

JFK ASSASSINATION SYSTEM

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FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

AUG 14 1975

REC 27

NR 012 NY CODE

5:08PM URGENT 8-14-75 PLQ

TO: DIRECTOR, FBI (62-116395)

FROM: SAC, NEW YORK (105-146601)

~~TOP SECRET~~

ATTN: INTD, W. O. CREGAR

SENSTUDY 75; IS-R

DECLASSIFIED BY SP-2 ALM/STG
ON 11-28-00

W. O. Cregar

Assoc. Dir.	_____
Dep.-A.D.-Adm.	_____
Dep.-A.D.-Inv.	_____
Asst. Dir.:	
Admin.	_____
Comp. Syst.	_____
Ext. Affairs	_____
Files & Com.	_____
Gen. Inv.	_____
Ident.	_____
Inspection	_____
Intell.	<i>W. O. Cregar</i>
Laboratory	_____
Plan. & Eval.	_____
Spec. Inv.	_____
Training	_____
Legal Coun.	_____
Telephone Rm.	_____
Director Sec'y	_____

THERE FOLLOWS A PRELIMINARY SUMMARY OF INFORMATION PROVIDED BY SPECIAL AGENT (SA) JAMES P. KEHOE TO STAFF MEMBERS OF SENATE SELECT COMMITTEE ON AUGUST 12, 1975. COMPLETE DETAILS WILL BE PROVIDED TO THE BUREAU WHEN THEY ARE RECEIVED FROM SA KEHOE'S ATTORNEY.

THREE SUBJECTS WERE DISCUSSED BY SA KEHOE AND THEY WERE ~~SAM SURVEY, SUN SURVEY, AND Z COVERAGE~~. WITH REGARD TO SAM SURVEY, IT WAS STATED THAT TO THE BEST OF HIS RECOLLECTION THIS BEGAN ABOUT 1959 AND WAS BELIEVED TERMINATED IN 1963. IT BEGAN AS A SURVEY TO OBSERVE THE OUTSIDE OF THE ENVELOPS DESTINED TO VARIOUS CITIES IN EUROPE, LOOKING FOR INDICATORS WHICH WOULD LEAD TO LOCATION OF SOVIET ILLEGAL AGENTS. AT A LATER POINT IN TIME COVERAGE WAS ALSO MAINTAINED ON CERTAIN ADDRESSES IN EUROPE KNOWN TO BE MAIL DROPS UTILIZED BY THE SOVIET INTELLIGENCE SERVICE (SIS). THE ACTUAL SCRUTINY OF THE MAIL WAS CONDUCTED AT

COPY RETAINED IN PERSONNEL RECORDS

EX 104

REC 27

62-116395

James P. Kehoe

9 AUG 21 1975

ROUTE IN ENVELOPE

84 AUG 26 1975

W. O. Cregar
John...
54
East

KENNEDY AIRPORT IN A ROOM AT THE POSTAL AIR MAIL FACILITY. CERTAIN CONSTANT CITIES WERE EXAMINED AND OTHER CITIES WERE SELECTED ON A VARIABLE BASIS. WHEN LETTERS WERE OBSERVED THAT WERE BELIEVED TO MEET THE CRITERIA THEY WERE BROUGHT BACK TO THE NEW YORK OFFICE (NYO) WHERE THEY WERE OPENED AND PHOTOGRAPHED BY THE AGENT CONDUCTING THE Z COVERAGE. THE VOLUME WAS VERY SMALL, PROBABLY CONSISTING OF ABOUT TEN LETTERS IN A SIX MONTH PERIOD. A DESCRIPTION OF THE MACHINE UTILIZED IN THE OPENING WAS PROVIDED AND IT WAS EXPLAINED THAT WHEN A LETTER, BELIEVED TO HAVE BEEN SENT BY A SOVIET AGENT WAS OBSERVED, PHOTO COPIES WERE PROVIDED TO HEADQUARTERS IN WASHINGTON, AS WELL AS, AN INVESTIGATIVE FILE BEING OPENED IN NEW YORK CITY (NYC). THE SIZE OF THE SQUAD HANDLING THIS TOTAL OPERATION WAS ESTIMATED TO BE ABOUT TWENTY MEN. IT WAS INDICATED THAT THE POSTAL EMPLOYEES WHOSE NAMES WERE NOT RECALLED MERELY PROVIDED THE MAIL POUCHES AND WERE NOT PRESENT IN THE ROOM DURING THE SCREENING PROCESS. IT WAS ALSO STATED THAT ANY MAIL REMOVED AND BROUGHT TO THE NYO WAS RETURNED TO THE AIRPORT FOR DISPATCH ON THE NEXT OUTGOING FLIGHT, TO THE CITY OF DESTINATION.

WITH REGARD TO SUN SURVEY IT WAS STATED THAT THIS OPERATION WAS RUN BY THE SAME SQUAD BUT THAT IN THIS OPERATION THE ONLY MAIL SCREENED WAS MAIL ADDRESSED TO THE UNITED NATIONS (UN) AT A POST OFFICE BOX IN GRAND CENTRAL STATION. THE SCREENING TOOK PLACE IN A ROOM PROVIDED BY THE POST OFFICE AT GRAND CENTRAL STATION AND THE PURPOSE WAS TO OBTAIN MAIL WHICH MIGHT BE ADDRESSED TO SOVIET MEMBERS OF THE UN AT THIS BOX NUMBER. THESE LETTERS WERE ALSO RETURNED TO THE NYO AND OPENED AND PHOTOGRAPHED IN A SIMILAR MANNER. IN THIS INSTANCE, PHOTOGRAPHS WERE NOT FORWARDED TO HEADQUARTERS BUT WERE FORWARDED TO THE INDIVIDUAL CASE FILE OF THE SOVIET NATIONAL AND THE RESULTS OF THE MAIL INTERCEPT WOULD BE REPORTED TO THE BUREAU AT THE NEXT REPORTING SCHEDULE FOR THAT PARTICULAR CASE. IT WAS ESTIMATED THAT SUCH COVERAGE RESULTED IN THE OPENING OF ABOUT FIVE OR SIX LETTERS A DAY.

