

File #:

62-116464

Serial Scope:

204- EBF

Released under the John F.
Kennedy Assassination
Records Collection Act of
1992 (44 USC 2107 Note).
Case#:NW 68262 Date:
09-22-2022

62-116464-204

ENC-2

41

TJM:lhb 11/14/75

The Attorney General U.S. HOUSE SELECT COMMITTEE
Dept. of Justice ON INTELLIGENCE ACTIVTS (HSC)

Relet from HSC 10/28/75 req'ng certain info from
FBI. Atchd for ur aprvl & frwrng to HSC is orig
of memo w/encisz whch cnstita Bu's respns to HSC
req for Bu materials cnerng Earl Robt Merritt, Jr.
Yu attn calld to Bu req contand in enclsd memo fo
meeting betwn reprsntatvs of this Bu & HSC to
discs manner Bu will respnd in future to HSC req.
A cc of memo being provided for ur records.

MATERIAL FOR HSC IN RESPONSE
TO REQUEST RELATING TO
EARL ROBERT MERRITT, JR.

RETAIN

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI

DATE: 11/30/71

FROM : SAC, WFO (137-5692)

SUBJECT: EARL ROBERT MERRITT, JR., aka
James Robert Chandler, Jr.,
Robert Cochran,
Robert Octavio Chevalier,
James R. Monroe,
"Butch"

CI

Handwritten notes:
Duffy
089
RG 3-
7-
2-
Kuro

An extra copy of this letter is furnished for the Domestic Intelligence Division because the informant furnishes information of value in the security field.

MERRITT has been carried as a PCI since 10/8/71. The purpose of this letter is to convert him to a CI.

A. NAME AND ALL ALIASES

EARL ROBERT MERRITT, JR.
JAMES ROBERT CHANDLER, JR.
ROBERT COCHRAN
ROBERT OCTAVIO CHEVALIER
JAMES R. MONROE
"BUTCH"

Handwritten notes:
1517
IB
C. R. [unclear]
209
217

B. SYMBOL NUMBER

WF-4015-C

EX-104

REC-14 / 37 - 28143 - 1

DEC-17

DEC 2 1971

C. ADDRESS AT WHICH CONTACTED

Source is contacted in the vicinity of his residence, 2122 P Street, N.W., Washington, D.C., but never at his residence itself.

3-Bureau
1-WFO
TTO:sag
(4)

Handwritten signatures and initials:
M. F. ROW
6221 IB
[unclear signature]

D. RESIDENCE ADDRESS

2122 P Street, N.W., Washington, D.C.

E. DESCRIPTION

Name: EARL ROBERT MERRITT, JR.
Aliases: JAMES ROBERT CHANDLER, JR.
ROBERT COCHRAN
ROBERT OCTAVIO CHEVALIER
JAMES R. MONROE
"BUTCH"
Race: White
Sex: Male
Age: 27
Date of Birth: 6/22/44
Place of Birth: Charleston, West Virginia
Height: 5 feet 11 inches
Weight: 175 pounds
Build: Medium
Complexion: Fair
Scars and Marks: None
Marital Status: Single
Employment: Currently unemployed but
seeking work - the source
has been employed in the past
in clerical capacities with
hospitals and medical insurance
companies.
Social Security Number: JFK Act 5 (g) (2) (D)
Education: Four years high school,
Charleston, West Virginia
Parents:
Father: EARL ROBERT MERRITT, SR.
Richmond, Virginia
Mother: REBECCA BLANCH FRISBY
Charleston, West Virginia
Stepfather: CARL P. FRISBY
Charleston, West Virginia

F. DATE DESIGNATED AS INFORMANT

11/30/71

G. ESTIMATE OF RELIABILITY

There has been insufficient contact with the informant to determine reliability. Nothing has been developed, however, to indicate that the informant has furnished other than reliable information.

H. EMPLOYMENT

The source is not employed at this time. He has talked with persons at the Institute for Policy Studies (IPS), 1520 New Hampshire Avenue, N.W., Washington, D.C., who have stated that he is being considered for a job at IPS. These persons are MARCUS RASKIN and ARTHUR IRWIN WASKOW. IPS, RASKIN and WASKOW are subjects of WFO files set forth later in this communication.

The source has been employed in the past as a hospital and medical insurance company clerical employee.

I. PAST ACTIVITIES

The source has in the past furnished information to the Metropolitan Police Department (Intelligence Division and Second District), Washington, D.C., and the Alcohol, Tobacco and Firearms Division of the Internal Revenue Service.

The source has been in the Washington, D.C. area, primarily in the vicinity of Dupont Circle, for more than six years.

During the Spring, 1971, the source became associated with JOHN RANKIN DAVIS (WF 100-48582) and others associated with the planning of the May, 1971, demonstrations in Washington, D.C. Following his association with these persons, the source began to take part in activities held at IPS and to become acquainted with persons at IPS such as RASKIN, WASKOW and JOANN MALONE.

The source advised that he has never been arrested although he has been detained by law enforcement personnel on several occasions. A search of the files of the Metropolitan Police Department and U.S. Park Police disclosed no record identifiable with the source under his true name or any of his aliases. A check of NCIC reflected no warrants for the source under his true name or aliases.

A review of WFO indices reflects that the source was the subject of WF 87-18178. Under the name JAMES R. MONROE, the source had, during May, 1970, cashed three checks totalling \$225.00 at Charleston, West Virginia, on a bank in Washington, D.C. The checks were returned to the Charleston Bank. Prosecution in this matter was declined on 2/23/71, by AUSA ROBERT B. KING, Southern District of West Virginia, because the amount of money involved and evidence available did not justify further investigative efforts to locate and interview MERRITT.

The source explained that he had at one time cashed several checks amounting to a little over \$200 while he visited Charleston, West Virginia, during the Spring, 1970. He stated that he has made efforts to negotiate payment of these checks and that he has at no other time and will never again engage in this practice.

J. IDENTIFICATION RECORD

A request for an Identification Record was made on 11/8/71. No criminal or civil file identifiable with the source under his true name or aliases was located.

K. CRIMINAL ASSOCIATES

The source is in regular contact with a number of persons engaged in criminal activity. He is an admitted homosexual and this has brought him into contact with other homosexuals who engage in various types of criminal activities. The source has in the past furnished information concerning persons involved in a homicide, narcotics, armed robberies, burglaries and other crimes to the Metropolitan Police Department.

WFO 137-5692.

The source spends time in the Dupont Circle area, Georgetown, downtown Washington, 14th and U Streets, N.W., 14th Street and Columbia Road, N.W., and several other sections of Washington, D.C.

L. INFORMATION FURNISHED IN THE PAST

The source has furnished information regarding the captioned cases set forth below:

Institute for Policy Studies (IPS)
IS-NEW LEFT
(OO:WFO)
(Bufile 100-447935)
(WFOfile 100-46784)

IPS is located at 1520 New Hampshire Avenue, N.W., Washington, D.C.

The source has furnished information concerning IPS on a continuing basis. On 10/5/71, the source advised that he had attended a meeting regarding prisons held at IPS on 9/21/71. This meeting was dominated by ARTHUR IRWIN WASKOW and JOANN MALONE. These two persons are the subjects of WFO file 105-50397 (Bufile 105-114241), captioned "ARTHUR IRWIN WASKOW, SM-NEW LEFT" and WFO file 100-49419 (Bufile 454221), captioned "JOANN MALONE, SM-NEW LEFT." The source also furnished information on 10/6/71 concerning another meeting involving the prison issue held at IPS on 10/5/71. This meeting, too, was dominated by WASKOW and MALONE.

On 10/13/71, the source advised that sometime during September, 1971, MALONE had discussed the subject of FBI surveillance of IPS with him. She told the source that she and others at IPS believed the FBI was watching them from a building across the street, from a room in the Dupont Plaza Hotel (to the right of the IPS building) and possibly from the building on the other side of the IPS building. It was further believed that the IPS building was "bugged" and that the FBI was using sophisticated electronic equipment to pick up conversations in and around IPS. Because of these suspicions,

WFO 137-5692

persons associated with IPS discuss important matters outside the building.

The source provided a description on 10/13/71 of that part of the IPS building with which he is familiar.

On 10/20/71, the source advised that WASKOW had talked with him about the possibility of working for IPS or persons associated with IPS. WASKOW was not specific about the job and during subsequent contacts the source advised that he was having difficulty locating WASKOW at IPS and that when he did talk with him WASKOW was still noncommittal concerning the job.

On 11/16/71, the source advised that he had spoken with MARCUS RASKIN at IPS. RASKIN is the subject of WF 100-45298 (Bufile 100-454040) captioned "MARCUS GOODMAN RASKIN, SM-NEW LEFT." RASKIN told the source on 11/15/71 that the source was being considered for a job which would involve assisting WASKOW and others at IPS. RASKIN said that further thought was being given this possibility and that the source should return to see him at 1:00 p.m., 11/23/71.

On 11/9/71, the source advised that MALONE had commented upon the apathy toward the prison issue and the fact that a meeting would be held on the evening of 11/11/71 to renew interest in the issue. On 11/10/71, the source stated that MALONE had again expressed her concern concerning lack of interest in the prison issue and had set forth her ideas as to what course of action should be undertaken to better publicize and renew interest in the issue. MALONE said that she was disappointed in the response of the black community to the prison issue.

WEATHFUG
(OO:CHICAGO)
(WF 176-265)
(Bufile 176-1594)

Information has been received from a reliable source that MICHAEL LOUIS SPIEGEL, aka-FUGITIVE, IO #4360, ARL-CONSPIRACY, OO:CHICAGO, visited IPS while a fugitive during December, 1970.

WFO 137-5692

Although the source has not observed nor heard anything of SPIEGEL, it is believed that the fact that the source is occasionally in the IPS building will enable him to be in an advantageous position to observe SPIEGEL or any other of the New Left fugitives should they make contact with persons at IPS.

WILLIAM LUTHER PIERCE, aka
EM-NYA
(OO:WFO)
(WF 157-2396)
(Bufile 157-13485)

HAMILTON MICHAEL BARRETT, aka
EM-NSWPP
(OO:ALEXANDRIA)
(WF 157-3700)

JERRY DUNLAP
EM-NYA
(WF 157-4463)

On 10/29/71, the source advised that a friend, JERRY DUNLAP, had offered to sell him four incendiary devices. DUNLAP, a homosexual, said that dynamite, dynamite caps, fragmentation and smoke grenades and stink bombs were also available. The source had previously purchased two incendiary devices from DUNLAP while the source was furnishing information to the Intelligence Division, Metropolitan Police Department (MPD), Washington, D.C.

DUNLAP stated that he could obtain these items from a MIKE (LNU) who works with DUNLAP at the Columbia Plaza Apartments, Washington, D.C. MIKE was described by DUNLAP as a former member of the National Socialist White Peoples Party (NSWPP) and currently affiliated with Dr. WILLIAM PIERCE and the National Youth Association (NYA). PIERCE was also formerly associated with the NSWPP. MIKE (LNU) is believed to be identical with HAMILTON MICHAEL BARRETT. The source subsequently met MIKE and advised that he greatly resembled a photograph of BARRETT.

WFO 137-5692

PIERCE was described as the person from whom MIKE obtained the incendiaries and explosives and DUNLAP also said that MIKE had indicated that PIERCE was a chemist and had constructed incendiary devices.

This information was furnished to the Alcohol, Tax and Firearms Division, Internal Revenue Service, which is conducting investigation regarding firearms and explosives violations on the part of PIERCE and certain of his associates.

UNSUB; aka
MIKE,
Mrs. ROMONA BANUELOS-VICTIM
PROPOSED KIDNAPPING
(OO:WFO)
(WF 7-1053)

Based on the following information WFO instituted investigation in this matter.

On 11/3/71, the source advised that JERRY DUNLAP had told him that MIKE (LNU), the NYA member working at the Columbia Plaza Apartments, had been talking of planning the kidnapping of the woman who was to be appointed to a high position in the U.S. Treasury. The name of this woman was not mentioned. This kidnapping was to be carried out at the Columbia Plaza Apartments. It was subsequently determined that Mrs. ROMONA BANUELOS had gone to the Columbia Plaza Apartments to inquire about an apartment during late September, 1971. Mrs. BANUELOS is the unconfirmed Treasurer of the United States. Investigation is continuing in this matter.

This information has been disseminated to appropriate Federal agencies.

EDWARD SCOTT COLEMAN, aka
EID
(OO:WFO)
(WF 174-382)

WFO 137-5692

On 10/27/71, the source advised that he had met an individual named MICHAEL HALL, a homosexual, who claimed to have lived with "RANDY" COLEMAN (EDWARD SCOTT COLEMAN), reportedly a homosexual, when COLEMAN was arrested by the MPD in connection with fire bombing of financial institutions in the northwest area of Washington, D.C. The two were supposed to have lived together at 2120 O Street, N.W., Washington, D.C.

This information was furnished to the Alcohol, Tax and Firearms Division (ATFD), which is investigating the fire bombings. It is also noted COLEMAN has been indicted on charges of attempting to bomb four Washington, D.C. businesses and banks in September, 1971, by Federal Grand Jury, Washington, D.C.

JAMES HENRY ROLLINS, aka-FUGITIVE
UFAC-DISPENSING NARCOTICS
(OO:KC)
(WF 88-7798)

On 11/19/71, the source advised that he had seen a person resembling ROLLINS at a meeting concerning prisons held at IPS on the evening of 9/21/71. This individual was accompanied by two Negro females and was later observed by the source on one or two occasions in Dupont Circle, Washington, D.C.

MISCELLANEOUS

The source has furnished information regarding demonstrations held in Washington, D.C., during the Fall, 1971.

The source advised on 11/2/71 that he had observed an individual resembling a man named WOODRUFF being sought by the U.S. Postal Inspectors. This person was observed in the vicinity of 2116 P Street, N.W., Washington, D.C.

The Postal Inspection's Office, Washington, D.C., confirmed that they were seeking a fugitive named WOODRUFF and requested that they be advised if the man was observed in the future. The source has been attempting to ascertain the residence of this person.

The information furnished by the source regarding IPS and persons associated with IPS has been of value as intelligence data. The source is one of only a few sources in a position to furnish information concerning IPS which is described as the "think tank" of the New Left.

Information regarding Dr. WILLIAM PIERCE and HAMILTON MICHAEL BARRETT is of value from an intelligence standpoint and has substantially aided the ATFD in its investigation of possible firearms and explosives violations on the part of these persons.

The source spends much time in many areas of Washington, D.C., particularly Dupont Circle, and this enables him to be observant concerning fugitives and for the matters of interest to the Bureau. The fact that he is a homosexual permits him to furnish information of value to the Bureau concerning persons in the homosexual community, and enable WFO to fulfill its responsibilities for identifying homosexuals in government.

M. EMOTIONAL STABILITY

During contacts with this informant the informant has exhibited no traits of emotional instability or unreliability, nor is it known that the informant has furnished any false information.

SAC, Washington Field (137-5692)

12-9-71

REC-2

Director, FBI

137-28143-2

Handwritten notes:
Incorporated
MADDS

~~██████████~~

EX-117

Reurlet 12-7-71.

In accordance with facts set forth in referenced letter, you are hereby granted authority to expend on a strictly C.O.D. basis the sum of up to but not to exceed \$400 in accordance with provisions set forth in Section 108J 2, Manual of Instructions.

You should follow the development of this source very closely. If it appears that he could be more valuable in the security field, he should be converted to a security type informant.

1 - M. F. Row, 6221 IB

Handwritten signature:
m/f

MAILED 20
DEC 9 - 1971
FBI

NOTE: This is a newly converted source of the Washington Field Office. He recently gave information on a gambling operation and seven other cases of a security nature which are of great interest to that division. In view of the above, it is recommended that an additional SAC authority be approved. This response has been coordinated with Supervisor E. Grigalus, Division Five.

- Tolson _____
- Felt _____
- Rosen _____
- Mohr _____
- Bishop _____
- Miller, E.S. _____
- Casper _____
- Conrad _____
- Dalbey _____
- Cleveland _____
- Fonder _____
- Gates _____
- Tavel _____
- Walters _____
- Soyars _____
- Tele. Room _____
- Holmes _____
- Gandy _____

EFF:djf (5)

DEC 12 11 45 AM '71

DO NOT REPLY DIA

Handwritten signature:
oss

Handwritten initials:
CWA

Handwritten initials:
SF

58-DEC 2 1 10 7
MAIL ROOM TELETYPE UNIT

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI

DATE: 12-7-71

FROM : SAC, WFO (137-5692) (P)

SUBJECT:
CI

CR

JWA

3

ReWFOlet to the Bureau, 11-30-71.

An extra copy of this letter is furnished for the Domestic Intelligence Division because the informant furnishes information of value in the security field.

RECOMMENDATION

The purpose of this letter is to recommend authority to expend an additional \$400.00 in payments to the informant under provisions of Section 108-J, 2, Manual of Instructions.

During the period the informant has been contacted, he has shown no signs of emotional instability or unreliability. He has maintained very regular contact and there has been no indication that he has furnished any false information.

(WF 4015-C)

B

This informant has been paid a total of \$400.00 under SAC authority; these payments made between the period 10-13-71 to 12-1-71.

DATE	AMOUNT
10-13-71	\$60.00 ✓
10-20-71	\$60.00 ✓
10-28-71	\$60.00 ✓
11-3-71	\$60.00 ✓
11-12-71	\$50.00 ✓
11-18-71	\$20.00 ✓
11-26-71	\$50.00 ✓
12-1-71	\$40.00 ✓

EX-117

REC-2

137-28143-2

Abhatt

- 3 - Bureau
- 1 - WFO

M. F. Row
6221 IB

6 DEC 13 1971

TTO:ctw
(4)

let SAC, WFO
EFF:df
12-9-71

Griffes - 5

John



WFO 137-5692

CASES ON WHICH INFORMATION HAS BEEN FURNISHED

ReWFOlet set forth certain information provided by the source. Set forth below is additional information for which the source was paid during the period 10-13-71, to 12-1-71:

INSTITUTE FOR POLICY STUDIES (IPS)
IS - New Left
(OO:WFO)
WF 100-46784
Bufile 100-447935

ARTHUR IRWIN WASKOW
SM - New Left
(OO:WFO)
WF 105-50397
Bufile 105-114241

MARCUS GOODMAN RASKIN
SM - New Left
(OO:WFO)
WF 100-45298
Bufile 100-454040

JOANN MALONE
SM - New Left
(OO:WFO)
WF 100-49419
Bufile 100-454221

On 11-22-71, advised that in speaking with DIANE (LNU) at the Red House Collective, Washington, D. C. (WDC), he learned that a national meeting concerning prisons had been held at IPS the week end of 11/13-15/71. DIANE also told the source that ARTHUR WASKOW and JOANN MALONE, both associated with IPS, were devoting most of their time to national prison abolition activities and little or no time to local activities in WDC.

On 11-24-71, the source advised that an individual identified as ROBERT WALL, a former Special Agent of the FBI, had delivered a speech at an IPS meeting the same evening.

WFO 137-5692

WALL's topic concerned white power structure "exploitation of blacks, especially black policemen." On 11-26-71, the source provided a tape of WALL's speech and identified a photograph of WALL as the speaker. WFO Agents familiar with WALL advised that the voice on the tape was most probably that of WALL. (The Bureau was advised of this by airtel dated 11-26-71.)

Also on 11-26-71, the source provided a copy of a memo to all IPS personnel indicating that the next IPS Administrative Meeting would be held on 11-29-71, at 10:00 a.m. He also provided a copy of a memo directed to IPS personnel reflecting an "Election '72 Seminar" would be held at IPS.

(On 12-3-71, the source advised that he had spoken with WASKOW on 12-2-71, concerning a job which MARCUS RASKIN had previously stated the source would have at IPS. WASKOW confirmed that the job would involve assisting him and that it would begin shortly after 1-1-72. WASKOW told the source that he would attempt to find other work at IPS for which the source would be compensated before 1-1-72. WASKOW advised that during the remainder of 1971 he would spend some time each week orienting the source for the job and that this would include familiarizing the source with IPS. On 12-4-71, the source advised that he had spoken further with WASKOW concerning the job and that WASKOW was attempting to find projects with which the source could assist before 1-1-72.) (Source has not been paid for the period covering 12/3 - 4/71.)

JOHN RANKIN DAVIS, aka
SM - New Left (Extremist)
(OO:WFO)
WF 100-48582
Bufile 100-451643
CAPBOM
(OO:WFO)
WF 174-318
Bufile 174-1891

On 11-18-71, the source furnished information concerning his association with JACK DAVIS, an individual considered a suspect in the bombing of the U. S. Capitol, 3-1-71. The source was closely associated with DAVIS during

WFO 137-5692

April, May and June, 1971, but during this time never admitted to having participated in the bombing and never specifically indicated who might have been involved in the bombing. The source advised, however, that DAVIS was very "paranoid" concerning the subject of the Capitol bombing.

ALEXIS KING, aka
Alex,
Tony
IGB
(OO:WFO)
WF 182-New

On 11-22-71, the source advised that he had met an acquaintance of his named ALEXIS KING at the Fairfax Restaurant, 2100 block of P Street, N. W., WDC, on 11-21-71. This man offered to sell the source six \$20.00 bills, described as counterfeit by KING, for \$100.00. KING said he had more of these bills if the source was interested. The source told KING that he was not interested but recalled that the first four numbers of each serial number on the bills were "5152." The source also advised that he had seen KING involved in a numbers transaction and that he gathered from KING that KING was still dealing in numbers.

The information concerning the counterfeit bills was furnished to SA STEPHEN A. LORD, Washington Field Office, U. S. Secret Service (USSS). SA LORD advised that he considered the information very reliable and valuable in that three \$20.00 counterfeit bills with serial numbers beginning "5152" had been received very recently by the USSS. He stated that it is unusual to get information concerning persons passing such bills before counterfeit bills are received by the USSS and investigation to trace them is instituted.

Based on the information regarding KING's involvement in numbers transactions, the above-captioned 182 case re KING was opened.

The source furnished certain identifying data re KING and a possible address for this individual.

WFO 137-5692

EVALUATION

The source is in a position to provide coverage of the Dupont Circle and other areas in WDC for fugitives and other criminal activities, such as that regarding the counterfeit \$20.00 bills set forth above. The source has also furnished valuable information regarding IPS (publicly described as the "New Left Think-Tank") and meetings held at IPS. He has also been told that he will begin assisting ARTHUR WASKOW at IPS after 1-1-72, thus placing him in a position to obtain further information of value to the Bureau.

SAC, Washington Field (137-5692)

2-8-72

Director, FBI

137-28143-3
REC-47

[Redacted]

Jan

Reurlet 2-4-72.

In accordance with facts set forth in referenced letter, you are hereby granted authority to expend on a strictly C.O.D. basis the sum of up to but not to exceed \$400 in accordance with provisions set forth in Section 108J 2, Manual of Instructions.

1 - M. F. Row, 6221 IB

SEARCHED
SERIALIZED
INDEXED
FEB 8 1972

MAILED 23
FEB 8 - 1972
FBI

NOTE: This individual has been an informant for two months. Recently, information from him led to the arrest of six persons by local authorities. He has furnished positive information in two ITSP matters. He is frequently with persons who are sympathetic with the Weatherman cause. Through associates in this area, he is developing information on New Left matters. In view of the above, it is recommended that an additional SAC authority be approved.

- Mr. Tolson _____
- Mr. Felt _____
- Mr. Rosen _____
- Mr. Mohr _____
- Mr. Bishop _____
- Mr. Miller, E.S. _____
- Mr. Callahan _____
- Mr. Casper _____
- Mr. Conrad _____
- Mr. Dalbey _____
- Mr. Cleveland _____
- Mr. Ponder _____
- Mr. Bates _____
- Mr. Waikart _____
- Mr. Walters _____
- Mr. Soyars _____
- Tele. Room _____
- Miss Holmes _____
- Miss Gandy _____

EFF:djfdjd
(5)

Row

SEP 8 8 28 AM '72
APJ
CWA

54 FEB 25 1972

MAIL ROOM TELETYPE UNIT

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI

DATE: 2/4/72

FROM : SAC, WFO (137-5692) (P)

SUBJECT: ~~CONFIDENTIAL~~
CONFIDENTIAL

HB 3

Re WFO letter to the Bureau, dated 12/7/71.

An extra copy of this letter is being furnished for the Domestic Intelligence Division, because the informant furnishes information of value in the security field.

RECOMMENDATION

The purpose of this letter is to recommend authority be given to expend an additional \$400 in payments to the informant under provisions of Section 108-J, 2, Manual of Instructions.

During the period the informant has been contacted, he has shown no signs of emotional instability or unreliability. He has maintained very regular contact and there has been no indication that he has furnished any false information.

This informant has been paid a total of \$370 under SAC authority during the period 12/10/71 to 1/28/72. Authorization to pay the informant an additional \$400 under SAC authority was granted per Bureau letter dated 12/9/71.

The following payments were made during the above mentioned period:

Date	Amount
12/10/71	\$ 50.00
12/17/71	35.00

REC-47 137 - 28143 - 2

FEB 17 1972

- 3 - Bureau
- 1 - WFO

ROD 1517

GRIFFINUS - 5

TTO: sup
(4)

M. F. EDW.

A. H. [unclear], [unclear] 1301

DEWY STEWART

1st SAC, WFO
2-8-72 EFF/dj



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

WFO 137-5692

<u>Date</u>	<u>Amount</u>
12/22/71	\$ 45.00
12/30/71	40.00
1/6/72	50.00
1/13/72	45.00
1/21/72	45.00
1/28/72	60.00

CASES ON WHICH INFORMATION HAS BEEN FURNISHED

JOHN RANKIN DAVIS, aka
SM - NEW LEFT (EXTREMIST)
LOGAN ACT
OO:WFO
Bufile 100-451643
WFO file 100-48582

CAPBOM
OO:WFO
Bufile 174-1891
WFO file 174-318

WEATHFUG
OO:CHICAGO
Bufile 176-1594
WFO file 176-265

(WF 4015-C) had in the past been associated with JOHN RANKIN DAVIS, aka JACK DAVIS, a known Weatherman underground supporter and a suspect in the bombing of the United States Capitol, 3/1/71. The source was instructed to attempt to renew his association with DAVIS, and has recently succeeded in doing so.

On 1/4/72, the source ascertained DAVIS' place of employment and developed information regarding DAVIS' work schedule, duties, and activities.

WFO 137-5692

On 1/11/72, the source advised that he had visited DAVIS at his place of employment and discussed DAVIS' recent activities and a mutual acquaintance.

On 1/14/72, the source advised that he had again visited DAVIS at his place of employment and subsequently furnished information regarding DAVIS' attitude to the New Left movement.

On 1/24/72, the source advised that he had talked with DAVIS on 1/22/72, and that DAVIS had discussed the possibility of having the source live with him. He told the source that he had become much less interested in New Left activities and was primarily interested in "gay" issues (DAVIS is a homosexual, according to WF 4015-C and other sources).

On 1/27/72, the source advised that DAVIS had told him that he was staying in a residence near Dupont Circle, Northwest, Washington, D.C., and was anxious to find a new permanent residence.

On 2/2/72, the source advised that he was visited by DAVIS during the early morning hours of 2/2/72. During the visit, DAVIS told the source about his association with the Weathermen and particularly that he knew MIKE SPIEGEL and CATHY WILKERSON, both WEATHFUG subjects, when they lived in Washington, D.C. before they became fugitives. DAVIS at first referred to SPIEGEL as MIKE BRADFORD, which may be an alias being used by SPIEGEL.

It should be noted that WFO is attempting to obtain information concerning DAVIS' activities, acquaintances, and attitudes; as well as knowledge he might have concerning CAPBOM or the WEATHFUG subjects. Placing the informant in a position where DAVIS will trust him so that such information can be obtained is a gradual process and WFO takes this fact into consideration in paying this source.

WFO 137-5692

UNSUB; aka
Howard J. Charafardin
CGR - WORTHLESS CHECKS
OO: ALEXANDRIA
WFO file 70-2855

On 12/10/71, the informant advised that HOWARD C. BRICE is no doubt identical with an individual who has cashed a number of bad checks with various airlines using the name HOWARD J. CHARAFARDIN. Two checks, totalling almost \$1,430 were given by this individual to Trans World Airlines and a number of other checks were being discovered by other airlines as having been given them by this person. The source furnished information of value regarding BRICE's associates, habits, activities, and check passing methods.

On 12/17/71, the source provided further information regarding BRICE's activities and possible whereabouts.

UNSUBS; aka
ROLAND CLUTTER,
KARL LEE WOODS
ITSP
OO: WFO
WFO file 87-19011

On 12/22/71, the informant provided information regarding the activities, associates, location and check passing methods of KARL LEE WOODS. WOODS was involved in the passing of checks which prompted the institution of investigation in the above captioned case.

INSTITUTE FOR POLICY STUDIES (IPS)
IS - NEW LEFT
OO: WFO
Bufile 100-447935
WFO file 100-46784

WFO 137-5692

ARTHUR IRWIN WASKOW
SM - NEW LEFT
OO:WFO
Bufile 105-114241
WFO file 105-50397

On 12/8/71, the source advised that he had been at IPS on 12/7/71, and a person there told him that ARTHUR WASKOW and others associated with IPS were in a conference with an individual named WALL (ph). WALL was not further identified, but was possibly identical with ROBERT WALL, a former Special Agent of the FBI who was reported to have visited and talked with persons associated with IPS.

The source had been promised a job at IPS as ARTHUR WASKOW's assistant. It is noted that among other activities, WASKOW had in the past been acquainted with two WEATHFUG subjects, MIKE SPIEGEL and CATHY WILKERSON.

On 12/16/71, the source advised that he talked with WASKOW on the same date and was told that he was to have orientation sessions for the job with WASKOW.

On 12/20/71, WASKOW explained the nature of the job the source was to have and asked the source what his reaction to police pressure would be.

On 12/27/71, the source talked with WASKOW, who said that despite a letter from IPS which the source had received to the contrary, the source was still being considered for the job at IPS. WASKOW stated that he had "sources" who had indicated that IPS was being infiltrated by law enforcement agencies and that strict screening procedures, possibly including polygraph tests, were being adopted regarding new employees and those already associated with IPS.

WFO 137-5692

On 1/13/72, the source talked with an attorney for IPS named HIRSTEIN (ph), (very probably identical with ROBERT E. HERZSTEIN, an attorney with the firm of Arnold and Porter, which handles IPS' legal affairs). This individual reiterated IPS' new screening procedures which were being adopted to prevent alleged Government infiltration.

On 1/27/72, the source was interviewed for three hours by an attorney for IPS, and RICHARD BARNETT, subject of WFO 100-45302, Director of IPS, as a part of the screening program for employment at IPS. He was told that the screening procedures had been adopted as a result of revelations made to IPS by a former FBI Agent named ROBERT WALL, who told them of law enforcement attempts to obtain information concerning IPS.

