

File #:

62-WF-10744

Serial Scope:

1 thru 9, 11 thru 23, 26, 27, 29, 18th NR 30 thru 33

FOK
DISTRICT
FOIPA# N/A

NR 74 WA CODE

8:50PM NITEL 5-2-75 MSE

TO ALL SACS

FROM DIRECTOR (62-116395)

PERSONAL ATTENTION

SENSTUDY 75

CAPTIONED MATTER PERTAINS TO BUREAU'S HANDLING OF REQUEST FROM SENATE AND HOUSE SELECT COMMITTEES TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES. IN CONNECTION WITH WORK OF THESE COMMITTEES, STAFF MEMBERS MAY SEEK TO INTERVIEW CURRENT AND FORMER FBI EMPLOYEES.

RECENTLY, THE SENATE SELECT COMMITTEE (SSC) STAFF HAS INTERVIEWED SEVERAL FORMER EMPLOYEES AND IT IS ANTICIPATED THAT MANY MORE SUCH PERSONNEL WILL BE CONTACTED.

THE FBI HAS PLEDGED FULL COOPERATION WITH THE COMMITTEE AND WE WISH TO ASSIST AND FACILITATE ANY INVESTIGATIONS UNDERTAKEN BY THE COMMITTEE WITH RESPECT TO THE FBI. HOWEVER, WE DO HAVE AN OBLIGATION TO INSURE THAT SENSITIVE SOURCES AND METHODS AND ONGOING SENSITIVE INVESTIGATIONS ARE FULLY

*reindex of
5/22/75
mnd*

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(CO. [unclear])*

62-10744-1

~~62-10744-1~~

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INDEXED

Wooten Jr

DESTROY 5 YRS.

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PAGE TWO

PROTECTED. SHOULD ANY FORMER EMPLOYEE CONTACT YOUR OFFICE AND HAVE ANY QUESTION REGARDING HIS OBLIGATION NOT TO DIVULGE INFORMATION OBTAINED BY VIRTUE OF HIS PAST FBI EMPLOYMENT, HE SHOULD BE INSTRUCTED TO CONTACT LEGAL COUNSEL, FBIHQ, BY COLLECT CALL. YOUR CONVERSATIONS WITH FORMER EMPLOYEES MUST BE IN KEEPING WITH OUR PLEDGE. IT IS BELIEVED SUCH A PROCEDURE WOULD INSURE PROPER PROTECTION AND ALSO FACILITATE THE WORK OF THE SSC.

THE ABOVE PROCEDURE ALSO APPLIES TO CURRENT EMPLOYEES OF YOUR OFFICE. HOWEVER, CONTACT WITH THE LEGAL COUNSEL SHOULD BE HANDLED THROUGH THE SAC.

END

HOLD

INVESTIGATIVE CODE

8:30 PM URGENT 5-2-75 MGE

TO ALL SACS

FROM DIRECTOR (32-116395)

FEDERAL ATTENTION

SENSITIVE 75

CAPTIONED MATTER PERTAINS TO BUREAU'S HANDLING OF REQUEST FROM SENATE AND HOUSE SELECT COMMITTEES TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES. IN CONNECTION WITH WORK OF THESE COMMITTEES, STAFF MEMBERS MAY SEEK TO INTERVIEW CURRENT AND FORMER FBI EMPLOYEES.

RECENTLY, THE SENATE SELECT COMMITTEE (SSC) STAFF HAS INTERVIEWED SEVERAL FORMER EMPLOYEES AND IT IS ANTICIPATED THAT MANY MORE SUCH PERSONNEL WILL BE CONTACTED.

THE FBI HAS PLEDGED FULL COOPERATION WITH THE COMMITTEE AND WE WISH TO ASSIST AND FACILITATE ANY INVESTIGATIONS UNDERTAKEN BY THE COMMITTEE WITH RESPECT TO THE FBI. HOWEVER, WE DO HAVE AN OBLIGATION TO INSURE THAT SENSITIVE SOURCES AND METHODS AND ONGOING SENSITIVE INVESTIGATIONS ARE FULLY

62-10744-1

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PAGE TWO

RECORDED. SHOULD ANY FORMER EMPLOYEE CONTACT YOUR OFFICE AND
HAY. ANY QUESTION REGARDING HIS OBLIGATION NOT TO DIVULGE INFOR-
MATION OBTAINED BY VIRTUE OF HIS PAST FBI EMPLOYMENT, HE SHOULD
BE INSTRUCTED TO CONTACT LEGAL COUNSEL, FBIHQ, BY COLLECT CALL.
YOUR CONVERSATIONS WITH FORMER EMPLOYEES MUST BE IN KEEPING WITH
OUR PLEDGE. IT IS BELIEVED SUCH A PROCEDURE WOULD INSURE PROPER
PROTECTION AND ALSO FACILITATE THE WORK OF THE SSC.

THE ABOVE PROCEDURE ALSO APPLIES TO CURRENT EMPLOYEES
OF YOUR OFFICE. HOWEVER, CONTACT WITH THE LEGAL COUNSEL SHOULD
BE HANDLED THROUGH THE SAC.

END

HOLD

NR036 WA CODE

5:25PM NITEL 5-20-75 PAW

TO ALL SACS

FROM DIRECTOR (62-116395)

PERSONAL ATTENTION

SENSTUDY - 75.

REBUTEL MAY 2, 1975.

IN CONNECTION WITH WORK OF THE SENATE AND HOUSE SELECT COMMITTEES, ITS REPRESENTATIVES MAY CONTACT YOUR OFFICE FOR INFORMATION.

IN ONE RECENT INSTANCE, A REPRESENTATIVE OF THE SENATE SELECT COMMITTEE TELEPHONICALLY INQUIRED AS TO IDENTITY OF SAC IN A PARTICULAR OFFICE DURING 1970.

IN HANDLING SUCH INQUIRIES INSURE ESTABLISHING BONA FIDES OF REPRESENTATIVE BY SHOW OF CREDENTIALS ON PERSONAL CONTACT OR, IF TELEPHONIC CONTACT, BY TELEPHONING BACK TO COMMITTEE. UNLESS INFORMATION IS OF A PUBLIC NATURE, AS IN THE INSTANCE CITED ABOVE, OBTAIN FBIHQ CLEARANCE PRIOR TO SUPPLYING ANY INFORMATION. FBIHQ MUST BE EXPEDITIOUSLY ADVISED OF ALL INFORMATION FURNISHED.

END

MMM

Asac Lewis
Asac Sullivan
Grand Janna

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See file
See file

Open file
See file

☐

See file

Discussed at
Sup. Conf. 5/20/75

NR036 WA CODE

5:25PM NITEL 5-25-75 PAW

TO ALL SACS

FROM DIRECTOR (62-116395)

PERSONAL ATTENTION

SENSTUDY - 75.

REBUTEL MAY 2, 1975.

IN CONNECTION WITH WORK OF THE SENATE AND HOUSE SELECT COMMITTEES, ITS REPRESENTATIVES MAY CONTACT YOUR OFFICE FOR INFORMATION.

IN ONE RECENT INSTANCE, A REPRESENTATIVE OF THE SENATE SELECT COMMITTEE TELEPHONICALLY INQUIRED AS TO IDENTITY OF SAC IN A PARTICULAR OFFICE DURING 1973.

IN HANDLING SUCH INQUIRIES INSURE ESTABLISHING BONA FIDES OF REPRESENTATIVE BY SHOW OF CREDENTIALS ON PERSONAL CONTACT OR, IF TELEPHONIC CONTACT, BY TELEPHONING BACK TO COMMITTEE. UNLESS INFORMATION IS OF A PUBLIC NATURE, AS IN THE INSTANCE CITED ABOVE, OBTAIN FBIHQ CLEARANCE PRIOR TO SUPPLYING ANY INFORMATION. FBIHQ MUST BE EXPEDITIOUSLY ADVISED OF ALL INFORMATION FURNISHED.

END

KMM

62-10744-2

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NR058 WA CODE

10:47PM NITEL 5/28/75 PLD

TO ALEXANDRIA

NEWARK

ATLANTA

OMAHA

BALTIMORE

PHILADELPHIA

CHARLOTTE

PORTLAND

CHICAGO

PHOENIX

KANSAS CITY

TAMPA

LITTLE ROCK

WASHINGTON FIELD

FROM DIRECTOR (62-116395)

PERSONAL ATTENTION

SENSTUDY 75

REBUTEL

MAY 2, 1975.

INQUIRIES MADE OF BUREAU BY SENATE SELECT COMMITTEE (SSC) CONCERNING A NUMBER OF PRESENT AND FORMER FBI EMPLOYEES, INCLUDING THEIR CURRENT WHEREABOUTS, SUGGESTS THEY MAY BE INTERVIEWED BY SSC

STAFF, EXACT SUBJECT MATTERS FOR INTERVIEWS UNKNOWN. SET OUT BELOW ARE NAMES AND LAST KNOWN ADDRESSES OF FORMER

BUREAU EMPLOYEES AND OFFICE OF ASSIGNMENT OF INCUMBENTS, ALL OF WHOM SSC HAS INQUIRED ABOUT.

EACH OF THESE FORMER EMPLOYEES IS TO BE IMMEDIATELY CON-

PAGE TWO

TACTED AND ALERTED THAT HE (SHE) MIGHT BE APPROACHED BY THE

SSC S

TAFF, SUBJECT MATTER UNKNOWN. THEY SHOULD BE TOLD THAT
IN THE EVENT THEY ARE INTERVIEWED AND DURING THE COURSE OF SAME,
QUESTIONS ARE

ASKED WHICH RELATE TO SENSITIVE BUREAU OPERATIONS
(SOURCES, METHODS, TECHNIQUES, THIRD AGENCY RULE, AND ONGOING
INVESTIGATIONS), THEY MAY REQUEST THAT AN FBI AGENT BE PRESENT.

BUREAU WILL PROVIDE AGENT ON REQUEST OF INTERVIEWEE. AS A
PRELUDE TO INTERVIEW, THE FORMER EMPLOYEE MAY, AFTER BEING
CONTACTED BY SSC STAFF, CONTACT BUREAU'S LEGAL COUNSEL DIVISION
BY COLLECT CALL FOR FULL INFORMATION TO ASSIST HIM, INCLUDING
OBLIGATIONS AS TO CONFIDENTIALITY OF INFORMA

TION ACQUIRED AS

FBI EMPLOYEE. IT IS EMPHAS

IZED THAT BUREAU'S OFFER OF ASSISTANCE

IS NOT INTENDED TO IMPEDE SSC WORK BUT IS DONE AS COOPERATIVE
GESTURE AND TO SAFEGUARD SENSITIVE BUREAU INFORMATION. CONTACTS
WITH THESE FORMER EMPLOYEES TO BE HANDLED

PERSONALLY BY SAC OR

ASAC. IN EVENT THIS NOT FEASIBLE FOR JUST CAUSE, TO BE HANDLED
BY A SENIOR SUPERVIS

OR.

INCUMBENT EMPLOYEES TO BE ADVISED THAT IF CONTACTED BY SSC
STAFF FOR INTERVIEW, LEGAL COUNSEL DIVISION TO BE IMMEDIATELY

PAGE THREE

NOTIFIED THROUGH SAC.

IMMEDIATELY AFTER CONTACT, RESULTS SHOULD BE FURNISHED
BUREAU BY TELETYPE IN ABOVE CAPTION. IF A FORMER EMPLOYEE NO
LONGER IN YOUR TERRITORY OR TEMPORARILY AWAY, SET OUT LEAD TO
OTHER OFFICE IMMEDIATELY WITH COPY TO FBI HEADQUARTERS.

ALEXANDRIA: COURTLAND J. JONES, 6607 N. 29TH STREET,
ARLINGTON, VA.; ROBERT G. KUNKEL, SAC; BERNARD A. WELLS,
5311 MONTGOMERY STREET, SPRINGFIELD, VA.

ATLANTA: ALDEN F. MILLER

BALTIMORE: ERNEST H. BELTER, 616 EDNOR ROAD, SILVER SPRING,
MARYLAND; STERLING B. DONAHOE, 2813 SPIRAL LANE, BOWIE, MARYLAND;
ROBERT H. HAYNES, 205 NORTHMOOR DRIVE, SILVER SPRING, MARYLAND

CHARLOTTE: JOSEPH A. SIZOO, 84A PINE CRESCENT, WHISPERING PINES,
NORTH CAROLINA

CHICAGO: OLGA CIESA, 10409 S. INDIANA AVENUE, CHICAGO,
ILLINOIS

KANSAS CITY: BILL D. WILLIAMS, SAC

LITTLE ROCK: JOHN J. CREAMER, JR., ASAC

NEWARK: JOHN J. CONNOLLY; RITA AGNES AMBROSIO,
1604 JOHN STREET, FORT LEE, NEW JERSEY; RALPH W. BACHMAN,

PAGE FOUR

610 NORWOOD DRIVE, WESTFIELD, NEW JERSEY; KARL L. BROUSE,
5 BURRINGTON GORGE,
WESTFIELD, NEW JERSEY.

OMAHA: ROBERT L. TAGG

PHILADELPHIA: JOHN B. MEADE

PORTLAND: LEO B. APP, JR. EDGAR O. INGALLS

PHOENIX: MILDRED E. RISK, 11830 113TH DRIVE, YOUNGTOWN,
ARIZONA

TAMPA: MICHAEL J. ROZAMUS, 6509 GULF DRIVE, HOLMES BEACH,
FLORIDA

WFO: JAMES J. GAFFNEY; ELMER L.
TODD

COPY TO ROME, WITH ITS EMPLOYEES NAMED, BY MAIL.

END

HOLD

NR022 WA CODE

1:56PM NITEL 6-13-75 VLJ

TO ALL SACS

FROM DIRECTOR (62-116464)

PERSONAL ATTENTION

~~HOUSTUDY 75.~~

REBUTELS MAY 2, 20, 1975, "SENSUDY 75."

BUFILE 62-116464 AND CODE NAME "HOUSTUDY 75" DESIGNATED
FOR ALL MATERS RELATING TO HOUSE SELECT COMMITTEE TO STUDY
GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES
AND BUREAU'S HANDLING OF MATTERS PERTAINING THERETO. USE
THIS FILE NUMBER AND CAPTION FOR MATTERS RELATING TO HOUSE
COMMITTEE AS SEPARATE FROM SENSTUDY 75 FOR MATTERS RELATING
TO SENATE COMMITTEE.

END

KLS FBI WF CLR

Index
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62-10744-4
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map map

☐ *[Signature]*

NR 75 WA CODE

PM URGENT 6-13-75 JAC

TO DETROIT

HONOLULU

LOS ANGELES

MILWAUKEE

SACRAMENTO

WFO

FROM DIRECTOR (65-113595)

JUNE

~~SENSITIVE~~ 75

IN CONNECTION WITH SENATE SELECT COMMITTEE REQUEST,
FOLLOWING DATA REQUESTED BY RETURN TELETYPE ATTENTION INFO -
W. O. CLEGG.

ELECTRONIC SURVEILLANCE INDICES AT FBIHQ DO NOT INDICATE
OVERHEARS ON KNOWN TECHNICAL INSTALLATIONS ON MARTIN LUTHER
KING, JR. FOR FOLLOWING DATES AND LOCATIONS:

WIRETAPS

APRIL 24 - 26, 1964

HYATT HOUSE MOTEL

LOS ANGELES, CALIFORNIA

62-10744-57
Jm
Jm
Jm

W. O. CLEGG

PAGE TWO

JULY 7 - 9, 1964

HYATT HOUSE MOTEL

LOS ANGELES

MICROPHONES

JANUARY 5 - 7, 1964

WILLARD HOTEL

WASHINGTON, D.C.

JANUARY 27, 1964

SHROEDER HOTEL

MILWAUKEE, WISCONSIN

FEBRUARY 18 - 20, 1964

HILTON HAWAIIAN VILLAGE

HONOLULU, HAWAII

FEBRUARY 22 - 21, 1964

AMBASSADOR HOTEL

LOS ANGELES

PAGE THREE

FEBRUARY 22 - 24, 1964

HYATT HOUSE MOTEL

LOS ANGELES

MARCH 19 - 21, 1964

STATLER HOTEL

DETROIT, MICHIGAN

APRIL 23 - 24, 1964

SENATOR HOTEL

SACRAMENTO, CALIFORNIA

JULY 7 - 9, 1964

HYATT HOUSE MOTEL

LOS ANGELES

OFFICES REVIEW ELECTRONIC SURVEILLANCE INDICES AND
FURNISH FBIHQ FIRST DATE THAT KING WAS OVERHEARD ON ABOVE
TECHNICAL INSTALLATIONS. IF HE WAS NOT HEARD, SO ADVISE.

END

F B I

Date: June 16, 1975

Transmit the following in _____ CODE _____
(Type in plaintext or code)Via TELETYPE NITEL
(Priority)TO: DIRECTOR, FBI (62-116395) *948 PLD*

FROM: SAC, WFO (62-10744)(P)

ATTENTION INTD. W. O. CREGAR.

SENSTUDY 75.

REFERENCE BUREAU TELETYPE DATED JUNE 13, 1975.

BASED ON INFORMATION CONTAINED IN REFERENCED TELETYPE
WFO IS UNABLE TO LOCATE ANY INFORMATION REGARDING ELECTRONIC
SURVEILLANCE OF DR. MARTIN LUTHER KING, JR. DURING PERIOD
INDICATED IN REFERENCED COMMUNICATION.

END.

1- Tickler

me DWW:so
(2)

62-10744-6

*map map*Approved: *[Signature]*

Special Agent in Charge

Sent *948*

M

Per *[Signature]*

U.S. Government Printing Office: 1972 - 455-574

NR015 WF CODED

940 PM NITEL JUNE 16, 1975 WWC

TO: DIRECTOR, FBI (62-116395)

FROM: SAC, WFO (62-10744)(P)

ATTENTION INTD. W. O. CREGAR.

SENSTUDY 75.

REFERENCE BUREAU TELETYPE DATED JUNE 13, 1975.

BASED ON INFORMATION CONTAINED IN REFERENCED TELETYPE
WFO IS UNABLE TO LOCATE ANY INFORMATION REGARDING ELECTRONIC
SURVEILLANCE OF DR. MARTIN LUTHER KING, JR. DURING PERIOD
INDICATED IN REFERENCED COMMUNICATION.
END.

NR043 WA CODE

5:18PM IMMEDIATE 6/18/75 GHS

TO NEW YORK

MIAMI

BOSTON

SAN FRANCISCO

DETROIT

SEATTLE

LOS ANGELES

WFO

FROM DIRECTOR

~~T~~ P S E C R E T

SEN STUDY 1975; BUDED: JUNE 24, 1975.

THE FOLLOWING REQUEST FOR INFORMATION HAS BEEN ADDRESSED
TO THE ATTORNEY GENERAL AND FROM THE ATTORNEY GENERAL TO FBIHQ
FROM THE SENATE SELECT COMMITTEE TO STUDY GOVERNMENTAL
OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES: " . . .
THE FOLLOWING REQUESTS PERTAINING TO THE TECHNIQUE REFERRED TO
AS 'MAIL SURVEILLANCE, INCLUDING MAIL COVERS AND OPENING MAIL'
AND THE UTILIZATION OF THIS TECHNIQUE 'IN INTERNAL SECURITY,
INTELLIGENCE COLLECTION, AND/OR COUNTERINTELLIGENCE MATTERS,
OPERATIONS, OR ACTIVITIES:' (1) FOR ALL INCIDENTS OF MAIL
OPENING OR MAIL INTERCEPT BY OR ON BEHALF OF THE FEDERAL BUREAU
OF INVESTIGATION FROM JANUARY 1, 1960, UNTIL THE PRESENT, PLEASE

} 2

DOWNGRADED TO

SECRET

Per

CG8W57B22

Date

9/17/2016

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62-10744-7

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JUN 18

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FBI-WASH. D.C.

PAGE TWO T ~~X~~ P S E C R E T

LAB Rm #

STATE THE PHYSICAL LOCATION WHERE THE OPENING OR INTERCEPT WAS CONDUCTED, THE NAMES OF THE INDIVIDUALS WHO PARTICIPATED IN THE OPENING OR INTERCEPT, THE TYPE OF MAIL OPENED OR INTERCEPTED, AND THE PURPOSE OF THE OPENING OR INTERCEPT. (2) FOR ALL INCIDENTS OF MAIL COVERS THAT WERE PHYSICALLY CONDUCTED BY FBI EMPLOYEES, WHETHER ALONE OR IN COOPERATION WITH POSAL SERVICE EMPLOYEES, FROM JANUARY 1, 1960, UNTIL THE PRESENT, PLEASE STATE THE PHYSICAL LOCATION WHERE THE COVER WAS CONDUCTED, THE NAMES OF THE INDIVIDUALS WHO PARTICIPATED IN THE COVER, THE TYPE OF MAIL COVERED, AND THE PURPOSE OF THE COVER. (3) PLEASE PROVIDE ALL DOCUMENTS AND MEMORANDA WHICH DISCUSS, REFER, OR RELATE TO THE ORIGINS, AUTHORIZATIONS, CONDUCT AND TERMINATION OF, AND POLICIES AND PROCEDURES FOR, THE MAIL OPENINGS, INTERCEPTS, AND COVERS IDENTIFIED ABOVE."

Sam
2⁹

Sam
SMO

EACH OFFICE SHOULD IMMEDIATELY REVIEW ITS FILES FOR ALL INFORMATION REQUESTED BY THE SENATE COMMITTEE. NEW YORK, BOSTON, DETROIT, LOS ANGELES, SEATTLE, AND WFO SHOULD FURNISH INFORMATION CONCERNING SAM SURVEY. NEW YORK, DETROIT, AND SAN FRANCISCO SHOULD FURNISH INFORMATION CONCERNING GUS SURVEY. NEW YORK AND WFO SHOULD FURNISH INFORMATION CONCERNING Z COVERAGE.

PAGE THREE ~~T O P~~ S E C R E T

SAN FRANCISCO SHOULD FURNISH INFORMATION CONCERNING CHIPROP
AND CHIQUET. MIAMI SHOULD ADVISE IF THE INFORMATION RECEIVED
FROM MM 390-S RESULTED FROM INTERCEPT OF MAIL AND IF SO
APPROPRIATE INFORMATION SHOULD BE FURNISHED. RESULTS SHOULD BE
SUBMITTED BY TELETYPE, ATTENTION OF SA W. O. CREGAR, AND SHOULD
REACH THE BUREAU BY JUNE 24, 1975.

CLASSIFIED BY 3676, XGDS 2 AND 3, INDEFINITE.

END

HOLD

NR007 MP CODE

7:37 PM NITEL JUNE 20, 1975 LSB

TO DIRECTOR

WFO

OMAHA (62-3439)

FROM MINNEAPOLIS (66-3610)

JFK Act 6 (1)(B)

ATTENTION: JOHN C. GORDON, ROOM 078, GENERAL CRIMES UNIT,
GENERAL INVESTIGATIVE DIVISION.

SENATOR CHURCH'S COMMITTEE INVESTIGATING

SENSTAD

JFK Act 6 (1)
JFK Act 6 (1)

SEARCHED
SERIALIZED

JUN 20 8 42 AM '75

FBI-M

8 44 PM

6/23/75

CODE

TELETYPE

TO: DIRECTOR, FBI
FROM: SAC, WFO (62-10744)

DOWNGRADED TO

SECRET

Per C981057 B22
Date 6/17/2016

~~TOP~~ SECRET

SEN STUDY, 1975 (BUDED JUNE 24, 1975)

RE BUREAU TELETYPE JUNE 18, 1975.

THE FOLLOWING INFORMATION WAS OBTAINED THROUGH A
THOROUGH REVIEW OF WFO INDICES.

I. Z COVERAGE (WFO FILE 66-2091)

THIS PROJECT CONCERNED THE OPENING OF MAIL ADDRESSED
TO THE SOVIET AND SOVIET SATELLITE DIPLOMATIC ESTABLISH-
MENTS IN WDC.

BASED ON THE RECOLLECTION OF SA JAMES T. FIELD, WFO,
EMPLOYEES OF THE POST OFFICE DEPARTMENT SEPARATED THE
MAIL WHICH WAS THEN PICKED UP AT THE MAIN POST OFFICE, WDC,
BY FBI SPECIAL AGENTS BETWEEN TWO AND FOUR AM ON A DAILY
BASIS. THE MAIL WAS TAKEN TO AN UNIDENTIFIED ROOM IN THE
FBI HEADQUARTERS BUILDING, LABORATORY DIVISION.

PAP:th
(3) *[Signature]*

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SEARCHED	INDEXED
SERIALIZED	FILED
JUN 24 1975	
FBI - WASH. F. O.	

[Signature]

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~~TOP~~ SECRET

IN THE LABORATORY DIVISION THE MAIL CONSIDERED PERTINENT WAS OPENED, PHOTOGRAPHED, RESEALED, AND THE MAIL RETURNED TO THE POST OFFICE.

THE FILM OF THIS MAIL WAS DEVELOPED IN THE FBI PHOTOGRAPHY LABORATORY, AND TAKEN TO WFO WHERE IT WAS REVIEWED, AND TRANSLATED IF NECESSARY, BY EMPLOYEES OF THE WFO. PERTINENT INFORMATION FROM THESE LETTERS WAS DISSEMINATED TO THE APPROPRIATE CASE AGENT FOR WHATEVER ACTION DEEMED NECESSARY. THE SOURCE OF THE INFORMATION WAS ALWAYS GIVEN AS AN "ANONYMOUS SOURCE."

INDIVIDUALS INVOLVED IN PICKING UP THE MAIL, OPENING IT, PHOTOGRAPHING IT AND TRANSFERRING IT TO WFO IN THE EARLY 1960'S INCLUDED SAS JAMES DUKES (RETIRED), JOHN DE BETTENCOURT (DECEASED) AND DENSIL E. MOORE (RETIRED). NO RECORD EXISTS AS TO IDENTITY OF SAS WHO HANDLED THIS PROJECT.

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~~TOP SECRET~~

THE PURPOSE OF THIS PROJECT WAS TO DETERMINE THOSE PERSONS WHO WERE COOPERATING WITH THE FOREIGN INTELLIGENCE SERVICES, AS WELL AS IDENTIFYING DIPLOMATS INVOLVED IN INTELLIGENCE GATHERING ACTIVITIES.

COVERAGE WAS INAUGURATED IN WDC IN 1940 (WFO LETTER TO BUREAU DATED JANUARY 31, 1948) AND CONTINUED UNTIL EARLY 1964. (ALL SERIALS NOT LOCATED IN 66-2091 WERE DESTROYED PER MRR ON JUNE 24, 1964). NO OTHER MATERIAL HAS BEEN PLACED IN THIS FILE SINCE THAT PERIOD AND NO MORE RECENT REFERENCE TO THE OPERATION COULD BE LOCATED IN WFO FILES. COPIES OF ALL DOCUMENTS IN THIS FILE ARE ATTACHED FOR FBIHQ.

SAM SURVEY (WFO FILE 65-8300)

SAM SURVEY WAS A PROGRAM INITIATED BY WFO ON AUGUST 20, 1961 FOR FBI PERSONNEL TO EXAMINE U. S. MAIL, SENT PER AIR MAIL, TO SPECIFIC FOREIGN LOCATIONS KNOWN TO HAVE BEEN USED BY FOREIGN INTELLIGENCE SERVICES AND

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~~TOP~~ SECRET

AND LETTERS WITH UNIQUE MARKINGS, ALSO KNOWN TO HAVE BEEN USED BY FOREIGN INTELLIGENCE SERVICES.

ORIGINALLY THE PROCESSING AND RESEALING OF THE MAIL WAS ACCOMPLISHED IN A STORAGE ROOM FURNISHED BY THE U. S. POST OFFICE AT THEIR WASHINGTON NATIONAL AIRPORT BRANCH. ON APPROXIMATELY JUNE 14, 1962, THE OPERATION WAS MOVED TO ROOM 74-C AT NATIONAL AIRPORT. SUBSEQUENT TO THE OPENING OF DULLES INTERNATIONAL AIRPORT, THE OPERATION WAS MOVED THERE ON MARCH 18, 1963 AFTER ARRANGEMENTS FOR CONTINUATION OF THE PROGRAM WERE MADE THROUGH MR. L. J. CARRICO, ASSISTANT SUPERINTENDENT OF MAILS AT DULLES INTERNATIONAL AIRPORT.

THE BELOW LISTED SPECIAL AGENTS SUBMITTED SHIFT REPORTS OR INITIATED PERTINENT INFORMATIVE TYPE MEMORANDA:

WFO 62-10744

PAGE FIVE

~~TOP~~ SECRET

ORVIS J. AUERSWALD

ORVILLE G. AUSEN

ROBERT H. BATES

CLAUDE W. BOGLEY

CHARLES T. COUNTS

WILLIAM DESONIA

PETER R. DURLAND

JAMES T. FEILD

HARVEY FENSTERMACHER

CHARLES A. FERGUSON

ROBERT W. FEUER

CARL E. GRAHAM

DARWIN M. GREGORY

ROBERT S. KENNEMUR

ROBERT KLEINSCHMIDT

WILLIAM O. LANDER

ERNEST J. LANDREVILLE

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~~TOP~~ SECRET

CARLTON D. LEAF

NORMAN A. LEONARD

GEORGE LEX

THOMAS A. MENDENHALL

DENSIL E. MOORE

JAMES MORRISEY

MASON B. NOAH, JR.

