File #:

62-HQ-116395

Serial Scope:

1243 thru 1245, 1249, 1250x1 thru 1253, 1255,
1st NR 1255, 2nd NR 1255, 1255x, 1255x1 thru 1258,
1261, 1262

Released under the John F. Kennedy Assassination Records Collection Act of 1992 (44 USC 2107 Note). Case#:NW 55114 Date: 11-18-2017

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

JAN 12 1976

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

FROM: Michael E. Shaheen, Jr.
Special Counsel for Intelligence
Coordination

SUBJECT: SSC Letter Dated January 8, 1976

Attached is a letter from the SSC dated January 8, 1976. Please arrange for an appropriate response to Items 1-8.

Senately - 75

ST 115

REC-14 62-116395-1262

ALL FBI INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11/6/00 BY SP2AMKP

5 JAN 15 1976

ENCLOSURE

62-116395

84 JAN 20 1976

JAN 12 1976

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

FROM: Michael E. Shaheen, Jr.
Special Counsel for Intelligence
Coordination

SUBJECT: SSC Letter Dated January 8, 1976

Attached is a letter from the SSC dated January 8, 1976. Please arrange for an appropriate response to Items 1-8.

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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

January 8, 1976

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

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DATE 11/16/00 BY SP2AMKP

Dear Mike:

One of the subjects which the Committee will be addressing in preparing its legislative recommendations involves the adequacy of the FBI's inspection procedures for handling allegations of misconduct and abuse. In this regard we are forwarding herewith a list of several such allegations which have been made during the past few years and concerning each of which we would appreciate your supplying us with the following information:

1. How did FBI Headquarters first become aware of the allegation?

2. Was an investigation or inspection conducted? If not, was any other action taken?

3. How was the decision made to conduct (or not to conduct) an inspection or investigation, or to take (or not to take) other action?

4. Which Division, or operating level (headquarters or field), conducted the inspection or investigation?

5. How was the decision made as to which Division or operating level was to conduct the inspection or investigation?

6. Was the original allegation reported to the Attorney General or any other Department of Justice official?

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JAN 8 1976

ENCLOSURE
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7. Were the results of the inspection or investigation reported to the Attorney General or any other Department of Justice official?

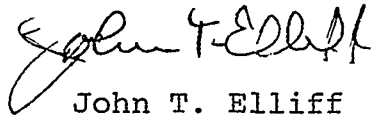
8. Was prosecution or administrative action (e.g., suspension or dismissal) considered or taken?

9. If any of the allegations on the attached list were made today, would they be handled by the newly-created office of Professional Responsibility? In what manner would they be handled? If an investigation were deemed warranted, which agency's personnel would do the investigating. In this regard, please also advise concerning which agency's personnel will be investigating recently-reported allegations that agents of the FBI "attempted to coerce" a House Select Committee on Intelligence witness "into repudiating his testimony before the select panel."

Answers to questions 1 - 7 should be accompanied by full back-up documentation, including memoranda, inspection or investigative reports, 302's, personnel reports, and communications to and from the field.

Your continued cooperation is appreciated.

Yours very truly,



John T. Elliff
Director
Domestic Intelligence Task Force

LEVI ASKS INQUIRY IN ATTACK ON F.B.I.

Special to The New York Times

WASHINGTON, Jan. 6—Attorney General Edward H. Levi has asked the Justice Department's new internal inspection unit to investigate an assertion by the House Select Committee on Intelligence that the Federal Bureau of Investigation attempted to coerce a committee witness into repudiating his testimony before the select panel.

A Justice Department spokesman said that Mr. Levi, responding to a request for information about the incident from A. Searle Field, the committee's staff director, had assigned the matter for investigation to the department's newly created Office of Profesional Responsibility.

In a letter to Mr. Levi last week, Mr. Field reported that the witness, Martin L. Kaiser, had disavowed part of his committee testimony after a six-hour interrogation by F.B.I. agents.

Mr. Kaiser heads a Maryland company that makes electronic eavesdropping equipment for the F.B.I. and other Federal law enforcement agencies.

His testimony before the House Committee in October raised the possibility that some F.B.I. agents had received kickbacks when another electronics company sold to the F.B.I. material it had acquired from Mr. Kaiser's concern.

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62-116395-12662

LIST OF ALLEGATIONS

1. The March 20, 1975 edition of the New York Times reported that "the Federal Bureau of Investigation has carried out kidnappings of a number of persons in the United States that it believed to be clandestine agents of foreign intelligence services, according to two former FBI agents."

2. The August 11, 1975 issue of Time Magazine reported the discovery of "Bureau manuals, documents and reports" in the apartment of a KGB "operative" who was described as the "mistress" of an FBI agent.

3. The August 11, 1975 issue of Time Magazine also reported that in 1961 a Bureau agent was "suspected of giving FBI reports to the Soviets."

4. The March 29, 1975 edition of the Washington Post reported allegations that an FBI agent had been "bribed by a member of the Mafia."

5. A recent edition of Time Magazine reported that "sensitive" FBI documents "were carried off in an FBI truck to West Virginia's Blue Mountain Ridge Club, a Shenandoah Mountain Hideaway used by innermost FBI officials for regular poker games with CIA and other cronies. The papers were burned inthe Club's large fireplace."

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62-116395-12662

3/20/75 NY Times

2 Former Agents Say

By JOHN M. CREWDSON
Special to The New York Times

WASHINGTON, March 19—The Federal Bureau of Investigation has carried out kidnappings of a number of persons in the United States that it believed to be clandestine agents of foreign intelligence services, according to two former F.B.I. agents with direct knowledge of such operations.

One of the former agents placed the number of such kidnappings over the years at "fewer than 10" and said that, as far as he knew, the technique had not been employed by the bureau since the mid-nineteen-sixties.

He said that its use had been occasioned by such cold war incidents as the Cuban missile crisis "when things were pretty rough," and that he was "certain that this is no longer going on."

A spokesman for the bureau said only that the bureau would adopt "a no-comment posture" with respect to the kidnapping allegations.

A Pattern in Targets

Both of the agents said that, with one possible exception, the targets selected by the F.B.I. for kidnapping were suspected intelligence operatives from Communist countries who had entered the United States illegally with forged American passports and other identity documents.

The use of the kidnapping technique was also confirmed, although not in detail, by two other former F.B.I. agents.

In separate interviews, the two former agents who described the alleged kidnappings left open the possibility that in one instance the bureau had erred in kidnapping a person who proved not to be a deep-cover spy but a legitimate American citizen.

One of the agents conceded, however, that in every case the practice was "completely wrong—completely in violation of civil liberties. No question about it," he added.

But he said, "In the business of intelligence, you're faced with the concept of expediency. That oftentimes leads you into extra-legal activities."

Alleged Violations

Several lawyers, including representatives of the American Civil Liberties Union, pointed out that an alien illegally in this country is by law afforded many of the same guarantees of due process as American citizens.

The bureau's only legal alternatives in such cases, one lawyer said, were to turn such individuals over to the Immigration and Naturalization service for a deportation hearing or to charge them with illegal entry or espionage.

To have held such an individual incommunicado for more than a day, the lawyer added, would have violated his rights to be formally arrested and charged with a crime, to habeas corpus and to the assistance of counsel, among others.

Kidnapping, the former agent said, was a last resort used when no alternative means could be quickly found to interrogate a suspected subversive, or to "turn" him into a double agent willing to report to the F.B.I. on the activities of his own intelligence service.

It was, he said, "the type of thing that's never done lightly."

Both men denied that physical torture was ever employed in such cases, although one said that, when a suspect had been located, "You'd pick him up and take him somewhere and work him over."

The victims were often threatened with death as punishment for noncooperation, he added, although neither official recalled any instance in which a hostage had been murdered.

One of the former agents maintained, however, that mental duress was an important part of such interrogations, and he described one case in which a person was seized and detained in an F.B.I. "safe house" for "several weeks."

Absence Not Noticed

Because the man was not operating under diplomatic cover, as many foreign espionage agents do, and was not otherwise an official personage, his extended absence went publicly unnoticed, the former agent said.

The spy, he said, knew his captors only as "U.S. intelligence agents," at least one of whom was with him constantly.

"Someone slept in the same bed with him. We even went with him to the bathroom," he said.

After weeks of intense interrogation the man broke and agreed to become a double agent and was told, in the former agent's words:

"You are a free man. Do you know what that means? If you leave here and do not keep your promises we will do nothing further to you. But you have made a commitment and we will take you at your word."

The man did keep his word, the former agent said, and appeared at an appointed meeting with an F.B.I. intelligence agent a week later.

But the former agent acknowledged that the technique contained a critical flaw: The F.B.I. had no way of knowing whether the man, or others like him, reported their experiences to their own government, and thus became triple agents.

'Playing for Keeps'

The use of kidnapping, one of the former agents emphasized, "was a tough game. That was when you're playing for keeps," he said.

He said that, to his knowledge, it was never employed against the domestic left or

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THE NEW YORK TIMES, THURSDAY, MARCH 20, 1975

F.B.I. Has Kidnapped Suspected Foreign Spies in U.S.

organized crime figures, but was reserved for operatives of the Soviet K.G.B., or secret police, or representatives of other Soviet-bloc intelligence services.

The technique was particularly useful, he explained, when the F.B.I. feared that it was about to lose track of a suspected agent posing as an American citizen.

"You'd identify your man and follow him to develop who he was contacting here," the former agent said, "but you always ran the risk of losing him in 200 million people."

One instance in which that concern played an important part was described by the two former agents.

In the early nineteen-sixties, they recalled, a man walked casually into the recorder's office in a rural Middle West county seat near the Canadian border and asked for a copy of his birth certificate.

The man explained to the clerk that he had left the region when he was a small child and was now seeking to document his family history. The name he gave was that of a former resident of the county, someone whom the records clerk and others there remembered had suffered a permanent pelvic injury as a youth.

The inquiring man appeared to walk perfectly, however, and the townspeople, their suspicions piqued, notified the local office of the F.B.I.

"Thank God the resident agent was on the ball," one of the sources said, "and went over and checked the matter out."

Linked to Soviet

The F.B.I., he said, placed the mysterious stranger under surveillance and eventually became convinced that he was a Soviet intelligence agent who had penetrated the United States illegally.

When the local F.B.I. agents became concerned that they would lose the suspect, the source recounted, a decision was made "to hit him."

After receiving authorization directly from J. Edgar Hoover, the late F.B.I. director, a specially picked team of agents seized the suspect and rushed him to a secluded "safe house" of the bureau for interrogation, the two sources said.

One of the former agents described the interrogation as a "stern" one, and the other added that "this was rough business," though neither provided specific details of the ordeal to which the man was subjected.

Both sources described the operation as a success but declined to elaborate on its precise disposition or the subject's present whereabouts.

One of the former agents maintained, however, that none of the suspected espionage agents involved in these operations had ever died as a direct result of the kidnapping or interrogation, or while attempting to escape.

The former agent said that although the bureau never operated a formalized "kidnapping squad," at one time there was a coterie of agents who "could and would" carry out illegal high-risk operations such as burglaries and kidnappings.

But by the mid-nineteen-sixties, he said, these men had become convinced that Mr. Hoover would no longer back them and they refused to undertake such work without "paper" or written authorizations, which Mr. Hoover was unwilling to give.

Too Dangerous to Accept

"You'd call a guy up and ask him to do something," the source recalled, "and he'd remind you that he had two kids in college and he could see his retirement down the road."

"This work was exceedingly dangerous," the second former F.B.I. man said. "You could get shot, you could get arrested."

The first former agent confirmed these points, adding that no mention of kidnapping was ever made in writing and that consequently no record of it exists within the bureau's files.

Knowledge of the kidnapping operations was "very, very closely held," he said, being limited to Mr. Hoover, who personally approved each of them; a handful of top officials, and the agents in the field who carried them out.

"Nobody will admit a damn thing," he said, pointing out that the crime of kidnapping carries no statute of limitations.

The lawyers interviewed in connection with the legality of these operations said, however, that Federal and state kidnapping statutes had probably not been violated by the agents who carried out the abductions, since no ransom was extracted.

Because "the best interests of the country would not be served by pursuing that investigation," the man declined to identify either the F.B.I. agents or the suspected subversives involved in the kidnappings.

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Time p.106 Aug. 11, 1975

FBI

Seduced by the KGB

p.19

While concentrating its efforts upon the CIA, Senator Frank Church's special committee that is investigating U.S. intelligence programs has also been accumulating data on the FBI. Last week TIME learned that the committee has heard some startling reports of misdeeds, break-ins and cover-ups, including the story of an agent whose mistress was linked to the Soviet KGB.

The affair was discovered in 1968 when a CIA source in Moscow reported that KGB officials were jubilant about getting one of their operatives in bed with an FBI agent. To check out the CIA's report, the FBI broke into the apartment of the woman, a middle-aged waitress, and discovered bureau manuals, documents and reports. Some FBI officials urged prosecution, but J. Edgar Hoover's palace guard of deputies stopped the inquiry to avoid embarrassing the bureau and its boss. The agent was simply allowed to resign. The KGB also appears to have penetrated the FBI in 1961. In this case, the agent suspected of giving FBI reports to the Soviets (a polygraph test on him was inconclusive) was fired on a minor technicality.

The Church committee has also turned up evidence of a variety of extralegal activities practiced by the FBI. The bureau is said to have maintained special schools to train agents in the techniques of the "bag job," a euphemism for breaking and entering. The graduates—lockpickers, burglars and a few safecrackers—managed to steal some code books from foreign embassies. For this they received "incentive awards" ranging from $250 to $500.

The Senators would like to know more about the private files Hoover kept on public officials and what use he made of them. John Mohr, a former top FBI official, has told TIME that he had been questioned three times by the committee about the dossiers assembled by Hoover on scores of people. Just what happened to some of the files after Hoover's death in 1972 is still a mystery.

62-116395-12102

Justice Dept. Looks In Bureau Bribe Investigation

FBI Bid to Kill Probe Charged

By Ronald Kessler
Washington Post Staff Writer

Shortly after he became director of the FBI, Clarence M. Kelley twice made unsuccessful attempts to stop a Justice Department investigation of an allegation that an FBI agent had been bribed by a member of the Mafia, according to an informed source.

The charge was leveled against New York FBI agent Joseph Stabile by two fellow New York agents. One said Stabile had admitted to him that he took the bribe.

An investigation was closed when it turned up no evidence against Stabile. But the two agents who made the accusation told the Justice Department's orgainized crime strike force in Brooklyn that the FBI investigation had been a "cover-up," the source said.

This triggered a Justice Department investigation, which is continuing, the source said.

Despite the origin of the Justice Department investigation, the source said, Kelley asked high-ranking department officials in 1973 to call the Brooklyn prosecutors off the case on the grounds the FBI had found no violations of law.

In addition, the source said, Kelley complained that the Justice investigation was hurting FBI morale.

During the ensuing dispute, he said, Henry E. Petersen, then chief of the Criminal Division of Justice, informed the Brooklyn prosecutors of Kelley's attempts and told Kelley the investigation would continue.

Another source said Petersen later cited the New York incident to show the need for an inspector general within the Justice Department to police the FBI.

Petersen, who has since left the Justice Department, confirmed recently that Kelley wanted the investigation stopped but could not recall how he had made his views known. Petersen said he would not dispute that it was in the form of a request.

"There was a difference of opinion, and ultimately the opinion of the Criminal Division prevailed, and the FBI acquiesced in that opinion," he said.

The informed source said Kelley's requests, which were known to only a few FBI and department officials amounted to "pressure" and an "attempt to suppress it [the investigation]."

The FBI, the former prosecutors said, is a fact-finding agency that normally does not express opinions on whether an investigation started by Justice should be continued.

Another former federal prosecutor said the FBI, on rare occasions, has expressed such an opinion based on manpower considerations. But FBI intervention when it is a target of the investigation would be "improper," the former Justice Department official said.

Sources familiar with the bribe allegation attributed Kelley's action to a feeling long held by FBI leaders that any hint of corruption would irreparably damage the bureau's image and effectiveness.

Although Kelley's attempts were unsuccessful, the Justice investigation had been hampered by the FBI's handling of the case before Kelley became director in July, 1973, one source said.

Chief among these problems — which were confirmed by a second source — was the fact that the FBI immediately confronted Stabile with the bribe allegation before attempting to gather evidence against him.

In doing so, the source said, the FBI agent gave the agent treatment it would not give others suspected of criminal behavior.

In addition, the source said, at that same time the FBI violated its own procedures by failing to inform the Justice Department that it was conducting an investigation of the bribe allegation.

An FBI spokesman said Kelley cannot comment on the bribe allegation because many of the same issues will be raised in a Brooklyn perjury trial scheduled to begin April 14.

The trial, to be held in u.s. district Court, is of John Caputo, who is identified by the FBI as a member of the Luchese New York Mafia family.

Caputo is alleged to have bribed Stabile.

The trial, however, centers on the question of whether Caputo lied when he told a grand jury he had not admitted to FBI agents that he paid off New York city policemen.

Reached at his Hawley, Pa., country home Caputo, 71, said of the charge he paid off an FBI agent, "I got nothing to do with this."

Asked if he is a member of the mafia, Caputo said, "come on. I have nice children. My kids went to nice Catholic schools. They say you're with this, with that."

Many of the essential facts surrounding the bribe allegation -- including the identity of the accused agent, Stabile -- were revealed in pre-trial testimony taken last month for Caputos pending perjury trial.

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62-116395-12102

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

JAN 12 1976

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

FROM: Michael E. Shaheen, Jr.
Special Counsel for Intelligence
Coordination

SUBJECT: SSC Letter Dated January 12, 1976

Attached is a letter from the SSC requesting a briefing on or before January 15, 1976. Please arrange for an appropriate response.

REC-14 62-116395-1261

ST. 115

5 JAN 15 1976

1 ENCLOSURE

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cc: Paul Daly
Bill Cregar

62-116395

84 JAN 20 1976

JAN 12 1976

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

FROM: Michael E. Shaheen, Jr.
Special Counsel for Intelligence
Coordination

SUBJECT: SSC Letter Dated January 12, 1976

Attached is a letter from the SSC requesting a briefing on or before January 15, 1976. Please arrange for an appropriate response.

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cc: Paul Daly
Bill Cregar

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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

January 12, 1976

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

Dear Mike:

The Select Committee requests that Bureau officials knowledgeable in Cuban intelligence activities in the United States, informant penetration of Cuban intelligence and Cuban groups (in the U.S., Cuba and Mexico) for the period 1960-1967, meet with and brief members of the Committee and senior staff on or before Thursday, January 15, 1976.

Other than the morning of Wednesday, January 14, 1976, any time would be convenient for us. I would appreciate your contacting me so that we can work out the details.

Sincerely,

Paul G. Wallach

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JAN 12 1976

ENCLOSURE
1261

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

JAN 12 1976

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

FROM: Michael E. Shaheen, Jr.
Special Counsel for Intelligence Coordination

SUBJECT: SSC Letter Dated January 7, 1976

Attached is a letter from the SSC dated January 7, 1976. Please arrange for an appropriate response.

(Seriously - 75)

REC-14 62-116395-1258

ST. 115

5 JAN 15 1976

1 ENCLOSURE

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62-116395

JAN 12 1976

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

FROM: Michael E. Shaheen, Jr.
Special Counsel for Intelligence
Coordination

SUBJECT: SSC Letter Dated January 7, 1976

Attached is a letter from the SSC dated January 7, 1976. Please arrange for an appropriate response.

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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

January 7, 1976

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:

I would appreciate your supplying to the Committee all memoranda and other materials pertaining to the establishment of the Office of Legal Counsel in the FBI in 1971 as well as all materials prior to that date which would reflect earlier Bureau practices and procedures for considering the legal and constitutional implications of major policy changes in FBI Domestic Intelligence Division operations. (This should include, of course, materials which pertain to the responsibilities and duties of the Office of Legal Counsel which formerly was located in the Training Division.)

assigned to Daley 1/9/76

I would also appreciate your forwarding such materials as would reflect the process by which Section 87 of the FBI Manual of Instructions was changed in 1973 (i.e., from inception through final approval).

assigned to Mintzenhall 1/9/76

Your continued cooperation is appreciated.

Sincerely,

John T. Elliff

John T. Elliff
Director
Domestic Intelligence Task Force

RECEIVED JAN 8 1976

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ENCLOSURE
62-116395-1258

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JAN 0 8 1976

TELETYPE

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

NR006 BS PLAIN

8:00PM NITEL JANUARY 8, 1976 MGC

TO: DIRECTOR

FROM: BOSTON

ATTN: INTD, W.O. CREGAR

SENSTUDY 75

RE BUREAU TELEPHONE CALL TO BOSTON JANUARY 8, 1976.

