File #:

62-116395

Serial Scope:

267 THRU 268

268X1
269
269X1 THRU 275
277 THRU 280
282 THRU 288
290 THRU 293
295 THRU 299

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

62-116395

June 17, 1975

1 - Mr. K. A. Mendenhall

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

RE: SUPERSEDED SECTIONS OF THE
MANUAL OF INSTRUCTIONS

Reference is made to the SSC memorandum, with attached appendices, dated April 30, 1975, requesting certain documents and other information from the FBI.

Part one of referenced memorandum requested this Bureau to make available for review various superseded sections of the Manual of Instructions (MOI). Appendix A attached to referenced memorandum set forth the sections requested for review. Mr. Mark Gitenstein, SSC Staff Member, has advised FBI Special Agent Paul V. Daly that revisions to the MOI should cover the period January 1, 1960, to the present.

These superseded sections are now ready for review at FBI Headquarters by appropriately cleared personnel of the SSC Staff. It should be noted that for the period January 1, 1960, to the present, there were no revisions of MOI Sections 95 and 97.

1 - The Attorney General

KAM:sdjs sdjs
(8)

SEE NOTE PAGE TWO

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-25-2000 BY SP2ALM/MDR
MDR-16

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

MAIL ROOM ☐ TELETYPE UNIT ☐

62-116395-299

ENCLOSURE

GPO : 1975 O - 569-920

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

The Attorney General

June 17, 1975

1 - Mr. W. O. Cregar
1 - Mr. K. A. Mendenhall

Director, FBI

UNITED STATES SENATE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES (SSC)

Reference is made to a memorandum from the SSC dated April 30, 1975, with attached appendices A thru C requesting certain documents and other information from the FBI.

Attached for your approval and forwarding to SSC is the original of a memorandum which responds to one of the requests contained in above SSC memorandum.

A copy of the memorandum is being furnished for your records.

Enclosures (2)

62-116395

1 - The Deputy Attorney General
Attention: K. William O'Connor
Special Counsel for
Intelligence Coordination

KAM:sdjs
(9)

REC-102

62-116395-299

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-25-2000 BY SP2ALW/PLR
MDR-16

ENCLOSURE

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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Spec. Inv.
Training
Legal Coun.
Telephone Rm.
Director Sec'y

MAIL ROOM ☐ TELETYPE UNIT ☐

1975

W. O. CREGAR - 4063 JCH

Re: Superseded Sections of the
Manual of Instructions

NOTE:

Pursuant to a prior SSC request, we furnished them current MOI Sections 36, 84, 86, 87, 88, 95, 97 and 122. Due to the sensitive nature of Sections 105, 107 and 130, these were made available for review only at FBIHQ.

Listed below are the Intelligence Division representatives and the MOI sections reviewed for this project:

Section 36-Espionage	James W. Johnson	CI-1
Section 84-Registration Act	Dennis R. Dickson	CI-3
Section 86-Sabotage	Louis J. Brune	IS-2
Section 87-Investigations of Subversive Organizations and Individuals	William N. Preusse	IS-2
	Thomas J. McNiff	IS-2
Section 88-Sedition	George J. Lex	IS-2
Section 105-Internal Security-Nationalistic Tendency	James W. Johnson	CI-1
	Howard W. Dare, Jr.	CI-2
	Dennis R. Dickson	CI-3
Section 107-Internal Security Informants and Confidential Sources; and Foreign Counter-intelligence Assets	Edward P. Grigalus	IS-2
	James W. Johnson	CI-1
	Howard W. Dare, Jr.	CI-2
	Dennis R. Dickson	CI-3
Section 122-Extremist Matters and Civil Unrest	Robert D. Shea	IS-1
Section 130-Extremist Informants and Sources	Robert D. Shea	IS-1

As previously noted, there were no MOI revisions during the period of interest to Section 95-Treason and Section 97-Voorhis Act.

The revisions of the MOI requested by SSC consists of approximately 2,200 pages and is approximately 9" in height. Due to the bulkiness of these revisions, they are not being attached to this memorandum.

NW 55024 DocId:32989609 Page 4

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

Addressee: SENATE SELECT COMMITTEE

☐ LTR ☒ LHM ☐ Memo ☐ Report dated 6/17/75

Caption of Document: U.S. Senate Select Committee. Re: Superseded Sections of the Manual of Instructns, Part I SSC memorandum 4/30/75.

Originating Office: FBI

Delivered by: Richard T. Taylor, Jr. Date: 6/20/75 3:10 PM

Received by: [illegible]

Title: Office Manager

Return this receipt to the Intelligence Division, FBI

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10-25-2000 BY SP2ALM/MP
MDR-16

CLASSIFY AS APPROPRIATE

NOTE: SEE INSTRUCTIONS ON REVERSE BEFORE COMPLETING.

TO: Intelligence Community Staff
ATTN: Central Index

FROM: Federal Bureau of Investigation

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: 6/17/75

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

X	SSC
	HSC

C. Benz, Office Manager

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

Superseded Sections of the Manual of Instructions

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 dated 4/30/75, Part I.

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

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10-25-2000 BY SP2 AUM/BMP MDR-16

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

At the request of SSC, specified superseded sections of this Bureau's Manual of Instructions, covering the period 1/1/60 to the present, have been made available at FBIHQ for review by SSC Members.

TREAT AS YELLOW

WOC Encl 5-JM

62-116395

TJM:lhb
(4)

ORIGINAL VIA LIAISON TO CENTRAL COMMUNITY INDEX IN CONNECTION WITH SENSTUDY 75. LFS 7-2-75

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.

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

The Attorney General

June 17, 1975

Director, FBI

UNITED STATES SENATE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES (SSC)

Reference is made to a letter, and appendices thereto, from the SSC, dated May 14, 1975, requesting certain documents and other information from the FBI.

Enclosed for your approval and forwarding to the Committee is an original of a memorandum which is responsive to their request.

A copy of the memorandum is being furnished for your records.

Enclosures (2)

62-116395

1 - The Deputy Attorney General
Attention: K. William O'Connor
Special Counsel for
Intelligence Coordination

RDS:jmn
(9)

REC-102

62-116395-298

JUL 2 1975

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11-25-2000 BY SP2 ACM/MDR-16

ENCLOSURE

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

JUN 2 1975

MAIL ROOM ☐ TELETYPE UNIT ☐

GPO : 1975 O - 569-920

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

62-116395

June 17, 1975

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

RE: REQUEST PERTAINING TO ELECTRONIC SURVEILLANCE

Reference is made to SSC letter to the Attorney General, with attached appendices, dated May 14, 1975, requesting certain documents and other information from the FBI.

In Appendix D, captioned "Request Pertaining to Electronic Surveillance," the SSC desired a response to the following request:

Item 15. "All July and August memoranda from former Special Agent (SA) Leo T. Clark to the Assistant Special Agent in Charge (ASAC) or the Special Agent in Charge (SAC) of the Newark, New Jersey, Office of the Federal Bureau of Investigation (FBI), captioned 'Protection of the President - White House Inquiry.'"

In regard to the aforementioned, a thorough review of the files of the Newark Office of the FBI did not reveal the existence of a file bearing the caption, "Protection of the President - White House Inquiry." However, this review did disclose the existence of a file bearing the caption, "Protection of the President." A thorough review of this file failed to uncover any memoranda emanating from former SA Leo T. Clark at any time.

In addition, a thorough review of other files maintained at the Newark Office believed relevant to the subject matter of this inquiry, did not reveal any memoranda, letters or other type communications prepared by former SA Clark.

A thorough review of pertinent FBIHQ files discloses no memoranda emanating from former SA Clark regarding this matter.

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
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Director Sec'y ____

1 - The Attorney General

RDS:jmn jmn
(8)

MAIL ROOM ☐ TELETYPE UNIT ☐

62-116395-298

ENCLOSURE

SEE NOTE PAGE 2

GPO : 1975 O - 569-920

Request Pertaining to Electronic Surveillance

NOTE:

Telephonic instructions were issued to the Newark Office to respond to Item 15, in SSC letter 5/14/75. By airtel dated 5/30/75 and teletype dated 6/5/75, Newark advised that their review regarding Item 15 was negative. Material reviewed at FBIHQ included, the "Disruption of Democratic National Convention; Information Concerning" file; records of the Inspection Division regarding the "Special Squad, Atlantic City, New Jersey, National Convention, August 22-28, 1964," personnel files of former Assistant to the Director DeLoach, Assistant Director W. C. Sullivan, former SA's Leo T. Clark and Frederick Baumgardner. Above material did not make reference to or contain any memoranda prepared by SA Clark regarding the Democratic National Convention held at Atlantic City, New Jersey, from 8/22-28/64. File review conducted by SA Robert D. Shea.

NW 55024 DocId:32989609 Page 10

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

Addressee: Senate Select Committee

☐ LTR ☒ LHM ☐ Memo ☐ Report dated 6/17/75

Caption of Document: U.S. SSC to Study Govt Operations with Respect to Intelligence Activities. Re: Request Pertaining to Electronic Surveillance

Originating Office: FBI

Delivered by: Richard S. Taylor, Jr. Date: 6/20/75 3:10 PM

Received by: [illegible]

Title: Office Manager

Return this receipt to the Intelligence Division, FBI

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10-25-2000 BY [illegible] MDR-14

CLASSIFY AS APPROPRIATE

NOTE: SEE INSTRUCTIONS ON REVERSE BEFORE COMPLETING.

TO: Intelligence Community Staff
ATTN: Central Index

FROM: Federal Bureau of Investigation

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		INTERVIEW		TESTIMONY	X	OTHER

2. DATE PROVIDED: 6/17/75

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

X	SSC
	HSC

C. BENZ, Office Manager

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

Request Pertaining to Electronic Surveillance

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 5/14/75; Appendix D, Item 15.

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

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

SSC requested all July and August, 1964, memoranda captioned "Protection of the President - White House Inquiry," prepared by a former Special Agent of our Philadelphia Office. Search of Bureau records failed to uncover the existence of any such documents.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10-25-2001 BY SP2ACM/MDR-46

TREAT AS YELLOW

INVC EWS 5-TJM

62-116395

TJM:lhb
(4)

ORIGINAL VIA LIAISON TO CENTRAL COMMUNITY INDEX IN CONNECTION WITH SENSTUDY 75. LFS 7-2-75

CLASSIFY AS APPROPRIATE

3791 (6-75)

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.

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

The Attorney General

June 17, 1975

1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. R. L. Moore

Director, FBI

UNITED STATES SENATE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES (SSC)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-25-2000 BY SP2ACM/bp
MDR-16

By letter dated May 14, 1975, with attached appendices, the SSC requested certain information and documents from the FBI.

Enclosed for your approval and forwarding to the Committee is the original of a memorandum and enclosures which serve as a response to one of the SSC requests.

There does not appear to be any relation between the elimination of the FBI Crime Records Division and the mandate of the Committee contained in Senate Resolution 21. You may wish to give specific consideration to this observation before approving the forwarding of the enclosed documents to the Committee.

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

Enclosures (20)

REC- 102 62-116395-297

62-116395

1 - The Deputy Attorney General
Attention: K. William O'Connor
Special Counsel for
Intelligence Coordination

3 JUL 2 1975

RLM:mam
(10)

1 - ENCLOSURE

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JUL 3 1975

MAIL ROOM ☐ TELETYPE UNIT ☐

GPO : 1975 O - 569-920

1 - Mr. D. W. Moore
2 - Mr. J. A. Mintz
(Mr. J. B. Hotis)
1 - Mr. W. R. Wannall

62-116395

June 17, 1975

1 - Mr. W. O. Cregar
1 - Mr. R. L. Moore

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

RE: FURTHER DOCUMENTS PERTAINING TO THE
FBI AND DEPARTMENT OF JUSTICE

ORGANIZATION, STRUCTURE, AND JURISDICTION

Reference is made to SSC letter dated May 14, 1975, with attached appendices, requesting certain documents and other information from the FBI.

Pursuant to your request in Appendix B, Part II, Item number 15, for all memoranda and other materials relating to the elimination of the FBI Crime Records Division in late 1972 or early 1973, enclosed are copies of nine FBI communications.

Enclosures (9)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-25-2000 BY SP2 [illegible]
MDR-16

1 - The Attorney General

RLM:mam
(9)

NOTE:

The material furnished contains available information with reference to the change in name and later elimination of the Crime Records Division during the period 10/16/72 to 1/3/73. This matter has been coordinated with Mr. David Divan of the External Affairs Division. An extensive search by the Files and Communications Division has failed to locate the 10/4/72 memorandum referenced in M. A. Jones to Mr. Bishop memorandum, 10/16/72, and the L. M. Walters memorandum to Mr. Felt, 12/14/72. The letter to Mr. Fletcher Thompson mentioned in the second recommendation, page 3, of the 10/16/72 Jones to Bishop memorandum is a letter of appreciation for the suggestion with reference to the change in name of the Crime Records Division.

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

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 ☐

62-116395-2971
ENCLOSURE

GPO : 1975 O - 569-920

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

Addressee: Senate Select Committee

[ ] LTR [X] LHM [ ] Memo [ ] Report dated 6/17/75

Caption of Document: U.S. SSC to Study Govt Operations with Respect to Intelligence Activities. Re; Further Documents Pertaining to the FBI and Dept. of Justice; Organization, Structure, and Jurisdiction.

Originating Office: FBI Appendix B, Part II, Item 15

Delivered by: Richard L. Taylor Jr. Date: 6/23/75 3:00 PM

Received by: C. Berry

Title: Office Manager

Return this receipt to the Intelligence Division, FBI

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-25-2000 BY SP2 AWR/pp
MDR-16

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6
5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Bishop DATE: 10-16-72

FROM : M. A. Jones

SUBJECT: SUGGESTED NAME CHANGE
CRIME RECORDS DIVISION

By memorandum dated 10-4-72, attached, it was indicated that has suggested a name change for the Crime Records Division to Office of Public Information or some other more meaningful designation.

It was pointed out that suggestion was in line with informal discussions you (Mr. Bishop) have had with members of your staff concerning a possible name change for the Division.

In this connection, Mr. Gray has noted that he "can think of many reasons for changing the name. What have been the nature of the reasons for change discussed?"

With the formation of the Computer Systems Division and the resultant reassignment of the personnel and the work of the Uniform Crime Reporting Section, including the National Crime Information Center/Computerized Criminal Histories file from Crime Records to Computer Systems, the title "Crime Records," as has indicated, is no longer meaningful insofar as the work of this Division is concerned.

"Office of Public Information," which was suggested by would inaccurately reflect the activities and responsibilities of this Division and could result in confusion with the Office of Public Information in the Department of Justice. This, of course, would be undesirable.

Enclosures

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-26-2010 BY SP2ALM/pg
MDR-16

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.

It is noted that this Division, which is presently comprised of the Crime Research Section, and the Correspondence and Tours Section, is primarily responsible for conducting extensive research pertaining to crime, crime prevention, and other related matters in the law enforcement field. This Division is involved in the review and preparation of replies to correspondence regarding FBI Jurisdiction and operations received from law enforcement, other Government agencies, and the general public in those instances where the Bureau has a responsibility to disseminate such information.

"The FBI Law Enforcement Bulletin," which is the official publication of the FBI, is prepared and distributed by Crime Records, as well as numerous pamphlets for the instruction and information of Bureau employees, the law enforcement profession and the general public. This Division is responsible for supervision of tours of Bureau facilities for Government officials, law enforcement authorities, and the general public; directs the program of distributing informative and illustrative material on Bureau fugitives to various media for the purpose of effecting the location and apprehension of these criminals with the help of citizen cooperation; and coordinates and supervises the Bureau's interests in the utilization of radio, television, and publication outlets to enhance the discharge of our responsibilities in the law enforcement field by acquainting the public with the FBI's operations and activities.

In addition, this Division has the custody of a number of research and reference files which are maintained in a current status and which are essential to the Division in the fulfillment of its responsibilities to the Bureau.

Further, this Division supervises the "Ten-Most-Wanted Fugitives" Program, as well as "The FBI" television series, both of which involve research for their sustenance and success.

While it is recognized, based on the foregoing, that this Division is not completely absorbed in research to the exclusion of other activities, "Crime Research"

CONTINUED - OVER

NW 55024 DocId:32989609 Page 18

more accurately describes our responsibilities, it is felt, than any other title suggested. It is noted the more likely alternatives discussed were "Research and Information Division" and "Research and Correspondence Division."

RECOMMENDATIONS:

1. That Mr. Gray approve the renaming of the Crime Records Division to Crime Research Division.

Approved. J.H. 10/22
11:02A

2. That in line with the foregoing, the attached letter to be approved and sent.

J.H. 10/22
11:02A

NW 55024 DocId:32989609 Page 19

OFFICE OF THE DIRECTOR

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

(Typed October 27, 1972)

PERSONAL ATTENTION

Memorandum to All Special Agents in Charge:

RE: NAME CHANGE OF CRIME RECORDS DIVISION
TO CRIME RESEARCH DIVISION

In view of the transfer of the record functions of the Crime Records Division to the Computer Systems Division, I have approved changing the name of the Crime Records Division to the Crime Research Division effective immediately. The Section formerly known as the Crime Research Section has been renamed Research and Service Section. Manual changes are forthcoming.

L. Patrick Gray, III
Acting Director

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-26-2006 BY SP4LM/Bmp
ThDR-16

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.

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

5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : THE ACTING DIRECTOR DATE: 12-1-72

FROM : W. M. FELT

SUBJECT: REORGANIZATION - CRIME RESEARCH DIVISION

Pursuant to your instructions, Assistant Director Bishop is being temporarily attached to the Training Division at Quantico for special assignment until the effective date of his retirement, 2-1-73.

Mr. Bishop will be assigned to the research and development of a major case practical problem for use in the National Academy. This is extremely important because our experience indicates that most of the officers attending the Academy are unable to understand and handle the ramifications of major cases. Mr. Bishop, with his extensive field background, plus his familiarity with news media problems, is ideally suited to handle this assignment.

If he has time, Mr. Bishop will also analyze and develop meaningful practical cases which will enable new agents to meet present-day needs.

I have arranged with Mr. Jenkins for suitable office facilities to be used by Mr. Bishop at Quantico and have instructed Bishop to report to Mr. Jenkins on Monday, 12-4-72.

/ is being diverted from his current inspection assignment in the Office of Legal Counsel to begin an immediate survey of the Crime Research Division to determine the feasibility of the transfer of its functions to other divisions or to your office.

RECOMMENDATION:

None. For information.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-26-2000 BY SP2 Jm/ap
MDR-16

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.

UNITED STATES GOVERNMENT

Memorandum

TO : MR. FELT

DATE: 12/6/72

FROM : L. M. WALTERS

SUBJECT: SUPERVISORY REORGANIZATION OF FUNCTIONS AND PERSONNEL; CRIME RESEARCH DIVISION

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10-26-2000 BY SP2AM/pf MDR-16

PURPOSE: To recommend immediate supervisory reorganization and transfer of all functions and personnel of the Crime Research Division based on survey and analysis conducted by Inspection Division.

Recommended transfer of functions and related responsibilities together with appropriate personnel as follows:

OFFICE OF ACTING DIRECTOR

To assume supervision of contacts with the Congress, press and other news media formerly handled by Assistant Director Bishop, his front office Agent personnel and the Administrative Review Unit (Congressional liaison).

Functions and Related Responsibilities:

Congressional liaison; Congressional correspondence; Congressional telephone calls; progress of legislation of interest to or affecting the FBI; review of bills and resolutions introduced into both Houses of Congress and all public and private laws enacted; and review and analysis of the Congressional Record.

Press, radio, television and motion picture contacts; field matters concerning press, radio and television; correspondence relating to an editorial or to a commentat liaison with the White House and Department press offices; review of editorials and articles; review of magazines, newspaper clippings and Washington News Service ticker items; news releases and press inquiries; SAC calls regarding press releases; press contact program; coordinate press matters of possible future use from FBIHQ Divisions.

Review statements and speeches by Director or matters affecting major public relations; invitations for speeches by the Director; assignment of speeches to FBIHQ speakers; review speech manuscripts.

Review material for publication, first-name salutation mail, matters critical of and complaints regarding FBI; letters enclosing autographed photographs;

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CONTINUED - OVER

special photographs in Director's Office; American Legion and veteran liaison matters.

Recommended Agent Transfer:

OFFICE OF ACTING ASSOCIATE DIRECTOR

To assume review and analysis of correspondence received by the Director and the FBI and preparation of replies to the correspondence. Formerly handled by the Special Correspondence Unit (correspondence of special importance to Director and Nation) and the Non-Special Correspondence Unit (correspondence from the public and requests for publications).

Functions and Related Responsibilities:

Replies to correspondence regarding subversive activities and field divisions; file reviews and necessary research to determine identity and pertinent background of the correspondent; file review and research necessary to reply to inquiries and requests from private citizens, law enforcement, Government representatives on local, state and national level; initiate instructions to field offices in connection with correspondence; processing of letters dealing with public relations, general news media; requests and inquiries from law enforcement officials, Government representatives and others in foreign countries; chronic mail; and requests for publications.

Recommended Agent Transfer:

OFFICE OF LEGAL COUNSEL

To assume formal liaison with the American Bar Association, National District Attorneys Association, National Association of Attorneys General, Federal Bar Association, and the American Law Institute. These functions formerly handled by the Administrative Review Unit. Also research and preparation of legal briefs in connection with urgent policy matters (formerly handled by Research Unit).

Recommended Agent Transfer:

CONTINUED - OVER

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TRAINING DIVISION

To assume operations and maintenance of the FBI Library; preparation and dissemination of pamphlets, reprints and related material of special interest in law enforcement and the crime problem; coordination and compilation of material for presenting FBI operations and jurisdiction to law enforcement and the public through movies, television and other news media; and specialized research and preparation of material in connection with memoranda requested by the Director and other Bureau officials, research for speeches and policy statements of the Director and analysis of articles and statements made concerning the FBI. These functions were formerly handled by the Library Unit, Publications Unit, Special Productions Unit and Research Unit.

Functions and Related Responsibilities:

Reference service to FBI officials, employees, and authorities from other Government agencies and individuals authorized; maintenance of out-of-town telephone directories covering United States; preparation of memoranda for Director and other officials based on review of current periodicals, police journals and scientific magazines; purchase and sale of books to Bureau employees and the maintenance of the inventory and financial records pertinent to this project and operation of a lending library to Bureau employees.

Liaison with the Government Printing Office; preparation and dissemination of the FBI Law Enforcement Bulletin (LEB); research for the Director's monthly announcement on an important phase of law enforcement or crime for each issue of the LEB; requesting and coordinating material from the field, editing, preparation and distribution of "The Investigator"; preparation of "FBI Notes"; preparation of Interesting Case Memoranda and maintenance of related indices; and correlation and usage of FBI human interest items.

Monitoring movies and television for proper portrayal of FBI and maintenance of a running brief on developments pertinent to Bureau operations; surveys and evaluations of matters for presentment to the public by information media; day-to-day surveys of the media for consideration of the Director and Bureau officials; custody and maintenance of recordings of the Director in connection with policy statements or interviews with law enforcement or other Government agencies; custody and maintenance of the general and official Bureau photograph file together with indices; writing of radio and television scripts involving FBI fugitives and matters of FBI jurisdiction; distribution of Uniform Crime Reports Bulletin; maintenance of cartoon file, illustrations depicting FBI and reference file on misquotes of Director in news media releases; monthly review of FBI dissemination of information to the public, law enforcement and authorized individuals and organizations

CONTINUED - OVER
NW 55024 DocId:32989609 Page 24

Research and coordination of materials in connection with speeches, byline articles and feature stories made or published by the Director; preparation of memoranda concerning books on law enforcement; review and analysis of magazine and newspaper manuscripts concerning FBI prepared by outside authors who request FBI review for accuracy; compilation of data and narrative form of material presented in the FBI's Annual Reports; outlines and research for speech data requested by Bureau officials; maintenance of indices on research materials.

Supervision of Public Law 670 concerning misuse of the name of the FBI; analysis of Young American Medals Awards; maintenance of reference files pertinent to FBI jurisdiction and law enforcement policies; reference files on sex offenders, parole and probation violators, pornographic literature; supervision and statistics concerning FBI speech program; and supervision and direction of Bureau juvenile project.

Recommended Agent Transfer:

ADMINISTRATIVE DIVISION

To assume supervision for special visitors on tours of Bureau facilities, meetings and photographs with the Director and all other tours conducted for visitors to the Bureau. Preparation of data on Bureau employees for publication in home-town newspapers as recruitment aids. These functions formerly handled among the Fugitive Publicity Unit, Special Productions Unit, Research Unit and Tour Unit.

Functions and Related Responsibilities:

Handling and processing photographs and other matters for personal autograph of the Director; interviews, testing, lectures, classroom demonstrations, on-the-job training and supervision of tour leaders; fingerprinting individuals requesting to be fingerprinted in connection with Government employment, security clearances or personal identification; telephone inquiries relating to law enforcement, National Academy, services and responsibilities of the FBI and background data regarding the Director; maintain tour statistics of visitors and security of all tour areas; prepare data on background and work functions of Bureau employees for arranging publication in their home-town newspapers.

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For Mr. Felt
Supervisory Reorganization of Functions and
Personnel; Crime Research Division

Recommended Agent Transfer:

GENERAL INVESTIGATIVE DIVISION

To assume White House name checks and appropriate correspondence, compilation of data and preparation of memoranda on individuals requesting special tours or meetings with the Director; compilation of data and preparation of background memoranda for dissemination to authorized individuals; and preparation of informative memoranda pertaining to organizations asking for data. These functions formerly handled by the Summary Memoranda Unit. (In past years these functions were performed in Name Check Section of General Investigative Division.)

Recommended Agent Transfer:

SPECIAL INVESTIGATIVE DIVISION

To assume overall responsibility for publicizing FBI fugitives through all available media, prepare narrative and illustrative data for Top Ten Fugitive Program, research and preparation of feature fugitive articles; preparation and dissemination of material concerning fugitives; maintenance of special indices concern distribution and cancellation of fugitive material to media; and conduct interviews with persons making telephonic or personal calls to FBIHQ concerning matters within the jurisdiction of the FBI or of interest to the Bureau. These functions were formerly handled by the Fugitive Publicity Unit.

Recommended Agent Transfer:

OBSERVATIONS

Agent personnel and supervisory functions have been analyzed and dealt with in the foregoing proposed reallocations; clerical functions have not. It is suggested that clerical functions and personnel now simply move with the Agent desks and units to which they are attached. Questions of space also have not been covered and it is readily apparent that a substantial portion of the functions and personnel suggested for transfer to Training Division might feasibly operate at Quantico (e.g. Library, Special Productions and Publications Unit). Five units of Training Division are now located at Headquarters and the Research Unit of Research and Service Section proposed herein for transfer to Training Division, likewise should remain at Headquarters. Accordingly formerly in the Front Office of Crime Research Division, has been proposed for transfer to Training Division in order to act, during this transition period, as a special coordinator of functions that may be divided between Headquarters and Quantico. No!

The questions of adequacy of clerical personnel, space reallocation, and relocation of units and functions to Quantico demand greater study and inasmuch

For Mr. Felt

Supervisory Reorganization of Functions and Personnel;
Crime Research Division

as Training Division is scheduled for regular annual inspection next week, these matters will be gone into in depth in connection with that inspection and coordinated in consultation with Administrative Division. It is the purpose of this memorandum to promptly effect the desired transfers of functions among affected Divisions in order to provide for immediate routing of mail and upper level review and supervision of the work product of all units previously composing Crime Research Division.

RECOMMENDATION:

That transfers as outlined herein be approved.

Approved

Change Administrative Review Unit to Congressional Services Unit

JM
4:30 P

PERSONAL OF W. M. FELT

this office special and fragile. If any should we can realize. I agree that the Research & Library functions, which will remain under should be assigned to the Training Division. I do not believe that this Section should be transferred to Training because there is ample space for access to files & other mail and at Headquarters personnel not dealing with the public, and because there is no available space in Quantico except in the Library Building. Accordingly I recommend that the FBIHQ Library be removed into the Library Building at Quantico and that the FBIHQ Library be maintained at FBIHQ the two persons directors and be made available on a daily basis by other Divisions employees which are used on a daily basis by other Divisions. The space in the FBIHQ Library was to have been more in the 9th & D Building can be used and in fact is being used by the Scientific Intelligence Division which is now considering I recommend that you approve now the transfer functions and that any necessary realignment of personnel be considered in separate memorandum.

(FOREGOING typed on following page)

ADDENDUM OF W. M. FELT 12-6-72 WMF:crt

This appears logical and feasible. If snags develop we can readjust. I agree that the Research and Service functions, which will remain under should be reassigned to the Training Division. I do not believe that this Section should be transferred to Quantico, however, because there is daily need for access to files and other material at Headquarters and occasional contacts with the public. Furthermore, there is no available space at Quantico except in the Library Building. Accordingly, I recommend that the FBIHQ Library be moved into the Library Building at Quantico. We would need to retain at FBIHQ the telephone directories and encyclopedias which are used on a daily basis by other Divisions. The space into which the FBIHQ Library was to have been moved in the 9th and D Building can be used and in fact is badly needed by the Domestic Intelligence Division which is very crowded.

I recommend that you approve now the transfer of functions and that any necessary realignment of personnel be considered by separate memoranda.

NW 55024 DocId:32989609 Page 28

UNITED STATES GOVERNMENT

Memorandum

TO : MR. FELT DATE: December 14, 1972

FROM : L. M. WALTERS

SUBJECT: SUPERVISORY REORGANIZATION OF FUNCTIONS AND PERSONNEL; CRIME RESEARCH DIVISION

per prior approval of Mr. Gray

Effective immediately, all functions and personnel formerly assigned to the Crime Research Division are reassigned as indicated below. Recipient Inspectors, Section and Unit Chiefs promptly report to respective offices of assignment.

Agent personnel are set forth together with assigned functions. Clerical personnel utilized in handling these assignments are to transfer with listed Agents in accordance with the functions formerly handled by them.

OFFICE OF ACTING DIRECTOR

To assume supervision of contacts with the Congress, press and other news media formerly handled in the Front Office of the Crime Research Division as well as the Administrative Review Unit which has been redesignated as the Congressional Services Unit and will be handled by

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Functions and Related Responsibilities:

Congressional liaison; Congressional correspondence; Congressional telephone calls; progress of legislation of interest to or affecting the FBI; review of bills and resolutions introduced into both Houses of Congress and all public and private laws enacted; and review and analysis of the Congressional Record.

Press, radio, television and motion picture contacts; field matters concerning press, radio and television; correspondence relating to an editorial or to a commentator; liaison with the White House and Department press offices; review of editorials and articles; review of magazines, newspaper clippings and Washington News Service ticker items; news releases and press inquiries; SAC calls regarding press releases; press contact program; coordinate press matters of possible future use from FBIHQ Divisions.

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Review statements and speeches by Director or matters affecting major public relations; invitations for speeches by the Director; assignment of speeches to FBIHQ speakers; review speech manuscripts.

Review material for publication, first-name salutation mail, matters critic of and complaints regarding FBI; letters enclosing autographed photographs; special photographs in Director's Office; American Legion and veteran liaison matters.

OFFICE OF ACTING ASSOCIATE DIRECTOR

To assume review and analysis of correspondence received by the Director and the FBI and preparation of replies to the correspondence. Formerly handled by the Special Correspondence Unit (correspondence of special importance to Director and Nation) and the Non-Special Correspondence Unit (correspondence from the public and requests for publications).

Functions and Related Responsibilities:

Replies to correspondence regarding subversive activities and field divisions; file reviews and necessary research to determine identity and pertinent background of the correspondent; file review and research necessary to reply to inquiries and requests from private citizens, law enforcement, Government representatives on local, state and national level; initiate instructions to field offices in connection with correspondence; processing of letters dealing with public relations, general news media; requests and inquiries from law enforcement officials, Government representatives and others in foreign countries; chronic mail; and requests for publications.

OFFICE OF LEGAL COUNSEL

To assume formal liaison with the American Bar Association, National District Attorneys Association, National Association of Attorneys General, Federal Bar Association, and the American Law Institute. These functions formerly handled by the Administrative Review Unit. Also research and preparation of legal briefs in connection with urgent policy matters (formerly handled by Research Unit).

 CONTINUED - OVER

NW 55024 DocId:32989609 Page 30

TRAINING DIVISION

To assume operations and maintenance of the FBI Library; preparation and dissemination of pamphlets, reprints and related material of special interest in law enforcement and the crime problem; coordination and compilation of material for presenting FBI operations and jurisdiction to law enforcement and the public through movies, television and other news media; and specialized research and preparation of material in connection with memoranda requested by the Director and other Bureau officials, research for speeches and policy statements of the Director and analysis of articles and statements made concerning the FBI. These functions were formerly handled by the Library Unit, Publications Unit, Special Productions Unit and Research Unit.

Functions and Related Responsibilities:

Reference service to FBI officials, employees, and authorities from other Government agencies and individuals authorized; maintenance of out-of-town telepho directories covering United States; preparation of memoranda for Director and other officials based on review of current periodicals, police journals and scientific magazines; purchase and sale of books to Bureau employees and the maintenance of the inventory and financial records pertinent to this project and operation of a lending library to Bureau employees.

Liaison with the Government Printing Office; preparation and disseminatior of the FBI Law Enforcement Bulletin (LEB); research for the Director's monthly announcement on an important phase of law enforcement or crime for each issue of the LEB; requesting and coordinating material from the field, editing, preparation and distribution of "The Investigator"; preparation of "FBI Notes"; preparation of Interesting Case Memoranda and maintenance of related indices; and correlation and usage of FBI human interest items.

Monitoring movies and television for proper portrayal of FBI and maintena of a running brief on developments pertinent to Bureau operations; surveys and evaluations of matters for presentment to the public by information media; day-to-day surveys of the media for consideration of the Director and Bureau officials; custody and maintenance of recordings of the Director in connection with policy statements or interviews with law enforcement or other Government agencies custody and maintenance of the general and official Bureau photograph file together with indices; writing of radio and television scripts involving FBI fugitives and

CONTINUED - OVER

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matters of FBI jurisdiction; distribution of Uniform Crime Reports Bulletin; maintenance of cartoon file, illustrations depicting FBI and reference file on misquotes of Director in news media releases; monthly review of FBI dissemination of information to the public, law enforcement and authorized individuals and organizations.

Research and coordination of materials in connection with speeches, byline articles and feature stories made or published by the Director; preparation of memoranda concerning books on law enforcement; review and analysis of magazine and newspaper manuscripts concerning FBI prepared by outside authors who request FBI review for accuracy; compilation of data and narrative form of material presented in the FBI's Annual Reports; outlines and research for speech data requested by Bureau officials; maintenance of indices on research materials.

Supervision of Public Law 670 concerning misuse of the name of the FBI; analysis of Young American Medals Awards; maintenance of reference files pertinent to FBI jurisdiction and law enforcement policies; reference files on sex offenders, parole and probation violators, pornographic literature; supervision and statistics concerning FBI speech program; and supervision and direction of Bureau juvenile project.

ADMINISTRATIVE DIVISION

To assume supervision for special visitors on tours of Bureau facilities, meetings and photographs with the Director and all other tours conducted for visitors to the Bureau. Preparation of data on Bureau employees for publication in home-town newspapers as recruitment aids. These functions formerly handled among the Fugitive Publicity Unit, Special Productions Unit, Research Unit and Tour Unit.

Functions and Related Responsibilities:

Handling and processing photographs and other matters for personal autograf of the Director; interviews, testing, lectures, classroom demonstrations, on-the-job training and supervision of tour leaders; fingerprinting individuals requesting to be fingerprinted in connection with Government employment, security clearances or personal identification; telephone inquiries relating to law enforcement, National Academy, services and responsibilities of the FBI and background data regarding the Director; maintain tour statistics of visitors and security of all tour areas; prepare data on background and work functions of Bureau employees for arranging publication in their home-town newspapers.

GENERAL INVESTIGATIVE DIVISION

To assume White House name checks and appropriate correspondence, compilation of data and preparation of memoranda on individuals requesting special tours or meetings with the Director; compilation of data and preparation of backgrou memoranda for dissemination to authorized individuals; and preparation of informati memoranda pertaining to organizations asking for data. These functions formerly handled by the Summary Memoranda Unit.