DEMONSTRATIONS BY MEMBERS OF
THE GAY LIBERATION FRONT AGAINST
THE UNITED STATES PARK POLICE,
AREA OF THE IWO JIMA MONUMENT,
ARLINGTON, VIRGINIA,
JANUARY 6, 7, and 8, 1972
IS - NEW LEFT
OO: ALEXANDRIA
WFO file 100-55286

On 1/4/72, the informant advised that the captioned demonstration would occur in protest against United States Park Police (USPP) arrests of homosexuals near the Iwo Jima Monument. On 1/5/72, the informant advised that a rally would be held by members of the Gay Activist Alliance (a homosexual organization in Washington, D.C.) at the Iwo Jima Monument. The USPP was advised of these activities. Six persons were arrested by the USPP at the Iwo Jima Monument for demonstrating without a permit. ✓

WFO 137-5692

HARRISBURG DEFENSE COMMITTEE
IS - NEW LEFT
OO:NEW YORK
WFO file 100-53301

On 1/3/72, and 1/21/72, the informant provided literature received from the captioned organization which is engaged in support of the defendants in the Harrisburg 8 Conspiracy trial.

EVALUATION

The informant is at this time attempting to develop his association with JOHN RANKIN DAVIS so that he might obtain information of value concerning the WEATHFUG and CAPBOM cases. He is in a position to provide information regarding criminal activity and fugitives near the Dupont Circle area in Washington, D.C. Further, the source is continuing to attempt to obtain employment at IPS as ARTHUR WASKOW's assistant, which may enable him to obtain information of value concerning WEATHFUG subjects and other New Left activity. The information set forth in this communication has been of value in both the criminal and New Left security fields.

SAC, Washington Field (137-5692)

3-27-72

REC-19
Director, FBI (137-28143) - 4

M. J. [unclear]

EX-105

Reurlet 3-22-72.

In accordance with facts and justification set forth in referenced letter, you are hereby granted authority to expend on a strictly C.O.D. basis the sum of up to but not to exceed \$400 in accordance with provisions set forth in Section 103J 2, Manual of Instructions.

*S. P. [unclear] Per et
J. Sten [unclear]*

1 - M. F. Row, 6221 IB

MAILED 5
MAR 27 1972
FBI

NOTE: This individual is a fairly new criminal informant of the Washington Field Office. Since last SAC authority was approved, he has furnished valuable information on the WEATHFUG and CAPBOM investigations. In addition, his information led to the opening of a new TFIS case in the Washington Field Office. He has also furnished information concerning narcotics activity in the Washington, D. C. area. Based on these facts, it is recommended that an additional SAC authority be granted.

- Mr. Tolson _____
- Mr. Felt _____
- Mr. Rosen _____
- Mr. Mohr _____
- Mr. Bishop _____
- Mr. Miller, E.S. _____
- Mr. Callahan _____
- Mr. Casper _____
- Mr. Conrad _____
- Mr. Dalbey _____
- Mr. Cleveland _____
- Mr. Ponder _____
- Mr. Bates _____
- Mr. Waikart _____
- Mr. Walters _____
- Mr. Soyars _____
- Tele. Room _____
- Miss Holmes _____

ABF:djfdjb
(5)

*ABF
CWH*

54 APR 20 1972

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (137-28143)

DATE: 3/22/72

FROM : SAC, WFO (137-5692)(P)

CONF. INFT.

SUBJECT:
CI

Re WFO letter to the Bureau, 2/4/72.

An extra copy of this letter is being furnished for the Domestic Intelligence Division because the informant furnishes information of value in the security field.

Recommendation

The purpose of this letter is to recommend authority be given to expend an additional \$400 in payments to the informant under provisions of Section 108-J, 2, Manual of Instructions.

During the period the informant has been contacted, he has shown no signs of emotional instability or unreliability. He has maintained very regular contact and there has been no indication that he has furnished any false information.

This informant has been paid a total of \$400 under SAC authority during the period 2/8/72 - 3/17/72. Authority to pay the informant an additional \$400 under SAC authority was granted per Bureau letter dated 2/8/72.

The following payments were made during the above-mentioned period:

Date	Amount
2/8/72	\$35.00
2/11/72	60.00
2/18/72	55.00

TFIS DESK

EX-105

10 APR 12 1972

- 3 - Bureau
- 1 - WFO

TTO: kmz

let SAC, WFO
3-27-72 ABF:djf

A. H. Wilson, No. 1502

REC-19 137-28143-4

*2/24/72
2/24/72
2/24/72*

Handwritten signatures and initials, including "FBI" and "SAC" stamps.

WFO 137-5692

2/24/72	\$55.00
3/6/72	60.00
3/13/72	80.00
3/17/72	55.00

CASES WHICH INFORMATION HAS BEEN FURNISHED

JOHN RANKIN DAVIS, aka;
SM - NEW LEFT (EXTREMIST)
LOGAN ACT
(OO:WFO)
Bufile 100-451643
WFOfile 100-48582

CAPBOM
(OO:WFO)
Bufile 174-1891
WFCfile 174-318

WEATHFUG
(OO:CG)
Bufile 176-1594
WFOfile 176-265

The informant has been targeted against JOHN RANKIN DAVIS, a suspect in the CAPBOM case, and an admitted associate of WEATHFUG subjects. The informant has been attempting to further develop his association with DAVIS and has furnished information of value concerning DAVIS' activities and associates. The source is, of course, constantly alert for indications of any contact on DAVIS' part with WEATHFUG subjects or other New Left fugitives as well as any implication of knowledge on DAVIS' part regarding CAPBOM.

On 2/6/72, the source provided information concerning a recent conversation he had had with DAVIS. He

WFO 137-5692

further recalled that sometime during April, 1971, DAVIS had made a statement to an attorney who is a mutual friend of DAVIS and the source and who was providing legal advice to both, that he had been told by an individual that that individual had been involved in the bombing of the U.S. Capitol, 3/1/71. The attorney, RAY TWCHIG, told DAVIS that he would talk to this unnamed individual for DAVIS to determine whether this person had actually been involved in the bombing. The source had been making an effort to recall as best he could what had been said during this conversation and reported it only when he was sure that he recalled enough for the information to be of value.

On 2/13/72, the source advised that he had spoken with DAVIS on that same date and furnished information regarding DAVIS' activities and proposed activities at that time.

On 2/16/72, the source provided information regarding a trip he had taken to New York City with DAVIS during April, 1971, believing that the information might be of value to the Bureau.

On 2/18, 20, 25, and 26/72, the source provided information regarding recent contacts he had had with DAVIS.

On 2/29/72, the source provided information regarding a conversation with DAVIS on 2/28/72. During this conversation DAVIS told the source about being interviewed by an FBI Agent (an interview which did occur and which DAVIS had told the interviewing Agent he intended to tell no one about) and that he would have nothing further to do with the FBI. Davis also told the source that he intended to travel to New York City after work that night to visit "Weather fugitives" and other unnamed persons.

WFO 137-5692

On 3/4/72, the source furnished information concerning DAVIS' associates.

On 3/6/72, the source furnished information concerning conversations he had had with DAVIS on 3/5-6/72.

On 3/10/72, the source provided information concerning a conversation he had with DAVIS on 3/9/72. During this conversation DAVIS asked the source to rent an apartment under an assumed name to be used by DAVIS, the source and others whom DAVIS would not name as a meeting place.

On 3/13, 15, and 16/72, the source provided additional information concerning DAVIS.

UNSUB; aka,
Howard J. Charefardin
CGR - WORTHLESS CHECKS
(OO:AX)
WFOfile 70-2855

On 3/4/72, the source furnished information regarding the possible location of HOWARD C. BRICE, who is no doubt identical with the individual who had passed a number of worthless checks to purchase airline tickets under the name HOWARD J. CHARAFARDIN. The source had previously furnished considerable information of value concerning this individual and remains alert regarding his activities and location.

GARY COVINGTON
TFIS
(OO:WFO)
WFOfile 15-6424

WFO 137-5692

On 2/9/72, the source furnished information concerning an individual known to the source as GARY COVINGTON who apparently works as a security guard at the Trailways Bus Terminal in Washington, D.C. (WDC), and who has told the source that he is involved in thefts from the terminal. A case was opened to determine whether COVINGTON is involved in such activity.

THE DEFENSE COMMITTEE, aka;
IS - NEW LEFT
(OO:PH)
Bufile 100-457882
WFOfile 100-53301

On 2/8/72, and 3/10/72, the source furnished literature received from the Harrisburg Defense Committee. This literature was of value in regard to this case.

DEMONSTRATION SPONSORED BY D.C. CITIZENS
CONCERNED FOR PEACE IN INDO-CHINA AT THE
WHITE HOUSE,
WASHINGTON, D.C.
2/17/72
IS - NEW LEFT
VIDEM;
PREVIT
(OO:WFO)

On 2/16/72, the source advised that captioned demonstration was to take place and appropriate agencies were advised re this matter. This demonstration did take place on 2/16/72.

MISCELLANEOUS

The source has provided to this office information of value to the Metropolitan Police Department (MPD) concerning narcotics activity in WDC.

WFO 137-5692

On 2/25/72, provided information concerning marijuana dealings on the part of persons at 1707 P Street, N.W., WDC, and possible heroin dealings on the part of persons at 1757 Church Street, N.W., WDC, and on the part of an individual who frequents the Dupont Circle area of WDC. The source later furnished additional information regarding narcotics activity at 1707 P Street, N.W. All of this information has been furnished to appropriate officers of the MPD who advised that this information is of value to the MPD.

EVALUATION

The informant has been making every effort to further develop his relationship with JOHN RANKIN DAVIS and has succeeded in doing so. Further development of this association will hopefully enable the source to obtain information of value concerning the WEATHFUG and CAPBOM investigations. The source continues to furnish to this office information of value to both the Bureau and other law enforcement agencies concerning criminal activity in WDC and particularly in the Dupont Circle, N.W. area of the city. Additionally, the source has provided information of value to the Bureau in the New Left security field and is in a position to continue to do so.

airtel

4/21/72

To: SAC, WFO

- 1 - Mr. A. B. Fipp, Jr. (1503 JB)
- 1 - Mr. J. T. Stewart
- 1 - Mr. S. F. Phillips

From: Director, FBI

CAPECOM
 Bufile: 174-1891
 WFOfile: 174-318

JOHN RANKIN DAVIS, aka
 SM-NL (EXTREMIST)
 LOGAN ACT
 Bufile: 100-451643

Your office's investigation of the CAPCOM case, and more specifically the Davis matter, has led to interviews with a number of Davis' associates, mostly males who, like Davis, are homosexuals. Paralleling this phase of the Davis investigation has been your commendable penetration of Davis through [redacted] who has developed a close rapport with Davis and is able to keep your office advised on a timely basis concerning Davis' activities.

In this stage of the Davis investigation, it is believed that consideration should be given to a possible pseudo interview of [redacted] with intention that the informant then report back to Davis concerning the FBI's contact with him. The primary purpose of such action would be, of course, to further protect the security of the informant. A secondary purpose might well be to enhance the

- 1 - WFO (137-5692) ([redacted])
- 1 - CONF. INFT. ([redacted])
- 1 - 137-28143 ([redacted])

SFP:car
 (10)

SEE NOTE PAGE TWO

137-28143 -
 NOT RECORDED

46 APR 27 1972

97 APR 23 1972

DUPLICATE YELLOW

ORIGINAL FILED IN 174-1891-1913

Airtel to WFO

Re: CAPBOM

JOHN RANKIN DAVIS, aka

174-1891

100-451643

relationship between informant and Davis. The current need for such a tactic may be made necessary by information being developed by your office indicating that some of Davis' associates are reporting back to him concerning FBI's interviews of them.

You are instructed to give the foregoing studied consideration and submit to Bureau your recommendations relating to this matter. If you agree with the suggestion, Bureau would be interested in your proposed means of carrying out the pseudo interview of informant.

NOTE:

Davis is one of eight principal suspects in bombing of U.S. Capitol, 3/1/71.

SAC, Washington Field (137-5692)

5-12-72

REC-71
Acting Director, FBI (137-28143) - 5

EX-112

[Redacted]

Reurlet 5-8-72.

In accordance with facts set forth in referenced letter, you are hereby granted authority to expend on a strictly C.O.D. basis the sum of up to but not to exceed \$400 in accordance with provisions set forth in Section 108J 2, Manual of Instructions.

1 - M. F. Row, 6221 IB

NOTE: This Washington Field Office informant has been furnishing information re CAPBOM and WEATHFUG investigations. Lately, he has been active in gaining the confidence of one of the prime suspects in the CAPBOM case plus also attempting to get further information as to the activities of any of the WEATHFUG subjects through individuals in this area who are reportedly in contact with some of these fugitives. In view of the above, it is recommended that an additional SAC authority be approved.

JTR:djf djb
(5)

MAILED 5
MAY 12 1972
FBI

- Felt _____
- Mohr _____
- Rosen _____
- Bates _____
- Bishop _____
- Callahan _____
- Campbell _____
- Casper _____
- Cleveland _____
- Conrad _____
- Dalbey _____
- Miller, E.S. _____
- Ponder _____
- Soyars _____
- Waikart _____
- Walters _____
- Tele. Room _____
- Holmes _____
- Gandy _____

739

pos

[Handwritten signature]

[Handwritten notes and initials]

JUN 22 1972
MAIL ROOM TELETYPE UNIT

Memorandum

TO : ACTING DIRECTOR, FBI (137-28143)

DATE: 5/8/72

FROM: SAC, WFO (137-5692) (P)

Handwritten initials
CONFIDENTIAL

SUBJECT:
CI

ReWFOlet to the Bureau, 3/22/72.

An extra copy of this letter is being furnished for the Domestic Intelligence Division because the informant furnishes information of value in the security field.

RECOMMENDATION

The purpose of this letter is to recommend that authority be given to expend an additional \$400 in payments to the informant under provisions of Section 108-J, 2, Manual of Instructions. 107

During the period in which the informant has been contacted, he has shown no signs of emotional instability or unreliability. He has maintained very regular contact and there has been no indication that he has furnished any false information.

This informant has been paid a total of \$400.00 under SAC authority during the period 3/28/72 - 5/5/72. Authority to pay the informant an additional \$400 under SAC authority was granted per Bureau letter dated 3/27/72.

The following payments were made during the above mentioned period: REC-71 137-28143-5

DATE	EX-112	AMOUNT
3/28/72		\$75.00
3/31/72		35.00
4/7/72		45.00

Handwritten notes and signatures:
AL. FERRELL
5/22/72
15 MAY 18 1972
Handwritten signature

*Let SAC, WFO
5-12-72
GTR/djb*

- 3 - Bureau
- 1 - WFO
- TTO:rms
- (4)

Handwritten signatures and initials:
Stewart
A. H. Wilson, Res. 1501

FUGO SUP



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

WFO 137-5692

4/13/72	55.00
4/24/72	75.00
5/1/72	75.00
5/5/72	40.00

CASES ON WHICH INFORMATION HAS BEEN FURNISHED

JOHN RANKIN DAVIS, aka
SM-REVOLUTIONARY ACTIVITIES (EXTREMIST)
LOGAN ACT
(OO:WFO)
Bufile 100-451643
WFO file 100-48582

CAPBOM
(OO:WFO)
Bufile 174-1891
WFO file 174-318

WEATHFUG
(OO:CG)
Bufile 176-1594
WFO file 176-265

An integral facet of the CAPBOM investigation involves intense coverage of the activities of eight suspects in this case. One of these suspects is JOHN RANKIN DAVIS, who is also an admitted acquaintance of WEATHFUG subjects. This informant has been targeted against DAVIS and the informant has gradually been developing his association with this individual. The source has been furnishing information of value concerning DAVIS on a timely and continual basis. He is constantly alert for any indication that DAVIS has knowledge regarding CAPBOM or any contact on DAVIS' part with WEATHFUG subjects or other New Left fugitives.

WFO 137-5692

On 3/19/72, the source advised that he had spoken with DAVIS on 3/18/72. DAVIS stated among other things that he had been involved in helping an unnamed wanted person to get out of the Washington, D. C. (WDC) area.

On 3/27/72, the informant advised that he had spoken with DAVIS on 3/26/72. At this time DAVIS discussed the possibility of obtaining an apartment to be used as a meeting place in the Dupont Circle area, N. W., WDC; his intention to travel to New York in the near future and his work plans.

On 3/29/72, the informant advised that he had spoken with DAVIS early on that same date. DAVIS again discussed the above-mentioned apartment, as well as his concern over a friend incarcerated in D. C. Jail and his concern with "gay" (homosexual) issues.

On 4/5/72, the informant advised that he had talked with DAVIS early on the same date. DAVIS at this time discussed the fact that he had been terminated at his place of employment because of some missing money, his irritation concerning FBI coverage of his activities, and his concern about the above-mentioned friend incarcerated in D. C. Jail.

On 4/7/72, the informant advised that he had seen DAVIS on 4/6/72 and that DAVIS had expressed an intention to travel to Pennsylvania for a stay from Monday to Wednesday of the following week.

On 4/8/72, the informant advised that he had spoken with DAVIS early the same morning. DAVIS reiterated his plans concerning the above-mentioned trip to Pennsylvania. The source also obtained the name and address of an apparent acquaintance of DAVIS residing in New York City.

On 4/21/72, the informant furnished information concerning certain associates of DAVIS.

WFO 137-5692

On 4/21/72, the informant advised that he had talked with DAVIS earlier the same evening. DAVIS discussed the possibility of traveling to New York in the immediate future. DAVIS also mentioned that the FBI was continuing to investigate his activities and that because of this he had become active in the Movement again. DAVIS said that he might as well be active because the FBI would keep tabs on him and his friends whether he was active or inactive.

On 4/23/72, the source advised that he had seen DAVIS earlier the same morning. DAVIS stated that he would have to postpone the above-mentioned trip to New York and that he was hoping to form a new "gay" group in WDC.

On 4/25/72, the informant furnished information regarding certain of DAVIS' associates.

On 4/27/72, the informant advised that earlier the same evening DAVIS had been at his apartment with a white male named BILL (LNU), who the informant described. The informant noted that BILL (LNU) was very wary and informant noted him carefully, but could not determine whether this person might resemble one of the WEATHFUG subjects because of facial hair.

DAVIS also mentioned that he intended to travel to an unknown location within the next week to visit friends. He indicated that he hoped to take the source with him.

On 4/28/72, the informant advised that he talked with DAVIS the same date. DAVIS talked about FBI "harassment" and the fact that he would have a visitor the same afternoon who would really shock the FBI. DAVIS did not name this individual at that time. DAVIS also mentioned that he was considering a plan to leave WDC in about two weeks and to stay in an undisclosed place for a temporary period in order to elude the FBI.

On 4/30/72, the informant advised that he had spoken with DAVIS very early on the same date. DAVIS said that his visitor on 4/28/72 had been WILLIAM KUNSTLER, prominent New Left attorney. DAVIS did not give the reason for KUNSTLER's visit.

On 5/1/72, the informant advised that he had spoken with DAVIS earlier the same morning. DAVIS told the source at that time that the individual who had accompanied him to the informant's apartment on 4/27/72 was Weatherman fugitive BILL AYERS (WILLIAM CHARLES AYERS). DAVIS said that he had not mentioned this earlier in order to insure AYERS' security. Informant advised that because of facial hair it would be difficult to identify this individual as AYERS but that the individual bore a resemblance to AYERS, particularly in the area of his eyes. (WFO has been conducting investigation to locate and identify this individual identified by DAVIS as AYERS but efforts to date have met with negative results.)

Later on 5/1/72, the informant advised that he met DAVIS on the street and that DAVIS was accompanied by ALAN JAY OBERMAN, an individual determined through Bureau investigation to be associated with the Weatherman organization.

On this same date the informant advised that through conversation with DAVIS he learned that DAVIS still planned to travel to visit friends in the near future and that DAVIS was having problems with persons with whom he is living and with his homosexual "lover."

On 5/2/72, the informant advised that DAVIS had told him on the same date that he was having temporary financial difficulties.

On 5/3/72, the informant had talked with him early on the same date and again discussed some of his difficulties and intentions discussed during previous conversations.

WFO 137-5692

UNSUB; aka
Howard J. Charafardin
CGR - WORTHLESS CHECKS
(OO:AX)
WFO file 70-2855

Investigation is being conducted to identify the individual writing worthless checks under the name HOWARD J. CHARAFARDIN (as well as others) and to effect prosecution of this individual. Most of these checks have been given to airlines and those reported within the last several months amount to approximately \$6,700.00. Results of this investigation have shown that an individual named HOWARD C. BRICE, JR., is undoubtedly identical with the person writing these checks. The source has furnished information of value concerning BRICE, including that pertaining to his activities, associates and various residences (BRICE moves frequently) on 3/23, 27, 30/72, and 4/10, 12, 17, 20 and 30/72.

DEMONSTRATION SPONSORED BY DISTRICT
OF COLUMBIA GAY PRIDE COMMITTEE IN
WASHINGTON, D. C., 5/5/72
IS-NEW LEFT
(OO:WFO)
WFO file 100-55868

On 4/7/72, the informant furnished material of value concerning Gay Pride Week to be held in WDC, 5/2-7/72. On 5/2/72, the informant furnished additional information of value pertaining to this activity.

PEOPLE'S COALITION FOR PEACE AND JUSTICE (PCPJ)
IS - REVOLUTIONARY ACTIVITIES
(OO:NY)
Bufile 100-459771
WFO file 100-51888

On 4/24/72, the informant furnished material of value concerning recent and proposed activities of PCPJ.

WFO 137-5692

ANTI-WAR UNION
SM-REVOLUTIONARY ACTIVITIES (VIDEM)
WFO file 100-55926

On 4/19/72, the informant furnished material of value concerning a demonstration planned by the captioned organization for 4/20/72. The demonstration was directed against ITT in WDC.

DEMONSTRATION SPONSORED BY WASHINGTON AREA
G. I. ALLIANCE AT ANDREWS AIR FORCE BASE,
MARYLAND, 5/5/72
IS - REVOLUTIONARY ACTIVITIES
WFO file 100-New

On 5/3/72, the informant provided information of value concerning the fact that a demonstration was being planned by the captioned group at Andrews Air Force Base, Maryland, and that a meeting would be held on 5/4/72, in WDC, to plan this demonstration.

MISCELLANEOUS

The source has also provided information of value to other law enforcement agencies in the WDC area.

On 4/5/72, the source advised that he saw eight kilos of marijuana in the living room of an apartment at 1707 P Street, N.W., WDC, and that this marijuana was being sold for \$25 - \$30 per ounce. On 4/19/72, the source furnished additional information regarding illegal drug sales at this address. The above information was promptly furnished to appropriate officers of the Metropolitan Police Department, WDC, who advised that this information was of value in their investigation of illegal drug activities at this address.

On 4/19/72, the informant furnished information regarding a stolen U. S. Treasury check in the possession of an individual named GEORGE BARTMANSKY. This information was

WFO 137-5692

promptly furnished to the Inspector's Office, U. S. Postal Service, WDC, which advised that it would be of value in its investigations.

EVALUATION

The informant has successfully developed a relationship with JOHN RANKIN DAVIS so that he now is in a position to furnish timely and valuable information regarding DAVIS' activities. The source is making every effort to further enhance his association with DAVIS and is constantly alert for information regarding this individual, especially that pertaining to the CAPBOM and WEATHFUG investigations. The source continues to furnish other information of value to the Bureau as well as other law enforcement agencies concerning criminal and New Left activity in the WDC area and is in a position to do so on a continuing basis.

UNITED STATES GOVERNMENT

Memorandum

TO : ACTING DIRECTOR, FBI (137-28143)

DATE: 6/8/72

FROM : SAC, WFO (137-5692)(C)

CONF. INFT.

SUBJECT: [REDACTED]

Investigation has determined captioned informant has proven to be unreliable in one area in which he has furnished information.

WFO is deleting this source as a symbol number informant.

ow

DISCONTINUED

M. F. ROWE
6221-1B

- ② - Bureau
- 1 - WFO

TTO: sup
(3)

REC-70 / 137-28143-6

EX-116 18 JUN 9 1972

(Signature)



65

JUN 19 1972

SAC, Washington Field (137-5692)

1/9/73

Acting Director, FBI (137-28143) —

bes
CONF. INFO.
~~██████████~~

Attached herewith for completion of your file is one copy of a name check request submitted to FBI Headquarters from the United States Secret Service. For your information, Secret Service was advised by memorandum that captioned was formerly a subject of an ITSP matter and that the U. S. Attorney, West Virginia, had declined prosecution against this individual. No mention was made to Secret Service that the individual was formerly an informant of your office.

Enclosure

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ENCLOSURE

EX-105

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THE DEPARTMENT OF THE TREASURY

UNITED STATES SECRET SERVICE

WASHINGTON FIELD OFFICE

REQUEST FOR FBI NAME CHECK

Date: December 18,

Criminal Files

Subversive Files

Name: Merritt, Earl Robert, Jr.
(Last name) (First name) (Middle name)

Aliases: Robert Charles

Date of Birth: 2-21-1911 Place of Birth: Charleston, West Va

Sex: M Race: W Height: 5'11" Weight: 175

Hair: RED Eyes: Brown Other Data: SS# 233-68-6547

Address: 2122 P. St., N.W., Washington, D.C.

This is a request for a check of files only and is not to be treated as a request for an investigation or a clearance.

U. S. Secret Service
Washington Field Office
Suite 800
1717 H Street, N. W.
Washington, D. C. 20226

Telephone: 964-8063

137-28143-8

Keep Freedom in Your Future With U.S. Savings Bonds

ENCLOSURE

MAILED

JAN - 8 1972

NAME CHECK

1 - Mr. Geary

January 5, 1973

EARL ROBERT MERRITT, JR. *Summary*
Born: June 22, 1944
Charleston, West Virginia

In response to your request there is enclosed one copy of one report which may relate to the subject of your inquiry.

For your further information, on February 23, 1971, the Assistant United States Attorney for Southern District of West Virginia, declined prosecution of this case noting that the amount of money involved and the evidence currently available did not justify further investigative efforts to locate and interview Merritt.

Earl Robert Merritt

(87-111347)

Enclosure

REC 45

137-28143-7

Original and 1 - United States Secret Service
Request Received - 12-20-72

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EX-105

5 JAN 9 1973

NOTE: Coordinated with A. B. Fipps, Jr., Criminal Informant Unit, who suggested furnishing criminal information only.

JWB/aw

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI, and is loaned to your agency; it and its contents are not to be distributed outside your agency. This reply is result of check of FBI investigative files. To check arrest records, request must be submitted to FBI Identification Division. Fingerprints are necessary for positive check.

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Informers For Police Exposed

By Paul W. Valentine
Washington Post Staff Writer

B-1

Recent disclosures by an activist community newspaper of police informant activities within Washington's once-flourishing antiwar movement have jeopardized political intelligence gathering operations, D.C. police officials said yesterday.

The disclosures, part of an ongoing campaign by the anti-establishment Daily Rag newspaper, are "definitely a threat to our operations," acknowledged Capt. George Sutter, acting director of the police department's intelligence division.

Sutter confirmed the identification of two one-time informants named in front-page stories in the last two issues of the Daily Rag.

The first story named Ann Kolego, 20, also known as "Crazy Annie," as a paid police informant who infiltrated the D.C. offices of the Peoples Coalition for Peace and Justice (PCPJ) and National Peace Action Coalition (NPAC) from early 1971 to June 25 of this year.

Sutter rated her as an "excellent" intelligence source.

The second story named Earl Robert Merritt Jr., known to police as "Butch," who worked as a paid informant for about five months around the time of the massive Mayday disruptions here in the spring of 1971.

Merritt was quoted in the Rag as saying he later did informant work for the FBI. FBI press spokesman Jack Herrington would not comment on that claim, but another source close to the FBI confirmed that Merritt performed "voluntary" work for the agency and may have been paid for it.

Daily Rag staff workers say they are considering additional disclosures of activities by other informants.

Merritt came directly to the paper with his acknowledgement of spy work after being "turned off" by the job, according to Rag staff worker Chris Simpson.

The disclosure of Miss Kolego as an informant was leaked to the Rag by a Washington-based organization called the Committee for Action/Research on the Intelligence Community (CARIC).

CARIC spokesman Winslow Peck said his organization is "working on a couple of other people now," and their names should be revealed soon.

Asked how CARIC is able to discover and identify informants, Peck said, "We have contacts within the metropolitan police department and other intelligence groups in the city."

Capt. Sutter of the police intelligence division said he does not think the information is being leaked from his own organization, but is not overlooking the possibility.

Staffers at the Daily Rag, which despite its name is a weekly paper located at 2416 18th St. NW in the Adams-Morgan section of the city, have questioned the legality and authorization for some of the informant work done by Merritt and Miss Kolego.

They note, for example, that Miss Kolego made frequent out-of-town trips to assorted antiwar conclaves and questioned her authority to go beyond D.C. police jurisdiction at public expense.

Vernon S. Gill, police department general counsel, said he knows of no law prohibiting such activity "in an investigation of legitimate matters concerning the metropolitan police department."

Sutter said she made the out-of-town trips both to "maintain her cover" and to obtain information on possible illegal actions planned by antiwar groups in Washington.

Miss Kolego could not be reached for comment. Merritt also could not be reached.

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- The Wall Street Journal _____
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JW

Informers Spied on

D.C. Activists

By Jared Stout and Toni House

Star-News Staff Writers

District police intelligence operatives were keeping watch on the city's antiwar community and other activists as recently as June, according to a former paid informant. The surveillance began at least two years ago, the informer said.

Police said reports based on informers' information were given regularly to the FBI. Some information may have been passed to the White House. One informer said his tactics included burglary and disruption of protests.

While police officials confirmed the identity and informant assignment of two persons, one of whom was interviewed by the Star-News, they declined to say how many informants may be assigned to keeping Chief Jerry V. Wilson informed on possible protest demonstrations.

AMONG NATIONAL groups attracting police attention were the American Academy of Political Science, the American Civil Liberties Union, and the Coalition on National Priorities and Goals, whose mail solicitations for members were signed by Sen. William Proxmire, D-Wis.

Among local groups were the American Nazi party, the Black United Front, the D.C. Statehood party and the Institute for Policy Studies, a "think tank" on radical alternatives to U.S. foreign and domestic policy, which is located at 1520 New Hampshire Ave. NW.

Police confirmed that Robert E. Merritt, 28, and

Ann Kolego, 20, have been police intelligence informants, but they and the FBI would not give details of the undercover work.

Merritt and Miss Kolego's former roommates described the activities in interviews.

Merritt, who went from work with the police to work with the FBI, is a Charleston, W. Va., man who came to Washington in January 1963 and works as a drug company cashier.

Miss Kolego grew up in the Washington area and, until recently, was a waitress in a Connecticut Avenue restaurant. She began police recruit training Wednesday.

MERRITT SAID he decided to disclose his undercover role after other efforts to break off the work failed after his apartment

was ransacked three times recently and after he was threatened twice by officials.

He said he did not know how groups or persons were selected for police attention.

