excessive and illegal certain CIA and FBI surveillance practices became during the fading Cold War years.

Apparently the systematic opening of foreign mail to and from Americans by the CIA, as well as the FBI's burglary break-ins or "black bag jobs," had been stopped quite a while ago — as they certainly should have been.

But with Americans now well alerted to this threat to their own liberties, there can be no excuse for avoiding effective new restraints to correct past mistakes and prevent a recurrence of these abuses.

Earlier this year, the Rockefeller CIA panel disclosed the 20-year program of mail openings, which it branded as "unlawful" and raising "constitutional questions under the Fourth Amendment" barring unreasonable search and seizure. But a Senate committee has now added such details as Sen. Church's discovery in his own CIA files of a copy of a letter he had sent from Russia to his mother-in-law in Idaho in 1971.

More disturbing is the disclosure that the FBI between 1942 and 1968 conducted 238 break-in burglaries against 14 unnamed "domestic security targets," not to mention uncounted others against

various other individuals and groups.

What this means is that the FBI, without benefit of any court warrant as required under the Fourth Amendment, broke into homes and offices and presumably rummaged through private files, letters and other belongings. To put it bluntly, the FBI in such cases, whether with or without the support of higher authority brazenly ignored the Bill of Rights.

We realize, of course, that attitudes and conditions have changed. The break-ins began in wartime. That they persisted long afterwards, however, documents the inadequacies of legal restraints, and the dangers of the irresponsible attitude of "go do it, but don't tell me about it."

More important than assessing blame or hooting at ironies is the imperative of preventing similar perils in the future. The country needs better laws, more effective accountability of these agencies to elected officials and a much greater alertness on their part to the dangers posed by surveillance excesses to American liberties.

The U. S. must have first-rate intelligence capability at home and abroad. It needs a strong and effective FBI and CIA in the national interest. But it must devise strict guidelines that confine this capability within lawful and constitutional boundaries.

(Indicate page, name of newspaper, city and state.)

14

BUFFALO EVENING NEWS  
Buffalo, New York

cc Bureau

1 - 80-1876

1 - 80-2122

9/29/75

Date:

Edition: City

Author:

Editor: Millard C. Browne

Title: SENATE SELECT  
COMMITTEE ON  
INTELLIGENCE

Character:

or

Classification:

66-2183

Submitting Office:

Buffalo

☐ Being Investigated

1. SAC *[initials]*
2. ASAC *[initials]*
3. Sec. Supvr. *[initials]*
4. Desk 4 *[initials]*
5. Desk 5 *[initials]*
6. Desk 6 *[initials]*

LASH IV

SHAUGHNESSY *[initials]*

1/22/76  
Consolidate 61-2183  
into 62-2665 + put in  
last order *[initials]*

SEARCHED	INDEXED
SERIALIZED	FILED
SEP 29 1975	
FBI - BUFFALO	
SAC (AST) <i>[initials]</i>	

62-2665-30

SAC (67-369-K)

11/12/75

SAC RICHARD D. ROGGE

MARY JO COOK

This is to record that at 4:30 PM on 11/10/75 SAC was telephonically contacted by Supervisor EDWARD P. GRIGALUS of the Intelligence Division indicating that there is a possibility SA GARRY G. LASH may be called to testify before the Select Committee to Study Government Operations with respect to intelligence activities and that he was calling to verify that SA LASH was the primary case Agent who handled MARY JO COOK. Mr. GRIGALUS stated that any further information that is developed, he will notify Buffalo.

- ① - 62-2665 (Senstudy, 75)
- 1 - SAC
- 1 - ASAC
- 1 - SA LASH

RDR:faf  
(5)

*C*      *62-2665-4*

SEARCHED.....	INDEXED.....
SERIALIZED.....	FILED.....
NOV 13 1975	
FBI—BUFFALO	

*[Signature]*

SAC (67-369-K)

11/13/75

EDWARD P. GRIGALUS  
FBIHQ, EXTENSION 4591

MARY JO COOK

Rememo of SAC RICHARD D. ROGGE, 11/12/75.

On 11/13/75 EDWARD P. GRIGALUS, FBIHQ,  
Ext. 4591, telephonically advised as follows:

The U. S. Senate Select Committee to study governmental operations with respect to intelligence activities made the following request: "The following documents and materials relating to MARY JO COOK, in custody of the Buffalo, N. Y., Field Office or elsewhere:

a. all documents and materials reflecting contacts and reports of contacts (and the substance thereof) between MARY JO COOK and FBI SAs from 7/73 to 12/74.

b. all documents and materials reflecting information supplied by MARY JO COOK to FBI SAs (and Bureau Field or Headquarters summaries thereof), including all written reports prepared by MARY JO COOK from 7/73 to 12/74.

c. all documents and materials relating to any guidance, directions, instructions or suggestions given to MARY JO COOK by FBI SAs from 7/73 to 12/74.

d. all documents and materials relating to Bureau and Field Office supervision of the handling of MARY JO COOK by FBI SAs from 7/73 to 12/74.

Send above materials by cover airtel captioned "SENSTUDY 75, ATTN: INTD Mr. W. O. CREGAR."

① - 62-2665 (SENSTUDY, 75)  
1 - SAC  
1 - ASAC  
1 - SA LASH  
EPG/faf  
(5)

13 1465-5

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SERIALIZED.....	FILED.....
NOV 17 1975	
FBI-BUFFALO	

TO: SAC:

<input type="checkbox"/> Albany	<input type="checkbox"/> Houston
<input type="checkbox"/> Albuquerque	<input type="checkbox"/> Indianapolis
<input type="checkbox"/> Alexandria	<input type="checkbox"/> Jackson
<input type="checkbox"/> Anchorage	<input type="checkbox"/> Jacksonville
<input type="checkbox"/> Atlanta	<input type="checkbox"/> Kansas City
<input type="checkbox"/> Baltimore	<input type="checkbox"/> Knoxville
<input type="checkbox"/> Birmingham	<input type="checkbox"/> Las Vegas
<input type="checkbox"/> Boston	<input type="checkbox"/> Little Rock
<input type="checkbox"/> Buffalo	<input type="checkbox"/> Los Angeles
<input type="checkbox"/> Butte	<input type="checkbox"/> Louisville
<input type="checkbox"/> Charlotte	<input type="checkbox"/> Memphis
<input type="checkbox"/> Chicago	<input type="checkbox"/> Miami
<input type="checkbox"/> Cincinnati	<input type="checkbox"/> Milwaukee
<input type="checkbox"/> Cleveland	<input type="checkbox"/> Minneapolis
<input type="checkbox"/> Columbia	<input type="checkbox"/> Mobile
<input type="checkbox"/> Dallas	<input type="checkbox"/> Newark
<input type="checkbox"/> Denver	<input type="checkbox"/> New Haven
<input type="checkbox"/> Detroit	<input type="checkbox"/> New Orleans
<input type="checkbox"/> El Paso	<input type="checkbox"/> New York City
<input type="checkbox"/> Honolulu	<input type="checkbox"/> Norfolk

<input type="checkbox"/> Oklahoma City
<input type="checkbox"/> Omaha
<input type="checkbox"/> Philadelphia
<input type="checkbox"/> Phoenix
<input type="checkbox"/> Pittsburgh
<input type="checkbox"/> Portland
<input type="checkbox"/> Richmond
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<input type="checkbox"/> Salt Lake City
<input type="checkbox"/> San Antonio
<input type="checkbox"/> San Diego
<input type="checkbox"/> San Francisco
<input type="checkbox"/> San Juan
<input type="checkbox"/> Savannah
<input type="checkbox"/> Seattle
<input type="checkbox"/> Springfield
<input type="checkbox"/> Tampa
<input type="checkbox"/> Washington Field
<input type="checkbox"/> Quantico

TO LEGAT:

<input type="checkbox"/> Beirut
<input type="checkbox"/> Bern
<input type="checkbox"/> Bonn
<input type="checkbox"/> Brasilia
<input type="checkbox"/> Buenos Aires
<input type="checkbox"/> Caracas
<input type="checkbox"/> Hong Kong
<input type="checkbox"/> London
<input type="checkbox"/> Madrid
<input type="checkbox"/> Manila
<input type="checkbox"/> Mexico City
<input type="checkbox"/> Ottawa
<input type="checkbox"/> Paris
<input type="checkbox"/> Rome
<input type="checkbox"/> Singapore
<input type="checkbox"/> Tel Aviv
<input type="checkbox"/> Tokyo

RE: SENATE SELECT COMMITTEE  
ON INTELLIGENCE ACTIVITIES

Date 11/21/75

☐ For information    ☐ Retention optional    ☐ For appropriate action    ☐ Surep, by \_\_\_\_\_

☐ The enclosed is for your information. If used in a future report, ☐ conceal all sources, ☐ paraphrase contents.

☐ Enclosed are corrected pages from report of SA \_\_\_\_\_ dated \_\_\_\_\_

Remarks:

Enclosed for your information is a copy of an article by Mr. William Safire entitled "Mr. Church's Cover-Up" that appeared in the November 20, 1975, issue of "The New York Times."

65-5615-5A  
78

Enc. (1)  
Bufile  
Urfile

SAC(LAST) [Signature]

# Mr. Church's Cover-Up

By William Safire

WASHINGTON, Nov. 19—On Oct. 10, 1963, the then-Attorney General of the United States put his personal signature on a document that launched and legitimized one of the most horrendous abuses of Federal police power in this century.

In Senator Frank Church's subcommittee hearing room this week, the authorized wiretapping and subsequent unauthorized bugging and attempted blackmailing of Martin Luther King Jr. is being gingerly examined, with the "investigation" conducted in such a way as not to unduly embarrass officials of the Kennedy or Johnson Administrations.

With great care, the committee has focused on the F.B.I. Yesterday, when the committee counsel first set forth the result of shuffling through press clips, it seemed as if no Justice Department had existed in 1962; today, an F.B.I. witness pointed out that it was Robert Kennedy who authorized the wiretap of Dr. King, and that "the President of the United States and the Attorney General specifically discussed their concern of Communist influence with Dr. King."

But the Church committee showed no zest for getting further to the Kennedy root of this precedent to Watergate eavesdropping. If Senator Church were willing to let the chips fall where they may, he would call some knowledgeable witnesses into the glare of the camera lights and ask them some questions that have gone unasked for thirteen years.

For example, he could call Nicholas Katzenbach, Attorney General Kennedy's deputy and successor, and ask what he knows of the Kennedy decision to wiretap Dr. King. Who at Justice concurred in the recommendation? How does the F.B.I. know the President was consulted or informed?

After Mr. Katzenbach assumed office, and the wiretapping continued, he was told by angry newsmen that the F.B.I. was leaking scurrilous information about Dr. King. Why did he wait for four months, and for a thousand telephonic interceptions, to discontinue the officially approved tap?

Of course, this sort of testimony would erode Senator Church's political base. That is why we do not see former Assistant F.B.I. director Cartha (Duke) DeLoach, Lyndon Johnson's personal contact with the F.B.I. in the witness chair. What did President Johnson know about the character-assassination plot and when did he know it? What conversations took place between Mr. DeLoach and President Johnson on the tapping of Dr. King, or about the use of the F.B.I. in any other intrusions into the lives of political figures?

The committee is not asking embarrassing questions even when answers are readily available. A couple of weeks ago, at an open hearing, an F.B.I. man inadvertently started to blurt out an episode about newsmen who were wiretapping in 1962 with the apparent knowledge of Attorney General Kennedy. The too-willing witness was promptly shooshed into silence, and told that such information would be developed only in executive session. Nobody raised an eyebrow.

That pattern of containment by the Church committee is vividly shown by the handling of the buggings at the 1964 Republican and Democratic con-

## ESSAY

ventions which were ordered by Lyndon Johnson. Such invasions of political headquarters were worse than the crime committed at Watergate, since they involved the use of the F.B.I., but the Church investigators seem to be determined not to probe too deeply.

If F.B.I. documents say that reports were made to specific Johnson aides, why are those men not given the same opportunity to publicly tell their story so avidly given the next President's men? If Lyndon Johnson committed this impeachable high crime of using the F.B.I. to spy on political opponents, who can be brought forward to tell us all about it?

But that would cause embarrassment to Democrats, and Senator Church wants to embarrass professional employees of investigatory agencies only. A new sense of Congressional decorum exists, far from the sense of outrage expressed in the Senate Watergate committee's hearing room. When it is revealed that the management of NBC News gave press credentials to L.B.J.'s spies at the 1964 convention, everybody blushes demurely—and nobody demands to know which network executive made what decision under what pressure.

I have been haranguing patient readers for years about the double standard applied to Democratic and Republican political crimes, and had hoped the day would come when the hardball precedents set by the Kennedy and Johnson men would be laid before the public in damning detail.

Obviously, Democrat Frank Church is not the man to do it. His jowl-shaking indignation is all too selective; the trail of high-level responsibility for the crimes committed against Dr. King and others is evidently going to be allowed to cool.

Pity. You'd think that after all the nation has been through in the past few years, our political leaders would have learned that the one thing that brings you down is the act of covering up.

1. SAC   C
2. ASAC   R
3. Sec. Supvr.   G
4. Desk 4   one
5. Desk 5   D
6. Desk 6   D
7. LASH   H

THE NEW YORK TIMES  
THURSDAY, NOVEMBER 20th, 1975  
PAGE C-41

Buffalo, New York  
November 26, 1975

UNITED STATES SENATE SELECT COMMITTEE  
ON INTELLIGENCE ACTIVITIES (SSC)

RE: INTERVIEW OF FBI SPECIAL  
AGENT CARRY G. LASH BY  
SSC STAFF MEMBERS  
ANDREW POSEAL AND JEFF KAYDEN  
ON NOVEMBER 26, 1975

---

Interview of Special Agent LASH by SSC Staff  
Committee members was conducted in SSC office space.  
The interview lasted from approximately 11:15 AM until  
1:15 PM.

Prior to the interview SA LASH was advised of  
the identity of the interviewers and that he was free to  
exercise his rights at any time as guaranteed by the  
United States Constitution. SA LASH was advised that he  
had the right to have an attorney present and the right  
to have a United States Senator present, SA LASH waived  
both of these rights. He was also advised that the scope  
of the inquiry would concern the handling of MARY JO COON,  
a former FFI informant, exclusively.

A court reporter was present who dictated into  
a cassette recording machine during the interview.

SA LASH was not sworn.

As follows are the questions directed to SA LASH  
and the answers that he provided according to the best  
recollection of SA LASH:

1 - 62-665  
GGL:dam  
(10)

*P*  
ASAC *me*  
HORDER *me*



UNITED STATES SENATE  
SELECT COMMITTEE ON  
INTELLIGENCE ACTIVITIES

ANDREW POSTAL            SA LASH, what is your present employment?

SA LASH                    Special Agent of the FBI

POSTAL                    Where are you assigned?

LASH                      Buffalo, New York

POSTAL                    Were you assigned there during the Summer of 1973?

LASH                      Yes

POSTAL                    Did you specialize in any type of investigations?

LASH                      Yes, Internal Security investigations

POSTAL                    Did you have occasion to recruit Mary Jo Cook as an informant in an organization known as Vietnam Veterans Against the War (VVAW) (Characterization of which is contained in appendix hereto)?

LASH                      Yes

POSTAL                    Would you state why the Buffalo Chapter of the VVAW was being investigated by the FBI?

LASH                      I do not feel that I can answer this question within the scope of the current interview.

POSTAL                    Who was your supervisor at the time you handled Mary Jo Cook?

LASH                      Francis Jenkins

POSTAL                    Who was your SAC at the time?

LASH                      Richard Ash

POSTAL                    Would you describe for us the methods of recruiting Mary Jo Cook.

LASH                      Upon discovering that Mary Jo Cook had attended some meetings of the Buffalo Chapter of the VVAW, I interviewed her concerning her attendance and indicated to her that I wished her to become an informant for the FBI.

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POSTAL                      Specifically, what instructions did you give her?

LASH                        I told her to become a member of the Buffalo Chapter of the VVAW in order that she might gather information concerning violent or radical activities engaged in by the organization.

POSTAL                      What specific area was Miss Cook assigned to work in?

LASH                        Initially she became a member of the women's group of the VVAW.

POSTAL                      Was this group of the VVAW engaged in any specific type of activity at the time?

LASH                        I believe at this point in time they were trying to develop various programs they could implement in the future.

POSTAL                      Did you tell her she was to obtain background information concerning individuals in the group?

LASH                        I told her to obtain information concerning members of the VVAW.

POSTAL                      What do you mean by "a member?"

LASH                        The VVAW did not have membership cards as such, however, I considered a person who attends meetings of the Chapter or gives financial or other support to be a member of the organization.

POSTAL                      What type of background information did she obtain?

LASH                        She obtained physical descriptions and other types of background information such as residences or employment which would allow me to differentiate between that individual and other individuals in the Buffalo area.

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POSTAL Did you have her provide any other information concerning individuals in the organization?

LASH I asked her to identify those individuals who had a capability of engaging in radical or violent activities.

JEFF KAYDEN What is the difference between violent and radical activities?

LASH Radical activities that are not violent are those which are illegal or infringe upon the rights of other citizens.

POSTAL Did you have another Agent present with you when you recruited Mary Jo Cook?

LASH Yes, I did.

POSTAL For what reason?

LASH It is a FBI regulation that two Agents be present during initial interviews with female informants.

POSTAL Did this Agent become a handling Agent of Mary Jo Cook?

LASH No, he did not. He was merely present during the initial interview.

POSTAL When did you first contact Mary Jo Cook?

LASH June, 1973

POSTAL Did Mary Jo Cook attend meetings of the VVAW with her boyfriend, whose name we shall not mention?

LASH I believe she did.

POSTAL Did she and her boyfriend ever give joint reports?

LASH I can not discuss that matter within the scope of this inquiry.

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POSTAL                      Miss Cook stated that the objectives of the VVAW were as follows:

To end the war in Viet Nam, to obtain better veteran's benefits, to upgrade bad conduct discharges, to obtain drug treatment for veterans. Is this correct?

LASH                        I believe they embraced those objectives but they also had others.

POSTAL                      What were the other objectives?

LASH                        As she described them, the destruction of U. S. imperialism and the replacement of our form of government with a socialist government, probably modeled after the government of Red China.

POSTAL                      Did the VVAW ever engage in violent activities?

LASH                        Yes.

POSTAL                      Could you cite some examples?

LASH                        The first meeting she attended, for example, concerned the planning of a disruption of a U. S. Marine Corps Armed Forces Day display in Buffalo. On other occasions actions were planned which were illegal and disruptive.

POSTAL                      Can you give any examples of violent activities by individual members?

LASH                        I recall on one occasion several members in this organization told Miss Cook that they felt the actions of an individual who was arrested for a bombing on the University of Michigan campus, which resulted in death, were justified for political purposes.

POSTAL                      Do you know of any violent activities that VVAW members actually engaged in since the foregoing could possibly be rhetoric?

LASH                        On several occasions members of the

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LASH VVAW have physically assaulted members of other subversive groups in the Buffalo area.

POSTAL Miss Cook has indicated that you told her that you were interested in attempts by other groups to take over the VVAW. Did this ever happen?

LASH According to information provided by Miss Cook, the Revolutionary Union (Characterization of which is contained in appendix hereto) was attempting to take over the VVAW. I was interested in this.

POSTAL What is the Revolutionary Union?

LASH The Revolutionary Union is a Maoist subversive group.

POSTAL Was the Revolutionary Union attempting to take over the Buffalo Chapter?

LASH According to Miss Cook, they were trying to take over chapters in several areas of the country and she said that they were taking over the New York City chapter, however, I cannot recall specific attempts to take over the Buffalo chapter while I was handling Miss Cook.

POSTAL Did the Revolutionary Union ever take over the VVAW?

LASH I cannot answer that within the scope of this inquiry.

POSTAL Did you consider the VVAW to be a subversive organization?

LASH Yes

POSTAL Do you know anything about "Cointelpro"?

LASH I cannot answer that within the scope of this inquiry.

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POSTAL Did you ever use information provided by Mary Jo Cook in any cointelpro-type activities such as getting members of VVAW fired from their jobs or telling the parents of members?

LASH No I did not.

POSTAL Did you ever take any actions against Mary Jo Cook or her family?

LASH No I did not.

POSTAL Did you ever engage in any disruptive or neutralizing action against the organization?

LASH I engaged in no disruptive activities, however, if I learned that the organization was planning something illegal I would alert the local authorities and sufficient police officers would appear at the scene to prevent trouble. I feel this neutralized any planned illegality by the VVAW.

POSTAL Did Miss Cook ever provide you with mailing lists of the organization?

LASH Miss Cook provided me with any number of lists, whether they were described as mailing lists or membership lists, I cannot recall.

POSTAL Did she ever provide you with any contribution lists of the organization?

LASH Not that I can recall.

POSTAL Did you ever tell her that you were interested in determining if the organization was receiving funds from foreign sources.

LASH I cannot specifically recall telling her that.

POSTAL Would you be interested in knowing if the VVAW was receiving funds from foreign sources?

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LASH Yes I would.

POSTAL Did you ever find out that the VVAW was getting funds from foreign sources?

LASH No.

POSTAL What did you do with the names that were contained on these lists?

LASH I would review the lists to determine if there was anything significant contained in them and a great deal of them I would do nothing with and merely return the lists to Miss Cook. She provided me with a lot of material that I had no interest in.

POSTAL Did she ever provide you with a defense pamphlet?

LASH Not that I can recall

POSTAL Did she ever give you any information concerning VVAW defense strategies?

LASH I believe she gave me material such as reprints of articles from "Psychology Today" and from a magazine called, "Counter Spy" and other information of that nature.

POSTAL Did she tell you that she was working with the Attica Defense Committee?

LASH Yes

POSTAL What is the Attica Defense Committee?

LASH It is an umbrella-type organization in which individuals who are interested in defending Attica prisoners as well as individuals seeking their own ends have gotten together.

POSTAL Did Miss Cook ever indicate that the VVAW was a conduit of mail between the Attica Defense Committee and prisoners in order to get letters in and out of Jail?

LASH I don't recall her saying that.

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POSTAL Did she ever talk about courtroom tactics or witnesses to be used by the Attica Defense Committee?

LASH Not that I can recall

POSTAL Did you ever give any information she provided to the Attica prosecutors?

LASH None whatsoever

POSTAL Did you ever give any kind of information regarding the Attica Defense Committee to others outside the FBI?

LASH I would pass on information concerning demonstrations, rallies, etc. to the local authorities.

POSTAL Did she ever talk about demonstrations in the courtroom itself?

LASH Not that I can recall.

POSTAL Did she ever provide logistical type information concerning Attica demonstrations?

LASH Yes, on one occasion she was even a "parade marshal" at a demonstration.

POSTAL Was there ever any violence at Attica Defense Committee Demonstrations?

LASH On one occasion another group which was marching in a demonstration planned to march out of the parade and trash the Chase Manhattan Bank in Buffalo provoking the police. This information was brought to the attention of the police and it did not occur. And as I recall, I also told Mary Jo Cook about this plan and might have prevented it from happening.

POSTAL Are any of the individuals who are actually connected with the defense of the Attica prisoners known to be violence-prone individuals?



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LASH I cannot answer that within the scope of this inquiry

POSTAL What was the method of her providing you with reports?

LASH She would provide me with information either in person or by telephone, which I would dictate to a stenographer, have reduced to writing and have her sign.

POSTAL Did these reports contain background information regarding individuals?

LASH Yes

POSTAL What type of background information?

LASH The same type I described before, physical data, place of employment, residence, etc.

POSTAL Did she give you follow-up data on this background information?

LASH Yes. If a person changed his residence or employment she would tell me.

POSTAL Did she make conclusions in her reports?

LASH She reported information factually, however, I believe she did make conclusions regarding the propensity for violence for individuals in the organization.

POSTAL Miss Cook indicated that after a while she began to give you reports wherein several meetings would be reported in one report if these meetings concerned a central theme. Is this true?

LASH As best I can recall, Miss Cook gave me reports on each individual meeting she attended.

POSTAL Did you ever indicate to Miss Cook that you had specific questions for her from Washington?

LASH I cannot recall saying that.

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POSTAL

She stated that on occasion you provided her with a list of questions which she said came from Washington and sometimes she did not understand the questions.

LASH

On occasion I would ask her questions about the organization. I never gave her any list of questions that I said came from Washington. On several occasions I told her, in response to her questions, that the information she provided was sometimes sent to Washington since it pertained to VVAW nationally. I pointed out that this should calm her fears that the FBI might be getting information from informants who are not telling the true story about the VVAW. I also pointed out to her that her information being accurate would in fact offset any mis-information that might come from another informant.

POSTAL

Did Miss Cook ever provide out of town reports?

LASH

Yes. Miss Cook traveled to other cities and provided reports on activities in these cities.

POSTAL

Was she provided with the names of Agents and telephone numbers in these other cities.

LASH

Yes she was.

POSTAL

Was this so she could report to these other Agents?

LASH

No. She was given the number for emergency purposes only, to be utilized if she found out something that required immediate attention or if she suffered some personal emergency such as an automobile accident, etc.

POSTAL

During her trips to other cities and attendance at conventions, did she obtain any documents for the FBI?

LASH

Yes.

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POSTAL                   What was the nature of these documents?

LASH                    Any number of documents and handouts were provided to the attendees at conventions. Some of these were pamphlets describing VVAW activities, copies of VVAW newspapers, flyers concerning demonstrations and activities in other VVAW chapters, etc.

POSTAL                   What was the method of payment for Miss Cook's services?

LASH                    Miss Cook was paid on a COD basis for information provided.

POSTAL                   Was she paid a salary?

LASH                    No

POSTAL                   What determined the amount that she was paid monthly?

LASH                    She was paid on a monthly basis COD for information provided. Inasmuch as she provided a good deal of information every month, she was usually paid the maximum amount permitted by FBI Headquarters, therefore monthly payments often totaled similar amounts.

POSTAL                   Was she instructed to pay income tax?

LASH                    She was advised to treat all money she received from the Bureau as income and to pay appropriate taxes.

POSTAL                   Was she given any instructions on how to report her income from the FBI?

LASH                    I cannot recall giving her any specific instructions, however, if I had I would have instructed her to report it as miscellaneous income or income from self-employment, something of that nature.

POSTAL                   Were these instructions to conceal the fact that she was receiving money from confidential FBI funds?

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LASH No. This would have been to conceal the fact that she was an FBI informant.

POSTAL Did you get Mary Jo Cook a job?

LASH I aided her in finding employment.

POSTAL What were the circumstances?

LASH Miss Cook indicated that she was being criticized by members of her group for being a "lumpen proletariat" (PH) for not being gainfully employed. This is a Marxist term for anyone being supported by their parents or Welfare, etc. She indicated that it would be necessary for her to find a job and I contacted a social acquaintance of mine who is employed by a Buffalo area bank, who advised that the bank is always looking for tellers. I advised Miss Cook to go to the bank. She did and she got a job as a teller.

POSTAL Did Mary Jo Cook feel she was an Agent Provocateur?

LASH No. On the contrary, I feel if anything she was a non-provocateur since I instructed her to act in such a way as to prevent any violent or illegal act that might be discussed in her presence. I think she understood this and acted in this way.

POSTAL Why did Mary Jo Cook act as an informant?

LASH Mary Jo Cook was an actual member of the VVAW as well as being an informant for the FBI. She reconciled this in her mind by feeling that she was providing the FBI with information that was objective and true about the organization, as well as preventing violent individuals from taking over the group.

POSTAL What percentage of the group did you feel was violence prone?

LASH I do not think I can answer that.

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POSTAL

You cannot give some approximation?

LASH

According to Miss Cook there were individuals who were not interested at all in violence, as well as individuals who were interested in taking up the gun and fighting in the streets as a defensive measure assuming that a violent revolution would be started by the establishment. There were also individuals who were interested in initiating violence themselves to bring about their political goals. What percentage of the group each of these factions represented, I cannot say.

KAYDEN

Could you indicate the number of violent activities that the VVAW was involved in during the period you handled Mary Jo Cook?

LASH

I cannot recall.

KAYDEN

Was it 2 or 25?

LASH

Between 2 and 25.

KAYDEN

Mary Jo Cook indicated that the VVAW members were the most loving and good people she has ever met. Did she ever indicate that you you?

LASH

Yes.

KAYDEN

If she indicated that these people were so loving and good, how did you feel that they could engage in acts of violence.

LASH

I do not mean to be facetious, but I have read that the "Charles Manson family" in California claim to love each other and are very interested in ecology and other good things. But I believe they certainly seem to be capable of engaging in violence.

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POSTAL

Miss Cook indicates that she felt there were other informants in the group. Did you ever discuss other informants with her?

LASH

On one occasion an individual came to Buffalo from another part of New York state who was suspected of being an informant. The group wanted to take action against him, however Mary Jo Cook told them they should take no action, but rather should check with VVAW members in his home area to determine if he was an informant. I believe at the time it was necessary for me to ask her about this situation immediately after it happened and she therefore suspected we had other informants in the organization.

POSTAL

Did you indicate to her that if she were to quit you would put other informants in the organization who would possibly not be as truthful about the VVAW as she was?

LASH

Yes. I believe I did indicate this to her.

POSTAL

Why did she quit?

LASH

Because she indicated that she was having nightmares and suffering actual physical afflictions due to her fears of being discovered as an informant.

POSTAL

She has indicated that she has had long political discussions with you where you disagreed with her on political issues. Is this correct?

LASH

Yes, this is correct.

POSTAL

What prompted these discussions?

LASH

She indicated on many occasions that as a member of the VVAW she was only hearing political perspective from the far left. She asked that I present her with an alternative perspective which I attempted to do. I attempted to point out that there are two sides

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LASH  
(Cont.)

to every question. For example, I recall on one occasion she was told by the VVAW that Bethlehem Steel in the Buffalo area had permitted a worker to die rather than shut down a blast furnace after a worker had fallen down into the furnace area. I checked on this and told her that the true story was that the worker had had a fatal heart attack before falling into the dangerous area and that immediately after his fall everything was shut down for his rescue.

POSTAL

Did she indicate to you that she was especially concerned about the atrocities at Attica Prison?

LASH

Yes, she did.

POSTAL

Did you ever indicate to her that you talked to someone who had been there and said there were no atrocities?

LASH

I indicated to her that I had talked to a physician who had been there after the rebellion had been put down who had told me that the individuals he treated had been injured during the period the prison was in the hands of the rebellious inmates and not during the suppression of the riot.

POSTAL

Did she ever discuss political parties with you?

LASH

The only thing I can recall is her telling me that at some time in the future the VVAW will be a grassroots socialist party in the United States.

POSTAL

Did she mention an individual named Martin Solestry (PH)?

LASH

Do you mean Martin Sostre?

POSTAL

Who is he?

LASH

He is a prison inmate I believe in Auburn Prison.

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POSTAL                    Is there a Martin Sostre Defence Committee?

LASH                     I believe so.

POSTAL                   Did she ever give you any information  
                         about the Martin Sostre Defense Committee?

LASH                     No

POSTAL                   When she wanted to quit did you try to  
                         keep her as an informant?

LASH                     On several occasions I convinced  
                         her that she should remain an informant  
                         but at the time of our last contact I  
                         felt that she had truly made up her mind  
                         and I made no further attempt to convince  
                         her to remain an informant.

POSTAL                   Did it bother you that she was reporting  
                         to you on the political activities of these  
                         individuals?

                         Is it Bureau policy that informants report  
                         on political activity?

LASH                     I don't feel that I can answer either of  
                         these questions within the scope of the  
                         inquiry.



## APPENDIX

### VIETNAM VETERANS AGAINST THE WAR/ WINTER SOLDIER ORGANIZATION

The Vietnam Veterans Against the War, formed in 1967 by Vietnam veterans to protest United States involvement in the war in Southeast Asia (changed name to Vietnam Veterans Against the War/Winter Soldier Organization (VVAW/WSO) in 1973 to include non-veterans as members), has sponsored numerous anti-government demonstrations, some resulting in violence. The VVAW/WSO National Office (NO) and some key chapters are infiltrated and influenced by the militant Revolutionary Union (RU) organization, and VVAW/WSO leaders have told members that VVAW/WSO is a revolutionary organization, not "just another group of war veterans." The current Marxist-Leninist-Maoist oriented NO, which promotes education of the membership in Marxist-Leninist-Maoist doctrine and directs the organization into political growth along the same lines, has at VVAW/WSO National Steering Committee Meetings (NSCM), in 1974, portrayed VVAW/WSO as a mass anti-imperialist organization and a vanguard of the revolution eventually created by the masses.

VVAW/WSO leaders voted at the December, 1974 NSCM to align VVAW/WSO with the RU, which organization follows a strict Maoist line designed to bring about violent revolution in the United States.

APPENDIX

REVOLUTIONARY UNION

The Revolutionary Union (RU), founded in early 1968 in the San Francisco Bay area, is a militant semi-covert Marxist-Leninist revolutionary organization ideologically oriented towards the People's Republic of China and the teachings of Chairman MAO Tse-tung. Its objectives as set forth in its theoretical publication, "The Red Papers," and in its monthly newspaper, "Revolution," are the development of a united front against imperialism, the fostering of revolutionary working class unity and leadership in struggle, and the formation of a communist party based on Marxism-Leninism-MAO Tse-tung thought, leading to the overthrow of the United States Government by force and violence. Members of the RU have been identified as collecting weapons while engaging in firearms and guerrilla warfare training. As of July, 1974, RU national headquarters was located in Maywood, Illinois.

11/26/75

AIRTEL

REGISTERED MAIL

TO: DIRECTOR, FBI (62-116395)

FROM: SAC, BUFFALO (62-2665)

SENSTUDY 75

Enclosed is an original and 8 copies of a LHM captioned, "U.S. Senate Select Committee on Intelligence Activities (SSC)."

The enclosed LHM concerns interview of SA GARRY G. LASH by SSC staff members on 11/20/75.

Arrangement of areas of inquiry in enclosed LHM is topical rather than chronological.

2 - Bureau (encs. 9) (RM)  
2 - Buffalo

GGL:dam

(4)

*(P)*  
*ASAC [signature]*  
*HORNER [signature]*

1. SAC P
2. ASAC m
3. Sec. Supvr. Pra
4. Desk 4 OK
5. Desk 5 S
6. Desk 6 9
7. LASH 10

ELMIRA Roz  
 GENEVA PA  
 JAMESTOWN PA  
 OLEAN PA  
 ROCHESTER PA  
 DAVISON PA

180-10276

12-21-5-9A

SAC(LAST) P

EXCERPTS OF REMARKS MADE BY

ASSISTANT TO THE DIRECTOR --

DEPUTY ASSOCIATE DIRECTOR JAMES B. ADAMS

TESTIFYING BEFORE THE

SENATE SELECT COMMITTEE

PERTAINING TO THE KU KLUX KLAN,

GARY ROWE, FORMER FBI INFORMANT, AND

PREVIOUS ATTEMPTS OF THE FBI

TO PREVENT VIOLENCE

DECEMBER 2, 1975

QUESTION: ....You do use informants and do instruct them to spread dissention among certain groups that they are informing on, do you not?

MR. ADAMS: We did when we had the COINTEL programs which were discontinued in 1971, and I think the Klan is probably one of the best examples of a situation where the law was ineffective at the time. We heard the term, State's Rights used much more than we hear today. We saw with the Little Rock situation the President of the United States sending in the troops pointing out the necessity to use local law enforcement. We must have local law enforcement use the troops only as a last resort. When you have a situation like this where you do try to preserve the respective roles in law enforcement, you have historical problems.

With the Klan coming along, we had situations where the FBI and the Federal Government was almost powerless to act. We had local law enforcement officers in some areas participating in Klan violence. The incidents mentioned by Mr. Rowe--everyone of those he saw them from the lowest level--the informant. He didn't see what action was taken with that information as he pointed out during his testimony. Our files show that this information was reported to the police departments in every instance.

We also know that in certain instances the information upon being received was not being acted upon. We also disseminated simultaneously through letterhead

memorandum to the Department of Justice the problem. And here we were--the FBI--in a position where we had no authority in the absence of an instruction from the Department of Justice to make an arrest. Section 241 and 242 don't cover it because you don't have evidence of a conspiracy. It ultimately resulted in a situation where the Department called in U. S. Marshals who do have authority similar to local law enforcement officials.

So historically, in those days, we were just as frustrated as anyone else was, that when we got information from someone like Mr. Rowe--good information, reliable information--and it was passed on to those who had the responsibility to do something about it, it was not always acted upon as he indicated.

QUESTION: In none of these cases, then, there was adequate evidence of conspiracy to give you jurisdiction to act.

MR. ADAMS: The Departmental rules at that time, and still do, require Departmental approval where you have a conspiracy. Under 241, it takes two or more persons acting together. You can have a mob scene and you can have blacks and whites belting each other, but unless you can show that those that initiated the action acted in concert, in a conspiracy, you have no violation.

Congress recognized this and it wasn't until 1968 that they came along and added Section 245 to the Civil Rights Statute which added punitive measures against an

individual. There didn't have to be a conspiracy. This was a problem that the whole country was grappling with--the President of the United States, Attorneys General--we were in a situation where we had rank lawlessness taking place. As you know from the memorandum we sent you that we sent to the Attorney General the accomplishments we were able to obtain in preventing violence and in neutralizing the Klan and that was one of the reasons.

QUESTION: ....A local town meeting on a controversial social issue might result in disruption. It might be by hecklers rather than by those holding the meeting. Does this mean that the Bureau should investigate all groups organizing or participating in such meetings because they may result in violent government disruption?

MR ADAMS: No sir, and we don't....

QUESTION: Isn't that how you justify spying on almost every aspect of the peace movement?

MR. ADAMS: No sir. When we monitor demonstrations, we monitor demonstrations where we have an indication that the demonstration itself is sponsored by a group that we have an investigative interest in, a valid investigative interest in, or where members of one of these groups are participating where there is a potential that they might change the peaceful nature of the demonstration.

This is our closest question of trying to draw guidelines to avoid getting into an area of infringing on the 1st Amendment right, yet at the same time, being



aware of groups such as we have had in greater numbers in the past than we do at the present time. We have had periods where the demonstrations have been rather severe and the courts have said that the FBI has the right, and indeed the duty, to keep itself informed with respect to the possible commission of crime. It is not obliged to wear blinders until it may be too late for prevention. Now that's a good statement if applied in a clear-cut case.

Our problem is where we have a demonstration and we have to make a judgment call as to whether it is one that clearly fits the criteria of enabling us to monitor the activities. That's where I think most of our disagreements fall.

QUESTION: In the Rowe Case, in the Rowe testimony that we just heard, what was the rationale again for not intervening when violence was known about. I know we have asked this several times--I'm still having trouble understanding what the rationale, Mr. Wannall, was in not intervening in the Rowe situation when violence was known.

MR. WANNALL: Senator Schweiker, Mr. Adams did address himself to that and if you have no objections, I'll ask that he be the one to answer the question.

MR. ADAMS: The problem we had at the time, and it is the problem today, we are an investigative agency; we do not have police powers even like the U. S. Marshals do. The Marshals

since about 1795 I guess, or some period like that, had authorities that almost border on what a sheriff has. We are the investigative agency of the Department of Justice, and during these times the Department of Justice had us maintain the role of an investigative agency.

We were to report on activities. We furnished the information to the local police who had an obligation to act. We furnished it to the Department of Justice in those areas where the local police did not act. It resulted finally in the Attorney General sending 500 U. S. Marshals down to guarantee the safety of people who were trying to march in protest of their civil rights.

This was an extraordinary measure because it came at a time of Civil Rights versus Federal Rights and yet there was a breakdown in law enforcement in certain areas of the country. This doesn't mean to indict all law enforcement agencies in the South at the time either, because many of them did act upon the information that was furnished to them. But we have no authority to make an arrest on the spot because we would not have had evidence that was a conspiracy available. We could do absolutely nothing in that regard. In Little Rock the decision was made, for instance, that if any arrests need to be made, the Army should make them. And next to the Army, the U. S. Marshals should make them--not the FBI, even though we developed the violations. We have over the years as you know at the

Time there were many questions raised. Why doesn't the FBI stop this? Why don't you do something about it? Well, we took the other route and effectively destroyed the Klan as far as committing acts of violence and, of course, we exceeded statutory guidelines in that area.

QUESTION:           What would be wrong, just following up on your point there, Mr. Adams, with setting up a program since it is obvious to me that a lot of our informers are going to have preknowledge of violence of using U. S. Marshals on some kind of long-range basis to prevent violence?

MR. ADAMS:           We do. We have them in Boston in connection with the busing incident. We are investigating the violations under the Civil Rights Act, but the Marshals are in Boston. They are in Louisville, I believe, at the same time and this is the approach that the Federal Government finally recognized.

QUESTION:           On an immediate and fairly contemporary basis that kind of help can be sought instantly as opposed to waiting till it gets to a Boston state. I realize a departure from the past and not saying it isn't, but it seems to me we need a better remedy than we have.

MR ADAMS:           Well, fortunately we are at a time where conditions have subsided in the country even from the 60's and the 70's, or 50's and 60's. We report to the Department of Justice on potential trouble spots around the country as we learn of them so that the Department will be aware of them. The planning

for Boston, for instance, took place a year in advance, with state officials, city officials, the Department of Justice and the FBI sitting down together saying "How are we going to protect the situation in Boston"? I think we have learned a lot from the days back in the early 60's. But, the Government had no mechanics which protected people at that time.

QUESTION: Next I would like to ask, back in 1965, I guess during the height of the effort to destroy the Klans as you put it a few moments ago, I believe the FBI has released figures that we had something like 2,000 informers of some kind or another infiltrating the Klan out of roughly 10,000 estimated membership.

MR. ADAMS: That's right.

QUESTION: I believe these are FBI figures or estimates. That would mean that 1 out of every 5 members of the Klan at that point was an informant paid by the Government and I believe the figure goes on to indicate that 70 percent of the new members in the Klan that year were FBI informants. Isn't that an awful overwhelming quantity of people to put in an effort such as that? I'm not criticizing that we shouldn't have informants in the Klan and know what is going on to revert violence but it just seems to me that the tail is sort of wagging the dog. For example today we supposedly have only 1594 total informants, both domestic informants and potential informants. Yet, here we have 2,000 in just the Klan alone.

MR. ADAMS: Well, this number of 2,000 did include all racial matters and informants at that particular time and I think the figures

we tried to reconstruct as to the actual number of Klan informants in relation to Klan members was around 6 percent, I think after we had read some of the testimony on it. Isn't that right, Bill? Now the problem we had on the Klan is the Klan had a group called the Action Group. This was the group if you remember from Mr. Rowe's testimony that he was left out of in the beginning. He attended the open meetings and heard all the hoorahs and this type of information but he never knew what was going on because each one had an Action Group that went out and considered themselves in the missionary field. Theirs was the violence. In order to penetrate those you have to direct as many informants as you possibly can against it. Bear in mind that I think the newspapers, the President, Congress, everyone, was concerned about the murder of the three civil rights workers, the Lemuel Penn case, the Violet Liuzzo case, the bombings of the church in Birmingham. We were faced with one tremendous problem at that time.

QUESTION: I acknowledge that.

MR. ADAMS: Our only approach was through informants. Through the use of informants we solved these cases. The ones that were solved. There were some of the bombing cases we never solved. They're extremely difficult, but, these informants as we told the Attorney General and as we told the President, we moved informants like Mr. Rowe up to the top leadership. He was the bodyguard to the head man. He was in a position where he could see that this could continue forever unless we could

create enough disruption that these members will realize that if I go out and murder three civil rights, even though the Sheriff and other law enforcement officers are in on it, if that were the case, and in some of that was the case, that I will be caught, and that's what we did, and that's why violence stopped because the Klan was insecure and just like you say 20 percent, they thought 50 percent of their members ultimately were Klan members, and they didn't dare engage in these acts of violence because they knew they couldn't control the conspiracy any longer.

