File #:

62- 116464

Serial Scope:

59- Bulky

31 (Rev. 11-13-78)

62-116464-59

BULKY ENCLOSURE

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BULKY

Serial 59

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~~ENCLOSURE TO BUREAU MEMORANDUM~~
~~FOR HSC DATED 9/4/75~~

I LEGAL AUTHORITIES
II JURISDICTIONAL AGREEMENTS
III ORGANIZATIONAL CHART
IV POLICIES AND PROCEDURES

REQUEST 7-22-75 HSC

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7-22-75 T. F[illegible]
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(MATERIAL MUST NOT BE REMOVED FROM OR ADDED TO THIS FILE)

CLASSIFICATION NO.

FEDERAL BUREAU

of

INVESTIGATION

Bureau File Number

Volume Number

Serials

See also Nos.

SHAW-WALKER 19-37972

62-116464-59	ENCL. 16	9-4-75 TJM:lhb ~~9/4/75~~

The Attorney General U.S. HOUSE SELECT COMMITTEE ON INTELLIGENCE ACTVTS (HSC)

ReHSClet 7/22/75 req'nd materials & documnts previously provided by this Bu to SSC. Enclsd for ur aprovl & forwrdng to Committee is orig of memo w/enclsr which is profferred as partial response to abov-cited req of the HSC. A cc of this memo is being furnshd for ur records. "K."

LEGAL AUTHORITIES

Office of the Attorney General
Washington, D. C.

September 14, 1967

MEMORANDUM FOR THE DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

Although the bulk of criminal offenses occurring in the course of recent riots have been local rather than federal in nature, the question as to whether there was an organization which (a) had made advanced plans for, and (b) was active during any of the riots in the summer of 1967 is one that cannot always be readily resolved by local authorities. In view of the seriousness of the riot activity across the country, it is most important that you use the maximum available resources, investigative and intelligence, to collect and report all facts bearing upon the question as to whether there has been or is a scheme or conspiracy by any group of whatever size, effectiveness or affiliation, to plan, promote or aggravate riot activity.

In this connection the following federal statutes could be applicable depending, of course, upon the factual situation that develops:

Title 18, USC, Section 2383, which proscribes the inciting or engaging in any rebellion or insurrection against the authority of the United States.

Title 18, USC, Section 2384, which proscribes conspiring to overthrow or to destroy by force the Government of the United States or to oppose by force the authority thereof or by force to prevent, hinder or delay the execution of any law of the United States.

Title 18, USC, Section 2385, which proscribes, inter alia, advocacy of overthrowing the Government of the United States or the Government of any state, territory, District or possession thereof, or the Government of any political subdivision therein by force or violence.

Activities Affecting Armed Forces, 18 USC 2388

Selective Service, 50 USC (App.) 462

Travel and Interstate Transportation,
18 USC 1952 (Arson)
18 USC 831-33 (Explosive)

Assault and Killing of Federal Officers and Employees, 18 USC 111, 114 and 2231

Destruction of Government Property, 18 USC 1361 et al

Federal Firearms Act, 15 USC 901-909

Crimes on Federal Reservations, 18 USC 13, 81 et al.

I appreciate that the Bureau has constantly been alert to this problem and is currently submitting intelligence reports to us about riots and about the activity of certain groups and individuals before, during and after a riot. Indeed, the President has said both publicly and privately that the FBI is conducting extensive and comprehensive investigations of these matters.

There persists, however, a widespread belief that there is more organized activity in the riots than we presently know about. We must recognize, I believe, that this is a relatively new area of investigation and intelligence reporting for the FBI and the Department of Justice. We have not heretofore had to deal with the possibility of an organized pattern of violence, constituting a violation of federal law, by a group of persons who make the urban ghetto their base of operation and whose activities may not have been regularly monitored by existing intelligence sources.

In these circumstances, we must be certain that every attempt is being made to get all information bearing upon these problems; to take every step possible

to determine whether the rioting is pre-planned or organized; and, if so, to determine the identity of the people and interests involved; and to deter this activity by prompt and vigorous legal action.

As a part of the broad investigation which must necessarily be conducted, it is requested that all available information be reported and analyzed regarding each sniper caught in any riot or extremist activity and regarding those arrested during the course of a riot or significant racial disturbances who were not residents of the general area. Moreover, sources or informants in black nationalist organizations, SNCC and other less publicized groups should be developed and expanded to determine the size and purpose of these groups and their relationship to other groups, and also to determine the whereabouts of persons who might be involved in instigating riot activity in violation of federal law. Further, we need to investigate fully allegations of conspiratorial activity that come to our attention from outside sources such as those reported regarding Newark in Life Magazine for July 28, 1967, and those regarding the Detroit riot which were furnished to the Department by Walter Sheridan of the National Broadcasting Company (summary of latter is attached).

Ramsey Clark

RAMSEY CLARK
Attorney General

DIRECTOR

Federal Bureau of Investigation

United States Department of Justice

Washington, D. C.

August 24, 1936.

CONFIDENTIAL MEMORANDUM

O. Roosevelt

This morning, in accordance with the request of the President conveyed to me personally by him last Wednesday in New York City, I called at the White House at 9:15 and was with the President until 10:15.

He was desirous of discussing the question of the subversive activities in the United States, particularly Fascism and Communism. He had previously received the memorandum which I had prepared covering my conversation with General Smedley Butler and the effort of Father Coughlin to have General Butler head an expedition to Mexico. I informed the President concerning certain recent developments in the Communist activities in the country, particularly the efforts of the Bridges organization in San Francisco and their progressive control of the shipping on the Pacific Coast, the Gulf Coast and their recent expansion to shipping operations on the Atlantic Coast. I told him that while their contract will expire on September 30, 1936, they are endeavoring to have it temporarily extended until April 1, 1937, in order to conform to the same date that the United Mine Workers' contract expires, which organization is headed by John L. Lewis. I told him that the Bridges organization was practically controlled by Communists and that the Communists had now decided to make very definite plans to get control of the Lewis organization.

I called his attention to the activities of the Newspaper Guild headed by Heywood Broun, which has strong Communistic leanings, and which has been responsible for putting out of operation the Seattle Post Intelligencer. I told him that my information was that the Communists had planned to get control of these three groups and by doing so they would be able at any time to paralyze the country in that they could stop all shipping in and out through the Bridges organization; stop the operation of industry through the Mining Union of Lewis; and stop publication of any newspapers of the country through the Newspaper Guild.

I also related to him the activities which have recently occurred within Governmental service inspired by Communists, particularly in some of the Departments and in the National Labor Relations Board.

I likewise informed him that I had received information to the effect that the Communist Internationale in Moscow has recently issued instructions for all Communists in the United States to vote for President Roosevelt for reelection and against Governor Landon because of the fact that Governor Landon is opposed to class warfare.

The President stated that he had been considerably concerned about the movements of the Communists and of Fascism in the United States and that while the Secret Service of the Treasury Department had assured him that they had informants in every Communist group, he believed that if that was true it was solely for the purpose of getting any information upon plots upon his life, whereas what he was interested in was obtaining a broad picture of the general movement and its activities as may affect the economic and political life of the country as a whole. I told him that there is at the present time no governmental organization which is getting any so-called "general intelligence information" upon this subject. He inquired what suggestions I might offer relative to this matter. I told him that the appropriation of the Federal Bureau of Investigation contains a provision that it might investigate any matters referred to it by the Department of State and that if the State Department should ask for us to conduct such an investigation we could do so under our present authority in the appropriation already granted. He stated that he is reluctant to have a formal request come through the State Department because of the many leaks therein, but that what he would do would be to put a handwritten memorandum of his own in his safe in the White House, stating he had instructed the Secretary of State to request this information to be obtained by the Department of Justice. He stated he would have the Secretary of State at the White House tomorrow afternoon, and asked me to call at the White House at 1:45 p.m. to see him, the President, and the Secretary of State, at which time the matter could be further discussed and an oral request could be made of me by the Secretary of State for investigation so as to avoid any possibility of any leak.

He suggested that I endeavor to coordinate any investigation along similar lines which might be made by the Military or Naval Intelligence Services. He stated that the Secret Service was not being brought in on this investigation as they should confine themselves strictly to the matter of protecting his life and the survey which he desired to have made was on a much broader field.

John Edgar Hoover.

JOHN EDGAR
DIRECTOR

Federal Bureau of Investigation

United States Department of Justice

Washington, D. C.

August 25, 1936.

CONFIDENTIAL MEMORANDUM

Today, in line with the request of the President, I called at the White House at 1:45 p.m., and present at the conference were the President, the Secretary of State and myself. The President related to the Secretary of State his concern relative to Communist activities in this country, as well as Fascist activities. He stated that he was very desirous of having a survey made of these conditions and informed the Secretary of State that this survey could be made by the Department of Justice if the Secretary of State requested the Department to conduct the inquiry, as under the Appropriation Act this Bureau would have authority to make such investigation if asked to do so by the Secretary of State. The President pointed out that both of these movements were international in scope and that Communism particularly was directed from Moscow, and that there had been certain indications that Oumansky, attached to the Russian Soviet Embassy, was a leading figure in some of the activities in this country, so consequently, it was a matter which fell within the scope of foreign affairs over which the State Department would have a right to request an inquiry to be made.

The Secretary of State inquired if a request should be made in writing. The President indicated that it should not be since he desired the matter to be handled quite confidentially and that it would be sufficient that the President, the Secretary of State and I should be the ones aware of this request.

The Secretary of State asked that the investigation be made and then made several suggestions - one, relative to the making of a protest, either formally or informally, to the Russian Government relative to its interference with affairs in this country. Discussion was also had as to the information obtained indicating that the Third Internationale had indicated preference for Roosevelt as against Landon. It was the opinion of the President that some statement should be made along this line by the Attorney General at an early date. The President asked that I speak to the Attorney General, upon his return to the city, about this matter, and he suggested to the Secretary of State that he talk over the technique to be followed in this particular aspect, with the Attorney General.

John Edgar Hoover.

x Subversive activities investigations

JEH:HOD

September 10, 1933.

Strictly Confidential

MEMORANDUM FOR MR. TAMM

In talking with the Attorney General today concerning the radical situation, I informed him of the conference which I had with the President on September 1, 1933, at which time the Secretary of State was present, and at which time the Secretary of State, at the President's suggestion, requested of me, the representative of the Department of Justice, to have investigation made of the subversive activities in this country, including communism and fascism. I transmitted this request to the Attorney General, and the Attorney General verbally directed me to proceed with this investigation and to coordinate, as the President suggested, information upon these matters in the possession of the Military Intelligence Division, the Naval Intelligence Division, and the State Department. This, therefore, is the authority upon which to proceed in the conduct of this investigation, which should, of course, be handled in a most discreet and confidential manner.

Very truly yours,

John Edgar Hoover,
Director.

DIRECTIVE OF THE PRESIDENT OF THE UNITED STATES

SEPTEMBER 6, 1939

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

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

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

REPORT SECURITY MATTERS TO FBI

"On September 6, 1939, I issued a directive providing that the Federal Bureau of Investigation of the Department of Justice should take charge of investigative work in matters relating to espionage, sabotage and violations of the neutrality regulations, pointing out that the investigations must be conducted in a comprehensive manner, on a national basis, and all information carefully sifted out and correlated in order to avoid confusion and irresponsibility. I then requested all police officers, sheriffs, and other law enforcement officers in the United States, promptly to turn over to the nearest representative of the Federal Bureau of Investigation any such information.

"I am again calling the attention of all enforcement officers to the request that they report all such information promptly to the nearest field representative of the Federal Bureau of Investigation, which is charged with the responsibility of correlating this material and referring matters which are under the jurisdiction of any other Federal agency with responsibilities in this field to the appropriate agency.

"I suggest that all patriotic organizations and individuals likewise report all such information relating to espionage and related matters to the Federal Bureau of Investigation in the same manner.

"I am confident that all law enforcement officers, who are now rendering such invaluable assistance toward the success of the internal safety of our country will cooperate in this matter."

Franklin D. Roosevelt

January 8, 1943

THE WHITE HOUSE
WASHINGTON

July 24, 1950

INFORMATION RELATING TO DOMESTIC ESPIONAGE, SABOTAGE, SUBVERSIVE ACTIVITIES AND RELATED MATTERS

On September 6, 1939 and January 8, 1943 a Presidential Directive was issued providing that the Federal Bureau of Investigation of the Department of Justice should take charge of investigative work in matters relating to espionage, sabotage, subversive activities and related matters. It was pointed out that the investigations must be conducted in a comprehensive manner on a National basis and all information carefully sifted out and correlated in order to avoid confusion. I should like to again call the attention of all Enforcement Officers, both Federal and State, to the request that they report all information in the above enumerated fields promptly to the nearest Field Representative of the Federal Bureau of Investigation, which is charged with the responsibility of correlating this material and referring matters which are under the jurisdiction of any other Federal Agency with responsibilities in this field to the appropriate agency.

I suggest that all patriotic organizations and individuals likewise report all such information relating to espionage, sabotage and subversive activities to the Federal Bureau of Investigation in this same manner.

Harry Truman

DIRECTIVE OF THE PRESIDENT OF THE UNITED STATES

DECEMBER 15, 1953

"On September 6, 1939, January 8, 1943, and July 24, 1950, Presidential Directives were issued requesting all enforcement officers, both Federal and State, to report promptly all information relating to espionage, sabotage, subversive activities and related matters to the nearest field representative of the Federal Bureau of Investigation.

"The Federal Bureau of Investigation is charged with investigating all violations of the Atomic Energy Act, including the illegal export or import of fissionable material, the illegal possession or transportation of fissionable material and the illegal production, transfer, or possession of any equipment or device utilizing fissionable material or atomic energy as a military weapon. 'Fissionable material' means plutonium, uranium-235 or other material which the Atomic Energy Commission has determined to be capable of releasing substantial quantities of energy through nuclear chain reaction. I am requesting that all enforcement officers, both Federal and State, report all information relating to violations of the Atomic Energy Act to the nearest field representative of the Federal Bureau of Investigation.

"I suggest that all patriotic organizations and individuals likewise report all such information to the Federal Bureau of Investigation in the same manner."

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Dalbey DATE: 5/16/72

FROM : J. A. Mintz

SUBJECT: FBI JURISDICTION: CRIMINAL INTELLIGENCE INFORMATION

You requested analysis of the legal authority for FBI criminal intelligence collection and its relationship to our statutory jurisdiction in criminal matters.

"The gathering of criminal intelligence information" describes activity not subject to precise definition. However, its general objective is well understood by those engaged in law enforcement. There exist individuals and groups whose daily occupations are directed toward profit without regard to the restraints of the law. Yet, by the very nature of their associations, little actual participation in criminal acts may be observed by the most astute law enforcement observer. Their existence and contribution to the sum of criminal behavior has been detected and to some degree measured by the collection of data concerning their personal life-styles, property holdings, associates, influence, and access to capital. Such information has been characterized as "criminal intelligence."

For years, the FBI has been aware of the need to identify these resources of the criminal element. Congress responded to this need through the Organized Crime Control Act of 1970. The Congressional findings were that organized crime in the United States is a highly sophisticated, diversified, and widespread activity that annually drains billions of dollars from America's economy by unlawful conduct and by the illegal use of force, fraud and corruption. Legitimate business and labor unions are infiltrated and corrupted and our democratic processes are subverted. The problem was declared to be of of national concern both as to our economy and the domestic security.

JAM:dch
(8)

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The Act attempted to attack organized crime by making criminal the management of syndicated gambling and by prohibiting racketeering activity characteristic of organized crime including the use of illegal proceeds for investment in legitimate business enterprises.

The long-established suspicions of law enforcement officers were confirmed by the Congressional findings but statutory enactments did not eliminate the conduct described as evil therein. There remains the task of establishing the identities of those constituting the national menace and developing prosecutable evidence of their guilt. "Criminal intelligence" collection is one means by which this responsibility may be fulfilled. It may be the only practical means in view of the scarcity of witnesses willing to testify and of the high mortality potential of those who do appear. A classic example of such intimidation is reported in United States v. Addonizio, 451 F2d 49 (3rd Cir. 1972) where a prospective witness in a corruption case found an anonymous note on the seat of his car which read "This could have been a bomb. Keep your mouth shut."

Accepting the need for intelligence gathering as a practical necessity, the issue remains as to its propriety in the face of Constitutional protections. If the Supreme Court announces that individuals have a Constitutionally protected right of privacy that may be overcome only through established arrest, search, and subpoena procedures, the issue will be settled. But, thus far, the Court has only drawn upon the concept of Constitutional privacy to resolve cases involving special circumstances such as marital affairs (Griswold v. Connecticut, 381 U.S. 479 (1965)) and interception of communications (Katz v. United States, 389 U.S. 347 (1967)

More specific Constitutional limitations on the criminal intelligence function may be found in the First Amendment protections of speech and assembly; the Fourth Amendment prohibitions of unreasonable searches and seizures; and the Fifth Amendment privilege against compulsory self-incrimination.

The theme consistently found in decisions having a bearing on tl relationship between these rights and the collection of criminal intelligen ce is that, when in direct conflict, the collection efforts must yield. Such is

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not to label criminal intelligence as necessarily the product of malpractice, but to recognize the paramount nature of the Constitutional interests being safeguarded. Other incidents of government regulatory authority have been required to yield as well when confronted with legitimate claims of Constitutional protection, e.g. the administrative search cases, Camara v. Municipal Court, 387 U.S. 523 (1967).

Overt and obtrusive conduct susceptible of being characterized as harassment may well be enjoined as, for example, was the case of an obvious 24-hour-a-day physical surveillance of an individual, his home, relatives, friends, and associates (Giancana v. Johnson, 335 F2d 366 (7th Cir. 1964) cert. den. 379 U.S. 1001. Similar results might be expected where an identified officer loiters in the subject's place of business (Bee See Books, Inc. v. Leary, 291 F. Supp. 622 (SD N.Y. 1968) or openly attends organizational meetings where his presence inhibits communication and the transaction of the business of the assembly (Local 309, United Furniture Workers v. Gates, 75 F. Supp. 620 (ND Ind. 1948)). However, open photographic surveillance of public gatherings (Donahoe v. Duling, 330 F. Supp. 308 (ED Va. 1971)) and secret monitoring of criminal activities through the use of undercover agents (Lewis v. United States, 385 U.S. 206 (1966)) and informants (Hoffa v. United States, 385 U.S. 295 (1966)) have met with judicial approval.

Obviously, criminal intelligence information gained by unreasonable search and seizure or through compelled self-incrimination is tainted and subject to judicial condemnation upon complaint of one having the requisite standing.

Perhaps, the decision coming nearest to discussing the legality of criminal intelligence collection was Anderson v. Sills, 106 N.J. Super. 545, 256 A2d 298 (1969), (reversed on the ground more complete record was needed to support the decision) 56 N.J. 210, 265 A2d 678 (1970) New Jersey had responded to the threat of continuing civil disorders by collecting intelligence information on persons and events alleged to have some relationship to such activities. The trial court held the collection effort to be unconstitutional because it conflicted with the First Amendment

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However, the court order to destroy the intelligence files excepted instances "where such information will be used to charge persons with specifically defined criminal conduct." 256 A2d at 305. Thus, the decision may be interpreted as drawing a distinction between collection of intelligence information where political or social factors are involved and First Amendment freedoms therefore may be directly inhibited and collection of criminal intelligence information where the objective is the establishment of criminal conduct and the identities of the offenders. While the Fourth and Fifth Amendment may be enjoyed by the guilty and innocent alike, it is improbable that the First Amendment would be stretched so far as to protect freedom of speech and assembly when such speech and assembly constitute elements of a criminal offense. On appeal, the Supreme Court of New Jersey returned the case for further development of the record and observed ". . . the executive branch may gather whatever information it reasonably believes to be necessary to enable it to perform the police roles, detectional and preventive. A court should not interfere in the absence of proof of bad faith or arbitrariness." 265 A2d at 666.

A tentative conclusion may be stated, subject to further development of the case law. The gathering of criminal intelligence information for the purpose of developing evidence of specific offenses characteristic of organized crime is legally justified as well as practically necessary. Where there is diversion from the proper objective and such collection efforts are manipulated to cause harassment or where such activity conflicts with Constitutional rights, to that extent the criminal intelligence program must be reformed.

OPTIONAL FORM NO. 10
GSA FPMR (41 CFR) 101-11.6
UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Dalbey DATE: 5/18/72

FROM : J. B. Hotis

SUBJECT: FBI AUTHORITY IN DOMESTIC INTELLIGENCE MATTERS

You requested an analysis of the Bureau's authority to conduct domestic intelligence investigations. The question of the jurisdictional basis for these investigations is being examined at length by the Domestic Intelligence Division and will not be discussed here.

It is fair to say that the domestic intelligence program is one of the more controversial areas of the Bureau's activities. For one thing, an intelligence investigation casts a broader net than inquiries that are directed toward the proof of a specific offense. A large amount of raw data is collected, much of which has no immediate bearing on potential offenses or offenders. But seemingly trivial information may later become important in the detection and prevention of violence or civil disorder. There are also fears that these investigations may eventually touch upon one's political beliefs, habits or associations; or that information collected for proper purposes may eventually be misused at the hands of Government. Each is a legitimate concern. The notion of Government prying into the personal lives of its citizens is repellent to all of us. And yet there is a strong sense that the Government must acquire necessary intelligence information if it is to meet its responsibilities in connection with the national security.

One of the major concerns about our domestic intelligence activities is that they are not supervised or monitored by any outside agency. The claim is made that the Executive Branch has been left wide discretion to define its own authority, and to choose the directions, methods, and focus of its investigations. For one thing, the law has never made clear what facts and circumstances must be present to authorize an intelligence investigation, nor how far such an investigation may lawfully proceed without being directed toward proof of a specific offense.

JBH:dch
(3)

CONTINUED - OVER

And unlike the practice in criminal cases, our electronic surveillances in security matters are not submitted for prior court approval. For another, the exclusionary rule which provides the usual method of judicial control over investigative procedures, is not often available in security cases. Since the goal is largely preventive, these cases seldom come before the courts. As a result, the public, the courts, and the Congress have very little information about how we operate in domestic intelligence matters and what we do with the information acquired.

In response to this situation, some members of the Congress have pressured for tighter controls over the Bureau, perhaps in the form of a watchdog committee to oversee our operations. Senator Ervin, who chairs the Senate Subsommittee on Constitutional Rights has expressed particular concern about the right of privacy and the authority of the Government to gather information. In an exchange of correspondence with the Department of Justice, the Senator has requested specific documentation of the Department's guidelines for the gathering and retention of domestic intelligence information. He has also suggested that legislation might be enacted, requiring a showing of probable cause before an investigation can be initiated by the Government. It is doubtful that any such measure would pass the Congress, but the proposal does show the mood of the times.

A parallel trend may be developing in the courts. In several recent cases, plaintiffs have made the claim that Government information gathering, which goes beyond the effort to apprehend criminal suspects, may have a "chilling effect" on the exercise of First Amendment rights. These challenges thus far have not been successful. Anderson v. Sills, 56 N.J. 210, 265 A2d 678 (1970); Donahoe v. Duling, 330 F. Supp. 308 (E.D. Va. 1971); American Civil Liberties Union v. Westmoreland, 323 F. Supp. 1153 (N.D. Ill. 1971).

The courts have generally recognized that one of the principal functions of the Bureau is to gather information law violators, agitators of violence and possible subversives.. Tatum v. Laird, 444 F2d 947, 957 (D.C. Cir. 1971) cert. granted, 404 U.S. 955 (1971); The Fifth Avenue Peace Parade Committee, et al. v. J. Edgar Hoover, et. al., 70 Civ. 2646 HRT, decided February 16, 1972. The Court of Appeals for the District of Columbia Circuit, has observed that the identity of the agency gathering such information is determinative of the significance of any alleged chill to

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to First Amendment rights. Thus, in Davis v. Ichord, 442 F2d 1207 (D. C. Cir. 1970) although appellants allegedly felt chilled by a Congressional Committee's investigation of them, the Court of Appeals found there was insufficient justiciability in their claims to create a viable case or controversy. This was because appellants had "failed to bring the fear of investigation by the present Committee home to themselves," their fears were wholly speculative; there were no criminal proceedings confronting them; nor was any action pending. Moreover, the Court in Davis found that the power of a Congressional Committee began and ended with the investigation; whenever a Committee of the Congress seeks punitive action, the Judiciary must become involved, and thus every investigation has a judicial check which operates to guarantee the protection of constitutional rights.

This latter aspect of the Davis decision was given perspective by the Court of Appeals in Tatum. In contrasting the potential impact on First Amendment rights occasioned by investigations conducted by the military with investigations conducted by a civilian investigative agency, such as the Federal Bureau of Investigation, the Court observed:

> The compilation of data by a civilian investigative agency is thus not the threat to civil liberties or the deterrent on the exercise of the constitutional right of free speech that such action by the military is, because a civil investigative agency has no inherent power always being subject to the well-defined restrictions of law and the approval of the courts. * * *

There, the Court pointedly examined the "source of the chill" as it had in Davis, and in applying the "chilling effect doctrine", singled out the FBI as a source which does not generate a reasonable basis for inhibitions or apprehensions. In this connection the Court stated.

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Referring to our holding in Davis that the "source of the chill" is important in determining whether there is any inhibiting effect on the exercise of First Amendment rights, we think that there is a significant difference between investigative actions taken by a military agency in reference to civilians and similar investigative actions taken by a regular investigative agency of a civilian branch of the Government.

One of the functions of a civilian investigative agency, such as the Federal Bureau of Investigation, is to compile information on law violators, agitators of violence, and possible subversives. It has always been recognized that this is a delicate function, and it is exercised under the direction of the Attorney General. Investigation is performed by men a majority of whom are under the direction of lawyers in the Justice Department, and the information compiled is only usable and effective through court action. The FBI is powerless to imprison or to affect his liberty in any way except through the action of the courts.

As to the surveillance of public meetings through the use of informants, it has been held that such surveillance is not per se actionable. See Donahoe v. Duling, 330 F. Supp. 308 (E.D. Va. 1971) (police surveillance of street demonstrations held not to offend First Amendment rights).

The Supreme Court in Hoffa v. U.S., 385 U.S. 293 (1966), held that the use of secret informants is "not per se unconstitutional", and does not violate the Fifth Amendment privilege against self-incrimination, nor the Fourth Amendment prohibition against unreasonable searches and seizures. The Court upheld, as reasonable under the Fourth Amendment, admission at trial of evidence obtained by an undercover informant to whom a defendant spoke without knowledge that he was in the employ of the police. 385 U.S. at 300-303. See also Lewis v. U.S., 385 U.S. 206 (1966) and Lopez v. U.S., 373 U.S. 427 (1963).

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Moreover, the Supreme Court in U.S. v. White, 401 U.S. 745 (1971), recently held that the use of secret informants does not violate any constitutionally justifiable expectation of privacy under the Fourth Amendment, even when an informant uses electronic equipment to transmit his conversations with defendants to other agents.

If the use of undercover government informants without a warrant does not violate the Fourth Amendment and invade a defendant's constitutionally justifiable expectations of privacy, Hoffa v. U.S., supra, and such informants may write down their conversations with defendants and testify concerning them, or simultaneously record and transmit such conversations to others, who may testify against them, On Lee v. U.S., 343 U.S. 747 (1952); U.S. v. White, supra, then clearly mere visual "surveillance" of plaintiffs in plain view by informants at public meetings would not violate their constitutional rights.

It would seem that those who elect to present their views actively in the public arena deliberately expose themselves to the public. See Associated Press v. Walker, 388 U.S. 130 (1967). Any recording of their activities by the defendants does not invade their privacy any more than does a newspaper, radio, or television story, and, indeed, much less since any information compiled is usable and effective only through court action. Tatum v. Laird, 444 F2d 947, 957 (D.C. Cir. 1971).

More difficult questions are presented where the investigation delves into the private affairs of the individuals or organizations. But even here, the courts have generally sustained our procedures so long as they comport with the restrictions of the Fourth, Fifth and Sixth Amendments The Fifth Avenue Peace Parade Committee, et. al. v. J. Edgar Hoover, et. al., 70 Civ. 2646 HRT, decided February 16, 1972. (examination of bank records) U.S. v. Gerhart, 275 F. Supp. 443 (S.D. W. Va. 1967) (examination of bank records); Minker v. U.S., 312 F2d 632 (3d Cir. 1962) (trash covers); Cohen v. U.S., 378 F2d 751 (9th Cir. 1967) (mail covers); U.S. v. Van Leeuwen, 397 U.S. 249 (1970) (detention and examination of packages in the mail); Mancusi v. DeForte, 392 U.S. 364 (1968) (seizure of union records); Hoffa v. U.S., supra; U.S. v. White, supra; (use of informants).

In summary, it is premature to say that the First Amendment line of cases, dealing with the "chilling" concept offers any substantial impediment to our intelligence investigations. There is less reason for optimism, however, with regard to congressional intervention. We should be prepared, therefore, to meet arguments regarding the need for outside supervision. The sound answer, which should satisfy governmental needs and individual rights, is found in tight internal controls and carefully developed guidelines.

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POSITION PAPER

DOMESTIC INTELLIGENCE DIVISION

INVESTIGATIONS OF SUBVERSION

May 19, 1972

OVERVIEW

This paper deals with the conduct by the FBI of intelligence-type investigations supervised by the Domestic Intelligence Division. Authority for these investigations is documented and outlined, including situations where there is no direct violation of law. Criteria and controls and dissemination policies implementing this authority are detailed.

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INTELLIGENCE COLLECTION

The FBI's intelligence function is well established and documented. Yet, our work in gathering intelligence has been the subject of continuing criticism from segments of the press with charges being made that the FBI is conducting without authority security investigations of persons who are not in violation of the law. It has also been charged that our intelligence collection is uncontrolled, capricious and dwells on personal idiosyncrasies without there being any security interest involved. Fragments of information, distorted and twisted to convey the false impression that the FBI is wantonly disregarding the privacy of citizens, have been published.

The FBI does not conduct security investigations of individuals without clear-cut authority and tight controls. Critics have taken fragments of intelligence which have come to their attention and built them up into what is represented as the end product of security investigations with political overtones. In these instances, the items upon which such importance was placed have been fragmentary intelligence from substantive

investigations and could not be viewed in their real significance, except as they fit into the overall perspective of the case. This is indicative of the danger of using piecemeal intelligence taken out of context; properly used, however, intelligence is a legitimate and necessary part of all security investigations.

Intelligence is information and the collection of it is inseparable from efficient investigative operations. In fact the two--investigation and intelligence--are mutually dependent.

In the security field, it is vital that the Federal Government detect factors which have a direct bearing on possible violations of law related to the overthrow or destruction of the Government. Intelligence developed to identify individuals who have a propensity for revolutionary or racial violence or have affiliations with subversive or revolutionary groups is essential in the enforcement of the laws designed to protect the integrity of the Government. Intelligence is also essential to the detection of attempts or conspiracies to move against the Government, actions which may themselves be crimes.

No constitutional provisions, statutory enactments or judicial rulings have attempted to deprive law enforcement of its intelligence function, although various attempts have

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been made to define or limit the areas encompassed by intelligence and particularly the techniques of collection. It is also recognized that some intelligence gathering activities may have an incidental "chilling" effect on individual citizens. The spectre of the Government's investigatory presence may cause a reaction in citizens, inhibiting the exercise of their full constitutional rights. Therefore, a balance between the requirements of the Government and the constitutional rights of citizens must be maintained.

The intelligence function of investigation, must be both reasonable and practical. It varies in scope and intensity with the seriousness of the provision it seeks to enforce. It is neither reasonable nor practical to launch an aggressive intelligence collection effort concerning the activities of those who might potentially violate a local antilittering ordinance. Detection of a conspiracy to bomb the White House, on the other hand, certainly justifies a continuous and intensive intelligence effort to identify the participants and gain knowledge of any specific plans.

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It is mandatory that a Government protect its integrity and this has been recognized by judicial authorities. Ordinary crimes victimize an individual or groups; crimes against the existence of the government victimize society. Carrying these crimes to their ultimate produces the ultimate crime against society--the destruction of that society.

It is clear that the aspirations of most revolutionary groups far exceed their capability to achieve their ultimate objectives. They are, however, quite capable of eroding the integrity of the democratic system by lesser acts and, if not discouraged or thwarted, might well accumulate the will and power for more decisive action. The dramatic success of the Castro revolution is a sufficient example. Consequently, continuing intelligence collection relating to all revolutionary individuals and organizations, commensurate with the immediate threat posed, is imperative to proper vigilance.

The FBI serves as a prime producer of intelligence for the Executive Branch. Over the years it has provided information concerning hostile actions directed against the U. S.

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by foreign governments, their intelligence services and others acting in their behalf. On the domestic scene the FBI has penetrated conspiracies ranging from the communist underground to the hooded night riders of the Klan who terrorized our black citizens. But, in the 1960's explosive changes occurred in the internal security problems faced by the country. These changes were reflected in both the scope and nature of the FBI's response and in the intelligence requirements levied upon the FBI by the Executive Branch.

In the decade of the '60's, social change and upheaval added to the critical areas of the FBI's intelligence responsibilities the problems of revolutionary and extremist activities. America was stunned by violent student disruptions, bombings and riots. Spanning the decade were civil rights protests, reactions against them, and tragically, the burning and looting of Watts in 1965 and the conflagrations in Detroit, Newark and Washington, D. C. And, what had been the youthful idealism of the emerging new left in the 1962 Port Huron Statement was drowned out by the obscene Weatherman war cries

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as they took their revolution to the streets of Chicago in 1969 during their "Days of Rage."

As the tide of crime and disruption swelled, it brought with it new and pressing problems on the domestic security scene. FBI domestic security investigations increased accordingly. There was also an immediate increase in FBI intelligence collection concerning the lawlessness and violent tactics of these emerging revolutionary elements.

Intelligence collection was essential in contending with these new domestic security problems. This fact was recognized by the reports of two Presidential Commissions. The report of the National Advisory Commission on Civil Disorders (Kerner Commission, 1968) stressed that the absence of accurate information before and during disorders created special control problems. It emphasized that law enforcement organizations must develop the means to obtain adequate intelligence for planning purposes and that law enforcement should "gather, evaluate, analyze and disseminate information on potential as well as actual civil disorders."

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

Prevention is the very essence of the proper use of intelligence. To be forewarned is to be placed in a position to carry out countermeasures to meet a threat. During the mass actions and violent confrontations of the 1960's, FBI intelligence collection was crystallized in dissemination of information to other government agencies. This intelligence provided them with an essential working tool to contend with public disorders and activities of a revolutionary nature.

In a memorandum to the Director of the FBI, 9/14/67, Attorney General Clark stressed the importance of intelligence. The Attorney General asserted, "It is most important that

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you use the maximum available resources, investigative and intelligence, to collect and report all facts bearing upon (riot activity)." Elaborating on this point, he said, "In these circumstances we must be certain that every attempt is being made to get all information bearing upon these problems; to take every step possible to determine whether the rioting is pre-planned or organized; and, if so, to determine the identity of the people and interests involved; and to deter this activity by prompt and vigorous legal action." The Attorney General's evaluation of the importance of intelligence in this instance applies with equal force to other areas of the FBI's security work.

In December, 1967, the Department of Justice, aware of the high priority of intelligence in dealing with civil disorders, created the Inter-Division Information Unit. This is a repository for "reports which relate to individual or organizational activities which may play a part in instigating or spreading civil disorders" and includes intelligence "relating to black power and black nationalist organizations,

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officers and members thereof, racial incidents throughout the country, and any specific demonstrations which are being planned and are of such nature as to render them subject to the possibility of violence." Quick retrieval of this intelligence was emphasized through the use of computers.

Attorney General Mitchell wrote to the FBI Director on May 17, 1971, concerning the Intelligence Evaluation Committee, created to analyze and evaluate intelligence for the guidance of the White House and other departments of the Executive Branch. In this memorandum, the Attorney General stated, "Intensified activities on the part of militant groups here in Washington, D. C., and elsewhere in the country clearly point up the need not only for the gathering of the highest quality intelligence available but also for an expert analysis and evaluation of the intelligence product itself."

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AUTHORITY

All FBI investigations and intelligence collection functions in the internal security field are based on authorizations in Congressional enactments, Presidential directives, policy instructions of the Attorney General, National Security Council directives and interagency agreements as set forth below.

Congressional Enactments

Attorney General direction of FBI - 28 U. S. Code, Section 533

Treason - 18 U. S. Code, Section 2381 (U. S. Constitution, Article III, Section 3)

Rebellion and insurrection - 18 U. S. Code, Section 2383

Seditious Conspiracy - 18 U. S. Code, Section 2384

Advocating violent overthrow of Government - 18 U. S. Code, Section 2385 (Smith Act)

Sedition - 18 U. S. Code, Sections 2387, 2388, 2391

Recruiting for armed hostilities against U. S. - 18 U. S. Code, Section 2389

Designation of Organizations as "communist-action" and of Individuals as members of such groups after hearings by Subversive Activities Control Board - 50 U. S. Code, Sections 781-798 as amended or repealed (Internal Security Act of 1950, Subchapter I, called Subversive Activities Control Act of 1950 and amendments by Communist Control Act of 1954) See also Executive Order 11605 below

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Espionage - 18 U. S. Code, Section 792 et seq.

Sabotage - 18 U. S. Code, Section 2151 et seq.

Private Correspondence with Foreign Governments - 18 U. S. Code, Section 953 (Logan Act)

Registration of Foreign Agents - 22 U. S. Code, Sections 611-621

Atomic Energy Act of 1954 - 42 U. S. Code, Section 2122

Deportation for Subversive Activities - 8 U. S. Code, Section 1481 (Immigration and Nationality Act 1952)

Possession, threatened use, or use of explosives for illicit purposes - 18 U. S. Code, Section 844

Travel in or use of facility of interstate commerce to promote or incite riot, to commit violence in furtherance of riot or to abet others in inciting or participating in a riot. - 18 U. S. Code, Sections 231-233, 245, 2101-2102

Neutrality Matters - 18 U. S. Code, Sections 956, 958-962; 22 U. S. Code, Sections 1934, 401 (Munitions Control Act)

Intelligence exchange with CIA - 50 U. S. Code, Section 403 (National Security Act)

Presidential Directives

Directive of the President - 6/26/39 directing that investigation of all espionage, counterespionage, and sabotage matters are handled by FBI.

Directive of the President - 9/6/39 requesting the Attorney General to instruct FBI to take charge of investigative matters relating to espionage, sabotage, and violations of the neutrality regulations.

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Presidential Directive - 1/8/43
reiterated instructions of previous directive of 9/6/39 and requested law enforcement officers, patriotic organizations and individuals turn over to FBI all information regarding espionage, sabotage and violations of neutrality regulations.

Presidential Directive - 7/24/50
reiterated substance of 9/6/39 and 1/8/43 directives, noting they provided for FBI to take charge of investigative work in matters relating to espionage, sabotage, subversive activities and related matters.

Directive of President 12/15/53
referred to previous Presidential Directives and added investigation by FBI of violations of Atomic Energy Act.

Executive Order 10450 4/27/53
established programs to insure that the employment and retention of any Government employee is clearly consistent with the interests of national security. Requires check of FBI Fingerprint Files and, in cases where derogatory information develops, FBI conducts a full-field investigation.

Executive Order 11605 7/2/71
calls for Subversive Activities Control Board, when petitioned by the Attorney General, to determine after hearings if any organization is totalitarian, fascist, communist, subversive, or whether it has adopted a policy of advocating the commission of acts of force or violence to deny others their Constitutional or statutory rights. By inference, the FBI, as investigative arm of the Attorney General, would develop evidence for hearings required. Also, FBI, by inference, would develop evidence of membership in such organizations, which may be basis for denial of Government employment.

Policy Instructions of Attorney General

September 14, 1967: instructions of then Attorney General Ramsey Clark for FBI to investigate possibility of conspiracy to plan, promote, or aggravate riot activity.

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February 18, 1969: instructions from the Assistant Attorney General, Internal Security Division, for FBI to obtain information concerning possibility that underlying subversive groups were giving illegal directions or guidance to numerous campus disorders.

(Other policy instructions from Attorney General and Department have been received, amplifying points set forth above; many of these concerned specific cases.)

National Security Council Directives

Directive on Internal Security, March 23, 1949, establishing Interdepartmental Intelligence Committee (IIC) responsible to coordinate investigation of domestic espionage, counterespionage, sabotage, subversion and other related intelligence matters affecting internal security. FBI represented on IIC.

United States Intelligence Board (USIB) established September 15, 1958, to maintain coordination between CIA and other intelligence agencies. FBI a member of USIB to provide domestic intelligence for correlation with foreign intelligence.

Interagency Agreements

Delimitations Agreement signed by IIC members March 23, 1949, to establish jurisdiction in investigations by members of espionage, counterespionage, subversion, and sabotage and to provide for exchange of information on above matters.

FBI-Secret Service Agreement signed November 26, 1971, to provide for transmittal of information from FBI to Secret Service regarding individuals and organizations who, because of their propensities, represent or may represent a danger to the safety of the President and certain other persons.

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IMPLEMENTATION OF AUTHORITY

The criteria and guidelines for FBI investigations are furnished to the field in a "Manual of Instructions," the "F. B. I. Handbook," and in Letters to all Special Agents in Charge. In addition, instructions and guidance are given to the field in Headquarters communications on specific cases. Compliance with criteria and guidelines is obtained by supervision in both the field and at Bureau Headquarters. In addition, regular inspections of field and Headquarters Divisions assure that Bureau policies concerning investigations are being followed.

In the security field, the basic responsibility of the FBI is to investigate revolutionary organizations dedicated to the violent overthrow or destruction of the United States Government. These include old-line Marxist groups, for example, the Communist Party, USA, and the Trotskyist Socialist Workers Party; and such new revolutionary groups as the Students for a Democratic Society, the Black Panther Party and the Weatherman. In the investigation of subversive individuals a determination is made of the dangerousness of the individual and efforts are made to obtain evidence of violations of any applicable

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Federal laws. To assist in cataloguing the level of dangerousness of these individuals and to retrieve quickly information concerning them, the Domestic Intelligence Division maintains a card file known as the Administrative Index.

Administrative Index

Title II of the Internal Security Act of 1950 (Emergency Detention Act) before it was repealed on September 25, 1971, provided for emergency detention of subversive individuals in the event of a national emergency. To implement that provision of the act, the FBI and the Department of Justice maintained the Security Index. This Index was, of course, discontinued with the repeal of the Emergency Detention Act. By memorandum of October 22, 1971, however, the Attorney General noted that the repeal of Title II "does not alter or limit the FBI's authority and responsibility to record, file and index information secured" in this field and concurred in the establishment of an administrative index to assist in "making readily retrievable and available the results of its (the FBI's) investigations into subversive activities."

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To this end, such an index (called Adex) was instituted for making quickly retrievable information on four categories of individuals in order of dangerousness:

I) National leaders of revolutionary or extremist groups, members who have exhibited a propensity for violence, members with training in sabotage, espionage, or guerrilla warfare, unaffiliated revolutionaries with a propensity for violence, and revolutionaries with access to key facilities.

II) Secondary leadership of revolutionary and extremist groups, active members of these groups, and unaffiliated revolutionaries or extremists with a propensity for violence against property rather than persons.

III) Rank-and-file members of revolutionary groups within the previous five years, leaders of fronts for revolutionary groups, and individuals with revolutionary ideologies likely in a national emergency to commit acts of espionage, sabotage, or terrorism.

IV) Persons likely to assist, financially or otherwise, revolutionary groups, or persons in a position to influence others to commit acts inimical to the national defense.

Investigation of an individual is conducted to determine whether or not he should, consistent with the criteria of these categories, be listed on the Adex. If, as

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the result of the investigation, it is determined he does not meet the criteria the case is closed. If, on the other hand, he does meet the criteria, he is listed in the Adex according to the determined degree of dangerousness. Category I cases continue under investigation for as long as the individual continues to warrant that Category listing. When an individual is listed in Categories II, III, and IV, however, the investigation is closed, subject to periodic reopening to verify his location, to determine his activities and to ascertain whether he still qualifies for inclusion in the Adex. Provision is made for upgrading, downgrading and purging an individual from the Adex as his activities and level of dangerousness fluctuate.

Revolutionary Groups

Investigations of individuals for a determination of whether or not they meet the criteria for Adex generally involve their degree of affiliation with revolutionary and extremist groups. The purpose of investigations of basic revolutionary and new-left type groups is to: (1) provide intelligence to the Executive Branch which will enable the President to fulfill his Constitutional responsibilities;

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(2) detect developing conspiracies to violate substantive laws and initiate prosecutive action whenever possible to prevent such conspiracies from being carried out; and

(3) develop evidence necessary for the Attorney General to file petitions before the Subversive Activities Control Board in accordance with provisions of the Internal Security Act of 1950 and Executive Order 11605.

The criteria, guidelines and restrictions on the investigations of revolutionary groups are outlined below:

> Investigation is initiated upon receipt of information indicating that organization advocates overthrow of Government or engages in activity to deny others their Constitutional or statutory rights.
>
> Investigation is conducted to establish aims and objectives, location and size, domination and control by hostile foreign power, identities of all leaders and members.

In regard to their front groups and organizations which they have infiltrated:

> Investigation is initiated upon receipt of information that organization is dominated, controlled or influenced to substantial degree by revolutionary organization.
>
> Investigation is conducted to determine degree of infiltration, aims and objectives, location and size and identities of all leaders.

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Extremist Groups

The purpose of investigations of white hate and black extremist organizations is to: (1) provide intelligence to the Executive Branch which will enable the President to fulfill his Constitutional responsibilities; and (2) detect developing conspiracies to violate substantive laws and initiate prosecutive action whenever possible to prevent such conspiracies from being carried out. Investigations of white hate groups are confined to those which have actually or allegedly committed or have conspired to commit acts of violence or have adopted a policy of advocating or inciting the use of violence to deny others their rights under the Constitution. Investigations of black extremist organizations concern those groups which take extremist, anti-U. S. Government, anti-white positions and whose activities have involved them or may involve them in civil unrest and/or subversive activity.

Subversive, Revolutionary and Extremist Individuals

Individuals referred to as subversives are generally affiliated with old-line basic revolutionary organizations; those termed revolutionaries are usually new left types; and those called extremists are fundamentally

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involved in violent or revolutionary activities based on race. Procedures for the investigation of these types of individuals are similar and the criteria are outlined as follows:

Membership in a basic revolutionary organization

Espousing the line of revolutionary movements

Special training abroad, or leadership training, in a revolutionary group

Individuals having access to key facilities who have been members of a revolutionary group at any time

Persons with revolutionary, terrorist, anarchistic or extremist beliefs who are likely to seize upon a national emergency to endanger public safety

Individuals who have actually or allegedly committed, conspired to commit, or adopted policy to commit acts of violence to deny others their rights under the Constitution

Extremists and revolutionaries who have demonstrated a propensity for violence, have involved or may involve themselves in civil unrest, or who advocate violent overthrow of the Government

Persons who influence others to engage in acts inimical to the national defense or who are likely to furnish financial or other assistance to revolutionary or extremist elements because of their sympathies, associations or ideologies

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Unaffiliated Individuals

In the areas of revolutionary (new left) and extremist activities, some investigations are conducted of individuals who are not affiliated with organizations. Investigation of an individual is undertaken when information is received that the person:

Is a revolutionary and adheres to the Weatherman ideology of advocating a revolution now and uses terrorist tactics in furtherance of revolution

Is a revolutionary or extremist and demonstrates by acts or statements propensity for violence against property

Exhibits revolutionary or extremist ideology and is likely to seize opportunity in national emergency to commit espionage, sabotage, terrorism or otherwise interfere with Federal or local governments or defense efforts

Influences others to engage in acts inimical to national defense or likely to furnish financial or other assistance to revolutionary or extremist elements

Espionage and Foreign Intelligence Investigations

The mission of the FBI in the foreign intelligence field is one of counterintelligence. The objectives and priorities of counterintelligence have been variously stated and evaluated. Generally, these objectives may be listed in declining priority as follows: (1) the detection and

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identification of intelligence operations and agents; (2) the penetration of these operations for the purpose of control and the development of intelligence information; (3) neutralization of hostile intelligence operations through disruption and disinformation; and, (4) prosecution. Whatever the assigned priority, the overall objective is to deny access to information sought by whatever practical means are available.

Foreign intelligence investigations are grounded in the Espionage statute and related laws including the Registration and Atomic Energy Acts. Individual investigations are initiated usually on the basis of a known or suspected connection with a foreign intelligence service, foreign country or subversive organization with such connections. Since these investigations emanate from various sensitive sources and involve special considerations, extensive criteria and limitations are defined and enumerated in current instructions.

In general terms, the governing criteria are designed to preclude initiation and continuance of investigations which are not justified. The limitations are designed to control the scope of investigation in order to insure security of our interests through close supervisory scrutiny.

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Restrictions on Investigations

FBI guidelines go beyond the rules for opening, investigating and closing cases; they also impose restrictions to make certain that we do not violate the constitutional rights of any individual and to preclude investigations from becoming "fishing expeditions." In the security field these are some of the restrictions which are applied:

> Security cases are evaluated continually to determine if we are fulfilling our responsibilities. Those cases not warranting further investigation are closed promptly.
>
> There are no investigations of members of an organization which does not advocate use of force to bring about existing changes in the Government. Examples are the Socialist Party, the Independent Workers of the World and Independence Party of Puerto Rico.
>
> Persons arrested during disruptive demonstrations are identified since circumstances of an arrest, in some cases, may indicate a propensity for violence. However, a mere arrest in connection with a demonstration is an insufficient basis in itself for security investigation. The arrest must be coupled with a demonstrated propensity for violence or with subversive or revolutionary activity on the part of the individual arrested.
>
> When it is determined that a security subject is a member of the armed services, the investigation is discontinued immediately and the military advised.
>
> Civil rights organizations are not investigated.

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Ambassadors or heads of permanent missions to the United Nations are not investigated.

No surveillances are conducted at the White House, the Capitol, the Supreme Court, the House and Senate Office Buildings or the United Nations.

No telephone or microphone surveillances are operated without prior written approval of the Attorney General.

Bureau authority is required for:

Investigations of officials and diplomatic representatives of foreign countries. (Department of State authority is also required.)

Investigation of communist infiltration of a political organization.

Developing sources connected with an institution of learning.

Interviews of subjects of active, current security investigations.

Investigations of faculty members. If approval is granted, only established sources functioning in an administrative capacity may be contacted on the campus. Other established sources and informants must be contacted away from the campus. Contacts with students, graduate students and faculty members must also have Bureau authority.

Interviews of labor leaders and persons in educational, mass media or publishing fields.

These examples demonstrate a consciousness of the need to impose limitations on investigations and the continuing imposition of them.

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Information Storage and Retrieval

The storage and retrieval of information is a basic operational necessity of any investigative or intelligence-gathering agency. Procedures within the FBI for these functions provide for written records of information received from a variety of sources--confidential informants, confidential investigative techniques, and open sources--and the storage of this information in different types of files. These include active investigative files on organizations and individuals and some general files. These "raw" files are maintained both at the Seat of Government and in the various field offices. Information in the files is thoroughly indexed so that data can be retrieved.

In the intelligence field, when an allegation within the jurisdiction of the FBI is received, a case on an individual or on an organization may be opened, depending on the quality of the allegation. Nonspecific information that is received on an individual or organization is placed in the pertinent file, if one exists, or is placed in a general file if the organization or individual is not the subject of a specific file.

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These files are an integral part of the intelligence-gathering function. By the very nature of the FBI's assignment to coordinate internal security information, the maintenance of data over a period of time is required and it is necessary that a system for retrieving this information be used.

Because these files often contain derogatory information that may not be substantiated by further investigation (the derogatory information received may not be germane to a matter within the FBI's jurisdiction), the Attorneys General have long taken the position that these files should not be available for public scrutiny. Incalculable damage to individual reputations could result from the disclosure of single items of information without knowing the full background concerning the receipt of a particular item and the context within which it was recorded.

The late Justice Robert Jackson, in his capacity as Attorney General, wrote in 1941:

> Disclosure of information contained in the reports (FBI files) might also be the grossest kind of injustice to innocent individuals. Investigative reports include leads and suspicions, and sometimes even the statements of malicious or misinformed people. Even though later and more complete reports exonerate the individuals, the use of particular or selected reports might constitute the grossest injustice, and we all know a correction never catches up with an accusation.

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Dissemination

The Bureau's general policy on dissemination is that information developed by or coming to the attention of the FBI is promptly referred to all agencies of the Executive Branch of the Federal Government having a potential interest in it or responsibility for taking action concerning it, [redacted] interest or responsibility is apparent or known. This policy is in accordance with numerous formal agreements entered into between the Bureau and other Government agencies. It is also in accordance with Presidential directives obligating the Bureau to act as clearing house for information affecting the internal security of the U. S.

Despite this general liberal policy of dissemination, we have recognized that with regard to highly sensitive information a determination must be made on an individual basis as to what information should be disseminated and how it should be transmitted. The degree of sensitivity and/or the security classification will determine level of dissemination to any interested agency and the method of transmittal. In certain instances, sensitive information may be furnished to a high-level official with a request that dissemination in his agency be restricted to his personnel on a need-to-know basis. Such information might be disseminated by secure teletype, courier, liaison, and where necessary, by secure telephone. Information furnished orally is confirmed in writing.

The Attorney General August 7, 1973

Director, FBI

SCOPE OF FBI JURISDICTION
AND AUTHORITY IN DOMESTIC
INTELLIGENCE INVESTIGATIONS

During our meeting on July 26, 1973, you referred to a discussion you had with Senator Charles McC. Mathias, Jr., of Maryland during your confirmation hearings as to the statutory authority of the FBI and the Department of Justice in the field of domestic intelligence investigations. You then asked Mr. William D. Ruckelshaus to work with the FBI in weighing the pros and cons with regard to statutory authority in this area. I mentioned that research was being performed on this subject at the present time and that we would be in touch with Mr. Ruckelshaus with regard to this matter when we have completed the results of our consideration and findings within the FBI.

Actually, a study has been going on in the FBI for more than two years as to the scope of FBI jurisdiction and authority in domestic intelligence investigations. When Mr. L. Patrick Gray, III, was designated as Acting Director of the FBI, he instructed that a position paper be prepared concerning the jurisdiction and authority of the FBI to conduct domestic intelligence investigations. A position paper was prepared which in essence stated that authority of the FBI in this field is based on legislative enactments, even though we may have publicly relied heavily on Presidential directives as the basis for such authority. Mr. Gray ordered an in-depth study made of the position and in August, 1972, a detailed report was furnished to him. The following is a summary of that report.

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

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The Attorney General

A major thrust of Professor Elliff's paper concerned FBI authority derived from legislative enactments as opposed to that derived from Presidential directives, beginning with a directive issued by President Roosevelt in September, 1939. Professor Elliff is of the opinion that the 1939 directive, which was reiterated on three subsequent occasions, was magnified by the FBI from its original purpose to a definitive order to conduct intelligence-type investigations.

Senator Sam J. Ervin, as you know, had been probing into the nature and extent of FBI intelligence-type investigations. Senator Ervin had even announced that he intended to propose legislation to prohibit the FBI from investigating any person without that individual's consent, unless the Government has reason to believe that person has committed a crime or is about to commit a crime. Other Congressmen indicated a similar interest in FBI investigative activities.

Our study revealed that the FBI had declared publicly over a long period of time that its responsibilities in the domestic intelligence field are authorized under legislative enactments, Presidential directives, and instructions of the Attorney General. The Presidential directives are obviously the 1) directive dated September 6, 1939, and reiterated January 8, 1943; July 24, 1950; and December 15, 1953, and 2) Executive Order 10450 dated April 27, 1953 (and amended but not yet implemented by Executive Order 11605 dated July 2, 1971).

In carefully analyzing the language of the first directive, dated September 6, 1939, and considering that the subsequent directives are all hinged on that one, we believe that there is a misconception as to the extent of jurisdiction or authority conveyed to the FBI by these directives. It appears that while the 1939 directive fixed responsibility on the FBI to handle espionage, sabotage, and neutrality matters, it did not convey any authority or jurisdiction which the FBI did not already have from legislative enactments. It is difficult to read into this directive or in any of those which followed any authority to conduct intelligence-type investigations which would or could not be conducted under an umbrella of legislative enactments.

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As a matter of historical fact, President Roosevelt in August, 1936, did request former Director J. Edgar Hoover to conduct investigations of subversive activities in this country, including communism and fascism. This request, however, was a confidential oral request and there is doubt that any record of it was made outside the FBI. This request, or Presidential mandate, was based, incidentally, on the fact that the law provided that the FBI could conduct such investigations if the Secretary of State should so request.

The study revealed that while the 1939 et seq. directives did not grant any special intelligence-gathering authority to the FBI, we were responsible under these directives to collect all intelligence information furnished by local, state, and Federal law enforcement agencies and patriotic citizens and to sift and coordinate all such information for indications of subversive activity covered by Federal statutes.

The study concluded that the FBI has the responsibility to conduct whatever investigations are necessary to determine if statutes relating to espionage, sabotage, insurrection or rebellion, sedition, seditious conspiracy, advocacy of overthrowing the Government, and other such crimes affecting the national security have been violated. In this connection we note that in a letter dated September 14, 1967, the Department of Justice advised that the FBI is continually alert to the problem of recurring riots and is submitting intelligence reports to the Department of Justice concerning such activity. This letter enumerated several Federal statutes and stated these could be applicable in using maximum available resources, investigative and intelligence, to collect and report all facts bearing on the question of schemes or conspiracies to plan, promote or aggravate riot activity.

In other words, the Department was requesting all possible intelligence-type investigative activity based on the existence of certain statutes. We see this as being no different from our intelligence-type investigations relating to plans of groups or individuals to overthrow, destroy, interfere with or threaten the survival of effective operation of national, state, and local governments.

Based on this study, we believe that had there never been a single one of the Presidential directives in question the FBI would have conducted and will, through necessity, continue to conduct the same intelligence-type investigations as were conducted from 1939 to the present date. We also believe, however, that in order to counter the criticism and skepticism of such individuals as Professor Elliff and Senator Sam J. Ervin that an up-to-date Executive order should be issued clearly establishing a need for intelligence-type investigations and delineating a clear authority for the FBI to conduct such investigations based on guidelines established by the Attorney General and adhering to constitutional principles.

The study concluded with two basic recommendations. 1) That the Department of Justice be requested to sponsor comprehensive legislation spelling out the FBI's investigative authority in the collection of intelligence information relating to the national security and; 2) that the Department of Justice be requested to seek a comprehensive Executive order which would cover any possible gap between statutory authority and Executive necessity in protection of the national security.

At first glance these recommendations may appear to contradict our position that we already have statutory authority to conduct security-type investigations; that this being the case we do not need additional legislative enactments, nor do we need an Executive order. But being realistic we think that the basic statutes upon which we rely for our authority to conduct domestic intelligence investigations need to be updated to fit 1973 needs. Title 18 U.S.C. Sections 2383, 2384, and 2385 relate to the national security, but the legislative history of 2383 and 2384 indicates that they were designed for the Civil War era, not the Twentieth Century, and Section 2385 has been reduced to a fragile shell by the Supreme Court. These statutes are unquestionably still valid, but updating is certainly indicated. The bills introduced as H.R. 6046 and S. 1400 in the 93rd Congress appear to contain language which should fill our statutory needs, except perhaps for those groups, such as the Ku Klux Klan, which do not seek to overthrow the Government, but nevertheless are totalitarian in nature and seek to deprive constitutionally guaranteed rights.

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As to the need for an Executive order, we think that two issues are involved. We have statutory authority, but what we need is a definitive requirement from the President as to the nature and type of intelligence data he requires in the pursuit of his responsibilities based on our statutory authority. In other words, there is a need, from our standpoint, for both authoritative and definitive guidelines. The statutes give us the authority. The Executive order would define our national security objectives.

Members of Congress, including such men as Senator Robert C. Byrd of West Virginia, have proposed legislation to spell out jurisdiction and authority of the FBI in this field. It would appear that the President would rather spell out his own requirements in an Executive order instead of having Congress tell him what the FBI might do to help him fulfill his obligations and responsibilities as President.

The political climate of suspicion and distrust resulting from disclosures coming out of the Watergate hearings could present an obstacle to getting any such Executive order signed in the immediate future. However, the rationale is nevertheless valid and when scrutinized closely, the language in the Executive order we hereinafter propose establishes definitive guidelines which have heretofore been unclear. It is my belief that we should go forward with this.

We therefore propose and recommend that an Executive order along the following lines be submitted to the White House with a strong recommendation for approval. The language which follows is merely to illustrate the type of Executive order which we think would be appropriate and does not necessarily represent an ideal format or style which should be submitted to the White House.

EXECUTIVE ORDER

"Whereas the Constitution of the United States was established to insure, among other things, domestic tranquility; to provide for the common defense; and to promote the general welfare for the people of the United States; and

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The Attorney General

"Whereas the President of the United States has the constitutionally imposed responsibility of defending the Constitution and the existence of the Government thereunder; and

"Whereas there have been continuing unlawful acts of violence perpetrated against the Government of the United States or against citizens of the United States or against persons entitled to the protection of the United States thereby endangering the domestic tranquility, threatening the common defense, and jeopardizing the general welfare of the people of the United States; and

"Whereas the Congress has enacted laws prohibiting acts such as treason, sedition, sabotage, espionage, insurrection and rebellion, seditious conspiracy, civil disobedience, rioting, assassination, kidnaping, deprival of civil rights, and conspiracies to commit such acts; and

"Whereas the President of the United States as Chief Executive in the maintenance of the Government thereunder must have intelligence information for appropriate decisions in the discharge of his constitutionally imposed responsibilities;

"Now by authority vested in me by the Constitution and statutes of the United States and in the interest of orderly operation of this Government and in furtherance of the domestic tranquility, common defense, and general welfare of the people of the United States it is ordered that;

"The Attorney General prepare and issue guidelines, conforming to the principles of the Constitution and the Bill of Rights, and outlining the necessary direction, coordination, and guidance of investigations to assure that the Federal Bureau of Investigation provides on a continuing basis intelligence information essential to the execution of laws pertaining to subversive activity and other such activity affecting the national security, domestic tranquility, and general welfare of the United States."

The Nation has been going through a time of terror. The concept of urban guerrilla terrorism has been adopted by various extremist elements in the United States. Bombings of public buildings and national institutions;

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killing of police officers who, by their uniform, are a symbol of the democratic establishment; hijacking of aircraft in furtherance of revolutionary movements; terrorist assaults on foreign diplomatic personnel and establishments; and open declaration of war on our form of government are only a few of the violent acts which have been perpetrated by domestic subversives who seek to destroy or seriously cripple our Government. Terrorist guerrilla attacks which were once confined to far away places and related to problems of no immediate concern of ours are now possible in this country. Foreign terrorist groups in collusion with domestic terrorists have laid plans for an airport massacre of the type which recently occurred in Israel. Other foreign terrorist elements have laid plans for terrorist attacks on American soil. Already one foreign official has been assassinated, possibly by terrorists.

It would be folly to adopt an investigative policy based on the concept of investigation only when there is reason to believe a crime involving the national security has been committed. The FBI must obviously anticipate the crimes described above. We believe that in order for the Government to be in position to defend itself against revolutionary and terrorist efforts to destroy it, the FBI must have sufficient investigative authority to conduct intelligence-type investigations not normally associated with enforcement of the statutes. In other words we think the President has the inherent Executive power to expand by further defining the FBI's investigative authority to enable it to develop advance information concerning the plans and aspirations of terrorists and revolutionaries who seek to overthrow or destroy the Government. However, we also believe that such expanded authority must be formally set forth in an Executive order and that this recommendation is responsive in the Attorney General's expressed interest in laying more formal guidelines to our work in areas where definition is not now clear.

We consider the issuance of a new Executive order delineating our jurisdiction, authority, and responsibility to gather and report intelligence information relating to the national security to be a very important and high priority matter. We believe the issuance of guidelines by the Attorney General under Title 28, Section 533, United States Code, to be equally important.

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The Attorney General

For your information, our own investigative guidelines as contained in our Manual of Instructions relating to domestic subversive investigations have been completely rewritten to conform with the concept that our domestic intelligence-type investigations are based on Federal statutes. These guidelines provide that in each instance, the domestic intelligence investigation must be predicated on information indicating that the organization or individual is engaged in activity which could involve a violation of specific statutes relating to the national security. A copy of the new guidelines was previously provided to the Department of Justice in connection with the request of Senator Edward M. Kennedy to obtain a copy of the FBI's Section 87 of the Manual of Instructions. The effective date of the new guidelines was August 1, 1973.

1 - The Deputy Attorney General

OPTIONAL FORM NO. 10
1971 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

DATE: NOV 1 1974

Clarence M. Kelley
Director
Federal Bureau of Investigation

Glen E. Pommerening
Assistant Attorney General
for Administration

SUBJECT: Federal Employee Security Program
Executive Order 10450

This is in response to your memoranda, entitled as above, dated May 8, 1974 and August 19, 1974, directed to the Deputy Attorney General, Criminal Division, and referring to problems which have arisen as a result of the promulgation of Executive Order 11785 which amends Executive Order 10450. In view of the involvement of my staff in these matters, I will undertake to answer your questions with the concurrence of the Criminal Division.

As you know this matter has been under continuing review both in the Task Force, chaired by a representative of this office, of working level representatives of various agencies in the security field and is now under study to a lesser degree in Project #10 of the "Domestic Council on Privacy".

You ask that the Department; (a) provide specific instructions to the Bureau to conduct intelligence-type investigations to identify and determine the activities of organizations now described in the amended Section 8(a)(5) of Executive Order 10450; (b) furnish guidelines to be used by the Bureau in initiating investigations of individuals under the captioned matter pursuant to Executive Order 10450 and specifically, criteria to be utilized in determining whether available information is a sufficient basis for investigation.

Under the amendment to Section 8(a)(5) of Executive Order 10450, we now have only two types of organizations; (1) those which unlawfully advocate or practice the commission of acts of force or violence to prevent others from exercising their rights under the constitution or laws of the United States or

any State, (2) or which seek to overthrow the Government of the United States, or any State or subdivision thereof, by unlawful means: (Emphasis added).

Of course, the key words which are underlined indicate that the investigation should be initially based on a possible violation of a federal (such as the Smith Act) or state statute prohibiting unlawful advocacy or the commission of any unlawful act of force or violence. However, in order for the Bureau to detect organizations with a potential of the above nature, it is important that the investigation proceed on the basis of information indicating that the organization may be of the nature mentioned. It is not necessary that a crime occur before the investigation is initiated, but only that a reasonable evaluation of the available information suggests that the activities of the organization may fall within the proscription of the Order. The most recent example of the type of organization, that you have advised is becoming more prevalent, is the small but dedicated to violence, Symbionese Liberation Army (SLA). Organizations of this nature would clearly fall within the Order and should be investigated as soon as information is available indicating their potentiality for violence and of course, if possible, prior to the fulfillment of their purposes.

It is true that Executive Order 11785 eliminated the prior communist, totalitarian, fascist, and subversive characterizations and definitions, but there was no intention of restricting the investigations of such organizations if their programs call for acts of force or violence or the unlawful advocacy of the commission of acts of force or violence in furtherance of these programs.

It is not possible to set definite parameters covering the initiation of investigations of potential organizations falling within the Order but once the investigation reaches a stage that offers a basis for determining that the activities are legal in nature, then the investigation should cease, but if the investigation suggests a determination that the organization is engaged in illegal activities or potentially illegal activities it should continue.

It follows in answer to your second question that individuals who are active either as members of or as affiliates of

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zations described above should be investigated when mation is received indicating their involvement. The yardstick indicated above for organizations in determining whether the investigation should continue, should apply concerning individuals and when a determination can reasonably be made that the individuals activities, either within the organization or as an individual, do not appear to be in violation of any law, then the investigation should cease.

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INTELLIGENCE DIVISION

POSITION PAPER ON JURISDICTION

February 13, 1975

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I. BASIS FOR FBI NATIONAL SECURITY INTELLIGENCE INVESTIGATIONS

W. Raymond Wannall

BASIS FOR FBI NATIONAL
SECURITY INTELLIGENCE INVESTIGATIONS

On July 31, 1972, the Intelligence Division issued a position paper which in effect drew the conclusion that the FBI has the responsibility to conduct whatever investigations are necessary to determine if statutes relating to espionage, sabotage, insurrection or rebellion, sedition, seditious conspiracy, advocacy of overthrowing the Government and other such crimes affecting the national security have been violated. In carrying out this responsibility, the FBI has the authority to undertake investigation prior to the actual commitment of such a crime to determine if groups or individuals are engaging in activities which if uninterrupted could result in a violation of a specific statute. The position paper noted that the FBI had declared publicly over a long period of time that its responsibilities in the domestic intelligence field were authorized under legislative enactments, Presidental directives, and instructions of the Attorney General. The Presidential directives cited were those of September 6, 1939, and three subsequent ones of January 8, 1943, July 24, 1950, and December 15, 1953, which reiterated the directive of September 6, 1939. It was stated that it was believed there was a misconception as to the extent of jurisdiction or authority conveyed to the FBI by

these directives. It was said that it appeared that while the 1939 directive fixed responsibility on the FBI to handle espionage, sabotage and neutrality matters it did not convey any authority or jurisidiction which the FBI did not already have from legislative enactments.

The position paper was forwarded to former Acting Director Gray but no action was taken with respect to it. Following the appointment of Mr. Kelley as Director of the FBI, on August 7, 1973, the results of the study were called to the attention of the Attorney General by letter and it was suggested to him that an executive order be prepared which would in effect establish definitive guidelines which it was felt had been theretofore unclear.

Subsequently on August 24, 1973, at the request of the Department, we furnished to Mr. William D. Ruckelshaus, the Deputy Attorney General Designate, a copy of the position paper together with a copy of Section 87 of our manual in which new guidelines had been promulgated to assure that the field thereafter predicated investigations in the internal security area of our operations on specific statutes. The new manual section had been issued and went into effect during August, 1973.

The copies of the position paper and our new Section 87, of the Manual of Instructions, were returned to us by the Department without comment. On September 12, 1973, the

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Attorney General stated that he thought it would be premature to recommend to the President that an executive order be issued until "we were fairly certain in our own minds as to how much should be and can be accomplished at each level of delegation." There has been no followup from the Department with regard to the Attorney General's statements as of this time.

On June 4 and 5, 1974, Assistant Director W. R. Wannall and former Inspector Thomas J. Smith of the Intelligence Division appeared before the Committee on Internal Security House of Representatives (Ichord Committee). The results of their testimony are set forth in a publication entitled "Domestic Intelligence Operations for Internal Security Purposes Part I." Pertinent portions of this testimony appear on pages 3571 through 3574 and on page 3591. These sessions of the committee were under the direction of Mr. Alfred M. Nittle, Legislative Counsel of the Committee, and he propounded most of the questions.

Referring to the directive of September 6, 1939, Mr. Nittle said, "Now for the purpose of carrying out that directive, has the Attorney General by standing and general orders now in effect instructed the FBI as to precisely what investigative work is to be embraced within the expression 'subversive activities?'"

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In responding to the question, Wannall read into the record a strictly confidential memorandum dated September 10, 1936, prepared by former Director Hoover for Mr. E. A. Tamm, Associate Director. In the memorandum, Mr. Hoover referred to a conversation he had had that day during which Mr. Hoover briefed the Attorney General with regard to a conference he had had with the President on September 1, 1936, during which the Secretary of State was present and requested Mr. Hoover as the representative of the Department of Justice "to have investigation made of the subversive activities in this country, including communism and facism." The memorandum shows that the Attorney General verbally directed Mr. Hoover to proceed with this investigation and to coordinate, as the President suggested, information upon these matters in the possession of the Military Intelligence Division and the Naval Intelligence Division. In effect, this constituted a standing and general order to the FBI from the Attorney General with regard to the Presidential directive of September 6, 1939. While the Attorney General's order preceded the September 6, 1939, directive by some three years, it has never been abrogated and the manner in which it relates to the order of 1939 will be explained hereinafter.

