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HOUSE OF REPRESENTATIVES

HEARINGS

BEFORE THE COMMITTEE

ON

SELECT COMMITTEE ON INTELLIGENCE

Staff Interview

Wednesday, November 5, 1975

Washington, D. C.

Official Reporters to Committees

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STAFF INTERVIEW

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Wednesday, November 5, 1975

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House of Representatives

Select Committee on Intelligence,

Washington, D. C.

The staff interview began at 2:00 o'clock p.m., in Room B-316, Rayburn House Office Building,

Present: James Oliphant, John Atkisson, and Richard Vermeire, Committee Counsel.

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1 Mr. Field. Do you solemnly swear the testimony you
2 are about to give to the House Select Committee on Intelligence
3 will be the truth, the whole truth, so help you God?
4 Mr. Wannall. Yes.
5 Mr. Ryan. Yes.
6 Mr. Shackelford. Yes.
7 TESTIMONY OF W. RAYMOND WANNALL, ASSISTANT DIRECTOR,
8 INTELLIGENCE DIVISION, FBI; DAVID RYAN, SUPERVISOR,
9 INTELLIGENCE DIVISION, FBI, AND ROBERT L. SHACKELFORD,
10 SECTION CHIEF, INTELLIGENCE DIVISION, FBI
11 Mr. Field. Will you please state your names?
12 Mr. Wannall. W. Raymond Wannall, Assistant Director,
13 Intelligence Division, FBI.
14 Mr. Ryan. David Ryan, Supervisor, Intelligence
15 Division, FBI.
16 Mr. Shackelford, Robert L. Shackelford, Section
17 Chief, Intelligence Division, FBI.
18 Mr. Wannall. May I ask if this will be a classified
19 hearing?
20 Mr. Oliphant. The information will be classified and
21 will not be released publicly without a vote of the
22 committee.
23 The Bureau will have a chance to take a look at the
24 testimony that comes in. If there is something that you
25 feel should be classified, not released, certainly you

1 will be given an opportunity to make your feelings known.
2 There is a procedure worked out where if there is
3 severe breakdown in communications or at least on getting
4 together on what is or what is not classified, that will be
5 submitted all the way up to the President.
6 Mr. Wannall. Thank you. I appreciate that.
7 Mr. Vermeire. I will start the questioning off.
8 I will address my first questions to Mr. Wannall.
9 Mr. Wannall, is there now or has there ever been any elec-
10 tronic surveillance of Congressmen?
11 Mr. Wannall. There has never, to my knowledge, been in
12 the national security area, and that is the area in which I
13 do have knowledge, a wiretap of any Members of Congress.
14 Mr. Vermeire. More specifically, do you know of any time
15 there was any wiretap or microphonic surveillance or any
16 electronic surveillance in general ever targeted at a
17 Congressman Cooley?
18 Mr. Wannall. I am aware of the fact that several years
19 ago there was a microphone surveillance in a hotel room
20 in New York City which was occupied, as I recall, by officials
21 of a foreign government, or at least persons connected
22 with a foreign government. Congressman Cooley called at
23 that room and was overheard as a result of that microphone
24 surveillance.
25 Mr. Vermeire. Was this fact ever made known to

1 the Director, who I believe was Mr. Hoover at the time?

2 Mr. Wannall. Yes, it was.

3 Mr. Vermeire. It was made known to him?

4 Mr. Wannall. Yes.

5 Mr. Vermeire. By whom?

6 Mr. Wannall. Not by myself. I was not in a position

7 to do it. I recall seeing memoranda indicating Mr. Hoover

8 was aware of it. I would only be speculating as to who

9 might have sent the memorandum to him. I assume it would have

10 gone through channels, through the Assistant Director, through

11 the Assistant to the Director, the Associate Director,

12 and Mr. Hoover.

13 Mr. Vermeire. Did you have any conversations at any

14 time with respect to this matter with Mr. William Sullivan,

15 formerly with the FBI?

16 Mr. Wannall. Mr. Sullivan was the Assistant Director

17 at the time I think because this had to be sometime in the

18 early '60s. He became Assistant Director, as I recall,

19 about early 1961, so I would certainly have had conversations

20 with him about it.

21 Mr. Vermeire. Do you recall any of the specifics

22 of those conversations?

23 Mr. Wannall. It is difficult to recall specifics.

24 I am certain that discussion was had as to the advisability

25 of putting a microphone coverage on. I cannot recall whether

1 this was in the nature of conversations or memoranda
2 which were submitted by the section with which I was connected
3 at the time.
4 Mr. Vermeire. Do you recall a conversation more
5 specifically to the effect that--to Mr. Sullivan--that you had
6 advised Mr. Hoover incorrectly that no electronic surveillance
7 was done on any Congressman and the name of Congressman
8 Cooley came to your mind and you were concerned about Mr.
9 Hoover not having correct information at his command?
10 Do you recall any conversation to that effect?
11 Mr. Wannall. Yes, I not only recall the conversation,
12 if I'm not mistaken, sometime in the late '60s a memorandum
13 was prepared, or perhaps two, in connection with that.
14 At the time there were charges, I think, being made by a
15 Member of Congress regarding wire taps made extensively
16 of members of Congress. Mr. Hoover made a statement to the
17 effect there had never been any electronic surveillances,
18 which is a broader term than wiretap. I recalled not having
19 called it to Mr. Hoover's attention. I didn't personally
20 do that. I think I probably called it to Mr. Sullivan's
21 attention at the time.
22 Mr. Vermeire. Did you at any time ever call it to
23 Mr. Hoover's attention after talking to Mr. Sullivan?
24 Mr. Wannall. Personally? No, sir.
25 Mr. Vermeire. You say there was a memorandum. Did

1 the memorandum you are speaking of refer specifically
2 to your conversations with Mr. Sullivan in this respect
3 or is the memorandum referring to electronic surveillance
4 of Congressmen in general?
5 Mr. Wannall. The memorandum I am referring to, and
6 I think there were two, I think I perhaps participated in
7 preparing one and another was prepared by someone working under
8 me.
9 It related to the fact that there has been an overhearing
10 of Congressman Cooley as a result of a microphone surveillance.
11 Just what triggered that, I cannot recall. I probably
12 could if I could review my files and refresh my recollection
13 about it.
14 Mr. Vermeire. That is all I have in that area. Do
15 you want to ask any questions with regard to that? I
16 can continue on another line of questioning unless you
17 have something you want to ask him.
18 Mr. Oliphant. Not with regard to that specific area,
19 no.
20 Mr. Vermeire. This will again be directed to Mr.
21 Wannall. Mr. Wannall is there now within the FBI any
22 procedure for describing or delineating subversive organiza-
23 tions or what organizations may be termed subversive or
24 is there any expertise, if you will, within the
25 FBI at this time for determining what particular organizations

1 or persons might be considered subversive?

2 Mr. Wannall. We have guidelines in the form of manual

3 sections. I think the sections have been made available to the

4 committee staff, Section 87 of our Manual of Instructions,

5 Section 122 of our Manual of Instructions. I think those

6 guidelines are the basis on which determinations are made.

7 If determinations are originated in the field with

8 respect to an organization, for example, the field will

9 submit what is called a characterization writeup. That must

10 come into Headquarters. It must be approved for utilization

11 in documenting an organization if it is referred to in

12 a subsequent investigative report.

13 Mr. Vermeire. With what frequency are these evaluations

14 updated?

15 Mr. Wannall. They must be reviewed once a year.

16 The instructions are: If the structure and/or

17 character, of the organization undergoes any significant

18 changes in the interim, they must be updated at that time.

19 Mr. Vermeire. What persons within the FBI would have

20 charge of updating this?

21 Whose responsibility would this be?

22 Mr. Wannall. The responsibility originally rests

23 on the field. However, each of the characterizations is

24 reviewed at Headquarters and a tickler is maintained at

25 Headquarters to assure that at least once every year

1 all characterizations are approved and approval granted
2 at Headquarters.
3 Mr. Vermeire. What I was driving at is not the characteriza-
4 tions of whether X organization meets the criteria for a
5 subversive organization; what I was aiming at is who at
6 Headquarters, if anyone, reviews more or less the principles
7 or the ideology behind various theories of whether an
8 organization is subversive or not. In other words, do you
9 still follow principles or theories as to whether an organiza-
10 tion is a subversive one which, say, were propounded back
11 in 1940 or are you continually revising your own information
12 in this area, your own education, if you will?
13 Mr. Wannall. Well, our characterizations are not
14 based on any ideology or philosophy. It is based on the nature
15 of the activities in which the members are engaged.
16 Our characterizations, therefore, are based upon
17 investigative results as opposed to ideologies.
18 Mr. Vermeire. What kind of activities, for example,
19 would fit that criteria?
20 Mr. Wannall. You always have a judgment situation.
21 I can give you some theoretical ideas. If we should be
22 investigating an organization and determine that it is
23 stockpiling weapons and at the same time it is advocating
24 overthrow by violence of the government, the advocacy would
25 only be relative insofar as bearing upon the activities.

1 Stockpiling weapons is indicative in my mind of an
2 activity on the part of a group leading toward attaining a
3 pronounced objective.
4 Mr. Atkisson. May I interject a question? Are you
5 saying that advocacy alone of anything is not sufficient
6 grounds for classifying a group as subversive?
7 Mr. Wannall. I am saying that without reservation.
8 Mr. Ryan. Could I add to Mr. Wannall's comment?
9 A very important consideration is evidence of foreign
10 influence or control or funding.
11 Mr. Vermeire. The committee is very concerned with the
12 FBI's classification of various things having to do with
13 national security. What would your definition of a national
14 security interest be?
15 Mr. Wannall. The definition of national security to
16 my knowledge has never been put down anywhere so I can only
17 give you my concept within the framework you are speaking
18 of, our domestic operations.
19 Mr. Vermeire. Yes.
20 Mr. Wannall. Activities which, if uninterrupted, could
21 lead to the overthrow of the government or violation of
22 statutes relating to that type of activity.
23 For example, our principal statutory basis, and we
24 do have all of our investigations based on statutes, would be
25 under the Criminal Code, Title XVIII, Section 2383, which

1 relates to rebellion and insurrection. 2384, which
2 relates to seditious conspiracy; and 2385, the Smith Act,
3 which relates to advocating the overthrow of the government
4 by unlawful means.
5 However, case law has certainly affected the terms used
6 in the Smith Act, and we must, of course, take into account
7 such decisions as in Brandenburg versus Ohio, where the
8 state law on criminal syndicalism was declared to be
9 unconstitutional because it related only to advocacy. But
10 we are basing it on the statutes and take cognizance of
11 the ~~statutes~~ case law.
12 Mr. Vermeire. What command and control within the FBI makes
13 the determination that something is in the interest of
14 national security?
15 Who would make that determination presently?
16 Mr. Wannall. We are getting into the area of classifying
17 information. Is this what you mean by that?
18 I am trying to fix on the question.
19 Mr. Vermeire. In the respect that something is
20 classified in the national security interests, obviously, yes,
21 I'm dealing with classifications.
22 I don't want to go beyond that particular aspect of it,
23 though.
24 Mr. Wannall. We, of course, are guided by the
25 Executive Order on classification. We have a certain number

1 of individuals who are authorized to classify. If a
2 document is classified for national security purposes, a
3 classification officer must pass upon it.
4 Mr. Vermeire. How many such classification officers
5 are there now within the FBI?
6 Mr. Wannall. I can get you the precise figure.
7 Perhaps I can more readily describe who might be a classifying
8 officer. Within our division I would have classification
9 authority. My deputy assistant directors would have classifi-
10 cation authority and the section chiefs in the operational
11 sections would have classification authority.
12 Bob, are there any others?
13 Mr. Shackelford. Yes, the unit chiefs in certain
14 sections where they handle a lot of classified work have
15 some classification authority, only in certain sections,
16 though.
17 Mr.Vermeire. I know this next question is a little
18 beyond your bailiwick, but would that same principle hold
19 for sections and units within the other divisions?
20 Mr. Shackelford. No.
21 Mr. Vermeire. That is just within the Intelligence
22 Division?
23 Mr. Shackelford. As far as I am aware, because we
24 handle the bulk of the classified information.
25 It is based on a need. The general criminal division,

1 for example, handles little, if any, classified information.
2 I don't know for sure. They may have maybe one man who can
3 classify documents. I can't say positively, I'm not
4 sure.
5 Mr. Vermeire. Is the judgment as to classification
6 made by anyone other than yourself reviewed by anyone else?
7 Mr. Wannall. Every classified document that goes out
8 of the Bureau in the form of a piece of signature mail has to
9 go through channels above the level of the Assistant Director.
10 His initialing a letter would certainly indicate that he
11 also agrees with the classification assigned to it.
12 Not every document goes through such channels.
13 Mr. Vermeire. Does the occasion ever arise that
14 a determination or decision by someone that, anyone
15 who has the power to make a decision obviously, that something
16 is classified as national security, is that ever refuted
17 by anybody?
18 Mr. Wannall. Frequently, yes, because the classification
19 authority must rest also in some of our field offices.
20 The material that is reviewed at Headquarters is reviewed
21 not only from the standpoint of its substance, but also
22 from the standpoint of its classification. There are many
23 occasions where the classification is overruled. We do not
24 consider, really, a document classified until it is to be
25 disseminated, the ultimate classification. When the

1 document is disseminated, the person who makes that
2 dissemination makes the ultimate final determination on
3 any classification.
4 Mr. Vermeire. So there is authority within the field
5 office level for classification?
6 Mr. Wannall. That is right.
7 Mr. Vermeire. Who does that rest with in each particular
8 field office?
9 Mr. Wannall. I would anticipate that each SAC would have
10 authority, but I'm not certain. For the most part it is
11 with the supervisors of those squads handling work related
12 to it.
13 By the way, I might add that we are required to furnish
14 a complete list of our classification officers, and
15 keep it updated, to the Department of Justice which has
16 a Classification Review Committee. The function of that
17 committee principally is to make the ultimate determination
18 on classification if a document is to be released in
19 connection with an FOIA request, in connection with pending
20 litigation. So there is an ultimate authority vested in a
21 committee that functions directly under the Attorney General
22 within the Department of Justice.
23 The FBI has one member on that committee and his title
24 is Document Classification Officer of the FBI. He functions
25 within our Inspection Division.

1 Mr. Vermeire. My next question is really a definitional
2 one because many times we get into semantical problems
3 with the Bureau and what you mean and what we think you mean.
4 Do you equate internal security with national
5 security?
6 Mr. Wannall. No, I don't. I think there are phases
7 of internal security which have a bearing on national
8 security. But I don't call domestic intelligence the same
9 as foreign counterintelligence.
10 Mr. Vermeire. Many of these questions I know you may
11 have covered in briefings with us or may have been answered
12 in documents you sent to us. But obviously now we are on
13 the record and I want to put it on the record. So excuse
14 it if you feel it is repetitious. It may be, but I am
15 sure you understand the reasons for it.
16 Mr. Oliphant. Let me ask you this: Within the
17 Internal Security Division, or the Internal Security
18 Investigations certain groups are designated as subversive,
19 is that correct?
20 Shall I say classified, or designated? What would
21 be your terminology?
22 Mr. Wannall. Well, I hesitate because I don't think we
23 ever attach labels as such.
24 Mr. Oliphant. What criteria are exercised before
25 an investigation of a group is undertaken?

1 Mr. Wannall. The criteria are in the manual. If the
2 activities of the group fit within that criteria, that is a
3 basis for an active investigation.
4 Mr. Oliphant. Understanding that you are referring
5 to the manual, could you just on the record give us a
6 synopsis of what that criteria would be?
7 Mr. Shackelford. Do you mean a synopsis of 87?
8 Mr. Oliphant. A synopsis of the criteria you would need
9 before you opened an internal security investigation on a
10 group.
11 Mr. Wannall. 87 is a long thing. Let's see if I can
12 satisfy your question.
13 Our manual sets forth that the FBI investigations violates
14 certain statutes and conducts investigations under orders
15 of the Attorney General. It then cites the principal statutes
16 which relate to our internal security operations. I have
17 referred to three of them before. There are others.
18 The Internal Security Act of 1950 could come into play,
19 sabotage, espionage, protection of foreign officials.
20 We could furnish a listing of statutes if you would like
21 to have that.
22 Mr. Oliphant. I understand.
23 Mr. Wannall. We do then cite statutes as a predication
24 for any investigation in our internal security field.
25 The manual then instructs that if information is received

1 or developed indicating a group is engaging in activities
2 which, if uninterrupted, could lead to a violation of that
3 statute, that is a basis for investigating the group.
4 Mr. Oliphant. All right, Mr. Wannall.
5 My question to you is: Who within the FBI is tasked with
6 designating which groups fit that criteria?
7 Who is designated with looking at the allegations,
8 looking at the substance of the intelligence developed,
9 to see whether these groups merit a continuing investigation?
10 Mr.Wannall. In the field, if an allegation is received
11 indicating the group may be subject to investigation, pro-
12 vision is made in the manual for a preliminary inquiry which
13 is limited to checks of indices, checks with established
14 sources, informants; in other words, a gathering of information
15 available through already establishd sources or records.
16 It precludes any active investigation in the sense
17 that you go out and ask questions, in the sense that you
18 try to target an informant against the group, in the
19 sense that it would be considered for any active investigative
20 technique. Within a 90-day period, if the field determines
21 through preliminary checks that there is no basis to the
22 allegation, the authority not to investigate rests with the
23 field. It makes the determination. It closes the matter and
24 there is not necessarily any record at Headquarters.
25 If a determination is made that it is felt that there

1 is a basis for an on-going investigation, the entire results
2 must be furnished to Headquarters with a recommendation
3 that an on-going or active investigation be instituted.
4 A determination is then made at the headquarters level
5 as to whether an investigation should be pursued.
6 In other words, the field has the right to say no,
7 but not to say yes. That rests with headquarters.
8 At headquarters we have supervisors assigned to specify
9 areas of our work, each of whom operates under a supervisor
10 in charge. It may be a group of from three to five or six
11 or seven men.
12 The determination is made within that group unless
13 there is some question as to whether the guidelines are
14 being followed, in which case it would go to the section
15 chief for determination. He has the opportunity, if he does
16 not feel he should make the determination, to go to a branch
17 chief which is a deputy assistant director. We have two,
18 one of whom concentrates in the internal security area.
19 The determination is then made at that level.
20 If there is any question that it should go higher, normally
21 the facts are reduced to a memorandum for consideration
22 on higher levels. There have been occasions, and I can think
23 of several during the last couple of years, where we have
24 gone to the Criminal Division of the Department of Justice
25 and the decision is made by the Chief of the Internal Security

1 Section there.

2 Mr. Oliphant. Is this in fact followed with regard

3 to all groups on which investigations of internal security

4 are conducted?

5 Mr. Wannall. It is followed. It can be cut off at the

6 various levels I have explained but there is no determination

7 made on the field level for an on-going investigation of

8 a group.

9 Mr. Oliphant. Are you familiar with the Institute for Policy

10 Studies?

11 Mr. Wannall. Yes, sir.

12 Mr. Oliphant. Was such a procedure as you have just

13 outlined followed with regard to that group?

14 Mr. Wannall. When was the investigation on IPS opened,

15 Bob, can you say approximately?

16 Mr. Schackelford. That is an older investigation.

17 It would go back probably into the late '60s, at least.

18 Mr. Wannall. I would say there are manual provisions

19 which are available to you. The manual is frequently revised.

20 It was rather extensively revised in August of 1973.

21 The procedures in the manual prior to that time would

22 still require review at a headquarters level.

23 Mr. Oliphant. Would this review that you have

24 laid out be memorialized in writing? Would there be a

25 record of all the steps of this?

1 Mr. Wannall. In our case files, yes, I think so.

2 Mr. Oliphant. There would be a review of this with

3 regard to the Institute for Policy Studies, correct?

4 Mr. Wannall. That is right.

5 Mr. Oliphant. Do you know, or are any of you gentlemen

6 familiar with IPS?

7 Mr. Wannall. I have never handled it. It was

8 handled in a branch of which I was chief a couple of years

9 ago. I have some general knowledge with respect to it.

10 But I do not have detailed knowledge.

11 Do you have anything that will help you in replying

12 to questions on this, Bob?

13 Mr. Shackelford. I can talk in general terms about

14 it. I did not handle the case personally but I have a

15 fairly good working knowledge concerning the time it was

16 ~~held.~~ handled.

17 Mr. Wannall. Is it still an on-going investigation?

18 Mr. Shackelford. No, it is not.

19 Mr. Oliphant. When was it terminated, if you know?

20 Mr. Shackelford. I cannot give you a termination date.

21 I don't know.

22 Mr. Wannall. I can give you an estimate because

23 the case came to my knowledge shortly after I moved into

24 the domestic area of our operations. ~~It was~~ Prior to May 9,

25 1972, ~~My~~ My entire career had been spent in counterintelligence.

1 Within a matter of three, four, or five months after
2 May 9, the IPS case came to my attention. I discussed it
3 with the Supervisor and issued instructions to him to have
4 the entire case reviewed on a field level to determine
5 whether the bases that existed at the outset of the investiga-
6 tion still existed. This was done and within a year
7 the investigation was terminated.
8 So I would guess it was terminated within the past year.
9 Mr. Oliphant. Why was the investigation begun?
10 Mr. Wannall. I would have to refer to the file to tell
11 you that.
12 Mr. Oliphant. Can anyone else answer the question in
13 general terms?
14 Mr. Shackelford. I cannot give you a specific answer.
15 I would prefer to give you the answer from the files.
16 Mr. Oliphant. Was it fair to indicate that the case
17 was closed because it was found there was no further
18 investigative merit pursuant to the investigation which
19 you began after you assumed duties?
20 Mr. Wannall. I would say it was fair to say that
21 the investigative steps which were logical had been completed
22 and the investigation had been terminated by a decision
23 that there was no further basis for investigation.
24 Mr. Oliphant. To your knowledge, did any indictments
25 proceed from the investigation?

