File #:

62-AT-2854

Serial Scope:

59 THRU 66

68 THRU 74

Released under the John F. Kennedy Assassination Records Collection Act of 1992 (44 USC 2107 Note). Case#:NW 54361 Date: 11-16-2017

DO NOT DESTROY

FOIPA# N/A

Routing Slip
0-7 (Rev. 7-[illegible]5)

(Copies to Offices Checked)

TO: SAC:

- [ ] Albany
- [ ] Albuquerque
- [ ] Alexandria
- [ ] Anchorage
- [ ] Atlanta
- [ ] Baltimore
- [ ] Birmingham
- [ ] Boston
- [ ] Buffalo
- [ ] Butte
- [ ] Charlotte
- [ ] Chicago
- [ ] Cincinnati
- [ ] Cleveland
- [ ] Columbia
- [ ] Dallas
- [ ] Denver
- [ ] Detroit
- [ ] El Paso
- [ ] Honolulu
- [ ] Houston
- [ ] Indianapolis
- [ ] Jackson
- [ ] Jacksonville
- [ ] Kansas City
- [ ] Knoxville
- [ ] Las Vegas
- [ ] Little Rock
- [ ] Los Angeles
- [ ] Louisville
- [ ] Memphis
- [ ] Miami
- [ ] Milwaukee
- [ ] Minneapolis
- [ ] Mobile
- [ ] Newark
- [ ] New Haven
- [ ] New Orleans
- [ ] New York City
- [ ] Norfolk
- [ ] Oklahoma City
- [ ] Omaha
- [ ] Philadelphia
- [ ] Phoenix
- [ ] Pittsburgh
- [ ] Portland
- [ ] Richmond
- [ ] Sacramento
- [ ] St. Louis
- [ ] Salt Lake City
- [ ] San Antonio
- [ ] San Diego
- [ ] San Francisco
- [ ] San Juan
- [ ] Savannah
- [ ] Seattle
- [ ] Springfield
- [ ] Tampa
- [ ] Washington Field
- [ ] Quantico

TO LEGAT:

- [ ] Bern
- [ ] Bonn
- [ ] Brasilia
- [ ] Buenos Aires
- [ ] Caracas
- [ ] Hong Kong
- [ ] London
- [ ] Madrid
- [ ] Manila
- [ ] Mexico City
- [ ] Ottawa
- [ ] Paris
- [ ] Rome
- [ ] Tel Aviv
- [ ] Tokyo

SAC'S SAFE

Date December 5, 1975

RE: TESTIMONY OF ASSISTANT TO THE DIRECTOR--
DEPUTY ASSOCIATE DIRECTOR JAMES B. ADAMS
BEFORE THE SENATE ~~SELECT~~ COMMITTEE ON
12/2/75

- [ ] For information
- [ ] Retention optional
- [ ] For appropriate action
- [ ] Recommendation

- [ ] The enclosed is for your information. If used in a future report, [ ] conceal all sources, [ ] paraphrase contents.
- [ ] Enclosed are corrected pages from report of SA [illegible] dated _____

Remarks:

Re Bureau R/S of 12/4/75 ~~which~~ provided excerpts of Mr. Adams' testimony.

Attached for your information and assistance, is the complete transcript of above-referenced testimony.

UNEDITED TRANSCRIPT

62-2854-59

SEARCHED ..... INDEXED .....
SERIALIZED ..... FILED .....
DEC 8 - 1975
FBI — ATLANTA

Enc. (1)
Bufile
Urfile

SAC
ASAC

Vol. 15

The United States Senate

Report of Proceedings

Hearing held before

Select Committee to Study Governmental Operations

With Respect to Intelligence Activities

INTELLIGENCE INVESTIGATION

Tuesday, December 2, 1975

Washington, D. C.

WARD & PAUL
410 FIRST STREET, S. E.
WASHINGTON, D. C. 20003

(202) 544-6000

NW 54961 DocId:32989499 Page 3

11 Senator Tower. The next witnesses to appear before the
12 Committee are [JFK Act 6 (4)], Assistant to the Director-
13 Deputy Associate Director, Investigation, responsible for all
14 investigative operations; Mr. W. Raymond Wannall, Assistant
15 Director, Intelligence Division, responsible for internal
16 security and foreign counterintelligence investigations; Mr.
17 John A. Mintz, Assistant Director, Legal Counsel Division;
18 Joseph G. Deegan, Section Chief, extremist investigations;
19 Mr. Robert L. Schackelford, Section Chief, subversive
20 investigations; Mr. Homer A. Newman, Jr., Assistant to Section
21 Chief, supervises extremist informants; Mr. Edward P. Grigalus,
22 Unit Chief, supervises subversive informants; Joseph G. Kelley,
23 Assistant Section Chief, Civil Rights Section, General Investi-
24 gative Division.
25 Gentlemen, will you all rise and be sworn.

WARD & PAUL
410 First Street, S.E., Washington, D.C. 20003

Phone (Area 202) 544-6000

WARD & PAUL

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

1 Do you solemnly swear the testimony you are about to give
2 before this Committee is the truth, the whole truth, and nothing
3 but the truth, so help you God?
4 Mr. Adams. I do.
5 Mr. Wannall. I do.
6 Mr. Mintz. I do.
7 Mr. Deegan. I do.
8 Mr. Schackelford. I do.
9 Mr. Newman. I do.
10 Mr. Grigalus. I do.
11 Mr. Kelley. I do.
12 Senator Tower. It is intended that Mr. Wannall will be
13 the principal witness, and we will call on others as questioning
14 might require, and I would direct each of you when you do
15 respond, to identify yourselves, please, for the record.
16 I think that we will spend just a few more minutes to allow
17 the members of the Committee to return from the floor.
18 (A brief recess was taken.)
19 Senator Tower. The Committee will come to order.
20 Mr. Wannall, according to data, informants provide 83
21 percent of your intelligence information.
22 Now, will you provide the Committee with some information
23 on the criteria for the selection of informants?
24
25

Phone (Area 202) 544-6000

WARD & PAUL

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

1 TESTIMONY OF W. RAYMOND WANNALL, ASSISTANT DIRECTOR,
2 INTELLIGENCE DIVISION, FEDERAL BUREAU OF INVESTIGATION
3 ACCOMPANIED BY: JAMES B. ADAMS, ASSISTANT TO THE
4 DIRECTOR-DEPUTY ASSOCIATE DIRECTOR (INVESTIGATION);
5 JOHN A. MINTZ, ASSISTANT DIRECTOR, LEGAL COUNSEL
6 DIVISION; JOSEPH G. DEEGAN, SECTION CHIEF; ROBERT L.
7 SCHACKELFORD, SECTION CHIEF; HOMER A. NEWMAN, JR.,
8 ASSISTANT TO SECTION CHIEF; EDWARD P. GRIGALUS, UNIT
9 CHIEF; AND JOSEPH G. KELLEY, ASSISTANT SECTION CHIEF,
10 CIVIL RIGHTS SECTION, GENERAL INVESTIGATIVE DIVISION
11 Mr. Wannall. Mr. Chairman, that is not FBI data that you
12 have quoted. That was prepared by the General Accounting
13 Office.
14 Senator Tower. That is GAO.
15 Mr. Wannall. Based on a sampling of about 93 cases.
16 Senator Tower. Would that appear to be a fairly accurate
17 figure.
18 Mr. Wannall. I have not seen any survey which the FBI
19 itself has conducted that would confirm that, but I think that
20 we do get the principal portion of our information from live
21 sources.
22 Senator Tower. It would be a relatively high percent
23 then?
24 Mr. Wannall. I would say yes. And your ques
25 criteria?

Phone (Area 202) 544-6000

WARD & PAUL

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

Senator Tower. What criteria do you use in the selection of informants?

Mr. Wannall. Well, the criteria vary with the needs. In our cases relating to extremist matters, surely in order to get an informant who can meld into a group which is engaged in a criminal type activity, you're going to have a different set of criteria. If you're talking about our internal security matters, I think we set rather high standards. We do require that a preliminary inquiry be conducted which would consist principally of checks of our headquarters indices, our field office indices, checks with other informants who are operating in the same area, and in various established sources such as local police departments.

Following this, if it appears that the person is the type who has credibility, can be depended upon to be reliable, we would interview the individual in order to make a determination as to whether or not he will be willing to assist the FBI in discharging its responsibilities in that field.

Following that, assuming that the answer is positive, we would conduct a rather in depth investigation for the purpose of further attempting to establish credibility and reliability.

Senator Tower. How does the Bureau distinguish between the use of informants for law enforcement as opposed to intelligence collection?

Is the guidance different, or is it the same, or what?

Phone (Area 202) 544-6000

1 Mr. Wannall. Well, Mr. Adams can probably best address
2 the use of informants on criminal matters since he is over
3 the operational division on that.
4 Mr. Adams. You do have somewhat of a difference in the fact
5 that a criminal informant in a law enforcement function, you
6 are trying to develop evidence which will be admissible in
7 court for prosecution, whereas with intelligence, the informant
8 alone, your purpose could either be prosecution or it could be
9 just for purposes of pure intelligence.
10 The difficulty in both is retaining the confidentiality
11 of the individual and protecting the individual, and trying to,
12 through use of the informant, obtain evidence which could be
13 used independently of the testimony of the informant so that
14 he can continue operating as a criminal informant.
15 Senator Tower. Are these informants ever authorized to
16 function as provocateurs?
17 Mr. Adams. No, sir, they're not. We have strict regula-
18 tions against using informants as provocateurs. This gets
19 into that delicate area of entrapment which has been addressed
20 by the courts on many occasions and has been concluded by the
21 courts that providing an individual has a willingness to engage
22 in an activity, the government has the right to provide him the
23 opportunity. This does not mean, of course, that mistakes don't
24 occur in this area, but we take whatever steps we can to
25 avoid this. Even the law has recognized that informants can

WARD & PAUL
410 First Street, S.E., Washington, D.C. 20003

Phone (Area 202) 544-6000

WARD & PAUL

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

1 engage in criminal activity, and the courts have held that,
2 especially the Supreme Court in the Newark County Case, that
3 the very difficulty of penetrating an ongoing operation, that
4 an informant himself can engage in criminal activity, but
5 because there is lacking this criminal intent to violate a
6 law, we stay away from that. Our regulations fall short of that.
7 If we have a situation where we felt that an informant
8 has to become involved in some activity in order to protect
9 or conceal his use as an informant, we go right to the United
10 States Attorney or to the Attorney General to try to make sure
11 we are not stepping out of bounds insofar as the use of our
12 informants.
13 Senator Tower. But you do use these informants and do
14 instruct them to spread dissension among certain groups that
15 they are informing on, do you not?
16 Mr. Adams. We did when we had the COINTELPRO programs,
17 which were discontinued in 1971, and I think the Klan is probably
18 one of the best examples of a situation where the law was
19 in effect at the time. We heard the term States Rights used
20 much more then than we hear it today. We saw in the Little
21 Rock situation the President of the United States, in sending
22 in the troops, pointing out the necessity to use local law
23 enforcement. We must have local law enforcement, to use the
24 troops only as a last resort.
25 And then you have a situation like this where you do try

smn 21

Phone (Area 202) 544-6000

1 to preserve the respective roles in law enforcement. You have
2 historical problems with the Klan coming along. We had
3 situations where the FBI and the Federal Government was almost
4 powerless to act. We had local law enforcement officers in
5 some areas participating in Klan violence.
6 The instances mentioned by Mr. Rowe, every one of those,
7 he saw them from the lowest level of the informant. He didn't
8 see what action was taken with that information, as he pointed
9 out in his testimony. Our files show that this information was
10 reported to the police departments in every instance. We
11 also knew that in certain instances the information, upon being
12 received, was not being acted upon. We also disseminated
13 simultaneously through letterhead memoranda to the Department
14 of Justice the problem, and here, here we were, the FBI, in a
15 position where we had no authority in the absence of instruction
16 from the Department of Justice, to make an arrest.
17 Sections 241 and 242 don't cover it because you don't have
18 evidence of a conspiracy, and it ultimately resulted in
19 a situation where the Department called in United States
20 Marshals who do have authority similar to local law enforcement
21 officials.
22 So, historically, in those days, we were just as frus-
23 trated as anyone else was, and when we got information from
24 someone like Mr. Rowe, good information, reliable information,
25 and it was passed on to those who had the responsibility to

WARD & PAUL

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

Phone (Area 202) 544-6000

do something about it, it was not always acted upon, as he indicated.

Senator Tower. None of these cases, then, there was adequate evidence of conspiracy to give you jurisdiction to act?

Mr. Adams. The Departmental rules at that time, and still require Departmental approval where you have a conspiracy. Under 241, it takes two or more persons acting together. You can have a mob scene, and you can have blacks and whites belting each other, but unless you can show that those that initiated the action acted in concert in a conspiracy, you have no violation.

Congress recognized this, and it wasn't until 1968 that they came along and added Section 245 to the civil rights statute, which added punitive measures against an individual that didn't have to be a conspiracy. But this was a problem that the whole country was grappling with: the President of the United States, Attorney General. We were in a situation where we had rank lawlessness taking place, as you know from a memorandum we sent you that we sent to the Attorney General. The accomplishments we were able to obtain in preventing violence, and in neutralizing the Klan -- and that was one of the reasons.

Senator Tower. What was the Bureau's purpose in continuing or urging the continued surveillance of the Vietnam

WARD & PAUL

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

Phone (Area 202) 544-6000

WARD & PAUL

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

1 Veterans Against the War?

2 Was there a legitimate law enforcement purpose, or was the

3 intent to halter political expression?

4 Mr. Adams. We had information on the Vietnam Veterans

5 Against the War that indicated that there were subversive

6 groups involved. They were going to North Vietnam and meeting

7 with the Communist forces. They were going to Paris, attending

8 meetings paid for and sponsored by the Communist Party, the

9 International Communist Party. We feel that we had a very valid

10 basis to direct our attention to the VVAW.

11 It started out, of course, with Gus Hall in 1967, who was

12 head of the Communist Party, USA, and the comments he made,

13 and what it finally boiled down to was a situation where it

14 split off into the Revolutionary Union, which was a Maost

15 group, and the hard-line Communist group, and at that point

16 factionalism developed in many of the chapters, and they closed

17 those chapters because there was no longer any intent to follow

18 the national organization.

19 But we had a valid basis for investigating it, and we

20 investigated chapters to determine if there was affiliation

21 and subservience to the national office.

22 Senator Tower. Mr. Hart?

23 Senator Hart of Michigan. But in the process of chasing

24 after the Veterans Against the War, you got a lot of information

25 that clearly has no relationship to any Federal criminal

Phone (Area 202) 544-6000
WARD & PAUL
410 First Street, S.E., Washington, D.C. 20003

statute.

Mr. Adams. I agree, Senator.

Senator Hart of Michigan. Why don't you try to shut that stuff off by simply telling the agent, or your informant?

Mr. Adams. Here is the problem that you have with that. When you're looking at an organization, do you report only the violent statements made by the group or do you also show that you may have one or two violent individuals, but you have some of these church groups that were mentioned, and others, that the whole intent of the group is not in violation of the statutes. You have to report the good, the favorable along with the unfavorable, and this is a problem. We wind up with information in our files. We are accused of being vacuum cleaners, and you are a vacuum cleaner. If you want to know the real purpose of an organization, do you only report the violent statements made and the fact that it is by a small minority, or do you also show the broad base of the organization and what it really is?

And within that is where we have to have the guidelines we have talked about before. We have to narrow down, because we recognize that we do wind up with too much information in our files.

Senator Hart of Michigan. But in that vacuuming process, you are feeding into Departmental files the names of people who are, who have been engaged in basic First Amendment

Phone (Area 202) 544-6000

WARD & PAUL

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

1 exercises, and this is what hangs some of us up.

