

File #:

62-116464

Serial Scope:

112 THRU 128X

130 THRU 140

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. J. B. Adams

FROM : Legal Counsel *[Signature]*

SUBJECT: HOUSTUDY-75

1 - Mr. Mintz - Enc.
1 - Mr. Wannall - Enc.
1 - Mr. Cregar - Enc.

DATE: 10/30/75

1 - Mr. Peterson - 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 _____

Attached is a memorandum from Michael E. Shaheen, Jr., Special Counsel for Intelligence Coordination in the Department, addressed to John A. Mintz, Assistant Director, Legal Counsel Division, dated October 9, 1975. The memorandum instructs the Bureau to provide access to the House Select Committee Staff Members to the Kissinger 17 material which was previously made available for review by the Senate Select Committee. This material is exclusive of logs pertaining to electronic surveillance matters. *clg*

Upon receipt of attached memorandum, SA Paul V. Daly of this Division telephonically contacted Steven Blackhurst, Assistant Special Counsel for Intelligence Coordination in the Department, and advised Blackhurst that the instructions insofar as allowing the House Select Committee Staff Members to take notes on the materials and remove these notes without screening by Bureau personnel back to their offices was contrary to the agreement set forth in the Departmental letter to the Senate Select Committee of July 15, 1975. This letter required prior Bureau screening of notes taken by Staff Members during their review of the aforementioned material. Blackhurst subsequently advised SA Daly that the Committee was agreeable to having their notes screened by Bureau personnel prior to their removal to their offices. Blackhurst was then informed that inasmuch as this involved the State Department and the White House, the Department should advise the appropriate representatives of the White House and the State Department of the aforementioned matter, especially in view of information furnished by the Committee indicating that Secretary of State Henry Kissinger would be testifying in executive session before the House Select Committee on Friday, October 31st.

Enclosure

ENCLOSURE

PVD:lad
(8)

ST-111
REC-30

15 NOV 4 1975

CONTINUED - OVER

INTELLIGENCE DIV
RECEIVED

OCT 30 8 51 AM '75

LEGAL COUNSEL

84 NOV 11 1975

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

Legal Counsel to Mr. Adams
RE: HOUSTUDY

On 10/30/75, Shaheen telephonically advised SA Daly that the Committee representatives were on their way with Blackhurst to Bureau space to review the Kissinger 17 materials and that Daly was to advise Blackhurst that the Attorney General had instructed the Committee not be granted access to the materials. Upon arrival, Staff Members for the House Select Committee John Atkisson and Timothy Oliphant were advised of the Attorney General's decision by Blackhurst. Oliphant promptly consulted with Committee Counsel Aaron Donner and Donner advised Blackhurst that the Committee was considering issuing subpoenas for the material and would hold a press conference concerning the Department's noncompliance with the Committee request. Blackhurst indicated to SA Daly that he was not fully cognizant of the background concerning the Attorney General's instruction; however, apparently the White House had instructed the Attorney General not to make the material available. He stated that he had informed the White House of the aforementioned request and their compliance thereof early on the morning of October 30th and that the White House had apparently telephoned the Department objecting to making the material available.

Subsequently, Blackhurst telephonically advised SA Daly that the Attorney General had reviewed the motion to modify the Protective Order covering the Kissinger 17 documents which was filed on October 28, 1975, and signed by the Judge on October 29, 1975, which allowed for House Select Committee access to the documents protected by a Protective Order which was issued by that court on June 28, 1975, with the exception of electronic surveillance logs. The Attorney General after this review instructed that the material be made available.

RECOMMENDATION:

For information.

jm 11 ¹⁷ Controlled access
granted 10/30/75.
jm

jm *W-101
H-60*



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

OCT 29 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: HSC Request for "Kissinger 17" Materials

Please provide access for Messrs. Atkisson and Oliphant of the House Select Committee staff to those documents which relate to what is commonly known as the "Kissinger 17" wire-taps. Access should be given to those documents which previously have been made available to the Senate Select Committee staff.

The Department has agreed that the House Select Committee staff members will be able to take notes on the materials they see and will be able to take those notes from the Bureau building without prior screening.

ENCLOSURE

62-116464-140

15 NOV 4 1975

cc: Paul Daly

LEGAL COUNSEL

FILE



OCT 29 1975

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

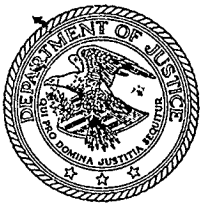
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Special Counsel for Intelligence
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cc: Paul Daly



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

FBI

OCT 29 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 Letter dated October 17

For your information attached is a letter dated October 17, from the House Select Committee which this Office received on October 28. The Department's Office of Management and Finance has been asked to prepare an appropriate response to the request in this letter.

10/30/75 assigned Clymish, Div 3
10/31/75 Jim Hogan, Div 3, advises Dept is handling
11/3/75 Paul Daly, LCO, advises attached for info + Dept not seeking
Bureau input at this time.

REC-30

ST-111

ENCLOSURE

15 NOV 4 1975

cc: Paul Daly

LEGAL COUNSEL

File

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rec'd 10/30/75
1-Ad Hoc
10-30-75

NOV 11 1975

62-116464

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

OCT 29 1975

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

SUBJECT: House Select Committee Letter dated October 17

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cc: Paul Daly

OTIS G. PIKE, N. Y., CHAIRMAN

ROBERT H. GIAIMO, CONN.
JAMES V. STANTON, OHIO
RONALD V. DELLUMS, CALIF.
MORGAN F. MURPHY, ILL.
LES ASPIN, WIS.
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PHILIP H. HAYES, IND.
WILLIAM LEHMAN, FLA.

ROBERT MCCLORY, ILL.
DAVID E. TREEN, LA.
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

October 17, 1975

OCT 21 10 46 AM '75
DEPT. OF JUSTICE
MAIL ROOM
ORDM

RECEIVED

OCT 23 1975

O.L.A.

The Honorable Edward H. Levi
Attorney General
U.S. Department of Justice
Washington, D. C. 20530

Dear Mr. Levi:

One of the objectives of this Committee is to establish the cost of domestic intelligence. This letter is to request that you provide FY 76 budget numbers (dollars and manpower) concerning intelligence activities and intelligence related activities within your Department. Should this kind of data not be readily available, by Department, Bureau, Administration, etc., your best estimate and an explanation as to how the computations were made will suffice. We have a good deal of budgetary data re: FBI, DEA, etc. already. However, it is in a format that does not readily lend itself to isolating intelligence activities per se, hence this request.

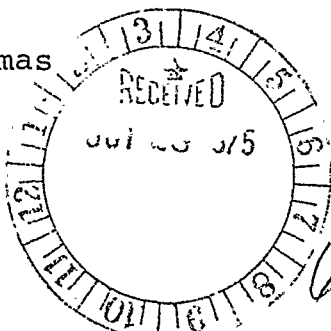
Should there be any questions regarding this matter, Roger Carroll of this staff, at 225-9751, is available for more details. We would appreciate your response by October 31, 1975.

Sincerely,

A. Searle Field

A. Searle Field
Staff Director

ASF/RC/mas



44-1-10-0	
DEPARTMENT OF JUSTICE	
OCT 23 1975	
R.A.S.	
OFFICE OF LEGISLATIVE AFFAIRS	
OFFICE OF MGT. & FINANCE	
Mgt. Programs & Budget Staff	

ENCLOSURE

UNITED STATES GOVERNMENT

Memorandum

1 - Mr. Mintz
1 - Mr. Adams
1 - Mr. Gallagher

DATE: 10/23/75

1 - Mr. Wannall
(Attn: Mr. Cregar)
1 - Mr. Hotis
1 - Mr. Daly

TO : Mr. J. B. Adams

FROM : Legal Counsel

Houstody - 75

SUBJECT: TESTIMONY BEFORE THE SELECT COMMITTEE ON
INTELLIGENCE ACTIVITIES
OTIS PIKE, CHAIRMAN
HOUSE OF REPRESENTATIVES, OCTOBER 9, 1975

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 _____

Attached is a copy of SA James Kraus' captioned testimony in which corrections have been made. These corrections were restricted to grammatical corrections. The corrections were made in coordination with the General Investigative and Intelligence Divisions.

The questions raised during testimony are being responded to separately.

The Committee requested that the corrected testimony be returned to them promptly.

RECOMMENDATION:

That the attached transcript be furnished expeditiously to the Committee.

See rec to Com in ltr by 62-116464-138X

Enclosure

ENCLOSURE

1ad *40*
(8)

REC-43
ST-111

15 NOV 12 1975



84 NOV 13 1975

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

Select Committee on Intelligence
U.S. House of Representatives

ROOM B-316, RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515

Oct. 10, 1975

Referred to James Kraus

Testimony given by you before the Committee appears in the attached typewritten transcript. Please indicate any corrections thereon, attach all requested information to the proper page or pages, and return immediately so that your remarks as revised may appear in the final printed volume.

Changes in diction or expression or in the interest of clarity, brevity, or accuracy, or to correct any errors in transcribing are permitted. If other changes are desired, application must be made to the Chairman.

A. SEARLE FIELD,
Staff Director.

GPO 57-657-5

Please return any information to be supplied for the record with the corrected transcript.

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STATEMENT OF JAMES KRAUS
UNIT CHIEF
ANTI-TRUST AND BANKRUPTCY UNIT
FEDERAL BUREAU OF INVESTIGATION

Mr. Kraus. Yes, sir.

Mr. Glaimo. As I understand it, he is here to answer questions. As I understand it, you don't have any direct testimony that you are to give.

Mr. Kraus. No, sir.

Mr. Glaimo. But you are available for questions.

Mr. Treen. I have just one question, first, of Mr. Kaiser. You stated that there was a 30 percent markup on the equipment that you sold to U.S. Recording. How do you know that?

Mr. Kaiser. I sat in the office, the Old Post Office Building, with the very gentleman that I had been negotiating another contract with and I saw the paperwork come in through U.S. Recording on his desk. I looked at the paperwork and compared the prices shown there -- as a matter of fact, I wrote them down -- and compared the prices shown on their invoice versus what they would have been from me.

Mr. Treen. You said you provided a lot of other agencies with equipment and these orders came through the United States Army. Would that include all the agencies you were talking about that they ordered their equipment through the Army and you referred to the U.S. Postal Service, IRS, Treasury, et cetera, and others? Did they all order their equipment through the Army?

Mr. Kaiser. No. They all used a different procedure. I refer to them as "cutouts". Occasionally, one agency would order through another.

Mr. Treen. Have you supplied the names of these other agencies to the committee staff?

Mr. Kaiser. All the agencies you have there. Just mix them all around. They all did the business of ordering for other agencies, not just Fort Holabird, but others.

Mr. Treen. I am talking about where you had ostensibly a private company ordering or where you had the Army ordering equipment that you knew was destined for someone other than the Army. Have you supplied that information?

Mr. Kaiser. Yes, I will supply the information to you.

Mr. Treen. You will. Okay.

Mr. Kraus, can you enlighten us a little bit from the point of view of the FBI about the method by which it acquires equipment? I assume none of this equipment that Mr. Kaiser manufactured here is illegal, per se; is it?

Mr. Kaiser. It is electronic surveillance.

Mr. Treen. It is not illegal to manufacture the equipment you have displayed today; is it?

Mr. Kaiser. No.

Mr. Treen. Under the law?

Mr. Kaiser. Under the law.

Mr. Treen. And it is not illegal for any of these

8 1 government agencies to possess it, per se, possession; is that
2 correct?

3 Mr. Kaiser. That is correct.

4 Mr. Treen. Mr. Kraus, do you have any comments about
5 the method by which the Federal Bureau of Investigation
6 acquires this equipment? It has been alleged that the U.S.
7 Recording Company is an intermediary through which this
8 equipment is acquired. Is this true, and if so, why is that
9 done?

10 Mr. Kraus. The acquisition of material, supplies, is
11 handled by the Administrative Division of the FBI. I have never
12 worked in the Administrative Division of the FBI; and I don't
13 know the answer to your question.

14 Mr. Treen. You have no information on this subject at
15 all?

16 Mr. Kraus. No, sir.

17 Mr. Treen. Has that been supplied to the staff,
18 Mr. Field, the FBI explanation as to why, if true, these
19 intermediary agencies or organizations are used? The answer
20 is it has not. Can that be supplied, sir? Can you arrange
21 to supply that to the committee, a statement of the reasons
22 why, if true, intermediary organizations are used for the
23 acquisition of this type of equipment?

24 Mr. Kraus. I can't supply it.

25 Mr. Treen. Can the Federal Bureau of Investigation

9 1 supply it?

2 Mr. Kraus. We will look into it, sir.

3 Mr. Treen. I assume the committee will make a response.

4 Now, if I have some more time, Mr. Kaiser, you
5 generally alleged that many of these other government
6 agencies order their equipment through the Army, that is
7 agencies that are not connected with the Army. Can you give
8 me a specific example? You said the United States Postal
9 Service had ordered some of your equipment. What kind of
10 equipment did the Postal Service order and how did you
11 transmit it to the Postal Service?

12 Mr. Kaiser. The Postal Service bought in many cases
13 direct. I think most of their cases were direct. The most
14 significant example I can think of of an order that was
15 routed through Army Intelligence was one for the Bureau of
16 Narcotics and Dangerous Drugs. That was the most sizable.
17 It was roughly 70 or \$80,000 from the Bureau of Narcotics to
18 Fort Holabird to me. Again I delivered directly to Bureau of
19 Narcotics but billed through Fort Holabird.

20 Mr. Treen. You were paid by the Army?

21 Mr. Kaiser. Yes.

22 Chairman Pike. Mr. Dellums, do you want to use your
23 time?

24 Mr. Glavin. Can I ask unanimous consent to yield my
25 time to Mr. Dellums?

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Chairman Pike. Without objection, Mr. Dellums is recognized for 10 minutes.

Mr. Dellums. First of all I would like to point out that I think these hearings today are extraordinarily important because it raises one of the most dangerous risks of uncontrolled intelligence-gathering capability. It may be that what we are listening to today is clear evidence that we have established an electronic horror story that renders the Bill of Rights null and void. In some ways I sit here and almost feel impotent as a Member of Congress on a tiny committee that may not even be backed up by the entire Congress trying to go into an area we may not be able to come out of.

I would like to pursue with Mr. Harshman and perhaps Mr. Farris this question. It spins off of the question raised by my distinguished colleague from Illinois. We have heard testimony this morning that various telephone companies around the country have participated or been involved, implicitly or explicitly in illegal wiretaps. The question I would like to ask you is: If that is true and telephone companies have not reported all of these illegal wiretaps to the appropriate Federal agencies, State or local agencies, is it not a fact that perhaps indictments can be brought against telephone companies all over this country for criminal acts in violation of the Constitution and in violation of the rights of human beings in this country, brought to trial?

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1:30 a.m.
1/9/75

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1 Mr. Hershman. I think if, in fact, they have participated
2 in illegal wiretapping in the hands of the proper respective
3 prosecutors could possibly result in convictions, indictments,
4 whatever.

5 Mr. Dellums. Does your information indicate that it is
6 clearly true that not all of the warrantless wiretaps that the
7 telephone company is aware of or perhaps even participated in
8 were reported to the appropriate authorities?

9 Mr. Hershman. I think that the most glaring evidence of
10 this is from, of course, the Illinois Bell System, where
11 through their policy they do not report finds of illegal
12 devices to law enforcement.

13 I want to say that during the course of the National
14 Wiretap Commission's business we had many allegations that the
15 telephone company had cooperated with law enforcement through-
16 out the country in instituting illegal wiretaps or buggings.
17 It has been the case, however, that we have only been able to
18 document individual telephone company repairmen or linesmen
19 having cooperated and in most of these instances that have
20 come to light, they have been the subject of prosecution.

21 I believe that the instance discussed here today with regard
22 to Houston is still under Grand Jury investigation. We will
23 have to wait and see how that turns out, I suppose.

24 Mr. Dellums. Thank you.

25 Mr. Chairman and members of the Committee, I would like to

1 share with you my own personal experience. A gentleman who was
2 on leave from Maryland University at University of California
3 at Berkeley came to my office at the request of my staff, a
4 very sophisticated person with extraordinary credentials in
5 electronic surveillance. He put equipment on the telephone
6 lines of my own Congressional office, found out and signed an
7 affidavit saying that high frequency radio electronic sur-
8 veillance equipment was on my telephone.

9 I am a Member of Congress, ostensibly capable of having
10 some influence, and I say this to point out how the average
11 citizen has to be totally wiped out in this process.

12 The best I could do as a Member of Congress, I was told
13 we will hold a hearing and give you an opportunity to blast
14 the fact there is a wiretap on your phone and maybe you can
15 get a little press out of it.

16 I found that repugnant and repulsive.

17 What happens when thousands of American people are harmed
18 by these wiretaps? There has been laughter in the chamber
19 today, but I don't find one damn thing funny about a nation
20 ostensibly democratic that has created so much irresponsibility
21 with Federal agencies involved, and we sit here and think that
22 is a joke. I think what we have done today is open up
23 Pandora's box, Mr. Chairman, and I hope this Committee will go
24 as far as it can go. I hope someday we get someone from the
25 FBI here who can actually answer questions. This is the second.

1 time, Mr. Chairman, we have had some representative from the
2 FBI who says, "I can't answer the question", or "maybe we can
3 get this information for you".

4 I would like to know, because if we can ever open up the
5 can of worms, the business that the FBI is involved in warrant-
6 less wiretaps and harassment of American people, maybe it
7 would make all these things about the CIA look like kinder-
8 garten school.

9 I would like to ask the gentleman from the FBI, you have
10 responsibility for investigations of violation of the criminal
11 provision of Title II of the 1968 Omnibus Crime Control Safe
12 Streets Act; that is correct, right?

13 Mr. Kraus. Yes, sir; we have responsibility over
14 Title 47-605, Title 18-2511 and 12. Title III is the law, as
15 I understand it, that authorizes the legal use of wiretaps.

16 Mr. Dellums. That seems like a great deal of responsi-
17 bility. How many staff people do you have in order to carry
18 out your function?

19 Mr. Kraus. In my unit?

20 Mr. Dellums. Yes.

21 Mr. Kraus. I have two other supervisors and two clerks.

22 Mr. Dellums. To carry out all this business?

23 Mr. Kraus. To carry out the business that is carried on
24 in the Laboratory and Architect Unit in the Accounting and
25 Fraud Section of the General Investigative Division.

1 We have currently pending 194 interception cases. The
2 whole unit has somewhere in the neighborhood of 2,000 cases.

3 Mr. Dellums. Does that include Migratory Bird Act viola-
4 tions?

5 Mr. Kraus. Yes, sir.

6 Mr. Dellums. So that means of these four staff people,
7 half of them are handling migratory bird violations and the other
8 two are handling all of these important electronic surveillance
9 cases?

10 Mr. Kraus. I don't believe there is a single Migratory
11 Bird Act case pending in the Bureau. But if there was such a
12 case, it would be handled in the Bankruptcy and Antitrust
13 Unit.

14 Mr. Dellums. Mr. Farris, what do you think about that?

15 Mr. Farris. I think that is pretty sad, Congressman. I
16 agree that electronic surveillance is a necessary evil in
17 certain types of investigations -- national security, the
18 crimes enumerated in the Act, but I think that even with safe-
19 guards, electronic surveillance is a dirty business.

20 To think that the only agency chartered by this Congress --
21 and this is the only Congress we have -- to investigate those
22 violations has to worry with a small unit with migratory birds
23 and antitrust, and so forth, is pretty sad. That is what I
24 think of it.

25 Mr. Dellums. Do you have a comment, Mr. Herberman?

1 Mr. Harshman. I do. - I think this is somewhat of a
2 tragedy and probably goes a little bit further than the Commit-
3 tee members are aware.

4 We had testimony from the gentleman responsible for Title I
5 violation prosecutions in the Justice Department. That unit
6 consists of four lawyers and they are assigned to enforce vio-
7 lations of ten other statutes.

8 I feel very strongly that there is a misplaced priority
9 in the enforcement of laws that have to do with invasion of
10 privacy. I take issue with Mr. Kaiser, who said before that
11 the FBI does not have the technical capability to investigate
12 crimes of electronic surveillance. I am well aware of the
13 technical capability the FBI has, and I respect them for it.
14 They have helped us at the Commission to formulate a study of
15 the state of the art of electronic surveillance technology
16 and did a wonderful job. That is not the problem, the lack of
17 technical capability to investigate these crimes.

18 The problem is the motivation, the priority placement.

19 Mr. Delums. Thank you.

20 Mr. Krons, I have here an FBI memo from an FBI field office
21 that clearly shows the FBI in 1971, an apparently warrantless
22 electronic surveillance of a series of telephone calls. At the
23 end of the memo, it puts one of the individuals monitored on
24 a watch list for further surveillance.

25 I have a 1970 memo which shows investigative data obtained

1 from Bell Telephone Company, and the data, as follows on, says,
2 "American Telephone and Telegraph. Total American Telephone
3 and Telegraph security personnel, 556; total FBI experience,
4 45; total local experience, 31; total state experience, 18;
5 percent of FBI agents in security personnel, 6.8. Southwestern
6 Bell, total of 40 agents; total number of former FBI agents,
7 16; the percent in location, 40 percent."

8 Will you describe the full relationship between the FBI
9 and the Bell Telephone Company and IT&T; the full relationship
10 between the FBI and the telephone company?

11 It seems to me that given this testimony, there has to be
12 some kind of relationship that is more than casual between the
13 FBI and the telephone company, and I would like to elicit that
14 information.

15 Mr. Kraus. I am not sure I understand what kind of rela-
16 tionship you are speaking of.

17 Mr. Dellums. The relationship that allows the FBI to
18 tap telephones with the cooperation of the telephone company,
19 to allow the FBI to use the services of the telephone company
20 in order to impose electronic surveillance on American citizens.

21 Mr. Kraus. Mr. Dellums, I am not aware of any relationship
22 between the Bureau and ITT, ATT, or any of its subsidiaries to
23 permit the FBI to install illegal wiretaps.

24 Mr. Dellums. Is it your testimony --

25 Chairman Pike. The time of the gentleman has expired.

1 We have a vote. I would suggest this would be an appropriate
2 time for us to break for another fifteen minutes.

3 It is the intention of the Chair to go through the members
4 without breaking for lunch and then wrap up the hearing and
5 not come back this afternoon.

6 (Brief recess for voting.)

7 Chairman Pike. Mr. Hayes, you may question.

8 Mr. Hayes. Thank you, Mr. Chairman.

9 ~~Mr. Kraus~~ ^{Hayes}, good morning.

10 Mr. Kraus. Good morning.

11 Mr. Hayes. Does the FBI have a stated or unstated policy
12 not to enforce those Federal statutes which have to do with wire
13 tapping and interception of communications, to your knowledge?

14 Mr. Kraus. No, sir.

15 Mr. Hayes. Have there ever been policy discussions in
16 your presence because of your jurisdictional authority with
17 the FBI about the efficacy of enforcement practices within the
18 Bureau, of those same laws?

19 Mr. Kraus. No, sir.

20 Mr. Hayes. Has any one of your superiors or peers within
21 the Bureau ever discussed with you what is going on in terms
22 of enforcement within your division of those statutes?

23 Mr. Kraus. We have joint discussions; yes, sir.

24 Mr. Hayes. Now, in those joint discussions can you recall
25 when the last one was conducted?

1 Mr. Kraus. We discussed interception of communications
2 yesterday. We discussed them this morning.

3 Mr. Hayes. Now, in the discussion yesterday, did you get
4 beyond what your role would be vis-a-vis this Committee?

5 Mr. Kraus. Beyond?

6 Mr. Hayes. Yes; did you discuss the eighteen convictions
7 that you have had in 1974? Did you discuss, for example, how
8 effective your division has been in enforcing the statutes?
9 Did you discuss anything of that nature?

10 Mr. Kraus. Not of that nature. Yesterday, our discussion
11 concerned my interview with two members of this Committee on
12 Tuesday, and I discussed with them what the questions were
13 that I could remember, and I especially discussed with them
14 the fact that -- not especially, but included in it was the
15 fact that they asked me certain statistical questions that I
16 didn't have the answers to, and I told the members that it
17 would be possible to get this information by a review of the
18 files concerned. They would have to identify them.

19 Mr. Hayes. In law enforcement matters would you charac-
20 terize the FBI's ability to cooperate with the various telephone
21 companies as good, bad or indifferent? Would you characterize
22 them in one of those three ways?

23 Mr. Kraus. I would say good.

24 Mr. Hayes. Now in terms of that, how would you charac-
25 terize the FBI's capacity to cooperate in enforcing the Federal

1 wiretap laws with those same companies? Would you characterize
2 those as good, bad, or indifferent?

3 Mr. Kraus. Our capacity to enforce the law?

4 Mr. Hayes. To cooperate with the telephone company.

5 You have eighteen convictions, but they reported, I believe
6 the gentleman testified, to about 200 taps over the last year.

7 Mr. Kraus. Well, as you are aware, Mr. Hayes, the FBI
8 doesn't prosecute. We investigate.

9 Mr. Hayes. I am saying, you investigate --

10 Mr. Kraus. And the results of all our investigations are
11 given to the appropriate United States Attorney and also the
12 Criminal Division in the Department of Justice.

13 Mr. Hayes. How many local police departments did you in-
14 form United States Attorneys about in terms of their wiretap-
15 ping?

16 Mr. Kraus. I believe we furnished that information to
17 this Committee this month, and while I --

18 Mr. Hayes. I will look it up.

19 Mr. Kraus. -- I didn't prepare it, I believe there were
20 about fifty cases during, I believe it was from the period
21 from 1970 or 1971 to 1975, but I am not sure of this. It was
22 a period of four years, I believe, five years.

23 Mr. Hayes. What actions have you had personal knowledge
24 of in regard to the Law Enforcement Assistance Agency grants
25 to local police departments for the purchase of electronic

1 surveillance equipment or wiretapping equipment?

2 Mr. Kraus. I don't have any personal knowledge of it. I
3 am aware from reading it in the newspapers ~~that~~ ^{and in} discussions
4 that the LEAA does give grants and these grants are used for
5 the purchase of these devices.

6 Mr. Hayes. Mr. Hershman, in regard to the same question
7 that I asked Mr. Kraus, do you have a comment?

8 Mr. Hershman. Sir, during my tenure at the National Wire-
9 tap Commission, we initiated the program to examine the sales
10 records of ten manufacturers of electronic surveillance equip-
11 ment in the United States. Upon examining the records we found
12 that in virtually all states there were sales made of elec-
13 tronic surveillance equipment to state and local law enforcement
14 including those states which do not have authorization statutes.

15 I believe there are currently twenty-two states in the
16 country which permit court-authorized wiretaps. Of the rest
17 they had purchased equipment which reasonably could be assumed
18 to be purposeful only in interception of wire and all communica-
19 tions.

20 Now during testimony from a number of manufacturers we find
21 that perhaps sixty to seventy-five percent of their sales are
22 through funds provided by LEAA or the various state funding
23 agencies.

24 Mr. Hayes. Sixty to seventy-five percent?

25 Mr. Hershman. That is correct, sir.

1 Chairman Pike. The time of the gentleman has expired.

2 Mr. Kasten?

3 Mr. Kasten. Thank you, Mr. Chairman.

4 Mr. Hershman, we received information and evidence this
5 morning about the activities in Houston. In what other cities
6 are the local police presently working with government sur-
7 veillance of different kinds?

8 What other situations do we have that would be like
9 Houston, to your knowledge?

10 Mr. Hershman. The most notable situation outside of
11 Houston is in New York, where a substantial number of offices
12 in the Special Investigations Unit of the New York City
13 Narcotics Division, in the New York City Police Department, have
14 been convicted of crimes relating to wiretapping.

15 The Special Investigations Unit consisted of approximately
16 eighty detectives, and I believe since its inception a number
17 of years ago more than half of those detectives have been con-
18 ficted.

19 Mr. Kasten. Are those in relationship with local police
20 doing the wiretap or the Federal Government doing the wiretap?