QUESTION: I just have one quick question. Is it correct that in 1971 we were using around 6500 informers for a black ghetto situation?

MR ADAMS: I'm not sure if that's the year. We did have a year where we had a number like that of around 6000 and that was the time when the cities were being burned. Detroit, Washington, areas like this, we were given a mandate to know what the situation is, where is violence going to break out next. They weren't informants like an individual that is penetrating an organization. They were listening posts in the community that would help tell us that we have another group here that is getting ready to start another fire fight or something.

QUESTION: ... Without going into that subject further of course we have had considerable evidence this morning where no attempt was made to prevent crime when you had information that it was going to occur. I am sure there were instances where you have.

MR. ADAMS: We disseminated every single item which he reported to us.

QUESTION: To a police department which you knew was an accomplice to the crime.

MR. ADAMS: Not necessarily knew.

QUESTION: Your informant told you that, hadn't he?

MR. ADAMS: The informant is on one level. We have other informants and we have other information.

QUESTION: You were aware that he had worked with certain members of the Birmingham Police in order...

MR. ADAMS: That's right. He furnished many other instances also.

QUESTION: So you really weren't doing a whole lot to prevent that incident by telling the people who were already a part of it.

MR. ADAMS: We were doing everything we could lawfully do at the time and finally the situation was corrected when the Department agreeing that we had no further jurisdiction, sent the U.S. Marshals down to perform certain law enforcement functions.

QUESTION: ...This brings up the point as to what kind of control you can exercise over this kind of informant and to this kind of organization and to what extent an effort is made to prevent these informants from engaging in the kind of thing that you were supposedly trying to prevent.

MR. ADAMS: A good example of this was Mr. Rowe who became active in an Action Group and we told him to get out or we were no longer using him as an informant in spite of the information he had furnished in the past. We have cases, Senator where we have had

QUESTION: But you also told him to participate in violent activities

MR. ADAMS: We did not tell him to participate in violent activities.

QUESTION: That's what he said.

MR. ADAMS: I know that's what he says, but that's what lawsuits are all about is that there are two sides to issues and our Agent handlers have advised us, and I believe have advised your staff members, that at no time did they advise him to engage in violence.

QUESTION: Just to do what was necessary to get the information.

MR. ADAMS: I do not think they made any such statement to him along that line either and we have informants who have gotten involved in the violation of a law and we have immediately converted their status from an informant to the subject and have prosecuted I would say off hand, I can think of around 20 informants that we have prosecuted for violating the laws once it came to our attention and even to show you our policy of disseminating information on violence in this case during the review of the matter the Agents have told me that they found one case where an Agent had been working 24 hours a day and he was a little late in disseminating the information to the police department. No violence occurred but it showed up in a file review and he was censured for his delay in properly notifying local authorities. So we not only have a policy, I feel that we do follow reasonable safeguards in order to carry it out, including periodic review of all informant files.

QUESTION: Mr. Rowe's statement is substantiated to some extent with an acknowledgment by the Agent in Charge that if he were going



to be a Klansman and he happened to be with someone and they decided to do something, he couldn't be an angel. These are words of the Agent. And be a good informant. He wouldn't take the lead but the implication is that he would have to go along or would have to be involved if he was going to maintain his liability as a ---

MR. ADAMS: There is no question that an informant at times will have to be present during demonstrations, riots, fistfights that take place but I believe his statement was to the effect that, and I was sitting in the back of the room and I do not recall it exactly, but that some of them were beat with chains and I did not hear whether he said he beat someone with a chain or not but I rather doubt that he did, because it is one thing being present, it is another thing taking an active part in a criminal action.

QUESTION: It's true. He was close enough to get his throat cut apparently.

QUESTION: How does the collection of information about an individual's personal life, social, sex life and becoming involved in that sex life or social life is a requirement for law enforcement or crime prevention.

MR. ADAMS: Our Agent handlers have advised us on Mr. Rowe that they gave him no such instruction, they had no such knowledge concerning it and I can't see where it would be of any value whatsoever.

QUESTION:           You don't know of any such case where these instructions  
                    were given to an Agent or an informant?

MR. ADAMS:           To get involved in sexual activity? No Sir.

NR050 WA PLAIN

8:05PM NITEL 12/10/75 GHS

TO ALL SACS

FROM DIRECTOR

DIRECTOR'S APPEARANCE BEFORE SENATE SELECT COMMITTEE  
ON INTELLIGENCE ACTIVITIES, DECEMBER 10, 1975

A COPY OF THE STATEMENT I DELIVERED BEFORE THE SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES TODAY HAS BEEN SENT ALL OFFICES. FOR YOUR INFORMATION, THERE FOLLOWS A SYNOPSIS ACCOUNT OF THE MAJOR AREAS OF THE COMMITTEE'S QUESTIONS TO ME, TOGETHER WITH MY RESPONSES:

(1) REGARDING FBI INFORMANTS, QUESTIONS WERE ASKED WHETHER COURT APPROVAL SHOULD BE REQUIRED FOR FBI USE OF INFORMANTS IN INVESTIGATIONS OF ORGANIZATIONS (MY RESPONSE WAS THAT THE CONTROLS WHICH EXIST TODAY OVER USE OF INFORMANTS ARE SATISFACTORY); HOW CAN FBI KEEP INFORMANTS OPERATING WITHIN PROPER LIMITS SO THEY DO NOT INVADE RIGHTS OF OTHER PERSONS (MY RESPONSE WAS THAT RELIANCE MUST BE PLACED ON THE INDIVIDUAL AGENTS HANDLING INFORMANTS AND THOSE SUPERVISING THE AGENTS' WORK, THAT INFORMANTS WHO VIOLATE THE LAW CAN BE

1. SAC Q

2. ASAC MR

3. Sec. Supvr. Qpa

4. Desk 4 Q

5. Desk 5 Q

6. Desk 6 Q

7. LONG Q

8. LARGE Q

*Open your  
personnel!*

*Revised to all spread to agents*

11

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SA (EAST) <u>Q</u>	

PAGE TWO

PROSECUTED -- AS CAN ANY AGENT WHO COUNSELS AN INFORMANT TO COMMIT VIOLATIONS); AND DID FORMER KLAN INFORMANT GARY ROWE TESTIFY ACCURATELY WHEN HE TOLD THE COMMITTEE ON DECEMBER 2 THAT HE INFORMED FBI OF PLANNED ACTS OF VIOLENCE BUT FBI DID NOT ACT TO PREVENT THEM (MY RESPONSE WAS THAT ROWE'S TESTIMONY WAS NOT ACCURATE).

(2) IN RESPONSE TO QUESTIONS REGARDING IMPROPER CONDUCT BY FBI EMPLOYEES, I STATED THAT ALLEGED VIOLATIONS OF LAW BY FBI PERSONNEL SHOULD BE INVESTIGATED BY THE FBI OR OTHER APPROPRIATE AGENCY; THAT THE INSPECTION DIVISION HAS CONDUCTED INQUIRIES REGARDING ALLEGATIONS OF MISCONDUCT; THAT AN OFFICE OF PROFESSIONAL RESPONSIBILITY HAS JUST BEEN ESTABLISHED IN THE JUSTICE DEPARTMENT, AND WE WILL ADVISE THAT OFFICE OF OUR MAJOR INVESTIGATIONS OF DEPARTMENTAL PERSONNEL, INCLUDING FBI EMPLOYEES, FOR ALLEGED VIOLATIONS OF LAW, REGULATIONS, OR STANDARDS OF CONDUCT; THAT I WOULD RESERVE COMMENT REGARDING POSSIBLE CREATION OF A NATIONAL INSPECTOR GENERAL TO CONSIDER MATTERS OF MISCONDUCT BY EMPLOYEES OF ANY FEDERAL AGENCY.

PAGE THREE

(3) IN RESPONSE TO QUESTIONS CONCERNING HARASSMENT OF MARTIN LUTHER KING, JR., I STATED THAT THE PERSONS WHO ISSUED THE ORDERS WHICH RESULTED IN SUCH HARASSMENT SHOULD FACE THE RESPONSIBILITY FOR IT, RATHER THAN THOSE UNDER THEM WHO CARRIED OUT SUCH ORDERS IN GOOD FAITH; THAT THE FBI STILL HAS RECORDINGS RESULTING FROM ELECTRONIC SURVEILLANCES OF KING; THAT WE RETAIN RECORDINGS FOR TEN YEARS BUT WE ALSO HAVE AGREED TO A REQUEST FROM THE SENATE NOT TO DESTROY INFORMATION IN OUR FILES WHILE CONGRESSIONAL INQUIRIES ARE BEING CONDUCTED; THAT I HAVE NOT REVIEWED THE KING TAPES; THAT IF THE COMMITTEE REQUESTED TO REVIEW THE KING TAPES, THE REQUEST WOULD BE REFERRED TO THE ATTORNEY GENERAL.

(4) IN RESPONSE TO QUESTIONS REGARDING WHETHER IT WOULD BE ADVANTAGEOUS TO SEPARATE THE FBI CRIMINAL INVESTIGATIVE RESPONSIBILITIES AND OUR INTELLIGENCE FUNCTIONS, I STATED THAT WE HAVE FOUND THE TWO AREAS TO BE COMPATIBLE, AND I FEEL THE FBI IS DOING A SPLENDID JOB IN BOTH AREAS.

(5) IN RESPONSE TO QUESTIONS CONCERNING THE ADEQUACY OF CONTROLS ON REQUESTS FROM THE WHITE HOUSE AND FROM OTHER GOVERNMENT AGENCIES FOR FBI INVESTIGATIONS OR FOR INFORMATION

PAGE FOUR

FROM OUR FILES, I STATED THAT WHEN SUCH REQUESTS ARE MADE ORALLY, THEY SHOULD BE CONFIRMED IN WRITING; THAT WE WOULD WELCOME ANY LEGISLATIVE GUIDELINES THE CONGRESS FEELS WOULD PROTECT THE FBI FROM THE POSSIBILITY OF PARTISAN MISUSE.

A FULL TRANSCRIPT OF THE QUESTIONS AND ANSWERS WILL BE FURNISHED TO EACH OFFICE AS SOON AS IT IS AVAILABLE.

ALL LEGATS ADVISED SEPARATELY.

END

DM B FBI BUFFALO FOR TWO'AND CLEAR

Vol. 15

# The United States Senate

## Report of Proceedings

### Hearing held before

Select Committee to Study Governmental Operations

With Respect to Intelligence Activities

#### INTELLIGENCE INVESTIGATION

1. SAC (LAST)
2. ASAC MR
3. Sec. Supvr. Cpa
4. Desk 4 OK am
5. Desk 5 OK
6. Desk 6 OK
7. LASH OK
8. Higgins OK

Tuesday, December 2, 1975

Washington, D. C.

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Shanghnessy me

11 Senator Tower.. The next witnesses to appear before the  
12 Committee are Mr. James Adams, Assistant to the Director-  
13 Deputy Associate Director, Investigation, responsible for all  
14 investigative operations; Mr. W. Raymond Wannall, Assistant  
15 Director, Intelligence Division, responsible for internal  
16 security and foreign counterintelligence investigations; Mr.  
17 John A. Mintz, Assistant Director, Legal Counsel Division;  
18 Joseph G. Deegan, Section Chief, extremist investigations;  
19 Mr. Robert L. Schackelford, Section Chief, subversive  
20 investigations; Mr. Homer A. Newman, Jr., Assistant to Section  
21 Chief, supervises extremist informants; Mr. Edward P. Grigal,  
22 Unit Chief, supervises subversive informants; Joseph G. Kelley,  
23 Assistant Section Chief, Civil Rights Section, General Investi-  
24 gative Division.

25 Gentlemen, will you all rise and be sworn.



1 Do you solemnly swear the testimony you are about to give  
2 before this Committee is the truth, the whole truth, and nothing  
3 but the truth, so help you God?

4 Mr. Adams. I do.

5 Mr. Wannall. I do.

6 Mr. Mintz. I do.

7 Mr. Deegan. I do.

8 Mr. Schackelford. I do.

9 Mr. Newman. I do.

10 Mr. Grigalus. I do.

11 Mr. Kelley. I do.

12 Senator Tower. It is intended that Mr. Wannall will be  
13 the principal witness, and we will call on others as questioning  
14 might require, and I would direct each of you when you do  
15 respond, to identify yourselves, please, for the record.

16 I think that we will spend just a few more minutes to allow  
17 the members of the Committee to return from the floor.

18 (A brief recess was taken.)

19 Senator Tower. The Committee will come to order.

20 Mr. Wannall, according to data, informants provide '83  
21 percent of your intelligence information.

22 Now, will you provide the Committee with some information  
23 on the criteria for the selection of informants?

24

25

1 TESTIMONY OF W. RAYMOND WANNALL, ASSISTANT DIRECTOR,  
2 INTELLIGENCE DIVISION, FEDERAL BUREAU OF INVESTIGATION  
3 ACCOMPANIED BY: JAMES B. ADAMS, ASSISTANT TO THE  
4 DIRECTOR-DEPUTY ASSOCIATE DIRECTOR (INVESTIGATION);  
5 JOHN A. MINTZ, ASSISTANT DIRECTOR, LEGAL COUNSEL  
6 DIVISION; JOSEPH G. DEEGAN, SECTION CHIEF; ROBERT L.  
7 SCHACKELFORD, SECTION CHIEF; HOMER A. NEWMAN, JR.,  
8 ASSISTANT TO SECTION CHIEF; EDWARD P. GRIGALUS, UNIT  
9 CHIEF; AND JOSEPH G. KELLEY, ASSISTANT SECTION CHIEF,  
10 CIVIL RIGHTS SECTION, GENERAL INVESTIGATIVE DIVISION  
11 Mr. Wannall. Mr. Chairman, that is not FBI data that you

12 have quoted. That was prepared by the General Accounting  
13 Office.

14 Senator Tower. That is GAO.

15 Mr. Wannall. Based on a sampling of about 93 cases.

16 Senator Tower. Would that appear to be a fairly accurate  
17 figure.

18 Mr. Wannall. I have not seen any survey which the FBI  
19 itself has conducted that would confirm that, but I think that  
20 we do get the principal portion of our information from live  
21 sources.

22 Senator Tower. It would be a relatively high percent  
23 then?

24 Mr. Wannall. I would say yes. And your ques  
25 criteria?

1 Senator Tower. What criteria do you use in the selection  
2 of informants?

3 Mr. Wannall. Well, the criteria vary with the needs. In  
4 our cases relating to extremist matters, surely in order to get  
5 an informant who can meld into a group which is engaged in a  
6 criminal type activity, you're going to have a different set  
7 of criteria. If you're talking about our internal security  
8 matters, I think we set rather high standards. We do require  
9 that a preliminary inquiry be conducted which would consist  
10 principally of checks of our headquarters indices, our field  
11 office indices, checks with other informants who are operating  
12 in the same area, and in various established sources such as  
13 local police departments.

14 Following this, if it appears that the person is the type  
15 who has credibility, can be depended upon to be reliable, we  
16 would interview the individual in order to make a determination  
17 as to whether or not he will be willing to assist the FBI  
18 in discharging its responsibilities in that field.

19 Following that, assuming that the answer is positive, we  
20 would conduct a rather in depth investigation for the purpose  
21 of further attempting to establish credibility and reliability.

22 Senator Tower. How does the Bureau distinguish between  
23 the use of informants for law enforcement as opposed to  
24 intelligence collection?

25 Is the guidance different, or is it the same, or what?

1 Mr. Wannall. Well, Mr. Adams can probably best address  
2 the use of informants on criminal matters since he is over  
3 the operational division on that.

4 Mr. Adams. You do have somewhat of a difference in the fact  
5 that a criminal informant in a law enforcement function, you  
6 are trying to develop evidence which will be admissible in  
7 court for prosecution, whereas with intelligence, the informant  
8 alone, your purpose could either be prosecution or it could be  
9 just for purposes of pure intelligence.

10 The difficulty in both is retaining the confidentiality  
11 of the individual and protecting the individual, and trying to,  
12 through use of the informant, obtain evidence which could be  
13 used independently of the testimony of the informant so that  
14 he can continue operating as a criminal informant.

15 Senator Tower. Are these informants ever authorized to  
16 function as provocateurs?

17 Mr. Adams. No, sir, they're not. We have strict regula-  
18 tions against using informants as provocateurs. This gets  
19 into that delicate area of entrapment which has been addressed  
20 by the courts on many occasions and has been concluded by the  
21 courts that providing an individual has a willingness to engage  
22 in an activity, the government has the right to provide him the  
23 opportunity. This does not mean, of course, that mistakes don't  
24 occur in this area, but we take whatever steps we can to  
25 avoid this. Even the law has recognized that informants can

1 engage in criminal activity, and the courts have held that,  
2 especially the Supreme Court in the Newark County Case, that  
3 the very difficulty of penetrating an ongoing operation, that  
4 an informant himself can engage in criminal activity, but  
5 because there is lacking this criminal intent to violate a  
6 law, we stay away from that. Our regulations fall short of that.

7 If we have a situation where we felt that an informant  
8 has to become involved in some activity in order to protect  
9 or conceal his use as an informant, we go right to the United  
10 States Attorney or to the Attorney General to try to make sure  
11 we are not stepping out of bounds insofar as the use of our  
12 informants.

13 Senator Tower. But you do use these informants and do  
14 instruct them to spread dissension among certain groups that  
15 they are informing on, do you not?

16 Mr. Adams. We did when we had the COINTELPRO programs,  
17 which were discontinued in 1971, and I think the Klan is probably  
18 one of the best examples of a situation where the law was  
19 in effect at the time. We heard the term States Rights used  
20 much more then than we hear it today. We saw in the Little  
21 Rock situation the President of the United States, in sending  
22 in the troops, pointing out the necessity to use local law  
23 enforcement. We must have local law enforcement, to use the  
24 troops only as a last resort.

25 And then you have a situation like this where you do try

smn 21

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1 to preserve the respective roles in law enforcement. You have  
2 historical problems with the Klan coming along. We had  
3 situations where the FBI and the Federal Government was almost  
4 powerless to act. We had local law enforcement officers in  
5 some areas participating in Klan violence.

6 The instances mentioned by Mr. Rowe, every one of those,  
7 he saw them from the lowest level of the informant. He didn't  
8 see what action was taken with that information, as he pointed  
9 out in his testimony. Our files show that this information was  
10 reported to the police departments in every instance. We  
11 also knew that in certain instances the information, upon being  
12 received, was not being acted upon. We also disseminated  
13 simultaneously through letterhead memoranda to the Department  
14 of Justice the problem, and here, here we were, the FBI, in a  
15 position where we had no authority in the absence of instruction  
16 from the Department of Justice, to make an arrest.

17 Sections 241 and 242 don't cover it because you don't have  
18 evidence of a conspiracy, and it ultimately resulted in  
19 a situation where the Department called in United States  
20 Marshals who do have authority similar to local law enforcement  
21 officials.

22 So, historically, in those days, we were just as frus-  
23 trated as anyone else was, and when we got information from  
24 someone like Mr. Rowe, good information, reliable information,  
25 and it was passed on to those who had the responsibility to

1 do something about it, it was not always acted upon, as he  
2 indicated.

3 Senator Tower. None of these cases, then, there was  
4 adequate evidence of conspiracy to give you jurisdiction to  
5 act?

6 Mr. Adams. The Departmental rules at that time, and still  
7 require Departmental approval where you have a conspiracy.  
8 Under 241, it takes two or more persons acting together. You  
9 can have a mob scene, and you can have blacks and whites  
10 belting each other, but unless you can show that those that  
11 initiated the action acted in concert in a conspiracy, you have  
12 no violation.

13 Congress recognized this, and it wasn't until 1968  
14 that they came along and added Section 245 to the civil rights  
15 statute, which added punitive measures against an individual  
16 that didn't have to be a conspiracy. But this was a problem  
17 that the whole country was grappling with: the President of  
18 the United States, Attorney General. We were in a situation  
19 where we had rank lawlessness taking place, as you know from  
20 a memorandum we sent you that we sent to the Attorney General.  
21 The accomplishments we were able to obtain in preventing  
22 violence, and in neutralizing the Klan -- and that was one  
23 of the reasons.

24 Senator Tower. What was the Bureau's purpose in con-  
25 tinuing or urging the continued surveillance of the Vietnam

smn 23

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1 Veterans Against the War?

2 Was there a legitimate law enforcement purpose, or was the  
3 intent to halter political expression?

4 Mr. Adams. We had information on the Vietnam Veterans  
5 Against the War that indicated that there were subversive  
6 groups involved. They were going to North Vietnam and meeting  
7 with the Communist forces. They were going to Paris, attending  
8 meetings paid for and sponsored by the Communist Party, the  
9 International Communist Party. We feel that we had a very valid  
10 basis to direct our attention to the VVAW.

11 It started out, of course, with Gus Hall in 1967, who was  
12 head of the Communist Party, USA, and the comments he made,  
13 and what it finally boiled down to was a situation where it  
14 split off into the Revolutionary Union, which was a Maoist  
15 group, and the hard-line Communist group, and at that point  
16 factionalism developed in many of the chapters, and they closed  
17 those chapters because there was no longer any intent to follow  
18 the national organization.

19 But we had a valid basis for investigating it, and we  
20 investigated chapters to determine if there was affiliation  
21 and subservience to the national office.

22 Senator Tower. Mr. Hart?

23 Senator Hart of Michigan. But in the process of chasing  
24 after the Veterans Against the War, you got a lot of information  
25 that clearly has no relationship to any Federal criminal



1 statute.

2 Mr. Adams. I agree, Senator.

3 Senator Hart of Michigan. Why don't you try to shut that  
4 stuff off by simply telling the agent, or your informant?

5 Mr. Adams. Here is the problem that you have with that.  
6 When you're looking at an organization, do you report only the  
7 violent statements made by the group or do you also show that  
8 you may have one or two violent individuals, but you have  
9 some of these church groups that were mentioned, and others,  
10 that the whole intent of the group is not in violation of the  
11 statutes. You have to report the good, the favorable along  
12 with the unfavorable, and this is a problem. We wind up with  
13 information in our files. We are accused of being vacuum  
14 cleaners, and you are a vacuum cleaner. If you want to know the  
15 real purpose of an organization, do you only report the  
16 violent statements made and the fact that it is by a small  
17 minority, or do you also show the broad base of the organization  
18 and what it really is?

19 And within that is where we have to have the guidelines  
20 we have talked about before. We have to narrow down, because  
21 we recognize that we do wind up with too much information in  
22 our files.

23 Senator Hart of Michigan. But in that vacuuming process,  
24 you are feeding into Departmental files the names of people  
25 who are, who have been engaged in basic First Amendment

1 exercises, and this is what hangs some of us up.

2 Mr. Adams. It hangs me up. But in the same files I  
3 imagine every one of you has been interviewed by the FBI, either  
4 asking you about the qualifications of some other Senator  
5 being considered for a Presidential appointment, being inter-  
6 viewed concerning some friend who is applying for a job.

7 Were you embarrassed to have that in the files of the  
8 FBI?

9 Now, someone can say, as reported at our last session, that  
10 this is an indication, the mere fact that we have a name in our  
11 files has an onerous impression, a chilling effect. I agree.  
12 It can have, if someone wants to distort what we have in our  
13 files, but if they recognize that we interviewed you because  
14 of considering a man for the Supreme Court of the United  
15 States, and that isn't distorted or improperly used, I don't  
16 see where any harm is served by having that in our files.

17 Senator Hart of Michigan. But if I am Reverend Smith  
18 and the vacuum cleaner picked up the fact that I was helping  
19 the veterans, Vietnam Veterans Against the War, and two years  
20 later a name check is asked on Reverend Smith and all your  
21 file shows is that he was associated two years ago with a group  
22 that was sufficient enough, held sufficient doubtful patriotism  
23 to justify turning loose a lot of your energy in pursuit on  
24 them --

25 Mr. Adams. This is a problem.

1 Senator Hart of Michigan. This is what should require  
2 us to rethink this whole business.

3 Mr. Adams. Absolutely.

4 And this is what I hope the guidelines committees as well  
5 as the Congressional input are going to address themselves to.

6 Senator Hart of Michigan. We've talked about a wide range  
7 of groups which the Bureau can and has had informant penetration  
8 and report on. Your manual, the Bureau manual's definition  
9 of when an extremist or security investigation may be under-  
10 taken refers to groups whose activity either involves violation  
11 of certain specified laws, or which may result in the violation  
12 of such law, and when such an investigation is opened, then  
13 informants may be used.

14 Another guideline says that domestic intelligence  
15 investigations now must be predicated on criminal violations.  
16 The agent need only cite a statute suggesting an investigation  
17 relevant to a potential violation. Even now, with an improved,  
18 upgraded effort to avoid some of these problems, we are back  
19 again in a world of possible violations or activities which  
20 may result in illegal acts.

21 Now, any constitutionally protected exercise of the  
22 right to demonstrate, to assemble, to protest, to petition,  
23 conceivably may result in violence or disruption of a local  
24 town meeting, when a controversial social issue might result  
25 in disruption. It might be by hecklers rather than those holding

1 the meeting.

2 Does this mean that the Bureau should investigate all  
3 groups organizing or participating in such a meeting because  
4 they may result in violence, disruption?

5 Mr. Adams. No, sir.

6 Senator Hart of Michigan. Isn't that how you justify  
7 spying on almost every aspect of the peace movement?

8 Mr. Adams. No, sir. When we monitor demonstrations, we  
9 monitor demonstrations where we have an indication that the  
10 demonstration itself is sponsored by a group that we have an  
11 investigative interest in, a valid investigative interest in,  
12 or where members of one of these groups are participating where  
13 there is a potential that they might change the peaceful  
14 nature of the demonstration.

15 But this is our closest question of trying to draw  
16 guidelines to avoid getting into an area of infringing on the  
17 First Amendment rights of people, yet at the same time being  
18 aware of groups such as we have had in greater numbers in the  
19 past than we do at the present time. But we have had periods  
20 where the demonstrations have been rather severe, and the  
21 courts have said that the FBI has a right, and indeed a duty,  
22 to keep itself informed with respect to the possible commission  
23 of crime. It is not obliged to wear blinders until it may be  
24 too late for prevention.

25 And that's a good statement if applied in a clearcut

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end 5

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1 case. Our problem is where we have a demonstration and we have  
2 to make a judgment call as to whether it is one that clearly  
3 fits the criteria of enabling us to monitor the activities, and  
4 that's where I think most of our disagreements fall.

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1 Senator Hart of Michigan. Let's assume that the rule  
2 for opening an investigation on a group is narrowly drawn. The  
3 Bureau manual states that informants investigating a subversive  
4 organization should not only report on what that group is  
5 doing but should look at and report on activities in which  
6 the group is participating.

7 There is a Section 87B3 dealing with reporting on  
8 connections with other groups. That section says that the  
9 field office shall "determine and report on any significant  
10 connection or cooperation with non-subversive groups." Any  
11 significant connection or cooperation with non-subversive  
12 groups.

13 Now let's look at this in practice. In the spring of  
14 1969 there was a rather heated national debate over the  
15 installation of the anti-ballistic missile system. Some of us  
16 remember that. An FBI informant and two FBI confidential  
17 sources reported on the plan's participants and activities  
18 of the Washington Area Citizens Coalition Against the ABM,  
19 particularly in open public debate in a high school auditorium,  
20 which included speakers from the Defense Department for the  
21 ABM and a scientist and defense analyst against the ABM.

22 The informants reported on the planning for the meeting,  
23 the distribution of materials to churches and schools,  
24 participation by local clergy, plans to seek resolution on the  
25 ABM from nearby town councils. There was also information on

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1 plans for a subsequent town meeting in Washington with the  
2 names of local political leaders who would attend.

3 Now the information, the informant information came as  
4 part of an investigation of an allegedly subversive group  
5 participating in that coalition. Yet the information dealt  
6 with all aspects and all participants. The reports on the  
7 plans for the meeting and on the meeting itself were disseminated  
8 to the State Department, to military intelligence, and to the  
9 White House.

10 How do we get into all of that?

11 Mr. Adams. Well --

12 Senator Hart of Michigan. Or if you were to rerun it,  
13 would you do it again?

14 Mr. Adams. Well, not in 1975, compared to what 1969  
15 was. The problem we had at the time was where we had an  
16 informant who had reported that this group, this meeting was  
17 going to take place and it was going to be the Daily World,  
18 which was the east coast communist newspaper that made comments  
19 about it. They formed an organizational meeting. We took  
20 a quick look at it. The case apparently was opened in May 28,  
21 1969 and closed June 5 saying there was no problem with this  
22 organization.

23 Now the problem we get into is if we take a quick look  
24 and get out, fine. We've had cases, though, where we have  
25 stayed in too long. When you're dealing with security it is like

1 Soviet espionage where they can put one person in this country  
2 and they supported him with total resources of the Soviet  
3 Union, false identification, all the money he needs, communi-  
4 cations networks, satellite assistance, and everything, and  
5 you're working with a paucity of information.

6 The same problem exists to a certain extent in domestic  
7 security. You don't have a lot of black and white situations.  
8 So someone reports something to you which you feel, you take  
9 a quick look at and there's nothing to it, and I think that's  
10 what they did.

11 Senator Hart of Michigan. You said that was '69. Let  
12 me bring you up to date, closer to current, a current place  
13 on the calendar.

14 This one is the fall of last year, 1975. President  
15 Ford announced his new program with respect to amnesty, as  
16 he described it, for draft resisters. Following that there  
17 were several national conferences involving all the groups  
18 and individuals interested in unconditional amnesty.

19 Now parenthetically, while unconditional amnesty is  
20 not against -- while unconditional amnesty is not yet the law,  
21 we agreed that advocating it is not against the law either.

22 Mr. Adams. That's right.

23 Senator Hart of Michigan. Some of the sponsors were  
24 umbrella organizations involving about 50 diverse groups around  
25 the country. FBI informants provided advance information on



1 plans for the meeting and apparently attended and reported on  
2 the conference. The Bureau's own reports described the  
3 participants as having represented diverse perspectives on  
4 the issue of amnesty, including civil liberties and human  
5 rights groups, G.I. rights spokesmen, parents of men killed  
6 in Vietnam, wives of ex-patriates in Canada, experts on draft  
7 counselling, religious groups interested in peace issues,  
8 delegates from student organizations, and aides of House and  
9 Senate members, drafting legislation on amnesty.

10 The informant apparently was attending in his role as  
11 a member of a group under investigation as allegedly subversive  
12 and it described the topics of the workshop.

13 Ironically, the Bureau office report before them noted  
14 that in view of the location of the conference at a theological  
15 seminary, the FBI would use restraint and limit its coverage  
16 to informant reports.

17 Now this isn't five or ten years ago. This is last  
18 fall. And this is a conference of people who have the point  
19 of view that I share, that the sooner we have unconditional  
20 amnesty, the better for the soul of the country.

21 Now what reason is it for a vacuum cleaner approach on  
22 a thing like that? Don't these instances illustrate how broad  
23 informant intelligence really is, that would cause these groups  
24 in that setting having contact with other groups, all and  
25 everybody is drawn into the vacuum and many names go into the

1 Bureau files.

2 Is this what we want?

3 Mr. Adams. I'll let Mr. Wannall address himself to this.

4 He is particular knowledgeable as to this operation.

5 Mr. Wannall. Senator Hart, that was a case that was  
6 opened on November 14 and closed November 20, and the information  
7 which caused us to be interested in it were really two particular  
8 items. One was that a member of the steering committee there,  
9 was a three man steering committee, and one of those members  
10 of the national conference was in fact a national officer  
11 of the VVAW in whom we had suggested before we did have a  
12 legitimate investigative interest.

13 Senator Hart of Michigan. Well, I would almost say so what  
14 at that point.

15 Mr. Wannall. The second report we had was that the  
16 VVAW would actively participate in an attempt to pack the  
17 conference to take it over. And the third report we had --

18 Senator Hart of Michigan. And incidentally, all of the  
19 information that your Buffalo informant had given you with  
20 respect to the goals and aims of the VVAW gave you a list of  
21 goals which were completely within Constitutionally protected  
22 objectives. There wasn't a single item out of that VVAW that  
23 jeopardizes the security of this country at all.

24 Mr. Wannall. Well, of course, we did not rely entirely  
25 on the Buffalo informant, but even there we did recei-

1 from that informant information which I considered to be  
2 significant.

3 The Buffalo chapter of the VVAW was the regional office  
4 covering New York and northern New Jersey. It was one of the  
5 five most active VVAW chapters in the country and at a  
6 national conference, or at the regional conference, this  
7 informant reported information back to us that an attendee  
8 at the conference announced that he had run guns into Cuba  
9 prior to the Castro take-over. He himself said that he during  
10 the Cuban crisis had been under 24 hour surveillance. There  
11 was also discussion at the conference of subjugating the  
12 VVAW to the revolutionary union. There were some individuals  
13 in the chapter or the regional conference who were not in  
14 agreement with us, but Mr. Adams has addressed himself to the  
15 interest of the revolutionary union.

16 So all of the information that we had on the VVAW did  
17 not come from that source but even that particular source did  
18 give us information which we considered to be of some  
19 significance in our appraisal of the need for continuing the  
20 investigation of that particular chapter of the VVAW.

21 Senator Hart of Michigan. But does it give you the  
22 right or does it create the need to go to a conference, even  
23 if it is a conference that might be taken over by the VVAW  
24 when the subject matter is how and by what means shall we  
25 seek to achieve unconditional amnesty? What threat?

1 Mr. Wannall. Our interest, of course, was the VVAW  
2 influence on a particular meeting, if you ever happened to be  
3 holding a meeting, or whatever subject it was.

4 Senator Hart of Michigan. What if it was a meeting to  
5 seek to make more effective the food stamp system in this  
6 country?

7 Mr. Wannall. Well, of course there had been some  
8 organizations.

9 Senator Hart of Michigan. Would the same logic follow?

10 Mr. Wannall. I think that if we found that if the  
11 Communist Party USA was going to take over the meeting and  
12 use it as a front for its own purposes, there would be a logic  
13 in doing that. You have a whole scope here and it's a matter  
14 of where you do and where you don't, and hopefully, as we've  
15 said before, we will have some guidance, not only from this  
16 committee but from the guidelines that are being developed.  
17 But within the rationale of what we're doing today, I was  
18 explaining to you our interest not in going to this thing and  
19 not gathering everything there was about it.

20 In fact, only one individual attended and reported to us,  
21 and that was the person who had, who was not developed for  
22 this reason; an informant who had been reporting on other  
23 matters for some period of time.

24 And as soon as we got the report of the outcome of the  
25 meeting and the fact that in the period of some time...

1 discontinued any further interest.

2 Senator Hart of Michigan. Well, my time has expired  
3 but even this brief exchange, I think, indicates that if we  
4 really want to control the dangers to our society of using  
5 informants to gather domestic political intelligence, we have  
6 to restrict sharply domestic intelligence investigations. And  
7 that gets us into what I would like to raise with you when  
8 my turn comes around again, and that's the use of warrants,  
9 obliging the Bureau to obtain a warrant before a full-fledged  
10 informant can be directed by the Bureau against a group or  
11 individuals.

12 I know you have objections to that and I would like to  
13 review that with you.

14 Senator Mondale. pursue that question.

15 Senator Hart of Michigan. I am talking now about an  
16 obligation to obtain a warrant before you turn loose a full-  
17 fledged informant. I'm not talking about tipsters that run  
18 into you or you run into, or who walk in as information sources.  
19 The Bureau has raised some objections in this memorandum to the  
20 Committee. The Bureau argues that such a warrant requirement  
21 might be unconstitutional because it would violate the First  
22 Amendment rights of FBI informants to communicate with their  
23 government.

24 Now that's a concern for First Amendment rights that  
25 ought to hearten all the civil libertarians.

1 But why would that vary, why would a warrant requirement  
2 raise a serious constitutional question?

3 Mr. Adams. Well, for one thing it's the practicability  
4 of it or the impactability of getting a warrant which  
5 ordinarily involves probable cause to show that a crime has  
6 been or is about to be committed.

7 In the intelligence field we are not dealing necessarily  
8 with an imminent criminal action. We're dealing with activities  
9 such as with the Socialist Workers Party, which we have  
10 discussed before, where they say publicly we're not to engage  
11 in any violent activity today, but we guarantee you we still  
12 subscribe to the tenets of communism and that when the time  
13 is ripe, we're going to rise up and help overthrow the United  
14 States.

15 Well, now, you can't show probable cause if they're about  
16 to do it because they're telling you they're not going to do it  
17 and you know they're not going to do it at this particular  
18 moment.

19 It's just the mixture somewhat of trying to mix in a  
20 criminal procedure with an intelligence gathering function, and  
21 we can't find any practical way of doing it. We have a particular  
22 organization. We may have an informant that not only belongs  
23 to the Communist Party, but belongs to several other organizations  
24 and as part of his function he may be sent out by the Communist  
25 Party to try to infiltrate one of these clean organizations.

1 We don't have probable cause for him to target against  
2 that organization, but yet we should be able to receive informa-  
3 tion from him that he as a Communist Party member, even  
4 though in an informant status, is going to that organization  
5 and don't worry about it. We're making no headway on it.  
6 It's just from our standpoint the possibility of informants,  
7 the Supreme Court has held that informants per se do not  
8 violate the First, Fourth, or Fifth Amendments. They have  
9 recognized the necessity that the government has to have  
10 individuals who will assist them in carrying out their  
11 governmental duties.

12 Senator Hart of Michigan. I'm not sure I've heard anything  
13 yet in response to the constitutional question, the very  
14 practical question that you addressed.

15 Quickly, you are right that the court has said that the  
16 use of the informant per se is not a violation of constitutional  
17 rights of the subject under investigation. But Congress  
18 can prescribe some safeguards, some rules and some standards,  
19 just as we have with respect to your use of electronic  
20 surveillance, and could do it with respect to informants.

21 That's quite different from saying that the warrant  
22 procedure itself would be unconstitutional.

23 But with respect to the fact that you couldn't show  
24 probable cause, and therefore, you couldn't get a warrant,  
25 therefore you oppose the proposal to require you to get a

1 warrant. It seems to beg the question.

2 Assuming that you say that since we use informants and  
3 investigate groups which may only engage in lawful activities  
4 but which might engage in activities that can result in  
5 violence or illegal acts, and you can't use the warrant, but  
6 Congress could say that the use of informants is subject to  
7 such abuse and poses such a threat to legitimate activity,  
8 including the willingness of people to assemble and discuss  
9 the anti-ballistic missile system, and we don't want you to  
10 use them unless you have indication of criminal activity or  
11 unless you present your request to a magistrate in the same  
12 fashion as you are required to do with respect to, in most  
13 cases, to wiretap.

14 This is an option available to Congress.

15 Senator Tower. Senator Schweiker.

16 Senator Schweiker. Thank you very much.

17 Mr. Wannall, what's the difference between a potential  
18 security informant and a security informant?

19 Mr. Wannall. I mentioned earlier, Senator Schweiker,  
20 that in developing an informant we do a preliminary check on  
21 him before talking with him and then we do a further in-depth  
22 background check.

23 A potential security informant is someone who is under  
24 consideration before he is approved by headquarters for use as  
25 an informant. He is someone who is under current consideration.

End Tape 6

Begin Tape 7



1 On some occasions that person will have been developed to a  
2 point where he is in fact furnishing information and we are  
3 engaged in checking upon his reliability.

4 In some instances he may be paid for information furnished,  
5 but it has not gotten to the point yet where we have satisfied  
6 ourselves that he meets all of our criteria. When he does,  
7 the field must submit its recommendations to headquarters, and  
8 headquarters will pass upon whether that individual is an  
9 approved FBI informant.

10 Senator Schweiker. So it's really the first step of  
11 being an informant, I guess.

12 Mr. Wannall. It is a preliminary step, one of the  
13 preliminary steps.

14 Senator Schweiker. In the Rowe case, in the Rowe  
15 testimony that we just heard, what was the rationale again  
16 for not intervening when violence was known?

17 I know we asked you several times but I'm still having  
18 trouble understanding what the rationale, Mr. Wannall, was  
19 in not intervening in the Rowe situation when violence was  
20 known.

21 Mr. Wannall. Senator Schweiker, Mr. Adams did address  
22 himself to that. If you have no objection, I'll ask him to  
23 answer that.

24 Senator Schweiker. All right.

25 Mr. Adams. The problem we had at the time, and it's the

1 problem today, we are an investigative agency. We do not  
2 have police powers like the United States marshalls do.  
3 About 1795, I guess, or some period like that, marshalls have  
4 had the authority that almost borders on what a sheriff has.  
5 We are the investigative agency of the Department of Justice  
6 and during these times the Department of Justice had us maintain  
7 the role of an investigative agency. We were to report on  
8 activities to furnish the information to the local police,  
9 who had an obligation to act. We furnished it to the Department  
10 of Justice.

11 In those areas where the local police did not act, it  
12 resulted finally in the Attorney General sending 500 United  
13 States marshalls down to guarantee the safety of people who  
14 were trying to march in protest of their civil rights.

15 This was an extraordinary measure because it came at a  
16 time of civil rights versus federal rights, and yet there was  
17 a breakdown in law enforcement in certain areas of the country.

18 This doesn't mean to indict all law enforcement agencies  
19 in itself at the time either because many of them did act  
20 upon the information that was furnished to them. But we  
21 have no authority to make an arrest on the spot because we  
22 would not have had evidence that there was a conspiracy  
23 available. We can do absolutely nothing in that regard.

24 In Little Rock, the decision was made, for instance, that  
25 if any arrests need to be made, the Army should make them and

1 next to the Army, the United States marshalls should make them,  
2 not the FBI, even though we developed the violations.  
3 And over the years, as you know, at the time there were many  
4 questions raised. Why doesn't the FBI stop this? Why don't  
5 you do something about it?

6 Well, we took the other route and effectively destroyed  
7 the Klan as far as committing acts of violence, and of course  
8 we exceeded statutory guidelines in that area.

9 Senator Schweiker. What would be wrong, just following  
10 up your point there, Mr. Adams, with setting up a program  
11 since it's obvious to me that a lot of informers are going to  
12 have pre-knowledge of violence of using U.S. marshalls on some  
13 kind of a long-range basis to prevent violence?

14 Mr. Adams. We do. We have them in Boston in connection  
15 with the busing incident. We are investigating the violations  
16 under the Civil Rights Act. But the marshalls are in Boston,  
17 they are in Louisville, I believe at the same time, and this  
18 is the approach, that the Federal government finally recognized,  
19 was the solution to the problem where you had to have added  
20 Federal import.

21 Senator Schweiker. But instead of waiting until it  
22 gets to a Boston state, which is obviously a pretty advanced  
23 confrontation, shouldn't we have somewhere a coordinated program  
24 that when you go up the ladder of command in the FBI, that  
25 on an immediate and fairly contemporary basis, that kind of

1 help can be sought instantly as opposed to waiting until it  
2 gets to a Boston state?

3 I realize it's a departure from the past. I'm not  
4 saying it isn't. But it seems to me we need a better remedy  
5 than we have.