Mr. Nittle then pointed out that he saw no specific reference to statutes which would show basis for the FBI to investigate subversive activities. It was explained to him

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that prior to the issuance of Mr. Hoover's September 10, 1936, memorandum he had had meetings at the White House, one of which included the Secretary of State, and Mr. Hoover had insisted that the Secretary of State request that the FBI conduct investigations relating to subversive activities, including communism and facism, since under Title 28, Section 533, U. S. Code, the Attorney General is authorized to instruct the FBI to conduct such other investigations as are required by the Secretary of State in carrying out his authority. Later during the testimony, Mr. Nittle pointed out that it was his assumption that at least one of the bases for the President's authority for issuing the directive of September 6, 1939, was his constitutional duty to protect and defend the Constitution and that it was adequate to lend support to the Federal investigative jurisidiction without reference to any statutes. It was acknowledged that the FBI does not question the Constitutional power of the President to delegate investigative jursidiction.

Following his appearance before the Ichord Committee, Wannall undertook personally to conduct research to determine if there is a basis for concluding that FBI intelligence investigations are in fact based upon a delegation of authority under the President's Constitutional powers. This course was pursued for the following reasons:

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1. In testimony before the Appropriations Committees, Mr. Hoover had consistently stated that the FBI's responsibilities in the domestic intelligence field are authorized under legislative enactments, Presidential directives and instructions of the Attorney General. He said they include investigative jurisdiction over matters relating to espionage, counterespionage, sabotage, treason, sedition, subversion and related internal security functions. He pointed out that subjects of investigation included the Communist Party USA, Communist Front Groups and other totalitarian organizations including individuals or groups who are alleged either to seek the overthrow the Government of the United States by force or violence or to conspire against the rights of citizens. He further stated the FBI has primary responsibility for investigating matters of these types in the United States, Puerto Rico and the Virgin Islands. Following his testimony, the Congress consistently appropriated funds to permit the FBI to carry out investigations in these areas.

2. Deputy Assistant Attorney General Kevin C. Maroney of the Criminal Divison of the Department made appearances before the Ichord Committee on February 20, April 1 and April 2, 1974. His testimony as recorded on pages 3366 and 3439 of the publication "Domestic Intelligence Operations for Internal Security Purposes Part I" contained statements

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bearing on this subject matter. For example, after Mr. Nittle had referred to the September 6, 1939, Presidential directive and the subsequent ones, Mr. Nittle asked if he regarded the directive as embracing within its terms a requirement that the FBI also take charge of investigative work of subversive activities generally. Mr. Maroney said that he thought it did generally direct the FBI to take charge of investigation of subversive activities and, "...I think through the years what was embraced through that condition was, in various executive orders, and in other directives of the Attorney General relating to civil disturbance matters." On page 3439, Mr Maroney is reported to have discussed investigations in the internal security area conducted by the FBI. He stated that in connection with particular investigations after a period of time or after an accumulation of information the FBI submits the information to the Department and the Department will give an opinion as to whether the facts constitute a prosecutable violation and will also advise whether additional or continual investigation is requested. Maroney stated, "Sometimes it will be indicated 'no further investigation is desired. However, if any relevant future information comes to your attention, please advise.'" Mr. Nittle then inquired if Mr. Maroney was telling him in effect that not only are these investigations being conducted but that he construed the Attorney General's directive to be a directive to the FBI to conduct broad,

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on-going investigations with respect to subversive activities. Mr. Maroney replied that he thought they (FBI) are under a continuing mandate of the Attorney General to continue investigations of crimes which include seditious conspiracy anti-riot statutes and many other statutes.

3. In our position paper of July 31, 1972, the conclusion was drawn that no additional investigative authority was conveyed in the first paragraph of the September 6, 1939, Presidential directive wherein the FBI was instructed to take charge of investigative work in matters relating to espionage, sabotage, and violations of the neutrality regulations. Since these were statutory matters, the position was taken and, I feel correctly, that this direction merely fixed responsibility in the FBI to investigate previously existing statutes. However, the position paper did not take into consideration the possible significance of the last paragraph of the directive wherein the President called upon "all police officers, sheriffs, and all other law enforcement officers in the United States promptly to turn over to the nearest representative of the Federal Bureau of Investigation any information obtained by them relating to espionage, counterespionage, sabotage, subversive activities and violations of the neutrality laws."

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As noted hereinbefore, Mr. Hoover in his memorandum of September 10, 1936, wherein he explained that the FBI had been charged with investigating subversive activities indicated that the memorandum was classified strictly confidential.

On June 26, 1939, the President issued a directive which was classified confidential. In it he stated, "It is my desire that the investigation of all espionage, counterespionage and sabotage matters be controlled and handled by the Federal Bureau of Investigation of the Department of Justice, the Military Intelligence Division of the War Department and the Office of Naval Intelligence of the Navy Department. The directors of these three agencies are to function as a committee to coordinate their activities." He went on to point out that no investigation should be conducted by any investigative agency of the Government into matters involving actually or potentially any espionage, counterespionage or sabotage except these three agencies and the directive, which was issued to these heads of all departments, stated that the President would be glad if the heads of the departments would instruct agencies other than the three named to immediately refer to the nearest office of the FBI any data, information or material relating to these matters.

The directive of September 6, 1939, was not classified. It was issued to the public. In it the President said the Attorney General had been requested to instruct the

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FBI to take charge of investigative work in matters relating to espionage, sabotage and violations of the neutrality regulations. It was in this paragraph that the President publicly fixed responsibility for investigative work with respect to statutes relating to these three subject matters in the FBI. However, in the third paragraph of the September 6, 1939, directive the President stated, "To this end I request all police officers, sheriffs and all other law enforcement officers in the United States promptly to turn over to the nearest representative of the Federal Bureau of Invesigation any information obtained by them relating to espionage, counterespionage, sabotage, subversive activities and violations of the neutrality laws." It will be noted that in this paragraph he referred specifically to violations of three statues which he had enumerated in the first paragraph but he also asked that there be turned over to the FBI any information relating to counterespionage a word which he had utilized in the confidential June 26, 1939, directive and also the words subversive activities a phrase which had been utilized by Mr. Hoover in explaining the delegation of authority in September, 1936.

Mr. Hoover's memorandum had been classified strictly confidential and memoranda concerning his visits with President Roosevelt and the Secretary of State which preceded the issuance of his September 10, 1936, memorandum revealed that

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the President wanted this matter treated in the greatest of confidence. Accordingly, there is the basis for a strong conclusion that in 1936 and in June, 1939, under his constitutional authority, the President had already delegated responsibility to the FBI for investigations relating to counterespionage and subversive activities in classified directives. For this reason, the first paragraph of the September 6, 1939, directive did not include the delegation of responsibilities for investigative work relating to counterespionage and subversive activities because of the classified nature of these matters but there was an acknowledgement in the third paragraph of the September 6, 1939, directive of the previous delegation of authority to the FBI by the President in these two areas.

Since the June 26, 1939, directive indicated that the FBI and the War and Navy Departments should function as a committee to coordinate their activities with respect to investigations of espionage, counterespionage and sabotage matters, Wannall requested the Research Section of the Intelligence Division three weeks ago to undertake a study to determine how this committee was formed and how it functioned thereafter. The results of this study are set forth in the attached 35-page paper.

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On page 7 of the attachment, it will be noted that the Interdepartmental Intelligence Conference (IIC) was formed as an independent committee pursuant to the Presidential directive of June 26, 1939, to coordinate the investigative efforts of the three agencies. To faciliate coordination, the IIC adopted the Delimitations Agreement of June 5, 1940. The members cited in the preamble of that document that in conformity with that directive contained in the Presidential memorandum of June 26, 1939, as augumented by his directive of September 6, 1939, charging them with investigation of all espionage, counterespionage, sabotage and subversive activities the responsibility for these investigations would be delineated as contained in the agreement. The Delimitations Agreement was revised on February 9, 1942, and again on February 23, 1949.

As shown on page 9 of the attachment, the IIC as an independent committee ceased to exist in 1949 as pursuant to the National Security Act of 1947 it was absorbed and then chartered by the National Security Council presided over by the President. In the charter, reference was made to investigations of domestic espionage, counterespionage, sabotage, subversion and other related intelligence matters affecting internal security.

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Page 10 of the attachment relates that supervision of the IIC was transferred by the National Security Council to the Attorney General in an Action Memorandum dated June 9, 1962. On March 5, 1964, the Attorney General issued instructions to the FBI wherein the Attorney General was indicated as the individual through whom the authority flowed as opposed to the National Security Council. In a memorandum to former Director Hoover explaining this dated March 5, 1964, the Attorney General again referred to the coordination of all investigations of domestic espionage, counterespionage, sabotage, and subversion and other related intelligence matters affecting internal security.

A reading of the enclosure will show that the IIC was primarily concerned with matters of internal security which had ramifications international in scope. However, it should be noted that on November 1, 1950, an attempt was made to kill President Truman by two members of the Nationalist Party of Puerto Rico when they endeavored to shoot their way into the Blair House which he was then occupying. From a letter to Mr. Hoover as Chairman of the IIC and Mr. Raymond P. Whearty, Chairman of the Interdepartmental Committee on Internal Security, dated November 6, 1950, signed by Mr. J. Patrick Coyne, National Security Council Representative for Internal Security, it is apparent that the President

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felt that both the IIC and ICIS had interests and responsibilities in the domestic terrorist field, in light of the fact that he, through the National Security Council, made inquiry of the IIC regarding "the recent outbreak of violence by the Puerto Rican Nationalists." The President requested that the IIC and ICIS report to the National Security Council on the lessons to be learned from that incident on domestic terrorism. Indicated by the detailed questions posed by the President and the detailed response given by the IIC, it is apparent that the President intended that IIC have great latitute in the area of subversive activities and terrorism as it relates to internal security matters assigned to the IIC.

Keeping in mind that it was during the administration of President Truman and based upon recommendations that he made that the National Security Act of 1947 was passed, I feel that his request of the IIC for a report regarding the activities of a purely domestic group, the Nationalist Party of Puerto Rico, provides an indication of what he had in mind with respect to the responsibilities of the IIC with regard to investigation of subversive activities.

I think this is well stated on page 14 of the enclosed document. "Men do not operate in a vacuum and their acts and documents are guided by their knowledge, instructions and

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understanding of instructions at that time in history. The delimitations agreement of 1940 must, therefore, speak to existing problems and only the anticipation of future problems. All prior knowledge and understanding of instructions and orders could only have been interpreted to clearly include investigation of United States citizens."

The foregoing information and the information contained in the attachments are supportive of the conclusion that the intelligence-gathering activities of the FBI have had as their basis the intention of the President to delegate his Constitutional authority as indicated by certain Presidential directives, the provisions of Title 28, Section 533, U. S. Code and the provisions of the National Security Act of 1947. These intelligence-gathering activities are also based upon statutes defining violations pertaining to the national security, a list of which is attached hereto.

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II. AUTHORITY GRANTED TO THE FEDERAL BUREAU OF INVESTIGATION BY THE PRESIDENTIAL DIRECTIVES IN THE AREA OF INTELLIGENCE AND INTERNAL SECURITY INVESTIGATIONS AND SUBSEQUENT PERTINENT DOCUMENTS

A. L. Lacey, Jr.
A. F. Watters, Jr.

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Synopsis;

Oral and written, confidential and public Directives of 1936 and in June and September, 1939, ordered the FBI to investigate matters of internal security, to include "subversive activities," and to coordinate such with the military intelligence services. In compliance, the FBI and military formed the Interdepartmental Intelligence Conference (IIC) and delineated their areas of investigative responsibility in the Delimitations Agreements of 1940, 1942, and 1949, basing their authority on the Presidential Directive of June 26, 1939, as augmented by the Directive of September 6, 1939. The Delimitations Agreement stated that the FBI will investigate matters affecting internal security, including United States citizens. This authority for intelligence investigation was restated and reaffirmed in 1949 when the National Security Council, presided over by the President, chartered the IIC and adopted the Delimitations Agreement in total. In 1962, the President assigned the internal security responsibility to the Attorney General by National Security Action Memorandum 161. The Attorney General rechartered the IIC pursuant to this authority and therein reaffirmed the Directives by adoption in total of the Delimitations Agreement.

Pursuant to the Directives, the FBI has had continuous authority to conduct intelligence investigations of internal activities which have potential to subvert the ability of the Nation to maintain continuing existence under the Constitution. (Emphasis Added) This authority has remained constant though the nature of the threats has changed. As illustrated herein by use of examples,

the original problem was global war and how internal subversion affected the war effort through actual or potential espionage and sabotage. This problem continued through the Cold War to the present time. In more recent years, a strictly domestic threat arose; riots, racial militants, hate groups, and terrorists. Cognizant of the continuing authority for intelligence investigations, these threats were faced by the FBI not only because of the immediate effect on the national welfare or possible violation of statute but the evaluation of potential for subversion during a national emergency.

This authority for intelligence investigation in the field of internal security precipitated the dual role of the FBI as it exists today; (1) intelligence, and (2) criminal investigations. This has been recognized by the Executive, the Attorney General, and the Congress.

In addition to the authority granted under the Directives, the FBI has (1) a broad field of statutory authority, and (2) authority under Executive Orders to investigate employee loyalty matters; neither of which is in any way affected by the authority granted under the Directives.

In summary, the Directives granted intelligence authority and placed the FBI in an internal security intelligence posture, in addition to the original statutory responsibility in the investigation of solely criminal matters.

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AUTHORITY GRANTED TO THE
FEDERAL BUREAU OF INVESTIGATION BY THE
PRESIDENTIAL DIRECTIVES IN THE AREA OF
INTELLIGENCE AND INTERNAL SECURITY INVESTIGATIONS
AND SUBSEQUENT PERTINENT DOCUMENTS

I. Verbal Presidential instructions of August 24, 1936, and August 25, 1936:

Verbal instructions were given to Director John Edgar Hoover by President Franklin D. Roosevelt on August 24, 1936, and August 25, 1936, to investigate "subversive activities in the United States, including Fascism and Communism," and "to coordinate any investigation along similar lines which might be made by the Military or Naval Intelligence Services." (Emphasis Added) President Roosevelt saw these activities "as international in scope" and advised the Secretary of State, Cordell Hull, to request "such investigation" under the Appropriations Act (Title 28, Section 533, United States Code), which was done orally as the President wished the matter to be "handled quite confidentially." President Roosevelt instructed Mr. Hoover and Secretary Hull to speak with the Attorney General "upon his return to the city" about this matter. The discussion of August 24 and 25, 1936, covered the area of communist and fascist "movements" in the United States and President Roosevelt was interested in obtaining "a broad picture" of the movement and activities "as may affect the economic and political life of the country as a whole." (Confidential memoranda, John Edgar Hoover, dated August 24, 1936 and August 25, 1936.)

On September 10, 1936, Mr. Hoover advised the Attorney General regarding "the radical situation" and his conference with the President and Secretary of State, wherein he acted as the representative of the Department of Justice, and wherein the request was made "to have investigation made of the subversive activities in this country, including Communism and Fascism." (Emphasis Added) The Attorney General orally directed Mr. Hoover to "proceed with this investigation and to coordinate, as the President suggested, information upon these matters in the possession of the Military Intelligence Division, Naval Intelligence Division, and the State Department. This, therefore, is the authority upon which to proceed in the conduct of this investigation, which should, of course, be handled in a most discreet and confidential manner." (Memorandum for Mr. Tamm, strictly confidential, from John Edgar Hoover, dated September 10, 1936.)*

It is noted and emphasized that, throughout the memoranda, Mr. Hoover referred on a recurring basis to "subversive activities, including communism and fascism" and the overall gist of the conversations as reflected in the memoranda demands the understanding that this authority was granted for a widespread and diverse look at all subversive activities within the United States. It should not be overlooked that the United States was then on the brink of global war and, of necessity, information regarding subversive activities of all manner were of vital importance to the President and Secretary of State.

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II. The Presidential Directive of June 26, 1939, a confidential Directive:

"It is my desire that the investigation of all espionage, counterespionage, and sabotage matters be controlled and handled by the Federal Bureau of Investigation of the Department of Justice, the Military Intelligence Division of the War Department, and the Office of Naval Intelligence of the Navy Department. The directors of these three agencies are to function as a committee to coordinate their activities.

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

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

In the Presidential Directive of June 26, 1939, President Roosevelt clearly and unequivocably ordered that "the investigation of all espionage, counterespionage, sabotage matters" be handled by the Federal Bureau of Investigation, Military Intelligence Division (MID), and Office of Naval Intelligence (ONI) and that their directors were to act as committee to coordinate their activities. This is unquestionably delegation of investigative authority for Bureau investigations of the enumerated areas of activity to the exclusion of other agencies, save the MID and ONI. In the second paragraph, the Directive also clearly and unequivocably states the President's intent to have investigation made of actual or potential espionage, counterespionage or sabotage as he directs no other agency to enter the field of actual or potential espionage, counterespionage or sabotage investigations. (Emphasis Added) On the contrary, in paragraph three, he directs other agencies to "refer immediately" to the FBI any data, information or material bearing directly or indirectly on espionage, counterespionage, or sabotage. If such matters are to be referred to the FBI, the President's intent obviously is that he desired the FBI to "control and handle" the correlation of such material as reflected in paragraph one of the Directive and as he had previously verbally instructed Mr. Hoover to do in 1936, in other words, to coordinate any investigation with the military.

Reflecting back to the verbal Directives of August, 1936, as compared to the Presidential Directive of June 26, 1939, it is noted that two major premises can be made, one being the intent of the President for the

FBI to investigate "subversive activity, including Communism and Fascism," an area of concern akin to and overlapping in many respects the area of espionage, counterespionage, and sabotage; and secondly, his intent that the FBI and Military Services coordinate their efforts of investigation as assigned by these Directives. (Emphasis Added)

III. The Presidential Directive of September 6, 1939, a public Directive:

> "The Attorney General has been requested by me to instruct the Federal Bureau of Investigation of the Department of Justice, to take charge of investigative work in matters relating to espionage, sabotage, and violations of the neutrality regulations.
>
> This task must be conducted in a comprehensive and effective manner on a national basis, and all information must be carefully sifted out and correlated in order to avoid confusion and irresponsibility.
>
> To this end I request all police officers, sheriffs, and all other law enforcement officers in the United States promptly to turn over to the nearest representative of the Federal Bureau of Investigation any information obtained by them relating to espionage, counterespionage, sabotage, subversive activities and violations of the neutrality laws." (Emphasis Added)

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Interpreting the Presidential intent in this Directive, a public document, it must be first noted that in the first sentence the President states "the Attorney General has been requested by me to instruct the Federal Bureau of Investigation of the Department of Justice to take charge of investigative work in matters relating to espionage, sabotage, and violations of the neutrality regulations." (Emphasis Added) The use of the past tense requires one to understand that the President, through prior instructions and Directives, oral or written, had, to his own satisfaction, specifically delegated responsibility for these investigations. The President restates publicly the need for handling of these matters comprehensively and on "a national basis." He restates matters previously covered in verbal and written form by expressing his desire to have the information "sifted out and correlated." One need only refer to the verbal instructions of 1936 and the confidential Presidential Directive of June 26, 1939, to clearly see that the main intent of the President is here again reflected, only in this instance, publicly, and with an appeal for assistance from law officers.

Further, and a point believed worthy of note, the President instructs in this Directive that law officers in the United States remand to the FBI information relating to espionage, counterespionage, sabotage, subversive activities, and violations of the neutrality laws. (Emphasis Added) Carefully note that the President included in this request that information regarding subversive activities be turned over to the FBI as

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well as information involving espionage, counterespionage, sabotage, and violations of the neutrality laws. This is the precise language of the verbal Directive or instruction of August, 1936, and it is logical that if the President instructed Mr. Hoover to investigate subversive activities in 1936, he would desire that information regarding subversive activities be furnished to the FBI by law officers in his public Directive of September 6, 1939, in order to increase and enhance the tempo of incoming information regarding subversive activities in which he had a grave interest. (Emphasis Added)

IV. The Presidential Directives of January 8, 1943, July 24, 1950, and December 15, 1953, in main, restate and reaffirm these basic instructions and orders based on then current developments at the time of their respective issuances.

V. How has the FBI complied with the verbal instructions of August, 1936, and confidential Presidential Directive of June 26, 1939, as augmented by his Directive of September 6, 1939, and what other Presidential documents reaffirm subsequent Presidential approval of this investigative authority?

A. Interdepartmental Intelligence Conference (IIC):

The Interdepartmental Intelligence Conference (IIC) was formed as an independent committee pursuant to the Presidential Directive of June 26, 1939, to coordinate the investigative efforts of the FBI, MID, and ONI. To facilitate coordination, the IIC adopted the Delimitations Agreement of June 5, 1940. The members cited in the preamble of that document that in conformity with the Directive contained in the Presidential Memorandum of June 26, 1939,

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as augmented by his Directive of September 6, 1939, charging them with investigation of all espionage, counterespionage, sabotage, and subversive activities, that responsibility for these investigations would be delineated as contained in the Agreement. (Emphasis Added)

It is apparent that the members of IIC recognized their authority from the Presidential Memorandum of June 26, 1939, and that their duty under that Directive was to investigate the aforementioned areas, including subversive activities, as Mr. Hoover had been directed to do in August, 1936. (Emphasis Added)

The IIC in issuing the revised Delimitations Agreement of February 9, 1942, again cited the Presidential Directive of June 26, 1939, as augmented by the Directive of September 6, 1939, as authority. IIC members stated in the preamble that investigative responsibility of IIC extended to "all activities coming under the categories of espionage, counterespionage, subversion, and sabotage." (Emphasis Added)

The Agreement was redrafted in the Delimitations Agreement of February 23, 1949, and again the members in the preamble cited the Presidential Directive of June 26, 1939, as augmented by his Directive of September 6, 1939, the Delimitations Agreement of February 9, 1942, and the Presidential Directive of October 30, 1947 (pertaining to employee loyalty investigations), as authority. As before, the IIC members referred specifically to the delineation of responsibility of investigation of "all activities coming under the categories of espionage, counterespionage, subversion, and sabotage." (Emphasis Added)

B. IIC under the charter of the National Security Council (NSC):

The IIC as an independent committee ceased to exist in 1949, as pursuant to the National Security Act of 1947 it was absorbed and then chartered by the NSC, presided over the President. The Council chartered both the IIC and the Interdepartmental Committee on Internal Security (ICIS), which consisted of representatives of the Departments of State, Treasury, and Justice, and the Military Establishments.* The IIC charter issued by NSC dated July 18, 1949, reads in part:

> "Pursuant to the provision of Section 101 of the National Security Act and NSC 17/4 as approved by the President, the National Security Council hereby authorizes and directs that the Indepartmental Intelligence Conference effect the coordination of all investigation of domestic espionage, counter-espionage, sabotage, subversion, and other related intelligence matters affecting internal security. The IIC shall be guided by the terms of this charter.
>
> A. ORGANIZATION
>
> (1) The Interdepartmental Intelligence Conference shall be constituted as set forth in the Presidential Directive of June 26, 1939, that is, the Director of

* See Appendix for ICIS Charter

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the Federal Bureau of Investigation, the Director of the Intelligence Division of the Army, the Director of Naval Intelligence, and in addition, the Director, Office of Special Investigations, U. S. Air Force, which office has been created since the issuance of the original Presidential Directive." (Emphasis Added)

C. IIC under the charter of the Attorney General:

Supervision of the IIC was transferred by National Security Action Memorandum 161 issued by the President, John F. Kennedy, dated June 9, 1962, which reads in part:

"(2) Accordingly, I have directed that the two interdepartmental committees concerned with internal security--the Interdepartmental Intelligence Conference (IIC) and the Interdepartmental Committee on Internal Security (ICIS)--which have been under the supervision of the National Security Council, will be transferred to the supervision of the Attorney General. The continuing need for these committees and their relationship to the Attorney General will be matters for the Attorney General to determine."

Pursuant to National Security Action Memorandum, the Attorney General in a memorandum to John Edgar Hoover, Chairman, IIC, dated March 5, 1964, which, in essence, restated the IIC charter as issued by

the NSC, with appropriate amendments, causing it to read in part:

"Pursuant to the provisions of the National Security Action Memorandum 161, dated June 9, 1962 from the President, the Attorney General hereby authorizes and directs that the Interdepartmental Intelligence Conference effect the coordination of all investigation of domestic espionage, counterespionage, sabotage and subversion, and other related intelligence matters affecting internal security. The IIC shall be guided by the terms of this charter.

A. ORGANIZATION

(1) The Interdepartmental Intelligence Conference shall be constituted as set forth in the Presidential Directive of June 26, 1939, that is, the Director of the Federal Bureau of Investigation, Department of Justice; Assistant Chief of Staff for Intelligence, Department of the Army; Director of Naval Intelligence, Department of the Navy; and the Director of Special Investigations, the Inspector General, Department of the Air Force (the latter position having been created since the issuance of the original Presidential Directive.)"

(Emphasis Added)

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It is apparent that all authority granted by NSC and the Attorney General subsequent to the Presidential Directives of August 24-25, 1936, and June 26, 1939, which authorized the FBI to conduct intelligence investigations refers to those Directives and recognizes, adopts and reaffirms their instruction.

D. What are the primary areas of inquiry considered by IIC in fulfilling their responsibility? Do they include United States citizens?

A review of the voluminous files relative to IIC reflects that the primary considerations of IIC were directed at such matters as security of plants, protection of industry and transportation, obstruction of commerce and vital utilities, registry of boats, security of wharfs and docks, public radio broadcasting, alien entry and control matters, diplomatic establishment radio authorizations, visiting foreign nationals, Communist Party, USA, and alien seamen, to mention but a few.

Obviously, the IIC was primarily concerned with matters of internal security which had ramifications "international in scope," as President Roosevelt described previously herein, and this is only natural as these were the primary problems during the heat of the Cold War of the late 1940's to the mid-1960's. These problems continue today. Domestic terrorism was not a problem in this country at the time, except on a very limited basis. Mr. Hoover, when preparing proposals for the Delimitations Agreement of June 5, 1940, suggested to the members that "subversive activity" be understood to include "espionage, sabotage, groups organized to assist hostile forces ("Fifth Column") and Subversive propaganda," all

which are matters obviously pertinent to internal security challenges from without the Nation's boundries. One primary consideration cannot be lost, however, and that is the central fact that from the earliest verbal instructions in 1936 through and including all other orders, the FBI, without reservation, has been directed to "investigate," "take charge," "correlate," "sift out," "control," and "handle," all intelligence matters concerning the internal security of the United States whether it be called "subversive activities," "subversion," "domestic espionage," "espionage," "counterespionage," "sabotage," or "subversion and other related intelligence matters affecting internal security." (Emphasis Added) Secondly, and of primary importance, is the fact that the thrust of these investigations as ordered by the various Directives and charters has not been limited to the alien principle or agent operating in the United States but directed at the United States citizen when he or she acts or functions in a manner to fall within the above terms used to indicate a threat to the internal security. Supporting this fact is the Delimitations Agreement of June 5, 1940, wherein the members, conforming with the Presidential Directive of June 26, 1939, as they so state, outline their respective areas of responsibility to investigate. Item 2 of this Agreement reads in part:

> "II. FBI will assume responsibility for all investigations of cases in these categories involving civilians in the United States and in its territories with the exception of the Panama Canal Zone, Guam, Samoa and the Philippine Islands." (Emphasis Added)

Men do not operate in vacuum and their acts and documents are guided by their knowledge, instructions, and understanding of instructions at that time in history. The Delimitations Agreement of 1940 must, therefore, speak to existing problems and only the anticipation of future problems. All prior knowledge and understanding of instructions and orders could only have been interpreted to clearly include investigation of United States citizens since Item 2 of the Agreement speaks so specifically to this point.

1. Has the Executive adopted Item 2 as set forth in the Delimitations Agreement of 1940?

Absolutely. The Delimitations Agreement of 1940 was replaced by the Delimitations Agreement of February 9, 1942, wherein reference for authority is again based on a Presidential Directive of June 26, 1939, and Item 2 is changed in language but not in meaning. Item 2 reads in part:

> "II. FBI will be responsible for:
>
> 1. All investigation of cases in the categories involving <u>civilians in the United States and its territories</u> with the exception of the Republic of Panama, the Panama Canal Zone, Guam, American Samoas, Palmyra, Johnston, Wake and Midway Islands, the Philippine Islands and the Territory of Alaska other than that specifically described in Paragraph III."
>
> (Emphasis Added)

The IIC issued the Delimitations Agreement of February 23, 1949, again basing authority on the Presidential Directive of June 26, 1939, and again restated the position to investigate United States citizens, which is clearly stated in Item 2, which reads in part:

> "II. FBI will be responsible for:
>
> 1. All investigations of cases in these categories involving civilians and foreign nationals of all classes in the continental United States, Puerto Rico, the Virgin Islands, (the State of Hawaii), and the State of Alaska except as specifically described hereinafter in Paragraph V, Section 5."

The Delimitations Agreement of February 23, 1949, was in effect on July 18, 1949, when the IIC was chartered by the NSC. The President was Chairman of the NSC. The NSC charter to IIC reads in part:

> "D. Nothing herein shall be construed as modifying or affecting the Presidential Directives issued to the members of the IIC relating to their individual responsibilities and duties. The Delimitations Agreement among the members of the IIC relating to the investigative responsibilities and duties of the individual members and other agreements

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among these members relating to the same matters shall remain in full force and effect and shall continue to be amended, changed, and supplemented at the discretion of the IIC." (Emphasis Added)

The President herein clearly adopted the language of the Delimitations Agreement of February 23, 1949, to include Item 2 of that Agreement, wherein it is specifically stated the FBI will investigate United States citizens.

2. Does this adoption apply to the charter issued by the Attorney General in 1964?

Yes. Pursuant to the authority of the National Security Action Memorandum 161, dated June 9, 1962, from the President, the Attorney General chartered the IIC and that charter reads in part:

"D. Nothing herein shall be construed as modifying or affecting the Presidential Directives issued to the members of the IIC relating to their individual responsibilities and duties. The Delimitations Agreement among the members of the IIC relating to the investigative responsibilities and duties of the individual members and other agreements among these members relating to the same matters shall remain in full force and effect and shall continue to be amended, changed, and supplemented at the discretion of the IIC." (Emphasis Added)

In summary, the Executive has, over the years, granted continuing authority to the FBI to investigate matters threatening the internal security, including investigation of private citizens of the United States and their activities.

VI. What Other Areas of Intelligence Investigation Have Been Recognized By the Executive to Fall Within the Jurisdiction Delineated By the Directives?

Examination of the question illustrates that over the years the scope of internal security problems has been expanded from the original category of "subversive activities" as described by Mr. Hoover in his proposed definition of the term to a much broader field of intelligence responsibility. It has been illustrated that the oral and written Directives of 1936 and 1939 vested intelligence investigative authority in the FBI and that this authority has been reaffirmed over the years. The authority was granted originally to meet the problems of the 1936-1939 period and has continued in effect to meet the problems involving internal security as they arose in subsequent years.

Originally, the problem facing the Nation was obviously the threat of communist and fascist espionage, sabotage, and subversive activities, acts such as infiltration of vital functions, dissemination of propaganda, and fostering discontent that would weaken the national fabric at a time when the Nation was faced with global war. These concerns have grown and evolved over the years to include domestic "hate groups," anarchists, and terrorists. The following chronology illustrates this evolutionary aspect of the recognized problem:

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By letter to Mr. Hoover, Chairman, IIC, and Mr. Whearty, Chairman, ICIS, dated November 6, 1950, from Mr. J. Patrick Coyne, NSC Representative on Internal Security, it is apparent that the President felt that the IIC and the ICIS had interests and responsibilities in the domestic terrorist field in light of the fact that he, through the NSC, made inquiry of the IIC regarding the then recent Presidential attack by Puerto Rican nationalists. The President requested that the IIC and the ICIS report to the NSC on the lessons to be learned from that incident of domestic terrorism (see App. Section I). As indicated by the detailed questions posed by the President and the detailed response by the IIC, it is apparent that the President intended that IIC have great latitude in the area of investigation of subversive activity and terrorism as it relates to internal security matters assigned to IIC.

It should be obvious that the concern of the President and referral of this concern to the IIC and ICIS for answers affirms and illustrates the President's attitude that such matters as domestic terrorism certainly affect the internal security and national welfare and are the responsibility of IIC. The FBI is the member of IIC charged with investigation of "subversion" under the Delimitations Agreement of February 23, 1949. What more subversive activity could be imagined than an armed terrorist attack on the President?

In a report to the NSC on the status of the internal security program dated March 5, 1954, prepared jointly by the IIC and the ICIS, the scope of intelligence investigation of internal security matters was described in connection with outlining specific major goals of the program:

"1. To coordinate the activities of all agencies and and departments concerned with internal security matters, including investigations, the collection of domestic intelligence, and the integration of foreign intelligence pertinent to the domestic intelligence field.

2. To continue the acceleration of investigations designed to provide the basis for the apprehension, prosecution, or other action, against persons involved in subversive activities.

3. To detect and maintain security indices on persons considered dangerous to the national defense and public safety.

4. To neutralize Communist front and Communist-dominated organizations of the United States."

It may be seen that in addition to their interests in prosecuting statutory violations, the IIC members recognize their responsibility as assigned by the Directives to obtain a broad-based intelligence picture regarding the subversive potential of individuals and organizations.

In a joint status report to the NSC dated August 27, 1958, the IIC and ICIS discussed the dual aspects of their jurisdiction. It is pointed out that there is occasional conflicts between the prosecutive jurisdiction under statutes which might tend to interfere with the intelligence-gathering function.

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In such cases, it was noted that prosecution is frequently foregone in favor of the more valuable collection of intelligence. The report states in part:

> "Following the Supreme Court decisions reversing the convictions of 19 Communist Party leaders for violation of the Smith Act of 1940, action by various Circuit Courts of Appeal has resulted in the acquittal of 20 additional Communist Party functionaries and the remanding for retrial of 29 others. While selected cases are not scheduled for retrial during the fiscal year 1959, problems have arisen in other cases due to the lapse of time since the periods covered by the indictments. In most instances, several years have been consumed by trials and appeals with the result that witnesses have died, have become invalid, or are unavailable for other reasons and at this late date their testimony cannot be replaced. Another problem has been the stringent evidentiary standards established by the Supreme Court in the case of the California communist leaders.
>
> In other cases, the Department of Justice must consider the loss, through their appearance as witnesses, of additional confidential informants of the FBI. It is necessary to weigh the difficulty of developing

informants within the Communist Party and its related groups together with the value of the information they secure against the benefit to be derived from using such persons as witnesses."

On November 6, 1958, former Director Hoover gave a presentation to the President and the Cabinet, which reads in part:

"We have still a sixth program under which we continuously evaluate the espionage and sabotage potential of individuals whose current activities indicate that they might constitute a threat to the country in the event of a national emergency. These include members of the Communist Party of the United States and other individuals dedicated to the violent overthrow of our Government. We maintain a special index of such persons to enable us to effect their immediate apprehension in the event the President so directs the Attorney General. For your information, there were 12,835 names on this index.

Communist Party leaders are hopeful that, by exploiting such current national and international issues as racial discrimination and peace, they can

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bring about a resurgence of Party activity and influence. For example, Benjamin Davis, chairman of the Party's New York District, in a report made in September of this year to top communist functionaries, stressed that the Party should concentrate on the integration issue as symbolized by the Little Rock school situation. Diligent efforts are made by the communists to infiltrate Negro groups, particularly at the local level, so as to agitate and create confusion.

The public usually associates the FBI's internal security investigations with Communist Party activities only. Nothing could be further from the truth. Our investigations encompass any and all organizations based on a creed of force and violence to determine whether they are a threat to our internal security or whether they have violated any Federal laws.

We investigate the activities of such diverse and international organizations as the Marxist Socialist Workers Party, and the Nationalist Party of Puerto Rico. (Responsible for attack upon President Truman, 1950, and Congress, 1954.) Further, we investigate such fanatical and so-called 'hate' groups as the Negro Nation of Islam; the Ku Klux Klan; the

National States Rights Party, an anti-Jewish and anti-Negro organization; and the 'Confederate Underground.' The latter is a name which has been mentioned on a number of occasions in recent bombing threats and other forms of violence.

Since January 1, 1957, there have been over 90 bombings, or attempted bombings, in the United States. Of these, at least 69 have involved Negro victims and at least eight, Jewish religious and educational facilities.

In the early bombings there was no evidence to show that these bombings could be attributable to specific organizations. Rather, they were individual acts of terror strictly within the jurisdiction of local authorities. When these outrages occurred, we in the FBI have made immediately available to local authorities our laboratory and fingerprint facilities here in Washington.

As the bombings directed toward religious and educational facilities continued, the FBI extended its cooperation to cover out-of-state leads which local authorities could not handle. We extended such assistance to the Jacksonville, Florida, and Birmingham, Alabama, Police Departments in connection with the

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bombings of a Jewish center and a Negro high school in Jacksonville on April 28, 1958, and the attempted bombing of a Jewish temple in Birmingham on the same day.

Recently, however, there has been some indication of a general interstate pattern to these bombings. For example, one of the men indicted on October 17, 1958, (Richard Bowling) for the bombing of the Jewish temple in Atlanta, received from one of his fellow conspirators two checks amounting to $200. One of these checks was dated October 4, 1958, the day before the Clinton, Tennessee, High School bombing, the other, October 9, 1958, three days before the Atlanta temple bombing.

Recognizing the danger to the national welfare from a general pattern of organized terrorism, the FBI has moved to expand its assistance to local law enforcement in the recent bombings at Clinton, Atlanta, and Peoria, Illinois. We are now providing all-out investigative assistance in these cases. We are closely checking the activities of individuals prominently involved in racial disturbances, such as the notorious John Kasper, the executive secretary of the Seaboard White Citizens Council of Washington. As a further aid to local law enforcement

agencies, the FBI has scheduled a series of special conferences for November and December, 1958, to discuss our cooperative services regarding bombings and threats of bombings against religious and educational institutions.

Our entry into these cases at this new level is not to be interpreted as an attempt on our part to usurp the jurisdiction of local authorities. To give the FBI this jurisdiction would relieve local governments of the basic responsibility to maintain law and order, and the ultimate responsibility rightfully rests at the local level."

As specifically stated by Mr. Hoover in his comments to the President and the Cabinet, he therein delineates that there is an internal domestic aspect to the intelligence-gathering function of the FBI and this is based on the fact that he recognizes the danger to the "national welfare" from a general pattern of terrorism which does, in fact, affect the internal security of the United States.

By letter of May 17, 1961, McGeorge Bundy, Special Assistant to the President, requested of the IIC and the ICIS, pursuant to Presidential wishes, reports covering current and contemplated internal security programs which fall within the cognizance of their respective committees. The reports were to include such items as: description of the program and its objectives, the

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date of initiation, reference to the Directive or other authority pursuant to which the program was undertaken, highlights of the results achieved and significant problems encountered, to name but a few.

Pursuant to this request, Mr. Bundy was furnished by letter of July 25, 1961, a copy of the IIC status report dated July 25, 1961, wherein he was advised in part as follows:

"I. IDENTIFICATION AND INVESTIGATION OF POTENTIALLY DANGEROUS PERSONS IN THE UNITED STATES*

The FBI maintains a current list of individuals, both citizens and aliens, to be considered for apprehension and detention, if necessary, in a period of emergency. Approximately 12,000 individuals are listed at this time. This list is kept current on a daily basis by the addition of new individuals whose activities make them potentially dangerous to the United States, and by the deletion of individuals who are no longer engaged in subversive activities. Included on the list of potentially dangerous individuals are nearly 200 persons who are engaged in pro-Castro Cuban activities or who sympathize strongly with such activities. In addition to members of the Communist Party, it also includes certain members of such organizations as the Nationalist Party of Puerto Rico, the Nation of Islam, and the Socialist Workers Party."

*See Appendix for additional information concerning Emergency Detention Law

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As indicated in the last sentence, from information furnished to the President, it is apparent that the problem area being discussed included not only members of the Communist Party and their apparent capability of action in the field of sabotage and espionage during an outbreak of war but also such organizations as the Nationalist Party of Puerto Rico, Nation of Islam, and the Socialist Workers Party, organizations whose potential for internal disruption in time of emergency is the matter in question.

In further illustration of this point, on May 11, 1961, former Director Hoover submitted a memorandum to top Bureau officials, wherein he described a presentation to the President concerning the FBI's intensification of its coverage of Cubans in this country, both anti-Castro groups and pro-Castro groups. During an NSC meeting on April 27, 1961, it is apparent that the thought in the minds of the men discussing this matter extended not only to the possibility of espionage and sabotage activities of the pro-Castro groups discussed but the possibility that the anti-Castro groups discussed might well be involved in activities which would involve terrorism or violence of a domestic nature.

As previously noted, in 1962, the supervision of the IIC and the overall responsibility for the internal security programs of the United States passed by National Security Action Memorandum 161 to the Attorney General. From that date to the present time, the FBI has received on a case-by-case basis specific instructions from the Attorney General regarding investigative

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matters pertinent to the delegation of intelligence investigation authority in numerous areas involving individuals or organizations which advocate violence or the denial of rights of others.

Let us pause to summarize the position of the FBI at this time in history.

The Directives cast the FBI in an intelligence-gathering posture which was recognized by the Government as a body and the American public. As herein indicated by the previous examples, the FBI gradually came to be assigned intelligence investigations outside the foreign controlled espionage and sabotage matters and into an area of intelligence investigations regarding "other intelligence matters affecting the internal security," to wit; Puerto Rican nationalists, anti-Castro groups, Nation of Islam, Socialist Workers Party, "hate groups," and others advocating the violent overthrow of the Government or who could, on reasonable belief, cause disruption of the "national welfare" and in time of emergency, be of assistance to foreign powers. These matters were automically referred to the FBI because we had been cast in the "intelligence posture" as a direct result of the Presidential Directives coupled with the fact that the FBI has statutory investigative jurisdiction of the criminal violations in the general area of internal security. Our position had become twofold: (1) intelligence gathering in the area of internal security and (2) investigation of criminal statutory violations, both in the internal security area.

During the turbulent 1960's, Executive concern for the internal security and national welfare naturally increased due to campus riots, racial unrest, militant groups who ambushed police and bombed, the increase of activity of "hate groups," both "far right and left," and the open advocacy of entirely domestic groups to overthrow the Constitution and Government of this Nation. Because of the intelligence-criminal investigative posture of the FBI in the internal security field, the inquiries and orders were naturally directed to the FBI. We responded because we had come to recognize and operate within our dual posture of intelligence and criminal investigation.

Can we illustrate how this dual posture was magnified and expanded since the 1950's and early 1960's?

Clear evidence exists that past Presidents and Attorneys General have assumed the FBI's intelligence-gathering authority.

For example, by memorandum dated April 28, 1965, to Bureau officials, former FBI Director Hoover recounted a conversation with the late President Lyndon B. Johnson, which occurred on that date, during which Johnson expressed profound concern that his military and foreign policy with respect to Vietnam was being undermined by anti-war agitation in the United States, particularly on the college campuses. The memorandum of former Director Hoover noted that, during their conversation, he informed the President of FBI information concerning forthcoming demonstrations and instructed that a memorandum be prepared for President Johnson concerning the Students For a Democratic Society.

Further, by letter of September 14, 1967, the Attorney General, Ramsey Clark, obviously concerned with recent riots of that period, directed a letter to the FBI, wherein he instructed that the FBI conduct investigation to determine whether there was an organization which made advance plans for and was active during any of the riots in the Summer of 1967. He pointed out that, in view of the seriousness of the riot activity across the country, it is most important that the FBI use the maximum available resources, investigative and intelligence, to collect and report all facts bearing upon the question as to whether there was scheme or conspiracy. He enumerated various criminal statutes, which he pointed out should be considered if prosecution was a possibility based on the investigation but clearly recognized the intelligence-gathering role of the FBI.

To further illustrate, reference is made to the Attorney General's letter to Director, FBI, dated February 18, 1969, wherein he requests broad-scoped and comprehensive investigation of the Students For a Democratic Society in relation to the illegal and violent campus disorders of that period. (For Details, See Appendix.)

It must be recalled that, pursuant to the National Security Action Memorandum 161, the President had assigned to the Attorney General the responsibility of the internal security in 1962. As illustrated, no more broad instruction for intelligence investigation could have been phrased. These letters clearly recognize the dual function of the FBI in its intelligence-gathering role and in its criminal investigative role.

Further evidence of the recognition of the dual role of the Federal Bureau of Investigation is illustrated by reference to the Intelligence Evaluation Committee (IEC). Based on the President's need to know, Presidential representatives, Attorney General representatives, and others, on or about December 17, 1970, formed this Committee with the purpose of obtaining reports and information concerning militant terrorist groups operating within the United States. This was for a dual necessity, its effect on the internal national welfare and how such activity might affect the foreign policy and war effort. This Committee, composed of members of the Executive, pursuant to their authority under the Interdepartmental Action Plan for Civil Disturbances, a plan for the Executive to meet emergencies, requested through the Attorney General that reports and intelligence information be furnished to the Committee for the benefit of the Executive. This is another graphic illustration of how the Executive has relied on the intelligence function of the FBI.

In summary, the FBI has had authorization and approval of the President and Attorney General to investigate matters concerning internal security since the verbal instructions of August, 1936, the Presidential Directive of June 26, 1939, as augmented by the Presidential Directive of September 6, 1939, down to and including the charters by the NSC and the Attorney General. The FBI has conducted these intelligence investigations under the scrutiny of the Executive Branch as herein indicated.

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VII. Has Congress Recognized the Dual Intelligence--Criminal Role of the FBI Which Results From the Directives?

Absolutely. On November 30, 1939, some 85 days after the public Directive of September 6, 1939, former Director Hoover appeared before Congress as reflected in the Emergency Supplemental Appropriations Bill of 1940 testimony wherein he states that in September, 1939, the General Intelligence Division was organized based on the Presidential proclamation that all complaints regarding violation of the National defense statutes be referred to the FBI. He described in his testimony that the function of the Intelligence Division was to "compile extensive indices of individuals, groups, and organizations engaged in these subversive activities, in espionage activities, or any activities that are possibly detrimental to the internal security of the United States." (Emphasis Added)

Again, in testimony under Justice Department Appropriation Bill of 1941, former Director Hoover specifically cites verbatim the Presidential Directive of September 6, 1939, the public Directive not the confidential Directive of June 26, 1939, and thereafter in narrative describes the general intelligence activities of the Bureau, the coordination system between the FBI and military intelligence services, plant protection, and the opening of ten added offices to handle the volume of work in the intelligence field. Further testimony was furnished on June 6, 1940, with reference to the Supplemental National Defense Appropriations Bill of 1941 and such testimony has continued in subsequent years to the present, each time setting forth the specific areas of intelligence investigations. This testimony includes, for example in the 1973

appropriations testimony, information regarding investigations of New Left terrorism, antiwar demonstrations, student agitation, Communist Party, USA, Socialist Workers Party, Progressive Labor Party, racial extremism, Black Panther Party, Student National Coordinating Committee, Junta of Militant Organizations, extremism in penal institutions, Klan-type organizations, urban guerrilla warfare, bombing matters, espionage and counterintelligence to mention only the work done by the Bureau in the intelligence field.

In addition, voluminous intelligence information has been furnished to investigative committees of the Congress regarding internal security matters and at no time did Congress, having been advised as above, offer objection by means of legislation or enactment to the intelligence field of investigation.

VIII. Do the Directives in Any Way Alter the FBI's Jurisdiction as Assigned By Statute or Other Executive Order?

Nothing herein alters the FBI's basic responsibility assigned by the Attorney General under Title 18, Section 533, U. S. Code, to investigate statutory violations which are the mandate of Congress and specific Executive Orders of the President relative to employee loyalty matters.

IX. What Effect Would Be Realized If the FBI Had Not Had the Directives or If the Directives Were Revoked?

The effect of the Presidential Directives of August, 1936, and June 26, and September 6, 1939, is to place the FBI in an affirmative intelligence-gathering posture. The FBI overtly seeks intelligence information in the internal security

field based on the Directives. Should they be nonexistent or revoked, the FBI would be placed in a position of merely investigating violations of statutes. Investigation would commence only at a point where some set of facts would indicate a "strong suspicion," "reasonable grounds to believe," or "probable cause" that a violation of law was about to be or had been committed and a person or group of people committed it, i.e., no overt, offensive search for intelligence information in the internal security field regardless of lack of specific statutory violation.

In summary, the question should be not one of whether the FBI has authority to conduct intelligence investigations, this has been herein reflected, but whether the FBI has acted reasonably under that authority.

Compare, if you will, the FBI Agent who, having lawful probable cause to search for three large stolen television sets, obtains a search warrant, valid on its face, for a residence and thereby enters and conducts a search pursuant to the warrant. He is lawfully and with authority in the residence but while there searches a small drawer in a desk, where no television set could possibly be secreted. Narcotics are found. Are they admissible? No. The search is "unreasonable" under Fourth Amendment standards as it pertains to the narcotics, however, this in no way effects the Agent's lawful presence in the residence under the authority of the warrant.

This is analogous of the situation in which the FBI finds itself today. The FBI has the authority to be in the intelligence field under the Directives, however, will be challenged as to the reasonableness of its activities and conduct in the field. (Emphasis Added)

The FBI has over the years limited the boundaries of this authority on its own with minimal guidance from the Executive and the Attorney General. In most instances this self-limiting has been more to restriction than liberalism. If outside challenge is made to the FBI's conduct to date, it should be properly addressed to the limits and boundaries of our activities, not the authority itself.

III. APPENDIX OF EXHIBITS CONCERNING THE DIRECTIVES

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A. HISTORICAL HIGHLIGHTS OF FOREIGN ACTIVITY
1933 - 1939

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On January 30, 1933, Adolf Hitler became Chancellor of Germany.

On March 10, 1935, Hitler rejected the Versailles Treaty and ordered conscription in Germany.

On March 7, 1936, reoccupation of the demilitarized Rhineland Zone (a violation of the Locarno Treaty) was begun by German troops.

In March, 1937, the German army under Hitler invaded Austria.

In the "Munich" conference of September, 1938, Bavaria, Britain, and France agreed to Hitler's demands and Czechoslovakia ceded to Germany Sudetenland.

May 7, 1939, Germany and Italy announced a military alliance.

In August, 1939, a nonaggression pact between Germany and the U.S.S.R. was signed in Moscow by the terms of which each of the signatories was bound to refrain from any act of force against the other and agreed not to support warlike acts against either by a third power.

On September 1, 1939, German forces invaded Poland. On September 3, 1939, Great Britain and France declared war on the German Reich.

On September 8, 1939, the President of the United States proclaimed a national emergency "to the extent necessary for the proper observance, safeguarding and insuring the neutrality of the United States and the strengthening of our national defense within the limits of peacetime authorizations."

B. CONFIDENTIAL MEMORANDA:
JOHN EDGAR HOOVER

AUGUST 24, 1936
AUGUST 25, 1936
SEPTEMBER 10, 1936

DIRECTOR

Federal Bureau of Investigation

United States Department of Justice

Washington, D. C.

August 24, 1936.

CONFIDENTIAL MEMORANDUM

ROOSEVELT

This morning, in accordance with the request of the President conveyed to me personally by him last Wednesday in New York City, I called at the White House at 9:15 and was with the President until 10:15.

He was desirous of discussing the question of the subversive activities in the United States, particularly Fascism and Communism. He had previously received the memorandum which I had prepared covering my conversation with General Smedley Butler and the effort of Father Coughlin to have General Butler head an expedition to Mexico. I informed the President concerning certain recent developments in the Communist activities in the country, particularly the efforts of the Bridges organization in San Francisco and their progressive control of the shipping on the Pacific Coast, the Gulf Coast and their recent expansion to shipping operations on the Atlantic Coast. I told him that while their contract will expire on September 30, 1936, they are endeavoring to have it temporarily extended until April 1, 1937, in order to conform to the same date that the United Mine Workers' contract expires, which organization is headed by John L. Lewis. I told him that the Bridges organization was practically controlled by Communists and that the Communists had now decided to make very definite plans to get control of the Lewis organization.

I called his attention to the activities of the Newspaper Guild headed by Heywood Broun, which has strong Communistic leanings, and which has been responsible for putting out of operation the Seattle Post Intelligencer. I told him that my information was that the Communists had planned to get control of these three groups and by doing so they would be able at any time to paralyze the country in that they could stop all shipping in and out through the Bridges organization; stop the operation of industry through the Mining Union of Lewis; and stop publication of any newspapers of the country through the Newspaper Guild.

I also related to him the activities which have recently occurred within Governmental service inspired by Communists, particularly in some of the Departments and in the National Labor Relations Board.

I likewise informed him that I had received information to the effect that the Communist Internationale in Moscow has recently issued instructions for all Communists in the United States to vote for President Roosevelt for reelection and against Governor Landon because of the fact that Governor Landon is opposed to class warfare.

The President stated that he had been considerably concerned about the movements of the Communists and of Fascism in the United States and that while the Secret Service of the Treasury Department had assured him that they had informants in every Communist group, he believed that if that was true it was solely for the purpose of getting any information upon plots upon his life, whereas what he was interested in was obtaining a broad picture of the general movement and its activities as may affect the economic and political life of the country as a whole. I told him that there is at the present time no governmental organization which is getting any so-called "general intelligence information" upon this subject. He inquired what suggestions I might offer relative to this matter. I told him that the appropriation of the Federal Bureau of Investigation contains a provision that it might investigate any matters referred to it by the Department of State and that if the State Department should ask for us to conduct such an investigation we could do so under our present authority in the appropriation already granted. He stated that he is reluctant to have a formal request come through the State Department because of the many leaks therein, but that what he would do would be to put a handwritten memorandum of his own in his safe in the White House, stating he had instructed the Secretary of State to request this information to be obtained by the Department of Justice. He stated he would have the Secretary of State at the White House tomorrow afternoon, and asked me to call at the White House at 1:45 p.m. to see him, the President, and the Secretary of State, at which time the matter could be further discussed and an oral request could be made of me by the Secretary of State for investigation so as to avoid any possibility of any leak.

He suggested that I endeavor to coordinate any investigation along similar lines which might be made by the Military or Naval Intelligence Services. He stated that the Secret Service was not being brought in on this investigation as they should confine themselves strictly to the matter of protecting his life and the survey which he desired to have made was on a much broader field.

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John Edgar Hoover.

JOHN EDGA
DIRECTOR

Federal Bureau of Investigation

United States Department of Justice

Washington, D. C.

August 25, 1936.

CONFIDENTIAL MEMORANDUM

Today, in line with the request of the President, I called at the White House at 1:45 p.m., and present at the conference were the President, the Secretary of State and myself. The President related to the Secretary of State his concern relative to Communist activities in this country, as well as Fascist activities. He stated that he was very desirous of having a survey made of these conditions and informed the Secretary of State that this survey could be made by the Department of Justice if the Secretary of State requested the Department to conduct the inquiry, as under the Appropriation Act this Bureau would have authority to make such investigation if asked to do so by the Secretary of State. The President pointed out that both of these movements were international in scope and that Communism particularly was directed from Moscow, and that there had been certain indications that Oumansky, attached to the Russian Soviet Embassy, was a leading figure in some of the activities in this country, so consequently, it was a matter which fell within the scope of foreign affairs over which the State Department would have a right to request an inquiry to be made.

The Secretary of State inquired if a request should be made in writing. The President indicated that it should not be since he desired the matter to be handled quite confidentially and that it would be sufficient that the President, the Secretary of State and I should be the ones aware of this request.

The Secretary of State asked that the investigation be made and then made several suggestions - one, relative to the making of a protest, either formally or informally, to the Russian Government relative to its interference with affairs in this country. Discussion was also had as to the information obtained indicating that the Third Internationale had indicated preference for Roosevelt as against Landon. It was the opinion of the President that some statement should be made along this line by the Attorney General at an early date. The President asked that I speak to the Attorney General, upon his return to the city, about this matter, and he suggested to the Secretary of State that he talk over the technique to be followed in this particular aspect, with the Attorney General.

John Edgar Hoover.

x Subversive activities investigation

JEH:HCB

September 10, 1936.

Strictly Confidential

MEMORANDUM FOR MR. TAMM

In talking with the Attorney General today concerning the radical situation, I informed him of the conference which I had with the President on September 1, 1936, at which time the Secretary of State was present, and at which time the Secretary of State, at the President's suggestion, requested of me, the representative of the Department of Justice, to have investigation made of the subversive activities in this country, including communism and fascism. I transmitted this request to the Attorney General, and the Attorney General verbally directed me to proceed with this investigation and to coordinate, as the President suggested, information upon these matters in the possession of the Military Intelligence Divsion, the Naval Intelligence Division, and the State Department. This, therefore, is the authority upon which to proceed in the conduct of this investigation, which should, of course, be handled in a most discreet and confidential manner.

Very truly yours,

John Edgar Hoover,
Director.

A portion of info this serial declassified for use in "The FBI Story" by Don Whitehead. See 66-7559-4761 for details.

RECORDED 61-7559-47X

INDEXED

SEP 15 1936

LETTER OF FORMER FBI DIRECTOR HOOVER
TO FIELD OFFICES, SEPTEMBER 5, 1936

Dear Sir: The Bureau desires to obtain from all possible sources information concerning subversive activities being conducted in the United States by Communists, Fascisti and representatives or advocates of other organizations or groups advocating the overthrow or replacement of the Government of the United States by illegal methods. No investigation should be initiated into cases of this kind in the absence of specific authorization from the Bureau, but you should forward to the Bureau information obtained from all sources, and in those cases in which investigation is desired the Bureau will issue appropriate instructions to you. It is desired, accordingly, that you immediately transmit to the Bureau any information relating to subversive activities on the part of any individual or organization, regardless of the source from which this information is received. It is desired that you give this letter your close personal attention and arrange through the agents attached to your office to furnish to the Bureau data or information of the type outlined above.

Very truly yours,

JOHN EDGAR HOOVER, Director

C. PRESIDENTIAL DIRECTIVES:

JUNE 26, 1939
SEPTEMBER 6, 1939
JANUARY 8, 1943
JULY 24, 1950
DECEMBER 15, 1953
OCTOBER 30, 1947

DIRECTIVE OF THE PRESIDENT OF THE UNITED STATES

JUNE 26, 1939

"It is my desire that the investigation of all espionage, counterespionage, and sabotage matters be controlled and handled by the Federal Bureau of Investigation of the Department of Justice, the Military Intelligence Division of the War Department, and the Office of Naval Intelligence of the Navy Department. The directors of these three agencies are to function as a committee to coordinate their activities.

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

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

DIRECTIVE OF THE PRESIDENT OF THE UNITED STATES

SEPTEMBER 6, 1939

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

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

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

REPORT SECURITY MATTERS TO FBI

"On September 6, 1939, I issued a directive providing that the Federal Bureau of Investigation of the Department of Justice should take charge of investigative work in matters relating to espionage, sabotage and violations of the neutrality regulations, pointing out that the investigations must be conducted in a comprehensive manner, on a national basis, and all information carefully sifted out and correlated in order to avoid confusion and irresponsibility. I then requested all police officers, sheriffs, and other law enforcement officers in the United States, promptly to turn over to the nearest representative of the Federal Bureau of Investigation any such information.

"I am again calling the attention of all enforcement officers to the request that they report all such information promptly to the nearest field representative of the Federal Bureau of Investigation, which is charged with the responsibility of correlating this material and referring matters which are under the jurisdiction of any other Federal agency with responsibilities in this field to the appropriate agency.

"I suggest that all patriotic organizations and individuals likewise report all such information relating to espionage and related matters to the Federal Bureau of Investigation in the same manner.

"I am confident that all law enforcement officers, who are now rendering such invaluable assistance toward the success of the internal safety of our country will cooperate in this matter."

Franklin D. Roosevelt

January 8, 1943

THE WHITE HOUSE
WASHINGTON

July 24, 1950

INFORMATION RELATING TO DOMESTIC ESPIONAGE, SABOTAGE, SUBVERSIVE ACTIVITIES AND RELATED MATTERS

On September 6, 1939 and January 8, 1943 a Presidential Directive was issued providing that the Federal Bureau of Investigation of the Department of Justice should take charge of investigative work in matters relating to espionage, sabotage, subversive activities and related matters. It was pointed out that the investigations must be conducted in a comprehensive manner on a National basis and all information carefully sifted out and correlated in order to avoid confusion. I should like to again call the attention of all Enforcement Officers, both Federal and State, to the request that they report all information in the above enumerated fields promptly to the nearest Field Representative of the Federal Bureau of Investigation, which is charged with the responsibility of correlating this material and referring matters which are under the jurisdiction of any other Federal Agency with responsibilities in this field to the appropriate agency.

I suggest that all patriotic organizations and individuals likewise report all such information relating to espionage, sabotage and subversive activities to the Federal Bureau of Investigation in this same manner.

Harry Truman

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DIRECTIVE OF THE PRESIDENT OF THE UNITED STATES

DECEMBER 15, 1953

"On September 6, 1939, January 8, 1943, and July 24, 1950, Presidential Directives were issued requesting all enforcement officers, both Federal and State, to report promptly all information relating to espionage, sabotage, subversive activities and related matters to the nearest field representative of the Federal Bureau of Investigation.

"The Federal Bureau of Investigation is charged with investigating all violations of the Atomic Energy Act, including the illegal export or import of fissionable material, the illegal possession or transportation of fissionable material and the illegal production, transfer, or possession of any equipment or device utilizing fissionable material or atomic energy as a military weapon. 'Fissionable material' means plutonium, uranium-235 or other material which the Atomic Energy Commission has determined to be capable of releasing substantial quantities of energy through nuclear chain reaction. I am requesting that all enforcement officers, both Federal and State, report all information relating to violations of the Atomic Energy Act to the nearest field representative of the Federal Bureau of Investigation.

"I suggest that all patriotic organizations and individuals likewise report all such information to the Federal Bureau of Investigation in the same manner."

COPY

October 30, 1947

The loyalty program provided for in Executive Order 9835 is fully understood and a great deal of attention has been focused on it by the Congress, public and the press. Every effort must be made by all Departments of the Executive Branch to see that it succeeds. It will take the cooperation of every one for reasons that are too obvious to mention.

In developing the program it was not my belief that a full investigation should be made of every employee now on the rolls of the Government from the standpoint of building up a file of intelligence information on each employee, and the Executive Order did not provide for that. It did provide that the FBI would check its records in connection with each Government employee and if compulsory information from the standpoint of loyalty were uncovered, then an investigation would be made. In transmitting to the Congress the cost of some means to carry out the program, it was understood that all loyalty investigations would be made by the FBI. The testimony before the Appropriations Committee was to this effect. In a letter to the Civil Service Commission I pointed out that the FBI would conduct all loyalty investigations, and the Bureau of the Budget in compiling its estimate for the appropriations did not allow funds for any Department other than the FBI for the purpose of making loyalty investigations.

The Attorney General has issued a letter to the Departments under date of October 7 in which he points out that where evidence of disloyalty is uncovered in connection with any present employee, that evidence shall be transmitted to the FBI for the purpose of making a loyalty investigation. That letter reflects the understanding that has been arrived at. I wish to point out that any Department, within the limitations of its organization and funds, can make whatever investigation of employees it considers necessary, but once evidence of disloyalty is uncovered the investigation from that standpoint shall be placed in the hands of the FBI, which is the only Department to make loyalty investigations. There are to be no exceptions to this general rule.

COPY

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COPY

THE WHITE HOUSE

WASHINGTON

THE ASSISTANT TO THE PRESIDENT

November 3, 1947

MEMORANDUM FOR THE ATTORNEY GENERAL

Last Friday the President read the attached statement to the Cabinet and said that he would furnish a copy to each of those present. He has asked me, therefore, to send you this copy for your confidential use.

/s/ John R. Steelman

1 x cross to Merrill Kelly, ACS 1/27/67 [illegible]

Attachment

Index: X President's X Statement to the X Cabinet

COPY

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D

D. THE DELIMITATIONS AGREEMENT OF 2/23/49, AS AMENDED

Delimitations Agreement

The following agreement was approved and signed on 2-23-49 by the Directors of the Federal Bureau of Investigation; Intelligence Division of the Army; Office of Special Investigations, Air Force; and the Chief of Naval Intelligence:

"Subject: Delimitation of Investigative Duties of the Federal Bureau of Investigation, the Office of Naval Intelligence, the Intelligence Division of the Army, and the Office of Special Investigations, Inspector General, U. S. Air Force.

The Agreement for Coordination of the Federal Bureau of Investigation, Office of Naval Intelligence, Intelligence Division of the Army, and the Office of Special Investigations, Inspector General, U. S. Air Force.

"I. The undersigned have reviewed the directive contained in the President's Memorandum of June 26, 1939, as augmented by his Directive of September 6, 1939, the Delimitations Agreement of February 9, 1942, and the Presidential Directive of October 30, 1947. In addition, cognizance has been taken of the provisions of the Atomic Energy Act of 1946, and the specific application of that Act is set forth in Section II hereof. All other provisions of this Agreement are apart from and have no relation to the stated requirements of the Atomic Energy Act. In view of the above, it is now agreed that responsibility for the investigation of all activities coming under the categories of espionage, counterespionage, subversion and sabotage (hereinafter referred to as 'these categories') will be delimited as indicated hereinafter. The responsibility assumed by one organization in a given field carries with it the obligation to exchange freely and directly with the other subscribing organizations all information of mutual interest. When the organization with primary operating responsibility is unable for any reason to produce material in that field desired by the subscribing agencies, such special arrangements as may be legal or desirable will be worked out through negotiation at the national level prior to activity by one agency in another agency's field. It is recognized by the subscribers hereto that the Headquarters Department of the Army has decentralized such functions to its major subordinate commanders. When the major subordinate commanders of the Department of the Army cannot effect satisfactory special arrangements, the matter will be referred to the Director of Intelligence of the Army for further negotiations at the national level. Close cooperation and coordination between the four subscribing organizations is a mutually recognized necessity.

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"II. FBI will be responsible for:

"1. All investigations of cases in these categories involving civilians and foreign nationals of all classes in the continental United States, Puerto Rico, the Virgin Islands, [the State of Hawaii**,] and the State of Alaska* except as specifically described hereinafter in Paragraph V, Section 5.

"2. All investigations of violations of the Atomic Energy Act of 1946. There are no territorial or personnel limitations on this provision.

"3. The coordination of the investigative activities of civilian agencies in the United States, Puerto Rico, the Virgin Islands, and the State of Alaska except as specifically described hereinafter in Paragraph V, Section 5, which provide information regarding subversive movements and activities in these categories.

"4. Keeping the other subscribing organizations advised of important developments in these categories within its cognizance, particularly:

"a. Activities of inactive reserves of the armed service, including the National Guard.

"b. Developments affecting plants engaged in armed forces contracts.

"c. Developments concerning the strength, composition, and intentions of civilian groups within its cognizance which are classed as subversive and whose activities are a potential danger to the security of the United States.

"d. Developments affecting those vital facilities and vital utilities which have been designated by the Secretary of Defense.

"e. Developments affecting critical points of transportation and communications systems which have been designated by the Secretary of Defense.

"(For b, d, and e above no protective coverage is contemplated.)

"III. ID, Army will be responsible for:

"1. The investigation and disposal of all cases in these categories involving active and retired military personnel of the Army.

"2. The disposal, but not investigation, of all cases in these categories involving civilian employees of the Army in the United States, Puerto Rico, and the Virgin Islands.

"3. The investigation and disposal of all cases in these categories involving civilian employees of the Army stationed in areas other than the United States, Puerto Rico, and the Virgin Islands,

"*Editorial revision of this Agreement to reflect the statehood of Alaska was approved by the IIC on January 7, 1959.

["**Revision to reflect the statehood of Hawaii was approved by the IIC on September 9, 1959.]

except that part of such investigations as have ramifications in the United States, Puerto Rico, or the Virgin Islands.

"4. The investigation of all cases in these categories involving civilians and foreign nationals who are not employees of the other subscribing organizations, in areas where the Army Commander has supreme jurisdiction over the armed forces stationed therein, including possessions of the United States other than Puerto Rico and the Virgin Islands.

"5. Informing the other subscribing organizations of any important developments.

"6. Advising the Federal Bureau of Investigation of the identity and location of the plants engaged in Army contracts.

"IV. ONI will be responsible for:

"1. The investigation and disposal of all cases in these categories involving active and retired naval personnel of the Navy.

"2. The disposal, but not investigation, of all cases in these categories involving civilian employees of the Navy in the United States, Puerto Rico, and the Virgin Islands.

"3. The investigation and disposal of all cases in these categories involving civilian employees of the Navy stationed in areas other than the United States, Puerto Rico, and the Virgin Islands, except that part of such investigations as have ramifications in the United States, Puerto Rico, or the Virgin Islands.

"4. The investigation of all cases in these categories involving civilians and foreign nationals who are not employees of the other subscribing organizations, in areas where the Navy Commander has supreme jurisdiction over the armed forces stationed therein, including possessions of the United States other than Puerto Rico and the Virgin Islands, and [in] the State of Alaska except as described in Section 5, below.

"5. The investigation of all cases in these categories involving civilians and foreign nationals who are not employees of the other subscribing organizations and with the exception of civilian employees of the Executive Branch of the Government on Kodiak and Afognak Islands adjacent to the Alaska Peninsula and Adak Island in the Aleutian Chain.*

"6. Informing the other subscribing organizations of any important developments.

"7. Advising the Federal Bureau of Investigation of the identity and location of the plants engaged in Navy contracts.

[*This paragraph added. See IIC Working Committee Minutes of September 15, 1954, and June 8, 1955.]

"V. The Office of [illegible]al Investigations, Inspect[illegible] General, U. S. Air Force will be [illegible]sible for:

"1. The investigation and disposal of all cases in these categories involving active and retired military personnel of the Air Force.

"2. The disposal, but not investigation, of all cases in these categories involving civilian employees of the Air Force in the United States, Puerto Rico, and the Virgin Islands.

"3. The investigation and disposal of all cases in these categories involving civilian employees of the Air Force stationed in areas other than the United States, Puerto Rico, and the Virgin Islands, except that part of such investigations as have ramifications in the United States, Puerto Rico, or the Virgin Islands.

"4. The investigation of all cases in these categories involving civilians and foreign nationals who are not employees of the other subscribing organizations, in areas where the Air Force Commander has supreme jurisdiction over the armed forces stationed therein, including possessions of the United States other than Puerto Rico and the Virgin Islands. The investigation of the same cases described above in that portion of Alaska described in Section 5, below, with the exception of civilian employees of the Executive Branch of the Government.

"5. The investigation of all cases in these categories involving civilians, except as described hereinabove, (1) in that part of the Alaska Peninsula which is separated by a line drawn from Iliamna Bay northwest to the town of Old Iliamna and thence following the south shore of Lake Iliamna to the Kvichak River to the Kvichak Bay; (2) in the islands adjacent to the Alaska Peninsula excluding Kodiak and Afognak Islands which are the responsibility of the Office of Naval Intelligence; (3) in the Aleutian Islands excluding Adak Island which is the responsibility of the Office of Naval Intelligence; and (4) in the Pribilof Islands.*

"6. Informing the other subscribing organizations of any important developments.

"7. Advising the Federal Bureau of Investigation of the identity and location of the plants engaged in Air Force contracts.

"VI. 1. Where Sections III, IV, and V involve general territorial coverage, responsibility for such coverage will pass from one element of the armed forces to another automatically when a change of command responsibility ensues. This provision is subject to modification by direct agreement between the interested elements of the armed forces.

"2. While investigative jurisdiction over the civilian populace in former enemy territories occupied by the armed forces has been provided for in Sections III, IV, and V above, those provisions are subject to direct adjustment with the Department of State if and when that Department

["*Original paragraph changed. See IIC Working Committee Minutes of September 15, 1954, and June 8, 1955.]

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assumes governmental direction in such areas of occupation.

"VII. From time to time it may be desirable in the light of changing conditions to modify or amend this Delimitations Agreement. Subject to the exceptions already provided for above, general amendments or modifications involving all of the four subscribing organizations shall be issued in the form of a revised Delimitations Agreement and not as separate instructions.

"VIII. During periods of martial law, or periods of predominant armed forces interest not involving martial law, when agreed upon by the subscribing agencies, the provisions of Appendix A or B, hereto attached, will additionally apply.

"IX. All agreements of a continuing nature and applicable to two or more of the subscribing agencies to the Delimitations Agreement which affect the basic jurisdiction thereof which are now or hereafter mutually entered into by any of the subscribers thereto will be reduced to writing; will thereafter become supplements to the Delimitations Agreement, and distributed only to the extent agreed upon by the co-signers.