1 Mr. Wannall. No, and I think this can be said for a
2 large percentage of the investigations in the domestic
3 area like this.
4 Mr. Oliphant. Were any indictments referred to the
5 Department of Justice and I mean any appropriate U. S.
6 Attorney also for prosecution?
7 Mr. Wannall. Every single report in every one of our
8 cases is furnished to the Department of Justice.
9 Mr. Oliphant. I understand, but were any of them
10 ever brought to any attorney with a request for serious
11 consideration of prosecution and then prosecution was declined?
12 Mr. Shackelford. They are presented to the
13 Department periodically.
14 Some cases come to mind immediately, the Gainesville
15 Case, the Berrigan Case, these were conspiracy cases that
16 arose--
17 Mr. Oliphant. -- out of the IPS study?
18 Mr. Shackelford. I didn't understand the restriction
19 to the question.
20 Mr. Oliphant. I'm referring to the IPS.
21 Mr. Shackelford. No.
22 Mr. Ryan. The Intelligence Division does not refer
23 its security type investigations to local U. S. Attorneys.
24 These are furnished to the Internal Security Section
25 of the Criminal Division of the Department and in every

1 instance reports are furnished and a decision regarding
2 prosecution is made by the Department.
3 Mr. Oliphant. I understand, but as a result of these
4 files being furnished, were any prosecutions ever suggested
5 or ever specifically declined?
6 Mr. Ryan. As Mr. Wannall suggested, the overwhelming
7 percentage of our investigations are not those that
8 would develop prosecution. We are looking for evidence.
9 Mr. Oliphant. Was any evidence revealed during the
10 IPS investigations ever used for any criminal trial?
11 Mr. Shackelford. Not to my recollection.
12 Mr. Atkisson. Was anything developed in the investigation
13 of IPS which led the Bureau to classify or designate
14 that organization as subversive or any other like name?
15 Mr. Wannall. I think I probably have addressed myself
16 to that, that we don't try to classify an organization as
17 subversive.
18 Mr. Atkisson. You laid out certain criteria for
19 justifying continuing investigation of an organization.
20 I thought I understood that justification to be
21 tantamount to the same thing, that the justification for
22 continuing an investigation would be that the organization
23 was potentially subversive. Am I wrong in my impression?
24 Mr. Wannall. My answers have been based on a manual
25 revision. I referred to it earlier, an extensive one made

1 and implemented in August of 1973.

2 Mr. Atkisson. Let me ask you this: The investigation
3 of IPS lasted, evidently, some five years or more.
4 Can you recall any specific information gathered which
5 justified that long an investigation? Did leads develop?
6 Was there anything that was developed which would lead any
7 reasonable person to believe that organization was dangerous
8 in any way to the security of the United States?

9 Mr. Wannall. I think you are getting into an area of
10 jurisdiction. In other words, should we have opened on
11 the IPS or should we not have opened or should we have
12 continued to pursue the investigation or should we have not?
13 I will be very glad to trace our jurisdiction in that
14 area from the time that Mr. Hoover took over. I can do it
15 in a relatively short time if you would be interested in
16 hearing it.

17 In other words, we are structured and have been since
18 August, 1973, on a statutory basis. Prior to that
19 time we were carrying out our authority under certain
20 Presidential directives, the directive of the National
21 Security Council and subsequently the directive of the Attorney
22 General in 1964.

23 Mr. Oliphant. Mr. Wannall, with regard to these
24 organizations on which you collect information after
25 the review which you laid out before, what sort of material

do you look for? What sort of intelligence are you trying to collect?

Mr. Wannall. At the present time, or are you talking about the entire time?

Mr. Oliphant. Let's say since 1971.

Mr. Wannall. In 1971 we were certainly structured and operating on the basis of the Presidential directives. I will be glad to read to you if you would like to have it in the record --

Mr. Oliphant. Not so much the directives. I am interested in what sort of intelligence you were looking for to get into your files.

Mr. Wannall. May I place the categories in the record?

Mr. Oliphant. Sure.

Mr. Wannall. We are going back to the first time that the FBI entered into the field of intelligence gathering. From 1924, when Mr. Hoover became Director, until 1934, we have in our files much evidence to show that he consistently repealed any efforts on the part of anybody to place the FBI in the role of an intelligence gatherer.

As a matter of fact, the Fish Committee, which goes back to about 1930, made efforts to place the FBI in an intelligence-gathering role at that time.

Mr. Hoover consistently ~~reproved~~ off on this and said we investigate violations of law, period. In 1934, Mr. Roosevelt called

1 together Mr. Hoover and several officials of other
2 agencies expressing concern regarding the activities
3 in this country of Nazis and pro-Nazis and ordered an
4 intelligence investigation to be conducted relating to such
5 activities. The Department of Labor, at that time, had
6 jurisdiction over deportation statutes and that was the
7 agency which had the basic statutory jurisdiction. But the
8 FBI was ordered to gather intelligence.
9 In 1936 there was another meeting. I think perhaps
10 you have been furnished this material.
11 Mr. Oliphant. Yes. The historical perspective
12 is interesting. Assuming you have the authority, be it
13 statutory or by directive, to engage in intelligence-gathering
14 activities, I don't think anyone is disputing that, the
15 question is, and let's put it in a current perspective:
16 Since 1971, more specifically since COINTELPRO ended,
17 what sort of intelligence are you looking for?
18 Mr. Wannall. We are looking for intelligence relating
19 to matters which would be of interest to the Executive
20 Branch of the Government, more specifically the Attorney
21 General and through him the President, to permit him to
22 discharge his responsibilities in carrying out the functions
23 of the Executive.
24 Mr. Oliphant. In collecting this intelligence
25 do you incorporate into your files everything which is

1 told to the Bureau?

2 Mr. Wannall. We have no recourse other than to

3 incorporate into the files everything that is told to

4 the Bureau.

5 Mr. Oliphant. So there is no selection of some things

6 put in and some things not put in.

7 Mr. Wannall. Everything is reported.

8 Mr. Oliphant. Do you put something in regarding

9 somebody's sex life?

10 Mr. Wannall. If that is part of a complaint, yes.

11 If somebody reports about somebody's sex life and it

12 has no relevance, the agent receiving that would not record

13 it.

14 Mr. Oliphant. What about materials that you collected

15 from somebody's garbage?

16 Mr. Wannall. You are talking about trash covers, which

17 we have not engaged in since July, 1966, so that doesn't

18 cover the area of 1971.

19 Mr. Oliphant. Are you saying you have not collected

20 any information from garbage collections since 1966?

21 Mr. Wannall. I'm saying we have not instituted trash

22 covers. Relating your question specifically to the

23 IPS, I'm fully aware of some allegations that have been made

24 by an indivdiual who claims to have performed certain

25 functions at the instructions of the FBI as an informant.

1 Our review of his allegations has indicated that on one
2 occasion he carried from an office, presumably of the IPS,
3 an envelope of material which was turned over to
4 an agent. The agent reviewed the material, turned it back to
5 him and has made statements to the effect, under oath, that
6 it appeared to be information that had been gathered from
7 a trash basket.
8 Mr. Oliphant. Isn't it true that other information
9 regarding the IPS was gleaned from trash collection from
10 some material which the IPS was throwing away?
11 Mr. Wannall.This is the only incident in which I
12 can even relate to information received from material being
13 thrown away. We had no trash covers on the IPS.
14 Mr. Atkisson. Was there ever an incident, do you
15 recall, of information being reconstructed from a typewriter
16 ribbon that had been thrown away by IPS?
17 Mr. Wannall.I will have to say I have no knowledge.
18 If either of the other two men do, I'm sure they will address
19 themselves to it.
20 Mr. Shackelford. I don't have any specific recollection
21 about that. I have a vague recollection, but it is too vague
22 to discuss. If there was, I presume it came out of the package
23 that Ray referred to and has to do with the informant who
24 made these allegations. You are aware, aren't you, that this
25 matter is under civil litigation?

1 Mr. Atkisson. Yes, I am.

2 Mr. Vermeire. The area of material gathered in the
3 course of investigation, now, I would imagine an agent
4 would weed out from any investigative report the irrelevant
5 material. I mean he knows the difference between relevant
6 and irrelevant material, I suppose.

7 Mr. Wannall. Our instructions in the manual specifically
8 provide for that.

9 Mr. Vermeire. Therefore, I would think in the course
10 of an investigation which specifically involves some criminal
11 offense or even in the course of intelligence gathering,
12 material pertaining to one's personal life and one's sex life,
13 et cetera, to my mind would be considered irrelevant. So
14 I cannot see any situation where that would, and if you can
15 I would be happy to hear your views on it, where that
16 should be considered in a report.

17 Mr. Wannall. I can assure you since our restructuring
18 in August, 1973, there is no question in anybody's mind
19 that such material would be irrelevant.

20 Mr. Vermeire. There would be no question that it would
21 be irrelevant.

22 Mr. Wannall. There is no question that it would not be
23 relevant to the investigation.

24 Mr. Vermeire. And therefore would not be placed in
25 the file.

1 Mr. Wannall. It would not be recorded and reported.

2 Mr. Vermeire. But prior to '73 such information might

3 have been recorded?

4 Mr. Wannall. I think it is quite possible. We do engage

5 in electronic surveillances. If we should have a surveillance

6 on an establishment, it is for a given purpose and

7 with very stringent guidelines. During the course of that

8 information could be secured which is completely irrelevant

9 to the reason for our surveillance. If it were recorded, as

10 it must be, and the tapes retained for ten years under instruc-

11 tions that material somewhere would be lodging in Bureau records

12 but it would not be removed, recorded and reported as signifi-

13 cant to the investigation.

14 Mr. Vermeire. Why was there such a significant break in

15 investigative techniques in 1973?

16 Mr. Wannall. Principally because an analysis was made

17 by a predecessor and a determination made, I think, that we should

18 be aware, I think as we always have been, of the climate of

19 the times and restructure on a strict statutory basis.

20 I think the history of the Bureau, and I would not

21 bore you with details, has been one of responsiveness,

22 an awareness of the climate of the times, and restructuring.

23 Mr. Vermeire. Who decides the awareness?

24 How do you glean from the times this mood?

25 Mr. Wannall. When Mr. Hoover was there, and I should

1 not denigrate Mr. Kelley's ability, he has the same ability,
2 he was quite sensitive to this. Perhaps you have been
3 furnished documentation that in July, 1966, he discontinued
4 numerous investigative techniques. I have no other reason
5 to believe that he discontinued them than he felt that times
6 had changed and we were getting into areas which had been
7 acceptable before and would not be acceptable in the future
8 and he cut them off.

9 Mr. Vermeire. Times may change, Mr. Wannall, but the law
10 doesn't change. Are you saying that Mr. Hoover would gear
11 his operating procedures or his general philosophy of the
12 Bureau based upon what he considered to be the changing times
13 or would he follow the mandate of the law?

14 Mr. Wannall. I would say from the time I worked under
15 Mr. Hoover that he was quite aware of the mandate of
16 the law. I am aware of the fact that there were certain
17 procedures followed of which he was aware that have been
18 described as outside the law. I cannot address myself
19 to why he did that.

20 Mr. Ryan. There have been changes in the law, too, which
21 are very important. The Keith decision, for example.

22 Mr. Vermeire. But I thought you were dealing with
23 the question of the mood of the country. My only
24 question is that the Federal Bureau of Investigation is
25 a law enforcement agency. It is not a sociological one.

1 I was wondering how the mood relates to the law.

2 If the law is not always responsive to the mood of

3 the country, the law may not change. That seems to me

4 a legislative question.

5 Mr. Ryan. I think Mr. Wannal was not indicating we

6 make social judgments. When the tenor of the times is such

7 that campuses are being burned or civil rights workers are

8 being murdered, it is important that the FBI adjust

9 and adapt its resources to handle these violations.

10 Mr. Wannall. Yes, I would like to explain my answer.

11 I think I am entitled to do that.

12 Mr. Vermeire. If we are going to get into some of the

13 COINTELPRO type activities, we are going to go into that

14 later and if your answer attaches to that, I would ask you to

15 hold that until later on.

16 What I'm saying is that I want to give you full benefit

17 of explaining anything you might have said. If you want to say

18 it now, go ahead.

19 Mr. Wannall. I would like to make a couple of remarks.

20 We got into the area of investigating Communism immediately

21 after the war and Congress itself recognized the threat

22 of Communism in 1950 by the Internal Security Act of 1950

23 and also by the Communist Control Act of 1954.

24 We were in the area of investigating civil rights

25 conspiracies. Congress has addressed itself to that by

1 various statutes like in 1964 which comes to mind.

2 We were in the area of campus riots and the bombing

3 statutes were passed in 1968. Interstate movement to engage

4 in riot activities was addressed by Congress by the anti-

5 riot laws.

6 This is what I meant when I said I think Mr. Hoover was

7 quite conscious of the tenor of the times. Frequently our

8 activities in intelligence gathering preceded the statutes

9 because I think we acted more quickly than Congress would be

10 able to act. This is what I had in mind.

11 Mr. Ryan. May I add to that?

12 Mr. Vermeire. Certainly.

13 Mr. Ryan. We don't make social decisions in the

14 FBI, as Mr. Wannall stated. But during the first five months

15 of '67 there was racial violence in cities resulting in 32

16 deaths, injuries to 200 people, and property damage of over

17 $100 million. This is when the FBI readjusted its resources

18 to handle this product of the times.

19 This is the type of basis.

20 Mr. Vermeire. We will get back to that because I

21 think that is the basis I brought into the fore before.

22 Was there a change in procedures in '73 which would dictate

23 the FBI change its procedures with respect to relevant

24 and irrelevant investigations? What happened in 1973 or

25 thereabouts that would necessitate this, to me, quite significant

1 change in investigative procedures?

2 Mr. Wannall. I think probably the gearing down of the

3 Vietnam war at the time had some bearing on it.

4 Mr. Shackelford. Ray, could I answer that?

5 For one thing, I think you have to take a historical

6 perspective. During the period that Dave described, there

7 was really extraordinary violence out in the streets,

8 on the campuses, bombings, arson, ROTC facilities under

9 attack and riots of massive proportions.

10 The Bureau, I think, was heavily engaged in intelligence

11 gathering and also gathering of information pertaining to

12 certain specific statutes intermingled and intertwined

13 during that period.

14 Because of the massive scale of the violence, it was

15 very difficult to attempt to assess the threat.

16 This was the real problem at the time. Now we had

17 considerable communications from the Department, from

18 the White House. Everyone was looking at this. Congress

19 was making inquiries and the like. So we had gone over probably

20 heavier into the intelligence-gathering role than we had

21 prior to that period.

22 I think 1973, with the termination of the Vietnam War,

23 with the termination of the unrest on the streets and the

24 like, 1973, in a loose sense of the word, represented somewhat

25 of a return back to what we had done to a certain extent,

1 now generally speaking, prior to that period. It was to
2 refocus again on potential violations and to, if you will,
3 de-emphasize, I think, the intelligence-gathering function.
4 Mr. Vermeire. Yes, but how does the mood and the actions
5 that were occurring at that time relate to putting relevant
6 information in files? It seems to me that relevant versus
7 irrelevant information--
8 Mr. Shackelford. What do you describe as irrelevant?
9 Mr. Vermeire. I'm not sure. Maybe I am mistaken. Were
10 you specifically referring to personal items of a person's
11 life?
12 Mr. Wannall. That is what you referred to.
13 Mr. Shackelford. You brought that question up.
14 Mr. Vermeire. I wanted to know if it went into other
15 breakdowns of relevant and irrelevant.
16 Mr. Shackelford. What you are talking about such as
17 sex lives, I would describe as unusual circumstances,
18 certainly not normal operating procedures where something
19 like that would creep into a file. Bear in mind when the
20 Bureau has an investigation the reason we write a report
21 is to segregate information and put it into report form.
22 When an agent receives information, he has an individual
23 value judgment at the time whether to report what someone
24 told him and whether it is in fact relevant.
25 This issue of personal sex life or misadventures or

1 whatever, I do not put much stock in that.

2 I think you are talking about relatively isolated

3 situations when something like that may have come about.

4 Mr. Vermeire. I want to pin down exactly what we are

5 talking about. I think there is some confusion here.

6 In 1973 there was a change. Exactly what was that change

7 so we are sure, the change in investigative procedures?

8 What is that with respect to?

9 Mr. Wannall. At that time a study was made. In May

10 of 1972 former Acting Director Gray called upon each

11 assistant director to present a position paper. A position

12 paper was prepared in line with the type of activities

13 that we had been engaging in for years and it was rejected

14 by the Assistant Director of the Intelligence Division.

15 He caused a study to be made by the Research Section within

16 the Intelligence Division and through some rather faulty

17 research a determination was made that the FBI should

18 investigate based only on statutes and disregard any Presi-

19 dential directors. We have completed the study, which will

20 be delivered to your committee today tracing the development

21 of authority through Presidential, National Security

22 Council, AG directives, which I think are as valid today

23 as they were when they were first issued. I think it was

24 faulty research. I learned of this in February of this year,

25 but made a determination to continue on the basis that we were

1 structured in August 1973 because I felt that it was a secure
2 basis. There were many questions being raised by Congressional
3 committees and others as to our intelligence gathering
4 activities. I consulted with others regarding this, including
5 the GAO auditors. They were in accord with my decision not
6 to change the restructuring that was done in August of 1973.
7 The questions that I have answered at the outset of this
8 interview have been based on our current structure.
9 If we are going back into what we were doing back in the
10 '60s, '50s, early '70s, I would, of course, give you the
11 basis on which we were doing them. Now, "responsive to the
12 times", I had prepared some time ago statements that were
13 made by responsible officials relating to this era of the late
14 '60s such as a television address by President Johnson
15 on July 24, 1967, in describing events that led to
16 sending troops to Detroit during the city's riots, he said:
17 "We will not tolerate lawlessness. We will not endure violence.
18 It matters not to whom it is done or under what slogan or
19 banner. It will not be tolerated."
20 In a second address in July of 1967, the President
21 said that this country had endured a week such as no nation
22 should live through, a time of violence and tragedy. "The
23 looting and arson and plunder and pillage which have occurred
24 are not part of a civil rights protest."
25 These are two of several.

1 Mr. Oliphant. Do you regard a television broadcast
2 as a directive to the FBI?
3 Mr. Wannall.I do not. We had directives before that.
4 I mentioned that for an illustration of the times.
5 Mr. Oliphant. Your duties were to carry out the
6 President's directives?
7 Mr. Wannall. Yes, under which we were operating. He
8 was saying, here is a target which has a grave bearing
9 on the interests of the country. I think under the directives
10 we previously had this would indicate to us it was
11 a priority target. All of our intelligence gathering
12 has to do with isolating areas of priority on which our
13 investigations are based.
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1 Mr. Vermeire. Tying up the last thing on the position
2 papers, you say it was based upon a faulty research; by whom?
3 Mr. Wannall. It was conducted principally by the Assistant
4 Director and the head of our research section at that time. I
5 am not trying to fault them. It took us from February until
6 October 28 to complete this research. Their research was done
7 between the middle of May and July 31, 1972. They were not
8 able to retrieve from the files the necessary documents.
9 Retrieval is a problem with us, as you probably have
10 noted in our responding to your requests. We don't have any-
11 thing computerized. We have to start with a subject and try
12 to trace it to various files.
13 I cannot fault them for that. It is just that they did not
14 have available the material we have been able to gather in
15 eight months.
16 Mr. Vermeire. Is this the same position paper forwarded
17 to this Committee, the May of 1972 position paper?
18 Mr. Shackelford. My recollection is that it was. I
19 think you have that paper, and I think a subsequent one back
20 in February.
21 Mr. Vermeire. I wanted to make sure we are talking about
22 the same paper.
23 Would it be a fair characterization, then, in sum, this
24 position paper was that the FBI was limiting its jurisdiction
25 to a statutory one?

1 Mr. Wannall. That was the result.

2 Mr. Vermeire. Is the intelligence division operating under
3 this limitation at the present time?

4 Mr. Wannall. We have not changed the restructuring. We
5 are operating on the statutory basis at this time and have
6 been since August of 1973.

7 The reason for the delay, the position paper was pro-
8 duced on July 31, 1972. It was forwarded to then Acting
9 Director Gray. He did not act upon it.

10 Mr. Kelley took over July 9, 1973. As soon as we had an
11 opportunity to get to him, the position paper was discussed
12 and within the first two weeks of August, 1973, it was sent to
13 the Attorney General.

14 It was August, 1973, then, that we went to a statutory
15 basis and we have remained on a statutory basis since that
16 time.

17 Mr. Vermeire. You say a statutory basis; does that mean
18 you are not considering the Presidential directives of
19 President Roosevelt and President Truman?

20 Mr. Wannall. We have not been operating within the scope
21 of those directives since August of 1973.

22 Mr. Vermeire. The FBI's reasons for its entire domestic
23 intelligence program, it seems to me, was rooted essentially
24 in these directives.

25 Mr. Wannall. It was. I think it still is, but we are

1 awaiting decisions by the Attorney General, by the President,
2 and certainly by the Congress, as to what the FBI should do and
3 the parameters within which it should operate.
4 Without making a speech, I would like to say that that
5 is precisely what we would like to do.
6 Mr. Vermeire. Then would it be fair to say that the
7 FBI -- I know this sounds simplistic -- is not engaging pres-
8 ently in domestic intelligence?
9 Mr. Wannall. We have trouble with definition of terms.
10 We are investigating domestic organizations. We are gathering
11 information on those organizations. But our investigations of
12 them are predicated on a statute.
13 Mr. Vermeire. All right; let me phrase my question another
14 way. What were you doing, or could you do, with respect to
15 statutory and Executive Orders, and so forth, directives,
16 authority that you can't do under pure statutory authority?
17 Mr. Wannall. I perhaps can give you an illustration.
18 Under a very broad authority based upon the Presidential direc-
19 tives and the subsequent documents which the FBI looked at,
20 the entire scope of activities within the United States as to
21 what was going on in the nature of activities that might have
22 an impact on the internal security of the country, many of
23 these activities were of relative unimportance. With the man-
24 power we have, we could not possibly investigate everybody who
25 advocates, and we do not investigate people who advocate, the

1 overthrow of the government. However, at the time the Smith
2 Act was passed, it specifically provided for that. It was the
3 case law, the court decisions that narrowed the scope.
4 In this overall area of accumulating information on what
5 was going on in the country by various groups -- and here we
6 have difficulties with definitions, but accept the term sub-
7 versive activities, groups that might be engaged in activities
8 that were or could be detrimental to the internal security --
9 gathering information, some of it was of no value. That which
10 was of value was made available to the officials who had respon-
11 sibilities in particular areas.
12 For example, if we should receive information regarding
13 an alien that would be of interest to INS, the information
14 would go to INS.
15 The Presidential directive of September 6, 1939 called
16 upon the law enforcement agencies to turn over to the FBI
17 information relating to espionage, counter-espionage,
18 subversive activities, and such matters.
19 We were a focal point to receive and sift information.
20 There is an historical background here which would take some time
21 to show why that was done. It will be in the document you
22 will receive today.
23 Mr. Vermeire. Excuse me. Is this a document that we
24 ordered, or a document you are bringing with you?
25 Mr. Wannall. You had requested documents bearing on our

1 jurisdictional authority. You have received previous documents.
2 This one was completed October 28. It was approved by
3 Mr. Kelley yesterday. So, responsive to your previous request
4 for information relating to our jurisdictional basis, the docu-
5 ment is being furnished to you.

