

File #:

62-HQ-116395

Serial Scope:

1243 thru 1245, 1249, 1250x1 thru 1253, 1255,

1st NR 1255, 2nd NR 1255, 1255x, 1255x1 thru 1258,

1261, 1262



OFFICE OF THE DEPUTY ATTORNEY GENERAL
WASHINGTON, D.C. 20530

JAN 12 1976

TO: John A. Mintz, Assistant Director
Legal Counsel Division
Federal Bureau of Investigation

M.E.

FROM: Michael E. Shaheen, Jr.
Special Counsel for Intelligence
Coordination

SUBJECT: SSC Letter Dated January 8, 1976

Attached is a letter from the SSC dated January 8, 1976. Please arrange for an appropriate response to Items 1-8.

Senetudy - 75

ST. 115

REC-14

62-110395-1262

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5 JAN 15 1976

7 ENCLOSURE

62-110395

[Handwritten signature]



JAN 12 1976

TO: John A. Mintz, Assistant Director
Legal Counsel Division
Federal Bureau of Investigation

FROM: Michael E. Shaheen, Jr.
Special Counsel for Intelligence
Coordination

SUBJECT: SSC Letter Dated January 8, 1976

Attached is a letter from the SSC dated January 8, 1976. Please arrange for an appropriate response to Items 1-8.

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United States Senate

SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES

(PURSUANT TO S. RES. 21, 94TH CONGRESS)

WASHINGTON, D.C. 20510

January 8, 1976

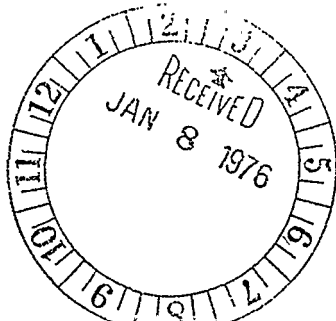
Michael E. Shaheen, Jr., Esq.
Special Counsel for Intelligence Coordination
Office of the Deputy Attorney General
U. S. Department of Justice
Washington, D.C. 20530

Dear Mike:

~~ALL INFORMATION CONTAINED
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DATE 11/6/00 BY SP2ALM/KP~~

One of the subjects which the Committee will be addressing in preparing its legislative recommendations involves the adequacy of the FBI's inspection procedures for handling allegations of misconduct and abuse. In this regard we are forwarding herewith a list of several such allegations which have been made during the past few years and concerning each of which we would appreciate your supplying us with the following information:

- 1.. How did FBI Headquarters first become aware of the allegation?
2. Was an investigation or inspection conducted? If not, was any other action taken?
3. How was the decision made to conduct (or not to conduct) an inspection or investigation, or to take (or not to take) other action?
4. Which Division, or operating level (headquarters or field), conducted the inspection or investigation?
5. How was the decision made as to which Division or operating level was to conduct the inspection or investigation?
6. Was the original allegation reported to the Attorney General or any other Department of Justice official?



ENCLOSURE

62-116395-1262

Michael E. Shaheen, Jr.
Page 2

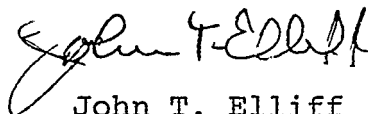
January 8, 1976

7. Were the results of the inspection or investigation reported to the Attorney General or any other Department of Justice official?
8. Was prosecution or administrative action (e.g., suspension or dismissal) considered or taken?
9. If any of the allegations on the attached list were made today, would they be handled by the newly-created office of Professional Responsibility? In what manner would they be handled? If an investigation were deemed warranted, which agency's personnel would do the investigating. In this regard, please also advise concerning which agency's personnel will be investigating recently-reported allegations that agents of the FBI "attempted to coerce" a House Select Committee on Intelligence witness "into repudiating his testimony before the select panel."

Answers to questions 1 - 7 should be accompanied by full back-up documentation, including memoranda, inspection or investigative reports, 302's, personnel reports, and communications to and from the field.

Your continued cooperation is appreciated.

Yours very truly,



John T. Elliff
Director
Domestic Intelligence Task Force

LEVI ASKS INQUIRY IN ATTACK ON F.B.I.

Special to The New York Times

WASHINGTON, Jan. 6—Attorney General Edward H. Levi has asked the Justice Department's new internal inspection unit to investigate an assertion by the House Select Committee on Intelligence that the Federal Bureau of Investigation attempted to coerce a committee witness into repudiating his testimony before the select panel.

A Justice Department spokesman said that Mr. Levi, responding to a request for information about the incident from A. Searle Field, the committee's staff director, had assigned the matter for investigation to the department's newly created Office of Professional Responsibility.

In a letter to Mr. Levi last week, Mr. Field reported that the witness, Martin L. Kaiser, had disavowed part of his committee testimony after a six-hour interrogation by F.B.I. agents.

Mr. Kaiser heads a Maryland company that makes electronic eavesdropping equipment for the F.B.I. and other Federal law enforcement agencies.

His testimony before the House Committee in October raised the possibility that some F.B.I. agents had received kickbacks when another electronics company sold to the F.B.I. material it had acquired from Mr. Kaiser's concern.

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62-116353-1262

LIST OF ALLEGATIONS

1. The March 20, 1975 edition of the New York Times reported that "the Federal Bureau of Investigation has carried out kidnappings of a number of persons in the United States that it believed to be clandestine agents of foreign intelligence services, according to two former FBI agents."

2. The August 11, 1975 issue of Time Magazine reported the discovery of "Bureau manuals, documents and reports" in the apartment of a KGB "operative" who was described as the "mistress" of an FBI agent.

3. The August 11, 1975 issue of Time Magazine also reported that in 1961 a Bureau agent was "suspected of giving FBI reports to the Soviets."

4. The March 29, 1975 edition of the Washington Post reported allegations that an FBI agent had been "bribed by a member of the Mafia."

5. A recent edition of Time Magazine reported that "sensitive" FBI documents "were carried off in an FBI truck to West Virginia's Blue Mountain Ridge Club, a Shenandoah Mountain Hideaway used by innermost FBI officials for regular poker games with CIA and other cronies. The papers were burned in the Club's large fireplace."

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102-116395-1262

3/20/75 My Team

2 Former Agents Say

By JOHN M. CREWDSON

Special to The New York Times

WASHINGTON, March 19—

The Federal Bureau of Investigation has carried out kidnappings of a number of persons in the United States that it believed to be clandestine agents of foreign intelligence services, according to two former F.B.I. agents with direct knowledge of such operations.

One of the former agents placed the number of such kidnappings over the years at "fewer than 10" and said that, as far as he knew, the technique had not been employed by the bureau since the mid-nineteen-sixties.

He said that its use had been occasioned by such cold war incidents as the Cuban missile crisis "when things were pretty rough," and that he was "certain that this is no longer going on."

A spokesman for the bureau said only that the bureau would adopt "a no-comment posture" with respect to the kidnapping allegations.

A Pattern in Targets

Both of the agents said that, with one possible exception, the targets selected by the F.B.I. for kidnapping were suspected intelligence operatives from Communist countries who had entered the United States illegally with forged American passports and other identity documents.

The use of the kidnapping technique was also confirmed, although not in detail, by two other former F.B.I. agents.

In separate interviews, the two former agents who described the alleged kidnappings left open the possibility that in one instance the bureau had erred in kidnapping a person who proved not to be a deep-cover spy but a legitimate American citizen.

One of the agents conceded, however, that in every case the practice was "completely wrong—completely in violation of civil liberties. No question about it," he added.

But he said, "In the business of intelligence, you're faced with the concept of expediency. That oftentimes leads you into extra-legal activities."

charged with a crime, to habeas corpus and to the assistance of counsel, among others.

Kidnapping, the former agent said, was a last resort used when no alternative means could be quickly found to interrogate a suspected subversive, or to "turn" him into a double agent willing to report to the F.B.I. on the activities of his own intelligence service.

It was, he said, "the type of thing that's never done lightly."

Both men denied that physical torture was ever employed in such cases, although one said that, when a suspect had been located, "You'd pick him up and take him somewhere and work him over."

The victims were often threatened with death as punishment for noncooperation, he added, although neither official recalled any instance in which a hostage had been murdered.

One of the former agents maintained, however, that mental duress was an important part of such interrogations, and he described one case in which a person was seized and detained in an F.B.I. "safe house" for "several weeks."

Absence Not Noticed

Because the man was not operating under diplomatic cover, as many foreign espionage agents do, and was not otherwise an official personage, his extended absence went publicly unnoticed, the former agent said.

The spy, he said, knew his captors only as "U.S. intelligence agents," at least one of whom was with him constantly.

"Someone slept in the same bed with him. We even went with him to the bathroom," he said.

After weeks of intense interrogation the man broke and agreed to become a double agent and was told, in the former agent's words:

"You are a free man. Do you know what that means? If you leave here and do not keep your promises we will do nothing further to you. But you have made a commitment and we will take you at your word."

The man did keep his word, the former agent said, and appeared at an appointed meeting with an F.B.I. intelligence agent a week later.

But the former agent acknowledged that the technique contained a critical flaw: The F.B.I. had no way of knowing whether the man, or others like him, reported their experiences to their own government, and thus became triple agents.

'Playing for Keeps'

The use of kidnapping, one of the former agents emphasized, "was a tough game. That was when you're playing for keeps," he said.

He said that, to his knowledge, it was never employed against the domestic left or

Alleged Violations

Several lawyers, including representatives of the American Civil Liberties Union, pointed out that an alien illegally in this country is by law afforded many of the same guarantees of due process as American citizens.

The bureau's only legal alternatives in such cases, one lawyer said, were to turn such individuals over to the Immigration and Naturalization Service for a deportation hearing or to charge them with illegal entry or espionage.

To have held such an individual incommunicado for more than a day, the lawyer added, would have violated his rights to be formally arrested and

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F. B. I. Has Kidnapped Suspected Foreign Spies in U.S.

organized crime figures, but was reserved for operatives of the Soviet K.G.B., or secret police, or representatives of other Soviet bloc intelligence services.

The technique was particularly useful, he explained, when the F.B.I. feared that it was about to lose track of a suspected agent posing as an American citizen.

"You'd identify your man and follow him to develop who he was contacting here," the former agent said, "but you always ran the risk of losing him in 200 million people."

One instance in which that concern played an important part was described by the two former agents.

In the early nineteen-sixties, they recalled, a man walked casually into the recorder's office in a rural Middle West county seat near the Canadian border and asked for a copy of his birth certificate.

The man explained to the clerk that he had left the region

when he was a small child and was now seeking to document his family history. The name he gave was that of a former resident of the county, someone whom the records clerk and others there remembered had suffered a permanent pelvic injury as a youth.

The inquiring man appeared to walk perfectly, however, and the townspeople, their suspicions piqued, notified the local office of the F.B.I.

"Thank God the resident agent was on the ball," one of the sources said, "and went over and checked the matter out."

Linked to Soviet

The F.B.I., he said, placed the mysterious stranger under surveillance and eventually became convinced that he was a Soviet intelligence agent who had penetrated the United States illegally.

When the local F.B.I. agents became concerned that they would lose the suspect, the source recounted, a decision was made "to hit him."

After receiving authorization directly from J. Edgar Hoover, the late F.B.I. director, a specially picked team of agents seized the suspect and rushed him to a secluded "safe house" of the bureau for interrogation, the two sources said.

One of the former agents described the interrogation as a "stern" one, and the other added that "this was rough business," though neither provided specific details of the ordeal to which the man was subjected.

Both sources described the operation as a success but declined to elaborate on its precise disposition or the subject's present whereabouts.

One of the former agents maintained, however, that none of the suspected espionage agents involved in these operations had ever died as a direct result of the kidnapping or interrogation, or while attempting to escape.

The former agent said that although the bureau never

operated a formalized "kidnaping squad," at one time there was a coterie of agents who "could and would" carry out illegal high-risk operations such as burglaries and kidnappings. But by the mid-nineteen-sixties, he said, these men had become convinced that Mr. Hoover would no longer back them and they refused to undertake such work without "paper" or written authorizations, which Mr. Hoover was unwilling to give.

Too Dangerous to Accept

"You'd call a guy up and ask him to do something," the source recalled, "and he'd remind you that he had two kids in college and he could see his retirement down the road."

"This work was exceedingly dangerous," the second former F.B.I. man said. "You could get shot, you could get arrested."

The first former agent confirmed these points, adding that no mention of kidnapping was

ever made in writing and that consequently no record of it exists within the bureau's files.

Knowledge of the kidnapping operations was "very, very closely held," he said, being limited to Mr. Hoover, who personally approved each of them; a handful of top officials, and the agents in the field who carried them out.

"Nobody will admit a damn thing," he said, pointing out that the crime of kidnapping carries no statute of limitations.

The lawyers interviewed in connection with the legality of these operations said, however, that Federal and state kidnapping statutes had probably not been violated by the agents who carried out the abductions, since no ransom was extracted.

Because "the best interests of the country would not be served by pursuing that investigation," the man declined to identify either the F.B.I. agents or the suspected subversives involved in the kidnappings.

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FBI

Seduced by the KGB

P. 19

While concentrating its efforts upon the CIA, Senator Frank Church's special committee that is investigating U.S. intelligence programs has also been accumulating data on the FBI. Last week TIME learned that the committee has heard some startling reports of misdeeds, break-ins and cover-ups, including the story of an agent whose mistress was linked to the Soviet KGB.

The affair was discovered in 1968 when a CIA source in Moscow reported that KGB officials were jubilant about getting one of their operatives in bed with an FBI agent. To check out the CIA's report, the FBI broke into the apartment of the woman, a middle-aged waitress, and discovered bureau manuals, documents and reports. Some FBI officials urged prosecution, but J. Edgar Hoover's palace guard of deputies stopped the inquiry to avoid embarrassing the bureau and its boss. The agent was simply allowed to resign. The KGB also appears to have penetrated the FBI in 1961. In this case, the agent suspected of giving FBI reports to the Soviets (a polygraph test on him was inconclusive) was fired on a minor technicality.