"APPENDIX A

PERIOD OF MARTIAL LAW

"I. It is further agreed that when a state of martial law has been declared by the President, the armed forces commander will assume responsibilities for coverage in these categories. His authority to direct and control the subscribing agencies of the armed forces will be limited only by such instructions as he may receive from the Secretary of Defense. He will have authority to coordinate the intelligence activities of the subscribing agencies in his area of responsibility, within the limits of their available personnel and facilities, by the assignment of missions, the designation of objectives, and the exercise of such coordinating control as he deems necessary. He is not authorized to control the administration or discipline of the subscribing agencies in the area of his responsibility, nor to issue instructions to them beyond those necessary for the purposes stated above.

"II. Personnel of the subscribing agencies in the area of responsibility of the armed forces commander will still send reports to and be under the continued supervision of their respective headquarters. They will render such aid and assistance to the armed forces commander and his designated representatives as are possible and practicable. They will furnish all pertinent information, data, and other material that are or may be necessary or desirable to the armed forces commander by the most expeditious means and methods possible consistent with requisite security. Each headquarters of the subscribing agencies will promptly be advised by its agencies of all information and data appropriately identified as having been furnished to the armed forces commander.

APPENDIX B

PERIODS OF PREDOMINANT MILITARY
INTERESTS, NOT INVOLVING MARTIAL LAW

"I. In time of war certain areas will come into prominence as potential theaters of operation. When an armed forces commander of such a potential theater is designated, he definitely has interest in, though not control of, the civilian life within the area. In order that the armed forces commander may prepare himself for the discharge of the possible responsibility which may affix to him, the following procedure is agreed upon:

"1. Agents of the FBI; of ONI; ID, Army; and the OSI, IG, U.S. Air Force will continue to function in accordance with the provisions of Sections II, III, IV, and V.

"2. In addition thereto, the armed forces commander may take steps to analyze the facilities existing and to explore the manner in which complete coverage will be obtained if martial law is declared. Adequate liaison with the other subscribing agencies will insure that the armed forces commander will have the benefit of the experience, judgment and knowledge of the representatives of the other agencies.

"3. The armed forces commander is authorized to request and receive such information from the other three agencies as he may desire and they may be able to furnish.

"II. The analysis and exploration referred to above will show the coverage furnished by each of the subscribing agencies and any additional coverage each subscribing agency can undertake. When the commander feels that more complete coverage is required, it is recognized that he is authorized to augment the coverage with such elements of the subscribing agencies as are under his jurisdiction. Prior to any invasion of the spheres normally coming under the cognizance of the other subscribing agencies, the armed forces commander should obtain the necessary authority from the Secretary of Defense.

"III. Irrespective of the fact that the preceding recommendations have placed the initiative in the hands of the armed forces commander, whenever any of the other services feel that such a survey to determine adequacy of coverage should be undertaken, it should be so recommended."

(1) Instructions

The major differences between the foregoing Delimitations Agreement and previous versions are as follows:

The Director, OSI, USAF, is a party thereto.

The Bureau has jurisdiction over all civilians insofar as espionage, counterespionage, subversion and sabotage are concerned, regardless of employment.

2. Supplemental Agreements to the Delimitations Agreement

On 6-2-49, five supplemental agreements to the Delimitations Agreement were approved by the members of the Interdepartmental Intelligence Conference, and they are set out below. Instructions, where necessary, concerning each of the supplements will be found at the end of that supplement:

a. Supplemental Agreement No.[I]to the Delimitations Agreement:

"COOPERATION AND COORDINATION BETWEEN
THE FEDERAL BUREAU OF INVESTIGATION
THE INTELLIGENCE DIVISION OF THE ARMY
THE OFFICE OF NAVAL INTELLIGENCE AND
THE OFFICE OF SPECIAL INVESTIGATIONS, INSPECTOR GENERAL, U. S. AIR FORCE

"The Director of Intelligence, U. S. Army, the Director of the Federal Bureau of Investigation, the Director of Naval Intelligence and the Director of the Office of Special Investigations, Inspector General, U. S. Air Force, with a view to promoting the closest possible cooperation and coordination between the Field Services of these agencies agree that the following recommendations will be transmitted to their field installations:

"(a) Special Agents in Charge of the Federal Bureau of Investigation Divisional Offices, Military Intelligence Officers of the pertinent Armies, District Officers of the Office of Special Investigations, Inspector General, U. S. Air Force, and Naval District Intelligence Officers will maintain close personal liaison between those offices and their representatives, including a meeting of representatives of the four agencies, preferably the officers in charge, at least twice per month, for the purpose of discussing pending and contemplated investigative activities, and any other subject necessary to insure that there is proper coordination of their investigative work.

"(b) The close personal liaison to be maintained between representatives of the four agencies at all times should insure that there is no duplication of effort in any field, and that a proper coverage of the whole investigative field is maintained. Particular attention should be paid to avoiding any duplication in connection with the use of informers.

"(c) A distinction should be recognized between the investigative interest of individual agencies and the coverage interest. It is believed that all four agencies should study, from time to time, the coverage of the investigative field in order to insure that all channels of interest and avenues of information are adequately covered by at least one of the participating agencies.

"(d) Where there is doubt as to whether or not one of the other agencies is interested in information collected, it should be transmitted to the other agency.

"(e) Consideration should be given to the fact that certain classes of information are of general interest to the Military, Naval, and

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Air Force intelligence services in connection with background and knowledge of espionage and sabotage organization even though the military, Naval, and Air Force intelligence services may have no apparent direct investigative interest.

"(f) Should differences of opinion of a minor nature occur, the directors of the four intelligence agencies feel that with proper personal liaison, such differences can be satisfactorily adjusted locally by the officials in charge of the various divisional organizations."

(1) Instructions
This supplement recommends meetings at least twice monthly of the interested agencies. Where desirable or necessary, these meetings may be held more often than twice per month and in certain areas, because of the travel distances involved or other factors, meetings are being held once per month by special agreement. It is not necessary that the Bureau be advised of the business discussed at these meetings, unless there is a particular matter of which the Bureau should be cognizant. The Bureau should be promptly informed of any change in the scheduling of these meetings or of any agreement to commence or discontinue meetings in a field office area.

b. Supplemental Agreement No. II to the Delimitations Agreement: [Rescinded.]

c. Supplemental Agreement No. III to the Delimitations Agreement:

"INVESTIGATIVE JURISDICTION ON VESSELS
OF MILITARY SEA TRANSPORTATION SERVICE

"1. The investigative jurisdiction of all activities under the categories of espionage, counterespionage, subversion and sabotage on vessels of the Military Sea Transportation Service is as follows:

"a. Investigative jurisdiction on vessels purchased by the Navy will be the responsibility of the Office of Naval Intelligence.

"b. Vessels obtained by the Navy through a 'bare boat charter' will be under the investigative jurisdiction of the Office of Naval Intelligence.

"c. Vessels allocated to the Military Sea Transportation Service which are manned and supervised by their private owners are under the investigative jurisdiction of the FBI.

"2. When personnel who are subjects of an investigation under a or b above reach a U. S. port or a port where the FBI has a field agency, or prior to reaching such port, if practicable the Department of the Navy will promptly furnish the FBI all pertinent information concerning the investigation. If personnel who are subjects of an investigation as above remove themselves from the vessel upon arrival of the vessel in port and further surveillance is considered necessary, the Navy will continue surveillance until notified by the FBI at local level that the FBI has taken over full responsibility for the case. However, both the Navy and FBI will make every effort to transfer responsibility upon arrival of the vessel at the port.

"3. When the FBI opens an investigation under c above or when an FBI investigation in progress develops or is believed about to develop ramifications under a, b, or c above, the FBI will promptly furnish all pertinent information to the Navy and will thereafter coordinate its actions with the Navy whenever and wherever deemed necessary to insure proper pursuit of the case."

d. Supplemental Agreement No. [IV] to the Delimitations Agreement:

"INVESTIGATION OF PRIVATE CONTRACTORS OF THE ARMED FORCES

"It is agreed by the subscribers of the Delimitations Agreement (hereinafter referred to as subscribers) that with reference investigations of civilian employees, applicants for employment, directors and key personnel of privately owned plants and facilities, working or bidding on contracts important to the Army, Navy, or Air Force (hereinafter referred to as the Armed Forces) procurement, the following will be followed insofar as practicable. Exceptions thereto will be adjusted by mutual agreement between the subscribers concerned.

"(a) The Armed Forces will conduct background investigations of such persons unless there is a particular reason for requesting that an investigation be conducted by the FBI or the FBI has a special interest in a particular case and has notified the Armed Forces of such interest.

"(b) The FBI will conduct complaint investigation of such personnel upon specific request in each case by one or more of the Armed Forces. If one of the Armed Forces has no further need for an investigation requested, but not completed, prompt notification will be made to the FBI.

"(c) Investigations conducted by the Armed Forces under (a) above will be terminated and all information passed to the FBI when credible derogatory information of a loyalty nature is uncovered. Upon receipt of such a case, the FBI will proceed as under (b) above if one of the Armed Forces so requests.

"(d) When one of the subscribers is aware that another is conducting an investigation on a person or firm identical or closely connected with a person or firm it contemplates investigating, no investigation will be undertaken without the consent of the subscriber which has an investigation in progress. The investigation agency will make available to the other interested agency copies of the reports of the investigation made.

"(e) Normally, identity of confidential informants will not be communicated from one subscriber to another; however, when such communication occurs, the receiving subscriber will employ the highest possible safeguards to insure that such informants are not compromised. No transmittal of information concerning confidential informants to a third subscriber or to another agency is authorized except by specific consent of the originator.

"(f) A subscrib who receives a report of inv igation from another subscriber ay freely transmit copies of uch reports to a third subscriber xcept as provided in (e) abo

"(g) A report of completed investigation received by the Armed Forces from the FBI will not be reopened without the approval of the FBI except to obtain additional background information. In such case, the FBI will be furnished copies of all information obtained. Other information required by the Armed Forces will be requested of the FBI.

"(h) If one of the Armed Forces requests the FBI to conduct an investigation or to conduct additional investigation as provided under (g) above, and if for any reason the FBI declines or is unable to conduct such investigation or additional investigation, the Armed Force concerned may proceed with the investigation. The FBI will be furnished copies of the results thereof if the FBI so requests or if the Armed Force concerned considers the results to be of FBI interest.

"(i) Nothing above is to be construed as altering the basic Delimitations Agreement of 1949 or current agreements concerning subversive organizations."

e. Supplemental Agreement No.[V] to the Delimitations Agreement:

"INVESTIGATION OF RESERVE AND CIVILIAN COMPONENTS OF THE ARMED SERVICES

"It is agreed by the subscribers to the Delimitations Agreement that the Army, the Navy and the Air Force may conduct background investigations on members of the inactive reserve and National Guard who are anticipated being called back to active duty, or where an investigation is undertaken for the purpose of determining whether the individual should be disenrolled from his military status, or to determine whether the individual may be granted access to classified military information. The following procedures shall be pursued in each of the above circumstances:

"(1) The intelligence agencies of the Army, Navy or Air Force before undertaking such background investigation will consult the FBI to determine: (a) if the FBI has an investigation in progress; if so, no investigation will be undertaken by the intelligence agencies except as may be mutually agreeable to the Armed Force concerned and the FBI; (b) if the FBI already has made an investigation; if so, the results will be made available to the other agencies; (c) if the FBI has information on the individual even though it may not have conducted an investigation.

"(2) If, after consulting the FBI, investigation is undertaken by the other agencies, it will be pursued no further than is necessary to make the determination required by the other agencies, and all information developed pertinent to the four categories will be furnished promptly to the FBI."

This supplement has been discussed by the Interdepartmental Intelligence Conference, and it was agreed on 9-10-58 that the "consultation" requirement will be satisfied if the FBI is notified, by means of a statement included in a form request for a name check, that investigation is being initiated concerning the individual.

[f. Supplemental Ag ement No. VI to the Delimitat' ns Agreement:

VESTIGATION IN AREAS NOT
SPECIFICALLY ASSIGNED

"It is agreed by the military subscribers to the Delimitations Agreement that the references therein in paragraphs III. 4., IV. 4., and V. 4. to 'areas where the Army (Navy, Air Force) Commander has supreme jurisdiction over the armed forces stationed therein' shall be interpreted as referring to areas where the Department of the Army (Navy, Air Force) is responsible for the administrative and logistic support of the Headquarters of Commands established by the Secretary of Defense." (Approved by IIC November 4, 1959.)]

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E. NATIONAL SECURITY COUNCIL CHARTERS OF THE INTERDEPARTMENTAL INTELLIGENCE CONFERENCE

AND THE

INTERDEPARTMENTAL COMMITTEE ON INTERNAL SECURITY

CONFIDENTIAL

NSC [illegible]

COPY NO. _____

A REPORT

TO THE

NATIONAL SECURITY COUNCIL

by

THE EXECUTIVE SECRETARY

on

INTERNAL SECURITY

June 29, [illegible]

WASHINGTON

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WARNING

THIS DOCUMENT CONTAINS INFORMATION AFFECTING THE NATIONAL DEFENSE OF THE UNITED STATES WITHIN THE MEANING OF THE ESPIONAGE ACT. 50 U.S.C., 31 AND 32, AS AMENDED. ITS TRANSMISSION OR THE REVELATION OF ITS CONTENTS IN ANY MANNER TO AN UNAUTHORIZED PERSON IS PROHIBITED BY LAW.

June 15, 1949

NOTE BY THE EXECUTIVE SECRETARY

to the

NATIONAL SECURITY COUNCIL

on

INTERNAL SECURITY
Reference: NSC 17/4

Pursuant to paragraph 7 of NSC 17/4, the enclosed draft charters for the Interdepartmental Intelligence Conference (IIC) and the Interdepartmental Committee on Internal Security (ICIS), prepared and unanimously approved by the members of the respective Committees with the advice and assistance of the National Security Council Representative on Internal Security, are submitted herewith for consideration and approval by the National Security Council.

SIDNEY W. SOUERS
Executive Secretary

Distribution:
The President
The Secretary of State
The Secretary of the Treasury
The Secretary of Defense
The Attorney General
The Secretary of the Army
The Secretary of the Navy
The Secretary of the Air Force
The Chairman, National Security Resources Board

DRAFT

CHARTER OF THE INTERDEPARTMENTAL INTELLIGENCE CONFERENCE

Pursuant to the provisions of Section 101 of the National Security Act and NSC 17/4 as approved by the President, the National Security Council hereby authorizes and directs that the Interdepartmental Intelligence Conference effect the coordination of all investigation of domestic espionage, counterespionage, sabotage, subversion, and other related intelligence matters affecting internal security. The IIC shall be guided by the terms of this charter.

A. ORGANIZATION.

(1) The Interdepartmental Intelligence Conference shall be constituted as set forth in the Presidential Directive of June 26, 1939, that is, the Director of the Federal Bureau of Investigation, the Director of the Intelligence Division of the Army, the Director of Naval Intelligence, and in addition, the Director, Office of Special Investigations, U. S. Air Force, which office has been created since the issuance of the original Presidential Directive.

(2) The chairman shall be elected annually by a majority vote of the IIC from its membership. A permanent secretary shall also be selected by the IIC and he shall be responsible for maintaining the necessary records. Such additional secretariat as may be necessary and desirable shall be provided as needed.

(3) The IIC, through its chairman, shall invite non-member agency representatives as ad hoc members of the IIC when matters involving the responsibilities of such non-members are under

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consideration.

(4) A representative designated by the NSC and under the direction of the Executive Secretary of the NSC shall participate as an observer and adviser in all meetings of the IIC. This NSC representative shall have no power of instruction, direction, or supervision over operations of the IIC. The reports of the National Security Council representative referred to in paragraph 6 of NSC 17/4 shall be made available to the IIC for observation and comment within a reasonable period of time prior to submission to the National Security Council.

B. POWERS AND RESPONSIBILITIES.

(1) The IIC shall take the necessary action to insure that there is no duplication of effort by governmental departments and agencies in those matters under its jurisdiction.

(2) The IIC shall make appropriate studies and take action to insure that complete investigative coverage is maintained by appropriate departments and agencies in matters described herein.

(3) The IIC shall endeavor to resolve conflicts of jurisdiction in the investigative fields named herein and determine by what agency or department necessary investigations can be handled most logically and efficiently.

(4) The IIC shall study and make recommendations with reference to legislation and executive orders needed to achieve the objectives set forth herein.

(5) The IIC shall promote appropriate exchange and co-ordination of information among the various agencies and departments of the government.

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(6) The IIC shall incorporate under it or absorb the functions of existing interdepartmental committees which are operating in its field of responsibility

(7) The IIC shall perform such other functions as may be necessary or as may be assigned to it by the National Security Council or other appropriate authority falling within its field of coordination of activities relating to domestic espionage, counter-espionage, sabotage, subversion, and intelligence matters affecting internal security.

(8) The IIC, in its field, shall make the necessary plans and preparation for adequate internal security in the event of a war-related emergency.

C. PROCEDURE

(1) The IIC shall establish such ad hoc and working committees as may be desirable and necessary for the purpose of discharging its responsibilities.

(2) The IIC shall initiate and coordinate necessary studies, projects, and surveys relating to its responsibilities. It shall request, receive, and correlate suggestions or actual studies, projects, and surveys from non-member agencies in the field of responsibility assigned to the IIC.

(3) The IIC shall maintain coordination with the Interdepartmental Committee on Internal Security through the chairman of the IIC and the representative of NSC. Whenever appropriate, the IIC will hold joint meetings or establish joint sub-committees with the Interdepartmental Committee on Internal Security.

(4) The IIC shall submit to the NSC those problems which require consideration or action by the NSC and those problems which cannot be resolved and worked out through cooperative consideration and action.

D. Nothing herein shall be construed as modifying or affecting the Presidential Directives issued to the members of the IIC relating to their individual responsibilities and duties. The Delimitations Agreement among the members of the IIC relating to the investigative responsibilities and duties of the individual members and other agreements among these members relating to the same matters shall remain in full force and effect and shall continue to be amended, changed, and supplemented at the discretion of the IIC.

DRAFT

CHARTER OF THE INTERDEPARTMENTAL COMMITTEE ON INTERNAL SECURITY

Pursuant to the provisions of Section 101 of the National Security Act and NSC 17/4, as approved by the President, the National Security Council hereby authorizes and directs that the Interdepartmental Committee on Internal Security (ICIS) effect the coordination of all phases of the internal security field except as pertains to the following functions which are assigned to the Interdepartmental Intelligence Conference (IIC): The coordination of the investigation of all domestic espionage, counterespionage, sabotage, subversion, and other related intelligence matters affecting internal security. The ICIS shall be guided by the terms of this charter.

A. ORGANIZATION

(1) The ICIS shall be composed of representatives from the Departments of State, Treasury, and Justice and the National Military Establishment.

(2) The Chairman shall be elected annually by a majority vote of the ICIS. A permanent secretary shall also be selected by the ICIS and he shall be responsible for maintaining the necessary records. Such additional secretariat as may be necessary and desirable shall be provided as needed.

(3) The ICIS, through its Chairman, shall invite non-member agency representatives as ad hoc members of the ICIS when matters involving the responsibilities of such non-members are under consideration.

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(4) A representative designated by the National Security Council and under the direction of the Executive Secretary of the National Security Council shall participate as an observer and adviser in all meetings of the ICIS in accordance with paragraph 6 of NSC 17/4. The reports of the National Security Council representative referred to in paragraph 6 of NSC 17/4 shall be made available to the ICIS for consideration and comment within a reasonable period of time prior to submission to the National Security Council.

B. POWERS AND RESPONSIBILITIES

(1) The ICIS shall make appropriate studies and take necessary action to insure that complete coverage is maintained by the appropriate departments and agencies in all matters in the field of internal security except those matters which fall specifically within the purview of the IIC, as indicated above.

(2) The ICIS, in its field or in collaboration with the IIC, shall take the necessary action to insure the establishment and maintenance of the highest practicable state of internal security.

(3) The ICIS in its field shall assure the existence and coordination of, and establish guidance for, the necessary plans and preparations for adequate internal security in the event of a future emergency.

(4) The ICIS shall study and make recommendations with reference to legislation, executive orders and regulations needed to achieve the objectives of the ICIS.

(5) The ICIS shall take the necessary action to insure that

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there is no duplication of effort by governmental departments and agencies in those matters under its jurisdiction.

(6) The ICIS shall take the necessary steps to procure resolution of any conflicts of jurisdiction that may arise in the field of internal security for which the ICIS is responsible, and shall determine by what agency or department necessary action will be handled.

(7) The ICIS shall promote appropriate exchange and coordination of information, as well as action, among the several agencies and departments of the government.

(8) The ICIS shall incorporate under it, or absorb the functions of, existing interdepartmental committees which may be operating in its field of responsibility.

C. PROCEDURE

(1) The ICIS shall establish such ad hoc and working committees as may be necessary for the purpose of discharging its responsibilities.

(2) The ICIS shall initiate and coordinate necessary studies, projects, and surveys relating to its responsibilities. It shall request, receive, and correlate suggestions or actual studies, projects, and surveys from non-member agencies in the field of responsibility assigned to the ICIS.

(3) The ICIS shall maintain coordination with the IIC through the Chairman of the ICIS and the representative of the National Security Council. Whenever appropriate, the ICIS will hold joint

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meetings or establish joint subcommittees with the IIC.

(4) The ICIS shall submit to the National Security Council those problems which require consideration or action by the NSC and those problems which cannot be resolved and worked out through cooperative consideration and action.

F. NATIONAL SECURITY ACTION MEMORANDUM 161
JUNE 9, 1962

THE WHITE HOUSE

WASHINGTON

CONFIDENTIAL

June 9, 1962

NATIONAL SECURITY ACTION MEMORANDUM 161

TO: The Secretary of State
The Secretary of Defense
The Secretary of the Treasury
The Secretary of Commerce
The Attorney General
The Director of Central Intelligence
Military Representative of the President
Administrator, Federal Aviation Agency
Chairman, Atomic Energy Commission

SUBJECT: U. S. Internal Security Programs

1. In line with my continuing effort to give primary responsibility for the initiative on major matters of policy and administration in a given field to a key member of my Administration, I will look to the Attorney General to take the initiative in the government in ensuring the development of plans, programs, and action proposals to protect the internal security of the United States. I will expect him to prepare recommendations, in collaboration with other departments and agencies in the government having the responsibility for internal security programs, with respect to those matters requiring Presidential action.

CONFIDENTIAL

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THE WHITE HOUSE

WASHINGTON

2. Accordingly, I have directed that the two interdepartmental committees concerned with internal security--the Interdepartmental Intelligence Conference (IIC) and the Interdepartmental Committee on Internal Security (ICIS)--which have been under the supervision of the National Security Council, will be transferred to the supervision of the Attorney General. The continuing need for these committees and their relationship to the Attorney General will be matters for the Attorney General to determine.

(John F. Kennedy)

cc: J. Edgar Hoover, Chairman Interdepartmental Intelligence Conference
John F. Doherty, Chairman Interdepartmental Committee on Internal Security
A. Russell Ash, NSC Staff

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G. DEPARTMENT OF JUSTICE MEMORANDUM, DATED 3/5/64, TO FORMER FBI DIRECTOR J. EDGAR HOOVER, SETTING FORTH NEW CHARTER FOR THE INTERDEPARTMENTAL INTELLIGENCE CONFERENCE UNDER THE SUPERVISION OF THE ATTORNEY GENERAL

Office of the Attorney General
Washington, D.C.

March 5, 1964

MEMORANDUM FOR: J. Edgar Hoover, Chairman
Interdepartmental Intelligence Conference

SUBJECT: Continuation of the Interdepartmental Intelligence Conference

Pursuant to the authority vested in the Attorney General by National Security Action Memorandum 161, dated June 9, 1962 from the President, and in view of the proposed rescission by the National Security Council of its document 5425/1, I hereby direct that the Interdepartmental Intelligence Conference shall continue in operation with the present organizational structures and terms of reference.

The IIC Charter is hereby amended as follows:

1. The first paragraph is amended to read: "Pursuant to the provisions of National Security Action Memorandum 161, dated June 9, 1962 from the President, the Attorney General hereby authorizes and directs that the Interdepartmental Intelligence Conference effect the co-ordination of all investigation of domestic espionage, counterespionage, sabotage and subversion, and other related intelligence matters affecting internal security. The IIC shall be guided by the terms of this charter."

2. Paragraph A(4) is deleted.

3. Paragraph B(8) is amended by striking out the words "National Security Council" and substituting therefor the words "Attorney General".

4. Paragraph C(3) is amended by striking out the words "and the representative of the National Security Council".

5. Paragraph C(4) is amended by striking out the words "National Security Council" and substituting therefor the words "Attorney General."

Attorney General

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CHARTER

OF THE

INTERDEPARTMENTAL INTELLIGENCE CONFERENCE

Pursuant to the provisions of National Security Action Memorandum 161, dated June 9, 1962 from the President, the Attorney General hereby authorizes and directs that the Interdepartmental Intelligence Conference effect the coordination of all investigation of domestic espionage, counterespionage, sabotage and subversion, and other related intelligence matters affecting internal security. The IIC shall be guided by the terms of this charter.

A. ORGANIZATION

(1) The Interdepartmental Intelligence Conference shall be constituted as set forth in the Presidential Directive of June 26, 1939, that is, the Director of the Federal Bureau of Investigation, Department of Justice; Assistant Chief of Staff for Intelligence, Department of the Army; Director of Naval Intelligence, Department of the Navy; and the Director of Special Investigations, the Inspector General, Department of the Air Force (the latter position having been created since the issuance of the original Presidential Directive.)

(2) The chairman shall be designated by the President from the membership of the Committee after consultation with the Attorney General. An executive secretary shall also be selected by the IIC and he shall be responsible for maintaining the necessary records. Such additional secretariat as may be necessary and desirable shall be provided as needed.

(3) The IIC, through its chairman, shall invite nonmember agency representatives as ad hoc members of the IIC when matters involving the responsibilities of such nonmembers are under consideration.

B. POWERS AND RESPONSIBILITIES

(1) The IIC, in its field, or in collaboration with the ICIS, shall take the necessary action to insure the establishment and maintenance of the highest practicable state of internal security, including the making of necessary plans and preparations for adequate internal security in the event of a war-related emergency.

(2) The IIC shall make appropriate studies and take action to insure that complete investigative coverage is maintained by appropriate departments and agencies in matters described herein.

(3) The IIC shall take the necessary action to insure that there is no duplication of effort by governmental departments and agencies in those matters under its jurisdiction.

(4) The IIC shall endeavor to resolve conflicts of jurisdiction in the investigative fields named herein and determine by what agency or department necessary investigations can be handled most logically and efficiently.

(5) The IIC shall study and make recommendations with reference to legislation and executive orders needed to achieve the objectives set forth herein.

(6) The IIC shall promote appropriate exchange and co-ordination of information, as well as action, among the various agencies and departments of the government.

(7) The IIC shall incorporate under it or absorb the functions of existing interdepartmental committees which are operating in its field of responsibility.

(8) The IIC shall perform such other functions as may be necessary or as may be assigned to it by the Attorney General or other appropriate authority falling within its field of co-ordination of all investigation of domestic espionage, counterespionage, sabotage, and subversion, and other related intelligence matters affecting internal security.

C. PROCEDURE

(1) The IIC shall establish such ad hoc and working committees as may be desirable and necessary for the purpose of discharging its responsibilities.

(2) The IIC shall initiate and co-ordinate necessary studies, projects, and surveys relating to its responsibilities. It shall request, receive, and correlate suggestions or actual studies, projects, and surveys from nonmember agencies in the field of responsibility assigned to the IIC.

(3) The IIC shall maintain co-ordination with the Interdepartmental Committee on Internal Security through the Chairman of the IIC. Whenever appropriate, the IIC will hold joint meetings or establish joint subcommittees with the Interdepartmental Committee on Internal Security.

(4) The IIC shall submit to the Attorney General those problems which require consideration or action by the Attorney General and those problems which cannot be resolved and worked out through co-operative consideration and action.

D. Nothing herein shall be construed as modifying or affecting the Presidential Directives issued to the members of the IIC relating to their individual responsibilities and duties. The Delimitations Agreement among the members of the IIC relating to the investigative responsibilities and duties of the individual members and other agreements among these members relating to the same matters shall remain in full force and effect and shall continue to be amended, changed, and supplemented at the discretion of the IIC.

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H. THE PREAMBLE AND SECTION 101 OF THE NATIONAL SECURITY ACT OF 1947

Act of July 26, 1947 (61 Stat. 495–510), as amended by Act of Aug. 10, 1949 (63 Stat. 578–592), by Reorganization Plan No. 4 of 1949 (63 Stat. 1067), by Reorganization Plan No. 3 of 1953 (67 Stat. 634), by Reorganization Plan No. 7 of 1953 (67 Stat. 639), by Act of April 4, 1953 (67 Stat. 639), by Act of April 4, 1953 (67 Stat. 19, c. 16), and by P.L. 85–599 § 2; 50 U.S.C. §§ 402, 403—*The National Security Act of 1947:*

"AMENDING THE DECLARATION OF POLICY

"SEC. 2. Section 2 of the National Security Act of 1947, as amended (50 U.S.C. 401), is further amended to read as follows:

"'SEC. 2. In enacting this legislation, it is the intent of Congress to provide a comprehensive program for the future security of the United States; to provide for the establishment of integrated policies and procedures for the departments, agencies, and functions of the Government relating to the national security; to provide a Department of Defense, including the three military Departments of the Army, the Navy (including naval aviation and the United States Marine Corps), and the Air Force under the direction, authority, and control of the Secretary of Defense; to provide that each military department shall be separately organized under its own Secretary and shall function under the direction, authority, and control of the Secretary of Defense; to provide for their unified direction under civilian control of the Secretary of Defense but not to merge these departments or services; to provide for the establishment of unified or specified combatant commands, and a clear and direct line of command to such commands; to eliminate unnecessary duplication in the Department of Defense, and particularly in the field of research and engineering by vesting its overall direction and control in the Secretary of Defense; to provide more effective, efficient, and economical administration in the Department of Defense; to provide for the unified strategic direction of the combatant forces, for their operation under unified command, and for their integration into an efficient team of land, naval, and air forces but not to establish a single Chief of Staff over the armed forces nor an overall armed forces general staff.'

"NATIONAL SECURITY COUNCIL

"SEC. 101. (a) There is established in the Executive Office of the President a council to be known as the National Security Council (hereinafter in this section referred to as the 'Council').

"The President of the United States shall preside over the meetings of the Council: *Provided*, That in his absence he may designate a member of the Council to preside in his place.

"The function of the Council shall be to advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security so as to enable the military services and the other departments and agencies of the Government to cooperate more effectively in matters involving the national security.

"The Council shall be composed of—

"(1) the President;

"(2) the Vice President;

"(3) the Secretary of State;

"(4) the Secretary of Defense;

"(5) Director of the Foreign Operations Administration, who shall not delegate this function;

"(6) Director of the Office of Defense Mobilization, who shall not delegate this function;

"(7) the Secretaries and Under Secretaries of other executive departments and of the military departments, the Chairman of the Munitions Board, and the Chairman of the Research and Development Board, when appointed by the President by and with the advice and consent of the Senate, to

I. MEMORANDUM FROM J. PATRICK COYNE,
NATIONAL SECURITY COUNCIL REPRESENTATIVE ON INTERNAL SECURITY,
DATED 11/6/50, CONCERNING NECESSARY INTELLIGENCE MEASURES
RELATIVE TO VIOLENCE BY PUERTO RICAN NATIONALISTS

EXECUTIVE OFFICE O
NATIONAL
WASHINGTON

SECRET

COPY

November 6, 1950

MEMORANDUM FOR: Mr. J. Edgar Hoover, Chairman
Interdepartmental Intelligence Conference

Mr. Raymond P. Whearty, Chairman
Interdepartmental Committee on Internal Security

The President has asked that the IIC and ICIS report to the National Security Council on the lessons to be learned from the recent outbreak of violence by the Puerto Rican Nationalists insofar as internal security measures are concerned, including such questions as:

a. Were internal security responsibilities clearly assigned, properly executed and adequately coordinated, both in and between the continental United States and Puerto Rico?

b. What additional or improved measures could be taken either in the intelligence or operational fields to prevent or be prepared for future situations of this character?

Upon completion it is suggested that your joint report be submitted to this office for appropriate reference to the Council.

J. Patrick Coyne
N. S. C. REPRESENTATIVE ON INTERNAL SECURITY

/s/ J. Patrick Coyne

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C O P Y

November 8, 1950

Mr. J. Patrick Coyne
National Security Council
Executive Office Building
Washington, D. C.

Dear Pat:

Reference is made to your memorandum dated November 6, 1950, which advised that the President has asked that the IIC and the ICIS report to the National Security Council on the lessons to be learned from the recent outbreak of violence by the Puerto Rican Nationalists insofar as internal security measures are concerned.

Attached hereto is a report in this connection which has been prepared by the Interdepartmental Intelligence Conference.

Sincerely yours,

Chairman
Interdepartmental Intelligence Conference

Enclosure

REPORT BY THE INTERDEPARTMENTAL INTELLIGENCE CONFERENCE TO THE NATIONAL SECURITY COUNCIL REGARDING THE RECENT OUTBREAK OF VIOLENCE BY PUERTO RICAN NATIONALISTS

The following summary has been prepared in answer to a request for information received from the National Security Council on the lessons to be learned from the recent outbreak of violence by the Puerto Rican Nationalists insofar as internal security measures are concerned.

The summary has been designed to answer the following specific questions:

A. Were internal security responsibilities clearly assigned, properly executed and adequately coordinated, both in and between the continental United States and Puerto Rico?

B. What additional or improved measures could be taken either in the intelligence or operational fields to prevent or be prepared for future situations of this character?

SUMMATION

Although investigation is continuing, it would appear on the basis of available data that recent events in Puerto Rico constituted more or less spontaneous acts of violence, apparently touched off by a raid by Insular Police on a Nationalist Party cache of arms and ammunition. This disturbance was brought quickly under control. Such effective action reflects the efficiency of the close, established working relationships between the FBI and agencies having intelligence and operating responsibilities involving internal security matters in Puerto Rico.

Insular authorities were prepared to meet the assaults on the peace due to the previous warnings of Nationalist preparations for revolution.

Evidence to support the assumption that these assaults reflected spontaneous action and not careful extensive planning is:

A. The absence of major acts of sabotage.

B. The failure to attempt to capture centers and lines of communication such as radio stations, telephones, telegraphs, etc.

C. No evidence has been developed that Nationalist Party leader, Campos, ordered or had knowledge of the outbreak.

D. The acts of violence did not proceed according to a pattern nor were they characterized by even elementary coordination and timing.

HISTORY OF THE NATIONALIST PARTY

The Nationalist Party of Puerto Rico claims that its origin can be traced back to September 23, 1868, when a small revolution took place at Lares, Puerto Rico, for the purpose of overthrowing the Spanish Government, preparatory to establishing a Republic of Puerto Rico. This revolution was quickly quelled by Spanish authorities.

On November 25, 1897, Spain recognized the Republic of Puerto Rico in a document referred to as the "Autonomic Charter." Shortly thereafter, when Spain was defeated in a war with the United States, Puerto Rico was ceded to this country in accordance with the claims of the Treaty of Paris. The Nationalist Party refused to recognize this Treaty, charging it is null and void where Puerto Rico is concerned.

Although there has long been an independence movement in Puerto Rico, the Nationalist Party as it is known today did not come into existence until 1922. In this year it was formally established at Rio Piedras, Puerto Rico. The declared purposes of this party were and still are: (1) to secure the separation of Puerto Rico from the United States; and (2) to create "a free, independent, and sovereign nation." The declared means to this end include the use of force and violence leading to open, widespread armed rebellion.

The history of the Nationalist Party has been closely identified with Pedro Albizu Campos, current president of the Party. He is a Puerto Rican by birth and a graduate of Harvard University. He served in the United States Army from May, 1917, to April, 1919, receiving at that time an honorable discharge. Following this discharge, Campos instituted a vicious

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propaganda campaign against the United States in behalf of Puerto Rican independence, which he has continued to date.

Under Campos's leadership, the Nationalist Party committed its first real acts of violence on April 6, 1932, marching upon the Capitol in San Juan to force the legislators to adopt the Nationalist flag. One person was killed and twelve others injured. In the same year, the Party organized the "Liberating Army of the Republic."

In January of 1936, membership in this "Army" was made obligatory for all male members of the Party. On July 31, 1936, Pedro Albizu Campos and seven other leaders of the Nationalist Party were convicted in the Federal Court at San Juan for "inciting rebellion" and "working to overthrow the Government of the United States." Campos was released from the penitentiary on June 3, 1943.

On March 21, 1937, nineteen persons were killed and approximately 100 others were wounded in a gun battle which took place between the Police and NPPR members at Ponce, Puerto Rico. In June, 1937, ten members of the NPPR fired upon U. S. District Judge Robert A. Cooper at San Juan; the attempted assassination was unsuccessful. In July, 1938, a group of NPPR members made an unsuccessful attempt to kill the Honorable Blanton Winship, Governor of Puerto Rico. On the same date, these NPPR members killed a prominent officer of the Puerto Rican National Guard and wounded approximately twenty other persons.

With reference to the assault on the Federal Judge in June, 1937, eight of the guilty NPPR members were sentenced to five years in a U. S. penitentiary and two other members received a sentence of two and one-half years each. It is interesting to note that one of the NPPR members convicted for the attempt on the life of the Federal Judge was Raimundo Diaz-Pacheco who did lead the attack October 30, 1950, against the Governor's Palace in San Juan and was killed by Insular Police on guard there. As a result of the attempted assassination of the Governor (in which a National Guard leader was killed) in July, 1938, six NPPR members were subsequently convicted of murder in the Insular Court at Ponce. These men were sentenced to life imprisonment, but the sentences were commuted and otherwise modified in individual cases. One of the six, Tomas Lopez-De Victoria, figured prominently in the recent insurrection.

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During the period from June, 1943 to December 15, 1947, Campos was in New York City. In the fall of 1947 in anticipation of the return of Campos to Puerto Rico from New York City, Raimundo Diaz-Pacheco organized and trained a small group of young men in military drills. These young men were at the dock on December 15, 1947, dressed in the Cadet uniform of the Nationalist Party of Puerto Rico's Army as an Honor Guard to receive their President, Pedro Albizu Campos.

During the period, 1948 to 1950, the Nationalist Party took steps to develop and enlarge its Cadet Corps. During 1949, eight Nationalists were convicted and sentenced to the penitentiary for a violation of the Selective Service Act of 1948.

At the Annual Assembly of the Nationalist Party of Puerto Rico held on December 18, 1949, in Puerto Rico, Campos is reliably reported to have stated, "The Cadet Corps must be made the most powerful army in Puerto Rico, ready for action."

Other information received during 1950 revealed that individuals connected with the Nationalist Party were engaging in firearms practice.

SEQUENCE OF RECENT ACTS OF VIOLENCE

The recent incidents in Puerto Rico have followed a pattern of sporadic outbreaks. The first occurred at approximately 12:30 A.M. on October 27, 1950, when the Insular Police at Rio Piedras arrested a group of Nationalists who were traveling in an automobile accompanying Pedro Albizu Campos from Fajardo where he had made a speech earlier in the evening. The Nationalists in the automobile had attempted to crowd a police car off the road on the way to Rio Piedras. Upon arrest, the individuals in the car were found to be carrying concealed weapons. Also found in the car were five gasoline bombs.

On October 28, 1950, a jail break occurred from the Insular Penitentiary, Rio Piedras during which 112 prisoners escaped. Two prison guards were killed and four more injured.

At about 4:45 A.M. on October 30, 1950, in the little town of Penuelas, about sixteen police officers were proceeding to a residence in that area to carry out a search for hidden arms where they encountered armed Nationalists who fired upon the police. Six police officers were wounded and several persons believed to be Nationalists were killed.

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At approximately 9:00 A. M. on October 30, 1950, there was an incident near Ponce in which one police officer was killed. Two police officers who were sent out to answer a call were ambushed in the jeep in which they were riding. One of the officers was killed.

On the morning of October 30, 1950, at Arecibo, a group of Nationalists attacked the police station and killed four policemen.

At 12:00 noon on October 30, 1950, an attack was made on the Governor's Palace at San Juan. Four Nationalists were reportedly killed and one wounded. Raimundo Diaz Pacheco, Treasurer of the Nationalist Party of Puerto Rico and Commander-in-Chief of the Nationalist Army, was among those killed.

At this point the National Guard was called out by Governor Louis Munoz Marin. At 2:05 P. M. on October 30, 1950, reports of sporadic incidents were still being received. The Post Offices at Utuado and Jayuya were attacked. At Jayuya the Post Office was set afire and the Post Office, Selective Service Office, and the Farm Security Office all burned. In San Juan there was an exchange of gun fire between the National Guard, Police, and the Nationalists. Vidal Santiago, one of the Nationalists, was wounded. The town of San Juan was blocked off and the Governor's Palace placed under heavy guard. On October 31, 1950, the towns of Jayuya and Utuado were retaken by the National Guard and order restored. By November 1, 1950, all acts of violence had ceased and the Insular Police were rounding up all known Nationalists. Pedro Albizu Campos, Head of the Nationalist Party of Puerto Rico, was arrested by the Insular Police on November 2, 1950. No further acts of violence were reported in Puerto Rico. On November 7, 1950, the National Guard was released from active duty and the Insular Police assumed full responsibility for maintaining civil order.

ASSIGNMENT OF INTERNAL SECURITY RESPONSIBILITIES

Under the provisions of federal statutes and the Delimitations Agreement, signed February 23, 1949, by the Federal Bureau of Investigation, the Intelligence Division of the Army, the Office of Naval Intelligence, and the Office of Special Investigations of the Air Force, the Federal Bureau of Investigation has the responsibility for the investigation of espionage, counterespionage, subversion, and sabotage involving civilians

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and foreign nationals of all classes in the continental United States and in the territories of Hawaii, Puerto Rico, the Virgin Islands, and all but a portion of Alaska. The Intelligence Division of the Army, the Office of Naval Intelligence, and the Office of Special Investigations of the Air Force have the responsibility for these investigations in these areas when they involve active and retired military personnel of their respective services. OSI, in addition, covers that portion of Alaska not covered by the FBI. These obligations carry the responsibility to exchange freely and directly with the other named agencies all information developed which is of mutual interest.

The Insular Government in Puerto Rico has police jurisdiction and is responsible for the enforcement of local laws.

The assignment of internal security responsibilities in Puerto Rico is, in general, parallel to the assignment of these responsibilities within the United States and are clearly defined.

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STEPS TAKEN TO EXECUTE AND COORDINATE INTERNAL SECURITY COVERAGE

1. In Puerto Rico.

A. Coverage Maintained.

Representatives of the FBI, the Air Force, the Army and Navy are in daily contact with each other on all phases of internal security and other intelligence and counterintelligence problems.

B. Field Interdepartmental Intelligence Conferences.

Representatives of the FBI, ONI, G-2 (Army), OSI (Air Force) who constitute the Interdepartmental Intelligence Conference meet weekly to review current developments in order to advise the appropriate authorities of situations and trends involving potential threats of espionage, sabotage, and subversion. Special conferences are convened as the situation requires.

C. Exchange and Dissemination of Information.

Intelligence and information developed by all IIC agencies in Puerto Rico is exchanged freely on a continuing and current basis.

D. Relations with Puerto Rican Authorities.

The FBI has long maintained a close working relationship with Puerto Rican authorities as well as extensive Liaison with foreign intelligence and police officials throughout the Carribbean. The FBI relations with the Insular Police in Puerto Rico are very close. The Special Division of the Insular Police known as the Internal Security Squad has been in existence since 1942 at which time it was organized and trained by the FBI. Close contacts are maintained between the FBI and the Internal Security Squad which has been conducting security investigations of the Nationalists for many years; Agents of the FBI work frequently with Internal Security Squad officers on security investigations. The Insular Government which had primary responsibility for the maintenance of the peace of Puerto Rico was aware of the collection by Nationalists of arms and explosives and also appreciated the significance of such activity and were familiar with the temper and background of the individuals involved. Since the return of Nationalist leader Campos to Puerto Rico in 1947, the Insular Government has concerned itself with adequate protective measures against the type of violence that the Nationalists had previously carried out.

The Insular Police have maintained a constant open surveillance on Campos and have covered all Nationalists meetings. In addition, they have carried out numerous investigations of individual Nationalists. Evidence of the effective exchange of information and close working relations is clearly shown by the rapid arrest of over six hundred individuals on whom the police had subversive records.

The Special Agent in Charge of the FBI Office in San Juan has conferred over a period of years with the Governor of Puerto Rico concerning the Nationalist Party, its leaders and related matters. In this connection, Governor Louis Munoz Marin is quoted in a press release as advising Secretary of the Interior Chapman on November 2, 1950, that "If you will remember when you were here three weeks ago, I discussed this situation with you and went over the FBI reports on the Nationalists plans for an uprising and the tie-in with a few Communists on the Island - - - the cooperation of the FBI in Puerto Rico and the mainland has been most helpful, and had these precautions not been taken, I feel that the magnitude of the incidents of the last few days would have been greater."

2. In Continental United States.

Monthly Interdepartmental Intelligence Conferences composed of the Directors of FBI, ONI, G-2 (Army), OSI (Air Force) supplemented by more frequent Working Committee meetings, coordinate effectively the collection, exchange and dissemination of internal security data throughout the United States, its territories and possessions in accordance with the Delimitation Agreement. All additional agencies having an interest in the internal affairs of Puerto Rico have been kept currently advised of developments pertaining to the Nationalist Party of Puerto Rico as mentioned previously, such as the Department of Justice, the Department of Interior, the State Department, and the military services.

On June 3, 1943, Campos, leader of the Nationalist Party, was released from the penitentiary. As early as June 4, 1943, a memorandum was furnished the Department of Justice which referred to the previous data furnished to the Department relating to the revolutionary aims and activities of the Nationalist Party of Puerto Rico. This memorandum requested the Department of Justice to advise if these activities constituted a violation of any federal statute.

Secretary of Interior Chapman, on November 3, 1950, advised the Director of the Federal Bureau of Investigation

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that the FBI had done an excellent job of keeping the proper officials informed of every minute detail as to the happenings in Puerto Rico.

3. Between Puerto Rico and the United States.

There is a continuing exchange of information and intelligence between the Washington, D. C. headquarters of IIC agencies and their field representatives in Puerto Rico.

FBI headquarters in Washington, D. C., over the years, has carried out closely coordinated investigations of Nationalist Party activities not only in Puerto Rico but also among the pro-Nationalist Puerto Rican elements throughout the United States, particularly in New York City.

OBSERVATIONS AND CONCLUSIONS

In view of the constant threat from world Communism, as well as from other revolutionary conspiratorial groups such as the Nationalist Party of Puerto Rico, acts of violence affecting the internal security of the United States must always be anticipated.

IIC agencies recognize the necessity and urgency for providing operational authorities with adequate intelligence data to serve as a basis for executing countermeasures. Intelligence agencies can provide the facts but these facts must be acted upon if inimical forces are to be neutralized.

In the case of Puerto Rico, no positive neutralizing action was taken until the overt acts of violence occurred. The broader question naturally arises from this series of incidents as to whether it is necessary to await extensive damage by expected acts of violence from well-identified revolutionary and/or subversive groups before taking positive action.

In conclusion, it may be said that the effectiveness of the work of IIC agencies has been adequately demonstrated. Therefore, changes in fundamental policies are not recommended. It is strongly believed that security work should be augmented by the just and democratic application of punitive measures predicated upon any clear and present danger to the welfare of this nation.

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J. EXCERPT FROM REPORT ON THE INTERNAL SECURITY PROGRAM, DATED 3/5/54, PREPARED BY INTERDEPARTMENTAL INTELLIGENCE CONFERENCE AND THE INTERDEPARTMENTAL COMMITTEE ON INTERNAL SECURITY

I. OBJECTIVES

The over-all objective of the Internal Security Program is to protect the United States against the threats of Communism and other subversive movements, particularly against the designs of Soviet Russia and her satellites upon the security of the United States. Sabotage, espionage and subversion within the United States can cause not only the loss of American lives and the loss of battles anywhere in the world, but can cause serious disruption of our productive capacity and adversely affect the maintenance of a stable economy.

Communist doctrine provides that a period of peace is to be used to consolidate and strengthen the Communist forces in the world while at the same time weakening and dividing the democratic nations including disruption of the internal life of these nations economically, politically and socially. Thus the present Soviet "peace tactics" emphasize that our internal security protective coverage must be maintained at a high level. Soviet Russia can continue to increase subversive, disruptive tactics without risk or cost to herself commensurate with the potential beneficial results to the Soviet cause.

The Internal Security Program was formulated on the assumption of a continuance of peacetime "cold war" conditions. However, it includes the elements to be expanded for a wartime operation.

The major specific goals of the Internal Security Program are:

1. To coordinate the activities of all agencies and departments concerned with internal security matters, including investigations, the collection of domestic intelligence, and the integration of foreign intelligence pertinent to the domestic intelligence field.

2. To continue the acceleration of investigations designed to provide the basis for the apprehension, prosecution, or other action, against persons involved in subversive activities.

3. To detect and maintain security indices on persons considered dangerous to the national defense and public safety.

4. To neutralize Communist front and Communist-dominated organizations in the United States.

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Per ADG/J43 J41 T42
Date 9/18/2013

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K. EXCERPT FROM REPORT ON THE STATUS OF THE INTERNAL SECURITY PROGRAM OF THE UNITED STATES AS OF JUNE 30, 1958, DATED 8/27/58, PREPARED JOINTLY BY THE INTERDEPARTMENTAL INTELLIGENCE COMMITTEE AND THE INTERDEPARTMENTAL COMMITTEE ON INTERNAL SECURITY

DOWNGRADED TO
SECRET
Per: ADG/SGHTR
Date: 9/15/2013

The 1957-1958 plans of Czechoslovakian military intelligence in the United States include instructions to locate secret repositories for radio receivers and transmitters for eventual use by clandestine agents. The Hungarian Intelligence Service, which sent agents to this country posing as refugees in the wake of the Hungarian revolution, is also engaged in developing its clandestine operations.

c. Development of evidence upon which legal action can be taken against subversive individuals and organizations:

Following the Supreme Court decisions reversing the convictions of 19 Communist Party leaders for violation of the Smith Act of 1940, action by various Circuit Courts of Appeal has resulted in the acquittal of 20 additional Communist Party functionaries and the remanding for retrial of 29 others. While selected cases are now scheduled for retrial during the fiscal year 1959, problems have arisen in other cases due to the lapse of time since the periods covered by the indictments. In most instances, several years have been consumed by trials and appeals with the result that witnesses have died, have become invalid, or are unavailable for other reasons and at this late date their testimony cannot be replaced. Another problem has been the stringent evidentiary standards established by the Supreme Court in the case of the California communist leaders.

In other cases, the Department of Justice must consider the loss, through their appearance as witnesses, of additional confidential informants of the FBI. It is necessary to weigh the difficulty of developing informants within the Communist Party and its related groups together with the value of the information they secure against the benefit to be derived from using such persons as witnesses.

d. Obtaining counterintelligence information as it relates to sensitive military areas and defense facilities:

The IIC agencies, in view of the continuing effort coordinated by Soviet bloc agents in this country to secure full knowledge concerning our industrial and military operations, remain particularly alert to activities in these fields and continue to emphasize the investigation and identification of security risks in both industrial and military facilities.

No material change in the level of these aspects of the IIC investigative program is anticipated by the IIC members during the next fiscal year, in the absence of unforeseen international developments, new legislation, or new programs initiated by higher authority which would increase or decrease their responsibility.

2. Prosecution of Organizations and Individuals

The decisions of the United States Supreme Court in June, 1957, in the Jencks and Yates cases have resulted in the reversal of 10 Smith Act cases involving 53 individuals. Indictments involving 22 defendants were ordered

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L. EXCERPT FROM FORMER FBI DIRECTOR HOOVER'S BRIEFING OF THE NATIONAL SECURITY COUNCIL PRESIDED OVER BY THE PRESIDENT, DATED 11/6/58

Our fifth program is aimed at solving the difficult problem created by (EXHIBIT NO. [illegible] - [illegible]) (29) the use of microdots in espionage. Since it is extremely difficult to detect these tiny photographic messages once they have been placed in correspondence or otherwise concealed, we have instituted coverage of the film outlets in this country which deal in the special emulsions necessary to this process.

We have still a sixth program under which we continuously evaluate the espionage and sabotage potential of individuals whose current activities indicate that they might constitute a threat to the country in the event of a national emergency. These include members of the Communist Party of the United States and other individuals dedicated to the violent overthrow of our Government. We maintain a special index of such persons to enable us to effect their immediate apprehension in the event the President so directs the Attorney General. For your information, there were 12,335 names on this index as of October 27, 1959. (EXHIBIT NO. 11 - [illegible] INDEX [illegible] DATE [illegible] AND LEADERSHIP POSITION.)

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Youth March for Integrated Schools - Oct. 25 1958

Led by leading Community

James E. Jackson, Chairman
Southern Regional Conf. of C.P.

Benj. J. Davis - Member Nat'l
Com. of C.P.

George Meyers - Nat'l Ex Com
of C.P. for Ind. D.C.

Bill Johnson - Chairman
of C.P. of D.C.

Communist Party leaders are hopeful that, by exploiting such current national and international issues as racial discrimination and peace, they can bring about a resurgence of Party activity and influence. For example, Benjamin Davis, chairman of the Party's New York District, in a report made in September of this year to top communist functionaries, stressed that the Party should concentrate on the integration issue as symbolized by the Little Rock school situation. Diligent efforts are made by the communists to infiltrate Negro groups, particularly at the local level, so as to agitate and create confusion.

The public usually associates the FBI's internal security investigations with Communist Party activities only. Nothing could be further from the truth. Our investigations encompass any and all organizations based on a creed of force and violence to determine whether they are a threat to our internal security or whether they have violated any Federal laws.

We investigate the activities of such diverse and international organizations as the Marxist Socialist Workers Party,(30) and the Nationalist Party of Puerto Rico.(31) (Responsible for attack upon President Truman, 1950, and Congress, 1954.)(32) Further, we investigate such fanatical and so-called "hate" groups as the Negro Nation of Islam;(33) the Ku Klux Klan;(34) the National States Rights Party, an anti-Jewish and anti-Negro organization;(35) and the "Confederate Underground."(36) The latter is a name which has been mentioned on a number of occasions in recent bombing threats and other forms of violence.

Since January 1, 1957, there have been over 90 bombings, or attempted bombings, in the United States. Of these, at least 69 have involved Negro victims and at least eight, Jewish religious and educational facilities.

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prior to 1958

In the early bombings there was no evidence to show that these bombings could be attributable to specific organizations. Rather, they were individual acts of terror strictly within the jurisdiction of local authorities. When these outrages occurred, we in the FBI have made immediately available to local authorities our laboratory and fingerprint facilities here in Washington.

As the bombings directed toward religious and educational facilities continued, the FBI extended its cooperation to cover out-of-state investigative leads which local authorities could not handle. We extended such assistance to the Jacksonville, Florida, and Birmingham, Alabama, Police Departments in connection with the bombings of a Jewish center and a Negro high school in Jacksonville on April 28, 1958,(37) and the attempted bombing of a Jewish temple in Birmingham on the same day.(38)

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Recently, however, there has been some indication of a general interstate pattern to these bombings. For example, one of the 5 men indicted on October 17, 1958, (39) (Richard Bowling) for the bombing of the Jewish temple in Atlanta, received from one of his fellow conspirators two checks worth amounting to ~~nearly~~ $200. One of these checks was dated October 4, 1958, the day before the Clinton, Tennessee, High School bombing (40); the other, October 9, 1958, three days before the Atlanta temple bombing.

Recognizing the danger to the national welfare from a general pattern of organized terrorism, the FBI has moved to expand its assistance to local law enforcement in the recent bombings at Clinton, Atlanta, and Peoria, Illinois (41). We are now providing all-out investigative assistance in these cases. We are closely checking the activities of individuals prominently involved in racial distrubances, such as the notorious John Kasper (42), the

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executive secretary of the Seaboard White Citizens Council of Washington. As a further aid to local law enforcement agencies, the FBI has scheduled a series of special conferences for November and December, 1958, to discuss our cooperative services regarding bombings and threats of bombings against religious and educational institutions.

Our entry into these cases at this new level is not to be interpreted as an attempt on our part to usurp the jurisdiction of local authorities. To give th FBI this jurisdiction would relieve local governments of the basic responsibility to maintain law and order, and the ultimate responsibility rightfully rests at the local level.

To counteract a resurgence of Communist Party influence in the United States, we have a seventh program designed to intensify any confusion and dissatisfaction among its members. During the past few years, this program

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M. LETTER TO McGEORGE BUNDY,
SPECIAL ASSISTANT TO THE PRESIDENT FOR
NATIONAL SECURITY AFFAIRS, DATED 7/25/61,
ENCLOSING MEMORANDUM CONCERNING UNITED STATES
INTERNAL SECURITY PROGRAMS UNDER THE CONTROL
OF THE INTERDEPARTMENTAL INTELLIGENCE COMMITTEE,
MEMORANDUM PREPARED IN RESPONSE TO WHITE HOUSE REQUEST

TOP SECRET

Orig - Bundy 5 - IIC
1 - Mr. Belmont
1 - Mr. Sullivan
1 - Liaison
1 - Mr. Wells

GRADED TO
SECRET
Per ADG/J43J41T42
Date 9/18/2013

July 25, 1961

BY COURIER SERVICE

Honorable McGeorge Bundy
Special Assistant to the President
The White House
Washington 25, D. C.

My dear Mr. Bundy:

Reference is made to your letter of May 17, 1961, which requested that the Interdepartmental Intelligence Conference submit by July 31, 1961, a report concerning Internal Security Programs which fall within its cognizance.

There is enclosed the IIC report concerning Internal Security Programs for the period July 1, 1960, through June 30, 1961.

Upon removal of classified enclosure, this transmittal letter becomes UNCLASSIFIED.

Sincerely yours,

J. EDGAR HOOVER

Chairman
Interdepartmental Intelligence Conference

REC-12 66-
EX-132

Enclosure (Copy No. 1)

JUL 28 1961

(Cover memorandum from Mr. L'Allier to Mr. Sullivan, 7/24/61, re "U.S. Internal Security Programs," BAW:hke

BAW:hke
(11)

ENCLOSURE

(This letter is classified "Top Secret" because the enclosure is so classified.)

Nelson
Belmont
Mohr
Callahan
Conrad
DeLoach
Evans
Malone
Rosen
Sullivan
Tavel

TOP SECRET

99

AUG 16 1961

TOP SECRET

COPY NO. 2

STATUS OF U. S. INTERNAL SECURITY PROGRAMS

JULY 1, 1960, THROUGH JUNE 30, 1961

PREPARED BY THE

INTERDEPARTMENTAL INTELLIGENCE CONFERENCE

JULY 25, 1961

DOWNGRADED TO
SECRET
Per DOG/543JHLT42
Date 9/18/2013

TOP SECRET

66-8603-3724

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STATUS OF U. S. INTERNAL SECURITY PROGRAMS

BACKGROUND OF INTERDEPARTMENTAL INTELLIGENCE CONFERENCE (IIC)

The IIC was established on June 26, 1939, by a Presidential Directive which charged the Directors of the Federal Bureau of Investigation, the Military Intelligence Division of the War Department, and the Office of Naval Intelligence of the Navy Department with functioning as a committee to coordinate the investigation of all espionage, counterespionage, and sabotage matters. Subsequent directives were issued, the latest on July 24, 1950, providing that the FBI should take charge of investigative work in matters relating to espionage, sabotage, and subversive activities.

On July 18, 1949, the National Security Council granted a charter to the IIC authorizing and directing the IIC to effect the coordination of all investigation of domestic espionage, counterespionage, sabotage and subversion, and other related intelligence matters affecting internal security. The IIC membership was retained intact with the addition of the Director of Special Investigations of the Department of the Air Force, which department had been created since the issuance of the original Presidential Directive. The IIC has functioned under this charter as an internal security adviser to the National Security Council concerning matters within its field of responsibility.

In order to clarify the responsibilities of each of the IIC members, an Agreement delimiting these has been entered into by the members. This has been amended from time to time to take changing circumstances into account. The Agreement provides for the free exchange among the members of all information of mutual interest. The FBI is responsible for the investigation of all espionage, counterespionage, subversion, and sabotage involving civilians and foreign nationals in Puerto Rico, the Virgin Islands, and the entire United States, with the exception of certain areas of Alaska which are specifically assigned to the Naval and Air Force members. Each of the military members is responsible for the investigation of

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all such cases involving active and retired personnel of its service and the disposal, but not the investigation, of all cases involving its civilian employees in areas assigned to the FBI.

In addition to the matters handled directly by IIC within its field of responsibility, the IIC participates in the consideration of problems in closely allied fields. For example, the IIC Chairman, representing IIC, is a member of the National Security Council Net Evaluation Subcommittee, a group which operates under National Security Council Directive 5816, making annual studies of the ability of a potential enemy to inflict damage upon the continental United States.

The investigative program of the IIC agencies is designed to carry out the responsibility levied on the IIC by its charter. The primary objective of the program is to counter the ever-increasing and continual threat from international communism and Soviet bloc espionage and subversion. This goal demands continuing aggressive investigative action by the IIC agencies through their investigative programs. The major investigative programs of the IIC agencies are as follows:

I. IDENTIFICATION AND INVESTIGATION OF POTENTIALLY DANGEROUS PERSONS IN THE UNITED STATES

The FBI maintains a current list of individuals, both citizens and aliens, to be considered for apprehension and detention, if necessary, in a period of emergency. Approximately 12,000 individuals are listed at this time. This list is kept current on a daily basis by the addition of new individuals whose activities make them potentially dangerous to the United States, and by the deletion of individuals who are no longer engaged in subversive activities. Included on the list of potentially dangerous individuals are nearly 200 persons who are engaged in pro-Castro Cuban activities or who sympathize strongly with such activities. In addition to members of the Communist Party, it also includes certain members of such organizations as the Nationalist Party of Puerto Rico, the Nation of Islam, and the Socialist Workers Party

The military services have continued their programs designed to detect and eliminate potentially dangerous members of the armed services and to prepare for action with respect

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to other potentially dangerous persons located in civilian areas within the investigative responsibility of the military services. As an example, the Air Force has a program under which background investigations are conducted on all Air Force military personnel on active duty and applicants for enlistment or appointment who are either aliens or U.S. citizens with connections in communist-controlled countries. To date almost all such active duty Air Force military personnel have been identified and investigated under this program. During the past year this program has been extended to include Cuba as one of the communist-controlled countries.

Consideration is being given to expanding this program to include reserves who are not on active duty and the Air National Guard. Individuals in the Air National Guard and those reserves who have mobilization assignments and are considered as ready reservists would be investigated under this program.

Office of Special Investigations-FBI joint counter-intelligence coverage of Strategic Air Command missile and manned combat elements now includes 68 Strategic Air Command bases and 12 missile sites. This coverage includes Patrick Air Force Base and the Air Force Missile Test Center at Cape Canaveral, Florida. Coverage of new installations is initiated several months prior to the time the installation is scheduled to become operational.

As a further example, the military services have parallel programs which also include a special briefing of personnel who may be subject to hostage pressure through threats of harm to relatives in communist countries.

II. INTENSIFIED COVERAGE OF SOVIET BLOC OFFICIALS IN THE UNITED STATES AND PENETRATION OF FOREIGN INTELLIGENCE OPERATIONS IN THIS COUNTRY

A. Number of Officials in the United States

There are in this country 1,605 Soviet and satellite diplomatic and official personnel, including their dependents. Of this total, 654 are officials and diplomats and 951 are

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dependents. Of the total number, 849 of the individuals are Soviet officials, diplomats, and dependents. Soviet diplomatic and official personnel alone total 366.

It should be noted that the total number of such personnel and their dependents has increased yearly since 1951. In that year there were 951 Soviet bloc officials, diplomats, and dependents in this country. The figure of 1,605 represents an increase of 250 since July 1, 1960.

The FBI has continued its special program of intensified coverage of Soviet bloc officials in this country, and since 1951 has identified 593 Soviet bloc officials as either being or highly suspected of being engaged in intelligence activities. Of the 654 officials stationed in the United States on June 30, 1961, a total of 138 were either known to be or highly suspected of being engaged in intelligence operations. These 138 are comprised of 72 Soviet officials and 66 satellite officials. This large number of individuals engaged in such activity points up the intense Soviet bloc effort directed against the United States, and represents over twenty-one per cent of all Soviet bloc officials in the United States.

B. Soviet Bloc Intelligence Targets

Soviet bloc intelligence targets include military, scientific, political, economic, and technical data, both classified and unclassified. Soviet bloc intelligence personnel have been aggressive in their widespread intelligence collection activities. They have not hesitated to attempt to develop and subvert U.S. citizens. The effort of the Soviet bloc intelligence services is coordinated and guided by the Soviets. The satellite intelligence services have been developed according to the Soviet pattern, their key personnel have been selected and trained by the Soviets, and the Soviets have access to all data obtained by the satellites.

C. Public Source Data

Soviet bloc intelligence agents have taken full advantage of public sources of information, both in Government and industry. Information has been collected through the purchase of readily available publications, both from Government and private industry, and by attendance at scientific and technical conventions, conferences, and exhibits which are frequently conducted by industry in this country. As an example

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of this type of collection activity, the Association of the United States Army held its annual convention August 8 through 10, 1960, at the Sheraton-Park Hotel, Washington, D. C. The August 11, 1960, "Evening Star" carried an article exposing Soviet bloc attendance at this convention. Included in the article were numerous photographs of Soviet bloc personnel viewing exhibits and filling their brief cases with unclassified literature made available by various companies which were taking part in the convention.

D. United Nations Secretariat

Pursuant to NSC 5427, Soviet citizens in the United States have been restricted from entering certain areas of this country in reciprocity for Soviet action barring all foreigners from certain areas of the Soviet Union. In addition, Soviet diplomatic personnel are required to give advance notice of proposed travel.

Soviet employees of the United Nations Secretariat, however, have been exempted from these travel restrictions, and the Russians have not hesitated to use their nationals, who are employed by the U.N. Secretariat, in intelligence operations. For example, in November, 1960, a Soviet U.N. Secretariat employee traveled to a New Jersey city to meet a U.S. citizen whom he had been developing for intelligence purposes. In July, 1960, another Soviet, also employed by the U.N. Secretariat, unexpectedly arrived in Washington, D. C., and contacted a U.S. Government employee. The contact appeared to be an attempt to develop the U.S. employee as an intelligence source. The above two cases illustrate the ease with which Soviet employees of the U.N. Secretariat can travel. No permission need be requested by them and they do not have to indicate the area they intend to visit. These facts make coverage of such personnel more difficult.

E. Establishment of False Identification

In August, 1960, a Soviet official requested that an FBI source obtain for him a blank U.S. passport. The official requested, in the event this could not be obtained, that the source loan him his passport and gave assurance that it would be returned in usable condition. The same official had previously requested blank diplomas from an elementary school, a high school, and a university. He also had requested birth certificates of

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a male and female who were born in the United States between 1930 and 1935 and had since left the United States and had not returned. It is obvious that the Soviet was attempting to establish suitable identification and background data to facilitate the entry and operation of Soviet illegal agents sent to the United States.

A Soviet Counselor at the United Nations took a detailed tour of the Department of Health, New York City, in October, 1960. He evidenced extreme interest in the handling of birth, death, and marriage certificates by New York City authorities. During the tour, he was interested in obtaining samples of the forms used for the registration of births, deaths, and marriages. This is another case of an attempt to secure documents which can be used to establish identification for individuals sent to the United States as illegal agents.

F. Miscellaneous Operations

A Soviet Assistant Naval Attache has used a source of the FBI to conduct numerous espionage assignments for the Soviets. For example, during February, 1961, he instructed the source to obtain books on the subject of oceanography and U.S. geological survey maps of fifteen U.S. cities. The source turned over the requested maps after the maps had been cleared by appropriate Government agencies for transmittal to the Soviets. He was then instructed to obtain maps of twelve other U.S. cities.

Also in February, a Czechoslovakian Embassy official instructed a source of the FBI to obtain telephone directories of the Defense Department, the United States Information Agency, and the International Cooperation Administration. To further its efforts to penetrate the United States Government, the Czech official also suggested that the source seek employment with the State Department and USIA.

A Soviet Attache during March, 1961, requested that another source of the FBI obtain a report of the House Appropriations Committee, U.S. Congress, which dealt with the appropriation of money for the inspection of U.S. Embassies throughout the world to detect wire tapping and concealed microphones.

Again in March, 1961, an employee of the Soviet Embassy was in contact with another FBI source. He offered the source five hundred dollars if the source would obtain two classified U.S. Army manuals for him.

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G. Reconnaissance Trips

In addition to the attempted use of U.S. citizens as sources of information and as agents, Soviet bloc personnel have traveled extensively throughout the U.S. As an illustration, in March, 1961, two Soviet Assistant Air Attaches made a reconnaissance through the States of Texas, New Mexico, Colorado, Utah, and Arizona. During this trip, they exhibited interest in the Atomic Energy Commission office at Grand Junction, Colorado, and in various Air Force bases in Colorado. They were observed taking motion pictures from a site on Franklin Mountain overlooking El Paso, Texas. From this point, they were able to observe the El Paso, Texas, and Juarez, Mexico, area which contains a portion of Fort Bliss and Biggs Air Force Base.

In addition to making trips themselves, Soviet bloc officials have requested sources of the FBI to make such trips. On March 23, 1961, an official of the Soviet Embassy requested that a source of the FBI make an espionage reconnaissance trip to New London, Connecticut, and obtain data concerning the submarine base at New London. The source was instructed to speak with sailors in taverns and to take a tour of the submarine base.

H. Technical Data and Equipment

The Soviets have also utilized the Amtorg Trading Corporation, New York City, to obtain information and equipment. In April, 1961, an official of the Amtorg Trading Corporation requested that an FBI source purchase ten thousand dollars worth of electronic equipment. The Amtorg official specifically instructed the source not to obtain an export license for such equipment but instead to bring it directly to Amtorg. It is probable that the Soviets contemplated shipping such equipment to Russia by diplomatic pouch, thereby circumventing United States export laws.

As an example of Soviet interest in technical data available in the United States, an official of the Soviet Embassy has contacted over one hundred U.S. corporations for information regarding their products. He has joined two technical societies and has subscribed to fourteen technical publications. He has shown particular interest in steel, glass, plastics, electronics, and automobile manufacturers.

I. Use of Hostage Situations

The Soviet bloc has not hesitated to prey upon the fears of U.S. residents with relatives behind the Iron Curtain

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in order to use a U.S. resident as a source. In November, 1960, a U.S. resident returned to Poland and married a Polish national in Warsaw. While attempting to expedite his wife's obtaining a Polish passport to come to the United States, he was contacted by Polish intelligence and was requested to assist it by making available to Poland data coming to his attention in connection with research being done at a U.S. university.

In April, 1961, an Albanian employee of the Albanian United Nations Delegation contacted an individual who had recently immigrated to the U.S. from Albania for the purpose of developing him as an Albanian agent. He exhibited a letter to the immigrant which allegedly was from the immigrant's cousin in Albania. This letter stated that the cousin was in an Albanian prison but that he would be forgiven his crime if the immigrant cooperated with the Albanian Government.

J. Soviet Bloc Propaganda

The Soviet bloc countries have been active in spreading their propaganda in this country. In September, 1960, the Soviet Embassy placed an order with a New York company for the names of 22,000 high school principals and the names and addresses of 1,200 college and university bookshops. In November, 1960, the Soviet Embassy began preparation for mailing, to some 22,000 high schools, sample copies of the "USSR" magazine, an illustrated monthly published by the Soviet Embassy. A number of letters have been received by the FBI from private citizens, teachers, and principals of schools indicating that they have received unsolicited copies of this publication. In addition, it has been noted that through the years many elementary and high school students have requested from the Soviet Embassy and the embassies of the satellite countries data regarding economic and living conditions in those countries to be used in their school work. The material provided by those embassies, of course, presents the Soviet bloc countries in the most favorable light possible. The above information was furnished to pertinent U.S. agencies, and in addition, it was suggested to the Department of Health, Education, and Welfare that it might be desirable for some agency of the U.S. Government to prepare factual material regarding economic and living conditions in the communist countries which would be distributed to schools in the United States.