6 Mr. Vermeire. What is inside that document you are tell-
7 ing us now in substance, or somewhat abbreviated?

8 Mr. Wannall. I am interpolating; yes. You asked what we
9 conceive our jurisdiction to be. The document will show various
10 areas in which the President expressed an interest. Those
11 areas changed.

12 Basically, when we started out, we were in a pre-war
13 period and a wartime period. Most of our activities were
14 foreign-related. However, there were activities in the
15 Longshoremen's Union on the West Coast, indications of
16 Communism infiltration and control. Mr. Roosevelt was inter-
17 ested in knowing about that.

18 So where do you define domestic activity, and where do you
19 define foreign activity? However, the intention of President
20 Truman during whose term the National Security Act of 1947
21 was passed, was certainly expressed when a Puerto Rican
22 nationalist group endeavored to assassinate him the 1st of
23 November, 1950.

24 Mr. Vermeire. At the Blair House?

25 Mr. Wannall. At the Blair House. He called upon two

1 committees which were created under the Presidential direc-
2 tive, one of which was known as the Interdepartmentl Intelli-
3 gence Conference, the other of which was known as the ICIS,
4 Interdepartmental Committee on Internal Security, to report to
5 him what happened, why didn't we know about this situation.
6 In effect, he was saying a domestic terrorist group has
7 tried to kill me. What can be done to prevent this again? What
8 was the importance, or was there any information that you had
9 gathered beforehand to show that this might occur?
10 Which is intent certainly -- as we can interpret it only
11 through what the man says and what his writings indicate -- that
12 he anticipated that the ICIS, which consisted of the FBI and
13 the three military intelligence agencies, should have an inter-
14 est in securing information relating to a domestic terrorist
15 group.
16 Mr. Hoover reported to the National Security Council in
17 1954 and in 1956 on the scope and extent of the activities
18 under Presidential directives, which showed investigations
19 certainly in the domestic field.
20 So we had the charter to try to establish in what
21 quarters the threat existed. In doing that, you gather a
22 rather large amount of information, and you try to define the
23 area of the threat and then focus on that area.
24 At the present time, we are starting with an allegation
25 of a violation of a statute and during the course of

1 investigations of organizations we will certainly gather what
2 could be defined as intelligence information.
3 Mr. Vermeire. But there is no preventive, anticipatory,
4 long-range information-gathering at this particular time?
5 Mr. Wannall. With respect to civil disturbances there are
6 such activities under a specific directive from the Attorney
7 General.
8 Mr. Vermeire. What is that directive? Have we supplied
9 that yet?
10 Mr. Wannall. It is outlined at the end of Section 122
11 of the manual. There is a section headed "Civil Disturbances".
12 Mr. Vermeire. I have that here. Okay.
13 Aside from that, though, your answer to my question would
14 be no?
15 Mr. Shackelford. That would be correct, basically.
16 Mr. Vermeire. I must admit this is an astonishing bit of
17 information. I don't think anyone has had any --
18 Mr. Shackelford. We can sit here and get into a lot of
19 definitive terms as to what is intelligence-gathering. For
20 example, through your coverage of the structured subversive
21 organizations based on statutes, the way the manual is struc-
22 tured at the present time, a fairly comprehensive amount of
23 intelligence information concerning planned activities and the
24 like flows out of that investigation. You could call that
25 intelligence, advanced intelligence, for example, flowing out

of the substantive, investigative case.

The pure intelligence-gathering that occurred before had in its underpinnings, statutes, because there even you were concerned with activities which you thought might proceed into, for example, anti-riot law violations and a lot of our investigative or so-called intelligence activity at that time -- I am talking late sixties -- ~~were~~ was geared toward this possible violation.

Mr. Vermeire. Right. I understand that, but my question again is, and I will try to use every phrase I can think of, anticipatory, preventive, long-range --

Mr. Shackelford. It scales it down. I think that is our answer to that question.

Mr. Wannall. I perhaps can use an example. There was a time a demonstration was going to occur, and we learned of it; we would have agents present to observe to see what was going on, to see if there were violations of the law, local or Federal.

If there is a demonstration at the present time, we do not cover a demonstration unless it is sponsored by or participated in by an organization or individuals on whom we have an active investigation based on a statute.

If we learn that an organization which is under our current investigative attention is organizing a demonstration, we would be interested in observing the demonstration to

1 determine if the activities are such that would add to our
2 knowledge with regard to the overall activities of the group.
3 Does this help?
4 Mr. Vermeire. It helps. It is hard, because to get a
5 concrete example, you have to deal with a specific case.
6 It would all be based on a case-by-case basis, but, for
7 example, say you had X-number of informants who had infil-
8 trated or were supplying information as to various organiza-
9 tions, and so forth, that would be considered, say, subversive
10 prior to 1973.
11 You are saying now that these informants are being pulled
12 out, in essence, they are not still continually developing
13 intelligence information.
14 Mr. Shackelford. Within the subversive groups under
15 investigation.
16 Mr. Vermeire. Investigation with respect to a particular
17 crime?
18 Mr. Shackelford. Potential crime.
19 Mr. Vermeire. Potential; is there a probable cause?
20 Mr. Shackelford. Of course not.
21 Mr. Vermeire. So then we are in the same situation, then?
22 Mr. Wannall. You brought up the informants. I would like
23 to address that by some specifics. Sadat is visiting the
24 United States today. He has been in the country for some time.
25 If an informant who is operating for us within a group that we

have under investigation based on a statute, has information indicating that anybody in the United States is going to try to assassinate Sadat, we will accept that information from him and give it appropriate dissemination. That would have no bearing on the operations of that organization whatsoever.

At the time of the Cuban crisis, October 22, 1962, there was a demand for information on the part of the Executive, the President, to assist him in making rather grave decisions. We sent out to our field offices a teletype saying, "Please have your informants endeavor actively to gather information having a bearing on activities of groups in this country who might be sympathetic to Castro or might be sympathetic to any cause which could work to the detriment of the government."

I think there were several hundred sources; not just informants, but electronic surveillances, individuals whom we contacted regularly in connection with matters of a law enforcement nature, several hundred, perhaps nearly five hundred various sources that provided information which went into the hands of the White House situation room.

So we are operating informants, and if informants can provide information, significant information of value, to the government in discharging its responsibilities in the foreign intelligence field, in the foreign relations field, in the counter-intelligence field, we will accept the information.

And I am glad to have the opportunity to advise you of

1 this becau[illegible] I am aware of consideration of legislation which
2 perhaps would require the issuance of a judicial warrant before
3 we might utilize an informant. Whether or not probable cause
4 would be required for that warrant, we would be in the posi-
5 tion once the warrant was issued of utilizing an individual
6 in an intelligence and information-gathering capacity within
7 a specified group. If he endeavored to report in some area
8 other than the group's activities, we would have to decline to
9 accept information from him because it would be outside the
10 terms of the judicial warrant.

11 This is why I think, in giving consideration to matters
12 of this type, the overall effect not on the FBI solely and
13 exclusively, not on the United States intelligence community
14 solely and exclusively, but on every law enforcement agency in
15 this country should be considered.

16 Mr. Vermeire. In any event, the document that you are
17 delivering to the Committee today outlines fairly particularly
18 this entire new, if I can use that word, procedure that is
19 being followed?

20 Mr. Wannall. No, sir.

21 Mr. Vermeire. It does not?

22 Mr. Wannall. No. It outlines with great particularity
23 the development of our jurisdictional basis for gathering intel-
24 ligence, both in the domestic field and in the foreign counter
25 intelligence field. They are very interwoven in the development

1 of the jurisdiction. This document will do that with supporting
2 papers.
3 Mr. Vermeire. Is there any document you could deliver to
4 us that can, as best as possible, show the difference between
5 what you were doing prior to 1973 and the procedures which are
6 followed now?
7 It is hard to sit here and go through examples, and having
8 problems with the semantics as necessarily we will have.
9 Trying, at least in my own opinion, to get a clear idea of
10 what exactly the FBI is doing in the area of domestic intelli-
11 gence today, it would help if I could see what they are not
12 doing now that they were doing then.
13 I get the feeling if we even sit here for another half
14 hour, I won't get a clear picture. Is there any document that
15 sets that out with some particularity?
16 Mr. Wannall. No; the only thing I can suggest, and perhaps
17 you already have, are the manual sections as they were struc-
18 tured at any given point in history. If you wanted the manual
19 section as of 1965, if we can recover that, you would have our
20 guidelines as of 1965, and you could compare this with our
21 guidelines as they appear in the manual today.
22 Mr. Vermeire. As I see it, the various statutes on the
23 book, for example, espionage, of course we are dealing with
24 matters of counter intelligence; is that correct?
25 Mr. Wannall. Usually.

1 Mr. Vermeire. In any event, the theory would be, is there
2 a potential for this person or this individual or this organiza-
3 tion to violate the law and that potential can be based upon
4 prior acts, prior actions, or information from a reliable in-
5 formant?

6 You say it doesn't approach probable cause. There is
7 another legal definition called reasonable suspicion, which is
8 slightly less than probable cause. There is probably something
9 less than that which I am not aware of.

10 But is there any standard? What is the standard that is
11 to be followed? Because if there is no set standard, then
12 there can be no review; there can be no evaluation on propriety
13 or not of the particular action.

14 I am looking for a standard, if there is one. If it is
15 just the potential of violation of the law, to me that is
16 extremely vague. I don't get anything out of that.

17 Mr. Wannall. I have no document that would give you that.
18 In any area at some point a judgment must be exercised, and
19 the way we endeavor to control that is by having review of the
20 judgment at headquarters.

21 Mr. Oliphant. Addressing yourself specifically to the
22 Socialist Workers Party, what about a number of these people
23 who have been followed around for relatively long periods of
24 time, members, careful documentation, when they go to meetings,
25 when they come back, where they live, who they are employed by,

everything, with absolutely no allegations of criminal activities.

When exactly does an executive decision get made; let's cut this off; let's cut off the resource allocation on following this guy around?

Mr. Ryan. I think you have OVER simplified the investigation of the Socialist Workers Party. There is foreign involvement with the Socialist Workers Party. ~~investigation~~. There is in the past some evidence of terrorism within the group, supporting advocacy of terrorism. I think you cannot take something and say as simple as why are we investigating the Socialist Party?

Mr. Oliphant. I am not talking about investigating it as a monolith, Mr. Ryan. I am talking about the investigation of individuals within it, individuals where there had been no allegation they had been involved in any terrorist activities, no allegations of them espousing any sort of terrorism, no allegation of them in touch with any sort of foreign powers.

Mr. Ryan. I think you are wrong, on all counts. The basic philosophy of the Trotskyite movement -- of which the Socialist Workers Party is the leading ~~movement~~ DOMESTIC ORGANIZATION -- is only a violent revolution can destroy capitalism. They also believe all political groups other than their own are counter-revolutionary and must be destroyed.

The Socialist Workers Party maintains affiliation with the

1 Fourth International. There are elements of that which is
2 based, I believe, now in Brussels, which support terrorist
3 activities, particularly in Argentina and other foreign coun-
4 tries.

5 We in the Bureau are much concerned these elements which
6 are within the Socialist Workers Party within the United States
7 may reach a point of influence where they could present a
8 direct threat.

9 Mr. Atkisson. Let me understand this, Mr. Ryan. Are
10 you saying the involvement with terrorist activities from the
11 Bureau's point of view is that it is involved with the Inter-
12 national, and that the International in turn is involved with
13 terrorist activities in Argentina? Is that correct?

14 Mr. Ryan. There is a group within the Socialist Workers
15 Party in this country which is called the Internationalist
16 Tendency, which strongly supports elements of the Fourth
17 International, which endorses terrorism and terrorist acts.

18 Mr. Atkisson. In investigating the SWP since 1947, has the
19 Bureau ever uncovered any single item of information which
20 would directly link any member of the SWP to any terrorist
21 activity?

22 Mr. Ryan. I think a point here is that the Smith Act of
23 1940 was first applied against the Socialist Workers Party in
24 this country.

25 Mr. Atkisson. Can you answer the question I just asked?

1 Has the Bureau uncovered any information since 1947 involving
2 any individual member of SWP to any terrorist activity?
3 Mr. Shackelford. Directly involved in a terrorist
4 activity as such?
5 Mr. Atkisson. Yes.
6 Mr. Shackelford. From my recollection I would say I do
7 not recall such an incident.
8 Mr. Atkisson. A little earlier acknowledging that the
9 SWP has possibly some remote foreign involvement --
10 Mr. Shackelford. I wouldn't describe it as remote, but
11 go ahead.
12 Mr. Atkisson. I asked the question earlier about IPS, and
13 we got off in all the jurisdictional philosophy.
14 Any three of you, what, if any, information has the
15 Bureau ever uncovered about IPS, which prompted further inves-
16 tigation of the IPS over a five-year period -- I am not asking
17 for type of information; what information?
18 Mr. Shackelford. I think the answer as far as IPS goes
19 back to those persons who control IPS and run it, and we
20 looked very close at the activity of those particular individuals
21 and then looked at IPS as a product of theirs.
22 Mr. Atkisson. You looked at them for about five years.
23 Did you find anything?
24 Mr. Shackelford. That is exactly right.
25 Mr. Atkisson. Did you find anything during those five

1 years?

2 Mr. Shackelford. Not for which they could be prosecuted.

3 Mr. Atkisson. Forget prosecution. Did you find informa-

4 tion whatsoever of a specific nature which linked any of those

5 individuals to acts which are detrimental to the interests of

6 the United States?

7 Mr. Shackelford. During the period of time of the

8 Bureau's primary interest in IPS, IPS was variously described

9 as the think-tank of the new left. They ran seminars, discus-

10 sion periods and training programs which related to disturbances,

11 riotist-type activity. That, along with the background of the

12 persons involved in leadership roles in IPS, was the basis

13 for investigative interest in that group.

14 Mr. Atkisson. The seminars, were they not, were largely

15 philosophical in nature concerning the anti-war movement?

16 Mr. Shackelford. I didn't attend them and can't answer

17 that.

18 Mr. Atkisson. You received reports on them, did you not?

19 Mr. Shackelford. We received the available information we

20 could get. But those seminars were by invitation, and I would

21 say our coverage of the actual seminar, and the first-hand

22 knowledge, second-hand through the source, was somewhat limited

23 in scope.

24 Mr. Oliphant. Mr. Wannall said advocacy is not enough.

25 Let me ask you about that. Was illegal activity ever advocated

1 in IPS from the reports the Bureau got?

2 Mr. Shackelford. Illegal activity. What we are going

3 to have to throw open for discussion is what we are talking

4 about is conspiracy.

5 Mr. Oliphant. Fine; I am asking for any --

6 Mr. Shackelford. We are getting into a far-ranging con-

7 versation.

8 Mr. Oliphant. Was there illegal activity advocated?

9 Mr. Ryan. If I can interrupt, in speaking to Mr. Wannall

10 and Mr. Shackelford on the IPS, they had no warning this was

11 going to be a subject of this hearing, and they are speaking

12 from memory dating back a long time about just one of many

13 hundreds of investigative responsibilities.

14 I think if you are going to make specific questions of

15 this nature, in fairness to these gentlemen, that you give them

16 advance warning on it.

17 Mr. Oliphant. I think Mr. Shackelford qualified his

18 statements he was going to make on IPS earlier with the fact

19 he was dealing from memory and that this would be not a

20 specific answer.

21 Mr. Shackelford. You are getting to specific questions.

22 Mr. Oliphant. We are asking specific questions, under-

23 standing on the record he is dealing from memory.

24 Mr. Vermeire. Anything that cannot be answered in

25 detail now, as far as notice is concerned, I would think you

would be put on notice that the question may come up in the course of a hearing.

Mr. Shackelford. In the hearings we will run into a legal problem because of the civil litigation.

Mr. Vermeire. We can deal with that. We can always consider going into Executive Session.

Mr. Atkisson. Let me say I think one of the more productive things to be accomplished in this interview is to indeed put you on notice as to areas we are concerned with so that we may properly assure that the people who do know about these things can be present at that hearing, or that Mr. Wannall, if he is the chief witness, can be backed up by appropriate personnel and records, and so on. You will have time for review.

Mr. Wannall. We appreciate that opportunity because we are dealing in an area we have not looked at for a year or longer.

Mr. Oliphant. What exactly is the Fourth International?

Mr. Ryan. In the Communist movement there are ~~three~~ FOUR Internationals. The Third International ~~is~~ WAS controlled from Moscow. To distinguish the Stalinist Communists from the Trotskyite Communists, the title Fourth International was utilized.

Mr. Oliphant. Who controls the Fourth International?

Mr. Ryan. I can give you a little rundown about the Trotskyite movement in this country.

Mr. Oliphant. No; the Fourth International.

Mr. Ryan. That ~~is~~ WAS controlled by those individuals who

1 support the philosophy of Leon Trotsky. Leon Trotsky, in a
2 very simple way, basically believed in world revolution,
3 whereas Stalin felt the revolution should be consolidated in
4 the Soviet Union.
5 Mr. Oliphant. Do these people at Fourth International
6 have a power base? In other words, I take it the Third
7 International at least is backed by Soviet Russia; is that
8 correct?
9 Mr. Ryan. Yes.
10 Mr. Oliphant. All right. Is the Fourth International
11 backed by any major power?
12 Mr. Ryan. It is backed by Communist elements in almost
13 all the major countries and some of the Third World countries.
14 Mr. Oliphant. Is it backed formally by the Communist
15 Party in any major country or minor country, by the Communist
16 Party?
17 Mr. Ryan. That is a difficult question for me to answer
18 because you are dealing in the international area, and we are
19 primarily concerned about the United States.
20 Mr. Oliphant. I understand that, but certainly one of
21 the reasons --
22 Mr. Ryan. There are Trotskyite elements in many countries
23 of the world in close liaison with the movement in the United
24 States.
25 Mr. Oliphant. Who runs the Fourth International?

1 Mr. Shackelford. Participating Trotsky groups in the
2 various countries support the Fourth International as a
3 governing body of the Trotskyites.
4 Mr. Oliphant. Does it have a building?
5 Mr. Shackelford. It is physically headquartered in
6 Brussels. I don't know if they own the building, rent the
7 space, or what.
8 Mr. Oliphant. Do you know how many people are in the
9 Fourth International?
10 Mr. Shackelford. Not from memory; no.
11 Mr. Oliphant. Has there been any evidence that the Fourth
12 International has the backing of any recognized viable,
13 political force in any country as opposed to having elements
14 which could be anywhere from one to one hundred thousand
15 individuals backing it?
16 Mr. Shackelford. The answer to that would be no. The
17 only way it could be yes is if the Trotskyite Communist Party
18 in a given nation took control of the nation.
19 Mr. Oliphant. But as of right now, is there any major
20 power within any country that can throw its support behind the
21 Fourth International?
22 Mr. Shackelford. My previous answer would stand. The
23 various Communist parties in the various nations support the
24 Fourth International.
25 Mr. Oliphant. Is there any country where the Trotskyite

1 party is in a dominant position?

2 Mr. Ryan. I think the answer to that is no.

3 Mr. Shackelford. Not in a dominant position; no.

4 Mr. Oliphant. Where is the Trotskyite party in a power-

5 ful position?

6 Mr. Shackelford. Argentina, for one place, and several

7 Latin American countries, the Trotsky parties have considerable

8 influence.

9 Mr. Vermeire. In what countries, if any, has any Trotskyite

10 organization had a significant effect in overthrowing the

11 government?

12 Mr. Ryan. If you would excuse me, we do have information

13 about foreign Trotskyite organizations, but you are primarily

14 within the bailiwick of another agency at this time.

15 Mr. Vermeire. Right; but I think it relates to the FBI

16 expertise in determining the threat that a particular organiza-

17 tion poses. If the SWP poses a threat because it has a rela-

18 tionship with the Fourth International, I think it is imperative

19 to get a reading of how dangerous the Fourth International is.

20 Maybe if the reporter would repeat the question, or I can

21 give it again. Is there any evidence that any organization,

22 any Trotskyite organization that has ties with the Fourth

23 International, had any significant effect in any overthrow of

24 any existing government in any other foreign country?

25 Mr. Ryan. I don't know of any such instance. There is

1 Trotskyite influence in many governments.

2 Mr. Vermeire. Well, the Democratic Party has influence,

3 and the Republican Party has influence in our country. That is

4 nothing illegal.

5 Mr. Ryan. We had the Smith Act of 1940 in this country

6 and which prescribes against the advocacy of violent overthrow

7 of the government. The Trotsky organizations in this country,

8 and specifically the Socialist Workers Party, which is a lead-

9 ing group, advocate the violent overthrow of the United States

10 Government.

11 Mr. Oliphant. Where do you see the violent overthrow of

12 the government being advocated by the Socialist Workers Party?

13 Mr. Ryan. They have never repudiated the writings of Leon

14 Trotsky, who specifically calls for world revolution. The only

15 difference with Stalin is that Stalin said the revolution

16 should be consolidated first in the Soviet Union.