SPECIAL INVESTIGATIVE DIVISION

To assume overall responsibility for publicizing FBI fugitives through all available media, prepare narrative and illustrative data for Top Ten Fugitive Program, research and preparation of feature fugitive articles; preparation and dissemination of material concerning fugitives; maintenance of special indices concerning distribution and cancellation of fugitive material to media; and conduct interviews with persons making telephonic or personal calls to FBIHQ concerning matters within the jurisdiction of the FBI or of interest to the Bureau. These functions were formerly handled by the Fugitive Publicity Unit.

RECOMMENDATIONS:

1. That the Administrative Division arrange any necessary realignment of space and handle memoranda instructing transfers.

2. That recipient offices promptly survey clerical functions and responsibilities and submit appropriate recommendations in connection with any needed realignment of clerical personnel; also prepare updated organizational charts.

3. That attached airtel to all offices be approved.

airtel

December 15, 1972

To: SAC, Albany

From: For the Acting Director, FBI
W. Mark Felt
Acting Associate Director

SUPERVISORY REORGANIZATION OF FUNCTIONS AND PERSONNEL; CRIME RESEARCH DIVISION

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10-26-2006 BY SP2 AEM/BAP MDR-16

For information of all offices, the functions and personnel formerly assigned to the Crime Research Division have been realigned at FBIHQ.

Mr. Gray has assumed supervision of contacts with the Congress, press and other news media.

Remaining functions of the Crime Research Division have been reorganized and assigned as follows:

OFFICE OF ACTING ASSOCIATE DIRECTOR

Review and analysis of correspondence received by the Director and the FBI and preparation of replies to correspondence.

OFFICE OF LEGAL COUNSEL

Formal liaison with the American Bar Association and other legal organizations.

TRAINING DIVISION

Operation and maintenance of the FBI Library; preparation and dissemination of pamphlets, reprints and related material of special interest

2 - All Offices

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2-1
6:06P

in law enforcement and the crime problem; coordination and compilation of material for presenting FBI operations and jurisdiction to law enforcement and the public through movies, television and other news media; and specialized research and preparation of material in connection with memoranda requested by the Director and other Bureau officials; research for speeches and policy statements of the Director and analysis of articles and statements made concerning the FBI.

ADMINISTRATIVE DIVISION

Special visitors on tours of Bureau facilities, meetings and photographs with the Director and all other tours conducted for visitors to the Bureau.

GENERAL INVESTIGATIVE DIVISION

White House name checks and appropriate correspondence; compilation of data and preparation of memoranda on individuals requesting special tours or meetings with the Director; compilation of data and preparation of background memoranda for dissemination to authorized individuals; and preparation of informative memoranda pertaining to organizations asking for data.

SPECIAL INVESTIGATIVE DIVISION

Overall responsibility for publicizing FBI fugitives through all available media; prepare narrative and illustrative data for Top Ten Fugitive Program, research and preparation of feature fugitive articles; preparation and dissemination of material concerning fugitives.

Above furnished for guidance in routing communications to FBIHQ.

MAY 1962 EDITION
GSA GEN. REG. NO. 27

UNITED STATES GOVERNMENT

Memorandum

TO : MR. FELT

DATE: 12/18/72

FROM : N. P. CALLAHAN

SUBJECT: SUPERVISORY REORGANIZATION OF FUNCTIONS AND PERSONNEL; CRIME RESEARCH DIVISION

By memo dated 12/14/72 from Mr. Walters to Mr. Felt the reassignment of Special Agent personnel of the former Crime Research Division to other Offices and Divisions at Headquarters was set forth. The purpose of this memo is to establish what clerical personnel will be assigned to each Office or Division. This information is necessary to effect changes in appropriate records.

For control purposes, each of the listed individuals should advise of the clerical personnel needed to carry out the functions and related responsibilities reassigned to the respective Office or Division. All clerical personnel assigned to the former Crime Research Division must be accounted for. Accordingly, the listed individuals should consult with each other if there is any question concerning assignment, excessive or needed clerical personnel, coordinating information with appropriate Office representative or Division head. Identities, positions and grades should be set forth under the respective Office or Division.

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HEREIN IS UNCLASSIFIED
DATE 10-29-2002 BY SP2 ALM/PW
MDR-16

RECOMMENDATION:

That the reassignment of the clerical personnel of the former Crime Research Division be accomplished as set forth above with results furnished to the Administrative Division so that appropriate records can be adjusted.

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OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Felt

DATE: December 21, 1972

FROM : T. J. Jenkins

SUBJECT: SUPERVISORY REORGANIZATION OF FUNCTIONS AND PERSONNEL CRIME RESEARCH DIVISION

Reference is made to memorandum L. M. Walters to Mr. Felt, dated December 14, 1972, in captioned matter.

Bureau Library at FBI Headquarters

A survey has been made of the library, its books, facility and personnel. At the present time, the library is housed in six rooms in the 4200 corridor at FBI Headquarters and has a staff of the following:

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MDR-16

From a survey of the books, all books can be removed from the library to the library at Quantico with exception to certain reference books and out-of-town telephone directories which are necessary to be maintained at FBI Headquarters for ready-reference purposes by the Bureau staff at Headquarters. From the survey, it was determined these books can be maintained in two rooms presently occupied by the library, thus freeing four rooms as surplus space.

In the library is a lending library which has about 100 members. These members pay $1 every six months for membership dues and have the privilege of using the library. Because of the minor use of this lending library, I am proposing that we phase out this part of the library during the next six months, removing the books at the end of that period to Quantico.

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.

CONTINUED - OVER

Memorandum T. J. Jenkins to Mr. Felt
Re: Supervisory Reorganization of
Functions and Personnel
Crime Research Division

From the survey, I believe that the two library technicians, who are presently assigned to the library, can handle the remaining reference books and telephone directories and that when returns to work a decision can be made as to what can be done with her.

Since practically all of the library will be transferred to Quantico, it will be necessary to transfer certain employees of the library unit.

RECOMMENDATIONS:

(1) That all the books with the exception of the reference books, lending library, and out-of-town telephone directories be transferred to the Academy at Quantico.

(2) That authority be granted to gradually phase out the lending library over the next six-month period.

(3) That be transferred to Quantico as Assistant Librarian and for lecture purposes at the Academy.

(4) That be transferred to the Academy at Quantico.

(5) That the position of secretary be abolished and that be reassigned.

(6) That the two library technicians, , be retained to handle the reference books and telephone directories remaining at FBI Headquarters.

(7) If above transfers are approved, Administrative Division will handle.

Approved. G
12/27
1:18P

NW 55024 DocId:32989609 Page 39

GSA GEN. REG. NO. 27

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Felt

DATE: January 3, 1973

FROM : T. J. Jenkins

SUBJECT: SUPERVISORY REORGANIZATION OF FUNCTIONS AND PERSONNEL CRIME RESEARCH DIVISION

Reference is made to the memorandum of Mr. Walters to Mr. Felt, dated 12/14/72, in captioned matter. A review has been made of the units assigned to the Training Division from the former Crime Research Division, particularly the Research and Service Section. As you know, , has retired. I believe we can consolidate the Training Programs Processing Section and the Research and Service Section at FBI Headquarters into one section, calling it the Training Programs Processing and Research Section. This would eliminate one section chief.

As you know, we have recommended and it has been approved that the Library in the Crime Research Section be moved to Quantico. It is my proposal that the former Library Unit, what is left of it here at FBI Headquarters, be merged with the Research Unit leaving three units from the former Research and Service Section; namely, the Research Unit; Special Productions Unit and Publications Unit.

I have discussed with Mr. Callahan the transferring of the Suggestions, Forms, Reports Management, Manuals and Chief Clerk Matters to the Administrative Division and he is agreeable. This would mean an addition to his division of one Special Agent and seven clerical staff. The remaining units presently in the Training Division would remain as is.

This would give the Section Chief of the Training Division stationed at FBI Headquarters a total of 18 Agents and 53 clerks under his supervision. I believe that current Section Chief is capable of handling this assignment as Section Chief, particularly if is retained as Number One Man of the Section. has served as Number One Man in the former Research and Service Section of the Crime Research Division.

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MDR-16

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.

Memorandum T. J. Jenkins to Mr. Felt
Re: Supervisory Reorganization of
Functions and Personnel
Crime Research Division

RECOMMENDATIONS:

(1) That the old Research and Service Section of the former Crime Research Division be combined with the Training Programs Processing Section of the Training Division and be given the name Training Programs Processing and Research Section.

(2) That the Suggestions, Forms, Reports Management, Manuals and Chief Clerk Matters be transferred from the Training Division to the Administrative Division.

(3) That DESIGNATED current Section Chief in the Training Division be ~~retained~~ as Section Chief. OF THIS NEW SECTION

(4) That DESIGNATED be ~~retained~~ as Number One Man of this new Section in the Training Division.

ADDENDUM OF W. M. FELT 1-4-73

I am in agreement with the above except for the proposed new name Training Programs Processing and Research Section. I think this sounds pompous and cumbersome. I suggest and Mr. Jenkins has agreed to naming the new section Police Training and Research Section. I recommend approval with this modification.

Approved.
J.H.
1-4
9:40P

NW 55024 DocId:32989609 Page 42

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Felt

DATE: January 3, 1973

FROM : T. J. Jenkins

SUBJECT: SUPERVISORY REORGANIZATION OF FUNCTIONS AND PERSONNEL CRIME RESEARCH DIVISION

Reference is made to the memorandum of Mr. Walters to Mr. Felt, dated 12/14/72, in captioned matter. A review has been made of the units assigned to the Training Division from the former Crime Research Division, particularly the Research and Service Section. As you know, the Section Chief of that Section, Milton A. Jones, has retired. I believe we can consolidate the Training Programs Processing Section and the Research and Service Section at FBI Headquarters into one section, calling it the Training Programs Processing and Research Section. This would eliminate one section chief.

As you know, we have recommended and it has been approved that the Library in the Crime Research Section be moved to Quantico. It is my proposal that the former Library Unit, what is left of it here at FBI Headquarters, be merged with the Research Unit leaving three units from the former Research and Service Section; namely, the Research Unit, Special Productions Unit and Publications Unit.

I have discussed with Mr. Callahan the transferring of the Suggestions, Forms, Reports Management, Manuals and Chief Clerk Matters to the Administrative Division and he is agreeable. This would mean an addition to his division of one Special Agent and seven clerical staff. The remaining units presently in the Training Division would remain as is.

This would give the Section Chief of the Training Division stationed at FBI Headquarters a total of 18 Agents and 53 clerks under his supervision. I believe that current Section Chief, T. J. Brownfield, is capable of handling this assignment as Section Chief, particularly if Mr. Lawrence J. Heim is retained as Number One Man of the Section. Mr. Heim has served as Number One Man in the former Research and Service Section of the Crime Research Division.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-26-2000 BY SP2 ALM/kp
MDR-16

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 F.B.I.

Memorandum T. J. Jenkins to Mr. Felt
Re: Supervisory Reorganization of
Functions and Personnel
Crime Research Division

RECOMMENDATIONS:

(1) That the old Research and Service Section of the former Crime Research Division be combined with the Training Programs Processing Section of the Training Division and be given the name Training Programs Processing and Research Section.

(2) That the Suggestions, Forms, Reports Management, Manuals and Chief Clerk Matters be transferred from the Training Division to the Administrative Division.

(3) That SA T. J. Brownfield current Section Chief in the Training Division be ~~retained~~ DESIGNATED as Section Chief. OF THE NEW SECTION

(4) That SA Lawrence J. Heim be ~~retained~~ DESIGNATED as Number One Man of this new Section in the Training Division.

ADDENDUM OF W. M. FELT 1-4-73

I am in agreement with the above except for the proposed new name Training Programs Processing and Research Section. I think this sounds pompous and cumbersome. I suggest and Mr. Jenkins has agreed to naming the new section Police Training and Research Section. I recommend approval with this modification.

Approved.
J.M.
1-4
9:40P

CLASSIFY AS APPROPRIATE

NOTE: SEE INSTRUCTIONS ON REVERSE BEFORE COMPLETING.

TO: Intelligence Community Staff
ATTN: Central Index

FROM: **Federal Bureau of Investigation**

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: 6/17/75

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

X	SSC
	HSC

C. Benz, Office Manager

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

Further Documents Pertaining to the FBI and Department of Justice.

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 5/14/75; Appendix B, Part II, Item 15.

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)*

Organization and Staffing

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

At the request of the SSC, documents relating to the elimination of the FBI Crime Records Division in late 1972 were furnished to the SSC for review.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10-26-2000 BY SP2 ALM/BWP
MDR-16

TREAT AS YELLOW

WOC

5-JM

62-116395

TJM:lhb
(4)

ORIGINAL VIA LIAISON TO CENTRAL COMMUNITY INDEX IN CONNECTION WITH SENSTUDY 75. LFS 7-2-75

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.

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

5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Felt

DATE: December 21, 1972

FROM : T. J. Jenkins

SUBJECT: SUPERVISORY REORGANIZATION OF FUNCTIONS AND PERSONNEL CRIME RESEARCH DIVISION

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11-30-2010 BY SP2 [illegible] MDR-14

Reference is made to memorandum L. M. Walters to Mr. Felt, dated December 14, 1972, in captioned matter.

Bureau Library at FBI Headquarters

A survey has been made of the library, its books, facility and personnel. At the present time, the library is housed in six rooms in the 4200 corridor at FBI Headquarters and has a staff of the following:

Inspector Bernard M. Suttler, GS-16
Librarian Iona G. Swann, GS-9
Assistant Librarian Eleanor L. Denish, GS-6
Secretary Connie Hutchison, GS-4 (position is GS-5)
3 Librarian Technicians
Alica Brand, GS-4 (on extended leave without pay - due to illness)
Patricia Lauber, GS-3 (GS-4 position)
Ester Villanueva, GS-4

From a survey of the books, all books can be removed from the library to the library at Quantico with exception to certain reference books and out-of-town telephone directories which are necessary to be maintained at FBI Headquarters for ready-reference purposes by the Bureau staff at Headquarters. From the survey, it was determined these books can be maintained in two rooms presently occupied by the library, thus freeing four rooms as surplus space.

In the library is a lending library which has about 100 members. These members pay $1 every six months for membership dues and have the privilege of using the library. Because of the minor use of this lending library, I am proposing that we phase out this part of the library during the next six months, removing the books at the end of that period to Quantico.

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 .

CONTINUED - OVER

Memorandum T. J. Jenkins to Mr. Felt
Re: Supervisory Reorganization of
Functions and Personnel
Crime Research Division

From the survey, I believe that the two library technicians, who are presently assigned to the library, can handle the remaining reference books and telephone directories and that when Miss Brand returns to work a decision can be made as to what can be done with her.

Since practically all of the library will be transferred to Quantico, it will be necessary to transfer certain employees of the library unit.

RECOMMENDATIONS:

(1) That all the books with the exception of the reference books, lending library, and out-of-town telephone directories be transferred to the Academy at Quantico.

(2) That authority be granted to gradually phase out the lending library over the next six-month period.

(3) That Inspector Bernard M. Suttler be transferred to Quantico as Assistant Librarian and for lecture purposes at the Academy.

(4) That Miss Iona G. Swann and Miss Eleanor L. Benish be transferred to the Academy at Quantico.

(5) That the position of secretary be abolished and that Miss Connie Hutchison be reassigned.

(6) That the two library technicians, Patricia Lauber and Ester Villanueva, be retained to handle the reference books and telephone directories remaining at FBI Headquarters.

(7) If above transfers are approved, Administrative Division will handle.

Approved. G
12/27
1:18P

OPTIONAL FORM NO. 10
5010-106
GSA GEN. REG. NO. 27

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Bishop DATE: 10-16-72

FROM : M. A. Jones

SUBJECT: SUGGESTED NAME CHANGE
CRIME RECORDS DIVISION

By memorandum dated 10-4-72, attached, it was indicated that Fletcher D. Thompson, SAC, Omaha, has suggested a name change for the Crime Records Division to Office of Public Information or some other more meaningful designation.

It was pointed out that Mr. Thompson's suggestion was in line with informal discussions you (Mr. Bishop) have had with members of your staff concerning a possible name change for the Division.

In this connection, Mr. Gray has noted that he "can think of many reasons for changing the name. What have been the nature of the reasons for change discussed?"

With the formation of the Computer Systems Division and the resultant reassignment of the personnel and the work of the Uniform Crime Reporting Section, including the National Crime Information Center/Computerized Criminal Histories file from Crime Records to Computer Systems, the title "Crime Records," as Mr. Thompson has indicated, is no longer meaningful insofar as the work of this Division is concerned.

"Office of Public Information," which was suggested by Mr. Thompson, would inaccurately reflect the activities and responsibilities of this Division and could result in confusion with the Office of Public Information in the Department of Justice. This, of course, would be undesirable.

Enclosures

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HEREIN IS UNCLASSIFIED
DATE 10-26-2000 BY SP1 cm/MDR
MDR-16

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.

It is noted that this Division, which is presently comprised of the Crime Research Section, and the Correspondence and Tours Section, is primarily responsible for conducting extensive research pertaining to crime, crime prevention, and other related matters in the law enforcement field. This Division is involved in the review and preparation of replies to correspondence regarding FBI Jurisdiction and operations received from law enforcement, other Government agencies, and the general public in those instances where the Bureau has a responsibility to disseminate such information.

"The FBI Law Enforcement Bulletin," which is the official publication of the FBI, is prepared and distributed by Crime Records, as well as numerous pamphlets for the instruction and information of Bureau employees, the law enforcement profession and the general public. This Division is responsible for supervision of tours of Bureau facilities for Government officials, law enforcement authorities, and the general public; directs the program of distributing informative and illustrative material on Bureau fugitives to various media for the purpose of effecting the location and apprehension of these criminals with the help of citizen cooperation;and coordinates and supervises the Bureau's interests in the utilization of radio, television, and publication outlets to enhance the discharge of our responsibilities in the law enforcement field by acquainting the public with the FBI's operations and activities.

In addition, this Division has the custody of a number of research and reference files which are maintained in a current status and which are essential to the Division in the fulfillment of its responsibilities to the Bureau.

Further, this Division supervises the "Ten-Most-Wanted Fugitives" Program, as well as "The FBI" television series, both of which involve research for their sustenance and success.

While it is recognized, based on the foregoing, that this Division is not completely absorbed in research to the exclusion of other activities, "Crime Research"

CONTINUED - OVER

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more accurately describes our responsibilities, it is felt, than any other title suggested. It is noted the more likely alternatives discussed were "Research and Information Division" and "Research and Correspondence Division."

RECOMMENDATIONS:

1. That Mr. Gray approve the renaming of the Crime Records Division to Crime Research Division.

Approved. G... 10/22
11:02A

2. That in line with the foregoing, the attached letter to Mr. Thompson be approved and sent.

G... 10/22
11:02A

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

5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : THE ACTING DIRECTOR DATE: 12-1-72

FROM : W. M. FELT

SUBJECT: REORGANIZATION - CRIME RESEARCH DIVISION

Pursuant to your instructions, Assistant Director Bishop is being temporarily attached to the Training Division at Quantico for special assignment until the effective date of his retirement, 2-1-73.

Mr. Bishop will be assigned to the research and development of a major case practical problem for use in the National Academy. This is extremely important because our experience indicates that most of the officers attending the Academy are unable to understand and handle the ramifications of major cases. Mr. Bishop, with his extensive field background, plus his familiarity with news media problems, is ideally suited to handle this assignment.

If he has time, Mr. Bishop will also analyze and develop meaningful practical cases which will enable new agents to meet present-day needs.

I have arranged with Mr. Jenkins for suitable office facilities to be used by Mr. Bishop at Quantico and have instructed Bishop to report to Mr. Jenkins on Monday, 12-4-72.

Inspector Wilburn ~~K.~~ DeBruler is being diverted from his current inspection assignment in the Office of Legal Counsel to begin an immediate survey of the Crime Research Division to determine the feasibility of the transfer of its functions to other divisions or to your office.

RECOMMENDATION:

None. For information.

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HEREIN IS UNCLASSIFIED
DATE 10-26-2000 BY SP2 [illegible]
MJR-16

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.

UNITED STATES GOVERNMENT

Memorandum

TO : MR. FELT

DATE: December 14, 1972

FROM : L. M. WALTERS

SUBJECT: SUPERVISORY REORGANIZATION OF FUNCTIONS AND PERSONNEL; CRIME RESEARCH DIVISION

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10-26-2006 BY SP2 ACM/Pf MDR-16

per prior approval of Mr. Gray

Effective immediately, all functions and personnel formerly assigned to the Crime Research Division are reassigned as indicated below. Recipient Inspectors, Section and Unit Chiefs promptly report to respective offices of assignment.

Agent personnel are set forth together with assigned functions. Clerical personnel utilized in handling these assignments are to transfer with listed Agents in accordance with the functions formerly handled by them.

OFFICE OF ACTING DIRECTOR

Inspectors James F. Bland, David W. Bowers, Jack E. Herington and SA Harold P. Leinbaugh.

To assume supervision of contacts with the Congress, press and other news media formerly handled in the Front Office of the Crime Research Division as well as the Administrative Review Unit which has been redesignated as the Congressional Services Unit and will be handled by Inspectors Jack E. Herington and David W. Bowers.

Functions and Related Responsibilities:

Congressional liaison; Congressional correspondence; Congressional telephone calls; progress of legislation of interest to or affecting the FBI; review of bills and resolutions introduced into both Houses of Congress and all public and private laws enacted; and review and analysis of the Congressional Record.

Press, radio, television and motion picture contacts; field matters concern press, radio and television; correspondence relating to an editorial or to a commentator; liaison with the White House and Department press offices; review of editorials and articles; review of magazines, newspaper clippings and Washington News Service ticker items; news releases and press inquiries; SAC calls regarding press releases; press contact program; coordinate press matters of possible future use from FBIHQ Divisions.

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.

Review statements and speeches by Director or matters affecting major public relations; invitations for speeches by the Director; assignment of speeches to FBIHQ speakers; review speech manuscripts.

Review material for publication, first-name salutation mail, matters critical of and complaints regarding FBI; letters enclosing autographed photographs; special photographs in Director's Office; American Legion and veteran liaison matters.

OFFICE OF ACTING ASSOCIATE DIRECTOR

Section Chief Gordon E. Malmfeldt and SAs Homer R. Hauer (Number One Man), Ralph W. Engelmeier, Marion S. Ramey, Paul L. Andrews, John W. Dalseg, Robert C. Dean and Richard E. White.

To assume review and analysis of correspondence received by the Director and the FBI and preparation of replies to the correspondence. Formerly handled by the Special Correspondence Unit (correspondence of special importance to Director and Nation) and the Non-Special Correspondence Unit (correspondence from the public and requests for publications).

Functions and Related Responsibilities:

Replies to correspondence regarding subversive activities and field divisions; file reviews and necessary research to determine identity and pertinent background of the correspondent; file review and research necessary to reply to inquiries and requests from private citizens, law enforcement, Government representatives on local, state and national level; initiate instructions to field offices in connection with correspondence; processing of letters dealing with public relations, general news media; requests and inquiries from law enforcement officials, Government representatives and others in foreign countries; chronic mail; and requests for publications.

OFFICE OF LEGAL COUNSEL

SA James C. Farrington.

To assume formal liaison with the American Bar Association, National District Attorneys Association, National Association of Attorneys General, Federal Bar Association, and the American Law Institute. These functions formerly handled by the Administrative Review Unit. Also research and preparation of legal briefs in connection with urgent policy matters (formerly handled by Research Unit).

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TRAINING DIVISION

Section Chief Milton A. Jones, Inspectors Bernard M. Suttler and George T. Quinn, and SAs Lawrence J. Heim, John H. Campbell, Edward H. Gooderham, David L. Divan, Carl J. Hall, Louis S. Lear, Donald G. Hanring, Robert B. Davenport, Robert C. Fay, George William Gunn and Fern C. Stukenbroeker.

To assume operations and maintenance of the FBI Library; preparation and dissemination of pamphlets, reprints and related material of special interest in law enforcement and the crime problem; coordination and compilation of material for presenting FBI operations and jurisdiction to law enforcement and the public through movies, television and other news media; and specialized research and preparation of material in connection with memoranda requested by the Director and other Bureau officials, research for speeches and policy statements of the Director and analysis of articles and statements made concerning the FBI. These functions were formerly handled by the Library Unit, Publications Unit, Special Productions Unit and Research Unit.

Functions and Related Responsibilities:

Reference service to FBI officials, employees, and authorities from other Government agencies and individuals authorized; maintenance of out-of-town telephone directories covering United States; preparation of memoranda for Director and other officials based on review of current periodicals, police journals and scientific magazines; purchase and sale of books to Bureau employees and the maintenance of the inventory and financial records pertinent to this project and operation of a lending library to Bureau employees.

Liaison with the Government Printing Office; preparation and dissemination of the FBI Law Enforcement Bulletin (LEB); research for the Director's monthly announcement on an important phase of law enforcement or crime for each issue of the LEB; requesting and coordinating material from the field, editing, preparation and distribution of "The Investigator"; preparation of "FBI Notes"; preparation of Interesting Case Memoranda and maintenance of related indices; and correlation and usage of FBI human interest items.

Monitoring movies and television for proper portrayal of FBI and maintenance of a running brief on developments pertinent to Bureau operations; surveys and evaluations of matters for presentment to the public by information media; day-to-day surveys of the media for consideration of the Director and Bureau officials; custody and maintenance of recordings of the Director in connection with policy statements or interviews with law enforcement or other Government agencies; custody and maintenance of the general and official Bureau photograph file together with indices; writing of radio and television scripts involving FBI fugitives and

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matters of FBI jurisdiction; distribution of Uniform Crime Reports Bulletin; maintenance of cartoon file, illustrations depicting FBI and reference file on misquotes of Director in news media releases; monthly review of FBI dissemination of information to the public, law enforcement and authorized individuals and organizations.

Research and coordination of materials in connection with speeches, byline articles and feature stories made or published by the Director; preparation of memoranda concerning books on law enforcement; review and analysis of magazine and newspaper manuscripts concerning FBI prepared by outside authors who request FBI review for accuracy; compilation of data and narrative form of material presented in the FBI's Annual Reports; outlines and research for speech data requested by Bureau officials; maintenance of indices on research materials.

Supervision of Public Law 670 concerning misuse of the name of the FBI; analysis of Young American Medals Awards; maintenance of reference files pertinent to FBI jurisdiction and law enforcement policies; reference files on sex offenders, parole and probation violators, pornographic literature; supervision and statistics concerning FBI speech program; and supervision and direction of Bureau juvenile project.

ADMINISTRATIVE DIVISION

SA William H. Stapleton.

To assume supervision for special visitors on tours of Bureau facilities, meetings and photographs with the Director and all other tours conducted for visitors to the Bureau. Preparation of data on Bureau employees for publication in home-town newspapers as recruitment aids. These functions formerly handled among the Fugitive Publicity Unit, Special Productions Unit, Research Unit and Tour Unit.

Functions and Related Responsibilities:

Handling and processing photographs and other matters for personal autograp of the Director; interviews, testing, lectures, classroom demonstrations, on-the-job training and supervision of tour leaders; fingerprinting individuals requesting to be fingerprinted in connection with Government employment, security clearances or personal identification; telephone inquiries relating to law enforcement, National Academy, services and responsibilities of the FBI and background data regarding the Director; maintain tour statistics of visitors and security of all tour areas; prepare data on background and work functions of Bureau employees for arranging publication in their home-town newspapers.

GENERAL INVESTIGATIVE DIVISION

SAs Edward J. Kilday, III, and Anthony Edward Schiappa

To assume White House name checks and appropriate correspondence, compilation of data and preparation of memoranda on individuals requesting special tours or meetings with the Director; compilation of data and preparation of background memoranda for dissemination to authorized individuals; and preparation of informative memoranda pertaining to organizations asking for data. These functions formerly handled by the Summary Memoranda Unit.

SPECIAL INVESTIGATIVE DIVISION

SA Thomas B. Coll

To assume overall responsibility for publicizing FBI fugitives through all available media, prepare narrative and illustrative data for Top Ten Fugitive Program, research and preparation of feature fugitive articles; preparation and dissemination of material concerning fugitives; maintenance of special indices concerning distribution and cancellation of fugitive material to media; and conduct interviews with persons making telephonic or personal calls to FBIHQ concerning matters within the jurisdiction of the FBI or of interest to the Bureau. These functions were formerly handled by the Fugitive Publicity Unit.

RECOMMENDATIONS:

1. That the Administrative Division arrange any necessary realignment of space and handle memoranda instructing transfers.

2. That recipient offices promptly survey clerical functions and responsibilities and submit appropriate recommendations in connection with any needed realignment of clerical personnel; also prepare updated organizational charts.

3. That attached airtel to all offices be approved.

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OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : MR. FELT

DATE: 12/18/72

FROM : N. P. CALLAHAN

SUBJECT: SUPERVISORY REORGANIZATION OF FUNCTIONS AND PERSONNEL; CRIME RESEARCH DIVISION

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10-27-2000 BY SP2 AUM/RP
MDR-16

By memo dated 12/14/72 from Mr. Walters to Mr. Felt the reassignment of Special Agent personnel of the former Crime Research Division to other Offices and Divisions at Headquarters was set forth. The purpose of this memo is to establish what clerical personnel will be assigned to each Office or Division. This information is necessary to effect changes in appropriate records.

For control purposes, each of the listed individuals should advise of the clerical personnel needed to carry out the functions and related responsibilities reassigned to the respective Office or Division. All clerical personnel assigned to the former Crime Research Division must be accounted for. Accordingly, the listed individuals should consult with each other if there is any question concerning assignment, excessive or needed clerical personnel, coordinating information with appropriate Office representative or Division head. Identities, positions and grades should be set forth under the respective Office or Division.

Inspector James F. Bland, Office of the Acting Director
Section Chief Gordon E. Malmfeldt, Office of the Acting Associate Director
SA James C. Farrington, Office of Legal Counsel
Section Chief Milton A. Jones, Training Division
SA William H. Stapleton, Administrative Division
SA Edward J. Kilday III, General Investigative Division
SA Thomas B. Coll, Special Investigative Division

RECOMMENDATION:

That the reassignment of the clerical personnel of the former Crime Research Division be accomplished as set forth above with results furnished to the Administrative Division so that appropriate records can be adjusted.

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.

MAY 1962 EDITION
GSA GEN. REG. NO. 27

UNITED STATES GOVERNMENT

Memorandum

TO : MR. FELT

DATE: 12/6/72

FROM : L. M. WALTERS

SUBJECT: SUPERVISORY REORGANIZATION OF FUNCTIONS AND PERSONNEL; CRIME RESEARCH DIVISION

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10-27-2000 BY SP4 M/Bmp NDR-16

PURPOSE: To recommend immediate supervisory reorganization and transfer of all functions and personnel of the Crime Research Division based on survey and analysis conducted by Inspection Division.

Recommended transfer of functions and related responsibilities together with appropriate personnel as follows:

OFFICE OF ACTING DIRECTOR

To assume supervision of contacts with the Congress, press and other news media formerly handled by Assistant Director Bishop, his front office Agent personnel and the Administrative Review Unit (Congressional liaison).

Functions and Related Responsibilities:

Congressional liaison; Congressional correspondence; Congressional telephone calls; progress of legislation of interest to or affecting the FBI; review of bills and resolutions introduced into both Houses of Congress and all public and private laws enacted; and review and analysis of the Congressional Record.

Press, radio, television and motion picture contacts; field matters concerning press, radio and television; correspondence relating to an editorial or to a commentato liaison with the White House and Department press offices; review of editorials and articles; review of magazines, newspaper clippings and Washington News Service ticker items; news releases and press inquiries; SAC calls regarding press releases; press contact program; coordinate press matters of possible future use from FBIHQ Divisions.

Review statements and speeches by Director or matters affecting major public relations; invitations for speeches by the Director; assignment of speeches to FBIHQ speakers; review speech manuscripts.

Review material for publication, first-name salutation mail, matters critical of and complaints regarding FBI; letters enclosing autographed photographs;

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CONTINUED - OVER

special photographs in Director's Office; American Legion and veteran liaison matters.

Recommended Agent Transfer:

Inspectors James F. Bland, David W. Bowers and Jack E. Herington.

OFFICE OF ACTING ASSOCIATE DIRECTOR

To assume [review and analysis of correspondence received by the Director and the FBI and preparation of replies to the correspondence.] Formerly handled by the Special Correspondence Unit (correspondence of special importance to Director and Nation) and the Non-Special Correspondence Unit (correspondence from the public and requests for publications).

Functions and Related Responsibilities:

Replies to correspondence regarding subversive activities and field divisions; file reviews and necessary research to determine identity and pertinent background of the correspondent; file review and research necessary to reply to inquiries and requests from private citizens, law enforcement, Government representatives on local, state and national level; initiate instructions to field offices in connection with correspondence; processing of letters dealing with public relations, general news media; requests and inquiries from law enforcement officials, Government representatives and others in foreign countries; chronic mail; and requests for publications.

Recommended Agent Transfer:

Section Chief Gordon E. Malmfeldt and SAs Homer R. Hauer (Number One Man), Ralph W. Engelmeier, Marion S. Ramey, Paul L. Andrews, John W. Dalseg, Robert C. Dean and Richard E. White.

OFFICE OF LEGAL COUNSEL

To assume formal liaison with the American Bar Association, National District Attorneys Association, National Association of Attorneys General, Federal Bar Association, and the American Law Institute. These functions formerly handled by the Administrative Review Unit. Also research and preparation of legal briefs in connection with urgent policy matters (formerly handled by Research Unit).

Recommended Agent Transfer:

SA James C. Farrington.

CONTINUED - OVER

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for Mr. Felt
: Supervisory Reorganization of Functions and Personnel;
Crime Research Division

TRAINING DIVISION

To assume operations and maintenance of the FBI Library; preparation and dissemination of pamphlets, reprints and related material of special interest in law enforcement and the crime problem; coordination and compilation of material for presenting FBI operations and jurisdiction to law enforcement and the public through movies, television and other news media; and specialized research and preparation of material in connection with memoranda requested by the Director and other Bureau officials, research for speeches and policy statements of the Director and analysis of articles and statements made concerning the FBI. These functions were formerly handled by the Library Unit, Publications Unit, Special Productions Unit and Research Unit.

Functions and Related Responsibilities:

Reference service to FBI officials, employees, and authorities from other Government agencies and individuals authorized; maintenance of out-of-town telephone directories covering United States; preparation of memoranda for Director and other officials based on review of current periodicals, police journals and scientific magazines; purchase and sale of books to Bureau employees and the maintenance of the inventory and financial records pertinent to this project and operation of a lending library to Bureau employees.

Liaison with the Government Printing Office; preparation and dissemination of the FBI Law Enforcement Bulletin (LEB); research for the Director's monthly announcement on an important phase of law enforcement or crime for each issue of the LEB; requesting and coordinating material from the field, editing, preparation and distribution of "The Investigator"; preparation of "FBI Notes"; preparation of Interesting Case Memoranda and maintenance of related indices; and correlation and usage of FBI human interest items.

Monitoring movies and television for proper portrayal of FBI and maintenance of a running brief on developments pertinent to Bureau operations; surveys and evaluations of matters for presentment to the public by information media; day-to-day surveys of the media for consideration of the Director and Bureau officials; custody and maintenance of recordings of the Director in connection with policy statements or interviews with law enforcement or other Government agencies; custody and maintenance of the general and official Bureau photograph file together with indices; writing of radio and television scripts involving FBI fugitives and matters of FBI jurisdiction; distribution of Uniform Crime Reports Bulletin; maintenance of cartoon file, illustrations depicting FBI and reference file on misquotes of Director in news media releases; monthly review of FBI dissemination of information to the public, law enforcement and authorized individuals and organizations

Research and coordination of materials in connection with speeches, by-line articles and feature stories made or published by the Director; preparation of memoranda concerning books on law enforcement; review and analysis of magazine and newspaper manuscripts concerning FBI prepared by outside authors who request FBI review for accuracy; compilation of data and narrative form of material presented in the FBI's Annual Reports; outlines and research for speech data requested by Bureau officials; maintenance of indices on research materials.

