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*W. Raymond Marshall*

HOUSE OF REPRESENTATIVES

HEARINGS

BEFORE THE COMMITTEE

ON

SELECT COMMITTEE ON INTELLIGENCE

FBI SURVEILLANCE

ACTIVITIES

Tuesday, November 18, 1975

Washington, D. C.

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ENCLOSURE

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4	Assistant to the Director, FBI,	
5	accompanied by	
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7	Assistant Director,	
8	FBI Intelligence Division,	
9	R. L. Shackelford,	
10	Section Chief	
11	David Ryan,	
12	Special Agent	
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## FBI SURVEILLANCE ACTIVITIES

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2  
3 Tuesday, November 18, 1975  
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House of Representatives,  
Select Committee on  
Intelligence,  
Washington, D. C.

9 The committee met, pursuant to adjournment, at 10:00  
10 a.m., in Room 2154 Rayburn House Office Building, the Honorable  
11 Otis G. Pike (Chairman), presiding.

12 Present: Representatives Pike (Chairman), Dellums,  
13 Stanton, Murphy, Milford, Hayes, Lehman, McClory, Treen,  
14 Kasten, and Johnson.

15 Also Present. A. Searle Field, Staff Director;  
16 Aaron B. Donner, Counsel; and Peter Hughes, Committee staff.  
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1 Chairman Pike. The committee will come to order.

2 Today we have a rather interesting hearing in the realm  
3 of risk. We are interested, all of us, of course, in preserving  
4 our national security.

5 One of the agencies greatly responsible for that is  
6 the Federal Bureau of Investigation. In the course of doing  
7 so, the role of government sometimes lays a rather heavy hand  
8 on the lives of citizens. So what we are going to be looking  
9 at today is what the FBI does, what its role is.

10 Then we will be looking at some of the people whose lives  
11 it has touched. I think we have a large number of witnesses  
12 today: Mr. James B. Adams, the Assistant to the Director  
13 of the FBI, Mr. W. Raymond Wannall, the Assistant Director  
14 for FBI Intelligence, will be the FBI witnesses. I propose we get  
15 the FBI testimony first and ask them any questions that  
16 we wish to ask the FBI. We will probably not complete any  
17 more than that in the morning session.

18 In the afternoon I propose we go to some of the testimony  
19 from the individuals. I would simply ask that the FBI people  
20 do stay around during the afternoon session so that in the  
21 event they want to offer any rebuttal or in the event  
22 that other questions arise which should be addressed to  
23 them, that would be possible. Is that a reasonable request?

24 Mr. Adams. We do have one problem. We have testimony  
25 scheduled all day tomorrow before the Senate and both of

1 these coming so close together does put somewhat of a burden  
2 on us in preparing for both. I think we can work something  
3 out where we will have someone available.

4 Chairman Pike. I would simply request that somebody  
5 responsible and knowledgeable from the FBI be here this  
6 afternoon in order to respond to the questions of the Members  
7 and if they desire, to the statements of the other witnesses  
8 and the statements of the other witnesses will be made  
9 available to you.

10 Mr. McClory. Will the Chairman yield?

11 Chairman Pike. Certainly, Mr. McClory.

12 Mr. McClory. I want to state, Mr. Chairman, that I  
13 certainly welcome the testimony we are to receive here  
14 from the FBI and from the others that are scheduled to  
15 appear before the committee and to state very affirmatively  
16 that in my opinion we have a great Federal Bureau of  
17 Investigation which does an extremely important job for us.  
18 While we may be touching upon some abuses or excesses in the  
19 course of this hearing, I don't want that to be interpreted  
20 as any diminution of my respect for this law enforcement  
21 agency.

22 I do want to say, too, that I feel that the staff  
23 has put together a very important bit of testimony here  
24 this morning, has organized a very good hearing for us.  
25 I have encouraged this. I have wanted it. It has taken

1 a little while to schedule it. But I welcome a review  
2 of this aspect of our intelligence activity-and hope that  
3 out of it we can in this area as well as other areas of  
4 the intelligence activity, find some means by which we can  
5 improve the efficiency, the effectiveness, the coordination  
6 and other aspects of the entire intelligence community for  
7 the benefit of our nation.

8 Thank you very much.

9 Chairman Pike. The FBI statement will be presented  
10 by Mr. James B. Adams. You may proceed.

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1 STATEMENT OF JAMES B. ADAMS, ASSISTANT TO THE  
2 DIRECTOR, FBI; ACCOMPANIED BY W. RAYMOND WANNALL,  
3 ASSISTANT DIRECTOR, FBI INTELLIGENCE DIVISION;  
4 R. L. SHACKELFORD, SECTION CHIEF; DAVID RYAN,  
5 SPECIAL AGENT, AND HUGH MALLET, SPECIAL AGENT  
6 Mr. Adams. Mr. Chairman and Members of the Committee:

7 I appreciate the opportunity to appear before you today  
8 to discuss the FBI's domestic intelligence responsibilities.

