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INSPECTION

DOMESTIC INTELLIGENCE DIVISION

AUGUST 17 - SEPTEMBER 9, 1971

DDI INSPECTION
8/11 - 9/10/71

RETAIN COPY

Recommend entire document be classified "Secret,"
XGDS 1, 2, 3.

Portions recommended for excision from attached have been underlined in red or bracketed in red in left margin.

Generally, criteria for excision were:

1. Information which could identify sources or sensitive techniques
2. Names of individuals or organizations whose privacy requires protection
3. Information which would reveal our overall success or lack of success in a given investigative area
4. Information from "third Agencies" or friendly foreign agencies
5. Identities of Bureau personnel below the Section Chief level

The adequacy of Personnel Sections, in general, disclose the extent of our commitment in specific areas of counterintelligence activity. We have given the Committee Administrative Division figures regarding total manpower involved in security investigations but, to my knowledge, we have not given them a breakdown as to where these personnel are assigned. A policy decision is necessary as to whether we want to pinpoint, through release of "Adequacy of Personnel" sections of these inspection reports, precisely how much or how little manpower we have on specific types of investigations.

It is questionable whether the information regarding criminal cases in the San Francisco report is germane to the Committee's inquiry. It would not seem improper to me to delete all references to criminal matters and merely substitute a page saying that "pages ____ to ____ relate to criminal investigations."

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ELLSBERG CASE

4-A-3

EM
INSPECTOR E. S. MILLER: This case is currently being afforded preferred supervisory and investigative attention. You are requested to furnish the following information about the case:

1. Brief narrative of basic investigation involving Ellsberg and provide current status.
2. You have advised this case may be part of a greater conspiracy. Advise what part you feel this and other leaks may be. It is realized the broad aspects of this case may be yet unconfirmed conjecture; however, furnish narrative of conjecture.
3. Advise what progress we have made and anticipate making in projecting our investigation into areas described in number two.
4. Advise as best you can at this point how "big" this investigation may become from a supervisory standpoint and indicate what impact an overall successful investigation may have on Governmental processes in our system of Government.
5. In regard to the administration of this investigation handled by the Nationalities Intelligence Section and due to certain intricacies of supervision the following information is requested individually from both Division Head and Section Chief:
 - a. At the outset of the investigation, what instructions were issued Section handling case?
 - b. What subsequent instructions or suggestions have been issued?
 - c. What have been the manpower requirements of the case thus far and how have you worked these out with this Section?
 - d. Division Head and Section Chief requested to make any further comments considered appropriate at this time.

Comments of Assistant Director Brennan and Section Chief Wannall requested.

EM
DOMESTIC INTELLIGENCE DIVISION INSPECTION

8/19/71

SECTION CHIEF W. R. WANNALL ^{wrw}
NATIONALITIES INTELLIGENCE SECTION

1. Initial investigation by Bureau opened 1/20/70 based on information from step-mother of subject's former wife to the effect that subject, with his children, took papers from his office at Rand Corporation in Santa Monica, California, and copied them with intent that they be made available for Senators Fulbright and Goodell. This information had come to knowledge of Carol Ellsberg through the Ellsberg children. Initial investigation continued through 9/25/70 when basic facts were presented to Department of Justice with note that no further action would be taken in the absence of a specific request from the Department. No such request was received.

On 6/13/71 "The New York Times" commenced publishing a series of articles purporting to report on the history of the U. S. decision-making process concerning Vietnam policies for the period 1945-1967. "The New York Times" claimed the articles were based on a study later identified as a 47-volume history entitled "United States - Vietnam Relations During the Period 1945-1967," commonly known as the "McNamara Study." The "McNamara Study" was prepared beginning in 1967 and was classified "Top Secret."