Supervision of Public Law 670 concerning misuse of the name of the FBI; analysis of Young American Medals Awards; maintenance of reference files pertinent to FBI jurisdiction and law enforcement policies; reference files on sex offenders, parole and probation violators, pornographic literature; supervision and statistics concerning FBI speech program; and supervision and direction of Bureau juvenile project.

Recommended Agent Transfer:

Section Chief Milton A. Jones, Inspectors Bernard M. Suttler and George T. Quinn and SAs Harold P. Leinbaugh, Lawrence J. Heim, John H. Campbell, Edward H. Gooderham; David L. Divan, Carl J. Hall, Louis S. Lear, Donald C. Hanning, Robert B. Davenport, Robert C. Fay, George William Gunn and Fern C. Stukenbrocker.

ADMINISTRATIVE DIVISION

To assume supervision for special visitors on tours of Bureau facilities, meetings and photographs with the Director and all other tours conducted for visitors to the Bureau. Preparation of data on Bureau employees for publication in home-town newspapers as recruitment aids. These functions formerly handled among the Fugitive Publicity Unit, Special Productions Unit, Research Unit and Tour Unit.

Functions and Related Responsibilities:

Handling and processing photographs and other matters for personal autograph of the Director; interviews, testing, lectures, classroom demonstrations, on-the-job training and supervision of tour leaders; fingerprinting individuals requesting to be fingerprinted in connection with Government employment, security clearances or personal identification; telephone inquiries relating to law enforcement, National Academy, services and responsibilities of the FBI and background data regarding the Director; maintain tour statistics of visitors and security of all tour areas; prepare data on background and work functions of Bureau employees for arranging publication in their home-town newspapers.

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for Mr. Felt
Supervisory Reorganization of Functions and
Personnel; Crime Research Division

Recommended Agent Transfer:

SA William H. Stapleton

GENERAL INVESTIGATIVE DIVISION

To assume White House name checks and appropriate correspondence, compilation of data and preparation of memoranda on individuals requesting special tours or meetings with the Director; compilation of data and preparation of background memoranda for dissemination to authorized individuals; and preparation of informative memoranda pertaining to organizations asking for data. These functions formerly handled by the Summary Memoranda Unit. (In past years these functions were performed in Name Check Section of General Investigative Division.)

Recommended Agent Transfer:

SAs Edward J. Kilday, III, and Anthony Edward Schiappa

SPECIAL INVESTIGATIVE DIVISION

To assume overall responsibility for publicizing FBI fugitives through all available media, prepare narrative and illustrative data for Top Ten Fugitive Program, research and preparation of feature fugitive articles; preparation and dissemination of material concerning fugitives; maintenance of special indices concerni distribution and cancellation of fugitive material to media; and conduct interviews with persons making telephonic or personal calls to FBIHQ concerning matters within the jurisdiction of the FBI or of interest to the Bureau. These functions were formerly handled by the Fugitive Publicity Unit.

Recommended Agent Transfer:

SA Thomas B. Coll

OBSERVATIONS

Agent personnel and supervisory functions have been analyzed and dealt with in the foregoing proposed reallocations; clerical functions have not. It is suggested that clerical functions and personnel now simply move with the Agent desks and units to which they are attached. Questions of space also have not been covered and it is readily apparent that a substantial portion of the functions and personnel suggested for transfer to Training Division might feasibly operate at Quantico (e.g. Library, Special Productions and Publications Unit). Five units of Training Division are now located at Headquarters and the Research Unit of Research and Service Section proposed herein for transfer to Training Division, likewise should remain at Headquarters. Accordingly, SA Harold P. Leinbaugh, formerly in the Front Office of Crime Research Division, has been proposed for transfer to Training Division in order to act, during this transition period, as a special coordinator of functions that may be divided between Headquarters and Quantico. No!

The questions of adequacy of clerical personnel, space reallocation, and relocation of units and functions to Quantico demand greater study and inasmuch

for Mr. Felt

Supervisory Reorganization of Functions and Personnel;
Crime Research Division

as Training Division is scheduled for regular annual inspection next week, these matters will be gone into in depth in connection with that inspection and coordinated in consultation with Administrative Division. It is the purpose of this memorandum to promptly effect the desired transfers of functions among affected Divisions in order to provide for immediate routing of mail and upper level review and supervision of the work product of all units previously composing Crime Research Division.

RECOMMENDATION:

That transfers as outlined herein be approved.

Approved except that Sa Leinbaugh will remain with front office as that Inspectors Bland & Herrington & SA Leinbaugh will remain in place. G

ADDENDUM OF W. M. FELT:

The office, logical and feasible. If some slowdown we can readjust. I agree that the Research & Service functions, which will remain under Section Chief Milton A. Jones, should be reassigned to the Training Division. I do not believe that this Section should be transferred to Inspection because there is daily need for access to files & other material at Headquarters & personnel not able with the public. Furthermore there is no available space at Quantico except in the Library Building. Accordingly I recommend that the FBIHQ Library be removed to the Library Building at Quantico. We would need to retain at FBIHQ the telephone directories and envelope colors which are used on a daily basis by other divisions. The space into which the FBIHQ Library was to have been moved in the 9th & D Building can be used and in fact is badly needed by the Administrative Division which is now crowded. I recommend that you approve now the transfer of functions and that any necessary realignment of personnel be considered by separate memoranda. 7

Approved

Change Administrative Review Unit to Congressional Services Unit

GMM
1/17/72
4:30 P

ADDENDUM OF W. M. FELT 12-6-72 WMF:crt

This appears logical and feasible. If snags develop we can readjust. I agree that the Research and Service functions, which will remain under Section Chief Milton A. Jones, should be reassigned to the Training Division. I do not believe that this Section should be transferred to Quantico, however, because there is daily need for access to files and other material at Headquarters and occasional contacts with the public. Furthermore, there is no available space at Quantico except in the Library Building. Accordingly, I recommend that the FBIHQ Library be moved into the Library Building at Quantico. We would need to retain at FBIHQ the telephone directories and encyclopedias which are used on a daily basis by other Divisions. The space into which the FBIHQ Library was to have been moved in the 9th and D Building can be used and in fact is badly needed by the Domestic Intelligence Division which is very crowded.

I recommend that you approve now the transfer of functions and that any necessary realignment of personnel be considered by separate memoranda.

NW 55024 DocId:32989609 Page 67

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

The Attorney General

June 17, 1975

1 - Mr. W. O. Cregar
1 - Mr. S. F. Phillips

Director, FBI

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

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 2-20-81 BY SP4 JRM/JK 6076

Enclosed for your information is the original of a memorandum concerning an interview by a Staff Member of captioned Committee of retired FBI Special Agent Ernest H. Belter. A copy of the memorandum is also enclosed for forwarding to Mr. James A. Wilderotter, Associate Counsel to the President.

Enclosures - 2

62-116395

1 - The Deputy Attorney General
Attention: K. William O'Connor
Special Counsel for
Intelligence Coordination

REC- 102

62-116395-296

1 - 67- (Personnel File Former SA Ernest H. Belter)
1 - 100-106670 (Martin Luther King, Jr.)

SFP:lhb/hb
(11)

3 JUL 2 1975

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
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Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Telephone Rm.
Director Sec'y

MAIL ROOM ☑ TELETYPE UNIT ☐

GPO : 1975 O - 569-920

1 - Mr. J. B. Adams
1 - Mr. J. A. Mintz
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. S. F. Phillips

62-116395

June 17, 1975

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

RE: INTERVIEW OF RETIRED FBI
SPECIAL AGENT (SA) ERNEST H.
BELTER BY SSC STAFF MEMBER

2-20-81 SP4JRM 11L
6076

Set out below is information voluntarily furnished by Mr. Belter to the FBI on June 11, 1975. Belter served in the FBI as an SA from July 19, 1943, until his retirement on January 29, 1973.

On June 10, 1975, Belter was contacted by SSC Staff Member Michael Epstein who requested to interview Belter at the SSC office. On June 11, 1975, Belter was advised by Epstein that the interview would concern Martin Luther King, Jr., and FBI coverage of King at the Willard Hotel in Washington, D. C., some years ago and that the interview would take place at 3:00 p.m. that day, June 11, 1975.

Belter was interviewed by Epstein in SSC quarters during the period of approximately 3:00 p.m. to 3:40 p.m. on June 11, 1975. The interview was not under oath and was not pursuant to a subpoena. The details of the interview are set out below, not necessarily in chronological order.

Belter was asked and furnished the period of time he had served in the Washington Field Office (WFO) of the FBI and the date of his retirement. He was asked and furnished information as to his duties in WFO at the time he retired and what they were in 1964. He informed Epstein that he was the Supervisor of a Squad which handled electronic surveillances, including both microphone and telephone surveillances. When

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Director Sec'y ___

1 - 67- (Personnel File Former SA Ernest H. Belter)
1 - 100-106670 (Martin Luther King, Jr.)

SFP:lhb (10)

SEE NOTE PAGE 5

MAIL ROOM ☐ TELETYPE UNIT ☐

GPO : 1975 O - 569-920

he was asked how many men worked under him on his Squad, he told Epstein that he desired to consult with the FBI representative who had accompanied him to the interview but who was not present during the actual interview, that representative remaining in an outer lobby of the SSC quarters. Belter requested this consultation privilege as he believed the question was outside the indicated scope of the interview. Epstein indicated he was withdrawing the question, thus eliminating the necessity for the consultation.

Belter was questioned and furnished information concerning the organization of WFO, from the Special Agent in Charge down to the squad level. Belter indicated that there were several squads handling criminal cases, some handling applicant-type investigations, and other squads handling security work. He indicated that the security squads were under a security coordinator, Ludwig W. R. Oberndorf, now deceased.

Epstein advised Belter that the SSC Staff had read Belter's deposition in the Halperin case. (Morton H. Halperin, et al, vs. Henry A. Kissinger, et al, United States District Court, District of Columbia Civil Action File Number 1187-73.) On the basis of the deposition, Epstein indicated he was familiar with the administrative procedure for instituting telephone surveillances and asked Belter about the administrative procedures for instituting microphone surveillances. It was Belter's reply that the administrative procedures were essentially the same for both types of surveillances.

Epstein then had Belter recite the procedure from when an SA would request from FBI Headquarters by form letter authority for installing a microphone surveillance. Belter told how the Headquarters would first authorize the field to

NW 55024 DocId:32989609 Page 70

conduct a feasibility survey, results of which would be furnished Headquarters. Thereafter, if the installation was feasible and justified, Headquarters would authorize by correspondence the installation. Epstein asked whether the authorizing communication from Headquarters would mention that the Attorney General (AG) had authorized the surveillance. Belter told Epstein that in recent years he believed that the Bureau communication authorizing a surveillance would indicate that the AG authorization had been obtained; but Belter could not recall whether or not this indication was shown during 1964. Belter also told Epstein that at one time he thought that former FBI Director Hoover did not need to have AG approval in advance for a specific microphone surveillance. Epstein indicated he was already aware of this.

Epstein then inquired concerning a microphone surveillance which the FBI had installed at the Willard Hotel in Washington, D. C., concerning King. Belter was unable to pinpoint when this occurred and told Epstein that he, Belter, was bypassed in practically all matters relating to this surveillance. The entire matter was handled by Security Coordinator Oberndorf and Belter never saw any of the correspondence relating thereto. Belter was only asked to furnish some support personnel from his Squad for the purpose of monitoring the surveillance. In response to further specific questions, Belter advised Epstein that he did not see any correspondence, logs, tapes, or any other material relating to this surveillance.

Epstein inquired about the procedure of an Inspector checking on such a surveillance at the time of a periodic inspection of WFO. He asked if the Inspector would examine the required correspondence relating to all microphone surveillances the office had conducted. Belter replied that an Inspector would look over matters of this nature but that

NW 55024 DocId:32989609 Page 71

in the case of the King microphone surveillance, as with certain other extremely sensitive ones, Oberndorf would have possession of the correspondence and Belter would be unaware of any examination of such correspondence by an Inspector. Belter explained that this was part of the security precautions taken in highly sensitive matters which were restricted within WFO to a need-to-know basis.

Epstein inquired as to whether Belter knew of any other microphone surveillance on King in the Washington, D. C., area at any time and Belter replied that he did not know of any. Belter was asked if he was aware of any interest or participation by the Washington, D. C., Police Department in the microphone surveillance at the Willard Hotel and he responded that he was not aware of same.

Epstein inquired as to the actual installation of the microphone surveillance at the Willard Hotel and wanted to know who performed the installation. It was Belter's recollection that the installation was made by SA Wilfred Bergeron, probably assisted by SA William D. Campbell. Epstein volunteered the name of SA Richard Suter and this refreshed Belter's recollection to the extent that Belter indicated that Suter also probably assisted. On Epstein's inquiry as to the whereabouts of these three individuals, Belter advised that Bergeron is retired, residing in Bethesda, Maryland; Campbell is assigned at FBI Headquarters; and Suter is assigned to the Houston Field Office.

Epstein inquired whether Bergeron mentioned King's name when Bergeron asked for assistance of support personnel for monitoring purposes and Belter replied that King's name was mentioned.

At the close of the interview, Epstein remarked that, "We may be in touch with you again."

NW 55024 DocId:32989609 Page 72

SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC)

RE: INTERVIEW OF RETIRED FBI SA BY SSC

NOTE:

Prior to Belter's interview, he contacted FBIHQ to alert us and ask for assistance in the form of an SA for possible consultation purposes. Belter had been previously alerted by our Baltimore Office, pursuant to Bureau teletype, that he might be contacted by the SSC and that we would assist him on his request. Belter was therefore appropriately briefed by Assistant Director Mintz; as well as Supervisor S. F. Phillips of INTD who accompanied Belter to the interview. Debriefing of Belter as reported herein was by Phillips.

NW 55024 DocId:32989609 Page 73

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: 6/17/75

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 results of an interview by an SSC Staff Member of retired FBI Special Agent Ernest H. Belter

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
Intelligence activities, domestic
Organization and staffing
Surveillance

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

Interview covered following topics:

Former FBI investigation of Martin Luther King, Jr.,
Organization of the FBI Washington (D. C.) Field Office,
Administrative procedures of FBI regarding electronic surveillance.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10-23-80 BY SPRAUM/kg MQ2-16

WOC

TREAT AS YELLOW

5-8

SFP:lhb
(4)

ORIGINAL VIA LIAISON TO CENTRAL COMMUNITY INDEX IN CONNECTION WITH SENSTUDY 75. LFS 7-2-75

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.

2 - Mr. J. A. Mintz
(1 - Mr. J. B. Hotis)
1 - Mr. W. R. Wannall
1 - Mr. H. N. Bassett
June 12, 1975

1 - Mr. J. Cochran, Jr.
1 - Mr. W. O. Cregar
1 - Mr. T. E. Burns

The Attorney General

Director, FBI

UNITED STATES SENATE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES (SSC)

By letter dated May 14, 1975, with attached appendices, the SSC requested certain information and documents from the FBI.

Enclosed for your approval and forwarding to the Committee is the original of a memorandum containing a response to one of the Committee's requests.

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

Enclosures - 2

62-116395

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-25-2000 BY SP2 AW/Pg
MDR-16

1 - The Deputy Attorney General
Attention: K. William O'Connor
Special Counsel for
Intelligence Coordination

TEB:dmt
(11)

REC-102

62-116395-295

1 - ENCLOSURE

3 JUL 2 1975

Assoc. Dir.
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Director Sec'y

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GPO 954-546

2 - Mr. J. A. Mintz
(1 - Mr. J. B. Hotis)
1 - Mr. W. R. Wannall
1 - Mr. H. N. Bassett
1 - Mr. W. O. Cregar
1 - Mr. T. E. Burns

62-116395

June 12, 1975

1 - Mr. J. Cochran, Jr.

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

RE: FURTHER DOCUMENTS PERTAINING TO THE FBI AND DEPARTMENT OF JUSTICE

POLICIES AND PROCEDURES

Reference is made to SSC letter dated May 14, 1975, with attached appendices, requesting certain documents and other information from the FBI.

Pursuant to your request in Appendix B, Part I, Item 7, for guidelines used by the FBI Inspection Division for inspecting field offices and for inspecting Divisions of the FBI, we currently have such material available for review at FBI Headquarters by appropriately cleared personnel of the Committee.

1 - The Attorney General

TEB:dmt
(10)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10-25-2000 BY SP2 ALM/BW MDR-16

NOTE:

See H. N. Bassett memorandum to Mr. Wannall June 2, 1975, captioned "Senstudy 75," wherein the Inspection Division advised it has no objection to a review of the field and headquarters inspection manuals by members of the Committee staff provided the review is conducted in FBI space with an Inspection Division representative present. When SSC review is requested, we will have the Inspection Division representative make the manuals available.

NOTE CONTINUED PAGE 2

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ENCLOSURE

295

GPO 954-546

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

NOTE CONTINUED:

The FBIHQ and field inspection manuals were reviewed by Special Agent (SA) Thomas E. Burns, Jr. Determination to furnish questionable field inspection manual sections concerning PROSAB (Section 4 J 2.), AFSAM (Section 5 L 10.) and BUPLANS (Section 5 P.) was coordinated with IS - 2 (SA Edward P. Grigalus) and IS - 3 (SA Russell H. Horner) of the Intelligence Division and the Laboratory Division, Cryptanalysis Unit (P. W. Paddock), and it was ascertained there is no objection to a Committee review of these sections.

NW 55024 DocId:32989609 Page 78

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

Addressee: Senate Select Committee

☐ LTR ☒ LHM ☐ Memo ☐ Report dated 6-12-75

Caption of Document: U.S. Senate Select Committee: Re: Policies and Procedures

Originating Office: FBI

Delivered by: Richard T. Taylor, Jr. Date: 16 Jun 75

Received by: Sherry Tovell

Title: Asst O. Mngr

Return this receipt to the Intelligence Division, FBI

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-25-2010 BY SP2ALM/BP
MDR-16

CLASSIFY AS APPROPRIATE

NOTE: SEE INSTRUCTIONS ON REVERSE BEFORE COMPLETING.

TO: Intelligence Community Staff
ATTN: Central Index

FROM: Federal Bureau of Investigation

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: 6/12/75

FOR REVIEW

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

X	SSC
	HSC

Sherry Towell, Assistant Office Manager

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

Further Documents Pertaining to the FBI and Department of Justice.

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 5/14/75; Appendix B, Part I, Item 7.

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

"U"

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

Operating Procedures

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

At the request of SSC, material containing the guidelines used by the FBI Inspection Division for inspecting various aspects of the Bureau's operations has been made available at FBIHQ for review by SSC members.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-25-2011 BY SP2 ALM/MJB
MDR-16

TREAT AS YELLOW

WOA.
5-TJM

62-116395

TJM:lhb
(4)

ORIGINAL VIA LIAISON TO CENTRAL COMMUNITY INDEX IN CONNECTION WITH SENSTUDY 75. LFS 7-2-75

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.

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JUN 30 1975

TELETYPE

Assoc. Dir.	
Dep.-A.D.-Adm.	
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Legal Coun.	
Telephone Rm.	
Director Sec'y	

NR009 TP CODE

5:30 PM NITEL JUNE 30, 1975 JMM

TO: DIRECTOR (62-116395)

FROM; TAMPA (105-0-1121)

SENSTUDY 75.

RE BUREAU NITEL JUNE 28, 1975.

JAMES E. MC MAHON, 3110 COCOS ROAD, TAMPA, FLORIDA 33618, AND DIRECTOR OF SECURITY, GENERAL TELEPHONE COMPANY, TAMPA, FLORIDA, WAS CONTACTED ON JUNE 30, 1975, AND ADVISED OF THE CONTENTS OF REFERENCED BUREAU NITEL. MR. MC MAHON ADVISED THAT IF HE IS CONTACTED BY THE SENATE SELECT COMMITTEE HE WOULD IMMEDIATELY NOTIFY THE SAC OF THE TAMPA OFFICE AND WILL CONTACT THE LEGAL COUNSEL DIVISION TO ASSIST HIM AS TO HIS OBLIGATIONS AS TO CONFIDENTIALITY OF FURNISHING INFORMATION ACQUIRED AS AN FBI EMPLOYEE.

END

HOLD

COPY RETAINED IN SECOND FLOOR COMMUNICATIONS

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10-25-2000 BY SP2AWP MDR-16

(McMahon)

REC-102 62-116395-293

JUL 9 1975

cc. 67

5

84 JUL 2 1975

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

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Director Sec'y	

NR008 CG PLAIN

6:15PM NITEL 6/30/75 EMM

TO DIRECTOR (62-116395)

FROM CHICAGO (62-6211)

SENSTUDY '75.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-25-2000 BY SP2AUW/PG
MDR-16

REBUTEL JUNE 28, 1975.

SA JOHN R. BASSETT, CHICAGO DIVISION, HAS BEEN ADVISED OF CONTENTS OF REBUTEL; HOWEVER, IT IS POINTED OUT TO THE BUREAU THAT SA BASSETT HAS BEEN DISPATCHED TO PINE RIDGE, SOUTH DAKOTA, TO ASSIST IN BUREAU SPECIAL RESMURS. AT THIS TIME, CHICAGO HAS NO IDEA WHEN SA BASSETT MAY RETURN.

ABOVE FOR INFORMATION OF BUREAU IN EVENT THEY MAY DESIRE TO ADVISE SENATE SELECT COMMITTEE OF SA BASSETT'S PRESENT UNAVAILABILITY.

REC-102 62-116395-292

END

3 JUL 2 1975

HOLD

cc: 67

84 JUL 2 1975

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

5010-106

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir. ___
Dep. AD Adm. ___
Dep. AD Inv. ___
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Legal Coun. ___
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Director Sec'y ___

TO : Mr. W. R. Wannall

DATE: 6/24/75

FROM : W. O. Cregar

ORIGINAL ONLY

SUBJECT: SENSTUDY 75

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11-23-2011 BY SP2 [illegible]

ROUTE IN ENVELOPE

PURPOSE:

[To advise that CIA has agreed to have Bureau representatives review 693 page CIA document containing information relating to joint ventures involving CIA and other members of the intelligence community in sensitive matters, and decision of CIA to furnish FBI with copies of any document contained therein having a bearing on FBI activities.]

DETAILS:

[My memorandum to you captioned as above dated 6/20/75, advised that a representative of the Intelligence Community Staff on that date, at FBI Headquarters, briefed appropriate Intelligence Division personnel of the contents of a 693 page document prepared by CIA which contains numerous memoranda relating to a wide variety of operations in which CIA, to some degree, had contact or cooperated with other members of the intelligence community in sensitive matters. You were advised that members of the Senate Select Committee have already had access to, if not actual possession of, this document, and that a number of the operations cited in the document are of extremely sensitive nature involving this Bureau.]

REC-102 62-116395-291

3 JUL 2 1975

[In order to enable this Bureau to be in a position to knowledgeably and accurately reply to SSC inquiries and to fully identify operations listed in the document of interest to this Bureau, contact was initiated with [redacted] Associate Deputy to Director of Central Intelligence for the Intelligence Community, for the purpose of obtaining a copy of this document. On 6/23/75, [redacted] advised that CIA Director William Colby authorized the reviewing of this]

62-116395

CONTINUED - OVER

5-JM

84 JUL 2 1975 M:adn

JFK Act 6 (1) (B)

UNEXCISED VERSIONS OF DOCUMENTS FURNISHED TO SSC

693 page document by Bureau representatives and this Bureau's obtaining a copy of any memorandum contained therein having a bearing on FBI activities.

As the above authorization appears to be responsive to this Bureau's need for reviewing the document for information having a bearing on this Bureau's operations, arrangements have been effected for Mrs. Harriett Mowitt, Executive Secretary, Ad Hoc Coordinating Group on Congressional Review of Intelligence Community, to bring this 693 page document to FBI Headquarters on 6/25/75 for review by selected personnel of the Intelligence Division. Copies will be obtained of any memorandum contained therein believed to have a bearing on any phase of this Bureau's activities.

RECOMMENDATION:

Upon completion of above review you will be advised of pertinent information obtained, accompanied by recommendations as to additional action believed necessary in this matter.

TJM Enf

JBS PLM

WRW

NW 55024 DocId:32989609 Page 86

THE DIRECTOR OF CENTRAL INTELLIGENCE

WASHINGTON, D. C. 20505

Intelligence Community Staff

DCI/IC-75-0619

18 JUN 1975

MEMORANDUM FOR: USIB Ad Hoc Coordinating Group

SUBJECT : Organization for Liaison with Select Committees

The attached CIA Employee Bulletin lays out the DCI's organization for dealing with the Senate and House Select Committees. It is provided to you for information.

John M. Clarke
Acting Deputy to the DCI
for the Intelligence Community

Attachment: as stated

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11-16-2000 BY SP2 CM/PMP
MDR-16

REC- 102

62-116395-290

1 ENCLOSURE

3 JUL 2 1975

File 5-8

62-116395

84 JUL 2 1975

EMPLOYEE BULLETIN

No. 452 10 June 1975

SENATE SELECT COMMITTEE TO STUDY
GOVERNMENTAL OPERATIONS WITH RESPECT TO
INTELLIGENCE ACTIVITIES

Mr. E. H. Knoche has been named the focal point within the Agency for liaison with the Senate and House Select Committees investigating intelligence activities. Mr. John Clarke will continue in his capacity as focal point for the Intelligence Community on that same subject. Any Agency employee contacted directly by a Select Committee staff member should refer the caller to the Select Committee Review Staff under Mr. Knoche, on X4086.

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11-15-2000 BY SP2 ALM/BMP
MDR-16

DISTRIBUTION: All Employees

62-116395-290

ENCLOSURE

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JUN 28 1975

TELETYPE

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Dep.-A.D.-Inv.	
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Legal Coun.	
Telephone Rm.	
Director Sec'y	

NR001 AL CODE

3:47 PM NITEL JUNE 28, 1975 LWV

TO DIRECTOR (62-116395)

FROM ALBANY (62-2368)

SENSTUDY 75

Redfield

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10-24-80 BY SP2 ACM/MDR-16

RE BUTEL JUNE 28, 1975.

ON JUNE 28, 1975, FORMER SA HENRY G. ROWSE, JR., WAS CONTACTED BY ASAC JOHN J. HINCHCLIFFE AND ADVISED CONTENTS RE BUTEL. ROWSE STATED THAT SHOULD HE BE CONTACTED BY SCC, HE WILL CONTACT BUREAU'S LEGAL COUNSEL DIVISION. ROWSE CURRENTLY RESIDING C/O P.O. BOX 65, SHELDON, VT., 05483, TELEPHONE NO. 802-848-7418, OR 73 HIGHLAND AVE., RICHFORD, VT. 05476.

62-116395-288

END

LRF FIHQ CLR

REC-102

3 JUL 1 1975

548

(Rowse)

cc. 67

PERSONNEL UNIT

84 JUL 1 1975

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JUN 29 1975

TELETYPE

Assoc. Dir. ____
Dep.-A.D.-Adm. ____
Dep.-A.D.-Inv. ____
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Director Sec'y ____

NR002 AT CODED

7:44 PM NITEL JUNE 29, 1975 TLL

TO: DIRECTOR, FBI

FROM: ATLANTA

SENSTUDY '75.

RE BUTEL TO ATLANTA AND OTHER OFFICES JUNE 28, 1975.

FORMER SA MARION CHEEK CONTACTED BY SAC, ATLANTA, JUNE 29, 1975, IN ACCORDANCE WITH INSTRUCTIONS IN RE TEL.

END

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 6-24-2000 BY SP2 Lm/Bp
MDR-16

TOW FBIHQ CLR

REC- 102 62-116395-287

3 JUL 1 1975

(CHEEK)

CC 67-

84 JUL 1 1975

PERS REC'D

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JUN 28 1975
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Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

WR 002 AT CODE

10:40 AM NITEL JUNE 28, 1975 PG

TO: DIRECTOR, FBI (62-116395)

FROM: ATLANTA

SENSTUDY 75

RE BUTEL TO ATLANTA AND OTHER OFFICES, JUNE 28, 1975.

ALL CURRENT AND FORMER AGENTS WITHIN ATLANTA DIVISION CONTACTED BY SAC, ATLANTA, JUNE 28, 1975, WITH EXCEPTION OF FORMER SA MARION CHEEK AND ADVISED IN ACCORDANCE WITH INSTRUCTIONS, RE TEL.

FORMER SA CHEEK CURRENTLY BOATING ON SUWANEE RIVER IN REMOTE AREA, FLORIDA, AND NO POTENTIAL FOR LOCATING UNTIL EVENING OF JUNE 29, 1975, NEXT. CHEEK WILL BE CONTACTED BY SAC AS SOON AS POSSIBLE, JUNE 29, 1975, AND BUREAU IMMEDIATELY ADVISED OF CONTACT.

END

LRF FBIHQ CLR

REC-102 62-116395-286

3 JUL 1 1975

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10-24-2011 BY SP2 [illegible] MDR-16

5

84 JUL 1 1975

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

JUN 20 1975

TO: Antonin Scalia
Assistant Attorney General
Office of Legal Counsel

Douglas R. Marvin
Special Assistant to the
Attorney General

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

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11-27-90 BY SP2ACM/MDR/16

Senstudy -75

SUBJECT: Senate Select Committee Request: Appendix D, Item 17 - Joseph Kraft

The SSC's request of Item 17, Appendix D, seeks "All memoranda and other materials reflecting written or oral authorization and re-authorization by the Attorney General and/or the Director of the FBI for electronic surveillance of Joseph Kraft".

By letter of May 2, 1975, to Kraft's attorney, Lloyd Cutler, the Attorney General gave, inter alia, the following assurances: "Pending further Departmental action relating to the policies which will govern records of the type involved in Mr. Kraft's case, all documents, recordings, or other records of any type in the Department's custody or control which constitute, summarize, or describe the contents of the overhearings obtained as the result of any electronic surveillance directed against Mr. Kraft and members of his family will be placed under seal". (emphasis mine)

REC-102 62-116395-285

It is my view (shared by Mr. O'Connor) and articulated, as well, by Cutler in telephone conversations with me on June 12, and June 16, 1975 (the second call came after Cutler had conferred with Kraft) that the material sought by the Senate Select Committee is distinct from that protected by seal and that, therefore, the requested material be found, reviewed and forwarded to the SSC. (Cutler advised that the Ervin Committee was given same).

3 JUL 1 1975

May I have your views on this matter?

Material responsive to request item 17, appendix D furnished Dept. 6/20/75 for consideration with respect to restrictions noted in above memo.

Ewl.

62-116395
5-Ent

Receipt by hand delivery from Dept. 5:00 6/20/75. JM

84 JUL 1

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11-16-90 BY SP2ACM/MDR/16

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

5010-106

UNITED STATES GOVERNMENT

SECRET

Memorandum

TO : Mr. D. J. Brennan, Jr

DATE: February 13, 1970

FROM : S. J. Papich

SUBJECT: UNION FOR REVOLUTION

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE.

[redacted] CIA, furnished the following to the Liaison Agent on 2/10/70. (S)

JFK Act 6 (1) (B)

In response to the Liaison Agent's request, CIA will furnish us samples of propaganda. The Agent also asked that we be given copies of communications sent to the mailing addresses by any organizations or individuals. We should have such data so that we can take the necessary investigative action in the event any persons or organizations in the U.S. take an interest in the captioned group. We, of course, will also be interested in international ramifications which could have a bearing on the activities of Left Wing activity in this country. The Agent also asked for the names of the officials which will be related to the Union for Revolution. (S)

At this stage there does not appear to be any conditions or developments which would have an adverse bearing on our operations or jurisdiction providing that CIA keeps us adequately informed. CIA asks that it be apprised of any information coming to our attention concerning the organization. CIA further requests that its interest not be revealed outside of the Bureau and that this information be handled on a need-to-know basis. (S)

CLASSIFIED BY SPAcm/Bap
DECLASSIFY ON: 25X 1
MDR-16
11-15-2000

SJP:wmk
(5)

Classified by 6283
Exempt from GDS, Category 2
Date of Declassification Indefinite

SECRET

62-116395-284

CONTINUED - OVER

ENCLOSURE

NW 55024 DocId:32989658 Page 1

Memorandum to Mr. D. J. Brennan, Jr.
RE: UNION FOR REVOLUTION

ACTION:

The above information is being directed to the attention of the Internal Security Section and the Nationalities Intelligence Section. Liaison will follow in order to obtain samples of the propaganda referred to above and will again reiterate that we be furnished copies of communications transmitted to the mailing addresses. (S)

NW 55024 DocId:32989609 Page 94

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. D. J. Brennan, Jr

DATE: February 13, 1970

FROM : S. J. Papich

SUBJECT: UNION FOR REVOLUTION

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE.

[redacted] CIA, furnished the following to the Liaison Agent on 2/10/70. (S)

[redacted]

JFK Act 6 (1)(B)

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At this stage there does not appear to be any conditions or developments which would have an adverse bearing on our operations or jurisdiction providing that CIA keeps us adequately informed. CIA asks that it be apprised of any information coming to our attention concerning the organization. CIA further requests that its interest not be revealed outside of the Bureau and that this information be handled on a need-to-know basis. (S)

SJP:wmk
(6)

Classified by 6283
Exempt from GDS, Category 2
Date of Declassification Indefinite

SECRET

CONTINUED - OVER

11-15-2000 CLASSIFIED BY Spezman/Bpg DECLASSIFY ON: 25X NJP 2-16

Memorandum to Mr. D. J. Brennan, Jr.
RE: UNION FOR REVOLUTION

ACTION:

The above information is being directed to the attention of the Internal Security Section and the Nationalities Intelligence Section. Liaison will follow in order to obtain samples of the propaganda referred to above and will again reiterate that we be furnished copies of communications transmitted to the mailing addresses. (S)

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

Addressee: Senate Select Committee

☐ LTR ☒ LHM ☐ Memo ☐ Report dated 6/11/75

Caption of Document: U.S. Senate Select Committee: Re: Other Specific FBI Practices and Procedure Item #24, Part III, Appendix C

Originating Office: FBI

Delivered by: Paul V. Daly Date: 6/13/75

Received by: John T. Elliff

Title:

Return this receipt to the Intelligence Division, FBI

O'Connor

6/12

12:30

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-24-2000 BY SP2 ALM/BP
MDR-16

ENCLOSURE

62-116395-284

CLASSIFY AS APPROPRIATE

NOTE: SEE INSTRUCTIONS ON REVERSE BEFORE COMPLETING.

TO: Intelligence Community Staff
ATTN: Central Index

FROM: Federal Bureau of Investigation

SECRET

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: 6/11/75

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

X	SSC
	HSC

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE.

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

Other Specific FBI Practices and Programs

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 5/14/75, Appendix C, Part III, Item 24.

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

"S"

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

COVERT ACTIVITIES (S)

CLASSIFIED BY SP2ALM/Bmp 12-15-2000
DECLASSIFY ON: 25X1
MDR-16

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

With agreement of CIA, SSC was furnished with copy of documents maintained by the Bureau relating to establishment by CIA in this country of a "notional" Marxist-Leninist organization. (S)

~~ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11-3-00 BY SP2ALM/Bmp MDR-16~~

Note: Original via liaison to Central Community Index in connection with Senstudy 75. 6-24-75 LFS

LHC
Ewd
5-TJM

TJM:lhb
(4)

62-116395

TREAT AS YELLOW

SECRET

3791 (6-75)

CLASSIFY AS APPROPRIATE

ENCLOSURE 62-116395-284

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.

2 - Mr. J. A. Mintz
(1 - Mr. J. B. Hotis)
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. B. T. Palmer
1 - Mr. H. W. Dare, Jr.

June 11, 1975

The Attorney General

Director, FBI

UNITED STATES SENATE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES

Reference is made to memorandum from Senate Select Committee, dated May 14, 1975, and appendices thereto, requesting certain documents and other information from the FBI.

Attached for your approval and forwarding to the Committee is the original of a memorandum and an enclosure which is responsive to one of the Committee's requests.

A copy of the memorandum and its enclosure is being provided for your records.