2 Mr. Adams. It hangs me up. But in the same files I
3 imagine every one of you has been interviewed by the FBI, either
4 asking you about the qualifications of some other Senator
5 being considered for a Presidential appointment, being inter-
6 viewed concerning some friend who is applying for a job.

7 Were you embarrassed to have that in the files of the
8 FBI?

9 Now, someone can say, as reported at our last session, that
10 this is an indication, the mere fact that we have a name in our
11 files has an onerous impression, a chilling effect. I agree.
12 It can have, if someone wants to distort what we have in our
13 files, but if they recognize that we interviewed you because
14 of considering a man for the Supreme Court of the United
15 States, and that isn't distorted or improperly used, I don't
16 see where any harm is served by having that in our files.

17 Senator Hart of Michigan. But if I am Reverend Smith
18 and the vacuum cleaner picked up the fact that I was helping
19 the veterans, Vietnam Veterans Against the War, and two years
20 later a name check is asked on Reverend Smith and all your
21 file shows is that he was associated two years ago with a group
22 that was sufficient enough, held sufficient doubtful patriotism
23 to justify turning loose a lot of your energy in pursuit on
24 them --

25 Mr. Adams. This is a problem.

Phone (Area 202) 544-6000

1 Senator Hart of Michigan. This is what should require
2 us to rethink this whole business.
3 Mr. Adams. Absolutely.
4 And this is what I hope the guidelines committees as well
5 as the Congressional input are going to address themselves to.
6 Senator Hart of Michigan. We've talked about a wide range
7 of groups which the Bureau can and has had informant penetration
8 and report on. Your manual, the Bureau manual's definition
9 of when an extremist or security investigation may be under-
10 taken refers to groups whose activity either involves violation
11 of certain specified laws, or which may result in the violation
12 of such law, and when such an investigation is opened, then
13 informants may be used.
14 Another guideline says that domestic intelligence
15 investigations now must be predicated on criminal violations.
16 The agent need only cite a statute suggesting an investigation
17 relevant to a potential violation. Even now, with an improved,
18 upgraded effort to avoid some of these problems, we are back
19 again in a world of possible violations or activities which
20 may result in illegal acts.
21 Now, any constitutionally protected exercise of the
22 right to demonstrate, to assemble, to protest, to petition,
23 conceivably may result in violence or disruption of a local
24 town meeting, when a controversial social issue might result
25 in disruption. It might be by hecklers rather than those holding

WARD & PAUL

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

Phone (Area 202) 544-6000

1 the meeting.

2 Does this mean that the Bureau should investigate all

3 groups organizing or participating in such a meeting because

4 they may result in violence, disruption?

5 Mr. Adams. No, sir.

6 Senator Hart of Michigan. Isn't that how you justify

7 spying on almost every aspect of the peace movement?

8 Mr. Adams. No, sir. When we monitor demonstrations, we

9 monitor demonstrations where we have an indication that the

10 demonstration itself is sponsored by a group that we have an

11 investigative interest in, a valid investigative interest in,

12 or where members of one of these groups are participating where

13 there is a potential that they might change the peaceful

14 nature of the demonstration.

15 But this is our closest question of trying to draw

16 guidelines to avoid getting into an area of infringing on the

17 First Amendment rights of people, yet at the same time being

18 aware of groups such as we have had in greater numbers in the

19 past than we do at the present time. But we have had periods

20 where the demonstrations have been rather severe, and the

21 courts have said that the FBI has a right, and indeed a duty,

22 to keep itself informed with respect to the possible commission

23 of crime. It is not obliged to wear blinders until it may be

24 too late for prevention.

25 And that's a good statement if applied in a clearcut

WARD & PAUL

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

Phone (Area 202) 544-6000

1 case. Our problem is where we have a demonstration and we have
2 to make a judgment call as to whether it is one that clearly
3 fits the criteria of enabling us to monitor the activities, and
end 5 4 that's where I think most of our disagreements fall.
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WARD & PAUL

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

Phone (Area 202) 544-6000
WARD & PAUL
410 First Street, S.E., Washington, D.C. 20003

Senator Hart of Michigan. Let's assume that the rule for opening an investigation on a group is narrowly drawn. The Bureau manual states that informants investigating a subversive organization should not only report on what that group is doing but should look at and report on activities in which the group is participating.

There is a Section 87B3 dealing with reporting on connections with other groups. That section says that the field office shall "determine and report on any significant connection or cooperation with non-subversive groups." Any significant connection or cooperation with non-subversive groups.

Now let's look at this in practice. In the spring of 1969 there was a rather heated national debate over the installation of the anti-ballistic missile system. Some of us remember that. An FBI informant and two FBI confidential sources reported on the plan's participants and activities of the Washington Area Citizens Coalition Against the ABM, particularly in open public debate in a high school auditorium, which included speakers from the Defense Department for the ABM and a scientist and defense analyst against the ABM.

The informants reported on the planning for the meeting, the distribution of materials to churches and schools, participation by local clergy, plans to seek resolution on the ABM from nearby town councils. There was also information on

Phone (Area 202) 544-6000

1 plans for a subsequent town meeting in Washington with the
2 names of local political leaders who would attend.
3 Now the information, the informant information came as
4 part of an investigation of an allegedly subversive group
5 participating in that coalition. Yet the information dealt
6 with all aspects and all participants. The reports on the
7 plans for the meeting and on the meeting itself were disseminated
8 to the State Department, to military intelligence, and to the
9 White House.
10 How do we get into all of that?
11 Mr. Adams. Well --
12 Senator Hart of Michigan. Or if you were to rerun it,
13 would you do it again?
14 Mr. Adams. Well, not in 1975, compared to what 1969
15 was. The problem we had at the time was where we had an
16 informant who had reported that this group, this meeting was
17 going to take place and it was going to be the Daily World,
18 which was the east coast communist newspaper that made comments
19 about it. They formed an organizational meeting. We took
20 a quick look at it. The case apparently was opened in May 28,
21 1969 and closed June 5 saying there was no problem with this
22 organization.
23 Now the problem we get into is if we take a quick look
24 and get out, fine. We've had cases, though, where we have
25 stayed in too long. When you're dealing with security [illegible]

WARD & PAUL

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

Phone (Area 202) 544-6000

1 Soviet espionage where they can put one person in this country
2 and they supported him with total resources of the Soviet
3 Union, false identification, all the money he needs, communi-
4 cations networks, satellite assistance, and everything, and
5 you're working with a paucity of information.
6 The same problem exists to a certain extent in domestic
7 security. You don't have a lot of black and white situations.
8 So someone reports something to you which you feel, you take
9 a quick look at and there's nothing to it, and I think that's
10 what they did.
11 Senator Hart of Michigan. You said that was '69. Let
12 me bring you up to date, closer to current, a current place
13 on the calendar.
14 This one is the fall of last year, 1975. President
15 Ford announced his new program with respect to amnesty, as
16 he described it, for draft resistors. Following that there
17 were several national conferences involving all the groups
18 and individuals interested in unconditional amnesty.
19 Now parenthetically, while unconditional amnesty is
20 not against -- while unconditional amnesty is not yet the law,
21 we agreed that advocating it is not against the law either.
22 Mr. Adams. That's right.
23 Senator Hart of Michigan. Some of the sponsors were
24 umbrella organizations involving about 50 diverse groups [illegible] and
25 the country. FBI informants provided advance i[illegible] on

WARD & PAUL

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

Phone (Area 202) 544-6000

1 plans for the meeting and apparently attended and reported on
2 the conference. The Bureau's own reports described the
3 participants as having represented diverse perspectives on
4 the issue of amnesty, including civil liberties and human
5 rights groups, G.I. rights spokesmen, parents of men killed
6 in Vietnam, wives of ex-patriates in Canada, experts on draft
7 counselling, religious groups interested in peace issues,
8 delegates from student organizations, and aides of House and
9 Senate members, drafting legislation on amnesty.
10 The informant apparently was attending in his role as
11 a member of a group under investigation as allegedly subversive
12 and it described the topics of the workshop.
13 Ironically, the Bureau office report before them noted
14 that in view of the location of the conference at a theological
15 seminary, the FBI would use restraint and limit its coverage
16 to informant reports.
17 Now this isn't five or ten years ago. This is last
18 fall. And this is a conference of people who have the point
19 of view that I share, that the sooner we have unconditional
20 amnesty, the better for the soul of the country.
21 Now what reason is it for a vacuum cleaner approach on
22 a thing like that? Don't these instances illustrate how broad
23 informant intelligence really is, that would cause these groups
24 in that setting having contact with other groups, all and
25 everybody is drawn into the vacuum and many names go into the

WARD & PAUL

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

Phone (Area 202) 544-6000

1 Bureau files.

2 Is this what we want?

3 Mr. Adams. I'll let Mr. Wannall address himself to this.

4 He is particular knowledgeable as to this operation.

5 Mr. Wannall. Senator Hart, that was a case that was

6 opened on November 14 and closed November 20, and the information

7 which caused us to be interested in it were really two particular

8 items. One was that a member of the steering committee there,

9 was a three man steering committee, and one of those members

10 of the national conference was in fact a national officer

11 of the VVAW in whom we had suggested before we did have a

12 legitimate investigative interest.

13 Senator Hart of Michigan. Well, I would almost say so what

14 at that point.

15 Mr. Wannall. The second report we had was that the

16 VVAW would actively participate in an attempt to pack the

17 conference to take it over. And the third report we had --

18 Senator Hart of Michigan. And incidentally, all of the

19 information that your Buffalo informant had given you with

20 respect to the goals and aims of the VVAW gave you a list of

21 goals which were completely within Constitutionally protected

22 objectives. There wasn't a single item out of that VVAW that

23 jeopardizes the security of this country at all.

24 Mr. Wannall. Well, of course, we did not rely entirely

25 on the Buffalo informant, but even there we did recei-

WARD & PAUL

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

Phone (Area 202) 544-6000

1 from that informant information which I considered to be
2 significant.
3 The Buffalo chapter of the VVAW was the regional office
4 covering New York and northern New Jersey. It was one of the
5 five most active VVAW chapters in the country and at a
6 national conference, or at the regional conference, this
7 informant reported information back to us that an attendee
8 at the conference announced that he had run guns into Cuba
9 prior to the Castro take-over. He himself said that he during
10 the Cuban crisis had been under 24 hour suveillance. There
11 was also discussion at the conference of subjugating the
12 VVAW to the revolutionary union. There were some individuals
13 in the chapter or the regional conference who were not in
14 agreement with us, but Mr. Adams has addressed himself to the
15 interest of the revolutionary union.
16 So all of the information that we had on the VVAW did
17 not come from that source but even that particular source did
18 give us information which we considered to be of some
19 significance in our appraisal of the need for continuing the
20 investigation of that particular chapter of the VVAW.
21 Senator Hart of Michigan. But does it give you the
22 right or does it create the need to go to a conference, even
23 if it is a conference that might be taken over by the VVAW
24 when the subject matter is how and by what means shall we
25 seek to achieve unconditional amnesty? What threat?

WARD & PAUL

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

Phone (Area 202) 544-6000

1 Mr. Wannall. Our interest, of course, was the VVAW
2 influence on a particular meeting, if you ever happened to be
3 holding a meeting, or whatever subject it was.
4 Senator Hart of Michigan. What if it was a meeting to
5 seek to make more effective the food stamp system in this
6 country?
7 Mr. Wannall. Well, of course there had been some
8 organizations.
9 Senator Hart of Michigan. Would the same logic follow?
10 Mr. Wannall. I think that if we found that if the
11 Communist Party USA was going to take over the meeting and
12 use it as a front for its own purposes, there would be a logic
13 in doing that. You have a whole scope here and it's a matter
14 of where you do and where you don't, and hopefully, as we've
15 said before, we will have some guidance, not only from this
16 committee but from the guidelines that are being developed.
17 But within the rationale of what we're doing today, I was
18 explaining to you our interest not in going to this thing and
19 not gathering everything there was about it.
20 In fact, only one individual attended and reported to us,
21 and that was the person who had, who was not developed for
22 this reason; an informant who had been reporting on other
23 matters for some period of time.
24 And as soon as we got the report of the outcome of the
25 meeting and the fact that in the period of some [illegible] we

WARD & PAUL
410 First Street, S.E., Washington, D.C. 20003

Phone (Area 202) 544-6000
WARD & PAUL
410 First Street, S.E., Washington, D.C. 20003

1 discontinued any further interest.

2 Senator Hart of Michigan. Well, my time has expired
3 but even this brief exchange, I think, indicates that if we
4 really want to control the dangers to our society of using
5 informants to gather domestic political intelligence, we have
6 to restrict sharply domestic intelligence investigations. And
7 that gets us into what I would like to raise with you when
8 my turn comes around again, and that's the use of warrants,
9 obliging the Bureau to obtain a warrant before a full-fledged
10 informant can be directed by the Bureau against a group or
11 individuals.

12 I know you have objections to that and I would like to
13 review that with you.

14 Senator Mondale. Pursue that question.

15 Senator Hart of Michigan. I am talking now about an
16 obligation to obtain a warrant before you turn loose a full-
17 fledged informant. I'm not talking about tipsters that run
18 into you or you run into, or who walk in as information sources.
19 The Bureau has raised some objections in this memorandum to the
20 Committee. The Bureau argues that such a warrant requirement
21 might be unconstitutional because it would violate the First
22 Amendment rights of FBI informants to communicate with their
23 government.

24 Now that's a concern for First Amendment rights that
25 ought to hearten all the civil libertarians.

Phone (Area 202) 544-6000

1 But why would that vary, why would a warrant requirement
2 raise a serious constitutional question?
3 Mr. Adams. Well, for one thing it's the practicability
4 of it or the impacticability of getting a warrant which
5 ordinarily involves probable cause to show that a crime has
6 been or is about to be committed.
7 In the intelligence field we are not dealing necessarily
8 with an imminent criminal action. We're dealing with activities
9 such as with the Socialist Workers Party, which we have
10 discussed before, where they say publicly we're not to engage
11 in any violent activity today, but we guarantee you we still
12 subscribe to the tenets of communism and that when the time
13 is ripe, we're going to rise up and help overthrow the United
14 States.
15 Well, now, you can't show probable cause if they're about
16 to do it because they're telling you they're not going to do it
17 and you know they're not going to do it at this particular
18 moment.
19 It's just the mixture somewhat of trying to mix in a
20 criminal procedure with an intelligence gathering function, and
21 we can't find any practical way of doing it. We have a particular
22 organization. We may have an informant that not only belongs
23 to the Communist Party, but belongs to several other organizations
24 and as part of his function he may be sent out by the Communist
25 Party to try to infiltrate one of these clean organizations.

WARD & PAUL

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

Phone (Area 202) 544-6000

1 We don't have probable cause for him to target against
2 that organization, but yet we should be able to receive informa-
3 tion from him that he as a Communist Party member, even
4 though in an informant status, is going to that organization
5 and don't worry about it. We're making no headway on it.
6 It's just from our standpoint the possibility of informants,
7 the Supreme Court has held that informants per se do not
8 violate the First, Fourth, or Fifth Amendments. They have
9 recognized the necessity that the government has to have
10 individuals who will assist them in carrying out their
11 governmental duties.
12 Senator Hart of Michigan. I'm not sure I've heard anything
13 yet in response to the constitutional question, the very
14 practical question that you addressed.
15 Quickly, you are right that the court has said that the
16 use of the informant per se is not a violation of constitutional
17 rights of the subject under investigation. But Congress
18 can prescribe some safeguards, some rules and some standards,
19 just as we have with respect to your use of electronic
20 surveillance, and could do it with respect to informants.
21 That's quite different from saying that the warrant
22 procedure itself would be unconstitutional.
23 But with respect to the fact that you couldn't show
24 probable cause, and therefore, you couldn't get a warrant,
25 therefore you oppose the proposal to require you to get a

WARD & PAUL

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

Phone (Area 202) 544-6000

warrant. It seems to beg the question.