6 Mr. Adams. Well, fortunately, we're at a time where  
7 conditions have subsided in the country, even from the '60s  
8 and the '70s and periods -- or '50s and '60s. We report to the  
9 Department of Justice on potential troublespots around the  
10 country as we learn of them so that the Department will be  
11 aware of them. The planning for Boston, for instance, took  
12 place a year in advance with state officials, city officials,  
13 the Department of Justice and the FBI sitting down together  
14 saying, how are we going to protect the situation in Boston?

15 I think we've learned a lot from the days back in the  
16 early '60s. But the government had no mechanics which protected  
17 people at that time.

18 Senator Schweiker. I'd like to go, if I may, to the  
19 Robert Hardy case. I know he is not a witness but he  
20 was a witness before the House. But since this affects my  
21 state, I'd like to ask Mr. Wannall. Mr. Hardy, of course, was  
22 the FBI informer who ultimately led and planned and organized  
23 a raid on the Camden draft board. And according to Mr. Hardy's  
24 testimony before our Committee, he said that in advance of the  
25 raid someone in the Department had even acknowledged the fact

1 that they had all the information they needed to clamp down  
2 on the conspiracy and could arrest people at that point in time,  
3 and yet no arrests were made.

4 Why, Mr. Wannall, was this true?

5 Mr. Wannall. Well, I can answer that based only on the  
6 material that I have reviewed, Senator Schweiker. It was not  
7 a case handled in my division but I think I can answer your  
8 question.

9 There was, in fact, a representative of the Department  
10 of Justice on the spot counselling and advising continuously  
11 as that case progressed as to what point the arrest should be  
12 made and we were being guided by those to our mentors, the  
13 ones who are responsible for making decisions of that sort.

14 So I think that Mr. Hardy's statement to the effect that  
15 there was someone in the Department there is perfectly true.

16 Senator Schweiker. That responsibility rests with who  
17 under your procedures?

18 Mr. Wannall. We investigate decisions on making arrests,  
19 when they should be made, and decisions with regard to  
20 prosecutions are made either by the United States attorneys  
21 or by Federals in the Department.

22 Mr. Adams. At this time that particular case did have  
23 a departmental attorney on the scene because there are questions  
24 of conspiracy. Conspiracy is a tough violation to prove and  
25 sometimes a question of do you have the added value of catching

1 someone in the commission of the crime as further proof,  
2 rather than relying on one informant and some circumstantial  
3 evidence to prove the violation.

4 Senator Schweiker. Well, in this case, though, they  
5 even had a dry run. They could have arrested them on the  
6 dry run.

7 That's getting pretty close to conspiracy, it seems to  
8 me. They had a dry run and they could have arrested them on  
9 the dry run.

10 I'd like to know why they didn't arrest them on the dry  
11 run. Who was this Department of Justice official who made  
12 that decision?

13 Mr. Adams. Guy Goodwin was the Department official.

14 Senator Schweiker. Next I'd like to ask back in 1965,  
15 during the height of the effort to destroy the Klan, as you  
16 put it a few moments ago, I believe the FBI has released  
17 figures that we had something like 2,000 informers of some  
18 kind or another infiltrating the Klan out of roughly 10,000  
19 estimated membership.

20 I believe these are either FBI figures or estimates.  
21 That would mean that one out of every five members of the Klan  
22 at that point was an informant paid by the government.

23 And I believe the figure goes on to indicate that 70  
24 percent of the new members of the Klan that year were FBI  
25 informants.

1           Isn't this an awfully overwhelming quantity of people  
2 to put in an effort such as that? I'm not criticizing that  
3 you shouldn't have informants in the Klan and know what's  
4 going on for violence, but it seems to me that this is the  
5 tail wagging the dog.

6           For example, today we supposedly have only 1594 total  
7 informants for both domestic informants and potential informants  
8 and that here we had 2,000 just in the Klan alone.

9           Mr. Adams. Well, this number 2,000 did include all  
10 racial matters, informants at that particular time, and I  
11 think the figures we tried to reconstruct as to the actual  
12 number of Klan informants in relation to Klan members was around  
13 6 percent, I think, after we had read some of the testimony.

14           Now the problem we had on the Klan is the Klan had a  
15 group called the Action Group. This was the group that you  
16 remember from Mr. Rowe's testimony, that he was left af-  
17 ter the meeting. He attended the open meetings and heard  
18 all of the hurrahs and this type of thing from information,  
19 but he never knew what was going on because each one had an  
20 action group that went out and considered themselves in the  
21 missionary field.

22           Theirs was the violence.

23           In order to penetrate those, it takes, you have to direct  
24 as many informants as you possibly can against it. Bear in  
25 mind that I think the newspapers, the President and Congress and

1 everyone is concerned about the murder of the civil rights  
2 workers, the Linió Kent case, the Viola Liuzzo case, the  
3 bombings of the church in Birmingham. We were faced with one  
4 tremendous problem at that time.

5 Senator Schweiker. I acknowledge that.

6 Mr. Adams. Our only approach was through informants  
7 and through the use of informants we solved these cases, the  
8 ones that were solved. Some of the bombing cases we have  
9 never solved. They are extremely difficult.

10 These informants, as we told the Attorney General, and  
11 as we told the President, that we had moved informants like  
12 Mr. Rowe up to the top leadership. He was the bodyguard to the  
13 head man. He was in a position where he could forewarn us  
14 of violence, could help us on cases that had transpired, and  
15 yet we knew and conceived that this could continue forever  
16 unless we can create enough disruption that these members will  
17 realize that if I go out and murder three civil rights workers,  
18 even though the sheriff and other law enforcement officers are  
19 in on it, if that were the case and with some of them it was  
20 the case, that I would be caught. And that's what we did and  
21 that's why violence stopped, was because the Klan was insecure  
22 and just like you say, 20 percent, they thought 50 percent of  
23 their members ultimately were Klan members and they didn't  
24 dare engage in these acts of violence because they knew they  
25 couldn't control the conspiracy any longer.



1 Senator Schweiker. My time is expired. I just have  
2 one quick question..

3 Is it correct that in 1971 we're using around 6500  
4 informers for black ghetto situations?

5 Mr. Adams. I'm not sure if that's the year. We did  
6 have one year where we had a number like that which probably  
7 had been around 6000, and that was the time when the cities  
8 were being burned, Detroit, Washington, areas like this. We  
9 were given a mandate to know what the situation is, where is  
10 violence going to break out, what next?

11 They weren't informants like an individual penetrating  
12 an organization. They were listening posts in the community  
13 that would help tell us that we have a group here that's getting  
14 ready to start another fire-fight or something.

15 Senator Tower. At this point, there are three more  
16 Senators remaining for questioning. If we can try to get  
17 everything in in the first round, we will not have a second  
18 round and I think we can finish around 1:00, and we can go  
19 on and terminate the proceedings.

20 However, If anyone feels that they have another question  
21 that they want to return to, we can come back here by 2:00.

22 Senator Mondale?

23 Senator Mondale. Mr. Adams, it seems to me that the  
24 record is now fairly clear that when the FBI operates in the  
25 field of crime investigating, it may be the best professional

1 organization of its kind in the world. And when the FBI acts  
2 in the field of political ideas, it has bungled its job, it  
3 has interfered with the civil liberties, and finally, in the  
4 last month or two, through its public disclosures, heaped  
5 shame upon itself and really led toward an undermining of  
6 the crucial public confidence in an essential law enforcement  
7 agency of this country.

8 In a real sense, history has repeated itself because it  
9 was precisely that problem that led to the creation of the FBI  
10 in 1924.

11 In World War I, the Bureau of Investigation strayed from  
12 its law enforcement functions and became an arbiter and  
13 protector of political ideas. And through the interference  
14 of civil liberties and Palmer Raids and the rest, the public  
15 became so offended that later through Mr. Justice Stone and  
16 Mr. Hoover, the FBI was created. And the first statement  
17 by Mr. Stone was that never again will this Justice Department  
18 get involved in political ideas.

19 And yet here we are again looking at a record where with  
20 Martin Luther King, with anti-war resistors, with -- we even  
21 had testimony this morning of meetings with the Council of  
22 Churches. Secretly we are investigating this vague, ill-defined,  
23 impossible to define idea of investigating dangerous ideas.

24 It seems to be the basis of the strategy that people  
25 can't protect themselves, that you somehow need to use the

1 tools of law enforcement to protect people from subversive  
2 or dangerous ideas, which I find strange and quite profoundly  
3 at odds with the philosophy of American government.

4 I started in politics years ago and the first thing we  
5 had to do was to get the communists out of our parts and out  
6 of the union. We did a very fine job. As far as I know, and  
7 I'm beginning to wonder, but as far as I know, we had no help  
8 from the FBI or the CIA. We just rammed them out of the meetings  
9 on the grounds that they weren't Democrats and they weren't  
10 good union leaders when we didn't want anything to do with them.  
11 And yet, we see time and time again that we're going to  
12 protect the blacks from Martin Luther King because he's  
13 dangerous, that we're going to protect veterans from whatever  
14 it is, and we're going to protect the Council of Churches  
15 from the veterans, and so on, and it just gets so gummy and  
16 confused and ill-defined and dangerous, that don't you agree  
17 with me that we have to control this, to restrain it, so that  
18 precisely what is expected of the FBI is known by you, by the  
19 public, and that you can justify your actions when we ask  
20 you?

21 Mr. Adams. I agree with that, Senator, and I would like  
22 to point out that when the Attorney General made his statement  
23 Mr. Hoover subscribes to it, we followed that policy for about  
24 ten years until the President of the United States said that  
25 we should investigate the Nazi Party.

1 I for one feel that we should investigate the Nazi Party.  
2 I feel that our investigation of the Nazi Party resulted in  
3 the fact that in World War II, as contrasted with World War I,  
4 there wasn't one single incident of foreign directed sabotage  
5 which took place in the United States.

6 Senator Mondale. And under the criminal law you could  
7 have investigated these issues of sabotage.

8 Isn't sabotage a crime?

9 Mr. Adams. Sabotage is a crime.

10 Senator Mondale. Could you have investigated that?

11 Mr. Adams. After it happened.

12 Senator Mondale. You see, every time we get involved  
13 in political ideas, you defend yourself on the basis of  
14 crimes that could have been committed. It's very interesting.

15 In my opinion, you have to stand here if you're going to  
16 continue what you're now doing and as I understand it, you  
17 still insist that you did the right thing with the Vietnam  
18 Veterans Against the War, and investigating the Council of  
19 Churches, and this can still go on. This can still go on under  
20 your interpretation of your present powers, what you try to  
21 justify on the grounds of your law enforcement activities  
22 in terms of criminal matters.

23 Mr. Adams. The law does not say we have to wait until  
24 we have been murdered before we can --

25 Senator Mondale. Absolutely, but that's the field of

1 law again. You're trying to defend apples with oranges. That's  
2 the law. You can do that.

3 Mr. Adams. That's right, but how do you find out which  
4 of the 20,000 Bund members might have been a saboteur. You  
5 don't have probable cause to investigate anyone, but you can  
6 direct an intelligence operation against the German-American  
7 Bund, the same thing we did after Congress said --

8 Senator Mondale. Couldn't you get a warrant for that?  
9 Why did you object to going to court for authority for that?

10 Mr. Adams. Because we don't have probable cause to  
11 go against an individual and the law doesn't provide for  
12 probable cause to investigate an organization.

13 There were activities which did take place, like one time  
14 they outlined the Communist Party --

15 Senator Mondale. What I don't understand is why it  
16 wouldn't be better for the FBI for us to define authority  
17 that you could use in the kind of Bonn situation where under  
18 court authority you can investigate where there is probable  
19 cause or reasonable cause to suspect sabotage and the rest.

20 Wouldn't that make a lot more sense than just making these  
21 decisions on your own?

22 Mr. Adams. We have expressed complete concurrence in  
23 that. We feel that we're going to go beat to death in the  
24 next 100 years, you're damned if you do, and damned if you  
25 don't if we don't have a delineation of our responsibility

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1 in this area. But I won't agree with you, Senator, that we  
2 have bungled the intelligence operations in the United States.  
3 I agree with you that we have made some mistakes. Mr. Kelley  
4 has set a pattern of being as forthright as any Director of the  
5 FBI in acknowledging mistakes that had been made, but I think  
6 that as you said, and I believe Senator Tower said, and  
7 Senator Church, that we have to watch these hearings because  
8 of the necessity that we must concentrate on these areas of  
9 abuse. We must not lose sight of the  
10 overall law enforcement and intelligence community, and I  
11 still feel that this is the freest country in the world.  
12 I've travelled much, as I'm sure you have, and I know we have  
13 made some mistakes, but I feel that the people in the United  
14 States are less chilled by the mistakes we have made than they  
15 are by the fact that there are 20,000 murders a year in the  
16 United States and they can't walk out of their houses at night  
17 and feel safe.

18 Senator Mondale. That's correct, and isn't that an  
19 argument then, Mr. Adams, for strengthening our powers to go  
20 after those who commit crimes rather than strengthening or  
21 continuing a policy which we now see undermines the public  
22 confidence you need to do your job.

23 Mr. Adams. Absolutely. The mistakes we have made are  
24 what have brought on this embarrassment to us.

25 I'm not blaming the Committee. I'm saying we made some

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1 mistakes and in doing so this is what has hurt the FBI. But  
2 at the same time I don't feel that a balanced picture comes  
3 out, as you have said yourselves, because of the necessity  
4 of zeroing in on abuses.

5 I think that we have done one tremendous job. I think  
6 the accomplishments in the Klan was the finest hour of the  
7 FBI and yet, I'm sure in dealing with the Klan that we made  
8 some mistakes. But I just don't agree with bungling.

End Tape 7

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1 Senator Mondale. I don't want to argue over terms, but  
2 I think I sense an agreement that the FBI has gotten into trouble  
3 over it in the political idea trouble, and that that's where we  
4 need to have new legal standards.

5 Mr. Adams. Yes, I agree with that.

6 Senator Tower. Senator Huddleston.

7 Senator Huddleston. Thank you, Mr. Chairman.

8 Mr. Adams, these two instances we have studied at some  
9 length seems to have been an inclination on the part of  
10 the Bureau to establish a notion about an individual or a group  
11 which seems to be very hard to ever change or dislodge. In  
12 the case of Dr. King, where the supposition was that he was  
13 being influenced by Communist individuals, extensive investi-  
14 gation was made, surveillance, reports came back indicating that  
15 this in fact was untrue, and directions continued to go out  
16 to intensify the investigation. There never seemed to be a  
17 willingness on the part of the Bureau to accept its own facts.

18 Ms. Cook testified this morning that something similar  
19 to that happened with the Vietnam Veterans Against the War, that  
20 every piece of information that she supplied to the Bureau  
21 seemed to indicate that the Bureau was not correct in its  
22 assumption that this organization planned to commit violence,  
23 or that it was being manipulated, and yet you seemed to insist  
24 that this investigation go on, and this information was used  
25 against the individuals.



1 Now, are there instances where the Bureau has admitted that  
2 its first assumptions were wrong and they have changed their  
3 course?

4 Mr. Adams. We have admitted that. We have also shown  
5 from one of the cases that Senator Hart brought up, that after  
6 five days we closed the case. We were told something by an  
7 individual that there was a concern of an adverse influence  
8 in it, and we looked into it. On the Martin Luther King  
9 situation there was no testimony to the effect that we just  
10 dragged on and on, or admitted that we dragged on and on and  
11 on, ad infinitum. The wiretaps on Martin Luther King were  
12 all approved by the Attorney General. Microphones on Martin  
13 Luther King were approved by another Attorney General. This  
14 wasn't the FBI, and the reason they were approved was that  
15 there was a basis to continue the investigation up to a point.

16 What I testified to was that we were improper in discrediting  
17 Dr. King, but it's just like --

18 Senator Huddleston. The Committee has before it memoranda  
19 written by high officials of the Bureau indicating that the  
20 information they were receiving from the field, from these  
21 surveillance methods, did not confirm what their supposition  
22 was.

23 Mr. Adams. That memorandum was not on Dr. King. That  
24 was on another individual that I think somehow got mixed up  
25 in the discussion, one where the issue was can we make people

1 prove they aren't a Communist before we will agree not to  
2 investigate them.

3 But the young lady appearing this morning making the  
4 comment that she never knew of anything she told us that  
5 she considers herself a true member of the VVAW-WSO inasmuch  
6 as she feels in general agreement of the principles of it, and  
7 agreed to cooperate with the FBI in providing information regard-  
8 ing the organization to aid in preventing violent individuals  
9 from associating themselves with the VVAW-WSO. She is most  
10 concerned about efforts by the Revolutionary Union to take over  
11 the VVAW-WSO, and she is working actively to prevent this..

12 I think that we have a basis for investigating the VVAW-  
13 WSO in certain areas today. In other areas we have stopped  
14 the investigation. They don't agree with these principles  
15 laid down by the --

16 Senator Huddleston. That report was the basis of your  
17 continuing to pay informants and continuing to utilize that  
18 information against members who certainly had not been involved  
19 in violence, and apparently to get them fired from their job  
20 or whatever?

21 Mr. Adams. It all gets back to the fact that even in the  
22 criminal law field, you have to detect crime, and you have to  
23 prevent crime, and you can't wait until something happens. The  
24 Attorney General has clearly spoken in that area, and even our  
25 statutory jurisdiction provides that we don't --

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1 Senator Huddleston. Well, of course we've had considerable  
2 evidence this morning where no attempt was made to prevent  
3 crime, when you had information that it was going to occur.  
4 But I'm sure there are instances where you have.

5 Mr. Adams. We disseminated every single item which he  
6 reported to us.

7 Senator Huddleston. To a police department which you  
8 knew was an accomplice to the crime.

9 Mr. Adams. Not necessarily.

10 Senator Huddleston. Your informant had told you that,  
11 hadn't he?

12 Mr. Adams. Well, the informant is on one level. We have  
13 other informants, and we have other information.

14 Senator Huddleston. Yes, but you were aware that he  
15 had worked with certain members of the Birmingham police in  
16 order to --

17 Mr. Adams. Yes. He furnished many other instances also.

18 Senator Huddleston. So you weren't really doing a whole  
19 lot to prevent that incident by telling the people who were  
20 already part of it.

21 Mr. Adams. We were doing everything we could lawfully  
22 do at the time, and finally the situation was corrected, so that  
23 when the Department, agreeing that we had no further juris-  
24 diction, could sent the United States Marshal down to perform  
25 certain law enforcement functions.

1 Senator Huddleston. Now, the Committee has received  
2 documents which indicated that in one situation the FBI assisted  
3 an informant who had been established in a white hate group  
4 to establish a rival white hate group, and that the Bureau paid  
5 his expenses in setting up this rival organization.

6 Now, does this not put the Bureau in a position of being  
7 responsible for what actions the rival white hate group might  
8 have undertaken?

9 Mr. Adams. I'd like to see if one of the other gentlemen  
10 knows that specific case, because I don't think we set up a  
11 specific group.

12 This is Joe Deegan.

13 Mr. Deegan. Senator, it's my understanding that the  
14 informant we're talking about decided to break off from the  
15 group he was with. He was with the Macon Klan group of  
16 the United Klans of America, and he decided to break off. This  
17 was in compliance with our regulations. His breaking off,  
18 we did not pay him to set up the organization. He did it  
19 on his own. We paid him for the information he furnished  
20 us concerning the operation. We did not sponsor the organiza-  
21 tion.

22 Senator Huddleston. Concerning the new organization that  
23 he set up, he continued to advise you of the activities of that  
24 organization?

25 Mr. Deegan. He continued to advise us of that organization

1 and other organizations. He would advise us of planned  
2 activities.

3 Senator Huddleston. The new organization that he formed,  
4 did it operate in a very similar manner to the previous one?

5 Mr. Deegan. No, it did not, and it did not last that  
6 long..

7 Senator Huddleston. There's also evidence of an FBI  
8 informant in the Black Panther Party who had a position of  
9 responsibility within the Party with the knowledge of his  
10 FBI contact of supplying members with weapons and instructing  
11 them in how to use those weapons. Presumably this was in the  
12 knowledge of the Bureau, and he later became -- came in contact  
13 with the group that was contracting for murder, and he partici-  
14 pated in this group with the knowledge of the FBI agent, and  
15 this group did in fact stalk a victim who was later killed with  
16 the weapon supplied by this individual, presumably all in the  
17 knowledge of the FBI.

18 How does this square with your enforcement and crime  
19 prevention responsibilities.

20 Mr. Deegan.. Senator, I'm not familiar with that particular  
21 case. It does not square with our policy in all respects, and  
22 I would have to look at that particular case you're talking  
23 about to give you an answer.

24 Senator Huddleston. I don't have the documentation on that  
25 particular case, but it brings up the point as to what kind of

1 control you exercised over this kind of informant in this kind  
2 of an organization and to what extent an effort is made to  
3 prevent these informants from engaging in the kind of thing  
4 that you are supposedly trying to prevent.

5 Mr. Adams. A good example of this was Mr. Rowe, who became  
6 active in an action group, and we told him to get out or  
7 we would no longer use him as an informant, in spite of the  
8 information he had furnished in the past.

9 We have had cases, Senator, where we have had --

10 Senator Huddleston. But you also told him to participate  
11 in violent activities.

12 Mr. Adams. We did not tell him to participate in violent  
13 activities.

14 Senator Huddleston. That's what he said.

15 Mr. Adams. I know that's what he said. But that's what  
16 lawsuits are all about, is that there are two sides to the  
17 issue, and our agents handling this have advised us, and I  
18 believe have advised your staff, that at no time did they  
19 advise him to engage in violence.

20 Senator Huddleston. Just to do what was necessary to  
21 get the information, I believe maybe might have been his  
22 instructions.

23 Mr. Adams. I don't think they made any such statement  
24 to him along that line, and we have informants, we have  
25 informants who have gotten involved in the violation of the law,

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1 and we have immediately converted their status from an informant  
2 to the subject, and have prosecuted I would say, offhand, I  
3 can think of around 20 informants that we have prosecuted for  
4 violating the laws, once it came to our attention, and even  
5 to show you our policy of disseminating information on violence  
6 in this case, during the review of the matter, the agents told  
7 me that they found one case where their agent had been working  
8 24 hours a day, and he was a little late in disseminating the  
9 information to the police department. No violence occurred,  
10 but it showed up in a file review, and he was censured for  
11 his delay in properly notifying local authorities.

12 So we not only have a policy, I feel that we do follow  
13 reasonable safeguards in order to carry it out, including periodic  
14 review of all informant files.

15 Senator Huddleston. Well, Mr. Rowe's statement is  
16 substantiated to some extent with the acknowledgement by the  
17 agent in charge that if you're going to be a Klansman and you  
18 happen to be with someone and they decide to do something, that  
19 he couldn't be an angel. These were the words of the agent,  
20 and be a good informant. He wouldn't take the lead, but the  
21 implication is that he would have to go along and would have  
22 to be involved if he was going to maintain his credibility.

23 Mr. Adams. There's no question but that an informant at  
24 times will have to be present during demonstrations, riots,  
25 fistfights that take place, but I believe his statement was

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1 to the effect that -- and I was sitting in the back of the  
2 room and I don't recall it exactly, but some of them were  
3 beat with chains, and I didn't hear whether he said he beat  
4 someone with a chain or not, but I rather doubt that he did  
5 because it's one thing being present, and it's another thing  
6 taking an active part in criminal actions.

7 Senator Huddleston. He was close enough to get his  
8 throat cut.

9 How does the gathering of information --

10 Senator Tower. Senator Mathias is here, and I think that  
11 we probably should recess a few minutes.

12 Could we have Senator Mathias' questions and then should  
13 we convene this afternoon?

14 Senator Huddleston. I'm finished. I just had one more  
15 question.

16 Senator Tower. Go ahead.

17 Senator Huddleston. I wanted to ask how the selection of  
18 information about an individual's personal life, social, sex  
19 life and becoming involved in that sex life or social life  
20 is a requirement for law enforcement or crime prevention.

21 Mr. Adams. Our agent handlers have advised us on Mr.  
22 Rowe, that they gave him no such instruction, they had no  
23 such knowledge concerning it, and I can't see where it would  
24 be of any value whatsoever.

25 Senator Huddleston. You aren't aware of any case where

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1 these instructions were given to an agent or an informant?

2 Mr. Adams. To get involved in sexual activity? No, sir.

3 Senator Huddleston. Thank you, Mr. Chairman.

4 Senator Tower. Senator Mathias.

5 Senator Mathias. Thank you, Mr. Chairman.

6 I would like to come back very briefly to the Fourth  
7 Amendment considerations in connection with the use of informants  
8 and in posing these questions we're not thinking of the one  
9 time volunteer who walks in to an FBI office and says I have  
10 a story I want to tell you and that's the only time that you  
11 may see him. I'm thinking of the kind of situations in which  
12 there is a more extended relationship which could be of varying  
13 degrees. It might be in one case that the same individual  
14 will have some usefulness in a number of situations. But when  
15 the FBI orders a regular agent to engage in a search, the first  
16 test is a judicial warrant, and what I would like to explore  
17 with you is the difference between a one time search which  
18 requires a warrant, and which you get when you make that  
19 search, and a continuous search which uses an informant, or  
20 the case of a continuous search which uses a regular undercover  
21 agent, someone who is totally under your control, and is in a  
22 slightly different category than an informant.

23 Mr. Adams. Well, we get there into the fact that the  
24 Supreme Court has still held that the use of informants does  
25 not invade any of these constitutionally protected areas, and

1 if a person wants to tell an informant something that isn't  
2 protected by the Supreme Court.

3 An actual search for legal evidence, that is a protected  
4 item, but information and the use of informants have been  
5 consistently held as not posing any constitutional problems.

6 Senator Mathias. I would agree, if you're talking about  
7 the fellow who walks in off the street, as I said earlier,  
8 but is it true that under existing procedures informants are  
9 given background checks?

10 Mr. Adams. Yes, sir.

11 Senator Mathias. And they are subject to a testing period.

12 Mr. Adams. That's right, to verify and make sure they  
13 are providing to us reliable information.

14 Senator Mathias. And during the period that the relation-  
15 ship continues, they are rather closely controlled by the  
16 handling agents.

17 Mr. Adams. That's true.

18 Senator Mathias. So in effect they can come in a very  
19 practical way agents themselves to the FBI.

20 Mr. Adams. They can do nothing --

21 Senator Mathias. Certainly agents in the common law use  
22 of the word.

23 Mr. Adams. That's right, they can do nothing, and we  
24 instruct our agents that an informant can do nothing that the  
25 agent himself cannot do, and if the agent can work himself into

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1 an organization in an undercover capacity, he can sit there and  
2 glean all the information that he wants, and that is not in the  
3 Constitution as a protected area. But we do have this problem.

4 Senator Mathias. But if a regular agent who is a member  
5 of the FBI attempted to enter these premises, he would require  
6 a warrant?

7 Mr. Adams. No, sir, if a regular -- it depends on the  
8 purpose for which he is entering. If a regular agent by  
9 concealing his identity, by -- was admitted as a member of the  
10 Communist Party, he can attend Communist Party meetings, and he  
11 can enter the premises, he can enter the building, and there's  
12 no constitutionally invaded area there.

13 Senator Mathias. And so you feel that anyone who has  
14 a less formal relationship with the Bureau than a regular  
15 agent, who can undertake a continuous surveillance operation  
16 as an undercover agent or as an informant. --

17 Mr. Adams. As long as he commits no illegal acts.

18 Senator Mathias. Let me ask you why you feel that it is  
19 impractical to require a warrant since, as I understand it,  
20 headquarters must approve the use of an informant. Is that  
21 degree of formal action required?

22

23

24

25

end

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1 Mr. Adams. The main difficulty is the particularity  
2 which has to be shown in obtaining a search warrant. You  
3 have to go after particular evidence. You have to specify  
4 what you're going after, and an informant operates in an  
5 area that you just cannot specify. He doesn't know what's  
6 going to be discussed at that meeting. It may be a plot to  
7 blow up the Capitol again or it may be a plot to blow up the  
8 State Department building.

9 Senator Mathias. If it were a criminal investigation,  
10 you would have little difficulty with probable cause, wouldn't  
11 you?

12 Mr. Adams. We would have difficulty in a warrant to  
13 use someone as an informant in that area because the same  
14 difficulty of particularity exists. We can't specify.

15 Senator Mathias. I understand the problem because it's  
16 very similar to one that we discussed earlier in connection  
17 say wiretaps on a national security problem.

18 Mr. Adams. That's it, and there we face the problem of  
19 where the Soviet, an individual identified as a Soviet spy  
20 in a friendly country and they tell us he's been a Soviet spy  
21 there and now he's coming to the United States, and if we can't  
22 show under a probable cause warrant, if we couldn't show that  
23 he was actually engaging in espionage in the United States,  
24 we couldn't get a wiretap under the probable cause requirements  
25 which have been discussed. If the good fairy didn't drop the

1 evidence in our hands that this individual is here conducting  
2 espionage, we again would fall short of this, and that's  
3 why we're still groping with it.

4 Senator Mathias. When you say fall short, you really,  
5 you would be falling short of the requirements of the Fourth  
6 Amendment.

7 Mr. Adams. That's right, except for the fact that the  
8 President, under this Constitutional powers, to protect this  
9 nation and make sure that it survives first, first of all  
10 national survival, and these are the areas that not only the  
11 President but the Attorney General are concerned in and we're  
12 all hoping that somehow we can reach a legislative middle  
13 ground in here.

14 Senator Mathias. Which we discussed in the other national  
15 security area as to curtailling a warrant to that particular  
16 need.

17 Mr. Adams. And if you could get away from probable  
18 cause and get some degree of reasonable cause and get some  
19 method of sealing indefinitely your interest, say, in an  
20 ongoing espionage case and can work out those difficulties,  
21 we may get their yet.

22 Senator Mathias. And you don't despair of finding that  
23 middle ground?

24 Mr. Adams. I don't because I think that today there's  
25 more of an open mind between Congress and the Executive Branch

1 and the FBI and everyone concerning the need to get these  
2 areas resolved.

3 Senator Mathias. And you believe that the Department,  
4 if we could come together, would support, would agree to that  
5 kind of a warrant requirement if we could agree on the language?

6 Mr. Adams. If we can work out problems and the Attorney  
7 General is personally interested in that also.

8 Senator Mathias. Do you think that this agreement might  
9 extend to some of those other areas that we talked about?

10 Mr. Adams. I think that that would be a much greater  
11 difficulty in an area of domestic intelligence informant who  
12 reports on many different operations and different types of  
13 activities that might come up rather than say in a Soviet  
14 espionage or a foreign espionage case where you do have a little  
15 more degree of specificity to deal with.

16 Senator Mathias. I suggest that we arrange to get  
17 together and try out some drafts with each other, but in the  
18 meantime, of course, there's another alternative and that  
19 would be the use of wiretap procedure by which the Attorney  
20 General must approve a wiretap before it is placed, and the  
21 same general process could be used for informants, since  
22 you come to headquarters any way.

23 Mr. Adams. That could be an alternative. I think it  
24 would be a very burdensome alternative and I think at some  
25 point after we attack the major abuses, or what are considered

1 major abuses of Congress and get over this hurdle, I think  
2 we're still going to have to recognize that heads of agencies  
3 have to accept the responsibility for managing that agency  
4 and we can't just keep pushing every operational problem up  
5 to the top because there just aren't enough hours in the day.

6 Senator Mathias. But the reason that parallel suggests  
7 itself is of course the fact that the wiretap deals generally  
8 with one level of information in one sense of gathering  
9 information. You hear what you hear from the tap.

10 Mr. Adams. But you're dealing in a much smaller number  
11 also.

12 Senator Mathias. Smaller number, but that's all the  
13 more reason. When an informant goes in, he has all of his  
14 senses. He's gathering all of the information a human being  
15 can acquire from a situation and has access to more information  
16 than the average wiretap.

17 And it would seem to me that for that reason a parallel  
18 process might be useful and in order.

19 Mr. Adams. Mr. Mintz pointed out one other main  
20 distinction. to me which I had overlooked from our prior  
21 discussions, which is the fact that with an informant he is  
22 more in the position of being a central monitor in that one  
23 of the two parties to the conversation agrees, such as like  
24 central monitoring of telephones and microphones and  
25 anything else versus the wiretap itself where the individual

1 whose telephone is being tapped is not aware and there is,  
2 and neither of the two parties talking had agreed that their  
3 conversation could be monitored.

4 Senator Mathias. I find that one difficult to accept.  
5 If I'm the third party overhearing a conversation that is taking  
6 place in a room where I am, and my true character isn't perceived  
7 by the two people who are talking, in effect they haven't  
8 consented to my overhearing my conversation. Then they consent  
9 if they believe that I am their friend or their, a partisan  
10 of theirs.

11 But if they knew in fact that I was an informant for  
12 someone else, they wouldn't be consenting.

13 Mr. Adams. Well, that's like I believe Senator Hart  
14 raised earlier, that the courts thus far have made this  
15 distinction with no difficulty, but that doesn't mean that  
16 there may not be some legislative compromise which might be  
17 addressed.

18 Senator Mathias. Well, I particularly appreciate your  
19 attitude in being willing to work on these problems because  
20 I think that's the most important thing that can evolve from  
21 these hearings, so that we can actually look at the Fourth  
22 Amendment as the standard that we have to achieve. But the  
23 way we get there is obviously going to be a lot easier if we  
24 can work toward them together.

25 I just have one final question, Mr. Chairman, and that



1 deals with whether we shouldn't impose a standard of probable  
2 cause that a crime has been committed as a means of controlling  
3 the use of informants and the kind of information that they  
4 collect.

5 Do you feel that this would be too restrictive?

6 Mr. Adams. Yes, sir, I do.

7 When I look at informants and I see that each year  
8 informants provide us, locate 5000 dangerous fugitives, they  
9 provide subjects in 2000 more cases, they recover \$86 million  
10 in stolen property and contraband, and that's irrespective  
11 of what we give the local law enforcement and other Federal  
12 agencies, which is almost a comparable figure, we have almost  
13 reached a point in the criminal law where we don't have much  
14 left. And in the intelligence field we still, I think when  
15 we carve all of the problems away, we still have to make sure  
16 that we have the means to gather information which will permit  
17 us to be aware of the identity of individuals and organizations  
18 that are acting to overthrow the government of the United  
19 States. And I think we still have some areas to look hard  
20 at as we have discussed, but I think informants are here to  
21 stay. They are absolutely essential to law enforcement.  
22 Everyone uses informants. The press has informants, Congress  
23 has informants, you have individuals in your community that  
24 you rely on, not for ulterior purposes, but to let you know  
25 what's the feel of the people, am I serving them properly,

1 am I carrying out this?

2 It's here to say. It's been here throughout history  
3 and there will always be informants. And the thing we want to  
4 avoid is abuses like provocateurs, criminal activities, and  
5 to ensure that we have safeguards that will prevent that.  
6 But we do need informants.

7 Senator Tower. Senator Hart, do you have any further  
8 questions?

9 Senator Hart of Michigan. Yes. I ask unanimous request  
10 perhaps with a view to giving balance to the record, the  
11 groups that we have discussed this morning into which the  
12 Bureau has put informants, in popular language, our liberal  
13 groups -- I would ask unanimous consent that be printed in  
14 the record, the summary of the opening of the headquarters  
15 file by the Bureau of Dr. Carl McIntyre when he announced  
16 that he was organizing a group to counter the American Civil  
17 Liberties Union and other "liberal and communist groups,"  
18 is not a left only pre-occupation.

19 Senator Tower. Without objection, so ordered.

20 (The material referred to follows:)

21

22

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25

1 Senator Tower. Any more questions?

2 Then the Committee will have an Executive Session this  
3 afternoon in Room 3110 in the Dirksen Building at 3:00, and  
4 I hope everyone will be in attendance.

5 Tomorrow morning we will hear from Courtney Evans,  
6 Cartha DeLoach. Tomorrow afternoon, former Attorneys General  
7 Ramsey Clark and Edward Katzenbach.

8 The Committee, the hearings are recessed until 10:00  
9 a.m. tomorrow morning.

10 (Whereupon, at 1:10 o'clock p.m., the hearing in the  
11 above mentioned matter was concluded, to reconvene on Wednesday  
12 December 3rd, 1975, at 10:00 o'clock a.m.)

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TO: SAC:

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RE: TESTIMONY OF ASSISTANT TO THE DIRECTOR--  
DEPUTY ASSOCIATE DIRECTOR JAMES B. ADAMS  
BEFORE THE SENATE SELECT COMMITTEE ON  
12/2/75

Date December 5, 1975

☐ For information ☐ Retention optional ☐ For appropriate action ☐ Surep, by \_\_\_\_\_  
☐ The enclosed is for your information. If used in a future report, ☐ conceal all sources, ☐ paraphrase contents.  
☐ Enclosed are corrected pages from report of SA \_\_\_\_\_ dated \_\_\_\_\_

Remarks:

Re Bureau R/S of 12/4/75 which provided excerpts of Mr. Adams' testimony.

Attached for your information and assistance, is the complete transcript of above-referenced testimony.

**UNEDITED TRANSCRIPT**

Enc. (1)  
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*Serial 100*



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

FOR RELEASE  
10 A.M., EST  
WEDNESDAY, DECEMBER 10, 1975

STATEMENT OF

CLARENCE M. KELLEY

DIRECTOR

FEDERAL BUREAU OF INVESTIGATION

BEFORE THE

SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES

U. S. SENATE

WASHINGTON, D. C.

DECEMBER 10, 1975

1. SAC *[Signature]*
2. ASAC *[Signature]*
3. Sec. Supvr. *[Signature]*
4. Desk 4 *[Signature]*
5. Desk 5 *[Signature]*
6. Desk 6 *[Signature]*
7. LASH *[Signature]*

62-2665-13

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SAC (LASH) <i>[Signature]</i>	
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I welcome the interest which this Committee has shown in the FBI and most particularly in our operations in the intelligence and internal security fields.

I share your high regard for the rights guaranteed by the Constitution and laws of the United States. Throughout my 35-year career in law enforcement you will find the same insistence, as has been expressed by this Committee, upon programs of law enforcement that are themselves fully consistent with law.

I also have strongly supported the concept of legislative oversight. In fact, at the time my appointment as Director of the FBI was being considered by the Senate Judiciary Committee two and one-half years ago, I told the members of that Committee of my firm belief in Congressional oversight.

This Committee has completed the most exhaustive study of our intelligence and security operations that has ever been undertaken by anyone

outside the FBI other than the present Attorney General. At the outset, we pledged our fullest cooperation and promised to be as candid and forthright as possible in responding to your questions and complying with your requests.

I believe we have lived up to those promises.

The members and staff of this Committee have had unprecedented access to FBI information.

You have talked to the personnel who conduct security-type investigations and who are personally involved in every facet of our day-to-day intelligence operations.

You have attended numerous briefings by FBI officials who have sought to familiarize the Committee and its staff with all major areas of our activities and operations in the national security and intelligence fields.

In brief, you have had a firsthand examination of these matters that is unmatched at any time in the history of the Congress.

As this Committee has stated, these hearings have, of necessity, focused largely on certain errors and abuses. I credit this Committee for its forthright recognition that the hearings do not give a full or balanced account of the FBI's record of performance.

It is, perhaps, in the nature of such hearings to focus on abuses to the exclusion of positive accomplishments of the organization.

The Counterintelligence Programs which have received the lion's share of public attention and critical comment constituted an infinitesimal portion of our overall work.

A Justice Department Committee which was formed last year to conduct a thorough study of the FBI's Counterintelligence Programs has reported that in the five basic ones it found 3,247 Counterintelligence proposals were submitted to FBI Headquarters from 1956 to 1971. Of this total, 2,370 -- less than three-fourths -- were approved.

I repeat, the vast majority of those 3,247 proposals were being devised, considered, and many were rejected, in an era when the FBI was handling an average of 700,000 investigative matters per year.

Nonetheless, the criticism which has been expressed regarding the Counterintelligence Programs is most legitimate and understandable.

The question might well be asked what I had in mind when I stated last year that for the FBI to have done less than it did under the circumstances then existing would have been an abdication of its responsibilities to the American people.



What I said then -- in 1974 -- and what I believe today, is that the FBI employees involved in these programs did what they felt was expected of them by the President, the Attorney General, the Congress, and the people of the United States.

Bomb explosions rocked public and private offices and buildings; rioters led by revolutionary extremists laid siege to military, industrial, and educational facilities; and killings, maimings, and other atrocities accompanied such acts of violence from New England to California.

The victims of these acts were human beings -- men, women, and children. As is the case in time of peril -- whether real or perceived -- they looked to their Government, their elected and appointed leadership, and to the FBI and other law enforcement agencies to protect their lives, their property, and their rights.

There were many calls for action from Members of Congress and others, but few guidelines were furnished. The FBI and other law enforcement agencies were besieged by demands...impatient demands...for immediate action.

FBI employees recognized the danger; felt they had a responsibility to respond; and, in good faith,

initiated actions designed to counter conspiratorial efforts of self-proclaimed revolutionary groups, and to neutralize violent activities.

In the development and execution of these programs, mistakes of judgment admittedly were made.

Our concern over whatever abuses occurred in the Counterintelligence Programs -- and there were some substantial ones -- should not obscure the underlying purpose of those programs.

We must recognize that situations have occurred in the past and will arise in the future where the Government may well be expected to depart from its traditional role -- in the FBI's case, as an investigative and intelligence-gathering agency -- and take affirmative steps which are needed to meet an imminent threat to human life or property.

In short, if we learn a murder or bombing is to be carried out NOW, can we truly meet our responsibilities by investigating only after the crime has occurred, or should we have the ability to prevent? I refer to those instances where there is a strong sense of urgency because of an imminent threat to human life.

Where there exists the potential to penetrate and disrupt, the Congress must consider the question of

whether or not such preventive action should be available to the FBI.

These matters are currently being addressed by a task force in the Justice Department, including the FBI, and I am confident that Departmental guidelines and controls can be developed in cooperation with pertinent Committees of Congress to insure that such measures are used in an entirely responsible manner.

Probably the most important question here today is what assurances can I give that the errors and abuses which arose under the Counterintelligence Programs will not occur again?

First, let me assure the Committee that some very substantial changes have been made in key areas of the FBI's methods of operations since I took the oath of office as Director on July 9, 1973.

Today we place a high premium on openness -- openness both within and without the service.

I have instituted a program of open, frank discussion in the decision-making process which insures that no future program or major policy decision will ever be adopted without a full and critical review of its propriety.

Participatory management has become a fact in the FBI.

I have made it known throughout our Headquarters and Field Divisions that I welcome all employees, regardless of position or degree of experience, to contribute their thoughts and suggestions, and to voice whatever criticisms or reservations they may have concerning any area of our operations.

The ultimate decisions in the Bureau are mine, and I take full responsibility for them. My goal is to achieve maximum critical analysis among our personnel without in any manner weakening or undermining our basic command structure.

The results of this program have been most beneficial...to me personally...to the FBI's disciplined performance...and to the morale of our employees.

In addition, since some of the mistakes of the past were occasioned by direct orders from higher authorities outside the FBI, we have welcomed Attorney General Edward Levi's guidance, counsel, and his continuous availability -- in his own words -- "as a 'lightning rod' to deflect improper requests."

Within days after taking office, Attorney General Levi instructed that I immediately report to him any

requests or practices which, in my judgment, were improper or which, considering the context of the request, I believed presented the appearance of impropriety.

I am pleased to report to this Committee as I have to the Attorney General that during my nearly two and one-half years as Director under two Presidents and three Attorneys General, no one has approached me or made overtures -- directly or otherwise -- to use the FBI for partisan political or other improper purposes.

I can assure you that I would not for a moment consider honoring any such request.