Enclosures (4)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-31-00 BY
MDR-16

62-116395

1 - The Deputy Attorney General
Attention: K. William O'Connor
Special Counsel for
Intelligence Coordination

P.V. Daly
Room 4509 JB

REC- 102

62-116395-284

HWD:prd
(10)

Hand delivered
6-12-75 by
P.V. Daly
PVD/bjd

3 JUL 1 1975

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Dep. AD Adm.
Dep. AD Inv.
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Legal Coun.
Telephone Rm.
Director's Sec'y

MAIL ROOM ☐ TELETYPE UNIT ☐

SECRET MATERIAL ATTACHED

GPO 954-546

SECRET

SECRET

2 - Mr. J. A. Mintz
(1 - Mr. J. B. Hotis)
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. B. T. Palmer
1 - Mr. H. W. Dare, Jr.

62-116395

June 11, 1975

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

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE.

RE: OTHER SPECIFIC FBI PRACTICES AND PROGRAMS

Reference is made to memorandum from captioned Committee dated May 14, 1975, and the appendices thereto, which contained requests for information from the FBI concerning all memoranda and other materials reflecting conversations, contacts, or communications between the FBI and the CIA on the subject of the establishment or creation of "national" Marxist-Leninist organizations within the United States.

In response to Item number 24, Part III, Appendix C, enclosed for the Committee is a copy of a memorandum from S. J. Papich to Mr. D. J. Brennan, Jr., dated February 13, 1970, captioned "Union For Revolution," which sets forth information from CIA advising of the establishment of a "national" Marxist-Leninist organization by the CIA. Although the FBI did, as noted in other responses to the Committee, establish and direct such national organizations, no information has been developed indicating the FBI consulted with CIA regarding their establishment or creation. (b)

CLASSIFIED BY SPZAUM/AP
DECLASSIFY ON: 25X 1
11-15-2006 MDR-46

Enclosure

DECLASSIFIED BY SPZAUM/AP
ON 11-7-00 MDR-46

1 - The Attorney General

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

SEE NOTE PAGE 2

SECRET

HWD:prd
(9)

Classified by 6283
Exempt from GDS, Category Number 2
Date of Declassification Indefinite

SECRET

62-116395-284

ENCLOSURE

MAIL ROOM ☐ TELETYPE UNIT ☐

GPO 954-546

The Attorney General

NOTE:

See memorandum W. O. Cregar to Mr. W. R. Wannall, dated 6/6/75, which advised of CIA's clearance to forward memorandum dated 2/13/70 to the Committee. In enclosure dated 2/13/70, the name of the CIA Agent who furnished the information has been excised per CIA's request. Memorandum dated 3/23/70 and captioned "Union For Revolution," mentioned in W. O. Cregar memorandum to Mr. W. R. Wannall, dated 6/6/75 is not being forwarded to the Committee since it is not responsive to the Committee's specific request. [redacted] JFK Act 6 (1)(B)

[redacted]

~~Classified "Secret"~~ in accordance with CIA's classification of its information per [redacted] (B)

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

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir. ___
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Dep. AD Inv. ___
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Director Sec'y ___

TO : Mr. J. B. Adams

DATE: 6-9-75

FROM : Legal Counsel

SUBJECT: SENSTUDY 75

By memorandum dated 6-4-75 you were advised that captioned Committee was preparing what they termed case studies on COINTELPROS in four separate areas. The areas defined were Black Panther Party in San Francisco, White Knights of the Ku Klux Klan of Mississippi, the Professor Morris J. Starsky incident, and the Fred Hampton case (Black Panther Party leader in Chicago who was killed during a police raid in Chicago, Illinois).

Mr. Lester B. Seidel advised SA Paul V. Daly 6-9-75 that in addition to the aforementioned areas he also wanted to include the Muhammad Kenyatta case in Philadelphia. As an observation, two of the areas cited by Mr. Seidel are areas where the Bureau currently is facing lawsuits, namely, the Hampton and Kenyatta cases, and a third area is one which we could well be involved in a lawsuit, that being the Starsky case. Mr. Seidel indicated the Bureau can expect correspondence from the Committee concerning these matters.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11-27-90 BY SP2 MDR-16

RECOMMENDATION: REC- 102 62-116395-283

For information.

62-116395

PVD JBH

1 - Mr. Wannall
1 - Mr. Mintz
1 - Mr. Cregar
1 - Mr. Hotis
1 - Mr. Daly
1 - Inspector J. T. Kelly

PVD:kjs (8)

84 JUN 1975

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

CODE TELETYPE URGENT

6-9-75

1 - Mr. Wannall
Attn: Cregar
1 - Mr. Gebhardt
1 - Mr. Mintz
1 - Mr. Hotis
1 - Mr. Daly

TO SAC SAN FRANCISCO

FROM DIRECTOR FBI (62-116395) -2822

SENSTUDY 75 REC-102

THIS IS TO ADVISE YOU THAT PURSUANT TO REQUEST FROM THE SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC) I HAVE RELEASED YOU AND FORMER SA DAVID E. TODD FROM APPLICABLE EMPLOYEE SECRECY AGREEMENTS FOR THE PURPOSE OF A STAFF INTERVIEW BY SSC CONCERNING COINTELPRO AND THE INVESTIGATION AT SAN FRANCISCO OF THE BPP. LESTER B. SEIDEL, STAFF MEMBER OF SSC WILL TRAVEL TO SAN FRANCISCO TO CONDUCT THE INTERVIEWS IN APPROXIMATELY TWO WEEKS.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10-26-90 BY SP2 ACM/SP

AN AGENT WILL BE AVAILABLE DURING INTERVIEW TO ASSIST IN MAKING A DETERMINATION AS TO WHETHER OR NOT A PARTICULAR QUESTION SHOULD BE RESPONDED TO. THIS AGENT IS NOT TO BE CONSIDERED PRIVATE COUNSEL AND WILL NOT BE PRESENT DURING INTERVIEW.

YOU, AN ASAC, OR SENIOR SUPERVISOR CONTACT FORMER SA DAVID E. TODD TO ADVISE HIM OF THE WAIVER OF THE APPLICABLE SECRECY AGREEMENT AND DETERMINE WHETHER HE IS DESIROUS OF HAVING AN

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Dep. AD Inv.
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Director's Sec'y

PVD:eek
(7)

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JUN 09 1975
TELETYPE

JUL 3 1975

[redacted] ROOM TELETYPE UNIT

GPO 954-546

AGENT AVAILABLE DURING INTERVIEW. FOR YOUR BACKGROUND INFORMATION TODD HAS PREVIOUSLY BEEN IN CONTACT WITH LEGAL COUNSEL DIVISION CONCERNING THIS INTERVIEW AND HAS BEEN BRIEFED CONCERNING HIS RIGHT TO COUNSEL, ETC.

SUTEL RESULTS OF CONTACT WITH TODD. YOU SHOULD CONTACT LEGAL COUNSEL DIVISION FOR ADDITIONAL INFORMATION CONCERNING YOUR INTERVIEW.

NOTE:

By memo 6-2-75 captioned as above it was recommended and approved that SAC Charles W. Bates, former SA David E. Todd, and Assistnat Director Robert E. Gebhardt be released from applicable secrecy agreements for purposes of interview by SSC. We are separately advising Assistant Director Robert E. Gebhardt of this decision.

NW 55024 DocId:32989609 Page 107

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

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir. ___
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Director Sec'y ___

TO : Mr. J. B. Adams

DATE: 6-2-75

FROM : Legal Counsel

SUBJECT: SENSTUDY 75

The purpose of this memorandum is to advise that Lester B. Seidell, staff member of the Senate Select Committee, has informed us that the Committee intends to interview former SA David E. Todd, SAC Charles W. Bates, and Assistant Director Robert E. Gebhardt and to request that the aforementioned employees be released from existing employment and/or secrecy agreement for purposes of a staff interview.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10-24-00 BY SP2 [illegible] NDR-16

On the evening of 5-29-75, Lester B. Seidell telephonically advised SA Paul V. Daly of this Division that in accordance with the "guidelines" existing between the Committee and the various intelligence agencies under review, he was giving notice that he as a representative of the Committee was going to San Francisco in approximately two to three weeks, and it was his intention to interview SAC Charles W. Bates, former SA David E. Todd, and former Assistant to the Director Alan H. Belmont. He also requested Assistant Director Gebhardt be made available for staff interview in Washington, D. C. He asked that the Bureau take the necessary steps to release the Agents from any existing employment or secrecy agreements. For the purposes of this interview, he stated he would inquire of each of the interviewees as to their knowledge and participation in counter-intelligence activities directed against the Black Panther Party. With regards to this discussion, he specifically mentioned a Bureau airtel to San Francisco dated 5-11-70, titled "Counterintelligence and Special Operations (Research Section)." He stated this document was one of the documents released by the court in the suit by newscaster Carl Stern. He was asked as to whether he could define more precisely the areas to be covered in the interviews and stated he could not inasmuch as he did not know the various aspects of the counterintelligence program against the Black Panther Party in the San Francisco area. Additionally, he advised he was making a request for documents,

REC 102 62-116395-282

3 JUL 1 1975

1 - Mr. Wannall
1 - Mr. Gebhardt
1 - Mr. Cleveland
1 - Mr. Mintz
1 - Personnel File, SAC Charles W. Bates
1 - Personnel File, Assistant Director Robert E. Gebhardt
1 - Personnel File, former SA David E. Todd
1 - Mr. W. O. Cregar
1 - Mr. Hotis
1 - Mr. Daly
[redacted]

PVD:dkg (12)

CONTINUED - OVER

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

in writing, which would coincide with the aforementioned topic of interview. He described these interviews as being "abuse" interviews which according to the Committee's understanding precludes the presence of an agency representative during interview. However, an Agent may be available for consultation purposes.

Mr. Seidell was advised by SA Daly that former Assistant to the Director Belmont was in poor health and that before attempting interview of Mr. Belmont, he should ascertain his current physical condition. Mr. Seidell requested SA Daly determine Mr. Belmont's physical condition. Assistant Director Cleveland advised SA Daly on 5-30-75 that Mr. Belmont was very seriously ill and was suffering from the Shy Drager Syndrome. This information was brought to the attention of John Elliff, Task Force Director on Domestic Intelligence Activities of captioned Committee, and Elliff expressed dismay that Seidell had made an inquiry concerning the interview of Belmont. Elliff requested that we not take any action concerning Seidell's request as to Belmont at this time.

Former SA David E. Todd had previously contacted this Division and as set forth in memorandum dated 5-16-75 from Legal Counsel to J. B. Adams, he was advised of his rights, the existence of an employment secrecy agreement signed by him, of the provisions of Attorney General Order 501-73, and to his right to a private attorney. He was also advised that an Agent would be made available for consultation during the interview if he so desired. Mr. Todd did not indicate at this point whether he was desirous of having a Bureau representative available for consultation during interview. Todd, according to Seidell, stated he would not consider to be interviewed in the absence of a release of a secrecy agreement by the Bureau.

RECOMMENDATIONS:

(1) That former SA David E. Todd, Assistant Director Robert E. Gebhardt, and SAC Charles W. Bates be released from their employment and secrecy agreements for purposes of a staff interview concerning our Cointelpro activities against the Black Panther Party.

RECOMMENDATIONS
CONTINUED - OVER

NW 55024 DocId:32989609 Page 109

(2) If approved, the employees and former employee will be advised and briefed generally concerning the making available of a Bureau representative for consulation during such an interview and other pertinent matters to be considered during interview.

Telephoned to SE 6/9/75

PVD TBH/PVD

NW 55024 DocId:32989609 Page 110

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

5010-106

UNITED STATES GOVERNMENT

Memorandum

SECRET

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

DATE: 6/17/75

1 - Mr. W. R. Wannall
1 - Mr. H. E. Helgeson
1 - Mr. W. O. Cregar
1 - Mr. J. P. Thomas

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

TO : Mr. W. R. Wannall

FROM : W. O. Cregar

SUBJECT: SENSTUDY 75

This is to record meeting of Task Force (TF) leaders with Mr. James Wilderotter, Associate Counsel to the President, at the Executive Office Building on 6/13/75.

Aforementioned meeting was called and chaired by Mr. Wilderotter, and was attended by representatives of The White House, Justice, Defense, FBI, CIA, and State. Project Manager W. O. Cregar and Supervisor J. P. Thomas, Section CI-2, INTD, represented the FBI.

Mr. Wilderotter reported that the Senate Select Committee (SSC) has agreed to specifically identify a limited number of "abuse areas" which it will investigate from top to bottom. "Notices" should be issued to agencies very shortly defining certain terms and specifying the SSC targets. If these areas can be fully investigated, with assistance of the intelligence community, the SSC agrees to not extend its inquiries beyond the specified areas. If the SSC does so limit its inquiries, this will be to the advantage of the intelligence community in that it will minimize the SSC's straying into various nonpertinent matters; the TFs can present the intelligence community's side on the topics examined; the TFs should be able to expedite the Committee's inquiries and thereby limit the duration of the SSC investigation.

The FBI has responsibility for the TFs on "Political Abuses," TF leader Insp. H. E. Helgeson, and "Use of Notional Organizations," TF leader Supv. J. P. Thomas. We cannot fully address either topic until receiving the SSC notices defining the extent of the proposed inquiries.

Contrary to the initial concept of the TFs, they will not prepare comprehensive papers regarding their topics, but in some areas it may be advantageous for a TF to prepare an "opening statement" type paper for the SSC.

Enclosure

ENCLOSURE

REC-100

62-116395-280

CONTINUED - OVER

62-116395

SECRET

JPT:bkb bKb
(8)

Classified by 6875 JPT
Exempt from GDS, Category Number 2
Date of Declassification Indefinite

17 JUN 27 1975

DECLASSIFIED BY SP2 ALM/MJR
ON 10-24-2011
MDR-16

84 JUN 27 1975

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

The purpose of the TF and functions of the TF leaders were discussed. Briefly, each TF leader is to become a substantive expert on the particular topic assigned to him (e.g. political abuses), locate all documents, identify potential witnesses, develop strategy for presenting subject matter to the SSC and work to minimize any delays which might be caused by the Third Agency Rule. TF leaders will not themselves be witnesses unless their activities other than as TF leaders are subjects of testimony. TF leaders will, in consultation with legal counsel, define terms pertinent to their topics. They will outline directly to the SSC staff, insofar as the SSC is receptive, the scope and direction of pertinent inquiry, who is and is not competent to testify, what documents are available, and what areas may or may not be pertinent to the Committee's interests. TF leaders will prepare themselves to be able to answer any inquiries from the White House on their topics. Although TF leaders must know the location of all documents pertinent, the documents themselves will be made available to the SSC by the agency having custody of same and each agency may negotiate with the SSC regarding access by the Committee to material on a case by case basis. The agencies will, of course, coordinate first with their own legal counsel and then with the White House before releasing documents.

On sensitive matters, such as notional organizations or proprietary organizations, the SSC has agreed that it will not be necessary for agencies to furnish the names of U. S. citizens and companies who have cooperated with the U. S. unless those persons or companies have received notoriety (e.g. Hughes Tool Company, Sam Giancana). It is reportedly understood that agencies must protect their ongoing operations. Agencies are free to attempt to negotiate with the SSC regarding the extent and form of their responses.

Attached is a copy of an intelligence community staff memorandum 6/10/75 showing the TF assignments and, in the left margin notes as to the agencies expected to have input into each subject.

ACTION:

For record purposes.

NW 55024 DocId:32989609 Page 112

SECRET

THE DIRECTOR OF CENTRAL INTELLIGENCE

WASHINGTON, D. C. 20505

Intelligence Community Staff

DCI/IC-75-0119
10 June 1975

MEMORANDUM FOR: See Distribution

SUBJECT : Memorandum dated 6 June 1975 re Task Force Assignments

1. This memorandum is a follow-on to subject memorandum and in addition to completing the principal officer assignments also lists task force members assigned by other agencies:

	Subject	Principal Agency	Principal Officer	Task Force Assignments
CIA State DOD	Assassinations	White House	Mr. Wilderotter IDS 145-7094	James Gardner, State Dept. IDS 101-29034
CIA Army	Drug Abuse (Testing of drugs)	CIA	Sayre Stevens IDS 143-4303	Malcolm Lawrence State Dept. IDS 101-28694
FBI, CIA W. House DofJ	Political Abuses (1964)	FBI	Hunter Helgeson ~~John Thomas~~ ~~324-4609~~ IDS 17V-4 Green V303	
ALL	Domestic Surveillance (incl. 17 taps, Huston Plan, etc.)	Justice	John Martin IDS 187-4555	[redacted] CIA [redacted] Verne St. Mars State Dept. IDS 101-29448

JFK Act 6 (1) (B)

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MSL-16

CLASSIFIED BY 006805
EXEMPT FROM GENERAL DECLASSIFICATION SCHEDULE OF E. O. 11652, EXEMPTION CATEGORY: § 5B(1), (2), (3) or (4) (circle one or more)
AUTOMATICALLY DECLASSIFIED ON
Impossible to Determine
(unless impossible, insert date or event)

62-116395-260

ENCLOSURE

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	Subject	Principal Agency	Principal Officer	Task Force Assignments
FBI CIA(Clarke) DOD	Electronic Surveillance and Warrantless Wiretap	Justice	George Calhoun IDS 187-4401	William Jones State Dept. IDS 101-20370
FBI CIA, DOD	Use of Notional Organizations	FBI	John Thomas 324-4609 IDS 17V-4609 GREEN V303	
FBI CIA	Use of Proprietary Organizations	CIA —	[redacted]	Lee Peters State Dept. IDS 101-29403
FBI CIA DOD	Mail Cover and Intercept	Justice	Phil White IDS 187-4674	[redacted]
(to be defined by SSC)	Watch List	DoD	Benson Buffham NSA 688-7222	
DOD	Army Surveillance	DoD	Dr. David Cooke 695-4436	

JFK Act 6 (1) (B)

2. The following officers from the Department of State have been named to assist in the CIA preparation of comprehensive papers on the following geographic and subject areas:

Greece	James Gardner IDS 101-29034
Dominican Republic	James Gardner IDS 101-29034
Laos	James Henderson East Asia Bureau
The Congo	Bayard King IDS 101-21504
Indonesia	Patricia Barnett IDS 101-22369

NW 55024 DocId:32989609 Page 114

Katzenbach Report

Emerson Brown
IDS 101-21504

3. The proposed DCI's letter to the Chairman of the House Select Committee on Intelligence is in final coordination and is expected to be available for Community review shortly. Following this, Mr. Wilderotter will meet with the General Counsels to review and coordinate on the final language.

Harriett Mowitt
Harriett Mowitt
Executive Secretary
USIB Ad Hoc Coordinating Group

cc: Mr. Buchen
Mr. Hills

Distribution:
1 - Mr. Wilderotter
1 - Mr. Latimer
1 - Mr. Hyland
1 - Mr. Morell
1 - Mr. O'Connor
1 - Mr. Cregar
1 - Mr. Knoche
1 - Mr. Clarke

4-3 ? (Rev. 1-11-73)

Date of Mail 6/12/75

Has been removed and placed in the Special File Room of Records Section.

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DATE 10-24-2000 BY SP4CMP
MDR-16

See File 66-2554-7530 for authority.

Subject JUNE MAIL SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES

Removed By 79 JUN 27 1975

File Number 62-116395-279

Permanent Serial Charge Out

DOJ/FBI

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

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. J. B. Adams

FROM : Legal Counsel

SUBJECT: SENSTUDY 75

1 - Mr. McDermott-Enc.
1 - Mr. Wannall-Enc.
1 - Mr. Mintz-Enc.
DATE: 6-11-75
1 - Mr. Cregar-Enc.
1 - Mr. Hotis-Enc.
1 - Mr. Daly-Enc.

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 ____

On 6-10-75, K. William O'Connor, Special Counsel for Intelligence Coordination, Office of the Deputy Attorney General, furnished Inspector John B. Hotis a copy of a letter from Senator Frank Church (D-Idaho) to the Attorney General dated 5-28-75, requesting any files or documents in the Department or the FBI concerning five members of the Senate Select Committee on Intelligence Activities. The files requested pertain to Senators Gary Hart (D-Colo.), Walter D. Huddleston (D-Ky.), Charles McC. Mathias (R-Md.), Walter F. Mondale (D-Minn.), and Robert Morgan (D-N.C.). Senator Church emphasized that the request is made pursuant to Senate Resolution 21, which established the Select Committee and not under the Freedom of Information Act (FOIA).

Mr. O'Connor also provided a draft of a proposed response to the Senator's letter by the Attorney General. General Levi pledges cooperation in this matter and suggests that the scope of the request should be clarified. He also states that while the request is not made under FOIA, exemptions in the Act indicate the kind of concerns the Committee might want the Department to bring to its attention before disclosure is made. The implication is that certain information in the files, particularly materials which would violate individual privacy may be withheld.

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It should also be noted that the Attorney General intends to advise Senator Church that he is preparing the necessary materials and asks for early discussions to determine how best to proceed. Accordingly, it is felt that we should promptly review any files that might exist concerning each of the above-named Senators and be prepared to furnish appropriate information to the Attorney General upon request.

EX-115 REC-49 62-116395-278X

RECOMMENDATION:

5 MAR 19 1976

That the FOIA Section, Files and Communications Division, institute an immediate review of Bureau files for ~~any documents or~~ other records concerning each of the above-named Senators.

3 ENCLOSURE

ack'd memo to AG 7/15/75 DRW:MLH

Enclosure
JBH:dkg (8)

NW 55024 DocId:32989609 Page 117

HC 257

FRANK CHURCH, IDAHO, CHAIRMAN
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 MC C. MATHIAS, JR., 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

RECEIVED JUN 10 '75 O.C.
DEPT. OF JUSTICE MAIL ROOM

May 28, 1975

RECEIVED JUN 09 1975 O.L.A.

The Honorable Edward H. Levi
The Attorney General
Washington, D. C. 20530

Dear Mr. Attorney General:

On behalf of the Senate Select Committee to Study Governmental Operations With Respect to Intelligence Activities, we write to request the delivery forthwith to the members whose names are listed in the attachment hereto of any files on them or documents concerning them that are in the possession, custody or control of the Department of Justice, including the Federal Bureau of Investigation.

This request is made pursuant to the mandate of the Senate, contained in S. Res. 21. That Resolution requires us to investigate the "conduct of domestic intelligence or counterintelligence operations against United States citizens by the Federal Bureau of Investigation or any other Federal agency".

One means of accomplishing this objective is to review the material, if any, which the Department of Justice has gathered on members of the United States Senate.

This request is made pursuant to the Committee's mandate and not under the Freedom of Information Act. The exemptions to that Act are designed to allow federal agencies and departments the degree of confidentiality necessary to conduct the ongoing activities of the Executive Branch, not to prevent a duly constituted Congressional Committee from understanding the nature, legality, and propriety of some of those activities. Whether as a matter of agreement between the Committee and the Department some material that may be in any such files should be withheld depends upon an analysis of the weight of the particular reason put forward for the proposed withholding balanced against the Committee's need to exercise its mandate.

Obviously, material received by the members of the Select

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FBI
DEPARTMENT OF JUSTICE
8 JUN 6 1975
R.A.O.
OFFICE OF LEGISLATIVE AFFAIRS
RECORD

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62-116395-1168

ENCLOSURE

Committee would be handled in a secure manner, consistent with the Rules of Procedure of the Committee and other arrangements for the special handling of particularly sensitive material.

We look forward to receiving the material responsive to this request as soon as possible.

Sincerely,

Frank Church
Chairman

John G. Tower
Vice Chairman

Select Committee Members Requesting Files

Senator Gary Hart

Senator Walter D. Huddleston

Senator Charles McC. Mathias

Senator Walter F. Mondale

Senator Robert Morgan

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HEREIN IS UNCLASSIFIED
DATE 11-19-2000 BY SP2AKM/BMP
MDR-16

62-116395-2761

ENCLOSURE

J. L. Aitken for FBI

Dear _____:

I have just today received your letter dated May 28. It apparently reached the Department of Justice on June 8. It requests "the delivery forthwith to the members whose names are listed in the attachment hereto of any files on them or documents concerning them that are in the possession, custody, or control of the Department of Justice, including the Federal Bureau of Investigation."

The Department wants to cooperate with you on this matter. But I think we first ought to clarify the scope of your request. I assume, for example, that your request is not intended to encompass copies of all letters between the members and the Department. I would suggest that we can reach an understanding on issues of this kind by consultations between us.

Your letter says that "Whether as a matter of agreement between the Committee and the Department some material that may be in any such files should be withheld depends upon an analysis of the weight of the particular reason put forward for the proposed withholding balanced against the Committee's need to exercise its mandate."

I take that to mean you would like us to go over the files and to raise with the Committee such problems with disclosure as may or may not exist. I realize this request is

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62-116395-2760

ENCLOSURE

not made under the Freedom of Information Act, but as we review the material in the file, exemptions in the act indicate, I think, the kind of concerns the Committee might want the Department to bring to its attention before disclosure is made. For example, if material in a file would violate the privacy of an individual other than the member if it were revealed, would the Committee insist that such material be revealed?

We are beginning to prepare the material so that no time will be wasted, ~~but~~ and I would like discussions to begin quickly so that we can agree on how to proceed. That done, I would think that we could deliver the documents that you have requested.

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

5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. W. R. Wannall

FROM : W. O. Cregar

SUBJECT: ELECTRONIC SURVEILLANCE LEGISLATION

1 - Mr. J. B. Adams
1 - Mr. J. A. Mintz
(1 - Mr. J. B. Hotis)
DATE: 6/11/75
1 - Mr. R. E. Gebhardt
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. R. H. Horner
1 - Mr. B. P. Murphy
1 - Mr. L. F. Schwartz

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

Attached is a copy of a memorandum dated 5/27/75, which was furnished by the USIB Ad Hoc Coordinating Group for the Intelligence Community with advice that it had been prepared by the Central Intelligence Agency (CIA).

The memorandum analyzes current pending legislation (S. 743, H. R. 141 and H. R. 214) all of which would repeal the 1968 Omnibus Crime Control and Safe Streets Act. If passed, such legislation could seriously affect the Bureau and other agencies of the intelligence community.

RECOMMENDATION:

Attached memorandum should be forwarded to the Legal Analysis Unit of the Office of Legal Counsel for its use in any analysis that it may be making of the legislation described above.

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1 ENCLOSURE

6 -

REC-100 62-116395-278

Enclosure

LFS:mjg
(10)

SECRET MATERIAL ATTACHED

17 JUN 27 1975

84 JUN 27 1975

SECRET

Rec'd from Ad Hoc Comm. 6/10/75 LPS

27 May 1975

MEMORANDUM

SUBJECT: Electronic Surveillance Legislation

1. Over a dozen bills have been introduced in Congress to date aimed at restricting electronic surveillance conducted on national security grounds. Although impelled by concern for the Fourth Amendment rights of American citizens, the major bills in this area (S. 743, H.R. 141, H.R. 214) are characterized by a heavy-handed approach which poses a serious threat to the exploitation of foreign SIGINT sources, both within the United States and overseas. (Signals intelligence subsumes communications intelligence and electronic intelligence.)

2. The 1968 Omnibus Crime Control and Safe Streets Act (18 U.S.C. 2510, et seq.) established certain procedures which require the Government to obtain a court order issued on probable cause prior to conducting wire or oral communication interception in the investigation of certain offenses. In section 2511(3) of that Act, Congress specifically disavows any limitation on the constitutional powers of the President in national security matters and recognizes that the President has inherent constitutional authority to engage in certain foreign intelligence activities:

> (n)othing contained in this chapter or in section 605 of the Communications Act of 1934 shall limit the constitutional power of the President ... to obtain foreign intelligence information deemed essential to the security of the United States, or to protect national security information against foreign intelligence activities. (emphasis added)

The emphasized language implicitly recognizes that foreign intelligence surveillances may be distinguished from national security surveillances aimed at the discovery and prosecution of criminal conspiracies and activity.

3. In reliance on these Presidential powers and congressional recognition thereof, foreign intelligence signal and communication interceptions may be conducted within the United States without judicial warrant.

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62-116395-278

ENCLOSURE

SECRET

4. Sentiment that the provisions of 18 U.S.C. 2511(3) (quoted above) are incompatible with Fourth Amendment rights has spawned a Senate bill and over a dozen House bills (some of these identical) aimed at closing what the sponsors view as "the national security loophole" in current surveillance laws. A distinctive approach to national security surveillance is taking shape which would prohibit the use of warrantless surveillance for any reason whatsoever, treating national security surveillance under a single rubric, without distinguishing between gathering foreign intelligence on the one hand, and national security surveillances aimed at the discovery and prosecution of criminality, on the other.

(a) S. 743 by Senators Nelson and Kennedy would amend 18 U.S.C. 2510, et seq., as follows: First, repeal 18 U.S.C. 2511(3) thereby withdrawing whatever congressional recognition that section gave the foreign intelligence surveillance powers of the President. Second, prohibit intercepting the communications of an American citizen or alien admitted for permanent residence until a prior judicial warrant is obtained issued on probable cause that a specific crime, e.g., espionage, has been or is about to be committed. Third, prohibit intercepting the communication of a foreign power or its agent until a prior judicial warrant is obtained by establishing probable cause (a) that such interception is necessary to protect the national defense (note narrower standard than national security); (b) that the interception will be consistent with the international obligations of the United States; and (c) that the target is a foreign power or foreign agent. (A foreign agent is defined as any person, not an American citizen or alien lawfully admitted for permanent residence, whose activities are intended to serve the interests of a foreign power and to undermine the national defense. Each application for such an interception would be made to the D. C. Federal District Court on personal and written authorization of the President and would provide detailed information on the target, the purposes and justification of the interception.) Upon court approval, only the FBI would be authorized to intercept the communication. Fourth, require that every American citizen targetted be informed of the specifics of the surveillance within a month of the last authorized interception. (This disclosure could be postponed if the Government satisfies the court that the target is engaged in a continuing criminal enterprise or that disclosure would endanger national security interests. A foreign power or its agent need not be informed of interceptions.) Fifth, require the Attorney General to report to the Congress, at least quarterly, the details of each interception undertaken on national security grounds, to be filed with the Senate Foreign Relations and Judiciary Committees and the House International Relations and Judiciary Committees.

(b) H. R. 141 by Representative Kastenmeier, Chairman of the House Subcommittee on Courts, Civil Liberties, and the Administration of Justice, which has legislative jurisdiction for surveillance, is similar to the above bill. It would repeal 18 U.S.C. 2511(3) and amend Title 18 to permit communications interception in national security cases only under court order issued on probable cause that an individual has committed one of several enumerated offenses or is engaged in activities intended to serve the interests of a foreign principal and to undermine the national security. (From the language of the bill, it could be argued that the foreign agent's activities would have to constitute a criminal offense before a warrant could be issued.) The bill does not mention the communications of a foreign power. Each application for an interception would have to be authorized by the Attorney General and made to a Federal judge of competent jurisdiction. The targetted individual would be informed of the surveillance within ninety days. The President, Attorney General, and all Government agencies would be required to supply Congress, through the Senate Judiciary and Foreign Relations Committees and the House Judiciary and International Relations Committees, any information regarding any interception applied for.

(c) H. R. 214 by Mr. Mosher and seven identical bills co-sponsored by over 70 Congressmen from both parties, would prohibit any interception of communications, surreptitious entry, mail-opening, or the procuring and inspection of records of telephone, bank, credit, medical, or other business or private transactions of any individual without court order issued on probable cause that a crime has been committed. Like S. 743 and H. R. 141, reviewed above, H.R. 214 would repeal 18 U.S.C. 2511(3). Unlike the above bills, H.R. 214 does not provide for non-law enforcement surveillance. It would also strike out provisions for summary procedures for intercepting communications during emergencies and would require that detailed information on each application for a communication interception be reported to the House and Senate Judiciary Committees.

5. Intelligence Community Interests: These bills, through imposing judiciary administration over all surveillance, would impair existing responsibility to conduct electronic surveillance in gathering foreign positive intelligence, which now reaches wholly domestic communications, those both transmitted and received within the United States; wholly foreign communications, those both transmitted and received abroad; and transnational communications, international communications received in or transmitted from the United States.

NW 55024 DocId:32989609 Page 126

SIGINT provides a broad range of foreign intelligence ranging from early warning indicators to the most mundane information. The importance of any single intercept or series of interceptions cannot be anticipated in advance; therefore, the probable cause standard and the proposed requirements of "particularity" are inappropriate in connection with this method of foreign intelligence collection. (Furthermore, the House bills would impair existing responsibility for using other intelligence gathering techniques against foreign subjects within the United States, e.g., medicepts, photo surveillance, etc.)

6. Effect on Intelligence Community Interests: The bills reviewed above would severely restrict domestic communications interception for foreign intelligence gathering purposes; raise serious questions respecting authority to intercept transnational communications; and would even raise questions concerning the foreign intelligence community's authority to conduct electronic surveillance abroad free from judicial intrusion or other conditions. (Moreover, the House bills would restrict the use of other intelligence gathering techniques against foreign targets within the United States.)

(a) Domestic Electronic Surveillance: An operation mounted against a foreign target within the United States to gather foreign positive intelligence would apparently not meet the court test unless the specific message targetted involved an anticipated, demonstrable and direct threat to the national defense. S. 743 explicitly confers interception authority to the FBI alone. It also explicitly raises the issue of the consistency of surveillance with international obligations, e.g., the Vienna Convention, and thus challenges the position taken by the State Department that no current international obligation precludes targetting foreign facilities within the United States.

(b) Transnational Electronic Surveillance: Proposed legislation would apparently subject the interception of transnational communications from a situs within the United States to the probable cause standard. It could also provide grounds for arguing that interceptions of transnational communications from facilities outside the United States would be subject to the same standard.

(c) Foreign Electronic Surveillance: The bills reviewed above are broadly written and the prohibitions are not expressly limited to the territory of the United States. While the reach of this legislation should be subject to the built-in limitation that the authority of a federal court to issue warrants is confined to its territorial limits, repeal of 18 U.S.C. 2511(3) and the articulation of probable cause standards for foreign intelligence gathering activities could have a grave impact on overseas intelligence collection by bringing into play a body of exclusionary rule case law (developed in ruling on the admissability in a Federal criminal trial of evidence obtained overseas by electronic surveillance). Suffice it, here, to say that this could result in

subjecting overseas foreign intelligence surveillance to the proposed probable cause standards as a test of the "reasonableness" required by Fourth Amendment protections. Moreover, this legislation could raise complex questions in situations where an element of the interception process falls within the jurisdiction of the federal court, e.g., the physical presence of the surveillance device. Even if these bills would not directly affect authority to conduct foreign electronic surveillance, they could ultimately weaken it by raising the opportunity to argue that this authority rests only on three bases--assertion of inherent Presidential intelligence-gathering powers, congressional recognition and judicial acceptance. Repeal of 18 U.S.C. 2511(3) may be viewed as weakening the argument that Congress has recognized foreign intelligence gathering authority inherent in the President and delegated to his Executive branch agents.

7. Summary:

--Proposed legislation would repeal 18 U.S.C. 2511(3) and would impose judicial administration of a "probable cause" standard over foreign intelligence electronic surveillance. At the very least, this would restrict communications interceptions against foreign targets within the United States to situations involving an anticipated, demonstrable and direct threat to the national defense. Also, this would probably subject the interception of transnational communications, from either an overseas or domestic situs, to the same judicial standards. Finally, this would raise difficult questions concerning the ability of CIA, NSA, and the service cryptologic agencies to conduct electronic surveillance overseas against foreign targets without conforming to the standards of Fourth Amendment "reasonableness" articulated in this legislation. In sum, enactment of proposed legislation would severely restrict the collection and processing of foreign SIGINT and would seriously impair the production of all-source intelligence.