WITH REGARD TO Z COVERAGE IT WAS EXPLAINED THAT SA KEHOE HAD NO DIRECT KNOWLEDGE OF THIS OPERATION BUT HAD BEEN PRESENT IN THE ROOM, IN THE NYO, WHEN MAIL WAS OPENED. NO ESTIMATE COULD BE GIVEN OF THE INCLUSIVE DATES OF COVERAGE OR THE VOLUME OF MAIL.

BUT IT WAS STATED THAT ALL MAIL TO THE SOVIET MISSION TO THE UN (SMUN) WAS OPENED AND PHOTOGRAPHED IN THE NYO AND THAT THIS MAIL WAS PROVIDED BY POSTAL OFFICIALS AND THAT AFTER PHOTOGRAPHING, THE INFORMATION WOULD BE PROVIDED TO THE INVESTIGATIVE CASE FILES.

THE NAMES OF SOME INDIVIDUALS EMPLOYED IN THESE THREE OPERATIONS WERE PROVIDED AND THE THOUGHT EXPRESSED THAT ALL THREE OPERATIONS MAY HAVE BEEN CONCLUDED AT THE SAME TIME AND THAT THE DECISION TO CONCLUDE THE OPERATIONS CAME FROM WASHINGTON.

IT WAS STATED THAT SA KEHOE HAD NO KNOWLEDGE AS TO WHICH OFFICIALS IN WASHINGTON APPROVED THE ORIGINAL PROGRAMS OR TERMINATED THEM, BUT IT WAS FELT THAT THE ONLY PERSON WHO COULD GIVE APPROVAL TO COMMENCE AND TERMINATE WOULD HAVE HAD TO HAVE BEEN FORMER DIRECTOR HOOVER. OTHER QUESTIONS, SUCH AS DID THE AGENT KNOW SPECIFIC NAMES, WERE ANSWERED EITHER AFFIRMATIVELY OR NEGATIVELY, DEPENDING UPON THE CIRCUMSTANCES, THE NAMES RECOGNIZED WERE POSTAL INSPECTORS, AND QUESTIONS SUCH AS WAS THERE COOPERATION BETWEEN THE CENTRAL INTELLIGENCE AGENCY (CIA) AND THE FEDERAL BUREAU OF INVESTIGATION (FBI) IN THESE OPERATIONS

PAGE FIVE NY L 05-L4406 TOP ~~SECRET~~

WERE ANSWERED NEGATIVELY. QUESTIONS AS TO KNOWLEDGE OF THE CIA'S MAIL SCREENING OPERATION WERE ANSWERED IN EFFECT THAT SA KEHOE GENERALLY HAD NO KNOWLEDGE OF THESE OPERATIONS OTHER THAN WHAT HE READ IN THE PAPERS.

A DIRECT QUESTION WAS ASKED IF SA KEHOE WAS AWARE THAT A PIECE OF CORRESPONDENCE HAD BEEN FOUND IN THE MEDIA BREAK-IN INDICATING THAT MAIL OPENINGS WENT ON AS LATE AS 1970. THE ANSWER WAS GIVEN THAT HE HAD READ THIS STATEMENT IN THE PAPERS, AND IT WAS THEN ASKED HOW HE WOULD EXPLAIN THIS. HE REPLIED THAT HE HAD NO KNOWLEDGE OF THIS WHATSOEVER, BUT THAT IF THE BUREAU ISSUED A STATEMENT ADVISING THAT ALL MAIL OPENINGS CEASED IN 1966, THEN THERE WAS AN EXPLANATION, BUT SA KEHOE WAS UNAWARE OF IT.

A QUESTION AS TO WHAT SPECIFIC INDICATORS WERE LOOKED FOR IN SAM SURVEY WAS NOT ANSWERED ON THE GROUNDS THAT SUCH INFORMATION REPRESENTED A SENSITIVE TECHNIQUE THAT WAS STILL VIABLE.

AT NO POINT IN THE PROCEEDINGS DID SA KEHOE EXERCISE HIS RIGHT TO CONSTITUTIONAL PRIVILEGE UNDER THE FIFTH AMENDMENT.

~~CLASSIFIED BY 6444, XGDS 2 AND 3, INDEFINITE.~~

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 _____
- Legal Coun. _____
- Plan. & Eval. _____
- Spec. Inv. _____
- Training _____
- Telephone Rm. _____
- Director Sec'y _____

TO : Mr. J. B. Adams

DATE: 7/8/75

FROM : Legal Counsel *JAM*

SUBJECT: SENATE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES

#MOR16
 ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 10/11/00 BY SP-2 AML/STG

Mr. Callahan requested that a research be conducted to determine whether the FBI or the Department of Justice would be authorized to pay for private counsel for employees called to testify before the Senate Select Committee and who desired private counsel.

I advised Mr. Callahan that the position of the FBI and the Department is that we could not provide counsel directly to the individuals because of the potential conflict of interest between the rights of the individual and the duties of our officers. However, I told him that to my knowledge the question concerning whether the Government could pay for private counsel selected by the employee has not been researched. Mr. Callahan therefore requested that the research be conducted.

RECOMMENDATION:

That the Administrative Division and Legal Counsel confer and prepare an appropriate response to Mr. Callahan's request.