17 Mr. Vermeire. Aren't we talking two different things? It

18 is one thing to have a certain theory that goes back thirty-five

19 years --

20 Mr. Ryan. I think you are interested in the FBI philosophy

21 in investigating the Trotskyite movement.

22 Mr. Vermeire. If I can finish the question, it is one

23 thing to say they never repudiated Trotsky beliefs; there has

24 never been a formal repudiation, but I would think that one's

25 actions, an organization's actions over the course of thirty-five

1 years, actions that have been peaceable and complete compli-
2 ance with the laws of the host country, might, in effect, be
3 kind of repudiation of that thirty-five-year-old, forty-year-
4 old philosophy.

5 Mr. Ryan. This pertains to the degree of a threat.

6 Mr. Atkisson. Do you see any distinction between advo-
7 cating violence and believing that it will occur?

8 Mr. Ryan. The Supreme Court has gone into this concept.
9 The Smith Act still remains in force.

10 Mr. Atkisson. I am asking if you see any distinction
11 between advocating violence -- by advocating violence, I mean
12 I, John Atkisson, say to you, Mr. Ryan, I want you to go out
13 and beat Mr. Wannall over the head.

14 Do you see any distinction between that and my saying that
15 I have a sincere belief that Mr. Wannall will be beat over the
16 head sometime tomorrow? Do you see a distinction between
17 those two concepts?

18 Mr. Ryan. The distinction has to be made in the end-product.
19 What action do you take to bring about the beating?

20 Mr. Atkisson. That is precisely the question.

21 Mr. Shackelford. Here we get into a relative situation
22 comparing the Trotsky, CPUSA, Communist Party of the United
23 States of America, with groups such as the Weathermen and the
24 like. What we are dealing with is the broad spectrum of the
25 so-called subversive movement. You get into difference in --

1 you shake your head, but hear me out.

2 Mr. Oliphant. You are linking the Weathermen and SWP

3 in the answer.

4 Mr. Shackelford. I am talking about a spectrum of

5 range.

6 Mr. Oliphant. I think Mr. Atkisson's question, which he

7 would like answered, is, do you have any acts that the Socialist

8 Workers Party has done to bring this about? What are those

9 acts?

10 Mr. Shackelford. The Socialist Workers Party -- at the

11 present time their philosophy would be to continue to build the

12 party to gain the strength to bring about the revolution. So

13 long as they engage in the party-building function for the

14 ultimate purpose of engaging in the revolution. As far as I

15 would be concerned, I would look at that as a continuing act

16 toward the violation.

17 Mr. Atkisson. Let me ask you this: If the ERA amendment

18 is passed by the 28th state next year, will that constitute in

19 your mind a revolution?

20 Mr. Shackelford. The equal rights amendment?

21 Mr. Atkisson. Yes.

22 Mr. Wannall. We are at a disadvantage because while you

23 have been talking, I have been thinking back to the extent of

24 influence and/or control of some of the groups that were

25 engaging in confrontations during the demonstrations in the late

1 sixties or early seventies. I would not want this record to
2 show that we had no information indicating that not a single
3 member of the Socialist Workers Party did engage in activities
4 of that nature. We would have to go back to our files and try
5 to respond to your question after a review.

6 Mr. Vermeire. Mr. Wannall and you other two gentlemen,
7 you mentioned before how the FBI is sensitive to the moods of
8 the country, and you have alluded on a number of occasions
9 to the Smith Act. How many convictions have there been of
10 persons under the Smith Act in the last ten years? Do you
11 know?

12 Mr. Wannall. None, to my knowledge.

13 Mr. Ryan. There have been a number of convictions --
14 excuse me, since 1950.

15 Mr. Vermeire. I am talking about the moods of the coun-
16 try in the last ten years.

17 Mr. Ryan. None.

18 Mr. Vermeire. How many arrests have there been?

19 Mr. Ryan. The Supreme Court has rendered the Smith Act
20 ineffective for prosecutable purposes. It remains a statute.

21 Mr. Wannall. The Department advised us on November 1, 1974,
22 that a basis for investigation was the Smith Act.

23 Mr. Vermeire. I am trying to tie it in. We are dealing
24 with a group whose only claim to fame or in-fame has been
25 convictions under the Smith Act. Those convictions go back, I

1 believe, to the late forties or early fifties; I am not sure.
2 All I am saying to you, and I don't mean to argue, is do you
3 think the Socialist Workers Party may be in for or should have
4 a reevaluation as a subversive organization?

5 Mr. Ryan. If I can answer you, in the FBI you are re-
6 quired to follow groups who advocate violence, and experience
7 shows that these groups at different times have different
8 levels of propensity for violence.

9 As you say, the Socialist Workers Party now may not be a
10 threat, and I agree compared to other organizations now they
11 are at a low level as far as propensity for violence goes.
12 Maybe some pro-Maoist groups, elements of that development, the
13 SLA, ~~maybe they~~ are more violence-prone.

14 We do ~~feel we~~ have a responsibility for ~~these~~ groups who
15 advocate violence, when the time is right, to be aware of these
16 groups and furnish ~~this~~ to the proper agency of the Executive.

17 Mr. Vermeire. Earlier this week, Mr. Wannall a public
18 statement was made by a former Attorney General, and also a
19 high-ranking Justice Department official -- and this will give
20 it away -- who is a chairwoman of the Justice Department
21 Committee on the FBI, and in the course of those statements the
22 former stated, number one, that the FBI should not even be
23 engaged in the area of domestic intelligence. That was former
24 Attorney General Clark.

25 And, number two, he stated that he felt that an independent

1 outside organization or persons should be involved in reviewing
2 on a continual basis the programs and activities of the FBI.
3 Miss Lawton stated that she felt the FBI did not have the
4 sufficient expertise in its domestic intelligence section to
5 make realistic and practical judgments as to whether various
6 organizations presented threats, a threat or threats, to the
7 United States.
8 Do you care to comment on any of those statements?
9 Mr. Wannall. I am not aware of the statements. I have
10 heard them from you for the first time, so I have no observa-
11 tion to make.
12 Mr. Ryan. If I could comment briefly, in 1968, in discuss-
13 ing extremist activity to foment, as he said, "rebellion in
14 urban ghettoes", the then Attorney General Clark called this
15 "the most difficult intelligence problem" in the Justice
16 Department.
17 Mr. Vermeire. I am aware of that.
18 Mr. Ryan. Apparently his attitude has changed. Since
19 he was Attorney General, a lot of his public actions and state-
20 ments have changed.
21 Mr. Vermeire. The former Assistant Director, William
22 Sullivan, feels that the intelligence-gathering aspects of the
23 FBI and its criminal investigative aspects should be separated
24 and two distinct organizations should be set up. What are
25 your feelings on that?

1 These are general questions. Obviously we will get into
2 more specific ones later.
3 Mr. Wannall. I am rather surprised, because former
4 Assistant Director Sullivan was certainly the one who
5 initiated and implemented many of our operations in this area.
6 Mr. Ryan. I would like to comment on that a little just
7 briefly to say that there are elements within the FBI that may
8 feel this way, too, but we are working and operating within
9 our responsibilities, and this is a matter outside the FBI.
10 ~~I think, to be discussed~~.
11 Mr. Shackelford. Let me pose a practical answer there,
12 if I may. That issue has been discussed numerous times. It
13 is not really anything new. Some of the disadvantages I think
14 you would have; the agent training that is received is primarily
15 along criminal lines. The cross-feeding of agent personnel,
16 for example, from criminal investigations over into security
17 investigations, I think certainly has merit.
18 It has an end-product, if you will, operating within the
19 same house to keep us closer aligned to basic violations of law
20 and activity aimed toward violations of law. I think that is
21 particularly important.
22 Another advantage is the manpower flexibility that we
23 have. If the intelligence-gathering function had been
24 separated off unto itself, say, during the period of the late
25 1960's, I don't know where the manpower would have come from

1 to cope with the problems that existed in the street. It
2 was virtually an impossible situation.
3 It becomes more complex when you get into the trying of
4 cases, the searching of indices, the checks that are made
5 in connection with prosecutions. I can remember a period
6 when Bureau indices were checked and no other agencies were
7 checked. That ultimately became a problem which was recti-
8 fied,but the Bureau, and even its intelligence-gathering role,
9 or its subversive investigations, I think, are best related
10 in a law enforcement sense as opposed to a pure intelligence
11 sense without a basis for a tie back to the basic statutory
12 violations in some way.
13 Mr. Oliphant. Getting into resource allocation here,
14 in 1971, what percentage would you estimate of your agent
15 resource, basically man-hours, were dedicated to domestic inves-
16 tigations of, let's say, internal security investigations?
17 Mr. Wannall. I am not in a position to estimate that
18 because we didn't keep any records of that sort. The best
19 that could be done would be to ask our administrative division
20 to endeavor to give you an estimate based on the allocation of
21 money.
22 Mr. Oliphant. All right; has the allocation changed up-
23 ward or downward since 1971?
24 Mr. Wannall. In our domestic area?
25 Mr. Oliphant. Yes.

1 Mr. Wannall. Downward.

2 Mr. Oliphant. When did the major change downward come?

3 Mr. Wannall. I would say between October of 1972 and the
4 present time.

5 Mr. Oliphant. Why is that?

6 Mr. Wannall. Because in September of 1971, the Title 2
7 of the Internal Security Act of 1950 was repealed by legisla-
8 tion. At that time, we undertook to look at all investigations
9 we had in that area which meant in some instances opening
10 for active attention cases which had been placed in a mora-
11 torium basis because there had not been enough manpower to take
12 care of them. And the cases were opened. They were looked at
13 and since that time many investigations which we would have
14 conducted prior to that time were closed and similar investiga-
15 tions were unopened.

16 Mr. Ryan. If I could briefly add, I might point out
17 that the level of the threat, the degree of the threat in terms
18 of activity as far as the black extremists were concerned,
19 and I refer specifically to such groups as the Black Panther
20 Party, and, as far as the new left was concerned, and I refer
21 to those violent-prone elements of the SDS, and Weathermen, and
22 in terms of the White hate groups, I refer to Klan-type groups,
23 had also phased down.

24 Mr. Oliphant. How would you classify the Viet Nam Veterans
25 Against the War? How would you have classified them?

1 Mr. Shackelford. Viet Nam Veterans Against the War?

2 Mr. Oliphant. Yes, sir.

3 Mr. Shackelford. What time period?

4 Mr. Oliphant. Well, do you have ongoing investigations of

5 the Viet Nam Veterans Against the War at the present time?

6 Mr. Shackelford. Let me go back historically a little.

7 The VVAW began as what appeared to be a legitimate veterans

8 rights organization. Our first investigation of VVAW came

9 about when there was information received of attempts by the

10 CPUSA to infiltrate it.

11 It evolved into what would be essentially described as

12 a basic Marxist, Leninist revolutionary organization at a

13 national office level.

14 Mr. Oliphant. When did it become a Marxist-Leninist

15 operation?

16 Mr. Shackelford. I can't give you the exact date.

17 Mr. Oliphant. Can you document that it is a Marxist-

18 Leninist operation?

19 Mr. Shackelford. On a national office level?

20 Mr. Oliphant. What do you mean by that?

21 Mr. Shackelford. The national office leaders were advo-

22 cating a Marxist-Leninist revolution line.

23 Mr. Oliphant. Would that include John ~~Carey~~? Kerry?

24 Mr. Shackelford. No, it did not.

25 Mr. Vermeire. Was that a personal philosophy, or was that

1 a philosophy of the organization?

2 Mr. Shackelford. Any organizational philosophy is a

3 direct product of the leadership.

4 Mr. Oliphant. How did the leadership manifest this

5 Marxist-Leninist philosophy?

6 Mr. Shackelford. In statements made, material pub-

7 lished, the position papers put forth in their conventions, and

8 the like.

9 Mr. Oliphant. What did they say, that we are Marxist-

10 Leninists?

11 Mr. Shackelford. I can't give you exact quotes off the

12 top of my head.

13 Mr. Oliphant. I am not trying to be smart. Did they

14 use the terms Marxist-Leninist, or did you infer from the pro-

15 gram they wanted --

16 Mr. Shackelford. They used the term.

17 Mr. Ryan. If I can go into a little on that.

18 Mr. Oliphant. Sure.

19 Mr. Ryan. I think it was about two years ago that there

20 were elements among the leadership of the VVAW who began

21 internally and sometimes externally advocating a Marxist-Leninist

22 line. About eighteen months ago, we became concerned that the

23 Revolutionary Union, which is a pro-Maoist organization, became

24 very interested in the VVAW and actually started a campaign

25 to take over the VVAW in its entirety. And they have had

1 some success.

2 There are many leaders and members of the VVAW who have
3 secretly enrolled in the Revolutionary Union. We are following
4 the activity of the Revolutionary Union carefully and endeavor-
5 ing to determine what other inroads they make into the VVAW.

6 Maybe you could tell how they stand at the present time
7 in that area?

8 Mr. Shackelford. What I was trying to point out is our
9 investigation of VVAW has changed with the direction VVAW has
10 taken. We have never, for example, investigated all VVAW
11 chapters because VVAW has been a very fluctuating type organiza-
12 tion over the years, and I don't think at any one point have
13 all VVAW chapters, for example, necessarily adhered to the
14 national office policy.

15 VVAW has been in almost a constant state of flux in power
16 struggles among the leadership the VVAW has taken in particu-
17 lar, or in directions which reflect the thinking of the
18 individual leaders. There has been a constant power struggle
19 within VVAW. They have not adhered to a hard line for any
20 extended period of time.

21 Mr. Oliphant. With the exception of the Gainesville
22 case have there been prosecutions against any VVAW organiza-
23 tions or members?

24 Mr. Shackelford. I don't believe there have been any other
25 Federal prosecutions that I am aware of.

1 Mr. Oliphant. Have there been any state prosecutions?

2 Mr. Shackelford. Of individuals? I couldn't really

3 answer that.

4 Mr. Oliphant. Have there been any state prosecutions of

5 groups?

6 Mr. Shackelford. Not that I am aware of.

7 Mr. Oliphant. Have you recommended prosecution? When

8 I say recommended prosecution, I understand that the FBI

9 presents its reports to the Department of Justice. However,

10 I also understand that when there are 302's which go over to the

11 Department which report general information and then there are

12 other reports that go over that basically outline what would be

13 a case.

14 All right; understanding that, have there been reports

15 going over to any prosecutive authority submitted by the FBI,

16 I suppose the Department of Justice, which are laid out in a

17 case-like fashion in which the prosecution has been declined?

18 Mr. Shackelford. I don't believe so.

19 Mr. Oliphant. Thank you.

20 Mr. Shackelford. That is with the exception of the

21 Gainesville case.

22 Mr. Vermeire. Mr. Wannall sometime in the early sixties,

23 a series of programs were begun by the FBI that were known and

24 have become known as the COINTELPRO activities. The procedures

25 utilized in these various programs aimed at various subversive

1 organizations were not in accordance with Section 87 of the
2 FBI manual on instructions. In fact, they were quite a depar-
3 ture from traditional FBI investigative and intelligence
4 practices as had been practiced by the FBI in the past.
5 I would like to know how COINTELPRO germinated, how it
6 began, why it began, on whose suggestion did it begin, how was
7 it formulated, how was it carried out, and why was it carried
8 out?
9 Mr. Wannall. I have no personal knowledge, but I will en-
10 deavor to respond to your question.
11 Mr. Vermeire. I understand you were not an Assistant
12 Director at that time. Perhaps you could tell us at that
13 time where you were assigned throughout the period of the
14 sixties.
15 Mr. Wannall. I can pursue that if you would like, but we
16 were aware that you were going to talk about COINTELPRO. We
17 were advised beforehand, and that was the reason Mr. Ryan
18 came along. If you have no objections, I would have him address
19 your questions.
20 Mr. Vermeire. Fine. I have no objections.
21 Mr. Ryan. Well, you give a pretty wide area, and I would
22 like to know how much time you would like me to give to this.
23 Mr. Vermeire. You can start off. This is an important
24 area. We would like to devote some time to it.
25 Mr. Atkisson. First, let's take a short break.
(Short recess, and discussion off the record during it.)

1 Mr. Oliphant. I think it was Mr. Wannall, but I might
2 be mistaken, who stated -- and I want to be sure I'm not
3 misquoting her -- that the Smith Act was the justification
4 for a great number of the investigations regarding groups
5 under investigation for domestic subversion, specifically,
6 the SWP.
7 Then you stated that the Smith Act or perhaps it was
8 Dave who stated the Smith Act had been rendered nugatory
9 basically by a Supreme Court decision. However, you were
10 told that as of 1974, the Smith Act was to be used as
11 a justification by the Justice Department. Are we to under-
12 stand by that that what you mean is that you have no hopes
13 for any prosecutions under that but that that is the
14 reason that you are allowed to continue to investigate?
15 Mr. Wannall. I would like to tell you what the
16 Department said specifically in response to a request that we
17 submitted.
18 Mr. Oliphant. All right.
19 Mr. Wannall. We asked, in view of the abolition of the
20 Attorney General's list, which occurred, I think, in about
21 the spring of 1974, what was required of the FBI to permit the
22 Attorney General to carry out his responsibilities under
23 Executive Order 10450, which relates to the security of
24 government employees. The Department came back and said,
25 "You should conduct investigations based on such statutes as

1 the Smith Act."

2 I interpret this to mean that the Department feels

3 that the Smith Act is still a viable basis for an

4 investigation. It has not been wiped off the books.

5 Mr. Oliphant. But as a practical matter, is it possible

6 to bring prosecutions under the Smith Act?

7 Mr. Wannall. You are asking me a legal question.

8 Mr. Oliphant. I'm asking your opinion, understanding

9 you are with the FBI and not with the legal arm of Justice.

10 But as an investigator and as the man in charge of the

11 agents that primarily investigate the Smith Act, do you

12 feel that your men can bring viable prosecutions underneath

13 the Smith Act?

14 Mr. Wannall. I still cannot answer your questions. We

15 don't bring prosecutions.

16 Mr. Oliphant. Have any prosecutions been considered

17 under the Smith Act? Let me rephrase that. When was the

18 last time a prosecution was considered under the Smith Act?

19 Mr. Wannall. I don't know. That should be directed to

20 the Criminal Division.

21 Mr. Ryan. May I add a comment there?

22 During the period from approximately ~~1952~~ 1940 until

23 1960, at the request of the Department of Justice, the FBI

24 devoted considerable energies to developing evidence to

25 prosecute the Communist Party under the Smith Act.

1 We exposed over 100 informants in trials and hearings
2 relating to the Smith Act. Then the Supreme Court determined
3 that the Smith Act was not prosecutable.
4 Mr. Wannall. That was in ~~1969~~ 1957.
5 Mr. Ryan. The Congress then had passed the Internal
6 Security Act of 1950 and the Justice Department placed all
7 the FBI available resources into prosecuting the Communist
8 Party under the provisions of the Internal Security Act.
9 Again, we exposed dozens of confidential informants operating
10 within the Communist Party in an effort to cause the
11 Communist Party to register under the Internal Security
12 Act of 1950 and to abide by the other sanctions and provisions
13 of the Act.
14 The Internal Security Act of 1950 then through Supreme
15 Court decisions was rendered ineffective. Since that time
16 there have been many efforts by Congress to pass legislation
17 to help contain Communism. There has not been effective
18 legislation to make Communism a prosecutable violation of
19 the law.
20 Mr. Oliphant. So the bottom line is that right now
21 it is not possible to prosecute Communism?
22 Mr. Ryan. It is technically not possible to prosecute
23 Communists now.
24 Mr. Oliphant. Do you have a reasonable ballpark
25 figure on how many registered members there are of the

1 American Communist Party in the United States?

2 Mr. Shackelford. None registered.

3 Mr. Oliphant. How many members registered with the

4 Communist Party, let's say?

5 Mr. Wannall. We had to research this figure about

6 a year and a half ago. I cannot give you today's figure.

7 At that time taking into account the Party and its youth

8 affiliate, I think we estimated in the neighborhood of 4500.

9 Mr. Oliphant. How many of those would have been in the

10 youth affiliate?

11 Mr. Shackelford. From memory it is roughly a fifty-

12 fifty break, as I recall.

13 Mr. Wannall. I didn't get that figure. I will have to rely

14 on his recollection.

15 Mr. Ryan. Could we go off the record?

16 (Discussion off the record.)

17 Mr. Ryan. The FBI, from 1956 to 1971, in what I

18 believe reasonably and within the parameters of existing law

19 utilized counterintelligence program activities for the

20 sole purpose of limiting the capability of those practicing

21 massive violence and subversion to the detriment of the

22 American people and our Constitutional form of government.

23 Before I begin briefing you a little bit on it, I would

24 like to state that it is my belief that these programs had an

25 impact on the crises of the time.

