

File #:

66-ME-2153

Serial Scope:

15<sup>+</sup> NR thru 14<sup>th</sup> NR, 16<sup>th</sup> NR thru 66<sup>th</sup> NR

DO NOT  
DESTROY  
FOIPA# \_\_\_\_\_

(Mount Clipping in Space Below)

# Ex-FBI Official Defends Break-Ins

By EDWARD W. O'BRIEN  
Newhouse News Service

WASHINGTON — W. Mark Felt, a retired top FBI official, authorized two clandestine break-ins by FBI agents to premises involving radical terrorist organizations, and he's proud of it.

If he had refused to permit the agents to carry out black-bag jobs in search of information about the groups, "I would have been derelict in my duty," Felt said in an interview.

One entry four years ago to an Arab information office in Dallas may have saved American lives, he indicated. The FBI agents were able to photograph within minutes an ultra-secret membership list of 80 U.S. residents who were members or possible sympathizers of Al Fatah, the Arab guerrilla organization affiliated with the Palestinian Liberation Organization.

Other FBI agents around the country immediately tracked down the 80 Arabs, interviewed them, "and let them know they would be watched," Felt recalled.

Not all of them were bombers, Felt said, but some were viewed as potential terrorists. The FBI had learned through informants that Al Fatah feared the FBI and would be most unlikely to engage in violence after members' identities were known.

The other FBI surreptitious entry approved in advance by Felt as acting associate director of the bureau was in an effort to trace some 20 Weathermen fugitives being hunted for federal crimes. The break-in was conducted in New York but failed to produce the desired information, because friends and relatives of the fugitives were extremely careful to avoid revealing clues to help in their capture.

The Dallas break-in has not stirred any current legal problems for the FBI because of the PLO's obvious connection with foreign governments. But the Weatherman entry — and others allegedly carried out against the Socialist Workers Party, a Marxist organization — are being investigated.

Felt and others of the FBI's highest hierarchy at that time are dismayed by the investigations. Most of his one-time colleagues have chosen to remain publicly silent in the face of possible indictments.

But Felt is outspoken about his actions prior to his 1973 retirement and the reasons for them.

The break-ins were morally and probably legally justified, he said, citing this quotation from Thomas Jefferson: "A strict adherence to written laws is not the highest duty of good citizens. The laws of self-preservation, of saving the country when danger abounds, are of more importance, for without a nation there would be no Constitution."

A 1972 Supreme Court decision held that surreptitious entry, without a warrant, to install an eavesdropping device against a domestic target, is lawful if the target has a "significant" connection with a foreign power, he said.

(Indicate page, name of newspaper, city and state.)

PAGE 1

COMMERCIAL APPEAL

MEMPHIS, TENN

Date: JAN . 1, 1977

Edition:

Author:

Editor:

Title:

SENSTUDY#75

Character:

or ME66-2150

Classification:

Submitting Office: MEMPHIS

☐ Being Investigated

SEARCHED	INDEXED
SERIALIZED	FILED <i>mk</i>
JAN 5 1977	
FBI - MEMPHIS	

1 copy fwd to  
Bureau 1-5-72 am

In the case of the Weatherman break-in, the FBI has recently filed with the Justice Department a 500-page report documenting the organization's ties with the Fidel Castro regime in Cuba.

"The Weatherman underground consists of a group of vicious criminals who arrogantly claim credit for hundreds of bombings and other acts of violence," Felt said. "They claim more than \$10 million worth of damage to public and private property.

"They bombed our Capitol, the Pentagon and the State Department, to mention but a few. They brag that they are Communist revolutionaries. Fidel Castro is their mentor.

"It is very important to view the actions of the FBI in the light of the time frame in which they occurred. . . .

"There are some who would argue that if a violent action is motivated by political considerations, the FBI should not intervene until after the crime actually occurs.

"There can be no double standard. Violence is violence, and murder is murder."

Felt dismissed as ridiculous any claim that the FBI has conducted massive surveillance of liberals or dissidents. He gave these specifics: The FBI has 8,000 agents in Washington and 59 field offices. It takes a minimum of six agents to conduct round-the-clock surveillance of one person. If all FBI agents were assigned to such work and nothing else, the FBI could monitor fewer than 1,500 persons.

As for wiretapping, he said the maximum number of national security telephone taps at one time under the late J. Edgar Hoover was about 40, and under his successor, L. Patrick Gray, the high was about 100. The total number of organized crime taps during a year was approximately 250, he said.

These figures, he said, should be evaluated against a total of more than 200 million telephones in the United States.

After a 31-year career in the FBI, including service from 1958 to 1962 as special agent in charge of the Kansas City, Mo., office, Felt said, he can assure the American people of the bureau's dedication to protecting their rights as individuals.

"The FBI has always made a very great effort to see that an investigation was aimed at clearing the innocent as well as finding the guilty," he said. He is familiar with law enforcement practices in Britain and other democracies, he said, "and none of them goes to the lengths we do in protecting the rights of the individual."

Felt testified before the current Washington grand jury and made, he said, a full disclosure about the break-ins.

"My feeling is that I will not be indicated," he said. "If I am, I am confident that a trial jury would vindicate me in the actions I took to protect the country."

(Mount Clipping in Space Below)

## — Still 'Twisting Slowly' —

SOME OF THE domestic intelligence burglaries conducted by the FBI in 1972 are now being laid at the feet of L. Patrick Gray III, who was briefly acting director after the death of J. Edgar Hoover in May of that year.

It's hard to know what was happening within the Federal Bureau of Investigation at that time. W. Mark Felt, former associate FBI director, says he approved burglaries because he had heard Gray say "he would approve these things." Edward S. Miller, former head of FBI intelligence, says Gray approved such break-ins in a conversation at which there was no third-party witness. Gray, through his lawyer, has denied "condoning or approving, directly or indirectly, any illegal act" by the FBI.

It should be remembered that the summer of '72 was the time Gray was up to his neck in problems involving the contents of "plumber" Howard Hunt's safe, the CIA and White House aide John Dean — a time when, he told the Senate Watergate investigators, "I was confused, uncertain and uneasy."

Gray has testified he had several briefings from Mark Felt, and gave Felt directions, in that period. These had to do with CIA relations and the Hunt papers, which were not what Gray took them to be, and which he wrongly destroyed thinking, he said, he was protecting national security. In the end, when his Senate confirmation hearings brought out much of this, Gray found himself, in the words of former President Nixon's aide, John Ehrlichman, being left to "hang there" and "twist slowly in the wind."

Speaking of his mistake in burning the Hunt papers, Gray told the Watergate Committee in August, 1973: "I shall carry the burden of that act with me always."

LOOKING AT THE statements made about Gray and the FBI burglaries this week by Felt and Miller, Gray's words seem prophetic.

But more than that, the FBI continues

to carry the burden — and so does its present director, Clarence M. Kelley.

Kelley is having to devote so much time to trying to save a little of the FBI's credibility and morale that he is left little time for running what is one of the most important agencies of federal government.

It is good to clean up past FBI errors. And it is vital to be assured that the FBI is not still governed by old-time loyal Hoover hands who instinctively obey past conditioning.

Somewhere the FBI needs a line to divide the abuses of the past and the efforts to live by the new rules. We need the FBI to fight crime and subversion. We need an FBI free of political interference. We need an FBI that can be proud of itself and make us proud of it.

It cannot be left to go on as Gray was, "twisting slowly in the wind."

(Indicate page, name of newspaper, city and state.)

— PAGE 4

— COMMERCIAL APPEAL

— MEMPHIS, TENN

Date: 8/20/76

Edition:

Author:

Editor:

Title:

EDITORIAL

Character:

or

Classification: 66-2150

Submitting Office: MEMPHIS

SEARCHED	INDEXED
SERIALIZED	FILED
AUG 20 1976	
FBI - MEMPHIS	

*Orig. filed to  
Bureau 8/20/76 nom*

(Mount Clipping in Space Below)

## Probe Hits More At FBI

The New York Times News Service

WASHINGTON — A growing number of past and present executives of the Federal Bureau of Investigation, including two aides close to its director, Clarence M. Kelley, have fallen under the scrutiny of the Justice Department's inquiry into alleged criminal misconduct within the bureau, according to sources close to the inquiry.

The investigation of the FBI, the first in the bureau's history, is considering allegations of financial corruption among high bureau officials and the commission of illegal burglaries by agents within the last five years, long after that practice was believed to have been halted.

According to a variety of reliable sources in and out of the government, the twin investigations have badly damaged the bureau's morale and the efficiency of some of its operations.

(Indicate page, name of newspaper, city and state.)

PAGE 8

COMMERCIAL APPEAL

MEMPHIS, TENN

Date: 7-9-76  
Edition:  
Author:  
Editor: MICHAEL GREHL  
Title:

Character:

or

Classification: 66-2150  
Submitting Office: MEMPHIS

☐ Being Investigated

SEARCHED	INDEXED
SERIALIZED	FILED
JUL 11 1976	
FBI — MEMPHIS	

(Mount Clipping in Space Below)

# NAACP's Roy Wilkins Says He Will Refuse to Retire

By PAUL VANCIL  
Press-Scimitar Staff Writer

In an open break with some members of the NAACP board of directors, executive director Roy Wilkins told delegates at Cook Convention Center today he would refuse to retire in January as previously announced.

Wilkins, 75, said he now plans to stay on until the July 1977 national convention because a statement that he would retire in January was made without consulting him and "a campaign of vilification" had been started against him by certain board members.

Wilkins told the delegates in a short statement this morning, "It was with shock that I learned that a campaign of vilification of me had been started . . . by certain members of the board and continues until this day. If God is willing I shall be at the St. Louis convention as an active directing member of the NAACP family.

"If the board elects to fire me before that time, then I shall have to call upon you to let me represent your interests directly."

At a press conference later, Wilkins refused to name the board members he referred to, but said there was an organ-

ized attempt to oust him by "a small powerful group." However, his wife Minnie said the attempt had started after Mrs. Margaret Bush Wilson of St. Louis had become board chairman.

He said the criticisms starting about 18 months ago had affected his health but did not specify.

Wilkins said he did not know why the board members wanted him out.

Wilkins said he understood the agreement with the board was that he would become consultant at executive director's salary in January if his successor had been chosen by them. But Mrs. Wilkins said a recently drawn contract said he would become a consultant at only \$10,000 per year, a large drop from his reported \$38,500 per year.

The NAACP Resolutions Committee today proposed a resolution calling for an investigation of alleged FBI surveillance of NAACP members and possible criminal prosecution "of those responsible."

The call came in the committee's Civil Rights Resolution.

The resolution said: "Those responsible persons still employed by the FBI should be disciplined and an independent and impartial agency appointed by the Congress to investigate and recommend appropriate action including criminal prosecution against those who violated the rights of so many Americans."

In the same resolution, President Ford, and congressional members were called upon "to cease cheap demagoguery and begin to obey the law" on school busing. The resolution also asks for a federal investigation of "the growing epidemic of violence against black citizens."

Also reported out of committee were resolutions on foreign affairs, communications, labor and industry, consumer protection and economic development. All resolutions may be amended by the delegates.

Resolutions on education, housing, political action, health and armed services are also expected. The delegates will consider the resolutions today and tomorrow.

In the proposed foreign affairs resolution, the committee noted its approval of U.S. policy supporting majority rule by blacks in African countries. It reaffirmed a 1975 resolution calling on American businesses to stop investing in South Africa "until apartheid is ended and majority rule becomes reality."

Monday the delegates adopted an emergency resolution condemning violence against blacks in South Africa.

(Indicate page, name of newspaper, city and state.)

PAGE 1

MEMPHIS PRESS  
SCIMITAR

MEMPHIS, TENN

Date: 7-1-76

Edition:

Author:

Editor: MILTON BRITTEN

Title:

Character: ME66-2150

or

Classification:

Submitting Office: MEMPHIS

☐ Being Investigated

SEARCHED	INDEXED
SERIALIZED	FILED
JUL 2 1976	
FBI - MEMPHIS	

orig. find. to  
bureau 7/2/76  
pjd

## NAACP President Points to New Era

More militancy is needed to make sure civil rights laws are implemented, Dr. W. Montague Cobb of Washington, president of the national organization, said earlier.

"There has been a long series of struggles, led by the NAACP, to get civil rights," Cobb told a press conference.

"Now we face a new era, one concerned not so much with getting laws on the books as getting them properly implemented," he said.

"The NAACP must take the offensive in leading America out of the sickness it is in. We must get away from the program that racism is the root of all evil . . . it is not.

"We have to attack the fundamental nature of man and I do not care by what approach that is done, but it has to be an educational one," Cobb said.

At another point, however, Cobb said racism is a form of mental illness that handicaps whites more than blacks.

Through education, said Cobb, man could get to the real root of his problems — hate.

"You have got to eradicate hate from human nature as the technique of getting something done," he said during his first major news conference of the national convention.

(Mount Clipping in Space Below)

# Is FBI Or Individual Agent Responsible For Illegalities?

By GARRY WILLS

THE NUREMBURG principle has been challenged in its international application. Some say international law is not recognized by all nations; imposed on the conquered, it amounts to promulgating and enforcing the law simultaneously. Nonetheless, we as a nation did establish the Nuremburg principle, and we have tried on occasion to abide by it, even when the criminal was an American soldier (e.g., Lt. William Calley).

But even if there are some arguments against the principle in international affairs, we cannot logically assert it in a questionable area and deny it where no such doubts apply. In domestic affairs, when we are dealing with fellow citizens under a single legal system, there can be no defense for breaking a law on the grounds that "I was just obeying orders." The judge very eloquently knocked down that defense in the "plumbers" trial.

Many well-documented crimes against American citizens have been committed by active agents of the CIA and the FBI. Yet no single perpetrator of those multiple crimes has been convicted. In the few cases where indictments were brought, the agencies succeeded in quashing them. But now we hear that the Justice Department is investigating the network of FBI agents who committed illegal searches and seizures in the campaign against the Socialist Workers Party.

TO SOME AMERICANS, the idea of holding a "G-Man" to account for undermining the Constitution is unthinkable. These people have been treated as above the law. But such an attitude not only did long-term damage to our society; it reduced FBI agents to the pawns of an autocratic director. We citizens could never question an agent, because an agent could never question J. Edgar Hoover's orders. The agents were systematically humiliated, regimented, and forced to do dirty work.

As Dostoevsky described the process in "The Possessed," nothing strengthened the conspiracy like the implication of all its members in interrelated crimes. Then no one can "squeal" because all are vulnerable. That was the power the FBI had over its own.

It is time — long past time — to break that power. There is no question, now, that FBI agents broke the law. So: how do we prove that the FBI is not organizationally committed to law-breaking except by prosecution of actual law-breakers? The effect will be to liberate future agents, no matter how much presently implicated agents protest the unfairness of punishing them. After all, they were just following orders, like Eichmann?

trial in this matter. Will the government establish and practice that its own agencies are not above the laws they are sworn to execute? After all, if John Mitchell, a former head of the Justice Department, can stand trial, then why not a hired burglar for the FBI?

As I say, one result of this will be the liberation of future government employees from the pre-

(Indicate page, name of newspaper, city and state.)

PAGE 5

COMMERCIAL APPEAL

MEMPHIS, TENN

YOU'RE SURROUNDED BY ARMY,  
NAVY, AIRFORCE, AND MARINES!  
YOU FBI AGENTS COME  
OUT WITH YOUR HANDS  
UP!



Date: 6-30-76

Edition:

Author: GARRY WILLS

Editor: MICHAEL GREHL

Title:

Character: *Orig. from Bureau 7-1-76*

or

Classification: 66-2150

Submitting Office: MEMPHIS

☐ Being Investigated

sumption that any criminal demand can be made upon them. A useful service in this area is being prepared by the Project on Official Illegalities, under the direction of Ralph Stavins. The project is doing legal research for a mailing to all employees of national security agencies. This mailing will remind American citizens of their right to resist official demands that they break the law, and it will outline procedures for legal protest and self-protection.

No American citizen should be exposed, ever again, to the brow-beating tactics of a master criminal like J. Edgar Hoover, or plead such intimidation in crimes committed against his fellow citizens. We did not listen to this excuse when it was voiced by a Goering. We certainly should not admit the same plea into our domestic courts.

(Mount Clipping in Space Below)

# The FBI Had A Job To Do And Did It

**THE SENATE** Intelligence Committee — the so-called Church Committee — is still sticking pins in the FBI.

The committee is issuing a series of 13 reports critical of the FBI.

Sen. Frank Church (D-Ida.) says that the FBI sought for 15 years to discredit and disarm groups and ideologies ranging from Communists to neo-Nazis, from black hate groups to the Ku Klux Klan.

The committee contends that the FBI's countermeasures may have been illegal.

**THE COMMITTEE** conveniently forgets it was Congress that delegated to the FBI the entire responsibility for our nation's internal security.

It was the FBI's duly assigned mission to protect our established order against the wreckers.