I can assure you, too, in my administration of the FBI I routinely bring to the attention of the Attorney General and the Deputy Attorney General major policy questions, including those which arise in my continuing review of our operations and practices. These are discussed openly and candidly in order that the Attorney General can exercise his responsibilities over the FBI.

I am convinced that the basic structure of the FBI today is sound. But it would be a mistake to think that integrity can be assured only through institutional means.

Integrity is a human quality. It depends upon the character of the person who occupies the office of Director and every member of the FBI under him.

I am proud of the 19,000 men and women with whom it is my honor to serve today. Their dedication, their professionalism, their standards, and the self-discipline which they personally demand of themselves and expect of their associates are the Nation's ultimate assurance of proper and responsible conduct at all times by the FBI.

The Congress and the members of this Committee in particular have gained a great insight into the problems confronting the FBI in the security and intelligence fields -- problems which all too often we have been left to resolve without sufficient guidance from the Executive Branch or the Congress itself.

As in all human endeavors, errors of judgment have been made. But no one who is looking for the cause of our failures should confine his search solely to the FBI, or even to the Executive Branch.

The Congress itself has long possessed the mechanism for FBI oversight; yet, seldom has it been exercised.

An initial step was taken in the Senate in 1973 when the Committee on the Judiciary established a Subcommittee on FBI Oversight. Hearings had been

commenced, and we were fully committed to maximum participation with the members of that Subcommittee.

I laud their efforts. However, those efforts are of very recent origin in terms of the FBI's history.

One of the greatest benefits of the study this Committee has made is the expert knowledge you have gained of the complex problems confronting the FBI. But I respectfully submit that those benefits are wasted if they do not lead to the next step -- a step that I believe is absolutely essential -- a legislative charter, expressing Congressional determination of intelligence jurisdiction for the FBI.

Action to resolve the problems confronting us in the security and intelligence fields is urgently needed; and it must be undertaken in a forthright manner. Neither the Congress nor the public can afford to look the other way, leaving it to the FBI to do what must be done, as too often has occurred in the past.

This means too that Congress must assume a continuing role, not in the initial decision-making process but in the review of our performance.

I would caution against a too-ready reliance upon the Courts to do our tough thinking for us. Some proposals that have been advanced during these hearings would extend the role of the Courts into the early stages

of the investigative process and, thereby, would take over what historically have been Executive Branch decisions.

I frankly feel that such a trend, if unchecked, would seriously undermine the independence of the Judiciary and cast them in a role not contemplated by the authors of our Constitution. Judicial review cannot be a substitute for Congressional oversight or Executive decision.

The FBI urgently needs a clear and workable determination of our jurisdiction in the intelligence field, a jurisdictional statement that the Congress finds to be responsive to both the will and the needs of the American people.

Senators, first and foremost, I am a police officer -- a career police officer. In my police experience, the most frustrating of all problems that I have discovered facing law enforcement in this country -- Federal, state, or local -- is when demands are made of them to perform their traditional role as protector of life and property without clear and understandable legal bases to do so.

I recognize that the formulation of such a legislative charter will be a most precise and demanding task.



It must be sufficiently flexible that it does not stifle FBI effectiveness in combating the growing incidence of crime and violence across the United States. That charter must clearly address the demonstrated problems of the past; yet, it must amply recognize the fact that times change and so also do the nature and thrust of our criminal and subversive challenges.

The fact that the Department of Justice has commenced the formulation of operational guidelines governing our intelligence activities does not in any manner diminish the need for legislation. The responsibility for conferring jurisdiction resides with the Congress.

In this regard, I am troubled by some proposals which question the need for intelligence gathering, suggesting that information needed for the prevention of violence can be acquired in the normal course of criminal investigations.

As a practical matter, the line between intelligence work and regular criminal investigations is often difficult to describe. What begins as an intelligence investigation may well end in arrest and prosecution of the subject. But there are some fundamental differences between these

investigations that should be recognized -- differences in scope, in objective and in the time of initiation. In the usual criminal case, a crime has occurred and it remains only for the Government to identify the perpetrator and to collect sufficient evidence for prosecution. Since the investigation normally follows the elements of the crime, the scope of the inquiry is limited and fairly well defined.

By contrast, intelligence work involves the gathering of information, not necessarily evidence. The purpose may well be not to prosecute, but rather to thwart crime or to insure that the Government has enough information to meet any future crisis or emergency. The inquiry is necessarily broad because it must tell us not only the nature of the threat, but also whether the threat is imminent, the persons involved, and the means by which the threat will be carried out. The ability of the Government to prevent criminal acts is dependent on our anticipation of those unlawful acts. Anticipation, in turn, is dependent on advance information -- that is intelligence.

Certainly, reasonable people can differ on these issues. Given the opportunity, I am confident that the continuing need for intelligence work can be documented to the full satisfaction of the Congress. We

recognize that what is at stake here is not the interests of the FBI, but rather the interests of every citizen of this country. We recognize also that the resolution of these matters will demand extensive and thoughtful deliberation by the Congress. To this end, I pledge the complete cooperation of the Bureau with this Committee or its successor in this important task.

In any event, you have my unqualified assurance as Director that we will carry out both the letter and the spirit of such legislation as the Congress may enact.

SAC (66-1698)

12/10/75

SA GARRY G. LASH

FILMS

Inasmuch as video tapes have been sent to Buffalo of the dedication of the J. Edgar Hoover Building at Washington, D.C. and the testimony of Assistant to the Director JAMES ADAMS before the Senate Intelligence Committee, SA VINCENT PLUMPTON, JR. contacted CHARLES BOLLMANN, Training Division, to determine when a video tape machine would be provided Buffalo by the Bureau. BOLLMAN stated that the earliest would be late January, 1976.

SA PLUMPTON is currently attempting to determine where such a machine may be obtained locally in order to show these films to interested personnel.

① - 62-2665 (SENSTUDY)  
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62-2665-14

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FBI - BUFFALO	

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SAC (67-369-K)

11/19/75

SAC RICHARD D. ROGGE

MARY JO COOK

Re SAC memo 11/12/75 and memo of EDWARD P.  
GRIGALUS, 11/13/75.

This is to record that at 9:01 AM on 11/19/75  
Supv. PAUL V. DALY, Legal Counsel Division, FBIHQ, instructed  
that SA GARRY G. LASH should report to Room 3658 at FBIHQ  
on Thursday, 11/20/75 for briefing prior to interview by  
the Legal Counsel of Senstudy.

SA LASH was advised while SAC still on the  
telephone with Mr. DALY and he stated he would obtain  
suitable transportation to be in Washington, D.C., on the  
morning of 11/20/75.

The above is for record purposes.

① - 62-2665 (SENSTUDY, 75)  
1 - SAC  
1 - ASAC  
1 - SA LASH  
RDR:faf  
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FBI

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To: SAC, Albany

12/12/75

(Date)

From: Director, FBI

BUREAU-WIDE INFORMATION PROGRAM, 75-29

TERRORIST STATISTICS

Considerable interest in terrorist statistics was shown by attendees at the Security Seminar of the Former Special Agents meeting in Houston, Texas, on 11/7/75, addressed by Assistant Director W. Raymond Wannall.

In the event you are contacted in regard to such statistics, they are available on page 6, paragraphs 2 and 5, of my "Statement on Terrorism," before the Subcommittee on Internal Security, Senate Committee on Judiciary, November 19, 1975. Information in this statement, previously furnished all offices, is now public source data.

In addition, further statistical data on terrorism will be available in January, 1976, in the year-end review of the FBI Domestic Terrorist Digest and the FBI Police Bulletin.

- 2 - All Field Offices  
1 - Each Legat

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## FBI Reveals Death Threat To Politicians

Associated Press

WASHINGTON, Dec. 30 — The FBI disclosed Monday that a right-wing group has threatened to assassinate several prominent politicians, including the chairmen of congressional committees investigating the CIA and an announced presidential candidate.

The FBI is investigating the threat but there have been no arrests.

An FBI spokesman said the group, which calls itself Veterans Against Communist Sympathizers, threatened to kill the chairmen of both Senate and House Intelligence Committees, Sen. Frank Church (D., Ida.) and Rep. Otis Pike (D., N.Y.).

In addition, the group has threatened Fred Harris, a candidate for the Democratic presidential nomination, and Rep. Ron Dellums (D., Calif.), a member of the House Intelligence Committee, the FBI spokesman said.

He added that the threat was aimed also at Tim Butz, head of a Washington-based organization which has been publicly blamed for blowing the cover of CIA agent Richard Welch, who was slain last week in Greece.

The threat came in a note delivered to a Houston television station by "an unidentified individual" Dec. 26, according to the spokesman. He said the note did not specify why the five were singled out for assassination except to charge that they were "Communist-sympathizers."

A spokesman for Sen. Church said: "We are aware of the threat."

(Indicate page, name of newspaper, city and state.)

10

BUFFALO EVENING NEWS  
Buffalo, New York

cc Bureau

Date: 12/30/75  
Edition: City  
Author:  
Editor:  
Title: SENSTUDY 75

Character:

or

62-2665-17

Classification:

Submitting Office: Buffalo

☐ Being Investigated

ASAC *ML*  
LASH *ML*

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TO: SAC:

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RE:

Date 12/30/75

DIRECTORS APPEARANCE BEFORE SENATE SELECT  
COMMITTEE ON INTELLIGENCE ACTIVITIES,  
DECEMBER 10, 1975

☐ For information    ☐ Retention optional    ☐ For appropriate action    ☐ Surep, by \_\_\_\_\_  
☐ The enclosed is for your information. If used in a future report, ☐ conceal all sources, ☐ paraphrase contents.  
☐ Enclosed are corrected pages from report of SA \_\_\_\_\_ dated \_\_\_\_\_

Remarks:

ReButel to all SACs and Legats, 12/10/75.

Enclosed for each Office and Legat is one copy of the transcript of questions which were asked Mr. Kelley during captioned appearance, along with Mr. Kelley's answers to those questions.

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*above maintained as 1B exhibit see 1B1 Jm*

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DEC 31 1975	
FBI - BUFFALO	



(Mount Clipping in Space Below)

# ***FBI Probing Harris, Pike Death Threats***

WASHINGTON (UPI)—The FBI said on Tuesday it is investigating a threat to the lives of Democratic presidential candidate Fred Harris, three members of Congress and a magazine editor in retaliation for the murder of CIA agent Richard Welch in Greece.

The members of Congress were Sen. Frank Church, D-Idaho, and Reps. Otis Pike, D-N.Y., and Ronald Dellums, D-Calif. Church and Pike head congressional committees investigating activities of the CIA. Dellums is a member of the Pike committee.

A threatening letter from the "Veterans Against Communist Sympathizers" also named Harris and Tim Butz, a coeditor of the magazine "counterspy" which last year identified Welch as CIA station chief in Peru. Welsh had been transferred to Greece.

## **Letter in Houston**

Robert Franck, special agent in charge of the FBI Houston office, said the letter was delivered to Houston television station KDOG-TV the day after Christmas.

"It was a threat because of the disclosure of Welch's identity which they said led to his

killing," Franck said. "It just said it was a new organization to step forth in America and was condemning to death all Communists in America for their part in Mr. Welch's death. It was signed 'God Bless America.'"

## **Harris Upset**

Jim Hightower, a spokesman for Harris, said, "We're not going to put Fred in an armored car. He has talked about abolishing certain covert intelligence actions. We'll press right ahead with our campaign."

Hightower said it was "upsetting" that the FBI had not informed Harris of the threat until his office enquired about it after hearing it mentioned on a news broadcast on Tuesday. A spokesman for Church said the senator's office knew nothing of the threat until asked about it by a reporter.

(Indicate page, name of newspaper, city and state.)

2

COURIER EXPRESS  
Buffalo, New York

cc Bureau

Date: 12/31/75  
Edition: Four Star  
Author:  
Editor:  
Title: SENSTUDY 75

Character:

or

Classification:

62-2665-19

Submitting Office:

Buffalo

☐ Being Investigated

TO: SAC:

☐ Albany  
☐ Albuquerque  
☐ Alexandria  
☐ Anchorage  
☐ Atlanta  
☐ Baltimore  
☐ Birmingham  
☐ Boston  
☒ Buffalo  
☐ Butte  
☐ Charlotte  
☐ Chicago  
☐ Cincinnati  
☐ Cleveland  
☐ Columbia  
☐ Dallas  
☐ Denver  
☐ Detroit  
☐ El Paso  
☐ Honolulu

☐ Houston  
☐ Indianapolis  
☐ Jackson  
☐ Jacksonville  
☐ Kansas City  
☐ Knoxville  
☐ Las Vegas  
☐ Little Rock  
☐ Los Angeles  
☐ Louisville  
☐ Memphis  
☐ Miami  
☐ Milwaukee  
☐ Minneapolis  
☐ Mobile  
☐ Newark  
☐ New Haven  
☐ New Orleans  
☐ New York City  
☐ Norfolk

☐ Oklahoma City  
☐ Omaha  
☐ Philadelphia  
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☐ Portland  
☐ Richmond  
☐ Sacramento  
☐ St. Louis  
☐ Salt Lake City  
☐ San Antonio  
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☐ Beirut  
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☐ Madrid  
☐ Manila  
☐ Mexico City  
☐ Ottawa  
☐ Paris  
☐ Rome  
☐ Singapore  
☐ Tel Aviv  
☐ Tokyo

RE: DIRECTOR'S APPEARANCE

Date 1/5/76

BEFORE SENATE SELECT COMMITTEE  
ON INTELLIGENCE ACTIVITIES  
DECEMBER 10, 1975

*ASAS*

SEARCHED	INDEXED
SERIALIZED	FILED
JAN 6 1976	

☒ For information ☐ Retention optional ☐ For appropriate action ☐ Surety by FBI - BUFFALO  
☐ The enclosed is for your information. If used in a future report, ☐ conceal all sources; ☐ paraphrase contents.  
☐ Enclosed are corrected pages from report of SA dated

Remarks: By routing slip dated 12/30/75 and captioned as above, all SACs and Legats were furnished a copy of the transcript of Mr. Kelley's 12/10/75 appearance before the Senate Select Committee on Intelligence Activities. Although the data contained in the transcript may be made available to news media representatives, used in answering questions received from citizens, and otherwise treated as being of a public-source nature, the transcript itself should not be reproduced for, or given to, anyone outside the FBI.

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Bufile  
Urfile

*dictated insert into Agents memo 3:18P 1-6-76 to Weibel @ 62-2645-20*

(Mount Clipping in Space Below)

# Senate, Ford Combining on 'Spy' Reform

© New York Times News Service

WASHINGTON—The Senate Select Committee on Intelligence and the Ford administration have agreed to work out joint legislative proposals for reform of the United States intelligence community, Senate and White House officials said Saturday.

The unique plan to write legislation satisfactory to both the Senate and President Ford emerged during a series of private meetings between Sen. Frank Church, committee chairman, D-Idaho, Sen. John Tower, vice chairman, D-Tex., their key staff aides and senior White House officials in December and early January. The plan reportedly has Ford's approval. It was one of the announcements at a top-level White House meeting on Saturday on intelligence. The closed-door session, attended by the principals of the affected agencies, is the first time that the vast options for reform and reorganization of intelligence in this country were gathered in one briefing for the top level officials and the President.

## Orders May Follow

A series of executive orders,

some of which will remain secret, may follow shortly, senior White House officials said.

Joint sessions between executive branch officials and congressional committees to prepare legislation are unique in major proposals and have been used mainly to deal only with technical details of legislation in the past.

The House Select Committee on Intelligence refused to agree to the joint sessions, scheduled next month. A. Searl Field, staff director, said the House committee wanted to prepare "its own proposals, independently, uncolored by in-

(Indicate page, name of newspaper, city and state.)

2

COURIER EXPRESS  
Buffalo, New York

Date: 1/11/76  
Edition: Four Star  
Author:  
Editor:  
Title: SENSTUDY 75

Character:

or

Classification: 62-2665-2

Submitting Office: Buffalo

☐ Being Investigated

SEARCHED	INDEXED
SERIALIZED	FILED
JAN 12 1976	
FBI-BUFFALO	

fluences of the executive branch."

Aaron Donner, committee counsel, said the chairman, Rep. Otis G. Pike, D-N.Y., told White House officials "There was no way, never," that his committee would want to enter into such an agreement.

Some staff sources on both sides of Congress were wary about the joint sessions.

"If you start off with strong recommendations," one aide said, "these meetings will just give the intelligence community and the White House a chance to water them down to nothing."

However, Church said, "We reserve for the committee the

right to propose reforms even though the White House may take a different view." Senior White House officials said the Ford administration also "reserved" its rights to disagree with some of the committee's legislative proposals.

The reformers complain that officials of the CIA, Defense Intelligence Agency, Federal Bureau of Investigation, National Security Agency and others have seen the last year as merely a "damage control exercise" and have not faced the reality that Ford and Congress plan to make permanent, fundamental changes in their operations.



Sen. Frank Church  
... meets with Ford

(Mount Clipping in Space Below)

## Church Urges Overhaul of Spy Policies

By LUCIAN WARREN  
News Washington Bureau

WASHINGTON, Jan. 15 —

Sen. Frank Church (D., Ida.) Wednesday unveiled plans for a major overhaul of national intelligence policies.

The chairman of the Senate Intelligence Investigating Committee said that before his committee goes out of existence Feb. 29 it will recommend reforms along these lines:

—Covert operations designed to assassinate foreign leaders would be prohibited by law.

—There would be a flat prohibition on U. S. covert operations being used to help overthrow any freely elected foreign government.

—The fact that the U. S. government has legitimate secrets which must be kept would be recognized and penalties would be prescribed for the leakage of such secrets.

—Rather than have six congressional committees deal with intelligence activities in the executive branch, as now provided by law, his committee will recommend that a national oversight intelligence committee in the Senate handle such matters exclusively in the upper branch. A corresponding committee could be established in the House, but his committee would not object to one joint committee for both House and Senate.

—Such an oversight committee or committees would rotate membership and staff every two years.

—The executive branch would be required to inform the oversight group of all covert activities, but no legal covert activities could be stopped by Congress unless by votes of the full Senate and House or by "power of the purse string."

—Because the FBI has been operating only under directives from the executive branch and without any guidance from Congress, a new law will be proposed to spell out clearly FBI powers and duties.

In other comments before a breakfast session with reporters, Sen. Church:

—Said the release of lists of CIA agents serving abroad by former agents is "contemptible" and must be prohibited by law.

—Praised Secretary of State Henry Kissinger for rapprochement with China, detente with the Soviet Union and Middle East negotiations, but criticized him as a "compulsive intervenist" whose policies in Vietnam, Chile and Angola were against the best interests of the U. S.

(Indicate page, name of newspaper, city and state.)

10

BUFFALO EVENING NEWS  
Buffalo, New York

Date: 1/15/76  
Edition: Late City  
Author: Complete  
Editor:  
Title: SENSTUDY 75

Character:

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Classification: 62-2665-22  
Submitting Office Buffalo

☐ Being Investigated

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SERIALIZED	FILED
JAN 16 1976	
FBI-BUFFALO	

FBI

Transmit in \_\_\_\_\_ Via Airtel

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(Precedence)

To: SAC, Albany

1/14/76

✓ From: Director, FBI

PERSONAL ATTENTION

(Date)

COST OF RESPONDING TO INQUIRIES FROM  
OTHER AGENCIES, CONGRESSIONAL COMMITTEES  
AND REQUESTS UNDER THE FREEDOM OF INFORMATION  
AND PRIVACY ACTS (FOIPA)

As you are aware, the FBI is currently responding to inquiries from various Congressional committees and agencies such as the General Accounting Office. In addition, we are having to devote ever larger amounts of resources to the handling of requests under provisions of the FOIPA.

While much of the effort required to process these matters is expended at FBIHQ, the field offices are increasingly being called on to give responses. From time to time in the past, the cost of responding to the inquiry of a particular committee or agency has been monitored when this was deemed appropriate.

Since it appears the high volume of inquiries will continue for the foreseeable future, it is necessary to provide for an efficient, standardized mechanism of collecting cost data and reporting the time spent servicing requests from all oversight groups which will be instituted immediately. The time spent on FOIPA matters will also be reported through this centralized system. As major inquiries from new groups are received, the time spent servicing these requests should also be reported.

Under this system, each field office will submit an appropriate communication monthly reporting the time spent

2 - Each Field Office

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62-2665-23

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JAN 20 1976	
FBI - BUFFALO	

Airtel to Albany

Re: Cost of Responding to Inquiries From . . .

responding to the requests of various groups and handling FOIPA matters. This information must be received by the fifteenth of the month following the month being reported on and should be directed to the attention of the Budget and Accounting Section.

For uniformity, the information should be reported in the following sample format:

Office: Albany  
Month: January, 1976

General Accounting Office  
Agent Hours: 21  
Clerical Hours: 11

Freedom of Information Act  
Agent Hours: 61  
Clerical Hours: 13

Privacy Act  
Agent Hours: 17  
Clerical Hours: 7

Field offices are not expected to keep detailed time records. Reliable estimates are acceptable and time should be reported to the nearest whole hour.

The groups and activities which are being monitored at the present time are as follows:

Senate Select Committee on Intelligence Activities  
House Select Committee on Intelligence Activities  
General Accounting Office  
Freedom of Information Act  
Privacy Act

Statistics should be reported on any oversight afforded to the FBI and should not be restricted to the committees and agencies described above.

For accountability purposes a report should be submitted by each field office each month, even if there is little or no time to be reported. The first report is to be submitted by February 15, 1976 for the month of January.

Airtel to Albany

Re: Cost of Responding to Inquiries From. . .

The adoption of this system will eliminate the need to send numerous reports on individual groups or projects each month. Also, the form of data collection will now be uniform. The information obtained will be of value to FBI management for planning and staffing requirements and will be useful for budget justification purposes if it becomes necessary to seek additional personnel to handle this work.

Your cooperation is appreciated.



(Mount Clipping in Space Below)

# Congress Scored In Spy Data Leaks

WASHINGTON (AP) — The Ford administration accused the House Intelligence Committee of violating its oath by disclosing top secret intelligence operations contained in the committee's final report.

The report has not been released publicly. Press reports of covert operations covered in the report amount to "the obvious bursting of the dam protecting many of our secret operations and activities," said Central Intelligence Director William E. Colby.

"The committee seems neither able to keep secrets nor its agreement," Colby said.

A ranking member of the House committee, Rep. Robert N. Giamo, D-Conn., said he "Ford administration itself might have leaked the report in an effort to discredit Congress' ability to keep secrets and thereby cut off information to Congress in the future.

## Times Has Copy

The New York Times reported Monday that it had obtained a copy of the still-secret House committee report. Some other news organizations have carried stories based on portions of the report.

The report says U.S. intelligence costs about \$10 billion a year and says some covert operations sometimes have been ordered by presidents and their staffs over CIA and State Dept. opposition.

It says then-President Richard M. Nixon, for example, directed the CIA to support Kurdish rebels in Iraq over objections from the CIA, Secretary of State Henry A. Kissinger, and the State Dept.

The House committee set to work Monday on proposed recommendations including one to abolish a major Pentagon intelligence agency and another to create a permanent House

intelligence committee.

Without expressing criticism of Congress, FBI Director Clarence Kelley told a Senate committee that increased Congressional supervision could jeopardize his agency's investigative ability.

"The establishment of unlimited access of congressmen to FBI secrets could seriously jeopardize the flow of volunteer information, with is the life blood of our investigative organization," Kelley said.

At the White House, Press Secretary Ron Nessen said President Gerald R. Ford has not seen the final report and Nessen declined to comment on it.

But, he said "the premature release of the preliminary draft of the committee report is in violation of the security agreement which the White House understood it had with the committee for the handling of classified material."

## Serious Questions

"This unauthorized release raises serious questions about how classified material can be handled by Congress when the national security is at stake," Nessen said.

The bluntest attack came from senior Republican Robert McClory of Illinois as the House committee took up a proposed recommendation to create a permanent House committee to oversee secret intelligence operations.

"I must confess that at this point I am not confident a House committee could be trusted with this information," McClory said.

Later McClory was joined by several other House members in accusing the committee of violating an agreement with Ford by including secret information in its final public report.

(Indicate page, name of newspaper, city and state.)

2

COURIER EXPRESS  
Buffalo, New York

Date: 1/27/76  
Edition: Four Star  
Author:  
Editor:  
Title: SENSTUDY 75

Character:

or

Classification: 62-2665-24  
Submitting Office Buffalo

☐ Being Investigated

SEARCHED	INDEXED
SERIALIZED	FILED
A3 JAN 27 1976	
FBI-BUFFALO	

(Mount Clipping in Space Below)

## Spy Panel 'Buries' Its Report

WASHINGTON (UPI) — The House Intelligence Committee gave custody of 2,000 copies of its blocked report to the House clerk on Friday and said it was up to him to decide what to do with the document.

The full House, in a victory for President Ford, Thursday night voted 246 to 124 to ban publication of the 338-page document until the White House "certified" the removal of classified information that could damage U.S. intelligence activities.

An alternative was to flag the copies "with appropriate security markings" and distribute them "only to persons authorized to receive such classified information."

Rep. Otis Pike, D-N.Y., chairman of the Intelligence Committee, said after the vote he would not submit the report to censorship by the White House and the CIA, and the report now was "buried."

The burial vault selected on Friday was the office of House Clerk Ted Henshaw. One token printed copy was delivered to his custody and 2,000 more copies of what was to have been a 10,000-copy press run by the Government Printing Office were locked under his supervision.

The report will be in a deep freeze until at least Monday, although 1,000 copies — parts of which have been leaked to the press — are floating around the White House, the CIA, FBI, and other agencies.

(Indicate page, name of newspaper, city and state.)

2

COURIER EXPRESS  
Buffalo, New York

Date: 1/31/76  
Edition: Four Star  
Author:  
Editor:  
Title: SENSTUDY

Character:

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Classification: 62-2665-  
Submitting Office Buffalo

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FEB 2 1976	
FBI-BUFFALO	

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(Mount Clipping in Space Below)

### House Panel's Proposals Listed

The recommendations approved by the House Intelligence Committee on Tuesday included:

—Prohibition against the CIA from utilizing the media and religious and educational institutions for covert activities.

—A rule that judicial warrants must be issued on probable cause before an informant or any other agent may infiltrate any domestic group or association.

#### Limit on FBI Chief

—A stipulation the FBI director can serve no longer than two presidential terms and that he be accountable to the president only through the attorney general.

—The intelligence arms of the armed services be prohibited from engaging in covert action within the United States.

—Classification of information should be the subject of specific legislation which should include a method of regular declassification of secret and restricted information.

(Indicate page, name of newspaper, city and state.)

1

COURIER EXPRESS  
Buffalo, New York

Date: 2/11/76  
Edition: Four Star  
Author:  
Editor:  
Title: SENSTUDY

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Classification: 62-2665-26  
Submitting Office: Buffalo

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43 FEB 11 1976	
FBI-BUFFALO	

NR064 WA PLAIN

10:15PM NITEL 2-11-76 TKR

TO ALL SACS

FROM DIRECTOR

TESTIMONY BEFORE HOUSE CIVIL RIGHTS AND CONSTITUTIONAL RIGHTS  
SUBCOMMITTEE FEBRUARY 11, 1976.

THE ATTORNEY GENERAL AND I TESTIFIED BEFORE  
CAPTIONED SUBCOMMITTEE TODAY CONCERNING LEGISLATIVE  
POLICIES AND GUIDELINES FOR THE FBI. COPIES OF THE  
STATEMENTS PRESENTED TO THE COMMITTEE BY THE ATTORNEY  
GENERAL AND ME ARE BEING MAILED TO ALL OFFICES TODAY. FOR  
YOUR INFORMATION, THERE FOLLOWS A SYNOPSIS ACCOUNT OF THE  
MAJOR AREAS OF THE SUBCOMMITTEE'S QUESTIONS TO ME, TOGETHER  
WITH MY RESPONSES:

(1) IN RESPONSE TO QUESTIONS REGARDING THE  
PREVENTIVE ACTION PROVISION IN THE ATTORNEY GENERAL'S  
PROPOSED GUIDELINES FOR THE FBI WHICH ARE CITED IN HIS  
PREPARED STATEMENT, I STATED THAT THE PRIMARY MANDATE OF  
LAW ENFORCEMENT IS PREVENTION; THAT WE CANNOT INVESTIGATE  
SOLELY "AFTER THE FACT"; THAT ACTION TO PREVENT LEGITIMATE  
DISSENT UNDER OUR DEMOCRATIC FORM OF GOVERNMENT WOULD BE  
INTOLERABLE; THAT PRIOR TO TAKING PREVENTIVE ACTION IN A

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5. Desk 5   P
6. Desk 6   P
7. LASH   P

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FEB 11 1976	
FBI - BUFFALO	
SAC (LAST) <u>  P  </u>	

PAGE TWO

DOMESTIC SECURITY CASE TODAY WE WOULD ASCERTAIN THE NATURE AND EXTENT OF THE THREAT INVOLVED, CONSULT WITH THE DEPARTMENT, AND REACH A WORKABLE SOLUTION AS TO ANY NECESSARY AND PROPER ACTION TO BE TAKEN.

(2) REGARDING THE GUIDELINES, QUESTIONS WERE ASKED CONCERNING MY INPUT (MY RESPONSE WAS THAT THE FBI HAS A REPRESENTATIVE ON THE GUIDELINES COMMITTEE, AND I RECEIVE REPORTS FROM TIME TO TIME CONCERNING THE THRUST OF THESE GUIDELINES) AND WHETHER THE GUIDELINES IN PRESENT FORM ARE TOO STRICT OR LOOSE (MY RESPONSE WAS THAT THE FBI IS NOT UNCOMFORTABLE WITH THE GUIDELINES; THAT I CANNOT BROADLY CATEGORIZE THEM AS STRICT OR LOOSE; THAT THEY ARE STILL UNDER CONSIDERATION BUT AT THIS POINT ARE NOT TOO RESTRICTIVE).

(3) IN RESPONSE TO A QUESTION AS TO WHETHER THE DEPARTMENT OF JUSTICE SUPERVISES THE FBI, I STATED THAT I RECOGNIZE THAT IT DOES AND THAT I CAN STATE UNEQUIVOCALLY THAT I HAVE A VERY PLEASANT RELATIONSHIP WITH THE ATTORNEY GENERAL AND THAT WE GET ALONG VERY WELL.

(THE ATTORNEY GENERAL AGREED AND POINTED OUT THAT THE FBI HAS TO HAVE CONSIDERABLE AUTONOMY, THAT THE FBI DIRECTOR'S RESPONSIBILITY IS GREAT, AND THAT THE ATTORNEY GENERAL

PAGE THREE

HAS GENERAL OVERSIGHT RESPONSIBILITY OVER THE BUREAU. HE NOTED THAT THE ATTORNEY GENERAL "IS NOT RUNNING THE FBI" -- OR HE WOULD NOT HAVE TIME FOR ANYTHING ELSE -- AND THAT THERE IS "SOME DISTANCE" BETWEEN THE ATTORNEY GENERAL AND THE FBI DIRECTOR.)

(4) IN RESPONSE TO QUESTIONS CONCERNING CONTINUED OVERSIGHT OF THE FBI BY CONGRESSIONAL COMMITTEES, I STATED THAT SINCE APRIL, 1975, THE FBI HAS DEVOTED 4500 AGENT DAYS AND 2221 CLERICAL DAYS TO PROVIDE CONGRESS WITH THE INFORMATION THAT IT HAS REQUESTED; THAT SOME SOURCES AND INFORMANTS HAVE BECOME UNWILLING TO URNISH US INFORMATION BECAUSE OF THE WIDESPREAD DISCLOSURE OF THE MATERIAL WE HAVE PROVIDED CONGRESSIONAL COMMITTEES; THAT THE FBI DOES NOT OBJECT TO OVERSIGHT; THAT WE ARE WILLING TO HAVE OVERSIGHT AND GUIDELINES BUT THAT WE WANT TO DEVELOP SOME BALANCE SO THAT WE MAY MAINTAIN OUR CAPABILITIES INTACT TO FULLY DISCHARGE OUR RESPONSIBILITIES.

ALL LEGATS ADVISED SEPARATELY.

END

*DMB FBI BU*

NR064 WA PLAIN

10:15PM NITEL 2-11-76 TKR

TO ALL SACS

FROM DIRECTOR

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SUBCOMMITTEE FEBRUARY 11, 1976.

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ADMINISTRATIVE

GENERAL

JANUARY

CLERK

INVESTIGATIVE

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FBI - BUFFALO	
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PAGE TWO

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ALL LEGATS ADVISED SEPARATELY.

END

*DMB FBI BU*

(Mount Clipping in Space Below)

# House Spy Unit Leaves Unpublished Report on Abuses by CIA, FBI

United Press International

WASHINGTON, Feb. 11 — The House Intelligence Committee has folded its tent, leaving behind an unpublished report on "atrocious and horrendous things" done by the CIA and FBI and a stack of recommendations on how to prevent illegal activities and abuses.

"These proceedings are closed," said Chairman Otis Pike (D., N. Y.) in ending the committee's work Tuesday.

He gave members another day to forward any final minority observations they might have on a package of approved recommendations and said it all would be sent to the full House for action soon.

THE 13-MEMBER panel's mandate expires at midnight, leaving only the Senate Intelligence Committee in business until it also runs out of time at the end of the month.

Both committees have proposed permanent House and Senate oversight panels. With the filing of the House Committee's recommendations, the way was opened for a decision by Speaker Carl Albert (D., Okla.) on what to do with its controversial 338-page report, the fruit of a year's investigations.

The House voted Jan. 30 to ban publication until President Ford had a chance to delete material he thought might harm intelligence activities.

Rep. Mike said the document contains "atrocious and horrendous things" which should be made public and "not swept under the rug."

HE REFUSED to submit it to censorship. Instead he sent the 2000 printed copies to the clerk of the House who locked them up pending further action.

There were suggestions that Rep. Albert might propose a committee including himself and Democratic and Republican leaders to go over the re-

port with an official of the executive branch to decide what could be printed.

The committee's recommendation package was approved by a vote of 9-4.

Recommendations approved included:

—Prohibition against CIA use of the media and religious and educational institutions for covert activities.

—A rule that judicial warrants must be issued on probable cause before an informant or any other agent may infiltrate any domestic group or association.

\* \* \*

—A STIPULATION that the FBI director can serve no longer than two presidential terms and that he be accountable to the President only through the attorney general.

—The intelligence arms of the armed services be prohibited from engaging in covert action within the United States.

—Classification of information should be the subject of specific legislation which should include a method of regular declassification of secret and restricted information.

—The FBI's Internal Security Branch be abolished and the counterintelligence branch be reorganized, with its mission limited to investigating and countering the efforts of foreign-directed groups and individuals against the U. S.

—The Justice Department could order investigations of the activities of terrorist groups only on suspicion of specific violations of criminal law and not on the general grounds of "subversive activities."

(Indicate page, name of newspaper, city and state.)

7

BUFFALO EVENING NEWS  
Buffalo, New York

Date: 2/11/76  
Edition: Late City  
Author: Complete  
Editor:  
Title: SENSTUDY

Character:

or

Classification: 62-2665-28  
Submitting Office Buffalo

☐ Being Investigated

SEARCHED	INDEXED
SERIALIZED	FILED
#3 FEB 12 1976	
FBI-BUFFALO	

(Mount Clipping in Space Below)

# FBI Chief Against Too Stiff Curbs

WASHINGTON (AP) — FBI Director Clarence Kelley said on Wednesday that too much restrictive legislation over the agency's domestic intelligence activities may hamper its ability to investigate terrorist groups in the future.

Kelley, in testimony to a House judiciary subcommittee, said he endorses FBI guidelines proposed by the Justice Dept., but added that restrictions should not go too far.

"I want to emphasize that these domestic intelligence investigations are not undertaken for the purpose of collecting information on those who hold unpopular or controversial political views," Kelley said. "Their focus is on conduct, not ideas — conduct that involves or is likely to involve a violation of federal law."

The proposed FBI guidelines prohibit the commission or investigation by the FBI of criminal acts: the dissemination of information for the purpose of holding an individual or group up to scorn, ridicule, or disgrace; the dissemination of information anonymously or under false identity; and the incitement of violence.

## Guidelines Opposed

Subcommittee member Rep. Herman Badillo, D-N.Y., announced at the hearing he is filing a House resolution asking for rejection of the proposed FBI guidelines on grounds they are not tough enough.

He condemned the guidelines "as so broad as to give license to exactly the same kinds of activity the FBI has carried on up until now without the benefit of guidelines."

"During the past months," he said, "we have been shocked by the revelations surrounding Cointelpro operations against Martin Luther King. If the new guidelines are ever promulgated, exactly the same kind of activities could be given the sanction of respectability."

Cointelpro was a domestic intelligence program operating in the 1950s and 1960s in which the FBI disrupted and harassed groups of right and left persuasions.

(Indicate page, name of newspaper, city and state.)

3

COURIER EXPRESS  
Buffalo, New York

cc Bureau

Date: 2/12/76  
Edition: Four Star  
Author:  
Editor:  
Title: SENSTUDY

Character:

or

Classification: 62-2665 -28

Submitting Office: Buffalo

☐ Being Investigated

SEARCHED	INDEXED
SERIALIZED	FILED
#3 FEB 12 1976	
FBI-BUFFALO	

(Mount Clipping in Space Below)

# Don't hamstring us, Kelley pleads

WASHINGTON (AP) — Too much restrictive legislation over the FBI's domestic intelligence activities may hamper its ability to investigate terrorist groups in the future, FBI Director Clarence Kelley said yesterday.

Kelley, in testimony to a House judiciary subcommittee, said he endorses FBI guidelines proposed by the Justice Department, but added that restrictions shouldn't go too far.

"I want to emphasize that these (domestic intelligence) investigations are not undertaken for the purpose of collecting information on those who hold unpopular or controversial political views," Kelley said. "Their focus is on conduct, not ideas—conduct that involves or is likely to involve a violation of federal law."

The proposed FBI guidelines prohibit the commission or instigation by the FBI of criminal acts; the dissemination of information for the purpose of holding an individual or group up to scorn, ridicule, or disgrace; the dissemination of information anonymously or under false identity; and the incitement of violence.

Rep. Herman Badillo, D-N.Y., a subcommittee member said at the hearing he is filing a House resolution asking for rejection of the proposed FBI guidelines on grounds they aren't tough enough.

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Cointelpro was a domestic intelligence program operating from the 1950s and 1960s in which the FBI disrupted and harassed groups of right and left persuasions.

But Rep. Don Edwards, D-Calif., chairman of the civil and constitutional rights subcommittee, said Atty Gen. Edward H. Levi is doing very well on the draft guidelines, and he intends to hold more hearings on new tentative guidelines as they are developed.

Levi testified yesterday that the White House was often to blame for FBI harassment of political dissidents and urged Congress not to restrict the bureau's surveillance powers too severely.

Levi said White House pressures were responsible for many past incidents "in which the FBI was misused for political purposes."

(Indicate page, name of newspaper, city and state.)

13A

DEMOCRAT & CHRONICLE  
ROCHESTER, NEW YORK

Date: 2/12/76  
Edition: SUNRISE  
Author:  
Editor:  
Title: SENSTUDY

Character:

or

Classification: 62-2665  
Submitting Office: BUFFALO

☐ Being Investigated

62-2665-30

SEARCHED	INDEXED
SERIALIZED	FILED
3 FEB 13 1976	
FBI-BUFFALO	

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(Mount Clipping in Space Below)

## Intelligence Probe's 'Sideshow' Aspects

Certainly President Ford was not being serious in offering "all the services and resources of the executive branch" (including, apparently, FBI and Internal Revenue Service agents) to help seal up the "leaks" of the Select House Intelligence Committee's report, which has not been made public due to "classified" material therein.

First of all, the leaks haven't all come from the House or its Intelligence Committee, but from the executive branch itself—particularly from former Director William E. Colby of the Central Intelligence Agency—despite the statement to reporters by White House Press Secretary Ron Nessen that he was confident that the leak in question "did not come out of the executive branch." (It was Committee Chairman Otis G. Pike, D-N.Y., who prompted the President's offer, at least in part, by stating that the administration itself might have leaked

the material to make the committee look bad.)

Secondly, the President was surely being facetious in making his proposal because he must know that few intelligent members of the intelligence committee would agree to let the object of some of the committee's investigations come and do a probe of some of its own problems.

The whole thing is beginning to look like a "Katzenjammer Kids" scenario. When the nation has such tremendous economic problems as heavy unemployment, the unresolved questions of energy policy, idle plant capacity, and so forth, we do not understand why our governmental leaders in Washington, D.C., are still playing around with this sort of a sideshow. Why don't they cut out the political games and devote their energies to the hard-core problems of the country?

(Indicate page, name of newspaper, city and state.)

14

COURIER EXPRESS  
Buffalo, New York

cc Bureau

1 - 80-1877

Date: 2/16/76  
Edition: Four Star  
Author:  
Editor: Douglas L. Turner  
Title: SENSTUDY

Character:

or

Classification: 62-2665-31

Submitting Office: Buffalo

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SEARCHED	INDEXED
SERIALIZED	FILED
23 FEB 17 1976	
FBI - BUFFALO	



# Department of Justice

TESTIMONY

OF

THE HONORABLE EDWARD H. LEVI  
ATTORNEY GENERAL OF THE UNITED STATES

BEFORE

THE SUBCOMMITTEE ON CIVIL AND  
CONSTITUTIONAL RIGHTS  
COMMITTEE ON THE JUDICIARY  
HOUSE OF REPRESENTATIVES

9:30 A.M.  
WEDNESDAY, FEBRUARY 11, 1976  
WASHINGTON, D. C.

1. SAC ②
2. ASAC ML
3. Sec. Supvr. SV
4. Desk 4 WJ
5. Desk 5 JP
6. Desk 6 JP
7. LASH JP

R-3

ELMIRA JP

GENEVA JP

JAMESTOWN JP

OLEAN JP

ROCHESTER JP

62 2665 - 32

SEARCHED <u>7</u>	INDEXED <u>7</u>
SERIALIZED <u>7</u>	FILED <u>7</u>
FEB 15 1976	
FBI - BUFFALO	
SAC (LAST) <u>②</u>	



I welcome the opportunity to talk again with this Subcommittee. During the months since I last testified here there has been much discussion about various incidents which I described to you last February 27 involving the Federal Bureau of Investigation.

The FBI's domestic security investigations have received the most attention. And much of it has centered on COINTELPRO, which was revealed to this Subcommittee before I arrived at the Department of Justice and about which I provided further details by letter on May 17, 1975, when they came to my attention.

From the beginning, this Subcommittee has been interested in the FBI's domestic security investigations. But it has also been concerned with the whole range of FBI practices. During my last appearance before this Subcommittee I promised to start work preparing guidelines to govern FBI practices in the future. The preparation of those guidelines has been slow and difficult--much slower and more difficult than I had realized. The problems are complex and important--as important as any now facing the Department of Justice. I had hoped when I first appeared before this Subcommittee that I would be able to present to you at my next appearance a complete set

of guidelines. This has proven impossible. But progress has been made in drafting guidelines in several areas. You have been provided with the most recent drafts of proposed guidelines covering White House inquiries, investigations for congressional staff and judicial staff appointments, the handling of unsolicited mail, and domestic security investigations. These draft guidelines cover many of the areas that have been of greatest concern to this Subcommittee.