MR. LAURENCE P. KENNAN, 6 LISA BETH DRIVE, DOVER, NEW HAMPSHIRE, 03820, TELEPHONE 603-749-0365, CONTACTED JANUARY 8,. 1976 AND WAS ADVISED OF CAPTIONED GROUP'S DESIRE TO INTERVIEW HIM. KEENAN INVITED TO CONTACT FBIHQ, OFFICE OF LEGAL COUNSEL, BY COLLECT TELEPHONE CALL FOLLOWING CONTACT BY SENSTUDY TO RESOLVE ANY QUESTION OF CONFIDENTIALITY. KEENAN EXPRESSED VERY COOPERATIVE ATTITUDE AND STATED HE HAD NO OBJECTION TO SUCH AN INTERVIEW AND WOULD CALL FBIHQ IF CONTACTED.

END.

ST. 115

REC-14 62-116395-1257

5 JAN 15 1976

CC 67-473513 (Keenan)

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84 JAN 20 1976

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62-116395-1256X

CHANGED TO

62-116464-282

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Conn/Mmd

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FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JAN 07 1976

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Comp. Syst.
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Inspection
Intell.
Laboratory
Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Telephone Rm.
Director Sec'y

SJ 694

NRØØ3 SJ PLAIN

12:47PM URGENT JANUARY 7, 1976 GRB

TO DIRECTOR

FROM SAN JUAN

ATTENTION: LEGAL COUNSEL AND INTELLIGENCE DIVISIONS

SENSTUDY 75

REFERENCE BUREAU TELETYPE, DECEMBER 30, 1975.

SAC WARREN C. DE BRUEYS SCHEDULED TO ARRIVE EASTERN AIRLINES FLIGHT 946 AT 7:36 PM, JANUARY 7, 1976, AT FRIENDSHIP AIRPORT; WILL REPORT TO ROOM 3658 JEH BUILDING AT 8:ØØ AM, JANUARY 8, 1976, AS INSTRUCTED. PHONE NUMBER WHILE IN WASHINGTON WILL BE 941-4667.

END.

6011

SECTION CI
Rm. 3658 JEH

REC-14 62-116395-1256

JAN 13 1976

EYE

CC 67

CC-5

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/10/00 BY

84 JAN 20 1976

1 - Mr. J. A. Mintz
1 - Mr. W. R. Wannall
1 - Mr. R. L. Shackelford
1 - Mr. W. O. Cregar
1 - Mr. S. J. Miller

January 6, 1976

The Attorney General

Director, FBI

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

Enclosed is the original of a memorandum reporting the results of an interview of former Special Agent in Charge Roy K. Moore of the FBI by an SSC Staff Member. Also enclosed is a copy of the memorandum for forwarding to Mr. James A. Wilderotter, Associate Counsel to the President.

Enclosures (2)

62-116395

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

1 - 67- (Personnel File Former SAC Roy K. Moore)

SJM:lhb/hb
(10)

ST. 115 REC-51 62-116395-1255X1

5 JAN 26 1976

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/6/00 BY SP2 [illegible]

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 ____

MAIL ROOM ☐ TELETYPE UNIT ☐

GPO : 1975 O - 569-920

1 - Mr. J. A. Mintz
1 - Mr. W. R. Wannall
1 - Mr. R. L. Shackelford
1 - Mr. W. O. Cregar
1 - Mr. S. J. Miller

62-116395

January 6, 1976

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

RE: INTERVIEW OF FORMER SPECIAL AGENT
IN CHARGE (SAC) ROY K. MOORE OF
THE FBI BY AN SSC STAFF MEMBER

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/6/00 BY SP4PMJP

The following concerns an interview on November 18, 1975, of former SAC Roy K. Moore of the FBI by an SSC Staff Member.

Moore's report of the results of the interview follows:

"Today, November 18, 1975, at the request of Mr. Robert Kelley, Church Committee, Room G303, Dirksen Building, First and C Streets, I appeared at their office and furnished an affidavit in reply to that of Mr. Hardy, the alleged informant in the Camden 28 case.

"According to Mr. Kelley, the Committee is looking into the use of informants by the FBI and other intelligence agencies.

"Mr. Hardy, in his deposition to the Committee, alleged that he became a 'provocateur' during the time that we were investigating the break-in of the Camden Federal Building in 1971.

"I furnished an affidavit to the effect that Mr. Hardy walked into the Camden Resident Agency and requested advice in that he felt his religious advisor, a priest, was

Assoc. Dir. ___
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Dep. AD Inv. ___
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Spec. Inv. ___
Training ___
Legal Coun. ___
Telephone Rm. ___
Director Sec'y ___

1 - 67- (Personnel File Former SAC Roy K. Moore)

SJM:lhb/hb
(9)

SEE NOTE PAGE 3

MAIL ROOM ☐ TELETYPE UNIT ☐

GPO : 1975 O - 569-920

62-116395

involving him in a violation of the law. He was interviewed by Supervisor Bill Anderson of the Philadelphia Office who happened to be in the Resident Agency at that time.

"Ultimately, Mr. Anderson convinced Mr. Hardy that he should assist his Government and report on the activities of those individuals who were planning the break-in of the Federal Building.

"Over a period of time, Hardy assisted those who had already been working on the surveillance of the building and planning the break-in and was able to furnish Agents the names of those involved, their plans, and was successful in helping effect their arrest when the break-in occurred.

"The interviews with Mr. Hardy were recorded on tape. They were played back to the Agents on the 'Special,' and in many instances it is a matter of record that Mr. Hardy was cautioned by the Agents handling him not to become a 'provocateur.' Upon the arrest of the 28 individuals who broke into the Federal Building, Mr. Hardy was a willing Government witness. However, subsequent thereto one of his children fell from a tree and was impaled on an iron post and later died as a result. It is our understanding that his religious advisors convinced him that this was retribution for turning against his fellow conspirators and assisting the Government. He ultimately testified for the defendants rather than the Government.

"In my affidavit, I explained that the Camden 28 case was one of 58 break-ins involving Selective Service Boards and Federal Buildings and that, as a result of latent prints developed in the various break-ins and the printing (finger) of the defendants in the Camden 28 case, we were able to

NW 55114 DocId:32989562 Page 23

make comparisons and solve 16 of the unsolved break-ins, thus showing that the Camden 28 case was part of a larger conspiracy than that one incident.

"Additionally, the question was asked why we didn't make the arrest upon the breaking of the window of the Federal Building in Camden or even before on the basis of conspiracy rather than letting them consummate the crime of breaking, entering and carrying away the files. It was explained that this matter was closely followed with Departmental attorneys and the Assistant U. S. Attorney, New Jersey, to insure that they were satisfied that the elements of the Crime on Government Reservation Statutes had been satisfied. The Departmental attorneys were Mr. Goodwin and Mr. Cubbage. It was further explained that the Berrigan case had just occurred and that their defense was that, while they had talked about kidnapping Mr. Kissinger, they never really intended to do it and obviously the Departmental attorneys and Assistant U. S. Attorney wanted to insure that there was no question as to the intention of these individuals. However, the best information could be obtained from these attorneys as to the reasons for their decisions.

"The latter part of the deposition dealt with my personal opinion of the use of informants in intelligence investigations. Obviously, I endeavored to justify the use of informants as being far superior to investigative operations for the true intent of the persons comprising any group who have as a purpose destruction of the establishment or overthrow of the Government."

NOTE:

Mr. Moore telephonically dictated the results of the interview to a Bureau stenographer on 11/18/75.

NW 55114 DocId:32989562 Page 24

CLASSIFY AS APPROPRIATE

NOTE: SEE INSTRUCTIONS ON REVERSE BEFORE COMPLETING.

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	X	INTERVIEW		TESTIMONY		OTHER

2. DATE PROVIDED: 1/6/76

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

	SSC
	HSC

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

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

Memorandum reporting results of an interview by SSC Staff Member of former SAC Roy K. Moore.

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*)

Intelligence collection
Information handling

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

Interviewed regarding the FBI's use of informants, also relative to informant Hardy's furnishing of information regarding the break-in of the Camden Federal Building in 1971.

62-116395

FMK:fmk
(4)

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

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11/6/00 BY SP2 ALM

TREAT AS YELLOW

62-116395-1357

CLASSIFY AS APPROPRIATE

3791 (6-75)

The Attorney General

NOTE:

This memorandum effects delivery of material relating to Items 5 and 6 of the November 21 SSC request, and completes our response to requests of the SSC in this letter.

An exact copy of documents being delivered to the SSC is being retained in the Senstudy 75 Project.

With respect to the March, 1965, authorization for microphone surveillance on Bernard Lee, we have been unable to locate any document in the King or Lee files relating to the purpose of a surveillance on Lee. We believe (as noted in the January, 1965, surveillance authorization material) that the surveillance was directed at King, and any room in which King was likely to meet with associates. We have not located information indicating Lee was a primary target of surveillance.

NW 55114 DocId:32989562 Page 26

2 - [redacted] J. A. Mintz
([redacted] - Mr. J. B. Hotis)
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. H. W. Porter

62-116395

January 5, 1976

UNITED STATES SENATE SELECT COMMITTEE
TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT
TO INTELLIGENCE ACTIVITIES (SSC)

RE: REQUEST PERTAINING TO AUTHORIZATION
AND PURPOSE OF ELECTRONIC SURVEILLANCES
CONDUCTED BY THE FBI

Reference is made to the SSC letter of November 21, 1975, requesting delivery of materials pertaining to the authorization and purpose of certain electronic surveillances conducted by the FBI.

The SSC letter of November 21 referenced a summary chart prepared by the FBI showing electronic surveillances conducted by the FBI since 1960. This chart was furnished to the SSC by memorandum of October 23, 1975.

This memorandum effects delivery of documents responsive to Items 5 and 6 of the November 21 SSC letter dealing with microphone surveillances. Those items are as follows:

Item 5 - Mark Lane and Marina Oswald, 1964.

Item 6 - Bernard Lee, 1965.

HWP:en
(8)

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
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Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/6/80 BY SP2 AUM/KP

MAIL ROOM ☐ TELETYPE UNIT ☐

62-116395-1255X

GPO : 1975 O - 569-920

RE: REQUEST PERTAINING TO AUTHORIZATION
AND PURPOSE OF ELECTRONIC SURVEILLANCES
CONDUCTED BY THE FBI

With respect to Item 6, our records indicate a microphone surveillance was authorized on two rooms at the Sheraton Park Hotel, New York City, where Martin L. King, Jr., and Bernard Lee, an associate, were to reside during the period March 29 to March 31, 1965. Neither King nor Lee occupied those rooms during this period, having registered at a different location in New York City.

Although the surveillance was authorized on a room which Lee was to occupy, it was not directed at Lee personally, but instituted to provide full coverage of King's activities while at the Sheraton Park Hotel. In that regard, we have included material showing surveillance coverage of King on an earlier date in January, 1965. We believe this surveillance activity shows the intent of the surveillance authorized in March, 1965; namely, to provide full coverage to areas likely to be used by King and his associates for meetings.

1 - The Attorney General

NW 55114 DocId:32989562 Page 28

CLASSIFY AS APPROPRIATE

NOTE: SEE INSTRUCTIONS ON REVERSE BEFORE COMPLETING.

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.*)

X	DOCUMENT		BRIEFING		INTERVIEW		TESTIMONY		OTHER

2. DATE PROVIDED: 1/5/76

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

X	SSC
	HSC

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

Memorandum and enclosures

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

SSC letter 11/21/75, items 5 and 6

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*)

Surveillance, electronic

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

Materials pertaining to authorization and purpose of electronic surveillances conducted by the FBI. Specifically microphone surveillances on Mark Lane and Marina Oswald, 1964; Bernard Lee, 1965.

62-116395
FMK:fmk
(4)

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

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11/10/00 BY 32214MP

TREAT AS YELLOW

3791 (6-75)

CLASSIFY AS APPROPRIATE

62-116395-1255X

(Rev. 12-13-56)

FBI

Date: 3/31/65

ismit the following in _____
(Type in plain text or code)

AIRTEL
(Priority or Method of Mailing)

TO : DIRECTOR, FBI (100-106670)

FROM : SAC, NEW YORK (100-136585)

SUBJECT: MARTIN LUTHER KING, Jr.
SM-C

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11/6/80 BY SP2 JMKP

JUNE

ReBu telephone call of 3/29/65, authorizing misur coverage of subject at the Park Sheraton Hotel, 56th St. and 7th Ave., NYC.

On 3/29/65, at 3:30 p.m., misur coverage was effected on rooms 1461 and 1462, the rooms at the Park Sheraton Hotel which were to be occupied by KING and BERNARD LEE on 3/30/65. The sources are NY 5020-S* (KING's room, 1461) and and NY 5021-S* (LEE's room, 1462). These sources were monitored from room 1561.

On 3/31/65, at 12:00 noon, these sources were discontinued.

This document is prepared in response to your request and is not for dissemination outside your Committee. Its use is limited to official proceedings by your Committee and the content may not be disclosed to unauthorized personnel without the express approval of the FBI.

3-Bureau (100-106670) (RM)
1-NY (100-136585) (42)
JMK:rmv
(5)

18 APR 1 1965

Sent _____ M Per _____

FD-36 (Rev. 10-29-63)

FBI

Date: 1/11/65

Transmit the following in _____
(Type in plain text or code)

Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI (100-106670)

FROM: SAC, NEW YORK (100-136585) JUNE

SUBJECT: MARTIN LUTHER KING, JR.
SM-C

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11/6/00 BY SEALMKP

Re Bureau telephone call, 1/8/65, authorizing misur coverage of subject at the Park Sheraton Hotel, 55th Street and Broadway, New York City.

On 1/8/65, coverage was effected on the room of KING, room number 2543, and NY 4853-S* was installed at 3:00 PM. NY 4854-S* was installed at the same time on the adjoining room, number 2541, occupied by his associates, ANDREW YOUNG and BERNARD LEE. These sources were monitored from room 2441.

ELSUR
ELSUR

On 1/11/65, at 10:45 AM, the designated sources were discontinued.

Microphones and monitoring equipment removed 1/11/65. Trespass was involved.

CC/408RD

3 - Bureau (100-106670) (RM)
1 - New York (100-136585) (42)

JMK:gmd
(5)

100-106670-147

15 JAN 1965

EX-108

This document is prepared in response to your request and is not for dissemination outside your Committee. Its use is limited to official proceedings by your Committee and the content may not be disclosed to unauthorized personnel without the express approval of the FBI.

C. C. Wick

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

6 JAN 1 1965

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

ROUTE IN ENVELOPE

Tolson
Belmont
Mohr
DeLoach
Casper
Callahan
Conrad
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

TO : Mr. W. C. Sullivan

DATE: JUNE 1/8/65

FROM : J. A. Sizoo

SUBJECT: MARTIN LUTHER KING, JR.
SECURITY MATTER - C

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11/6/00 BY

New York called today and advised that King, Bernard Lee, and Andrew Young registered at the Park Sheraton Hotel and were assigned Room 2541 and 2543. SAC Roney advised that the New York Office had for monitoring purposes the availability of Rooms 2439 and 2441.

In view of the nature of the discussion which King was scheduled to have in New York with Clarence Jones and Harry Wachtel, it was felt the results of the discussion would contain considerable intelligence information. New York said that through other information which they have developed, it appears the meeting will actually be held in Wachtel's office, but New York still strongly recommended use of microphone coverage in the rooms occupied by King's party as the results of the meeting in Wachtel's office would later be discussed in the hotel rooms.

In view of King's continued contact with Clarence Jones, who is King's conduit for contact with communist Stanley Levison and in view of other activities of King, it is considered highly desirable that New York place microphone coverage on these rooms if this can be done with full security. Roney assured me full security would be available and that the individuals involved will be under physical surveillance so the microphone installation could be made during the conference in Wachtel's office. New York contemplated use of two Wasp instruments, which would not involve running wires out of the rooms and which instruments can be installed with full security.

ACTION:

Under the circumstances, I authorized New York to go ahead with the installation provided it could be done with full security.

JAS:mls (8)
1-Mr. Belmont; 1-Mr. Sullivan
1-Mr. Baumgardner; 1-Mr. Bland;
1-Mr. Donohue; 1-Mr. Phillips;
1-Mr. Sizoo

100-106670-1016

REC-7

EX-108

6 JAN 15 1965

100-106670

This document is prepared in response to your request and is not for dissemination outside your Committee. Its use is limited to official proceedings by your Committee and the content may not be disclosed to unauthorized personnel without the express approval of the FBI.

COPY SENT TO MR. TOLSON

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

1 - Mr. Mintz
1 - Mr. Wannall
1 - Mr. Cregar
DATE: 1/5/76
1 - Mr. Hotis
1 - Mr. Daly

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

TO : Mr. J. B. Adams

FROM : Legal Counsel

SUBJECT: SENSTUDY 75

By memorandum 1/2/76, you were advised that Dr. Joseph William Magee had been contacted by a representative of captioned Committee and requested to make himself available for interview by that Committee. Dr. Magee was not advised of the topic of interview and it was recommended that the Committee be contacted and the topic of interview be ascertained and Dr. Magee be appropriately advised of the topic.

Michael Epstein, Staff Member of captioned Committee, advised on 1/2/76 that the topic of interview by that Committee would be Laboratory procedures and practices and, in general, background information concerning Bureau Laboratory operations.

On 1/2/76, Dr. Magee was advised of this by SA Paul V. Daly of this Division.

RECOMMENDATION:

That Dr. Magee be released from existing employment agreement for purposes of interview by captioned Committee concerning the aforementioned topics.

ST 115 REC-14 62-116395

1 - Personnel File - Dr. Joseph William Magee

5 JAN 8 1976

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11/16/00 BY SP2 ALM/KS

LEG

PVD:lad
(7)

84 JAN 9 1976

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

1 - Mr. J. B. Adams
3 - Mr. J.A. Mintz
(1-Mr. J.B. Hotis)
(1-Mr. P.G. Donahue)
1 - Mr. W.R. Wannall
12/18/75
1 - Mr. D.W. Moore
1 - Mr. W.O. Cregar
1 - Mr. R.L. Shackelford
1 - Mr. E.L. Schroeder

Mr. W. R. Wannall

Mr. R. L. Shackelford

JANE FONDA v. L. PATRICK GRAY, et al.
(U.S.D.C., C.D. CALIFORNIA)
CIVIL ACTION NO. 73-2442-MML

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11/16/00 BY SBA/NTP

PURPOSE:

To advise that based upon article in the 12/15/75 issue of the "New York Times" (copy attached), it appeared a staff member of the U. S. Senate Select Committee on Intelligence (SSC) had leaked several Cointelpro documents relating to Jane Fonda to her. However, it has been determined the Cointelpro documents in question, which were not classified, apparently were not leaked to Fonda, but were released by the Committee and furnished to her by letter from a SSC staff member.

BACKGROUND:

On 10/18/73, Jane Fonda filed civil suit, naming as defendants, various Government officials of the Executive Branch, including the FBI and two banks.

The "New York Times" issue of 12/15/75, contained an article captioned: "Jane Fonda Cites FBI Ploy on Her." This article states in part that Fonda had made available to a federal court in Los Angeles, California, documents which revealed the FBI had conducted a Cointelpro type endeavor against her. The article further stated Fonda's attorney had indicated to the court that these documents had been provided to him by the SSC.

On 12/16/75, Departmental Attorney R. John Seibert, who is responsible for the handling of the litigation in this suit, advised during a hearing held in Federal court, Los Angeles, 12/15/75, relative to captioned matter, he was served with two documents, one an airtel from our Los Angeles Office dated 6/17/70 requesting approval for a Cointelpro action against Fonda and the second a reply dated 6/25/70,

100-459279
1 - 62-116395 (SSC)
Enclosures - 4
ELS:bmf (11)

CONTINUED - OVER

56 JAN 5 1976

SEE ADDENDUM PAGE 3

ORIGINAL FILED IN 62-116395

from FBIHQ, authorizing this action. (Copies attached.) Additionally, Mr. Seibert advised that at the conclusion of the hearing on Fonda, 12/15/75, Fonda's attorney furnished him a copy of a letter dated 12/ 8/75, from an SSC staff member, which letter had as enclosures, the aforementioned Cointelpro documents relating to Fonda. (Copy attached.)

In reviewing Headquarters' files relating to the Bureau's Counterintelligence Program, it is noted that pursuant to a request of the SSC, regarding Cointelpro activities, a number of documents were furnished on 9/8/75, to an SSC staff member, which included the above-described Cointelpro documents.

OBSERVATIONS:

A review of the "Rules of Procedure" for the SSC, on page 5, the following statement, in part, is set forth: "No other materials received by the staff or its consultants while in the employ of the Committee shall be made public, in whole or in part or by way of summary, or disclosed to any person outside the Committee unless authorized by a majority vote of the entire Committee."

It is noted it was specifically stated in the SSC staff member's letter to Fonda's attorney dated 12/ 8/75, that the release of the Cointelpro documents in question, were in fact, released by the Committee. Thus, it would appear the furnishing of the documents to Fonda were within the guidelines of the Committee and such documents were not leaked.

RECOMMENDATION:

None. For information only.

