

File #:

62-HQ-116395

Serial Scope:

1134-1139, 1143-1145

- 1 - Mr. J. B. Adams
- 1 - Mr. J. A. Mintz

The Attorney General

November 17, 1975

Director, FBI

- 1 - Mr. E. W. Walsh
- 1 - Mr. H. N. Bassett
- 1 - Mr. W. R. Wannall
- 1 - Mr. W. O. Cregar
- 1 - Mr. S. F. Phillips

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

Enclosed is the original of a memorandum, with attachments, reporting the interviews by SSC Staff Members of eight FBI employees concerning the official and confidential files maintained in the office of the late J. Edgar Hoover. A copy of the memorandum, with attachments, is also enclosed for forwarding to Mr. James A. Wilderotter, Associate Counsel to the President.

Enclosures (18)

62-116395

1 - The Deputy Attorney General
Attention: Michael E. Shaheen, Jr.
Special Counsel for
Intelligence Coordination

1 - Each personnel file of 8 employees mentioned in enclosed LHM

SFP:mjg
(19)

STAT

REC-41

62-116395-1144

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Admin. _____
- Comp. S. _____

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DATE 12/16/00 BY SP8RUM/mf

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MAIL ROOM

TELETYPE UNIT

GPO : 1975 O - 569-920

- 1 - Mr. J. B. Adams
- 1 - Mr. J. A. Mintz
- 1 - Mr. E. W. Walsh
- 1 - Mr. H. N. Bassett

62-116395

November 17, 1975

- 1 - Mr. W. R. Wannall
- 1 - Mr. W. O. Gregar

1 - Mr. S.F. Phillips

**U. S. SENATE SELECT COMMITTEE
TO STUDY GOVERNMENTAL OPERATIONS
WITH RESPECT TO INTELLIGENCE ACTIVITIES (SSC)**

**RE: SSC STAFF INTERVIEWS OF FBI
PERSONNEL CONCERNING OFFICIAL AND
CONFIDENTIAL FILES OF THE LATE
J. EDGAR HOOVER**

On September 2, 1975, SSC Staff Member Mark Gitenstein requested of the FBI's Legal Counsel Division that the following FBI employees be made available for Staff interviews concerning their knowledge of the official and confidential files which were maintained in the office of the late J. Edgar Hoover when he was Director of the FBI.

- Special Agent Joseph E. Battle
- Special Agent Joseph E. Dowling
- Mr. Thomas B. Dudney
- Inspector John P. Dunphy
- Mr. Jesse Peterson, Jr.
- Mr. F. Thomas Peyton
- Mr. Kenneth Shaffer
- Mr. Raymond Smith
- Mrs. Erma D. Metcalf

All of the above employees were interviewed during an inspection inquiry by the FBI into a matter relating to the official and confidential files, which inquiry was conducted at the request of the Department of Justice. The SSC was previously furnished a summary of the results of that inspection inquiry and has reviewed FD-302s reporting the interviews of these employees.

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

All of these employees were released from their confidentiality agreement with the FBI for purpose of being interviewed by the SSC Staff.

ORIGINAL AND ONE COPY TO AG

1 - Each personnel file of 8 employees mentioned herein

SFP:mjg
(18)

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SEE NOTE PAGE TWO

MAIL ROOM TELETYPE UNIT

116395 - 1144

U. S. Senate Select Committee
to Study Governmental Operations
With Respect to Intelligence Activities (SSC)

Re: SSC Staff Interviews of FBI Personnel
Concerning Official and Confidential Files
of the Late J. Edgar Hoover

The results of the interview of Mrs. Metcalf, who is Administrative Assistant to FBI Director Clarence M. Kelley, has been separately reported to you by letter and memorandum.

Attached are eight separate statements, each reporting the results of the interview of the respective author by the SSC representatives.

Enclosures (8)

NOTE:

Legal Counsel to Mr. J. B. Adams memorandum 9/2/75 "Senstudy 75" detailed the SSC request for interviews of these employees and contains the Director's approval of waiver of confidentiality agreement. Copies of the individual statements will be placed in the respective personnel files. All of the statements are the product of the respective employees except the statement of Peterson who was debriefed by Supervisor E.F. Phillips of the Senstudy 75 Project who then prepared the statement of the Peterson interview.