21 Mr. Hershman. In relation to the local police doing it;
22 yes.

23 Mr. Kasten. What about other cities? I would like a
24 list. Would Richmond be an example? Would McKeesport,
25 Pennsylvania, be an example?

1 Mr. Furshman. We may be talking about two different
2 things. If the question has to do with FBI enforcement of the
3 electronics surveillance laws regarding illegal police wire-
4 tapping, Richmond is a current investigation where I believe
5 FBI agents on active duty are subjects of a Grand Jury investi-
6 gation stemming from charges of obstruction of justice.

7 Mr. Kasten. In prior testimony before this Committee
8 in one of our initial hearings, we had Eugene W. Walsh, the
9 Assistant Director of the Administrative Division of the FBI.

10 Are you familiar with Mr. Walsh and what he does?

11 Mr. Kraus. Yes, sir; I do know Walsh.

12 Mr. Kasten. I asked Mr. Walsh a question, "Do you use
13 state and local police to collect intelligence specifically
14 for wiretapping or surveillance?" On that day before this
15 Committee Mr. Walsh answered, "No, sir, not to my knowledge."

16 In another point going further on, talking about coopera-
17 tion, work that takes place in state and local government
18 coordinating with the FBI, in some cases wiretapping, et
19 cetera: "Mr. Walsh: No, sir, we have no cooperative effort to
20 get local police to place wiretaps in our behalf."

21 How do you explain Mr. Walsh's testimony, that statement,
22 "... we have no cooperative effort to get local police
23 to place wiretaps in our behalf."

24 We have Mr. ... other examples right here.

25 Mr. Kraus. Mr. Kasten, I can't explain the answers you

1 are asking, but may I explain this? I was interviewed by two
2 members of your staff, and I explained to them what my posi-
3 tion was, that I was in charge of a unit in the Accounting and
4 Fraud Section and in that unit we also handled, in addition to
5 some other 2,000 investigations, the interception of communica-
6 tions statutes.

7 I also explained to them that I was not involved in policy-
8 making. I do not make policy. And so in answer to your ques-
9 tion, I don't know the answer.

10 Mr. Kasten. Is there another part of the agency that
11 handles the interception of communications statutes?

12 Mr. Kraus. No, sir.

13 Mr. Kasten. There is no other person who should have
14 this responsibility?

15 Mr. Kraus. The overall responsibility would rest with our
16 Assistant Director, who is in charge of the General Investiga-
17 tive Division, and he is in a position to be involved in the
18 setting of policy.

19 Mr. Kasten. Neither you nor Mr. Walsh, who is an Assistant
20 Director, would have the knowledge that the Committee is
21 addressing itself to?

22 Mr. Kraus. No, sir; I don't have the answer to that ques-
23 tion.

24 We offered to make available to this Committee this morn-
25 ing someone else in the Bureau who would be at a policy-making

1 level, and the Committee requested that I show up.

2 Mr. Kasten. Mr. Kaiser, in your testimony you said your
3 list of clients is not limited to but includes, CIA, DIA,
4 Army Intelligence, et cetera. There were a number of domestic
5 agencies other than the FBI in your list.

6 What specifically does the Treasury Department, the IRS,
7 do with your equipment?

8 Mr. Kaiser. My only requirement is that I receive a
9 purchase order from the bonafide law enforcement agency. That
10 is the only requirement I have, and once I ship the goods,
11 I have absolutely no idea what they do with it, absolutely none.

12 Mr. Kasten. Thank you, Mr. Chairman.

13 Chairman Pike. The time of the gentleman has expired.

14 Before we broke for the recess, Mr. Aspin asked unanimous
15 consent that he could yield his time to Mr. Murphy. Is there
16 objection?

17 Without objection, Mr. Murphy is recognized for ten
18 minutes.

19 Mr. Murphy. Thank you, Mr. Chairman.

20 Mr. Zavala, in your experience as a police officer in
21 Houston, were you requested by other Federal agencies, the DEA,
22 the FBI, to cooperate in wiretapping operations?

23 Mr. Zavala. No, sir; I was never officially -- there was
24 never a request from anyone officially to instigate a wiretap.

25 Mr. Murphy. Did you ever turn over information from --

1 Mr. Zavala. Yes, I did.

2 Mr. Murphy. Did they object?

3 Mr. Zavala. No, they didn't.

4 Mr. Murphy. Did they stop you in any way from giving them
5 that information?

6 Mr. Zavala. No, they didn't stop me. It was encouraged
7 because they knew it was correct information.

8 Mr. Murphy. How was it encouraged?

9 Mr. Zavala. Well, by asking more questions, by hanging
10 around the station asking if anybody was working on so and so.
11 When we gave information -- for example, a case that I gave
12 a Customs man information in Brownsville -- I believe they
13 arrested the man -- I was given a three-day subpoena to
14 Brownsville, where I had no testimony at all to give in the
15 case and the Federal Government was paying me up there to go
16 have a little vacation for giving him the information, you
17 might say. It was sort of like a reward.

18 Mr. Murphy. And you gave no testimony up there?

19 Mr. Zavala. No, sir, I did not. Later on, the U. S.
20 Attorney, now Assistant U. S. Attorney in Houston, asked me
21 why I had been subpoenaed, and I asked him, "Well, why did you
22 subpoena me?" And he said, "Well, I don't remember." I said
23 it was because I gave the Customs man the information that made
24 the case down in Brownsville.

25 Mr. Murphy. Were you present at that trial in that case?

1 Mr. Zavala. Yes, sir, I was.

2 Mr. Murphy. Did the prosecutor introduce evidence that
3 was obtained from your wiretaps?

4 Mr. Zavala. No, sir. The prosecutor didn't know. There
5 was no case. The man pled guilty.

6 Mr. Murphy. You said the prosecutor didn't know. Did the
7 FBI agents testify on the information that you received from
8 wiretaps?

9 Mr. Zavala. No, sir; no one testified at the trial. When
10 the trial was about to start, the man pled guilty. However,
11 the Customs people knew that it was a wiretap because I had
12 supplied the information to them. There was no actual testimony
13 by anyone involved because the man pled guilty.

14 Mr. Murphy. Were you present at any pre-trial conversations
15 or hearings where the evidence you obtained illegally was pre-
16 sented to the attorney for the defendant and the defendant?

17 Mr. Zavala. No, sir; I was not present at that.

18 Mr. Murphy. Mr. Farris, in your experiences as the United
19 States District Attorney, do you know that it is a common prac-
20 tice for the FBI or DEA to use local law enforcement officers
21 or their facilities to wiretap in jurisdictions?

22 Mr. Farris. I do not know as a personal fact that it
23 is, but certainly beginning with 1973, late 1973, those were the
24 reasons in Houston, and this is part of the testimony that I
25 have given before two other committees and this one.

1 Mr. Murphy. You know of no specific instance?

2 Mr. Farris. Not specific instances; no, sir; only the
3 allegations by defense counsel and the information supplied to
4 us by the former Chief of Police in Houston, Carroll Lynn.

5 Mr. Murphy. As a practical practicing attorney and some-
6 body who knows the town pretty well, you know to be the case
7 that the FBI uses local law enforcement officials to obtain
8 the information illegally and they can say they never wiretap;
9 isn't that correct?

10 Mr. Farris. I can't say that as a fact --

11 Mr. Murphy. Where is all this equipment that this gentle-
12 man makes and sells and all he is worried about is getting a
13 good check and it is a bonafide request? Where does it go?
14 He was asked a question, what do they do with it. What else
15 can they do with it but use it for the purpose it was manufac-
16 tured.

17 Let's quit kidding ourselves and the American people.
18 We know there is illegal wiretapping going on. There is one
19 man here who is going to go to prison next week for it.

20 Mr. Farris. Your question was whether I personally knew
21 and I do not personally know. I know the allegations were
22 there.

23 Mr. Murphy. Have you ever heard it discussed around your
24 office as United States Attorney among the Assistant Attorneys
25 or the agents working on the case?

1 Mr. Farris. I heard the allegations repeated; yes, sir.

2 And I supplied ---

3 Mr. Murphy. You know of Federal cases where they have
4 been thrown out because of tainted evidence; isn't that cor-
5 rect?

6 Mr. Farris. I know of no Federal cases in the Southern
7 District that were thrown out when I was in office because of
8 tainted evidence; no, sir.

9 Mr. Murphy. How about you, Mr. Kraus? Do you know this
10 to be a practice of the FBI in any jurisdiction throughout the
11 country; they work with local enforcement agencies and have
12 them do the wiretapping?

13 Mr. Kraus. No, sir.

14 Mr. Murphy. Do you know of any instances where the FBI
15 works closely with the American Telephone and Telegraph Company
16 or any of their subsidiaries in regard to obtaining illegal
17 evidence?

18 Mr. Kraus. No, sir.

19 Mr. Murphy. Do you know anybody in the FBI who might know
20 of that? Can you supply his name so we can call him?

21 Mr. Kraus. No, sir. No, I don't.

22 Mr. Rosten. Would the gentleman yield?

23 Mr. Murphy. Yes.

24 Mr. Rosten. Who in the FBI would have that information?

25 Who would answer that question? What is the person's name who

1 could answer the question that the gentleman from Illinois just
2 addressed?

3 Mr. Kraus. I don't know that the question is a question
4 of fact. I think it is a presumption. I don't think that
5 there is anybody in the FBI who has knowledge of illegal wire-
6 tapping on the part of the FBI or ^{who} works in conjunction with
7 ~~any police agency~~ ^{the telephone company OR} ~~for~~ ^{to install illegal wiretaps} condones it.

8 Mr. Kasten. So if it was going on, there would be no one
9 in the FBI who would know? ==

10 Mr. Kraus. No, sir. It is as much a violation of the
11 Federal law for an FBI agent to engage in illegal wiretapping
12 as any other citizens.

13 Mr. Kasten. I thank the gentleman for yielding.

14 Mr. Murphy. Have they ever in the history of the FBI en-
15 gaged in it, to your knowledge?

16 Mr. Kraus. Not to my knowledge.

17 Mr. Murphy. Do you know of any Federal cases thrown out
18 because of tainted evidence obtained through illegal wiretap-
19 ping?

20 Mr. Kraus. No, I don't.

21 Mr. Murphy. I think my time is up, Mr. Chairman.

22 Chairman Pike. Mr. Lehman, do you have any questions.

23 Mr. Lehman. Thank you, Mr. Chairman.

24 I guess I will address my questions to Mr. Kaiser. We
25 have talked a lot about the abuses and the illegalities of

1 surveillance, wiretapping, law enforcement agents, FBI, of
2 the telephone companies, but in Title 47, Section 605, of the
3 statutes on wire and radio communication, and in your testimony,
4 it seems like that many of your competitors are in direct vio-
5 lation of this by just the sale and distribution of this kind
6 of communication equipment; that, as you say, they are adver-
7 tised in catalogs.

8 What concerns me is this great proliferation into the
9 private sector of this sophisticated equipment. I saw the
10 movie, "Conversation" -- I guess some of you might have seen
11 that -- and it shows just how prevalent and how sophisticated
12 and how dangerous this is, not necessarily in the police area
13 but in the private sector. I think that is what we are going
14 to have to make our people, the rank and file people, concerned
15 about.

16 Now, it is illegal, in my way of thinking, to send and
17 sell equipment into the private sector, but let's take a look
18 at what the private sector consists of.

19 To your information, do you know of situations where this
20 equipment has been sold to the private sector, where one person
21 in the private business area can do electronic surveillance on
22 a competitor, employee, or labor organization, or vice versa?
23 Would you care to comment on that, the prevalence and avail-
24 ability of this suggestion, one private sector versus another
25 private sector, or one private citizen versus another private

1 citizen?

2 Mr. Kaiser. I view private sector as not only individuals,
3 but also companies and organizations and that type. I don't
4 know about abuses, one against the other, and where the source
5 is.

6 I, myself, do counter-measure work and have done work for
7 not only the law enforcement agencies and various states
8 attorneys and governors in particular, but for corporations, and
9 the type of thing I am finding doesn't even involve a device.
10 It involves a modification of an already existing eavesdropping
11 device. So the "whodunnit" there is almost impossible to find
12 out.

13 Mr. Lehman. The average citizen is not that concerned
14 about the relationship of the law enforcement agent, because he
15 is a law-abiding citizen, but take a person maybe that is on a
16 check-out counter of a supermarket. What kind of devices can
17 be planted there so that the market manager will see that rela-
18 tives aren't getting stuff through the check-out counter free?
19 What do you do about in the automobile agencies so that one
20 automobile agency can find out what his competitors discounted
21 1976 models for?

22 What do you do in regard to perhaps a shipping clerk that
23 some employee can bug in relation to whether he is letting
24 stuff out the back side of the warehouse and things?

25 What is the availability? How are these being used?

1 What about the actual sort of a civil war, one sector of the
2 private sector against the other, using electronic surveillance
3 weapons, one American against another?

4 And that is what I think that I am concerned about as much
5 as I am about the abuses in the law enforcement area.

6 Could you give me any help on what kind of legislation we
7 need, or kind of enforcement of present legislation we need to
8 prevent these kinds of abuses and prevent this kind of invasion
9 of privacy?

10 Mr. Kaiser. That is a mighty big order.

11 Mr. Lehman. Is it an important problem?

12 Mr. Kaiser. I think it is a very, very important
13 problem.

14 Mr. Lehman. Equivalent even to the problem of the law
15 enforcement agencies, perhaps?

16 Mr. Kaiser. Possibly even beyond that point.

17 Mr. Lehman. That is what I was trying to get to.

18 Mr. Kaiser. I really enjoyed this game I have been in
19 for the last ten years and have tried to define this myself,
20 and I find it coming right down to the basic things that we
21 call morals and that we call ethics, and I honestly don't know
22 how to legislate this.

23 I have turned, of course, to the Justice Department for
24 answers to this, and they can't give me an answer.

25 Mr. Lehman. Could I ask Mr. Farrels to respond to this?

1 Mr. Farris. Congressman, as you know, I testified before
2 Mr. Hershman's group, the National Commission on Wiretapping,
3 and I pointed out that a Federal Judge in California has
4 already held that a department store that conducted electronic
5 surveillance of one of its employees without his consent was
6 not violating the law under the present act as written by
7 Congress.

8 You can ride in elevators in certain condominiums and
9 certain office buildings where the elevator is wired so that
10 the people that run the elevator can hear what you are saying,
11 all under the present act.

12 Mr. Lehman. In that case, do you --

13 Chairman Pike. The time of the gentleman has expired.

14 Mr. Johnson?

15 Mr. Johnson. Thank you, Mr. Chairman.

16 Mr. Farris, what is the relationship between the United
17 States Attorney and the FBI, generally?

18 Mr. Farris. In any district?

19 Mr. Johnson. Yes. Well, in your district, specifically
20 the one you used to run.

21 Mr. Farris. Except for the agent in charge who retired
22 in 1974, good.

23 Mr. Johnson. I wasn't asking the question that way. I
24 phrased my question poorly.

25 When you, as the U. S. Attorney, would ask the FBI to

1 investigate a matter, for example, bank robbery or car theft --
2 I guess that is their big thing -- or hijacking, or something
3 like that, what was the response you got? What kind of coopera-
4 tion did you get?

5 Mr. Farris. Excellent.

6 Mr. Johnson. Isn't that generally the way it is?

7 Mr. Farris. That is correct.

8 Mr. Johnson. I was a District Attorney in the State of
9 Colorado for several years, and if I made a request for inves-
10 tigative work, we also got good cooperation from wherever we
11 were asking it from the law enforcement agents.

12 As a prosecuting attorney, you expect that, don't you?

13 Mr. Farris. That is correct.

14 Mr. Johnson. You have been in practice since 1956. I
15 assume you have been a defense counsel in criminal matters and
16 one of the things you always are irritated with is the prosecut-
17 ing attorney has so much help from various law enforcement
18 officials; right?

19 Mr. Farris. Right.

20 Mr. Johnson. Why in this case, can you tell me then, when
21 you requested information with respect to investigation of
22 other law enforcement agencies, in this case the Houston Police
23 Department, you didn't get any response from anybody who was
24 really significant?

25 Mr. Farris. Actually, there were two cases in which I got

1 little or no response. The other one involved vote-stealing,
2 same SAC. In all other cases they always responded; they
3 always performed admirably; but in this case the investigation
4 of the allegations of illegal electronic surveillance by the
5 police department in Houston, there was not only reluctance
6 but obvious foot-dragging.

7 Mr. Johnson. During the course of over a year's period
8 of time you testified you contacted the SAC and his superiors
9 and the Justice Department, and it seems to me very pointed in
10 your testimony that it is all left hanging.

11 What was the result of your contacts with Saxbe and Kelley
12 and everybody else?

13 Mr. Farris. To quote myself in other hearings, zip;
14 nothing. Saxbe didn't answer; the Deputy Attorney General
15 of the United States didn't answer; the Assistant Attorney
16 General in charge of the division didn't answer. The Chief of
17 the General Crime Section didn't answer. No one answered. I
18 don't think they were listening.

19 Mr. Johnson. Did you prosecute Mr. Zavala?

20 Mr. Farris. One of my assistants did.

21 Mr. Johnson. Without knowing any more about the case, it
22 is very difficult to comment on it, but it seems to me to be
23 unusual to hear that a man who had cooperated with the investi-
24 gative authorities was a sentence of three years out of a mani-
25 fested possible sentence of five when he is one of those who is

1 helping to break the case and helping the prosecutors investi-
2 gate. That is kind of unusual, I would say. Wouldn't you
3 characterize it that way?

4 Mr. Farris. I don't know what the policy is in the U. S.
5 Attorney's office in Houston now, but when I was there, and
6 before me, the Federal judges in the Southern District of
7 Texas did not want and would not accept recommendations on
8 sentencing from the U. S. Attorney's office. That is the policy
9 and it was enunciated by Chief Judge Linsey Connally in a case,
10 a written opinion.

11 I don't know what has happened since I left office in
12 December, 1974. I don't know what the story was in Mr. Zavala's
13 case. But when I was there for six years, and prior to that,
14 we had no voice in sentencing. We had no voice in telling the
15 judge outright in open court that someone had cooperated or
16 had not.

17 Mr. Johnson. Are you familiar with the allegations of
18 Mr. Zavala? You were familiar with them, as I understand it,
19 during your period of time in office.

20 Mr. Farris. Yes, sir.

21 Mr. Johnson. It seems to me that this man is going to
22 jail for what his superiors -- if his testimony is correct --
23 ordered, and his superiors have not been tried or prosecuted
24 as far as I am aware.

25 What is the nature of the facts?

1 Mr. Farris. I can't consent because, as you know, the
2 Federal Grand Jury in Houston is still investigating the mat-
3 ter of his superiors in the police department and others.

4 Mr. Johnson. Did they get any cooperation from the FBI in
5 terms of the investigation of the allegations that FBI officials
6 were aware of the violations?

7 Mr. Farris. Congressman Johnson, I don't know what has
8 happened in that respect since December of 1974. I don't know
9 whether they are getting cooperation or not.

10 Mr. Johnson. But you could characterize the cooperation
11 they received prior to that time as zip.

12 Mr. Farris. It is not worthy of the name investigation;
13 yes, sir.

14 Mr. Johnson. Once again, this is inconsistent with their
15 response to other requests that you might make for other inves-
16 tigations?

17 Mr. Farris. That is correct.

18 Mr. Johnson. I see my time is up.

19 Chairman Pike. The time of the gentleman has expired.

20 Mr. Field?

21 Mr. Field. Thank you, Mr. Chairman.

22 Mr. Kraus, there seems to have been some discussion here
23 as to why you are here, and I would like to maybe address that
24 with you. I was the one who asked you to appear today. I
25 expect if policy people had been here, they would tell us

1 things were going pretty well in your department, and I wanted
2 to ask you some questions about how things are actually going.

3 Do you know how many investigations the FBI does totally
4 in the course of the year, approximately?

5 Mr. Kraus. We have 53,000 cases pending right now.

6 Mr. Field. Our figures indicate there are some 200,000
7 cases that are investigated -- not cases that are pending --
8 200,000 investigations undertaken by the FBI.

9 Mr. Kraus. I didn't hear you.

10 Mr. Field. We have figures there are some 200,000 inves-
11 tigations, not cases. But my point is on another point.

12 Of the many thousands of investigations undertaken, how
13 many investigations does your unit undertake of illegal
14 eavesdropping or wiretapping per year?

15 Mr. Kraus. Per year. In fiscal year 1974 we received
16 701 -- I hope you won't hold me to this -- 701 cases of
17 illegal electronic surveillance cases, IOC cases, interception
18 of communications cases.

19 Mr. Field. Not from complaints?

20 Mr. Kraus. Complaints or we opened cases on them, and
21 in accordance with our policy, when we get a case that is a
22 well-substantiated complaint, we take it to the United States Attorney.

23 At that point, the United States Attorney's office may

24 ...
25 ... investigation is conducted, and we consider that it is ...

1 worthy of investigation or that it is not a crime and there
2 would be no purpose in going forward with it or in attempting
3 litigation.

4 If he requests a preliminary investigation, we conduct
5 that investigation and the results of it --

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1 Mr. Field. How many investigations are you conducting
2 now? That is my point. We have a figure of 194.

3 Mr. Kraus. We had pending as of the end of August this
4 year 194 IOC cases.

5 Mr. Field. I understand the FBI has about 16,000
6 convictions a year of cases they investigate. How many
7 interception of communication convictions were there last
8 year?

9 Mr. Kraus. In fiscal 1975 we had 25.

10 Mr. Field. I have figures here that there were two
11 for illegal advertising. Is that correct? That is in 1973,
12 thus far this year. These are figures from the Justice
13 Department.

14 Mr. Kraus. We don't keep those statistics but
15 yesterday I caused a review of those files that had convictions
16 ~~in view~~ to determine, if I could, whether we could determine
17 which of them were for ~~various~~ **which specific** violations. We had one
18 conviction for violation of 2512. That would be the
19 manufacture, advertising, possession --

20 Mr. Field. You had one conviction last year for
21 illegal advertising of these products?

22 Mr. Kraus. For 2512.

23 Mr. Field. Mr. Kaiser, do you turn over complaints to
24 the FBI? Do you ever tell them about illegal advertising
25 you come across and how frequently do you do that?

1 Mr. Kaiser. Naturally as a manufacturer and businessman
2 I will turn in anything I consider illegal competition. The
3 answer is yes.

4 Mr. Field. How often have you done that?

5 Mr. Kaiser. From the period of 1968 to 1973, roughly
6 about 25 in total.

7 Mr. Field. So you have turned over 25 examples of
8 fairly clear illegal advertising, according to your opinion.
9 Now, Mr. Kraus, you had one conviction last year? —

10 Mr. Kraus. Yes, sir.

11 Mr. Field. Have you seen the advertisements that
12 Mr. Kaiser brought with him and have you seen the advertisement
13 entitled "FBI Surveillance Outfit"?

14 Mr. Kraus. I don't know whether I have or not.

15 Mr. Field. Can you take a quick look at the types of
16 advertisements he has there and if he could find the "FBI
17 Surveillance Outfit" would you look at that?

18 Mr. Kraus. We have looked into cases and investigated
19 cases concerning illegal advertising including advertising
20 in the telephone directories. Those cases are also investigated
21 in accordance with our policy and in accordance with our
22 mandate to investigate these violations. They are discussed
23 and the results are given to the United States Attorney and
24 to the Department of Justice.

25 Mr. Field. Mr. Kraus, we have hundreds of pages of

1 these advertisements and yet last year two cases were filed
2 for illegal advertising of wiretap and surveillance equipment.
3 Why? Was it just you did not investigate these or you could
4 not find these advertisements or couldn't trace them down?
5 My question to you is, since you are not at a policy level
6 but you had the responsibility for doing this, why were not
7 more of these investigated and the facts brought forward which
8 would bring a case?

9 Mr. Kraus. The one case you are speaking of is a
10 conviction.

11 Mr. Field. That is good.

12 Mr. Kraus. Why was there only one conviction? Is that
13 the question?

14 Mr. Field. Out of the hundreds of companies advertising
15 this year, why only one?

16 Mr. Kraus. I don't think I know the answer to your
17 question.

18 Mr. Field. Have you seen these ads? Have you seen these
19 ads?

20 Mr. Kraus. I have seen some, yes. We have investigated
21 some. We have sent the advertisement to our laboratory for
22 analysis. The law states that the device must be primarily
23 useful for surreptitious interception of communications.

24 Now, this microphone is capable of intercepting my
25 communications, but I don't think it is an illegal device. En:

1 if I put this microphone in my tie clip and conceal it, then
2 it would become, in my estimation, an illegal device and it
3 would be something we would be obliged to investigate.

4 Chairman Pike. The hearing will end at this point. I
5 would ask all of the witnesses if they would respond to any
6 additional questions which members might wish to submit.

1 Chairman Pike. I just want to say in closing this
2 particular hearing that it is a rather unique situation to
3 find on one end of the table a man about to go to jail for
4 three years who has been convicted of wiretapping who did, as
5 Mr. Johnson pointed out, apparently cooperate with the
6 officials in revealing rather widespread wiretapping in his
7 area or at least allegations of widespread wiretapping. At
8 the other end of the table we have a representative of the
9 FBI.

10 I think that it does, if nothing else, show that there
11 are risks involved in our intelligence-gathering operations,
12 perhaps greatly underestimated in the past as far as just the
13 average citizen in the United States of America is concerned.

14 I want to advise the members of the committee that there
15 has been an allegation of a leak of highly sensitive material
16 from this committee. We are going to get a lot of allegations
17 of leaks from this committee. I don't believe there are leaks
18 from this committee. I simply say to you that after the
19 recess we are going to go into some very sensitive matters
20 and I ask you not to discuss them during the recess.

21 Mr. Dellums?

22 Mr. Dellums. One quick question, Mr. Chairman. I
23 characterized the contact of the DEA agents with Mr. Zavala
24 from my previous information as if they had very specifically
25 moved to contact him. But I understand that it was a much

CONFIDENTIAL
AIRTEL

1 - Mr. W. O. Cregar
1 - Mr. R. L. Shackelford
1 - Mr. E. P. Grigalus
1 - Mr. K. A. Mendenhall

To: SAC, Tampa (134-805)

10/29/75

From: Director, FBI (134-23552)

TP 1028-S

SM

Honolulu - 13

For information Tampa, the U.S. House Select Committee on Intelligence Activities (HSC) requested by communication dated 9/24/75 access to information regarding several individuals, including informant. All other individuals on whom information was sought were former Bureau informants who have been exposed.

In order to be responsive to the HSC request and in accordance with established procedures to protect this Bureau's relationship with active informants, a senior staff member of the HSC will be advised of informant's status with the FBI and the fact no documents will be furnished concerning informant. This individual will also be informed this information concerning informant is to be held in strict confidence.

Although it is unknown how HSC obtained informant's identity, it is believed informant may have been identified by either Joseph Burton or John Creighton, Washington, D. C., correspondent for the "New York Times." Basis for this statement is the fact Burton's name was one of the other individuals on whom information was requested by HSC.

In view of the above, you are to advise informant that in response to a HSC request for information concerning informant, a high level representative of the HSC will be made cognizant on a confidential basis of informant's relationship with the FBI. You should also instruct informant that in the event any inquiry is made of informant by any HSC representative, the contacting Agent should be immediately notified before any response is made to the HSC.

1-62
1-86-116464

NOT RECORDED

141 OCT 31 1975

KAM:dew
(6)

CONFIDENTIAL

SEE NOTE PAGE TWO

Classified by 6570
Exempt from GDS, Category 2
Date of Declassification Indefinite

ROUTE IN ENVELOPE

DUPLICATE YELLOW

CONFIDENTIAL

Airtel to Tampa
Re: TP 1088-S
134-23552

NOTE:

As indicated above, in order to be responsive to HSC request we feel we should advise a senior HSC representative on a confidential basis of informant's status with the FBI and the fact no documents will be furnished concerning informant. We further believe we should advise the informant of our action in this regard in the event he is contacted by a representative of the HSC.