The Federal Bureau of Investigation and its longtime director J. Edgar Hoover are victims of "discrimination." Its accusers are forgetting what our nation's potential enemies were up to during the years we are now second-guessing.

The so-called Black Liberation Army was conducting guerrilla warfare training near Atlanta, Ga.

From inside a California state prison, Huey Newton was directing Black Panther preparation for armed revolution. In 1970 the Pan-

By  
Paul  
Harvey



thers were fomenting terrorism in cities, on campuses.

With the avowed enemies of our nation employing more lethal weapons and kidnaping prominent persons, what should the one agency responsible for our nation's internal security do? That's what it did.

We still didn't do enough.

Between 1971 and 1974 some 6,900 weapons were stolen from United States military bases at home and abroad. That's enough to equip for combat 10 combat battalions.

So the terrorists — in three months of 1970 and 1971 — dynamited three campus buildings at the University of Oregon, pipe-bombed a GE building in New York, time-bombed a recruiting office in College Park, Ga., bombed a court building in El Monte, Calif., a civic building in Los Angeles and two recruiting stations in New York.

They bombed and killed in the Federal Building in Los Angeles and in Bristow, Okla. They bombed

(Indicate page, name of newspaper, city and state.)

PAGE 15

NASHVILLE BANNER

NASHVILLE, TENN.

Date: 6/17/76  
Edition:  
Author:  
Editor: KENNETH E. MORRELL  
Title:

Character:

or

Classification: 66-2150

Submitting Office: MEMPHIS

☐ Being Investigated

SEARCHED	INDEXED
SERIALIZED	FILED
JUN 22 1976	
FBI - MEMPHIS	

an Army induction center in Oakland, Calif., and a Navy Recruiting Center in Queens, Long Island, and three stores in Fort Pierce, Fla.

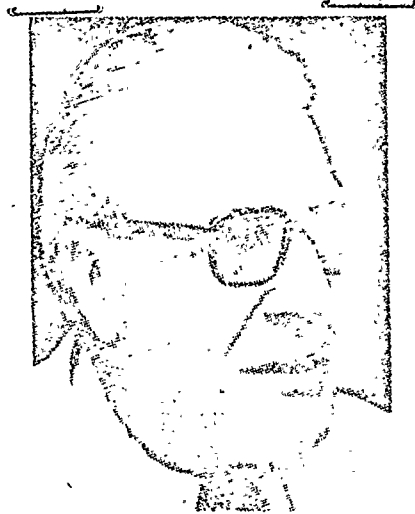
**ALL THIS OVERT** attack on our nation's established order occurred in a period of three months and, incidentally, since then, while our FBI has been further inhibited in its countermeasures, terrorist

bombings doubled in 1974, tripled in 1975!

And the likes of William Kunstler and Russell Means are now brazenly predicting "violent revolution in the streets" this year.

Meanwhile, the Senate Intelligence Committee, which should be on our side, preoccupies itself with accusing our FBI of playing too rough. So — I don't know.

(Mount Clipping in Space Below)



## Had Reason

FBI Director Clarence M. Kelley has said privately that his recent, emotional apology for the bureau's past abuses of power was made in hopes that it 'might well prevent or at least somewhat retard the proliferation of highly restrictive legislation' directed at the FBI by Congress.

SEARCHED	INDEXED
SERIALIZED	FILED <i>ml</i>
JUN 13 1976	
FBI - MEMPHIS	

(Indicate page, name of newspaper, city and state.)

PAGE 7

COMMERCIAL APPEAL

MEMPHIS, TENN

Date: JUNE 17, 1976

Edition:

Author:

Editor: MICHAEL GREHL

Title: SENSTUDY 75

Character:

or

Classification: ME 66-2150

Submitting Office: MEMPHIS

☐ Being Investigated

*original  
fwd.  
to Bureau.  
6/18/76  
pyd*

(Mount Clipping in Space Below)

# A Fresh Start For Nation Away From Past Abuses

THE WRIT of the Senate Select Committee on Intelligence has run out and its 15-month-long labors ended. The people of the nation have reason to be grateful, whatever their chagrin or outrage about its revelations.

That record has been made clear enough: Millions of Americans were victims of their own institutions and were spied upon in ways that were hitherto regarded as the practices of police states.

The CIA, the FBI and other intelligence agencies have had their methods exposed, and it hasn't been pretty. The CIA had its assassination plots and its moves against foreign governments. The FBI had its mail openings, electronic espionage, and efforts to undercut civil rights leaders and to infiltrate political and other organizations.

It is apparent informants kept a check on any number of groups, not only across the political spectrum, but in other areas such as the media. Since this newspaper itself was lately involved, the whole range of activities revealed by the Senate committee hits home even harder.

There is a new start. The Senate, after some wrangling, adopted the chief recommendation of the Select Committee. That was the formation of a single watchdog committee with sufficient powers to oversee the intelligence community and its activities.

suggested some two decades ago. But however much one might regret that a good idea was passed over then, it is now an accomplished fact.

The 15-member committee will be chaired by Sen. Daniel Inouye of Hawaii. The vice chairman is Sen. Howard Baker of Tennessee. Its first task will be the drafting of "new charters" for the CIA and other intelligence agencies.

The committee will have exclusive jurisdiction over the CIA, but will share jurisdiction with other committees insofar as the FBI and other agencies are concerned.

However, the new committee will have power of review and approval over the budgets of all the intelligence agencies, including those not entirely under its control.

Senator Inouye said he expects the White House to notify the committee in advance of any major new intelligence effort and said he would warn the heads of the intelligence agencies that if they do not cooperate fully with the new committee, a successor panel would be formed which he thinks would have even more far-reaching powers.

The committee already has formidable powers, and it can exercise those in such a way that any intelligence agency could be called to account for its actions. It should have every determination to do so and should demonstrate by its actions that the constitutional checks and balances are restored.

(Indicate page, name of newspaper, city and state.)

PAGE 8

THE TENNESSEAN

NASHVILLE, TENN

*Orig. fwd. to  
Bureau 6/3/76  
ADW*

Date: 6/2/76  
Edition:  
Author:  
Editor: LLOYD ARMOUR  
Title: SENSTUDY 75  
Character: *File*  
or  
Classification: ME 66-2150  
Submitting Office: MEMPHIS

SEARCHED	INDEXED
SERIALIZED	FILED
JUN 3 1976	
FBI - MEMPHIS	

(Mount Clipping in Space Below)

'O Say Can You See. . .

CIA  
 FBI  
 IRS

100 C-30

orig fwd to  
Bureau 5/27/76 ROR

66-2150

(Indicate page, name of newspaper, city and state.)

— PAGE 8

— MEMPHIS PRESS  
SCIMITAR

— MEMPHIS, TENN

Date: May 26, 1976

Edition:

Author:

Editor: MILTON BRITTEN

Title:

Character:

or

Classification: 66-2150

Submitting Office: MEMPHIS

☐ Being Investigated

SEARCHED	INDEXED
SERIALIZED	FILED <i>ml</i>

MAY 27 1976

FBI - MEMPHIS

(Mount Clipping in Space Below)

GOOD GOD!  
IT'LL BECOME  
A POLICE  
STATE



EVERYTIME I  
BURGLARIZE  
AN OFFICE....  
THEY'LL KNOW.



EVERYTIME I  
TAP A PHONE ....  
EVERYTIME I  
OPEN SOMEONE'S  
MAIL....



IMAGINE ...  
A SENATE PANEL  
MONITORING MY  
EVERY MOVE.



orig  
fwd to  
Bureau 5/27/76 con

66-2150

(Indicate page, name of newspaper, city and state.)

PAGE 6

COMMERCIAL APPEAL

MEMPHIS, TENN

Date: May 25, 1976

Edition:

Author:

Editor: MICHAEL GREIN

Title:

Character:

or

Classification: 66-2150

Submitting Office: MEMPHIS

☐ Being Investigated

SEARCHED INDEXED  
SERIALIZED FILED

MAY 27 1976

FBI - MEMPHIS

(Mount Clipping in Space Below)

## FBI Apology

FBI Director Clarence Kelley was correct — though a bit late — to apologize to the nation for the bureau's abuses of power and lawless tactics.

In a carefully written weekend speech, Kelley said the FBI was "truly sorry" for its misdeeds and for the first time put the blame squarely on the late J. Edgar Hoover.

Kelley was referring to the FBI counterintelligence programs (Cointelpro) which from 1956 to 1971 tried to disrupt militant political groups such as the Communist Party, the Ku Klux Klan and the Black Panthers.

In its recent report the Senate Intelligence Committee criticized Cointelpro for making up derogatory information against its "targets" and sending it to their families and employers.

The committee cited several cases where FBI misinformation led to violence between radical groups and even some killings. It also accused the FBI of smearing the late civil rights leader Martin Luther King Jr., urging him to commit suicide and blackening his reputation even after his assassination.

Last year Attorney General Edward Levi called such Cointelpro activities "outrageous." Kelley, however, attempted to defend them. Now he is acknowledging that the FBI is not above the law, and this is helpful.

As welcome as Kelley's conversion is, something more is needed. A secure democracy is based not on transient men but on laws. Congress has the imperative duty of passing laws that define just what the FBI and other intelligence can and cannot do.

At the same time Congress must overcome its inertia and set up a single powerful intelligence committee. What is demanded is one strong enough to see that the agencies respect their charters and discreet enough to keep secrets when national security is truly involved.

The time to act is now, when Hoover's campaign against King and the CIA's asinine assassination plots are fresh in the public mind. To delay will mean no reform and — inevitably — new abuses of power when the present furor is forgotten.

(Indicate page, name of newspaper, city and state.)

— PAGE 4

— MEMPHIS PRESS  
SCIMITAR

— MEMPHIS, TENN

Date: MAY 11, 1976

Edition:

Author:

Editor: MILTON BRITTEN

Title:

Character:

or

Classification: 66-2150

Submitting Office: MEMPHIS

☐ Being Investigated

MAY 11 1976

(Mount Clipping in Space Below)

# FBI Oversight Panel Has Kelley Welcome

By ALAN BERNSTEIN

FBI director Clarence Kelley, who has lent some candor to the intelligence agency's dealings since his 1973 appointment, continued his relatively open stance while in Nashville Monday for a television show taping.

Citing his approval during confirmation hearings of a legislative committee on the intelligence community, Kelley said he welcomes the idea of an FBI oversight committee in the House or Senate.

"We're willing to work with them," he said after his arrival Monday morning.

But Kelley, who was chief Tennessee FBI agent in the early 1960s, had little to say on other FBI issues.

He said he couldn't talk about the specifics of his "apology" last weekend because past FBI activi-

ties are the subject of ongoing court action. Kelley, following a Senate report on FBI illegal domestic breakins, told the public he was sorry for the damage those acts may have done.

Kelley also declined comment on the recent firing of a Tennessean copy editor, Mrs. Jacque Srouji. Mrs. Srouji was fired last week because of alleged FBI connections.

The former Kansas City police chief did expound on his opinions of marijuana law enforcement.

He said police forces should prosecute sale of marijuana when they can, but they should concentrate on prosecuting actions that might be more productive toward the deterrence of crime.

"I don't favor decriminalization," he said. "There are laws against use and it's just not socially acceptable."

(Indicate page, name of newspaper, city and state.)

PAGE 9

NASHVILLE BANNER

NASHVILLE, TENN.

Date: 5/11/76  
Edition:  
Author: ALAN BERNSTEIN  
Editor: CHARLES L. OVERE  
Title:

Character:  
or  
Classification: 66-2150  
Submitting Office: MEMPHIS

☐ Being Investigated

SEARCHED INDEXED  
SERIALIZED FILED

MAY 11 1976

Orig Fwd to  
BUREAU 5/14/76 am

sent to  
file

(Mount Clipping in Space Below)

## Kelley's Apology

ALTHOUGH THE APOLOGY by FBI Director Clarence Kelley for past misdeeds by the agency is somewhat tardy, it should be taken as a positive indication of a less arrogant attitude.

Arrogance was a part of the problem which led to misuses of power by the bureau in its domestic intelligence activities, mainly under the direction of the late J. Edgar Hoover.

"We are truly sorry we were responsible for instances which are now subject to such criticism," Kelley said in a lecture at Westminster College in Fulton, Mo. "We need to make it clearly understood that we recognize errors and have learned from them."

His statement may also be taken as a realization on his part that the nation and the Congress generally are not sympathetic to the hard-line posture.

Hoover created, largely through the force of his own personality, an FBI image for efficiency and integrity. We have learned, however, that the facade was not without flaws.

With overzealous purpose, and with a wink from presidents and attorneys general, the FBI many times operated outside the law to the detriment of the very citizens it was charged with protecting.

Those who should have been watchdogs served instead as defenders of the bureau. Had the illegal wiretaps and burglaries been effective, it is conceivable there could be a bonding of the philosophical aversion to the idea that the ends justify the means. The best evidence, however, is that the illegal activities were

ineffective. Out of the hundreds whose rights were violated, very few were ever found to have committed a crime.

The most recent disclosures by Senate investigators of the FBI point up the foolishness of most of it. Through one tap, for instance, the FBI learned the wife of their "target" had ordered meat from the market and that his daughter had a toothache.

There is a move now to create an oversight committee in Congress. We support the move in principal but with some reservation about the possibility it will be so antagonistic to the intelligence agencies that it will render them ineffective.

As the FBI must be held accountable, so must those who would oversee it. Whether the sieve that is Congress can function as overseer without unduly hampering the investigatory process is the problem.

THE DANGER IS THAT the FBI's critics will fall victim to the same sort of paranoid suspicion which got the bureau into its present difficulty. There is sense to something else Kelley said in his speech of apology.

"I say it is time for the FBI's critics to concentrate on the FBI present and the FBI future," he said. "Yes, there have been errors, but I say it is time to permit the FBI and all peace-keeping agencies to get on with their mission of trying to assure the continuance of orderly, constituted government with peace and tranquility for the American people."

(Indicate page, name of newspaper, city and state.)

PAGE 6

COMMERCIAL APPEAL

MEMPHIS, TENN

Date: MAY 11, 1976  
Edition:  
Author:  
Editor: MICHAEL GREHL  
Title: SENSTUDY 75

Character:  
or ME 66-2150  
Classification:  
Submitting Office: MEMPHIS

<input type="checkbox"/> Being Investigated	
SEARCHED	INDEXED
SERIALIZED	FILED
MAY 11 1976	
FBI - MEMPHIS	

Orig fwd to  
BUREAU 5/13/76 am

(Mount Clipping in Space Below)

## FBI's Chief Apologizes For Abuses

FULTON, Mo. (AP) — FBI Director Clarence Kelley Saturday issued his first public apology for past FBI misdeeds such as the campaign to harass and disrupt militant political groups and discredit their leaders.

"We are truly sorry we were responsible for instances which now are subject to such criticism," Kelley said. "We need to make it clearly understood that we recognize errors and have learned from them."

He spoke in a lecture series at Westminster College, and most of the 250 to 300 in the audience were on campus for alumni weekend festivities.

The FBI director followed carefully his prepared manuscript but at the end made a plea that diligence be tempered by reason, vigilance by understanding. In this way, he said, the country can fully realize the power of a free people.

The speech was a striking departure from the tone and content of Kelley's previous public statements about FBI misdeeds and the congressional investigations of the agency.

Kelley for the first time acknowledged that FBI officials had abused their power and he subtly criticized his legendary predecessor, the late J. Edgar Hoover, for allowing the abuses.

The speech came as the Senate Intelligence Committee continued issuing reports detailing the extent of improper FBI conduct, primarily in the methods of gathering intelligence about domestic political organizations.

The report said FBI domestic intelligence abuses were born 40 years ago in the grim days of the Great Depression, continued through World War II and the Cold War years and hit a peak during the civil disturbances of the past decade.

Noting that the abuses occurred before he took office in 1973, Kelley said, "Some of those activities were clearly wrong and quite indefensible. We most certainly must never allow them to be repeated."

He said many of the misdeeds were "good faith efforts to prevent bloodshed and wanton destruction of property" during the violent protests of the 1960s.

(Indicate page, name of newspaper, city and state.)

— PAGE 1

— COMMERCIAL APPEAL

— MEMPHIS, TENN

Date: MAY 9, 1976  
Edition:  
Author:  
Editor: MICHAEL GREHL  
Title:

SENSTUDY 75

Character:  
or ME 66-2150  
Classification:  
Submitting Office: MEMPHIS

<input type="checkbox"/> Being Investigated
SEARCHED INDEXED SERIALIZED FILED
MAY 13 1976
FBI - MEMPHIS

Orig Fwd to  
BUREAU 5/13/76 am

"Nevertheless," ~~he~~ admitted, "there were wrongful uses of power. The mistakes must be acknowledged if they are to be avoided in the future." He did not list the activities he considers wrong.

Under Hoover's leadership, Kelley said, the FBI occupied "a unique position that permitted improper activity without accountability.

