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The United States Senate

Report of Proceedings

Hearing held before

Select Committee to Study Governmental Operations

With Respect to Intelligence Activities

INTELLIGENCE INVESTIGATION

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DATE 10/25/02 BY SP2AM/ely
MDR-16

Wednesday, November 19, 1975

Washington, D. C.

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C O N T E N T

STATEMENT OF:

PAGE

Testimony of James B. Adams, Deputy Associate Director
FBI Intelligence Division

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INTELLIGENCE INVESTIGATION

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United States Senate,

Select Committee to Study Governmental

Operations with Respect to

Intelligence Activities,

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The Committee met, pursuant to notice, at 10:05 o'clock a.m., in Room 318, Russell Senate Office Building, the Honorable Frank Church (Chairman) presiding.

Present: Senators Church (presiding), Hart (Michigan), Mondale, Huddleston, Hart (Colo) Baker, Tower, Gold, Mathias and Schweiker.

Also present: Frederick A.O. Schwarz, Jr., Chief Counsel and Curtis R. Smothers, Minority Counsel.

- - -

The Chairman. The hearing will please come to order.

Our witnesses today are Mr. James B. Adams, the Deputy Associate Director of the FBI, and Mr. Raymond Wannall, who is the Assistant Director in charge of the Intelligence Division of the FBI.

Before I swear the witnesses, Senator Mondale has asked if he might make an opening statement. And for that purpose the Chair recognizes the distinguished Senator from Minnesota.

WARD & PAUL

410 First Street, S.E., Washington, D.C. 20003

1 Senator Mondale. Thank you very much, Mr. Chairman.
2 I have always supported the FBI. It is clearly the finest,
3 most professional law enforcement agency in the nation and
4 probably in the world. In apprehending robbers, foiling
5 kidnappers, catching fugitives, the FBI has an outstanding
6 record.

7 This is based on my own experience with the FBI in my
8 own state where I served as Attorney General. The vast bulk
9 of its work is devoted to law enforcement and legitimate
10 counter-espionage.

11 In these fields the FBI deserves fully the admiration
12 and respect which Americans traditionally held for the Bureau
13 and its personnel. But in one area, domestic intelligence,
14 the FBI, in my opinion, has clearly gone astray. It now
15 appears that there was an underworld within the FBI which
16 took the tools, techniques and zeal which was so effective
17 against the real foreign threats and turned them in upon some
18 of the American people.

19 Yesterday this Committee heard some of the most disturbing
20 testimony that can be imagined in a free society. We heard
21 evidence that for decades the institutions designed to enforce
22 the laws and constitutions of our country itself has been
23 engaging in conduct that violates the law and the Constitution.
24 We heard that the FBI, which is a part of the Department of
25 Justice, took justice into its own hands by seeking to punish

1 those with unpopular ideas. We learned that the chief law
2 enforcement agency in the Federal government decided that it
3 did not need laws to investigate and suppress the peaceful
4 and constitutional activities of those whom it disapproved.
5 We heard testimony that the FBI, to protect the country
6 against those it believed had totalitarian political views,
7 employed the tactics of totalitarian societies against
8 American citizens. We heard that the FBI attempted to destroy
9 one of our greatest leaders in the field of civil rights, and
10 then replace him with someone of the FBI's choosing.

11 From the evidence the Committee has obtained it is
12 clear that the FBI for decades has conducted surveillance over
13 the personal and political activities of millions of
14 Americans. Evidently, no meeting was too small, no group
15 too insignificant to escape their attention. It did not
16 seem to matter whether the politics of these Americans were
17 legal or radical or whether the participants were well known
18 or obscure. It did not matter whether the information was
19 intimate and personal. The FBI created indexes, more
20 commonly called enemy lists, of thousands of Americans and
21 targeted many of the Americans on these lists for special
22 harassment. Hundreds of thousands of Americans were victims
23 of this surveillance program. Most of this was done in secret.
24 Much of it was kept from Congress and the Justice Department
25 and all of it from the American people. No one outside the

1 FBI has ever had an opportunity to know and appreciate the
2 full extent of the domestic surveillance program that was
3 then being conducted.