- 1 - Mr. Wannall
- 1 - Mr. Walsh
- 1 - Mr. Daly
- 1 - Mr. Donahue
- 1 - Mr. Mintz

JAM:mfd
 (6)

*Memo by GMD to
 Adams 7/23/75
 P&P/mfd*

JAM 44-108
 REC-42
JAM 62-116395-540
 AUG 1 1975
 PAM

JAM



UNITED STATES GOVERNMENT

Memorandum

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

TO : Mr. J. B. Adams

DATE: 7/23/75

FROM : Legal Counsel *JAM*

#MDR16
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/11/00 BY SP-2 ALM/JTG

SUBJECT: ~~AUTHORITY OF FBI AND DEPARTMENT OF JUSTICE TO RETAIN PRIVATE COUNSEL TO REPRESENT EMPLOYEES~~

Legal Counsel memorandum to you dated 7-8-75 captioned "Senate Select Committee on Intelligence Activities," recommended that the Administrative Division and Legal Counsel Division confer and prepare an appropriate response to Mr. Callahan's request that research be conducted to determine whether the FBI or the Department of Justice would be authorized to pay for private counsel for employees who are called to testify before the Senate Select Committee and who desire private counsel. We have also undertaken to present the statutory considerations governing the provision of such representation in a legal proceeding as distinguished from a legislative hearing.

Title 5, United States Code, Section 3106, states:

"Except as otherwise authorized by law, the head of an Executive department or military department may not employ an attorney or counsel for the conduct of litigation in which the United States, an agency, or an employee thereof is a party, or is interested, or for the securing of evidence therefor, but shall refer the matter to the Department of Justice. . . ."

This statutory prohibition makes it clear that only the Attorney General has the authority to make a contract for special employment of an attorney. This Bureau, as an agency of the Department of Justice, obviously does not have authority to do that which is denied to Executive departments which are otherwise of coequal stature to the Department of Justice.

- 1 - Mr. Callahan
- 1 - Mr. Jenkins
- 1 - Mr. Donahue
- 1 - Mr. Adams
- 2 - Mr. Mintz
- 1 - Mr. Walsh

PGD:mbk

Donahue

Memorandum to Mr. J. B. Adams
Re: Authority of FBI and Department of Justice
to Retain Private Counsel to Represent Employees

An examination of our budgetary language by representatives of the Administrative Division and this Division does not disclose any explicit or implicit authority which would qualify as "otherwise authorized by law, . . ." under the above statute. The statutory authority for provision of private counsel is contained in Title 28, United States Code, Section 515, which gives the Attorney General the authority to appoint and pay special attorneys. However, this authority is circumscribed by the statement that these attorneys "may, when specifically directed by the Attorney General, conduct any kind of legal proceeding, civil or criminal, including grand jury proceedings and proceedings before committing magistrates, which United States Attorneys are authorized by law to conduct. . . ." It is evident then that this authority pertains only to proceedings held within the judicial system, not to hearings held before a legislative body. Such a hearing is not a "legal proceeding" and is not one "which United States Attorneys are authorized by law to conduct. . . ."

In the event that employees need representation in a legal proceeding and the Department believes that a potential conflict of interest would prevent it from providing counsel, outside counsel could be appointed and paid under the statute up to the monetary limits fixed. Whether the Department would allow the individual employee to designate or select the outside counsel would be a matter of Departmental policy but we see no reason why such an individual selection would not ordinarily be approved.

We are aware that the Central Intelligence Agency (CIA) has recently engaged the law firm of Arnold and Porter and that Mr. Mitchell Rogovin of that firm has been designated as the individual attorney to represent that agency. Inquiry with CIA has determined that the authority relied on for this action is Title 50, United States Code, Section 403j, which states:

- 2 -

↓ ↓
(CONTINUED - OVER)

Memorandum to Mr. J. B. Adams
Re: Authority of FBI and Department of Justice
to Retain Private Counsel to Represent Employees

"(a) Notwithstanding any other other provisions of law, sums made available to the Agency by appropriation or otherwise may be expended for purposes necessary to carry out its functions, including --

"(1) personal services, including personal services without regard to limitations on types of persons to be employed. . . ."

^{appears, by} We would emphasize, however, that the counsel hired, represents the CIA, not individual employees, and that private counsel has the same problems as does their "in-house" counsel. Therefore, no firm or individual hired by that agency can provide counsel to the individual employee in any situation which presents a potential conflict between the interests of the individual and the interests of the agency.

CONCLUSION:

We conclude that there is no authority for either the FBI or the Department to pay for private counsel selected by employees called to testify before the Senate Select Committee or any other legislative body. If an employee called to testify in such a forum desires private counsel, or where a potential conflict of interest makes representation by "in-house" counsel or the Department impossible, the employee must decide if the possible consequences warrant the personal expense of such counsel and, if so, responsibility for payment rests with him.

Furthermore, private counsel retained by an agency having authority to do so would be under the same disabilities as "in-house" or Departmental counsel in situations presenting a potential conflict of interest.

Memorandum to Mr. J. B. Adams
Re: Authority of FBI and Department of Justice
to Retain Private Counsel to Represent Employees

The only authority for payment by the Department of private counsel would be in a legal proceeding in the judicial system under Title 28, United States Code, Section 515.

RECOMMENDATION:

None. For information.

MBC

JH

Per

aw

[Signature]

Jma

K

UNITED STATES GOVERNMENT

Memorandum

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

FROM : W. O. Cregar *Cregar*

SUBJECT: SENSTUDY 75

2 - Mr. J. A. Mintz
(1 - Mr. J. B. Hotis)

DATE: 7/24/75

1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. D. Ryan
1 - Mr. S. F. Phillips

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

This memorandum records Bureau waiver from secrecy agreement for interview of Atlanta Field Office (FO) SA Edward A. Shea by Senate Select Committee (SSC) Staff Members at Atlanta, 7/22-23/75.