It should be noted our Tampa Office advised by teletype 9/19/75 that informant received a telephone call on the evening of 9/18/75 from an individual identifying himself as being connected with a congressional committee investigating FBI activities. Informant was asked if he belonged to any revolutionary groups and if he was ever associated with the FBI. Informant refused to answer any questions over the telephone and was told he could be subpoenaed to appear before the congressional committee. Informant did not obtain the name of the caller or a telephone number where the caller could be reached.

It is further noted that Joseph Burton, a former source of the Tampa Office and one of the other individuals on whom information was requested by the HSC, had indicated to a reporter for the "New York Times" that informant was an FBI source. Informant, who was later interviewed by the reporter, vehemently denied any connection with the FBI and apparently convinced the reporter he was not an informant.

CONFIDENTIAL

2 - Mr. A. A. Mintz
(1 - Mr. J. B. Hotis)
1 - Mr. W. V. Cleveland
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
October 10, 1975
1 - Mr. T. J. McNiff

The Attorney General

Director, FBI

U. S. HOUSE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES (HSC)

Enclosed for your approval and forwarding to the HSC is the original of a memorandum which constitutes this Bureau's response to requests contained in HSC letter, dated September 26, 1975, requesting delivery of "a copy of the FBI Informants Manual."

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

Enclosures (2)

62-116464

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

TJM:1hb 1hb
(10)

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. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director's Sec'y _____

2-ENCLOSURE

REC-30

ST-111

15 NOV 14 1975

2 - Mr. J. A. Mintz
(1 - Mr. J. B. Hotis)
1 - Mr. W. V. Cleveland
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. T. J. McNiff

62-116464

October 10, 1975

U. S. HOUSE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES (HSC)

RE: REQUEST FOR A COPY OF
FBI INFORMANTS MANUAL

Reference is made to HSC letter September 26, 1975, requesting that the HSC be provided with "a copy of the FBI Informants Manual."

In response to a similar request from the HSC dated August 29, 1975, this Bureau, by letter dated September 10, 1975, furnished the HSC with copies of Sections 107, 108 and 130 of this Bureau's Manual of Instructions which Sections relate to the operation of security, criminal and extremist informants respectively.

1 - The Attorney General

qu
TJM:lhb 1hb
(9)

ORIGINAL AND ONE COPY TO AG

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

w. R. Wannall

W. O. Cregar

J. B. Hotis

W. V. Cleveland

62-116464-138

MAIL ROOM ☐

TELETYPE UNIT ☐

ENCLOSURE

GPO 954-546

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

10-10

Addressee: HOUSE SELECT COMMITTEE

☐ LTR ☒ LHM ☐ Memo ☐ Report dated 10/10/75

U.S. HOUSE SELECT COMMITTEE.
Caption of Document:

9/26/75 request

Request for a copy of FBI Informants
Manual

Originating Office: FBI

Delivered by: [Signature] Date: 10/17/75

Received by: RTT [Signature] RTT C. M. Rudolph

Title: Office Memo

Return this receipt to the Intelligence Division, FBI

62-116464-138
ENCLOSURE

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.)

2. DATE PROVIDED

☒ DOCUMENT ☐ BRIEFING ☐ INTERVIEW ☐ TESTIMONY ☐ OTHER

10/10/75

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

SSC

☒ HSC

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

Memorandum and enclosures

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

HSC letter 9/26/75

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)

Furnished HSC copies of Sections 107, 108 and 130 of this Bureau's Manual of Instructions, which relate to the operation of security, criminal and extremist informants.

62-116464

FMK:fmk

(4)

**ORIGINAL VIA LIAISON TO CENTRAL COMMUNITY INDEX
IN CONNECTION WITH HOUSTUDY**

TREAT AS YELLOW

5-wood

INSTRUCTIONS

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

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

SECRET

2 - Mr. J. A. Mintz
(1 - Mr. J. B. Hotis)
1 - Mr. W. R. Wannall
1 - Mr. T. J. McNiff
1 - Mr. W. O. Cregar
October 10, 1975

The Attorney General

CMK
Director, FBI

U. S. HOUSE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES (HSC)

Reference is made to the HSC letter, dated August 19, 1975, requesting all wiretaps or electronic surveillances from January 1, 1970, through June 30, 1975, accompanied by all documents provided the Attorney General to support the installation of such wiretaps or electronic surveillances.

Enclosed for your approval and forwarding to the HSC is the original of a memorandum which is in partial response to Items 3 and 4 of the August 19, 1975, letter.

A copy of the memorandum transmitting excised documents completed to date is being furnished for your records.

Enclosures (2) ENCLOSURE

62-116464

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

WOC:1hb/lhb
(9)

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

REC-30

SECRET

15 NOV 4 1975

Classified by 6283
Exempt from GDS, Categories 2 and 3
Date of Declassification Indefinite

MAIL ROOM ☐ TELETYPE UNIT ☐

SECRET

The Attorney General

NOTE:

The Attorney General has instructed that the Bureau excise approximately 1,650 documents underlying the FBI's request to the Attorney General for authorization to conduct electronic surveillances. We will continue to furnish excised documents to the Attorney General as they are completed.

SECRET

- 2 -

SECRET

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

62-116464

October 10, 1975

U. S. HOUSE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES (HSC)

RE: ELECTRONIC SURVEILLANCES

Reference is made to the HSC letter, dated August 19, 1975, requesting all wiretaps or electronic surveillances from January 1, 1970, through June 30, 1975, accompanied by all documents provided the Attorney General to support the installation of such wiretaps or electronic surveillances.

The purpose of this memorandum is to effect delivery to the HSC of 150 excised items which were previously provided the Attorney General to support requests for the Attorney General's authorization to conduct electronic surveillances.

ack
As additional items are excised and made ready for delivery to the HSC, we will furnish them to you in the same manner as those being submitted with this memorandum.

1 - The Attorney General

WOC:1hb/1hb

(8)

ORIGINAL AND ONE COPY TO AG

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

SECRET

WOB
Classified by 6283
Exempt from GDS, Categories 2 and 3
Date of Declassification Indefinite

NATIONAL SECURITY INFORMATION
Unauthorized Disclosure
Subject to Criminal Sanctions *JSB*

MAIL ROOM ☐

TELETYPE UNIT ☐

ENCLOSURE *62-116464-137*

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

Addressee: HOUSE SELECT COMMITTEE

☐ LTR ☒ LHM ☐ Memo ☐ Report dated 10/10/75

U.S. HOUSE SELECT COMMITTEE.
Caption of Document:

8/19/75 request

Originating Office: FBI

Delivered by:

Richard T. Taylor

Date:

10/10/75

Received by:

E. M. Rende

Title:

Adm Asst

Return this receipt to the Intelligence Division, FBI

ENCLOSURE

62-111901-137

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.)

2. DATE PROVIDED

<input checked="" type="checkbox"/>	DOCUMENT	<input type="checkbox"/>	BRIEFING	<input type="checkbox"/>	INTERVIEW	<input type="checkbox"/>	TESTIMONY	<input type="checkbox"/>	OTHER
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10/10/75

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

<input type="checkbox"/>	SSC
<input checked="" type="checkbox"/>	HSC

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

Memorandum and enclosures

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

HSC letter 8/19/75

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)

Surveillance, electronic

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

Submission of a portion of the materials requested regarding supportive documents underlying FDI requests of the Attorney General for authorization to conduct electronic surveillances.

62-116464

FMK:fmk

(4)

**ORIGINAL VIA LIAISON TO CENTRAL COMMUNITY INDEX
IN CONNECTION WITH HOUSTUDY**

TREAT AS YELLOW

5-10048

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 - J. B. Adams
2 - Mr. J. A. Mintz
 (1 - Mr. J. B. Hotis)
1 - Mr. R. J. Gallagher
1 - (Attn: Mr. J. C. Kraus)
1 - Mr. W. R. Wannall

62-116464

October 10, 1975

1 - Mr. W. O. Cregar
1 - Mr. T. J. McNiff

U. S. HOUSE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES (HSC)

RE: REQUEST FOR FBI MATERIALS
RELATING TO ALLEGED ILLEGAL
WIRETAP ON TELEPHONE OF
HARRY E. KAPLEAN

Reference is made to HSC letter dated September 9, 1975, requesting "a copy of any information, reports or memoranda concerning an illegal wiretap on the phone of Mr. Harry E. Kaplean, Chairman of the Pennsylvania State Milk Marketing Board."

Review of records of the FBI reveals that the Harry E. Kaplean referred to in referenced HSC letter of September 9, 1975, appears to be identical with information located in FBI files concerning Harry E. Kaplean, Chairman of Pennsylvania State Milk Marketing Board.

In response to referenced HSC inquiry, there are attached two pieces of correspondence concerning Kaplean which represent the only information located in FBI Headquarters files concerning any alleged illegal wiretapping on the telephone of that individual.

Enclosures (2)

1 - The Attorney General

SEE NOTE PAGE 2

TJM:1hb/lhb
(10)

ORIGINAL AND ONE COPY TO AG

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Admin. _____
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Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

MAIL ROOM ☐

TELETYPE UNIT ☐

ENCLOSURE

GPO 254-546

U. S. HOUSE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (HSC)

RE: REQUEST FOR FBI MATERIALS RELATING TO ALLEGED ILLEGAL
WIRETAP ON TELEPHONE OF HARRY E. KAPLEAN

NOTE:

Enclosures consist of closing Philadelphia airtel, dated 4/5/73, captioned "UNSUB; Transmitter Attached to Telephone of HARRY E. KAPLEAU, Chairman, Pennsylvania Milk Marketing Board, Harrisburg, Pa., September, 1972; INTERCEPTION OF COMMUNICATIONS," and FBIHQ letter to the Attorney General, dated 4/10/75, captioned "Lieutenant Steven Luchansky, Corporal Curtis Guyett, Corporal Metro Kardash, Pennsylvania State Police; Interception of Communications." Material appearing in this LHM was researched and compiled by Special Agent J. C. Kraus, General Investigative Division.

- 1 - Mr. J. B. Adams
- 2 - Mr. J. A. Mintz
(1 - Mr. J. B. Hotis)
- 1 - Mr. R. J. Gallagher
(Attn: Mr. J. C. Kraus)

October 10, 1975

- 1 - Mr. W. R. Wannall
- 1 - Mr. W. O. Cregar
- 1 - Mr. T. J. McNiff

The Attorney General

Director, FBI

U. S. HOUSE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES (HSC)

Enclosed for your approval and forwarding to the HSC is the original of a memorandum with enclosures which constitutes this Bureau's response to a request contained in HSC letter dated September 9, 1975.

The subject matter of this particular request concerns information contained in FBI files relating to an alleged Interception of Communications violation which possibly occurred in 1972. House Resolution 591, which created the HSC, apparently restricts its authority insofar as an inquiry is concerned to intelligence operations. In view of this mandate, it would not appear appropriate for the HSC to inquire into possible criminal violations referred to this Bureau such as the subject matter of HSC inquiry set forth in referenced letter of September 9, 1975. It is requested that the Department make a determination as to whether the enclosures should be furnished to the HSC. A copy of this memorandum with enclosures is being furnished for your records.

Enclosures (6)

62-116464

5-ENCLOSURE

REC-30

15 NOV 4 1975

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

TJM:1hb/1hb
(11)

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
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Legal Coun. _____
Telephone Rm. _____

MAIL ROOM ☐ TELETYPE UNIT ☐

GPO 954-546

FBI

Date: 4/5/73

REC-13

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL _____
(Priority)

TO: ACTING DIRECTOR, FBI

FROM: SAC, PHILADELPHIA (139-NEW) (C)

SUBJECT: UNSUB; Transmitter Attached to
Telephone of HARRY E. KAPLEAU,
Chairman, Pennsylvania Milk
Marketing Board, Harrisburg,
Pa., September, 1972
INTERCEPTION OF COMMUNICATIONS
OO: PHILADELPHIA *general*

Re Philadelphia airtel to Bureau dated 11/30/72, and Philadelphia-teletype to Bureau dated 1/1/73 entitled, "Lieutenant STEVEN LUCHANSKY; Corporal CUSTIS GUYETT; Corporal METRO KARDASH; Pennsylvania State Police, POSSIBLE INTERCEPTION OF COMMUNICATIONS."

A House Committee of the Pennsylvania General Assembly, Harrisburg, Pa., currently is conducting open hearings into the operations of the Pennsylvania State Police (PSP) including among other matters the wiretapping described in referenced communications.

On 4/4/73, HARRY E. KAPLEAU was called to testify before the House Committee and he related an incident about a transmitter found attached to his telephone in the Pennsylvania Agricultural Building, Harrisburg, Pa., in September, 1972. The device had been located by employees of the Pennsylvania Bell Telephone Company who had been called to make a routine service call to KAPLEAU's office. After the device was located it was turned over to Colonel ROCCO URELLA, Commissioner of PSP; however, KAPLEAU was not notified about the transmitter until two weeks later when Colonel URELLA notified him that the device had been located on his phone. Colonel URELLA stated that the device was

- ② - Bureau
2 - Philadelphia (139-NEW)

RFS/ljw
(4)

Approved: _____
Special Agent in Charge

Sent _____

M

Per _____

U.S. Government Printing Office: 1972 - 455-572

ENCLOSURE

PH 139-NEW

an old one, unsophisticated and there was some question as to whether or not the device was operative. Bell Telephone employees described the device as new, extremely sophisticated, and completely operative.

According to newspaper accounts of the hearings in Harrisburg the device was destroyed by Colonel URELLA and the PSP has no record of any investigation made into the installation of this device.

KAPLEAU testified that he had no idea of the identity of anyone who could have installed the device and had no way of knowing why the device would have been installed.

Facts were discussed with AUSA PAUL J. KILLION, Harrisburg, on 4/5/73 when he stated that he did not believe that any additional investigation should be conducted. Mr. KILLION noted that the inquiry by the House Committee of the Pennsylvania General Assembly was highly political in nature and involved the operations of the PSP. Mr. KILLION noted further that the violation, if any, occurred in September, 1972, and that all evidence of the alleged violation had been destroyed by the PSP without any investigation being conducted.

SAC concurs in this recommendation in view of the highly sensitive and political inquiry being made into the operations of the PSP.

In view of these opinions, no further investigation is being conducted by Philadelphia. Opinion of the U. S. Attorney confirmed by separate communication.

The Attorney General

April 10, 1973

Acting Director, FBI

1 - Mr. Gebhardt
1 - Mr. Gallagher
1 - Mr. Long
1 - Mr. Kraus

LIEUTENANT STEVEN LUCANSKY
CORPORAL CURTIS GUYETT
CORPORAL METRO KADDASH
PENNSYLVANIA STATE POLICE
INTERCEPTION OF COMMUNICATIONS

Reference is made to my letter dated January 5, 1973, captioned as above wherein you were advised of the announcement by Pennsylvania Governor Milton Shapp that the Pennsylvania State Police Commissioner Rocco Urella had been fired for his part in an alleged wiretapping incident on November 28, 1972. PA.

The Philadelphia, Pennsylvania, FBI Office advised on April 5, 1973, that a House Committee of the Pennsylvania General Assembly, Harrisburg, Pennsylvania, is currently conducting open hearings into the operations of the Pennsylvania State Police including, among other matters, the wiretapping described in referenced communication.

On April 4, 1973, Harry N. Kapleau, Chairman, Pennsylvania Milk Marketing Board, Harrisburg, Pennsylvania, was called to testify before the House Committee and he related an incident concerning a transmitter found attached to his telephone in the Pennsylvania Agricultural Building, Harrisburg, Pennsylvania, in September, 1972. The device had been located by employees of the Pennsylvania Bell Telephone Company who had been called to make a routine service call to Kapleau's office. After the device was located it was turned over to Colonel Rocco Urella, Commissioner of the Pennsylvania State Police. However, Kapleau was not notified about the transmitter until two weeks later when Colonel Urella notified him that the device had been located on his telephone. Colonel Urella stated that the device was an old one, unsophisticated, and that there was some question as to whether or not the device was operative. Pennsylvania

MAILED 2
APR 11 1973
FBI

Felt
Callahan
Cleveland
Conrad
Gebhardt
Jenkins
Marshall
Miller, E.S.
Soyars
Thompson
Walters
Tele. Room
Kinley
Armstrong
Bowers
Henderson
Hervin
Mintz
Neenan

JCK:rlh
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FBI

EX-105

REC-13 139-4204

SEE NOTE PAGE 2

RECEIVED-DIRECTOR

REL

APR 11 1973

MAIL ROOM

TELETYPE UNIT

ENCLOSURE

The Attorney General

Bell Telephone Company employees described this device as new, extremely sophisticated, and completely operative.

According to newspaper accounts of the hearings in Harrisburg, the device was destroyed by Colonel Urella and the Pennsylvania State Police have no record of any investigation made into the installation of this device.

Kapleau testified that he had no idea as to the identity of anyone who could have installed the device and had no way of knowing why the device had been installed.

The above facts were discussed with Assistant United States Attorney Paul J. Killion, Harrisburg, on April 5, 1973, at which time he stated that he did not believe any additional investigation should be conducted. Mr. Killion noted that the inquiry by the House Committee of the Pennsylvania General Assembly was highly political in nature and involved the operations of Pennsylvania State Police. Mr. Killion further noted that the violation, if any, occurred in September, 1972, and that all evidence of the alleged violation had been destroyed by the Pennsylvania State Police without any investigation being conducted. In view of the opinion of Mr. Killion, no investigation is being conducted concerning this matter by the FBI.

1 - The Deputy Attorney General

1 - Assistant Attorney General
Criminal Division

NOTE: See Philadelphia airtel 4/5/73 captioned "Unsub; Transmitter Attached to Telephone of Harry E. Kapleau, Chairman, Pennsylvania Milk Marketing Board, Harrisburg, Pennsylvania, September, 1972; IOC." Regarding the above-mentioned probe of the Pennsylvania State Police, Governor Shapp also asked for the resignation of Pennsylvania Attorney General J. P. Shane Creamer who has openly feuded with Urella ever since both were appointed to office. The hearings have been continuing, warring factions within the Pennsylvania State Police ranks are involved, and the USA's office in Philadelphia is of the opinion that the alleged irregularities can best be handled by the State.



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

SEP 17 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 Dated September 9, 1975

Attached is a letter dated September 9, 1975, requesting various information from the FBI. Please prepare promptly an appropriate response to this request.

cc: Paul Daly

let to AC 1-DAG
TJM: 1/6 10/10/75 Enc. 6

1-Ad Hoc
9-18-75

62-116444-136

OTIS G. PIKE, N. Y., CHAIRMAN

ROBERT N. GIAMMO, CONN.
JAMES V. STANTON, OHIO
RONALD V. P. LLUMIS, CALIF.
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ROBERT W. KASTEN, JR., WIS.

A. SEARLE FIELD, STAFF DIRECTOR
AARON D. DONNER, COUNSEL

TELEPHONE: (202) 225-9751

Select Committee on Intelligence
U.S. House of Representatives
Washington, D.C. 20515

September 9, 1975

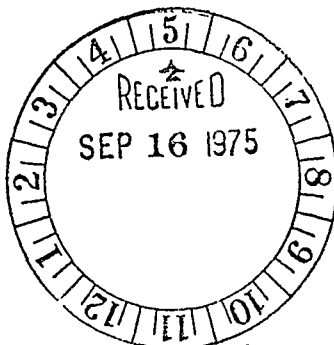
Mr. Michael E. Shaheen, Jr.
Special Counsel for
Intelligence Coordination
Office of the Deputy Attorney General
Washington, D.C. 20530

Dear Mr. Shaheen:

In order to facilitate our investigation of the Federal Bureau of Investigation, pursuant to House Resolution 591, 94th Congress, we request a copy of any information, reports, or memoranda concerning an illegal wiretap on the phone of Mr. Harry E. Kaplean, Chairman of the Pennsylvania State Milk Marketing Board.

Sincerely,


A. Searle Field
Staff Director



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

Addressee: HOUSE SELECT COMMITTEE

☐ LTR ☒ LHM ☐ Memo ☐ Report dated 10/10/75

U.S. HOUSE SELECT COMMITTEE ON INTELLIGENCE
Caption of Document: ACTIVITIES re 9/9/75 request on
illegal wiretap on Harry E. Kaplean, Chairman
of the Pennsylvania State Milk Marketing Board.

Originating Office: FBI

Delivered by: Richard J. Taylor

Date: 10/16/75

Received by: J. M. Audiot

Title: Adm Asst

Return this receipt to the Intelligence Division, FBI

62-111464-136
ENCLOSURE

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.)

2. DATE PROVIDED

☒ DOCUMENT ☐ BRIEFING ☐ INTERVIEW ☐ TESTIMONY ☐ OTHER

10/10/75

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

SSC

☒ HSC4. IDENTIFICATION (provide descriptive data for documents; give name or identification number of briefer,
interviewee, testifier and subject)

Memorandum and enclosures

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

HSC letter 9/9/75

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)

Information handling

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

Harry E.
Furnished two pieces of correspondence concerning Kaplan which
represent the only information located concerning any alleged
illegal wiretapping on the telephone of that individual.

62-116464

FMK:fmk
(4)ORIGINAL VIA LIAISON TO CENTRAL COMMUNITY INDEX
IN CONNECTION WITH HOUSTUDY

TREAT AS YELLOW

Grwoc

INSTRUCTIONS

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

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

SECRET

The Attorney General

October 8, 1975

Director, FBI

U. S. HOUSE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES (HSC)

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

Reference is made to the HSC letter dated August 10, 1975, requesting all wiretaps or electronic surveillances from January 1, 1970, through June 30, 1975, accompanied by all documents provided the Attorney General to support the installation of such wiretaps or electronic surveillances.

Enclosed for your approval in forwarding to the HSC is the original of a memorandum which is in partial response to items three and four of the August 10, 1975, letter.

It is to be noted the supportive documents underlying the FBI requests for electronic surveillances require three specific communications to the Attorney General: a written request for authorization, a characterization describing the reason for the request, and the authorizing document to be signed by the Attorney General. To be responsive to the request of the HSC in their August 10, 1975, letter will require the review and excision of approximately 1000 requests, each request amounting to three separate communications. At the present time, a knowledgeable Special Agent can excise three to four requests an hour. We have committed sufficient manpower to this project in an effort to respond in a timely fashion to this request. We will continue to forward excised requests to the HSC periodically until we have completed excising the entire number of supportive documents they have requested.

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. _____

02-110404

WOC:bcw

(9)

SECRET

SEE NOTE PAGE TWO

Classified by 0233
Exempt from GDS, Categories 2 and 3
Date of Declassification Indefinite

NATIONAL SECURITY INFORMATION

Unauthorized Disclosure
Subject to Criminal Sanctions

GPO 954-546

84 NOV 4 1975 ROOM _____ TELETYPE UNIT _____
NW 55292 DocId:32989684 Page 75

~~SECRET~~

The Attorney General

A copy of the memorandum transmitting those excised requests completed to date is being furnished for your records.

Enclosures (2)

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

NOTE:

The Attorney General has instructed that the Bureau immediately recover and excise approximately 1650 supportive documents underlying FBI requests of the Attorney General for authorization to conduct electronic surveillances. We have committed 12 Special Agents and four senior clerks to this project and are hoping we can complete it by the close of business 10/10/75.

~~SECRET~~

- 2 -

SECRET

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

62-110464

October 8, 1975

U. S. HOUSE SELECT COMMITTEE
OF INTELLIGENCE ACTIVITIES (HSC)

RE: ELECTRONIC SURVEILLANCES

Reference is made to the HSC letter dated August 19, 1975, requesting all wiretaps or electronic surveillances from January 1, 1970, to June 30, 1975, accompanied by all documents provided the Attorney General to support the installation of such wiretaps or electronic surveillances.

The purpose of this memorandum is to effect delivery of 15 excised requests for electronic surveillances conducted by the FBI.

As additional requests for electronic surveillances are excised and made ready for delivery to the HSC, we will furnish them to you in the same manner as those being submitted with this memorandum.

1 - The Attorney General

WOC:bcw
(8) *bcw*

ORIGINAL AND ONE COPY TO ATTORNEY GENERAL

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 _____
NW 55292

SECRET

Classified by G233
Exempt from GDS, Categories 2 and 3
Date of Declassification Indefinite

NATIONAL SECURITY INFORMATION

Unauthorized Disclosure
Subject to Criminal Sanctions

MAIL ROOM ☐
DocId:32989684

TELETYPE UNIT ☐
Page 77

GPO 954-546

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

Addressee: HOUSE SELECT COMMITTEE

☐ LTR ☒ LHM ☐ Memo ☐ Report dated 10/8/75

U.S. HOUSE SELECT COMMITTEE.

Caption of Document: HSC letter 8/19/75
Electronic Surveillances

Originating Office: FBI 1148

Delivered by: Richard J. Taylor Date: 10/10/75

Received by: C. M. Rindro

Title: Adm. Post

Return this receipt to the Intelligence Division, FBI

62-111040-135
ENCLOSURE

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.)

2. DATE PROVIDED

☒ DOCUMENT ☐ BRIEFING ☐ INTERVIEW ☐ TESTIMONY ☐ OTHER

10/8/75

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

SSC

☒ HSC4. IDENTIFICATION (provide descriptive data for documents; give name or identification number of briefer,
interviewee, testifier and subject)

Memorandum

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

HSC letter 8/19/75

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)

Surveillance, electronic

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

Submission of a portion of the materials requested regarding
supportive documents underlying FBI requests of the Attorney
General for authorization to conduct electronic surveillances.

62-116464

FMK:fmk

(4)

ORIGINAL VIA LIAISON TO CENTRAL COMMUNITY INDEX
IN CONNECTION WITH HOUSTUDY

TREAT AS YELLOW

5. WOCB

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

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. W. R. Wannall

FROM : W. O. Cregar

SUBJECT: HOUSTUDY 75

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

DATE: 10/22/75

1 - Mr. R. H. Ross
1 - Mr. T. J. McNiff

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 _____

PURPOSE:

To recommend that the Attorney General (AG) be furnished at his request a list of*targets of Bureau electronic surveillances conducted during the years 1970-1975, indicating which surveillances had been made a matter of public record, for the purpose of enabling the AG to decide whether or not to accede to House Select Committee (HSC) request for a list of such targets.

DETAILS:

REC-114

On 8/19/75, HSC requested by letter a list of all Bureau electronic surveillances conducted by this Bureau during the period 1/1/70 through 6/30/75, accompanied by documents provided the AG authorizing these operations. No action was taken upon this request until such time as the White House restriction upon furnishing classified information to the HSC was lifted. When this restriction was lifted, the AG agreed to this Bureau's furnishing the HSC with copies of documents showing AG authorization for all such installations, which documents were to be excised to delete all information tending to specifically identify the target. Preparation of these documents necessitated the excising and Xeroxing of approximately 1,650 packets of material, some of which have already been furnished the HSC and the remainder will be furnished the HSC by 10/24/75.

Enclosures

62-116464

TJM:1hb 1hb
(7)

*domestic

CONTINUED - OVER

~~TOP SECRET~~ MATERIAL ATTACHED

84 OCT 30 1975

Memorandum to Mr. W. R. Wannall
Re: Houstudy 75
62-116464

On 10/10/75, Congressman Robert McClory, HSC Member, along with representatives of the HSC Staff, were briefed in general terms by representatives of the Intelligence Division concerning the manner in which Bureau electronic surveillances were conducted. On 10/15/75, the HSC by letter (which the Department advises was personally approved by Representative McClory) modified their letter of 8/19/75 by limiting their request to a list of all electronic surveillances conducted by this Bureau against "domestic targets" during the period 1970-1975. This latter request for the specific identity of such targets was appealed to the Department in view of the AG's prior decision to furnish the HSC only with supportive documents relating to these operations, appropriately excised so as not to identify the target.