GEORGE A. NORTHUP

THOMAS O'LOUGHLIN

ROBERT L. OLSEN

H. DUDLEY PAYNE

EUGENE P. PITTMAN

EARL G. POLESKI, JR.

PATRICK M. RICE

WFO 62-10744

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~~TOP~~ SECRET

THE PURPOSE OF THE PROGRAM WAS TO IDENTIFY PERSONS CORRESPONDING WITH KNOWN SOVIET MAIL DROPS IN EUROPE, AND TO IDENTIFY AND LOCATE INDIVIDUALS IN THE UNITED STATES SENDING AIR MAIL LETTERS TO EUROPE WHO MAY BE PART OF A SOVIET ILLEGAL NETWORK.

THE PROGRAM WAS TERMINATED ON AUGUST 8, 1966, UPON INSTRUCTION FROM INSPECTOR D. E. MOORE, ACCORDING TO A FILE NOTATION MADE BY SECURITY COORDINATING SUPERVISOR COURTLAND JONES.

ATTACHED FOR THE BUREAU ARE THE INTERNAL WFO MEMORANDA PERTAINING TO THE SAM SURVEY. THE BUREAU IS IN POSSESSION OF ALL OTHER INTER-OFFICE COMMUNICATIONS PERTAINING TO THE SAM SURVEY.

II. AS OF JANUARY 1, 1960, MAIL COVERS, PHYSICALLY CONDUCTED BY FBI EMPLOYEES, WERE BEING CARRIED OUT ON VARIOUS SOVIET AND SOVIET-BLOC ESTABLISHMENTS IN WDC. ALL THESE MAIL COVERS WERE DISCONTINUED ON SEPTEMBER 30, 1964, PER

WFO 62-10744

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~~TOP SECRET~~

INSTRUCTIONS OF FBIHQ. THE FOLLOWING IS A LIST OF THESE ESTABLISHMENTS, ITS ADDRESS, FOLLOWED BY THE ADDRESS WHERE THE MAIL COVER WAS CONDUCTED:

POLISH EMBASSY, 2640 16TH STREET, N. W., MAIL COVER CONDUCTED AT COLUMBIA HEIGHTS POST OFFICE, 1423 IRVING STREET, N. W., WDC.

POLISH EMBASSY ANNEX, 2224 WYOMING STREET, N. W., MAIL COVER CONDUCTED AT CLEVELAND PARK POST OFFICE, 3430 CONNECTICUT AVENUE, N. W., WDC.

HUNGARIAN EMBASSY, 2437 15TH STREET, N. W., MAIL COVER CONDUCTED AT COLUMBIA HEIGHTS POST OFFICE.

ROMANIAN EMBASSY, 1601-07 23RD STREET, N. W., MAIL COVER CONDUCTED AT CLEVELAND PARK POST OFFICE.

CZECHOSLOVAKIAN EMBASSY, 2349 MASSACHUSETTS AVE., N. W., MAIL COVER CONDUCTED AT CLEVELAND PARK POST OFFICE.

SOVIET EMBASSY, 1115 16TH STREET, N. W., MAIL COVER CONDUCTED AT CLEVELAND PARK POST OFFICE.

WFO 62-10744

PAGE NINE

~~TOP~~ SECRET

SOVIET MILITARY OFFICE, 2552 BELMONT ROAD, N. W.,
MAIL COVER CONDUCTED AT CLEVELAND PARK POST OFFICE.

SOVIET COMMERCIAL COUNSELOR, 1706 18TH STREET, N. W.,
MAIL COVER CONDUCTED AT CLEVELAND PARK POST OFFICE.

SOVIET INFORMATION DEPARTMENT, 1706 18TH STREET, N.W.,
MAIL COVER CONDUCTED AT CLEVELAND PARK POST OFFICE

SOVIET CONSULAR OFFICE, 1609 DECATUR STREET, N. W.,
MAIL COVER CONDUCTED AT CLEVELAND PARK POST OFFICE.

THE FOLLOWING ARE THE NAMES OF THE FBI EMPLOYEES
WHO PARTICIPATED IN CONDUCTING MAIL COVER, NOTING THAT
THE IDENTIFICATION OF THESE EMPLOYEES WAS MADE THROUGH
INITIALS AND MAY NOT CONSTITUTE THE COMPLETE LIST INASMUCH
AS SOME INITIALS WERE ILLEGIBLE AND OTHERS WERE UNIDENTIFIABLE:

JAMES W. RYAN

JAMES A. SCHMITZ

RICHARD E. COFFMAN

WFO 62-10744

PAGE TEN

~~TOP SECRET~~

HERBERT O. THOMPSON

ROBERT L. OLSEN

ROBERT J. COLLINS

GUY T. TUNSTALL

NORMAN A. LEONARD

ROBERT F. OLMERT

GERALD P. GRIMALDI

LEE MASON EIDSEN

JEROME E. VEIGLE

PAUL E. FENZEL

EUGENE D. THOMPSON

WENZEL F. NEIDIG

CARL THACKSTON

ROBERT TAYLOR

CLAUDE BOGLEY

THE TYPE OF MAIL COVERED INCLUDED ALL INCOMING MAIL.

WFO 62-10744

PAGE ELEVEN

~~TOP SECRET~~

THE PURPOSE OF THE COVER WAS TO IDENTIFY THE
CONTACTS OF THE VARIOUS ESTABLISHMENTS FOR THE OBVIOUS
CONCOMITANT BENEFITS.

FBIHQ IS IN POSSESSION OF ALL PERTINENT DOCUMENTS
INVOLVING THESE MAIL COVERS.

III. ALL DOCUMENTS AND MEMORANDA REQUESTED IN RE
TELETYPE WHICH ARE NOT ALREADY IN THE POSSESSION OF FBIHQ
ARE ATTACHED AS NOTED.

CLASSIFIED BY 849, XGDS CATEGORY 2 AND 3, INDEFINITE.

File - Serial Charge Out
FD-5 (Rev. 1-60)

File 66-2091 Date 6/24/64
Class. Case No. Last Serial

☐ Pending

☐ Closed

Serial No. Description of Serial Date Charged

ALL SERIALS NOT FOUND IN THIS
FILE DESTROYED PER M.R.R.

PERMANENT CHARGE OUT

Employee

RECHARGE

Date

To From

Date charged

Employee

Location

Washington Field Division
Room 1706
Washington, D.C.
January 31, 1948

REN:HS

PERSONAL AND CONFIDENTIAL

DIRECTOR, FBI

RE: Z COVERAGE ✓
INTERNAL SECURITY - C and R


Dear Sir:

Reference is made to your Personal and Confidential Memorandum dated January 8, 1948, requesting to be advised what steps are taken by this office in the handling of material received from Confidential Informant Z.

Please be advised that this coverage was inaugurated in 1940 and since then it has been the practice to furnish copies of material believed to be of interest to other offices with a cover letter indicating the source of the material and that under no circumstances could this source be disclosed. In cases where the material examined appeared to be of interest to the Bureau photostatic copies of same were transmitted by letter.

The confidential character of Informant Z is generally understood throughout the Field. In cases where the material does not appear to be of any value it is destroyed and disposed of through the regular channels at the Seat of Government.

Very truly yours,


GUY HOTTEL
Special Agent in Charge

66-2001-2

~~100-0-16850-4~~

Office Memorandum • UNITED STATES GOVERNMENT

PERSONAL AND CONFIDENTIAL

TO : SAC, Washington, D. C.

DATE: January 8, 1948

FROM : Director, FBI

SUBJECT: Z COVERAGE
INTERNAL SECURITY - C and R

The Bureau realizes that the confidential Z coverage is a most lucrative source of information concerning Communist, Russian and satellite activities. In order to insure that the utmost results are being obtained from this source it is desired that your office outline to the Bureau the procedure now being handled with regard to the dissemination of this information to the Seat of Government and the interested Field Offices. This letter should clearly reflect the steps taken by your office in the handling of this material concerning individuals, organizations, corporations, schools, and so forth. It should also reflect the disposition of material received which is of interest to other Field Offices, that is, whether or not this information is furnished to them and what instructions are issued to the interested Field Offices, in order that the Bureau may be in a position to follow the future handling and investigation of these matters.

It is requested that this matter be given your immediate consideration and a reply furnished to the Bureau within the next ten days.

6- 20-11 1

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, WFO (65-8300)

DATE: 11/22/65

FROM : SA H. DUDLEY PAYNE

SUBJECT: SAM SURVEY
ESP - R

On 11/9/65, the writer obtained from the Chief of Police at Dulles International Airport, 9 visitors parking permits. These permits authorized unrestricted parking in Area 5 (Post Office parking lot). All agents when working in SAM SURVEY will use these permits exclusively. They should be promptly displayed in the vicinity of the front building. The permits are numbered 1 through 9 and are charged to the writer who is being held responsible for the care and return of them when they are no longer needed. They have been assigned as follows:

1. MASON B. NOAH *nm*
2. DENSIL E. MOORE *Bm*
3. CLAUDE W. BOGLEY *Bo*
4. ROBERT KLEINSCHMIDT *RK*
5. CHARLES T. COUNTS *ic*
6. JAMES THOMAS FEILD *974*
7. NORMAN A. LEONARD *nm*
8. Special Schedule Folder
9. H. DUDLEY PAYNE *HP*

Number 8 is to be maintained in the surveillance folder for use of agents not regularly assigned to the SAM SURVEY Program.

① - WFO

HDP:cal *cal*
(1)

SEARCHED	INDEXED
SERIALIZED	FILED
NOV 22 1965	
FBI—WASH. F. O.	



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

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

AIRPORT MAIL FACILITY,
WASHINGTON 1, D. C.

August 19, 1961

From: Superintendent,
Airport Mail Facility,
Washington 1. D. C.

To: All Supervisors,
All Acting Supervisors.

Effective 8:30 P.M. Sunday, August 20, 1961 the following instructions will be in effect:

4 No mail for the countries of: Austria; Belgium; France; Denmark; Germany; Netherlands; Norway; Switzerland and Sweden will be worked through the cases until such mail has been cleared by the Supervisor.

As mails for these countries are received, keep them cut up and placed in trays.

It will no longer be necessary to hold out mails for France postmarked by the City.

See that the above mails are placed in the Area between the Supply Room door and door leading to platform. Deliver this mail in Utility Carts, marked (IN) and remove any from this area marked (OUT). That marked (OUT) is cleared for working in case.

Suggest the Countries in this category that you have dispatches on your tour be taken care of first. On each Country that you have a dispatch for, decide a ^{time} limit that you need the mail to complete distribution on in order to make your dispatch. At this cut off time any mail for a Country that you have a dispatch on is to be collected and worked through case for dispatch.

Make up a list of the Countries you have dispatches on your tour showing the time limit for each Country. Make up this list on your first delivery after this effective date, this list to be in effect until a change is made in a dispatch, then place a new time limit in the Country tray on which a change has been made.

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cr:  Files

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P. A. Short

SEARCHED.....INDEXED.....
SERIALIZED.....FILED.....
AUG 21 1961
FBI - WASH. F. O.

Office Memorandum • UNITED STATES GOVERNMENT

TO : SAC, WFO (65-8300)

FROM : L. W. R. OBERNDORF, SCS

SUBJECT: SAM SURVEY

DATE: November 14, 1961

The following procedures will be observed in handling matters under this program.

(1) A record shall be maintained by each shift of the volume of mail handled ~~by country~~, as well as of any mail received which could not be handled. A rough draft is satisfactory.

(2) A memorandum shall be submitted by each shift at the end of the shift specifically noting items which have been removed for processing. This will list the addressee, addressor if any, details re postmark, postage, type of envelope, whether typed, handwritten or printed, and any other distinguishing or noteworthy characteristics. No memorandum is necessary if no items are removed for processing. These memoranda are to be designated for the Sub A section of this file.

(3) When photographs are received from the Bureau of processed material, the following action will be taken:

(a) Film will be maintained as a bulky exhibit, until no longer needed.

(b) Material in English, requiring no further action, is to be destroyed. An appropriate notation will be made on the memorandum in the Sub A reflecting the removal of this piece for processing.

(c) Material in foreign languages will be submitted to the Staff Supervisor, Squad 6, for expedite translation, if the language can be handled in WFO. If not, such items will be submitted promptly to the FBI Laboratory for translation. All correspondence for this purpose will be maintained in the Sub A file.

1 - WFO
LWRO/pcn
(1)

Assen
McGowan
Dunham

Boogey
O'Laughlin
Jander

65-8300-24

SEARCHED	SERIALIZED
NOV 14 1961	
FBI - WASH. F. O.	

(4) If material in English requires action or investigation involving more than a check of office records, a separate memorandum shall be dictated promptly setting forth the pertinent facts and requesting that a new case be opened. A copy of this memorandum, title of which will be based on the item processed, shall be designated for the Sub B section of this file. Concurrently, an appropriate notation shall appear on the memorandum in the Sub A initially recording receipt of the item. The title (SAM SURVEY) shall appear after the subject name in each case.

(5) The same procedure shall be followed with regard to material translated by the FBI Laboratory or Squad #6. In these instances, the translations should be submitted as attachments with the initial memorandum opening the case. Photographs and film strips in cases under points 4 and 5 shall be made appropriate exhibits in the pertinent case file.

All other photographs, film and translations should be destroyed if no active investigation is initiated.

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, WFO (65-8300)

DATE: 2/13/62

FROM : SA THOMAS A. MENDENHALL

SUBJECT: SAM SURVEY
ESP - R

Bulet to NY, dated 1/30/62, captioned "TRANSLATION MATTERS" (WFOfile 66-2384 in 666) stated in part as follows:

Whenever submitting written material to the Bureau for translation in connection with SAM SURVEY, the submitting office should retain copies of the written material until the requested translation is received. The Bureau letter also stated that a photographic negative of a document could be considered as a copy of the documentation.

The Bureau further requested that the letter of transmittal include the fact that a copy of the foreign language material submitted was being retained until the receipt of the requested translation.

This is being incorporated into this file so that these instructions are readily available to agents handling this material.

1-WFO *pmk*

TAM: pmk
(1)

TAn

65-8360-41

SEARCHED	INDEXED
SERIALIZED	FILED
FEB 13 1962	
FBI - WASH. F. O.	

Reynolds
Adson

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, WFO (65-8300)

FROM : L. W. R. OBERNDORF, SCS

SUBJECT: SAM SURVEY

DATE: May 21, 1962

In examining communications which may be Soviet intelligence communications or writings, the manner in which a particular communication may be folded and placed in an envelope can be of significant importance.

Special Agents handling matters in the SAM SURVEY, and any other Special Agents handling matters which may pertain to Soviet intelligence communications, are instructed to take careful note of the exact manner in which questioned documents are folded and placed in envelopes for mailing. Specific comments on the results of such examinations are to be placed in case memoranda and such comments shall be in addition to those presently required in the SAM SURVEY with regard to the envelope itself and with regard to handwriting or typewriting characteristics of the message.

3 - WFO
(1 - 65-7973 - METHODS OF DETECTING
SOVIET ILLEGAL AGENTS)
(1 - 100-16597 - SODAC)
LWRO/pcn
(3) *pen*

*This was routed
to all agents by
Section 8 by CFR
& all initialed on
attached slip since
removed. 11 AM.*

65-8300-49

SEARCHED	INDEXED
SERIALIZED <i>llh</i>	FILED <i>llh</i>
MAY 21 1962	
FBI - WASH. F. O.	

llh

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, WFO

DATE: June 14, 1962

FROM : THOMAS A. MENDENHALL, SA

SUBJECT: SAM SURVEY
ESP - R

ATTN: PROPERTY CLERK

In connection with the efficient operation of the above-captioned case, it became desirable to utilize a room on the lower level of the Washington National Airport. Room 74-C at the airport has been turned over to the exclusive use of WFO Special Agent personnel and no other individuals have access to this space.

To facilitate the handling of work at this SAM Plant, it is, of course, necessary that a limited amount of Bureau property be maintained and utilized at this plant.

The purpose of this memorandum is to itemize all of the Bureau property presently being maintained and used at this location. All of this property is to be properly charged on a permanent basis to the plant, rather than to individual Special Agents:

1. One document camera in fitted custom case with built-in lighting and stage, suitable for 110 volt or 12 volt use. The camera is a 35 mm. Alpa Alnea, Swiss made, Model 5, No. 31026. The lens is No. 211-2058 Kamerabau-Anstalt-Vaduz, Kilfitt-Makro, D, 1:3.5/4 Cm.
2. One typewriter - Royal Portable, Serial No. 562, with case.
3. One Art Metal, 5 ft., 4 drawer, metal file cabinet with locking bar (external).

① - 65-8300
1 - Property Clerk
TAM/pcn
(2) *pcn*

65-8300-51

SEARCHED	INDEXED
SERIALIZED	FILED
JUN 14 1962	
FBI - WASH. F. O.	

70

4. One Master Padlock No. X 22813 (used to lock above-listed file cabinet).
5. One 3' x 2' wood table with one drawer.
6. One florescent desk lamp, Model U1-P-2324-16, made by the Dazor Mfg. Corp., St. Louis, Mo.
7. Two wood swivel chairs.
8. One grey-colored folding metal chair.
9. One grey-colored, metal, cloth-upholstered, stenographic swivel chair
10. One pencil sharpener (APSCO - Giant)
11. One grey metal wastebasket.
12. One GE Table Model 875, radio, Serial No. 5701.
13. One aluminum folding picnic table, with handle, approximately 60" x 30".
14. Two 2-panel wood-framed screens, approximately 5½' tall and 7' wide.
15. One 5" diameter Bausch and Lombe magnifying glass.

All Moved
to Dulles
Airport after
3/18/63 7 AM

↓
See Serial 89

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, WFO (65-8300)

DATE: 10/11/62

FROM : SA H. DUDLEY PAYNE

SUBJECT: SAM SURVEY
ESPIONAGE - R

On 9/26/62, the writer contacted Mr. P. A. SHORB, Superintendent of National Airport Post Office, to ascertain if our present schedules were adequate to promptly handle our responsibilities at that location. Mr. SHORB advised at the present the mail was being handled in a very satisfactory manner, and it was not anticipated that any schedules would be changed until Day Light Saving Time goes off the end of October, and he would advise us of any changes to be made at that time.

He was asked concerning the procedure for handling mail when the Dulles Airport opens. He stated that at this time it was anticipated that the processing of mail insofar as our operation is concerned will be handled at National.

1 - WFO

HDP:mb1

(1)

*Dulles opened 11/17/62
No change - TAM
Daylight Saving - NO
change in our Sec*

65-1300-74 42 may

SEARCHED	INDEXED
SERIALIZED	FILED
JUL 11 1962	
FBI - WASH. F. O.	

Mark

SAC, WFO (65-8479)

October 30, 1962

JAMES F. MORRISSEY, SA

JARO
ESP - R

In airtel dated 10/5/62, Baltimore reported BA 1229-S* as stating in part that on 10/2/62 male subject was reading to female subject what sounded like a message. In this message he was instructed, "In your letters, don't forget to answer all questions".

To date subject's mail drop is not known.

It will be recalled that subjects possess an Olympia typewriter. Copies of typing samples obtained from this machine, which has a distinctive foreign-type appearance, are available to SAM SURVEY agents. Copies of the distinctive typing used by female subject in connection with a cosmetology application are likewise available.

In an attempt to determine the mail drop possibly being used by the subject, it is recommended that in addition to the standards normally used in selections under the SAM SURVEY program, a card record be made of all letters using Olympia typing which emanate from the Baltimore and Washington, D. C., area. Letters which are patently commercial in nature can be disregarded; however, any doubt should be resolved in favor of recording the information. In the interest of security, where a selection is made for JARO purposes, no further action is to be taken at this time, other than to record the information.

Pertinent addresses of the subjects and others of possible use are available to SAM SURVEY agents.

discontinued

2
JFH
(1)
JFH/pch
(2)

65-8300 SAM SURVEY)

65-8300-71

SEARCHED	INDEXED
SERIALIZED	FILED
OCT 30 1962	
FBI - WASH. F. O.	

Handwritten signature

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, WFO (65-8300)

FROM : SA H. DUDLEY PAYNE

SUBJECT: SAM SURVEY
ESP-R

DATE: 3/7/63

On 3/5/63, SA H. DUDLEY PAYNE contacted L. J. CARRICO, Assistant Superintendent of Mails, regarding permitting us to continue the Sam Survey Program at Dulles Airport. Mr. CARRICO advised that the unofficial date for the transfer from National to Dulles is expected to be ~~on~~ 3/18/63. He said he would appreciate a note addressed to the Postmaster requesting the same courtesies be extended to us at Dulles as we had enjoyed at National. Such a note was personally delivered to him.

On 3/7/63, Mr. CARRICO advised that our request had been approved. He also advised that if we should have any difficulties regarding access to the grounds, the building, or parking facilities, he would have ~~instituted~~ ^{instituted} postal clerk passes issued to the appropriate agents.

CARRICO^{WFO} advised that we would like to inspect the premises which we were to occupy. He suggested we contact SHORB at National and arrange with him for either he or LARUE to visit Dulles with us for such a purpose.

On 3/5/63, SA PAYNE contacted SA ROLAND COKER, Resident Agency, Alexandria, Virginia, to ascertain if they had any contacts at Dulles. COKER advised that Chief of Police BANARIK has been very cooperative, but he would suggest for our purpose we contact HERBERT FLETCHER who is in charge of Operations and Safety, and felt that he would be cooperative in arranging parking facilities for agents.

1-WFO

HDP:mlb
(1)

65-8300-85

SEARCHED	INDEXED
SERIALIZED	FILED
MAR 7 1963	
FBI - WFO	

Handwritten signature/initials over stamp

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, WFO (65-8300)

FROM : H. DUDLEY PAYNE, SA

SUBJECT: SAM SURVEY

DATE: June 23, 1964

On 6/22/64 P. A. SHORB, Superintendent of National and Dulles Airports Post Office Substations, advised that TWA has instituted daily, nonstop flights from Dulles to London departing Dulles at 7:30 p.m. Also, that Pan American has instituted a direct flight leaving Dulles at 9:00 p.m. on Mondays, Wednesdays and Saturdays; it goes to Paris and the remaining days of the week it goes to London.

Mail trucks carrying mail for the above flights arrive at Dulles 3:15 p.m., 4:50 p.m., 5:30 p.m. and 7:10 p.m.

In view of the above, it will be necessary to have an agent at Dulles until 8:00 p.m. Monday through Friday. Accordingly, one agent should be scheduled to work 8:00 a.m. to 4:00 p.m. and one scheduled 12:00 noon to 8:00 p.m.

1 WFO
HDP/pcn
K(1) pen

to

65-8300-103

SEARCHED	INDEXED
SERIALIZED	FILED
JUN 23 1964	
FBI - WASH. F. O.	

James M. ...

10/6/64

TO: SAC, WFO (65-8517)

FROM: SA JOHN L. STANLEY

UNSUB; KGB AGENT KNOWN AS "SASHA"
ESPIONAGE -R
(OO: WFO)

The principal suspect for the unsub, "SASHA" in this case is IGOR ORLOV who resides with his wife, ELEONORE ORLOV, and their two small sons at 112 South Pitt Street, Alexandria, Virginia. They also operate the "Gallery Orlov" from which they sell reproductions of paintings, and which is located in their residence.

The ORLOVs are known to correspond with the following relatives of Mrs. ORLOV, and WFO is interested in mail which is addressed to these individuals:

ALBERT STIRNER (brother)
Eichendorff Str. 31
83 Landshut / Bayern
West Germany

Mrs. ROSA STIRNER (mother)
20/b Froettmaningor St.
Munich 23/b, Germany

It is requested that the above two names be placed on the SAM SURVEY Watch List.

Mail to these relatives and others, bearing the ORLOV return address of 112 South Pitt Street, Alexandria, Virginia, particularly mail directed to Germany, should be covered if possible.

CC: 65-8300

Amurall
8 more from
Boyle
reach
WFO
WFO
Northrup
Manning
See me
Step placed - 10/20/64
65-8300-106

SEARCHED	INDEXED
SERIALIZED	FILED
OCT 11 1964	
FBI - WASH. D. C.	

Pagano

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, WFO (65-8300)

DATE: 1-21-66

FROM : SA CARL E. GRAHAM

SUBJECT: SAM SURVEY
ESP - R

For information of the captioned case. This is to note that "ICEBOAT" is a double agent operation of which Baltimore is origin. It is noted one of the accommodation addresses in that case utilized by the double agent on instructions of his Soviet principal was:

PROFESSOR DR. SIMEON
Sternwartestr. 75, Vienna XVIII

The above address should be added to the watch list in instant case.

*Place on watchlist
1/21/66*

2 - WFO
(1 - 105-69140)

CEG:ctw
(2) CTW

65-8300-128

SEARCHED	INDEXED
SERIALIZED	FILED
JAN 27 1966	
FBI - WASH. F. O.	

Payne



UNITED STATES GOVERNMENT

Memorandum

TO : SAC, WFO (105-70556) *65-8300*

DATE: 2/24/66

FROM : SA W. SCOTT JARRETT, JR.

SUBJECT: KORKBAL
IS- EG

ILSE RUTH LAUER is a permanent resident alien born in Germany who entered the U.S. in 1961 and resides in Chicago. In 9/65 and 10/65 she visited her parents in East Germany. While there she met on Fritz Bellstedt who showed her around East Germany. Shortly before her departure from East Germany Bellstedt requested Lauer to forward a letter for him on her return to U.S. This letter would be mailed to her in the US and she in turn was to forward the letter. She agreed to do this.

On 1/7/66 she received a letter from Mrs Muehlhaus ^hMargare 2200 Kalorama Rd. NW, WDC. Enclosed in this letter was a sealed envelope addressed to Mr. Schlak Wilhelm, 13-A Alf-Fermersleben, Magdeburg, East Germany. This letter bore a return address of Mr. Becker Oskar, 3241 West Diversey, Chicago, Illinois.

One Margaret N. Muehlhaus~~x~~ resides 3105 Patterson St. NW, WDC and is employed as Secretary to the Chairman of the Board Federal Reserve Board. 2200 Kalorama Rd. NW is the Offices of the Cultural Attache and Education Bureau of the UAR.

On 2/8/66 Lauer received a letter with return address of Mrs Horwitz Rose, 78 Fifth Ave. New York City postmarked NY. This letter contained an envelope addressed ~~to~~ as was the 1/7/66 letter.

On 3/7/66 Lauer received another letter with return address of Muehlhaus Margaret as above. This letter contained an envelope addressed as the first letter received 1/7/66.

All letters received ~~from~~ ~~the~~ bear Cyrillic handwriting characteristics.

It is requested that the address of "Mr. Schlak Wilhelm (or Wilhelm Schlak), 13-a Alf-Fermersleben, Magdeburg, East Germany" be added to the Sam survey watch list. Examination of pertinent items should be restricted to observation of the exterior of the envelopes.

WSJ/



65-8300-132

SEARCHED	INDEXED
SERIALIZED	FILED
FBI - WASH. F. O.	

DIRECTOR, FBI (65-65884)

7/19/66

SAC, WFO (65-8300) (P)

SAM SURVEY

ESP - R

RePHairtel 7/8/66 captioned COWSLIP, ESP - R.

Re airtel indicated that the subject in the COWSLIP case had received a letter from ERNEST HAFNER, Berlin, Germany.

WFO has added HAFNER's name and address to SAM SURVEY watch list.

- 2 - Bureau
1 - New York (65-18045) (RM)
② - WFO
(1 - 65-8300 Sub B)

HDP:egj
(5)

65-8300-136

Searched _____
Serialized _____
Indexed _____
Filed _____

FILE STRIPPED

Date: 7/2/66

NR033 WA CODE

5:45PM 9/4/75 NITEL AJM

TO ALL SACS

FROM DIRECTOR (62-116395)

PERSONAL ATTENTION

SENSTUDY 75

REBUTEL MAY 2, 1975.

PURPOSES OF INSTANT TELETYPE ARE TO (1) REITERATE THAT FBI HAS PLEDGED FULL COOPERATION WITH THE SENATE SELECT COMMITTEE (SSC) AND WISHES TO ASSIST AND FACILITATE ANY INVESTIGATIONS UNDERTAKEN BY THE SSC WITH RESPECT TO THE FBI; AND (2) SET FORTH NEW PROCEDURE RELATING TO SSC STAFF INTERVIEWS OF CURRENT AND FORMER FBI EMPLOYEES.

FOR INFORMATION OF THOSE OFFICES WHICH HAVE NOT PREVIOUSLY HAD CURRENT OR FORMER EMPLOYEES IN ITS TERRITORY INTERVIEWED BY THE SSC, THE BUREAU FREQUENTLY LEARNS FROM THE SSC OR OTHERWISE THAT FORMER EMPLOYEES ARE BEING CONSIDERED FOR INTERVIEW BY THE SSC STAFF. INSTRUCTIONS ARE ISSUED FOR THE FIELD OFFICE TO CONTACT THE FORMER EMPLOYEE TO ALERT HIM AS TO POSSIBLE INTERVIEW, REMIND HIM OF HIS CONFIDENTIALITY AGREEMENT WITH THE BUREAU AND SUGGEST THAT IF HE IS CONTACTED

SEARCHED OR INDEXED

SERIALIZED FILED
SEP 4 6 02 AM '75

FBI-WASH. F.D.