Because the statutory base for the operation of the FBI is not satisfactory, I know the members of this Subcommittee have been considering what changes it should enact. The guidelines may be helpful in these deliberations. Before discussing briefly each of the draft guidelines you have seen, I would like to make a few points about the question of statutory changes.

The basic statutory provision concerning the FBI is 28 U.S.C. 533 which provides that the Attorney General may appoint officials "(1) to detect and prosecute crimes against the United States; (2) to assist in the protection of the President; and (3) to conduct such investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General." In addition, 28 U.S.C. 531 declares that the Federal Bureau of Investigation is in the Department of Justice. There



are other statutes, such as the Congressional Assassination, Kidnapping and Assault Act, which vest in the Bureau certain special responsibilities to investigate particular criminal violations. There are also Executive Orders and Presidential statements and directives placing investigatory responsibility upon the Bureau.

In some areas--such as domestic security--the simple statutory base I have just described is overlaid with a series of executive orders (for example, Executive Order 10450 concerning the federal loyalty program) and directives dating back decades. The simplicity of the statute vanishes when placed in this setting. Moreover, the authorized work of the Bureau in terms of crime detection must be seen in the context of statutes passed by Congress such as the Smith Act, 18 U.S.C. 2385, the seditious conspiracy law, 18 U.S.C. 2384, and the rebellion and insurrection statute, 18 U.S.C. 2383. I would like to begin the discussion today by suggesting a few considerations that should be taken into account in deciding what statutory changes should be made to define more clearly the areas of the Bureau's jurisdiction and the means and methods which the Bureau is permitted to use in carrying out its assigned tasks.

First, there is a temptation to resort to having the courts make many difficult day-to-day decisions about investigations. When a Fourth Amendment search or seizure is involved, of

course, recourse to a court for a judicial warrant is in most circumstances required. But the temptation is to extend the use of warrants into areas where warrants are not constitutionally required. For example, as you know it has been suggested that the FBI ought to obtain a warrant before using an informant. Extending the warrant requirement in this way would be a major step toward an alteration in the basic nature of the criminal justice system in America. It would be a step toward the inquisitorial system in which judges, and not members of the executive, actually control the investigation of crimes. This is the system used in some European countries and elsewhere, but our system of justice keeps the investigation and prosecution of crime separate from the adjudication of criminal charges. The separation is important to the neutrality of the judiciary, a neutrality which our system takes pains to protect.

There is another, related consideration. To require judges to decide whether particular informants may be used in particular cases would bring the judiciary into the most important and least definable part of the investigative process. Even disregarding the problem of delay to investigations and the burden that would be placed upon courts, we must ask ourselves whether the control of human sources of information--which involves subtle, day-to-day judgments about credibility and personality--is something judges ought to be asked to undertake. It would place an enormous responsibility upon courts which either would be handled perfunctorily or, if handled with care, would place a tremendous burden of work on federal judges.

In drafting statutory changes, it must be remembered that rigid directions governing every step in the investigative process could sacrifice the flexibility that is necessary if an investigative agency is to adapt to the diverse factual situations it must face. Rigid statutory provisions would invite litigation at every step in the investigative process. Such litigation could very well be used by clever individuals to frustrate legitimate law enforcement efforts without achieving the measure of control for which the statutes were enacted. As Lord Devlin has said, "As soon as anything has been codified, there is a lawyer-like--but sometimes unfortunate--tendency to treat the written word as if it were the last word on the subject and to deal with each case according to whether it falls on one side or the other of what may be a finely drawn boundary."

These considerations do not in any way mean that Congress ought not act to clarify the FBI's statutory base. I want to emphasize my belief that Congress should do so. The problems I have mentioned are surmountable. The Department of Justice is ready to work with Congress in drafting statutes that will meet the issues that have been raised about the responsibilities of the FBI.

The proposed guidelines are part of our effort to cooperate with Congress in meeting its legislative responsibility. Some of what has been proposed in the guidelines may be useful

in drafting statutes. Other parts of the guidelines may best be left to regulations or Executive Orders. As I said in my earlier testimony before this Subcommittee, consultation with you and with other Congressional committees is an important part of the process by which these guidelines can be perfected. There will not be complete agreement about what has been proposed--indeed, within the Department of Justice there is some disagreement about some provisions--but this is inevitable and is a necessary part of the road we must travel. We welcome discussion, which is also essential. Let me then briefly describe the four proposed guidelines that have been substantially completed and have been provided to you. Others--which will cover criminal investigations, use of informants, counter-intelligence investigations and other areas--are currently being drafted by a committee within the Department chaired by Mary Lawton, Deputy Assistant Attorney General in the Office of Legal Counsel, and composed of representatives of the Civil Rights and Criminal Divisions, the Office of Policy and Planning, the Federal Bureau of Investigation, and the Attorney General's Office. As new guidelines are drafted in these areas they, too, will be made available to you.

When I testified before this Subcommittee last February I described a number of incidents which occurred in a period dating back more than a decade in which the FBI was misused for political purposes. I noted that in most cases we discovered where the White House was involved

the initiation of an improper request was made by a White House staff member--acting in the President's name--to a counterpart in the FBI. These requests were often made orally. White House staff members in a number of different positions were involved.

As you know, the FBI conducts background investigations of persons being considered for appointment by the President either to positions in government departments or agencies or to the White House staff. The FBI also checks its files and sometimes conducts further investigations of persons who will be in contact with the President or who will be given access to classified information. The guideline concerning White House inquiries sets up a procedure--which is already substantially being followed--which requires that requests for all such investigations be made in writing by the President or the Counsel or Associate Counsel to the President. Under the proposed guidelines the request for an investigation would have to certify that the person to be investigated has consented to the investigation with the knowledge that information gathered in the investigation would be retained by the FBI. The consent provision is important as a mechanism for preventing investigations in fact sought for political or other purposes from being initiated in the use of background investigations. It is also important as a protection of the privacy interests of persons to be investigated. There are provisions requiring

that access to information provided to the White House be strictly limited to those directly involved in the matter for which the investigation was initiated. Custodians of the files in the White House would be required to keep a list of all persons who were given access. The proposed guidelines concerning congressional staff and judicial staff appointments take the same basic approach as the guidelines concerning White House inquiries.

In addition the White House has been following the practice, which perhaps should be embodied in the guidelines, of directing through the Attorney General's Office all requests for investigation or for material from Bureau files except routine background checks. This was not the policy in the past. It reflects the Attorney General's role, which I described to you last year, as a lightning rod to deflect improper requests.

The proposed guidelines on the White House inquiries and on other matters accept the proposition that FBI files should be destroyed after a reasonable period of time. The deadlines for destruction of files have not yet been specified, however, because for administrative reasons these deadlines must be coordinated throughout the FBI file system.

The last time I appeared before this Subcommittee many members were concerned about the handling of unsolicited derogatory information received by the FBI. Unsolicited

information can be very valuable in law enforcement, as you know, but the concern has been that allegations about the private lives and habits of individuals have found their way into FBI files where they may remain for great lengths of time as a silent but troublesome invasion of individual privacy. In my testimony of last February 27, I suggested that on balance it would be desirable to devise some procedure under which some information in Bureau files would be destroyed. The guidelines concerning unsolicited information set up a procedure for the early destruction of such information when it does not relate to matters within the jurisdiction of the federal government or does not make an allegation of a serious crime within the jurisdiction of state or local police agencies. The draft guidelines provide for destruction of such unsolicited information within 90 days. The period after which other files would be required to be destroyed may vary. Information collected in background investigations might be retained long enough to avoid the need to repeat investigative steps as an individual moves from job to job within government or out of government and later back in. On the other hand, destruction of files developed in preliminary domestic security investigations may be required quite quickly if information indicating criminal conduct is not developed.

Finally I come to the proposed guidelines concerning the controversial area of domestic security investigations. I have already testified about these guidelines before the Senate Select Committee on Intelligence. Since that testimony, several changes have been made in the draft. You have been provided with the latest draft of these guidelines. There are several important features I would like to describe.

First, the proposed domestic security guidelines proceed from the proposition that government monitoring of individuals or groups because they hold unpopular or controversial political views is intolerable in our society. This is the meaning of the warning issued by former Attorney General Harlan Fiske Stone, as I read it. Stone said, "There is always the possibility that a secret police may become a menace to free government and free institutions, because it carries with it the possibility of abuses of power which are not always quickly apprehended or understood. . . It is important that its activities be strictly limited to the performance of those functions for which it was created and that its agents themselves be not above the law or beyond its reach. . . The Bureau of Investigation is not concerned with political or other opinions of individuals. It is concerned only with their conduct and then only with such conduct as is forbidden by the laws of the United States. When a police system passes beyond these limits, it is dangerous to the proper administration of justice and to human liberty, which it should be our first concern to cherish."



The proposed guidelines tie domestic security investigations closely to the violation of federal law. I realize there is an argument as to whether the guidelines tie domestic security investigations closely enough or too closely to the detection of criminal misconduct. But the main thing in my opinion is that the purpose of the investigation must be the detection of unlawful conduct and not merely the monitoring of disfavored or troublesome activities and surely not of unpopular views. This is accomplished in the guidelines by requiring some showing that the activities under investigation involve or will involve the use of force or violence and the violation of federal law. I must admit there is a problem-- in part a drafting problem but perhaps more than that--of how to describe or set forth a standard which further specifies what is meant by "some showing."

Because investigations into criminal conduct in the domestic security area may raise significant First Amendment issues, the proposed guidelines provide for compendious reporting on such investigations to the Department of Justice. In general the guidelines provide for a much greater involvement by the rest of the Department of Justice and the Attorney General in reviewing FBI domestic security investigations. The emphasis upon departmental and congressional review is important, but it must be recognized that the Bureau must have primary responsibility for controlling itself. The guidelines attempt to strike an appropriate balance. Periodic reports by the Bureau of preliminary investigations would be required. All

full investigations would have to be reported to the Attorney General or his designee within one week of their opening. The Attorney General or his designee could close any investigation. FBI Headquarters would be required to review the results of full investigations periodically and to close any when it appears that the standard for opening a full investigation is not satisfied and all logical leads have been exhausted or are not likely to be productive. Each open case would be reviewed annually in the Department of Justice and would be closed if no longer justified under the standards. The personal approval of the Attorney General would be required when such sensitive techniques as Title III electronic surveillance or preventive action are to be used, and the Attorney General would be required to report to Congress periodically on the instances, if any, in which preventive action was taken.

Preliminary investigations--which would not involve the infiltration of informants into organizations or groups or such techniques as electronic surveillance or mail covers--would be authorized only on the basis of information or allegations that an individual, or individuals acting in concert, may be engaged in activities which involve or will involve the use of force or violence and the violation of federal law for one of five designated purposes. Those criminal purposes are:

- (1) overthrowing the government of the United States or the government of a State;

(2) interfering, in the United States, with the activities of a foreign government or its authorized representatives;

(3) impairing for the purpose of influencing U.S. government policies or decisions:

(a) the functioning of the government of the United States;

(b) the functioning of the government of a State; or

(c) interstate commerce.

(4) depriving persons of their civil rights under the Constitution, laws, or treaties of the United States; or  
(5) engaging in domestic violence or rioting when such violence or rioting is likely to require the use of the federal militia or other armed forces.

Preliminary investigations would be limited to inquiries of public record and other public sources; FBI files and indices; federal, state and local records; and existing informants and sources. Interviews and physical surveillance undertaken for the limited purpose of identifying the subject of the investigation would be allowed, but interviews or surveillance for any other purpose would require the written authorization of the Special Agent in Charge of the appropriate Bureau field office.

The draft guidelines provide that such intrusive investigative techniques as infiltration of informants into organizations and use of electronic surveillance and mail covers may only be initiated as a part of full investigations. The guidelines set out the following standard for the opening of a full investigation:

"Full investigations must be authorized by the FBI Headquarters. They may only be authorized on the basis of specific and articulable facts giving reason to believe that an individual or individuals acting in concert are or may be engaged in activities which involve or will involve the use of force or violence and the violation of federal law for one or more" of the five purposes I mentioned earlier.

A provision is also included to allow the FBI to investigate for limited periods of time in situations in which domestic violence or rioting not violating federal law is likely to result in a request by a governor or legislature of a state under 10 U.S.C. 331 for the use of federal troops.

You will recognize that the standard for opening a full investigation proposed in the guidelines is the equivalent of the standard for a street stop and frisk enunciated by

the Supreme Court in Terry v. Ohio. There the Supreme Court wrote that in justifying a street search a police officer "must be able to point to specific and articulable facts which, when taken together with rational inferences from those facts, reasonably warrant the intrusion." In his summation of the holding of the Court, Chief Justice Warren wrote:

We. . .hold today that where a police officer observes unusual conduct which leads him reasonably to conclude in light of his experience that criminal activity may be afoot and that persons with whom he is dealing may be armed and presently dangerous, where in the course of investigating this behavior he identifies himself as a policeman and makes reasonable inquiries, and where nothing in the initial stages of the encounter serves to dispel his reasonable fear for his own or others' safety, he is entitled for the protection of himself and others in the area to conduct a carefully limited search of the outer clothing of such persons in an attempt to discover weapons which might be used to assault him. (emphasis added) (392 U.S. 1, 30)

This standard was adopted because it requires a strong showing of criminal conduct before a full investigation is authorized. I should point out that a change was made in this part of the guidelines since my testimony before the Senate Select Committee. Originally the standard had required a showing of specific and articulable facts giving reason to believe that the subjects of the investigation are engaged in activities that involve or will involve force and violence and the violation of federal law. The change to the phrase "are or may be" brings the formulation of the standard more closely in line with the Terry standard. The previous language of the guidelines proved to be too close to the arrest standard--that is, too restrictive as a standard for the opening of an investigation. The close correspondence of the revised draft's standard with the Terry language gives the guidelines' formulation a foundation in the Supreme Court's analysis of an analagous constitutional problem which, while it involves a different area of law enforcement, does provide a definition for the standard which is to control Bureau activities.

The proposed guidelines go on to require an additional consideration before a full investigation is opened. The guidelines state:

[T]he following factors must be considered in determining whether a full investigation should be undertaken:

- (1) the magnitude of the threatened harm;

- (2) the likelihood it will occur;
- (3) the immediacy of the threat;
- and
- (4) the danger to privacy and free expression posed by a full investigation.

This listing of factors, which has been added in the latest draft, gives the standard a dimension and explicitness it did not have in earlier drafts. For example, the balancing of the factors would require officials of the FBI and the Department of Justice to close any full investigation even if there is clear threat of a violation of federal law if the threatened harm is de minimus or unlikely or remote in time.

Finally, the draft guidelines provide a procedure to be followed in emergency situations when action by the FBI to intervene to prevent the use of illegal force and violence may be required. This section of the proposed guidelines has proven to be controversial, in part for fear that it seeks to allow the FBI to engage in activities of the sort that were involved in COINTELPRO. As I have said many times before, the activities that went under the name COINTELPRO were either foolish or outrageous, and the preventive action section of the guidelines was not intended to legitimize such activities, nor would it do so. It was included in the draft guidelines in the recognition that emergency situations may arise in which human life or the essential functioning

of government may be threatened. In such situations law enforcement officials would be expected to act to save life or protect the functioning of government. Indeed, law enforcement officials would be condemned if they did not act. The preventive action section of the guidelines was designed to provide a procedure for the Attorney General to authorize and report to Congress such activities. It was designed to set up an orderly and careful procedure to be followed in the case of emergency. It could be supplemented by further rules developed by the Attorney General. Under the proposed guidelines the Attorney General could authorize a preventive action only when there is probable cause to believe that illegal force or violence will be used and that it threatens life or the essential functioning of government. The Attorney General could authorize preventive action only when it is necessary to minimize the danger, that is, when other techniques will not work. In the latest draft of the guidelines several specific prohibitions were included to make clear that new COINTELPRO are not to be sanctioned. Prohibited are the commission or instigation by the FBI of criminal acts; the dissemination of information for the purpose of holding an individual or group up to scorn, ridicule, or disgrace; the dissemination of information anonymously or under false identity; and the incitement of violence.

It may be that Congress will choose to prohibit any FBI efforts to intervene to prevent force or violence. But to do so carries with it a risk and a responsibility.



The proposed guidelines are still in the process of revision. They are tentative. As the guidelines have been developed they have been shown to the Chairman of this Subcommittee. We must enunciate the differences among us about the best words to use and then seek to resolve those differences. But the main thrust of the guidelines is surely the most important thing, their recognition of the need for a program for destruction of files in the interest of privacy, their requirement of consent from the subject of background investigations, their requirement of progressively higher standards and higher levels of review for more intrusive investigative techniques, their requirement that domestic security investigations be tied closely with the detection of crime, and their safeguards against investigations of activities that are merely troublesome or unpopular. Upon these main themes I hope we all agree.

The Department of Justice has undertaken other steps to meet some of the issues of concern to this Subcommittee. We have created an Office of Professional Responsibility to investigate allegations of improper conduct by Department personnel and to review the investigations done by internal inspection units of agencies within the Department. We have been trying to work out a legislative proposal to bring national security wiretapping and microphone surveillance under a judicial warrant procedure. On June 24, 1975, I

provided the Chairman of the House Judiciary Committee with statistics concerning the use of national security electronic surveillance instituted without prior judicial approval.

Before the Church Committee I recounted the history of national security electronic surveillance since 1940, revealing a year-by-year count of the number of telephone and microphone surveillances. The latest figures in this area show that in 1975 a total of 122 telephone wiretaps and 24 microphone devices were used to overhear conversations.

We have tried to be cooperative with this and other committees of Congress about other aspects of the past history of the FBI and other agencies within the Department. We have tried to reveal as much as possible about the past out of a sense of comity and a feeling that the past problems must be discussed in the process of creating new policy. But we have tried also to recognize that the past is not always the best guide to the future. As we review recent history we may be so overwhelmed by it--and by our failure of memory about the social and political forces that shaped recent history--that we will read its lessons more broadly than we ought to. If there was a lack of humility in the past about the perfection of our vision of what was proper, I hope we cannot fail to recognize the flaws in our vision about the past and the future today.

It is a challenging and interesting time, and I hope together we can prepare ourselves wisely for the future. We cannot escape from the responsibility of looking at the problems we face today and are likely to face in the future.

When I testified almost one year ago I stated to this committee--and I want to emphasize most strongly again today--that I have both a personal and official concern for the issues which face us in this area. Those issues are close to the basic duties of the Attorney General to protect the society--its values, and the safety of its members. I am sure that Director Kelley will agree with me that we must clarify for the present and for the future the kind of course to be followed, meticulously and candidly. I believe we have already made considerable progress in this regard. Together with Congress legislation can be worked out and wise policy achieved.



## UNITED STATES DEPARTMENT OF JUSTICE

## FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

STATEMENT OF

CLARENCE M. KELLEY

DIRECTOR

FEDERAL BUREAU OF INVESTIGATION

BEFORE THE

CIVIL RIGHTS AND CONSTITUTIONAL RIGHTS

SUBCOMMITTEE OF THE

COMMITTEE ON THE JUDICIARY

U. S. HOUSE OF REPRESENTATIVES

WASHINGTON, D. C.

FEBRUARY 11, 1976

62-2665-33

1. SAC *Q*
2. ASAC *am*
3. Sec. Supvr. *gv*
4. Desk 4 *W*
5. Desk 5 *W*
6. Desk 6 *W*
7. *WASH*

ELMIRA *RWB*

GENEVA *W*

JAMESTOWN *W*

OLEAN *W*

ROCHESTER *W*

DAVISON

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SERIALIZED	FILED
FEB 18 1976	
FBI - BUFFALO	
SAC (WAST) <i>Q</i>	

As the Supreme Court has observed: "...unless Government safeguards its own capacity to function and to preserve the security of its people, society itself could become so disordered that all rights and liberties would be endangered."

As a practical matter, the line between domestic security work and investigations of ordinary crime is often difficult to describe. What begins as an intelligence investigation may well end in arrest and prosecution of the subject.

I want to emphasize that these investigations are not undertaken for the purpose of collecting information on those who hold unpopular or controversial political views. Their focus is on conduct, not ideas -- conduct that involves or is likely to involve a violation of Federal law.

But the important distinguishing characteristic of a successful domestic security case is prevention -- they are undertaken primarily to thwart illegal activities, not to prosecute. As a consequence, intelligence work involves the gathering of information, not necessarily evidence. The purpose is to insure that the government has enough information at its disposal to either frustrate or minimize the consequences of

I wish to thank the Committee for the opportunity to contribute my views for your consideration on legislative policies and guidelines for the FBI.

My understanding is that your primary concern at this time is the FBI's investigative responsibilities in the domestic security area.

We must consider first that these investigations deal with activities posing a threat to orderly and legally constituted government -- interests which the government has a special obligation to protect.

the intended harm. As the Supreme Court put it, "the emphasis of domestic intelligence gathering is on the prevention of unlawful activity or the enhancement of the Government's preparedness for some possible future crisis or emergency."

If we are to accomplish these objectives, the FBI must initiate the investigation in advance of the crime. The ability of government to prevent criminal acts threatening domestic security is dependent on our anticipation of their occurrence. Anticipation, in turn, is dependent on advance information -- that is intelligence. Moreover, the interests involved are too important for the government to wait until the crime is imminent or an attempt is made before it begins its investigative activity.

Let's consider, for the moment, the problem of terrorism.

Terrorist acts are increasing globally; but more to the point, terrorist activity is growing in the United States.

There were 89 bombings attributable to terrorist activity in 1975 -- an average of seven a month. That was almost double the number in 1974 (45) and more than three times the number in 1973 (24).

Eleven people were killed in terrorist acts in 1975 -- six of them in bombings. Seventy-six persons were injured in these bombings. Property damage amounted to more than \$2.7 million.

Who is responsible for these brutal and destructive acts?

--The New World Liberation Front, a revolutionary group operating primarily in California, boasted of committing 19 bombings. A public utility company was its primary victim.

--The Armed Forces of Puerto Rican Liberation, or FALN, claimed 18 bombings and one unsuccessful attempt. The group's favorite targets were government and corporate facilities -- especially banks -- in New York City, Chicago, and Washington, D. C.

The FALN took credit for the bloodiest terrorist bombing last year, the explosion that killed four people and injured 53 others on January 24, 1975, at Fraunces Tavern in New York City. Fraunces Tavern was where George Washington said farewell to his troops in 1783, and it is the former home of the New York Stock Exchange.

The FALN's destructive capabilities were amply demonstrated on October 27, 1975, by its claimed responsibility for its coordinated, simultaneous attacks on government and



business buildings in New York, Chicago and Washington, D. C. The explosions marked the observance of the first anniversary of the FALN's existence.

--Other destructive bombings were claimed by the Continental Revolutionary Army, Red Guerrilla Family, George Jackson Brigade, Emiliano Zapata Unit and the Chicano Liberation Front.

The Weather Underground claimed three bombings and one attempt in 1975. One of the blasts was at the State Department in Washington; an attempt fizzled at a Department of Defense facility in Oakland, California.

Four recently published issues of the Weather Underground's newsletter, "Osawatomie," contained this threat regarding our Nation's Bicentennial, July 4, 1976: "The rulers have set the time for the party; let us bring the fireworks."

It should be obvious from this appalling list of violence that we are not as successful as we would hope to be in dealing with such matters. But there have been numerous cases where information gathered in domestic security investigations made it possible to thwart or minimize violence or to make prompt arrests, preventing further incidents of violence. Let me give you a graphic example.

In August of 1974, a bomb was discovered at the United Nations. Two days after the occurrence, the Louisville FBI Office received information that an attempt had been made to recruit a resident of Kentucky to participate in a crime to be committed at the United Nations.

Information gathered during a prior domestic security investigation made possible the identification of the individual making the attempted recruitment. As a result of continued investigation, this same individual was convicted and sentenced to serve 25 years.

In addition to terrorist groups, we are also faced with individuals or organizations who are dedicated to the eventual violent overthrow of this government. I know there are those who feel that the government ought not to concern itself or expend its investigative resources on the prevention of what might be a remote or highly unlikely occurrence. Reasonable people can differ on the proper governmental response to these situations.

Suppose an organization openly espouses revolutionary doctrine, that is to say, the use of force and violence to overthrow the government. But it is clear that they will not take immediate action, or if they did, that they would not be successful. In the meantime, they actively recruit new members,

and attempt to strengthen their financial resources -- and wait for the proper moment. I recognize that advocacy alone is not a violation of Federal law, nor am I suggesting that we make it one. I am aware also of the special constitutional problems that are presented by these cases. As Justice Powell put it, the investigative duty of the executive may be stronger in such matters, but "so also is there greater jeopardy to constitutionally protected speech."

It has always been my philosophy as a law enforcement officer that the government should strive at all times to meet its obligations for the maintenance of security with the least possible intrusion on the affairs of its citizens.

But what would you have us do about the presence of revolutionary organizations in our society? Should they be totally ignored on the premise that somehow government will receive an adequate warning that violence is imminent and will be able to take the necessary measures to prevent the crime or at least to minimize its consequences. Where is the warning to come from, if not even the most preliminary and minimal kind of inquiry is permitted?

As the head of the principal Federal law enforcement agency in the country, I feel that I would be remiss in my duties if I were to ignore any group that advocates violence to

accomplish its objectives. Indeed, the Congress has passed a number of Federal statutes over which the Bureau has investigative responsibilities, all of which are designed to secure the internal security of this Nation.

It may well be that the government's investigative response in such matters should be carefully measured and need not be as exhaustive or intrusive as our investigations into completed crimes, particularly those of terrorist groups. But I submit it would be unrealistic to prevent the government from obtaining information needed by the executive for sound judgments about the nature and extent of the threat posed at any given time by such organizations.

However secure we may feel today about the strength and durability of this Nation -- and we have every reason to feel that way -- no one among us can claim any special knowledge about what tomorrow will bring. Legislation adopted in today's climate which severely limits the ability of government to respond effectively to such matters may well prove too restrictive to meet the needs of the future.

I recognize that Congressional concern in the area of domestic security investigations has been prompted by past mistakes or errors in judgment. My own view is that there is

no institutional mechanism that can guarantee integrity in government. In the final analysis, we must place our trust in individuals. But I realize that more must be done -- it is not enough to rely on self-restraint.

We have made a commitment to review past FBI procedures and practices. Investigations in the domestic security area have been reduced significantly since July 1973.

As you are aware, the FBI is participating with other representatives of the Department of Justice in the drafting of guidelines to govern various areas of FBI operations including domestic security investigations. These guidelines represent a positive response to the need for a delineation of the FBI's proper role and will provide for control and review of the FBI's performance.

Those portions of the guidelines dealing with the jurisdictional basis of domestic security investigations are an appropriate subject for legislation. Other sections might be put into effect by regulation or Executive Order. Views may differ on the precise form or content of the guidelines. Whatever the outcome, they represent a conscientious effort to deal with one of the most difficult and complex areas of our investigative responsibilities.

The resolution of these matters will demand extensive and thoughtful deliberation by the Congress. In that regard, I pledge the complete cooperation of the Bureau and assure you that we will carry out both the letter and spirit of such legislation as the Congress may enact.

(Mount Clipping in Space Below)

## No Case for Special Prosecutor

Sen. Frank Church is most unconvincing with his hasty proposal that yet another investigation and possible prosecution of alleged wrongdoing by CIA and FBI personnel in the past should be handled by a special prosecutor and not by the Justice Department.

This seems a wholly unnecessary departure from normal procedure. Sen. Church chairs the select Senate committee that is winding up a months-long probe of FBI, CIA and other intelligence activities. Such investigating committees customarily turn over any evidence of suspected illegal actions to the Justice Department for appropriate follow-up.

But Sen. Church says this would be unwise here, since the FBI, as one of the targets of his probe, is a bureau within the Justice Department. That is true enough, but it does not mean that the Justice Department is incapable of performing its normal law enforcement functions with skill and devotion to re-

sponsibility. Most of the evidence cited by Sen. Church concerns events that long predated the tenure of the present attorney general, Edward H. Levi. He was confirmed by the Senate only a year ago and no one has suggested that he has any personal conflicts of interest.

Quite understandably, Atty. Gen. Levi has described the Church recommendation of a special prosecutor as an "attack on the integrity" of the department since it assumes that the "ordinary law enforcement mechanism cannot be trusted."

With Sen. Church, we believe that anyone responsible for illegal acts on which the statute of limitations has not expired should be prosecuted. But this should be done through regular procedures, with those responsible for handling the matter held strictly accountable to Congress and the American people. To remove that job from the Justice Department would be to undermine confidence in it without compelling reason.

(Indicate page, name of newspaper, city and state.)

12

BUFFALO EVENING NEWS  
Buffalo, New York

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2. ASAC om
3. Sec. Supvr. SV
4. ASST. DIR. SV
5. ASST. DIR. SV
6. ASST. DIR. SV
7. LASH SV

(Mount Clipping in Space Below)

# Ford's Bad-Faith Spy Agency Ploy

*Pool word!*

President Ford's move to revamp the U.S. foreign intelligence system professes to lay out objectives which in themselves are sound: To restore confidence in and rebuild the responsibility and effectiveness of the nation's intelligence operations overseas while at the same time to guard against abuses abroad and a repeat of those that have occurred against our citizens at home. But if the objectives sound solid, the methods by which Ford is moving—and the potential results—are frightening.

For instance, the powers that he proposes to give (by executive fiat) to new CIA Director George Bush (a former Republican national party chairman) to control the budgets of all other foreign intelligence agencies in the government, including those of the Cabinet-rank military departments, are simply too vast and too potentially destructive of the pursestring rights of Congress. In one sense, Ford is breaking faith with his old promises of co-operating with Congress.

The CIA, of course, was chartered by act of Congress in 1947. The road that Ford now proposes to take invites further abuses of the governmental system instead of prevention of abuse. How can Congress possibly go along with the major parts of a scheme that really is a design for added secrecy, for expanded executive power and the further erosion of a congressional over-

sight that has been at best puerile and only lately reawakened?

While we could agree that there should be one single, joint congressional oversight committee—and we trust it will be shaped with firmness and a high sense of responsibility—we see no improvement at all in Ford's designation of another so-called independent oversight board (responsible only to him) made up of persons with longtime, sympathetic—and therefore biased—attachments to the CIA establishment.

While we do find some value in some of the presidential edicts about illegal burglaries, drug tests and wiretapping at home, these are vastly outweighed by the extensions of dictator-like powers to open mail and generally to deepen the dank recesses of governmental secrecy.

As we've said many times, the nation needs an effective, responsible intelligence-gathering apparatus. But it has to be accountable, in the final analysis, to Congress and the people. It was the lack of meaningful congressional oversight which permitted the abuses of the past—and which even resulted in some of the blunders of the congressional investigative committees themselves). The problem was—and still is—the behavior of these agencies outside the statutes of law; Congress ought to be insisting on solutions that are under specific laws, on stronger congressional review. And it ought to be standing up against any further usurpation of its checks-and-balances responsibility.

*ASACM*

(Indicate page, name of newspaper, city and state.)

12

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UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

STATEMENT OF

CLARENCE M. KELLEY

DIRECTOR

FEDERAL BUREAU OF INVESTIGATION

BEFORE THE

COMMITTEE ON GOVERNMENT OPERATIONS

U. S. SENATE

WASHINGTON, D. C.

JANUARY 26, 1976

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I want to thank you for giving me the opportunity to appear before this Committee concerning a most important issue -- that of oversight.

For some months now, the FBI has undergone a most exhaustive review of its intelligence operations, as have other members of the intelligence community. This review has covered both domestic and foreign intelligence operations of the FBI.

And I am hopeful that the results of these extensive reviews will be helpful to the Congress as it considers practical recommendations for legislative oversight.

The FBI has in the past recognized and, indeed, requested a clear delineation of its intelligence responsibilities and authority to conduct investigations in this extremely sensitive area.

We realize that Congress faces a difficult task if it decides to draft oversight legislation that will be of lasting benefit to the American people. Many issues are involved, and most of them are not easily resolved.

The primary responsibility for correctness of FBI activities rests in its Director -- a responsibility I readily assume.

I would like to offer for your consideration some of the basic questions I believe must be answered:

- (1) Should Congressional responsibilities for oversight of the FBI be consolidated?
- (2) Should Congress become actively involved in the decision-making process of the administration of the FBI?
- (3) What is the proper degree -- and mode -- of Congressional access to FBI information?
- (4) What clearance procedures and controls should be established for staff members of a Congressional oversight committee?

As I have previously testified before a Congressional Committee and mentioned here today, the decisions in the FBI are mine and I assume full responsibility for them. I think the point merits reiteration. Some of the mistakes in the past were occasioned by direct orders from higher authorities outside the FBI.

We have welcomed Attorney General Levi's guidance, counsel, and his continuous availability, in his own words, "as a 'lightning rod' to deflect improper requests."

Within days after taking office, Attorney General Levi instructed that I immediately report to him any requests or practices which, in my judgment, were improper or which, considering the context of the request, I believed presented the appearance of impropriety.

I can assure you, also, that in my administration of the FBI I bring to the attention of the Attorney General and the Deputy Attorney General major policy questions, including those that arise in my continuing review of our operations and practices. These are discussed openly and candidly so that the Attorney General can discharge his responsibilities with regard to the FBI.

There is no question in my mind that the basic structure of the FBI is sound; but it would be a mistake to

think that integrity can be assured only through institutional means.

Integrity is a human quality. And the integrity of the FBI therefore is dependent upon the character of the Director of the FBI and every member of the FBI under him. It will always be so.

I am sure you are aware the Attorney General created a committee of Department and FBI representatives to draft guidelines governing FBI investigations. These guidelines have been discussed with various committees of Congress and although not finalized at this time, they could prove beneficial in the administration of the FBI.

I would like to comment briefly on the matter of determining the degree and method of access to FBI files granted to a committee having oversight responsibility.

I believe such determination must carefully consider the questions raised as to the protection of the integrity of such matter aside from privacy considerations. Much of the information received by the Bureau is furnished voluntarily, not only by individuals but by cooperative foreign governments. They do so in return for an express or implied promise of confidentiality. The FBI regards such promises as binding.

The establishment of unlimited access could seriously jeopardize the flow of volunteered information which is the lifeblood of our investigative organization.

As the number of persons having access to highly sensitive materials is increased, the chance of an intentional or inadvertent disclosure also increases.

A perfectly well-intentioned person who legitimately comes into possession of sensitive information may well forget, at a later time and in another position, the circumstances under which he acquired the information.

Law enforcement in this Nation is largely dependent upon citizen cooperation. Should citizens no longer have any assurance their identities will be protected, the very foundation of cooperation upon which the Bureau is so reliant will be shaken.

Our legitimate concern in this area is borne out by the fact courts continue to recognize the special legal status accorded informants in the law enforcement community, in that their true identities are protected.

Should the identities of informants be jeopardized by the unnecessary proliferation of information, there will be a severe impact on the ability of the FBI to discharge its mandated responsibilities.

We are also concerned about the countless public-spirited citizens who come forward voluntarily with information essential for the FBI to function effectively.

Other extremely valuable sources of such information are cooperative agencies in this country and abroad. Should the FBI be required to relinquish, over our objections, information of this nature, it is quite likely we would be denied such information in the future.

The Select Committees have received unprecedented access to information from the FBI, within agreed limits; but we must ask whether the same degree of access should be allowed, or is essential to, an ongoing oversight committee. The Select Committees came into being in the Watergate atmosphere. Issues were raised that needed to be resolved. Most of them have been resolved with regard to the FBI.

I must point out that our diligent cooperation in the endeavors of the Committees stems, in part, from our own commitment to review the actions of the FBI in the past in order to better judge the proper role of the FBI in the future.

An excellent example of this commitment is the fact we have reduced the number of our domestic intelligence investigations by 64 percent since July, 1973.

As of July 31, 1973, we were handling 21,414 such investigations. By October 30, 1975, we had reduced that total to 7,686 pending domestic intelligence cases -- a decline of 13,728 cases.

I think this is solid evidence of our responsiveness even prior to the drafting of proposed guidelines for such investigations. It isn't necessary for a house to fall on us -- much less two houses.

So I feel compelled to raise this question:

Will the good of the country be better served by continuing an extraordinary degree of direct Congressional access to FBI information, or will it be better served by placing emphasis on requiring the FBI Director to be fully accountable to an oversight committee through sworn testimony?

I think the Congress and the FBI can perform their respective tasks with the most advantageous results by the latter means.

Now, also, I would strongly suggest that consideration be given to the employment of a permanent, professional staff -- to the extent necessary -- for any proposed oversight committee, with stringent clearance procedures.

This would allow the staff members to become thoroughly knowledgeable concerning the FBI's procedures and practices and, thereby, facilitate the work of the committee with proper security.



As we seek to define the proper degree of oversight, or review, of FBI operations, we must consider the administrative burdens such oversight involves.

I should point out that in responding to requests of the two Select Committees, the FBI at its headquarters alone expended 3,976 days of Agent personnel and 1,964 days of clerical personnel from April through December, 1975 -- manpower diverted from investigative duties. In dollars and cents that represents a cost of approximately \$640,500. Additionally, the cost of conducting background investigations of committee staff members had reached about \$393,699 through last month.

Now these figures do not take into account personnel utilized in responding to requests of other committees of Congress, which have substantially increased during the past year.

Many of the requests we receive from Congress are duplicative in nature. Though we diligently try to respond fully and accurately in each and every instance, it is a time-consuming and costly chore. And I feel strongly that the interests of the American people would be best served by Congress consolidating its oversight functions.

The manpower of the FBI is limited. With the increased burden placed on the Bureau by Congressional Committee

requests, and Freedom of Information Act and Privacy Act requests, we have reached the point where the Bureau's ability to perform its normal investigative functions has been impaired.

So I would urge you to consider these matters in your deliberations concerning oversight legislation. I assure you we will continue to cooperate to the best of our ability. And I can further assure you that under a Director held fully accountable and reporting at intervals to an oversight committee, the FBI can perform effectively and honorably.

Thank you.

QUESTIONS FROM SENATOR RIBICOFF

QUESTION: Mr. Kelley, Do you believe that there should be a Congressional Oversight Committee handling intelligence matters?

MR. KELLEY: I believe in oversight, Senator. I do not know whether you mean one which is separated from the criminal activities performed by the FBI or not. If it be fragmented, I do not believe that such should be done. I subscribe to an oversight of both the intelligence activities in the domestic and foreign security and the criminal.

QUESTION: I do not think it is anyone's intention in the oversight committee to take care of the day-to-day problems that the criminal oversight has domestically, but in the counterintelligence field, do you believe that there should be such an oversight committee?

MR. KELLEY: I do believe that it is necessary that we do have oversight.

QUESTION: Mr. Colby testified last week that, in his opinion, after reporting to eight committees, he feels that the sooner such an oversight committee is created, the better off the intelligence community would be. Do you believe with Mr. Colby?

MR. KELLEY: I do.

QUESTION: In your statement on page 3--I quote you--you state that "Some of the mistakes in the past were occasioned by direct orders from higher authorities outside the FBI." Could you please tell us what mistakes and which higher authorities you are referring to?

MR. KELLEY: I am referring to the requests, the orders that have come to us from members of the Department of Justice, the Attorney General, and these stem from the installation of some of our electronic surveillances and from programs that we have followed which have been with the authority of, and approval of, those in this area. There are not--I do not have a complete outline of them, but we do have instances where the FBI did not initiate these. The orders came from outside our organization and from, of course, The White House on some occasions.

QUESTION: Do you believe that such requests have been improper under the authority of the FBI?

MR. KELLEY: I do not think by any means that they come under the purview of the FBI.

QUESTION: What should a director of the FBI do if he receives an order from the President, or the Attorney General or someone in the White House staff that you believe contrary to what your responsibilities and authorities are? What should a Director do under those circumstances?

MR. KELLEY: First, I think that he should deliberate and talk with the Attorney General, if it be one not coming from the Attorney General and get his determination. If it be one where there is some doubt, he should get it in writing. If it be one that he does not under any consideration nor as a result of deliberation wherein an effort is made to convince him, but he himself does not feel that it is advisable then he should withdraw, he should resign. And as I was once told by Senator Byrd during confirmation, it is hoped that in such an instance that he would come to the oversight committee of the Congress and consult with them about what should be done under these circumstances. Of course, that is a matter which the Director himself has to arrive at, and I am already committed to, and still subscribe to, the proposition that I am not going to give way just because it comes from higher authority.

QUESTION: If the President of the United States makes a request of you that you believe to be improper, and of course, he is your boss, you would feel honor-bound under those circumstances to resign as Director of the FBI?

MR. KELLEY: If it came to the final crunch, yes.

QUESTION: Do you believe that an FBI Director should have a definite term in office?

MR. KELLEY: I have been asked this before. I am not uncomfortable under the present system where my term of office is from day to day. I do not believe that there should be any greater tenure than that. Insofar as a limitation on how long he can be Director, I feel that nine or ten years is sufficient. I do subscribe to that.

QUESTION: You say also on page 3 that when Mr. Levi became Attorney General, he instructed you to report to him any requests or practices which, in your judgment, were improper or presented the appearance of impropriety. Have you made such reports to Mr. Levi?

MR. KELLEY: Yes, sir.

QUESTION: Are they confidential, or could you describe generally the nature and frequency of such improper requests?

MR. KELLEY: Most of them have been in the area of Cointel Programs which we have discovered ourselves in some of our file reviews. I can remember another where we determined that there were certain mail openings which we did not know about until we accidentally discovered them. It was not a failure to inform us, but they thought that this was an ongoing program that had been given official approval. There was no thought that it was something that should be hidden. We did discover them in the top echelon of the FBI and, therefore, the thought is they were new to us--they were also new to Levi and we informed him about them.

QUESTION: In your testimony you stated that the Bureau has reduced a number of pending domestic intelligence investigations from 21,414 in 1973 to 7,686 by October 30, 1975. How do you explain this? Were there too many investigations being conducted two years prior?

MR. KELLEY: Senator, when I first came in, I talked with the man in charge of our Intelligence Division. That is the one where we handle the security matters, and it was our opinion, together, that there were too many investigations being conducted in the security field. I asked him to review the bases on which we conduct our investigations. Obviously it became apparent that some of our fields of attention could be under close scrutiny. I felt some undue extensions of our investigatory capabilities and this was a continuing process, and the reduction was not something that was immediate, but extended from, I would say, the latter part of '73 when we got ourselves lined up, right through to October, as it says in my statement, of '75. We looked over why

are doing certain things, and it might well be, as is many times true in investigative circles, that you might get a little too concerned about something that on close scrutiny may not have been quite as alarming as it first seems. This is not at all unusual. It is, however, unusual that it comes from within and yes, as a result of the realignment of our goals--realignment of our procedures--our basis for investigating matters, we did bring about this reduction.

MR. CHAIRMAN: Thank you. Senator Percy?

QUESTION: Thank you, Mr. Chairman. Mr. Chairman, I would like to thank Mr. Kelley for his demonstrated desire and willingness to work with members of Congress and to help us fulfill our responsibilities.

Former Attorney General Katzenbach testified last week that he often did not know what the FBI was doing. What is your own working relationship with the present Attorney General? Do you keep him informed of all the major activities that the FBI is undertaking? Does he participate in deciding whether or not you undertake major undertakings?

MR. KELLEY: Senator, we certainly keep him informed of any major program. I would say that perhaps we may, on occasion, over-inform him. We may tell him about things that are anticipatory as far as problems are concerned. We try to keep him fully informed. For example, if there happens to be something we learn about that may cause press inquiries of him, we inform him of that. Many times they are made. I just point this out inasmuch as we are trying valiantly to keep him informed.

QUESTION: When do you anticipate new guidelines for the FBI being finalized?