--By repealing 18 U.S.C. 2511(3) and by introjecting the judiciary into the field of foreign intelligence gathering, proposed legislation raises a constitutional challenge insofar as it purports to withdraw sanction of and place limitations on the President's inherent power to conduct foreign surveillance. This infringement could undermine the Executive sources of authority upon which the intelligence community depends. To be sure, the proposed requirement of prior judicial authorization of foreign intelligence surveillances is altogether impractical. But the fundamental constitutional objection is that it purports to share Executive authority with judicial officers having no expertise in or responsibility for national security or foreign affairs. The necessity of a foreign intelligence surveillance is simply inappropriate for judicial resolution. It is a matter committed to the Executive branch by the Constitution and an area for which there are no judicially manageable standards. An arrangement by which federal judges decide what foreign intelligence the President may have in his conduct of foreign

relations is incompatible with the Chief Executive's inherent foreign intelligence gathering powers. Since this Presidential authority is constitutional in nature and stems from a fundamental separation of governmental powers, a Congressional attempt to require its sharing with the judiciary would certainly lead to protracted constitutional litigation. Moreover, Congress implicitly authorized the use of electronic surveillance in foreign intelligence activities and this legislation would circumscribe the very functions which Congress intended the Agency to perform.

NW 55024 DocId:32989609 Page 129

3 - Mr. J. A. Mintz
(Mr. J. B. Hotis)
(Mr. P. V. Daly)
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar

The Attorney General

June 4, 1975

1 - Mr. E. W. Larson

Director, FBI

UNITED STATES SENATE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES

Reference is made to my letter dated May 6, 1975, enclosing a memorandum, same date, which proposed that an FBI position paper dated July 31, 1972, be withheld from the Senate Select Committee on the basis that it was considered to be an internal deliberative document.

Reference is also made to a conversation May 28, 1975, between Deputy Assistant Attorney General K. William O'Connor and Special Agent Paul V. Daly during which Mr. O'Connor advised that it was the Department of Justice decision to make the July 31, 1972, position paper available to the Senate Select Committee. In view of this decision, we will make this document available for review at FBI Headquarters.

Attached for your approval and forwarding to the Committee is the original of a memorandum advising the Committee of the availability of the July 31, 1972, position paper. A copy of this memorandum is enclosed for your records.

Enclosures - 2

62-116395

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DATE 10-17-2006 BY SP2AW/PP
MJR-46

1 - The Deputy Attorney General
Attention: K. William O'Connor
Special Counsel for Intelligence Coordination

EWL:ekw/lhb
(10)

REC-100

62-116395-277

SEE NOTE PAGE 2

JUN 27 1975

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
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Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
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GPO 954-546

The Attorney General

NOTE:

By memorandum 5/6/75, we advised the AG that the position paper in question was an internal deliberative document which was the direct basis for a formal statement on FBI authority to conduct internal security investigations embodied in a memorandum from the Director, FBI, to the AG dated 8/7/73. On this basis, we felt it was inappropriate that the requested position paper be made available to the SSC.

In conversation between Deputy Assistant Attorney General O'Connor and SA Daly, referred to above, O'Connor indicated that it was the decision of the Department to make this paper available to the SSC. Since we have already expressed our position concerning the paper to the AG, it does not appear that there would be any purpose served disputing his decision. However, since it is an internal deliberative document, it is felt that the paper should be made available for review rather than given outright to the SSC. Also, we are setting a condition that no notes be taken during the initial review, subject to negotiation of further requests by the Committee.

W 55024 DocId:32989609 Page 131

3 - Mr. J. A. Mintz
(Mr. J. B. Hotis)
(Mr. P. V. Daly)
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. E. W. Larson

62-116395

June 4, 1975

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

RE: LEGAL AUTHORITIES

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11-12-[illegible] BY [illegible]
MDR-16

Reference is made to letter dated March 19, 1975, to the Attorney General from the Chairman of captioned Committee, which enclosed certain requests for documents and other information from the Federal Bureau of Investigation (FBI).

Under I., Legal Authorities, a general request was made for memoranda discussing the legal authority of the FBI to (1) investigate internal security matters, (2) collect intelligence information, and (3) engage in counterintelligence activities. Material responsive to this request was delivered to the Committee during April, 1975.

Since the receipt of the above-mentioned material, the Committee has indicated a specific interest in a position paper dated July 31, 1972, discussing the "Scope of FBI Authority, Jurisdiction and Responsibility in Domestic Intelligence Investigations." This paper has been located and will be available for review at FBI Headquarters by Mr. John Elliff and/or Mr. Mark Gitenstein of the Committee staff.

Our position is that the July 31, 1972, paper is an internal deliberative document the contents of which were refined in a formal statement on FBI authority to conduct internal security investigations embodied in a memorandum from the Director, FBI, to the Attorney General, dated August 7, 1973. A copy of this latter document has been made available to the Committee. Under these circumstances, we would request that the July 31, 1972, document be reviewed in this context and that no notes be taken during this initial review. Should this arrangement be unsatisfactory to the Committee, upon completion of the initial review we will certainly consider any further request for the document in a paraphrase form acceptable to the Committee.

1 - The Attorney General

EWL:ekw/lhb
(9)

ENCLOSURE

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GPO 954-546

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

Addressee: SENATE SELECT COMMITTEE

☐ LTR ☒ LHM ☐ Memo ☐ Report dated ~~5/30~~ 6/4/75

Caption of Document: U.S. Senate Select Committee to Study Govt. Operations with Respect to Intelligence Activities. Re: Legal Authorities

Originating Office: FBI

Delivered by: William O'Connor Kapt Date: 6/5/75

Received by: FAO Schwartz

Title: Chief Counsel

Return this receipt to the Intelligence Division, FBI

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MDR-16

POSITION PAPER

DOMESTIC INTELLIGENCE DIVISION
SCOPE OF FBI AUTHORITY, JURISDICTION AND RESPONSIBILITY IN DOMESTIC INTELLIGENCE INVESTIGATIONS

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11-14-2005 BY SP7 Alm/bp
MDR-16

Thomas J. Smith
Chief, Research Section
Domestic Intelligence Division

July 31, 1972

62-116395-277

ENCLOSURE

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SCOPE OF FBI AUTHORITY,
JURISDICTION AND RESPONSIBILITY IN
DOMESTIC INTELLIGENCE INVESTIGATIONS

BACKGROUND

Over the past several months there have been an increasing number of public statements made from various quarters questioning or contesting authority and jurisdiction of the FBI to conduct domestic intelligence-type investigations, particularly where there is no clear-cut legislative authority apparent. One of the most searching inquiries was contained in a paper presented by Professor John T. Elliff at a two-day conference at Princeton University in October, 1971, sponsored by the Committee for Public Justice.

Professor Elliff addressed himself to the matter of FBI authority derived from legislative enactments as opposed to that derived from Presidential directives. He went into some detail in connection with the Presidential directive issued by President Roosevelt in September, 1939, which was subsequently reiterated on three occasions. Elliff questioned whether Roosevelt was even aware that he was shifting FBI authority from congressional enactment to Presidential directive when he issued the September, 1939, directive since he probably assumed he had granted such authority in 1936 when he requested intelligence investigations of fifth columnists. Elliff accused the FBI of magnifying the September, 1939, directive into a definitive order.

Over a long period of time Senator Sam J. Ervin has been probing into the nature and extent of FBI gathering and retention of domestic intelligence information. In April, 1971, Senator Ervin made a request of the Department of Justice to furnish detailed information concerning the Department's (the FBI's) policy and practice on investigating and reporting the political beliefs and activities of persons not under investigation for violating the laws. Of particular interest was specific information on the constitutional authority and power exercised by the Executive Branch to conduct such investigations.

Subsequently, Senator Ervin announced that he intended to propose legislation to prohibit the FBI from investigating any person without his consent, unless the Government has reason to believe that person has committed a crime or is about to commit a crime. Other Congressmen have either introduced or announced plans to introduce legislation or resolutions calling for special activities, particularly in the area of domestic intelligence operations.

Based on these developments it became apparent that an in-depth study was in order to clarify any misconceptions which might have grown up concerning the scope of FBI intelligence and investigative authority, particularly where it concerns domestic organizations and/or individuals. A detailed and exhaustive study has now been completed, and the following is the result of that study.

AUTHORITY DERIVED PRESIDENTIAL DIRECTIVES

In the testimony of the late Director J. Edgar Hoover before the House Subcommittee on Appropriations on March 2, 1972, under the subject of justifications on page 2 the statement is made that "The FBI's responsibilities in the domestic intelligence field are authorized under legislative enactments, Presidential directives and instructions of the Attorney General. They include investigative jurisdiction over matters relating to espionage, counterespionage, sabotage, treason, sedition, subversion, and related internal security functions. Subjects of investigation include the activities of the Communist Party, USA, communist front groups and other totalitarian organizations, including individuals or groups who are alleged either to seek overthrow of the Government of the United States by force or violence or to conspire against the rights of citizens." Similar language has appeared in Mr. Hoover's testimony in prior years.

It is assumed that the Presidential directives referred to in Mr. Hoover's testimony are (1) Directive dated September 6, 1939, and reiterated January 8, 1943, July 24, 1950, and December 15, 1953; (2) Executive Order 10450 dated April 27, 1953 (and amended but not yet implemented by Executive Order 11605 dated July 2, 1971).

It is believed that there is a misconception concerning the extent of jurisdiction or authority which was conveyed to the FBI by the Presidential directive dated September 6, 1939. All of the succeeding directives appear to be hinged on the one issued in September, 1939. Therefore, the language of that first directive becomes a very important issue. Perhaps even more important are the circumstances leading up to the issuance of that directive and the intent of the President at the time it was issued.

Prior to the issuance of the September, 1939, directive President Roosevelt issued a statement or confidential directive to the heads of the various Government Departments on June 26, 1939, which stated, "It is my desire that the investigation of all espionage, counterespionage, and sabotage matters be controlled and handled by the Federal Bureau of Investigation of the Department of Justice, the Military Intelligence Division of the War Department, and the Office of Naval Intelligence of the Navy Department. The Directors of these three agencies are to function as a committee to coordinate their activities."

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"No investigations should be conducted by any investigative agency of the Government into matters involving actually or potentially any espionage, counterespionage, or sabotage, except by the three agencies mentioned above."

"I shall be glad if you will instruct the heads of all other investigative agencies than the three named, to refer immediately to the nearest office of the Federal Bureau of Investigation any data, information or material that may come to their notice bearing directly or indirectly on espionage, counterespionage, or sabotage."

It is to be noted that in this statement or directive the language, with the exception of the word "counterespionage" deals with matters coming clearly within legislative enactments.

The September, 1939, directive stated, "The Attorney General has been requested by me to instruct the Federal Bureau of Investigation of the Department of Justice to take charge of investigative work in matters relating to espionage, sabotage, and violations of the neutrality regulations.

"This task must be conducted in a comprehensive and effective manner on a national basis, and all information must be carefully sifted out and correlated in order to avoid confusion and irresponsiblity.

"To this end I request all police officers, sheriffs, and all other law enforcement officers in the United States promptly to turn over to the nearest representative of the Federal Bureau of Investigation any information obtained by them relating to espionage, counterespionage, sabotage, subversive activities and violations of the neutrality laws."

In this document it is particularly important to note that the language says the FBI is to "take charge of investigations" and not "assume jurisdiction" or "have authority to investigate" matters relating to espionage, sabotage, and violations of the neutrality regulations. The statutory authority to investigate the enumerated crimes was already present, but the directive fixed responsibility for the FBI to conduct the investigations. In other words, this directive conveyed no authority not already possessed by the FBI by legislative enactment but merely established that no other investigative agency should handle the matters.

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The last paragraph of this particular directive, which was actually a request of all local law enforcement agencies, used the words "counterespionage" and "subversive activities." However, the context of the statement appears to merely be designed to broadly define activities which might touch on the national security so that all such matters, irrespective of the legal definition or name, would be turned over to the FBI.

A logical conclusion, based purely on examination of the language used in the September, 1939, directive, is that the directive merely put everyone on notice that the FBI had the responsibility to investigate the statutory crimes named; that it provided no so-called "constitutional" or "executive authority" for the FBI to investigate matters not covered by legislative enactment. This is not to say that the President has no such constitutional authority (he has), but only that it was not exercised here.

As a matter of particular interest, Professor Elliff, in questioning whether President Roosevelt was aware that he was shifting FBI authority from Congressional enactment to Presidential directive since he assumed that he had granted such authority in 1936, was at least half correct. While no shift of authority appears to have occurred as a result of the 1939 directive, we have historical evidence to show that the President instructed the FBI to conduct subversive intelligence-type investigations of radicals in 1936. In this regard, there appears to be little doubt that Roosevelt conveyed some degree of Executive authority to the FBI.

AUTHORITY CONVEYED EVEN BEFORE 1939 DIRECTIVES

Confidential memoranda written by Mr. Hoover in August and September, 1936, clearly reveal that President Roosevelt was very concerned about the subversive activities of fascists and communists in the United States and discussed the matter with Mr. Hoover during personal meetings. These memoranda indicate that President Roosevelt was obviously cognizant of the lack of statutory authority to conduct intelligence-type investigations of fascism and communism. Yet, the President desired the FBI to conduct such investigations. Mr. Hoover pointed out that the FBI appropriation contained a provision for the FBI to conduct such investigations if such matters were referred to it by the Department of State. The President was hesitant of having a formal request come through State Department, however, because of the many leaks in the State Department.

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However, during a meeting between the President, Mr. Hoover and the Secretary of State on August 25, 1936, the Secretary of State did ask the FBI to conduct investigations of Fascist and Communist activities, under the provisions of the Appropriations Act. In the discussion preceding the request, however, it must be noted that the President stressed the fact that fascism and communism were international in scope, and that communism in particular was directed from Moscow; that this was a matter which fell within the scope of foreign affairs over which the State Department would have a right to request an inquiry to be made.

According to the information presently available, President Roosevelt agreed to place a handwritten memorandum of his own in the White House safe, concerning the request of the State Department for investigations of fascism and communism. The President asked Mr. Hoover to speak to the Attorney General about the matter and that the Secretary of State also discuss the technique to be followed with the Attorney General. Mr. Hoover recorded that he did inform the Attorney General on September 10, 1936, of a conference he had with the President on September 1, 1936, at which time the Secretary of State was present, and at which time the Secretary of State - at the President' suggestion - requested of Mr. Hoover to have investigations made of the subversive activities in this country, including communism and fascism. The Attorney General verbally directed Mr. Hoover to proceed with the investigations and to coordinate these matters in the possession of the Military Intelligence Division, the Naval Intelligence Division, and the State Department. Mr. Hoover considered this the authority upon which to proceed.

The circumstances surrounding the manner in which the President had the State Department request investigation very likely explains why the September, 1939, directive did not contain any language relating to subversive activities. President Roosevelt was fully aware that the FBI was already conducting confidential investigations of the activities of fascists and communists who represented a threat to the national security at that time. There was obviously a private and understandable confidential agreement between all interested parties, including the other Federal investigative agencies who had an interest. There was no need to mention subversive activities in the first part of the directive since the pertinent Federal agencies were already on notice and local agencies would turn over all matters relating to the national security.

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Based on the foregoing, reliance on the September, 1939, directive or even the earlier confidential arrangement worked out by the President, whether considered a Presidential directive, Presidential mandate, or some other manifestation of Executive power, for current investigative authority appears to be unwise. Placing the 1939 directive and the earlier arrangement in their proper perspective is very important. Both were laid in a period when the world was on the brink of World War II. The concern for national security was related to two international movements. There were no laws, such as the Smith Act of 1940 or the Internal Security Act of 1950. Although there were undoubtedly some purely American groups which received no direction or control from abroad, there was no national concern for indigenous anarchists or other groups desiring to overthrow the Government.

PRESIDENTIAL DIRECTIVES SUBSEQUENT TO 1939

As mentioned previously, the directive dated September 6, 1939, was reiterated subsequently by directives dated January 8, 1943; July 24, 1950; and December 15, 1953. The directive dated January, 1943, signed by President Roosevelt, was simply a reaffirmation of the earlier 1939 directive and was broadened only to the extent that it called on all patriotic organizations and individuals as well as local law enforcement officers to report information to the FBI. The July, 1950, directive, signed by President Truman, contained the phrase "subversive activities and related matters," which on the surface would indicate that President Truman intended to broaden the scope of authority it might convey to the FBI. However, closer examination reveals that the Truman directive actually misquoted the earlier two directives of President Roosevelt and included the phrase "subversive activities and related matters" which did not appear in the Roosevelt directives.

Since no information is available concerning Executive intent behind the issuance of the 1950 directive, it cannot be determined whether President Truman was aware of the possible additional authority he might have conveyed to the FBI as the result of changing the language of the two prior directives to include the phrase "subversive activities and related matters." The fact of the matter is, the United States was at the time engaged in the "police action" in Korea and there was unquestionably a great deal of domestic subversive activity at the time, most of which could be traced to the Communist Party. We do know that President Truman signed the 1950 directive on the advice of the National Security Council.

There is one document available which tends to reveal the concern President Truman had relative to increased subversive activity involving domestic cases. In a letter dated July 17, 1946, the Attorney General said he felt that in the troubled period in international affairs, accompanied by an increase in

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subversive activity at home, it was imperative to use special investigative measures (wire taps) in domestic cases. Mr. Truman concurred with the Attorney General and authorized the special investigative measures.

There is one important point, however, which bears on any feelings President Truman might have had on the issue of domestic subversive activity. When the Congress passed the Internal Security Act of 1950, consisting of two subchapters, Truman vetoed the bill, citing as a reason that Title II of the Bill - The Emergency Detention Act - constituted a threat to the democratic process. In "The American Constitution - Its Origins and Development" by Alfred H. Kelly and Winfred A. Harison, the authors declared that President Truman roundly condemned the Internal Security Act as grossly unconstitutional. They said that his veto message called the registration provisions of the law "the greatest danger to freedom of press, speech and assembly since the Sedition Act of 1798." A drastic new sedition statute, derived from the earlier Mundt-Nixon bill which was bottled up in the Senate Judiciary Committee in 1948, was incorporated in the Internal Security Act. Mr. Truman thought the phrase prohibiting a person to "substantially contribute" to the establishment of a totalitarian dictatorship so vague as to cast grave doubts upon whether it met the standards of accuracy necessary for due process in criminal statutes. These authors did not even touch on the emergency detention subchapter of the Act. The political climate at the time, however, in spite of President Truman's censure and veto, was such that the Internal Security Act was passed over the veto and became law.

While the 1950 directive of President Truman incorrectly stated "On September 6, 1939, and January 8, 1943, a Presidential Directive was issued providing that the Federal Bureau of Investigation of the Department of Justice should take charge of investigative work in matters relating to espionage, sabotage, subversive activities and related matters.," the directive issued by President Eisenhower on December 15, 1953, said nothing about the FBI being responsible for such matters. Rather, the 1953 directive began by stating, "On September 6, 1939, January 8, 1943, and July 24, 1950, Presidential Directives were issued requesting all enforcement officers, both Federal and State, to report promptly all information relating to espionage, sabotage, subversive activities, and related matters to the nearest representative of the Federal Bureau of Investigation."

This language can, of course, be interpreted to mean that the FBI is responsible for investigating these matters otherwise the directive would not have noted that enforcement officers were requested to furnish all information to the FBI.

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The 1953 directive actually did not reiterate either of the three previous directives except for the language quoted above. Instead, it cited the FBI's responsibility to investigate all violations of the Atomic Energy Act and requested all patriotic organizations and individuals as well as all enforcement officers to report violations of the Atomic Energy Act to the nearest representative of the Federal Bureau of Investigation.

IMPLEMENTATION OF 1939 DIRECTIVE

All of the foregoing documents have obviously been subject to various interpretations. However the language might be interpreted, the September, 1939, directive, was implemented by the FBI and Congress was made fully aware of the extent of investigative activity the FBI was conducting as a result of the directive. In Mr. Hoover's testimony on November 30, 1939, in connection with an emergency supplemental appropriations bill, he said, "In September, 1939, we found it necessary to organize a General Intelligence Division in Washington. The establishment of this division was made necessary by the President's proclamation directing that all complaints of violations of the national defense statutes and proclamations be reported to the Federal Bureau of Investigation. This division now has compiled extensive indices of individuals, groups, and organizations engaged in subversive activities, in espionage activities, or any activities that are possibly detrimental to the internal security of the United States.

"The indexes have been arranged not only alphabetically but also geographically, so that at any time, should we enter into the conflict abroad, we would be able to go into any of these communities and identify individuals and groups who might be a source of grave danger to the security of the country."

During the same testimony Mr. Hoover was asked if any of the funds being requested in the emergency supplemental appropriation would be spent for any of the purposes for which funds were denied at the previous session. Mr. Hoover replied they would not; that the entire sum would be spent for intelligence work.

Subsequently, in June, 1940, Mr. Hoover again testified before a House Subcommittee on Appropriations. At that time he referred to his appearance before the committee the previous fall wherein he testified that authority had been requested to set up a separate division with the FBI to handle national defense matters under an assistant director. Mr Hoover offered a chart showing the organizational structure of five divisions of the Bureau, one of which he referred to as the National Defense Division. He said that this Division would handle and direct all investigations dealing with espionage, sabotage, national defense matters, and violations of neutrality statutues.

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Mr. Hoover testified that in line with the President's order of the previous September (September 6, 1939) there had been close coordination of all the intelligence services. He pointed out that the President, on September 6, directed the FBI to coordinate the functions on national defense matters in intelligence work. Mr. Hoover also related that he wanted to refer to a general intelligence index which he had mentioned in previous hearings. He said that that index included the names of persons who might become potential enemies to our national security, such as known espionage agents, known sabotuers, leading members of the Communist Party, and the bund. He explained that this index had been compiled very carefully, and it was confined solely to persons engaged in activities detrimental to the United States.

Later, on February 19, 1941, when Mr. Hoover appeared before Congress in connection with a deficiency appropriations bill for 1941, he went into some detail concerning the activities of the FBI prior to the then national emergency. In response to a question concerning this, Mr. Hoover replied that prior to the emergency our activities covered generally the investigation of all Federal statutes except counterfeiting, narcotics, income tax, and postal violations. FBI jurisdiction, he said, included kidnaping, extortion, bank robbery, white slavery, motor vehicle theft, impersonation of Government officers, frauds against the Government, antitrust investigations, etc.

Mr. Hoover then incorporated into the record a list of major crime laws passed between 1934 and 1941, showing the legislative jurisdiction of the FBI during the period. With the exception of nine of these laws, all dealt with criminal-type violations of law. The exceptions included a prohibition on the exportation of arms and ammunition to Spain during the civil war; the prohibition of making photographs, sketches or maps of vital military and naval defense installations; the Hatch Act, which among other things related to employment of individuals by the Government who were members of political parties advocating the overthrow of the Government; amendment of the act requiring registration of agents of foreign principals; the Neutrality Act of 1939; amendment of the Espionage Act; the Smith Act of 1940; act requiring registration of certain organizations (Voorhis Act); and an amendment to the Sabotage Act. There was a special note listed under the amendment of the act requiring registration of agents of foreign principals. This called attention to the Presidential directive dated September 6, 1939. From this structure inference can be drawn that the directive was related to this amendment.

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EXPANSION OF AUTHORITY CONTAINED IN 1939 DIRECTIVE

Further in his testimony Mr. Hoover was asked if any other agencies of the Government were covering the same work that emergency employees of the FBI were covering. He replied that he would like to leave the committee a publication listing the statutes, proclamations and Executive Orders pertaining to national defense matters. He then stated that the President in 1939 directed that all investigations dealing with espionage, sabotage, subversive activities, and national defense activities, would be handled by the FBI except those arising within the Army or Navy. He went on to say that other governmental agencies were instructed under this Executive order to report to the FBI any information showing any violation dealing with national defense matters.

No Executive Order could be located which contains the language used by Mr. Hoover in this instance. He might have been referring to either the directive or statement made by President Roosevelt in June, 1939, or the directive dated September 6, 1939. However, the above-quoted language is much broader than used in either of these documents.

In considering the full impact of the June and September, 1939, Presidential directives, and how they subsequently influenced FBI jurisdiction and responsibility, it must be borne in mind that the Nation was at the very brink of World War II. President Roosevelt issued a proclamation on September 8, 1939, declaring that state of national emergency existed in connection with the observance, safeguarding, and enforcement of neutrality, and strengthening of the national defense within the limits of peace-time authorizations. An Executive Order (No.8233) dated September 5, 1939, prescribed regulations governing the enforcement of the neutrality of the United States. The War Department, Navy Department, Treasury and Commerce Departments, and the Governor of the Panama Canal were assigned certain enforcement duties. The Justice Department (FBI) was given responsibility of enforcement of the neutrality of the United States not especially designated to other departments, independent offices and establishments of the United States Government, and prosecution of violations of the neutrality of the U. S.

Unquestionably in time of national emergency the broadest possible interpretation was being applied to every statute, resolution, proclamation, Executive order, Presidential directive or other lawful order or mandate in the interest of the preservation of peace, the national defense and general welfare of the country. Undoubtedly there are many other documents recording Executive intention,

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Executive instructions concerning broad, sweeping authority for the FBI, which cannot now be found for one reason or another. Certainly there is indication that at least President Roosevelt had more than one conversation with Mr. Hoover concerning the necessity for the FBI to conduct investigations beyond the statutory authority it normally used.

DIRECTIVES SUPPLEMENTED OR SUPERSEDED BY STATUTES

Eventually, however, there were legislative enactments which broadened the scope of our statutory authority, increased our legal jurisdiction and added to our investigative responsibility. Following the September, 1939, directive, which has been used as a source of FBI authority to conduct certain types of domestic intelligence investigations, the Smith Act of 1940 became law. Several successful prosecutions resulted from the Smith Act, although some parts of it were invalidated by the Supreme Court. The revised statute (Title 18, U.S.C. 2385) remains on the books and is enforceable.

Legal Counsel's Office analyzed Title 18, USC 2385, in June, 1972. It was noted that this statute contains the substance of the original Smith Act. The House of Representatives Committee on Judiciary, Report No. 1869, 74th Congress, First Session, made clear the purpose of the original legislation:

"The reported bill is based on the natural right of self-preservation inherent in every government. It simply authorizes the exercise of the power of the government to defend itself against those who seek by force and violence to destroy it." Further clarification of the legislative objective was made by Representative John W. McCormack, who said, "And by the way, this bill is not alone aimed at communists; this bill is aimed at anyone who advocates the overthrow of government by violence and force."

VALIDITY OF THE SMITH ACT

The Supreme Court held in 1951 that teaching the doctrine of forcible overthrow of the United States Government was a violation of the Smith Act where there was a clear and present danger that a substantial public evil would result. The Court further held that the Act did not violate the First Amendment. Chief Justice Vinson, who wrote the majority opinion, used language which must be considered at this time to be very significant in deciding whether the Government may in fact conduct preventive-type investigations in the interest of self-preservation.

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Justice Vinson wrote, "The rule we deduce from these cases (a series of earlier Supreme Court decisions - namely the 'question in every case is whether words used are used in such circumstances and are of such nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent.') is that where an offense is specified by a statute in nonspeech or nonpress terms, a conviction relying upon speech or press as evidence of violation may be sustained only when the speech or publication created a 'clear and present danger' of attempting or accomplishing the prohibited crime."

In this case, applying this rule, the court said, "Obviously, these words cannot mean that before the Government may act, it must wait until the putsch is about to be executed, the plans have been laid, and the signal is awaited--we must, therefore, reject the contention that success or probability of success is the criterion."

In addition to the Smith Act of 1940, Congress also passed legislation which further increased the authority of the FBI to deal with subversive activities. The Voorhis Act (superseded in 1948 along with original Smith Act) which is now Title 18, USC 2386, provided for registration of organizations subject to foreign control which engage in political activity among other things. The Internal Security Act of 1950 was passed over the veto of President Truman and provided not only a prohibition of conspiracies or attempts to establish a totalitarian dictatorship and a long list of measures having to do with Communist organizations (Control of Subversive Activities) but also for the emergency detention of suspected security risks. Further, in 1954, Congress enacted the Communist Control Act to provide additional investigative authority in dealing with the communist threat to national security.

DIRECTIVES VERSUS LEGISLATIVE ENACTMENT

These legislative enactments were unquestionably designed to give the FBI a cloak of statutory authority to investigate not only the communists, which were a grave concern to President Roosevelt when he requested investigations of communism by the FBI in 1936, but also any other group which engages in activity aimed at overthrow of the Government by force or violence. And, whereas President Roosevelt relied on the element of foreign relations and the international character of the fascist and communist movements to have State Deparment make a request for FBI investigation, the statutes referred to above do not require a dependence on foreign elements, notwithstanding the Congressional finding of necessity in connection with the Internal Security Act of 1950 and the Communist Control Act of 1954.

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The question to be resolved, then, is divided into several interrelated parts. First, if the Presidential directives described heretofore are actually valid. Secondly, assuming that the directives are completely valid, why have they been cited as one of the bases of FBI investigative authority? Thirdly, if, as it appears from the foregoing, the directives are valid, but do not convey the investigative authority we have heretofore contended, what effect will this have on our past and future domestic intelligence investigative activity?

Insofar as the validity of the Presidential directives is concerned, there can be no question but that each directive was issued completely in accord with the President's executive power. The evidence shows that the first directive in September, 1939, was not only implemented with the knowledge of Congress, but by appropriating money to the FBI for its implementation Congress in effect gave the directive the full force of law. None of the directives from September, 1939, to the one issued by President Eisenhower in 1953 have been secret. As a matter of fact, all were directed to the public at large, asking support of local law enforcement officials and patriotic organizations. Numerous times the directives have been cited in FBI appropriations testimony.

The second part of the question becomes more difficult to answer. Over the years, whenever it has been necessary and proper to describe our investigative authority, and this has been a requirement in justifying our annual budget, we have used what we have considered all of the different bases for such authority. Although it now seems obvious that the September, 1939, and July, 1943, directives did not actually order the FBI to take charge of any investigations not actually covered by statute, i.e., espionage, sabotage, and neutrality laws, it did request law enforcement officers to turn over to the nearest representative of the FBI all information relating to subversive activities and counterespionage as well as the three statutory crimes listed. It is apparent that the language here was intended as a catch-all so that law enforcement officers would turn over information of any sort whatsoever if it might affect the national security.

In analyzing the language used in that first directive of September, 1939, everything must be put into its proper perspective. In 1939 the Nation had been conditioned to a state of near-war. From January 30, 1933, when Adolf Hitler became Chancellor of Germany, through the nonagression pact between Germany and the Soviet Union in August, 1939, the specter of war

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hung over America. Anti-German, anti-Italian and anti-Soviet sentiment swept over the country. People began to look for spies under their beds. It became very necessary to direct the Nation's energies in that regard into a single channel. We could not have every police officer, sheriff and special deputy sheriff in the country running around investigating spies. By the same token, it was very necessary for the Government's resources to be directed towards identification and neutralization of very real espionage rings and potential saboteurs. The June, 1939, directive assured that the FBI would take charge of domestic internal security instead of several agencies working at cross purposes. The September, 1939, directive placed local law enforcement on notice and simultaneously provided for information of possible value to be funneled to the FBI which was responsible for the coordination and investigation.

The September, 1939, directive, although not conveying any investigative authority to the FBI, did result in an additional workload for the FBI by virtue of the fact that local police and other Federal agencies were referring matters to the FBI for investigative attention which were not previously called to our attention. While some of the matters could be logically fit into one of the statutory crimes of espionage, sabotage or neutrality regulations, others could not be since the original information was often nonspecific or so nebulous that it could be categorized only after some inquiry was made locally.

We were also faced with the reality of war and the fact that Germany, Italy, Japan and the Soviet Union had espionage apparatuses directed against the United States. While we might not ordinarily institute an investigation before the commission of a crime, such as the case of a bank robbery, motor vehicle theft, etc., the crimes of espionage and sabotage relate to the national security. It would have not only been folly, it would have been insane to wait until we had evidence of the commission of crimes of espionage or sabotage. Rather than wait until we had a complaint alleging the commission of one of these crimes we went out and conducted intelligence-type investigations to determine if there were espionage rings operating or if there were persons conspiring to sabotage the national defense. So the September, 1939, directive did affect our investigative operations. Not by giving us some new investigative authority, but by assigning us the responsibility of coordinating all investigative activity in this regard. We were, of course, already in the intelligence-gathering business as a result of the confidential arrangement agreed upon in August and September, 1936, among President Roosevelt, Director Hoover, and the Secretary of State.

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For these reasons, it can be seen why the FBI used the September, 1939, directive as one of the bases for its investigative authority. The unfortunate thing is that the 1939 directive was never really updated, in spite of the reiterations of 1943, 1950, and 1953. It was really never broadened to incorporate the Executive request made in 1936, and to reflect the Executive intent that became so obvious in the succeeding years up to this very time. It would be very difficult to convince someone examining our legal authority for conducting intelligence-type investigations that we derive any authority, particularly any ? reiterating it. What we have, it appears, is a hold-over or perpetuation of a concept of authority (or better, responsibility) which had some basis in 1939, and perhaps even through the Korean War years, but which has long since ceased to have any bearing on FBI investigative operations.

This leads us to the third part of the question and that is what effect the lack of authority derived from the directives will have on past and future domestic intelligence investigations. Although there is division of opinion by some supervisors and officials in the Domestic Intelligence Division as to how much investigative activity has in the past and will in the future depend on the nebulous authority of the directives in question, examination of all the evidence leads to the conclusion that in the past our investigations have to some degree depended, not on the language of any of the directives, but rather, on the Executive request of President Roosevelt in 1936 andon basic authority derived from the many statutes relating to the national security, both before and after the issuance of all the directives in question.

INVESTIGATIONS UNDER STATUTORY AUTHORITY

Argument has been advanced by some in the Domestic Intelligence Division that it will be impossible to carry out our internal security responsibilities of conducting purely intelligence-type investigations using statutory authority only; that the only way we have been able to do this in the past was from the authority contained in one or more of the directives in question. If this were true, i.e., that we have conducted some investigative activity solely on the basis of the directives, the FBI would be in for a rough time if the efforts on the part of several congressional figures to look into our operations ever come to pass. The fact of the matter is, we have had ample authority to do just what we have done without the directives. Administratively perhaps, we could have been more precise in advertising our investigative jurisdiction and authority. And unquestionably, we could have been more careful in writing reports and other records of our investigative activity to show that our investigations were predicated on information indicating violation or possible violation of statutes.

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This brings up another point mentioned by Professor Elliff in his study. Elliff related that the FBI had a policy from Mr. Hoover's appointment as Director until 1936 of "closed end" investigations, but that this policy gave way to intelligence coverage involving continuing investigative activity within a broad range of delegated authority. By "closed end" investigations, Elliff means that a crime was committed, a prosecutive opinion was received, an investigation was conducted, a prosecutive opinion was sought and the case was either prosecuted or closed for want of prosecution. On the other hand, an intelligence-type investigation would involve continuing investigation without any thought of closing the case by virtue of prosecution or inability to prosecute. In a case involving a purely criminal act, it can be seen that a "closed end" investigation is possible. But in the fast-moving world of today, with its organized crime problem tied into space-age concepts even in purely criminal cases, the "closed end" investigation is often far from a reality.

PREVENTIVE INVESTIGATIONS

In analyzing the concept of "closed end" investigations versus continuing intelligence-type investigations, several factors must be considered, especially where the national security is involved. Ordinary criminal acts such as the bank robbery, theft, burglary, fraud, etc., can in no way be compared to crimes involving the national security. Usually we would have no occasion to conduct investigation prior to the commission of any of the above-named crimes. But, a crime against national security is an entirely different matter. No one but a fool or one dedicated to the destruction of democracy would advocate that the Government take no action to prevent a crime which could destroy the Government. In other words, it would be an unusual case to conduct a "closed end" investigation of an attempt to overthrow the Government by force and violence. It would appear that the FBI would have a constitutional obligation to conduct the necessary preventive investigation (intelligence?) to insure that an attempt to overthrow the Government does not occur.

Taking into consideration that any court in the land would take judicial notice that the Soviet Union and its satellites are engaged in espionage directed against the United States and that it employs intelligence-gathering techniques against us, it logically follows that the same courts would take judicial notice that the United States Government would have to employ counter-espionage and counterintelligence methods to combat this threat. It is believed that the same can be said for other situations where the facts are such to lead any prudent and cautious individual to believe that a threat exists to commit sabotage; to incite to

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insurrection or rebellion; to engage in seditious conspiracy; or to plot the overthrow of the Government. Under such circumstances it would seem that the FBI not only has the duty to conduct investigations to prevent the crimes, but has the obligation to do whatever is necessary within the law to neutralize such threats.