NW 55114 DocId:32989562 Page 35

While on a informal basis the Senate Select Committee has been notifying the Bureau prior to release of Bureau documents outside the Committee, there is no written agreement that they will do so. In this instance, Legal Counsel Division understands that the Bureau in responding to a motion for discovery in the Fonda law suit stated that Jane Fonda was not the target of a COINTELPRO activity. This statement was based on a review of the main file pertaining to Fonda and Bureau indices. The Senate Select Committee subsequently determined, in fact, she was the target of COINTELPRO and furnished copies of those documents to Fonda's attorney. We recommend that no protest be made to the Committee. Departmental Attorney Seibert is aware that we failed to locate and furnish two documents germaine to the motion for discovery and corrective action concerning this matter is being taken.

NW 55114 DocId:32989562 Page 36

'70 Effort by Hoover to Discredit Jane Fonda Described in Memo

Special to The New York Times

LOS ANGELES, Dec. 15—J. Edgar jhoover sought to discredit Jane Fonda in 1970 by authorizing the Federal Bureau of Investigation to send a letter to a Hollywood columnist accusing the actress of leading a "refrain" about killing President Nixon, according to a memorandum intruduced in Federal District Court here today.

The letter purportedly said that the writer, who used a fictitious name, had attended a Black Panther Party rally at which Miss Fonda, a political activist, had led a refrain saying "We will kill Richard Nixon and any other [obscenity] who stands in our way."

In the F.B.I. memo, which Miss Fonda said she had obtained from the Senate Select Committee on Intelligence, the director said:

"It can be expected that Fonda's involvement with the B.B.P. cause could detract from her status with the general public if reported in a Hollywood 'gossip' column."

The memorandum instructed the Los Angeles bureau of the F.B.I. to "insure that mailing cannot be traced to the bureau."

No Recollection of Letter

The letter was to be sent to Army Archerd, a columnist for Variety, the entertainment industry newspaper. However, Mr. Archerd said today he had no recollection of ever receiving such a letter and added that he "would never run a blind item like that without checking it out."

In the purported letter, the writer, "Morris," said that he had been searched upon entering the rally and encouraged to contribute money to "buy guns for the coming revolution."

Copies of two memorandums, one asking for permission to mail such a letter and the director's reply of authorization, were presented at a pretrial hearing in Federal court in connection with a lawsuit filed in 1973 by Miss Fonda against President Nixon, several Watergate figures, the F.B.I., the Central Intelligence Agency and two banks.

Miss Fonda charges that her civil rights were violated as the target of a Government surveillance program and campaign to discredit her when she was active in the antiwar movement. She said outside the courtroom today that the letter was "absolutely and totally false" and it proved the Nixon Administration's "organized, systematic attempt to make me appear like a foul-mouthed, violent radical person."

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11/6/00 BY SP2ALM/KP

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

Date 12-15-75

62-116395

6/25/70

1 - Mr. T. E. Bishop
1 - Mr. G. C. Moore
1 -
1 -
1 -

Airtel

EX-110

To: SAC, Los Angeles
REC 16

From: Director, FBI

COUNTERINTELLIGENCE PROGRAM
BLACK NATIONALIST - HATE GROUPS
RACIAL INTELLIGENCE
BLACK PANTHER PARTY

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11/6/80 BY SPALMER

ReLAairtel 6/17/70.

You are authorized to prepare a letter as set forth in relet and mail to Army Archerd, the Hollywood "gossip" columnist. Insure that mailing cannot be traced to the Bureau.

(S)

NOTE:

Los Angeles proposed that a letter from a fictiti person be sent to Hollywood "gossip" columnist of the "Daily Variety" in connection with his column on 6/11/70 indicating Jane Fonda, noted film actress, would attend a Black Panther Party fund raising function on 6/13/70. The proposed letter states the writer attended the function and was searched upon entering, urged to contribute funds for jailed Panther leaders and to buy guns for "the coming revolution." Also, that Jane and one of the Panthers led a refrain "We will kill Richard Nixon, and any other M..... F.....who stands in our way." It can be expected that Fonda's involvement with the BPP cause could detract from her status with the general public if reported in a Hollywood 'gossip' column.

JUN 25 1970
COMM-FBI

68 JUL 1 1970

F B I

Date: 6/17/70

Transmit the following in _____ (Type in plaintext or code)

AIRTEL AIR MAIL - REGISTERED (Priority)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11/6/00 BY SP2ALM/LP

TO: DIRECTOR, FBI

FROM: SAC, LOS ANGELES (P)

RE: COUNTERINTELLIGENCE PROGRAM
BLACK NATIONALIST-HATE GROUPS
RACIAL INTELLIGENCE
BLACK PANTHER PARTY (BPP)

Re Los Angeles teletype to Bureau, 6/15/70, entitled "COMMITTEE UNITED FOR POLITICAL PRISONERS (CUPP), IS-MISCELLANEOUS, THREAT AGAINST PRESIDENT NIXON".

Bureau authority is requested in sending the followi letter from a fictitious person to ARMY ARCHERD, Hollywood "gossip" columnist for the "Daily Variety", who noted in his 6/11/70 column that JANE FONDA, noted film actress, was to be present at the 6/13/70 Black Panther Party fund raising function sponsored by CUPP in Los Angeles. It is felt that knowledge of FONDA's involvement would cause her embarrassment and detract from her status with the general public.

"Dear Army,

I saw your article about Jane Fonda in 'Daily Variety' last Thursday and happened to be present for Vadim's 'Joan of Arc's" performance for the Black Panthers Saturday night. I hadn't been confronted with this Panther phenomena before but we were searched upon entering Embassy Auditorium, encouraged in revival-like fashion to contribute to defend jailed Panther leaders and buy guns for 'the coming revolution', and led by Jane and one of

(2) - Bureau (RM)
2 - San Francisco (RM)
2 - Los Angeles
(6)

REC 16 EX-110 2 JUN 19 1970

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

SEARCH SECTION FILE

U. S. GOVERNMENT PRINTING OFFICE : 1941 O - 356-030 (13)

the Panther chaps in a 'we will kill Richard Nixon, and any other M-----F----- who stands in our way' refrain (which was shocking to say the least!). I think Jane has gotten in over her head as the whole atmosphere had the 1930's Munich beer-hall aura.

"I also think my curiosity about the Panthers has been satisfied.

"Regards

/s/ "Morris"

If approved, appropriate precautions will be taken to preclude the identity of the Bureau as the source of this operation.

NW 55114 DocId:32989562 Page 40

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

United States Senate

SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES
(PURSUANT TO S. RES. 21, 94TH CONGRESS)
WASHINGTON, D.C. 20510

December 8, 1975

Mark Rosenbaum, Esq.
American Civil Liberties Union
633 South Shatto
Los Angeles, California 90005

Dear Mr. Rosenbaum:

I enclose a copy of the Counter Intelligence Program document referring to your client, Jane Fonda, which the Committee released with her permission last week.

The Committee is also investigating the actions taken against COINTELPRO targets which were not carried under that caption. We would, therefore, appreciate it if your client would give us her written permission to inspect her complete investigative file.

Sincerely,

Barbara Banoff

Barbara Banoff
Counsel

Encl.

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DATE 11/6/00 BY SP2ALM/KP

62-116395

FD-36 (Rev. 5-22-64)

FBI

Date: 12/17/75

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL AIR MAIL
(Priority)

TO: DIRECTOR, FBI
(ATTN: Supervisor JAMES K. HALL
General Investigative Division)

FROM: ADIC, LOS ANGELES (134-2702) (P)

SUBJECT: WILLIAM TULIO DIVALE
FORMER LA 4688-S
SM-CPUSA

Re Bureau teletype to Los Angeles, captioned as above, dated 12/15/75.

Pursuant to instructions contained in referenced Bureau teletype, enclosed for FBI Headquarters are two xeroxed copies of the following documents:

Los Angeles airtel captioned, "KENSALT" dated 1/27/69 enclosing letterhead memorandum (LHM) captioned, "WALTER SHERRILL CROWE, JR.," dated 1/27/69;

Report of SA FREDERICK E. BECKER captioned, "WALTER SHERRILL CROWE, JR.," dated 10/25/68;

Los Angeles teletype to FBI Headquarters captioned, "LA 4688-S" dated 12/16/68;

2 - Bureau (Enc. 44)
2 - Los Angeles
(1 - 100-67358)

NOT RECORDED
46 JAN 22 1976

TJA/dw
(4)

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GARBON COPY

ORIGINAL FILED IN

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

55 FEB 3 1976

* U. S. GOVERNMENT PRINTING OFFICE : 1969 O

Los Angeles teletype to FBI Headquarters captioned "LA 4688-S" dated 12/5/68;

Seventeen reports furnished by former LA 4688-S bearing Los Angeles serial numbers 134-2702A-567, 569, 571, 572, 575, 578, 579, 582, 584, 585, 586, 587, 590, 592, 597, 598, 599;

Leaflet furnished by former LA 4688-S issued by SDS regarding regents of UC.

HW 55114 DocId:32989562 Page 43

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

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

TO : Mr. J. B. Adams

DATE: 12/10/75

FROM : Legal Counsel

SUBJECT: SENATE SELECT COMMITTEE
ATTORNEY GENERAL'S TESTIMONY
DECEMBER 11, 1975

Attached is a draft of the Attorney General's testimony to be given before the Church Committee on December 11, 1975. The draft was forwarded to me by Jack Fuller of the Attorney General's office today with a request for comments. I furnished a copy of the draft to Mr. Adams and to Mr. Wannall and I reviewed a copy. After consulting with Mr. Adams and Mr. Wannall, I called Jack Fuller and advised him that we would recommend the following changes:

On page 8, first full paragraph following line 7, we recommend the addition of "The Director promptly responded to my request."

On page 12, first full paragraph, we recommend the addition of the following sentence after the first sentence of the paragraph: "However, today the FBI continues its long-established practice of submitting investigative results in such matters to the Criminal Division."

On page 12, first full paragraph, the last sentence states the standard to be followed in domestic security investigations. I recommended to Fuller that the standard seeking to require a "conclusion that the individual is engaged in certain activities" be modified to require only that there be a "reasonable suspicion that the individual is engaged in such activities." Fuller told me that the Attorney General had changed the language from "conclusion" so that the sentence would read: "The standard would be that there must be specific and articulable facts giving reason to believe that the individual or group under investigation is engaged in the activities I have just listed." I pointed out to Fuller that

Enc.
1 - Mr. Wannall
1 - Mr. Moore
1 - Mr. Hotis
1 - Mr. Daly
1 - Mr. Mintz
JAM:mfd

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1253
17 JAN 13 1976

CONTINUED - OVER

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84 JAN 9 1976

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the standard expressed in that sentence is equivalent to the probable cause requirement for an arrest and that if we had that information the FBI would be authorized to proceed to make an immediate arrest instead of merely to conduct an investigation. Mr. Fuller said he understood that problem, but that the Attorney General had directed the standard to be "reason to to believe."

I then asked Mr. Fuller if he would be willing to modify the sentence so that the standard would include information that the individual is engaged "or may be engaged" in the activities. He said that possibility had been discussed specifically with the Attorney General and the Attorney General declined to modify the standard in that way. Therefore, the Attorney General will state tomorrow that the standard will be "reason to believe."

RECOMMENDATION:

For information.

NW 55114 DocId:32989562 Page 45

OFFICE OF
THE ATTORNEY GENERAL

12/10/75

TO: JOHN MINTZ

FROM: JACK FULLER

Here is a draft of the Attorney General's testimony to be given before the Church Committee tomorrow.

Do you have any comments?

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ST 115

ENCLOSURE

REC-14 62-116395-1053

ENCLOSURE

17 JAN 9 1976

13

LEGAL COUNSEL

The Committee has asked me to talk with you today about the future of the Federal Bureau of Investigation. I thought it might be helpful if I outline quite briefly some of the points I would like to make, some of the problems I think ought to be considered, and some of the steps we have taken.

The first point is that the statutory base for the operations of the Bureau cannot be said to be fully satisfactory. The basic statutory provision is 28 USCA 533 which provides that the Attorney General may appoint officials "(1) to detect and prosecute crimes against the United States; (2) to assist in the protection of the President; and (3) to conduct such investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General." There are other statutes, such as the Congressional Assassination, Kidnapping and Assault Act, which vest in the Bureau special responsibilities to investigate criminal violations. In addition, there are Executive orders and Presidential statements or directives which place investigatory responsibilities upon the Bureau.

A number of questions are often asked about this statutory base. It has the virtue of simplicity, but the Executive orders which deal with government employee investigations are complicated and confusing, and Presidential

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ENCLOSURE 62-116395-1253

memoranda, or, perhaps, oral instructions from a President, may be difficult to collate. I think it is important, in any case, to separate out the kinds of questions which are asked about the Bureau's authority base. Some questions are constitutional in nature, relating to the inherent power of the President; others go to the interpretation of the statutes and the relationship between the statutes and Presidential directives; others go to the failure of the statutes to define sufficiently the areas of the Bureau's jurisdiction or to spell out sufficiently--and this is partly constitutional--the means and methods which the Bureau is permitted to use in carrying out its assigned tasks.

The second point, related to the first, is a continuing discussion of the role of the Bureau in intelligence investigations or domestic security investigations. The argument is sometimes made that the Bureau's proper role, at least in purely domestic matters, should be limited to investigations of committed crimes. The basic statute for the Bureau is broader than this, as have been Executive orders and Presidential mandates to the Bureau. The basic statute is broader, since it refers to investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General. A disparity is sometimes seen among the different roles of the Bureau in crime detection, in on-going domestic security matters, and in foreign intelligence or foreign counterintelligence matters. In

recent days a statement by the then Attorney General Harlan Fiske Stone, who established the Bureau and chose J. Edgar Hoover as its director, has been quoted as a relevant warning.

Stone warned "There is always the possibility that a secret police may become a menace to free government and free institutions, because it carries with it the possibility of abuses of power which are not always quickly apprehended or understood .... It is important that its activities be strictly limited to the performance of those functions for which it was created and that its agents themselves be not above the law or beyond its reach .... The Bureau of Investigation is not concerned with political or other opinions of individuals. It is concerned only with their conduct and then only with such conduct as is forbidden by the laws of the United States. When a police system passes beyond these limits, it is dangerous to the proper administration of justice and to human liberty, which it should be our first concern to cherish."

I should like to suggest that Stone's warning always must be considered relevant to the proper conduct of the Bureau's duties, but it does not necessarily follow that domestic security investigations are, therefore, outside the Bureau's proper functions. The detection of crime in some areas requires preparation and at least some knowledge of what is likely to be going on. What is at issue, I think,

is the proper scope, the means and methods used, the attention paid to conduct and not views, and the closeness of the relationship of the conduct and that which is forbidden by the laws of the United States.

Third, I realize that some proposals, since I was asked about this when I last appeared before this Committee, might separate out in some fashion domestic and foreign intelligence functions from the FBI or from one another within the FBI. This is, of course, an issue to be looked at. I assume it is recognized that there may be some relationship between that intelligence which is domestic and that intelligence which is involved in foreign counterintelligence work. One may lead to the other. And there may be a relationship between foreign counter-intelligence and foreign intelligence. If the work were separated out into different agencies, I do not know if the decision about when an investigation should pass from one agency to another always could be made easily. Moreover, even so, information presumably would pass from one agency to the other. I know that one consideration has been that it might be decided that information collected by some permitted means in intelligence investigations under some circumstances should not be used in criminal prosecutions. But if there is an exchange of information, this must always be a consideration, whether there are separate agencies or not, and the basic question then is one

of use and not organization. The more active concern, I believe, is that there is a risk that conduct proper for one area may be improper for another, and that the combination can work a contamination. My view on this is that in any case we must decide what conduct is appropriate and is inappropriate for each of the areas, and we must take steps to make sure that conduct is lived up to. My hope is that the fact that the FBI has criminal investigative responsibilities,which must be conducted within the confines of constitutional protections strictly enforced by the courts, gives the organization an awareness of the interests of individual liberties that might be missing in an agency devoted solely to intelligence work. I know the argument can be run the other way. I believe the dangers are greater if there is separation.

Fourth, there is a question as to the proper role of the FBI in crime prevention and whether or not it should be considered authorized to take steps under some circumstances to reduce the likelihood that crimes will be committed or that serious injury to persons or property will occur. Preventive action has raised serious questions and these must be dealt with. But I suppose an initial question is whether it should be allowed at all. Yet I believe under special circumstances and with proper controls most would believe this to be a proper function.

Fifth, the problem of proper controls, supervision and accountability is all-embracing. By statute the Federal Bureau of Investigation is in the Department of Justice, and also by statute the Attorney General is the head of the Department of Justice. The history is mixed, of course, and we all have a tendency to over simplify, but it is a fair statement that there have been times in the past when the supervision by Attorneys General, granted that the Bureau must have considerable autonomy, has been sporadic, practically nonexistent, or ineffective. I hope that is not the case now. The responsibility is a heavy one. But in any event the problem of proper controls, supervision and accountability goes beyond the Director of the Bureau and the Attorney General. I have already mentioned that in my view the statutory base for the operations of the Bureau cannot be said to be fully satisfactory. I think that better controls and performance can be achieved through statutory means, executive orders, guidelines, and reporting to appropriate congressional committees.

Sixth, before I come to a resume of some of the steps which have been taken, let me say I know we all realize that in the past there have been grave abuses. I am uncomfortable with a kind of writing of history, however, which sees it only in terms of the abuses and not in terms of past and present strength. It is very difficult to be fair to the past in which many institutions of government carried a share of responsibility. But more than unfairness is involved. If we are not careful, we will turn to solutions of the moment which a better reading of history might indicate are not the best solutions. I know we must seize the moment if I may use such a phrase in this setting. I know also that this Committee realizes that a very important agency with dedicated, highly professional, greatly disciplined government servants is involved. The importance is to the security and domestic tranquility of the United States. Stone's warning was given in an act of creation. He was proud of his creation. In spite of the abuses, there is a proper place for pride. I take it our mutual work should be to nurture that pride and the conditions which justify it.

I turn now to a review of some of the steps which have been taken or are in progress. We have tried most diligently, under safeguards to protect the privacy of individuals and with an awareness of the unfairness of instant history to give a great deal of information to Congressional committees. Attorney General Saxbe, Deputy Attorney General Silberman, and Director Kelley testified about the so-called COINTELPRO. When the FBI discovered evidence of several more COINTELPRO projects after I

became Attorney General, these were revealed. One of my first acts as Attorney General, my third week in office, was to testify before a Congressional committee about possible incidents of political misuse of the FBI by the White House in the past and about the nature of FBI file-keeping systems, particularly the files kept by Director Hoover in his office suite. Director Kelley has spoken publicly and before congressional committees about incidents in the past in which FBI agents engages in break-ins to gather or photograph pyhsical evidence in intelligence investigations. On a number of occasions, most recently in testimony before this Committee, I have described the history of the use of electronic surveillance by the FBI. We have welcomed such opportunities.

On February 26, 1975, I directed Director Kelley to report to me any requests made of the Bureau or practices within the Bureau which he deems improper or which present the appearance of impropriety. On February 28, 1975, Director Kelley ordered FBI personnel to report such requests or practices to him. In July 1975 I reaffirmed my February directive and also asked for a report of all sensitive investigative practices. The Director promptly ~~responded~~ to my request. Directory Kelley has regularly provided information on conduct by Bureau agents and programs underway within the Bureau that could raise questions. These matters have been reviewed and discussed within the Department so that a consistent and appropriate policy can be achieved. This is a continuing process. I do not assert that we are aware of everything about the Bureau. Nor do I suggest that we ought to know everything. Appropriate

communication, consultation and supervision at this level have to be selective. I make this point, which I think may sound disconcerting, not in any way to minimize the responsibility of the Bureau to keep the Department informed nor to minimize the Department's duty to find out. Rather I want to be realistic about a learning and organization problem which requires realism if it is to be understood and perfected.

With respect to possible legislation, the Department has in preparation various drafts of possible bills which may be of assistance in the area of what is now warrentless electronic surveillance. Although obtaining a judicial warrant does not automatically eradicate the possibility of abuse, it is perceived to be an important safeguard of individual privacy interests, and we are exploring, as we said we would do, various possibilities and alternatives.

Finally, a committee within the Department of Justice--chaired by Mary Lawton, Deputy Assistant Attorney General in the Office of Legal Counsel and composed of representatives of my office (Jack Fuller), the Criminal and Civil Rights Division (Phil White, Walter Barnett), the Office of Policy and Planning (Alan Kornblum) and the FBI (John Hotis)--has been working for eight months reviewing FBI procedures in many areas and drafting guidelines to govern those procedures in the future. The Committee has produced draft guidelines covering White House inquiries, Congressional and Judicial staff appointment investigations, unsolicited mail, and domestic security investigations. It is currently at work on guidelines covering counterespionage investigations and will later consider the use of informants, the employee loyalty program, organized crime intelligence investigations, criminal investigations, and other aspects of FBI practice. The Committee's work has been extensive and time-consuming. It has involved not only questions of proper safeguards but also of efficiency in the proper functioning of the Bureau. It has been an effort to translate into words the complicated and important mechanisms for controlling the FBI. I hope the Committee's efforts at articulation will be of use to this Committee and others as it considers drafting legislation.