Police intelligence officials described their job as one of keeping "the chief of police informed of potential problems and disorders which might occur in the District... and require police action."

The official said the department has no written guidelines for intelligence surveillance. One official said, "It's really left up to the intelligence division."

Merritt said a sergeant in police intelligence suggested two break-ins after May Day 1971. One of them at the Community Bookstore, 2028 P St NW, was completed. The other, Merritt said, was

Jared Stout
Toni House

Conf. Info

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- Times Herald _____
- The Evening Star (Washington) _____
- The Sunday Star (Washington) A-1
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- The National Observer _____
- People's World _____

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at the 5th Street office of the Georgetown University legal interns. It was called off.

MERRITT SAID he gained entry to the bookstore after closing hours by taping open the lock on a foyer door. He took antiwar petitions, pamphlets, meeting notices and other materials and give them to police contacts who told him they would be a source of names of persons and groups in the protest community, Merritt said.

According to Merritt, stealing the petitions was one means his contacts used to disrupt the petitioning part of the protests.

There was no police report of the break-in at the bookstore, which features the writings of revolutionary theorists and practitioners. But persons at the shop recall such an incident in late May 1971 and said no one attached any significance to it at the time.

Before and after the big May Day 1971 antiwar protest, Merritt said, he visited the offices used by groups largely responsible for the protest: the People's Coalition on Peace and Justice, Vietnam Veterans Against the War, and the Lanier Place residence used by some demonstration planners.

AT POLICE request, Merritt said, he supplied telephone numbers and floor plans for these offices. "I thought at the time it was a check on whether I was going to the places they asked me to," he said. Merritt did not know how police may have used this information, he said.

During the demonstration, Merritt continued, he telephoned reports to police up to 16 times a day and joined with some law enforcement offices in attempts to disrupt activities. These included spreading false information about meeting times and places and sabotaging one of the protestors' public address systems, he said.

After May Day 1971, Merritt said, police asked him to concentrate on information gained by using an alias to solicit mail from about 200 groups. He said he received materials which described the programs of the groups and he turned it over to the police.

In October 1971, Merritt said, he was fired by police because "they said they did not have enough money to keep me on a full-time basis." He said he had been receiving \$50 a week and expenses. His contacts introduced him to two FBI agents in the Washington field office for whom he subsequently went to work, he said.

BY MERRITT'S account, his FBI assignments between October 1971 and May 1972 centered on the Institute for Policy Studies. The FBI wanted him to get a job there and supply them with the names and license tag numbers of persons at institute meetings, he said.

Merritt said one of the lists he supplied was from a meeting on prison abolition at which a civil rights lawyer, Philip J. Hirschkop, spoke. He said he followed Hirschkop after one of the meetings at FBI request and reported the lawyer's movements and contacts.

Merritt said he worked for the FBI until May 1972, a month after his mother died. He said the death "really put me down" and, together with a belief that the persons he was told to watch did not seem as dangerous as they had been portrayed by his contacts, he decided to quit.

He said his FBI contacts reacted by "telling me they had too much time and money invested . . . that I had become familiar with the political community and I was trained the way they

wanted. One of them told me to use the work as a way to get my mind off my mother's death.

IN MAY, however, he deliberately filed a false report as the last step in a pattern that had begun four months earlier of giving as little information to his contacts as he could, Merritt said. It worked, he said, and the FBI agents let him go with verbal threats against revealing his role.

Merritt said one of the agents warned him against speaking out by saying, "We'd sure hate to have someone find you in the Potomac wearing cement galoshas." He was also told he had been doing "national security-type work," the disclosure of which would be improper, he said.

Merritt said that when the agents stopped coming around, his former police contacts reappeared. He decided then to get legal help in his effort to end association with law enforcement agencies and contacted Washington lawyer David Isbell, he said.

Merritt said a second threat came from one of his police contacts when the contact learned Merritt was considering public disclosure as a means of keeping police away from him. He said the officer told him, "If you try to badmouth us or any other agencies, you'll really meet your maker."

ACCORDING to the records Merritt kept and displayed of his associations and assignments, the last threat came in July 1973. He did not know how his former contact had learned of his plan and has had no direct contact with police since, he said.

Merritt, a self-acknowledged homosexual, said he had been recruited in April 1971 the day after he had lost a job. He disputed the private assessments of some police sources who said he had been fired "because he didn't produce" and was angry at those who had let him go. "My contacts told me my work was good," Merritt said.

Ann Kolego was described by police officials as a police buff "who was extremely good" in supplying information on the activities

of antiwar and other protest groups.

"She had to be to stay under cover for so long without being burned," one official said.

According to her former roommate, Carol Cullum, Miss Kolego was known as "Crazy Annie" to the activists and posed as a dropout from George Washington University with a huge inferiority complex and willingness to do the menial jobs of the protest movement—stuffing envelopes, handing out pamphlets and running errands.

MISS CULLUM said she first remembered Miss Kolego during the May Day 1971 protest. Between then and now, she said, Miss Kolego was a regular part of the Washington Peace Action Coalition, the People's Coalition for Peace and Justice, the Anti War Union, and the Miami Convention Coalition.

According to Miss Cullum, Miss Kolego was "always around" and rarely had to be invited to a meeting. "She was always there," Miss Cullum said.

Miss Cullum said she confronted Miss Kolego at a luncheon late last month after learning Miss Kolego's real job.

At the lunch, Miss Cullum said Miss Kolego apologized for having used their friendship but said it was her job.

Miss Cullum attributed disclosure of Miss Kolego's identity to the underground newspaper The Daily Rag and the Committee for Action/Research on the Intelligence Community — a local group studying how police and other government agencies seek to keep watch on activist political groups.

MERRITT SAID his contacts had often had high praise for "Informant Ann" and in conversations during and after May Day 1971 had said she was the police source closest to Rennie Davis, one of those acquitted in the Chicago Seven conspiracy trial.

Miss Cullum said Miss Kolego was last seen by her friends in the activist community in August 1973 at a birthday party for Norrine Banks, the third person who shared an apartment with

Miss Cullum and Miss Kolego. Police records show Miss Kolego was appointed a police officer June 25, 1973.

Police officials denied any connection with a break-in at the Cullum apartment in August 1972 when tapes of talks with North Vietnamese envoys in Paris were stolen and a television set left behind. They also denied Merritt was asked by police to do anything illegal.

Miss Kolego was not available for comment. There is little information available about precisely what she reported to police, but her roommate said Miss Kolego had had access to much of the planning of most of the protest activity in Washington during the past two years.

She was also known to have gone with other activists to the Republican convention at Miami Beach last year.

THE TRANSFER of information from D.C. informants to the White House was unknown to Merritt or any of the other informants with whom the Star-News talked. But in the Watergate committee testimony of John W. Dean III, Dean recalled receiving intelligence reports from District police. Merritt said he had collaborated with an agent from the Alexandria office of the Alcohol, Tax and Firearms Division of the Treasury who, like Merritt, was gathering intelligence on May Day 1971 activities.

According to Merritt, the agent told him his unusual assignment to intelligence duties stemmed from a Justice Department order for all federal agencies and some local police to provide reports on protests or plans. The unit usually deals with violations of alcohol, tax and firearms law.

Department officials close to the intelligence units of May Day 1971 declined comment. However, one source said estimates of the numbers and plans of protesters had been passed regularly from Justice to the White House and Dean. The source said he did not know where the information came from and had assumed it was from the FBI.

UNITED STATES GOVERNMENT

Memorandum

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TO : Mr. Callahan

DATE: 10/4/73

FROM : R. R. Franck

SUBJECT: EARL ROBERT MERRITT, JR.

IMPLIED CONFIDENTIALITY

On 10/2/73

called

Herington and said that Merritt had furnished the paper information concerning his prior informant status, claiming to have been a paid FBI informant from October, 1971, until May, 1972, at which time he was discontinued because he furnished us false information about Jack Davis. He claimed his assigned task was to monitor the Institute for Policy Studies, 1520 New Hampshire Street, Northwest, Washington, D. C., and to keep an eye on Jack Davis, who was associated with the Institute. He said that he had been a police department informant prior to working for the FBI and said that this had been confirmed by the police. Merritt said that he had been handled by Washington Field Office Agents William Tucker and Terry O'Connor, and that when he was discontinued in May, 1972, Tucker had threatened him by saying, "We would hate to have someone find you in the Potomac with cement galoshes." He also alleged that Tucker threatened to have him prosecuted on three old bad check charges in which Merritt was involved.

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Herington told that he would have to get back in touch with him later. Bureau files reveal that Merritt was a criminal informant from late 1971 until he was discontinued by Washington Field letter dated 6/8/72. He was targeted against the Institute for Policy Studies and Jack Davis mainly because Davis was considered a Weatherman fugitive support person and because we had information that some of the Weatherman fugitives had visited the Institute. Merritt also furnished other valuable criminal information. Merritt is a homosexual and was determined to be unreliable, at which point he was discontinued. Although he has not been identified by name, we believe he is responsible for allegations which resulted in the attorney for the Institute for Policy Studies claiming the FBI and the Metropolitan Police Department (MPD) were engaged in illegal surveillance of his activities and other illegal conduct. We conducted a preliminary civil rights investigation on these allegations in August, 1973, and the results have

REC-2

9 OCT 10 1973

(CONTINUED-OVER)

- 1 - Mr. Franck
- 1 - Mr. Cleveland
- 1 - Mr. Miller
- 1 - Mr. Herington

Bureau File 137-28143

JEH:asg (5)

Memorandum to Mr. Callahan
Re: Earl Robert Merritt, Jr.

been furnished to the Civil Rights Division of the Department. Agents who handled Merritt deny any improper conduct or any improper instructions to him.

Herington called back today and told him that as a matter of policy we simply could not identify individuals who had furnished confidential information to the FBI in the past and, accordingly, there was nothing at this time that we could say about Merritt's allegations. said that he understood and that actually his story was mainly about allegations made by Merritt claiming MPD misconduct and that very little of the story would pertain to the FBI. He said that he knew that the Intelligence Division of the MPD was not terribly sophisticated in its handling of informants. He said also that he knew that Merritt was a homosexual and that he did not consider him really reliable. Some of his allegations have not checked out at all in further inquiry by Herington also pointed out to that neither ^{of} the allegations alleging threats against Merritt could be interpreted as threats even if the statements had been made. He was told that we always caution our informants against disclosing themselves because we are aware that some people might want to exact retribution against them for having helped the FBI. The statement that we would hate to have Merritt found in the Potomac with cement galoshes is the type of thing that would be an admonishment against his self-disclosure because some of his friends might seek revenge. Herington told that it was ridiculous to believe that any FBI Agent would threaten to kill a former informant. It was also noted that with regard to the second allegation about the prosecution on checks, this does not necessarily have to be interpreted as a threat either since it was obvious that Merritt's surfacing himself with a lot of publicity might cause the victims of those checks to urge a current prosecution.

said that he took everything Merritt said with a grain of salt.

of course, was formerly with the Police Foundation and says he knows Mr. Kelley personally. He has generally been pro law enforcement in our limited dealings with him. During this conversation he said that he sympathized with the law enforcement's position in dealing with informants but that he had been assigned to write a story, which he would have to do. He said he didn't really think that what he wrote would hurt the FBI and indicated that the story should be forthcoming within the next several days.

Memorandum to Mr. Callahan
Re: Earl Robert Merritt, Jr.

Herington also talked to Washington Field about this inquiry. They had been alerted by the MPD that a story would appear in the near future in the

RECOMMENDATION

For information.

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The Acting Attorney General

October 31, 1973.

Director, FBI 137-28143 -

- 1 - Mr. Franck
(Attn: Mr. Kerington)
- 1 - Mr. Mintz
- 1 - Mr. E. S. Miller
- 1 - Mr. R. L. Shackelford
- 1 - Mr. Gerblich

INSTITUTE FOR POLICY STUDIES (IPS)

INFORMATION MEMORANDUM

7-2

Reference is made to a memorandum dated Oct. 27, 1973, from Mr. Gary H. Baiso, Office of the former Attorney General, to Inspector John A. Mintz, Office of Legal Counsel, FBI, wherein a status report was requested concerning an article by John Faraban, "Washington Post" staff writer which appeared in the "Washington Post" on October 10, 1973. The story alleges that the FBI engaged in illegal activities against the IPS.

For your background information, IPS was the subject of a preliminary inquiry by the FBI in November, 1968, after information was received indicating a possible connection between IPS and the Students for a Democratic Society (SDS). The investigation was expanded in 1971 after it was determined that IPS planned to embark on a five year plan for the radical reconstruction of American society and had circulated to radical groups around the country a document calling for brigades to descend on Washington, D. C., and close down Government agencies. The current investigation is directed toward those areas in which violations of Federal statutes may be developed in view of the activities of IPS personnel involving the Middle East and the Arabs, North and South Vietnam, Tanzania and the Pan-African Movement and contacts with subversive organizations and individuals in the United States.

In May, 1973, Mitchell Rogovin, counsel for IPS, requested Mr. William D. Ruckelshaus, then Acting Director of the FBI, to investigate alleged violations of the civil rights of IPS personnel in general and Mr. and Mrs. Marcus Raskin in particular. In June, 1973, he also wrote to Assistant Attorney General J. Stanley Pottinger concerning the civil rights of IPS personnel. The allegations included illegal surveillance by Federal and local law enforcement agencies, including electronic

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SEE NOTE PAGE TWO

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The Acting Attorney General

surveillance and breaking and entering. A civil rights investigation was conducted by our Washington Field Office of the allegations concerning Mr. and Mrs. Raskin and results were furnished to the Civil Rights Division of the Justice Department and to former Special Prosecutor Archibald Cox along with the denials of electronic surveillances or burglaries by FBI Agents. By memorandum dated October 17, 1973, Assistant Attorney General Pottinger requested additional investigation relating to alleged breaking and entering and surveillances, including electronic surveillance of IPS.

Robert N. Wall, who is mentioned in the article, was a Special Agent of the FBI from May 10, 1965, to April 30, 1970, when he voluntarily resigned. Since his resignation he has been critical of the Bureau's investigative and personnel policies and has visited IPS and discussed his participation in FBI investigations in the New Left and racial fields. He has also made several allegations against the FBI in newspaper and magazine articles claiming the FBI was unnecessarily investigating organizations and individuals who had not committed crimes. Wall's allegations that the FBI improperly secured bank records regarding IPS, that he himself initiated investigation of IPS and concluded there was nothing to investigate but that investigation of IPS continued and his description of that investigation have all been made before. Previous inquiries into Wall's allegations disclosed they are inaccurate and there were no improprieties on the part of FBI Agents during the course of the investigation of IPS.

Earl Robert Merritt, Jr., who is mentioned in the article, was a criminal informant of our Washington Field Office from late 1971 until he was discontinued in June, 1973. Merritt was targeted against IPS after it was learned some of the Weathermen fugitives reportedly had visited IPS. Merritt, who is a self-admitted homosexual, was discontinued as an informant after it was determined he was unreliable. Merritt's claim of having performed illegal acts for the FBI has been denied by the Special Agents who directed him and this information has also been furnished to the Civil Rights Division and to former Special Prosecutor Cox.

1 - Office of the Deputy Attorney General

NOTE:

Memorandum being sent to the Acting Attorney General in response to a request for a status report concerning the allegations in the "Washington Post" article described above.

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : Mr. John A. *Pintz*

DATE: October 17, 1973

FROM : Gary H. Baise

SUBJECT: Request for Status Report on
Washington Post Story

yellow

ELR and WDR would like a status report on the attached Washington Post story which alleges that the FBI engaged in illegal activities against the Institute for Public Policy Studies.

GHB: fhm

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10/17/73
GHB*

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Enclosure

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100-447935-000

Says IPS Spied on It

By John Haurahan
Washington Post Staff Writer

An attorney for the Institute for Policy Studies has informed the Senate select Watergate committee that the institute has evidence that federal and local agents illegally infiltrated, wiretapped and bugged the organization's Washington offices at 1520 New Hampshire Ave NW.

Attorney Mitchell Rogovin, in an affidavit sworn to on Oct. 3 and made public by the committee yesterday, said the institute had been given the information by a former FBI police informer and by a former special agent of the FBI.

Rogovin did not name the sources of his information. In the affidavit, but Richard Barnett, codirector of IPS, identified them as former FBI agent Robert N. Wall, and Robert Merritt, who says he was an informer for the FBI, the Treasury Department and the D.C. metropolitan police.

Rogovin's affidavit was in response to testimony given Sept. 28 by White House aide Patrick Buchanan. He alleged Buchanan made "several false allegations" against IPS.

Rogovin, himself a former chief counsel for the Internal Revenue Service, said that in addition to government spying the institute also is currently in danger of losing its tax-exempt status from IRS because its views "differ sharply from those of the (Nixon) administration."

IPS is a left-leaning public affairs "think tank" noted for its scholarly attacks—chiefly by Barnett and the institute's codirector, Marcus Raskin—on the Vietnam war and U.S. foreign policy.

Rogovin, in his affidavit, stated that IPS learned from a former FBI informant, identified by Barnett as Merritt, that "the FBI on several occasions has infiltrated (IPS) with agents and informants and on at least one occasion joined with a member of the metropolitan police department in the theft of documents from the institute."

Barnet yesterday told The Washington Post that Merritt, then using an alias of "Chaudler," told IPS about a year ago of FBI D.C. police surveillance of the institute. He said Merritt, at that time, did not want to make his disclosures public.

FBI and D.C. police have refused to comment on Merritt's allegations.

Merritt, Barnett said, told of removing internal memos and other documents from an IPS mailbox for the FBI and D.C. police.

Rogovin, in his affidavit, said IPS has "also been advised by a former special agent of the FBI that the FBI has improperly secured the bank records of the institute without the use of legal process."

Former agent Wall, in an article in The New York Review of Books in January, 1971, told how he himself had initiated an investigation of IPS for the FBI and had concluded there was nothing to investigate.

Another FBI agent later reopened the IPS file, Wall said, and "began monitoring the checking account of the institute to determine where its money was going." Wall added that the agent also obtained telephone records on IPS and attempted to place informants as student interns in the institute. He said the FBI also investigated people who worked for or received money from IPS.

Barnet said that Wall has given IPS a sworn affidavit describing these FBI actions against IPS.

In his affidavit, Rogovin said IPS also had evidence of electronic surveillance and breaking and entering directed against IPS. Barnett said the institute had been broken into on numerous occasions.

Rogovin also noted that Barnett, skin and IPS were named on lists of White House "enemies" that were introduced during the Watergate hearings. According to testimony by former White House counsel John W. Dean III, the "enemies" were to be "screwed" in any way possible by various agencies of the federal government.

In his affidavit, Rogovin noted that IPS has been audited by the IRS "ever since the Nixon administration took office," and has been told by IRS that it may lose its tax-exempt status.

White House aide Buchanan had alleged that IPS was funded by the Ford Foundation and, Rogovin said, implied it had used foundation money to fund a now-defunct underground newspaper, the Quicksilver Times, in violation of its tax-exempt status.

Rogovin and Barnett both said that IPS never funded the Quicksilver Times and that the only Ford Foundation money IPS received was a \$6,400 grant in 1964 for the specific purpose of conducting seminars on the Alliance for Progress.

*Walt
Is this in progress?
This is in progress?
All in progress?
Walt*

10/10

137-28143-

Enclosure

-9-

ENCLOSURE

Assoc. Dir.

Assj. Dir. _____

Admin. _____

Comp. Syst.

Ext. Affairs

Files & Com. _____

Gen. Inv. _____

Ident. _____

Inspection

Intell.

Laboratory _____

Plan. & Eval.

Spec. Inv.

Training _____

Legal Coun. _____

Telephone Rm. _____

Director Sec'y _____

Two Lift Curtain on Undercover Work

Tell of Successes, Failures as Infiltrators of Antiwar Groups

By Paul W. Valentine
Washington Post Staff Writer

Two men who infiltrated the antiwar movement here for the FBI and D.C. police from 1970 through 1972 have described their operations, parting the curtain momentarily on the tangled world of the political undercover informant.

In interviews with The Washington Post, they detailed their successes, failures, a few absurdities, but most of all the personal confusion, ambivalence and agony they said they endured in doing such work for the country.

Much of their work, they said, was superficial and peripheral, and in the long run they provided little they could judge as being of real consequence.

The FBI, in keeping with time-honored tradition, does not officially acknowledge that either man worked for the agency. But it has been independently determined that both were utilized as street-level FBI informants — one on a \$50-to-\$75-a-week salaried basis, the other primarily as a volunteer on an expenses-only basis. One man also worked for the D.C. police department.

Many of their alleged acts of surveillance could not be corroborated, but sources within the FBI confirmed that details of pay arrangements and other transactions with the FBI described

Their disclosures also provide some glimpse of the contrasting kinds of people the FBI uses for informants. The two men are:

• Earl Robert Merritt, timid, 29-year-old, small-town West Virginian who never finished high school and says he "didn't even know what a Weatherman was" until FBI agents told him. He is a self-described homosexual.

• J.A. Barrett, a beefy, aggressive, 36-year old urban Irish Catholic ethnic with a one-time penchant for violence who saw the police-radical street clashes of the antiwar movement as a "cultural war between working class grunts ... and spoiled upper class WASP and Jewish kids."

Each informant said he was caught in a web of financial or political circumstance compelling him to continue covert surveillance of people and institutions long after his original zeal to do so had ceased.

Each says he did not know the other was an undercover operative at the time,

though they both conducted surveillance of antiwar demonstrations in 1970 and 1971 and then almost simultaneously penetrated the Institute for Policy Studies (IPS), a governmental policy research organization here.

Merritt worked first for the police department and then the FBI, each time on a salaried basis, he says. Barrett, "working more as a volunteer than anything else," he says, was utilized by the FBI only and was paid expenses but no salary.

Merritt's identity was first divulged by the Daily Rag, a small activist community newspaper here that published a carefully worded interview with Merritt in its Oct. 5-12 issue. The text had first been cleared and approved by Merritt's attorney, David B. Isbell, of the

Washington law firm of Covington & Burling.

Shy, hesitant, baby-faced, Merritt agreed to a subsequent interview by The Post but only in the presence of his attorney.

In contrast, Barrett spoke freely with this reporter in both formal and informal conversations during the last several months. His identity has not been previously disclosed.

- The Washington Post Times Herald C-1
- The Evening Star (Washington) _____
- The Sunday Star (Washington) _____
- Daily News (New York) _____
- Sunday News (New York) _____
- New York Post _____
- The New York Times _____
- The Daily World _____
- The New Leader _____
- The Wall Street Journal _____
- The National Observer 137 28143-10
- People's World _____

Date NOV 26 1973

22 DEC 7 1973

*Memo
Shoemaker
to Director
11-28-73
JWG/mem*

*AD Ed Miller - Any untruths
in this story?*

"My motto was 'let's rip 'em off and do something to 'em,'" says Barrett, recalling how he first entered antiwar demonstrations here in the late 1960s as a freelance observer and occasional street fighter who would trip, punch and jab demonstrators during melees with the police. It was a habit he took with him when he joined the FBI informant ranks in 1970, but he says he has since repudiated it.

"At first, I thought my antagonism toward the left was an ideological one," Barrett said, "but now I know it was cultural.

"I'm working-class Irish Catholic ... These upper class WASP and Jewish kids of the new left were the sons and daughters of the people charging me 36 percent on a loan ... They owned the slums and the tenements. They paid only \$1.25 an hour for hard work.

"Those kids really held us in contempt—us, the working class slobs, the beer drinkers, the hard hats, the pigs, the grunts—the people who fight the wars and police the streets of this country, who keep the nation moving while they piddle around with their intellectualism."

Thus, said Barrett, when he became an informant, "I had joined the army of the Lord."

Three years later, Barrett, the one-time GOP ward-heeler in Maryland and hard-nosed Young Americans for Freedom (YAF) activist, is not so sure. Three years in the trenches with the new left had taken a certain toll.

"I had a hell of a time knowing where I began and where my role ended," he said. "I was very confused.

"I knew I was no longer a YAFer, but I didn't want to get into the left culture either."

"I felt I was lying on a jungle island surrounded by fever swamps recovering from the withdrawal symptoms of a true believer."

He said, "When I started, I could give you an operating definition of 'right' and 'left,' but there's no way in God's world I could do it now."

Barrett still has not resolved questions about whether current FBI surveillance practices are morally correct.

"If the government hears that a group is trying to blow up the Capitol or kill the President," he said, "it has a right to find out if it is true and stop it through surveillance ... But, if they find out it is not true, how do you pull 'em back? How do you keep surveillance within limits? That's the problem, as I see it. Once the surveillance ball starts rolling, it's hard to stop it."

Because so many policemen and other law enforcement officers are "working class ethnics" with a heavy infusion of Catholic conservatism, they are naturally antagonistic toward the "smart middle-class airs" of the new left, Barrett said.

He described the FBI as a "bunch of Fordham boys watching Harvard boys."

While Barrett perceives himself as a person struggling to comprehend the cultural gap between the right and the left, Merritt said his fundamental lack of education in the realm of politics of either the left or the right made it difficult for him to penetrate the antiwar movement with any real activist credibility.

Uninitiated in radical left literature or rhetoric, he was unable to participate in political discussions and never tried to insinuate himself into the movement's administrative hierarchy, despite police requests that he do so, he said.

"But there were other people there, too, who were just as naive and ignorant as I was," he said, "so I didn't stick out like a sore thumb."

Merritt first entered the world of undercover surveillance when he was recruited by the Washington police department to do criminal narcotics work in the Dupont Circle area in mid-1970.

With the build-up in preparations for the massive antiwar Mayday protests the following spring, however, he was switched to the police intelligence division. He was assigned the code name "Butch" and control number 16.

The police department confirmed his identity but, like the FBI, would not discuss details of his job.

Merritt said police intelligence recruiters specifically sought him because they wanted a "white gay male" to cultivate antiwar gay activist Jack Davis who was reputed to be organizationally close to Rennie Davis (no relation), longtime war protester and a chief architect of the planned Mayday disruptions.

But Merritt did not get far. "I tried to get close to both of them," he said, "but just impossible ... They were too busy moving around," and he relayed no important information on either of the Davises to police.

Soft spoken and clean shaven with short red hair, Merritt said he tried to blend into the antiwar crowd at organizational meetings by playing the role of "just another activist."

Paddling about from one antiwar office to another in downtown Washington, he said, he did odd jobs as a "volunteer" while noting automobile tag numbers and the names and addresses of activists and phoning them in regularly to the police intelligence division.

The police "asked me to join the (Mayday) marshal training, too," he said, "but I couldn't get into it ... I was too spread out."

As the tempo of surveillance increased in the weeks just before Mayday, "I was asked to call in (to intelligence) every hour ... I called in up to 16 times on Mayday itself," giving first hand street reports of activity.

The Mayday protest action—which triggered the arrest of more than 12,000 persons, along with intensive barrages of police tear gas and the brief occupation of portions of the city by federal troops—also brought on what Merritt says was his first disillusionment with the law enforcement establishment.

The mass arrests and what he described as brutality by police "disgusted me," Merritt said, and he began questioning police procedures, including intelligence gathering.

Heretofore, he said, he had believed police surveillance "was the right thing to do because I believed (the antiwar movement) was a communist attempt to overthrow the government." Now his perspective was changing, he said.

Though he wanted to extricate himself from informant work, he said, there also "was the matter of some (bad) checks" he had written earlier in West Virginia and he feared the police might threaten him with arrest for the checks if he stopped working for them.

So he continued on the police payroll, he says, drawing \$50 a week salary plus expenses of \$25 to \$35 a week.

He went through a "limbo" period for the next two months as antiwar street activity dwindled after Mayday, he said.

Then on July 16, 1971, he said, the intelligence division asked him to "concentrate" on the Institute for Policy Studies at 1520 New Hampshire Ave. NW.

"I didn't even know what it was," he said. "They told me it was a communist think tank."

(The IPS, a frequent target of criticism by conservative political figures, is described by its co-directors Marcus Raskin and Richard J. Barnett as an independent center for research and education in alternative concepts of public policy in such areas as foreign aid, education, military budget, and health services. The privately funded institute supports 17 full-time fellows and a research staff of about 50 persons.)

Merritt said police interest in IPS was apparently whetted by announcement that a series of weekly Marxism-anarchism seminars were to be held there, led by Marxist scholar Alfred Henley and Karl Hess, one-time Goldwater speech writer turned anarchist theoretician and examiner of alternative life styles.

"My job was to go to the classes and count how many people were there," Merritt said.

In addition to any names he could obtain, he said, police asked him for an attendance breakdown as to males and females, blacks and whites, "Jews, Germans and people of eastern European extraction."

He said, "I was told to look for Europeans in look and dress . . . They told me to look for certain clothing styles (and) physical appearances, like high cheek bones. High cheek bones were supposed to be German or Russian or something . . . Yes, accents, too. I was supposed to report foreign accents."

He said he told police that "most people at IPS were Jewish." Asked how he distinguished Jews from non-Jews, he said he could do it

"vaguely," then added that his police mentors, in a rather facetious manner, used Arthur Waskow as a comparison model.

Waskow, a hefty bearded man, is an IPS fellow and veteran activist in antiwar and Jewish affairs here.

In addition to monitoring the Marxism-anarchism seminars, Merritt said, police asked him to seek a job as a research assistant to one of the IPS fellows.

Merritt voiced concern that he was not educationally equipped for such a role.

"I questioned my ability to do it," he said, "but the police seemed to think it would be (the job of) a glorified errand boy."

Half heartedly, he said, he applied for the job but never got it.

In the meantime, Merritt was "terminated" by the police department (the wave of dramatic antiwar street demonstrations had subsided by mid-1971, he said, and the intelligence division was running out of money to pay informants).

With the recommendation of his police superiors, he was hired by the Washington field office of the FBI at \$50 to \$75 a week and continued his work at the IPS.

He was by this time so disillusioned with the law enforcement establishment, he said, that he was deliberately cutting down on the amount of information he reported. He said he maintained the guise of the informer, however, because "I needed the money" and because of the continuing possible threat of arrest for the checks in West Virginia.

His FBI control agents additionally instructed him, he said, to watch for "Weather fugitives" entering the IPS, a reference to a dozen reputed members of the violent underground Weatherman organization wanted in connection with the bombing of numerous public buildings, including the Capitol, throughout the nation.

Merritt said he reported no Weather people entering the IPS and in fact told Jack Davis, alleged by police to have above-ground contact with the Weather organization, about what he was doing.

Likewise, Barrett said the FBI asked him to watch for "couriers" at IPS delivering money to Weather fugitives. Supplied with photographs of six or seven suspected couriers, Barrett said he sighted one and reported his presence immediately. He said he does not know if the FBI took any action.

Merritt says he became so distraught with his IPS work that by September, 1971, he told Robert E. Herzstein, an IPS board member and attorney in the firm of Arnold & Porter about it, and in December, 1971, made a similar confession to Arthur Waskow.

Yet, for another six months, until June, 1972, he continued calling in low-grade intelligence reports to the FBI field office, he said.