The Church committee has also turned up evidence of a variety of extra-legal activities practiced by the FBI. The bureau is said to have maintained special schools to train agents in the techniques of the "bag job," a euphemism for breaking and entering. The graduates—lockpickers, burglars and a few safecrackers—managed to steal some code books from foreign embassies. For this they received "incentive awards" ranging from \$250 to \$500.

The Senators would like to know more about the private files Hoover kept on public officials and what use he made of them. John Mohr, a former top FBI official, has told TIME that he had been questioned three times by the committee about the dossiers assembled by Hoover on scores of people. Just what happened to some of the files after Hoover's death in 1972 is still a mystery.

62-116395-1202

FBI Bid to Kill Probe Charged

By Ronald Kessler

Washington Post Staff Writer

Shortly after he became director of the FBI, Clarence M. Kelley twice made unsuccessful attempts to stop a Justice Department investigation of an allegation that an FBI agent had been bribed by a member of the Mafia, according to an informed source.

The charge was leveled against New York FBI agent Joseph Stabile by two fellow New York agents. One said Stabile had admitted to him that he took the bribe.

An investigation was closed when it turned up no evidence against Stabile. But the two agents who made the accusation told the Justice Department's organized crime strike force in Brooklyn that the FBI investigation had been a "cover-up," the source said.

This triggered a Justice Department investigation, which is continuing, the source said.

Despite the origin of the Justice Department investigation, the source said, Kelley asked high-ranking department officials in 1973 to call the Brooklyn prosecutors off the case on the grounds the FBI had found no violations of law.

In addition, the source said, Kelley complained that the Justice investigation was hurting FBI morale.

During the ensuing dispute, he said, Henry E. Petersen, then chief of the Criminal Division of Justice, informed the Brooklyn prosecutors of Kelley's attempts and told Kelley the investigation would continue.

Another source said Petersen later cited the New York incident to show the need for an inspector general within the Justice Department to police the FBI.

Petersen, who has since left the Justice Department, confirmed recently that Kelley wanted the investigation stopped but could not recall how he had made his views known. Petersen said he would not dispute that it was in the form of a request.

"There was a difference of opinion, and ultimately the opinion of the Criminal Division prevailed, and the FBI acquiesced in that opinion," he said.

The informed source said Kelley's requests, which were known to only a few FBI and department officials amounted to "pressure" and an "attempt to suppress it [the investigation]."

The FBI, the former prosecutors said, is a fact-finding agency that normally does not express opinions on whether an investigation started by Justice should be continued.

Another former federal prosecutor said the FBI, on rare occasions, has expressed such an opinion based on manpower considerations. But FBI intervention when it is a target of the investigation would be "improper," the former Justice Department official said.

Sources familiar with the bribe allegation attributed Kelley's action to a feeling long held by FBI leaders that any hint of corruption would irreparably damage the bureau's image and effectiveness.

Although Kelley's attempts were unsuccessful, the Justice investigation had been ham-

pered by the FBI's handling of the case before Kelley became director in July, 1973, one source said.

Chief among these problems — which were confirmed by a second source — was the fact that the FBI immediately confronted Stabile with the bribe allegation before attempting to gather evidence against him.

In doing so, the source said, the FBI agent gave the agent treatment it would not give others suspected of criminal behavior.

In addition, the source said, at that same time the FBI violated its own procedures by failing to inform the Justice Department that it was conducting an investigation of the bribe allegation.

An FBI spokesman said Kelley cannot comment on the bribe allegation because many of the same issues will be raised in a Brooklyn perjury trial scheduled to begin April 14.

The trial, to be held in u.s. district Court, is of John Caputo, who is identified by the

FBI as a member of the Luchese New York Mafia family.

Caputo is alleged to have bribed Stabile.

The trial, however, centers on the question of whether Caputo lied when he told a grand jury he had not admitted to FBI agents that he paid off New York city policemen.

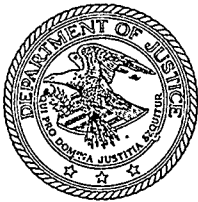
Reached at his Hawley, Pa., country home Caputo, 71, said of the charge he paid off an FBI agent, "I got nothing to do with this."

Asked if he is a member of the mafia, Caputo said, "come on. I have nice children. My kids went to nice Catholic schools. They say you're with this, with that."

Many of the essential facts surrounding the bribe allegation — including the identity of the accused agent, Stabile — were revealed in pre-trial testimony taken last month for Caputo's pending perjury trial.

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62-110375-12102



OFFICE OF THE DEPUTY ATTORNEY GENERAL
WASHINGTON, D.C. 20530

JAN 12 1976

TO: John A. Mintz, Assistant Director
Legal Counsel Division
Federal Bureau of Investigation

M.E. FROM: Michael E. Shaheen, Jr.
Special Counsel for Intelligence
Coordination

SUBJECT: SSC Letter Dated January 12, 1976

Attached is a letter from the SSC requesting a briefing on or before January 15, 1976. Please arrange for an appropriate response.

5 - Reply 1/15

12

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5 JAN 15 1976

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cc: Paul Daly
Bill Cregar

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JAN 12 1976

TO: John A. Mintz, Assistant Director
Legal Counsel Division
Federal Bureau of Investigation

FROM: Michael E. Shaheen, Jr.
Special Counsel for Intelligence
Coordination

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cc: Paul Daly
Bill Cregar

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United States Senate

SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES

(PURSUANT TO S. RES. 21, 94TH CONGRESS)

WASHINGTON, D.C. 20510

January 12, 1976

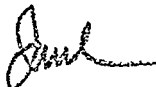
Michael E. Shaheen, Jr., Esq.
Office of the Deputy Attorney General
U. S. Department of Justice
Washington, D.C. 20530

Dear Mike:

The Select Committee requests that Bureau officials knowledgeable in Cuban intelligence activities in the United States, informant penetration of Cuban intelligence and Cuban groups (in the U.S., Cuba and Mexico) for the period 1960-1967, meet with and brief members of the Committee and senior staff on or before Thursday, January 15, 1976.

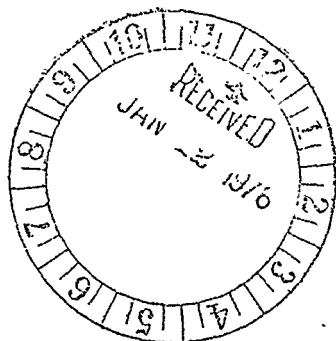
Other than the morning of Wednesday, January 14, 1976, any time would be convenient for us. I would appreciate your contacting me so that we can work out the details.

Sincerely,



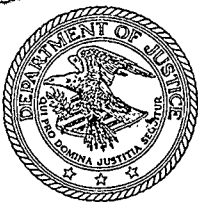
Paul G. Wallach

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OFFICE OF THE DEPUTY ATTORNEY GENERAL
WASHINGTON, D.C. 20530

JAN 12 1976

K
TO: John A. Mintz, Assistant Director
Legal Counsel Division
Federal Bureau of Investigation

M.E. FROM: Michael E. Shaheen, Jr.
Special Counsel for Intelligence
Coordination

SUBJECT: SSC Letter Dated January 7, 1976

Attached is a letter from the SSC dated January 7, 1976. Please arrange for an appropriate response.

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5 JAN 15 1976

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62-116395



JAN 12 1976

TO: John A. Mintz, Assistant Director
Legal Counsel Division
Federal Bureau of Investigation

FROM: Michael E. Shaheen, Jr.
Special Counsel for Intelligence
Coordination

SUBJECT: SSC Letter Dated January 7, 1976

Attached is a letter from the SSC dated January 7, 1976. Please arrange for an appropriate response.

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CURTIS R. SMOTHERS, MINORITY COUNSEL

United States Senate

SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES

(PURSUANT TO S. RES. 21, 94TH CONGRESS)

WASHINGTON, D.C. 20510

January 7, 1976

Michael E. Shaheen, Jr., Esq.
Special Counsel for Intelligence Coordination
Office of the Deputy Attorney General
U. S. Department of Justice
Washington, D.C. 20530

Dear Mike:

I would appreciate your supplying to the Committee all memoranda and other materials pertaining to the establishment of the Office of Legal Counsel in the FBI in 1971 as well as all materials prior to that date which would reflect earlier Bureau practices and procedures for considering the legal and constitutional implications of major policy changes in FBI Domestic Intelligence Division operations. (This should include, of course, materials which pertain to the responsibilities and duties of the Office of Legal Counsel which formerly was located in the Training Division.)

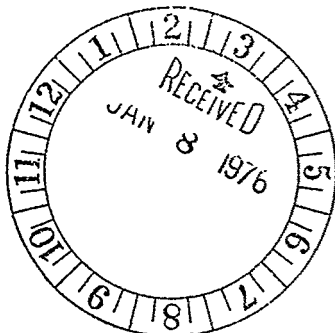
I would also appreciate your forwarding such materials as would reflect the process by which Section 87 of the FBI Manual of Instructions was changed in 1973 (i.e., from inception through final approval).

Your continued cooperation is appreciated.

Sincerely,

John T. Elliff
John T. Elliff
Director

Domestic Intelligence Task Force



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ENCLOSURE
62-116395-1258

Assigned to Dilly 1/9/76
Assigned to [unclear] 1/9/76

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JAN 08 1976

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NR 006 RS PLAIN

8:00PM NITEL JANUARY 8, 1976 MGC

TO: DIRECTOR

FROM: BOSTON

ATTN: INTD, W.O. CREGAR

SENSTUDY 75.

P.V. D...

*Mr. Woods
1/06 3:37*

N

RE BUREAU TELEPHONE CALL TO BOSTON JANUARY 8, 1976.

MR. LAURENCE P. KENNAN, 6 LISA BETH DRIVE, DOVER, NEW HAMPSHIRE, 03820, TELEPHONE 603-749-0365, CONTACTED JANUARY 8, 1976 AND WAS ADVISED OF CAPTIONED GROUP'S DESIRE TO INTERVIEW HIM. KENNAN INVITED TO CONTACT FBIHQ, OFFICE OF LEGAL COUNSEL, BY COLLECT TELEPHONE CALL FOLLOWING CONTACT BY SENSTUDY TO RESOLVE ANY QUESTION OF CONFIDENTIALITY. KENNAN EXPRESSED VERY COOPERATIVE ATTITUDE AND STATED HE HAD NO OBJECTION TO SUCH AN INTERVIEW AND WOULD CALL FBIHQ IF CONTACTED.

FND.

ST. 115 REC-14 67-473513-1257

5 JAN 15 1976

5- [Signature]

[Signature]
cc 67-473513 (Keenan)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/11/00 BY 22 DMK

84 JAN 20 1976

62-116395-1256X
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62-116464-282

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Cons/Trnd

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HEREIN IS UNCLASSIFIED
DATE 11/6/00 BY SP2MJP

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FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JAN 07 1976

TELETYPE

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Dep.-A.D.-Adm.	_____
Dep.-A.D.-Inv.	_____
Asst. Dir.:	
Admin.	_____
Comp. Syst.	_____
Ext. Affairs	_____
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Laboratory	_____
Plan. & Eval.	_____
Spec. Inv.	_____
Training	_____
Telephone Rm.	_____
Director Sec'y	_____

SJ 694

NR003 SJ PLAIN

12:47PM URGENT JANUARY 7, 1976 GRB

TO DIRECTOR

FROM SAN JUAN

ATTENTION: LEGAL COUNSEL AND INTELLIGENCE DIVISIONS
SENSTUDY 75

REFERENCE BUREAU TELETYPE, DECEMBER 30, 1975.

SAC WARREN C. DE BRUEYS SCHEDULED TO ARRIVE EASTERN AIRLINES FLIGHT 946 AT 7:36 PM, JANUARY 7, 1976, AT FRIENDSHIP AIRPORT; WILL REPORT TO ROOM 3658 JEH BUILDING AT 8:00 AM, JANUARY 8, 1976, AS INSTRUCTED. PHONE NUMBER WHILE IN WASHINGTON WILL BE 941-4667.

Report
6011

SECTION CI-4
Rm. 3658 JEH

D. [Signature]
C. [Signature]

N

[Signature]
[Signature]

REC-14 102-114375-1256

JAN 13 1976

FILE

3/10

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/10 BY SPAN/MP

cc-5

END.
COPY DESTROYED
FBI

1 - Mr. J. A. Mintz
1 - Mr. W. R. Wannall
1 - Mr. R. L. Shackelford
1 - Mr. W. O. Cregar
1 - Mr. S. J. Miller
January 6, 1976

The Attorney General

Director, FBI

U. S. SENATE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES (SSC)

Enclosed is the original of a memorandum reporting the results of an interview of former Special Agent in Charge Roy K. Moore of the FBI by an SSC Staff Member. Also enclosed is a copy of the memorandum for forwarding to Mr. James A. Wilderotter, Associate Counsel to the President.

Enclosures (2)

62-116395

1 - The Deputy Attorney General
Attention: Michael E. Shaheen, Jr.
Special Counsel for
Intelligence Coordination

1 - 67- (Personnel File Former SAC Roy K. Moore)

SJM:1hb/lhb
(10)

SI 115 REC-51 62-116395-1255X1

5 JAN 20 1976

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/6/00 BY SP2ALP

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- Asst. Dir.:
- Admin. _____
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- Ext. Affairs _____
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- Inspection _____
- Intell. _____
- Laboratory _____
- Plan. & Eval. _____
- Spec. Inv. _____
- Training _____
- Legal Coun. _____
- Telephone Rm. _____
- Director Sec'y _____

MAIL ROOM TELETYPE UNIT

- 1 - Mr. J. A. Mintz
- 1 - Mr. W. R. Wannall
- 1 - Mr. R. L. Shackelford
- 1 - Mr. W. O. Cregar
- 1 - Mr. S. J. Miller

62-116395

January 6, 1976

**U. S. SENATE SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES (SSC)**

**RE: INTERVIEW OF FORMER SPECIAL AGENT
IN CHARGE (SAC) ROY K. MOORE OF
THE FBI BY AN SSC STAFF MEMBER**

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/6/00 BY SP4MIA/P

The following concerns an interview on November 18, 1975, of former SAC Roy K. Moore of the FBI by an SSC Staff Member.