On 6/15/71 the Attorney General requested FBI to conduct all necessary investigation into the matter relating to the publication of classified information by "The New York Times." Our 1970 investigation and initial reports from sources obtained in instant matter pinpointed Ellsberg as the prime suspect responsible for the leak of classified data to news media. Extensive investigation at Los Angeles pinned down the identities of individuals present in October, 1969, when Ellsberg duplicated classified documents available to him through his employment at Rand Corporation in Santa Monica. Also revealed were his own statements to his former wife that he, in fact, was converting the classified documents to his own use to furnish them to various Congressional figures. The Los Angeles investigation has resulted in Ellsberg's current indictment alleging violation of Section 793(e), Title 18, U. S. Code (unauthorized possession of documents involved and unlawful retention of same) and Section 641, Title 18 (conversion of the documents to his own use). The Los Angeles investigation was the sole basis for this indictment and served as the basis for current imprisonment on charge of contempt of court of Anthony J. Russo who was present on one occasion when Ellsberg allegedly duplicated material in his possession.

DOMESTIC INTELLIGENCE DIVISION INSPECTION

8/23/71

WRW:ams

4-A-3

Investigation at Washington, D. C., has pinned down Ellsberg's access to the documents in question and has additionally revealed his early change from "hawk" to "dove." It has also revealed his contacts with individuals at high levels in Federal Government attempting to persuade them to put before American public details of decisions underlying the U. S. policy in Vietnam.

Investigation at Boston has uncovered activity by Neil and Susan Sheehan, employees of "The New York Times," in late March, 1971. This activity has included extensive details of sessions where duplication of portions of the "McNamara Study" were involved. Revealed have been details identifying the printing companies utilized by the Sheehans, considerable travel between these companies and apartments available to or utilized by Ellsberg. We have uncovered extensive detail of Ellsberg's contacts from his Cambridge, Massachusetts, residence with members of the news media. Also revealed has been contact by Ellsberg with factions of the New Left and anti-Vietnam peace groups.

We have recently expanded our investigation in attempt to uncover details of dissemination of the "McNamara Study" by Ellsberg to other newspapers in which articles appeared attributed to the "McNamara Study." This investigation has revealed at least three newsmen from the Washington, D. C., bureaus of the newspapers involved were in the Boston and/or Cambridge area during the week immediately prior to Ellsberg's surrender on 6/28/71. We have learned that at least one newspaper had been contacted by an unknown individual in Boston who had offered the "McNamara Study" instructing that if the newspaper involved wished to avail itself of the offer, the classified documents could be picked up in Boston after contacting a given telephone number in that area for more detailed instructions. We are pursuing this facet of the investigation vigorously to pin down exact activities of the newspaper personnel involved and when this is done, we contemplate interviewing them for additional details.

Extensive investigation has been afforded the possibility that Ellsberg benefited from considerable assistance from other individuals in his attempt to disseminate the "McNamara Study" to the news media. Along these lines we have detected early reports of Ellsberg's cooperation with elements of the War Resisters League and have identified individuals in that organization described by Ellsberg as the principal influences on his change to a militant opposition to the U. S. - Vietnam policies. Investigation is continuing along these lines to establish if any individuals in these dissident groups may have assisted Ellsberg in his alleged violations of the statutes noted.

A relative of Mr. Haldeman at the White House, France Raine, reported that while attending a football game in Los Angeles in October, 1970, he overheard a conversation between two men sitting near him whom he believed to be prominent

in the Business Executives Movement for Vietnam (BEM). This conversation involved the plan on the part of an unidentified individual to leak secret information to the press in the Spring of 1971, with the unidentified individual being mentioned as being an employee of Rand Corporation and having formerly served as an advisor to Dr. Kissinger at the White House. Also mentioned by the conversants was the plan on the part of two White House aides to resign their positions sometime during the Summer of 1971 and to make anti-Administration revelations at that time regarding U. S. - Vietnam policy. Ellsberg was known to have appeared on at least two occasions as a speaker for BEM functions in Los Angeles and Washington, D. C. A close associate of his in Los Angeles was a former leader of the BEM chapter in that city. We have intensified our investigation of BEM and conducted extensive investigation to pin down identities of persons seated near Raine during the game in question. We are continuing our investigation along these lines to pinpoint a possible conspiracy existing as early as October, 1970, with ramifications of anti-Administration activity and revelation of classified information.