62-10744-11

62-10744-11

File in
SAC
Office

PAGE TWO

INTERVIEW, HE MAY CONTACT THE LEGAL COUNSEL DIVISION BY COLLECT CALL FOR FURTHER INFORMATION. IN THE USUAL CASE, AS CIRCUMSTANCES UNFOLD, THE FORMER EMPLOYEE IS TOLD (1) THAT HE HAS A RIGHT TO LEGAL COUNSEL, BUT THAT THE BUREAU CANNOT PROVIDE SAME; (2) THAT THE BUREAU HAS WAIVED THE CONFIDENTIALITY AGREEMENT FOR THE INTERVIEW WITHIN SPECIFIED PARAMETERS; AND (3) THAT THERE ARE FOUR PRIVILEGED AREAS IN WHICH HE IS NOT REQUIRED TO ANSWER QUESTION. THESE AREAS ARE RELATING TO INFORMATION WHICH MAY (A) IDENTIFY BUREAU SOURCES; (B) REVEAL SENSITIVE METHODS/TECHNIQUES; (C) REVEAL IDENTITIES OF THIRD AGENCIES, INCLUDING FOREIGN INTELLIGENCE AGENCIES, OR INFORMATION FROM SUCH AGENCIES; AND (D) ADVERSELY AFFECT ONGOING BUREAU INVESTIGATIONS.

HERETOFORE, BUREAU HAS OFFERED INTERVIEWEES CONSULTATION PRIVILEGES WHEREBY A BUREAU SUPERVISOR WOULD BE AVAILABLE NEARBY, ALTHOUGH NOT ACTUALLY AT INTERVIEW, SO INTERVIEWEE MIGHT CONSULT WITH HIM SHOULD QUESTIONS ARISE AS TO PARAMETERS OF INTERVIEW OR PRIVILEGED AREAS. THE CONSULTANT DID NOT ACT AS A LEGAL ADVISOR.

EFFECTIVE IMMEDIATELY, BUREAU WILL NO LONGER PROVIDE

PAGE THREE

ON-THE-SCENE PERSONNEL FOR CONSULTATION PURPOSES TO ASSIST EITHER CURRENT OF FORMER EMPLOYEES. PROSPECTIVE INTERVIEWEES SHOULD BE TOLD THAT, IF THEY DESIRE ASSISTANCE OF THIS NATURE DURING AN INTERVIEW, THEY MAY CONTACT EITHER PERSONALLY (IF INTERVIEW IS IN WASHINGTON, D. C.) OR BY COLLECT CALL, THE ASSISTANT DIRECTOR OF THE INTELLIGENCE DIVISION, MR. W. R. WANNALL, OR, IN HIS ABSENCE, SECTION CHIEF W. O. CREGAR.

THIS CHANGE IN PROCEDURE SHOULD NOT BE CONSTRUED AS LESSENING THE ASSISTANCE WE ARE FURNISHING TO CURRENT AND FORMER EMPLOYEES.

FOR YOUR ADDITIONAL INFORMATION, I AM WORKING WITH THE DEPARTMENT IN EXPLORING AVENUES TO ARRANGE LEGAL REPRESENTATION, WHEN NECESSARY, FOR CURRENT AND FORMER EMPLOYEES WITHOUT EXPENSE TO THEM. YOU WILL BE KEPT ADVISED OF DEVELOPMENTS IN THIS REGARD.

END

HOLD PLS

Washington, D.C. 20535
September 22, 1975

U.S. SENATE SELECT COMMITTEE ON
INTELLIGENCE ACTIVITIES (SSC)

RE: INTERVIEW OF SPECIAL AGENT JOSEPH E. DOWLING
BY SSC STAFF MEMBERS

Special Agent (SA) Joseph E. Dowling, Federal Bureau of Investigation (FBI) was interviewed on September 19, 1975, at approximately 1:30 p.m. at the SSC Offices by SSC Staff Members Mary DeOreo and Mark Gitenstein. No mention was made by staff members regarding Constitutional Rights and no mention was made as to whether or not this interview was voluntary.


SA Dowling was asked if he had ever assisted in the removal of certain boxes from the residence of the late J. Edgar Hoover. He replied that within one or two weeks after Mr. Hoover's death, he accompanied Robert G. Kunkle, who at that time was Special Agent in Charge of the Washington Field Office of the FBI, to Mr. Hoover's residence and assisted in removing six to eight cardboard boxes. These boxes were taken from the basement of the residence and delivered to the Washington Field Office of the FBI loading dock in the rear of the Old Post Office Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. The boxes were placed on the loading dock in the custody of either Kenneth Shaffer or Thomas Dudney, FBI employees.

Concerning the boxes transported from Mr. Hoover's residence to the Old Post Office Building, Special Agent Dowling advised the SSC Staff Members that these boxes were sealed with tape and that at no time did SA Dowling see what was in the boxes. In addition, SA Dowling did not discuss the

8-Bureau

①-WFO (62-0)

JED:jmm
(9)



100-10744-12

U.S. SENATE SELECT COMMITTEE ON
INTELLIGENCE ACTIVITIES (SSC)

RE: INTERVIEW OF SA JOSEPH E. DOWLING
BY SSC STAFF MEMBERS

contents with Special Agent in Charge Kunkle. SA Dowling was asked who was present at the Hoover residence when he made this trip. He advised SSC that he observed no one but did hear the voice of a female and recognized this voice as that of Miss Helen Gandy, a former member of Mr. Hoover's Staff.

This interview lasted approximately fifteen minutes.

9/22/75

AIRTEL

TO: DIRECTOR, FBI (62-116395)

FROM: SAC, WFO (62-0) ATTENTION: INTD
W. O. GREGAR

U.S. SENATE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES
MISCELLANEOUS - INFO CONCERNING

Enclosed is the original and seven copies of an LHM setting forth the contents of the interview by the Select Committee on Intelligence Activities of SA JOSEPH E. DOWLING on 9/19/75.

yad
2-Bureau (Enc. 8)
1-WFO

JED:jmm
(3)

62-10744-12A

[Handwritten signatures]

Washington, D.C. 20535
September 23, 1975

U.S. SENATE SELECT COMMITTEE ON
INTELLIGENCE ACTIVITIES (SSC)

RE: INTERVIEW OF CHIEF CLERK KENNETH SHAFFER
BY SSC STAFF MEMBERS

On September 19, 1975, at the request of the Legal Council Division, Federal Bureau of Investigation (FBI) - Headquarters (HQ), Kenneth Shaffer, Chief Clerk, Washington Field Office, appeared at the Senate Office Building for the purpose of being interviewed by the Staff Members of the United States Senate Select Committee on Intelligence Activities.

The interview was conducted by Senate Select Staff Members, Mary DeOreo and Mark Gitenstien. At the on-set of the interview, Mr. Shaffer was not advised of his Constitutional Rights nor was he advised that he was being questioned on a voluntary basis.

During the month of June, 1975, Mr. Shaffer was interviewed at FBI-HQ, relative to his participation in the handling and destruction of material from the residence and Justice Building Office of the late J. Edgar Hoover. As a result of this interview an FD-302 (Report of Interview Form) was prepared. Prior to the time of the interview by the Staff Members, Mr. Shaffer had not had the opportunity to read this report. Mr. Shaffer requested that he be permitted to read the FD-302 report. After a short conference, between the Staff Members, they agreed that it would be permissible for him to read the report.

The interview by the Staff Members lasted approximately one hour and 15 minutes.

8-Bureau (62-116395)
1-WFO (62-0)

KS:jmm
(9)

U.S. SENATE SELECT COMMITTEE ON
INTELLIGENCE ACTIVITIES (SSC)

RE: INTERVIEW OF CHIEF CLERK KENNETH SHAFFER
BY SSC STAFF MEMBERS

The questions asked by the two Senate Select Committee Staff Members were relative to above mentioned matter.

The questions and replies set forth below are as best as Mr. Shaffer can recall.

Question: How long have you been the Assistant Chief Clerk at the Washington Field Office?

Answer: Five years. I am now Chief Clerk. I replaced Mr. Dudney who was transferred to Headquarters.

Question: How long have you worked for the Bureau?

Answer: Thirty-one years.

Question: Do you know Mr. John P. Mohr?

Answer: I have known Mr. Mohr personally for twenty-five years.

Question: Do you know Mr. Mark Felt?

Answer: Yes, I do.

Question: Do you know Miss Gandy?

Answer: I met her on two or three occasions over the years.

Question: Have you ever discussed this matter with Mr. Mohr or Mr. Felt?

Answer: No, I have not.

Question: After the death of Mr. Hoover, how much time lapsed before you began picking up cartons from his office for disposal?

U.S. SENATE SELECT COMMITTEE ON
INTELLIGENCE ACTIVITIES (SSC)

RE: INTERVIEW OF CHIEF CLERK KENNETH SHAFFER
BY SSC STAFF MEMBERS

Answer: A week or two.

Question: What was going on in the Director's office when
you picked up the cartons?

Answer: Personal effects were being packed and the rooms
were being prepared for painting and redecorating.

Question: Do you think Mr. L. Patrick Gray knew what was taking
place?

Answer: I really do not know.

Question: Did you see Mr. Mohr, Mr. Felt or Miss Gandy?

Answer: No, I did not.

Question: Who did you see in the Director's office?

Answer: I believe I did speak to Mr. Moten.

Question: Who is Mr. Moten?

Answer: He was Mr. Hoover's chauffeur.

Question: How many times have you been in the Director's office?

Answer: Several times.

(During the course of this questioning, I remarked
that to the best of my recollection, I was not in
the Director's inner office during this pertinent
time.)

Question: How many times did you go to the Director's office
to pick up cartons of material for destruction?

U.S. SENATE SELECT COMMITTEE ON
INTELLIGENCE ACTIVITIES (SSC)

RE: INTERVIEW OF CHIEF CLERK KENNETH SHAFER
BY SSC STAFF MEMBERS

Answer: Possibly two or three times.

Question: How many boxes were there?

Answer: As far as I can recall, there were six to nine boxes.

Question: Were the cartons marked in any way?

Answer: As I recall, they were not marked, but were sealed when received and remained sealed until time of destruction.

Question: Did Mr. Battle at any time go over to the Justice Building with you to pick up cartons?

Answer: Yes, I believe he did.

(The interviewer stated that my reply was contrary to that of Mr. Battle. Mr. Battle indicated that he was not at the Justice Building with you).

Question: Did you ever go to the Justice Building alone to pick up cartons of material for destruction?

Answer: No, I did not.

Question: If you had gone alone would you have had to account for your time to Mr. Dudley?

Answer: No.

Question: Were you ever at Mr. Hoover's residence?

Answer: No.

U.S. SENATE SELECT COMMITTEE ON
INTELLIGENCE ACTIVITIES (SSC)

RE: INTERVIEW OF CHIEF CLERK KENNETH SHAFER
BY SSC STAFF MEMBERS

Question: Did you see Mr. Kunkel in an automobile with Mr. Battle on occasions when cartons were delivered from Mr. Hoover's residence to the loading platform?

Answer: I do not recall seeing him.

Question: Tell us how you were advised that material was ready to be picked up?

Answer: Mr. Kunkel would receive a telephone call and in turn would contact Mr. Battle and advise him. Enroute from Mr. Hoover's residence, Mr. Battle would contact the Radio Room and request that I meet him at the platform.

Question: Were these cartons ever placed in the office of Mr. Kunkel?

Answer: No.

(For the record, I did retract this answer and stated "that the beginning of the project, they were placed in a room within his office and kept there until it was time for destruction. After a time, they were taken directly to the disintegrator room. Mr. Dudney and I had the key to this room.")

Question: Is there another storage room in the Washington Field Office where the cartons might have been stored until time for destruction?

Answer: No.

(Following the interview, in talking to Mr. Dudney, I then realized that the interviewers were referring to a walk-in vault where Mr. Dudney had placed material on one or two occasions.)

U.S. SENATE SELECT COMMITTEE ON
INTELLIGENCE ACTIVITIES (SSC)

RE: INTERVIEW OF CHIEF CLERK KENNETH SHAFFER
BY SSC STAFF MEMBERS

Question: What sort of material was in the cartons?

Answer: Photography, old personal letters, post cards,
Christmas cards, etc., and other personal records.

Question: Do you recall seeing letters which had holes
punched in them indicating that they may have been
part of a file?

Answer: Yes, there were some letters, but they were torn
up and mixed in with other material.

Question: Do you recall seeing at least 150 to 200 3x5 index
cards?

Answer: No, but it is possible that they could have been
mixed in with other material.

Question: If they were in a box, would the disintegrating
machine be able to handle them?

Answer: No, it would not.

(The capabilities and operations of the machine
were fully explained to the Staff interviewers
at this time.)

Question: How long did it take for you to destroy the material?

Answer: Between six to nine hours over a two week period
of time.

Question: Is there any record which would reflect the time
spent in the destruction of the material or the
amount of material destroyed?

U.S. SENATE SELECT COMMITTEE ON
INTELLIGENCE ACTIVITIES (SSC)

RE: INTERVIEW OF CHIEF CLERK KENNETH SHAFFER
BY SSC STAFF MEMBERS

Answer: No

Question: Was there any destruction of material after the
first week of July?

Answer: No.

Question: Knowing that the Bureau had its own disintegrating
facilities, why do you think Mr. Kunkel was requested
to handle the destruction of the material?

Answer: Prior to Mr. Kunkel's becoming a Special Agent, he
was a Clerical Employee assigned to the Director's
office. Miss Gandy may have requested his assistance
in the destruction of Mr. Hoover's personal papers.

Question: Why do you think that such precautions were taken
in the handling and destruction of this material?

Answer: The material was that of a prominent deceased
individual and the contents need not be publicized.

Question: Are you assigned to operate the disintegrator
machine?

Answer: No, we have employees assigned this duty.

Question: Why did Mr. Kunkel ask you and Mr. Dudney to
personally handle the destruction of the late
Director's material?

Answer: As Special Agent in Charge, Mr. Kunkel requested
Mr. Dudney and I to handle and destroy all material.
We did so without question.

Question: Early this year an article appeared in a local
newspaper relative to the destruction of material
from the office of Mr. Hoover. Did you read this
article?

U.S. SENATE SELECT COMMITTEE ON
INTELLIGENCE ACTIVITIES (SSC)

RE: INTERVIEW OF CHIEF CLERK KENNETH SHAFFER
BY SSC STAFF MEMBERS

Answer: Yes, I did.

Question: How did this affect you?

Answer: It really did not affect me. It became a private joke between Mr. Dudney and myself in that we may have made the newspapers, but did not realize we were or would ever be involved.

Question: Did you read an article in "Time" or "Newsweek" relative to the destruction of material from the office of Mr. Hoover?

Answer: No sir, I did not.

Question: Did you discuss this matter with anyone?

Answer: No, I did not.

The interviewer emphatically stated that I did discuss the matter at the time I was interviewed as reflected by the copy of FD-302 in his possession.

(I stated that I thought he was referring to a possible discussion with personnel assigned to the Washington Field Office.)

There may have been other questions asked of me; however, as stated above these are the questions I can recall.

9/23/75

AIRTEL

TO: DIRECTOR, FBI (62-116395)

FROM: SAC, WFO (62-0)

ATTENTION: INTD
W. O. CREGAR

U.S. SENATE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES
MISCELLANEOUS - INFO CONCERNING

Enclosed are an original and seven copies of an LHM setting forth information relative to the interview by the Select Committee on Intelligence Activities of KENNETH SHAFFER, Chief Clerk, Washington Field Office on 9/19/75.

2-Bureau (Enc. 8)
1-WFO

KS:jmm
(3)

Assn. Watt with [signature]

62 10744-13A

Washington, D.C. 20535
September 26, 1975

UNITED STATES SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES; SSC

RE: INTERVIEW OF FBI
SPECIAL AGENT JOSEPH E. BATTLE
BY SSC STAFF MEMBERS
ATTORNEY MARK GITTENSTEIN,
MARY DEOREO,
JOHN SMITH,

SA Joseph E. Battle was interviewed on September 19, 1975
by the above SSC staff members from approximately 10:15 until
11 a.m.

The interview was conducted in a ground floor assembly
room located in the Russell Senate Building.

Prior to the commencement of the interview, it is to be
noted none of the SSC staff members advised SA Battle of his
constitutional rights nor did they indicate he could be
represented by counsel in this matter.

To the best of SA Battle's knowledge and recollection,
the following questions were presented by the staff members and
the answers given by SA Battle are so denoted.

This document contains neither
recommendations nor conclusions of
the FBI. It is the property of
the FBI and is loaned to your agency;
it and its contents are not to be
distributed outside your agency.

8-Bureau

1-WFO (62-10744)

JEB:pep (9)

Question (Q):

After the Director's death, did you remove files from his office?

Answer (A):

No.

Q:

Weren't you frequently in the Director's office?

A:

No.

Q:

Weren't you in the Director's office after his death?

A:

No.

Q:

Were you ever in the Director's office?

A:

Yes.

Q:

When?

A:

In 1951 while in training school in conjunction with the Director's program of meeting all new agents, and I saw him in 1955 while at In-Service.

Q:

Well then, were you ever in Miss Gandy's office?

A:

Yes.

Q:

At the time of the Director's death?

A:

No.

Q:

Well, when was it?

A:

Approximately a year or two before the Director's death.

Q:

For what reason?

A:

I was told to pick up a package at National Airport and deliver it to Miss Gandy's office, which I did.

Q: Do you know what was in the package?

A: Yes, Miss Gandy indicated it was a plaque honoring the Director and she didn't know what she was going to do with it inasmuch as there was no more available wall space to hang it.

Q: Do you know Miss Gandy well?

A: No, other than her official position.

Q: When did you first meet her?

A: At the aforementioned time.

Q: Any other time?

A: Yes.

Q: When was that?

A: In approximately April, 1972, I drove her from her residence to Bureau headquarters.

Q: Why was that?

A: It was a Saturday and the Cherry Blossom Parade was in progress, and she feared difficulty in getting through the Parade route to work.

Q: When did you see her next?

A: After the Director's death.

Q: Under what circumstances?

A: I drove her to the Director's house.

Q: Weren't you in her office then?

A: No, I met her in the courtyard.

Q: I thought you said you said you didn't know her well.

A: I wouldn't construe the above as knowing her well.

Q: What was the purpose of driving her to the Director's house?

A: She said she had to meet with some lawyers concerning the Director's estate.

Q: Do you know who was present at the meeting?

A: No.

Q: Were you?

A: No, I waited outside.

Q: Who ordered you to drive Miss Gandy?

A: Mr. Kunkel

Q: Weren't you on his squad?

A: No.

Q: Whose squad were you on?

A: The ASAC's.

Q: Who was that?

A: Ed Campbell

Q: Weren't you considered the #3 man in WFO?

A: No.

Q: Weren't you a supervisor?

A: No, a relief supervisor.

Q: To Campbell?

A: Yes.

Q: Then wouldn't that make you #3 man?

A: No.

Q: What are your duties?

A: Presently I'm assigned to Squad C-4, and I'm assigned a variety of criminal cases.

Q: Be more specific.

A: Well, I handle numerous extortion type cases pertaining to the various Senators and Congressmen, I'm assigned the Washington, D.C. phase of the Hoffa case and I assist in bank robberies and other major crimes.

Q: What did you do on the ASAC Squad?

A: I handled major criminal matters and drove the ASAC to the crime scene and assisted him at the scene, and I also worked personnel matters.

Q: Do you know John Mohr?

A: No, other than his official position.

Q: You didn't know him personally?

A: No.

Q: You never met with him?

A: No.

Q: Did you ever remove anything from the Director's house after his death?

A: Yes.

Q: What was that?

A: Some cardboard boxes.

Q: Do you know what was in them?

A: No.

Q: Were they official FBI boxes?

A: I don't know what you mean by any official FBI boxes.

Q: Well, were they plain cardboard boxes?

A: Yes.

Q: Were they sealed?

A: Yes.

Q: How many times did you go on this assignment?

A: About 3 or 4.

Q: How many boxes did you take out?

A: About 6 to 8 each time.

Q: Was anybody present?

A: Yes.

Q: Who?

A: Miss Gandy and Mr. Kunkel

Q: Anybody else?

A: On one occasion, I saw the maid, Anna and the chauffeur, Crawford, and a woman who Mr. Kunkel introduced as Mr. Tolson's secretary, but I didn't know her.

Q: What was she doing?

A: She was writing checks.

Q: Did Miss Gandy have a desk in the Director's house?

A: I don't know.

Q: Did you see any file cabinets?

A: No, to the best of my recollection.

Q: Do you know what was in any of the boxes?

A: Yes.

Q: = What was that?

A: white shirts.

Q: Howdo you know that?

A: Because Miss Gandy pointed them out.

Q: After you left the Director's house, where did you go?

A: I drove to the loading platform at WFO.

Q: Who met you there?

A: Either Dudney or Shaffer.

Q: And then what?

A: I helped unload the boxes and drove off.

Q: Do you know where the boxes were then taken?

A: No.

Q: Didn't you and Mr. Kunkel talk about what was in the boxes and the purpose of these trips?

A: No.

Q:

Why not?

A:

Because he never volunteered anything and I figured it was none of my business.

Q:

Don't you think this is kind of odd?

A:

No, I've helped other people move and clean out their cellars and I considered this about the same thing.

Q:

Didn't you become suspicious and scared when you read in the newspapers that allegedly secret files were taken out of the Director's office and destroyed?

A:

No, why should I, as I said before, I wasn't in the Director's office.

Q:

Mr. Battle, Mr. Shaffer states you and he removed boxes from the Director's office at the direction of Mr. Kunkel.

A:

Well, Mr. Shaffer is wrong. I never went to the Director's office with he or anyone else.

Q:

Have you discussed this matter with anyone else?

A:

Yes, with the FBI Inspectors who called me in.

Q:

That was when?

A:

In June, you can get the exact date from the 302.

Q:

Have you discussed this matter with anyone else?

A:

Well, you know Shaffer, Dudney and Dowling and I come up here this morning together and naturally the matter was discussed.

Q: Do you know or see a memorandum that was circulated by the Bureau concerning this inquiry?

A: No.

Q: When did you last see Kunkel?

A: About 6 months ago, I saw him at an elevator bank in the Bureau and we exchanged greetings.

Q: How about prior to that?

A: When he left for St. Louis.

Q: You haven't discussed this matter with anyone?

A: No, other than the above.

Q: How come Kunkel was transferred to St. Louis, there was a lot of publicity about it?

A: I don't know anything more about it than as you say the national publicity.

Q: Wasn't there a personal feud between Gray and Kunkel?

A: If there was, I don't have any direct knowledge of it.

9/26/75

AIRTEL

TO: DIRECTOR, FBI (62-116395)

ATTN: INTELLIGENCE DIVISION
WILLIAM O. CREGAR

FROM: SAC, WFO (62-10744) ✓

UNITED STATES SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES; SSC

RE: INTERVIEW OF FBI SPECIAL AGENT
JOSEPH E. BATTLE, BY SSC STAFF MEMBERS

Enclosed herewith for the Bureau is the original and seven copies of an LHM reflecting interview of SA BATTLE, which is self-explanatory.

2-Bureau (Enc. 8)
1-WFO

JEB:pep (3)
pep



62-10744-14A

NR 345 WA PLAIN

9:22PM NITEL 10/9/75 GHS

TO ALL SACS

FROM DIRECTOR

INTERVIEWS OF FBI EMPLOYEES BY CONGRESSIONAL COMMITTEES

BY MEMORANDUM TO ALL EMPLOYEES DATED MAY 28, 1975, CAPTIONED "INTERVIEWS OF FBI EMPLOYEES," ALL EMPLOYEES WERE ADVISED OF THE NECESSITY OF SECURING FBI HEADQUARTERS APPROVAL PRIOR TO SUBMITTING TO INTERVIEWS BY REPRESENTATIVES OF CONGRESSIONAL COMMITTEES. THE NECESSITY OF SECURING THIS APPROVAL IS PROMPTED BY THE EMPLOYMENT AGREEMENT ALL EMPLOYEES HAVE SIGNED.

YOU WERE ADVISED THAT CONGRESSIONAL STAFF MEMBERS WERE CONDUCTING INTERVIEWS OF FORMER AND/OR CURRENT EMPLOYEES AND THAT THIS BUREAU HAD PLEDGED ITS COOPERATION WITH CONGRESS. OUR COOPERATIVE EFFORTS, OF COURSE, MUST BE CONSISTENT WITH BUREAU PROCEDURES.

RECENTLY, WE HAVE HAD ATTEMPTS BY CONGRESSIONAL COMMITTEE STAFF MEMBERS TO INTERVIEW CURRENT EMPLOYEES WITHOUT PRIOR CONTACT WITH FBI HEADQUARTERS. YOU ARE AGAIN REMINDED

SEARCHED Sec INDEXED Sec

SERIALIZED Sec FILED Sec

OCT 9 1975

FBI - NEW YORK

62-10744-15

PAGE TWO

THAT IF A REPRESENTATIVE OF A CONGRESSIONAL COMMITTEE SHOULD
CONTACT A BUREAU EMPLOYEE, THAT EMPLOYEE SHOULD DECLINE TO
RESPOND TO QUESTIONS POSED TO HIM AND ADVISE THE CONGRES-
SIONAL STAFF MEMBER OF THE NECESSITY OF RECEIVING FBI
HEADQUARTERS APPROVAL BEFORE RESPONDING TO QUESTIONS.

END

HOLD

10/15/75

AIRTEL

TO: DIRECTOR, FBI (62-116395) **CONFIDENTIAL**
FROM: SAC, WFO (62-19744) ¹⁰⁷⁴⁴ (ATTN: INTD - W. O. CREGAR)

"SENSTUDY-75"

Enclosed are eight copies of an LHM dated as above and captioned "U.S. Senate Select Committee on Intelligence Activities (SSC)" and "Re: Interview of FBI Special Agent HOMER W. SCHWEPPE by SSC Staff Member JAMES DICK."

The following background information is being supplied in connection with the enclosed LHM:

SA SCHWEPPE, at the express direction of SA PAUL DALY, FBIHQ, presented himself for interview at 10:00 a.m. on 9/23/75, to SSC Staff Member JAMES DICK in Room 308, Dirksen Senate Office Building, Washington, D. C. (WDC). At about 10:00 a.m. DICK and staff stenotypist SUSAN HANBACK repaired to a sixth floor room in the former Carroll Arms Hotel. DICK had a key for this room, which appeared to have been used before, possibly for similar interview purposes, inasmuch as there was a supply of stenotype paper on hand.

CONFIDENTIAL

Classified by #7366
Exempt from GDS, Category 2
Date of Declassification Indefinite

2-Bureau (Enc. 8)

②-WFO

(1-SA SCHWEPPE's Personnel file)

HWS:cad

(5) cad

SAC Starnes

ASAC Sullivan

SPM

59

CONFIDENTIAL

DICK was friendly and affable but businesslike throughout the interview. In a brief initial off-the-record exchange, DICK explained that he was interested in SCHWEPPE's knowledge of the "Hunter Project." When SCHWEPPE indicated he was not familiar with the term, DICK consulted his notes to confirm whether SCHWEPPE in fact was the party he intended to interview. A check by him corroborated that SCHWEPPE's name had been provided him by the Department of Justice as an individual with knowledge of "Hunter" and related projects.

During this initial exchange, SCHWEPPE indicated that his recollection of specifics such as "exactly when?" and "Did you ever see?" or "When did you first see or learn?" or "How many times did you see?" based on material possibly seen by him over a period of several months as far back as 1958 was limited. DICK agreed and suggested that there really might be no need to continue the interview, but in the end he suggested that since all parties were in place, the interrogation might as well proceed.

He indicated that a transcript of the interview would be available for review by SCHWEPPE in about a week. DICK said he would contact SA DALY at FBIHQ at the appropriate time. On contact on 9/30/75, DICK said the transcript probably would be available for review in about a week. As of 10/15/75, it had not been made available.

CONFIDENTIAL

Washington, D. C. 20535
October 15, 1975

SECRET

UNITED STATES SENATE SELECT COMMITTEE ON
INTELLIGENCE ACTIVITIES (SSC)

RE: INTERVIEW OF FEDERAL BUREAU OF INVESTIGATION
(FBI) SPECIAL AGENT HOMER W. SCHWEPPE BY
SSC STAFF MEMBER JAMES DICK

On September 23, 1975, after a short orientation discussion and after advising him of his rights under the Constitution and reminding him that his appearance was voluntary, SSC Staff Member James Dick interviewed FBI Special Agent Homer W. Schweppe in the presence of SSC stenotypist Susan Hanback regarding his knowledge of the following: The "Hunter Project," "Bureau Informant 200," "the SAM Survey," "Z Coverage," and opening of mail by FBI employees.

