

File #:

62-NY-15065

Serial Scope:

17 thru 29A, 31 thru 36

37B thru 55

NY 773

NR013 NY CODE

3:20 PM NITEL 3/15/76 ETB

TO: DIRECTOR, FBI (62-116395)

FROM: ADIC, NEW YORK (62-15065)

~~CONFIDENTIAL~~
ATTN: W. O. CRAEGER

SENSTUDY 75

RE NY NITEL, FEBRUARY 24, 1976.

REFERENCED NY NITEL REFLECTS THAT PATON FONZI, ALLEGED STAFF INVESTIGATOR WITH SENATOR RICHARD F. SCHWICKER WAS TO RECONTACT SA JOHN J. COTTER OF THE NYO, AT APPROXIMATELY 11:55 A. M., ON FEBRUARY 25, 1976. AS OF CLOSE OF BUSINESS, FEBRUARY 25, 1976, FONZI HAD NOT DONE SO. FONZI DID ATTEMPT TO TELEPHONICALLY CONTACT SA COTTER ON THE AFTERNOON OF FEBRUARY 26, 1976, AND POSSIBLY ONCE AFTER THAT, ON WHICH OCCASIONS SA COTTER WAS NOT AVAILABLE. FONZI HAS NOT AGAIN ATTEMPTED TO CONTACT SA COTTER.

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*Declassified
per Bu 0-7 dated 3/16/76
J*

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Date: 3/15/76

Transmit the following in CODED
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Via TELETYPE NITEL
(Precedence)

TO: DIRECTOR, FBI (62-116395)

FROM: ADIC, NEW YORK (62-15065)

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ATTN: W. O. CRAEGER

SENSTUDY 75

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1-New York
1-Supervisor (#32)

JJC:tmw
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Approved: J/CAA
Special Agent in Charge

Sent WA-DC 3:20 M Per ETB

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Date 3/16/76

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(Mount Clipping in Space Below)

SENATE SELECT COMMITTEE ON ASSASSINATIONS

Widespread Lawbreaking Laid to Intelligence Units

Examples Given by Senate Committee— Report Says Ultimate Responsibility Lies With Highest U.S. Officials

By LESLEY OELSNER
Special to The New York Times

WASHINGTON, April 28.—In 1954, an assistant director of the Federal Bureau of Investigation sent J. Edgar Hoover a memorandum recommending that the bureau plant an electronic listening device in the hotel room of a suspected Communist sympathizer.

The memorandum said that the bug "will not be legal." It added, however, that it would be "necessary and desirable" for the information it would disclose.

Mr. Hoover, the F.B.I. director, approved the bug.

The Senate Select Committee on Intelligence cites this incident as an example of the widespread and deliberate breaking of the law by the nation's intelligence community. It also cites testimony of the F.B.I.'s director of intelligence for 10 years, William C. Sullivan, to show that illegality was often not even mentioned. Mr. Sullivan was quoted as saying:

"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 anyone else."

Other Examples Given

The Committee also cited other examples to show how the director of the F.B.I., the director of the F.B.I.'s intelligence activities and many others could have ignored the law.

They are examples of action and inaction by high Government officials outside the intelligence agencies.

It is the central thesis of the Senate committee's report, released today, that the high officials responsible for overseeing the agencies, including Presidents, Cabinet members and Congressmen, helped to create and bear the "ultimate responsibility" for the intelligence community's climate of lawlessness.

Among the examples were the following:

In 1954, the same year as the Hoover bugging incident, the Supreme Court issued an opinion decrying the use by the local police of warrantless microphone surveillances of a defendant's bedroom.

"Few police measures have come to our attention," the Court said, "that more flagrantly, deliberately and persistently violated the fundamental principle declared by the Fourth Amendment as a restriction on the Federal Government that 'the right of people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause.'"

Brownell Reversed Policy

A few weeks later, Attorney General Herbert Brownell reversed Justice Department policy prohibiting the F.B.I. from trespassing to install microphone surveillances. He sent a memo to Mr. Hoover giving authority to engage in bugging, saying:

"Obviously, the installation of a microphone in a bedroom or in some comparably intimate location should be avoided whenever possible. It may appear, however, that important intelligence or evidence relating to matters connected with the national security can only be obtained by the installation of a microphone in such a location.

"Considerations of internal security and national safety are paramount and, therefore, may compel the unrestricted use of this technique in the national interest."

A second example of officials ignoring the law occurred in 1961 and involved Edward J. Day, who was then Postmaster general. Mr. Day told of himself in testimony to the Senate select committee:

As he described it, Allen W. Dulles, Director of Central Intelligence, told Mr. Day that he had something "very secret" to disclose. Mr. Day interrupted and asked, "Do I have to know about it?" Mr. Dulles replied, "No."