Assuming that you say that since we use informants and investigate groups which may only engage in lawful activities but which might engage in activities that can result in violence or illegal acts, and you can't use the warrant, but Congress could say that the use of informants is subject to such abuse and poses such a threat to legitimate activity, including the willingness of people to assemble and discuss the anti-ballistic missile system, and we don't want you to use them unless you have indication of criminal activity or unless you present your request to a magistrate in the same fashion as you are required to do with respect to, in most cases, to wiretap.

WARD & PAUL

This is an option available to Congress.

End Tape 6

Begin Tape 7

Senator Tower. Senator Schweiker.

Senator Schweiker. Thank you very much.

Mr. Wannall, what's the difference between a potential security informant and a security informant?

Mr. Wannall. I mentioned earlier, Senator Schweiker, that in developing an informant we do a preliminary check on him before talking with him and then we do a further in-depth background check.

A potential security informant is someone who is under consideration before he is approved by headquarters for use as an informant. He is someone who is under current consideration.

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

Phone (Area 202) 544-6000

1 On some occasions that person will have been developed to a
2 point where he is in fact furnishing information and we are
3 engaged in checking upon his reliability.
4 In some instances he may be paid for information furnished,
5 but it has not gotten to the point yet where we have satisfied
6 ourselves that he meets all of our criteria. When he does,
7 the field must submit its recommendations to headquarters, and
8 headquarters will pass upon whether that individual is an
9 approved FBI informant.
10 Senator Schweiker. So it's really the first step of
11 being an informant, I guess.
12 Mr. Wannall. It is a preliminary step, one of the
13 preliminary steps.
14 Senator Schweiker. In the Rowe case, in the Rowe
15 testimony that we just heard, what was the rationale again
16 for not intervening when violence was known?
17 I know we asked you several times but I'm still having
18 trouble understanding what the rationale, Mr. Wannall, was
19 in not intervening in the Rowe situation when violence was
20 known.
21 Mr. Wannall. Senator Schweiker, Mr. Adams did address
22 himself to that. If you have no objection, I'll ask him to
23 answer that.
24 Senator Schweiker. All right.
25 Mr. Adams. The problem we had at the time, and it's the

WARD & PAUL
410 First Street, S.E., Washington, D.C. 20003

Phone (Area 202) 544-6000

1 problem today, we are an investigative agency. We do not
2 have police powers like the United States marshalls do.
3 About 1795, I guess, or some period like that, marshalls have
4 had the authority that almost borders on what a sheriff has.
5 We are the investigative agency of the Department of Justice
6 and during these times the Department of Justice had us maintain
7 the role of an investigative agency. We were to report on
8 activities to furnish the information to the local police,
9 who had an obligation to act. We furnished it to the Department
10 of Justice.

11 In those areas where the local police did not act, it
12 resulted finally in the Attorney General sending 500 United
13 States marshalls down to guarantee the safety of people who
14 were trying to march in protest of their civil rights.

15 This was an extraordinary measure because it came at a
16 time of civil righs versus federal rights, and yet there was
17 a breakdown in law enforcement in certain areas of the country.

18 This doesn't mean to indict all law enforcement agencies
19 in itself at the time either because many of them did act
20 upon the information that was furnished to them. But we
21 have no authority to make an arrest on the spot because we
22 would not have had evidence that there was a conspiracy
23 available. We can do absolutely nothing in that regard.

24 In Little Rock, the decision was made, for instance, that
25 if any arrests need to be made, the Army should make them and

WARD & PAUL

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

Phone (Area 202) 544-6000

1 next to the Army, the United States marshalls should make them,
2 not the FBI, even though we developed the violations.
3 And over the years, as you know, at the time there were many
4 questions raised. Why doesn't the FBI stop this? Why don't
5 you do something about it?
6 Well, we took the other route and effectively destroyed
7 the Klan as far as committing acts of violence, and of course
8 we exceeded statutory guidelines in that area.
9 Senator Schweiker. What would be wrong, just following
10 up your point there, Mr. Adams, with setting up a program
11 since it's obvious to me that a lot of informers are going to
12 have pre-knowledge of violence of using U.S. marshalls on some
13 kind of a long-range basis to prevent violence?
14 Mr. Adams. We do. We have them in Boston in connection
15 with the busing incident. We are investigating the violations
16 under the Civil Rights Act. But the marshalls are in Boston,
17 they are in Louisville, I believe at the same time, and this
18 is the approach, that the Federal government finally recognized,
19 was the solution to the problem where you had to have added
20 Federal import.
21 Senator Schweiker. But instead of waiting until it
22 gets to a Boston state, which is obviously a pretty advanced
23 confrontation, shouldn't we have some here a coordinated program
24 that when you go up the ladder of command in the FBI, that
25 on an immediate and fairly contemporary basis, that kind of

WARD & PAUL

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

Phone (Area 202) 544-6000

1 help can be sought instantly as opposed to waiting until it
2 gets to a Boston state?
3 I realize it's a departture from the past. I'm not
4 saying it isn't. But it seems to me we need a better remedy
5 than we have.
6 Mr. Adams. Well, fortunately, we're at a time where
7 conditions have subsided in the country, even from the '60s
8 and the '70s and periods -- or '50s and '60s. We report to the
9 Department of Justice on potential troublespots around the
10 country as we learn of them so that the Department will be
11 aware of them. The planning for Boston, for instance, took
12 place a year in advance with state officials, city officials,
13 the Department of Justice and the FBI sitting down together
14 saying, how are we going to protect the situation in Boston?
15 I think we've learned a lot from the days back in the
16 early '60s. But the government had no mechanics which protected
17 people at that time.
18 Senator Schweiker. I'd like to go, if I may, to the
19 Robert Hardy case. I know he is not a witness but he
20 was a witness before the House. But since this affects my
21 state, I'd like to ask Mr. Wannall. Mr. Hardy, of course, was
22 the FBI informer who ultimately led and planned and organized
23 a raid on the Camden draft board. And according to Mr. Hardy's
24 testimony before our Committee, he said that in advance of the
25 raid someone in the Department had even acknowledged the fact

WARD & PAUL

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

Phone (Area 202) 544-6000 WARD & PAUL 410 First Street, S.E., Washington, D.C. 20003

that they had all the information they needed to clamp down on the conspiracy and could arrest people at that point in time, and yet no arrests were made.

Why, Mr. Wannall, was this true?

Mr. Wannall. Well, I can answer that based only on the material that I have reviewed, Senator Schweiker. It was not a case handled in my division but I think I can answer your question.

There was, in fact, a representative of the Department of Justice on the spot counselling and advising continuously as that case progressed as to what point the arrest should be made and we were being guided by those to our mentors, the ones who are responsible for making decisions of that sort.

So I think that Mr. Hardy's statement to the effect that there was someone in the Department there is perfectly true.

Senator Schweiker. That responsibility rests with who under your procedures?

Mr. Wannall. We investigate decisions on making arrests, when they should be made, and decisions with regard to prosecutions are made either by the United States attorneys or by Federals in the Department.

Mr. Adams. At this time that particular case did have a departmental attorney on the scene because there are questions of conspiracy. Conspiracy is a tough violation to prove and sometimes a question of do you have the added value of catching

Phone (Area 202) 544-6000

1 someone in the commission of the crime as further proof,
2 rather than relying on one informant and some circumstantial
3 evidence to prove the violation.
4 Senator Schweiker. Well, in this case, though, they
5 even had a dry run. They could have arrested them on the
6 dry run.
7 That's getting pretty close to conspiracy, it seems to
8 me. They had a dry run and they could have arrested them on
9 the dry run.
10 I'd like to know why they didn't arrest them on the dry
11 run. Who was this Department of Justice official who made
12 that decision?
13 Mr. Adams. Guy Goodwin was the Department official.
14 Senator Schweiker. Next I'd like to ask back in 1965,
15 during the height of the effort to destroy the Klan, as you
16 put it a few moments ago, I believe the FBI has released
17 figures that we had something like 2,000 informers of some
18 kind or another infiltrating the Klan out of roughly 10,000
19 estimated membership.
20 I believe these are either FBI figures or estimates.
21 That would mean that one out of every five members of the Klan
22 at that point was an informant paid by the government.
23 And I believe the figure goes on to indicate that 70
24 percent of the new members of the Klan that year were FBI
25 informants.

WARD & PAUL
410 First Street, S.E., Washington, D.C. 20003

Phone (Area 202) 544-6000

1 Isn't this an awfully overwhelming quantity of people
2 to put in an effort such as that? I'm not criticizing that
3 you shouldn't have informants in the Klan and know what's
4 going on for violence, but it seems to me that this is the
5 tail wagging the dog.
6 For example, today we supposedly have only 1594 total
7 informants for both domestic informants and potential informants
8 and that here we had 2,000 just in the Klan alone.
9 Mr. Adams. Well, this number 2,000 did include all
10 racial matters, informants at that particular time, and I
11 think the figures we tried to reconstruct as to the actual
12 number of Klan informants in relation to Klan members was around
13 6 percent, I think, after we had read some of the testimony.
14 Now the problem we had on the Klan is the Klan had a
15 group called the Action Group. This was the group that you
16 remember from Mr. Rowe's testimony, that he was left af-
17 ter the meeting. He attended the open meetings and heard
18 all of the hurrahs and this type of thing from information,
19 but he never knew what was going on because each one had an
20 action group that went out and considered themselves in the
21 missionary field.
22 Theirs was the violence.
23 In order to penetrate those, it takes, you have to direct
24 as many informants as you possibly can against it. Bear in
25 mind that I think the newspapers, the President and Congress and

WARD & PAUL
410 First Street, S.E., Washington, D.C. 20003

Phone (Area 202) 544-6000

WARD & PAUL

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

everyone is concerned about the murder of the civil rights workers, the Linio Kent case, the Viola Liuzzo case, the bombings of the church in Birmingham. We were faced with one tremendous problem at that time.

Senator Schweiker. I acknowledge that.

Mr. Adams. Our only approach was through informants and through the use of informants we solved these cases, the ones that were solved. Some of the bombing cases we have never solved. They are extremely difficult.

These informants, as we told the Attorney General, and as we told the President, that we had moved informants like Mr. Rowe up to the top leadership. He was the bodyguard to the head man. He was in a position where he could forewarn us of violence, could help us on cases that had transpired, and yet we knew and conceived that this could continue forever unless we can create enough disruption that these members will realize that if I go out and murder three civil rights workers, even though the sheriff and other law enforcement officers are in on it, if that were the case and with some of them it was the case, that I would be caught. And that's what we did and that's why violence stopped, was because the Klan was insecure and just like you say, 20 percent, they thought 50 percent of their members ultimately were Klan members and they didn't dare engage in these acts of violence because they knew they couldn't control the conspiracy any longer.

Phone (Area 202) 544-1000

1 Senator Schweiker. My time is expired. I just have
2 one quick question.
3 Is it correct that in 1971 we're using around 6500
4 informers for black ghetto situations?
5 Mr. Adams. I'm not sure if that's the year. We did
6 have one year where we had a number like that which probably
7 had been around 6000, and that was the time when the cities
8 were being burned, Detroit, Washington, areas like this. We
9 were given a mandate to know what the situation is, where is
10 violence going to break out, what next?
11 They weren't informants like an individual penetrating
12 an organization. They were listening posts in the community
13 that would help tell us that we have a group here that's getting
14 ready to start another fire-fight or something.
15 Senator Tower. At this point, there are three more
16 Senators remaining for questioning. If we can try to get
17 everything in in the first round, we will not have a second
18 round and I think we can finish around 1:00, and we can go
19 on and terminate the proceedings.
20 However, If anyone feels that they have another question
21 that they want to return to, we can come back here by 2:00.
22 Senator Mondale?
23 Senator Mondale. Mr. Adams, it seems to me that the
24 record is now fairly clear that when the FBI operates in the
25 field of crime investigating, it may be the best professional

WARD & PAUL
410 First Street, S.E., Washington, D.C. 20003

Phone (Area 202) 544-6000

WARD & PAUL

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

1 organization of its kind in the world. And when the FBI acts
2 in the field of political ideas, it has bungled its job, it
3 has interfered with the civil liberties, and finally, in the
4 last month or two, through its public disclosures, heaped
5 shame upon itself and really led toward an undermining of
6 the crucial public confidence in an essential law enforcement
7 agency of this country.
8 In a real sense, history has repeated itself because it
9 was precisely that problem that led to the creation of the FBI
10 in 1924.
11 In World War I, the Bureau of Investigation strayed from
12 its law enforcement functions and became an arbiter and
13 protector of political ideas. And through the interference
14 of civil liberties and Palmer Raids and the rest, the public
15 became so offended that later through Mr. Justice Stone and
16 Mr. Hoover, the FBI was created. And the first statement
17 by Mr. Stone was that never again will this Justice Department
18 get involved in political ideas.
19 And yet here we are again looking at a record where with
20 Martin Luther King, with anti-war resistors, with -- we even
21 had testimony this morning of meetings with the Council of
22 Churches. Secretly we are investigating this vague, ill-defined,
23 impossible to define idea of investigating dangerous ideas.
24 It seems to be the basis of the strategy that people
25 can't protect themselves, that you somehow need to use the

Phone (Area 202) 544-6000

1 tools of law enforcement to protect people from subversive
2 or dangerous ideas, which I find strange and quite profoundly
3 at odds with the philosophy of American government.
4 I started in politics years ago and the first thing we
5 had to do was to get the communists out of our parts and out
6 of the union. We did a very fine job. As far as I know, and
7 I'm beginning to wonder, but as far as I know, we had no help
8 from the FBI or the CIA. We just rammed them out of the meetings
9 on the grounds that they weren't Democrats and they weren't
10 good union leaders when we didn't want anything to do with them.
11 And yet, we see time and time again that we're going to
12 protect the blacks from Martin Luther King because he's
13 dangerous, that we've going to protect veterans from whatever
14 it is, and we're going to protect the Council of Churches
15 from the veterans, and so on, and it just gets so gummy and
16 confused and ill-defined and dangerous, that don't you agree
17 with me that we have to control this, to restrain it, so that
18 precisely what is expected of the FBI is known by you, by the
19 public, and that you can justify your actions when we ask
20 you?
21 Mr. Adams. I agree with that, Senator, and I would like
22 to point out that when the Attorney General made his statement
23 Mr. Hoover subscribes to it, we followed that policy for about
24 ten years until the President of the United States said that
25 we should investigate the Nazi Party.