At the outset Dick asked Schweppe to document his FBI service. Schweppe responded by listing the following: Assignments in San Francisco from late 1946 to mid 1947; in Los Angeles from mid 1947 to mid 1951; at FBI Headquarters (FBIHQ) from May, 1951, to May, 1958, and again from late 1960 to November, 1961; in the Washington Field Office (WFO) of the FBI from May, 1958, on, except for the 1960 to 1961 period just cited.

During the course of the interview Schweppe was also asked to indicate the nature of his assignments at FBIHQ. He indicated he was assigned for the main part to units within the Domestic Intelligence Division dealing with Soviet military attache personnel and with members of Elizabeth Bentley's "espionage ring."

SAC *Stines*
ASAC *Callahan*

SECRET

Classified by #7366
Exempt from GDS, Category 2
Date of Declassification Indefinite

8-Bureau (62-116395)
②-WFO (62-19744)
(1-SA SCHWEPPE's Personnel file)

gm
HWS:cad
(10)cad

U.S. SSC ON INTELLIGENCE ACTIVITIES

SECRET

Dick's initial inquiry was directed to the extent of Schweppe's knowledge of the [redacted] When Schweppe conceded he was not familiar with the term, Dick offered as an exhibit for review a copy of a February 6, 1958, memorandum directed to Director Hoover entitled [redacted]

JFK Act 6 (1)(B)

JFK Act 6 (1)(B)

JFK Act 6 (1)(B)

JFK Act 6 (1)(B)

JFK Act 6 (1)(B)

6 (1)(B)

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U.S. SSC ON INTELLIGENCE ACTIVITIES

SECRET

JFK Act 6 1) (B)

1) (B)

1) (B)

SECRET

Dick also queried Schweppe about his knowledge of the "SAM Survey" (SAM) and "Z Coverage" (Z). He asked Schweppe whether he knew when "SAM" and "Z" were initiated, what they consisted of, when they ceased, when he first became aware of them, and whether he had seen any results of those projects. Schweppe replied that "SAM" and "Z" were on a need-to-know basis within WFO but that he in time heard about them through office "shop talk" and then concluded that those designations indicated projects in which mail to and/or from the Soviet Union and Soviet bloc countries was monitored. He said he did not know when those projects were initiated or when they terminated. He said that he would have to guess within a tolerance of two or three years that he first heard of those projects in the early 1960s. Schweppe said he was called on from time to time to translate correspondence in German, which correspondence had been photographed by some source not identified initially. Schweppe suggested that on later inquiry about the source of the correspondence he was informed it was either from "SAM" or "Z." He said he was unable to recall specifically who so advised him. He felt it was possible that word was just "passed along" to that effect. He could not recall whether each specific individual item was identified in a particular, special manner so as to tie it in to its source. Schweppe stated that he believes all such material translated by him was directed to officials at the Soviet and/or Soviet bloc embassies in Washington, D. C., and not to any non-diplomatic personnel. Such translation requirements were quite infrequent, and Schweppe was not called on to translate any such material within the past eight or ten years, to the best of his recollection.

Schweppe said it was his impression that "SAM" in New York City was handled in space at one or the other of New York's airports. He said he was unaware of the specific arrangements in Washington, D. C. He related that he was aware that FBI Special Agent John De Bettencourt, since deceased, was directly involved in WFO's "Z Coverage" project but that he did not know specifically to whom De Bettencourt was answerable.

U.S. SSC ON INTELLIGENCE ACTIVITIES

SECRET

Dick asked whether Schweppe was aware of any mail having been opened by FBI employees in situations other than the projects referred to above. Schweppe, after making the observation that Federal law and FBI regulations prohibit such activity, said he himself had never opened anyone's mail in his capacity as an FBI employee, that he never observed any other FBI employee so engaged, and that he personally was not aware of any specific instances in which that might have happened. At this point Schweppe related that while he was assigned to the Los Angeles Office, he suspected that a female employee, whose name he could not recall, might possibly have been engaged in the surreptitious opening of other people's mail because of the suspicious nature of her actions at certain times. Schweppe added that these were suspicions raised by circumstantial evidence only.

Dick then presented a hypothetical situation in which agents on duty might obtain mail posted by an individual and then proceed to open the same and review the contents. He asked whether Schweppe was aware of any such instances. Schweppe acknowledged that the suggested scenario sounded realistic enough but added that he could recall no such actual situations.

During the course of the interview, Schweppe indicated that he had been assigned to Soviet-related investigatory matters in WFO until early 1959, after which he was assigned to the handling of German, Latin American, Middle East, and Chinese investigatory matters at different times.

Schweppe concluded by stating that his knowledge and recollection of the subject matter constituting the basis for the inquiry were weak. He reiterated that he never opened any other person's mail in his capacity as an FBI employee, that he never witnessed any other FBI employee opening any such mail, and that he cannot recall ever being aware of any situation in which mail was opened by FBI employees, exclusive of the "SAM" and "Z" projects mentioned above.

This interview commenced about 10:15 a.m., September 23, 1975, and concluded at about 11:15 a.m. the same day.

5*

SECRET

Mr. Church's Cover-Up

By William Safire

WASHINGTON, Nov. 19—On Oct. 10, 1963, the then-Attorney General of the United States put his personal signature on a document that launched and legitimized one of the most horrendous abuses of Federal police power in this century.

In Senator Frank Church's subcommittee hearing room this week, the authorized wiretapping and subsequent unauthorized bugging and attempted blackmailing of Martin Luther King Jr. is being gingerly examined, with the "investigation" conducted in such a way as not to unduly embarrass officials of the Kennedy or Johnson Administrations.

With great care, the committee has focused on the F.B.I. Yesterday, when the committee counsel first set forth the result of shuffling through press clips, it seemed as if no Justice Department had existed in 1962; today, an F.B.I. witness pointed out that it was Robert Kennedy who authorized the wiretap of Dr. King, and that "the President of the United States and the Attorney General specifically discussed their concern of Communist influence with Dr. King."

But the Church committee showed no zest for getting further to the Kennedy root of this precedent to Watergate eavesdropping. If Senator Church were willing to let the chips fall where they may, he would call some knowledgeable witnesses into the glare of the camera lights and ask them some questions that have gone unasked for thirteen years.

For example, he could call Nicholas Katzenbach, Attorney General Kennedy's deputy and successor, and ask what he knows of the Kennedy decision to wiretap Dr. King. Who at Justice concurred in the recommendation? How does the F.B.I. know the President was consulted or informed?

After Mr. Katzenbach assumed office, and the wiretapping continued, he was told by angry newsmen that the F.B.I. was leaking scurrilous information about Dr. King. Why did he wait for four months, and for a thousand telephonic interceptions, to discontinue the officially approved tap?

Of course, this sort of testimony would erode Senator Church's political base. That is why we do not see former Assistant F.B.I. director Cartha (Deke) DeLoach, Lyndon Johnson's personal contact with the F.B.I. in the witness chair. What did President Johnson know about the character-assassination plot and when did he know it? What conversations took place between Mr. DeLoach and President Johnson on the tapping of Dr. King, or about the use of the F.B.I. in any other intrusions into the lives of political figures?

The committee is not asking embarrassing questions even when answers are readily available. A couple of weeks ago, at an open hearing, an F.B.I. man inadvertently started to blurt out an episode about newsmen who were wiretapping in 1962 with the apparent knowledge of Attorney General Kennedy. The too-willing witness was promptly shooshed into silence, and told that such information would be developed only in executive session. Nobody raised an eyebrow.

That pattern of containment by the Church committee is vividly shown by the handling of the buggings at the 1964 Republican and Democratic con-

ESSAY

ventions which were ordered by Lyndon Johnson. Such invasions of political headquarters were worse than the crime committed at Watergate, since they involved the use of the F.B.I., but the Church investigators seem to be determined not to probe too deeply.

If F.B.I. documents say that reports were made to specific Johnson aides, why are those men not given the same opportunity to publicly tell their story so avidly given the next President's men? If Lyndon Johnson committed this impeachable high crime of using the F.B.I. to spy on political opponents, who can be brought forward to tell us all about it?

But that would cause embarrassment to Democrats, and Senator Church wants to embarrass professional employees of investigatory agencies only. A new sense of Congressional decorum exists, far from the sense of outrage expressed in the Senate Watergate committee's hearing room. When it is revealed that the management of NBC News gave press credentials to L.B.J.'s spies at the 1964 convention, everybody blushes demurely—and nobody demands to know which network executive made what decision under what pressure.

I have been haranguing patient readers for years about the double standard applied to Democratic and Republican political crimes, and had hoped the day would come when the hardball precedents set by the Kennedy and Johnson men would be laid before the public in damning detail.

Obviously, Democrat Frank Church is not the man to do it. His jowl-shaking indignation is all too selective; the trail of high-level responsibility for the crimes committed against Dr. King and others is evidently going to be allowed to cool.

Pity. You'd think that after all the nation has been through in the past few years, our political leaders would have learned that the one thing that brings you down is the act of covering up.

102-10744-17

SEARCHED	INDEXED
SERIALIZED	FILED
NOV 24 1975	
FBI - WASH. FIELD OFFICE	

THE NEW YORK TIMES
THURSDAY, NOVEMBER 20th, 1975
PAGE C-41

TO: SAC:

☐ Albany
☐ Albuquerque
☐ Alexandria
☐ Anchorage
☐ Atlanta
☐ Baltimore
☐ Birmingham
☐ Boston
☐ Buffalo
☐ Butte
☐ Charlotte
☐ Chicago
☐ Cincinnati
☐ Cleveland
☐ Columbia
☐ Dallas
☐ Denver
☐ Detroit
☐ El Paso
☐ Honolulu

☐ Houston
☐ Indianapolis
☐ Jackson
☐ Jacksonville
☐ Kansas City
☐ Knoxville
☐ Las Vegas
☐ Little Rock
☐ Los Angeles
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☐ Memphis
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☐ Minneapolis
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☐ San Antonio
☐ San Diego
☐ San Francisco
☐ San Juan
☐ Savannah
☐ Seattle
☐ Springfield
☐ Tampa
☐ Washington Field
☐ Quantico

TO LEGAT:

☐ Beirut
☐ Bern
☐ Bonn
☐ Brasilia
☐ Buenos Aires
☐ Caracas
☐ Hong Kong
☐ London
☐ Madrid
☐ Manila
☐ Mexico City
☐ Ottawa
☐ Paris
☐ Rome
☐ Singapore
☐ Tel Aviv
☐ Tokyo

RE: SENATE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES

Date 11/21/75

☐ For information ☐ Retention optional ☐ For appropriate action ☐ Surep, by _____
☐ The enclosed is for your information. If used in a future report, ☐ conceal all sources, ☐ paraphrase contents.
☐ Enclosed are corrected pages from report of SA _____ dated _____

Remarks:

Enclosed for your information is a copy of an article by Mr. William Safire entitled "Mr. Church's Cover-Up" that appeared in the November 20, 1975, issue of "The New York Times."

62-10744-17A

SEARCHED	INDEXED
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NOV 24 1975	
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NRS2C WA PLAIN

75CPH NITEL 12-15-75 LXS

TO ALEXANDRIA

BALTIMORE

CHARLOTTE

CLEVELAND

COLUMBIA

TAMPA

WASHINGTON FIELD

FROM DIRECTOR (62-116464)

HOUSE STUDY 75.

THE HOUSE SELECT COMMITTEE (HSC) HAS INDICATED DESIRE TO INTERVIEW CERTAIN FORMER BUREAU EMPLOYEES CONCERNING ANY KNOWLEDGE THEY MAY POSSESS PERTAINING TO THIS BUREAU'S PURCHASING PRACTICE WITH U. S. RECORDING COMPANY. LISTED BELOW ARE THE NAMES OF THE FORMER EMPLOYEES CONCERNING WHOM HSC HAS EXPRESSED AN INTEREST AS WELL AS THE LAST KNOWN ADDRESS OF EACH INDIVIDUAL AS IT APPEARS IN HIS PERSONNEL FILE: RUFUS R. BEAVER - 326 EAST STADIUM DRIVE, EDEN, NORTH CAROLINA 27288; THOMAS FARROW - 9319 MEADOW HILL ROAD, ELLICOTT CITY, MARYLAND

SEARCHED 12 INDEXED

SERIALIZED FILED

DEC 15 7 54 PM '75

FBI-WASH

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62-10744-18

PAGE TWO

21043; JAMES H. GALE - 3307 ROCKY MOUNT ROAD, FAIRFAX,
VIRGINIA - HOME PHONE 273-1661, OFFICE PHONE 591-2151;
WILLIAM JARVIS GOODWIN - 1301 SOUTH SCOTT STREET, ARLINGTON,
VIRGINIA 22204 - HOME PHONE 920-2754; ODD T. JACOBSEN -
77 BATTERY ROAD, HILTON HEAD ISLAND, SOUTH CAROLINA 29920;
NORMAN MC DANIEL - 7103 SEA CLIFF ROAD, MC LEAN, VIRGINIA
22101; DONALD E. MOORE - 505 CROWN VIEW DRIVE, ALEXANDRIA,
VIRGINIA 22314 - HOME PHONE 751-8327; PAUL F. O'CONNELL, JR. -
2417 STRATTON DRIVE, POTOMAC, MARYLAND - HOME PHONE 424-2585;
AL ROSEN - 55 FIR HILL TOWERS NORTH; AKRON, OHIO 44304;
C. Q. SMITH - 2601 HAWAII AVENUE NORTHEAST, SAINT PETERSBURG,
FLORIDA 33703 - HOME PHONE 522-6597; WILLIAM E. SOYARS -
12019 GREYWING SQUARE, RESTON, VIRGINIA - HOME PHONE 360-4055;
VICTOR TURYN - 2645 TURF VALLEY ROAD, ELLICOTT CITY, MARYLAND;
LEONARD M. WALTERS - 1303 MACBETH STREET, MC LEAN, VIRGINIA-
HOME PHONE 356-1464.

RECIPIENTS ARE REQUESTED TO CONTACT THE ABOVE-LISTED
INDIVIDUALS RESIDING IN THEIR RESPECTIVE AREAS AND ADVISE
THEM OF THE ABOVE-STATED HSC INTENTION. EACH INDIVIDUAL SO
CONTACTED SHOULD BE INSTRUCTED THAT WHEN AND IF CONTACTED BY

PAGE THREE

THE HSC THEY SHOULD, BEFORE SUBMITTING TO INTERVIEW,
TELEPHONICALLY CONTACT THE OFFICE OF LEGAL COUNSEL AT BUREAU
HEADQUARTERS COLLECT TO SECURE RELEASE FROM THEIR EMPLOYMENT
AGREEMENT AND TO ASCERTAIN PARAMETERS WITHIN WHICH INTERVIEW
MAY BE CONDUCTED. ADVISE HEADQUARTERS SHOULD DIFFICULTY BE
ENCOUNTERED IN CONTACTING ABOVE-LISTED INDIVIDUALS.

END

WVC WF FBI CLR

NR080 WA CODE

5:17PM IMMEDIATE 1-13-75 DLA

TO NEW YORK

WASHINGTON FIELD

FROM DIRECTOR (62-116395)

C O N F I D E N T I A L

JUNE

SENSTUDY 75.

IN RESPONSE TO A REQUEST OF THE SENATE SELECT COMMITTEE
(SSC) YOU ARE REQUESTED TO FURNISH THE RESULTS OF THE FOLLOWING
ELECTRONIC SURVEILLANCES. A REVIEW OF ELSUR INDICES AT FBIHQ
INDICATES THAT THE LISTED INDIVIDUALS WERE EITHER A PARTY TO
OR WERE MENTIONED ON THE SPECIFIC DATES SET FORTH:

INDIVIDUAL	DATE	TECHNICAL COVERAGE
WARREN, EARL <i>Handwritten initials</i>	MARCH 9, 1964	NY2950-S (ASTERISK)
CHIEF JUSTICE		
WARREN, EARL, JR. <i>Handwritten initials</i>	<u>MARCH 2, 1964</u>	EMB CHILE-WFO
RUSSELL, RICHARD <i>Handwritten initials</i>	<u>APRIL 25, 1967</u>	CHINA-WFO
RUSSELL, RICHARD <i>Handwritten initials</i>	NOVEMBER 8, 1963	NY4171-S (ASTERISK)
SENATOR FROM GEORGIA		
BOGGS, HALE <i>Handwritten initials</i>	<u>NOVEMBER 23, 1964</u>	ALG EMB-WFO
MC CLOY, JOHN J. <i>Handwritten initials</i>	<u>APRIL 14, 1964</u>	GREEK-WFO

SEARCHED *Handwritten initials* INDEXED *Handwritten initials*
SERIALIZED *Handwritten initials* FILED *Handwritten initials*

JAN 13 5 22 PM '76

FBI-WASH. F. O.

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62-116395-191

CC placed in 66-779 sub-G

5:25 pm

Handwritten initials

1/15/76

PAGE TWO C O N F I D E N T I A L

O'BRIEN, JOHN *See at for review* MARCH 31, 1964

NY1137-S (ASTERISK)

REDLICH, NORMAN *See at for review* JANUARY 29, 1964

NY3401-S (ASTERISK)

NEW YORK AND WFO SHOULD FURNISH THE TEXT OF THE OVERHEAR,
IF AVAILABLE, AND ANY OTHER IDENTIFYING INFORMATION AS TO THE
INDIVIDUAL INVOLVED.

SUTEL RESULTS OF YOUR REVIEW EXPEDITIOUSLY.

CLASSIFIED BY 3676, XGDS 2, INDEFINITE.

END

HOLD

NR001 WF CODED

9:01AM URGENT 1-15-76 KLS

TO: DIRECTOR, FBI (62-116395)

FROM: SAC, WFO (62-10744) (RUC)

ATTENTION INTD. JUNE

S E C R E T

SENSTUDY 75

RE BUREAU TELETYPE JANUARY 13, 1976.

SET FORTH ARE THE RESULTS OF THE ELECTRONIC SURVEILLANCE
COVERAGE REQUESTED IN REFERENCE TO BUREAU TELETYPE OF
JANUARY 13, 1976:

EARL WARREN, JR., MARCH 2, 1964:

WF 1410-S, WHO PROVIDES INFORMATION CONCERNING THE
EMBASSY OF CHILE PROVIDED THE FOLLOWING INFORMATION AT
6:11 P.M. ON MARCH 2, 1964:

EARL WARREN, JR., AND PRESTON LAST NAME UNKNOWN (LNU)
LONG DISTANCE FROM SACRAMENTO, CALIFORNIA, TO AMBASSADOR
SERGIO GUTIERREZ.

AFTER CHATTING ABOUT PRESTON'S RECENT ILLNESS, PRESTON
ADVISED THAT THEY HAVE RUN INTO SOME DIFFICULTY BECAUSE OF
THE GOVERNOR'S SCHEDULE, AND HE WILL NOT BE AVAILABLE

62-10744-20

SEARCHED	INDEXED
SERIALIZED	FILED
JAN 15 1976	
FBI WASH. F. O.	

[Handwritten signature]

PAGE TWO WFO 62-10744 S E C R E T

APRIL 3. GUTIERREZ THEN ASKED IF HIS PROPOSED VISIT THERE IS REALLY OF INTEREST RIGHT NOW OR IF IT SHOULD BE POSTPONED UNTIL LATER. PRESTON REPLIED THAT APRIL WOULD BE AN APPROPRIATE TIME, BECAUSE BY THAT TIME THEY WILL HAVE THE CALIFORNIA - CHILE FUND GOING, AND BY THAT TIME ALSO THEY WILL HAVE EMBARKED ON THE FIRST PROJECTS IN COOPERATION WITH THE CHILEAN GOVERNMENT. PRESTON ADDED THAT ALSO UNDERSTANDS THAT AT ABOUT THAT TIME THE PEOPLE ON CAPITOL HILL 'WHO DO NOT LIKE US' ARE GOING TO LAUNCH AN ATTACK ON US, SO IT WOULD SEEM ABOUT AS AN APPROPRIATE TIME AS COULD BE IMAGINED. GUTIERREZ SAID HE WOULD CONSULT HIS SCHEDULE VERY CAREFULLY AND WILL CALL PRESTON TOMORROW OR WEDNESDAY.

WARREN THEN SPOKE TO GUTIERREZ AND REFERRED TO GUTIERREZ'S PREFERENCE FOR INFORMAL MEETINGS, AND ASKED IF HE WOULD HAVE ANY OBJECTIONS TO MAKING A COUPLE OF FORMAL APPEARANCES, ONE IN THE NORTH, AND ONE IN THE SOUTHERN PART OF THE STATE. GUTIERREZ SAID HE WOULD GO ALONG WITH ANY PLANS THEY WISH TO MAKE."

PAGE THREE WFO 62-10744 S E C R E T

RICHARD RUSSELL, APRIL 25, 1967:

WF 1779-S, WHO PROVIDES INFORMATION CONCERNING THE EMBASSY OF CHINA, WDC, AT 2:40 P.M. ON APRIL 25, 1967, PROVIDED THE FOLLOWING INFORMATION:

"ERV SWANSON 'FROM THE U.S. SENATE' TO MINISTER WOO, SHIH - YING. SWANSON ADVISED WOO HE KNEW A VERY POWERFUL PERSON WHOM THEY MAY WISH TO INVITE TO THE PARTY. THE MAN IS WILLIAM JORDAN, EXECUTIVE SECRETARY TO SENATOR RICHARD RUSSELL OF GEORGIA. JORDAN HAD SHOWN INTEREST IN GOING TO TWIN OAKS AND IT WOULD BE ADVANTAGEOUS TO INVITE HIM. HIS ADDRESS IS ROOM 205, SENATE OFFICE BUILDING."

HALE BOGGS, NOVEMBER 23, 1964:

WF 1523-S, WHO PROVIDES INFORMATION CONCERNING THE ALGERIAN EMBASSY, WDC, MADE AVAILABLE THE FOLLOWING INFORMATION AT 3:03 P.M. ON NOVEMBER 23, 1964:

"SECRETARY IN THE OFFICE OF REPRESENTATIVE HALE BOGGS, SAYING: MR. AND MRS. BOGGS AND DAUGHTER, CORINNE WILL ATTEND THE RECEPTION ON WEDNESDAY, DECEMBER 9."

PAGE FOUR WFO 62-10744 S E C R E T

JOHN J. MC CLOY, APRIL 14, 1964:

WF - 1549-S, WHO PROVIDES INFORMATION CONCERNING THE GREEK EMBASSY, WFO, MADE AVAILABLE THE FOLLOWING INFORMATION AT 10:55 A.M. ON APRIL 14, 1964:

MR. HOWLIN (PHONETIC) TO AMBASSADOR ALEXANDER MATSAS SAYING: I JUST RECEIVED A TELEPHONE CALL FROM CAMBRIDGE, MASSACHUSETTS ABOUT AN HONORARY COMMITTEE FOR THE GENADION (PHONETIC) LIBRARY IN ATHENS AT OUR SCHOOL. PROFESSOR FRANCIS WALTON FROM HARVARD UNIVERSITY WROTE YOU A LETTER TWO OR THREE WEEKS AGO ASKING IF YOU WOULD LIKE TO BE AN HONORARY MEMBER OF THE ADVISORY COMMITTEE AND HE HAS NOT RECEIVED YOUR REPLY. MATSAS SAYS: IT PROBABLY CAME WHILE I WAS AWAY. HOWLIN: OTHERS WHO HAVE ACCEPTED ARE: MRS. BLISS, MR. LABONISSE THE AMBASSADOR IN GREECE, THOMAS LAMONT OF NEW YORK, JOHN J. MC CLOY AND MR. LILLY. MATSAS: I'M SORRY BUT I'LL CHECK ON THIS LATER, HOPE TO SEE YOU SOON, GOOD BYE."

ADMINISTRATIVE:

CLASSIFIED BY 6121, XGDS 2 AND 3. INDEFINITE.

AS THE BUREAU IS AWARE, THE ELSUR INDICES INDICATE ONLY THE FIRST OCCASION IN WHICH THE INDIVIDUAL IS INTERCEPTED IN CONVERSATION IN A GIVEN ELECTRONIC SURVEILLANCE.

PAGE FIVE WFO 62-10744 S E C R E T

IN THE INSTANT TELETYPE, WFO HAS ONLY ENDEAVORED TO PROVIDE INFORMATION CONCERNING THE ELECTRONIC INTERCEPTIONS OF THE INDIVIDUALS REQUESTED IN THE BUREAU TELETYPE OF JANUARY 13, 1976. WFO HAS NOT CONDUCTED A COMPREHENSIVE REVIEW OF ITS ELSUR INDICES OR ITS STANDARD INDICES CONCERNING THE INDIVIDUALS SET FORTH IN THE REFERENCED BUREAU TELETYPE. IT IS, THEREFORE, POSSIBLE THAT THE INDIVIDUALS MENTIONED ABOVE MAY HAVE BEEN INTERCEPTED ON OTHER OCCASIONS THAN ARE SET FORTH ABOVE OR MAY HAVE BEEN INTERCEPTED IN OTHER ELECTRONIC SURVEILLANCES CONDUCTED BY WFO. UACB, WFO WILL NOT CONDUCT A COMPREHENSIVE REVIEW OF ITS ELSUR INDICES OR STANDARD INDICES CONCERNING THE INDIVIDUALS SET FORTH IN BUREAU TELETYPE OF JANUARY 13, 1976.

END.

AJN FBIHQ CLR TU

FBI

Date: 1/14/76

Transmit the following in _____
(Type in plaintext or code)

CODED

Via TELETYPE URGENT
(Precedence)

COI

TO: DIRECTOR, FBI (62-116395) *901 a ASN*

FROM: SAC, WFO (62-10744) (RUC)

ATTENTION INTD. JUNE

S E C R E T

SENSTUDY 75

RE BUREAU TELETYPE JANUARY 13, 1976.

SET FORTH ARE THE RESULTS OF THE ELECTRONIC SURVEILLANCE
COVERAGE REQUESTED IN REFERENCE TO BUREAU TELETYPE OF
JANUARY 13, 1976:

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ADVISED THAT THEY HAVE RUN INTO SOME DIFFICULTY BECAUSE OF
THE GOVERNOR'S SCHEDULE, AND HE WILL NOT BE AVAILABLE UNTIL

1- Tickler

DES:mjl

SEARCHED _____ INDEXED _____
SERIALIZED *4/2* FILED *4/2*

JAN 15 9 00 AM '76

Approved: *[Signature]*

Special Agent in Charge

Sent: *[Signature]*

M

Per *[Signature]*

62-10744-20

F B I

Date: 1/14/76

Transmit the following in CODED
(Type in plaintext or code)Via TELETYPE URGENT
(Precedence)

PAGE TWO WFO 62-10744 S E C R E T

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Approved: _____ Sent _____ M Per _____
Special Agent in Charge

F B I

Date: 1/14/76

Transmit the following in _____
(Type in plaintext or code)

CODED

Via TELETYPE URGENT
(Precedence)

PAGE THREE WFO 62-10744 S E C R E T

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HALE BOGGS, NOVEMBER 23, 1964:

WF 1523-S*, WHO PROVIDES INFORMATION CONCERNING THE ALGERIAN EMBASSY, WDC, MADE AVAILABLE THE FOLLOWING INFORMATION AT 3:03 P.M. ON NOVEMBER 23, 1964:

"SECRETARY IN THE OFFICE OF REPRESENTATIVE HALE BOGGS, SAYING: MR. AND MRS. BOGGS AND DAUGHTER, CORINNE WILL ATTEND THE RECEPTION ON WEDNESDAY, DECEMBER 9."

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

F B I

Date: 1/14/76

Transmit the following in _____

CODED

(Type in plaintext or code)

TELETYPE

URGENT

Via _____

(Precedence)

PAGE FOUR WFO 62-10744 S E C R E T

JOHN J. MC CLOY, APRIL 14, 1964:

WF - 1549-S#, WHO PROVIDES INFORMATION CONCERNING THE GREEK EMBASSY, WDC, MADE AVAILABLE THE FOLLOWING INFORMATION AT 10:55 A.M. ON APRIL 14, 1964:

MR. HOWLIN (PHONETIC) TO AMBASSADOR ALEXANDER MATSAS SAYING: I JUST RECEIVED A TELEPHONE CALL FROM CAMBRIDGE, MASSACHUSETTS ABOUT AN HONORARY COMMITTEE FOR THE GENADION (PHONETIC) LIBRARY IN ATHENS AT OUR SCHOOL. PROFESSOR FRANCIS WALTON FROM HARVARD UNIVERSITY WROTE YOU A LETTER TWO OR THREE WEEKS AGO ASKING IF YOU WOULD LIKE TO BE AN HONORARY MEMBER OF THE ADVISORY COMMITTEE AND HE HAS NOT RECEIVED YOUR REPLY. MATSAS SAYS: IT PROBABLY CAME WHILE I WAS AWAY. HOWLIN: OTHERS WHO HAVE ACCEPTED ARE: MRS. BLISS, MR. LABOUISSSE THE AMBASSADOR IN GREECE, THOMAS LAMONT OF NEW YORK, JOHN J. MC CLOY AND MR. LILLY. MATSAS: I'M SORRY BUT I'LL CHECK ON THIS LATER, HOPE TO SEE YOU SOON, GOOD BYE."