When he could stand it no longer, he said, he deliberately falsified a report on Jack Davis' whereabouts. FBI field agents quickly determined through other informants that the report was incorrect, Merritt said, and he was fired.

He has since tried to drop out of sight, refusing to divulge his home address or place of employment.

Barrett says he was first utilized by the FBI in the spring of 1970, after he and a companion offered the agency some film they had taken of street demonstrations in Washington.

Thereafter, he said, he monitored demonstrations regularly, phoning in street actions and plans to the field office. He also continued to shoot moving film of demonstrators and was reimbursed for his camera costs, he said.

He said he was also asked to "check out" Karl Hess, who by 1970 had turned away from Goldwater conservatism and became active in the antiwar movement, living in a houseboat colony off Buzzard Point in Southwest Washington.

"They wanted to know what he was doing," Barrett said. "There were rumors he was messing with some pretty heavy people."

Barrett pursued Hess sporadically at first and did not begin to "zero in" on him until the summer of 1971, he said, when Hess and Henley began their Marxism-anarchism seminar at IPS.

Though he devoted most of his time to Hess, Barrett says he circulated generally through IPS, coming to know many of its research fellows, exchanging political views with them and "playing the role of resident redneck."

"I even joked about the fact that I was an informant," he said. "I refused to play the game of being sympathetic to the new left. I spoke and acted exactly the way I felt . . . The only thing was they didn't really know

that I was in fact an informant."

Hess recalls Barrett as a "very thoughtful, smart guy" who liked to write and who "made some really incisive criticisms of the new left's misunderstanding of the right in America."

Barrett for his part said he never observed Hess doing anything worth reporting to the FBI.

In fact, he said, "everything I saw at IPS was completely legitimate. They (IPS research fellows) probably won't like it, but their operation there, with its emphasis on individual decisions and decentralization of power, reminds me of a sort of 1948 Robert Taft workshop."

In addition to monitoring Hess and the presence of Weather "couriers at IPS, Barrett says he attempted to determine if any of the secret Pentagon papers divulged by antiwar activist Daniel Ellsberg had been copied at IPS. He said he was also asked to find out details about a "delegation" of IPS members going to Paris in 1972 to meet with the Hanoi entourage at the Vietnam peace talks.

He said he found no evidence that the Pentagon papers were copied at IPS and determined only the "approximate departure times" of two IPS flights to Paris.

(IPS co-director Raskin says only he and fellow co-director Barnet went to Paris, each on separate flights and each "primarily on a journalistic assignment" for major U.S. newspapers. He said they met and talked with both the Hanoi and National Liberation Front (NLF) delegations in that connection.)

Barrett says his decision to quit informant work occurred at the 1972 Republican National Convention in Miami Beach where he had volunteered to film demonstrations and monitor street actions for the FBI.

During the last night of the convention when police and demonstrators clashed violently and tear gas was sprayed into the crowds, "I saw this VVAW (Vietnam Veterans Against the War) guy on crutches who had stumbled down and couldn't get out of the gas . . . I picked him up and carried him as far as I could. I've got a lot of respect for most of those VVAW people."

"They've paid their dues. Why should they get this treatment just for protesting the government, when it's the spoiled kids from Yale and Harvard that set off the police? It wasn't the vets. They're a very disciplined group."

Barrett stressed that he always maintained his independence from the FBI because "I was never salaried like some of these other guys. I wanted it that way."

In interviews, Barrett refused to specify his control agents, his code name or details of his financial arrangements.

Unlike Merritt, Barrett says his FBI superiors explicitly instructed him not to violate any laws or instigate sabotage or violence. Though he acknowledges ripping down Vietcong flags and "punching out a few people" during street demonstrations, the actions were not requested or sanctioned by his bosses, he said.

On the other hand, Merritt said his FBI control agents encouraged him "to take anything" from the IPS, "but they would never say exactly what or how. They would never be specific on something like that."

He acknowledged stealing one paper bag filled with mail from IPS and giving it to D.C. police. He also says he broke into the Community Bookshop, 2028 P St. NW, in late May, 1971, at police suggestion and stole a quantity of antiwar petitions containing names and addresses of activists and supporters.

In addition, he said he fashioned three false identification documents using an alias. One was a Social Security card which he said he fashioned before becoming a police informant. The other two were a draft card and a D.C. public library card made at the request of police, he said.

Merritt said he also engaged in disruption and sabotage during street demonstrations. The actions included giving protesters false information about places and times of demonstrations and yanking the wires and tubes from two sound systems at the Mayday encampment in West Potomac Park in early May, 1971.

Such is the varied life of the political informant.

"Who knows?" says Barrett with a brief laugh. "I might still be with the (FBI), throwing up some kind of smokescreen right now to obscure some other thing. You never know."

UNITED STATES GOVERNMENT

Memorandum

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

- 1 - Mr. Franck
- 1 - Mr. Mintz
- DATE: 11/28/73
- 1 - Mr. Miller
- 1 - Mr. Shackelford
- 1 - Mr. Gertlick

TO : Mr. E. S. Miller *replied*

FROM : R. L. Shackelford *RLS*

SUBJECT: EARL ROBERT MERRITT, JR.
[REDACTED]

**IDENTITY OF
SEPARATE DISCONTINUED
INFORMANT DELETED**

PURPOSE:

To answer the Director's question of Mr. Miller "any untruths in this story?" referring to a "Washington Post" newspaper story by staff writer Paul W. Valentine, which appeared in the 11/26/73 edition of the "Washington Post" and which dealt with statements made by captioned individuals to the "Washington Post."

BACKGROUND:

In the article referred to above, captioned individuals acknowledged their roles as informants for the Washington Field Office (WFO) of the FBI and outlined a number of their activities as informants, including targets assigned to them, methods of payment for their work and reasons why they ceased their informant activities. A copy of this article is attached.

Earl Robert Merritt, Jr., who is mentioned in the article, was a criminal informant of WFO from 10/71 until he was discontinued in 6/72. Merritt was targeted against the Institute for Policy Studies (IPS) after it was learned some of the Weatherman fugitives reportedly had visited IPS. Merritt, who is a self-admitted homosexual, was discontinued as an informant after it was determined he was unreliable.

137-28143 (Earl Robert Merritt, Jr.)

1 - 100-447935 (Institute for Policy Studies)

Enclosure

JWG:mcm (3)

22 DEC 11 1973

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Handwritten signatures and initials

100-447935-10

REC COPY AND COPY OF ENCL FILED IN 137-28143-10

50/15

Memorandum to Mr. E. S. Miller
RE: Earl Robert Merritt, Jr.
137-28143

IDENTITY OF SEPARATE
DISCONTINUED INFORMANT DELETED
AS WELL AS INFORMATION PROVIDED

IPS, which is mentioned in the article, was the subject of a preliminary inquiry by the FBI in 11/68 after information was received indicating a possible connection between IPS and SDS. The investigation was expanded in 1971 after it was determined that IPS planned to embark on a five year plan for the radical reconstruction of American society and had circulated to radical groups around the country a document calling for brigades to descend on Washington, D.C., and close down Government agencies. The current investigation of IPS is directed toward those areas in which violations of Federal statutes may be developed in view of the activities of IPS personnel involving the Middle East and the Arabs, North and South Vietnam, Tanzania and the Pan-African Movement and contacts with subversive organizations and individuals in the United States.

- 2 -

CONTINUED - OVER

Memorandum to Mr. E. S. Miller
RE: Earl Robert Merritt, Jr.
137-28143

OBSERVATIONS:

In answer to Mr. Kelley's question "any untruths in this story?" the following should be noted:

Merritt's claim of having performed illegal acts for the FBI has been denied by the Special Agents who directed him.

Merritt's claim that he was hired by WFO at \$50 to \$75 a week is inaccurate. He was paid, on a c.o.d. basis, in varied amounts between \$20 and \$80 which were paid on various dates two to five times per month beginning in 10/71 and ending in 5/72 for a total amount of \$1,570.

SAME (P.2) INFRA

RECOMMENDATION:

None. This is for your information.

GTT
JWS

RLS/RLA
WRW/RLS

AKC
K. WNK
paw

JSS
EM/wrbw
HWD/GCM

UNITED STATES GOVERNMENT

Memorandum

- 1 - Mr. R. E. Gebhardt
- 1 - Mr. J. A. Mintz
- 1 - Mr. W. R. Wannall
- DATE: 12/11/73
- 1 - Mr. R. L. Shackelford
- 1 - Mr. J. R. Hagy

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

TO : Mr. W. R. Wannall *WRW*

FROM : F. S. Putman, Jr. *FSP*

SUBJECT: UNKNOWN SUBJECTS; MARCUS RASKIN AND THE
INSTITUTE FOR POLICY STUDIES - VICTIMS
CONSPIRACY AGAINST RIGHTS
CIVIL RIGHTS

6 *Wannall* *Shackelford* *Putman* *Hagy*

9

By memorandum 12/3/73, Watergate Special Prosecution Force (WSPF) has requested Bureau arrange for interview of Special Agents Terry O'Connor and William Tucker of the Washington Field Office (WFO) relative to allegations made concerning them by Earl Robert Merritt, a discontinued WFO informant.

On 12/7/73, SA J. R. Hagy, Intelligence Division, spoke with Frank Martin, WSPF, who prepared WSPF request. Purpose of contact was to determine whether Martin was aware of recent investigation conducted by the Bureau in captioned matter at the request of the Civil Rights Division (CRD), Department of Justice, and to ascertain, if possible, the nature of the allegations made by Merritt.

Martin said he understood the CRD had received Bureau report in captioned matter dated 8/8/73 and that he had made some effort to contact the CRD concerning this matter but that he had never actually spoken with anyone in the CRD relative to it. He admitted he was not aware of Departmental letter dated 10/17/73 (which requested Bureau conduct additional investigation based on information contained in Bureau report 8/8/73), nor was he aware of Bureau's response to this request, contained in LHM dated 11/16/73. It was then pointed out to Martin that his request to interview the two WFO Agents involved a current, ongoing investigation being handled by the CRD, and that a review of CRD files in this matter could possibly provide him with the desired information. Martin stated that he would contact the CRD concerning this matter but that the allegations referred to in WSPF communication consisted of ~~information~~

JRH:jcp
(6)

44-6 DEC 12 1973

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137-2 8143-5

NOT RECORDED

45 DEC 20 1973

51 DEC 27 1973

ORIGINAL FILED IN 44-56700-1

Memorandum to Mr. W. R. Wannall
Re: Unknown Subjects; Marcus Raskin and
the Institute for Policy Studies-Victims

provided directly to the WSPF by Merritt who he said was publicly identified as a former informant for the FBI. Martin said he was aware of the FD-302's prepared by SAs Tucker and O'Connor relative to their knowledge of Merritt's activities as an informant and that he did not feel these FD-302's covered the current allegations.

At this point, Martin was asked point blank what these "new allegations" consisted of, and whether the CRD, which has been handling this case, was aware of them. Martin replied that the use of the word "allegation" in the WSPF letter had perhaps been a mistake as it was quite "strong" but that the new information centered around a claim made by Merritt that the FBI had received stolen mail from Merritt knowing it to be stolen. In this regard, Merritt claims that he took mail from the Institute for Policy Studies (IPS), Washington, D. C., turned it over to one of the two WFO Agents, who later returned it to Merritt with instructions to return it to the IPS office. Martin stated Merritt had furnished WSPF with additional information and allegations concerning the FBI but that after looking into Merritt's background and considering the information, that he, Martin, did not feel that this additional information had any merit whatsoever. He said he could not, however, permit the charge of receiving stolen mail to "lay in his files," and that it was for this reason he desired to interview SAs O'Connor and Tucker.

It was then pointed out to Martin that FD-302 dated 6/28/73, prepared by SAs Tucker and O'Connor noted receipt from Merritt on one occasion of an envelope containing some material which Merritt explained had come from the trash at IPS. Although the Agents did not closely examine all of the material, it did appear to be trash. No inventory was made of all the items and the material was returned to Merritt as soon as he could again be contacted at which time he was told that if the material belonged in the trash at IPS, that is where it should be placed. Merritt was also told again as he had before that the FBI never wanted him to obtain such materials from the IPS and that the only other materials provided by Merritt from IPS were leaflets intended for the public.

CONTINUED - OVER

Memorandum to Mr. W. R. Wannall
Re: Unknown Subjects; Marcus Raskin and
the Institute for Policy Studies-Victims

Martin said he was aware of this FD-302 and its contents but that he continued to feel the necessity of interviewing SAs Tucker and O'Connor relative to Merritt's claim. He stated, however, that he was not in any rush to interview the Agents, since he desired to review the CRD file in this matter prior to such interview. At this point the conversation was terminated.

It should be noted that at one point during the conversation, Martin commented that, "It's not a place where our jurisdiction is very strong," (apparently referring to WSPF investigation of Merritt's latest allegations) but that the WSPF did have some standing in the matter since the incident "could" have arisen from pressure exerted by The White House.

ACTION:

For information and utilization in preparing response to WSPF memorandum 12/3/73, to be handled by Section IS-2, Intelligence Division.

Curt
RLS
AG/1/1/73

WRL

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

NRO25 WF CODED

1050 PM NITEL NOVEMBER 20, 1974 WWC

NOV 20 1974

TO: DIRECTOR, FBI (137-28143)

TELETYPE

FROM: SAC, WFO

Dep. A.D.-Inv.	_____
Asst. Dir.:	_____
Admin.	_____
Comp. Syst.	_____
Ext. Affairs	_____
Files & Com.	_____
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Inspection	WPL
Intell.	WPL
Laboratory	FEH
Plan. & Eval.	_____
Spec. Inv.	_____
Training	_____
Legal Coun.	_____
Telephone Rm.	_____
Director Sec'y	_____

ATTENTION: R. L. SCHACKELFORD, IS-2 SECTION

EARL ROBERT MERRITT, (REDACTED)

Mr. Schackelford
Handwritten initials

W

RE BUREAU TELEPHONE CALL INSTANT DATE.

MERRITT WAS OPERATED AS A CRIMINAL INFORMANT BY SA TERRY T. O'CONNOR FROM OCTOBER 1, 1971, UNTIL JUNE 1, 1972. HE WAS DISCONTINUED WHEN IT WAS DETERMINED HE HAD NOT FURNISHED TRUTHFUL OR ACCURATE INFORMATION REGARDING JOHN RANKIN DAVIS, AKA JACK DAVIS.

MERRITT WAS TARGETED AGAINST DAVIS BECAUSE DAVIS HAD BEEN ACTIVE IN MAY DAY PREPARATIONS, WAS A SUSPECT IN CAPBOM, WAS ACQUAINTED WITH OTHER CAPBOM SUSPECTS, AND HAD KNOWLEDGE REGARDING SOME WEATHFUGS AND WEATHFUG SUPPORT PEOPLE.

EX-105

REC-9/37-28143-11

SPECIAL AGENTS O'CONNOR AND WILLIAM T. TUCKER, THE ALTERNATE AGENT, CATEGORICALLY DENY THAT DAVIS WAS EVER THE SUBJECT OF A COUNTER-INTELLIGENCE PROJECT OR THAT MERRITT WAS TARGETED TO PARTICIPATE IN A COINTEL PROGRAM.

Handwritten signature
5-

20 DEC 4 1974

PAGE TWO WFO

THE AGENTS WERE AWARE IT WAS COMMON KNOWLEDGE THAT BOTH DAVIS AND MERRITT WERE HOMOSEXUALS, BUT BOTH ABSOLUTELY DENY INSTRUCTING MERRITT TO BECOME INTIMATE WITH DAVIS. BECAUSE MERRITT WAS KNOWN TO HAVE BEEN A FORMER ASSOCIATE OF DAVIS, HE WAS REQUESTED TO RENEW THAT FRIENDSHIP. MERRITT AGREED WITHOUT HESITATION, AND ACTUALLY VOLUNTEERED THAT WHILE HE WOULD RENEW THEIR ASSOCIATION, THERE WAS NO POSSIBILITY OF AN INTIMATE RELATIONSHIP BECAUSE HE DID NOT FIND DAVIS PHYSICALLY ATTRACTIVE. HE ALSO VOLUNTEERED THAT THEY HAD NEVER BEEN INTIMATE, AND THAT THEY NEVER COULD BE.

BOTH SPECIAL AGENTS O'CONNOR AND TUCKER CATEGORICALLY DENY MERRITT WAS EVER INSTRUCTED TO MAKE PHONE CALLS TO FRIENDS OR EMPLOYERS OF DAVIS TO MAKE ACCUSATIONS OF ANY NATURE AGAINST HIM. FILES WILL REFLECT THAT DAVIS'S EMPLOYMENT AT THE CLUB EAST II SAUNA BATH, INCORPORATED, (A HOMOSEXUAL ESTABLISHMENT) WAS TERMINATED, BUT THE REASON FOR THAT TERMINATION IS NOT KNOWN.

DETAILED INFORMATION FURNISHED BY MERRITT WAS FURNISHED THE BUREAU BY WFO AIRTEL AND LHM DATED SEPTEMBER 20, 1974, UNDER THE INSTITUTE FOR POLICY STUDIES CAPTION.

END

UNITED STATES GOVERNMENT

Memorandum

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

TO : Mr. W. R. Wannall *W.R.W. JHC*

DATE: 11/20/74

FROM : Mr. T. W. Leavitt *T.W.L. JHC*

SUBJECT: EARL ROBERT MERRITT *Shackelford*

At 2:10 p.m., 11/20/74, Assistant Director McDermott telephonically advised as follows:

He related that Mr. Orr Kelly, a reporter for the Washington Evening Star News, had been in contact with the captioned individual who had advised Kelly that as late as January, February, and March, 1972, he was carrying out assignments under the COINTEL Program. He reportedly advised that this was being done under the direction of SAs Terry O'Connor and William Tucker, and that his target was one Jack Davis, an organizer of the May Day demonstration of 1971.

Assistant Director McDermott advised that the above two Agents were assigned to WFO. He related that this information had been furnished to WFO for their attention and action.

ACTION:

That necessary file reviews be made with regard to the above statement of Merritt to establish his relationship with regard to activities against one Jack Davis.

TWL:mjt
(5)

- 1 - Mr. W. R. Wannall
- 1 - Mr. T. W. Leavitt
- 1 - Mr. P. L. Mack
- 1 - Mr. R. L. Shackelford

Unrecorded Copy Filed in 100-447698-107-451643

EX-105
W.R.W.
137-28143-12
26
NOV 25 1974

3 ENCLURE

3
BSC
NOV 27 1974
1 copy dist...

5 *[Signature]*

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3748
Query from Orr Kelly

Earl Robert Merritt, who identifies himself as a former FBI informant, says he carried out tactics like those described in the Cointelpro report in January, February and March of 1972---nearly a year after the Cointelpro operation was ordered halted.

He said he worked under the direction of Terry O'Connor and William Tucker of the WFO and his target was Jack Davis, an organizer of the May Day demonstration in 1971 and, at the time of his assignment, a front desk man at the Club East II Sanna Bath Inc. at 20 O St. SE.

In addition to attempting to obtain information, he said, he was instructed to become intimate with Davis (he says both were homosexuals) and that he was instructed to make phone calls to Davis's friends and ~~employers~~ employers accusing him of cooperating with or working for the FBI and of being dishonest in handling of money. He says he doesn't know why, but Davis lost his job and became depressed.

I'd like whatever comment you may have on Merritt's allegations, particularly his charge that tactics supposedly ruled out in the spring of 1971 were still being employed nearly a year later.

137-28143-12
Caplomb suspect
acquainted with other Susps
Davis eq with Weather boys
K...
↑

ILLEGIBLE
ON FILE COPY

UNITED STATES GOVERNMENT

Memorandum

- 1 - Mr. McDermott
 - 1 - Mr. Wannall
 - 1 - Mr. Shackelford
 - 1 - Mr. Gerblich
- DATE: 11/21/74

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

TO : Mr. W. R. Wannall *WWR*

FROM : R. L. Shackelford *RLS*

SUBJECT: EARL ROBERT MERRITT

Shackelford

PURPOSE:

To answer allegations, which are false, by Earl Robert Merritt, a former criminal informant of WFO, that he carried out tactics like those described in the Cointelpro report nearly a year after the program was ordered halted and that his target was Jack Davis, an organizer of the 1971 May Day demonstrations.

BACKGROUND:

By memorandum from T. W. Leavitt 11/20/74, which is attached, you were advised that Assistant Director McDermott telephonically advised him on that date that Mr. Orr Kelly, a reporter for "The Washington Evening Star News" newspaper had been in contact with Earl Robert Merritt. According to Kelly, Merritt identified himself as a former FBI informant and said he carried out tactics like those described in the Cointelpro report in January, February, and March of 1972; that he worked under the direction of Special Agents Terry O'Conner and William Tucker of WFO; and that his target was Jack Davis, an organizer of the May Day demonstrations in 1971, who at that time was a desk man at a sauna bath in Washington, D. C. Merritt claimed he was instructed to become intimate with Davis (he said both were homosexuals) and that he was instructed to make phone calls to Davis' friends and employees accusing him of cooperating with or working for the FBI and of being dishonest in handling of money. He claimed he did not know why but Davis lost his job and became depressed. Mr. Kelly desired a comment on Merritt's allegations, particularly his charge that the tactics supposedly ruled out in the Spring of 1971 were still being employed nearly a year later.

Earl Robert Merritt, who is a self-admitted homosexual, was a criminal informant of WFO, 10/1/71 until he was discontinued on 6/1/72. By LHM dated 9/20/74, a copy of which is attached, WFO detailed the handling of Merritt by Special Agents O'Conner and Tucker. On pages four and five of the LHM,

100-44675
101-451643
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JWG:rsm (5)

Enclosures - 3

120 DEC 4 1974
325
ENCLOSURE

Records: place copy (memo only) in 100-44698 (Cointelpro - Merritt)

Continued - Over

and 100-451643 (James Rankin Davis)

NOV 27 1974

file 5
137-28143

Memorandum to Mr. W. R. Wannall
Re: Earl Robert Merritt

it is noted that Merritt was told that the FBI was interested in information concerning John Rankin Davis, who was then a suspect in the 3/1/71 bombing of the U.S. Capitol Building and was also believed by WFO to possibly be in contact with some of the Weatherman fugitives. Merritt advised the Agents that he had first met Davis, whom he knew as Jack Davis, in May of 1971. From January, 1972, to May, 1972, Merritt reported conversations he said he had with Davis concerning his Weatherman associates, reported information he believed linked Davis with the Capitol Building bombing, reported that he had seen Davis with an individual Davis said was Weatherman fugitive William Ayers and reported on several occasions that Davis had wanted him to accompany Davis to New York and wanted him to rent an apartment as a safehouse for fugitives. On 5/30/72 when Merritt claimed he had talked with Davis in Washington, D. C., Davis was being interviewed by Bureau Agents at Lake Ariel, Pennsylvania. During the interview, Davis related having met an individual in Washington, D. C., known to him as "Butch" whom he suspected was an informant. He related "Butch" on one or two occasions attempted to persuade him to travel to New York and once talked about renting an apartment as a safehouse for fugitives. After reviewing the above, WFO felt "Butch" was identical with Merritt, that doubt had been cast on his credibility, and therefore, he was discontinued as an informant.

By teletype 11/20/74, which is attached, Special Agents O'Conner and Tucker categorically denied Merritt's allegations.

OBSERVATIONS:

Davis was never a target of any Cointelpro, which program was discontinued 4/28/71, nor was he*targeted against Davis in any way which can be interpreted as counterintelligence. On the contrary, it appears Merritt, in reporting on Davis, lied to WFO Agents regarding Davis in order to obtain money. In a "Washington Post" article, 11/26/73, Merritt exposed his role as an FBI informant, outlined his activities as an informant, including targets assigned to him, methods of payment and reasons why he ceased his informant activities. In the article, Merritt lied about performing illegal acts for the FBI and lied about his payments. Merritt's present allegations to Orr Kelly that he carried out tactics like those described in Cointelpro are false, and this appears to be another attempt by him to obtain notoriety.

RECOMMENDATION:

That the allegations by Merritt to Orr Kelly be categorically denied.

* Merritt



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

September 20, 1974

In Reply, Please Refer to
File No.

INSTITUTE FOR POLICY STUDIES, ET AL. v.
JOHN W. MITCHELL, ET AL.
UNITED STATES DISTRICT COURT,
DISTRICT OF COLUMBIA
CIVIL ACTION FILE NUMBER 74-316

Information Concerning Carl Robert Merritt,
the Information Which He Furnished Relating
to the Institute for Police Studies (IPS)
and the Circumstances Leading the Washington
Field Office, FBI, to Discontinue Him as an
Informant

Carl Robert Merritt, also known as "Butch", tele-
phonically contacted SA Terry T. O'Connor on October 1, 1971,
and advised that he wished to furnish information to the FBI
concerning criminal matters and what could be termed "New
Left" activity. He stated that he was a homosexual. He
advised that he wanted to be paid for the information and had
ceased to furnish information to the Intelligence Division,
Metropolitan Police Department (MPD), Washington, D. C. (WDC),
because they did not pay him well enough and had been treating
him unfairly. Merritt was advised that if he did furnish
information to the FBI for which he WAS PAID HE SHOULD NOT
consider himself to be an employee. He would not receive a
regular salary and would be paid on the basis of the value of
the information furnished.

Before information was accepted from Merritt, it
was determined that Federal prosecution of Merritt on some
bad checks in West Virginia had been declined. Merritt had
stated that he had experienced this check problem when he
talked with SA O'Connor on October 1, 1971.

Merritt was considered a criminal informant beginning
October 8, 1971. He thereafter furnished information of both
criminal and security nature. It is not known to the Wash-
ington Field Office (WFO) that any of the criminal information
he furnished resulted in arrests or convictions but rather this
information was of a criminal intelligence nature.

137-25143-13
ENCLOSURE

INSTITUTE FOR POLICY STUDIES

Beginning with the conversation on October 1, 1971, Merritt stated that he spent a great deal of time at the Institute for Policy Studies (IPS), Washington, D. C. (WDC). He purported to have free and rightful access to the premises of IPS at which he performed odd jobs and attended meetings. He stated that he had become acquainted with persons at IPS, especially Arthur Waskow, Marcus Raskin and Joanne Malone, and visited them frequently at IPS.

Previous investigation had reflected an association linking certain of the Weatherman fugitives with persons employed at IPS, principally Arthur Waskow and Marcus Raskin. The association among these persons had existed before these Weatherman members, particularly Michael Spiegel, Cathlyn Platt Wilkeeson and William Ayers, became fugitives. It was believed that having someone like Merritt with Waskow and Raskin on a legitimate and somewhat regular basis might result in the development of information which would lead to the apprehension of some of these fugitives. It might also result in the development of information concerning civil disruptions and other illegal activities.

During the period of October, 1971 to January, 1972, Merritt furnished information concerning conversations with Waskow, Raskin and Malone. He attended meetings at IPS and obtained various pamphlets (intended for public dissemination) from IPS.

Sometime around December 3, 1971, Merritt began to report that Marcus Raskin had promised him a job as an assistant to Arthur Waskow. Waskow had initially been unhappy that these arrangements were made without his knowledge but that the job would begin after January 1, 1972. Prior to that date, Waskow was to spend some time in orientation sessions with Merritt. Merritt thereafter reported that he had difficulty in getting in touch with Waskow regarding these sessions. He furnished a letter from IPS dated December 18, 1971, stating that no new personnel would be hired at IPS. He talked with Waskow on December 27, 1971, and on this occasion Waskow told him that he should not worry about this letter and was still being considered for a job. Waskow added that his sources had indicated that IPS had been INFILTRATED by the GOVERNMENT and that SCREENING procedures, including polygraph tests, were being contemplated for persons seeking positions.

INSTITUTE FOR POLICY STUDIES

On January 13, 1972, Merritt advised that he had attempted to contact Waskow on the same date but had been referred to an attorney, Robert Herzstein, who was with the law firm of Arnold and Porter, WDC. He contacted Herzstein who told Merritt that strict screening procedures, including polygraph tests, would be employed to weed informants from among the applicants for positions at IPS. Herzstein and Baskin would be primarily responsible for screening applicants.

On January 28, 1972, Merritt advised that on the previous day he had gone to the office of an attorney named Rogovin at Arnold and Porter at Rogovin's request. A Mr. Barnett from PIS was also present in Rogovin's office. Rogovin explained that he has handling legal and employment matters for IPS. Merritt answered negatively when asked if he knew an FBI Agent named Bob Wall. He also answered negatively when asked if he knew any "gay" police officers who might be vulnerable to approach (for purposes of obtaining information from the police department). Rogovin asked questions of Merritt and told him that if Merritt wanted the job he would have to submit to a polygraph examination which Rogovin was reluctant to administer because it smacked of the police state.

(It is noted that when interviewed by FBI Agents on June 20, 1973, Mitchell Rogovin, an attorney for IPS had told the Agents that an individual had furnished an affidavit concerning SA Torry T. O'Connor's and SA William T. Tucker's alleged roles in a November, 1971, theft from IPS. This individual could only have been Merritt based on the statements he had made).

At this time it became abundantly clear that Merritt's continued association with IPS or persons therefrom would be counterproductive in that 1) Merritt was over his head dealing with persons at IPS who were unquestionably intellectually superior to him, 2) that he had constantly been put off concerning the position at IPS and had been furnishing no information concerning any association of Weatherman fugitives and persons at IPS and 3) that it was extremely unlikely that he would ever obtain a position at IPS. Consequently, he was immediately thereafter advised by SAs O'Connor and Tucker that they no longer wanted him to associate with persons at IPS for the purpose of obtaining information.

INSTITUTE FOR POLICY STUDIES

Merritt stated that he wanted to know what sort of information he could furnish for which he could be paid. He had at that time already begun to attempt to cultivate his association with John Rankin Davis, also known as Jack Davis, who was a suspect in the March 1, 1971, bombing of the U. S. Capitol Building and was also believed by WFO to possibly be in contact with some of the Weatherman fugitives. Merritt was told that the FBI was interested in information regarding Davis pertinent to these investigations.

Merritt furnished no further information regarding IPS after January 31, 1972.

With respect to Jack Davis, Merritt advised that he had first met Davis around May, 1971, through Ray Twohig, an attorney and mutual friend of Davis and Merritt. During January, 1972, Merritt began to furnish information concerning conversations he had with Jack Davis and he continued to do so until the end of May, 1972.

Among the matters reported by Merritt concerning Davis were the following:

On February 2, 1972, Merritt stated that Davis had visited him during the early morning hours on the same date. Davis talked about his association with the weatherman organization and about the fact that he had known Weatherman fugitives Spiegel and Wilkerson when they lived in WDC. Further, he referred to Spiegel as Michael Bradford.

On February 6, 1972, Merritt told of being in the WDC apartment of attorney Raymond Twohig during April, 1971, with Twohig and Davis. Twohig, according to Merritt, allegedly told Davis that he would check with a person who had told Davis that he was involved in the Capitol bombing to determine if this individual was lying. Merritt surmised that Twohig was acting as an intermediary between Davis and this unnamed individual. Merritt considered this to be an indication of knowledge on the part of Davis of the Capitol bombing but Merritt stated that he definitely would not testify regarding these occurrences before a Grand Jury.