WARD & PAUL

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

Phone (Area 202) 544-6000

1 I for one feel that we should investigate the Nazi Party.
2 I feel that our investigation of the Nazi Party resulted in
3 the fact that in World War II, as contrasted with World War I,
4 there wasn't one single incident of foreign directed sabotage
5 which took place in the United States.
6 Senator Mondale. And under the criminal law you could
7 have investigated these issues of sabotage.
8 Isn't sabotage a crime?
9 Mr. Adams. Sabotage is a crime.
10 Senator Mondale. Could you have investigated that?
11 Mr. Adams. After it happened.
12 Senator Mondale. You see, every time we get involved
13 in political ideas, you defend yourself on the basis of
14 crimes that could have been committed. It's very interesting.
15 In my opinion, you have to stand here if you're going to
16 continue what you're now doing and as I understand it, you
17 still insist that you did the right thing with the Vietnam
18 Veterans Against the War, and investigating the Council of
19 Churches, and this can still go on. This can still go on under
20 your interpretation of your present powers, what you try to
21 justify on the grounds of your law enforcement activities
22 in terms of criminal matters.
23 Mr. Adams. The law does not say we have to wait until
24 we have been murdered before we can --
25 Senator Mondale. Absolutely, but that's the field of

WARD & PAUL
410 First Street, S.E., Washington, D.C. 20003

Phone (Area 202) 544-6000

1 law again. You're trying to defend apples with oranges. That's
2 the law. You can do that.
3 Mr. Adams. That's right, but how do you find out which
4 of the 20,000 Bund members might have been a saboteur. You
5 don't have probable cause to investigate anyone, but you can
6 direct an intelligence operation against the German-American
7 Bund, the same thing we did after Congress said --
8 Senator Mondale. Couldn't you get a warrant for that?
9 Why did you object to going to court for authority for that?
10 Mr. Adams. Because we don't have probable cause to
11 go against an individual and the law doesn't provide for
12 probable cause to investigate an organization.
13 There were activities which did take place, like one time
14 they outlined the Communist Party --
15 Senator Mondale. What I don't understand is why it
16 wouldn't be better for the FBI for us to define authority
17 that you could use in the kind of Bonn situation where under
18 court authority you can investigate where there is probable
19 cause or reasonable cause to suspect sabotage and the rest.
20 Wouldn't that make a lot more sense than just making these
21 decisions on your own?
22 Mr. Adams. We have expressed complete concurrence in
23 that. We feel that we're going to get beat to death in the
24 next 100 years, you're damned if you do, and damned if you
25 don't if we don't have a delineation of our responsibility

WARD & PAUL

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

Phone (Area 202) 544-6000

1 in this area. But I won't agree with you, Senator, that we
2 have bungled the intelligence operations in the United States.
3 I agree with you that we have made some mistakes. Mr. Kelley
4 has set a pattern of being as forthright as any Director of the
5 FBI in acknowledging mistakes that had been made, but I think
6 that as you said, and I believe Senator Tower said, and
7 Senator Church, that we have to watch these hearings because
8 of the necessity that we must concentrate on these areas of
9 abuse. We must not lose sight of the
10 overall law enforcement and intelligence community, and I
11 still feel that this is the freest country in the world.
12 I've travelled much, as I'm sure you have, and I know we have
13 made some mistakes, but I feel that the people in the United
14 States are less chilled by the mistakes we have made than they
15 are by the fact that there are 20,000 murders a year in the
16 United States and they can't walk out of their houses at night
17 and feel safe.
18 Senator Mondale. That's correct, and isn't that an
19 argument then, Mr. Adams, for strengthening our powers to go
20 after those who commit crimes rather than strengthening or
21 continuing a policy which we now see undermines the public
22 confidence you need to do your job.
23 Mr. Adams. Absolutely. The mistakes we have made are
24 what have brought on this embarrassment to us.
25 I'm not blaming the Committee. I'm saying we made some

WARD & PAUL
410 First Street, S.E., Washington, D.C. 20003

Phone (Area 202) 544-6000

mistakes and in doing so this is what has hurt the FBI. But at the same time I don't feel that a balanced picture comes out, as you have said yourselves, because of the necessity of zeroing in on abuses.

I think that we have done one tremendous job. I think the accomplishments in the Klan was the finest hour of the FBI and yet, I'm sure in dealing with the Klan that we made some mistakes. But I just don't agree with bungling.

End Tape 7

WARD & PAUL

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

Phone (Area 202) 544-6000
WARD & PAUL
410 First Street, S.E., Washington, D.C. 20003

Senator Mondale. I don't want to argue over terms, but I think I sense an agreement that the FBI has gotten into trouble over it in the political idea trouble, and that that's where we need to have new legal standards.

Mr. Adams. Yes, I agree with that.

Senator Tower. Senator Huddleston.

Senator Huddleston. Thank you, Mr. Chairman.

Mr. Adams, these two instances we have studied at some length seems to have been an inclination on the part of the Bureau to establish a notion about an individual or a group which seems to be very hard to ever change or dislodge. In the case of Dr. King, where the supposition was that he was being influenced by Communist individuals, extensive investigation was made, surveillance, reports came back indicating that this in fact was untrue, and directions continued to go out to intensify the investigation. There never seemed to be a willingness on the part of the Bureau to accept its own facts.

Ms. Cook testified this morning that something similar to that happened with the Vietnam Veterans Against the War, that every piece of information that she supplied to the Bureau seemed to indicate that the Bureau was not correct in its assumption that this organization planned to commit violence, or that it was being manipulated, and yet you seemed to insist that this investigation go on, and this information was used against the individuals.

Phone (Area 202) 544-6000

WARD & PAUL

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

1 Now, are there instances where the Bureau has admitted that
2 its first assumptions were wrong and they have changed their
3 course?
4 Mr. Adams. We have admitted that. We have also shown
5 from one of the cases that Senator Hart brought up, that after
6 five days we closed the case. We were told something by an
7 individual that there was a concern of an adverse influence
8 in it, and we looked into it. On the Martin Luther King
9 situation there was no testimony to the effect that we just
10 dragged on and on, or admitted that we dragged on and on and
11 on, ad infinitum. The wiretaps on Martin Luther King were
12 all approved by the Attorney General. Microphones on Martin
13 Luther King were approved by another Attorney General. This
14 wasn't the FBI, and the reason they were approved was that
15 there was a basis to continue the investigation up to a point.
16 What I testified to was that we were improper in discreditir
17 Dr. King, but it's just like --
18 Senator Huddleston. The Committee has before it memoranda
19 written by high officials of the Bureau indicating that the
20 information they were receiving from the field, from these
21 surveillance methods, did not confirm what their supposition
22 was.
23 Mr. Adams. That memorandum was not on Dr. King. That
24 was on another individual that I thi.. somehow got mixed up
25 in the discussion, one where the issue was can we make people

Phone (Area 202) 544-6000

1 prove they aren't a Communist before we will agree not to
2 investigate them.
3 But the young lady appearing this morning making the
4 comment that she never knew of anything she told us that
5 she considers herself a true member of the VVAW-WSO inasmuch
6 as she feels in general agreement of the principles of it, and
7 agreed to cooperate with the FBI in providing information regard-
8 ing the organization to aid in preventing violent individuals
9 from associating themselves with the VVAW-WSO. She is most
10 concerned about efforts by the Revolutionary Union to take over
11 the VVAW-WSO, and she is working actively to prevent this..
12 I think that we have a basis for investigating the VVAW-
13 WSO in certain areas today. In other areas we have stopped
14 the investigation. They don't agree with these principles
15 laid down by the --
16 Senator Huddleston. That report was the basis of your
17 continuing to pay informants and continuing to utilize that
18 information against members who certainly had not been involved
19 in violence, and apparently to get them fired from their job
20 or whatever?
21 Mr. Adams. It all gets back to the fact that even in the
22 criminal law field, you have to detect crime, and you have to
23 prevent crime, and you can't wait until something happens. The
24 Attorney General has clearly spoken in that area, and even our
25 statutory jurisdiction provides that we don't --

WARD & PAUL

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

Phone (Area 202) 544-6000

WARD & PAUL

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

Senator Huddleston. Well, of course we've had considerable evidence this morning where no attempt was made to prevent crime, when you had information that it was going to occur. But I'm sure there are instances where you have.

Mr. Adams. We disseminated every single item which he reported to us.

Senator Huddleston. To a police department which you knew was an accomplice to the crime.

Mr. Adams. Not necessarily.

Senator Huddleston. Your informant had told you that, hadn't he?

Mr. Adams. Well, the informant is on one level. We have other informants, and we have other information.

Senator Huddleston. Yes, but you were aware that he had worked with certain members of the Birmingham police in order to --

Mr. Adams. Yes. He furnished many other instances also.

Senator Huddleston. So you weren't really doing a whole lot to prevent that incident by telling the people who were already part of it.

Mr. Adams. We were doing everything we could lawfully do at the time, and finally the situation was corrected, so that when the Department, agreeing that we had no further jurisdiction, could sent the United States Marshal down to perform certain law enforcement functions.

Phone (Area 202) 544-6000

WARD & PAUL

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

Senator Huddleston. Now, the Committee has received documents which indicated that in one situation the FBI assisted an informant who had been established in a white hate group to establish a rival white hate group, and that the Bureau paid his expenses in setting up this rival organization.

Now, does this not put the Bureau in a position of being responsible for what actions the rival white hate group might have undertaken?

Mr. Adams. I'd like to see if one of the other gentlemen knows that specific case, because I don't think we set up a specific group.

This is Joe Deegan.

Mr. Deegan. Senator, it's my understanding that the informant we're talking about decided to break off from the group he was with. He was with the Macon Klan group of the United Klans of America, and he decided to break off. This was in compliance with our regulations. His breaking off, we did not pay him to set up the organization. He did it on his own. We paid him for the information he furnished us concerning the operation. We did not sponsor the organization.

Senator Huddleston. Concerning the new organization that he set up, he continued to advise you of the activities of that organization?

Mr. Deegan. He continued to advise us of that organization

Phone (Area 202) 544-6000

WARD & PAUL

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

1 and other organizations. He would advise us of planned
2 activities.
3 Senator Huddleston. The new organization that he formed,
4 did it operate in a very similar manner to the previous one?
5 Mr. Deegan. No, it did not, and it did not last that
6 long.
7 Senator Huddleston. There's also evidence of an FBI
8 informant in the Black Panther Party who had a position of
9 responsibility within the Party with the knowledge of his
10 FBI contact of supplying members with weapons and instructing
11 them in how to use those weapons. Presumably this was in the
12 knowledge of the Bureau, and he later became -- came in contact
13 with the group that was contracting for murder, and he partici-
14 pated in this group with the knowledge of the FBI agent, and
15 this group did in fact stalk a victim who was later killed with
16 the weapon supplied by this individual, presumably all in the
17 knowledge of the FBI.
18 How does this square with your enforcement and crime
19 prevention responsibilities.
20 Mr. Deegan. Senator, I'm not familiar with that particular
21 case. It does not square with our policy in all respects, and
22 I would have to look at that particular case you're talking
23 about to give you an answer.
24 Senator Huddleston. I don't have the documentation on that
25 particular case, but it brings up the point as to what kind of

Phone (Area 202) 544-6000

1 control you exercised over this kind of informant in this kind
2 of an organization and to what extent an effort is made to
3 prevent these informants from engaging in the kind of thing
4 that you are supposedly trying to prevent.
5 Mr. Adams. A good example of this was Mr. Rowe, who became
6 active in an action group, and we told him to get out or
7 we would no longer use him as an informant, in spite of the
8 information he had furnished in the past.
9 We have had cases, Senator, where we have had --
10 Senator Huddleston. But you also told him to participate
11 in violent activities.
12 Mr. Adams. We did not tell him to participate in violent
13 activities.
14 Senator Huddleston. That's what he said.
15 Mr. Adams. I know that's what he said. But that's what
16 lawsuits are all about, is that there are two sides to the
17 issue, and our agents handling this have advised us, and I
18 believe have advised your staff, that at no time did they
19 advise him to engage in violence.
20 Senator Huddleston. Just to do what was necessary to
21 get the information, I believe maybe might have been his
22 instructions.
23 Mr. Adams. I don't think they made any such statement
24 to him along that line, and we have informants, we have
25 informants who have gotten involved in the violation of the law,

WARD & PAUL

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

Phone (Area 202) 544-6000

WARD & PAUL

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

and we have immediately converted their status from an informant to the subject, and have prosecuted I would say, offhand, I can think of around 20 informants that we have prosecuted for violating the laws, once it came to our attention, and even to show you our policy of disseminating information on violence in this case, during the review of the matter, the agents told me that they found one case where their agent had been working 24 hours a day, and he was a little late in disseminating the information to the police department. No violence occurred, but it showed up in a file review, and he was censured for his delay in properly notifying local authorities.

So we not only have a policy, I feel that we do follow reasonable safeguards in order to carry it out, including periodic review of all informant files.

Senator Huddleston. Well, Mr. Rowe's statement is substantiated to some extent with the acknowledgement by the agent in charge that if you're going to be a Klansman and you happen to be with someone and they decide to do something, that he couldn't be an angel. These were the words of the agent, and be a good informant. He wouldn't take the lead, but the implication is that he would have to go along and would have to be involved if he was going to maintain his credibility.

Mr. Adams. There's no question but that an informant at times will have to be present during demonstrations, riots, fistfights that take place, but I believe his statement was

smn9

to the effect that -- and I was sitting in the back of the room and I don't recall it exactly, but some of them were beat with chains, and I didn't hear whether he said he beat someone with a chain or not, but I rather doubt that he did because it's one thing being present, and it's another thing taking an active part in criminal actions.

Senator Huddleston. He was close enough to get his throat cut.

How does the gathering of information --

Senator Tower. Senator Mathias is here, and I think that we probably should recess a few minutes.

Could we have Senator Mathias' questions and then should we convene this afternoon?

Senator Huddleston. I'm finished. I just had one more question.

Senator Tower. Go ahead.

Senator Huddleston. I wanted to ask how the selection of information about an individual's personal life, social, sex life and becoming involved in that sex life or social life is a requirement for law enforcement or crime prevention.

Mr. Adams. Our agent handlers have advised us on Mr. Rowe, that they gave him no such instruction, they had no such knowledge concerning it, and I can't see where it would be of any value whatsoever.

Senator Huddleston. You aren't aware of any case where

Phone (Area 202) 544-6000
WARD & PAUL
410 First Street, S.E., Washington, D.C. 20003

Phone (Area 202) 544-6000

WARD & PAUL

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

1 these instructions were given to an agent or an informant?

2 Mr. Adams. To get involved in sexual activity? No, sir.

3 Senator Huddleston. Thank you, Mr. Chairman.

4 Senator Tower. Senator Mathias.

5 Senator Mathias. Thank you, Mr. Chairman.

6 I would like to come back very briefly to the Fourth

7 Amendment considerations in connection with the use of informants

8 and in posing these questions we're not thinking of the one

9 time volunteer who walks in to an FBI office and says I have

10 a story I want to tell you and that's the only time that you

11 may see him. I'm thinking of the kind of situations in which

12 there is a more extended relationship which could be of varying

13 degrees. It might be in one case that the same individual

14 will have some usefulness in a number of situations. But when

15 the FBI orders a regular agent to engage in a search, the first

16 test is a judicial warrant, and what I would like to explore

17 with you is the difference between a one time search which

18 requires a warrant, and which you get when you make that

19 search, and a continuous search which uses an informant, or

20 the case of a continuous search which uses a regular undercover

21 agent, someone who is totally under your control, and is in a

22 slightly different category than an informant.

23 Mr. Adams. Well, we get there into the fact that the

24 Supreme Court has still held that the use of informants does

25 not invade any of these constitutionally protected areas, and

Phone (Area 202) 544-6000

if a person wants to tell an informant something that isn't protected by the Supreme Court.

An actual search for legal evidence, that is a protected item, but information and the use of informants have been consistently held as not posing any constitutional problems.

Senator Mathias. I would agree, if you're talking about the fellow who walks in off the street, as I said earlier, but is it true that under existing procedures informants are given background checks?

Mr. Adams. Yes, sir.

Senator Mathias. And they are subject to a testing period.

Mr. Adams. That's right, to verify and make sure they are providing to us reliable information.

Senator Mathias. And during the period that the relationship continues, they are rather closely controlled by the handling agents.

Mr. Adams. That's true.

Senator Mathias. So in effect they can come in a very practical way agents themselves to the FBI.

Mr. Adams. They can do nothing --

Senator Mathias. Certainly agents in the common law use of the word.

Mr. Adams. That's right, they can do nothing, and we instruct our agents that an informant can do nothing that the agent himself cannot do, and if the agent can work himself into

WARD & PAUL

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

Phone (Area 202) 544-6000

an organization in an undercover capacity, he can sit there and glean all the information that he wants, and that is not in the Constitution as a protected area. But we do have this problem.

Senator Mathias. But if a regular agent who is a member of the FBI attempted to enter these premises, he would require a warrant?

Mr. Adams. No, sir, if a regular -- it depends on the purpose for which he is entering. If a regular agent by concealing his identity, by -- was admitted as a member of the Communist Party, he can attend Communist Party meetings, and he can enter the premises, he can enter the building, and there's no constitutionally invaded area there.