4 Thus we see that just as in the case of the CIA the
5 key issue was accountability: How we can assure that the
6 secret instruments of government are accountable to the
7 people, the Congress and the law.

8 It is clear that the FBI's authority for these programs
9 is essentially non-existent. I am not persuaded that the
10 secret Presidential orders of President Roosevelt support the
11 Domestic Intelligence program, and even if it did, I do
12 not believe that any President has the authority to order the
13 FBI or anyone else to spy on Americans, to burgle their homes,
14 to wiretap them, to open their mail or to blackmail them.

15 One of the most disturbing aspects of this affair is
16 that the FBI never paid very much attention to whether their
17 activities were authorized or not or whether they were legal
18 and constitutional. One former senior intelligence officer
19 has testified that he never once heard a discussion about
20 legality or constitutionality. Most governments in history
21 have relied on some form of police power to determine what
22 views would prevail in their society. However, America was
23 based on the revolutionary concept that the people should
24 decide what is right and what is wrong, what is acceptable
25 and what is not.

1 That is what we meant by a free government, and our
2 forefathers were convinced that it can exist only through the
3 greatest tolerance of speech and opinion. They placed their
4 faith in the people to remain alert to encroachments on their
5 liberty.

6 The founders of our country knew that the greatest
7 danger to freedom comes from the efforts of government to
8 suppress the opinions of its opponents. They set up a
9 system which limited the powers of government, bound it in
10 the constraints of the law, and prohibited it from infringing
11 on the rights of people to free expression. And through
12 the separation of power, the system of checks and balances,
13 they tried to assure that the Executive would be accountable
14 to the people through the Congress.

15 For the 200 years of our existence as a nation the
16 preservation of liberty has been a constant struggle. Whether
17 it has been the Alien and Sedition Acts during the French
18 Revolution, the Red Scare and the Palmer Raids of World War
19 I, or McCarthyism after World War II, or Army spying during
20 the Vietnam War, the government has let a fear of unorthodox
21 opinion lead it into the trap of infringing upon the
22 Constitution in the name of internal security.

23 The issues we confront today are a part of a continuing
24 drama of American democracy. It is proof, if we ever needed
25 it, that the price of liberty is eternal vigilance.

1 Revelations of abuse of power do not threaten domestic
2 security. These hearings do not weaken the FBI. What weakens
3 it is its failure to adhere to the proper role of law
4 enforcement. Somehow it forgot that this was its job. It
5 began to use its energy to spy on Americans whose only
6 offense was an expressing opinions that some in the FBI did not
7 like. It confused talk of violence with acts of violence,
8 and all too often paid more attention to the talk than to
9 the fact.

10 The answer, of course, is that violence justifies
11 prosecution, not surveillance. Our security is not improved
12 by watching those who commit crimes. Security from violence
13 lies in active and vigorous law enforcement of those who
14 are committing crimes. Security from dangerous ideas, if
15 we need any security, should come not from the FBI but
16 from the merit of better ideas, in the good sense of the
17 American people.

18 Our liberty is best protected by scrupulous adherence
19 to the law and the Constitution by the agencies of government.

20 No government agency likes to be the subject of public
21 scrutiny. I know these have been difficult times for the
22 present leadership of the FBI, many of whom were not involved
23 in these programs at all. But if they had been spending a lot
24 of time responding to Congressional investigations, they
25 could not forget that this is the first time in 50 years that

1 the FBI had been subjected to public scrutiny.

2 As painful as this process is, I hope the FBI itself
3 would welcome the opportunity to let in some fresh air and
4 come to grips with the problems in candor and not retreat into
5 past patterns of stirring up public fears to distract our
6 attention from the necessity of reform.