The committee report said that, according to Richard Helms, the C.I.A.'s deputy director for plans, who was also at the meeting, Mr. Dulles wanted to tell the Postmaster General that the C.I.A. was opening mail, a project that, the committee said, violated Federal law prohibiting obstruction, interception or opening of mail.

But the Postmaster General, by his own testimony, never heard Mr. Dulles's account, because the C.I.A. chief understood that Mr. Day did not want to know what he did not have to know.

King Inquiry Cited

The long F.B.I. investigation of the Rev. Dr. Martin Luther King Jr. provided still more examples that involved Robert F. Kennedy, Attorney General during part of the King investigation; Nicholas deB. Katzenbach, Attorney General during another part, and Burke Marshall, an Assistant Attorney General at the time.

Mr. Kennedy and Mr. Katzenbach were "aware of some aspects" of the King investiga-

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N.Y. Times

p 35

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Re Mr. Martin Luther King Jr.

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... the report said, "yet neither ascertained the full details" of the campaign to discredit Dr. King.

Mr. Kennedy, for example, in 1963 authorized wiretaps on Dr. King's home and office telephones. He requested that an evaluation of the results be sent to him within 30 days, the report said, so he could determine whether the taps should be continued.

"But, the evaluation was never delivered to him, and he did not insist on it," the report said. "Since he never ordered the termination of the wiretap, the bureau could, and did, install additional wiretaps on King by invoking the original authorization," the report said.

Johnson Told of Offer

Mr. Katzenbach and Mr. Marshall testified to the committee the report said, that in late 1964 they learned that the F.B.I. had offered tape recordings of Dr. King to some Washington journalists. They also said that they informed President Johnson of the F.B.I.'s offer.

"The committee has discovered no evidence, however," the report said; "that the President or Justice Department officials made any further effort to halt the discrediting campaign at this time or at any other time; indeed, the bureau's campaign continued for several years after this incident."

Yet other examples occurred in the Nixon Administration, including Mr. Nixon's own temporary approval, later rescinded, of the so-called "Huston plan," which involved such things as mail openings and noted their illegality.

The committee summed up its point this way:

"When senior Administration officials with a duty to control domestic intelligence activities knew, or had a basis for suspecting, that questionable activities had occurred, they often responded with silence or approval.

"In certain cases, they were presented with a partial description of a program, but did not ask for details, thereby abdicating their responsibility.

"In other cases, they were fully aware of the nature of the practice and implicitly or explicitly approved it."

Among the reasons the committee cited was that, sometimes, Administration officials assumed "that an intelligence agency would not engage in lawless conduct"; sometimes, "they simply did not want to know."

Harshly Critical

The committee did not contend that these acts and omissions by high Administration officials excused the lawlessness by the intelligence agencies. It was instead harshly critical of the intelligence officials and cited numerous instances where the agencies had withheld information from both the executive branch and Congress and ignored their directives.

In one example, the bureau supplied a news release for Senator Edward V. Long of Missouri, who in 1966 was holding hearings on electronic surveillance techniques. The bureau said in the Senator's release, with his approval, that the subcommittee had "conducted exhaustive research" and was now "fully satisfied" that the F.B.I. had not participated in "high-handed or uncontrolled usage" of surveillance.

The report said that the press release was "misleading," for the committee's "exhaustive research" was apparently a 90-minute briefing on the bureau's practices in which the Senator was not told of the many improper activities.

The committee's report placed "ultimate responsibility" for the "climate of permissiveness" on the various high-ranking Government officials who were supposedly in charge of controlling the activities of the intelligence community.

"The committee's inquiry has revealed a pattern of reckless disregard of activities that threatened our constitutional system," it said.

"Improper acts were often intentionally concealed from the Government officials responsible for supervising the intelligence agencies, or undertaken without express authority. Such behavior is inexcusable. But equally inexcusable is the absence of executive and Congressional oversight that engendered an atmosphere in which the heads of those agencies believed they could conceal activities from their superiors."

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(Mount Clipping in Space Below)

Bureau Accused of Trying to Manipulate News Media

By **PHILIP SHABECOFF**
Special to The New York Times

WASHINGTON, APRIL 28—

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 today.

The committee's report on domestic intelligence activities presented evidence of pervasive and frequently successful efforts by the F.B.I. to use the news media to attack such targets as the Rev. Dr. Martin Luther King Jr. and groups and individuals in what is described as the "new left."

