File #:

62-WF-10744

Serial Scope:

1 thru 9, 11 thru 23, 26, 27, 29, 1st Nov 30 thru 33

FOK
DESTR
FPOA# N/A
CR 374 MA CODE
8:52PM MITEL 5-9-75 MSE

TO ALL SACs

FROM DIRECTOR (62-116395)

PERSONAL ATTENTION

SENTRY 75

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

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

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

DESTROY 5 YEARS.

RETAIN
PAGE TWO

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

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

END

HOLD
SECRET

SUBJECT: FUEL 1-1-75 MDC

TO ALL BSCS

FROM DIRECTOR (52-143392)

PERSONAL ATTENTION

SUBJIDY 75

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

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

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

62-10744-1

M.C.

55-75
Part Two

should any former employee contact your office and
have any question regarding his obligation not to divulge infor-
mation obtained by virtue of his past FBI employment, he should
be instructed to contact legal counsel, FRING, by collect call.
your conversations with former employees must be in keeping with
our pledge. it is believed such a procedure would insure proper
protection and also facilitate the work of the SSC.

The above procedure also applies to current employees
of your office. however, contact with the legal counsel should
be handled through the SSC.

end

hold
NR036 WA CODE
5:25PM NTEL 5-20-75 PAW
TO ALL SACS
FROM DIRECTOR (62-116395)
PERSNAL ATTENTION
/SENSTUDY - 75.

REBUTEL MAY 2, 1975.

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

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

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

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

END
NRO36 WA CODE

5:25PM NTEL 5-22-75 PAM

TO ALL SACs

FROM DIRECTOR (62-116395)

PERSONAL ATTENTION

Sรถยร์ - 75.

REBUTEL MAY 2, 1975.

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

IN ONE RECENT INSTANCE, A REPRESENTATIVE OF THE SENATE SELECT COMMITTEE TELEPHONICALLY INQUIRED AS TO IDENTITY OF SAC IN A PARTICULAR OFFICE DURING 1979.

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

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

END

62-10747/2

[Signature]

[Stamp]
NR95S WO CODE
10:47PM NTEL 5/28/75 PLD

TO ALEXANDRIA
   ATLANTA
   BALTIMORE
   CHARLOTTE
   CHICAGO
   KANSAS CITY
   LITTLE ROCK
   NEWARK
   OMAHA
   PHILADELPHIA
   PORTLAND
   PHOENIX
   TAMPA
   WASHINGTON FIELD

FROM DIRECTOR (62-116335)

PERSONAL ATTENTION
SENSTUDY 76

REBUTEL
MAY 2, 1975.

INQUIRIES MADE OF BUREAU BY SENATE SELECT COMMITTEE (SSC) CONCERNING A NUMBER OF PRESENT AND FORMER FBI EMPLOYEES, INCLUDING THEIR CURRENT WHEREABOUTS, SUGGESTS THEY MAY BE INTERVIEWED BY SSC STAFF, EXACT SUBJECT MATTERS FOR INTERVIEW: UNKNOWN. SET OUT BELOW ARE NAMES AND LAST KNOWN ADDRESSES OF FORMER BUREAU EMPLOYEES AND OFFICE OF ASSIGNMENT OF INCUMBENTS, ALL OF WHOM SSC HAS INQUIRED ABOUT.

EACH OF THESE FORMER EMPLOYEES IS TO BE IMMEDIATELY CON-
TACTED AND ALERTED THAT HE (SHE) MIGHT BE APPROACHED BY THE
SSC STAFF, SUBJECT MATTER UNKNOWN. THEY SHOULD BE TOLD THAT
IN THE EVENT THEY ARE INTERVIEWED AND DURING THE COURSE OF SAME,
QUESTIONS ARE
ASKED WHICH RELATE TO SENSITIVE BUREAU OPERATIONS
(SOURCES, METHODS, TECHNIQUES, THIRD AGENCY RULE, AND ONGOING
INVESTIGATIONS), THEY MAY REQUEST THAT AN FBI AGENT BE PRESENT.
BUREAU WILL PROVIDE AGENT ON REQUEST OF INTERVIEWEE. AS A
PRELUDE TO INTERVIEW, THE FORMER EMPLOYEE MAY, AFTER BEING
CONTACTED BY SSC STAFF, CONTACT BUREAU'S LEGAL COUNSEL DIVISION
BY COLLECT CALL FOR FULL INFORMATION TO ASSIST HIM, INCLUDING
OBLIGATIONS AS TO CONFIDENTIALITY OF INFORMATION ACQUIRED AS
FBI EMPLOYEE. IT IS EMPHASIZED THAT BUREAU'S OFFER OF ASSISTANCE
IS NOT INTENDED TO IMPEDE SSC WORK BUT IS DONE AS COOPERATIVE
GESTURE AND TO SAFEGUARD SENSITIVE BUREAU INFORMATION. CONTACTS
WITH THESE FORMER EMPLOYEES TO BE HANDLED PERSONALLY BY SAC OR
ASAC. IN EVENT THIS NOT FEASIBLE FOR JUST CAUSE, TO BE HANDLED
BY A SENIOR SUPERVIS

INCUMBENT EMPLOYEES TO BE ADVISED THAT IF CONTACTED BY SSC
STAFF FOR INTERVIEW, LEGAL COUNSEL DIVISION TO BE IMMEDIATELY
NOTIFIED THROUGH SAC.

IMMEDIATELY AFTER CONTACT, RESULTS SHOULD BE FURNISHED BUREAU BY TELETYPE IN ABOVE CAPTION. IF A FORMER EMPLOYEE NO LONGER IN YOUR TERRITORY OR TEMPORARILY AWAY, SET OUT LEAD TO OTHER OFFICE IMMEDIATELY WITH COPY TO FBI HEADQUARTERS.

ALEXANDRIA: COURTLAND J. JONES, 6607 N. 29TH STREET, ARLINGTON, VA.; ROBERT G. KUNKEL, SAC; BERNARD A. WELLS, 5311 MONTGOMERY STREET, SPRINGFIELD, VA.

ATLANTA: ALDEN F. MILLER

BALTIMORE: ERNEST H. BELTER, 616 EDNOR ROAD, SILVER SPRING, MARYLAND; STERLING B. DONAHOE, 2813 SPIRAL LANE, BOWIE, MARYLAND; ROBERT H. HAYNES, 205 NORTHMOOR DRIVE, SILVER SPRING, MARYLAND

CHARLOTTE: JOSEPH A. SIZOO, 84A PINE CRESCENT, WHISPERING PINES, NORTH CAROLINA

CHICAGO: OLGA CIESA, 10409 S. INDIANA AVENUE, CHICAGO, ILLINOIS

KANSAS CITY: BILL D. WILLIAMS, SAC

LITTLE ROCK: JOHN J. CREAMER, JR., ASAC

NEWARK: JOHN J. CONNOLLY; RITA AGNES AMBROSIO, 1604 JOHN STREET, FORT LEE, NEW JERSEY; RALPH W. BACHMAN,
PAGE FOUR

610 NORWOOD DRIVE, WESTFIELD, NEW JERSEY; KARL L. BROUSE,
5 BURRENTON GORGE, WESTFIELD, NEW JERSEY.

OMAHA: ROBERT L. TAGG
PHILADELPHIA: JOHN B. MEADE
PORTLAND: LEO B. APP, JR. EDGAR O. INGALLS
PHOENIX: MILDRED E. RISK, 11830 113TH DRIVE, YOUGTOWN,
ARIZONA
TAMPA: MICHAEL J. ROZANUS, 6509 GULF DRIVE, HOLMES BEACH,
FLORIDA

WFO: JAMES J. GAFFNEY; ELMER L. TODD

COPY TO ROME, WITH ITS EMPLOYEES NAMED, BY MAIL.

END

HOLD
REBUTELS MAY 7, 26, 1975, "SENSUDY 75."

BUFFER 62-115464 AND CODE NAME "HOUSTUDY 75" DESIGNATED FOR ALL MATTERS RELATING TO HOUSE SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES AND BUREAU'S HANDLING OF MATTERS PERTAINING THERETO. USE THIS FILE NUMBER AND CAPTION FOR MATTERS RELATING TO HOUSE COMMITTEE AS SEPARATE FROM SENSTUDY 75 FOR MATTERS RELATING TO SENATE COMMITTEE.

END

M.L.S. FBI W/CIR
WR 76 6A CODE
PM URGENT S-13-75 JAC
TO DETROIT
HONG KONG
LOS ANGELES
MILWAUKEE
SACRAMENTO

FROM DIRECTOR (J-14, 11275)
JUNE
61 STUDY 75

IN CONNECTION WITH SENATE SELECT COMMITTEE REQUEST,
FOLLOWING DATA REQUESTED BY RETURN TELETYPE ATTENTION IHRD -
W. O. GLENN.

ELECTRONIC SURVEILLANCE INDICATES AT FBIHQ DO NOT INDICATE
OVERHEARS ON KNOWN TECHNICAL INSTALLATIONS ON MARTIN LUTHER
KING, JR. FOR FOLLOWING DATES AND LOCATIONS:

WIRETAPS

APRIL 24 - 26, 1964
HYATT HOUSE HOTEL
LOS ANGELES, CALIFORNIA
JULY 7 - 9, 1964
HYATT HOUSE HOTEL
LOS ANGELES

MICROPHONES

JANUARY 5 - 7, 1964
WILLARD HOTEL
WASHINGTON, D.C.

JANUARY 27, 1964
SHERATON HOTEL
MILWAUKIE, WISCONSIN

FEBRUARY 18 - 20, 1964
HILTON "HA'ALIA" VILLAGE
HONOLULU, HAWAII

FEBRUARY 21 - 21, 1964
AMBASSADOR HOTEL
LOS ANGELES
PAGE THREE

FEBRUARY 22 - 24, 1964

HYATT HOUSE HOTEL
LOS ANGELES

MARCH 19 - 27, 1964

STATLER HOTEL
DETROIT, MICHIGAN

APRIL 23 - 24, 1964

SENIOR HOTEL
SACRAMENTO, CALIFORNIA

JULY 7 - 9, 1964

HYATT HOUSE HOTEL
LOS ANGELES

OFFICIAL REVIEW ELECTRONIC SURVEILLANCE INDICES AND
FOR HIS FBIING FIRST DATE THAT KING WAS OVERHEARD ON ABOVE
TECHNICAL INSTALLATIONS. IF HE WAS NOT HEARD, SO ADVISE.

END
TO: DIRECTOR, FBI (62-116395)
FROM: SAC, WFO (62-10744)(P)
ATTENTION INTD. W. O. CREGAR.

SENSTUDY 75.

REFERENCE BUREAU TELETYPED DATED JUNE 13, 1975.

BASED ON INFORMATION CONTAINED IN REFERENCED TELETYPED
WFO IS UNABLE TO LOCATE ANY INFORMATION REGARDING ELECTRONIC
SURVEILLANCE OF DR. MARTIN LUTHER KING, JR. DURING PERIOD
INDICATED IN REFERENCED COMMUNICATION.

END.

1- Tickler

(2)

62-10744-6

Approved: Special Agent in Charge

Sent: M Per
HR015 UF CODED
940 PM HITEL JUNE 16, 1975 WWC
TO: DIRECTOR, FBI (62-116395)
FROM: SAC, WFO (62-10744)(P)

ATTENTION INTD. W. O. CREGAR.
SENSTUDY 75.

REFERENCE BUREAU TELETYPE DATED JUNE 13, 1975.

BASED ON INFORMATION CONTAINED IN REFERENCED TELETYPE
WFO IS UNABLE TO LOCATE ANY INFORMATION REGARDING ELECTRONIC
SURVEILLANCE OF DR. MARTIN LUTHER KING, JR. DURING PERIOD
INDICATED IN REFERENCED COMMUNICATION.

END.
MR#43 YA CODE
5:18PM IMMEDIATE 5/18/75 GHS

TO NEW YORK MIAMI
BOSTON SAN FRANCISCO
DETROIT SEATTLE
LOS ANGELES UFO

FROM DIRECTOR

TYP SECRET


THE FOLLOWING REQUEST FOR INFORMATION HAS BEEN ADDRESSED TO THE ATTORNEY GENERAL AND FROM THE ATTORNEY GENERAL TO FBIHQ;
FROM THE SENATE SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES: "...

THE FOLLOWING REQUESTS PERTAINING TO THE TECHNIQUE REFERRED TO AS 'MAIL SURVEILLANCE,' INCLUDING MAIL COVERS AND OPENING MAIL AND THE UTILIZATION OF THIS TECHNIQUE 'IN INTERNAL SECURITY, INTELLIGENCE COLLECTION, AND/OR COUNTERINTELLIGENCE MATTERS, OPERATIONS, OR ACTIVITIES:' (I) FOR ALL INCIDENTS OF MAIL OPENING OR MAIL INTERCEPT BY OR ON BEHALF OF THE FEDERAL BUREAU OF INVESTIGATION FROM JANUARY 1, 1960, UNTIL THE PRESENT, PLEASE

DOWNGRADED TO
SECRET

Per CG8W57832
Date 9/7/1975

Sullivan in To VA.

62-10747-7

FBI-INDEXED

FBI-WASH D.C.

NW 65994 Docld:32989799 Page 18
STATE THE PHYSICAL LOCATION WHERE THE OPENING OR INTERCEPT WAS
CONDUCTED, THE NAMES OF THE INDIVIDUALS WHO PARTICIPATED IN THE
OPENING OR INTERCEPT, THE TYPE OF MAIL OPENED OR INTERCEPTED,
AND THE PURPOSE OF THE OPENING OR INTERCEPT. (2) FOR ALL
INCIDENTS OF MAIL COVERS THAT WERE PHYSICALLY CONDUCTED BY FBI
EMPLOYEES, WHETHER ALONE OR IN COOPERATION WITH POSTAL SERVICE
EMPLOYEES, FROM JANUARY 1, 1960, UNTIL THE PRESENT, PLEASE STATE
THE PHYSICAL LOCATION WHERE THE COVER WAS CONDUCTED, THE NAMES
OF THE INDIVIDUALS WHO PARTICIPATED IN THE COVER, THE TYPE OF
MAIL COVERED, AND THE PURPOSE OF THE COVER. (3) PLEASE PROVIDE
ALL DOCUMENTS AND MEMORANDA WHICH DISCUSS, REFER, OR RELATE TO
THE ORIGINS, AUTHORIZATIONS, CONDUCT AND TERMINATION OF, AND
POLICIES AND PROCEDURES FOR, THE MAIL OPENINGS, INTERCEPTS, AND
COVERS IDENTIFIED ABOVE."

EACH OFFICE SHOULD IMMEDIATELY REVIEW ITS FILES FOR ALL
INFORMATION REQUESTED BY THE SENATE COMMITTEE. NEW YORK, BOSTON,
DETROIT, LOS ANGELES, SEATTLE, AND WFO SHOULD FURNISH INFOR-
MATION CONCERNING SAM SURVEY. NEW YORK, DETROIT, AND SAN
FRANCISCO SHOULD FURNISH INFORMATION CONCERNING GUS SURVEY.
NEW YORK AND WFO SHOULD FURNISH INFORMATION CONCERNING Z COVERAGE.

CLASSIFIED BY 3676, XGDS 2 AND 3, INDEFINITE.

END

HOLD
NR007 MP CODE
7:37 PM NITEL JUNE 20, 1975 LSB
TO DIRECTOR
WFO
OMAHA (62-3439)
FROM MINNEAPOLIS (66-3610)
ATTENTION: JOHN C. GORDON, ROOM 078, GENERAL CRIMES UNIT,
GENERAL INVESTIGATIVE DIVISION.
SENATOR CHURCH’S COMMITTEE INVESTIGATING CIA ACTIVITIES, SENSSTAD
7, INFORMATION CONCERNING.

RE OMAHA NITEL TO DIRECTOR JUNE 19, 1975.

INFORMATION HAS BEEN DEVELOPED THAT THE PURPOSE OF THE
CHURCH COMMITTEE INVESTIGATOR’S TRAVEL TO GORDON, NEBRASKA, IS
FOR THE PURPOSE OF CONTACTING AND INTERVIEWING A FORMER MEMBER OF
THE MILITARY INTELLIGENCE. THIS INDIVIDUAL WHO OWNS A BUSINESS
IN GORDON, NEBRASKA, IS BELIEVED TO BE JERRY BORMAN, WHO OPERATES
A CHEVROLET DEALERSHIP IN GORDON AND PRESUMABLY WAS A MEMBER
OF THE MILITARY INTELLIGENCE SERVING OVERSEAS.

END

WWE WBF FBI FOR TWO CLR

(02-1074)(-8

[Signature]

[Stamp]
6/23/75

CODE

TELETYPE

TO:    DIRECTOR, FBI

FROM:   SAC, WFO (62-10744)

TOP SECRET

SEN STUDY, 1975 (BUDED JUNE 24, 1975)

RE BUREAU TELETYPE JUNE 18, 1975.

THE FOLLOWING INFORMATION WAS OBTAINED THROUGH A

THOROUGH REVIEW OF WFO INDICES.

I. Z COVERAGE (WFO FILE 66-2091)

THIS PROJECT CONCERNED THE OPENING OF MAIL ADDRESSED

TO THE SOVIET AND SOVIET SATELLITE DIPLOMATIC ESTABLISH-
MENTS IN WDC.

BASED ON THE RECOLLECTION OF SA JAMES T. FIELD, WFO,

EMPLOYEES OF THE POST OFFICE DEPARTMENT SEPARATED THE

MAIL WHICH WAS THEN PICKED UP AT THE MAIN POST OFFICE, WDC,

BY FBI SPECIAL AGENTS BETWEEN TWO AND FOUR AM ON A DAILY

BASES. THE MAIL WAS TAKEN TO AN UNIDENTIFIED ROOM IN THE

FBI HEADQUARTERS BUILDING, LABORATORY DIVISION.

PAP:th

(3) L

[Handwritten signature]
IN THE LABORATORY DIVISION THE MAIL CONSIDERED PERTINENT WAS OPENED, PHOTOGRAPHED, RESEALED, AND THE MAIL RETURNED TO THE POST OFFICE.

THE FILM OF THIS MAIL WAS DEVELOPED IN THE FBI PHOTOGRAPHY LABORATORY, AND TAKEN TO WFO WHERE IT WAS REVIEWED, AND TRANSLATED IF NECESSARY, BY EMPLOYEES OF THE WFO. PERTINENT INFORMATION FROM THESE LETTERS WAS DISSEMINATED TO THE APPROPRIATE CASE AGENT FOR WHATEVER ACTION DEEMED NECESSARY. THE SOURCE OF THE INFORMATION WAS ALWAYS GIVEN AS AN "ANONYMOUS SOURCE."

INDIVIDUALS INVOLVED IN PICKING UP THE MAIL, OPENING IT, PHOTOGRAPHING IT AND TRANSFERRING IT TO WFO IN THE EARLY 1960'S INCLUDED CAPT JAMES DUKES (RETIRED), JOHN DE BETTENCOURT (DECEASED) AND DENSIL E. MOORE (RETIRED). NO RECORD EXISTS AS TO IDENTITY OF SAS WHO HANDLED THIS PROJECT.
THE PURPOSE OF THIS PROJECT WAS TO DETERMINE THOSE PERSONS WHO WERE COOPERATING WITH THE FOREIGN INTELLIGENCE SERVICES, AS WELL AS IDENTIFYING DIPLOMATS INVOLVED IN INTELLIGENCE GATHERING ACTIVITIES.

- COVERAGE WAS INAUGURATED IN WDC IN 1940 (WFO LETTER TO BUREAU DATED JANUARY 31, 1948) AND CONTINUED UNTIL EARLY 1964. (ALL SERIALS NOT LOCATED IN 66-2091 WERE DESTROYED PER MRR ON JUNE 24, 1964). NO OTHER MATERIAL HAS BEEN PLACED IN THIS FILE SINCE THAT PERIOD AND NO MORE RECENT REFERENCE TO THE OPERATION COULD BE LOCATED IN WFO FILES. COPIES OF ALL DOCUMENTS IN THIS FILE ARE ATTACHED FOR FBIHQ.

**SAM SURVEY (WFO FILE 65-8300)**

SAM SURVEY WAS A PROGRAM INITIATED BY WFO ON AUGUST 20, 1961 FOR FBI PERSONNEL TO EXAMINE U. S. MAIL, SENT PER AIR MAIL, TO SPECIFIC FOREIGN LOCATIONS KNOWN TO HAVE BEEN USED BY FOREIGN INTELLIGENCE SERVICES AND
AND LETTERS WITH UNIQUE MARKINGS, ALSO KNOWN TO HAVE BEEN USED BY FOREIGN INTELLIGENCE SERVICES.


THE BELOW LISTED SPECIAL AGENTS SUBMITTED SHIFT REPORTS OR INITIATED PERTINENT INFORMATIVE TYPE MEMORANDA:
TOP SECRET

CARLTON D. LEAF
NORMAN A. LEONARD
GEORGE LEX
THOMAS A. MENDENHALL
DENSIL E. MOORE
JAMES MORRISEY
MASON B. NOAH, JR.
GEORGE A. NORTHUP
THOMAS O'LOUGHLIN
ROBERT L. OLSEN
H. DUDLEY PAYNE
EUGENE P. PITTMAN
EARL G. POLESKI, JR.
PATRICK M. RICE
THE PURPOSE OF THE PROGRAM WAS TO IDENTIFY PERSONS CORRESPONDING WITH KNOWN SOVIET MAIL DROPS IN EUROPE, AND TO IDENTIFY AND LOCATE INDIVIDUALS IN THE UNITED STATES SENDING AIR MAIL LETTERS TO EUROPE WHO MAY BE PART OF A SOVIET ILLEGAL NETWORK.

THE PROGRAM WAS TERMINATED ON AUGUST 8, 1966, UPON INSTRUCTION FROM INSPECTOR D. E. MOORE, ACCORDING TO A FILE NOTATION MADE BY SECURITY COORDINATING SUPERVISOR COURTLAND JONES.

ATTACHED FOR THE BUREAU ARE THE INTERNAL WFO MEMORANDA PERTAINING TO THE SAM SURVEY. THE BUREAU IS IN POSSESSION OF ALL OTHER INTER-OFFICE COMMUNICATIONS PERTAINING TO THE SAM SURVEY.

II. AS OF JANUARY 1, 1960, MAIL COVERS, PHYSICALLY CONDUCTED BY FBI EMPLOYEES, WERE BEING CARRIED OUT ON VARIOUS SOVIET AND SOVIET-BLOC ESTABLISHMENTS IN WDC. ALL THESE MAIL COVERS WERE DISCONTINUED ON SEPTEMBER 30, 1964, PER
INSTRUCTIONS OF FBIHQ. THE FOLLOWING IS A LIST OF THESE
ESTABLISHMENTS, ITS ADDRESS, FOLLOWED BY THE ADDRESS WHERE
THE MAIL COVER WAS CONDUCTED:

POLISH EMBASSY, 2640 16TH STREET, N. W., MAIL COVER
CONDUCTED AT COLUMBIA HEIGHTS POST OFFICE, 1423 IRVING
STREET, N. W., WDC.

POLISH EMBASSY ANNEX, 2224 WYOMING STREET, N. W.,
MAIL COVER CONDUCTED AT CLEVELAND PARK POST OFFICE, 3430
CONNECTICUT AVENUE, N. W., WDC.