"It has been suggested that this image-building was premeditated on the part of Mr. Hoover. But if that were true, then he was enthusiastically abetted by the news media, willingly indulged by Congress and warmly embraced by a grateful public.

"With such enormous public esteem and prestige, of course, come power and influence."

This helped the FBI to solve crimes, he said, but "some abuses of that power occurred . . . chiefly during the twilight of Mr. Hoover's administration."

Kelley asserted that the FBI will never again have such power, nor will its director. He said he believes no FBI director should serve longer than 10 years and none "should abide incursions upon the liberties of the people."

He said he will insist that FBI agents perform according to both the spirit and letter of the law.

"I say it is time for the FBI's critics to concentrate on the FBI present and the FBI future. Yes, there have been errors, but I say it is time to permit the FBI and all peace-keeping agencies to get on with their mission of trying to assure the continuance of orderly, constituted government with peace and tranquility for the American people."

The Senate report said the FBI conducted "intensive coverage" of a group called Fair Play for Cuba Committee but failed to spot presidential assassin Lee Harvey Oswald as one of its members. The FBI had listed some 200 pro-Castro activists as "potentially dangerous individuals" but Oswald, who in 1963 headed the committee's New Orleans chapter, was not included on the list.

(Mount Clipping in Space Below)

# FBI Chief Mum On Ex-Staffer's Links With FBI

By MARSHA VANDE BERG

FBI Director Clarence Kelley declined yesterday to answer questions in connection with the recent dismissal of a Tennessean staff member because it is "now a subject of investigation in Congress."

Following a four-hour video-taping session at WTVF-TV here, Kelley was asked whether he considered it proper for the FBI to question a newspaper staff member about activities at the newspaper and other staff members.

"I AM unable to give any response because that is now a subject of investigation in Congress. I think it best if I hold true to that statement."

Mrs. Jacque Srouji, a Tennessean copy editor was separated from the newspaper last week because of communications she had with the FBI involving at least two of her fellow staffers.

It has been reported that the staff of a congressional subcommittee was told by an FBI agent that Mrs. Srouji had a "special relationship" with the bureau.

ATTEMPTS to reach Mrs. Srouji yesterday were unsuccessful.

Kelley was in Nashville to tape a 30-minute television program on "crime resistance." The program will be distributed by the National Exchange Club.

(Turn to Page 2, Column 1)

(Indicate page, name of newspaper, city and state.)

— PAGE 1

— THE TENNESSEAN

— NASHVILLE, TENN

Date:

5-11-76

Edition:

Author:

MARSHA VANDE BERG

Editor:

LLOYD ARMOUR

Title:

SENSTUDY 75

Character:

or ME 66-2150

Classification:

Submitting Office: MEMPHIS

☐ Being Investigated

SEARCHED	INDEXED
SERIALIZED	FILED
MAY 11 1976	
FBI - MEMPHIS	

Orig fwd to  
BUREAU 5/12/76am

# Kelley Mum on Former Staffer's Links to FBI

(Continued From Page One)

The FBI director said the bureau has a "credibility" problem in the wake of disclosures by a Senate Select Committee on Intelligence about illegal and improper activities by the FBI.

HE SAID the lack of belief in the agency "is a result of some things which have transpired, including criticism leveled by the news media, editorials and a general disintegration" in attitudes about government.

It stems "from Watergate on through the (Senate committee) hearings..."

"It needs repairing because we are very dependent on people to get our information and support."

KELLEY said he made the first public apology in FBI history for the bureau's past misdeeds because "I am truly sorry."

He said the bureau is responsible "for some things which are now the subject of criticism." He declined to specify which actions he considers wrong.

Disclosures by the Senate Select Committee have linked the FBI with the use of elaborate electronic

equipment against American citizens who were not suspected of any criminal activity.

A 17-YEAR FBI program, called Cointelpro, had targeted civil rights leader Dr. Martin Luther King, as well as students and "new left" radicals, and suspected members of the Communist party, the Socialist Workers party, and the Ku Klux Klan.

The Senate committee Intelligence has also determined that the FBI maintained a network of confidential informers inside major news organizations, universities and charitable foundations.

The bureau used journalists as sources of information, the committee reported.

ALSO, the committee said, journalists were in many instances simply recipients of exclusive information provided by FBI agents for use in news stories, while in other cases, the journalists supplied the FBI with unpublished information.

Kelley said yesterday he favors making the FBI accountable to a congressional oversight committee. He quickly added that he was in favor of such a system when he was confirmed as director by the Senate.

The FBI director said he hopes an oversight committee could be "centered" in either the House or Senate, but that a joint-oversight committee would be acceptable.

THE ALLEGED relationship between Mrs. Srouji and the FBI has become the subject of an investigation by the House Small Business Committee's subcommittee on energy and environment.

The New York Times reported last week that the FBI disclosure of the alleged relationship has also initiated an FBI investigation.

FBI Agent Larry Olsen reportedly told staff members of the House subcommittee that he could not answer any more

questions about Mrs. Srouji because she had a "special relationship" with the bureau.

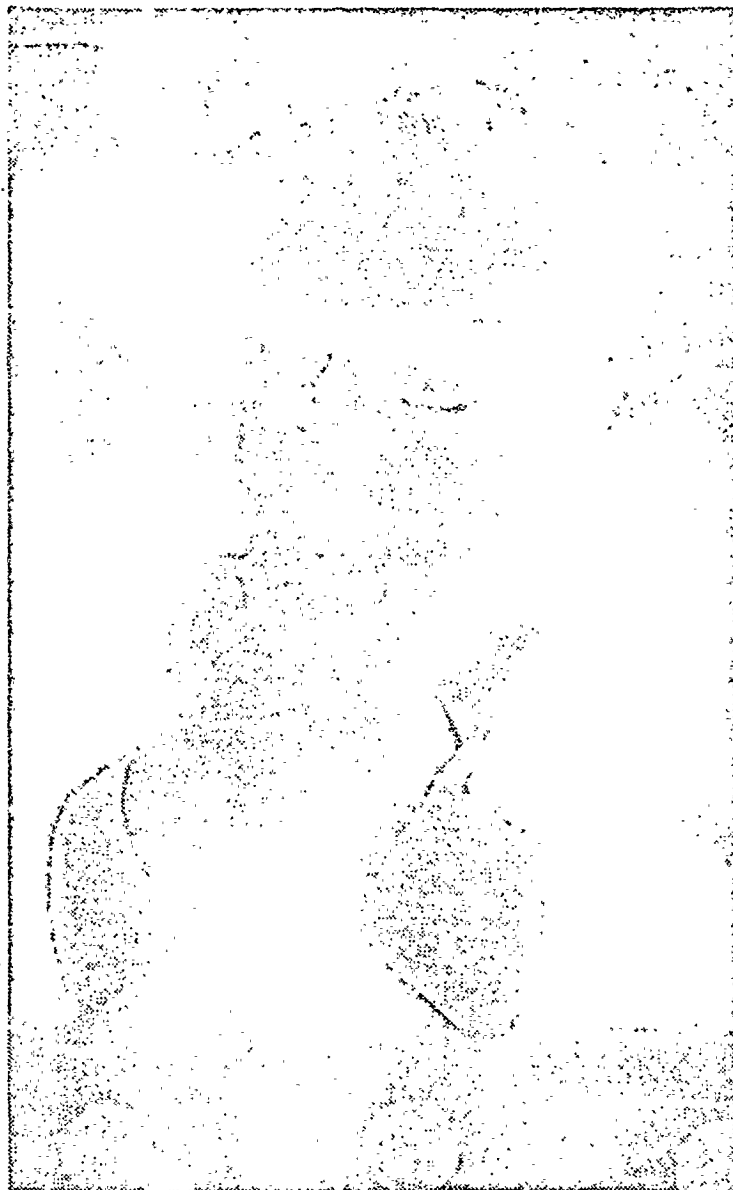
Olsen met with the subcommittee staff after Mrs. Srouji testified she had seen a "ton of material" prepared by the FBI in an investigation of the death in a car crash of Karen Silkwood.

MISS SILKWOOD was a plutonium worker who had raised questions about the operation of a Kerr-McGhee Corp. nuclear plant near Crescent, Okla.

Mrs. Srouji investigated Miss Silkwood's death in connection with a book on nuclear power. Her research was not connected with her work at the Tennessean where she was employed as a copy editor

in 1969-70 and again last September.

Tennessean officials said yesterday that Kelley did not meet with them to discuss the Srouji case while he was in Nashville.



—Staff photo by Gerald Holly

**Clarence Kelley**  
“...subject of investigation...”

(Mount Clipping in Space Below)

# The Hoover FBI 'Black Bag' Assignments

(Indicate page, name of newspaper, city and state.)

PAGE 13

EDITORIAL

THE TENNESSEAN

NASHVILLE, TENN

WASHINGTON — The FBI, without technically telling an untruth, has led the public to believe its agents took part in no more than 238 criminal housebreakings. The actual figure is well over 1,000 and may surpass 2,000.

These "black bag" jobs, as the late FBI chief J. Edgar Hoover called them, were employed principally against suspected spies, organized crime figures, foreign diplomats and a few dangerous revolutionaries.

But Hoover also sent his agents to burglarize the premises of law-abiding U.S. citizens whom the old FBI curmudgeon simply disliked.

Confidential FBI memos, obtained by the Senate Intelligence Committee, acknowledge that the "black bag" jobs violated the criminal laws the FBI was supposed to enforce. Yet we have learned from FBI



sources that Hoover, although sworn to uphold the laws, personally sanctioned more than 1,000 of the break-ins.

Not until 1967 did Hoover take steps, in a self-serving memo turned up by the Senate probers, to end the break-ins. Even then, we have learned, it wasn't his own idea but pressure from then-Attorney-General Ramsey Clark that brought the change.

The figure of 238 "surreptitious entries," as the burglaries were politely called, first appeared in an FBI memo to the Senate committee on Sept. 23, 1975.

The memo accurately but cagily reported that the 238

housebreakings were perpetrated against 14 "domestic subversive targets" during the 1942-68 period. But a careful reading shows the bureau left a hedge. Almost in passing, the memo indicates the figure is "incomplete," based as much on the memory of agents as on actual data. Indeed, Hoover purposely destroyed many of the records dealing with the break-ins, presumably to eliminate documentary evidence of the FBI crimes.

From our internal sources, however, we have ascertained that some top FBI officials believe the 1,000-to-2,000 figure is a "conservative estimate" of the total housebreakings. These include not only burglaries to get information but break-ins to install bugging devices.

One source said the housebreakings go back far beyond

Date: 5/10/76  
Edition:  
Author:  
Editor: LLOYD ARMOUR  
Title: SENSTUDY 75

Character:  
or  
Classification:  
Submitting Office: MEMPHIS

☐ Being Investigated

66-2150

SEARCHED.....	INDEXED.....
SERIALIZED.....	FILED.....
MAY 12 1976	

1942 and never terminated completely in 1968. Under FBI chief Clarence Kelley, however, the bureau has scrupulously followed legal procedures.

The Senate Intelligence Committee, meanwhile, has pushed the FBI hard for more complete break-in figures. The committee will release a report shortly showing the confirmed housebreakings totaled slightly less than 1,000. Our higher figures, however, came from indisputable FBI sources.

In defense of the past practice of breaking and entering, the FBI said this technique was used only "to obtain secret and closely guarded organizational and financial information" or to plant electronic equipment in the most "highly selective" cases.

Footnote: Those who be-

lieve in law and order had better demand that it begin with the government. A lawless government is far more dangerous than any lawless individual. Yet in spite of the clear evidence that the FBI, CIA and other agencies engaged in illegal acts, the Senate Rules Committee led by Chairman Howard Cannon, D-Nev., voted against strong oversight of these agencies.

**CHAUFFEUR'S** complaint: The former secretary of Rep. Phillip Burton, D-Calif., a member of the powerful House leadership, has accused him of requiring her to chauffeur him around at all hours until it broke her health.

Mrs. Nina-Ann Coleman, 51, also claims she had to pay more than \$15,000 from her own pocket for gasoline, repairs, insurance and a suc-

cession of cars since 1967 to keep up with Burton's 12-hour days.

In a confidential claim submitted to the Labor Department for disability payments, the former secretary charges that she was pressed into service as a chauffeur not only for the congressman but for his wife, a movie star, union friends and other colleagues.

She ferried Mrs. Burton to the market, to clothing stores and to parties, the filed papers allege. On one occasion, Mrs. Coleman picked up a Burton aide at Dulles Airport, she said, but later discovered he had submitted a voucher for the trip and had chiseled \$20 out of the taxpayers. The staff member, Maurice Shean, vigorously denies the charge.

On the way home from another airport pickup, according to Mrs. Coleman, the ci-

garet smoke in her car was so thick, it precipitated an asthma attack. A statement from her doctor adds that she was so affected by the smoke; she had to be hospitalized.

Her husband, in another signed statement, said she became "a slave to her office," leading to two separations before she was fired by Burton earlier this year.

Responding to the Labor Department's request for comment, Burton said Mrs. Coleman's illness had made her irritable, nervous and absent from work about two months a year since 1974. He conceded to us that she had driven him a great deal but said he had reimbursed her for some trips.

In any case, he said, chauffeur-ing "was part of her job responsibility and her pay reflected" the added responsibility.

(Mount Clipping in Space Below)

# FBI Chief Voices Apology

FULTON, Mo. (AP) — FBI Director Clarence M. Kelley issued yesterday his first public apology for past FBI misdeeds such as the campaign to harass and disrupt militant political groups and discredit their leaders.

"We are truly sorry we were responsible for instances which now are subject to such criticism," Kelley said. "We need to make it clearly understood that we recognize errors and have learned from them."

HIS REMARKS were in a speech prepared for a lecture series sponsored by the John Findley Green Foundation at Westminster College. The speech was a striking departure from the tone and content of Kelley's previous public statements about FBI misdeeds and the congressional investigations of the agency.

Kelley for the first time acknowledged that FBI officials had abused their power and he subtly criticized his predecessor, the late J. Edgar Hoover, for allowing the abuses.

The director's decision to make such statements provoked internal debate as some FBI officials lined up in favor of it and others expressed opposition. Agency sources said in Washington.

"WILL THERE BE people here upset with the speech? Oh, sure. But there were others upset because he hadn't said it before," one source acknowledged.

As for Kelley's apology, one FBI official observed: "Nobody's ever said that over here before."

The speech came as the Senate Intelligence Committee continued issuing reports detailing the extent of improper FBI conduct, primarily in the methods of gathering intelligence about domestic political organizations.

NOTING THAT the abuses occurred before he took office in 1973, Kelley said, "Some of those activities were clearly wrong and quite indefensible. We most certainly must never allow them to be repeated."

He said many of the misdeeds were "good faith efforts to prevent bloodshed and wanton destruction of property" during the violent protests of the 1960s.

"Nevertheless," he admitted, "there were wrongful uses of power. The mistakes must be acknowledged if they are to

(Turn to Page 2, Column 2)

Orig fwd to  
BUREAU 5/12/76 ROR

(Indicate page, name of newspaper, city and state.)

PAGE 1

THE TENNESSEAN

NASHVILLE, TENN

Date: 5-9-76

Edition:

Author:

Editor: LLOYD ARMOUR

Title:

SENSTUDY 75

Character:

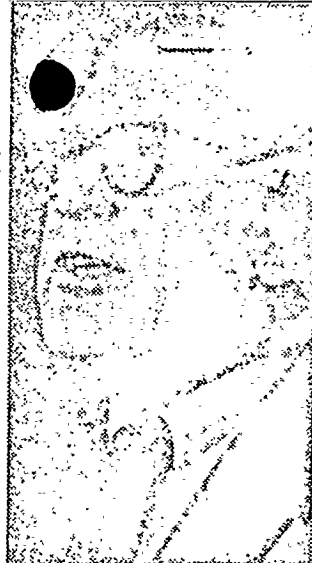
or ME 66-2150

Classification:

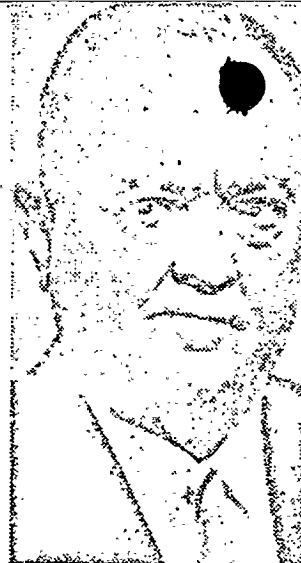
Submitting Office: MEMPHIS

☐ Being Investigated

SEARCHED	INDEXED
SERIALIZED	FILED
MAY 11 1976	
FBI - MEMPHIS	



Clarence M. Kelley  
"Abuses ... have occurred"



J. Edgar Hoover  
Prestige, power noted

## Kelley 'Sorry' For Misdeeds In FBI's Past

(Continued From Page One)  
be avoided in the future." He did not list the activities he considers wrong.