Moore's report of the results of the interview follows:

"Today, November 18, 1975, at the request of Mr. Robert Kelley, Church Committee, Room G308, Dirksen Building, First and C Streets, I appeared at their office and furnished an affidavit in reply to that of Mr. Hardy, the alleged informant in the Camden 28 case.

"According to Mr. Kelley, the Committee is looking into the use of informants by the FBI and other intelligence agencies.

"Mr. Hardy, in his deposition to the Committee, alleged that he became a 'provocateur' during the time that we were investigating the break-in of the Camden Federal Building in 1971.

"I furnished an affidavit to the effect that Mr. Hardy walked into the Camden Resident Agency and requested advice in that he felt his religious advisor, a priest, was

1 - 67- (Personnel File Former SAC Roy K. Moore)

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Admin. _____
- Comp. Syst. _____
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- Spec. Inv. _____
- Training _____
- Legal Coun. _____
- Telephone Rm. _____
- Director Sec'y _____

SJM:1hb/1hb

MAIL ROOM

TELETYPE UNIT

SEE NOTE PAGE 3

62-116395-1255X1

SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC)

RE: INTERVIEW OF FORMER SAC ROY K. MOORE OF THE FBI BY SSC

involving him in a violation of the law. He was interviewed by Supervisor Bill Anderson of the Philadelphia Office who happened to be in the Resident Agency at that time.

"Ultimately, Mr. Anderson convinced Mr. Hardy that he should assist his Government and report on the activities of those individuals who were planning the break-in of the Federal Building.

"Over a period of time, Hardy assisted those who had already been working on the surveillance of the building and planning the break-in and was able to furnish Agents the names of those involved, their plans, and was successful in helping effect their arrest when the break-in occurred.

"The interviews with Mr. Hardy were recorded on tape. They were played back to the Agents on the 'Special,' and in many instances it is a matter of record that Mr. Hardy was cautioned by the Agents handling him not to become a 'provocateur.' Upon the arrest of the 28 individuals who broke into the Federal Building, Mr. Hardy was a willing Government witness. However, subsequent thereto one of his children fell from a tree and was impaled on an iron post and later died as a result. It is our understanding that his religious advisors convinced him that this was retribution for turning against his fellow conspirators and assisting the Government. He ultimately testified for the defendants rather than the Government.

"In my affidavit, I explained that the Camden 28 case was one of 58 break-ins involving Selective Service Boards and Federal Buildings and that, as a result of latent prints developed in the various break-ins and the printing (finger) of the defendants in the Camden 28 case, we were able to

SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC)

RE: INTERVIEW OF FORMER SAC ROY K. MOORE OF THE FBI BY SSC

make comparisons and solve 16 of the unsolved break-ins, thus showing that the Camden 28 case was part of a larger conspiracy than that one incident.

"Additionally, the question was asked why we didn't make the arrest upon the breaking of the window of the Federal Building in Camden or even before on the basis of conspiracy rather than letting them consummate the crime of breaking, entering and carrying away the files. It was explained that this matter was closely followed with Departmental attorneys and the Assistant U. S. Attorney, New Jersey, to insure that they were satisfied that the elements of the Crime on Government Reservation Statutes had been satisfied. The Departmental attorneys were Mr. Goodwin and Mr. Cabbage. It was further explained that the Berrigan case had just occurred and that their defense was that, while they had talked about kidnapping Mr. Kissinger, they never really intended to do it and obviously the Departmental attorneys and Assistant U. S. Attorney wanted to insure that there was no question as to the intention of these individuals. However, the best information could be obtained from these attorneys as to the reasons for their decisions.

"The latter part of the deposition dealt with my personal opinion of the use of informants in intelligence investigations. Obviously, I endeavored to justify the use of informants as being far superior to investigative operations for the true intent of the persons comprising any group who have as a purpose destruction of the establishment or overthrow of the Government."

NOTE:

Mr. Moore telephonically dictated the results of the interview to a Bureau stenographer on 11/18/75.

TO: Intelligence Community Staff
ATTN: Central Index

FROM: FBI

SUBJECT: Abstract of Information Provided to Select Committees

1. HOW PROVIDED (check appropriate term. If a document was made available for review but not transmitted, so note.)

2. DATE PROVIDED

DOCUMENT	BRIEFING	<input checked="" type="checkbox"/> X	INTERVIEW	TESTIMONY	OTHER
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1/6/76

3. TO WHOM PROVIDED (check appropriate term; add specific names if appropriate)

SSC
HSC

The Attorney General with a copy for forwarding to the White House

4. IDENTIFICATION (provide descriptive data for documents; give name or identification number of briefer, interviewee, testifier and subject)

Memorandum reporting results of an interview by SSC Staff Member of former SAC Roy K. Moore.

5. IN RESPONSE TO (list date and item number if in response to formal request, otherwise state verbal request of (name), initiative, subpoena, etc.)

NA

6. CLASSIFICATION OF INFORMATION (enter U, C, S, TS or Codeword)

U

7. KEY WORDS (enter the appropriate key words from the list provided separately; if key words not listed are used underline for emphasis)

Intelligence collection
Information handling

8. SUMMARY (see reverse side before completing this item)

Interviewed regarding the FBI's use of informants, also relative to informant Hardy's furnishing of information regarding the break-in of the Camden Federal Building in 1971.

62-116395

FMK:fmk

(4)

ORIGINAL VIA LIAISON TO CENTRAL COMMUNITY INDEX
IN CONNECTION WITH SENSSTUDY 75

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/6/00 BY SPALM/P

TREAT AS YELLOW

62-116395-1255N 5-04

The Attorney General

NOTE:

This memorandum effects delivery of material relating to Items 5 and 6 of the November 21 SSC request, and completes our response to requests of the SSC in this letter.

An exact copy of documents being delivered to the SSC is being retained in the Senstudy 75 Project.

With respect to the March, 1965, authorization for microphone surveillance on Bernard Lee, we have been unable to locate any document in the King or Lee files relating to the purpose of a surveillance on Lee. We believe (as noted in the January, 1965, surveillance authorization material) that the surveillance was directed at King, and any room in which King was likely to meet with associates. We have not located information indicating Lee was a primary target of surveillance.

- 2 - J. A. Mintz
(- Mr. J. B. Hotis)
- 1 - Mr. W. R. Wannall
- 1 - Mr. W. O. Cregar
- 1 - Mr. H. W. Porter

62-116395

January 5, 1976

UNITED STATES SENATE SELECT COMMITTEE
TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT
TO INTELLIGENCE ACTIVITIES (SSC)

RE: REQUEST PERTAINING TO AUTHORIZATION
AND PURPOSE OF ELECTRONIC SURVEILLANCES
CONDUCTED BY THE FBI

Reference is made to the SSC letter of November 21, 1975, requesting delivery of materials pertaining to the authorization and purpose of certain electronic surveillances conducted by the FBI.

The SSC letter of November 21 referenced a summary chart prepared by the FBI showing electronic surveillances conducted by the FBI since 1960. This chart was furnished to the SSC by memorandum of October 23, 1975.

This memorandum effects delivery of documents responsive to Items 5 and 6 of the November 21 SSC letter dealing with microphone surveillances. Those items are as follows:

Item 5 - Mark Lane and Marina Oswald, 1964.

Item 6 - Bernard Lee, 1965.

HWP:en *en*
(8)

~~ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/2/00 BY SP2/MLK/MP~~

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
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- Spec. Inv. _____
- Training _____
- Legal Coun. _____
- Telephone Rm. _____
- Director Sec'y _____

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62-116395-1255X

**RE: REQUEST PERTAINING TO AUTHORIZATION
AND PURPOSE OF ELECTRONIC SURVEILLANCES
CONDUCTED BY THE FBI**

With respect to Item 6, our records indicate a microphone surveillance was authorized on two rooms at the Sheraton Park Hotel, New York City, where Martin L. King, Jr., and Bernard Lee, an associate, were to reside during the period March 29 to March 31, 1965. Neither King nor Lee occupied those rooms during this period, having registered at a different location in New York City.

Although the surveillance was authorized on a room which Lee was to occupy, it was not directed at Lee personally, but instituted to provide full coverage of King's activities while at the Sheraton Park Hotel. In that regard, we have included material showing surveillance coverage of King on an earlier date in January, 1965. We believe this surveillance activity shows the intent of the surveillance authorized in March, 1965; namely, to provide full coverage to areas likely to be used by King and his associates for meetings.

1 - The Attorney General

TO: Intelligence Community Staff
ATTN: Central Index

FROM: FBI

SUBJECT: Abstract of Information Provided to Select Committees

1. HOW PROVIDED (check appropriate term. If a document was made available for review but not transmitted, so note.)

2. DATE PROVIDED

DOCUMENT BRIEFING INTERVIEW TESTIMONY OTHER

1/5/76

3. TO WHOM PROVIDED (check appropriate term; add specific names if appropriate)

<input checked="" type="checkbox"/>	SSC
<input type="checkbox"/>	HSC

4. IDENTIFICATION (provide descriptive data for documents; give name or identification number of briefer, interviewee, testifier and subject)

Memorandum and enclosures

5. IN RESPONSE TO (list date and item number if in response to formal request, otherwise state verbal request of (name), initiative, subpoena, etc.)

SSC letter 11/21/75, items 5 and 6

6. CLASSIFICATION OF INFORMATION (enter U, C, S, TS or Codeword)

U

7. KEY WORDS (enter the appropriate key words from the list provided separately; if key words not listed are used underline for emphasis)

Surveillance, electronic

8. SUMMARY (see reverse side before completing this item)

Materials pertaining to authorization and purpose of electronic surveillances conducted by the FBI. Specifically microphone surveillances on Mark Lane and Marina Oswald, 1964; Bernard Lee, 1965.

62-116395

FMK: fmk

(4)

ORIGINAL VIA LIAISON TO CENTRAL COMMUNITY INDEX
IN CONNECTION WITH SENSTUDY 75

~~ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/10/81 BY SPANK~~

TREAT AS YELLOW

5/1/76

F B I

Date: 3/31/65

Transmit the following in _____
(Type in plain text or code)

AIRTEL

(Priority or Method of Mailing)

TO : DIRECTOR, FBI (100-106670)
FROM : SAC, NEW YORK (100-136585)
SUBJECT: MARTIN LUTHER KING, Jr.
SM-C

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/16/00 BY SP2AMK/P

JUNE

ReBu telephone call of 3/29/65, authorizing misur coverage of subject at the Park Sheraton Hotel, 56th St. and 7th Ave., NYC.

NY
elise
elise
On 3/29/65, at 3:30 p.m., misur coverage was effected on rooms 1461 and 1462, the rooms at the Park Sheraton Hotel which were to be occupied by KING and BERNARD LEE on 3/30/65. The sources are NY 5020-S* (KING's room, 1461) and NY 5021-S* (LEE's room, 1462). These sources were monitored from room 1561.

On 3/31/65, at 12:00 noon, these sources were discontinued.

This document is prepared in response to your request and is not for dissemination outside your Committee. Its use is limited to official proceedings by your Committee and the content may not be disclosed to unauthorized personnel without the express approval of the FBI.

3-Bureau (100-106670) (RM)
1-NY (100-136585) (42)
JMK:rmv
(5)

601 XIE

18 APR 9 1965

C. C. Wick

Sent _____ M Per _____

FBI

Date: 1/11/65

Transmit the following in _____
(Type in plain text or code)

Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI (100-106670)

FROM: SAC, NEW YORK (100-136585)

JUNE

SUBJECT: MARTIN LUTHER KING, JR.
SM-C

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/16/00 BY SPAM/KP

Re Bureau telephone call, 1/8/65, authorizing misur coverage of subject at the Park Sheraton Hotel, 55th Street and Broadway, New York City.

ELSUR
ELSUR

On 1/8/65, coverage was effected on the room of KING, room number 2543, and NY 4853-S* was installed at 3:00 PM. NY 4854-S* was installed at the same time on the adjoining room, number 2541, occupied by his associates, ANDREW YOUNG and BERNARD LEE. These sources were monitored from room 2441.

On 1/11/65, at 10:45 AM, the designated sources were discontinued.

Microphones and monitoring equipment removed 1/11/65. Trespass was involved.

- 3 - Bureau (100-106670) (RM)
- 1 - New York (100-136585) (42)

JMK:gmd
(5)

CC-408RA

100-106670-1417
JAN 15 1965

EX-108

This document is prepared in response to your request and is not for dissemination outside your Committee. Its use is limited to official proceedings by your Committee and the content may not be disclosed to unauthorized personnel without the express approval of the FBI.

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

UNITED STATES GOVERNMENT

Memorandum

ROUTE IN ENVELOPE

JUNE

- Tolson
- Belmont
- Mohr
- DeLoach
- Casper
- Callahan
- Conrad
- Evans
- Gale
- Rosen
- Sullivan
- Tavel
- Trotter
- Tele. Room
- Holmes
- Gandy

TO : Mr. W. C. Sullivan

DATE: 1/8/65

FROM : J. A. Sizoo

SUBJECT: MARTIN LUTHER KING, JR.
SECURITY MATTER - C

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/10/00 BY SP4 JRP/du

New York called today and advised that King, [Bernard Lee, and Andrew Young] registered at the Park Sheraton Hotel and were assigned Room 2541 and 2543. SAC [Roney] advised that the New York Office had for monitoring purposes the availability of Rooms 2439 and 2441.

In view of the nature of the discussion which King was scheduled to have in New York with [Clarence Jones and Harry Wachtel] it was felt the results of the discussion would contain considerable intelligence information. New York said that through other information which they have developed, it appears the meeting will actually be held in [Wachtel's] office, but New York still strongly recommended use of microphone coverage in the rooms occupied by King's party as the results of the meeting in [Wachtel's] office would later be discussed in the hotel rooms.