HUNGARIAN EMBASSY, 2437 15TH STREET, N. W., MAIL
COVER CONDUCTED AT COLUMBIA HEIGHTS POST OFFICE.

ROMANIAN EMBASSY, 1601-07 23RD STREET, N. W., MAIL
COVER CONDUCTED AT CLEVELAND PARK POST OFFICE.

CZECHOSLOVAKIAN EMBASSY, 2349 MASSACHUSETTS AVE.,
N. W., MAIL COVER CONDUCTED AT CLEVELAND PARK POST OFFICE.

SOVIET EMBASSY, 1115 16TH STREET, N. W., MAIL COVER
CONDUCTED AT CLEVELAND PARK POST OFFICE.
SOVIET MILITARY OFFICE, 2552 BELMONT ROAD, N. W.,
MAIL COVER CONDUCTED AT CLEVELAND PARK POST OFFICE.

SOVIET COMMERCIAL COUNSELOR, 1706 18TH STREET, N. W.,
MAIL COVER CONDUCTED AT CLEVELAND PARK POST OFFICE.

SOVIET INFORMATION DEPARTMENT, 1706 18TH STREET, N.W.,
MAIL COVER CONDUCTED AT CLEVELAND PARK POST OFFICE.

SOVIET CONSULAR OFFICE, 1609 DECATUR STREET, N. W.,
MAIL COVER CONDUCTED AT CLEVELAND PARK POST OFFICE.

THE FOLLOWING ARE THE NAMES OF THE FBI EMPLOYEES
WHO PARTICIPATED IN CONDUCTING MAIL COVER, NOTING THAT
THE IDENTIFICATION OF THESE EMPLOYEES WAS MADE THROUGH
INITIALS AND MAY NOT CONSTITUTE THE COMPLETE LIST INASMUCH
AS SOME INITIALS WERE ILLEGIBLE AND OTHERS WERE UNIDENTIFIABLE:

JAMES W. RYAN

JAMES A. SCHMITZ

RICHARD E. COFFMAN
HERBERT O. THOMPSON
ROBERT L. OLSEN
ROBERT J. COLLINS
GUY T. TUNSTALL
NORMAN A. LEONARD
ROBERT F. OLMENT
GERALD P. GRIMALDI
LEE MASON EIDSEN
JEROME E. VEIGLE
PAUL E. FENZEL
EUGENE D. THOMPSON
WENZEL F. NEIDIG
CARL THACKSTON
ROBERT TAYLOR
CLAUDE Bogley

THE TYPE OF MAIL COVERED INCLUDED ALL INCOMING MAIL.
THE PURPOSE OF THE COVER WAS TO IDENTIFY THE
CONTACTS OF THE VARIOUS ESTABLISHMENTS FOR THE OBVIOUS
CONCOMITANT BENEFITS.

FBIHQ IS IN POSSESSION OF ALL PERTINENT DOCUMENTS
INVOLVING THESE MAIL COVERS.

III. ALL DOCUMENTS AND MEMORANDA REQUESTED IN RE
TELETYPewriter WHICH ARE NOT ALREADY IN THE POSSESSION OF FBIHQ
ARE ATTACHED AS NOTED.

CLASSIFIED BY 849, XGDS CATEGORY 2 AND 3, INDEFINITE.
File - Serial Charge Out
FD-5 (Rev. 1: 60)

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**ALL SERIALS NOT FOUND IN THIS FILE DESTROYED PER M.R.R.**

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**Employee**

**RECHARGE**

To ___________________________ From ___________________________

**Date charged**

**Employee**

**Location**
WASHINGTON FIELD DIVISION
ROOM 1706
WASHINGTON, D.C.
JANUARY 31, 1948

PERSONAL AND CONFIDENTIAL

DIRECTOR, FBI

RE: Z COVERAGE
INTERNAL SECURITY - C AND R

Dear Sir:

Reference is made to your Personal and Confidential Memorandum dated January 8, 1948, requesting to be advised what steps are taken by this office in the handling of material received from Confidential Informant Z.

Please be advised that this coverage was inaugurated in 1940 and since then it has been the practice to furnish copies of material believed to be of interest to other offices with a cover letter indicating the source of the material and that under no circumstances could this source be disclosed. In cases where the material examined appeared to be of interest to the Bureau photostatic copies of same were transmitted by letter.

The confidential character of Informant Z is generally understood throughout the Field. In cases where the material does not appear to be of any value it is destroyed and disposed of through the regular channels at the Seat of Government.

Very truly yours,

GUY HOFFEL
Special Agent in Charge
Office Memorandum - UNITED STATES GOVERNMENT

PERSONAL AND CONFIDENTIAL

TO : SAC, Washington, D. C.     DATE: January 8, 1948

FROM : Director, FBI

SUBJECT: Z COVERAGE

INTERNATIONAL SECURITY - C and R

The Bureau realizes that the confidential Z coverage is a most lucrative source of information concerning Communist, Russian and satellite activities. In order to insure that the utmost results are being obtained from this source it is desired that your office outline to the Bureau the procedure now being handled with regard to the dissemination of this information to the Seat of Government and the interested Field Offices. This letter should clearly reflect the steps taken by your office in the handling of this material concerning individuals, organizations, corporations, schools, and so forth. It should also reflect the disposition of material received which is of interest to other Field Offices, that is, whether or not this information is furnished to them and what instructions are issued to the interested Field Offices, in order that the Bureau may be in a position to follow the future handling and investigation of these matters.

It is requested that this matter be given your immediate consideration and a reply furnished to the Bureau within the next ten days.
TO: SAC, WFO (65-8300)  DATE: 11/22/65

FROM: SA H. DUDLEY PAYNE

SUBJECT: SAM SURVEY
ESP - R

On 11/9/65, the writer obtained from the Chief of Police at Dulles International Airport, 9 visitors parking permits. These permits authorized unrestricted parking in Area 5 (Post Office parking lot). All agents when working in SAM SURVEY will use these permits exclusively. They should be promptly displayed in the vicinity of the front building. The permits are numbered 1 through 9 and are charged to the writer who is being held responsible for the care and return of them when they are no longer needed. They have been assigned as follows:

1. MASON B. NOAH
2. DENSIL E. MOORE
3. CLAUDE V. BOGLEY
4. ROBERT KLEINSCHMIDT
5. CHARLES T. COUNTS
6. JAMES THOMAS FEILD
7. NORMAN A. LEONARD
8. Special Schedule Folder
9. H. DUDLEY PAYNE

Number 8 is to be maintained in the surveillance folder for use of agents not regularly assigned to the SAM SURVEY Program.

1. WFO

HDP: cal
(1)
CONFIDENTIAL

AIRPORT MAIL FACILITY,
WASHINGTON 1, D. C.

August 19, 1961

From: Superintendent,
Airport Mail Facility,
Washington 1, D. C.

To: All Supervisors,
All Acting Supervisors.

Effective 8:30 P.M. Sunday, August 20, 1961 the following instructions will be in effect:

1. No mail for the countries of Austria; Belgium; France; Denmark; Germany; Netherlands; Norway; Switzerland and Sweden will be worked through the cases until such mail has been cleared by the Supervisor.

As mails for these countries are received, keep them cut up and placed in trays.

It will no longer be necessary to hold cut mails for France postmarked by the City.

See that the above mails are placed in the area between the Supply Room door and door leading to platform. Deliver this mail in Utility Carts, marked (IN) and remove any from this area marked (OUT). That marked (OUT) is cleared for working in case.

Suggest the Countries in this category that you have dispatches on your tour be taken care of first. On each Country that you have a dispatch for, decide a limit that you need the mail to complete distribution on in order to make your dispatch. At this cut off time any mail for a Country that you have a dispatch on is to be collected and worked through case for dispatch.

Make up a list of the Countries you have dispatches on your tour showing the time limit for each Country. Make up this list on your first delivery after this effective date, this list to be in effect until a change is made in a dispatch, then place a new time limit in the Country tray on which a change has been made.

cc: Files

P. A. Short, Dupt.

[Signature]
The following procedures will be observed in handling matters under this program.

(1) A record shall be maintained by each shift of the volume of mail handled by the Sub A, as well as of any mail received which could not be handled. A rough draft is satisfactory.

(2) A memorandum shall be submitted by each shift at the end of the shift specifically noting items which have been removed for processing. This will list the addressee, addressee if any, details re postmark, postage, type of envelope, whether typed, handwritten or printed, and any other distinguishing or noteworthy characteristics. No memorandum is necessary if no items are removed for processing. These memoranda are to be designated for the Sub A section of this file.

(3) When photographs are received from the Bureau of processed material, the following action will be taken:

(a) Film will be maintained as a bulky exhibit, until no longer needed.

(b) Material in English, requiring no further action, is to be destroyed. An appropriate notation will be made on the memorandum in the Sub A reflecting the removal of this piece for processing.

(c) Material in foreign languages will be submitted to the Staff Supervisor, Squad 6, for expedite translation, if the language can be handled in WFO. If not, such items will be submitted promptly to the FBI Laboratory for translation. All correspondence for this purpose will be maintained in the Sub A file.
(4) If material in English requires action or investigation involving more than a check of office records, a separate memorandum shall be dictated promptly setting forth the pertinent facts and requesting that a new case be opened. A copy of this memorandum, title of which will be based on the item processed, shall be designated for the Sub B section of this file. Concurrently, an appropriate notation shall appear on the memorandum in the Sub A initially recording receipt of the item. The title (SAM SURVEY) shall appear after the subject name in each case.

(5) The same procedure shall be followed with regard to material translated by the FBI Laboratory or Squad #6. In these instances, the translations should be submitted as attachments with the initial memorandum opening the case. Photographs and film strips in cases under points 4 and 5 shall be made appropriate exhibits in the pertinent case file.

All other photographs, film and translations should be destroyed if no active investigation is initiated.
TO: SAC, WFO (65-8300)

FROM: SA THOMAS A. MENDENHALL

SUBJECT: SAM SURVEY

ESP-R

Bulet to NY, dated 1/30/62, captioned "TRANSLATION MATTERS" (WFO file 66-2384 in 666) stated in part as follows:

Whenever submitting written material to the Bureau for translation in connection with SAM SURVEY, the submitting office should retain copies of the written material until the requested translation is received. The Bureau letter also stated that a photographic negative of a document could be considered as a copy of the documentation.

The Bureau further requested that the letter of transmittal include the fact that a copy of the foreign language material submitted was being retained until the receipt of the requested translation.

This is being incorporated into this file so that these instructions are readily available to agents handling this material.

(1) WFO

TAN: pmk

(1) TAN

(1) L.3 830.41

(1) FEB 1 3 1002

(1) FBI — WASH. D. C.

(1) Adams
Memorandum

TO: SAC, WFO (65-8300)

DATE: May 21, 1962

FROM: L. W. R. OBERNDORF, SCS

SUBJECT: SAM SURVEY

In examining communications which may be Soviet intelligence communications or writings, the manner in which a particular communication may be folded and placed in an envelope can be of significant importance.

Special Agents handling matters in the SAM SURVEY, and any other Special Agents handling matters which may pertain to Soviet intelligence communications, are instructed to take careful note of the exact manner in which questioned documents are folded and placed in envelopes for mailing. Specific comments on the results of such examinations are to be placed in case memoranda and such comments shall be in addition to those presently required in the SAM SURVEY with regard to the envelope itself and with regard to handwriting or typewriting characteristics of the message.

This was routed to all agents in Section 8 by CFR Section 8 at 8:00 a.m. and initiated slip since attachments removed. 

LWRO/pcn (3)
Memorandum

TO: SAC, WFO
FROM: THOMAS A. MENDEDHALL, SA

DATE: June 14, 1962
SUBJECT: SAM SURVEY
        ESP - R

ATTN: PROPERTY CLERK

In connection with the efficient operation of the above-captioned case, it became desirable to utilize a room on the lower level of the Washington National Airport. Room 74-C at the airport has been turned over to the exclusive use of WFO Special Agent personnel and no other individuals have access to this space.

To facilitate the handling of work at this SAM Plant, it is, of course, necessary that a limited amount of Bureau property be maintained and utilized at this plant.

The purpose of this memorandum is to itemize all of the Bureau property presently being maintained and used at this location. All of this property is to be properly charged on a permanent basis to the plant, rather than to individual Special Agents:

1. One document camera in fitted custom case with built-in lighting and stage, suitable for 110 volt or 12 volt use. The camera is a 35 mm. Alpa Alnea, Swiss made, Model 5, No. 31026. The lens is No. 211-2058 Kamerabau-Anstalt-Vaduz, Kilfitt-Makro, D, 1:3.5/4 Cm.

2. One typewriter - Royal Portable, Serial No. 562, with case.

3. One Art Metal, 5 ft., 4 drawer, metal file cabinet with locking bar (external).

[Signature]
65-8300
1 - Property Clerk
TAM/pcn
(2) 8300-1
4. One Master Padlock No. X 22813 (used to lock above-listed file cabinet).

5. One 3' x 2' wood table with one drawer.


7. Two wood swivel chairs.

8. One grey-colored folding metal chair.

9. One grey-colored, metal, cloth-upholstered, stenographic swivel chair

10. One pencil sharpener (APSCO - Giant)

11. One grey metal wastebasket.

12. One GE Table Model 875, radio, Serial No. 5701.

13. One aluminum folding picnic table, with handle, approximately 60" x 30".

14. Two 2-panel wood-framed screens, approximately 5\(\frac{1}{2}\)" tall and 7' wide.

15. One 5" diameter Bausch and Lombe magnifying glass.
Memorandum

TO: SAC, WFO (65-8300)  DATE: 10/11/62

FROM: SA H. DUDLEY PAYNE

SUBJECT: SAM SURVEY
ESPIONAGE - R

On 9/26/62, the writer contacted Mr. P. A. SHORB, Superintendent of National Airport Post Office, to ascertain if our present schedules were adequate to promptly handle our responsibilities at that location. Mr. SHORB advised at the present the mail was being handled in a very satisfactory manner, and it was not anticipated that any schedules would be changed until Day Light Saving Time goes off the end of October, and he would advise us of any changes to be made at that time.

He was asked concerning the procedure for handling mail when the Dulles Airport opens. He stated that at this time it was anticipated that the processing of mail insofar as our operation is concerned will be handled at National.

1 - WFO

HDP: mbl

Dulles Airport 11/7/62

Daylight Saving - NO

Chang - NO

SEARCHED DATE FILED

65-8300-92

FBI - WASH. D. C.
SAC, WFO (65-8479)  

October 30, 1962

JAMES F. MORRISSEY, SA

JARO
ESP - R

In airtel dated 10/5/62, Baltimore reported BA 1229-8 as stating in part that on 10/2/62 male subject was reading to female subject what sounded like a message. In this message he was instructed, "In your letters, don't forget to answer all questions".

To date subject's mail drop is not known.

It will be recalled that subjects possess an Olympia typewriter. Copies of typing samples obtained from this machine, which has a distinctive foreign-type appearance, are available to SAM SURVEY agents. Copies of the distinctive typing used by female subject in connection with a cosmetology application are likewise available.

In an attempt to determine the mail drop possibly being used by the subject, it is recommended that in addition to the standards normally used in selections under the SAM SURVEY program, a card record be made of all letters using Olympia typing which emanate from the Baltimore and Washington, D. C., area. Letters which are patently commercial in nature can be disregarded; however, any doubt should be resolved in favor of recording the information. In the interest of security, where a selection is made for JARO purposes, no further action is to be taken at this time, other than to record the information.

Pertinent addresses of the subjects and others of possible use are available to SAM SURVEY agents.

Discontinued

2
(1)
65-8300 SAM SURVEY
(2)

65-8300 - 71
SEARCHED  INDEXED
SERIALIZED FILED

OCT 3 1962
FBI WASH. F. O.

A447
UNITED STATES GOVERNMENT

Memorandum

TO: SAC, WFO (65-8300)

FROM: SA H. DUDLEY PAYNE

DATE: 3/7/63

SUBJECT: SAM SURVEY
ERP-R

On 3/5/63, SA H. DUDLEY PAYNE contacted L. J. CARRICO, Assistant Superintendent of Mails, regarding permitting us to continue the Sam Survey Program at Dulles Airport. Mr. CARRICO advised that the unofficial date for the transfer from National to Dulles is expected to be 3/18/63. He said he would appreciate a note addressed to the Postmaster requesting the same courtesies be extended to us at Dulles as we had enjoyed at National. Such a note was personally delivered to him.

On 3/7/63, Mr. CARRICO advised that our request had been approved. He also advised that if we should have any difficulties regarding access to the grounds, the building, or parking facilities, he would have postal clerk passes issued to the appropriate agents.

CARRICO advised that we would like to inspect the premises which we were to occupy. He suggested we contact SHORB at National and arrange with him for either he or LARRUE to visit Dulles with us for such a purpose.

On 3/5/63, SA PAYNE contacted SA ROLAND COKER, Resident Agency, Alexandria, Virginia, to ascertain if they had any contacts at Dulles. COKER advised that Chief of Police BANARIK has been very cooperative, but he would suggest for our purpose we contact HERBERT FLETCHER who is in charge of Operations and Safety, and felt that he would be cooperative in arranging parking facilities for agents.
TO: SAC, WFO (65-8300)  
DATE: June 23, 1964

FROM: H. DUDLEY PAYNE, SA

SUBJECT: SAM SURVEY

On 6/22/64 P. A. SHORB, Superintendent of National and Dulles Airports Post Office Substations, advised that TWA has instituted daily, nonstop flights from Dulles to London departing Dulles at 7:30 p.m. Also, that Pan American has instituted a direct flight leaving Dulles at 9:00 p.m. on Mondays, Wednesdays and Saturdays; it goes to Paris and the remaining days of the week it goes to London.

Mail trucks carrying mail for the above flights arrive at Dulles 3:15 p.m., 4:50 p.m., 5:30 p.m. and 7:10 p.m.

In view of the above, it will be necessary to have an agent at Dulles until 8:00 p.m. Monday through Friday. Accordingly, one agent should be scheduled to work 8:00 a.m. to 4:00 p.m. and one scheduled 12:00 noon to 8:00 p.m.
TO: SAC, WFO (65-3517)  
FROM: SA JOHN L. STANLEY  

UNSUB: KGB AGENT KNOWN AS "SASHA"  
ESPIONAGE -R  
(00: WFO)

The principal suspect for the unsub, "SASHA" in this case is IGOR ORLOV who resides with his wife, ELEONORE ORLOV, and their two small sons at 112 South Pitt Street, Alexandria, Virginia. They also operate the "Gallery Orlov" from which they sell reproductions of paintings, and which is located in their residence.

The ORLOVs are known to correspond with the following relatives of Mrs. ORLOV, and WFO is interested in mail which is addressed to these individuals:

ALBERT STIRNER (brother)  
Eichendorff Str. 31  
83 Landshut / Bayern  
West Germany

Mrs. ROSA STIRNER (mother)  
20/b Frottmaningor St.  
Munich 23/b, Germany

It is requested that the above two names be placed on the SAM SURVEY Watch List.

Mail to these relatives and others, bearing the ORLOV return address of 112 South Pitt Street, Alexandria, Virginia, particularly mail directed to Germany, should be covered if possible.

CC: 65-3500

[Signature]

[Stamp: SEARCHED, RETURNED, FILED and CRI 1964]

[Stamp: FBI - WASH.]
Memorandum

TO: SAC, WFO (65-8300)

FROM: SA CARL E. GRAHAM

DATE: 1-21-66

SUBJECT: SAM SURVEY ESP - R

For information of the captioned case. This is to note that "ICEBOAT" is a double agent operation of which Baltimore is origin. It is noted one of the accommodation addresses in that case utilized by the double agent on instructions of his Soviet principal was:

PROFESSOR DR. SIMEON
Sternwartestr. 75, Vienna XVIII

The above address should be added to the watch list in instant case.
UNITED STATES GOVERNMENT

Memorandum

TO: SAC, FFO (105-70550)  65-8-3333

FROM: SA W. SCOTT JARRETT, JR.

DATE: 2/24/66

SUBJECT: KORKBAL IS-EG

ILSE RUTH LAUER is a permanent resident alien born in Germany who entered the U.S. in 1961 and resides in Chicago. In 9/65 and 10/65 she visited her parents in East Germany. While there she met on Fritz Bellstedt who showed her around East Germany. Shortly before her departure from East Germany Bellstedt requested Lauer to forward a letter for him on her return to U.S. This letter would be mailed to her in the US and she in turn was to forward the letter. She agreed to do this.

On 1/7/66 she received a letter from Mrs Muehlhaus Margaret 2200 Falrama Rd. NW, FDC. Enclosed in this letter was a sealed envelope addressed to Mr. Schlak Wilhelm, 13-A Alf-Fermersleben, Magdeburg, East Germany. This letter bore a return address of Mr. Becker-Osler, 3241 West Diversey, Chicago, Illinois.

One Margaret N. Muehlhaus resides 3105 Patterson St. NW, FDC and is employed as Secretary to the Chairman of the Board Federal Reserve Board. 2200 Kalorama Rd. NW is the Offices of the Culture Attaché and Education Bureau of the UAR.

On 2/8/66 Lauer received a letter with return address of Mrs Horwitz Rose, 78 Fifth Ave. New York City postmarked NY. This letter contained an envelope addressed to as was the 1/7/66 letter.

On 3/7/66 Lauer received another letter with return address of Muehlhaus Margaret as above. This letter contained an envelope addressed as the first letter received 1/7/66.

All letters received bear Cyrillic handwriting characteristics.

It is requested that the address of "Mr. Schlak Wilhelm (or Wilhelm Schla), 13-a Alf-Fermersleben, Magdeburg, East Germany" be added to the Sam survey watch list. Examination of pertinent items should be restricted to observation of the exterior of the envelopes.

WSJ/
RePHairtel 7/8/66 captioned COWSLIP, ESP - R.

Re airtel indicated that the subject in the COWSLIP case had received a letter from ERNEST HAFNER, Berlin, Germany.

WFO has added HAFNER's name and address to SAM SURVEY watch list.
NR033 WA CODE
5:45PM 9/4/75 MITEL A17
TO ALL SACs
FROM DIRECTOR (SP-116395)
PERSONAL ATTENTION
SEMSUDY 75

REQUESTED MAY 2, 1975.

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

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

[Signature]

[Stamp] SEP 4 6:02 PM 75

[Stamp] FBI-WASH D.C.

[Stamp] 62-1074-11 5/6/75
PART TWO

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

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

EFFECTIVE IMMEDIATELY, BUREAU WILL NO LONGER PROVIDE
ON-THE-SCENE PERSONNEL FOR CONSULTATION PURPOSES TO ASSIST EITHER CURRENT OR FORMER EMPLOYEES. PROSPECTIVE INTERVIEWEES SHOULD BE TOLD THAT, IF THEY DESIRE ASSISTANCE OF THIS NATURE DURING AN INTERVIEW, THEY MAY CONTACT EITHER PERSONALLY (IF INTERVIEW IS IN WASHINGTON, D.C.) OR BY COLLECT CALL, THE ASSISTANT DIRECTOR OF THE INTELLIGENCE DIVISION, MR. W. R. WANNALL, OR, IN HIS ABSENCE, SECTION CHIEF W. O. CREGAR.