It is true that this type of investigation might be contrary to the established concept of investigating only after there is evidence of crime. It is also true that such investigations might take place over a long period of time without any indication or prospect of presecution. However, as pointed out by Legal Counsel in his memorandum dated 7/14/72 on Wiretapping, that "Running through the whole (decision) is a golden thread of philosophy that when the functions essential to the preservation of a nation itself are at stake, the nation has the power to take the action reasonably necessary to protect itself." While this comment had to do with a particular court decision not related to the national secuirty, it is very apropos. It would be unrealistic to contend that the FBI could only investigate crimes or potential crimes affecting the national security after the crime has been committed. How ludicrous this would be.

Right on point in this regard is another part of the majority opinion upholding the Smith Act convictions in 1951. Chief Justice Vinson wrote, "Likewise we are in accord with... the trial court's finding that the requisite danger existed. The mere fact that from the period of 1945 to 1948 petitioners' activities did not result in the attempt to overthrow the Government by force and violence is, of course, no answer to the fact that there was a group that was ready to make the attempt. The formation by petitioners of such a highly organized conspiracy, with rigidly disciplined members subject to call when the leaders, these petitioners, felt the time had come for action, coupled with the inflammable nature of the world conditions, similar uprisings in other countries, and the touch-and-go nature of our relations with countries with whom the petitioners were in the very least ideologically attuned, convince us that their convictions were justified on this score.

"And this analysis disposes of the contention that a conspiracy to advocate, as distinguished from advocacy itself, cannot be constitutionally restrained, because it comprises only the preparation. It is the existence of the conspiracy which creates the danger. (Emphasis mine) If the ingredients of the reaction are present, we cannot bind the Government to wait until the catalyst is added."

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Some might say, "this is all very well and good where prosecutive action is used or intended, but what of the cases where the only purpose of the investigation is to produce intelligence information, with no hope or intent of prosecutive action?" There are unquestionably situations where prosecution would be impossible, but it is doubtful if any situation could be conjured up involving the national security where the elements of one or more statutes would be present to lend statutory authority ? to an investigation or reason for investigation.

INTELLIGENCE INVESTIGATIONS

Recently, in connection with a lawsuit filed by the Fifth Avenue Peace Parade Committee because of investigation by the FBI relative to a huge demonstration in Washington, D. C., the Department of Justice cited Title 28, USC 533, as the lawful authority of the FBI to conduct the investigations in question. The investigation at issue had to do with contacting various transportation facilities in an effort to determine the nature and size of groups traveling to Washington for the demonstration. In a sense, this was purely intelligence-type investigation. The statute cited was nothing more than the statute enabling the Attorney General to direct the FBI to conduct investigations.

This same statute has been cited for other types of investigations where the Department of Justice has requested the FBI to conduct investigations where we might not have clearly seen or understood the underlying authority or reason. It can be seen, however, that under the statutory authority granted to the President in Title 10, USC 331-333, to call up troops to assist local governments to put down an insurrection or restore order, the Attorney General would be within his statutory authority as the President's Chief Legal Advisor to ask the FBI to provide all possible information which might assist the President in making a determination under Title 10. Thus, the FBI would conduct an intelligence-type investigation under the statutory and constitutional authority flowing from the President, through the Attorney General to the FBI. In this case we might not immediately see the potential for prosecutive action, although with the statutes covering antiriot and civil disorder we would no doubt be alert for indications that riots or disorders would occur and that evidence could be collected which would support prosecution. Here, we would be conducting investigation before a violation takes place, not only for the intelligence data needed by the President, but to determine if a Federal violation of law might also occur.

EXECUTIVE ORDER 10450

What other authority is also available to the FBI? We sometimes lump Presidential directives and Executive orders into one category as if they were the same. This is a common practice,

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even on the Executive level. The Executive orders are numbered, whereas the directives usually are not. From information available it appears that Presidential directives and Executive orders carry equal weight. They take on the force of law if acknowledged by resolution of Congress and are published in the Federal Register. All this leads up to a very significant document which over the years has provided substantial investigative authority to the FBI. It is commonly known as Executive Order 10450, although it has been revised and will be known as Executive Order 11605 if it is ever implemented. Executive Order 10450 is captioned as "Security Requirements for Government Employment" and, as the name implies, is related to employment by the Government of individuals who might constitute a national security risk. This Executive order grew out of Executive Order 9835, dated March 21, 1947, which provided for an investigative procedure affecting persons entering competitive civil service. The order established a Loyalty Review Board and procedures for handling of cases where loyalty of an employee was questioned. Executive Order 9835 followed the establishment of the President's temporary commission on loyalty under Executive Order 9086, dated November 25, 1946. Executive Order 10450, dated April 27, 1953, superseded and revoked Executive Order 9835.

The important thing about these two Executive orders is that the Attorney General was required to furnish the Loyalty Review Board current information concerning the subversive nature of foreign or domestic organizations, including totalitarian groups. Thus, the FBI, acting under lawful authority of the Attorney General, was bound to conduct the necessary investigations to enable the Attorney General to fulfill his responsibility to the Loyalty Review Board. Executive Order 10450, in revoking Executive Order 9835, also disbanded the Loyalty Review Board and provided that the Attorney General would furnish the same information regarding subversive organizations to the head of each department and agency. The Attorney General was also requested to render to the heads of departments and agencies such advice as may be requisite to enable them to establish and maintain an appropriate employee-security program.

Under Executive Orders 9835 and 10450 the Attorney General had the responsibility to <u>designate</u> organizations as totalitarian, fascist, communist or subversive, or as having adopted apolicy of advocating or approving the commission of acts of force or violence to deny others their rights under the Constitution of the United States, or as seeking to alter the form of government of the United States by unconstitutional means. Under provisions of Executive Order 11605,

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dated July 2, 1971, the Attorney General still has the responsibility of furnishing names of organizations to the heads of departments and agencies. However, instead of the organizations being designated by the Attorney General, the new Executive Order provides that the Subversive Activities Control Board shall, upon petition of the Attorney General, conduct hearings to make the same determination formerly made by the Attorney General. The new Executive Order also sets up a much broader criteria for establishing the subversive nature of organizations.

Unfortunately, the Subversive Activities Control Board, which was initially established under the Internal Security Act of 1950, is under attack from Congress. Congress refused to provide any funds for the Subversive Activities Control Board after July 1, 1972. There has been indication that Congress may also take steps to repeal the remnants of the Internal Security Act of 1950. Should this happen, we would lose a broad base of current authority for conducting many of our security-type investigations. Executive Order 11605 has not actually been implemented; therefore, we are bound to the provisions of Executive Order 10450. Basically, however, the responsibility under 10450 (or even 11605 if it is ever implemented) falls on the Attorney General, and for this reason the Department of Justice should now provide guidance as to what investigations are required by the FBI to fulfill the Attorney General's obligations under the existing Exeuctive order.

STATUTORY AUTHORITY AND PRESIDENT'S CONSTITUTIONAL POWER

What other investigative authority or jurisdiction do we have? Attached to this study is a collection of statutes and documents which grant investigative authority for conducting the various types of investigations falling with the primary supervision of the Domestic Intelligence Division. Included in this collection of laws are statutes such as civil rights statutes, which are the basic responsibility of the General Investigative Division, but which nevertheless convey statutory authority in investigating totalitarian organizations such as the Ku Klux Klan and other hate-type groups. Civil rights statutes might also likely be involved in other situations where organized groups act in such a manner as to deny other persons their constitutional rights. The fraud statutes are included since many groups engage in activities which are covered in one way or another by such statutes. There are, of course, the basic statutes such as espionage, sabotage, treason and foreign agents registration act. But there are statutes, such as inciting to antiriot, and others which cover an extremely broad spectrum of subversive activity. But isn't there some additional authority under the constitutional power of the President to protect the national security?

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It was under just such constitutional powers that President Roosevelt requested the FBI to investigate the fascist and communist movement. And, of course, it was under just such constitutional powers that the President authorized the Attorney General to approve without a warrant electronic surveillances on both domestic and foreign organizations engaged in activity detrimental to the national security. However, the Supreme Court has considerably narrowed the President's constitutional authority as a result of the Keith case. In essence, the court stated that insofar as domestic organizations are concerned, the President does not have the power to abrogate the First and Fourth Amendments. In other words, the President cannot order an act (investigation) which would interfere with or abridge the First Amendment rights to assemble or redress grievances, or to enjoy freedom of speech, or the Fourth Amendment rights requiring the issuance of search warrant in connection with the seizure of evidence. ?

The courts have considerably broadened their interpretation of both the First and Fourth Amendments. Civil libertarians have proclaimed that any activity on the part of the Government which might have a "chilling effect" on an individual's legitimate right to dissent constitutes a violation of First Amendment rights. In some cases the courts have adopted this view. By the same token, Fourth Amendment rights have been broadened to include overhearings of conversation, and the issue of invasion of privacy is being raised more and more. With all these factors being considered there are, however, numerous situations bearing on the national security where the President unquestionably has the constitutional authority to have the FBI obtain information which will enable him to fulfill his broad responsibilities under the Constituion. With the exception of the recent Keith decision, the courts have declined to define or circumscribe the President's constitutional power.

Ordinarily, when we speak of the constitutional power of the President we think in terms of a specific order such as a directive or Executive order or some other tangible evidence. However, over the years, beginning with the years preceding World War II, Mr. J. Edgar Hoover established a rapport with the President which resulted in the President making requests of the FBI under his inherent Executive authority. The request made by President Roosevelt in 1936 as described herein is an excellent example of a long series of Presidential requests extending through a long line of Presidents and at least until Mr. Hoover's death. Presidents from Roosevelt to Nixon have confided in Mr. Hoover and sought his advice and product of FBI investigative skill, particularly in matters affecting the national security. One very excellent example of the confidence the President has had in the FBI is the confidential Presidential

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directive of 1941 instructing that the FBI set up a Special Intelligence Service covering the Western Hemisphere to handle and coordinate all intelligence work within the hemisphere. There are many other examples, but a more recent one is the fact that President Nixon, in spite of responsibility assigned to CIA, asked that the FBI establish Legal Attaches in several countries where there had been a dearth of good intelligence information.

SPECIAL WHITE HOUSE REQUESTS

Over a period of years the President came to rely on the FBI to provide first-hand intelligence information concerning both domestic and foreign situations bearing on policy affecting the national security. As a result of numerous conferences in which the various Presidents outlined to Mr. Hoover their needs for information which would assist him and his staff in their policy decisions, Mr. Hoover instructed that important developments concerning the national defense or which might otherwise be of value to the White House should be reported directly to the President or one of his high-level staff members. In most instances the same information was made available to the Attorney General simultaneously. Over the years it became a common practice for White House staff members to telephone requests for information or investigations to Mr. Hoover's office or the office of one of his officials. Such requests were usually considered as being within the constitutional Executive power, and for the most part such requests were completely legitimate and well within the recognized scope of the FBI investigative authority.

Occasionally, however, requests were made - and complied with - which in retrospect appear to have been beyond any recognized Executive authority. An example is a telephone request to furnish all available information to the White House concerning a forthcoming Earth Day rally in 1970. The rally, which was sponsored by groups concerned with pollution and ecology, attracted the attention of a few subversive elements, but appeared to be very much under the control of the sponsors. Senator Edmund S. Muskie spoke at the rally in Washington, D. C., and Rennie Davis, an antiwar activist with a subversive background, appeared on the same platform with Senator Muskie. A few minor disturbances erupted in some areas, but overall the Earth Day rallies were peaceful and attained their general objective, the calling of attention to environmental problems. Senator Muskie, who learned that the FBI covered the rally in Washington, was incensed that the FBI was involved. We had a poor defense and in this case, at least, it is doubtful that there was any legitimate Executive authority to have the FBI involved. In any event, it would appear that such requests should flow through channels, including the Department of Justice where possible, to assure that unreasonable and improper requests are made for investigative activity.

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It is quite understandable that various staff members at the White House have assignments or projects to prepare reports on a wide variety of matters relating to the welfare of the country. It is also quite understandable that such individuals would turn to the FBI to develop information through investigative activity or from its files. However, the fact that the FBI has specific responsibilities and jurisdiction under the law may not be known to these staff members and in their ignorance of the situation they could ask us to engage in activity beyond the scope of our investigative authority.

Over a long period of time the FBI has disseminated information directly to the White House as it was developed when the information had a bearing on national defense or possible foreign policy planning. The White House has come to expect this kind of rapid dissemination. Much of the information disseminated has been of specific interest to the National Security Council of which the President, Vice President and high level members of his staff are members. Even though CIA has the basic responsibility under the National Security Act of 1947 to coordinate all intelligence data relating to national defense, the nature of rapid changing situations makes it impractical to disseminate all important intelligence information to the National Security Council via CIA channels. It is not believed that the White House would sit still for the FBI cutting off dissemination on national security information.

NEED FOR CURRENT EXECUTIVE ORDER

Dissemination, however, is but the product of investigative activity. The question, then, is not to whom we should or should not disseminate, but rather when and when not should we investigate. All of which leads to the issue of what constitutes Executive or Presidential authority under the constituion, and how can such a determination be made? Granting that the President does have broad constitutional powers which he can exercise in the interest of national security, how can such power be conveyed to the FBI to cover possible gaps in our statutory authority? It is not believed that individual requests, particularly from lower level White House staff members, actually convey any power of inherent Executive authority, unless such requests may have originated from the President himself. What appears to be sorely needed, then, is a clear-cut memorandum of understanding - possibly in the form of a comprehensive Executive order or Presidential directive - outlining areas of investigative activity required and the investigative product needed by the Executive to fulfill his national security responsibilities.

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DEVELOPMENT OF INVESTIGATIVE POLICIES

By examining our investigative policies and procedures over the years it can readily be seen that procedures adopted out of necessity, such as those developing out of the period preceding World War II, in time come to be accepted as gospel both within and outside the FBI. The intelligence-type investigations originally ordered because of circumstances existing in 1936 and even before, continued after World War II, and in reality became necessary again during the Korean War period. And although the actual basis of authority in 1949 and 1950 was not the same as in 1936, we evidently considered it the same and obviously the Department of Justice and White House did also. Even though the Congress provided legislative authority to investigate subversive acts, it appears that we did not feel that the type of investigations necessary could be conducted except under an authority which did not require collection and preservation of evidence with a view of eventual prosecution, but rather to gather information only for the purpose of determining the nature and extent of subversive activity.

This is not to imply that the statutes were not used. On the contrary, the statutes were used and a large number of top level Communist Party functionaries were convicted under the Smith Act, but we still conducted investigations based on what we considered to be authority under constitutional power of the President - investigations which Professor Elliff has called continuing investigative activity within a broad range of delegated authority. While this study has not gone into the procedures and policies developed by the FBI in connection with investigations relating to our Emergency Detention Program, various documents were examined and it is known that this program preceded the Emergency Detention Act, which was a part of the Internal Security Act of 1950. A great deal of investigative activity, dating back to the 1930's, was conducted concerning the Security Index, an integral part of the Emergency Detention Program. As a matter of interest, the Emergency Detention Program, which was a program devised to insure that individuals constituting a threat to national security would be arrested and detained in the event of a national emergency. The Department at one point felt that the constitutionality of such a program was highly questionable. However, the program was implemented and was in existence at the time the Internal Security Act of 1950 was passed. ?

And most curiously of all is the fact that even after the Internal Security Act of 1950 became law, providing a legal basis for the program in existence, it was not until the 1960's that our Emergency Detention Program was switched over from an emergency plan under Presidential powers to the authority vested by statute. Of course, the part of the Internal Security Act

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authorizing emergency apprehension and detention was repealed in October, 1971. Under the Emergency Detention Program, while it existed, a great deal of continuing investigative activity was conducted concerning thousands of individuals who were believed to represent a threat to the national security in time of national emergency. Some of our investigative practices today are based on criteria authority growing out of the original Emergency Detention Program.

Now this is not to say that the FBI is in a position of having to defend its investigative policies or practices. If there has been but a single thread of continuity running through our investigative practices and procedures over the years it is that the individual's constitutional rights are paramount; that nothing is so important as a citizen's rights under the law. Legal Counsel pointed out an extremely important point last year at the time of the Princeton Conference where a group of FBI critics gathered to expose the FBI's faults. He noted that for years preceding the Miranda decision and the Escobedo decision the FBI had been warning persons of their rights prior to taking any kind of statement. Every Special Agent knows that the first and perhaps most important element in preparing for a prosecution is preserve the individual's rights guaranteed under the Constitution.

The FBI has legally conducted investigations of individuals and organizations whose philosophies include the overthrow or destruction of the United States Government by force or violence. Whether conducted under a Presidential order or statutory authority any such investigations were absolutely necessary and continue to be so. For administrative reasons documents reporting results of investigations often have not always clearly shown the authority, statutory or otherwise. A caption has usually been used for routing and supervisory purposes which is not clearly indicative of the nature or purpose of the investigative activity. Such captions might well be confusing to one not connected with the FBI and they might well lead to the conclusion that investigation was not based on any legal authority. For example, the caption "Security Matter - Miscellaneous" or "Internal Security - Revolutionary Activity" means little to someone outside the FBI. To those in the Domestic Intelligence Divison such designations identify the type of case and supervising unit at Headquarters.

In other words, there has been nothing wrong with the conduct of our investigations. Only those deserving of investigation under statutory provisions have been investigated. While we would have been more precise to predicate our investigations on a specific authority, whether statutory or Executive order (10450), we have not engaged in extra-legal investigative activity simply because we failed to cite any specific authority to conduct the investigation in such a way as to make it a "closed end" investigation such as Professor Elliff described.

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PREVENTIVE INVESTIGATIONS

While there has been some disagreement by one or two supervisory personnel in Domestic Intelligence Division as to how long an investigation may be carried on under statutory authority or whether a "preventive" investigation can be carried on under that authority, it is my own contention that intelligence-type investigations can be carried out under statutory authority; that there is no constraint imposed by law governing the length of time in which an investigation can be conducted. There are many reasons why continuing investigative activity would be necessary, even when a statutory violation is involved. In most cases involving the national security a conspiracy of some sort is involved. Conspiracies frequently go on for years. When the preservation of the Government is involved, who is to say that we either prove a conspiracy within a specific period of time or stop investigating.

Whether a conspiracy is evident or not, the FBI would not open an investigation of any type unless information was first received that a violation of Federal law was involved or that the national security was threatened. This is how our so-called intelligence-type investigations are usually started. A citizen, an informant, or a law enforcement officer furnishes information that there is a group in existence which includes in its philosophy an advocacy of overthrow or destruction of the Government of the United States by force or violence. It would appear to be entirely logical that under at least three separate Federal statutes a violation would occur if this group did attempt to overthrow the Government. And the Supreme Court has said that the Government does not have to wait until the putsch is about to be executed and that proof that success or probability of success must be shown.

While the examples cited hereafter might not be good legal analogy, there does not seem to be any reason why the preservation of our Government warrants any less consideration under the law. The courts have upheld cases, such as have been developed in the Washington, D. C., metropolitan area, where a nearby jurisdiction, which prohibits importation of liquor from Washington, sets up a surveillance near the larger purveyors of liquor. When a car bearing Virginia or Maryland license plates is observed to be loading up what is obvioulsy more liquor than can be imported into these states, a surveillance is instituted and when the person drives across the state line he is arrested and charged with violation of state liquor laws. It can be argued that such is possible only because of the broad police powers delegated to the states by the Constitution. Perhaps. But under the same Constitution it would appear that somewhere there is a rationale that if a statute exists prohibiting the overthrow or destruction of our Government, the Government should have the same degree of power to see that persons do not overthrow it.

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But the same problem exists in many areas covered by Federal statute. In the narcotics field tremendous intelligence programs are in existence to stop the spiraling increase in drug addiction and traffic in narcotics by organized crime. Even broader intelligence programs are being planned. It is true that violations are occurring. And some arrests are being made as the result of excellent police work following the violations. But the Government is also concerned with preventing drugs from even getting into the United States, and from preventing any that do get here from being sold to our children. So, we are conducting preventive investigations in the narcotics field. We are conducting intelligence-type investigations. Certainly prosecutions will be sought wherever possible, but we are conducting the same type of investigations in the narcotics area as we are in the field of national security. We are doing what has to be done, and the statutes are the basis of what has to be done.

In the field of organized crime we know that the Mafia and the Cosa Nostra have spread like a cancerous growth into the very economy of the Nation. Certainly there are violations of law. Statutes of some sort are usually involved. Many of the statutes involved are outside the primary investigative jurisdiction of the FBI. What has to be done? The individuals controlling the organizations of crime syndicates must be identified and the nature of their activity analyzed to see what - if any - Federal, or even local, crimes are being committed. In other words, we know that syndicated criminals are engaged in crime, yet we do not know exactly what crimes. We are therefore conducting intelligence-type investigations to first identify the criminal and then identify the crime. I fail to see why there isn't a parallel between intelligence-type investigations conducted to prevent criminal depredations on the public at large and the same kind of investigations to protect the Nation from the nihilists, anarchists, terrorists, revolutionaries and other subversives.

While drawing a parallel between criminal investigations and national security investigations, there is no intent here to show that both types of investigative activity can be or should be conducted alike. The two types of activity are as diametrically opposed as the two poles of the earth. One is concerned with the individuals and organizations which are involved purely for financial gain. The other is concerned with the individuals and organizations which are involved purely for ideological and philosophical reasons. There is a vast difference between the two. Intelligence-type investigations are necessary in the field of narcotics and other areas of organized crime and they are conducted without the need for any inherent Executive power being conveyed.

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origin to the common-law concept of a sovereign's rights to protect itself to the 1939 et seq, directives and Executive Orders 9835 and 10450. Included in this group were (1) National Association of Black Students (NABS) which originally had as its stated purpose to serve as an information center and communications network for blacks on college campuses. This was in 1969. There was an enormous amount of violence and upheaval on college campuses at that time. Damage and injuries from arson, sabotage and malicious vandalism grew into the millions. In a number of instances black students were in the center of the activity. NABS was considered a potential source of danger during any major strife, particularly since the national coordinator of the group, Gwendolyn Marie Patton, had been a member of an extremist group cited as an extremist group by the House Committee on Un-American Activities. The Black Panther Party and other revolutionary-type organizations attempted to organize and penetrate black student groups such as this.

(2) The Center for Black Education (CBE) came under investigation when its founder was determined to be a former member of the Black Panther Party and described as one of the leading black militants in San Francisco prior to his move to Washington, D. C. CBE has been publicly described as an educational institution designed to train technicians who will work to liberate the African people and develop the African world. The CBE has as its goal "the independence of the African People." Members have engaged in firearms training.

(3) The Drum and Spear Bookstore (DSB) in Washington, D. C., opened in 1968 and was publicly described as a retail bookstore having the largest collection of books about Africa, Asia, and the Negro in America. It also had protest literature and books concerning the socio-economic conditions in the U. S. It was determined through investigation that the bookstore was apparently not being used as a front for underground or subversive activity and investigation was closed.

(4) The Congress of African Peoples (CAP) was formed in 1970. It initially advocated the unification of all blacks, the complete rejection of the "white imperialist, capitalist system," the establishment of a black nation, the formation of a National African Party and ultimately a World African Party under the revolutionary ideology of Pan-Africanism.

During a CAP conference in July, 1971, CAP leaders vociferously advocated the need to engage in disruptions as a means of ending "acts detrimental to blacks," the formation of a paramilitary "defense unit," and the establishment of communication lines with other black revolutionary movements abroad. The CAP has established communication links with the Chinese communist diplomatic establishment in Canada.

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INTELLIGENCE INVESTIGATIONS AND CIVIL LIBERTY

One of the biggest distinctions between the criminal and security-type investigations is the fact that national security investigations, which involved the ideological factor, are almost without exception concerned with the concept of political ideology. No matter how radical the political ideology might be, it is nevertheless considered by the people involved - and often by many intellectual idealists - as a right guaranteed under the Constitution. As a result of a great deal of liberal thinking on the part of the civil libertarians and groups such as the American Civil Liberties Union (ACLU), there is a much greater hue and cry when intelligence-type investigations are surfaced and it developed that the purpose of the investigation had something to do with an individual's so-called political beliefs. The potential problem for the FBI in conducting purely intelligence-type investigations, even when based on statutes, is when the investigation broaches or gets real close to rights protected under the First and Fourth Amendments.

As pointed out before, however, the Supreme Court has emphatically stated that the President has no constitutional power to abridge these two Amendments. Therefore, no Executive order, no matter how broadly worded to convey investigative authority for intelligence-type investigations, could enable the FBI to avoid the same pitfalls regarding areas of activity covered by the First and Fourth Amendments. Therefore, even though a definitive Executive order would be desirable from the standpoint of fixing our responsibilities and bridging any gaps between statute and Executive necessity, the FBI would still be in a little better position than it is at the present time under purely statutory authority.

INTERPRETATION OF AUTHORITY BY SUBSTANTIVE SECTIONS

At this point it appears appropriate to introduce comments offered by representatives of the various substantive Sections of the Domestic Intelligence Division as to their interpretation of Executive power flowing from the 1939 et seq, directives and the types of investigative matters that possibly cannot be conducted solely under statutory authority.

EXTREMIST INTELLIGENCE SECTION VIEWS

The Extremist Intelligence Section described four investigative matters where it appears that investigation, at least initially, would not or could not have been grounded in specific Federal statutes, but where the FBI nevertheless was in a sense fulfilling intelligence responsibility tracing its

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COMMENT - REBUTTAL

It is believed that in at least three of the above-described situations the FBI would have been able to conduct investigatons based on statutes relating to advocacy of overthrow of the Government, seditious conspiracy, inciting to insurrection or rebellion, civil disorders, antiriot, neutrality laws (foreign relations) and perhaps sabotage. The questionable case, the Drum and Spear Bookstore, would have probably been brought adequately to our attention from various public sources or through our informant coverage of overall matters affecting the national security.

NATIONALITIES INTELLIGENCE SECTION VIEWS

The Nationalities Intelligence Section listed four situations wherein, generally speaking, much of the FBI's investigative activity has not been based on statutory authority, but has been designed to develop intelligence data regarding individuals and organizations which have established themselves as a potential threat to the security and safety of the United States Government or its citizens. Listed are the following:

(1) The Jewish Defense League (JDL). Although involved in terror-type bombings covered by statute, FBI investigation of JDL is also developing information regarding future plans and activities, particularly violent acts against Soviet diplomats and diplomatic establishments and pro-Soviet groups and individuals. In the case of JDL, Department of State has a specific interest from the standpoint of U.S. relations with other countries. Certain of our intelligence-type investigations of JDL are aimed at satisfying State Department requirements.

(2) Al Fatah and Popular Front for the Liberation of Palestine are two organizations that are well known for violence potential. In light of statements and actions of members and leaders, it is obvious that the FBI should conduct intelligence investigations when these organizations are active in the U.S.

(3) Revolutionary Union and Venceremos Organization are two groups which adhere to a pro-Chinese communist political philosophy and pledge overt action through use of weapons to bring about revolution in this country. With this in mind, we have undertaken intelligence-type investigations to identify those involved who may be responsible for carrying out violence directed against the U. S. Government or the citizens of this country.

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(4) Puerto Rican independence groups, specifically those who seek to bring about independent status for Puerto Rico by means of force and violence, are the subject of intelligence-type investigations. No groups seeking independence of Puerto Rico by lawful means are investigated. The violence-prone groups have committed acts ranging from attempted assassination of the President, accompanied by murder, to acts of terrorism involving bombing, arson, and shootings. Much of the violence-prone groups' activity is planned in communist Cuba. Many of the leaders of the violent pro-independence groups are communists or followers of Leninist-Marxist philosophy.

Nationalities Intelligence Section is of the opinion that the aims and activities of the above-mentioned groups and similar organizations border on statutory violations; that while we do not rely on statutory prohibitions for authority to investigate them, it must be recognized that the reason investigations are initiated closely approaches the elements involved in conspiracy violations. Nationalities Intelligence Section opines that if we must look toward actual written authority for this kind of investigation, it appears we must rely on the Executive order (directive?) dated September 6, 1939, and subsequent reaffirmations of that order, noting that the 1939 directive and later supporting directives were published at a time when this country was involved in armed hostilities abroad.

Nationalities Intelligence Section observed that it appears necessary at this time to seek a properly worded Executive order which clearly sets forth the desires of the President in his capacity as the chief administrator of our country. Such an order should carefully distinguish between acts which are clearly opposed to the constitutional basis under which we operate and those which, no matter how unpopular, are nothing more than an expression of ideas. Finally, Nationalities Intelligence suggests that detailed guidelines from the Attorney General should be issued, based on the Executive order or directive.

COMMENT - REBUTTAL

While I agree completely with the suggestion that a detailed Presidential order is needed, along with guildelines issued by the Attorney General, I disagree that we cannot investigate the violence-prone Puerto Ricans and the Revolutionary Union and its spin-off, the Venceremos Organization, under existing statutes. I feel also that all we need to cover the JDL and the Arab terrorists like a blanket is a request from the Secretary of State to the Attorney General under the statutory authority relating to foreign relations which has previously been described herein and in accordance with Title 28, USC 533, set forth in the

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exhibit accompanying this study. Some additional authority is also present, at least for the time being, in Executive Order 10450 (based on Executive Order 9835). Additionally, there is authority, particularly with respect to JDL, under statute having to do with assaulting foreign diplomats.

INTERNAL SECURITY SECTION VIEWS

The Internal Security Section pointed out that the security investigations supervised within that Section are conducted within the purview of authority set out in original position paper of the Domestic Intelligence Divison dated May 19, 1972, entitled "Investigations of Subversion," which paper was to have been discussed during meeting of the Bureau's Executive Staff with Mr. Gray at Quantico the last week of May. The position paper was abandoned by Mr. Miller in favor of a different position, the essence of which has been expressed heretofore in this study.

The authority referred to by Internal Security Section essentially is based on both statutory and Presidential documents, including the 1939, et seq, directives. Internal Security pointed out that it should be stated at the outset that while FBI investigations conducted with specific reference to a statute will develop some intelligence it is not possible to base all FBI activities in the collection of intelligence on statutory authority alone. Internal Security further points out that it is true that the initial Presidential directive(s) of 1939 picked up the term "subversive activities" as incidental to their primary thrust, but that it is just as true that President Truman's directive of July 24, 1950, however intentional or unintentional it may have been specifically stated, said that the FBI had charge of investigative work in matters relating to espionage, sabotage, subversive activities and related matters. Internal Security feels that whether or not the initial Presidential directives fully embraced the concept of subversive activities would appear irrelevant after such a definitive order signed by Truman. Internal Security Section is of the opinion that whether we had it spelled out beforehand is unimportant because obviously Truman's order of July 24, 1950, made our investigative interest in subversive activities valid at that time.

COMMENT - REBUTTAL

Without going into detailed rebuttal here, the Truman directive is discussed in detail heretofore, it must be reiterated that Truman's directive contained a misstatement of fact concerning the previous directives, and I feel that under the magnification of a critical analysis of the Truman directive, particularly by

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individuals unsympathetic to the FBI, we cannot glibly state that whatever the intention or unintention may have been, Truman signed the order and therefore it made everything fine.

VIEWS CONTINUED

The Internal Security Section believes that reliance on statutory authority alone for the collection of intelligence would severely limit the scope of FBI activities to the detriment of our national security. They feel that a statutory basis must impose reasonable and definable limits and for the most part investigations conducted with regard to statute are "closed end" type. Internal Security points out that we investigate violations or allegations of violations; that we do not investigate indefinitely on the supposition or speculation that by "fishing" we may find somebody who violates a Federal law. Internal Security notes that such a concept is repugnant to the democratic process and clearly indicates a police state mentality. They go on to point out that on the other hand it is also clear that there are some areas -- particularly where the integrity of the Government is at stake -- where we must conduct intelligence-type investigations to detect conspiracies and actual attempts which go to the very heart of the Government's existence.

COMMENT - REBUTTAL

Here, again, I must interject with a point of rebuttal. As pointed out before, I feel that investigation under statutory or other legal authority does not require the so-called "closed end" type of investigation in every case. But the most important point I want to bring out is that I cannot see the logic of saying that investigations based on the possibility of violations to destroy the Government (intelligence investigations actually) are repugnant to the democratic process when performed under statutes forbidding such activity and are indicative of a police state mentality, whereas there is nothing repugnant, nothing wrong with conduct the same type of investigations under some nonspecific Presidential power to protect the integrity of the Government. I personally, as a citizen, would rather have a system wherein I could not be investigated unless there was some indication that I was planning to violate the law, or had already done so. As a law-abiding citizen I have no fear of intelligence-type investigations aimed at discovering plots to violate the law. I would have fear of a government system which permitted intelligence investigations based on someone's - anyone's, Presidential or otherwise - interpretation of what an individual may say, do or think. The law is a guideline and states clearly what I may do or not do. Vague interpretations subject to the caprices of undisciplined politicians could result in a virtual police state if the law is not the basis of our investigative activity.

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VIEWS CONTINUED

Internal Security Section recognizes that our investigations are conducted under both the authority conferred under Executive orders (10450) and statutes and notes that as a practical matter the statutory provisions cited as a basis for intelligence-type investigative authority must bear a reasonable relationship to the activity investigated and must be brought to a logical conclusion within a reasonable period of time. They also point out that it would be extremely difficult to justify continued investigative interest in a mere member of the Communist Party on the basis of the Smith Act or the Internal Security Act of 1950. It is further pointed out that this points up again the necessity for reliance not only on statutory authority but for the broader intelligence-type authority conferred by Presidentail directives and Executive orders.

REVOLUTIONARY ACTIVITIES SECTION VIEWS

The Revolutionary Activities Section furnished several specific examples of work of that Section which does not fall within the purview of existing Federal statutes. Included in those examples are the following:

(1) Students for a Democratic Society/Worker Student Alliance (SDS/WSA) is the largest faction of SDS in existence at the present time. It has an estimated membership of 750 members. This group is described as a revolutionary, predominantly campus-based organization dominated and controlled by the communist Progressive Labor Party. The group has engaged in recent widespread anti-Government demonstrations throughout the country which have led to numerous arrests, property damage, and injuries to law enforcement officers. Major purpose of our investigation of SDS/WSA is to obtain intelligence data in order to have a day-to-day appraisal of the strength, dangerousness, and activities of the organization and to keep the Department of Justice and other interested agencies advised.

Revolutionary Activities Section states that authority for investigation of SDS/WSA is based on Executive Order 10450, but that additional authority is derived from Presidential directives dating from September 6, 1939, 28 Code of Federal Regulations 0.85 (d) cites FBI authority to carry out Presidential directives. They also note that "inherent" responsibility of the President derived from the Constitution to "insure domestic tranquility," (Preamble) to "take care that the laws be faithfully executed," (Article II, Section 3) and to protect the states against invasion and domestic violence (Article IV, Section 4) provide power to the President.

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(2) The Socialist Workers Party (SWP) is the international Trotskyist movement founded in the 1920's when Leon Trotsky lost out in a power struggle to Joseph Stalin for control of the international communist movement. The basic philosophy of the SWP is that only violent revolution can destroy capitalism; that all political groups other than their own are counterrevolutionary and must be destroyed. We rely on Executive Order 10450 for investigative authority.

(3) The Venceremos Brigade consists of a loosely knit group of over 1500 individuals who have travelled to Cuba in separate contingents since November, 1969. Positive information has been developed that the organization is being used by various hostile intelligence services for spotting purposes and recruitment of intelligence agents and support personnel. The group is under investigation because it appears to be under the control and domination of a hostile power.

Revolutionary Activities Section states that Presidential directives (supposedly the 1939, et seq directives) have given the FBI responsibility to investigate matters relating to the internal security of the country. They point out that after the first contingent returned to the U.S. in February, 1970, the White House (nonspecific) instructed the Director to conduct an intensive investigation of the group to determine the extent of indoctrination afforded these individuals while in Cuba and to assess their potential dangerousness to the country. In addition, the Department of Justice has requested information to support indicia that members of various contingents have been trained as espionage and intelligence agents for the Cubans and North Koreans and may be operating as such in the U.S.