**JUSTICE** Department guidelines and congressional watchfulness "will substantially assure the propriety of the FBI's operations now and in the future," he added.

Under Hoover's leadership, Kelley said, the FBI occupied "a unique position that permitted improper activity without accountability."

He continued, "It has been suggested that this image-building was premeditated on the part of Mr. Hoover. But if that were true, then he was enthusiastically abetted by the news media, willingly indulged by Congress and warmly embraced by a grateful public."

"With such enormous public esteem and prestige, of course, come power and influence."

**THIS HELPED** the FBI to solve crimes, he said, but "some abuses of that power occurred

during the twilight of Mr. Hoover's administration."

Kelley asserted that the FBI will never again have such power, nor will its director. He said he believes no FBI director should serve longer than 10 years and none "should abide incursions upon the liberties of the people."

He said he will insist that FBI agents perform according both to the spirit and to the letter of the law.

**AS FOR THE** continuing criticism, Kelley said "it will avail the FBI, or the people we serve, nothing if we lash back at our critics."

But he continued, "I say it is time for the FBI's critics to concentrate on the FBI present and the FBI future. Yes, there have been errors, but I say it is time to permit the FBI and all peacekeeping agencies to get on with their mission of trying to assure the continuance of orderly, constituted government with peace and tranquility for the Ameri-

(Mount Clipping in Space Below)

# FBI Spies Held Law Violators

By JOHN M. CREWDSON  
The New York Times News Service

WASHINGTON — Domestic intelligence agencies, principally the Federal Bureau of Investigation, consciously and repeatedly violated the laws and the Constitution in investigating the political activities of hundreds of thousands of American citizens, many of them law-abiding, the Senate Select Committee on Intelligence said yesterday.

IN A SHARPLY worded report summarizing its 15-month-long examination of government spying inside this country, the committee rebuked the FBI and other agencies for investigating far too many people, often for the wrong reasons or none at all, for employing as a matter of course illegal or questionable techniques, and for having acted largely without the scrutiny or knowledge of presidents and attorneys generals.

THE COMMITTEE, which has now completed what it termed the first systematic investigation of federal law-enforcement agencies in history, said it had uncovered a pattern of illegal and abusive acts stretching back over six presidential administrations and four decades that was neither partisan nor the product of a "a few willful men," but an inevitable result of the "excessive" growth of executive power unchecked by Congress.

Major findings by the committee included these:

- A lack of precise standards for the conduct of intelligence investigations has led the FBI over the last 20 years to conduct nearly one million investigations of "subversive" or "extremist" matters, half of which resulted in the creation of a permanent FBI file, although no prosecutions have been brought since 1957 under the subversion statutes.

- The "overly broad" objectives of the domestic intelligence community have been achieved through such "intrusive techniques" as mail opening, burglary, sophisticated electronic surveillance and the use of informants, and that legal limitations on their use have been nonexistent, inadequate or, where they did exist, ignored by law-enforcement officials.

- Covert-action programs, like the FBI's Cointelpro, have interfered with constitutional freedoms of political association, disrupted groups that were "concededly nonviolent," risked or caused "serious emotional, economic or physical damage" to those who were unwitting targets of the bureau and, as employed against the late Rev. Dr. Martin Luther King Jr., violated both "the law and fundamental human decency."

- Presidents since Franklin D. Roosevelt, their aides and the bureau's congressional

(Indicate page, name of newspaper, city and state.)

— PAGE 7

— THE TENNESSEAN

— NASHVILLE, TENN

Date: 4/29/76  
Edition:  
Author: JOHN M. CREWDSON  
Editor: LLOYD ARMOUR  
Title:

Character:

or

Classification: 66-2150  
Submitting Office: MEMPHIS

☐ Being Investigated

SEARCHED	INDEXED
SERIALIZED	FILED
MAY 1 1976	
FBI - MEMPHIS	

supporters have either requested or unhesitatingly accepted from the FBI politically useful information about opponents and critics, much of it gathered through a network of improper or illegal electronic surveillances that dates back to the 1940s.

- The product of intelligence investigations has been improperly disseminated by the FBI and other agencies, both within government and to friendly "news media sources" who were offered recordings of King's sexual activities and sensitive or derogatory information on others the bureau wished to discredit, and who in some cases provided the bureau with information or helped suppress unflattering articles about the FBI.

The recommendations

covered a wide range of checks and controls, including:

- The ruling that "there is no inherent constitutional authority for the president or any intelligence agency to violate the law."

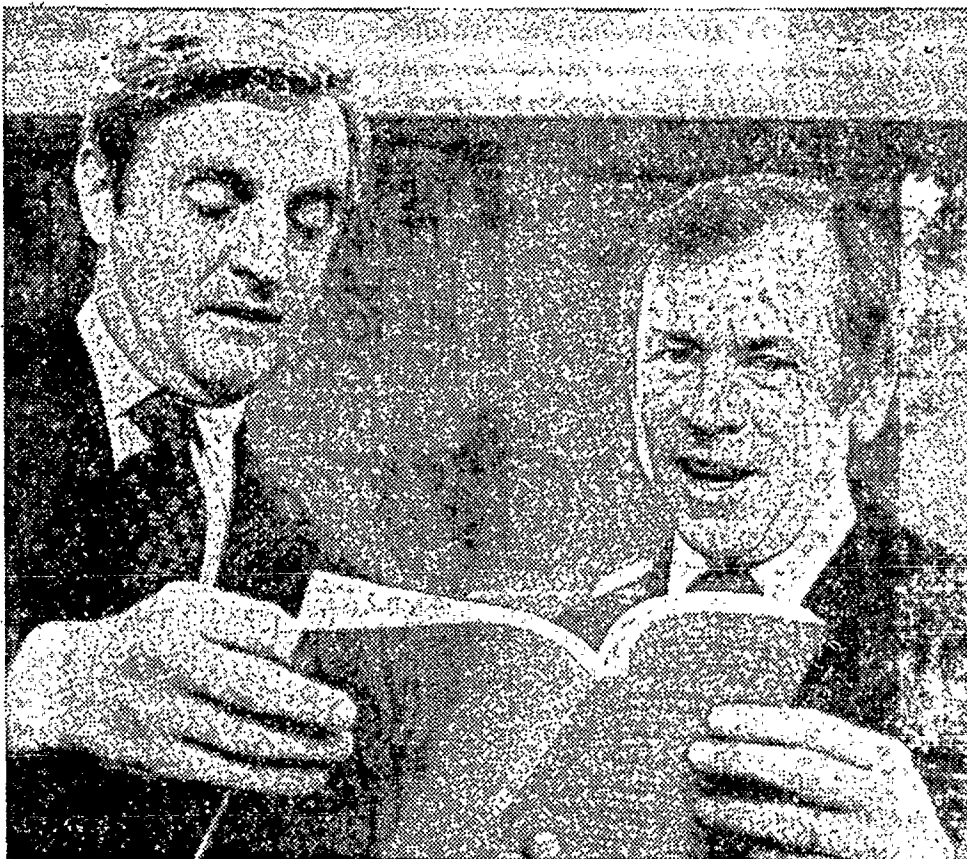
- Creation of a new permanent Senate intelligence oversight committee with broad review and enforcement powers. Congressional support for this proposal is waning and the Senate Rules committee approved creation of a weak panel that would share oversight activities with committees that have traditionally had that function.

- Legal prohibition against the CIA, NSA and Army intelligence engaging in any domestic intelligence operations involving Americans, with a few carefully defined exceptions.

- A ban against the CIA and Army intelligence conducting any experiments on humans, including experiments with drugs.

- Forbidding the IRS to

"collect any information about the activities of Americans except for the purposes of enforcing the tax laws."



—UPI Telephoto

## Committee Work Over

WASHINGTON — Sen. Walter F. Mondale, D-Minn., left, and Sen. Howard Baker Jr. look at a 396-page report drawn up by the Senate Intelligence Commit-

tee.

(Mount Clipping in Space Below)

# On Domestic Spying

There is little in the final report by the Senate Intelligence Committee on domestic spying that the public hasn't known or suspected for some time.

However, the facts are nonetheless deeply disturbing and certainly warrant repetition for purposes of emphasis.

Needless to say, the decades-long campaign of illegal surveillance of Americans in which top governmental officials were involved since the days of President Franklin D. Roosevelt must cease.

According to the report, the FBI, CIA, Internal Revenue Service (IRS), Army Intelligence and other agencies created files on more than half a million U.S. citizens, opened nearly 250,000 pieces of first-class mail, monitored millions of telegrams and overseas phone calls, listed 26,000 citizens for detention in a national emergency and subjected many private citizens to secret harassment designed to disrupt their lives or destroy their reputations.

The committee's work on the domestic espionage activities, like that of international spying operations, was thorough and its recommendations are to the point.

It urges sharply restricting investiga-

tive activities of the IRS and Army Intelligence, together with bans on wiretaps, mail openings and unauthorized entries by the CIA. All domestic intelligence work would be vested in the FBI.

But perhaps the most important proposal is for a powerful, permanent congressional committee to oversee intelligence activities and to have legislative and budgetary power over the CIA and all other intelligence agencies.

Almost before the ink was dry on the report, the Senate Rules Committee brushed aside this recommendation. The net result of its action would be to leave control over the various intelligence agencies in the hands of those congressional committees which now hold it so jealously — and which manifestly have been lax in exercising control up to now.

It remains to be seen what will happen when the subject comes up for debate in the Senate within a week or two.

Citizens concerned about the evils of untrammelled surveillance in the past must hope that the intelligence committee's recommendations for a single permanent oversight group will get positive action in the end.

Indicate page, name of newspaper, city and state.)

PAGE 4

MEMPHIS PRESS  
SCIMITAR

MEMPHIS, TENN

Date: MAY 1, 1976  
Edition:  
Author:  
Editor: MILTON BRITTEN  
Title:

Character:  
or  
Classification: 66-2150  
Submitting Office: MEMPHIS

Being Investigated	SEARCHED	INDEXED
SERIALIZED	FILED	
MAY 4 1976		
FBI - MEMPHIS		

Orig. fwd. to  
BUREAU 5-4-76 am

(Mount Clipping in Space Below)

## Derogatory FBI Media Plants Told

WASHINGTON (UPI) — The FBI often planted derogatory news stories — anonymously or through “friendly” reporters — about people or groups it opposed, the Senate Intelligence Committee reported yesterday.

“The FBI attempted to influence public opinion by supplying information or articles to ‘confidential sources’ in the news media ...” the report said.

“TYPICALLY, a local FBI agent would provide information to a ‘friendly news source’ on the condition ‘that the bureau’s interest in these matters is to be kept in the strictest confidence.’ ”

It said the targets included the late Dr. Martin Luther King Jr., the civil rights movement in general and Vietnam war opponents.

Committee members expressed concern over such media manipulation by intelligence agencies, but said they could do little to prevent it.

“The responsibility lies primarily with the press itself as to whether the press is going to be used in this manner,” said Sen. Walter Huddleston, D-Ky.

IN THE CASE of King, it said, the FBI in March, 1968, “granted authority for furnishing to a ‘cooperative national news media source’ an article ‘designed to curtail success of Martin Luther King’s fund raising’ for the poor people’s march on Washington D.C. by asserting that ... King doesn’t need the money.”

Among various other FBI media efforts, the report also said the bureau ordered “field offices to gather information which would disprove allegations by the ‘liberal press, the bleeding hearts, and the forces on the Left’ that the Chicago police used undue force against demonstrators at the 1968 Democratic Convention.”

(Indicate page, name of newspaper, city and state.)

— PAGE 7

— THE TENNESSEAN

— NASHVILLE, TENN

Date: 4/29/76

Edition:

Author:

Editor: LLOYD ARMOUR

Title:

Character:

or 80-14-280

Classification:

Submitting Office: MEMPHIS

☐ Being Investigated

Orig Fwd to  
Bureau 5-3-76 som

*Sensitivity file*

*my my*

*JAZ*

(Mount Clipping in Space Below)

# FBI's Image Problem

ONE OF THE BIG problems in fighting crime today is that the FBI, once the paragon of integrity in law enforcement, has lost much of its credibility.

The disclosure of scores of burglaries of Socialist Workers Party offices by FBI agents back in the early 1960s contradicts Justice Department statements denying such activity. Coming amid so many other revelations of strange and sometimes unethical conduct in FBI operations of the past, this is one more raveling of a once-proud past.

But once again it underlines the great task of rebuilding the Federal Bureau of Investigation's image. No one is more acutely aware of this need than Clarence Kelley, the candid former Kansas City police chief who is now director of the nation's foremost investigative agency.

KELLEY, WE ARE glad to note, wastes no time making apologies for the embarrassing, improper and illegal activities which have surfaced since the empire of J. Edgar Hoover cracked with his death in May, 1972.

Kelley does spend a lot of time trying to convince the public that none of those abuses has been swept under the rug. And he keeps repeating that the present FBI is being run strictly according to what is legal and what is right.

While the director rightly says that performance is the best way to restore public confidence, he admits he spends much time being "a salesman for the FBI."

Kelley is aware of the pitfalls there. He agrees that the FBI was "oversold" in Hoover's day. "I think this attention on the spectacular gave an aura of mystery and mystique to the FBI, when there was none," says Kelley. "It's a hard, laborious type of activity — knocking on doors, going through the investigative process. The aura was aided, to a great extent, by the movies and the press."

The "guilty" pleas to that will be many. The hero worship in himself which Hoover encouraged, and the cover he built for FBI excesses and imperfections all succeeded because so many image makers were willing to be led — or misled.

SOMETHING HAS BEEN learned. Congress, the Justice Department, the executive branch and the public know what to avoid and what recourse to take to keep the FBI both honest and efficient.

We need the bureau. It is the model for all police agencies in America. It is the ultimate in law-enforcement training. It sets the tone and character that filter down through local police and sheriff departments.

That is why it is particularly important for the FBI to clean its house, to restore confidence, to rekindle respect for law.

At the same time, respect for the constitutional rights of private citizens will be a determining factor in how fast the FBI travels back up the road to credibility.

(Indicate page, name of newspaper, city and state.)

PAGE 6

COMMERCIAL APPEAL

MEMPHIS, TENN

Date: MARCH 30, 1976

Edition:

Author:

Editor: MICHAEL GREHL

Title:

Character:

or

Classification:

Submitting Office: MEMPHIS

66-2150  
Being Investigated  
SEARCHED INDEXED  
SERIALIZED FILED

MAR 30 1976

FBI - MEMPHIS

Orig. fwd to  
BUREAU 3-30-76am

NR046 WA PLAIN

7:17PM NITEL 2-26-76 VLN

TO ALL SAC'S

FROM DIRECTOR

DIRECTOR'S APPEARANCE BEFORE HOUSE SUBCOMMITTEE ON APPROPRIATIONS  
FISCAL YEAR 1977.

THIS MORNING I APPEARED BEFORE THE HOUSE SUBCOMMITTEE  
ON APPROPRIATIONS IN CONNECTION WITH THE FBI'S FISCAL  
YEAR 1977 BUDGET REQUEST. AS YOU HAVE BEEN ADVISED, THIS  
REQUEST INCLUDED SEVERE CUTS FOR TRAINING OF STATE AND LOCAL  
LAW ENFORCEMENT OFFICERS AND ADMINISTRATIVELY UNCONTROLLABLE  
OVERTIME (AUO). NEITHER OF THESE CUTS WAS INITIATED BY THE  
FBI; HOWEVER, THEY WERE ADMINISTRATION POLICY DECISIONS AND  
OUR 1977 BUDGET JUSTIFICATION SHOWED THEM AS SUCH IN SUPPORT  
OF THE PRESIDENT'S BUDGET.

DURING THE MORE THAN THREE HOURS OF HEARINGS, THE  
GENERAL TENOR OF THE COMMITTEE MEMBERS WAS THAT THESE CUTS  
ARE UNCONSCIONABLE ESPECIALLY IN THE FACE OF RISING CRIME.

*Cromer*  
*Helo*  
*SAC*  
*BDH*

66-2150  
*End*  
*End*

PAGE TWO

VIRTUALLY, EVERY MEMBER OF THE COMMITTEE HAD QUESTIONS REGARDING THE CUT IN ADO AND HOW IT WOULD AFFECT THE WORKLOAD MORALE AND INDIVIDUALS' INCOME. I RESPONDED CONCERNING THE HEAVY WORKLOAD AND NOTED THAT THE IMPACT ON OUR SPECIAL AGENTS' MORALE WOULD BE MOST DETRIMENTAL. ONE MEMBER STATED HE WOULD DEFINITELY NOT SUPPORT A BUDGET SHOWING CUTS OF SUCH MAGNITUDE.