9 I think that it would be appropriate for me to begin  
10 my presentation by outlining in general terms the purposes of  
11 FBI domestic intelligence investigations. To add the  
12 historical perspective necessary to fully understand the FBI's  
13 role in this field over the years, I will briefly describe  
14 for you the circumstances under which the FBI was assigned its  
15 present domestic intelligence responsibilities and how the  
16 Bureau, in response to ever-changing threats to internal  
17 security, has fulfilled these responsibilities.

18 It must be recognized that the FBI's domestic intelli-  
19 gence function, as it exists today, derives from the Attorney  
20 General's dual responsibility to enforce congressional enactments  
21 and perform other duties which have been delegated to him by  
22 the President. These other duties include rendering policy  
23  
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recommendations to the President with respect to matters affecting internal security, administering aspects of the Government's employee security program, and making determinations relative to the deployment of the military by the President, should such action be necessary to quell civil disturbances.

Because the FBI's investigative responsibilities follow the contours of those entrusted to the Attorney General, the Bureau's domestic intelligence investigations are, of necessity, broader than investigations strictly designed to collect evidence for criminal proceedings. The FBI's domestic intelligence responsibilities have a distinct anticipatory, or preventive, purpose, requiring continuing investigative activity in cases wherein criminal conduct remains a future possibility.

Thus, the objective of FBI domestic intelligence investigations is to obtain information concerning activities which are intended to undermine or overthrow the Government of the United States, incite domestic violence or rioting, or deprive individuals of their civil rights. The FBI investigates these threats to domestic security both to develop evidence for legal proceedings and to provide the Attorney General with information upon which to make assessments and policy recommendations pertaining to specific, nonpenal aspects of the Nation's domestic security program which are administered by the Department of Justice.

The FBI's domestic intelligence function today has its origin in instructions issued by President Franklin D. Roosevelt as early as 1934.

On May 8, 1934, President Roosevelt ordered the FBI to conduct an intelligence-type investigation to determine whether there was a connection between the Nazi movement in the United States and German diplomatic and other official representatives in this country. This investigation of the Nazi movement was conducted along the specified guidelines set by the President and was not expanded to include other groups or movements.

However, on August 24 and August 25, 1936, President Roosevelt instructed former FBI Director J. Edgar Hoover to obtain what Mr. Hoover characterized as "general intelligence information" concerning "subversive activities in the United States, particularly Fascism and Communism."

In response to President Roosevelt's request, FBI Director Hoover issued instructions for the development of an investigative program which would be responsive to the requirement imposed upon the Bureau by the President. The investigative program undertaken by the FBI pursuant to these instructions is being continued today in accordance with directives embodied in Title 28, Code of Federal Regulations, Section 0.85, which sets forth the general functions of the FBI.

By 1938, the FBI had developed the broad outlines of a domestic intelligence investigative program to fulfill the President's request for information about subversive activities in the United States. By letter, dated October 20, 1938, then Attorney General Homer Cummings forwarded to President Roosevelt a memorandum from FBI Director Hoover, outlining how the President's 1936 instructions were being implemented by the Bureau.

At this time, President Roosevelt was informed that the FBI was investigating subversive activities and that the results of its investigations were being broken down for ready reference by subject matter, including, "Maritime; government; industry (steel, automobile, coal mining, and miscellaneous); general strike; armed forces; educational institutions; Fascisti; Nazi; organized labor; Negroes, youth; strikes; newspaper field; and miscellaneous."

On November 2, 1938, President Roosevelt advised that he approved of Director Hoover's plan. The investigative program in the field of domestic intelligence which President Roosevelt had instructed the FBI to begin in 1936, and the general scope of which he approved in 1938, was reaffirmed in subsequent years by succeeding Presidents.

Almost from its inception, the FFI's domestic intelligence role was recognized as a functional element in the overall United States national security effort, and appropriate mechanisms were devised to integrate the FBI's investigations in this field with the activities of the military services. Pursuant to a Presidential Directive, dated June 26, 1939, the Interdepartmental Intelligence Conference was formed as an independent committee with FBI Director Hoover as its Chairman. The purpose of the Interdepartmental Intelligence Conference was to coordinate the FBI's foreign and domestic security investigations with the activities of the military intelligence agencies and to facilitate the exchange of information of mutual interest.

When the Congress established the National Security Council to achieve national policy-level coordination of United States security programs, overall policy supervision of intelligence investigations conducted by the FBI as a member agency of the Interdepartmental Intelligence Conference was transferred to the National Security Council.