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

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

END

HOLD PLS
Washington, D.C. 20535
September 22, 1975

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

RE: INTERVIEW OF SPECIAL AGENT JOSEPH E. DOWLING BY SSC STAFF MEMBERS

Special Agent (SA) Joseph E. Dowling, Federal Bureau of Investigation (FBI) was interviewed on September 19, 1975, at approximately 1:30 p.m. at the SSC Offices by SSC Staff Members Mary DeOreo and Mark Gitenstein. No mention was made by staff members regarding Constitutional Rights and no mention was made as to whether or not this interview was voluntary.

SA Dowling was asked if he had ever assisted in the removal of certain boxes from the residence of the late J. Edgar Hoover. He replied that within one or two weeks after Mr. Hoover's death, he accompanied Robert G. Kunkle, who at that time was Special Agent in Charge of the Washington Field Office of the FBI, to Mr. Hoover's residence and assisted in removing six to eight cardboard boxes. These boxes were taken from the basement of the residence and delivered to the Washington Field Office of the FBI loading dock in the rear of the Old Post Office Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. The boxes were placed on the loading dock in the custody of either Kenneth Shaffer or Thomas Dudney, FBI employees.

Concerning the boxes transported from Mr. Hoover's residence to the Old Post Office Building, Special Agent Dowling advised the SSC Staff Members that these boxes were sealed with tape and that at no time did SA Dowling see what was in the boxes. In addition, SA Dowling did not discuss the

8-Bureau
1-WFO (62-0)

JED:jmm
(9)
U.S. SENATE SELECT COMMITTEE ON
INTELLIGENCE ACTIVITIES (SSC)

RE: INTERVIEW OF SA JOSEPH E. DOWLING
BY SSC STAFF MEMBERS

...contents with Special Agent in Charge Kunkle. SA Dowling was asked who was present at the Hoover residence when he made this trip. He advised SSC that he observed no one but did hear the voice of a female and recognized this voice as that of Miss Helen Gandy, a former member of Mr. Hoover's Staff.

This interview lasted approximately fifteen minutes.
9/22/75

AIRTEL

TO: DIRECTOR, FBI (62-116395) ATTENTION: INTD
FROM: SAC, WFO (62-0) U. O. CREGAR

U.S. SENATE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES
MISCELLANEOUS - INFO CONCERNING

Enclosed is the original and seven copies of an
LEM setting forth the contents of the interview by the Select
Committee on Intelligence Activities of SA JOSEPH E. DOHLENG
on 9/19/75.

2-Bureau (Enc. 8)
1-WFO

JED:jmm (3) 62-10744-12A
Washington, D.C. 20535
September 23, 1975

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

RE: INTERVIEW OF CHIEF CLERK KENNETH SHAFFER
BY SSC STAFF MEMBERS

On September 19, 1975, at the request of the Legal Council Division, Federal Bureau of Investigation (FBI) - Headquarters (HQ), Kenneth Shaffer, Chief Clerk, Washington Field Office, appeared at the Senate Office Building for the purpose of being interviewed by the Staff Members of the United States Senate Select Committee on Intelligence Activities.

The interview was conducted by Senate Select Staff Members, Mary DeOreo and Mark Gitenstien. At the on-set of the interview, Mr. Shaffer was not advised of his Constitutional Rights nor was he advised that he was being questioned on a voluntary basis.

During the month of June, 1975, Mr. Shaffer was interviewed at FBI-HQ, relative to his participation in the handling and destruction of material from the residence and Justice Building Office of the late J. Edgar Hoover. As a result of this interview an FD-302 (Report of Interview Form) was prepared. Prior to the time of the interview by the Staff Members, Mr. Shaffer had not had the opportunity to read this report. Mr. Shaffer requested that he be permitted to read the FD-302 report. After a short conference, between the Staff Members, they agreed that it would be permissible for him to read the report.

The interview by the Staff Members lasted approximately one hour and 15 minutes.
The questions asked by the two Senate Select Committee Staff Members were relative to above mentioned matter.

The questions and replies set forth below are as best as Mr. Shaffer can recall.

Question: How long have you been the Assistant Chief Clerk at the Washington Field Office?

Answer: Five years. I am now Chief Clerk. I replaced Mr. Dudney who was transferred to Headquarters.

Question: How long have you worked for the Bureau?

Answer: Thirty-one years.

Question: Do you know Mr. John P. Mohr?

Answer: I have known Mr. Mohr personally for twenty-five years.

Question: Do you know Mr. Mark Felt?

Answer: Yes, I do.

Question: Do you know Miss Gandy?

Answer: I met her on two or three occasions over the years.

Question: Have you ever discussed this matter with Mr. Mohr or Mr. Felt?

Answer: No, I have not.

Question: After the death of Mr. Hoover, how much time lapsed before you began picking up cartons from his office for disposal?
U.S. SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC)

RE: INTERVIEW OF CHIEF CLERK KENNETH SHAFFER BY SSC STAFF MEMBERS

Answer: A week or two.

Question: What was going on in the Director's office when you picked up the cartons?

Answer: Personal effects were being packed and the rooms were being prepared for painting and redecorating.

Question: Do you think Mr. L. Patrick Gray knew what was taking place?

Answer: I really do not know.

Question: Did you see Mr. Mohr, Mr. Felt or Miss Gandy?

Answer: No, I did not.

Question: Who did you see in the Director's office?

Answer: I believe I did speak to Mr. Moten.

Question: Who is Mr. Moten?

Answer: He was Mr. Hoover's chauffeur.

Question: How many times have you been in the Director's office?

Answer: Several times.

(During the course of this questioning, I remarked that to the best of my recollection, I was not in the Director's inner office during this pertinent time.)

Question: How many times did you go to the Director's office to pick up cartons of material for destruction?
U.S. SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC)

RE: INTERVIEW OF CHIEF CLERK KENNETH SHAFFER
BY SSC STAFF MEMBERS

Answer: Possibly two or three times.

Question: How many boxes were there?

Answer: As far as I can recall, there were six to nine boxes.

Question: Were the cartons marked in any way?

Answer: As I recall, they were not marked, but were sealed when received and remained sealed until time of destruction.

Question: Did Mr. Battle at any time go over to the Justice Building with you to pick up cartons?

Answer: Yes, I believe he did.

(The interviewer stated that my reply was contrary to that of Mr. Battle. Mr. Battle indicated that he was not at the Justice Building with you).

Question: Did you ever go to the Justice Building alone to pick up cartons of material for destruction?

Answer: No, I did not.

Question: If you had gone alone would you have had to account for your time to Mr. Dudley?

Answer: No.

Question: Were you ever at Mr. Hoover's residence?

Answer: No.
U.S. SENATE SELECT COMMITTEE ON
INTELLIGENCE ACTIVITIES (SSC)

RE: INTERVIEW OF CHIEF CLERK KENNETH SHAFFER
BY SSC STAFF MEMBERS

Question: Did you see Mr. Kunkel in an automobile with Mr. Battle on occasions when cartons were delivered from Mr. Hoover's residence to the loading platform?

Answer: I do not recall seeing him.

Question: Tell us how you were advised that material was ready to be picked up?

Answer: Mr. Kunkel would receive a telephone call and in turn would contact Mr. Battle and advise him. Enroute from Mr. Hoover's residence, Mr. Battle would contact the Radio Room and request that I meet him at the platform.

Question: Were these cartons ever placed in the office of Mr. Kunkel?

Answer: No.

(For the record, I did retract this answer and stated "that the beginning of the project, they were placed in a room within his office and kept there until it was time for destruction. After a time, they were taken directly to the disintegrator room. Mr. Dudney and I had the key to this room.")

Question: Is there another storage room in the Washington Field Office where the cartons might have been stored until time for destruction?

Answer: No.

(Following the interview, in talking to Mr. Dudney, I then realized that the interviewers were referring to a walk-in vault where Mr. Dudney had placed material on one or two occasions.)
U.S. SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC)

RE: INTERVIEW OF CHIEF CLERK KENNETH SHAFFER BY SSC STAFF MEMBERS

Question: What sort of material was in the cartons?

Answer: Photography, old personal letters, post cards, Christmas cards, etc., and other personal records.

Question: Do you recall seeing letters which had holes punched in them indicating that they may have been part of a file?

Answer: Yes, there were some letters, but they were torn up and mixed in with other material.

Question: Do you recall seeing at least 150 to 200 3x5 index cards?

Answer: No, but it is possible that they could have been mixed in with other material.

Question: If they were in a box, would the disintegrating machine be able to handle them?

Answer: No, it would not.

(The capabilities and operations of the machine were fully explained to the Staff interviewers at this time.)

Question: How long did it take for you to destroy the material?

Answer: Between six to nine hours over a two week period of time.

Question: Is there any record which would reflect the time spent in the destruction of the material or the amount of material destroyed?
U.S. SENATE SELECT COMMITTEE ON
INTELLIGENCE ACTIVITIES (SSC)

RE: INTERVIEW OF CHIEF CLERK KENNETH SHAFFER
BY SSC STAFF MEMBERS

Answer: No

Question: Was there any destruction of material after the first week of July?

Answer: No.

Question: Knowing that the Bureau had its own disintegrating facilities, why do you think Mr. Kunkel was requested to handle the destruction of the material?

Answer: Prior to Mr. Kunkel's becoming a Special Agent, he was a Clerical Employee assigned to the Director's office. Miss Gandy may have requested his assistance in the destruction of Mr. Hoover's personal papers.

Question: Why do you think that such precautions were taken in the handling and destruction of this material?

Answer: The material was that of a prominent deceased individual and the contents need not be publicized.

Question: Are you assigned to operate the disintegrator machine?

Answer: No, we have employees assigned this duty.

Question: Why did Mr. Kunkel ask you and Mr. Dudney to personally handle the destruction of the late Director's material?

Answer: As Special Agent in Charge, Mr. Kunkel requested Mr. Dudney and I to handle and destroy all material. We did so without question.

Question: Early this year an article appeared in a local newspaper relative to the destruction of material from the office of Mr. Hoover. Did you read this article?
Answer: Yes, I did.

Question: How did this affect you?

Answer: It really did not affect me. It became a private joke between Mr. Dudney and myself in that we may have made the newspapers, but did not realize we were or would ever be involved.

Question: Did you read an article in "Time" or "Newsweek" relative to the destruction of material from the office of Mr. Hoover?

Answer: No sir, I did not.

Question: Did you discuss this matter with anyone?

Answer: No, I did not.

The interviewer emphatically stated that I did discuss the matter at the time I was interviewed as reflected by the copy of FD-302 in his possession.

(I stated that I thought he was referring to a possible discussion with personnel assigned to the Washington Field Office.)

There may have been other questions asked of me; however, as stated above these are the questions I can recall.
AIRTEL

TO: DIRECTOR, FBI (62-116395)  
FROM: SAC, UFO (62-0)  
ATTENTION: INTD  
V. O. CREGAR

U.S. SENATE SELECT COMMITTEE  
ON INTELLIGENCE ACTIVITIES  
MISCELLANEOUS - INFO CONCERNING

Enclosed are an original and seven copies of an  
LDI setting forth information relative to the interview by  
the Select Committee on Intelligence Activities of KENNETH  
SHAFER, Chief Clerk, Washington Field Office on 9/10/75.
Washington, D.C. 20535
September 26, 1975

UNITED STATES SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES; SSC

RE: INTERVIEW OF FBI
SPECIAL AGENT JOSEPH E. BATTLE
BY SSC STAFF MEMBERS
ATTORNEY MARK GITTELEIN,
MARY DEROEO,
JOHN SMITH,

SA Joseph E. Battle was interviewed on September 19, 1975
by the above SSC staff members from approximately 10:15 until
11 a.m.

The interview was conducted in a ground floor assembly
room located in the Russell Senate Building.

Prior to the commencement of the interview, it is to be
noted none of the SSC staff members advised SA Battle of his
constitutional rights nor did they indicate he could be
represented by counsel in this matter.

To the best of SA Battle's knowledge and recollection,
the following questions were presented by the staff members and
the answers given by SA Battle are so denoted.

This document contains neither
recommendations nor conclusions of
the FBI. It is the property of
the FBI and is issued to your agency;
it and its contents are not to be
distributed outside your agency.
Question (Q): After the Director's death, did you remove files from his office?

Answer (A): No.

Q: Weren't you frequently in the Director's office?

A: No.

Q: Weren't you in the Director's office after his death?

A: No.

Q: Were you ever in the Director's office?

A: Yes.

Q: When?

A: In 1951 while in training school in conjunction with the Director's program of meeting all new agents, and I saw him in 1955 while at In-Service.

Q: Well then, were you ever in Miss Gandy's office?

A: Yes.

Q: At the time of the Director's death?

A: No.

Q: Well, when was it?

A: Approximately a year or two before the Director's death.

Q: For what reason?

A: I was told to pick up a package at National Airport and deliver it to Miss Gandy's office, which I did.
Q: Do you know what was in the package?
A: Yes, Miss Gandy indicated it was a plaque honoring the Director and she didn't know what she was going to do with it inasmuch as there was no more available wall space to hang it.

Q: Do you know Miss Gandy well?
A: No, other than her official position.

Q: When did you first meet her?
A: At the aforementioned time.

Q: Any other time?
A: Yes.

Q: When was that?
A: In approximately April, 1972, I drove her from her residence to Bureau headquarters.

Q: Why was that?
A: It was a Saturday and the Cherry Blossom Parade was in progress, and she feared difficulty in getting through the Parade route to work.

Q: When did you see her next?
A: After the Director's death.

Q: Under what circumstances?
A: I drove her to the Director's house.

Q: Weren't you in her office then?
A: No, I met her in the courtyard.
Q: I thought you said you didn't know her well.

A: I wouldn't construe the above as knowing her well.

Q: What was the purpose of driving her to the Director's house?

A: She said she had to meet with some lawyers concerning the Director's estate.

Q: Do you know who was present at the meeting?

A: No.

Q: Were you?

A: No, I waited outside.

Q: Who ordered you to drive Miss Candy?

A: Mr. Kunkel

Q: Weren't you on his squad?

A: No.

Q: Whose squad were you on?

A: The ASAC's.

Q: Who was that?

A: Ed Campbell

Q: Weren't you considered the #3 man in WFO?

A: No.

Q: Weren't you a supervisor?

A: No, a relief supervisor.

Q: To Campbell?

A: Yes.
Q: Then wouldn't that make you #3 man?
A: No.
Q: What are your duties?
A: Presently I'm assigned to Squad C-4, and I'm assigned a variety of criminal cases.
Q: Be more specific.
A: Well, I handle numerous extortion type cases pertaining to the various Senators and Congressmen, I'm assigned the Washington, D.C. phase of the Hoffa case and I assist in bank robberies and other major crimes.
Q: What did you do on the ASAC Squad?
A: I handled major criminal matters and drove the ASAC to the crime scene and assisted him at the scene, and I also worked personnel matters.
Q: Do you know John Mohr?
A: No, other than his official position.
Q: You didn't know him personally?
A: No.
Q: You never met with him?
A: No.
Q: Did you ever remove anything from the Director's house after his death?
A: Yes.
Q: What was that?
A: Some cardboard boxes.
Q: Do you know what was in them?
A: No.
Q: Were they official FBI boxes?
A: I don't know what you mean by any official FBI boxes.
Q: Well, were they plain cardboard boxes?
A: Yes.
Q: Were they sealed?
A: Yes.
Q: How many times did you go on this assignment?
A: About 3 or 4.
Q: How many boxes did you take out?
A: About 6 to 8 each time.
Q: Was anybody present?
A: Yes.
Q: Who?
A: Miss Gandy and Mr. Kunkel
Q: Anybody else?
A: On one occasion, I saw the maid, Anna and the chauffeur, Crawford, and a woman who Mr. Kunkel introduced as Mr. Tolson's secretary, but I didn't know her.
Q: What was she doing?
A: She was writing checks.
Q: Did Miss Gandy have a desk in the Director's house?
A: I don't know.
Q: Did you see any file cabinets?
A: No, to the best of my recollection.
Q: Do you know what was in any of the boxes?
A: Yes.
Q: What was that?
A: white shirts.
Q: How do you know that?
A: Because Miss Gandy pointed them out.
Q: After you left the Director's house, where did you go?
A: I drove to the loading platform at WFO.
Q: Who met you there?
A: Either Dudney or Shaffer.
Q: And then what?
A: I helped unload the boxes and drove off.
Q: Do you know where the boxes were then taken?
A: No.
Q: Didn't you and Mr. Kunkel talk about what was in the boxes and the purpose of these trips?
A: No.
Q: Why not?

A: Because he never volunteered anything and I figured it was none of my business.

Q: Don't you think this is kind of odd?

A: No, I've helped other people move and clean out their cellars and I considered this about the same thing.

Q: Didn't you become suspicious and scared when you read in the newspapers that allegedly secret files were taken out of the Director's office and destroyed?

A: No, why should I, as I said before, I wasn't in the Director's office.

Q: Mr. Battle, Mr. Shaffer states you and he removed boxes from the Director's office at the direction of Mr. Kunkel.

A: Well, Mr. Shaffer is wrong. I never went to the Director's office with he or anyone else.

Q: Have you discussed this matter with anyone else?

A: Yes, with the FBI Inspectors who called me in.

Q: That was when?

A: In June, you can get the exact date from the 302.

Q: Have you discussed this matter with anyone else?

A: Well, you know Shaffer, Dudney and Dowling and I come up here this morning together and naturally the matter was discussed.
Q: Do you know or see a memorandum that was circulated by the Bureau concerning this inquiry?

A: No.

Q: When did you last see Kunkel?

A: About 6 months ago, I saw him at an elevator bank in the Bureau and we exchanged greetings.

Q: How about prior to that?

A: When he left for St. Louis.

Q: You haven't discussed this matter with anyone?

A: No, other than the above.

Q: How come Kunkel was transferred to St. Louis, there was a lot of publicity about it?

A: I don't know anything more about it than as you say the national publicity.

Q: Wasn't there a personal feud between Gray and Kunkel?

A: If there was, I don't have any direct knowledge of it.
TO: DIRECTOR, FBI (62-116395)  
FROM: SAC, WFO (62-10744) /\  
ATTN: INTELLIGENCE DIVISION  
WILLIAM O. CREGAR  
UNITED STATES SELECT COMMITTEE  
ON INTELLIGENCE ACTIVITIES; SSC  
RE: INTERVIEW OF FBI SPECIAL AGENT  
JOSEPH E. BATTLE, BY SSC STAFF MEMBERS  

Enclosed herewith for the Bureau is the original and seven copies of an LTM reflecting interview of SA BATTLE, which is self-explanatory.
9245 WA PLAIN
9:22P.M. ITEL 15/9/75 GHS
TO ALL AGCS
FROM DIRECTOR

INTERVIEWS OF FBI EMPLOYEES BY CONGRESSIONAL COMMITTEES

BY MEMORANDUM TO ALL EMPLOYEES DATED MAY 22, 1975, CAPTIONED "INTERVIEWS OF FBI EMPLOYEES," ALL EMPLOYEES WERE ADVISED OF THE NECESSITY OF SECURING FBI HEADQUARTERS APPROVAL PRIOR TO SUBMITTING TO INTERVIEWS BY REPRESENTATIVES OF CONGRESSIONAL COMMITTEES. THE NECESSITY OF SECURING THIS APPROVAL IS PROMPTED BY THE EMPLOYMENT AGREEMENT ALL EMPLOYEES HAVE SIGNED.

YOU WERE ADVISED THAT CONGRESSIONAL STAFF MEMBERS WERE CONDUCTING INTERVIEWS OF FORMER AND/OR CURRENT EMPLOYEES AND THAT THIS BUREAU HAD PLEDGED ITS COOPERATION WITH CONGRESS. OUR COOPERATIVE EFFORTS, OF COURSE, MUST BE CONSISTENT WITH BUREAU PROCEDURES.

RECENTLY, WE HAVE HAD ATTEMPTS BY CONGRESSIONAL COMMITTEE STAFF MEMBERS TO INTERVIEW CURRENT EMPLOYEES WITHOUT PRIOR CONTACT WITH FBI HEADQUARTERS. YOU ARE AGAIN REMINDED...
PAGE TWO

THAT IF A REPRESENTATIVE OF A CONGRESSIONAL COMMITTEE SHOULD CONTACT A BUREAU EMPLOYEE, THAT EMPLOYEE SHOULD DECLINE TO RESPOND TO QUESTIONS POSED TO HIM AND ADVISE THE CONGRESSIONAL STAFF MEMBER OF THE NECESSITY OF RECEIVING FBI HEADQUARTERS APPROVAL BEFORE RESPONDING TO QUESTIONS.

END

HOLD
AIRTEL

TO:       DIRECTOR, FBI (62-116395)          CONFIDENTIAL
              (ATTN: INTD - W. O. CREGAR)
FROM:     SAC, WFO (62-19744)

"SENSITIVITY-75"

Enclosed are eight copies of an LHM dated as above and captioned "U.S. Senate Select Committee on Intelligence Activities (SSC)" and "Re: Interview of FBI Special Agent HOMER W. SCHWEPPE by SSC Staff Member JAMES DICK."

The following background information is being supplied in connection with the enclosed LHM:

SA SCHWEPPE, at the express direction of SA PAUL DALY, FBIHQ, presented himself for interview at 10:00 a.m. on 9/23/75, to SSC Staff Member JAMES DICK in Room 308, Dirksen Senate Office Building, Washington, D. C. (WDC). At about 10:00 a.m. DICK and staff stenotypist SUSAN HANBACK repaired to a sixth floor room in the former Carroll Arms Hotel. DICK had a key for this room, which appeared to have been used before, possibly for similar interview purposes, inasmuch as there was a supply of stenotype paper on hand.

CONFIDENTIAL

Classified by #7366
Exempt from GDS, Category 2
Date of Declassification Indefinite

2-Bureau (Enc. 8)
2-WFO
(1-SA SCHWEPPE's Personnel file)
DICK was friendly and affable but businesslike throughout the interview. In a brief initial off-the-record exchange, DICK explained that he was interested in SCHWEPPE's knowledge of the "Hunter Project." When SCHWEPPE indicated he was not familiar with the term, DICK consulted his notes to confirm whether SCHWEPPE in fact was the party he intended to interview. A check by him corroborated that SCHWEPPE's name had been provided him by the Department of Justice as an individual with knowledge of "Hunter" and related projects.

During this initial exchange, SCHWEPPE indicated that his recollection of specifics such as "exactly when?" and "Did you ever see?" or "When did you first see or learn?" or "How many times did you see?" based on material possibly seen by him over a period of several months as far back as 1958 was limited. DICK agreed and suggested that there really might be no need to continue the interview, but in the end he suggested that since all parties were in place, the interrogation might as well proceed.

He indicated that a transcript of the interview would be available for review by SCHWEPPE in about a week. DICK said he would contact SA DALY at FBIHQ at the appropriate time. On contact on 9/30/75, DICK said the transcript probably would be available for review in about a week. As of 10/15/75, it had not been made available.
WASHINGTON, D. C. 20535
October 15, 1975

UNITED STATES SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC)

RE: INTERVIEW OF FEDERAL BUREAU OF INVESTIGATION (FBI) SPECIAL AGENT HOMER W. SCHWEPPE BY SSC STAFF MEMBER JAMES DICK

On September 23, 1975, after a short orientation discussion and after advising him of his rights under the Constitution and reminding him that his appearance was voluntary, SSC Staff Member James Dick interviewed FBI Special Agent Homer W. Schwepppe in the presence of SSC stenotypist Susan Hanback regarding his knowledge of the following: The "Hunter Project," "Bureau Informant 200," "the SAM Survey," "Z Coverage," and opening of mail by FBI employees.