The above examples are but a few of the many instances of Soviet bloc intelligence activities in this country. It requires

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aggressive, alert measures to counter this activity. The IIC program of intensified coverage of Soviet bloc activities has been established to meet this threat to the United States.

III. CUBA

The close ties between the Castro Government of Cuba and the Soviet bloc have required that Cuban activities in the United States be given intensive coverage. At the present time, the FBI has approximately one thousand pending cases relating to Cuba, and has managed to develop more than three hundred separate sources concerning Cuban matters. Particular attention is being devoted to the July 26 Movement and to the Fair Play for Cuba Committee.

The U.S. membership of the July 26 Movement consists chiefly of Cuban aliens and naturalized U.S. citizens of Cuban extraction. Its membership is estimated at approximately thirteen hundred, located principally in New York City and Miami, Florida. As a result of FBI investigation of this organization, in July, 1960, it was required to register with the Attorney General under the Foreign Agents Registration Act.

The Fair Play for Cuba Committee is the principal outlet for pro-Castro propaganda and agitation on the part of U.S. nationals sympathetic to the Castro regime. There are indications that this organization is receiving funds from the Cuban Government. In addition, investigation has shown that this group has been heavily infiltrated by the Communist Party, USA (CPUSA), and the Socialist Workers Party (SWP), both of which have been designated by the Attorney General pursuant to Executive Order 10450. In fact, some chapters of the group have been directly organized by and under the complete control of the CPUSA or the SWP.

In connection with the intensified coverage of Cuban activities, it has been determined that Castro intelligence agents have been active in the United States, particularly in Miami and New York. These agents have for the most part endeavored to gather data regarding anti-Castro activities. However, on occasion their operations have extended to plotting the abduction of anti-Castro leaders, staging incidents designed to embarrass the United States or disrupt U.S.-Cuban relations and planting agents in anti-Castro organizations. The close relationship existing between Soviet bloc countries and Cuba greatly increases the possibility that these agents could

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be utilized by the Soviet bloc against U.S. national defense targets.

There are over one hundred thousand Cuban aliens in the United States. This large number of aliens offers an opportunity for the Castro regime to infiltrate agents into the United States and also offers the Soviet bloc a method of gaining entry to the U.S. by Soviet illegal agents. The IIC program is designed to counter this threat.

IV. COVERAGE OF COMMUNIST PARTY ACTIVITIES

A. General

A major part of the IIC investigative program is devoted to coverage of the Communist Party, USA (CPUSA), and related groups. The CPUSA fanatically backs the policy of the Soviet Union, and acts as a vehicle for Soviet propaganda and agitation in the United States. The advantage to the Soviet Union can be readily seen by considering how valuable it would be to the U.S. to have inside the Soviet Union a pro-United States organization which would vociferously support U.S. policy through its speeches and its controlled press and which would be highly critical of any Soviet policy which conflicted with U.S. policy. The CPUSA is active in agitating and spreading dissension in the U.S., and during the current racial disturbances in the South, it has attempted to take full advantage of the situation. The Party has endeavored to bring pressure to bear on state and Federal officials through the press, labor unions, and student groups. Irving Potash, the Party's Labor Secretary, has suggested that the United Nations be brought into the racial situation.

At the present time, the FBI has under investigation two hundred known or suspected communist front and communist-infiltrated organizations. Many of these organizations are national in scope with chapters in various cities throughout the United States. These groups represent transmission belts through which the CPUSA can further its line.

B. Legal Action

One of the main purposes of the investigative program concerning the Communist Party and its related groups is the development of evidence upon which legal action can be taken.

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against subversive individuals and organizations. In connection with this aim, it has been necessary to infiltrate the CPUSA and other subversive organizations and to develop informants who can act as witnesses in any court proceeding. There have been two recent important Supreme Court decisions in connection with subversive organizations. On June 5, 1961, the United States Supreme Court, in a five-to-four decision, held that the Communist Party, USA (CPUSA), is a communist-action organization within the purview of the Internal Security Act of 1950 in that it is substantially dominated, directed and controlled by the Communist Party of the Soviet Union (CPSU) and operates to further the aims of the CPSU. The Court further held that the mere listing with the Attorney General of the officers and members of the CPUSA, together with information regarding the Party's finances and printing presses, is not unconstitutional. The majority opinion did not, however, decide the constitutionality of the various criminal penalties for failure to register as ordered, or of the sanctions imposed by the Internal Security Act of 1950 on the Party and its officers and members following registration.

Gus Hall, General Secretary of the CPUSA, has publicly stated that the Party will not register as ordered, and the Attorney General of the United States has replied that the Government will vigorously enforce the pertinent provisions of the Act. Obviously, additional long-drawn-out litigation is in the offing.

On June 23, 1961, the Supreme Court granted a petition by the CPUSA for a rehearing of the Court's June 5, 1961, decision. This hearing on the petition will not take place until the Court reconvenes in October, 1961. Should the rehearing be denied, the CPUSA, its officers and members will be subject to the restrictive provisions set out in the Internal Security Act of 1950 and prosecution may be authorized should the Party refuse to register.

Also on June 5, 1961, the United States Supreme Court, in a five-to-four decision, upheld the constitutionality of the membership provision of the Smith Act of 1940, which prohibits membership in an organization advocating the violent overthrow of the United States Government. The Court interpreted this section of the Smith Act as prescribing only "active" membership, combined with knowledge of the illegal objectives of the organization accompanied by a specific intent to further these aims.

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As a result of this decision, Junius Irving Scales, a former functionary of the Communist Party, USA (CPUSA), must serve a six-year sentence imposed on him by the trial court.

On the same date, the Supreme Court, in a companion decision, reversed the conviction of John Francis Noto, a former functionary of the CPUSA in Buffalo, New York, on the ground that the Government had failed to prove, in the Noto case, that the CPUSA is an organization which advocates violent overthrow of the Government now or in the future.

At the present time, there is one case under the membership section of the Smith Act awaiting retrial in Chicago and there is a total of nine additional indictments outstanding - seven in New York, one in Chicago, and one in Boston. One conviction under this section is on appeal to the Ninth Circuit Court of Appeals at San Francisco and another convicted defendant is awaiting sentencing in Philadelphia.

The decision as to final prosecutive action in the case set for retrial, as well as any possible additional prosecutions under the membership section of the Smith Act, rests with the Department of Justice.

On May 31, 1961, the Tenth Circuit Court of Appeals, Denver, Colorado, reversed the conviction of six former functionaries of the CPUSA who had been convicted for the second time on charges of conspiring to teach and advocate the violent overthrow of the U.S. Government. The reversal was solely on the basis of failure of the Government and the trial judge to comply with the provisions of the Jencks Law, which governs the production of statements of Government witnesses. The Department has requested the Tenth Circuit Court of Appeals to clarify its opinion as to whether this error may be corrected by a hearing before the United States District Court, Denver, or whether a third trial is necessary.

V. CONCLUSIONS

The highlights of the major investigative programs of the Interdepartmental Intelligence Conference (IIC) agencies illustrate the continuing aggressive action required to counter the internal threat from international communism and Soviet bloc espionage and subversion. The programs of the IIC agencies designed to counter this threat are investigative in nature. The IIC has consistently followed the policy of recommending needed changes or additional investigative coverage at the time needed; therefore, no recommendations are being made in this report.

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N. BACKGROUND INFORMATION CONCERNING THE EMERGENCY DETENTION PROVISIONS OF THE INTERNAL SECURITY ACT OF 1950 AND THE EFFECT OF THEIR REPEAL UPON FBI AUTHORITY TO CONDUCT NATIONAL SECURITY INTELLIGENCE INVESTIGATIONS

It will be recalled that Subchapter II of the "Internal Security Act of 1950" (64 stat. 987-1031) as amended, provided for the emergency detention of "each person as to whom there is reasonable ground to believe that such person probably will engage in, or probably will conspire with others to engage in, acts of espionage or of sabotage." From the time Subchapter II of the Internal Security Act of 1950 was enacted until the repeal of this law by the Congress, the FBI operated under a Congressional mandate which required the identification of all persons who might be covered by its provisions in the event of a national emergency.

What is the effect of the repeal of Subchapter II of the Internal Security Act of 1950 upon the jurisdictional basis for investigations conducted by the Intelligence Division?

Essentially none. During the time Subchapter II was in effect, lists of individuals to be considered for apprehension and detention under the provisions of Subchapter II during a period of emergency were compiled based upon information derived from investigations of subversive organizations and individuals. However, investigations were not instituted for the sole purpose of determining whether an individual should be considered for emergency apprehension and detention under the provisions of Subchapter II. The identities of individuals who might be appropriate for apprehension and detention in a national emergency were a by-product of the FBI's investigations in the subversive field based upon statutes, Executive Orders pertaining to national

security and instructions from the Director of Central Intelligence pursuant to power vested in that office by the National Security Act of 1947. In summary, passage of the detention provisions incorporated in Subchapter II of the Internal Security Act of 1950 did not enlarge or restrict the FBI's jurisdiction to collect information pertaining to national security. Our national security jurisdiction has been delineated by Congressional statutes and Presidential Directives independent of the detention provisions of Subchapter II of the Internal Security Act of 1950. This provision of the law affected how information collected pertaining to national security was to be administered, retained, and retrieved should exigent circumstances arise. Consequently, although repeal of the detention provision of the Internal Security Act of 1950 eliminated the Congressional mandate requiring maintenance of lists of persons to be considered for apprehension and detention during the period of emergency, it did not limit or enlarge the jurisdiction and authority of the FBI to collect information in the national security field.

In this connection, it is worthy to note that on November 30, 1939, shortly after issuance of the Presidential Directive of September 6, 1939, Director Hoover offered the following testimony before the House Appropriations Committee in connection with the FBI Emergency Supplemental Appropriations Bill of 1940:

> "Purpose and Work of General Intelligence Division
>
> In September of 1939 we found it necessary to organize a General Intelligence Division in Washington. The establishment of this division was made necessary by the President's

proclamation directing that all complaints of violations of the national defense statutes and proclamations be reported to the Federal Bureau of Investigation. This division now has compiled extensive indices of individuals, groups, and organizations engaged in these subversive activities, in espionage activities, or any activities that are possibly detrimental to the internal security of the United States.

The indexes have been arranged not only alphabetically but also geographically, so that at any time, should we enter into the conflict abroad, we would be able to go into any of these communities and identify individuals or groups who might be a source of grave danger to the security of this country. Their backgrounds and activities are known to the Bureau. These indexes will be extremely important and valuable in grave emergency."

Thus, it may be seen that the compiling of lists of potentially dangerous persons and individuals had been undertaken by the FBI prior to enactment of the detention provisions of the Internal Security Act of 1950 as part of the Bureau's implementation of the Presidential Directive of September 6, 1939.

O. MEMORANDUM BY FORMER FBI DIRECTOR HOOVER, DATED 5/11/61, CONCERNING FBI INTELLIGENCE COLLECTION ACTIVITIES RELATIVE TO CUBAN INDIVIDUALS AND GROUPS

May 11, 1961

MEMORANDUM FOR MR. TOLSON
MR. PARSONS
MR. BELMONT

On April 27, 1961, I attended, at the request of the Attorney General, a meeting of the National Security Council presided over by the President.

The first part of the meeting consisted of a discussion of the situation in Laos, which in no way involved the FBI.

The second part of the meeting dealt with the Cuban situation. There was a general discussion by various members of the National Security Council as to the many phases that enter into this over-all problem.

The President inquired of me what my views were concerning the then present situation. I told the President that there were approximately 53,000 Cuban nationals in the Miami, Florida, general area and this group posed a security problem because of the fact that many of these individuals are bitter and disillusioned as a result of the invasion defeat. I stated that large numbers of refugees who participated in the invasion forces are coming into Florida by plane and by boat from the training camps maintained in Central American countries. I stated that a substantial number will find it difficult to become readjusted to civilian life.

I stated it must be remembered that this large group was looking for and expecting United States leadership and sympathy in their continuing efforts against Castro. I pointed out that the sons of Cardona and Varona both were members of the invasion forces and were captured by Castro and I stated that there were no doubt many other Cuban families in the Miami area who had close members of their families who participated in the invasion and have either been killed or captured, and this all pointed up to the necessity for the United States maintaining the care for these refugees and giving them some guidance. I stressed the importance of the United States having close liaison with this Cuban group and its several factions so as to give guidance to it.

JSH:EDM (7) XEROX

MAY 12 1961

REC- 73
EX. - 102

62-85205-1715

19 MAY 12 1961

MAIL ROOM TELETYPE UNIT

Memorandum for Messrs. Tolson, Parsons, Belmont May 11, 1961

I outlined to the President the fact that the FBI had intensified its coverage of Cubans in this country, both anti-Castro groups and pro-Castro groups. I commented briefly upon the activities of the Fair Play for Cuba Committee and the elements in back of it.

I pointed out that the situation within Cuba would be, of course, even more acute now than in the past and that Castro no doubt had been materially strengthened militarily as a result of the failure of the invasion. I stated that Castro's government would continue to receive military equipment from the Iron Curtain nations in view of the fact that the port of Havana was open. I said, therefore, even though the economic situation in Cuba may become more critical, certainly from the point of view of military control and the running of a police state, Castro was probably stronger now than at any time in the past.

I note on the attached memorandum dated May 4, 1961, dealing with the request made by Mr. John Seigenthaler, Administrative Assistant to the Attorney General, to determine how far the President should go in clamping down on Cuban refugees, particularly as to the security problem involved in the situation, that it was suggested by the Domestic Intelligence Division that the Cuban refugees in Florida as a whole do not pose any significant security problem. I am at a complete loss to understand this statement in view of the brief prepared for my use in the Domestic Intelligence Division, which is attached hereto and which on pages 3 and 4 stresses the point that there is a real security problem in the handling of the refugees in Miami.

Very truly yours,

/S/ J. E. H.

John Edgar Hoover
Director

Attachments (with original only)

SENT FROM D. O.
TIME
DATE
BY

NW 54933 DocId:32989719 Page 227

P. MEMORANDUM BY FORMER FBI DIRECTOR HOOVER, DATED 4/28/65, RELATIVE TO CONVERSATION WITH THE PRESIDENT CONCERNING EFFECT OF ANTI-VIETNAM DEMONSTRATIONS UPON THE CONDUCT OF UNITED STATES FOREIGN AND DEFENSE POLICY

AND

LETTER TO McGEORGE BUNDY, SPECIAL ASSISTANT TO THE PRESIDENT FOR NATIONAL SECURITY AFFAIRS, DATED 4/28/65, ENCLOSING FBI MEMORANDUM TITLED "COMMUNIST ACTIVITIES RELATIVE TO UNITED STATES POLICY ON VIETNAM" DATED 4/28/65

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

WASHIN April 22, 1965

MEMORANDUM FOR MR. TOLSON
MR. BELMONT
MR. DE LOACH
MR. ROSEN
MR. SULLIVAN

This morning I attended the swearing-in ceremonies at the White House of Admiral Raborn and Mr. Helms, the Director and Assistant Director of the Central Intelligence Agency. Following the swearing-in ceremonies, the President asked me to see him in his private office and we conversed about various matters.

The President informed me that he was quite concerned over the anti-Vietnam situation that has developed in this country and he appreciated particularly the material that we sent him yesterday containing clippings from various columnists in the country who had attributed the agitation in this country to the communists as there was no doubt in his mind but that they were behind the disturbances that have already occurred. He said he had just received from Mr. McCone, the outgoing Director of the Central Intelligence Agency, a letter in which the Central Intelligence Agency stated that their intelligence showed that the Chinese and North Vietnamese believe that by intensifying the agitation in this country, particularly on the college campus levels, it would so confuse and divide the Americans that our troops in South Vietnam would have to be withdrawn in order to preserve order here and it would enable the North Vietnamese to move in at once, and, therefore, it was the recommendation of the Central Intelligence Agency that the bombing of North Vietnam be intensified covering practically the entire area whereas at the present time it is limited to solely military bases, roads, and bridges to prevent the transportation of supplies to the guerrillas of North Vietnam operating in South Vietnam. The President stated he had not had time to thoroughly think this matter over as he had just received the letter and he would talk with Secretary of State Rusk and Secretary of Defense McNamara, but he, the President, was disturbed because he believed that if such intensification of bombing took place it would inevitably bring into the situation the Chinese and possibly the Russians

1 - Miss Holmes

JEH:EDM (3)

April 28, 1965

Memorandum for Messrs. Tolson, Belmont, DeLoach, Rosen, Sullivan

and we would then be in for a full fledged world war. He stated this was something he is determined to avoid but he was likewise determined not to withdraw the troops from Vietnam and to continue the bombing on the basis it has been done, but he, of course, intended to carefully evaluate the recommendation of the Central Intelligence Agency. He stated he would like me to take prompt and immediate steps to brief at least two Senators and two Congressmen, preferably one of each Party, on the demonstrations in this country of the anti-Vietnam groups so that they might in turn not only make speeches upon the floors of Congress but also publicly. Two of the Senators he suggested I see are Senator Dirksen of Illinois and Senator Dodd of Connecticut. He did not suggest any names of any congressmen but left that to my judgment.

I informed the President that I had just received word this morning before coming to the White House that plans had been made from May 2 to May 8 to demonstrate in 83 cities of this country by the Students For Democratic Society, which is loosely infiltrated by communists and which has been woven into the civil rights situation which we know has large communist influence. I told the President we were preparing a memorandum on the Students For Democratic Society which I would try to get to him by tomorrow. The President stated he was leaving for the ranch for the weekend, although he did not say he was leaving today and I assume he will probably not leave before tomorrow or possibly Saturday, but in any event I want prepared immediately a memorandum which I can transmit to the President containing what we know about the Students For Democratic Society. While I realize we may not be able to technically state that it is an actual communist organization, certainly we do know there are communists in it. It is somewhat similar to the situation we found in the Selma-to-Birmingham March in which we were able to identify 75 communists from New York City as being in that march even though there were many others in the march who were not communists and we could not be certain it was a communist demonstration. What I want to get to the President is the background with emphasis upon the communist influence therein so that he will know exactly what he is up to.

I believe we should immediately through all the field offices the instructions to endeavor to penetrate the Students For Democratic Society so that we will have proper informant coverage similar to what we have in the Ku Klux Klan and the Communist Party itself.

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April 23, 1965

Memorandum for Messrs. Tolson, Belmont, DeLoach, Rosen, Sullivan

I also told the President that we were preparing, in response to the request he had made through Honorable McGeorge Bundy at the White House an over-all memorandum on the Vietnam demonstrations and communist influence in the same and we would endeavor to have that memorandum to him if possible by the end of this week or certainly the first of the week. I would prefer we exert every effort so that I may get it to the President this week so he can take it with him to the ranch for reading and the information in that memorandum, as you know, is to be so prepared that anything in it can be used publicly by prominent officials of the Administration whom the President intends to send to various areas of the country to speak on the Vietnam situation. I want it prepared in such a manner that there will be nothing to uncover our informant coverage but be a good, strong memorandum that will pinpoint that these demonstrations which have occurred, particularly on the campuses of the colleges and universities have been largely participated in by communists even though they may not have initiated them but they at least have joined and forced the issue such as has been done at Berkeley, California, and as they are doing at Ohio State University at the present time. Give this matter immediate attention and top priority as the President is quite concerned about the situation and wants prompt and quick action.

I would like to receive suggestions as to two Congressmen we may contact, one a Republican and one a Democrat, in order that the same may be briefed with material to use on the over-all Vietnam situation and the communist influence in it. Much of the material that we would furnish to the Congressmen would be included in the memorandum that I have mentioned above that we are preparing for the President for the use of the Administration speakers throughout the country.

The President, as I indicated, informed me he was leaving for the ranch although he did not say when, but as I stated, I assume it will be tomorrow or possibly Saturday. He indicated that immediately upon his return from the ranch, he wanted to set up a regular schedule for having luncheon with me weekly so we can discuss various matters particularly pertinent in the areas in this country over which we have primary jurisdiction and also some of the foreign intelligence areas in which we do not have jurisdictional operations but in which we obtain excellent information from our liaison representatives abroad.

Very truly yours,

J. Edgar Hoover

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1 - Belmont
1 - Mohr
1 - DeLoach
1 - Sullivan

April 23, 1965

BY LIAISON

1 - Liaison
1 - Baumgardner
1 - Shaw
1 - Kleinkauf

Honorable McGeorge Bundy
Special Assistant to the President for
National Security Affairs
The White House
Washington, D. C.

ODEMONSTRATIONS PROTESTING
U.S. INTERVENTION IN VIETNAM

Dear Mr. Bundy:

In accordance with your request of Assistant Director C. D. DeLoach of this Bureau on April 27, 1965, there is enclosed a memorandum setting forth information concerning criticism leveled against the United States Government's policies in Vietnam by the Communist Party, USA.

Sincerely yours,

APR 28 5 48 PM '65
REC'D-READING ROOM
FBI

Enclosure

105-133315

1 - 100-3-31 (Communist Party, USA, International Relations)

JHK:slj:pdb
(11)

NOTE: See cover memorandum F. J. Baumgardner to W. C. Sullivan, dated 4-23-65, captioned "Communist Activities Relative to United States Policy on Vietnam, prepared by JHK:pdb.

REC 44

105-133315

ENCLOSURE

MAY 17 1965

April 28, 1965

1 - Mr. Belmont
1 - Mr. Mohr
1 - Mr. DeLoach
1 - Mr. Sullivan
1 - Liaison
1 - Mr. Baumgardner
1 - Mr. Shaw
1 - Mr. Kleinkauf

COMMUNIST ACTIVITIES RELATIVE TO
UNITED STATES POLICY ON VIETNAM

NOTE:

See cover memorandum F. J. Baumgardner to W. C. Sullivan, dated 4/28/65, captioned "Communist Activities Relative to United States Policy on Vietnam," prepared by JHK:pdb.

Original sent to the Honorable McGeorge Bundy, Special Assistant to the President for National Security Affairs, by cover letter dated April 28, 1965.

JHK:CDB:pah
(12)

Wed.

NW-54933 DocId:32989719 Page 234

COMMUNIST ACTIVITIES RELATIVE TO UNITED STATES POLICY ON VIETNAM

For years communist forces have been waging a relentless propaganda campaign in this country attacking United States foreign policy on Vietnam. That campaign has constituted a crescendo of criticism aimed at negating every effort of the United States to prevent Vietnam from being engulfed by communist aggressors. Featuring repeated demands that this country recall all military personnel and equipment from Vietnam, the campaign seeks to pave the way for that engulfment. Depicting the United States as an aggressor in the internal affairs of other nations and accusing this country of suppressing democracy while charting a course of colonialism in Vietnam, the communists have met with some success in distorting the real issues involved. The intensity of the campaign has mounted coincidental with the tightening of tension in Vietnam and may be expected to mount still further in line with the unalterable determination of the communists to achieve their ends. Most of the individuals who have demonstrated against the Government's policy in Vietnam are not members of the Communist Party or communist-controlled organizations. The decisions of these people to demonstrate were not initiated or subsequently controlled by communists. However, the Communist Party, USA, in line with its anti-American Vietnam policy has vigorously supported these groups and exerted influence through propaganda and by having its members participate in the demonstrations. The following information is set forth to reveal many of the facets of this campaign of the Communist Party, USA.

COMMUNIST PARTY, USA

Long critical of United States policy in Vietnam, the Party stepped up its campaign in September, 1963, when Party leaders issued instructions that its membership must become more active in the campaign to get the United States out of Vietnam. These instructions were followed by a series of directives to Party districts outlining activities to be conducted to achieve communist objectives. For example, Party districts were told in March, 1964, that the Vietnam situation was to be dealt with constantly and that letters and telegrams should be sent to President Johnson urging immediate withdrawal of United States forces in Vietnam.

"Dirty Aggression"

The incident which moved the communist campaign into high gear was the action which took place in the Gulf of Tonkin in early August, 1964. The Communist Party, USA, quickly came to the support of Communist North Vietnam and characteristically

criticized United States foreign policy when United States aircraft attacked selected targets in North Vietnam following torpedo-boat attacks against American destroyers in the Gulf of Tonkin. Speaking at a meeting of the Party's Southern California District on August 7, 1964, District Chairman Dorothy Healey called this action against North Vietnam "dirty aggression." On the same date that Healey was speaking in California, Communist Party, USA, national headquarters was issuing a press release in New York in which it condemned the "retaliatory strike" against North Vietnam and charged that United States warplanes had brought death to innocent people. The Party also claimed that this action was an expansion of the war in the direction of the policy of brinkmanship. The release called for all people "to speak out for peace" through petitions, letters and telegrams to be sent to President Johnson, Senators and Congressmen urging negotiation and the settlement of all the issues through the existing machinery of the 14-power Geneva conference and the good offices of the United Nations.

A Negotiated Settlement

By letter dated August 19, 1964, and addressed to all districts, the Communist Party, USA, National Organization Department referred to the Party's press release condemning "military aggression" by the United States against North Vietnam. The letter stated that it was obvious that the danger of expansion of the war in Southeast Asia remained high and that this and similar foreign policy issues would be prominent in the election campaign. Party members were urged, because of the role of United States imperialism in Southeast Asia, to use even greater initiative to stimulate pressure for a negotiated settlement and the convening of a 14-nation conference concerning Vietnam.

Remove United States Forces

In late August, 1964, Herbert Kransdorf, then District Organizer for the Party's Western Pennsylvania District, maintained at a Party meeting in Pittsburgh, Pennsylvania, that the Government in South Vietnam would dissolve if it were not for American guns and money to maintain the war. Kransdorf said that the situation in the Congo was similar to that in Vietnam in that the

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United States commenced with military advisors and now has soldiers and planes involved in the war. On September 29, 1964, Communist Party, USA, Vice Chairman Henry Winston told the Greater Los Angeles Press Club that the United States military forces should be removed from Vietnam.

End War in Vietnam!

At the enlarged meeting of the Communist Party, USA, National Board in November, 1964, Communist Party, USA, Legislative Director Arnold Johnson reported on Vietnam. He urged the Communist Party, USA, to utilize the many organizations and "groupings" which, he claimed, were bringing pressure on the United States Government to end the war in Vietnam. Johnson proposed that the Party strive for a conference in Washington, D. C., which would represent the totality of American opinion on Vietnam and would attempt to bring about a change in United States policy in Vietnam. In this connection, Johnson suggested that the Party prepare, by the end of November, 1964, a definitive document on Vietnam and distribute 50,000 copies of this document. Such a document was prepared and distributed to Party districts with instructions that it be given wide circulation.

Demand for Peace

During a meeting of leading Communist Party, USA, functionaries in late November, 1964, Johnson again stressed the need for the Communist Party, USA, to fight against extension of the war in Vietnam. He stated that the Communist Party, USA, could do this with the forces striking for peace. He suggested that a memorandum on the Party's position be sent to all districts. The key point in the memorandum would be the demand for peace and an end to the war in Vietnam. Johnson also suggested a petition and postcard campaign against the war in Vietnam.

"Key Test"

Following through on Johnson's suggestions, the Communist Party, USA, National Organization Department sent an avalanche of instructions to all Party districts for activities designed to achieve communist objectives in South Vietnam. In late November, 1964, Party districts were told that a demand for peace was a key point in the election mandate and any implementation of that demand calls for an end to the war in South Vietnam. Communist Party, USA, district leaders were instructed to organize activities in the

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trade-union movement, in youth organizations and in religious organizations until peace is achieved. The Party directive pointed out that at this time of year church and other organizations raise the question of Peace on Earth, but the "key test" is what they say on Vietnam.

"Peace on Earth"

The National Organization Department issued another directive in early December, 1964, in which the comrades were urged to pay special attention to the full use of the "Peace on Earth" expression of the people during the month of December. Party districts were requested to advise Communist Party, USA, national headquarters what was being planned and what was being done by labor, youth, women, church organizations and "professional peace organizations" in their areas to make the greatest use of those days when the world is calling for "Peace on Earth."

Appeal to America's Conscience

In still another directive issued in December, 1964, the National Organization Department warned all Party districts that every passing event makes it more urgent that all sections of the population speak out "to end the war in South Vietnam." Party districts were urged to make special efforts for mass activities and expressions of peace during the weekend of December 19 and 20, 1964. This Party directive called attention to an enclosed leaflet which urged the reader to "join in an appeal to the conscience of America to end the war in Vietnam."

Wires to the White House

On February 7, 1965, leaders of the Illinois Communist Party met in a closed door conference in Chicago, Illinois. The proceedings were interrupted by news that American planes had launched a "sneak attack" upon military installations in North Vietnam. Blank telegram forms were immediately obtained and each comrade was ordered to write and sign an individual wire condemning the American air strikes. These wires were then sent to President Johnson at the White House.

Reaction of Party Leaders

The reaction of Communist Party leaders on February 7, 1965, was predictable. Within minutes after the announcement of the American air strikes, the Party's Public Relations Director, Arnold Johnson, issued a press release condemning the air strikes

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as "an act of brutal aggression which horrifies the world." Johnson urged the American people to speak out in condemnation of United States imperialism and to demand the withdrawal of all GIs from South Vietnam.

Support for Demonstrations

Also in February, 1965, Party districts were instructed to take immediate steps to cooperate with all national peace organizations in regard to activities involving picket lines, peace walks, student assemblies, delegations to the Nation's Capitol and a-circulation of protest statements on Vietnam made by trade-union leaders. In this same vein, the Party in a March, 1965, directive, called for widespread support of a Student March on Washington when an announcement was made that such was to take place the following month.

Party Speakers Active

Both Communist Party leaders and the rank-and-file members have participated in demonstrations or other activities to carry out the Communist Party directives. Claude Lightfoot, a member of the Communist Party, USA, National Committee, held a press conference in New York City on February 12, 1965. Lightfoot, who had recently returned from a trip to Asia, Africa and Europe, stated that everywhere he went the people, who had previously thought America was on the side of the oppressed people, now thought that America's policy had changed to where America was backing oppressive regimes such as in South Vietnam.

"War of Depopulation"

On March 26, 1965, Communist Party leader Gus Hall addressed an audience of 800 on the occasion of the forty-first anniversary of "The Worker," an east coast communist newspaper, which was held at Town Hall, 123 West 43rd Street, New York City. During his address, Hall remarked that United States "imperialism" stands naked and convicted as the invader, the aggressor and the murderer of the people of Vietnam. Hall bravely stated that, although President Johnson's press secretary denied that the President had knowledge of the use of poison gas, it was being used when the President visited Vietnam some years ago. In his concluding remarks, Hall declared that the responsibility for the policy in Vietnam must rest on President Johnson, since the United States is conducting an unprecedented war of depopulation.

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On the Campus

Herbert Aptheker, another Communist Party, USA, National Committee member, has severely criticized this Government's policy regarding Vietnam. During a demonstration at the University of California, Berkeley, California, Aptheker encouraged the students to demonstrate and stated that the war in Vietnam is the direct result of United States intervention and was the United States' fault. On March 28, 1965, before a group of approximately 200 persons in New York City, Aptheker encouraged them to write the President and their Senators expressing their indignation at United States policy and asking that the United States withdraw from Vietnam. He attacked United States Vietnam policy by stating that this Government was using the war as a testing ground for new weapons; was exploiting the Vietnamese people and Vietnam's resources; and was continuing the war to further its own imperialist desires. Aptheker again spoke at a "teach-in" which was held at City College of New York, New York City, on April 13 and 14, 1965, to debate the cause of action in Vietnam. Before a crowd which varied from 400 to 600, he severely criticized the United States position. He received a standing ovation from the crowd.

March on Washington

The planned Student March on Washington was held on April 17, 1965, and represents the largest single demonstration held to date to protest United States action in Vietnam, with an estimated 15,000 participants. While the March was not communist initiated, dominated or controlled, Communist Party members from throughout the nation participated in this demonstration. Included among the participants were Arnold Johnson, Communist Party, USA, Public Relations Director, and Michael Magarell, National Youth Director, Communist Party, USA. George Meyers, a member of the National Executive Committee of the Communist Party, USA, distributed copies of "The Worker" during the March. At a Communist Party National Committee meeting held April 23 through April 25, 1965, Gus Hall, General Secretary of the Communist Party, USA, reported that the Communist Party and individual communists participated in the March on Washington and described the March as an "unforgettable event." Magarell stated at this meeting that "we" played a decisive role in the March and Arnold Johnson reported that "our" people were there from all over the country.

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"Vigil" at LBJ Ranch

In conjunction with the Student March on Washington, an "Easter Vigil" was organized to be held at the LBJ Ranch in Johnson City, Texas, over Easter weekend. At a Communist Party meeting in San Antonio, Texas, prior to the vigil, a local Communist Party leader emphasized the importance of this action and urged Communist Party members in attendance to get people to join the vigil. Approximately 45 individuals participated in this vigil, which took place on April 17 through 18, 1965. Included among the participants were individuals who have been identified as past or present members of the Communist Party.

Role of the Party Press

Distribution of "The Worker" during the March on Washington illustrates to a degree the extensive use the Party has made of its propaganda media in the elaborate campaign against United States policy in Vietnam. The extremely active role the Party has played in the campaign — is evidenced by the great amount of space all Party publications, such as "The Worker," have devoted to the various protest demonstrations critical of this Nation's policy on the Vietnam situation. For months, articles have appeared in virtually every issue of "The Worker" attacking United States policy, focusing attention on demonstrations related to protests against that policy and featuring press releases of the Party demanding an end to "the policy of brinkmanship."

Youth Group Activity

The W. E. B. DuBois Clubs of America, a Marxist-oriented youth organization which was formed in June, 1964, as a result of a mandate by the Communist Party, USA, has followed the Communist Party line calling for withdrawal of United States troops from Vietnam since its inception. Local chapters of this organization have participated in demonstrations protesting United States action in Vietnam in major cities throughout the United States. In March, 1965, a directive captioned "Emergency Memo on Viet Nam Crisis" was issued by the National Office of the DuBois Clubs which emphasized the opportunity presented by the current Vietnam crisis to mobilize massive support and urged all DuBois Clubs chapters, members and friends to join with other groups and individuals in a stepped-up campaign to end the war in Vietnam.

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Planning for the Future

As recently as the week of April 23, 1965, Party leaders called the war in Vietnam one of "U. S. imperialist aggression" and called on each Party district to engage in united front tactics with "left" political action groups in an effort to end the war. Pleased with the reaction from the March on Washington on April 17, 1965, protesting the war in Vietnam, the Communist Party, USA, wants another such demonstration, possibly around Memorial Day (May 30, 1965), or by the end of the school year. They want to emphasize United States withdrawal from Vietnam either before or after negotiations. The Party would like to have a national peace strike held, either for a day or for a couple of hours, in the near future to illustrate this policy.

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Q. MEMORANDUM OF FORMER ATTORNEY GENERAL RAMSEY CLARK, DATED 9/14/67 CONCERNING INTELLIGENCE INVESTIGATION RELATING TO URBAN RIOT ACTIVITY

Office of the Attorney General
Washington, D. C.

September 14, 1967

Mr. Tolson
Mr. DeLoach
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

Tickler

MEMORANDUM FOR THE DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

Although the bulk of criminal offenses occurring in the course of recent riots have been local rather than federal in nature, the question as to whether there was an organization which (a) had made advanced plans for, and (b) was active during any of the riots in the summer of 1967 is one that cannot always be readily resolved by local authorities. In view of the seriousness of the riot activity across the country, it is most important that you use the maximum available resources, investigative and intelligence, to collect and report all facts bearing upon the question as to whether there has been or is a scheme or conspiracy by any group of whatever size, effectiveness or affiliation, to plan, promote or aggravate riot activity.

In this connection the following federal statutes could be applicable depending, of course, upon the factual situation that develops:

1) Title 18, USC, Section 2383, which proscribes the inciting or engaging in any rebellion or insurrection against the authority of the United States.

2) Title 18, USC, Section 2384, which proscribes conspiring to overthrow or to destroy by force the Government of the United States or to oppose by force the authority thereof or by force to prevent, hinder or delay the execution of any law of the United States.

3) Title 18, USC, Section 2385, which proscribes, inter alia, advocacy of overthrowing the Government of the United States or the Government of any state, territory, District or possession thereof, or the Government of any political subdivision therein by force or violence.

4) Activities Affecting Armed Forces, 18 USC 2388

5) Selective Service, 50 USC (App.) 462

6) Travel and Interstate Transportation,
18 USC 1952 (Arson)
18 USC 831-33 (Explosive)

7) Assault and Killing of Federal Officers and Employees, 18 USC 111, 114 and 2231

8) Destruction of Government Property, 18 USC 1361 et al

9) Federal Firearms Act, 15 USC 901-909

10) Crimes on Federal Reservations, 18 USC 13, 81 et al.

I appreciate that the Bureau has constantly been alert to this problem and is currently submitting intelligence reports to us about riots and about the activity of certain groups and individuals before, during and after a riot. Indeed, the President has said both publicly and privately that the FBI is conducting extensive and comprehensive investigations of these matters.

There persists, however, a widespread belief that there is more organized activity in the riots than we presently know about. We must recognize, I believe, that this is a relatively new area of investigation and intelligence reporting for the FBI and the Department of Justice. We have not heretofore had to deal with the possibility of an organized pattern of violence, constituting a violation of federal law, by a group of persons who make the urban ghetto their base of operation and whose activities may not have been regularly monitored by existing intelligence sources.

In these circumstances, we must be certain that every attempt is being made to get all information bearing upon these problems; to take every step possible

to determine whether the rioting is pre-planned or organized; and, if so, to determine the identity of the people and interests involved; and to deter this activity by prompt and vigorous legal action.

As a part of the broad investigation which must necessarily be conducted, it is requested that all available information be reported and analyzed regarding each sniper caught in any riot or extremist activity and regarding those arrested during the course of a riot or significant racial disturbances who were not residents of the general area. Moreover, sources or informants in black nationalist organizations, SNCC and other less publicized groups should be developed and expanded to determine the size and purpose of these groups and their relationship to other groups, and also to determine the whereabouts of persons who might be involved in instigating riot activity in violation of federal law. Further, we need to investigate fully allegations of conspiratorial activity that come to our attention from outside sources such as those reported regarding Newark in Life Magazine for July 28, 1967, and those regarding the Detroit riot which were furnished to the Department by Walter Sheridan of the National Broadcasting Company (summary of latter is attached).

Ramsey Clark

RAMSEY CLARK
Attorney General

R. DEPARTMENTAL MEMORANDUM, DATED 2/18/69, CONTAINING INSTRUCTIONS FOR THE CONDUCT OF INTELLIGENCE INVESTIGATION CONCERNING CAMPUS DISORDERS

Form DJ-15
(Ed. 4-40)

UNITED STATES GOVERNMENT DEPARTMENT OF JUSTICE

Memorandum

TO : Director
Federal Bureau of Investigation

DATE: February 18, 1969

FROM : J. Walter Yeagley
Assistant Attorney General
Internal Security Division

SUBJECT: Illegal and/or Violent Campus Disorders
Students for a Democratic Society
Seditious Conspiracy; Smith Act; Inciting to Riot:

In an attempt to determine whether there is any underlying subversive group giving illegal directions or guidance to the numerous campus disorders throughout the country, it is requested that you endeavor to obtain information regarding the following:

Individuals who have been active in inciting campus disorders who are not students at the college or university involved, particularly those whose activities resulted in violence or the violation of laws or in arrests. It is requested that inquiries at the colleges be made of college officials only.

Individuals who have traveled to other schools to participate in student disorders. It is requested that such information be solicited only from college officials and from Bureau and Police Department records and sources.

Plans, programs and tactics not previously reported, for the conduct of violent or illegal campus disorders. It is requested that such information be solicited only from Bureau and Police Department informants and sources. College officials might be asked if they have seen any printed material concerning such activities.

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Information showing a movement of information, reports or directives between organizations, or branches of the same organization, at various campuses where violent or illegal disorders have taken place. It is requested that such information be obtained from Bureau and Police Department informants and sources. College officials might be asked if they have seen any such printed material.

Information as to the source of funds for bail or payment of fines where any large number of demonstrators have been arrested. It is requested that such information be sought only from bank officials, court officials or from Bureau sources.

Information not previously reported indicating a movement of funds between organizations from one campus area to another to support or maintain sit-ins where college buildings have been taken over or occupied without authority. It is requested that such information be obtained from Bureau and Police Department informants and sources only.

Individuals identified by fingerprints or otherwise who have been arrested at demonstrations at more than one campus. It is requested that such information be obtained from Bureau or Police Department records only.

It is appreciated that a great deal of information has already been furnished regarding campus demonstrations. The foregoing is only submitted as suggested areas of particular interest for future investigative efforts.

S. EXCERPTS FROM TESTIMONY; FORMER DIRECTOR HOOVER;

1) EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILL, 1940

2) JUSTICE DEPARTMENT APPROPRIATIONS BILL, 1941

3) FIRST DEFICIENCY APPROPRIATION BILL, 1941

4) SUPPLEMENTAL NATIONAL DEFENSE APPROPRIATIONS BILL, 1941

5) 1951 APPROPRIATIONS ESTIMATES FOR THE FEDERAL BUREAU OF INVESTIGATION

6) FEDERAL BUREAU OF INVESTIGATION APPROPRIATIONS, 1973

THURSDAY, NOVEMBER 30, 1939.

DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

STATEMENT OF J. EDGAR HOOVER, DIRECTOR

The regular appropriation for this year is $7,300,000, and if the supplemental estimate of $1,475,000 is granted the total appropriation for this fiscal year will be $8,775,000.

Before I take up the individual items, the phraseology submitted for this item by the Bureau of the Budget reads as follows:

Salaries and expenses, detection and prosecution of crimes: For an additional amount for salaries and expenses, Federal Bureau of Investigation, fiscal year 1940, including the same objects and under the same conditions specified under this head in the Department of Justice Appropriation Act, 1940; $1,475,000, of which amount not to exceed $100,000 may be expended for personal services in the District of Columbia; $75,000 for the purchase and exchange of motor-propelled passenger-carrying vehicles; and $100,000 to meet unforeseen emergencies of a confidential character (5 U. S. C. 340; 53 Stat. 897, 898), $1,475,000.

You will notice that this phraseology contains three limitations. First, for personal services at the seat of government an increase of $100,000 is allowed.

Our present appropriation allows an amount of $1,872,480 available for personal services at the seat of government, and this proposed supplemental appropriation will increase that amount to $1,972,480.

The proposed phraseology in this supplemental estimate allows an amount of $75,000 for the purchase and exchange of motor-propelled passenger-carrying vehicles. The original appropriation for the fiscal year permits the purchase of such vehicles in the amount of $50,000. If the supplemental appropriation for this item is allowed, the limitation for the purchase and exchange of automobiles for the present fiscal year will total $125,000.

The supplemental estimate phraseology also includes an estimate of $100,000 for the confidential fund, in addition to the amount allowed for 1940 of $20,000, making a total amount of $120,000 available for the confidential fund.

At the present time there are 44 agents and 1,014 clerks assigned to duties at the seat of government. The supplemental estimate provides for an additional $100,000 which would allow us to increase the staff at the seat of government by 5 agents and 83 clerks, making a total personnel at the seat of government of 49 agents and 1,097 clerks.

The additional personnel requested would be divided as follows:

One Assistant Director, CAF 14, $6,500; 4 supervisors, CAF 11, at $3,800 each; 8 stenographers, CAF 4, at $1,800 each, and 75 clerks, CAF 2, at $1,440 each.

NUMBER AND SOURCE OF COMPLAINTS OF ESPIONAGE, SABOTAGE, ETC., RECEIVED BY FEDERAL BUREAU OF INVESTIGATION

As a justification for this increase I would like to point out that in the fiscal year 1938 we received 250 complaints, involving matters pertaining to the national defense which includes violations of the espionage, sabotage, and related national defense statutes.

Mr. CANNON. These came from private individuals?

Mr. HOOVER. These complaints were received not only from private individuals but also from local law enforcement agencies. During the fiscal year 1939 which ended June 30, 1939, we received a total of 1,651 such complaints.

Mr. SNYDER. From Washington, D. C.?

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Mr. HOOVER. From the entire country. At the present time we are receiving 214 complaints necessitating investigative attention daily. If that average continues we will receive a total of approximately 78,000 complaints for the year. This comparison is indicative of the increase in the volume of this work. If conditions become more acute abroad, such complaints will increase materially.

Mr. LAMBERTSON. They are going over the heads of the local police officers?

Mr. HOOVER. That is impossible to determine without first investigating the complaints received. I do know that the complaints received by the F. B. I. refer to violations of the Federal statutes and not to violations of local statutes.

Mr. LUDLOW. About what percentage are you able to dispose of as being preposterous on their face?

Mr. HOOVER. Not any of these 214 are of that character. Because of the source, many complaints, can be disposed of without making any extensive investigation.

Mr. LUDLOW. What is your experience as to the percentage of the complaints that have not any substance?

Mr. HOOVER. A comparatively small percentage of them. For instance we recently received complaints of sabotage against certain large liners. Several such complaints have been given to us in reference to those ships. They came from sources considered reliable. Steps had to be taken promptly to make certain that proper protection is accorded to them.

Mr. LUDLOW. You cannot take any chances?

Mr. HOOVER. No; we cannot. This is also true with reference to the protection of our national defenses.

There has been an increase in such complaints from 250 in the fiscal year 1938 to 1,651 in the fiscal year 1939, and for the present year, the total number will be about 78,000.

PURPOSE AND WORK OF GENERAL INTELLIGENCE DIVISION

In September of 1939 we found it necessary to organize a General Intelligence Division in Washington. The establishment of this division was made necessary by the President's proclamation directing that all complaints of violations of the national defense statutes and proclamations be reported to the Federal Bureau of Investigation. This division now has compiled extensive indices of individuals, groups, and organizations engaged in these subversive activities, in espionage activities, or any activities that are possibly detrimental to the internal security of the United States.

The indexes have been arranged not only alphabetically but also geographically, so that at any time, should we enter into the conflict abroad, we would be able to go into any of these communities and identify individuals or groups who might be a source of grave danger to the security of this country. Their backgrounds and activities are known to the Bureau. These indexes will be extremely important and valuable in grave emergency.

As a result of the present difficulty abroad the mail at the seat of Government has increased tremendously. About 10,000 communications are being received each month from persons and organizations offering their services or seeking positions, as well as the many com-

plaints of violations of the national-defense statutes. This correspondence in the majority of instances must be answered.

It has been necessary to establish a translation section within the General Intelligence Division whose function it is to review various foreign-language material received and secured by the Bureau.

A code section also has been established within the General Intelligence Division for the purpose of decoding any messages which we are able to intercept or obtain.

Since September of this year it has been necessary to maintain a 24-hour-a-day shift at the seat of Government.

PLANT PROTECTION PROGRAM OF F. B. I.

Another phase of the general intelligence work which will place an additional burden on our force, is that of plant protection. Under arrangements between Government departments, the Military Intelligence and Naval Intelligence have turned over to the Federal Bureau of Investigation the handling of all plant protection measures, in addition to the investigation of espionage and other activities.

Many factories in this country are manufacturing products for the Army and the Navy under Government contract. The War and Navy Departments have compiled a priority list of 430 plants which they have requested the F. B. I. to consider immediately for the purpose of determining whether the proper plant protection facilities are available.

There are 12,000 additional plants that would come under the plant-protection program in the event of war between this country and a foreign country.

Mr. LUDLOW. Plants in the first group are already producing, are they not?

Mr. HOOVER. Yes; they are already producing, both for the Army and the Navy. In many instances it has been found that adequate plant-protection measures have not been taken heretofore in these plants.

To cite one instance, in one of the great airplane factories on the west coast, a very important plant, plans for one of the Army bombers were stolen. We were successful in locating the man who stole them and in having the plans returned.

The procedure under which those plans were given out each day was indicative of the lack of a proper protection program in that factory. In the morning the draftsmen would secure plans from the foreman. No inquiry was made as to their issuance and no record was kept of the plans given out. There were no checks as to who had the plans or where they were. That is one step we have taken for plant protection. We have taken steps to have that sort of thing corrected.

Under our plant-protection program we have included the securing of proper fire-fighting equipment, as well as an efficient and adequate guard service.

It is not the intention of the Government to police any of these factories.

We have had our agents in the field divisions call in for conference, the heads of the corporations listed on the priority list, and we have outlined to them the things they should do to insure protection for

the production of their particular articles or products that they are manufacturing under Army and Navy contracts.

Mr. CANNON. Your service has been limited to casual conferences?

Mr. HOOVER. Yes; but ultimately it will be a matter of inspection. Our function will be to survey the plant to see that the necessary protective steps have been taken, or to see that the plant does install necessary provisions to protect the plant against sabotage or destruction.

Mr. LUDLOW. Do you get cooperation from the factories themselves?

Mr. HOOVER. Yes; we have been getting excellent cooperation from many of the factories in the country. They welcome the suggestions they have received from us.

We have compiled a manual of plant protection, the first manual of its kind ever prepared in this country. We sought the advice of the Bureau of Standards and Army and Navy officials in the preparation of this manual, so that we may in turn be thoroughly equipped to follow this program through with a minimum delay and maximum service.

Mr. LAMBERTSON. I thought these plants all had efficiency people, or had a hook-up with a national bureau whose representatives visited them frequently and told them how to do those things.

Mr. HOOVER. Only to a certain degree, in connection with the matter of fire protection, but not against sabotage or destruction.

I have been very much surprised at the absolute lack of protective measures in many of our great industrial plants. Some of the great plants in the country have utilized practically no measures against sabotage or destruction of property.

Mr. LUDLOW. Do they not carry any insurance?

Mr. HOOVER. They do not carry insurance against sabotage; they do carry insurance against fire. The underwriters give them certain advice along that line. We have found in many of these plants fire barrels that have not been filled for months, and in some instances, in the northern part of the country, where the water in these barrels has been frozen. Certain chemicals can be placed in those barrels to keep the water from freezing, and we have given them the benefit of this knowledge.

AMOUNT, SOURCE, AND USE OF FUNDS OBLIGATED FOR THESE PURPOSES TO DATE

Mr. TABER. How much of this money has already been spent?

Mr. HOOVER. I would say, Congressman, there has already been obligated $622,110.

Mr. TABER. And by what authority?

Mr. HOOVER. By authority of the President's proclamation directing the Attorney General to authorize an increase in the staff of the Federal Bureau of Investigation by 150 special agents and such additional clerical personnel and equipment as would be needed.

I have that proclamation here if you would like.

Mr. TABER. That is in the record.

Mr. HOOVER. I assumed that it was. The obligation was made after the President's proclamation was issued.

Mr. TABER. Let me ask you another question: Will any of this money be spent for any of the purposes for which funds were denied at the last session?

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Mr. HOOVER. It will not. This entire sum will be spent for intelligence work which has been initiated during this year.

Mr. WOODRUM. Of course there were certain funds that were denied last year, and none of the funds are being spent in connection with operations for which funds were denied last year.

Mr. HOOVER. No.

Mr. SNYDER. Mr. Hoover, in other words, you have just pulled some of that money out of the 12-month appropriation?

Mr. HOOVER. What has been authorized, Congressman, was that the monthly quota was waived and we were allowed to spend over the monthly quota, of course, relying on the deficit to be met by a supplemental appropriation. We have done that, of course, under the President's orders.

Mr. WOODRUM. Will these additional people be kept on through the next fiscal year?

Mr. HOOVER. If the emergency continues.

Mr. WOODRUM. If the emergency does not continue you anticipate the force will be reduced?

Mr. HOOVER. Yes. For instance, we have opened 10 new field offices to conduct this work in various parts of the country. We opened another office at Savannah, one in Baltimore, one at Albany, in manufacturing and shipping centers as well as points wherein huge naval bases are maintained.

Mr. WOODRUM. And if the emergency ceases the need for the additional force will cease?

Mr. HOOVER. Yes.

Mr. LUDLOW. In the field the agent is the unit?

Mr. HOOVER. Yes. Of course, we have the field investigators.

Mr. LUDLOW. How many agents have you, all told?

Mr. HOOVER. Under the regular appropriation 797 field agents are authorized.

Mr. LUDLOW. And how many are involved in this recommendation?

Mr. HOOVER. One hundred and fifty more.

Mr. LUDLOW. Making a total of how many?

Mr. HOOVER. There will be 947 in all.

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TESTIMONY OF THE DIRECTOR BEFORE THE HOUSE SUBCOMMITTEE ON APPROPRIATIONS REGARDING THE REGULAR 1941 AND NATIONAL DEFENSE APPROPRIATION ESTIMATES OF THE FBI

FRIDAY, JANUARY 5, 1940.

NATIONAL-DEFENSE WORK

SALARIES AND EXPENSES

Mr. McANDREWS. We will continue our consideration of the items for the Federal Bureau of Investigation this morning, and I will ask Mr. Rabaut to proceed.

Mr. RABAUT. For the fiscal year 1941 you have an estimate of $2,488,000 for salaries and expenses, detection and prosecution of crimes. I notice that there is before the deficiency subcommittee also

a supplemental estimate of $1,475,000 for the same purpose. Will you tell us about that?

Mr. HOOVER. I will submit for the information of the committee a statement showing a comparison of the amounts which have been approved by the Budget Bureau for the national-defense work for the fiscal years 1940 and 1941.

As Mr. Rabaut has indicated, we asked for an amount of $1,475,000 for the balance of the fiscal year 1940, on the basis of 8 months' operation.

For the next fiscal year we are requesting an appropriation for national-defense matters in the amount of $2,488,000.

This tabulation reflects a comparison of personal services at the seat of government and in the field, and various other expenses incident to this work.

(The statement above referred to is as follows:)

Comparison of the amounts approved by the Budget Bureau for national defense for fiscal years 1940 and 1941

	1940 supplemental estimate approved by Budget Bureau (8-month basis)	1941 estimate approved by Budget Bureau (annual basis)	1941 increase over 1940
Personal services, departmental	$96,733	$243,000	$146,267
Employees:			
Agents	(5)	(11)	(6)
Clerks	(83)	(136)	(53)
Total employees	(88)	(147)	(59)
Personal services, field	$431,600	$1,057,000	$625,400
Employees:			
Agents	(150)	(250)	(100)
Clerks	(93)	(154)	(61)
Total employees	(243)	(404)	(161)
Total personal services	$528,333	$1,300,000	$771,667
Total employees:			
Agents	(155)	(261)	(106)
Clerks	(176)	(290)	(114)
Total	(331)	(551)	(220)
Other expenses:			
Supplies and materials	185,502	310,000	124,498
Storage of vehicles	5,600	15,000	9,400
Communication services	50,000	100,000	50,000
Travel expenses	150,000	250,000	100,000
Transportation of things	10,000	10,000	0
Heat, light, and power	2,000	3,000	1,000
Rentals	80,000	120,000	40,000
Repairs and alterations	10,000	15,000	5,000
Special and miscellaneous	25,000	25,000	0
Confidential fund	100,000	100,000	0
Equipment	328,565	240,000	−88,565
Total, other expenses	946,667	1,168,000	221,333
Total, all expenses	1,475,000	2,488,000	1,013,000
Emergency fund	0	0	0
Grand total of estimates, 1940	1,475,000	2,488,000	1,013,000

There [illegible]

NUMBER OF DEPARTMENTAL AND FIELD EMPLOYEES REQUESTED IN SUPPLEMENTAL ESTIMATE FOR 1940 AND IN ESTIMATE FOR 1941

Mr. HOOVER. It will be noted that the supplemental appropriation of $1,475,000 provides for 83 additional clerks at the seat of government, and 5 agents, and 93 additional clerical employees and 150 agents in the field, making a total of 243 employees in the field, with a total of 155 agents and 176 clerks, or a total of 331 employees in both the field and at the seat of government.

For 1941 we are asking for $2,488,000, which will be divided as follows: 147 employees at the seat of government, including 11 agents and 136 clerks; 154 clerical employees in the field, and 250 agents in the field, making a total of 404 employees in the field.

I might call to the attention of the committee the origin of this type of work.

The President in September 1939 issued a formal statement, which I will be very glad to submit to the committee, directing that there be coordinated under the Federal Bureau of Investigation all the matters of investigative work relating to espionage, sabotage, and violations of the neutrality regulations, and any other subversive activities.

(The statement above referred to is as follows:)

The following formal statement was today issued by the President of the United States:

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

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

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

Mr. HOOVER. Under this authority the coordination was proceeded with, so that today the Federal Bureau of Investigation has primary jurisdiction in the investigation of the violations of these laws and regulations.

LIMITATION ON PERSONNEL, DISTRICT OF COLUMBIA

In the phraseology of the national-defense appropriation item for 1941 there is a limitation on the appropriation for the seat of government of $245,000. That is to employ additional personnel, to be divided as follows: 1 Assistant Director at $6,500; 10 special agents at $3,800; 11 stenographers, grade CAF-4, at $1,800; and 125 clerks, grade CAF-2, at $1,440, making a total increase at the seat of government of 147 employees.

LIMITATION ON PURCHASE OF AUTOMOBILES

There is also a limitation on the purchase of new cars of $75,000, providing for the purchase of 100 cars, which will be utilized by the additional personnel.

CONFIDENTIAL FUND

In that item there is also a provision for a confidential fund of $100,000, to be used for expenditures in connection with confidential matters.

GENERAL INTELLIGENCE ACTIVITIES

I would like to point out the volume of work in connection with national-defense matters, or what we call general intelligence activities.

During the fiscal year 1938 the Bureau received a total of 250 matters in that 1 year. In 1939 this had increased to 1,651 matters. For the current year we will probably have a total, at the rate at which we are now going, of 78,000 complaints under this classification. We are receiving complaints at the present time at the rate of 214 new matters a day, as compared with 250 matters for the whole year 1938.

I would also like to point out the congestion that has arisen as the result of this increase in work, showing the reason why I am asking for an additional appropriation.

The Bureau has pending on its dockets 21,916 investigative matters, of which 7,448 are unassigned, making a total of 34 percent of the matters unassigned.

STATUS OF NATIONAL DEFENSE CASES

I would also like to explain, in detail, the condition of the national-dfense work. Of the total number of matters pending, 4,511 are in connection with national-defense matters. Of that number 1,847 have not been assigned, because of lack of manpower. Because of unavoilable manpower 41 percent of the national-defense cases are unassigned at the present moment. There are 1,549 delinquent national-defense matters on our dockets today.

Now, as to the amount of work performed by the agents, the average agent in the Bureau is carrying more than 19 cases, which is an excessive number of cases for a man to handle. As I told you on Friday, the field personnel are working from 3 to 5 hours a day overtime.

Of the entire personnel of the Bureau we have 389 agents who have already been trained in the handling of this special kind of work, making a total of 43 percent of the staff qualified for this work today.

COORDINATION BETWEEN MILITARY AND NAVAL INTELLIGENCE DIVISIONS

The procedure we have followed since this work was assigned to us in September has been to bring about coordination between the Military Intelligence Division of the War Department and the Naval Intelligence Division of the Navy Department. Under the present arrangement the Federal Bureau of Investigation handles all civilian investigations arising within the United States and its territories, dealing with the various phases of the national-defense work. The Military and Naval Intelligence Divisions are confining their activities to the armed forces, and they have also called upon us at times to aid in the handling of those matters in connection with cases occurring within the military forces of the country.

Mr. RABAUT. As I understood you, you said that under your agreement with them the Military and Naval Intelligence Divisions are to confine themselves to certain activities?

Mr. HOOVER. Yes, sir.

Mr. RABAUT. Are they doing that?

Mr. HOOVER. Yes: they are doing that: they are conducting no investigations in matters other than those connected with the military forces of the country. We are handling all matters of a civilian character, but in some instances they have called upon us to aid them in connection with their work in the armed forces.

GENERAL INTELLIGENCE DIVISION

In regard to the Intelligence Division which has been set up in the Bureau, when this work was assigned to us we organized at the seat of government a unit called the General Intelligence Division, which will have supervision of espionage, sabotage, and other subversive activities, and violations of the neutrality regulations.

That division consists of an assistant director and eight supervisors.

We have also organized what is called a Translation Section, the object being to keep in touch with any subversive foreign-language communications, documents, or papers obtained by us in the course of our investigations. And we have a Code Section in that division, used for the examination and breaking down of codes and code messages which come into our possession.

We have also initiated special investigations of persons reported upon as being active in any subversive activity or in movements detrimental to the internal security. In that connection, we have a general index, arranged alphabetically and geographically, available at the Bureau, so that in the event of any greater emergency coming to our country we will be able to locate immediately these various persons who may need to be the subject of further investigation by the Federal authorities.

LOCATION OF FIELD DIVISIONS

Incidental to the extension of this work at the seat of government, we have also been compelled to enlarge the field service, and we have opened field divisions in the following cities: Albany, N. Y.; Baltimore, Md.; Grand Rapids, Mich.; Honolulu, T. H.; Juneau, Alaska; Panama, C. Z.; Phoenix, Ariz.; San Diego, Calif.; San Juan, P. R.; Savannah, Ga.

These offices have been opened primarily by reason of the increased work in connection with national-defense matters. You will notice that these offices are located either in large shipping centers or areas, or where there are large military bases.

For instance, we have never had an office in the Panama Canal Zone, and the establishment of an office there has been of great value to the Army.

There is a total now of 52 field divisions, and it is possible that we may be compelled to open additional offices during the course of the year, dependent upon the volume of work.

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PLANT PROTECTION WORK

One of the phases of the work to which we have given particular attention has been the plant-protection work. We have now assumed jurisdiction, at the request of the Army and the Navy, of plant-protection activities at all plants manufacturing any articles for the Army or the Navy.

In a time of greater emergency there will be approximately 12,000 such plants operating in this country. At the present time there are 540 such plants actively engaged in the manufacture of materials, under contract, for either the Army or the Navy.

We have compiled the first manual of its kind, known as the Plant Protection Manual, which contains suggestions as to methods to be followed in the protection of these plants, not only from the point of view of fire protection, but also in regard to the safeguarding of documents and materials in those plants so that definite precautions can be taken to avoid acts of sabotage or thefts of valuable documents at plants that are making commodities for the Army and the Navy.

Mr. RABAUT. Is that manual given to the plants?

Mr. HOOVER. No; it is a very confidential manual issued only to the special agents of the Federal Bureau of Investigation and Army and Navy intelligence officers.

The procedure we follow in connection with this work of plant protection is to call in for conference the officials of the various plants having these contracts, and outline to them the steps they should take in connection with precautions that must be exercised.

Then we will send one of our agents—and we have now a total of 350 men engaged in national defense work—into the various plants to make an inspection of physical conditions existing there, and have him report to us upon things that should or should not be done.

Then we submit to the owners of the plant recommendations for corrections that should be made. We do not furnish protection to the plant, but our position is as adviser on technical matters in connection with plant protection.

Since last September we have been able to complete 29 such inspections of plants, and 31 others are now in progress. We are doing the best we can with the limited personnel we have.

In all these instances where these conferences are held——

Mr. RABAUT. To what extent are they complying with your recommendations at these plants?

Mr. HOOVER. We have received very excellent cooperation.

COOPERATION WITH ARMY AND NAVY INTELLIGENCE SERVICES

At the seat of government the cooperation we have developed between the Army and Navy intelligence services of the Bureau has resulted in almost daily conferences among the three branches.

There has been, in my opinion, at no time as close and cordial a relationship as exists today between the Army and Navy intelligence services and our Bureau. I cannot pay too high a tribute to Col. E. R. Warner McCabe, chief of the Army Intelligence Division, and Admiral Walter S. Anderson, director of the offices of Navy In-

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telligence. They have been most cooperative and most helpful, and we have all been working as one in this undertaking.

There have been many acts of sabotage, particularly in connection with projects that have been necessary in the manufacture of articles for the rearmament program.

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TESTIMONY OF THE DIRECTOR BEFORE THE HOUSE SUBCOMMITTEE ON APPROPRIATIONS REGARDING THE 1941 DEFICIENCY AND SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $975,000

WEDNESDAY, FEBRUARY 19, 1941.

DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

STATEMENT OF J. EDGAR HOOVER, DIRECTOR

SALARIES AND EXPENSES, 1941

Mr. CANNON. We have before us an item for salaries and expenses, Federal Bureau of Investigation, as follows:

Salaries and expenses, Federal Bureau of Investigation (national defense), 1941; detection and prosecution of crimes (emergency): For an additional amount for salaries and expenses, Federal Bureau of Investigation (national defense), fiscal year 1941, including personal services in the District of Columbia and elsewhere, $975,000.

What is the occasion for that deficiency, Mr. Hoover?

Mr. HOOVER. The amount of $975,000 is requested for use for the balance of the present fiscal year. If granted, it would provide for 700 additional field special agents, 500 of whom would be used on national-defense investigations, and 200 on the investigation of violations of the Selective Service Act; 198 field stenographers, making a total of 898 field employees. It also provides 300 additional clerical employees at the seat of government.

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ployees.

ACTIVITIES OF BUREAU PRIOR TO EMERGENCY

Mr. CANNON. Prior to this emergency, what did your activities cover?

Mr. HOOVER. Prior to the emergency, our activities covered generally the investigation of violations of all Federal statutes except counterfeiting, narcotics, income tax, and postal violations. Our jurisdiction included kidnaping, extortion, bank robbery, white slavery, motor-vehicle theft, impersonation of Government officers, frauds against the Government, antitrust investigations, and so forth.

Mr. LUDLOW. Did it cover lynching?

Mr. HOOVER. No; there is no Federal statute on that. Then, as you recall, a few years ago, Congress passed a series of so-called crime bills; such as the one covering unlawful flight to escape prosecution. For instance, a felony is committed, let us say, in the State of New York. Now, if the perpetrator goes to Florida, we have jurisdiction in the matter of getting him back even though we do not prosecute him in the Federal courts.

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There is also the matter of stolen property. You may recall that within the last week there has been a series of very large jewel robberies in Miami. Now, anything in excess of $5,000 that is stolen and taken from one State to another, comes within our jurisdiction.

Mr. CANNON. There is also the fugitive law?

Mr. HOOVER. That is correct.

LEGISLATION INCREASING INVESTIGATIVE JURISDICTION OF BUREAU

I shall be very glad to incorporate in the record a list of the major crime laws passed during the last few years which cover matters investigated by the F. B. I. or which bring additional duties to us.

Mr. CANNON. If you will put such a list in the record, I think that will be sufficient.

(The list is as follows:)

LEGISLATION INCREASING INVESTIGATIVE JURISDICTION FOR FISCAL YEARS 1934 TO 1941

LEGISLATION AFFECTING FEDERAL BUREAU OF INVESTIGATION

Fiscal year 1934

Public Law No. 230, Seventy-third Congress, approved May 18, 1934: To provide punishment for killing or assaulting Federal officers.

Public Law No. 231, Seventy-third Congress, approved May 18, 1934: Making extortion of money or other thing of value by means involving interstate commerce a Federal crime.

Public Law No. 232, Seventy-third Congress, approved May 18, 1934: Amending Federal Kidnaping Act of June 22, 1932, obviated the necessity that crime be for ransom or reward.

Public Law No. 233, Seventy-third Congress, approved May 18, 1934: The Fugitive Felon Act—making it unlawful to flee from one State to another to avoid prosecution or giving testimony in certain cases.

Public Law No. 235, Seventy-third Congress, approved May 18, 1934: Bank robbery—to provide punishment for certain offenses committed against banks organized or operating under laws of the United States.

Public Law No. 234, Seventy-third Congress, approved May 18, 1934: Crimes in connection with penal and correctional institutions—making it crime for officer or employee of Federal prison to aid in any way the escape of prisoners, or to conspire to do same.

Public Law No. 246, Seventy-third Congress, approved May 22, 1934: Making it a Federal crime to transport in interstate commerce stolen property valued at $5,000 or more.

Public Law No. 376, Seventy-third Congress, approved June 18, 1934: To protect trade and commerce against interference by violence, threats, coercion, or intimidation.

Public Law No. 474, Seventy-third Congress, approved June 26, 1934: The National Firearms Act (not within the primary jurisdiction of Federal Bureau of Investigation; however, Federal Bureau of Investigation does investigate any violations uncovered in the course of other investigations).

Fiscal year 1935

None.

Fiscal year 1936

Public Law No. 215, Seventy-fourth Congress, approved July 24, 1935: To prohibit the interstate transportation of prison-made goods (except those made by Federal prisons) where such transportation would be in violation of laws of State to which they were to be shipped.

Public Law No. 233, Seventy-fourth Congress, approved August 3, 1935: To provide for the prosecution of Federal prisoners who escape while awaiting trial—making such escape a separate Federal crime.

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Public Law No. 305, Seventy-fourth Congress, approved August 23, 1935: National Bank Act (sec. 333, extending sec. 5209 Rev. Stat.) (U. S. C., title 12, sec. 592), amended original act of May 18, 1934, to cover robberies or attempted robberies of financial institutions insured by the Federal Deposit Insurance Corporation. This act increased the number of banks under Bureau's protection from 6,112 to about 17,000.

Public Law No. 424, Seventy-fourth Congress, approved January 24, 1936: Amending Kidnap Act to make it a crime to knowingly possess ransom money.

Fiscal year 1937

Public Resolution No. 1, Seventy-fifth Congress, approved January 8, 1937: To prohibit the exportation of arms and ammunition from United States to Spain during civil war.

Fiscal year 1938

Public Law No. 373, Seventy-fifth Congress, approved August 24, 1937: Bankruptcy Act—to prohibit certain agreements fixing fees or compensation on receivership, bankruptcy, or reorganization proceedings, to prohibit the appointment of certain persons as receiver or trustee.

Public Law No. 418, Seventy-fifth Congress, approved January 12, 1938: To prohibit the making of photographs, sketches, or maps of vital military and naval defense installations and equipment.

Public Law No. 437, Seventy-fifth Congress, approved February 28, 1938: Amending impersonation statute—to provide punishment for impersonation of officers and employees of Government-owned and Government-controlled corporations.

Public Law No. 465, Seventy-fifth Congress, approved April 4, 1938: Amending section 35 of Criminal Code (U. S. C., title 18, sec. 82), relating to theft of Government property.

Public Law No. 651, Seventy-fifth Congress, approved June 16, 1938: Amending National Firearms Act.

NOTE.—This act not within primary jurisdiction of Federal Bureau of Investigation; however, violations thereof are investigated when uncovered in course of Federal Bureau of Investigation, investigation of another matter which is within Bureau's primary jurisdiction.

Public Law No. 779, Seventy-fifth Congress, approved June 29, 1938: Prohibiting the interstate transportation of strikebreakers.

Public Law No. 785, Seventy-fifth Congress, approved June 30, 1938: An act regulating the commerce in firearms—cited as the Federal Firearms Act (refer to note re Public, No. 651, supra).

Fiscal year 1939

Public Law No. 76, Seventy-sixth Congress, approved May 15, 1939: Amending Extortion Act. Prior to this amendment, only messages threatening to extort valuables were penalized. This act extended scope to cover all messages transmitted by mails or in interstate commerce which contain threat to kidnap or harm person, even though no intent to extort money or other valuables is manifested.

Public Law No. 82, Seventy-sixth Congress, approved May 22, 1939: To prohibit the reproduction and misuse of official badges, identification cards, and other insignia.

Public Law No. 121, Seventy-sixth Congress, approved June 13, 1939: To provide for the confiscation of firearms in the possession of persons convicted of felony.

Fiscal year 1940

Public Law No. 252, Seventy-sixth Congress, approved August 2, 1939: The Hatch Act—to prohibit the intimidation, coercion, etc., for the purpose of interfering with another's right to vote in elections of Federal officials. Act also makes it unlawful for any person employed by Federal Government or paid from Federal funds to be a member of any political party or organization advocating the overthrow of our constitutional form of government in the United States.

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Public Law No. 255, Seventy-sixth Congress, approved August 3, 1939: Amending National Stolen Property Act—to include as a violation goods feloniously converted, and interstate transportation of forged, altered, or counterfeit securities, and tools used in counterfeiting, altering, and forging. Also includes as a violation the receiving, concealing, selling, etc., these tools. The amendment also provides penalties for conspiracies to violate this act.

Public Law No. 261, Seventy-sixth Congress, approved August 4, 1939: To provide that the statute of limitations shall not run in offenses punishable by death.

Public Law No. 270, Seventy-sixth Congress, approved August 5, 1939: To prohibit the obtaining of anything of value by fraud or false pretenses on the high seas.

Public Law No. 319, Seventy-sixth Congress, approved August 7, 1939: Amending the act requiring registration of agents of foreign principals—broadening the scope thereof.