You have received copies of the latest drafts of the guidelines that have been substantially completed by the Committee. These guidelines do not yet represent Department policy. There is disagreement within the Department on some aspects of these guidelines. I have disagreed with the Committee recommendations

from time to time, and the FBI has raised substantial questions about other recommendations--particularly with respect to the treatment of unsolicited mail. Some of the proposals in the guidelines could be promulgated as departmental regulation. Congress may feel some ought to be enacted into statutory law. Other provisions would require implementation by executive order.

I would be glad to discuss these draft guidelines with you in detail in response to your questions, but a brief discussion of the guidelines on domestic security may be useful at the outset.

The guidelines begin by attempting to impose some order and definiteness to the domestic security field. To begin with, these guidelines do not deal with FBI efforts to counteract the work of foreign intelligence services operating within the United States. Standards for determining when there is foreign involvement sufficient to place a subject in the category of foreign counterintelligence investigation are now being debated within the guidelines committee. The domestic security guidelines also are not meant to cover security or background investigations of federal appointees or investigations of ordinary crimes. Under the draft guidelines domestic security investigations are only to be authorized when there is a likelihood that the activities of individuals or groups involve or will involve the use of force or violence in violation of federal law. Domestic security investigations are to be limited to activities of individuals or groups intended to accomplish one of five purposes: overthrowing the government of the United States or of a State; interfering with the activities within the United States of foreign governments

or their representatives; influencing government policies by interfering by force or violence with government functions or interstate commerce; depriving individuals of their civil rights; and creating domestic violence or rioting when such violence or rioting would necessitate as a countermeasure the use of federal armed forces. There is also a provision for limited investigation when there is a clear and immediate threat of domestic violence which is likely to result in a request by a state for federal armed assistance.

Currently there is no procedure requiring the review outside the FBI of all domestic intelligence investigations conducted by the FBI. Under the draft guidelines there would be a comprehensive program of reporting to the Attorney General or his designee of all preliminary and full domestic intelligence investigations. The Attorney General would be required under the draft guidelines to put a stop to any full investigation whose justification did not meet an established standard. The standard would be that there must be specific and articulable facts ~~justifying the conclusion~~ that the individual or group under investigation is engaged in the activities I have just listed.

Anther feature of the draft guidelines is to place strict controls upon the use of any technique by the FBI which goes beyond the gathering of information. COINTELPRO was the name given the use of some such techniques. As I have said before, some of the activities in COINTELPRO were outrageous and the others were foolish. Nonetheless, there may be circum-

stances involving an immediate risk to human life or to extraordinarily important government functions that could only be countered by some sort of preventive action. The guidelines require that any such preventive action proposal be submitted to the Attorney General. He could authorize the preventive action only when there is probable cause to believe that the violence is imminent and when such measures are necessary to minimize the danger to life or property. The preventive action would in all cases have to be nonviolent. The Attorney General would be required to report to Congress periodically and no less often than once a year on the use of preventive action by the FBI.

I make no claim that during this rather difficult but interesting and--I must trust--promising period, that we have achieved all that might have been possible. In many ways the work has been disappointingly slow. But I do think we have made advances in nurturing and helping to improve a structure which will be supportive of the best efforts of the men and women in the Department of Justice and in the Federal Bureau of Investigation. No procedures are fail-safe against abuse. The best protection remains the quality and professionalism of the member of the Bureau and of the Department.

FBI

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

December 1, 1975

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

FROM: Michael E. Shaheen, Jr.
Special Counsel for Intelligence
Coordination

SUBJECT: Senate Select Committee Request

Attached is a letter from the Senate Select Committee dated November 25, 1975, requesting various information regarding the King matter. Please prepare an appropriate response to this request.

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/6/00 BY SP2ACMKP

cc: Paul Daly

ST. TAP

REC-14 62-116395-1252

5 JAN 15 1976

1 ENCLOSURE

84 JAN 20 1976

NW 55114 DocId:32989562 Page 60

December 1, 1975

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

FROM: Michael E. Shaheen, Jr.
Special Counsel for Intelligence
Coordination

SUBJECT: Senate Select Committee Request

Attached is a letter from the Senate Select Committee dated November 25, 1975, requesting various information regarding the King matter. Please prepare an appropriate response to this request.

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/6/00 BY SKALMKP

cc: Paul Daly

FRANK CHURCH, IDAHO, CHAIRMAN
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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

November 25, 1975

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

Dear Mike:

I would appreciate your making available to the Committee the following items in connection with our investigation of the King matter:

1. All memoranda and any other materials which pertain to contracts, conversations or meetings between one Val Coleman and Special Agent Harold Linebaugh or any other FBI Headquarters officials concerning Martin Luther King, Jr., during November or December of 1964.

2. All memoranda and any other materials which pertain to contacts, conversations or meetings between any FBI Headquarters officials and any representatives of the news media concerning Martin Luther King, Jr., during November or December of 1964.

3. All memoranda and any other materials which pertain to a meeting between Ralph Abernathy and either FBI Director Hoover or Cartha DeLoach during December 1964 or January 1965 (other than the December 1, 1964 meeting which was attended by Dr. King and the January 11, 1965 meeting which was attended by Andrew Young).

4. All memoranda and any other materials which pertain to the following statement which appears in the second paragraph of the September 11, 1964 memorandum from Mr. F. J. Baumgardner to Mr. W. C. Sullivan, captioned "Martin Luther King, Jr., Security Matter - Communist":

RECEIVED
DEC 1 1975

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ENCLOSURE

1252

On that occasion Assistant Director DeLoach's office was able to take appropriate action to forestall the publication of the article.

5. The 7/16/64 memorandum from Mr. Baumgardner to Mr. Sullivan which is noted in handwriting at the bottom of the second page of the July 15, 1964 memorandum from Mr. Baumgardner to Mr. Sullivan, captioned "Communist Party, USA, Negro Question, Communist Influence in Racial Matters, Internal Security - Communist."

6. With respect to the March 29, 1968 memorandum, with enclosure, from G. C. Moore to Mr. W. C. Sullivan, captioned "Counterintelligence Program, Black Nationalist - Hate Groups, Racial Intelligence (Martin Luther King)" please provide:

a. Access to original of this memorandum and its enclosure;

b. Access to all extant "tickler" and/any other copies of this memorandum and its attachment in their original form;

c. All memoranda and any other materials which pertain to, bear upon, or indicate any actions taken pursuant to or in connection with the recommendation contained in this memorandum. (This should include any and all information adduced, collected, and/or prepared in connection with [redacted] testimony on this subject before the Senate Select Committee on November 18, 1975.)

JFK Act 6 (4)

d. All memoranda and any other materials received from FBI field offices or written at FBI Headquarters prior to and pertaining to the recommendation contained in the March 29, 1968 memorandum.

7. With respect to the memorandum with enclosure, from W. C. Moore to Mr. W. C. Sullivan, dated March 26, 1968, captioned "Counterintelligence Program, Black Nationalist - Hate Groups, Racial Intelligence (Washington Spring Project)", please provide the access and/or materials requested in a, b, c, and d of Item 6 above.

8. With respect to a memorandum with enclosure, from G. C. Moore to Mr. Sullivan, dated 3/28/68, captioned "Sanitation Workers Strike, Memphis, Tennessee, Racial Matters," please provide the access and/or materials requested in a, b, c, and d of Item 6 above.

9. Responses to Items 6, 7, and 8 should include copies of all newspaper clippings or magazine articles contained in FBI files which contain information set forth in the memoranda and/or enclosures identified in Items 6, 7, and 8 above.

Sincerely,

John T. Elliff

John T. Elliff
Director
Domestic Intelligence Task Force

2 - Mr. J. A. Mintz
(1 - Mr. J. B. Hotis)
1 - Mr. J. Cochran, Jr.
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. C. G. McWright
1 - Mr. J. P. Thomas

The Attorney General

January 8, 1976

Director, FBI

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

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DATE 11/6/00 BY SP2AMKP

Reference is made to the SSC request dated November 21, 1975.

Enclosed for your approval and forwarding to the SSC is the original of a memorandum, with two enclosures, responding fully to that request.

A copy of that memorandum is also furnished for your records.

Enclosures (4)

62-116395

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

JPT:lhb/hb
(11)

EX-112 REC-43 62-116395-12.51

ENCLOSURE

5 JAN 12 1976

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

This letter re-written see letter dated 1/13/76 for text

MAIL ROOM ☐ TELETYPE UNIT ☐

GPO : 1975 O - 569-920

2 - Mr. [illegible]. A. Mintz
(1 - Mr. J. B. Hotis)
1 - Mr. J. Cochran, Jr.
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. C. G. McWright
1 - Mr. J. P. Thomas

62-116395

January 8, 1976

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

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/6/00 BY SP2ALM/KP

Reference is made to the SSC request dated November 21, 1975.

Our files contained no reference to "Project CHATTER" prior to November 6, 1975. On that date, on invitation of the Department of the Navy, a representative of this Bureau reviewed Navy records which the Navy planned to release to the SSC, to the Senate Judiciary Subcommittee on Administrative Practices and Procedures and to the press on November 7, 1975. Those Navy records dealt with "Project CHATTER" and other topics pertinent to Items 1 through 8 in the referenced SSC request. Reviews of logical FBI files and inquiries of current FBI personnel, who might possibly have knowledge of the topics discussed in the Navy records, were made.

The only pertinent item developed through the file reviews and aforementioned inquiries was a memorandum dated August 4, 1950, recording an invitation from the Office of Naval Intelligence to the FBI to attend a conference and be informed about a "truth serum" being developed by the Navy. A copy of that memorandum, which relates to Item 2 in the referenced request, is attached (inked notations thereon appear on the original). (62-2699-75)

No other record was located of any memorandum or other communication prepared by FBI personnel relating to the August 11, 1950, meeting mentioned in Item 2 of the referenced request. Accordingly, our response to Items 3, 4, 5, 6, 7 and 8 in that request is negative.

WOC
JPT

JPT

JPT:lhb
(10)

ORIGINAL AND ONE COPY TO AG

SEE NOTE PAGE 3

This document is prepared in response to your request and is not for dissemination outside your Committee. It is loaned to official proceedings by your Committee and the contents may be disclosed to authorized personnel without the express approval of the FBI.

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

MAIL ROOM ☐ TELETYPE UNIT ☐

62-116395-1251

NW 55114 DocId:32989562 Page 66

SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC)

A review of FBI files for information relating to drugs designed to modify behavior indicates an interest dating back to 1922. However, this interest has not extended to the point where the FBI has conducted research on behavior-modifying drugs nor has it funded such research. We have maintained liaison with other U. S. Government agencies and industrial organizations in order to be aware of developments in this area. However, we have not implemented any programs to apply the results of research conducted by such organizations.

A single instance was found in which "truth serum" was administered in an FBI investigation. That investigation involved an individual publicly identified as "Ignacy Samuel Witczak . . . a 'super spy' for the Russians," who left the United States in November, 1945. In that investigation, an associate of "Witczak" was interviewed by FBI personnel during March, 1947. During the initial interview, he admitted having been recruited by "Witczak" to secure information for "Witczak." The associate told the interviewing Agents that he did not want to hold anything back and requested that he be given some sodium amytal (commonly referred to as "truth serum"). In April, 1947, the associate was reinterviewed, following the administration of sodium amytal by a physician. The interviewee executed a statement that his action was entirely voluntary. The use of sodium amytal in that case, however, was without the prior knowledge or authority of FBI Headquarters. When it came to the attention of FBI Headquarters, it resulted in the issuance of a letter dated July 3, 1947, to all Special Agents in Charge informing them that "The Bureau, however, will not tolerate any experiments or participation on the part of its personnel in the utilization of the so-called truth serums or other chemicals alleged to have a similar effect." A copy of that letter is attached. It still represents the policy of the FBI on this subject. (100-343077-194, 293; 66-04-545)
Enclosures (2)

1 - The Attorney General

NW 55114 DocId:32989562 Page 67

SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC)

NOTE:

The FBI representative who reviewed the Navy records was Supervisor J. P. Thomas, Intelligence Division; results reported in memorandum W. O. Cregar to Mr. W. R. Wannall, 11/6/75, entitled "Senstudy 75." The Senate Judiciary Subcommittee has previously been advised that available Bureau records and interview with current knowledgeable employee indicate that the FBI has never engaged in or funded anyone's efforts in research and/or development programs in the use or effect of drugs on human behavior. This information is recorded in memorandum from Mr. J. Cochran, Jr., to Mr. T. J. Jenkins, dated 11/28/75, entitled "Request by Senate Judiciary Subcommittee on Administrative Practice and Procedure for Information Concerning Use of Drugs for Interrogation." Copies of the communications being furnished herewith are being maintained in the Senstudy Unit, Intelligence Division. The "Witczak" case, Bureau file 100-343077, received press publicity when "Witczak" was identified as a Soviet agent by a Soviet defector in Canada, Igor Gouzenko. His name is enclosed in quotation marks because it is not his true name but the name by which he was publicly exposed. A copy of the 11/21/75 SSC request is attached to the file copy of this LHM.

W 55114 DocId:32989562 Page 68

2 - Mr. J. A. Mintz
(1 - J. B. Hotis)
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. P. E. Nugent

The Attorney General

December 24, 1975

Director, FBI

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

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11/6/00 BY SP2ALM/KP

Reference is made to SSC letter dated November 25, 1975, containing requests for materials concerning Martin Luther King, Jr.

Enclosed for your approval and forwarding to the SSC is an original of a memorandum in response to all Items requested in referenced SSC letter with the exception of Item 6c, which as indicated in the enclosed memorandum, has been restated in a separate SSC communication. A copy of this memorandum is being furnished for your records.

Enclosures (2)

ST 115

62-116395

REC-51

62-116395-1250X1

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

5 JAN 26 1976

PEN:adn
(9)

NOTE:

Copy of the SSC letter dated 11/25/75 is attached to the file copy of the enclosed LHM. Exact copies of the materials being furnished are maintained in the Office of the SENSTUDY 75 Project. Arrangements have been made for a representative of the Legal Counsel Division to deliver the attached memorandum as well as the materials being provided to the SSC.

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

MAIL ROOM ☐ TELETYPE UNIT ☐

~~NO SECRET~~ MATERIAL ATTACHED

GPO : 1975 O - 569-920

84 JAN 28 1976

2 - Mr. J. A. Mintz
(1 - J. B. Hotis)
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. P. E. Nugent

62-116395

December 24, 1975

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11/6/00 BY SP2ALM/CP

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

Reference is made to SSC letter dated November 25, 1975, containing requests for materials concerning Martin Luther King, Jr.

The purpose of this memorandum is to effect delivery and/or to provide access to the SSC of information and materials in response to requests in the above SSC letter.

Item 1 of referenced SSC letter requested all memoranda and other materials which pertain to contacts, conversations or meetings between one Val Coleman and Special Agent Harold Linebaugh or any other FBI Headquarters officials concerning Martin Luther King, Jr., during November or December of 1964.

A review of the file of Martin Luther King, Jr., other logical files and appropriate abstracts of correspondence of Bureau officials failed to disclose existence of any memoranda concerning contact by Coleman with FBI Headquarters personnel concerning King other than that memorandum dated November 19, 1964, from C. D. DeLoach to Mr. Mohr captioned "Val Coleman, CORE Headquarters, New York City," a copy of which was furnished the SSC in response to its letter dated November 12, 1975.

Item 2 requested all memoranda and other materials pertaining to contacts, conversations or meetings between any FBI Headquarters officials and any representatives of the news media concerning Martin Luther King, Jr., during November or December of 1964.

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 ____

PEN:adn
(8)

~~TOP SECRET~~ MATERIAL ATTACHED

ORIGINAL AND ONE TO AG

This document is prepared in response to your request and is not for dissemination outside your Committee. Its use is limited to official proceedings by your Committee and the content may not be disclosed to unauthorized personnel without the express approval of the FBI.

MAIL ROOM ☐ TELETYPE UNIT ☐

62-116395 → 125 X1

GPO: 1975 O - 569-920

SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES

Being delivered herewith is a memorandum of Mr. DeLoach to Mr. Mohr dated November 21, 1964, captioned "Fay Wells," reflecting telephonic contact with Mr. DeLoach concerning King on November 21, 1964. Review of the King file and other logical related files failed to disclose the existence of additional memoranda or materials pertaining to contacts with the news media concerning King by Bureau officials other than those previously furnished the SSC pursuant to prior requests.

Item 3 requested all memoranda and other materials pertaining to a meeting between Ralph Abernathy and either FBI Director Hoover or Cartha DeLoach during December, 1964, or January, 1965, (other than the December 1, 1964, meeting attended by King and the January 11, 1965, meeting attended by Andrew Young). A review of the King, Abernathy and logical related files failed to disclose existence of memoranda or other materials pertaining to such a meeting by Abernathy with Director Hoover and/or Mr. DeLoach beyond those excluded for consideration by the SSC.

Item 4 requested all memoranda and other materials pertaining to a statement appearing in the second paragraph of a September 11, 1964, memorandum from Mr. F. J. Baumgardner to Mr. W. C. Sullivan captioned "Martin Luther King, Jr., Security Matter - Communist." That statement makes reference to action taken by Mr. DeLoach's office in forestalling publication of an article by King in the "Saturday Evening Post" sometime prior to September, 1964.

Being delivered herewith is a copy of a memorandum of former Special Agent W. H. Stapleton to Mr. DeLoach dated November 3, 1964, captioned "Matthew J. Culligan, Chairman of the Board, Curtis Publishing Company." Paragraph three, page 1 and page 2 of this memorandum refer to the action mentioned in Mr. Baumgardner's memorandum to Mr. Sullivan dated September 11, 1964, and an unsuccessful action taken on September 22, 1964, with respect to an article written by King for the "Saturday Evening Post."

An exhaustive review of logical FBI Headquarters files and abstracts, including the personnel file of former Special Agent Stapleton failed to result in the location of additional memoranda or materials relating to action taken in forestalling publication of King's article in early 1964.

NW 55114 DocId:32989562 Page 71

SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES

Item 5 requested the July 16, 1964, memorandum from Mr. Baumgardner to Mr. Sullivan which is referred to in handwriting at the bottom of the second page of the July 15, 1964, memorandum from Baumgardner to Sullivan captioned "Communist Party, USA, Negro Question, Communist Influence in Racial Matters; Internal Security - Communist."

Being delivered herewith are copies of a Baumgardner to Sullivan memorandum dated July 17, 1964, and a letter to the Honorable Walter W. Jenkins Special Assistant to the President, also dated July 17, 1964, which it would appear are responsive to the SSC's request, noting that the July 15, 1964, memorandum from Baumgardner to Sullivan concerned the furnishing of information obtained through electronic surveillance of King to Mr. Jenkins. It would appear the notation in reference to a July 16, 1964, memorandum appearing on the July 15, 1964, memorandum is erroneous. A copy of the memorandum enclosed with the letter to Mr. Jenkins is not being furnished the SSC inasmuch as information contained therein is the product of electronic surveillance of King.

In accordance with requests set forth in Items 6a, 7a and 8a in referenced SSC letter, the original and enclosures of the March 29, 1968, memorandum of G. C. Moore to W. C. Sullivan captioned "Counterintelligence Program, Black Nationalist-Hate Groups, Racial Intelligence (Martin Luther King);" the March 26, 1968, memorandum of G. C. Moore to Mr. W. C. Sullivan "Counterintelligence Program, Black Nationalist-Hate Groups, Racial Intelligence (Washington Spring Project)" and the March 28, 1968, memorandum of G. C. Moore to Mr. W. C. Sullivan captioned "Sanitation Workers Strike, Memphis, Tennessee; Racial Matters," are available for review by a representative of the SSC in room 4171 of the J. Edgar Hoover Building.

With respect to Items 6b, 7b and 8b, a logical search of Bureau records failed to disclose the existence of any "tickler" or any other copies of the above-mentioned memoranda.

Materials requested in Items 6d, 7d and 8d are also available for review by a representative of the SSC in room 4171 of the J. Edgar Hoover Building.

NW 55114 DocId:32989562 Page 72

SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES

With respect to Item 9, a search of logical Bureau records failed to locate any newspaper clippings or magazine articles pertinent to the memorandum mentioned above.

Item 6c as set forth in referenced SSC letter is not being responded to in this memorandum. This request, per conversation between Special Agent Seymor F. Phillips and Michael Shaheen, Jr., Special Counsel for Intelligence Coordination of the Department of Justice on December 3, 1975, has been restated in a separate SSC letter dated December 4, 1975, and will be responded to separately.