At the outset Dick asked Schwepppe to document his FBI service. Schwepppe responded by listing the following: Assignments in San Francisco from late 1946 to mid 1947; in Los Angeles from mid 1947 to mid 1951; at FBI Headquarters (FBIHQ) from May, 1951, to May, 1958, and again from late 1960 to November, 1961; in the Washington Field Office (WFO) of the FBI from May, 1958, on, except for the 1960 to 1961 period just cited.

During the course of the interview Schwepppe was also asked to indicate the nature of his assignments at FBIHQ. He indicated he was assigned for the main part to units within the Domestic Intelligence Division dealing with Soviet military attaché personnel and with members of Elizabeth Bentley's "espionage ring."

SAC Stenex.  

ASAC Cellerin.  

SECRET

Classified by #7366
Exempt from GDS, Category 2
Date of Declassification Indefinite

S-Bureau (62-116395)  
WFO (62-19744)  
(1-SA SCHWEPPE's Personnel file)
Dick's initial inquiry was directed to the extent of Schweppes's knowledge of the "Hunter Project." When Schweppes conceded he was not familiar with the term, Dick offered as an exhibit for review a copy of a February 6, 1958, memorandum directed to Director Hoover entitled "Hunter Project." This memorandum outlined arrangements to be effected between the FBI and the Central Intelligence Agency (CIA) regarding the manner in which the FBI would be provided the results of CIA's monitoring of certain overseas mail. On review of the document, Schweppes stated he was certain he had never seen that memo, but he acknowledged that on the basis of the memo he had a recollection about such activity by the CIA. Schweppes recalled that at some point prior to his transfer from FBIHQ in May, 1958, and he indicated he felt it must have been earlier than the February 8, 1958, date indicated above, he had pass across his desk in the normal flow of official mail what he referred to as the modern day version of computer printout lists consisting, to the best of his recollection, of names of what were presumed to be Soviet residents as well as addresses in the Soviet Union. Schweppes indicated that he had seen several such lists but since they did not seem applicable to the type of cases being supervised by Schweppes at the time, he paid them little heed. He recalled that at least with some of the later printouts there were instructions accompanying the printouts to the effect that names and/or addresses of interest should be flagged for what was presumed to be a "watch list" of some sort.

Dick asked specifically when Schweppes first became aware of the lists mentioned above; whether he was familiar with FBI Form 5-88, a form prepared for placing a request on the "watch list"; whether he had seen any of the results of the CIA monitoring; and whether he had seen any reproduction of correspondence photographed by CIA in connection with the "Hunter Project."
Schweppe replied that he thought the lists he mentioned earlier probably were seen by him before February, 1958, but he acknowledged he could not recall exactly when. He said he could not now recall ever having seen FBI Form 5-38. He replied that, since he felt he had never placed a name or address on the "watch list," he would not have any specific results routed to his personal attention. He added, however, that if the results were routed to all supervisors concerned with Soviet intelligence and related matters, he probably did see such results and routinely initialed the accompanying routing slips. He said he could recall no specific "CIA results" if, in fact, he did see anything specific.

Dick asked whether Schweppe was aware of who designated the routing of the lists he had seen, and Schweppe responded that he assumed it was some individual in the office of the division's Assistant Director who performed such an administrative function. Schweppe said he did not recall a Miss Triplett (phonetic), who, according to Dick, was responsible for routing the "Hunter Project" material to appropriate supervisors. Schweppe said he could have been included in such routing because of his assignment.

Dick then queried Schweppe on his familiarity with the term "Bureau Informant 200" (BI 200), when he first became aware of the term, and whether he ever saw any of the material attributed to that informant. In this connection Dick exhibited another FBIHQ memo dated February 6, 1958, which referred to BI 200 as the designation used by FBIHQ to forward to its field offices information received from CIA under the "Hunter Project." Schweppe was unable to recall exactly when he first became aware of the use and identity of BI 200, but he assumed it was in early 1958. He said he could recall seeing information attributed to BI 200 both while at FBIHQ and in WFO but that he could no longer recall the specific nature of the items involved. He said he presumed that all of them dealt with Soviet-related investigatory matters. Schweppe said he did not believe he has seen any references to BI 200 in the past 15 years or so and that he may have seen as many as five references a year before that.
Dick also queried Scheppe about his knowledge of the "SAM Survey" (SAM) and "Z Coverage" (Z). He asked Scheppe whether he knew when "SAM" and "Z" were initiated, what they consisted of, when they ceased, when he first became aware of them, and whether he had seen any results of those projects. Scheppe replied that "SAM" and "Z" were on a need-to-know basis within WFO but that he in time heard about them through office "shop talk" and then concluded that those designations indicated projects in which mail to and/or from the Soviet Union and Soviet bloc countries was monitored. He said he did not know when those projects were initiated or when they terminated. He said that he would have to guess within a tolerance of two or three years that he first heard of those projects in the early 1960s. Scheppe said he was called on from time to time to translate correspondence in German, which correspondence had been photographed by some source not identified initially. Scheppe suggested that on later inquiry about the source of the correspondence he was informed it was either from "SAM" or "Z." He said he was unable to recall specifically who so advised him. He felt it was possible that word was just "passed along" to that effect. He could not recall whether each specific individual item was identified in a particular, special manner so as to tie it in to its source. Scheppe stated that he believes all such material translated by him was directed to officials at the Soviet and/or Soviet bloc embassies in Washington, D. C., and not to any non-diplomatic personnel. Such translation requirements were quite infrequent, and Scheppe was not called on to translate any such material within the past eight or ten years, to the best of his recollection.

Scheppe said it was his impression that "SAM" in New York City was handled in space at one or the other of New York's airports. He said he was unaware of the specific arrangements in Washington, D. C. He related that he was aware that FBI Special Agent John De Bettencourt, since deceased, was directly involved in WFO's "Z Coverage" project but that he did not know specifically to whom De Bettencourt was answerable.
Dick asked whether Schweppes was aware of any
mail having been opened by FBI employees in situations other
than the projects referred to above. Schweppes, after making
the observation that Federal law and FBI regulations
prohibit such activity, said he himself had never opened
anyone's mail in his capacity as an FBI employee, that he
never observed any other FBI employee so engaged, and that
he personally was not aware of any specific instances in
which that might have happened. At this point Schweppes
related that while he was assigned to the Los Angeles
Office, he suspected that a female employee, whose name he
could not recall, might possibly have been engaged in the
surreptitious opening of other people's mail because of
the suspicious nature of her actions at certain times.
Schweppes added that these were suspicions raised by
circumstantial evidence only.

Dick then presented a hypothetical situation in
which agents on duty might obtain mail posted by an
individual and then proceed to open the same and review
the contents. He asked whether Schweppes was aware of any
such instances. Schweppes acknowledged that the suggested
scenario sounded realistic enough but added that he could
recall no such actual situations.

During the course of the interview, Schweppes
indicated that he had been assigned to Soviet-related
investigatory matters in WFO until early 1959, after
which he was assigned to the handling of German, Latin
American, Middle East, and Chinese investigatory matters
at different times.

Schweppes concluded by stating that his knowledge
and recollection of the subject matter constituting the
basis for the inquiry were weak. He reiterated that he
never opened any other person's mail in his capacity as an
FBI employee, that he never witnessed any other FBI employee
opening any such mail, and that he cannot recall ever
being aware of any situation in which mail was opened by
FBI employees, exclusive of the "SAM" and "Z" projects
mentioned above.

This interview commenced about 10:15 a.m.,
September 23, 1975, and concluded at about 11:15 a.m.
the same day.
Mr. Church's Cover-Up

By William Safire

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

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

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

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

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

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

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

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

That pattern of containment by the Church committee is vividly shown by the handling of the buggings at the 1964 Republican and Democratic conventions which were ordered by Lyndon Johnson. Such invasions of political headquarters were worse than the crime committed at Watergate, since they involved the use of the F.B.I., but the Church investigators seem to be determined not to probe too deeply.

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

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

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

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

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

ESAY

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

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RE: SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES

Date 11/21/75

Retain | For information | optional | action | Super, by

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

Enclosed are corrected pages from report of SA dated

 Remarks:

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

Enc. (1)

Buffile

URFILe
MCRC MA PLAIN
75CPH MITEL 12-15-75 LXS
TO ALEXANDRIA
Baltimore
Charlotte
Cleveland
Columbia
Tampa
Washington Field
FROM DIRECTOR (62-116464)
HOUSE STUDY 75.

The House Select Committee (HSC) has indicated desire to interview certain former bureau employees concerning any knowledge they may possess pertaining to this bureau's purchasing practice with U. S. Recording Company. Listed below are the names of the former employees concerning whom HSC has expressed an interest as well as the last known address of each individual as it appears in his personnel file: Rufus R. Beaver - 326 East Stadium Drive, Eden, North Carolina 27288; Thomas Farrow - 9319 Meadow Hill Road, Ellicott City, Maryland
PAGE TWO

21643; JAMES H. GALE - 3307 ROCKY MOUNT ROAD, FAIRFAX,
VIRGINIA - HOME PHONE 273-1661, OFFICE PHONE 591-2151;
WILLIAM JARVIS GOODWIN - 1321 SOUTH SCOTT STREET, ARLINGTON,
VIRGINIA 22204 - HOME PHONE 920-2754; ODD T. JACOBSEN -
77 BATTERY ROAD, HILTON HEAD ISLAND, SOUTH CAROLINA 29926;
NORMAN J. DANIEL - 7103 SEA CLIFF ROAD, MCLEAN, VIRGINIA
22101; DONALD E. SCOTT - 595 CROWN VIEW DRIVE, ALEXANDRIA,
VIRGINIA 22314 - HOME PHONE 751-6327; PAUL F. O'CONNELL, JR. -
2417 STRATTON DRIVE, POTOMAC, MARYLAND - HOME PHONE 424-2585;
AL ROSEN - 55 FIR HILL TOWERS NORTH, AKRON, OHIO 44304;
C. E. SMITH - 2631 HAWAII AVENUE NORTHEAST, SAINT PETERSBURG,
FLORIDA 33703 - HOME PHONE 522-6597; WILLIAM D. SOYARDS -
12019 GREYWING SQUARE, RESTON, VIRGINIA - HOME PHONE 360-4955;
VICTOR TURYN - 2645 TURF VALLEY ROAD, ELLICOTT CITY, MARYLAND;
LEONARD N. WALTERS - 1303 MACSETH STREET, MCLEAN, VIRGINIA-
HOME PHONE 356-1464.

RECIPIENTS ARE REQUESTED TO CONTACT THE ABOVE-LISTED
INDIVIDUALS RESIDING IN THEIR RESPECTIVE AREAS AND ADVISE
THEM OF THE ABOVE-STATED HSC INTENTION. EACH INDIVIDUAL SO
CONTACTED SHOULD BE INSTRUCTED THAT WHEN AND IF CONTACTED BY
PAGE THREE

THE HSC THEY SHOULD, BEFORE SUBMITTING TO INTERVIEW, TELEPHONICALLY CONTACT THE OFFICE OF LEGAL COUNSEL AT BUREAU HEADQUARTERS COLLECT TO SECURE RELEASE FROM THEIR EMPLOYMENT AGREEMENT AND TO ASCERTAIN PARAMETERS WITHIN WHICH INTERVIEW MAY BE CONDUCTED. ADVISE HEADQUARTERS SHOULD DIFFICULTY BE ENCOUNTERED IN CONTACTING ABOVE-LISTED INDIVIDUALS.

END

WFC W F2I CLR
NR080 WA CODE
5:17PM IMMEDIATE 1-13-75 DLA
TO NEW YORK
WASHINGTON FIELD
FROM DIRECTOR (62-116395)
CONFIDENTIAL
JUNE
SENSTUDY 75.

IN RESPONSE TO A REQUEST OF THE SENATE SELECT COMMITTEE (SSC) YOU ARE REQUESTED TO FURNISH THE RESULTS OF THE FOLLOWING ELECTRONIC SURVEILLANCES. A REVIEW OF ELSUR INDICES AT FBIHQ INDICATES THAT THE LISTED INDIVIDUALS WERE EITHER A PARTY TO OR WERE MENTIONED ON THE SPECIFIC DATES SET FORTH:

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<tr>
<th>INDIVIDUAL</th>
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<tr>
<td>WARREN, EARL</td>
<td>MARCH 9, 1964</td>
<td>NY2950-S (ASTERISK)</td>
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<td>APRIL 25, 1967</td>
<td>CHINA-WFO</td>
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<td>RUSSELL, RICHARD</td>
<td>NOVEMBER 8, 1963</td>
<td>NY4171-S (ASTERISK)</td>
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<td>MC CLOY, JOHN J.</td>
<td>APRIL 14, 1964</td>
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CC placed in 65-779, sub-G
5:25 pm 1/3 65
6.2-13-79
NEW YORK AND WFO SHOULD FURNISH THE TEXT OF THE OVERHEAR, IF AVAILABLE, AND ANY OTHER IDENTIFYING INFORMATION AS TO THE INDIVIDUAL INVOLVED.

SUTEL RESULTS OF YOUR REVIEW EXPEDITIOUSLY.

CLASSIFIED BY 3676, XGDS 2, INDEFINITE.

END

HOLD
9:01 AM URGENT 1-15-76 KLS

TO: DIRECTOR, FBI (62-116395)
FROM: SAC, WFO (62-10744) (RUC)

ATTENTION INTD. JUNE
SECRET
SENSSTUDY 75

RE BUREAU TELETYPE JANUARY 13, 1976.

SET FORTH ARE THE RESULTS OF THE ELECTRONIC SURVEILLANCE
COVERAGE REQUESTED IN REFERENCE TO BUREAU TELETYPE OF
JANUARY 13, 1976:

EARL WARREN, JR., MARCH 2, 1964:

WF 1418-S, WHO PROVIDES INFORMATION CONCERNING THE
EMBASSY OF CHILE PROVIDED THE FOLLOWING INFORMATION AT
6:11 P.M. ON MARCH 2, 1964:

EARL WARREN, JR., AND PRESTON LAST NAME UNKNOWN (LNU)
LONG DISTANCE FROM SACRAMENTO, CALIFORNIA, TO AMBASSADOR
SERGIO GUTIERREZ.

AFTER CHATTING ABOUT PRESTON'S RECENT ILLNESS, PRESTON
ADVISED THAT THEY HAVE RUN INTO SOME DIFFICULTY BECAUSE OF
THE GOVERNOR'S SCHEDULE, AND HE WILL NOT BE AVAILABLE
UNTIL JANUARY 20.
APRIL 3. GUTIERREZ THEN ASKED IF HIS PROPOSED VISIT THERE
IS REALLY OF INTEREST RIGHT NOW OR IF IT SHOULD BE POSTPONED
UNTIL LATER. PRESTON REPLIED THAT APRIL WOULD BE AN
APPROPRIATE TIME, BECAUSE BY THAT TIME THEY WILL HAVE THE
CALIFORNIA - CHILE FUND GOING, AND BY THAT TIME ALSO THEY
WILL HAVE EMBARKED ON THE FIRST PROJECTS IN COOPERATION WITH
THE CHILEAN GOVERNMENT. PRESTON ADDED THAT ALSO UNDERSTANDS
THAT AT ABOUT THAT TIME THE PEOPLE ON CAPITOL HILL 'WHO DO NOT
LIKE US' ARE GOING TO LAUNCH AN ATTACK ON US, SO IT WOULD
SEEM ABOUT AS AN APPROPRIATE TIME AS COULD BE IMAGINED.
GUTIERREZ SAID HE WOULD CONSULT HIS SCHEDULE VERY CAREFULLY
AND WILL CALL PRESTON TOMORROW OR WEDNESDAY.

WARREN THEN SPOKE TO GUTIERREZ AND REFERRED TO GUTIERREZ'S
PREFERENCE FOR INFORMAL MEETINGS, AND ASKED IF HE WOULD HAVE
ANY OBJECTIONS TO MAKING A COUPLE OF FORMAL APPEARANCES, ONE
IN THE NORTH, AND ONE IN THE SOUTHERN PART OF THE STATE.
GUTIERREZ SAID HE WOULD GO ALONG WITH ANY PLANS THEY WISH
TO MAKE.
RICHARD RUSSELL, APRIL 25, 1967:

WF 1779-S, WHO PROVIDES INFORMATION CONCERNING THE EMBASSY OF CHINA, WDC, AT 2:40 P.M. ON APRIL 25, 1967, PROVIDED THE FOLLOWING INFORMATION:

"ERV SWANSON 'FROM THE U.S. SENATE' TO MINISTER WOO, SHIH-ying. SWANSON ADVISED WOO HE KNEW A VERY POWERFUL PERSON WHOM THEY MAY WISH TO INVITE TO THE PARTY. THE MAN IS WILLIAM JORDAN, EXECUTIVE SECRETARY TO SENATOR RICHARD RUSSELL OF GEORGIA. JORDAN HAD SHOWN INTEREST IN GOING TO TWIN OAKS AND IT WOULD BE ADVANTAGEOUS TO INVITE HIM. HIS ADDRESS IS ROOM 205, SENATE OFFICE BUILDING."

HALE BOGGS, NOVEMBER 23, 1964:

WF 1523-S, WHO PROVIDES INFORMATION CONCERNING THE ALGERIAN EMBASSY, WDC, MADE AVAILABLE THE FOLLOWING INFORMATION AT 3:03 P.M. ON NOVEMBER 23, 1964:

"SECRETARY IN THE OFFICE OF REPRESENTATIVE HALE BOGGS, SAYING: MR. AND MRS. BOGGS AND DAUGHTER, CORINNE WILL ATTEND THE RECEPTION ON WEDNESDAY, DECEMBER 9."
JOHN J. MC CLOY, APRIL 14, 1964:

"IF - 1549-S, WHO PROVIDES INFORMATION CONCERNING THE GREEK EMBASSY, WFO, HAS AVAILABLE THE FOLLOWING INFORMATION AT 19:55 A.M. ON APRIL 14, 1964:

MR. HOWLIN (PHONETIC) TO AMBASSADOR ALEXANDER MATSAS SAYING: I JUST RECEIVED A TELEPHONE CALL FROM CAMBRIDGE, MASSACHUSETTS ABOUT AN HONORARY COMMITTEE FOR THE GENATION (PHONETIC) LIBRARY IN ATHENS AT OUR SCHOOL. PROFESSOR FRANCIS WALTON FROM HARVARD UNIVERSITY WROTE YOU A LETTER TWO OR THREE WEEKS AGO ASKING IF YOU WOULD LIKE TO BE AN HONORARY MEMBER OF THE ADVISORY COMMITTEE AND HE HAS NOT RECEIVED YOUR REPLY. MATSAS SAYS: IT PROBABLY CAME WHILE I WAS AWAY. HOWLIN: OTHERS WHO HAVE ACCEPTED ARE: MRS. BLISS, MR. LAROCHELLE THE AMBASSADOR IN GREECE, THOMAS LAUGHT OF NEW YORK, JOHN J. MC CLOY AND MR. LILLY. MATSAS: I'M SORRY BUT I'LL CHECK ON THIS LATER, HOPE TO SEE YOU SOON, GOOD BYE."

ADMINISTRATIVE:

CLASSIFIED BY 4121, XGSS 9 AND Z. INDEFINITE.

AS THE BUREAU IS AWARE, THE ELSUR INDICES INDICATE ONLY THE FIRST OCCASION IN WHICH THE INDIVIDUAL IS INTERCEPTED IN CONVERSATION IN A GIVEN ELECTRONIC SURVEILLANCE.

END.

AJN FBIHQ CLR TU
TO: DIRECTOR, FBI (62-116395) 
FROM: SAC, WFO (62-10744) (RUC)

ATTENTION INTD. JUNE
SECRET
SENSSTUDY 75

RE BUREAU TELETYPING JANUARY 13, 1976.

SET FORTH ARE THE RESULTS OF THE ELECTRONIC SURVEILLANCE COVERAGE REQUESTED IN REFERENCE TO BUREAU TELETYPING OF JANUARY 13, 1976:

EARL WARREN, JR., MARCH 2, 1964:

WF 1410-S#, WHO PROVIDES INFORMATION CONCERNING THE EMBASSY OF CHILE PROVIDED THE FOLLOWING INFORMATION AT 6:11 P.M. ON MARCH 2, 1964:

EARL WARREN, JR., AND PRESTON LAST NAME UNKNOWN (LNU) LONG DISTANCE FROM SACRAMENTO, CALIFORNIA, TO AMBASSADOR SERGIO GUTIERREZ.

AFTER CHATTING ABOUT PRESTON'S RECENT ILLNESS, PRESTON ADVISED THAT THEY HAVE RUN INTO SOME DIFFICULTY BECAUSE OF THE GOVERNOR'S SCHEDULE, AND HE WILL NOT BE AVAILABLE UNTIL

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DES: mjl

Approved: Special Agent in Charge
APRIL 3. GUTIERREZ THEN ASKED IF HIS PROPOSED VISIT THERE IS REALLY OF INTEREST RIGHT NOW OR IF IT SHOULD BE POSTPONED UNTIL LATER. PRESTON REPLIED THAT APRIL WOULD BE AN APPROPRIATE TIME, BECAUSE BY THAT TIME THEY WILL HAVE THE CALIFORNIA – CHILE FUND GOING, AND BY THAT TIME ALSO THEY WILL HAVE EMBARKED ON THE FIRST PROJECTS IN COOPERATION WITH THE CHILEAN GOVERNMENT. PRESTON ADDED THAT ALSO UNDERSTANDS THAT AT ABOUT THAT TIME THE PEOPLE ON CAPITOL HILL 'WHO DO NOT LIKE US' ARE GOING TO LAUNCH AN ATTACK ON US, SO IT WOULD SEEM ABOUT AS AN APPROPRIATE TIME AS COULD BE IMAGINED. GUTIERREZ SAID HE WOULD CONSULT HIS SCHEDULE VERY CAREFULLY AND WILL CALL PRESTON TOMORROW OR WEDNESDAY.

WARREN THEN SPOKE TO GUTIERREZ AND REFERRED TO GUTIERREZ'S PREFERENCE FOR INFORMAL MEETINGS, AND ASKED IF HE WOULD HAVE ANY OBJECTIONS TO MAKING A COUPLE OF FORMAL APPEARANCES, ONE IN-THE NORTH, AND ONE IN THE SOUTHERN PART OF THE STATE. GUTIERREZ SAID HE WOULD GO ALONG WITH ANY PLANS THEY WISH TO MAKE.
RICHARD RUSSELL, APRIL 25, 1967:

WF 1779-S*, WHO PROVIDES INFORMATION CONCERNING THE EMBASSY OF CHINA, WDC, AT 2:40 P.M. ON APRIL 25, 1967, PROVIDED THE FOLLOWING INFORMATION:

"ERV SWANSON 'FROM THE U.S. SENATE' TO MINISTER WOO, SHIH - YING. SWANSON ADVISED WOO HE KNEW A VERY POWERFUL PERSON WHOM THEY MAY WISH TO INVITE TO THE PARTY. THE MAN IS WILLIAM JORDAN, EXECUTIVE SECRETARY TO SENATOR RICHARD RUSSELL OF GEORGIA. JORDAN HAD SHOWN INTEREST IN GOING TO TWIN OAKS AND IT WOULD BE ADVANTAGEOUS TO INVITE HIM. HIS ADDRESS IS ROOM 205, SENATE OFFICE BUILDING."