Supervisor S. F. Phillips of the Senstudy 75 Project was in Atlanta 7/22/75 in connection with the interviews there of six SAs (five from Atlanta FO; one who traveled to Atlanta from Knoxville FO) by SSC Staff Members Michael Epstein and Mary DeOreo. Interviews concerned the former FBI investigation of Martin Luther King, Jr. At approximately 5:00 p.m., 7/22/75, Epstein telephonically contacted Phillips and advised that one of the interviews developed information resulting in his desire to interview a seventh SA, Edward A. Shea of the Atlanta FO. In order to avoid another trip to Atlanta, Epstein asked if Phillips could obtain FBI clearance for the interview which would concern: (1) any possible COINTELPRO operations in Atlanta with respect to King or the Southern Christian Leadership Conference (SCLC); (2) Shea's assignment to a "file review or file retrieval" project during past year concerning COINTELPRO; and (3) concerning COINTELPRO "generally." (It should be noted that earlier this year, Shea handled a project relating to classifying documents in Atlanta files regarding COINTELPRO. Shea advised Phillips of this and also said that he does not recall seeing any documents regarding COINTELPRO/SCLC - KING.) Epstein desired to interview Shea the morning of 7/23/75.

62-116395

EX 104

REC 17

62-116395-538

1 - 67- (Personnel File SA Edward A. Shea)

5 JUL 31 1975

SFP:1hb/1hb

CONTINUED OVER

(8)

4 AUG 22 1975

S. Phillips

#MOC 16
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DATE 10/11/00 BY SP-2 ACM/STG

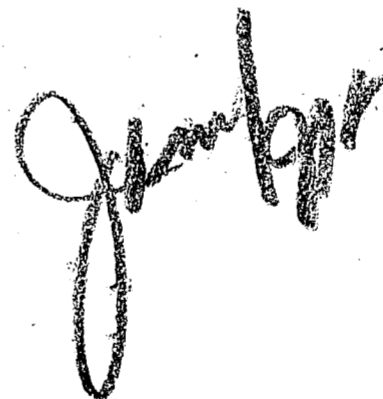

Memorandum to Mr. W. R. Wannall
Re: Senstudy 75
62-116395

On basis of foregoing request, Phillips telephonically contacted Assistant Director (AD) Mintz who granted clearance for (1) and (2) above and suggested withholding clearance on (3) pending further request from Epstein after interview on items (1) and (2). Mintz asked that Phillips touch base with AD Wannall for his concurrence. In the absence of Wannall who was out of the building, Deputy AD T. Leavitt concurred with Mintz. At about 5:30 p.m., 7/22/75, Epstein was telephonically advised by Phillips as indicated above--clearance for (1) and (2); not for (3) at this time. Arrangements were then made for interview of Shea morning of 7/23/75.

Subsequent interview of Shea (being reported separately) apparently satisfied Epstein and it does not appear there will be any further request as to item (3).

ACTION:

None. For information.



PLM

w/PLM

UNITED STATES GOVERNMENT

Memorandum

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

FROM : W. O. Cregar *WOC*

SUBJECT: SENSTUDY 75

- 1 - Mr. N. P. Callahan
- 1 - Mr. T. J. Jenkins
- 1 - Mr. J. B. Adams
- DATE: 7/16/75
- 1 - Mr. W. R. Wannall
- 1 - Mr. W. O. Cregar

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

- Admin. _____
- Comp. Syst. _____
- Ext. Affairs _____
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#MDR 16
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This memorandum records that no effort is being made to respond to a request of the Senate Select Committee (SSC) dated 6/27/75, pursuant to instructions of the Deputy Attorney General, until such time as the Department can obtain clarification from the SSC regarding the meaning of paragraph 2 in the SSC's letter of 6/27/75.

Memorandum Wannall to Adams, dated 6/30/75, reviewed a draft copy of the SSC's letter to the Department. This draft copy is dated 6/25/75. It is identical in content with the final version dated 6/27/75.

Memorandum Cregar to Wannall, dated 7/2/75, reported the results of a meeting in the office of the Deputy Attorney General on the morning of 7/2/75. In this memorandum it was pointed out that the Deputy Attorney General found considerable difficulty in understanding paragraph 2 of the SSC's draft of a letter dated 6/25/75. He noted that in view of the ambiguities found in the letter, as well as the lack of any specific agreement entered into with the SSC by the Department and/or the FBI, the Department should prepare a letter over the Attorney General's signature asking for clarification. In the meantime, the Deputy Attorney General advised that we should take no action responsive to the requests levied on the FBI in this letter. To date, we have received no information from the Department that a letter asking for clarification of the SSC has been sent.

Enclosure

62-116395

WOC:1hb/hb
(6)

EX 104

ENCLOSURE

REC-10

62-116395-537

5 JUL 31 1975

CONTINUED - OVER

Wannall

WOC

50

Memorandum to Mr. W. R. Wannall
Re: Senstudy 75
62-116395

The purpose of this memorandum is to note for the record that no effort is being made to develop responses to the SSC request of 6/27/75 until such time as the Department obtains the clarification described above. This position was noted during a conference that the Director and other Bureau officials had with the Attorney General on the morning of 7/15/75.

Enclosed herewith is a copy of the 6/27/75 request mentioned above.

ACTION:

For information and record purposes.

per *J. [unclear]*

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

PHILIP A. HART, MICH.
WALTER F. MONDALE, MINN.
WALTER D. HUDDLESTON, KY.
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RICHARD S. SCHWEIKER, PA.

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

United States Senate

SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES

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

WASHINGTON, D.C. 20510

June 27, 1975

RECEIVED

JUL 01 1975

O.L.A.

The Honorable Edward H. Levi
Attorney General
U. S. Department of Justice
Washington, D. C. 20530

Dear Mr. Attorney General:

Enclosed with this letter are notifications concerning certain matters currently under investigation by the Select Committee which relate to government entities under your jurisdiction.

These notifications are submitted pursuant to an agreement between the Committee, the various intelligence entities, and the White House. Pursuant to that agreement, the various entities in the Executive Branch have agreed not only to make available the pertinent witnesses, but also to submit in response all information and material which they possess that is relevant to the areas and cases which the Committee wishes to investigate. The response should include all relevant underlying documentation and other information, including documents which may not have come to the Committee's attention and which the Committee has not specifically requested, and all material relating to any prior Executive Branch inquiry into the matter. In addition, we would welcome a current analysis of the particular questions raised by the Committee and any other observations on the subject that you believe would be helpful.