1 They helped bring about favorable change. The FBI
2 personnel involved with these programs acted with a reasonable
3 good faith belief they were doing what was necessary and
4 lawful. I would like to point out the Department of
5 Justice, after a thorough examination of these programs, has
6 concluded none of the actions taken constitute a prosecutable
7 violation of federal statutes and only a small minority pose
8 problems of civil liability.
9 Mr. Oliphant. Is it not true that the Department of
10 Justice did not review each one of these? Didn't they
11 review a selected sampling?
12 Mr. Ryan. That is not true. As a matter of fact, I
13 personally sat down with Assistant Attorney General Stanley
14 Pottinger and his two deputies who are representatives
15 of the Civil Rights Division of the Department and personally
16 made available all our COINTELPRO files.
17 Mr. Oliphant. I know they were made available. I'm
18 not inferring they were made available. Did they actually
19 review each one of the files?
20 Mr. Ryan. They spent several days reviewing these
21 files. I endeavored to the best of my ability to point
22 them out to specific areas where we thought there could be
23 problems and to indicate to them exactly where they might
24 find problems. We tried to showthem the most hideous examples.
25 Mr. Oliphant. I am not trying to be a prosecutor. I am

1 trying to get an answer here. Did they review each file?
2 They may have seen the most hideous. I am not trying to
3 quibble. I am trying to put it in accurate perspective.
4 Did they review each file?
5 Mr. Ryan. I would like to point out that there are
6 probably over 64,000 pages involved here. Some of these files
7 they reviewed page by page. Others they spot-checked.
8 Others, they sampled. Others, they named specific areas
9 that they wanted to explore in detail. The FBI, with
10 good faith and with complete cooperation, made available
11 to them everything we had.
12 Mr. Vermeire. Are you familiar with the specific
13 programs and the various files?
14 Mr. Ryan. Yes.
15 Mr. Vermeire. Are you familiar with the one involving the
16 SNCC and SNCC's application to IFCO in New York for a
17 loan of money, funds to buy various farm equipment, I believe,
18 for a cooperative, farm project down in Tennessee? That was
19 one of the documents we received from you pursuant to
20 one of our requests. Are you familiar with that particular
21 one?
22 Mr. Ryan. I am familiar generally with the files.
23 When you get into particular incidents, I would like to
24 point out for you that there were a total of 3208 incidents
25 proposed and of these some ~~1388~~ 2340 were approved according

1 to Justice Department figures resulting from a survey
2 of these programs.
3 Mr. Vermeire. I believe this was not only approved
4 but carried out. This was where a letter was sent, an anonymous
5 letter was sent to the lending company, the lending
6 organization, and the letter --
7 Mr. Shackelford. Was this a bank?
8 Mr. Vermeire. No, it was a philanthropic organization
9 which --
10 Mr. Shackelford. I think the record will show the
11 type of organization.
12 Mr. Vermeire. It was a philanthopic organization.
13 It was not a chartered bank. A letter was sent fraudulently
14 stating that the person, being the alleged sender of the
15 letter, was a seller of farm equipment, and that the deal
16 was that the person applying for the loan was going to
17 buy used equipment. Whereas he would tell the lending
18 institutions he was buying new equipment, he was going to
19 buy used equipment at the price he was stating to the lending
20 institution, at the price he was stating to them.
21 The difference between the money he was getting
22 from them for new equipment and the actual value of the
23 used equipment, the difference in that was going to be
24 split by the person sending the letter and the person applying
25 for the loan.

1 They were going to cut the difference between them.

2 As a result of this letter, IFCO decided not to lend this

3 particular organization the money. Are you telling me the

4 Justice Department attorneys told you there is no violation

5 of law there, for example, interference of interstate trade

6 or anything of that type?

7 Mr. Ryan. I'm unable to comment about this specific

8 item. All I can say is that I have a broad knowledge of

9 the programs and there were very few instances where

10 fraudulent information was furnished. Most of the techniques

11 were based upon factual information in this program.

12 I do not know whether the Department of Justice specifically

13 saw that technique. I don't know what the intent was.

14 I don't know what the damages were. I don't know if the anony-

15 mous mailing or fictitious name mailing was effective.

16 I cannot discuss that.

17 Mr. Vermeire. You are not aware of this particular

18 case?

19 Mr. Ryan. No.

20 Mr. Shackleford. I assume that is from the information

21 we furnished you.

22 Mr. Vermeire. I understand from the documents, and it is

23 my recollection that the inter-departmental memorandum

24 indicated that this was not the case. In the request for

25 the approval of sending such a letter, there was an indication

1 that this was not the case, that it was fraudulent.
2 There was no such person. The person who sent the letter
3 was an FBI agent.
4 Mr. Shackelford. I do not argue that point, but with
5 the statement as related about buying used equipment
6 and representing it as new, was that based on fact or was
7 that fiction?
8 Mr. Vermeire. It was fiction. Would you check out
9 that particular document and be prepared to comment on it at
10 the hearing?
11 Mr. Ryan. I would appreciate it if you would give
12 me a copy of it.
13 I understand somebody from your staff would want to be
14 briefed further on that particular document.
15 Mr. Vermeire. All right, fine.
16 Mr. Ryan. On any particular technique we are willing
17 to do that.
18 Mr. Vermeire. All right.
19 Mr. Ryan. To continue about the overall rationale
20 for our counterintelligence program, as you know, the
21 first program was effected in 1956 and it was directed
22 against the Communist Party, USA. I again point out that
23 we are dealing in some areas of sensitivity now. In 1956
24 there was evidence indicating that the Soviets were using
25 the Communist Party as a front for political and intelligence

purposes. We in the FBI were very conscious of this because we knew that many of our espionage cases of the '30s and '40s grew out of individuals who were Communist Party Members. Also, in the early 1950s, the Communist Party had actually put hundreds of members into an underground status, individuals who changed their names, changed their employments, changed their localities, submitted false income taxes and were operating in a complete submerged underground status under the direction of the Party leadership. The Smith Act as we have indicated was unproductive and because of legal technicalities made prosecution impossible.

We knew, also, that the Communist Party since the 1940s had been used as a vehicle by the Soviets for intelligence purposes. Since the Party was founded in 1919, I should point out it has always been a puppet of Soviet policy and remains so today. At that time there were many in this country, including prominent Members of Congress, who felt the legislation which had been enacted ~~expected~~ INTENDED the FBI to contain Communism. There was a philosophy of "Leave Communism to the FBI." Based on this, there were investigators that felt the FBI should do more to curtail communism. The philosophy of the field agents was reflected at headquarters and the Bureau officials ~~which~~ conceived ~~forming~~ an organized, carefully supervised program in an effort to neutralize communist subversion.

1 Mr. Vermeile. Who were these officials?

2 Mr. Ryan. This was a collective decision made. I
3 believe at that time the Assistant Director was Allan Belmont.
4 I think he had some input into it. There was a section
5 chief named William Sullivan who had input into it. There
6 were other individuals on a lesser level.

7 During that period there were a series of regional field
8 conferences where the possibilities of establishing
9 such a program was discussed. These officials, when
10 they came back to headquarters, pursued this further.

11 On August 28, 1956, a memorandum was forwarded through
12 the Bureau chain of command--it was subsequently approved
13 by Mr. Hoover--which authorized consideration of a program to
14 counter communist subversion. The second memorandum was
15 prepared in September, 1956. Instructions were thereafter
16 sent out on 9/6/56, authorizing 12 offices to effect a counter-
17 intelligence program against the Communist Party.

18 Mr. Vermeire. Who was the Attorney General at the time?

19 Mr. Ryan. I believe Rogers, but I would have to check on
20 that.

21 Mr. Vermeire. Was he consulted with respect to that
22 program.

23 Mr. Wannall. I have no information he was consulted,
24 but Mr. Hoover, in an appearance before the National
25 Security Council during the year 1956, did point out

1 that the FBI had a program involving the neutralization of
2 the Communist Party.
3 Mr. Oliphant. Did he go into detail?
4 Mr. Wannall. That document I think is available to you
5 in a position paper which has previously been turned over
6 to you.
7 Mr. Vermeire. Aside from that generalized statement,
8 did Mr. Hoover go into any detail on the program?
9 Mr. Ryan. Mr. Hoover directed a letter to Attorney
10 General Rogers dated May 8, 1958, where he specifically
11 advised a program had been instituted in August, 1956, to
12 neutralize the activities of the Communist Party and he
13 set forth examples of techniques that were utilized in this
14 program.
15 Robert Cutler, Special Assistant to the President, was
16 also advised by a copy of this letter.
17 Mr. Vermeire. What kind of examples were given at that
18 time?
19 Mr. Ryan. I did not bring the documentation for you.
20 It is available.
21 Mr. Vermeire. Do you recall of your own knowledge?
22 Mr. Ryan. I would suggest the fact that we were utilizing
23 informants to raise controversial issues within
24 the Party, to question the philosophy of the Pary, would be
25 one. We exposed the fact the Communist Party was trying

1 to reinstitute a united front effort against a Left Wing
2 group which was not a communist control group, basically
3 these were the techniques utilized. We were also raising
4 within the Communist Party some questions relating to
5 communist philosophy which had been raised by Trotskyites.
6 Mr. Vermeire. Aside from the disruptive activities,
7 the proposed disruptive activities which may be carried
8 on by informants within the Party, were any other techniques
9 at least considered at that time and made known to the
10 Attorney General or the people in the White House?
11 Mr. Ryan. We have considerable information about
12 notice given to the White House, the Secretary of State,
13 to various Attorney Generals, to the House Subcommittee
14 on Appropriations relating to these programs. We can detail
15 this for you now ~~or we can do it~~ in chronological order.
16 Mr. Vermeire. This is subsequent to 1956, then?
17 Mr. Ryan. Yes.
18 Mr. Vermeire. Could you detail that at this point?
19 Mr. Ryan. All right.
20 On November 6, 1958, Director Hoover presented
21 a briefing relating to matters of internal security,
22 counterintelligence, to the President; and ~~selected~~ members
23 of the ~~National Security Council~~ Cabinet. We have located in our
24 files his notes for this briefing which indicate at that time
25 he indicated to these individuals the existence of a formal

1 intelligence program effort against the communists.

2 Mr. Vermeire. Was there any detail of the kind of

3 techniques?

4 Mr. Ryan. As I can recall, and I can document this,

5 several techniques were mentioned. To continue, there was

6 a letter to Attorney General Rogers which I briefly

7 mentioned, dated 5/8/58, regarding Communist Party activities

8 which specifically advised we had instituted a counterintelligence

9 program in August of '56.

10 A copy of this letter was directed to Robert Cutler,

11 Special Assistant to the President.

12 There was a letter to Attorney General Kennedy dated

13 January 10, 1961, which attached a comprehensive memorandum

14 which set forth sensitive information regarding the

15 Bureau's investigation of the Communist Party.

16 There are examples of counterintelligence program activity

17 set out in this letter.

18 A copy of this letter was sent to the Secretary

19 of State, whom I believe at that time was Dean Rusk. There

20 was a letter to Attorney General Katzenbach dated

21 September 2, 1965, which outlined in some detail our

22 investigation of the Ku Klux Klan and other hate groups.

23 This letter pointed out that the Bureau was seeking

24 to disrupt and neutralize the activities of the Klan.

25 A copy of this letter was sent to Marvin Watson at

1 the White House.

2 It is interesting to note that ~~by~~ UNDER date of 9/3/65
3 Attorney General Katzenbach directed a response to this letter
4 to Director Hoover where IN he expressed the hope that at
5 some time it ~~may~~ MIGHT be possible to place these activities on
6 the public record so the FBI could receive its due recognition.

7 Mr. Oliphant. I think that is going to happen, Dave.

8 Mr. Ryan. On December 19, 1967, Director Hoover sent
9 a letter to Attorney General Ramsay Clark regarding
10 our activities to neutralize the violence-prone activities
11 of the Ku Klux Klan. He enclosed with this letter a compre-
12 hensive memorandum regarding our Klan investigations where it
13 was clearly set forth that we were using counterintelligence
14 type techniques to neutralize the Klan.

15 A letter was sent to Attorney General Mitchell by
16 the Director, dated September 17, 1969, outlining our counter-
17 intelligence program directed against the Klan and assuring the
18 Attorney General that we would continue our efforts to neutralize
19 the violence presented by this group.

20 Mr. Oliphant. Did any of these letters show that any
21 of the programs were being conducted against the other
22 groups besides the Klan and the Communist Party?

23 Mr. Ryan. Black Extremist, the New Left, and SWP?
24 These are the ONLY letters we have located.

25 Mr. Vermeire. So at the present time you have no

1 evidence that letters were sent regarding the Black
2 Extremist, the New Left or the SWP?
3 Mr. Ryan. Yes. I will continue with this.
4 I do not have the date with me, but by accident
5 one time a teletype captioned "Counterintelligence Program,
6 Black Extremists, Black Nationalists," was sent to the
7 Department of Justice by routing slip. It outlined in some
8 detail a successful counterintelligence technique effected,
9 I believe, against the Black Panther Party.
10 Mr. Oliphant. What was the response from the Department?
11 Mr. Ryan. There was no response.
12 Mr. Oliphant. Who got that at the Department?
13 Mr. Ryan. I believe it was sent to the Internal Security
14 Division. It was the special litigation section.
15 Mr. Oliphant. Is there any record of the fact of who
16 received it or what if anything was done with it? You know.
17 let's be practical, the fact that a letter went over
18 to the Department might mean something significant if it was
19 routed to the appropriate person, or it might mean
20 it got buried in an avalanche of mail that went over
21 there and ended up in somebody's desk drawer.
22 Mr. Vermeire. Aside from the response of Attorney
23 General Katzenbach that you referred to, were any of these
24 letters ever responded to?
25 Mr. Ryan. No. If I may continue, during the period

1958 to 1966, on six occasions detailed information was prepared for off-the-record testimony of the Director before the Subcommittee on Appropriations of the U. S. House of Representatives relating to our counterintelligence programs. We have the information that was prepared and may be presumed to have been used by the Director.

As you know, he often went off the record before this committee to advise them of sensitive areas of our operations.

Mr. Oliphant. Is there anyone who was with him at that time who can testify?

Mr. Ryan. Yes. On November 1974, Mr. Wannall, I believe, contacted former Assistant to the Director Cartha De Loach and he advised Mr. Wannall, and Mr. Wannall duly recorded this, that he recalled briefing Attorney General Clark regarding our counterintelligence activities, President Johnson, and he was also sure that Mr. Sullivan or Mr. Belmont had briefed Attorney General Katzenbach.

Mr. Wannall, I believe, also contacted John Mohr, a former Assistant to the Director, in November of 1974. Mr. Moore recalled on several occasions the Director had furnished details to the House Subcommittee on Appropriations relating to our counterintelligence program activities.

Mr. Oliphant. To the House as a whole or selected members of the House?

1 Mr. Ryan. Selected members.

2 Mr. Oliphant. The House Subcommittee as a whole or

3 let's say to Mr. Rooney?

4 Mr. Ryan. The House Subcommittee on Appropriations

5 was chaired by Congressman Rooney.

6 Mr. Oliphant. I understand that.

7 When they say they were advised, and let's say it was

8 off the record, does that mean during the hearing?

9 Mr. Ryan. During the hearing, yes.

10 Mr. Callahan, who is presently Associate Director

11 of the FBI, also recalled in November, 1974, basically

12 the same information furnished by a former Assistant to the

13 Director, John Mohr; that is, that the Director had

14 on several occasions furnished details to the House Subcommittee

15 on Appropriations relating to our counterintelligence

16 investigations.

17 I can personally tell you that during the period 1963

18 to approximately 1967, there were numerous ~~rumors~~ occasioned

19 when I was ~~harangued in a manner of speaking~~ ASKED, to prepare backup

20 material for the Director's use, relating to successful

21 counterintelligence PROGRAM type activity. This was prepared in

22 an informal manner. It was often prepared immediately

23 prior to the Director's briefing of an important dignitary

24 of government, including the President. It was my

25 understanding that this was going to be furnished to the

1 Director for his use in briefing these individuals.

2 Mr. Vermeire. What President?

3 Mr. Ryan. You would have to go back to the period

4 1963 through 1967. That constitutes basically the notice

5 that we have given to appropriate and important government

6 officials regarding our COINTELPRO type activities.

7 Are there any questions on that?

8 Mr. Oliphant. Is there any documentation?

9 I appreciate the documentation you have given and I can

10 see it represents a lot of work, getting that together.

11 Is there any way that can be pinned down as to how much

12 of this was actually passed on?

13 You have the stuff that went over to the Department.

14 Is there anyone who was advised of any feedback?

15 In other words, did these letters cause any stir?

16 Were they appreciated by the Attorney General or anyone

17 who got them? Did they understand the import?

18 Mr. Ryan. Mr. Katzenbach sent what might be referred

19 to as a memorandum for commendation on it. We have that

20 documentation. Mr. Katzenbach has since been interviewed

21 about that. He has indicated he cannot recall doing it.

22 He has also stated that it was his habit sometimes to flatter

23 people.

24 Mr. Oliphant. What about any other of the Attorney

25 Generals?

1 Mr. Wannall. I would suggest you might want to talk
2 to Mr. DeLoach who by telephone advised me he had briefed
3 the Attorney General on not just this program, but the
4 programs in general that the Bureau was carrying out during
5 that period.
6 He might be able to furnish information based on his
7 knowledge because he indicated there were oral briefings.
8 Mr. Oliphant. Who accompanied the Director when he
9 went before the House Appropriations Committee?
10 Mr. Ryan. Mr. Mohr and Mr. Callahan generally.
11 Mr. Oliphant. Have you talked with Mr. Mohr or Mr.
12 Callahan as to whether in fact Mr. Hoover did brief
13 the committee as a whole?
14 Mr. Ryan. Mr. Wannall has talked to them and has
15 recorded his comments in memorandum form which were made
16 available to me.
17 Mr. Oliphant. What did he say?
18 Mr. Wannall. I talked with Mr. Mohr. He said, yes,
19 the off-the-record testimony that we had prepared
20 for the Director had been given before the House Appropriations
21 Subcommittee by Mr. Hoover. In reviewing the record testimony,
22 there were indications of off-the-record discussions
23 at particular points at which the information would have been
24 disclosed.
25 Mr. Vermeire. Did the Congressmen have any questions

with respect to the program or was it more in the form of a briefing by Mr. Hoover to them?

Mr. Ryan. I can only relate to what Mr. Mohr said. He indicated ~~that~~ they expressed interest in them. He indicated they did not express any disfavor over them. He was calling on recollection. We do have compiled off-the-record testimony that was prepared for that purpose.

If you do not have it, we are certainly in a position to make it available to you.

Mr.Vermeire. That off-the-record testimony would not be contemporaneous. It is a recollection of what that was?

Mr. Ryan. This was what was prepared for Mr. Hoover's use for his off-the-record discussion.

Mr. Vermeire. It was prepared but as far as the actual dialogue, that was based upon Mr. DeLoach's recollection?

Mr. Wannall.Mr. Mohr.

Mr. Vermeire. What year was this?

Mr. Wannall. There were five or six years.

Mr. Ryan. There were six occasions between 1958 and 1966 which was basically the period of strong activity in these programs.

Mr. Oliphant. Why was the program discontinued?

Mr.Ryan. The program was discontinued in April of 1971 by instructions that were relayed to me from the then Assistant Director, Charles Brennan. It was my understanding

that the program was discontinued at this time based on the fact that it had been primarily phased out. There was a depreciation of the threat and there had been a security breach in that in March, 1971, our resident agency in Media, Pennsylvania, was burglarized.

Mr. Oliphant. How soon after the burglary was it discontinued?

Mr. Ryan. In March, 1971, the burglary took place and ~~it was~~ The programs were discontinued effective April 28, 1971, all counter-intelligence programs.

Mr. Vermeire. Before the break-in, was there any memoranda to the effect that the program would be discontinued?

Mr. Ryan. No, I would point out to my own knowledge that the programs had been literally phased out. In some areas ~~it~~ they had been completely discontinued formally.

Mr. Oliphant. Which areas were those?

Mr. Ryan. Socialist Workers Party was discontinued in 1969, although I understand that that one technique did not actually phase out until January of the following year.

Mr. Oiphant. Which technique was that?

Mr. Ryan. I'm not sure. Another program, one that has been described as Hoodwink, had long since been discontued.

Mr. Vermeire. Hoodwink was a short-term program?

1 Mr. Ryan. There were four anonymous letters prepared
2 under Hoodwink. There were other programs discontinued
3 and some in a classified area.
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Mr. Shackelford. I think a point that needs to be made is that these programs were responses to problems, and as the problem was diminished, the need for the program was diminished essentially. I don't know if Dave would agree with this, but the compromise that came out of the Media burglary probably brought everything into very sharp focus and tipped the balance as far as a determination whether it should be continued.

Mr. Ryan. In 1971, the programs, as I indicated, were phased down. At that time, the reason I became involved is that I had put through a recommendation for a counter-intelligence program type action. I don't remember what it was and at that time Charles Brennan, the Assistant Director, turned ~~that~~ my suggestion down, and at that time questioned the feasibility of continuing the programs.

I would not doubt that he had consulted with other Bureau officials at the time.

There was some feeling that some portions of these programs should have been continued, but the threat in most areas had phased down to the extent where most of the programs were inactive.

Mr. Vermeire. It seems to me in any of those off-the-record discussions of the programs by Mr. Hoover with Congress, he could not have gone into much detail, and the reason I say that is because if he did, I don't know how secure that particular hearing room was. I don't know whether it was just

1 the Congressmen, or whatever. But it seems to me that just
2 that, itself, would somewhat compromise the programs.
3 I mean once it gets out that the FBI might be sending a
4 certain letter to somebody and saying it is from somebody, you
5 know, once that kind of thing starts getting out, it seems to
6 me you might apprise the people that activity is going on, and
7 it seems to me then the program loses much of its effective-
8 ness.
9 Mr. Wannall. I would say, Mr. Vermeire, that Mr. Hoover dis-
10 cussed the most sensitive operations that we had not just in
11 the domestic field but in our counter-intelligence areas with
12 the Committee, and I have no knowledge that there was any
13 breach of security.
14 I am inclined to think probably the room was swept prior
15 to the testimony.
16 Mr. Ryan. During the years of this testimony before the
17 House Subcommittee on Appropriations, the public record will
18 show that Mr. Hoover was highly complimented on his presenta-
19 tion and great confidence was expressed in him. I think this
20 confidence was justified.
21 Ms. Miller. Let me ask you about the tactics that were
22 considered to be disruptive that were used in the COINTELPRO
23 program. Would you outline what some of those were?
24 Mr. Ryan. The techniques that were utilized were calculated
25 to curb subversion or violence. There was no rulebook of what

to use.

When I was involved with the counter-intelligence program, my philosophy was that we should primarily endeavor under this program -- and it was the Communist Party program -- to develop new long-range intelligence or counter-intelligence techniques.

And I would like to comment ~~on~~ in the Communist Party program, we did develop such techniques which were unique in the area of intelligence and which have evolved into foreign intelligence techniques which I think have become some of the more important operations or techniques used in our foreign counter-intelligence area in the FBI, and I think that high government officials, including Mr. Kissinger, have commended the FBI for the information developed as a result of techniques that evolved out of the counter-intelligence program.

Ms. Miller. What were some of the techniques?

Mr. Ryan. They are highly classified.

Ms. Miller. What were the techniques under the COINTELPRO?

Mr. Ryan. There were a variety of techniques. There was no rulebook of what could be used. We would consider any technique which would neutralize violence-prone or subversive organizations.

