

# File #:

62-110-116395

# Serial Scope:

1226, 1226X, 1227, 1227x1, 1228, 1229, 1230

1st NR 1230, 1231X, 1232, 1st NR 1233 thru 1st NR 1234


1236

H 3564

4-331 (D)

62- HQ-116395

Serial 1026 BULKY



62-HQ-116395-E1026


Serial 1026

FBI - CENTRAL RECORDS CENTER

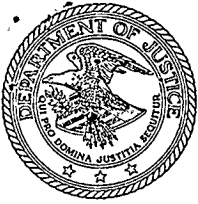
HQ - HEADQUARTERS BOX 3564

Class / Case #	Sub	Vol.	Serial #	
0062 116395		1	1026	ONLY

2/13/85771



RRP004Z417



OFFICE OF THE DEPUTY ATTORNEY GENERAL  
WASHINGTON, D.C. 20530

12-28-75

TO: John A. Mintz, Assistant Director  
Legal Counsel Division  
Federal Bureau of Investigation

FROM: Steven K. Blackhurst  
Asst. Special Counsel for Intelligence  
Coordination

SB

SUBJECT: Senate Select Committee letter dated December 16, 1975

Attached is a letter from the Senate Select Committee requesting delivery of certain materials concerning electronic surveillance and surreptitious entries. Please arrange for an appropriate response.

My initial view is that the Senate Select Committee should be given the same excised versions of the authorizing documents that the House Select Committee was given in response to its request. I would oppose giving the Senate Select Committee access to the unexcised version of these documents for security reasons.

With regard to the November 21 letter referenced in John Elliff's letter, we propose to give John Elliff access to the unexcised versions of the documents but would prefer that the Senate Select Committee be given delivery of excised versions only. Elliff's letter appears to accept this arrangement.

With regard to the request for materials concerning any surreptitious entries, the Senate Select Committee is referring to what was described as a surreptitious entry not related to a microphone surveillance in 1972 against an "Arab Terrorist Activist". This surreptitious entry was listed on an FBI memorandum dated November 5, 1975 which was in response to a request from the House Select Committee. This memorandum was delivered initially to the Senate Select Committee by mistake. Because I have not

cc: Paul Daly

REC-57

62-116355-1236

5 JAN 7 1976

*Ad Hoc*



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DATE 11/100 BY SP2A/MCP

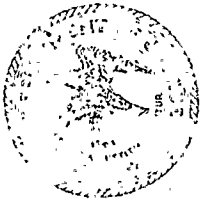


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-2-

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-2-

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FREDERICK A. O. SCHWARZ, JR., CHIEF COUNSEL  
CURTIS R. SMOTHERS, MINORITY COUNSEL

## United States Senate

SELECT COMMITTEE TO  
STUDY GOVERNMENTAL OPERATIONS WITH  
RESPECT TO INTELLIGENCE ACTIVITIES

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

WASHINGTON, D.C. 20510

December 16, 1975

Michael E. Shaheen, Jr., Esq.  
Special Counsel for Intelligence Coordination  
Office of the Deputy Attorney General  
U. S. Department of Justice  
Washington, D. C. 20530

Dear Mike:

The Select Committee requests delivery of the materials in the attached list pertaining to the authorization for and purpose of non-consensual telephone and microphone surveillances directed at American citizens or resident aliens during the period 1973-1975.

In the case of surveillances directed at groups or meetings which included both non-resident aliens in the service of a foreign power and American citizens or resident aliens, delivery of the materials is also requested.

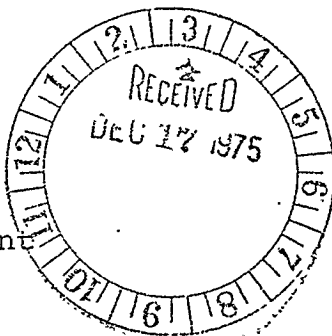
In addition to the materials listed in the attachment, the Committee requests all materials pertaining to any surreptitious entry conducted by the FBI over the past five years which was not directed at a non-resident alien in the service of a foreign power.

With respect to this request and the request for similar materials made in my letter of November 21, 1975, the names of the targets may be excised. Unexcised versions of the documents should be made available for access.

Sincerely,

*John T. Elliff*

John T. Elliff, Director  
Domestic Intelligence Task Force



Attachment

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DATE 11/1/00 BY SP2ALMXP

ENCLOSURE





~~SECRET~~

Request for Access to FBI Materials

1. For the period 1973-1975, materials pertaining to the authorization for and purpose of non-consensual telephone and microphone surveillances directed at American citizens or resident aliens falling in the following categories:
  - a. foreign intelligence agents;
  - b. foreign intelligence contacts;\*
  - c. foreign intelligence agent suspects;
  - d. foreign diplomatic officials contact;
  - e. foreign intelligence agent's business office.
  