Senator Mathias. And so you feel that anyone who has a less formal relationship with the Bureau than a regular agent, who can undertake a continuous surveillance operation as an undercover agent or as an informant --

Mr. Adams. As long as he commits no illegal acts.

Senator Mathias. Let me ask you why you feel that it is impractical to require a warrant since, as I understand it, headquarters must approve the use of an informant. Is that degree of formal action required?

end

WARD & PAUL
410 First Street, S.E., Washington, D.C. 20003

Phone (Area 202) 544-6000
WARD & PAUL
410 First Street, S.E., Washington, D.C. 20003

Mr. Adams. The main difficulty is the particularity which has to be shown in obtaining a search warrant. You have to go after particular evidence. You have to specify what you're going after, and an informant operates in an area that you just cannot specify. He doesn't know what's going to be discussed at that meeting. It may be a plot to blow up the Capitol again or it may be a plot to blow up the State Department building.

Senator Mathias. If it were a criminal investigation, you would have little difficulty with probable cause, wouldn't you?

Mr. Adams. We would have difficulty in a warrant to use someone as an informant in that area because the same difficulty of particularity exists. We can't specify.

Senator Mathias. I understand the problem because it's very similar to one that we discussed earlier in connection say wiretaps on a national security problem.

Mr. Adams. That's it, and there we face the problem of where the Soviet, an individual identified as a Soviet spy in a friendly country and they tell us he's been a Soviet spy there and now he's coming to the United States, and if we can't show under a probable cause warrant, if we couldn't show that he was actually engaging in espionage in the United States, we couldn't get a wiretap under the probable cause requirements which have been discussed. If the good fairy didn't drop the

Phone (Area 202) 544-6000

WARD & PAUL

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

1 evidence in our hands that this individual is here conducting
2 espionage, we again would fall short of this, and that's
3 why we're still groping with it.
4 Senator Mathias. When you say fall short, you really,
5 you would be falling short of the requirements of the Fourth
6 Amendment.
7 Mr. Adams. That's right, except for the fact that the
8 President, under this Constitutional powers, to protect this
9 nation and make sure that it survives first, first of all
10 national survival, and these are the areas that not only the
11 President but the Attorney General are concerned in and we're
12 all hoping that somehow we can reach a legislative middle
13 ground in here.
14 Senator Mathias. Which we discussed in the other national
15 security area as to curtailling a warrant to that particular
16 need.
17 Mr. Adams. And if you could get away from probable
18 cause and get some degree of reasonable cause and get some
19 method of sealing indefinitely your interest, say, in an
20 ongoing espionage case and can work out those difficulties,
21 we may get their yet.
22 Senator Mathias. And you don't despair of finding that
23 middle ground?
24 Mr. Adams. I don't because I think that today there's
25 more of an open mind between Congress and the Executive Branch

Phone (Area 202) 544-6000

1 and the FBI and everyone concerning the need to get these
2 areas resolved.
3 Senator Mathias. And you believe that the Department,
4 if we could come together, would support, would agree to that
5 kind of a warrant requirement if we could agree on the language?
6 Mr. Adams. If we can work out problems and the Attorney
7 General is personally interested in that also.
8 Senator Mathias. Do you think that this agreement might
9 extend to some of those other areas that we talked about?
10 Mr. Adams. I think that that would be a much greater
11 difficulty in an area of domestic intelligence informant who
12 reports on many different operations and different types of
13 activities that might come up rather than say in a Soviet
14 espionage or a foreign espionage case where you do have a little
15 more degree of specificity to deal with.
16 Senator Mathias. I suggest that we arrange to get
17 together and try out some drafts with each other, but in the
18 meantime, of course, there's another alternative and that
19 would be the use of wiretap procedure by which the Attorney
20 General must approve a wiretap before it is placed, and the
21 same general process could be used for informants, since
22 you come to headquarters any way.
23 Mr. Adams. That could be an alternative. I think it
24 would be a very burdensome alternative and I think at some
25 point after we attack the major abuses, or what are considered

WARD & PAUL

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

Phone (Area 202) 544-6000

1 major abuses of Congress and get over this hurdle, I think
2 we're still going to have to recognize that heads of agencies
3 have to accept the responsibility for managing that agency
4 and we can't just keep pushing every operational problem up
5 to the top because there just aren't enough hours in the day.
6 Senator Mathias. But the reason that parallel suggests
7 itself is of course the fact that the wiretap deals generally
8 with one level of information in one sense of gathering
9 information. You hear what you hear from the tap.
10 Mr. Adams. But you're dealing in a much smaller number
11 also.
12 Senator Mathias. Smaller number, but that's all the
13 more reason. When an informant goes in, he has all of his
14 senses. He's gathering all of the information a human being
15 can acquire from a situation and has access to more information
16 than the average wiretap.
17 And it would seem to me that for that reason a parallel
18 process might be useful and in order.
19 Mr. Adams. Mr. Mintz pointed out one other main
20 distinction to me which I had overlooked from our prior
21 discussions, which is the fact that with an informant he is
22 more in the position of being a concentral monitor in that one
23 of the two parties to the conversation agrees, such as like
24 concentral monitoring of telephones and microphones and
25 anything else versus the wiretap itself where the individual

WARD & PAUL
410 First Street, S.E., Washington, D.C. 20003

Phone (Area 202) 544-6000

WARD & PAUL

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

whose telephone is being tapped is not aware and there is, and neither of the two parties talking had agreed that their conversation could be monitored.

Senator Mathias. I find that one difficult to accept. If I'm the third party overhearing a conversation that is taking place in a room where I am, and my true character isn't perceived by the two people who are talking, in effect they haven't consented to my overhearing my conversation. Then they consent if they believe that I am their friend or their, a partisan of theirs.

But if they knew in fact that I was an informant for someone else, they wouldn't be consenting.

Mr. Adams. Well, that's like I believe Senator Hart raised earlier, that the courts thus far have made this distinction with no difficulty, but that doesn't mean that there may not be some legislative compromise which might be addressed.

Senator Mathias. Well, I particularly appreciate your attitude in being willing to work on these problems because I think that's the most important thing that can evolve from these hearings, so that we can actually look at the Fourth Amendment as the standard that we have to achieve. But the way we get there is obviously going to be a lot easier if we can work toward them together.

I just have one final question, Mr. Chairman, and that

Phone (Area 202) 544-6000

WARD & PAUL

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

deals with whether we shouldn't impose a standard of probable cause that a crime has been committed as a means of controlling the use of informants and the kind of information that they collect.

Do you feel that this would be too restrictive?

Mr. Adams. Yes, sir, I do.

When I look at informants and I see that each year informants provide us, locate 5000 dangerous fugitives, they provide subjects in 2000 more cases, they recover $86 million in stolen property and contraband, and that's irrespective of what we give the local law enforcement and other Federal agencies, which is almost a comparable figure, we have almost reached a point in the criminal law where we don't have much left. And in the intelligence field we still, I think when we carve all of the problems away, we still have to make sure that we have the means to gather information which will permit us to be aware of the identity of individuals and organizations that are acting to overthrow the government of the United States. And I think we still have some areas to look hard at as we have discussed, but I think informants are here to stay. They are absolutely essential to law enforcement. Everyone uses informants. The press has informants, Congress has informants, you have individuals in your community that you rely on, not for ulterior purposes, but to let you know what's the feel of the people, am I serving them properly,

Phone (Area 202) 544-6000

WARD & PAUL

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

1 am I carrying out this?

2 It's here to say. It's been here throughout history
3 and there will always be informants. And the thing we want to
4 avoid is abuses like provocateurs, criminal activities, and
5 to ensure that we have safeguards that will prevent that.
6 But we do need informants.

7 Senator Tower. Senator Hart, do you have any further
8 questions?

9 Senator Hart of Michigan. Yes. I ask unanimous request
10 perhaps with a view to giving balance to the record, the
11 groups that we have discussed this morning into which the
12 Bureau has put informants, in popular language, our liberal
13 groups -- I would ask unanimous consent that be printed in
14 the record, the summary of the opening of the headquarters
15 file by the Bureau of Dr. Carl McIntyre when he announced
16 that he was organizing a group to counter the American Civil
17 Liberties Union and other "liberal and communist groups,"
18 is not a left only pre-occupation.

19 Senator Tower. Without objection, so ordered.

20 (The material referred to follows:)

21

22

23

24

25

Senator Tower. Any more questions?

Then the Committee will have an Executive Session this afternoon in Room 3110 in the Dirksen Building at 3:00, and I hope everyone will be in attendance.

Tomorrow morning we will hear from Courtney Evans, Cartha DeLoach. Tomorrow afternoon, former Attorneys General Ramsey Clark and Edward Katzenbach.

The Committee, the hearings are recessed until 10:00 a.m. tomorrow morning.

(Whereupon, at 1:10 o'clock p.m., the hearing in the above mentioned matter was concluded, to reconvene on Wednesday December 3rd, 1975, at 10:00 o'clock a.m.)

- - -

Phone (Area 202) 544-6000

WARD & PAUL

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

FD-56 (Rev. 7-10-63)

(Mount Clipping in Space Below)

FEARED FOR CAREER

Johnson Put FBI On King

By CLAUDIA TOWNSEND AND BEAU CUTTS

Fear for his own political career prompted President Lyndon Johnson to sanction the FBI's surveillance of Dr. Martin Luther King Jr., a former Johnson aide has testified.

According to the Senate Select Intelligence Committee's staff report on the King case, former Johnson assistant Bill Moyers told the committee that Johnson was "very concerned that his embracing the civil rights movement and Martin Luther King personally would not backfire politically."

Moyers said Johnson "seemed satisfied" in the spring of 1965 that charges of communist influence among King's advisers were unfounded. However, Johnson did not order an end to the FBI's surveillance of King.

"He (Johnson) didn't want to have a Southern racist senator produce something that would be politically embarrassing to the President and to the civil rights movement," Moyers told the committee. "We had lots of conversations about that . . . Johnson, as everybody knows, bordered on paranoia about his enemies or about being trapped by other people's activities over which he had no responsibility."

The report charges that then-Attorney General Robert Kennedy, who authorized the first FBI wiretap of King's telephones, allowed the lengthy continuation of FBI surveillance from similar motives.

Burke Marshall, Kennedy's assistant in charge of civil rights affairs, told the committee that the Justice Department didn't consider asking the FBI to remove its wiretaps on King.

The FBI's allegations about King's advisers were "grave and serious," he told the committee. The Kennedy administration had openly supported King. "Stopping the investigation in light of those circumstances would have run the risk that there would have been a lot of complaints that the Bureau had been blocked for political reasons from investigating serious charges about communist infiltration in the civil rights movement," Marshall added.

Marshall said he believes Kennedy initially approved the wiretaps because he was concerned that King was continuing to be friendly with a suspected Communist advisor, after telling both Kennedy and the President that he would break off relations with the advisor.

"From his (Kennedy's) point of view, Martin Luther King had made a commitment on a very important matter," Marshall told the committee. "King had broken that commitment. So therefore the attorney general wanted to find out whether (the adviser—whose name was kept secret by the committee) did in fact have influence over King, what he was telling King, and so forth."

Another former Justice department official said Kennedy approved the wiretaps out of fear that Hoover would use his influence in Congress to block passage of the 1964 Civil Rights Act if charges against King were not laid to rest.

From the initial wiretap authorization the FBI went on for years of surveillance of King and attempts to publicly discredit him.

One such effort involved a banquet to be held in Atlanta honoring King after his receipt of the Nobel Peace Prize.

According to the staff report former Atlanta Constitution publisher Ralph McGill was "a major focus" of the FBI's attentions.

William Sullivan, who during the King investigation was head of the bureau's Domestic Intelligence Division, claimed in a memo that McGill had cooperated at least in part with the FBI's attempts to undermine the King banquet in Atlanta.

Sullivan wrote in his memorandum: "Mr. McGill told me that following my first discussion with him a few weeks ago he contacted a banker friend in Atlanta who was helping to finance the banquet to be given King next Wednesday night. The banker was disturbed and said he would contact some other bankers involved and see if support would be quietly withdrawn."

The memo alleges that the bankers "did take steps to withdraw" but then learned that pending financial arrangements with a group of bankers in Haiti would be damaged if they demonstrated a lack of support for King. Therefore, the memorandum alleged, support for the banquet remained intact.

"However, McGill said he would do what he could to encourage key people to limit their praise and support of King as much as possible," Sullivan wrote.

Eugene Patterson, publisher of the St. Petersburg Times, was The Constitution's editor at the time of the King banquet. He said Wednesday that the Sullivan memo is "either a misunderstanding or a complete fabrication."

Patterson said the situation in Atlanta "was exactly opposite of what Mr. Sullivan understands." If anything, "Ralph McGill would have worked harder to put that dinner together" after being asked by the FBI to help block it, he added.

Patterson said both he and McGill were contacted by FBI agents offering them information about King's personal life. He said the FBI agents "were trying to get us to be a peephole journal and to publish that information. . . . We had no idea of doing so."

Patterson said he reported the agents' activity to a Justice department official and the official "did not even acknowledge what I had said." That response, Patterson said, convinced him that "either Attorney General Kennedy knew what was happening or that Hoover was so far out of control that nothing could stop him."

(Indicate page, name of newspaper, city and state.)

Page 1-A
THE ATLANTA CONSTITUTION
Atlanta, Georgia

Date: 5-6-76
Edition: Morning
Author: Townsend/Cutts
Editor: Hal Gulliver
Title: SENSTUDY 75

Character:
or
Classification: 62-2854
Submitting Office: ATLANTA

☐ Being Investigated 62-2854-60

SEARCHED ___ INDEXED ___
SERIALIZED ___ FILED ___

MAY 6 1976

FBI - ATLANTA

Patterson and McGill were not the only journalists to whom the FBI offered information about King's personal life. David Kraslow, chief of the Cox Newspapers Washington Bureau, was offered a transcript of a tape recording about King while he was working in Washington for the Los Angeles Times.

Kraslow told the committee a source at the FBI read him part of the transcript over the phone and said the tape came from a bug operated by a Southern police agency. He declined the offer of the information.

Patterson said the FBI contacts came from two agents who were at that time in the Atlanta office and who had been news sources for the paper. He said his and McGill's relationship with the FBI "cooled considerably after what they tried to do to Dr. King."

Hoover wrote a letter to Moyers in early 1965, according to the staff report, in which he told Moyers that McGill "believes that the very best thing that could happen would be to have King step completely out of the civil rights movement and public life for he feels that if this is not done sooner or later King will be publicly exposed.

"Mr. McGill," the letter continues, "believes that an exposure of King will do irreparable harm to the civil rights movement in which he, Mr. McGill, and others are so interested and have worked so hard for, and likewise it will do injury to different citizens of the country who have been supporting King."

Sullivan, in his memo, claimed that McGill had told him that McGill was "taking steps to get key Negro leaders to unite in opposition to King to gradually force him out of the civil rights movement if at all possible."

Patterson said there was "no question whatsoever of us going back on Dr. King."

Of the Atlanta dinner, he added, "I just know Mr. McGill never slackened in his efforts."

Jack Tarver, publisher of The Journal and Constitution and a close friend and associate of McGill for many years, said he was certain that "if McGill had done anything like this he would have [illegible]

T[illegible]r said he recalled attend[illegible] a meeting of Atlanta civic leaders at the Piedmont Driving Club who were planning the dinner for King. There was no hint at that meeting that there had been any effort on anyone's part to undermine the affair."

The reference fo Haitian bankers, he added, "sounded like the figment of someone's imagination."

Tarver also noted that McGill attended the banquet for King, an act the publisher regarded as wholly inconsistent with the tone and content of the FBI memo and letter.

At the time of the King banquet, Tarver was president of Atlanta Newspapers.

Mills B. Lane Jr., former chief of the C & S bank, said: "Ralph McGill always thought very well of Martin Luther King and defended him. As I remember it, he (McGill) helped to organize that thing (the dinner)."