With regard to excisions in materials being delivered herewith, where no notation appears as to reason for excision, the excision was made for the reason that the information actually summarizes or quotes from conversations monitored during electronic surveillances of King. In some cases, it can be ascertained precisely what information in FBI files came from electronic surveillances of Dr. King; however, there exist areas where documentation of the information is not precise and no accurate determination can be made. Therefore, no assurances can be given that portions of the material being furnished do not contain information developed as a result of electronic surveillances of King.

1 - The Attorney General

Note: 7c & 8c are responded to in respect to 12/4/75 Request. SFP/ds

NW 55114 DocId:32989562 Page 73

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

December 1, 1975

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

FROM: Michael E. Shaheen, Jr.
Special Counsel for Intelligence Coordination

SUBJECT: Senate Select Committee Request

Attached is a letter from the Senate Select Committee dated November 25, 1975, requesting various information regarding the King matter. Please prepare an appropriate response to this request.

cc: Paul Daly

ALL FBI INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11/6/00 BY SP2ALMKP

1-Rd Nov 12-3-75

62-116395-1250X1

JOHN G. TOWER, TEXAS, VICE CHAIRMAN
PHILIP A. HART, MICH.
WALTER F. MONDALE, MINN.
WALTER D. HUDDLESTON, KY.
ROBERT MORGAN, N.C.
GARY HART, COLO.
HOWARD H. BAKER, JR., TENN.
BARRY GOLDWATER, ARIZ.
CHARLES McC. MATHIAS, MD.
RICHARD S. SCHWEIKER, PA.
WILLIAM G. MILLER, STAFF DIRECTOR
FREDERICK A. O. SCHWARZ, JR., CHIEF COUNSEL
CURTIS R. SMOTHERS, MINORITY COUNSEL

United States Senate

SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES
(PURSUANT TO S. RES. 21, 94TH CONGRESS)
WASHINGTON, D.C. 20510

November 25, 1975

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

Dear Mike:

I would appreciate your making available to the Committee the following items in connection with our investigation of the King matter:

1. All memoranda and any other materials which pertain to contacts, conversations or meetings between one Val Coleman and Special Agent Harold Linebaugh or any other FBI Headquarters officials concerning Martin Luther King, Jr., during November or December of 1964.

Nugent

2. All memoranda and any other materials which pertain to contacts, conversations or meetings between any FBI Headquarters officials and any representatives of the news media concerning Martin Luther King, Jr., during November or December of 1964.

3. All memoranda and any other materials which pertain to a meeting between Ralph Abernathy and either FBI Director Hoover or Cartha DeLoach during December 1964 or January 1965 (other than the December 1, 1964 meeting which was attended by Dr. King and the January 11, 1965 meeting which was attended by Andrew Young).

4. All memoranda and any other materials which pertain to the following statement which appears in the second paragraph of the September 11, 1964 memorandum from Mr. F. J. Baumgardner to Mr. W. C. Sullivan, captioned "Martin Luther King, Jr., Security Matter - Communist":

JAY 4-6

RECEIVED
DEC 1 1975

ALL [redacted] INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/6/00 BY SP2ALM/KP

ENCLOSUR
62-116395 — 1250X1

On that occasion Assistant Director DeLoach's office was able to take appropriate action to forestall the publication of the article.

5. The 7/16/64 memorandum from Mr. Baumgardner to Mr. Sullivan which is noted in handwriting at the bottom of the second page of the July 15, 1964 memorandum from Mr. Baumgardner to Mr. Sullivan, captioned "Communist Party, USA, Negro Question, Communist Influence in Racial Matters, Internal Security - Communist."

6. With respect to the March 29, 1968 memorandum, with enclosure, from G. C. Moore to Mr. W. C. Sullivan, captioned "Counterintelligence Program, Black Nationalist - Hate Groups, Racial Intelligence (Martin Luther King)" please provide:

a. Access to original of this memorandum and its enclosure;

b. Access to all extant "tickler" and/any other copies of this memorandum and its attachment in their original form;

c. All memoranda and any other materials which pertain to, bear upon, or indicate any actions taken pursuant to or in connection with the recommendation contained in this memorandum. (This should include any and all information adduced, collected, and/or prepared in connection with Mr. [redacted] testimony on this subject before the Senate Select Committee on November 18, 1975.)

JFK Act 6 (4) 6 (4)

d. All memoranda and any other materials received from FBI field offices or written at FBI Headquarters prior to and pertaining to the recommendation contained in the March 29, 1968 memorandum.

7. With respect to the memorandum with enclosure, from W. C. Moore to Mr. W. C. Sullivan, dated March 26, 1968, captioned "Counterintelligence Program, Black Nationalist - Hate Groups, Racial Intelligence (Washington Spring Project)", please provide the access and/or materials requested in a, b, c, and d of Item 6 above.

8. With respect to a memorandum with enclosure, from G. C. Moore to Mr. Sullivan, dated 3/28/68, captioned "Sanitation Workers Strike, Memphis, Tennessee, Racial Matters," please provide the access and/or materials requested in a, b, c, and d of Item 6 above.

9. Responses to Items 6, 7, and 8 should include copies of all newspaper clippings or magazine articles contained in FBI files which contain information set forth in the memoranda and/or enclosures identified in Items 6, 7, and 8 above.

Sincerely,

John T. Elliff
Director
Domestic Intelligence Task Force

5-140 (Rev. 1-21-74) FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

Dupl 2-24

Addressee: SENATE SELECT COMMITTEE

☐ LTR ☒ LHM ☐ Memo ☐ Report dated 12/~~23~~/75

Caption of Document: U.S. SENATE SELECT COMMITTEE. 24

11/25/75 request - King

Originating Office: FBI

Delivered by: Dorothy J. Coulson Date: 12/30/75

Received by: Michael Murphy

Title: Clerk

Return this receipt to the Intelligence Division, FBI

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/6/00 BY SP2ALM/KP

62-116395-1250X1

CLASSIFY AS APPROPRIATE

NOTE: SEE INSTRUCTIONS ON REVERSE BEFORE COMPLETING.

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.*)

X	DOCUMENT		BRIEFING		INTERVIEW		TESTIMONY		OTHER

2. DATE PROVIDED: 12/24/75

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

X	SSC
	HSC

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

Memorandum and enclosures

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

SSC letter 11/25/75

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

TS

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

Surveillance, electronic
Information handling
Intelligence collection

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11/6/00 BY SP2AUM/P

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

Materials relating to Martin L. King, Jr.: 11/21/64 DeLoach to Mohr memorandum captioned "Fay Wells"; 11/3/64 Stapleton to DeLoach memorandum captioned "Matthew J. Culligan, Chairman of the Board, Curtis Publishing Co., regarding unsuccessful action taken 9/22/64, with respect to an article written by King for the "Saturday Evening Post."; Baumgardner to Sullivan memorandum 7/17/64 and a letter to the Honorable Walter W. Jenkins 7/17/64. Available for review by appropriate Staff Members at FBIHQ: 3/29/68 memoranda G.C. Moore to Sullivan captioned "Counterintelligence Program, Black Nationalist-Hate Groups, Racial Intelligence (Martin L. King)(Washington Spring Project) and "Sanitation Workers Strike, Memphis, Tenn. All memoranda and any other materials received from field offices or written at FBIHQ prior to and pertaining to the recommendations contained in above 3/29/68 memoranda.

62-116395
FMK; fmk
(4)

ORIGINAL VIA LIAISON TO CENTRAL COMMUNITY INDEX IN CONNECTION WITH SENSUDY 75

TREAT AS YELLOW

CLASSIFY AS APPROPRIATE

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62-116395

1250XI

FBI

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

JAN 8 1976

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

Mike

FROM: Michael E. Shaheen, Jr.
Special Counsel for Intelligence
Coordination

SUBJECT: Senate Select Committee Request

Attached is a letter dated January 7, 1976, and received on January 8, 1976, from the Senate Select Committee requesting Bureau review of certain mail opening documents delivered, I assume, to the Bureau on January 7, "for clearance and/or declassification". The request seeks Bureau clearance "on or before January 9, 1976". I would appreciate your earliest attention to this request.

N

ST 115

REC-51 62-116395-1249

cc; Paul Daly

5 JAN 13 1976

N
ENCLOSURE

FBI
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/6/00 BY SP2 ALM/CP

1-Ad Hoc
1-9-76

62-116395

5-8

84 JAN 15 1976

JAN 8 1976

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

FROM: Michael E. Shaheen, Jr.
Special Counsel for Intelligence
Coordination

SUBJECT: Senate Select Committee Request

Attached is a letter dated January 7, 1976, and received on January 8, 1976, from the Senate Select Committee requesting Bureau review of certain mail opening documents delivered, I assume, to the Bureau on January 7, "for clearance and/or declassification". The request seeks Bureau clearance "on or before January 9, 1976". I would appreciate your earliest attention to this request.

cc; Paul Daly

FBI
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/6/00 BY SBAMKP

FRANK CHURCH, IDAHO, CHAIRMAN
JOHN G. TOWER, TEXAS, VICE CHAIRMAN
PHILIP A. HART, MICH.
WALTER F. MONDALE, MINN.
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ROBERT MORGAN, N.C.
GARY HART, COLO.
HOWARD H. BAKER, JR., TENN.
BARRY GOLDWATER, ARIZ.
CHARLES MC C. MATHIAS, MD.
RICHARD S. SCHWEIKER, PA.
WILLIAM G. MILLER, STAFF DIRECTOR
FREDERICK A. O. SCHWARZ, JR., CHIEF COUNSEL
CURTIS R. SMOTHERS, MINORITY COUNSEL

United States Senate

SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES
(PURSUANT TO S. RES. 21, 94TH CONGRESS)
WASHINGTON, D.C. 20510

January 7, 1976

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

Dear Mike:

On January 7, 1976, the Committee delivered copies of the documents to be used as exhibits to the public hearings on FBI mail opening operations.

We request that Bureau personnel review the sanitization of these documents in terms of their public release in published form and that a formal response to this request for clearance and/or declassification be received by the Committee on or before Friday, January 9, 1976.

Your cooperation, on a priority basis, is greatly appreciated.

Sincerely,

John T. Elliff

John T. Elliff
Director
Domestic Intelligence Task Force

RECEIVED
JAN 8 1976

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/6/00 BY SP2ALM/P

ENCLOSURE

62-116395 — 1249

2 - Mr. J. A. Mintz
(1 - Mr. J. B. Hotis)
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. H. W. Porter

The Attorney General

December 1, 1975

Director, FBI

UNITED STATES SENATE SELECT COMMITTEE
TO STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES (SSC)

Reference is made to a letter from the SSC dated November 21, 1975, requesting delivery of materials pertaining to authorization and purpose of certain electronic surveillances.

Enclosed for your approval and forwarding to the SSC is the original of a memorandum which responds to Items 1 and 22 of the November 21 letter.

A copy of this memorandum with its enclosures is being furnished for your records.

Enclosures (24)

62-116395

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

HWP:cap
(9)

SEE NOTE PAGE 2

SECRET MATERIAL ATTACHED

62-116395-1245

16 - ENCLOSURE

REC-51

5 JAN 13 1976

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/7/00 BY SBALMER

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
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Director Sec'y

MAIL ROOM ☐ TELETYPE UNIT ☐

GPO : 1975 O - 569-920

84 JAN 22 1976

The Attorney General

NOTE:

SSC letter of November 21 requested material pertaining to 30 telephone and 9 microphone surveillances with respect to authorizations and purpose of the coverage. The SSC requested the material for November 28; however, the extent of research and preparation necessary to comply with this request rule out our meeting this deadline. Mr. Steven Blackhurst of the Department was consulted on this problem on November 28. On December 1, Mr. John Elliff, Director, Domestic Intelligence Task Force, SSC, advised Supervisor Elmer W. Larson, Jr., that, for the present, the requests made on the November 21 letter would be confined to Items 1 and 22. Response to the remaining questions will be negotiated with Mr. Elliff.

NW 55114 DocId:32989562 Page 84

2 - Mr. J. A. Mintz
(1 - Mr. J. B. Hotis)
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. H. W. Porter

62-116395

December 1, 1975

UNITED STATES SENATE SELECT COMMITTEE
TO STUDY GOVERNMENTAL OPERATIONS
WITH RESPECT TO INTELLIGENCE ACTIVITIES (SSC)

RE: REQUEST PERTAINING TO AUTHORIZATION AND PURPOSE OF ELECTRONIC SURVEILLANCES CONDUCTED BY THE FBI

Reference is made to the SSC letter of November 21, 1975, requesting delivery of materials pertaining to the authorization and purpose of electronic surveillances conducted by the FBI.

The SSC letter of November 21 referenced a summary chart prepared by the FBI showing electronic surveillances conducted by the FBI since 1960. This chart was furnished to the SSC by letter of October 23, 1975. The specific identities of the subjects of surveillance were undisclosed.

This memorandum effects delivery of documents responsive to Items 1 and 22 of the November 21, SSC letter.

Enclosures (11)

1 - The Attorney General

HWP:cap
(8)

SECRET MATERIAL ATTACHED

WOC

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 INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11/7/00 BY SP2ALM/KP

MAIL ROOM ☐ TELETYPE UNIT ☐

62-116395-124

GPO : 1975 O - 569-920

5-140 (Rev. 1-21-74) FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

Addressee: SENATE SELECT COMMITTEE

☐ TR ☒ LHM ☐ Memo ☐ Report dated 12/1/75

Caption of Document: U.S. Senate Select Committee (SSC). Re: Request Pertaining Authorizatn & Purpose of Electronic Surveillances Conducted by FBI. (SSC letter 11/21/75)

Originating Office: FBI

Delivered by: Richard J. Taylor Date: 12/2/75

Received by: Ben Marshall

Title: Security Officer

Return this receipt to the Intelligence Division, FBI

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/7/00 BY SP2ALM/KP

1245

CLASSIFY AS APPROPRIATE

SEE INSTRUCTIONS ON REVERSE BEFORE COMPLETING.

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.*)

X	DOCUMENT		BRIEFING		INTERVIEW		TESTIMONY		OTHER

2. DATE PROVIDED: 12/1/75

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

X	SSC
	HSC

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

Memorandum and enclosures

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

SSC letter 11/21/75, items 1 and 22

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*)

Surveillance, electronic

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

Materials pertaining to the authorization and purpose of electronic surveillances conducted by the FBI since 1960.

62-116395
FMK:fmk
(4)

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

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11/7/00 BY SP2 AUMK

TREAT AS YELLOW

5-MK

3791 (6-75)

CLASSIFY AS APPROPRIATE

62-116395 — 1245

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.

SECRET

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

WASHINGTON 25, D.C.

February 13, 1961

MEMORANDUM FOR THE ATTORNEY GENERAL

Re: MRS. ASUNCION C. ECKERT
INTERNAL SECURITY - DOMINICAN REPUBLIC
REGISTRATION ACT - DOMINICAN REPUBLIC

It has been determined that the subject is employed by the Dominican Sugar Office, Universal Building, 1825 Connecticut Avenue, Northwest, Room 213, Washington, D. C., Telephone Number NOrth 7-4062. She handles much of the administration of this office which is headed by foreign diplomatic official Washington, D. C. It has also been determined the subject currently resides at 9502 Saginaw Avenue, Silver Spring, Maryland, Telephone Number JUniper 5-0834.

In view of the subject's possible involvement in Dominican activities to influence the position of the United States regarding the sugar quota, it is requested you authorize technical coverage on the subject at the Dominican Sugar Office, 1825 Connecticut Avenue, Northwest, Washington, D. C., and at her current residence 9502 Saginaw Avenue, Silver Spring, Maryland, or at any address to which the subject's office or residence may move in the future.

Respectfully,

MDR-16
DECLASSIFIED BY 3P2ALMKP
ON 11/8/00

John Edgar Hoover
Director

APPROVED Robert Kennedy

DATE 2/13/61

REC-47

ENCLOSURE

FEB 13 1961

SECRET

62-116395-1245

MAR 6 1961

SECRET

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

WASHINGTON 25, D. C.

NDR-16
DECLASSIFIED BY SP2AUMKP
ON 11/8/06

February 14, 1961

MEMORANDUM FOR THE ATTORNEY GENERAL

RE: DOMINICAN LOBBYING ACTIVITIES IN THE UNITED STATES
INTERNAL SECURITY - DOMINICAN REPUBLIC

In connection with our investigation regarding Dominican lobbying activities in the United States we are proceeding with arrangements to institute technical surveillances on the following individuals at their residence addresses as given:

Foreign diplomatic official.

Lawrence Myers
Director, Sugar Division, Commodity Stabilization Service, Department of Agriculture
Residence: 5530 Prospect Street
Chevy Chase, Maryland
Telephone: OLiver 2-6646

Tom Obie Murphy
Agricultural Economist, Sugar Division, Commodity Stabilization Service, Department of Agriculture
Residence: 4307 Woodacre Court
McLean, Virginia
Telephone: KEllogg 8-2747

REC-58

17 MAR 2 1961

William Merrit Case
Administrative Officer, Sugar Division, Commodity Stabilization Service, Department of Agriculture

J. D. Kelley

APPROVED RTKenedy

DATE 2/14/61

105-95904

ENCLOSURE

SECRET

62-116395-12415

5-4c

MAR 3 1961

MEMORANDUM FOR THE ATTORNEY GENERAL

Residence: 4545 Connecticut Avenue, N. W.
Washington, D. C.
Telephone: EMerson 2-6244

It is recommended that you authorize the technical coverage on the above individuals at their current addresses or at any addresses to which they may move in the future.

Respectfully,

J. Edgar Hoover

John Edgar Hoover
Director

NW 55114 DocId:32989562 Page 91

SECRET

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No. 105-95904

WASHINGTON 25, D. C.

February 16, 1961

MEMORANDUM FOR THE ATTORNEY GENERAL

Re: DOMINICAN LOBBYING ACTIVITIES
IN THE UNITED STATES
INTERNAL SECURITY - DOMINICAN REPUBLIC

In connection with our investigation regarding Dominican lobbying activities in the United States, recent developments indicate technical coverage of Michael B. Deane, a Dominican registered agent, might provide valuable data. Information has just been received that Deane has recently signed a contract to lobby in behalf of the Dominicans and the Dominicans intend to use and manipulate Deane as a contact man with high officials of the United States Government. We are making arrangements to institute technical coverage on Deane at the following business and residence addresses:

Business: Michael B. Deane Associates
1700 K Street, Northwest
Washington, D. C.
Telephone: DIstrict 7-1441

Residence: 3315 Fessenden Street, Northwest
Washington, D. C.
Telephone: EMerson 2-7953

It is recommended that you authorize technical coverage on Michael B. Deane at his current business and residence addresses or at any addresses to which he may move in the future.

Respectfully,

J. Edgar Hoover

John Edgar Hoover
Director

MDR-16
DECLASSIFIED BY SP2AUMK
ON 11/8/00

APPROVED

DATE 2/16/61

REC-58

1961

J. D. Donahoe

SECRET

6 MAR 3 1961

62-116395-5

NW 55114 DocId:32989569 Page 92

SECRET

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

WASHINGTON 25, D. C.

February 16, 1961

MEMORANDUM FOR THE ATTORNEY GENERAL

Re: DOMINICAN LOBBYING ACTIVITIES
IN THE UNITED STATES
INTERNAL SECURITY - DOMINICAN REPUBLIC

In connection with our investigation regarding Dominican lobbying activities in the United States, we are making arrangements to institute a technical surveillance on the following individual at the residence address as given:

Mrs. Christine S. Gallagher
Secretary to Representative
Harold D. Cooley of North Carolina
and Clerk, United States House
Committee on Agriculture
Residence:
2500 Q Street, Northwest
Washington, D. C.
Telephone:
NOrth 7-8442

It is recommended that you authorize technical surveillance on the above individual at her current address or at any address to which she may move in the future.

Respectfully,

J. Edgar Hoover

John Edgar Hoover
Director

MDR-16
DECLASSIFIED BY B2AUWKP
ON 11/8/00

REC-58 62-116395-1

APPROVED

DATE 2/16/61

17 MAR 3 1961

J. D. Duffy

5-12

6 MAR 3 1961

SECRET
ENCLOSURE

62-116395-1245

SECRET

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

WASHINGTON 25, D. C.

June 26, 1962

MEMORANDUM FOR THE ATTORNEY GENERAL

RE: SUGAR LOBBYING ACTIVITIES IN THE UNITED STATES
MISCELLANEOUS - INFORMATION CONCERNING

Reference is made to your request that we keep abreast of activities with regard to the pending sugar legislation, particularly with regard to Haiti and some of the Central American countries.

We have conducted surveys and have found that with full security assured we can establish technical coverage of the following:

Foreign establishment.

Foreign establishment.

MDR-16
DECLASSIFIED BY SP2ALM/GP
ON 11/8/00

Foreign establishment.

Foreign establishment.

Foreign commercial establishment.