In view of King's continued contact with [Clarence Jones, who is King's conduit for contact with communist Stanley Levison] and in view of other activities of King, it is considered highly desirable that New York place microphone coverage on these rooms if this can be done with full security. [Roney] assured me full security would be available [and that the individuals involved will be under physical surveillance so the microphone installation could be made during the conference in Wachtel's office.] New York contemplated use of two Wasp instruments, which would not involve running wires out of the rooms and which instruments can be installed with full security.

ACTION:

Under the circumstances, I authorized New York to go ahead with the installation provided it could be done with full security.

- JAS:mls (8)
- 1-Mr. Belmont; 1-Mr. Sullivan;
- 1-Mr. Baumgardner; 1-Mr. Bland;
- 1-Mr. Donohue; 1-Mr. Phillips;
- 1-Mr. Sizoo

REC-7

EX-108

6 JAN 15 1965

100-106670 is document is prepared in response to your request and is not for dissemination outside your Committee. Its use is limited to official proceedings by your Committee and the content may not be disclosed to unauthorized personnel without the express approval of the FBI.

COPY SENT TO MR. TOLSON

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. J. B. Adams

FROM : Legal Counsel *Adams*

SUBJECT: SENSTUDY 75

- 1 - Mr. Mintz
- 1 - Mr. Wannall
- 1 - Mr. Cregar
- DATE: 1/5/76
- 1 - Mr. Hotis
- 1 - Mr. Daly

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Admin. _____
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- Laboratory _____
- Legal Coun. _____
- Plan. & Eval. _____
- Spec. Inv. _____
- Training _____
- Telephone Rm. _____
- Director Sec'y _____

By memorandum 1/2/76, you were advised that Dr. Joseph William Magee had been contacted by a representative of captioned Committee and requested to make himself available for interview by that Committee. Dr. Magee was not advised of the topic of interview and it was recommended that the Committee be contacted and the topic of interview be ascertained and Dr. Magee be appropriately advised of the topic.

Michael Epstein, Staff Member of captioned Committee, advised on 1/2/76 that the topic of interview by that Committee would be Laboratory procedures and practices and, in general, background information concerning Bureau Laboratory operations.

On 1/2/76, Dr. Magee was advised of this by SA Paul V. Daly of this Division.

RECOMMENDATION:

That Dr. Magee be released from existing employment agreement for purposes of interview by captioned Committee concerning the aforementioned topics.

1 - Personnel File - Dr. Joseph William Magee

me
ST 115 REC-14 *JBW* *PVD*
62-116375-131

JBW
5 JAN 7 1976

OK
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/16/00 BY SP2/ALH

LEGAL COUNSEL

PVD:lad (7)



- 1 - Mr. J. B. Adams
- 3 - Mr. J.A. Mintz
(1-Mr. J.B. Hotis)
(1-Mr. P.G. Donahue)
- 1 - Mr. W.R. Wannall
12/18/75
- 1 - Mr. D.W. Moore
- 1 - Mr. W.O. Cregar
- 1 - Mr. R.L. Shackelford
- 1 - Mr. E.L. Schroeder

Mr. W. R. Wannall

Mr. R. L. Shackelford

JANE FONDA v. L. PATRICK GRAY, et al.
(U.S.D.C., C.D. CALIFORNIA)
CIVIL ACTION NO. 73-2442-JEL

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1/16/88 BY SPAN/MP

PURPOSE:

To advise that based upon article in the 12/15/75 issue of the "New York Times" (copy attached), it appeared a staff member of the U. S. Senate Select Committee on Intelligence (SSC) had leaked several Cointelpro documents relating to Jane Fonda to her. However, it has been determined the Cointelpro documents in question, which were not classified, apparently were not leaked to Fonda, but were released by the Committee and furnished to her by letter from a SSC staff member.

BACKGROUND:

On 10/18/73, Jane Fonda filed civil suit, naming as defendants, various Government officials of the Executive Branch, including the FBI and two banks.

The "New York Times" issue of 12/15/75, contained an article captioned: "Jane Fonda Cites FBI Ploy on Her." This article states in part that Fonda had made available to a federal court in Los Angeles, California, documents which revealed the FBI had conducted a Cointelpro type endeavor against her. The article further stated Fonda's attorney had indicated to the court that these documents had been provided to him by the SSC.

On 12/16/75, Departmental Attorney R. John Seibert, who is responsible for the handling of the litigation in this suit, advised during a hearing held in Federal court, Los Angeles, 12/15/75, relative to captioned matter, he was served with two documents, one an airtel from our Los Angeles Office dated 6/17/70 requesting approval for a Cointelpro action against Fonda and the second a reply dated 6/25/70,

100-459279
① - 62-116395 (SSC)
Enclosures - 4
ELS:bmf (11)

CONTINUED - OVER

56 JAN 15 1976

SEE ADDENDUM PAGE 3

ORIGINAL FILED IN 100-459279-11

Memorandum to Mr. W. B. Wannall
Re: Jane Fonda v. L. Patrick Gray, et al.
100-459279

from FBIHQ, authorizing this action. (Copies attached.) Additionally, Mr. Seibert advised that at the conclusion of the hearing on Fonda, 12/15/75, Fonda's attorney furnished him a copy of a letter dated 12/8/75, from an SSC staff member, which letter had as enclosures, the aforementioned Cointelpro documents relating to Fonda. (Copy attached.)

In reviewing Headquarters' files relating to the Bureau's Counterintelligence Program, it is noted that pursuant to a request of the SSC, regarding Cointelpro activities, a number of documents were furnished on 9/8/75, to an SSC staff member, which included the above-described Cointelpro documents.

OBSERVATIONS:

A review of the "Rules of Procedure" for the SSC, on page 5, the following statement, in part, is set forth: "No other materials received by the staff or its consultants while in the employ of the Committee shall be made public, in whole or in part or by way of summary, or disclosed to any person outside the Committee unless authorized by a majority vote of the entire Committee."

It is noted it was specifically stated in the SSC staff member's letter to Fonda's attorney dated 12/8/75, that the release of the Cointelpro documents in question, were in fact, released by the Committee. Thus, it would appear the furnishing of the documents to Fonda were within the guidelines of the Committee and such documents were not leaked.

RECOMMENDATION:

None. For information only.

While on an informal basis the Senate Select Committee has been notifying the Bureau prior to release of Bureau documents outside the Committee, there is no written agreement that they will do so. In this instance, Legal Counsel Division understands that the Bureau in responding to a motion for discovery in the Fonda law suit stated that Jane Fonda was not the target of a COINTELPRO activity. This statement was based on a review of the main file pertaining to Fonda and Bureau indices. The Senate Select Committee subsequently determined, in fact, she was the target of COINTELPRO and furnished copies of those documents to Fonda's attorney. We recommend that no protest be made to the Committee. Departmental Attorney Seibert is aware that we failed to locate and furnish two documents germane to the motion for discovery and corrective action concerning this matter is being taken.

'70 Effort by Hoover to Discredit Jane Fonda Described in Memo

Special to The New York Times

LOS ANGELES, Dec. 15—J. Edgar Hoover sought to discredit Jane Fonda in 1970 by authorizing the Federal Bureau of Investigation to send a letter to a Hollywood columnist accusing the actress of leading a "refrain" about killing President Nixon, according to a memorandum introduced in Federal District Court here today.

The letter purportedly said that the writer, who used a fictitious name, had attended a Black Panther Party rally at which Miss Fonda, a political activist, had led a refrain saying "We will kill Richard Nixon and any other [obscenity] who stands in our way."

In the F.B.I. memo, which Miss Fonda said she had obtained from the Senate Select Committee on Intelligence, the director said:

"It can be expected that Fonda's involvement with the B.B.P. cause could detract from her status with the general public if reported in a Hollywood 'gossip' column."

The memorandum instructed the Los Angeles bureau of the F.B.I. to "insure that mailing cannot be traced to the bureau."

No Recollection of Letter

The letter was to be sent to Army Archerd, a columnist for Variety, the entertainment industry newspaper. However, Mr. Archerd said today he had no recollection of ever receiving such a letter and added that he "would never run a blind item like that without checking it out."

In the purported letter, the writer, "Morris," said that he had been searched upon entering the rally and encouraged to contribute money to "buy guns for the coming revolution."

Copies of two memorandums, one asking for permission to mail such a letter and the director's reply of authorization, were presented at a pretrial hearing in Federal court in connection with a lawsuit filed in 1973 by Miss Fonda against President Nixon, several Watergate figures, the F.B.I., the Central Intelligence Agency and two banks.

Miss Fonda charges that her civil rights were violated as the target of a Government surveillance program and campaign to discredit her when she was active in the antiwar movement. She said outside the courtroom today that the letter was "absolutely and totally false" and it proved the Nixon Administration's "organized, systematic attempt to make me appear like a foul-mouthed, violent radical person."

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/10/00 BY SP/ALM/KP

- The Washington Post _____
- Washington Star-News _____
- Daily News (New York) _____
- The New York Times _____
- The Wall Street Journal _____
- The National Observer _____
- The Los Angeles Times _____

Date 12-15-75

62-116395-

6/25/70

- 1 - Mr. T. E. Bishop
- 1 - Mr. G. C. Moore
- 1 -
- 1 -
- 1 -

Airtel

EX-110

To: SAC, Los Angeles
 REC 16
 From: Director, FBI

COUNTERINTELLIGENCE PROGRAM
 BLACK NATIONALIST - HATE GROUPS
 RACIAL INTELLIGENCE
 BLACK PANTHER PARTY

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 1/16/00 BY SPAN/MP

ReLAairtel 6/17/70.

You are authorized to prepare a letter as set forth in relet and mail to Army Archerd, the Hollywood "gossip" columnist. Insure that mailing cannot be traced to the Bureau.

(S)

JUN 25 1970
 COMM-FBI

NOTE:

Los Angeles proposed that a letter from a fictitious person be sent to Hollywood "gossip" columnist of the "Daily Variety" in connection with his column on 6/11/70 indicating Jane Fonda, noted film actress, would attend a Black Panther Party fund raising function on 6/13/70. The proposed letter states the writer attended the function and was searched upon entering, urged to contribute funds for jailed Panther leaders and to buy guns for "the coming revolution." Also, that Jane and one of the Panthers led a refrain "We will kill Richard Nixon, and any other M.... F.....who stands in our way." It can be expected that Fonda's involvement with the EPP cause could detract from her status with the general public if reported in a Hollywood 'gossip' column.

JUL 1 1970

Handwritten signature/initials

FBI

Date: 6/17/70

transmit the following in _____
(Type in plaintext or code)

AIRTEL AIR MAIL - REGISTERED
(Priority)

TO: DIRECTOR, FBI
FROM: SAC, LOS ANGELES (P)
RE: COUNTERINTELLIGENCE PROGRAM
BLACK NATIONALIST-HATE GROUPS
RACIAL INTELLIGENCE
BLACK PANTHER PARTY (BPP)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/6/00 BY SP8AMK/ST

Handwritten signatures and initials:
D. J. [unclear]
Ryck [unclear]

Re Los Angeles teletype to Bureau, 6/15/70,
entitled "COMMITTEE UNITED FOR POLITICAL PRISONERS (CUPP),
IS-MISCELLANEOUS, THREAT AGAINST PRESIDENT NIXON".

Bureau authority is requested in sending the following
letter from a fictitious person to ARMY ARCHERD, Hollywood
"gossip" columnist for the "Daily Variety", who noted in his
6/11/70 column that JANE FONDA, noted film actress, was to be
present at the 6/13/70 Black Panther Party fund raising
function sponsored by CUPP in Los Angeles. It is felt that
knowledge of FONDA's involvement would cause her embarrassment
and detract from her status with the general public.

"Dear Army,

I saw your article about Jane Fonda in 'Daily
Variety' last Thursday and happened to be present
for Vadim's 'Joan of Arc's' performance for the
Black Panthers Saturday night. I hadn't been
confronted with this Panther phenomena before but
we were searched upon entering Embassy Auditorium,
encouraged in revival-like fashion to contribute to
defend jailed Panther leaders and buy guns for
'the coming revolution', and led by Jane and one of

Handwritten initials: Sg

1011

197

22

- ② - Bureau (RM)
- 2 - San Francisco (RM)
- 2 - Los Angeles

REC 16

JUN 19 1970

7-110

(6)

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

RESEARCH SECTION

U. S. GOVERNMENT PRINTING OFFICE : 1968 (O) 276-030 (11)

LA 157-4054

the Panther chaps in a 'we will kill Richard Nixon, and any other M-----F----- who stands in our way' refrain (which was shocking to say the least!). I think Jane has gotten in over her head as the whole atmosphere had the 1930's Munich beer-hall aura.

"I also think my curiosity about the Panthers has been satisfied.

"Regards

/s/ "Morris"

If approved, appropriate precautions will be taken to preclude the identity of the Bureau as the source of this operation.

PHILIP A. HAWK, IACH.
WALTER F. HONDALE, MINN.
WALTER D. HUDDLESTON, KY.
ROBERT MORGAN, N.C.
GARY HART, COLO.

HOWARD H. BAKER, TENN.
BARRY GOLDWATER, ARIZ.
CHARLES MCC. MATHIAS, JR., MD.
RICHARD S. SCHWEIKER, PA.

WILLIAM G. MILLER, STAFF DIRECTOR
FREDERICK A. O. SCHWARZ, JR., CHIEF COUNSEL
CURTIS R. SMOTHERS, MINORITY COUNSEL

United States Senate

SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES

(PURSUANT TO S. RES. 21, 94TH CONGRESS)

WASHINGTON, D.C. 20510

December 8, 1975

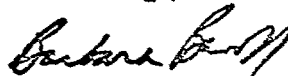
Mark Rosenbaum, Esq.
American Civil Liberties Union
633 South Shatto
Los Angeles, California 90005

Dear Mr. Rosenbaum:

I enclose a copy of the Counter Intelligence Program document referring to your client, Jane Fonda, which the Committee released with her permission last week.