HALE BOGGS, NOVEMBER 23, 1964:

WF 1523-S*, WHO PROVIDES INFORMATION CONCERNING THE ALGERIAN EMBASSY, WDC, MADE AVAILABLE THE FOLLOWING INFORMATION AT 3:03 P.M. ON NOVEMBER 23, 1964:

"SECRETARY IN THE OFFICE OF REPRESENTATIVE HALE BOGGS, SAYING: MR. AND MRS. BOGGS AND DAUGHTER, CORINNE WILL ATTEND THE RECEPTION ON WEDNESDAY, DECEMBER 9."
WF - 1549-S#, WHO PROVIDES INFORMATION CONCERNING THE GREEK EMBASSY, WDC, MADE AVAILABLE THE FOLLOWING INFORMATION AT 10:55 A.M. ON APRIL 14, 1964:

MR. HOWLIN (PHONETIC) TO AMBASSADOR ALEXANDER MATSAS SAYING: I JUST RECEIVED A TELEPHONE CALL FROM CAMBRIDGE, MASSACHUSETTS ABOUT AN HONORARY COMMITTEE FOR THE GENADION (PHONETIC) LIBRARY IN ATHENS AT OUR SCHOOL. PROFESSOR FRANCIS WALTON FROM HARVARD UNIVERSITY WROTE YOU A LETTER TWO OR THREE WEEKS AGO ASKING IF YOU WOULD LIKE TO BE AN HONORARY MEMBER OF THE ADVISORY COMMITTEE AND HE HAS NOT RECEIVED YOUR REPLY. MATSAS SAYS: IT PROBABLY CAME WHILE I WAS AWAY. HOWLIN: OTHERS WHO HAVE ACCEPTED ARE: MRS. BLISS, MR. LABOUISS THE AMBASSADOR IN GREECE, THOMAS LAMONT OF NEW YORK, JOHN J. MC CLOY AND MR. LILLY. MATSAS: I'M SORRY BUT I'LL CHECK ON THIS LATER, HOPE TO SEE YOU SOON, GOOD BYE."

ADMINISTRATIVE:

CLASSIFIED BY 6121, XGDS 2 AND 3. INDEFINITE.

AS THE BUREAU IS AWARE, THE ELSUR INDICES INDICATE ONLY THE FIRST OCCASION IN WHICH THE INDIVIDUAL IS INTERCEPTED IN CONVERSATION IN A GIVEN ELECTRONIC SURVEILLANCE.
IN THE INSTANT TELETYPE, WFO HAS ONLY ENDEavored TO PROVIDE INFORMATION CONCERNING THE ELECTRONIC INTERCEPTIONS OF THE INDIVIDUALS REQUESTED IN THE BUREAU TELETYPE OF JANUARY 13, 1976. WFO HAS NOT CONDUCTED A COMPREHENSIVE REVIEW OF ITS ELSUR INDICES OR ITS STANDARD INDICES CONCERNING THE INDIVIDUALS SET FORTH IN THE REFERENCED BUREAU TELETYPE. IT IS, THEREFORE, POSSIBLE THAT THE INDIVIDUALS MENTIONED ABOVE MAY HAVE BEEN INTERCEPTED ON OTHER OCCASIONS THAN ARE SET FORTH ABOVE OR MAY HAVE BEEN INTERCEPTED IN OTHER ELECTRONIC SURVEILLANCES CONDUCTED BY WFO. UACG, WFO WILL NOT CONDUCT A COMPREHENSIVE REVIEW OF ITS ELSUR INDICES OR STANDARD INDICES CONCERNING THE INDIVIDUALS SET FORTH IN BUREAU TELETYPE OF JANUARY 13, 1976.

END.

Approved: ___________________________  Sent: ______ M Per _______
Memorandum

TO: Clarence Kelley, Director
FBI

FROM: Edward H. Levi
Attorney General

SUBJECT: Joseph Kraft burglary

Among the documents from Federal Bureau of Investigation
files provided to my office under a cover memorandum dated
October 7, 1975, there was a memorandum dated July 18, 1973
and titled "Joseph Kraft." This document, along with the others,
was provided to Mr. Kraft's attorneys pursuant to the agreement
of August 5, 1975, for review before the department furnished
it to the Senate Select Committee.

When Mr. Kraft and his attorneys reviewed the July 18, 1973,
document they raised a question about a reference on page two of
the document which stated:

"On September 4, 1969, Joseph Kraft
advised the Washington Field Office of the
FBI that he left his home (3021 N Street,
N. W., Washington D. C.) at approximately
9:20 P.M. on September 3, 1969, to visit
with former Governor Averell Harriman who
resided a few doors from the Kraft "residence.
At approximately 9:45 P.M. Mrs. Kraft, who
was in the second floor bedroom of the
residence, came down the stairs and found
the door open.

"Subsequently, it was discovered by
Mr. and Mrs. Kraft several items of sterling
silver were missing from the dining room and
the pantry which items, according to the
Krafts, had an estimated value of approximately
$10,000.

"A crime scene search and processing of
the crime scene by the Metropolitan Police
Department produced negative results. No
forcible entry was noted and Mr. Kraft advised
investigative officers of the Metropolitan
Police Department that he had probably left
the front door ajar when he departed the
residence."
"On the morning of September 4, 1969, the Metropolitan Police Department was advised by the Washington National Airport Police that some silverware had been found near one of the entrances to the terminal at the Washington National Airport. The silverware was recovered by the Metropolitan Police Department and processed for latent fingerprints without success and the items were returned to Mrs. Kraft upon her identification of the silverware. No suspects were developed by either the FBI or the Metropolitan Police Department in the investigation of the matter."

Mr. Kraft does not recall having spoken to the FBI about the burglary. Documents provided more recently to Mr. Kraft pursuant to the August 5, 1975, agreement do not shed any light on this question.

The incident is curious in that the only reference to it comes in the memorandum of July 18, 1973, discussing a press report about the activities of John D. Erlichman. Could you have someone look into this matter for me? The obvious questions are: What other documents in FBI files say about the September 3, 1969, burglary? What files of the Bureau or its Washington field office indicate about how the conversation about the burglary took place?
To: SAC, Washington Field Office  

From: Director, FBI (62-116395)  

SENSSTUDY 75  
BUDED 1/30/76

Enclosed is a self-explanatory letter from the Attorney General dated 1/12/76.

Joseph Kraft, the subject of the inquiry, is the well-known newspaper columnist and a Washington, D. C. resident. During the past year, information contained in FBI Headquarters files relating to Kraft has been furnished to the U. S. Senate Select Committee on Intelligence Activities (SSC) pursuant to SSC requests. Kraft and his attorneys have reviewed the material furnished to the SSC regarding him in accordance with an agreement between Kraft and the Attorney General, referred to in paragraph one of the enclosure. As noted in the enclosure, Kraft, as a result of a review of information regarding the burglary of his residence on 9/3/69, raised certain questions.

WFO should furnish FBIHQ with Xeroxes of all serials in its files which relate to the 9/3/69 burglary except WFO airtel and letter to the Bureau dated 9/4/69 and 10/17/69, respectively, captioned "UNSUB: Burglary of residence of Joseph Kraft, 3021 N. Street N. W., Washington, D. C., Loss of silverware, 9/3/69 in excess of $5,000.00 ITSP (O0:WFO)" file number 87-17564. This material should of course include any serials which would indicate the manner in which the burglary was reported to WFO and how the conversation about the burglary took place.

Enclosure
Airtel to Washington Field Office
Re: Senstudy 75
62-116395

In addition to the review of all files pertinent to this inquiry, WFO should review the newspaper morgues of daily newspapers published in Washington, D. C., at such time for articles concerning the burglary and which may shed some additional light on this matter.

This matter must be given expeditious attention and results submitted by airtel to reach Bureau by c.o.b. 1/30/76.
1/29/76

AIRTEL

TO:    DIRECTOR, FBI (62-116395)
FROM:  SAC, WFO (62-10744)

SENSTUDY 75
BUDED 1/30/76

Re Bu airtel to WFO dated 1/23/76.

Enclosed for the Bureau are the following serials from WFO file 87-17564 entitled UNSUB: Burglary of Residence of JOSEPH KRAFT, 3021 N St., N.W., Washington, D.C., Loss of Silverware, 9/3/69, in Excess of $5,000, ITSP, 00: WFO: WFO memorandum of SA ANGELO J. LANO dated 9/22/69, Baltimore letter to WFO dated 10/21/69, Alexandria letter to WFO dated 10/22/69 and WFO memorandum of SA ANGELO J. LANO dated 12/5/69.

The above enclosures constitute all serials requested by the Bureau in referenced airtel to WFO dated 1/23/76 regarding the burglary of the residence of JOSEPH KRAFT, 3021 N Street, N.W., Washington, D.C. on 9/3/69.

On 1/28/76 the papers published for 9/1/69 through 9/7/69 inclusive by the Washington Post and the Evening Star, both local dailies of general circulation in the Washington, D.C. area, were searched for an article regarding the KRAFT burglary. The search was conducted at the Library of Congress periodical microfilm section with negative results.

2-Bureau (Enc. 4)

WFO

[Signature]

[Stamp: Served]
NR265 WA PLAIN
8:35PM URGENT 2/13/76 EMS
TO NEW YORK
WASHINGTON FIELD
FROM DIRECTOR
0
HOUSE COMMITTEE ON GOVERNMENT OPERATIONS

RE BUTELEPHONE CALLS TO NEW YORK OFFICE AND WASHINGTON FIELD OFFICE THIS DATE.

THE BUREAU WAS SERVED WITH THREE SUBPOENAS AND THREE SUBPOENAS DICES TECUN, FACSIMILES OF WHICH ARE BEING SENT TO YOU TODAY. THEY REQUIRE SAS DAVID G. JENKINS (NY), WALTER C. ZINK (NY), AND JOHN P. LOOMIS (WFO) TO TESTIFY BEFORE THE HOUSE SUBCOMMITTEE ON GOVERNMENT INFORMATION AND INDIVIDUAL RIGHTS AT 9:30 A.M., FEBRUARY 25, 1976, AND TO PRODUCE CERTAIN DOCUMENTS TO THE SUBCOMMITTEE ON OR BEFORE FEBRUARY 18, 1976.

THIS MATTER IS BEING COORDINATED WITH THE DEPARTMENT OF JUSTICE.

IF THESE AGENTS DESIRE TO HAVE THE DEPARTMENT OBTAIN COUNSEL TO REPRESENT THEM, THEY SHOULD SO ADVISE THE BUREAU, LEGAL COUNSEL DIVISION.

SAS JENKINS, ZINK, AND LOOMIS SHOULD REPORT TO PCON 3659, JEH BUILDING, 9TH AND PENNSYLVANIA AVE, WASHINGTON, D.C.

FEB 10 8 47 76
62-10744-26
PAGE TWO


BRING THIS COMMUNICATION AND THE FACSIMILE COPIES OF THE
SUBPOENAS TO THE PERSONAL ATTENTION OF SAS JENKINS, ZINK,
AND LOOMIS.

EN
6:35 PM URGENT 2/10/76 EMS
TO NEW YORK
WASHINGTON FIELD
FROM DIRECTOR

HOUSE COMMITTEE ON GOVERNMENT OPERATIONS

RE: TELEPHONE CALLS TO NEW YORK OFFICE AND WASHINGTON FIELD OFFICE THIS DATE.

THE BUREAU WAS SERVED WITH THREE SUBPOENAS AND THREE SUBPOENAS DUCE TECUM, FACSIMILES OF WHICH ARE BEING SENT TO YOU TODAY. THEY REQUIRE SAS DAVID C. JENKINS (NY), WALTER D. ZINK (NY), AND JOHN P. LOOMIS (WFO) TO TESTIFY BEFORE THE HOUSE SUBCOMMITTEE ON GOVERNMENT INFORMATION AND INDIVIDUAL RIGHTS AT 9:30 A.M., FEBRUARY 25, 1976, AND TO PRODUCE CERTAIN DOCUMENTS TO THE SUBCOMMITTEE ON OR BEFORE FEBRUARY 18, 1976.

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SAS JENKINS, ZINK, AND LOOMIS SHOULD REPORT TO ROOM 3659, JEH BUILDING, 9TH AND PENNSYLVANIA AVE, WASHINGTON, D.C. ON...
PAGE TWO


BRING THIS COMMUNICATION AND THE FACSIMILE COPIES OF THE
SUBPOENAS TO THE PERSONAL ATTENTION OF SAS JENKINS, ZINK,
AND LOOMIS.

EM
BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

To: Robert S. Fink

You are hereby commanded to summon John P. "Bucky" Lomax, Washington Field Office, Federal Bureau of Investigation, Washington, D.C. 20530

Government Information and Individual Rights to be and appear before the Subcommittee of the Government Operations Committee of the House of Representatives of the United States, of which the Hon. Bella S. Abzug, ex officio chairman,

in their chamber in the city of Washington, on February 25, 1976, and any adjourned date or dates at the hour of 9:30 a.m.,

then and there to testify touching matters of inquiry committed to said Committee, and he is not to depart without leave of said Committee.

Herein fail not, and make return of this summons.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 4th day of February, 1976

[Signature]

JACK BROOKS, Chairman
Committee on Government Operations

Attest:

[Signature]
Subpoena for John P. "Bucky" Lonesa
Washington Field Office
Federal Bureau of Investigation
Washington, D.C. 20530

before the Committee on the Government Operations, Government Information, and Individual Rights Subcommittee

Served


House of Representatives
Any and all records* in his possession, under his dominion or control, or within his means to produce, concerning or relating to the interception by, examination by, requests by or from, or delivery to or for any employee or agent of any department, agency, bureau, or other entity of the United States, since January 1, 1947, of--

(1) information as to the existence, contents, substance, purport, effect, meaning, sender, or recipient of any interstate or foreign communication by wire, cable, radio, carrier frequency, or other means; and

(2) information as to users or customers of communications common carriers, including but not limited to, information as to the identity of such users or customers and the communications line distribution channel numbers of such users or customers.

*The term "records" as used herein includes, but is not limited to, writings, documents, contracts, agreements, memoranda, reports, correspondence, lists, tables, receipts, minutes, and electronic records and recordings.
To: ADIC, NEW YORK
From: SAC, WASHINGTON
Date: 2-10-76
Subject: HOUSE COMMITTEE ON GOVERNMENT OPERATIONS

Attached subpoenas being sent in conjunction with teletype captioned, "HOUSE COMMITTEE ON GOVERNMENT OPERATIONS." dated 2-10-76.

Approved:

Special handling instructions:

Fingerprint Photo  Fingerprint Record  Tape  Wires  Machine readable  Photograph

Antiseptic Concealment

Other: ________________________________
BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

To Robert S. Fink

You are hereby commanded to summon David G. Jenkins, Federal Bureau of Investigation, 201 East 69th Street, New York, N.Y. 10021

Government Information and Individual Rights to be and appear before the Subcommittee of the Government Operations Committee of the House of Representatives of the United States, of which the Hon. Bella S. Abzug is Chairman.

in their chamber in the city of Washington, on February 25, 1976, and any adjourned date or dates, at the hour of 9:30 a.m., then and there to testify touching matters of inquiry committed to said Committee; and he is not to depart without leave of said Committee.

Herein fail not, and make return of this summons.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 4th day of February, 1976

[Signature]
Jack Brooks, Chairman, Committee on Government Operations

Acted:

[Signature]
Subpoena for 

David E. Jenkins

Federal Bureau of Investigation

201 East 59th Street

New York, N.Y. 10021

before the Committee on the Government Operations, Government Information, and Individual Rights Subcommittee

Served

--------------------------------------------------------------------------------------------------------

House of Representatives

B.L. Envelope

May 9, 1974
SCHEDULE

Any and all records* in his possession, under his dominion or control, or within his means to produce, concerning or relating to
the interception by, examination by, requests by or from, or delivery
to or for any employee or agent of any department, agency, bureau, or
other entity of the United States, since January 1, 1947, of--

(1) Information as to the existence, contents, substance, purpose,
effect, meaning, sender, or recipient of any interstate or foreign
communication by wire, cable, radio, carrier frequency, or other means;
and

(2) Information as to users or customers of communications common
carriers, including but not limited to, information as to the identity
of such users or customers and the communications line distribution
channel numbers of such users or customers.

*The term "records" as used herein includes, but is not limited to,
 writings, documents, contracts, agreements, memoranda, reports,
correspondence, lists, tables, receipts, minutes, and electronic
records and recordings.
BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE
UNITED STATES OF AMERICA

To Robert S. Fink

You are hereby commanded to summon Walter C. Zink, Federal Bureau of
Investigation, 201 East 69th Street, New York, N.Y. 10021

Government Information and Individual Rights
to be and appear before the Subcommittee of the Government Operations
Committee of the House of Representatives of the United States, of which the Hon.
Bella S. Abzug

in their chamber in the city of Washington, on February 25, 1976, and any adjourned
date or dates, at the hour of 9:30 a.m.

then and there to testify respecting matters of inquiry committed to said Committee; and he is
not to depart without leave of said Committee.

Herein fail not, and make return of this summons.

Witness my hand and the seal of the House of Representatives of
the United States, at the city of Washington, this

4th day of February 1976

Jack Brooks
Chairman
Committee on Government Operations

Attest:

[Signature]
ORIGINAL

Subpoena for Walter F. Zink
Federal Bureau of Investigation
201 East 59th Street
New York, N.Y. 10021

before the Committee on the Government Operations, Government Information and Individual Rights Subcommittee

Served

House of Representatives
Government Operations, Government Information and Individual Rights Subcommittee
Washington, D.C. 20515
BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA

To Robert S. Fink:

You are hereby commanded to appear before the Subcommittee of the Government Operations Committee of the House of Representatives of the United States, of which the Hon. Bella S. Abzug is Chairman, and to bring with you the items specified in the schedule attached hereto and make a part hereof: in Room 3393-C, Eastern House Office Building.

Subpoena to be served in the city of Washington, on or before February 18, 1976, at the hour of 10:00 A.M., to produce and deliver such items to said subcommittee, or such other persons as may be designated by its chairman.

Failure to obey this subpoena will subject the person to fines and imprisonment.

Witness my hand and the seal of the House of Representatives of the United States, in the city of Washington, this 8th day of February 1976.

[Signature]

Chairman
Committee on Government Operations
DIRECTOR, FBI
ATTN: LEGAL COUNSEL DIVISION
2/17/76

SAC, WFO (52-10744)

HOUSE COMMITTEE ON
GOVERNMENT OPERATIONS

Re Bureau teletype, 2/10/76.

Special Agent (SA) JOHN PAUL LOOMIS desires Department obtain counsel to represent him during testimony before House Subcommittee on Government Information and Individual Rights, 2/25/76.
MR. PAUL CLARK

1:41 PM, M&T 9/26/76 A.M.

TO WASHINGTON FIELD
FROM DIRECTOR
RE: STUDY 76

ON FEBRUARY 23, 1976, A SOURCE OF THE OAKLAND RESIDENT AGENCY REPORTED THAT ROBERT LET LEWIS, INVESTIGATOR FOR THE CHURCH COMMITTEE, HAD BEEN TRYING TO GET SOMEONE TO TESTIFY BEFORE THE COMMITTEE ON THE MISHANDLING OF THE HEARST CASE. HE WAS SUPPOSED TO HAVE BEEN IN CONTACT WITH ED MONTGOMERY, A RETIRED EXAMINED REPORTER, AND POSSIBLY THE HEARST.

SAC BATES HAS BEEN PERSONALLY ACQUAINTED WITH MONTGOMERY FOR MANY YEARS. HE CALLED MONTGOMERY AND ASKED HIM CONCERNING THE ABOVE. MONTGOMERY SAID THAT HE HAD RECEIVED A TELEPHONE CALL FROM A THIRD PARTY ASKING HIM TO CALL LEWIS IN WASHINGTON AS HE WANTED ADVERSE TESTIMONY ABOUT THE FBI. MONTGOMERY CALLED AND WHEN UNABLE TO SPEAK WITH LEWIS AND AFTER BEING ADVISED OF WHAT LEWIS WANTED, HE HUNG UP. ON SUNDAY, FEBRUARY 22, 1976, LEWIS CALLED MONTGOMERY. HE TOLD MONTGOMERY HE WANTED SOMEONE TO TESTIFY AS TO HOW THE FBI HAD MESSSED UP THINGS ON THE WEST COAST. MONTGOMERY IS NOT SURE IF HE SPECIFICALLY MENTIONED THE HEARST CASE. MONTGOMERY TOLD LEWIS HE HAD NOTHING IN THIS
PAGE TWO


MONTGOMERY MADE THE COMMENT THAT HE THOUGHT THIS WAS A TERRIBLE WAY TO ATTEMPT TO GET FACTS. SAC BATES SUGGESTED TO HIM IF HE FELT SO STRONGLY ABOUT IT, HE SHOULD CONSIDER WRITING AN ARTICLE FOR THE EXAMINEE AS TO THE APPROACH MADE TO HIM BY THE COMMITTEE. MONTGOMERY RETIRED SEVERAL MONTHS AGO, BUT IS STILL CLOSE TO THE EXAMINEE.

ABOUT BEING SUBMITTED FOR BURFAN'S INFORMATION.

END

MLS FBI MR CLAY TKS
DE WFO GA PLS

MR014 WA PLAIN

2:32PM 12-24-75 MAH

TO WASHINGTON FIELD

FROM DIRECTOR (62-116464)

HOUSTUDY 75.

THE HOUSE SELECT COMMITTEE (HSC) HAS INDICATED DESIRE TO

INTERVIEW FOR ASSISTANT DIRECTOR FRANK WAIKART CONCERNING

KNOWLEDGE HE MAY POSSESS PERTAINING TO THE BUREAU'S PURCHASING

PRACTICE WITH U.S. RECORDING COMPANY. PERSONNEL FILE OF

WAIKART LISTS HIS LAST KNOWN HOME ADDRESS AS OF 1972 TO BE

3715 WELTHAM STREET, SOUTHEAST, WASHINGTON, D.C. 20023.

WASHINGTON FIELD IS REQUESTED TO CONTACT WAIKART AND ADVISE

HIM OF ABOVE-STATED HSC INTENTION. HE SHOULD BE INSTRUCTED THAT WHEN

AND IF CONTACTED BY THE HSC HE SHOULD, BEFORE SUBMITTING TO

INTERVIEW, TELEPHONICALLY CONTACT THE LEGAL COUNSEL DIVISION AT

BUREAU HEADQUARTERS TO SECURE RELEASE FROM HIS EMPLOYMENT

AGREEMENT AND TO ASCERTAIN PARAMETERS WITHIN WHICH INTERVIEW MAY

BE CONDUCTED. ADVISE HEADQUARTERS ONLY IF DIFFICULTY SHOULD

BE ENCOUNTERED IN ESTABLISHING CONTACT WITH WAIKART.