REC-38 62-116395-10

EX-105

7 JUL 18 1962

Supr Francis Gailant, NYO,
d Supr L.W.K. Oberndorff, WFO,
structed 7-9-62 to institute these
chs provided full security assured
d surveted time, date of installation
d symbol numbers

SECRET

Xerox copy 7-12-66

62-116395-10 1245

MEMORANDUM FOR THE ATTORNEY GENERAL

The residence of Mrs. Christine S. Gallagher, Carlyn Apartments, 2500 Q Street, Northwest, Washington, D. C., telephone number NOrth 7-8442;

The firm of Surrey, Karasik, Gould and Efron, Woodward Building, 735 15th Street, Northwest, Washington, D. C., telephone numbers REpublic 7-0866 through REpublic 7-0870, and REpublic 7-0323 through REpublic 7-0327.

In connection with the firm of Surrey, Karasik, Gould and Efron, our inquiries reveal that Walter Sterling Surrey is the representative of the South Puerto Rico Sugar Company and of sugar interests in the French West Indies. He has recently been in frequent touch with officials of the Dominican Republic in connection with the sugar legislation. He was formerly a registered agent of the Dominican Republic and during the Dominican sugar lobbying activities in 1961, he was active in behalf of Dominican sugar interests.

With regard to Mrs. Christine S. Gallagher, she is Clerk of the House Agriculture Committee and secretary to Congressman Harold D. Cooley. Coverage of her residence in connection with our inquiries last year into Dominican lobbying activities produced pertinent information.

Accordingly, it is requested that you authorize our installation of technical surveillances on the establishments, individual and firm listed above, or any locations to which they may move in the future. On June 25, 1962, Department of State clearance was secured with regard to such coverage of the official establishments.

Respectfully,

J. Edgar Hoover

John Edgar Hoover
Director

APPROVED Robert Kennedy

DATE 7-9-62

NW 55114 DocId:32989562 Page 95

SECRET

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

WASHINGTON 25, D. C.

June 29, 1961

JUNE

MEMORANDUM FOR THE ATTORNEY GENERAL

RE: UNKNOWN SUBJECT
Leak of Classified Information
Appearing in July 3, 1961, "Newsweek"
Magazine Article Captioned
"Pentagon Plan"
ESPIONAGE - X

Lloyd Norman is a correspondent at the Pentagon for "Newsweek" magazine. He resides at 5420 Thirty-first Street, Washington, D. C.

In connection with the investigation you requested in captioned matter, a technical surveillance at Norman's residence address was instituted on June 27, 1961. For the completion of your records and those of this Bureau it is suggested that this technical surveillance be authorized at Norman's current address or any address to which he may move.

Respectfully,

J. Edgar Hoover

John Edgar Hoover
Director

NDR-16
DECLASSIFIED BY SP2ALM/CP
ON 11/8/00

Approved: [illegible]

Date: 6/30/61

REC- 12 62-116395-4

JUL 12 1961

ENCLOSURE

SECRET 62-116395-1845

JUL 18 1961

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

WASHINGTON, D.C. 20535

April 19, 1965

MEMORANDUM FOR THE ATTORNEY GENERAL

Re: FRANK CAPELL
ESPIONAGE - X

The subject is the editor of the newsletter, "The Herald of Freedom." He is an extremist in his attitude toward communism and uses his newsletter to expose people and organizations he considers communist and subversive.

Capell is known to be in possession of information classified up to and including "Secret," some of which originated with this Bureau and some with the [redacted] JFK Act 6 (1)(B) He has refused to furnish his source for this information. Capell has published some of this classified information in copies of his newsletter and he has advised this Bureau that he plans to publish a book which will contain additional classified information. It appears that the subject's source is a United States Government employee having access to the classified information and his action in furnishing Capell this classified information, plus Capell's publishing it, constitutes a danger to the internal security of the United States. In at least one instance there is a danger of a most sensitive source of this Bureau being compromised. If the identity of Capell's source can be learned, we may eliminate this security threat.

In view of the above, it is requested that you authorize technical coverage on the subject's residence located at School House Road, Somerset County, Zarephath, New Jersey, and on his place of business at the same address or on any addresses to which he may move in the future or to which his place of business may be moved in the future.

Respectfully,

REC. 120

J. Edgar Hoover

John Edgar Hoover
Director

4 APR 29 1965

NDR-16
DECLASSIFIED BY SPRAUNGP
ON 11/8/00

APPROVED

DATE 4/20/65

SECRET
Group 1
Excluded from automatic downgrading and declassification

6 APR 30 1965

ENCLOSURE 62-116395-1245

SEC. TEL. I.M.

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

SECRET

In Reply, Please Refer to File No.

WASHINGTON, D.C. 20535

June 7, 1965

MEMORANDUM FOR THE ATTORNEY GENERAL

RE: FRANK A. CAPELL
ESPIONAGE - X

Reference is made to my memorandum dated April 19, 1965, on which you indicated authorization for a technical surveillance on the residence of the subject located at School House Road, Somerset County, Zarephath, New Jersey, for the purpose of ascertaining the subject's sources for the classified information he has published in his newsletter "The Herald of Freedom."

Our coverage on the subject has revealed that he is in almost daily contact with Robert E. Manuel, an attorney who resides in Alexandria, Virginia, and who is in the law firm of Johnson (Wayne G.) and Manuel in Fairfax, Virginia. Manuel has claimed to have "a network" of people furnishing him information which he in turn gives to Capell. It is apparent that Manuel is Capell's intermediary and he undoubtedly has contacts at the Department of State and the Washington, D.C., Metropolitan Police Department from whom he is obtaining information.

REC 4 127-2275-133

In view of the above, it is requested that you authorize technical coverage on Manuel's residence, 8901 Beauchamp Drive, Alexandria, Virginia, and on his office located at 105 East Holbrook Avenue, Fairfax, Virginia, or on any addresses to which he may move in the future or to which his place of business may be moved in the future.

16 JUN 16 1965

Respectfully,

J. Edgar Hoover

John Edgar Hoover
Director

MDR-16
DECLASSIFIED BY SP2ALMKP
ON 11/8/00

APPROVED

DATE 6/10/65

SECRET

GROUP 1
Excluded from automatic downgrading and declassification

62-116395-1245

SECRET

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

WASHINGTON 25, D. C.

October 19, 1962

MEMORANDUM FOR THE ATTORNEY GENERAL

RE: JACK LEVINE

Jack Levine resides at 203 West 90th Street, New York 24, New York. He is a former Special Agent of the FBI, serving from September 12, 1960, to August 4, 1961. Since he left the FBI, he has engaged in a vindictive and irrational attack upon this agency and its operations.

In the October 20, 1962, issue of "The Nation" magazine, Levine wrote an article entitled "Hoover and the Red Scare," in which he has disclosed highly classified information relating to the operations of this Bureau. There is every indication that he intends to continue disclosing sensitive information. For example, Levine appeared on New York Radio Station WBAI on the evening of October 18, 1962, at which time he disclosed information of a confidential nature concerning investigations conducted by this Bureau. The Communist Party is already aware of Levine's actions and it is believed that members of this Party will be in contact with him, if they have not already done so. Further, it is likely that representatives of communist nations will be in contact with him seeking information. Levine has knowledge of some of this agency's most valuable informants. If he disclosed them, he could do this country's national defense irreparable harm.

In order to adequately protect the security of this country, it is requested that authority be granted to place a technical surveillance at his current residence or at any future address to which he may move.

MDR-16
DECLASSIFIED BY SP2AUM/KP
ON 11/8/00

Respectfully,

J. Edgar Hoover

John Edgar Hoover
Director

APPROVED Robert F. Kennedy

DATE 10/26/62

REC-9

SECRET
Group 1
Excluded from automatic downgrading and declassification

62-116395-1

ENCLOSURE

PERS. REC. UNIT

1245

DEC 6 1962

DO-5

OFFICE OF DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

MR. TOLSON
MR. BELMONT
MR. MOHR
MR. CASPER
MR. CALLAHAN
MR. CONRAD
MR. DELOACH
MR. EVANS
MR. GALE
MR. ROSEN
MR. SULLIVAN
MR. TAVEL
MR. TROTTER
MR. JONES
TELE. ROOM
MISS HOLMES
MRS. METCALF
MISS GANDY

January 9, 1963

File
Gene

10:10 am

JACK

Mr. Belmont called to say Evans spoke to the Attorney General re placing the tech on Levine again, and the Attorney General said by all means to do this.

Mr. Belmont has instructed New York to do so.

hwg

S

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/8/00 BY SP2AWKP

EX-120

REC. 56 105-115728-46

25 JAN 17 1963

JAN 9 10 44 AM '63

6 JAN 24 1963

ENCLOSURE

62-116395-1245

Tols
Belm
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

JUNE

File

1/9/63

JUNE

RE: JACK LEVINE
Former Special Agent

By teletype last night the New York Office advised that former Agent Jack Levine had held a conference yesterday afternoon with Gus Hall, head of the Communist Party USA. New York felt that there may well be additional meetings between the two.

It is imperative that we know about and cover such meetings. We recommend that the technical surveillance on Levine be resumed at this time until we can determine whether additional meetings are to be held between the two men.

The AG previously authorized this technical surveillance and we had it on from October 18 to 26, 1962. If you agree, we will notify NY to reinstall the technical surveillance, as the security of the country demands it at this time.

A.H. BELMONT

AHB:CSH

Alone Evans to speak to A.G. re this.

(see addendum, pg 2)

(OVER)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/8/00 BY SP2 ALM/KP

ENCLOSURE

62-116395-1245

19

Tolson
Belmont
Mohr
Casper
Callahan
Conrad
DeLoach
Evans
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

JUNE

File

1/9/63

JUNE

RE: JACK LEVINE
Former Special Agent

By teletype last night the New York Office advised that former Agent Jack Levine had held a conference yesterday afternoon with Gus Hall, head of the Communist Party USA. New York felt that there may well be additional meetings between the two.

It is imperative that we know about and cover such meetings. We recommend that the technical surveillance on Levine be resumed at this time until we can determine whether additional meetings are to be held between the two men.

The AG previously authorized this technical surveillance and we had it on from October 18 to 26, 1962. If you agree, we will notify NY to reinstall the technical surveillance, as the security of the country demands it at this time.

A.H. BELMONT

AHB:CSH

Phone Evans please & a.g. re this.

(see addendum, pg 2)

(OVER)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11/8/00 BY SP2ALMCP

ADDENDUM by C.A.Evans
(to informal memo 1/9/63
re Jack Levine, Former SA) -

I spoke with the AG by phone at his home concerning this matter, and briefed him fully as to developments. The AG said that the technical surveillance should by all means be reinstituted immediately.

C.A.Evans

NW 55114 DocId:32989562 Page 103

SSC request of November 21, 1975

Items 1 and 22

RETAIN - UNEXCISED

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/8/00 BY SP2ALM/KP

62-116395-1245
ENCLOSURE

SECRET

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

WASHINGTON 25, D. C.

February 13, 1961

MEMORANDUM FOR THE ATTORNEY GENERAL

Re: MRS. ASUNCION C. ECKERT
INTERNAL SECURITY - DOMINICAN REPUBLIC
REGISTRATION ACT - DOMINICAN REPUBLIC

It has been determined that the subject is employed by the Dominican Sugar Office, Universal Building, 1825 Connecticut Avenue, Northwest, Room 213, Washington, D. C., Telephone Number NOrth 7-4062. She handles much of the administration of this office which is headed by Marco A. de Pena, Dominican Consul General, Washington, D. C. It has also been determined the subject currently resides at 9502 Saginaw Avenue, Silver Spring, Maryland, Telephone Number JUniper 5-0834.

In view of the subject's possible involvement in Dominican activities to influence the position of the United States regarding the sugar quota, it is requested you authorize technical coverage on the subject at the Dominican Sugar Office, 1825 Connecticut Avenue, Northwest, Washington, D. C., and at her current residence 9502 Saginaw Avenue, Silver Spring, Maryland, or at any address to which the subject's office or residence may move in the future.

Respectfully,

John Edgar Hoover
Director

NDR-16
DECLASSIFIED BY SP2AUMCP
ON 11/8/00

APPROVED Robert Kennedy

DATE 2/13/61

REC-47

17 FEB 23 1961

SECRET

NW 51114 DocId:32989562 Page 105

SECRET

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

WASHINGTON 25, D. C.

MDR-16
DECLASSIFIED BY SP2ALM/CP
ON 11/8/00

February 14, 1961

MEMORANDUM FOR THE ATTORNEY GENERAL

RE: DOMINICAN LOBBYING ACTIVITIES IN THE UNITED STATES
INTERNAL SECURITY - DOMINICAN REPUBLIC

In connection with our investigation regarding Dominican lobbying activities in the United States we are proceeding with arrangements to institute technical surveillances on the following individuals at their residence addresses as given:

Marco A. de Pena
Dominican Consul General
Residence: 1444 Rock Creek Ford Road, N.W.
Washington, D.C.
Telephone: TAylor 9-5281

Lawrence Myers
Director, Sugar Division, Commodity Stabilization Service, Department of Agriculture
Residence: 5530 Prospect Street
Chevy Chase, Maryland
Telephone: OLiver 2-6646

Tom Obie Murphy
Agricultural Economist, Sugar Division, Commodity Stabilization Service, Department of Agriculture
Residence: 4307 Woodacre Court
McLean, Virginia
Telephone: KEllogg 8-2747

REC-58

1961

William Merrit Case
Administrative Officer, Sugar Division, Commodity Stabilization Service, Department of Agriculture

APPROVED

DATE 2/14/61

105-95904

SECRET

MEMORANDUM FOR THE ATTORNEY GENERAL

Residence: 4545 Connecticut Avenue, N. W.
Washington, D. C.
Telephone: EMerson 2-6244

It is recommended that you authorize the technical coverage on the above individuals at their current addresses or at any addresses to which they may move in the future.

Respectfully,

J. Edgar Hoover

John Edgar Hoover
Director

NW 55114 DocId:32989562 Page 107

SECRET

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No. 105-95904

WASHINGTON 25, D. C.

February 16, 1961

MEMORANDUM FOR THE ATTORNEY GENERAL

Re: DOMINICAN LOBBYING ACTIVITIES
IN THE UNITED STATES
INTERNAL SECURITY - DOMINICAN REPUBLIC

In connection with our investigation regarding Dominican lobbying activities in the United States, recent developments indicate technical coverage of Michael B. Deane, a Dominican registered agent, might provide valuable data. Information has just been received that Deane has recently signed a contract to lobby in behalf of the Dominicans and the Dominicans intend to use and manipulate Deane as a contact man with high officials of the United States Government. We are making arrangements to institute technical coverage on Deane at the following business and residence addresses:

Business: Michael B. Deane Associates
1700 K Street, Northwest
Washington, D. C.
Telephone: DIstrict 7-1441

Residence: 3315 Fessenden Street, Northwest
Washington, D. C.
Telephone: EMerson 2-7953

It is recommended that you authorize technical coverage on Michael B. Deane at his current business and residence addresses or at any addresses to which he may move in the future.

Respectfully,

J. Edgar Hoover

John Edgar Hoover
Director

NDR-16
DECLASSIFIED BY SPBALMXP
ON 11/8/00

APPROVED

DATE 2/16/61

REC-58

MAR 2 1961

J. D. Donahoe

SECRET

6 MAR 3 1961

SECRET

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

WASHINGTON 25, D. C.

February 16, 1961

MEMORANDUM FOR THE ATTORNEY GENERAL

Re: DOMINICAN LOBBYING ACTIVITIES
IN THE UNITED STATES
INTERNAL SECURITY - DOMINICAN REPUBLIC

In connection with our investigation regarding Dominican lobbying activities in the United States, we are making arrangements to institute a technical surveillance on the following individual at the residence address as given:

Mrs. Christine S. Gallagher
Secretary to Representative
Harold D. Cooley of North Carolina
and Clerk, United States House
Committee on Agriculture
Residence:
2500 Q Street, Northwest
Washington, D. C.
Telephone:
NOrth 7-8442

It is recommended that you authorize technical surveillance on the above individual at her current address or at any address to which she may move in the future.

Respectfully,

J. Edgar Hoover

John Edgar Hoover
Director

NDR-16
DECLASSIFIED BY SP2ALM/KP
ON 11/8/00

REC-58

APPROVED

DATE 2/16/61

17 MAR 3 1961

J. D. Dupelier

5-9c

SECRET

6 MAR 3 1961

SECRET

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

WASHINGTON 25, D. C.

MDR-16
DECLASSIFIED BY SP2ALM/KP
ON 11/8/00

June 26, 1962

MEMORANDUM FOR THE ATTORNEY GENERAL

RE: SUGAR LOBBYING ACTIVITIES IN THE UNITED STATES
MISCELLANEOUS - INFORMATION CONCERNING

Reference is made to your request that we keep abreast of activities with regard to the pending sugar legislation, particularly with regard to Haiti and some of the Central American countries.

We have conducted surveys and have found that with full security assured we can establish technical coverage of the following:

The Chancery of the Embassy of Nicaragua, 1627 New Hampshire Avenue, Northwest, Washington, D. C., telephone numbers DUdley 7-4371 through DUdley 7-4374, and DEcatur 2-1643 through DEcatur 2-1645;

The Chancery of the Embassy of Costa Rica, 2112 S Street, Northwest, Washington, D. C., telephone numbers ADams 4-2945 through ADams 4-2947, and DEcatur 2-6737;

The Chancery of the Embassy of Haiti, 4400 17th Street, Northwest, Washington, D. C., telephone numbers RAndolph 3-7000 and RAndolph 3-7001;

The Haitian Consulate General, Room 1365, 60 East 42nd Street, New York, New York, telephone numbers OXford 7-9767 and OXford 7-8492;

The Dominican Sugar Office, Room 213, Universal Building, 1825 Connecticut Avenue, Northwest, Washington, D. C., telephone numbers NOrth 7-4062 and NOrth 7-9394;

REC-38 62-110102-6

Supr Francis Gallant, NYO, and Supr L.W.K. Oberndorff, WFO, instructed 7-9-62 to institute these techs provided full security assured and submitted time, date of installation and symbol numbers

EX-105

7 JUL 18 1962

SECRET

XEROX COPY 7-12-62

MEMORANDUM FOR THE ATTORNEY GENERAL

The residence of Mrs. Christine S. Gallagher, Carlyn Apartments, 2500 Q Street, Northwest, Washington, D. C., telephone number NOrth 7-8442;

The firm of Surrey, Karasik, Gould and Efron, Woodward Building, 735 15th Street, Northwest, Washington, D. C., telephone numbers REpublic 7-0866 through REpublic 7-0870, and REpublic 7-0323 through REpublic 7-0327.

In connection with the firm of Surrey, Karasik, Gould and Efron, our inquiries reveal that Walter Sterling Surrey is the representative of the South Puerto Rico Sugar Company and of sugar interests in the French West Indies. He has recently been in frequent touch with officials of the Dominican Republic in connection with the sugar legislation. He was formerly a registered agent of the Dominican Republic and during the Dominican sugar lobbying activities in 1961, he was active in behalf of Dominican sugar interests.

With regard to Mrs. Christine S. Gallagher, she is Clerk of the House Agriculture Committee and secretary to Congressman Harold D. Cooley. Coverage of her residence in connection with our inquiries last year into Dominican lobbying activities produced pertinent information.

Accordingly, it is requested that you authorize our installation of technical surveillances on the establishments, individual and firm listed above, or any locations to which they may move in the future. On June 25, 1962, Department of State clearance was secured with regard to such coverage of the official establishments.

Respectfully,

J. Edgar Hoover

John Edgar Hoover
Director

APPROVED Robert Kennedy

DATE 7-9-62

NW 55114 DocId:32989562 Page 111

SECRET

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

WASHINGTON 25, D. C.

June 29, 1961

JUNE

MEMORANDUM FOR THE ATTORNEY GENERAL

RE: UNKNOWN SUBJECT
Leak of Classified Information
Appearing in July 3, 1961, "Newsweek"
Magazine Article Captioned
"Pentagon Plan"
ESPIONAGE - X

Lloyd Norman is a correspondent at the Pentagon for "Newsweek" magazine. He resides at 5420 Thirty-first Street, Washington, D. C.

In connection with the investigation you requested in captioned matter, a technical surveillance at Norman's residence address was instituted on June 27, 1961. For the completion of your records and those of this Bureau it is suggested that this technical surveillance be authorized at Norman's current address or any address to which he may move.

Respectfully,

J. Edgar Hoover

John Edgar Hoover
Director

MDR-16
DECLASSIFIED BY SP2 AUMKP
ON 11/8/00

Approved: [illegible]

Date: 6/30/61

REC-12 66-14-4

JUL 12 1961

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

WASHINGTON, D.C. 20535

April 19, 1965

MEMORANDUM FOR THE ATTORNEY GENERAL

Re: FRANK CAPELL
ESPIONAGE - X

The subject is the editor of the newsletter, "The Herald of Freedom." He is an extremist in his attitude toward communism and uses his newsletter to expose people and organizations he considers communist and subversive.