NOTE.—President's directive of September 6, 1939, directed all local law-enforcement officials to cooperate with Federal Bureau of Investigation and made public announcement that Federal Bureau of Investigation was to head investigations of espionage, sabotage, and related matters is quoted below:

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

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

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

Public Resolution No. 54, Seventy-sixth Congress, approved November 4, 1939: Neutrality Act of 1939.

Public Law No. 401, Seventy-sixth Congress, approved January 13, 1940: To provide for the protection of witnesses appearing before any department, independent establishment, or other agency of the United States, or the Congress of the United States. Act penalizes attempts to influence, intimidate, or impede such witnesses.

Public Law No. 443, Seventy-sixth Congress, approved March 28, 1940: Amending Espionage Act of June 15, 1917—to increase penalties for peacetime violation thereof.

Public Law No. 491, Seventy-sixth Congress, approved April 30, 1940: Amending section 35B of the United States Criminal Code to prohibit purchase or receipt in pledge of clothing and other supplies issued to veterans maintained in Veterans' Administration facilities.

Public Law No. 548, Seventy-sixth Congress, approved June 6, 1940: Crimes on Federal reservations—amending section 289 of the Criminal Code—to bring up to date (February 1, 1940) the section of code providing that acts not specifically punishable by act of Congress, committed on Federal reservations, may be punished under law of State wherein reservation is located, if such act is criminal in that State.

Public Law No. 575, Seventy-sixth Congress, approved June 8, 1940: To make it a crime to wreck or attempt to wreck a train engaged in interstate commerce.

Public Law No. 598, Seventy-sixth Congress, approved June 11, 1940: To amend the Criminal Code so as to confer concurrent jurisdiction on courts of the United States over crimes committed on certain Federal reservations.

Public Law No. 663, Seventy-sixth Congress, approved June 25, 1940: For the protection against unlawful use of the badge, medal, emblem, or other insignia of veterans' organizations incorporated by act of Congress, and providing penalties for the violation thereof.

Public Law No. 669, Seventy-sixth Congress, approved June 28, 1940: Amending Bankruptcy Act of 1898.

Public Law No. 670, Seventy-sixth Congress, approved June 28, 1940: Alien Registration Act (Smith Act) which prohibits certain subversive activities; amends certain provisions of law with respect to the admission and deportation of aliens, and required the fingerprinting and registration of aliens.

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Public Law No. 685, Seventy-sixth Congress, approved June 29, 1940: Amending Bank Robbery Act—to prohibit the receipt, possession, or disposition of money or property feloniously taken from a bank organized or operating under the laws of the United States or any member of the Federal Reserve System.

Fiscal year 1941

Public Resolution No. 96, Seventy-sixth Congress, approved August 27, 1940: Authorizing President to call into active duty the National Guard and other reserve components of the Regular Army. Additional fingerprints will be received by the Federal Bureau of Investigation as a result of this bill.

Public Law No. 783, Seventy-sixth Congress, approved September 16, 1940: The Selective Training and Service Act of 1940; approximately 500,000 fingerprints will be received under this bill each year for 5 years. Also increased investigative jurisdiction over violations for failure to register, conscientious objectors, induction evaders, irregularity of board members, recalcitrant industry, misrepresentation of draft information, and miscellaneous violations.

Public Law No. 809, Seventy-sixth Congress, approved October 9, 1940: Amending act providing for the safe transportation of explosives and other dangerous articles on board vessels.

Public Law No. 851, Seventy-sixth Congress, approved October 14, 1940 (not effective until October 14, 1941): Making unlawful the interstate transportation in private transactions (i. e., nongovernmental) of convict-made goods.

Public Law No. 870, Seventy-sixth Congress, approved October 17, 1940: To require the registration of certain organizations carrying on military and political activities in United States and for other purposes. Federal Bureau of Investigation assigned investigative jurisdiction over this act, which became effective on January 16, 1941.

Public Law No. 886, Seventy-sixth Congress, approved November 30, 1940: Amending Sabotage Act—to make it applicable to materials manufactured for United States national-defense program.

Mr. CANNON. Are there any other agencies of the Government covering the same work that these emergency employees are covering?

Mr. HOOVER. Before answering that question, I would like also to leave with the committee a publication which lists the statutes and proclamations and Executive orders pertaining to national defense matters.

Now, in answer to your question, the President in 1939 directed that all investigations dealing with espionage, sabotage, subversive activities, national defense activities, would be handled by the Federal Bureau of Investigation, except those arising within the Army or the Navy. Other governmental agencies are instructed under this Executive order to report to the F. B. I. any information showing any violation dealing with national defense matters.

Mr. LUDLOW. How would a state of war affect your activities, Mr. Hoover?

Mr. HOOVER. They would by necessity have to be expanded.

Mr. LUDLOW. Would it change your jurisdiction?

Mr. HOOVER. That would depend upon what laws Congress might pass.

Mr. LUDLOW. At the close of the present emergency, when peace comes, it would mean that much of this emergency work necessarily will be discontinued.

Mr. HOOVER. That is correct.

Mr. TABER. Is your set-up for the national-defense work separate from the other work?

Mr. HOOVER. It is.

Mr. TABER. It is operated as a separate division?

Mr. HOOVER. Yes.

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In the field our field officials are under instructions to utilize approximately 50 percent of the personnel on national defense work and the other 50 percent on the regular work.

Mr. TABER. But if some rush comes up, you might have to vary that?

Mr. HOOVER. That is correct?

Mr. TABER. According to the situation.

Mr. HOOVER. According to the emergency that might arise.

If the national emergency should terminate, the structure dealing with national defense can immediately be discontinued or very materially curtailed according to the wishes of Congress.

TESTIMONY OF THE DIRECTOR BEFORE THE HOUSE SUBCOMMITTEE ON APPROPRIATIONS REGARDING THE SUPPLEMENTAL 1941 ESTIMATES OF THE BUREAU IN THE AMOUNT OF $3,358,800 FOR NATIONAL DEFENSE

THURSDAY, JUNE 6, 1940.

DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

STATEMENT OF J. EDGAR HOOVER, DIRECTOR

SALARIES AND EXPENSES, 1941

Mr. WOODRUM. Now, Mr. Hoover, we have an estimate here in House Document 809 for an additional amount of $3,358,800 for the Federal Bureau of Investigation as follows:

Salaries and expenses, detection and prosecution of crimes (emergency), fiscal year 1941: For an additional amount for salaries and expenses, during the limited national emergency in the detection and prosecution of crimes against the United States, etc., including the objects and for the purposes specified under this head in the Department of Justice Appropriation Act, 1941, $3,358,800, of which amount not to exceed $382,000 may be expended for personal services in the District of Columbia and $150,000 for the purchase and exchange of motor-propelled passenger-carrying vehicles.

Tell us about this item, please.

INCREASES PROPOSED FOR PERSONNEL AT SEAT OF GOVERNMENT

Mr. HOOVER. I would like to make just a brief statement as to how the estimate is divided, and the reasons for this increase.

We propose to expend $382,000 for personnel, to be divided as follows: Twenty supervisors, at $3,800 a year, and 210 clerks. Of that number, 10 will be stenographers, at $1,800; 100 will be clerks for our clerical and file work, at $1,440, and 100 student fingerprint

classifiers at $1,440, making a total of 230 increase at the seat of Government.

I would like to outline the set-up which we have effected at the Washington headquarters in accordance with previous approval of this committee and Congress. Last fall we came before you for an emergency national defense appropriation and we requested authority to set up a separate division within the Bureau to handle national defense matters under an assistant director. For the information of the committee, I have here this morning an organizational chart of the Bureau at the seat of Government and in the field, which shows the five divisions of the Bureau.

The National Defense Division will handle and direct all investigations dealing with espionage, sabotage, national-defense matters, and violations of the neutrality statutes.

COORDINATION OF THE INTELLIGENCE AND OTHER SERVICES, WASHINGTON AND THE FIELD

In line with the President's order of last September, there has been a very close coordination of all of the intelligence services. The President, on September 6, directed the Bureau to coordinate the functions on national-defense matters in intelligence work. We have been holding weekly conferences with Military Intelligence, Naval Intelligence, and other intelligence units and today there is a close coordination between all of these services. This is a tremendous improvement, I believe, over the situation which existed at the time of the last emergency, when there were many divided investigative agencies functioning in this field.

We have also extended this coordination and cooperation into the field services. We now have 50 field divisions. The agents in charge of the field divisions hold weekly conferences with the intelligence officers of the Army and Navy, and such other governmental services as may be necessary.

In addition thereto, we have a so-called reserve, through the National Police Academy, which has been in operation for about 5 years. We have 500 police officers who are graduates of the academy. We have arranged for conferences throughout the country with police chiefs and heads of other law-enforcement agencies, in order to utilize the facilities of State and local agencies in the national-defense work. We are securing excellent cooperation from the Nation's law-enforcement officers.

As the Attorney General pointed out, we are trying to avoid the use of volunteer groups. Many very patriotically inclined individuals and groups sincerely desire to assist in investigations of this nature. It has been our feeling, however, that the work should be handled by the constituted law-enforcement authorities. This procedure has proven very satisfactory.

NEED FOR INCREASED PERSONNEL IN DEPARTMENT

In regard to the increased work at the seat of government, for which we are asking additional clerical personnel, I would like to point out the comparative statistics which show the necessity of that increase. In May 1939 we received 46,900 pieces of mail at the seat of government. In May 1940 there was an increase to 57,500 pieces—an

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increase of 20 percent. Within the last 6 weeks, there has been a 300 percent increase in offers of services to the Bureau. Individuals from various parts of the country write in and offer their services to do investigative work. Many times these are persons who possess special qualifications, such as knowledge of foreign languages. These names are all being indexed so that, if the time comes when we can use a person with special qualifications, we will be able to immediately communicate with him.

GENERAL INTELLIGENCE INDEX

There is another index I want to refer to, for the information of the committee; that is the index referred to in previous hearings as a general intelligence index. That index includes the names of persons who may become potential enemies to our internal security, such as known espionage agents, known saboteurs, leading members of the Communist Party, and the bund. This index has been compiled very carefully. We have, as I indicated, confined it solely to persons engaged in activities detrimental to the United States.

Mr. SNYDER. Have they been letting aliens come in without fingerprinting them when they get off the boat?

Mr. HOOVER. Yes; that has been the procedure.

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TESTIMONY OF THE DIRECTOR ON FEBRUARY 3 AND FEBRUARY 7, 1950, BEFORE THE SENATE SUBCOMMITTEE ON APPROPRIATIONS REGARDING THE 1951 APPROPRIATION ESTIMATES FOR THE FEDERAL BUREAU OF INVESTIGATION

DEPARTMENTS OF STATE, JUSTICE, COMMERCE, AND THE JUDICIARY APPROPRIATIONS FOR 1951

FRIDAY, FEBRUARY 3, 1950

UNITED STATES SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, D. C.

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That movement, as you gentlemen know, has changed its name many times, while its party line changes from day to day. There is, however, one fact that prevails and that is that the party line is based upon the fundamentals of Marxism-Leninism.

I would like to present to the committee at this time a chart showing the ramifications of the growth of the party in this country with its various changes of names over a period of years.

Senator McCARRAN. I note that you use the term "Marxism" and "Leninism." Leninism is a later version of Marxism, is it not?

Mr. HOOVER. They use the term "Marxism-Leninism" as their so called doctrine and philosophy. That doctrine, as their own documents set forth, advocates the violent overthrow of capitalistic governments. They state that in their documents and in their speeches. That doctrine further advocates the establishment, in place of the capitalistic governments, of the dictatorship of the proletariat by the Communists. It further states that that cannot be obtained except by force and violence.

One of the great instruments and weapons used today by all Communists throughout the world is the resort to propaganda and the resort to the boring and termite tactics. That is an entirely new technique that came into being during the last World War, as I have indicated, in the fifth-column movement. That is the type of warfare they are resorting to today to take over countries without a direct attack of arms, but rather by penetrating into governmental functions, into schools, and into churches, where they will have access to public expression and opinion.

I will deal with some of those activities in detail as I go on.

COMMUNIST FRONT ORGANIZATIONS

Senator FERGUSON. If I may interrupt, Mr. Hoover, we have in the displaced persons bill the use of the word "Communist" or "Communist Party." Is there any way you could lay down a standard by which you could tell whether a man coming from a European country was or was not a Communist within such a meaning?

Mr. HOOVER. As regards that, Senator, the only way you can determine whether an individual is or is not a Communist is through an investigation of the background of the man and his associations and contacts. The Communist-front organizations are the parrots or the "Charlie McCarthys" for the Communist Party. Those organizations can be determined by just analyzing how they follow the party line.

The particular man you refer to may not be a member of the Communist Party of America and probably would not be coming from Europe. He may not even be a member of the Communist Party of the country from which he is coming. Since the trial in New York of the 11 Communist leaders, membership cards are no longer issued, membership lists have been destroyed, and secret ways of communicating with each other have been established, so that the only way in which you could really find out a man's connections is through an investigation of him.

Senator FERGUSON. What would you say a Marxist was?

Mr. HOOVER. There may be a small group, Senator, of so-called Marxists who would term themselves "philosophical Marxists" that

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is, as adhering to the philosophy of Marx but not going as far as Lenin. I personally think that is a fallacious line of demarcation. I think they are Marxists and out-and-out Communists in the sense that you and I use the word.

Senator FERGUSON. That is my judgment—a Marxist is a Communist.

Mr. HOOVER. I believe that very definitely.

Senator MCCARRAN. Is not that largely true of Leninism?

Mr. HOOVER. Exactly. They are synonymous terms, Mr. Chairman. They call the philosophy Marxism-Leninism. That is one word, a hyphenated word.

To go further into this matter, many Americans have been lulled into a sense of complacency by the claim that there are comparatively few members of the Communist Party of the United States of America. Personally, I would have no fear if the Communists could be brought out into the open, but so long as the party is a branch of a world-wide underground movement, inspired from abroad, they cannot be dismissed lightly.

According to our best information, there is a total of 54,174 members of the Communist Party in the United States at the present time.

I have here and would like to submit to the committee a chart showing the distribution of the membership in the Communist Party by districts and by States.

SECTIONS OF UNITED STATES WHERE COMMUNIST PARTY IS STRONGEST

Mr. HOOVER. Most of the members of the Communist Party in the United States are in the concentrated sections of population of the country. For example, New York State has 25,000 members; California, 6,977; Illinois, 3,361; Pennsylvania, 2,876; Ohio, 2,834; Michigan, 1,250; Massachusetts, 1,022; Nevada, 23; Wyoming, 10; Tennessee 27; Alabama, 141; New Hampshire 43; and so on. Even though there are only 54,174 members of the party, the fact remains that the party leaders themselves boast that for every party member there are 10 others who follow the party line and who are ready, willing, and able to do the party's work. In other words, there is a potential fifth column of 540,000 people dedicated to this philosophy.

Senator SALTONSTALL. I saw a report the other day that disturbed me very much, and it seemed to me something was wrong somewhere. There are a number of people free under small bonds and sometimes without any bond who are deportable cases, that is, deportable aliens who cannot be deported because they are refused behind the iron curtain. Are they being turned loose or are you people keeping an eye on them?

DENIAL OF VISAS BY RUSSIA OF AMERICAN COMMUNISTS

Mr. HOOVER. Senator, I am very glad you mentioned that because that is merely one of our many problems. Those people are aliens who have been arrested and some of them have been proven to be deportable on the grounds that they advocate the overthrow of the Government of the United States by force and violence. The Russian Government has refused to grant them visas, and they therefore

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cannot be sent back to Russia or to one of the satellite countries from which they came.

Senator McCarran. Do you think it is a part of the plan to deny them visas?

Mr. Hoover. I am not far from having my suspicions along that line, Senator. I think it would be a very practical part of this technique to have them here.

Under the rulings of our courts, those people cannot be held in custody indefinitely. They must either be deported or released on bond. When they are released on bond, it is our function to know generally what they are doing. That merely adds to those people whose activities we should follow in this country. I think it is almost a travesty upon our democratic processes that you can have people in this country who have been found to advocate the violent overthrow of our form of government, yet you cannot deport them nor hold them at Ellis Island.

Senator Saltonstall. Why can you not hold them?

Mr. Hoover. They are released by orders of the courts.

Senator Saltonstall. I understand that.

Mr. Hoover. We do not have any law by which we can hold them. It would be necessary for Congress to pass a law along that line.

To continue, the Communist Party is not a bona fide political party. It is a highly organized, militant, and disciplined conspiratorial group following the whims and dictates of international communism. That was proven in the New York case which recently concluded with the conviction of 11 members of the executive board of the Communist Party. The Communist Party of the United States constitutes a fifth column if there ever was one.

EFFECT OF THE COMMUNIST LEADERS' TRIAL

The trial of the 11 members of the executive board of the Communist Party in New York last year took the Bureau approximately 10 years to prepare. We prepared a 1,837-page brief, with a total of 1,033 exhibits. That was presented to the grand jury and indictments were returned.

I have here a chart outlining the members who were indicted with a brief statement about the case which I would like to submit to the committee.

The trial of the Communist leaders removes any doubt in the minds of right thinking people as to where the loyalty of the Communist Party rests. It was brought out at the trial that the party is a group dedicated to the overthrow of our Government.

The Communist trial in New York has also resulted in making the work of the Bureau more difficult, and I will cite the reasons why. Before pointing out some of the problems that we have had to face, let me say that it was necessary in the trial to use seven informants of the Bureau. They appeared and testified against the defendants. We had more available if they were necessary, but the evidence was so overwhelming that it was not necessary to introduce them.

All of the informants who testified were bona fide members of the party. They had been in the party for some years. Mr. Philbrick, who was one of the principal witnesses for the Government, had been in the employ of the Bureau for some years and was literary director

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of the professional branch of the Communist Party, District No. 1, in Massachusetts. Another informant who testified in that trial, the night before had conferred with and had been in conference with high ranking members of the Communist Party and the next morning testified against them as a representative of the FBI.

DECENTRALIZATION AND UNDERGROUND ACTIVITY OF COMMUNISTS

Now, that case, as I say, has raised certain problems because with that penetration of their apparatus, the Communist leaders have become increasingly security conscious and have developed certain security measures to protect their organization.

The trend has been toward the perfection of a highly developed underground apparatus and decentralization of Communist Party operations. This decentralization has almost tripled the number of Communist Party clubs, the purpose being to do away with their congregating in such large groups. As a security measure, no Communist Party membership cards were issued in 1949. The maintenance of membership records has been discontinued. Members speak in a jargon of double talk, and use codes in correspondence. A courier system has been substituted to protect confidential party communications. Public meetings are maintained at an absolute minimum. Party records have been destroyed or removed to clandestine hiding places. Secret printing facilities and supplies have been secreted for future underground operations. Transfers of party members from one district to another are now controlled through the use of an elaborate identification system.

The party today is in the process of selecting individuals for secret leadership of its underground apparatus. To counteract the FBI's penetration of the Communist Party, its leaders have established a far-reaching and vigorous loyalty program of its own, calling for the establishment of investigating committees in each State and a thorough investigation of each member of the party as to personal history, activities, associations, contacts, and length of membership. Each member of the party is being gone over thoroughly by the various investigating committees. The executive committee, itself, which consists of 13 members, is being investigated by a subcommittee of 3 members to make certain that they are loyal. So they have a real loyalty program of their own in operation.

Now, I state these things because these steps tending toward security within the party have made more difficult the Bureau's maintenance of confidential informant coverage of the activities of the party. I do not mean to infer to the committee that we do not have good sources of information or that we do not have good representation in the party in varying positions of trust. But it is true that it is more difficult to penetrate the party today. Those in the party exercise greater caution. Investigation of party leaders requires more ingenuity. The additional budget request will materially aid us in maintaining the type of coverage necessary for the preservation of our internal security.

Senator FERGUSON. Where are they getting their money?

Mr. HOOVER. Various benefits and fund-raising drives are held from which money is obtained. Then they also receive contributions from

individuals who are either members or fellow travelers and who are individuals of wealth.

Senator FERGUSON. Are they spending a lot of money on their program?

Mr. HOOVER. They spent a large amount of money in the New York trial with regard to propaganda and legal counsel.

Senator FERGUSON. How much would you say they spent?

Mr. HOOVER. I cannot give you an offhand estimate on that.

Senator FERGUSON. Do they raise money here in Washington?

Mr. HOOVER. They raise it all over the country and right here in this city of Washington.

COMMUNIST FRONT ORGANIZATIONS

I would like now to take up the activities of certain of these front organizations. A new drive is being launched in the Communist Party circles to revive what is known as the united-front program which characterized the party's greatest growth in the middle thirties. One of the great dangers of communism is the ability of its espousers to infiltrate and corrupt various spheres of American life.

The way to evaluate the real effectiveness of the Communist Party is by observing its influence and its ability to infiltrate otherwise thoroughly American phases of life.

Combating the front organizations is more difficult today than ever before. To prove party affiliation is difficult; but their deeds and acts expose them for what they are. They cannot long survive in the spotlight of truth.

At the present time scores of known or suspected Communist Party front organizations are under investigation by the FBI. Many are organizations national in scope with chapters in various cities throughout the United States.

The Communist Party has, through its increased activities, endeavored to exploit youths, veterans, civil rights, foreign nationality, the press, radio, television, the motion-picture industry, educational, political, women, and labor groups. That statement can be corroborated by overwhelming facts which we have in our possession.

Senator HILL. Are you going to give us any illustrations of that?

Mr. HOOVER. Yes, I am.

Now, in connection with the Communist front organizations, the FBI is primarily concerned with Communist infiltration of such organizations and the manner in which Communists seek to subvert these organizations to further the Communist cause.

Experience has demonstrated that many fronts are used as a cover for espionage purposes and others as a propaganda media.

COMMUNIST INFILTRATION OF BASIC INDUSTRIES

Now, I would like to refer briefly to the infiltration by the Communists into our basic industries. The Communists have long advocated working through trade-unions as a means of accomplishing their ends. Forty-eight percent of the membership of the Communist Party is in the basic industry of this country. In this manner, they would be able to sabotage essential industry in vital defense areas in the event of a national emergency.

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Our investigations disclose that Communist activities are most pronounced in such strategic industrial areas as New York, New Jersey, Ohio, Pennsylvania, California, and Michigan.

Communist efforts toward infiltration have been intensified in basic industries vital to our security such as steel, heavy machinery, mining, communications, transportation, the electrical industry, and the maritime industry.

COMMUNIST PROPAGANDA ACTIVITIES

The Communists have developed one of the greatest propaganda machines that I think modern civilization has ever known. They capitalize upon ill-founded charges designed to enlist honest, progressive liberals to support left-wing causes.

Of the many professions, penetration of the legal profession is the most amazing. As officers of the courts, well trained and educated, lawyers have made some of the finest contributions to American life. It is regrettable, therefore, that any association of lawyers will permit itself to be used and parrot the Communist Party line.

Earl Browder, then the acting head of the Communist Party, on September 6, 1939, while testifying before a congressional committee, defined what he meant by the term "transmission belt."

He said, "Transmission belts refer entirely to the Communist approach to the problems of reaching the masses. Transmission belts mean having Communists work among the masses in the various organizations."

He later was asked about a group of organizations as to whether they were Communist transmission belts. When asked about the National Lawyers Guild, he replied, "Yes; they are one of the organizations."

During the trial of the 11 Communist leaders in New York, the bar was shocked by the actions of the defense attorneys. Some of those lawyers were members of the National Lawyers Guild.

Senator McCARRAN. Mr. Hoover, it is very evident that we cannot conclude this afternoon.

The committee will recess at this time and will reconvene next Tuesday, February 7, at 1:30 p. m.

(Whereupon, at 4:30 p. m., February 3, 1950, the committee recessed to reconvene Tuesday, February 7, 1950, at 1:30 p. m.)

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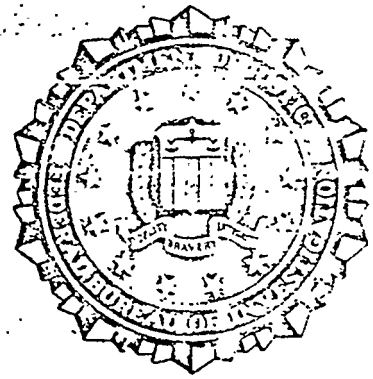
FEDERAL BUREAU OF INVESTIGATION
appropriation

1973



Testimony of John Edgar Hoover, Former Director, before the House Subcommittee on Appropriations
March 2, 1972

INTERNAL SECURITY OPERATIONS

Mr. HOOVER. The FBI's work in the internal security field continues to mount and there is every reason to expect these matters will place an increasingly heavier burden upon our investigative staff. Constituting a major responsibility of the FBI, investigations of internal security matters are conducted to develop evidence for legal proceedings as well as to enable Government officials responsible for the safety and welfare of the citizenry to take appropriate corrective or preventive action.

NEW LEFT TERRORISM

The New Left terrorism is best personified by the Weatherman group, a group which split with the Students for a Democratic Society in 1969 so that it could build itself into a small, tough, paramilitary organization to carry out guerrilla warfare in order to bring about a revolution in this country. The Weatherman, addicted to violence and hostile to our society, has from its underground perch

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claimed credit for the bombings at colleges, business establishments and Government installations, including the March 1971 bombing of the U.S. Capitol. Over 20 Weathermen are currently FBI fugitives for violations of Federal statutes or local mob action laws.

The present-day Students for a Democratic Society is dominated by the Worker Student Alliance which in turn is controlled by the communist Progressive Labor Party. The Worker Student Alliance faction is critical of bombing and violence in the belief that such tactics would impede rather than aid in the development of the revolutionary movement at this time.

The Venceremos Brigade, organized in 1969 by a coalition of New Left groups, has proclaimed its purpose is to perform manual labor in the citrus and sugar cane fields of Cuba as a contribution to Castro's economy and revolution. Since December 1969, some 1,550 young Americans, in defiance of the State Department travel ban, have journeyed to Cuba as part of the Venceremos Brigade. Another contingent, the fifth, is currently planned for March 1972.

While in Cuba, Brigade members were subjected to revolutionary speeches and were provided with hard-core revolutionary literature. Repeatedly they were told they are the vanguard of the revolution in the United States.

Although some of these college- and high school-age Americans have rejected the communist propaganda and revolutionary philosophy directed at them in Cuba, many of the returning Brigade members enthusiastically adopted the anti-United States stance promulgated in Cuba and have aligned themselves with the violence-prone Weatherman and other extremist groups.

New Left terrorists present a profound challenge to law enforcement. To their threats, their violence and their total disregard for the law, the FBI and all law enforcement officers must respond in a lawful and professional manner. Meeting the challenge will require continued vigilance to protect the lives and property of the public and continued dedication to the task of bringing these terrorists to justice.

ANTIWAR DEMONSTRATIONS

Three groups emerged during the Spring of 1971 as the main sponsors of the antiwar movement. One group, the National Peace Action Coalition, is dominated by the communist Socialist Workers Party along with its youth group, the Young Socialist Alliance. The Coalition advocates mass nonviolent protest demonstrations on the sole issue of ending the war.

The second group, the Peoples Coalition for Peace and Justice, is supported by various antiwar groups but more importantly it has the unqualified support of the Communist Party-USA. This group advocates massive demonstrations, including civil disobedience, to bring about the end of the war. Into this issue, the Peoples Coalition for Peace and Justice injects poverty, racism, repression and women's rights, among others, on the premise that the war in Vietnam had an intensifying effect on these problems.

The Vietnam Veterans Against the War, the third group, was organized in New York City in 1967 to stimulate veterans' opposition to the Vietnam conflict. The group rallied several hundred members to participate in the Spring 1971 antiwar demonstrations in Washington, D.C. With a current claimed membership of over 10,000, this group of Vietnam veterans has engaged in numerous local actions, including picketing and simulated battle scenes, to protest not only U.S. involvement in Vietnam but also conditions of racism and poverty in our country.

STUDENT AGITATION

Disruptions on the Nation's college campuses during the 1970–1971 school year took a heavy toll in lost academic time, property damage, personal injury and death. Nearly 600 demonstrations occurred, including 49 sit-ins and building seizures. The Reserve Officers Training Corps was the target of 70 attacks. There were over 30 instances of arson and there were 13 bombings. Over 150 personal injuries were sustained, approximately 104 by police and school authorities. Four individuals were killed during the disturbances and property damage was estimated at approximately $4.3 million.

The current school year, which began in the Fall of 1971, has seen a general lessening of student activism. There have been only 58 demonstrations reported on college campuses, including eight sit-ins, two bombings, and four arsons. Injuries to police and participants dropped to five. Approximately 57 arrests have been reported. Damages to college facilities amount to approximately $322,000. In general, a definite lessening in the level of student participation in demonstrations is being reported (February 23, 1972).

COMMUNIST PARTY-USA

Completely under Soviet influence, the Communist Party-USA consistently follows the lead of the Soviet Union. Party leaders constantly criticize policies of the United States while praising policies of the Soviet Union as the Party seeks to broaden conflicts within the United States in areas of racial, labor, welfare, and antiwar activities.

A major effort of the Communist Party-U S A , has been directed into the campaign to support Angela Davis, an admitted communist Party member, indicted for the crimes of murder, kidnaping and conspiracy in Marin County, Calif., arising out of the abortive escape attempt in August 1970, by Negro convicts on trial in a county courtroom. On February 23, 1972, Davis was released on bail pending trial. The Party has mobilized broad support from diverse elements in the United States and abroad through its propaganda that Davis is being prosecuted because she is a black communist. Every possible ploy is being utilized to divert attention from the criminal charges and to imply Davis is being tried solely because of her political beliefs.

Ever mindful of the communist dictum that the revolution must be led by the working class, the Party in 1970 instituted a new front group, the National Coordinating Committee for Trade Union Action and Democracy. Through this front the Party is attempting to regain lost influence in the labor movement.

The Communist Party-USA has long sought to become an effective force in the peace movement and is presently making a strong

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effort to dominate the Peoples Coalition for Peace and Justice. The Party favors a quasi-reformist rhetoric and although it is willing to work with the pacifist radicals and the revolutionary communists and anarchists in the Peoples Coalition, the Party prefers an approach which would de-emphasize the disruptive and civil disobedience tactics demanded by the more activist elements within the Peoples Coalition. This is in line with the Party's pose that it represents a reasonable alternative to the disruptiveness of the radical left.

The Party is making a concerted effort to change its public image and to gain acceptance as a legitimate political party. In the 1972 Presidential election the Communist Party-USA aims to place its general secretary, Gus Hall, on the ballot for President and Jarvis Tyner, a Party National Committee member, for Vice President. In another move intended to increase its stature, the Party again plans to issue membership books and dues stamps, practices discontinued as security measures in 1948. The most ambitious attempt to gain public favor was the November 1971 filming for television of a portion of a traditionally secret National Committee meeting.

Party leaders are still in demand as speakers and panelists at institutions of learning. A listing of appearances made during the 1970–1971 school year is as follows:

Date	School	Speaker
Sept. 24, 1970	Iona College, New Rochelle, N.Y.	Arnold Johnson.
Oct. 9, 1970	University of California, Riverside, Calif.	Michael Zagarell.
Nov. 4, 1970	University of Pittsburgh, Pittsburgh, Pa.	Charlene Mitchell.
Dec. 9, 1970	Mt. Holyoke College, South Hadley, Mass.	Claude Lightfoot.
Jan. 15, 1971	University of California, Los Angeles, Calif.	Hyman Lumer.
Jan. 27, 1971	Temple University, Philadelphia, Pa.	Henry Winston.
Jan. 29, 1971	Yale University, New Haven, Conn.	Gus Hall.
Feb. 4, 1971	University of Miami, Coral Gables, Fla.	Charlene Mitchell.
Feb. 4-5, 1971	Miami-Dade Junior College, Miami, Fla.	Do.
Feb. 10, 1971	Augsburg College, Minneapolis, Minn.	Gus Hall.
Feb. 14, 1971	Ohio University, Athens, Ohio.	Claude Lightfoot.
Feb. 15, 1971	St. Louis University, St. Louis, Mo.	Charlene Mitchell.
Feb. 16, 1971	Villanova University, Villanova, Pa.	Herbert Aptheker.
Feb. 18, 1971	University of California, Santa Barbara, Calif.	Dorothy Healey.
Feb. 25, 1971	Yale University, New Haven, Conn.	Henry Winston.
Feb. 26, 1971	Antioch College, Yellow Springs, Ohio.	Hyman Lumer.
Mar. 10, 1971	Cerritos College, Norwalk, Calif.	Michael Zagarell.
Apr. 26, 1971	St. John's University, Collegeville, Minn.	Charlene Mitchell.
Apr. 30, 1971	St. John's University, Collegeville, Minn.	Jarvis Tyner.
May 11, 1971	New Haven College, West Haven, Conn.	Victoria Missic Stevens.
May 20, 1971	Beloit College, Beloit, Wis.	Fred Gaboury.
June 1, 1971	Hotchkiss School,[1] Lakeville, Conn.	Matthew Berkelhammer.

[1] College preparatory school.

Mr. ROONEY. At the beginning of your statement you referred to Angela Davis. That is a State case, is it not?

Mr. HOOVER. Yes. We entered it to apprehend her. There was a warrant sworn out by State authorities to bring about her apprehension. She was an interstate fugitive whom we apprehended. She was then returned to California for prosecution.

PROGRESSIVE LABOR PARTY

The Progressive Labor Party is a communist organization which actively advocates the overthrow of the U.S. Government. The Progressive Labor Party controls the Worker Student Alliance, a faction

of the splinter Students for a Democratic Society. Support and guidance from the Progressive Labor Party have helped the Worker Student Alliance to develop its programs aimed at influencing students to adopt revolutionary behavior through campus chapters throughout the United States.

SOCIALIST WORKERS PARTY

The communist Socialist Workers Party, a Trotskyist organization, has been actively engaged in promoting and planning antiwar demonstrations through its front group, the National Peace Action Coalition. Also participating in this antiwar group is the Young Socialist Alliance, the youth wing of the Socialist Workers Party. The Young Socialist Alliance is extremely well organized and continues to appeal to young radicals in the United States.

It has virtually complete control over the broadly based Student Mobilization Committee to End the War in Vietnam which professes to be the largest national student antiwar group.

RACIAL EXTREMISM

The coverage of the activities of black and white racial extremists continues to place heavy demands upon the FBI.

THE BLACK PANTHER PARTY

Most prominent among the black extremist groups is the Black Panther Party. The Black Panthers call for the overthrow of our Government which the Party claims is engaged in a massive conspiracy to repress all minorities, kill all Black Panthers and practice genocide against the black race.

(Discussion off the record.)

Early in 1971, a serious split developed between Huey P. Newton, self-styled Supreme Commander of the Black Panther Party, and Eldridge Cleaver, then the Minister of Information and a fugitive currently in exile in Algeria. Warring factions loyal to each resulted. Within 2 months, one member of each faction was murdered with each faction accusing the other and threatening reprisals. The Cleaver faction is calling for constant violence and revolution now.

The larger Newton faction, in an effort to improve the Panthers' image, is calling for "survival pending the revolution" which Newton explains means working and surviving in the black community until the revolution occurs.

The Newton forces have 27 chapters operational throughout the United States with some 450 hard-core members and the support of thousands of sympathizers. The Cleaver followers number 250 plus many sympathizers with the main strength centered in New York City but with scattered points of support in other large cities.

The chief target of Black Panther violence and invectives has always been local law enforcement as epitomized by its perennial slogan "Off the Pigs," Panther jargon for "kill the cops." The Panthers maintain that the police are an extension of the "power structure" of "imperialistic" United States and since the police are readily available

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every day, they have urged their followers to attack the police at every opportunity. The effectiveness of this campaign is evidenced by the fact that since 1967 Panthers have been allegedly responsible for the killing of 12 police officers and the wounding of 71 others (February 23, 1972).

The Newton-led faction has toned down its public demands for violence and attacks upon police and has shifted its propaganda to emphasize community service in an effort to repair its image. Programs such as free breakfasts for children, health clinics, free clothing for the poor and free bus service for visitors to penal institutions are being highlighted. Panther claims to extensive accomplishments in the service to the community, however, are highly exaggerated. Much of the food contributed by local merchants actually is used to feed the adult members of the Black Panther Party. The health centers are staffed by attendants untrained for medical work and of little service. First choice of clothing is given to Black Panther Party members with the remainder being handed out in the ghetto areas to the accompaniment of much publicity.

Representatives of the Newton faction made 27 appearances at educational institutions during the calendar year 1971 as follows:

Date	School	Speaker
Jan. 21, 1971	University of Washington, Seattle, Wash	Elmer James Dixon III.
Jan. 26, 1971	Seattle Community College, Seattle, Wash	Do.
Feb. 9, 1971	Princeton University, Princeton, N.J	Huey P. Newton.
Do	Seattle Community College, Seattle, Wash	Elmer James Dixon III.
Feb. 11, 1971	Central High School, Evansville, Ind	Frank Adams, Clarence Albert, Mike Malone, John Bennett.
Do	Reitz High School, Evansville, Ind	Do.
Do	Gannon College, Erie, Pa	William Brown.
Feb. 14, 1971	Syracuse University, Syracuse, N.Y	Huey P. Newton.
Feb. 18, 1971	University of Evansville, Evansville, Ind	Rosalind Y. Frazier.
Feb. 19, 1971	Olympic Junior College, Bremerton, Wash	Elmer James Dixon III.
Feb. 24, 1971	Portland State University, Portland, Oreg	Kent Ford.
Mar. 11, 1971	Lincoln High School, Portland, Oreg	Kent Ford, Jeffery Lynn Washington.
Mar. 17, 1971	Washington State University, Pullman, Wash	Elmer James Dixon III, Michael James Dixon.
Apr. 30, 1971	Indianapolis University, Purdue Regional Campus, Fort Wayne, Ind.	Keith S. Parker, Donald H. Campbell.
May 28, 1971	Seattle University, Seattle, Wash	Elmer James Dixon III.
Sept. 17, 1971	Howard University, Washington, D.C	Windsor Williams.
Sept. 30, 1971	Washington Student Union Building, Seattle, Wash	Aaron Dixon.
Oct. 7, 1971	Harvard University, Cambridge, Mass	Eugene Jones.
Oct. 25, 1971	Oklahoma State University, Stillwater, Okla	Harold Joseph Holmes.
Nov. 1, 1971	University of Oregon, Eugene, Oreg	Aaron Dixon, Melvin Dickson.
Nov. 10, 1971	Western Washington State College, Bellingham, Wash	Aaron Dixon.
Do	Seattle Community College, North Campus, Seattle, Wash	Frank Anthony Ware.
Nov. 14, 1971	Winston-Salem State University, Winston-Salem, N.C	Bobby Seale.
Nov. 15, 1971	St. Augustine's College, Raleigh, N.C	Do.
Nov. 17, 1971	Adelphi University, Garden City, N.Y	Do.
Nov. 22, 1971	Stanford University, Stanford, Calif	Do.
Dec. 10, 1971	University of Michigan, Ann Arbor, Mich	Do.

In contrast to the efforts by the Newton group to project a nonviolent image, the Cleaver faction has adopted programs of unrestrained violence against the existing order. Individuals associated with the Cleaver group have been linked to murders, arsons, attacks on police officers, aircraft hijackings, and armed robberies. The official newspaper of the Cleaver faction is known as "Right On!" This publication has called for the assassinations of the President, the Attorney General, the Director of the FBI and other Government officials. The

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paper has also urged kidnapings of prominent citizens who could be held for ransom for the exchange of so-called political prisoners.

Eldridge Cleaver dispatched his wife, Kathleen, on a speaking tour of the United States in the Fall of 1971 in order to gain financial and organizational support. She made numerous appearances on college campuses across the country alternating diatribes at the Newton forces and the U.S. Government. A listing of the 22 appearances of Cleaver faction speakers at institutions of learning during 1971 is as follows:

Date	School	Speaker
Oct. 8, 1971	Cornell University, Ithaca, N.Y.	Denise Oliver.
Oct. 22, 1971	University of California, Los Angeles, Calif.	Kathleen Cleaver.
Oct. 26, 1971	Los Angeles City College, Los Angeles, Calif.	Do.
Oct. 30, 1971	State University of New York, Stony Brook, N.Y.	Do.
Oct. 31, 1971	Massachusetts Institute of Technology, Cambridge, Mass.	Do.
Do.	Jeremiah E. Burke School, Dorchester, Mass.	Do.
Nov. 1, 1971	Brandeis University, Waltham, Mass.	Do.
Nov. 2, 1971	Tufts University, Medford, Mass.	Do.
Nov. 4, 1971	City College of New York, New York, N.Y.	Do.
Nov. 5, 1971	State University of New York, Buffalo, N.Y.	Do.
Nov. 10, 1971	Wayne State University, Detroit, Mich.	Do.
Nov. 11, 1971	Oberlin College, Oberlin, Ohio	Do.
Nov. 12, 1971	Antioch College, Yellow Springs, Ohio	Do.
Do.	Central State University, Wilberforce, Ohio	Do.
Nov. 13, 1971	Ohio State University, Columbus, Ohio	Do.
Nov. 16, 1971	Marymount College, Tarrytown, N.Y.	Do.
Nov. 19, 1971	Park College, Parkville, Mo.	Do.
Nov. 21, 1971	Fisk University, Nashville, Tenn.	Do.
Nov. 22, 1971	Florida State University, Tallahassee, Fla.	Do.
Nov. 23, 1971	Jackson State College, Jackson, Miss.	Do.
Nov. 24, 1971	Louisiana State University at New Orleans, New Orleans, La.	Do.
Dec. 2, 1971	Bradley University, Peoria, Ill.	Do.

As his wife toured the United States, Eldridge Cleaver was busy creating two new revolutionary units. The Revolutionary Peoples Communications Network was established as an international aboveground liaison organization to publicize and coordinate the activities of all revolutionary groups. Its underground counterpart is the Afro-American Liberation Army which will foster urban guerrilla warfare in the United States. The organ of both new organizations is "Babylon," a biweekly publication which parallels "Right On!" in its call for revolutionary violence and disruption. Cleaver has assumed personal command of the Afro-American Liberation Army from Algeria where he is in exile.

So that he may devote his full energies to guerrilla activities, Cleaver has relinquished control over the Black Panther Party international section in Algiers, naming Felix "Pete" O'Neal as his replacement. O'Neal, also a fugitive from justice, once headed the Black Panther Party chapter in Kansas City, Mo.

STUDENT NATIONAL COORDINATING COMMITTEE

Another all-black revolutionary organization is the Student National Coordinating Committee which at the time of its founding as a civil rights group in 1960 was known as the Student Nonviolent Coordinating Committee. Leaders of the group have included well-known black extremists Stokely Carmichael, who now lives in Guinea, and H. Rap Brown. Wanted on local charges of inciting to riot and arson, as well as on a number of Federal charges, Brown was apprehended in New York City in October 1971 following the armed robbery of a bar for which he has also been charged.

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William Hunt, currently titular leader of the Student National Coordinating Committee, is spearheading efforts to revitalize chapters throughout the country. Included among these efforts are programs aimed at establishing black revolutionary labor, student and youth groups.

OTHER BLACK EXTREMIST GROUPS

Other black extremist groups, most operating locally and regionally, spread revolutionary rhetoric and promote violence and confrontations with law enforcement officers.

One such organization is the Junta of Militant Organizations, also known as JOMO, with headquarters in Florida. JOMO, dedicated to the liberation of the black man, has declared it is necessary to bring down the capitalistic system in the United States and replace it with a socialistic system. Members of JOMO have participated in fire bombings, armed confrontations with police and actual attacks on police with the use of firearms.

The Republic of New Africa is another militant black revolutionary organization. Its principal factions are located in Michigan, Mississippi, and Louisiana. In August 1971, at Jackson, Miss., its members engaged in a shootout with law enforcement officers who approached the Republic of New Africa headquarters there seeking four fugitives, one wanted for murder in Detroit, Mich. During the shootout, one police officer was killed and a second officer and an FBI agent were wounded. Eleven members of the group, including Richard Henry, one of the founders, have been charged on a variety of counts including conspiracy to commit murder and assaulting a Federal officer.

BLACK EXTREMISTS IN PENAL INSTITUTIONS

It is becoming increasingly evident that black extremist activities in our penal system are increasing at an alarming rate. Rebellion such as occurred at the prison at Attica, N.Y., has brought into sharp focus major activities of black extremists, such as the Black Panther Party, within the penal institutions.

The unrestricted flow of extremist propaganda, including its revolutionary rhetoric, has stimulated the black, hardened criminal prison inmates into an unholy alliance with the black revolutionary extremists. With the lessening of the Vietnam issue other extremist groups such as the Students for a Democratic Society and Progressive Labor Party are also interjecting themselves into the dangerous situation that now exists in our penal institutions.

KLAN-TYPE ORGANIZATIONS

The FBI has continued to investigate Klan-type organizations which had a slight increase in membership from 4,300 a year ago to approximately 4,500 at present. This increase in membership is attributed to some extent to renewed interest in Klan-type organizations brought about by reaction to school busing directives in order to achieve racial balance in public schools. In addition to the membership, many thousands of sympathizers lend their support to Klan programs and activities.

A number of other small hate-type groups, exclusively white, continue in existence. These groups such as the National Socialist White People's Party (formerly the American Nazi Party), the National States Rights Party and the National Renaissance Party, obtain public attention in excess of their numerical strength by carefully orchestrated demonstrations and colorful public appearances in order to gain converts and/or sympathizers to their causes.

URBAN UNREST

During the calendar year 1971, 109 incidents involving mob violence were reported as compared to 159 for all of 1970. Resulting from the 1971 incidents were 2,033 arrests, 213 personal injuries, three deaths and property damage amounting to about $1.7 million.

Disorders in the Nation's secondary schools continue to provide strong evidence that racial discord is far from being at an end. A total of 360 disturbances, during which there were 728 personal injuries and 2,455 arrests, were reported for the 1970–1971 school year. During the 1971–1972 school year, 125 school disturbances involving 331 personal injuries and 750 arrests have been reported (February 24, 1972).

According to information received by the FBI through the Uniform Crime Reporting program, 20 police officers died in ambush-type attacks, the mark of the extremist or terrorist, in 1971 and 19 officers died in ambush-type attacks in 1970. But, during the previous period from 1961 through 1969 only three ambush-type killings of policemen were reported.

During 1971, extremists were known to be or suspected of being involved in 76 unprovoked and apparently racially connected attacks on police, resulting in the deaths of 12 officers and the wounding of 47 others. Guerrilla-type ambushes accounted for eight of these deaths. Although the overall number of extremist-type attacks on police declined in 1971, the increase in ambush-type attacks on police during the past 2 years is indicative of the growing terrorist threat to law enforcement.

URBAN GUERRILLA WARFARE

Urban guerrilla warfare by black extremist organizations such as the Black Panther Party, by white radical groups, such as the Weatherman, and by other organized terrorists is a serious threat to law enforcement and the entire Nation.

Increasing evidence of bombings, burnings and unprovoked attacks on police led the FBI to convene 51 selected State and local law enforcement officers from areas where this problem appears most serious to a seminar on urban guerrilla warfare in Washington, D.C., in November 1971. The seminar explored this problem of secret and planned activity designed to disrupt and terrorize the Government. Covered specifically were the robbery or "expropriation" of funds, arms and explosives to further the revolutionary objectives of these fanatical few.

The primary activity of the urban guerrilla is the unprovoked attack on police officers which is designed to show that police are powerless to protect themselves and, thus, to convince revolutionary sympathizers that society can be overthrown. The urban guerrilla also

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hopes to provide over-reaction by authorities in order to radicalize sympathizers who would not otherwise engage in violent activity.

Carlos Marighella, deceased Brazilian revolutionary and author of the "Minimanual of the Urban Guerrilla," instructed that, "Every urban guerrilla can only maintain his existence if he is disposed to kill the police."

The Weatherman group claimed credit for the bombing of New York City police headquarters in June 1970 and Black Panthers have been identified in numerous attacks on police. The logic of the urban guerrilla is simple, but terrifying: if police officers cannot protect themselves from ambushes, snipings and bombings, then the private citizen is that much more defenseless against these weapons of the revolutionary.

ANTIRIOT LAWS

The Federal antiriot laws, enacted in April 1968, established Federal jurisdiction for criminal prosecution in connection with certain activities relating to civil disorders.

In May 1971, Abbott Howard Hoffman was indicted by a Federal grand jury at Washington, D.C., on charges of violating Federal antiriot laws following an investigation by the FBI. The charges were based on Hoffman's travel from Oklahoma to Washington, D.C., and his activities during disruptions which occurred during antiwar demonstrations in Washington, D.C., in early May 1971.

Trial was scheduled to begin in December 1971; however, the case has been continued pending a decision by the U.S. Supreme Court in a related matter. Hoffman was previously convicted for violating Federal antiriot statutes based on disruptions in Chicago in August 1968. He was also cited for contempt based on his courtroom conduct during his trial in that case. Both matters are presently under appeal.

Following extensive investigation by the FBI, a Federal grand jury at Miami, Fla., in December 1970 indicted three leaders of an organization known as the Black Afro Militant Movement. Two of the leaders were charged with teaching and demonstrating the use of explosive devices and possession of a destructive device in violation of Federal antiriot and gun control statutes. The third leader was charged with violation of Federal conspiracy and gun control statutes based on possession of a destructive device. One defendant, after entering a plea of guilty, was sentenced to 1 year's probation. The other two defendants were tried and convicted; one was sentenced to 4 years' imprisonment and the other was sentenced to serve 2½ years.

BOMBING MATTERS

The Organized Crime Control Act of 1970, enacted in October 1970, substantially broadened Federal jurisdiction in bombing matters. A significant portion of the investigative responsibilities has been assigned to the FBI by the Department of Justice. While investigation is conducted only in those instances specifically designated by the Department, the cooperative facilities of the FBI are offered in all instances to State or local law enforcement authorities conducting investigation.

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Investigations authorized by the Department have involved substantial commitments of manpower and resources, as typified by the following cases.

In March 1971, a violent explosion caused damages in excess of $100,000 to the original Senate wing of the U.S. Capitol. This followed an anonymous call to the effect that the Capitol would be blown up in 30 minutes as a protest against military operations in Laos. Extensive investigation by the FBI is continuing and the matter is pending before a Federal grand jury.

During the late evening of October 14, 1971, the Iranian Consulate at San Francisco, Calif., was extensively damaged by an explosion. Damages to the Consulate and surrounding property were estimated at approximately $1 million. Intensive investigation to identify all persons responsible is continuing.

In July 1970, a Federal grand jury at Detroit, Mich., indicted 13 members of the Weatherman faction of the Students for a Democratic Society, charging them with conspiracy to violate Federal bombing and gun control statutes. The indictment charged that the conspiracy originated during a meeting of the leadership of the Students for a Democratic Society at Flint, Mich., during December 1969, and that various overt acts, including bombings, attempted bombings and purchases of explosives, followed that meeting. Five of the defendants are presently free on bond, charges against one of the defendants were dismissed in February 1971 at the request of the Government and the other seven defendants are being sought as fugitives.

News media in several cities received handprinted letters in January 1972 warning that during July 1971 nine unusual prototype bombs were planted in different banks across the country. The letters stated that similar devices could be used to demand the release of "political prisoners." Explosive devices were located in safe deposit boxes in banks in Chicago, San Francisco, and New York City. These devices were bombs constructed of battery-powered calendar clocks, photographic flash bulbs and black powder. The bombs were capable of exploding.

The FBI conducted an intensive nationwide investigation based upon which Ronald Kaufman, a 33-year-old Army absentee has been charged with violating Federal bombing statutes. Kaufman is now being sought as a fugitive.

REPORTS ON BOMBING INCIDENTS

For over a year the FBI has been collecting detailed information on bombing incidents through its field offices. This data identifies the number of bombing incidents, types of devices, types of targets, and the like. Beginning in January 1972, a program was instituted within the FBI to disseminate this information on a monthly, quarterly and annual basis to all law enforcement agencies through the Uniform Crime Reporting program. This is another FBI service to keep local, State and Federal law enforcement agencies fully informed.

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BOMB THREATS AGAINST FBI FACILITIES

During the 1971 calendar year, there were 170 bomb threats against FBI facilities or buildings housing FBI facilities. Each of these insidious harrassments forces us to assign a certain amount of manpower to perform the required search of our space.

ESPIONAGE AND COUNTERINTELLIGENCE

Although shifting political winds periodically cause an individual communist nation to deviate somewhat to the left or right of its set course, there has been no indication that any has abandoned its resolve to undermine the security of the United States through espionage and subversion.

THE SOVIET BLOC

The Soviet espionage services continue to lead in the intensity of these efforts and the other Soviet-bloc nations complement their efforts in varying degrees.

As has been true over the years, these communist intelligence agencies, which uniformly regard the United States as the main enemy, use as bases for intelligence activities their diplomatic and commercial establishments in the United States. Soviet-bloc official personnel in this country have been increasing in number over the years and as of February 1, 1972, the count was 2,593, consisting of 1,166 officials and 1,427 dependents. Not included in the count are couriers, members of special delegations and other officials temporarily in the United States but not assigned to official establishments.

These charts which I offer to the Chairman show the build-up of Soviet-bloc personnel in the United States since 1967 and a current breakdown of official personnel by country.

Mr. ROONEY. We shall insert these charts at this point in the record.

IV. STATUTORY AUTHORITY AND EXECUTIVE ORDERS AFFECTING FBI INVESTIGATIVE JURISDICTION

STATUTORY BASIS FOR INVESTIGATIONS CONDUCTED BY INTD

Statutes enumerating violations pertaining to the national security are as follows:

Activities Against Foreign Governments

Title 18 U.S.C. Section 956 - Conspiracy to Injure Property of Foreign Governments

Title 18 U.S.C. Section 958 - Commission to Serve Against a Friendly Nation

Title 18 U.S.C. Section 959 - Enlistment in Foreign Service

Title 18 U.S.C. Section 960 - Expedition Against Friendly Nation

Title 18 U.S.C. Section 961 - Strengthening Armed Vessel of Foreign Nation

Title 18 U.S.C. Section 962 - Arming Vessel Against Friendly Nation

Advocating the Overthrow of the Government

Title 18 U.S.C. Section 2381 - Treason

Title 18 U.S.C. Section 2382 - Misprision of Treason

Title 18 U.S.C. Section 2383 - Rebellion or Insurrection

Title 18 U.S.C. Section 2384 - Seditious Conspiracy

Title 18 U.S.C. Section 2385 - Advocating Overthrow of Government

Antiriot Laws

Title 18 U.S.C. Section 2101, 2102 - Riots

Title 18 U.S.C. Section 231-233 - Civil Disorders

Atomic Energy Act of 1954

Title 42 U.S.C. Section 2077 - Unauthorized Dealings in Special Nuclear Material

Title 42 U.S.C. Section 2122 - Prohibitions Governing Atomic Weapons

Title 42 U.S.C. Section 2131 - Production Facility

Title 42 U.S.C. Section 2138 - Suspension of Licences During War or National Emergency

Title 42 U.S.C. Section 2165 - Security Restrictions

Title 42 U.S.C. Section 2274-2277 - Restricted Data

Title 42 U.S.C. Section 2278 - Trespass Upon Commission Installations and Photographing

Bombings

Title 18 U.S.C. Section 844 - Use and Possession of Explosives, Threats

Civil Rights

Title 18 U.S.C. Section 245 - Federally Protected Activities

Crimes on Government Reservations

Title 18 U.S.C. Sections 13, 81 - Laws of States Adopted

Destruction of Government Property

Title 18 U.S.C. Section 1361 - Government Property or Contracts

Espionage

Title 18 U.S.C. Section 792-799 - Harboring, Gathering, Transmitting, Photographing, Sale, Disclosure of Defense Information

Title 50 U.S.C. Section 783 - Attempt to Establish Totalitarian Dictatorship

Firearms Acts

Title 26 U.S.C. Section 5812 - Transfers

Title 26 U.S.C. Section 5822 - Making Firearms

Title 26 U.S.C. Section 5842 - Identification of Firearms

Title 26 U.S.C. Section 5861 - Prohibited Acts

Title 18 U.S.C. Sections 921-922 - Unlawful Acts

Title 18 U.S.C. Appendix Section 1202 - Receipt, Possession, Transportation of Firearms

Fraud Against the Government

Title 18 U.S.C. Section 1001 - Statements

Interstate Travel in Aid of Racketeering

Title 18 U.S.C. Sections 1951, 1952 - Racketeering Enterprises

Loss of United States Nationality

Title 18 U.S.C. Section 1481-1483 - Loss of Nationality, Dual Nationals, Restrictions on Expatriation

Title 18 U.S.C. Sections 911, 1015 - False Claim of Citizenship

Neutrality Matters

Title 22 U.S.C. Section 1934 - Munitions Control

Title 22 U.S.C. Section 401 - Illegal Exportation of War Materials

Private Correspondence with Foreign Governments

Title 18 U.S.C. Section 953 - Private Correspondence with Foreign Governments

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Protection of Foreign Officials and Official Guests of the United States

Title 18 U.S.C. Section 116 - Murder

Title 18 U.S.C. Section 1201 - Kidnaping

Title 18 U.S.C. Section 112 - Protection of Officials and Guests

Title 18 U.S.C. Section 970 - Protection of Property

Protection of United States Officials and Employees

Title 18 U.S.C. Section 111 - Assaulting, Resisting, Impeding

Title 18 U.S.C. Section 1114 - Protection

Title 18 U.S.C. Section 2231 - Assault or Resistance

Title 18 U.S.C. Section 351 - Congressional Assassination, Kidnaping, Assault

Title 18 U.S.C. Section 1751 - Presidential Assassination, Kidnaping, Assault

Registration Acts

Title 18 U.S.C. Section 951 - Agents of Foreign Governments

Title 18 U.S.C. Sections 611-621 - Foreign Agents Registration Act

Title 50 U.S.C. Sections 851-858 - Individuals with Knowledge of Espionage or Sabotage

Title 18 U.S.C. Section 2386 - Registration of Certain Organizations

Sabotage

Title 18 U.S.C. Sections 2152-2154 - Fortifications, War Material, Production of Defective War Material

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Strategic Facilities

Title 18 U.S.C. Sections 2155, 2156 - Destruction of National - Defense Materials, Production of Defective National - Defense Material

Title 50 U.S.C. Section 797 - Security Regulations

Sedition

Title 18 U.S.C. Section 2387-2390 - Activities Affecting Armed Forces, During War, Recruiting for Service Against the United States, Enlistment to Serve Against the United States

The following statutes have been used to prosecute certain persons involved in other subversive activities, although these are not within the primary jurisdiction of the FBI:

Title 18 U.S.C. Sections 2, 1542 - Passport Violations

Title 18 U.S.C. Section 1704 - Renting Post Box Under False Identity

Executive Orders and orders of the Attorney General affecting jurisdiction.

1) Executive Order #11605, dated July 2, 1971, amending Executive Order #10450, of April 27, 1953, relating to security requirements for Government employment

2) Code of Federal Regulations, Subpart P, Sections 0.85-0.89, delegating authority of Attorney General to the FBI to investigate violations of the laws of the United States and to carry out the Presidential Directives of September 9, 1939, as reaffirmed by Presidential Directives of January 8, 1943, July 24, 1950; and December 15, 1953.

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JURISDICTIONAL AGREEMENTS

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February 23, 1949

VI

Subject: Delimitation of Investigative Duties of the Federal Bureau of Investigation, the Office of Naval Intelligence, the Intelligence Division of the Army, and the Office of Special Investigations, Inspector General, U. S. Air Force.

The Agreement for Coordination of the Federal Bureau of Investigation, Office of Naval Intelligence, Intelligence Division of the Army, and the Office of Special Investigations, Inspector General, U. S. Air Force.

I. The undersigned have reviewed the directive contained in the President's Memorandum of June 26, 1939, as augmented by his Directive of September 6, 1939, the Delimitations Agreement of February 9, 1942, and the Presidential Directive of October 30, 1947. In addition, cognizance has been taken of the provisions of the Atomic Energy Act of 1946, and the specific application of that Act is set forth in Section II hereof. All other provisions of this Agreement are apart from and have no relation to the stated requirements of the Atomic Energy Act. In view of the above, it is now agreed that responsibility for the investigation of all activities coming under the categories of espionage, counterespionage, subversion and sabotage (hereinafter referred to as "these categories") will be delimited as indicated hereinafter. The responsibility assumed by one organization in a given field carries with it the obligation to exchange freely and directly with the other subscribing organizations all information of mutual interest. When the organization with primary operating responsibility is unable for any reason to produce material in that field desired by the subscribing agencies, such special arrangements as may be legal or desirable will be worked out through negotiation at the national level prior to activity by one agency in another agency's field. It is recognized by the subscribers hereto that the Headquarters Department of the Army has decentralized such functions to its major subordinate commanders. When the major subordinate commanders of the Department of the Army cannot effect satisfactory special arrangements, the matter will be referred to the Director of Intelligence of the Army for further negotiations at the national level. Close cooperation and coordination between the four subscribing organizations is a mutually recognized necessity.

II. FBI will be responsible for:

1. All investigations of cases in these categories involving civilians and foreign nationals of all classes in the continental United States, Puerto Rico, the Virgin Islands, the State of Hawaii**, and the State of Alaska* except as specifically described hereinafter in Paragraph V, Section 5.

2. All investigations of violations of the Atomic Energy Act of 1946. There are no territorial or personnel limitations on this provision.

3. The coordination of the investigative activities of civilian agencies in the United States, Puerto Rico, the Virgin Islands, and the State of Alaska except as specifically described hereinafter in Paragraph V, Section 5, which provide information regarding subversive movements and activities in these categories.

4. Keeping the other subscribing organizations advised of important developments in these categories within its cognizance, particularly:

a. Activities of inactive reserves of the armed service, including the National Guard.

b. Developments affecting plants engaged in armed forces contracts.

c. Developments concerning the strength, composition, and intentions of civilian groups within its cognizance which are classed as subversive and whose activities are a potential danger to the security of the United States.

d. Developments affecting those vital facilities and vital utilities which have been designated by the Secretary of Defense.

e. Developments affecting critical points of transportation and communications systems which have been designated by the Secretary of Defense.

(For b, d, and e above no protective coverage is contemplated.)

*Editorial revision of this Agreement to reflect the statehood of Alaska was approved by the IIC on January 7, 1959.

**Revision to reflect the statehood of Hawaii was approved by the IIC on September 9, 1959.

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III. ID, Army will be responsible for:

1. The investigation and disposal of all cases in these categories involving active and retired military personnel of the Army.

2. The disposal, but not investigation, of all cases in these categories involving civilian employees of the Army in the United States, Puerto Rico, and the Virgin Islands.

3. The investigation and disposal of all cases in these categories involving civilian employees of the Army stationed in areas other than the United States, Puerto Rico, and the Virgin Islands, except that part of such investigations as have ramifications in the United States, Puerto Rico, or the Virgin Islands.

4. The investigation of all cases in these categories involving civilians and foreign nationals who are not employees of the other subscribing organizations, in areas where the Army Commander has supreme jurisdiction over the armed forces stationed therein, including possessions of the United States other than Puerto Rico and the Virgin Islands.

5. Informing the other subscribing organizations of any important developments.

6. Advising the Federal Bureau of Investigation of the identity and location of the plants engaged in Army contracts.

IV. ONI will be responsible for:

1. The investigation and disposal of all cases in these categories involving active and retired naval personnel of the Navy.

2. The disposal, but not investigation, of all cases in these categories involving civilian employees of the Navy in the United States, Puerto Rico, and the Virgin Islands.

3. The investigation and disposal of all cases in these categories involving civilian employees of the Navy stationed in areas other than the United States, Puerto Rico, and the Virgin Islands, except that part of such investigations as have ramifications in the United States, Puerto Rico, or the Virgin Islands.

4. The investigation of all cases in these categories involving civilians and foreign nationals who are not employees of the other subscribing organizations, in areas where the Navy Commander has supreme jurisdiction over the armed forces stationed therein, including possessions of the United States other than Puerto Rico and the Virgin Islands, and in the State of Alaska except as described in Section 5, below.

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5. The investigation of all cases in these categories involving civilians and foreign nationals who are not employees of the other subscribing organizations and with the exception of civilian employees of the Executive Branch of the Government on Kodiak and Afognak Islands adjacent to the Alaska Peninsula and Adak Island in the Aleutian Chain.*

6. Informing the other subscribing organizations of any important developments.

7. Advising the Federal Bureau of Investigation of the identity and location of the plants engaged in Navy contracts.

V. The Office of Special Investigations, Inspector General, U. S. Air Force will be responsible for:

1. The investigation and disposal of all cases in these categories involving active and retired military personnel of the Air Force.

2. The disposal, but not investigation, of all cases in these categories involving civilian employees of the Air Force in the United States, Puerto Rico, and the Virgin Islands.

3. The investigation and disposal of all cases in these categories involving civilian employees of the Air Force stationed in areas other than the United States, Puerto Rico, and the Virgin Islands, except that part of such investigations as have ramifications in the United States, Puerto Rico, or the Virgin Islands.

4. The investigation of all cases in these categories involving civilians and foreign nationals who are not employees of the other subscribing organizations, in areas where the Air Force Commander has supreme jurisdiction over the armed forces stationed therein, including possessions of the United States other than Puerto Rico and the Virgin Islands. The investigation of the same cases described above in that portion of Alaska described in Section 5, below, with the exception of civilian employees of the Executive Branch of the Government.

5. The investigation of all cases in these categories involving civilians, except as described hereinabove, (1) in that part of the Alaska Peninsula which is separated by a line drawn from Iliamna Bay

*This paragraph added. See IIC Working Committee Minutes of September 15, 1954, and June 8, 1955.

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northwest to the town of Old Iliamna and thence following the south shore of Lake Iliamna to the Kvichak River to the Kvichak Bay; (2) in the islands adjacent to the Alaska Peninsula excluding Kodiak and Afognak Islands, which are the responsibility of the Office of Naval Intelligence; (3) in the Aleutian Islands excluding Adak Island which is the responsibility of the Office of Naval Intelligence; and (4) in the Pribilof Islands.*

6. Informing the other subscribing organizations of any important developments.

7. Advising the Federal Bureau of Investigation of the identity and location of the plants engaged in Air Force contracts.

VI. 1. Where Sections III, IV, and V involve general territorial coverage, responsibility for such coverage will pass from one element of the armed forces to another automatically when a change of command responsibility ensues. This provision is subject to modification by direct agreement between the interested elements of the armed forces.

2. While investigative jurisdiction over the civilian populace in former enemy territories occupied by the armed forces has been provided for in Sections III, IV, and V above, those provisions are subject to direct adjustment with the Department of State if and when that Department assumes governmental direction in such areas of occupation.

VII. From time to time it may be desirable in the light of changing conditions to modify or amend this Delimitations Agreement. Subject to the exceptions already provided for above, general amendments or modifications involving all of the four subscribing organizations shall be issued in the form of a revised Delimitations Agreement and not as separate instructions.

VIII. During periods of martial law, or periods of predominant armed forces interest not involving martial law, when agreed upon by the subscribing agencies, the provisions of Appendix A or B, hereto attached, will additionally apply.

IX. All agreements of a continuing nature and applicable to two or more of the subscribing agencies to the Delimitations Agreement which affect the basic jurisdiction thereof which are

*Original paragraph changed. See IIC Working Committee Minutes of September 15, 1954, and June 8, 1955.

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now or hereafter mutually entered into by any of the subscribers thereto will be reduced to writing; will thereafter become supplements to the Delimitations Agreement, and distributed only to the extent agreed upon by the co-signers.

(Signed) S. Leroy Irwin
Director of Intelligence,
Department of the Army

(Signed) Thomas B. Inglis
Chief of Naval Intelligence

(Signed) J. Edgar Hoover
Director, Federal Bureau of Investigation

(Signed) Joseph F. Carroll
Director, Office of Special Investigations, Inspector General, U. S. Air Force

APPROVED

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APPENDIX A

PERIOD OF MARTIAL LAW

I. It is further agreed that when a state of martial law has been declared by the President, the armed forces commander will assume responsibilities for coverage in these categories. His authority to direct and control the subscribing agencies of the armed forces will be limited only by such instructions as he may receive from the Secretary of Defense. He will have authority to coordinate the intelligence activities of the subscribing agencies in his area of responsibility, within the limits of their available personnel and facilities, by the assignment of missions, the designation of objectives, and the exercise of such coordinating control as he deems necessary. He is not authorized to control the administration or discipline of the subscribing agencies in the area of his responsibility, nor to issue instructions to them beyond those necessary for the purposes stated above.

II. Personnel of the subscribing agencies in the area of responsibility of the armed forces commander will still send reports to and be under the continued supervision of their respective headquarters. They will render such aid and assistance to the armed forces commander and his designated representatives as are possible and practicable. They will furnish all pertinent information, data, and other material that are or may be necessary or desirable to the armed forces commander by the most expeditious means and methods possible consistent with requisite security. Each headquarters of the subscribing agencies will promptly be advised by its agencies of all information and data appropriately identified as having been furnished to the armed forces commander.

APPENDIX B

PERIODS OF PREDOMINANT MILITARY INTERESTS, NOT INVOLVING MARTIAL LAW

I. In time of war certain areas will come into prominence as potential theaters of operation. When an armed forces commander of such a potential theater is designated, he definitely has interest in, though not control of, the civilian life within the area. In order that the armed forces commander may prepare himself for the discharge of the possible responsibility which may affix to him, the following procedure is agreed upon:

1. Agents of the FBI; of ONI; ID, Army; and the OSI, IG, U.S. Air Force will continue to function in accordance with the provisions of Sections II, III, IV, and V.

2. In addition thereto, the armed forces commander may take steps to analyze the facilities existing and to explore the manner in which complete coverage will be obtained if martial law is declared. Adequate liaison with the other subscribing agencies will insure that the armed forces commander will have the benefit of the experience, judgment and knowledge of the representatives of the other agencies.

3. The armed forces commander is authorized to request and receive such information from the other three agencies as he may desire and they may be able to furnish.

II. The analysis and exploration referred to above will show the coverage furnished by each of the subscribing agencies and any additional coverage each subscribing agency can undertake. When the commander feels that more complete coverage is required, it is recognized that he is authorized to augment the coverage with such elements of the subscribing agencies as are under his jurisdiction. Prior to any invasion of the spheres normally coming under the cognizance of the other subscribing agencies, the armed forces commander should obtain the necessary authority from the Secretary of Defense.

III. Irrespective of the fact that the preceding recommendations have placed the initiative in the hands of the armed forces commander, whenever any of the other services feel that such a survey to determine adequacy of coverage should be undertaken, it should be so recommended.

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Supplemental Agreement No. I to the Delimitations Agreement

Cooperation and Coordination Between The Federal Bureau of Investigation The Intelligence Division of the Army The Office of Naval Intelligence and The Office of Special Investigations, Inspector General, U.S. Air Force

The Director of Intelligence, U.S. Army, the Director of the Federal Bureau of Investigation, the Director of Naval Intelligence and the Director of the Office of Special Investigations, Inspector General, U.S. Air Force, with a view to promoting the closest possible cooperation and coordination between the Field Services of these agencies agree that the following recommendations will be transmitted to their field installations:

(a) Special Agents in Charge of the Federal Bureau of Investigation Divisional Offices, Military Intelligence Officers of the pertinent Armies, District Officers of the Office of Special Investigations, Inspector General, U.S. Air Force, and Naval District Intelligence Officers will maintain close personal liaison between those offices and their representatives, including a meeting of representatives of the four agencies, preferably the officers in charge, at least twice per month, for the purpose of discussing pending and contemplated investigative activities, and any other subject necessary to insure that there is proper coordination of their investigative work.

(b) The close personal liaison to be maintained between representatives of the four agencies at all times should insure that there is not duplication of effort in any field, and that a proper coverage of the whole investigative field is maintained. Particular attention should be paid to avoiding any duplication in connection with the use of informers.

(c) A distinction should be recognized between the investigative interest of individual agencies and the coverage interest. It is believed that all four agencies should study, from time to time, the coverage of the investigative field in order to insure that all channels of interest and avenues of information are adequately covered by at least one of the participating agencies.

(d) Where there is doubt as to whether or not one of the other agencies is interested in information collected, it should be transmitted to the other agency.

(e) Consideration should be given to the fact that certain classes of information are of general interest to the Military, Naval, and Air Force Intelligence Services in connection with background and knowledge of espionage and sabotage organizations, even though the Military, Naval, and Air Force Intelligence Services may have no apparent direct investigative interest.