7 Mr. Chairman, may I say that yesterday I am told that
8 following our hearing the FBI responded exactly in the spirit
9 that I had hoped it would. If they can take this constructive
10 approach, I have no doubt that the FBI will benefit from
11 this attention. I want to see a strong FBI, an FBI strong
12 in law enforcement, in the detection of crime, and in the
13 gathering of legal evidence for prosecution and conviction,
14 but an FBI without abuses..

15 As we proceed with these hearings today, we should also
16 bear in mind the responsibility for the abuses we have
17 uncovered does not rest on the FBI alone. We in the
18 Congress have been derelict. It should not have taken until
19 this date for us to discharge our responsibility for
20 investigating FBI and other domestic intelligence.

21 We should also realize that the FBI has been performing
22 a function which many Americans, and at times the vast
23 majority of Americans, have wanted to see undertaken. When
24 popular opinion brands a group unAmerican and subversive
25 merely because of its political views, all too often the FBI

1 has repoded to public expectations and from pressure from
2 a higher authority in government.

3 While this does not excuse what happened, we should
4 temper our criticism of the FBI's excesses by understanding that
5 in large part it was only the instrument of our own intolerance.
6 Indeed, I believe that is why our laws and the charter of the
7 FBI must be carefully redrawn to protect the FBI's integrity
8 from political pressures and hysteria.

9 Finally, it would be a mistake to regard the abuses
10 of the FBI as those of evil men. The FBI has always been
11 composed of dedicated and hard-working public servants who
12 seek to do their jobs as best they can. The lesson we learn
13 from this history is that we cannot keep our liberty secure
14 by relying alone on the good faith of men with great power.

15 As Mr. Justice Brandeis once wrote:

16 "Experience should teach us to be most on guard to
17 protect liberty when government's purposes are beneficent.
18 The greatest dangers to liberty lurk in the insidious
19 encroachment of men of zeal, well-meaning but without
20 understanding."

21 It is my hope that the FBI witnesses we will hear today
22 can enlighten us as to how it can conduct internal security
23 surveillance programs which do not infringe on our
24 constitutional liberties. I hope they can suggest iron-clad
25 assurances that the abuses of the past will not be repeated.

1 We need more protection than promises of self-restraint
2 by men of good will.

3 Thank you, Mr. Chairman.

4 The Chairman. Thank you, Senator Mondale. That is
5 an excellent statement with which I would like to be fully
6 associated.

7 Senator Hart of Michigan. I would, Mr. Chairman, also,
8 except that I want to make clear my family certainly did not
9 support, encourage, or by its vocal position give any
10 indication to the Bureau that they could do what they did.
11 I don't want to go too far in suggesting that what we heard
12 yesterday was simply responding by the Bureau to the mood
13 of those years.

14 In those years if we had known what you were doing,
15 I lay dough, most families would have said stop it.

16 Senator Mondale. That is true. I think one of the
17 points that we might aver to is the Houston Plan and the
18 tremendous pressure the FBI was placed under to again resume
19 techniques that it had abandoned in 1966. There is no
20 question that they were getting private pressure from higher
21 authority to do things. In that instance they didn't want
22 it.

23 The Chairman. Well, I was struck with the fact that
24 the Houston Plan, as illegal as it was, was limited to techniques
25 far more restrictive than the far-reaching methods that were

1 employed by the FBI during the years that we have reviewed in
2 yesterday's hearings. They led beyond anything that was
3 ever contained in any official document requesting from
4 the President additional authority.

5 Now I think, Mr. Adams, Mr. Wannall, in addition to
6 swearing you both, if you are going to have occasion to
7 ask others who are with you to testify in response to certain
8 questions, that it would be well at this time to swear them
9 also.

10 So if that is the case, anyone who anticipates that he
11 may be testifying in this morning's hearing in response to
12 questions, if you will all stand and take the oath at this
13 time.

14 Do you and each of you solemnly swear that all of the
15 testimony that you will give in these proceedings will be
16 the truth, the whole truth, and nothing but the truth, so
17 help you God?