TO: Intelligence Community Staff
 ATTN: Central Index

FROM:
FBI

SUBJECT: Abstract of Information Provided to Select Committees

1. HOW PROVIDED (check appropriate term. If a document was made available for review but not transmitted, so note.)

DOCUMENT	BRIEFING	<input checked="" type="checkbox"/> INTERVIEW	TESTIMONY	OTHER
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2. DATE PROVIDED
11/17/75

3. TO WHOM PROVIDED (check appropriate term; add specific names if appropriate)

SSC	The Attorney General with a copy for forwarding to the White House
HSC	

4. IDENTIFICATION (provide descriptive data for documents; give name or identification number of briefer, interviewee, testifier and subject)

Memorandum reporting results of interviews by SSC Staff Members of 8 FBI employees: SA Joseph E. Battle, SA Joseph E. Dowling, Thomas B. Dudley, Inspector John P. Dunphy, Jesse Peterson, Jr., F. Thomas Peyton, Kenneth Shaffer, Raymond Smith & Mrs. Erma Metcalf.

5. IN RESPONSE TO (list date and item number if in response to formal request, otherwise state verbal request of (name), initiative, subpoena, etc.)

NA

6. CLASSIFICATION OF INFORMATION (enter U, C, S, TS or Codeword)

U

7. KEY WORDS (enter the appropriate key words from the list provided separately; if key words not listed are used underline for emphasis)

Operating procedures

8. SUMMARY (see reverse side before completing this item)

Interviewed concerning their knowledge of the O & C files which were maintained in the office of the late J. Edgar Hoover when he was Director of the FBI.

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ORIGINAL VIA LIAISON TO CENTRAL COMMUNITY INDEX
 IN CONNECTION WITH SENSTUDY 75.

TREAT AS YELLOW

500

INSTRUCTIONS

- Type or print clearly in ink.
- Indicate classification of the abstract top and bottom.
- Date the abstract and put on any internal control numbers required.
- "FROM" entry should clearly identify the organization providing the information.
- If additions (as when a copy of document sent to SSC is later sent to HSC) or changes to a previously submitted form are necessary, submit a copy of the original abstract, with the change indicated.

SPECIFIC ITEM NO. 8. SUMMARY - enter brief narrative statement describing substance of information and showing relationship to Intelligence Community matters if appropriate. Any feedback or evidence of investigatory interests should be noted. Commitments made to supply additional information should be noted. Additionally, certain administrative information may be entered here, e.g., restrictions on review of a document, if document was paraphrased, whether interviewee is current or former employee, etc. If actual document or transcript is provided, that fact should be noted and no summary is required. Additional pages may be attached if necessary.

INTERVIEW OF RAYMOND SMITH

On 10/23/75, I was interviewed by two members of the Senate Select Committee, Mrs. Mary DeOreo and Mr. Mark Gitenstein, at the Dirksen Building in the office of the Senate Select Committee. The interview began at 10:30 a.m. and ended at Noon. I was not advised of anything pertaining to my rights.

The following are questions asked and the answers I gave, to the best of my recollection:

QUESTION: When you went to the platform that morning - was it the day after Mr. Hoover died, or two days later?

ANSWER: I can't remember.

QUESTION: On that particular morning in question, what did you do?

ANSWER: I went out to the platform and I found the truck sitting funny and I wasn't sure if I had a flat tire or what. I checked the rear tires, but found the tires were up so that I figured something was on the truck. I can't remember if the truck was locked or what, but when I opened the truck it was loaded with cabinets from front to back. I questioned my supervisor, Tony Codi, about the cabinets on the truck. To his knowledge he didn't know where they came from. He went around to the front office to check and was told that the cabinets were to go to Mr. Hoover's house.

QUESTION: Who gave Codi the message to take the cabinets out to Mr. Hoover's house?