On 10/20/75, Steven Blackhurst, Assistant Special Counsel for Intelligence Coordination, Department of Justice, advised that the above matter had been taken up with the AG who requested that, prior to making a decision as to whether or not to accede to the latest HSC request, he desired this Bureau to furnish him with:

1. A list of all United States citizens and organizations which were the subjects of Bureau electronic surveillance during the period in question where there was no indication of foreign contacts and indicating which surveillances had become public knowledge, and

2. A list of all United States citizens and organizations which were the subjects of Bureau electronic surveillance during the period in question in which foreign contacts were involved again indicating which surveillances had become public knowledge.

CONTINUED - OVER

Memorandum to Mr. W. R. Wannall
Re: Houstudy 75
62-116464

OBSERVATIONS:

Surveillance against "domestic targets" wherein there is no indication of foreign contacts has been prohibited by the Keith Decision in 1972 and, consequently, no such surveillances were conducted by this Bureau after that date. There is attached in response to the AG request three lists setting forth the identity of United States citizens and organizations which were the targets of Bureau electronic surveillances during the period 1970-1975. In addition to the above two requested lists, it was deemed advisable to furnish the AG with a third list identifying those surveillances which are currently in litigation, as well as similar surveillances which could be affected by the outcome of such litigation, as it appears that a court ruling in such matters will eventually involve a decision as to the extent of foreign contacts, if any, involved in these operations.

RECOMMENDATION:

That the attached three lists of Bureau-conducted electronic surveillances of United States citizens and organizations conducted during the years 1970-1975 be provided the AG in accordance with his above-stated request.

WRR/tul

JAM
JCF

PCW *TJM*

Jm

*Original of attached
lists delivered to
Steve Blackhurst, DOJ
4/25, 10/22/75
JAM*

Below are listed U. S. citizens and domestic organizations which had no substantial foreign contact and were the targets of FBI warrantless electronic surveillances operated from January, 1970, to June 19, 1972. No warrantless FBI electronic surveillances have been conducted where the target did not have substantial foreign contact following the Supreme Court decision in United States v. U. S. District Court for the Eastern District of Michigan, known as the Keith decision, decided on June 19, 1972.

Citizens

1. Beal, Frances Mary
2. Biberman, Dana Hope
3. Eoyce, Francis Joseph
4. Canada, Larry E. Jr.
5. Davidon, William Cooper
6. Depury, Marie
7. Dohrn, Jennifer Ellen
8. Doyle, Terrence John James
9. Earl, Nancy
10. Emmer, Howard Joel
11. Emmer, Joel
12. Fein, Dr. Oliver
13. Franklin, Howard Bruce
14. Frappier, Jon
15. Frappier, Nancy Barrett
16. Jackson, Ronald Lee
17. Jean, Clinton M.
18. Kurshan, Nancy Sarah
19. Lomaz, Sam
20. Newton, Huey P. *
21. Oliver, Denise Roberts
22. Reffkin, Ruth Ettinger
23. Sarnoff, Irving
24. Seigel, Sheldon Philip
25. Wisniewski, Phillip Arthur

Organizations

1. African Liberation Day Coordinating Committee
2. Berkeley Tribe
3. Black Panther Party *
4. Jennifer's

SECRET

ENCLOSURE

Organizations Continued

5. Jewish Defense League *
6. Junta of Militant Organizations
7. May Day Collective
8. May Day Collective Commune
9. National Committee to Combat Facism *
10. Peoples Coalition for Peace and Justice
11. Students for a Democratic Society
12. Venceramos Erigade
13. Young Lords Party
14. White Panther Party
15. Worker Student Alliance

* An asterisk denotes public disclosure by the government of the electronic surveillance of the target. It should be noted that the Department has received information from this Bureau regarding the existence of some of the other surveillances in connection with lawsuits, however, it is not known whether or not the Department has made such information a matter of record with the courts.

Below are listed U. S. citizens who were targets of FBI warrantless electronic surveillances during the period January, 1970, to June, 1972, which are the subject of current litigation or are so similar to those in litigation that they could be affected by the outcome. The determination as to whether or not these surveillances would be allowed by the Keith decision may be decided by this litigation, therefore, it would be inappropriate at this time for the Bureau to comment as to the degree of foreign contact involved.

1. Eecher, William
2. Carroll, Robert T.
3. Halperin, Morton H. *
4. Lake, William Anthony K. *
5. Lord, Winston
6. McLane, Jamie W.
7. Morgan, William Frank
8. Naval Reserve Training Center
(employment of Charles Edward Radford)
9. Pederson, Richard F.
10. Prince, Georgianna M.
11. Pursley, Robert
12. Radford, Charles Edward II
13. Sonnenfeldt, Helmut
14. Sullivan, William H.

* An asterisk denotes public disclosure by the government of the electronic surveillance of the target. It should be noted that the Department has received information from this Bureau regarding the existence of some of these surveillances in connection with lawsuits, however, it is not known whether or not the Department has made such information a matter of record with the courts.

DOWNGRADED TO

~~SECRET~~

For Auto Declass Guide
Date 2/2/13

~~SECRET~~

Below are listed U. S. citizens and domestic organizations which had substantial foreign contacts and were the targets of FBI warrantless electronic surveillances operated from January, 1970, to June 30, 1975.

Citizens

1. Ask Printing Enterprises
2. Ayyad, Mohammad Ayyad Ahmad
3. Eeehive Custom Shoe Repair Salon
(Naim, Nicola Shunnarah)
4. Eergman, Liebel
5. Britt, Michael
6. Casis, Ana G.
7. Delta Design Group
8. Kawash, Sabri Khalid
9. Khoury, Sami Ayub
10. Logwinuk, Alexander K.
11. Lopez, Albert
12. Millard, Elizabeth Boynton
13. Ross, Gerald Sidney
14. Shunnarah, Naim Nicola
15. Suleiman, Fihme Hussein
16. Tolliver, Kenneth R.
17. Washington, John William
18. Yameen, Munir Sayid

Organizations

1. Action Committee on American Arab Relations
2. Arab Information Center
3. Communist Party - USA, National Headquarters
4. Communist Party - USA, New York District
5. Farm Research, Inc
6. Organization of Arab Students in the United States
7. Palestine Arab Fund
8. Panda House
9. Trans Atlantic Telephone Line between USSR and US

None of the above listed electronic surveillances of the targets are known to have been publically acknowledged by the government.

SECRET

62-116464

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. J. B. Adams

DATE: 10/17/75

FROM : Legal Counsel

SUBJECT: HOLSTUDY-
SENSTUDY

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 the late afternoon of October 11, 1975, Douglas Marvin, Special Assistant to the Attorney General, called me and requested that the Attorney General be furnished a brief statement concerning FBI relationships with the Senate Select Committee and the House Select Committee for inclusion in a statement being prepared for submission to the White House. Mr. Marvin said that the Attorney General's intention was to bring together anticipated problems concerning the two committees in the hope that a means for resolving these matters might be found.

I discussed this request with Mr. Jenkins in the absence of Mr. Callahan and I returned Mr. Marvin's call and dictated to the Attorney General's secretary. I requested her to furnish me with a copy of the dictation. Attached is the page furnished by the Attorney General's secretary which I received on October 15, 1975.

This matter was brought to the attention of the Executives Conference on October 14, 1975.

RECOMMENDATION:

For information.

Enc.

- 1 - Mr. Wannall
- 1 - Mr. Hotis
- 1 - Mr. Cregar
- 1 - Mr. Daly
- 1 - Mr. Mintz

JAM:mfd
(8)

ENCLOSURE



8421

30 1975

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

UNREC-COPY 1-ND 1 OF ENCL FILED IN

FBI Relationships with the Senate and House Select Committees

Senate Select Committee

FBI relationships with the Senate Select Committee generally have been harmonious with responses to the Committee requests delivered promptly. When difficulties have occurred they have been overcome by negotiation and tolerance on both sides. Future difficulties that may be confronted and require similar resolution include the scope of any public hearing regarding electronic surveillance of foreign nationals or their agents and establishments.

House Select Committee

In the past the FBI has experienced the following difficulties with the House Select Committee:

- (1) It has held public hearings which were orchestrated to present adverse views without an opportunity for prepared rebuttal, such as occurred on October 9, 1975, regarding electronic surveillance matters;
- (2) It has demanded delivery of documents on unreasonably short notice considering the time necessary to locate and prepare for delivery the enormous quantity of documents called for;
- (3) It has interviewed employees, former employees and confidential sources of the FBI without first advising the FBI of the proposed interview and has demanded the appearance of agents below the policy-making level.

A large number of documents dealing with electronic surveillance conducted without a warrant between 1970 and July 30, 1975, were furnished to the Committee on Friday, October 10, 1975. Certain excisions in these documents were made and it remains to be seen whether the Committee will accept the determinations made as to what types of information, e.g., identities of subjects who were monitored, should have been excised.

The overriding concern for the future is the need to establish an understanding on both sides of the policies to be followed by each in responding to the Committee's mandate. General agreement to specified operating procedures would alleviate the suspicion on the part of the Committee and the fear of Committee responsibility on the part of the FBI.

1172

(Correct name)

62-116164-133

#MPK16
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/12/00 BY SP2 ALM/BJB

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. J. B. Adams

DATE: 10/10/75

FROM : Legal Counsel

SUBJECT: HOUSTUDY 75

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Adm. Serv. _____
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 October 9, 1975, pursuant to a request of the Committee, Supervisor James Kraus, of the General Investigative Division, appeared as a witness to testify concerning the Bureau's work in interception of communications investigations. Also appearing as witnesses were Anthony J. P. Farris, former United States Attorney; Anthony V. Zavala, former Houston Police Department officer; Michael J. Hershman, former Chief Investigator for the National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance; and Martin L. Kaiser, the owner of a corporation which specializes in the development and manufacture of electronic surveillance and counter-measure equipment.

Efforts were made on the evening of October 8th, with the prior approval of the Deputy Attorney General, to substitute a Bureau official for Mr. Kraus as the Committee witness, however, the Committee refused to agree to such substitution. Assistant Director Gallagher and I accompanied Mr. Kraus and during the course of the testimony Mr. Kraus consulted with me concerning appropriate responses. On my recommendation, Mr. Kraus advised the Committee that his appearance had been required by the Committee in the face of the Bureau's offer to provide testimony by Bureau officials, and further that Bureau officials were available to respond to the Committee questions. Again, the Committee rejected that offer. As explained at the conclusion of the hearing by Chief Counsel A. Searle Field, the Committee intentionally called a Unit Chief in order to have his testimony as to the operations of the unit which specifically supervises IOC investigations.

REC-114 62-116464-132
I prepared a memorandum to the Attorney General protesting the Committee's procedures and upon its approval it was hand delivered on the evening of October 9th to the Department. On the morning of October 10th, I was called by Douglas Marvin, Executive Assistant to the Attorney General.

Enc.

- ENCLOSURE
- 1 - Mr. Callahan
 - 1 - Mr. Adams
 - 1 - Mr. Jenkins
 - 1 - Each Assistant Director
 - 1 - Mr. Mintz

- 1 - Mr. Cregar
- 1 - Mr. Daly

OCT 28 1975

CONTINUED - OVER

JAM:mfd



8 OCT 30 1975

Memorandum to Mr. Adams
Re: HOUSTUDY

who requested a summary of the events leading up to the testimony of Mr. Kraus on October 9th and the description of the hearing. I described our efforts to substitute a Bureau official and I explained to him the events occurring at the hearing. I also told him that a memorandum had been addressed to the Attorney General and delivered the previous evening describing these matters. Mr. Marvin later advised me that he had furnished the Attorney General with a copy of our memorandum and that the Attorney General had taken it with him to the White House.

Attached are copies of the prepared statements made by the other witnesses called before the Committee.

RECOMMENDATION:

For information.

100
122

[Handwritten signature]

JSB
PLM

[Handwritten signature]

STATEMENT OF ANTHONY J. P. FARRIS,
Former United States Attorney for the
Southern District of Texas
Before the
Select Committee on Intelligence
October 9, 1975

Mr. Chairman, my name is Anthony J. P. Farris, and I am an attorney with Farris, Pain & Horne in Houston. From February 14, 1969 to December 30, 1974, I served as United States Attorney for the Southern District of Texas, with the principal office in Houston. The District is the eighth largest of the 94.

I understand I am here to testify about allegations of illegal electronic surveillance by local law enforcement authorities in Houston, Texas, about the lack of aggressiveness by the FBI in investigating those allegations, about allegations that the FBI and DEA had known about illegal electronic surveillance by Houston Police Department officers and neither investigated them nor reported them, and about allegations that both FBI and DEA agents had either participated in illegal electronic surveillance, or at least witnessed it.

These matters first came to light when the IRS commenced an investigation of a big-time heroin dealer in Houston in 1971. That investigation led the IRS into an investigation of illegal electronic surveillance by certain members of the Houston Police Department. The latter investigation commenced in September of 1972 and resulted in indictments of nine officers in May of 1974.

When the allegations of Houston Police Department illegal electronic surveillance began to surface in the late summer and

112-110 464-132
ENCLOSURE

early fall of 1973, my chief assistants and I commenced communication with the FBI in Houston about these possible violations and started to send material to the FBI. Allegations then commenced about participation in illegal electronic surveillance by the FBI and DEA. In preliminary and pretrial hearings in the case of U.S. vs. Dudley Clifford Bell, Jr. in November of 1973, counsel for Defendant alleged that the FBI Special Agent in Charge knew about the Houston Police Department's illegal activities and did not investigate them. He also alleged that electronic eavesdropping equipment had been sold to a named FBI agent in Houston and that federal funds had gone to the purchases of equipment for electronic surveillance purposes by local law enforcement entities. I sent a copy of that transcript to the FBI SAC in Houston sometime in the fall of 1973 and to Washington in 1974.

The District Attorney of Harris County (Houston) sent two of his assistants to discuss allegations of illegal wiretapping with the FBI SAC in Houston in the fall of 1973. In short, the FBI in Houston had information before them of probative value of allegations of illegal electronic surveillance by local and federal authorities in the fall of 1973.

The investigation being conducted by the IRS in the fall of 1973 resulted in indictments of seven Houston Police officers and two former police officers in early 1974. From late 1973 until early 1974 I attempted to keep the same IRS agents on the investigation of the Houston Police Department with the idea in

mind that it was really an on-going investigation. Commissioner Alexander denied that request through his assistants because the IRS is chartered to investigate only Title 26 matters. From late 1973 to April, 1974, my chief assistants and I continued to communicate with the FBI in Houston relative to the Houston Police Department electronic surveillance and we did so by telephone, in person and in writing. In April, 1974, we sent a lengthy letter with exhibits to the FBI SAC in Houston and asked him formally, firmly and in writing to commence his investigation if he had not already done so. A copy of this lengthy letter and copies of the exhibits were sent to the General Crime Section in the Department of Justice in Washington. The FBI only saw fit to assign one agent to this complex investigation of the country's fifth largest police department. This FBI agent submitted reports to our office which were notable only in their lack of substance, depth, and consisted ^{to some extent} (largely) of Xeroxed newspaper articles. We continued to communicate in writing, by telephone and in person with the FBI in Houston urging them to give us something to work on and my then Assistant Chief of Criminal spoke in blunt English to the lone agent assigned to this matter. In June, 1974, a new SAC had taken over in the Houston office of the FBI. Our letters, memos and phone calls to the FBI in Houston continued unabated, with copies to Washington, through December, 1974. There was no noticeable increase in quantity or quality of the FBI reports received by us. In the latter part of 1974, the new Police Chief, Carroll Lynn, gave us additional information about allegations of

Houston Police Department illegal electronic surveillance, about allegations that the FBI and DEA had participated in illegal electronic surveillance and that the FBI and DEA had known about these illegal activities and had done nothing about them. We passed these allegations on to an FBI inspector visiting in Houston in late October or early November, 1974 and to the General Crime Section of the Department of Justice.

Finally, in December, 1974, unable to get cooperation from the FBI in Houston, I wrote a lengthy letter to Attorney General Saxbe with copies to the Deputy Attorney General, the Assistant Attorney General in charge of the Criminal Division, and to the General Crime Section recapitulating every point I could think of and sending as exhibits copies of all the correspondence with the FBI, copies of the transcripts of the Dudley Bell hearings and copies of the transcripts of the recordings made by Chief Lynn of his own men.

I know of my own knowledge that the investigation of the Houston Police Department matters, as conducted by the FBI through 1974, would rate one on a scale of ten. I know of my own knowledge that when there were hijacking and kidnapping cases in Houston the FBI had brought in many agents from other offices and I know of no FBI policy that would forbid bringing in agents from other FBI offices to help out in the Houston Police Department case. I know of no internal investigation having been conducted by the FBI of either the type of investigation conducted by the FBI of the Houston Police Department or of allegations of illegal

electronic surveillance by federal officers. I do know personally that through December 30, 1974, the General Crime Section of the Criminal Division of the Department of Justice showed very little interest in the investigation of this country's fifth largest police department or of the allegations that federal agents had actually witnessed illegal electronic surveillance activities and had done nothing about them.

In closing, I would once again bring up a suggestion that the FBI bring in agents from other offices to investigate allegations of illegal activities by local law enforcement officers. This was first suggested by five U.S. Attorneys, in Arizona in 1973, while meeting with Bill Cleveland of the FBI. Mr. Cleveland indicated to us that he interpreted our suggestion as an affront to the integrity of the FBI. We repeated this suggestion in a report to the Attorney General early in 1974 and two of us repeated it to Clarence Kelley in New Orleans in September, 1974 at the U.S. Attorneys' Conference. I personally repeated it to two committees here in Washington this year and am repeating it once again now.

STATEMENT OF ANTHONY V. ZAVALA ✓
Former Officer, Narcotics Division,
Houston Police Department
Before the
Select Committee on Intelligence.
October 9, 1975

Mr. Chairman and members of the Committee, my name is Tony Zavala. I want to thank the Committee for giving me this chance to testify today, and I hope I can help in your investigation. I also hope that by telling you what I know, I can help other police officers from falling into the same trap that I did---learning to break laws, and winding up on my way to prison.

I am a former police officer with the Houston Police Department, narcotics division. I joined the Department in 1965. I started in narcotics in 1967, where I stayed until 1973, when I was suspended preceeding my indictment in 1974 on wiretapping charges. In June of 1975 I pled guilty to one count of wiretapping. Three weeks ago I was sentenced to three years in Federal prison. I begin my prison term one week from next Tuesday.

During my work with narcotics at the Houston Police Department I became more and more involved with wiretapping. The first time was in early 1968, when one of my supervisors ordered me to monitor a conversation from an empty building in downtown Houston. The last time was in 1972, when I monitored conversations in a narcotics case, where because of the wire-tapping involved, all charges against the suspect were dismissed.

ENCLOSURE

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In between, from 1968 to 1972, I was personally involved in about 35 illegal wiretaps.

Mine was not an unusual case. Over time, as the twenty or so narcotics officers I worked with talked casually at police headquarters, I learned that other officers were doing it too--just about all the other officers. I would estimate that during the time I was there, the narcotics division conducted somewhere between 700 and a thousand illegal wiretaps.

And there were other divisions using wiretaps: intelligence, vice, homicide, burglary and theft. Again, I know this only through the casual talk of many fellow officers at headquarters. But we all talked, every day. We would talk about our cases---the names, who we were tapping, what we were hearing, how it was working out.

And while we talked, members of other agencies---Federal agencies, like BNDD and the FBI---would walk in and walk out, and participate in the conversations.

While I cannot point to any one specific conversation with any one particular FBI agent, for example, I know that it was all discussed freely, and that everyone knew what was going on. Wiretapping, in fact, became second nature to us all.

So that the Committee may have some idea of the modus operandi of tapping in Houston, I will describe our procedures. When one of us wanted a tap, we would ask one of our supervisors--a Sergeant, a Lieutenant, or a Captain. If the supervisor approved, and he always did, he would telephone someone I

Best
technique
we had

happen to know at Southwestern Bell Telephone Company for the particular "cable and pair information" we needed for the tap. The individual at the phone company routinely supplied what we needed a short time later. He would call the supervisor usually; but sometimes he would call back directly to officers like me.

The "cable and pair" information would include a specific location where the tap was to be installed. That information would be given to another officer who was assigned to actually install the tap--usually on a telephone pole. Later, the field officer, like me, was told he could go ahead and monitor, and that's what he did.

Sometimes we would lose a tap. That is, Telephone Company workmen would discover a tapping device. They would call us, ask if we had lost the device, and return it without another word.

The Telephone Company was involved in other ways too. We used to attend narcotics training seminars. I did not think it was strange at the time, but there was always a Southwestern Bell representative there. He would offer complete cooperation in our enforcement efforts. Any information we needed, he said, we could have.

The equipment for these taps was produced by our own police department. It was manufactured, as a matter of fact, on the sixth floor of headquarters. That also was common knowledge among us all, and the Federal men who frequented our headquarters. I myself have been in that sixth floor facility many times.

The guys who actually installed the taps were well trained, and the training was always being updated. The supervisors wanted everybody to be able to install a tap, but that meant climbing poles, and some of us were afraid of heights. I remember a Sergeant announcing that a pole-climbing school would be started in the department to take care of that. But it never got going.

Mr. Chairman, I understand the Committee is interested in Federal officers' direct participation in wiretaps. I heard about many cases from fellow police officers. But that is hearsay. I have more direct knowledge.

On one occasion--in 1969--I was assigned by a Captain to monitor a tap in a drug case. It was a lengthy tap. My job was to monitor on nights and weekends. One night a fellow police officer introduced me to several Federal narcotics agents, two of whom I got to know pretty well, as they kept coming and going, and listening with me to the conversations of the target. Some weeks later the suspect in the case was arrested--by the Federal agents, incidentally--and afterwards the three of us were discussing the wiretap at police headquarters. My two Federal friends were disturbed because the entire conversation took place in front of a high ranking BNDD supervisor. They said I shouldn't talk about wiretapping in front of him that way. The supervisor was smiling the whole time.

In 1971, I conducted a wiretap on a narcotics suspect for about two months. During the whole two-month period I supplied the content of the tap to a United States Customs agent.

In 1972 and 1973, I worked as a DALE taskforce officer, during which time my paycheck came from LEAA. In one case I remember I attempted to obtain legal wiretap authorizations, through the Federal authorities I was working with. After awhile, I was told in effect that the "Title III procedures were too much of a hassle" and that I would have to "do it in another way." I definitely understood the word "it" to mean the wiretap I wanted. Later, I did conduct a wiretap in that case, without going through any Title III procedures.

I would like to say also, while I was working with DALE's Federal men, there were many conversations about my DALE cases. It was never said in so many words, but I am sure it was understood that wiretaps were being conducted.

As time went on, late in my work with the Department, the secrecy and the lying became a real burden for me. I wanted out. I tried several times to get transferred. But it never worked out. The Feds started to get interested too.

Once, in 1972, the FBI apparently started an investigation. But in that case our department conveniently knew about it in advance. One of my superiors told us to "knock off the wiretaps for awhile; I just got the word from the Feds; a taskforce is in town ready to arrest anybody it finds wiretapping--even police officers." That happened a couple of times.

Mr. Chairman, I have just spoken about some illegal things involving some people I know. I know the names. And I have given the names to your staff. I have also cooperated with the United States Attorney in Houston as fully as I know how. He is continuing his investigation of these matters. Also, there is now sitting a Federal Grand Jury, before which I have already testified. I have also been told of the rules of this Committee concerning accusations of crime. That is why I have not mentioned the names I know in this public hearing.

Thank you, Mr. Chairman. I will try to answer any questions the Committee may have.

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STATEMENT OF MICHAEL J. HERSHMAN ✓

BEFORE

HOUSE SELECT COMMITTEE ON INTELLIGENCE

October 9, 1975

Mr. Chairman and Members of the Committee. Thank you very much for the opportunity to appear before you this morning.

For a period of fourteen months I served as the Chief Investigator for the National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance. The "National Wiretap Commission" was established to conduct a comprehensive study and review of the operation and application of the electronic surveillance provisions of the Omnibus Crime Bill enacted in 1968.

I would like to direct my introductory remarks to the problem of illegal electronic surveillance. During my tenure at the National Wiretap Commission the question most frequently asked of me concerned the frequency of illegal wiretapping and bugging in the United States. Although some individuals profess to have an answer to this question, no one can really know. The nature of illegal electronic surveillance is such that most individuals remain unaware of their victimization. Furthermore, many of those who do discover that they have been bugged or tapped are reluctant to report it, because of embarrassment, publicity and a fear of subsequent investigations. These factors combine to make it virtually impossible to estimate how much wiretapping is taking place.

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However, we do know that illegal electronic surveillance takes place, and there is evidence to indicate that it has not substantially declined since enactment of the Federal Wiretap Act in 1968. The motivations and incentives for illegal wire-tapping have not significantly changed; illegal electronic surveillance remains an inexpensive and effective technique to gather information. In addition, it is a crime in which the rewards generally outweigh the risks.

Before going further, I would like to put my remarks in perspective. Wiretapping and bugging occurs, but certainly not to the degree claimed by many. We find that most of the individuals claiming massive eavesdropping are in the business of de-bugging, or selling de-bugging equipment.

Perhaps the most interesting point is that most of the illegal wiretapping and bugging that takes place in the United States today occurs in the private sector, and that most of it has nothing to do with preventing crime. Eavesdropping devices are targeted on employee dishonesty, on husbands and wives, political information, industrial espionage, courtship situations, and illegal police surveillance.

The significant point is that there is apparently little attempt by the federal government to curb these invasions of our personal privacy, or to curb the multi-million dollar traffic in spy devices. The FBI is supposed to be in charge, but the stories of blatant abuse go on and on.

A recent case illustrates the point. In 1974, a Florida man in the middle of a divorce proceeding secreted a tape recorder equipped with an automatic activator under a night table in the bedroom of his home and connected the device to the telephone wires. When asked about the purchase of the equipment, the husband stated that after having seen the equipment in a sales catalogue he "walked into a retail store and bought it." The automatic activator, a device which allows for self-starting and stopping, cost \$25.00 and the instructions explained how it should be hooked across the telephone wires and plugged into the tape recorder.

The tap, which was instituted in order to gain advantage in a child custody battle, was discovered by the wife who reported it to the telephone company. The husband was sentenced by a state court to six months probation.

To give some idea of how easy and widespread illegal electronic surveillance is in the United States today, I would like to report the results of an investigative study just completed by the Wiretap Commission. The purpose of the survey was to determine the types of electronic surveillance and countermeasures available to the general public and to determine the number of private investigators willing to discuss, even in the course of a simple telephone request, installing illegal eavesdropping devices.

115 private investigating firms were contacted, in seven cities. 42 either offered to perform illegal wiretapping and

bugging themselves or referred the caller to another agency that would provide the illegal service. Approximately a dozen firms indicated they would be willing to discuss the subject if the caller would come in to the office. The remaining firms indicated that they would only engage in de-bugging. The estimated costs of bugging or wiretapping ranged from \$30 to \$5,000, and suggested methods ranging from simple tape recorders to a closed circuit T.V.

When we speak of electronic surveillance, we cannot consider the act without some mention of the tools. There is, and always has been, a proliferation of devices on the American market which are readily adaptable to eavesdropping.

Alarmingly, some of these devices are advertised, contrary to Federal laws, in popular periodicals. The manufacturers attempt to disguise their eavesdropping potentials by claiming usages as "baby sitters" and "burglar alarms." Advertisements read:

"World's Smallest Transmitter
Listen-in on any standard FM Radio

This miniature electronic marvel picks up the slightest sound and clearly transmits them to any standard FM radio up to 350 feet away..."

or

"Wall Hanging Thermometer FM Transmitter

which features a transmitter built into a wall thermometer. Its sensitive microphone picks up all voices and sounds in a room, transmitting by battery for more than one week."

These advertised devices are aimed at relatively unsophisticated individuals. Government agencies have no need for such

simple transmitters.

When a state or local police department wishes to purchase electronic surveillance equipment it can solicit the business of any one of a dozen manufacturers which build and sell surveillance equipment to government agencies.

Many state and local police, however, are not authorized to engage in electronic surveillance. The Wiretap Commission discovered a number of police departments in states without authorization statutes, that is, without specific laws allowing for the use of court ordered wiretapping or bugging, who were purchasing electronic surveillance equipment which could be of no lawful use to them.