18 Mr. Adams: I do.

19 Mr. Wannall: I do.

20 The Chairman: After yesterday's hearing I asked the staff
21 to furnish me with the statutory authority that presently exists
22 that could be said to relate to the FBI's intelligence activities,
23 which was of course the subject of yesterday's hearings.

24 And I am furnished in response to that request
25 Title XVIII, Section 533 of the United States Code, which

1 reads as follows: "The Attorney General may appoint officials:
2 one, to detect and prosecute crimes against the United States;
3 two, to assist in the protection of the person of the
4 President; and three, to conduct such other investigations
5 regarding official matters under the control of the Department
6 of Justice and the Department of State as maybe directed by
7 the Attorney General.

8 Now yesterday, Mr. Wannall, we were told about a series
9 of activities that were undertaken by the FBI, and indeed,
10 initiated within the FBI, the purpose of which was to harass
11 and discredit Dr. Martin Luther King.

12 Now I am not referring to the results of any FBI
13 investigative activity, but rather, I am referring to these
14 kinds of initiatives that were undertaken for the purpose of
15 either harassing or embarrassing or otherwise discrediting
16 Mr. King himself.

17 My first question is was Dr. King, in his advocacy of
18 equal rights for black citizens, advocating a course of
19 action that in the opinion of the FBI constituted a crime?
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1 TESTIMONY OF JAMES B. ADAMS, DEPUTY ASSOCIATE DIRECTOR
2 OF THE FBI, AND RAYMOND WANNALL, ASSISTANT DIRECTOR,
3 FBI INTELLIGENCE DIVISION
4

5 Mr. Adams. No, sir.

6 The Chairman. So he was not then thought to be engaged
7 in any criminal activity. In fact, he was preaching, as I
8 remember those days, non-violence, was he not, as a method
9 of achieving equal rights for black citizens?

10 Mr. Adams. That's right, his advocacy for civil rights.

11 The Chairman. His advocacy of civil rights was non-
12 violent and therefore legal in character.

13 Mr. Adams. That was not the basis of our investigation
14 of him.

15 The Chairman. But as you have said, he was not
16 engaging in any unlawful activity in connection with his
17 advocacy of equal rights for black citizens.

18 Is that correct?

19 Mr. Adams. Yes, sir.

20 The Chairman. Well, is it true that at one time the
21 FBI undertook to discourage an American college from conferring
22 an honorary degree on Dr. King?

23 Mr. Adams. Yes, sir.

24 The Chairman. On what legal basis does the FBI have
25 a right to interfere, in an effort to discourage a college from

1 conferring an honorary degree upon a man like Dr. Martin
2 Luther King, who was not engaging in or suspected of engaging
3 in criminal activity?

4 Mr. Adams. I know of no basis.

5 The Chairman. Why did the FBI do it?

6 Mr. Adams. Well, we have to approach two parts, in
7 my estimation, Senator Church. One, the basis for our
8 investigation of Martin Luther King, which was to determine
9 communist influence on him, my hands are tied in discussing
10 that somewhat on the basis that there is certain information
11 which today, from an ongoing operation is sensitive and
12 which, of course, we have made known to you and certain
13 staff members.

14 I would like to say on the basis that from our review
15 we feel that we initially had a basis for investigating Martin
16 Luther King.

17 Now as far as the activities which you are asking about,
18 the discrediting, I know of no basis for that and I will
19 not attempt to justify it.

20 The Chairman. You never made a finding, did you, that
21 Martin Luther King was a communist?

22 Mr. Adams. No, sir, we did not. We were investigating
23 communist influence and the possible effect on him. We
24 never made such a determination.

25 The Chairman. Very well. Then there was no justification

1 for the FBI to interfere?

2 Mr. Adams. To discredit him.

3 The Chairman. In conferring an honorary degree upon
4 him.

5 Mr. Adams. I cannot find any justification for that.

6 The Chairman. Is it true that the FBI on another occasion
7 intervened in an attempt to prevent Dr. Martin Luther King
8 from seeing the Pope?