JFK Act 6 (1)(B)

Capell is known to be in possession of information classified up to and including "Secret," some of which originated with this Bureau and some with the [redacted] He has refused to furnish his source for this information. Capell has published some of this classified information in copies of his newsletter and he has advised this Bureau that he plans to publish a book which will contain additional classified information. It appears that the subject's source is a United States Government employee having access to the classified information and his action in furnishing Capell this classified information, plus Capell's publishing it, constitutes a danger to the internal security of the United States. In at least one instance there is a danger of a most sensitive source of this Bureau being compromised. If the identity of Capell's source can be learned, we may eliminate this security threat.

In view of the above, it is requested that you authorize technical coverage on the subject's residence located at School House Road, Somerset County, Zarephath, New Jersey, and on his place of business at the same address or on any addresses to which he may move in the future or to which his place of business may be moved in the future.

Respectfully,

REC-120

J. Edgar Hoover

John Edgar Hoover
Director

4 APR 29 1965

MDR-16
DECLASSIFIED BY SP2ALMCP
ON 11/6/00

APPROVED Nbd

DATE 4/20/65

SECRET
Group 1
Excluded from automatic downgrading and declassification

6 APR 30 1965

SPECIAL DM

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

SECRET

In Reply, Please Refer to File No.

WASHINGTON, D.C. 20535

June 7, 1965

MEMORANDUM FOR THE ATTORNEY GENERAL

RE: FRANK A. CAPELL
ESPIONAGE - X

Reference is made to my memorandum dated April 19, 1965, on which you indicated authorization for a technical surveillance on the residence of the subject located at School House Road, Somerset County, Zarephath, New Jersey, for the purpose of ascertaining the subject's sources for the classified information he has published in his newsletter "The Herald of Freedom."

Our coverage on the subject has revealed that he is in almost daily contact with Robert E. Manuel, an attorney who resides in Alexandria, Virginia, and who is in the law firm of Johnson (Wayne G.) and Manuel in Fairfax, Virginia. Manuel has claimed to have "a network" of people furnishing him information which he in turn gives to Capell. It is apparent that Manuel is Capell's intermediary and he undoubtedly has contacts at the Department of State and the Washington, D.C., Metropolitan Police Department from whom he is obtaining information.

REC 4 137-7075-133

In view of the above, it is requested that you authorize technical coverage on Manuel's residence, 8901 Beauchamp Drive, Alexandria, Virginia, and on his office located at 105 East Holbrook Avenue, Fairfax, Virginia, or on any addresses to which he may move in the future or to which his place of business may be moved in the future.

16 JUN 16 1965

Respectfully,

J. Edgar Hoover

John Edgar Hoover
Director

MDR-16
DECLASSIFIED BY SP2 ALMKP
ON 11/8/00

APPROVED

DATE 6/10/65

SECRET

GROUP 1
Excluded from automatic downgrading and declassification

SECRET

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

WASHINGTON 25, D. C.

October 19, 1962

MEMORANDUM FOR THE ATTORNEY GENERAL

RE: JACK LEVINE

Jack Levine resides at 203 West 90th Street, New York 24, New York. He is a former Special Agent of the FBI, serving from September 12, 1960, to August 4, 1961. Since he left the FBI, he has engaged in a vindictive and irrational attack upon this agency and its operations.

In the October 20, 1962, issue of "The Nation" magazine, Levine wrote an article entitled "Hoover and the Red Scare," in which he has disclosed highly classified information relating to the operations of this Bureau. There is every indication that he intends to continue disclosing sensitive information. For example, Levine appeared on New York Radio Station WBAI on the evening of October 18, 1962, at which time he disclosed information of a confidential nature concerning investigations conducted by this Bureau. The Communist Party is already aware of Levine's actions and it is believed that members of this Party will be in contact with him, if they have not already done so. Further, it is likely that representatives of the Soviet-bloc nations will be in contact with him seeking information. Levine has knowledge of some of this agency's most valuable informants. If he disclosed them, he could do this country's national defense irreparable harm.

In order to adequately protect the security of this country, it is requested that authority be granted to place a technical surveillance at his current residence or at any future address to which he may move.

Respectfully,

J. Edgar Hoover

John Edgar Hoover
Director

MDR-16
DECLASSIFIED BY SP2ALMKP
ON 11/8/00

APPROVED

DATE 10/26/62

REC-9

SECRET
Group 1
Excluded from automatic downgrading and declassification

PERS. REC. UNIT

DEC 6 1962

DO-6

OFFICE OF DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

MR. TOLSON
MR. BELMONT
MR. MOHR
MR. CASPER
MR. CALLAHAN
MR. CONRAD
MR. DELOACH
MR. EVANS
MR. GALE
MR. ROSEN
MR. SULLIVAN
MR. TAVEL
MR. TROTTER
MR. JONES
TELE. ROOM
MISS HOLMES
MRS. METCALF
MISS GANDY

January 9, 1963

File
Jane
Jack

10:10 am

Mr. Belmont called to say Evans spoke to the Attorney General re placing the tech on Levine again, and the Attorney General said by all means to do this.

Mr. Belmont has instructed New York to do so.

hwg

S

EX-120

REC-56 105-115728-46

25 JAN 17 1963

7 JAN 9 10 11 AM '63

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/8/00 BY SP2ALMKP

6 JAN 31 1963

SECRET

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

WASHINGTON 25, D.C.

June July 31, 1962

MEMORANDUM FOR THE ATTORNEY GENERAL

Re: ARTICLE BY HANSON W. BALDWIN
IN "THE NEW YORK TIMES,"
JULY 26, 1962
ESPIONAGE - X

In connection with your request for an investigation of the unauthorized disclosure of classified information in the captioned article, surveys have indicated that technical surveillances on Hanson W. Baldwin, 39 Morton Place, Chappaqua, Westchester County, New York, and on Laura M. Waltz, 2700 Wisconsin Avenue, Northwest, Washington, D. C., can be made with security. Baldwin is a correspondent for "The New York Times" and Waltz is a secretary in the Washington, D. C., Bureau of this newspaper. She reportedly makes appointments for Baldwin in Washington, D. C. Accordingly, your authority is hereby requested for technical surveillances on their current addresses as well as on other addresses to which they may move in the future.

Respectfully,

J. Edgar Hoover

John Edgar Hoover
Director

APPROVED

DATE 7-31-62

EC-5 65-67001

MDR-16
DECLASSIFIED BY SP2ALM/KP
ON 11/8/00

7 AUG 2 1962

Xerox copy 7-11-66 June

62-116395-1845

SECRET

ENCLOSURE

SECRET

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

WASHINGTON 25, D. C.

June 29, 1961

JUNE

MEMORANDUM FOR THE ATTORNEY GENERAL

RE: UNKNOWN SUBJECT
Leak of Classified Information
Appearing in July 3, 1961, "Newsweek"
Magazine Article Captioned
"Pentagon Plan"
ESPIONAGE - X

Lloyd Norman is a correspondent at the Pentagon for "Newsweek" magazine. He resides at 5420 Thirty-first Street, Washington, D. C.

In connection with the investigation you requested in captioned matter, a technical surveillance at Norman's residence address was instituted on June 27, 1961. For the completion of your records and those of this Bureau it is suggested that this technical surveillance be authorized at Norman's current address or any address to which he may move.

Respectfully,

J. Edgar Hoover

John Edgar Hoover
Director

Approved: [illegible]

Date: 6/30/61

REC-12

JUL 12 1961

MDR-16
DECLASSIFIED BY SP2ALM/P
ON 11/8/00

6 JUL 18 1961

SECRET

1 - Mr. J. B. Adams
1 - Mr. J. A. Mintz
1 - Mr. W. R. Wannall

The Attorney General

November 5, 1975

1 - Mr. J. G. Deegan
1 - Mr. R. L. Shackelford
1 - Mr. W. O. Cregar
1 - Mr. S. F. Phillips

Director, FBI

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

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/2/00 BY SP2ALM

Enclosed is the original of a memorandum, with attachment, which reports the results of an interview of former FBI Section Chief Fred J. Baumgardner by SSC Staff Members. Also enclosed is a copy of the memorandum, with attachment, for forwarding to Mr. James A. Wilderotter, Associate Counsel to the President.

As you know, we have been forwarding to you numerous memoranda reporting the results of SSC Staff interviews of present and former FBI personnel. From time to time, we have noted in these reports to us what might be considered improprieties on the part of the interviewers. We have submitted these reports to you without comment, choosing to let the facts speak for themselves insofar as the reports are made to us by the personnel interviewed. We are taking the occasion of the report of the interview of Baumgardner to call to your attention by this communication certain aspects of the Baumgardner interview suggestive of impropriety on the part of the interviewers.

On page two of the Baumgardner memorandum, he pointed out that he had been asked at the outset of the interview to read and sign a form entitled "Advice of Rights." After reading it, Baumgardner declined to sign it and explained his reason as being that the form would indicate agreement by Baumgardner that he had appeared voluntarily for interview whereas he did not consider that his appearance was voluntary. Of significance is the statement made by one of the interviewers, SSC Staff Member Michael Epstein, that unless the form was signed by Baumgardner, no interview would be conducted. Baumgardner persisted in not signing the form, and notwithstanding the threat, the interview proceeded as reported in the material being furnished you. This is not the first occasion known to

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

1 - 67- (Personnel file former SA Fred J. Baumgardner)

REC-51 67-116395-1244

SFP:mjgmx
(12)

5 JAN 13 1976

2 ENCLOSURES

MAIL ROOM ☐ TELETYPE UNIT ☐

GPO : 1975 O - 569-920

84 JAN 14 1976

us wherein an interviewee was told after appearing for interview that if he did not sign the "Advice of Rights" statement the interview would not proceed. Former FBI Special Agent George A. Berley related a similar instance to us as reported in an FBI memorandum dated October 23, 1975, which has been furnished to you.

Pages five and six of the Baumgardner memorandum reported the questioning of him about Martin Luther King, Jr. and the March on Washington. Baumgardner told the interviewers that there had been a great deal of Communist Party activity throughout the country in urging people to participate in the March and that Communist Party leaders and members came to Washington, D. C. and participated in the March. At this point in the interview, SSC Staff Member Mark Gitenstein asked Baumgardner why the FBI felt that 200 communists could come to Washington, D. C. and take over the Government. Baumgardner replied that no one in the FBI thought that the Communist Party would take over the U. S. Government during the March on Washington. Baumgardner further told the interviewers that he, Baumgardner, thought that Gitenstein knew that no one in the FBI had any such idea and Baumgardner wanted to know why Gitenstein had asked him such a question. At that point, Gitenstein recognized that Baumgardner was quite annoyed at the question and Gitenstein mumbled some half apologetic answer.

On page seven of the Baumgardner memorandum, there is reported the questioning of him concerning one Stanley David Levison. According to Baumgardner, Epstein desired to get into a detailed discussion concerning Levison and his connection with the Communist Party. Baumgardner replied that he declined to be drawn into any such discussion on the basis that it might compromise FBI sources. Again, according to Baumgardner, Epstein persisted in discussing the Levison matter. As you are aware, there has been a longstanding agreement between the SSC and this Bureau in respect to interviews of this nature that interviewees would not be required to answer questions when in their mind the answers might be revealing of the identities of FBI confidential sources.

Enclosures (4)
62-116395
1 - The Deputy Attorney General
Attention: Michael E. Shaheen, Jr.
Special Counsel for
Intelligence Coordination

NW 55114 DocId:32989562 Page 120

1 - Mr. J. B. Adams
1 - Mr. J. A. Mintz
1 - Mr. W. R. Wannall
1 - Mr. J. G. Deegan

62-116395

November 5, 1975

1 - Mr. R. L. Shackelford
1 - Mr. W. O. Cregar
1 - Mr. S.F. Phillips

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

RE: INTERVIEW OF FORMER FBI
SECTION CHIEF FRED J. BAUMGARDNER
BY SSC STAFF MEMBERS

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/2/00 BY SP2ALMKP

The following concerns an interview by SSC Staff Members of former FBI Section Chief Fred J. Baumgardner.

On April 23, 1975, the Louisville Field Office of the FBI advised that it had been informed by Baumgardner that he had been contacted by SSC Staff Member Michael Epstein who had sought to arrange an interview of Baumgardner. Baumgardner requested of the FBI that a Bureau representative be present during interview.

On April 24, 1975, Baumgardner telephonically contacted the Legal Counsel Division of this Bureau and related he had been requested to come to Washington, D. C., to be interviewed by Epstein. Baumgardner told Epstein that he would make himself available for interview at his own office in Louisville, Kentucky. Baumgardner expressed concern regarding the interview, pointing out that he had been a Section Chief in the Intelligence Division for some 18 years and had continually dealt with very sensitive matters which he felt were not the proper subject matter of discussion with people outside the FBI. Additionally, Baumgardner pointed out that he had been out of the Bureau for some eight years and since he was not aware of current Bureau operations, he requested the Bureau have a representative present during the interview and that that individual be thoroughly familiar with current Intelligence Division operations so that Baumgardner might be made aware of those areas which are sensitive and might compromise current Bureau investigations.

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 ___

ORIGINAL AND ONE COPY TO AG

1 - 67- (Personnel file former SA Fred J. Baumgardner)

SFP:mjg
(11)

SEE NOTE PAGE TWO

MAIL ROOM ☐ TELETYPE UNIT ☐

62-116395-134

GPO: 1975 O - 569-920

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

Re: Interview of Former FBI Section Chief
Fred J. Baumgardner by SSC Staff Members

As reported in the attachment to this memorandum, negotiations between Baumgardner and the SSC apparently broke down and it was not until late September, 1975, that negotiations were resumed leading up to the interview which took place on October 8, 1975.

Subsequently, this Bureau waived Baumgardner's employment agreement as to confidentiality for the purpose of the interview which was to concern the FBI's investigations of Martin Luther King, Jr., Communist Influence in Racial Movement, and his knowledge of the Security Index and related indices.

Attached is a memorandum prepared by Baumgardner which reports the interview.

Enclosure

NOTE:

Legal Counsel Division contacts with Baumgardner were by Supervisor P. V. Daly. We are including with our LHM the one which Baumgardner had prepared through our Louisville Office and submitted by Louisville airtel 10/21/75, "Senstudy 75." The only corrections made at the Bureau in the LHM were to alter some incorrect spellings of names and in paragraph three of page six, the name Epstein was changed to Gitenstein after telephonically conferring with Baumgardner.

NW 55114 DocId:32989562 Page 122

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Louisville, Kentucky
October 20, 1975

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

RE: INTERVIEW OF FORMER SECTION CHIEF
FRED J. BAUMGARDNER BY SSC STAFF MEMBERS

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/2/00 BY SP2ALM/AP

BACKGROUND

I was first contacted by Mike Epstein, SSC Staff Member, in April, 1975. Tentative arrangements were made for Epstein to come to Louisville, Kentucky, to conduct the interview. I contacted the Bureau and was advised that a current Special Agent of the Federal Bureau of Investigation (FBI) would be made available to sit in on the interview if I requested it. Such a request was made and the Bureau so advised Epstein. Subsequently, Epstein called me and asked whether I had requested someone from the Bureau to sit in on the interview. I replied that I had, and Epstein hung up the phone. No further contact was made with me until late in September, 1975. At that time, Martha Talley, SSC Staff Member, called me requesting that I testify in Washington, D. C. After I discussed this matter with the Bureau, I made arrangements with Martha Talley to appear before Staff Members of the Committee in Washington, D. C., on October 8, 1975. The next day, after these arrangements were completed, Martha Talley called and advised me that I would be testifying under oath and that I could request to be represented by an attorney. No such request was made.

INTERVIEW RE DR. MARTIN LUTHER KING
AND COMMUNIST INFILTRATION OF THE
SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE (SCLC)
ORGANIZATION

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.

AMERICAN REVOLUTION BICENTENNIAL 1776-1976

62-116395-1244

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

RE: INTERVIEW OF FORMER SECTION CHIEF
FRED J. BAUMGARDNER BY SSC STAFF MEMBERS

At approximately 10:00 a.m., October 8, 1975, I was interviewed by the following named SSC Staff Members: Mike Epstein, Mark Gitenstein, Mary De Oreo, Martha Talley, and one other Staff Member whose name I cannot recall. Epstein began the interview by handing me a typed sheet captioned "Advice of Rights". He asked me to read and sign that sheet. After reading it, I declined to sign it. Epstein stated he didn't understand my reluctance to sign the "Advice of Rights" form inasmuch as the FBI always did this when they conducted interviews. Epstein was corrected on this statement and was told that the FBI did not require every interviewee to sign an "Advice of Rights" statement unless the interview involved a possible violation of the law on the part of the person being interviewed. Thousands of interviews are conducted by the FBI where it would be completely out of place to advise people that statements they might make could be used against them in a court of law. Epstein then indicated that unless the "Advice of Rights" form was signed, no interview would be conducted. I replied that I had come to Washington at the insistence of the Committee, I was present, was available and willing to go through with the interview but I would not sign the "Advice of Rights" form. One point in the form stated that the interviewee had appeared voluntarily for interview. I made the point the I had not come voluntarily but had come only at the insistence of the Committee.

At the beginning of the interview, Epstein handed me two or three memoranda. During the course of the interview, he let me read several other memoranda. In all, he made available to me a total of 12 memorandums, the captions and dates of which are set out as follows:

1) F. J. Baumgardner to W. C. Sullivan, dated August 22, 1963, "March on Washington".

2) F. J. Baumgardner to W. C. Sullivan, dated August 29, 1963, "March on Washington".

NW 55114 DocId:32989562 Page 124

ADDENDUM by C.A.Evans
(to informal memo 1/9/63
re Jack Levine, Former SA) -

I spoke with the AG by phone at his home concerning this matter, and briefed him fully as to developments. The AG said that the technical surveillance should by all means be reinstituted immediately.

C.A.Evans

NW 55114 DocId:32989562 Page 125

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

RE: INTERVIEW OF FORMER SECTION CHIEF
FRED J. BAUMGARDNER BY SSC STAFF MEMBERS

3) F. J. Baumgardner to W. C. Sullivan, dated September 16, 1963, "CPUSA - Communist Influence - Racial Matters".

4) W. C. Sullivan to A. H. Belmont, dated September 25, 1963, "CPUSA - Negroes Question".

5) F. J. Baumgardner to W. C. Sullivan, dated November 19, 1963, "CPUSA - Negro Question".

6) F. J. Baumgardner to W. C. Sullivan, dated December 19, 1963, "CPUSA - Negro Question".

7) W. C. Sullivan to A. H. Belmont, dated December 24, 1963, "CPUSA - Negro Question".

8) W. C. Sullivan to A. H. Belmont, dated January 6, 1964, "CPUSA - Negro Question".

9) F. J. Baumgardner to W. C. Sullivan, dated January 28, 1964, "CPUSA - Communist Influence - Racial Matters".

10) F. J. Baumgardner to W. C. Sullivan, dated August 31, 1964, "Martin Luther King".

11) F. J. Baumgardner to W. C. Sullivan, dated September 8, 1964, "Martin Luther King".

12) F. J. Baumgardner to W. C. Sullivan, dated September 17, 1964, "Martin Luther King".

The questions posed to me by the Staff Members revolved around the information which appeared in the above listed memoranda. I took no notes of the questioning and cannot set forth the questions and answers in the order in which they were asked. However, I will set out as many of the questions, together with my answers, as I can recall. Practically all of the questions were asked by Mike Epstein. I am unable to quote the exact questions and my exact answers; however, I will set out the gist of the questions and my answers as best I can recall them.

NW 55114 DocId:32989562 Page 126

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

RE: INTERVIEW OF FORMER SECTION CHIEF
FRED J. BAUMGARDNER BY SSC STAFF MEMBERS

Q. Why did the FBI open a case on Martin Luther King and the SCLC?

A. To the best of my recollection, some Communists were in the headquarters of the SCLC. In addition, a secret Communist Party member was exerting influence on King. Since King made policy decisions for the SCLC, the FBI had the responsibility to determine whether this important organization was being used by the Communist Party for its own purposes.

Q. When and why did the Bureau change from a Communist infiltration investigation to an effort to expose King?

A. We had developed information concerning King's moral conduct which indicated a vulnerability on his part and since the Communists were exerting influence on him, it appeared to be in the best interest of the country from a security standpoint.

Q. Did you know a tape of activity concerning King and others, which took place at the Washington Hotel, was sent to Mrs. King?

A. I don't recall any such incident and the first I can recall about it was a news item which appeared a few weeks ago in a Louisville newspaper. That item indicated that a Special Agent of the Atlanta Office of the FBI was quoted as saying he had made available such a tape to Mrs. King. Epstein said that story was wrong; the tape was sent from Washington, D. C., by someone else. I asked him if he knew who had taken the tape and he said he did. I asked him for the name of the person but he refused to give it to me. In answer to a question, I told Epstein I was aware of the existence of the tape. The only discussion I could recall concerning the use of the tape to expose King's immoral activity was one I had with W. C. Sullivan when he raised the question of whether it could somehow be made public through the news media. I objected to this approach and the matter was dropped.