The Commission's review of the sales of ten manufacturers of electronic surveillance equipment showed that the manufacturers have left the determination of whether a particular department or official was authorized to purchase equipment largely up to the department involved, with the result that a number of sales of questionable legality have been made.

The reason given by some officials for their possession of the equipment is not entirely satisfactory. In Dallas, for example, where wiretapping without the consent of one party is not permitted, the Chief of Police was quoted as stating that his department used the bugging equipment "to make sure our good debugging equipment is in working order."

The results of the Wiretap Commission's study, which was conducted by only two people, are certainly interesting. But they are particularly revealing when contrasted with the results of a Department of Justice study which was released two days ago. That study noted that there were only 11 convictions last year in cases it prosecuted under the electronic surveillance statutes.

Privacy invasion, as typified by illegal eavesdropping, has a chilling effect in our society. Before speaking, many people weigh the costs of speaking freely against the risk of the possible word-for-word disclosure of their conversations to unintended recipients. The comment, "I can't talk over the telephone," has become the trademark of mistrustful individuals.

One step in restoring the confidence of Americans must be an aggressive and affirmative approach to enforcing the criminal statutes against illegal wiretapping. If any one factor has led to the continuance of eavesdropping it is the failure of law enforcement -- Federal, State, and local -- to take the offensive against this type of crime. The authorities must take the initiative and prove to the public that they are as interested in protecting the people's privacy as they are their property.

Thank you.

STATEMENT OF MARTIN L. KAISER ✓
BEFORE THE
SELECT COMMITTEE ON INTELLIGENCE
October 9, 1975

Mr. Chairman and Members of the Committee. My name is Martin L. Kaiser and I am the president and sole owner of Martin L. Kaiser, Inc., a Maryland corporation chartered in 1965, which specializes in the development and manufacture of electronic surveillance and counter-measure equipment. We presently market over 300 products and have serviced and continue to service a large variety of federal, state and local law enforcement agencies. Our list of clients includes but is not limited to the CIA, DIA, Army Intelligence, OSI, DEA, U.S. Postal Service, Secret Service, ATF, IRS, Treasury, the FBI and numerous state and local law enforcement agencies.

In 1975 I received the Baltimore County Distinguished Citizen Award. I have been hired as a consultant by law enforcement agencies throughout the United States and was recently commissioned by President Sadat of Egypt to develop the electronic surveillance and counter-measure capabilities for the Egyptian Secret Service.

In 1968, the Omnibus Crime Bill was passed by Congress and its passage had a great impact on the manufacture and sale of electronic surveillance equipment. Pursuant to this Act, the manufacture, assembly, possession, and sale of electronic surveillance equipment was severely restricted. Advertising of such equipment was absolutely forbidden. I noticed that there

were two types of manufacturers, those who lived up to the dictates of the Omnibus Crime Act and those who flagrantly violated its mandates. I called numerous and glaring violations dealing with illegal manufacture, sale, advertising and stockpiling to the attention of the FBI. These types of violations were clearly revealed by advertisements for electronic surveillance equipment which were occasionally transparent and misleadingly disguised as novelty items and which proliferated in both trade and popular magazines. I would like to call your attention to a variety of these items, copies of which are included in your briefing books.

To the best of my knowledge none of the many violations which I reported to the FBI ever resulted in ^{further action or} prosecutions. The advertisements have not abated. In fact, they have proliferated and the companies are flourishing. While I do not know why the FBI refuses to enforce the regulations pertaining to electronic surveillance equipment and enacted by Congress, I can offer this theory. The FBI investigators do not seem to possess sufficient technical expertise in order to feel confident in bringing cases against these violators. Therefore, as time goes by it becomes increasingly more difficult for them to prosecute activities they have allowed to flourish over a period of years. This problem becomes more complex when we deal with technical advertisements. I call your attention to page 103 of the Lafayette catalogue. Devices described on this page can only be used in the furtherance of wiretapping.

During one of my visits to the FBI, I noticed an entire staff of people intently examining blown up schematic designs of a pinball machine. They were apparently trying to put together some sort of case regarding the interstate transportation of pinball machines to Louisiana. If a similar effort was expended to insure Bureau familiarization with the components of electronic surveillance equipment, the illegal traffic in these materials could be arrested.

I began my relationship with the FBI around 1967 or 1968. All my correspondence was sent directly to the FBI. However, the FBI would never correspond with me. Instead, they sent agents to my factory who selected equipment and made large orders. I was directed not to send equipment to the FBI, but instead to sell it to the U.S. Recording Company, a private company located at 1347 South Capitol Street, Washington, D. C. I informed the Bureau that federal law would not allow me to sell to anyone except bona fide governmental agencies. The FBI agents assured me my actions were proper and subsequently supplied a stamp to U.S. Recording which purported to certify on the purchase orders that the transaction was in accordance with federal law. Subsequently, I discovered that U.S. Recording was charging the FBI a 30% mark-up on the products that I supplied to them. During my dealings with the Federal Bureau of Investigation, I sold a total of \$100,000 worth of electronic surveillance equipment to the FBI which was routed through U.S. Recording.

I was recently contacted by a distributorship in Massachusetts which informed me that they had received a request for my equipment to be routed through U.S. Recording. I have provided you with their brochure which shows that the specific item ordered is marked up 100 percent by the company in Massachusetts and will undoubtedly receive a further mark-up at the hand of U.S. Recording on the way to its ultimate consumer.

I am in the constant process of improving and adding innovations to my equipment. In order to insure the high performance of my equipment, I will modify any equipment I have sold with my latest innovations absolutely free of charge. In 1975, I contacted the Federal Bureau of Investigation in order to have them return equipment purchased from me so that I could modernize and upgrade the quality of these electronic devices. The FBI initially denied that they had any of my equipment. I consider this action not only frustrating, but a foolish exercise of secrecy for its own sake. Eventually, the FBI did admit possession of my equipment.

In the course of my dealings with the other governmental agencies to which I have previously alluded, I found myself in another complex business arrangement. Whenever I would orally contract to furnish a governmental agency with electronic surveillance equipment, the written order for such equipment would always be routed through Ft. Holabird as a U.S. Army order. There was no indication on the order as to the real purchaser of the equipment.

As an aside, while at Ft. Holabird, I noticed that my equipment was being inserted into a number of imaginative objects, including but not limited to mattresses, golf clubs and electric toothbrushes.

In summation, it is clear to me as an expert in the field of electronic surveillance equipment, that the FBI demonstrates virtually no interest in enforcing federal laws dealing with electronic surveillance equipment. This is discouraging to me, both morally and financially.

If the Committee is interested, I would be pleased to demonstrate examples of equipment which I have sold to the intelligence community.

Thank you.

- 1 - Mr. Mintz,
- 1 - Mr. Callahan
- 1 - Mr. Adams
- 1 - Mr. Cochran

October 9, 1975

The Attorney General

Director, FBI

U.S. HOUSE SELECT COMMITTEE ON
INTELLIGENCE ACTIVITIES

- 1 - Mr. Walsh
- 1 - Mr. Wannahl
- 1 - Mr. Cregar
- 1 - Mr. Hotis
- 1 - Mr. Daly

This is to advise that Joseph Tait, owner of the U.S. Recording Company, Washington, D. C., was contacted by the House Select Committee on Intelligence Activities for purposes of arranging an interview of Mr. Tait. This Bureau over the years has engaged in the purchase of electronic devices from Mr. Tait for use in matters involving the national security. From the period July 1, 1969 through September 11, 1975, approximately 1,374 orders were written requesting equipment from Mr. Tait. Of this number, approximately 65 percent were of a confidential nature.

In view of the background concerning the arrangement with Mr. Tait, we instructed Mr. Tait that in his responses to the House Select Committee investigators in those items which were purchased under confidential arrangement he should refer the Staff Members to this Bureau for appropriate response. Michael E. Shaheen, Jr., Special Counsel for Intelligence Coordination, was advised of this.

Our arrangements with Mr. Tait concerning the confidential nature of the purchases was necessitated by our desire to preclude hostile foreign intelligence services from learning of the type of equipment this Bureau uses. It is felt that it is necessary to continue this confidential relationship and not subject the Bureau's purchase of such equipment to public scrutiny.

OCT 22 1975

In view of the aforementioned, we request that the Department, insofar as possible, resist attempts by the House Select Committee which may be forthcoming to publicize the confidential arrangement and ultimately, the type of equipment purchased by this Bureau.

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

SEE NOTE NEXT PAGE

- Assoc. Dir. _____
- Dep. Asst. Dir. _____
- Dep. AD Adm. _____
- Asst. Dir. _____
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NOTE: By memorandum dated 10/1/75, Legal Counsel Division to Mr. Adams, set forth the background concerning the interview of Mr. Tait. The figures concerning our purchases from the U. S. Recording Company were furnished by the Administrative Division. Examples of the types of purchases setting forth the confidential nature of this arrangement were furnished by the Laboratory Division.

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Gallagher *pas*

FROM : L. E. Rhyne *LR*

SUBJECT: U. S. HOUSE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES

DATE: 10/8/75

1 - Mr. Gallagher
1 - Mr. O'Connell
1 - Mr. Rhyne
1 - Mr. Mintz
1 - Mr. Wannall
1 - Mr. Cregar
1 - Mr. Daly
1 - Mr. Kraus

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Director Sec'y _____

PURPOSE: This is to record a meeting with staff members of captioned committee on 10/7/75.

DETAILS: On the morning of 10/7/75 Section Chief Louis E. Rhyne, SA James C. Kraus, Accounting and Fraud Section, and SA John Dennis Miller, Legal Counsel Division, met with Richard Vermerie and Timothy Oliphant, staff members of the U. S. House Select Committee on Intelligence Activities (HSC) for a previously arranged conference concerning Interception of Communication matters.

Information sought by HSC concerned policies and statistics. No specific cases were discussed.

ACTION: For information.

JCK:pmg
(9)

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

1 - Mr. N. P. Callahan
 1 - Mr. J. B. Adams
 2 - Mr. J. A. Mintz
 (1 - Mr. J. B. Hotis)
 1 - Mr. W. R. Wannall

November 19, 1975

REC 27 62 - 116464 - 128X

Honorable Otis G. Pike
Chairman, Select Committee on Intelligence
House of Representatives
Washington, D. C. 20515

1 - Mr. W. O. Cregar
 1 - Mr. F. J. Cassidy
 1 - Mr. A. F. Watters, Jr.

Dear Mr. Chairman:

This is in response to your letter of October 8, 1975, soliciting my views and those of my associates concerning the future role of the intelligence community. As I indicated to you in my initial response to your letter, dated October 17, 1975, I appreciate the opportunity to offer my observations as to the future of United States intelligence agencies and activities insofar as the FBI is concerned. Of course, congressional assessment of the activities and effectiveness of the FBI and other members of the intelligence community is not yet complete, and I feel that it would be inappropriate for me to make specific recommendations for consideration by your Committee at this time. However, I would like to offer some general observations which relate to the fulfillment of the Nation's security requirements.

I would hope that, out of the current Legislative and Executive Branch examination of the intelligence agencies and their proper role, a consensus could be achieved concerning Presidential powers in the national security field.

To ensure the future effectiveness of our national security programs, I believe that the Congress should clearly define the broad objectives which it expects should be achieved by the various agencies, which function as components of the United States intelligence community. As the FBI Director, I accept full responsibility for taking appropriate action to achieve such goals through the establishment and supervision of investigative programs consistent with law and national policy.

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1 - The Attorney General
 1 - The Deputy Attorney General

AFW:vb
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MAIL ROOM ☐ TELETYPE UNIT ☐

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Honorable Otis G. Pike

We must have improved communications between the security/intelligence agencies of the Executive Branch and the Congress, so that the American public might be assured that the Nation's law enforcement and national security interests are being protected in a manner consistent with the policies declared by their elected representatives. We should strive to establish some form of meaningful oversight of FBI activities so that we may avoid duplication of testimony and the proliferation of requests for highly sensitive information beyond that which is absolutely essential. Establishment of a joint Senate-House oversight committee would be an appropriate mechanism to achieve this objective.

It is my hope that any future determinations by the Congress to enact statutory safeguards to protect the integrity of the law enforcement function will not impose undue restrictions on necessary investigations concerning critical national security matters. We in the FBI desire a balanced picture to emerge concerning FBI investigations, which, in addition to calling attention to any weakness in its performance, also recognizes its accomplishments, and preserves for the FBI the investigative flexibility necessary to fulfill responsibilities of ever-increasing complexity. This flexibility is essential if we are to function effectively as a deterrent to increasing threats to our liberties, both from criminal elements and the organized, sophisticated clandestine operations of our potential adversaries in the international environment. In the domestic security and foreign counterintelligence areas, the maintenance of the stability of our system of Government and the prevention of violence and disorder are the FBI's primary objectives.

My staff and I would be happy to meet with you at any time to discuss the future role of the FBI in the intelligence community and the steps which we might now take to ensure the civil liberties of our people and the protection of our national security.

Sincerely yours,

Clarence M. Kelley
Director

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. J. B. Adams

FROM : Mr. W. R. Wannall *WRW*

SUBJECT: FBI ROLE AND REQUIREMENTS IN THE
INTELLIGENCE COMMUNITY;
REQUEST OF HOUSE SELECT COMMITTEE
ON INTELLIGENCE

1 - Mr. N. P. Callahan
1 - Mr. J. B. Adams
2 - Mr. J. A. Mintz

DATE: 10/16/75

(1 - Mr. J. B. Hotis)

1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. F. J. Cassidy

Assoc. Dir. _____
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Director Sec'y _____

Attached is a letter dated 10/17/75, from Director Kelley to Congressman Otis G. Pike (New York), Chairman of the House of Representatives Select Committee on Intelligence. This letter is an initial response to a letter dated 10/8/75 from Congressman Pike acknowledging his request for the views and recommendations of Director Kelley and FBI officials concerning the role of the FBI in the intelligence community.

At some future date, the House Committee plans to report its findings on the activities of the intelligence agencies to the full House of Representatives with recommendations for legislation and administrative reforms. Mr. Pike's request, at face value, gives the Bureau an opportunity to express in writing its own views of future requirements and needs in fulfilling Bureau responsibilities in the intelligence field.

The Intelligence Division is in the process of defining our future needs and requirements in the domestic, security, counterintelligence, and terrorist fields. INTD internal security and counterintelligence sections are being canvassed and a detailed response to the Committee's request will be prepared. The response will be coordinated with the Legal Counsel Division and, if approved, will be forwarded to the Attorney General for Departmental consideration and approval prior to being sent to the House Committee.

REQ 27 62 - 116464 - 1288

Enclosure - Sent 10-17-75
RPF: vb (8) *edm*

JAN 19 1976
SEE RECOMMENDATION PAGE TWO



Memorandum to Mr. J. B. Adams

Re: FBI Role and Requirements in the Intelligence Community;
Request of House Select Committee on Intelligence

RECOMMENDATION:

That the attached letter from Mr. Kelley be sent, acknowledging
Congressman Pike's letter of 10/8/75.

RPT JRC

~~JAM~~

~~JRC~~

~~BA~~
~~Pen~~

~~Wad~~

Jna

K

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. W. R. Wannall *Wannall*

FROM : W. O. Cregar *W. O. Cregar*

SUBJECT: HOUSTUDY 75

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

DATE: 10/16/75

- 1 - Mr. W. V. Cleveland
(Attn: R. J. McCarthy)
- 1 - Mr. W. R. Wannall
- 1 - Mr. W. A. Branigan
- 1 - Mr. W. O. Cregar
- 1 - Mr. T. J. McNiff

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Director Sec'y _____

PURPOSE:

To advise of briefing afforded by Bureau representatives to House Select Committee (HSC) Staff Member on the subject of Bureau-operated proprietaries.

DETAILS:

Memorandum W. O. Cregar to Mr. W. R. Wannall, dated 10/8/75, captioned as above, which was approved, advised of HSC written request for a list of all proprietaries maintained by the FBI and recommended that a briefing by knowledgeable Bureau personnel be afforded an HSC Staff Member concerning Bureau operations in this sensitive area. Accordingly, it was arranged that the above briefing be given at FBI Headquarters on 10/15/75.

The above briefing occurred as scheduled in Room 5641, JEH Building, during the approximate period 2:05 to 2:50 p.m., on 10/15/75. Present at the briefing were Peter Hughes, HSC Staff Member; Steven Blackhurst and Raymond Hornblower, both from the Office of Special Counsel for Intelligence Coordination, Department of Justice; Bureau Section Chiefs William A. Branigan from the Intelligence Division and Robert J. McCarthy from the Special Investigative Division; and Special Agents Andrew J. Duffin and Thomas J. McNiff, coordinating Houstudy inquiries of the Bureau.

TJM:1hb/1hb
(9)

62-116464

REC-5 EX-115

62-116464

CONTINUED - OVER

5 OCT 1975

Memorandum to Mr. W. R. Wannall
Re: Houstudy 75
62-116464

Briefing was initiated by Special Agent McNiff discussing the ground rules under which the briefing would be given, emphasizing the sensitivity of such information and suggested the format to be followed, all of which were agreed to by those in attendance.

Section Chief Branigan then followed with a briefing, in general terms, of the two proprietaries operated by the Bureau in the field of national security, and Section Chief McCarthy similarly followed with a briefing of three proprietaries operated by the Bureau in the field of organized crime. Upon conclusion of the briefing relating to each operation, HSC Staff Member Hughes asked a number of questions concerning each which were answered to his satisfaction by Messrs. Branigan and McCarthy. At no time were any of these operations identified by name nor were the names of involved individuals mentioned. Mr. Hughes was advised that material relating to the proprietaries in the national security field is classified "Top Secret."

From the nature of the questions asked by Mr. Hughes, it appears the primary interest of the HSC in this area is the financial aspects relating to each operation. Specific questions dealt with the initial and operating costs, source of funds, arrangements for handling of possible profits, compliance with Federal and local tax regulations, as well as compliance with ordinances relating to incorporating, licensing, etc.

At the conclusion of briefing, Mr. Hughes stated he was impressed by the Bureau operations in these areas, that information furnished him on this occasion would be given to appropriate HSC personnel on a strict need-to-know

CONTINUED - OVER

Memorandum to Mr. W. R. Wannall
Re: Houstudy 75
62-116464

basis with the sensitivity of such information being stressed to each recipient and he expressed his appreciation for the expertise and candor displayed by the briefing Bureau personnel.

ACTION:

None. Above submitted for information.

TJM
WRC
JAM
JAF
WVC
Pm
Jm
K

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

October 15, 1975

The Attorney General

Director, FBI

1 - Mr. D. Ryan
1 - Mr. T. J. McNiff
1 - Mr. A. J. Duffin

U. S. HOUSE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES (HSC)

Reference is made to HSC request dated September 25, 1975, wherein a request was made for the identity of the person whose name was excised from COINTELPRO documents 100-448006-171, 255.

This request was forwarded by a letter from Michael E. Shaheen, Jr., Special Counsel for Intelligence Coordination, dated September 30, 1975. Subsequently, by letter dated October 7, 1975, Mr. Shaheen advised that the HSC had indicated it had no objection to the FBI contacting the person whose identity was sought to determine whether or not the person objects to his name being provided to the HSC. It was further indicated the HSC has agreed to this approach on a trial basis in an attempt to avoid a confrontation with the Department on this issue.

Enclosed for your approval and forwarding to the HSC is the original of a memorandum responsive to this request. A copy of this memorandum is being furnished for your records.

Enclosures (2)

REC-100

62-116464

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

FEB 17 1976

ENCLOSURE

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Asst. Dir.: _____
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Telephone Rm. _____
Director Sec'y _____

AJD:mjg
(10)

OCT 17 1975

INTELLIGENCE DIV.
COMMUNAL DIRECTOR
OFFICE

Not delivered to HSC as of 11/1/76

WOC
EWS

agor
AM

MAIL ROOM ☐ TELETYPE UNIT ☐

84 FEB 23 1976
NW 35292 Doc 10762989684 Page 124

GPO : 1975 O - 569-920

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

62-116464

October 15, 1975

1 - Mr. D. Ryan
1 - Mr. T. J. McNiff
1 - Mr. A. J. Duffin

U. S. HOUSE SELECT COMMITTEE
TO STUDY GOVERNMENTAL OPERATIONS
WITH RESPECT TO INTELLIGENCE ACTIVITIES (HSC)

RE: REQUEST FOR IDENTITY
OF COINTELPRO SOURCE

Reference is made to HSC letter dated September 25, 1975, wherein a request was made for the identity of the person whose name was excised from COINTELPRO documents 100-448006-171, 255.

On October 9, 1975, the person whose identity is being sought in this instance was contacted by a Special Agent of this Bureau and advised that the HSC had requested his identity be provided in connection with his past cooperation involving this COINTELPRO operation. He was further advised that this Bureau interposes no objections to his identity being furnished the HSC.

This is to inform you at that time this individual advised that he desired that his identity not be revealed outside the FBI.

Accordingly, the identity of this individual is not being furnished.

1 - The Attorney General

ORIGINAL AND ONE COPY TO AG

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Training _____
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Director Sec'y _____

AJD:mjg
(9)

SEE NOTE PAGE TWO

WRW/twl

JBA
Pm

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62-116464-127X

MAIL ROOM ☐ TELETYPE UNIT ☐

GPO : 1975 O - 569-920

U. S. House Select Committee
to Study Governmental Operations
With Respect to Intelligence Activities (HSC)

Re: Request for Identity of COINTELPRO Source

NOTE:

By letter 9/25/75, HSC requested identity of COINTELPRO source excised from 100-448006-171, 255. In a conference on 10/3/75, between Mr. Steven Blackhurst, Deputy Special Counsel for Intelligence Coordination in the Department and SAs Elmer W. Larson, Jr. and Andrew J. Duffin, it was agreed that prior to furnishing HSC with the identity of any individual source, the source would be contacted and it would be determined whether or not the individual wanted his identity revealed to HSC. By letter 10/7/75, the Department advised the HSC had agreed to this approach on a trial basis in an effort to avoid a confrontation on this issue. By teletype 10/8/75, Pittsburgh Division was requested to contact individual utilized in COINTELPRO operation set forth in 100-448006-171, 255. This individual contacted 10/9/75 by Pittsburgh Division and advised that he desired his identity not be revealed outside the Bureau.

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. W. R. Wannall *WRW*

FROM : W. O. Cregar *WOC/EOG*

SUBJECT: HOUSTUDY 75

1 - Mr. J. B. Adams
2 - Mr. J. A. Mintz
(1 - Mr. J. B. Hotis)
1 - Mr. W. R. Wannall
DATE: 10/15/75
1 - Mr. W. O. Cregar
1 - Mr. T. J. McNiff

Assoc. Dir. _____
Dep. AD Adm. _____
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Spec. Inv. _____
Training _____
Telephone Rm. _____
Director Sec'y _____

PURPOSE:

To advise of briefing afforded by Bureau representatives to representatives of the House Select Committee (HSC), including Congressman Robert McClory, on the subject of sensitive investigative matters with principal emphasis being placed upon this Bureau's use of electronic surveillances.

DETAILS:

On 10/10/75, during the approximate hours 1:30 p.m. to 4:00 p.m., Bureau representatives in Room 5641, JEH Building, afforded HSC representatives a briefing concerning selected sensitive investigative matters and techniques. Present at the briefing were HSC Committee Member, Representative Robert McClory (Republican-Illinois), accompanied by HSC Staff Members Jack Boos, Tim Oliphant and Richard Vermiere; Raymond Hornblower and Steven Blackhurst of the Department of Justice; Inspector John Hotis of this Bureau's Legal Counsel Division; and Assistant Director W. Raymond Wannall, accompanied by Special Agents Elmer W. Larson, Harry W. Porter and Thomas J. McNiff, all of the Intelligence Division.

At the outset, Representative McClory explained that the purpose of his visit was to obtain information concerning this Bureau's policies and procedures, as well as general information concerning projects and/or targets in the sensitive areas of electronic surveillance including such activities which involve surreptitious entries. Assistant Director Wannall then furnished Representative McClory and

62-116464

TJM:1hb 1hb

(7)

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EX-115 REC-6 62-116464-127
OCT 15 1975
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84 OCT 28 1975

Memorandum to Mr. W. R. Wannall
Re: Houstudy 75
62-116464

other HSC Staff Members present a brief resume of the background and history of this Bureau's involvement in the field of electronic coverage, including authorization for use of same, procedures utilized for obtaining warrantless telephone and microphone surveillances, extent to which this Bureau has used this technique in the years 1970-1975 and, in general terms, the type and value of information received from this technique.

During the above briefing, Representative McClory interjected several questions concerning the applicability of Title III as provided by the Safe Streets Act of 1968, which questions were answered by Mr. Wannall. Inspector Hotis advised Representative McClory that he, Hotis, interpreted the 1968 Act as an invitation to Congress to draft legislation regarding electronic surveillance which would be applicable to security-type investigations.

In response to specific questions, Mr. Wannall also advised HSC representatives that this Bureau has not engaged in warrantless electronic surveillance of domestic targets since the Keith Decision in 1972, that at the time of the Keith Decision this Bureau had 10 or less domestic targets under electronic surveillance; that all such physical installations were made strictly by Bureau personnel; that on occasion arrangements are perfected with telephone companies for the use of leased lines and that on occasion such installations are made at the request of other Government agencies and with the approval of the Attorney General.

Representative McClory then inquired as to the number of electronic surveillances maintained by the Bureau on domestic targets during the years 1970 to 1972, and Mr. Oliphant inquired as to whether or not the Socialist Workers Party (SWP) was one such target during that period.

CONTINUED - OVER

Memorandum to Mr. W. R. Wannall

Re: Houstudy 75

62-116464

Mr. Wannall answered that the Intelligence Division is presently in the process of preparing material identifying all electronic surveillances conducted by this Bureau during the years 1970 to 1975, as well as obtaining excised supporting documents containing the authorization for each operation. This material is being furnished the HSC on a continuing basis and it is anticipated the entire project will be completed in the very near future. Answers to the above questions, although not immediately available at the time of the briefing, will be found in the above material being prepared by this Bureau.

Representative McClory inquired as to whether such material would include information relating to the Halperin (one of the Kissinger 17) case. Department Attorney Blackhurst responded that the Halperin material is covered by a restrictive court order but he would attempt to see if the court order applied to the HSC, and, if so, he would attempt to have the court order modified.

Representative McClory also stressed the importance of prompt replies being made to HSC inquiries explaining that the HSC Chairman considers a delay in replying as being synonymous with a lack of cooperation. Mr. Wannall advised that all HSC inquiries are being handled as expeditiously as possible and he pointed out that, during the month of September, 61.4 Agent supervisors out of a total of 130 assigned to the Intelligence Division were occupied in non-substantive work matters such as preparing responses to the HSC inquiries.

Inquiries from the HSC representatives then turned, in general terms, to areas covering the now defunct Attorney General subversive list, criteria and purpose of the Security Index and its successor, the ADEX, and Soviet espionage in this country.

CONTINUED - OVER

Memorandum to Mr. W. R. Wannall
Re: Houstudy 75
62-116464

At the conclusion of the briefing, Representative McClory expressed to Mr. Wannall his thanks and the thanks of other HSC Staff Members present for the information provided during the briefing and added that he hopes the current spirit of cooperation between the HSC and the FBI will continue and that the purpose of the HSC in formulating meaningful legislation of benefit to the intelligence community will be accomplished.

OBSERVATIONS:

Information requested by the HSC concerning electronic surveillance conducted by this Bureau is being handled as a special project by the Intelligence Division. It is estimated that the complete response in this sensitive area will encompass excisions to some 1,650 documents. To date, 165 excised items have been furnished the HSC. Remaining excisions will be furnished the HSC on a continuing basis and it is expected the project will be completed by 10/17/75. The next communication prepared by this Bureau forwarding the above material to the HSC will contain a specific reply to HSC inquiries concerning the number of domestic targets under electronic surveillance during the years 1970 to 1972 and whether or not the SWP was such a target. Contact will be maintained with Mr. Blackhurst of the Department to ascertain whether or not pertinent material related to the Halperin case should be furnished the HSC.