AS I HAVE STATED BEFORE, THIS ENTIRE MATTER IS CONTINGENT UPON THE RESULTS OF CONGRESSIONAL ACTION; HOWEVER I JUST WANTED YOU TO KNOW THAT OPPORTUNITIES AROSE TO SUPPORT THE INTERESTS OF OUR AGENTS AND ALSO THE ATTITUDE DISPLAYED AT TODAY'S HEARINGS. YOU WILL BE KEPT ADVISED OF SUBSEQUENT DEVELOPMENTS.

END

G

RJH

ME IS CLR FOR NUMBER 46 AND TKS

*Sensu day - 66-2150*

MEMORANDUM FOR FLAIN

FROM: DIRECTOR

TO: ALL SACS

FROM: DIRECTOR

TESTIMONY BEFORE HOUSE CIVIL RIGHTS AND CONSTITUTIONAL RIGHTS  
SUBCOMMITTEE, FEBRUARY 11, 1976.

THE ATTORNEY GENERAL AND I TESTIFIED BEFORE  
CAPTIONED SUBCOMMITTEE TODAY CONCERNING LEGISLATIVE  
POLICIES AND GUIDELINES FOR THE FBI. COPIES OF THE  
STATEMENTS PRESENTED TO THE COMMITTEE BY THE ATTORNEY  
GENERAL AND ME ARE BEING MAILED TO ALL OFFICES TODAY. FOR  
YOUR INFORMATION, THERE FOLLOWS A SYNOPSIS ACCOUNT OF THE  
MAJOR AREAS OF THE SUBCOMMITTEE'S QUESTIONS TO ME, TOGETHER  
WITH MY RESPONSES:

(1) IN RESPONSE TO QUESTIONS REGARDING THE  
PREVENTIVE ACTION PROVISION IN THE ATTORNEY GENERAL'S  
PROPOSED GUIDELINES FOR THE FBI WHICH ARE CITED IN HIS  
PREPARED STATEMENT, I STATED THAT THE PRIMARY MANDATE OF  
LAW ENFORCEMENT IS PREVENTION; THAT WE CANNOT INVESTIGATE  
SOLELY "AFTER THE FACT"; THAT ACTION TO PREVENT LEGITIMATE  
DISSENT UNDER OUR DEMOCRATIC FORM OF GOVERNMENT WOULD BE  
INTOLERABLE; THAT PRIOR TO TAKING PREVENTIVE ACTION IN A

*1 cc: filed. to ea SEA.  
2/13/76. Lm.*

*[Handwritten signature]*

66-2150

SEARCHED	INDEXED
SERIALIZED	FILED

*[Handwritten initials]*

PAGE TWO

DOMESTIC SECURITY CASE TODAY WE WOULD ASCERTAIN THE NATURE AND EXTENT OF THE THREAT INVOLVED, CONSULT WITH THE DEPARTMENT, AND REACH A WORKABLE SOLUTION AS TO ANY NECESSARY AND PROPER ACTION TO BE TAKEN.

(2) REGARDING THE GUIDELINES, QUESTIONS WERE ASKED CONCERNING MY INPUT (MY RESPONSE WAS THAT THE FBI HAS A REPRESENTATIVE ON THE GUIDELINES COMMITTEE, AND I RECEIVE REPORTS FROM TIME TO TIME CONCERNING THE THRUST OF THESE GUIDELINES) AND WHETHER THE GUIDELINES IN PRESENT FORM ARE TOO STRICT OR LOOSE (MY RESPONSE WAS THAT THE FBI IS NOT UNCOMFORTABLE WITH THE GUIDELINES; THAT I CANNOT BROADLY CATEGORIZE THEM AS STRICT OR LOOSE; THAT THEY ARE STILL UNDER CONSIDERATION BUT AT THIS POINT ARE NOT TOO RESTRICTIVE).

(3) IN RESPONSE TO A QUESTION AS TO WHETHER THE DEPARTMENT OF JUSTICE SUPERVISES THE FBI, I STATED THAT I RECOGNIZE THAT IT DOES AND THAT I CAN STATE UNEQUIVOCALLY THAT I HAVE A VERY PLEASANT RELATIONSHIP WITH THE ATTORNEY GENERAL AND THAT WE GET ALONG VERY WELL.

(THE ATTORNEY GENERAL AGREED AND POINTED OUT THAT THE FBI HAS TO HAVE CONSIDERABLE AUTONOMY, THAT THE FBI DIRECTOR'S RESPONSIBILITY IS GREAT, AND THAT THE ATTORNEY GENERAL

PAGE THREE

HAS GENERAL OVERSIGHT RESPONSIBILITY OVER THE BUREAU. HE NOTED THAT THE ATTORNEY GENERAL "IS NOT RUNNING THE FBI" -- OR HE WOULD NOT HAVE TIME FOR ANYTHING ELSE -- AND THAT THERE IS "SOME DISTANCE" BETWEEN THE ATTORNEY GENERAL AND THE FBI DIRECTOR.)

(4) IN RESPONSE TO QUESTIONS CONCERNING CONTINUED OVERSIGHT OF THE FBI BY CONGRESSIONAL COMMITTEES, I STATED THAT SINCE APRIL, 1975, THE FBI HAS DEVOTED 4500 AGENT DAYS AND 2221 CLERICAL DAYS TO PROVIDE CONGRESS WITH THE INFORMATION THAT IT HAS REQUESTED; THAT SOME SOURCES AND INFORMANTS HAVE BECOME UNWILLING TO FURNISH US INFORMATION BECAUSE OF THE WIDESPREAD DISCLOSURE OF THE MATERIAL WE HAVE PROVIDED CONGRESSIONAL COMMITTEES; THAT THE FBI DOES NOT OBJECT TO OVERSIGHT; THAT WE ARE WILLING TO HAVE OVERSIGHT AND GUIDELINES BUT THAT WE WANT TO DEVELOP SOME BALANCE SO THAT WE MAY MAINTAIN OUR CAPABILITIES INTACT TO FULLY DISCHARGE OUR RESPONSIBILITIES.

ALL LEGATS ADVISED SEPARATELY.

END

ALL FOXX OFFICES PLEASE RETURN TO TALK

(Mount Clipping in Space Below)

**CBS Show Slammed**

Joseph H. Trimbach, special-agent-in-

charge of the Memphis FBI office, said yesterday a CBS report on the FBI aired Monday night was "extremely biased" because it did not present a balanced picture of the agency.

Trimbach, speaking to the Exchange Club, said CBS reporters chose to zero in on the way the FBI handled a fugitive case, picking one from about 30,000 cases the bureau handles a year, that "was fouled up from beginning to end.

"It didn't in any way project an objective story," he said, charging the network with emphasizing the FBI's mistakes while downplaying its achievements.

Trimbach criticized the way the news media have reported recent disclosures about the FBI and its longtime director, J. Edgar Hoover.

(Indicate page, name of newspaper, city and state.)

— PAGE 3

— COMMERCIAL APPEAL

— MEMPHIS, TENN

Date: JAN. 30, 1976

Edition:

Author:

Editor: MICHAEL GREHL

Title:

Character:

or

Classification:

Submitting Office: MEMPHIS

☐ Being Investigated

SEARCHED	INDEXED
SERIALIZED	FILED
JAN 30 1976	
FBI-MEMPHIS	

Orig fwd to  
Bureau 1-30-76 am

66-2150

841 Clifford Davis Federal Building  
Memphis, Tennessee 38103  
December 23, 1975


Mr. Sherman Austin  
News/Public Affairs Director  
WLOX  
363 South Second Street  
Memphis, Tennessee 38103

Dear Mr. Austin:

This is in reference to your letter of  
December 15, 1975, concerning an editorial.


I appreciate the opportunity of responding  
and am enclosing herewith a copy of our response  
which we furnished you by telephone this date.

Sincerely yours,

 Joseph H. Trimbach  
Special Agent in Charge

Enclosure

- 1 - Addressee  
② - Memphis (1, 66-2150)  
          (1, 80-240)

JHT:BN  
(3)  


66-2152  
SERIALIZED \_\_\_\_\_  
INDEXED \_\_\_\_\_  
FILED C. Allen

UNITED STATES GOVERNMENT

# Memorandum

TO : FILE (66-2150)

DATE: 12/23/75

FROM : SAC JOSEPH H. TRIMBACH

SUBJECT: EDITORIAL - RADIO STATION WLOK,  
MEMPHIS, TENNESSEE

There is attached hereto a letter from Station WLOK, Memphis, dated 12/15/75, enclosing an editorial critical of the FBI.

On 12/19/75, I talked by telephone to SHERMAN AUSTIN, Public Affairs Director, and he advised the editorial was, in fact, aired.

On the same date, I talked to Deputy Assistant Director HOMER A. BOYNTON, JR. and requested his assistance. On 12/22/75, Mr. BOYNTON furnished a suggested response, which is attached, and which was furnished on 12/23/75 to Station WLOK. They advised our reply would be aired 12/24 through 12/27/75.

JHT:BN

(2)

Attachment

cc 1 - 80-240

66-2150

SEARCHED	INDEXED
SERIALIZED	FILED
DEC 23 1975	
FBI - MEMPHIS	



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

841 Clifford Davis Federal Building  
Memphis, Tennessee 38103

December 23, 1975

RESPONSE TO WLOK EDITORIAL  
REGARDING FBI AIRED DURING  
PERIOD DECEMBER 15 - 20, 1975

An editorial broadcast by Radio Station WLOK earlier this month accused the FBI of not only being aloof to beatings and harrassment of civil rights workers in the south in the 1960's, but of being "an active participant in illegal efforts to destroy the civil rights movement."

To support this double-edged charge, WLOK cited the testimony which Gary Rowe, a former Ku Klux Klansman and FBI informant, gave to a committee of the United States Senate on December 2, 1975. In fairness, WLOK's listeners are entitled to know that Mr. James B. Adams, a Deputy Associate Director of the FBI, made a factual refutation of Gary Rowe's allegations before the same Senate committee the same day.

Mr. Adams told the committee that the information which Gary Rowe furnished the FBI concerning planned acts of Klan violence was reported to the police "in every instance." He acknowledged that on some occasions the police did not take action after receiving these reports from the FBI, and he told the committee that the FBI dutifully brought this fact to the attention of the Department of Justice.

SERIALIZED \_\_\_\_\_

INDEXED \_\_\_\_\_

FILED \_\_\_\_\_

JHT:BN

(3)

Page 2

RESPONSE TO WLOK EDITORIAL

This action by the FBI resulted in the Attorney General's sending U. S. Marshals to the areas involved to guarantee the safety of civil rights workers.

In his sworn testimony, this FBI official told the members of the committee "We were doing everything we could lawfully do at the time, and finally the situation was corrected when the Department, agreeing that we had no further jurisdiction, sent the U. S. Marshals down to perform certain law enforcement functions."

The FBI is rightfully proud of its role in preventing many acts of racist violence in the south during the 1960's and in solving other acts which did occur, such as the murders of three young Civil Rights workers in Mississippi in 1964, and a series of other burnings, bombings, and killings committed by Klansmen and Klan sympathizers.

Many knowledgeable persons, both within and without the Civil Rights movement, credit the FBI with having spearheaded the counter-offensive that brought an end to the wave of racist violence which swept across some areas of the South in the 1960's.

WLOK overlooked these facts in its earlier editorial.

Transmit attached by Facsimile - PLAINTEXT

Priority Urgent

To: Director, FBI  
Attn: External Affairs Division  
From: SAC, Memphis  
Subject: EDITORIAL, RADIO STATION WLOK  
MEMPHIS, TENNESSEE,  
12/15-20/75;  
MEDIA RELATIONS

Date: 12/19/75

Time: Transmitted - 1135A

Initials - GHS.

☐ Fingerprint Photo    ☐ Fingerprint Record    ☐ Map    ☐ Newspaper clipping    ☐ Photograph  
☐ Artists Conception    ☒ Other Letter to Memphis Office

Special handling instructions: IMMEDIATELY UPON RECEIPT, HANDCARRY TO DEPUTY ASSISTANT DIRECTOR HOMER A. BOYNTON, JR., ROOM 7159, JEH.

For information MR. BOYNTON: This office verified that station aired attached editorial.

Approved: \_\_\_\_\_



December 15, 1975

Mr. Joseph Trimbach  
Memphis FBI Office  
Federal Building  
Memphis, Tennessee 38103

Dear Sir:

The enclosed editorial will be aired on Radio Station (WLOK) during the period of December 15, 1975 thru December 20, 1975. Equal time will be provided at your request.

Thank you, and happy holidays.

Sincerely,

Sherman Austin  
NEWS/PUBLIC AFFAIRS DIRECTOR

S  
A  
:  
V  
L  
S

cc: Todd Branson  
GENERAL MANAGER - WLOK

66-2150

SEARCHED	INDEXED
SERIALIZED	FILED <i>ma</i>
DEC 19 1975	
FBI - MEMPHIS	

A STARR GROUP STATION



12/15/75

EDITORIAL

Back in the early 1960s, when civil rights workers in the South were being beaten and harrassed by racists, the Federal Bureau of Investigation appeared a good deal less than concerned.

Now a Senate investigation reveals what a lot of people suspected at the time-- that the FBI wasn't merely aloof, but that it was an active participant in illegal efforts to destory the civil rights movement.

Lawmen, sworn to uphold the law, themselves performed lawless acts. Take the bombshell dropped at a recent committee hearing by Gary Rowe, an undercover agency who joined the Ku Klux Klan for the FBI.

Rowe testified that he fed the Bureau advance information about planned Klan attacks on civil rights workers and that no action was taken to prevent the attacks or to bring action against the perpetrators.

He testified that the Klan planned a vicious attack with clubs and bats upon freedom riders demonstrating against segregated transportation facilities. The Klan, he said, had the complete cooperation of the Birmingham police department not only in this incident, but also in others, even enjoying access to officials files and cars.

Steps have to be taken to assure that the FBI and similar federal police agencies never again become criminal outfits themselves. The days of a demi-god second-rater who could run the FBI as a personal fief to conduct his own vendettas must be over. Without structured accountability built into the FBI and the Justice Department, future abuses are inevitable.

The only assurance the Black Community has against continuation of abuses is for Blacks to be sitting at the table when policies are developed and implemented...

TO: SAC:

- |                                      |  |
|--------------------------------------|--|
| <input type="checkbox"/> Albany      | <input type="checkbox"/> Houston       |
| <input type="checkbox"/> Albuquerque | <input type="checkbox"/> Indianapolis  |
| <input type="checkbox"/> Alexandria  | <input type="checkbox"/> Jackson       |
| <input type="checkbox"/> Anchorage   | <input type="checkbox"/> Jacksonville  |
| <input type="checkbox"/> Atlanta     | <input type="checkbox"/> Kansas City   |
| <input type="checkbox"/> Baltimore   | <input type="checkbox"/> Knoxville     |
| <input type="checkbox"/> Birmingham  | <input type="checkbox"/> Las Vegas     |
| <input type="checkbox"/> Boston      | <input type="checkbox"/> Little Rock   |
| <input type="checkbox"/> Buffalo     | <input type="checkbox"/> Los Angeles   |
| <input type="checkbox"/> Butte       | <input type="checkbox"/> Louisville    |
| <input type="checkbox"/> Charlotte   | <input type="checkbox"/> Memphis       |
| <input type="checkbox"/> Chicago     | <input type="checkbox"/> Miami         |
| <input type="checkbox"/> Cincinnati  | <input type="checkbox"/> Milwaukee     |
| <input type="checkbox"/> Cleveland   | <input type="checkbox"/> Minneapolis   |
| <input type="checkbox"/> Columbia    | <input type="checkbox"/> Mobile        |
| <input type="checkbox"/> Dallas      | <input type="checkbox"/> Newark        |
| <input type="checkbox"/> Denver      | <input type="checkbox"/> New Haven     |
| <input type="checkbox"/> Detroit     | <input type="checkbox"/> New Orleans   |
| <input type="checkbox"/> El Paso     | <input type="checkbox"/> New York City |
| <input type="checkbox"/> Honolulu    | <input type="checkbox"/> Norfolk       |

- |   |
|---|
| <input type="checkbox"/> Oklahoma City    |
| <input type="checkbox"/> Omaha            |
| <input type="checkbox"/> Philadelphia     |
| <input type="checkbox"/> Phoenix          |
| <input type="checkbox"/> Pittsburgh       |
| <input type="checkbox"/> Portland         |
| <input type="checkbox"/> Richmond         |
| <input type="checkbox"/> Sacramento       |
| <input type="checkbox"/> St. Louis        |
| <input type="checkbox"/> Salt Lake City   |
| <input type="checkbox"/> San Antonio      |
| <input type="checkbox"/> San Diego        |
| <input type="checkbox"/> San Francisco    |
| <input type="checkbox"/> San Juan         |
| <input type="checkbox"/> Savannah         |
| <input type="checkbox"/> Seattle          |
| <input type="checkbox"/> Springfield      |
| <input type="checkbox"/> Tampa            |
| <input type="checkbox"/> Washington Field |
| <input type="checkbox"/> Quantico         |

TO LEGAT:

- |                                       |
|---------------------------------------|
| <input type="checkbox"/> Bern         |
| <input type="checkbox"/> Bonn         |
| <input type="checkbox"/> Brasilia     |
| <input type="checkbox"/> Buenos Aires |
| <input type="checkbox"/> Caracas      |
| <input type="checkbox"/> Hong Kong    |
| <input type="checkbox"/> London       |
| <input type="checkbox"/> Madrid       |
| <input type="checkbox"/> Manila       |
| <input type="checkbox"/> Mexico City  |
| <input type="checkbox"/> Ottawa       |
| <input type="checkbox"/> Paris        |
| <input type="checkbox"/> Rome         |
| <input type="checkbox"/> Tel Aviv     |
| <input type="checkbox"/> Tokyo        |

RE: TESTIMONY OF ASSISTANT TO THE DIRECTOR--  
DEPUTY ASSOCIATE DIRECTOR JAMES B. ADAMS  
BEFORE THE SENATE SELECT COMMITTEE ON  
12/2/75

Date December 5, 1975

- Retention For appropriate  
☐ For information ☐ optional ☐ 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:

Re Bureau R/S of 12/4/75 which provided excerpts of Mr. Adams' testimony.