The Committee is also investigating the actions taken against COINTELPRO targets which were not carried under that caption. We would, therefore, appreciate it if your client would give us her written permission to inspect her complete investigative file.

Sincerely,



Barbara Banoff
Counsel

Encl.

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HEREIN IS UNCLASSIFIED
DATE 11/6/00 BY SPALM/KP

65-116375

F B I

Date: 12/17/75

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL AIR MAIL
(Priority)

TO: DIRECTOR, FBI
(ATTN: Supervisor JAMES K. HALL
General Investigative Division)
FROM: ADIC, LOS ANGELES (134-2702) (P)
SUBJECT: WILLIAM TULLIO DIVALE
FORMER LA 4688-S
SM-CPUSA

Re Bureau teletype to Los Angeles, captioned as above, dated 12/15/75.

Pursuant to instructions contained in referenced Bureau teletype, enclosed for FBI Headquarters are two xeroxed copies of the following documents:

Los Angeles airtel captioned, "KENSALT" dated 1/27/69 enclosing letterhead memorandum (LHM) captioned, "WALTER SHERRILL CROWE, JR.," dated 1/27/69;

Report of SA FREDERICK E. BECKER captioned, "WALTER SHERRILL CROWE, JR.," dated 10/25/68;

Los Angeles teletype to FBI Headquarters captioned, "LA 4688-S" dated 12/16/68;

2 - Bureau (Enc. 44)
2 - Los Angeles
(1 - 100-67358)

TJA/dw
(4)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/6/80 BY SP2AUM/P

NOT RECORDED

46 JAN 22 1976

CARBON COPY

ORIGINAL FILED IN 100-111-1171

Approved: _____ Sent _____ M Per _____

5 5 FEB 3 1976 Special Agent in Charge

LA 134-2702

Los Angeles teletype to FBI Headquarters
captioned "LA 4688-S" dated 12/5/68;

Seventeen reports furnished by former LA
4688-S bearing Los Angeles serial numbers
134-2702A-567, 569, 571, 572, 575, 578, 579,
582, 584, 585, 586, 587, 590, 592, 597, 598,
599;

Leaflet furnished by former LA 4688-S
issued by SDS regarding regents of UC.

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir. _____
 Dep. AD-Adm. _____
 Dep. AD-Inv. _____
 Asst. Dir.:

- Admin. _____
- Comp. Syst. _____
- Ext. Affairs _____
- Files & Com. _____
- Gen. Inv. _____
- Ident. _____
- Inspection _____
- Intell. _____
- Laboratory _____
- Legal Coun. _____
- Plan. & Eval. _____
- Spec. Inv. _____
- Training _____
- Telephone Rm. _____
- Director Sec'y _____

K

TO : Mr. J. B. Adams

DATE: 12/10/75

FROM : Legal Counsel

SUBJECT: SENATE SELECT COMMITTEE
ATTORNEY GENERAL'S TESTIMONY
DECEMBER 11, 1975

Attached is a draft of the Attorney General's testimony to be given before the Church Committee on December 11, 1975. The draft was forwarded to me by Jack Fuller of the Attorney General's office today with a request for comments. I furnished a copy of the draft to Mr. Adams and to Mr. Wannall and I reviewed a copy. After consulting with Mr. Adams and Mr. Wannall, I called Jack Fuller and advised him that we would recommend the following changes:

On page 8, first full paragraph following line 7, we recommend the addition of "The Director promptly responded to my request."

On page 12, first full paragraph, we recommend the addition of the following sentence after the first sentence of the paragraph: "However, today the FBI continues its long-established practice of submitting investigative results in such matters to the Criminal Division."

On page 12, first full paragraph, the last sentence states the standard to be followed in domestic security investigations. I recommended to Fuller that the standard seeking to require a "conclusion that the individual is engaged in certain activities" be modified to require only that there be a "reasonable suspicion that the individual is engaged in such activities." Fuller told me that the Attorney General had changed the language from "conclusion" so that the sentence would read: "The standard would be that there must be specific and articulable facts giving reason to believe that the individual or group under investigation is engaged in the activities I have just listed." I pointed out to Fuller that

- 1 - Mr. Wannall
- 1 - Mr. Moore
- 1 - Mr. Hotis
- 1 - Mr. Daly
- 1 - Mr. Mintz

JAM:mfd

ST. 115

REC-14

92-11111-1853
11/11/75

17 JAN 13 1976
CONTINUED - OVER

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84 JAN 9 1976

Memorandum to Mr. Adams
Re: Senate Select Committee

the standard expressed in that sentence is equivalent to the probable cause requirement for an arrest and that if we had that information the FBI would be authorized to proceed to make an immediate arrest instead of merely to conduct an investigation. Mr. Fuller said he understood that problem, but that the Attorney General had directed the standard to be "reasonable to believe."

I then asked Mr. Fuller if he would be willing to modify the sentence so that the standard would include information that the individual is engaged "or may be engaged" in the activities. He said that possibility had been discussed specifically with the Attorney General and the Attorney General declined to modify the standard in that way. Therefore, the Attorney General will state tomorrow that the standard will be "reason to believe."

RECOMMENDATION:

For information.



OFFICE OF
THE ATTORNEY GENERAL



12/10/75

TO: JOHN WINTZ
FROM: JACK FULLER

Here is a draft of the Attorney General's
testimony to be given before the Church
Committee tomorrow.

Do you have any comments?

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HEREIN IS UNCLASSIFIED
DATE 11/16/00 BY SP2ALM/KP

ST 115.

ENCLOSURE¹

ENCLOSURE

REC-14

62-116395-1053

17 JAN 9 1976

13

LEGAL COUNSEL

The Committee has asked me to talk with you today about the future of the Federal Bureau of Investigation. I thought it might be helpful if I outline quite briefly some of the points I would like to make, some of the problems I think ought to be considered, and some of the steps we have taken.

The first point is that the statutory base for the operations of the Bureau cannot be said to be fully satisfactory. The basic statutory provision is 28 USCA 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." There are other statutes, such as the Congressional Assassination, Kidnapping and Assault Act, which vest in the Bureau special responsibilities to investigate criminal violations. In addition, there are Executive orders and Presidential statements or directives which place investigatory responsibilities upon the Bureau.

A number of questions are often asked about this statutory base. It has the virtue of simplicity, but the Executive orders which deal with government employee investigations are complicated and confusing, and Presidential

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ENCLOSURE

02 -116 395-1253

memoranda, or, perhaps, oral instructions from a President, may be difficult to collate. I think it is important, in any case, to separate out the kinds of questions which are asked about the Bureau's authority base. Some questions are constitutional in nature, relating to the inherent power of the President; others go to the interpretation of the statutes and the relationship between the statutes and Presidential directives; others go to the failure of the statutes to define sufficiently the areas of the Bureau's jurisdiction or to spell out sufficiently--and this is partly constitutional--the means and methods which the Bureau is permitted to use in carrying out its assigned tasks.

The second point, related to the first, is a continuing discussion of the role of the Bureau in intelligence investigations or domestic security investigations. The argument is sometimes made that the Bureau's proper role, at least in purely domestic matters, should be limited to investigations of committed crimes. The basic statute for the Bureau is broader than this, as have been Executive orders and Presidential mandates to the Bureau. The basic statute is broader, since it refers to 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. A disparity is sometimes seen among the different roles of the Bureau in crime detection, in on-going domestic security matters, and in foreign intelligence or foreign counterintelligence matters. In

recent days a statement by the then Attorney General Harlan Fiske Stone, who established the Bureau and chose J. Edgar Hoover as its director, has been quoted as a relevant warning.

Stone warned "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."

I should like to suggest that Stone's warning always must be considered relevant to the proper conduct of the Bureau's duties, but it does not necessarily follow that domestic security investigations are, therefore, outside the Bureau's proper functions. The detection of crime in some areas requires preparation and at least some knowledge of what is likely to be going on. What is at issue, I think,

is the proper scope, the means and methods used, the attention paid to conduct and not views, and the closeness of the relationship of the conduct and that which is forbidden by the laws of the United States.

Third, I realize that some proposals, since I was asked about this when I last appeared before this Committee, might separate out in some fashion domestic and foreign intelligence functions from the FBI or from one another within the FBI. This is, of course, an issue to be looked at. I assume it is recognized that there may be some relationship between that intelligence which is domestic and that intelligence which is involved in foreign counterintelligence work. One may lead to the other. And there may be a relationship between foreign counterintelligence and foreign intelligence. If the work were separated out into different agencies, I do not know if the decision about when an investigation should pass from one agency to another always could be made easily. Moreover, even so, information presumably would pass from one agency to the other. I know that one consideration has been that it might be decided that information collected by some permitted means in intelligence investigations under some circumstances should not be used in criminal prosecutions. But if there is an exchange of information, this must always be a consideration, whether there are separate agencies or not, and the basic question then is one

of use and not organization. The more active concern, I believe, is that there is a risk that conduct proper for one area may be improper for another, and that the combination can work a contamination. My view on this is that in any case we must decide what conduct is appropriate and is inappropriate for each of the areas, and we must take steps to make sure that conduct is lived up to. My hope is that the fact that the FBI has criminal investigative responsibilities, which must be conducted within the confines of constitutional protections strictly enforced by the courts, gives the organization an awareness of the interests of individual liberties that might be missing in an agency devoted solely to intelligence work. I know the argument can be run the other way. I believe the dangers are greater if there is separation.

Fourth, there is a question as to the proper role of the FBI in crime prevention and whether or not it should be considered authorized to take steps under some circumstances to reduce the likelihood that crimes will be committed or that serious injury to persons or property will occur. Preventive action has raised serious questions and these must be dealt with. But I suppose an initial question is whether it should be allowed at all. Yet I believe under special circumstances and with proper controls most would believe this to be a proper function.

Fifth, the problem of proper controls, supervision and accountability is all-embracing. By statute the Federal Bureau of Investigation is in the Department of Justice, and also by statute the Attorney General is the head of the Department of Justice. The history is mixed, of course, and we all have a tendency to over simplify, but it is a fair statement that there have been times in the past when the supervision by Attorneys General, granted that the Bureau must have considerable autonomy, has been sporadic, practically nonexistent, or ineffective. I hope that is not the case now. The responsibility is a heavy one. But in any event the problem of proper controls, supervision and accountability goes beyond the Director of the Bureau and the Attorney General. I have already mentioned that in my view the statutory base for the operations of the Bureau cannot be said to be fully satisfactory. I think that better controls and performance can be achieved through statutory means, executive orders, guidelines, and reporting to appropriate congressional committees.

Sixth, before I come to a resume of some of the steps which have been taken, let me say I know we all realize that in the past there have been grave abuses. I am uncomfortable with a kind of writing of history, however, which sees it only in terms of the abuses and not in terms of past and present strength. It is very difficult to be fair to the past in which many institutions of government carried a share of responsibility. But more than unfairness is involved. If we are not careful, we will turn to solutions of the moment which a better reading of history might indicate are not the best solutions. I know we must seize the moment if I may use such a phrase in this setting. I know also that this Committee realizes that a very important agency with dedicated, highly professional, greatly disciplined government servants is involved. The importance is to the security and domestic tranquility of the United States. Stone's warning was given in an act of creation. He was proud of his creation. In spite of the abuses, there is a proper place for pride. I take it our mutual work should be to nurture that pride and the conditions which justify it.

I turn now to a review of some of the steps which have been taken or are in progress. We have tried most diligently, under safeguards to protect the privacy of individuals and with an awareness of the unfairness of instant history to give a great deal of information to Congressional committees. Attorney General Saxbe, Deputy Attorney General Silberman, and Director Kelley testified about the so-called COINTELPRO. When the FBI discovered evidence of several more COINTELPRO projects after I

became Attorney General, these were revealed. One of my first acts as Attorney General, my third week in office, was to testify before a Congressional committee about possible incidents of political misuse of the FBI by the White House in the past and about the nature of FBI file-keeping systems, particularly the files kept by Director Hoover in his office suite. Director Kelley has spoken publicly and before congressional committees about incidents in the past in which FBI agents engaged in break-ins to gather or photograph physical evidence in intelligence investigations. On a number of occasions, most recently in testimony before this Committee, I have described the history of the use of electronic surveillance by the FBI. We have welcomed such opportunities.

On February 26, 1975, I directed Director Kelley to report to me any requests made of the Bureau or practices within the Bureau which he deems improper or which present the appearance of impropriety. On February 28, 1975, Director Kelley ordered FBI personnel to report such requests or practices to him. In July 1975 I reaffirmed my February directive and also asked for a report of all sensitive investigative practices. *The Director promptly responded to my request.* Director Kelley has regularly provided information on conduct by Bureau agents and programs underway within the Bureau that could raise questions. These matters have been reviewed and discussed within the Department so that a consistent and appropriate policy can be achieved. This is a continuing process. I do not assert that we are aware of everything about the Bureau. Nor do I suggest that we ought to know everything. Appropriate

communication, consultation and supervision at this level have to be selective. I make this point, which I think may sound disconcerting, not in any way to minimize the responsibility of the Bureau to keep the Department informed nor to minimize the Department's duty to find out. Rather I want to be realistic about a learning and organization problem which requires realism if it is to be understood and perfected.

With respect to possible legislation, the Department has in preparation various drafts of possible bills which may be of assistance in the area of what is now warrantless electronic surveillance. Although obtaining a judicial warrant does not automatically eradicate the possibility of abuse, it is perceived to be an important safeguard of individual privacy interests, and we are exploring, as we said we would do, various possibilities and alternatives.