Mr. Atkisson. Can you give us some examples, Mr. Ryan?

Mr. Ryan. A copy of the report of the Department of

1 Justice study, Committee on FBI COINTELPRO's, the Petersen
2 Committee Report has been made available to you which endeavored
3 to put in categories the type techniques used under this pro-
4 gram.

5 Mr. Atkisson. The program was discontinued in 1971. It
6 had been largely phased out, you say, before that, 1970, and
7 with respect to SWP largely discontinued as early as 1969.

8 Are there any of the techniques outlined in the report
9 already forwarded to us, any of the techniques that you now
10 have in mind which were continued for any reason whatever after
11 any of those dates -- well, after 1971, with respect to any-
12 body; after 1970, with respect to SWP?

13 Mr. Ryan. I would like to point out that there have been
14 some efforts by irresponsible elements of the press, by
15 individuals who for personal reasons are endeavoring to capitalize
16 on their past association with the FBI, and by individuals who
17 I would classify ~~now~~ as subversives to try to leave the impres-
18 sion that we are still using ~~counter-intelligence~~ COINTELPRO-type activi-
19 ties.

20 Now, in the Petersen report a technique is mentioned, and
21 that is interviewing members. These were interviews that were
22 authorized for disruptive purposes. Now we still interview
23 members of subversive groups. We don't interview for disrup-
24 tive purposes.

25 Mr. Oliphant. What about interviewing families or

1 employees?

2 Mr. Ryan. I do not know of any instance where this would

3 be done for disruptive purposes. It is possible that the inter-

4 views would be conducted to develop necessary background to

5 establish identity or to determine the extent of involvement

6 with a subversive group.

7 Mr. Vermeire. Is disruption a motive, or is it a result?

8 Mr. Shackelford. Past or current?

9 Mr. Vermeire. Current. I mean, it seems to me --

10 Mr. Shackelford. In other words, if we interview a

11 person now, what is the motivation of the interview?

12 Mr. Vermeire. I am not sure that is important. Because

13 of the kind of interview and the kind of statements made so

14 clearly lend themselves to a disruption of some activity or

15 some -- it seems to me the motive may not be so important.

16 Mr. Shackelford. I think what we are talking about,

17 we are interviewing a person about their current activities

18 which are under investigation. They of all people are

19 certainly aware of their own activities.

20 Mr. Vermeire. What about people other than the target?

21 Mr. Shackelford. Like who?

22 Mr. Vermeire. Employers, family, landlords.

23 Mr. Oliphant. Co-workers.

24 Mr. Shackelford. I believe you will find those interviews

25 aren't normally conducted. You are talking about exceptions.

1 Mr. Atkisson. Would it be legitimate post-1971, to
2 indicate to a third party interviewee, i.e., an employer, let
3 us say, that the reason the interview was being conducted was
4 that the subject of the interview was Communist, or subversive,
5 or was in any way dangerous to the United States?
6 Mr. Shackelford. I would say normally it would not be.
7 If the employer was engaged in highly sensitive classified
8 government contract work, certainly it could be.
9 Mr. Atkisson. But if not?
10 Mr. Shackelford. If not under normal circumstances, no.
11 Mr. Oliphant. Pursuant to that, what would be the purpose
12 of furnishing to the Civil Service Commission the results of
13 interviews or the results of information developed that a
14 person was living with someone no longer her husband or going
15 into their sex life in any way, shape, or form?
16 Mr. Shackelford. You are raising the same old question.
17 Mr. Ryan. I don't know where this is being done.
18 Mr. Shackelford. You keep resurrecting the sex life. I
19 don't know what the problem is. Talk specifics, and we will
20 try to give you an answer.
21 Mr. Atkisson. Specifically, Kathryn Sledge Zaharie, I
22 guess was the maiden name or marriage name. There is a letter
23 sent to the Civil Service Commission. She got a job in a VA hospi-
24 tal in Seattle -- I don't have the file in front of me --
25 certainly a non-sensitive job, name check, reported back a lot

1 of information about SWP activities, and then the fact that
2 she is married to a certain person, but living with someone
3 else.
4 Mr. Ryan. Tim, what I would like to suggest you do, if
5 you have documentation --
6 Mr. Atkisson. This is documentation.
7 Mr. Ryan. -- let us have the benefit of it, and we will
8 be glad to brief you completely on the circumstances.
9 Mr. Atkisson. We want to ask philosophically, if you are
10 going into that.
11 The other thing is we have people --
12 Mr. Shackelford. Let me answer the first question first.
13 Mr. Atkisson. Go ahead.
14 Mr. Shackelford. The problem that arises in a situation
15 like that, in the normal investigation of the individual engaged
16 in subversive activities, you would get a degree of back-
17 ground information concerning them, they are married, single,
18 U.S. citizen, alien, and the like.
19 If the individual, for example, is married or in the case
20 that you described, I believe, is living with someone other than
21 a spouse, legal spouse, that would appear in the normal back-
22 ground of the investigation, of the person.
23 When a namecheck comes in, if that appears in the report,
24 which is prepared in connection with the subversive investiga-
25 tion, it would be sent probably in toto. We do not go through

1 normally and excise. That is how it would come about.

2 Mr. Atkisson. Let me ask you this: Would people, when

3 they were going around, let's say, investigating specifically

4 the SWP, speaking with third parties, would it be acceptable

5 procedure to say, (a) that they were conducting a subversive

6 investigation and that the person belonged to an organization

7 which was on the Attorney General's subversive list? This is

8 in 1972, let's say, or post-1971, at any rate, when the

9 Attorney General's list for all practical purposes has not been

10 alive and well since 1956?

11 Mr. Shackelford. Well, that is your definition of alive

12 and well.

13 Mr. Ryan. I would like to get back to a factual situation.

14 Mr. Atkisson. Those are allegations. If those allegations

15 are true, would that be an acceptable technique?

16 Mr. Ryan. I would like to deal with facts and avoid

17 allegations, if we could.

18 Mr. Atkisson. Would that be acceptable?

19 Mr. Ryan. We will resolve individually any allegation

20 you want to present to us. The facts are that the Petersen

21 Committee Report, which thoroughly studied these programs,

22 found, and I think you will find under Category 12 of the

23 Report, that the FBI as a COINTELPRO action during the period

24 1956 to 1971 in only thirty instances informed others of

25 immoral activity on the part of a member of a subversive group

1 or extremist.

2 To emphasize how little this was done and how this is
3 being distorted, I would point out there were only two
4 instances of such activities in the Communist Party program out
5 of 1,388. So you are talking about a very minute area which
6 I think is distracting you from what your charter is, to find
7 areas of possible abuse. This is so minute.

8 Mr. Atkisson. We are talking about post-1971. I am ask-
9 ing is that acceptable? As a basic thing, is it acceptable to
10 interview third parties now regarding, let's say, people
11 specifically within the SWP, to ask them about their where-
12 abouts, do they live here, landlords, and that sort of thing?

13 Mr. Shackelford. The answer to that is yes. But you do
14 not furnish information. You solicit information. You must
15 qualify it in that regard.

16 Mr. Atkisson. In the course of that investigation is it
17 acceptable to reveal why you are investigating the person?

18 Mr. Shackelford. Not normally. Again, I have to qualify
19 it, because I don't know the specific incident or the specific
20 third party, or what the circumstances are.

21 Mr. Atkisson. That is reasonable, but not normal --

22 Mr. Shackelford. Again, the basic guidelines of the agent
23 is he obtained information; he does not give information.

24 Mr. Atkisson. That is what one would think.

25 Mr. Ryan. Some of these allegations you mention that are

1 coming out now are raised for one basic reason, and it is quite
2 obvious, to curtail our investigative responsibilities. There
3 are some people obviously who do not want to be investigated.
4 Mr. Vermeire. I don't want to be investigated. I don't
5 know anybody that does.
6 Mr. Wannall. I don't know what the Privacy Act, how that
7 will impact on our conducting interviews very frankly. We
8 have not yet received all of the guidelines that are neces-
9 sary. You mentioned someone employed in the government and
10 mention was made in the late sixties of the Attorney
11 General's list. Under 10450, the Executive Order having to do
12 with security of government employees, we do have responsibili-
13 ties to furnish information to other agencies. While there
14 is no updating of that list from about the mid-50's, the list
15 was in existence until about a year and a half ago, and I can
16 well understand our furnishing information to the Civil
17 Service Commission, where mention is made of the Attorney
18 General's list. That would have been a normal procedure.
19 I don't know if this ties in with the facts that you have
20 or not, but there is no question in my mind that we would have
21 furnished Civil Service information, information if a person
22 was employed by Civil Service, or Agriculture, if he was
23 employed by Agriculture, and normally Civil Service would
24 conduct the investigation unless it got into an area of rather
25 extensive activities, and it would be referred to us for

1 security government employees' investigation.

2 Mr. Vermeire. If I can go on, Mr. Wannall, this is

3 gotten from an FBI document. COINTELPRO document labeled

4 Black Extremists, and I direct this question to Mr. Wannall.

5 In 1969, Ralph Abernathy, at the time he just succeeded

6 Martin Luther King as head of the SCLC, was preparing to give

7 an informative speech at a church in Pittsburgh regarding the

8 upcoming elections -- I believe it was 1968 and not 1969.

9 A letter was sent, an anonymous letter, to the pastor

10 of that church, which contained certain allegations that Mr.

11 Abernathy had been involved in certain sexual molestations of

12 a fifteen-year-old girl.

13 In God's name, how does this apply to your justification

14 for COINTELPRO activities? Here is a man giving a political

15 informative speech to people at a church and here is the FBI,

16 and this procedure was approved by headquarters, approved a

17 procedure whereby such kind of information is sent to that

18 church.

19 How can you justify that kind of an action?

20 Mr. Wannall, I am sitting here today trying to justify

21 something that occurred under a policy which was established

22 and approved by Mr. Hoover --

23 Mr. Vermeire. I am not putting any individual blame on

24 this, but I would like your viewpoint on that kind of pro-

25 cedure. Would you have approved this kind of procedure had you

been in that position to do so in 1968? Would you have approved that kind of a technique?

Mr. Wannall. Well, I am getting into theory, naturally. You are asking me what I would have done. I don't know. I don t know. I certainly would not approve it today. I can answer that question.

Mr. Oliphant. What would be different between now and then?

Mr. Wannal I don't know all the circumstances surrounding the investigation of Abernathy. I wasn't involved; I have no background on him. I don't know what the files show.

Mr. Vermeire. We had received information at a briefing that Ralph Abernathy was not under investigation by the FBI. We know his predecessor was. We won't get into that.

Mr. Ryan, do you care to comment on that? Are you familiar with the document in question?

Mr. Ryan. Just generally. I don't question the document was approved. I would like to point out another technique that I reviewed --

Mr. Vermeire. No, but I am interested in this one.

Mr. Ryan. -- which is basic to this one, I believe.

There was an individual who was a member of a Black Extremist group who obtained a job as a schoolteacher. This individual had been convicted for molesting children. He was a schoolteacher. The FBI furnished this information to a

1 local police department, and this individual was discharged
2 from his position.
3 Mr. Vermeire. Do you think that is analogous?
4 Mr. Ryan. I do.
5 Mr. Vermeire. SCLC is not an extremist organization.
6 Mr. Ryan. Well, you are reaching an area of great sensi-
7 tivity based on our interest in Abernathy's predecessor, and it
8 is an area where I think if you want to approach into it, you
9 should do so with some caution out of respect to dead people.
10 Mr. Vermeire. I certainly am not bringing out any of the
11 material vis-a-vis Martin Luther King, if that is what you are
12 getting at.
13 Mr. Ryan. I don't care to bring that out --
14 Mr. Vermeire. I don't either.
15 Mr. Ryan. myself.
16 Mr. Vermeire. I wasn't asking for that.
17 Mr. Ryan. But this is an individual who was the number
18 one associate of Martin Luther King in this time frame.
19 Mr. Vermeire. I understand the FBI, and am familiar with
20 the FBI interest in Martin Luther King and SCLC, but here is
21 a time when he was dead; the SCLC at that particular time was
22 not considered an extremist organization, as I understand it,
23 and that kind of information was disseminated, and I just don't
24 think it is analogous to the case you gave me.
25 Mr. Ryan. I won't comment whether or not we should do it.

1 I don't know. I will comment, if you were the minister and you
2 had a daughter, you might have been interested in that informa-
3 tion.
4 Mr. Vermeire. The point is the man was there to speak on
5 educating people in the church with respect to elections.
6 There were Black populace in the church. It was an upcoming
7 election. I won't dwell on it.
8 Are you familiar with the case of Father Taylor in Ohio?
9 Mr. Ryan. These are areas -- there were 3,208 proposals
10 in this program, some ~~17300~~ 2540 approved. We would be glad to
11 discuss the specific ones if we had a chance to review the
12 circumstances.
13 Mr. Atkisson. That is one of the purposes of bringing
14 it up now.
15 Mr. Wannall. We will go over the record thoroughly.
16 Mr. Vermeire. And also look into Father Taylor, that comes
17 under the Black Extremist COINTELPRO; okay?
18 Ms. Miller. Probably Mr. Wannall can answer this: The
19 memo which announced the fact that COINTELPRO would be dis-
20 continued said that certain actions would be authorized on a
21 selective basis.
22 Mr. Shackelford. No; it didn't. It said any proposed
23 action should be submitted under the individual case captions.
24 It didn't say would be approved, as I recall that document.
25 Ms. Miller. Okay; but it gave instructions to the field

1 office, if they felt the case was warranted, that disruptive
2 actions could be undertaken.
3 Mr. Shackelford. It said to submit the recommendations
4 under the individual case captions.
5 Ms. Miller. My question is, have there been any disrup-
6 tive activities approved since 1971?
7 Mr. Ryan. If I may respond to that, at the instructions
8 of Mr. Wannall, I surveyed the entire Intelligence Division
9 earlier this year to determine if anybody in the Intelligence
10 Division had any knowledge of any COINTELPRO-type activity
11 that had been authorized after April 28, 1971, and this survey
12 was negative with one exception; that one agent spoke about
13 a misinformation technique in the foreign counter-intelligence
14 area, and he thought that maybe somebody might consider this
15 as a COINTELPRO-type activity.
16 I reviewed this technique and found that it was exclusively
17 in the foreign intelligence area and was not of a COINTELPRO
18 nature in ~~this~~ the context we are discussing.
19 However, in connection with various reviews which we have
20 conducted and are continuing to conduct, we have discovered that
21 there were two recommendations submitted for counter-
22 intelligence action in February of 1972. One of these related
23 to the Black Extremist field and involved the furnishing of a
24 newspaper clipping from an extremist newspaper anonymously to
25 the headquarters of an extremist group.

1 The other, I believe, was in what could be called the
2 White-hate field and involved furnishing information to an
3 individual affiliated with a news media organization of a
4 factual nature.
5 These two instances we have reported to the Attorney
6 General. These were approved after the 1971 concluding date of
7 the programs.
8 Mr. Wannall. May I add one more thing to that, please?
9 The communication to which you refer, indicating that if there
10 should be any further recommendations for COINTELPRO-type
11 actions, they should be submitted under the case file, I was
12 not involved in the communication. I have given consideration
13 to this. Some of the COINTELPRO actions were in the counter-
14 intelligence area, and I would specifically refer to some that
15 were conducted against the Communist Party.
16 I want it to be very clearly understood that in our
17 foreign counter-intelligence activities, we engage in activi-
18 ties that you might classify as a COINTELPRO-type activity. As
19 an example, if through an anonymous mailing we could surface
20 an intelligence officer of a hostile foreign intelligence ser-
21 vice, we would do it.
22 So when we are talking about COINTELPRO, I want to be
23 sure we are talking about the activities in our domestic field
24 which are under criticism, and there are certainly valid
25 questions that have to be asked and responded to to the best

1 of our ability.

2 Mr. Vermeire. Mr. Wannall, the justification that we were
3 given by the Bureau, for example, for the Bureau's not
4 divulging the identity of informants, why those names are
5 excised in various documents, is, and I think it is a valid
6 justification, that if we compromise informants, their identity
7 and so forth, that we are putting informants, because of the
8 very nature of being an informant, we are putting an informant
9 in an extremely untenable and dangerous position, i.e., he is
10 subject to possibly physical harm or even death at the hands
11 of the people he has been informing on.

12 Is that a fair characterization of one of the justifica-
13 tions for not turning over informants, aside from the other
14 theory of the Bureau not breaching its confidentiality?

15 Mr. Wannall. That is part of it. It does go further. We
16 have had persons who have cooperated with us in the past in our
17 foreign counter intelligence areas who have come to us and
18 said, "I am discontinuing my cooperation because in two
19 weeks, two years, or three years, I will read my name in the
20 newspaper."

21 There has been a measurable effect on our ability to carry
22 out responsibilities in our counter-intelligence field as a
23 result of the revelation of informants.

24 Mr. Vermeire. I understand that. I wasn't questioning
25 the justification. That was a preface to my next question.

1 Given the reason for not giving us the names of the
2 informants, how do you square it with some of the COINTELPRO
3 activities, whereby you actively subjected people to this kind
4 of threat, this kind of potential for harm? In other words, were
5 you told X, who was in a position of importance or power in
6 a Black extremist group, for example, the Black Panther policy,
7 you told X that Y was an informant and Y, being also a member
8 of the party, telling other members of these groups falsely
9 that people within the group were informants?
10 Wasn't this really subjecting these people to the likeli-
11 hood or risk that they would face severe chance of physical
12 harm?
13 Mr. Ryan. The Bureau was very much aware of this possi-
14 bility. I think what you are talking about was a proposal
15 which was specifically turned down on the basis that it could
16 jeopardize an individual's life. If this one was not turned down,
17 there were others that were turned down.
18 I would also like to point out to you that this Bureau,
19 in the case of an extremist organization on the West Coast,
20 where a second extremist organization in competition had a
21 contract out to kill the leaders of the first group, this Bureau
22 alerted these extremists to the fact that their life was in
23 jeopardy, ~~or difficulty~~.
24 Mr. Oliphant. Mr. Ryan, there are COINTELPRO things
25 approved, Bureau documents, not allegations, where exactly the

1 tactic which Mr. Vermeire was referring to was used, and then
2 under the section which dealt with results, it said, "Subject
3 fled the area."
4 Mr. Ryan. Without going into specifics, I can say that in
5 my survey of these programs -- and I have been involved for
6 some period in surveying -- I have uncovered no instance where
7 physical harm resulted to any individual --
8 Mr. Oliphant. We are talking about the risk. How do you
9 justify the risk on that?
10 Mr. Shackelford. Let me answer that, if I may. You are
11 trying to compare subjects engaged in extremist activity, high
12 level of violence, and our responsibilities, if you will, to
13 that person and comparing it specifically with our responsi-
14 bilities to a person who is willing to engage in a relationship
15 with these people at great risk to himself, considerable hard-
16 ship for the Bureau and the government, and I propose that there
17 is a considerable difference in the FBI's responsibility to those
18 two different people.
19 Mr. Oliphant. You are saying subjecting these people to
20 violence and they deserve this and yet --
21 Mr. Shackelford. I didn't say that.
22 Mr. Oliphant. That is the implication.
23 Mr. Shackelford. I said you are comparing those two as
24 being like circumstances. I propose they are not like
25 circumstances as far as the Bureau's responsibilities to them.

1 Mr. Wannall. I would have to say that sitting here now and
2 looking back on some of the activities that were carried out,
3 they could be classified as improprieties. I don't think
4 there was any effort from anything that I have been told or
5 anything that I have seen myself on the part of the Bureau to
6 subject individuals to violence.
7 I don't know the specific cases or case that you have in
8 mind, and if you have a case in mind, and we can review the
9 circumstances, we will be more than glad to give you as much
10 information as is available with regard to it.
11 Mr. Vermeire. Mr. Wannall,about three weeks ago, you
12 recall Congressman McClory and a few of us had a briefing with
13 you involving national security wiretaps and some break-
14 ins, and I would just like to put on the record some questions
15 with respect to that hearing.
16 Why don't we take a few minutes' break while I collect my
17 thoughts?
18 (Brief recess.)
19 Mr. Vermeire. Mr. Wannall,on October 10, as I referred
20 to before, there was a briefing with Congressman McClory,
21 yourself, and other members of the FBI, members of this staff,
22 and I am not going to go through my records of that entire
23 briefing, but I am going to touch on a few of the things
24 brought up there.
25 At the time of the District Court for the Eastern District

1 of Michigan decision that is referred to by a lot of names,
2 McKees' decision for one, I believe in the Spring of 1972 you
3 said -- I am sure most people are familiar with the decision,
4 but in the decision of Justice Powell, one of the things he
5 said, in trying to lay down some kind of standard or criteria
6 for what is a domestic organization as opposed to a foreign
7 organization -- of course the strictures and the decision by
8 that court said that no electronic surveillance could be done
9 on a domestic organization even in the interest of national
10 security.
11 A lot of questions, of course, by that decision were not
12 answered. But I want to cite one particular quote from
13 Justice Powell, and then ask you a question on it.
14 It says, "Although we attempt no precise definition, we
15 use the term 'domestic organization' in this opinion to mean
16 a group or organization whether formally or informally
17 constituted, composed of citizens of the United States which
18 has no significant connection with a foreign power, its agents
19 or agencies.
20 "No doubt there are cases where it will be difficult to
21 distinguish between domestic and foreign unlawful activity
22 directed against the government of the United States where
23 there is collaboration of varying degrees between domestic
24 roots' organization and agents or agencies of foreign powers,
25 but this is not such a case."