Following are examples from the report of ways in which the F.B.I. sought to influence reports of the news media:

¶Through a "good friend" who was chairman of the board of a national magazine, the bureau killed an unfavorable article about the bureau that was scheduled to appear in the magazine.

¶F.B.I. officials approached reporters, including one from a major magazine, and offered 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 Dr. Daniel Ellsberg in the Pentagon papers case.

The F.B.I.'s efforts to use the news media were generally part of the bureau's cointelpro, or counterintelligence program, designed to "disrupt" or "neutralize" people or groups considered a threat to domestic security. But the report indicates that the F.B.I. also sought to use the news 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 or individuals, and (2) disseminating unfavorable articles, news releases and background information in order to disrupt particular activities."

At the committee's hearings, a former director of the crime records division, Thomas E. Bishop, testified that he kept a list of the bureau's "press

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

N.Y. Times
P 34

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friends" in his desk. He also said that the F.B.I. sometimes refused to cooperate with reporters who were critical of the bureau or its director.

"Public Record" Data

Mr. 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."

Dr. King, the civil rights leader who was assassinated in 1968, was a frequent object of F.B.I. "news leaks," according to the report.

The report stated that in November 1964, the Washington bureau chief of a "national news publication" told Nicholas B. Katzenbach, who was then Attorney General, that one of his reporters had been approached by the F.B.I. and offered a chance to listen to "interesting" tape recordings involving Dr. King.

Benjamin C. Bradlee, now executive editor of The Washington Post, confirmed to a questioner today that when he was bureau chief of Newsweek magazine in 1964 he informed Mr. Katzenbach of the offer made to one of his reporters.

The report indicated that the F.B.I. offered to disclose the contents of illegal wiretaps to the news media on a number of occasions. On one occasion, it learned through a wiretap that a magazine was about to print an article critical of President Nixon's Vietnam policy and

passed that information on to the White House. The article was written by former Secretary of Defense Clark M. Clifford.

The committee also found that F.B.I. surveillance of newspapermen frequently produced political information rather than national security information. For example, the report said that one wiretap showed that one of the F.B.I. "targets" helped Sargent Shriver to write a news release criticizing a speech by President Nixon.

The report generally did not divulge the names of the journalists or new media executives who were in contact with the F.B.I.

According to the Senate findings, the F.B.I. maintained a close relationship with the chairman of a national magazine described in a bureau memorandum as "our good friend." The report said that the bureau took advantage of the relationship with the unidentified executive to "squench" an unfavorable article, to postpone publication of an article on an F.B.I. case and to forestall publication of an article written by Dr. King.

Following are some other examples cited in the report of attempted manipulation of the news media by the F.B.I.:

F.B.I. headquarters asked its field offices to provide the press with specific data "depicting the scurrilous and depraved nature of many of the

characters, activities, habits and living conditions representative of new left adherents," saying that "every avenue of possible embarrassment must be vigorously and enthusiastically explored."

The bureau ordered field offices to gather information that would disprove allegations by "the liberal press, the bleeding hearts and the forces on the left," that the Chicago police used undue force against demonstrators at the 1968 Democratic National Convention.

Several months after the Cointelpro operations were supposed to have ended, the F.B.I. attempted to discredit Leonard Boudin, the lawyer defending Dr. Daniel Ellsberg in the Pentagon papers case, by disclosing to the Washington bureau chief of a major news service information about Mr. Boudin's alleged sympathy for "Communist causes."

The bureau placed in a newspaper an article by "a wealthy Negro industrialist" that purported "to give the lie to the Communist canard that the Negro is downtrodden and has no opportunities in America." The bureau also aided the publication of articles supporting the war in Vietnam.

As one of its recommendations, the committee urged that intelligence agencies be prohibited from disseminating information to the news media for political or other improper purposes, including discrediting opponents or critics.

(Mount Clipping in Space Below)

N.A.A.C.P. CHECKED 25 YEARS BY F.B.I.

No Illegal Activities Found
—Women's Movement Also
Monitored by Bureau

By **NICHOLAS M. HORROCK**
Special to The New York Times

WASHINGTON, April 28 —
The Federal Bureau of Investigation spent 25 years monitoring the "wholly lawful political activity" of the National Association for the Advancement of Colored People on the ground that it was conducting a search for Communist infiltration, the Senate Select Committee on Intelligence disclosed today.

The committee also said that the bureau had infiltrated the feminist movement and made targets of such groups as the Christian Front and the conservative American Christian Action Council, led by the Rev. Carl D. McIntire.