9 Mr. Adams. I believe that is correct, sir. There were
10 approximately 25 incidents, I believe, of actions taken in
11 this regard. I think Mr. Schwarz has those available, that
12 I would lump basically all of them into the same situation
13 of I see no statutory basis or no basis of justification for
14 the activity.

15 The Chairman. But what was the motive, there being no
16 statutory basis or other valid basis? What was the motive
17 for attempting to prevent Dr. Martin Luther King from visiting
18 with the Pope?

19 Mr. Adams. In looking at absolute motive, I don't think
20 the files which we have reviewed and made available to the
21 Committee, give me a clear picture of what the motive was.
22 I think that there were, the motive was certainly known to
23 Mr. Hoover. It was known to one top official who is no longer
24 with the Bureau and maybe known to others, all of whom have
25 been interviewed by the Committee. Matters bearing on what

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might have been the real motive or the possible motive, I again feel, because of reasons of privacy and delicacy, are not a proper subject of discussion at a public hearing.

I think we know what could have influenced this, but one, the primary individual, Mr. Hoover, is not with us. Individuals who were closest to him in this effort are not with us. And the Committee itself has interviewed him.

So I really am not in a position to discuss this motive issue.

The Chairman. Nevertheless, you would agree that whatever the motive, it was a very improper thing to do.

Mr. Adams. I cannot find any justification, no, sir.

End of Tape

WARD & PAUL

410 First Street, S.E., Washington, D.C. 20003

1 The Chairman. Is it true that after Dr. Martin Luther
2 King had been nominated for the Nobel Peace Prize, that an
3 anonymous letter was sent to Dr. Martin Luther King and to
4 Mrs. King, Coretta King, his wife, which was sent 34 days before
5 he was to receive the Nobel Peace Prize?

6 Mr. Adams. I do not think those dates are correct.

7 The Chairman. Well, it was sent --

8 Mr. Adams. It was before he was to receive it. I think
9 34 days -- upon reconstruction by one of the members of my
10 staff, 34 days would have been Christmas Day, and whether that
11 34 days --

12 The Chairman. It is hard to believe that such a letter
13 would be written on Christmas Day.

14 Mr. Adams. It was not written on Christmas Day, but 34
15 days -- the Nobel Peace Prize I think was on December 10, the
16 letter was 34 days from the date of the mailing of the letter
17 as has been reconstructed, as best as possible, would have been
18 Christmas Day.

19 The Chairman. Was the letter written and sent by the
20 FBI?

21 Mr. Adams. We have no information to that effect. All
22 we know is that the draft, or original, of what may have been
23 the letter was found in papers of the FBI left after a former
24 official departed the FBI. We know that based upon inquiries
25 that we have conducted and you have conducted, we know that the

1 letter was not -- I mean it was in connection with other
2 material. So I think we can assume --

3 The Chairman. Other materials which were sent.

4 Mr. Adams. That's right. So I can assume that the letter
5 was sent. I have determined nothing from my review of the
6 files, and neither has your staff, to my knowledge, or has been
7 reported back to me which would indicate that this action was
8 duly recorded in any file or was a part of any authorized
9 program or anything else. This is a void that I do not think
10 any of us has been satisfactorily able to resolve.

11 The Chairman. We know the letter appeared in the files. We
12 know that the letter was received. We know it was associated
13 with other matters that were sent by the FBI to Dr. Martin
14 Luther King.

15 Mr. Adams. The letter was never in our files in the sense
16 that it was entered into the official files of the FBI. It was
17 among papers --

18 The Chairman. It was among papers...

19 Mr. Adams. Left by an individual who had departed.

20 The Chairman. That individual being Mr. Sullivan?

21 Mr. Adams. Yes, sir.

22 The Chairman. The letter read, "King, there is only one
23 thing left for you to do. You know what it is. You have just
24 34 days in which to do it; this exact number has been selected
25 for a specific reason. It has definite practical significance.