INSTITUTE FOR POLICY STUDIES

On April 27, 1972, Merritt advised that he had seen Jack Davis earlier that same evening. Davis had an individual named Bill with him. Bill, Davis and Merritt went to Merritt's apartment. Bill was very wary according to Merritt. On May 1, 1972, Merritt stated that Davis told him that the Bill who had been with him on April 27, 1972, was Bill Ayers, a Weatherman fugitive. Merritt could not, however, identify the individual as Ayers when he was shown Ayers' photograph.

On several occasions during March, Merritt reported that Davis wanted Merritt to accompany him to New York and on several occasions during March, 1972, he reported that Davis had told Merritt that he wanted Merritt to rent an apartment in the Dupont Circle, N.W., WDC, area to be used by Davis and Merritt as a safehouse for fugitives and as a meeting place. Merritt was to furnish the initial funds to rent this apartment but Davis would also contribute.

Merritt continued to furnish information concerning his conversations with Davis until about May 30, 1972. On that date, Merritt claimed, he had talked with Jack Davis in WDC. As is set forth below, however, the FBI had determined that through interview Davis was in Pennsylvania at the time Merritt claimed to have talked with him.

On May 30, 1972, SAs William F. Moran and Robert W. Feuer interviewed John Rankin Davis at Lake Ariel, Pennsylvania. Davis denied having any knowledge of the bombing of the U. S. Capitol Building on March 1, 1971, or the bombing of the Pentagon during 1972. Further, he had not had any contact with the Weatherman fugitives or any means of contacting these persons.

During the course of the interview Davis discussed several persons he considered to be informants. One of these persons was an individual he knew both as Bob Williams and "Butch". He described "Butch" as a "psychopathic freak". He had first met "Butch" through his attorney who was representing "Butch" in a narcotics matter. Davis was immediately suspicious of "Butch" and warned Butch to stay away from him and any other "political" persons.

INSTITUTE FOR POLICY STUDIES

Davis stated that on one or two occasions "Butch" had attempted to persuade him to travel to New York and on one occasion talked with Davis about renting an apartment in WDC to be used as a safehouse for fugitives. Davis told "Butch" to stay away from him and his home. But because Butch lived in the same neighborhood as a close friend of Davis' named Turk, Davis and Turk would often meet "Butch" on the street at which time he would attempt to elicit information from them. Davis had told "Butch" before leaving WDC for Pennsylvania that he was moving to Los Angeles, California, although in reality he had no intention of doing so.

If Davis' statements concerning "Butch", who is undoubtedly identical to Merritt, are taken at face value, which they were for the most part by WFO Agents, little if anything reported by Merritt concerning conversations with Davis and other matters concerning Davis could be considered credible. This, of course, would cast doubt upon the credibility of all information furnished by Merritt.

It should be noted that the Agents who interviewed Davis have advised that although the statements made by Davis were not confidential they do not know what Davis' reaction would be to revealing the results of this interview to anyone outside the FBI or Justice Department or to being recontacted concerning the matters he discussed during this interview.

It is noted that on more than one occasion after Merritt was discontinued as an informant and told that he would no longer be paid for information he furnished, Merritt telephonically contacted SA O'Connor to furnish information of a criminal nature. He was advised on these occasions that when he furnished this information he would be treated as any member of the general public and the information would not be considered as having been furnished on a confidential basis.

INSTITUTE FOR POLICY STUDIES

Allegations Made to Date Concerning the
Involvement of SAs Terry T. O'Connor and
William T. Tucker in Illegal Activities
at the Institute for Policy Studies (IPS)

Several versions of what was an alleged illegal entry and theft of documents and mail have been provided in the form of allegations by IPS against SAs O'Connor and Tucker. It is unknown, however, as to which of these accounts is represented as being that accurately describing the events alleged to have occurred. The first set of allegations was provided in an interview conducted by WFO Agents with Mitchell Rogovin, an attorney for IPS on June 20, 1973. The allegations which were the basis of a civil rights complaint against SAs O'Connor and Tucker contained in this version are, according to Rogovin, based on an affidavit provided by an unnamed individual during January, 1972. This individual stated at that time that during November, 1971, the individual saw a girl taking items from IPS and that she thereafter placed a manila envelope, containing the items she had taken, in front of the IPS building. An unmarked car pulled up in front of the IPS building and a male occupant of the car got out, picked up this envelope and returned to the car before it drove away. Several days later SA O'Connor was supposed to have given this individual a manila envelope which the individual somehow recognized as being the same one the girl had placed in front of IPS before it was picked up by the man in the unmarked car. SA O'Connor told this individual that the items had been taken from IPS by a female Metropolitan Police Department (MPD) source who could not get them back into IPS. The individual had therefore been asked by SA O'Connor to return them to IPS.

In February, 1974, IPS filed a civil action in U. S. District Court (USDC), WDC, in which it was alleged, among other things, that during January or February, 1971, SAs O'Connor and Tucker procured a female employee of the MPD, WDC, to unlawfully enter the IPS and take documents therefrom. It has been pointed out that during January and February, 1971, SA O'Connor was assigned to the San Francisco Division of the FBI and SA Tucker was engaged in investigation of WFO which in no way related to IPS.

INSTITUTE FOR POLICY STUDIES

This second version, the basis for which was not set forth by IPS, appears to bear some semblance to allegations made by Rogovin in the June, 1973, civil rights complaint in that a female employee or source of the MPD, WDC, was allegedly involved in the removal of documents or other materials from IPS. There are, however, differences, the principal difference being with respect to the time during which the items were alleged to have been removed from IPS.

The next version is based upon another sworn affidavit furnished by Merritt on July 26, 1974, and submitted by IPS in the pending civil suit. In this affidavit Merritt alleges in essence that either SA O'Connor or Tucker, he cannot remember whom, instructed him to take anything he could from IPS if he thought he could get away with it. He stated that in furtherance of his assignment he entered IPS on a day in November, 1971. He observed a female taking mail and other items and placing them in a manila envelope. He startled her, causing her to drop the manila envelope which landed on the desk and then slid into the waste basket. When she left he looked in the basket and saw a brown paper bag along with the manila envelope. He took the brown paper bag and left the envelope. While on the street in front of IPS, he saw the girl place the envelope outside IPS and a man from an unmarked car pick it up and take it away.

The paper bag contained mail and other documents. Merritt was telephonically instructed by SA Tucker to open and read items of mail. SA Tucker later picked up the bag and its contents. Merritt was thereafter given the bag by SA Tucker with its contents to return to IPS. No mention was made in this affidavit of Merritt being given the manila envelope containing the materials taken by the female MPD source in order to have him return the envelope and its contents to IPS. Merritt stated that he had later learned the identity of the female MPD source.

137-28143-12
Nothing to indicate that these are consistent statements has been received from IPS to date.

ENCLOSURE

The ONLY INCIDENT KNOWN to WFO approaching that described in any of these versions occurred on November 20, 1971. Merritt had called SA Tucker to describe several documents he had seen at IPS and also that he had some items from IPS that he wished to give to SA Tucker. It is noted that SA O'Connor

INSTITUTE FOR POLICY STUDIES

was away from work from before Thanksgiving, November 25, 1971, through the weekend following that date.

SA Tucker met Merritt in Lafayette Park at which time Merritt gave to SA Tucker several items including a manila envelope containing materials Merritt represented as having come from the trash at IPS.

The envelope and its contents were taken by SA Tucker to the WFO. Certain of the items contained in the envelope were examined and one, a copy of a speech given sometime earlier, was Xeroxed. No inventory was made of the contents. Nothing which had obviously been taken from or intended for the mails was included. Crumpled pieces of paper and other non-descript items were included which would have indicated that the materials could have come from the trash. Shortly after SA O'Connor returned to work, the envelope and its contents were returned to Merritt. He was told to return everything to the trash at IPS if that was where he had obtained it. He assured the Agents that this would be done and, shortly thereafter, stated that it had been done.

It is noted that for the period January 26-30, 1971, Merritt was paid a total of \$40.00 for information furnished pertaining to I-3 and a criminal matter.

Several statements might be made with regard to the above:

1) That SAs O'Connor and Tucker in no way caused Merritt or anyone else to wrongfully enter IPS and/or to wrongfully take anything therefrom. Merritt had, in fact, been specifically instructed never to do anything which could be construed as illegal at IPS or anywhere else.

Similarly, neither SAs O'Connor nor Tucker ever requested Merritt to open mail which came from IPS or anyplace else.

INSTITUTE FOR POLICY STUDIES

2) SAs O'Connor and Tucker know of no efforts on the part of any source of the MPD to wrongfully enter IPS and take documents therefrom.

3) If an illegal entry of IPS and theft of materials therefrom did occur, it could well have been done by Merritt without the knowledge of and contrary to specific warnings by SAs O'Connor and Tucker. It is further possible that if Merritt did commit such an act he was thereafter either found out by IPS or he felt that he was suspected of such an act causing him to furnish the above-mentioned affidavits in order to cast the blame for these acts from himself.

United States Secret Service Inquiry Regarding Merritt

On December 6, 1972, SA Roy Cook, Washington Field Office (WFO), U. S. Secret Service (USSS), WDC, telephonically contacted WFO, FBI, requesting any background information which WFO, FBI, might have concerning a person whose true name was Earl Robery Merritt, Jr. SA Cook advised that the USSS was interested in such information because investigation by the USSS had indicated that Merritt had apparently furnished false information concerning persons who were, according to Merritt, a threat to the life of Vice President Spiro Agnew. The USSS was conducting investigation to determine whether Merritt himself might be a threat to the Vice President because experience had shown that persons furnishing false information might themselves become a threat. It should be noted that certain background information located in the files of WFO, FBI, was telephonically related to SA Cook by SA Terry T. O'Connor later on that same date.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

Memorandum

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

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

TO : Mr. Cleveland

DATE: March 14, 1975

FROM : E. L. Recer

- 1 - Mr. Cleveland
- 1 - Mr. Recer
- 1 - Mr. Nelson
- 1 - Mr. Mintz
(Attn. Mr. McCreight)

SUBJECT: EARL ROBERT MERRITT, JR.

FREEDOM OF INFORMATION ACT

By form letter dated March 4, 1975, the Office of the Deputy Attorney General enclosed a letter which had been received from Earl Robert Merritt, Jr., in which Merritt has requested that any "investigatory files" maintained by the Bureau relating to him be made available for his inspection and copying under the Freedom of Information Act. A copy of Merritt's letter is attached.

The Bureau was directed by the Deputy Attorney General to comply with the request or deny it, based upon the law and existing regulations.

It is noted that in 1970 and 1971, Merritt was the subject of an interstate transportation of stolen property investigation in which prosecution was declined.

In addition to the ITSP matter, Merritt is a former Bureau criminal informant, and for this reason, the Freedom of Information Act Unit of the Office of Legal Counsel has requested our comments concerning this request.

On October 1, 1971, Merritt presented himself to Agents of the Washington Field Office and advised that he wished to furnish, and be paid for, information regarding criminal and "New Left" activities. He was opened as a potential criminal informant at that time. On November 30, 1971, he was converted to an approved criminal informant and was operated as such until June 8, 1972, when he was closed for having furnished unreliable information. From October, 1971, to May, 1972, he was paid a total of \$1,960 for services and expenses.

Enclosure

(CONTINUED - OVER)

LJN:kkk

(5)

54 APR 3 1975

EX-111 REC 14 100-28143-11

MAR 26 1975

100-37-28143-

[Handwritten signature]

E. L. Recer to Mr. Cleveland
Re: Earl Robert Merritt, Jr.

After being closed, Merritt disclosed his former relationship with the Bureau to representatives of the media. He made some untrue statements, including the allegation that WFO Agents had threatened his life in an attempt to insure that he never reveal his role as an informant.

The proper response to Merritt's request is, of course, a matter to be determined by the Office of Legal Counsel. It would appear, however, that the material in the informant file is not "investigatory" in nature, and the operation of an informant is not, in and of itself, an investigation. Other than the aforementioned ITSP case, the only investigation of Merritt which is reflected in the informant file is a check of appropriate local criminal agencies when he was opened as a PCI.

Merritt provided information in matters within our jurisdiction, but these of course do not relate to him as a subject or suspect, and would not appear to fall within the scope of his request.

It is further noted that in regard to those investigations in which he provided information, his assistance was in the form of an investigative technique, which we are not required to disclose under Section b(7) of the Act.

RECOMMENDATION:

Unless the Office of Legal Counsel is of the opinion that we must furnish material from Merritt's informant file, it is recommended that by appropriate communication, he be advised that the information contained in that file is being denied him.

Note - We have civil litigation - Bob O'Brien & Handley, Merritt is principal plaintiff. JD

WVC

OFFICE OF THE
DEPUTY
ATTORNEY GENERAL

MAR 4 1975

March 3, 1975
1145 23rd St, N.W.
Wash, DC 20037

RE: EARL Robert MERRITT JR.

Office of the Deputy Attorney General
United States Department of Justice
Washington, D. C. 20530

Gentlemen:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, as amended, and 28 C.F.R. § 16.3, I hereby request that you make available for inspection and copying any investigatory files maintained by the Federal Bureau of Investigation, either in its office at the seat of government or in its Washington Field Office, relating to EARL Robert MERRITT^{JR} subject of course to the exceptions enumerated in 5 U.S.C. § 552(b) (7), as amended by P.L. 93-502.

Sincerely yours,

Earl Robert Merritt Jr.

3-3-75

Date of Birth 6-22-44

Place of Birth

CHARLESTON, W. VA.

Soc. Sec. # 233-68-6547

Bluf

UNITED STATES GOVERNMENT

Memorandum

- 1 - Mr. W. Moore, Jr.
- 1 - Mr. W. R. Wannall
- 1 - Mr. R. L. Shackelford
- 1 - Mr. T. J. McNiff

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

TO : Mr. W. R. Wannall

DATE: 3/28/75

FROM : Mr. R. L. Shackelford *RLS*

SUBJECT: EARL ROBERT MERRITT

CONF. INFO.

PURPOSE:

To advise of article appearing in 3/28/75 edition of "The Washington Post," to the effect that information furnished by captioned individual to both the FBI and Washington Metropolitan Police Department (MPD) while acting as an informant is mostly irrelevant.

DETAILS:

"The Washington Post" edition of 3/28/75, on page C-1 contains an article (attached), captioned "Informant's Data Mostly Irrelevant," which refers to approximately 50 pounds of material compiled by Earl Robert Merritt for the combined time he served as an informant for both the Washington MPD and the FBI. The article contains no allegations against the FBI, but highlights the superficiality of information accumulated by Merritt during the late 1960s and early 1970s. Merritt claims he was paid approximately \$1,500 by the MPD covering the period April to October, 1971, and then he became an informant of the FBI until June, 1972, collecting another \$3,000.

Review of Bureau files indicates that Merritt, an admitted homosexual, was a paid criminal informant of the Washington Field Office (WFO) from October 1, 1971 until he was discontinued June 1, 1972, as doubt had been cast upon his credibility. During that period, he was paid for information furnished on a c.o.d. basis, a total of \$1,570. Initial contact with him was made as he was known to be an associate of John Rankin Davis, a CAPBOM (bombing of U.S. Capitol 3/1/71) suspect, and because it was believed

Enclosure
137-28143

TJM:bmf (5)

REC-73

137 - 28143 - 15
CONTINUED - OVER

EX-117

ENCLOSURE

5 APR 4 1975

70 APR 10 1975

Memorandum to Mr. W. R. Wannall
Re: Earl Robert Merritt
137-28143

he was in contact with Weatherman fugitives. From January, 1972, to May, 1972, he reported on conversations he reportedly had with Weatherman associates. On 5/30/72, however, he reported on a conversation he was supposed to have had with Davis in Washington, D. C., on the same date that Davis was being interviewed by Bureau Agents in another part of the country. Further, during the latter interview, Davis described Merritt to Bureau Agents as an individual he believed to be an informant. Services of Merritt were then discontinued.

In 9/74, Merritt related to a news reporter that he had carried out, for the Bureau, tactics described in the then recently released COINTELPRO report, nearly a year and a half after the program was ordered halted, and he made several allegations of improper conduct on the part of handling Agents. All of the allegations were vehemently refuted by involved personnel, and the news reporter was furnished full facts concerning the matter. Details concerning this incident were set forth in my memorandum to you dated 11/21/74, captioned above.

OBSERVATIONS:

The above article appears to be prefaced upon another attempt by Merritt to obtain notoriety. As the article contains no allegations against either the Bureau or its personnel, no additional action is deemed necessary by this Bureau.

RECOMMENDATION:

None. Above submitted for information.

TJM

wep/ks

K

per

Jma

msc

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

TJM:amy 3/28/75

Informant's Data Mostly Irrelevant

By Paul W. Valentine
Washington Post Staff Writer

Art Roscoe is righthanded, has a receding hair line—long dark brown hair, long shaggy beard with some gray—black rim-glasses, gold wedding band on left hand —H: 5-11—W: 175.

This description of author and community activist Arthur I. Waskow, complete with the misspelling of his last name, is part of almost 50 pounds of assorted documents and files maintained by former FBI and D.C. police informant Earl Robert Merritt during the antiwar days of the late 1960s and early 1970s.

The files, consisting primarily of antiwar tracts, leaflets, flyers, mailouts, news clippings and other publicly available documents, have been described by both Merritt and his superiors in the intelligence division of the D.C. police department as "mostly junk."

Merritt estimates the FBI and D.C. police paid him a total of \$4,500 in salaries and expenses for his efforts for a 14-month period between April, 1971, and June, 1972. Both police and FBI have verified that he worked for them.

Merritt made copies of his files available to The Washington Post after D.C. Police Chief Maurice J. Cullinane issued a report earlier this month acknowledging that the intelligence division collected thousands of unevaluated and irrelevant files on local political figures and organizations.

The detailed physical description of Waskow is one of the few independently developed reports made by Merritt—written in September, 1971, after Merritt attended a prison reform meeting chaired by Waskow.

Yet, police acknowledge its value is virtually nil: it describes a man who already was well known to the police and who was a familiar public figure in the antiwar and civil rights movement of that time.

Merritt says his control officers in the intelligence division specifically instructed him to include detailed physical descriptions, including the racial and ethnic appearance of individuals he monitored.

The control officers, Christopher Scrapper, now a sergeant in the first police district, and Charles Robinson, now an investigator for the General Services Administration, deny they gave such instructions.

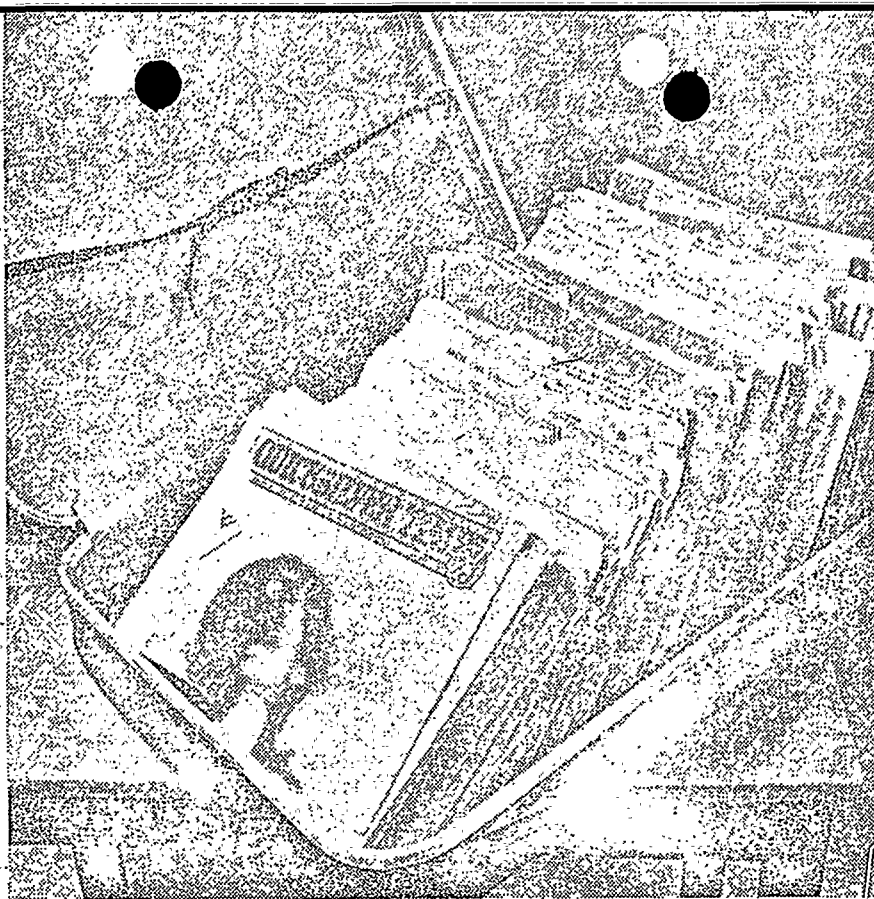
The meeting was held at the Institute for Policy Studies, then at 1520

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

Date 3/28/75

137 - 28143-15

ENCLOSURE



By Larry Morris—The Washington Post

The files of Earl Robert Merritt: Almost 50 pounds of papers, leaflets.

New Hampshire Ave. NW, an independent public policy research "think tank" that police had asked Merritt to infiltrate. The institute had attracted a number of leftist activists during the antiwar movement.

Merritt's report notes that 80 persons attended, including "35 females, 45 men, 8 Negroes, 6 Negro men, 2 Negro women, 8 foreign, as of German descent."

Also, it said the "majority of whites looked to be Jewish, some Spanish and small percentage of Irish, etc."

Included in Merritt's files was a rough sketch showing the ground floor plan of the Institute for Policy Studies.

Waskow, a senior fellow at the institute, recalled the prison reform meeting and said that with the exception of the spelling of his name, Merritt's description of him was "essentially correct."

Merritt, 30, who "surfaced" more than 18 months ago and has spoken publicly several times about his undercover activity, has been characterized by police as an inefficient and unreliable intelligence gatherer.

An acknowledged homosexual; Merritt came to Washington from the hills of West Virginia and became a criminal informant for the police department in 1970, helping with narcotics

and other vice-related surveillance in the Dupont Circle area.

With the increase in antiwar demonstrations and the advent of the massive Mayday disruptions in the spring of 1971, he said, he was switched to political intelligence, although he had little knowledge of the antiwar movement and its underlying philosophies.

Given the code name "Butch," he worked for the police department's intelligence division from April to October, 1971, at \$50 a week, plus expenses, grossing about \$1,500, he says, before he switched to the FBI where he was paid about \$75 a week plus expenses until June, 1972, collecting another \$3,000.

He also was in periodic contact with the Treasury Department's Alcohol, Tobacco and Firearms Bureau and was given \$150 in April, 1971, to accompany Mayday organizer Jack Davis to New York City. An ATF spokesman confirmed that the bureau give \$150 for the New York assignment to a confidential source known only as "Butch." Merritt said ATF wanted to determine if any firearms or explosives were being brought in for Mayday. Merritt said he found none.

Both police and FBI officials say they were dissatisfied with Merritt and fired him. They acknowledge that the quality of informants varied widely, but Merritt was inferior to most others used during the antiwar movement.

May 16, 1975

REGISTERED RETURN RECEIPT

Mr. Earl Robert Merritt, Jr.
1145 23rd Street, N. W.
Washington, D. C. 20037

1 - Mr. Cleveland
Attn: Mr. Riley
1 - Mr. Gebhardt
Attn: Mr. Mohr

Dear Mr. Merritt:

Enclosed are several pages of material from our records pertaining to your Freedom of Information Act request.

These documents were derived from (1) an investigation involving forged checks drawn on an account located outside the state in which the checks were passed and, (2) a confidential source file.

Other documents contained within these two files are not being disclosed based on the following statutory provisions:

1. The documents relate to internal practices of this Agency, the disclosure of which would adversely affect a significant agency function, Title 5, United States Code, Section 552 (b) (2), that function being development, evaluation, direction and remuneration of confidential sources.

2. Certain documents involve privileged information and are protected by Title 5, United States Code, Section 552 (b) (4). The privilege asserted in this instance is the lawyer-client relationship between Department of Justice attorneys serving as legal advisors to Federal employees sued in tort in their personal capacity on account of official actions.

3. Some of these documents contain evaluations and recommendations requested by superiors of subordinates subsequent to adverse media publications and litigation involving the FBI, which relates directly to you as a confidential source. These documents are exempt from disclosure under

2 - The Deputy Attorney General
Attention: Susan M. Hauser
Quinlan J. Shea, Jr. - Enclosures (6).

MLH:ms (8)

MAIL ROOM TELETYPE UNIT

MAY 16 1975
FBI

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
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MAY 29 1975

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REC-7 137-28143-11

ENCLOSURE

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Mr. Earl Robert Merritt, Jr.

Title 5, United States Code, Section 552 (b) (5) as release would inhibit the interchange of suggestions, recommendations and proposed policy changes within the Executive Branch of the Government.

4. Certain information furnished by yourself as a confidential source was disseminated to other law enforcement agencies investigating matters within their jurisdiction. It is not feasible for the FBI to confirm the current status of each of these investigations. As release of data concerning these cases might interfere with enforcement proceedings, denial is based on Title 5, United States Code, Section 552 (b) (7) (A). Furthermore, the FBI has a continued interest in certain matters within its jurisdiction also protected from disclosure under (b) (7) (A).

5. Many documents contain references to third parties which did not originate with you, disclosure would be an invasion of privacy as to these persons; therefore, denial is predicated upon Title 5, United States Code, Section 552 (b) (7) (C) and (D).

6. As to information which did originate from you, the FBI asserts Title 5, United States Code, Section 552 (b) (7) (D), specifically the phrase, "confidential information furnished only by the confidential source." The interest protected by this clause of provision (b) (7) (D) is not that of the informant, but of the Government. Release to you may be construed as release to the public and preclude an assertion of confidentiality as to a request from anyone else for the same information.

7. In addition, the FBI asserts Title 5, United States Code, Section 552 (b) (7) (E) as to certain documents which pertain to our investigative techniques and procedures. Our reasons are the same as those asserted in the paragraph marked 1 above.

You have thirty days from receipt of this letter to appeal to the Attorney General from any denial contained herein. Appeals should be directed in writing to the Attorney General (Attention: Freedom of Information Appeals Unit), Washington, D. C. 20530. The envelope and the letter

Mr. Earl Robert Merritt, Jr.

should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Following the Attorney General's decision, judicial review is available in the district of your residence or principal place of business, or in the District of Columbia, where the records are situated.

Sincerely yours,

C. M. Kelley

Clarence M. Kelley
Director

Enclosures (6)

NOTE: Earl Robert Merritt, the requester, is a former confidential source of the FBI whose source file was closed upon determination he had furnished false information to Bureau Agents. Subsequently, Merritt made false and malicious allegations to the news media regarding the FBI and the Metropolitan Police Department, WDC, regarding the direction and tasks he performed as a source. Some of these allegations constitute the basis for certain causes of action alleged in Institute for Policy Studies, et al, v. John N. Mitchell, et al, Civil Action No. 74-316 U.S.D.C. District of Columbia.

The Bufiles involved with this request are 137-28143 and 87-111347.

By prior memorandum, Special Investigative Division concurs with the FOIA section regarding release. The initial disclosure contemplated has been significantly narrowed to include only descriptive information, closing serials and certain newspaper articles. As for the 87 case, disclosure has been limited to a serial revealing the prosecutive opinion.

This response is being posted by registered mail, return receipt requested with the instruction, "Deliver Only to Addressee."

Two Lift Curtain on Undercover Work

Tell of Successes, Failures as Infiltrators of Antiwar Groups

By Paul W. Valentine
Washington Post Staff Writer

Two men who infiltrated the antiwar movement here for the FBI and D.C. police from 1970 through 1972 have described their operations, parting the curtain momentarily on the tangled world of the political undercover informant.

In interviews with The Washington Post, they detailed their successes, failures, a few absurdities, but most of all the personal confusion, ambivalence and agony they said they endured in doing such work for the country.

Much of their work, they said, was superficial and peripheral, and in the long run they provided little they could judge as being of real consequence.

The FBI, in keeping with time-honored tradition, does not officially acknowledge that either man worked for the agency. But it has been independently determined that both were utilized as street-level FBI informants — one on a \$50-to-\$75-a-week salaried basis, the other primarily as a volunteer on an expenses-only basis. One man also worked for the D.C. police department.

Many of their alleged acts of surveillance could not be corroborated, but sources within the FBI confirmed that details of pay arrangements and other transactions with the FBI described by the men are authentic.

Their disclosures also provide some glimpse of the contrasting kinds of people the FBI uses for informants. The two men are:

- Earl Robert Merritt, timid, 29-year-old, small-town West Virginian who never finished high school and says he "didn't even know what a Weatherman was" until FBI agents told him. He is a self-described homosexual.

- J.A. Barrett, a beefy, aggressive, 36-year old urban Irish Catholic ethnic with a one-time penchant for violence who saw the police-radical street clashes of the antiwar movement as a "cultural war between working class grunts ... and spoiled upper class WASP and Jewish kids."

Each informant said he was caught in a web of financial or political circumstance compelling him to continue covert surveillance of people and institutions long after his original zeal to do so had ceased.

Each says he did not know the other was an undercover operative at the time,

though they both conducted surveillance of antiwar demonstrations in 1970 and 1971 and then almost simultaneously penetrated the Institute for Policy Studies (IPS), a governmental policy research organization here.

Merritt worked first for the police department and then the FBI, each time on a salaried basis, he says. Barrett, "working more as a volunteer than anything else," he says, was utilized by the FBI only and was paid expenses but no salary.

Merritt's identity was first divulged by the Daily Rag, a small activist community newspaper here that published a carefully worded interview with Merritt in its Oct. 5-12 issue. The text had first been cleared and approved by Merritt's attorney, David B. Isbell, of the

Washington law firm of Covington & Burling.

Shy, hesitant, baby-faced, Merritt agreed to a subsequent interview by The Post, but only in the presence of his attorney.

In contrast, Barrett spoke freely with this reporter in both formal and informal conversations during the last several months. His identity has not been previously disclosed.

ENCLOSURE

137-28143-16

"My motto was 'let's rip 'em off and do something to 'em,'" says Barrett, recalling how he first entered antiwar demonstrations here in the late 1960s as a freelance observer and occasional street fighter who would trip, punch and jab demonstrators during melees with the police. It was a habit he took with him when he joined the FBI informant ranks in 1970, but he says he has since repudiated it.

"At first, I thought my antagonism toward the left was an ideological one," Barrett said, "but now I know it was cultural.

"I'm working-class Irish Catholic ... These upper class WASP and Jewish kids of the new left were the sons and daughters of the people charging me 36 percent on a loan ... They owned the slums and the tenements. They paid only \$1.25 an hour for hard work.