Army domestic intelligence operations opened files on numerous groups seeking peaceful change, including the John Birch Society, the Young Americans for Freedom, the National Organization of Women, the National Urban League, the Anti-Defamation League of B'nai B'rith, Business Executives to End the War in Vietnam and the N.A.A.C.P.

In its 341-page report on domestic intelligence activities, the Senate committee cited these as demonstrations that "large numbers of law-abiding Americans and lawful domestic

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N.Y. Times

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groups have been subjected to extensive intelligence investigation and surveillance."

The committee said it had found the domestic intelligence activity, including operations by the F.B.I., the Central Intelligence Agency, the Army and the Internal Revenue Service, had been "overbroad" because of the "absence of precise standards for intelligence investigations."

It traced the erosion of these standards from 1924, when Attorney General Harlan Fiske Stone limited the F.B.I. to criminal matters, through 1976. Mr. Stone's standard was that the bureau "is not concerned with political or other opinions of individuals." "It is concerned" he said, "only with their conduct, and then only such conduct as is forbidden by the laws of the United States."

But the committee found "the scope of domestic intelligence investigations consistently widened in the decades after the 1930's . . . and were permitted under criteria which more nearly resembled political or social [standards] than standards for government action."

People came under investigation, the report said, for being suspected "rightists" or "espousing the line of revolutionary movements." Others got attention as "rabble rousers" or because they were "agitators" or "black nationalists."

The report said Presidents, Congress and the agencies themselves were guilty of creating these vague standards. President Franklin Roosevelt, for instance, wanted the F.B.I. to watch "subversives" and gather intelligence on "potential" espionage and sabotage, with no clear definition of these terms.

Inquiry Began in 1941

It was under Mr. Roosevelt that in 1941 the bureau opened the N.A.A.C.P. investigation. It was begun, the committee report said, "as an investigation of protests by 15 black mess attendants about racial discrimination in the Navy." Ostensibly the investigation was to determine if there had been

Communist infiltration of the black group.

In the first year of the investigation the bureau agents reported that the N.A.A.C.P. had a "strong tendency" to "steer clear of Communist activities," the committee said, yet the investigation continued for a quarter of a century.

The bureau infiltrated the association with informants and gathered extensive reports on its membership, headquarters and activities.

In 1956, for instance, the bureau prepared a report on a leadership conference on civil rights the N.A.A.C.P. sponsored and described the plans for a delegation from the conference to visit Senators Paul H. Douglas, Wayne Morse, Herbert H. Lehman, Hubert H. Humphrey and John W. Bricker. The report was sent to President Eisenhower, the committee found.

Since targets were described in such vague terms, hundreds of thousands of Americans have ended up in domestic intelligence files, the report said.

Army's Files Cited

The Army, the committee said, maintained intelligence files on 100,000 Americans including the Rev. Dr. Martin Luther King Jr., Maj. Gen. Edwin Walker, Julian S. Bond, Jean Baez, Dr. Benjamin Spock, the Rev. William Sloane Coffin, Senator Adlai E. Stevenson 3d and Representative Abner Mikva.

All those in the Army's files, the report said, got there "simply because of their participation in political protests or their association with those who engaged in such political activity."

As an indication of how extensive domestic intelligence activities have been, the Committee reported that the F.B.I. maintains some 500,000 domestic intelligence files in its Washington headquarters and has others in its field offices. From 1955 to 1975 the bureau investigated 740,000 "subversive matters" and 190,000 "extremist matters."

The C.I.A., in its Operation Chaos against domestic dissidents from 1967 to 1973, amassed an "index" file on 300,000 Americans and full dossiers on 7,200 Americans and more than 100 organizations. The I.R.S. amassed files based

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upon political criteria from 1969 to 1973 on 11,000 individuals and groups and later computerized 465,000 names for general intelligence purposes.

The vast list of suspects in this net grew more quickly because of the "vacuum cleaner" techniques of surveillance that poured names of Americans into the files with no clear indication of why they should be there, the report said. The C.I.A., it said, illegally opened some 250,000 first-class letters from 1953 to 1973, producing a "computerized index of nearly one and one-half million names."

The F.B.I. also opened 130,000 letters in eight projects from 1940 to 1966, but its results were not known.

The National Security Agency conducted wholesale scannings of cable traffic leaving and entering the United States as well as certain overseas telephone calls which further filled the files.

Neither one's station in life nor sex, age or political coloration seemed to assure protection against coming under the scrutiny of one of the intelligence agencies.

The "women's liberation movement" was infiltrated by the F.B.I. in several cities, including Kansas City, New York and Baltimore.

The informants who attended the meetings, the report said, "collected material about the movement's policies, leaders and individual members."