(f) Should differences of opinion of a minor nature occur, the directors of the four intelligence agencies feel that with proper personal liaison, such differences can be satisfactorily adjusted locally by the officials in charge of the various divisional organizations.

(Approved by I.I.C. June 2, 1949)

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Supplemental Agreement No. III
to the Delimitations Agreement
(As Amended June 8, 1950)

Investigative Jurisdiction on
Vessels of Military Sea Transportation Service

1. The investigative jurisdiction of all activities under the categories of espionage, counterespionage, subversion and sabotage on vessels of the Military Sea Transportation Service is as follows:

a. Investigative jurisdiction on vessels purchased by the Navy will be the responsibility of the Office of Naval Intelligence.

b. Vessels obtained by the Navy through a "bare boat charter" will be under the investigative jurisdiction of the Office of Naval Intelligence.

c. Vessels allocated to the Military Sea Transportation Service which are manned and supervised by their private owners are under the investigative jurisdiction of the FBI.

2. When civilian personnel who are subjects of an investigation under a or b above reach a U.S. port or a port where the FBI has a field agency, or prior to reaching such port, if practicable, the Department of the Navy will promptly furnish the FBI all pertinent information concerning the investigation. If personnel who are subjects of an investigation as above remove themselves from the vessel upon arrival of the vessel in port and further surveillance is considered necessary, the Navy will continue surveillance until notified by the FBI at local level that the FBI will make every effort to transfer responsibility upon arrival of the vessel at the port.

3. When the FBI opens an investigation under c above or when an FBI investigation in progress develops or is believed about to develop ramifications under a, b or c above, the FBI will promptly furnish all pertinent information to the Navy and will thereafter coordinate its actions with the Navy whenever and wherever deemed necessary to insure proper pursuit of the case.

Supplemental Agreement No. IV to the Delimitations Agreement

Investigation of Private Contractors of the Armed Forces

It is agreed by the subscribers of the Delimitations Agreement (hereinafter referred to as subscribers) that with reference investigations of civilian employees, applicants for employment, directors and key personnel of privately owned plants and facilities, working or bidding on contracts important to the Army, Navy or Air Force (hereinafter referred to as the Armed Forces) procurement, the following will be followed insofar as practicable. Exceptions thereto will be adjusted by mutual agreement between the subscribers concerned.

a. The Armed Forces will conduct background investigations of such persons unless there is a particular reason for requesting that an investigation be conducted by the FBI or the FBI has a special interest in a particular case and has notified the Armed Forces of such interest.

b. The FBI will conduct complaint investigations of such personnel upon specific request in each case by one or more of the Armed Forces. If one of the Armed Forces has no further need for an investigation requested, but not completed, prompt notification will be made to the FBI.

c. Investigations conducted by the Armed Forces under a above will be terminated and all information passed to the FBI when credible derogatory information of a loyalty nature is uncovered. Upon receipt of such a case, the FBI will proceed as under b above if one of the Armed Forces so requests.

d. When one of the subscribers is aware that another is conducting an investigation on a person or firm identical or closely connected with a person or firm it contemplates investigating, no investigation will be undertaken without the consent of the subscriber which has an investigation in progress. The investigating agency will make available to the other interested agency copies of the reports of the investigation made.

e. Normally, identity of confidential informants will not be communicated from one subscriber to another; however, when such communication occurs, the receiving subscriber will employ the highest possible safeguards to insure that such informants are not compromised. No transmittal of information concerning confidential informants to a third subscriber or to another agency is authorized except by specific consent of the originator.

f. A subscriber who receives a report of investigation from another subscriber may freely transmit copies of such reports to a third subscriber except as provided in e above.

g. A report of complete investigation received by the Armed Forces from the FBI will not be reopened without the approval of the FBI except to obtain additional background information. In such case, the FBI will be furnished copies of all information obtained. Other information required by the Armed Forces will be requested of the FBI.

h. If one of the Armed Forces requests the FBI to conduct an investigation or to conduct additional investigation as provided under g above, and if for any reason the FBI declines or is unable to conduct such investigation or additional investigation, the Armed Force concerned may proceed with the investigation. The FBI will be furnished copies of the results thereof if the FBI so requests or if the Armed Force concerned considers the results to be of FBI interest.

i. Nothing above is to be construed as altering the basic Delimitations Agreement of 1949 or current agreements concerning subversive organizations.

(Approved by I.I.C. June 2, 1949)

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Supplemental Agreement No. V to the Delimitations Agreement

Investigation of Reserve and Civilian Components of the Armed Services

It is agreed by the subscribers to the Delimitations Agreement that the Army, the Navy and the Air Force may conduct background investigations on members of the inactive reserve and National Guard who are anticipated being called back to active duty, or where an investigation is undertaken for the purpose of determining whether the individual should be disenrolled from his military status, or to determine whether the individual may be granted access to classified military information. The following procedures shall be pursued in each of the above circumstances:

(1) The Intelligence agencies of the Army, Navy or Air Force before undertaking such background investigation will consult the FBI to determine: (a) if the FBI has an investigation in progress; if so, no investigation will be undertaken by the intelligence agencies except as may be mutually agreeable to the Armed Force concerned and the FBI; (b) if the FBI already has made an investigation; if so, the results will be made available to the other agencies; (c) if the FBI has information on the individual, even though it may not have conducted an investigation.

(2) If, after consulting the FBI, investigation is undertaken by the other agencies, it will be pursued no further than is necessary to make the determination required by the other agencies, and all information developed pertinent to the four categories will be furnished promptly to the FBI.

(Approved by I.I.C. June 2, 1949)

Supplemental Agreement No. VI to the Delimitations Agreement

Investigation in Areas Not Specifically Assigned

It is agreed by the military subscribers to the Delimitations Agreement that the references therein in paragraphs III. 4., IV. 4., and V. 4. to "areas where the Army (Navy, Air Force) Commander has supreme jurisdiction over the armed forces stationed therein" shall be interpreted as referring to areas where the Department of the Army (Navy, Air Force) is responsible for the administrative and logistic support of the Headquarters of Commands established by the Secretary of Defense.

(Approved by I.I.C. November 4, 1959)

In Reply, Please Refer to
File No.

SHINGTON, D.C. 20535

February 7, 1966

CENTRAL INTELLIGENCE AGENCY
OPERATIONS IN THE UNITED STATES

JFK Act 6 (1)(B)

SECRET

GROUP 1
Excluded from automatic
downgrading and
declassification

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JFK Act 6 (1)(B)

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INVESTIGATIVE GUIDELINES
TITLE XI, ORGANIZED CRIME CONTROL ACT OF 1970
REGULATION OF EXPLOSIVES

1. General

Title XI of the captioned law amends Title 18, United States Code, by adding a new chapter 40 with section numbers 841 through 848 governing the importation, manufacture, distribution and storage of explosive materials and creating certain Federal offenses pertaining to the unlawful use of explosives. Administration of explosives regulation is vested in the Secretary of the Treasury as is investigative jurisdiction over the unlawful acts proscribed in section 842. Under authority contained in section 846 the Federal Bureau of Investigation (FBI) and the Bureau of Alcohol, Tobacco and Firearms (ATF) have concurrent investigative jurisdiction as to the remainder of chapter 40, i.e., the unlawful acts proscribed in subsections (d), (e), (f), (g), (h) and (i) of section 844. Although not specified in chapter 40, the Postal Inspection Service shall have jurisdiction to investigate all incidents involving explosive or incendiary devices sent through the mails or directed against U.S. Postal Service property.

Title XI greatly broadens Federal authority pertaining to explosives-connected offenses. At the same time, Congress has expressly disclaimed any intent to occupy the field to the exclusion of state law on the same subject matter. To effect both Congressional purposes and to prevent unnecessary duplication of effort it is essential that the limited Federal investigative resources be carefully allocated, particularly in cases in which both the ATF and the FBI have jurisdiction.

2. Federal Bureau of Investigation (FBI) Jurisdiction in General

(a) Effect on prior jurisdiction - This agreement applies only to those incidents as to which the FBI had no investigative jurisdiction prior to the enactment of the captioned law and to incidents previously subject to FBI investigation by reason of chapter 65, Title 18, United States Code (malicious mischief). Investigative procedures in other types of incidents (e.g., train wrecking, damaging aircraft and motor vehicles, racketeering) shall remain unchanged.

(b) Primary jurisdiction - Subject to the provisions hereof, the FBI will exercise primary jurisdiction over all alleged violations of section 844 which are directed at foreign diplomatic facilities or at activities, such as transportation and tourist offices, operating under the aegis of a foreign government although not in a diplomatic status, over all alleged violations of subsections 844(d) through (i) which are perpetrated by terrorist/revolutionary groups or individuals and all other violations of subsections 844(e) through (g) which are not directed at Treasury Department or Postal Service buildings or functions.

(c) Type of Investigation to be Conducted

(1) Offenses perpetrated by terrorist/revolutionary groups or individuals - The FBI will immediately initiate a full investigation of all alleged violations of section 844 which appear at the outset to have been perpetrated by terrorist/revolutionary groups or individuals as defined in advance by the Internal Security Division of the Department of Justice. If ATF or the Postal Inspection Service has properly initiated investigations and information is subsequently developed indicating apparent involvement of terrorist/revolutionary groups or individuals, responsibility shall be relinquished to the FBI unless a determination is made by the Department of Justice that a transfer of responsibilities will unduly impair further investigative efforts.

(2) Alleged offenses against Colleges and Universities - The FBI will immediately initiate a full investigation of any alleged violation of section 844 which involves the use or attempted use of explosive (as distinguished from incendiary) materials against the facilities of a college or university. Investigation of alleged violations involving use or attempted use of incendiary materials will be limited initially to the development of background information as prescribed in paragraph 6 below.

(3) Alleged offenses directed against foreign diplomatic facilities and related activities - The FBI will immediately initiate a full investigation of all alleged violations of section 844 which are directed at foreign diplomatic facilities and related activities as described in paragraph 2(b) above.

(4) All other alleged violations of subsection 844(f) -- offenses involving use of explosives against United States property or federally financed organizations, and (g) - offenses involving possession of explosives in buildings owned, leased, used, etc., by the United States - The FBI will immediately initiate a full investigation of all violations of subsection 844(g) over which it has primary jurisdiction hereunder, and those violations of 844(f) which are directed at federal property (e.g., a military facility) or a federal function (e.g., a Selective Service or ROTC facility). In other violations of 844(f) the FBI will develop and disseminate background information as indicated in paragraph 6 below.

3. Bureau of Alcohol, Tobacco and Firearms Division (ATF) Jurisdiction in General

(a) Violations ancillary to firearms laws violations or violation of section 842 - The Alcohol, Tobacco and Firearms Division (ATF) of the Department of the Treasury will exercise investigative jurisdiction over violations of section 844 which are ancillary to its primary jurisdiction over the Federal firearms laws or over section 842 of Title XI.

(b) Violations of subsection 844(d) - interstate transportation of explosives with unlawful intent and subsection 844(i) - offenses against property used in or affecting commerce - Subject to paragraph 2b, above, the ATF will exercise primary investigative jurisdiction over violations of subsection 844(d) and (i) and will conduct a full investigation thereof unless notified by the Criminal Division that pursuant to paragraph 2(c)(1), above, the Department of Justice has requested FBI investigation in a particular matter.

(c) Violations directed at Treasury Department property or functions - The ATF shall have primary jurisdiction to investigate all violations of section 844 which are directed at Treasury Department property or functions and will conduct a full investigation of such violations.

4. Postal Inspection Service Jurisdiction

The Postal Inspection Service shall have primary jurisdiction to investigate all violations of section 844 which are directed at U.S. Postal Service property or functions.

5. Special Considerations

(a) Bomb Threats, false information (section 844(e)) - The ATF and the Postal Inspection Service shall have jurisdiction over violations of section 844(e) against Treasury Department or Postal Service property or functions, respectively. The FBI shall have jurisdiction over all other violations of section 844(e). Upon receipt of information alleging or suggesting a violation of subsection 844(e), the investigative agency concerned will review available information to determine whether the identity of the offender is known or can be readily ascertained and, if not, whether the evidence suggests a pattern or plan of such offenses by a particular offender or against a particular victim. If such a pattern appears or if the offender is identified, all available information will be disseminated as indicated in paragraph 6 below.

(b) Use/carrying explosive in commission of a felony (section 844(h)) - Violations of 844(h) should be handled as an adjunct of the felony from which they arise and should be discussed with the appropriate United States Attorney or Division of the Department handling prosecution of the underlying felony offense. The agency having jurisdiction over the underlying felony will have investigative jurisdiction over the 844(h) violation (e.g., bank robbery is under FBI jurisdiction).

(c) Violations of 26 U.S.C. 5861 (destructive devices) - In incidents involving alleged violations of 18 U.S.C. 844 (which may also involve a violation of 26 U.S.C. 5861), ATF shall not exercise its primary jurisdiction under 26 U.S.C. 5861 involving destructive devices, but the incident shall be treated in accordance with the provisions of these guidelines. This is in no way a relinquishment by ATF of its investigative jurisdiction under Title II of the Gun Control Act of 1968.

6. Development of Background Information

Some incidents such as those directed against Federal property or functions (paragraph 2(b) above) require immediate full federal investigation. Others require a more circumspect approach and will result in full Federal investigation only after consideration of factors pertinent to the exercise of Federal jurisdiction. Accordingly, in those incidents which these guidelines do not prescribe immediate full investigation, the investigative agency having jurisdiction will develop background information which includes (a) facts bearing on motivation such as involvement of the suspected perpetrators in terrorist/revolutionary activities, organized crime, labor-management disputes, or racial-religious hate activities; (b) the applicability of state and local laws and likelihood of state or local investigative and prosecutive actions; and (c) any other available facts indicating whether or not the offense warrants Federal investigation and prosecution. Such background information will be submitted telephonically (202-739-2745) or by teletype (710-822-0003) to the General Crimes Section of the Criminal Division and to the appropriate United States Attorney. The Criminal Division will advise the investigative agency concerned whether the matter warrants submission to any other Division or Section of the Criminal Division, and when so warranted the Criminal Division will transmit the information to such other Division or Section.

7. Full Investigation

A full investigation will be initiated immediately in those instances wherein such investigation is specified herein. In other instances full investigation will be initiated only upon direction of the Department of Justice after consideration by the Division having cognizance over the matter of the background information developed under paragraph 6 above.

8. Reports

Copies of case reports prepared in matters investigated under these guidelines will be furnished directly to the Department of Justice and the appropriate United States Attorney. All investigative agencies

shall submit initial reports as soon as practicable to the Department of Justice and shall submit progress reports once each 30 days or as soon thereafter as possible. The Criminal Division of the Department of Justice will be informed as soon as possible in each instance wherein an investigative agency initiates an investigation under section 844. Such notification is of critical importance to the avoidance of duplication of investigative activities. Also each agency subscribing to these guidelines shall, upon instituting investigation regarding possible violations of section 844, immediately notify other subscribing agencies having a logical interest therein. Also, a sufficient level of follow-up liaison and dissemination shall be maintained to avoid duplication of investigative effort.

Additionally, each such agency will exchange information on a timely basis and in a manner which will not interfere with ongoing investigations relative to types, sources, movement, and storage of explosives which are the subject of its investigations. Information regarding significant developments in investigations being conducted under these guidelines and information of an intelligence nature developed incidental to investigations which is of logical interest to the Department of Justice shall be furnished promptly to the Criminal Division of that Department which will be responsible for any necessary further dissemination within that Department.

9. Review of Guidelines

These guidelines shall be reviewed on a continuing basis by the parties hereto to determine whether problems exist in their administration which should be alleviated or whether modification of any of the terms of the agreement are needed in the interests of better law enforcement.

10. Summary

Section	Type Violation	Primary Jurisdiction
842	Regulatory provision violations	ATF
844(d)	Interstate transportation (except by mail) of explosives with unlawful intent	ATF

Section	Type Violation	Primary Jurisdiction
844(e)	Bomb threats - false information - Treasury buildings or functions	ATF
	U.S. Postal Service buildings or functions	U.S. Postal Inspection Service
	Other	FBI
844(f)	Offenses against property of the United States or federally financed organizations --	
	Treasury buildings or functions	ATF
	U.S. Postal Service buildings	U.S. Postal Inspection Service
	Other (including colleges and universities)	FBI
844(g)	Possession of explosives in buildings owned, leased, used by the United States --	
	Treasury buildings or functions	ATF
	U.S. Postal Service buildings or functions	U.S. Postal Inspection Service
	Other	FBI
844(h)	Use/carrying explosives in commission of a felony	Agency having jurisdiction over underlying felony

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Section	Type Violation	Primary Jurisdiction
844(i)	Offenses against property used in or affecting commerce	ATF
All Sections	All offenses perpetrated by terrorist/revolutionary groups or individuals	FBI - Unless another agency has started investigation before receipt of information indicating terrorist/revolutionary involvement. In this event see paragraph 2c(1) above.

AGREEMENT BETWEEN THE FEDERAL BUREAU OF INVESTIGATION AND THE UNITED STATES SECRET SERVICE CONCERNING PROTECTIVE RESPONSIBILITIES

"AGREEMENT BETWEEN THE FEDERAL BUREAU OF INVESTIGATION AND THE UNITED STATES SECRET SERVICE CONCERNING PROTECTIVE RESPONSIBILITIES

["I. Purpose of Agreement

"The Federal Bureau of Investigation (FBI) originates, and receives from other sources, large numbers of reports on individuals and organizations. One purpose of this agreement is to define that portion of the information on file with, or received or originated by, the FBI, which the United States Secret Service (USSS) desires to receive in connection with its protective responsibilities.

"The USSS has statutory authority to protect, or to engage in certain activities to protect, the President and certain other persons. (Certain other persons, as used in this agreement, refers to those persons protected by the Secret Service under Title 18, U. S. Code, Section 3056.) The authority of the USSS to protect the President or certain other persons is construed to authorize it to investigate organizations or individuals and to interview individuals who might constitute a threat to the President or certain other persons. The FBI has statutory authority to investigate assault, killing or kidnaping and attempts or conspiracies to kill or kidnap the President and other designated individuals.

"The FBI will make available to the USSS information it may request or information which by its nature reveals a definite or possible threat to the safety of the President and certain other persons.

"A second purpose of this agreement is to insure the most effective protection for the President and certain other persons by establishing a clear division of responsibility between the FBI and the USSS. Such division will also avoid compromising investigations or sources and needless duplication of effort.

"II. General Responsibilities

"The USSS is charged by Title 18, U. S. Code, Section 3056, with the responsibility of protecting the person of the President of the United States, the members of his immediate family, the President-elect, the Vice President or other officer in the order of succession to the office of President, and the Vice President-elect; protecting the person of a former President and his wife during his lifetime and the person of a widow of a former President until her death or remarriage, and minor children of a former President until they reach 16 years of age, unless such protection is declined; protecting persons who are determined from time to time by the Secretary of the Treasury, after consultation with the Advisory Committee, as being major Presidential and Vice Presidential candidates who should receive such protection (unless the candidate has declined such protection); protecting the person of a visiting head of a foreign state or foreign government and, at the direction of the President, other distinguished foreign visitors to the United States and official representatives of the United States performing special missions abroad (unless such persons decline protection).

"The Executive Protective Service, under the control of the Director, USSS, is charged by Title 3, U. S. Code, Section 202, with protection of the Executive Mansion and grounds in the District of Columbia; any building in which Presidential offices are located; foreign diplomatic missions located in the metropolitan area of the District of Columbia; and foreign diplomatic missions located in such other areas in the United States, its territories and possessions, as the President, on a case-by-case basis, may direct.

"The FBI is charged under Title 18, U. S. Code, Section 1751, with investigative jurisdiction over the assault, killing or kidnaping, and attempts or conspiracies to assault, kill or kidnap the President of the United States and other designated individuals.

"The FBI has responsibility for Federal investigations of all violations of Title 18, U. S. Code, Sections 112, 970, 1116-1117 and 1201, relating to the 'Act for the Protection of Foreign Officials and Official Guests in the United States.'

"The FBI has investigative jurisdiction over violations of a wide range of the criminal statutes of the United States including primary jurisdiction over matters affecting the internal security of the United States.

"III. Exchange of Information and Coordination of Responsibilities

"The USSS undertakes to identify individuals or groups who because of their propensities or characteristics, may be dangerous to the President of the United States and certain other persons. To assist the USSS in identifying such individuals and groups the FBI agrees to furnish to the USSS, information (other than public source information or information originating with other U. S. agencies) from its files or which may come to its attention which by its nature reveals a danger or possible danger to the President or certain other persons, or which can be construed as falling within the categories of information desired by the USSS as set forth in Section IV of this agreement.

"The FBI will inform the USSS of the identity of individuals or organizations who come to the attention of the FBI as knowingly and willfully advocating, abetting, advising, or teaching the duty, necessity, or propriety of overthrowing or destroying the Government of the United States, or the Government of any state, territory, or possession, or political subdivision therein, by force or violence, or by the assassination of any officer of any such government. The FBI will furnish the USSS with reports on such individuals or organizations as requested. During investigation by the FBI of such individuals or organizations, the FBI will be alert and promptly notify the USSS of any information indicating a possible plot against the person of the President and certain other persons.

"The USSS agrees that it will conduct no investigation of individuals or groups identified or suspected of being threats to the internal security of the United States without notifying the FBI. However, when time for

consultation is not available, and an indication of immediate danger exists, the USSS may take such action as is necessary with respect to carrying out its protective responsibilities. Any information obtained by the USSS during such action will be furnished to the FBI as expeditiously as possible.

"The FBI will not conduct investigation of individuals or groups solely for the purpose of establishing whether they constitute a threat to the safety of the President and certain other persons unless there is an indication of a violation of Title 18, U. S. Code, Section 1751, or other statute over which the FBI has jurisdiction.

"It will be the responsibility of the FBI to advise the USSS when investigation is being initiated under Title 18, U. S. Code, Section 1751 and thereafter to furnish the USSS with copies of the FBI investigative reports as they are prepared. It will be the responsibility of the USSS to furnish the FBI any information in its possession or which may come to its attention which reasonably indicates that a violation of Title 18, U. S. Code, Section 1751, has been or is being committed.

"The USSS also agrees to furnish the FBI any information in its possession or which may come to its attention indicating a violation of any other statutes over which the FBI has investigative jurisdiction.

"The FBI, under its responsibility for investigation of violations of Title 18, U. S. Code, Sections 112, 970, 1116-1117, 1201 and 1751 will take cognizance of the protective responsibilities of the Treasury Department under Title 3, U. S. Code, Section 202 and Title 18, U. S. Code, Section 3056 and thus does not limit or interfere with the authority of the Secretary of the Treasury in the discharge of his statutory protective responsibilities. This is not to be construed as vesting concurrent investigative jurisdiction with the Treasury Department with respect to investigations of individuals or organizations engaged in activities affecting the national security including terrorism, treason, sabotage, espionage, counter-espionage, rebellion or insurrection, sedition, seditious conspiracy, neutrality matters, Foreign Agents Registration Act, or any other Statute or Executive Order relating to national security. Any investigations of such groups or individuals for any reasons other than in connection with protective responsibilities must be closely coordinated with and have the concurrence of the FBI in order to minimize interference with national security responsibilities of the FBI.

"IV. <u>Information to be Furnished to the United States Secret Service by the Federal Bureau of Investigation</u>

"A. When an individual or group is referred by the FBI to the USSS, the following information will be furnished to the extent available:

"Individual - Identification data including name or names, addresses, photograph (or statement as to availability of such), physical description, date and place of birth, employment, and marital status.

"Organization - Name or names, address or addresses, officers, size, purpose or goals of organization, source of financial support, background data and such other relevant information as may be available.

"Reason for Referral - Statement of the class or classes of information described in Section IV B under which the individual or organization belongs.

"Information in FBI Files - A summary, as appropriate, of pertinent portions of any FBI file on an individual or organization referred.

"FBI Identification Records - The USSS will make specific requests in each instance where a check of the FBI identification records is desired.

"B. Types of information to be referred:

"1. Information concerning attempts, threats, or conspiracies to injure, kill, or kidnap persons protected by the USSS or other U. S. or foreign officials in the U. S. or abroad.

"2. Information concerning attempts or threats to redress a grievance against any public official by other than legal means, or attempts personally to contact such officials for that purpose.

"3. Information concerning threatening, irrational, or abusive written or oral statements about U. S. Government or foreign officials.

"4. Information concerning civil disturbances, anti-U. S. demonstrations or incidents or demonstrations against foreign diplomatic establishments.

"5. Information concerning illegal bombings or bomb-making; concealment of caches of firearms, explosives, or other implements of war; or other terrorist activity.

"6. Information concerning persons who defect or indicate a desire to defect from the United States and who demonstrate one or more of the following characteristics:

a. Irrational or suicidal behavior or other emotional instability.

b. Strong or violent anti-U. S. sentiment.

c. A propensity toward violence.

"7. Information concerning persons who may be considered potentially dangerous to individuals protected by the USSS because of their background or activities, including evidence of emotional instability or participation in groups engaging in activities inimical to the United States.

"V. Provision of Federal Bureau of Investigation Personnel to Protect the President and Other Protected Persons

"The USSS may, in accordance with Title 18, U. S. Code, Section 3056 request FBI Agents be detailed to the USSS in order to augment the capacity of the USSS to perform its protective duties. Such requests should be addressed to the Director of the FBI.

"FBI Agents detailed to the USSS are under the direction and exclusive operational control of the Director of the USSS for the period of their assignment. The FBI Agents so detailed may perform an armed or other protective function.

"VI. Implementation of Agreement

"In order to effect the best possible security of the President and certain other persons and places whose protection is the responsibility of the USSS, the FBI and the USSS will construe the terms of this agreement liberally and will take such steps as are necessary to insure the proper exchange and coordination of information.

"The agreement shall be reviewed annually by representatives of the FBI and the USSS, or at such other times as the FBI or the USSS may request, to insure that the agreement is both practical and productive. Revisions may be made on the authority of the Director of the FBI and the Director of the USSS.

"This agreement supersedes all prior agreements between the FBI and the USSS.

July 16, 1973
Date

BY /s/ Clarence M. Kelley
Director
Federal Bureau of Investigation

July 30, 1973
Date

BY /s/ James J. Rowley
Director
United States Secret Service"

ORGANIZATIONAL BREAKDOWNS

NEW ORLEANS	SAN DIEGO	TAMPA
NEW YORK	ST. LOUIS	WASHINGTON DC
NORFOLK	SALT LAKE CITY	TOTAL 59

CLARENCE M. KELLEY

ASSOCIATE DIRECTOR
NICHOLAS P. CALLAHAN

ASSISTANT TO THE DIRECTOR-DEPUTY ASSOCIATE DIRECTOR (INVESTIGATION)
JAMES B. ADAMS

COMPUTER SYSTEMS DIVISION
ASSISTANT DIRECTOR
FREDERICK J. DECKER JR

UNIFORM CRIME REPORTING SECTION:
- UNIFORM REPORTS
- LAW ENFORCEMENT OFFICERS KILLED OR ASSAULTED STATISTICS
- NATIONAL CRIME DATA STATISTICS

NATIONAL CRIME INFORMATION CENTER SECTION:
- NATIONAL CRIME INFORMATION CENTER
- [illegible]
- [illegible]
- [illegible]

DATA PROCESSING SECTION:
- [illegible] REPORTS
- [illegible]
- [illegible]
- [illegible]
- [illegible] RESEARCH
- [illegible] ANALYSIS
- [illegible]
- [illegible] REPORTS
- [illegible] VIOLATIONS
- [illegible]

OFFICE OF PLANNING AND EVALUATION
ASSISTANT DIRECTOR
RICHARD J. GALLAGHER

STUDIES AND RECOMMENDATIONS:
- OPERATIONS
- PLANNING
- POLICIES
- PROGRAMS

INSPECTION DIVISION
ASSISTANT DIRECTOR
HAROLD N. BASSETT

- INSPECTIONS – FIELD AND HQ
- SPECIAL PROJECTS
- SURVEYS
- INTERNAL AUDITS
- SECURITY COORDINATOR
- DOCUMENT CLASSIFICATION

INTELLIGENCE DIVISION
ASSISTANT DIRECTOR
W. RAYMOND WANNALL

COUNTERINTELLIGENCE BRANCH:

CI-1 SECTION:
- ESPIONAGE
- FOREIGN AGENTS REGISTRATION ACT
- INTERNAL SECURITY

CI-2 SECTION:
- ESPIONAGE
- FOREIGN AGENTS REGISTRATION ACT
- FOREIGN ECONOMIC MATTERS
- FOREIGN FUNDS
- FOREIGN MILITARY AND NAVAL MATTERS
- FOREIGN POLITICAL MATTERS
- FOREIGN SOCIAL CONDITIONS
- INTERNAL SECURITY - NATIONALISTIC TENDENCY
- NEUTRALITY MATTERS
- SECURITY MATTERS AND INTERNAL SECURITY
- BONDING MATTERS
- ANTEROS
- ACT FOR PROTECTION OF FOREIGN OFFICIALS AND FOREIGN GUESTS OF U.S.

CI-3 SECTION:
- ATOMIC ENERGY ACT - VIOLATIONS
- ESPIONAGE
- FOREIGN AGENTS REGISTRATION ACT
- FOREIGN ECONOMIC MATTERS
- FOREIGN FUNDS
- FOREIGN MILITARY AND NAVAL MATTERS
- FOREIGN POLITICAL MATTERS
- FOREIGN SOCIAL CONDITIONS
- INTERNAL SECURITY - NATIONALISTIC TENDENCY
- NEUTRALITY MATTERS
- SECURITY MATTERS AND INTERNAL SECURITY
- BONDING MATTERS
- ANTEROS
- ACT FOR PROTECTION OF FOREIGN OFFICIALS AND FOREIGN GUESTS OF U.S.

CI-4 SECTION:
- DOMESTIC AND MILITARY LIAISON
- FOREIGN LIAISON MATTERS
- FOREIGN POLICE COOPERATION

INTERNAL SECURITY BRANCH:

IS-1 SECTION:
- EXTREMISTS AND ORGANIZATIONS AND INDIVIDUALS
- EXTREMISTS ACTIVITIES
- CIVIL UNREST AND ACTS OF VIOLENCE
- EXTREMIST INFORMANTS

IS-2 SECTION:
- SEDITION
- SABOTAGE
- COMMUNIST GROUPS AND INDIVIDUALS
- OTHER REVOLUTIONARY GROUPS AND ORGANIZATIONS
- SECURITY INFORMANTS AND CONFIDENTIAL SOURCES (EXCEPT ESPIONAGE)

IS-3 SECTION:
- CENTRAL RESEARCH
- ANALYTICAL RESEARCH
- TRAINING
- SPECIAL RECORDS
- DEFENSE PLANS

LEGAL COUNSEL
ASSISTANT DIRECTOR
LEGAL COUNSEL
JOHN A. MINTZ

- LEGAL ANALYSIS
- LEGAL INSTRUCTION
- LEGAL LIAISON
- LEGAL RESEARCH
- FREEDOM OF INFORMATION ACT

GENERAL INVESTIGATIVE DIVISION
ASSISTANT DIRECTOR
ROBERT E. GEBHARDT

CRIMINAL SECTION:
- ASSAULTING OR KILLING A FEDERAL OFFICER
- ASSAULTING FOREIGN PERSONNEL
- CONGRESSIONAL ASSASSINATION STATUTE
- ASSAULTING THE PRESIDENT (OR VICE-PRESIDENT) OF THE UNITED STATES
- AUTOMOBILE INFORMATION DISCLOSURE ACT
- BANK ROBBERY
- BILLS OF LADING ACT
- CRIME ABOARD AIRCRAFT
- CRIME ON INDIAN AND GOVERNMENT RESERVATIONS
- CRIME ON THE HIGH SEAS
- DESECRATION OF THE FLAG
- DESTRUCTION OF AIRCRAFT OR MOTOR VEHICLES
- EXTORTION
- FALSE ADVERTISING OR MISUSE OF NAMES TO INDICATE FEDERAL AGENCY
- FALSE ENTRIES IN RECORDS OF INTERSTATE CARRIERS
- FEDERAL CIGARETTE LABELING AND ADVERTISING ACT
- FEDERAL JUVENILE DELINQUENCY ACT
- FEDERAL TRAIN WRECK STATUTE
- FIREARMS ACT (NATIONAL OR STATE FIREARMS CONTROL ASSISTANCE ACT (UNLAWFUL POSSESSION OR RECEIPT OF FIREARMS)
- FRAUDULENT PRACTICES CONCERNING MILITARY AND NAVAL DOCUMENTS AND SEALS AND SYMBOLS OF AGENCIES OF THE UNITED STATES
- ILLEGAL MANUFACTURE, USE, POSSESSION OR SALE OF EYEGLASSES AND INSIGNIA
- ILLEGAL USE OF GOVERNMENT TRANSPORTATION REQUESTS
- ILLEGAL USE OF RAILROAD PASS
- ILLEGAL WEARING OF UNIFORM
- IMPERSONATION
- INTERSTATE OBSCENE OR HARASSING TELEPHONE CALLS
- INTERSTATE TRANSPORTATION OF FIREWORKS
- INTERSTATE TRANSPORTATION OF OBSCENE MATTER
- INTERSTATE TRANSPORTATION OF PRISON MADE GOODS
- INTERSTATE TRANSPORTATION OF STOLEN CATTLE
- INTERSTATE TRANSPORTATION OF STOLEN MOTOR VEHICLE OR AIRCRAFT
- INTERSTATE TRANSPORTATION OF STOLEN PROPERTY
- INTERSTATE TRANSPORTATION OF UNSAFE REFRIGERATORS
- IRREGULARITIES IN FEDERAL PENAL INSTITUTIONS
- KIDNAPING
- MANN ACT
- POLICE KILLINGS
- PROTECTION OF FOREIGN OFFICIALS - CRIMINAL
- SWITCHBLADE KNIFE ACT
- THEFT, EMBEZZLEMENT, ROBBERY, AND ILLEGAL POSSESSION OF GOVERNMENT PROPERTY
- THEFT FROM INTERSTATE SHIPMENT
- WHITE SLAVE TRAFFIC ACT

CIVIL RIGHTS SECTION:
- CIVIL RIGHTS
- CIVIL RIGHTS ACT OF 1964
- DESEGREGATION OF PUBLIC ACCOMMODATIONS
- DESEGREGATION OF PUBLIC EDUCATION
- DESEGREGATION OF PUBLIC FACILITIES
- DISCRIMINATION IN EMPLOYMENT
- DISCRIMINATION IN HOUSING
- ELECTION LAWS
- INVOLUNTARY SERVITUDE AND SLAVERY

NAME CHECK SECTION:
- NAME CHECKS
- SPECIAL MEMORANDA

ACCOUNTING AND FRAUD SECTION:
- ACCOUNTING CONTROL
- ADMINISTRATIVE INQUIRIES
- ADMIRALTY MATTERS
- ANTIRACKETEERING
- HOBBS ACT
- LEA ACT
- INTERFERENCE WITH GOVERNMENT COMMUNICATIONS SYSTEM
- ANTITRUST
- ASCERTAINING FINANCIAL ABILITY
- BANK FRAUD AND EMBEZZLEMENT
- BONDSMEN AND SURETIES
- BRIBERY
- CENSUS MATTERS
- CONFLICT OF INTEREST
- CONSUMER CREDIT PROTECTION ACT
- CONTEMPT OF COURT
- COPYRIGHT MATTERS
- COURT OF CLAIMS
- DEPENDENTS ASSISTANCE ACT OF 1950
- DESTRUCTION OF INTERSTATE PROPERTY
- EIGHT HOUR DAY LAW
- FAIR CREDIT REPORTING ACT
- FALSE CLAIMS – CIVIL
- FALSELY CLAIMING CITIZENSHIP
- FEDERAL HOUSING ADMINISTRATION MATTERS
- FEDERAL LENDING AND INSURANCE AGENCIES
- FEDERAL REGULATION OF LOBBYING ACT
- FEDERAL TORT CLAIMS ACT
- FRAUD AGAINST THE GOVERNMENT
- INTERCEPTION OF COMMUNICATIONS
- INTERSTATE TRANSPORTATION OF STRIKEBREAKERS
- JURY PANEL INVESTIGATIONS
- KICKBACK RACKET ACT
- LABOR MANAGEMENT RELATIONS ACT, 1947
- LABOR MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1959 (INVESTIGATIVE MATTERS)
- LANDS DIVISION MATTERS
- MAIL FRAUD
- MIGRATORY BIRD ACT
- MISCELLANEOUS – CIVIL SUITS
- NATIONAL BANKRUPTCY ACT
- OBSTRUCTION OF COURT ORDERS
- OBSTRUCTION OF CRIMINAL INVESTIGATIONS
- OBSTRUCTION OF JUSTICE
- PASSPORT AND VISA MATTERS
- PATENT MATTERS
- PERJURY
- RAILWAY LABOR ACT
- RED CROSS ACT
- RENEGOTIATION ACT – CIVIL AND CRIMINAL
- SOLDIERS' AND SAILORS' CIVIL RELIEF ACT – 1940
- TARIFF ACT OF 1930
- UNREPORTED INTERSTATE SHIPMENT OF CIGARETTES
- VETERANS ADMINISTRATION MATTERS
- WAGE AND HOUR LAW
- WELFARE AND PENSION PLANS DISCLOSURE ACT

SPECIAL INVESTIGATIVE DIVISION
ASSISTANT DIRECTOR
WILLIAM V. CLEVELAND

CRIMINAL INTELLIGENCE-- ORGANIZED CRIME SECTION:
- ANTIRACKETEERING INTELLIGENCE
- EXTORTIONATE CREDIT TRANSACTIONS
- ILLEGAL GAMBLING BUSINESS
- ILLEGAL GAMBLING BUSINESS – OBSTRUCTION
- INTERSTATE GAMBLING ACTIVITIES
- INTERSTATE TRANSPORTATION OF GAMBLING DEVICES
- INTERSTATE TRANSPORTATION OF LOTTERY TICKETS
- INTERSTATE TRANSMISSION OF WAGERING INFORMATION
- INTERSTATE TRANSPORTATION IN AID OF RACKETEERING
- INTERSTATE TRANSPORTATION OF WAGERING PARAPHERNALIA
- RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS
- SPORTS BRIBERY
- TOP ECHELON CRIMINAL INFORMANTS

FUGITIVE SECTION:
- BOND DEFAULTS
- CONDITIONAL RELEASE VIOLATORS
- CRIMINAL INTERPRETER MATTERS
- DESERTERS AND DESERTER HARBORING
- ESCAPE AND RESCUE
- ESCAPED FEDERAL PRISONERS
- FUGITIVES
- HARBORING
- PAROLE VIOLATORS
- PREVARICATION CASES
- SELECTIVE SERVICE, INCLUDING FUGITIVE DEFENDERS
- UNLAWFUL FLIGHT TO AVOID CUSTODY OR CONFINEMENT
- UNLAWFUL FLIGHT TO AVOID DYING
- UNLAWFUL FLIGHT TO AVOID PROSECUTION

EMPLOYEES SECURITY AND SPECIAL INQUIRY SECTION:
- AGENCY FOR INTERNATIONAL DEVELOPMENT
- APPLICATIONS FOR EXECUTIVE CLEMENCY AND APPLICATIONS FOR PARDON AFTER COMPLETION OF SENTENCE
- ATOMIC ENERGY ACT APPLICANT OR EMPLOYEE INVESTIGATIONS
- ATOMIC ENERGY COMMISSION CIVIL SERVICE COMMISSION
- DEPARTMENTAL APPLICANTS FOR PRESIDENTIAL APPOINTMENTS AND PROFESSIONAL POSITIONS
- INTERNATIONAL LABOR ORGANIZATION
- LOYALTY OF EMPLOYEES OF THE UNITED NATIONS AND OTHER PUBLIC INTERNATIONAL ORGANIZATIONS
- MAINTENANCE EMPLOYEES
- NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
- NATIONAL SCIENCE FOUNDATION
- PEACE CORPS
- SECURITY OF GOVERNMENT EMPLOYEES
- SPECIAL INQUIRIES FOR WHITE HOUSE, CONGRESSIONAL COMMITTEES AND OTHER GOVERNMENT AGENCIES
- UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY
- UNITED STATES INFORMATION AGENCY
- U.S. COURTS APPLICANTS
- WORLD HEALTH ORGANIZATION

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PITTSBURGH	CINCINNATI	JACKSON
ANCHORAGE	CLEVELAND	JACKSONVILLE
ATLANTA	COLUMBIA	KANSAS CITY
BALTIMORE	DALLAS	KNOXVILLE
BIRMINGHAM	DENVER	LAS VEGAS
BOSTON	DETROIT	LITTLE ROCK
BUFFALO	EL PASO	LOS ANGELES
BUTTE	HONOLULU	LOUISVILLE

DIRECTOR
CLARENCE M. KELLEY

ASSISTANT TO THE DIRECTOR-DEPUTY ASSOCIATE DIRECTOR (ADMINISTRATION)
THOMAS J. JENKINS

ASSOCIATE DIRECTOR
NICHOLAS P. CALLAHAN

IDENTIFICATION DIVISION
ASSISTANT DIRECTOR
EDWARD H. ADAMS

RECORDING SECTION:
FINGERPRINT SUBMISSIONS
INTERNATIONAL EXCHANGE
GENERAL CORRESPONDENCE
LEGISLATIVE AND LEGAL MATTERS

POSTING SECTION:
FUGITIVE WANTED NOTICES
PROBATION AND PAROLE FLASHES

CARD INDEX SECTION:
CIVIL, CRIMINAL AND DECEASED NAME INDICES

TECHNICAL SECTION:
CLASSIFICATION AND SEARCHING OF CRIMINAL FINGERPRINT FILE
CIVIL FINGERPRINT FILE: ALIEN, CIVIL SERVICE, MILITARY AND PERSONAL SECURITY CARDS
FIRE ROOM SERVICES

ASSEMBLY SECTION:
FILING AND MAINTENANCE OF FINGERPRINT JACKETS
VERIFICATION OF IDENTIFICATIONS
SPECIAL LISTING

FINGERPRINT CORRESPONDENCE SECTION:
LOCATING AND DISSEMINATION OF FINGERPRINT RECORDS
CLASSIFIED RECORDS
FILING PERSONNEL UNIT
MAIL ROOM

LATENT FINGERPRINT SECTION:
EXPERT WITNESS AND FIELD EXAMINATIONS
LATENT FINGERPRINT SQUAD
LATENT FINGERPRINT PHOTO LAB
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[illegible]
[illegible]
[illegible]

TRAINING DIVISION
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ASSISTANT DIRECTOR
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INSPECTIONS
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A. GENERAL GUIDELINES.

1. Investigative jurisdiction.

FBI investigations under this section are based on specific statutory jurisdiction and Departmental instructions.

Investigations conducted under this section are to be directed to the gathering of material pertinent to a determination whether or not the subject has violated, or is engaged in activities which may result in a violation of, one or more of the statutes enumerated below; or in fulfillment of Departmental instructions.

There are three principal statutes which provide a basis for these investigations, as follows:

a. Rebellion or insurrection (T18, USC § 2383).
"Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or the laws thereof, or gives aid or comfort thereto, shall be fined not more than $10,000 or imprisoned not more than ten years, or both; and shall be incapable of holding any office under the United States."

b. Seditious conspiracy (T18, USC § 2384).
"If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined not more than $20,000 or imprisoned not more than twenty years, or both."

c. Advocating the overthrow of the Government (T18, USC § 2385).
"Whoever knowingly or willfully advocates, abets, advises, or teaches the duty, necessity, desirability, or propriety of overthrowing or destroying the government of the United States or the government of any State, Territory, District or Possession thereof, or the government of any political subdivision therein, by force or violence, or by the assassination of any officer of any such government; or

"Whoever, with intent to cause the overthrow or destruction of any such government, prints, publishes, edits, issues, circulates, sells, distributes, or publicly displays any written or printed matter advocating, advising, or teaching the duty, necessity, desirability, or propriety of overthrowing or destroying any government in the United States by force or violence, or attempts to do so; or

"Whoever organizes or helps or attempts to organize any society, group, or assembly of persons who teach, advocate, or encourage the overthrow or destruction of any such government by force or violence; or becomes or is a member of, or affiliates with, any such society, group, or assembly of persons, knowing the purposes thereof---

"Shall be fined not more than $20,000 or imprisoned not more than twenty years, or both, and shall be ineligible for employment by

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the United States or any department or agency thereof, for the five years next following his conviction.

"If two or more persons conspire to commit any offense named in this section, each shall be fined not more than $20,000 or imprisoned not more than twenty years, or both, and shall be ineligible for employment by the United States or any department or agency thereof, for the five years next following his conviction.

"As used in this section, the terms 'organizes' and 'organize', with respect to any society, group, or assembly of persons, include the recruiting of new members, the forming of new units, and the regrouping or expansion of existing clubs, classes, and other units of such society, group, or assembly of persons."

The courts have interpreted this statute to require advocacy to action, i.e., advocacy to do something, now or in the future, rather than merely to believe in something.

In addition to the three principal statutes outlined above, there are two other statutes which might provide a statutory foundation for an investigation under this section. These are:

[d. [Internal Security Act of 1950 (T 50, USC, § 783a)

[In addition to the three principal statutes outlined in subparagraphs a., b., and c., the Internal Security Act could provide a statutory basis for investigation of certain cases under this Section. This Act makes it unlawful to knowingly contribute to the establishment of a totalitarian dictatorship within the United States which is controlled by a foreign government, organization, or individual.]

2. Prosecutive determination

All discussions pertaining to the prosecutive potential of investigations initiated under this section will be conducted by FBIHQ with Departmental officials. These cases should not be discussed with local U. S. Attorney's office without FBIHQ approval.

3. Related statutes

There are a number of other statutes under the FBI's investigative jurisdiction which should be borne in mind in handling these investigations. Information concerning possible violations of such statutes is frequently developed during these investigations. Where this occurs the field should consider the desirability of conducting investigation in line with the policies and procedures governing the statute in question.

A list of other Federal statutes which may arise during these investigations is outlined in an appendix to this manual.

4. Definitions

The term "subversive activities" as used in this section denotes activities which are aimed at overthrowing, destroying or undermining the Government of the United States or any of its political subdivisions by the illegal means prohibited by statutes enumerated in A. 1. above. The term "subversive organization" or "subversive movement" denotes a group or movement which is known to engage in or advocate subversive activities, as defined above.

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5. Predication for Investigation

In all cases handled under the provisions of this section, the first communication prepared for outside dissemination (report or LHM) should show specifically the statute upon which the investigation is based together with necessary supporting facts. Where investigation has been specifically requested by Department, this should be indicated. The following examples are illustrative; however, the basis for each individual case must be tailored to the circumstances of such case.

a. "This investigation is based on information that the subject's activities could involve violation of T 18, USC, § 2383 (Rebellion or Insurrection), and § 2384 (Seditious Conspiracy). A source whose reliability has not been determined has informed that the subject is planning, along with others, to travel to Washington, D. C., on April 30, 1971, to participate in planned violent demonstrations during the first week in May, 1971, to 'shut down the Government.' Demonstration plans include the blocking of streets and highways, destruction of personal and Government property, and physical obstruction to prevent Government employees from reporting to work."

b. "This investigation is based on information that the subject's activities could involve a violation of T 18, USC, § 2385 (Advocating the overthrow of the Government). The subject is an admitted member (or has been identified as a member by a confidential source who has provided reliable information in the past) of (name of group). The (name of group) in its public statements and publications advocates the desirability and necessity of overthrowing the U. S. Government by force or violence, and the assassination of U. S. Government officers. The same source has reported that the subject actively supports these positions."

Where possible, the first intra-Bureau communication prepared which indicates that investigation is being [conducted] should specifically indicate the statutory basis for the investigation. However, there may be occasions involving individuals or groups in contact with known subversive elements where the purpose of the contact is not initially known and where a preliminary inquiry must be made to determine whether a statutory basis exists for full investigation. In these instances, a preliminary inquiry may be undertaken, through established sources, for a period not to exceed 90 days, without specifically indicating the specific statutory basis for the inquiry. If after the conclusion of 90 days it has not been possible to establish a statutory basis but further inquiry appears necessary, FBIHQ must be furnished a succinct summary of the facts by letter together with specific recommendations as to further action. In all cases, of course, investigations must be based on indications that subject may be engaged in subversive activity, whether or not a specific statutory basis is cited.

In the event preliminary inquiries fail to establish a sound basis for investigation, the case should be promptly closed and there is no need to advise FBIHQ (unless FBIHQ has been previously advised of the inquiry). Nor is there any need to prepare an LHM or report where no pertinent subversive derogatory information has been developed.

If the statutory basis for an investigation should change or be expanded to include an additional statute or statutes, the first communication prepared subsequent to such change or expansion should specifically show such changes. Similarly, this information should be included in the next report or LHM prepared in the case.

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6. Accuracy of characterizations
Assure that statements relating to characterizations of an individual or organization, or relating to affiliations with or membership in any organization, are founded on firm bases. Identify sources for such characterizations or statements of affiliation or membership if such characterizations, affiliations or memberships are not commonly and publicly known.

7. Investigations and contacts with individuals connected with institutions of learning
   a. Prior FBIHQ approval is required to:
      (1) Institute investigation of a faculty member or an organization connected with an educational institution.
      (2) Interview any student or faculty member who is not an established source. (Requests to conduct interviews must include individual's name, position, and an assessment of his reliability and discretion.)
   b. Contacts with established sources in an administrative capacity may be made on campus. Contacts with other established sources, e.g., students and nonacademic employees, should be made off campus.

8. Use of officers from other agencies
Members of other law enforcement or intelligence agencies are not to accompany Agents handling these investigations without specific approval by the SAC.

B. INVESTIGATION OF ORGANIZATIONS

1. Purpose
To develop evidence of any violations of statutes enumerated in A. 1. above and to keep the Department and other agencies and officials of the Executive Branch apprised of information developed which pertains to their areas of interest and responsibility.

2. Responsibility to initiate investigations
When information is received indicating an organization may be engaged in subversive activities or may be a front group for subversive organization, field office should initiate preliminary investigation confined to established sources. Notify FBIHQ that investigation has been undertaken. Within [90] days submit results by letter with recommendation as to whether or not further investigation is warranted.

3. Scope of investigation
Pertinent data concerning following items should be obtained and reported:
   a. Origin and scope
      Date and circumstances of founding including any incorporation data. Identities of organizers. Location of headquarters and chapters or affiliates, if any.
   b. Stated aims and purposes, especially any information showing advocacy of violence or illegal activity.
   c. Officers
      Principal officers and/or leaders with succinct resume of subversive backgrounds, if any.
   d. Membership
      Total active membership, including logical breakdowns by organizational structure and geographical area, if applicable. If exact membership figures are not available and estimates are given, be certain they are plainly shown as estimates. In cover pages or cover communications, include evaluation of reliability of membership figures cited, as well as comments concerning any significant factors involving membership, e.g., increases or decreases, notable shift in composition of group by age, sex, nationality, etc. Be certain to secure accurate description of all lists referred to so as to avoid confusion as to exact identity or significance of such lists.
   e. Publications
      All publications of group with emphasis on any which clearly depict subversive character of organization.

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Furnish FBIHQ [illegible] copy of publications which [illegible] ray subversive character of group or which advocate violence. Ascertain sources of funds for publications. When it is operated as distinct entity, a separate investigation should be initiated concerning the publication.

f. Finances
Sources of funds and nature of expenditures, in particular whether any income is received from or contributions made to foreign elements.

g. Connections with other groups
Develop pertinent information concerning ties with other subversive elements including material and/or moral support given or received. Be especially alert to detect connections with foreign subversive elements or indications of foreign allegiance or control. Also determine and report any significant connections or cooperation with nonsubversive groups.

h. Activities
Describe activities of group. Afford special emphasis to any underground operations or activities involving violence or threatened violence. Include any pertinent data showing success or failure of organization in achieving its stated [illegible]ls.

4. Infiltration of nonsubversive groups

a. General
When information is received indicating that subversive group is seeking to systematically infiltrate and control a nonsubversive organization, available data should be submitted by letter with recommendations as to initiating active investigation. Recommendation to undertake investigation should be supported by available background information concerning target organization (including name and locations, estimated membership, principal officers, and nature of activities) and resume of extent of subversive infiltration efforts (including identities of known subversives who have joined target organization and positions held), provide brief statement as to investigation planned. If approved by FBIHQ conduct discreet investigation limited to determining and reporting activities which are related to or in furtherance of subversive infiltration. These instructions apply to local chapters or affiliates as well as national organization.

b. Caption and preface
Captions of communications should show that subversive infiltration of target organization is objective of investigation, not organization itself, e.g., "Infiltration of (Name of target organization) by (Name of subversive organization)." All communications prepared for dissemination should carry prefatory statement which clearly conveys this point, e.g., "This investigation is directed solely towards establishing the extent of infiltration, domination, or control of the (Name of nonsubversive organization) by the (Name of subversive organization). It is not concerned with the normal activities of the (Name of nonsubversive organization)." In addition, preface should succinctly show the predication for out investigation of the subversive group involved.

c. Limitations on investigation
(1) Other than with established sources, no interviews should be initiated with members, leaders, or officers of infiltrated organization without prior FBIHQ approval (except where they can be handled by suitable pretext). However, this does not preclude accepting information volunteered to FBI.

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(2) Informants and sources should not be directed by FBI to join or participate in activities of target organization. However, if subversive group requests informant to do so, latter may comply.

(3) Be certain all persons interviewed, including informants, are aware that FBI is not interested in normal activities of target organization but solely in efforts to influence or control the organization by subversive elements.

d. Conversion to full scale investigation

If target organization becomes completely dominated and controlled by subversive elements, advise FBIHQ on UACB basis that full investigation is being initiated as subversive organization. Drop infiltration designation from title of case.

5. Subversive publications

Each office should review [any independent subversive] publications produced in its territory [(as contrasted with publications issued by subversive groups which are under investigation, see B. 3. e. above)] to determine whether any advocate violations within FBI jurisdiction. If so, submit available information by LHM to FBIHQ with copy of pertinent material and make recommendations as to further action. Insure that FBIHQ is aware of all subversive publications with brief identifying data.

6. Investigative steps

Efforts should be made to develop reliable informants at all levels and in all segments of subversive organization.

Live informant coverage should be supplemented by other logical investigation including review of appropriate public records and publications, interviews with former members or group and, on selective basis, through such techniques as physical and photographic surveillance.

7. Administrative and reporting procedures

a. Reporting requirements and status

When necessary data has been developed concerning organization's activities (See B. [3.] above), submit report. After initial report, reports should be submitted semiannually (unless FBIHQ has instructed otherwise in individual cases). LHM may be used to provide FBIHQ or other interested agencies with significant data of immediate interest on an interim basis between reports.

b. Informant coverage

Cover pages of reports should include a brief summary of informant coverage available with respect to the organization, identifying informants who report on the group's activities by symbol number and showing specifically which informants are members of the group.

c. Topical headings

Both reports and LHMs should be organized under logical headings.

d. Character

All cases should use character "Internal Security," e.g., "Communist Party, USA; Internal Security." In case of subsidiary or front group, character should show name or abbreviation of the parent organization, e.g., "Young Workers Liberation League, Internal Security - CPUSA"; "Young Socialist Alliance, Internal Security - SWP." Caption of subversive infiltration cases should include name of subversive group and target organization, e.g., "Infiltration of (Name of target organization) by Socialist Workers Party, Internal Security - SWP."

e. Classification - 100

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f. Copies
Furnish 5 copies of reports and LHMs except where instructed otherwise in individual cases.

g. Closing of case
If it is determined subject organization is not currently engaged in subversive activities, submit pertinent facts in closing report.

C. INVESTIGATION OF INDIVIDUALS

1. General policy

a. Purpose
To develop evidence of any violations of the statutes enumerated in A. 1. above and keep the Department and other agencies and officials of Executive Branch advised of information developed which pertains to their areas of responsibility and interest.

b. Individuals to be investigated
Investigations should be conducted to fully identify and determine the activities and affiliations of persons who:
Are reported to be engaged in activities which may result in a violation of statutes enumerated in A. 1. above. This includes individuals who are current active members of subversive organization or movement. Where formal membership in a subversive movement does not exist, it includes individuals who are actively supporting the subversive goals of the movement.
Priority investigative attention should be given to individuals who are known or suspected of being involved in subversive activities which are of a clandestine, underground, or violent nature.

c. Limitations on investigations
All investigations conducted should avoid nebulous or sweeping inquiries which are not relevant to objectives. Under no circumstances should an investigation be conducted of any individual merely on the basis that such individual supports unpopular causes or opposes Government policies.

d. Investigations requiring FBIHQ approval
Obtain FBIHQ approval for investigation of:
(1) U. S. Government employee
(2) Officials or employees of United Nations or other public international organizations of a governmental or quasi-governmental nature.
(3) Officials or employees of foreign diplomatic establishments or governments, or foreign exchange participants (representatives of foreign countries who are in U. S. as part of official exchange program).
(4) Faculty members of institutions of learning.
FBIHQ approval is not required for investigation of student or nonacademic employees of institutions of learning in the absence of unusual circumstances. If during a pending investigation it is discovered that the subject fits one of above categories, suspend active investigation and advise FBIHQ with recommendation as to further action.

e. Members of United States armed forces
No investigation should be conducted of active [members of U. S. military forces or retirees from the "regular" components of the armed forces who are subject to Article 2 of the Uniform Code of Military Justice and over whom the military retains control (retirees from military reserve forces are not subject to the Uniform Code of Military Justice).] If it is determined that a subject fits in this category, terminate investigation and promptly furnish pertinent data to appropriate counterintelligence branch of U. S. armed forces. Advise FBIHQ in form suitable for dissemination.

[f. Candidates for or occupants of elective public office
Upon learning of the candidacy for public office of a member of a subversive organization, the office of origin should promptly furnish FBIHQ with a communication suitable for dissemination setting forth sufficient identifying data and a brief summary of the individual's subversive activities together with details of the individual's candidacy for public office. In the absence of a violation of a specific Federal statute, no investigation should be conducted until subject's candidacy for public office is resolved. Information received during the period of the individual's candidacy indicating a specific violation of Federal law(s) should be furnished FBIHQ by means consistent with the exigencies of the situation along with recommendations as to additional action warranted. Other unsolicited subversive information received from sources and informants or obtained incidental to other investigations should be channeled to the individual's file and, when appropriate, furnished FBIHQ in disseminative form with recommendations as to additional action warranted.

Results of candidacy in every instance should be furnished FBIHQ under individual caption. Should the candidate have been defeated, necessary communication should contain recommendations as to additional action warranted. Should the candidate be elected, necessary communication should contain statement that in the absence of information indicating a specific violation of a Federal statute, no additional investigation will be conducted. At such time as the individual ceases to serve in public office, the office of origin should submit such information to FBIHQ accompanied by recommendations as to additional action warranted. Should information be received indicating a violation of a specific Federal statute while the individual is in office, receiving office should submit pertinent information to FBIHQ by means consistent with the exigencies of the situation along with recommendations as to additional action deemed warranted.]

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2. Investigative procedures

a. Scope of investigation.

Data concerning the following items should be developed and reported, if pertinent:

(1) Background information, including

(a) True name and aliases.

(b) Date and place of birth. [Where practicable, verify through appropriate bureau of vital statistics or birth registrar.]

(c) Residences, past and present.

(d) Occupations and employments, past and present.

(e) Citizenship status; where applicable, naturalization data.

(f) Family background. If available, include identities of immediate family and any information indicating they are employed in sensitive positions or by U. S. Government. If member of immediate family is known to be engaged in subversive activities, include succinct resume.

(g) Military records, including any service in foreign forces.

(h) Educational background.

(i) Arrest record and disposition of charges.

(j) Physical description. Make reasonable effort to secure photograph.

(k) Handwriting and/or handprinting specimens should be obtained, if readily available, and kept in case file. Special efforts should be made to secure such specimens with regard to leaders of subversive groups and they should be furnished to FBIHQ by letter for attention of FBI Laboratory to be included in National Security File.

(2) Subversive activities and affiliations, including

(a) Information concerning membership in subversive movements, organizations or front groups, date and circumstances of admission, positions held, and participation in activities of organization (e.g., attendance at meetings or other functions, fund-raising or recruitment efforts on behalf of organization, contributions, etc.)

(b) Statements made or other factors which indicate awareness of the subversive nature of group, including involvement in underground operations, and/or in any other illegal or violent actions promoted by organization or movement.

(c) Information tending to show subject's importance in subversive movement or organization, e.g., degree of influence and leadership exercised, close association with national or local leaders, participation in policy decisions.

b. Investigative steps

The following steps should be considered, but are not all inclusive.

(1) File reviews. Office indices should be checked. Any pertinent information developed should be included in initial report. Where logical, check files of other field offices and/or FBIHQ.

(2) Public source material. Make full use of public records and public sources of information, including hearings of congressional or other Government committees both state and Federal, and publications, including those issued by subversive groups.

(3) Check of files of other government agencies, both Federal and local, which could logically be expected to have pertinent information.

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(4) Records of private firms. Obtain pertinent available information from records of private firms such as past or present employers. Checks of credit agencies should be limited to securing identifying information only.

(5) Contacts with neighbors and fellow employees. Such inquiries should be made only where there is expectation they will develop pertinent information not otherwise available.

(6) Canvass of established sources and informants. Contact informants and sources in position to be knowledgeable concerning subversive groups with which subject is affiliated.

(7) Physical and photographic surveillances. These should be considered on selective basis when circumstances indicate they may be productive.

c. Interviews of subjects

(1) Policy

Subjects of investigation should be interviewed unless there is a sound basis for not doing so. Generally, interviews should be considered after background inquiries have been completed and a good picture of subject's activities developed.

If a decision not to interview a subject is made, this should be fully explained in case file and FBIHQ advised whenever FBIHQ is cognizant of investigation.

(2) Purpose

To develop information regarding subversive activities in which the subject is engaged.

(3) Approval to interview

All interviews of subjects may be approved by SAC except following instances which require FBIHQ approval:

(a) Deleted

(b) When subject is nationally prominent or where circumstances otherwise indicate the interview could be widely publicized, such as labor leaders, educators, religious leaders or journalists.

(c) When interview is to be conducted in presence of subject's attorney and/or aide.

(d) When subject is connected with institution of learning.

[In those instances where FBIHQ approval is not required, case Agent should prepare a memorandum requesting SAC authority for interview. This memorandum should include a succinct resume of the case, including a review of office files concerning a subject, and should indicate the objectives of an interview. Memorandum must be approved by SAC or in his absence, by a designated official.]

(4) Letter requesting FBIHQ approval to interview subject

(a) Letter should concisely set out available data concerning following items:

I. Residence address, employment, race, date and place of birth, citizenship and any health factors which could affect conduct of interview.

II. Marital status, employment and citizenship of spouse.

III. Succinct summary of subject's subversive activities, membership of affiliation with subversive groups, and positions held.

IV. Similar summary regarding spouse's affiliation with subversive activities.

V. Similar summary concerning subversive activities on part of close relatives.

VI. Resume of subject's current sympathies and status in subversive movement or organization and any indication of disaffection.

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VII. Subject's arrest record and disposition of charges; any information indicating a propensity for violence.

VIII. What is expected to be gained by interview?

List above items by number but headings need not be restated. If no pertinent data is available concerning a particular item, so indicate.

(b) Submit one copy of letter and additional copy of first page only which can be returned by FBIHQ stamped "Approved."

(5) If interview not conducted within 60 days, submit letter advising FBIHQ:

(a) Reason interview not conducted.

(b) Any new information pertinent to desirability of interview.

(c) Whether efforts to interview subject will be pursued. Thereafter, keep FBIHQ advised at least each 60 days as to progress of matter.

(6) Conduct of interview.

(a) Interviews of subjects entitled to the warning and waiver shall be conducted in accordance with the requirements set forth in Volume I, Manual of Instructions, Section 2B, page 15. If the interview is being conducted for intelligence information rather than an admission or confession of guilt, no warning is required. Moreover, if the investigation has failed to develop information indicating a possible violation of Federal law by the subject, it would be permissible to interview the subject without a warning as he does not fit the criteria of those entitled to a warning of rights. Carefully plan interview so there will be no compromise of sources, sensitive techniques or interviewing personnel. An overriding consideration to always bear in mind is that interview should elicit from, not provide information to the subject.

(b) Interview at subject's place of employment should be avoided if possible. If attorney or aide is present during interview, interview must be conducted by two Agents.

(c) If, during conduct of interview subject desires that his attorney or aide be present, the interview should be tactfully terminated, and FBIHQ should be informed with recommendation whether or not to resume interview.

(d) In all other instances, SAC has responsibility and option of deciding when two Agents should handle interview. Safety of Agents is first priority to consider.

(7) Direction of subject's activities.

Prior FBIHQ approval is required before taking any steps to direct the subject's activities even though he may appear to be cooperative during the interview.

(8) Reporting results of interview.

(a) Record results of interview on FD-302.

(b) Pertinent results of interview should be included in next report or LHM unless circumstances indicate need for more expeditious reporting. In cover letter or administrative pages, include observations of interviewing Agents as to subject's cooperativeness, any relevant information concerning subject's appearance or characteristics, and assessment of information developed by interview in light of other data known to your office.

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5. Reporting Procedures

a. General

(1) Pertinent information developed during investigation may be reported either by report or LHM.

Reports should be submitted:

(a) When setting out results of extended inquiries such as summary of subject's activities.

(b) When subject is being recommended for inclusion in ADEX.

LHM should be used to report timely or significant information regarding subject's current activities.

(2) All communications should be limited to:

(a) Information regarding subject's subversive activities, sympathies, and affiliations.

(b) Pertinent background data concerning subversive individuals or groups with which subject is connected.

(c) Essential background data regarding subject.

They should not include information regarding subject's social or personal affairs or other background data not relevant to subject's subversive activities or affiliations.

(3) Information in both reports and LHMs should be organized under topical headings. Main headings and subheadings should be employed to make the communication as readable as possible.

b. Summarizing information.

When reporting information of repetitious or cumulative nature, such as attendance at regular meetings of subversive group, use summary narrative statement. Exact dates are not needed, but time period involved should be indicated. Summary statements must be statements of facts and not conclusions. Information from different sources should be reported separately and any significant items must be set forth in detail.

c. Administrative or Cover Pages

(1) Material to be included

Pertinent information concerning following should be included in administrative pages of report or cover communication of LHM: References to other reports or correspondence, ADEX status, reference to security flash notice (FD-165) or transfer of origin (FD-128), reason for classification, if any, documentation of data contained in report or LHM, identities of confidential sources, leads, and other administrative or noninvestigative material. Use form (FD-305) for ADEX cases. If used, nonsymbol source page should be last page.

(2) Documentation

(a) In documenting information originating with another field office, file number of original document need not be shown provided source, date information received, and receiving Agent are identified.

(b) Do not conduct extensive inquiries to document background information.

(c) In characterizing persons who associate with subject, identify source but further documentation not required.

d. Office of Origin

Office covering place where subject's principal subversive activities occur or originate should be origin. In unusual circumstances where

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there is doubt [illegible] which office should be ori[illegible] request FBIHQ to designate office of origin.

e. Title of communications

Normally, only one subject should be carried in title of each report or LHM and separate reports should be submitted for each subject regardless of relationship. However, when reporting virtually identical information concerning two related individuals (e.g., travel data concerning a husband and wife) an exception can be made and single LHM or report submitted. In such cases dual captions should be used and an extra copy of communication provided.

f. Classification - 100

g. Character

(1) Designation "Subversive Matter" (or abbreviation SM) should be used in all cases. Add organizational affiliation when chief group with which subject is connected is under current investigation or has approved [characterization.]

Example: Subversive Matter - CPUSA
Subversive Matter - SWP

(2) Where meaningful organization affiliation cannot be shown, use caption "Subversive Matter."

h. Copies of reports or LHMs

In all instances furnish four copies to FBIHQ to cover dissemination to Department (2) and Secret Service (1). Where it appears dissemination will be made to other agencies at FBIHQ level, furnish one additional copy for each such agency involved.

i. Status

Carry cases as pending until logical inquiries aimed at resolving purpose of investigation have been completed. As minimum, case should be kept pending until essential background data regarding subject has been secured and sufficient information developed to present good picture of nature and extent of subversive activities engaged in by subject.

j. Closing and reopening of cases

If it is determined that subject's current activities do not involve an actual or potential violation of one or more of the statutes enumerated in A. 1. above, case should be closed.

Case may be reopened at a later date if additional information is received which indicates subject's subsequent activities involve or may result in a violation of the statutes cited in A. 1.

k. Subject traveling abroad (Also see section 105G volume IV, of this manual).

Take following action when information is received that subject of current investigation intends to travel abroad or has departed on foreign travel (except where travel is of brief duration and is known to be for innocuous purpose, such as vacation):

(1) Immediately notify FBIHQ of available details concerning travel, including places and dates of departure and intended return, destination, itinerary, purpose of trip, and pertinent passport data. Include full description of subject, including aliases. Set out concise resume of available subversive data regarding subject. Do not delay advising FBIHQ while developing details if time is of essence.

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(2) If necessary set out lead for WFO to check records of Passport Office, Department of State.

(3) Pertinent information is furnished Department of State, Central Intelligence Agency (CIA), and interested Legal Attaches. Furnish FBIHQ with six copies of LHM (3-Department, 1-Secret Service, 1-State, 1-CIA) plus an additional four copies for each Legal Attache Office which covers area in subject's itinerary (1-Legat, 3-Legat's sources). Also, furnish one copy of subject's photograph, if available, for each Legat Office involved. If stop should be placed with security services abroad, so indicate in cover letter. Set out requests for investigation abroad on separate numbered page captioned "Leads" at end of LHM. Request should not refer to Legal Attache or request investigation by any particular service.

(4) Advise FBIHQ promptly by LHM of subject's return. Reference any prior memoranda dealing with the subject's travel. If subject has traveled to a communist country, furnish recommendation as to interview and advise whether additional investigation being conducted.

(5) Take following action when information is received that organization or individual engaged in subversive activities is forming tour group for foreign travel:

(a) Advise appropriate offices, under caption of tour group or organization, as to identities of individuals participating in tour and furnish LHM to FBIHQ for dissemination to State Department, CIA, and interested Legal Attaches. Include readily available information pertaining to tour, such as itinerary, dates, names, and addresses of participants, and [characterization] of organization or individual sponsoring tour.

(b) Other offices should immediately identify participants residing within their respective territories and submit LHMs on those of security interest. Refer to LHM previously prepared under caption of tour group or organization. In cover letter, list participants on whom there is no subversive information.

l. Submission of information on members of subversive groups.

(1) Offices covering national headquarters or local units of subversive groups should promptly furnish FBIHQ names and identifying data regarding persons affiliated with such groups. Furnish information by letter, and indicate list is being furnished for indexing purposes.

(2) Information regarding subversive affiliation of individuals residing in territory of other offices should be furnished to latter.

(3) Subscription lists of publications of subversive organizations should be indexed in field office covering address shown for subscriber but should not be forwarded to FBIHQ.

m. Control files on former members of subversive organizations.

(1) Offices having sufficient volume may, at the option of the appropriate supervisor, maintain control files on former members of subversive organizations. Such files will preclude necessity for extensive file reviews to identify persons who are in position to furnish information of value in particular cases.

(2) Where appropriate, make copies of communications for these files. Insofar as practical these files should contain following information regarding ex-members of subversive groups: background, type of information possessed, time period covered, availability for interview and for testimony.

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n. Channeling information to case files

(1) Memoranda regarding membership or activity in subversive organizations, including summaries of informant reports, should be channeled to case files of individuals involved. When information from informants or surveillances is channeled to individual case files, it should be documented.

(2) When preparing lengthy channeling memoranda reporting material of interest to other offices, limit number of copies prepared to two for each other office. Clearly indicate next to names of other offices the page number containing information of interest and note on cover page that distribution of material to individual case files should be handled by recipient offices.

o. Movement of subjects between offices

If office of origin receives information that subject of current or past investigation changes residence to territory of another division, office of origin request verification within 30 days. If new residence confirmed, office of origin submit FD-128 to transfer origin. Office of origin should furnish new office with any pertinent subversive data which has not previously been reported in a form suitable for dissemination, or suitable for incorporation in an LHM or report.

p. Destruction of Channeling Memoranda

At the option of appropriate field supervisors, in order to avoid the accumulation of channeling memoranda in a case file as well as to facilitate the subsequent preparation of LHMs or reports, the following procedure may be used: Files may be reopened for preparation of an "investigative insert" for later inclusion in a LHM or report, using T symbols identifying informants who have furnished prior information. Agent preparing this insert should also prepare a cover memorandum showing what serials in the file have been covered by his review and also identifying all symbol number informants involved and indicating the location of the original data (similar to documentation in the cover pages of a report). The channeling memoranda covered in the review can then be destroyed and the "investigative insert" along with its cover memorandum can, if necessary, be forwarded to another field division in the event the subject moves.