ADMINISTRATIVE:

CLASSIFIED BY 6121, XGDS 2 AND 3. INDEFINITE.

AS THE BUREAU IS AWARE, THE ELSUR INDICES INDICATE ONLY THE FIRST OCCASION IN WHICH THE INDIVIDUAL IS INTERCEPTED IN CONVERSATION IN A GIVEN ELECTRONIC SURVEILLANCE.

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

F B I

Date: 1/14/76

Transmit the following in _____
(Type in plaintext or code)Via TELETYPE URGENT
(Precedence)

PAGE FIVE WFO 62-10744 S E C R E T

IN THE INSTANT TELETYPE, WFO HAS ONLY ENDEAVORED TO PROVIDE INFORMATION CONCERNING THE ELECTRONIC INTERCEPTIONS OF THE INDIVIDUALS REQUESTED IN THE BUREAU TELETYPE OF JANUARY 13, 1976. WFO HAS NOT CONDUCTED A COMPREHENSIVE REVIEW OF ITS ELSUR INDICES OR ITS STANDARD INDICES CONCERNING THE INDIVIDUALS SET FORTH IN THE REFERENCED BUREAU TELETYPE. IT IS, THEREFORE, POSSIBLE THAT THE INDIVIDUALS MENTIONED ABOVE MAY HAVE BEEN INTERCEPTED ON OTHER OCCASIONS THAN ARE SET FORTH ABOVE OR MAY HAVE BEEN INTERCEPTED IN OTHER ELECTRONIC SURVEILLANCES CONDUCTED BY WFO. UACB, WFO WILL NOT CONDUCT A COMPREHENSIVE REVIEW OF ITS ELSUR INDICES OR STANDARD INDICES CONCERNING THE INDIVIDUALS SET FORTH IN BUREAU TELETYPE OF JANUARY 13, 1976.

END.

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

UNITED STATES GOVERNMENT

Memorandum

Handle file

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

TO : Clarence Kelley, Director
FBI

DATE: January 12, 1976

FROM : Edward H. Levi *362*
Attorney General

SUBJECT: Joseph Kraft burglary

Among the documents from Federal Bureau of Investigation files provided to my office under a cover memorandum dated October 7, 1975, there was a memorandum dated July 18, 1973 and titled "Joseph Kraft." This document, along with the others, was provided to Mr. Kraft's attorneys pursuant to the agreement of August 5, 1975, for review before the department furnished it to the Senate Select Committee.

When Mr. Kraft and his attorneys reviewed the July 18, 1973, document they raised a question about a reference on page two of the document which stated:

"On September 4, 1969, Joseph Kraft advised the Washington Field Office of the FBI that he left his home (3021 N Street, N. W., Washington D. C.) at approximately 9:20 P.M. on September 3, 1969, to visit with former Governor Averell Harriman who resided a few doors from the Kraft "residence. At approximately 9:45 P.M. Mrs. Kraft, who was in the second floor bedroom of the residence, came down the stairs and found the door open.

"Subsequently, it was discovered by Mr. and Mrs. Kraft several items of sterling silver were missing from the dining room and the pantry which items, according to the Krafts, had an estimated value of approximately \$10,000.

"A crime scene search and processing of the crime scene by the Metropolitan Police Department produced negative results. No forcible entry was noted and Mr. Kraft advised investigative officers of the Metropolitan Police Department that he had probably left the front door ajar when he departed the residence.

62-10744-21

SEARCHED.....	INDEXED.....
SERIALIZED.....	FILED.....
JAN 23 1976	
FBI - WASH. F. O.	



"On the morning of September 4, 1969, the Metropolitan Police Department was advised by the Washington National Airport Police that some silverware had been found near one of the entrances to the terminal at the Washington National Airport. The silverware was recovered by the Metropolitan Police Department and processed for latent fingerprints without success and the items were returned to Mrs. Kraft upon her identification of the silverware. No suspects were developed by either the FBI or the Metropolitan Police Department in the investigation of the matter."

Mr. Kraft does not recall having spoken to the FBI about the burglary. Documents provided more recently to Mr. Kraft pursuant to the August 5, 1975, agreement do not shed any light on this question.

The incident is curious in that the only reference to it comes in the memorandum of July 18, 1973, discussing a press report about the activities of John D. Erlichman. Could you have someone look into this matter for me? The obvious questions are: What other documents in FBI files say about the September 3, 1969, burglary? What files of the Bureau or its Washington field office indicate about how the conversation about the burglary took place?

FBI

Transmit in _____ Via Airtel

(Type in plaintext or code)

(Precedence)

To: SAC, Washington Field Office

1/23/76
(Date)

✓ From: Director, FBI (62-116395)

SENSTUDY 75
BUDED 1/30/76

Enclosed is a self-explanatory letter from the Attorney General dated 1/12/76.

Joseph Kraft, the subject of the inquiry, is the well-known newspaper columnist and a Washington, D. C. resident. During the past year, information contained in FBI Headquarters files relating to Kraft has been furnished to the U. S. Senate Select Committee on Intelligence Activities (SSC) pursuant to SSC requests. Kraft and his attorneys have reviewed the material furnished to the SSC regarding him in accordance with an agreement between Kraft and the Attorney General, referred to in paragraph one of the enclosure. As noted in the enclosure, Kraft, as a result of a review of information regarding the burglary of his residence on 9/3/69, raised certain questions.

WFO should furnish FBIHQ with Xeroxes of all serials in its files which relate to the 9/3/69 burglary except WFO airtel and letter to the Bureau dated 9/4/69 and 10/17/69, respectively, captioned "UNSUB; Burglary of residence of Joseph Kraft, 3021 N. Street N. W., Washington, D. C., Loss of silverware, 9/3/69 in excess of \$5,000.00 ITSP (OO:WFO)" file number 87-17564. This material should of course include any serials which would indicate the manner in which the burglary was reported to WFO and how the conversation about the burglary took place.

Enclosure

Cal

(Do not type below this line.)

(This line for LEFT MARGIN.)

(Do not type BEYOND THIS MARGIN.)

62-10744-22

SEARCHED.....	INDEXED.....
SERIALIZED.....	FILED.....
JAN 23 1976	
FBI - WASH. F. O.	


Loome
Handle - note
Bubel

Cal
Set T 1-29-76
for

Airtel to Washington Field Office
Re: Senstudy 75
62-116395

In addition to the review of all files pertinent to this inquiry, WFO should review the newspaper morgues of daily newspapers published in Washington, D. C., at such time for articles concerning the burglary and which may shed some additional light on this matter.

This matter must be given expeditious attention and results submitted by airtel to reach Bureau by c.o.b. 1/30/76.



1/29/76

AIRTEL

TO: DIRECTOR, FBI (62-116395)

FROM: SAC, WFO (62-10744)

SENSTUDY 75
BUDED 1/30/76

ReBu airtel to WFO dated 1/23/76.

Enclosed for the Bureau are the following serials from WFO file 87-17564 entitled UNSUB; Burglary of Residence of JOSEPH KRAFT, 3021 N St., N.W., Washington, D.C., Loss of Silverware, 9/3/69, in Excess of \$5,000, ITSP, OO:WFO: WFO memorandum of SA ANGELO J. LANO dated 9/22/69, Baltimore letter to WFO dated 10/21/69, Alexandria letter to WFO dated 10/22/69 and WFO memorandum of SA ANGELO J. LANO dated 12/5/69.

The above enclosures constitute all serials requested by the Bureau in referenced airtel to WFO dated 1/23/76 regarding the burglary of the residence of JOSEPH KRAFT, 3021 N Street, N.W., Washington, D.C. on 9/3/69.

On 1/28/76 the papers published for 9/1/69 through 9/7/69 inclusive by the Washington Post and the Evening Star, both local dailies of general circulation in the Washington, D.C. area, where searched for an article regarding the KRAFT burglary. The search was conducted at the Library of Congress periodical microfilm section with negative results.

2-Bureau (Enc. 4)

1-WFO

JFL:jmm

(3)

Searched _____
Serialized _____
Indexed _____
Filed _____

62-10744-23

NR365 WA PLAIN

8:35PM URGENT 2/13/76 EMS

TO NEW YORK

WASHINGTON FIELD

FROM DIRECTOR

⁰⁻⁷
HOUSE COMMITTEE ON GOVERNMENT OPERATIONS

RE BUTELEPHONE CALLS TO NEW YORK OFFICE AND WASHINGTON
FIELD OFFICE THIS DATE.

THE BUREAU WAS SERVED WITH THREE SUBPOENAS AND THREE SUB-
POENAS DICES TECUM, FACSIMILES OF WHICH ARE BEING SENT TO YOU
TODAY. THEY REQUIRE SAS DAVID G. JENKINS (NY), WALTER C. ZINK
(NY), AND JOHN P. LOOMIS (WFO) TO TESTIFY BEFORE THE HOUSE
SUBCOMMITTEE ON GOVERNMENT INFORMATION AND INDIVIDUAL RIGHTS
AT 9:30 A. M., FEBRUARY 25, 1976, AND TO PRODUCE CERTAIN
DOCUMENTS TO THE SUBCOMMITTEE ON OR BEFORE FEBRUARY 18, 1976.

THIS MATTER IS BEING COORDINATED WITH THE DEPARTMENT OF
JUSTICE.

IF THESE AGENTS DESIRE TO HAVE THE DEPARTMENT OBTAIN COUN-
SEL TO REPRESENT THEM, THEY SHOULD SO ADVISE THE BUREAU, LEGAL
COUNSEL DIVISION.

SAS JENKINS, ZINK, AND LOOMIS SHOULD REPORT TO RCON 3659,
JEH BUILDING, 9TH AND PENNSYLVANIA AVE, WASHINGTON, D. C. ON

FEB 10 8 41 PM '76

62-10744-26

PAGE TWO

THE MORNING OF FEBRUARY 24, 1976.

BRING THIS COMMUNICATION AND THE FACSIMILE COPIES OF THE
SUEPOENAS TO THE PERSONAL ATTENTION OF SAS JENKINS, ZINK,
AND LOOMIS.

EN

NR065 WA PLAIN

3:35PM URGENT 2/10/76 EMS

TO NEW YORK

WASHINGTON FIELD

FROM DIRECTOR

HOUSE COMMITTEE ON GOVERNMENT OPERATIONS

RE BUTELPHONE CALLS TO NEW YORK OFFICE AND WASHINGTON
FIELD OFFICE THIS DATE.

THE BUREAU WAS SERVED WITH THREE SUBPOENAS AND THREE SUB-
POENAS DICES TECUM, FACSIMILES OF WHICH ARE BEING SENT TO YOU
TODAY. THEY REQUIRE SAs DAVID G. JENKINS (NY), WALTER C. ZINK
(NY), AND JOHN P. LOOMIS (WFO) TO TESTIFY BEFORE THE HOUSE
SUBCOMMITTEE ON GOVERNMENT INFORMATION AND INDIVIDUAL RIGHTS
AT 9:30 A. M., FEBRUARY 25, 1976, AND TO PRODUCE CERTAIN
DOCUMENTS TO THE SUBCOMMITTEE ON OR BEFORE FEBRUARY 18, 1976.

THIS MATTER IS BEING COORDINATED WITH THE DEPARTMENT OF
JUSTICE.

IF THESE AGENTS DESIRE TO HAVE THE DEPARTMENT OBTAIN COUN-
SEL TO REPRESENT THEM, THEY SHOULD SO ADVISE THE BUREAU, LEGAL
COUNSEL DIVISION.

SAs JENKINS, ZINK, AND LOOMIS SHOULD REPORT TO ROOM 3659,
JER BUILDING, 9TH AND PENNSYLVANIA AVE, WASHINGTON, D. C. ON

PAGE TWO

THE MORNING OF FEBRUARY 24, 1976.

BRING THIS COMMUNICATION AND THE FACSIMILE COPIES OF THE
SUBPOENAS TO THE PERSONAL ATTENTION OF SAs JENKINS, ZINK,
AND LOOMIS.

EN

ORIGINAL

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE
UNITED STATES OF AMERICATo Robert S. FinkYou are hereby commanded to summon John P. "Bucky" Loomis, Washington Field
Office, Federal Bureau of Investigation, Washington, D. C. 20530to be and appear before the ~~Government Information and Individual Rights~~
Subcommittee of the Government Operations

Committee of the House of Representatives of the United States, of which the Hon.

Bella S. Abzug~~Chairman~~
Chairmanin their chamber in the city of Washington, on February 25, 1976, and any adjourned
date or dates at the hour of 9:30 a.m.then and there to testify touching matters of inquiry committed to said Committee; and he is
not to depart without leave of said Committee.

Herein fail not, and make return of this summons.

Witness my hand and the seal of the House of Representatives

of the United States, at the city of Washington, this

4th day of February, 19 76
JACK BROOKS, ~~Chairman~~
Committee on Government Operations

Attest:


Edmund P. ...
Clerk

ORIGINAL

Subpoena for John P. "Bucky" Logan
Washington Field Office
Federal Bureau of Investigation
Washington, D. C. 20530
before the Committee on the Government
Operations, Government Information and
Individual Rights Subcommittee

Served

House of Representatives

U.S. GOVERNMENT PRINTING OFFICE 16-55948

SCHEDULE

Any and all records* in his possession, under his dominion or control, or within his means to produce, concerning or relating to the interception by, examination by, requests by or from, or delivery to or for any employee or agent of any department, agency, bureau, or other entity of the United States, since January 1, 1947, of--

(1) information as to the existence, contents, substance, purport, effect, meaning, sender, or recipient of any interstate or foreign communication by wire, cable, radio, carrier frequency, or other means; and

(2) information as to users or customers of communications common carriers, including but not limited to, information as to the identity of such users or customers and the communications line distribution channel numbers of such users or customers.

*The term "records" as used herein includes, but is not limited to, writings, documents, contracts, agreements, memoranda, reports, correspondence, lists, tables, receipts, minutes, and electronic records and recordings.

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

Transmit attached by Facsimile - PLANTEXT

FEB 10 1976

Priority URGENT

TELETYPE

To: ADIC, NEW YORK
SAC, WASHINGTON
From: DIRECTOR FBI

Date: 2-10-76

Time Transmitted: 066

Subject: HOUSE COMMITTEE ON GOVERNMENT OPERATIONS

☐ Fingerprint Photo ☐ Fingerprint Record ☐ Map ☐ Microscopic Clipping ☐ Photograph☐ Article Caption☐ Other _____

Special handling instructions:

Attached subpoena being sent in conjunction with teletype captioned, "HOUSE COMMITTEE ON GOVERNMENT OPERATIONS." dated 2-10-76.

Approved: _____

SEARCHED _____ INDEXED _____

SERIALIZED _____ FILED _____

FEB 10 8 32 PM '76

FBI-WASH. F. O.

--	--

ORIGINAL

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE
UNITED STATES OF AMERICA

To Robert S. Fink

You are hereby ~~commanded~~ to summon David G. Jenkins, Federal Bureau of
Investigation, 201 East 69th Street, New York, N.Y. 10021

to be and appear before the Government Information and Individual Rights
Subcommittee of the Government Operations

Committee of the House of Representatives of the United States, of which the Hon.

Bella S. Abzug

is Chairman.

in their chamber in the city of Washington, on February 25, 1976, and any adjourned
date or dates at the hour of 9:30 a.m.

then and there to testify touching matters of inquiry committed to said Committee; and he is
not to depart without leave of said Committee.

Herein fail not, and make return of this summons.

Witness my hand and the seal of the House of Representatives
of the United States, at the city of Washington, this
4th day of February, 19 76

Jack Brooks

JACK BROOKS.

Chairman

Committee on Government Operations

Attest:

Samuel P. [Signature]

Clk.

ORIGINAL

Subpoena for David G. Aronson
Federal Bureau of Investigation
201 East 59th Street
New York, N.Y. 10021
before the Committee on the Government
Operations, Government Information and
Individual Rights Subcommittee

Served

House of Representatives

U.S. GOVERNMENT PRINTING OFFICE 16-70901-1

SCHEDULE

Any and all records* in his possession, under his dominion or control, or within his means to produce, concerning or relating to the interception by, examination by, requests by or from, or delivery to or for any employee or agent of any department, agency, bureau, or other entity of the United States, since January 1, 1947, of--

(1) information as to the existence, contents, substance, purport, effect, meaning, sender, or recipient of any interstate or foreign communication by wire, cable, radio, carrier frequency, or other means; and

(2) information as to users or customers of communications common carriers, including but not limited to, information as to the identity of such users or customers and the communications line distribution channel numbers of such users or customers.

*The term "records" as used herein includes, but is not limited to, writings, documents, contracts, agreements, memoranda, reports, correspondence, lists, tables, receipts, minutes, and electronic records and recordings.

ORIGINAL

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE
UNITED STATES OF AMERICATo Robert S. FinkYou are hereby commanded to summon Walter C. Zink, Federal Bureau of
Investigation, 201 East 69th Street, New York, N.Y. 10021to be and appear before the Government Information and Individual Rights
Subcommittee of the Government OperationsCommittee of the House of Representatives of the United States, of which the Hon.
Bella S. Abzug is chairman.in their chamber in the city of Washington, on February 25, 1976, and any adjourned
date or dates at the hour of 9:30 a.m.then and there to testify touching matters of inquiry committed to said Committee; and he is
not to depart without leave of said Committee.

Herein fail not, and make return of this summons.

Witness my hand and the seal of the House of Representatives
of the United States, at the city of Washington, this
4th day of February, 19 76JACK BROOKS, Chairman,
Committee on Government Operations

Attest:

Samuel P. [Signature]
Clk.

ORIGINAL

Subpoena for Walter C. Zink
Federal Bureau of Investigation
201 East 69th Street
New York, N.Y. 10021
before the Committee on the Government
Operations, Government Information and
Individual Rights Subcommittee

Served

House of Representatives

U.S. GOVERNMENT PRINTING OFFICE 16-747-4

ORIGINAL

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE
UNITED STATES OF AMERICA

To Robert S. Fink

You are hereby commanded to summon Walter C. Zink, Federal Bureau of
Investigation, 201 East 68th Street, New York, N.Y. 10021

Government Information and Individual Rights
to be and appear before the Subcommittee of the Government Operations

Committee of the House of Representatives of the United States, of which the Hon.

Della S. Abner Chairman, and to bring with
him the items specified in the schedule attached hereto and made a part
hereof; in Room 2343-E, Rayburn House Office Building

Washington, D.C. in the city of Washington, on or before February 18, 1976

at the hour of 10:00 A.M.
produce and deliver such items to said subcommittee, or such
them and there to representative of said subcommittee as may be designated by its chairman.

Witness my hand and seal of the House of Representatives

of the United States, at the city of Washington, this

4th day of February, 1976

Jack Brooks
JACK BROOKS,
Committee on Government Operations

James P. [Signature]

ORIGINAL

Subpena for Walter C. Zink

Federal Bureau of Investigation

201 East 59th Street

New York, N.Y. 10021

before the Committee on the Government

Operations, Government Information and

Individual Rights Subcommittee

Served

House of Representatives

U.S. GOVERNMENT PRINTING OFFICE 16-443-4

DIRECTOR, FBI

2/17/76

ATTN: LEGAL COUNSEL DIVISION

SAC, WFO (62-10744)

HOUSE COMMITTEE ON
GOVERNMENT OPERATIONS

Re Bureau teletype, 2/10/76.

Special Agent (SA) JOHN PAUL LOOMIS desires
Department obtain counsel to represent him during testimony
before House Subcommittee on Government Information and
Individual Rights, 2/25/76.

Stamper

CP

2 - Bureau
1 - WFO

JPL:sje
(3)

62-10744-27

SENSTUDY 75

ON FEBRUARY 23, 1976, A SOURCE OF THE OAKLAND RESIDENT AGENCY REPORTED THAT ROBERT LEE LEWIS, INVESTIGATOR FOR THE CHURCH COMMITTEE, HAD BEEN TRYING TO GET SOMEONE TO TESTIFY BEFORE THE COMMITTEE ON THE MISHANDLING OF THE HEARST CASE. HE WAS SUPPOSED TO HAVE BEEN IN CONTACT WITH ED MONTGOMERY, A RETIRED EXAMINER REPORTER, AND POSSIBLY THE HEARSTS.

SAC BATES HAS BEEN PERSONALLY ACQUAINTED WITH MONTGOMERY FOR MANY YEARS. HE CALLED MONTGOMERY AND ASKED HIM CONCERNING THE ABOVE. MONTGOMERY SAID THAT HE HAD RECEIVED A TELEPHONE CALL FROM A THIRD PARTY ASKING HIM TO CALL LEWIS IN WASHINGTON AS HE WANTED ADVERSE TESTIMONY ABOUT THE FBI. MONTGOMERY CALLED AND WHEN UNABLE TO SPEAK WITH LEWIS AND AFTER BEING ADVISED OF WHAT LEWIS WANTED, HE HUNG UP. ON SUNDAY, FEBRUARY 22, 1976, LEWIS CALLED MONTGOMERY. HE TOLD MONTGOMERY HE WANTED SOMEONE TO TESTIFY AS TO HOW THE FBI HAD MESSED UP THINGS ON THE WEST COAST. MONTGOMERY IS NOT SURE IF HE SPECIFICALLY MENTIONED THE HEARST CASE. MONTGOMERY TOLD LEWIS HE HAD NOTHING IN THIS

Assn with -
assn Sullivan
info

576 26

15, 24, 25

PAGE TWO

REGARD HE COULD TESTIFY TO, THAT THE FBI WAS DOING A FINE JOB, THAT HE, MONTGOMERY, DID NOT APPROVE OF THE WAY THE CHURCH COMMITTEE HAD HANDLED ITSELF IN THE PAST AND THAT THEY SHOULD GET OFF OF THE BACKS OF THE CIA AND THE FBI AND LET THEM GET ON WITH THE JOB AND THEN HUNG UP.

MONTGOMERY MADE THE COMMENT THAT HE THOUGH THIS WAS A TERRIBLE WAY TO ATTEMPT TO GET FACTS. SAC BATES SUGGESTED TO HIM IF HE FELT SO STRONGLY ABOUT IT, HE SHOULD CONSIDER WRITING AN ARTICLE FOR THE EXAMINER AS TO THE APPROACH MADE TO HIM BY THE COMMITTEE. MONTGOMERY RETIRED SEVERAL MONTHS AGO, BUT IS STILL CLOSE TO THE EXAMINER.

ABOVE BEING SUBMITTED FOR BUREAU'S INFORMATION.

END

MLS FBI WR CLR TKS

DE WFO GA PLS
NR014 WA PLAIN
2:32PM 12-24-75 MAH
TO WASHINGTON FIELD
FROM DIRECTOR (62-116464)
HOUSTUDY 75.

Frank W. Waikart
67-8107300

THE ~~HOUSE~~ SELECT COMMITTEE (HSC) HAS INDICATED DESIRE TO
INTERVIEW FORMER ASSISTANT DIRECTOR FRANK WAIKART CONCERNING
KNOWLEDGE HE MAY POSSESS PERTAINING TO THE BUREAU'S PURCHASING
PRACTICE WITH U.S. RECORDING COMPANY. ^{*ONUM-ops.*} PERSONNEL FILE OF
WAIKART LISTS HIS LAST KNOWN HOME ADDRESS AS OF 1972 TO BE
3715 WELTHAM STREET, SOUTHEAST, WASHINGTON, D.C. 20023.

WASHINGTON FIELD IS REQUESTED TO CONTACT WAIKART AND ADVISE
HIM OF ABOVE-STATED HSC INTENTION. HE SHOULD BE INSTRUCTED THAT WHEN
AND IF CONTACTED BY THE HSC HE SHOULD, BEFORE SUBMITTING TO
INTERVIEW, TELEPHONICALLY CONTACT THE LEGAT COUNSEL DIVISION AT
BUREAU HEADQUARTERS TO SECURE RELEASE FROM HIS EMPLOYMENT
AGREEMENT AND TO ASCERTAIN PARAMETERS WITHIN WHICH INTERVIEW MAY
BE CONDUCTED. ADVISE HEADQUARTERS ONLY IF DIFFICULTY SHOULD
BE ENCOUNTERED IN ESTABLISHING CONTACT WITH WAIKART.

END

MMD FBI WF CLR

advised
12/26/75
HW

62-10744-31
SEARCHED *HW* INDEXED *HW*
SERIALIZED *HW* FILED *HW*

DEC 24 2 32 PM '75

P
WAIKART *HW*

62-10744-31
12-24

TO: SAC:

☐ Albany
☐ Albuquerque
☐ Alexandria
☐ Anchorage
☐ Atlanta
☐ Baltimore
☐ Birmingham
☐ Boston
☐ Buffalo
☐ Butte
☐ Charlotte
☐ Chicago
☐ Cincinnati
☐ Cleveland
☐ Columbia
☐ Dallas
☐ Denver
☐ Detroit
☐ El Paso
☐ Honolulu

☐ Houston
☐ Indianapolis
☐ Jackson
☐ Jacksonville
☐ Kansas City
☐ Knoxville
☐ Las Vegas
☐ Little Rock
☐ Los Angeles
☐ Louisville
☐ Memphis
☐ Miami
☐ Milwaukee
☐ Minneapolis
☐ Mobile
☐ Newark
☐ New Haven
☐ New Orleans
☐ New York City
☐ Norfolk

☐ Oklahoma City
☐ Omaha
☐ Philadelphia
☐ Phoenix
☐ Pittsburgh
☐ Portland
☐ Richmond
☐ Sacramento
☐ St. Louis
☐ Salt Lake City
☐ San Antonio
☐ San Diego
☐ San Francisco
☐ San Juan
☐ Savannah
☐ Seattle
☐ Springfield
☐ Tampa
☐ Washington Field
☐ Quantico

TO LEGAT:

☐ Beirut
☐ Bern
☐ Bonn
☐ Brasilia
☐ Buenos Aires
☐ Caracas
☐ Hong Kong
☐ London
☐ Madrid
☐ Manila
☐ Mexico City
☐ Ottawa
☐ Paris
☐ Rome
☐ Singapore
☐ Tel Aviv
☐ Tokyo

RE:

Date 12/30/75

DIRECTORS APPEARANCE BEFORE SENATE SELECT
COMMITTEE ON INTELLIGENCE ACTIVITIES,
DECEMBER 10, 1975

☐ For information ☐ Retention optional ☐ For appropriate action ☐ Surep, by _____
☐ The enclosed is for your information. If used in a future report, ☐ conceal all sources, ☐ paraphrase contents.
☐ Enclosed are corrected pages from report of SA _____ dated _____

Remarks:

ReButel to all SACs and Legats, 12/10/75.

Enclosed for each Office and Legat is one copy of the transcript of questions which were asked Mr. Kelley during captioned appearance, along with Mr. Kelley's answers to those questions.

Enc. (1)
Bufile
Urfile

62-10744

SEARCHED _____	INDEXED _____
SERIALIZED _____	FILED _____
JAN 5 1976	
FBI—WASH. FIELD OFFICE	

Vol. 20

Copy 5

The United States Senate

Report of Proceedings

Hearing held before

Select Committee to Study Governmental Operations

With Respect to Intelligence Activities

INTELLIGENCE INVESTIGATION

Wednesday, December 10, 1975

Washington, D. C.

WARD & PAUL
410 FIRST STREET, S. E.
WASHINGTON, D. C. 20003

(202) 544-6000

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C O N T E N T

STATEMENT OF:

PAGE

The Honorable Clarence M. Kelley,
Director, Federal Bureau of Inve-
stigation

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INTELLIGENCE INVESTIGATION

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Wednesday, December 10, 1975

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United States Senate,

Select Committee to Study Governmental

Operations with Respect to

Intelligence Activities,

Washington, D. C.

The Committee met, pursuant to notice, at 10:10 o'clock a.m., in Room 318, Russell Senate Office Building, the honorable Frank Church (Chairman of the Committee) presiding.

Present: Senators Church (presiding), Hart of Michigan, Mondale, Huddleston, Hart of Colorado, Baker, Goldwater and Mathias.

Also present: William G. Miller, Staff Director; Frederick A. O. Schwarz, Jr., Chief Counsel; Curtis R. Smothers, Minority Counsel; Paul Michel, Joseph diGenova, Barbara Banoff, Frederick Baron, Mark Gitenstein, Loch Johnson, David Bushong, Charles Lombard, John Bayly, Charles Kirbow, Michael Madigan, Bob Kelley, John Elliff, Elliot Maxwell, Andy Postal, Pat Shea, Michael Epstein and Burt Wides, Professional Staff Members.

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The Chairman. The Committee's witness this morning is

1 the Honorable Clarence M. Kelley, the Director of the Federal
2 Bureau of Investigation.

3 Mr. Kelley was appointed Director in July of 1973 in a
4 troubled time for the FBI. His experience as an innovative
5 law enforcement administrator in charge of the Kansas City
6 Police Department for over ten years, and his previous work as
7 a Special Agent of the FBI have made him uniquely qualified
8 to lead the Bureau.

9 The Select Committee is grateful for the cooperation
10 extended by Director Kelley in the course of its inquiry over
11 the past months. The Committee is also impressed by the
12 openness of the FBI's witnesses before this Committee, and
13 their willingness to consider the need for legislation to
14 clarify the Bureau's intelligence responsibility.