ANSWER: It could have been Mr. Marsden or Mr. Gregory. I don't know which. Tony double checked to find out who was going out to Mr. Hoover's house after I questioned him if the moving crew was going. I was told there would be no one going, but there would be a car following the truck.

QUESTION: Did you recognize the car or did you see it?

ANSWER: I couldn't tell the car from any other car out there in the street.

QUESTION: Did the car beat you to the house?

ANSWER: I didn't know if the car beat me there or not because there were other cars parked there.

QUESTION: Where were the cabinets unloaded?

ANSWER: They were unloaded at the side gate.

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QUESTION: Who helped you to unload?

ANSWER: I didn't know the people.

QUESTION: Was anyone there that you recognized?

ANSWER: Yes. Miss Gandy.

QUESTION: Did you know Mr. Mohr, the SAC from Washington Field Office or Mr. Dunphy - and were they there?

ANSWER: I wasn't sure of that day - I wasn't sure of Mohr or Dunphy. . I didn't know the SAC from Washington Field Office.

QUESTION: Did you know anyone in Washington Field Office.

ANSWER: No.

QUESTION: Did the people who helped you move the cabinets - did you recognize any of them - were they Agents or what?

ANSWER: I didn't know.

QUESTION: Were they dressed in suits?

ANSWER: No.

QUESTION: Were the file cabinets full or what did they contain?

ANSWER: I didn't know. All I knew was that they were heavy, that they contained some type of file because while I was unloading one of the cabinets a drawer fell open and I almost fell off the truck. They were manila type. light in color.

QUESTION: Were they regular movers or what that helped you move the cabinets?

ANSWER: No, because they were inexperienced in moving cabinets because I had to show them everything.

QUESTION: Was this an unusual procedure?

ANSWER: Yes, but I didn't ask any questions.

QUESTION: Did the Bureau have their own crew?

ANSWER: Yes, or they generally had GSA come in, according to how big a move they had.

QUESTION: Were they all white or what?

ANSWER: I didn't see any Blacks - everyone was white.

QUESTION: What was the number of cabinets?

ANSWER: There were 15 or more, I can't remember.

QUESTION: How could all of them fit into his basement?

ANSWER: I don't know - I just can remember how the cabinets were arranged in there (the basement).

QUESTION: Were there other boxes and things there?

ANSWER: Yes.

QUESTION: The second move - was it the day after the first move?

ANSWER: Yes, I think it was.

QUESTION: How many cabinets?

ANSWER: Not as many as the first.

QUESTION: Did you have help in moving the cabinets - were they the same people?

ANSWER: I did have help, but I couldn't say if they were the same people.

QUESTION: After unloading the cabinets, what did you do?

ANSWER: I reported back to the Justice Building.

QUESTION: How long did it take you to unload the cabinets?

ANSWER: Maybe an hour or two, I can't remember exactly.

QUESTION: Did you make any other previous trips out there?

ANSWER: Yes, Jesse Peterson and I took some cabinets or small safe files out.

QUESTION: At that time were any cabinets out there?

ANSWER: Yes.

QUESTION: How many?

ANSWER: I couldn't tell, but not as many as I took out there.

QUESTION: Do you know Annie Field, who was his maid?

ANSWER: Yes.

QUESTION: Do you know her well?

ANSWER: I know her well enough as a friend.

QUESTION: Was Annie's room in the basement?

ANSWER: Yes.

QUESTION: Would she have seen the cabinets?

ANSWER: I would think so.

QUESTION: (This would go back to the series of questions on the movers.)
Could anyone else drive the truck?

ANSWER: Yes.

QUESTION: Who could drive it?

ANSWER: Agents or anyone because the truck had been used for special assignments and it was no big thing for someone else to drive it.

QUESTION: Did you keep official records on the trips that you made with the truck?

ANSWER: Mileage was kept; the truck was signed out every morning and in at night, but there were no other records kept.

QUESTION: The day after Mr. Hoover died, Exhibits went up to move things out of his office - if the cabinets were up there, wouldn't Mr. Dunphy have seen them?

ANSWER: I don't know if the cabinets were up there or not - I couldn't answer that question.