The National Security Council retained policy-level supervisory responsibility for FBI domestic intelligence programs until President Kennedy ordered this responsibility transferred to the office of the Attorney General, where it has remained since 1964.

With the historical origins of the FBI's domestic intelligence responsibilities in mind, let us review how the FBI has fulfilled these responsibilities over the years in response to ever-changing threats to the domestic security of the United States.

Between 1936 and 1938, as the FBI moved to develop a domestic intelligence investigative program in response to the President's 1936 instructions, the world situation steadily worsened as Adolf Hitler rose to power in Germany, Italy turned to Fascism, and Japan moved toward an expansionist policy in the Pacific. In the United States concern was growing over the danger of potential espionage, sabotage, and subversion.

In 1940, the Congress passed the Smith Act, which was directed against communist subversion. During World War II, of course, the main priorities of the FBI were directed towards thwarting espionage and sabotage efforts intended to undermine the war effort.

After World War II, as the Iron Curtain descended across Europe and the wartime alliance with the Soviet Union changed to cold war, the problem of domestic communism became of grave concern to the American people. Passage of the Labor-Management Relations Act of 1947, the Internal Security Act of 1950, and the Communist Control Act of 1954, represented congressional expressions of this concern.

The FBI reacted too, and the Bureau's investigation of communist activity in this country led to the exposure of the conspiratorial nature of international communism.

The decade of the 1950's brought new threats to our free society as night riders of the Ku Klux Klan sought to terrorize citizens through bombings, burnings, and other acts of violence.

As the Klan's threat to the national welfare grew to a general pattern of organized violence, the FBI moved to provide all-out assistance, including close checks on the activities of Klan members suspected of involvement in criminal activities.

The FBI's intensive investigation of the activities of the Ku Klux Klan echoed the strong determination of our Nation's elected representatives to oppose the type of discrimination that the Klan practiced in its most violent form. During this period Congress enacted the Civil Rights Acts of 1948, 1964, and 1968.

The 1960's brought other forms of threats to the Nation to which both the FBI and the Congress reacted. Rioting in our cities was described as the most difficult intelligence problem in the Department of Justice by the Attorney General in 1968. Congress responded to this wave of violence in that year with the passage of Antiriot Laws. The President of the

United States, in appointing a Special Advisory Commission on Civil Disorder, stated that public officials had "an immediate" obligation "to end disorder" using every means at . . . (their) command." The President warned "if your response to these tragic events is only business-as-usual, you invite not only disaster but dishonor."

In response to this new threat to public order, the FBI conducted extensive investigations of extremist activities, which had, by 1967, become a severe national problem. During the first nine months of 1967, racial violence in 67 cities cost 85 lives, injured 3,200 Americans, and resulted in property damage of over \$100,000,000.

During the late 1960's, college campuses also experienced a "rising tide of intimidation and violence," in the words of University of Wisconsin faculty members. College and university activities were frequently halted by seizures of buildings, detention of faculty and administrative officials, and other outrages. During the 1968-1969 academic year, there were demonstrations on over 200 college campuses, many involving arson, bombings, and other violence.

In 1970, the Congress passed a series of laws aimed at the control of bombings across the country. In September of that year, the President's Commission on Campus

Unrest, noted, "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 police must attempt to determine whether or not such a plot is in progress, and, if it is, they must attempt to thwart it."

In response to these threats, FBI Special Agents were already conducting investigations to identify individuals and organizations posing a threat of violence. Organizations whose members' activities were exceptionally violent were the subjects of intensive investigations.

New forms of violence which represent threats to our domestic security have emerged as others pass into obscurity. Today, the FBI faces new, complex, challenges in combating such activities. For example, the Bureau must face the problem of terrorism, or violent criminal activity designed to intimidate for political purposes. From 1971 through 1974 there were 641 reported terrorist incidents, including such acts as bombings, firebombings, ambushes, and police killings.

Violence of this kind has confronted the FBI with the task of investigating small, highly secret and mobile groups of criminals styling themselves in the image of the guerrilla soldier, who have adopted his jargon of urban warfare and his revolutionary political ideology.



Some of these groups have become expert in fashioning false identifications. Their tactics include kidnappings, hijackings, bombings, assassinations, and armed robberies to finance further revolutionary activities. Unfortunately, the law enforcement officer, our first line of defense against such groups and the most visible symbol of Government, is frequently the first target of their violence. Self-styled urban guerrillas have been linked to the murder of 43 police officers in this country since 1971, and another 152 officers have been wounded in related incidents.

You should be aware that terrorists have vowed to "bring the fireworks" to our Nation's Bicentennial celebration next year. I believe some will try who are perfectly capable of fulfilling this threat.