Attached for your information and assistance, is the complete transcript of above-referenced testimony.

Enc. (1) *Wish*  
Bufile  
Urfile

*66-2150*  
*UNEDITED* *TRANSCRIPT*

SEA	HEL	INDEXED
SEC	IZED	FILED
DEC 8 1975		
FBI - MEMPHIS		

Vol. 15

# The United States Senate

---

## Report of Proceedings

---

Hearing held before

Select Committee to Study Governmental Operations

With Respect to Intelligence Activities

INTELLIGENCE INVESTIGATION

---

Tuesday, December 2, 1975

Washington, D. C.

---

WARD & PAUL

410 FIRST STREET, S. E.  
WASHINGTON, D. C. 20003

(202) 544-6000

11 Senator Tower.. The next witnesses to appear before the  
12 Committee are [REDACTED] JFK Act 6 (4)

13 [REDACTED] JFK Act 6 (4)

14 [REDACTED] JFK Act 6 (4); Mr. W. Raymond Wannall, Assistant  
15 Director, Intelligence Division, responsible for internal  
16 security and foreign counterintelligence investigations; Mr.  
17 John A. Mintz, Assistant Director, Legal Counsel Division;  
18 Joseph G. Deegan, Section Chief, extremist investigations;  
19 Mr. Robert L. Schackelford, Section Chief, subversive  
20 investigations; Mr. Homer A. Newman, Jr., Assistant to Section  
21 Chief, supervises extremist informants; Mr. Edward P. Grigalun,  
22 Unit Chief, supervises subversive informants; Joseph G. Kelley,  
23 Assistant Section Chief, Civil Rights Section, General Invest-  
24 gative Division.

25 Gentlemen, will you all rise and be sworn.

1 Do you solemnly swear the testimony you are about to give  
2 before this Committee is the truth, the whole truth, and nothing  
3 but the truth, so help you God?

4 Mr. Adams. I do.

5 Mr. Wannall. I do.

6 Mr. Mintz. I do.

7 Mr. Deegan. I do.

8 Mr. Schackelford. I do.

9 Mr. Newman. I do.

10 Mr. Grigalus. I do.

11 Mr. Kelley. I do.

12 Senator Tower. It is intended that Mr. Wannall will be  
13 the principal witness, and we will call on others as questioning  
14 might require, and I would direct each of you when you do  
15 respond, to identify yourselves, please, for the record.

16 I think that we will spend just a few more minutes to allow  
17 the members of the Committee to return from the floor.

18 (A brief recess was taken.)

19 Senator Tower. The Committee will come to order.

20 Mr. Wannall, according to data, informants provide '83  
21 percent of your intelligence information.

22 Now, will you provide the Committee with some information  
23 on the criteria for the selection of informants?  
24  
25

1 TESTIMONY OF W. RAYMOND WANNALL, ASSISTANT DIRECTOR,  
2 INTELLIGENCE DIVISION, FEDERAL BUREAU OF INVESTIGATION  
3 ACCOMPANIED BY: JAMES B. ADAMS, ASSISTANT TO THE  
4 DIRECTOR-DEPUTY ASSOCIATE DIRECTOR (INVESTIGATION);  
5 JOHN A. MINTZ, ASSISTANT DIRECTOR, LEGAL COUNSEL  
6 DIVISION; JOSEPH G. DEEGAN, SECTION CHIEF; ROBERT L.  
7 SCHACKELFORD, SECTION CHIEF; HOMER A. NEWMAN, JR.,  
8 ASSISTANT TO SECTION CHIEF; EDWARD P. GRIGALUS, UNIT  
9 CHIEF; AND JOSEPH G. KELLEY, ASSISTANT SECTION CHIEF,  
10 CIVIL RIGHTS SECTION, GENERAL INVESTIGATIVE DIVISION  
11 Mr. Wannall. Mr. Chairman, that is not FBI data that you

12 have quoted. That was prepared by the General Accounting  
13 Office.

14 Senator Tower. That is GAO.

15 Mr. Wannall. Based on a sampling of about 93 cases.

16 Senator Tower. Would that appear to be a fairly accurate  
17 figure.

18 Mr. Wannall. I have not seen any survey which the FBI  
19 itself has conducted that would confirm that, but I think that  
20 we do get the principal portion of our information from live  
21 sources.

22 Senator Tower. It would be a relatively high percentage  
23 then?

24 Mr. Wannall. I would say yes. And your question is  
25 criteria?

1 Senator Tower. What criteria do you use in the selection  
2 of informants?

3 Mr. Wannall. Well, the criteria vary with the needs. In  
4 our cases relating to extremist matters, surely in order to get  
5 an informant who can meld into a group which is engaged in a  
6 criminal type activity, you're going to have a different set  
7 of criteria. If you're talking about our internal security  
8 matters, I think we set rather high standards. We do require  
9 that a preliminary inquiry be conducted which would consist  
10 principally of checks of our headquarters indices, our field  
11 office indices, checks with other informants who are operating  
12 in the same area, and in various established sources such as  
13 local police departments.

14 Following this, if it appears that the person is the type  
15 who has credibility, can be depended upon to be reliable, we  
16 would interview the individual in order to make a determination  
17 as to whether or not he will be willing to assist the FBI  
18 in discharging its responsibilities in that field.

19 Following that, assuming that the answer is positive, we  
20 would conduct a rather in depth investigation for the purpose  
21 of further attempting to establish credibility and reliability.

22 Senator Tower. How does the Bureau distinguish between  
23 the use of informants for law enforcement as opposed to  
24 intelligence collection?

25 Is the guidance different, or is it the same, or what?

1 Mr. Wannall. Well, Mr. Adams can probably best address  
2 the use of informants on criminal matters since he is over  
3 the operational division on that.

4 Mr. Adams. You do have somewhat of a difference in the fact  
5 that a criminal informant in a law enforcement function, you  
6 are trying to develop evidence which will be admissible in  
7 court for prosecution, whereas with intelligence, the informant  
8 alone, your purpose could either be prosecution or it could be  
9 just for purposes of pure intelligence.

10 The difficulty in both is retaining the confidentiality  
11 of the individual and protecting the individual, and trying to,  
12 through use of the informant, obtain evidence which could be  
13 used independently of the testimony of the informant so that  
14 he can continue operating as a criminal informant.

15 Senator Tower. Are these informants ever authorized to  
16 function as provocateurs?

17 Mr. Adams. No, sir, they're not. We have strict regula-  
18 tions against using informants as provocateurs. This gets  
19 into that delicate area of entrapment which has been addressed  
20 by the courts on many occasions and has been concluded by the  
21 courts that providing an individual has a willingness to engage  
22 in an activity, the government has the right to provide him the  
23 opportunity. This does not mean, of course, that mistakes don't  
24 occur in this area, but we take whatever steps we can to  
25 avoid this. Even the law has recognized that informants can

Phone (Area 202) 544-6000

WARD &amp; PAUL

410 First Street, S.E., Washington, D.C. 20003

1 engage in criminal activity, and the courts have held that,  
2 especially the Supreme Court in the Newark County Case, that  
3 the very difficulty of penetrating an ongoing operation, that  
4 an informant himself can engage in criminal activity, but  
5 because there is lacking this criminal intent to violate a  
6 law, we stay away from that. Our regulations fall short of that.

7 If we have a situation where we felt that an informant  
8 has to become involved in some activity in order to protect  
9 or conceal his use as an informant, we go right to the United  
10 States Attorney or to the Attorney General to try to make sure  
11 we are not stepping out of bounds insofar as the use of our  
12 informants.

13 Senator Tower. But you do use these informants and do  
14 instruct them to spread dissension among certain groups that  
15 they are informing on, do you not?

16 Mr. Adams. We did when we had the COINTELPRO programs,  
17 which were discontinued in 1971, and I think the Klan is probably  
18 one of the best examples of a situation where the law was  
19 in effect at the time. We heard the term States Rights used  
20 much more then than we hear it today. We saw in the Little  
21 Rock situation the President of the United States, in sending  
22 in the troops, pointing out the necessity to use local law  
23 enforcement. We must have local law enforcement, to use the  
24 troops only as a last resort.

25 And then you have a situation like this where you do try

smn 21

Phone (Area 202) 544-6000

WARD &amp; PAUL

410 First Street, S.E., Washington, D.C. 20003

1 to preserve the respective roles in law enforcement. You have  
2 historical problems with the Klan coming along. We had  
3 situations where the FBI and the Federal Government was almost  
4 powerless to act. We had local law enforcement officers in  
5 some areas participating in Klan violence.

6 The instances mentioned by Mr. Rowe, every one of those,  
7 he saw them from the lowest level of the informant. He didn't  
8 see what action was taken with that information, as he pointed  
9 out in his testimony. Our files show that this information was  
10 reported to the police departments in every instance. We  
11 also knew that in certain instances the information, upon being  
12 received, was not being acted upon. We also disseminated  
13 simultaneously through letterhead memoranda to the Department  
14 of Justice the problem, and here, here we were, the FBI, in a  
15 position where we had no authority in the absence of instruction  
16 from the Department of Justice, to make an arrest.

17 Sections 241 and 242 don't cover it because you don't have  
18 evidence of a conspiracy, and it ultimately resulted in  
19 a situation where the Department called in United States  
20 Marshals who do have authority similar to local law enforcement  
21 officials.

22 So, historically, in those days, we were just as frus-  
23 trated as anyone else was, and when we got information from  
24 someone like Mr. Rowe, good information, reliable information,  
25 and it was passed on to those who had the responsibility to

1 do something about it, it was not always acted upon, as he  
2 indicated.

3 Senator Tower. None of these cases, then, there was  
4 adequate evidence of conspiracy to give you jurisdiction to  
5 act?

6 Mr. Adams. The Departmental rules at that time, and still  
7 require Departmental approval where you have a conspiracy.  
8 Under 241, it takes two or more persons acting together. You  
9 can have a mob scene, and you can have blacks and whites  
10 belting each other, but unless you can show that those that  
11 initiated the action acted in concert in a conspiracy, you have  
12 no violation.

13 Congress recognized this, and it wasn't until 1968  
14 that they came along and added Section 245 to the civil rights  
15 statute, which added punitive measures against an individual  
16 that didn't have to be a conspiracy. But this was a problem  
17 that the whole country was grappling with: the President of  
18 the United States, Attorney General. We were in a situation  
19 where we had rank lawlessness taking place, as you know from  
20 a memorandum we sent you that we sent to the Attorney General.  
21 The accomplishments we were able to obtain in preventing  
22 violence, and in neutralizing the Klan -- and that was one  
23 of the reasons.

24 Senator Tower. What was the Bureau's purpose in con-  
25 tinuing or urging the continued surveillance of the Vietnam

smn 23

Phone (Area 202) 544-6000

WARD &amp; PAUL

410 First Street, S.E., Washington, D.C. 20003

1 Veterans Against the War?

2 Was there a legitimate law enforcement purpose, or was the  
3 intent to halt political expression?

4 Mr. Adams. We had information on the Vietnam Veterans  
5 Against the War that indicated that there were subversive  
6 groups involved. They were going to North Vietnam and meeting  
7 with the Communist forces. They were going to Paris, attending  
8 meetings paid for and sponsored by the Communist Party, the  
9 International Communist Party. We feel that we had a very valid  
10 basis to direct our attention to the VVAW.

11 It started out, of course, with Gus Hall in 1967, who was  
12 head of the Communist Party, USA, and the comments he made,  
13 and what it finally boiled down to was a situation where it  
14 split off into the Revolutionary Union, which was a Maoist  
15 group, and the hard-line Communist group, and at that point  
16 factionalism developed in many of the chapters, and they closed  
17 those chapters because there was no longer any intent to follow  
18 the national organization.

19 But we had a valid basis for investigating it, and we  
20 investigated chapters to determine if there was affiliation  
21 and subservience to the national office.

22 Senator Tower. Mr. Hart?

23 Senator Hart of Michigan. But in the process of chasing  
24 after the Veterans Against the War, you got a lot of information  
25 that clearly has no relationship to any Federal criminal

smn 24

Phone (Area 202) 544-6000

WARD &amp; PAUL

410 First Street, S.E., Washington, D.C. 20003

1 statute.

2 Mr. Adams. I agree, Senator.

3 Senator Hart of Michigan. Why don't you try to shut that  
4 stuff off by simply telling the agent, or your informant?

5 Mr. Adams. Here is the problem that you have with that.  
6 When you're looking at an organization, do you report only the  
7 violent statements made by the group or do you also show that  
8 you may have one or two violent individuals, but you have  
9 some of these church groups that were mentioned, and others,  
10 that the whole intent of the group is not in violation of the  
11 statutes. You have to report the good, the favorable along  
12 with the unfavorable, and this is a problem. We wind up with  
13 information in our files. We are accused of being vacuum  
14 cleaners, and you are a vacuum cleaner. If you want to know the  
15 real purpose of an organization, do you only report the  
16 violent statements made and the fact that it is by a small  
17 minority, or do you also show the broad base of the organization  
18 and what it really is?

19 And within that is where we have to have the guidelines  
20 we have talked about before. We have to narrow down, because  
21 we recognize that we do wind up with too much information in  
22 our files.

23 Senator Hart of Michigan. But in that vacuuming process,  
24 you are feeding into Departmental files the names of people  
25 who are, who have been engaged in basic First Amendment

1 exercises, and this is what hangs some of us up.

2 Mr. Adams. It hangs me up. But in the same files I  
3 imagine every one of you has been interviewed by the FBI, either  
4 asking you about the qualifications of some other Senator  
5 being considered for a Presidential appointment, being inter-  
6 viewed concerning some friend who is applying for a job.

7 Were you embarrassed to have that in the files of the  
8 FBI?

9 Now, someone can say, as reported at our last session, that  
10 this is an indication, the mere fact that we have a name in our  
11 files has an onerous impression, a chilling effect. I agree.  
12 It can have, if someone wants to distort what we have in our  
13 files, but if they recognize that we interviewed you because  
14 of considering a man for the Supreme Court of the United  
15 States, and that isn't distorted or improperly used, I don't  
16 see where any harm is served by having that in our files.

17 Senator Hart of Michigan. But if I am Reverend Smith  
18 and the vacuum cleaner picked up the fact that I was helping  
19 the veterans, Vietnam Veterans Against the War, and two years  
20 later a name check is asked on Reverend Smith and all your  
21 file shows is that he was associated two years ago with a group  
22 that was sufficient enough, held sufficient doubtful patriotism  
23 to justify turning loose a lot of your energy in pursuit on  
24 them --

25 Mr. Adams. This is a problem.

1 Senator Hart of Michigan. This is what should require  
2 us to rethink this whole business.

3 Mr. Adams. Absolutely.

4 And this is what I hope the guidelines committees as well  
5 as the Congressional input are going to address themselves to.

6 Senator Hart of Michigan. We've talked about a wide range  
7 of groups which the Bureau can and has had informant penetration  
8 and report on. Your manual, the Bureau manual's definition  
9 of when an extremist or security investigation may be under-  
10 taken refers to groups whose activity either involves violation  
11 of certain specified laws, or which may result in the violation  
12 of such law, and when such an investigation is opened, then  
13 informants may be used.

14 Another guideline says that domestic intelligence  
15 investigations now must be predicated on criminal violations.  
16 The agent need only cite a statute suggesting an investigation  
17 relevant to a potential violation. Even now, with an improved,  
18 upgraded effort to avoid some of these problems, we are back  
19 again in a world of possible violations or activities which  
20 may result in illegal acts.

21 Now, any constitutionally protected exercise of the  
22 right to demonstrate, to assemble, to protest, to petition,  
23 conceivably may result in violence or disruption of a local  
24 town meeting, when a controversial social issue might result  
25 in disruption. It might be by hecklers rather than those holding

1 the meeting.