Regarding the FBI memo, Lane said, "I just can't believe that."

Lane said he had no recollection of any connection between Atlanta banking, Haiti and the King dinner.

Helen Bullard, a key organizer of the King dinner, said she worked closely with McGill in preparing for the banquet. The assertion that McGill became cool to honoring King is "completely untrue," said Miss Bullard, a former aide to Mayors Ivan Allen Jr. and Wil[illegible] B. Hartsfield.

"There is no shred of evidence and I would know," she said. "When it (the dinner) started, we had no money, no nothing. We (the organizers, not including McGill) met in the basement of a black church. We said we would have it to honor him (King) even if we just had box lunches.

"It was a big success. We sold out of tickets two weeks before the banquet. People wanted tickets who couldn't get them."

Miss Bullard, who operates a public relations firm in Atlanta, checked her files of the banquet, which was held Jan. 27, 1965, and said there was "no mention anywhere" of any reluctance by McGill to continue sponsoring the event.

The FBI's campaign against King, which aimed at collecting information that could be used to neutralize him as a civil rights leader, went on from late 1963 until King's assassination in 1968.

The Senate committee did not investigate the assassination. Nor did the committee listen to tapes made through "bugs" in King's hotel rooms, or read transcripts of those tapes. Staff members said to do so would compound the invasion of the civil rights leader's privacy, adding that the purpose of the recordings was clear without hearing the tapes.

The discrediting campaign involved the use of friendly news people to plant unfavorable stories about King; efforts, sometimes successful, to block contributions to the Southern Christian Leadership Conference (SCLC); efforts to block meetings between King and world leaders or to discourae various organizations from honoring him; and the bugging of his hotel rooms with attempts to distribute publicly the tapes derived from the bugs.

The FBI mailed King one of those tapes, along with a letter that aides said King interpreted as an invitation to commit suicide. The tape was originally to have gone to Coretta Scott King, his wife, with the aim of promoting a separation between the two, but was mailed to King imstead.

Even after his death, the FBI continued to plan against King. The Atlanta field office sent a recommendation to Washington in 1969 for a proposed program to be used "in the event the bureau is inclined to entertain counterintelligence action against Coretta Scott Kings and-or the continuous projection of the public image of Martin Luther King." Hoover replied that the bureau "does not desire counterintelligence action against Coretta King of the nature you suggest at this time."

Sen. Frank Church, chairman of the select intelligence committee, has called for the appointment of a special prosecutor to investigate the FBI's role in connection with King.

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

FBI Put King On Secret List For 'Detention'

By JOSEPH ALBRIGHT
Journal Washington Bureau

WASHINGTON—The Senate Intelligence Committee has disclosed that the FBI placed Dr. Martin Luther King Jr. on a secret "detention" list in 1962, shortly after King led a civil rights march in Albany, Ga.

That was the beginning of the FBI's six-year campaign to neutralize King as an effective civil rights leader, which the committee called "a shameful chapter in the nation's history."

In a 50,000-word staff report, the committee Wednesday revealed a telegram from the late FBI director J. Edgar Hoover to the Atlanta FBI office in May, 1962 directing that King be placed on the so-called "reserve list," which named persons to be rounded up in event of a national emergency.

Hoover's telegram also ordered that King be "tabbed a Communist" in the bureau's internal records dealing with subversives.

Five months later, the FBI began a massive formal investigation of King and his Southern Christian Leadership Conference that was aimed at finding evidence of Communist infiltration.

That investigation, known as COMINFIL, never turned up any evidence that King was indeed a Communist, according to the Senate report.

Even so, according to Senate sources, King remained on the FBI's emergency detention list until he was murdered in 1968.

While declaring King had no personal connection with the Communist party, the Senate report did confirm that the FBI had some information in 1962 indicating that two of King's associates were linked to the Communist party while advising King.

But, the Senate investigators reported, they were "unable to reach a conclusion concerning the accuracy of the FBI's charges" against the two King associates, who were described only as Adviser A and Adviser B. The report said the FBI declined to produce the factual basis for its judgment on the two King advisers for fear of compromising its sources.

The report traced the origin of the FBI's anti-King campaign to the civil rights protests in Albany, in which King was jailed late in 1961.

On the day King went on trial in Albany for parading without a permit, Hoover directed all FBI field offices to

Turn to Page 12A, Column 1

(Indicate page, name of newspaper, city and state.)
"The Atlanta Journal"
Atlanta, Georgia

Pages 1A & 12 A

Date: 5/6/76
Edition: Evening
Author: Joseph Albright
Editor: Hal Gulliver
Title: SENSTUDY 75

Character:
or
Classification: 62-2854
Submitting Office Atlanta

☐ Being Investigated

62-2854-61

SEARCHED ... INDEXED ...
SERIALIZED ... FILED ...
MAY - 7 1976
FBI — ATLANTA

1-Copy + Orig
sent to Bureau
1-62-2854
1-100-5586

review their files for "subversive" information about King, which was to be submitted in reports that were "suitable for dissemination."

The Senate report said Hoover was outraged when King was quoted in Atlanta newspapers as charging that the FBI agents handling the Albany demonstration were white Southerners "friendly with the local police and people who are promoting segregation."

The Senate report quoted William Sullivan, who was then head of the FBI Domestic Intelligence Division, as saying Hoover was "very distraught over these criticisms."

Sullivan said Hoover never forgave King for not returning two phone calls from FBI officials soon after, which the bureau placed in an effort to "set him straight."

The Senate report declared: "The FBI's COMINFIL investigation appears to have been centered almost entirely on discussions among Dr. King and his advisers about proposed civil rights activity rather than whether those advisers were in fact agents of the Communist party."

Information obtained through COMINFIL wiretaps and bugs was used by the FBI in a series of efforts to cut off the SCLC from its sources of funds, according to the Senate staff report.

The report contended that William Sullivan of the FBI gave unspecified derogatory information about King to the late Ralph McGill, publisher of The Atlanta Constitution, as part of an FBI campaign to dissuade community leaders from participating in a 1965 banquet to honor King for winning the Nobel Peace Prize.

In an internal FBI memo quoted by the Senate investigators, Sullivan contended that McGill had even cooperated to some extent in the FBI's effort to undermine the dinner.

The Sullivan memo, written about a week before the highly successful King dinner in Atlanta, stated, "Mr. McGill told me that following my first discussion with him a few weeks ago, he contacted a banker friend in Atlanta who is helping to finance the banquet to be given King next Wednesday night. The banker was disturbed and said he would contact some other bankers also involved and see if support could quietly be withdrawn."

Sullivan's memo went on to say that McGill subsequently told him the bankers decided to go ahead with financing the King banquet. The bankers did so, according to Sullivan, because they were worried about losing an important pending business deal with some unnamed bankers in Haiti.

"However," Sullivan continued in the memo, "McGill said he would do what he could to encourage key people to limit their praise and support of King as much as possible."

The Senate report said, "McGill's version of what transpired will never be known since McGill has deceased."

Asked to comment, Eugene Patterson, then editor of The Constitution, said: "This is a discredit to the memory of Ralph McGill, who worked his tail off to get that banquet put together. He was one of the four co-sponsors of the dinner, and he sat at the head table. If he contacted any bankers, I am sure it was simply to raise money for the dinner."

Patterson, now editor of the St. Petersburg (Fla.) Times, confirmed that both he and McGill were offered derogatory information on King's private life by FBI agents. "I know of my own personal knowledge," said Patterson, "that McGill shared my outrage at the FBI for trying to tar King."

Jack Tarver, publisher of The Atlanta Journal and The Constitution and a close friend and long-time associate of McGill, said he was confident that "if McGill had done anything like this, he would have told me."

Tarver said Sullivan's mention of a deal between Atlanta and Haitian bankers "sounds like a figment of someone's imagination." Tarver recalled attending a planning meeting of Atlanta civic leaders at the Piedmont Driving Club. "There was no hint at that meeting that there had been any effort on anyone's part to undermine the affair," Tarver said.

Tarver also said that McGill attended the banquet, an act he viewed as wholly inconsistent with the tone and content of the Sullivan memo.

Another journalist identified in the Senate report as having been offered anti-King information by the FBI was David Kraslow, now chief of the Cox Newspapers Washington Bureau.

Kraslow was described in the report has having told a Senate Intelligence Committee investigator that one of his "better sources at the bureau" offered him a transcript of a tape recording on Dr. King.

In the mid-1960s, Kraslow, then a Washington correspondent for the Los Angeles Times, said his source read him a portion of the transcript on the phone, claiming it came from "bug" operated by a southern police agency. Kraslow declined to accept the transcript.

(Mount Clipping in Space Below)

FBI Put King On Secret List For 'Detention'

By JOSEPH ALBRIGHT
Journal Washington Bureau

WASHINGTON—The Senate Intelligence Committee has disclosed that the FBI placed Dr. Martin Luther King Jr. on a secret "detention" list in 1962, shortly after King led a civil rights march in Albany, Ga.

That was the beginning of the FBI's six-year campaign to neutralize King as an effective civil rights leader, which the committee called "a shameful chapter in the nation's history."

In a 50,000-word staff report, the committee Wednesday revealed a telegram from the late FBI director J. Edgar Hoover to the Atlanta FBI office in May 1962 directing that King be placed on the so-called "reserve list," which named persons to be rounded up in event of a national emergency.

Hoover's telegram also ordered that King be "tabbed a Communist" in the bureau's internal records dealing with subversives.

Five months later, the FBI began a massive formal investigation of King and his Southern Christian Leadership Conference that was aimed at finding evidence of Communist infiltration.

That investigation, known as COMINFIL, never turned up any evidence that King was indeed a Communist, according to the Senate report.

Even so, according to Senate sources, King remained on the FBI's emergency detention list until he was murdered in 1968.

While declaring King had no personal connection with the Communist party, the Senate report did confirm that the FBI had some information in 1962 indicating that two of King's associates were linked to the Communist party while advising King.

But, the Senate investigators reported, they were "unable to reach a conclusion concerning the accuracy of the FBI's charges" against the two King associates, who were described only as Adviser A and Adviser B. The report said the FBI declined to produce the factual basis for its judgment on the two King advisers for fear of compromising its sources.

The report traced the origin of the FBI's anti-King campaign to the civil rights protests in Albany, in which King was jailed late in 1961.

On the day King went on trial in Albany for parading without a permit, Hoover directed all FBI field offices to review their files for "subversive" information about King, which was to be submitted in reports that were "suitable for dissemination."

The Senate report said Hoover was outraged when King was quoted in Atlanta newspapers as charging that the FBI agents handling the Albany demonstration were white Southerners "friendly with the local police and people who are promoting segregation."

The Senate report quoted William Sullivan, who was then head of the FBI Domestic Intelligence Division, as saying Hoover was "very distraught over these criticisms."

Sullivan said Hoover never forgave King for not returning two phone calls from FBI officials soon after, which the bureau placed in an effort to "set him straight."

The Senate report declared: "The FBI's COMINFIL investigation appears to have been centered almost entirely on discussions among Dr. King and his advisers about proposed civil rights activity rather than whether those advisers were in fact agents of the Communist party."

Information obtained through COMINFIL wiretaps

(Indicate page, name of newspaper, city and state.)

Page 1-A
THE ATLANTA JOURNAL
Atlanta, Georgia

Date: 5-6-76
Edition: Evening
Author: Joseph Albright
Editor: Jack Spalding
Title: SENSTUDY 75

Character:
or
Classification: 62-2854
Submitting Office: ATLANTA

☐ Being Investigated

62-2854-62

SEARCHED ___ INDEXED ___
SERIALIZED ___ FILED ___

MAY 11 1976

FBI - ATLANTA

1 Xerox copies made
Original sent Bureau.

and bugs was used by the FBI in a series of efforts to cut off the SCLC from its sources of funds, according to the Senate staff report.

The report contended that William Sullivan of the FBI gave unspecified derogatory information about King to the late Ralph McGill, publisher of The Atlanta Constitution, as part of an FBI campaign to dissuade community leaders from participating in a 1965 banquet to honor King for winning the Nobel Peace Prize.

In an internal FBI memo quoted by the Senate investigators, Sullivan contended that McGill had even cooperated to some extent in the FBI's effort to undermine the dinner.

The Sullivan memo, written about a week before the highly successful King dinner in Atlanta, stated, "Mr. McGill told me that following my first discussion with him a few weeks ago, he contacted a banker friend in Atlanta who is helping to finance the banquet to be given King next Wednesday night. The banker was disturbed and said he would contact some other bankers also involved and see if support could quietly be withdrawn."

Sullivan's memo went on to say that McGill subsequently told him the bankers decided to go ahead with financing the King banquet. The bankers did so, according to Sullivan, because they were worried about losing an important pending business deal with some unnamed bankers in Haiti.

"However," Sullivan continued in the memo, "McGill said he would do what he could to encourage key people to limit their praise and support of King as much as possible."

The Senate report said, "McGill's version of what transpired will never be known since McGill has deceased."

Asked to comment, Eugene Patterson, then editor of The Constitution, said: "This is a discredit to the memory of Ralph McGill, who worked his tail off to get that banquet put together. He was one of the four co-sponsors of the dinner, and he sat at the head table. If he contacted any bankers, I am sure it was simply to raise money for the dinner."

Patterson, now editor of the St. Petersburg (Fla.) Times, confirmed that both he and McGill were offered derogatory information on King's private life by FBI agents. "I know of my own personal knowledge," said Patterson, "that McGill shared my outrage at the FBI for trying to tar King."

Jack Tarver, publisher of The Atlanta Journal and The Constitution and a close friend and long-time associate of McGill, said he was confident that "if McGill had done anything like this, he would have told me."

Tarver said Sullivan's mention of a deal between Atlanta and Haitian bankers "sounds like a figment of someone's imagination." Tarver recalled attending a planning meeting of Atlanta civic leaders at the Piedmont Driving Club. "There was no hint at that meeting that there had been any effort on anyone's part to undermine the affair," Tarver said.

Tarver also said that McGill attended the banquet, an act he viewed as wholly inconsistent with the tone and content of the Sullivan memo.

Another journalist identified in the Senate report as having been offered anti-King information by the FBI was David Kraslow, now chief of the Cox Newspapers Washington Bureau.

Kraslow was described in the report has having told a Senate Intelligence Committee investigator that one of his "better sources at the bureau" offered him a transcript of a tape recording on Dr. King.

In the mid-1960s, Kraslow, then a Washington correspondent for the Los Angeles Times, said his source read him a portion of the transcript on the phone, claiming it came from "bug" operated by a southern police agency. Kraslow declined to accept the transcript.

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

BILL SHIPP

The Rubber-Hosing of the FBI

THE BREATHLESS now-it-can be told reporting on the Senate Select Intelligence Committee staff report on the FBI and Dr. Martin Luther King Jr. is a disservice to the vocation we call journalism.

Alleged Communist influence on Dr. King, attempts to throw cold water on a dinner honoring him for receiving the Nobel Peace Prize and passing around transcripts of alleged conversations involving King—anyone with enough brains to operate a microfilm machine could have found it all in the in the pages of their newspapers when it happened.

Bill Shipp is associate editor of The Atlanta Constitution. Editor Hal Gulliver is on vacation.

The select committee, chaired by Sen. Frank Church, who also is a candidate for president, points an accusing finger for the umteenth time at the FBI and again says, "Wow, look what they did."

There is not much doubt that much of what the FBI did in the 1960s during the civil rights conflict was pretty despicable. The hierarchy of the movement was not the only one who felt it. The kids marching under the banner of the Student Nonviolent Coordinating Committee also got a taste of being branded by unidentified sources as commies or worse.