"Those kids really held us in contempt—us, the working class slobs, the beer drinkers, the hard hats, the pigs, the grunts—the people who fight the wars and police the streets of this country, who keep the nation moving while they piddle around with their intellectualism."

Thus, said Barrett, when he became an informant, "I had joined the army of the Lord."

Three years later, Barrett, the one-time GOP ward-heeler in Maryland and hard-nosed Young Americans for Freedom (YAF) activist, is not so sure. Three years in the trenches with the new left had taken a certain toll.

"I had a hell of a time knowing where I began and where my role ended," he said. "I was very confused.

"I knew I was no longer a YAFer, but I didn't want to get into the left culture either.

"I felt I was lying on a jungle island surrounded by fever swamps recovering from the withdrawal symptoms of a true believer."

He said, "When I started, I could give you an operating definition of 'right' and 'left,' but there's no way in God's world I could do, it now."

Barrett still has not resolved questions about whether current FBI surveillance practices are morally correct.

"If the government hears that a group is trying to blow up the Capitol or kill the President," he said, "it has a right to find out if it is true and stop it through surveillance ... But, if they find out it is not true, how do you pull 'em back? How do you keep surveillance within limits? That's the problem, as I see it. Once the surveillance ball starts rolling, it's hard to stop it."

Because so many policemen and other law enforcement officers are "working class ethnics" with a heavy infusion of Catholic conservatism, they are naturally antagonistic toward the "smart middle-class airs" of the new left, Barrett said.

He described the FBI as a "bunch of Fordham boys watching Harvard boys."

While Barrett perceives himself as a person struggling to comprehend the cultural gap between the right and the left, Merritt said his fundamental lack of education in the realm of politics of either the left or the right made it difficult for him to penetrate the antiwar movement with any real activist credibility.

Uninitiated in radical left literature or rhetoric, he was unable to participate in political discussions and never tried to insinuate himself into the movement's administrative hierarchy, despite police requests that he do so, he said.

"But there were other people there, too, who were just as naive and ignorant as I was," he said, "so I didn't stick out like a sore thumb."

Merritt first entered the world of undercover surveillance when he was recruited by the Washington police department to do criminal narcotics work in the Dupont Circle area in mid-1970.

With the build-up in preparations for the massive antiwar Mayday protests the following spring, however, he was switched to the police intelligence division. He was assigned the code name "Butch" and control number 16.

The police department confirmed his identity but, like the FBI, would not discuss details of his job.

Merritt said police intelligence recruiters specifically sought him because they wanted a "white gay male" to cultivate antiwar gay activist Jack Davis who was reputed to be organizationally close to Rennie Davis (no relation), longtime war protester and a chief architect of the planned Mayday disruptions.

But Merritt did not get far. "I tried to get close to both of them," he said, "but just impossible ... They were too busy moving around," and he relayed no important information on either of the Davises to police.

Soft spoken and clean shaven with short red hair, Merritt said he tried to blend into the antiwar crowd at organizational meetings by playing the role of "just another activist."

Paddling about from one antiwar office to another in downtown Washington, he said, he did odd jobs as a "volunteer" while noting automobile tag numbers and the names and addresses of activists and phoning them in regularly to the police intelligence division.

The police "asked me to join the (Mayday) marshal training, too," he said, "but I couldn't get into it ... I was too spread out."

As the tempo of surveillance increased in the weeks just before Mayday, "I was asked to call in (to intelligence) every hour ... I called in up to 16 times on Mayday itself," giving first hand street reports of activity.

The Mayday protest action—which triggered the arrest of more than 12,000 persons, along with intensive barrages of police tear gas and the brief occupation of portions of the city by federal troops—also brought on what Merritt says was his first disillusionment with the law enforcement establishment.

The mass arrests and what he described as brutality by police "disgusted me," Merritt said, and he began questioning police procedures, including intelligence gathering.

Heretofore, he said, he had believed police surveillance "was the right thing to do because I believed (the antiwar movement) was a communist attempt to overthrow the government." Now his perspective was changing, he said.

Though he wanted to extricate himself from informant work, he said, there also "was the matter of some (bad) checks" he had written earlier in West Virginia and he feared the police might threaten him with arrest for the checks if he stopped working for them.

So he continued on the police payroll, he says, drawing \$50 a week salary plus expenses of \$25 to \$35 a week.

He went through a "limbo" period for the next two months as antiwar street activity dwindled after Mayday, he said.

Then on July 16, 1971, he said, the intelligence division asked him to "concentrate" on the Institute for Policy Studies at 1520 New Hampshire Ave. NW.

"I didn't even know what it was," he said. "They told me it was a communist think tank."

(The IPS, a frequent target of criticism by conservative political figures, is described by its co-directors Marcus Raskin and Richard J. Barnet as an independent center for research and education in alternative concepts of public policy in such areas as foreign aid, education, military budget, and health services. The privately funded institute supports 17 full-time fellows and a research staff of about 50 persons.)

Merritt said police interest in IPS was apparently whetted by announcement that a series of weekly Marxism-anarchism seminars were to be held there, led by Marxist scholar Alfred Henley and Karl Hess, one-time Goldwater speech writer turned anarchist theoretician and examiner of alternative life styles.

"My job was to go to the classes and count how many people were there," Merritt said.

In addition to any names he could obtain, he said, police asked him for an attendance breakdown as to males and females, blacks and whites, "Jews, Germans and people of eastern European extraction."

He said, "I was told to look for Europeans in look and dress . . . They told me to look for certain clothing styles (and) physical appearances, like high cheek bones. High cheek bones were supposed to be German or Russian or something . . . Yes, accents, too. I was supposed to report foreign accents."

He said he told police that "most people at IPS were Jewish." Asked how he distinguished Jews from non-Jews, he said he could

"vaguely," then added that his police mentors, in a rather facetious manner, used Arthur Waskow as a comparison model."

Waskow, a hefty bearded man, is an IPS fellow and veteran activist in antiwar and Jewish affairs here.

In addition to monitoring the Marxism-anarchism seminars, Merritt said, police asked him to seek a job as a research assistant to one of the IPS fellows.

Merritt voiced concern that he was not educationally equipped for such a role.

"I questioned my ability to do it," he said, "but the police seemed to think it would be (the job of) a glorified errand boy."

Half heartedly, he said, he applied for the job but never got it.

In the meantime, Merritt was "terminated" by the police department (the wave of dramatic antiwar street demonstrations had subsided by mid-1971, he said, and the intelligence division was running out of money to pay informants).

With the recommendation of his police superiors, he was hired by the Washington field office of the FBI at \$50 to \$75 a week and continued his work at the IPS.

He was by this time so disillusioned with the law enforcement establishment, he said, that he was deliberately cutting down on the amount of information he reported. He said he maintained the guise of the informer, however, because "I needed the money" and because of the continuing possible threat of arrest for the checks in West Virginia.

(His FBI control agents additionally instructed him, he said, to watch for "Weather fugitives" entering the IPS, a reference to a dozen reputed members of the violent underground Weatherman organization wanted in connection with the bombing of numerous public buildings, including the

Merritt said he reported no Weather people entering the IPS and in fact told Jack Davis, alleged by police to have above-ground contact with the Weather organization, about what he was doing.

Likewise, Barrett said the FBI asked him to watch for "couriers" at IPS delivering money to Weather fugitives. Supplied with photographs of six or seven suspected couriers, Barrett said he sighted one and reported his presence immediately. He said he does not know if the FBI took any action.

Merritt says he became so distraught with his IPS work that by September, 1971, he told Robert E. Herzstein, an IPS board member and attorney in the firm of Arnold & Porter about it, and in December, 1971, made a similar confession to Arthur Waskow.

Yet, for another six months, until June, 1972, he continued calling in low-grade intelligence reports to the FBI field office, he said.

When he could stand it no longer, he said, he deliberately falsified a report on Jack Davis' whereabouts. FBI field agents quickly determined through other informants that the report was incorrect, Merritt said, and he was fired.

He has since tried to drop out of sight, refusing to divulge his home address or place of employment.

Barrett says he was first utilized by the FBI in the spring of 1970, after he and a companion offered the agency some film they had taken of street demonstrations in Washington.

Thereafter, he said, he monitored demonstrations regularly, phoning in street actions and plans to the field office. He also continued to shoot moving film of demonstrators and was reimbursed for his camera costs, he said.

He said he was also asked to "check out" Karl Hess who by 1970 had turned away from Goldwater conservatism and became active in the antiwar movement living in a houseboat colony off Buzzard Point in South West Washington.

"They wanted to know what he was doing," Barrett said. "There were rumors he was messing with some pretty heavy people."

Barrett pursued Hess sporadically at first and did not begin to "zero in" on him until the summer of 1971, he said, when Hess and Henley began their Marxism-anarchism seminar at IPS.

Though he devoted most of his time to Hess, Barrett says he circulated generally through IPS, coming to know many of its research fellows, exchanging political views with them and "playing the role of resident redneck."

"I even joked about the fact that I was an informant," he said. "I refused to play the game of being sympathetic to the new left. I spoke and acted exactly the way I felt . . . The only thing was they didn't really know

that I was in fact an informant."

Hess recalls Barrett as a "very thoughtful, smart guy" who liked to write and who "made some really incisive criticisms of the new left's misunderstanding of the right in America."

Barrett for his part said he never observed Hess doing anything worth reporting to the FBI.

In fact, he said, "everything I saw at IPS was completely legitimate. They (IPS research fellows) probably won't like it, but their operation there, with its emphasis on individual decisions and decentralization of power, reminds me of a sort of 1948 Robert Taft workshop."

In addition to monitoring Hess and the presence of Weather "couriers at IPS, Barrett says he attempted to determine if any of the secret Pentagon papers divulged by antiwar activist Daniel Ellsberg had been copied at IPS. He said he was also asked to find out details about a "delegation" of IPS members going to Paris in 1972 to meet with the Hanoi entourage at the Vietnam peace talks.

He said he found no evidence that the Pentagon papers were copied at IPS and determined only the "approximate departure times" of two IPS flights to Paris.

(IPS co-director Raskin says only he and fellow co-director Barnet went to Paris, each on separate flights and each "primarily on a journalistic assignment" for major U.S. newspapers. He said they met and talked with both the Hanoi and National Liberation Front (NLF) delegations in that connection.)

Barrett says his decision to quit informant work occurred at the 1972 Republican National Convention in Miami Beach where he had volunteered to film demonstrations and monitor street actions for the FBI.

During the last night of the convention when police and demonstrators clashed violently and tear gas was sprayed into the crowds, "I saw this VVAW (Vietnam Veterans Against the War) guy on crutches who had stumbled down and couldn't get out of the gas . . . I picked him up and carried him as far as I could. I've got a lot of respect for most of those VVAW people . . . They've paid their dues. Why should they get this treatment just for protesting the government, when it's the spoiled kids from Yale and Harvard that set off the police? It wasn't the vets. They're a very disciplined group."

Barrett stressed that he always maintained his independence from the FBI because "I was never salaried like some of these other guys. I wanted it that way."

In interviews, Barrett refused to specify his control agents, his code name or details of his financial arrangements.

Unlike Merritt, Barrett says his FBI superiors explicitly instructed him not to violate any laws or instigate sabotage or violence. Though he acknowledges ripping down Vietcong flags and "punching out a few people" during street demonstrations, the actions were not requested or sanctioned by his bosses, he said.

On the other hand, Merritt said his FBI control agents encouraged him "to take anything" from the IPS, "but they would never say exactly what or how. They would never be specific on something like that."

He acknowledged stealing one paper bag filled with mail from IPS and giving it to D.C. police. He also says he broke into the Community Bookshop, 2028 P St. NW, in late May, 1971, at police suggestion and stole a quantity of antiwar petitions containing names and addresses of activists and supporters.

In addition, he said he fashioned three false identification documents using an alias. One was a Social Security card which he said he fashioned before becoming a police informant. The other two were a draft card and a D.C. public library card made at the request of police, he said.

Merritt said he also engaged in disruption and sabotage during street demonstrations. The actions included giving protesters false information about places and times of demonstrations and yanking the wires and tubes from two sound systems at the Mayday encampment in West Potomac Park in early May, 1971.

Such is the varied life of the political informant.

"Who knows?" says Barrett with a brief laugh. "I might still be with the (FBI), throwing up some kind of smokescreen right now to obscure some other thing. You never know."

Informers For Police Exposed $\beta-1$

By Paul W. Valentine
Washington Post Staff Writer

Recent disclosures by an activist community newspaper of police informant activities within Washington's once-flourishing antiwar movement have jeopardized political intelligence gathering operations, D.C. police officials said yesterday.

The disclosures, part of an ongoing campaign by the anti-establishment Daily Rag newspaper, are "definitely a threat to our operations," acknowledged Capt. George Sutter, acting director of the police department's intelligence division.

Sutter confirmed the identification of two one-time informants named in front-page stories in the last two issues of the Daily Rag.

The first story named Ann Kolego, 20, also known as "Crazy Annie," as a paid police informant who infiltrated the D.C. offices of the Peoples Coalition for Peace and Justice (PCPJ) and National Peace Action Coalition (NPAC) from early 1971 to June 25 of this year.

Sutter rated her as an "excellent" intelligence source.

The second story named Earl Robert Merritt Jr., known to police as "Butch," who worked as a paid informant for about five months around the time of the massive Mayday disruptions here in the spring of 1971.

Merritt was quoted in the Rag as saying he later did informant work for the FBI. FBI press spokesman Jack Herington would not comment on that claim, but another source close to the FBI confirmed that Merritt performed "voluntary" work for the agency and may have been

Daily Rag staff workers say they are considering additional disclosures of activities by other informants.

Merritt came directly to the paper with his acknowledgment of spy work after being "turned off" by the job, according to Rag staff worker Chris Simpson.

The disclosure of Miss Kolego as an informant was leaked to the Rag by a Washington-based organization called the Committee for Action/Research on the Intelligence Community (CARIC).

CARIC spokesman Winslow Peck said his organization is "working on a couple of other people now" and their names should be revealed soon.

Asked how CARIC is able to discover and identify informants, Peck said, "We have contacts within the metropolitan police department and other intelligence groups in the city."

Capt. Sutter of the police intelligence division said he does not think the information is being leaked from his own organization, but is not overlooking the possibility.

Staffers at the Daily Rag, which despite its name is a weekly paper located at 2416 18th St. NW in the Adams-Morgan section of the city, have questioned the legality and authorization for some of the informant work done by Merritt and Miss Kolego.

They note, for example, that Miss Kolego made frequent out-of-town trips to assorted antiwar conclaves and questioned her authority to go beyond D.C. police jurisdiction at public expense.

Vernon S. Gill, police department general counsel, said he knows of no law prohibiting such activity "in an investigation of legitimate matters concerning the metropolitan police department."

Sutter said she made the out-of-town trips both to "maintain her cover" and to obtain information on possible illegal actions planned by antiwar groups in Washington.

Miss Kolego could not be reached for comment. Merritt also could not be reached.

137-28143-16

Informers Spied on D.C. Activists

By Jared Stout and
Toni House
Star-News Staff Writers

District police intelligence operatives were keeping watch on the city's antiwar community and other activists as recently as June, according to a former paid informant. The surveillance began at least two years ago, the informer said.

Police said reports based on informers' information were given regularly to the FBI. Some information may have been passed to the White House. One informer said his tactics included burglary and disruption of protests.

While police officials confirmed the identity and informant assignment of two persons, one of whom was interviewed by the Star-News, they declined to say how many informants may be assigned to keeping Chief Jerry V. Wilson informed on possible protest demonstrations.

AMONG NATIONAL groups attracting police attention were the American Academy of Political Science, the American Civil Liberties Union, and the Coalition on National Priorities and Goals, whose mail solicitations for members were signed by Sen. William Proxmire, D-Wis.

Among local groups were the American Nazi party, the Black United Front, the D.C. Statehood party and the Institute for Policy Studies, a "think tank" on radical alternatives to U.S. foreign and domestic policy, which is located at 1520 New Hampshire Ave. NW.

Police confirmed that Robert E. Merritt, 26, and

Ann Kolego, 20, have been police intelligence informants, but they and the FBI would not give details of the undercover work.

Merritt and Miss Kolego's former roommates described the activities in interviews.

Merritt, who went from work with the police to work with the FBI, is a Charleston, W.Va., man who came to Washington in January 1963 and works as a drug company cashier.

Miss Kolego grew up in the Washington area and, until recently, was a waitress in a Connecticut Avenue restaurant. She began police recruit training Wednesday.

MERRITT SAID he decided to disclose his undercover role after other efforts to break off the work failed after his apartment

was ransacked three times recently and after he was threatened twice by officials.

He said he did not know how groups or persons were selected for police attention.

Police intelligence officials described their job as one of keeping "the chief of police informed of potential problems and disorders which might occur in the District . . . and require police action."

The official said the department has no written guidelines for intelligence surveillance. One official said, "It's really left up to the intelligence division."

Merritt said a sergeant in police intelligence suggested two break-ins after May Day 1971. One of them at the Community Bookstore, 2028 P St NW, was completed. The other, Merritt said, was

ENCLOSURE

137-28143-16

at the 5th Street office of the Georgetown University legal interns. It was called off.

MERRITT SAID he gained entry to the bookstore after closing hours by taping open the lock on a foyer door. He took antiwar petitions, pamphlets, meeting notices and other materials and give them to police contacts who told him they would be a source of names of persons and groups in the protest community, Merritt said.

According to Merritt, stealing the petitions was one means his contacts used to disrupt the petitioning part of the protests.

There was no police report of the break-in at the bookstore, which features the writings of revolutionary theorists and practitioners. But persons at the shop recall such an incident in late May 1971 and said no one attached any significance to it at the time.

Before and after the big May Day 1971 antiwar protest, Merritt said, he visited the offices used by groups largely responsible for the protest: the People's Coalition on Peace and Justice, Vietnam Veterans Against the War, and the Lanier Place residence used by some demonstration planners.

AT POLICE request, Merritt said, he supplied telephone numbers and floor plans for these offices. "I thought at the time it was a check on whether I was going to the places they asked me to," he said. Merritt did not know how police may have used this information, he said.

During the demonstration, Merritt continued, he telephoned reports to police up to 16 times a day and joined with some law enforcement offices in attempts to disrupt activities. These included spreading false information about meeting times and places and sabotaging one of the protestors' public address systems, he said.

After May Day 1971, Merritt said, police asked him to concentrate on information gained by using an alias to solicit mail from about 200 groups. He said he received materials which described the programs of the groups and he turned it over to the police.

In October 1971, Merritt said, he was fired by police because "they said they did not have enough money to keep me on a full-time basis." He said he had been receiving \$50 a week and expenses. His contacts introduced him to two FBI agents in the Washington field office for whom he subsequently went to work, he said.

BY MERRITT'S account, his FBI assignments between October 1971 and May 1972 centered on the Institute for Policy Studies. The FBI wanted him to get a job there and supply them with the names and license tag numbers of persons at institute meetings, he said.

Merritt said one of the lists he supplied was from a meeting on prison abolition at which a civil rights lawyer, Philip J. Hirschkop, spoke. He said he followed Hirschkop after one of the meetings at FBI request and reported the lawyer's movements and contacts.

Merritt said he worked for the FBI until May 1972, a month after his mother died. He said the death "really put me down" and, together with a belief that the persons he was told to watch did not seem as dangerous as they had been portrayed by his contacts, he decided to quit.

He said his FBI contacts reacted by "telling me they had too much time and money invested . . . that I had become familiar with the political community and I was trained the way they

wanted. One of them told me to use the work as a way to get my mind off my mother's death.

IN MAY, however, he deliberately filed a false report as the last step in a pattern that had begun four months earlier of giving as little information to his contacts as he could, Merritt said. It worked, he said, and the FBI agents let him go with verbal threats against revealing his role.

Merritt said one of the agents warned him against speaking out by saying, "We'd sure hate to have someone find you in the Potomac wearing cement galoshes." He was also told he had been doing "national security-type work," the disclosure of which would be improper, he said.

Merritt said that when the agents stopped coming around, his former police contacts reappeared. He decided then to get legal help in his effort to end association with law enforcement agencies and contacted Washington lawyer David Isbell, he said.

Merritt said a second threat came from one of his police contacts when the contact learned Merritt was considering public disclosure as a means of keeping police away from him. He said the officer told him, "If you try to badmouth us or any other agencies, you'll really meet your maker."

ACCORDING to the records Merritt kept and displayed of his associations and assignments, the last threat came in July 1973. He did not know how his former contact had learned of his plan and has had no direct contact with police since, he said.

Merritt, a self-acknowledged homosexual, said he had been recruited in April 1971 the day after he had lost a job. He disputed the private assessments of some police sources who said he had been fired "because he didn't produce" and was angry at them who had let him go. "My contacts told me my work was good," Merritt said.

Ann Kolego was described by police officials as a police buff "who was extremely good" in supplying information on the activities

of antiwar and other protest groups.

"She had to be to stay under cover for so long without being burned," one official said.

According to her former roommate, Carol Cullum, Miss Kolego was known as "Crazy Annie" to the activists and posed as a dropout from George Washington University with a huge inferiority complex and willingness to do the menial jobs of the protest movement—stuffing envelopes, handing out pamphlets and running errands.

MISS CULLUM said she first remembered Miss Kolego during the May Day 1971 protest. Between then and now, she said, Miss Kolego was a regular part of the Washington Peace Action Coalition, the People's Coalition for Peace and Justice, the Anti War Union, and the Miami Convention Coalition.

According to Miss Cullum, Miss Kolego was "always around" and rarely had to be invited to a meeting. "She was always there," Miss Cullum said.

Miss Cullum said she confronted Miss Kolego at a luncheon late last month after learning Miss Kolego's real job.

At the lunch, Miss Cullum said Miss Kolego apologized for having used their friendship but said it was her job.

Miss Cullum attributed disclosure of Miss Kolego's identity to the underground newspaper The Daily Rag and the Committee for Action/Research on the Intelligence Community — a local group studying how police and other government agencies seek to keep watch on activist political groups.

MERRITT SAID his contacts had often had high praise for "Informant Ann" and in conversations during and after May Day 1971 had said she was the police source closest to Rennie Davis, one of those acquitted in the Chicago Seven conspiracy trial.

Miss Cullum said Miss Kolego was last seen by her friends in the activist community in August 1973 at a birthday party for Norrine Banks, the third person who shared an apartment with

Miss Cullum and Miss Kolego. Police records show Miss Kolego was appointed a police officer June 25, 1973.

Police officials denied any connection with a break-in at the Cullum apartment in August 1972 when tapes of talks with North Vietnamese envoys in Paris were stolen and a television set left behind. They also denied Merritt was asked by police to do anything illegal.

Miss Kolego was not available for comment. There is little information available about precisely what she reported to police, but her roommate said Miss Kolego had had access to much of the planning of most of the protest activity in Washington during the past two years.

She was also known to have gone with other activists to the Republican convention at Miami Beach last year.

THE TRANSFER of information from D.C. informants to the White House was unknown to Merritt or any of the other informants with whom the Star-News talked. But in the Watergate committee testimony of John W. Dean III, Dean recalled receiving intelligence reports from District police. Merritt said he had collaborated with an agent from the Alexandria office of the Alcohol, Tax and Firearms Division of the Treasury who, like Merritt, was gathering intelligence on May Day 1971 activities.

According to Merritt, the agent told him his unusual assignment to intelligence duties stemmed from a Justice Department order for all federal agencies and some local police to provide reports on protests or plans. The unit usually deals with violations of alcohol, tax and firearms law.

Department officials close to the intelligence units of May Day 1971 declined comment. However, one source said estimates of the numbers and plans of protesters had been passed regularly from Justice to the White House and Dean. The source said he did not know where the information came from and had assumed it was from the FBI.

Informant A-1 Says Police Urged Theft

By Paul W. Valentine
and Lee A. Daniels
Washington Post Staff Writers

A former D.C. police informant contended yesterday that he was instructed by his supervisor to steal mail, break into buildings and disrupt legitimate demonstrations of the antiwar movement here in the early 1970s.

His assertion contrasts with those in a D.C. police department report released Wednesday that said informants "were instructed to engage in no illegal activities" and no such activity is known to have occurred.

The informant, Earl Robert Merritt, 30, says he was a \$50-to-\$75-a-week "special employee" of the police department's intelligence division and infiltrated antiwar groups from 1970 through 1972.

In addition to monitoring and reporting routine activities of antiwar groups and individuals, Merritt told a reporter that on instructions from police, he:

- Broke into the Community Bookshop, formerly at 2028 P. St., NW, in May

- Stole a quantity of antiwar petitions containing names and addresses of activists and supporters.

- Stole a paper bag filled with mail from the Institute for Policy Studies, an independent public policy research center that has attracted a number of leftist scholars.

- Helped disrupt several street demonstrations by giving protesters false information about times and locations of rallies. He also yanked out the wires and tubes from two sound systems at the Mayday encampment in West Potomac Park in early May, 1971, he said.

Police Chief Maurice J. Cullinane could not be reached yesterday, and Chief

Theodore Zanders, who has headed a recent house cleaning of intelligence division records, refused to comment.

Merritt, who "went public" in mid-1973 and has spoken previously about his undercover activity, has been confirmed by police officials as a one-time informant.

Zanders said he did not want to comment on Merritt's present claims because of pending litigation between the police department and the Institute for Policy Studies.

The Institute last year sued two FBI agents, former Attorney General John N. Mitchell and "unknown" employees of the D.C. police department for alleged illegal infiltration of the institute. Merritt is a key witness in the litigation.

Police officials including Zanders and Cullinane generally have declined to elaborate on an extensive report issued by the department Wednesday on activities of the intelligence division from 1967 to the present.

The report described in general terms undercover operations by both police officers and paid civilian informants and included acknowledgements that police borrowed electronic equipment, cars and men from the Central Intelligence Agency on some occasions.

In one of his few detailed discussions of the report, Zanders described how three police officers who were enrolled in local colleges conducted surveillance of campus antiwar activity.

He stressed that the officers already had independently decided to enroll as full-time students and entered through the regular admissions process when the police department asked them also to monitor antiwar groups. Zanders did not specify which universities they attended.

Zanders said the officers received credit for the courses taken, were paid regular sala-

ries while attending school and had their tuition paid from the department's confidential fund.

Officials of area universities contacted said they did not know whether undercover police officers had operated on their campuses.

The officials said they were not approached by anyone from the Washington police department regarding such placements.

William Ahlstrom, an American University vice president, said, "We weren't approached, and we wouldn't have approved such an operation if we were. It would be antithetical to the spirit of the university and of a free society."

Ahlstrom added, however, that it would probably be impossible to determine whether undercover agents did operate on the campus because of the fluid nature of the university community.

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Handwritten initials

The Washington Post A-1
Washington Star-News _____
Daily News (New York) _____
The New York Times _____
The Wall Street Journal _____
The National Observer _____
The Los Angeles Times _____

Date MAR 14 1975

137-28143-1

7 NOT RECORDED
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ORIGINAL FILED IN 100-28143-1

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Laboratory
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Spec. Inv.
Training
Legal Coun.
Telephone Rm.
Director Sec'y

AUG 5 - 1975

Mr. Earl Robert Merritt
 1145 23rd Street, N.W.
 Washington, D. C. 20037

Dear Mr. Merritt:

This is in further response to your pending administrative appeal under the Freedom of Information Act from the partial denial by Director Kelley of the Federal Bureau of Investigation of your request for access to investigatory files concerning yourself.

After careful consideration of this appeal, I have decided to modify the action of Director Kelley in this case. In addition to the records already made available to you, you will be furnished with copies of fingerprint and other laboratory reports prepared in the course of the investigation of you for allegedly forging and cashing bad checks. In addition, you will be furnished with twenty-seven additional pages containing information, or summaries of information, provided by you to the Federal Bureau of Investigation in your former capacity as a paid Bureau informant. No excisions will be made in any of this material other than purely administrative markings and the names of F.B.I. personnel.

In all other respects, I have determined to affirm the action of Director Kelley. Other records within the scope of your request are exempt from mandatory release under the Act pursuant to one or more of the following statutory provisions: 5 U.S.C. 552(b)(2) [certain internal agency practices]; 5 U.S.C. 552(b)(5) [certain inter- and intra-agency communications]; 5 U.S.C. 552(b)(7)(A) [interference with enforcement proceedings]; 5 U.S.C. 552(b)(7)(C) [unwarranted invasion of personal privacy]; 5 U.S.C. 552(b)(7)(D) [identity of confidential sources and/or confidential information obtained only from such sources] and 5 U.S.C. 552(b)(7)(E) [sensitive investigative techniques and procedures]. As to the materials withheld from you, there are

REC-2
 EX-106
 137-28143-17
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 FOIA

AUG 15 1975 Federal Bureau of Investigation

cc made FOIA
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OK to
 File

no reasonably segregable non-exempt portions. None of the records which are exempt from mandatory release under the Act are considered by me to be appropriate for discretionary release.

If you are dissatisfied with my action on this appeal, judicial review thereof is available in the United States District Court for the judicial district in which you reside, or in which you have your principal place of business, or in the District of Columbia, which is where the records which you seek are located.

Sincerely,

Harold R. Tyler, Jr.
Deputy Attorney General

August 20, 1975

1 - Mr. Cleveland
Attention: Mr. J. T.
Reilly, Jr.

Mr. Earl Robert Merritt
1145 23rd Street, N.W.
Washington, D.C. 20037

Dear Mr. Merritt:

Reference is made to the letter of Deputy Attorney General Harold R. Tyler, Jr., dated August 5, 1975, to yourself with a copy to the Federal Bureau of Investigation, directing release of twenty-seven pages (27) of information provided by yourself to the Federal Bureau of Investigation. Enclosed are those documents and two other documents reflecting examinations by the Federal Bureau of Investigation Laboratory and Identification Division pertaining to an investigation of yourself for allegedly forging certain checks which traveled in interstate commerce.

All excisions from the pages of those documents were explained in Deputy Attorney General Tyler's letter to you. The excisions consist of administrative markings, names of Agents and material which you did not furnish to the Federal Bureau of Investigation.

Sincerely yours,

C. M. Kelley

Clarence M. Kelley
Director

Enclosures (7)
1 - The Deputy Attorney General
Attention: Susan M. Hauser

137-28143

REC-30

AUG 25 1975

MAILED 6
AUG 20 1975
FBI

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ENCLOSURE ATTACHED

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.: _____
- Admin. _____
- Comp. Syst. _____
- Ext. Affairs _____
- Files & Com. _____
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- Laboratory _____
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- Spec. Inv. _____
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- Legal Coun. _____
- Telephone Rm. _____

NOTE: The Bufiles from which these documents were taken are 137-28143 and 87-111347. Release of these documents directed by Deputy Attorney General Tyler, by letter dated 8/5/75, following an administrative appeal under the Freedom of Information Act.

MLH:aed (5)

MLH

John

MLH



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

FOR IMMEDIATE RELEASE
OCTOBER 31, 1975

Recently a number of allegations made by Earl Robert Merritt, Jr., charged FBI Special Agents Terry O'Connor and William Tucker with certain improper and possibly illegal acts. These charges have been publicized extensively in the news media.