END

MD FBI WE CLR
RE: DIRECTORS APPEARANCE BEFORE SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES, DECEMBER 10, 1975

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

☐ Enclosed are correct pages from report of SA dated

Remarks:

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

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

Report of Proceedings

Hearing held before
Select Committee to Study Governmental Operations
With Respect to Intelligence Activities

INTELLIGENCE INVESTIGATION

Wednesday, December 10, 1975
Washington, D.C.

WARD & PAUL
410 FIRST STREET, S. E.
WASHINGTON, D. C. 20003
(202) 544-6000
CONTENT

STATEMENT OF:

The Honorable Clarence M. Kelley,
Director, Federal Bureau of Investigation

PAGE

2451
INTELLIGENCE INVESTIGATION

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Wednesday, December 10, 1975

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United States Senate,
Select Committee to Study Governmental
Operations with Respect to
Intelligence Activities,
Washington, D. C.

The Committee met, pursuant to notice, at 10:10
o'clock a.m., in Room 318, Russell Senate Office Building,
the honorable Frank Church (Chairman of the Committee)
presiding.

Present: Senators Church (presiding), Hart of Michigan,
Mondale, Huddleston, Hart of Colorado, Baker, Goldwater and
Mathias.

Also present: William G. Miller, Staff Director; Frederick
A. O. Schwarz, Jr., Chief Counsel; Curtis R. Smothers, Minority
Counsel; Paul Michel, Joseph diGenova, Barbara Banoff, Frederick
Baron, Mark Gitenstein, Loch Johnson, David Bushong, Charles
Lombard, John Bayly, Charles Kirbow, Michael Madigan, Bob
Kelley, John Elliff, Elliot Maxwell, Andy Postal, Pat Shea,
Michael Epstein and Burt Wides, Professional Staff Members.

---

The Chairman. The Committee's witness this morning is
the Honorable Clarence M. Kelley, the Director of the Federal
Bureau of Investigation.

Mr. Kelley was appointed Director in July of 1973 in a
troubled time for the FBI. His experience as an innovative
law enforcement administrator in charge of the Kansas City
Police Department for over ten years, and his previous work as
a Special Agent of the FBI have made him uniquely qualified
to lead the Bureau.

The Select Committee is grateful for the cooperation
extended by Director Kelley in the course of its inquiry over
the past months. The Committee is also impressed by the
openness of the FBI's witnesses before this Committee, and
their willingness to consider the need for legislation to
clarify the Bureau's intelligence responsibility.

It is important to remember from the outset that this
Committee is examining only a small portion of the FBI's
activities. Our hearings have concentrated on FBI domestic
intelligence operations. We have consistently expressed our
admiration and support for the Bureau's criminal investigative
and law enforcement work, and we recognize the vital importance
of counterespionage in the modern world. But domestic
intelligence has raised many difficult questions.

The Committee has also concentrated on the past rather
than on present FBI activities. The abuses brought to light
in our hearings occurred years and even decades before Director
Kelley took charge.

The Staff has advised the Committee that under Director Kelley the FBI has taken significant steps to rethink previous policies and to establish new safeguards against abuse. The FBI is now placing greater emphasis on foreign related intelligence operations, and less on purely domestic surveillance. The FBI is working more closely with the Justice Department in developing policies and standards for intelligence. These are welcome developments.

Nevertheless, many important issues remain unresolved. Therefore, we have invited Director Kelley to share with the Committee his views on some of the considerations the Congress should take into account in thinking about the future of FBI intelligence. Among these issues are whether FBI surveillance should extend beyond the investigation of persons likely to commit specific crimes; whether there should be outside supervision or approval before the FBI conducts certain types of investigations or uses certain surveillance techniques; whether foreign related intelligence activities should be strictly separated from the FBI's domestic law enforcement functions, and what should be done to the information already in the FBI files and that which may go into those files in the future.

The Committee looks forward to a constructive exchange of views with Director Kelley this morning, with Attorney
General Levi tomorrow, and with both the FBI and the Justice Department in the next months as the Committee considers recommendations that will strengthen the American people's confidence in the Federal Bureau of Investigation. That confidence is vital for the effective enforcement of Federal law and for the security of the nation against foreign espionage.

Director Kelley, we are pleased to welcome you, and if you would have a prepared statement you would like to lead off with, please proceed.
STATEMENT OF THE HONORABLE CLARENCE M. KELLEY,

DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

Mr. Kelley. Thank you very much, Senator Church and gentlemen.

I welcome the interest which this Committee has shown in the FBI and most particularly in our operations in the intelligence and internal security fields.

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

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

This Committee has completed the most exhaustive study of our intelligence and security operations that has ever been undertaken by anyone outside the FBI other than the present Attorney General. At the outset, we pledged our fullest cooperation and promised to be as candid and forthright as possible in responding to your questions and complying with your requests.
I believe we have lived up to those promises.

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

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

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

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

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

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

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

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

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

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

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

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

Bomb explosions rocked public and private offices and buildings; rioters led by revolutionary extremists laid seige to military, industrial, and educational facilities; and, killings, maimings, and other atrocities accompanied such acts of violence from New England to California.
The victims of these acts were human beings, men, women, and children. As is the case in time of peril, whether real or perceived, they looked to their Government, their elected and appointed leadership, and to the FBI and other law enforcement agencies to protect their lives, their property, and their rights.

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

FBI employees recognized the danger; felt they had a responsibility to respond; and in good faith initiated actions designed to counter conspiratorial efforts of self-proclaimed revolutionary groups, and to neutralize violent activities.

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

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

We must recognize that situations have occurred in the past and will arise in the future where the Government may well be expected to depart from its traditional role, in the FBI's case, as an investigative and intelligence-gathering agency, and take affirmative steps which are needed to meet an imminent threat to human life or property.
In short, if we learn a murder or bombing is to be carried out now, can we truly meet our responsibilities by investigating only after the crime has occurred, or should we have the ability to prevent? I refer to those instances where there is a strong sense of urgency because of an imminent threat to human life.

Where there exists the potential to penetrate and disrupt, the Congress must consider the question of whether or not such preventive action should be available to the FBI.

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

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

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

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

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

Participatory management has become a fact in the FBI.

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

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

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

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

Within days after taking office, Attorney General Levi instructed that I immediately report to him any requests or practices which, in my judgment, were improper or which, considering the context of the request, I believed presented
the appearances of impropriety.

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

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

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

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

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

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

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

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

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

An initial step was taken in the Senate in 1973 when the Committee on the Judiciary established a Subcommittee on FBI Oversight. Hearings had been commenced, and we were fully committed to maximum participation with the members of that Subcommittee.

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

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

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

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

I would caution against a too-ready reliance upon the courts to do our tough thinking for us. Some proposals that have been advanced during these hearings would extend the role of the courts into the early stages of the investigative process and, thereby, would take over what historically have been Executive Branch decisions.

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

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

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

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

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

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

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

As a practical matter, the line between intelligence
work and regular criminal investigations is often difficult
to describe. What begins as an intelligence investigation may
well end in arrest and prosecution of the subject. But there
are some fundamental differences between these investigations
that should be recognized, differences in scope, in objective
and in the time of initiation. In the usual criminal case, a
crime has occurred and it remains only for the Government to
identify the perpetrator and to collect sufficient evidence
for prosecution. Since the investigation normally follows
the elements of the crime, the scope of the inquiry is
limited and fairly well defined.

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

Certainly, reasonable people can differ on these issues. Given the opportunity, I am confident that the continuing need for intelligence work can be documented to the full satisfaction of the Congress. We recognize that what is at stake here is not the interests of the FBI, but rather the interests of every citizen of this country. We recognize also that the resolution of these matters will demand extensive and thoughtful deliberation by the Congress. To this end, I pledge the complete cooperation of the Bureau with this Committee or its successors in this important task.

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

That is the substance of my prepared statement.

I would also like to say extemporaneously that I note that on this panel are some gentlemen who were on the Judiciary Committee which heard my testimony at the time I was presented to them for candidacy as Director of the FBI. At that time I took very seriously the charge which may possibly result in the deliberation of this Committee and of the full Senate. I have been well aware of the problems of the FBI since that time. I have also been well aware of the capabilities of the FBI to discharge those responsibilities. I don't take
them lightly. I am of sufficient experience and age that I have pledged myself to do what is good and proper. I say this not as a self-serving statement but in order that we might place in context my position within the FBI. I could seek sanctuary and perhaps a safe sanctuary by saying during the period these things occurred I was with the local police department in Kansas City, Missouri. Prior to that time, however, I was in the FBI.

During the time I was with the FBI, during the time I was with the police department, I continued throughout that period a close acquaintance with and a strong affection for the FBI.

I only want to point out that based on those years, based on those observations, we have here a very fine and very sensitive and a very capable organization. I feel that there is much that can still be done. I know that we are not without fault. I know that from those experiences I have had. We will not be completely without fault in the future. But I assure you that we look upon this inquiry, we look upon any mandate which you may feel you have, that you should look at this is good and proper, and we do not intend -- I only want to place in your thinking the fact that you have here a matchless organization, one which I continue to say was not motivated in some of these instances, and in most of them, and I cannot justify some, that the motivation was of the
best. I am not pleading, as does a defense attorney. I am only putting in your thinking my objective observations as a citizen who is somewhat concerned about the future of this organization. It is too precious for us to have it in a condition of jeopardy.

Thank you very much.

The Chairman. Thank you, Director Kelley.

I want to turn first to Senator Hart who won't be able to remain through the whole morning. I think he has one question he would like to ask.
Senator Hart of Michigan. Thank you, Mr. Chairman.

Senator Mathias and I have Judiciary Committee hearings at 10:30.

I have several questions, and I'm sure they'll be covered by others, but the ones that I have is a result of reading your testimony and listening to it this morning, and it relates to your comment at the foot of page 10 and at the top of 11.

There you are indicating that you caution us about extending the court's role in the early stages of investigations suggesting that this might take us beyond the role contemplated for the courts under the Constitution.

Now as you have said, aside from the so-called national security wiretap problem, the main focus of our discussions and concern has been on the possibility requiring court approval for the use of informants, informants directed to penetrate and report on some group.

And one of the witnesses yesterday, Professor Dorsen, pointed our that really those informants are the most pervasive type of an eavesdropping device. It is a human device. It's really, an informant is really more intrusive on my privacy than a bug or a tap because he can follow me anywhere. He can ask me questions to get information the government would like to have.

Now we certainly involve the courts in approval of the wiretaps for physical searches with the intent of the drafters
of the Constitution to have a neutral third party magistrate screen use of certain investigative techniques. And the informant is such a technique. He functions sort of like a general warrant, and I don't see why requiring court approval would violate the role envisaged for the courts.

And as I leave, I would like to get your reactions to my feelings.

Mr. Kelley. I do not feel that there is any use of the informant in intrusion, which is to this extent objectionable. It has of course been approved, the concept of the informant, by numerous court decisions.

Let us go down not to the moral connotation of the use of the informant.

I think, as in many cases, that is a matter of balance. You have only very few ways of solving crimes. You have basically in the use of the informant, I think, the protection of the right of the victim to be victimized. You have within the Constitution certain grants that are under ordinary circumstances abrogation of rights. The right of search and seizure, which, of course, can't be unreasonable, but none-theless, you have the right.

I think that were we to lose the right of the informant, we would lose to a great measure our capability of doing our job.

Now I'm not arguing with you, Senator, that it is not an
unusual procedure. I'm not even going to say that it is not an intrusion, because it is. But it has to be one. I think that is by virtue of the benefits must be counted.

We don't like to use it. We don't like the problems that are attendant. We take great care.

Now you say about the court having possibility taking jurisdiction over them and guiding. I think that possibly we could present the matter to the court but what are they going to do insofar as monitoring their effort? Are they going to have to follow it all the way through?

Also, there is, of course, urgency in the other contacts. Must the court be contacted for each and approval of the court given for each contact?

There are a great many problems insofar as administration of it.

I frankly feel, and again, all I can do is give you my idea -- I frankly feel that there is a satisfactory control over the informants as we now exercise it today. Yes, there are going to be some who will get beyond our control, but this is going to happen no matter what you do.

Senator Hart of Michigan. Well, I appreciate your reaction.

I was not suggesting that there is consideration here to prohibit informants. I was reflecting a view that I felt and hold that the use of an informant does require some balance, as
you yourself said, and I would be more comfortable with a third party making a judgment as to whether the intrusion is warranted by the particular circumstance. But I do understand your position.

Thank you, Mr. Chairman.

The Chairman. Thank you, Senator Hart.

(Senator Hart leaves the hearing room.)

The Chairman. Senator Baker, do you have questions?

Senator Baker. Mr. Chairman, thank you very much.

Mr. Kelley, I have a great respect for you and your organization and I personally regret that the organization is in political distress, but we've both got to recognize that it is, along with other agencies and departments of the government.

I think you probably would agree with me that even though that is extraordinarily unpleasant and in many respects unfortunate, that it also has a plus side. That is, it gives us an indication of our future direction and the opportunity, at least, to improve the level of competency and service of the government itself.

With that hopeful note, would you be agreeable then to volunteering for me any suggestions you have on how to improve the responsiveness of the Federal Bureau of Investigation, or indeed, for any other law enforcement agencies of the government, to the Congress, to the Attorney General, to the President, and
beyond that, would you give me any suggestions you have on
how you would provide the methods, the access, the documents,
the records, the authority, for the Congress to perform its
essential, I believe, essential oversight responsibility to
see that these functions, these delicate functions are being
undertaken properly?

And before you answer, let me tell you two or three things
I am concerned about.

It hasn't been long ago that the FBI Director was not
even confirmed by the Senate of the United States. I believe
you are the first one to be confirmed by the Senate of the
United States. I think that is a movement in the right
direction. I think the FBI has taken on a stature that, an
additional importance that requires it to have closer supervision
and scrutiny by us.

At the same time I rather doubt that we can become
involved in the daily relationship between you and the Attorney
General.

Therefore, I tend to believe that the Attorney General
needs to be more directly involved in the operations of the
FBI.

I would appreciate any comments on that.

Second, I rather believe that major decisions of the
intelligence community and the FBI ought to be in writing, so
that the Congress can, if it needs to in the future, take a
look at these decisions and the process by which they were
made to decide that you are or you are not performing your
services diligently.

I don't think you can have oversight unless you have
access to records, and in many cases records don't exist
and in some cases the people who made those decisions are now
departed and in other cases you have conflicts.

How would you suggest then that you improve the quality
of service of your agency? How would you propose that you
increase the opportunity for oversight of the Congress of the
United States? What other suggestions do you have for improving
the level of law enforcement in the essential activity that
is required?

Mr. Kelley. I would possibly be repetitious in answering
this Senator, but I get a great deal of pleasure from telling
what I think is necessary and what I hope that I have followed,
one which is beyond my control, but which I think is very
important is that the position of Director, the one to which
great attention should be paid in choosing the man who will
properly acquit himself.

I feel that the Judiciary Committee, at least in going
over me, did a pretty good job. I feel that it is most
necessary that care be taken that his philosophy, his means
of management, his facility to adapt to change, his tendency
toward consulting with other members of the official family,
that he be willing to, for example, go through oversight with
no reticence, and that I think that he should be chosen very
carefully.

I think further that he should be responsible for those
matters which indicate impropriety or illegality.

Senator Baker. Could you stop for just a second? Who
does he work for? Does the Director, in your view, work for
the President of the United States, for the Attorney General,
for the Justice Department, for the Executive Branch?

Who does the executive of the FBI, the Director of the
FBI, be responsible to, who should he be responsible to?

Mr. Kelley. Jurisdictionally, to the Attorney General,
but I think this is such an important field of influence that
it is not at all unlikely that we can expand it to the
judiciary, the legislative, and of course, we are under the
Attorney General.

Senator Baker. Do you have any problems with the idea
of the President of the United States calling the Director of
the FBI and asking for performance of a particular task?

Does that give you any difficulty? Or do you think that
the relationship between the FBI Director and the President
is such that that is desirable, or should it be conducted
through the Attorney General?

Mr. Kelley. I think it should be in the great majority
of the cases conducted through the Attorney General. There
has been traditionally some acceptance of the fact that if
the President wants to see and talk with the Director, he
may do so, call him directly.

It has been my practice in such an event to thereafter
report to the Attorney General, whoever it might be, that I
have been called over and I discussed and was told. And this
was revealed in full to them.

Senator Baker. I suppose we could pass a statute that
says the President has to go through the Attorney General,
although I rather suspect it would be a little presumptuous.

But to go the next step, do you think it is necessary
for the pursuit of effective oversight on the part of the
Congress, to have some sort of document written, or at least
some sort of account of a Presidential order or an order of
the Attorney General given to a Director of the FBI?

Do you think that these things need to be handled in
a more formal way?

Mr. Kelley. Personally, it would be my practice in
the event I receive such an order, to request that it be
documented. This is a protection as well as a clarification
as to whether or not it should be placed as part of legislation.
I frankly would like to reserve that for some more considera-
tion.

I don't know whether it would be, but I think that it
can be worked very easily.
Senator Baker. Mr. Kelley, Attorney General Levi, I believe, has already established some sort of agency or function within the Department that is serving as the equivalent, I suppose, of an Inspector General of the Justice Department, including the FBI.

Are you familiar with the steps that Mr. Levi has taken in that respect? I think he calls it the Office of Professional Responsibility.

Mr. Kelley. Yes, sir, I'm familiar with it.

Senator Baker. Do you have any comment on that? Will you give us any observations as to whether you think that will be useful, helpful, or whether it will not be useful or helpful, how it affects the FBI, how you visualize your relationship to it in the future?

Mr. Kelley. I don't object to this, which is to some extent an oversight within the Department of Justice under the Attorney General.

Frankly, it just came out. I have not considered it completely, but to the general concept, yes, I very definitely subscribe.

Senator Baker. How would you feel about extending that concept of government-wide operation, a national Inspector General who is involved with an oversight of all of the agencies of government as they interface with the Constitutionally protected rights of the individual citizen? Would you care
to comment on that, or would you rather save that for a while?

Mr. Kelley. I would like to reserve that one.

Senator Baker. I'm not surprised. Would you think about
it and let us know what you think about it?

Mr. Kelley. I will.

Senator Baker. All right. Mr. Chairman, thank you very
much.

The Chairman. Senator Huddleston.

Senator Huddleston. Thank you, Mr. Chairman.

Mr. Kelley, you describe on page 4 the conditions that
existed when much of the abuse that we have talked about during
this inquiry occurred, indicating that the people within the
Bureau felt like they were doing what was expected of them
by the President, by the Attorney General, the Congress and
the people of the United States.

Does not this suggest that there has been a reaction
there to prevailing attitudes that might have existed in the
country because of certain circumstances rather than any
clear and specific direct instructions that might have been
received from proper authorities? And if that is the case,
is it possible in developing this charter, this guideline,
to provide for that kind of specific instruction?

Mr. Kelley. I think so, yes. I think that they can
logically be incorporated and that --

Senator Huddleston. You can see there would be a continuing
danger if any agency is left to simply react to whatever the
attitudes may be at a specific time in this country because --

Mr. Kelley. Senator; I don't contemplate it might be
a continuing danger, but it certainly would be a very acceptable
guidepost whereby we can, in the event such a need seems
to arise, know what we can do.

Senator Huddleston. Well, in pursuing the area which
Senator Hart was discussing, that is whether or not we can
provide sufficient guidelines would replace a decision by the
court in determining what action might be proper and specific-
ally in protecting individual's rights, can't we also
provide the restrictions and guidelines and the various
techniques that might be used?

For instance, supposing we do establish the fact, as
has already been done, that informants are necessary and
desirable. How do we keep that informant operating within the
proper limits so that he in fact is not violating individual
rights?

Mr. Kelley. Well, of course, much of the reliance must
be placed on the agent and the supervision of the FBI to assure
that there is no infringement of rights.

Senator Huddleston. But this is an aware we've gotten
into some difficulty in the past. We have assumed that the
particular action was necessary, that there was a present
threat that some intelligence programs should be initiated, but
in many cases it has gone beyond what would appear to have been necessary to have addressed the original threat.

How do we keep within the proper balance there?

Mr. Kelley. Well, actually, it's just about like any other offense. It is an invasion of the other individual's right and it is by an officer and an FBI agent is an officer. There's the possibility of criminal prosecution against him.

This is one which I think might flow if he counsels the informant.

Now insofar as his inability to control the informant, I don't suppose that would warrant prosecution, but there is still supervisory control over that agent and over that informant by insisting that control is exercised on a continuing basis.

Senator Huddleston. It brings up an interesting point as to whether or not a law enforcement agency ought to be very alert to any law violations of its own members or anyone else.

If a White House official asks the FBI or someone to do something unlawful, the question seems to me to occur as to whether or not that is not a violation that should be reported by the FBI.

Mr. Kelley. I think that any violation which comes to our attention should either be handled by us or the proper authority.
Senator Huddleston. But that hasn't been the case in the past.

Mr. Kelley. Well, I don't know what you're referring to but I would think your statement is proper.

Senator Huddleston. Well, we certainly have evidence of unlawful activity taking place in various projects that have been undertaken, which certainly were not brought to light willingly by the FBI or by other law enforcement agencies.

The question that I'm really concerned about is, as we attempt to draw a guideline and charters that would give the Agency the best flexibility that they may need, a wide range of threats, how do we control what happens within each of those actions to keep them from going beyond what was intended to begin with?
Mr. Kelley. You're still speaking of informants.

Senator Huddleston. Not only informants but the agents themselves as they go into surveillance, wiretaps, or whatever intelligence gathering techniques.

The original thrust of my question was, even though we may be able to provide guidelines of a broad nature, how do we control the techniques that might be used, that in themselves might be used, that in themselves might be a serious violation of the rights.

Mr. Kelley. Well, first, I don't know whether it's germane to your question but I do feel that it should be pointed out that the association to, the relationship between the informant and his agent handler is a very confidential one, and I doubt very seriously whether we could have any guidelines, where there might be an extension of any monitors here because thereby you do have a destruction of that relationship.

Insofar as the activities of agents, informants or others which may be illegal, we have on many occasions learned of violations of the law on the part of informants, and either prosecuted ourselves, through the reporting of it to the United States Attorney, or turned it over to the local authority.

We have done this on many a time, many occasions. Insofar as our own personnel, we have an internal organization, the Inspection Division, which reviews this type of activity, and if there be any violation, yes, no question about it, we would
pursue it to the point of prosecution.

Senator Huddleston. But it could be helped by periodic review.

Mr. Kelley. We do, on an annual basis, review the activities of our 59 offices through that same Inspection Division, and they have a clear charge to go over this as well as other matters.

Senator Huddleston. Mr. Kelley, you pointed out the difference in the approaches when gathering intelligence, in gathering evidence after a crime has been committed.

Would there be any advantage, or would it be feasible to attempt to separate these functions within the Agency, in the departments, for instance, with not having a mixing of gathering intelligence and gathering evidence? Are the techniques definable and different?

Mr. Kelley. Senator, I think they are compatible. I see no objection to the way that they are now being handled on a management basis. I think, as a matter of fact, it is a very fine association whereby the intelligence, stemming as it does from a substantive violation, is a natural complement.

Senator Huddleston. Now, another area, the FBI furnishes information to numerous government agencies.

Is this properly restricted and controlled at the present time in your judgment as to just who can ask the FBI for information, what kind of information they can ask for, and
who might also be inclined to call the Director and ask him
to do specific things?