No doubt, old Klansmen everywhere are chuckling gleefully as they read how Church and his committee are rubber-hosing the FBI. The Klan took as much harassment from the feds as anyone. Strange telephone calls were made to employers of Kluxers. Their Klaverns were infiltrated by undercover men and feds even hid in the bushes outside a certain private club east of here to record some of the sexual habits of the KKK.

When Church and his committee start dishing out accusations against the FBI for trying to besmirch the name of Dr. Martin Luther King Jr., let's make certain everybody gets his fair share. Every white law enforcement organization in the South certainly did its utmost to provide all the dirt available on the civil rights leader.

Our man in Washington, David Kraslow, says he turned down part of a transcript of a conversation offered him by the FBI relating to the King matter. So did many of us involved with trying to keep tabs on the principals of the turbulent years of the civil rights struggle. Most of us turned down the alleged tapes of King's conversation because there was no way to

(Indicate page, name of newspaper, city and state.)

Page 23-A
THE ATLANTA JOURNAL
& CONSTITUTION
Atlanta, Georgia

Date: 5-9-76
Edition: Sunday
Author: Bill Shipp
Editor: Spalding/Gulliver
Title: SENSTUDY 75

Character:
or
Classification: 62-2854
Submitting Office: ATLANTA

☐ Being Investigated

62-2854-63

SEARCHED ___ INDEXED ___
SERIALIZED ___ FILED ___

MAY 11 1976

FBI - ATLANTA

Xerox copies made; original sent Bureau.

check out their authenticity—not because we were such moral and ethical souls.

A member of these newspapers' staff, who was later to win a Pulitzer Prize, wrote a series on the Highlander Folks School, the "race-mixer." Dr. King went there along with some oldtime Communists.

I wrote a couple of things about King and some of his advisers, some of whom had Communist party connections. It was natural for the radical lefts of the civil rights era to congregate around the leaders who were striving for equality for blacks, just as it was natural for the radical rightists to get into the Klan or the White Citizens Council.

Most of the leads about "subversive" on the right or left of the movement came directly or indirectly from lawmen.

It is not surprising that King's name was placed on a special "subversive" roundup list by the FBI in the early 1960s. When King and his organizers (including Andrew Young, now Fifth District representative) began protests in Albany, the FBI and the local and state law enforcement officers were shocked at their tactics. Marching and singing and gladly going to jail — there had to be something subversive about that. Nobody in these parts had tried that kind of protest for a long time.

When King was awarded the Nobel Peace Prize, there indeed were misgivings about honoring him at a banquet in his hometown. But when Coca-Cola's Robert Woodruff, who had more Washington connections and probably knew more about allegations concerning King than anyone, decreed the banquet would be held, you should have seen enthusiasm in the business community about the banquet.

As far as the report that Ralph McGill tried to discourage the dinner for King, go back someday when you have time and read what the late Constitution editor and publisher had to say about the civil rights leader. Anyone would be happy to have such "discouraging" words written about him.

In the end, it was generally agreed that Dr. King had served well his nation, his people and the world. The Church report covering a multitude of FBI abuses that have been hashed and rehashed and rehashed again does no honor to the memory of Dr. King. Neither does it serve the national interests. Let us correct the abuses of the FBI but not by publishing and republishing old newspaper clippings.

William Safire

Watergate and the Attorneys General

WASHINGTON — "Everybody did it" is no excuse for wrongdoing, but the Church committee reports demonstrate conclusively that the seeds of Watergate were planted and nourished in two Democratic administrations.

Using the Senate committee's findings, let us observe a trio of Attorneys General at their individual moments of truth.

1. Nicholas Katzenbach and the bugging of hotel rooms of Martin Luther King. The unlawful harassment of Dr King was the worst abuse of federal power against an individual in our history; Atty. Gen. Katzenbach knew about it, was warned about it, had the power to stop it — but looked the other way.

It was Ben Bradlee, then head of Newsweek's Washington Bureau, who — to his credit — alerted Katzenbach to the way FBI officials were peddling salacious King tapes to newsmen in 1964. In his moment of truth, the Atty. Gen. response was "clearly inadequate," concludes the committee.

Hal Gulliver's column will resume shortly.

In fact, he permitted the official wiretapping of Dr. King to go on for four months after receiving the warning of a smear campaign using unofficial "bugs."

When Katzenbach's complicity in the bugging of Dr. King was first suggested in this space a year ago, he exploded with a letter using all the libel code words.

But Church committee counsel confronted him with documentary evidence that he had been informed of the placement of microphones in Dr. King's suites. Three FBI memos saying so bore Katzenbach's handwritten initials, and there was a handwritten note from him — dated and filed in sequence with a bugging notification — telling Director Hoover "Obviously these are particularly delicate surveillances and we should be very cautious. . . ."

Katzenbach's reaction to this evidence was to insist he couldn't remember what his note was referring to — maybe it was some other surveillance that day. Nor could he remember initialing any of the bugging notifications, but — under oath — he added artfully: "If they are my initials and if I put them on, then I am clearly mistaken . . ."

The Church committee report on Dr. King (written with admirable evenhandedness by Old Kennedy Hand Michael Epstein) permits the clear conclusion that (a) the wiretapping of Dr. King was originally Robert Kennedy's idea, not J. Edgar Hoover's, and (b) the systematic program of snoop and smear could probably not have taken place without the sometime tacit, sometimes explicit toleration of Nicholas Katzenbach.

2. Ramsey Clark and the Doar Plan to spy on dissidents. Under heat from the Johnson White House to crack down on black power groups and New Left peaceniks, Atty. Gen. Clark told his henchman, John Doar, to come up with a plan to bring the full power of government to bare on gathering intelligence about dissenters.

The Doar Plan — forming the "interdivision information unit," described last year in this column — was submitted, urging that agencies as disparate as the Narcotics Bureau, the poverty program, the IRS and the Post Office Department be tapped to "funnel information" into a computer that a later Clark study said would create a "master index on individuals, or organizations."

Clark, in that moment of truth in 1967, approved the Doar Plan, spawning the infamous IDIU, which — in the Church committee's words —was the focal point of a massive domestic intelligence apparatus . . . resulting in excessive collection of information about law-abiding citizens."

Xerox copies made
Original sent Bureau.

(Indicate page, name of newspaper, city and state.)
Page 4-A
THE
ATLANTA CONSTITUTION
Atlanta, Georgia

Date: 5-11-76
Edition: Morning
Author: William Safire
Editor: Hal Gulliver
Title: SENSTUDY 75

Character:
or
Classification: 62-2854
Submitting Office: ATLANTA

☐ Being Investigated

62-2854-64

SEARCHED ___ INDEXED ___
SERIALIZED ___ FILED ___

MAY 11 1976
FBI - ATLANTA

3. John Mitchell and the Huston Plan. Thanks to the fine work of impeachment counsel John Doar, we have been treated to many lengthy denunciations of this proposal of a young man in the Nixon "White House" to combat dissidents with illegal "black bag jobs," mail openings and evesdroppings. It turns out that in making his scandalous suggestions, Tom Huston was not aware that most of them were already standard operating procedure for intelligence agencies under Presidents Kennedy and Johnson.

In his moment of truth, in the face of White House pressure urging him to approve the Huston Plan, what did Atty. Gen. Mitchell do? Writes the Church committee: "CIA Director Helms shortly thereafter indicated his support for the plan to the Atty. Gen., telling him 'we had put our backs into this exercise.' Nonetheless, Mitchell advised the President to withdraw his approval. Huston was told to rescind his memorandum . . . "

These three moments are not cited to suggest Attorneys General Katzenbach and Clark were devils and Mitchell was a saint. But they might be remembered in reviewing what each of the trio is doing today:

Katzenbach, making no apology for his role in the King case is taking down $300,000 per year in pay and benefits as IBM's general counsel. Clark, posing as a civil libertarian, is a candidate for the Democratic nomination for senator from the state of New York. Mitchell, acquitted at one political show trial and convicted at another, has seen his career ruined and now faces jail.

Equal justice under law?

(Mount Clipping in Space Below)

IRS Gave FBI Names of Secret SCLC Contributors

By CLAUDIA TOWNSEND
Constitution Washington Bureau

WASHINGTON — When the FBI was looking for ways to undermine the civil rights work of Dr. Martin Luther King Jr., the Internal Revenue Service (IRS) helped out by revealing the names of people who had contributed secretly to King's Southern Christian Leadership Conference (SCLC), according to a Senate staff report released Tuesday.

The IRS had the names because the SCLC is a tax-exempt organization required by law to file a list of its contributors. But the list is a confidential one, so that persons may contribute to SCLC or similar organizations without making their support public.

Giving the FBI access to the names of donors to SCLC and other organizations "has threatened both the integrity of the tax system and the constitutional rights of the contributors," the Senate Intelligence Committee staff report charges.

"The identity of members of organizations such as the SCLC is privileged to protect members in their right to freedom of association," the committee staffers wrote.

The FBI's plans to use the list of names in efforts to disrupt SCLC "constitute a direct attack on the very interest which the right to anonymity protects," according to the report. The bureau's plans were "a purpose for which the FBI could not have obtained a list of SCLC contributors from any court."

According to the Intelligence Committee, the FBI obtained from the IRS "all available information" about both King and the SCLC in 1964. On April 14, 1964, the Atlanta field office suggested in a memo to FBI headquarters in Washington that the SCLC donor list be used in a plan to disrupt future contributions to the organization.

What the FBI should do, the Atlanta office suggested, was to forge letters from King to each of the donors, warning the donors that the IRS was investigating SCLC's tax records and reassuring each one that his contribution was properly reported according to tax law requirements.

"It is believed such a letter of this type from SCLC (to the donors) may cause considerable concern and eliminate future contributions," the FBI memo stated.

FBI officials in Washington rejected the suggestion as "not appearing desirable and-or feasible for direct action by the bureau this time."

However, the committee report states, the fact that the FBI didn't go through with the plan "does not affect the basic point that FBI headquarters furnished the tax information, including the list of contributors, to the local office in order to enable the local office to devise disruptive action."

The report says FBI policy as applied in other similar cases "makes it clear that the suggestion was not rejected because of concern for the legality of using the contributor list" for the purpose of disrupting the organization.

Committee research into the FBI activities has turned up other instances in which the FBI attempted to use financial information to discredit King or hamper his activities.

(Indicate page, name of newspaper, city and state.)
Page 1-C
THE
ATLANTA CONSTITUTION
Atlanta, Georgia

Date: 5-11-76
Edition: Morning
Author: Claudia Townsend
Editor: Hal Gulliver
Title: SENSTUDY 75

Character:
or
Classification: 62-2854
Submitting Office: ATLANTA

☐ Being Investigated

62-8454-65

SEARCHED ____ INDEXED ____
SERIALIZED ____ FILED ____

MAY 12 1976
FBI - ATLANTA

1 Xerox copies made:
Original sent Bureau.

The bureau in 1964 reviewed five years' worth of tax returns for King, the SCLS, and the Gandhi Society (a group that the FBI said "augmented" SCLC's fundraising activities).

FBI agents also obtained a promise from IRS to scrutinize King's then-current returns "very carefully to determine whether any violations appear."

In 1965, the FBI launched an investigation aimed at proving that King held large amounts of money in a numbered Swiss bank account. That plan was conceived during a golf game, when an acquaintance of the FBI supervisor of the King case mentioned that he'd heard King had a million-dollar bank account overseas.

With the approval of former FBI director J. Edgar Hoover, a search for that bank account was undertaken. By December, 1965, that investigation was described by Hoover as "the most important presently pending" portion of the FBI's activities against King.

Shortly after that, however, the investigation was dropped when the original source of the rumor told the FBI that the existence of the bank account "was merely a wild conclusion."

Fifth District Rep. Andrew Young told the committee that contributions to SCLC were "chilled" by the FBI's allegations about the bank account.

"There were direct attempts at some of our larger contributors who told us that they had been told by agents that Martin had a Swiss bank account, or that Martin had confiscated some of the monies from the march on Washington for his personal use. None of that was true," Young testified.

(Mount Clipping In Space Below)

MORTON HALPERIN SAYS

Spying on Citizens Spans 25 Years?

For 25 years or more, U.S. intelligence agencies opened and read Americans' mail, tampered with overseas cables, and spied on thousands of private citizens while their leaders condoned violating the Constitution, a former White House staffer said here.

"These were not 'minor aberrations' as some would like us to believe. Intelligence agencies, acting sometimes as an arm of the president, sometimes on their own, carried out systematic programs which their leaders knew were illegal," said Dr. Morton Halperin, one-time senior staff member of the National Security Council.

Halperin told an American Civil Liberties Union (ACLU) audience Tuesday night that intelligence "reforms" recommended by President Ford will allow the Central Intelligence Agency, FBI, and military spy services to continue abusing the law under a cloak of legality.

Even the Russians were so confident of American constitutional guarantees that they occasionally used the U.S. mail to send information to agents in this country, Halperin said.

"They used it in the crazy belief that Americans would not open up their citizen's mail," he said.

He said CIA officials first asked postal officials for permission to copy addresses on letters sent to Americans from the Soviet Union, and then bribed postal overseers to allow the CIA to open and read the mail.

One such letter, in 1968, written by political consultant Ray Price, who was a tourist in Russia at the time, was full of advice on the U.S. presidential primaries to his candidate —Richard Nixon.

Halperin, now director of the ACLU-sponsored Project on National Security and Civil Liberties, said Ford's proposed reforms would make it harder to uncover abuses by the CIA and other intelligence agencies.

The Ford proposal would levy a criminal penalty on anyone who exposed intelligence operations without a prior "lawful" demand from a congressional committee.

"The Founding Fathers started with the assumption that it is a crime to tempt people with unlimited power... and they meant the Bill of Rights to apply in times of emergency as well as times of calm," Halperin said.

He called for a strong congressional oversight committee to monitor intelligence agencies, and advocated that past officials who ordered, condoned or covered up criminal activities be prosecuted.

(Indicate page, name of newspaper, city and state.)

Page 2-A
THE ATLANTA JOURNAL
Atlanta, Georgia

Date: 5-12-76
Edition: Evening
Author:
Editor: Jack Spalding
Title: SENSTUDY 75

Character:
or
Classification: 62-2854
Submitting Office: ATLANTA

☐ Being Investigated

62-2854-66

SEARCHED ___ INDEXED ___
SERIALIZED ___ FILED ___

MAY 13 1976

FBI - ATLANTA

(Mount Clipping In Space Below)

Better tack him to the wall—the air conditioner keeps blowing him down'

(Indicate page, name of newspaper, city and state.)

Page 19-A
THE ATLANTA JOURNAL
—Atlanta, Georgia

Date: 5-18-76
Edition: Evening
Author: Tom Darcy
Editor: Jack Spalding
Title: SENSTUDY 75

Character:
or
Classification: 62-2854
Submitting Office: ATLANTA

☐ Being Investigated

62-2854-68

SEARCHED ___ INDEXED ___
SERIALIZED ___ FILED ___

MAY 20 1976

FBI - ATLANTA

Paper copies made:
Original sent Bureau.

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

Watchdog

But who watches the watchdogs?

The Senate, with ample reason, has approved 72-22 a resolution creating a 15-member permanent committee to oversee and control activities of the CIA, FBI and other government spy agencies.

By now every literate citizen understands why the Senate found this necessary. The spy agencies, with the connivance of presidents and other top leaders, have been trying to usher in 1984 a little ahead of time. We have commented at length on all this before and won't go through it here. Suffice it to say that thick reports from congressional committees documenting the misdeeds of the agencies make it clear that something has to be done to curb their excesses or we can all kiss goodbye to The Bill of Rights.

So we have the Senate's new watchdog committee. The new committee will take over a job that was supposed to have been done by several other committees, including the Armed Services Committee which lost its effort to retain jurisdiction over the National Security Agency, the Defense Intelligence Agency and others.