(4) Vietnam Veterans Against the War (VVAW) is a revoluationary antiwar group currently of major concern in view of its potential for violence. The organization is made up of many Vietnam war veterans who have advanced training in explosives and weapons and many have records of narcotics use. One VVAW national coordinator stockpiled arms and ammunition and advocated "political elimination squads." Revolutionary Activities Section relies on the Presidential directives (1939 et seq) and Executive Order 10450 as a basis for investigation in the absence of specific statutory authority.

(5) Weatherman is the name adopted by a group which is a revolutionary Marxist-Leninist organization dedicated to the overthrow of the Government through force and violence. A number of Weatherman leaders are current Bureau fugitives in connection with violations of Federal antiriot laws, Bombing and Gun Law statutes, as well as the Fugitive Felon Act. Revolutionary Activities Section cites as specific authority for investigation

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of the Weatherman organization that Presidential directives have instructed the FBI to take charge of investigative work relating to espionage, sabotage and subversive activities and that Executive Order 10450 provides additional authority.

(6) Unaffiliated individuals who are a part of the New Left Movement. Revolutionary Activities Section notes that although the New Left Movement has no definable ideology of its own, it does have strong Marxist, existentialist, nihilist and anarchist overtones. In some instances there are individuals without any organizational affiliation who by their revolutionary activities and statements, establishing a rejection of law and order, reveal the individual to be a potential threat to the security of the U.S. Such individuals do, in fact, engage in violence or unlawful activities and their potential dangerousness to the internal security is clearly demonstrated by their statements, conduct and actions. According to Revolutionary Activities Section, specific authority to conduct our investigations of unaffiliated individuals is derived from Presidential directives of September 6, 1939, through December 15, 1953.

This Section states that in all these examples there is a likelihood that evidence may be developed at some future date that activities of these organizations and individuals constitute violations of specific statutes. It is further stated that our authority to conduct investigations in these cases cannot be based on the speculation that evidence of some violation might be developed; however, until such time as we obtain a substantial allegation that a violation has occurred, we must base our "intelligence" investigations on the Presidential directives and Executive orders issued by the President delineating our responsibility in regard to national security.

COMMENT - REBUTTAL

At the risk of being monotonous, there appears to be ample indication here that a great deal of statutory authority is present, but not being cited. The Smith Act of 1940 and other statutes dealing with the national security provide the basis for investigating all of these groups. The espionage statutes serve as basis for investigating the Venceremos Brigade. Certainly the authority conveyed by Executive Order 10450 is not questioned. And in the case of the Weatherman group, the Fugitive Felon Act gives us a tremendous latitude for conducting all the intelligence investigation we may need in an effort to locate the Weatherman fugitives.

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OFFICIAL RECOGNITION OF INTELLIGENCE INVESTIGATION

Although the cold facts indicate that the Presidential directives dating back to 1939 do not convey any authority to the FBI which it did not have already by legislative enactment, it is obvious that intelligence-type investigations are necessary in the protection of the national security. Various documents emphasize the necessity for developing intelligence data. For example, the report of the National Advisory Commission on Civil Disorders (Kerner Commission, 1968) emphasized that law enforcement organizations must develop the means to obtain adequate intelligence for planning purposes and that law enforcement should "gather, evaluate, analyze and disseminate information on potential as well as actual civil disorders."

Similarly, the President's Commission on Campus Unrest (1970) took special note of the need for intelligence in effective law enforcement. The Commission stated in its report, "It is an undoubted fact that on some campuses there are men and women who plot, all too often successfully, to burn and bomb, and sometimes to maim and kill." The report concluded that the best, and sometimes the only, means law enforcement has to thwart or prevent such plots is through "clandestine intelligence work."

A memorandum for the Director of the FBI from Attorney General Ramsey Clark, dated September 14, 1967, stated that "In view of the seriousness of the riot activity across the country, it is most important that you use the maximum available resources, investigative and intelligence, to collect and report all facts bearing on the question as to whether there has been or is a scheme or conspiracy by any group of whatever size, effectiveness, or affiliation, to plan, promote or aggravate riot activity."

The memorandum went on to state that "In this connection the following federal statutes could be applicable depending, of course, upon the factual situation that develops." Ten Federal statutes were then listed and it is particularly significant to note that the Attorney General was instructing that the FBI collect intelligence information - not on some specific allegation that a crime had been committed, but to determine whether there has been or is a scheme or conspiracy. In other words, the FBI was instructed by the Attorney General to conduct intelligence investigations to determine if any of the ten Federal laws might have been violated in connection with riot activity.

FORMER STUDY OF FBI'S INVESTIGATIVE RESPONSIBILITIES

In an exhaustive study of the "role of the FBI in Clandestine Foreign Intelligence Collection in the United States," conducted and reported in a document dated April 29, 1966, by a committee more commonly referred to as the "Papich Committee"

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considerable information was brought out concerning the FBI's investigative authority. Of great interest is the impact the National Security Act of 1947 had on the gathering of intelligence in the United States. This Act, which is reported in 50 USC 401 et seq, established the National Security Council (NSC) and under it the Centeral Intelligence Agency (CIA). The legislative history of the Act notes the concern Congress had that CIA could develop into a gestapo if permitted to become operational in the U.S. James Forestal, then Secretary of the Navy, testified in a hearing before the Committee on Expenditures in the Executive Departments, that "The purposes of the Central Intelligence Agency are limited definitely to purposes outside of this country, except collation of information gathered by other government agencies."

He went on to say, "Regarding domestic operations, the Federal Bureau of Investigation is working at all times in collaboration with General Vandenberg (then head of CIA). He relies upon them for domestic activities." The Papich Committee study noted that there is tacit acknowledgement in Section 403 (e) of the National Security Act of 1947 that the FBI gathers information affecting the national security: "That upon the written request of the Director of the Central Intelligence Agency, the Director of the FBI shall make available to the Director of Central Intelligence such information for correlation, evaluation, and dissemination as may be essential to the national security."

The Papich Committee report reveals that there is ample indication that Congress was aware of FBI intelligence functions, particularly with respect to foreign intelligence activity in the U.S. The Executive Branch was obviously depending on the FBI to provide intelligence data which CIA, by law, could not collect in the U.S. A task force headed by General Mark Clark in 1955 took notice of the fact that the FBI dealt in security intelligence. The task force report cited the fact that the FBI was one of four members of the Interdepartmental Intelligence Conference (IIC), created by the National Secuirty Council, approved by the President, March 23, 1949, to coordinate "the investigation of all domestic espionage, counterespionage, sabotage, subversion, and other related matters affecting internal security."

It was noted that the IIC charter did not disturb responsibilities of its member agencies but made mandatory action by those agencies deemed necessary to insure complete investigative coverage in compliance with the needs of the IIC, which had full responsiblity for coordination of the investigation of all domestic espionage, counterespionage, etc., affecting internal security.

The task force mentioned above, in commenting on the role of the FBI, noted "The Federal Bureau of Investigation, however, is the recognized center of the domestic aspect of internal security including counterintelligence within the United States and its possessions." It is to be noted that this task force took

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cognizance of the fact that President Roosevelt as far back as 1939 had directed the FBI to coordinate and conduct domestic counterintelligence activities. (Underlined part taken from Papich Committee report and is not necessarily the actual language used in the task force report. In any event, we know this is a very broad interpretation of the 1939 directive.)

RECENT EXECUTIVE INTENT

Even more recently the White House exhibited its own understanding of the intelligence role and functions delegated to the Attorney General and the FBI. By confidential memorandum from the White House to the Secretaries of State, Defense, Treasury and Commerce; the Attorney General; Director of CIA; Military Representative of the President; Administrator, Federal Aviation Agency; and Chairman, Atomic Energy Commission, dated June 9, 1962 (National Security Action Memorandum 161), President Kennedy stated that he would look to the Attorney General to take the initiative in the Government in insuring the development of plans, programs, and action proposals to protect the internal security of the United States. This memorandum directed that the two interdepartmental committees concerned with internal security -- the Interdepartmental Intelligence Conference (Chaired by J. Edgar Hoover) and the Interdepartmental Committee on Internal Security (Chaired by a representative of the Department of Justice) which had been under the supervision of the National Security Council, be transferred to the supervision of the Attorney General.

One of the greatest problems in conducting a study of this type is the location of pertinent documents and material which bear on the issues. We have located copies of the documents related primarily to the heart of this issue, our basic authority in the national security field - namely, the Presidential directives and Executive orders which we have cited in addition to statutes as being our sources of authority - but there may be other very pertinent documents bearing on the Executive intent to have the FBI conduct intelligence-type investigations. A good example is evidence used by the Papich Committee, but not found during this study, which shows that President Roosevelt called a White House conference on May 9, 1934, attended by the Attorney General, Secretary of Treasury, Secretary of Labor, Director of FBI, and Chief of the U. S. Secret Service to deal with the problem of growth of fascist organizations in the United States. The conference agreed that there should be an investigation of these groups and their activities for intelligence purposes. Since the only Federal law believed applicable at the time was the Immigration Law, the President decided that the Commissioner of Immigration and Naturalization Service should confer with the Chief of Secret Service and the Director of FBI to work out details of the investigation.

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Mr. Hoover immediately issued orders to FBI personnel to conduct an intensive investigation of the Nazi movement. This, evidently, was the first general intelligence investigation made by the Government into fascist activities in this country. But note that this general intelligence investigation was based in law, namely the Immigration Law. We have here an example of the exercise of inherent Executive power tempered by the fact that the Presidential desire for intelligence investigations would be implemented because there was a statute covering the situation. Basically, the same applies to the 1936 arrangement between the President, the Director of the FBI and the Secretary of State. The law permitting the Secretary of State to request the Attorney General to investigate certain matters was the legal basis for the subsequent FBI investigations.

CONCLUSIONS

In summary and conclusion, it is believed that the facts clearly show that while there is a labyrinth of conflicting information and opinions concerning the FBI's authority to conduct intelligence-type investigations in the national security field, there are a few basic points requiring clarification. It is believed that we must first sweep away the myth that the FBI now has any investigative authority based on the Presidential directives dating from 1939, and that any investigative responsibility we derived from those directives is so outdated as to be very questionable if not entirely void. This is, of course, taking into consideration the national situation at the time the directives were individually issued.

Secondly, it is believed that the FBI does have a valid reason to conduct intelligence-type investigations based on the fact that there are laws prohibiting all the various types of subversion truly affecting the national security and that the Government has the right to protect itself from destruction by conducting whatever preventive or intelligence-type investigations are necessary to see that individuals and organizations do not do those things, in violation of the law, which could threaten the national security. Preventive or intelligence-type investigations would include the use of confidential informants and sources of information, the calling on law enforcement officers and patriotic citizens and organizations to furnish all information concerning subversion to the FBI, the collection of overt intelligence data from publications and other public source material, including congressional hearings, and the full scale investigation of allegations received from all sources.

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Our intelligence-type investigations, however, should meticulously adhere to guidelines which would clearly prohibit any intrusion or abridgement of an individual's rights guaranteed under the Constitution, particularly the First, Fourth and Fifth Amendments. To assure that the proper guidelines are drawn we should request the Department of Justice to issue them and then afford the closest possible supervision of investigation, both in the field and at Headquarters to see that our intelligence investigations are kept within these guidelines. The voicing of this need does not indict our existing guidelines or careful supervision, but merely recommends that our responsibilities be described and, where necessary, circumscribed by the Attorney General whose duty under the law is to supervise our activity.

It appears that the most effective means of laying to rest the persistent complaints of various critics that the FBI engages in political surveillance (investigations) in violation of First and Fourth Amendment rights is to have definitive legislative enactment carefully state what the FBI must do to protect the national security. Such could be resolution or statute, but should cover in complete detail what acts should be investigated by the FBI, and, in particular, that the FBI must conduct preventive or intelligence-type investigations to protect the national security.

Under the political climate existing in the country today, however, the passage of either a statute or a resolution of the type needed is very remote. Because of the misconceptions and misapprehensions surrounding investigations relating to subversion, there is an atmosphere of suspicion in congressional circles that would likely stifle any attempt to formulate any such legislation at this time. We should, however, recommend to the Department that consideration be given immediately to sponsoring some comprehensive legislative enactment along the lines needed.

In the meantime, for the benefit of the FBI, the Department of Justice and the rest of the Executive Branch of Government, including the staff at the White House, it appears that the next best thing is to have a comprehensive Executive order issued, under the inherent Executive power, outlining exactly what <u>responsibilities</u> the FBI has in the protection of the national security and in furnishing the President the data he needs to fulfill his responsibilities under the Constitution.

To be effective such Executive order would have to clearly define the FBI's intelligence collection responsibilities and would necessarily have to contain language which would satisfy the courts that First and Fourth Amendment rights are

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not being abrogated in any manner. Language in such an order would ideally follow the basic language and purposes of Executive Order 11605, since this deals with virtually every type of subversive activity confronting the country today.

It is finally concluded that this study has shown that the FBI has in the past conducted no intelligence-type investigations which were not permissible under the law, particularly under the concept that intelligence-type or preventive-type investigations are lawful when the product and purpose of the investigation is to prevent a violation of a statute. It is believed, however, that every area of our national security investigations should be reviewed for the purpose of determining what additional constitutional safeguards should be considered. This is particularly true in light of the fact that much of our investigative activity in the past was geared to the Emergency Detention Act, which was repealed in October, 1971. We should make absolutely certain, for example, that the procedures adopted in setting up our Administrative Index, following repeal of the Emergency Detention Act, are not being used to circumvent the repeal of the Emergency Detention Act. In this regard, it is to be noted that a detailed study of the Administrative Index has been underway and is almost complete as of this date.

RECOMMENDATIONS

1. That upon completion of a final draft of the study dealing with this matter, a letter to the Department be prepared containing the essence of this study, pointing out our findings and requesting (a) The Department's opinion concerning our findings, particularly directives discussed herein; (b) The Department's opinion concerning the legality of intelligence-type or preventive-type investigations based on existing statutes; (c) Requesting the Department to issue comprehensive investigative guidelines for future investigations of the intelligence or preventive type; (d) Requesting the Department to sponsor comprehensive legislation spelling out the FBI's investigative authority in the collection of intelligence information relating to the national security; and (e) Requesting the Department to seek a comprehensive Executive order which would cover any possible gaps between statutory authority and Executive necessity in protection of the national security.

2. That a penetrative study be completed at the earliest possible date concerning all our current national security investigative guidelines to insure that every possible safeguard is in effect to protect the individual's rights

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protected by the constitution; that the current study of procedures relating to the Administrative Index specifically determine if any procedures are in effect which could be interpreted as a means to circumvent repeal of the Emergency Detention Act.

THOMAS J. SMITH
CHIEF, RESEARCH SECTION
DOMESTIC INTELLIGENCE DIVISION

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CLASSIFY AS APPROPRIATE

NOTE: [illegible] ONS ON REVERSE [illegible] ETING.

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: 6/4/75

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 advising SSC that a document it desires is available for review only at FBI Headquarters.

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 3/19/75, Part I, Legal Authorities.

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*)

Authorities - legal
Intelligence activities, domestic

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11-19-2010 BY SP2 [illegible] MDR-16

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

Memorandum advises that in response to SSC request for an FBI position paper dated 7/31/72, discussing the "Scope of FBI Authority, Jurisdiction and Responsibility in Domestic Intelligence Investigations," the paper is being made available for review only at FBI Headquarters and with further condition that no notes be taken during this initial review.

WOC

5.8

TREAT AS YELLOW

SFP:lhb
(4)

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

62-116395

6-24-75 LFS

CLASSIFY AS APPROPRIATE

3791 (6-75)

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.

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

5010-106

UNITED STATES GOVERNMENT

Memorandum

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

TO : MR. WANNALL

DATE: 6/2/75

FROM : H. N. BASSETT

SUBJECT: SENSTUDY 75

In response to the Church Committee's request for Inspection Division guidelines used for inspecting field offices and divisions (item #7, Appendix B of Senator Church's letter to the Attorney General dated 5/14/75), this Division has no objection to a review of the field and headquarters inspection manuals by Members of Committee Staff, provided the review is conducted in FBI space with an Inspection Division representative present.

1 - Mr. Wannall (Mr. Cregar)
1 - Bufile 62-116395

FBG:wmj
(4)

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87 JUN 27 1975

84 JUN 27 1975

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

5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. W. R. Wannall

FROM : W. O. Cregar

SUBJECT: SENSTUDY 75

1 - Mr. T. J. Jenkins
1 - Mr. J. B. Adams
1 - Mr. E. W. Walsh
DATE: 5/29/75
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. S. F. Phillips

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Director Sec'y ___

This memorandum recommends that Bureau space be provided Senate Select Committee (SSC) Staff for review of Bureau material and interviews of Bureau employees.

SSC Staff is in a phase of its inquiry concerning Bureau operations which includes (1) review of considerable FBI material (sections of manuals, forms, SAC memoranda, etc.), (2) interviews of Bureau employees; and (3) briefing of Staff members by Bureau officials and supervisors. For many very sound reasons it would be to the Bureau's distinct advantage to provide limited, but suitable space within the J. Edgar Hoover Building to the SSC Staff. Because we have been able to obtain the Staff's agreement to review much of our material at FBIHQ, rather than its insistence on turning the material over to the Staff, we are in a position of insuring the security of our material by maintaining it in our space at all times. Also, by having the SSC Staff conduct its review of the material in our space, we can have personnel readily available to answer their inquiries, thus precluding the necessity for preparing otherwise needless correspondence and eliminating the necessity for having our personnel present throughout their reviews if they took place elsewhere. Further, from a psychological standpoint, it is to our advantage that our employees be interviewed in our space rather than in SSC offices. Finally, space made available to SSC Staff will also provide a desirable site for the various briefings our people are giving to them. It should be noted that the providing of the space which this memorandum recommends is similar to what we have already done for the General Accounting Office in connection with its audit of our operations.

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SFP:mjg
(7)

JUN 27 1975

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FBI

JUN 27 1975

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

Informed 6/20/75 [illegible]

Space required should be sufficient to accommodate three desks and three chairs plus two or three file cabinets; and including the necessary desks, chairs and cabinets. Space should approximate that currently used to accommodate Section Chief's offices in the INTD.

Because the SSC Staff has already commenced some of its review of Bureau material and has already engaged in some briefings, it is essential that urgent attention be given this request. INTD has already surveyed its space and would be unable to accommodate the need involved.

ACTION:

Upon approval, Administrative Division will immediately take necessary steps to provide for the necessary space and equipment described above.

WRW

DIV's has located space in their area, would to be added by GSA [illegible] 6/11/75

We have initiated space survey to see if there is any space at all we could free up for this purpose.

[illegible] 6/12

OK [illegible] for [illegible]

NW 55024 DocId:32989609 Page 183

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

5010-106

UNITED STATES GOVERNMENT

Memorandum

SECRET

1 - Mr. J. B. Adams
3 - Mr. J. A. Mintz
(1-J.B.Hotis)
(1-Mr.P.V.Daly)
1 - Mr. W. R. Wannall
1 - Mr. T. W. Leavitt
1 - Mr. W. A. Branigan
1 - Mr. W. O. Cregar

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Telephone Rm. ___
Director Sec'y ___

TO : MR. W. R. WANNALL

DATE: May 27, 1975

FROM : MR. W. O. CREGAR

SUBJECT: SENSTUDY 75

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE.

This memorandum reports the results of a meeting* between Mr. John Elliff, Senate Select Committee (SSC) Staff, who is in charge of the task force looking into the FBI, and Messrs. Wannall, Leavitt, Branigan, and Cregar. Purpose of the meeting was to acquaint Elliff with the work of the Counterintelligence Branch in the Intelligence Division.

House Select Committee (HSC)

Elliff advised that the SSC is concerned with how the HSC plans to conduct its probe of the intelligence community. He anticipates HSC may hold hearings very shortly and possibly prior to the time the SSC gets underway. At the present time, Elliff knows of no agreement or plans to provide the HSC with copies of intelligence community documents the SSC has been furnished.

Department of Justice

According to Elliff, Kevin T. Maroney, Deputy Assistant Attorney General, Criminal Division, has agreed to allow Staff Members of the SSC to review the Department's file on the Intelligence Evaluation Committee (this was a Committee chaired by the Department and evolved from one of the recommendations set out in the "Houston Plan." During its existence the Bureau had several representatives assigned to the IEC).

Mr. Maroney has also advised the SSC Staff that in the 1966-67 period the Department of Justice did an extensive study on the legal authority for the conduct of electronic surveillances. Elliff was quite pleased that the Justice Department planned to make this study available for review by Staff Members of the SSC in the Department's Building and expressed the hope that the Bureau would also see fit to allow Staff Members to review research and studies the Bureau might have conducted in the area of sensitive investigative techniques.

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*5/22/75

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17 JUN 27 1975

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Sensitive Investigative Techniques

Mr. Elliff felt that much could be accomplished in responding to the SSC request of 5/14/75 if the Bureau could pull together the basic FBI documents delineating our legal authority to engage in the following investigative techniques.

(1) Electronic surveillances, including consensual electronic surveillances; (2) all forms of mail surveillances including covers and openings; (3) physical surveillances including Special Agent (SA) infiltration of target groups; photography and remote viewing and sensing devices (laser beams); (4) surreptitious entries; (5) incommunicado interrogations; and (6) bank credit, and other personal information.

It was Elliff's opinion that if the Committee could be allowed to review the legal authority for such surveillances along with the documents showing how the decision-making process worked in instituting, approving and discontinuing such operations, much of the misunderstandings some members of the Committee have would be clarified. Elliff also felt a detailed briefing of the Committee with whatever limitations the Bureau desired to place on the number and level of those to be briefed would be extremely helpful in assisting the Committee in developing some authority for the FBI to legally engage in such sensitive activities in the future.

Three Top Priority Items of the SSC

Elliff advised that in his judgment the three top priority items of the SSC regarding the FBI are as follows. (1) Develop legislation to clearly delineate the Bureau's jurisdictional authority in the security and counterintelligence field. (2) Provide the Bureau with some authoritative basis, either statutory or otherwise, to engage in certain counterintelligence activities, i.e., surreptitious entry, electronic surveillances, incommunicado interviews, in national security cases when the need for such activity has been clearly established. (3) To improve the coordination between the FBI and the rest of the intelligence community.

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Elliff was questioned about the reason for the third priority. He responded by noting that one President (Nixon) had stated that in 1970 there was a breakdown in the relations between the FBI and the rest of the intelligence community. Elliff was informed that this was not so, that the discontinuance of a formal liaison relationship with Central Intelligence Agency (CIA) and subsequently the rest of the intelligence community in 1970 did not mean that there was a breakdown in coordination. Elliff asked why the Bureau discontinued a formal liaison relationship with CIA in early 1970. We briefly reviewed for Elliff the Thomas Riha case pointing out that Mr. Kelley had personally caused a review of that case in an effort to determine whether it, in fact, was the reason for the discontinuance of our liaison relationship with the CIA. Elliff was informed that this was the case. In addition, we discussed with Elliff the 1966 understanding between CIA and the FBI and made it quite clear to him that we felt the relationship with not only CIA but the entire intelligence community was excellent.

Other Matters of Interest

During the course of the briefing, Elliff was shown charts depicting the inordinate increase of Sino-Soviet bloc official presence in the U. S. from 1959 through January, 1975, the growth of the presence of foreign hostile intelligence officials in the U. S. during this same period compared with the static number of SAs we had working against this threat during this same period. Elliff was concerned over the fact that the presence of Sino-Soviet bloc officials as well as the intelligence officers increased substantially while the number of SAs dedicated to counterintelligence investigations remained static. He wondered why this was so. Elliff was advised that it was a question of manpower and priorities. He was told that during the 1959-1975 period there was a considerable demand for the use of SA personnel in the fields of organized crime, civil rights, & ghetto riots. In addition, during that period of time additional investigative responsibilities were placed upon the FBI by virtue of new legislation.

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Memorandum to Mr. W. R. Wannall
RE: SENSTUDY 75
62-116395

Elliff was also interested in knowing whether our legal attaches were operational in the counterintelligence field. He was advised they were not. Elliff also asked whether CIA made available to the FBI their latest technical developments. He was advised that we believed they did. JFK Act 6 (1)(B)

Finally, Elliff desired to know whether the FBI had received any documents [redacted] wherein [redacted] (S) He was advised that this would have to be researched and that we would be in touch with him on this particular subject.

RECOMMENDATIONS:

(1) We have already begun to examine the material asked for regarding the FBI's legal authority and implication of sensitive investigative techniques. Once examined and analyzed, we will submit recommendations as to how we should proceed taking into consideration the observations and suggestions of Elliff.

JFK Act 6 (1)(C)

(2) We are pulling together the documents regarding [redacted] (3) and with approval will suggest Elliff submit his specific request in writing through the AG.

Elliff advised by Sd Daley 6/16/75 WOB

KY

JM

PCR

JM

NW 55024 DocId:32989609 Page 187

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

5010-106

UNITED STATES GOVERNMENT

Memorandum

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

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Dep. AD Adm.
Dep. AD Inv.
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Spec. Inv.
Training
Legal Coun.
Telephone Rm.
Director Sec'y

TO : Mr. W. R. Wannall

DATE: June 17, 1975

FROM : W. O. Cregar

1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. J. W. Dalseg
1 - Mr. T. J. McNiff

SUBJECT: SENATE SELECT COMMITTEE

Reference is made to memorandum from Office of Legal Counsel to Mr. J. B. Adams, dated June 10, 1975, captioned as above, (copy attached) wherein it was recommended and approved that representatives of the Intelligence Division meet with Mr. K. William O'Connor, Special Counsel for Intelligence Coordination, Office of the Deputy Attorney General, for the purpose of briefing him concerning the contents of a Bureau letter to Mr. George P. Williams, Associate Counsel to the President at the White House, dated July 23, 1974, captioned "Electronic Coverage Placed at the Request of the White House."

By way of background, the Senate Select Committee (SSC) has requested certain documents and information relating to the so-called "Kissinger 17." Some of this information has already been prepared and furnished to O'Connor with the caveats that the Government has not publicly admitted to 15 of the coverages involved and some material relating to the remaining two has been impounded by court order due to pending civil suits. The decision was left to the Department as to whether or not material prepared in response to SSC requests should be made available to that Committee. Mr. O'Connor on June 9, 1975, requested of Assistant Director John Mintz a briefing as to the contents of the above July 23, 1974, letter which he believed summarized information available to the Bureau concerning the 17 wire taps.

On June 17, 1975, Special Agents John W. Dalseg and Thomas J. McNiff met with Mr. William O'Connor and the latter's assistant, Michael T. Shaheen, in the office of Mr. O'Connor. After a briefing on the contents of the July 23, 1974, letter Mr. O'Connor concluded that information contained in that letter and its enclosures is too sketchy to enable a knowledgeable determination be made as to whether or not requested material should be released to SSC. Mr. O'Connor stated he believed such a determination could only be made after a review of the entire file relating to the

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Enclosure

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62-116395-272

62-116395

ENCLOSURE

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17 JUN 26 1975

1 - 65-75085

SEE ADDENDUM PAGE 3

TJM:dmt
(8)

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84 JUN 26 1975

"Kissinger 17" and he stated his office would, in the near future, prepare a letter to the Director similarly requesting that Mr. Shaheen or some other designated representative of his staff be granted authority to review the Bureau file concerning the matter in question.

OBSERVATIONS:

During the above conversation Mr. O'Connor appeared to be primarily interested in the completeness of the Bureau file with regard to matters relating to the "Kissinger 17" and to what degree information in this file had been made public. It was explained to Mr. O'Connor, who appeared knowledgeable concerning the history of these documents, that this file contains all communications known to be in existence concerning the "Kissinger 17," but no one can state with certainty, due to the manner in which this material was handled at the specific request of the White House, that the file contains all communications prepared in this matter. With regard to publicity afforded these documents, Mr. O'Connor stated he is familiar with the documents which had been made available to the Department for referral to various Committees and he is familiar with excised versions of these documents which had been published by these Committees. He indicated that the Department's present problem is that no record has been located in the Department to date as to just which material or in what form such material furnished by the Bureau to the Department was subsequently turned over to the Committees by the Department. O'Connor stated it could be embarrassing at this time to make available to the SSC material which had not previously been made available to the Congressional Committees and equally embarrassing to withhold from the SSC material which was previously furnished Congressional Committees.

ACTION:

None. Above submitted for information.

NW 55024 DocId:32989609 Page 189

ADDENDUM: INTELLIGENCE DIVISION TJM:lhb 6/19/75

In anticipation of Department's request cited in instant memorandum to review Bureau files concerning the so-called "Kissinger 17," Special Agent (SA) Robert F. Peterson, Office of Legal Counsel, on 6/18/75 contacted Department Attorney Edward Christenbury, who is handling the Halperin Civil Suit, to determine if the United States District Court's (USDC) impoundment would prevent this Bureau making available this file to representatives of the Department. Christenbury, late 6/18/75, advised SA Peterson that he, Christenbury, had contacted plaintiff's (Halperin) attorney, who advised he had no objection to this file being made available to a Department representative for review. Christenbury then attempted to contact USDC Judge John Lewis Smith, who issued the impoundment order in this matter. Christenbury spoke to Judge Smith's law clerk, who advised that in view of the position taken by plaintiff's attorney, he did not believe that Judge Smith would interpose any objection to the Department's anticipated request. The law clerk stated, however, that he would contact Judge Smith at the earliest opportunity to obtain a ruling and would advise Christenbury of the results.

You will be advised of the results when received.

WOB TJM

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

UNITED STATES GOVERNMENT

Memorandum

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Director Sec'y ____

TO : Mr. J. B. Adams

DATE: 6/10/75

FROM : Legal Counsel

SUBJECT: SENATE SELECT COMMITTEE

On 6/9/75, Mr. K. William O'Connor telephonically advised me that the Committee is interested in information concerning certain electronic surveillance coverage instituted at the request of the White House concerning seventeen individuals. Mr. O'Connor said that he understands that a letter was addressed to the White House by the Bureau furnishing copies of documents that summarized the information available to the Bureau concerning the alleged seventeen wiretaps. Mr. O'Connor requested that he be briefed concerning this matter in order for him to discuss the Committee's requests.

It appears that Mr. O'Connor may be referring to a letter dated July 23, 1974, that was addressed to Mr. George P. Williams, Associate Counsel to the President, at the White House. A memorandum was addressed to the Attorney General also dated July 23, 1974, captioned "Electronic Coverage Placed At The Request of the White House," which advised the Department that pursuant to the authorization of the Deputy Attorney General certain documents had been furnished to Mr. Williams at the White House.

RECOMMENDATION:

That the Intelligence Division identify the materials involved in Mr. O'Connor's request and provide him with an appropriate briefing.

1 - Mr. Wannall
1 - Mr. Cregar
1 - Mr. Hotis
1 - Mr. Daly
1 - Mr. Mintz
JAM:mtm
(7)

WEW/Fm

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62-116395-272 Phillips

ENCLOSURE

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

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

UNITED STATES GOVERNMENT

Memorandum

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Director Sec'y ___

TO : Mr. J. B. Adams

DATE: 6-18-75

FROM : Legal Counsel

SUBJECT: SENSTUDY 75

By memo dated 6-10-75, you were advised that K. William O'Connor, Special Counsel for Intelligence Coordination in the Department, requested he be allowed to review a summary prepared concerning the so called "Kissinger 17" wiretaps since the Senate Select Committe had included a request for information concerning them in their letter of May 14, 1975. Mr. O'Connor and his Deputy, Michael Shaheen, reviewed the summaries.

At Mr. O'Connor's request, a conference was held with Messrs O'Connor and Shaheen and SA Robert Peterson, SA Paul V. Daly, Inspector John B. Hotis, and Assistant Director John A. Mintz, present to discuss the SSC request for documents concerning the "Kissinger 17" wiretaps and his concern that the furnishing of such documents might adversely impact on existing litigation involving the Bureau, and may subject the Bureau to additional lawsuits. Most of the documents in question are also under a protective order of the Court in the Halperin Case and therefore, a release must be orchestrated with the Court. Mr. O'Connor suggested that a summary of existing summaries of these wiretaps be prepared by the Department and with the acquiescence of the Court which issued the protective order be made available for review by the Committee in the

1 - Mr. Wannall
(Attn: Mr. Cregar)
1 - Mr. Mintz
1 - Mr. Hotis
1 - Mr. Daly

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17 JUN 26 1975

8 4 JUN 26 1975 Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Department of Justice. Mr. O'Connor also mentioned that the summary would, of course, have to set forth ~~the~~ sufficient information to allow the Committee to make a determination that the information derived from these wiretaps was not used for political purposes. Mr. Mintz expressed concern that the publication or leaking of information from summaries could expand the number and nature of suits facing the Bureau and suggested the Department should, in obtaining the Court approval for making the summaries available, request the Court to issue appropriate safeguards against publication of such information. Mr. O'Connor stated that such a recommendation to the Court would be proper and that this would be done.

Mr. Mintz told Mr. O'Connor that the Bureau at this time cannot make a commitment to the making available of the summaries to the Committee without further study and approval, and an approval would be sought expeditiously. Additionally, Mr. Mintz requested that the Bureau be given the opportunity to review the summaries prepared by the Department to insure the Bureau's interests are protected.

RECOMMENDATION:

That we notify the Department that we are in agreement concerning the preparation of summaries based on existing summaries of "Kissinger 17" wiretaps with the provision that we be given the opportunity to review these summaries prior to the Department seeking Court approval for making them available.

PVD

RKW WAB

PLM

NW 55024 DocId:32989609 Page 193

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

The Attorney General

June 9, 1975

1 - Mr. R. H. Horner
1 - Mr. T. E. Burns

Director, FBI

UNITED STATES SENATE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES (SSC)

By letter dated May 14, 1975, with attached appendices, the SSC requested certain information and documents from the FBI.

Enclosed for your approval and forwarding to the Committee is the original of a memorandum containing a response to one of the Committee's requests.

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

Enclosures - 2

62-116395

1 - The Deputy Attorney General
Attention: K. William O'Connor
Special Counsel for
Intelligence Coordination

TEB:dmt
(10)

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ENCLOSURE

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GPO 954-546

2 - Mr. J. A. Mintz
(1 - Mr. J. B. Hotis)
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. R. H. Horner
1 - Mr. T. E. Burns
June 9, 1975

62-116395

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

RE: REQUEST PERTAINING TO ELECTRONIC
SURVEILLANCE

ALL INFORMATION CONTAINED
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MDR-16

Reference is made to SSC letter dated May 14, 1975, with attached appendices, requesting certain documents and other information from the FBI.

Item number 21, Appendix D, requests that with respect to each occasion on which the Director of the FBI testified before the House Appropriations Committee from 1965 until the present, the number of warrantless electronic surveillances in operation be provided for:

(a) The date of such testimony;

(b) 30 days prior to such testimony; and

(c) 30 days subsequent to such testimony.

Set forth below is the number of warrantless electronic surveillances in operation with respect to each occasion on which the Director of the FBI testified before the House Appropriations Committee from 1965 until present. Also set forth for part of 1967 and all of 1968 through 1972 are the number of such warrantless electronic surveillances in operation approximately 30 days prior to such testimony and approximately 30 days subsequent to such testimony. As a result of the manner in which our filing system is presently constituted, statistics covering the period 30 days before the Director's testimony and 30 days following his testimony for the years 1965, 1966 and part of 1967 are not available as a practical matter. Furthermore, the number in operation 30 days

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TEB:dmt
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SEE NOTE PAGE 3

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.

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ENCLOSURE 62-116395-270

GPO 954-546

prior to and 30 days subsequent to the Director's testimony could not be determined in all instances and therefore, the figures provided are for dates as close to the 30-day time frame as practicable.

Finally, the Director ceased testifying before the House Appropriations Committee regarding the number of warrantless electronic surveillances in operation subsequent to his March 2, 1972, appearance and therefore the request is unanswerable with respect to 1973, 1974 and 1975.