RECOMMENDATION:

None. Above submitted for information.

Euf *JAM* *WRW/TWL* *JAM* *JAM* *JAM*

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. W. R. Wannall

FROM : W. O. Cregar

SUBJECT: HOUSTUDY 75

- 1 - Mr. J. B. Adams
- 2 - Mr. J. A. Mintz
- (1 - Mr. J. B. Hotis)
- 1 - Mr. W. R. Wannall
- DATE: 10/15/75
- 1 - Mr. W. O. Cregar
- 1 - Mr. T. J. McNiff

Assoc. Dir. . .
Dep. AD Adm. . .
Dep. AD J. . .
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Plan. & Eval. . .
Rec. Mgmt. . .
Training . .
Telephone Rm. . .
Director Sec'y . .

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62-116464

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4 OCT 28 1975

Memorandum to Mr. W. R. Wannall
Re: Houstudy 75
62-116464

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CONTINUED - OVER

Memorandum to Mr. W. R. Wannall
Re: Houstudy 75
62-116464

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CONTINUED - OVER

Memorandum to Mr. W. R. Wannall
Re: Houstudy 75
62-116464

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RECOMMENDATION:

None. Above submitted for information.

Euf *WRW* *JAM* *MS*

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. J. B. Adams

FROM : Legal Counsel

SUBJECT: HOUSTUDY

- 1 - Mr. Mintz - Encls. (2)
- 1 - Mr. Wannall - Encls. (2)
- 1 - Mr. Cregar - Encls. (2)

DATE: 10/3/75

- 1 - Mr. Hotis - Encls. (2)
- 1 - Mr. Daly - Encls. (2)

Assoc. Dir. _____
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Director Sec'y _____

Attached letter from Steven Blackhurst, Assistant Special Counsel for Intelligence Coordination in the Department, dated September 30, 1975, captioned "House Select Committee Letter dated September 24," encloses a letter from the House Select Committee requesting that five former and/or current Bureau employees be made available for interview. Subsequent contact on 10/2/75 with Staff Member for the House Select Committee Richard Vermeire determined that these will be Staff interviews and will pertain to the FBI's purchase of electronic surveillance equipment from private firms and/or distributors.

While some of the names are incorrectly spelled, it appears that the following list of former and/or current Bureau personnel are the individuals the House Select Committee seeks to interview.

- (1) John M. Matter
- (2) Briggs J. White
- (3) Marion M. Wright
(Current SA, Baltimore Office)
- (4) William E. Harward, Jr.
(Current SA, Laboratory Division)
- (5) Winton P. Walters (Jack)

RECOMMENDATIONS:

- (1) That the aforementioned personnel be released from their employment agreements for purposes of interview by the House Select Committee

Enclosures (2)

- 1 - Personnel File - John M. Matter
- 1 - Personnel File - Briggs J. White
- 1 - Personnel File - Marion M. Wright
- 1 - Personnel File - William E. Harward, Jr.
- 1 - Personnel File - Winton P. Walters

PVD:lad
(12)

RECOMMENDATIONS - OVER



Legal Counsel to Mr. Adams
RE: HOUSTUDY

RECOMMENDATIONS:

(2) That upon release from their employment agreement the Legal Counsel Division in coordination with the Intelligence Division will insure that the employees are advised of the House Select Committee request for interview prior to their contact by the House Select Committee.

(3) That Legal Counsel Division will orally advise the House Select Committee of the last known addresses for former personnel and will arrange for the interviews by the House Select Committee for current personnel.

*Bill Miller advised 10/22/75
of address for former staff by RUC*

WRW/jph

*Jr
JPH*

OK

*EWS
JPH*

*J34
Pur*

OK

- 1) ASAC Jack Berle, T.P., instructed
10/17/75 to contact Masters
- 2) Briggs White + Jack Walters contacted
10/20/75 + 10/21/75 + advised respectively of
HSC request. All above were instructed
to contact Legal Counsel upon HSC
inquiry.

JM



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

SEP 30 1975

TO: Paul Daly
Federal Bureau of Investigation

FROM: Steve Blackhurst
Assistant Special Counsel for
Intelligence Coordination

SUBJECT: House Select Committee Letter dated September 24

Attached is a letter from the House Select Committee dated September 24 which this Office received on September 29. Please arrange for HSC staff interviews with the persons identified in the above-referenced letter. Please find out from the HSC staff members what the subjects of the interviews will be.

ENCLOSURE

EX-115

REC-6

OCT 10 1975

ENCLOSURE

1-101 Hoc
10-23-75

10/10/75



SEP 30 1975

TO: Paul Daly
Federal Bureau of Investigation

FROM: Steve Blackhurst
Assistant Special Counsel for
Intelligence Coordination

SUBJECT: House Select Committee Letter dated September 24

Attached is a letter from the House Select Committee dated September 24 which this Office received on September 29. Please arrange for HSC staff interviews with the persons identified in the above-referenced letter. Please find out from the HSC staff members what the subjects of the interviews will be.

OTIS G. PIKE, N. Y., CHAIRMAN

ROBERT N. GIAMMO, CONN.
JAMES V. STANTON, OHIO
RONALD V. HELLUMS, CALIF.
MORGAN F. MURPHY, ILL.
LES ASPIN, WIS.
DALE MILFORD, TEX.
PHILIP H. HAYES, IND.
WILLIAM LEHMAN, FLA.

ROBERT MCCLORY, ILL.
DAVID C. TREEN, LA.
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

September 24, 1975

Mr. Michael E. Shaheen, Jr.
Special Counsel for Intelligence Coordination
U. S. Department of Justice
Washington, D. C. 20530

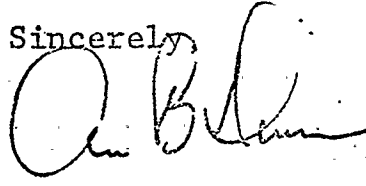
Dear Mr. Shaheen:

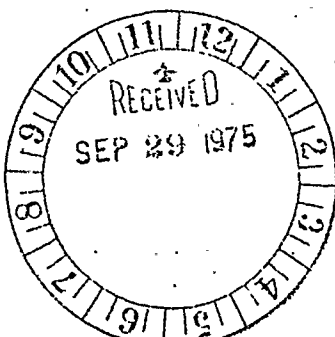
This is to request interviews, at your earliest convenience, with the following persons whom we believe to be employed by the FBI.

1. John Matter, former Chief of FBI Technical Section.
2. Dr. White, former Deputy Chief of FBI Technical Section.
3. Marian Wright, Special Agent, Baltimore office.
4. Bill Harwood, Chief of FBI Technical Section.
5. Jack Walters, former Chief of FBI Technical Section.

If any of the above are no longer employed by the FBI, kindly supply their present whereabouts, if known.

Sincerely,


Aaron B. Donner
Counsel to the Committee



62-116464-126

FBI purchase of electronic equipment from Dept

1 - Mr. E. W. Walsh
2 - Mr. J. A. Mintz
 (1-Mr. J. B. Hotis)
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. K. A. Mendenhall

The Attorney General

September 16, 1975

Director, FBI

UNITED STATES HOUSE OF REPRESENTATIVES SELECT COMMITTEE
ON INTELLIGENCE (HSC)

Reference is made to a request from the HSC dated August 27, 1975, for "delivery of all ADEX lists that have been maintained since January 1, 1973 until the present." It is also noted that the HSC had requested information concerning the Security Index during testimony provided by an official of this Bureau on August 7, 1975, on the subject matter "Budget Inquiry on Intelligence Activities."

Attached for your approval and forwarding to the HSC is an original of a memorandum which is believed responsive to the requests of the HSC.

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

The memorandum is classified inasmuch as information contained therein discusses aspects of the Emergency Detention Program, which program was classified by the Department.

Enclosures (2)

62-116464

REC-6

EX-115

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

21 OCT 23 1975

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____ - 100-358086

Asst. Dir.:
Admin. _____
Comp. Syst. _____ **KAM:en** **(en)**
Ext. Affairs _____ **(11)**
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____

SECRET MATERIAL ATTACHED

Director Sec ☒ OM/IZ ROOM ☒ TELETYPE UNIT ☐

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

September 16, 1975

SECRET

UNITED STATES HOUSE OF REPRESENTATIVES
SELECT COMMITTEE ON INTELLIGENCE (HSC)

Reference is made to HSC request dated August 27, 1975, for "delivery of all ADEX lists that have been maintained since January 1, 1973 until the present." It is also noted on the occasion of the testimony of Assistant Director E. W. Walsh of the Federal Bureau of Investigation (FBI) before the HSC on August 7, 1975, on the subject matter "Budget Inquiry on Intelligence Activities," pages 1278-1279 of the testimony transcript indicates that Representative Ronald V. Dellums inquired "What is the SI?; What was the authority for it?; Is it still in operation?; If not, when did it end?; Was operation ever discussed with Congress or OMB; Did Bureau budget show funds for operation of SI?"

As the subject matter of both the Administrative Index (ADEX) and the Security Index (SI) programs are interrelated, there is set forth below background information concerning these programs which is believed will be responsive to inquiries of the HSC.

During 1939 and 1940, a custodial detention list was compiled by the FBI consisting of the identity of those individuals whose presence at liberty in the United States in time of war or national emergency would be dangerous to the public peace and safety of the United States Government. On June 26, 1940, the Attorney General was advised of such a list and on March 18, 1941, information pertaining to the identity and tendencies of individuals on this list was forwarded to the Department of Justice. The use of the term custodial detention list was discontinued on August 14, 1943, and the

62-116464
① - 358086
KAM:en
(10)

SECRET

SEE NOTE PAGE 5

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

Re: UNITED STATES HOUSE OF REPRESENTATIVES
SELECT COMMITTEE ON INTELLIGENCE (HSC)

SECRET

list then became known as the SI. During 1945 the SI was cancelled except for those portions relating to communists, Russians, and individuals whose nationalistic tendencies resulted from an ideological or organizational affiliation with Marxist groups. On March 8, 1946, the FBI advised the Attorney General a list was being prepared of all members of the Communist Party and any others who would be dangerous or potentially dangerous in the event of a break in diplomatic relations with the Soviet Union, or other serious crisis, involving the United States and the USSR. This list was to be prepared as a result of developments in the international situation during that time period and in light of Soviet espionage investigations then being conducted by the FBI. The Attorney General was apprised of this list so the Attorney General could advise whether such action met with his approval. As far back as September 20, 1946, the Department of Justice advised the FBI that a program was under consideration for the detention of communists in the event of a national emergency or hostilities between the United States and the USSR through Presidential Directive which would empower the Secretary of War to define a military exclusion area and would provide for the detention of persons by the Bureau of Prisons. During August, 1948, the Department provided the FBI with a Departmental Portfolio entitled, "Program For Apprehension and Detention of Persons Considered Potentially Dangerous to the National Defense and Public Safety of the United States." This program established guidelines for the apprehension by the FBI of individuals considered dangerous to the national defense of the United States during times of emergency. In time of an emergency a Presidential Proclamation would be issued and brought before Congress for ratification.

On September 23, 1950, the Internal Security Act of 1950 became a law and with it the passage of Title II concerning the Emergency Detention Act (EDA). Title II of the Internal Security Act declared that when a state of internal security emergency is proclaimed by the President, he, through the Attorney General, would direct the apprehension and detention of each person as to whom there were reasonable grounds to believe that such person probably would engage in, or probably conspire with others to engage in acts of espionage or sabotage. The list, or SI, being maintained by the FBI of those persons who should be considered dangerous during times of an emergency was to be utilized to aid in the apprehension and detention of individuals under the auspices of the EDA. During 1951, a

SECRET

- 2 -

Re: UNITED STATES HOUSE OF REPRESENTATIVES
SELECT COMMITTEE ON INTELLIGENCE (HSC)

SECRET

because they exercise their constitutional rights of protest or dissent. Membership in a subversive organization is not sufficient to warrant inclusion on this index. Individuals who are included are those who have exhibited a willingness or capability of engaging in treason, rebellion, sedition, sabotage, espionage, assassination of Government officials, terrorism, guerrilla warfare, or other acts which would result in interference with or a threat to the survival and effective operation of national, state, or local government. During 1972 the operation of this index was evaluated and revised to include only those individuals who pose a realistic, direct and current danger to the national security.

The ADEX is printed on 5 x 8 cards which are maintained at FBIHQ in the Intelligence Division. Name, background information, file numbers, and type of activity in which the individual is engaged are placed on the cards. This index is reviewed continuously and on a monthly basis is brought up to date with names being added and deleted. Once deletions are made, former lists cannot be reconstructed. The index on January 15, 1975, contained the names of 1,537 individuals and as of August 15, 1975, there were 1,294 names on the index.

As an administrative aid the index currently utilized by the FBI enables the FBI to remain alert to individuals who have exhibited a propensity to conduct acts inimical to the national security and affords the FBI a record of individuals who would merit close investigative attention pending legal steps by the President to take further action. It also serves as an extremely valuable list of individuals who pose a threat to the safety of the President of the United States, thereby enabling the FBI to provide current data to the United States Secret Service concerning these individuals.

As noted above, the past lists cannot be reconstructed and the index contains only the names and background information which would identify individuals listed thereon. For reasons of privacy and inasmuch as release of information on this index could adversely affect current operations and investigations being conducted by the FBI, information contained on the index is not being furnished.

SECRET

- 4 -

Re: UNITED STATES HOUSE OF REPRESENTATIVES
SELECT COMMITTEE ON INTELLIGENCE (HSC)

SECRET

From a review of pertinent FBI files and from contact with knowledgeable FBI personnel, it does not appear the operation of the SI was discussed with Congress or the Office of Management and Budget (OMB) nor has the budget of the FBI indicated a specific breakdown of funds for operation of the SI.

NOTE:

LHM is being classified "Secret" inasmuch as information contained therein discusses aspects of the Emergency Detention Program, which program was classified by the Department.

Questions pertaining to the budget and whether the SI had been mentioned to Congress or OMB were discussed with Section Chief L. Clyde Groover of the Administrative Division. Mr. Groover indicated he was unaware of any previous testimony before Congress or information being provided OMB regarding the SI. He further indicated the Bureau budget did not specifically break down costs for operation of the SI.

SECRET

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

Addressee: House Select Committee

☐ LTR ☒ LHM ☐ Memo ☐ Report dated 9/16/75

Caption of Document: Re HSC request dated 8/27/75 for
"delivery of all ADEX lists that have been"
maintained since 1/1/73 until the present."

Originating Office: FBI

Delivered by: *[Signature]* Date: Oct. 7, 1975

Received by: *[Signature]*

Title: _____

Return this receipt to the Intelligence Division, FBI

62-116404-125
ENCLOSURE

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.)

2. DATE PROVIDED

☒ DOCUMENT ☐ BRIEFING ☐ INTERVIEW ☐ TESTIMONY ☐ OTHER**9/16/75**

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

SSC

☒ HSC

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

Memorandum

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

HSC letter 8/27/75

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)

**Intelligence collection
Budget data**

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

Information furnished regarding the FBI's maintenance of the Administrative Index (ADIX) and the Security Index (SI) criteria for placing individuals on the index. FBI budget does not have a breakdown of funds for operation of SI.

62116464**FMK:fmk****(4)****ORIGINAL VIA LIAISON TO CENTRAL COMMUNITY INDEX
IN CONNECTION WITH HOUSTUDY****TREAT AS YELLOW****5-WOC** 

INSTRUCTIONS

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

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

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. J. B. Adams

DATE: 10/1/75

FROM : Legal Counsel

SUBJECT: HOUSTUDY 75

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 the afternoon of September 30, 1975, Mr. Joseph Tait voluntarily appeared in my office and advised me that he had been interviewed by a representative of the House Select Committee on September 26, 1975. The purpose of the interview was to develop information concerning confidential business transactions between the FBI and Mr. Tait's company the U.S. Recording Company. Mr. Tait advised that his understanding was that his relationship with the FBI was confidential and he so advised the Committee representative who responded that it may become necessary for the Committee to issue a subpoena for Mr. Tait's testimony and for his records. Mr. Tait requested advice as to what action he should take in response to demands by the Committee for information concerning matters regarded as confidential.

I told Mr. Tait that the information he furnished me would be made available to the Department for consideration of action that might be taken by the Attorney General concerning what appears to be interference with FBI confidential sources by representatives of the House Committee.

I called Mr. Cochran in the Laboratory and requested him to review the records of our dealings with Mr. Tait to determine whether such records would be properly protected by classification and to assess the damage that might be incurred if the records are produced to the Committee. I also spoke to Michael Shaheen in the Deputy Attorney General's office, explained to him in general terms the problem of Committee interviews of confidential Bureau sources, and asked him whether it would be agreeable for us to present this matter formally with a request that the Attorney General consider contacting the Chairman of the Committee. Shaheen agreed that the matter should be submitted.

Attached are notes of my interview of Joseph Tait on the afternoon of September 30, 1975.

Enc.

1 - Mr. Cochran

1 - Mr. Hotis

1 - Mr. Mintz

1 - Mr. Walsh

1 - Mr. Wannall (Attn: Mr. Cregar)

1 - Mr. Daly

ENCLOSURE

84 JAM:msd

Memorandum to Mr. Adams
Re: HOUSTUDY 75

RECOMMENDATIONS:

1. That the Laboratory furnish Legal Counsel with a summary of the records of our dealings with Joseph Tait and advise concerning their classification and a damage estimate.

2. That the Administrative Division advise Legal Counsel of our past contract procedures with Mr. Tait and/or his company, including classification procedures and advise whether production of his records would damage the Bureau's relationship with other confidential sources presently existing or who may be contacted in the future.

3. That upon receipt of the information necessary, Legal Counsel Division will prepare an appropriate memorandum to the Attorney General.



Interview of Joseph Tait
U. S. Recording Company
1347 South Capital Street
Washington, D. C.
488-3900

Interview by House Select Committee on Intelligence representative
Vermeire (225-9751)

Interviewed on 9/26 from 11:00 a. m. to 12:00 noon and
from 2 to about 3:30 p. m.

Vermeire told Mr. Tait that he wanted to talk about all transactions
the Bureau had had with his company for radio material including
covert purchases.

Mentioned Bureau names including:

John Matter
Bill Harwood
Jack Walters
Grover Stevens

JFK Act 6 (4)

Speights McMichael
"Dr. Wright"
Ivan Conrad

At the outset of the interview, Mr. Vermeire told Mr. Tait
not to try to be evasive. The information he wanted he knew Mr. Tait
could supply and if you will not cooperate with us and give us the
information, we will subpoena the records of your company.

Mr. Tait advised Mr. Vermeire that he could not give
him the information he wanted and that he should contact the Bureau
for that information. He said his records were marked confidential
and that confidential meant that he could not reveal those records to
any unauthorized person. In reply to my question regarding who
had classified the information, Mr. Tait advised that the Bureau had
classified his records.

Mr. Tait cited an incident that happened probably in 1969 or 1970 which concerned John Matter and a contract with the Martin Kaiser Company. Mr. Vermeire asked why this deal, which concerned the purchase of some equipment, was not worked out through Mr. Tait. Mr. Tait's response was that he thought this information should be something received from the Bureau and that he did not wish to discuss the matter.

Mr. Vermeire noted that there had not been as many contracts with his company since the death of Mr. Hoover and he wanted to know if he had received all the contracts because he had been a close personal friend of Mr. Hoover.

In response to my question regarding his purpose in coming to the Bureau to furnish this information, Mr. Tait advised that he had come to the Bureau voluntarily to furnish the information concerning the interview and to receive some guidance as to what he should do if he was recontacted by the House Select Committee.

Mr. Tait advised that he stamped the following statement on all his contract forms:

"This order complies with the provisions of the Omnibus Crime Control and Safe Streets Act of 1968."

Mr. Vermeire mentioned that Mr. Tait had no right to use this stamp. That the above statement could only be used by a law enforcement agency, or a law enforcement agent employed by a law enforcement agency.

I called Mr. Cochran in the Laboratory and asked him to determine whether or not the records of confidential purchases were protected by the classification Confidential under the executive order including records maintained by the dealers and also I called Mike Shaheen in the Deputy Attorney General's office and told him that we had a problem concerning a confidential source of the Bureau who had been approached by representatives of the House Committee for interview concerning his confidential relationship with the Bureau. I told him of the possibility that the records could be protected by classification, but I asked him if the Department would be willing to address the matter with the Chairman of the

House Committee on the basis that the Committee staff is interfering with our confidential sources by interviewing them personally. Shaheen said that we have such an agreement with the Senate, but no agreement with the House Committee, but that he felt that this matter should be presented to the Attorney General formally and that the Attorney General would probably address the matter to the Chairman of the Committee.

Memorandum to Mr. Adams
Re: HOUSTUDY 75

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Grover Stevens

JFK Act 6 (4)

Speights McMichael
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Ivan Conrad

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ENCLOSURE

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UNITED STATES GOVERNMENT

Memorandum

TO : Mr. J. B. Adams

DATE: 10/7/75

FROM : Legal Counsel

SUBJECT: HOUSTUDY - 75

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 _____

Steven Blackhurst, Assistant Special Counsel for Intelligence Coordination in the Department, telephonically advised SA Paul V. Daly of this Division that he had received an oral request from Richard Vermeire of the House Select Committee that Unit Chief James C. Kraus be made available for public testimony before the House Select Committee, Thursday, 10/9/75, the exact time was not specified. Vermeire stated the topic of the hearings would be the Bureau's investigation of Interception of Communications violations.

It was pointed out to Blackhurst that Kraus was a Unit Chief in the General Investigative Division and the Bureau traditionally, as have other Government agencies, used personnel in a policy-making position for purposes of testimony before Congressional Committees. It was explained to Blackhurst where in the Bureau's organization a Unit Chief would rank, and Blackhurst indicated he was not aware of what the rank Unit Chief conveyed.

It was also pointed out that this was the same issue that had been presented in the dispute between the State Department and this Committee concerning who would be appropriate to testify concerning particular matters and to our knowledge this dispute had not been resolved. Blackhurst indicated he would communicate to the White House the request of the House Committee and point out the fact the fact the Committee was calling witnesses to testify on investigative policy who were not in a policy-making position. He also stated he would convey this same problem to the Attorney General through Special Assistant to the Attorney General, Doug Marvin. Blackhurst agreed that the procedure concerning the designation by the Committee of witnesses is not acceptable and that he would recommend that the Department and the White House resist as much as possible this request.

- 1 - Mr. Adams
- 1 - Mr. Moore
- 1 - Mr. Wannall
- 1 - Mr. Mintz
- 1 - Mr. Gallagher

- 1 - Mr. Cregar
- 1 - Mr. Hotis
- 1 - Mr. Daly
- 1 - Personnel File of SA James C. Kraus

PVD:kjs (11)

CONTINUED - OVER
SEE ADDENDUM PAGE 3

84 OCT 8 1975

NW 55298-1 DocId:32989684

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

Page 158

In view of the possibility that our protests may not be successful and Unit Chief Kraus may ultimately have to testify, it is believed advantageous to waive the employment agreement of SA Kraus and the Code of Federal Regulations provisions for purposes of testimony at this time.

1) That the employment agreement and Code of Federal Regulations provisions be waived for purposes of testimony by SA Kraus concerning the Bureau's investigation of Interception of Communications matters.

[Handwritten signatures and initials]

Legal Counsel to Mr. Adams
RE: HOUSTUDY

ADDENDUM BY LEGAL COUNSEL 10/7/75 PVD:kjs

Subsequently, Blackhurst advised he had talked to a White House representative concerning the aforementioned matter and the White House indicated it was up to the Department of Justice to set policy in this regard. They stated they had similarly referred the matter in dispute between the State Department and the Committee to State Department to resolve. Blackhurst requested a letter be written immediately to the Attorney General setting forth the Bureau's observations concerning this request. A letter is separately being sent to the Attorney General.

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. J. B. Adams

FROM : Legal Counsel

SUBJECT: HOUSTUDY '75

1 - Mr. Mintz
1 - Mr. Adams
1 - Mr. Gallagher
1 - Mr. Wannall

DATE: 10/8/75

1 - Mr. Cregar
1 - Mr. Hotis
1 - Mr. Daly

Assoc. Dir. _____
Dep. Asst. Dir. _____
Dep. Asst. Dir. _____
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 _____

By memorandum dated 10/7/75, you were advised that we have been requested by the House Select Committee to make available Unit Chief James C. Kraus for testimony concerning Interception of Communications violations before that Committee on 10/9/75. We also advised that we were preparing a letter to the Attorney General expressing this Bureau's position that it was not appropriate or desirable for a Unit Chief to testify concerning the Bureau's investigative matters and we would rather designate another appropriate Bureau official for purposes of this testimony. The letter was prepared and delivered to the Department on 10/7/75.

At his request, Assistant Director John A. Mintz and Executive Assistant to the Deputy Associate Director Paul Mack and John Pringle of the General Investigative Division met with Deputy Attorney General Harold Tyler. Also present from the Department at the meeting were Michael E. Shaheen, Jr., Special Counsel for Intelligence Coordination, and his Assistant, Steven Blackhurst. The Deputy expressed concern that if the Bureau or Department were to resist the request of the House Select Committee, as was requested in our letter of 10/7/75, that the Committee might escalate this resistance into a matter requiring litigation. He pointed out that the State Department in their refusal to make certain employees available before that Committee appears to be entered into a situation which will lead to litigation. As a counterproposal, Assistant Director Mintz suggested that it would be appropriate for the Bureau to attempt through contact with Staff Members of the House Select Committee to arrange for a substitute witness and in the alternative arrange to have another Bureau official accompany Unit Chief Kraus to the hearing. Tyler agreed with this suggestion.

EX-115

REC-6

CONTINUED - OVER

62-118404-122
OCT 23 1975

PVD:lad
(9)

11/2/75

84 28 1975

NW 55292 DocId:32989689 Page 161

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

Legal Counsel to Mr. Adams
RE: HOUSTUDY

Pursuant to the aforementioned suggestion, SA Paul V. Daly of this Division discussed this matter with Richard Vermeire of captioned Committee. Vermeire indicated that he could not make a decision in this matter and referred SA Daly to A. Searle Field, Staff Director for the House Select Committee. Field, after conferring with Chairman Otis Pike, advised SA Daly that it was not acceptable for the Bureau to substitute a witness for purposes of the testimony. He stated, however, the Committee had no objection to the Bureau sending along another Bureau official with Unit Chief Kraus. Field stated the hearing will be held at 10 a.m., 10/9/75, in Room 2118, Rayburn Building, and that Kraus would be a "peripheral witness." By this Field explained that the main witnesses would be Michael J. Hershman, Chief Investigator of the National Wiretap Commission, former U.S. Attorney in Houston, Texas, Anthony J. P. Farris, a manufacturer of electronic surveillance devices and an individual who had done wiretapping. He indicated that Kraus would be asked very few questions and that the possibility existed that he might not be asked any questions and this is what he meant by "peripheral witness." It was explained to Field that there might be some questions which Kraus could not respond to because they involved ongoing Bureau investigations or other policy considerations and Field concurred Kraus should merely so state if such a question is asked.

The aforementioned decision of the House Select Committee was explained to Special Counsel for Intelligence Coordination Shaheen and he was asked if the Department was willing to have someone accompany Kraus to this particular hearing. He stated no. It was pointed out that there is a possibility we might get questions concerning current investigations or other areas in which the Bureau cannot respond. Shaheen indicated that if there is a question such as the Houston Wiretapping matter which is being reviewed by the Department, this Bureau should refuse to respond stating that this matter is currently under review by the Department and likewise if the question should pertain to an ongoing investigation, refuse to respond on that basis.

RECOMMENDATION:

For information.

[Handwritten signatures and initials follow: a large 'H', 'JEA', 'Pun', 'JEA', 'POD', and another signature.]