Is there any reason to believe the new committee will do the job the others shirked? Maybe. Not certainly —just maybe. In the post-Watergate climate Congress is feistier than usual. Bad practices have been exposed and here is Congress' chance to show its mettle. The 15-month investigation by the Senate Select Intelligence Committee, headed by Frank Church, was part of doing that, and so was the creation of this new committee. But whether this new committee will continue to do its duty remains to be seen. We, the people, will probably have to watch the watchdogs.

Georgia's Sen. Sam Nunn, incidentally, added an amendment, accepted without objection, that requires classified information released over the President's objection to be approved by the full Senate. During the long congressional investigations the track record for secret keeping was dismal — and there are some secrets that, for the good of us all, must be kept.

(Indicate page, name of newspaper, city and state.)

Page 4-A
THE
ATLANTA CONSTITUTION
Atlanta, Georgia

Date: 5-21-76
Edition: Morning
Author: Editorial
Editor: Hal Gulliver
Title: SENSTUDY 75

Character:
or
Classification: 62-2854
Submitting Office: ATLANTA

☐ Being Investigated

62-2854-69

SEARCHED ___ INDEXED ___
SERIALIZED ___ FILED ___

MAY 26 1976

FBI - ATLANTA

Xerox copies made.
Original [illegible]

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

Refurbished F.B.I.

Over the past 15 months, congressional investigations and journalistic exposes have uncovered benumbing evidence of gross malfeasance on the part of the Internal Revenue Service (IRS), The Central Intelligence Agency (CIA) and the Federal Bureau of Investigation (FBI).

Many Americans have traditionally mistrusted the IRS and the CIA. They had doubts about the IRS because of the complexity of its tax forms and an almost paranoid anticipation of a tax audit. The coat-and-dagger, super-secret nature of the CIA engendered anxiety. It was a simple case of fear of the unknown.

On the other hand, the FBI was the most respected and trusted law enforcement agency in the land. The late J. Edgar Hoover and TV's Inspector Irskin were the country's two best known cops.

A survey conducted early in 1974 indicated that more than 85 per cent of those polled had complete faith in the integrity of the FBI. A similar survey recently showed that fewer than 40 per cent still kept the faith.

Out of the investigations and charges, important overdue changes in the FBI are beginning to emerge. Internal changes are being made by Director Clarence Kelly and his overseer, Attorney General Edward H. Levi. Congress will impose curbs on FBI powers and modus operandi.

The new rules of the game define the FBI's powers to carry out domestic intelligence operations. Provision is made for close congressional and Justice Department oversight of FBI operations. There will be restrictions on the collection, filing and dissemination of information that might be damaging to individuals.

Most importantly, a fixed tenure for the director will prevent anyone in the future from building up such awesome power as that acquired by the late J. Edgar Hoover.

Thank Providence! It appears that we acted in time.

(Indicate page, name of newspaper, city and state.)

Page 4-A
THE MACON NEWS
Macon, Georgia

Date: 5-17-76
Edition: Evening
Author: Editorial
Editor: Joseph Parham
Title: SENSTUDY 75

Character:
or
Classification: 62-2854
Submitting Office: ATLANTA

☐ Being Investigated

SEARCHED ___ INDEXED ___
SERIALIZED ___ FILED ___

MAY 26 1976
FBI - ATLANTA

Xerox copies made: Original sent Bureau.

FD-350 (Rev. 7-16-63)

Intelligence Gathering

Senate Oversight

The need for congressional oversight of the CIA, the FBI and other intelligence-gathering groups has been obvious for a long time.

There have been shameful abuses, vastly contrary to our democratic society. These abuses have been carefully detailed by the Senate Select Intelligence Committee's 15-month investigation of spy agencies.

Now comes the full U.S. Senate overwhelmingly approving creation of a permanent committee to monitor and control the activities of the CIA and FBI.

The vote — 72 to 22 — is an indication of the strong feeling within the Senate that these agencies overstepped the bounds of proper conduct, especially in the area of domestic spying.

Georgia Sen. Sam Nunn played a significant role in injecting a matter of common sense when the Senate got down to approving the final version of a resolution creating the Senate panel to oversee these intelligence agencies.

The Senate accepted without objection an amendment from Senator Nunn which requires that any classified information released over the President's objections must be approved by the full Senate.

Senator Nunn properly pointed out that language in the bill did not clearly spell out the full Senate's role in declassification and could have been read as allowing the committee alone to make the decision on the release.

The Senate, not the committee, should have the final responsibility in making such a sensitive, and potentially damaging decision.

We trust that adequate safeguards will be instituted to prevent any careless or unwarranted leaking of classified information.

Some members of Congress routinely leaked damaging information disclosed in the long congressional hearings. They did it despite pleas from the executive branch they were damaging national security.

The Senate committee can play a significant role in guiding our intelligence agencies toward a healthy and reasonable operation that will guard our national security.

(Indicate page, name of newspaper, city and state.)

Page 4-A
THE COLUMBUS LEDGER
Columbus, Georgia

Date: 5-21-76
Edition: Afternoon
Author: Editorial
Editor: CARLTON JOHNSON
Title: SENSTUDY 75

Character:
or
Classification: 62-2854
Submitting Office: ATLANTA

☐ Being Investigated

SEARCHED ____ INDEXED ____
SERIALIZED ____ FILED ____

MAY 28 1976

FBI - ATLANTA

(Mount Clipping In Space Below)

Other Voices/Eugene Patterson

Sweet Lies Soothe Hoover

EDITOR'S NOTE: Eugene Patterson is president and editor of The St. Petersburg Times, where this column originally appeared. He was editor of The Atlanta Constitution 1960-1968.

While the late J. Edgar Hoover was directing agents of his Federal Bureau of Investigation to smear and ruin private citizens he didn't like, he was being deluded within his own headquarters, we now learn, by deceitful reports from assistants who apparently told the director what he wanted to hear.

Not only was Hoover dangerously misusing the federal police powers, he was being fed false and obsequious information on which to base his reprehensible acts.

That double danger surfaced last week when a staff study was released on the Senate investigation into FBI spying on American citizens in Hoover's time.

The study contained a memo from William Sullivan, Hoover's deputy, to Hoover. This writer has personal knowledge that the information Sullivan fed his superior was false.

Sullivan told Hoover in 1965 that the late Atlanta Constitution publisher Ralph McGill said and did certain dishonorable things which I know he did not say or do.

My office, as editor of The Constitution at that time, adjoined McGill's. As close personal friends and professional running mates we talked repeatedly every day, lunched together, shared our problems and sought each other's advice. We were inseparable, in almost constant contact, and during our 12 years together I never knew him to tell me an untruth or deceive me on his thinking.

Nothing disturbed us more during that stressful time of Southern desegregation than our separate discoveries, discoveries, which we immedately shared, that FBI agents were spying on the personal life of Dr. Martin Luther King Jr. Our knowledge was firsthand. Agents of the Atlanta FBI bureau visited us in our offices and alleged they had proof of Dr. King's involvement in extra-marital affairs. In my case an agent, on two separate visits, insisted strenuously that I assign a reporter and photographer to catch Dr. King and his companion at an airport where an FBI "informant" (meaning bug) said he was going to board a plane the coming weekend. When I tried to explain we did not publish a peephole journal, and told the agent a person's private life is not news, he hotly criticized The Constitution for supporting Dr. King's public leadership and blinding its readers to his private "immorality." Other Southern newspapers received similar visits and to the press' credit not one printed the FBI's smears in Dr. King's lifetime.

McGill and I were astonished and outraged that our friends in the FBI Atlanta bureau had been assigned, obviously by Hoover, to such a dirty business as character assassination, and by these sleazy means.

Ralph McGill could muster a towering anger and I never saw him madder. His first impluse was to get word to Dr. King so he could protect himself. He picked up the telephone to pass the information to Dr. King's father but I dissuaded him from upsetting Dr. King Sr. by spreading the FBI's smear around the family.

He spoke of getting in touch instead with Atty. Gen. Robert Kennedy to let him know what the FBI was up to. I don't know if he reached Kennedy personally. I personally told this story to John Doar, one of Kennedy's assistants, and was appalled when I got no reaction from him, not even an indication he had heard what I said (and we were speaking face to face). I realized then that Hoover either was beyond Kennedy's control, or else Kennedy knew what Hoover was doing. McGill and I traded disappointed exclamations over this.

Thereafter McGill's columns supported Dr. King's leadership of the civil rights movement more strongly than ever.

But Sullivan's memo to Hoover claimed that McGill was so shocked by the FBI's information on Dr. King's private life that he stated he would use his influence to get Dr. King out of the leadership of the civil rights movement! That must have been music to Hoover's ears, encouraging him to press on with his bugs and taps on Dr. King's bedroom. The problem is, it just wasn't so. McGill's shock was directed at the FBI, and his support went to Dr. King. He'd have been the last man in the world to desert King in these circumstances.

Worse, Sullivan's memo went on to regale Hoover with the notion that McGill would attempt to block an Atlanta banquet scheduled to honor Dr. King after he won the Nobel Prize. McGill would work through a banker friend to get the business community to withdraw its support for the banquet, Hoover was told by Sullivan.

That fabrication is a laugher for one who was there, as I was. There wasn't any business community support.

(Indicate page, name of newspaper, city and state.)

Page 5-A
THE
ATLANTA CONSTITUTION
Atlanta, Georgia

1 Xerox copies made
Original sent Bureau.

Date: 5-31-76
Edition: Morning
Author: Eugene Patterso
Editor: Hal Gulliver
Title: SENSTUDY 75

Character:
or
Classification: 62-2854
Submitting Office: ATLANTA

☐ Being Investigated

62-2854-72

SEARCHED ✓ INDEXED
SERIALIZED ✓ FILED ✓

JUN 1 1976

FBI - ATLANTA

ASAC Hymer

The fact is that McGill was the only white business or professional leader in Atlanta who stepped forward to co-sponsor the banquet, in conjunction with a Catholic bishop and a Jewish rabbi, while the bankers and businessmen of that city ran for cover. In conversations with me McGill alternately raged and laughed at the spectacle of Atlanta's white establishment being too timid or too segregated to even send second vice presidents to the banquet honoring a black Nobel Prize winner.

While Hoover enjoyed Sullivan-inspired visions of the great liberal newspaper publisher warning an eager business establishment away from the King banquet, I watched McGill work his way around the boycotting businessmen to the holders of real power in Atlanta, whom he persuaded to bring their influence and pressure to bear on the bankers to support the King banquet. At a very late hour the banquet was saved from being a lonely gathering of black people and a few white humanists by an inpouring of second vice presidents, and even some firsts, because the word had been passed from on high as a result of McGill's single-handed exertions.

I had thought the finest irony of that banquet was the praise Time magazine later lavished on Atlanta because the white establishment had honored a black son, the kind of national publicity that brought a boom to that once sleepy town.

But now the Senate investigating staff has disclosed the true irony: Hoover thought McGill was trying to sabotage the banquet, because his agents had told him so.

The implication speaks for itself. An autocratic FBI director, armed with the public's trust and secure from a cowed Congress, could misuse his power to stalk and smear any American citizen of his choosing including you or me. And probably because he wanted only good news, he got demonstrably false intelligence upon which to base his whims. Frightening?

Consider the footnote: The agent who failed to persuade me to smear Dr. King in The Atlanta Constitution got a harsh Hoover letter and an overnight transfer to a distant city not long after he failed to come up with clippings that would have pleased Hoover. I saw the letter. It said the agent was being punished for being six pounds overweight.

(Mount Clipping in Space Below)

The FBI and King Dinner

SAN FRANCISCO—I read with interest Associate Editor Bill Shipp's Sunday column May 9 on "The Rubber-Hosing of the FBI." However, it is regrettable that he failed to mention the three prime movers of the Atlanta civic banquet honoring the late Martin Luther King—after he was awarded the Nobel Peace Prize. Coca-Cola's Robert Woodruff was a late and reluctant starter.

The three men most responsible for the banquet were former Mayor Ivan Allen, the late Archbishop Paul J. Hallinan, and the late Rabbi Jacob Rothschild. They were the original organizers who went ahead with the banquet planning, despite pressures from the FBI.

Several weeks before the banquet, as editor of The Georgia Bulletin, I was visited by a bureau agent concerning alleged extramarital sexual activities by Dr. King. I was urged not to let the Archdiocesan newspaper be party to the sponsoring of the banquet. One quote of the FBI agent stood out:

"The Church should be very careful about honoring such a man, for you will only regret it when all the facts come out."

I told the agent that he would have to come up with more than an innuendo, and refused to drop the sponsorship.

Several days later, the agent visited the Archbishop, who was seriously ill in St. Joseph's Hospital. I saw the Archbishop after the visit, and he was very upset at the FBI tactics. He told me he had refused the FBI suggestion that he back out as a prime sponsor of the banquet. And to show his support for Dr. King, he left his sick-bed to attend the banquet.

Contrary to what Mr. Shipp says, the above information cannot be found in "old newspaper clippings."

GERARD E. SHERRY
Editor-Manager
The Monitor

Hayne

Xerox copies made:
Original sent Bureau.

(Indicate page, name of newspaper, city and state.)

Page 5-A
THE
ATLANTA CONSTITUTION
Atlanta, Georgia

Date: 5-31-76
Edition: Morning
Author: Gerard Sherry
Editor: Hal Gulliver
Title: SENSTUDY 75

Character:
or
Classification: 62-2854
Submitting Office: ATLANTA

☐ Being Investigated

62-2854-73

SEARCHED ____ INDEXED ____
SERIALIZED ____ FILED ____

JUN 1 1976

FBI - ATLANTA

Hal Gulliver

(Mount Clipping In Space Below)

McGill and King and the FBI

This is about the late Ralph McGill, longtime editor and publisher of The Atlanta Constitution, and FBI memos and the allegation that McGill tried to undercut the effort to honor Dr. Martin Luther King Jr.

There are two other reports relating to that same matter on the opposite editorial page today, one a letter, the other a column by Eugene Patterson who was editor of The Constitution at the time the King dinner was being planned. Both are worth reading.

Other close associates of McGill have of course already called the FBI memo into question. "If McGill had done anything like that he would have told me," said Publisher Jack Tarver after the news story on the FBI memo broke. "Ralph McGill always thought very well of Martin Luther King and defended him," said Mills B. Lane Jr., then head of the C&S National Bank, adding, "As I remember it, he (McGill) helped to organize that thing (the dinner honoring King for his Nobel Peace Prize)."

Patterson sent along a copy of the column he wrote for the St. Petersburg Times, with a note, "The William Sullivan memo is a ridiculous slander of Pappy (McGill) who isn't here to defend himself."

Perhaps one of the most interesting observations is offered by Patterson, that indeed J. Edgar Hoover was receiving memos from top assistants that seemed designed mostly to tell Hoover what he wanted to hear, accurate or not.

The whole sorry incident does nothing to mar McGill's great record as editor and journalist. "He had guts when it took guts to have guts," as someone once said of him. And he has friends and admirers enough to put something like the FBI memo's allegation in perspective.

But it does expose a sorry period in the history of the FBI.

Maybe the letter from Gerard E. Sherry, then editor of the Georgia Bulletin, is most revealing on that score.

Yet it's a nice thought too to remember, as Sherry does, that the late Archibishop Paul J. Hallinan was so outraged at an FBI suggestion that he withdraw as sponsor of the King banquet that, though he was seriously ill at St. Joseph's Hospital, Archbishop Hallinan got out of his sickbed to attend the dinner.

(Indicate page, name of newspaper, city and state.)

Page 4-A
THE
ATLANTA CONSTITUTION
Atlanta, Georgia

Date: 5-31-76
Edition: Morning
Author: Editorial
Editor: Hal Gulliver
Title: SENSTUDY 75

Character:
or
Classification: 62-2854
Submitting Office: ATLANTA

☐ Being Investigated

SEARCHED ___ INDEXED ___
SERIALIZED ___ FILED ___

JUN 1 1976
FBI - ATLANTA

ASAC Hoyne

Xerox copies made
Original sent [illegible]