BEFORE	DATE OF DIRECTOR'S TESTIMONY	AFTER
Retrieval not Practicable (RNP)	March 4, 1965 44	RNP
RNP	February 10, 1966 32	RNP
RNP	February 16, 1967 38	March 13, 1967 42
January 15, 1968 33	February 23, 1968 33	March 22, 1968 33
March 14, 1969 46	April 17, 1969 49	May 15, 1969 50
February 5, 1970 38	March 5, 1970 36	April 6, 1970 37
February 16, 1971 33	March 17, 1971 33	April 17, 1971 40
January 31, 1972 32	March 2, 1972 34	March 31, 1972 35

1 - The Attorney General

NW 55024 DocId:32989609 Page 196

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

NOTE:

The above material which we are furnishing the Committee was supplied by the Special Records and Related Research Unit of IS - 3 which has responsibility for information in the requested area. Similarly, this Unit determined that the information requested was not retrievable as a practical matter with regard to 1965, 1966 and part of 1967, the 30-day time frame, and for the years 1973, 1974 and 1975.

NW 55024 DocId:32989609 Page 197

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

Addressee: Senate Select Committee

☐ LTR ☒ LHM ☐ Memo ☐ Report dated 6/9/75

Caption of Document: U.S. Senate Select Committee to Study Govt. Operations with Respect to Intelligence activities.Re: Request Pertaining to Electronic Surveillance

Originating Office: FBI

Delivered by: Paul V. Daly Date: 6-13-75

Received by: John A. Elliff

Title:

Return this receipt to the Intelligence Division, FBI

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-17-2000 BY SP2 [illegible]
MDR-16

CLASSIFY AS APPROPRIATE

NOTE: SEE INSTRUCTIONS ON REVERSE BEFORE COMPLETING.

TO: Intelligence Community Staff
ATTN: Central Index

FROM: Federal Bureau of Investigation

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: 6/9/75

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

X	SSC	J. T. Elliff
	HSC	

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

Request Pertaining to Electronic Surveillance

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 5/14/75, Appendix D, Item 21.

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

INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10-17-2011 BY SP2ALM/pp MDR-16

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

Furnishes SSC with number, where available, of warrantless electronic surveillances operated by FBI at time of Director's testimony before House Appropriations Committee, as well as number in effect approximately 30 days prior and subsequent to such testimony.

NOTE: Original via Liaison to Central Community Index in connection with Senstudy 75. 6-24-75 <FS

1100C
Esf

TREAT AS YELLOW

TJM:lhb
(4)
62-116395

5-TJM

CLASSIFY AS APPROPRIATE

3791 (6-75)

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.

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: 6-6-75

FROM : Legal Counsel

SUBJECT: SENSTUDY 75

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10-16-2000 BY SP2ACM/MJR MJR-16

Mark Gitenstein, staff member of captioned Committee who has been doing an extensive inquiry into the "official and confidential" files reportedly maintained in former Director Hoover's office, telephonically contacted SA Paul V. Daly 6-5-75 and requested the identities of the employees who had brought the material from the Director's office during May, 1972, to Mr. Hoover's residence and to Mr. Felt's office.

By way of background, Mr. Gitenstein has obtained through interview of Mr. Felt, former Assistant to the Director John P. Mohr, and other Bureau personnel familiar with the operations of the Director's office, considerable knowledge concerning the official and confidential files. There is also an extensive request contained in captioned Committee's letter of 5-4-75 pertaining to information surrounding these files. Additionally, we responded to a request of the Committee contained in their letter of 4-28-75 pertaining to the allegation of removal of certain material from Mr. Hoover's residence after the death of former Associate Director Clyde Tolson. We have not, at this point, determined that Bureau documents have been removed from Bureau space to Mr. Hoover's residence or any other place outside the Bureau. However, it is apparent that Mr. Gitenstein has information, or believes he has information, relating to the removal of Bureau documents.

REC-88 62-116395-269X1

Mr. Gitenstein stated he had recontacted former Assistant to the Director John P. Mohr on 6-5-75 and Mr. Mohr, in response to Mr. Gitenstein's question, stated that the identities of employees who may have brought material from the Director's office to Mr. Hoover's residence and to Mr. Felt's office subsequent to Mr. Hoover's death could be learned through an inquiry in the Mechanical Section supply room.

62-116395

1 - Mr. Wannall
1 - Mr. Cregar
1 - Mr. Bassett
2 - Mr. Mintz
1 - Mr. Hotis
1 - Mr. Walsh
1 - Mr. Daly

PVD:kjs (10)

CONTINUED - OVER

84 JUN 3 1 1975

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

In light of this response, Mr. Gitenstein requested that the Bureau identify the personnel involved and it is his obvious intention that the personnel will be interviewed.

Inasmuch as the Inspection Division is conducting inquiry into this matter, it would appear proper for that Division to determine the identities of such personnel and, if deemed necessary, interview in connection with the current inquiry. It is also believed that while this request is oral in nature from the Committee, we should consider furnishing the information as to the identities of employees to the Committee inasmuch as if we do not respond to the oral request Mr. Gitenstein indicated, because of the Committee's interest in this matter, there would be no problem in his obtaining authority to furnish the request in writing. It is apparent at this point that we would not be able to keep such information from the Committee if such a written request were to be received. Additionally, by responding to the oral request it will encourage the Committee, in the areas they described as "abuse-type," to give us an advance indication as to their inquiries.

RECOMMENDATION:

That the Inspection Division make the necessary inquiry concerning the identities of the employees and, if deemed advisable, make available to the Legal Analysis Office that information which will be furnished to the Committee.

NW 55024 DocId:32989609 Page 202

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

The Attorney General

May 29, 1975

Director, FBI

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

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

Enclosed for your information is the original of a memorandum concerning the interview of retired Special Agent Charles D. Brennan by members of the Senate Select Committee Staff. A copy of this memorandum is also enclosed for forwarding to Mr. James A. Wilderotter, Associate Counsel to the President.

Enclosures - 2

62-116395

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2-20-81 BY SP4JRM

WOC:ekw
(10)

6076

NOTE: See memorandum W. O. Cregar to Mr. W. R. Wannall, captioned "Senstudy 75," dated 5/28/75, prepared by WOC:ekw.

1 - 100-106670 (Martin Luther King, Jr.)
1 - 67-428100 (Personnel File of Charles D. Brennan)

UNREC COPY AND COPY OF ENCL FILED IN

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 ☐

REC-102

62-116395-269

17 JUN 26 1975

GPO 954-546

84 JUN 26 1975

1 - Mr. J. B. Adams
1 - Mr. J. A. Mintz
1 - Mr. J. B. Hotis
1 - Mr. W. R. Wannall
May 29, 1975

62-116395

1 - Mr. W. O. Cregar

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 2-20-81 BY SP4 J Pmlk 602

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

RE: INTERVIEW OF RETIRED SPECIAL AGENT (SA) CHARLES D. BRENNAN BY STAFF MEMBERS OF THE SENATE SELECT COMMITTEE (SSC)

Set out below is information voluntarily furnished to the FBI by retired SA Charles D. Brennan following his voluntary interview by Mark Gitenstein and two other individuals whose names Brennan did not get. Gitenstein as well as the two unnamed individuals identified themselves as Staff Members of the SSC. The interview which took place in Washington, D. C., on May 22, 1975, lasted approximately two hours. Brennan was not provided with a copy of Senate Resolution 21; was not provided with a copy of the Rules of Procedure of the SSC; nor was he advised of his rights including his right to private counsel.

The interview, which was not conducted under oath, covered three specific areas: the organizational structure of the FBI; Martin Luther King, Jr.; and COINTELPRO.

With regard to the organizational structure, they asked Brennan to describe what a unit, section, and division constituted at FBI Headquarters. They showed him several copies of C. D. Brennan to W. C. Sullivan memoranda asking him about specific facts contained in these memoranda. When Brennan failed to have intimate knowledge of the memoranda, they wondered why he had such a poor memory when in fact they were memoranda from him. Brennan then proceeded to explain how such memoranda were prepared. (Memoranda are prepared in the name of the Section Chief, i.e., Brennan to the Assistant Director, i.e., Sullivan, but this does not necessarily mean that Brennan would prepare or even see the memoranda in all instances.)

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 - 67-428100 (Personnel File of Charles D. Brennan)
WOC:ekw (10)
1 - 100-106670 (Martin Luther King, Jr.)

SEE NOTE PAGE TWO

MAIL ROOM ☐ TELETYPE UNIT ☐

ENCLOSURE 62-116395-2

GPO 954-546

SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES

RE: INTERVIEW OF SA CHARLES D. BRENNAN BY SSC

With regard to Martin Luther King, Jr., Brennan advised that he got the impression from the Staff Members they felt the Bureau had an "illegitimate" interest in King. Brennan countered by saying the basis for the FBI interest in King was predicated on the communist influence surrounding King. He was asked if the Bureau employed many wiretaps against King to which he answered that most of the information obtained was derived from live informants.

Relative to the COINTELPRO, Brennan advised the Staff Members he couldn't be very specific regarding COINTELPRO inasmuch as he did not pay too much attention to it. They questioned him about this statement and Brennan stated that when you would compare COINTELPRO to such activities as the Bay of Pigs and the Glomar Explorer, COINTELPRO was "peanuts." Brennan was asked why he didn't recommend COINTELPRO be discontinued to which he replied "If City Hall wants it, you give them what they want."

NOTE: See memorandum W. O. Cregar to Mr. W. R. Wannall, captioned "Senstudy 75," dated 5/28/75, prepared by WOC:ekw.

NW 55024 DocId:32989609 Page 205

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: 5/29/75

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

	SSC
	HSC

Provided to Attorney General with 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 interview by SSC Staff Members with former FBI Special Agent Charles D. Brennan.

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*)

Organization
Operating procedures

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10-16-2000 BY SP2AUM/pg MDR-16

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

Interview covered three specific areas:

1) **Organizational structure of FBI**
2) **Former FBI investigation of Martin Luther King, Jr.**
3) **FBI's former counterintelligence programs (COINTELPRO).**

WOC
5-8

TREAT AS YELLOW

SFP:lhb
(4)
62-116395

ORIGINAL VIA LIAISON TO CENTRAL COMMUNITY INDEX IN CONNECTION WITH SENSTUDY 75.
6-24-75 2FS

CLASSIFY AS APPROPRIATE

3791 (6-75)

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.

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

DEC 19 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: House Select Committee Request

Attached is a letter from the House Select Committee requesting access to certain Bureau information on the U. S. Recording Company. Please prepare an appropriate response.

12/24/75 SA Robt Keehan advises SA Daly has informed HSC that response to all inquiries concerning USRC will be submitted upon completion of internal inquiry. TJM

cc: Paul Daly

REC-100

62-116464-268X1

FEB 12 1976

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10-16-2010 BY SP4 MJP/MJP

Nancy Reuca, Sup. Nancy approved 12/27/75. Keehan will call back

1-Ad Inv
12-22-75

LEGAL COUNSEL

5 - TJM

84 FEB 18 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: House Select Committee Request

Attached is a letter from the House Select Committee requesting access to certain Bureau information on the U. S. Recording Company. Please prepare an appropriate response.

cc: Paul Daly

FBI
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-16-2000 BY SP2 AWR/PP
MDR-16

OTIS G. PIKE, N. Y., CHAIRMAN

ROBERT N. GIAIMO, CONN.
JAMES V. STANTON, OHIO
RONALD V. DELLUMS, CALIF.
MORGAN F. MURPHY, ILL.
LES ASPIN, WIS.
DALE MILFORD, TEX.
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ROBERT MC CLORY, ILL.
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JAMES P. JOHNSON, COLO.
ROBERT W. KASTEN, JR., WIS.

A. SEARLE FIELD, STAFF DIRECTOR
AARON B. DONNER, COUNSEL

TELEPHONE: (202) 225-9751

Select Committee on Intelligence
U.S. House of Representatives
Washington, D.C. 20515

December 18, 1975

Mr. Michael E. Shaheen, Jr.
Special Counsel for Intelligence Coordination
U. S. Department of Justice
Washington, D. C. 20530

Dear Mr. Shaheen:

In order to complete our analysis of the cost of intelligence, we request access to any and all financial analyses compiled by the FBI with regard to transactions between the FBI and the U.S. Recording Company.

Since we are under time constraints, we hope you can provide access to these figures at your earliest possible convenience.

Sincerely,

A. Searle Field

A. Searle Field
Staff Director

ASF/TO/mas

FBI
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-16-2000 BY SP2ALM/AP
MDR-16

RECEIVED
DEC 17 1975

ENCLOSURE

62-116464-268X1

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

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

TO : MR. W. R. WANNALL

DATE: May 28, 1975

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

FROM : MR. W. O. CREGAR

SUBJECT: SENSTUDY 75

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 2-20-81 SP4W EMIL 6076

This memorandum reports the results of a telephonic conversation with former Special Agent (SA) Charles D. Brennan and recommends that the attached letter to the Attorney General with enclosures be sent.

On the morning of 5/23/75 the Department of Justice advised Assistant Director Mintz that former SA Brennan has or was to be interviewed by Staff Members of the Senate Select Committee (SSC). On that same date I telephonically contacted Mr. Brennan to advise him that the Bureau had been alerted to the fact he was going to be interviewed by the SSC Staff and should he desire, a representative of the Bureau could be available during the interview for consultation. It was made clear to Brennan that the role of the Bureau representative would be to insure that he could consult with the representative at any time during the interview should the line of inquiry reveal; the identity of sensitive FBI sources, methods or sensitive investigative techniques; information derived from third agencies or friendly foreign intelligence services; or any information which Brennan felt could adversely affect sensitive ongoing FBI investigations.

Brennan then changed the conversation to personal chit chat. At what appeared to be the conclusion of the conversation Cregar asked Brennan if he had been contacted by the SSC Staff. Brennan advised that he had received a telephone call earlier in the week inviting him to an interview in Washington, D. C., and in fact was interviewed on 5/22 by SSC Staff Members Mark Gitenstein and two others whose names Brennan did not get.

Brennan showed some concern over the fact that the Staff had invited him to be interviewed earlier in the week but only notified the Department subsequent to his interview. (At the outset of the conversation with Brennan, I had advised him that the SSC had informed the Department which in turn informed the

62-116395
REC- 102
62-116395-5268

Enclosures - Sent 5-30-75 edm
1 - 100-106670 (Martin Luther King, Jr.)
1 - 67-428100 (Personnel File of Charles D. Brennan)
WOC:ekw (8)

CONTINUED - OVER

17 JUN 26 1975

84 JUN 26 1975

UNRECORDED COPY FILED IN 100-106670

Bureau that he was to be interviewed). Brennan stated he was not furnished a copy of the Senate Resolution or its Rules of Procedures and was not advised of his rights or the fact that he could be represented by counsel. He was not put under oath, and was not given any indication as to the scope of the interview prior to his appearance in Washington. In response to a question by Cregar as to what areas the interview covered, Brennan stated the interview covered three specific topics. (1) The organizational structure of the Bureau; (2) Martin Luther King, Jr.; (3) the COINTELPRO.

With regard to the organizational structure Brennan advised that the Staff Members appear to have little understanding as to the way the Bureau was structured. He stated they had no appreciation of what a unit, section, or division was comprised of. They showed him several copies of memoranda from Brennan to Sullivan and proceeded to ask him about the contents of these memoranda. When Brennan was unable to describe the background or details surrounding a specific memorandum, they voiced wonderment as to why he had such little recollection about a memorandum he apparently wrote. Brennan advised the Staff Members that just because the memorandum was written from him to Sullivan did not mean that he necessarily wrote the memorandum or even saw it.

In respecttto Martin Luther King, Jr., Brennan got the impression that the Staff Members believed the Bureau was "illegitimately" interested in King. Brennan advised that he hit back hard on this stating that the Bureau's interest in King was predicated on the communist influence surrounding King. They asked if the Bureau had employed many wiretaps against King. Brennan advised that most of the information obtained on King derived from live informants. Brennan voiced the opinion that the Staff Members were rather disappointed with Brennan's defense of the Bureau in the King investigation.

Staff Members showed some disappointment in Brennan's inability to remember circumstances surrounding COINTELPRO. Brennan responded by saying that he never paid much attention

NW 55024 DocId:32989609 Page 212

to COINTELPRO and when compared to such activity as to the Bay of Pigs and the Glomar Explorer, the COINTELPRO was "peanuts."

At the conclusion of the conversation, Brennan advised that SSC Staff Members indicated they would want him to return for additional interviews. I advised Brennan that should he receive a subpoena to return or should he be invited to return to Washington, D. C., to be interviewed under oath, it would be wise for him to contact the FBI's Legal Counsel Division for advice to insure that he was in compliance with the Attorney General's order relative to the release of information obtained while an employee of the FBI. Brennan indicated he would contact the Legal Counsel Division should he be contacted by the SSC and would probably ask that a Bureau representative be available for consultation during a subsequent interview or testimony.

ACTION: If approved, the attached letter to the Attorney General and its enclosures reflecting the results of the debriefing of Brennan, be sent.

NW 55024 DocId:32989609 Page 213

OFFICE OF THE DIRECTOR

1-75

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

May 28, 1975

MEMORANDUM TO ALL EMPLOYEES

RE: INTERVIEWS OF FBI EMPLOYEES

All employees are advised that Congress is conducting an inquiry into activities of the Federal Bureau of Investigation. Congressional staff members are conducting interviews of former and current FBI employees. This Bureau has pledged its cooperation with the Congress.

You are reminded of the FBI Employment Agreement (copy attached) with which you agreed to comply during your employment in the FBI and following termination of such employment.

Also, you are reminded of Title 28, Code of Federal Regulations, Section 16.22 (copy attached), which reads as follows:

"No employee or former employee of the Department of Justice shall, in response to a demand of a court or other authority, produce any material contained in the files of the Department or disclose any information relating to material contained in the files of the Department, or disclose any information or produce any material acquired as part of the performance of his official duties or because of his official status without prior approval of the appropriate Department official or the Attorney General in accordance with Section 16.24."

Also, you are reminded of Department of Justice Order Number 116-56, dated May 15, 1956, (copy attached) which, among other things, requires an employee upon the completion of his testimony to prepare a memorandum outlining his testimony.

Our cooperative efforts, of course, must be consistent with the above cited authority. Therefore, if you are contacted for purpose of interview or testimony you are to request approval as required by the Employment Agreement and await authorization before furnishing information, testimony, or record material.

62-116395

NOT RECORDED

JUN 26 1975

Enclosures (3)

Clarence M. Kelley
Director

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10-16-2000 BY SP2 ALM/MJP

ORIGINAL FILED IN 66-02-2077

84 1975

FD-291 (Rev. 11-1-73)

EMPLOYMENT AGREEMENT

As consideration for employment in the Federal Bureau of Investigation (FBI), United States Department of Justice, and as a condition for continued employment, I hereby declare that I intend to be governed by and I will comply with the following provisions:

(1) That I am hereby advised and I understand that Federal law such as Title 18, United States Code, Sections 793, 794, and 798; Order of the President of the United States (Executive Order 11652); and regulations issued by the Attorney General of the United States (28 Code of Federal Regulations, Sections 16.21 through 16.26) prohibit loss, misuse, or unauthorized disclosure or production of national security information, other classified information and other nonclassified information in the files of the FBI;

(2) I understand that unauthorized disclosure of information in the files of the FBI or information I may acquire as an employee of the FBI could result in impairment of national security, place human life in jeopardy, or result in the denial of due process to a person or persons who are subjects of an FBI investigation, or prevent the FBI from effectively discharging its responsibilities. I understand the need for this secrecy agreement; therefore, as consideration for employment I agree that I will never divulge, publish, or reveal either by word or conduct, or by other means disclose to any unauthorized recipient without official written authorization by the Director of the FBI or his delegate, any information from the investigatory files of the FBI or any information relating to material contained in the files, or disclose any information or produce any material acquired as a part of the performance of my official duties or because of my official status. The burden is on me to determine, prior to disclosure, whether information may be disclosed and in this regard I agree to request approval of the Director of the FBI in each such instance by presenting the full text of my proposed disclosure in writing to the Director of the FBI at least thirty (30) days prior to disclosure. I understand that this agreement is not intended to apply to information which has been placed in the public domain or to prevent me from writing or speaking about the FBI but it is intended to prevent disclosure of information where disclosure would be contrary to law, regulation or public policy. I agree the Director of the FBI is in a better position than I to make that determination;

(3) I agree that all information acquired by me in connection with my official duties with the FBI and all official material to which I have access remains the property of the United States of America, and I will surrender upon demand by the Director of the FBI or his delegate, or upon separation from the FBI, any material relating to such information or property in my possession;

(4) That I understand unauthorized disclosure may be a violation of Federal law and prosecuted as a criminal offense and in addition to this agreement may be enforced by means of an injunction or other civil remedy.

I accept the above provisions as conditions for my employment and continued employment in the FBI. I agree to comply with these provisions both during my employment in the FBI and following termination of such employment.

_____
(Signature)

_____
(Type or print name)

Witnessed and accepted in behalf of the Director, FBI, on

_____, 19____, by _____.
(Signature)

Office of the Attorney General
Washington, D. C. 20530

January 18, 1973

ORDER NO. 501-73

RULES AND REGULATIONS

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 501-73]

PART 16—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

Subpart B—Production or Disclosure in Response to Subpenas or Demands of Courts or Other Authorities

This order delegates to certain Department of Justice officials the authority to approve the production or disclosure of material or information contained in Department files, or information or material acquired by a person while employed by the Department. It applies where a subpena, order or other demand of a court or other authority, such as an administrative agency, is issued for the production or disclosure of such information.

By virtue of the authority vested in me by 28 U.S.C. 509, 510, and 5 U.S.C. 301, Subpart B of Part 16 of Chapter I of Title 28, Code of Federal Regulations, is revised, and its provisions renumbered, to read as follows:

Subpart B—Production or Disclosure in Response to Subpenas or Demands of Courts or Other Authorities

Sec.
16.21 Purpose and scope.
16.22 Production or disclosure prohibited unless approved by appropriate Department official.
16.23 Procedure in the event of a demand for production or disclosure.
16.24 Final action by the appropriate Department official or the Attorney General.
16.25 Procedure where a Department decision concerning a demand is not made prior to the time a response to the demand is required.
16.26 Procedure in the event of an adverse ruling.

AUTHORITY: 28 U.S.C. 509, 510 and 5 U.S.C. 301.

Subpart B—Production or Disclosure in Response to Subpenas or Demands of Courts or Other Authorities

§ 16.21 Purpose and scope.

(a) This subpart sets forth the procedures to be followed when a subpena, order, or other demand (hereinafter referred to as a "demand") of a court or other authority is issued for the production or disclosure of (1) any material contained in the files of the Department, (2) any information relating to material contained in the files of the Department, or (3) any information or material acquired by any person while such person was an employee of the Department as a part of the performance of his official duties or because of his official status.

(b) For purposes of this subpart, the term "employee of the Department" includes all officers and employees of the United States appointed by, or subject to the supervision, jurisdiction, or control of, the Attorney General of the United States, including U.S. attorneys, U.S. marshals, and members of the staffs of those officials.

§ 16.22 Production or disclosure prohibited unless approved by appropriate Department official.

No employee or former employee of the Department of Justice shall, in response to a demand of a court or other authority, produce any material contained in the files of the Department or disclose any information relating to material contained in the files of the Department, or disclose any information or produce any material acquired as part of the performance of his official duties or because of his official status without prior approval of the appropriate Department official or the Attorney General in accordance with § 16.24.

§ 16.23 Procedure in the event of a demand for production or disclosure.

(a) Whenever a demand is made upon an employee or former employee of the Department for the production of material or the disclosure of information described in § 16.21(a), he shall immediately notify the U.S. attorney for the district where the issuing authority is located. The U.S. attorney shall immediately request instructions from the appropriate Department official, as designated in paragraph (b) of this section.

(b) The Department officials authorized to approve production or disclosure under this subpart are:

(1) In the event that the case or other matter which gave rise to the demanded material or information is or, if closed, was within the cognizance of a division of the Department, the Assistant Attorney General in charge of that division. This authority may be redelegated to Deputy Assistant Attorneys General.

(2) In instances of demands that are not covered by paragraph (b)(1) of this section:

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(i) The Director of the Federal Bureau of Investigation, if the demand is one made on an employee or former employee of that Bureau for information or if the demand calls for the production of material from the files of that Bureau, and

(ii) The Director of the Bureau of Prisons, if the demand is one made on an employee or former employee of that Bureau for information or if the demand calls for the production of material from the files of that Bureau.

(3) In instances of demands that are not covered by paragraph (b) (1) or (2) of this section, the Deputy Attorney General.

(c) If oral testimony is sought by the demand, an affidavit, or, if that is not feasible, a statement by the party seeking the testimony or his attorney, setting forth a summary of the testimony desired, must be furnished for submission by the U.S. attorney to the appropriate Department official.

§ 16.24 Final action by the appropriate Department official or the Attorney General.

(a) If the appropriate Department official, as designated in § 16.23(b), approves a demand for the production of material or disclosure of information, he shall so notify the U.S. attorney and such other persons as circumstances may warrant.

(b) If the appropriate Department official, as designated in § 16.23(b), decides not to approve a demand for the production of material or disclosure of information, he shall immediately refer the demand to the Attorney General for decision. Upon such referral, the Attorney General shall make the final decision and give notice thereof to the U.S. attorney and such other persons as circumstances may warrant.

§ 16.25 Procedure where a Department decision concerning a demand is not made prior to the time a response to the demand is required.

If response to the demand is required before the instructions from the appropriate Department official or the Attorney General are received, the U.S. attorney or other Department attorney designated for the purpose shall appear with the employee or former employee of the Department upon whom the demand has been made, and shall furnish the court or other authority with a copy of the regulations contained in this subpart and inform the court or other authority that the demand has been, or is being, as the case may be, referred for the prompt consideration of the appropriate Department official and shall respectfully request the court or authority to stay the demand pending receipt of the requested instructions.

§ 16.26 Procedure in the event of an adverse ruling.

If the court or other authority declines to stay the effect of the demand in response to a request made in accordance with § 16.25 pending receipt of instructions, or if the court or other authority rules that the demand must be complied with irrespective of instructions not to produce the material or disclose the information sought, in accordance with § 16.24, the employee or former employee upon whom the demand has been made shall respectfully decline to comply with the demand. "United States ex rel Touhy v. Ragen," 340 U.S. 462.

Dated: January 11, 1973.

RICHARD G. KLEINDIENST,
Attorney General.

[FR Doc.73-1071 Filed 1-17-73;8:45 am]

OFFICE OF THE ATTORNEY GENERAL

WASHINGTON, D. C.

May 15, 1956

ORDER NO. 116-56

It is the policy of the Department of Justice to extend the fullest possible cooperation to congressional committees requesting information from departmental files, interviews with department employees, testimony of department personnel, or testimony of Federal prisoners. The following procedures are prescribed in order to effectuate this policy on a basis which will be mutually satisfactory to the congressional committees and to the Department. [This order supersedes the Deputy Attorney General's Memorandum No. 5, dated March 23, 1953, and his Memorandum No. 97, dated August 5, 1954. It formalizes the Attorney General's press release of November 5, 1953, establishing procedures to permit committees of the Congress and their authorized representatives to interview and to take sworn testimony from Federal prisoners. It supplements Order No. 3229 (Revised) dated January 13, 1953, and Order No. 3464, Supplement No. 4 (Revised) dated January 13, 1953 (with Memorandum of "Authorization Under Order No. 3464 Supplement No. 4 (Revised)" dated January 13, 1953), insofar as said orders have reference to procedures to be followed in the Department's relations with congressional committees. In support of this order, reference should be had to the President's letter dated May 17, 1954, addressed to the Secretary of Defense, and to the Attorney General's Memorandum which accompanied it.]

A. REQUESTS FOR INFORMATION FROM DEPARTMENT FILES

1. Congressional committee requests for the examination of files or other confidential information should be reduced to writing, signed by the chairman of the committee, and addressed to the Deputy Attorney General, who is responsible for the coordination of our liaison with Congress and congressional committees. The request shall state the specific information sought as well as the specific objective for which it is sought. The Deputy Attorney General will forward the request to the appropriate division where a reply will be prepared and returned for the Deputy Attorney General's signature and dispatch to the chairman of the committee.

2. If the request concerns a closed case, i. e., one in which there is no litigation or administrative action pending or contemplated, the file may be made available for review in the Department, in the presence of the official or employee having custody thereof. The following procedure shall be followed in such cases:

a. The reply letter will advise the committee that the file is available for examination and set forth the name, telephone extension number, and room number of the person who will have custody of the file to be reviewed;

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b. Before making the file available to the committee representative all reports and memoranda from the FBI as well as investigative reports from any other agency, will be removed from the file and not be made available for examination; provided however that if the committee representative states that it is essential that information from the FBI reports and memoranda be made available, he will be advised that the request will be considered by the Department. Thereafter a summary of the contents of the FBI reports and memoranda involved will be prepared which will not disclose investigative techniques, the identity of confidential informants, or other matters which might jeopardize the investigative operations of the FBI. This summary will be forwarded by the division to the FBI with a request for advice as to whether the FBI has any objection to examination of such summary by the committee representative. The file will not be physically relinquished from the custody of the Department. If the committee representative desires to examine investigative reports from other government agencies, contained in the files of the Department, he will be advised to direct his request to the agency whose reports are concerned.

3. If the request concerns an open case, i. e., one which litigation or administrative action is pending or contemplated, the file may not be made available for examination by the committee's representative. The following procedure shall be followed:

a. The reply letter should advise the committee that its request concerns a case in which litigation or administrative action is pending or contemplated, and state that the file cannot be made available until the case is completed; and

b. Should briefly set forth the status of the case in as much detail as is practicable and prudent without jeopardizing the pending contemplated litigation or administrative action.

B. <u>REQUESTS FOR INTERVIEWS WITH DEPARTMENTAL PERSONNEL</u>

1. Requests for interviews with departmental personnel regarding any official matters within the Department should be reduced to writing, signed by the chairman of the committee, and addressed to the Deputy Attorney General. When the approval of the Deputy Attorney General is given, the employee is expected to discuss such matters freely and cooperatively with the representative, subject to the limitations prescribed in A respecting open cases and data in investigative reports;

2. Upon the completion of the interview with the committee representative the employee will prepare a summary of it for the file, with a copy routed to his division head and a copy routed to the Deputy Attorney General.

C. EMPLOYEES TESTIFYING BEFORE CONGRESSIONAL COMMITTEES

1. When an employee is requested to testify before a congressional committee regarding official matters within the Department the Deputy Attorney General shall be promptly informed. When the Deputy Attorney General's approval is given the employee is expected to testify freely subject to limitations prescribed in A respecting open cases and data in investigative reports;

2. An employee subpoenaed to testify before a congressional committee on official matters within the Department shall promptly notify the Deputy Attorney General. In general he shall be guided in testifying by Order 3229 (Revised) and the President's letter of May 17, 1954, cited at the beginning of this Order.

3. Upon the completion of his testimony the employee will prepare a memorandum outlining his testimony with a copy routed to his division head and a copy routed to the Deputy Attorney General.

D. REQUESTS OF CONGRESSIONAL COMMITTEES FOR THE TESTIMONY OF FEDERAL PRISONERS

Because of the custodial hazards involved and the extent to which their public testimony may affect the discipline and well-being of the institution, it is the policy of the Department not to deliver Federal prisoners outside the penal institution in which they are incarcerated for the purpose of being interviewed or examined under oath by congressional committees. However, when it appears that no pending investigation or legal proceeding will be adversely affected thereby and that the public interest will not be otherwise adversely affected, Federal prisoners may be interviewed or examined under oath by congressional committees in the institution in which they are incarcerated under the following procedures, and with the specific advance approval of the Deputy Attorney General.

1. Arrangements for interviewing and taking of sworn testimony from a Federal prisoner by a committee of the Congress or the authorized representatives of such a committee shall be made in the form of a written request by the chairman of the committee to the Deputy Attorney General.

2. Such written request shall be made at least ten (10) days prior to the requested date for the interview and the taking of testimony and shall be accompanied by written evidence that authorization for the interview or the taking of sworn testimony was approved by vote of the committee. Such request shall contain a statement of the purpose and the subjects upon which the prisoner will be interrogated as well as the names of all persons other than the representatives of the Department of Justice who will be present.

3. A member of the interested committee of the Congress shall be present during the entire time of the interrogation.

4. The warden of the penal institution in which the Federal prisoner is incarcerated shall, at least forty-eight (48) hours prior to the time at which the interview takes place, advise the Federal prisoner concerned of the proposed interview or taking of sworn testimony; and shall further advise that he is under the same, but no greater obligation to answer than any other witness who is not a prisoner.

5. The warden of the penal institution shall have complete authority in conformity with the requirements of security and the maintenance of discipline to limit the number of persons who will be present at the interview and taking of testimony.

6. The warden or his authorized representative shall be present at the interview and at the taking of testimony and the Department of Justice shall have the right to have one of its representatives present throughout the interview and taking of testimony.

7. The committee shall arrange to have a stenographic transcript made of the entire proceedings at committee expense and shall furnish a copy of the transcript to the Department of Justice.

E. OBSERVERS IN ATTENDANCE AT COMMITTEE HEARINGS

In order that the Department may be kept currently advised in matters within its responsibility, and in order that the Deputy Attorney General may properly coordinate the Department's liaison with Congress and its committees, each division that has an observer in attendance at a congrssional hearing, will have the observer prepare a written summary of the proceeding which should be sent to the division head and a copy routed to the Deputy Attorney General.

/s/ Herbert Brownell, Jr.

Attorney General

1 - Mr. W. R. Wannall
1- Mr. W. O. Cregar
1 - Mr. R. H. Ross

CODE TELETYPE URGENT

TO SAC LOS ANGELES JUNE 17, 1975

FROM DIRECTOR FBI (62-116395)

SENSTUDY 1975

THE FOLLOWING REQUEST IS BEING MADE IN CONNECTION WITH SENATE SELECT COMMITTEE (SSC) HEARINGS. SUTEL REPLY, ATTENTION INTD, WILLIAM O. CREGAR.

DURING A RECENT HEARING, AN SSC STAFF REPRESENTATIVE QUESTIONED A WITNESS WHETHER OR NOT HE KNEW OF MAIL OPENINGS IN LOS ANGELES BY FBI AGENTS RON MASCAR (PHONETIC) AND (FNU, BUT POSSIBLY WILLIAM) MILLER. THE WITNESS REPLIED THAT HE WAS NOT KNOWLEDGEABLE ON THIS MATTER AND NEVER HEARD OF THE ABOVE TWO AGENTS.

IT WAS THE WITNESSES' OPINION THAT THE QUESTION MAY HAVE BEEN POSED AS A TEST QUESTION ONLY AND ASKED THAT THE INFORMATION BE CAREFULLY HANDLED BY THE FBI.

SO FBIHQ WILL BE IN POSSESSION OF ALL BACKGROUND INFORMATION UPON WHICH WE MAY BE CALLED TO TESTIFY, LOS ANGELES ADVISE REGARDING ANY DETAILS WHICH MIGHT ILLUMINATE THIS MATTER AND/OR

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SEE NOTE PAGE 2

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FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION
JUN 17 1975
TELETYPE

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Dep. AD Adm.
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Laboratory
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GPO : 1975 O - 569-920

IDENTIFY SPECIAL AGENTS CONCERNED. IF SUCH ALLEGED ACTION OCCURRED, ADVISE AS TO ALL DETAILS AND ANY COMMUNICATIONS OR NOTIFICATION TO FBIHQ CONCERNING SAME.

HANDLE ON AN EXPEDITE BASIS.

NOTE:

Inspector John D. Tarpey, U. S. Postal Service advised Liaison Officer L. A. Crescioli of above incident which occurred in connection with Tarpey's 6/10/75 testimony before SSC. Tarpey's testimoney did not touch on any FBI mail cover activities and question was posed to him by SSC staff representative Paul Wallach. Movement Desk was unable to identify Special Agents based upon phonetic spellings. Details of above contained in V. V. Kolombatovic memorandum to Mr. W. R. Wannall, dated 6/16/75, and captioned "John D. Tarpey, Assistant Chief Inspector, Office of Criminal Investigations, U. S. Postal Service, Appearance Before Senate Select Committee (SSC) 6/10/75."