MR. KELLEY: I cannot give you this response. It has been several months in preparation. I know that it has now been thrown back into the hopper for re-evaluation. I cannot tell you--perhaps Mr. Levi can give you better information in that regard.

QUESTION: As a follow-up on that first question, to be certain that I complete the record on it, can you think now in retrospect in anything in your term of office as Director of the FBI that you really should have advised the Attorney General of that you maybe subsequently did, but did not at the time?

MR. KELLEY: I cannot think of anything, Senator.

QUESTION: I asked that, because Dean Rusk said that he subsequently has now learned of certain things undertaken in foreign countries by, say, the CIA that he thought at the time he knew everything going on, he now learns he did not know, and I wanted to complete that record.

You talk about unlimited access to your files being dangerous, and I do not think anyone contemplates that whatsoever, but I do not think either that you should be left in the position where just your word is the only thing that an Oversight Committee has. What do you think is proper in this respect with respect to reference to files?

MR. KELLEY: I think that there should be a working arrangement between our people and whatever group might have oversight, and there is a strong requirement that there not be presentation of material which would first compromise a source of information, whether that be a citizen, a government, or an informant. The confidentiality of the work done by the FBI is an extremely important thing. Names are not just all that reveal the identity. It may be that certain circumstances, when revealed, may pinpoint what might be the source of information. There might be also too great a proliferation of information about some activity of the FBI.

For example, we have, of course, warrantless wiretaps. We feel that there should be confidentiality of that. These have been authorized through the approval of the President through the Attorney General's delegated authority in this regard. I would say generally that if there be a reasonable basis whereby we can explain that it should be maintained confidential that it be so maintained. On the other hand, we should extend ourselves in the spirit of

cooperation to inform and to report on measures, and if they want a review that we extend ourselves to let them make such review.

QUESTION: You have been able to reduce your domestic intelligence investigations by 64 percent since July, 1973. Can you tell us how you have done that?

MR. KELLEY: By a review that we started in mid-1973 looking over the bases for our investigatory needs and our intelligence operations, and generally to take an inventory and say which should we continue, which should we now perhaps give additional emphasis, and we culled out, in other words, those which we did not feel were strictly productive insofar as meeting our commitments.

QUESTION: Did you find that you eliminated some of those, Mr. Kelley, because they were illegal, in retrospect, as you look back and decided that the FBI should not, as a law enforcement agency, should not engage in illegal practices in investigations?

MR. KELLEY: You know, when you speak of illegality, we have great difficulty. Sometimes, in the context of the time, you may open matters which later are determined to be perhaps possible civil rights investigations, invasions of privacy, or other background objections. I do not know of any which, I would say, were actually illegal. I just do not recall any that would meet that classification.

QUESTION: Were some eliminated because they may have been borderline, and in retrospect in numerality, you decided not to go ahead?

MR. KELLEY: I would say that that is a possibility. In a strict classification or interpretation they may be termed an invasion of privacy or rights or something of that type.

QUESTION: Were most of them eliminated because you felt they were not productive, and to use a phrase, they were not really cost-effective, for the amount of energy and effort put into them? They would not have paid off?



MR. KELLEY: I would say that those would be two great and major reasons.

QUESTION: With the workload declining 64 percent, has there been any decline at all in manpower? Have you shifted manpower to other Division-- ...person power, excuse me; man or womanpower-- have you shifted it to other divisions?

MR. KELLEY: There has been some shifting; much of our so-called overload of manpower or investigative attention by this Division has been picked up by the terroristic activities investigations. Of course, we have had a great rise in that: doubled each year. And, strangely enough, during 1975, it even increased more than that. We had more terrorist-type of bombings in 1975 than we had in 1974.

QUESTION: You mentioned the burden that has been placed on the FBI by the Congress. I presume that there is not any question that the CIA could rightfully maintain that a tremendous burden has placed on it by the Congress now. I think, in retrospect and in fairness, a part of the burden is unfair, unwarranted, and not cost-effective. But a large part of the burden is placed simply because we have recognized that we failed the American people in the past, and no one has more clearly admitted this than the Majority leader of the Senate, Senator Mansfield, in his opening statements before the committee. So that we have to rectify that. We may overkill, in a sense. I hope we will not. I hope that we will go a prudent, moderate path and not overreact to the situation. But a large part of that burden is because we simply did not perform the function in the past and the American people know it, they are holding us accountable for that. I wonder if you could for the record, however, just give us a sense of your own personal burden, which worries me, both about the Director of the CIA and the Director of the FBI. How much of your personal time, since you have assumed office, do you think you have devoted to preparing for, giving testimony before Congressional Committees, and then following up on the testimony that has been given, or looking at the testimony being given by others?

MR. KELLEY: I would say that about 25 percent of my time is consumed in going over testimony, reviewing material, acquainting myself with the progress of the various committee activities, in preparing myself for testimony, and in testifying; and I think that the others in the top echelon of the Bureau who are involved in this type of thing may have even more than this devoted in their time. It has increased my work day considerably, and I find myself many times reading until the wee hours of the morning. I am not complaining about it. I assumed this. Much more time is devoted to doing my job now than ever before, again, about 25 percent of that time is in this area.

SENATOR: Mr. Chairman, my time is up. Are we going for one more round of questions?

MR. CHAIRMAN: If there are more questions.

SENATOR: I have just a few left. I would like an answer to how much time you think is appropriate for you to spend on this activity, I will wait until we come back.

#### QUESTIONS NOW FROM SENATOR BROCK

QUESTION: Thank you, Mr. Chairman. Would you clarify for me something you said earlier. With regard to the oversight function, I thought that you said that the oversight should include all FBI activities. If that is the case, you might be in some disagreement, with those that say we should separate the oversight of the domestic operations, primarily FBI, from the international oversight function which would more relate to CIA.

MR. KELLEY: 75 percent to 80 percent of our time is on criminal activities. There is, on the other hand, a great interrelationship between our security people and our criminal investigations. We may have a case where we need additional people in a security matter. We will call on some people in the criminal activity section. It is true, on the other hand, we will have a big bank robbery or some big fugitive case. We may call on security people and have them do it. We have difficulty in setting aside

that portion of our budget which goes solely to the so-called intelligence activities. In the area of intelligence, we have quite a bit of work in the intelligence field in the criminal work. We would suggest that it not be fragmented, and would hope that we could present all of our difficulties to one committee. I realize that there is the thought that this thrust should be just toward security matters foreign and domestic. We have problems other than this. I can see where it would be very helpful to us to have an overall oversight which would take care of both of our branches

QUESTION: The reason I asked the question, there has been at least some indication among members of the Senate, that they would like--at least some members would like--to separate the intelligence from the criminal aspect, and give the oversight committee which this committee might create, jurisdiction over all intelligence, counterintelligence, domestically and international intelligence but to leave to the Judicial Committee, the principal oversight responsibility for the FBI. I gather that you would not find that a very happy end product?

MR. KELLEY: We report to the Appropriations Committee, and they outline our programs. Under this possibility we would be reporting to an Intelligence Committee, we would be reporting to the Senate Judiciary Committee on general oversight. Right away we have three within the Senate.

QUESTION: If we did give this committee full and complete jurisdiction, would you also suggest that they have jurisdiction in terms of appropriations as well? In other words, you would limit the oversight to one committee. It would have both authorization oversight and appropriation authority.

MR. KELLEY: Senator, I am not really prepared to give you an opinion on that. I would say that probably this should be reserved to the Attorney General. Personally, of course, it would probably give us a closer definition of oversight and might be that such a committee certainly could become best acquainted with our work in ongoing programs, but I do not know that I can answer well that particular question.

QUESTION:

I am not sure that we can either. As a matter of fact, there are some of us that feel that rather than trying to define this thing too precisely, we should create an oversight committee and assign to them the responsibility of a study of the extent of the jurisdictional question. That may be the best thing that we can achieve at the moment if we are going to get any response. Let me ask you one or two more questions, again in this same area, I am reluctant to limit the right of an Oversight Committee in terms of access. I think that is almost something that we can do by experience, as we have with the Joint Committee on Atomic Energy. There the experience has proven to be good, and I think, healthy for both sides, Executive and Legislative. I am distressed by the leak of information that is ongoing now.

I think it is extremely dangerous yet I find it difficult to find a way in which we would limit an oversight committee which may need some access in order to reach this definition of responsibility. I do not know how we would do what you are suggesting, essentially depends upon the Director and his testimony before the Committee.

MR. KELLEY: Under our recommendations, we conclude that there should be investigations and clearances granted to members of staff, that their numbers, as well as others for the Committee, should be as limited as possible. We feel that matters that might compromise our sources of information are those that are most important. I think, Senator, that probably we could start off in such a relationship being a little extended insofar as our own desires, we can be a little more open, and see how it works. I would hope that it would be sort of an open-end type of thing so that we can get some history of experiences. I do not want to foreclose the right of review in this regard. I think, as a citizen, I am compelled to say that there should be a better flow of information than has been true in the past. I am willing to at least explore such a possibility.

QUESTION: That is really what I am reaching for, and I appreciate it. We are treating this as if it is going to be de novo every six months. It is not. You are going to create an expertise in this Committee and its staff a knowledge of the general problem area, and I think these matters will begin to settle up as it gains maturity and experience. I am reluctant to eliminate it now because I think we may create an adversary relationship which I do not think is helpful, where, as an alternative, if we kept it fairly open, I think a development of that experience would lead to a good relationship, as we have done with the Joint Committee on Atomic Energy earlier.

MR. KELLEY: There are misunderstandings about why we think things are confidential. Take for example, a small thing, a release of our telephone directory. It is not generally understood that, by virtue of the release of the telephone directory, you therefore list the identity of our Agents. They are listed in the telephone book. Thereafter, they get a lot of crank calls. I never did release my address, and as soon as it was listed--and it was listed of course in the Congressional Record--I am not complaining about this--I started receiving crank mail at my home and some of it was on post cards, some of it my wife read, it was not the best thing. People do not realize that we try to protect it for reasons that we could possibly explain in an atmosphere of cooperation with such a committee, and I would look forward to that opportunity. We have not communicated properly, possibly. If it is determined this is too far fetched, all right, we will drop it. We are willing to discuss it.

QUESTION: Thank you. My time has expired. I think what I am saying is that there is a clear distinction between a one-shot investigatory committee which is trying to get short-term information and a continuing oversight committee with a developed relationship on a maturing basis. Thank you, Mr. Chairman.

MR. CHAIRMAN: Senator Weicker, while it is your turn, since Senator Percy has used up his time, he has requested a few more minutes, if you would yield to him.

WEICKER: I yield.

QUESTIONS NOW FROM SENATOR PERCY

QUESTION: Regretfully, I have a witness upstairs in the Foreign Relations Committee. I was anxious to follow up, Mr. Kelley, what proportion of your time do you think is appropriate and proper that you should devote to Congressional oversight? In other words, we have the same objective to reduce the burden on your Department because of the duplicative activities of the proliferated committees. What proportion do you think is appropriate for you to spend?

MR. KELLEY: I have never really considered it, but I would say that during my ordinary, everyday operations, I should keep this in mind and should review each program with the thought prepared to discuss it with an oversight committee, maybe 5 percent, just a ballpark figure.

QUESTION: That is a goal I am not sure we will ever achieve but certainly if we can cut it in half, it will help, because your principal duty obviously is to administer a very able department and agency. The thought has been orbited--I threw it out originally--to just try to cut in half in area of intelligence because of the tremendous amount of knowledge a person has to gain to properly authorize in authorizing legislation, and yet the law--and we are not specialists in this field; we are dealing with specialists in the law enforcement field--to cut it in half to see if possibly we can consider in this one oversight committee, giving that committee both authorization and appropriations authority so the service would only have to go before one committee in the Senate and one in the House and have his job done with and thoroughly inform, say, a group of nine Senators that would rotate in that position. Would that, in your judgement, be of material assistance and help if we could work it out internally?

MR. KELLEY: If we could, Senator, in one committee, I feel this would be advantageous.

QUESTION: I have long proposed that the Attorney General be taken out of politics and not be permitted by procedure or precedent, just as the Secretary of Defense, Secretary of State, has not participated in politics as such. The Attorney General has

been a politically oriented office, many times being the campaign manager. Do you feel that the Director of the FBI is not a political position and it should never be permitted--do you think it would be a good idea for the Attorney General not to engage in party politics while he is holding that office?

MR. KELLEY: I have never had experience with it since I have come here, in any dealings with me or with the Bureau by the three Attorneys General under whom I have worked. There has been no indication of political influence.

QUESTION: Do you suggest consolidation of Congressional oversight of the FBI. Should that be done by the same committee overseeing agencies dealing with foreign intelligence in your judgment?

MR. KELLEY: In my judgment, all of the operations of the FBI would advantageously be joined in one committee.

QUESTION: One committee?

MR. KELLEY: Yes, sir.

QUESTION: Could you explain in layman's term the difference between foreign and domestic intelligence in criminal cases as managed administratively by the FBI? And I ask that with the understanding that criminal activities involving foreign powers are not necessarily handled in the FBI's foreign intelligence division. For example, if another country were to finance terrorist acts within the United States, the entire case might be handled in the Criminal Division. Therefore, it would help us in our understanding if you could differentiate between what activities are handled by each of those bureaus. If you would like to do that for the record, to make it more complete. I would certainly accept that.

MR. KELLEY: I would prefer to prepare this in a response to you and will do so.

QUESTION: Mr. Kelley, finally, FBI activities seem to be at the heart of one of the gray areas of oversight. I think we are in general agreement that Congress should create a committee that would oversee the CIA and NSA. What aspects of the FBI that should be looked at by this committee is another matter. What are your views on this?

MR. KELLEY: Could I also give you that response--may I respond to that in writing also?

SENATOR: Yes, you certainly may. I think that that winds up. I would simply like to say having known Attorney General Levi for a quarter of a century as a trustee at the University of Chicago, I think the tone and attitude that he is establishing, the relationship that he has established with you and which has been a cause of great concern between the FBI Directors of the past have not been fully satisfactory and fully cooperative.

I think that relationship that has been established has been an outstanding accomplishment, and I think your testimony to that effect here is very important indeed, and I certainly commend both you and Attorney General Levi, because a great deal has been accomplished already.

MR. CHAIRMAN: Senator Weicker?

SENATOR: Thank you, Mr. Chairman.

QUESTIONS NOW FROM SENATOR WEICKER

QUESTION: I notice in your statement you make mention of the fact that since 1975, or April through December, 1975, a great amount of time, effort, and money was expended on responding to Congressional inquiries, et cetera. I think we both might also allude to the fact that that is directly attributable to the fact that there was no Congressional inquiry for many years before that, and what in effect you have seen is an extreme reaction to an extreme situation. As a matter of fact, as I understand it, and prior to the impeachment inquiry neither the House nor the Senate Judiciary Committees held any hearings on FBI oversight. Is that correct, to your knowledge?

MR. KELLEY: I do not recall this, Senator.

QUESTION: I believe that was before your time, but that is the record.

MR. KELLEY: I am thinking only during the time that I have been here. I do not recall just when we first reported to the Oversight Committee. It was during the time that Mr. Saxbe was Attorney General. We appeared three times. Prior to that I do not know.



QUESTION:

I think it is important to point out that I am sure the American people are just as appalled about your being overburdened with Congressional inquiries as they are with no Congressional inquiries. But that is the record. There is nothing in between. I think that is important to point out as we try to devise some system, some apparatus, to bring balance to all this. We need the FBI. As I said the other day, we need a CIA. There is no reason why a choice has to be made between 0 and 100 percent insofar as it is using up your time, the CIA or any of our law enforcement agencies. My concern, believe me, Director, is not that you are going to be overburdened with oversight. As I have indicated, unless this Congress acts very shortly, the whole thing is going to be forgotten and we are going to go back to zero again. That is a far greater danger in my book than your being overburdened. I would suggest to you, it is very strange to say, that I would hope that you, along with Mr. Colby and others in the law enforcement community, would fight very hard to see this oversight legislation implemented, because on that depends the survival of your agency, on that depends a restoration of confidence as far as the American people are concerned in the law enforcement and intelligence agencies. I fear the bureaucratic footdragging is going to go on around here two years, five years from now. We will be right back at square A, except the next time that any other abuses get uncovered, that is going to be the end of your agency. There is going to be no way of coming back in the room to construct something that makes sense. That is my concern.

MR. KELLEY: I went on record during my confirmation sponsoring oversight, and I still feel that it is a very viable and proper procedure. I have no objection to it whatsoever, and I welcome it.

QUESTION: I notice you say you favor a new oversight committee. Is it your feeling that the present oversight mechanisms are not adequate?

MR. KELLEY: I hope I have not indicated that I am critical of the present oversight. I hope that we can have a centralized oversight whereby our intelligence and our criminal investigatory responsibilities are best included in this one. Under the projected possibilities, the Bureau would be fragmented, we would have an oversight of the security of the national counterintelligence field and

the criminal field maintained in the present oversight system. I would hope that it would be together. We do report to the Appropriations Committee and we do report to the Judiciary Committee on Oversight. If it were fragmented further, we would have three oversight committees.

QUESTION: Do you feel that the present system of oversight as embodied in the House and Senate Judiciary Committees should be supplanted by a new Oversight Committee, or are you satisfied with the present system?

MR. KELLEY: I would reserve the final determination to consultation as I would want to do, of course, with Mr. Levi to get together and do this. I would say, primarily, our goal is to have it centered not in any particular committee. I think that is the responsibility of Congress, actually. What we want to do is not fragment it, not proliferate it, but to have it so that we can have one group to which we can go for consideration of our problems and outline our procedures.

QUESTION: I can appreciate, Mr. Director, that you still have to work with the Senate and House Judiciary Committees and obviously we don't want to ruffle any feathers. We want to plot a future course. We are not trying to find out how we can live with the past. The difficulty is, as I perceive it, not that the mechanism was not there for oversight--it was there. The problem was that it was a secondary function of the particular committee, in this case the Judiciary Committee, something down the line. Do you feel that your agency and its activities are of sufficient importance that that should be a full-time job, rather than a secondary job, for a Congressional committee?

MR. KELLEY: I responded to a question asked by Senator Percy about how much time I thought I might be devoting to the oversight requirement. I thought about 5 percent. That is just a ballpark figure. I do not think that that would necessarily mean that one committee would be set aside for just that type of deliberation. I think that if it were to include all of our activities, criminal as well as security, that it might take a little more, but still, I do not think that things come up that frequently where it would be a real heavy task for any committee.

QUESTION:

You understand what we are contemplating here would be a committee whose intention would be directed toward the FBI, the CIA, the law enforcement intelligence community? It would not just be the FBI; it would also be the CIA. What I am saying, I think what others are trying to get across is, is this sufficiently important to this Nation, to its life and to its Constitution, that that is a full-time job and not a secondary job for some other Committee, be it the FBI which is a secondary function of Judiciary, or the CIA, which is a secondary function of Armed Services. This is a primary function. At least, I do not find it a primary function of law enforcement intelligence. That is why my question to you, whether you are satisfied with the present system, which obviously has not worked in the past, with a warning could work, or whether we are best just having one committee that would work with these law enforcement intelligence agencies and start from scratch and once again try to rebuild confidence.

It really does not make any difference what you think or what I think or what Senator Ribicoff thinks or our colleagues here think. The fact is that the American people have lost their confidence. That is the group we have to reach. Whether I am satisfied that you are a fine man with great integrity and a fine Director, it does not mean anything, and your opinion of me, that is not important. What the American people think is what is very important. That is what is jeopardizing your Agency now and, indeed, the Congress.

MR. KELLEY: I would construe anything which is developed by Congress as something which we would certainly try to work under. We will not complain. You will not have any beefs from us. I told Senator Brock that I would certainly work as best we can with the system that is devised. I repeat that to you, too. I am not going to argue about it. I would like to work with you just as closely as we can.

QUESTION: I appreciate it. I am not trying to lay all of this at your doorstep. I think Senators Brock and Ribicoff were talking earlier, we were talking earlier, I was talking earlier with Senator Brock, we are going to try to pry these things loose

in the Congress. They are the ones that do not want any change. That is why I am trying to get all the help we can publicly. Please understand what I think all of us here are saying. We are not against your agency. We want to see it survive, but it cannot survive unless the American people feel that they have a handle on this policy. Thank you.

MR. CHAIRMAN: Thank you very much. Senator Nunn?

SENATOR: I have no questions.

CHAIRMAN: Senator Brock, do you have any more questions?

SENATOR: No.

CHAIRMAN: Thank you very much, Mr. Kelley. It may very well be, as we proceed to mark up this legislation, that we may have occasion to talk to you and your staff. I would hope that you would be available to us in the future.

MR. KELLEY: We will be available.

FBI

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2-20-76

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TO: SAC, Albany

FROM: Director, FBI

BUREAUWIDE INFORMATION PROGRAM, 76-7

TESTIMONY BEFORE THE COMMITTEE  
ON GOVERNMENT OPERATIONS  
U. S. SENATE, JANUARY 26, 1976.

Enclosed for your information is one copy of the statement I delivered before the Committee on Government Operations of the U. S. Senate on January 26, 1976, as well as a transcript of the question-and-answer session that followed. The latter can be used in answering inquiries from newsmen and others but should not be furnished to any outsider.

The enclosed material may be of assistance to you in responding to inquiries you may receive from the public or the press.

Enclosures (2)

- 1 - All Field Offices - Enclosures (2)
- 1 - Each Legat - Enclosures (2)

ELMHURST

GENEVA

JAMESTOWN

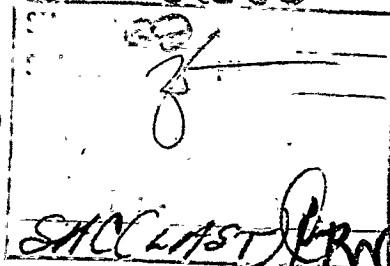
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# From Probe to Action on CIA

Without carefully looking over the details, Americans cannot finally judge the considerable reforms announced by President Ford Tuesday night for re-vamping the troubled Central Intelligence Agency. But in concept and structure, the President has responded constructively both to legitimate concerns of the American public and to several major findings of recent, separate official investigations.

In its interim report last November, the select Senate intelligence committee appropriately condemned assassination as a policy tool and decried the ambiguity, the blurred links of responsibility, in the decision-making chain of command within the intelligence community.

Certainly responsive to all these concerns is the President's plan to create separate executive boards — one to make broad intelligence policy and the other, under CIA director George Bush, to manage that policy — with distinct functions and clear accountability to an elected President. Also, the President rules out assassination of foreign heads of state as a policy, at least in peacetime. Most Americans couldn't agree more with that.

\* \* \*

Last June, another CIA investigating committee, this one headed by Vice President Rockefeller, criticized the lack of effective oversight of CIA activities by both Congress and the executive branch. It suggested a joint congressional oversight committee and said "a new body is needed to provide oversight of the agency within the executive branch." Now the President has emphatically endorsed both ideas. On the joint oversight panel in Congress, he recognizes that this is a decision for Congress to make. But to provide oversight within the executive branch, he has named his own special independent panel of three citizens to oversee all intelligence operations and report directly to him. We hope that board will receive strong powers and backing to do its job, which is extraordi-

narily important because of the necessary secrecy of the work it is overseeing.

Also welcome is the President's plan for public guidelines, for both CIA and FBI, and for stringent controls to protect citizen liberties against such past abuses as secret mail openings and electronic surveillance. Especially reassuring is the idea of requiring judicial warrants before such surveillance, even for national security reasons, is undertaken.

We will be interested in details of many of these changes, especially concerning the agency guidelines and Ford proposals to Congress for making disclosure of information a crime, a sensitive area that must be scrupulously limited in a free society.

\* \* \*

As the President and the Rockefeller panel have rightly said, the object must be the difficult one of maintaining an effective intelligence capability while simultaneously protecting the liberties of individuals and democratic safeguards in an open, free society. This isn't easy, but it must involve clearly pinpointed accountability. The public should not know the details of covert intelligence operations abroad. But it must know what officials are responsible, and therefore publicly accountable, for the management and policies influencing those operations. This principle is impressively imbedded in the Ford plan of a policy-making body, a management body, a still-to-be-issued set of public guidelines and a new oversight unit — all directly responsible to an elected President.

But these proposals compose only part of the solution to past mistakes. In our check-and-balance system, Congress must debate and decide how to organize its own vital oversight role most effectively. After months of probing, Washington needs to act — thoughtfully, but decisively — on its information. The President has now wisely and comprehensively made his own move from investigations to conclusions and actions. Congress should not lag far behind.

(Indicate page, name of newspaper, city and state.)

32

BUFFALO EVENING NEWS  
Buffalo, New York

1 - 80-1876

Date: 2/18/76  
Edition: Metro  
Author:  
Editor: M.C. Browne  
Title: SENSTUDY

Character:

or

Classification: 62-2665-37  
Submitting Office: Buffalo

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SEARCHED	INDEXED
SERIALIZED	FILED
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FBI-BUFFALO	

(Mount Clipping in Space Below)

**Jim Bishop**

## Daniel Schorr Faulted on Release Of Pike Committee Secret Papers



**THE REPORTER** is never a judge. He seeks facts and truth. He owes professional allegiance to but one person—his editor. The press, at its best, is an imperfect instrument for the dissemination of news.

To the extent that it rewards friends and punishes enemies, it becomes a source of misinformation. The debt of truth is not less on the smallest weekly in the tiniest hamlet than on The New York Times. The reporter, in a long career, will meet more people than those in other professions, but he is least able to afford to have friends.

**HIS SOURCES** try to mislead him. Quickly he learns that there are more than two sides to every story. His steady state is mannerly suspicion. He listens, asks questions, probes discounts and hopes to fulfill his editor's expectation that he will write a factual story consisting of Who? What? When? Where? Why?

When he is wrong, he expects no sympathy, gets none. Praise and pejorative are not his province. There are the weaknesses of the novice. The mature man knows that he is paid to be reasonably correct all the time. He also knows that his aspiration is impossible to achieve.

A good editor stands at the side of a reporter who commits an unintentional error. He will discharge a man who makes a deliberate one. No editor is big enough, or wise enough, to afford betrayal.

**AN EDITOR** who isn't neurotic isn't normal. He probes the city, the nation and the world for tomorrow's news. It is his decision which makes a story

great or small. Inside his crust of editorial judgment he fights an unremitting battle between what his readers want to know and what he thinks they should know.

The New York Times had a lapse of ethics when it published the Pentagon Papers. When the government stamps something secret, it is not within the purview of editors to decide to make it public.

All of us can remember occasions when an arm of the government stamped "Top Secret" on a document which served no purpose other than to cover the monumental errors of statesmen, admirals and generals.

Nor did anyone appoint Daniel Ellsberg an angel of vengeance. He chose the role. He stole the material. He sent copies to editors. In publishing it, the gentlemen were beyond their competence.

**A FEW WEEKS AGO**, the House of Representatives voted 246 to 124 to keep secret the findings of the Pike committee in its probe of the CIA and the FBI. The wisdom of the House, almost two-to-one, was that it would not be wise to publish the document now.

Someone slipped a copy to Daniel Schorr of the Columbia Broadcasting System. Schorr decided to pit his judgment against 245 House members. He made an inescapable decision of journalistic conscience. As possibly the sole possessor of the document outside the government, I could not be responsible for suppressing the report.

A finely honed journalistic conscience, I feel, would impel a reporter to honor the determina-

tion of his government. He might have consulted his boss, Richard Salant of CBS News. If he did, and Salant declined the "scoop," Daniel Schorr did not mention it.

Nor do I comprehend the reasoning that, "I could not be responsible for suppressing the report." It was not Schorr's function to suppress or publish but that of Congress. He asked the Reporters Committee for Freedom of the Press what to do about releasing the Pike Papers.

**SCHORR AGREED** to donate any proceeds from the sale of the papers to the Reporters Committee in effect taking the group in as partners. If one dwells on the fact that CBS pays Schorr for full-time work, the loyalty of reporter to editor comes in question.

A condensation of the secret papers was published in the Village Voice. It exploded like a dud. An editor said he didn't know how the Village Voice got the materials — "it was found on the doorstep."

**NORODY BOUGHT** that. The Reporters Committee exposed Daniel Schorr. He said that his conferees had, in effect, blown his cover in four decades of reporting. I never met a newsman who had one. Or need a cover.

Someone on the Pike committee or its staff "leaked" the report to Schorr. If it was not an illegal act, it was unethical and immoral. Daniel Schorr leaked it to the Village Voice. "I am fully aware," he said sadly, "of the irony of my complaining about leaks."

Say again

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(Indicate page, name of newspaper, city and state.)

23

COURIER EXPRESS  
Buffalo, New York

2/28/76

Date:  
Edition: Four Star  
Author:  
Editor:  
Title: SENSTUDY

Character: 62-2665-38  
or

Classification:  
Submitting Office Buffalo

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SERIALIZED	FILED
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## Senate Panel Plans Wide Safeguards

© New York Times News Service  
WASHINGTON — The Senate Select Committee on Intelligence will take extraordinary precautions next week to safeguard its final report from being leaked to the news media, according to committee sources.

The draft report is to be edited by the committee in closed session.

### Markings Planned

To avoid any leaks, committee sources said, the Senate Committee will mark each page of each draft chapter with the name of the Senator who is to receive it. The name will be emblazoned across the text to make it difficult to photocopy the material without revealing the original owner of the document.

Unlike the Senate committee members, who will be able to keep the report in their possession at all times, the staff will be issued copies of the report on a restricted basis and all staff copies will be retrieved each night.

The committee has agreed not to issue advance copies of the report to the Ford administration or the intelligence agencies. But it will permit administration and intelligence community officials to read the report at the Senate.

The committee also plans to sternly control all document copying machines, perhaps by placing guards at the machines in its offices, and guards are expected to spot check packages of employees as they leave the committee's offices here.

(Indicate page, name of newspaper, city and state.)

10

COURIER EXPRESS  
Buffalo, New York

Date: 2/29/76  
Edition: Four Star  
Author:  
Editor:  
Title: SENSTUDY

Character:  
or

Classification: 62-2665-  
Submitting Office Buffalo

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## House Approves Schorr Probe

WASHINGTON, March 4 (UPI) — The House has given its Ethics Committee broad powers to track down the leak of a classified congressional intelligence report to CBS reporter Daniel Schorr.

There was a little debate Wednesday as the house voted 321-85 in favor of a resolution authorizing the committee to subpoena witnesses, records, books and notes in its investigation.

The committee will try to determine how the House Intelligence Committee report on covert CIA operations was leaked to Mr. Schorr, who passed it on for publication in the Village Voice newspaper in New York.

(Indicate page, name of newspaper, city and state.)

7

BUFFALO EVENING NEW  
Buffalo, New York

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Editor:  
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FBI-BUFFALO	

(Mount Clipping in Space Below)

# Domestic Spying By FBI and IRS Is Documented

Associated Press

WASHINGTON, March 9 — Women's libbers, Communists, militant blacks, the Ku Klux Klan, the Jewish Defense League and citizens protesting against taxes were among the targets of surveillance by government agencies, a Senate panel says.

The Senate Intelligence Committee released nearly 1000 pages of documents Monday, detailing FBI wiretap and surveillance operations and Internal Revenue Service undercover spying.

A March 1971 memo, written by W. Raymond Wannall, former head of the FBI's Intelligence Division, said the purpose of the electronic spying was "production of intelligence relating to activities of domestic criminal-subversive individuals and organizations."

One memo shows the FBI used informers during 1969 and 1970 to keep track of the women's liberation movement in New York, Baltimore, Kansas City, Mo., Columbia, Mo., and Lawrence, Kan., but never turned up any evidence of revolutionary or violent activity.

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2. ASAC *[Signature]*
3. Sec. Supv. *[Signature]*
4. Desk 4 *[Signature]*
5. Desk 5 *[Signature]*
6. Desk 6 *[Signature]*

7. LASH *[Signature]*

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1

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COMMITTEE documents also showed the IRS used undercover agents to monitor activities of tax protesters in Los Angeles and Chicago. One memo said an IRS undercover agent in Los Angeles gave the Justice Department advance information on the legal strategy planned by a person facing trial for refusing to pay his taxes by obtaining a copy of his legal brief several months before it was filed in court.

The memo said the advance data gave the IRS time to "do additional research in order for the U. S. attorney to properly answer this motion," which sought dismissal of one of the charges.

In its effort to "expose, disrupt and otherwise neutralize" radical groups, the FBI wrote an anonymous letter to the wife of a Ku Klux Klansman, saying that her husband "has been committing adultery" with a woman who had "lust-filled eyes and a smart-aleck figure."

ANOTHER GOAL was "to prevent the rise of a Messiah — such as the late Rev. Dr. Martin Luther King Jr. — who could unify and electrify the black nationalist movement."

Another memo said wiretaps were used at Black Panthers Party offices in Chicago, Los Angeles, San Francisco, Oakland, Calif., New Haven, Conn., and New York City. Both a tap and a bug were installed in the San Francisco home of Black Panther leader Huey P. Newton, it said.

Taps against the Communist Party and the anti-Communist Jewish Defense League were installed in the groups' New York headquarters.

Meanwhile, Atty. Gen. Edward H. Levi said Monday he has abandoned a proposed rule permitting the FBI to take

"preventive action" to thwart potential violence. Mr. Levi said the absence of the rule would not prohibit the FBI from taking steps to block violent acts if such tactics were justified in specific cases.

\* \* \*

CRITICS SAY the "preventive action" clause would legalize the same harassing and disruptive tactics the FBI conducted for more than two decades against political dissidents.

The Senate committee also released documents. Monday showing that:

—President Lyndon B. Johnson demanded a secret "complete rundown" on former Asst. Atty. Gen. Herbert J. Miller and four Treasury Department officials after learning that Mr. Miller had authorized wiretaps and bugs in the investigation of onetime Johnson aide Bobby Baker.

An FBI memo outlining the request from Johnson aide Marvin Watson said the reports should "specifically point out whether any of these individuals were close to Bobby Kennedy," a Johnson adversary.

—The late FBI Director J. Edgar Hoover either circumvented orders by Justice Department officials to curb activities or kept the department ill-informed about what he was doing.

\* \* \*

IN 1960, the FBI, without informing the Justice Department, compiled a list of educators, labor leaders, writers, entertainers, lawyers, doctors and others with alleged "subversive associations and ideology" who might be dangerous in time of national emergency.

—Western Union supplied the IRS with microfilms listing senders and recipients of all money orders for \$1000 or more sent by the company during 1960 for checking against taxpayers' records.

—A top aide to then-Vice President Hubert H. Humphrey asked the FBI for a "special team" of agents to use at the 1965 Democratic convention. Humphrey aide Bill Connell told then-FBI Associate Director C. D. DeLoach that Mr. Johnson had told Mr. Humphrey of the special FBI team he used to gather political tidbits during the 1964 party convention.

(Mount Clipping in Space Below)

# Discontinued FBI Security List Told

WASHINGTON (AP)—As recently as 1972 the FBI maintained an "unrealistic" list of more than 15,000 persons thought to pose a threat to the national security, according to an internal FBI memo.

A Justice Dept. spokesman said on Tuesday that the so-called "administrative index," or A-dex, is no longer in existence and had been "pared down considerably" to about 1,200 names by the time it was discontinued last December.

The index, described by the author of a September 1972 memo as "too broad and all-encompassing," was maintained "for the purpose of being able to quickly identify persons representing a threat to the national security," the memo said.

## Use Projected

Although it stated that persons on the list "would not be subject to detention" during time of war or national emergency, the memo also made clear that A-dex would be ready for use in the event Congress enacted "emergency legislation permitting apprehension and detention of persons who threaten existence of the government."

The eight page document written by Thomas J. Smith, head of research for the bureau's domestic intelligence

division, was among hundreds of documents released on Monday by the Senate Intelligence Committee as exhibits to the transcript of its public hearings.

## Criteria 'too Broad'

The Smith memo said that the "criteria for designating individuals for A-dex are too broad and all-encompassing. As a result, there are some individuals now included in A-dex even though they do not realistically pose a threat to the national security."

Including persons who have merely "exhibited a revolutionary ideology" represented "an unrealistic concept of individuals constituting a threat to the national security" and could "leave us in a vulnerable position if our guidelines were to be scrutinized by interested congressional committees," the memo said.

As described by the memo, A-dex was created in 1971 to replace the bureau's Security Index, a list of persons to be locked up under the FBI's Emergency Detention Program, which has been terminated as a result of repeal of portions of the Internal Security Act. Supporting documents indicated that A-dex was a consolidation of the Security Index and another list known as the Reserve Index.

(Indicate page, name of newspaper, city and state.)

4

COURIER EXPRESS  
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FILE (62-1827)

4/20/76

SAC RICHARD D. ROGGE

ASSASSINATION OF PRESIDENT  
JOHN FITZGERALD KENNEDY  
NOVEMBER 22, 1963  
DALLAS, TEXAS  
MISCELLANEOUS - INFORMATION CONCERNING

This is to record that at 4:20 P.M., 4/20/76, I returned a call to Unit Chief RICHARD J. DEILY of the Bombing-Anti-Riot Laws Unit, Intelligence Division, in connection with above-captioned matter. He advised that Sen. CHURCH from the Senate Select Committee on Intelligence desired to interview SAC on Tuesday, 4/27/76, at approximately 10:00 A.M. Mr. DEILY instructed SAC to make travel reservations and advise him, and that after report directly to Room 3659 of the new FBI Building when arriving in Washington. He stated this would be done.

At approximately 4:55 P.M., DEILY was advised SAC would depart Buffalo on Flight 677, United Airlines, 7:35 A.M. and arrive in Washington, D.C. at 8:35 A.M. SAC has return Flight 898, United Airlines, leaving Washington 8:00 P.M., arriving Buffalo 9:03 P.M.

DEILY stated that SAC would be briefed prior to his appearance before the above committee.

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# Little Sense Shown In Intelligence Report

By JAMES J. KILPATRICK

The Senate Intelligence Committee disgorged its 651-page report last Monday. By Tuesday night, we may be certain, the report was being gleefully dissected in the Kremlin. In the annals of stupid congressional stunts, this massive piece of folly will rank exceedingly high.

What is the first accomplishment of the committee's long investigation and report? It is to belittle the CIA, to stigmatize the honorable men who have served it, and to make the agency's successful performance vastly more difficult. The committee's disclosures "blow the cover" on sensitive operations; many of the committee's recommendations would treat the agency as if it were merely another government bureau—a crop reporting service, or a bureau of labor statistics.

\*\*\*  
CONSIDER, IF you please, one legislative recommendation that provides an accurate indication of the tone and approach of the sunshine addicts in the Senate. Their idea is to prohibit virtually all covert actions; only in "extraordinary circumstances involving grave threats to the U. S. national security" would they tolerate a secret operation. And then, mind you, the committee's proposed statute would require prior disclosure to a congressional oversight committee before any funding could be provided.

That is marvelous, is it not? The director of the CIA would be required to travel to Capitol Hill, hat in hand, and spell out his most sensitive recommendations before a gaggle of loose-jawed senators or congressmen. Why not, one wonders, require the director to hire a sky-writing airplane and spell his plans out in mile-high letters over Washington? Over the past 2 years,

the Congress has forfeited whatever confidence one might have had in its discretion. How long will it be before the "unexpurgated edition" of the committee report is leaked to Jack Anderson and the Village Voice?

True, that particular "prior notice" recommendation has been dropped—temporarily, at least—from oversight legislation now before the Senate Rules Committee. Even so, the thinking behind the recommendation persists.

\*\*\*  
IN ONE of its lip-service moments, the report acknowledges that espionage directed against the United States is "extensive and relentless." By the FBI's estimate, more than 1000 Soviet agents are on permanent assignment as spies against us.

It is childish, or so it seems to me, to strike the virtuous pose that we must never, never emulate the Communist techniques. It is not wise, it is stupid, to suggest, that the United States should go abroad in a dangerous world, accoutered like Little Lord Fauntleroy, to play pat-ticake with gangs who fight with switchblade knives.

It will be a long time before the damage done by this report can be undone, before truly competent and dedicated servants can be attracted anew to the CIA. Sen. Barry Goldwater refused to sign the report. "This is a report," he said, "that probably should never have been written." He had the last and truest word.

Washington Star Syndicate

(Indicate page, name of newspaper, city and state.)

14

BUFFALO EVENING NEWS  
Buffalo, New York

1. SAC *Q*
2. ASAC *Q*
3. Sec. Supv. *Ph*
4. Desk 4 *CS*
5. Desk 5 *DS*
6. Desk 6 *ED*
7. LASH *18*

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## Intelligence Reports Evade Real Issue

It is essential to its national interest that the United States maintain an intelligence and counterintelligence capability, including a covert one.

The requirements of democracy tend to conflict with the need for secrecy. Thus the Senate Select Committee on Intelligence Activities, which recently issued voluminous reports on foreign, military and domestic intelligence, has properly recommended that secret actions should be consistent with publicly defined foreign-policy goals and "should be reserved for extraordinary circumstances when no other means will suffice."

We agree, too, with the committee's recognition that oversight of the country's intelligence functions by the executive branch and by Congress has been historically weak, and with the recommendation for tighter supervision.

However, neither the Senate com-

mittee nor its House counterpart (whose investigative report has yet to be publicized) has as yet come to grips with the real problem: The violation of laws and the subsequent coverups. Despite all the intelligence-agency abuses documented by the Senate panel, including violation of Americans' constitutional rights via break-ins, illegal surveillance and harassment of individuals and groups, and drug tests on unsuspecting persons, the Justice Department has not made a single move to prosecute the violators. There is no place within our legal structure for the kind of crimes that have been committed and which have gone unpunished.

The congressional oversight role could best be served by a single permanent committee, but it needs to be one endowed with broad legislative and budgetary powers, unlike the weak sister voted by the Senate Rules Committee.

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16

COURIER EXPRESS  
Buffalo, New York

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## Law Day thoughts

The Niagara Falls Bar Association celebrates Law Day today with an observance on the theme "200 Years of Liberty and Law."

We don't know, as this is written, what the lawyers and their guests are going to say on this theme, but our own thoughts are glum.

It is true that the nation has survived for 200 years and so have many of the liberties of its citizens. But the liberties promised to all citizens by the Constitution and the Bill of Rights are by no means secure for all citizens at present, and we can't help thinking the Constitution itself is in jeopardy.

JUST THE OTHER DAY, for instance, the Senate Intelligence Committee released its report on the Central Intelligence Agency (CIA). Once the Committee had agreed to censor out such controversial data as the CIA budget, the report was greeted with what amounted to a yawn. Observers believe Congress will do nothing this year (if ever) about reform of U. S. intelligence operations, and of course President Ford, like his predecessors, is quite content to keep full authority over the CIA in his own hands.

We find this troubling. The Senate and House Committees, and other investigations as well, have revealed many instances in which the CIA has abused the rights of American citizens and has acted abroad in ways that we believe are deeply inimical to American traditions.

A few days from now, the Senate Committee will publish its report on domestic intelligence operations. It is already pretty well documented that the FBI, the principal domestic intelligence force, has repeatedly and massively violated the liberties supposedly guaranteed to Americans by the Constitution and the Bill of Rights. Yet observers expect there will be no stronger impetus for reform of domestic intelligence than there is for reform of the CIA.

We are frightened by this lethargy. It is true that many of the worst abuses of the CIA and the FBI have been discontinued. But if the institutions themselves are not reformed, how long will it be before a whole new set of abuses arises? If Presidents and FBI and CIA directors, through carelessness or malice, could permit intelligence agencies to abuse citizens in the past, what is to prevent them from permitting them to do so in the future? Nothing will prevent them, unless Congress does its constitutional duty of overseeing intelligence operations with the express intention of safeguarding the rights of all citizens under the Constitution and the Bill of Rights.