15 It is important to remember from the outset that this
16 Committee is examining only a small portion of the FBI's
17 activities. Our hearings have concentrated on FBI domestic
18 intelligence operations. We have consistently expressed our
19 admiration and support for the Bureau's criminal investigative
20 and law enforcement work, and we recognize the vital importance
21 of counterespionage in the modern world. But domestic
22 intelligence has raised many difficult questions.

23 The Committee has also concentrated on the past rather
24 than on present FBI activities. The abuses brought to light
25 in our hearings occurred years and even decades before Director

1 Kelley took charge.

2 The Staff has advised the Committee that under Director
3 Kelley the FBI has taken significant steps to rethink previous
4 policies and to establish new safeguards against abuse. The
5 FBI is now placing greater emphasis on foreign related intelli-
6 gence operations, and less on purely domestic surveillance.
7 The FBI is working more closely with the Justice Department in
8 developing policies and standards for intelligence. These
9 are welcome developments.

10 Nevertheless, many important issues remain unresolved.
11 Therefore, we have invited Director Kelley to share with the
12 Committee his views on some of the considerations the Congress
13 should take into account in thinking about the future of
14 FBI intelligence. Among these issues are whether FBI surveil-
15 lance should extend beyond the investigation of persons
16 likely to commit specific crimes; whether there should be
17 outside supervision or approval before the FBI conducts certain
18 types of investigations or uses certain surveillance techniques;
19 whether foreign related intelligence activities should be
20 strictly separated from the FBI's domestic law enforcement
21 functions, and what should be done to the information already
22 in the FBI files and that which may go into those files in
23 the future.

24 The Committee looks forward to a constructive exchange
25 of views with Director Kelley this morning, with Attorney

1 General Levi tomorrow, and with both the FBI and the Justice
2 Department in the next months as the Committee considers
3 recommendations that will strengthen the American people's
4 confidence in the Federal Bureau of Investigation. That
5 confidence is vital for the effective enforcement of Federal
6 law and for the security of the nation against foreign
7 espionage.

8 Director Kelley, we are pleased to welcome you, and if
9 you would have a prepared statement you would like to lead off
10 with, please proceed.

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1 STATEMENT OF THE HONORABLE CLARENCE M. KELLEY,
2 DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

3 Mr. Kelley. Thank you very much, Senator Church and
4 gentlemen.

5 I welcome the interest which this Committee has shown in
6 the FBI and most particularly in our operations in the intelli-
7 gence and internal security fields.

8 I share your high regard for the rights guaranteed by the
9 Constitution and laws of the United States. Throughout my
10 35 year career in law enforcement you will find the same insis-
11 tence, as has been expressed by this Committee, upon programs
12 of law enforcement that are themselves fully consistent with
13 law.

14 I also have strongly supported the concept of legislative
15 oversight. In fact, at the time my appointment as Director of
16 the FBI and was being considered by the Senate Judiciary
17 Committee two and one half years ago, I told the members of
18 that Committee of my firm belief in Congressional oversight.

19 This Committee has completed the most exhaustive study
20 of our intelligence and security operations that has ever been
21 undertaken by anyone outside the FBI other than the present
22 Attorney General. At the outset, we pledged our fullest
23 cooperation and promised to be as candid and forthright as
24 possible in responding to your questions and complying with your
25 requests.

1 I believe we have lived up to those promises.

2 The members and staff of this Committee have had unprece-
3 dented access to FBI information.

4 You have talked to the personnel who conduct security-type
5 investigations and who are personally involved in every facet
6 of our day-to-day intelligence operations.

7 You have attended numerous briefings by FBI officials who
8 have sought to familiarize the Committee and its staff with
9 all major areas of our activities and operations in the national
10 security and intelligence fields.

11 In brief, you have had firsthand examination of these
12 matters that is unmatched at any time in the history of the
13 Congress.

14 As this Committee has stated, these hearings have, of
15 necessity, focused largely on certain errors and abuses. I
16 credit this Committee for its forthright recognition that the
17 hearings do not give a full or balanced account of the FBI's
18 record of performance.

19 It is perhaps in the nature of such hearings to focus
20 on abuses to the exclusion of positive accomplishments of the
21 organization.

22 The Counterintelligence Programs which have received the
23 lion's share of public attention and critical comment constituted
24 an infinitesimal portion of our overall work.

25 A Justice Department Committee which was formed last year

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1 to conduct a thorough study of the FBI's Counterintelligence
2 Programs has reported that in the five basic ones it found
3 3,247 Counterintelligence Programs were submitted to FBI
4 Headquarters from 1956 to 1971. Of this total, 2,370,
5 less than three fourths, were approved.

6 I repeat, the vast majority of those 3,247 proposals were
7 being devised, considered, and many were rejected, in an era
8 when the FBI was handling an average of 700,000 investigative
9 matters per year.

10 Nonetheless, the criticism which has been expressed
11 regarding the Counterintelligence Programs is most legitimate
12 and understandable.

13 The question might well be asked what I had in mind when
14 I stated last year that for the FBI to have done less than it
15 did under the circumstances then existing would have been an
16 abdication of its responsibilities to the American people..

17 What I said then, in 1974, and what I believe today, is
18 that the FBI employees involved in these programs did what they
19 felt was expected of them by the President, the Attorney General,
20 the Congress, and the people of the United States.

21 Bomb explosions rocked public and private offices and
22 buildings; rioters led by revolutionary extremists laid seige
23 to military, industrial, and educational facilities; and,
24 killings, maimings, and other atrocities accompanied such
25 acts of violence from New England to California.

1 The victims of these acts were human beings, men, women,
2 and children. As is the case in time of peril, whether real or
3 perceived, they looked to their Government, their elected and
4 appointed leadership, and to the FBI and other law enforcement
5 agencies to protect their lives, their property, and their
6 rights.

7 There were many calls for action from Members of Congress
8 and others, but few guidelines were furnished. The FBI and other
9 law enforcement agencies were besieged by demands, impatient
10 demands, for immediate action.

11 FBI employees recognized the danger; felt they had a
12 responsibility to respond; and in good faith initiated actions
13 designed to counter conspiratorial efforts of self-proclaimed
14 revolutionary groups, and to neutralize violent activities.

15 In the development and execution of these programs,
16 mistakes of judgment admittedly were made.

17 Our concern over whatever abuses occurred in the Counter-
18 intelligence Programs, and there were some substantial ones,
19 should not obscure the underlying purpose of those programs.

20 We must recognize that situations have occurred in the
21 past and will arise in the future where the Government may well
22 be expected to depart from its traditional role, in the FBI's
23 case, as an investigative and intelligence-gathering
24 agency, and take affirmative steps which are needed to meet
25 an imminent threat to human life or property.

1 In short, if we learn a murder or bombing is to be carried
2 out now, can we truly meet our responsibilities by investigating
3 only after the crime has occurred, or should we have the
4 ability to prevent? I refer to those instances where there is
5 a strong sense of urgency because of an imminent threat to
6 human life.

7 Where there exists the potential to penetrate and disrupt,
8 the Congress must consider the question of whether or not such
9 preventive action should be available to the FBI.

10 These matters are currently being addressed by a task
11 force in the Justice Department, including the FBI,
12 and I am confident that Departmental guidelines and controls can
13 be developed in cooperation with pertinent Committees of Congress
14 to insure that such measures are used in an entirely responsible
15 manner.

16 Probably the most important question here today is what
17 assurances I can give that the errors and abuses which arose
18 under the Counterintelligence Programs will not occur again?

19 First, let me assure the Committee that some very sub-
20 stantial changes have been made in key areas of the FBI's
21 methods of operations since I took the oath of office as
22 Director on July 9, 1973.

23 Today we place a high premium on openness, openness
24 both within and without the service.

25 I have instituted a program of open, frank discussion

1 in the decision-making process which insures that no future
2 program or major policy decision will ever be adopted without a
3 full and critical review of its propriety.

4 Participatory management has become a fact in the FBI.

5 I have made it known throughout our Headquarters and
6 Field Divisions that I welcome all employees, regardless of
7 position or degree of experience, to contribute their thoughts
8 and suggestions, and to voice whatever criticisms or
9 reservations they may have concerning any area of our operations.

10 The ultimate decisions in the Bureau are mine, and I take
11 full responsibility for them. My goal is to achieve maximum
12 critical analysis among our personnel without in any manner
13 weakening or undermining our basic command structure.

14 The results of this program have been most beneficial, to
15 me personally, to the FBI's disciplined performance, and to
16 the morale of our employees.

17 In addition, since some of the mistakes of the past
18 were occasioned by direct orders from higher authorities outside
19 the FBI, we have welcomed Attorney General Edward Levi's
20 guidance, counsel, and his continuous availability, in his
21 own words, "as a 'lightning rod' to deflect improper requests."

22 Within days after taking office, Attorney General Levi
23 instructed that I immediately report to him any requests
24 or practices which, in my judgment, were improper or which,
25 considering the context of the request, I believed presented

1 the appearances of impropriety.

2 I am pleased to report to this Committee as I have to the
3 Attorney General that during my nearly two and one half years as
4 Director under two Presidents and three Attorneys General, no
5 one has approached me or made overtures, directly or otherwise,
6 to use the FBI for partisan political or other improper
7 purposes.

8 I can assure you that I would not for a moment consider
9 honoring any such request.

10 I can assure you, too, in my administration of the FBI
11 I routinely bring to the attention of the Attorney General and
12 the Deputy Attorney General major policy questions, including
13 those which arise in my continuing review of our operations and
14 practices. These are discussed openly and candidly in order
15 that the Attorney General can exercise his responsibilities
16 over the FBI.

17 I am convinced that the basic structure of the FBI today
18 is sound. But it would be a mistake to think that integrity
19 can be assured only through institutional means..

20 Integrity is a human quality. It depends upon the
21 character of the person who occupies the office of the
22 Director and every member of the FBI under him.

23 I am proud of the 19,000 men and women with whom it is
24 my honor to serve today. Their dedication, their professionalism,
25 their standards, and the self-discipline which they personally

1 demand of themselves and expect of their associates are the
2 nation's ultimate assurance of proper and responsible conduct
3 at all times by the FBI.

4 The Congress and the members of this Committee in
5 particular have gained a great insight into the problems
6 confronting the FBI in the security and intelligence fields,
7 problems which all too often we have left to resolve without
8 sufficient guidance from the Executive Branch or the Congress
9 itself.

10 As in all human endeavors, errors of judgment have been
11 made. But no one who is looking for the cause of our
12 failures should confine his search solely to the FBI, or even
13 to the Executive Branch.

14 The Congress itself has long possessed the mechanism for
15 FBI oversight; yet, seldom has it been exercised.

16 An initial step was taken in the Senate in 1973 when the
17 Committee on the Judiciary established a Subcommittee on FBI
18 Oversight. Hearings had been commenced, and we were fully
19 committed to maximum participation with the members of that
20 Subcommittee.

21 I laud their efforts. However, those efforts are of very
22 recent origin in terms of the FBI's history.

23 One of the greatest benefits of the study this Committee
24 has made is the expert knowledge you have gained of the complex
25 problems confronting the FBI. But I respectfully submit that

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1 those benefits are wasted if they do not lead to the next step,
2 a step that I believe is absolutely essential, a legislative
3 charter, expressing Congressional determination of intelligence
4 jurisdiction for the FBI.

5 Action to resolve the problems confronting us in the
6 security and intelligence fields is urgently needed; and it
7 must be undertaken in a forthright manner. Neither the Congress
8 nor the public can afford to look the other way, leaving it to
9 the FBI to do what must be done, as too often has occurred in
10 the past.

11 This means too that Congress must assume a continuing role
12 not in the initial decision-making process but in the review of
13 our performance.

14 I would caution against a too-ready reliance upon the
15 courts to do our tough thinking for us. Some proposals that
16 have been advanced during these hearings would extend the role
17 of the courts into the early stages of the investigative
18 process and, thereby, would take over what historically have
19 been Executive Branch decisions.

20 I frankly feel that such a trend, if unchecked, would
21 seriously undermine the independence of the Judiciary and cast
22 them in a role not contemplated by the authors of our
23 Constitution. Judicial review cannot be a substitute for Con-
24 gressional oversight or Executive decision.

25 The FBI urgently needs a clear and workable determination

1 of our jurisdiction in the intelligence field, a jurisdictional
2 statement that the Congress finds to be responsive to both
3 the will and the needs of the American people.

4 Senators, first and foremost, I am a police officer, a
5 career police officer. In my police experience, the most
6 frustrating of all problems that I have discovered facing
7 law enforcement in this country, Federal, state, and local, is
8 when demands are made of them to perform their traditional
9 role as protector of life and property without clear and
10 understandable legal bases to do so.

11 I recognize that the formulation of such a legislative
12 charter will be a most precise and demanding task.

13 It must be sufficiently flexible that it does not stifle
14 the FBI's effectiveness in combating the growing incidence
15 of crime and violence across the United States. That charter
16 must clearly address the demonstrated problems of the past;
17 yet, it must amply recognize the fact that times change and
18 so also do the nature and thrust of our criminal and subversive
19 challenges.

20 The fact that the Department of Justice has commenced
21 the formulation of operational guidelines governing our
22 intelligence activities does not in any manner diminish the need
23 for legislation. The responsibility for conferring juris-
24 diction resides with the Congress.

25 In this regard, I am troubled by some proposals which

1 question the need for intelligence gathering, suggesting that
2 information needed for the prevention of violence can be
3 acquired in the normal course of criminal investigations.

4 As a practical matter, the line between intelligence
5 work and regular criminal investigations is often difficult
6 to describe. What begins as an intelligence investigation may
7 well end in arrest and prosecution of the subject. But there
8 are some fundamental differences between these investigations
9 that should be recognized, differences in scope, in objective
10 and in the time of initiation. In the usual criminal case, a
11 crime has occurred and it remains only for the Government to
12 identify the perpetrator and to collect sufficient evidence
13 for prosecution. Since the investigation normally follows
14 the elements of the crime, the scope of the inquiry is
15 limited and fairly well defined.

16 By contrast, intelligence work involves the gathering of
17 information, not necessarily evidence. The purpose may well be
18 not to prosecute, but to thwart crime or to insure that the
19 Government has enough information to meet any future crisis
20 or emergency. The inquiry is necessarily broad because it
21 must tell us not only the nature of the threat, but also whether
22 the threat is imminent, the persons involved, and the
23 means by which the threat will be carried out. The ability
24 of the Government to prevent criminal acts is dependent on
25 our anticipation of those criminal acts. Anticipation,

1 in turn, is dependent on advance information, that is, intelli-
2 gence.

3 Certainly, reasonable people can differ on these issues.
4 Given the opportunity, I am confident that the continuing need
5 for intelligence work can be documented to the full satisfaction
6 of the Congress. We recognize that what is at stake here is not
7 the interests of the FBI, but rather the interests of every
8 citizen of this country. We recognize also that the resolution
9 of these matters will demand extensive and thoughtful
10 deliberation by the Congress. To this end, I pledge the
11 complete cooperation of the Bureau with this Committee or
12 its successors in this important task.

13 In any event, you have my unqualified assurance as
14 Director that we will carry out both the letter and the spirit
15 of such legislation as the Congress may enact.

16 That is the substance of my prepared statement.

17 I would also like to say extemporaneously that I note
18 that on this panel are some gentlemen who were on the Judiciary
19 Committee which heard my testimony at the time I was presented
20 to them for candidacy as Director of the FBI. At that time
21 I took very seriously the charge which may possibly result
22 in the deliberation of this Committee and of the full Senate.
23 I have been well aware of the problems of the FBI since that
24 time. I have also been well aware of the capabilities of
25 the FBI to discharge those responsibilities. I don't take

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1 them lightly. I am of sufficient experience and age that I
2 have pledged myself to do what is good and proper. I say this
3 not as a self-serving statement but in order that we might
4 place in context my position within the FBI. I could seek
5 sanctuary and perhaps a safe sanctuary by saying during the
6 period these things occurred I was with the local police
7 department in Kansas City, Missouri. Prior to that time,
8 however, I was in the FBI.

9 During the time I was with the FBI, during the time I
10 was with the police department, I continued throughout that
11 period a close acquaintance with and a strong affection for
12 the FBI.

13 I only want to point out that based on those years, based
14 on those observations, we have here a very fine and very
15 sensitive and a very capable organization. I feel that there
16 is much that can still be done. I know that we are not without
17 fault. I know that from those experiences I have had. We
18 will not be completely without fault in the future. But I
19 assure you that we look upon this inquiry, we look upon any
20 mandate which you may feel you have, that you should look at --
21 this is good and proper, and we do not intend -- I only want
22 to place in your thinking the fact that you have here a
23 matchless organization, one which I continue to say was
24 not motivated in some of these instances, and in most of
25 them, and I cannot justify some, that the motivation was of the

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1 best. I am not pleading, as does a defense attorney. I am
2 only putting in your thinking my objective observations as
3 a citizen who is somewhat concerned about the future of this
4 organization. It is too precious for us to have it in
5 a condition of jeopardy.

6 Thank you very much.

7 The Chairman. Thank you, Director Kelley.

8 I want to turn first to Senator Hart who won't be able
9 to remain through the whole morning. I think he has one
end t. 1 10 question he would like to ask.

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1 Senator Hart of Michigan. Thank you, Mr. Chairman.
2 Senator Mathias and I have Judiciary Committee hearings at 10:30.

3 I have several questions, and I'm sure they'll be
4 covered by others, but the ones that I have is a result of
5 reading your testimony and listening to it this morning, and
6 it relates to your comment at the foot of page 10 and at the
7 top of 11.

8 There you are indicating that you caution us about
9 extending the court's role in the early stages of investigations
10 suggesting that this might take us beyond the role contemplated
11 for the courts under the Constitution.

12 Now as you have said, aside from the so-called national
13 security wiretap problem, the main focus of our discussions
14 and concern has been on the possibility requiring court
15 approval for the use of informants, informants directed to
16 penetrate and report on some group.

17 And one of the witnesses yesterday, Professor Dorsen,
18 pointed out that really those informants are the most pervasive
19 type of an eavesdropping device. It is a human device. It's
20 really, an informant is really more intrusive on my privacy
21 than a bug or a tap because he can follow me anywhere. He
22 can ask me questions to get information the government would
23 like to have.

24 Now we certainly involve the courts in approval of the
25 wiretaps for physical searches with the intent of the drafters

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1 of the Constitution to have a neutral third party magistrate
2 screen use of certain investigative techniques. And the
3 informant is such a technique. He functions sort of like a
4 general warrant, and I don't see why requiring court approval
5 would violate the role envisaged for the courts.

6 And as I leave, I would like to get your reactions to
7 my feelings.

8 Mr. Kelley. I do not feel that there is any use of the
9 informant in intrusion, which is to this extent objectionable.
10 It has of course been approved, the concept of the informant,
11 by numerous court decisions.

12 Let us go down not to the moral connotation of the use
13 of the informant.

14 I think, as in many cases, that is a matter of balance.
15 You have only very few ways of solving crimes. You have
16 basically in the use of the informant, I think, the protection
17 of the right of the victim to be victimized. You have within
18 the Constitution certain grants that are under ordinary
19 circumstances abrogation of rights. The right of search and
20 seizure, which, of course, can't be unreasonable, but none-
21 theless, you have the right.

22 I think that were we to lose the right of the informant,
23 we would lose to a great measure our capability of doing our
24 job.

25 Now I'm not arguing with you, Senator, that it is not an

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1 unusual procedure. I'm not even going to say that it is not
2 an intrusion, because it is. But it has to be one I think
3 that is by virtue of the benefits must be counted.

4 We don't like to use it. We don't like the problems that
5 are attendant. We take great care.

6 Now you say about the court having possibility taking
7 jurisdiction over them and guiding. I think that possibly we
8 could present the matter to the court but what are they going
9 to do insofar as monitoring their effort? Are they going to
10 have to follow it all the way through?

11 Also, there is, of course, urgency in the other contacts.
12 Must the court be contacted for each and approval of the court
13 given for each contact?

14 There are a great many problems insofar as administration
15 of it.

16 I frankly feel, and again, all I can do is give you my
17 idea -- I frankly feel that there is a satisfactory control over
18 the informants as we now exercise it today. Yes, there are
19 going to be some who will get beyond our control, but this
20 is going to happen no matter what you do.

21 Senator Hart of Michigan. Well, I appreciate your
22 reaction.

23 I was not suggesting that there is consideration here to
24 prohibit informants. I was reflecting a view that I felt and
25 hold that the use of an informant does require some balance, as

1 you yourself said, and I would be more comfortable with a
2 third party making a judgment as to whether the intrusion is
3 warranted by the particular circumstance. But I do understand
4 your position.

5 Thank you, Mr. Chairman.

6 The Chairman. Thank you, Senator Hart.

7 (Senator Hart leaves the hearing room.)

8 The Chairman. Senator Baker, do you have questions?

9 Senator Baker. Mr. Chairman, thank you very much.

10 Mr. Kelley, I have a great respect for you and your
11 organization and I personally regret that the organization is
12 in political distress, but we've both got to recognize that
13 it is, along with other agencies and departments of the
14 government.

15 I think you probably would agree with me that even though
16 that is extraordinarily unpleasant and in many respects
17 unfortunate, that it also has a plus side. That is, it gives
18 us an indication of our future direction and the opportunity,
19 at least, to improve the level of competency and service of
20 the government itself.

21 With that hopeful note, would you be agreeable then to
22 volunteering for me any suggestions you have on how to improve
23 the responsiveness of the Federal Bureau of Investigation, or
24 indeed, for any other law enforcement agencies of the government,
25 to the Congress, to the Attorney General, to the President, and

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1 beyond that, would you give me any suggestions you have on
2 how you would provide the methods, the access, the documents,
3 the records, the authority, for the Congress to perform its
4 essential, I believe, essential oversight responsibility to
5 see that these functions, these delicate functions are being
6 undertaken properly?

7 And before you answer, let me tell you two or three things
8 I am concerned about.

9 It hasn't been long ago that the FBI Director was not
10 even confirmed by the Senate of the United States. I believe
11 you are the first one to be confirmed by the Senate of the
12 United States. I think that is a movement in the right
13 direction. I think the FBI has taken on a stature that, an
14 additional importance that requires it to have closer supervision
15 and scrutiny by us.

16 At the same time I rather doubt that we can become
17 involved in the daily relationship between you and the Attorney
18 General.

19 Therefore, I tend to believe that the Attorney General
20 needs to be more directly involved in the operations of the
21 FBI.

22 I would appreciate any comments on that.

23 Second, I rather believe that major decisions of the
24 intelligence community and the FBI ought to be in writing, so
25 that the Congress can, if it needs to in the future, take a

6 1 look at these decisions and the process by which they were
2 made to decide that you are or you are not performing your
3 services diligently.

4 I don't think you can have oversight unless you have
5 access to records, and in many cases records don't exist
6 and in some cases the people who made those decisions are now
7 departed and in other cases you have conflicts.

8 How would you suggest then that you improve the quality
9 of service of your agency? How would you propose that you
10 increase the opportunity for oversight of the Congress of the
11 United States? What other suggestions do you have for improving
12 the level of law enforcement in the essential activity that
13 is required?

14 Mr. Kelley. I would possibly be repetitious in answering
15 this Senator, but I get a great deal of pleasure from telling
16 what I think is necessary and what I hope that I have followed,
17 one which is beyond my control, but which I think is very
18 important is that the position of Director, the one to which
19 great attention should be paid in choosing the man who will
20 properly acquit himself.

21 I feel that the Judiciary Committee, at least in going
22 over me, did a pretty good job. I feel that it is most
23 necessary that care be taken that his philosophy, his means
24 of management, his facility to adapt to change, his tendency
25 toward consulting with other members of the official family,

1 that he be willing to, for example, go through oversight with
2 no reticence, and that I think that he should be chosen very
3 carefully.

4 I think further that he should be responsible for those
5 matters which indicate impropriety or illegality.

6 Senator Baker. Could you stop for just a second? Who
7 does he work for? Does the Director, in your view, work for
8 the President of the United States, for the Attorney General,
9 for the Justice Department, for the Executive Branch?

10 Who does the executive of the FBI, the Director of the
11 FBI, be responsible to, who should he be responsible to?

12 Mr. Kelley. Jurisdictionally, to the Attorney General,
13 but I think this is such an important field of influence that
14 it is not at all unlikely that we can expand it to the
15 judiciary, the legislative, and of course, we are under the
16 Attorney General.

17 Senator Baker. Do you have any problems with the idea
18 of the President of the United States calling the Director of
19 the FBI and asking for performance of a particular task?

20 Does that give you any difficulty? Or do you think that
21 the relationship between the FBI Director and the President
22 is such that that is desirable, or should it be conduited
23 through the Attorney General?

24 Mr. Kelley. I think it should be in the great majority
25 of the cases conduited through the Attorney General. There

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1 has been traditionally some acceptance of the fact that if
2 the President wants to see and talk with the Director, he
3 may do so, call him directly.

4 It has been my practice in such an event to thereafter
5 report to the Attorney General, whoever it might be, that I
6 have been called over and I discussed and was told. And this
7 was revealed in full to them.

8 Senator Baker. I suppose we could pass a statute that
9 says the President has to go through the Attorney General,
10 although I rather suspect it would be a little presumptuous.

11 But to go the next step, do you think it is necessary
12 for the pursuit of effective oversight on the part of the
13 Congress, to have some sort of document written, or at least
14 some sort of account of a Presidential order or an order of
15 the Attorney General given to a Director of the FBI?

16 Do you think that these things need to be handled in
17 a more formal way?

18 Mr. Kelley. Personally, it would be my practice in
19 the event I receive such an order, to request that it be
20 documented. This is a protection as well as a clarification
21 as to whether or not it should be placed as part of legislation.
22 I frankly would like to reserve that for some more considera-
23 tion.

24 I don't know whether it would be, but I think that it
25 can be worked very easily.

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1 Senator Baker. Mr. Kelley, Attorney General Levi, I
2 believe, has already established some sort of agency or
3 function within the Department that is serving as the equivalent,
4 I suppose, of an Inspector General of the Justice Department,
5 including the FBI.

6 Are you familiar with the steps that Mr. Levi has
7 taken in that respect? I think he calls it the Office of
8 Professional Responsibility.

9 Mr. Kelley. Yes, sir, I'm familiar with it.

10 Senator Baker. Do you have any comment on that? Will
11 you give us any observations as to whether you think that
12 will be useful, helpful, or whether it will not be useful or
13 helpful, how it affects the FBI, how you visualize your
14 relationship to it in the future?

15 Mr. Kelley. I don't object to this, which is to some
16 extent an oversight within the Department of Justice under the
17 Attorney General.

18 Frankly, it just came out. I have not considered it
19 completely, but to the general concept, yes, I very definitely
20 subscribe.

21 Senator Baker. How would you feel about extending that
22 concept of government-wide operation, a national Inspector
23 General who is involved with an oversight of all of the
24 agencies of government as they interface with the Constitutionally
25 protected rights of the individual citizen? Would you care

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1 to comment on that, or would you rather save that for a while?

2 Mr. Kelley. I would like to reserve that one.

3 Senator Baker. I'm not surprised. Would you think about
4 it and let us know what you think about it?

5 Mr. Kelley. I will..

6 Senator Baker. All right. Mr. Chairman, thank you very
7 much.

8 The Chairman. Senator Huddleston.

9 Senator Huddleston. Thank you, Mr. Chairman.

10 Mr. Kelley, you describe on page 4 the conditions that
11 existed when much of the abuse that we have talked about during
12 this inquiry occurred, indicating that the people within the
13 Bureau felt like they were doing what was expected of them
14 by the President, by the Attorney General, the Congress and
15 the people of the United States.

16 Does not this suggest that there has been a reaction
17 there to prevailing attitudes that might have existed in the
18 country because of certain circumstances rather than any
19 clear and specific direct instructions that might have been
20 received from proper authorities? And if that is the case,
21 is it possible in developing this charter, this guideline,
22 to provide for that kind of specific instruction?

23 Mr. Kelley. I think so, yes. I think that they can
24 logically be incorporated and that --

25 Senator Huddleston. You can see there would be a continuing

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1 danger if any agency is left to simply react to whatever the
2 attitudes may be at a specific time in this country because --

3 Mr. Kelley. Senator, I don't contemplate it might be
4 a continuing danger, but it certainly would be a very acceptable
5 guidepost whereby we can, in the event such a need seems
6 to arise, know what we can do.

7 Senator Huddleston. Well, in pursuing the area which
8 Senator Hart was discussing, that is whether or not we can
9 provide sufficient guidelines would replace a decision by the
10 court in determining what action might be proper and specific-
11 ally in protecting individual's rights, can't we also
12 provide the restrictions and guidelines and the various
13 techniques that might be used?

14 For instance, supposing we do establish the fact, as
15 has already been done, that informants are necessary and
16 desirable. How do we keep that informant operating within the
17 proper limits so that he in fact is not violating individual
18 rights?

19 Mr. Kelley. Well, of course, much of the reliance must
20 be placed on the agent and the supervision of the FBI to assure
21 that there is no infringement of rights.