Could there be some clearcut understanding as to whether
or not the Director would be obligated to undertake any such
project, that just anybody at the White House might suggest?

Mr. Kelley. It's very clear to me that any request must
come from Mr. Buchen's office, and that it be, in any case,
wherein it is a request for action, that it be followed with
a letter so requesting.

This has come up before during the Watergate hearings, as
I think it has been placed very vividly in our minds, in
take care that you just don't follow the request of some
underling who does not truly reflect the desire of the President.

Senator Huddleston. Just one more question about
techniques, aside from the guidelines of authority on broad
projects undertaken.

Would it be feasible from time to time in a Congressional
oversight committee, would be able to discuss with the Department,
with the Bureau various techniques so that they could have
some input as to whether or not these actions are consistent
with the overall guidelines, to start with, and consistent
with the very protections?

Mr. Kelley. Senator, I have already said to the
oversight committee of the Senate that so far as I can now
see, the only thing that would be withheld is the identity of
probably even more importantly, what restrictions can be put on the use of that information once it has been supplied by the FBI?

Mr. Kelley. I think so, Senator.

Senator Huddleston. You think there are proper restrictions now?

Mr. Kelley. I don't know that we can ourselves judge in all cases whether or not there is good and sufficient reason for an Agency to inquire. I think that there should be a very close delineation by the agencies as to what they're going to ask for, but I think that we do have sufficient rules that at least to us we are satisfied.

Senator Huddleston. You're confident that the information your agency supplies is not being misused, to the detriment of the rights of any individuals.

Mr. Kelley. Senator, I'm only confident in what I do myself. I would say that I am satisfied.

Senator Huddleston. I was wondering whether some inclusion ought to be made in whatever charter is made as to who specifically can request, what limits ought to be placed on what the request, and what they can do with it after they get it.

Mr. Kelley. Yes.

Senator Huddleston. I have some concern about the fact that in intelligence gathering, you gather, you are just
bound to gather a great deal of information about some
individual that is useless as far as the intent of the intelli-
gence gathering is concerned, but might be in some way embarras-
sing or harmful to the individual, whether or not there's any
effort to separate this kind of information out of a person's
file that is really initiated for a purpose, for a specific
purpose unrelated to this information.

Is there any effort, or could any direction be given to
doing that?

Mr. Kelley. We would be very happy to work under the
guidelines or rules or anything else to purge material which
is extraneous, irrelevant, or for any other reason objection-
able.

Senator Huddleston. And how about the length of time
that these files are kept in the agency?

Mr. Kelley. We are willing to work within that framework,
too.

Senator Huddleston. I think that might be done.

Now, I think in developing the chain of command, so to
speak, it certainly would be very difficult to prevent the
President of the United States from calling up the head of
the FBI or anyone else and discussing any law enforcement
problem he might so desire, and perhaps even give direction
to the agency.

But how about that? What about White House personnel
informants. We'll discuss techniques, we'll discuss our present activities. I think this is the only way that we can exchange our opinions and get accomplished what you want to accomplish and what I want to accomplish.

Senator Huddleston. I feel that is an important aspect of it because even though you have a charter which gives broad direction for all the guidelines and to the types of projects that enter into it, if we don't get down to specifics, such things as how intelligence is to be collected, how evidence is to be collected, what is done after it is collected, this type of thing, it seems to me we are leaving a wide gap again for the Bureau to assume that it has total instruction and total permission to move in a certain direction and go beyond what is intended or what was authorized.

Thank you, Mr. Chairman, and Mr. Director.

The Chairman. Senator Goldwater?

Senator Goldwater. Mr. Kelley, as part of the FBI electronic surveillance of Dr. King, several tapes of specific conversations, and later a composite King tape were produced.

Are these tapes still in the possession of the FBI?

Mr. Kelley. Yes, sir.

Senator Goldwater. Have they been reviewed by you?

Mr. Kelley. No, sir.

Senator Goldwater. Have they been reviewed by any of your
staff, to your knowledge?

Mr. Kelley. Senator, I think that they have been reviewed. I know that at least some have reviewed it within the area of this particular section. There has been no review of them since I came to the FBI, I can tell you that.

Senator Goldwater. Would these tapes be available to the Committee if the Committee felt they would like to hear them?

Mr. Kelley. This, Senator Goldwater, is a matter which is of, as I said before, some delicacy, and there would have to be a discussion of this in an executive session.

The Chairman. I might say in that connection that the Committee staff gave some consideration to this matter and decided that it would compound the original error for the staff to review the tapes, because that would be a still further invasion of privacy, and so the staff refrained from insisting on obtaining the tapes, believing that it was unnecessary, and quite possibly improper, in order to get at what we needed to know about the King case.

So the staff did refrain, and for that reason the issue never came to a head. I just wanted to lay that information before the Senator.

Senator Goldwater. I realize that's a prerogative of the staff, but it's also the prerogative of the Committee if, and I'm not advocating it, if we wanted to hear them to
ourselves whether Mr. Hoover was off on a wild goose chase
or whether there was, in effect, some reason. Again, I am
not advocating it, I am merely asking a question. They would
be available if the Committee took a vote to hear them and
decided on it.

Mr. Kelley. I don't think it would be within my juris-
diction to respond to this, Senator. It would have to be the
Attorney General.

Senator Goldwater. I see.

Now, are these tapes and other products of surveillance
routinely retained even after an individual ceased to be a
target of inquiry?

Mr. Kelley. They are retained usually for ten years.

Senator Goldwater. Ten years.

Mr. Kelley. Yes, sir.

Senator Goldwater. What is the future value, if any,
to the Bureau of retaining such information?

Mr. Kelley. If there be guidelines that set out a
destruction or erasure, we will abide by it. We will, on those
occasions where we think that matters might come up within
that period of time which may need the retention of them, we
will express our opinion at that time, but other than that
we would be guided by guidelines.

Senator Goldwater. Is it your view that legitimate
law enforcement needs should outweigh privacy considerations
with respect to retention of such information, or do we need
the clear guidelines on the destruction of these materials
when the investigation purposes for which they were collected
have been served?

    Mr. Kelley. We feel that there should be a good close
look at the retention of material, and we would of course like
to have an input. But we welcome consideration of this.

    Senator Goldwater. That is all I have, Mr. Chairman. Thank
you very much.

    The Chairman. Thank you, Senator.

    Senator Mondale?

    Senator Mondale. Mr. Director, it seems to me that the
most crucial question before the Congress is to accept the
invitation of the FBI to draw Congressionally imposed lines,
limits of authority so the FBI will know clearly what you can
and cannot do, so you will not be subject to later judgments,
and the question is, where should that line be drawn?

    As you know, in 1924 when the FBI was created, and
Mr. Stone later became the Chief Justice, he drew the line at
criminal law enforcement. He said that never again will we
go beyond the authority-imposed upon us to get into political
ideas. We will stay in the area of law enforcement.

    Would you not think it makes a good deal of sense to
draw the guidelines in a way that your activities are
restricted to the enforcement of the law, investigations of
crime, investigations of conspiracies to commit crime rather than to leave this very difficult to define and control area of political ideas?

Mr. Kelley. I don't know whether I understand your last statement of involving the area of political ideas. I say that I feel that certainly we should be vested and should continue in the field of criminal investigations as an investigatory objective. These are conclusions, of course, which are based on statutes in the so-called security field, national or foreign.

These are criminal violations. I feel that they should be in tandem. I feel, having worked many years in this atmosphere, that you have more ears and eyes and you have more personnel working together, covering the same fields.

I do not think there should be a separation of the intelligence matters, because it is a concomitant. It naturally flows from the investigation of the security matters and the criminal.

Senator Mondale. Mr. Kelley, what Mr. Stone said was this, that the Bureau of investigation is not concerned with political or other opinions of individuals. It is concerned only with such conduct as is forbidden by the laws of the United States. When the police system goes beyond these limits, it is dangerous to proper administration of justice and human liberty.
Do you object to that definition?

Mr. Kelley. I think that life has become much more sophisticated and we have added to the so-called policeman's area of concern some matters which were probably not as important at that time. I think that the fact that the FBI has been in touch with the security investigations and the gathering of intelligence is something which has proved to be at times troublesome and given us great concern, but it is a viable, productive procedure.

I don't know what Mr. Stone was thinking of entirely of this course, but I can tell you about the procedure today.

Senator Mondale. You see, I think you recognize, if that further step is taken, as you're recommending here, that at that point it becomes so difficult to guarantee, and in fact, in my opinion, impossible to guarantee that we won't see a recurrence of some of the abuses that we've seen in the past, and I don't know how you establish any kind of meaningful oversight on a function as nebulous as the one you've just defined.

If the FBI possesses the authority to investigate ideas that they consider to be threats to this nation's security, particularly in the light of the record that we have seen how that definition can be stretched to include practically everybody, including moderate civil rights leaders, war dissenters and so on, how on earth can standards be developed
that would provide any basis for oversight?

How can you, from among other things, be protected from criticism later on that you exceeded your authority or didn't do something that some politician tried to pressure you into doing?

Mr. Kelley. It might well be, Senator, that ten years from now a Director of the FBI will be seated here and will be criticized for doing that which today is construed as very acceptable.

Senator Mondale. Correct. And I have great sympathy for the predicament the FBI finds itself in.

Mr. Kelley. And the Director.

Senator Mondale. And the Director especially, and that is why I think it's in the interest of the FBI to get these lines as sharply defined as possible, so that when you are pressured to do things, or when, after the fact, people with good 20/20 hindsight can criticize you or the Bureau, that you can say well, here are the standards that you gave us, and they specifically say this, and that is your answer. We have to live by the law. If we don't define it specifically, it seems to me that these excesses could reoccur, because I don't think it's possible to define them, and the FBI is inevitably going to be kicked back and forth, depending on personal notions of what you should have done.

Don't you fear that?
Mr. Kelley. Not too much, Senator. I think we learned a
great lesson by virtue of Watergate, the revelations that have
come up as a result of this Committee's inquiries, the fact
that I think that we have a different type of spirit today
in the Bureau, the fact that, as I said before, you came in,
that I think the Bureau is a matchless organization, and they
are eager to do that which is vital and proper, and the fact
that we are getting a number of very fine young people in the
organization, people of the other ethnic backgrounds than we
had years ago. I think there is a greater understanding in
the Bureau today of what is the proper type of conduct.

We may not be able to project this on all occasions,
because we must equate this with the need and with our
experience, but if the precise guidelines be the goal, you're
going to have trouble. If, on the other hand, there be a
flexibility, I think that we can work very well within those
guidelines.

Senator Mondale. I think, as you know, I don't think
there is a better trained or higher professionally qualified
law enforcement organization in the world than the FBI. I
think we all agree it is superb. But the problem has been,
from time to time, that when you go beyond the area of
enforcing the law into the area of political ideas, that you
are subject to and in fact you leave the criminal field, you
get into politics. And that is where, it seems to me, that the
great controversy exists, and where you are almost inevitably
going to be subjected to fierce criticism in the future, no
matter how you do it. Once you get into politics, you get
into trouble.

Mr. Kelley. I agree to that, and I point out that in almost
every branch of the government and in every part, as a matter
of fact, every segment of our society, there are some who deviate
from the normal course. I feel that within the Bureau there is
less likelihood of this to happen, and I think that working
with you we can at least make some achievements that will be
significant.

Now, whether it be lasting, I don't think so, but I
think we've made a good start.

Senator Mondale. In your speech in Montreal on August
9th, you said we must be willing to surrender a small measure
of our liberties to preserve the great bulk of them.

Which liberties did you have in mind?

Mr. Kelley. Well, of course, this speech has been mis-
understood many, many times.

Senator Mondale. Well, I want you to have a chance to
clear it up.

Mr. Kelley. All that was intended here was a restatement
of the approach which the courts historically have used in
resolving most issues of Constitutional importance, and its
recognition that rights are not susceptible to absolute
protection. It's a matter of balance. Even in the Fourth Amendment, for example, which protects the right of privacy, it does not prohibit searches and seizures. I mention, it only refers to those that are unreasonable.

I came from the police field. What is more restrictive to more people than traffic regulation? But what would be more chaotic is if you did not have traffic regulation. We do have to, in order to love in the complexities and intricacies of today's life, have to give up some of our rights.

Some may construe this as an extravagant statement. If it is so, I wish to say that I only was pointing out that there has to be a balance.

Senator Mondale. So that when you say we have to give up some liberties, or as you just said, some rights, what you mean -- let me ask. Let me scratch that and ask again, you have to give up some tights. Which rights would you have us give up?

Mr. Kelly. Well, under the Fourth Amendment you would have the right for search and seizure.

Senator Mondale. You wouldn't give up the Fourth Amendment right.

Mr. Kelly. Oh, no not the right.

Senator Mondale. What right do you have in mind?

Mr. Kelley. The right to be free from search and seizure.
Senator Mondale. There's no such right in the Constitution. You can have such seizures, but they must be reasonable, under court warrant.

Did you mean to go beyond that?

Mr. Kelley. That's right.

Senator Mondale. That you should be able to go beyond that?

Mr. Kelley. No, no. I do not mean that we should ever go beyond a Constitutional right guarantee.

Senator Mondale. Well, would you say, Mr. Kelley, that that sentence might have been inartful in your speech?

Mr. Kelley. I said that if it was misunderstood, I made a mistake, because I should never make a statement which yes, it was inartful.

Senator Mondale. I think I know about your record in law enforcement well enough to tell you that I think you were saying something different, that it was taken to mean something different than I think you intended.

What you are saying is that in the exercise of your law enforcement powers, the rights of individuals is determined by the laws and the courts, but the courts, in the handling of those issues, have to balance rights and other values.

That's what you're essentially saying, is that correct?

Mr. Kelley. Senator, I ought to have you write my speeches so that I don't have any misunderstandings. I didn't
understand that to be at the time anything that was unusual.
I have to admit that maybe I made a mistake.

Senator Mondale. What you are saying in effect is that
in effect, the rights of the American people can be determined
not by the Director of the FBI but by the courts and by the
law.

You meant that.

Mr. Kelley. Indeed, yes, sir.

Senator Mondale. All right.

Thank you.
The Chairman. Senator Hart.

Senator of Colorado. Mr. Kelley, in response to a question by Senator Mondale, one of his first questions about laying down guidelines, it seems to me what you were saying was we could work together. That is to say the Bureau and the Congress, lay down guidelines that would not unreasonably hamper you from investigations of crime control in the country.

But I think implicit in his question was also an area that you didn't respond to, and that is how do you, what kind of guidelines do you lay down to protect you and the Bureau from political pressure, the misuse of the Bureau by political figures, particularly in the White House?

And we've had indications that at least two of your predecessors, if not more, obviously were corrupted and Mr. Gray was under great pressure from the White House to use the facilities of the Bureau and their capabilities to accomplish some political end.

Well, it seems to me you were arguing in favor of fewer restrictions so you could get on with your job, but that is not what Senator Mondale and the rest of us are interested in.

What kind of restrictions can we lay down to protect you from political pressures? I'd be interested in that sign of the coin, if you would.

Mr. Kelley. I would welcome any guidelines which would
protect me or any successor from this type of thing. I think that would be splendid. I have not reviewed the guidelines as prepared to the present date by the Department. It might be that they are well defined in there. But I welcome any consideration of such directives.

Senator Hart of Colorado. Do you think this is a problem?

Mr. Kelley. No, sir, not with me.

Senator Hart of Colorado. Do you think that it has been a problem for the people that preceded you?

Mr. Kelley. I think so.

Senator Hart of Colorado. And that's a problem the Congress ought to address?

Mr. Kelley. I think so.

Senator Hart of Colorado. The Committee received a letter from the Department of Justice a couple of days, the Assistant Attorney General asking our cooperation in carrying out the investigation or their efforts to review the investigation conducted by the FBI into the death of Martin Luther King, Jr., in order to determine whether that investigation should be re-opened. They asked our cooperation, they asked for our transcripts, the testimony before the Committee, all material provided to the Committee by the FBI which relates to Dr. King and the Southern Christian Leadership Conference.

I guess my question is this: Why is the Justice Department asking this Committee for FBI files?
Mr. Kelley. I don't think they're asking for files. I think they're asking for what testimony was given by witnesses whose testimony has not been given up. I don't know.

Senator Hart of Colorado. I'll quote it. "And all material provided to the Committee by the FBI which relates to Dr. King and the Southern Christian Leadership Conference."

I repeat the question. Why is the Justice Department asking this Committee for material provided to us by the FBI?

Mr. Kelley. Frankly, I don't know. Do you mind if I just ask --

(Pause)

Mr. Kelley. I am informed, and I knew this one. Everything that was sent to you was sent through them. Did they have a copy also? Yes, they had a retained copy. I don't know why.

Senator Hart of Colorado. So there's nothing you provided us that's not available to the Justice Department?

Mr. Kelley. That's right.

Senator Hart of Colorado. And you can't account for why an official of the Justice Department would ask this Committee for your records?

Mr. Kelley. No, sir.

Senator Hart of Colorado. You released a statement on November the 18th of '74 regarding the FBI's counter-intelligence
program and you said you made a detailed study of COINTELPRO activities and reached the following conclusions, and I quote:

"The purpose of these counter-intelligence programs was to prevent dangerously and potentially deadly acts against individuals, organizations and institutions both public and private across the United States."

Now we had an FBI informant in the other day before this Committee and he stated he told the FBI on a number of occasions he planned violent acts against black people in groups. And yet, he said few, if any, instances in which the FBI actually prevented violence from taking place.

How does his testimony square with your statement that I have quoted?

Mr. Kelley. It doesn't, and I don't know if any of his statements contrary to what we have said is the truth. We don't subscribe to what he said. We have checked into it and we know of no instances where, for example, 15 minutes and that type of thing has been substantiated.

Senator Hart of Colorado. You're saying the testimony he gave us under oath was not accurate?

Mr. Kelley. Right.

Senator Hart of Colorado. You also said in that statement, and I quote: "I want to assure you that Director Hoover did not conceal from superior authorities the fact that the FBI was engaged in neutralizing and disruptive tactics against
revolutionary and violence-prone groups.

Now the Committee has received testimony that the New
Left COINTELPRO programs was not in fact told to higher
authorities, the Attorney General and Congress.

Do you have any information in this regard?

I know in that statement you cite one or two instances,
but in terms of the bulk of COINTEL programs, the record
seems to date at least to be clear that there was not systematic
information flowing upward through the chain of command to
Director Hoover's superiors?

Mr. Kelley: May I ask that I be given the opportunity
to substantiate that with documentation?

Senator Hart of Colorado. Sure.

Mr. Kelley: Or respond to it.

Senator Hart of Colorado. Director Kelley, just in
passing, do you agree with the statement made by President
Ford that those responsible for harassing and trying to destroy
Dr. King should be brought to justice.

Mr. Kelley. Those who directly responsible and upon whose orders
the activities were taken responsible. I don't know if he intended to say
that, but if he did not, I would say that it would be more proper. Insofar
as my own opinion is concerned, that it be centered on those who said
to do it and those who are responsible.

I took the responsibility for any such program and I
don't expect that those under me would be not acting in
accordance with what they think is proper and may even have
some reservation, but they do it on my orders. I accept that
responsibility.

I think that it should rest on those who instructed that
that be done.

Senator Hart of Colorado. But you agree that the people
who give the orders should be brought to justice.

Mr. Kelley. I do.

The Chairman. Aren't they all dead?

Mr. Kelley. No.

The Chairman. Not quite?

Mr. Kelley. Not quite.

Senator Hart of Colorado. That's all, Mr. Chairman.

The Chairman. Thank you, Senator.

Director Kelley, in the Committee's review of the
COINTELPRO program and other political involvements of the
FBI, it seems to me that we have encountered two or three
basic questions.

Since the investigation is over insofar as the Committee
is concerned, we're now turning our attention to remedies for
the future, what I would think would be our constructive
legislative work, it is very important that we focus on what
we learned in that investigation.

And one thing that we have learned is that Presidents of
the United States have from time to time ordered the FBI to
obtain for them certain kinds of information by exercising the necessary surveillance to obtain and to have a purely political character, that they simply wanted to have for their own personal purposes.

I think that you would agree that that is not a proper function of the FBI, and you agree.

Yet it's awfully difficult for anyone in the FBI, including the Director, to turn down a President of the United States if he receives a direct order from the President. It is always possible, of course, to say no, and if you insist, I will resign. But that puts a very hard burden on any man serving in your position, particularly if the President puts a good face on the request and makes it sound plausible or even invents some excuse. It is always easy for him to say, you know, I am considering Senator White for an important position in my administration, and I need to know more about his activities, particularly of late. I've had some cause for concern and I want to be certain that there is nothing in his record that would later embarrass me, and I just want you to keep careful track of him and report to me on what he's been doing lately.

It's difficult for you to say back to the President, Mr. President, that's a very questionable activity for the FBI, and I frankly don't believe that you've given me the real reason why you want this man followed. I think his opposition
to your current policy is politically embarrassing to you and
you want to get something on him.

I mean, you know, the Director can hardly talk back that
way, and I'm wondering what we could do in the way of protecting
your office and the FBI from political exploitation in this
basic charter that we write.

Now, I want your suggestions, but let's begin with one
or two of mine. I would like your response.

If we were to write into the law that any order given you
either by the President or by the Attorney General should be
transmitted in writing and should clearly state the objective
and purpose of the request and that the FBI would maintain
those written orders and that furthermore they would be
available to any oversight committee of the Congress. If the
joint committee on intelligence is established, that committee
would have access to such a file.

So that the committee itself would be satisfied that
orders were not being given to the FBI that were improper or
unlawful.

What would you think of writing a provision of that kind
into a charter for the FBI?

Mr. Kelley. I would say writing into the law any order
issued by the President that is a request for action by the
Attorney General should be in writing, is certainly, in my
opinion, is a very plausible solution. I'm sure that in
contemplation of this there would be some that will say yes
or some that will say no, but I think we could define an
area where you are trying to cure the abuses and we could
do that.

Now as to the availability to any oversight committee
of Congress, I would say generally that I certainly would have
no objection to this, but I again, there may be some request
for something of high confidentiality that the President might
put in writing such as some national or foreign security
matter.

I would like to have such a consideration be given a
great deal of thought and that the oversight committee review
be conditioned with that possibility. I don't think it would
present a problem.

I have said previously that I feel I can discuss every-
thing except the identity of the informants to the oversight
committee. I welcome that.

The Chairman. Well, that has been of course the way we
proceeded with this Committee. It has worked pretty well,
I think.

Now Senator Goldwater brought up a question on the
Martin Luther King tapes. I would like to pursue that question.

If these tapes do not contain any evidence that needs
to be preserved for ongoing criminal investigations, and since
Dr. King has long since been violently removed from the scene,
why are they preserved? Why aren't they simply destroyed? Is there a problem that we can help through new law to enable the FBI to remove from its files so much of this information that is has collected that it is no longer needed or may never have connected the person with any criminal activity? And yet, all of that information just stays there in the files year after year.

What can we do? How can a law be changed? If that's not the problem, then what is? Why are these tapes still down there at the FBI?

Mr. Kelley. Well, of course, we do have the rule that they are maintained ten years. Now why the rule is your question and why right now are they maintained? Since we do maintain everything since the inquiry has started and until that's lifted, we can't destroy anything.