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10A

NIAGARA GAZETTE  
Niagara Falls, N.Y.

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WHAT SEEMS TO BE at the bottom of this congressional and presidential lethargy is an unexpressed contempt for the Constitution and the law because it is sometimes inconvenient to observe them.

One would have thought, for instance, that "executive privilege" would have been thoroughly discredited after ex-President Nixon's abuse of it. Yet President Ford has been invoking it again and this pernicious doctrine — which has neither constitutional nor legal foundation — seems to be accepted by Congress, the President, and even (with qualifications) by the courts. There seems to be a consensus in Washington that the convenience of "executive privilege" is more important than law or Constitution.

In similar fashion, Congress and the President seem willing to overlook the transgressions of the CIA and the FBI because it is convenient to let them do as they please.

It is convenient, in other words, to let official lawlessness flourish.

~~There is~~ reason to be glum this Law Day.

(Mount Clipping in Space Below)

The editor's notebook

# We must erase our society's stain

By BURT BLAZAR  
Editor

Big Brother seems to have been alive and well in this country for lo these many years—and doesn't that fry you as well as scare you?

It does me.

The story has been leaking out for months in dribs and drabs. Now the Senate Select Committee on Intelligence has climaxed a 13-month study by baring activities of the FBI, CIA, IRS, Army Intelligence and others.

Those agencies have created files on more than half a million United States citizens, opened nearly 250,000 pieces of first-class mail, monitored millions of telegrams and overseas telephone calls, listed

26,000 citizens for detention in a national emergency and subjected many private citizens to secret harassment and to programs designed to disrupt their lives and destroy their reputations.

Incredible. Maybe it's not quite as bad as George Orwell satirized in his 1949 novel, "1984," when he envisioned a Big Brother watching all of us wherever we were. But for certain groups and individuals, it has been close.

For some of us, it means that our brainwashing has finally been repaired.

That began for my middle-aged generation with history books that suggested the United States was the one really free country in the world. We always wore the "heroes'

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4

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white-hats; the others wore black ones.

Everything our government did was for the protection of its citizens.

Police states? Russia, of course. And later China and other Communist countries. Full of spies. Checks on the individuals. Phone taps. Secret files. Covert political activities to keep the present administration in power.

But not the holier-than-thou governments of the United States. Never. We were too pure, too ethical, too faithful to democratic ideals.

Even when some people began complaining about surveillance and harassment back in the late 1940s and 1950s, my generation scoffed.

"They're fantasizing," we said. "They're making excuses," we said. "Ignore them," we said.

But now the Senate committee says we were wrong, that it happened then and was still happening until just a short time ago.

The FBI and the CIA have been

hurt most, particularly the FBI.

Until Watergate, the bureau had been considered the most pristine of all law enforcement agencies. From J. Edgar Hoover on down, FBI agents were regarded as being like TV's Untouchables.

Uncorruptible. Above the mundane details of politics. The rock of the anti-crime crusade.

Now the bureau has nearly hit bottom.

An effort is being made to polish the image, and hopefully it will succeed. But it's going to take time, and that image will never be quite the same again.

The reason is obvious. We have been burned.

No one apparently was immune during the height of surveillance activities.

The National Association for the Advancement of Colored People and the late Dr. Martin Luther King were targets for as long as 25 years. So were such diverse elements as the Ku Klux Klan, the John Birch Society, the feminist

movement, senators and even former President Nixon.

Not only that, but a lot of the harassment seems to have been instigated by presidents or their aides. And if that didn't destroy any illusions we had left, then nothing will.

Where do we go from here?

The Senate committee has suggested restricting investigative activities of the IRS, CIA and FBI, among others. That probably will be done in time, and the sooner the better.

Beyond that, we need a change in attitude among agencies who have operated in a vacuum apart from the rest of us. Maybe even above us.

Those agencies must recognize that they are the servants, not the masters, and that this is not a police state.

They must reaffirm that they will not abridge any rights, no matter who orders them to.

Then—and only then—will we have taken our first step toward cleansing the stain on our society.

(Mount Clipping in Space Below)

# Senate Report Details 'Dirty' FBI Campaigns

Associated Press

WASHINGTON, May 5 — FBI headquarters approved more than 2300 actions in a "rough, tough and dirty" campaign to disrupt and discredit U. S. organizations ranging from the Black Panthers to Antioch College, according to a new report on the bureau's Cointelpro program.

The report, released today by the Senate Intelligence Committee, said many of the actions approved during a 15-year period ending in 1971 "may have violated specific criminal statutes," while others "involved risk of serious bodily injury or death to the targets."

Chairman Frank Church (D., Ida.) coupled release of the re-

port with a renewed call for creation of a congressional panel to oversee intelligence operations and a special prosecutor to investigate possible criminal charges against officials involved in intelligence abuses.

THE REPORT outlined Cointelpro operations against a

staggering range of targets," beginning in 1956 with the Communist Party U.S.A. and ending in 1971 with "students demonstrating against anything."

FBI use of "dangerous, degrading or blatantly unconstitutional techniques" appears to have become less restrained with each subsequent program, the report said.

Most Cointelpro tactics described in the report, such as mailing anonymous letters that accused spouses of infidelity or encouraging warfare between rival groups, have been previously reported.

The report quoted internal Justice Department documents as stating that Cointelpro activities may have violated the civil rights statute as well as federal laws against mail fraud and extortion.

Although FBI witnesses testified that Cointelpro was intended to protect the national security and prevent violence, the report said that "the unexpressed major premise of much of Cointelpro is that the bureau has a role in maintaining the existing social order and combating those who threaten that order."

AS AN EXAMPLE, the report quoted FBI memos showing that two students who participated in a free-speech demonstration were made Cointelpro targets because of their "obvious disregard for decency and established morality."

According to the report, more than half the Cointelpro operations approved during its 15-year history were directed at the Communist party. By the early 1960s, Cointelpro operations had expanded to include the prevention of Communist infiltration of mass organizations ranging from the NAACP to scout troop.

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33

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The most limited of the Cointelpro programs was directed at the Socialist Workers party from 1961 to 1969, according to the report.

The bureau has conceded that the SWP has never been engaged in organizational violence, nor has it taken any criminal steps toward overthrowing the country, the report said.

FBI OFFICIALS were quoted in the report as saying the most successful Cointelpro program was against the Ku Klux Klan. The report said Cointelpro "used comparatively few techniques that carried a risk of serious physical, emotional or economic damage to the targets" in dealing with the Klan.

But it added that the Cointelpro program aimed at what the FBI considered "Black Nationalist" groups, ranging from the Black Panthers to the Southern Christian Leadership Conference, "used such techniques extensively."

At least four assaults, two of them against women and one broken marriage were reported to have resulted from Cointelpro tactics aimed at black groups, the report said.

According to the report, the least successful Cointelpro program was one directed against the New Left after student riots in 1968.

THE LACK of success was due in part to the fact that the FBI was unable to define exactly what organizations belonged in the New Left.

The result was that student groups ranging from Students for a Democratic Society to all of Antioch College, a liberal arts school in Ohio, became targets of Cointelpro, the report said.

The report said there was documentary evidence that various attorneys general, advisers to presidents, members of the House Appropriations Subcommittee and the Cabinet were told about Cointelpro operations against the Communist party and Ku Klux Klan.

None of those documents mentioned more questionable techniques used by the FBI and there was no evidence that officials outside the FBI had been told about the other Cointelpro programs, the report said.

The report added, however, that "there is no record that any of these officials asked to know more, and none of them appears to have expressed disapproval based on the information they were given."

Cointelpro was terminated in 1971 after documents stolen from an FBI office in Media, Pa., began appearing in the press.

(Mount Clipping in Space Below)

# FBI Played Media, Senate Unit Says

© New York Times News Service

WASHINGTON — The Federal Bureau of Investigation repeatedly and covertly attempted to manipulate the news media in an effort to influence public opinion and discredit citizens and organizations that were its "targets," the Senate Select Committee on Intelligence Activities reported on Wednesday.

The committee's report on domestic intelligence activities presented evidence of pervasive and frequently successful efforts by the FBI to use the media to attack such targets as Rev. Dr. Martin Luther King Jr. and groups and individuals in what are described as the "new left."

These are examples from the report of ways the FBI sought to influence media reports:

—Through a "good friend" who was chairman of the board of a national magazine, the bureau killed an unfavorable article about the bureau due to appear in the magazine.

—FBI officials approached reporters, including one from a major magazine, offering to play tape recordings "embarrassing" to Dr. King.

—A freelance writer was furnished by the bureau with

photographs depicting a radical group's apartment as "a shambles with lewd, obscene and revolutionary slogans displayed on the walls."

—The Washington bureau chief of a major news organization was allegedly given discrediting information about the lawyer defending Daniel Ellsberg in the Pentagon papers case.

The FBI efforts to use the news media were generally part of the bureau's Cointelpro, (counterintelligence program) designed to "disrupt" or "neutralize" people or groups considered a threat to domestic security. But the effort indicates that the FBI also sought to use the media to disseminate its own views on such issues as foreign policy and sexual morality.

The report said that the bureau's crime records division maintained "covert liaison" with the news media to advance two main domestic intelligence objectives: "(1) providing derogatory information to the media intended to generally discredit the activities or ideas of targeted groups of individuals; and (2) disseminating unfavorable articles, news releases and background information in order to disrupt particular activities

During the committee's hearings, a former director of the crimes records division testified that he kept a list of the bureau's "press friends" in his desk. Thomas E. Bishop also said that the FBI sometimes refused to cooperate with reporters critical of the bureau or its director.

Bishop said that as a general rule, the bureau gave out only "public record information" but that this could cover almost everything in the files on a targeted individual.

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12

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# Rights Held Violated By Snoop Groups

WASHINGTON (UPI) — The Senate Intelligence Committee reported on Wednesday that abuses of power by U.S. intelligence agencies have violated the constitutional rights of millions of Americans.

In a 396-page report titled "Intelligence Activities and the Rights of Americans," the panel said the CIA, FBI, IRS, National Security Agency and Army intelligence violated privacy, lawful assembly and other rights by break-ins, wire-taps, and buggings, mail openings, physical surveillance and harassment.

"The committee's fundamental conclusion is that intelligence activities have undermined the constitutional rights of citizens and that they have done so primarily because of checks and balances designed by the framers of the Constitution to assure accountability have not been applied," the report said.

## Computerized Index

Discussing the type of domestic spying it was concerned about, is said the CIA opened and photographed nearly a quarter of a million first-class letters in the United States from 1953 to 1973, "producing a CIA computerized index of nearly 1.5 million names.

Other statistics covered hundreds of thousands of surveillance files within other agencies.

The report made 96 reform recommendations which two committee members — Sens. John Tower, R-Tex., and Barry Goldwater, R-Ariz. — considered so sweeping they refused to sign the document. They also had refused to sign a report issued Monday on U.S. foreign and military intelligence.

The report said the spy agencies introduced a "Big Brother" element into American life.

"Too many people have been

(Indicate page, name of newspaper, city and state.)

1

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1. SAC
2. ASAC
3. Sec. Supv.
4. Desk 4
5. Desk 5
6. Desk 6
7. LASH

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spied upon by too many government agencies and too much information has been collected," it said.

"The government has often undertaken the secret surveillance of citizens on the basis of their political beliefs, even when those beliefs posed no threat of violence or illegal acts on behalf of a hostile foreign power.

"The government, operating primarily through secret informants but also using other intrusive techniques such as wiretaps, microphone 'bugs,' surreptitious mail opening, and break-ins, has swept in vast amounts of information about the personal lives, views and associations of American citizens.

#### 'Vicious Tactics'

"Investigations of groups deemed potentially dangerous — and even of groups suspected of associating with potentially dangerous organizations — have continued for decades . . . ." it said.

"Unsavory and vicious tactics have been employed — including anonymous attempts to break up marriages, disrupt meetings, ostracize persons from their professions."

The report said the reform recommendations were not designed to control federal investigations of "organized crime, narcotics or other law enforcement investigations unrelated to domestic security activities" or to hamper counterintelligence operations.

#### Checks, Controls

The recommendations covered a wide range of checks and controls, including:

— A ruling that "there is no inherent constitutional authority for the President or any intelligence agency to violate the law."

— Creation of a new

permanent Senate intelligence oversight committee with broad review and enforcement powers. Congressional support for this proposal is waning and the Senate Rules Committee approved creation of a weak panel that would share oversight activities with committees that have traditionally had that function.

— Legal prohibition against the CIA, NSA and Army intelligence engaging in any domestic intelligence operations involving Americans, with a few carefully defined exceptions.

— A ban against the CIA and Army intelligence conducting any experiments on humans, including experiments with drugs.

— Forbidding the IRS to "collect any information about the activities of Americans except for the purposes of enforcing the tax laws."

#### Political Probes

In its survey of intelligence files on Americans, the report said the FBI alone "has developed over 500,000 domestic intelligence files," while Army intelligence built up about 100,000 such files in the 1960s and the IRS developed 11,000 between 1969 and 1973.

"Tax investigations," it said, "were started on the basis of political rather than tax criteria."



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## FBI Planted News Items Derogatory To Those It Opposed, Panel Reports

From News Wire Services

WASHINGTON, April 29 — The FBI often planted derogatory news stories — anonymously or through "friendly" reporters — about people or groups it opposed, the Senate Intelligence Committee reported Wednesday.

"Typically, a local FBI agent would provide information to a 'friendly news source' on the condition 'that the bureau's interest in these matters is to be kept in the strictest confidence,'" the report said.

It said the targets included the late Dr. Martin Luther King Jr., the civil rights movement in general and Vietnam war opponents.

The report quoted Thomas E. Bishop, former head of the FBI's Crime

Records Division, which was responsible for press contacts, as saying he kept "a list of the bureau's 'press friends' in his desk."

The report said the FBI "took advantage of a close relationship with a high official of a major national magazine" to squelch an unfavorable article about the bureau. The same contact was used to forestall publication of an article by Dr. King.

Other cases cited in the report included:

— An attempt to discredit Leonard Boudin, one of the defense attorneys for Daniel Ellsberg in the Pentagon Papers case in the early 1970s.

— An FBI memo that said the Atlanta field office of the FBI gave a "friendly" newspaper

editor "information to supplement that already known to him from public sources concerning subversive influences in the Atlanta peace movement."

— An FBI agent in Chicago contacted a reporter for a major newspaper "to arrange for publication of an article which was expected to 'greatly encourage factional antagonisms during the SDS Students for a Democratic Society convention.'"

— A news release was prepared noting that the son of a "couple identified with the Communist Party movement" had been arrested on a drug charge. The release noted that "the Red Chinese have long used narcotics to help weaken the youth of target countries."

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## Senate Fight Ahead on Issue Of Intelligence Panel Power

United Press International

WASHINGTON, April 29 — Proponents of tighter congressional control of the U. S. intelligence community vow a major fight in the Senate May 10 to restore strong reform proposals defeated in the Senate Rules Committee on Wednesday.

But the prospect of the Senate creating a tough, new oversight committee to monitor the spy agencies, sources concede, is uncertain at best.

The May 10 date was set to accommodate Sen. Frank Church (D., Ida.), chairman of the Select Committee on Intelligence, who will be away from Washington campaigning for the presidency until then.

THE SENATE RULES Committee voted 5-4 Wednesday to establish an intelligence oversight committee. But critics say the panel would be ineffectual. The Intelligence Committee wants a joint congressional committee with both budgetary and strict oversight control over intelligence activities.

Sen. Dick Clark (D., Ia.), who fought during two drafting sessions for a strong panel, called the Rules Committee product "a repudiation" of recommendations developed during the Senate's 15-month probe of intelligence agency abuses.

The oversight committee approved by the rules committee was proposed by Chairman Howard Cannon (D., Nev.).

It would be composed of 13 members drawn from the Senate Armed Services, Foreign Relations, Appropriations and Judiciary committees, the panels which critics say have been neglectful in the past. It would share jurisdiction over the agencies with the four other committees.

THERE WOULD be additional study of intelligence operations, but no enforcement powers to monitor or control.

Sen. James B. Allen (D., Ala.) persuaded the Rules Committee to adopt a section waiving investigation of any subject it deemed sufficiently studied during the past 15 months.

Critics see this clause as a further "escape hole" for avoiding oversight duties.

Sen. Philip A. Hart (D., Mich.), a member of the select committee, said he believes enough senators will support publication of the aggregate annual intelligence budget figure, but probably will not support tough reforms.

But the select committee's chief counsel, Frederick A. O. Schwarz, predicted: "We may lose in the Rules Committee, but we'll win on the Senate floor."

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## Panel Proposes to Curb Domestic Spy Projects

Associated Press

WASHINGTON, April 29 — The Senate Intelligence Committee Wednesday called for legislation specifically forbidding a broad range of domestic intelligence operations.

The major proposals included:

—A ruling that "there is no inherent constitutional authority for the President or any intelligence agency to violate the law."

—Creation of a new permanent Senate intelligence oversight committee with broad review and enforcement powers.

—That the CIA, the National Security Agency (NSA) and military intelligence agencies be barred from domestic security activity except in cases involving their employees.

—That the FBI be required to obtain a judicial warrant before using wiretaps, breaks-ins or mail openings in domestic investigations.

—That the FBI be required to get the attorney general's approval before using an informer.

—That the IRS be forbidden to "collect any information about the activities of Americans except for the purposes of enforcing the tax laws."

—That the NSA be required to obtain a warrant before monitoring "any communications to, from or about an American" unless it involves foreign spy or terrorist activities.

—That all past intelligence data collected through illegal techniques be locked up and destroyed.

Two committee members, Sens. John Tower (R., Tex.) and Barry Goldwater (R., Ariz.), considered the proposals so sweeping they refused to sign the document. They also had refused to sign a report issued Monday on U. S. foreign and military intelligence.

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# Report Charges Lawlessness by FBI, Spy Agencies

By JACK NELSON

L. A. Times-Washington Post Service

WASHINGTON, April 29—The Senate Intelligence Committee issued a chilling report Wednesday documenting a 40-year pattern of official lawlessness by intelligence agencies during both Democratic and Republican administrations.

The committee's 96 recommendations for reform, aimed primarily at the FBI, include legislation that would limit an FBI director's term to eight years; prohibit a director from supplying the White House with personal or political information about presidential opponents and generally make intelligence officials more accountable for their actions.

The FBI practice of supplying political information to the White House began early in the late J. Edgar Hoover's 48-year reign as director, the committee found, but grew to unprecedented dimensions during the Lyndon Johnson and Richard Nixon administrations.

"We have seen segments of our government, in their attitudes and action, adopt tactics unworthy of a democracy, and occasionally reminiscent of the tactics of totalitarian regimes," the committee reported.

THE REPORT documents not only numerous lies by government officials, but the institutionalizing of lying and other deceptive practices by the FBI and other agencies to cover up official lawlessness.

It criticizes attitudes of high government officials in condoning or encouraging lawlessness in the name of national security and details specific cases of abuse, including the FBI's intensive campaign to discredit the late Dr. Martin Luther King, Jr.

It discloses that President Johnson and high Justice Department officials knew about some aspects of the campaign to discredit Dr. King, but took no action to end the campaign or punish those responsible.

The committee, headed by Sen. Frank Church (D., Ida.), also blamed Congress for its failure to exercise proper oversight and for failing to establish precise standards governing domestic intelligence.

SUMMARIZING THE main abuses it documented during a 15-month investigation, the committee said:

"Too many people have been spied upon by too many government agencies and too much information has been collected. The government has often undertaken the secret surveillance of citizens on the basis of their political beliefs, even when those beliefs posed no threat of violence or illegal acts on behalf of a hostile foreign power.

"The government, operating primarily through secret informants, but also using other intrusive techniques such as wiretaps, microphone 'bugs' surreptitious mail openings and break-ins, has swept in vast amounts of information about the personal lives, views and associations of American citizens.

"INVESTIGATIONS OF groups deemed potentially dangerous — and even of groups suspected of associating with

potentially dangerous organizations — have continued for decades, despite the fact that these groups did not engage in unlawful activity.

"Groups and individuals have been harassed and disrupted because of their political views and their lifestyles. Investigations have been based upon vague standards whose breadth made excessive collection inevitable.

"Unsavory and vicious tactics have been employed — including anonymous attempts to break up marriages, disrupt meetings, ostracize persons from their professions, and provoke target groups into riots that might result in deaths."

THE COMMITTEE reported that FBI headquarters alone has developed more than 500,000 domestic intelligence files, 65,000 of which were opened in 1972 alone. These files are augmented by additional files opened in FBI field offices.

In addition, the committee reported almost 250,000 first-class letters were opened and photographed in the United States by the CIA between 1953-73, producing a CIA computerized index of nearly 1 1/2 million names; at least 130,000 first-class letters were opened and photographed by the FBI between 1940-66; some 300,000 individuals were indexed in a CIA computer system and separate files were maintained on 7200 Americans; millions of private telegrams sent from, to, or through the United States were obtained by the National Security Agency from 1947 to 1975 through a secret arrangement with three U. S. telegraph companies.

INVESTIGATIONS OF the lawful activities of peaceful groups have continued for decades, the committee said, citing the case of the National Association for the Advancement of Colored People.

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The NAACP was investigated to determine whether it had "connections with" the Communist Party. The investigation lasted for more than 25 years although nothing was found to rebut an FBI report during the first year of the investigation that the organization had a "strong tendency" to "steer clear of Communist activities."

THE COMMITTEE cited these examples of the White House's use of the FBI for political purposes:

—President Roosevelt asked the FBI to put in its files the names of citizens sending telegrams to the White House opposing his national defense policy and supporting Col. Charles A. Lindbergh.

—President Truman received inside information on a former Roosevelt aide's efforts to influence his appointments, labor union negotiating plans,

and the publishing plans of journalists.

—President Eisenhower received reports on purely political and social contacts with foreign officials by Bernard Baruch, Mrs. Eleanor Roosevelt and Supreme Court Justice William O. Douglas.

—The Kennedy administration had the FBI wiretap a congressional staff member, three executive officials, a lobbyist and a Washington law firm. Atty. Gen. Robert F. Kennedy received the fruits of a FBI "tap" on Martin Luther King Jr. and a "bug" on a congressman, both of which yielded information of a political nature.

—President Johnson asked the FBI to conduct "name checks" of his critics and of members of the staff of his 1964 election opponent, Sen. Barry Goldwater (R., Ariz.). He also requested purely political intelligence on his critics in the Senate, and received extensive intelligence on political activity at the 1964 Democratic convention from FBI electronic surveillance.

—President Nixon authorized a program of wiretaps which produced for the White House purely political or personal information unrelated to national security, including information about a Supreme Court justice.

The committee cited some of the most liberal Justice Department officials of Democratic administrations for their roles in questionable intelligence practices.

In September 1937, Atty. Gen. Ramsey Clark directed the FBI to "use the maximum resources, investigative and intelligence, to collect and report all facts bearing upon the question as to whether there has been or is a scheme or conspiracy by any group of whatever size, effectiveness or affiliation, to plan, promote or aggravate riot activity."

SUBSEQUENTLY, JOHN Doar, assistant attorney general for civil rights, expressed concern that the FBI probe was too narrowly focused on traditional subversive groups and persons suspected of "specific statutory violations."

Mr. Clark reiterated Mr. Doar's view and told then FBI Director J. Edgar Hoover that "sources or informants in black nationalist organizations, SNCC (Student Nonviolent Coordinating Committee) and less publicized groups should be developed and expanded to determine the size and purpose of these groups and their relationship to other groups."

The committee reported that Nicholas DeB. Katzenbach, when he was attorney general,

and Burke Marshall, when he was assistant attorney general for civil rights, knew about some aspects of the FBI campaign to discredit Dr. King.

Disregard of the law by intelligence officers was seldom corrected, and sometimes encouraged or facilitated, by officials outside the agencies, the committee reported.

"WHETHER BY INACTION or direct participation," it said, "these administration officials contributed to the perception that legal restraints did not apply to intelligence activities."

The committee cited numerous cases in which officials rationalized unethical or illegal conduct, usually in the name of National security.

Former CIA Director Richard Helms never seriously questioned the legality of the 20-year CIA New York mail opening project because he assumed that Richard M. Dulles, had "made his legal peace with (it)."

Former Asst. FBI Director William C. Sullivan, who participated in the drafting of an intelligence plan which provided for burglaries and other illegal methods, told the committee:

"THE ONE THING we were concerned about was this: Will this course of action work, will it get us what we want, will we reach the objective, that we desire to reach? As far as legality is concerned, morals or ethics, (it) was never raised by myself or anybody else . . . I think this suggests really in government that we are amoral."

At times intelligence officials authorized acts that they acknowledged in writing were illegal.

For example, in 1954 a Hoover aide sent the FBI director a memo which recommended planting a bug in the hotel room of a suspected Communist sympathizer:

"Although such an installation will not be legal, it is believed that the intelligence information to be obtained will make such an installation necessary and desirable."

Mr. Hoover approved the installation.

ON SOME OCCASIONS higher officials avoided dealing with the question of law or ethics by refusing to be informed about intelligence activities. Former Postmaster General J. Edward Day, visited by former CIA directors Dulles and Helms in connection with a CIA project, interrupted them before they could give details and asked:

"Do I have to know about it?"

They didn't tell him about it. "Mr. Day did not learn the

true nature of this project because he 'would rather not know anything about it,' the committee said. "Although rare, such an attitude appears to have been all too common among senior government officials."

THE FBI DEVELOPED a special filing system for memoranda written about illegal techniques, such as break-ins. Under this system—which was referred to as the "do not file" procedure—authorizing documents and other memoranda were filed in special safes at headquarters and field offices until the next annual inspection, at which time they were to be systematically destroyed. In attempting to explain why illegal activities were advocated and defended, the committee said:

"The impact of the attitudes and actions of government officials in supervisory positions—Presidents, Cabinet officers, and congressmen—should not be discounted."

"Their occasional endorsement of such activities, as well as the atmosphere of permissiveness created by their emphasis on national security and their demands or results clearly contributed to the notion that strict adherence to the law was unimportant."

(Mount Clipping in Space Below)

# Report Traces FBI 'War' on Black Panthers

From News Wire Services

WASHINGTON, May 6 — The FBI provoked and encouraged bloody gang warfare between the Black Panthers and rival groups in hopes of neutralizing the organizations or killing off the leadership, a Senate Intelligence Committee staff report said today.

At least four gang-style killings in California in 1969 were linked to FBI provocation, and the bureau targeted the premises of a Chicago Black Panther apartment for a local police raid in which two died in a gun battle the same year, the report said.

The supplemental report, prepared by the staff of the Senate Intelligence Committee, was titled "The FBI's Covert Action Program to Destroy the Black Panther Party." It catalogued FBI tactics ranging from anonymous hate letters and scurrilous propaganda to fingering black leaders for killing by one side or the other.

Information on the FBI "marking" the Chicago apartment where two Black Panther leaders were killed during a raid apparently was not forwarded at the time to the Chicago district attorney investigating the FBI's role in the operation.

THEN DIRECTOR J. Edgar Hoover decided in September 1968, the report said, that the Black Panther party constituted "the greatest threat to the internal security of the country." By the following year the party was "the primary focus" for 233 of 295 actions against "black nationalists."

The report said the FBI used anonymous notes and informants to sow dissension between rival black groups, and glowing tributes were cited between field offices and FBI headquarters when covert operations resulted in violence.

Art Jefferson, the committee staff member who compiled the report, told reporters that investigations showed FBI covert actions against rival black groups "clearly were aimed at continuing the conflict—to keep them busy fighting each other."

\* \* \*

FBI INTRIGUES extended across the country and even to Algiers to disrupt the activities of Eldridge Cleaver and other exiles living there and in Europe.

Jane Fonda and other entertainment personalities "who spoke in favor of Panther goals or associated with members became the targets of FBI programs," the report said.

The FBI even disrupted free "Breakfast for Children" programs sponsored by the Black Panthers and succeeded in having a Catholic priest transferred from his San Diego parish because he permitted the church to be used as a free food site.

The FBI concocted and anonymously distributed copies of "an inflammatory Black Panther coloring book for children."

\* \* \*

"ALTHOUGH THE claimed purpose of the bureau's Cointelpro tactics was to prevent violence," the report said, "some of the FBI's tactics were clearly intended to foster violence and many others could reasonably have been expected to cause violence."

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BUFFALO EVENING NEWS  
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In another report, the committee staff said high officials in the Kennedy and Johnson administrations must share the blame for the FBI's campaign to destroy Dr. Martin Luther King.

It said there was no evidence that anyone outside the FBI approved the campaign against Dr. King, but it concluded that "officials responsible for supervising the FBI received indications that such an effort ... might be taking place and failed to take adequate steps to prevent it."

THE REPORT said evidence showed that:

—Atty. Gen. Robert F. Kennedy was given a summary of information obtained from bugs placed in Dr. King's hotel rooms;

—Atty. Gen. Nicholas DeB. Katzenbach and Asst. Atty. Gen. Burke Marshall told President Johnson that the FBI had offered to play tape recordings of the bugs to reporters;

—The FBI offered to play the tape recordings for Johnson aide Walter Jenkins; and

—Johnson aide Bill Moyers approved sending FBI reports containing derogatory personal information about Dr. King to other government agencies.

"The evidence reveals a disturbing attitude of unconcern by responsible officials and a failure on their part to make appropriate corrective measures," the report said.

THE 105-PAGE STUDY, which contained few new disclosures concerning the bureau's self-described campaign "to completely discredit Dr. King as the leader of the Negro people," said the FBI tried to smear Dr. King even after his death, treating him much like a Soviet agent, and had a plan to harass his widow as well.

"The FBI's attempts to discredit Dr. King did not end with his death" by assassination in 1968, the staff said. In what it calls the FBI's "secret war" against American citizens.

The staff also said, however, it found no evidence the bureau was involved in Dr. King's murder. A Justice Department task force is investigating that subject separately.

BUT THE REPORT, prepared by the staff and not signed by committee members, said the FBI under Mr. Hoover pursued a "vicious vendetta" against Dr. King from 1963 until some time after his death, trying to discredit his memory and to stop Congress from making his birthday a national holiday.

It said William Sullivan, Mr. Hoover's former FBI deputy, described the over-all campaign against Dr. King and thousands of other suspected radicals as "a rough, tough, dirty business and dangerous ..."

"No holds were barred," Mr. Sullivan testified at committee hearings. "We have used (similar) techniques against Soviet agents ... We did not differentiate."

REPEATING CONCLUSIONS the committee has published, the report said Mr. Hoover considered Dr. King "no good" and a dangerous force for dissent in America.

It said he directed his agents to prove Dr. King was Communist-influenced by tapping his telephones, bugging

his hotel rooms and harassing him. One ploy was the anonymous letter, already publicized, which suggested that Dr. King commit suicide or face disclosure of an extra-marital affair.

But Wednesday's report also included new disclosures about the smear campaign that followed Dr. King's death.

When Congress was considering declaring his birthday a national holiday, it said, the FBI's Crime Records Division "recommended briefing congressmen" who might keep the bill bottled up in committee if "they realize King was a scoundrel."

Congress has yet to vote on a King birthday bill.

The report also said the FBI Atlanta field office proposed a "counterintelligence operation" against Dr. King's memory and his widow in April 1969.

(Mount Clipping in Space Below)

# FBI's Informant Network Outlined

WASHINGTON — The FBI spends some \$7 million a year to maintain a network of 1,500 paid informants who serve as "vacuum cleaners" reporting virtually everything they observe, a Senate report said Thursday.

Items from the informants include lawful political activity and details of the personal lives of citizens, it said.

The money spent on these domestic intelligence informants is more than twice that allocated for informants against organized crime, according to the Senate Intelligence Committee staff report.

In the past, these informants have reported on groups such as the Black Panthers, the Ku Klux Klan and women's liberation, it said.

## Confidential Sources

In addition to paid informants, the FBI also relies on more than 1,200 "confidential sources" such as "bankers, telephone company employees and landlords" who supply the FBI with information they come across in the course of their jobs, it said.

The 45-page staff study is one of 13 volumes being released by the committee in support of its final report on domestic spying.

The report said that informants are "the most extensively used techniques in FBI domestic intelligence investigations," figuring in 85 per cent of the cases studied by the General Accounting Office. "By

comparison, electronic surveillance was used in only 5 per cent of the cases studied," the report said.

## Paid \$100 a Month

The average amount paid to informants was \$100 a month, although one in San Diego "reached the bureau's top informant payment of \$250 per month plus up to \$100 per month in expenses," the report said.

The report described three special informant programs:

—Between 1937 and 1973 the bureau developed a network of more than 7,000 ghetto informants to collect intelligence on urban riots.

—From 1940 to 1969, the FBI maintained informants in defense plants around the country as a guard against espionage.

—From 1940 to 1954, the FBI used American Legion members as confidential sources to report on subversive or espionage activity.

With the exception of the Socialist Workers Party, the report did not reveal the names of groups now penetrated by FBI informants. In the case of the Socialist Workers, the report said the FBI's use of informants "has continued from 1940 to the present day" despite the bureau's own admission that "since shortly after its formation the SWP has not committed any violent acts" or made any illegal threats to overthrow the government.

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## NSA Had File On 75,000, Panel Says

Reuters News-Service

WASHINGTON, May 11 — The super-secret National Security Agency (NSA) maintained files on some 75,000 private citizens including members of Congress and other prominent Americans, the Senate Intelligence Committee said Monday.

The files, kept until 1974, at Ft. Meade, Md., and then destroyed, contained sensitive personal information gathered from the agency's monitoring of overseas communications, reports from other intelligence agencies and newspaper cuttings, the committee said.

The panel also revealed that the NSA conducted at least eight surreptitious break-ins in the late 1950s and early 1960s, mostly to plant bugging devices.

The disclosures were outlined in a supplement to the committee's final report on foreign intelligence operations issued last month.

\* \* \*

THE NSA, the most secretive of the U. S. intelligence agencies, is responsible for protecting U. S. communications from interception by foreign countries and for producing foreign intelligence information.

The committee did not name the names of those watched by the NSA. The files, it said, were destroyed when the agency felt "their usefulness did not justify the costs in time and money and storage space."

It said the files were not compiled for any sinister purpose, but noted that the CIA had free and unsupervised access to them.

"The fact that CIA personnel used the files . . . to gather information on American citizens, during a period when the CIA was engaged in unlawful domestic activities aimed against many of those same citizens, illustrates the danger of maintaining such files," the committee said.

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# IRS Told Not to Destroy Spy Files

## Panel in House Holds Hearing on Abuse of Privacy

United Press International

WASHINGTON, May 11 — Internal Revenue Commissioner Donald C. Alexander said today he wants to make "the biggest bonfire" in Washington to destroy 11,500 IRS intelligence files on Americans rather than make them available to the individuals concerned.

But he was warned sternly against destroying the files at a hearing of the House Subcommittee on Government Information & Individual Rights.

Panel reveals NSA Maintained files on 75,000. PAGE 12

mittee on Government Information & Individual Rights.

Mr. Alexander testified following today's release of a Senate Intelligence Committee staff report which accused the IRS of "serious and illegal abuse" of the privacy of taxpayers "targeted" by the White House, FBI, CIA and other agencies in operations that involved wiretaps, bugs and break-ins.

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mittee staff report said the IRS ranks as an intelligence agency, both in its legitimate role of running down tax violators and fraud, and in accumulating "vast amounts of information about the financial and personal affairs of American citizens."

With this "rich deposit of intelligence" from tax returns and the supporting documents which taxpayers submit voluntarily the IRS is a powerful tool which other government departments "have periodically sought to employ," the document said.

IT SAID THIS has led to "serious and illegal abuse of IRS investigative powers and to a compromise of the privacy and integrity of the tax return."

The service carried out audits and investigations of "targeted" citizens and organizations, most often without asking why, the report said.

Abuses extended back through many administrations but reached a height during the presidency of Richard M. Nixon, it said.

Some past controversial or illegal IRS activities listed included:

— Participating in the FBI's counter-intelligence program by supplying tax information on dissenters, black nationalists, civil rights advocates, anti-war protesters and some 2300 organizations categorized as "old left," "new left" and "right wing."

— Initiation of a computerized information gathering and retrieval system between 1963 and 1975 that contained "general intelligence" on 465,442 persons or groups, and plans to include 10,000 organizations eventually.

— Carrying out of "Operation Leprechaun" against big spenders and suspected influence wielders in Florida that embraced investigations of a congressional candidate and information on the sex lives and drinking habits of 30 public officials in the Miami area.

THE FILES also allegedly contained information involving sex and the drinking habits of those investigated.

"What benefit would be gained from incurring the substantial costs which would be required to inform persons that they were the subjects of files?" Mr. Alexander asked the House subcommittee. He said the files are "inactive, outdated and useless and would have been destroyed long ago" except for ongoing congressional investigations.

He estimated it would cost \$200,000 to keep the files and make them known to every individual involved.

Rep. Benia Abzug (D., N. Y.), chairman of the subcommittee, bristled and said: "I'm telling you right now that this is a congressional inquiry . . . and I put you on notice that those files better not be destroyed."

SHE SAID that citizens whose privacy rights had been illegally invaded over the years by the IRS should know about it.

Mrs. Abzug is holding hearings on a bill which would require that all persons subjected to improper or illegal intelligence activity by government agencies be given notice that they were targets and with the right to find out what the government was saying about them.

The Senate Intelligence Com-

(Mount Clipping in Space Below)

**WILLIAM F. BUCKLEY JR.**

# 1-Dimension View of CIA, FBI

The Church committee report deserves to be taken very seriously. It would appear to establish beyond serious question that the executive has coasted along giving very little thought to questions of law, let alone constitutionality, when dealing with the intelligence activities and domestic security.

Moreover, it is plain that every president from Roosevelt on has used the intelligence resources of the government for the purpose of accumulating data politically useful to the president. Not even the noble Dwight D. Eisenhower is excepted in the new catalogue.

The trouble with investigations of this nature is that not very much tends to be done to give the point of view of the officials being investigated. Every now and then you get a situation that is simply inexplicable and indefensible, e.g. the attempt to induce the suicide of Dr. Martin Luther King Jr. But there are others.

The committee cites one of many examples of what it clearly considers wrongdoing, such as the decision to penetrate the Ku Klux Klan.

Is this a correct decision? The KKK was branded as a subversive organization by the attorney general in one of those lists that was so popular years ago. It would appear to be an organization historically devoted to depriving American citizens of their rights.

In one particular chapter of the Klan, an agent of the FBI, posing as a member, participated in the beating

## Church report omits 'point of view of the officials being investigated.'

of some of the Klan's victims.

This is a very high penalty to pay for the reward of authenticity. But some time later the Klan murdered a civil rights worker and a planted FBI Klansman appeared as a witness — and achieved a conviction for murder.

Here is an example of one of the dilemmas of a free society. Should an FBI agent engage in such activity? Or are we better off leaving the Klan — and, indeed, other organizations disposed to terrorism — free to do their dirty work without covert interference?

What, if any, are the responsibilities of such organizations as the CIA, the FBI, and the Secret Service, when up against such organizations as the Black Panthers, the Weathermen, the Symbionese Liberation Army?

There was a huge outcry against the FBI for having failed to pick up Lee Harvey Oswald when John F. Kennedy came to town. I do not readily see how, under the prospective rules, any of these agencies would even have known about the existence of Lee Harvey Oswald, let alone that he should be invited to remain out of shooting range of American presidents.

John Wilkes Booth would have been dismissed under these rules, as an

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12A

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7. LASH   P

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alcoholic romantic actor whose privacy we have no business interfering with.

What is missing from the Church report is what the logicians call an a posteriori look at the problem — i.e., a look that reasons from the facts on back to the theory.

The facts during the late sixties were that the United States government was not fulfilling its primary responsibility to the people. There were tens of thousands of explosions; there were buildings burned, arson advocated, civil disobedience the rage, the civil rights of establishmentarian dissenters violated, hijackings every week, Soviet money promoting internal dissension, military and diplomatic secrets published.

It will require the integration of these conditions in a doctrine of self defense by a free society, rather than mere abstract affirmation, to convince us that the Church committee has done a complete job.

But certainly it has shown us, already, that the FBI and the CIA appear to be as capable as any bureaucratic agency of Parkinsonian excesses — at the expense of the presumptive right of the American citizens to privacy.

Buckley is editor of the *National Review*.

(Mount Clipping in Space Below)

# Tax Report Cites Barth Role

*Courier-Express Washington Bureau*

WASHINGTON — Former Buffalonian Roger Barth is named in a new staff report of the Senate Intelligence Committee detailing abuses of tax information by the FBI, CIA and other executive agencies.

Barth was assistant to former Internal Revenue Commissioner Randolph Thrower early in 1969 when the White House reportedly encouraged the IRS to examine leftwing tax-exempt organizations to be sure they were complying with the tax laws.

The staff report, drawing almost entirely on prior congressional enquiries, depicts Barth as the contact person at IRS for White House aide Tom Charles Huston who recommended the special audit of activist groups.

## White House 'Conduit'

The staff study said career IRS employees who were questioned "unanimously named Mr. Barth as a conduit to the White House of information about the inner workings of the IRS."

But it also quotes Huston as saying he had "no discussion" with Barth regarding the establishment of a secret "Special Service Staff" (SSS) which evolved within IRS in June 1969.

It was this organization which subsequently targeted some

8,000 individuals and 3,000 groups of activists and extremists for special tax audits. The SSS was abolished three years ago by the present commissioner, Donald Alexander.

"There is no evidence that the White House ordered or specifically suggested its establishment," the staff study said. "The evidence does suggest, however, that because SSS was in part a response to White House interest in the IRS' acting against ideological organizations, the White House was kept advised of the specific action IRS was taking and that there was some feeling within IRS that the service had made a "commitment" to the White House to proceed with SSS."

According to the report, President Richard Nixon "reportedly concurred" with Huston's proposal early in 1969 to take a close look at left-wing groups by examining their tax filings.

Dr. Arthur Burns, who now heads the Federal Reserve Board, was asked to speak with IRS Commissioner Thrower about the President's "concern" and the two met on June 16, 1969.

Four days later, the report says, Huston advised Barth by memorandum that the "President is anxious to see some positive action taken against these organizations which are

violating existing regulations and I have assured him that I will keep him advised of the efforts that are presently underway."

## 'Cannot Recall'

According to the Joint Congressional Committee on Internal Revenue Taxation, Barth may have shown this memo to the commissioner and to an assistant commissioner but "Mr. Barth cannot recall doing either for certain."

The staff study says a report on ideological organizations was prepared for Barth following a meeting on July 1, 1969 at which IRS staff members were briefed on "militant organizations" by a special agent, Eddie D. Hughes.

The report says Huston stated that he believed he had seen the memorandum and that "Mr. Barth had sent it to him."

The staff study tells of an early meeting of the organizers of the SSS on July 24, 1969 but does not mention Barth as among those attending.

Donald Virdin, who took the minutes of that meeting, wrote a memorandum July 31, saying that a copy of the minutes was forwarded to Barth. It quoted Bernard Meehan, an IRS aide, as saying the minutes "are over at the White House."

Barth left the IRS in 1973 and is in private law practice in Washington.

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## House Airs Illegal Missions by IRS

WASHINGTON (UPI) — The Internal Revenue Service has carried out illegal missions for the FBI, CIA and White House in a serious breach of taxpayers' rights, a Senate Intelligence Committee staff report said on Tuesday.