We welcome the promise of cooperation and full disclosure that underlies that agreement. Success in fulfilling the full disclosure policy contained in the agreement is indispensable to the Committee's analysis and to the formulation of our ultimate findings, conclusions, and recommendations.

OFFICE OF LEGISLATIVE AFFAIRS

FEDERAL BUREAU OF INVESTIGATION	
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FEDERAL BUREAU OF INVESTIGATION

ENCLOSURE 62-116395-537

June 27, 1975

Within the Committee mandate, contained in S. Res. 21, there are four broad subjects relating to the intelligence community which we are required to investigate and study in order to determine the facts and ultimately to decide whether to make recommendations for legislative or other changes. They are:

1. The structure, performance, and utility of government operations with respect to intelligence activities.
2. Whether certain policies or practices are or are not illegal, unethical, or otherwise improper.
3. Whether there has or has not been excessive duplication or inadequate coordination between and among intelligence agencies and, more generally, the efficiency of intelligence activities.
4. Whether there has or has not been adequate internal and external control and oversight over the policies and practices of intelligence agencies.

In attempting to find the answers to these fundamental questions, the Committee is proceeding in two ways. First, we are examining intelligence functions broadly as instruments of government policy, giving attention to the authority for particular functions, the problems which intelligence activities are designed to solve, the procedures by which intelligence activities are and have been proposed, approved, executed, evaluated, and terminated, the range and scope of the activities utilized to achieve intelligence objectives, and the propriety and utility of the activities undertaken. Second, we will examine in depth certain subjects within the broad topics of investigation. (We would, of course, welcome your suggestion of other cases that would give added insight into intelligence matters under your jurisdiction.) These specific subjects for investigation are not intended to limit the scope contained in the more general questions.

The Honorable Edward H. Levi
Page Three

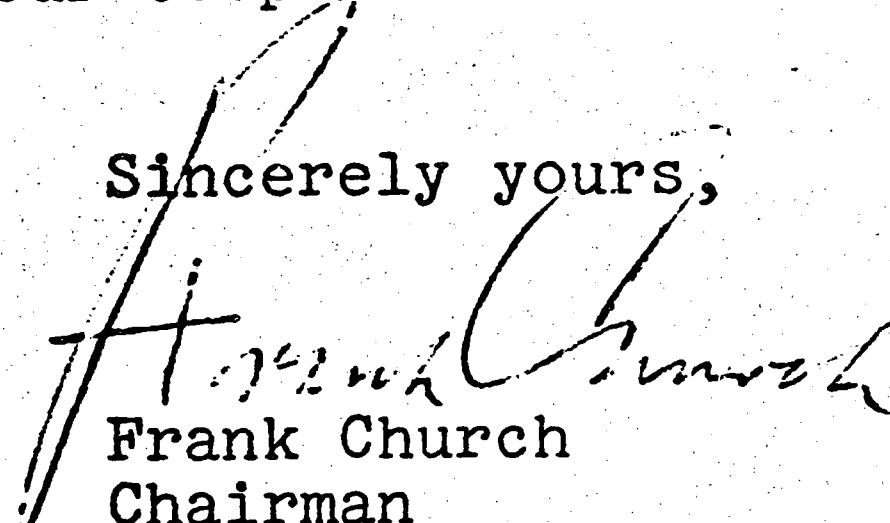
June 27, 1975

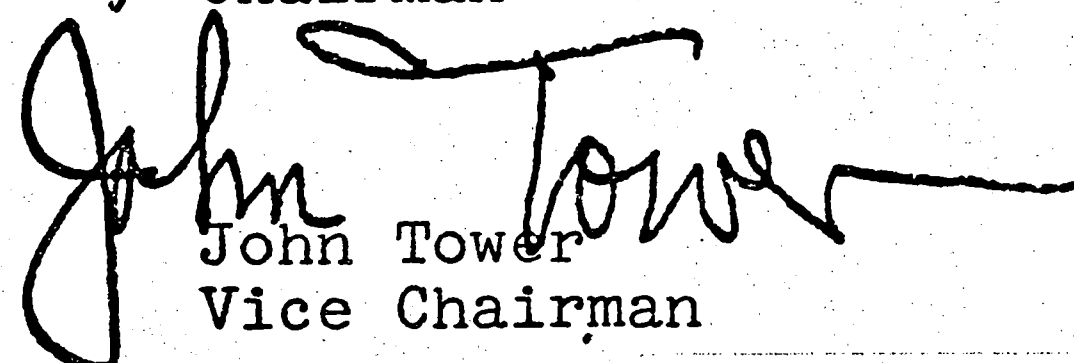
The annexed notifications spell these matters out in greater detail. In addition, they ask certain specific questions, set forth certain previously requested documents not yet received, request additional documents,* and, in some cases, ask for the names and present addresses of persons who have held certain positions. Where appropriate, the subject's description indicates that, pursuant to the agreed Outline for Inquiry Procedures, the matter primarily concerns allegations of abuse or other controversial specific matters where there is reason to believe improprieties may have occurred. Finally, the notifications indicate the name(s) of the staff member(s) who, in addition to the Committee's senior staff, will be responsible for the particular matters.

The Committee, in the course of the next few months, will undertake other subjects for investigation as its work proceeds and will notify you as appropriate.

We look forward to your cooperation in these matters.

Sincerely yours,


Frank Church
Chairman


John Tower
Vice Chairman

over ✓

* These specific requests are not, of course, intended to limit the agreement to come forward with all relevant information and material, including documents, whether or not they have been brought to the Committee's attention or have been specifically requested by the Committee.