[4. Urban Guerrilla Warfare

(Instructions relating to investigations of above subject matter are contained in section 122, item A8, Manual of Instructions.)]

D. DISSEMINATION OF DATA DEVELOPED

1. General Policy

Information developed during these investigations should be furnished to other agencies in Executive Branch which have a legitimate interest. See MRR, part II, section 5, pertaining to Bureau's overall responsibilities and policies in dissemination.

Do not disseminate earlier reports without reviewing them to insure they meet current reporting standards. If they are unsuitable for dissemination, prepare LHM containing pertinent information.

2. Specific requirements

Following instructions cover representative situations which occur frequently.

a. Members of armed forces

Delimitations Agreement between FBI and armed forces intelligence agencies (see section 102B, volume IV, of this manual) requires free exchange of all information of mutual interest between subscribing agencies. Immediately refer any derogatory or possibly significant information developed concerning members of military services, including contacts with individuals or groups of security interest, to military service having primary responsibility.

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If it is determined subject of FBI investigation is member of armed services, discontinue immediately, advise FBIHQ, and disseminate pertinent information locally to appropriate intelligence agency. If it is determined subject has close relatives in armed forces, promptly advise appropriate military intelligence service, and furnish pertinent information, including reports, on subject involved. Evaluation of such association lies entirely within province of military intelligence service.

In all instances, advise FBIHQ concerning any possible subversive contacts or derogatory information developed concerning military personnel, including local dissemination made. Enclose four copies of LHM or report setting out pertinent data.

b. Aliens and naturalized citizens
Furnish any information which might have bearing on their deportation or denaturalization to Immigration and Naturalization Service (INS) locally.

c. Individuals employed in or having access to Key Facilities, or employees of private contractors of the Armed Forces
Under Delimitations Agreements, FBI is responsible to disseminate pertinent data to the counterintelligence agencies of the Armed Forces. [Also disseminate pertinent information concerning such individuals to the Chief, Defense Industrial Security Clearance Office (DISCO), Defense Supply Agency, Columbus, Ohio 43215, Attention Chief, Adjudication Division and advise interested military intelligence agency of such dissemination to DISCO. However, with regard to facilities having classified contracts with the Atomic Energy Commission (AEC), dissemination to AEC is made only at FBIHQ.]
See section 102, volume IV, of this manual for details.

d. Employees of public utilities (including state and municipal facilities)
Disseminate pertinent data locally to Army and any other Federal agency whose interest is apparent.

e. Members of military reserve branches or National Guard
Disseminate pertinent security data locally to appropriate military intelligence service.

f. Seamen and subjects employed in maritime industry, including longshoremen and waterfront employees
Disseminate pertinent security data locally to Coast Guard and when circumstances dictate, to other interested intelligence agencies, including NISO.

g. Employees of Federal Government
Any subversive information received concerning an employee of an agency of the Executive Branch should be promptly forwarded to FBIHQ for dissemination to interested agencies. No dissemination of reports in Security of Government Employee cases should be made in field. Instructions regarding all phases of FBI responsibilities under EO 10450 are in section 19, volume II, of this manual.

h. Individuals who own property or reside in immediate vicinity of installation or other premises under jurisdiction of branch of armed services
Disseminate pertinent data locally to appropriate military intelligence service.

i. Airmen licensed by Federal Aviation Administration (FAA)
FAA issues certificates to airmen (pilot, mechanic, or member of crew); to individuals directly in charge of inspection, maintenance, overhauling, or repair of aircraft; and to aircraft dispatchers or air-traffic control tower operation.

Furnish pertinent data concerning such persons to FBIHQ by report or LHM. In cover communication, recommend dissemination to FAA.

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j. Dissemination to Secret Service
Under agreement between FBI and Secret Service concerning protective responsibilities (set out in section 102, volume IV, of this manual), reports and LHMs are disseminated to Secret Service both locally and at FBIHQ in all cases which meet standards set forth. This includes virtually all cases on individuals where any substantial information exists as to subversive activities or sympathies of subject. When photographs are available send copies to Secret Service locally and to FBIHQ for dissemination at headquarters level.

(1) Secret Service should be advised of reason for referral; i.e., statement of class or classes of agreement which apply to subject. FD-376 serves as letter of transmittal for both local and FBIHQ dissemination. Forward original and one copy to FBIHQ and maintain copy in case file.

(2) After initial dissemination, as changes occur in residence and employment, advise Secret Service locally by FD-366 and furnish two copies to FBIHQ. FD-366 must be submitted even though changes in residence and/or employment are noted in report or LHM being submitted.

(3) For instructions governing dissemination to Secret Service in matters involving threats against President, refer to section 134B, volume IV, of this manual.

(4) Upon transfer of office of origin, old office of origin should furnish Secret Service locally with subject's new residence and business address by LHM or FD-366. Provide copies to FBIHQ and new office of origin for dissemination to Secret Service headquarters and branch office covering new residence, respectively.

(5) As an administrative aid to insure proper dissemination, the file covers of cases in which dissemination is being made to Secret Service may be stamped "SS."

3. Restrictions on field dissemination
If security measures are known to be inadequate at local office of another Government agency, do not disseminate locally, but bring matter to attention of FBIHQ for headquarters dissemination.

E. ADMINISTRATIVE INDEX (ADEX)

1. Purpose and general policy

a. To have a readily available and up-to-date listing of individuals deemed currently dangerous to the national security. Objective is to identify individuals who should be afforded priority investigative coverage in the event of a national emergency.

b. Under no circumstance should individuals be included in ADEX merely because of their opposition to Government policies or because of the exercise of their constitutional rights of protest and dissent.

c. ADEX is strictly an administrative device. It should not be treated as a factor in determining basic investigative decisions, i.e., whether an investigation should be opened or closed, the extent of investigation to be conducted in a particular case, etc.

2. Criteria

a. ADEX should include individuals whose actions or statements have established that they represent a current threat to the national security, i.e.,:
Individuals (whether affiliated with organized groups or not) who have shown a willingness and capability of engaging in treason, rebellion or insurrection, sedition, sabotage, espionage, terrorism, guerrilla warfare, assassination of government officials, or other such acts which would result in interference with or a threat to the survival and effective operation of national, state or local government.

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b. This would include leaders of organizations whose aims include the overthrow or destruction of the Government of the United States or the government of any state, territory, district, or possession thereof, or the government of any political subdivision therein, by unlawful means. The term "leaders" denotes those individuals, irrespective of title, who are in a position to significantly influence the policies or direct the activities of the group. Mere membership in an organization, without the element of leadership or without a demonstrated willingness and capability described in paragraph a, is not sufficient for inclusion in ADEX.

c. Individuals should be considered a "current threat" to the national security when reliable information has been developed that they have engaged in activity or exhibited the requisite willingness and capability falling within the above-described criteria during prior two years and there is no indication they have ceased such activity. However, there may be instances where retention of an individual in ADEX is justified even though no pertinent information is available during the prior two years. For example, such retention might be warranted in the case of individuals who have gone into hiding [or] temporarily left the country. [Following guidelines should be followed with respect to imprisoned subjects. If already on ADEX and sentence is such that the earliest possible release date from actual incarceration is more than two years after sentencing, subject should be recommended for removal from ADEX. If possible, stop should be placed with facility where incarcerated so office will receive notification of release, after which subject should be considered for possible reactivation on ADEX. Whether or not a stop can be placed, necessary administrative procedure should be set up so that subject's continued incarceration is verified at least every six months. If case is not pending, it should be placed in a pending inactive rather than closed status. If a subject under investigation appears to qualify for ADEX but is under sentence for over two years as described above, do not recommend for ADEX but follow procedures described above to consider for ADEX upon release from imprisonment. Sentences which permit releases in less than two years should be ignored as a factor in considering ADEX status. These guidelines are for application only as to ADEX status and have no bearing on whether or not subjects should be investigated. For those cases in a closed status at time these new guidelines become effective, they should be brought in line with the new guidelines when the cases are next reviewed for any reason.]

d. ADEX should not include individuals who may be ideologically committed to a philosophy which calls for the downfall of our form of government or which favors another form of society but who have not shown a current willingness or capability of engaging in meaningful action to promote their beliefs. This might apply, for example, to rank-and-file members of the Socialist Workers Party or the Communist Party, USA, or other old-line revolutionary groups which have advocated an overthrow of our present form of government but where subject's activity is primarily ideological in nature and not oriented toward action. Each case should be reviewed on an <u>individual basis</u> in the light of the criteria enumerated above.

3. Recommendation for preparation of ADEX card

a. When dangerousness of subject has been established, office of origin should prepare recommendation on FD-122, in triplicate. Forward original and copy to FBIHQ, and place copy in subject's file.

b. Attach additional page or pages to FD-122 setting out succinct summary of facts on which recommendation based.

c. Nonprosecutive summary report should be submitted when subject is recommended for ADEX unless one was previously furnished to FBIHQ. In latter instance, submit up-to-date report.

d. Do not delay recommendation for ADEX because of absence of complete background or descriptive data.

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e. Do not defer recommendation for ADEX because subject is missing, temporarily out of the country, or in prison.

f. If FBIHQ approves recommendation, ADEX cards will be prepared including two copies for field. Copy of FD-122 will be returned stamped "ADEX card approved, copies attached." Check cards for accuracy. Place one in alphabetical section of field office ADEX and other in either geographical section or unavailable section.

g. When subject is approved for ADEX, submit Security Flash Notice (FD-165) to check records of Identification Division and post flash notice if fingerprints of subject are on file. FD-165 will be returned if positive identification cannot be made. In latter event, FD-165 should be submitted every two years as long as subject remains on ADEX and no fingerprint record has been located. These submissions should be timed to coincide with biennial review of case.

4. Format of ADEX card

a. Data to appear on face of card

Itemized below are descriptive categories in which subject may be classified and corresponding abbreviations for use on FD-122 and ADEX card.

(1) Full name and aliases

(2) Date and place of birth

(3) Race

White	W
Black	B
Other	O

(4) Sex

Male	M
Female	F

(5) Citizenship

U. S. Citizen	CT
Alien	AL

(6) Residence address

(7) Employment (occupation and address)

(8) Type of activity

Black Extremist	BEX
Communist (pro-Chinese)	CMC
Communist (pro-Soviet)	CMS
Communist (Trotskyist)	CMT
Foreign Nationality	FRN
Puerto Rican Nationalist	PRN
Revolutionary	REV
Miscellaneous	MSC

Activities connected with "New Left" or anarchistic elements should be shown as "Revolutionary." The term "Foreign Nationality" covers foreign-directed subversion, e.g., Soviet or Chicom espionage, Arab terrorism. The abbreviation FRN should be followed by nationality involved e.g., FRN-Arab, FRN-Cuban.

(9) Special Interest

Espionage Subjects	ESP
Foreign government employees	FGE
U. S. Government employees	GOV

(10) Unavailable section

Missing	MI
Out of country	OC
Imprisoned	PR

(11) Key facility geographical reference number (obtained from Department of Defense Key Facilities List), if applicable, and agency having security responsibility, which is Army.

(12) Field office and FBIHQ file numbers

b. Data to appear on separate card attached to ADEX card in geographical or unavailable section.

(1) Physical description

(2) Photograph, with date taken. It should be most current or best likeness of subject available.

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(3) Dangerous characteristics of subject, e.g. notation if subject carries firearms.
(4) Any special information needed to locate subject.
(5) Notation that security flash notice (FD-165) has been posted with Identification Division
(6) FBI number and fingerprint classification, when available.

Case should normally be kept pending to secure all pertinent identifying data enumerated in paragraphs a. and b. above. However, if it appears a considerable amount of effort would be required to obtain a particular item, use judgment in deciding whether to continue in pending status solely for this purpose.

Use FD-186 to report above information. File in case file.

5. Arrangement of ADEX
   a. At FBIHQ.
      Index is printed on IBM cards, two copies of which are sent to field. An alphabetical breakdown of true names and all aliases of subjects is maintained at FBIHQ.
   b. In field office
      Index is maintained in three sections:
      (1) Alphabetical section
          This section includes one complete set of current ADEX cards.
      (2) Geographical section
          This section includes ADEX cards of all subjects except those who are missing, temporarily out of the country, or in prison. Geographical section is broken down by residence address in accord with needs of each office, e.g., by state, county, city, or if needed, into boroughs or suburbs. Cards are filed alphabetically under each such breakdown.
      (3) Unavailable section
          This section includes cards of individuals who are missing, out of the country for an indefinite period, or imprisoned, broken down into three corresponding subsections.
          (a) Missing subjects
          (b) Subjects out of country for indefinite period
              Include foreign residence and employment addresses on FD-122, if known. Place stops with INS to be advised of subject's return. Verify foreign residence annually.
          (c) Subjects imprisoned
              Identify institution in which subject is incarcerated on FD-122. Request prison authorities to notify us of subject's release and set tickler to verify.
6. Special interest subjects
   Following classes of individuals could be of special interest in national emergency:
   a. Espionage subjects
      Any action taken in these cases should be handled, if possible, in such manner as to not destroy the opportunity to penetrate an active espionage network.
   b. Foreign government employees
      Any action taken in these cases must be handled so as to minimize the possibilities of diplomatic repercussions.

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c. U. S. Government Employees
These subjects are of special interest to Department of Justice. Cards on "Special Interest" subjects should be filed in regular sequence with other ADEX cards.

7. Changes in residence and employment of ADEX subjects
   a. Develop sources to insure that any such changes are promptly brought to our attention.
   b. Submit FD-122 whenever changes occur. Also submit FD-366 to FBIHQ and Secret Service locally.

8. Changes in other background data
   a. Submit any changes, additions, or deletions in data required by FD-122 in an updated FD-122. If item being deleted, specify "Delete."
   b. Make notations concerning change on existing ADEX card pending receipt of revised card from FBIHQ.

9. Movement of ADEX subjects between offices
   a. Requests from other offices to verify addresses of subjects should be handled within thirty days.
   b. Upon verification of new address, office of origin submit FD-128 transferring origin. Furnish original and copy to FBIHQ and two copies to office covering new address enclosing copies of previous reports, other pertinent serials, photograph if available, and ADEX cards.
   c. If flash notice (FD-165) has been placed with Identification Division, note on FD-128 and designate extra copy for FBIHQ, attention Identification Division.
   d. Old office of origin submit current report or LHM whenever there is pertinent information to report. Do not delay submission of FD-128 solely for preparation of report or LHM, but note on FD-128 latter being prepared. Old office of origin furnish Secret Service locally with subject's new residence and business addresses by FD-366 and provide copies to new office of origin for dissemination to Secret Service there.
   e. If new office of origin plans no further investigation, advise FBIHQ by letter that case is being closed.

10. Subject entering U. S. armed forces
Submit FD-122 to cancel ADEX and FD-366 to advise Secret Service, furnishing copy of latter to local Secret Service office. Be certain interested military agency has been forwarded all pertinent subversive data regarding subject and is aware of subject's entry into armed forces. Where appropriate, prepare up-to-date LHM or report for dissemination to military agency and to Secret Service both at FBIHQ and field level. While subject is serving in armed forces, appropriate military agency has complete jurisdiction over his activities and no active investigation should be conducted by FBI. Geographical card for subject should be filed in case file marked "canceled" and alphabetical card destroyed. When subject returns to civilian status, determine if activities warrant inclusion in ADEX. If so, submit FD-122 so recommending as well as current report. If not, advise FBIHQ by letter.

11. Removal of cards from ADEX
Subject should be removed from ADEX for any of the following reasons:
   a. Death
   b. Permanent departure from U. S. or Puerto Rico
   c. Designation as security informant
   d. Subject no longer falls within ADEX criteria

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In all of the above cases recommend removal from ADEX by FD-122 with attached succinct summary of facts. In all instances except c., submit current LHM or report for dissemination to Secret Service at FBIHQ and also furnish report or LHM to Secret Service locally.

12. Reporting procedures on ADEX subjects
    a. An initial summary report must be submitted at time subject is recommended for inclusion in ADEX.
    b. Additional reports should not be submitted solely for sake of reporting; however, in the event complexity of case or other reasons so dictate, the SAC or FBIHQ may instruct that reports be submitted.
    c. Current significant pertinent information and/or activities of subject should be reported on current basis as it occurs utilizing teletypes, nitels or airtels with letterhead memoranda suitable for dissemination.
    d. In the absence of unusual circumstances (imprisonment, prolonged absence on foreign travel, etc.), ADEX cases should be kept pending and a communication submitted to FBIHQ at least every 90 days reporting on subject's activities. In the event subject has been inactive for 90 days, you should comment as to whether continuation on ADEX is warranted.

[13. [Deleted]

A. GUIDELINES FOR FBI INVESTIGATIONS

Fundamental to all investigations by the FBI is the need to protect the constitutional rights of any individual while still thoroughly and expeditiously discharging those responsibilities with which it is charged by statutes and Directives of the President and the Attorney General. The FBI is a fact-finding agency which seeks with equal vigor to gather evidence which will aid in the successful prosecution, or establish the innocence, of alleged violators of laws of the United States or of those who are accused of seeking by force to subvert or overthrow the Government of the United States. The FBI makes no determination of the guilt or innocence of any individual or group so accused.

To this end, guidelines have been established to be followed in the investigation of cases falling within the jurisdiction of the FBI, to prevent unwarranted investigations and invasions of the constitutional rights of any person.

B. [SECURITY INVESTIGATIONS

In matters affecting the security of the United States, under no circumstance is an investigation conducted of any individual on the basis that such individual supports unpopular causes or opposes Government policies. All investigations of subversive or extremist activities are directed to the collection of information pertinent to a determination as to whether or not the subject has violated, or is engaged in activities which may result in a violation of, one of several specifically enumerated Federal statutes; or are in fulfillment of instructions from the Department of Justice. All communications regarding these cases must be limited to information regarding the subject's subversive activities, sympathies and affiliations; pertinent background data covering subversive individuals or groups with which the subject is connected; and essential background data regarding the subject. No electronic surveillance may be instituted without the specific authority of the Attorney General. Prior FBIHQ approval is required to institute an investigation of a faculty member or an organization connected with an institution of learning or to interview a student or faculty member other than established sources. Investigations of foreign diplomatic or official personnel are not instituted without specific approval by FBIHQ and clearance from the Department of State. No investigations are conducted of active or retired members of the U. S. military forces under terms of a delimitations agreement entered into between the FBI and the counterintelligence services of the armed forces.]

C. CRIMINAL INTELLIGENCE - ORGANIZED CRIME

Where matters of a criminal intelligence nature or organized crime are concerned, investigations are conducted to develop and maintain current information on the activities of organized crime in general, and to develop substantive cases against individual racket figures. These investigations are highly selective and are concentrated on the leaders of organized crime and their reported associates. Any electronic surveillance used in these investigations requires approval of the Bureau, the Attorney General, and authorization by a court order.

D. APPLICANT-TYPE MATTERS

In the area of applicant investigations, specific standards have been established to protect the rights of individuals. All relevant information, both favorable and unfavorable, obtained concerning an individual must be duly reported; investigation is limited to checks of pertinent records and interviews of persons in a position to furnish relevant information; persons furnishing derogatory information are requested to furnish a signed statement. The FBI makes no evaluation or recommendation to the requesting agency concerning the applicant.

E. GENERAL CRIMINAL AND CIVIL MATTERS

Our investigative jurisdiction in criminal cases is based on specific violations of Federal laws. Investigations are conducted when information is received indicating a violation of a Federal law, over which we have been given investigative jurisdiction, has occurred. Results of our investigations are furnished to United States Attorneys or the Department of Justice for determination of the course of any prosecutive action. The decision may be made to present the case to a Federal Grand Jury or, if the facts so justify, to arrest the subject, in which latter instance the arrest is made on the basis of authorized prosecution and the issuance of a warrant. Upon arrest, the subject must be brought before the nearest United States Magistrate or Federal Judge in accordance with established rules of Federal criminal procedure.

Requests for FBI investigations in selected civil matters in which the United States is or may be a party in interest are received from the United States Attorneys and/or the Department of Justice. These are handled in strict conformity with guidelines furnished by the Department of Justice, as are also investigations of violations of the civil rights, antiriot, election laws, and antitrust laws.

F. GENERAL PRINCIPLES

In addition to these principles, numerous other restrictions apply to all phases of our work. For example, our authority to arrest fugitives is statutory. The United States Code empowers Special Agents to make arrests and carry firearms but FBI policy further requires that only that force may be used which is necessary to effect arrest with due regard being observed for the safety of the arresting officers and others.

Special Agents are not permitted to shoot anyone except in self-defense. No surveillances are conducted in the White House, the Capitol, the Supreme Court, or the House and Senate Office Buildings. No surveillance, electronic or otherwise, may be instituted on any member of Congress, any Justice or Judge, or any principal functionary of the Executive Branch. Our Special Agents may not engage in entrapment or any other improper, illegal, or unethical tactics in procuring information or evidence; any critical complaints concerning FBI personnel must be thoroughly investigated; any testimony by a Special Agent in court must be given clearly and without bias or embellishment.

The foregoing is a general statement of guidelines for FBI investigations. All investigative personnel must follow these rules.

A. STATUTES [(UNCLASSIFIED)]
Title 18, USC, §§ 792-798; Title 50, USC, § 783(b)-(f) (Internal Security Act of 1950). Effective 10-4-61 violations may be prosecuted regardless of where overt act occurs (Public Law 87-369).

§ 792. Harboring or concealing persons
Whoever harbors or conceals any person who he knows, or has reasonable grounds to believe, has committed, or is about to commit, an offense under section 793 or 794 is liable to $10,000 fine or ten years' imprisonment, or both.

§ 793. Gathering, transmitting, or losing defense information
(a) Whoever, for purpose of obtaining information respecting national defense with intent or reason to believe it is to be used to injury of U. S. or advantage of any foreign nation, goes upon, enters, flies over, or otherwise obtains information concerning any vessel, aircraft, work of defense, navy yard, naval station, submarine base, fueling station, fort, battery, torpedo station, dockyard, canal, railroad, arsenal, camp, factory, mine, telegraph, telephone, wireless, or signal station, building, office, research laboratory or station, or other place connected with national defense owned or constructed, or in progress of construction by U. S. or under control of U. S., or of any of its officers, departments, or agencies, or within exclusive jurisdiction of U. S., or any place in which any vessel, aircraft, arms, munitions, or other materials or instruments for use in time of war are being made, prepared, repaired, stored, or are subject of research or development, under any contract or agreement with U. S., or any department or agency thereof, or with any person on behalf of U. S., or any prohibited place designated by President by proclamation in time of war or national emergency in which anything for use of Army, Navy, or Air Force is being prepared or constructed or stored, information as to which prohibited place President has determined would be prejudicial to national defense; or
(b) Whoever, for same purpose, and with like intent or reason to believe, copies, takes, makes, or obtains, or attempts to copy, take, make, or obtain, any sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, document, writing, or note of anything connected with national defense; or
(c) Whoever, for same purpose, receives or obtains or agrees or attempts to receive or obtain from any person, or from any source whatever, any document, writing, code book, signal book, sketch, photograph, etc., of anything connected with national defense, knowing or having reason to believe, at time he receives or obtains, or agrees or attempts to receive or obtain it, that it has been or will be obtained, taken, made, or disposed of by any person contrary to provisions of this chapter; or
(d) Whoever, lawfully having possession of, access to, control over, or being entrusted with any document, writing, code book, etc., relating to national defense, or information relating to national defense which possessor has reason to believe could be used to injury of U. S. or advantage of any foreign nation, willfully communicates, delivers, transmits, or causes to be communicated, etc., or attempts to communicate, etc., same to any person not entitled to receive it, or willfully retains same and fails to deliver it on demand to officer or employee of U. S. entitled to receive it; or
(e) Whoever having unauthorized possession of, access to, or control over any document, writing, code book, etc., relating to national defense, etc., willfully communicates, delivers, transmits, or causes to be communicated, etc., or attempts to communicate, etc., or cause to be communicated, etc., same to any person not entitled to receive it, or willfully retains same and fails to deliver it to officer or employee of U. S. entitled to receive it; or
(f) Whoever, being entrusted with or having lawful possession or control of any document, writing, code book, etc., relating to national defense, (1) through gross negligence permits same to be removed from its proper place of custody or delivered to anyone in violation of his trust, or to be lost, stolen, abstracted, or destroyed, or (2) having knowledge that same has

been illegally removed from its proper place of custody, or delivered to anyone in violation of his trust, or lost, or stolen, abstracted, or destroyed, and fails to make prompt report of such loss, theft, abstraction, or destruction to his superior officer -
Is liable to $10,000 fine or imprisonment for not more than ten years, or both.
(g) If two or more persons conspire to violate any of foregoing provisions, and one or more do any act to effect object of conspiracy, each is subject to punishment provided for offense which is object of conspiracy.

§ 794. Gathering or delivering defense information to aid foreign government
(a) Whoever, with intent or reason to believe that it is to be used to injury of U. S. or advantage of a foreign nation, communicates, delivers, or transmits, or attempts to communicate, etc., to any foreign government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by U. S., or to any representative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly, any document, writing, code book, etc., relating to national defense, shall be punished by death or by imprisonment for any term of years or life.
(b) Whoever, in time of war, with intent that same shall be communicated to the enemy, collects, records, publishes, or communicates, or attempts to elicit any information with respect to movement, numbers, description, condition, or disposition of any of armed forces, ships, aircraft, or war materials of U. S., or with respect to plans or conduct, or supposed plans or conduct of any naval or military operations, or with respect to any works or measures undertaken for or connected with, or intended for fortification or defense of any place, or any other information relating to public defense, which might be useful to the enemy, shall be punished by death or by imprisonment for any term of years or life.
(c) If two or more persons conspire to violate this section, and one or more do any act to effect object of conspiracy, each shall be subject to punishment provided for offense which is object of conspiracy.

Title 18, USC, § 798 (temporary extension of section 794), provides section 794, in addition to coming into full force in time of war, remains in full force until six months after termination of national emergency proclaimed by President on 12-16-50, or such earlier date as may be prescribed by concurrent resolution of Congress, and acts which would give rise to penalties under section 794 when performed during a state of war shall give rise to same penalties when performed during period above provided for.

§ 795. Photographing and sketching defense installations
(a) Whenever, in interests of national defense, President defines certain vital military and naval installations or equipment as requiring protection against general dissemination of information relative thereto, it shall be unlawful to make any photograph, sketch, picture, drawing, map, or graphical representation of such installations or equipment without first obtaining permission of commanding officer of military or naval post, camp, or station, or naval vessels, military and naval aircraft, and any separate military or naval command concerned, or higher authority, and promptly submitting it to such commanding officer or higher authority for censorship or other action as he may deem necessary.
(b) Whoever violates this section is liable to $1,000 fine or imprisonment for one year, or both.

§ 796. Use of aircraft for photographing defense installations
Whoever uses or permits use of aircraft or any contrivance used, or designed for navigation or flight in the air, for purpose of making photograph, sketch, picture, etc., of vital military or naval installations or equipment, in violation of section 795 is liable to $1,000 fine or imprisonment for one year, or both.

§ 797. Publication and sale of photographs of defense installations
On and after 30 days from date President defines any vital military or naval installation or equipment as being within category contemplated under section 795, whoever reproduces, publishes, sells, or gives away any photograph, sketch, picture, drawing, etc., of vital military or naval installations or equipment so defined, without first obtaining permission of commanding officer of military or naval post, camp, or station concerned, or higher authority, unless such photograph, sketch, picture, drawing, etc., has clearly indicated thereon that it has been censored by proper military or naval authority, is liable to $1,000 fine or imprisonment for one year, or both.

By Executive Order 10104 dated 2-1-50, President defined following as vital military and naval installations or equipment requiring protection against general dissemination of information relative thereto:
1. All military, naval, or air force installations and equipment classified, designated, or marked under authority or at direction of President, Secretary of Defense, Secretary of Army, Secretary of Navy, or Secretary of Air Force as "Top Secret," "Secret," "Confidential," or "Restricted," and located within:
(a) Any military, naval, or air force reservation, post, arsenal, proving ground, range, mine field, camp, base, airfield, fort, yard, station, district, or area
(b) Any defensive sea area established by Executive order and not subsequently discontinued by Executive order, and any defensive sea area established under authority of Title 18, USC, § 2152
(c) Any airspace reservation established under section 4 of Air Commerce Act of 1926 except airspace reservation established by Executive Order 10092 of 12-17-49
(d) Any naval harbor closed to foreign vessels
(e) Any area required for fleet purposes
(f) Any commercial establishment engaged in development or manufacture of classified military or naval arms, munitions, equipment, designs, ships, aircraft, or vessels for U. S. Army, Navy, or Air Force
2. All military, naval, or air force aircraft, weapons, ammunition, vehicles, ships, vessels, instruments, engines, manufacturing machinery, tools, devices, or any other equipment whatsoever, in possession of Army, Navy, or Air Force or in course of experimentation, development, manufacture, or delivery for Army, Navy, or Air Force classified, designated, or marked under authority or at direction of President, Secretary of Defense, etc.
3. All official military, naval, or air force books, pamphlets, documents, reports, maps, charts, plans, designs, models, drawings, photographs, contracts, or specifications marked under authority or at direction of President, Secretary of Defense, etc.
(Applicability of this Executive order should be determined in each instance by contact with representative of armed services having security responsibility for item in question.)

§ 798. Disclosure of classified information
(a) Whoever knowingly and willfully communicates, furnishes, transmits, or otherwise makes available to an unauthorized person, or publishes, or uses in any manner prejudicial to safety or interest of U. S. or for the benefit of any foreign government to detriment of U. S. any classified information -
(1) concerning nature, preparation, or use of any code, cipher, or cryptographic system of U. S. or any foreign government; or
(2) design, construction, use, maintenance, or repair of any device, apparatus, or appliance used or prepared or planned for use by U. S. or any foreign government for cryptographic or communication intelligence purposes; or
(3) communication intelligence activities of U. S. or any foreign government; or

(4) obtained by processes of communication intelligence from communications of any foreign government, knowing it to have been so obtained -
Is liable to a fine of $10,000 or imprisonment for ten years, or both.
(b) For precise definitions of terms used in this subsection, refer to Title 18, USC, § 798.
(c) Nothing in this section shall prohibit furnishing, upon lawful demand, of information to any regularly constituted committee of U. S. Senate or House of Representatives, or joint committee thereof.

Period of limitation
Statute of limitations for sections 792 and 793 is ten years; there is no statute of limitations for section 794 as this is a capital offense; statute of limitations for sections 795-798 is five years.

Title 50, USC, § 783 (Internal Security Act of 1950)
(b) It shall be unlawful for any officer or employee of U. S. or of any department or agency thereof, or of any corporation stock of which is owned in whole or in major part by U. S. or any department or agency thereof, to communicate in any manner to any other person whom such officer or employee knows or has reason to believe to be an agent or representative of any foreign government or an officer or member of any communist organization as defined in section 782 of this title, any information of kind classified by President (or by head of any department, agency, or corporation with approval of President) as affecting security of U. S., knowing or having reason to know that it has been so classified, unless specifically authorized by President, or by head of department, agency, or corporation by which this officer or employee is employed, to make such disclosure.
(c) It shall be unlawful for any agent or representative of any foreign government, or any officer or member of any communist organization as defined in section 782 knowingly to obtain or receive, or attempt to obtain or receive, directly or indirectly, from any officer or employee of U. S. or of any department, etc., any information of kind which shall have been classified by President (or by head of any such department, agency, or corporation with approval of President) as affecting security of U. S., unless special authorization shall first have been obtained from head of department, agency, or corporation having custody of or control over such information.
(d) Any person who violates any provision of this section is liable to fine of not more than $10,000, or imprisonment for not more than ten years, or both, and shall be ineligible to hold any office, or place of honor, profit, or trust created by Constitution or laws of U. S.
(e) Any person may be prosecuted, tried, and punished for violation of this section at any time within ten years after commission of offense, and if at time of commission of offense person is an officer or employee of U. S. or of any department or agency thereof, or of any corporation stock of which is owned in whole or major part by U. S. or any department or agency thereof, such person may be prosecuted, tried, and punished for any violation of this section at any time within ten years after such person has ceased to be employed as such officer or employee.
(f) Neither holding of office nor membership in any communist organization shall constitute per se a violation of subsection (c) or of any other criminal statute.

COURT DECISIONS [(UNCLASSIFIED)]-
In Gorin v. U. S., 312 U. S. 19, Supreme Court, in January, 1941, in interpreting phrase "to be used ... to the advantage of any foreign nation," stated that no distinction was made between friend or enemy and it was not necessary to prove that information obtained was to be used to injury of U. S.

In U. S. v. Heine, 151 F. (2d) 813, Second Circuit Court of Appeals, after finding that Heine was German agent who collected information about American aviation industry and sent it to Germany surreptitiously, contended that his information came from sources lawfully accessible to anyone who was willing

to take pains to find, [illegible], and collate it. Court fe[illegible]at since it cannot be unlawful to sp[illegible]d such information within U. [illegible] it would be fatuous to forbid its transmission to citizens of a friendly foreign power. Court stated, "it is enough in the case involved to hold as we do that whatever it was lawful to broadcast throughout the country, it was lawful to send abroad ... The section is aimed at the substance of the proscribed information, not at the act of making it more readily available for use." Based on Heine decision, it appears Government must prove that information gathered or transmitted is to some degree limited or restricted and not available to general public.

[C. DEPARTMENTAL INSTRUCTIONS [(UNCLASSIFIED)]

According to Department, prohibitions in section 793(a) (b) are conditioned upon suspect having ... the purpose of obtaining information respecting national defense with intent or reason to believe that it is to be used to injury of U. S. or advantage of any foreign nation; those in subdivision (c) require same purpose plus suspect's knowledge or reason to believe that it will be used contrary to espionage laws; subdivisions (d) and (e) relate to suspects who already have possession of or access to information relating to national defense, either lawfully or unlawfully, which they have reason to believe could be used to injury of U. S. or to advantage of any foreign nation, and who willfully transmit it to unauthorized persons or retain it after demand made by person authorized to receive it (a demand is only necessary under subdivision (d) where individual has lawful possession - no demand is necessary under subdivision (e) where person has unauthorized possession); subdivision (f) applies to suspects who have lawful possession of national defense information and permit it to be lost or destroyed through gross negligence or fail to report its loss to proper authorities.

Department has instructed all USAs that its prior authorization is necessary before instituting prosecutive action in espionage cases, except in emergency where subject is fugitive or damage may result from delay.

In cases involving photographing violations, Department has advised such cases can be more expeditiously handled by presenting directly to USA for preliminary opinion. This does not alter policy of presenting all espionage cases to Department prior to actual prosecution.

Concerning section 798, Department has advised that classification may be effected by written directive, or by marking or stamping on item classified; authorization may be established by written directive or oral testimony. Decodes of unclassified information are covered by act where it can be proved they facilitated analysis of cryptographic system.

Department holds that photographing or sketching of outside of commercial establishment engaged in manufacture of classified military or naval arms and munitions for U. S. Army, Navy, or Air Force would not constitute violation of section 795 and/or 797, where no classified equipment or material appears in photograph or sketch.

Department has suggested following procedures when obtaining and returning photographs taken in violation of section 795: Subject should be requested to relinquish film. Receipt should be given to subject and signed statement obtained to effect film is being voluntarily relinquished. Film taken in connection with section 795 should be submitted to FBI Laboratory for any necessary processing and should then be submitted to commanding officer of military post, or other installation, for censorship. If film contains photographs in violation of section 795, it should be delivered to USA either directly by commanding officer or through Bureau.

If prosecution deemed advisable, film should be retained as evidence and not returned to subject unless, at conclusion of case, USA feels that any innocuous negatives or prints may be returned. In such event film should be returned

to commanding officer w[illegible] USA's recommendation; otherwi[illegible] film and any prints therefrom should [illegible]ain in possession of commandi[illegible] officer, and their disposition left to [illegible]s discretion. Requests for [illegible]rn of film can then be referred to commanding officer.

As to rights of Bureau Agents in carrying out enforcement procedures regarding violations of sections 795 and 796 by Soviet-bloc diplomatic and official personnel, Department advised in summary as follows:

In all instances in which photographs or sketches of defense installations are made by Soviet-bloc nationals, every reasonable effort should be made to recover and confiscate these items in interest of national security. Where Soviet-bloc nationals who have no diplomatic immunity are observed by Bureau Agents to photograph or sketch military installations in violation of sections 795 and 796, they may be arrested without warrant and film seized as evidence. If observation is by person other than Bureau Agent, an arrest warrant should be procured (because misdemeanor rather than a felony is involved) and search warrant obtained if premises are involved.

Where Soviet-bloc or other foreign officials who may have diplomatic immunity are observed taking photographs by Bureau Agents, they may be detained until Bureau is satisfied they do in fact have immunity and film may be confiscated in interest of national security. If Agents do not actually observe the activity but received information from outside source, film may not be legally seized since warrant of arrest or search may not be lawfully executed against person or premises having diplomatic immunity.

D. POLICY

[1. Responsibilities of FBI[(UNCLASSIFIED)]

a. Investigation of violations of espionage and related statutes for prosecutive purposes

b. Intelligence responsibilities

By Presidential directive FBI has counterintelligence responsibilities which it shares with military intelligence agencies and is also charged with correlating information relating to espionage and making appropriate dissemination. Coordination in domestic intelligence field is effected through Interdepartmental Intelligence Conference. By National Security Council directive, FBI and other U. S. intelligence agencies coordinate foreign and domestic intelligence through U. S. Intelligence Board. (See section 102A, volume IV, of this manual.)

To aid in interpretation of Bureau's policies, following terms are defined:

(1) Intelligence - obtaining and distributing information required for formulation and execution of Government policy

(2) Espionage - intelligence activity directed toward acquisition of information through clandestine operations

(3) Counterintelligence - intelligence activity which is devoted to destroying effectiveness of inimical foreign intelligence activities and which is undertaken to protect security of nation, and its personnel, information, and installations, against espionage, sabotage, and subversion. Counterintelligence includes process of procuring, developing, recording, and disseminating information concerning hostile clandestine activity and of penetrating, manipulating, or repressing individuals, groups, or organizations conducting or capable of conducting such activity.

[2. General objectives[(CONFIDENTIAL)]

Principal goal is providing adequate protection to our national defense. To achieve this end and discharge our responsibilities, investigations should be directed:

a. To perfect successful counterintelligence

b. To present to Attorney General for his prosecutive consideration violations of espionage and related statutes

3. Specific objectiv (SECRET)
   a. Development of ble agents (persons actively erated by foreign intelligence or izations but working secretl n behalf of Bureau) and defectors-in-place
   b. Development of complete intelligence information, i.e., identification of all intelligence personnel; determining targets and objectives; ascertaining to fullest extent activities and contacts of intelligence personnel; and development of all information necessary for protection of national security.
   c. When a and b have been achieved, to present case to Department for prosecutive opinion, where appropriate

4. Opening cases [(SECRET)]
   Following general rules apply to opening of espionage cases:
   a. Where specific complaint is received alleging that person is engaged in espionage, together with supporting circumstances to indicate this may be true, case is opened and investigation pursued to point where, if possible, allegations can be established or disproved.
   b. Where nonspecific complaint is received which is vague and indefinite, submit information to Bureau, indicating no further investigation is being conducted. However, this does not mean that before case is opened, full or substantial evidence must be on hand. If responsible sources, published data, confidential informants, double agents, or any reliable citizen makes allegation which would indicate espionage activities, careful consideration should be given to matter before decision is made not to initiate investigation.
   c. Investigation of diplomatic or other foreign official personnel, including persons within scope of International Organizations Immunities Act, should not be instituted without prior Bureau authority. However, in emergency situations, discreet physical surveillances may be conducted of such persons apparently acting outside scope of their authority. In such instances immediately advise Bureau.

5. Conducting investigations [(SECRET)]
   a. Investigations must be complete, thorough, and expeditiously handled. Bureau should be kept currently advised of important developments. Determine at earliest possible time whether allegations have any possible basis in fact in order to conserve Agents' time and efforts.
   b. Only photographing cases should be presented to USAs for preliminary prosecutive opinion. Do not contact USAs regarding violations of other statutes, but submit to Bureau for presentation to Department.
   c. FBI Agents may photograph, sketch, or make graphic representations of military or naval installations or equipment without obtaining permission from commanding officer or higher authority when request for investigation has emanated from latter or where urgent nature of investigation prevents obtaining such permission. In latter instance, photographs, etc., should be submitted promptly to commanding officer or higher authority for review.
   d. Pursuant to consultations with Department of State and Department concerning violations of sections 795 and 796 by Soviet-bloc diplomatic and official personnel, be guided by following instructions:

      Executive Order 10104, which defines defense installations covered by sections 795 and 796, specifies that installations or equipment must be classified, designated, or marked ... as "Top Secret," "Secret," "Confidential," or "Restricted." Arrests or seizure of film or sketches must not be undertaken unless there is no doubt that installation or material photographed or sketched was so classified, designated, or marked. Specific Bureau authority must be obtained prior to any arrests of any diplomatic personnel or members of their staffs (including persons affiliated with embassies, legations, etc., and missions to UN) or employees of UN Secretariat; or before any seizure of film or sketches in their possession. Similar authority should be obtained before any seizure of film or sketches from other nondiplomatic personnel (representatives of Amtorg Trading Corporation, Tass News Agency, etc.) unless it is apparent that evidence will be destroyed, removed, or delivered to person or place where it would not be susceptible to seizure before authority can be obtained.

6. Interviews [(SECRET)]
As general rule espionage subjects are not interviewed without prior Bureau authority. However, subjects may be interviewed without such authority when it is apparent subject is cognizant of investigation, interview would not jeopardize investigation, and there is no indication violation is foreign-inspired. This would include photographing violations. Subjects must not be interviewed at their places of employment or through arrangements with their employers without prior Bureau authority.

[E. INVESTIGATIVE PROCEDURE [(SECRET)]

1. Investigation should be based on premise alleged intelligence officers and their agents have been thoroughly trained and their activities are directed by experts. Most successful spy is ordinary-appearing person, who has established an excellent "cover" for his activities.
2. Principal goal is providing adequate protection to national defense. Certain counterintelligence measures frequently will be more desirable than immediate apprehension and prosecution. It may be desirable to permit subject to remain at large, whereby continuing surveillance may disclose information as to his associates, targets, or accomplices. Every precaution must be used to prevent subject from becoming aware of our investigation.
3. Climax of any espionage case is actual transmittal or disclosure of information affecting national defense to foreign government or its representative. Investigations should be conducted with view to determining as soon as possible actual method by which information involved is being transmitted to foreign government or its representative. It may become necessary in some instances to make an arrest to prevent transmission of classified information known to be in possession of a subject or to prevent his escape with information.
4. Although not all-inclusive, following investigative steps should be considered:
   a. Ascertain complete background and activities if possible including: residences; employment; associates; citizenship status, including date and place of birth; credit and arrest checks, including subversive police records; check of pertinent Government agencies' files; check of public source materials; photograph and physical description; identifying information as to any automobile involved.
   b. Discreet physical surveillance, keeping in mind surveillance may be necessary over long period of time. Obtain photographs, including motion-pictures, whenever possible, particularly of espionage meets.
   c. Development of sources of information, confidential informants, double agents, and defectors-in-place
   These may be secured through discreet contact with neighbors, friends, business acquaintances, or accomplices. Make every effort to corroborate conversations between informants or double agents and subject in order that admissible evidence may be available to corroborate informant or double agent. Make sure latter interprets instructions correctly and have such instructions properly recorded.
   d. Ascertain method and nature of communications, including mail drops, through:
      (1) Check of communication company records. Facilities of these companies should be used whenever possible and appropriate.
      (2) Use of highly confidential techniques. This is very important and should be considered whenever security is assured.
   e. Ascertain financial status through:
      (1) Credit checks
      (2) Check of bank records. When bank account is located, it should be monitored and all sources of revenue fully explored.
   f. Ascertain identity and purpose of all contacts through coverage as outlined above. Also consider:
      (1) Interviews with reliable current and past acquaintances and associates.
      (2) Check of records at hotels and other places of abode, as well as public transportation companies when appropriate. When feasible, maintain liaison with such companies.

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g. Obtain handwriting and typewriting specimens and forward to FBI Laboratory for comparison with national security mail. Indicate whether specimen may be destroyed if necessary in making examination. If no instructions are forwarded, only such tests as result in no damage will be used and, as this excludes nearly all chemical tests, examination may not be successful.

h. When questionable material is obtained during investigation, forward to Laboratory for examination. Also, when technical equipment needed and not available to field, make inquiry of Laboratory.

i. Bureau must be apprised of contents of all papers, documents, codes, plans, blueprints, etc., in subject's possession and no opportunity should be overlooked to examine his effects. Whenever such material consists of items of possible military, naval, or diplomatic significance or subject is known to be aware of such information, advise Bureau immediately.

j. If subject travels abroad; consider checking Customs' records and having his baggage examined by Customs. Also consider requesting CIA to cover activities abroad.

k. When thorough investigation has been made, consider recommending interview of subject. If interview authorized, consider obtaining waivers of search to permit search of subject's residence and other premises under his control.

l. Recommendations should be submitted to Bureau relative to placing subject's name on administrative index in accordance with section 87, volume III, of this manual.

5. When interviews are conducted with person who has admitted being connected with a foreign intelligence service, cover following points:

a. All information pertaining to organization and operation of intelligence service with which he is connected, including setup of files section and how their material is coordinated.

b. Identities, descriptions, and cover names of all intelligence officers (both legals and illegals), co-opted workers, illegal agents, and agents, particularly those sent to U. S. by that intelligence service; who trained them; how they were trained; what was their mission; in which section of U. S. they were to operate; how they were to come to U. S.; under what name they entered U. S.; whether subject knows of any information having been furnished by them to his intelligence service; if so, nature of information, how they obtained it, how they communicated it, how they were paid, for what period they were active, and when was last time they were active.

c. Where lists of names are found upon subject, obtain all identifying information concerning persons listed and determine whether such are merely social acquaintances or are of espionage significance.

d. Locations of all training centers of intelligence service, both in home country and elsewhere, as well as identities and descriptions of personnel connected with these centers.

e. Information concerning uses of mail drops in this country or in foreign countries.

6. Where members of foreign intelligence services offer their services as defectors or defectors-in-place, they should be questioned thoroughly as to their motives. Make certain they obtain no information concerning Bureau which would be of value to foreign intelligence service since it is known practice of intelligence services to plant person within opposing intelligence service, and make every effort to check on latter possibility.

7. Codes, ciphers, secret writing, and methods of concealment

a. There is definite difference between a cipher and a code. A cipher is made by using individual letters of message as units. This may be done either by substituting numbers, symbols, or other letters for original letters in message; or by rearranging order of letters in message. Ciphers obtained by first method are called substitution ciphers and latter are called transposition ciphers.

b. Codes are constructed by replacing original words, phrases, or sentences of message by code words. Because of regulations governing messages

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by telegraph, c[illegible], or radio, code groups usua[illegible] consist of five letters or five d[illegible]its. Code messages may be ba[illegible] on use of code book which may co[illegible]in as many as one hundred th[illegible]and or more code words or number groups. Dictionaries are often used as code books. Ordinarily code messages cannot be decoded without use of code book.

c. Frequent use has been made of books for setting up key to cipher. "Best sellers" have been used as their possession does not arouse suspicion. In making searches keep this possibility in mind. Communication with foreign countries is frequently accompli[illegible]d by shortwave radio or secret writing in correspondence or [illegible]acrodots. While some types of secret writing may be detected with naked eye, there are methods with invisible inks that cannot be detected without extensive laboratory examination. When submitting codes or ciphers to Laboratory for examination, any collateral information which might be of aid to solving code or cipher should be noted in cover letter.

8. Missing classified documents and disclosure of classified data (See section 20F, volume II, of this manual.)

a. These cases generally are referred by other Government agencies.

(1) When documents are reported missing, referring agency should advise why matter was referred and field should confirm receipt in writing and state whether or not investigation is being conducted.

(2) No investigation should be made of administrative misplacement, misfiling, or loss of documents in transmission. Do not investigate if referral by other agencies has been delayed unreasonably; advise Bureau promptly of facts, including reason for delay.

(3) Investigate where there is indication of loss or compromise through gross negligence. However, locating missing documents is administrative function of agency having security responsibility for such material and no search for missing documents should be conducted for other agencies without Bureau approval.

(4) Investigate where there is theft, disclosure, or compromise with intent to aid foreign power or injure U. S. or with reason to believe this would result.

(5) Advise Bureau promptly of cases of widespread interest, probable publicity, or where classified information is of great strategic importance.

b. Investigative steps - determine:

(1) Circumstances surrounding loss, disclosure, or compromise

(2) Whether person disclosing information knew it was classified and also knew person to whom information disclosed was not authorized to receive it

(3) Exact classified information involved

(4) Its classification and significance to national defense (i.e., would its disclosure to unauthorized persons injure U. S., or aid a foreign power), and identities of competent persons who can so testify

(5) Whether information can be declassified for purposes of prosecution

(6) Evidence of requisite intent or gross negligence (i.e., associations with foreign officials; clandestine conspiratorial meetings; evidence subject had been given security briefings or was aware of security regulations; utter disregard of such regulations; excessive carelessness or imprudent handling of classified information, etc.). Where preliminary inquiries show requisite intent did not exist or there was no gross negligence, discontinue and submit closing communication.

c. Where there is no indication of foreign-directed espionage but requisite intent or gross negligence does exist, early interview of subject is generally desirable, at which time signed statement should be requested. Conduct investigation to corroborate admissions.

9. Communist intelligence services are placing greater emphasis on illegal operations in U. S. In view of security surrounding such operations, methods of infiltration must be devised apart from usual techniques. Experience has shown that it is fatal to rush this type of investigation and approach must be painstaking with premium on patience. Technique of developing person who can be placed in contact with suspected illegals or illegal agents for purpose of developing close relationship should be borne in mind; however, illegals and illegal agents are most experienced and extreme care should be exercised.

[F. SOVIET INTELLIGENCE FUNCTIONAL FILES [(UNCLASSIFIED)]
These files were set up to correlate information concerning methods of operation and organizational structure of Soviet intelligence services. They contain information secured by field and FBIHQ through investigations and interviews and from other U. S. and foreign intelligence and security services.

Included are a breakdown of Soviet intelligence services, methods of recruitment, training, communications, payments, travel and entry, security precautions, cover stories, targets, and modus operandi.

They should be thoroughly reviewed by all Special Agents engaged in counterespionage and counterintelligence investigations. New material received at FBIHQ is forwarded to field for inclusion in these files; hence, Special Agents engaged in counterespionage and counterintelligence investigations should review this material periodically.

[G. CURRENT ESPIONAGE DIGEST [(UNCLASSIFIED)]
Summaries of new techniques, methods, policies, etc., of communist intelligence services are prepared at FBIHQ for distribution to all offices.

1. Issues should be reviewed by all Special Agents handling counterespionage and counterintelligence investigations.
2. Be alert to recommend pertinent items of significance.
3. File should be maintained under custody of SAC with same security as Classification 134 files. Issues of lasting training and educational value, however, should be permanently charged out and securely maintained by supervisor responsible for counterespionage and counterintelligence investigations in location accessible to involved SAs. (Legal Attaches should destroy each issue when read.)

H. Deleted

[I. VENUE [(UNCLASSIFIED)]
Venue lies in judicial district in which alleged offense occurred

[J. CLASSIFICATION - 65 [(UNCLASSIFIED)]

[K. CHARACTER - ESPIONAGE - (Name or approved abbreviation of country) [(UNCLASSIFIED)]
Where applicable, add dual character of Internal Security Act of 1950.

A. BACKGROUND

There are three princi registration statutes within eau's jurisdiction. They are set forth under , C, and D.

B. FOREIGN GOVERNMENT AGENTS

1. Statute

Title 18, USC, § 951. Agents of foreign governments

Whoever, other than diplomatic or consular officer or attache, acts in U. S. as agent of foreign government without prior notification to Secretary of State, shall be fined not more than $5,000 or imprisoned not more than ten years, or both.

Term "foreign government," as used in this title, includes any government, faction, or body of insurgents within country with which U. S. is at peace, irrespective of recognition by U. S.

2. Policy

Department has advised that no definite opinion could be rendered as to whether agents of foreign governments are legally required to notify Secretary of State with regard to specific nature of duties to be performed by them. When information is received that agent of foreign government may be engaged in activity outside scope of duties set forth in his notification to Secretary of State, submit promptly to Bureau for presentation to Department for opinion as to possible prosecution or further investigation.

3. Investigative procedure

Following suggestions, not all-inclusive, are directed toward obtaining evidence that subject:

a. Acted as an agent of foreign government

(1) Examine subject's bank account.
(2) Interview reliable associates of subject.
(3) Examine subject's personal records.
(4) Examine Federal and state income tax returns.
(5) Compare subject's apparent income with apparent expenditures.
(6) Interview subject.

b. Was not notified to Secretary of State

This should be done at outset of investigation. Request Washington Field Office (WFO) to check records of State to ascertain if notification filed and, if so, to obtain full details. Be alert for false information or information willfully omitted. State Department representative who can testify that subject is not notified to Secretary of State must be determined in each case prior to trial. Prosecutive summary reports should indicate "an appropriate representative of U. S. State Department, Washington, D. C." as witness who will furnish this testimony. Add note for benefit of USA that this witness' identity will be established prior to trial. Bureau should be requested to determine this witness' name and title reasonable time prior to trial.

C. FOREIGN AGENTS REGISTRATION ACT OF 1938, AS AMENDED

Original Foreign Agents Registration Act of 1938, known as McCormack Act, was superseded by Foreign Agents Registration Act of 1938, as amended.

1. Statute

Title 22, USC, §§ 611-621, provides:

a. No person shall act as agent of foreign principal unless he has filed with Attorney General a true and complete registration statement and supplements as required by these sections, unless he is exempt from registration. Supplementary statements must be filed every six months. A 30-day grace period is permitted to file these supplements. Material changes in agent's activities or relationships with foreign principal must be reported within ten days.

b. Term "agent of foreign principal" includes anyone who:

Acts as an agent, representative, employee, servant, public-relations counsel, publicity agent, information-service employee, or political consultant for a foreign principal, or for a person any of whose activities are in whole or in major part controlled by foreign principal, and who within U. S.:

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(1) Engages in political activities for interests of foreign principal
(2) Solicits, collects, or dispenses anything of value for foreign principal
(3) Represents interests of foreign principal before any agency or official of U. S. Government
(4) Assumes or purports to act as foreign agent whether or not a contractual relationship exists with foreign principal; or
(5) Acts in any other capacity at order or direction of foreign principal or of a person any of whose activities are controlled by a foreign principal

c. Term "agent of foreign principal" does not include:
(1) Bona fide representatives of news or press services organized in U. S. so long as they are not owned or controlled or their policies determined by any foreign principal or foreign agent required to register under this act
(2) Bona fide representatives of newspapers, magazines, or periodicals holding second-class mailing permits and not subject to foreign control

d. Following persons are exempt:
(1) Duly accredited diplomatic or consular officials
(2) Officials of foreign governments
(3) Members of staff of diplomats, consular officials, or foreign officers other than public-relations counselors, publicity agents, or information-service employees. Latter are not exempt unless their status is recognized by State Department. They cannot engage in propaganda distribution.
(4) Persons engaged exclusively in bona fide trade and commerce
(5) Persons collecting funds for relief of human suffering and registered pursuant to terms of Neutrality Act
(6) Persons engaged in bona fide religious, scholastic, academic, or scientific pursuits or of fine arts
(7) Persons qualified to practice law who agree to or engage in legal representation of a disclosed foreign principal before any court or agency of U. S. Government provided that representation does not attempt to influence or persuade U. S. Government officials other than in course of established agency or court proceedings

e. "Foreign principal" includes any entity in a foreign country, government, political party, individual, association, corporation, etc.

f. Labeling and filing propaganda
Agents of foreign principals distributing political propaganda in interstate or foreign commerce or through mails to two or more persons must file two copies with Attorney General within 48 hours with statement regarding time and extent of distribution. Such propaganda must be conspicuously labeled to show:
(1) Relationship or connection between political propaganda and person responsible for its transmittal
(2) Distributor is registered agent of foreign principal
(3) Identity of foreign principal
(4) Registration statement filed by distributor is available for inspection at Department of Justice
(5) Registration by distributor does not imply approval of contents by U. S. Government

This act also requires labeling of speeches, radio addresses, and other methods employed in disseminating oral propaganda in interstate and foreign commerce by registered agents in strict accordance with regulations prescribed by Attorney General.

A registered agent, in furnishing propaganda to or requesting information or advice from any U. S. Government agency or official, must preface propaganda or request by accurate statement to effect he is an agent of such a foreign principal in accordance with act. Similarly, when registered agent appears before any committee of Congress to testify in interest of his principal, he must furnish committee with copy

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of his most rec[illegible] registration statement as fi[illegible] with Department of Justice.

g. Books and records
Agents of foreign principals are required to keep books and records of activities as prescribed by Attorney General. These must be maintained for three years after agent terminates his relationship with foreign principal. Books and records are to be open for inspection at reasonable times by any official charged with enforcement of act. It is unlawful to, or attempt to, falsify, conceal, or destroy these records.

h. Responsibility of officers
When agent of foreign principal is organization, officers, directors, or those performing functions of officers or directors will be responsible for compliance.

i. Contributions in elections and political activities
Act prohibits foreign agent, when acting in that capacity, from knowingly making contribution of anything of value in connection with election to any public office or primary election, convention, or caucus held to select candidates for any public office. Prohibitions are also imposed against anyone knowingly soliciting or receiving such contributions from any foreign agent or foreign principal.

j. Government officials acting as foreign agents
All officers or employees of U. S. Government are prohibited from being or acting as agents for foreign principal. Exception is provided where head of employing agency certifies to Attorney General that employment of foreign agent is required in national interest.

k. Enforcement and penalties
(1) When Attorney General judges a person is engaged in, or has or is about to engage in, activity in violation of act, he may apply to appropriate U. S. district court for order enjoining such acts or enjoining person from continuing to act as foreign agent until he complies with all provisions of registration. Courts must give Attorney General's application preferred action.
(2) If registration statement is deficient, Attorney General must so notify the registrant giving specifics. Ten days after receipt of the notification it will be unlawful for registrant to continue as foreign agent without filing amended statement.
(3) Foreign agents are forbidden to enter into contracts with their foreign principals wherein agents' fees or compensation is contingent upon success of any political activities carried on by agents.
(4) Upon conviction, violators of provisions of act, except as listed below, may be fined $10,000 or imprisoned for five years, or both. Aliens convicted are subject to deportation.
(a) U. S. officials acting as foreign agents - $10,000 and/or two years
(b) Agents contributing, or persons accepting, receiving, or soliciting contributions, to elections or political activities - $5,000 and/or five years
(c) Agent operating on contingent fee or continuing to act as foreign agent without filing amended statement as required in (2) above - $5,000 and/or six months
(d) Agent omitting or improperly labeling propaganda; failing to provide statement that he is registered agent when furnishing propaganda to or requesting information from U. S. Government official; or failure to provide congressional committee copy of most recent registration statement when testifying before such committee - $5,000 and/or six months

2. Policy
a. Investigations may be initiated without prior Bureau authority.
b. Cases are not to be presented to USAs or discussed with them nor are copies of reports to be furnished to them without Bureau authority.

c. Although Bureau has been authorized to examine [illegible] and records of registered agents, no such examination should be attempted except upon specific Bureau authority.

d. Diplomatic and consular officers are exempt from registration so long as their activities are recognized by Department of State as proper for such official. No investigation of diplomatic or consular officers is to be conducted without prior Bureau authority. When activities are noted, which would seem to be outside regular activities of official in question, advise Bureau promptly so that inquiry may be made of State Department to determine exactly what official's status and scope of action are.

3. Investigative procedure

a. When it is desired to check whether subject is registered or, if registered, to secure a copy of his registration statement, direct lead to WFO.

b. Suggestions for investigation are being broken down by elements of principal violation. They are not all-inclusive but do represent type of inquiry most uniformly productive in previous cases. Investigations should be directed toward obtaining evidence that subject:

(1) Was an agent, or held himself out to be an agent, of foreign principal

In addition to general suggestions set forth in section B, item 3a, above, special attention must be given those agents engaged in propaganda activities.

(a) Contact subject's printer or publisher, if reliable, and obtain copies of manuscripts, orders for printing, bills rendered and receipts, and copies of publications.

(b) Interview appropriate [postal service] authorities to determine if subject holds second-class mailing permit and for information regarding quantity of his outgoing mail.

(c) Check with Library of Congress for all publications copyrighted by subject.

(d) Where propaganda agent is lecturer, information may be obtained from lecture bureaus, newspaper morgues, interviews with members of clubs before which subject has spoken, and radio station records, including transcriptions of broadcasts.

(2) Was not registered with Attorney General

(a) Representative of Attorney General who can testify that subject did not register must be determined in each case prior to trial. Prosecutive summary reports should indicate "an appropriate representative of the Attorney General, U. S. Department of Justice, Washington, D. C." as witness who will furnish this testimony.

(b) Note should be added for benefit of USA that this witness' identity will be established prior to trial. Within reasonable time prior to date set for trial, request Bureau to obtain name and title of representative of Attorney General who should be subpoenaed.

(3) Statute provides that in any proceeding under this act when foreign principal is located outside U. S. evidence of specific identity of foreign principal will not have to be produced.

4. Miscellaneous

This act requires registration of persons accepting compensation from foreign principal or acting in U. S. on orders, instructions, or request of foreign principal. Thus, agent of foreign principal engaged in sending propaganda from U. S. to foreign countries could be required to register. This interpretation is based on legislative history of statute.

5. Statute of limitations

Title 22, USC, § 612, provides: "The obligation of an agent of a foreign principal to file a registration statement shall, after the tenth day of his becoming such agent, continue from day to day, and termination of such status shall not relieve such agent from his obligation to file a registration statement for the period during which he was an agent of a foreign principal."

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Title 22, USC, § 6[illegible] provides: "Dissolution of an [illegible]rganization acting as an agent of a f[illegible]gn principal shall not relie[illegible]ny officer, or person performing [illegible] functions of an officer, or [illegible] director, or person performing the fun[illegible]ons of a director, from compl[illegible]g with the provisions of this section."

Title 22, USC, § 618, provides that failure to file any registration statement or supplements thereto as required shall be considered continuing offense for as long as such failure exists, notwithstanding any statute of limitation or other statute to the contrary.

D. REGISTRATION OF PERSONS WHO HAVE KNOWLEDGE OF, OR RECEIVED INSTRUCTION OR ASSIGNMENT IN, ESPIONAGE, COUNTERESPIONAGE, OR SABOTAGE SERVICE OR TACTICS OF GOVERNMENT OF FOREIGN COUNTRY OR FOREIGN POLITICAL PARTY

1. Statute

Title 50, USC, §§ 851-857, provides:

a. Every person who has knowledge of, or has received instruction or assignment in, espionage, counterespionage, or sabotage service or tactics of government of foreign country or foreign political party shall register with Attorney General by filing registration statement.

b. Following exceptions are made. Any person:

(1) Who has obtained knowledge of or received instruction or assignment in espionage, counterespionage, or sabotage service or tactics of a foreign government or foreign political party by reason of civilian, military, or police service or employment with U. S. Government, governments of several states, their political subdivisions, District of Columbia, territories, or Canal Zone

(2) Who has obtained such knowledge solely by reason of academic or personal interest not under supervision of or in preparation for service with government of foreign country or foreign political party

(3) Who has made full disclosure of such knowledge, instruction, or assignment to officials within an agency of U. S. Government having responsibilities in field of intelligence, which disclosure has been made matter of record in files of such agency, and concerning whom a written determination has been made by Attorney General or Director of Central Intelligence that registration would not be in interest of national security

(4) Whose knowledge of, or receipt of instruction or assignment in, espionage, counterespionage, or sabotage service or tactics of government of foreign country or foreign political party, is matter of record in files of an agency of U. S. Government having responsibilities in field of intelligence and concerning whom a written determination is made by Attorney General or Director of Central Intelligence, based on all information available, that registration would not be in interest of national security

(5) Who is duly accredited diplomatic or consular officer of foreign government, who is so recognized by Department of State, while he is engaged exclusively in activities which are recognized by Department of State as being within scope of functions of such officer, and any member of his immediate family who resides with him

(6) Who is an official of a foreign government recognized by U. S., whose name and status and character of whose duties as such official are of record in Department of State, and while he is engaged exclusively in activities which are recognized by Department of State as being within scope of functions of such official, and any member of his immediate family who resides with him

(7) Who is a member of staff of or employed by a duly accredited diplomatic or consular officer of a foreign government who is so recognized by Department of State, and whose name and status and character of whose duties as such member or employee are a matter

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of record i[illegible]partment of State, while he [illegible]gaged [illegible]ly in performance of activities recognized by Department of State as being within [illegible]pe of functions of such memb[illegible]or employee

(8) Who is an officially acknowledged and sponsored representative of a foreign government and is in U. S. on an official mission for purpose of conferring or otherwise cooperating with U. S. intelligence or security personnel

(9) Who is a civilian or one of military personnel of a foreign armed service coming to U. S. pursuant to arrangements made under a mutual defense treaty or agreement, or who has been invited to U. S. at request of an agency of U. S. Government; or

(10) Who is a person designated by a foreign government to serve as its representative in or to an international organization in which U. S. participates or is an officer or employee of such an organization or who is a member of immediate family of, and resides with, such a representative, officer, or employee

c. Registration statements maintained by Attorney General shall be open to public examination, except that Attorney General, having due regard for national security and public interest, may withdraw any registration statement from public examination.

d. Whoever willfully violates any provision of act or any regulation thereunder, or in any registration statement willfully makes a false statement of a material fact or willfully omits any material fact, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

e. Any alien so convicted is subject to deportation.

f. Failure to file a registration statement as required by act is a continuing offense, notwithstanding any statute of limitation or other statute to contrary.

g. Compliance with registration provisions of this act does not relieve any person from compliance with any other applicable registration statute.

2. Policy

a. Investigations may be initiated without prior Bureau authority.

b. Cases are not to be presented to USAs or discussed with them nor are reports to be furnished to them without Bureau authority.

c. Act provides exemption from registration for certain diplomatic and consular officers and official members of their immediate families who reside with them; certain members of staff or employees of foreign diplomatic and consular officers; certain members of an official mission to U. S.; certain members of a foreign armed service in U. S. under mutual defense agreements; and persons in U. S. as foreign representatives to certain international organizations, or is an officer or employee of such an organization or is a member of the immediate family of, and resides with, such a representative, officer, or employee. When information is received that individual apparently covered by act may be so exempted, immediately furnish information to Bureau so that inquiry may be made of appropriate department to determine exact status of individual. This should be resolved prior to investigation.

3. Investigative procedure

a. When it is desired to check whether subject is registered or, if registered, to secure a copy of his registration statement, direct lead to WFO.

b. Investigations must develop to fullest extent possible data showing that subject has knowledge of, or has received instruction or assignment in, espionage, counterespionage, or sabotage service or tactics of foreign government or foreign political party.

c. It must also be shown that subject did not register as required.

(1) Representative of Attorney General who can testify that subject did not register must be determined in each case prior to trial. Prosecutive summary reports should indicate "an appropriate representative of the Attorney General, U. S. Department of Justice, Washington, D. C." as witness who will furnish this testimony.

(2) Note should be added for benefit of USA that witness' identity will be established prior to trial. Within reasonable time prior to date set for trial, request Bureau to obtain name and title of representative of Attorney General who should be subpoenaed.

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4. Statute of limitati
Failure to register is continuing offense for as long as such failure exists.

E. INTERVIEWS
1. Interviews with subjects should be considered on completion of all logical investigation. Obtain Bureau authority.
2. Where subject is involved in revolutionary group or engaged in other activity where timely interview might produce valuable investigative or intelligence data, expeditiously request authority for interview and indicate why interview proposed prior to completion of investigation.
3. Where such early interview is authorized, additional interviews with subject may be conducted on SAC authority.

F. CLASSIFICATION - 97

G. CHARACTER - REGISTRATION ACT - (Name or approved abbreviation of country)]

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1. STATUTES
Title 18, USC, §§ 2151-2156, and Title 50, USC, § 797

§ 2151. Definitions
"As used in this chapter:
"The words 'war material' include arms, armament, ammunition, livestock, forage, forest products and standing timber, stores of clothing, air, water, food, foodstuffs, fuel, supplies, munitions, and all articles, parts or ingredients, intended for, adapted to, or suitable for the use of the United States or any associate nation, in connection with the conduct of war or defense activities.
"The words 'war premises' include all buildings, grounds, mines, or other places wherein such war material is being produced, manufactured, repaired, stored, mined, extracted, distributed, loaded, unloaded, or transported, together with all machinery and appliances therein contained; and all forts, arsenals, navy yards, camps, prisons, or other installations of the Armed Forces of the United States, or any associate nation.
"The words 'war utilities' include all railroads, railways, electric lines, roads of whatever description, any railroad or railway fixture, canal, lock, dam, wharf, pier, dock, bridge, building, structure, engine, machine, mechanical contrivance, car, vehicle, boat, aircraft, airfields, air lanes, and fixtures or appurtenances thereof, or any other means of transportation whatsoever, whereon or whereby such war material or any troops of the United States, or of any associate nation, are being or may be transported either within the limits of the United States or upon the high seas or elsewhere; and all air-conditioning systems, dams, reservoirs, aqueducts, water and gas mains and pipes, structures and buildings, whereby or in connection with which air, water or gas is being furnished, or may be furnished, to any war premises or to the Armed Forces of the United States, or any associate nation, and all electric light and power, steam or pneumatic power, telephone and telegraph plants, poles, wires, and fixtures, and wireless stations, and the buildings connected with the maintenance and operation thereof used to supply air, water, light, heat, power, or facilities of communication to any war premises or to the Armed Forces of the United States, or any associate nation.
"The words 'associate nation' mean any nation at war with any nation with which the United States is at war.
"The words 'national-defense material' include arms, armament, ammunition, livestock, forage, forest products and standing timber, stores of clothing, air, water, food, foodstuffs, fuel, supplies, munitions, and all other articles of whatever description and any part or ingredient thereof, intended for, adapted to, or suitable for the use of the United States in connection with the national defense or for use in or in connection with the producing, manufacturing, repairing, storing, mining, extracting, distributing, loading, unloading, or transporting of any of the materials or other articles hereinbefore mentioned or any part or ingredient thereof.
"The words 'national-defense premises' include all buildings, grounds, mines, or other places wherein such national-defense material is being produced, manufactured, repaired, stored, mined, extracted, distributed, loaded, unloaded, or transported, together with all machinery and appliances therein contained; and all forts, arsenals, navy yards, camps, prisons, or other installations of the Armed Forces of the United States.
"The words 'national-defense utilities' include all railroads, railways, electric lines, roads of whatever description, railroad or railway fixture, canal, lock, dam, wharf, pier, dock, bridge, building, structure, engine, machine, mechanical contrivance, car, vehicle, boat, aircraft, airfields, air lanes, and fixtures or appurtenances thereof, or any other means of transportation whatsoever, whereon or whereby such national-defense material, or any troops of the United States, are being or may be transported either within the limits of the United States or upon the high seas or elsewhere; and all

air-conditioning systems, dams, reservoirs, aqueducts, water and gas mains and pipes, structures, a[illegible]ildings, whereby or in conn[illegible] with which air, water or gas may be [illegible]nished to any national-defens[illegible]remises or to the Armed Forces of the U[illegible]d States, and all electric l[illegible]t and power, steam or pneumatic power, telephone and telegraph plants, poles, wires, and fixtures and wireless stations, and the buildings connected with the maintenance and operation thereof used to supply air, water, light, heat, power or facilities of communication to any national-defense premises or to the Armed Forces of the United States."