IRS Commissioner Donald C. Alexander, meanwhile, told a House hearing on Tuesday he would like to make "the big-

gest bonfire" in Washington to destroy 11,500 IRS intelligence files rather than show the files to the Americans involved.

The Senate report said most of the "use and abuse" orders to the IRS came from outside, but that the agency often was criminally negligent in not policing itself.

Some probes were ordered on the basis of political activity and not because of tax violations, the study found. Abuses took place during Democratic and Republican administrations, but reached a peak under President Richard M. Nixon, it said.

### Controls Needed

The report said an IRS special service staff collected information on taxpayers "targeted" by the White House, FBI, CIA and other agencies by methods that

included wiretaps, bugging and breakins.

"In the late 1960s and early 1970s, many . . . were selected for investigation . . . essentially because of their political activism rather than because specific facts indicated tax violations."

Despite recent reforms, the report said the findings "strongly suggests that more effective oversight and new controls over IRS intelligence gathering are necessary if the IRS is to be used for any nontax purpose."

Alexander, appearing before the house subcommittee on government information and individual rights, was asked about making the files available to those involved.

"What benefit would be gained from incurring the substantial costs which would be required to inform persons that they were the subjects of files?" Alexander said.

### 'Abzug Bristles'

"I would like to have the biggest bonfire," he said, estimating it would cost \$200,000 to keep the files and make them known to everyone involved.

Rep. Bella Abzug, D-N.Y., head of the panel, bristled: "I'm telling you right now that this is a congressional enquiry . . . and I put you on notice that those files better not be destroyed."

Alexander agreed to supply the committee with the names of the individuals and organizations contained in the files.

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# Criminals in FBI

The FBI was originally supposed to catch criminals. Instead, the agency spent a lot of its time in the 1960s performing criminal acts.

The revelations that are coming from the Senate Intelligence Committee's investigation of the FBI's activities in behalf of "national security" are disturbing for two reasons: first, because they make explicit the FBI's criminal activities which had previously been only generally known; and second, because there is no evidence that any agents or superior officers in the FBI have been or will be prosecuted for these criminal acts. We believe those responsible for such FBI projects as the attempt to defame the late Rev. Martin Luther King should be prosecuted. The attempt apparently went beyond harassment and snooping to active defamation of character. Similarly, those responsible for other criminal acts (inciting to violence in the FBI's campaign against the Black Panther Party; apparently illegal methods used in the campaign against the U.S. Labor Party) should be prosecuted. It's bad enough that criminal acts were apparently ordered or permitted; what makes it even more reprehensible is that most of them seem to have been directed against citizens who were guilty of nothing except the "crime" of offending the patriotic sensibilities of then FBI Director J. Edgar Hoover and his chief assistants.

**PUNISHING THE GUILTY** isn't enough. Something must be done to prevent such illegal and unconstitutional invasion of citizens' rights in the future. This means, primarily, that the President and Congress must accept more responsibility for the conduct of the FBI and other police and intelligence agencies. Neither party wants to do this now. It has been convenient for Presidents and Congresses to remain ignorant of what the FBI, the CIA, and others were up to. Now that we all know what they were up to, we also know that Presidents and Congresses behaved irresponsibly by remaining willfully ignorant.

Congress has got to set up a committee to oversee the behavior of the FBI and the others. That will mean the President will have to take care to keep himself better informed and to see to it that intelligence activities are legal and constitutional, or else face censure by Congress.

If they don't take on this responsibility, there will surely be more illegality and unconstitutionality in the future.

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## Spy Panel's Advice On FBI Make Sense

By JAMES J. KILPATRICK

The Roman satirist Juvenal posed a question nearly 2000 years ago that Congress might usefully ponder today. Juvenal was dealing with erring wives, not erring lawmen, but his warning has timeless application. It would not suffice, he said, merely to post guards around the lady's chambers, "because who is to watch the watchdogs?"

The Senate Select Committee on Intelligence, in recounting the sins of the FBI, has sought to grapple with Juvenal's question. For the most part, the committee's recommendations make sense. Throughout the career of Director J. Edgar Hoover, under Democratic and Republican presidents alike, the FBI repeatedly engaged in tactics that were as contemptible as they were unlawful.

To be sure, throughout this period the FBI also performed honorably and efficiently in many areas of federal law enforcement. Hoover's reign contained much that was good. But in the area of domestic intelligence gathering, the abuses were indefensible.

\*\*\*  
THIS DOES not make the abuses unexplainable. They can indeed be explained, in terms of a pattern as old as Juvenal's cunning wives. The abuses occurred through a combination of human and procedural failings.

It is tempting to reflect on the human failings only. Public institutions are largely the lengthened shadows of private men. J. Edgar Hoover, for all his good qualities, was a man of obsessive prejudice. As FBI director, he had massive powers to pursue them. He dealt with a succession of presidents, attorneys

general and congressional leaders who had weaknesses of their own. Hoover's skill was to understand these weaknesses and to capitalize on them.

\*\*\*  
OUR POLITICAL structure, in theory, provides checks against the strengths and weaknesses of men. In the case of the FBI's domestic intelligence activities, the procedures failed. The presidents, the attorneys general, the Congress, the courts, the press — none of these effectively exposed or restrained the abuse of power. In the flickering light of Communist espionage and subversion, we saw shadows everywhere.

The Senate committee's recommendations will demand study. There is no reason to rush into their adoption. Without risking a return to naivete, we may believe that many wise reforms already have been put into effect. In a natural revulsion against the committee's revelations, we ought to guard against overreaction.

Juvenal's question, of course, has no satisfactory answer. If Congress were to legislate a hundred safeguards — if ten thousand watchdogs were posted to watch on other watchdogs — no system would be fail-safe against greed, ambition, lust and misjudgment. The people's liberties never will be wholly secure, but the pending proposals will leave them less imperiled.

Washington Star Syndicate

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Buffalo, New York

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## Curing Surveillance Sickness

As tired as most Americans are of repeated disclosures of official lawbreaking by federal intelligence agencies, the final report of the Senate Select Committee on Intelligence Activities is still a shocker. It starkly portrays wholesale illegal acts against citizens here at home over the past 40 years by such federal agencies as the FBI, the CIA and the IRS under the administrations of the six Presidents from FDR to Nixon.

These agencies were used to harass individuals. They were used to try to break up marriages. They tried to ostracize people from their professions. They compiled hundreds of thousands of dossiers. They opened and photographed 250,000 first-class letters. They sought to provoke dissension and rivalries that could even result in death. And they sometimes did these things merely because someone in power disliked the political views or the personalities of the targeted victims.

Anyone who could not feel revulsion at the attitude of mind reflected by the abuses chronicled in that report would seem immune to the historic American

ideals of individual liberty and limited government. That attitude is summed up in the report's quotation of William Sullivan, former assistant FBI director:

"The one thing we were concerned about was this: Will this course of action work, will it get us what we want? ... As far as legality is concerned, morals or ethics, (it) was never raised by myself or anybody else ... I think this suggests really in government that we are amoral."

That, too often, was your FBI in action — and also, apparently, your IRS and CIA. But now it's time, and past time, for a change. The Senate Committee suggests several reforms. But the single most important one is to write this clear-cut principle into law:

"There is no inherent constitutional authority for . . . any intelligence agency to violate the law."

If this is the government-of-laws-not-men that the Founding Fathers intended, then no future agent of the government should be in doubt that the law applies to him as much as to any private citizen.

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5. Desk 5 gsp
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BUFFALO EVENING NEWS  
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# FBI Spy Net Poses Peril To Society, Report Says

United Press International  
WASHINGTON, May 7 — The FBI calls them "intelligence informants," a more elegant term for what the general public knows crudely as squealers, finks or stoolpigeons.

The murky world of the professional intelligence informant was penetrated for the first time in detail Thursday in a Senate Intelligence Committee staff report which said the FBI had more than 1500 undercover spies on a \$7.4 million payroll as of last year.

It warned that the mass of information on the lives and activities of targeted individuals and groups and the methods used pose "dangers to a free society" and said FBI guidelines should be clarified and strengthened.

PREPARED BY the staff of the committee which is now completing documentation of its 15-month investigation of intelligence agencies, the report expressed alarm at "the extremely broad scope of FBI intelligence informant surveillance and reporting."

"The dangers to a free society that are implicit in the use of secret intelligence informers have long been recognized," it said. "The intelligence informant technique is not a precise instrument. By its very nature, it risks governmental monitor-

ing of constitutionally protected activity and the private lives of Americans."

Informants have infiltrated or reported on — among others — the Black Panthers, the Ku Klux Klan, anti-war organizations, college campuses and even the women's liberation movement, the report said.

Any and all information is welcomed, from personal and political views of "targets" to their finances and sex lives.

"IN FACT, intelligence informants report on virtually every aspect of a group's activities serving, in the words of both FBI officials and an informant, as a 'vacuum cleaner' of information," the report said.

According to records given the committee, as of June 30, 1975, the FBI had 1584 informants, of whom 1040 were regular spies and 554 were on "probation status" pending establishment of their reliability.

There also were 648 "confidential sources" and 200 "panel sources," it said — individuals who furnish information available to them in their positions in the political or business life of the community, or who would attend certain events in order to report on them to the FBI. They are not paid.

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2. ASAC *[initials]*
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FBI - BUFFALO	
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'You need a new image'

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3. Sec. Supvr. *W*
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# Legislators Overheard In Wiretaps

WASHINGTON (AP) — Information regarding contacts between members of Congress and foreign officials was picked up by FBI wiretaps and bugs and forwarded to Presidents Johnson and Nixon, according to a Senate Intelligence Committee staff report.

The 79-page report released Sunday stressed that none of the legislators was the direct target of electronic eavesdropping, but instead they were overheard "through the bureau's coverage of certain foreign establishments in Washington," probably embassies.

The report cited the eavesdropping as an example of a situation in which "even properly authorized electronic surveillances directed against foreign targets ... may result in possible abuses involving American citizens."

The report did not name any of the legislators or foreign officials involved.

The report on electronic surveillance is one of 13 volumes being issued by the committee in support of its report on domestic spying.

Eavesdropping material involving members of Congress was first sent to the Johnson White House in March 1966 in response to a request from the President "that the FBI should constantly keep abreast of the actions of representatives of these foreign officials in making contacts with senators and congressmen," according to a bureau memo quoted in the report.

Johnson felt that many of the protests against his Vietnam policies, particularly hearings in the Senate, had been generated by the foreign officials, the memo said.

"As a result of the President's request, the FBI prepared a chronological summary — based in part on existing electronic surveillances — of the contacts of each senator representative or staff member who communicated with selected foreign establishments during the period July 1, 1964, to March 17, 1966," the report said.

A second summary of further contacts between legislators and foreign officials was sent to the White House in May 1966, according to the report. From then until the Johnson administration left office "bi-weekly additions to the second summary were regularly prepared and disseminated to the White House," the report said.

The practice was reinstituted by the Nixon administration in July 1970.

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*Jack Anderson's Washington Merry-Go-Round***Public Deluded About FBI Break-Ins**

WASHINGTON — The FBI, without technically telling an untruth, has led the public to believe its agents took part in no more than 238 criminal housebreakings. The actual figure is well over 1,000 and may surpass 2,000.

These "black bag" jobs, as the late FBI chief J. Edgar Hoover called them, were employed principally against suspected spies, organized crime figures, foreign diplomats and a few dangerous revolutionaries.

BUT HOOVER also sent his agents to burglarize the premises of law-abiding U.S. citizens whom the old FBI curmudgeon simply disliked.

Confidential FBI memos, obtained by the Senate Intelligence Committee, acknowledge that the "black bag" jobs violated the criminal laws the FBI was supposed to enforce. Yet we have learned from FBI sources that Hoover, although sworn to uphold the laws, personally sanctioned more than 1,000 of the break-ins.

NOT UNTIL 1967 did Hoover take steps, in a self-serving memo turned up by the Senate probers, to end the break-ins. Even then, we have learned, it wasn't his own idea but pressure from then-Atty. Gen. Ramsey Clark that brought the change.

The figure of 238 "surreptitious entries," as the burglaries were politely called, first appeared in an FBI memo to the Senate committee on Sept. 23, 1975.

THE MEMO ACCURATELY but cagily reported that the 238 housebreakings were perpetrated against 14 "domestic subversive targets" during the 1942-68 period. But a careful reading shows the bureau left a hedge. Almost in passing, the memo indicates the figure is "incomplete."

Indeed, Hoover purposely destroyed many of the records dealing with the break-ins.

FROM OUR INTERNAL sources, however, we have ascertained that some top FBI officials believe the 1,000-to-2,000 figure is a "conservative estimate" of the total housebreakings. These include not only burglaries to get information but break-ins to install bugging devices.

Our source said the housebreakings go back far beyond 1942 and never terminated completely in 1968. Under FBI chief Clarence Kelley, however, the bureau has scrupulously followed legal procedures.

THE SENATE Intelligence Committee, meanwhile, has pushed the FBI hard for more complete break-in figures. The committee will release a report shortly showing the confirmed housebreakings totaled slightly less than 1,000. Our higher figures, however, come from indisputable FBI sources.

The FBI said the technique was used only "to obtain secret and closely guarded organizational and financial information" or to plant electronic equipment in the most "highly selective" cases.

FOOTNOTE: Those who believe in law and order had better demand that it begin with the government. A lawless government is far more dangerous than any lawless individual. Yet in spite of the clear evidence that the FBI, CIA and other agencies engaged in illegal acts, the Senate Rules Committee led by Chairman Howard Cannon, D-Nev., voted against strong oversight of these agencies.

1. SAC *P*
2. ASAC *MT*
3. Sec. Supvr. *PM*
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5. Desk 5 *JS*
6. Desk 6 *LD*
7. BASH *10*

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# Report Says the FBI Has Conducted Hundreds of Questionable Break-ins

Associated Press

WASHINGTON, May 10 — The FBI has conducted hundreds of break-ins, "despite the questionable legality of the technique and its deep intrusion into the privacy of targeted individuals," a Senate Intelligence Committee staff report says.

The break-ins, officially known as "surreptitious entries," were conducted for the purpose of photographing or seizing documents and installing bugs, according to the report released today.

The report is one of a series prepared by the intelligence panel's staff to back up recommendations in the committee's final report.

\* \* \*

THE JUSTICE Department still permits the bureau to conduct break-ins to install bugs and refuses to rule out the possibility of using unauthorized entries or "black bag" jobs, to obtain documents from foreign intelligence targets, the 17-page report noted.

"Although several attorneys general were aware of the FBI practice of break-ins to install electronic listening devices, there is no indication that the FBI informed any attorney general about its use of black bag jobs," the report said.

An FBI memo cited in the report stated that "we do not obtain authorization for black bag jobs from outside the bureau. Such a technique involves trespassing and is clearly illegal."

\* \* \*

THE FBI was unable to provide the committee with a complete accounting of the total number of break-ins because most records were destroyed soon after an entry was accomplished, the report said.

Figures provided by the FBI showed there were at least 242 break-ins against suspected domestic subversives between 1942 and 1968 and that since 1960 the FBI conducted more than 500 break-ins to install bugs.

"Almost as many surreptitious entries were conducted in the same period against targets

of criminal investigations," the report said.

The report named the Ku Klux Klan and the Socialist Workers Party as two of the targets of FBI black bag jobs.

\* \* \*

A PARTIAL LIST of material obtained from break-ins against the Socialist Workers Party included correspondence detailing plans to obtain petition signatures to get the party on the ballot in the 1960 elections, a letter sent to President Dwight Eisenhower, a list of party members active in trade unions, photographs of party members and letters relating to the health of the national party chairman.

FBI Director J. Edgar Hoover banned black bag jobs in 1966, although the Justice Department has not ruled out their future use in foreign intelligence cases, the report added.

\* \* \*

IN A COMMITTEE staff report issued Sunday, it was disclosed that information regarding contacts between members of Congress and foreign officials was picked up by FBI wiretaps and bugs and forwarded to Presidents Lyndon B. Johnson and Richard M. Nixon.

The report stressed that none of the legislators was the direct target of electronic eavesdropping but instead were overheard "through the bureau's coverage of certain foreign establishments in Washington," probably embassies.

The report did not name any of the legislators or foreign officials involved.

(Indicate page, name of newspaper, city and state.)

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## NSA Spied On Citizens, Report Says

WASHINGTON (UPI) — The National Security Agency (NSA), the most secretive and reportedly the largest of all U.S. intelligence groups, until 1975 intercepted and distributed private international communications of millions of Americans, a Senate staff report said Monday.

Telephone, telegraphic and Telex communications were intercepted over a 23-year period without warrants or without any legal or judicial decisions, the 50-page report said.

The report was one of a series from the staff of the Senate Intelligence Committee which has been investigating U.S. intelligence agencies for more than a year.

### 'Foreign Connections'

Names were filed in NSA headquarters at Ft. Meade, Md. of some 75,000 U.S. citizens whose communications were subject to monitoring the report said.

"Watchlists" were maintained under Operation Minaret of a smaller group of citizens whose every overseas telephone call or cable was intercepted and the information relayed to the CIA, FBI, Defense Intelligence, Secret Service, Narcotics Bureaus and other agencies.

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## Bill to Limit Federal Prying

For months now Americans have been deluged with startling disclosures of how various federal agencies have pried into confidential records, tapped telephones, traced mail and otherwise rudely brushed aside personal liberties. While the disclosures themselves have been legion, however, new laws to prevent their recurrence have not.

That absence of corrective legislation is a major reason why the so-called Bill of Rights Procedures Act (H.R. 214), now working its way slowly through the committee system of the House of Representatives, looks so beneficial.

Another reason is that it confronts the problem—the acknowledged need to investigate possible criminal activities while still protecting individual liberties—in a sensible way.

The proposal, sponsored by Rep. Charles Mosher (R., Ohio) and co-sponsored by several dozen House members of both political parties, would not prohibit such investigative techniques as mail covers and wiretaps. Rather, it would require clear, uniform procedures designed to provide convincing justification for such surveillance.

To take one example, the tracing of mail from sender to receiver could be justified only if one of three conditions were established first: to locate a fugitive; to investigate mail fraud; to inves-

tigate a felony offense. Strict records would have to be kept, the authority to proceed would be pinpointed in specified officials and any authorization would have to be renewed every 30 days. Hence, mail covers could not, even when authorized initially, go on and on unreviewed for years.

We are not legislators, of course, and H.R. 214 may not be perfect. Also, it does not cover investigations for national security reasons. This is an area of grave abuse, too, but one in which another bill, proposed by the Ford administration and supported by several Democratic leaders in Congress, would produce reforms.

But the Mosher bill is impressive in its concept and its objectives. It has undergone hearings and won approval from a key House subcommittee. We urge the House, and especially its members from Western New York, to give this measure, which has already won endorsements from such diverse institutions as the AFL-CIO and the National Association of Mutual Savings Banks, sympathetic attention.

The numerous revelations of government snooping have made the case for corrective legislation crystal clear. By tightening and clarifying and standardizing procedures for federal agencies, this bill would suitably limit the reach of those agencies into individual lives.

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BUFFALO EVENING NEWS  
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*Julian Bond*

## No Reforms in the CIA?

IN ITS final report, Sen. Frank Church's Senate Select Committee on Intelligence Activities said:

"The committee has found that the Central Intelligence Agency attaches a particular importance to book-publishing activities as a form of covert propaganda."



Bond

While officials of the CIA were not the publishers of the Church committee's final report, they were among its most aggressive and influential editors. They fought publication of anything they thought might discredit the agency, even material already in the public record.

**THE CIA BEGAN** protesting early and resorted to calculated obstruction and harassment. And, with the unremitting support of the Ford administration, the benign approval of prominent congressional leaders, the endorsement of some citizens and the indifference of others, the CIA has won.

It is true that the Church committee's leadership often acquiesced in the CIA's insistent appeals to delete material or rephrase it. As a result, its findings and recommendations substantially lack the power, the credibility and the tone of independence and vitality essential to compel reform of the nation's corrupted intelligence services.

**BUT THE COMMITTEE** is not to blame for the snarling reception given to its plausible proposal for a new congressional committee on intelligence "oversight." The reaction came from powerful committee chiefs who refuse to surrender their shares of the puny control authority that now exists.

The committee's final accounting lacks certain detail and determination. But its catalogue of CIA and FBI abuses of authority, including the 25-year monitoring of the "wholly lawful political activity" of the

NAAOP, amounted to a thorough listing of the dreadfully neglected official business before Congress in the sphere of intelligence control.

**WHAT, AS A** practical matter, has been done to interdict the murderous covert operations abroad and the poisonous spying at home? What about the "black-bag" jobs and the perversion of the intelligence function?

In the final analysis, not much.

The Ford administration skillfully exploited the funeral of a slain CIA station chief in order to forestall reforms, instituting certain "executive order" changes which permit little, if any, congressional or public review. Nor is official Washington alone to blame. Corrupt abuses of the CIA's authority has been actively assisted by college professors, clergymen, reporters, police, labor, industry and others.

**THERE WERE**, of course, those who assisted the CIA unwittingly: The tragic drug experiment victims, for example. And there are doubtless millions of Americans who feel a sickening sense of betrayal in the cynical spectacle produced by the Senate Rules Committee of an intelligence "study committee" with no power of any real dimensions.

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# Pentagon Still Spying On American Civilians

WASHINGTON (AP) — The Pentagon, which once kept files on the political activities of some 100,000 Americans, still spies on citizens thought to pose a "threat" to the military, a Senate Intelligence Committee staff report said Sunday.

Although the report stressed that military spying "has been greatly reduced," it said that Pentagon directives are "so ambiguous" that widespread surveillance of civilians could resume.

According to the report, military agents have been authorized to penetrate civilian groups on nine occasions since the new directives went into effect in 1971. Most of the military spying since 1971 has been done by the Navy at bases in Charleston, S.C., and San Diego and Long Beach, Calif., the report indicated.

## Overseas Activities

In addition, military intelligence agencies continue to spy on American civilians living near military installations in Japan and West Germany, the report said. In Berlin, the Army opened mail addressed to an underground newspaper affiliated with a group founded in 1972 under the name "Americans in Berlin for McGovern," according to the report.

Much of the 49-page staff report detailed incidents which have been the subject of congressional hearings dating back to 1971 when they were first disclosed in the press. Among them were:

—Sending 1,500 agents to virtually every city in the country to collect information "on the most trivial of political dissent" and store it in computers. The Army maintained files on persons ranging from Sen. Adlai Stevenson and Rep. Abner Mikva, both D-Ill., to singers Arlo Guthrie and Joan Baez. Army agents posed as television

newsmen at the 1968 Democratic National Convention and attended a Halloween party for school children in search for a dissident.

## Monitors Radios

—Monitoring citizen, police and taxi band radios during demonstrations like the 1967 march on the Pentagon, the 1968 poor people's campaign and the national political conventions. The monitoring continued despite a law prohibiting anyone from intercepting private radio transmissions and an opinion by the Federal Communications Commission that it was illegal.

Among the surveillance activities undertaken since 1971 were listed:

—Penetration by the Naval Investigative Service of two anti-

war groups in San Diego, one of which was protesting the deployment of ships to Vietnam.

—Penetration by Air Force agents of an underground newspaper near Travis AFB, Calif.

—Penetration of an antiwar group planning to protest the departure of Navy ships from Charleston, S.C. to Vietnam.

—Loaning a Navy agent to the FBI for the purpose of infiltrating "a dissident group with antimilitary objectives in Long Beach, Calif."

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# No Law Bars New Spying on Civilians Intelligence Probers Warn in Report

United Press International

WASHINGTON, May 17 — A Senate Intelligence Committee staff report says the military might again spy on civilians if the United States undergoes another era of domestic protests like those of the Viet war.

A report, the latest in a series issued by the committee on its 15-month investigation, said the only significant limits on military surveillance of U. S. civilians are self-imposed and could be rescinded by the Defense Department at any time.

While there is no law specifically authorizing military spying on civilians, it said, "there is no statute which expressly prohibits" the practice.

The report said Pentagon orders issued in 1971 limited surveillance activities against private citizens and organiza-

tions after such spying was exposed in the press and a congressional investigation was begun.

Although the Defense Department assured the committee it had no intention of resuming such activities, the report said: "It cannot dispute the fact that such a possibility remains."

The report included information about the military's spying tactics and specific examples of domestic spying, most of which have long been public.

Agents frequently got their information by posing as reporters and photographers, the report said. Army agents posed as television reporters to interview demonstration leaders at the 1968 Democratic National Convention in Chicago.

They also misrepresented themselves to interview Stokely Carmichael and H. Rap Brown

in New York in 1967, the staff of the Southern Christian Leadership Conference in 1968, and to cover the 1969 inauguration of Richard M. Nixon, it said.

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# CIA Files Called A Step Toward Secret Police

Associated Press

WASHINGTON, May 18—Taking "a step toward the dangers of a domestic secret police," the CIA amassed files on thousands of Americans, including information gathered by electronic eavesdropping, mail opening and undercover agents, a Senate staff report said today.

The files were collected as part of Operation CHAOS, despite then-CIA Director Richard Helms' written warning to the White House in 1969 that "this is an area not within the charter of this agency," according to the Senate Intelligence Committee staff report. The CIA charter bars it from internal security functions.

Operation CHAOS began in response to demands from Presidents Lyndon B. Johnson and Richard M. Nixon to uncover any foreign influence behind domestic unrest. It continued despite repeated findings that disturbances at home were not controlled or financed from abroad, the Senate report added.

THE STAFF DOCUMENT provided extensive descriptions of three related projects: Merrimack, Resistance and Project 2.

Merrimack began in 1967 as an effort to infiltrate dissident groups in Washington to obtain advance information about demonstrations against CIA facilities. Using construction workers and tradesmen as part-time agents, Merrimack was gradually expanded to include "any information about the plans and attitudes" of such groups as the Women's Strike for Peace, the Washington Peace Center, the Congress of Racial Equality, and the Student Non-Violent Co-ordinating Committee.

IN SOME INSTANCES, photographs were taken and persons were followed to their homes, the report said. Merrimack lasted until September 1970.

Resistance, which lasted from 1967 to 1973, "compiled information about radical groups around the country, particularly on campuses," the report said.

The project developed an estimated 600 to 700 files, consisting mainly of newspaper clippings but also including "information from confidential sources in the local community such as campus officials and police authorities," according to the report.

Project 2 began in 1970 as a separate operation in which about 20 agents entered American universities in preparation

for undercover assignments abroad.

\*\*\*  
"WHILE PREPARING for their future assignments, they provided considerable information on their associates, dissident organizations, demonstration plans and sometimes personal information," the report said.

Information gathered from all three projects went into a computerized index of some 300,000 American names kept by Operation CHAOS.

CHAOS, which kept separate files on an estimated 750,000 Americans, also relied on information supplied by its own agents, CIA field offices in the United States and abroad, the agency's mail opening program, the FBI and the National Security Agency, the report said.

In return, CHAOS supplied the FBI with "well over 5000 reports" on American dissidents, according to the report. One CHAOS agent attended the 1971 demonstrations against the Vietnam war in Washington, the report said. A second CHAOS agent "with particularly good entrée into the highest levels of a segment of the domestic radical community ... reported a great deal of detailed information, some extremely personal."

Operation CHAOS also included the "questionable" involvement of the CIA's domestic contact service, which obtained from local law enforcement authorities information about meetings of New Left groups and the funding of the Black Panther party, the report said.

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THE AGENCY'S own review of CHAOS in 1972 found "what appeared to constitute a monitoring of the political views and activities of Americans not known to be or suspected of being involved in espionage," according to a CIA document quoted in the report.

"Occasionally, (CIA) stations were asked to report on the whereabouts and activities of prominent persons ... whose comings and goings were not only in the public domain but for whom allegation of subversion seemed sufficiently nebulous to raise renewed doubts as to the nature and legitimacy of the CHAOS program," the memo added.

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## Panel Says CIA Spying Was Forced

WASHINGTON (UPI) — The CIA spied on thousands of Americans for eight years, under orders from two presidents, who were skeptical when its investigation failed to show that foreign governments were manipulating antiwar protests, a Senate staff report said on Tuesday.

Both Presidents, Lyndon B. Johnson and Richard M. Nixon, ordered the agency to go back and try harder when it reported protests against the Vietnam War were not being orchestrated in foreign capitals. The spying began under Johnson in 1967 and continued under Nixon with the code names "Chaos," "Merrimack," and "Resistance," according to the Senate Intelligence Committee study.

The Chaos office participated in the preparation of some half dozen major reports for higher authorities, all of which concluded that no significant role was being played by foreign elements in the various protest movements, the report said.

### Pressure by White House

This repeatedly negative finding met with continued skepticism from the White House under two administrations and pressures for further enquiry. In response to this skepticism, Chaos continued to expand its coverage of Americans in order to increase White House confidence in the accuracy of its findings.

In the course of the investigation, the report added, the CIA "spied on thousands of Americans and maintained files on many more, all in violation of its statutory charter confining its activities to foreign intelligence."

### Fills Out Picture

The spying, infiltration, wiretaps and mail openings continued until March 5, 1974, when then CIA Director William Colby ended the project. The domestic spying was covered in a Commission report on the agency last June and by the code agency last June and by the names "Chaos," "Merrimack," and "Resistance," according to Tuesday's staff report, which was designed to fill out the picture.

The data went to the FBI and the White House, and the Chaos operation was widened with operations Merrimack and Resistance, which supposedly were for internal CIA security but which peaked into the domestic scene as well.

(Indicate page, name of newspaper, city and state.)

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# U.S. Senate Votes 'Watchdog' Panel For Spy Agencies

WASHINGTON (AP) — The Senate on Wednesday overwhelmingly approved creation of a permanent committee designed to monitor and control the activities of the CIA, FBI and other American spy agencies.

A resolution creating the 15-member Senate panel was approved by a 72 to 22 vote after

an amendment stripping many of its powers was defeated by a two-to-one margin.

Passage of the resolution marked the first legislation to result from the Senate Select Intelligence Committee's 15-month investigation of spy agencies.

Sen. Walter F. Mondale, D-Minn., called the Senate vote, "historic," while Government Operations Chairman Abraham Ribicoff, D-Conn., noted that the first resolution to create an intelligence oversight committee was introduced 20 years ago by Majority Leader Mike Mansfield.

Armed Services Committee Chairman John C. Stennis, D-Miss., failed by a vote of 63 to 31 to persuade the Senate to let

his panel retain its exclusive jurisdiction over the National Security Agency, the Defense Intelligence Agency and other Defense Department spy agencies.

The Stennis amendment would have stripped the new oversight committee of any legislative or budgetary authority over Pentagon intelligence activities.

Stennis argued that military intelligence agencies "just were not in on" the abuses documented by the select committee.

The senator acknowledged, however, that the Army "got a little over the line" in its surveillance of antiwar groups in the late 1960s.

A recently released committee staff report said the Army amassed files on an estimated 100,000 citizens. Other reports have detailed NSA's massive interception of international communications.

Sen. John Tower, R-Tex., another member of the Armed Services panel who opposes the new oversight committee, contended that the abuses disclosed by the select committee were "the exception rather than the rule."

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# FBI Stirred Clashes: Church

CEDAR SPRINGS, Iowa (AP) — The FBI provoked confrontations between radical groups but did not provoke confrontations between those groups and police, Sen. Frank Church testified Friday at the murder trial of two American Indian Movement (AIM) members.

Church, chairman of the Senate Select Committee on Intelligence Activities, was called as a defense witness for Darelle Butler, 33, of Rogue River, Ore., and Robert Robideau, 29, of Portland, Ore. The two are charged in the June 26, 1975, killing of two FBI agents.

Defense lawyer William Kunstler said Church was subpoenaed to show the "habit or propensity" of the FBI to fabricate or provoke confrontation.

## "Targeted for Surveillance"

Church said his committee's investigation of FBI activities revealed "cases that involved one targeted organization directed against another. I do not recall any case where confrontations were planned between police officers and targeted organizations. If there is such a case, I don't know."

The Idaho Democrat said that "certain groups were targeted for surveillance at least in part because of political attitudes," and he specifically listed AIM and the Black Panthers as targeted groups.

He said his committee did not study AIM specifically because it had to be selective.

"We were concerned with determining the truth of allegations of improper activities of the FBI," he testified. "We did not pursue the Indian matter. However, it was raised."

## Defense Objective

Agents Jack Coler and Ron Williams, both of Los Angeles, were shot on the Pine Ridge Reservation in South Dakota. Defense lawyers are trying to show that the FBI harassed Indian militants.

FBI Director Clarence Kelley testified Wednesday that the FBI's domestic intelligence operation, COIN-TELPRO, was disbanded in 1971. He denied the FBI had targeted certain groups for surveillance.

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UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

STATEMENT OF  
CLARENCE M. KELLEY  
DIRECTOR  
FEDERAL BUREAU OF INVESTIGATION  
BEFORE THE  
SENATE SELECT COMMITTEE ON INTELLIGENCE  
SEPTEMBER 22, 1976

ELMIRA *RWB*GENEVA *[Signature]*JAMESTOWN *[Signature]*NIAGARA FALLS *[Signature]*OLEAN *LB*ROCHESTER *[Signature]*

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Today marks my first appearance before the Senate Select Committee on Intelligence. I want to assure you that I sincerely welcome the opportunity to work with you.

I believe that we can and must develop a clear base of understanding between the Executive and Legislative Branches on the proper role of the FBI in the discharge of its complex national security responsibilities.

As the Supreme Court so aptly observed in its Keith Decision in 1972, "Unless Government safeguards its own capacity to function and to preserve the security of its people, society itself could become so disordered that all rights and liberties would be endangered."

Yet the maintenance of national security is a hollow victory unless it can be achieved with the least possible intrusion into the rights and privacy of our citizens. Balancing these imperatives will require the greatest study and serious thought.

Together, I feel we can reach a meaningful understanding which will best serve our country.

Since I became Director in 1973, there has been a continuous examination of all major aspects of the FBI's operations. One such study, initiated in 1974, established that a quality, rather than a caseload quantity, approach in the assignment of our manpower and other resources would produce better results.

Originally, this quality approach was tried on an experimental basis in four of our 59 field divisions. It proved so successful that we implemented it field-wide in 1975.

Today, the quality approach is being applied to all areas of jurisdiction, including those in the foreign intelligence and domestic security fields that are of prime interest to this Committee.

In July, 1973, we had 21,414 domestic security cases. By March 31, 1976, before the Attorney General's guidelines took effect, we had--through application of the quality approach--reduced this caseload to 4,868 investigative matters, a 78 percent reduction. As of September 20, 1976, this figure has been further reduced to 626. This includes investigations of 78 organizations and 548 individuals.

This reduction has been made possible largely because we have discontinued investigations of rank and file members. We are confident that the FBI can meet its responsibilities by focusing our investigations on the activities of organizations and on individuals who are in a policy-making position in those organizations or who have engaged in activities which indicate they are likely to use force or violence in violation of Federal law.

In effecting this reduction, we have kept these vital principles in mind:

First, there must be no sacrifice or compromise of the essential security needs of the United States.

Second, there must be the least possible intrusion on the rights and privacy of our citizens, including their sacred right of legitimate dissent.

Third, although domestic security cases differ in some respects from ordinary criminal investigations, these cases should be tied as closely as possible to actual or potential violations of Federal law. In furtherance of this objective, last month I transferred the supervision of all domestic security cases from our Intelligence Division to our General Investigative Division, which has responsibility over criminal matters.

In an effort to insure uniform adherence to the guidelines and laws applicable to these and all other areas of our jurisdiction, I have combined the Office of Planning and Evaluation and the Inspection Division. In this new Division I have created a Professional Responsibility Section. It will report directly to me.

I have also expanded the role of the Legal Counsel Division in reviewing all areas of FBI policies and operations. Legal Counsel will report directly to me and to the Associate Director.

The investigations transferred include those involving domestic organizations oriented toward violence and individuals affiliated with such groups, as well as civil unrest and demonstration matters and basic revolutionary groups dedicated to the overthrow of the Government. The General Investigative Division will also be responsible for several categories of criminal investigations formerly administered by the Intelligence Division. These are bombing matters, sabotage, passport and visa violations, and protection of foreign officials and official guests of the United States.

The guidelines which the Attorney General issued last March set forth standards and procedures for domestic security investigations. But, the FBI regards these to be minimum standards. FBI Headquarters has imposed stringent criteria to insure we use our manpower resources in the most productive manner.

There are a number of reasons why we have been able to bring about a major reduction in our domestic security caseload.

The decade of the 1960's was marked by protests, often violent, on our Nation's streets and campuses.

We entered the 1970s still engaged in an undeclared conflict in Vietnam which was unpopular with some segments of our population. Not in recent history had this country been so divided over an issue, and this division was not limited to rhetoric but included demonstrations that often erupted into violence.

There were deliberate criminal acts, including bombings and sabotage, by persons opposed to our involvement in Vietnam. The role of the FBI in this confrontation was clearly to thwart the efforts of those who resorted to violence as an expression of their opposition.

With the cessation of the Vietnam War in early 1973, a major cause for divisiveness in this country was eliminated, and the potential for violence was lessened, but not eliminated.

The FBI began closing thousands of investigations at that time as determinations were made that certain groups and individuals no longer were engaged in activities that were likely to involve violations of Federal law.

The FBI met the unusual challenges of the 1960s and early 1970s. The Senate Select Committee has examined these and other problems in the intelligence field which led

to the creation of this Oversight Committee; and as the Committee is aware, the FBI fully cooperated in that review.

You have my absolute assurance that your Committee will receive the same full cooperation in carrying out its responsibilities under Senate Resolution 400.

One of the tasks confronting this Committee is the formulation of a legislative charter defining the FBI's jurisdiction in the domestic security and intelligence fields. This will be a most precise and demanding undertaking.

As I remarked to Senator Church's Committee, the legislative charter must be sufficiently flexible that it does not stifle the FBI's effectiveness in combating the high incidence of crime and violence across the United States. The charter must clearly address the demonstrated problems of the past; yet, it must amply recognize the fact that times change and so also do the nature and thrust of our criminal and subversive challenges.

The fact that the Department of Justice has undertaken the formulation of operational guidelines governing this area of our activities does not in any manner diminish the need for legislation. The responsibility for conferring jurisdiction resides with the Congress.



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

STATEMENT OF  
CLARENCE M. KELLEY  
DIRECTOR  
FEDERAL BUREAU OF INVESTIGATION  
BEFORE THE  
✓ SENATE SELECT COMMITTEE ON INTELLIGENCE

SEPTEMBER 22, 1976

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Today marks my first appearance before the Senate Select Committee on Intelligence. I want to assure you that I sincerely welcome the opportunity to work with you.

I believe that we can and must develop a clear base of understanding between the Executive and Legislative Branches on the proper role of the FBI in the discharge of its complex national security responsibilities.

As the Supreme Court so aptly observed in its Keith Decision in 1972, "Unless Government safeguards its own capacity to function and to preserve the security of its people, society itself could become so disordered that all rights and liberties would be endangered."

Yet the maintenance of national security is a hollow victory unless it can be achieved with the least possible intrusion into the rights and privacy of our citizens. Balancing these imperatives will require the greatest study and serious thought.

Together, I feel we can reach a meaningful understanding which will best serve our country.

Since I became Director in 1973, there has been a continuous examination of all major aspects of the FBI's operations. One such study, initiated in 1974, established that a quality, rather than a caseload quantity, approach in the assignment of our manpower and other resources would produce better results.

Originally, this quality approach was tried on an experimental basis in four of our 59 field divisions. It proved so successful that we implemented it field-wide in 1975.

Today, the quality approach is being applied to all areas of jurisdiction, including those in the foreign intelligence and domestic security fields that are of prime interest to this Committee.

In July, 1973, we had 21,414 domestic security cases. By March 31, 1976, before the Attorney General's guidelines took effect, we had--through application of the quality approach--reduced this caseload to 4,868 investigative matters, a 78 percent reduction. As of September 20, 1976, this figure has been further reduced to 626. This includes investigations of 78 organizations and 548 individuals.

This reduction has been made possible largely because we have discontinued investigations of rank and file members. We are confident that the FBI can meet its responsibilities by focusing our investigations on the activities of organizations and on individuals who are in a policy-making position in those organizations or who have engaged in activities which indicate they are likely to use force or violence in violation of Federal law.

In effecting this reduction, we have kept these vital principles in mind:

First, there must be no sacrifice or compromise of the essential security needs of the United States.

Second, there must be the least possible intrusion on the rights and privacy of our citizens, including their sacred right of legitimate dissent.

Third, although domestic security cases differ in some respects from ordinary criminal investigations, these cases should be tied as closely as possible to actual or potential violations of Federal law. In furtherance of this objective, last month I transferred the supervision of all domestic security cases from our Intelligence Division to our General Investigative Division, which has responsibility over criminal matters.

In an effort to insure uniform adherence to the guidelines and laws applicable to these and all other areas of our jurisdiction, I have combined the Office of Planning and Evaluation and the Inspection Division. In this new Division I have created a Professional Responsibility Section. It will report directly to me.

I have also expanded the role of the Legal Counsel Division in reviewing all areas of FBI policies and operations. Legal Counsel will report directly to me and to the Associate Director.

The investigations transferred include those involving domestic organizations oriented toward violence and individuals affiliated with such groups, as well as civil unrest and demonstration matters and basic revolutionary groups dedicated to the overthrow of the Government. The General Investigative Division will also be responsible for several categories of criminal investigations formerly administered by the Intelligence Division. These are bombing matters, sabotage, passport and visa violations, and protection of foreign officials and official guests of the United States.

The guidelines which the Attorney General issued last March set forth standards and procedures for domestic security investigations. But, the FBI regards these to be minimum standards. FBI Headquarters has imposed stringent criteria to insure we use our manpower resources in the most productive manner.

There are a number of reasons why we have been able to bring about a major reduction in our domestic security caseload.

The decade of the 1960's was marked by protests, often violent, on our Nation's streets and campuses.

We entered the 1970s still engaged in an undeclared conflict in Vietnam which was unpopular with some segments of our population. Not in recent history had this country been so divided over an issue, and this division was not limited to rhetoric but included demonstrations that often erupted into violence.

There were deliberate criminal acts, including bombings and sabotage, by persons opposed to our involvement in Vietnam. The role of the FBI in this confrontation was clearly to thwart the efforts of those who resorted to violence as an expression of their opposition.

With the cessation of the Vietnam War in early 1973, a major cause for divisiveness in this country was eliminated, and the potential for violence was lessened, but not eliminated.

The FBI began closing thousands of investigations at that time as determinations were made that certain groups and individuals no longer were engaged in activities that were likely to involve violations of Federal law.

The FBI met the unusual challenges of the 1960s and early 1970s. The Senate Select Committee has examined these and other problems in the intelligence field which led

to the creation of this Oversight Committee; and as the Committee is aware, the FBI fully cooperated in that review.

You have my absolute assurance that your Committee will receive the same full cooperation in carrying out its responsibilities under Senate Resolution 400.

One of the tasks confronting this Committee is the formulation of a legislative charter defining the FBI's jurisdiction in the domestic security and intelligence fields. This will be a most precise and demanding undertaking.

As I remarked to Senator Church's Committee, the legislative charter must be sufficiently flexible that it does not stifle the FBI's effectiveness in combating the high incidence of crime and violence across the United States. The charter must clearly address the demonstrated problems of the past; yet, it must amply recognize the fact that times change and so also do the nature and thrust of our criminal and subversive challenges.

The fact that the Department of Justice has undertaken the formulation of operational guidelines governing this area of our activities does not in any manner diminish the need for legislation. The responsibility for conferring jurisdiction resides with the Congress.