Finally, a committee within the Department of Justice--chaired by Mary Lawton, Deputy Assistant Attorney General in the Office of Legal Counsel and composed of representatives of my office (Jack Fuller), the Criminal and Civil Rights Division (Phil White, Walter Barnett), the Office of Policy and Planning (Alan Kornblum) and the FBI (John Hotis)--has been working for eight months reviewing FBI procedures in many areas and drafting guidelines to govern those procedures in the future. The Committee has produced draft guidelines covering White House inquiries, Congressional and Judicial staff appointment investigations, unsolicited mail, and domestic security investigations. It is currently at work on guidelines covering counterespionage investigations and will later consider the use of informants, the employee loyalty program, organized crime intelligence investigations, criminal investigations, and other aspects of FBI practice. The Committee's work has been extensive and time-consuming. It has involved not only questions of proper safeguards but also of efficiency in the proper functioning of the Bureau. It has been an effort to translate into words the complicated and important mechanisms for controlling the FBI. I hope the Committee's efforts at articulation will be of use to this Committee and others as it considers drafting legislation.

You have received copies of the latest drafts of the guidelines that have been substantially completed by the Committee. These guidelines do not yet represent Department policy. There is disagreement within the Department on some aspects of these guidelines. I have disagreed with the Committee recommendations

from time to time, and the FBI has raised substantial questions about other recommendations--particularly with respect to the treatment of unsolicited mail. Some of the proposals in the guidelines could be promulgated as departmental regulation. Congress may feel some ought to be enacted into statutory law. Other provisions would require implementation by executive order.

I would be glad to discuss these draft guidelines with you in detail in response to your questions, but a brief discussion of the guidelines on domestic security may be useful at the outset.

The guidelines begin by attempting to impose some order and definiteness to the domestic security field. To begin with, these guidelines do not deal with FBI efforts to counteract the work of foreign intelligence services operating within the United States. Standards for determining when there is foreign involvement sufficient to place a subject in the category of foreign counterintelligence investigation are now being debated within the guidelines committee. The domestic security guidelines also are not meant to cover security or background investigations of federal appointees or investigations of ordinary crimes. Under the draft guidelines domestic security investigations are only to be authorized when there is a likelihood that the activities of individuals or groups involve or will involve the use of force or violence in violation of federal law. Domestic security investigations are to be limited to activities of individuals or groups intended to accomplish one of five purposes: overthrowing the government of the United States or of a State; interfering with the activities within the United States of foreign governments

or their representatives; influencing government policies by interfering by force or violence with government functions or interstate commerce; depriving individuals of their civil rights; and creating domestic violence or rioting when such violence or rioting would necessitate as a countermeasure the use of federal armed forces. There is also a provision for limited investigation when there is a clear and immediate threat of domestic violence which is likely to result in a request by a state for federal armed assistance.

to the Criminal Division, and the Chief Clerk

Reports to Dept.

Currently there is no procedure requiring the review outside the FBI of all domestic intelligence investigations conducted by the FBI. *However, today continues its long established practice of submitting* Under the draft guidelines there would be a comprehensive program of reporting to the Attorney General or his designee of all preliminary and full domestic intelligence investigations. The Attorney General would be required under the draft guidelines to put a stop to any full investigation whose justification did not meet an established standard. The standard would be that there must be specific and articulable facts *justifying the* ~~conclusion~~ *reasonable suspicion on reason to believe* that the individual or group under investigation is *or may be* engaged in the activities I have just listed. *in such matters*

investigative results

5/11/59

Another feature of the draft guidelines is to place strict controls upon the use of any technique by the FBI which goes beyond the gathering of information. COINTELPRO was the name given the use of some such techniques. As I have said before, some of the activities in COINTELPRO were outrageous and the others were foolish. Nonetheless, there may be circum-

stances involving an immediate risk to human life or to extraordinarily important government functions that could only be countered by some sort of preventive action. The guidelines require that any such preventive action proposal be submitted to the Attorney General. He could authorize the preventive action only when there is probable cause to believe that the violence is imminent and when such measures are necessary to minimize the danger to life or property. The preventive action would in all cases have to be nonviolent. The Attorney General would be required to report to Congress periodically and no less often than once a year on the use of preventive action by the FBI.

I make no claim that during this rather difficult but interesting and--I must trust--promising period, that we have achieved all that might have been possible. In many ways the work has been disappointingly slow. But I do think we have made advances in nurturing and helping to improve a structure which will be supportive of the best efforts of the men and women in the Department of Justice and in the Federal Bureau of Investigation. No procedures are fail-safe against abuse. The best protection remains the quality and professionalism of the member of the Bureau and of the Department.

FBI



OFFICE OF THE DEPUTY ATTORNEY GENERAL
WASHINGTON, D.C. 20530

December 1, 1975

TO: John A. Mintz, Assistant Director
Legal Counsel Division
Federal Bureau of Investigation

Mika

FROM: Michael E. Shaheen, Jr.
Special Counsel for Intelligence
Coordination

SUBJECT: Senate Select Committee Request

Attached is a letter from the Senate Select Committee dated November 25, 1975, requesting various information regarding the King matter. Please prepare an appropriate response to this request.

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/16/00 BY SP2ALMKP

*Enclosed bc (pattern)
w/ Shaheen - he will let
me know 4:50pm 12/3/75
need info for (info)*

cc: Paul Daly

ST 1178

REC-14 *k.2* -116395-1252

5 JAN 15 1976

ENCLOSURE

*1-14-76
12-2-75*

*George N. ...
12/17/75*

*Per Mr. ...
this letter ...
has completed with.*

62-116395

5-17/75

December 1, 1975

TO: John A. Mintz, Assistant Director
Legal Counsel Division
Federal Bureau of Investigation

FROM: Michael E. Shaheen, Jr.
Special Counsel for Intelligence
Coordination

SUBJECT: Senate Select Committee Request

Attached is a letter from the Senate Select Committee dated November 25, 1975, requesting various information regarding the King matter. Please prepare an appropriate response to this request.

cc: Paul Daly

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/6/00 BY SP4UMK

FRANK CHURCH, IDAHO, CHAIRMAN
JOHN G. TOWER, TEXAS, VICE CHAIRMAN

PHILIP A. HART, MICH.
WALTER F. MONDALE, MINN.
WALTER D. HUDDLESTON, KY.
ROBERT MORGAN, N.C.
GARY HART, COLO.

HOWARD H. BAKER, JR., OHIO
BARRY GOLDWATER, ALA.
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RICHARD S. SCHWEIKER, PA.

WILLIAM G. MILLER, STAFF DIRECTOR
FREDERICK A. O. SCHWARZ, JR., CHIEF COUNSEL
CURTIS R. SMOTHERS, MINORITY COUNSEL

United States Senate

SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES

(PURSUANT TO S. RES. 21, 94TH CONGRESS)

WASHINGTON, D.C. 20510

November 25, 1975

Michael E. Shaheen, Esq.
Special Counsel for Intelligence
Coordination
Office of the Deputy Attorney General
U. S. Department of Justice
Washington, D.C. 20530

NOV 26 1975
U.S. DEPT. OF JUSTICE
RECEIVED

Dear Mike:

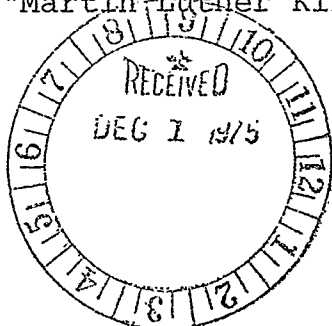
I would appreciate your making available to the Committee the following items in connection with our investigation of the King matter:

1. All memoranda and any other materials which pertain to contracts, conversations or meetings between one Val Coleman and Special Agent Harold Linebaugh or any other FBI Headquarters officials concerning Martin Luther King, Jr., during November or December of 1964.

2. All memoranda and any other materials which pertain to contacts, conversations or meetings between any FBI Headquarters officials and any representatives of the news media concerning Martin Luther King, Jr., during November or December of 1964.

3. All memoranda and any other materials which pertain to a meeting between Ralph Abernathy and either FBI Director Hoover or Cartha DeLoach during December 1964 or January 1965 (other than the December 1, 1964 meeting which was attended by Dr. King and the January 11, 1965 meeting which was attended by Andrew Young).

4. All memoranda and any other materials which pertain to the following statement which appears in the second paragraph of the September 11, 1964 memorandum from Mr. F. J. Baumgardner to Mr. W. C. Sullivan, captioned "Martin Luther King, Jr., Security Matter - Communist":



ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/6/00 BY SP2A/MCP

ENCLOSURE
62-716-3-1252

On that occasion Assistant Director DeLoach's office was able to take appropriate action to forestall the publication of the article.

5. The 7/16/64 memorandum from Mr. Baumgardner to Mr. Sullivan which is noted in handwriting at the bottom of the second page of the July 15, 1964 memorandum from Mr. Baumgardner to Mr. Sullivan, captioned "Communist Party, USA, Negro Question, Communist Influence in Racial Matters, Internal Security - Communist."

6. With respect to the March 29, 1968 memorandum, with enclosure, from G. C. Moore to Mr. W. C. Sullivan, captioned "Counterintelligence Program, Black Nationalist - Hate Groups, Racial Intelligence (Martin Luther King)" please provide:

- a. Access to original of this memorandum and its enclosure;
- b. Access to all extant "tickler" and/any other copies of this memorandum and its attachment in their original form;
- c. All memoranda and any other materials which pertain to, bear upon, or indicate any actions taken pursuant to or in connection with the recommendation contained in this memorandum. (This should include any and all information adduced, collected, and/or prepared in connection with Mr. James Adams' testimony on this subject before the Senate Select Committee on November 18, 1975.)
- d. All memoranda and any other materials received from FBI field offices or written at FBI Headquarters prior to and pertaining to the recommendation contained in the March 29, 1968 memorandum.

Handwritten notes:
 10
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 be
 12/14/75
 4

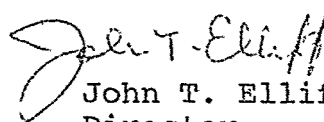
7. With respect to the memorandum with enclosure, from W. C. Moore to Mr. W. C. Sullivan, dated March 26, 1968, captioned "Counterintelligence Program, Black Nationalist - Hate Groups, Racial Intelligence (Washington Spring Project)", please provide the access and/or materials requested in a, b, c, and d of Item 6 above.

November 29, 1975

8. With respect to a memorandum with enclosure, from G. C. Moore to Mr. Sullivan, dated 3/28/68, captioned "Sanitation Workers Strike, Memphis, Tennessee, Racial Matters," please provide the access and/or materials requested in a, b, c, and d of Item 6 above.

9. Responses to Items 6, 7, and 8 should include copies of all newspaper clippings or magazine articles contained in FBI files which contain information set forth in the memoranda and/or enclosures identified in Items 6, 7, and 8 above.

Sincerely,



John T. Elliff
Director
Domestic Intelligence Task Force

- 2 - Mr. J. A. Mintz
(1 - Mr. J. B. Hotis)
 - 1 - Mr. J. Cochran, Jr.
 - 1 - Mr. W. R. Wannall
- January 8, 1976
- 1 - Mr. W. O. Cregar
 - 1 - Mr. C. G. McWright
 - 1 - Mr. J. P. Thomas

The Attorney General

Director, FBI

U. S. SENATE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES (SSC)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/6/00 BY STRAUMER

Reference is made to the SSC request dated
November 21, 1975.

Enclosed for your approval and forwarding to the
SSC is the original of a memorandum, with two enclosures,
responding fully to that request.

A copy of that memorandum is also furnished for
your records.

Enclosures (4)

62-116395

1 - The Deputy Attorney General
Attention: Michael E. Shaheen, Jr.
Special Counsel for
Intelligence Coordination

JPT:lhb/lhb
(11)

EX-112

REC-43

62-116395-1251

5 JAN 12 1976

ENCLOSURE

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Admin. _____
- Comp. Syst. _____
- Ext. Affairs _____
- Files & Com. _____
- Gen. Inv. _____
- Ident. _____
- Inspection _____
- Intell. _____
- Laboratory _____
- Plan. & Eval. _____
- Spec. Inv. _____
- Training _____
- Legal Coun. _____
- Telephone Rm. _____
- Director Sec'y _____

*This memo
re-written
see letter dated
1/3/76
frank*

Wright

*JAM
GSA*

*WCS
JPT*

MAIL ROOM TELETYPE UNIT

- 2 - Mr. A. Mintz
- (1 - Mr. J. B. Hotis)
- 1 - Mr. J. Cochran, Jr.
- 1 - Mr. W. R. Wannall
- 1 - Mr. W. O. Cregar
- 1 - Mr. C. G. McWright
- 1 - Mr. J. P. Thomas

January 8, 1976

62-116395

**U. S. SENATE SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES (SSC)**

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/6/00 BY SP2ALM/KP

Reference is made to the SSC request dated November 21, 1975.

Our files contained no reference to "Project CHATTER" prior to November 6, 1975. On that date, on invitation of the Department of the Navy, a representative of this Bureau reviewed Navy records which the Navy planned to release to the SSC, to the Senate Judiciary Subcommittee on Administrative Practices and Procedures and to the press on November 7, 1975. Those Navy records dealt with "Project CHATTER" and other topics pertinent to Items 1 through 8 in the referenced SSC request. Reviews of logical FBI files and inquiries of current FBI personnel, who might possibly have knowledge of the topics discussed in the Navy records, were made.

The only pertinent item developed through the file reviews and aforementioned inquiries was a memorandum dated August 4, 1950, recording an invitation from the Office of Naval Intelligence to the FBI to attend a conference and be informed about a "truth serum" being developed by the Navy. A copy of that memorandum, which relates to Item 2 in the referenced request, is attached (inked notations thereon appear on the original). (62-2699-75)

No other record was located of any memorandum or other communication prepared by FBI personnel relating to the August 11, 1950, meeting mentioned in Item 2 of the referenced request. Accordingly, our response to Items 3, 4, 5, 6, 7 and 8 in that request is negative.

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Admin. _____
- Comp. Syst. _____
- Ext. Affairs _____
- Files & Com. _____
- Gen. Inv. _____
- Ident. _____
- Inspection _____
- Intell. _____
- Laboratory _____
- Plan. & Eval. _____
- Spec. Inv. _____
- Training _____
- Legal Coun. _____
- Telephone Rm. _____
- Director Sec'y _____

JPT:1hb
(10)

ORIGINAL AND ONE COPY TO AG

SEE NOTE PAGE 3

MAIL ROOM TELETYPE UNIT

GPO : 1975 O - 569-920

This document is prepared in response to your request and is not for dissemination outside your Committee. It is for the use of your Committee and the relevant agency and should be returned to us without the express approval of the FBI.