§ 2152. Fortifications, harbor defenses, or defensive sea areas
"Whoever willfully trespasses upon, injures, or destroys any of the works or property or material of any submarine mine or torpedo or fortification or harbor-defense system owned or constructed or in process of construction by the United States; or
"Whoever willfully interferes with the operation or use of any such submarine mine, torpedo, fortification, or harbor-defense system; or
"Whoever knowingly, willfully, or wantonly violates any duly authorized and promulgated order or regulation of the President governing persons or vessels within the limits of defensive sea areas, which the President, for purposes of national defense, may from time to time establish by executive order—
"Shall be fined not more than $5,000 or imprisoned not more than five years, or both."

§ 2153. Destruction of war material, war premises, or war utilities
"(a) Whoever, when the United States is at war, or in times of national emergency as declared by the President or by the Congress, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war or defense activities, or, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war or defense activities, willfully injures, destroys, contaminates or infects, or attempts to so injure, destroy, contaminate or infect any war material, war premises, or war utilities, shall be fined not more than $10,000 or imprisoned not more than thirty years, or both.
"(b) If two or more persons conspire to violate this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in subsection (a) of this section."

§ 2154. Production of defective war material, war premises, or war utilities
"(a) Whoever, when the United States is at war, or in times of national emergency as declared by the President or by the Congress, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war or defense activities, or, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war or defense activities, willfully makes, constructs, or causes to be made or constructed in a defective manner, or attempts to make, construct, or cause to be made or constructed in a defective manner any war material, war premises or war utilities, or any tool, implement, machine, utensil, or receptacle used or employed in making, producing, manufacturing, or repairing any such war material, war premises or war utilities, shall be fined not more than $10,000 or imprisoned not more than thirty years, or both.
"(b) If two or more persons conspire to violate this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in subsection (a) of this section."

§ 2155. Destruction of national-defense materials, national-defense premises, or national-defense utilities
"(a) Whoever, with intent to injure, interfere with, or obstruct the national defense of the United States, willfully injures, destroys, contaminates or infects, or attempts to so injure, destroy, contaminate or infect any national-defense material, national-defense premises, or national-defense utilities, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

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"(b) If two or more persons conspire to violate this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in subsection (a) of this section."

§ 2156. Production of defective national-defense material, national-defense premises, or national-defense utilities

"(a) Whoever, with intent to injure, interfere with, or obstruct the national defense of the United States, willfully makes, constructs, or attempts to make or construct in a defective manner, any national-defense material, national-defense premises or national-defense utilities, or any tool, implement, machine, utensil, or receptacle used or employed in making, producing, manufacturing, or repairing any such national-defense material, national-defense premises or national-defense utilities, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

"(b) If two or more persons conspire to violate this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in subsection (a) of this section."

Title 50, USC, § 797 (Public Law 831, § 21)

"(a) Whoever willfully shall violate any such regulation or order as, pursuant to lawful authority, shall be or has been promulgated or approved by the Secretary of Defense, or by any military commander designated by the Secretary of Defense, or by the Director of the National Advisory Committee for Aeronautics, for the protection or security of military or naval aircraft, airports, airport facilities, vessels, harbors, ports, piers, water-front facilities, bases, forts, posts, laboratories, stations, vehicles, equipment, explosives, or other property or places subject to the jurisdiction, administration, or in the custody of the Department of Defense, any Department or agency of which said Department consists, or any officer or employee of said Department or agency, or of the National Advisory Committee for Aeronautics or any officer or employee thereof, relating to fire hazards, fire protection, lighting, machinery, guard service, disrepair, disuse or other unsatisfactory conditions thereon, or the ingress thereto or egress or removal of persons therefrom, or otherwise providing for safeguarding the same against destruction, loss, or injury by accident or by enemy action, sabotage or other subversive actions, shall be guilty of a misdemeanor and upon conviction thereof shall be liable to a fine of not to exceed $5,000 or to imprisonment for not more than one year, or both.

"(b) Every such regulation or order shall be posted in conspicuous and appropriate places."

[[(National Advisory Committee for Aeronautics ceased to exist 9-30-58, but
[section 797 was not changed.)]

B. VIOLATIONS

[1. [Title 18, USC,]§ 2152 (Fortification, harbor defenses, or defensive sea areas)

[[a. Willful trespass upon, injury to or destruction of any submarine
[mine, torpedo, fortification or harbor-defense system owned, constructed,
[or being constructed by the U. S.

[b. Willful interference with operation or use of any of above

[c. Knowingly violating any Presidential order or regulation governing
[persons or vessels in defensive sea areas

[2. §§ 2153 and 2154 (Destruction or defective production of war materials,
[premises, or utilities during time of war or proclaimed national emergency)

[a. Willful damage to war materials, premises, or utilities with intent
[to interfere with, or reason to believe act will interfere with, war
[or defense activities

[b. Willful production in defective manner of war materials, premises,
[or utilities with intent to interfere with, or reason to believe act
[will interfere with, war or defense activities

[c. Attempts to violate a or b

[d. Conspiracy to violate a or b

[e. National emergency was proclaimed by President 12-16-50

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3. §§ 2155 and 2156 (Destruction or defective production of national defense material, premises, or utilities) (These statutes are applicable in peacetime, as well as during a proclaimed national emergency or war.)
   a. Willful damage to national defense materials, premises, or utilities with intent to interfere with national defense
   b. Willful production in defective manner of national defense material, premises, or utilities with intent to interfere with national defense
   c. Attempts to violate a or b
   d. Conspiracy to violate a or b
4. Title 50, USC, § 797
   Willful violation of regulation or order promulgated or approved by Secretary of Defense or military commander designated by him for protection of property and places subject to jurisdiction of Department of Defense, its subagencies, or officer or employee of that Department

C. VENUE
In judicial district where illegal act committed. Venue in conspiracy violations in any judicial district where the conspiracy was entered into or overt act occurs.

D. POLICY
1. Cases to be investigated
   a. Specific complaint with prima facie evidence that act of sabotage has been committed.
   b. Information that actual or potential saboteurs are at large in the U. S.
   c. Specific request from one of the military services for FBI investigation of a definite allegation of sabotage even though the case is within the investigative jurisdiction of [Air Force, Army, or Navy] under the Delimitations Agreement. The intelligence agency with investigative jurisdiction under the Delimitations Agreement must be agreeable to the FBI conducting the investigation and the request must be made promptly after the incident occurs and without prior investigation by another agency.
   d. If inquiry through local officials or other informed sources reveals cause of incident and eliminates possibility of sabotage, no investigation is necessary. Keep in mind in this connection that a saboteur may be expected to attempt to disguise his work as an accident where feasible.
   e. Instances of willful damage to or destruction of aircraft in interstate, overseas, or foreign air commerce are investigated under destruction of aircraft or motor vehicles statutes, but bear in mind sabotage violation could be involved. (See section 117, volume IV, of this manual.)
2. Alleged plots of sabotage
   a. Information is frequently received indicating an act of sabotage will be committed. It is often impossible to check the source or accuracy of such information. Take the following action immediately:
      (1) Advise Bureau by teletype.
      (2) Advise local representatives of [Air Force, Army, and Navy intelligence agencies;] local police; and officials of plant, facility, or utility involved.
      (3) Conduct any logical investigation to ascertain basis for report.
   b. In disseminating information regarding an alleged plot of sabotage, the circumstances surrounding the receipt of the report should be outlined and the facts allowed to speak for themselves. Do not attempt to evaluate the information for other agencies and specifically advise them no evaluation has been made.

c. Protection of lives and property in connection with an alleged plot of sabotage is responsibility of company or military establishment involved and local authorities. Decision regarding action to be taken or searching for alleged bombs will not be made by FBI. Agents are not to participate in searches for suspected bombs or assume responsibility for handling bomb devices.

3. Reporting acts of sabotage or industrial catastrophes
   a. Advise Bureau by telephone, teletype, or airtel of:
      (1) Any specific complaint of sabotage or any allegation regarding which investigation conducted
      (2) Catastrophes of national interest
   b. Also advise local representatives of interested intelligence agencies.
   c. Keep Bureau advised of pertinent developments.
   d. Information to furnish Bureau, if applicable:
      (1) Name and location of plant, facility, or utility involved
      (2) Date and time of occurrence
      (3) Available details
      (4) Government contracts involved
      (5) Identity of agency with security responsibility and any interested agencies
      (6) Estimated damage or production loss
      (7) Any hazardous conditions or carelessness involved
      (8) Salvage or repair work under way
      (9) Any information indicating the act resulted from labor union activity, labor dispute, or strike - including identity of union; extent and duration of dispute or strike; names of union representatives and any subversive tendencies; any evidence of subversive influence; and names of, identifying data regarding, and information from office files regarding any logical suspects.
      (10) Statement as to whether investigation being conducted. If no investigation being conducted, facts must be complete to justify this course of action.
      (11) If no report being submitted, specific statement to that effect
   [e. When an airtel is used to advise the Bureau of a reported act of sabotage, it must be accompanied by a letterhead memorandum, suitable for dissemination, containing all pertinent information relative to the alleged act of sabotage.]
4. If damage reported as sabotage is definitely attributable to labor union activity, labor dispute, or strike, conduct discreet inquiry if necessary to round out facts, advise Bureau (see 3 above), and await Bureau instructions.
5. Slowdown of production
   a. Slowdown occurs when employees intentionally reduce rate of production. This might be sabotage during period of national emergency as a deliberate plan by subversive forces.
   b. If allegation of sabotage through slowdown received, make discreet inquiry to develop facts but conduct no investigation.
   c. Advise Bureau of complaint. Teletype normally not necessary.
   d. Submit closing report under character of sabotage. Include:
      (1) Identity of company
      (2) Contracts or production involved
      (3) Extent and cause of slowdown
      (4) Effect on production
      (5) Details of union activity
      (6) Any indication of subversive activity
6. Biological warfare
   a. Sections 2153 and 2155 include the words "contaminates or infects." This specifically covers sabotage by bacteriological, chemical, or radiological means.
   b. Such sabotage could be used against personnel in defense industries, military personnel and establishments, foodstuffs and other material to be used for national defense or the armed forces.

c. Such sabotage could be accomplished by the introduction of bacteria, chemical agents, or radiological agents in ventilating systems, water supplies, food supplies, livestock, and food or forage crops.
d. Advise Bureau immediately of any allegation concerning bacteriological, chemical, or radiological sabotage.
e. As preliminary investigative procedure determine from appropriate authorities, such as plant physicians, public health services, or agriculture departments, whether cause of any epidemic or unusual outbreak of disease has been determined.
f. Title 50, USC, §§ 851-857, requires the registration of any person who has knowledge of or has received instruction or assignment in espionage, counterespionage, or sabotage service or tactics of a government of a foreign country or a foreign political party. In investigating any reported act of biological, chemical, or radiological sabotage, determine if there has been a violation of this statute in addition to a violation of the sabotage statutes.

7. [Presentation of cases to Department
Sabotage cases are not to be discussed with the USA. All questions of law and jurisdiction and requests for prosecutive opinions are to be submitted to the Bureau for presentation to the Department.]

E. INVESTIGATIVE PROCEDURE

1. General
a. Procedure will depend on circumstances of particular case. All cases must be approached thoughtfully and aggressively. Investigations must be logical and complete.
b. The investigation of an actual instance of sabotage is not complete until the cause is established and the identity of the subject determined. In a case of actual planned sabotage with intent to injure the national defense, consideration must be given to determining if there are any associates or accomplices through thorough investigation and surveillance prior to apprehension.

2. Arson
a. One of the most effective potential means
b. Determine if fire protection devices tampered with to make fire more effective.
c. Make arrangements with local authorities if necessary to protect scene.
d. Give early consideration to establishing Bureau's jurisdiction prior to extensive investigative effort.
e. Important step in arson investigation is determining point in building at which fire originated. Interview any witnesses immediately and ascertain:
(1) Where was witness when fire occurred.
(2) What attracted his attention.
(3) Exact point where fire burning when first observed
(4) Exact time and general weather conditions
(5) Technical information of value to Laboratory, such as:
(a) Color, intensity, and progress of flame, whether fast or slow
(b) Color and volume of smoke
(c) Unusual odors
(d) Whether fire at more than one place
(6) Were any explosions heard during fire.
(7) General observations, identity of other witnesses, or suspicious circumstances
(8) Action taken by witness after discovering fire

f. If fire occurred in manufacturing plant, witness should be questioned with regard to employment and activities and also questioned as to physical conditions in plant, manufacturing processes, type of raw material, and other information to determine if fire hazards were present which could have caused accidental or spontaneous combustion. Question witness concerning smoking habits of employees and experience concerning any previous fires.

g. Check records of local fire department; interview fire department official at scene for leads.

h. Make intensive search at point of origin to determine method of incendiarism. Pay particular attention to obtaining suspect devices or materials to send to Laboratory.

i. Important that materials submitted to Laboratory be accurately described as to place, position, and location where found.

j. Consider value of obtaining photographs.

k. Search adjacent terrain for evidence, such as footprints, fingerprints, containers which may have contained accelerant used, etc.

l. Investigate all suspects fully not only with regard to evidence pointing to them but to background indicating motive or intent.

m. Set out below are some suggested sources for background investigations of suspects:
   (1) Associates
   (2) Credit and arrest records
   (3) Bank accounts
   (4) State income tax returns
   (5) Character and reputation, including discreet neighborhood inquiry
   (6) Records of Government agencies, INS, [armed forces intelligence agencies,]etc.
   (7) Employment
   (8) Fellow employees
   (9) Telephone toll calls
   (10) Telegrams
   (11) Surveillance, if warranted
   (12) Develop reliable informants in position to observe subject's activities.
   (13) Obtain complete physical description, including nationality and identification record.

3. Sabotage by explosives
   a. Investigation follows general outline as for arson cases.
   b. Careful examination of scene should be made for bomb fragments, dynamite fuse, detonators, blasting caps, and dynamite wrappers. This type of evidence should be submitted to FBI Laboratory for examination. Also look for footprints, fingerprints, and other types of evidence.
   c. Obtain complete photographs of scene.
   d. Assume no responsibility for handling suspected bombs.
   e. Investigate suspects along lines as indicated in previous section regarding arson.

4. Mechanical sabotage
   a. These cases in majority and cover wide variety of destructive acts.
   b. Obtain all details from original complainant so that investigation may be intelligently planned and approached.
   c. Establish jurisdiction early in investigation.
   d. Where foreign material caused damage, obtain in order to trace to source. Submit material to Laboratory where proper.
   e. When damage occurs from foreign substance in lubricants or fuel, important to obtain sufficient quantity for FBI Laboratory examination. Suggested one gallon be obtained if possible. Where large amount involved, the sludge which has settled to bottom should also be obtained and transmitted for laboratory examination. Samples of unused stock of oil or fuel involved should also be forwarded to Laboratory for comparison.

f. Where tools, cutting implements, etc., involved, obtain damaged part for FBI Laboratory comparison with suspect tools when available.
g. All suspects should be fully investigated. See previous section on arson.
h. Where incident is of recurring type, give consideration to utilizing dyestuffs as set forth in section 8, volume I, of this manual.
i. Where board of inquiry held by another Government agency, records should be examined for possible leads. Bureau will consider granting authority for Agent to attend such hearings as interested spectator in appropriate cases.

5. Defective manufacture of war or national-defense materials, premises, or utilities
   a. In addition to establishing the elements required by the statute, establish whether the defectively manufactured material will or did malfunction when put to its intended use and what damage will or did result from this malfunction. In order to establish this, the following suggestions are made:
      (1) Determine the exact function of the defectively manufactured material.
      (2) Determine the nature of the defect.
      (3) Determine how this defect will affect the intended function of the material.
   b. The following investigative procedures have been found to be of assistance:
      (1) Establish requirements or specifications for material by
         (a) Government specifications
         (b) Provisions of contract
         (c) Established trade practices
      (2) Establish existence of any deviation from requirements.
         (a) Interview Government or plant officials.
         (b) Examination by FBI Laboratory
      (3) Specimens of defective material to be submitted to Laboratory wherever practicable
      (4) To establish possibility of injury or damage from use of such material when put to intended use, consider testimony from one of following sources:
         (a) FBI Laboratory
         (b) Army, Navy, Air Force, or other Government expert
         (c) Expert in private industry
         (d) Officials of company involved
         (e) Subjects of the investigation
      (5) Establish that subjects deliberately manufacturing defective materials.
         (a) Review correspondence between manufacturer and purchaser.
         (b) Determine if manufacturing done surreptitiously.
         (c) Establish purchase and use of equipment not ordinarily used in this manufacturing process.
         (d) Establish whether contracting parties or Government agencies have objected to defective material or improper processes.
      (6) Establish motive on the part of subjects.
         (a) Foreign sympathies
         (b) Desire to increase profit
         (c) Desire to maintain production
      (7) General comments
         If material manufactured for military, advise local representatives [of Air Force, Army, and Navy intelligence agencies.] Request their assistance in determining where material being used and arranging for examination of material.

6. Aircraft crashes
   a. The following instructions pertain to deliberately caused crashes of aircraft connected with the national defense which are not covered by the destruction of aircraft or motor vehicles statutes. (See section 117, volume IV, of this manual for instructions regarding investigations under destruction of aircraft or motor vehicles statutes.)

b. Majority of cr[illegible]s of such aircraft result fr[illegible]uses other than sabotage. [illegible]o determine cause requires te[illegible]ical knowledge. Cases will normally be referred to FBI after cause of crash established.

c. Make sure that all evidence which was developed to establish cause of crash has been properly identified and protected and that adequate expert testimony is available to establish cause of crash in any subsequent prosecution.

d. Under special circumstances, FBI may conduct investigation to establish cause of crash or take charge of investigation before exact cause of crash determined. Specific Bureau authority must be obtained in such instances. Some suggested investigation to establish cause of crash follows:

(1) Careful systematic examination of wreckage

(2) Photographs or sketches showing
- (a) Entire crash scene from various angles
- (b) Close-up views from various angles
- (c) Photographs of parts torn loose
- (d) Photographs of instruments and levers in cockpit
- (e) Photographs of marks made by airplane on ground

(3) Persons to be interviewed for information
- (a) Crew members or other survivors
- (b) Persons who heard the plane before the crash
- (c) Eyewitnesses
- (d) Radio operators in contact with the plane
- (e) Ground crew members and mechanics who serviced plane

(4) Information to be sought from witnesses on interview
- (a) Maneuvers of plane prior to crash
- (b) Did plane appear to be out of control.
- (c) Did plane dive into ground or was landing attempted.
- (d) Were all engines operating.
- (e) Was plane on fire.
- (f) Did plane come apart in flight.
- (g) Did engines sound normal.
- (h) Was pilot lost or over unfamiliar territory.
- (i) Was plane on scheduled course.
- (j) Was landing attempt in accordance with normal procedure.
- (k) Was plane in radio contact.
- (l) Did plane's crew experience any mechanical difficulty.
- (m) Was log maintained while plane in flight.
- (n) Were any defects noted during previous flights.
- (o) Weather conditions at time of flight

(5) In determining condition of airplane or manner in which functioning at time of crash, it is important to observe and carefully note exact position of all instruments in cockpit, such as fuel tank selectors, switches, throttles, etc. The condition of all control surfaces should also be carefully noted. From observation of all these items and discussion with persons experienced in handling aircraft, the condition of the plane and action being taken by pilot can often be determined.

(7. Reserve Officers' Training Corps (ROTC) cases

a. Department has determined that ROTC facilities constitute national-defense or war premises within meaning of Title 18, USC, § 2151, and a deliberate attack by arson, bombing, fire bombing, or other means would possibly be a violation of Title 18, USC, §§ 2153 and 2155.

b. Following additional procedures are to be followed in this particular type of case in order to provide information desired by Department for an opinion:

(1) For a complete investigation all pertinent individuals must be interviewed, including members of college or university community unless compelling reasons to the contrary exist.

(2) Develop existence of any plans for protest demonstrations or other acts designed to dramatize opposition to ROTC training.

(3) Submit any leaflets and/or other publicity afforded anti-ROTC protest demonstrations as enclosures to communications to Bureau.

(4) Identify specific property belonging to ROTC unit which was damaged or destroyed; obtain a complete inventory of all property maintained by ROTC unit.

(5) Obtain an estimate of actual cost in damage to ROTC facility and any ROTC property damaged or destroyed.

(6) Obtain details as to ownership of ROTC facility, including information as to funding and control of space of that facility utilized for ROTC training.

(7) Determine specific manner by which ROTC unit is identified on exterior of building.

(8) Determine whether ROTC training is compulsory or voluntary. If a subject is developed, determine whether he was denied, previously afforded, or is currently engaged in ROTC training.

(9) Through investigation determine whether subject made any pre-act or post-act statements which would aid in establishing his specific intent to commit sabotage.]

F. SUBMISSION OF REPORTS

1. Initial report in two weeks after complaint received
2. Subsequent reports to be submitted in accordance with existing Bureau reporting procedures

G. CLASSIFICATION - 98

H. CHARACTER - SABOTAGE

A. STATUTES.
Title 18, USC, §§ 2387, 2388, and 2391

§ 2387. Activities affecting armed forces generally
"(a) Whoever, with intent to interfere with, impair, or influence the loyalty, morale, or discipline of the military or naval forces of the United States:
"(1) advises, counsels, urges, or in any manner causes or attempts to cause insubordination, disloyalty, mutiny or refusal of duty by any member of the military or naval forces of the United States; or
"(2) distributes or attempts to distribute any written or printed matter which advises, counsels, or urges insubordination, disloyalty, mutiny, or refusal of duty by any member of the military or naval forces of the United States --
"Shall be fined not more than $10,000 or imprisoned not more than ten years, or both, and shall be ineligible for employment by the United States or any department or agency thereof, for the five years next following his conviction.
"(b) For the purposes of this section, the term 'military or naval forces of the United States' includes the Army of the United States, the Navy, Air Force, Marine Corps, Coast Guard, Naval Reserve, Marine Corps Reserve, and Coast Guard Reserve of the United States; and, when any merchant vessel is commissioned in the Navy or is in the service of the Army or the Navy, includes the master, officers, and crew of such vessel."

§ 2388. Activities affecting armed forces during war.
"(a) Whoever, when the United States is at war, willfully makes or conveys false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States or to promote the success of its enemies; or
"Whoever, when the United States is at war, willfully causes or attempts to cause insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or willfully obstructs the recruiting or enlistment service of the United States, to the injury of the service of the U.S., or attempts to do so--
"Shall be fined not more than $10,000 or imprisoned not more than twenty years, or both.
"(b) If two or more persons conspire to violate subsection (a) of this section and one or more such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in said subsection (a).
"(c) Whoever harbors or conceals any person who he knows, or has reasonable grounds to believe or suspect, has committed, or is about to commit, an offense under this section, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.
"(d) This section shall apply within the admiralty and maritime jurisdiction of the United States, and on the high seas, as well as within the United States."

§ 2391. Temporary extension of section 2388
"The provisions of section 2388...in addition to coming into full force and effect in time of war shall remain in full force and effect until six months after the termination of the national emergency proclaimed by the President on December 16, 1950...or such earlier date as may be prescribed by concurrent resolution of the Congress, and acts which would give rise to legal consequences and penalties under section 2388 when performed during a state of war shall give rise to the same legal consequences and penalties when they are performed during the period above provided for."

B. VIOLATIONS

1. § 2387
   a. A person with intent to interfere with, impair, or influence loyalty, morale, or discipline of military or naval forces of the U. S.
   b. Advised, counseled, urged; or in any manner caused insubordination, disloyalty, mutiny, or refusal of duty by any member of the military or naval forces of the U. S., or
   c. Person with intent to interfere with, impair, or influence loyalty, morale, or discipline of military or naval forces of the U. S., did, or attempted to
   d. Distribute any written or printed matter which advised, counseled, or urged insubordination, disloyalty, mutiny, or refusal of duty by any member of military or naval forces of the U. S.
2. § 2388
   a. Person willfully made or conveyed false reports or statements when U. S. at war, or during period of extension of this section provided in section 2391 with intent to interfere with operation or success of military or naval forces of U. S. or with intent to promote success of its enemies, or
   b. Person willfully caused or attempted to cause when U. S. at war or during the period of extension of this section provided in section 2391 insubordination, disloyalty, mutiny, or refusal of duty in military or naval forces of U. S., or
   c. Person willfully obstructed the recruiting or enlistment service of U. S., when U. S. at war or during period of extension this section provided in section 2391, or
   d. Two or more persons conspire to violate this section and one or more such persons perform any act to effect the object of conspiracy, or
   e. Persons harboring or concealing any person, knowing or having reason to believe he committed or was about to commit offense under this section

C. DEPARTMENTAL OPINIONS

1. To assist in determining types of utterances which fall within prohibition of sedition statutes, Department of Justice has designated following types of statements as being within prohibition of statutes:
   a. False statements of fact in time of war intended to interfere with the prosecution of war
   b. Utterances in time of war which cause or attempt to cause insubordination in armed forces
   c. Utterances which have the direct effect of obstructing enlistment or the operation of the draft
   d. Advocacy of armed revolt or overthrow of Government by force and violence
2. Above types of utterances not considered all-inclusive of possibilities presented by sedition statutes but only guides

D. POLICY

1. Department of Justice has advised that USAs are not to authorize prosecution without prior departmental authority in each individual case; therefore no request should be made of USA for institution of prosecution. [Department has instructed, however, that in all cases involving sedition in which facts justify consideration copies of reports should be designated for the office of interested USA.]
2. Copies of reports will be referred to Department by Bureau for decisions relative to prosecution. Should the USA authorize prosecution, proceed in accordance with his instructions since it is presumed he will have complied and obtained prior authorization. Where such prosecutive action is authorized by a local USA and no advice from Bureau has been received indicating knowledge that this action has been approved by the Department, immediately advise by telephone or teletype of action taken. In order for Bureau to properly discharge its obligation to investigate all cases involving the distribution of seditious literature and be aware of all such publications, make necessary arrangements to be advised of all publications in your district which

might be considered seditious. Within 24 hours after seditious article reaches general public, each field office must prepare teletype summary of article for Bureau which must be followed by two copies of publication in which it appeared. Such articles will be of type which reflect race prejudice, anti-Semitism and material tending to cause disunity. Cover all meetings of organizations engaged in seditious activities and bring to attention of Bureau statements of seditious nature or having propaganda significance by most expeditious means warranted.

E. INVESTIGATIVE PROCEDURE

1. General

a. Ascertain whether persons involved are civilian or uniformed personnel of Army, Navy or Air Force.

b. Ascertain whether offense occurred on military or naval establishment, reservation, base, field, port or harbor, under jurisdiction of Army, Navy or Air Force or on merchant vessel commissioned in Navy or in service of Army or Navy.

c. If so, communicate facts to proper official of Army or Navy or Air Force and conduct no investigation until a request is received through proper channels.

d. General investigation should seek to establish identity and location of all witnesses. All persons present when words spoken should be interviewed immediately and made matter of record before lapse of time may impair effectiveness and probative value of their testimony.

e. Important to establish in greatest detail factual setting in which language was used since necessary part of proof in sedition case.

f. If member of armed forces present, ascertain name, address, rank, branch of service and serial number. If men having obligations under Selective Service Act present, ascertain locality, birth and selective service status of each such witness in addition to other identifiable information. Efforts should be made to determine whether or not speaker was aware of presence of member of armed forces or persons having obligation under draft laws.

g. If speech was public in nature and delivered to audience, ascertain in detail circumstances under which made. Inquiry should establish whether speech was delivered extemporaneously or from prepared script. Inquiry should include date, time and place of occurrence, as well as chronology of events leading up to utterance of seditious statements. Ascertain age, sanity, sobriety and general demeanor of speaker. Manner in which words spoken has important bearing on speaker's intent and must be clearly established before facts will warrant prosecution. Determine if words addressed generally to all persons within sound of speaker's voice, were spoken without prompting or in response to a question and determine whether words expressed in a deliberate manner or in temperamental outburst.

h. Witnesses should be asked to evaluate effect of language upon persons addressed. Inquire whether result of words was to arouse patriotic ardor of listeners or whether its effect was demoralizing.

i. Determine whether alleged seditious words have been repeated by other persons since they were first uttered and with what results.

j. Bear in mind possibility that this investigation may uncover other violations of existing statutes, such as failure to comply with postal regulations, income tax or registration law requirements.

2. Written or printed words

a. Investigation of seditious statements appearing in written or printed material should include inquiries extending beyond analysis and examination of alleged seditious expressions themselves.

b. If statements appear in a publication regularly issued, obtain copies of the publication circulated before and after issue in question and analyze from standpoint of ascertaining its seditious content and establishing criminal intent of prospective defendants.

c. Analysis of seditious statements should seek to determine whether statements are in fact original or plagiarized reproduction or quotation from other sources.

d. In some cases, it may be necessary to examine content of each issue for a period of several months to develop seditious character of publication. In such cases, analysis of any one issue may fail to disclose clearly seditious statements, whereas quantitative analysis of number of issues may establish constant emphasis and frequent repetition of same themes. Half-truths, continual slanting of facts, habitual dishonest presentation and interpretation of world and national events are cumulative in effect and may be seditious as a matter of law. Efforts should be made to establish repetition of same themes and same treatment of them in number of issues.

e. Completely identify group or organization responsible for authorship, printing, and publication of printed or written material in question. Inquiry should not overlook possible collaboration, sponsorship, support, and financial assistance of outside individuals and other organizations. Consider possibility of subsidy and influence by foreign sources. Inquiry concerning foreign travel by principals involved in investigation should be made and circumstances under which travel undertaken fully developed.

f. Examine books of account, financial statements, and credit reports of individual or organization under investigation, as well as organization records having to do with membership, dues, contributions, and correspondence.

g. Deleted

h. Take steps to locate and obtain records of printer as soon as possible. Printer's complete job envelope should be obtained and rough drafts and corrected drafts of printed material examined. Drafts may assist in establishing actual authorship of article, collaboration of others in its preparation, and that printed article is true reproduction of material submitted to printer.

i. Examine mailing list or other compilation of names of persons to whom seditious material addressed or distributed. Ascertain manner in which list was compiled and source from which names obtained. Determine who is responsible for distribution of publications and whether intended to reach particular group, such as persons engaged in national defense industries. Ascertain whether persons responsible for circulation made any special efforts to distribute material among members of armed forces, or persons having obligations under Selective Service Act or relatives of such persons.

j. Proof that publication reached specific identified members of above groups will aid in establishing that substantive evils which law seeks to prevent have resulted.

k. Under first offense defined in Title 18, USC, § 2388, dealing with false reports or statements courts have held not necessary to prove such false reports or statements were made to persons who are or are liable to become members of the military forces.

l. With reference to mailing lists, efforts should be made to determine whether issues of publication distributed to persons outside U. S.

m. Determine if such publication exchanges mailing list or material with other suspect publications.

n. Determine if persons receiving publication are paying or nonpaying subscribers.

o. Large cities have legitimate concerns engaged in business of compiling mailing lists of particular or selected groups for advertising and other purposes. Inquiry should be made of such concerns to determine whether suspected individuals or organizations contracted for preparation of a mailing list.

p. Determine from [U. S. Postal Service] whether prospective defendants have been granted second-class or other mailing privileges in connection with circulation of material under investigation. If privilege was granted, examine statements filed with Postmaster General concerning ownership, editorial control and circulation.

F. VENUE
Department has advised no sedition case has raised question of venue. Venue must in all cases be determined by office of USA.

G. CLASSIFICATION - 14

H. CHARACTER - SEDITION
Where reports are prepared involving possible violation of sedition statutes and Selective Service Act, following rule as to character of case is to apply:

1. Where individual endeavors to counsel, aid, or abet another individual to evade provisions of Selective Service Act, case should be carried under character, "Selective Service Act."
2. Where an organization counsels, aids, or abets a group of individuals, character should be shown as "Selective Service Act - Sedition."

A. CONSTITUTIONAL PROVISIO
Section 3, Article 3, of the Constitution of the United States provides: "Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court. "The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture, except during the Life of the Person attainted."

B. STATUTES
1. Title 18, USC, § 2381. Treason
"Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason and shall suffer death, or shall be imprisoned not less than five years and fined not less than $10,000; and shall be incapable of holding any office under the United States."
2. Title 18, USC, § 2382. Misprision of treason
"Whoever, owing allegiance to the United States and having knowledge of the commission of any treason against them, conceals and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States, or to the governor or to some judge or justice of a particular State, is guilty of misprision of treason and shall be fined not more than $1,000, or imprisoned not more than seven years, or both."

C. RELATED STATUTES
1. Title 18, USC, § 2389. Recruiting for service against United States
"Whoever recruits soldiers or sailors within the United States, or in any place subject to the jurisdiction thereof, to engage in armed hostility against the same; or
"Whoever opens within the United States, or in any place subject to the jurisdiction thereof, a recruiting station for the enlistment of such soldiers or sailors to serve in any manner in armed hostility against the United States--
"Shall be fined not more than $1,000 or imprisoned not more than five years, or both."
2. Title 18, USC, § 2390. Enlistment to serve against the United States
"Whoever enlists or is engaged within the United States or in any place subject to the jurisdiction thereof, with intent to serve in armed hostility against the United States, shall be fined $100 or imprisoned not more than three years, or both."
3. Title 18, USC, § 756. Internee of belligerent nation
"Whoever, within the jurisdiction of the United States, aids or entices any person belonging to the armed forces of a belligerent nation or faction who is interned in the United States in accordance with the law of nations, to escape or attempt to escape from the jurisdiction of the United States or from the limits of internment prescribed, shall be fined not more than $1,000 or imprisoned not more than one year, or both."
4. Title 18, USC, § 757. Prisoners of war or enemy aliens
"Whoever procures the escape of any prisoner of war held by the United States or any of its allies, or the escape of any person apprehended or interned as an enemy alien by the United States or any of its allies, or advises, connives at, aids, or assists in such escape, or aids, relieves, transports, harbors, conceals, shelters, protects, holds correspondence with, gives intelligence to, or otherwise assists any such prisoner of war or enemy alien, after his escape from custody, knowing him to be such prisoner of war or enemy alien, or attempts to commit or conspires to commit any of the above acts, shall be fined not more than $10,000 or imprisoned not more than ten years, or both."

"The provisions of this section shall be in addition to and not in substitution for any other provision of law."

D. ELEMENTS

1. Treason

a. Person must owe allegiance to the United States. Statute applicable to all persons owing allegiance to U. S., whether citizens or aliens, domiciled or residing in U. S. Law is clear that every individual owes fidelity and allegiance to Government in return for protection he receives from that Government. Citizen owes absolute and permanent allegiance to his Government until he renounces his citizenship and becomes citizen of another country.

b. Person must have performed overt act of levying war against the U. S. Act of levying war against U. S., according to court decisions, interpreted as where men meet openly in armed array or in such crowds that mere numbers supply element of force which might otherwise be given by arms, with purpose or intention of nullifying or preventing execution of general law of Congress.

Resistance to U. S. in its sovereign capacity is essential element. To establish violation must have proof of prior agreement, intent, and of an overt act. Waging of war against U. S. requires overt acts in furtherance of a plan to overthrow the authority of the Government either in whole or in some territory or political subdivision. Overt act must be in furtherance of treasonable intent, and words, oral, written, or printed, however treasonable, seditious or criminal, of themselves do not constitute overt act within meaning of statute, or

c. Person must have performed overt act of adhering to enemies of U. S., giving them aid and comfort within U. S., or elsewhere. Applies only to acts done after commencement of war which would aid or assist enemy or tend to weaken U. S. in its conduct of war, such as trading with enemy, selling or giving material or supplies to enemy, assisting enemy in physical conduct of war and furnishing information to enemy which would be of assistance to enemy or injury to U. S.

2. Misprision of treason

a. Person owes allegiance to U. S.

b. Person had knowledge of commission of act of treason.

c. Person concealed this knowledge and did not immediately disclose it to President, some judge of the U. S., governor of particular state or judge or justice of a particular state.

E. INVESTIGATIVE PROCEDURE

1. Treason involves breach of allegiance and is highest crime known to this country. It is only crime embodied in the Constitution.

2. Constitution expressly provides that conviction for treason can be had only "on the testimony of two witnesses to the same overt act, or on confession in open court."

3. Treason differs from other crimes in that there are no accessories, all persons being regarded as principals.

4. Any evidence indicating possible violation of treason statute should receive immediate, continuous and preferred investigation. Bureau must be advised immediately of basic facts.

5. Informants or individuals who furnish information indicating possible violation of treason statute should be thoroughly and painstakingly interviewed to ascertain all available details as to words, acts, documents, letters, et cetera, upon which allegation of possible treason based.

6. Information received from any source indicating that firearms and ammunition are being collected for possible treasonous undertakings should be subject of immediate and thorough investigation to ascertain details concerning type of firearms and ammunition, source thereof, place of storage, and identity of individuals involved. Investigation must be pursued for purpose of definitely determining whether arms or ammunition actually being collected and stored in connection with treasonous plot or other possible violations within Bureau's jurisdiction, such as neutrality laws. Bureau should be immediately informed of any information received that organizations purporting to be rifle or gun clubs are, in reality, planning activities of treasonable nature. Such allegations should be subject to discreet investigation to determine basis for suspicion of treason. In latter connection necessary to ascertain following:
   a. Identity of individuals responsible or sponsoring organization, together with information discreetly obtained concerning their citizenship, reliability, and loyalty
   b. All information indicating any connection between the organization and any foreign government, political party, individual, corporation, or other association. Also, any connection between group involved and groups, organizations, or individuals operating within U. S. and known to be disloyal to this Government.
   c. Correct nature of activities of organization being undertaken. This may be ascertained by ordinary investigative efforts or utilization of confidential informants, surveillances, and other investigative techniques.
7. In the event specific evidence obtained indicating possible treasonable plot or undertaking, investigation must be pursued to determine entire ramifications of plot and identity of all individuals involved.
8. Actual investigative steps and methods will parallel those mentioned in other sections of this manual in connection with national defense matters.

F. POLICY
The Department of Justice must specifically authorize prosecution in each case. Inquiry concerning Department's decision should be sent to Bureau.

G. VENUE
1. Treason - where act committed and if committed outside U. S. in district where first brought or first found
2. Misprision of treason - where report of treason should have been made

H. CLASSIFICATION - 61

I. CHARACTER - TREASON or MISPRISION OF TREASON

STATUTE
Title 18, USC, § 2386. (The Voorhis Act was approved by the 76th Congress on 10-17-40, and it became effective on 1-15-41.)

§ 2386. Registration of certain organizations
This act provides that the following organizations shall be required to register with the Attorney General:
"Every organization subject to foreign control which engages in political activity;
"Every organization which engages both in civilian military activity and in political activity;
"Every organization subject to foreign control which engages in civilian military activity; and
"Every organization, the purpose or aim of which, or one of the purposes or aims of which, is the establishment, control, conduct, seizure, or overthrow of a government or subdivision thereof by the use of force, violence, military measures, or threats of any one or more of the foregoing."

This act specifically exempts certain other organizations from the requirement of registration, such as:
"(a) The armed forces of the United States, or
"(b) The organized militia or National Guard of any State, Territory, District, or possession of the United States, or
"(c) Any law-enforcement agency of the United States or of any Territory, District, or possession thereof, or of any State or political subdivision of a State, or of any agency or instrumentality of one or more States, or
"(d) Any duly established diplomatic mission or consular office of a foreign government which is so recognized by the Department of State, or
"(e) Any nationally recognized organization of persons who are veterans of the armed forces of the United States, or affiliates of such organizations."

The act outlines in detail the type of information desired in the registration statements.

B. STEP TAKEN BY COMMUNIST PARTY, USA, TO AVOID PROSECUTION UNDER THIS ACT
The Communist Party, USA, held a special convention in New York City on November 16 to 17, 1940. This convention declared "that the Communist Party of the USA in convention assembled, does hereby cancel and dissolve its organizational affiliation with the Communist International, as well as any and all other bodies of any kind outside the boundaries of the United States of America for the specific purpose of removing itself from the terms of the so-called Voorhis Act."

[C. DEPARTMENTAL POLICY
[[In 1941, the Department considered holding grand jury hearings under this
[act at which leading Communist Party functionaries would be subpoenaed.
[The Japanese attack on Pearl Harbor stopped any action in this regard.
[When prosecutive action was initiated against the Communist Party and its
[top functionaries beginning in 1948, the Department selected the Smith
[Act of 1940 (Title 18, USC, § 2385) and the Internal Security Act of 1950
[(Title 50, USC, §§ 781-816) rather than the Voorhis Act.]

D. VENUE
Where the violation is the failure to register, venue will lie only in the District of Columbia; however, aiders and abettors may be prosecuted in the district in which their criminal acts are performed, and conspiracy charges may be prosecuted in the district in which the conspiracy originates, or in which any overt act thereunder takes place.

E. PENALTIES

"Whoever violates any of the provisions of this section shall be fined not more than $10,000 or imprisoned not more than five years, or both.

"Whoever in a statement filed pursuant to this section willfully makes any false statement or willfully omits to state any fact which is required to be stated, or which is necessary to make the statements made not misleading, shall be fined not more than $2,000 or imprisoned not more than five years, or both."

F. CLASSIFICATION - 102

G. CHARACTER - VOORHIS ACT

VOLUME IV

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A. INVESTIGATIONS OF EXTREMIST ORGANIZATIONS AND INDIVIDUALS

For the purpose of this section, extremist organizations and individuals relate to black extremists, Klan and white hate extremists and American Indian extremists.

1. General Guidelines

a. Investigative Jurisdiction

FBI investigations under this section are based on specific statutory jurisdiction and Departmental instructions.

Investigations conducted under this section are to be directed to the gathering of material pertinent to a determination whether or not the subject has violated, or is engaged in activities which may result in a violation of one or more of the statutes enumerated below or in fulfillment of Departmental instructions.

There are three principal statutes which provide a basis for these investigations, as follows:

(1) Rebellion or insurrection (T18, USC, §2383)
"Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or the laws thereof, or gives aid or comfort thereto, shall be fined not more than $10,000 or imprisoned not more than ten years, or both; and shall be incapable of holding any office under the United States."

(2) Seditious conspiracy (T18, USC, §2384)
"If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined not more than $20,000 or imprisoned not more than twenty years, or both."

(3) Advocating the overthrow of the Government (T18, USC, §2385).
"Whoever knowingly or willfully advocates, abets, advises, or teaches the duty, necessity, desirability, or propriety of overthrowing or destroying the government of the United States or the government of any State, Territory, District or Possession thereof, or the government of any political subdivision therein, by force or violence, or by the assassination of any officer of any such government; or
"Whoever, with intent to cause the overthrow or destruction of any such government, prints, publishes, edits, issues, circulates, sells, distributes, or publicly displays any written or printed matter advocating, advising, or teaching the duty, necessity, desirability, or propriety of overthrowing or destroying any government in the United States by force or violence, or attempts to do so; or
"Whoever organizes or helps or attempts to organize any society, group, or assembly of persons who teach, advocate, or encourage the overthrow or destruction of any such government by force or violence; or becomes or is a member of, or affiliates with, any such society, group, or assembly of persons, knowing the purposes thereof--

"Shall be fined not more than $20,000 or imprisoned not more than two years, or both, and shall be ineligible for employment by the United States or any department or agency thereof, for the five years next following his conviction.

"If two or more persons conspire to commit any offense named in this section, each shall be fined not more than $20,000 or imprisoned not more than twenty years, or both, and shall be ineligible for employment by the United States or any department or agency thereof, for the five years next following his conviction.

"As used in this section, the terms 'organizes' and 'organize', with respect to any society, group, or assembly of persons, include the recruiting of new members, the forming of new units, and the regrouping or expansion of existing clubs, classes, and other units of such society, group, or assembly of persons."

The courts have interpreted this statute to require advocacy to action, i.e., advocacy to do something, now or in the future, rather than merely to believe in something.

In addition to the three principal statutes outlined above, the following statute would pertain to investigations of Klan and other white hate groups.

(4) Civil Rights Act of 1968 (T18, USC, §241)

In summary, this statute makes it unlawful for two or more persons to conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States. Additionally, it prohibits two or more persons going in disguise on the highway or on the premises of another with intent to prevent or hinder his free exercise or enjoyment of any rights secured by the Constitution or the laws of the United States.

b. Prosecutive Determination

All discussions pertaining to the prosecutive potential of investigations initiated under this section will be conducted by FBIHQ with Departmental officials. These cases should not be discussed with local U. S. Attorney's office without FBIHQ approval.

c. Related Statutes

There are a number of other statutes under the FBI's investigative jurisdiction which should be borne in mind in handling these investigations. Information concerning possible violations of such statutes is frequently developed during these investigations. Where this occurs, the field should consider the desirability of conducting investigation in line with the policies and procedures governing the statute in question.

A list of other Federal statutes which may arise during these investigations is outlined in Subsection 9 of this section.

d. FBI Responsibility

The FBI has been charged by various Presidents with the responsibility to coordinate and collect all information relating to the internal security of the United States, including information from all other Federal and local agencies. See Section 102, Volume IV, of this manual. This coordination and collection responsibility is not to be confused with our jurisdictional authority for conducting <u>active</u> investigations, set out in A. 1. a. above.

e. The term "extremist activities" as used in this section denotes activities which are aimed at overthrowing, destroying, or undermining the government of the United States or any of its political subdivisions by illegal means or denying the rights of individuals under the Constitution prohibited by statutes enumerated in A. 1. a. above. The term "extremist organizations" denotes a group or movement which is known to engage in or advocate internal subversive or extremist activities as defined above.

f. Predication for Investigation

In all cases handled under the provisions of this section, the first communication prepared which indicates an investigation is being initiated (intraoffice memorandum, letter, airtel, teletype or report) should show specifically the statute upon which the investigation is based together with all the supporting facts. Such a predication must be included in the first communication to FBIHQ and the first report or LHM prepared in each case. Where investigation has been specifically requested by Department, this should be indicated in predication. The following examples are illustrative; however, the predication for each individual case must be tailored to the circumstances of such case.

(1) "This investigation is based on information the subject's activities may be in violation of T18, USC, §2383 (Rebellion or insurrection) and §2384 (Seditious conspiracy). A source whose reliability has not been determined has informed that the subject is planning, along with others, to travel to Washington, D. C., on April 30, 1971, to participate in planned violent demonstrations during the first week in May, 1971, to 'shut down the Government.' Demonstration plans include the blocking of streets and highways, destruction of personal and Government property, and physical obstruction to prevent Government employees from reporting to work."

(2) "This investigation is based on information the subject's activities may be in violation of T18, USC, §2385 (Advocating the overthrow of the Government). The subject is an admitted member (or has been identified as a member by a confidential source who has provided reliable information in the past) of (name of group). The (name of group) in its public statements and publications advocates the desirability and necessity of overthrowing the U. S. Government by force or violence, and the assassination of U. S. Government officers. The same source has reported that the subject actively supports these positions."

(3) "This investigation is based on information the subject's activities may be in violation of T18, USC, §241 (Conspiracy to deprive a citizen of rights or privileges secured by the Constitution or the laws of the United States). The subject is an admitted member (or has been identified as a member by a confidential source who has provided reliable information in the past) of (name of group). The group has engaged in activities designed to deny certain classes of citizens their rights or privileges secured by the Constitution or the laws of the United States. The same source has reported that the subject actively supports this position."

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If the statu[illegible] basis for an investigation [illegible]d change or be expanded to [illegible]lude an additional statute or [illegible]atutes, the first communication prepared subsequent to such change or expansion should specifically show such changes. Similarly, this information should be included in the next report or LHM prepared in the case.

g. Accuracy of Characterizations

Assure that statements relating to characterizations of an individual or organization, or relating to affiliations with or membership in any organization, are founded on a firm basis. Identify sources for such characterizations or statements of affiliation or membership if such characterizations, affiliations or memberships are not commonly and publicly known.

h. Preservation of Evidence

Whenever conducting investigation which involves possible prosecution, insure that admissible evidence is obtained and preserved.]

2. Investigations of Organizations

a. Criteria

Investigations should be limited to organizations which have, or allegedly have, engaged in or advocated extremist activities as defined in A. 1. a. above.

b. Scope of Investigation

It is essential that reliable and knowledgeable informant coverage be developed at all levels of organizations meeting investigative criteria. Pertinent information should be obtained and reported concerning the following:

(1) Identity of organization, including address, location of any post office boxes, phone number, and similar data regarding subsidiary units, if any.

(2) Charter, incorporation data, or other data regarding information of organization.

(3) Identities of principal officers.
(4) Membership information, including total formal membership and estimated number of active members. Reports by office of origin concerning national groups should include a breakdown of membership by states.
(5) Objectives, as claimed by the organization and/or as determined through investigation.
(6) Summary of pertinent activities, including:
  (a) Acts of violence, terrorism or intimidation or pertinent statements advocating or promoting such activities.
  (b) Other illegal actions.
  (c) Acquisition of arms, ammunition, explosives, or other destructive devices.
  (d) Number of meetings or rallies held, both public and closed. Include highlights with emphasis on information bearing on extremist character of the organization.
  (e) Training and recruiting activities.
(7) Finances, including pertinent data regarding bank accounts (include monthly balances if available) and source of income and expenditure.
(8) Publications.
(9) Foreign influence, if any.
(10) Connections with other extremist, subversive or revolutionary groups.
(11) Miscellaneous. Any information considered pertinent but not covered by the above.

c. Reporting Procedures
(1) Frequency of reports. Submit initial report within 90 days. Thereafter, office of origin should submit annual nonprosecutive summary report (unless FBIHQ specifically directs that a different reporting schedule be followed). This report should provide comprehensive picture of national activities of the organization, including concise summary of pertinent data reported by auxiliary offices. Auxiliary offices should submit reports to reach FBIHQ and office of origin 45 days before the office of origin's annual nonprosecutive summary report is due. It will be the responsibility of the office of origin to appropriately advise auxiliary offices of the annual reporting schedule.
(2) Submission of letterhead memorandums (LHMs). In addition to submission of reports as outlined above, all offices should on a continuing basis keep FBIHQ (and office or origin, where applicable) advised of significant information developed concerning the activities of extremist organization. This would include information concerning public rallies or demonstrations sponsored by group, information bearing on group's propensity for violence, acquisition of weapons, and information regarding secret financial contributions, domestic or foreign. Such data should normally be included in LHM and forwarded by airtel. However, if actual or imminent violence is involved, advise FBIHQ by telephone or teletype.

d. Administrative Detail
Administrative pages of reports or cover pages of LHM should specifically identify and state whether or not investigation being conducted regarding active members who are identified in a report or LHM. In the event no investigation is being conducted, appropriate justifications should be set forth.

e. Indexing Name

At the time the annual report is submitted on organizations, all offices should provide FBIHQ by letter with a list of individuals, with identifying data, who are members of extremist groups or unaffiliated extremists whose names have not been included in any prior communication to the Bureau. This is for indexing purposes at FBIHQ.

3. Investigations of Individuals

a. Criteria

Investigations should be initiated concerning following:

(1) Officers of extremist organizations who are in policy-making positions or who are able to direct activities of other members of group.

(2) All other members of extremist organization who have demonstrated propensity for violence.

(3) Persons who, while not affiliated with extremist organization, have demonstrated strong extremist attitudes coupled with inclination to employ violence.

b. Scope of Investigation

Pertinent information should be obtained and reported concerning following:

(1) Background information including: check of indices; birth data; residence and employment; military service, if any; selective service status, if applicable; marital status; educational background; arrest record, if any; description of automobile, including license number; photograph; FBI identification record; relatives; close associates; social security number; and physical description.

(2) Connections with extremist organizations and pertinent information regarding extremist activities or sympathies.

(3) Full details concerning subject's propensity for violence.

(4) Interview of subject. The main purpose for interviewing subjects of extremist investigations is to develop intelligence information regarding extremist activities, Federal violations in which extremists may be involved, and the evaluation of the individual's extremist potential. SAC may authorize interviews with extremist organization members and officers up to state level or lesser office. SAC may also authorize interview of unaffiliated extremists.

Prior to interview of these individuals, conduct informant, arrest, and indices checks on individuals to be interviewed. Determine employment, establish not employed or connected with any sensitive area requiring FBIHQ authorization for interview, and prepare memorandum for SAC setting forth available facts. Each such interview should be personally approved by SAC.

Interviews with extremist subjects should be considered early in the investigation in the absence of any information dictating otherwise. If subject not interviewed, closing communication must show reason for not interviewing. Rank-and-file extremists may be interviewed on the authority of SAC, however, prior FBIHQ authority must be obtained for interviews of leaders of the extremist groups (state level or above), individuals of national prominence, civil rights organizations, educational institutions, news media, religious groups, or other sensitive areas. Prior

FBIHQ authorization is also required for those subjects having an affiliation with known subversive groups or foreign powers. (Utilize FD-336)

(5) General
When good judgment dictates (i.e., for reasons of sensitivity or security), two Agents should be present at interview. The safety of Agents participating in interview should be paramount consideration in arranging circumstances under which interviews will be conducted. FBIHQ authority is not necessary prior to interview of extremist organization member in criminal or applicant-type cases; however, confine interview to subject matter of inquiry unless information concerning extremist organization is volunteered by interviewee.

[(6) Candidates for or occupants of elective public office
Instructions relating to investigations of individuals in above categories are contained in vol. III, sec. 87 C. 1 (f), of this manual.]

c. Reporting procedures
Initial investigation should be completed within 90 days after case is opened. Individuals investigated under these instructions should be considered for inclusion in the Administrative Index (ADEX) (see Section 87 Manual of Instructions for details). It is not desired that reports be submitted merely for the sake of reporting; however, it is the responsibility of the field to assure that all significant information is reported in a form suitable for dissemination on a current basis. Whether or not an extremist subject is placed in the ADEX is not the controlling investigative criteria. The investigative criteria should be followed as set forth in 3. a. above.

Our dissemination responsibilities should not be overlooked and FBIHQ and office of origin, where applicable, should be kept advised on a continuing basis of all significant or unusual activities on the part of subjects especially where substantive violations are involved. Submit such information by teletype (suitable for dissemination) or airtel accompanied by LHM depending on circumstances involved.

d. Informant development
If individual is cooperative upon interview and has potential as source, handle pursuant to instructions contained in Section 130, Volume IV of this manual.

e. Foreign influence
When an extremist subject travels abroad, advise the Bureau by teletype if situation so warrants, submit LHM containing details including passport information along with brief summary of extremist activities. Place stop with immigration authorities to assure notification of return and request that a search of luggage be made. Upon return, submit follow-up LHM and intensify investigation to determine subject's activities while abroad including contacts with any known extremists residing in countries in which traveled.

4. Extremist Photographic Album (EPA)

a. Purpose
Album maintained at each field office as aid in identifying individuals in extremist field who travel or are likely to travel extensively.

b. Individuals to be included
Leaders of Klan and similar white hate groups, leaders of American Indian extremist groups, and leaders of black extremist groups. Also include extremists who are fugitives in Bureau criminal cases, extremist informants who travel in behalf of their respective extremist organizations, and any unaffiliated extremist whose activities warrant.

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c. Procedure for including individuals in EPA
On FD-432 type required biographical data. Complete all items on form indicating "none" or "unknown" if applicable. Place original with photograph in individual's main case file. Prepare from original 16 Xerox copies for Bureau and one Xerox copy for each office, attach photograph to each copy and distribute by FD-432a.

d. Procedure for amending information on FD-432
Prepare new FD-432 incorporating necessary changes and distribute by FD-432a. Use FD-432a to distribute up-to-date photographs of individuals included in EPA.

e. Procedure for deleting individuals from EPA
Submit recommendation in communication to Bureau utilizing caption of individual. Following receipt of Bureau approval, advise all offices of deletion by FD-432a. On receipt of deletion notice remove FD-432 from EPA and destroy.

f. Fugitives
FD-432 of extremist who is Bureau fugitive should not be marked "fugitive" since Album is for identification purposes only and is not to be used as basis for fugitive arrests.

[5. [Deleted]

6. Infiltration of law enforcement organizations
Any information developed regarding extremist affiliation on part of high-ranking officers of state police, sheriff's office, or local police departments should be furnished to FBIHQ along with your recommendation as to whether or not such information should be furnished on a confidential basis to the governor of state or some other appropriate local official. Consider advising head of law enforcement agency whenever a subordinate is involved.

No information should be furnished to the governor of the state or other appropriate local official and/or head of law enforcement agency without specific prior Bureau approval. The data furnished to such individuals should be furnished in writing and a draft of the proposed letter must be submitted for prior FBIHQ approval at the time of submitting your recommendation.

In preparing information for dissemination concerning extremist affiliation of law enforcement officers exercise care to protect informants and sources, confine information to data reported by sources who have furnished reliable information in the past, and do not include unfounded rumors. In preparing letter you should state that information is being furnished on confidential basis in view of official responsibilities of addressee. Letter should include statement that if any action is taken as a result of information, extremist affiliation should be established by independent investigation, as Bureau is unable to produce witnesses to testify at any hearing.

7. Dissemination
Results of investigation on extremist organizations or individuals should be furnished locally to Secret Service and to the local branches of other Federal investigative agencies having a clear-cut interest.
(See section 87, Manual of Instructions for more detailed instructions applicable to extremist investigation.)

8. Urban Guerrilla Warfare
(Similar instructions apply to section 87, Manual of Instructions, item C4.)

a. General investigative guidelines
Urban guerrilla warfare concerns terrorist activities against law enforcement and established institutions including:
(1) "Expropriation" of property by robberies or burglaries.
(2) Thefts of weapons, dynamite, or other materials appropriate for bomb manufacture.
(3) Bombings of revolutionary-type targets, such as banks, oil refineries, police stations, military and government facilities.
(4) Unprovoked attacks on and ambushes of police.
(5) Armed attacks on police facilities.
(6) Aircraft hijackings.
(7) Political kidnapings.
(8) Action to enable revolutionary prisoners to escape from confinement.

b. Investigations
(1) Purpose
(a) To obtain sufficient data to identify terrorists, nature of their activities, and organization, if any, involved.
(b) To insure appropriate prosecutive action of Federal violations involved.
(c) To assess the urban guerrilla threat to internal security of country.
(d) To keep Department and other appropriate Federal and local agencies advised on a continuing basis of these terrorists activities.
(2) General Policy
(a) With occurrence of any incident containing possible or actual urban guerrilla warfare activity, a separate communication is to be promptly submitted to Bureau wherein a complete assessment is made as to whether or not the incident was in any way involved with extremist or revolutionary activity.

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I. [illegible]reau violation involved, on[illegible]mmunication with [illegible]ion including character for [illegible]tantive violation followed by "Extremist Matters - Possible Urban Guerrilla Activities" or ["Subversive Matters]- Violence - Possible Urban Guerrilla Activities," whichever is appropriate.

II. If no Bureau substantive violation apparent, but indications of urban guerrilla activity are present, a new case is to be opened in the field and preliminary inquiries instituted to determine if extremists or revolutionaries are involved. Bureau to be advised by communication under a caption descriptive of incident, including character, but to include "Possible Urban Guerrilla Activity."

(A) Communication should set forth basis for inquiry.

(B) Contemplated investigation should be succinctly described.

(b) When a significant instance of urban guerrilla activity takes place, Bureau will instruct appropriate field office to submit "Incident Profile" by airtel to all offices captioned "Urban Guerrilla Warfare, (Place and Date), [Extremist Matters (or Subversive Matters)]- Violence - Incident Profile," whichever is appropriate.

I. Part I should describe incident and include identities of individuals involved as well as general modus operandi.

II. Part II should highlight newly learned or repeated indicators of urban guerrilla warfare with appropriate comments to assist all offices in identifying, investigating, and controlling urban guerrilla terrorists.

III. Offices receiving will insure indexing afforded same, and all appropriate personnel are notified of contents.

(c) Results of investigation are to be submitted in form suitable for dissemination on a timely basis.

I. If Bureau violation involved, initial report should contain character in addition to substantive violation involved as "Possible Urban Guerrilla Warfare." Three extra copies of such reports to be submitted to the Bureau in addition to number otherwise required.

II. If no Bureau violation involved, submit results by LHM under appropriate descriptive caption and character to include "Possible Urban Guerrilla Warfare." Five copies are to be submitted.

(d) Reporting and investigating police killings involved in terrorists' acts are to be handled also in compliance with instructions set forth in Section 144, "Police Killings," of Manual of Instructions.

(3) Data to be developed

(a) Method of operation in committing terrorist acts or criminal activities.

(b) Identities of all individuals involved, determining background, extremist or revolutionary affiliations, associates, and contacts.

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(c) Identities of groups or persons assisting these terrorists such as couriers, providing "safe houses," supplying weapons or otherwise assisting.
(d) Methods of transportation.
(e) Communications systems and codes utilized.
(f) Revolutionary material possessed and source of same where possible. Furnish copies to Bureau.
(g) Manner in which false identification obtained and/or utilized.
(h) Possession of weapons and/or explosives and incendiary devices. Determine source of same.
I. Check NCIC, state and Federal firearms registries, and where possible, institute factory tracings to establish source of all weapons.
(i) Source of funds. Be alert to recent acts of expropriation which may have been committed locally.
(j) Association or affiliation with extremist or revolutionary groups.

c. Investigative procedures
(1) Recovered weapons and ammunition to be submitted FBI Laboratory for firearms identification examinations and appropriate comparisons.
(2) Ascertain origin of items of all false identification.
(3) Any handwriting located and/or handwriting specimens obtained should be submitted to FBI Laboratory for comparison against that in file of known extremists[and revolutionaries.]
(4) All latent prints obtained are to be sent FBI Identification Division for comparison against either Black Extremist or White Extremist sections of Latent Fingerprint File.
(5) NCIC is to be queried on all names utilized as well as that of true identities established.
(6) All telephone numbers utilized should be submitted to Data Processing Section for check of Computerized Telephone Number File.
(7) Where individual identified has not been subject of prior investigation, institute investigation promptly.
(8) Check all vehicles and license plates possessed by terrorists against NCIC and determine source.
(9) Maintain close liaison with local authorities.
(10) Informants and sources must be continously targeted for development of information concerning urban guerrilla warfare acts as they are developed.
(11) Preplanned acts of violence uncovered must be afforded immediate investigation, reporting, and necessary dissemination.
(12) [Deleted]

d. Coordination of urban guerrilla activities
Responsibility for coordination of these matters to be placed on desk of field extremist supervisor in each office.
(1) Coordination will involve analysis of pertinent data received from Bureau and other field divisions to insure indicators of this type of activity occurring in each division are promptly recognized and appropriate investigation instituted.
(2) Afford close liaison in these matters between all Agents regardless of assignment.

(3) Maintain close liaison with local authorities to insure urban guerrilla activity is immediately referred to Bureau's attention.

9. Statutes

a. Department has noted possible applicability of following statutes to investigations of extremist matters. These should be borne in mind and possible violations should be promptly and vigorously investigated and Bureau kept advised of all developments. Detailed discussions of these violations appear in Manual of Instructions.

(1) Rebellion or insurrection
Title 18, USC, § 2383
Proscribes the inciting or engaging in any rebellion or insurrection against authority of U. S.

(2) Seditious conspiracy
Title 18, USC, § 2384
Proscribes conspiring to overthrow or to destroy by force the Government of U. S. or to oppose by force the authority thereof or by force prevent, hinder, or delay the execution of any law of U. S.

(3) Advocating overthrow of Government
(Smith Act of 1940)
Title 18, USC, § 2385
Proscribes advocacy of overthrowing Government of U. S., or government of any state, territory, district, or possession thereof, or government of any political subdivision therein by force or violence.

(4) Activities affecting armed forces during war
Title 18, USC, § 2388
Proscribes making or conveying a false report with intent to interfere with operation or success of U. S. military or naval forces or to promote success of its enemies, or counseling insubordination, disloyalty, or mutiny in the armed forces.

(5) Selective Service Act
Title 50 App., USC, § 462
Violations most likely to be encountered are counseling, aiding or abetting, refusal or evasion of any duty under the act or regulations, and interfering with administration of act.

(6) Travel and interstate transportation
(a) Title 18, USC, § 1952, covers interstate travel to commit arson.
(b) Title 18, USC, § 837, covers interstate transportation of explosives.

(7) Assault or killing of Federal officers and employees
Title 18, USC, § 111, 1114, 2231.

(8) Destruction of Government property
Title 18, USC, § 1361

(9) National Firearms Act (Title 26, USC, §§ 5812, 5822, 5842, 5844, and 5861).
State Firearms Control Assistance Act (Title 18, USC, §§ 921-928)
Unlawful Possession or Receipt of Firearms Statute (Title 18 App., USC, §§ 1201-1203).

(10) Crimes on Government reservations
Title 18, USC, §§ 13, 81, et al.

(11) Antiriot laws
Title 18, USC, § 245 (b) (3),
Chapter 102 (§§ 2101-2102), and Chapter 12 (§§ 231-233).

(12) Conspiracy
Title 18, USC, § 371
Department has emphasized importance of collecting and reporting all facts concerning possible schemes or conspiracies by any group of whatever size, effectiveness, or affiliation, to plan, promote, or aggravate riot activity.
(13) Explosives and incendiary devices and bomb threats
Title 18, USC, § 844.
(14) Act for the Protection of Foreign Officials and Official Guests of the United States.
(15) Various Civil Rights Statutes.
(16) Hobbs Act.
(17) Registration Act.

10. CHARACTER
Extremist Matters character (abbreviated EM) should be used as follows:
a. Organization
Extremist Matter
b. Individuals
(1) John Doe
Extremist Matter - BPP
(2) John Doe
Extremist Matter - Klan
(3) John Doe
Extremist Matter - AIM
c. Unaffiliated Extremists
(1) John Doe
Extremist Matter - Black Extremist
(2) John Doe
Extremist Matter - White Hate
(3) John Doe
Extremist Matter - American Indian

B. CIVIL UNREST
1. Responsibility of Bureau
Information concerning nationwide racial conditions and developing racial trends is required from intelligence standpoint. Any activities on part of individuals, groups, or organizations which present potential for riots, disturbances, demonstrations, or other incidents are of interest and should be reported to Bureau. Information of this nature should be disseminated to interested Government agencies locally, including Secret Service, military intelligence agencies of Army, Navy, and Air Force, and USA.
2. Policy
Investigation should be promptly conducted when information is received indicating possible violations have occurred within our investigative jurisdiction; however, primary jurisdiction over riots, disturbances or demonstrations rests with local authorities. Following are examples of activities within Bureau's investigative jurisdiction:
a. Instances of possible civil rights violations.
b. Criminal act or conspiracy constituting possible violation of statute within our jurisdiction (e.g., Sabotage, Theft of Government Property).
3. Reporting Procedures
a. Pertinent information obtained regarding racial developments or trends having potential for violence should be furnished to Bureau and

interested agencies by most timely method warranted under circumstances. Sources and informants should be alerted to promptly report information concerning any developing situations having potential for violence.

b. Actual or threatened riots, disturbances, or disorders by individuals or organizations should be reported to Bureau by teletype unless circumstances warrant telephone call. Teletypes need not be followed by LHM provided all essential details, including statistical data regarding arrests, injuries, or property damages, can be included in teletype. Where submission of LHM is warranted, transmit by cover airtel before close of second workday following date information was received.

c. Teletypes should be prepared suitable for dissemination and should not include administrative data in body of communication. Include references and any further action being taken under administrative heading at end of teletype. Specifically state in administrative section if LHM follows. Cite in body of teletype pertinent local and Federal agencies notified. Record in file identities of agencies and individuals notified.

d. Other pertinent racial information should be submitted to Bureau in LHM by suitable cover communication. Public source information of unusual local or national importance should also be submitted by LHM, after contact with logical sources. Furnish Bureau copy of any article from newspapers or publications containing racial information of interest.

4. Liaison with local law enforcement

Information received which is within primary jurisdiction of local law enforcement authorities should be promptly furnished those agencies, together with supporting data from Bureau files which would be of interest and assistance, provided Bureau sources are fully protected. Where cogent reason exists for not furnishing local law enforcement agency information, such as possibility of jeopardizing informant, furnish facts to Bureau. Include your comments and recommendations for use of trustworthy intermediaries to advise local authorities.

5. Civil Unrest

Rumors of possible civil unrest or disorder should be immediately traced to original source, where possible, to determine validity of allegation. Contact other sources and informants to determine if information can be substantiated.

6. Riots

Where mob violence or rioting is threatened or erupts, immediately:

a. Establish liaison with appropriate city and state officials.

b. Furnish specific assignments to informants who could aid in furnishing pertinent information concerning causes or individuals responsible for mob violence or riot.

c. Determine and furnish to Bureau and appropriate local agencies identities of individuals or organizations responsible for such activities.

d. Keep Bureau advised of developments by teletype or telephone.

e. Furnish daily teletype summary.

7. [Semiannual]assessment of potential for violence in civil protest activity

In view of the possibility of civil disorders occurring in various types of protest activity, it is essential that the Bureau be fully aware of trouble spots where violence is most likely to erupt. This will require the maintenance of close contact with police officers, informants, and other sources for information regarding significant

developments which may have a bearing on the potential for violence in civil protest activity. In order for the Bureau to be currently knowledgeable of the overall civil unrest situation and the potential trouble spots, each office will submit on a [semiannual] basis an assessment of the potential for violence in its division. The quality of the assessment will be no better than the quality of sources (extremist, criminal, and security) who are contacted. Informant programs should be keyed to produce the results needed to discharge our responsibilities. The [semiannual] assessment should be submitted in the form of an LHM to reach the bureau by the fifth day of [April and October] of each year.

8. CLASSIFICATION - 157
9. CHARACTER AND TITLE.
Title of case should be descriptive of activities involved followed by character "Civil Unrest."

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STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, Federal Bureau of Investigation

DATE: May 20, 1954

FROM The Attorney General

SUBJECT: MICROPHONE SURVEILLANCE

155-26

CONFIDENTIAL

The recent decision of the Supreme Court entitled Irvine v. California, 347 U.S. 128, denouncing the use of microphone surveillances by city police in a gambling case makes appropriate a reappraisal of the use which may be made in the future by the Federal Bureau of Investigation of microphone surveillance in connection with matters relating to the internal security of the country.

It is clear that in some instances the use of microphone surveillance is the only possible way of uncovering the activities of espionage agents, possible saboteurs, and subversive persons. In such instances I am of the opinion that the national interest requires that microphone surveillance be utilized by the Federal Bureau of Investigation. This use need not be limited to the development of evidence for prosecution. The FBI has an intelligence function in connection with internal security matters equally as important as the duty of developing evidence for presentation to the courts and the national security requires that the FBI be able to use microphone surveillance for the proper discharge of both of such functions. The Department of Justice approves the use of microphone surveillance by the FBI under these circumstances and for these purposes.

I do not consider that the decision of the Supreme Court in Irvine v. California, supra, requires a different course. That case is readily distinguishable on its facts. The language of the Court, however, indicates certain uses of microphones which it would be well to avoid, if possible, even in internal security investigations. It is quite clear that in the Irvine case the Justices of the Supreme Court were outraged by what they regarded as the indecency of installing a microphone in a bedroom. They denounced the utilization of such methods of investigation in a gambling case as shocking. The Court's action is a clear indication of the need for discretion and intelligent restraint in the use of microphones by the FBI in all cases, including internal security matters. Obviously, the installation of a microphone in a bedroom or in some comparably intimate location should be avoided wherever possible. It may appear, however, that important intelligence or evidence relating to matters connected with the national security can only be obtained by the installation of a microphone in such a location. It is my opinion that under such circumstances the installation is proper and is not prohibited by the Supreme Court's decision in the Irvine case.

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Previous interpretations which have been furnished to you as to what may constitute trespass in the installation of microphones, suggest that the views expressed have been tentative in nature and have attempted to predict the course which courts would follow rather than reflect the present state of the law. It is realized that not infrequently the question of trespass arises in connection with the installation of a microphone. The question of whether a trespass is actually involved and the second question of the effect of such a trespass upon the admissibility in court of the evidence thus obtained, must necessarily be resolved according to the circumstances of each case. The Department in resolving the problems which may arise in connection with the use of microphone surveillance will review the circumstances in each case in the light of the practical necessities of investigation and of the national interest which must be protected. It is my opinion that the Department should adopt that interpretation which will permit microphone coverage by the FBI in a manner most conducive to our national interest. I recognize that for the FBI to fulfill its important intelligence function, considerations of internal security and the national safety are paramount and, therefore, may compel the unrestricted use of this technique in the national interest.

H.B.

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HCB.

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