22 Senator Huddleston. But this is an aware we've gotten
23 into some difficulty in the past. We have assumed that the
24 particular action was necessary, that there was a present
25 threat that some intelligence programs should be initiated, but

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1 in many cases it has gone beyond what would appear to have been
2 necessary to have addressed the original threat.

3 How do we keep within the proper balance there?

4 Mr. Kelley. Well, actually, it's just about like any
5 other offense. It is an invasion of the other individual's
6 right and it is by an officer and an FBI agent is an officer.
7 There's the possibility of criminal prosecution against him.

8 This is one which I think might flow if he counsels
9 the informant.

10 Now insofar as his inability to control the informant,
11 I don't suppose that would warrant prosecution, but there is
12 still supervisory control over that agent and over that
13 informant by insisting that control is exercised on a continuing
14 basis.

15 Senator Huddleston. It brings up an interesting point
16 as to whether or not a law enforcement agency ought to be
17 very alert to any law violations of its own members or anyone
18 else.

19 If a White House official asks the FBI or someone to do
20 something unlawful, the question seems to me to occur as to
21 whether or not that is not a violation that should be reported
22 by the FBI.

23 Mr. Kelley. I think that any violation which comes to
24 our attention should either be handled by us or the proper
25 authority.

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1 Senator Huddleston. But that hasn't been the case in the
2 past.

3 Mr. Kelley. Well, I don't know what you're referring
4 to but I would think your statement is proper.

5 Senator Huddleston. Well, we certainly have evidence
6 of unlawful activity taking place in various projects that
7 have been undertaken, which certainly were not brought to
8 light willingly by the FBI or by other law enforcement agencies.

9 The question that I'm really concerned about is as
10 we attempt to draw a guideline and charters that would give
11 the Agency the best flexibility that they may need, a wide
12 range of threats, how do we control what happens within each
13 of those actions to keep them from going beyond what
14 was intended to begin with?

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1 Mr. Kelley. You're still speaking of informants.

2 Senator Huddleston. Not only informants but the agents
3 themselves as they go into surveillance, wiretaps, or whatever
4 intelligence gathering techniques.

5 The original thrust of my question was, even though we
6 may be able to provide guidelines of a broad nature, how do
7 we control the techniques that might be used, that in themselves
8 might be used, that in themselves might be a serious violation
9 of the rights.

10 Mr. Kelley. Well, first, I don't know whether it's
11 germane to your question but I do feel that it should be pointed
12 out that the association to, the relationship between the
13 informant and his agent handler is a very confidential one,
14 and I doubt very seriously whether we could have any guide-
15 lines, where there might be an extension of any monitors here
16 because thereby you do have a destruction of that relationship.
17 Insofar as the activities of agents, informants or others
18 which may be illegal, we have on many occasions learned of
19 violations of the law on the part of informants, and either
20 prosecuted ourselves, through the reporting of it to the
21 United States Attorney, or turned it over to the local authority.
22 We have done this on many a time, many occasions. Insofar
23 as our own personnel, we have an internal organization, the
24 Inspection Division, which reviews this type of activity, and
25 if there be any violation, yes, no question about it, we would

1 pursue it to the point of prosecution.

2 Senator Huddleston. But it could be helped by periodic
3 review.

4 Mr. Kelley. We do, on an annual basis, review the
5 activities of our 59 offices through that same Inspection
6 Division, and they have a clear charge to go over this as well
7 as other matters.

8 Senator Huddleston. Mr. Kelley, you pointed out the
9 difference in the approaches when gathering intelligence, in
10 gathering evidence after a crime has been committed.

11 Would there be any advantage, or would it be feasible to
12 attempt to separate these functions within the Agency, in the
13 departments, for instance, with not having a mixing of
14 gathering intelligence and gathering evidence? Are the techniques
15 definable and different?

16 Mr. Kelley. Senator, I think they are compatible. I
17 see no objection to the way that they are now being handled
18 on a management basis. I think, as a matter of fact, it is
19 a very fine association whereby the intelligence, stemming as
20 it does from a substantive violation, is a natural complement.

21 Senator Huddleston. Now, another area, the FBI furnishes
22 information to numerous government agencies.

23 Is this properly restricted and controlled at the present
24 time in your judgment as to just who can ask the FBI for
25 information, what kind of information they can ask for, and

1 who might also be inclined to call the Director and ask him
2 to do specific things?

3 Could there be some clearcut understanding as to whether
4 or not the Director would be obligated to undertake any such
5 project, that just anybody at the White House might suggest?

6 Mr. Kelley. It's very clear to me that any request must
7 come from Mr. Buchen's office, and that it be, in any case,
8 wherein it is a request for action, that it be followed with
9 a letter so requesting.

10 This has come up before during the Watergate hearings, as
11 I think it has been placed very vividly in our minds, in
12 take care that you just don't follow the request of some
13 underling who does not truly reflect the desire of the President.

14 Senator Huddleston. Just one more question about
15 techniques, aside from the guidelines of authority on broad
16 projects undertaken.

17 Would it be feasible from time to time in a Congressional
18 oversight committee, would be able to discuss with the Department,
19 with the Bureau various techniques so that they could have
20 some input as to whether or not these actions are consistent
21 with the overall guidelines, to start with, and consistent
22 with the very protections?

23 Mr. Kelley. Senator, I have already said to the
24 oversight committee of the Senate that so far as I can now
25 see, the only thing that would be withheld is the identity of

1 probably even more importantly, what restrictions can be put
2 on the use of that information once it has been supplied by
3 the FBI?

4 Mr. Kelley. I think so, Senator.

5 Senator Huddleston. You think there are proper restrictions
6 now?

7 Mr. Kelley. I don't know that we can ourselves judge
8 in all cases whether or not there is good and sufficient reason
9 for an Agency to inquiry. I think that there should be a
10 very close delineation by the agencies as to what they're
11 going to ask for, but I think that we do have sufficient rules
12 that at least to us we are satisfied.

13 Senator Huddleston. You're confident that the information
14 your agency supplies is not being misused, to the detriment
15 of the rights of any individuals.

16 Mr. Kelley. Senator, I'm only confident in what I
17 do myself. I would say that I am satisfied.

18 Senator Huddleston. I was wondering whether some
19 inclusion ought to be made in whatever charter is made as to
20 who specifically can request, what limits ought to be placed
21 on what the request, and what they can do with it after they
22 get it.

23 Mr. Kelley. Yes.

24 Senator Huddleston. I have some concern about the fact
25 that in intelligence gathering, you gather, you are just

1 bound to gather a great deal of information about some
2 individual that is useless as far as the intent of the intelli-
3 gence gathering is concerned, but might be in some way embarrass-
4 ing or harmful to the individual, whether or not there's any
5 effort to separate this kind of information out of a person's
6 file that is really initiated for a purpose, for a specific
7 purpose unrelated to this information.

8 Is there any effort, or could any direction be given to
9 doing that?

10 Mr. Kelley. We would be very happy to work under the
11 guidelines or rules or anything else to purge material which
12 is extraneous, irrelevant, or for any other reason objection-
13 able.

14 Senator Huddleston. And how about the length of time
15 that these files are kept in the agency?

16 Mr. Kelley. We are willing to work within that framework,
17 too.

18 Senator Huddleston. I think that might be done.

19 Now, I think in developing the chain of command, so to
20 speak, it certainly would be very difficult to prevent the
21 President of the United States from calling up the head of
22 the FBI or anyone else and discussing any law enforcement
23 problem he might so desire, and perhaps even give direction
24 to the agency.

25 But how about that? What about White House personnel

1 informants. We'll discuss techniques, we'll discuss our
2 present activities. I think this is the only way that we can
3 exchange our opinions and get accomplished what you want to
4 accomplish and what I want to accomplish.

5 Senator Huddleston. I feel that is an important aspect
6 of it because even though you have a charter which gives broad
7 direction for all the guidelines and to the types of projects
8 that enter into it, if we don't get down to specifics, such
9 things as how intelligence is to be collected, how evidence
10 is to be collected, what is done after it is collected, this
11 type of thing, it seems to me we are leaving a wide gap
12 again for the Bureau to assume that it has total instruction
13 and total permission to move in a certain direction and go
14 beyond what is intended or what was authorized.

15 Thank you, Mr. Chairman, and Mr. Director.

16 The Chairman. Senator Goldwater?

17 Senator Goldwater. Mr. Kelley, as part of the FBI
18 electronic surveillance of Dr. King, several tapes of
19 specific conversations, and later a composite King tape were
20 produced.

21 Are these tapes still in the possession of the FBI?

22 Mr. Kelley. Yes, sir.

23 Senator Goldwater. Have they been reviewed by you?

24 Mr. Kelley. No, sir.

25 Senator Goldwater. Have they been reviewed by any of your

1 staff, to your knowledge?

2 Mr. Kelley. Senator, I think that they have been reviewed.
3 I know that at least some have reviewed it within the area of
4 this particular section. There has been no review of them
5 since I came to the FBI, I can tell you that.

6 Senator Goldwater. Would these tapes be available to
7 the Committee if the Committee felt they would like to hear
8 them?

9 Mr. Kelley. This, Senator Goldwater, is a matter which is
10 of, as I said before, some delicacy, and there would have to
11 be a discussion of this in an executive session.

12 The Chairman. I might say in that connection that the
13 Committee staff gave some consideration to this matter and
14 decided that it would compound the original error for the
15 staff to review the tapes, because that would be a still
16 further invasion of privacy, and so the staff refrained from
17 insisting on obtaining the tapes, believing that it was
18 unnecessary, and quite possibly improper, in order to get at
19 what we needed to know about the King case.

20 So the staff did refrain, and for that reason the issue
21 never came to a head. I just wanted to lay that information
22 before the Senator.

23 Senator Goldwater. I realize that's a prerogative of
24 the staff, but it's also the prerogative of the Committee if,
25 and I'm not advocating it, if we wanted to hear them to

1 ourselves whether Mr. Hoover was off on a wild goose chase
2 or whether there was, in effect, some reason. Again, I am
3 not advocating it, I am merely asking a question. They would
4 be available if the Committee took a vote to hear them and
5 decided on it.

6 Mr. Kelley. I don't think it would be within my juris-
7 diction to respond to this, Senator. It would have to be the
8 Attorney General.

9 Senator Goldwater. I see.

10 Now, are these tapes and other products of surveillance
11 routinely retained even after an individual ceased to be a
12 target of inquiry?

13 Mr. Kelley. They are retained usually for ten years.

14 Senator Goldwater. Ten years.

15 Mr. Kelley. Yes, sir.

16 Senator Goldwater. What is the future value, if any,
17 to the Bureau of retaining such information?

18 Mr. Kelley. If there be guidelines that set out a
19 destruction or erasure, we will abide by it. We will, on those
20 occasions where we think that matters might come up within
21 that period of time which may need the retention of them, we
22 will express our opinion at that time, but other than that
23 we would be guided by guidelines.

24 Senator Goldwater. Is it your view that legitimate
25 law enforcement needs should outweigh privacy considerations

1 with respect to retention of such information, or do we need
2 the clear guidelines on the destruction of these materials
3 when the investigation purposes for which they were collected
4 have been served?

5 Mr. Kelley. We feel that there should be a good close
6 look at the retention of material, and we would of course like
7 to have an input. But we welcome consideration of this.

8 Senator Goldwater. That is all I have, Mr. Chairman. Thank
9 you very much.

10 The Chairman. Thank you, Senator.

11 Senator Mondale?

12 Senator Mondale. Mr. Director, it seems to me that the
13 most crucial question before the Congress is to accept the
14 invitation of the FBI to draw Congressionally imposed lines,
15 limits of authority so the FBI will know clearly what you can
16 and cannot do, so you will not be subject to later judgments,
17 and the question is, where should that line be drawn?

18 As you know, in 1924 when the FBI was created, and
19 Mr. Stone later became the Chief Justice, he drew the line at
20 criminal law enforcement. He said that never again will we
21 go beyond the authority-imposed upon us to get into political
22 ideas. We will stay in the area of law enforcement.

23 Would you not think it makes a good deal of sense to
24 draw the guidelines in a way that your activities are
25 restricted to the enforcement of the law, investigations of

1 crime, investigations of conspiracies to commit crime rather
2 than to leave this very difficult to define and control area
3 of political ideas?

4 Mr. Kelley. I don't know whether I understand your last
5 statement of involving the area of political ideas. I say that
6 I feel that certainly we should be vested and should continue
7 in the field of criminal investigations as an investigatory
8 objective. These are conclusions, of course, which are based
9 on statutes in the so-called security field, national or
10 foreign.

11 These are criminal violations. I feel that they should
12 be in tandem. I feel, having worked many years in this
13 atmosphere, that you have more ears and eyes and you have
14 more personnel working together, covering the same fields..
15 I do not think there should be a separation of the intelligence
16 matters, because it is a concomitant. It naturally flows
17 from the investigation of the security matters and the
18 criminal.

19 Senator Mondale. Mr. Kelley, what Mr. Stone said was
20 this, that the Bureau of investigation is not concerned
21 with political or other opinions of individuals. It is
22 concerned only with such conduct as is forbidden by the laws
23 of the United States. When the police system goes beyond
24 these limits, it is dangerous to proper administration of
25 justice and human liberty.

1 Do you object to that definition?

2 Mr. Kelley. I think that life has become much more
3 sophisticated and we have added to the so-called policeman's
4 area of concern some matters which were probably not as important
5 at that time. I think that the fact that the FBI has been in
6 touch with the security investigations and the gathering of
7 intelligence is something which has proved to be at times
8 troublesome and given us great concern, but it is a viable,
9 productive procedure.

10 I don't know what Mr. Stone was thinking of entirely
11 of this course, but I can tell you about the procedure today.

12 Senator Mondale. You see, I think you recognize, if
13 that further step is taken, as you're recommending here, that
14 at that point it becomes so difficult to guarantee, and in
15 fact, in my opinion, impossible to guarantee that we won't
16 see a recurrence of some of the abuses that we've seen in
17 the past, and I don't know how you establish any kind of
18 meaningful oversight on a function as nebulous as the one
19 you've just defined.

20 If the FBI possesses the authority to investigate
21 ideas that they consider to be threats to this nation's
22 security, particularly in the light of the record that we have
23 seen how that definition can be stretched to include practi-
24 cally everybody, including moderate civil rights leaders,
25 war dissenters and so on, how on earth can standards be developed

1 that would provide any basis for oversight?

2 How can you, from among other things, be protected from
3 criticism later on that you exceeded your authority or didn't
4 do something that some politician tried to pressure you into
5 doing?

6 Mr. Kelley. It might well be, Senator, that ten years
7 from now a Director of the FBI will be seated here and will be
8 criticized for doing that which today is construed as very
9 acceptable.

10 Senator Mondale. Correct. And I have great sympathy
11 for the predicament the FBI finds itself in.

12 Mr. Kelley. And the Director.

13 Senator Mondale. And the Director especially, and that is
14 why I think it's in the interest of the FBI to get these lines
15 as sharply defined as possible, so that when you are pressured
16 to do things, or when, after the fact, people with good 20/20
17 hindsight can criticize you or the Bureau, that you can say
18 well, here are the standards that you gave us, and they specific-
19 ally say this, and that is your answer. We have to live by
20 the law. If we don't define it specifically, it seems to me
21 that these excesses could reoccur, because I don't think it's
22 possible to define them, and the FBI is inevitably going to
23 be kicked back and forth, depending on personal notions of what
24 you should have done.

25 Don't you fear that?

1 Mr. Kelley. Not too much, Senator. I think we learned a
2 great lesson by virtue of Watergate, the revelations that have
3 come up as a result of this Committee's inquiries, the fact
4 that I think that we have a different type of spirit today
5 in the Bureau, the fact that, as I said before, you came in,
6 that I think the Bureau is a matchless organization, and they
7 are eager to do that which is vital and proper, and the fact
8 that we are getting a number of very fine young people in the
9 organization, people of the other ethnic backgrounds than we
10 had years ago. I think there is a greater understanding in
11 the Bureau today of what is the proper type of conduct.

12 We may not be able to project this on all occasions,
13 because we must equate this with the need and with our
14 experience, but if the precise guidelines be the goal, you're
15 going to have trouble. If, on the other hand, there be a
16 flexibility, I think that we can work very well within those
17 guidelines.

18 Senator Mondale. I think, as you know, I don't think
19 there is a better trained or higher professionally qualified
20 law enforcement organization in the world than the FBI. I
21 think we all agree it is superb. But the problem has been,
22 from time to time, that when you go beyond the area of
23 enforcing the law into the area of political ideas, that you
24 are subject to and in fact you leave the criminal field, you
25 get into politics. And that is where, it seems to me, that the

1 great controversy exists, and where you are almost inevitably
2 going to be subjected to fierce criticism in the future, no
3 matter how you do it. Once you get into politics, you get
4 into trouble.

5 Mr. Kelley. I agree to that, and I point out that in almost
6 every branch of the government and in every part, as a matter
7 of fact, every segment of our society, there are some who deviate
8 from the normal course. I feel that within the Bureau there is
9 less likelihood of this to happen, and I think that working
10 with you we can at least make some achievements that will be
11 significant.

12 Now, whether it be lasting, I don't think so, but I
13 think we've made a good start.

14 Senator Mondale. In your speech in Montreal on August
15 9th, you said we must be willing to surrender a small measure
16 of our liberties to preserve the great bulk of them.

17 Which liberties did you have in mind?

18 Mr. Kelley. Well, of course, this speech has been mis-
19 understood many, many times.

20 Senator Mondale. Well, I want you to have a chance to
21 clear it up.

22 Mr. Kelley. All that was intended here was a restatement
23 of the approach which the courts historically have used in
24 resolving most issues of Constitutional importance, and its
25 recognition that rights are not susceptible to absolute

1 protection. It's a matter of balance. Even in the Fourth
2 Amendment, for example, which protects the right of privacy, it
3 does not prohibit searches and seizures. I mention, it only
4 refers to those that are unreasonable.

5 I came from the police field. What is more restrictive
6 to more people than traffic regulation? But what would be
7 more chaotic is if you did not have traffic regulation. We
8 do have to , in order to live in the complexities and
9 intricacies of today's life, have to give up some of our
10 rights.

11 Some may construe this as an extravagant statement. If it
12 is so, I wish to say that I only was pointing out that there
13 has to be a balance.

14 Senator Mondale. So that when you say we have to give
15 up some liberties, or as you just said, some rights, what you
16 mean -- let me ask. Let me scratch that and ask again, you
17 have to give up some rights. Which rights would you have us
18 give up?

19 Mr. Kelly. Well, under the Fourth Amendment you would
20 have the right for search and seizure.

21 Senator Mondale. You wouldn't give up the Fourth Amend-
22 ment right.

23 Mr. Kelley. Oh, no not the right.

24 Senator Mondale. What right do you have in mind?

25 Mr. Kelley. The right to be free from search and seizure.

1 Senator Mondale. There's no such right in the Consti-
2 tution. You can have such seizures, but they must be reasonable,
3 under court warrant.

4 Did you mean to go beyond that?

5 Mr. Kelley. That's right.

6 Senator Mondale. That you should be able to go beyond
7 that?

8 Mr. Kelley. No, no. I do not mean that we should ever
9 go beyond a Constitutional right guarantee.

10 Senator Mondale. Well, would you say, Mr. Kelley, that
11 that sentence might have been inartful in your speech?

12 Mr. Kelley. I said that if it was misunderstood, I
13 made a mistake, because I should never make a statement which --
14 yes, it was inartful.

15 Senator Mondale. I think I know about your record in
16 law enforcement well enough to tell you that I think you were
17 saying something different, that it was taken to mean something
18 different than I think you intended.

19 What you are saying is that in the exercise of your law
20 enforcement powers, the rights of individuals is determined
21 by the laws and the courts, but the courts, in the handling
22 of those issues, have to balance rights and other values.

23 That's what you're essentially saying, is that correct?

24 Mr. Kelley. Senator, I ought to have you write my
25 speeches so that I don't have any misunderstandings. I didn't

1 understand that to be at the time anything that was unusual.

2 I have to admit that maybe I made a mistake.

3 Senator Mondale. What you are saying in effect is that
4 in effect, the rights of the American people can be determined
5 not by the Director of the FBI but by the courts and by the
6 law.

7 You meant that.

8 Mr. Kelley. Indeed, yes, sir.

9 Senator Mondale. All right.

10 Thank you.

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1 The Chairman. Senator Hart.
2 Senator of Colorado. Mr. Kelley, in response to
3 a question by Senaotr Mondale, one of his first questions about
4 laying down guidelines, it seems to me what you were saying was
5 we could work together. That is to say the Bureau and the
6 Congress, lay down guidelines that would not unreasonably
7 hamper you from investigations of crime control in the
8 country.

9 But I think implicit in his question was also an area
10 that you didn't respond to, and that is how do you, what kind
11 of guidelines do you lay down to protect you and the Bureau
12 from political pressure, the misuse of the Bureau by political
13 figures, particularly in the White House?

14 And we've had indications that at least two of your
15 predecessors, if not more, obviously were corrupted and Mr.
16 Gray was under great pressure from the White House to use
17 the facilities of the Bureau and their capabilities to accomplish
18 some plititcal end.

19 Well, it seems to me you were arguing in favor of fewer
20 restrictions so you could get on with your job, but that is
21 not what Senator Mondale and the rest of us are interested in.

22 What kind of restrictions can we lay down to protect you
23 from political pressures? I'd be interested in that sign of the
24 coin, if you would.

25 Mr. Kelley. I would welcome any guidelines which would

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1 protect me or any successor from this type of thing. I think
2 that would be splendid. I have not reviewed the guidelines
3 as prepared to the present date by the Department. It might
4 be that they are well defined in there. But I welcome any
5 consideration of such directives.

6 Senator Hart of Colorado. Do you think this is a problem?

7 Mr. Kelley. No, sir, not with me.

8 Senator Hart of Colorado. Do you think that it has been
9 a problem for the people that preceded you?

10 Mr. Kelley. I think so.

11 Senator Hart of Colorado. And that's a problem the
12 Congress ought to address?

13 Mr. Kelley. I think so.

14 Senator Hart of Colorado. The Committee received a
15 letter from the Department of Justice a couple of days, the
16 Assistant Attorney General asking our cooperation in carrying
17 out the investigation or their efforts to review the investi-
18 gation conducted by the FBI into the death of Martin Luther
19 King, Jr., in order to determine whether that investigation
20 should be re-opened. They asked our cooperation, they asked
21 for our transcripts, the testimony before the Committee, all
22 material provided to the Committee by the FBI which relates
23 to Dr. King and the Southern Christian Leadership Conference.

24 I guess my question is this: Why is the Justice Depart-
25 ment asking this Committee for FBI files?

1 Mr. Kelley. I don't think they're asking for files.
2 I think they're asking for what testimony was given by
3 witnesses whose testimony has not been given up. I don't know.

4 Senator Hart of Colorado. I'll quote it. "And all
5 material provided to the Committee by the FBI which relates
6 to Dr. King and the Southern Christian Leadership Conference."

7 I repeat the question. Why is the Justice Department
8 asking this Committee for material provided to us by the
9 FBI?

10 Mr. Kelley. Frankly, I don't know. Do you mind if I
11 just ask --

12 (Pause)

13 Mr. Kelley. I am informed, and I knew this one.
14 Everything that was sent to you was sent through them. Did
15 they have a copy also? Yes, they had a retained copy. I
16 don't know why.

17 Senator Hart of Colorado. So there's nothing you
18 provided us that's not available to the Justice Department?

19 Mr. Kelley. That's right.

20 Senator Hart of Colorado. And you can't account for why
21 an official of the Justice Department would ask this Committee
22 for your records?

23 Mr. Kelley. No, sir.

24 Senator Hart of Colorado. You released a statement on
25 November the 18th of '74 regarding the FBI's counter-intelligence

1 program and you said you made a detailed study of COINTELPRO
2 activities and reached the following conclusions, and I quote:

3 "The purpose of these counter-intelligence programs was
4 to prevent dangerously and potentially deadly acts against
5 individuals, organizations and institutions both public
6 and private across the United States."

7 Now we had an FBI informant in the other day before this
8 Committee and he stated he told the FBI on a number of
9 occasions he planned violent acts against black people in
10 groups. And yet, he said few, if any, instances in which the
11 FBI actually prevented violence from taking place.

12 How does his testimony square with your statement that
13 I have quoted?

14 Mr. Kelley. It doesn't, and I don't know if any of
15 his statements contrary to what we have said is the truth.
16 We don't subscribe to what he said. We have checked into it
17 and we know of no instances where, for example, 15 minutes
18 and that type of thing has been substantiated.

19 Senator Hart of Colorado. You're saying the testimony
20 he gave us under oath was not accurate?

21 Mr. Kelley. Right.

22 Senator Hart of Colorado. You also said in that statement,
23 and I quote: "I want to assure you that Director Hoover did
24 not conceal from superior authorities the fact that the FBI
25 was engaged in neutralizing and disruptive tactics against

1 revolutionary and violence-prone groups.

2 Now the Committee has received testimony that the New
3 Left COINTELPRO programs was not in fact told to higher
4 authorities, the Attorney General and Congress.

5 Do you have any information in this regard?

6 I know in that statement you cite onw or two instances,
7 but in terms of the bulk of COINTEL programs, the record
8 seems to date at least to be clear that there was not systematic
9 information flowing upward through the chain of command to
10 Director Hoover's superiors?

11 Mr. Kelley: May I ask that I be given the opportunity
12 to substantiate that with documentation?

13 Senator Hart of Colorado. Sure.

14 Mr. Kelley: Or respond to it.

15 Senator Hart of Colorado. Dorector Kelley, just in
16 passing, do you agree with the statement made by President
17 Ford that those responsible for harassing and trying to destroy
18 Dr. King should be brought to justice.

19 Mr. Kelley. Those who directly responsible and upon whcse orders
20 the activities were taken responsible. I don't know if he intended to say
21 that, but if he did not, I would say that it would be more proper. Insofar
22 as my own opinion is concerned, that it be centered on those who said
23 to do it and those who are responsible.

24 I took the responsibility for any such program and I
25 don't expect that those under me would be not acting in

1 accordance with what they think is proper and may even have
2 some reservation, but they do it on my orders. I accept that
3 responsibility.

4 I think that it should rest on those who instructed that
5 that be done.

6 Senator Hart of Colorado. But you agree that the people
7 who give the orders should be brought to justice.

8 Mr. Kelley. I do.

9 The Chairman. Aren't they all dead?

10 Mr. Kelley. No.

11 The Chairman. Not quite?

12 Mr. Kelley. Not quite.

13 Senator Hart of Colorado. That's all, Mr. Chairman.

14 The Chairman. Thank you, Senator.

15 Director Kelley, in the Committee's review of the
16 COINTELPRO program and other political involvements of the
17 FBI, it seems to me that we have encountered two or three
18 basic questions.

19 Since the investigation is over insofar as the Committee
20 is concerned, we're now turning our attention to remedies for
21 the future, what I would think would be our constructive
22 legislative work, it is very important that we focus on what
23 we learned in that investigation.

24 And one thing that we have learned is that Presidents of
25 the United States have from time to time ordered the FBI to

1 obtain for them certain kinds of information by exercising the
2 necessary surveillance to obtain and to have a purely
3 political character, that they simply wanted to have for their
4 own personal purposes.

5 I think that you would agree that that is not a proper
6 function of the FBI, and you agree.

7 Yet it's awfully difficult for anyone in the FBI,
8 including the Director, to turn down a President of the United
9 States if he receives a direct order from the President. It
10 is always possible, of course, to say no, and if you insist,
11 I will resign. But that puts a very hard burden on any man
12 serving in your position, particularly if the President puts
13 a good face on the request and makes it sound plausible or
14 even invents some excuse. It is always easy for him to say,
15 you know, I am considering Senator White for an important
16 position in my administration, and I need to know more about
17 his activities, particularly of late. I've had some cause
18 for concern and I want to be certain that there is nothing in
19 his record that would later embarrass me, and I just want you
20 to keep careful track of him and report to me on what he's
21 been doing lately.

22 It's difficult for you to say back to the President, Mr.
23 President, that's a very questionable activity for the FBI,
24 and I frankly don't believe that you've given me the real
25 reason why you want this man followed. I think his opposition

1 to your current policy is politically embarrassing to you and
2 you want to get something on him.

3 I mean, you know, the Director can hardly talk back that
4 way, and I'm wondering what we could do in the way of protecting
5 your office and the FBI from political exploitation in this
6 basic charter that we write.

7 Now, I want your suggestions, but let's begin with one
8 or two of mine. I would like your response.

9 If we were to write into the law that any order given you
10 either by the President or by the Attorney General should be
11 transmitted in writing and should clearly state the objective
12 and purpose of the request and that the FBI would maintain
13 those written orders and that furthermore they would be
14 available to any oversight committee of the Congress. If the
15 joint committee on intelligence is established, that committee
16 would have access to such a file.

17 So that the committee itself would be satisfied that
18 orders were not being given to the FBI that were improper or
19 unlawful.