WOC
JPT
JPT
12-116395-12-51

SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC)

A review of FBI files for information relating to drugs designed to modify behavior indicates an interest dating back to 1922. However, this interest has not extended to the point where the FBI has conducted research on behavior-modifying drugs nor has it funded such research. We have maintained liaison with other U. S. Government agencies and industrial organizations in order to be aware of developments in this area. However, we have not implemented any programs to apply the results of research conducted by such organizations.

A single instance was found in which "truth serum" was administered in an FBI investigation. That investigation involved an individual publicly identified as "Ignacy Samuel Witzak . . . a 'super spy' for the Russians," who left the United States in November, 1945. In that investigation, an associate of "Witzak" was interviewed by FBI personnel during March, 1947. During the initial interview, he admitted having been recruited by "Witzak" to secure information for "Witzak." The associate told the interviewing Agents that he did not want to hold anything back and requested that he be given some sodium amytal (commonly referred to as "truth serum"). In April, 1947, the associate was reinterviewed, following the administration of sodium amytal by a physician. The interviewee executed a statement that his action was entirely voluntary. The use of sodium amytal in that case, however, was without the prior knowledge or authority of FBI Headquarters. When it came to the attention of FBI Headquarters, it resulted in the issuance of a letter dated July 3, 1947, to all Special Agents in Charge informing them that "The Bureau, however, will not tolerate any experiments or participation on the part of its personnel in the utilization of the so-called truth serums or other chemicals alleged to have a similar effect." A copy of that letter is attached. It still represents the policy of the FBI on this subject. (100-343077-194, 293; 66-04-545)
Enclosures (2)

1 - The Attorney General - 2 -

SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC)

NOTE:

The FBI representative who reviewed the Navy records was Supervisor J. P. Thomas, Intelligence Division; results reported in memorandum W. O. Cregar to Mr. W. R. Wannall, 11/6/75, entitled "Senstudy 75." The Senate Judiciary Subcommittee has previously been advised that available Bureau records and interview with current knowledgeable employee indicate that the FBI has never engaged in or funded anyone's efforts in research and/or development programs in the use or effect of drugs on human behavior. This information is recorded in memorandum from Mr. J. Cochran, Jr., to Mr. T. J. Jenkins, dated 11/28/75, entitled "Request by Senate Judiciary Subcommittee on Administrative Practice and Procedure for Information Concerning Use of Drugs for Interrogation." Copies of the communications being furnished herewith are being maintained in the Senstudy Unit, Intelligence Division. The "Witczak" case, Bureau file 100-343077, received press publicity when "Witczak" was identified as a Soviet agent by a Soviet defector in Canada, Igor Gouzenko. His name is enclosed in quotation marks because it is not his true name but the name by which he was publicly exposed. A copy of the 11/21/75 SSC request is attached to the file copy of this LHM.

- 2 - Mr. J. A. Mintz
(1 - J. B. Hotis)
- 1 - Mr. W. R. Wannall
- 1 - Mr. W. O. Cregar

The Attorney General

December 24, 1975

- 1 - Mr. P. E. Nugent

Director, FBI

U. S. SENATE SELECT COMMITTEE ON
INTELLIGENCE ACTIVITIES (SSC)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/6/00 BY SP2AUM/KP

Reference is made to SSC letter dated November 25, 1975, containing requests for materials concerning Martin Luther King, Jr.

Enclosed for your approval and forwarding to the SSC is an original of a memorandum in response to all items requested in referenced SSC letter with the exception of Item 6c, which as indicated in the enclosed memorandum, has been restated in a separate SSC communication. A copy of this memorandum is being furnished for your records.

Enclosures (2)

SI 115

62-116395

REC-51

- 1 - The Deputy Attorney General
Attention: Michael E. Shaheen, Jr.
Special Counsel for
Intelligence Coordination

62-116395-1250X1

5 JAN 26 1976

PEN:adm
(9)

NOTE:

Copy of the SSC letter dated 11/25/75 is attached to the file copy of the enclosed LHM. Exact copies of the materials being furnished are maintained in the Office of the SENSTUDY 75 Project. Arrangements have been made for a representative of the Legal Counsel Division to deliver the attached memorandum as well as the materials being provided to the SSC.

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Admin. _____
- Comp. Syst. _____
- Ext. Affairs _____
- Files & Com. _____
- Gen. Inv. _____
- Ident. _____
- Inspection _____
- Intell. _____
- Laboratory _____
- Plan. & Eval. _____
- Spec. Inv. _____
- Training _____
- Legal Coun. _____
- Telephone Rm. _____
- Director Sec'y _____

ENC. FILED FILE

~~SECRET~~ MATERIAL ATTACHED

MAIL ROOM TELETYPE UNIT

- 2 - Mr. J. A. Mintz
(1 - J. B. Hotis)
- 1 - Mr. W. R. Wannall
- 1 - Mr. W. O. Cregar
- 1 - Mr. P. E. Nugent

62-116395

December 24, 1975

U. S. SENATE SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES (SSC)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/6/00 BY SP2ALM/K

Reference is made to SSC letter dated November 25, 1975, containing requests for materials concerning Martin Luther King, Jr.

The purpose of this memorandum is to effect delivery and/or to provide access to the SSC of information and materials in response to requests in the above SSC letter.

Item 1 of referenced SSC letter requested all memoranda and other materials which pertain to contacts, conversations or meetings between one Val Coleman and Special Agent Harold Linebaugh or any other FBI Headquarters officials concerning Martin Luther King, Jr., during November or December of 1964.

A review of the file of Martin Luther King, Jr., other logical files and appropriate abstracts of correspondence of Bureau officials failed to disclose existence of any memoranda concerning contact by Coleman with FBI Headquarters personnel concerning King other than that memorandum dated November 19, 1964, from C. D. DeLoach to Mr. Mohr captioned "Val Coleman, CORE Headquarters, New York City," a copy of which was furnished the SSC in response to its letter dated November 12, 1975.

Item 2 requested all memoranda and other materials pertaining to contacts, conversations or meetings between any FBI Headquarters officials and any representatives of the news media concerning Martin Luther King, Jr., during November or December of 1964.

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Admin. _____
- Comp. Syst. _____
- Ext. Affairs _____
- Files & Com. _____
- Gen. Inv. _____
- Ident. _____
- Inspection _____
- Intell. _____
- Laboratory _____
- Plan. & Eval. _____
- Spec. Inv. _____
- Training _____
- Legal Coun. _____
- Telephone Rm. _____
- Director Sec'y _____

PEN:adm
(8)

[Handwritten initials]

[Handwritten initials]

[Handwritten initials]

TOP SECRET MATERIAL ATTACHED

ORIGINAL AND ONE TO AG

This document is prepared in response to your request and is not for dissemination outside your Committee. Its use is limited to official proceedings of your Committee and the content may not be disclosed to unauthorized personnel without the express approval of the FBI.

MAIL ROOM

TELETYPE UNIT

62-116395-250X1

GPO: 1975 O - 569-920

SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES

Being delivered herewith is a memorandum of Mr. DeLoach to Mr. Mohr dated November 21, 1964, captioned "Fay Wells," reflecting telephonic contact with Mr. DeLoach concerning King on November 21, 1964. Review of the King file and other logical related files failed to disclose the existence of additional memoranda or materials pertaining to contacts with the news media concerning King by Bureau officials other than those previously furnished the SSC pursuant to prior requests.

Item 3 requested all memoranda and other materials pertaining to a meeting between Ralph Abernathy and either FBI Director Hoover or Gartha DeLoach during December, 1964, or January, 1965, (other than the December 1, 1964, meeting attended by King and the January 11, 1965, meeting attended by Andrew Young). A review of the King, Abernathy and logical related files failed to disclose existence of memoranda or other materials pertaining to such a meeting by Abernathy with Director Hoover and/or Mr. DeLoach beyond those excluded for consideration by the SSC.

Item 4 requested all memoranda and other materials pertaining to a statement appearing in the second paragraph of a September 11, 1964, memorandum from Mr. F. J. Baumgardner to Mr. W. C. Sullivan captioned "Martin Luther King, Jr., Security Matter - Communist." That statement makes reference to action taken by Mr. DeLoach's office in forestalling publication of an article by King in the "Saturday Evening Post" sometime prior to September, 1964.

Being delivered herewith is a copy of a memorandum of former Special Agent W. H. Stapleton to Mr. DeLoach dated November 3, 1964, captioned "Matthew J. Culligan, Chairman of the Board, Curtis Publishing Company." Paragraph three, page 1 and page 2 of this memorandum refer to the action mentioned in Mr. Baumgardner's memorandum to Mr. Sullivan dated September 11, 1964, and an unsuccessful action taken on September 22, 1964, with respect to an article written by King for the "Saturday Evening Post."

An exhaustive review of logical FBI Headquarters files and abstracts, including the personnel file of former Special Agent Stapleton failed to result in the location of additional memoranda or materials relating to action taken in forestalling publication of King's article in early 1964.

SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES

Item 5 requested the July 16, 1964, memorandum from Mr. Baumgardner to Mr. Sullivan which is referred to in handwriting at the bottom of the second page of the July 15, 1964, memorandum from Baumgardner to Sullivan captioned "Communist Party, USA, Negro Question, Communist Influence in Racial Matters; Internal Security - Communist."

Being delivered herewith are copies of a Baumgardner to Sullivan memorandum dated July 17, 1964, and a letter to the Honorable Walter W. Jenkins Special Assistant to the President, also dated July 17, 1964, which it would appear are responsive to the SSC's request, noting that the July 15, 1964, memorandum from Baumgardner to Sullivan concerned the furnishing of information obtained through electronic surveillance of King to Mr. Jenkins. It would appear the notation in reference to a July 16, 1964, memorandum appearing on the July 15, 1964, memorandum is erroneous. A copy of the memorandum enclosed with the letter to Mr. Jenkins is not being furnished the SSC inasmuch as information contained therein is the product of electronic surveillance of King.

In accordance with requests set forth in Items 6a, 7a and 8a in referenced SSC letter, the original and enclosures of the March 29, 1968, memorandum of G. C. Moore to W. C. Sullivan captioned "Counterintelligence Program, Black Nationalist-Hate Groups, Racial Intelligence (Martin Luther King);" the March 26, 1968, memorandum of G. C. Moore to Mr. W. C. Sullivan "Counterintelligence Program, Black Nationalist-Hate Groups, Racial Intelligence (Washington Spring Project)" and the March 28, 1968, memorandum of G. C. Moore to Mr. W. C. Sullivan captioned "Sanitation Workers' Strike, Memphis, Tennessee; Racial Matters," are available for review by a representative of the SSC in room 4171 of the J. Edgar Hoover Building.

With respect to Items 6b, 7b and 8b, a logical search of Bureau records failed to disclose the existence of any "tickler" or any other copies of the above-mentioned memoranda.

Materials requested in Items 6d, 7d and 8d are also available for review by a representative of the SSC in room 4171 of the J. Edgar Hoover Building.

SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES

With respect to Item 9, a search of logical Bureau records failed to locate any newspaper clippings or magazine articles pertinent to the memorandum mentioned above.

Item 6c as set forth in referenced SSC letter is not being responded to in this memorandum. This request, per conversation between Special Agent Seymour F. Phillips and Michael Shaheen, Jr., Special Counsel for Intelligence Coordination of the Department of Justice on December 3, 1975, has been restated in a separate SSC letter dated December 4, 1975, and will be responded to separately.

With regard to excisions in materials being delivered herewith, where no notation appears as to reason for excision, the excision was made for the reason that the information actually summarizes or quotes from conversations monitored during electronic surveillances of King. In some cases, it can be ascertained precisely what information in FBI files came from electronic surveillances of Dr. King; however, there exist areas where documentation of the information is not precise and no accurate determination can be made. Therefore, no assurances can be given that portions of the material being furnished do not contain information developed as a result of electronic surveillances of King.

1 - The Attorney General

*Note: 7c & 8c are responded to in respect to 12/4/75 Request.
SFP/ds*



OFFICE OF THE DEPUTY ATTORNEY GENERAL
WASHINGTON, D.C. 20530

December 1, 1975

TO: John A. Mintz, Assistant Director
Legal Counsel Division
Federal Bureau of Investigation

M.E.S.

FROM: Michael E. Shaheen, Jr.
Special Counsel for Intelligence
Coordination

SUBJECT: Senate Select Committee Request

Attached is a letter from the Senate Select Committee dated November 25, 1975, requesting various information regarding the King matter. Please prepare an appropriate response to this request.

cc: Paul Daly

ALL THE INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/6/00 BY SP2ALM/KP

*1-11d Not
12-3-75*



62-116395-1250X1

JOHN G. TOWER, TEXAS, VICE CHAIRMAN
 PHIL. A. HART, MICH.
 WALTER F. MONDALL, MINN.
 WALTER D. HUDNUTSON, KY.
 ROBERT MONDARI, N.C.
 GARY HART, COLO.
 HOWARD H. BARKER, JR., TENN.
 BARRY GOLDWATER, ARIZ.
 CHARLES MCC. MATHIAS, MD.
 RICHARD S. SCHWEIKER, PA.