FEDERAL BUREAU OF INVESTIGATION
(Including DEPARTMENT OF JUSTICE)

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FEDERAL BUREAU OF INVESTIGATION
(INCLUDING DEPARTMENT OF JUSTICE)

I. Issues

The Committee's inquiry into the intelligence and counterintelligence activities of the Federal Bureau of Investigation is examining fundamental issues which bear directly on the adequacy of current legislation and administrative organization and procedure. The Committee seeks to determine whether FBI intelligence and counterintelligence activities achieve legitimate objectives in conformity with the rule of law. Among the basic issues to be addressed are the following:

- A. What is the legal authority for FBI intelligence and counterintelligence activities? Should the FBI's authority be clarified or revised or incorporated in a comprehensive statutory charter?
- B. What limitations are placed on FBI intelligence and counterintelligence activities by the Constitution and laws of the United States? Should these limitations be clarified or revised?
- C. What have been the purposes and aims of FBI intelligence and counterintelligence activities? Should these objectives be modified?
- D. How have the intelligence and counterintelligence activities of the FBI been organized and coordinated with other agencies of government? Should these procedures and practices be revised?
- E. What have been the procedures for and techniques of intelligence gathering and dissemination and counterintelligence operations used by the FBI? Under what conditions and through what procedures should these methods and techniques be used in the future?
- F. What have been and should be the mechanisms for internal and external policy-making, control, and supervision of FBI intelligence and counterintelligence activities?

As a means of examining the above issues in the context of actual FBI intelligence operations, the Committee intends to study certain specific topics, some of which are general in nature, and others of which involve specific cases, programs or techniques. Part II, below, contains descriptions of the general areas into which the Committee intends to inquire. Part III contains descriptions of the specific cases mentioned above. The descriptions specifically indicate whether the investigation may concentrate on specific allegations of possible abuses or other controversial matters where there is reason to believe improprieties may have occurred. In addition to the topics described below, additional areas of inquiry may develop during the course of the Committee's work.

II. Areas of General Inquiry

A. Legal Authority for FBI Intelligence and Counter-intelligence Activities

The Committee is examining the legal basis for FBI intelligence and counterintelligence activities. There may be serious question as to the adequacy of the present legislative framework for the FBI's functions in these fields. Current statutes authorize the FBI to perform investigative and law enforcement functions, but they do not specifically authorize intelligence or counterintelligence activities. Therefore, the Committee seeks to determine whether the FBI's authority should be clarified, revised, or incorporated in a comprehensive statutory charter.

Responsible staff: Senior staff
Task Force leader
Mark Gitenstein

B. Organization and Operation of the FBI Intelligence Division

The Committee is investigating the structure and operating practices of the FBI Intelligence Division. Proposals have been made that the national security intelligence and counterintelligence functions of the FBI should be lodged in a separate agency or otherwise separated from the FBI's criminal investigative activities. Further recommendations have been advanced for improved coordination between the FBI and other intelligence agencies, for strengthened supervision of FBI intelligence and counterintelligence activities by the Attorney General or an independent board, and for clearer standards and procedures for FBI activities in this area. Therefore, the Committee desires complete information on the operating practices and procedures of the FBI Intelligence Division and of the field office activities supervised by the Intelligence Division.

The Committee's inquiry focuses on the following specific areas:

1. FBI Internal Security Intelligence Operations

The Committee seeks to determine the nature and purpose of FBI intelligence operations directed at foreign intelligence activities and subversive or extremist activities within the United States. It has been alleged that the scope of FBI intelligence investigations is too broad and has extended to legitimate political activities. Consequently, the Committee must examine how the FBI's responsibilities have been defined.

Responsible staff: Senior staff
Task Force leader
Mark Gitenstein

2. The FBI and the U. S. Intelligence Community

The Committee seeks to determine what have been the policies and procedures for coordination between the FBI and other agencies in the U. S. intelligence community. There have been occasions in the past where friction between the FBI and other agencies has produced serious dissatisfaction within the U. S. intelligence community. The purpose of this inquiry is to evaluate the adequacy of past and present coordinating mechanisms.

Responsible staff: Senior staff
Task Force leader
Mark Gitenstein

3. FBI Foreign Counterintelligence Operations

The Committee seeks to determine the nature of FBI counterintelligence operations directed at foreign intelligence activities within the United States or at any other hostile foreign-related activities within the United States. Since FBI operations to "counter" these activities go beyond intelligence collection, the Committee must consider whether such practices require statutory authorization. The impact of counterintelligence operations on United States foreign relations will also be considered.

Responsible staff: Senior staff
Task Force leader
Loch Johnson
Barbara Banoff

4. Inspection Division Investigations

The Committee is examining the relationship of the FBI Inspection Division to FBI intelligence and counterintelligence activities. This includes both regular Inspection Division reviews of Intelligence Division and field office functions and specific investigations of allegations of improper conduct in connection with FBI intelligence activities.

Responsible staff: Senior staff
Task Force leader
Mark Gitenstein

5. FBI Intelligence Activities and State or Local Law Enforcement Agencies

The Committee seeks to determine the nature of the relationships between FBI intelligence activities and state and local law enforcement agencies. This subject involves the delicate balance between the necessary centralization of certain law enforcement activities and the Constitutionally-mandated decentralization of general law enforcement responsibility. It is necessary for the Committee to evaluate the centralizing influence of the FBI, as well as the FBI's role as a check on local law enforcement abuses.

Responsible staff: Senior staff
Task Force leader
Mark Gitenstein
Walter Ricks

III. Case Studies

General Questions

The descriptions which follow of the specific cases the Committee intends to study are intended to serve the dual purpose of notifying the FBI of the issues the Committee will explore in connection with each case and eliciting from the FBI all information and material in its possession relating to the questions the Committee wishes to explore in each case. In order to avoid unnecessary repetition of certain questions which will be basic to the Committee's investigations of each case, certain fundamental questions are set forth below. As to each case described, the Committee intends to explore these fundamental questions, and expects that the FBI will, as to each case, provide all information and material it has relating to these basic questions even though they are not repeated in the discussion of each particular area.