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. J. B. Adams *JBA*

FROM : Legal Counsel

SUBJECT: HOUSTUDY - '75

1 - Mr. Mintz
1 - Mr. Wannall
1 - Mr. Cregar

DATE: 10/15/75

1 - Mr. Hotis
1 - Mr. Daly

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

The Congressional Record of 9/17/75 contained comments made by Chairman of captioned Committee, Otis Pike, stating that a notebook bearing a classification stamp had been left unattended in a Congressional office. His comments indicated that Roderick Hills, Assistant Counsel to the President, was the individual responsible for leaving the notebook. Pike indicated he would assist the FBI in investigating the matter. News accounts quoted Hills as stating the notebook did not contain classified material.

In view of Chairman Pike's apparent expectation that the FBI would conduct an investigation concerning the aforementioned matter, SA Paul V. Daly of this Division at the request of Executive Assistant to the Deputy Associate Director, Paul Mack, discussed this matter with Steven Blackhurst, Assistant Special Counsel for Intelligence Coordination in the Department, to determine whether the Department desired an investigation be conducted concerning this matter. Blackhurst advised that no investigation should be conducted.

RECOMMENDATION:

For information.

WRH/PL

REC-6

EX-115

21 OCT 23 1975

PVD:lad
(7)



84 OCT 28 1975

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

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. W.R. Wannall

FROM : J.G. Deegan *JCD*

SUBJECT: HOUSTUDY '75

1 - Mr. R.J. Gallagher

1 - Mr. Mintz (Daly)

DATE: 10/6/75

1 - Mr. Wannall

1 - Mr. Cregar

1 - Mr. Deegan

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

On 10/2/75 SA Paul Daly brought to the Division (Intelligence) Conference Room Richard Vermiere, Timothy Oliphant and Ellen Miller, Staff Members of captioned Committee, for conferences with members of the IS-1 Section, Intelligence Division, concerning the work handled by that Section.

At approximately 10:20 a.m., an overall briefing was given to the Committee Staff Members by Section Chief Joseph G. Deegan. This overall briefing concerning the work handled by the Section; namely, black extremist activity, white hate activity and extremist activity in the American Indian Movement (AIM), was followed by more detailed briefings by individual Supervisors in the Section. The detailed briefing included the basis for our investigation of certain organizations and individuals, as well as the present activities of the organizations and individuals justifying the investigation and an estimate of the membership strengths of the various organizations.

EX-115

REC-6

SA G.T. Tunstall spoke on the Black Panther Party (BPP)-Newton Faction; SA V.R. Thornton spoke concerning the Cleaver Faction of the BPP and the Black Liberation Army, as well as certain aspects of Urban Guerrilla Warfare; SA R.W. Held spoke on extremist activity in the AIM; SA J.D. Powell spoke on the Republic of New Africa and the Nation of Islam; SA P.E. Nugent spoke concerning the Symbionese Liberation Army and the SCLC; SA S. Klein spoke on the Klan and white hate activity. These briefings lasted from 10:20 a.m. until 5 p.m. with appropriate break for lunch.

62-116464

JGD:tdp (6)

CONTINUED - OVER

21 OCT 23 1975

FIVE

Memorandum to Mr. W.R. Wannall
RE: HOUSTUDY '75
62-116464

The briefings went rather smoothly and the only area of extensive questioning by the Staff Members was the area of extremist activity in the AIM. The Staff Members requested to be advised concerning allegations of harassment by SAs of the FBI in connection with investigations on the Pine Ridge Reservation prior to the killing of two SAs. The Staff Members were advised that allegations of harassment were received by the FBI and were looked into and it was determined that they were unfounded and, further, that the Agents on Pine Ridge Reservation, including the Agents who were killed, were performing their official duties in conducting investigations concerning criminal activities and persons connected with fugitive matters. When asked for specific details concerning these allegations of harassment and the Bureau's answer on each one, the Staff Members were advised that they should make a request in writing. They advised that they would do this.

In addition to the above, they asked specific questions concerning informants, including how many informants were presently in the Republic of New Africa. The Staff Members were advised that informants were not a matter to be discussed in this briefing and that if they desired additional information concerning informants, they should also make a request in writing.

ACTION:

For your information.

W.R. Wannall
me
G/rev
Just
BRE
JBR
PCW

- 2 -

1 - Mr. Kolombatovic 1 - Mr. Redfield 1 - Mr. Deegan 1 - Mr.
 (Attn: Moore) (Attn: Dare) (Attn: Held) Cregar
 1 - Mr. Mignosa 1 - Mr.
 (Attn: Hampton) McNiff
 1 - Mr. J. B. Adams
 2 - Mr. J. A. Mintz

The Attorney General

Director, FBI

U. S. HOUSE SELECT COMMITTEE
 ON INTELLIGENCE ACTIVITIES (HSC)

September 22, 1975
 (1 - Mr. J. B. Hotis)
 1 - Mr. E. W. Walsh
 (Route through for review)
 1 - Mr. W. R. Wannall
 1 - Mr. A. B. Fulton
 (Attn: Burns, Ryan)
 1 - Mr. R. L. Shackelford
 (Attn: Mendenhall)

Reference is made to Department letters to the HSC dated August 21, 1975, and September 3, 1975, copies of which were provided this Bureau.

In accordance with contents of referenced Department letter of September 3, 1975, there is enclosed for approval and forwarding to the HSC the original of a memorandum which constitutes this Bureau's response to HSC inquiries made of FBI Assistant Director Eugene W. Walsh at a hearing held August 7, 1975, before the House Select Committee on Intelligence dealing with the subject matter "Budget Inquiry on Intelligence Activities."

With regard to certain specific questions asked during the course of the above hearing, the following is being called to your attention.

Page 1239 of the transcript testimony indicates that Representative Morgan F. Murphy inquired of Assistant Director Walsh as to the amount of money spent last year by the FBI on electronic surveillance. Pursuant to instructions received September 4, 1975, by Section Chief William O. Cregar of this Bureau from Michael E. Shaheen, Jr., Special Counsel for Intelligence Coordination, Department of Justice, this Bureau is holding in abeyance a reply to the above inquiry pending receipt of instructions from the Department as to the manner and scope of replies to be made by this Bureau in the sensitive area of electronic surveillance.

EX-115 REC-6 62-116461-119
 OCT 23 1975

Page 1276 of the transcript testimony indicates that Representative Robert McClory requested that a copy of the report of the Interagency Committee on Intelligence of 1970 be made available to the HSC. As this report is in the possession of the Department and as the request appears to be directed at and was answered by Mr. Glen Pommerening, Assistant Attorney General for Administration, Department of Justice, no action is being taken by this Bureau in connection with this request.

Assoc. Dir. _____
 Dep. AD Adm. _____
 Dep. AD Inv. _____
 Asst. Dir.: _____
 Admin. _____
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 Ext. Affairs _____
 Files & Com. _____
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 Plan. & Eval. _____
 Spec. Inv. _____
 Training _____
 Legal Coun. _____
 Telephone Rm. _____

TJM:mjg/met met jrl
 (17)

MAIL ROOM ☐ TELETYPE UNIT ☐

The Attorney General

Page 1235 of the transcript testimony contains an inquiry concerning FBI participation in surreptitious entry operations. Pursuant to Department instructions received September 4, 1975, supra, this Bureau is holding in abeyance a reply to the above question pending receipt of instructions from the Department as to the manner and scope of replies being made to the HSC in this sensitive area.

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

Enclosures (2)

62-116464

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

62-116464

1 - Mr. Deegan
(Attn: Held)
1 - Mr. Cregar
1 - Mr. McNiff
1 - Mr. J. B. Adams
2 - Mr. J. A. Mintz
(1 - Mr. J. B. Hotis)
1 - Mr. E. W. Walsh
(Route through for review)

September 22, 1975

1 - Mr. W. R. Wannall
1 - Mr. A. B. Fulton
(Attn: Burns, Ryan)

U. S. HOUSE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES (HSC) 1 - Mr. R. L.

Shackelford

RE: REQUESTS FOR INFORMATION MADE BY (Attn: Mendenhall)
MEMBERS OF HSC AT HEARING HELD AUGUST 7, 1975,
REGARDING "BUDGET INQUIRY ON INTELLIGENCE
ACTIVITIES"

On August 7, 1975, Assistant FBI Director Eugene W. Walsh appeared before a hearing of the HSC dealing with the subject matter "Budget Inquiry on Intelligence Activities." During the course of the hearing, members of the Committee made specific inquiries into the operations of this Bureau, which inquiries, it was stated by the HSC Chairman, "ran some distance" from budgetary matters. Set forth below are Bureau responses which have been cleared with the Department of Justice and which are believed to be responsive to applicable inquiries made of Mr. Walsh on the above occasion. These inquiries were extracted from a review of the transcript of the above hearing.

Pages 1278 to 1286 of the transcript testimony contain a series of questions concerning Bureau operations posed by Representative Ronald V. Dellums. Responses to these inquiries are set forth below.

Page 1279 contains a series of questions concerning the Security Index. Information responsive to these inquiries has been incorporated into a memorandum prepared by this Bureau and directed to the HSC under the date of September 12, 1975, in response to an HSC inquiry dated August 27, 1975, concerning the operation of the ADEX.

Pages 1279 and 1280 of the transcript testimony contain a series of questions relating to "INLET" as follows:

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 _____

TJM:mjg/pjs *pjs*
(16)

SEE NOTE PAGE SEVEN *[Signature]*

MAIL ROOM ☐ TELETYPE UNIT ☐

ENCLOSURE

U. S. House Select Committee
on Intelligence Activities (HSC)

Re: Requests for Information Made by Members
of HSC at Hearing Held August 7, 1970,
Regarding "Budget Inquiry on Intelligence Activities"

a. Who authorized INLET? The FBI intelligence letter for the President (known as: INLET) was instituted in November, 1950, pursuant to then FBI Director J. Edgar Hoover's instructions to keep the President fully informed of significant intelligence developments within the purview of this Bureau's security responsibilities. Dissemination was restricted to the President and the Attorney General.

b. Is INLET still in operation? No. The last INLET was issued during August, 1970. Changes in this Bureau's communications capability including the ability to afford immediate teletype dissemination of intelligence data to the White House rendered the intelligence letter as such obsolete by 1970. Items submitted by field offices designating INLET were disseminated in other ways. By late 1972, it was concluded that the use of the designation INLET was no longer necessary and in December, 1972, the last vestige of the INLET program was discontinued and the field offices so advised. The field offices were also advised, however, that they had a continuing responsibility to be alert for high level intelligence data of the type formerly specified under the INLET program.

c. Did it include political intelligence? No. Instructions regarding INLET referred to information developed through ongoing investigative operations and which were within the purview of this Bureau's security responsibilities. This Bureau's instructions, when instituting this program, indicated that "mere rumors or nebulous information will have no place in this letter."

d. Has the FBI ever gathered political intelligence? No. The FBI has never as a policy collected political intelligence. Bureau investigations are strictly based on authority and jurisdiction as mandated by statute, Presidential Directives and instructions from the Attorney General. The end product of this Bureau's investigations may, in certain instances, contain information which might be defined as political intelligence by some. This information is, however, not the object of this Bureau's investigative interest. Moreover, the product of this Bureau's investigations is considered by Departmental regulations to be confidential in nature and its dissemination outside the Bureau is severely restricted by this Bureau's dissemination policy.

U. S. House Select Committee
on Intelligence Activities (HSC)

Re: Requests for Information Made by Members
of HSC at Hearing Held August 7, 1975,
Regarding "Budget Inquiry on Intelligence Activities"

Page 1232 of the transcript testimony contains a series of questions relating to this Bureau's use and handling of informants. Materials and documents responsive to inquiries relating to this matter have previously been furnished the HSC by memoranda dated August 7, 1975, August 13, 1975, September 5, 1975, and September 10, 1975, all prepared in response to written HSC inquiries dealing with informant matters.

Pages 1234-1236 contain a series of questions relating to COINTELPRO. Extensive information concerning this Bureau's participation in COINTELPRO was made available by this Bureau to HSC representatives on August 20, 1975, and September 12, 1975.

Page 1234 of the transcript testimony contains the question "What is the FBI's role in CONAREC program, code word 'Garden Plot'?" FBI Headquarters indices do not contain any references to the term CONAREC. These indices do, however, contain several references to "Garden Plot." These references are news releases indicating that in 1970, the Department of Justice disclosed that the Federal Government had developed as early as mid-1967, a plan under the code name "Garden Plot" which called for the use of Federal troops to quell civil disturbances.

Page 1234 of the transcript testimony contains the question as to whether the FBI operates in Canada in any role beyond liaison. The policy of the FBI is and all investigative personnel are so advised that the FBI does not operate in Canada in any role beyond liaison.

Pages 1234 and 1236 of the transcript testimony contain questions concerning any relationship that does or may have existed between the FBI, the International Telephone and Telegraph Company (ITT) and the telephone company. In answer to specific

U. S. House Select Committee
on Intelligence Activities (HSC)

Re: Requests for Information Made by Members
of HSC at Hearing Held August 7, 1975,
Regarding "Budget Inquiry on Intelligence Activities"

questions, there is no information in FBI Headquarters files indicating this Bureau has ever provided confidential information to ITT. The FBI has a normal customer relationship with both the telephone company and ITT. ITT has been consulted from time to time concerning business services and systems which have been of interest to the FBI. This has been especially true in the communications field as the FBI operates its own extensive radio and teletype systems. Additionally, the telephone company provides leased lines for use in technical surveillances all of which are authorized by the Attorney General. FBI personnel install and connect these technical surveillances to the leased lines. Telephone company personnel are not involved in the installation of such surveillances. The telephone company also furnishes toll call records upon authorized requests in connection with ongoing FBI investigations.

Page 1235 of the transcript testimony contains a question as to whether the FBI has ever attempted surreptitiously to monitor the defense efforts of a Federal defendant. No. The FBI Manual of Instructions, Section 107 F 12, a copy of which has been made available to the HSC, contains specific instructions regarding the procedure to be followed in situations where efforts are made by defense interests to involve our informants in a defendant's defense preparations. These instructions are designed to prevent any legitimate claim that this Bureau has invaded the defense camp.

Page 1235 of the transcript testimony contains a question as to whether the FBI, a Bureau Agent or a Bureau informant ever authorized, directed, suggested or participated in an assassination or an assassination attempt. There is no reasonably retrievable manner available to this Bureau short of a manual search of all existing Bureau files to reply absolutely to the above question. It is pointed out, however, that Bureau involvement in any such action would be entirely contradictory to the long-established and recognized code of conduct for Bureau

U. S. House Select Committee
on Intelligence Activities (HSC)

Re: Requests for Information Made by Members
of HSC at Hearing Held August 7, 1975,
Regarding "Budget Inquiry on Intelligence Activities"

employees. A check with knowledgeable Bureau personnel concerning this matter failed to uncover any incident substantiating the participation of the FBI, Bureau personnel or informant acting under the direction of the Bureau as having engaged in such activities.

Page 1285 of the transcript testimony contains an inquiry as to whether the FBI ever sought or obtained illegal access to bank records. Again, an absolute reply to this inquiry would require a manual search of every file maintained by the FBI. To the best recollection of Bureau individuals in a position to be cognizant of such matters, the FBI has never sought or obtained illegal access to bank records. Requests for such records have been fulfilled through requests made of authorized bank officials or by the use of a subpoena duces tecum.

Page 1285 of the transcript testimony contains a question concerning the FBI and its possible use of mail covers. The FBI, on a selective basis during official investigations, utilizes mail covers in accordance with procedures set out in the Postal Manual, Part 361. Mail cover requests are directed to the appropriate Regional Postal Inspector in Charge in criminal and fugitive situations and to the Chief Postal Inspector in national security matters. Final decision as to whether a mail cover is effected lies with the appropriate postal official.

Page 1285 contains an inquiry as to whether there is any FBI program against the American Indian Movement. No FBI program has been directed against the American Indian Movement. The FBI has conducted investigations based on information indicating that the American Indian Movement or individuals associated with that organization have engaged in activities which could involve a violation of Title 18, U. S. Code, Section 2383 (Rebellion or

U. S. House Select Committee
on Intelligence Activities (HSC)

Re: Requests for Information Made by Members
of HSC at Hearing Held August 7, 1975,
Regarding "Budget Inquiry on Intelligence Activities"

Insurrection), Section 2384 (Seditious Conspiracy) or other Federal statutes. Investigation has also been conducted at the specific request of the Department of Justice. For example, by letter dated November 21, 1972, Deputy Attorney General Ralph E. Erickson requested that this Bureau intensify its efforts in identifying violence prone individuals or organizations within the American Indian movement who may be planning future violent demonstrations or criminal activities; by letter dated April 26, 1973, Assistant Attorney General Henry E. Petersen requested "reports of significant incidents involving Indians that might suggest the development of any future militant confrontation between Indians and the Government"; and by letter dated April 22, 1974, Assistant Attorney General Petersen reiterated the aforementioned instructions of November 21, 1972.

Page 1286 of the transcript testimony contains a series of questions relating to the Law Enforcement Intelligence Unit.

The Law Enforcement Intelligence Unit (LEIU) was originally established in 1956, and maintains its national clearinghouse at the California Department of Justice's Bureau of Identification and Investigation (CII), Sacramento, California. For administrative purposes LEIU has divided the country into four zones: northwest, southwest, east, and central, and membership is open to regular law enforcement organizations therein, including city police departments, sheriffs' offices, and other agencies. There is no fee for membership, but each agency joining is required to maintain an "intelligence unit," even if it consists of only one person.

U. S. House Select Committee
on Intelligence Activities (HSC)

Re: Requests for Information Made by Members
of HSC at Hearing Held August 7, 1975,
Regarding "Budget Inquiry on Intelligence Activities"

The information exchanged by LEIU pertains to hoodlums, mobsters, and organized crime in general, with particular reference to those criminals who move about from one jurisdiction to another or whose operations extend beyond the jurisdiction of any one agency.

The FBI has not accepted membership or formal participation in the activities of LEIU, but this Bureau has, when invited, sent representatives to attend meetings as observers.

In an article dated May 14, 1975, from the Los Angeles Times, Associated Press Wire Service, it was set forth that LEIU has its headquarters in Long Beach, California, and operates a computerized information bank known as the Interstate Organized Crime Index. That index, based in the California Department of Justice, has received \$1,338,486 from the Federal Law Enforcement Assistance Administration. About 230 police agencies in the United States and Canada belong to the LEIU.

Page 1291 of the transcript testimony contains a question from Representative Les Aspin as to the legal authority for the FBI "to get involved in things like internal security and counterespionage." Material responsive to this question setting forth the legal authority for FBI investigations has been previously furnished the HSC as an enclosure to Bureau memorandum dated September 4, 1975.

1 - The Attorney General

**U. S. House Select Committee
on Intelligence Activities (HSC)**

**Re: Requests for Information Made by Members
of HSC at Hearing Held August 7, 1975,
Regarding "Budget Inquiry on Intelligence Activities"**

NOTE:

During the course of the hearing, the HSC Chairman stated that questions presented during the hearing would, at a later date, be furnished the Bureau in writing. By referenced letter 8/21/75, the Department reminded the HSC of the Chairman's statement and advised that pending receipt of the written questions, no replies were being formulated. In response to a letter from the HSC protesting this action, the Department, by letter 9/3/75, advised that replies would be prepared to the above questions based on the transcript testimony but requested that all future inquiries be directed to the Department in writing.

Material responsive to HSC inquiry concerning INLKT, surreptitious monitoring of defense efforts and mail covers was prepared by SA Thomas E. Burns; material relating to CONARC and "Garden Plot" was prepared by SA Keith Mendenhall; material relating to liaison activity in Canada was prepared by SA Robert L. Moore; material relating to ITT and the telephone company was prepared by SA Robert D. Hampton; material relating to American Indian Movement was prepared by SA Richard W. Held and material relating to assassinations, bank records and "law enforcement intelligence unit" was prepared by SA Howard W. Dore.

SECRET

- 8 -

5-140 (Rev. 1-21-74) FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D. C. 20535

Addressee: House Select Committee

☐ LTR ☒ LHM ☐ Memo ☐ Report dated 9/22/75

Caption of Document Requests for info made by members
of HSC at hearing held 8/7/75 re "Budget
Inquiry on Intelligence Activities"

Originating Office: FBI ²³⁰

Delivered by: Richard G. Taylor

Date: 9/29/75

Received by: D. Gittin

Title: Secretary

Return this receipt to the Intelligence Division, FBI

62 116404-119
ENCLOSURE

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.)

2. DATE PROVIDED

<input checked="" type="checkbox"/> DOCUMENT	<input type="checkbox"/> BRIEFING	<input type="checkbox"/> INTERVIEW	<input type="checkbox"/> TESTIMONY	<input type="checkbox"/> OTHER
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9/22/75

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

<input type="checkbox"/>	SSC
<input checked="" type="checkbox"/>	HSC

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

Memorandum

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

HSC hearing 8/7/75

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)

Budget and manpower data
Operating procedures
Intelligence handling

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

At a hearing held with HSC specific inquiries into the operations of this Bureau: "inlet"; handling of informants; COMINTPRO; COMINTC or "Garden Plot"; FBI operations in Canada; FBI's relationship with ITT; has FBI ever attempted surreptitiously to monitor the defense efforts of a Federal defendant; has FBI or FBI informant ever authorized, directed, suggested or participated in an assassination or assassination attempt; FBI was sought or obtained illegal access to bank records; mail covers; American Indian Movement; Law Enforcement Intelligence Unit.

62-116464

FMK:fmk

(4)

TREAT AS YELLOW

5-WOC/8

ORIGINAL VIA LIAISON TO CENTRAL COMMUNITY INDEX
IN CONNECTION WITH HOUSTUDY

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. J. B. Adams
 2 - Mr. J. A. Mintz
 (1 - Mr. J. B. Hotis)
 1 - Mr. W. R. Wannall
 September 15, 1975

The Attorney General

Director, FBI

1 - Mr. W. O. Cregar
 1 - Mr. T. J. McNiff

U. S. HOUSE SELECT COMMITTEE
 ON INTELLIGENCE ACTIVITIES (HSC)

Enclosed for your approval and forwarding to the HSC is the original of a memorandum constituting this Bureau's responses to requests contained in HSC letter of August 19, 1975, which was forwarded to this Bureau by Department memorandum of the same date captioned "House Select Committee Request." A copy of the Bureau memorandum is being furnished for your records.

With regard to request number 1 contained in HSC letter of August 19, 1975, and in accordance with instructions of Mr. Steven Blackhurst, Deputy Special Counsel for Intelligence Coordination, Department of Justice, on August 21, 1975, to FBI Special Agent Paul V. Daly, this Bureau is making available for review to HSC Staff Members at FBI Headquarters only that material which had been furnished to the Senate Select Committee (SSC) on or prior to July 22, 1975.

In accordance with specific instructions contained in above-mentioned Department memorandum of August 19, 1975, this Bureau is not responding to request number 5 as set forth in HSC letter of August 19, 1975. In addition, this Bureau has not prepared a response to request number 2 in HSC letter of August 19, 1975, as this request appears to be directed to the Department in that it requests opinions of the General Counsel.

Enclosures (2)

62-116464

EX-115 REC-6

OCT 23 1975

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

Assoc. Dir. _____
 Dep. AD Adm. _____
 Dep. AD Inv. _____
 Asst. Dir.: _____
 Admin. _____
 Comp. Syst. _____
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 Spec. Inv. _____
 Training _____
 Legal Coun. _____
 Telephone Rm. _____
 Director Sec'y _____

TJM:mjg
 (10)

MAIL ROOM ☐ TELETYPE UNIT ☐

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

62-116464

September 15, 1975

1 - Mr. T. J. McNiff

**U. S. HOUSE SELECT COMMITTEE
 ON INTELLIGENCE ACTIVITIES (HSC)**

**RE: REQUESTS FOR INFORMATION CONCERNING
 MATERIALS FURNISHED SENATE SELECT COMMITTEE (SSC)
 AND THE GENERAL ACCOUNTING OFFICE (GAO) AS WELL AS
 CERTAIN INFORMATION CONCERNING FBI INTERNAL
 ORGANIZATION, INFORMANT PROGRAM AND CONFIDENTIAL FUNDS**

Reference is made to HSC letter dated August 19, 1975, requesting certain documents and information relating to specific operations of this Bureau. Set forth below by request number are replies to requests contained in referenced communication which are directed to this Bureau.

Request number 1 refers to HSC request of July 22, 1975, wherein this Bureau was requested to furnish to the HSC copies of all documents and materials provided to the SSC. Pursuant to an agreement reached August 19, 1975, at a conference between representatives of the HSC, Department of Justice and the FBI, this Bureau is making available for review to HSC Staff Members at FBI Headquarters as requested in HSC letter of July 22, 1975, a copy of material furnished to SSC by this Bureau. Material so designated by reviewing HSC Staff Members has been and will continue to be processed for delivery to the HSC.

Request number 2 represents a request made of the Department of Justice.

Request number 3 requests of this Bureau certain information relating to the internal organization of this Bureau as well as information relating to the Bureau's informant program and confidential funds. Material responsive to this request has previously been furnished the HSC by Bureau memoranda dated August 7, 1975, and August 14, 1975.

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

ORIGINAL AND ONE COPY TO AG

TJM:mjg
 (9)

SEE NOTE PAGE TWO

ENCLOSURE

MAIL ROOM ☐

TELETYPE UNIT ☐

GPO 571-546

U. S. House Select Committee
on Intelligence Activities (HSC)

Re: Requests for Information Concerning Materials Furnished
Sent to Select Committee (SSC) and the General Accounting
Office (GAO) as well as Certain Information Concerning FBI
Internal Organization, Informant Program and Confidential Funds

Request number 4 refers to HSC request of July 30, 1975, wherein this Bureau was requested to make available for access to HSC Staff Members all FBI budgetary information previously furnished to the General Accounting Office pursuant to the latter's investigation for the House Judiciary Committee. By Bureau memorandum dated August 27, 1975, you were advised that material responsive to this request is available for review by HSC Staff Members at FBI Headquarters.

Request number 5 represents a request made of the Department of Justice.

1 - The Attorney General

NOTE:

Department instruction furnished by Mr. Blackhurst to SA Daly is contained in memorandum from Legal Counsel Division to Mr. J. B. Adams dated 8/22/75, captioned "Houstudy."

5-140 (Rev. 1-21-74) FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D. C. 20535

Addressed: *ema HOUSE R77*
~~Senate~~ Select Committee

☐ LTR ☒ LHM ☐ Memo ☐ Report dated 9-16-75

Caption of Document: **REQUEST FOR ALL INFORMATION
PREVIOUSLY MADE AVAILABLE BY THE FBI TO THE
SENATE SELECT COMMITTEE (SSC).**

Originating Office: FBI

Delivered by: *SAs Richard J. Taylor* Date: *2:45 PM*
9/18/75

Received by: *Caulyn M. Andrew*

Title: _____

Return this receipt to the Intelligence Division, FBI

62-116410-118
ENCLOSURE

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.)

2. DATE PROVIDED

☒ DOCUMENT ☐ BRIEFING ☐ INTERVIEW ☐ TESTIMONY ☐ OTHER

9/15/75

FOR REVIEW

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

	SSC
<input checked="" type="checkbox"/>	HSC

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

Memorandum

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

HSC letter 8/19/75

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)

**Budget and manpower
Organization and staffing**

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

Made available for review by appropriate HSC Staff Members a copy of material previously furnished to SSC: internal organization, informant program, confidential funds and FBI Budgetary information previously furnished General Accounting Office.

62-116464

FMK:fmk

(4)

**ORIGINAL VIA LIAISON TO CENTRAL COMMUNITY INDEX
IN CONNECTION WITH HOUSTUDY**

TREAT AS YELLOW

51 Doc 18

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.

The Attorney General

October 19, 1975

Director, FBI

**UNITED STATES HOUSE SELECT
COMMITTEE ON INTELLIGENCE
ACTIVITIES**

1 - Mr. Adams
1 - Mr. Moore
1 - Mr. Wannall
1 - Mr. Cregar
1 - Mr. Hotis
1 - Mr. Daly
1 - Mr. Mintz

My memorandum to you dated October 7, 1975, captioned as above, advised that the House Select Committee requested Unit Chief James C. Kraus to appear for public testimony on October 9, 1975, concerning the Bureau's investigation of violations of the interception of communications statutes.