2. For the year 1973, materials pertaining to the authorization for and purpose of non-consensual telephone and microphone surveillances directed at American citizens or resident aliens falling in the following categories:
  - a. headquarters basic revolutionary group;\*
  - b. pro-Palestine group;
  - c. Arab terrorist activist;
  - d. propaganda outlet League of Arab States;
  - e. West Coast fund-raising for Arab terrorist groups.
  
3. For the year 1974, materials pertaining to the authorization for and purpose of non-consensual telephone and microphone surveillances directed at American citizens or resident aliens falling in the following categories:
  - a. headquarters basic revolutionary group;\*
  - b. Arab terrorist affiliate;
  - c. pro-Palestine group;

#MDR-16  
DECLASSIFIED BY SP2ALM/KP  
ON 11/11/00

~~SECRET~~

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- d. Arab terrorist activist;\*
  - e. propaganda outlet League of Arab States;\*
  - f. Arab terrorist activist affiliate.\*\*
4. For the year 1975, materials pertaining to the authorization for and purpose of non-consensual telephone and microphone surveillances directed at American citizens or resident aliens falling in the following categories:
- a. Arab terrorist affiliate;\*
  - b. pro-Palestine group;
  - c. Arab terrorist activist;
  - d. propaganda outlet League of Arab States;\*
  - e. coverage of Arab terrorist activist meeting;\*\*
  - f. pro-Chicom propaganda outlet.\*

\* Summary chart reveals telephone surveillance only.

\*\* Summary chart reveals microphone surveillance only.

~~SECRET~~

~~X~~

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UNITED STATES GOVERNMENT

# Memorandum

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

TO : Mr. Cleveland *WJG*

FROM : R. J. McCarthy *RJM*

SUBJECT: TESTIMONY BY THE ATTORNEY GENERAL  
BEFORE THE SENATE SELECT COMMITTEE  
ON INTELLIGENCE ACTIVITIES

DATE: November 28, 1975

Rememo Legal Counsel to Mr. Adams, November 24, 1975, requesting the three investigative divisions to prepare materials dealing with major investigative techniques for use in connection with the above-referenced testimony.

Enclosed herewith are write-ups prepared by the Special Investigative Division, dealing with electronic surveillances, car-tracking devices, consensual monitoring, polygraph examinations, closed-circuit television, confidential informants, mail covers, trash covers, pen registers, and toll call records.

RECOMMENDATION:

That, upon approval, this memorandum be routed to the Office of Congressional Affairs which is coordinating the Bureau's response in captioned matter.

Enclosures (9)

- 1 - Mr. Mintz
- 1 - Mr. Hotis
- 1 - Mr. Gallagher
- 1 - Mr. Cleveland
- 1 - Mr. Hurst
- 1 - Mr. Steel
- 1 - Mr. McCarthy
- 1 - Mr. McHale

**ENCLOSURE**

EX-112

*Included in memo to AG 12/3/75  
REC-511  
WFC-116398-1234*

5 DEC 31 1975

JEM:rar  
(9)

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BY JANE

NOTICE

ELECTRONIC SURVEILLANCES

All electronic surveillances employed by the FBI in the field of organized crime are authorized in advance by the Department of Justice and by a United States District Judge in the form of a Federal court order, as provided for in Title III of the Omnibus Crime Control and Safe Streets Act of 1968.

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ENCLOSURE

## CAR-TRACKING DEVICES

These devices, also known in the law enforcement profession as "beepers," are miniature transmitting devices attached surreptitiously to the bumper, fender, or some other part of an automobile so that surveillance vehicles may more easily follow the travels of an individual using such an automobile.

Authorization for the use of these tracking devices by Bureau Agents must be obtained from FBI Headquarters on a case-by-case basis, but no requirement exists that the Department be notified regarding such authorization. As the result of two recent Federal court decisions, offices covered by the State of Oregon and the Fifth Circuit Court of Appeals (including Alabama, Florida, Georgia, Louisiana, Mississippi, Texas, and the Canal Zone) must obtain a warrant before using car-tracking devices.

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62-116395-1234

CONSENSUAL MONITORING DEVICES

Special Agents in Charge of FBI field offices may authorize the monitoring of telephonic conversations in nonsensitive cases where one of the participants has given written consent and the appropriate United States Attorney concurs. In cases of extreme sensitivity, authority must be obtained from Bureau Headquarters. No notification is made to the Department.

With respect to on-the-body recorders or recording devices installed on a premises with the permission of one of the participants, Departmental policy requires that the FBI receive Departmental permission before attempting such coverage. In certain instances, when the event to be covered does not give sufficient time for the Bureau to obtain Departmental permission, the Director or someone designated by him may authorize the desired on-the-body or premises coverage immediately, provided that the Department is notified of the full facts in writing promptly thereafter.