I would say that this is a proper area for guidelines or legislation and again, as I have said, there should be some flexibility and I know that's a broad statement but there might be some areas wherein that the subject of the investigation himself may want them retained because it shows his innocence.

I think you have to deliberate this very carefully, but it can be done and we are willing to be guided by those rules.

The Chairman. Let me ask you this. The FBI is conducting thousands of investigations every year on possible appointees
to Federal positions. As a matter of fact, the only time I ever see an FBI agent is when he comes around and flashes his badge and asks me a question or two about what I know of Mr. so and so, who's being considered for an executive office.

And we have a very brief conversation in which I tell him that as far as I know, he's a loyal and patriotic citizen, and that is about the extent of it.

Then when this file is completed and the person involved is either appointed or not appointed, what happens to that file? I know it's full of all kinds of gossip because it is in the nature of the investigation to go out to his old neighborhoods and talk to everybody who might have known him.

What happens to the file? Is that just retained forever?

Mr. Kelley. We have some capability of destroying some files and they are rather lengthy insofar as retention. We have some archival rules which govern the retention of material and is developed in cases involving certain members of the Executive Branch of the government.

I see no reason why this would not be a proper area for consideration of legislation.

The Chairman. Can you give me any idea of how much -- do you have records that would tell us how much time and money is being spent by the FBI just in conducting these thousands of routine investigations on possible Presidential appointments to Federal offices?
Mr. Kelley. I feel confident we can get it. I do not have it now, but if you would like to have the annual cost for the investigation of Federal appointees --

The Chairman. Yes. Plus, you know, plus any other information that would indicate to us what proportion of the time and effort of the FBI was absorbed in this kind of activity.

Mr. Kelley. I can tell you it is relatively small, but I can get you, I think, the exact amount of time and the approximate expense.

The Chairman. I wish you would do that because this is a matter we need more information about. And when you supply that data to the Committee, would you also supply the number of such investigations each year?

You know, I don't expect you to go back 20 or 25 years, but give us a good idea of the last few years. For example, enough to give us an idea of how much time and how broad the reach of these investigations may be.

Mr. Kelley. Through '70?

The Chairman. That would be sufficient, I would think.

The other matter that is connected to this same subject that I would like your best judgment on is whether these investigations could not be limited to offices of sensitivity. That is to say where legitimate national security interest might be involved so that there is a reason to make a close check on
past associations, attitudes and expressions of belief.

I have often wondered whether we couldn't eliminate routine Federal offices that are not particularly sensitive in the national security sense from the reach of these FBI checks.

And so when you respond to the series of questions, I wish you would include the offices that are now covered by such checks and give us an idea of how far down into the Federal bureaucracy this extends.

Could you do that?

Mr. Kelley. Yes, sir.

The Chairman. Fine.

Now there is a vote. The vote always comes just at the wrong time, but Mr. Schwarz wants to ask you some additional questions for the record, and there may be other questions, too that would be posed by the staff, after which I will ask Mr. Schwarz to adjourn the hearings. It looks like we're going to be tied up on the floor with votes.

But before I leave I want to thank you for your testimony, Mr. Kelley, and to express my appreciation to you for the way you have cooperated with the Committee in the course of its investigation during the past months.

Mr. Kelley. Thank you.

The Chairman. And I hope, as you do, that as a result of the work of the Committee we can write a generic law for
the FBI that will help to remedy many of the problems we'll encounter in the future.

    Thank you.
Mr. Schwarz. Mr. Kelley, I'll try to be very brief.

On page 5 of your statement --

Mr. Kelley. What?

Mr. Schwarz. On page 5 of your statement, the third full paragraph, you said the following, and I would like then to question about what you said. "We must recognize that situations have occurred in the past and will arise in the future where the Government may well be expected to depart from its traditional role, in the FBI's case, as an investigative and intelligence-gathering agency, and take affirmative steps which are needed to meet an imminent threat to human life or property."

Now, by that you mean to take what kind of steps in what kind of situation?

And can you give some concrete examples under your general principles statement?

Mr. Kelley. I think that Mr. Adams addressed himself to that the other day, where you have an extremist who is an employee at the waterworks, and he makes a statement that he's going to do something which is devastating to the city, and you have no way to attack this under the ordinary procedures, and so therefore you must take some steps to meet that imminent threat to human life or property.

Mr. Schwarz. So let us take that case as a test of the principle. You are saying the extremist has said he is going
to do something to the waterworks, poison it or something, and
he is on the way down there with the poison in his car.

Is that the presumption?

Mr. Kelley. We hadn't gone that far, but all right, you
can extent it.

Mr. Schwarz. All right, now, in that case you have the
traditional law enforcement tool, which is the power of arrest.

Mr. Kelley. Not under probable cause where he has not
gone down there. The hypothetical we gave was one where he had
not taken any overt acts in perpetration of this.

Mr. Schwarz. Well, if he hasn't taken any overt acts,
are you then in what you would call in imminent threat of
human life or property?

Mr. Kelley. I think so.

Mr. Schwarz. How so? Unless he has taken an overt act
to buy the poison or to get in the car with the poison, there
is not by definition any threat to life or property.

Mr. Kelley. Mr. Schwarz, I've been around in this business
a long time. I've heard a number of threats which were issued,
and they thereafter materialized into actions. I don't think --
take these threats as being empty ones, because so many times
they have been acted upon.

I was criticized one time when there was a threat made to
kill me, and it was said later on, it's not rhetoric, it's
not rhetoric to me, because when they say they're going to
kill me, that just means one thing.

Mr. Schwarz. But I'm not disagreeing with you.

Mr. Kelley. But you are disagreeing with me. You're saying on the basis of experience that you cannot detect a possible threat. That's the whole area of concern that we have here, where we don't lose the capability of doing something. We don't say we should initiate ourselves. We say that we should go to the Attorney General. We do not subscribe to the idea that we should act independently because maybe we don't have the judicial review, the capability of determining, but we do think that we should report it and thereafter see what can be done.

Mr. Schwarz. Well, have you changed in the course of our discussion the standard on page 5.

On page 5 you're talking about an imminent threat.

Mr. Kelley. Yes.

Mr. Schwarz. And I hear you now as saying a possible threat.

Mr. Kelley. An imminent possible threat.

Mr. Schwarz. An imminent possible threat. All right.

Now, would a fair standard for either action, other than arrest, I don't know what you have in mind, but something to prevent the person from carrying out his activities, other than arrest, for instance, what is an example of what you have in mind?
Mr. Kelley. Removing him from his position or whatever is necessary in order to make it impossible or at least as impossible as possible to perpetuate this thing.

Mr. Schwarz. You mean have him lose his job or --

Mr. Kelley. I don't know what it would be.

Mr. Schwarz. Isolate him in some fashion.

Mr. Kelley. In some fashion perhaps.

Mr. Schwarz. Now, for such activity and for opening an investigation into a domestic group, could you live with a standard which said you would have to have an immediate threat that someone was likely to commit a serious federal crime involving violence?

Mr. Kelley. I think that this thing could be worked out so that there could be an adequate basis for an evaluation.

Mr. Schwarz. So those words, without trying to commit you entirely to them, do not seem to you to depart far from what you think would be an acceptable standard.

Mr. Kelley. Well, an imminent, immediate threat might be, by virtue of the word "immediate" that he's going to do it the next minute. In that case it may be necessary for you to, not with the presence or the possibility, not able to do anything except put him under arrest or anything.

Mr. Schwarz. Of course, of course.

And nobody would at all disagree with that kind of action.

Mr. Kelley. I don't think they would either.
Mr. Schwarz. But on the question, let's take the opening of an investigation into a domestic group.

Is it basically consistent with practicality to make the test immediate threat of a serious Federal crime involving violence?

Mr. Kelley. To open a domestic security case.

Mr. Schwarz. Yes.

Mr. Kelley. It appears to me that this is a terrorist activity, in effect. We certainly have terrorist activities under our jurisdiction as a threat against the United States.

Mr. Schwarz. Now, are there other circumstances where it is justifiable to open an investigation of the domestic group where you do not have an immediate threat of serious federal crime involving violence?

Mr. Kelley. Oh, I think there are other criteria, and they have been well defined as to what is the possible opening, the basis for a possible opening. We haven't been discussing that, we have been discussing particular instances, but there are other criteria that are used, yes.

Mr. Schwarz. What would the other criteria be?

Mr. Kelley. Well, the possible statutory violations over which we have jurisdiction are, generally speaking, the most used of the basis, and then you have, of course, some intelligence investigations which should, of course, be of short duration. If there is no showing of this into action
or a viable intent.

Mr. Schwarz. So that's what you're looking for in the intelligence investigation?

Mr. Kelley. By intelligence investigation, yes, you are looking to prevent.

Mr. Schwarz. And what you are looking to prevent, and what you're looking to find is a likelihood of action combined with an intent to take an issue?

Mr. Kelley. And the capability.

Mr. Schwarz. And the capability.

All right. I just have two other lines, Mr. Kelley, and I appreciate very much your time.

Mr. Kelley. That's all right.

Mr. Schwarz. Assuming a legitimate investigation has been started into a domestic intelligence matter, is it legitimate for the FBI, in addition to obtaining information that relates to what we've just been talking about, the likelihood of violent action, is it also legitimate for the FBI to collect, A, retain, B, disseminate, C, information concerning let's say the sex life of a person on the one hand, and the political views of a person on the other?

Mr. Kelley. I think, Mr. Schwarz, that this is just what many of our problems and perhaps the guidelines can define this type of thing. I think probably you will agree that within the determination of the deviations possibly of sex
lives, there might be something that is relevant. I would say ordinarily it's not. And so far as political views, yes, I think that this could be, if he is espousing some cause or some view that advocates violence or the overthrow of the government.

Mr. Schwarz. Would those be the two limits on political views?

Mr. Kelley. What?

Mr. Schwarz. Would those be the only limits on political views that you think are okay to collect, advocates of violence or advocates of overthrow?

Mr. Kelley. Well, I don't think because he's a Democrat or a Republican it would be anything that would be damaging, but it might on the other hand counter the report that he's a member of some other organization.

Mr. Schwarz. Is the standard you used on collection of sex life information, might be relevant? I suppose anything might be relevant, but don't you think that as a function of balance, it has to have a high degree of relevance before it's justifiable to collect that kind of information on American citizens who are not suspected of having committed crimes?

Mr. Kelley. Insofar as doing it presently, it has been included in some reports as a result of the requirement that that is what is required by our rules, that when a person reports something to us, we do a report of the complaint. Insofar
as a determination by guidelines that might be prepared later, I think that we can certainly deliberate on this to see whether or not this is something we should retain, and we would not object to anything reasonable in that regard.

Mr. Schwarz. I just have one final question.

Taking the current manual and trying to understand its applicability laid against the facts in the Martin Luther King case, under Section 87 there is a -- permission is granted to open investigations of the infiltration of non-subversive groups, and the first sentence reads: "When information is received indicating that a subversive group is seeking to systematically infiltrate and control a non-subversive group or organization, an investigation can be opened."

Now, I take it that is the same standard that was used in opening the investigation of the Southern Christian Leadership Conference in the 1960s, so that investigation could still be open today under the FBI manual, the current FBI manual.

Mr. Kelley. We are interested in the infiltration of clearly subversive groups into non-subversive groups inasmuch as this is a ploy that is used many times, and having infiltrated, they then get control, and they have a self-laundered organization which they can use, and not, certainly, to the benefit of the country.

Mr. Schwarz. But is the answer to my question yes, that under that standard, the SCLC investigation could still be
opened today?

Mr. Kelley. I think so.

Mr. Schwarz. All right, then, just one final question.

Do you agree that special care needs to be taken not only of the standards for initially opening an investigation of a group, but perhaps extra care needs to be taken when the investigation goes beyond the initial target group to individuals or people who come into contact with it?

Mr. Kelley. I don't know if I agree with that entirely. If you mean that we go into the non-subversive group, that we then investigate people in that non-subversive group, not the infiltrators, but the non, that we conduct a lengthy investigation of them without any basis for doing so other than that they are in an infiltrated group, I would likely have said -- but off the top of my head I would say probably that's not necessary.

Mr. Schwarz. Thank you very much.

Mr. Smothers. Just a couple of very brief lines of inquiry, Mr. Kelley.

I think that the questions of the Chief Counsel were raising is one that goes further into your statement, when you talk about the difficulty of setting out the line between intelligence gathering and law enforcement kinds of functions. Nevertheless, though, I think that you have made an effort, indeed, the Bureau's organizational scheme reflects to distinguish some of this has been made.
Putting aside for one moment the counterespionage effort, and looking strictly at what we have been calling the Domestic Intelligence, is it your view that the retention of this function in the Bureau is critical to the Bureau's law enforcement position?

Mr. Kelley. My personal opinion is that the Bureau does a splendid job in this area. I feel further that the background of criminal investigatory activities and experiences which all counterintelligence people have is very helpful. It is helpful not only in gathering knowledge and experience, it also enters into this field, a person with a broad understanding of the rights and privileges, and you don't have so much that spy type, that cloak and dagger, that very, very secret type of an operation.

I subscribe to the present system heartily.

Mr. Smothers. Would it be of assistance to your mission if within the Bureau guidelines were established that effectively limited access or controlled dissemination of the intelligence product? In other words, if we had a situation where the intelligence product is critical to assist the law enforcement effort, I don't think there's any question that there should be access to it.

Isn't our problem one of controlling the use of that intelligence product and preventing the kind of murky crossing of lines there with the information legitimately needed for
law enforcement?

Mr. Kelley. There is always a problem when there is wide dissemination, because that just numerically increases the possibility of misuse, abuse or slander, libel, or anything of that matter, and I think that it would be well worthwhile to review the dissemination rules to make them subject to close guidance in the guidelines that we're speaking of.

Mr. Smothers. Let me just raise one final area with you.

We talked a little bit about, or a question was raised about the investigation now being conducted by the Justice Department regarding the improper actions on the COINTELPRO, and the King case in particular.

As we look at allegations of impropriety by your personnel, I think it would be helpful for our record here to have some insight into the procedure the Bureau would normally follow.

What does the Bureau do when you get an allegation that an agent or administrative official in the Bureau has behaved improperly?

Is an investigation conducted internally, or is it routinely referred to the Justice Department?

Mr. Kelley. There may be a revision in this type of procedure as a result of the establishment of the Council for Professional Responsibility. At present it would be in the great majority of the cases turned over to our Investigative Division for investigation. There might, on some unusual
occasion, be a designation of a special task force made up, perhaps, of division heads. That is most unlikely, but it is handled internally at present.

Mr. Smothers. Would these internal determinations be reviewed by Justice, or do you think that is a necessary step?

I guess what we are searching for here is, first of all, I think you answered that, well, to what extent does the Bureau police itself; and then secondly, is the Department of Justice involved in the police determinations?

For instance, what if the Attorney General disagreed with the assertion that only the higher up officials who ordered the action against King should be the subject of investigation and maybe prosecution?

How does the interplay work there between you and Justice?

Mr. Kelley. We do report to the Attorney General those activities which we construe as improper or possibly illegal. There is a possibility that the Department, having been advised of the situation, might take it on their own to do their own investigating, and this is something that we feel is a decision to be made only rather rarely, because we feel we have within our own organization sufficient capability to handle that. But we do not protest it. It is handled independently of us.

Mr. Smothers. Thank you.
That is all I have.

Mr. Schwarz. Thank you.

(Whereupon, at 12:12 o'clock p.m., the Committee recessed subject to the call of the Chair.)
Memorandum

TO : SAC, WFO (62-0)  DATE: 1/12/76

FROM : SA FRANK W. WAIKART, III

SUBJECT: HOUSTUDY 75

Re Bureau teletype to WFO, 12/24/75.

On 12/26/75, contact was made with former Assistant Director FRANK W. WAIKART, II, at his residence, 3407 Weltham St., Washington, D.C. 20023. At this time, he was made aware of facts in referenced teletype.

No further action to be taken by WFO.
TO: DIRECTOR, FBI
FROM: SAC, SAN FRANCISCO (62-6815) P

UNSUB, aka
Robert Lee Lewis
IMP
CO: SAN FRANCISCO

Reference is made to San Francisco nitel, dated 2/23/76, captioned SENSTUDY 75, which reported that ROBERT LEE LEWIS, allegedly an investigator for the CHURCH Committee, had been attempting to get someone to testify before the committee on the mishandling of the HEARST case, and Bureau nitel to San Francisco and WFO, dated 2/27/76, instructing San Francisco to immediately conduct an appropriate impersonation investigation and to set forth leads for an interview of the Subject.

Xerox copies of above referenced communications are being furnished to WFO, New York and Boston.

Pursuant to Bureau instructions, ED MONTGOMERY was telephonically contacted at his home. MONTGOMERY stated that he received a telephone call from a third party asking him to call ROBERT LEE LEWIS in Washington, D.C., as he wanted some information about the FBI. When MONTGOMERY telephoned, the person answering said that LEWIS was not there. LEWIS returned the telephone call to MONTGOMERY on Sunday, 2/22/76. (Referenced San Francisco nitel, dated 2/23/76, contains the information furnished by MONTGOMERY.) MONTGOMERY stated that the number he called was 212-924-7586.

2 - Bureau
2 - New York (Enc1s. 2)
- WFO (Enc1s. 2) (ATTN: SA TITTLE)
1 - Boston (INFO) (Enc1s. 2)
2 - San Francisco
GAR: rap

Approved: Special Agent in Charge
Sent M Per

The San Francisco Office contacted WFO, who advised that the area code 212 was a New York area code and not Washington, D.C. FBI, San Francisco, telephoned the number 212-924-7586. A male answered the phone and a request was made to speak with ROBERT LEE LEWIS, who then came to the phone. The San Francisco agent identified himself as an FBI agent to LEWIS and told him that he was inquiring about the telephone call that had been made by him to ED MONTGOMERY, a reporter in San Francisco. LEWIS admitted making the telephone call and stated that he did not represent himself to be an investigator for the CHURCH Committee. He went on at some length and in a rambling manner relating to many of his past investigative experiences, including his contacts with EUNICE SHRIVER; a priest at Georgetown; representatives of the Secret Service, especially Agent DON CHACOS, and others. He again denied impersonating a government investigator; stated that his life was an open book and that he would have to contact representatives of the CHURCH Committee concerning this matter. He also stated that SA DON CHACOS of Secret Service in Washington, D.C., could vouch for him. He was told that in all probability that an agent from the New York office would contact him for an additional interview. He stated that would be fine and that he would request that a telephonic appointment be made.

SA BOB TITTLE of WFO telephonically advised that Secret Service Agent DON CHACOS had advised him that he was aware of LEWIS and his activities and described him as an overzealous, aggressive reporter; also, that he had received a letter from Senator CHURCH for some reporting that he had done.

New York is requested to review enclosed communications, and in line with Bureau instructions, interview ROBERT LEE LEWIS. He should be cautioned against any further situations which might lead someone to believe he is a government investigator.

There does not appear to be anything of value obtained by LEWIS in this matter. There does not seem to be any reason to present this case to the USA. It is believed by San Francisco that upon completion of the interview by New York that this case should be closed.

Information copy furnished Boston inasmuch as they had a similar situation concerning ROBERT LEE LEWIS, 8/75.
TO: DIRECTOR, FBI (62-116395)
ATTENTION: LEGAL COUNSEL DIVISION

FROM: SAC, SAN FRANCISCO (62-6887)
SENSTUDY 75

ON FEBRUARY 23, 1976, A SOURCE OF THE OAKLAND RESIDENT
AGENCY REPORTED THAT ROBERT LEE LEWIS, INVESTIGATOR FOR THE
CHURCH COMMITTEE, HAD BEEN TRYING TO GET SOMEONE TO TESTIFY
BEFORE THE COMMITTEE ON THE MISHANDLING OF THE HEARST CASE.
HE WAS SUPPOSED TO HAVE BEEN IN CONTACT WITH ED MONTGOMERY,
A RETIRED EXAMINER REPORTER, AND POSSIBLY THE HEARSTS.

SAC BATES HAS BEEN PERSONALLY ACQUAINTED WITH MONTGOMERY
FOR MANY YEARS. HE CALLED MONTGOMERY AND ASKED HIM CONCERNING
THE ABOVE. MONTGOMERY SAID THAT HE HAD RECEIVED A TELEPHONE CALL
FROM A THIRD PARTY ASKING HIM TO CALL LEWIS IN WASHINGTON AS
HE WANTED ADVERSE TESTIMONY ABOUT THE FBI. MONTGOMERY CALLED
AND WHEN UNABLE TO SPEAK WITH LEWIS AND AFTER BEING ADVISED OF
WHAT LEWIS WANTED, HE HUNG UP. ON SUNDAY, FEBRUARY 22, 1976,
LEWIS CALLED MONTGOMERY. HE TOLD MONTGOMERY HE WANTED SOMEONE
TO TESTIFY AS TO HOW THE FBI HAD MESSED UP THINGS ON THE WEST
COAST. MONTGOMERY IS NOT SURE IF HE SPECIFICALLY MENTIONED

MONTGOMERY MADE THE COMMENT THAT HE THOUGHT THIS WAS A TERRIBLE WAY TO ATTEMPT TO GET FACTS. SAC BATES SUGGESTED TO HIM IF HE FELT SO STRONGLY ABOUT IT, HE SHOULD CONSIDER WRITING AN ARTICLE FOR THE EXAMINER AS TO THE APPROACH MADE TO HIM BY THE COMMITTEE. MONTGOMERY RETIRED SEVERAL MONTHS AGO, BUT ABOVE BEING SUBMITTED FOR BUREAU'S INFORMATION.

NOTE FOR SAN FRANCISCO ONLY:

THIS WAS A SOURCE OF SA EVERETT W. NELSON, CSSF 33-X.
WA RWW
NR246 WA PLAIN
6:20 PM NITEL 2-27-6 VLN
TO SAN FRANCISCO
WASHINGTON FIELD
FROM DIRECTOR
CHANGED, UNSUB, AKA, ROBERT LEE LEWIS; IMPERSONATION; OO: SF.
TITLE CHANGED FROM SENSTUDY 75 TO DESIGNATE ROBERT LEE
LEWIS AS THE SUBJECT AND IMPERSONATION AS THE CHARACTER.
RE SF NITEL TO THE DIRECTOR, FEBRUARY 23, 1976, CAPTIONED, "SENSTUDY
75."
INQUIRY MADE BY FEING HAS DETERMINED THAT THERE IS NO ONE BY
NAME OF ROBERT LEE LEWIS EMPLOYED AS AN INVESTIGATOR FOR THE
CHURCH COMMITTEE. IN VIEW THAT LEWIS HAS IMPERSONATED A
GOVERNMENT INVESTIGATOR AND HAS ATTEMPTED TO OBTAIN INFORMATION
THROUGH THIS IMPERSONATION, YOU ARE INSTRUCTED TO IMMEDIATELY
CONDUCT APPROPRIATE IMPERSONATION INVESTIGATION, POSITIVELY
IDENTIFY LEWIS, OBTAIN TELEPHONE NUMBER OF LEWIS FROM ED
MONTGOMERY, AND SET FORTH LEADS FOR WFO TO HANDLE INTERVIEW
OF SUBJECT. COPY OF REFERENCED TELETYPING HAS BEEN FURNISHED WFO.
END.

Ed: Home 707-993-8952
707-993-8952
2-7-79

FEB 27 1976

6-2-6815-10