1. What is or has been the legal authority for the activity?
2. What have been the purposes of the activity?
3. What techniques have been employed in the activity?
4. What kinds of information have been gathered in the activity?
5. How have specific uses of the activity been initiated and approved?
6. How have the targets for the activity been selected?
7. What have been the criteria for target selection?
8. How has the intelligence which is collected been used?
9. To whom has the intelligence collected been disseminated?
10. What has been the basis for any dissemination with respect to each recipient?
11. How has the activity been coordinated with other intelligence agencies?

12. What have been the effects of this coordination?
13. To what extent has each of the foregoing been compatible with the legal authority for and the purposes of the activity?
14. By what means has the activity been monitored, controlled and administered?
15. What are the potential abuses to which the activity may lead?
16. To what abuses has the activity led?
17. What steps have been taken to investigate such abuses?
18. What steps have been taken to avoid such abuses?
19. What have been the costs and utility of the activity?

In some instances, the specific questions set forth below may appear to repeat some of the general questions. The purpose in such cases is simply to clarify the application of the general question to the specific case. Except where inapplicable by their terms, all general questions relate to each specific case.

A. Electronic Surveillance

The Committee is examining all forms of electronic interception of communications including wiretapping, electronic eavesdropping, consensual electronic surveillance interception of video and data communications, local monitoring devices, and all other forms of electronic or technical monitoring. The Committee's general questions apply to each of the techniques listed above, as well as to the matters set forth in the following specific cases.

1. Warrantless Electronic Surveillance

The Committee seeks to determine whether the Attorney General should have the authority to authorize electronic surveillance for certain purposes without a prior judicial warrant. This power has been exercised by succeeding Attorneys General since 1940, upon the explicit directive of the President. The Supreme Court has ruled that this power does not extend to purely domestic matters, but the remaining scope of the Attorney General's authority remains undefined by the Supreme Court.

Questions

The Committee requests that the FBI and the Justice Department address the following specific questions:

- a. What is the scope and basis of the claim of Executive authority to conduct warrantless electronic surveillance?
- b. What have been the procedures for consideration and approval of requests for warrantless electronic surveillance authorized by the Attorney General?
- c. What are the specific disadvantages of the judicial warrant requirement for those electronic surveillances which have been authorized by the Attorney General?

- d. Does the Fourth Amendment permit the issuance of judicial warrants for electronic surveillance on grounds other than ordinary probable cause where national security intelligence purposes are advanced to justify the surveillance?
- e. To what extent are the specific procedures of Title III of the Omnibus Crime Control Act of 1968 inappropriate for electronic surveillance conducted for national security intelligence purposes?

Documents

The Committee requests the following additional documents bearing on the questions stated above:

- a. All written justifications for the specific authorizations by the Attorney General for warrantless electronic surveillance from January 1, 1960, until the present.
- b. All documents reflecting the denial by the Attorney General of specific requests for warrantless electronic surveillance from January 1, 1960, until the present.
- c. Committee staff access to information contained in the impounded documents, depositions, and other materials in all pending civil suits which involve warrantless electronic surveillance and in which the Committee has received the consent of the plaintiffs for such access.

Responsible staff: Senior staff
Task Force leader
Mike Epstein

2. Warrantless Electronic Surveillance and "Leaks"

The Committee is examining several instances of the use of warrantless electronic surveillance and other investigative techniques in connection with "leaks" of classified information. These cases may involve specific allegations of abuse or other controversial matters where there is reason to believe improprieties may have occurred. These instances include:

- a. The investigation of alleged "leaks" by or to 17 Executive officials and newsmen between May 1969 and February 1971.
- b. The investigation of alleged "leaks" from a military staff member assigned to the National Security Council in 1971-72.
- c. The reported investigation of columnist Joseph Kraft in 1969.
- d. The reported investigation of the activities of Mrs. Anna Chennault and Vice Presidential candidate Spiro Agnew in 1968.
- e. Any other instances of warrantless electronic surveillance in connection with the investigation of "leaks" to the press.

Questions

The Committee requests that the FBI and the Justice Department address the following specific questions:

- a. Through what procedures and by whom were each of these electronic surveillances authorized and approved, continued, and terminated?
- b. As to each person to whom information was disseminated, please state:
 - (1) The nature of the information.
 - (2) The basis for the dissemination.

- (3) The date of each dissemination.
- (4) The use which was in fact made of the information by the recipient.
- c. What evaluations were made of the original grounds for the surveillance as it progressed?
- d. What were the results of the evaluations?
- e. Who made them?
- f. What are the reasons for use of electronic surveillance without judicial warrant to investigate "leaks" of classified information to the press?
- g. How does each of the above instances relate to these reasons?
- h. To what extent would requirement of a warrant interfere with the ability to detect such leaks?

Responsible staff: Senior staff
Task Force leader
Mark Gitenstein

3. Surveillance of Dr. Martin Luther King

This investigation examines the authorization for, conduct and termination of, and deliberations regarding the surveillance of Dr. King. This case may involve specific allegations of abuses and other controversial matters where there is reason to believe improprieties may have occurred.

Questions

The Committee requests that the FBI and the Justice Department address the following specific questions:

- a. Through what procedures and by whom were wiretaps and electronic bugs of Dr. King initiated, approved, continued, and terminated?
- b. What were the locations, extent, and duration of the electronic surveillances of Dr. King?
- c. What were the grounds of national security, if any, for the introduction of the electronic surveillances of Dr. King?
- d. What was the relationship between the information collected and each of the purposes of the surveillance?
- e. What evaluations were made of the original grounds for the surveillance as it progressed?
- f. What were the results of those evaluations?
- g. Who made them?
- h. What periodic evaluations were made of the relationship between the information being collected and the original objectives of the surveillance?
- i. What were the results of the evaluations?
- j. Who made them?

- k. To whom were any results of the surveillance disseminated?
1. As to each person to whom information was disseminated, please state
- (1) The nature of the information.
 - (2) The basis for the dissemination.
 - (3) The date of each dissemination.
 - (4) The use which was in fact made of the information.