QUESTION: How did you get along with Mr. Hoover?

ANSWER: O.K. I had a job to do.

QUESTION: How did you get along with Mr. Tolson?

ANSWER: O.K.

QUESTION: On that morning of Mr. Hoover's death, where were you and what did you know?

ANSWER: On that morning I had to pick up Mr. Tolson and I was told to go to Mr. Hoover's house and to wait until further orders. I waited until Mr. Mouten (ph.), Mr. Hoover's chauffeur, came out and told me to report back to the building. I questioned him as to what was going on, but he didn't tell me, he just said to report back to the building.

QUESTION: Did you know if Mr. Tolson knew he was dead or what?

ANSWER: I didn't know myself because I didn't find out he was dead until I got to the building.

QUESTION: Had you made any previous trips out to Mr. Hoover's house after his death?

ANSWER: Yes. I took some plants from the Botanical Garden to his house.

QUESTION: After Mr. Tolson's death, did you go out to the house to move any cabinets or anything?

ANSWER: No.

QUESTION: Why were you sent to Quantico?

ANSWER: The mechanic job came open - it was something I had worked at part-time and when the job came open I applied for it and I was transferred down there.

QUESTION: Were you drilled on anything?

ANSWER: No.

QUESTION: Have you talked to anyone concerning the cabinets?

ANSWER: Yes. I talked to Jesse Peterson because I was trying to make him remember moving cabinets when we had to set the safe files on the platform.

QUESTION: Why did they use you to drive? Did they trust you?

ANSWER: I don't know. I was just told to take them out there.

QUESTION: Were the cabinets moved out of Mr. Hoover's house at night?

ANSWER: I don't know whether they moved them in the day or night or what.

QUESTION: Do you think GSA could have moved the cabinets from his house that night?

ANSWER: I don't think so.

QUESTION: How did you know something was on the truck?

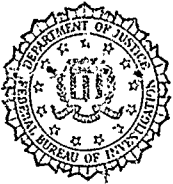
ANSWER: Just like you would come out the next morning and see something was wrong - I drove the truck each and every day and that's why I knew something was wrong.

QUESTION: How did you get along with Miss Gandy?

ANSWER: O.K. The only trouble I had was one time when I was told to report to her office to make a run out to the house to pick up some mail and I was told I had to take some other things out there and as we were walking along she kept asking the same question over and over again - did I mind going out to the house, and I told her no. When we got to the outer office there were about 15 to 20 cases of soda. I was told to get a handcart to load the sodas and to get a car. I told her if I had known that I had to take the sodas out I would have brought a small truck around. She told me, "In other words, you don't want to go out to the house." I told her I did not say that. I was told "You can report back downstairs" and I told her that was perfectly all right with me. I reported the incident to my supervisor, Mr. Gregory.

QUESTION: Did you see Miss Gandy anymore after that?

ANSWER: Yes, I had to take her to the doctor and the next time was out at Mr. Hoover's house.



In Reply, Please Refer to
File No.

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Washington, D.C. 20535

September 26, 1975

UNITED STATES SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES: (SSC)

RE: INTERVIEW OF FBI
SPECIAL AGENT JOSLPH E. BATTLE
BY SSC STAFF MEMBERS
MARK GITENSTEIN,
MARY DEORLO,
JOHN SMITH,

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

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

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

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

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

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DATE 10/26/2000 BY SP6/AM/1/AC
MDR-16

Question (Q):

After the Director's death, did you remove files from his office?

Answer (A):

No.

Q:

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

A:

No.

Q:

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

A:

No.

Q:

Were you ever in the Director's office?

A:

Yes.

Q:

When?

A:

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

Q:

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

A:

Yes.

Q:

At the time of the Director's death?

A:

No.

Q:

Well, when was it?

A:

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

Q:

For what reason?

A:

I was told to pick up a package at National Airport and deliver it to Miss Gandy's office, which I did.

Q: Do you know what was the package?

A: Yes, Miss Gandy indicated it was a plaque honoring the Director and she didn't know what she was going to do with it inasmuch as there was no more available wall space to hang it.