2 Does this mean that the Bureau should investigate all  
3 groups organizing or participating in such a meeting because  
4 they may result in violence, disruption?

5 Mr. Adams. No, sir.

6 Senator Hart of Michigan. Isn't that how you justify  
7 spying on almost every aspect of the peace movement?

8 Mr. Adams. No, sir. When we monitor demonstrations, we  
9 monitor demonstrations where we have an indication that the  
10 demonstration itself is sponsored by a group that we have an  
11 investigative interest in, a valid investigative interest in,  
12 or where members of one of these groups are participating where  
13 there is a potential that they might change the peaceful  
14 nature of the demonstration.

15 But this is our closest question of trying to draw  
16 guidelines to avoid getting into an area of infringing on the  
17 First Amendment rights of people, yet at the same time being  
18 aware of groups such as we have had in greater numbers in the  
19 past than we do at the present time, But we have had periods  
20 where the demonstrations have been rather severe, and the  
21 courts have said that the FBI has a right, and indeed a duty,  
22 to keep itself informed with respect to the possible commission  
23 of crime. It is not obliged to wear blinders until it may be  
24 too late for prevention.

25 And that's a good statement if applied in a clearcut

Phone (Area 202) 544-6000

end 5

WARD &amp; PAUL

410 First Street, S.E., Washington, D.C. 20003

1 case. Our problem is where we have a demonstration and we have  
2 to make a judgment call as to whether it is one that clearly  
3 fits the criteria of enabling us to monitor the activities, and  
4 that's where I think most of our disagreements fall.

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1           Senator Hart of Michigan. Let's assume that the rule  
2 for opening an investigation on a group is narrowly drawn. The  
3 Bureau manual states that informants investigating a subversive  
4 organization should not only report on what that group is  
5 doing but should look at and report on activities in which  
6 the group is participating.

7           There is a Section 87B3 dealing with reporting on  
8 connections with other groups. That section says that the  
9 field office shall "determine and report on any significant  
10 connection or cooperation with non-subversive groups." Any  
11 significant connection or cooperation with non-subversive  
12 groups.

13           Now let's look at this in practice. In the spring of  
14 1969 there was a rather heated national debate over the  
15 installation of the anti-ballistic missile system. Some of us  
16 remember that. An FBI informant and two FBI confidential  
17 sources reported on the plan's participants and activities  
18 of the Washington Area Citizens Coalition Against the ABM,  
19 particularly in open public debate in a high school auditorium,  
20 which included speakers from the Defense Department for the  
21 ABM and a scientist and defense analyst against the ABM.

22           The informants reported on the planning for the meeting,  
23 the distribution of materials to churches and schools, ..  
24 participation by local clergy, plans to seek resolution on the  
25 ABM from nearby town councils. There was also information on

1 plans for a subsequent town meeting in Washington with the  
2 names of local political leaders who would attend.

3 Now the information, the informant information came as  
4 part of an investigation of an allegedly subversive group  
5 participating in that coalition. Yet the information dealt  
6 with all aspects and all participants. The reports on the  
7 plans for the meeting and on the meeting itself were disseminated  
8 to the State Department, to military intelligence, and to the  
9 White House.

10 How do we get into all of that?

11 Mr. Adams. Well --

12 Senator Hart of Michigan. Or if you were to rerun it,  
13 would you do it again?

14 Mr. Adams. Well, not in 1975, compared to what 1969  
15 was. The problem we had at the time was where we had an  
16 informant who had reported that this group, this meeting was  
17 going to take place and it was going to be the Daily World,  
18 which was the east coast communist newspaper that made comments  
19 about it. They formed an organizational meeting. We took  
20 a quick look at it. The case apparently was opened in May 28,  
21 1969 and closed June 5 saying there was no problem with this  
22 organization.

23 Now the problem we get into is if we take a quick look  
24 and get out, fine. We've had cases, though, where we have  
25 stayed in too long. When you're dealing with security it is like

1 Soviet espionage where they can put one person in this country  
2 and they supported him with total resources of the Soviet  
3 Union, false identification, all the money he needs, communi-  
4 cations networks, satellite assistance, and everything, and  
5 you're working with a paucity of information.

6 The same problem exists to a certain extent in domestic  
7 security. You don't have a lot of black and white situations.  
8 So someone reports something to you which you feel, you take  
9 a quick look at and there's nothing to it, and I think that's  
10 what they did.

11 Senator Hart of Michigan. You said that was '69. Let  
12 me bring you up to date, closer to current, a current place  
13 on the calendar.

14 This one is the fall of last year, 1975. President  
15 Ford announced his new program with respect to amnesty, as  
16 he described it, for draft resisters. Following that there  
17 were several national conferences involving all the groups  
18 and individuals interested in unconditional amnesty.

19 Now parenthetically, while unconditional amnesty is  
20 not against -- while unconditional amnesty is not yet the law,  
21 we agreed that advocating it is not against the law either.

22 Mr. Adams. That's right.

23 Senator Hart of Michigan. Some of the sponsors were  
24 umbrella organizations involving about 50 diverse groups around  
25 the country. FBI informants provided advance information on

1 plans for the meeting and apparently attended and reported on  
2 the conference. The Bureau's own reports described the  
3 participants as having represented diverse perspectives on  
4 the issue of amnesty, including civil liberties and human  
5 rights groups, G.I. rights spokesmen, parents of men killed  
6 in Vietnam, wives of ex-patriates in Canada, experts on draft  
7 counselling, religious groups interested in peace issues,  
8 delegates from student organizations, and aides of House and  
9 Senate members, drafting legislation on amnesty.

10 The informant apparently was attending in his role as  
11 a member of a group under investigation as allegedly subversive  
12 and it described the topics of the workshop.

13 Ironically, the Bureau office report before them noted  
14 that in view of the location of the conference at a theological  
15 seminary, the FBI would use restraint and limit its coverage  
16 to informant reports.

17 Now this isn't five or ten years ago. This is last  
18 fall. And this is a conference of people who have the point  
19 of view that I share, that the sooner we have unconditional  
20 amnesty, the better for the soul of the country.

21 Now what reason is it for a vacuum cleaner approach on  
22 a thing like that? Don't these instances illustrate how broad  
23 informant intelligence really is, that would cause these groups  
24 in that setting having contact with other groups, all and  
25 everybody is drawn into the vacuum and many names go into the

1 Bureau files.

2 Is this what we want?

3 Mr. Adams. I'll let Mr. Wannall address himself to this.

4 He is particular knowledgeable as to this operation.

5 Mr. Wannall. Senator Hart, that was a case that was  
6 opened on November 14 and closed November 20, and the information  
7 which caused us to be interested in it were really two particular  
8 items. One was that a member of the steering committee there,  
9 was a three man steering committee, and one of those members  
10 of the national conference was in fact a national officer  
11 of the VVAW in whom we had suggested before we did have a  
12 legitimate investigative interest.

13 Senator Hart of Michigan. Well, I would almost say so what  
14 at that point.

15 Mr. Wannall. The second report we had was that the  
16 VVAW would actively participate in an attempt to pack the  
17 conference to take it over. And the third report we had --

18 Senator Hart of Michigan. And incidentally, all of the  
19 information that your Buffalo informant had given you with  
20 respect to the goals and aims of the VVAW gave you a list of  
21 goals which were completely within Constitutionally protected  
22 objectives. There wasn't a single item out of that VVAW that  
23 jeopardizes the security of this country at all.

24 Mr. Wannall. Well, of course, we did not rely entirely  
25 on the Buffalo informant, but even there we did receive

1 from that informant information which I considered to be  
2 significant.

3 The Buffalo chapter of the VVAW was the regional office  
4 covering New York and northern New Jersey. It was one of the  
5 five most active VVAW chapters in the country and at a  
6 national conference, or at the regional conference, this  
7 informant reported information back to us that an attendee  
8 at the conference announced that he had run guns into Cuba  
9 prior to the Castro take-over. He himself said that he during  
10 the Cuban crisis had been under 24 hour surveillance. There  
11 was also discussion at the conference of subjugating the  
12 VVAW to the revolutionary union. There were some individuals  
13 in the chapter or the regional conference who were not in  
14 agreement with us, but Mr. Adams has addressed himself to the  
15 interest of the revolutionary union.

16 So all of the information that we had on the VVAW did  
17 not come from that source but even that particular source did  
18 give us information which we considered to be of some  
19 significance in our appraisal of the need for continuing the  
20 investigation of that particular chapter of the VVAW.

21 Senator Hart of Michigan. But does it give you the  
22 right or does it create the need to go to a conference, even  
23 if it is a conference that might be taken over by the VVAW  
24 when the subject matter is how and by what means shall we  
25 seek to achieve unconditional amnesty? What threat?

1 Mr. Wannall. Our interest, of course, was the VVAW  
2 influence on a particular meeting, if you ever happened to be  
3 holding a meeting, or whatever subject it was.

4 Senator Hart of Michigan. What if it was a meeting to  
5 seek to make more effective the food stamp system in this  
6 country?

7 Mr. Wannall. Well, of course there had been some  
8 organizations.

9 Senator Hart of Michigan. Would the same logic follow?

10 Mr. Wannall. I think that if we found that if the  
11 Communist Party USA was going to take over the meeting and  
12 use it as a front for its own purposes, there would be a logic  
13 in doing that. You have a whole scope here and it's a matter  
14 of where you do and where you don't, and hopefully, as we've  
15 said before, we will have some guidance, not only from this  
16 committee but from the guidelines that are being developed.  
17 But within the rationale of what we're doing today, I was  
18 explaining to you our interest not in going to this thing and  
19 not gathering everything there was about it.

20 In fact, only one individual attended and reported to us,  
21 and that was the person who had, who was not developed for  
22 this reason; an informant who had been reporting on other  
23 matters for some period of time.

24 And as soon as we got the report of the outcome of the  
25 meeting and the fact that in the period of some days we

gsm c  
Phone (Area 202) 544-6000

WARD &amp; PAUL

410 First Street, S.E., Washington, D.C. 20003

1 discontinued any further interest.

2 Senator Hart of Michigan. Well, my time has expired  
3 but even this brief exchange, I think, indicates that if we  
4 really want to control the dangers to our society of using  
5 informants to gather domestic political intelligence, we have  
6 to restrict sharply domestic intelligence investigations. And  
7 that gets us into what I would like to raise with you when  
8 my turn comes around again, and that's the use of warrants,  
9 obliging the Bureau to obtain a warrant before a full-fledged  
10 informant can be directed by the Bureau against a group or  
11 individuals.

12 I know you have objections to that and I would like to  
13 review that with you.

14 Senator Mondale. pursue that question.

15 Senator Hart of Michigan. I am talking now about an  
16 obligation to obtain a warrant before you turn loose a full-  
17 fledged informant. I'm not talking about tipsters that run  
18 into you or you run into, or who walk in as information sources.  
19 The Bureau has raised some objections in this memorandum to the  
20 Committee. The Bureau argues that such a warrant requirement  
21 might be unconstitutional because it would violate the First  
22 Amendment rights of FBI informants to communicate with their  
23 government.

24 Now that's a concern for First Amendment rights that  
25 ought to hearten all the civil libertarians.

1 But why would that vary, why would a warrant requirement  
2 raise a serious constitutional question?

3 Mr. Adams. Well, for one thing it's the practicability  
4 of it or the impactability of getting a warrant which  
5 ordinarily involves probable cause to show that a crime has  
6 been or is about to be committed.

7 In the intelligence field we are not dealing necessarily  
8 with an imminent criminal action. We're dealing with activities  
9 such as with the Socialist Workers Party, which we have  
10 discussed before, where they say publicly we're not to engage  
11 in any violent activity today, but we guarantee you we still  
12 subscribe to the tenets of communism and that when the time  
13 is ripe, we're going to rise up and help overthrow the United  
14 States.

15 Well, now, you can't show probable cause if they're about  
16 to do it because they're telling you they're not going to do it  
17 and you know they're not going to do it at this particular  
18 moment.

19 It's just the mixture somewhat of trying to mix in a  
20 criminal procedure with an intelligence gathering function, and  
21 we can't find any practical way of doing it. We have a particular  
22 organization. We may have an informant that not only belongs  
23 to the Communist Party, but belongs to several other organizations  
24 and as part of his function he may be sent out by the Communist  
25 Party to try to infiltrate one of these clean organizations.

1 We don't have probable cause for him to target against  
2 that organization, but yet we should be able to receive informa-  
3 tion from him that he as a Communist Party member, even  
4 though in an informant status, is going to that organization  
5 and don't worry about it. We're making no headway on it.  
6 It's just from our standpoint the possibility of informants,  
7 the Supreme Court has held that informants per se do not  
8 violate the First, Fourth, or Fifth Amendments. They have  
9 recognized the necessity that the government has to have  
10 individuals who will assist them in carrying out their  
11 governmental duties.

12 Senator Hart of Michigan. I'm not sure I've heard anything  
13 yet in response to the constitutional question, the very  
14 practical question that you addressed.

15 Quickly, you are right that the court has said that the  
16 use of the informant per se is not a violation of constitutional  
17 rights of the subject under investigation. But Congress  
18 can prescribe some safeguards, some rules and some standards,  
19 just as we have with respect to your use of electronic  
20 surveillance, and could do it with respect to informants.

21 That's quite different from saying that the warrant  
22 procedure itself would be unconstitutional.

23 But with respect to the fact that you couldn't show  
24 probable cause, and therefore, you couldn't get a warrant,  
25 therefore you oppose the proposal to require you to get a

Phone (Area 202) 544-6000

WARD &amp; PAUL

1 warrant. It seems to beg the question.

2 Assuming that you say that since we use informants and  
3 investigate groups which may only engage in lawful activities  
4 but which might engage in activities that can result in  
5 violence or illegal acts, and you can't use the warrant, but  
6 Congress could say that the use of informants is subject to  
7 such abuse and poses such a threat to legitimate activity,  
8 including the willingness of people to assemble and discuss  
9 the anti-ballistic missile system, and we don't want you to  
10 use them unless you have indication of criminal activity or  
11 unless you present your request to a magistrate in the same  
12 fashion as you are required to do with respect to, in most  
13 cases, to wiretap.

14 End Tape 6 This is an option available to Congress.

15 Begin Tape 7 Senator Tower. Senator Schweiker.

16 Senator Schweiker. Thank you very much.

17 Mr. Wannall, what's the difference between a potential  
18 security informant and a security informant?

19 Mr. Wannall. I mentioned earlier, Senator Schweiker,  
20 that in developing an informant we do a preliminary check on  
21 him before talking with him and then we do a further in-depth  
22 background check.

23 A potential security informant is someone who is under  
24 consideration before he is approved by headquarters for use as  
25 an informant. He is someone who is under current consideration.

410 First Street, S.E., Washington, D.C. 20003

1 On some occasions that person will have been developed to a  
2 point where he is in fact furnishing information and we are  
3 engaged in checking upon his reliability.

4 In some instances he may be paid for information furnished,  
5 but it has not gotten to the point yet where we have satisfied  
6 ourselves that he meets all of our criteria. When he does,  
7 the field must submit its recommendations to headquarters, and  
8 headquarters will pass upon whether that individual is an  
9 approved FBI informant.

10 Senator Schweiker. So it's really the first step of  
11 being an informant, I guess.

12 Mr. Wannall. It is a preliminary step, one of the  
13 preliminary steps.

14 Senator Schweiker. In the Rowe case, in the Rowe  
15 testimony that we just heard, what was the rationale again  
16 for not intervening when violence was known?

17 I know we asked you several times but I'm still having  
18 trouble understanding what the rationale, Mr. Wannall, was  
19 in not intervening in the Rowe situation when violence was  
20 known.

21 Mr. Wannall. Senator Schweiker, Mr. Adams did address  
22 himself to that. If you have no objection, I'll ask him to  
23 answer that.

24 Senator Schweiker. All right.

25 Mr. Adams. The problem we had at the time, and it's the

1 problem today, we are an investigative agency. We do not  
2 have police powers like the United States marshalls do.  
3 About 1795, I guess, or some period like that, marshalls have  
4 had the authority that almost borders on what a sheriff has.  
5 We are the investigative agency of the Department of Justice  
6 and during these times the Department of Justice had us maintain  
7 the role of an investigative agency. We were to report on  
8 activities to furnish the information to the local police,  
9 who had an obligation to act. We furnished it to the Department  
10 of Justice.

11 In those areas where the local police did not act, it  
12 resulted finally in the Attorney General sending 500 United  
13 States marshalls down to guarantee the safety of people who  
14 were trying to march in protest of their civil rights.

15 This was an extraordinary measure because it came at a  
16 time of civil rights versus federal rights, and yet there was  
17 a breakdown in law enforcement in certain areas of the country.