The FBI initially felt constrained from commenting on these allegations because of certain pending civil litigation in which Merritt is involved as a witness. Now, however, because of the apparent authority being gained by these allegations through repetition in the media, and because of their effect on the two Agents involved and their families, the FBI feels that it should respond to these allegations. In doing so, care is being taken to insure that this response will in no way interfere with a fair adjudication of the civil proceedings.

Specifically, the allegations are that Merritt committed break-ins and thefts on behalf of the FBI; that there were indications that Merritt was encouraged to develop an intimate relationship with another individual to obtain information; that he was asked to testify improperly concerning the 1972 Pentagon bombing; and that he was asked to report gossip concerning members of Congress. These allegations are fabricated and completely false.



Merritt initially contacted the FBI in October, 1971, indicating that he wished to furnish information to the FBI and receive compensation for this information. No pressure was used to influence Merritt as his activities were clearly voluntary. Merritt was never instructed, ordered or in any way encouraged to break into or otherwise illegally enter any establishment or to commit any thefts or any other illegal acts. He was never requested by the FBI to be a witness in any fashion concerning the Pentagon bombing or to report rumors concerning members of Congress. Additionally, at no time was Merritt encouraged or instructed to develop an intimate or improper relationship with anyone.

As a matter of fact, Merritt was specifically advised on several occasions that he was not to engage in any illegal activities in his efforts to obtain information and, further, that he was not to construe his furnishing information to the FBI as a shield from prosecution for illegal activities.

Merritt was at no time an employee of the FBI. He was not regularly salaried but was paid on a C.O.D. basis for information furnished. His relationship with the FBI was terminated in early June, 1972, when it was determined that certain information furnished by him was unreliable.

The FBI categorically denies that the activities of the Agents in contact with Merritt were at any time improper

or outside the responsibilities and legitimate investigative interests of the Bureau.

INFORMATION CONCERNING
EARL ROBERT MERRITT, JR.,
EXTRACTED FROM FILE RELATING TO
BUREAU INVESTIGATION OF POSSIBLE
INTERSTATE TRANSPORTATION OF STOLEN
PROPERTY VIOLATION RELATING TO MERRITT

FEDERAL BUREAU OF INVESTIGATION

Washington, D. C. 20537



REPORT

of the

IDENTIFICATION DIVISION

LATENT FINGERPRINT SECTION

EX-105

REC-121

YOUR FILE NO. **87-15352**
FBI FILE NO. **87-111347**
LATENT CASE NO. **A-22967**

July 7, 1970

TO: SAC, Pittsburgh

**RE: EARL ROBERT MERRITT, AKA
ET AL.;
ITSP**

REFERENCE: **Letter 6/10/70**
EXAMINATION REQUESTED BY: **Pittsburgh**
SPECIMENS: **Three checks, Q1 through Q3**

The listed Q specimens are described in a separate Laboratory report.

No latent prints of value developed on enclosed specimens.

MAILED 5
JUL 7 - 1970
COMM-FBI

- Tolson _____
- DeLoach _____
- Walters _____
- Mohr _____
- Bishop _____
- Casper _____
- Callahan _____
- Conrad _____
- Felt _____
- Gale _____
- Rosen _____
- Sullivan _____
- Tavel _____
- Soyars _____
- Tele. Room _____
- Holmes _____
- Gandy _____

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1 - WFO

**KCG:smb
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John Edgar Hoover
John Edgar Hoover, Director

JUL 10 1970

THIS REPORT IS FURNISHED FOR OFFICIAL USE ONLY

MAIL ROOM TELETYPE UNIT

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FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

LATENT

Laboratory Work Sheet

Received: 6-29-70, ch
NO LAB FILE

Recorded: 6-30-70 9:40 AM

Re: EARL ROBERT MERRITT, aka James R. Monroe,
Robert Octavio Chevalier; ET AL.
ITSP
OO: Pittsburgh

File # 87-111347
Lab. # D-700612058 BF
LC# A-22967

Examination requested by: Pittsburgh (87-15352) 6/10/70

Examination requested: Document - Fingerprint Date received: 6/11/70

Result of Examination: Examination by: Davis

Gressens

Noted By:

-6-30-70 ^{rel}
No late cler (I)

Spec's prod (N) Named Subject:
EARL ROBERT MERRITT, (AKA JAMES R. MONROE)

-7-1-70 ^{rel}
No late cler (N)

Spec's prod (S) no late real cler

Spec's encl.

rel npt sep

Specimens submitted for examination

SPECIMEN	CHECK #	AMOUNT	DATE	PAYABLE TO	SIGNED	BANK
Q1	---	\$ 70.00	5/6/70	Kanawha Valley Bank	James R. Monroe	National Savings and Trust Company, Washington, D. C.
Q2	032	\$120.00	5/7/70	"	"	"
Q3	---	\$ 35.00	5/4/70	"	"	"

Return evidence

Ans. 7-7-70
KCB/omb

1-S/OMB

Examination Completed

8:15 AM
Time

7/1/70 ^{rel}
Date

Dictated

7/1/70 ^{rel}
Date

1cc WFO

BF
D

To: Director, FBI; (Bufile-) Date **6/10/70**

Attention: FBI Laboratory

From: SAC **PITTSBURGH/ (87-15352) (P)** DOB or approx. age FBI # or other identifying number

Re: **EARL ROBERT MERRITT, aka James R. Monroe, Robert Octavio Chevalier ITSP (OO: PITTSBURGH)**

Subject's Description	Sex	Race	Height	Weight
	Build	Hair	Eyes	
	Glasses	Speech	Dress	
	Include in details other descriptive information, e.g., scars &/or marks, tattoos, deformities, abnormalities and other general peculiarities as well as information on the modus operandi used in cashing check items.			

CR

700612058
7
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The following described checks are attached hereto for search in the National Fraudulent Check File.

Specimen	Check #	Amount	Date	Payable To	Signed	Bank	Date & City Where Cashed
		\$70.00	5/6/70	Kanawha Valley Bank	JAMES R. MONROE	National Savings and Trust Co., 1926 U St., Washington, D. C., phone 202-338-3100	5/6/70, Charleston, W. Va.
	032	\$120.00	5/7/70	"	"	"	5/7/70, Charleston, W. Va.
		\$35.00	5/4/70	"	"	"	5/4/70, Charleston, W. Va.

7-34966-17-70
10-1-10

The above checks were furnished on 5/19/70, by Mr. W. D. YEAGER, Vice President, Kanawha Valley Bank, Charleston, W. Va., who advised that all three checks were returned by the National Savings and Trust Company, Washington, D. C., marked "Account Closed."

YEAGER's attempts to locate MONROE led him to the information that his true name is MERRITT as set out above, and that he has also used the name CHEVALIER.

Specimens: Return to Contributing Office Bureau Retain Other; see Details Conduct Latent Fingerprint Examination

2 - Bureau (Registered Mail) (Encls. 3)
- Washington Field
- Pittsburgh
CW/djb
(6)

ENCLOSURE

MCT-40 REC-32
EX-115

111347
17
4 JUN 1970
Annie R. Kelson

PG 87-15352

YEAGER advised that phone number 202-338-3100 is that of a medical credit association for whom subject used to work. The association has not seen him for approximately two months and has received numerous complaints. YEAGER has also received information that the subject, a white male, age about 27, 6' tall, thin build, may have homosexual tendencies.

LEAD

WFO

AT WASHINGTON, D. C.

Will contact National Savings and Trust Company to determine the status of the account of JAMES R. MONROE and attempt to identify MONROE.

Will contact the medical credit association, phone 202-338-3100, for information relating to subject.



1 - Mr. Davis

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

Pittsburgh (87-15352)

Date: June 24, 1970

M.A. 50

7
2

ROBERT MERRITT, aka
R. Monroe, Robert
Chevalier;
Pittsburgh

J. Edgar Hoover
John Edgar Hoover, Director

FBI File No. 87-111347
Lab. No. D-700612058 BF

Requested by: Pittsburgh
Letter 6/10/70
Requested: Document - Fingerprint

Q1 through Q3 will be returned to Pittsburgh with latent fingerprint examination results.

If further comparisons are desired with regard to ROBERT MERRITT, it is suggested that numerous dictated and dictated handwriting specimens of this individual be obtained, if obtainable. Dictated samples should be obtained on FD-352 forms.

310

EX-114

REC-35

(2) (2 Lab. report)

87-111347-2

Washington Field Office Enclosure (Lab report)

CHED

JUL 5 2 18 PM 1970

JUL 8 1970

180

WJG
JWC/10/20

ADMINISTRATIVE PAGE

(1) Mr. [Signature]
(2) Mr. [Signature]

REPORT
of the



FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

To: FBI, Pittsburgh (87-15352)

Date: June 24, 1970

Re: EARL ROBERT MERRITT, aka James R.
Monroe, Robert Octavio Chevalier;
ITSP

FBI File No. 87-111347-1

Lab. No. D-700612058 BF

Specimens received 6/11/70

SPECIMEN	CHECK #	AMOUNT	DATE	PAYABLE TO	SIGNED	BANK
Q1	---	\$ 70.00	5/6/70	Kanawha Valley Bank	James R. Monroe	National Savings and Trust Company, Washington, D. C.
Q2	032	\$120.00	5/7/70	"	"	"
Q3	---	\$ 35.00	5/4/70	"	"	"

Result of examination:

Q1 through Q3 were searched in the National Fraudulent Check File with negative results.

A definite conclusion was not reached whether the signatures on Q1 through Q3 were written by EARL ROBERT MERRITT, FBI#3614058, as the result of a comparison with fingerprint card signatures, due to the lack of comparable text and because of variations which were not explained.

Q1 through Q3 will be returned separately. Photographs were made.

- cn _____
- sach _____
- rrs _____
- _____
- op _____
- per _____
- chan _____
- rad _____
- _____
- t _____
- en _____
- ivan _____
- el _____
- prs _____
- Room _____
- mes _____
- dy _____

DBD:sk (5)

MAIL ROOM TELETYPE UNIT

Recorded
6/18/70
sk

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Laboratory Work Sheet

EVIDENCE

NO LAB FILE

Re: EARL ROBERT MERRITT, aka James R. Monroe,
Robert Octavio Chevalier;
ITSP
OO: Pittsburgh

File # 87-111347-2
Lab. # D-700612058 BF

Examination requested by: Pittsburgh (87-15352) 6/10/70

Examination requested: Document - Fingerprint Date received: 6/11/70

Result of Examination: Examination by: Davis

Q1 -> 3 no ident N.F.C.F.

*Q1 -> 3 no conc FBI # 3614058
due to lack comp + vars*

Specimens submitted for examination

<u>SPECIMEN</u>	<u>CHECK #</u>	<u>AMOUNT</u>	<u>DATE</u>	<u>PAYABLE TO</u>	<u>SIGNED</u>	<u>BANK</u>
Q1	---	\$ 70.00	5/6/70	Kanawha Valley Bank	James R. Monroe	National Savings and Trust Company, Washington, D. C.
Q2	032	\$120.00	5/7/70	"	"	"
Q3	---	\$ 35.00	5/4/70	"	"	"

Return evidence

Get dit + undie of Earl Robert Merritt if ok

*James R. Monroe
6/24/70
D.B.D. ph*

100 WFO

4. Ring finger		5. Little finger	
SIGNATURE OF PERSON FINGERPRINTED <i>Earl R. Merritt</i>			
RESIDENCE OF PERSON FINGERPRINTED Rice, West Virginia			
LEFT HAND			
6. Thumb	7. Index finger	8. Middle finger	<i>Earl R. Merritt</i> (Applicant's signature)
Impressions taken by: <i>C. M. Shaver</i> (Signature of Special Agent)			* <i>Earl Robert Merritt</i> (Applicant's signature) Four fingers taken simultaneously
Date impression: FOUR FINGERS TAKEN SIMULTANEOUSLY			
Impressions taken by: <i>C. M. Shaver</i> (Signature of Special Agent)		Note amputations 5 <i>Flam 20</i>	
Date impression: FOUR FINGERS TAKEN SIMULTANEOUSLY		FOUR FINGERS TAKEN SIMULTANEOUSLY	
Left hand	Left thumb	Right thumb	Right hand
PLEASE DO NOT FOLD THIS CARD			

Earl R. Merritt

#31# 361 405 8

CO: INTERPOL
 INDEX
 PROCEEDING FOR AND CHARACTER:
 SPECIAL AGENT IN CHARGE: [illegible]
 SPECIAL AGENT IN CHARGE: [illegible]
 FEDERAL BUREAU OF INVESTIGATION
 DEPARTMENT OF JUSTICE

Examiner's Name Davis Date 6/15/70 D # 706612658

Recognition Section:

- | | | | |
|--------------|---------------|--------------|---------------|
| 1. <u>MP</u> | 10. <u>u</u> | 19. <u>y</u> | 28. _____ |
| 2. <u>u</u> | 11. _____ | 20. <u>y</u> | 29. <u>MP</u> |
| 3. _____ | 12. <u>MP</u> | 21. _____ | 30. _____ |
| 4. <u>u</u> | 13. <u>u</u> | 22. _____ | 31. _____ |
| 5. _____ | 14. <u>u</u> | 23. <u>u</u> | 32. _____ |
| 6. <u>u</u> | 15. <u>u</u> | 24. _____ | 33. _____ |
| 7. _____ | 16. <u>u</u> | 25. _____ | 34. _____ |
| 8. <u>u</u> | 17. <u>u</u> | 26. <u>u</u> | 35. _____ |
| 9. <u>u</u> | 18. <u>u</u> | 27. <u>u</u> | 36. _____ |

Master Section:

Subsection Searched

Initial & Date

Checks _____	_____
_____	_____
_____	_____

Money Orders _____	_____
_____	_____
_____	_____

Others _____	_____
_____	_____
_____	_____

Stolen Money Orders & Travelers Checks Section:

Travelers Checks

(Type	# From	To #
-------	--------	------

_____	_____	_____
_____	_____	_____

Money Orders _____	_____
_____	_____
_____	_____

Remarks: _____

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Walters *SMW 6/17 339 ch
2 files*

DATE: 6-15-70

FROM : J. H. Gale I. W. Conrad *JH*

LATENT EXAMINATION INVOLVED

Communication:

Agency Submitting:

SUBJECT: Earl Robert Merritt, aka
James R. Monroe

BOTH CIVIL & CRIMINAL FILES

SEND OVER ALL CARDS

Robert Octavio Chevalier

Please search the name of the individual through the records of the Identification Division and return this memorandum with a notation of your findings to -

Employees Security and Special Inquiry Section, Room _____, Justice Building. (In SGE and UN cases, if a record of arrest is found, please enclose, in addition to file copy, 1 copy of the Identification Record for each state in which arrests occurred.)

Laboratory, Att.: Davis, Ext. 705, re D* 700612058

The following identifying data are listed for your assistance (Att.: Special Investigative Division only - in addition to the name or names and the Government agency appearing in the title):

Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	Race	Height	Name and aliases (For use of Laboratory) (1) Earl Robert Merritt (2) <i>5</i> ^①	(3)
Date and place of birth	Age		3-614-058 (Send Over)	
Military Service *	CSC *		no civil record located	
Last known address				
Previous Government employment				
Date SGE security form received				
Other pertinent identifying data (Att.: Lab., including PD #s and location)				

Identification Division Reply

Based upon information furnished, no record located.

A noncriminal fingerprint record which IS or MAY BE identical was located. This record was searched through the criminal files and no criminal record found.

7-12
Recorded
6/18/70
sk

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Laboratory Work Sheet

LATENT

NO LAB FILE

Re: EARL ROBERT MERRITT, aka James R. Monroe,
Robert Octavio Chevalier;
ITSP
OO: Pittsburgh

File # 87-111347-2
Lab. # D-700612058 BF

Examination requested by: Pittsburgh (87-15352) 6/10/70

Examination requested: Document - Fingerprint

Date received: 6/11/70

Result of Examination:

Examination by: Davis

*Spec's examined LFPS + ret to
Pittsburgh 7/7/70 rec*

*LFP
return
Q1 → 3 to
Pittsb*

*Negatives
evaluated
ff*

Received by LFPS
Gru 6-23-70
CM

ABD

Specimens submitted for examination

<u>SPECIMEN</u>	<u>CHECK #</u>	<u>AMOUNT</u>	<u>DATE</u>	<u>PAYABLE TO</u>	<u>SIGNED</u>	<u>BANK</u>
Q1	---	\$ 70.00	5/6/70	Kanawha Valley Bank	James R. Monroe	National Savings and Trust Company, Washington, D. C.
Q2	032	\$120.00	5/7/70	"	"	"
Q3	---	\$ 35.00	5/4/70	"	"	"

Return evidence

JUN 19 1970

4865

icc N90

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE PITTSBURGH	OFFICE OF ORIGIN PITTSBURGH	DATE 9/28/70	INVESTIGATIVE PERIOD 5/19 - 9/16/70
TITLE OF CASE CHANGED EARL ROBERT MERRITT, JR., aka Earl Robert Merritt, James R. Monroe, Robert Cochran, Robert Octavio Chevalier, James Chandler, Robert Chandler, Butch		REPORT MADE BY A. LOUIS DI PIETRO	TYPED BY nju
		CHARACTER OF CASE ITSP	

Title marked CHANGED to reflect full name of subject as EARL ROBERT MERRITT, JR. Previously carried as "EARL ROBERT MERRITT, aka."

REFERENCES: Pittsburgh FD-196 to the Bureau dated 6/10/70.
Bureau letter to Pittsburgh dated 6/24/70.
Bureau letter to Pittsburgh dated 7/7/70.
Washington Field letter to Pittsburgh dated 7/31/70.

-P-

LEADS:

WASHINGTON FIELD

AT WASHINGTON, D.C.

(1) Conduct investigation vicinity 1722 19th Street,

SEE REFERENCE FOR
ADDITIONAL INFORMATION

ACCOMPLISHMENTS CLAIMED <input type="checkbox"/> NONE						ACQUIT-TALS	CASE HAS BEEN:
CONVIC.	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES		PENDING OVER ONE YEAR <input type="checkbox"/> YES <input type="checkbox"/> NO
							PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input type="checkbox"/> NO

APPROVED

[Signature]
SPECIAL AGENT
IN CHARGE

DO NOT WRITE IN SPACES BELOW

COPIES MADE:

- 1 - Bureau (87-111347)
- 1 - USA, Charleston, W. Va.
- 2 - Washington Field (87-18178)
- 2 - Pittsburgh (87-15352)

87-111347-3 REC-86

6 OCT 2 1970

EX-116

Dissemination Record of Attached Report

Agency				
Request Recd.				
Date Fwd.				
How Fwd.				
By				

Notations
SIX
STAT SECT

6 OCT 14 1970

COVER PAGE

PG 87-15352

N.W., Apt. 205, Washington, D.C., phone 483-8823, to locate, interview, and obtain handwriting samples from the subject.

(2) Conduct credit and arrest checks on subject under true name and known aliases in effort to obtain background data, locate and interview, and obtain handwriting samples from subject.

(3) Will check employee records at D.C. General Hospital (given by subject's mother) and other major hospitals, if feasible, for possible location of subject.

(4) If above leads prove to be unsuccessful, will send original signature cards to laboratory for comparison with checks previously submitted by the Pittsburgh Division.

PITTSBURGH

AT CHARLESTON, W. VA. (KANAWHA COUNTY)

(1) Same lead as number two, above.

(2) Will also maintain contact with subject's relatives in effort to obtain information concerning his present whereabouts and also attempt to obtain recent photo of subject to present to witnesses.

ADMINISTRATIVE:

Investigative period is lengthy due to unsuccessful attempts to locate subject for interview.

Referenced Washington Field letter dated 7/31/70, indicates that 1926 M Street, NW, Washington, D.C., was determined to be a downtown urban redevelopment area. However, investigation should have been made at 1926 U Street, NW, Washington, D.C., as interview with W. D. YEAGER indicates that this is the address used by the subject when cashing the checks.

-B*-
COVER PAGE

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 - USA, Charleston, W. Va.

Report of: A. LOUIS DI PIETRO
Date: 9/28/70

Office: Pittsburgh, Pa.

Field Office File #: 87-15352

Bureau File #: 87-111347

Title: EARL ROBERT MERRITT, JR.

Character: INTERSTATE TRANSPORTATION OF STOLEN PROPERTY

Synopsis: Subject, using alias JAMES R. MONROE, cashed three checks totalling \$225 at Charleston, W. Va. Checks were drawn on a Washington, D.C., bank. Subject had opened account at this D.C. bank one month earlier. Efforts to locate subject at Charleston, W. Va., subject's home, and Washington, D.C., where subject has been working recently, have met with negative results.

-P-

32

DETAILS:

This case was instituted upon receipt of information from W. D. YEAGER, Vice President of Kanawha Valley Bank, Charleston, W. Va., regarding three checks which were returned to his bank marked, "Account Closed."

FEDERAL BUREAU OF INVESTIGATION

1

Date 6/4/70

Mr. W. D. YEAGER, Vice President, Kanawha Valley Bank, Charleston, W. Va., furnished the following described checks, all drawn on the National Savings and Trust Company, Washington, D. C.:

Check Number: None
 Amount: \$70.00
 Date: May 6, 1970
 Payable To: Kanawha Valley Bank
 Signed: JAMES R. MONROE,
 1926 U Street Northwest 1,
 Washington, D. C., phone
 202-338-3100
 Bank: National Savings and Trust
 Company, Washington, D. Ca.

Date and City
 Where Cashed: May 6, 1970
 Charleston, W. Va.

Check Number: 032
 Amount: \$120.00
 Date: May 4, 1970
 Payable To: Kanawha Valley Bank
 Signed: JAMES R. MONROE
 1926 U Street Northwest 1,
 Washington, D. C., phone
 202-338-3100
 Bank: National Savings and Trust
 Company, Washington, D. C.

Date and City
 Where Cashed: May 7, 1970,
 Charleston, W. Va.

Check Number: None
 Amount: \$35.00
 Date: May 4, 1970
 Payable To: Kanawha Valley Bank
 Signed: JAMES R. MONROE
 1926 U Street Northwest 1,
 Washington, D. C., phone
 202-338-3100
 Bank: National Savings and Trust

5/19/70 Charleston, W. Va. Pittsburgh 87-15352

On _____ at _____ File # _____

by SA EDWARD C. WATKINS /djb 3 Date dictated 5/19/70

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

Company, Washington, D. C.
Date and City
Where Cashed: May 4, 1970,
Charleston, W. Va.

YEAGER advised that all of these checks were returned by the National Savings and Trust Company of Washington, D. C., marked "Account Closed."

YEAGER recalled that on May 4, 1970, he received a telephone call from a woman representing herself to be a customer of the bank named COCHRAN. She said that her nephew was in town and wanted to cash a check. YEAGER told her that this would be okay, however, he requested that she endorse the check.

A short time later, a white male, 5'9" - 5'10" tall, 170 pounds, age about 28, came to the bank with the first of the above described checks. It had not been endorsed by COCHRAN; however, the man did have a savings statement for COCHRAN and YEAGER decided that this would be satisfactory. COCHRAN approved the check for payment and did the same for another check on May 6, 1970. YEAGER does not know if he would recognize this individual again or not. After these checks and one other were returned, YEAGER called the phone number listed on one of the checks by MONROE 202-338-3100. He found that this was listed to a medical credit association for whom MONROE worked at one time. This firm has received numerous complaints about MONROE. This firm's employment record shows that he gave a previous address as C. P. FRISBY, 5729 Midland Drive, Charleston, W. Va., phone 925-5313.

YEAGER also talked to a Mr. OSCAR L. COCHRAN, 5729¹/₂ Midland Drive, who is a brother to WILLIAM JOSEPH COCHRAN. OSCAR L. COCHRAN knew of no one by the name of JAMES R. MONROE, but he does have a nephew of EARL ROBERT MERRITT who has worked in Washington, D. C., and who has been in trouble before.

YEAGER believes that WILLIAM J. COCHRAN, their customer, is now a teacher in Mississippi. He received a

PG 87-15352

3

phone call from WILLIAM COCHRAN or perhaps his wife and she advised that MERRITT also uses the name ROBERT OCTAVIO CHEVALIER. This individual also furnished a phone number of 483-8823 and an address 1722 19th Street Northwest, Apartment 205, Washington, D. C., 20009, for MERRITT.

FEDERAL BUREAU OF INVESTIGATION

1

5/25/70

Date _____

PATRICIA DIDAS, teller, Kanawha Valley Bank, advised that she cashed checks for JAMES R. MONROE on May 4, 6 and 7, 1970.

The checks which were handled on May 4 and May 6, were approved by Vice President W. D. YEAGER. DIDAS did not get YEAGER's approval for the check cashed May 7, 1970. DIDAS recalled that on May 7, MONROE deliberately waited until she was available to cash his check when he could have gotten faster service by going to one of the other tellers.

She described MONROE as a white male, age 27, 6' tall, weighing 160 pounds and a thin build. He had medium brown hair and a thin face. She believes he was wearing a dark checkered coat. He had a red complexion.

For identification he showed a savings statement from the Kanawha Valley Bank which he said belonged to his grandmother. He was always alone and DIDAS believes that she would recognize him if she saw him again.

5/19/70

Charleston, W. Va.

Pittsburgh 87-15352

On _____ at _____ File # _____

SA EDWARD C. WATKINS

/djb / 6

5/21/70

by _____ Date dictated _____

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

On June 24, 1970, the FBI Laboratory advised as follows:

- Q1 Check in amount of \$70, dated May 6, 1970, payable to Kanawha Valley Bank, signed JAMES R. MONROE, bank National Savings and Trust Company, Washington, D.C.
- Q2 Check number 032, in the amount of \$120, dated May 7, 1970, payable to Kanawha Valley Bank, signed JAMES R. MONROE, bank National Savings and Trust Company, Washington, D.C.
- Q3 Check in amount of \$35, dated May 4, 1970, payable to Kanawha Valley Bank, signed JAMES R. MONROE, bank National Savings and Trust Company, Washington, D.C.

RESULT OF EXAMINATION:

Q1 through Q3 were searched in the National Fraudulent Check File with negative results.

A definite conclusion was not reached whether the signatures on Q1 through Q3 were written by EARL ROBERT MERRITT, FBI Number 361 405 8, as the result of a comparison with fingerprint card signatures due to the lack of comparable text and because of variations which were not explained.

On July 7, 1970, the FBI Identification Division, Latent Fingerprint Section, advised as follows:

Three specimens, Q1 through Q3 (three checks)

No latent prints of value developed on Q1 through Q3.

FEDERAL BUREAU OF INVESTIGATION

7/1/70

Date

OSCAR L. COCHRAN, 5729½ A, Midland Drive, Charleston, West Virginia, was interviewed in regards to three checks payable to JAMES R. MONROE, which were negotiated at the Kanawha Valley Bank in May, 1970.

Mr. COCHRAN furnished the following information:

Mr. COCHRAN stated that he had received a telephone call from a Mr. YEAGER, Kanawha Valley Bank, in regards to the negotiation of three checks. He stated that he told YEAGER that his nephew, EARL ROBERT MERRITT, had resided in Washington, D. C., and had been in trouble previously.

Mr. COCHRAN advised that his brother, WILLIAM JOSEPH COCHRAN, presently resides in Huntersville, North Carolina. He stated that his brother had had a savings account at the Kanawha Valley Bank at one time.

Mr. COCHRAN advised that his nephew, EARL ROBERT MERRITT, was the son of REBECCA (MERRITT) FRISBY, nee REBECCA COCHRAN, and EARL ROBERT MERRITT, SR. He stated REBECCA (MERRITT) FRISBY resided at 5729½ B with her present husband, CARL FRISBY. He advised that he believed EARL ROBERT MERRITT, SR., currently resided in Hopewell, Virginia. COCHRAN indicated his nephew had resided in Washington, D. C., recently. He stated, however, that EARL ROBERT MERRITT, JR., was present in the Charleston, W. Va., area during the months of April, May, and June, 1970. He advised that EARL ROBERT MERRITT, JR., had been treated at the Charleston Hospital in May, 1970. He indicated that to his knowledge EARL ROBERT MERRITT, JR., did not have an arrest record, but had been involved in several minor scrapes within the COCHRAN family, that is, taking things from his parents home and pawning them. COCHRAN stated that he believed EARL ROBERT MERRITT, JR., was a compulsive liar. He advised EARL ROBERT MERRITT, JR., had indicated to him that he had worked in a hospital in Washington, D. C.

On 6/23/70 at Charleston, West Virginia File # Pittsburgh 87-15352

SA EDWARD R. McLEARY/cpo

6/24/70

by

8 Date dictated

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

Mr. COCHRAN furnished the following description of EARL ROBERT MERRITT, JR.:

Name	EARL ROBERT MERRITT, JR.
Alias	BUTCH
Race	White
Sex	Male
Age	25 - 28 years
Height	6'
Build	Thin
Hair	Blond, curly
Complexion	Light
Place of Birth	Charleston, West Virginia, area
Marital Status	Single
Military Service	None

Mr. COCHRAN advised that he did not know the present whereabouts of EARL ROBERT MERRITT, JR.

FEDERAL BUREAU OF INVESTIGATION

1

Date 7/1/70

PEGGY L. COCHRAN, nee HOPKINS, 5729 1/2 A, Midland Drive, Charleston, West Virginia, was interviewed in regards to three checks made payable to JAMES R. MONROE, which had been negotiated at the Kanawha Valley Bank in May, 1970.

Mrs. COCHRAN furnished the following information:

She indicated that her nephew, EARL ROBERT MERRITT, JR., son of REBECCA (MERRITT) FRISBY, nee COCHRAN, who resides at 5729 1/2 B, Midland Drive, had used several different aliases. She indicated that EARL ROBERT MERRITT, JR., had been in the Charleston area as of about June 15, 1970. She advised that she had returned a telephone call, which she had received from EARL ROBERT MERRITT, JR., to Charleston, W. Va., telephone number 342-1597, early in the month of June, 1970.

Mrs. COCHRAN advised that sometime during 1969, she had received a telephone call from a Mrs. MORRISON, whom she believed had been employed by the Credit Department of the telephone company in Washington, D. C. She stated that Mrs. MORRISON had indicated to her that EARL ROBERT MERRITT, JR., was wanted by the Washington, D. C., Telephone Company for incurring several bad debts for long distance telephone calls. She stated that Mrs. MORRISON had requested that she contact her at Washington, D. C., telephone number 638-6730 if she could furnish any information regarding EARL ROBERT MERRITT, JR.