Q: Do you know Miss Gandy well?

A: No, other than her official position.

Q: When did you first meet her?

A: At the aforementioned time.

Q: Any other time?

A: Yes.

Q: When was that?

A: In approximately April, 1972, I drove her from her residence to Bureau headquarters.

Q: Why was that?

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

Q: When did you see her next?

A: After the Director's death.

Q: Under what circumstances?

A: I drove her to the Director's house.

Q: Weren't you in her office then?

A: No, I met her in the courtyard.

Q: I thought you said you didn't know her well.

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

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

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

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

A: No.

Q: Were you?

A: No, I waited outside.

Q: Who ordered you to drive Miss Gandy?

A: Mr. Kunkel

Q: Weren't you on his squad?

A: No.

Q: Whose squad were you on?

A: The ASAC's.

Q: Who was that?

A: Ed Campbell

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

A: No.

Q: Weren't you a supervisor?

A: No, a relief supervisor.

Q: To Campbell?

A: Yes.

Q: Then wouldn't that make you #3 man?

A: No.

Q: What are your duties?

A: Presently I'm assigned to Squad C-4, and I'm assigned a variety of criminal cases.

Q: Be more specific.

A: Well, I handle numerous extortion-type cases pertaining to the various Senators and Congressmen, I'm assigned the Washington, D.C. phase of the Hoffa case and I assist in bank robberies and other major crimes.

Q: What did you do on the ASAC Squad?

A: I handled major criminal matters and drove the ASAC to the crime scene and assisted him at the scene, and I also worked personnel matters.

Q: Do you know John Mohr?

A: No, other than his official position.

Q: You didn't know him personally?

A: No.

Q: You never met with him?

A: No.

Q: Did you ever remove anything from the Director's house after his death?

A: Yes.

Q: What was that?

A: Some cardboard boxes.

Q: Do you know what was in them?

A: No.

Q: Were they official FBI boxes?

A: I don't know what you mean by any official FBI boxes.

Q: Well, were they plain cardboard boxes?

A: Yes.

Q: Were they sealed?

A: Yes.

Q: How many times did you go on this assignment?

A: About 3 or 4.

Q: How many boxes did you take out?

A: About 6 to 8 each time.

Q: Was anybody present?

A: Yes.

Q: Who?

A: Miss Gandy and Mr. Kunkel

Q: Anybody else?

A: On one occasion, I saw the maid, Anna, and the chauffeur, Crawford, and a woman who Mr. Kunkel introduced as Mr. Tolson's secretary, but I didn't know her.

Q: What was she doing?

A: She was writing checks.

Q: Did Miss Gandy have a desk in the Director's house?

A: I don't know.

Q: Did you see any file cabinets?

A: No, to the best of my recollection.

Q: Do you know what was in any of the boxes?

A: Yes.

Q: = What was that?

A: White shirts.

Q: How do you know that?

A: Because Miss Gandy pointed them out.

Q: After you left the Director's house, where did you go?

A: I drove to the loading platform at WFO.

Q: Who met you there?

A: Either Dudney or Shaffer.

Q: And then what?

A: I helped unload the boxes and drove off.

Q: Do you know where the boxes were then taken?

A: No.

Q: Didn't you and Mr. Kunkel talk about what was in the boxes and the purpose of these trips?

A: No.

Q:

Why not?

A:

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

Q:

Don't you think this is kind of odd?

A:

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

Q:

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

A:

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

Q:

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

A:

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

Q:

Have you discussed this matter with anyone else?

A:

Yes, with the FBI Inspectors who called me in.

Q:

That was when?

A:

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

Q:

Have you discussed this matter with anyone else?

A:

Well, you know Shaffer, Dudney and Dowling and I came up here this morning together and naturally the matter was discussed.

Q: Do you know or see a memorandum that was circulated by the Bureau concerning this inquiry?

A: No.

Q: When did you last see Kunkel?

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

Q: How about prior to that?

A: When he left for St. Louis

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

A: No, other than the above.

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

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

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

A: If there was, I don't have any direct knowledge of it.