20 What would you think of writing a provision of that kind
21 into a charter for the FBI?

22 Mr. Kelley. I would say writing into the law any order
23 issued by the President that is a request for action by the
24 Attorney General should be in writing, is certainly, in my
25 opinion, is a very plausible solution. I'm sure that in

1 contemplation of this there would be some that will say yes
2 or some that will say no, but I think we could define an
3 area where you are trying to cure the abuses and we could
4 do that.

5 Now as to the availability to any oversight committee
6 of Congress, I would say generally that I certainly would have
7 no objection to this, but I again, there may be some request
8 for something of high confidentiality that the President might
9 put in writing such as some national or foreign security
10 matter.

11 I would like to have such a consideration be given a
12 great deal of thought and that the oversight committee review
13 be conditioned with that possibility. I don't think it would
14 present a problem.

15 I have said previously that I feel I can discuss every-
16 thing except the identity of the informants to the oversight
17 committee. I welcome that.

18 The Chairman. Well, that has been of course the way we
19 proceeded with this Committee. It has worked pretty well,
20 I think.

21 Now Senator Goldwater brought up a question on the
22 Martin Luther King tapes. I would like to pursue that question.

23 If these tapes do not contain any evidence that needs
24 to be preserved for ongoing criminal investigations, and since
25 Dr. King has long since been violently removed from the scene,

10 1 why are they preserved? Why aren't they simply destroyed?
2 Is there a problem that we can help through new law to enable
3 the FBI to remove from its files so much of this information
4 that is has collected that it is no longer needed or may never
5 have connected the person with any criminal activity? And
6 yet, all of that information just stays there in the files
7 year after year.

8 What can we do? How can a law be changed? If that's
9 not the problem, then what is? Why are these tapes still down
10 there at the FBI?

11 Mr. Kelley. Well, of course, we do have the rule that
12 they are maintained ten years. Now why the rule is your
13 question and why right now are they maintained? Since we
14 do maintain everything since the inquiry has started and until
15 that's lifted, we can't destroy anything.

16 I would say that this is a proper area for guidelines
17 or legislation and again, as I have said, there should be
18 some flexibility and I know that's a broad statement but there
19 might be some areas wherein that the subject of the investigation
20 himself may want them retained because it shows his innocence.

21 I think you have to deliberate this very carefully, but
22 it can be done and we are willing to be guided by those
23 rules.

24 The Chairman. Let me ask you this. The FBI is conducting
25 thousands of investigations every year on possible appointees

1 to Federal positions. As a matter of fact, the only time I
2 ever see an FBI agent is when he comes around and flashes his
3 badge and asks me a question or two about what I know of Mr.
4 so and so, who's being considered for an executive office.
5 And we have a very brief conversation in which I tell him that
6 as far as I know, he's a loyal and patriotic citizen, and that
7 is about the extent of it.

8 Then when this file is completed and the person involved
9 is either appointed or not appointed, what happens to that
10 file? I know it's full of all kinds of gossip because it is
11 in the nature of the investigation to go out to his old
12 neighborhoods and talk to everybody who might have known him.

13 What happens to the file? Is that just retained forever?

14 Mr. Kelley. We have some capability of destroying some
15 files and they are rather lengthy insofar as retention. We
16 have some archival rules which govern the retention of material
17 and is developed in cases involving certain members of the
18 Executive Branch of the government.

19 I see no reason why this would not be a proper area
20 for consideration of legislation.

21 The Chairman. Can you give me any idea of how much --
22 do you have records that would tell us how much time and money
23 is being spent by the FBI just in conducting these thousands
24 of routine investigations on possible Presidential appointments
25 to Federal offices?

1 Mr. Kelley. I feel confident we can get it. I do not
2 have it now, but if you would like to have the annual cost
3 for the investigation of Federal appointees --

4 The Chairman. Yes. Plus, you know, plus any other
5 information that would indicate to us what proportion of the
6 time and effort of the FBI was absorbed in this kind of
7 activity.

8 Mr. Kelley. I can tell you it is relatively small, but
9 I can get you, I think, the exact amount of time and the
10 approximate expense.

11 The Chairman. I wish you would do that because this is
12 a matter we need more information about. And when you supply
13 that data to the Committee, would you also supply the number
14 of such investigations each year?

15 You know, I don't expect you to go back 20 or 25 years,
16 but give us a good idea of the last few years. For example,
17 enough to give us an idea of how much time and how broad the
18 reach of these investigations may be.

19 Mr. Kelley. Through '70?

20 The Chairman. That would be sufficient, I would think.

21 The other matter that is connected to this same subject
22 that I would like your best judgment on is whether these
23 investigations could not be limited to offices of sensitivity.
24 That is to say where legitimate national security interest might
25 be involved so that there is a reason to make a close check on

1 past associations, attitudes and expressions of belief.

2 I have often wondered whether we couldn't eliminate
3 routine Federal offices that are not particularly sensitive
4 in the national security sense from the reach of these FBI
5 checks.

6 And so when you respond to the series of questions, I
7 wish you would include the offices that are now covered by
8 such checks and give us an idea of how far down into the
9 Federal bureaucracy this extends.

10 Could you do that?

11 Mr. Kelley. Yes, sir.

12 The Chairman. Fine.

13 Now there is a vote. The vote always comes just at
14 the wrong time, but Mr. Schwarz wants to ask you some additional
15 questions for the record, and there may be other questions,
16 too that would be posed by the staff, after which I will ask
17 Mr. Schwarz to adjourn the hearings. It looks like we're going
18 to be tied up on the floor with votes.

19 But before I leave I want to thank you for your testimony,
20 Mr. Kelley, and to express my appreciation to you for the
21 way you have cooperated with the Committee in the course of
22 its investigation during the past months.

23 Mr. Kelley. Thank you.

24 The Chairman. And I hope, as you do, that as a result
25 of the work of the Committee we can write a generic law for

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End Tape 4

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1 the FBI that will help to remedy many of the problems we'll
2 encounter in the future.

3 Thank you.
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1 Mr. Schwarz. Mr. Kelley, I'll try to be very brief.

2 On page 5 of your statement --

3 Mr. Kelley. What?

4 Mr. Schwarz. On page 5 of your statement, the third
5 full paragraph, you said the following, and I would like then
6 to question about what you said. "We must recognize that
7 situations have occurred in the past and will arise in the
8 future where the Government may well be expected to depart from
9 its traditional role, in the FBI's case, as an investigative
10 and intelligence-gathering agency, and take affirmative steps
11 which are needed to meet an imminent threat to human life or
12 property."

13 Now, by that you mean to take what kind of steps in what
14 kind of situation?

15 And can you give some concrete examples under your general
16 principles statement?

17 Mr. Kelley. I think that Mr. Adams addressed himself to
18 that the other day, where you have an extremist who is an
19 employee at the waterworks, and he makes a statement that he's
20 going to do something which is devastating to the city, and you
21 have no way to attack this under the ordinary procedures, and
22 so therefore you must take some steps to meet that imminent
23 threat to human life or property.

24 Mr. Schwarz. So let us take that case as a test of the
25 principle. You are saying the extremist has said he is going

1 to do something to the waterworks, poison it or something, and
2 he is on the way down there with the poison in his car.

3 Is that the presumption?

4 Mr. Kelley. We hadn't gone that far, but all right, you
5 can extent it.

6 Mr. Schwarz. All right, now, in that case you have the
7 traditional law enforcement tool, which is the power of arrest.

8 Mr. Kelley. Not under probable cause where he has not
9 gone down there. The hypothetical we gave was one where he had
10 not taken any overt acts in perpetration of this.

11 Mr. Schwarz. Well, if he hasn't taken any overt acts,
12 are you then in what you would call in imminent threat of
13 human life or property?

14 Mr. Kelley. I think so.

15 Mr. Schwarz. How so? Unless he has taken an overt act
16 to buy the poison or to get in the car with the poison, there
17 is not by definition any threat to life or property.

18 Mr. Kelley. Mr. Schwarz, I've been around in this business
19 a long time. I've heard a number of threats which were issued,
20 and they thereafter materialized into actions. I don't think --
21 take these threats as being empty ones, because so many times
22 they have been acted upon.

23 I was criticized one time when there was a threat made to
24 kill me, and it was said later on, it's not rhetoric, it's
25 not rhetoric to me, because when they say they're going to

1 kill me, that just means one thing.

2 Mr. Schwarz. But I'm not disagreeing with you.

3 Mr. Kelley. But you are disagreeing with me. You're saying
4 on the basis of experience that you cannot detect a possible
5 threat. That's the whole area of concern that we have here, where
6 we don't lose the capability of doing something. We don't
7 say we should initiate ourselves. We say that we should go to
8 the Attorney General. We do not subscribe to the idea that
9 we should act independently because maybe we don't have the
10 judicial review, the capability of determining, but we do
11 think that we should report it and thereafter see what can
12 be done.

13 Mr. Schwarz. Well, have you changed in the course of
14 our discussion the standard on page 5.

15 On page 5 you're talking about an imminent threat.

16 Mr. Kelley. Yes.

17 Mr. Schwarz. And I hear you now as saying a possible
18 threat.

19 Mr. Kelley. An imminent possible threat.

20 Mr. Schwarz. An imminent possible threat. All right.

21 Now, would a fair standard for either action, other than
22 arrest, I don't know what you have in mind, but something to
23 prevent the person from carrying out his activities, other
24 than arrest, for instance, what is an example of what you have
25 in mind?

1 Mr. Kelley. Removing him from his position or whatever
2 is necessary in order to make it impossible or at least as
3 impossible as possible to perpetuate this thing.

4 Mr. Schwarz. You mean have him lose his job or --

5 Mr. Kelley. I don't know what it would be.

6 Mr. Schwarz. Isolate him in some fashion.

7 Mr. Kelley. In some fashion perhaps.

8 Mr. Schwarz. Now, for such activity and for opening
9 an investigation into a domestic group, could you live with
10 a standard which said you would have to have an immediate
11 threat that someone was likely to commit a serious federal
12 crime involving violence?

13 Mr. Kelley. I think that this thing could be worked out
14 so that there could be an adequate basis for an evaluation.

15 Mr. Schwarz. So those words, without trying to commit
16 you entirely to them, do not seem to you to depart far from
17 what you think would be an acceptable standard.

18 Mr. Kelley. Well, an imminent, immediate threat might
19 be, by virtue of the word "immediate" that he's going to
20 do it the next minute. In that case it may be necessary for
21 you to, not with the presence or the possibility, not able
22 to do anything except put him under arrest or anything.

23 Mr. Schwarz. Of course, of course.

24 And nobody would at all disagree with that kind of action.

25 Mr. Kelley. I don't think they would either.

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1 Mr. Schwarz. But on the question, let's take the opening
2 of an investigation into a domestic group.

3 Is it basically consistent with practicality to make the
4 test immediate threat of a serious Federal crime involving
5 violence?

6 Mr. Kelley. To open a domestic security case.

7 Mr. Schwarz. Yes.

8 Mr. Kelley. It appears to me that this is a terrorist
9 activity, in effect. We certainly have terrorist activities
10 under our jurisdiction as a threat against the United States.

11 Mr. Schwarz. Now, are there other circumstances where
12 it is justifiable to open an investigation of the domestic
13 group where you do not have an immediate threat of serious
14 federal crime involving violence?

15 Mr. Kelley. Oh, I think there are other criteria, and
16 they have been well defined as to what is the possible
17 opening, the basis for a possible opening. We haven't been
18 discussing that, we have been discussing particular instances,
19 but there are other criteria that are used, yes.

20 Mr. Schwarz. What would the other criteria be?

21 Mr. Kelley. Well, the possible statutory violations
22 over which we have jurisdiction are, generally speaking, the
23 most used of the basis, and then you have, of course, some
24 intelligence investigations which should, of course, be of
25 short duration. If there is no showing of this into action

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1 or a viable intent.

2 Mr. Schwarz. So that's what you're looking for in the
3 intelligence investigation?

4 Mr. Kelley. By intelligence investigation, yes, you
5 are looking to prevent.

6 Mr. Schwarz. And what you are looking to prevent, and
7 what you're looking to find is a likelihood of action combined
8 with an intent to take an issue?

9 Mr. Kelley. And the capability.

10 Mr. Schwarz. And the capability.

11 All right. I just have two other lines, Mr. Kelley, and
12 I appreciate very much your time.

13 Mr. Kelley. That's all right.

14 Mr. Schwarz. Assuming a legitimate investigation has
15 been started into a domestic intelligence matter, is it legiti-
16 mate for the FBI, in addition to obtaining information that
17 relates to what we've just been talking about, the likelihood
18 of violent action, is it also legitimate for the FBI to
19 collect, A, retain, B, disseminate, C, information concerning
20 let's say the sex life of a person on the one hand, and the
21 political views of a person on the other?

22 Mr. Kelley. I think, Mr. Schwarz, that this is just what
23 many of our problems and perhaps the guidelines can define
24 this type of thing. I think probably you will agree that
25 within the determination of the deviations possibly of sex

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1 lives, there might be something that is relevant. I would say
2 ordinarily it's not. And so far as political views, yes, I
3 think that this could be, if he is espousing some cause or
4 some view that advocates violence or the overthrow of the
5 government.

6 Mr. Schwarz. Would those be the two limits on political
7 views?

8 Mr. Kelley. What?

9 Mr. Schwarz. Would those be the only limits on political
10 views that you think are okay to collect, advocants of violence
11 or advocants of overthrow?

12 Mr. Kelley. Well, I don't think because he's a Democrat
13 or a Republican it would be anything that would be damaging,
14 but it might on the other hand counter the report that he's
15 a member of some other organization.

16 Mr. Schwarz. Is the standard you used on collection of
17 sex life information, might be relevant? I suppose anything
18 might be relevant, but don't you think that as a function of
19 balance, it has to have a high degree of relevance before it's
20 justifiable to collect that kind of information on American
21 citizens who are not suspected of having committed crimes?

22 Mr. Kelley. Insofar as doing it presently, it has been
23 included in some reports as a result of the requirement that
24 that is what is required by our rules, that when a person
25 reports something to us, we do a report of the complaint. Insofar

1 as a determination by guidelines that might be prepared later,
2 I think that we can certainly deliberate on this to see whether
3 or not this is something we should retain, and we would not
4 object to anything reasonable in that regard.

5 Mr. Schwarz. I just have one final question.

6 Taking the current manual and trying to understand its
7 applicability laid against the facts in the Martin Luther King
8 case, under Section 87 there is a -- permission is granted to
9 open investigations of the infiltration of non-subversive
10 groups, and the first sentence reads: "When information is
11 received indicating that a subversive group is seeking to
12 systematically infiltrate and control a non-subversive group
13 or organization, an investigation can be opened."

14 Now, I take it that is the same standard that was used
15 in opening the investigation of the Southern Christian Leadership
16 Conference in the 1960s, so that investigation could still be
17 open today under the FBI manual, the current FBI manual.

18 Mr. Kelley. We are interested in the infiltration of
19 clearly subversive groups into non-subversive groups inasmuch
20 as this is a ploy that is used many times, and having infil-
21 trated, they then get control, and they have a self-laundered
22 organization which they can use, and not, certainly, to the
23 benefit of the country.

24 Mr. Schwarz. But is the answer to my question yes, that
25 under that standard, the SCLC investigation could still be

1 opened today?

2 Mr. Kelley. I think so.

3 Mr. Schwarz. All right, then, just one final question.

4 Do you agree that special care needs to be taken not only
5 of the standards for initially opening an investigation of a
6 group, but perhaps extra care needs to be taken when the investi-
7 gation goes beyond the initial target group to individuals
8 or people who come into contact with it?

9 Mr. Kelley. I don't know if I agree with that entirely. If
10 you mean that we go into the non-subversive group, that we
11 then investigate people in that non-subversive group, not the
12 infiltrators, but the non, that we conduct a lengthy investigation
13 of them without any basis for doing so other than that they
14 are in an infiltrated group, I would likely have said -- but
15 off the top of my head I would say probably that's not necessary.

16 Mr. Schwarz. Thank you very much.

17 Mr. Smothers. Just a couple of very brief lines of
18 inquiry, Mr. Kelley.

19 I think that the questions of the Chief Counsel was
20 raising is one that goes further into your statement, when you
21 talk about the difficulty of setting out the line between
22 intelligence gathering and law enforcement kinds of functions.
23 Nevertheless, though, I think that you have made an effort,
24 indeed, the Bureau's organizational scheme reflects an effort
25 to distinguish some of this has been made.

Putting aside for one moment the counterespionage effort, and looking strictly at what we have been calling the Domestic Intelligence, is it your view that the retention of this function in the Bureau is critical to the Bureau's law enforcement position?

Mr. Kelley. My personal opinion is that the Bureau does a splendid job in this area. I feel further that the background of criminal investigatory activities and experiences which all counterintelligence people have is very helpful. It is helpful not only in gathering knowledge and experience, it also enters into this field, a person with a broad understanding of the rights and privileges, and you don't have so much that spy type, that cloak and dagger, that very, very secret type of an operation.

I subscribe to the present system heartily.

Mr. Smothers. Would it be of assistance to your mission if within the Bureau guidelines were established that effectively limited access or controlled dissemination of the intelligence product? In other words, if we had a situation where the intelligence product is critical to assist the law enforcement effort, I don't think there's any question that there should be access to it.

Isn't our problem one of controlling the use of that intelligence product and preventing the kind of murky crossing of lines there with the information legitimately needed for

1 law enforcement?

2 Mr. Kelley. There is always a problem when there is wide
3 dissemination, because that just numerically increases the
4 possibility of misuse, abuse or slander, libel, or anything
5 of that matter, and I think that it would be well worthwhile
6 to review the dissemination rules to make them subject to
7 close guidance in the guidelines that we're speaking of.

8 Mr. Smothers. Let me just raise one final area with you.

9 We talked a little bit about, or a question was raised about
10 the investigation now being conducted by the Justice Department
11 regarding the improper actions on the COINTELPRO, and the
12 King case in particular.

13 As we look at allegations of impropriety by your personnel,
14 I think it would be helpful for our record here to have some
15 insight into the procedure the Bureau would normally follow.

16 What does the Bureau do when you get an allegation that
17 an agent or administrative official in the Bureau has behaved
18 improperly?

19 Is an investigation conducted internally, or is it
20 routinely referred to the Justice Department?

21 Mr. Kelley. There may be a revision in this type of
22 procedure as a result of the establishment of the Council for
23 Professional Responsibility. At present it would be in the
24 great majority of the cases turned over to our Investigative
25 Division for investigation. There might, on some unusual

1 occasion, be a designation of a special task force made up,
2 perhaps, of division heads. That is most unlikely, but it is
3 handled internally at present.

4 Mr. Smothers. Would these internal determinations be
5 reviewed by Justice, or do you think that is a necessary
6 step?

7 I guess what we are searching for here is, first of all,
8 I think you answered that, well, to what extent does the
9 Bureau police itself, and then secondly, is the Department of
10 Justice involved in the police determinations?

11 For instance, what if the Attorney General disagreed with
12 the assertion that only the higher up officials who ordered
13 the action against King should be the subject of investigation
14 and maybe prosecution?

15 How does the interplay work there between you and Justice?

16 Mr. Kelley. We do report to the Attorney General those
17 activities which we construe as improper or possibly illegal.
18 There is a possibility that the Department, having been advised
19 of the situation, might take it on their own to do their own
20 investigating, and this is something that we feel is a
21 decision to be made only rather rarely, because we feel we
22 have within our own organization sufficient capability to
23 handle that. But we do not protest it. It is handled
24 independently of us.

25 Mr. Smothers. Thank you.

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That is all I have.

Mr. Schwarz. Thank you.

(Whereupon, at 12:12 o'clock p.m., the Committee recessed
subject to the call of the Chair.)

- - -

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, WFO (62-0)

FROM : SA FRANK W. WAIKART, III

SUBJECT: HOUSTUDY 75

DATE: 1/12/76

Re Bureau teletype to WFO, 12/24/75.

On 12/26/75, contact was made with former Assistant Director FRANK W. WAIKART, II, at his residence, 3407 Weltham St., Washington, D.C. 20023. At this time, he was made aware of facts in referenced teletype.

No further action to be taken by WFO.

62-10744-32

~~62-0~~ 21111

SEARCHED	INDEXED
SERIALIZED	FILED
JAN 13 1976	
FBI - WFO	

1-WFO
FWW:pep (1)
pep



F B I

Date: 3/5/76

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

TO: DIRECTOR, FBI

FROM: SAC, SAN FRANCISCO (62-6815) P

UNSUB, aka
Robert Lee Lewis
IMP

OO: SAN FRANCISCO

Reference is made to San Francisco nitel, dated 2/23/76, captioned SENSTUDY 75, which reported that ROBERT LEE LEWIS, allegedly an investigator for the CHURCH Committee, had been attempting to get someone to testify before the committee on the mishandling of the HEARST case, and Bureau nitel to San Francisco and WFO, dated 2/27/76, instructing San Francisco to immediately conduct an appropriate impersonation investigation and to set forth leads for an interview of the Subject.

Xerox copies of above referenced communications are being furnished to WFO, New York and Boston.

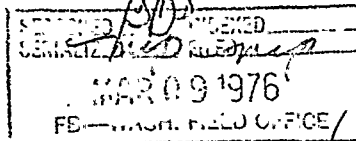
Pursuant to Bureau instructions, ED MONTGOMERY was telephonically contacted at his home. MONTGOMERY stated that he received a telephone call from a third party asking him to call ROBERT LEE LEWIS in Washington, D.C., as he wanted some information about the FBI. When MONTGOMERY telephoned, the person answering said that LEWIS was not there. LEWIS returned the telephone call to MONTGOMERY, on Sunday, 2/22/76. (Referenced San Francisco nitel, dated 2/23/76, contains the information furnished by MONTGOMERY.) MONTGOMERY stated that the number he called was 212-924-7586.

- 2 - Bureau
- 2 - New York (Encls. 2)
- ① - WFO (Encls. 2) (ATTN: SA TITTLE)
- 1 - Boston (INFO) (Encls. 2)
- 2 - San Francisco

GAH:rap

(8)

/ - Copy



Approved: _____

Sent _____ M Per _____

Special Agent in Charge

SF 62-6815
GAH:rap

The San Francisco Office contacted WFO, who advised that the area code 212 was a New York area code and not Washington, D.C. FBI, San Francisco, telephoned the number 212-924-7586. A male answered the phone and a request was made to speak with ROBERT LEE LEWIS, who then came to the phone. The San Francisco agent identified himself as an FBI agent to LEWIS and told him that he was inquiring about the telephone call that had been made by him to ED MONTGOMERY, a reporter in San Francisco. LEWIS admitted making the telephone call and stated that he did not represent himself to be an investigator for the CHURCH Committee. He went on at some length and in a rambling manner relating to many of his past investigative experiences, including his contacts with EUNICE SHRIVER; a priest at Georgetown; representatives of the Secret Service, especially Agent DON CHACOS, and others. He again denied impersonating a government investigator; stated that his life was an open book and that he would have to contact representatives of the CHURCH Committee concerning this matter. He also stated that SA DON CHACOS of Secret Service in Washington, D.C., could vouch for him. He was told that in all probability that an agent from the New York Office would contact him for an additional interview. He stated that would be fine and that he would request that a telephonic appointment be made.

SA BOB TITTLE of WFO telephonically advised that Secret Service Agent DON CHACOS had advised him that he was aware of LEWIS and his activities and described him as an over-zealous, aggressive reporter; also, that he had received a letter from Senator CHURCH for some reporting that he had done.

New York is requested to review enclosed communications, and in line with Bureau instructions, interview ROBERT LEE LEWIS. He should be cautioned against any further situations which might lead someone to believe he is a government investigator.

There does not appear to be anything of value obtained by LEWIS in this matter. There does not seem to be any reason to present this case to the USA. It is believed by San Francisco that upon completion of the interview by New York that this case should be closed.

Information copy furnished Boston inasmuch as they had a similar situation concerning ROBERT LEE LEWIS, 8/75.

F-B I

Date: 2/23/76

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

(Priority)

TO: DIRECTOR, FBI (62-116395)
ATTENTION: LEGAL COUNSEL DIVISION

FROM: SAC, SAN FRANCISCO (62-6887)

SENSTUDY 75

ON FEBRUARY 23, 1976, A SOURCE OF THE OAKLAND RESIDENT AGENCY REPORTED THAT ROBERT LEE LEWIS, INVESTIGATOR FOR THE CHURCH COMMITTEE, HAD BEEN TRYING TO GET SOMEONE TO TESTIFY BEFORE THE COMMITTEE ON THE MISHANDLING OF THE HEARST CASE. HE WAS SUPPOSED TO HAVE BEEN IN CONTACT WITH ED MONTGOMERY, A RETIRED EXAMINER REPORTER, AND POSSIBLY THE HEARSTS.

SAC BATES HAS BEEN PERSONALLY ACQUAINTED WITH MONTGOMERY FOR MANY YEARS. HE CALLED MONTGOMERY AND ASKED HIM CONCERNING THE ABOVE. MONTGOMERY SAID THAT HE HAD RECEIVED A TELEPHONE CALL FROM ~~THE~~ A THIRD PARTY ASKING HIM TO CALL LEWIS IN WASHINGTON AS HE WANTED ADVERSE TESTIMONY ABOUT THE FBI. MONTGOMERY CALLED AND WHEN UNABLE TO SPEAK WITH LEWIS AND AFTER BEING ADVISED OF WHAT LEWIS WANTED, HE HUNG UP. ON SUNDAY, FEBRUARY 22, 1976, LEWIS CALLED MONTGOMERY. HE TOLD MONTGOMERY HE WANTED SOMEONE TO TESTIFY AS TO HOW THE FBI HAD MESSED UP THINGS ON THE WEST COAST. MONTGOMERY IS NOT SURE IF HE SPECIFICALLY MENTIONED

Searched _____
Indexed _____
Filed _____

CWB/cmp

Approved: _____

Special Agent in Charge

62-6887

Sent _____

Per _____

U.S. Government Printing Office: 1972-455-574

62-6887-19

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)

(Priority)

SF 62-6887

CWB/cmp

THE HEARST CASE. MONTGOMERY TOLD LEWIS HE HAD NOTHING IN THIS REGARD HE COULD TESTIFY TO, THAT THE FBI WAS DOING A FINE JOB, THAT HE, MONTGOMERY, DID NOT APPROVE OF THE WAY THE CHURCH COMMITTEE HAD HANDLED ITSELF IN THE PAST AND THAT THEY SHOULD GET OFF OF THE BACKS OF THE CIA AND THE FBI AND LET THEM GET ON WITH THE JOB AND THEN HUNG UP.

MONTGOMERY MADE THE COMMENT THAT HE THOUGHT THIS WAS A TERRIBLE WAY TO ATTEMPT TO GET FACTS. SAC BATES SUGGESTED TO HIM IF HE FELT SO STRONGLY ABOUT IT, HE SHOULD CONSIDER WRITING AN ARTICLE FOR THE EXAMINER AS TO THE APPROACH MADE TO HIM BY THE COMMITTEE. *MONTGOMERY RETIRED SEVERAL MONTHS*

ABOVE BEING SUBMITTED FOR BUREAU'S INFORMATION.

NOTE FOR SAN FRANCISCO ONLY:

THIS WAS A SOURCE OF SA EVERETT W. NELSON, CSSF 33-X.

*AGO, BUT
IS STILL
CLOSE TO
THE EXAMINER.*

- 2 -

*she got it from Ed.
get the info from
Montgomery*

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

U.S. Government Printing Office: 1972 - 455-574

WA RWW

NR246 WA PLAIN.

6:30PM NITEL 2-27-6 VLN

TO SAN FRANCISCO

WASHINGTON FIELD

FROM DIRECTOR

CHANGED, UNSUB, AKA, ROBERT LEE LEWIS; IMPERSONATION; OO: SF.

TITLE CHANGED FROM SENSTUDY 75 TO DESIGNATE ROBERT LEE LEWIS AS THE SUBJECT AND IMPERSONATION AS THE CHARACTER.

RE SF NITEL TO THE DIRECTOR, FEBRUARY 23, 1976, CAPTIONED, "SENSTUDY 75."

INQUIRY MADE BY FBIHQ HAS DETERMINED THAT THERE IS NO ONE BY NAME OF ROBERT LEE LEWIS EMPLOYED AS AN INVESTIGATOR FOR THE CHURCH COMMITTEE. IN VIEW THAT LEWIS HAS IMPERSONATED A GOVERNMENT INVESTIGATOR AND HAS ATTEMPTED TO OBTAIN INFORMATION THROUGH THIS IMPERSONATION, YOU ARE INSTRUCTED TO IMMEDIATELY CONDUCT APPROPRIATE IMPERSONATION INVESTIGATION, POSITIVELY IDENTIFY LEWIS, OBTAIN TELEPHONE NUMBER OF LEWIS FROM ED MONTGOMERY, AND SET FORTH LEADS FOR WFO TO HANDLE INTERVIEW OF SUBJECT. COPY OF REFERENCED TELETYPE HAS BEEN FURNISHED WFO. ✓
END.

Ed: Home
707-943

49 FS

SEARCHED	INDEXED
SERIALIZED	FILED
FEB 27 1976	
FBI - SAN FRANCISCO	

62-6815-10