We have recently received from Attorney General clarification of the areas in which we can conduct investigation in this matter and, as a result, are extending our interviews into news media circles where we feel we can uncover individuals who will cooperate with us in revealing details of the Ellsberg revelations and any conspiracy that may have existed involving him and others to expose to public scrutiny the classified information involved in this case.

2. At the outset of this investigation Assistant Director Brennan spoke at a Division Chiefs' Conference and also directly to the Section Chief, Nationalities Intelligence Section, regarding the possibility of a wide-scale conspiracy in which Ellsberg could be involved. His observations along these lines were recorded in a memorandum to all Division Chiefs dated 7/23/71 and captioned "Re: Organizational Survey (Priorities and Manpower)." In this memorandum he commented upon the fact that the Ellsberg case might be a landmark in historical significance in view of the long-range potential regarding Governmental operations and the FBI's role in relation thereto. He stated that the leak in this case represented a deliberate and determined effort on the part of certain individuals to seriously disrupt and destroy the Government's capacity to carry out effectively its foreign policy in various areas.

Mr. Brennan noted that the past 15 to 20 years had witnessed the evolution of a new breed of fanatics who were determined to disrupt and destroy Governmental operations and to alter this country's foreign policy. He further noted that the movement supported by these fanatics bordered on treason which must be dealt with if our current form of Government is to survive.

During the early stages of the investigation in this case it became quite evident that Ellsberg had received assistance in getting into the hands of various newspapers the "McNamara Study." He admitted as much on 6/28/71 in responding to questions raised by reporters when he surrendered himself at the Boston Courthouse following issuance of a complaint charging him with violating the Espionage Statute. Accordingly, the thrust of our investigation has been directed toward identifying any individual or individuals or organization that may have assisted or conspired with Ellsberg. It was noted that developments had indicated that at least part of the "McNamara Study" was reportedly in the possession of the Institute for Policy Studies and that while a page-by-page review of the Bureau's file on that Institute had not revealed any information concerning Ellsberg, we had developed material in the Ellsberg investigation showing connections between him and some of the Institute employees.

No Excusing
On 7/6/71 the Director prepared a memorandum for Messrs. Tolson, Sullivan, Brennan and Bishop to advise that the Honorable H. R. Haldeman, Assistant to the President, had called the Director about the Ellsberg case. The Director stated that Mr. Haldeman said the President wanted a report on the case immediately to bring him up to date and then to keep him filled in, and that the President was particularly interested in the complicity of individuals.

On 7/6/71 with the Director's approval a conference was held with Departmental attorneys during which Assistant Attorney General Robert C. Mardian explained that information coming to his attention from Departments of Defense and State officials indicated that a group at each of these Departments may be involved in a ring to pass out classified information. He said that while this may or may not be related to the Ellsberg case he was most desirous of getting a complete rundown on Ellsberg's background to determine if any of his associates may have come under suspicion in connection with other leaks. He also said the President was vitally concerned not only with the Ellsberg case but with all aspects of leaks of classified information of the Executive Branch.

We have not developed any hard evidence confirming that a wide-spread organized conspiracy exists to leak Government information. We are aware, however, of one thread common to certain of these leaks. That is, individuals such as Ellsberg, who were either bitterly opposed to the U. S. - Vietnam policy or in disagreement with other major foreign policy issues, have set themselves up above the law, claiming the right to decide what should be released to the public regardless of Executive Branch classification assigned to information. Many of these individuals in common with Ellsberg have been affiliated with one or more of the so-called "think tanks," such as Rand Corporation, have served

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in a number of sensitive positions in the Executive Branch of the Government and to a large extent are acquainted with one another, at least on a professional basis. Communications to appropriate field offices dated 7/7 and 12/71 contained instructions regarding the necessity for exploring the various facets of this situation.

The conspiracy aspects of the Ellsberg case as revealed to date are set forth in Item 3 below.