WILLIAM G. MILLER, STAFF DIRECTOR
 FREDERICK A. O. SCHWARTZ, JR., CHIEF COUNSEL
 CURTIS R. SMOTHERS, MINORITY COUNSEL

United States Senate

SELECT COMMITTEE TO
 STUDY GOVERNMENTAL OPERATIONS WITH
 RESPECT TO INTELLIGENCE ACTIVITIES
 (PURSUANT TO S. RES. 21, 87TH CONGRESS)
 WASHINGTON, D.C. 20510

November 25, 1975

Michael E. Shaheen, Esq.
 Special Counsel for Intelligence
 Coordination
 Office of the Deputy Attorney General
 U. S. Department of Justice
 Washington, D.C. 20530

Dear Mike:

I would appreciate your making available to the Committee the following items in connection with our investigation of the King matter:

Algeria

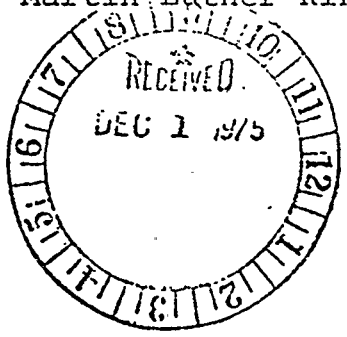
1. All memoranda and any other materials which pertain to contacts, conversations or meetings between one Val Coleman and Special Agent Harold Linebaugh or any other FBI Headquarters officials concerning Martin Luther King, Jr., during November or December of 1964.

2. All memoranda and any other materials which pertain to contacts, conversations or meetings between any FBI Headquarters officials and any representatives of the news media concerning Martin Luther King, Jr., during November or December of 1964.

3. All memoranda and any other materials which pertain to a meeting between Ralph Abernathy and either FBI Director Hoover or Cartha DeLoach during December 1964 or January 1965 (other than the December 1, 1964 meeting which was attended by Dr. King and the January 11, 1965 meeting which was attended by Andrew Young).

4. All memoranda and any other materials which pertain to the following statement which appears in the second paragraph of the September 11, 1964 memorandum from Mr. F. J. Baumgardner to Mr. W. C. Sullivan, captioned "Martin Luther King, Jr., Security Matter - Communist":

*JAY
4-6*



ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 11/16/00 BY SP2ALM/KP

ENCLOSURE
 62-116395-1250X11

November 15, 1975

On that occasion Assistant Director DeLoach's office was able to take appropriate action to forestall the publication of the article.

JAY
5. The 7/16/64 memorandum from Mr. Baumgardner to Mr. Sullivan which is noted in handwriting at the bottom of the second page of the July 15, 1964 memorandum from Mr. Baumgardner to Mr. Sullivan, captioned "Communist Party, USA, Negro Question, Communist Influence in Racial Matters, Internal Security - Communist."

VEN
6-9
6. With respect to the March 29, 1968 memorandum, with enclosure, from G. C. Moore to Mr. W. C. Sullivan, captioned "Counterintelligence Program, Black Nationalist - Hate Groups, Racial Intelligence (Martin Luther King)" please provide:

a. Access to original of this memorandum and its enclosure;

b. Access to all extant "tickler" and/any other copies of this memorandum and its attachment in their original form;

c. All memoranda and any other materials which pertain to, bear upon, or indicate any actions taken pursuant to or in connection with the recommendation contained in this memorandum. (This should include any and all information adduced, collected, and/or prepared in connection with Mr. James Adams' testimony on this subject before the Senate Select Committee on November 18, 1975.)

d. All memoranda and any other materials received from FBI field offices or written at FBI Headquarters prior to and pertaining to the recommendation contained in the March 29, 1968 memorandum.

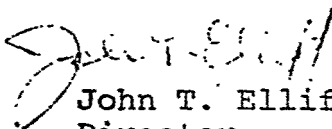
7. With respect to the memorandum with enclosure, from W. C. Moore to Mr. W. C. Sullivan, dated March 26, 1968, captioned "Counterintelligence Program, Black Nationalist - Hate Groups, Racial Intelligence (Washington Spring Project)", please provide the access and/or materials requested in a, b, c, and d of Item 6 above.

November 25, 1975

8. With respect to a memorandum with enclosure, from G. C. Moore to Mr. Sullivan, dated 3/28/68, captioned "Sanitation Workers Strike, Memphis, Tennessee, Racial Matters," please provide the access and/or materials requested in a, b, c, and d of Item 6 above.

9. Responses to Items 6, 7, and 8 should include copies of all newspaper clippings or magazine articles contained in FBI files which contain information set forth in the memoranda and/or enclosures identified in Items 6, 7, and 8 above.

Sincerely,



John T. Elliff
Director
Domestic Intelligence Task Force

5-140 (Rev. 1-21-74) FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

*Dist
224*

Addressee: SENATE SELECT COMMITTEE

LTR LHM Memo Report dated 12/23/75

Caption of Document: U.S. SENATE SELECT COMMITTEE. 24,

11/25/75 request - King

Originating Office: FBI

Delivered by: *D. J. Cullen* Date: *12/30/75*

Received by: *Michael Murphy*

Title: *Club*

Return this receipt to the Intelligence Division, FBI

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/6/00 BY SP2ALM/KP

62-116395-1250X1

TO: Intelligence Community Staff
 ATTN: Central Index

FROM: FBI

SUBJECT: Abstract of Information Provided to Select Committees

1. HOW PROVIDED (check appropriate term. If a document was made available for review but not transmitted, so note.)

<input checked="" type="checkbox"/>	CUMENT	<input type="checkbox"/>	BRIEFING	<input type="checkbox"/>	INTERVIEW	<input type="checkbox"/>	TESTIMONY	<input type="checkbox"/>	OTHER
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2. DATE PROVIDED
 12/24/75

3. TO WHOM PROVIDED (check appropriate term; add specific names if appropriate)

<input checked="" type="checkbox"/>	SSC
<input type="checkbox"/>	HSC

4. IDENTIFICATION (provide descriptive data for documents; give name or identification number of briefer, interviewee, testifier and subject)

Memorandum and enclosures

5. IN RESPONSE TO (list date and item number if in response to formal request, otherwise state verbal request of (name), initiative, subpoena, etc.)

SSC letter 11/25/75

6. CLASSIFICATION OF INFORMATION (enter U, C, S, TS or Codeword)

TS

7. KEY WORDS (enter the appropriate key words from the list provided separately; if key words not listed are used underline for emphasis)

Surveillance, electronic
 Information handling
 Intelligence collection

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 11/6/00 BY SP2AM/KP

8. SUMMARY (see reverse side before completing this item)

Materials relating to Martin L. King, Jr.: 11/21/64 DeLoach to Mohr memorandum captioned "Ray Wells"; 11/3/64 Stapleton to DeLoach memorandum captioned "Matthew J. Culligan, Chairman of the Board, Curtis Publishing Co., regarding unsuccessful action taken 9/27/64, with respect to an article written by King for the "Saturday Evening Post."; Baumgardner to Sullivan memorandum 7/17/64 and a letter to the Honorable Walter W. Jenkins 7/17/64. Available for review by appropriate Staff Members at FBIHQ: 3/29/68 memoranda G.C. Moore to Sullivan captioned "Counterintelligence Program, Black Nationalist-Hate Groups, Racial Intelligence (Martin L. King)(Washington Spring Project) and "Sanitation Workers Strike, Memphis, Tenn. All memoranda and any other materials received from field offices or written at FBIHQ prior to and pertaining to the recommendations contained in above 3/29/68 memoranda.

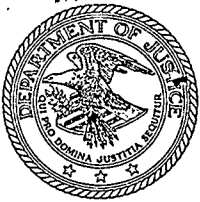
62-116395
 fmk; fmk
 (4)

ORIGINAL VIA LIAISON TO CENTRAL COMMUNITY INDEX
 IN CONNECTION WITH SENSUDY 75

5-1001

TREAT AS YELLOW

FBI



OFFICE OF THE DEPUTY ATTORNEY GENERAL
WASHINGTON, D.C. 20530

JAN 8 1976

TO: John A. Mintz, Assistant Director
Legal Counsel Division
Federal Bureau of Investigation

FROM: Michael E. Shaheen, Jr.
Special Counsel for Intelligence
Coordination

SUBJECT: Senate Select Committee Request

Attached is a letter dated January 7, 1976, and received on January 8, 1976, from the Senate Select Committee requesting Bureau review of certain mail opening documents delivered, I assume, to the Bureau on January 7, "for clearance and/or declassification". The request seeks Bureau clearance "on or before January 9, 1976". I would appreciate your earliest attention to this request.

N

ST. 115

REC-51

62-116395-1249

cc; Paul Daly

5 JAN 13 1976

ENCLOSURE

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DATE 11/6/00 BY SP8ALM/CP

L-Ad Hoc
1-9-76

62-116395

5-8



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United States Senate

SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES

(PURSUANT TO S. RES. 21, 94TH CONGRESS)

WASHINGTON, D.C. 20510

January 7, 1976

Michael E. Shaheen, Jr., Esq.
Office of the Deputy Attorney General
U. S. Department of Justice
Washington, D. C. 20530

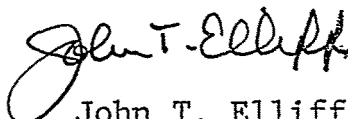
Dear Mike:

On January 7, 1976, the Committee delivered copies of the documents to be used as exhibits to the public hearings on FBI mail opening operations.

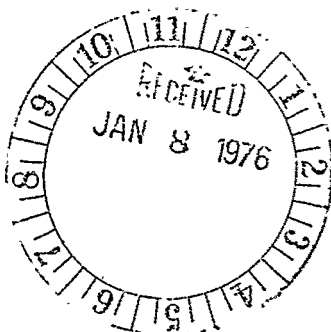
We request that Bureau personnel review the sanitization of these documents in terms of their public release in published form and that a formal response to this request for clearance and/or declassification be received by the Committee on or before Friday, January 9, 1976.

Your cooperation, on a priority basis, is greatly appreciated.

Sincerely,



John T. Elliff
Director
Domestic Intelligence Task Force



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DATE 1/16/00 BY SPALM/KP

ENCLOSURE

62-116375-1249

- 2 - J. A. Mintz
(1 - Mr. J. B. Hotis)
- 1 - Mr. W. R. Wannall
- 1 - Mr. W. O. Cregar
- 1 - Mr. H. W. Porter

The Attorney General

December 1, 1975

Director, FBI

UNITED STATES SENATE SELECT COMMITTEE
TO STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES (SSC)

Reference is made to a letter from the SSC dated November 21, 1975, requesting delivery of materials pertaining to authorization and purpose of certain electronic surveillances.

Enclosed for your approval and forwarding to the SSC is the original of a memorandum which responds to Items 1 and 22 of the November 21 letter.

A copy of this memorandum with its enclosures is being furnished for your records.

Enclosures (24)

62-116395

- 1 - The Deputy Attorney General
Attention: Michael E. Shaheen, Jr.
Special Counsel for
Intelligence Coordination

HWP:cap (9)

SEE NOTE PAGE 2

SECRET MATERIAL ATTACHED

62-116395-1245

JAN 13 1976

16-ENCLOSURE
REC-511

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DATE 11/7/00 BY SPANK

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Admin. _____
- Comp. Syst. _____
- Ext. Affairs _____
- Files & Com. _____
- Gen. Inv. _____
- Ident. _____
- Inspection _____
- Intell. _____
- Laboratory _____
- Plan. & Eval. _____
- Spec. Inv. _____
- Training _____
- Legal Coun. _____
- Telephone Rm. _____

Let's see if 13-2-95 100/140

woe/...
wpa...
[Handwritten signatures and initials]

The Attorney General

NOTE:

SSC letter of November 21 requested material pertaining to 30 telephone and 9 microphone surveillances with respect to authorizations and purpose of the coverage. The SSC requested the material for November 28; however, the extent of research and preparation necessary to comply with this request rule out our meeting this deadline. Mr. Steven Blackhurst of the Department was consulted on this problem on November 28. On December 1, Mr. John Elliff, Director, Domestic Intelligence Task Force, SSC, advised Supervisor Elmer W. Larson, Jr., that, for the present, the requests made on the November 21 letter would be confined to Items 1 and 22. Response to the remaining questions will be negotiated with Mr. Elliff.

- 2 - Mr. J. A. Mintz
(1 - Mr. J. B. Hotis)
- 1 - Mr. W. R. Wannall
- 1 - Mr. W. O. Cregar
- 1 - Mr. H. W. Porter

62-116395

December 1, 1975

UNITED STATES SENATE SELECT COMMITTEE
TO STUDY GOVERNMENTAL OPERATIONS
WITH RESPECT TO INTELLIGENCE ACTIVITIES (SSC)

RE: REQUEST PERTAINING TO AUTHORIZATION
AND PURPOSE OF ELECTRONIC
SURVEILLANCES CONDUCTED BY THE
FBI

Reference is made to the SSC letter of November 21, 1975, requesting delivery of materials pertaining to the authorization and purpose of electronic surveillances conducted by the FBI.

The SSC letter of November 21 referenced a summary chart prepared by the FBI showing electronic surveillances conducted by the FBI since 1960. This chart was furnished to the SSC by letter of October 23, 1975. The specific identities of the subjects of surveillance were undisclosed.

This memorandum effects delivery of documents responsive to Items 1 and 22 of the November 21, SSC letter.

Enclosures (11)

1 - The Attorney General

HWP:cap
(8)

SECRET MATERIAL ATTACHED

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Admin. _____
- Comp. Syst. _____
- Ext. Affairs _____
- Files & Com. _____
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- Inspection _____
- Intell. _____
- Laboratory _____
- Plan. & Eval. _____
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- Training _____
- Legal Coun. _____
- Telephone Rm. _____
- Director Sec'y _____

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MAIL ROOM TELETYPE UNIT

62-116395-1245

WOC
Am

[Handwritten signatures]

5-140 (Rev. 1-21-74) FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

Addressee: SENATE SELECT COMMITTEE

TR LHM Memo Report dated 12/1/75

U.S. Senate Select Committee (SSC). Re: Request
Caption of Document: Pertaining Authorizatn & Purpose of
Electronic Surveillances Conducted by FBI.
(SSC letter 11/21/75)

Originating Office: FBI ^{1/30}

Delivered by: Richard J. Taylor Date: 12/2/75

Received by: Ben Marshall

Title: Security Officer

Return this receipt to the Intelligence Division, FBI

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DATE 11/7/00 BY SP2ALM/KP

1245