Responsible staff: Senior staff
Task Force Leader
Mike Epstein

4. Surveillance at the Democratic National Convention, Atlantic City, 1964

The Committee is examining the use of surveillance and other intelligence operations in Atlantic City, New Jersey, on or about the time of the Democratic National Convention in 1964. This case may involve specific allegations of abuses and other controversial matters where there is reason to believe improprieties may have occurred.

Questions

The Committee requests that the FBI and the Justice Department address the following specific questions:

- a. Did the FBI conduct electronic surveillance and other intelligence operations at this time and place?
- b. Who were the targets?
- c. Through what procedures and by whom were the decisions made to engage in electronic surveillance and intelligence operations at this time and place?
- d. What were the nature, extent, and duration of the electronic surveillance and other intelligence operations at this time and place?
- e. What was the relationship between each target selected and the purpose of the surveillance?
- f. Was the FBI requested to conduct such surveillance by any person or organization outside the FBI?
- g. If so, by whom, when, and for what stated reason?
- h. To whom were the results of the surveillance disseminated?
- i. As to each person whom information was disseminated, please state

- (1) The nature of the information.
- (2) The basis for the dissemination.
- (3) The date of each dissemination.
- (4) The use which was in fact made of the information.

Responsible staff: Senior Staff
Task Force Leader
Mike Epstein

B. Surreptitious Entry

The purpose of this inquiry is to determine the extent to which the FBI has used surreptitious entry as an intelligence technique, either through its own operations or through operations by other agencies and individuals. This case may involve allegations of abuse and controversial matters where there is reason to believe improprieties may have occurred.

Questions

The Committee requests that the FBI and the Justice Department address the following specific questions:

1. What are the scope and basis of the claim of Executive authority to conduct warrantless surreptitious entry as asserted by the Department of Justice in United States v. Ehrlichman?
2. What surreptitious entries have been carried out by the FBI or by another government agency with the knowledge of the FBI from January 1, 1960, to the present? Please list by date, place, and target.
3. As to any instance in which the FBI has refused to comply with another agency's request for surreptitious entry, what was
 - a. The basis for the refusal?
 - b. The reason given for the request?
4. What procedures were employed to authorize any surreptitious entry identified under 2, and who authorized each such entry?
5. To the extent applicable by their terms, each of the above questions and the General Questions will be explored specifically with reference to any entry or proposed entry at an embassy in May 1972.

Responsible Staff: Senior Staff
Task Force Leader
Mike Epstein
Paul Wallach

C: Mail Covers and Mail Openings

The Committee is examining the conduct of mail covers and mail openings by or on behalf of the FBI and any instances of mail openings or intercepts which may have been conducted by or on behalf of the FBI. This inquiry may involve allegations of abuse or other controversial matters where there is reason to believe improprieties may have occurred.

Questions

The Committee requests that the FBI and the Justice Department address the following specific questions:

1. The specific purposes of all mail covers conducted in connection with FBI intelligence and counter-intelligence activities. This includes all documents pertaining to FBI decisions to request Postal Service mail covers and lists of all subjects upon whom mail covers have been placed as a result of FBI requests since January 1, 1960.
2. The procedures and practices for the dissemination of information from mail covers requested by the FBI. This includes a list of all entities to whom mail cover information has been disseminated since January 1, 1960.
3. Whether or not FBI personnel may have conducted mail covers in violation of existing Postal Service regulations. For any mail covers which may have been conducted by FBI personnel or for the FBI by persons other than Postal Service employees, from January 1, 1960, to the present: identify the physical location where the mail cover was conducted, the names of all persons who participated in and authorized the mail cover, and a brief explanation of the purpose of the mail cover and why it was initiated.
4. Whether or not the FBI has opened mail or caused mail to be opened, either with or without the permission of the Postal Service. For all incidents of mail opening which may have been conducted by FBI employees or by other persons in cooperation with the FBI, from January 1, 1960, until the present: identify the physical location where the mail was opened or intercepted, the names of the individuals who participated in the opening or intercept, and the purpose of the opening or intercept.

Documents

The Committee requests the following additional documents bearing on the questions stated above:

1. All documents which discuss, refer to, or relate to the origins, authorizations, conduct, and termination of and procedures for the mail covers, intercepts, and openings identified in 3 and 4 above.

Responsible Staff: Senior Staff
Task Force Leader
Paul Wallach

D. Other Specific Techniques

As to the following techniques, the Committee's inquiry will initially be confined to the General Questions. As the inquiry proceeds, areas of potential abuse and thus of specific inquiry beyond the General Questions may develop:

1. Incommunicado detention and interrogation.
2. Photographic and television surveillance.
3. Polygraphs.
4. The obtaining of bank, credit, school, and other personal records and information, including the obtaining of information under false pretext.

E. COINTELPRO and Disruptive Activities

The Committee is investigating the circumstances surrounding the origins of, authorization for, and implementation of the FBI program known as COINTELPRO and any similar programs. This inquiry may involve allegations of abuse and controversial matters where there is reason to believe improprieties may have occurred. The scope of this investigation covers:

1. COINTELPRO -- Communist Party USA;
2. COINTELPRO -- Socialist Workers Party;
3. COINTELPRO -- White Hate Groups;
4. COINTELPRO -- Black Extremists;
5. COINTELPRO -- New Left;
6. COINTELPRO -- Special Operations (except as targeted against hostile foreign intelligence services);
7. COINTELPRO -- Puerto Rican Independence Groups;
8. COINTELPRO -- Operation Hoodwink
9. Any other activities of the FBI which have or have had the purpose and effect of disrupting domestic groups or discrediting U.S. citizens, whether or not carried out under a COINTELPRO program.

Questions

The Committee requests that the FBI and the Justice Department address the following specific questions:

1. Under what circumstances, through what procedures, and by whom were these programs initiated, authorized, and terminated?
2. Under what circumstances and through what procedures did the FBI discover and report to the Attorney General the existence of items 7 and 8 identified above and similar disruptive activities not included in the original review of COINTELPRO activities conducted by the Department of Justice in 1974?