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62-116395-1234



## POLYGRAPH EXAMINATIONS

The polygraph (or so-called "lie detector") technique involves the use of instrumentation with an individual to record psychophysiological responses during a carefully controlled interrogation in an effort to determine whether or not deception is indicated. Over the years it has generally been held to be inadmissible in court although, properly administered, it can be an invaluable investigative tool.

Because of the continuing controversy in the public media, courts, and the scientific community regarding use of the polygraph, the FBI has adopted a conservative policy and rationale, utilizing it to implement an interrogation and provide investigative direction without relying on it solely as a substitute for logical investigation.

In each instance, authority must first be obtained from FBI Headquarters and a written waiver be signed by the person to be interviewed. No Departmental permission is required to employ this technique.

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62-116390-1234

CLOSED-CIRCUIT TELEVISION

In addition to its use as a training aid by law enforcement, closed-circuit television has proved to be an invaluable investigative tool, particularly in connection with physical surveillances.

Bureau policy regarding this technique varies with the individual circumstances. Where the units are being installed without trespass (such as those covering bank entrances, phone booths, and the like), the only requirement is that permission be obtained in advance from FBI Headquarters. In these instances, no authorization is obtained from the Department.

Where there is trespass, however, some sort of court permission is required. In the case of visual observation alone, court authorization under Rule 41 of the Federal Rules of Criminal Procedure will generally suffice at the present time. If oral interceptions are desired along with the visual coverage, permission must be obtained under Title III of the Omnibus Crime Control and Safe Streets Act of 1968 (which means obtaining a court order and permission from the Attorney General).

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ENCLOSURE

62-116375-1234

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## CONFIDENTIAL INFORMANTS

In the field of criminal investigations--and particularly those dealing with the subject of organized crime--no investigative technique is more valuable than that dealing with the use of confidential informants.

These sources, at the risk of their lives, furnish information relating to law violations, the whereabouts of desperately wanted fugitives, the structure and activities of organized criminal groups, the identities of racket bosses and their spheres of influence, and the sources of hoodlum funds. In most cases, the probable cause utilized in affidavits requesting court-authorized electronic surveillances comes from confidential informants.

Bureau policy with respect to the development and control of confidential informants is generally aimed at the need for exercising great care and judgment in the selection, operation, and evaluation of these sources. Safeguards provide for a preliminary analysis of an individual's potential for development, a probationary period of observation before he is declared a full-fledged informant, continuing corroboration of his information as compared with that furnished by other sources and investigations, regular certifications as to his reliability and mental stability by the Agent handling him, and the utilization of an alternate Agent to assist the primary Agent in handling and evaluating the informant.

In addition to on-the-scene supervision provided by the office operating him, each informant is also evaluated continually at FBI Headquarters based upon the payment requests and progress letters detailing his accomplishments and by the inspection teams which visit each office annually.

Close supervision is also necessary to insure that the Bureau never gets into a position where it can be accused, either rightly or wrongly, of financing illicit operations, condoning criminal violations, entrapping persons into committing offenses, or having its representatives serve as agents provocateur.

In order to protect the lives of its informants, the FBI closely restricts the number of persons having access to the files dealing with these sources. For this reason, no authorization is sought from the Department for the operation of individual informants.

ENCLOSURE 62-116395-1234

## MAIL COVERS

The FBI's "Manual of Rules and Regulations" (II-8-B-10) states that requests for mail covers must be held to an absolute minimum, being utilized only in important investigations and when it is anticipated that information of value will be obtained. This technique does not involve the opening of mail but merely the listing of external data on the outside of the envelope, such as postmarks and return addresses.

Postal regulations stipulate that mail covers may be requested in fugitive or criminal cases in order to locate fugitives or to obtain evidence of a commission or attempted commission of a crime punishable by more than a year in prison. In recommending a mail cover in such a case, the field has been instructed to notify FBI Headquarters that, unless advised to the contrary within 10 days, it intends to request a mail cover from the Postal Inspector in Charge of the local area. Such requests to the Postal Inspector must be in writing and specify reasonable grounds for the need of a mail cover, the statute and penalty involved, whether the subject has been indicted and, if so, the identity of his attorney (providing he has one and the identity is available). In fugitive cases, this same information must be supplied regarding the fugitives as well as the person to be covered.

In fugitive and criminal cases, mail covers may be placed for 30 days' duration and subsequently renewed for additional 30-day periods, up to a total of 120 days.

Special Agents in Charge of field offices are responsible for regularly checking the productivity of mail covers being utilized by their offices.

Departmental authority is not required for use of this investigative technique.

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