1 In your opinion, then, does this leave it up to you on a
2 case-by-case basis and based on the facts of each case, to
3 determine what is a domestic organization and what isn't?
4 In other words, that allows a lot of flexibility, and how is
5 the FBI attempting to meet the mandate of this decision?
6 Obviously Congress has a mandate from this decision, also,
7 and that is that Congress should enact positive legislation
8 whereby these standards are set out. Hopefully that will be
9 the result of these committees, but presently how is the FBI
10 implementing this decision?
11 Mr. Wanall. Every electronic surveillance in the national
12 security area, aside from Title 3, has to be personally
13 approved by the Attorney Ageneral, and he is the ultimate
14 judge as to whether there is a significant foreign connection.
15 We furnish him factual information, and if we feel that there
16 is such a connection, we will recommend to him that he
17 authorize it. He makes the determination.
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1 Mr. Vermeire. Do you feel that it would be workable
2 that a selected magistrate, a federal judge in a selected
3 area, perhaps the District Court in Washington, should have
4 some powers somewhat commensurate to the omnibus crime
5 provisions under Title III where at some future time all
6 future security wire taps should be viewed in camera by a
7 member of the Judiciary, in other words, by someone outside
8 the Executive Branch of the Government?
9 Mr. Wannall. I think this is one of several solutions
10 that can be considered. You are talking in terms of having
11 one specific judge.
12 MR VERMEIRE: That is one of the alternatives, The
13 reason I say one judge is that you are cutting down the risk
14 of disclosure, not that anyone imputes any member of the
15 Judiciary of those kind of actions.
16 Mr. ~~Vermeire~~ WANNALL. No, I wouldn't impute that either and I
17 would not raise the question based on that. The basis for
18 my question was one individual who would become sufficiently
19 knowledgeable with regard to counterintelligence or foreign
20 intelligence needs. That expertise does exist within the
21 Executive Branch. It terminates with the Attorney General
22 who has the power and authority and exercises it, to call
23 on various officials in the Executive Branch, at the
24 Presidential appointee level for input and approval
25 I think the procedures he has established, and I'm not

1 at all sure they are final because he still has them under
2 consideration, probably have controls built in that might
3 be more secure than having one individual with that
4 authority.
5 Mr. Vermeire. Mr. Wannall, you stated that on the date
6 of the Keith decision, there were ten electronic surveillances
7 operating in the domestic intelligence area.
8 Mr. Wannall. I think I said less than ten.
9 Mr. Vermeire. Excuse me, I misread. One of the
10 criticism, and I'm not saying that I espouse to that in any
11 way, but one of the criticisms, and whether it was valid or
12 not, I don't know, of the late Director was that before he
13 would go into a particular Congressional hearing he would cut
14 X number of wiretaps or X number of microphonic surveillances
15 and then testify, truthfully, of course, the next day or week,
16 that there were only X number of wiretaps operating at that
17 time.
18 My question is, was this number drastically reduced
19 before the Keith decision, or was this number less than
20 ten somewhat consistent for a long period of time preceding
21 the Keith decision?
22 Mr. Wannall. I have not conducted a study on that
23 specific question, but I have conducted a study with regard
24 to the statements made that prior to his testimony Mr. Hoover
25 would order a cutback on wiretaps.

1 I will be very happy to furnish the results of that
2 study to you which I think tends to refute the allegation.
3 Mr. Vermeire. But you have no knowledge with respect
4 to the electronic surveillance, domestic electronic surveillances
5 at the time of the Keith decision. You have no knowledge how
6 long that figure existed?
7 Mr. Wannall. No, I don't. I have no reason to believe
8 that there was a cutback because of the impending decision
9 of the Supreme Court.
10 I think possibly we have records which might be relevant
11 with respect to that. I would be more than happy to have such
12 records reviewed because we, I think, can reconstruct the
13 number of electronic surveillances we had at a given date.
14 Would you consider it relevant to figure how many we had as
15 of June 19 as opposed to what date prior to that?
16 Mr. Oliphant. I don't mean to interrupt, but on that
17 specific point I understand that the Senate made a request
18 where they tried to find every time the Director was going
19 to speak on this subject of electronic surveillances and
20 they asked for a list, I think ten days before and ten
21 days afterwards. Maybe I am mistaken, but I heard this
22 information from someone.
23 Do you know as a result of that if that showed any
24 significant variance?
25 Mr. Wannall. I have said before that the study did not,

1 to my recollection, show any significant variance.

2 Mr. Vermeire. You also said in 1974 there were 140

3 national security wiretap targets in the United States,

4 is that correct?

5 Mr. Wannall. That figure I was using came from information

6 which had been compiled in a letter by the Attorney General

7 and addressed to Senator Kennedy. I think the letter was

8 dated June 24, 1975. That did in fact reveal the total

9 number of wiretaps conducted during the year 1974. I will

10 have to amend a bit. I don't recall whether the 148 were

11 the number of targets or the number of wiretaps.

12 I think 148 represented the number of targets. There

13 would be variation because if we had a wiretap on an

14 individual and he moved that would be one target, but we

15 would count it as two wiretaps. So there would be a variance

16 between 148 and some figure above that.

17 Mr. Vermeire. You used the term "trespass." What

18 do you mean by trespass? Do you consider a trespass a break-in?

19 Mr. Wannall. I think there are varying degrees of trespass.

20 There are really legal determinations involved. I consider

21 a breaking and entering a trespass if that is the question

22 you are propounding.

23 Mr. Oliphant. What would you consider an entrance

24 that was not a break-in, but was an entrance in which

25 a tradesman or some third party friendly to the Bureau made

1 an entrance for one reason or another or someone disguised
2 as a tradesman who was involved in the Bureau which would
3 not be a break-in, but they got in under false pretenses,
4 let's say.
5 Mr. Wannall. I really am not qualified because you do
6 have legal questions involved in that. I think a lot would
7 depend upon the degree of relationship between the person
8 making the entry and the person requesting an entry be made;
9 was there an agency relationship?
10 Mr. Oliphant. Were there instances made where third
11 parties, not bureau personnel, entered premises to
12 install electronic surveillance equipment or facilitate the
13 installation of the same?
14 Mr. Wannall. I have no personal knowledge with regard
15 to this at all. I would anticipate that there were some.
16 I don't know. You say were there a number.
17 Mr. Oliphant. Were there any?
18 Mr. Wannall. I would say there probably were some where the
19 individual making the entry was completely unwitting. I
20 have in mind, for example, the placement of a listening
21 device in a telephone. The employee of the telephone
22 company who installed the instrument would not even be
23 aware of the fact there was a listening device on the
24 telephone.
25 Mr. Oliphant. In other words, the listening device

had been installed before installation in a telephone and he was given that telephone to install. Is that correct?

Mr. Wannall. I suggest this is a possibility.

Mr. Oliphant. Have there been instances where Bureau personnel have entered under the guise of being something other than Bureau personnel to wit, tradesmen or whatever, to make an installation?

Mr. Wannall. I don't know.

Mr. Oliphant. Have you read in your review of the files or have you been told in the course of your business that this took place?

Mr. Wannall. Where an agent disguised as a tradesman would go into the area for the purpose of installing a microphone?

Mr. Oliphant. Or facilitating the installation, yes.

Mr. Wannall. For example, looking over the premises to determine if an installation might be made.

Mr. Oliphant. I suppose so, yes.

Mr. Wannall. I have heard of instances of that sort. I cannot recall specifics but I think this technique has been utilized.

Mr. Vermeire. Also brought out at that briefing was the question of break-ins. I believe you stated at that time that there were break-ins that did occur from 1965 to 1974. I think that is the period of time. We set down a ten-year period of time. I think you said the beeak-in of the offices

1 of an Al-Fatah contact. You went into some detail, how
2 the entry was made and the hardware used at the same time
3 to see if it could be operable and the authority was obtained
4 by the Attorney General to utilize microphonic surveillance
5 in that situation. I think the other situation you said
6 is that there were a number of break-ins that did occur
7 with respect to illegal Soviet agents in the United States.
8 Now, considering that one instance of the Al Fatah and
9 the instances of break-ins involving Soviet agents, illegal
10 Svoiet agents in the United States, were there any other
11 break-ins aside from them conducted by the FBI?
12 Mr. Wannall. During the period of '65 to '75?
13 Mr. Vermeire. Yes, the ten-year period.
14 Mr. Wannall. Mr. Hoover ordered no further surreptitious
15 entries in July, 1966. There is an overlap of a year there.
16 I don't have personal knowledge, but there is a possibility
17 there were because the technique was utilized until it was
18 discontinued by Mr. Hoover, the technique of surreptitious
19 entry.
20 Mr. Vermeire. In other words, post-1966 under no conditions
21 would there be any break-ins, not even of illegal Soviet
22 agents?
23 Mr. Wannall. Yes. In our counterintelligence area
24 there were. We determined as a result of a field-wide
25 survey that there was one domestic after July 1966 when Mr. Hoover

1 said the technique should be discontinued.

2 Mr. Vermeire. Which one was that?

3 Mr. Wannall. I would have to refresh my memory. It
4 involved, as I recall, the Communist Party, USA. It was
5 probably in about 1967 or 1968. There was no record of it
6 in our headquarters, but our New York office did have a
7 notation on a serial in the file that a telephone call had
8 been placed to headquarters and approval granted to make
9 the entry for the purpose not of taking something away
10 but for the purpose of photographing material on the
11 premises.

12 Mr. Oliphant. Were there any surreptitious entries against
13 the Socialist Workers Party?

14 Mr. Wannall. There have been, yes.

15 Mr. Oliphant. Up until what date?

16 Mr. Wannall. I don't know the date. Do you?

17 Mr. Shackelford. I cannot speak factually but I
18 would generally say up to the '66 date. They could have
19 terminated before that. I have no first hand knowledge.

20 Mr. Oliphant. After that date, Mr. Shackelford, were
21 there any surreptitious entries performed, not by Bureau
22 personnel, but at the behest of the Bureau; in other words,
23 through the use of informants or through the use of people
24 who were friendly to the Bureau?

25 Mr. Wannall. After 1966?

1 Mr. Oliphant. That is right.

2 Mr. Wannall. Our study has revealed none.

3 Mr. Oliphant. What is the policy of the Bureau,
4 if the Bureau is conducting an investigation regarding, let's
5 say, a subversive organization and let's say not a foreign
6 organization, not a Soviet organization, and the Bureau
7 is presented with information which would appear to be
8 the result of something which was taken from an organization.
9 I refer specifically, let's say, to internal documents and
10 that sort of thing, which are not for public consumption,
11 not pamphlets and things like that, and the Bureau is in
12 receipt of that.

13 What is the position of the Bureau with that?

14 Mr. Wannall. I think if the documents clearly
15 indicated they came from such a source, our policy would be
16 not to accept them.

17 I cannot say, with some 8,000 men out in the field,
18 that they would not be accepted. But I can tell you this,
19 if they were accepted and we learned about it, the agent
20 would be subjected to severe disciplinary action. He would
21 put himself in a position of having something he could not
22 use because he would know good and well he was in possession
23 of something that would do him no good and he dare not report
24 to headquarters.

25 Mr. Vermeire. Do you have any estimation of the total

1 number of break-ins conducted by the FBI prior to 1966?

2 Mr. Wannall. Prior to 1966 there has been a figure of

3 248. I think that is the precise figure. I do not know

4 where that figure came from. I would have to go back to

5 the man that I have assigned to this particular area to

6 verify if we in fact can say we made 248.

7 Mr. Vermeire. Out of those 248, how many of those break-

8 ins were conducted on American citizens?

9 Mr. Wannall. I don't know. I do know that we had either

10 14 or 17 targets of domestic organizations.

11 There were numerous surreptitious entries in the

12 case of some of those organizations which runs the figure

13 up much higher than the total number of targets.

14 Records were not maintained. The system was devised.

15 I think perhaps we had talked about this before, that if

16 the recommendation was made it was made a record in our

17 field office file after authorization. It was maintained

18 for a year because we have an inspection of each of our

19 offices each year and the inspector has access to everything.

20 If he found in the files information that was unaccounted

21 for, the special agent in charge could say "Here is my

22 authorization." After that process, the record was

23 destroyed.

24 Mr. Ryan. If I could add to Mr. Wannall's comment,

25 you mentioned domestic break-ins on U. S. citizens.

1 In the overwhelming majority, in my estimation of so-
2 called surreptitious entries of U. S. citizens or
3 domestic groups there was evidence of foreign influence
4 or control.
5 Mr. Atkisson. What in any of your views were the attributes
6 an individual citizen had to have to qualify for ADEX
7 in the course of its existence?
8 Mr. Wannall. ADEX exists today.
9 Mr. Atkisson. I am asking if it has changed. Let's
10 ask today. What attributes would I have to have to be
11 listed on ADEX?
12 Mr. Wannall. You would have to represent what we
13 considered to be a current threat to the security of the
14 country.
15 Mr. Atkisson. Is association alone with any group,
16 no matter how dangerous, association alone enough to
17 qualify me for that elite group of people?
18 Mr. Wannall. No.
19 Mr. Atkisson. Has that been the case throughout the
20 existence of ADEX?
21 Mr. Wannall. Throughout the existence of ADEX.
22 Mr. Atkisson. I know the difference between the
23 security list and the other.
24 Mr. Wannall. There was the custodial list and the
25 security list and ADEX. The ADEX was established on the

1 authority of the Department. We had about 15,000 people
2 who were on the discontinued security index which was set up
3 under Title II of the Internal Security Act of 1950.
4 I mentioned earlier that we took a look at everybody on
5 that list with criteria which would have included membership
6 in certain organizations in order to determine the extent
7 of what had been considered before the potential threat.
8 Once we had gone through that, we said there was no basis
9 for maintaining a list as such. We are interested in on-going
10 continuous investigations of individuals who we feel represent
11 a current threat to the security of the country. So we have
12 cases, something around 1238 on-going investigations, which
13 are reviewed every 90 days to determine if the person's
14 activities have changed. If they have changed, we close the
15 case, if that is warranted, or we discontinue an intensified
16 investigation.
17 The ADEX has nothing to do with whether or not we end
18 the investigation of an individual.
19 Mr. Atkisson. I understand that. Let me ask you with
20 specific reference to SWP, is membership in SWP enough
21 to qualify somebody to be listed?
22 Mr. Wannall. No.
23 Mr. Atkisson. Is active membership enough to qualify one
24 to be listed on ADEX?
25 Mr. Wannall. No.

1 Mr. Oliphant. The 90-day check, has that been lived
2 up to since the inception of ADEX?
3 Mr. Wannall. Yes.
4 Mr. Oliphant. Off the record.
5 (Discussion off the record.)
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1 Mr. Oliphant. With the caveat of not saying I believe
2 this at all, this allegation was made.
3 Mr. Wannall, There was an allegation made that as recently
4 as the early 1970's there were in the possession of someone
5 in the Bureau warrants that were signed but were not filled
6 in, so that in the case of national emergency or something
7 people could be apprehended summarily. Is there any truth
8 at all to that allegation?
9 Mr. Wannall. Yes.
10 Mr. Oliphant. Could you explain?
11 Mr. Wannall. Yes. Under the Internal Security Act of
12 1950, Title II, Congress decreed that there should be an
13 emergency detention program which would be invoked by the
14 President in the event of a national emergency or hostilities.
15 The Attorney General had a portfolio with directions as to
16 what should be done, even to the extent of arranging for
17 detention sites, transportation of individuals, certain
18 criteria applicable to aliens, other criteria applicable to
19 citizens because there would have to be a suspension of the
20 writ of habeas corpus in order for such a program to be
21 invoked. As a result of that, we were called upon to compile
22 lists of individuals who actually could be grabbed off the
23 street and detained in the event of an emergency. I might
24 add that this was an impetus for surreptitious entries to gain
25 knowledge with regard to members of organizations, principally

1 the Communist Party. The criteria for placing a person on
2 this list, which was called a security index, was submitted
3 to the Department of Justice and the Attorney General, either
4 said "I agree with it", "I disagree with it", or "I disagree
5 and here's how you should change it."
6 Three categories were devised. The first category was
7 those individuals who would be considered as the principal
8 threat in the event of a national emergency or hostilities.
9 A second category was a lesser threat. The third category
10 was persons who, after the first two categories had been dis-
11 posed of, would be looked at more closely and a determination
12 made as to whether there should be detention. There were
13 Presidential warrants prepositioned for the purpose of serving
14 them on aliens. I do not have all the details. I was not
15 involved in the program but it was my recollection that there
16 were warrants issued that could be executed and served upon
17 citizens upon the declaration of an emergency and a suspension
18 of the writ of habeas corpus by the President under wartime
19 or extreme national emergency conditions.
20 These lists were maintained. Criteria were reviewed
21 regularly. There were changes made with changing times. Every
22 person who was recommended to be placed on the security index
23 was the subject of an investigation, a full investigation, the
24 results of which were furnished to the Department and except
25 for a very short period in 1955 when funding was not available,

1 continually through that time judgments were made and decisions
2 made by departmental attorneys that either the person should
3 be included on the list or should not be included on the list.
4 Even during the time of the suspension because of budgetary
5 problems I think the people whose names came up there were
6 subsequently reviewed so there was a special unit in the
7 Department which made a judgment as to whether an individual
8 should be included on the index and if so what category.
9 I think it was the 15th day of September, 1971, that the
10 legislation was approved repealing Title II of the Internal
11 Security Act of 1950. On that very day we wrote to the
12 Attorney General. If you don't mind I will quote a single
13 paragraph of the letter.
14 The Chairman. Certainly.
15 Mr. Wannall. I was hopeful that I would have a communi-
16 cation that went to the Attorney General. I don't have it
17 with me. It is available if you would like to have it. The
18 letter referred to the fact that the Act had repealed the
19 emergency detention program and then acknowledged in the
20 second paragraph that the Bureau has no basis for maintaining
21 a security index and accordingly it has been discontinued.
22 The question was posed to the Attorney General as to whether
23 the legislation in September of 1971 had any effect, (1), on
24 our investigative jurisdiction and (2), whether it would
25 preclude our maintaining an index for the purpose of retrieval

1 of information relating to persons who were under investigation
2 in our security area. The reply was, (1), there was no
3 bearing or impact upon our jurisdictional authority; and (2),
4 there was no reason why for administrative purposes, in-house
5 use, the FBI could not maintain a list. That is when we took
6 a look at everybody including cases which had been in a
7 moratorium status because of an inability to assign manpower
8 to investigate them, individuals concerning whom we had no
9 information on their activities for perhaps a two-year period.
10 Every case was looked at. By October of 1972 we had a little
11 over 15,500 people.
12 Mr. Oliphant. What number of those would have been subject
13 to emergency detention?
14 Mr. Wannall. None at that time.
15 Mr. Oliphant. I understand that but when the legislation
16 came first in September 15, 1971.
17 Mr. Wannall. I would have to try, and I don't know if
18 it is available, to find out who were in category 1 and 2.
19 Mr. Oliphant. Could you give us a ballpark figure
20 understanding that it is not conclusive?
21 Mr. Shackelford. I couldn't.
22 Mr. Ryan. I would say we are talking in terms of between
23 15,000 and 5,000 at that time to be discontinued. The list
24 was considerably reduced.
25 Mr. Wannall. I am not in a position to give you a ballpark

figure.

Mr. Oliphant. I think it is important from your point of view because you don't want to give the impression that all 15,000 were on it.

Mr. Ryan. The list had been considerably reduced at the time.

Mr. Wannall. You are talking about September 1, 1971, while this list was still supported by legislation?

Mr. Oliphant. Yes.

Mr. Wannall. We took a look at everybody. We opened cases. There must have been less than 15,000 on the old Security Index at that time. I should not say that because they still were listed on the Index. There must have been 15,500, a percentage of whom would not have been scheduled for detention without further investigative attention. So in October 1972, the 15,500, at that time on our own we said we were not interested in all these people; we are interested in persons who represent a clear, current threat to the security of the country. We had the field go through the entire number of cases and it was drastically reduced in a very short time because the first thing we did was cut off the lowest category. I think that reduced the list by 8,000 or something of that sort. It immediately cut the list. We didn't even pay any more attention to them. But I have maintained a very close watch on it to see the progress downward. The latest figure

1 that I have is 1,238 people as of October 15. Now that means
2 that we have currently active investigations on 1,238 people
3 whose activities indicate a current threat. I am talking
4 about persons who represent a threat to assassinate the
5 President, as an example, or individuals who have taken action
6 or are engaged in violence for the purpose of attaining a goal
7 which in their minds is the destruction of the United States
8 Government.

9 Mr. Oliphant. That is the ADEX list?

10 Mr. Wannall. That is the ADEX. I would like to point
11 out one thing more. The reason we maintain the list is we are
12 able on the list to put these people into a specific category.
13 For example, if this country should by any stretch of the
14 imagination go to war with Communist China, there are persons
15 on that list who are pro-Soviet in their sympathies. Certainly
16 we would not go out and intensify coverage on the pro-Soviets
17 because I am inclined to think that Russia would be most
18 delighted to have the United States go to war with China.
19 So we have the capability through a list of segmenting persons
20 pro-Soviet, pro-Chinese in categories so that if we should
21 be called upon at any time to intensify efforts we can target
22 in the efforts to a category as opposed to the entire 1,238
23 individuals.

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25

1 Mr. Wannall. The list represents nothing more than an
2 index to us, a usable administrative tool, and there is
3 nothing sinister about it, because each person whose name is
4 included on the list is a subject of an active investigation
5 based on a statute, whose file is reviewed every ninety days
6 for determination as to whether he is the type of person that
7 we should continue to investigate.
8 One more point, and I hesitate to make it, because it is
9 not a completely accurate figure. I had a test-run made last
10 week to determine if everybody on the ADEX had previously been
11 on the security index which would be a normal question, per-
12 haps a continuation of something which had existed at the time
13 of the legislation. This survey was made on the basis as of
14 October 1, 1971, what file number was being assigned in our
15 one hundred classification or our 157 classification --
16 Mr. Oliphant. Could you explain what that means?
17 Mr. Wannall. It is covered by Section 87 and 122 of the
18 manual.
19 What file number at headquarters was being assigned as of
20 October 1, 1971, which would indicate we did not previously
21 have a 100 or 157 classification case on that individual.
22 Just above twenty-one percent of the individuals who are on
23 the ADEX now had files opened on them at headquarters after
24 October 1, 1971. Unless we went through and meticulously
25 reviewed each case, we could not say that that figure is

1 infallible. If it should go in any direction, it would probably
2 be up.
3 It is just to illustrate that at least one out of every
4 five individuals that we now have indexed on our ADEX was not
5 on the previous list.
6 Mr. Atkisson. Let me establish one thing for the record.
7 I was asking before about the qualification to get on the
8 ADEX list. You indicated that active membership alone was not
9 enough.
10 The only question I have, and I would reiterate for the
11 record that Mr. Shackelford. I gave you a list of some five or
12 six names during a break when we were off the record, all SWP
13 people.
14 Have we received or been given access to everything in the
15 Bureau files concerning those individuals?
16 Mr. Shackelford. Have you received it?
17 Mr. Atkisson. We have requested it. Have we received it?
18 We have materials on these individuals, or we have had
19 access to them, and we have since asked for production of those
20 documents. Have we gotten everything on those individuals?
21 Mr. Shackelford. I wouldn't have any idea. I don't
22 prepare the material.
23 Mr. Atkisson. I would assume that would be the understand-
24 ing, if we asked for material on the individual, we would get
25 everything.