3. Speculation that Daniel Ellsberg conspired with others in obtaining, reproducing and disclosing the "McNamara Study" has some basis in public remarks made by him on 6/28/71 indicating that "It is implicit ... that other individuals helped out in various ways," and that he and the press share the responsibility for the newspapers' obtaining the study. We have, however, pursued the possibility of conspiracy from every conceivable angle and while investigation has produced some circumstantial evidence to support this theory, we have not found grounds to indicate existence of an over-all plot or conspiracy, threading its way throughout Ellsberg's actions.

Count One of a two-count indictment returned by a Federal grand jury on 6/28/71 charges Ellsberg with unauthorized possession, access to, and control over copies of what, in effect, was the "McNamara Study," from about September, 1969, to approximately October, 1969, while Count Two of this indictment charges that during the same approximate time span Ellsberg willfully, knowingly and unlawfully converted to his own use copies of these documents. We have established Ellsberg legally had access to the Study in the course of his employment with Rand Corporation at Santa Monica, California, but that he also obtained and had in his possession 18 volumes of a preliminary draft of the Study for at least nine months without the knowledge of the Top Secret Control Officer at Rand in Santa Monica. Failure of Rand employees in Washington, D. C., and at Santa Monica to adhere to established, in-house security procedures accounts for the fact Ellsberg was able to conceal his possession of these 18 volumes, and while over-all possession by Ellsberg of the Study and its preliminary draft volumes continues to be closely examined, no evidence exists of conspiracy at this point of the case.

Count Two of the aforementioned indictment, relating to conversion of these documents, is founded on information that Ellsberg reproduced a large quantity of classified documents in October, 1969, at the office of one Lynda Sinav, in the Los Angeles area. Ellsberg's two children, present at this reproduction session, have identified individuals who assisted Ellsberg in this task, but

interviews of these persons have developed nothing to indicate they were aware of the nature of the items being reproduced or of what use Ellsberg intended to make of the copies reproduced. Anthony Russo, a fellow employee of Ellsberg's at Rand in Santa Monica, would have been in an excellent position to have been aware of the ultimate purpose of Ellsberg's actions but has refused to talk to the Federal grand jury in Los Angeles, and is currently in jail for contempt of court relating to this refusal.

Subsequent to the duplicating of documents in October, 1969, Ellsberg, by his own statements, claims to have made efforts to furnish copies of these documents to Senator J. William Fulbright and former Senator Charles E. Goodell, and Senator George S. McGovern may also have been approached by Ellsberg concerning making these documents public. Representative Paul N. McCloskey, Jr., is also known to be in possession of documents which he publicly admits were given to him by Ellsberg. Data available concerning this phase of Ellsberg's actions also fails to indicate he acted in concert with anyone.

On 6/13/71 "The New York Times" published the first of a series of articles purporting to have been based on the "McNamara Study," and a number of other newspapers in the U. S. subsequently printed similar articles. Investigation has placed Neil Sheehan, a reporter for "The New York Times," in Cambridge, Massachusetts, during March and April, 1971, under an assumed name, and we have determined Sheehan and his wife engaged in a number of frantic copying sessions of documents during the period 3/21-23/71. Four blurred Xerox copies discarded during this duplicating have been identified by the National Security Agency as being reproductions of pages appearing in the "McNamara Study." It is highly probable Sheehan and Ellsberg cooperated closely in actions which enabled "The New York Times" to obtain the documents utilized in articles published by this newspaper and we have recently uncovered evidence indicating representatives of at least three other newspapers which have published articles based on the "McNamara Study" were in the Boston area in June, 1971, for the apparent purpose of obtaining copies of these documents. A source closely connected with one of these newspapers has advised that his newspaper obtained the documents after receiving a telephone call from an unknown individual who instructed that a reporter from the newspaper go to Cambridge and make the necessary arrangements to obtain them by calling a certain, unidentified telephone number. Investigation subsequently placed this reporter in Cambridge, but we have, to date, been unsuccessful in determining who furnished him with the material in question. While the newspapermen thus involved may have cooperated with Ellsberg in various ways in order to obtain the desired documents, available evidence does not suggest they conspired with him in carrying out the disclosure of these documents, but rather took advantage of his offer to furnish them with the material.