Last January, 4 persons died and 53 others were injured in a bomb explosion at the historic Fraunces Tavern in New York City. Responsibility for this explosion was claimed by a group calling itself the Armed Forces of Puerto Rican Liberation.

Many feel that this savage act in New York could be a prelude to more devastation as July 4, 1976, approaches. The American people may rightfully expect their public officials to anticipate and prevent such violence.

The FBI has no desire to oppose legitimate dissent. Nevertheless, it is our grave responsibility to investigate domestic violence of this kind. It is a difficult assignment, but one which the FBI will continue to perform vigorously with whatever lawful resources are available to it.

Most Americans are genuinely concerned with such threats to our domestic security and recognize the need of their Government, through the exercise of its law enforcement power, to respond. You should also be aware, however, that there are others who have as their ultimate goal the overthrow of our political institutions and economic system. These individuals publicly state that they consider terrorist activity (quote) counterproductive (quote) in today's political climate. Nevertheless, they by no means renounce its use at the right moment to attain their objective.

As I indicated to you at the beginning of my remarks, we in the FBI appreciate the opportunity to offer our observations concerning intelligence investigations by the Bureau designed to protect the domestic security of the Nation. It is our hope that out of the current congressional assessment of the FBI and its proper role, the American people will be assured that their Nation's law enforcement and domestic security interests will be protected effectively and in a manner consistent with the policies declared by their elected officials.

Permit me to conclude my remarks by stating my hope that out of improved communications between the FBI and the Congress, a balanced picture of the Bureau's domestic intelligence role will emerge which, in addition to identifying any weaknesses in its past performance, also recognizes its accomplishments and preserves for the FBI the necessary flexibility to successfully fulfill domestic security responsibilities of ever-increasing complexity.

In this connection, I should reiterate our willingness to report to the Congress concerning our performance in this field and adherence to rules established for us. It is our view that establishment of a joint Senate-House oversight committee would greatly facilitate this process and avoid duplication of testimony and the proliferation of highly sensitive information.

Nevertheless, whatever mechanism is eventually established to maintain communications between the FBI and the Congress, I am sure that we can all agree on the necessity of preserving the Bureau's ability to function effectively as a deterrent to criminal violence by those who seek to undermine our Constitution.

Mr. Chairman, that concludes my statement. I would be happy to answer your questions.

1 Chairman Pike. Thank you very much, Mr. Adams.

2 I think we can all agree on the necessity of preserving the  
3 Bureau's ability to function effectively as a deterrent  
4 to criminal violence. I think we can also all agree on the  
5 desirability of having a balanced picture of the Bureau's  
6 domestic activities. I think at this time our next  
7 witness would be in order, a retired FBI man who spent 20  
8 years with the Bureau. I would like to ask Mr. Arthur  
9 Murtagh to take the stand at this particular point  
10 and give his testimony.

11 Mr. McClory. Mr. Chairman, may I suggest that we conclude  
12 with the examination or questioning of these witnesses and  
13 excuse them?

14 Now I understand there was some effort earlier to effect  
15 a panel here of representatives of the FBI and dissenters  
16 and persons that were subjected to investigation and so on.

17 Chairman Pike. The gentleman is correct. There was  
18 an effort to establish such a panel.

19 Mr. McClory. Yes, and the FBI expressed their  
20 unwillingness to participate in a panel.

21 Chairman Pike. That is correct.

22 Mr. McClory. I think if we now proceed to call other  
23 witnesses that we will be violating the basis upon which  
24 the FBI has come here this morning.

25 Chairman Pike. Do you have any objection to having

1 a retired FBI man testify at this particular point, Mr.  
2 Adams, before we go into the questioning? I will do it your  
3 way.

4 Mr. Adams. Yes, I do.

5 Chairman Pike. Then we will not have the retired FBI man  
6 testify at this time.

7 Mr. Adams, you refer to the ever-changing threats.  
8 I would agree with you that the threats are indeed ever- changing.  
9 The question is how much our techniques change and how much our  
10 procedures change to meet these ever-changing threats. You  
11 have been investigating the Socialist Workers Party of the  
12 United States of America, as I understand it, for 30 years, now.  
13 Do you find that their threat is today the same threat that  
14 it was 30 years ago?

15 Mr. Adams. Yes, sir.

16 Chairman Pike. What is that threat?

17 Mr. Adams. Well, the threat is in an organization that  
18 advocates the overthrow of the government by revolutionary  
19 means and that basic philosophy is one that brings it within  
20 the investigative purview of the FBI.

21 Chairman Pike. The FBI position is that this party ad-  
22 vocates the overthrow of the United States of America by  
23 revolutionary means, is that correct?

24 Mr. Adams. Yes.

25 Chairman Pike. During that 30 years of surveillance