NW 55114 DocId:32989562 Page 127

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

RE: INTERVIEW OF FORMER SECTION CHIEF
FRED J. BAUMGARDNER BY SSC STAFF MEMBERS

Q. Epstein asked me about a conference at the Seat of Government with two Special Agents from the FBI Office in Atlanta for the purpose of discussing ways to expose King.

A. I didn't recall any such conference. However, Epstein then showed me a memorandum which set out the details of such a conference, together with a list of possible ways in which King could be exposed.

Q. Epstein then showed me an undated, uncaptioned page of typing on plain bond paper. He asked me to read it. It was a diatribe against King and was full of dirty words and bad language. Epstein asked me if I was familiar with it.

A. I told him I did not recall having seen it before. I asked him where he got it. He said it came from Bureau files. I asked him if he knew who wrote it. He smilingly indicated that he did but he refused to tell me the name of the person.

Q. Epstein asked the procedure we used in opening a Communist infiltration case.

A. I couldn't recall the exact criteria used to open such cases but told him it would be necessary for us to have information that the Communist Party had infiltrated an organization before we would open such a case.

Q. Epstein asked why was the FBI interested in the March on Washington.

A. I replied that the FBI had information that Stanley Levison, a Communist, had consulted with King about the march and had advised him. Further, that there was a great deal of Communist Party activity throughout the country in organizing and urging people to participate in the march.

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In addition, Communist Party leaders and members planned and did participate in the March and actually came to Washington, D. C.

Q. At that point, Mark Gitenstein asked why did the FBI feel that 200 Communists could come to Washington, D. C., and take over the Government.

A. I replied that no one in the FBI thought the Communist Party would take over the United States Government during the March on Washington. I told him I thought he knew that no one in the FBI had any such idea and I wanted to know why he had asked me such a question. Mr. Gitenstein knew that I was quite annoyed and he mumbled some half apologetic answer.

Q. Epstein showed me a copy of a note from Director Hoover on a memorandum, in which the Domestic Intelligence Division was recommending the sending of instructions to the field to make careful checks and open Communist infiltration cases where warranted. In effect, the Director's note said since the Domestic Intelligence Division had informed him there was no material Communist Party activity in the March on Washington, he was not going to expend time and money on such matters.

A. I told Epstein it appeared that the Director was upset about something but that I had no independent recollection of what it was.

Q. Epstein asked whether there was at that time a deep division of opinion in the Bureau with the Domestic Intelligence Division taking the position there was no significant Communist activity in connection with the March on Washington and the Director taking the position there was.

A. I replied that there was no deep division of opinion in the Bureau on this subject to my knowledge. I made the point that the Domestic Intelligence Division had not been ordered to change its mind by the Director and that in this instance, as always, we reported factually on information developed.

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

RE: INTERVIEW OF FORMER SECTION CHIEF
FRED J. BAUMGARDNER BY SSC STAFF MEMBERS

Q. Epstein continued to refer to the Bureau's efforts to expose King and indicated he thought we had gone rather far when we had furnished information about King to the Pope.

A. I replied I never thought we had furnished any information to the Pope. Epstein then showed me a memorandum which instructed SAC Malone of the New York Office to contact Cardinal Cushing or Cardinal Spellman and brief them on King in order that they could in turn get the information to the Pope. This action grew out of a trip King was making to Europe and it was thought that he would see the Pope at that time. I pointed out to Epstein that although the memorandum in question had been sent up over my name, I had in fact not seen the memorandum inasmuch as someone had initialled it for me. He looked at the memorandum and agreed and then asked who had initialled it. I replied it appeared to be either James Bland or Charles Brennan.

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A. The FBI had reliable information that Levison was a secret member of the Communist Party and was advising King on important matters involving the activities of the SCLC.

Q. Epstein wanted to get into a detailed discussion concerning Levison and his connection with the Communist Party.

A. I declined to be drawn into any such discussion on the basis it might compromise Bureau sources.

Q. Epstein persisted in discussing the Levison matter.

A. I asked him if he was going to show me a memorandum or a case file on Levison as he had on other matters he had asked me about.

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Q. Epstein asked me if there was a case file on Levison.

A. I told him I did not know. I told him that normally in such a situation, there would be a case file but I had no independent recollection of the Levison case.

INTERVIEW RE THE SECURITY INDEX

At 1:30 p.m. on October 8, 1975, Staff Members John T. Elliff, Mark Gitenstein, Martha Talley, a recording secretary whose name I didn't get, and I went to the office of Senator Robert Morgan (NC), where I was sworn by the Senator. The Senator appeared to be somewhat ill at ease and commented to me that "Times change." He explained that if he or some other Senator was not present, I would not be required to testify under oath unless I wished to. He then explained that he had to get back to the Capitol and he left. The Staff Members, the recorder and I then went to the interview room.

Epstein asked me to read a lengthy memorandum which compared the Department's criteria for Security Index subjects with the FBI's criteria for Security Index subjects. During the course of the questioning, Epstein made available to me five or six memoranda which ranged in time from 1949 to 1956 or 1957. All of these memoranda had to do with Security Index matters.

Martha Talley opened the session by reading into the record the "Advice of Rights". She did not ask me to sign the "Advice of Rights". When she had finished reading, I put into the record an objection concerning the statement that I was voluntarily before the Committee. I wanted the record to clearly show that I was appearing at the insistence of the Committee. Elliff commented he couldn't see what difference it made. I told him it made a difference to me.

Q. Talley asked me to detail my Bureau career.

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A. I replied that I entered the service in 1939, was transferred into the Seat of Government in 1942 or 1943, that I supervised War Labor Disputes Act cases; that at or near the end of World War II, I was transferred to the Internal Security Section. In 1946 or 1947, I was promoted to the position of Number 1 Man in that section. In 1948 or 1949, I was made Chief of the Internal Security Section and remained in that position until I retired in 1966. I called attention to the fact that the dates were to the best of my recollection but that my service record would speak for itself concerning the accurate dates.

Q. Talley asked me to explain the origin of the Security Index.

A. I told her it was in operation when I first came to the Seat of Government and I could not furnish any information concerning the history of the Security Index.

Q. Elliff asked whether I approved the inclusion of names in the Security Index.

A. I replied I thought I had done so. Gitenstein then remarked something to the effect, "I think we had better show him this memo." He was referring to a memorandum he was holding in his hands. He then showed me the memorandum which revealed that individual supervisors initialled forms for including subjects' names in the Security Index. The case Agent's initials were countersigned by an experienced Supervisor. I then stated that apparently I had been wrong when I recalled that I had approved the inclusion of subjects' names in the Security Index. They then showed me another memorandum to the effect that I should personally approve certain Security Index subjects before their names could be included in the Security Index. I pointed out that this was what I must have had in mind when I thought I had approved cases for the inclusion of the subject's name in the Security Index.

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

RE: INTERVIEW OF FORMER SECTION CHIEF
FRED J. BAUMGARDNER BY SSC STAFF MEMBERS

Q. With respect to the memorandum which compared Department criteria for inclusion of subjects' names in the Security Index with Bureau criteria in that regard, Elliff asked me if there was a dispute between the Department and the Bureau concerning the criteria.

A. I told Elliff I had no independent recollection of such a dispute although there could have been one.

Q. Talley asked why the FBI had made a list of names of United States citizens.

A. The purpose of the Security Index, to the best of my memory, was so there would be available the names and addresses of Communist Party members who were considered dangerous to the internal security of the country in order that they could be apprehended if such action became necessary during a national emergency.

Q. How did the FBI decide what names to put in the Security Index?

A. Members of the Communist Party were included in the Security Index but I couldn't recall other breakdowns in the Index.

Q. How did you open Communist infiltration cases?

A. I couldn't recall the criteria but if the Communist Party had infiltrated an organization and were influencing the activities of the organization, we would open a Communist infiltration case.

Q. Did the FBI use the Security Index to open cases? If a Security Index subject attend the meeting of an organization, would a Communist infiltration case be opened?

A. As far as I know, the FBI did not set up the Security Index in order to use it to open other cases. The mere attendance of a Security Index subject at a meeting would not be

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sufficient to cause the FBI to open a Communist infiltration case. As I recall it, there would have to be information that the Communist Party had infiltrated the organization. In addition, the aims and purposes of the organization itself might reflect Communist influences.

Q. If one Security Index subject attended a meeting, would a Communist infiltration case be opened?

A. It wasn't a question of one or six Security Index subjects attending a meeting. The FBI utilized its experience in applying the criteria we had for opening such cases.

From time to time, Gitenstein and Elliff would go off the record for a discussion of matters of which I had no independent recollection. I tried to make it clear that the main thrust of the Security Index was to have available the names and addresses of people who would be dangerous to the internal security of the country in order that they could be detained in the event of a national emergency.

Q. Talley asked if the apprehension program would be initiated on the basis of a memorandum prepared by a Special Agent of the FBI.

A. I told her that the program of apprehension would not be initiated in that way. I explained that the FBI would receive orders from the Attorney General in this regard. I told her that there was a prepared set of rules called a Portfolio which outlined the steps to be taken in order to put the program into operation.

Q. Elliff asked if consideration had ever been given to putting the Security Index into operation.

A. I replied that on one occasion, Carl Hennrich, Assistant to A. H. Belmont, had asked me to come to his office to discuss putting the program into operation.

Q. When did this occur?

A. I don't remember the year.

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

RE: INTERVIEW OF FORMER SECTION CHIEF
FRED J. BAUMGARDNER BY SSC STAFF MEMBERS

Q. Talley asked if any review was ever made of the Security Index.

A. Yes. The cases were under constant review and great care was exercised to make certain that names were deleted from the Security Index wh a such action was warranted.

Near the end of the questioning, Elliff showed me a memorandum dated in 1955 which Mr. Tolson had sent to the Director. In this memorandum, Mr. Tolson commented that the FBI had tried to get the Department to review all Security Index cases without success. He pointed out that we were including names of people who would be apprehended in the event the program was ever made operational. He was concerned about this because in every other type of case, Departmental Attorneys or United States Attorneys in the field made the determination concerning apprehension. He felt it was a heavy burden for the Bureau to carry this responsibility with respect to the Security Index. Mr. Tolson recommended that the cases, or at least certain of them, be approved by several people including me and Belmont (A. H. Belmont, Assistant Director).

I told Elliff I had no independent recollection of this memorandum and could not add anything to what Mr. Tolson had written.

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CLASSIFY AS APPROPRIATE

NOTE: SEE INSTRUCTIONS ON REVERSE BEFORE COMPLETING.

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	X	INTERVIEW		TESTIMONY		OTHER

2. DATE PROVIDED: 11/5/75

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

	SSC
	HSC

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

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

Memorandum reporting the results of an interview by SSC Staff Members of former Special Agent Fred J. Baumgardner

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
Information handling

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

Interview regarding his knowledge of the FBI's investigations of Martin L. King, Jr., Communist Influence in Racial Movement and Security Index and related indices.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11/2/00 BY SP2ALMKP

62-116395
FMK:fmk
(4)

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

TREAT AS YELLOW

3791 (6-75)

CLASSIFY AS APPROPRIATE

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.

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Louisville, Kentucky
October 20, 1975

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11/3/10 BY SBAUMLR

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

RE: INTERVIEW OF FORMER SECTION CHIEF FRED J. BAUMGARDNER BY SSC STAFF MEMBERS

BACKGROUND

I was first contacted by Mike Epstein, SSC Staff Member, in April, 1975. Tentative arrangements were made for Epstein to come to Louisville, Kentucky, to conduct the interview. I contacted the Bureau and was advised that a current Special Agent of the Federal Bureau of Investigation (FBI) would be made available to sit in on the interview if I requested it. Such a request was made and the Bureau so advised Epstein. Subsequently, Epstein called me and asked whether I had requested someone from the Bureau to sit in on the interview. I replied that I had, and Epstein hung up the phone. No further contact was made with me until late in September, 1975. At that time, Martha Talley, SSC Staff Member, called me requesting that I testify in Washington, D. C. After I discussed this matter with the Bureau, I made arrangements with Martha Talley to appear before Staff Members of the Committee in Washington, D. C., on October 8, 1975. The next day, after these arrangements were completed, Martha Talley called and advised me that I would be testifying under oath and that I could request to be represented by an attorney. No such request was made.

INTERVIEW RE DR. MARTIN LUTHER KING AND COMMUNIST INFILTRATION OF THE SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE (SCLC) ORGANIZATION

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.

AMERICAN REVOLUTION BICENTENNIAL 1776-1976

62-116395-1243

ENCLOSURE

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

RE: INTERVIEW OF FORMER SECTION CHIEF
FRED J. BAUMGARDNER BY SSC STAFF MEMBERS

At approximately 10:00 a.m., October 8, 1975, I was interviewed by the following named SSC Staff Members: Mike Epstein, Mark Gitenstein, Mary De Oreo, Martha Talley, and one other Staff Member whose name I cannot recall. Epstein began the interview by handing me a typed sheet captioned "Advice of Rights". He asked me to read and sign that sheet. After reading it, I declined to sign it. Epstein stated he didn't understand my reluctance to sign the "Advice of Rights" form inasmuch as the FBI always did this when they conducted interviews. Epstein was corrected on this statement and was told that the FBI did not require every interviewee to sign an "Advice of Rights" statement unless the interview involved a possible violation of the law on the part of the person being interviewed. Thousands of interviews are conducted by the FBI where it would be completely out of place to advise people that statements they might make could be used against them in a court of law. Epstein then indicated that unless the "Advice of Rights" form was signed, no interview would be conducted. I replied that I had come to Washington at the insistence of the Committee, I was present, was available and willing to go through with the interview but I would not sign the "Advice of Rights" form. One point in the form stated that the interviewee had appeared voluntarily for interview. I made the point the I had not come voluntarily but had come only at the insistence of the Committee.

At the beginning of the interview, Epstein handed me two or three memoranda. During the course of the interview, he let me read several other memoranda. In all, he made available to me a total of 12 memorandums, the captions and dates of which are set out as follows:

1) F. J. Baumgardner to W. C. Sullivan, dated August 22, 1963, "March on Washington".

2) F. J. Baumgardner to W. C. Sullivan, dated August 29, 1963, "March on Washington".

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3) F. J. Baumgardner to W. C. Sullivan, dated September 16, 1963, "CPUSA - Communist Influence - Racial Matters".

4) W. C. Sullivan to A. H. Belmont, dated September 25, 1963, "CPUSA - Negroes Question".

5) F. J. Baumgardner to W. C. Sullivan, dated November 19, 1963, "CPUSA - Negro Question".

6) F. J. Baumgardner to W. C. Sullivan, dated December 19, 1963, "CPUSA - Negro Question".

7) W. C. Sullivan to A. H. Belmont, dated December 24, 1963, "CPUSA - Negro Question".

8) W. C. Sullivan to A. H. Belmont, dated January 6, 1964, "CPUSA - Negro Question".

9) F. J. Baumgardner to W. C. Sullivan, dated January 28, 1964, "CPUSA - Communist Influence - Racial Matters".

10) F. J. Baumgardner to W. C. Sullivan, dated August 31, 1964, "Martin Luther King".

11) F. J. Baumgardner to W. C. Sullivan, dated September 8, 1964, "Martin Luther King".

12) F. J. Baumgardner to W. C. Sullivan, dated September 17, 1964, "Martin Luther King".

The questions posed to me by the Staff Members revolved around the information which appeared in the above listed memoranda. I took no notes of the questioning and cannot set forth the questions and answers in the order in which they were asked. However, I will set out as many of the questions, together with my answers, as I can recall. Practically all of the questions were asked by Mike Epstein. I am unable to quote the exact questions and my exact answers; however, I will set out the gist of the questions and my answers as best I can recall them.

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

RE: INTERVIEW OF FORMER SECTION CHIEF
FRED J. BAUMGARDNER BY SSC STAFF MEMBERS

Q. Why did the FBI open a case on Martin Luther King and the SCLC?

A. To the best of my recollection, some Communists were in the headquarters of the SCLC. In addition, a secret Communist Party member was exerting influence on King. Since King made policy decisions for the SCLC, the FBI had the responsibility to determine whether this important organization was being used by the Communist Party for its own purposes.

Q. When and why did the Bureau change from a Communist infiltration investigation to an effort to expose King?

A. We had developed information concerning King's moral conduct which indicated a vulnerability on his part and since the Communists were exerting influence on him, it appeared to be in the best interest of the country from a security standpoint.

Q. Did you know a tape of activity concerning King and others, which took place at the Washington Hotel, was sent to Mrs. King?

A. I don't recall any such incident and the first I can recall about it was a news item which appeared a few weeks ago in a Louisville newspaper. That item indicated that a Special Agent of the Atlanta Office of the FBI was quoted as saying he had made available such a tape to Mrs. King. Epstein said that story was wrong; the tape was sent from Washington, D. C., by someone else. I asked him if he knew who had taken the tape and he said he did. I asked him for the name of the person but he refused to give it to me. In answer to a question, I told Epstein I was aware of the existence of the tape. The only discussion I could recall concerning the use of the tape to expose King's immoral activity was one I had with W. C. Sullivan when he raised the question of whether it could somehow be made public through the news media. I objected to this approach and the matter was dropped.

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

RE: INTERVIEW OF FORMER SECTION CHIEF
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Q. Epstein asked me about a conference at the Seat of Government with two Special Agents from the FBI Office in Atlanta for the purpose of discussing ways to expose King.

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U. S. SENATE SELECT COMMITTEE
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RE: INTERVIEW OF FORMER SECTION CHIEF
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U. S. SENATE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES (SSC)

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

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ON INTELLIGENCE ACTIVITIES (SSC)

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Q. How did you open Communist infiltration cases?

A. I couldn't recall the criteria but if the Communist Party had infiltrated an organization and were influencing the activities of the organization, we would open a Communist infiltration case.

Q. Did the FBI use the Security Index to open cases? If a Security Index subject attend the meeting of an organization, would a Communist infiltration case be opened?

A. As far as I know, the FBI did not set up the Security Index in order to use it to open other cases. The mere attendance of a Security Index subject at a meeting would not be

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sufficient to cause the FBI to open a Communist infiltration case. As I recall it, there would have to be information that the Communist Party had infiltrated the organization. In addition, the aims and purposes of the organization itself might reflect Communist influences.

Q. If one Security Index subject attended a meeting, would a Communist infiltration case be opened?

A. It wasn't a question of one or six Security Index subjects attending a meeting. The FBI utilized its experience in applying the criteria we had for opening such cases.

From time to time, Gitenstein and Elliff would go off the record for a discussion of matters of which I had no independent recollection. I tried to make it clear that the main thrust of the Security Index was to have available the names and addresses of people who would be dangerous to the internal security of the country in order that they could be detained in the event of a national emergency.

Q. Talley asked if the apprehension program would be initiated on the basis of a memorandum prepared by a Special Agent of the FBI.

A. I told her that the program of apprehension would not be initiated in that way. I explained that the FBI would receive orders from the Attorney General in this regard. I told her that there was a prepared set of rules called a Portfolio which outlined the steps to be taken in order to put the program into operation.

Q. Elliff asked if consideration had ever been given to putting the Security Index into operation.

A. I replied that on one occasion, Carl Hennrich, Assistant to A. H. Belmont, had asked me to come to his office to discuss putting the program into operation.

Q. When did this occur?

A. I don't remember the year.

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

RE: INTERVIEW OF FORMER SECTION CHIEF
FRED J. BAUMGARDNER BY SSC STAFF MEMBERS

Q. Talley asked if any review was ever made of the Security Index.

A. Yes. The cases were under constant review and great care was exercised to make certain that names were deleted from the Security Index when such action was warranted.

Near the end of the questioning, Elliff showed me a memorandum dated in 1955 which Mr. Tolson had sent to the Director. In this memorandum, Mr. Tolson commented that the FBI had tried to get the Department to review all Security Index cases without success. He pointed out that we were including names of people who would be apprehended in the event the program was ever made operational. He was concerned about this because in every other type of case, Departmental Attorneys or United States Attorneys in the field made the determination concerning apprehension. He felt it was a heavy burden for the Bureau to carry this responsibility with respect to the Security Index. Mr. Tolson recommended that the cases, or at least certain of them, be approved by several people including me and Belmont (A. H. Belmont, Assistant Director).

I told Elliff I had no independent recollection of this memorandum and could not add anything to what Mr. Tolson had written.

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FD-36 (Rev. 5-22-64)

FBI

Date: 10/21/75

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI (62-116395)
Attn: Section Chief W. O. CREGAR
INTD, Rm. 4063 JEH

FROM: SAC, LOUISVILLE (66-2541)

SUBJECT: SENSTUDY 75

Enclosed herewith for the Bureau are eight(8) copies of a letterhead memorandum prepared by former FBI Section Chief FRED J. BAUMGARDNER in the Louisville Office, dated 10/20/75.

2 - Bureau (Encls. 8)
1 - Louisville
SSC:mfm
(3)

CC's destroyed

MDR-16
ALL INFORMATION CONTAINED
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REC-50 66-2541-1243

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Special Agent in Charge

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