Mrs. COCHRAN advised that she did not know the present whereabouts of EARL ROBERT MERRITT, JR.. She furnished the following description of EARL ROBERT MERRITT, JR.:

Name	EARL ROBERT MERRITT, JR.
Aliases	JAMES R. MONROE ROBERT COCHRAN ROBERT OCTAVIO CHEVALIER JAMES or ROBERT CHANDLER BUTCH
Race	White
Sex	Male

On 6/23/70 at Charleston, West Virginia File # Pittsburgh 87-15352

SA EDWARD R. LEARY/cpo

Page 10

Date dictated 6/24/70

by _____ Date dictated _____

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

PG 87-15352

Height
Weight
Build
Hair

6'
175 pounds
Medium to thin
Medium length, blond, and curly
(has worn or owns a brown wig)

On July 31, 1970, the Washington Field Office advised as follows:

Investigation to date in this case indicates that subject opened a bank account at the National Savings and Trust Company on 15th and H Streets, N.W., Washington, D.C., on June 27, 1966, and another account at the branch bank of National Savings and Trust Company located on 18th and K Streets, N.W., under the name of JAMES ROBERT MONROE on April 15, 1970.

Mr. T. EDWARD MORRIS, Assistant Vice President at the main branch of National Savings and Trust Company, 15th and H Streets, N.W., and FLORINDA SARIEGO, Assistant Cashier, who opened the account for the subject under the name of MONROE at the K Street Branch of National Savings and Trust Company, could recall no identification or anything of pertinence pertaining to the subject.

VICTOR BAER, Office Manager and Secretary of the Medical Credit Association, Washington, D.C., where the subject was employed under the name of MONROE, stated that MONROE had been fired due to the fact of his poor working habits and his constant repeated absence from work. BAER further added he recalled MONROE associated with a deaf mute but could not recall this individual's name. BAER advised that he recalled MONROE's description as:

Height:	5'10"
Weight:	170-180
Hair:	Blond curly, of medium length
Facial Characteristics:	Sloping, ski-type nose

On June 29, 1970, Mrs. JANET LAMARRE, Assistant Personnel Manager at Group Hospitalization, Inc. (GHI), Washington, D.C., stated that subject had worked there under the name of EARL ROBERT MERRITT from June 27, 1966, to August 4, 1966, and had been released due to the fact that he was not dependable. LAMARRE further stated her records indicated that MERRITT listed his father only as residing in Richmond, Va., and gave the address of his mother, REBECCA MERRITT, as 5729½ Midland Drive, Charleston, W. Va.

The home address given by the subject using the name MERRITT of 1801 Newton Street, N.W., is now occupied by one KENNETH FLIGSPEN, who advised that he knew nothing concerning the subject. Also, the address of 1926 M Street, N.W., given as home address under the name of JAMES ROBERT MONROE, is in a downtown urban area that is being redeveloped.

Records of the Check and Fraud Squad, Metropolitan Police Department, negative concerning the subject under name of MERRITT or any aliases.

An attempt was made to locate and interview subject on July 8, 1970, at 5729 $\frac{1}{2}$ Midland Drive, Charleston, through Mr. OSCAR L. COCHRAN.

Mr. COCHRAN advised the subject's current whereabouts were unknown to him; however, he would contact the Charleston Resident Agency should he learn anything concerning subject's whereabouts.

On September 16, 1970, OSCAR L. COCHRAN, 5729 $\frac{1}{2}$ -A Midland Drive, Charleston, W. Va., was recontacted but advised that he still had no additional information concerning the subject's present whereabouts.

On September 16, 1970, Mr. and Mrs. WILLIAM COCHRAN, 5729 Midland Drive, Charleston, W. Va., advised that they are the grandparents of the subject; however, they had no information concerning his present whereabouts. Mr. WILLIAM COCHRAN stated that he has not seen his grandson for approximately two or three months and that the last he heard his grandson EARL was living in Washington, D.C.; however, he had no idea as to the exact address.

On September 16, 1970, DAVID MERRITT advised that he is home on furlough from the U. S. Army at Fort Leonard Wood, Mo. DAVID MERRITT advised that he does not get along well with his brother EARL and that if he had any information concerning his brother's present whereabouts, he would advise the FBI. DAVID further advised that his brother EARL has always been the favorite in the family and was raised by his grandparents. He stated that in their eyes, EARL could do no wrong. DAVID stated that his best guess as to where his brother EARL would be at the present time would be in Washington, D.C.; however, he does not know where in Washington. DAVID MERRITT furnished the following information regarding his brother EARL:

Name:	EARL ROBERT MERRITT
Date of Birth:	June 20 or 21, 1944
Height:	6'1"
Weight:	175-185
Hair:	Blond; however, is often dyed
Eyes:	Unknown

Records of the Check and Fraud Squad, Metropolitan Police Department, negative concerning the subject under name of MERRITT or any aliases.

An attempt was made to locate and interview subject on July 8, 1970, at 5729 $\frac{1}{2}$ Midland Drive, Charleston, through Mr. OSCAR L. COCHRAN.

Mr. COCHRAN advised the subject's current whereabouts were unknown to him; however, he would contact the Charleston Resident Agency should he learn anything concerning subject's whereabouts.

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Name:	EARL ROBERT MERRITT
Date of Birth:	June 20 or 21, 1944
Height:	6'1"
Weight:	175-185
Hair:	Blond; however, is often dyed
Eyes:	Unknown

Address: Has resided in Washington, D.C., for the last four years, except for brief periods when he returned to Charleston.

Education: Completed 11th grade (was expelled from high school just a few weeks prior to graduation because of poor attendance)

DAVID also stated that his brother has never been in the military. DAVID stated that if he received any information regarding his brother, he would notify the FBI. DAVID's permanent military address is DAVID MERRITT, Serial Number 225-76-0603, B-31 Company, Fort Leonard Wood, Mo.

On September 16, 1970, REBECCA (MERRITT) FRISBY, nee REBECCA COCHRAN, 5729 $\frac{1}{2}$ -B Midland Drive, Charleston, W. Va., advised that she is the mother of the subject, EARL ROBERT MERRITT. REBECCA FRISBY stated that she did not believe her son would write any bad checks because he has always been an honest boy. She also stated that she has not seen her son or heard from him since June, when he left Charleston and stated that he was going to Columbus, Ohio. However, she has not heard from him and cannot verify whether he ever went to Columbus or not. She stated that in the past her son has done work in hospitals as an orderly or doing clerical work. She stated that she last knew him to be working at D.C. General Hospital in Washington, D.C. Mrs. FRISBY stated that she did not have any way of getting in touch with her son since she no longer has a telephone and she has not received any correspondence from him. She stated that if she heard from her son, she would advise him that he was being sought by the FBI for questioning regarding three checks.

On September 16, 1970, KENNETH SHUMAKER, Postmaster, Rand, W. Va., advised that he knows the subject and his family and has not seen him in town since about June. SHUMAKER stated that if he did see the subject, he would notify the FBI.

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (Bufile 87-111347)

DATE: 9/30/70

FROM : SAC, WFO (87-18178) (RUC)

SUBJECT: EARL ROBERT, aka
ITSP

701002015

OO: PG.

Reference Laboratory report to Pg., dated 6/24/70
and WFO letter to Pg., dated 7/31/70.

Enclosed for the laboratory is one original signature
card #492 324 9, filled out by subject under name of MERRITT
on 6/27/66 at the National Savings and Trust Company's main
office located at 15th and "H" Streets, N. W., Washington,
D. C., and one original signature card filled out by one
JAMES ROBERT MONROE, #SC 850-878-0, filled out at the 20th
and "K" Streets branch of the National Savings and Trust
Company on 4/15/70.

Enclosed for Pittsburgh are copies of the two above
described signature cards.

The FBI Laboratory is requested to compare the hand-
writing and signature appearing on these cards with other
specimens submitted in this case.

No further investigation being conducted by WFO.

When examination is completed, the Bureau is re-
quested to return the original signature cards to WFO in
order that they may be returned to the National Savings
and trust Company.

- 2 - Bureau (87-111347) (Encls. 2)
- 2 - Pittsburgh (87-19005) (Encls. 2)
- 1 - WFO (87-18178)

JCB:jcb

5

Lab report
10/13/70
JCB:p/b

REC-58

ST-103

87-111347-4
10-5
SEP 25 1970

EXP. PROC.

30 SEP 30 1970

40

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



FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

To: **FBI, Washington Field Office**
(87-18173)

Date: **October 13, 1970**

Re: **EARL ROBERT, aka**
ITSP
(OO: Pittsburgh)

J. Edgar Hoover
EX-102
REC-120
John Edgar Hoover, Director

FBI File No. **87-111347-4**
Lab. No. **D-701002015 BF**

Examination requested by: **Washington Field Office**

Reference: **Letter 9/30/70**

Examination requested: **Document**

Remarks:

MAILED 12
OCT 13 1970
COMM-FBI

Enclosures (4) (Q4, Q5, 2 Lab report)

2 - Pittsburgh (87-19005) Enclosures (2) (2 Lab report)

DBD:plb (6)
plb

- Tolson _____
- Sullivan _____
- Mohr _____
- Bishop _____
- Brennan, C.D. _____
- Callahan _____
- Casper _____
- Conrad _____
- Felt _____
- Gale _____
- Rosen _____
- Tavel _____
- Walters _____
- Soyars _____
- Tele. Room _____
- Holmes _____
- Gandy _____

337

MAIL ROOM TELETYPE UNIT ADMINISTRATIVE PAGE

5 OCT 15 1970

DEPT OF JUSTICE

OCT 14 1970

RECEIVED

Schmidt 5724

RECORDED
10/6/70
plb

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Laboratory Work Sheet

NO LAB FILE

Re: EARL ROBERT, aka
ITSP
(OO: Pittsburgh)

File #
Lab. # 87-111347 4
D-701002015 BF

Examination requested by: Washington Field Office (87-18178) 9/30/70
Examination requested: Document Date received: 10/1/70
Result of Examination: Examination by: DAVIS

*Negative
enclosed
JH*

*Returned
SBS*

Specimens submitted for examination

- Q4 Signature card for the National Savings and Trust Company, dated 6/27/66, in the name "Earl Robert Merritt, Jr."
- Q5 Signature card for the National Savings and Trust Company, dated 4/15/70, in the name "James Robert Monroe"

RETURN EVIDENCE

2 - Pittsburgh (87-19005)

OCT 8 1970

7027

RECORDED
10/6/70
plb

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Laboratory Work Sheet

NO LAB FILE

Re: EARL ROBERT, aka
ITSP
(OO: Pittsburgh)

File # 87-111347-4
Lab. # D-701002015 BF

Examination requested by: Washington Field Office (87-18178) 9/30/70

Examination requested: Document Date received: 10/1/70

Result of Examination: Examination by: DAVIS *[Signature]*

misc hp Q 445 ident one indiv
Robert Merritt sig Q4 no conc James Robert Monroe sig Q5
due to minor var but hw vs noted
Monroe sig Q1 -> 3 ident Monroe sig Q5

Specimens submitted for examination

- Q4 Signature card for the National Savings and Trust Company, dated 6/27/66, in the name "Earl Robert Merritt, Jr."
- Q5 Signature card for the National Savings and Trust Company, dated 4/15/70, in the name "James Robert Monroe"

RETURN EVIDENCE

2 - Pittsburgh (87-19005)

*Saw report
10/13/70
DBD:plb*

**REPORT
of the**



**FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535**

To: **FBI, Washington Field Office
(87-18178)**
Re: **EARL ROBERT, aka
ITSP**

Date: **October 13, 1970**
FBI File No. **87-111347**
Lab. No. **D-701002015 BF**

Specimens received **10/1/70**

- Q4** Signature card for the National Savings and Trust Company, dated 6/27/66, in the name "Earl Robert Merritt, Jr."
- Q5** Signature card for the National Savings and Trust Company, dated 4/15/70, in the name "James Robert Monroe"

Results of examination:

It was concluded that the miscellaneous hand printing on Q4 and Q5 was prepared by the same individual. A definite conclusion was not reached whether the James Robert Monroe signature on Q5 was written by the writer of the Earl Robert Merritt, Jr. signature on Q4 due to minor variations and because of the lack of comparable text; however, significant handwriting similarities were noted.

It was concluded that the James R. Monroe signatures on Q1 through Q3 were written by the writer of the James Robert Monroe signature on Q5.

Q4 and Q5 are returned herewith. Photographs were made.

Tolson _____
Sullivan _____
Mohr _____
Bishop _____
Brennan, C.D. _____
Callahan _____
Casper _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Tavel _____
Walters _____
Soyars _____
Tele. Room _____
Holmes _____
Gandy _____

DBD:plb (6)
plb

MAIL ROOM TELETYPE UNIT

6/20/94

Messenger

(94) Carl Robert Merrill
1801 Newton St N.W.

(95) James R R Robert
1926 N^W St N.W. 296-1739

U.S. Nat^l Credit Assoc.
James E. Char. W. U.A.

02 James R. Morse

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (87-111347)

DATE: 2/25/71

FROM : ^{DDM}
Wiss SAC, PITTSBURGH (87-15352) (C)

SUBJECT: EARL ROBERT MERRITT, JR., aka.;
ET AL
ITSP
(OO: PITTSBURGH)

Rerep of SA A. LOUIS DI PIETRO dated 9/28/70, at Pittsburgh, and Washington Field letter to Pittsburgh dated 11/18/70.

On 2/23/71, AUSA ROBERT B. KING, SDWVA, declined prosecution of this case noting that the amount of money involved and the evidence currently available does not justify further investigative efforts to locate and interview subject.

AUSA's opinion being confirmed by separate letter and this letter is being placed in a closed status.

EX-117

REC-30

3

87-111347-5

PO

- 2 - Bureau
 - 1 - Washington Field (87-18178)
 - 1 - Pittsburgh
- ECW:lgh
(4)

MAR 1 1971

U.S. DEPT. OF JUSTICE
F. B. I.

MAR 3 4 32 PM 1971

DIVISION
GENERAL INVESTIGATIVE
DIVISION

RAM



F179
MAR 5 1971

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

May 16, 1975

REGISTERED RETURN RECEIPT

Mr. Earl Robert Merritt, Jr.
1145 23rd Street, N. W.
Washington, D. C. 20037

1 - Mr. Cleveland
Attn: Mr. Riley
1 - Mr. Gebhardt
Attn: Mr. Mohr

Dear Mr. Merritt:

Enclosed are several pages of material from our records pertaining to your Freedom of Information Act request.

These documents were derived from (1) an investigation involving forged checks drawn on an account located outside the state in which the checks were passed and, (2) a confidential source file.

Other documents contained within these two files are not being disclosed based on the following statutory provisions:

1. The documents relate to internal practices of this Agency, the disclosure of which would adversely affect a significant agency function, Title 5, United States Code, Section 552 (b) (2), that function being development, evaluation, direction and remuneration of confidential sources.

2. Certain documents involve privileged information and are protected by Title 5, United States Code, Section 552 (b) (4). The privilege asserted in this instance is the lawyer-client relationship between Department of Justice attorneys serving as legal advisors to Federal employees sued in tort in their personal capacity on account of official actions.

3. Some of these documents contain evaluations and recommendations requested by superiors of subordinates subsequent to adverse media publications and litigation involving the FBI, which relates directly to you as a confidential source. These documents are exempt from disclosure under

2 - The Deputy Attorney General
Attention: Susan M. Hauser
Quinlan J. Shea, Jr. - Enclosure

MLH:ms (8)

MAIL ROOM

TELETYPE UNIT

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

MAY 29 1975

ORIGINAL FILED IN 137-28183-16

NOT RECORDED
MAY 23 1975

87-111347-P

get RO - [signature]

Mr. Earl Robert Merritt, Jr.

Title 5, United States Code, Section 552 (b) (5) as release would inhibit the interchange of suggestions, recommendations and proposed policy changes within the Executive Branch of the Government.

4. Certain information furnished by yourself as a confidential source was disseminated to other law enforcement agencies investigating matters within their jurisdiction. It is not feasible for the FBI to confirm the current status of each of these investigations. As release of data concerning these cases might interfere with enforcement proceedings, denial is based on Title 5, United States Code, Section 552 (b) (7) (A). Furthermore, the FBI has a continued interest in certain matters within its jurisdiction also protected from disclosure under (b) (7) (A).

5. Many documents contain references to third parties which did not originate with you, disclosure would be an invasion of privacy as to these persons; therefore, denial is predicated upon Title 5, United States Code, Section 552 (b) (7) (C) and (D).

6. As to information which did originate from you, the FBI asserts Title 5, United States Code, Section 552 (b) (7) (D), specifically the phrase, "confidential information furnished only by the confidential source." The interest protected by this clause of provision (b) (7) (D) is not that of the informant, but of the Government. Release to you may be construed as release to the public and preclude an assertion of confidentiality as to a request from anyone else for the same information.

7. In addition, the FBI asserts Title 5, United States Code, Section 552 (b) (7) (E) as to certain documents which pertain to our investigative techniques and procedures. Our reasons are the same as those asserted in the paragraph marked 1 above.

You have thirty days from receipt of this letter to appeal to the Attorney General from any denial contained herein. Appeals should be directed in writing to the Attorney General (Attention: Freedom of Information Appeals Unit), Washington, D. C. 20530. The envelope and the letter

Mr. Earl Robert Merritt, Jr.

should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Following the Attorney General's decision, judicial review is available in the district of your residence or principal place of business, or in the District of Columbia, where the records are situated.

Sincerely yours,

C. M. Kelley

Clarence M. Kelley
Director

Enclosures (6)

NOTE: Earl Robert Merritt, the requester, is a former confidential source of the FBI whose source file was closed upon determination he had furnished false information to Bureau Agents. Subsequently, Merritt made false and malicious allegations to the news media regarding the FBI and the Metropolitan Police Department, WDC, regarding the direction and tasks he performed as a source. Some of these allegations constitute the basis for certain causes of action alleged in Institute for Policy Studies, et al, v. John N. Mitchell, et al, Civil Action No. 74-316 U.S.D.C. District of Columbia.

The Bufiles involved with this request are 137-28143 and 87-111347.

By prior memorandum, Special Investigative Division concurs with the FOIA section regarding release. The initial disclosure contemplated has been significantly narrowed to include only descriptive information, closing serials and certain newspaper articles. As for the 87 case, disclosure has been limited to a serial revealing the prosecutive opinion.

This response is being posted by registered mail, return receipt requested with the instruction, "Deliver Only to Addressee."

UNITED STATES GOVERNMENT

Memorandum

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

- 1 - Mr. Franck
- 1 - Mr. Mintz
- DATE: 11/28/73
- 1 - Mr. Miller
- 1 - Mr. Shackelford
- 1 - Mr. Gerblich

TO : Mr. E. S. Miller *EW*

FROM : R. L. Shackelford *RS*

SUBJECT: EARL ROBERT MERRITT, JR.
(FORMER WF 4015-C)

JOSEPH ANTHONY BARRETT
(FORMER WF 2154-S)

IDENTITY OF
SEPARATE DISCONTINUED
INFORMANT DELETED

PURPOSE:

To answer the Director's question of Mr. Miller "any untruths in this story?" referring to a "Washington Post" newspaper story by staff writer Paul W. Valentine, which appeared in the 11/26/73 edition of the "Washington Post" and which dealt with statements made by captioned individuals to the "Washington Post."

BACKGROUND:

In the article referred to above, captioned individuals acknowledged their roles as informants for the Washington Field Office (WFO) of the FBI and outlined a number of their activities as informants, including targets assigned to them, methods of payment for their work and reasons why they ceased their informant activities. A copy of this article is attached.

Earl Robert Merritt, Jr., who is mentioned in the article, was a criminal informant of WFO from 10/71 until he was discontinued in 6/72. Merritt was targeted against the Institute for Policy Studies (IPS) after it was learned some of the Weatherman fugitives reportedly had visited IPS. Merritt, who is a self-admitted homosexual, was discontinued as an informant after it was determined he was unreliable.

137-28143 (Earl Robert Merritt, Jr.)
100-447935 (Institute for Policy Studies)

Enclosure

JWG:mcm (8)

EX-110

CONTINUED - OVER

Handwritten signatures and initials

100-447935-10
134-20522-
REC COPY AND COPY OF ENCL. FILED IN

22 DEC 11 1973

Handwritten signature
5/12

Memorandum to Mr. E. S. Miller
RE: Earl Robert Merritt, Jr.
137-28143

Joseph Anthony Barrett
134-20522

IDENTITY OF SEPARATE DISCONTINUED INFORMANT DELETED AS

Joseph Anthony Barrett, who is mentioned in the article, was a security informant of WFO from 10/70 to 6/73. He originally contacted WFO in 5/70 and volunteered his services. He was approved as a potential security informant in 10/70 after which he reported on demonstrations by Vietnam Veterans Against the War (VVAW), National Peace Action Coalition and Peoples Coalition for Peace and Justice. He reported on the activities of IPS personnel who were involved in Students for a Democratic Society (SDS) and he reported on the planning for mass demonstrations in Washington, D.C., by Rennie Davis. Barrett traveled to Miami and reported on the activities of dissident groups and individuals at the Democratic and Republican National Conventions in the Summer of 1972. He subsequently provided information about the demonstrations at the Presidential Inauguration in 1/73. In 6/73 he was discontinued as an informant at his own request when he advised he was attempting to obtain a second job and would not be able to obtain information for the FBI and he had also developed great animosity for the people such as those at IPS about whom he was reporting and, therefore, could not provide competent coverage.

ALL AS INFORMATION PROVIDED

IPS, which is mentioned in the article, was the subject of a preliminary inquiry by the FBI in 11/68 after information was received indicating a possible connection between IPS and SDS. The investigation was expanded in 1971 after it was determined that IPS planned to embark on a five year plan for the radical reconstruction of American society and had circulated to radical groups around the country a document calling for brigades to descend on Washington, D.C., and close down Government agencies. The current investigation of IPS is directed toward those areas in which violations of Federal statutes may be developed in view of the activities of IPS personnel involving the Middle East and the Arabs, North and South Vietnam, Tanzania and the Pan-African Movement and contacts with subversive organizations and individuals in the United States.

CONTINUED - OVER

Memorandum to Mr. E. S. Miller
RE: Earl Robert Merritt, Jr.
137-28143

Joseph Anthony Barrett
134-20522

OBSERVATIONS:

In answer to Mr. Kelley's question "any untruths in this story?" the following should be noted:

Merritt's claim of having performed illegal acts for the FBI has been denied by the Special Agents who directed him.

Merritt's claim that he was hired by WFO at \$50 to \$75 a week is inaccurate. He was paid, on a c.o.d. basis, in varied amounts between \$20 and \$30 which were paid on various dates two to five times per month beginning in 10/71 and ending in 5/72 for a total amount of \$1,570.

SAME (P. 2) INFERA

Barrett's claim that he decided to quit as an informant while at the Republican National Convention after seeing a VVAW member on crutches stumble and unable to get out of the tear gas is questionable, since he continued to furnish information for several months thereafter for which he was paid both services and expenses.

Barrett's claim that he was paid only expenses but no salary is not totally correct. While not paid a salary, Barrett was reimbursed for his expenses and in addition was paid more than \$2,500 on a c.o.d. basis for services.

It should also be noted that WFO advised at the time Barrett was discontinued as an informant he advised he still had the greatest admiration for the FBI and agreed wholeheartedly that he would not reveal his work, written or oral, with the Bureau.

RECOMMENDATION:

None. This is for your information.

GTT/PLS

*RIS/PLS
WRW/RIS*

*one
K WIK
H*

*EM/WRW
HNB/COM*

UNITED STATES GOVERNMENT

Memorandum

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

TO : Mr. Callahan

DATE: 10/4/73

FROM : R. R. Franck

SUBJECT: EARL ROBERT MERRITT, JR.

On 10/2/73 Jed Stout of the "Washington Star-News" called Herington and said that Merritt had furnished the paper information concerning his prior informant status, claiming to have been a paid FBI informant from October, 1971, until May, 1972, at which time he was discontinued because he furnished us false information about Jack Davis. He claimed his assigned task was to monitor the Institute for Policy Studies, 1520 New Hampshire Street, Northwest, Washington, D. C., and to keep an eye on Jack Davis, who was associated with the Institute. He said that he had been a police department informant prior to working for the FBI and Stout said that this had been confirmed by the police. Merritt said that he had been handled by Washington Field Office Agents William Tucker and Terry O'Connor, and that when he was discontinued in May, 1972, Tucker had threatened him by saying, "We would hate to have someone find you in the Potomac with cement galoshes." He also alleged that Tucker threatened to have him prosecuted on three old bad check charges in which Merritt was involved.

Herington told Stout that he would have to get back in touch with him later. Bureau files reveal that Merritt was a criminal informant (WF 4015-C) from late 1971 until he was discontinued by Washington Field letter dated 6/8/72. He was targeted against the Institute for Policy Studies and Jack Davis mainly because Davis was considered a Weatherman fugitive support person and because we had information that some of the Weatherman fugitives had visited the Institute. Merritt also furnished other valuable criminal information. Merritt is a homosexual and was determined to be unreliable, at which point he was discontinued. Although he has not been identified by name, we believe he is responsible for allegations which resulted in the attorney for the Institute for Policy Studies claiming the FBI and the Metropolitan Police Department (MPD) were engaged in illegal surveillance of his activities and other illegal conduct. We conducted a preliminary civil rights investigation on these allegations in August, 1973, and the results have

- 1 - Mr. Franck
- 1 - Mr. Cleveland
- 1 - Mr. Miller
- 1 - Mr. Herington

Bureau File 137-28143

JEH:asg (5)

REC-2

(CONTINUED-OVER)

OCT 10 1973

Memorandum to Mr. Callahan
Re: Earl Robert Merritt, Jr.

been furnished to the Civil Rights Division of the Department. Agents who handled Merritt deny any improper conduct or any improper instructions to him.

Herington called Stout back today and told him that as a matter of policy we simply could not identify individuals who had furnished confidential information to the FBI in the past and, accordingly, there was nothing at this time that we could say about Merritt's allegations. Stout said that he understood and that actually his story was mainly about allegations made by Merritt claiming MPD misconduct and that very little of the story would pertain to the FBI. He said that he knew that the Intelligence Division of the MPD was not terribly sophisticated in its handling of informants. He said also that he knew that Merritt was a homosexual and that he did not consider him really reliable. Some of his allegations have not checked out at all in further inquiry by Stout. Herington also pointed out to Stout that neither ^{of} the allegations alleging threats against Merritt could be interpreted as threats even if the statements had been made. He was told that we always caution our informants against disclosing themselves because we are aware that some people might want to exact retribution against them for having helped the FBI. The statement that we would hate to have Merritt found in the Potomac with cement galoshes is the type of thing that would be an admonishment against his self-disclosure because some of his friends might seek revenge. Herington told Stout that it was ridiculous to believe that any FBI Agent would threaten to kill a former informant. It was also noted that with regard to the second allegation about the prosecution on checks, this does not necessarily have to be interpreted as a threat either since it was obvious that Merritt's surfacing himself with a lot of publicity might cause the victims of those checks to urge a current prosecution.

Stout said that he took everything Merritt said with a grain of salt.

Stout, of course, was formerly with the Police Foundation and says he knows Mr. Kelley personally. He has generally been pro law enforcement in our limited dealings with him. During this conversation he said that he sympathized with the law enforcement's position in dealing with informants but that he had been assigned to write a story, which he would have to do. He said he didn't really think that what he wrote would hurt the FBI and indicated that the story should be forthcoming within the next several days.

- 2 - (CONTINUED-OVER)

Memorandum to Mr. Callahan
Re: Earl Robert Merritt, Jr.

Herington also talked to Washington Field about this inquiry. They had been alerted by the MPD that a story would appear in the near future in the "Star."

RECOMMENDATION

For information.

JH

*NPC
HMB*

- 1 - Mr. J.B. Adams
- 2 - Mr. J.A. Mintz
- (1-Mr. Hotis)
- 1 - Mr. W.R. Wannall
- 11/7/75

Mr. W. R. Wannall

- 1 - Mr. R.L. Shackelford
- 1 - Mr. W.O. Cregar (McMiff)
- 1 - Mr. L.E. Brunnick
- 1 - Mr. J.P. McMahon

Mr. R. L. Shackelford

U. S. HOUSE SELECT COMMITTEE
ON INTELLIGENCE (HSC)

T - HSC
(10/28/75 HSC request)

PURPOSE:

To recommend that Legal Counsel Division consult with the Department to seek guidance as to the manner in which the Bureau should respond to HSC requests for materials in Bureau files relating to organizations and individuals currently involved in civil litigation with the Bureau, and to ascertain how Bureau personnel should respond to similar inquiries while giving testimony in either Executive or public sessions.

DETAILS:

In September and October, 1975, the HSC requested, among other items, information from Bureau files concerning a number of individuals associated with the Socialist Workers Party (SWP) and information from the file on the Institute for Policy Studies (IPS), as well as the file of former Bureau informant Earl Robert Merritt, Jr.

On 11/5/75, Bureau representatives Mr. W. R. Wannall, Mr. R. L. Shackelford, and Mr. D. Ryan furnished depositions to the HSC concerning numerous matters including Bureau investigations of 5 individuals affiliated with the SWP and this Bureau's investigation of the IPS. HSC representatives indicated at that time, that these topics will be the subject of testimony scheduled for public session 11/18/75. With regard to HSC inquiries concerning the 5 SWP individuals, the thrust of the inquiries centered around this Bureau's authority to investigate the SWP and its members, which is one of the main issues to be resolved in a pending civil suit which the SWP has brought against the Bureau. With regard to the IPS, HSC inquiries centered around this Bureau's authority to investigate this organization, as well as public charges made against this Bureau by

1 - 62-116464 (HSC)

1 - 100-447935 (IPS)

1 - 100-16 (SWP)

1 - 157-28413 (Merritt)

JPM:bmf (12)

CONTINUED - OVER

Memorandum to Mr. W. R. Wannall
Re: U. S. House Select Committee On Intelligence (HSC)

Earl Robert Merritt, Jr., a former Bureau informant who furnished information concerning the IPS. Charges by Merritt have been publicly refuted by this Bureau. It is noted that the IPS is also currently involved in civil litigation with this Bureau charging illegal wiretapping and breaking and entering.

Additionally, on 11/5/75, 2 Bureau Agents, against whom Merritt has levied his unfounded charges, were deposed by HSC members at which time the Agents were accompanied by the Departmental Attorney who is handling this litigation.

OBSERVATIONS:

In view of the pending HSC request for material relating to IPS, as well as information pertaining to Earl Robert Merritt, Jr., who is to be a principal witness in the IPS civil litigation, and because the HSC representatives have indicated that the questioning of Bureau officials scheduled for the HSC public hearing on 11/18/75 will involve matters directly related to the Government's actions in the defense of the civil suits regarding both the IPS and SWP, it is felt that Departmental advice should be sought prior to this Bureau responding to or engaging in further response to the HSC in these areas.

RECOMMENDATIONS:

1) That Legal Counsel Division consult with the Department to obtain advice as to how the Bureau should respond to HSC requests for materials concerning IPS and Merritt, and advise the Intelligence Division by memorandum of the results.

2) Legal Counsel Division should determine from the Department, the parameters to which Bureau representatives should confine their testimony in either Executive or public sessions concerning IPS and SWP and advise the Intelligence Division by memorandum.