1 Mr. Shackelford. I presume so. You get what you asked
2 for.
3 Mr. Atkisson. We asked for everything.
4 Mr. Wannall. To the best of our ability, we will send to
5 the Department transmittal to you everything.
6 Mr. Atkisson. Can you give me any idea with respect to
7 your knowledge of the SWP individuals listed there, or any SWP
8 people that you know of, what, in addition to active member-
9 ship in SWP, qualified some of those individuals -- and some
10 of them listed there are on the ADEX list -- what, in addition
11 to active membership, would qualify those people for being
12 listed on ADEX?
13 Mr. Wannall. We would be glad to furnish to you, if you
14 would like, the criteria as it existed in connection with the
15 security index when membership was one of the bases for putting
16 them on.
17 Mr. Atkisson. I am talking about ADEX now. I understand
18 the distinction and some of those people are or were on ADEX.
19 I would just like to know what it is in addition to
20 active membership that got them there.
21 Mr. Wannall. We will give you the criteria with which we
22 started our survey of ADEX and the criteria now is include
23 only those individuals who pose a realistic direct and current
24 danger to the national security. The various categories are
25 no longer utilized. It would have to be in the nature of a

1 willingness and capability and action. Willingness and capa-
2 bility to engage in these things.
3 Mr. Atkisson. Let me ask you this: If somebody is
4 active in the SWP and consequently falls under the watchful
5 eye of the Bureau and then that person leaves the SWP, is
6 there any way -- what would a person have to do to convince
7 the Bureau that he or she was no longer pursuing the terrorist
8 policies and objectives of the SWP?
9 Mr. Wannall. Your choice of words "convince us"; he
10 doesn't have to do anything to convince us. We are interested
11 in activities of individuals. If the activities cease, we
12 have no further interest in the person. The "convince" is
13 what hangs me up a bit.
14 We are trying to conduct our investigations based on
15 a threat that is represented by a person's activities.
16 Mr. Atkisson. I would point out to you for your review --
17 and it is a question I think we would like an answer to later --
18 that Norma Jean Ladiko vociferously and visibly withdrew from
19 SWP long before she was taken off the list.
20 Mr. Wannall. Can you tell me the time frame?
21 Mr. Atkisson. I don't know the specific dates. She
22 withdrew in 1971, a long time ago. And a review of the
23 documents that the Bureau has supplied to us show no activities
24 whatsoever, even participation in any SWP activities or related
25 activities.

1 Mr. Wannall. And you are sure she is on the ADEX.

2 Mr. Atkisson. According to the documents in the file.

3 Mr. Wannall. She is currently on the ADEX?

4 Mr. Atkisson. No; I think just about everybody there

5 was recommended for being dropped from ADEX at some point.

6 Ms. Miller. Not everyone. Mr. Zimmerman is still on.

7 Mr. Atkisson. I do recall in reviewing the Mark Rich

8 file that there was a specific memo recommending that he no

9 longer be a candidate for ADEX, and I think it was in 1973.

10 Mr. Wannall. You understand, September, 1971, up until

11 October, 1972, when we had this ~~1,005~~ 15,000 figure, we had four

12 standards for reviewing files and at that time persons were put

13 under four categories. I don't know the precise date -- I

14 think it was probably in January of 1973, or perhaps before

15 that -- we said, "Okay, we will look at everybody we haven't

16 taken a look at for some time. Now whittle it down."

17 She probably was dropped during the course of that.

18 Mr. Atkisson. I do recall that Mark Rich was dropped from

19 ADEX after the SWP filed its lawsuit, if that gives you any

20 time frame.

21 Mr. Wannall. Well, if you would like to request it, there

22 are channels set up for requests. If you will submit a request

23 to us as to the precise criteria we used after September 1,

24 September, 1971, and when we established the new criteria.

25 Mr. Oliphant. We have asked for a listing of all persons --

1 this is not only our request; these are the requests specifi-
2 cally asked for by Congressman McClory, a listing of all per-
3 sons who have been on the ADEX list since its inception, a
4 copy of the current ADEX list. I don't believe that has been
5 provided.

6 Mr. Vermeire. We have had access to the ADEX list.

7 Mr. Shackelford. You were given access to a current
8 list, as I recall, and I think the discussion went on that we
9 cannot retrieve a list as of a given date, if I am not mis-
10 taken.

11 Mr. Vermeire. I understand, but we haven't had a current
12 list delivered to the Committee. I thought that was in the
13 process.

14 Mr. Oliphant. We made a request.

15 Mr. Shackelford. You made a request; whether it was
16 delivered, I don't know.

17 Mr. Ryan. It seems to me there would be a privacy con-
18 sideration.

19 Mr. Vermeire. That had been arranged. Paul Daley
20 told us that had been approved.

21 Mr. Wannall. You are getting into areas where this has to
22 be negotiated in the Department with our legal counsel. If
23 Paul said this was approved, it is on its way.

24 Mr. Vermeire. Mr. Wannall, how many arrests have there
25 been in the last fifteen years, from sixty to seventy-five
foreign nationals for espionage or sabotage?

1 Mr. Wannall. I would have to research that. I recall
2 two arrests made within the last six months. I recall an
3 arrest -- foreign nations, did you specify specifically?
4 Mr. Vermeire. Yes.
5 Mr. Wannall. Very few. The last one I recall, as a mat-
6 ter of fact -- and there may have been a more recent one --
7 was the Ivanoff case. When you are talking about foreign
8 nations, you are talking about our targets who had diplomatic
9 immunities. They are not subject to arrest.
10 Mr. Vermeire. Not all of them have diplomatic immunity.
11 Mr. Wannall. Many of them.
12 Mr. Vermeire. Only a high-ranking one, I would think.
13 Mr. Wannall. No; everybody except those connected with
14 the United Nations Secretariat. The only ones in the United
15 States in an official capacity without diplomatic immunity are
16 those connected with U.N. Secretariat. Every member of a
17 U.N. Mission, consulate --
18 Mr. Vermeire. What about domestics? How many domestics
19 have been arrested for espionage or sabotage?
20 Mr. Wannall. This is what I started to answer before. I
21 recall two last summer. I recall one in the Summer of 1973, and
22 beyond that, I would have to go to records to give you a pre-
23 cise answer.
24 Mr. Vermeire. Could you check those records out between
25 now and November 18?

1 Mr. Ryan. I might add during that period there were a
2 number of hostile representatives of foreign countries who
3 were declared persona non grata; in other words, asked to
4 leave the country.
5 Mr. Vermeire. They lost their visa, from State?
6 Mr. Wannall. This is something you would have to go to
7 the State Department on. There have been numerous cases -- I
8 say numerous, it is a relative term -- where an official of a
9 foreign government has been determined to have been engaged
10 in activities of an espionage nature and rather than a public
11 declaration of persona non grata action, the State Department
12 would be in touch with the Soviets and say, "We will do our
13 best to keep this off the public record because you have one
14 of our people over there and you do the same thing with him."
15 There are negotiations of this type.
16 Even trying to compile for you something that was usable
17 in a public forum, of PNG actions or requests that the
18 person be removed from the country or that he leave the country
19 in a certain length of time -- there have been instances of
20 this sort.
21 But we are bound quite closely by State Department
22 considerations of their relationships with the particular
23 foreign country involved. It all has to do with the period of
24 detente and foreign relations.
25 Mr. Vermeire. Mr. Wannall, I just have one more question.

1 We understand that the security index has been destroyed.
2 There is no way to retrieve it. There is no way to put it
3 together in any way to get an idea of the 13,000 or 15,000 or
4 so names that were on it.
5 That presents obvious problems. There is no way histori-
6 cally now for us to go back and see, aside from whether the
7 list, itself -- the idea of that kind of list was wrong.
8 Assuming it was right, there is no way to see whether the
9 names on there were the kind of names you wanted subjected to
10 this kind of condition in case of national emergency.
11 My question is that I was always under the impression
12 that under the retention plan that documents that might have
13 historical value or sometime in the future there may be some
14 question as to that material, that that kind of material would
15 be retained somewhere in an archival situation.
16 There obviously is now no way to go back, according to
17 the Bureau, to retrieve that kind of information. I can
18 understand why a list of that type, if those conditions
19 applied, should a national emergency arise, why that list and
20 the conditions attached to it should be destroyed, but the
21 list, itself, the list of the pure names, it seems to me
22 should have had some kind of retention just in case the situa-
23 tion ever did come up, as it has come up now, of a committee
24 or anyone else checking into the list.
25 Do you know any kind of decision that went into

1 destroying this list?

2 Mr. Wannall. I don't know the decision, but I can tell you

3 what the procedures are, which might explain it.

4 The type of information which the Bureau must retain

5 because of its possible or actual historical value is clearly

6 defined by the Archivist of the United States, and rules were

7 laid down as to what should be retained and what should be

8 destroyed.

9 The list was an administrative device to use in the event

10 of an emergency. At headquarters, when a person was removed

11 from the list, it was a card that was kept in a cabinet.

12 That card was placed in a separate file drawer and retained

13 for three years.

14 We have a relocation site from which we would operate in

15 the event of an emergency.

16 Mr. Vermeire. Is that in Quantico?

17 Mr. Ryan. I think that is classified.

18 Mr. Wannall. Here it is Quantico. On the record, we

19 don't respond to that if we should get into a public session.

20 At Quantico, we would have to operate with whatever was

21 there. There were times when people felt that Washington

22 would be one of the principal targets of the first atomic

23 bomb if there should be a war, so there was at Quantico a

24 duplication of this list, and it was retained for five years.

25 When, I guess it was Senator Mansfield indicated no

1 agency should destroy records, we ceased destroying cards on a
2 three-year basis here and on a five-year basis at Quantico,
3 but the list, itself, was run off the middle of each month.
4 A copy of that list went to Quantico until it was replaced,
5 so it would be there if during the ensuing months we would have
6 to relocate.

7 Once a new list was prepared, there was no reason to
8 retain the old list because during the intervening days
9 names would have been added, names would have been deleted,
10 and we would certainly have no interests in continuing inves-
11 tigations from our relocation site of persons whose names had
12 been deleted from the list.

13 So it had, in the opinion of the Archivist, no historical
14 value. I say "it had". I am telling what the procedures were,
15 and I assume the determination was made.

16 Mr. Vermeire. Wasn't it on any kind of computer or print-
17 out of this material that could have been easily stored?

18 Mr. Wannall. The names, when a computer capability was
19 developed, were put on the computer, and that was the printout.
20 That was the monthly list the 15th of each month.

21 Mr. Vermeire. I am not an expert of computers, but isn't
22 there a way you can reconstruct a computer entry?

23 Mr. Wannall. I am not, either. But I think it depends
24 on a particular reel you have at a time, and if you have
25 transferred to a new reel and added to it, the information has

1 to be added and deleted from it, and the reel is wiped out.

2 I do know that there is no way of reconstructing it through

3 our computers, because we made very searching inquiries.

4 We have a drawer, and I think you have had access to it,

5 of these old cards that were retained for three to five years.

6 Mr. Vermeire. The problem with the old cards -- and I

7 have been through this with your people -- is that there is no

8 indication that those old cards -- most of those old cards I

9 believe are from the third stage, is it? As I understand it,

10 those cards -- there were three stages; right?

11 Mr. Wannall. There were three categories.

12 Mr. Vermeire. As far as the security index was concerned,

13 there were three stages or categories, one and two being the

14 most serious. I understand those cards only deal with the

15 third category.

16 Mr. Wannall. I am not aware of that. That is quite pos-

17 sible.

18 Mr. Vermeire. Could you just check --

19 Mr. Shackelford. I don't think so. There is no

20 procedure differentiating between categories -- I don't think

21 that is right. I think what you are running into is a numerical

22 probability, because, as the categories get more restrictive,

23 numerically there are less people. So if you were to flip

24 through the cards, you would see more in Category 3 than in

25 Category 2 than in Category 1. Category 1 would undoubtedly

1 be few in number relative to all the others.

2 Mr. Vermeire. In essence, would all those cards contain

3 people that were on the security index at some time, not any

4 one time, but at some time?

5 Mr. Shackelford. No; only up to the retention period.

6 Mr. Wannall. I think it was in January, this year, we were

7 told not to destroy any more records, so I would say at head-

8 quarters we probably, as opposed to having three years of

9 records, we have four.

10 Mr. Atkisson. Was the content of the list ever transmitted

11 to military intelligence?

12 Mr. Wannall. No.

13 Mr. Vermeire. Would those cards you have -- I think they

14 are orange cards. Would those cards you have give us a fair

15 sampling of the kinds of people who are on the security index?

16 Mr. Wannall. You mean over the entire lifetime of the

17 security index? Because criteria did change from time to

18 time.

19 Mr. Vermeire. That would be just the most recent

20 names, then?

21 Mr. Wannall. They would be ones that have been removed

22 within the past four years, I would say.

23 Mr. Shackelford. Right. Anyone in the card file you

24 are referring to would be those taken off that would fall into

25 the three to five-year category and the retention at the

1 instruction of Senator Mansfield, where we ceased to destroy.
2 That is all you would have.
3 Mr. Vermeire. These were people taken off the security
4 index?
5 Mr. Shackelford. Yes.
6 Mr. Vermeire. The people on it remained on it until the
7 termination would not be in the card catalog?
8 Mr. Shackelford. Yes, because ultimately they would be
9 taken off.
10 Mr. Vermeire. Ultimately, you mean the list was
11 destroyed?
12 Mr. Shackelford. We are talking about two different
13 things. When the security index ceased to function, there was
14 reevaluation, as Ray said, for inclusion on the ADEX. Those
15 who were taken off the S.I. would go into that drawer.
16 It would be a very difficult thing to reconstruct because on a
17 given card, if you could establish a different period on the
18 S.I. from the card -- you can't. You would have to also look
19 at the manual for that period, too.
20 Mr. Vermeire. Looking at it from this point of view, if
21 I found a person's name on one of those cards, that person at
22 one time would have been on the security index?
23 Mr. Wannall. Would have been on the ADEX. The security
24 index was discontinued September, 1971.
25 Mr. Shackelford. Only security index persons would be

1 in the dead file, if you will.

2 Mr. Vermeire. That is what I mean.

3 Mr. Shackelford. I mean ADEX, because of the time lapse,

4 see.

5 Mr. Vermeire. Would you check into that? It is my under-

6 standing now -- and I think you would agree -- that security

7 index in no way can be retrieved; is that correct?

8 Mr. Shackelford. I know that is correct. It cannot be.

9 Mr. Oliphant. I just have one question, maybe semantics.

10 When we started this session, Mr. Wannall stated that to

11 his knowledge there were no Congressmen that had been the sub-

12 ject of electronic surveillance or, let's say, even figured

13 in walk-ins on electronic surveillance in the national security

14 field. Is that correct?

15 Mr. Wannall. What do you mean by walk-ins?

16 Mr. Oliphant. Someone that came on one. In other

17 words, you have a tap on or electronic surveillance on X and

18 Y inadvertently speaks with X.

19 Mr. Wannall. I didn't say that. You were talking there

20 about microphones. When you say electronic surveillance it means

21 wiretaps, also.

22 Mr. Oliphant. All right; then let me ask you this ques-

23 tion: To your knowledge have there been any Congressmen who

24 have been picked up on any electronic surveillance conducted

25 by the Bureau while they were Congressmen?

1 Mr. Wannall. Yes.

2 Mr. Oliphant. And do you know how many?

3 Mr. Wannall. No.

4 Mr. Oliphant. Do you know when the most recent time was?

5 Mr. Wannall. I would imagine there is a possibility it
6 is going on today. We do have electronic surveillances in our
7 foreign counter-intelligence field. If you visualize a particu-
8 lar establishment, and if a Senator or Congressman should make
9 a call to that establishment, he would commit what you call a
10 walk-in.

11 Mr. Oliphant. All right. Have there been any Congressmen
12 who have been, while they were Congressmen, the subject of an
13 electronic surveillance by the FBI?

14 Mr. Wannall. I am qualifying in the national security field.
15 I do not know whether there have been any Congressmen subject
16 to electronic surveillance under Title 3, because they were
17 being investigated under some criminal statute.

18 Now, in the national security field, I have no information
19 or knowledge that a Congressman, either at his house or at his
20 office, has been the subject of a wiretap.

21 I have information to the effect that on one occasion when
22 we were conducting a microphone surveillance in a hotel room in
23 New York, there was an overhearing of a Congressman.

24 Mr. Oliphant. And this was what you referred to previously?

25 Mr. Wannall. Yes.

1 Mr. Vermeire. In that case, the microphone was placed in
2 the hotel room of a foreign national?
3 Mr. Wannall. There were two individuals in the hotel. I
4 think they may have been in the same room; they may have been
5 in different rooms, but it was in the room occupied by one of
6 those two individuals.
7 I described them as foreign nationals. I think I am
8 correct. They were officials of a foreign government, to the
9 best of my recollection.
10 Mr. Oliphant. In that case, Congressman Cooley walked
11 into the room and was overheard?
12 Mr. Wannall. Congressman Cooley was overheard on the
13 wiretap in that room.
14 Mr. Oliphant. I thought you said microphone.
15 Mr. Wannall. I mean microphone.
16 Mr. Oliphant. Was it anticipated he would be overheard?
17 Mr. Wannall. There was indication that "a friend" would be
18 visiting those individuals, and the way I recall it, it was
19 anticipated it would be Congressman Cooley.
20 Mr. Oliphant. When was this?
21 Mr. Wannall. Well, let's see, it was during the time that
22 Mr. Kennedy was Attorney General, so I would put it in the early
23 sixties, probably not later than 1963.
24 Mr. Vermeire. Was the anticipation that Congressman
25 Cooley was going to be in the room; was it that anticipation

which led to the microphone being placed in the room, or was it there already and the anticipation arose after the microphone was placed?

Mr. Wannall. I think it was the anticipation he would be there.

Mr. Vermeire. Led to the microphone being placed in the room?

Mr. Wannall. Yes.

Mr. Vermeire. So, in essence, he was the target?

Mr. Wannall. In essence, he was a target.

Mr. Oliphant. Are there any warrantless electronic surveillances taking place presently with regard to any domestic organization?

Mr. Wannall. No.

Mr. Vermeire. Are there any such arrangements similar to the one involving Congressman Cooley, where it is anticipated that a Congressman will be in a certain spot at a certain time and the electronic surveillance is made with that anticipation although it is ostensibly directed against another party, other than a Congressman?

Mr. Wannall. No, and I will clarify the situation with respect to Congressman Cooley. We were conducting an investigation at the request of the Attorney General. It had to do with sugar lobbying in the United States, and the Attorney General requested an investigation to determine, as I recall, if

there were undue pressures being placed upon the President in parceling out sugar quotas to the various sugar-producing countries, and it was the individuals from the sugar-producing countries who were occupying the rooms in the hotel in New York and the investigation did show contacts between those individuals and Congressman Cooley, who, as I recall at the time, was heading a committee that related to sugar matters, the Agriculture committee, as I recall, or a subcommittee dealing with agriculture matters.

It was an investigation that was undertaken at the specific request of the Attorney General, and I don't know if the request originated higher or not. I don't know that.

35

1 Mr. Vermeire. When Mr. Hoover was told there
2 was no electronic surveillance going on of any Congressman
3 that technically might have been correct. But do you think
4 in substance it was not a full picture of what was happening?
5 Technically it was not his room, but substantially he
6 was the person targeted.
7 Mr. Wannall. Mr. Hoover was replying to charges that
8 Members of Congress were being wiretapped. When I learned
9 Mr. Hoover was going to make a statement that no Congressman
10 had ever been subject to an electronic surveillance, which
11 is broader than a wiretap, I called that to the attention
12 of the Assistant Director.
13 Mr. Vermeire. We were under the impression from that
14 Assistant Director that for some reason you had informed
15 Mr. Hoover of the situation, that there were no electronic
16 surveillances going on and that you went to Mr. Sullivan
17 after that, realizing that perhaps this was not entirely
18 accurate and you stated to Mr. Sullivan that you were
19 concerned that Mr. Hoover would go on the record and say
20 there were not electronic surveillances when in fact there
21 was this microphonic surveillance involving Congressman
22 Cooley. What you tell us today is quite different from
23 the interpretation given to us from Mr. Sullivan.
24 Mr. Wannall. As I understand your interpretation,
25 it is entirely different.

I had no conversations with Mr. Hoover.

In fact, ~~for~~ IN nearly 25 years work, directly at headquarters, I would say I talked with him IN PERSON OR on the telephone while he was in the office not over a half dozen times. I was a section chief. Over me ~~was~~ WERE a branch chief and then an assistant director and over him ~~was~~ WERE AN ASSISTANT TO THE DIRECTOR AND an ~~association~~ director to Mr. Hoover. I would not have thought of going to Mr. Hoover on a matter of this type. I called it to Mr. Sullivan's attention.

Mr. Ryan. I have worked directly under Mr. Wannall for 13 years and he would be the last person I would ever expect in the FBI to engage in any kind of a coverup. If this implication has been put forth, it is a great injustice to him.

Mr. Vermeire. This certainly did not originate with us. In fact, out of deference to him, I was not playing games. I came out and told you what the story is.

Mr. Wannall. I appreciate that. I want my story on the record. I'm telling you what the facts are.

Mr. Vermeire. I have no further questions.

Thank you.

(Whereupon, at 6:40 o'clock p.m., the interview was concluded.)