My memorandum explained that SA Kraus, as a Unit Chief, is not in a policymaking position in the FBI. We felt that it would be more appropriate for the Attorney General or the Director to designate a Bureau official to appear before the Committee in order to respond to their questions in public testimony. During a conference with Deputy Attorney General Tyler on the morning of October 8, 1975, the Deputy Attorney General approved of a procedure whereby the Committee would be contacted and requested to permit the designation of an alternate witness. If the Committee declined to accept that proposal, the Deputy Attorney General approved of a proposal that the Committee would be requested to permit a Bureau official to accompany Mr. Kraus and to be available to respond to questions concerning matters beyond the scope of the responsibilities of Mr. Kraus' unit.

In this regard, Richard Vermeire of the Committee was promptly contacted and requested to agree to the substitution of an alternate witness for Mr. Kraus. Mr. Vermeire advised that he could not make such a decision and referred the matter to General Counsel A. Searle Field, who also responded that he could not make such a decision and referred the matter to Chairman Pike. We were then advised that the Committee would not accept a substitute and that it would be necessary for Mr. Kraus to appear as a witness.

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

JAM:mfd

OCT 29 1975

MAIL ROOM ☐

TELETYPE UNIT ☐

REC 17

OCT 21 1975

XEROX

JFH

OCT 21 1975

GPO 554-546

The Attorney General

Accordingly, on the morning of October 9, 1975, Mr. Kraus appeared before the House Select Committee accompanied by Assistant Director Richard J. Gallagher, of the General Investigative Division, who supervises Mr. Kraus' work, and by Assistant Director - Legal Counsel John A. Mintz.

As the hearing proceeded, it became readily apparent that the objective of the hearing was to provide a forum for allegations made by former United States Attorney Anthony J. P. Farris; Michael J. Hershtman, former General Investigator for the National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance; Anthony V. Zavala, former officer of the Narcotics Division of the Houston Police Department; and Martin L. Kaiser, the sole owner of a corporation which specializes in the development and manufacture of electronic surveillance and counter-measure equipment. The point of their combined testimony was that the FBI was unwilling, as a matter of policy, to undertake appropriate investigation of violations of the wiretapping statutes. In addition, the Committee addressed inquiries to Mr. Kraus concerning administrative matters and FBI policy which, because of his position, he was not prepared to discuss.

Though Mr. Kraus offered an explanation to the Committee that he had been interviewed by Committee staff members and had advised the staff of the limits of his authority and knowledge concerning FBI activities, the Committee still had insisted upon his appearance as the FBI representative. Mr. Kraus suggested that other Bureau officials would be more appropriate witnesses to respond to the Committee's inquiries, however, the Committee declined to accept the offer of the availability of another Bureau official. It should be noted that two Assistant Directors were present with Mr. Kraus and available to respond to any inquiries the Committee might have addressed to them.

The result of the arrangement enforced by the Committee's insistence upon Mr. Kraus appearing as the witness was that the Committee received public testimony containing numerous allegations concerning the FBI, United States Attorneys, and the Department, but did not afford an

The Attorney General

opportunity for appropriate response. This imbalance was unfair to the witness and to the FBI. Therefore, as we indicated in our previous memorandum, we feel it is inappropriate for the House Select Committee to dictate the level of representation of the FBI before the Committee in public session.

We request that you consider this matter and seek an appropriate understanding with Chairman Pike that would permit the Committee's legitimate inquiries to be answered by those officials in a position to furnish complete and accurate statements of policy concerning broad administrative and operational matters. Further, we request that in future appearances before the House Select Committee you designate an appropriate Department official to attend and to be prepared to respond to such matters as must be deferred by an FBI witness to a representative of the Department.

1 - The Deputy Attorney General

Attn: Michael E. Shaheen, Jr.

Special Counsel for Intelligence Coordination

1 - Office of Legislative Affairs

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. J. B. Adams

FROM : Legal Counsel *[Signature]*

SUBJECT: U. S. HOUSE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES

- 1 - Mr. Mintz - Encls. (2)
- 1 - Mr. Adams - Encls. (2)
- 1 - Mr. Decker - Encls. (2)
(Attn: Mr. Neudorfer)
- DATE: 9/5/75
- 1 - Mr. Wannall - Encls. (2)
- 1 - Mr. Cregar - Encls. (2)
- 1 - Mr. Hotis - Encls. (2)
- 1 - Mr. Daly - Encls. (2)

Assoc. Dir. _____
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Spec. Inv. _____
Training _____
Telephone Rm. _____
Director Sec'y _____

Attached is a letter from the Director to the Attorney General enclosing a letterhead memorandum for delivery to the House Select Committee dated September 8, 1975. The attached furnishes information stating that we have arrangements to make income tax payments for sources in certain instances with the Internal Revenue Service (IRS). Since this communication serves to notify the House Select Committee that IRS might have information concerning Bureau informants, that Committee could well contact IRS and request such information which might identify informants.

The Legal Counsel Division contacted Steven Blackhurst, Deputy Special Counsel for Intelligence Coordination in the Department, to determine whether the information concerning the financial arrangements made with IRS be given the Committee and what the Department's position would be if the Committee wanted the IRS records concerning Bureau informant income tax payments. Blackhurst indicated that we should give the financial information; however, he asked that the IRS be expeditiously advised that should they receive a request concerning Bureau informant tax material they should refer such requests to the Bureau so that the Department might be appropriately apprised of such a request. Blackhurst indicated that the Department would resist any attempt by the Committee to obtain such material but wanted to be sure that he had ample advance notice of any attempt by the Committee to get such records.

Enclosures (2)

REC-4

ST. 109

OCT 17 1975

RECOMMENDATIONS - OVER

PVD:lad
(10)



84 OCT 22 1975

5010-108

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

Legal Counsel to Mr. Adams
RE: U. S. HOUSE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES

RECOMMENDATIONS:

(1) That the attached letter be approved and sent.

(2) That the Intelligence Division advise IRS to insure the Bureau is advised of any request by the House Select Committee relating to Bureau informant tax matters.

H.A. MCGUFFIN, IRS
ADVISED - MCGUFFIN
WILL ADVISE IF IRS
CONTACTED TO DISCLOSE
INFO RE THIS PROGRAM

10/7/75
PBR

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

The Attorney General

October 10, 1975

Director, FBI

- 1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. A. J. Duffin

U. S. HOUSE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES (HSC)

Reference is made to memorandum dated September 22, 1975, from Michael E. Shaheen, Jr., Special Counsel for Intelligence Coordination, Department of Justice, to Assistant Director John A. Mintz which transmitted an HSC request dated September 18, 1975, requesting access to all notes, memoranda, files and reports concerning Mr. Dick Wilson, Tribal Chairman of the Pine Ridge Indian Reservation.

Enclosed for your approval and forwarding to the HSC is the original of a memorandum advising that this material is available for review at FBI Headquarters as requested. A copy of the memorandum is being furnished for your records.

It appears that this request is outside the ambit of House Resolution 591 which established the HSC. The decision of whether or not to comply with this request is being deferred to you.

Enclosures (2)

EX-115

62-116464

REC-61

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

62-116464-115

3- ENCLOSURE

15 OCT 21 1975

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

AJD:mjg
(10)

"ENCLOSURE IN BULKY ROOM"

MAIL ROOM ☒ TELETYPE UNIT ☐

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

62-116464

October 10, 1975

U. S. HOUSE SELECT COMMITTEE
TO STUDY GOVERNMENTAL OPERATIONS
WITH RESPECT TO INTELLIGENCE ACTIVITIES (HSC)

RE: REQUEST FOR ACCESS TO MATERIALS
CONCERNING MR. DICK WILSON, TRIBAL
CHAIRMAN OF THE PINE RIDGE INDIAN
RESERVATION

Reference is made to HSC letter dated September 18, 1975, which requested access to all notes, memoranda, files and reports concerning Mr. Dick Wilson, Tribal Chairman of the Pine Ridge Indian Reservation.

This is to advise that the requested materials are available for review at FBI Headquarters, Room 4171, J. Edgar Hoover Building, Washington, D. C.

1 - The Attorney General

AJD:mjg/lhb/hb

(9)

ORIGINAL AND ONE COPY TO AG

NOTE:

Attached to the yellow of this memorandum is a Xerox copy of an indices search revealing all references of Wilson as contained in Bureau indices. Serials as set forth on this search slip are the material available for access with the exception of those references marked n. p., which were determined to be nonpertinent. Only those materials so noted required excisions and an unexcised version of these materials is being maintained by the Senstudy Project group.

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Admin. _____
Comp. Syst. _____
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Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

MAIL ROOM ☐

TELETYPE UNIT ☐

ENCLOSURE

GPO 254-546

4-22 (Rev. 1-28-75)

Federal Bureau of Investigation
Records Section

9/26

1975

☐ Name Searching Unit, 4543 JEH-FBI Bldg.
☐ Service Unit, 4654 JEH-FBI Bldg.
☒ Forward to File Review
☒ Attention BILL LEPPER 5121 JEH
☐ Return to MR. HINES
 Supervisor Room Ext.

Type of References Requested:

☐ Regular Request (Analytical Search)
☒ All References (Subversive & Nonsubversive)
☐ Subversive References Only
☐ Nonsubversive References Only
☐ Main _____ References Only

Type of Search Requested:

☐ Restricted to Locality of _____
☐ Exact Name Only (On the Nose)
☐ Buildup ☐ Variations

Subject ORLIN WAYNE WILSON ^{ALL} ^{AKAS}
 Birthdate & Place 7/29/34 PINE RIDGE S.D.
 Address TRIBAL CHAIRMAN OJALATA SIOUX
TRIBAL COUNCIL
 Localities MINN., S.D., INDIAN
 R# _____ Date 9/26/75 Searcher Initials KAR
 Prod. _____

FILE NUMBER	SERIAL
44-64479 I	
46-67126 I	
✓ 46-67126 I	
70-51157 I	
70-64651 I	
89-725 I	
ORLIN	
26-61839-1, 29, 31	
26-89482-4	
ORLIN RAY (AKA)	
26-89482-9	
OTHER BLS of Orlin Wayne Wilson not searched	
RICHARD ALLEN WILSON (AKA)	
LTL of S.D.	
46-49746 I	
✓ 46-49746 I	
RICHARD ALLEN WILSON	
70-62116 I	

Searched on _____
 Indexed on _____
 Filed on _____
 Initials _____

NUMEROUS REFERENCE

SEARCH SLIP

Subj:

ORLIN WAYNE WILSON

Supervisor

Hines/LEPPER

Room

51215H

R#

Date

9/26/75

Searcher

Initial

KAR

Prod.

FILE NUMBER

SERIAL

Richard	
26-172510	
26-160401	
44-56025	
44-56075	
44-56246	
44-56301	
44-56587	
44-56386	
44-59828	
✓ 70-58765	
70-58768	
70-58923	
70-58938	
70-59044	
✓ 70-59266	
70-54536	
70-64651	
70-63488	
70-64787	
87-90198 DOC 12/30/66	
44-0-24660	
" -24654	

NUMEROUS REFERENCE

SEARCH SLIP

Subj: ORLIN WAYNE Wilson p. 3
TAKESSupervisor Hines / Cooper Room 5121EHR# _____ Date 9/26 Searcher Initial KAR

Prod. _____

FILE NUMBERSERIAL

	<u>Richard</u>	
	<u>44-0-24745</u>	
	<u>" -24786</u>	
	<u>" -24806</u>	
	<u>" -24816</u>	
	<u>" -24855</u>	
	<u>" -24879</u>	
	<u>" -24906</u>	
	<u>" -25278</u>	
	<u>52-96893-76</u>	
	<u>62-115830-12</u>	
	<u>-17</u>	
	<u>-32</u>	
	<u>-36</u>	
	<u>70-0-3124</u>	
<u>N.P.</u>	<u>100-462483-312</u>	
<u>N.P.</u>	<u>-327</u>	
<u>N.P.</u>	<u>-695</u>	
<u>N.P.</u>	<u>-873 ep. 166</u>	
<u>N.P.</u>	<u>-2227</u>	
<u>N.P.</u>	<u>105-203686-326</u>	
<u>N.P.</u>	<u>-343</u>	
<u>N.P.</u>	<u>-423</u>	

NUMEROUS REFERENCE

SEARCH SLIP

Subj:

CLIN WAYNE Wilson

Supervisor

Hines/Leeper

Room

512/SH

R#

Date

9/26/75

Searched

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FILE NUMBER

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N.P.

157-29156-2

N.P.

157-33640-2

176-2262-143, p. 6, 7, 8,

P, Q, BB, CC,

00

176-2404-34

176-2564-5

(270 p. 40)

Richard E. (AKA)

WR

other Bds. of Richard

Alton Wilson not searched

R.E. Wilson not searched

Dick Wilson (AKA)

1-1152-43-962

70-58651-2

70-0-3122

59-3224-2

-351

-635, p. 4

-814, p. 4

-1180, p. 5

NUMEROUS REFERENCE

SEARCH SLIP

Subj:

CR LIA Wilson

Supervisor

Hines / Leeper

Room

5721 H

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Date

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	PICK (cont)	
N.P.	100-461424-10 p. 17	
N.P.	100-462483-276	
	-252	
	-245	
	-422 X p. #55	
	-2017	
N.P.	105-203686-409	
	-413	
	-455	
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	Herald Condit World	
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N.P.	157-30390-1	
N.P.	157-30725-1	
	176-2262-4	
	176-2262 - 1432 CC	
	176-24041-252	
	-947	
	176-2262-4	
	-1422	
	Green Squad Wilson	
	(AKR)	
	-55	
	11 . 0 . 0 . +	

EXCISED DOCUMENTS

70-59266-1

70-58 768-5

70-58 765-1

46-67126-2

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

Addressee: HOUSE SELECT COMMITTEE

☐ LTR ☒ LHM ☐ Memo ☐ Report dated 10/17/75
U.S. HOUSE SELECT COMMITTEE ON INTELLIGENCE

Subject of Document: ACTIVITIES re 9/18/75 request for
access to all notes, memoranda, files and
reports concerning Mr. Dick Wilson, Tribal
Chairman of Pine Ridge Indian Reservation.

Originating Office: FBI

Delivered by: Richard J. Taylor Jr. Date: 10/16/75

Received by: C. M. Anderson

Title: Adm Asst

Return this receipt to the Intelligence Division, FBI

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.)

2. DATE PROVIDED

☒ DOCUMENT ☐ BRIEFING ☐ INTERVIEW ☐ TESTIMONY ☐ OTHER

10/10/75

FOR REVIEW

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

SSC

☒ HSC

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

Memorandum

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

HSC letter 9/18/75

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)

**Information handling
Intelligence collection**

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

Available for review by appropriate HSC Staff Members at FBIHQ materials concerning Dick Wilson, Tribal Chairman of the Pine Ridge Indian Reservation.

62-116464

FMK:fmk

(4)

**ORIGINAL VIA LIAISON TO CENTRAL COMMUNITY INDEX
IN CONNECTION WITH HOUSTUDY**

TREAT AS YELLOW

swoc/8

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

OCT 7 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 Letter dated October 2

Attached is a letter from the House Select Committee which requests various information from the FBI. Please prepare an appropriate response.

10/9/75 SA Daly advises he is
contracting HSC to set up
meeting to agree to guidelines as
to proper reply as to number of
agents + appearance with files.
TJM

10/9/75 Conf with Daly + Mintz - have agents
come to HQ + use HQ files for interviews
TJM

10/14/75 Conf with Vermeire + Miller of HSC.
Agreed to furnish names only of case agent
in 004 to SAC, where file # not
designated. Also agreed to conduct
interviews @ HQ with HQ files.
TJM

EX-115

REC-61

62-116464-114

21 OCT 21 1975

ENCLOSURE

cc: Paul Daly

rec'd 10/8/75
TJM

1-116464
10-8-75



84 OCT 23 1975

62-116464

OCT 7 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 Letter dated October 2

Attached is a letter from the House Select Committee which requests various information from the FBI. Please prepare an appropriate response.

cc: Paul Daly

OTIS G. PIKE, N. Y., CHAIRMAN

ROBERT N. GIAMMO, CONN.
JAMES V. STANTON, OHIO
RONALD V. DELLUMS, CALIF.
MORGAN P. MURPHY, ILL.
LES ASPIN, WIS.
DALE MILFORD, TEX.
PHILIP H. HAYES, IND.
WILLIAM LEHMAN, FLA.

ROBERT MCCLORY, ILL.
DAVID C. TREEN, LA.
JAMES P. JOHNSON, COLO.
ROBERT W. KASTEN, JR., WIS.

A. SEARLE FIELD, STAFF DIRECTOR
AARON B. DONNER, COUNSEL

TELEPHONE: (202) 225-9731

Select Committee on Intelligence
U.S. House of Representatives
Washington, D.C. 20515

October 2, 1975

Mr. Michael E. Shaheen, Jr.
Special Counsel for Intelligence Coordination
U.S. Department of Justice
Washington, D. C. 20530

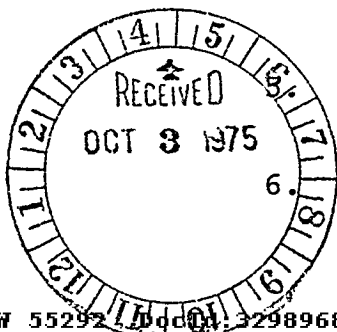
Dear Mr. Shaheen:

We hereby request (a) the present FBI assignments or whereabouts of the following FBI agents and SACs and (b) the names and present FBI assignments or whereabouts of the FBI agents who had connections, in the official course of business, with any of the following persons or programs on the dates in question (FBI file numbers are provided when possible). We further request the names and present assignments or whereabouts of the persons who were the supervising SACs. We further request permission to interview the agents and SACs in question as soon as possible. In addition, we would further request that the agents and SACs in question bring relevant files with them to the interviews.

- a) 1. Agent Arthur Holder (Steubenville, Ohio), 1969.
2. SAC Harry Maynor (New Orleans), present.
- b) 1. Ralph Abernathy (Pittsburgh, 1968)
100-448006-351
2. Mellon Foundation refusal to grant funds to
Unity Corp. (Pittsburgh, 1968)
100-448006-171,255
3. IFCO refusal to lend funds to SNCC (NYC, 1970)
100-448006-1880, 1890
4. "Breakfast for Children" program disruption
(Milwaukee, 1969)
100-448006-1244

Barbara Kiene, Donglassville, Georgia. October, 1972.

6. Bruce Bloy, Chicago, Illinois. October, 1972.



ENCLOSURE

62-1124-114

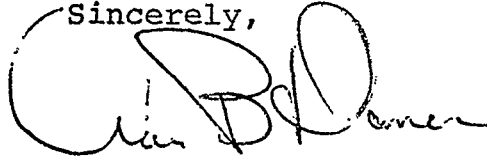
Michael E. Shaheen, Jr.
October 2, 1975
Page 2

7. Kathy C. Zahraie (Sledge), Seattle, Washington.
October, 1974.
8. Norma Jean Lodico, Detroit, Michigan. December,
1973
9. Jo Ann Delia-Giustina, San Diego, California.
February, 1973
10. Anne Chase, Berkeley, California. July, 1972.
11. Lori Patton, Mendham, New Jersey, March 29, 1973.
12. Marc Rich, San Diego, California. April, 1973.
13. Caryl Sholin, Oakland, California. Summer, 1972.
14. Joe Ward, Carmel, California. November, 1969,
August, 1973.
15. Matilde Zimmerman, San Diego, California. Novem-
ber 11, 1972.
16. William Eaton, 100-449698-34-86.
17. Dr. Gilbert Steiner, December 30, 1970.
100-449698-34-97
18. William Epton
19. Lee Raymond Kellison
100-449698-46-15
20. Michael Victor Abeles
Mike Justesen
Van Ly deGraf
100-449698-50-13
21. Peter Miguel Camejo
22. Larry Eugene Canada
23. Vernon Townes Grizzard III) July 7, 1969
Nicholas Michael Egleson)
100-449698-5-16,17
24. Donald Freed
July 1, 1969
100-449698-26-31

Michael E. Shaheen, Jr.
October 2, 1975
Page 3

Your prompt attention to this request will be appreciated.

Sincerely,

A handwritten signature in dark ink, appearing to read "Aaron B. Donner". The signature is written in a cursive style with a large, looped initial "A".

Aaron B. Donner
Counsel to the Committee



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

FBI

OCT 10 1975

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

SB

FROM: Steve Blackhurst
Assistant Special Counsel for
Intelligence Coordination

SUBJECT: House Select Committee Letter dated October 9

Attached is a letter from the House Select Committee requesting access to various FBI materials. Please prepare an appropriate response to this request.

10/14/75 assigned Hampton

REC-36

ST-111

62-116464-113

cc: Paul Daly

21 OCT 15 1975

ENCLOSURE

rec'd 5¹⁰ P; 10/10/75
RM
1-Ad Hoc
10-10-75

12m/10/10/75

62-116464

5-11/11/75



OCT 10 1975

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

FROM: Steve Blackhurst
Assistant Special Counsel for
Intelligence Coordination

SUBJECT: House Select Committee Letter dated October 9

Attached is a letter from the House Select Committee requesting access to various FBI materials. Please prepare an appropriate response to this request.

cc: Paul Daly

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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

October 9, 1975

Mr. Michael E. Shaheen, Jr.
Special Counsel for Intelligence Coordination
U. S. Department of Justice
Washington, D. C. 20530

Dear Mr. Shaheen:

We hereby request access to any and all investigative files concerning the following individuals:

1. Bruce Bloy
2. Cathy Sledge ✓ request 10/11/75
3. Joe Ward
4. Matilde Zimmerman
5. Caryl Sholin.
6. Marc Rich
7. Laurie Paton
8. Jo-Ann Della Giustina
9. Barbara Kiene
10. Allen Taplin
11. Ann Chase
12. Sue Carroll
13. Maud Wilkinson

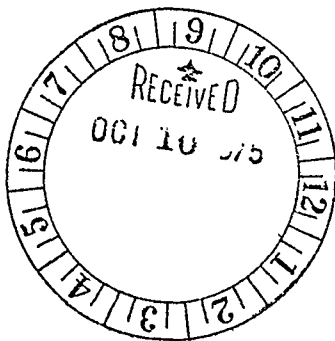
All of these individuals, with the exception of Laurie Paton, are members of either the Young Socialist Alliance or the Socialist Workers' Party.

Ms. Ellen Miller will be available to review these materials on October 17, 1975.

Sincerely,



A. Searle Field
Staff Director



ENCLOSURE

62-116464-113

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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 Legal Coun. _____
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 Spec. Inv. _____
 Training _____
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 Director Sec'y _____

UP-041

(CIA)

(BY DANIEL F. GILMORE)

WASHINGTON (UPI) -- A FORMER HOUSTON POLICE OFFICER, WHO BEGINS A THREE-YEAR SENTENCE FOR WIRETAPPING NEXT WEEK, TODAY TESTIFIED THAT ILLEGAL ELECTRONIC SURVEILLANCE IS WIDESPREAD IN BOTH POLICE AND FEDERAL LAW ENFORCEMENT AGENCIES.

ANTHONY ZAVALA, FORMERLY OF THE HOUSTON POLICE DEPARTMENT NARCOTICS DIVISION, SAID THAT BETWEEN 1968 AND 1972 HE PERSONALLY WAS INVOLVED IN "ABOUT 35 ILLEGAL WIRETAPS."

"I WOULD ESTIMATE THAT DURING THE TIME I WAS THERE THE NARCOTICS DIVISION CONDUCTED SOMEWHERE BETWEEN 700 AND 1,000 ILLEGAL WIRETAPS," HE SAID. "IT WAS THE MOST EFFECTIVE LAW ENFORCEMENT TOOL WE HAD."

ZAVALA TESTIFIED BEFORE THE HOUSE SELECT COMMITTEE ON INTELLIGENCE INVESTIGATING ELECTRONIC SURVEILLANCE OF U.S. CITIZENS.

AT THE SAME TIME, THE EQUIVALENT SENATE PANEL GRANTED IMMUNITY TO A FORMER CIA SCIENTIST, DR. SIDNEY GOTTLIEB, TO TESTIFY BEHIND CLOSED DOORS ON WHY HE DID NOT FOLLOW ORDERS AND DESTROY IN 1970 A CIA POISON CACHE WHICH WAS FOUND INTACT AND STILL LETHAL ONLY A FEW MONTHS AGO.

WIRETAPPING IN HOUSTON, ZAVALA SAID, TOOK PLACE WITH THE KNOWLEDGE AND HELP OF THE TELEPHONE COMPANY AND WITH THE PERMISSION OF POLICE SUPERVISORS. HE SAID THE EQUIPMENT "WAS MANUFACTURED, AS A MATTER OF FACT, ON THE SIXTH FLOOR OF HEADQUARTERS."

"THAT WAS COMMON KNOWLEDGE AMONG US ALL AND THE FEDERAL MEN WHO FREQUENTED OUR HEADQUARTERS," ZAVALA SAID.

TAPS USUALLY WERE INSTALLED ON THE WIRES AT THE TOP OF TELEPHONE POLES, AND A SPECIAL CLIMBING SCHOOL WAS PLANNED FOR "SOME OF US WHO WERE AFRAID OF HEIGHTS," HE SAID.

ANTHONY FARRIS, FORMER U.S. ATTORNEY FOR THE SOUTHERN DISTRICT OF TEXAS, SAID THAT THE FBI AND DRUG ENFORCEMENT AGENCY KNEW ABOUT THE ILLEGAL ELECTRONIC SURVEILLANCE BUT DID NOTHING -- DESPITE REPEATED REQUESTS FOR AN INVESTIGATION BY HIS OFFICE.

HE SAID HE WROTE TO THEN-ATTORNEY GENERAL WILLIAM SAXBE AND OTHER OFFICIALS AND TALKED PERSONALLY ONCE LAST YEAR WITH FBI DIRECTOR CLARENCE KELLEY.

UPI 10-09 11:34 AED

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WASHINGTON CAPITAL NEWS SERVICE

October 9, 1975

GENERAL INVESTIGATIVE DIVISION

Attached concerns the Interception of Communications case which our Houston Office has under investigation regarding alleged wiretapping activities by the Houston Police Department.

The UPI news release states that former United States Attorney Farris said the FBI and the Drug Enforcement Administration knew about the illegal wiretaps and did nothing despite repeated requests for an investigation by his office. The article also says he wrote to the then Attorney General Saxbe and other officials and talked personally once last year with FBI Director Clarence Kelley. GID is not aware of any personal contact with the Director.

It is noted this statement is either a misquote or is in direct conflict with prior testimony by Farris before the Subcommittee on Courts, Civil Liberties, and the Administration of Justice of the Committee on the Judiciary on 5/27/75, wherein Farris was asked by Congressman Drinan why he didn't go to Clarence Kelley. He replied that he had hoped the people in the Criminal Division and the General Crimes Section would do that as they had done in other cases.

I don't recall that
any such
K
pmc
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10/10/75
gcl

JCK:pmg

S P E C I A L

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

OCT 09 1975

TELETYPE

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

NR 03 PG CODE

1:00 PM URGENT OCTOBER 9, 1975 CAK

TO: DIRECTOR (62-116464)

FROM: PITTSBURGH (66-56)

ATTENTION: WILLIAM O. CREGAR; INTD

HOUSTUDY -75

REFBIHQTEL OCTOBER 8, 1975.

ON OCTOBER 9, 1975, LAWRENCE A. SURDOVAL, JR., WAS
CONTACTED, AT WHICH TIME HE ADVISED THAT HE DESIRED THAT
HIS IDENTITY NOT BE REVEALED OUTSIDE THE BUREAU.

END

AJN FBIHQ CLR TU

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ST-111

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OCT 15 1975

cc. Oregor

84 OCT 15 1975