Every Woman Named

"One report included the name of every woman who attended meetings, and another stated that each woman at a meeting had described 'how she felt oppressed, sexually or otherwise,'" the committee report said. "Another report concluded that the movement's purpose was to 'free women from the humdrum existence of being only a wife and mother,' but still recommended that the investigation should continue."

The agencies, particularly the F.B.I., were responsive to successive political administrations and willingly conducted domestic intelligence investigations on people the Presidents designated, the report said.

Mr. Roosevelt had the bureau put in its files for scrutiny the names of persons who sent telegrams to the White House opposing his defense policy and who supported Col. Charles Lindbergh, then a strong critic of United States foreign policy.

The F.B.I. gave President Truman reports on a former aide to Mr. Roosevelt who was allegedly trying to influence job appointments. President Eisenhower received political reports on Bernard Baruch, Eleanor Roosevelt and Supreme Court Justice William O. Douglas.

The Kennedy Administration had the F.B.I. wiretap a Congressional staff member, three Agriculture Department officials, a lobbyist and a Washington law firm. Also ordered were taps on newsmen with major publications, the report said. Attorney General Robert F. Kennedy received F.B.I. reports on a secret "bug" placed on a hotel room occupied by a Congressman.

Dr. King's Rooms Bugged

The bug was placed in the wall of a New York hotel room where Howard D. Cooley, Democrat of North Carolina, who was then chairman of the House Agriculture Committee, was to meet foreign officials. The bug procured for Mr. Kennedy, clearly political information on the forces for and against pending sugar legislation in Congress and the information that one foreign official planned to take two congressional secretaries to Bermuda for "reasons other than business," according to the report.

In many cases the investigations and techniques used, the report also said, were only thinly disguised as being for national or domestic security purposes. The committee found records of a meeting at the F.B.I. on Dr. King at which "avenues

of approach aimed at neutralizing King as an effective Negro leader" were discussed. Subsequently, F.B.I. field offices were ordered to continue to gather information on Dr. King "in order that we may consider using this information at an opportune time in a counterintelligence move to discredit him."

Some two weeks later the bureau placed the first of 15 bugs on various hotel rooms Dr. King occupied around the country. These ultimately produced 20 reels of tapes on his personal conversations and activities.

The material was later used to make a tape recording that the bureau sent to Mrs. King to try to discredit and frighten the black leader.

If power or prominence were no protection against attention from the intelligence agencies, obscurity did not help much, either, the report indicated.

The F.B.I. opened an investigation and used informants to report on a 1969 meeting of the Northern Virginia Citizens Concerned About the ABM at a high school auditorium near Washington. The bureau, the report said, got on the case because the meeting had been mentioned in a Communist newspaper. The meeting, a discussion of the merits of the anti-ballistic-missile defense system, was attended by several Department of Defense officials but no particularly prominent persons. Victims of domestic intelligence who were targets of the F.B.I.'s counterintelligence program, or cointelpro, against radicals, the report said:

"The tactics used against Americans often risked, and sometimes caused, serious emotional, economic or physical damage. Actions were taken which were designed to break up marriages, terminate funding or employment and encourage gang warfare between violent rival groups," the report said.

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Illegal Acts Noted

"Due process of law forbids the use of such covert tactics, whether the victims are innocent law-abiding citizens or members of groups suspected of involvement in violence," the committee noted.

Unlike general domestic intelligence investigations, Cointelpro's activities were designed to harass members of the Communist and Socialist Worker's Parties as well as various black nationalist groups and the Ku Klux Klan.

"In Cointelpro the bureau secretly took the law into its own hands, going beyond collection of intelligence and beyond its law enforcement function to act outside the legal process altogether," the report said.

The acts of disruption ranged from fomenting trouble between the Black Panther Party and Us Inc., a rival black group in San Diego, to trying to get state liquor board investigators to raid a campaign party of an antiwar candidate.

Since the bureau remained anonymous in most of its Cointelpro actions, the victim was never quite sure what had happened.

The "vacuum cleaner" approach to investigations provided the grist for the mills of Cointelpro. Since the bureau collected and stored enormous amounts of personal information on its targets, it had the detail to make anonymous letters about marital infidelity sound plausible.

The report contained no total figures on how many persons have been maligned or injured by domestic intelligence investigations or Cointelpro. The committee recommended that the department of Justice notify all victims of Cointelpro that they had been victims of the program. Attorney General Edward H. Levi announced several weeks ago that the department would be contacting some of the victims.

The committee reported that the F.B.I. still maintains a half million files on domestic intelligence cases and that the files of the Department of the Army have not been destroyed.

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