18 This doesn't mean to indict all law enforcement agencies  
19 in itself at the time either because many of them did act  
20 upon the information that was furnished to them. But we  
21 have no authority to make an arrest on the spot because we  
22 would not have had evidence that there was a conspiracy  
23 available. We can do absolutely nothing in that regard.

24 In Little Rock, the decision was made, for instance, that  
25 if any arrests need to be made, the Army should make them and

1 next to the Army, the United States marshalls should make them,  
2 not the FBI, even though we developed the violations.

3 And over the years, as you know, at the time there were many  
4 questions raised. Why doesn't the FBI stop this? Why don't  
5 you do something about it?

6 Well, we took the other route and effectively destroyed  
7 the Klan as far as committing acts of violence, and of course  
8 we exceeded statutory guidelines in that area.

9 Senator Schweiker. What would be wrong, just following  
10 up your point there, Mr. Adams, with setting up a program  
11 since it's obvious to me that a lot of informers are going to  
12 have pre-knowledge of violence of using U.S. marshalls on some  
13 kind of a long-range basis to prevent violence?

14 Mr. Adams. We do. We have them in Boston in connection  
15 with the busing incident. We are investigating the violations  
16 under the Civil Rights Act. But the marshalls are in Boston,  
17 they are in Louisville, I believe at the same time, and this  
18 is the approach, that the Federal government finally recognized,  
19 was the solution to the problem where you had to have added  
20 Federal import.

21 Senator Schweiker. But instead of waiting until it  
22 gets to a Boston state, which is obviously a pretty advanced  
23 confrontation, shouldn't we have some where a coordinated program  
24 that when you go up the ladder of command in the FBI, that  
25 on an immediate and fairly contemporary basis, that kind of

1 help can be sought instantly as opposed to waiting until it  
2 gets to a Boston state?

3 I realize it's a departure from the past. I'm not  
4 saying it isn't. But it seems to me we need a better remedy  
5 than we have.

6 Mr. Adams. Well, fortunately, we're at a time where  
7 conditions have subsided in the country, even from the '60s  
8 and the '70s and periods -- or '50s and '60s. We report to the  
9 Department of Justice on potential troublespots around the  
10 country as we learn of them so that the Department will be  
11 aware of them. The planning for Boston, for instance, took  
12 place a year in advance with state officials, city officials,  
13 the Department of Justice and the FBI sitting down together  
14 saying, how are we going to protect the situation in Boston?

15 I think we've learned a lot from the days back in the  
16 early '60s. But the government had no mechanics which protected  
17 people at that time.

18 Senator Schweiker. I'd like to go, if I may, to the  
19 Robert Hardy case. I know he is not a witness but he  
20 was a witness before the House. But since this affects my  
21 state, I'd like to ask Mr. Wannall. Mr. Hardy, of course, was  
22 the FBI informer who ultimately led and planned and organized  
23 a raid on the Camden draft board. And according to Mr. Hardy's  
24 testimony before our Committee, he said that in advance of the  
25 raid someone in the Department had even acknowledged the fact

1 that they had all the information they needed to clamp down  
2 on the conspiracy and could arrest people at that point in time,  
3 and yet no arrests were made.

4 Why, Mr. Wannall, was this true?

5 Mr. Wannall. Well, I can answer that based only on the  
6 material that I have reviewed, Senator Schweiker. It was not  
7 a case handled in my division but I think I can answer your  
8 question.

9 There was, in fact, a representative of the Department  
10 of Justice on the spot counselling and advising continuously  
11 as that case progressed as to what point the arrest should be  
12 made and we were being guided by those to our mentors, the  
13 ones who are responsible for making decisions of that sort.

14 So I think that Mr. Hardy's statement to the effect that  
15 there was someone in the Department there is perfectly true.

16 Senator Schweiker. That responsibility rests with who  
17 under your procedures?

18 Mr. Wannall. We investigate decisions on making arrests,  
19 when they should be made, and decisions with regard to  
20 prosecutions are made either by the United States attorneys  
21 or by Federals in the Department.

22 Mr. Adams. At this time that particular case did have  
23 a departmental attorney on the scene because there are questions  
24 of conspiracy. Conspiracy is a tough violation to prove and  
25 sometimes a question of do you have the added value of catching

1 someone in the commission of the crime as further proof,  
2 rather than relying on one informant and some circumstantial  
3 evidence to prove the violation.

4 Senator Schweiker. Well, in this case, though, they  
5 even had a dry run. They could have arrested them on the  
6 dry run.

7 That's getting pretty close to conspiracy, it seems to  
8 me. They had a dry run and they could have arrested them on  
9 the dry run.

10 I'd like to know why they didn't arrest them on the dry  
11 run. Who was this Department of Justice official who made  
12 that decision?

13 Mr. Adams. Guy Goodwin was the Department official.

14 Senator Schweiker. Next I'd like to ask back in 1965,  
15 during the height of the effort to destroy the Klan, as you  
16 put it a few moments ago, I believe the FBI has released  
17 figures that we had something like 2,000 informers of some  
18 kind or another infiltrating the Klan out of roughly 10,000  
19 estimated membership.

20 I believe these are either FBI figures or estimates.  
21 That would mean that one out of every five members of the Klan  
22 at that point was an informant paid by the government.

23 And I believe the figure goes on to indicate that 70  
24 percent of the new members of the Klan that year were FBI  
25 informants.

1           Isn't this an awfully overwhelming quantity of people  
2 to put in an effort such as that? I'm not criticizing that  
3 you shouldn't have informants in the Klan and know what's  
4 going on for violence, but it seems to me that this is the  
5 tail wagging the dog.

6           For example, today we supposedly have only 1594 total  
7 informants for both domestic informants and potential informants  
8 and that here we had 2,000 just in the Klan alone.

9           Mr. Adams. Well, this number 2,000 did include all  
10 racial matters, informants at that particular time, and I  
11 think the figures we tried to reconstruct as to the actual  
12 number of Klan informants in relation to Klan members was around  
13 6 percent, I think, after we had read some of the testimony.

14           Now the problem we had on the Klan is the Klan had a  
15 group called the Action Group. This was the group that you  
16 remember from Mr. Rowe's testimony, that he was left af-  
17 ter the meeting. He attended the open meetings and heard  
18 all of the hurrahs and this type of thing from information,  
19 but he never knew what was going on because each one had an  
20 action group that went out and considered themselves in the  
21 missionary field.

22           Theirs was the violence.

23           In order to penetrate those, it takes, you have to direct  
24 as many informants as you possibly can against it. Bear in  
25 mind that I think the newspapers, the President and Congress and

1 everyone is concerned about the murder of the civil rights  
2 workers, the Linió Kent case, the Viola Liuzzo case, the  
3 bombings of the church in Birmingham. We were faced with one  
4 tremendous problem at that time.

5 Senator Schweiker. I acknowledge that.

6 Mr. Adams. Our only approach was through informants  
7 and through the use of informants we solved these cases, the  
8 ones that were solved. Some of the bombing cases we have  
9 never solved. They are extremely difficult.

10 These informants, as we told the Attorney General, and  
11 as we told the President, that we had moved informants like  
12 Mr. Rowe up to the top leadership. He was the bodyguard to the  
13 head man. He was in a position where he could forewarn us  
14 of violence, could help us on cases that had transpired, and  
15 yet we knew and conceived that this could continue forever  
16 unless we can create enough disruption that these members will  
17 realize that if I go out and murder three civil rights workers,  
18 even though the sheriff and other law enforcement officers are  
19 in on it, if that were the case and with some of them it was  
20 the case, that I would be caught. And that's what we did and  
21 that's why violence stopped, was because the Klan was insecure  
22 and just like you say, 20 percent, they thought 50 percent of  
23 their members ultimately were Klan members and they didn't  
24 dare engage in these acts of violence because they knew they  
25 couldn't control the conspiracy any longer.

1 Senator Schweiker. My time is expired. I just have  
2 one quick question..

3 Is it correct that in 1971 we're using around 6500  
4 informers for black ghetto situations?

5 Mr. Adams. I'm not sure if that's the year. We did  
6 have one year where we had a number like that which probably  
7 had been around 6000, and that was the time when the cities  
8 were being burned, Detroit, Washington, areas like this. We  
9 were given a mandate to know what the situation is, where is  
10 violence going to break out, what next?

11 They weren't informants like an individual penetrating  
12 an organization. They were listening posts in the community  
13 that would help tell us that we have a group here that's getting  
14 ready to start another fire-fight or something.

15 Senator Tower. At this point, there are three more  
16 Senators remaining for questioning. If we can try to get  
17 everything in in the first round, we will not have a second  
18 round and I think we can finish around 1:00, and we can go  
19 on and terminate the proceedings.

20 However, If anyone feels that they have another question  
21 that they want to return to, we can come back here by 2:00.

22 Senator Mondale?

23 Senator Mondale. Mr. Adams, it seems to me that the  
24 record is now fairly clear that when the FBI operates in the  
25 field of crime investigating, it may be the best professional

1 organization of its kind in the world. And when the FBI acts  
2 in the field of political ideas, it has bungled its job, it  
3 has interfered with the civil liberties, and finally, in the  
4 last month or two, through its public disclosures, heaped  
5 shame upon itself and really led toward an undermining of  
6 the crucial public confidence in an essential law enforcement  
7 agency of this country.

8 In a real sense, history has repeated itself because it  
9 was precisely that problem that led to the creation of the FBI  
10 in 1924.

11 In World War I, the Bureau of Investigation strayed from  
12 its law enforcement functions and became an arbiter and  
13 protector of political ideas. And through the interference  
14 of civil liberties and Palmer Raids and the rest, the public  
15 became so offended that later through Mr. Justice Stone and  
16 Mr. Hoover, the FBI was created. And the first statement  
17 by Mr. Stone was that never again will this Justice Department  
18 get involved in political ideas.

19 And yet here we are again looking at a record where with  
20 Martin Luther King, with anti-war resistors, with -- we even  
21 had testimony this morning of meetings with the Council of  
22 Churches. Secretly we are investigating this vague, ill-defined,  
23 impossible to define idea of investigating dangerous ideas.

24 It seems to be the basis of the strategy that people  
25 can't protect themselves, that you somehow need to use the

Phone (Area 202) 544-6000

WARD &amp; PAUL

410 First Street, S.E., Washington, D.C. 20003

1 tools of law enforcement to protect people from subversive  
2 or dangerous ideas, which I find strange and quite profoundly  
3 at odds with the philosophy of American government.

4 I started in politics years ago and the first thing we  
5 had to do was to get the communists out of our parts and out  
6 of the union. We did a very fine job. As far as I know, and  
7 I'm beginning to wonder, but as far as I know, we had no help  
8 from the FBI or the CIA. We just rammed them out of the meetings  
9 on the grounds that they weren't Democrats and they weren't  
10 good union leaders when we didn't want anything to do with them.  
11 And yet, we see time and time again that we're going to  
12 protect the blacks from Martin Luther King because he's  
13 dangerous, that we've going to protect veterans from whatever  
14 it is, and we're going to protect the Council of Churches  
15 from the veterans, and so on, and it just gets so gummy and  
16 confused and ill-defined and dangerous, that don't you agree  
17 with me that we have to control this, to restrain it, so that  
18 precisely what is expected of the FBI is known by you, by the  
19 public, and that you can justify your actions when we ask  
20 you?

21 Mr. Adams. I agree with that, Senator, and I would like  
22 to point out that when the Attorney General made his statement  
23 Mr. Hoover subscribes to it, we followed that policy for about  
24 ten years until the President of the United States said that  
25 we should investigate the Nazi Party.

1 I for one feel that we should investigate the Nazi Party.  
2 I feel that our investigation of the Nazi Party resulted in  
3 the fact that in World War II, as contrasted with World War I,  
4 there wasn't one single incident of foreign directed sabotage  
5 which took place in the United States.

6 Senator Mondale. And under the criminal law you could  
7 have investigated these issues of sabotage.

8 Isn't sabotage a crime?

9 Mr. Adams. Sabotage is a crime.

10 Senator Mondale. Could you have investigated that?

11 Mr. Adams. After it happened.

12 Senator Mondale. You see, every time we get involved  
13 in political ideas, you defend yourself on the basis of  
14 crimes that could have been committed. It's very interesting..

15 In my opinion, you have to stand here if you're going to  
16 continue what you're now doing and as I understand it, you  
17 still insist that you did the right thing with the Vietnam  
18 Veterans Against the War, and investigating the Council of  
19 Churches, and this can still go on. This can still go on under  
20 your interpretation of your present powers, what you try to  
21 justify on the grounds of your law enforcement activities  
22 in terms of criminal matters.

23 Mr. Adams. The law does not say we have to wait until  
24 we have been murdered before we can --

25 Senator Mondale. Absolutely, but that's the field of

1 law again. You're trying to defend apples with oranges. That's  
2 the law. You can do that.

3 Mr. Adams. That's right, but how do you find out which  
4 of the 20,000 Bund members might have been a saboteur. You  
5 don't have probable cause to investigate anyone, but you can  
6 direct an intelligence operation against the German-American  
7 Bund, the same thing we did after Congress said --

8 Senator Mondale. Couldn't you get a warrant for that?  
9 Why did you object to going to court for authority for that?

10 Mr. Adams. Because we don't have probable cause to  
11 go against an individual and the law doesn't provide for  
12 probable cause to investigate an organization.

13 There were activities which did take place, like one time  
14 they outlined the Communist Party --

15 Senator Mondale. What I don't understand is why it  
16 wouldn't be better for the FBI for us to define authority  
17 that you could use in the kind of Bonn situation where under  
18 court authority you can investigate where there is probable  
19 cause or reasonable cause to suspect sabotage and the rest.

20 Wouldn't that make a lot more sense than just making these  
21 decisions on your own?

22 Mr. Adams. We have expressed complete concurrence in  
23 that. We feel that we're going to go beat to death in the  
24 next 100 years, you're damned if you do, and damned if you  
25 don't if we don't have a delineation of our responsibility

1 in this area. But I won't agree with you, Senator, that we  
2 have bungled the intelligence operations in the United States.  
3 I agree with you that we have made some mistakes. Mr. Kelley.  
4 has set a pattern of being as forthright as any Director of the  
5 FBI in acknowledging mistakes that had been made, but I think  
6 that as you said, and I believe Senator Tower said, and  
7 Senator Church, that we have to watch these hearings because  
8 of the necessity that we must concentrate on these areas of  
9 abuse. We must not lose sight of the  
10 overall law enforcement and intelligence community, and I  
11 still feel that this is the freest country in the world.  
12 I've travelled much, as I'm sure you have, and I know we have  
13 made some mistakes, but I feel that the people in the United  
14 States are less chilled by the mistakes we have made than they  
15 are by the fact that there are 20,000 murders a year in the  
16 United States and they can't walk out of their houses at night  
17 and feel safe.

18 Senator Mondale. That's correct, and isn't that an  
19 argument then, Mr. Adams, for strengthening our powers to go  
20 after those who commit crimes rather than strengthening or  
21 continuing a policy which we now see undermines the public  
22 confidence you need to do your job.

23 Mr. Adams. Absolutely. The mistakes we have made are  
24 what have brought on this embarrassment to us.

25 I'm not blaming the Committee. I'm saying we made some

Phone (Area 202) 544-6000

1 mistakes and in doing so this is what has hurt the FBI. But  
2 at the same time I don't feel that a balanced picture comes  
3 out, as you have said yourselves, because of the necessity  
4 of zeroing in on abuses.

5 I think that we have done one tremendous job. I think  
6 the accomplishments in the Klan was the finest hour of the  
7 FBI and yet, I'm sure in dealing with the Klan that we made  
8 some mistakes. But I just don't agree with bungling.

End Tape 7

WARD &amp; PAUL

410 First Street, S.E., Washington, D.C. 20003

1 Senator Mondale. I don't want to argue over terms, but  
2 I think I sense an agreement that the FBI has gotten into trouble  
3 over it in the political idea trouble, and that that's where we  
4 need to have new legal standards.

5 Mr. Adams. Yes, I agree with that.

6 Senator Tower. Senator Huddleston.

7 Senator Huddleston. Thank you, Mr. Chairman.

8 Mr. Adams, these two instances we have studied at some  
9 length seems to have been an inclination on the part of  
10 the Bureau to establish a notion about an individual or a group  
11 which seems to be very hard to ever change or dislodge. In  
12 the case of Dr. King, where the supposition was that he was  
13 being influenced by Communist individuals, extensive investi-  
14 gation was made, surveillance, reports came back indicating that  
15 this in fact was untrue, and directions continued to go out  
16 to intensify the investigation. There never seemed to be a  
17 willingness on the part of the Bureau to accept its own facts.

18 Ms. Cook testified this morning that something similar  
19 to that happened with the Vietnam Veterans Against the War, that  
20 every piece of information that she supplied to the Bureau  
21 seemed to indicate that the Bureau was not correct in its  
22 assumption that this organization planned to commit violence,  
23 or that it was being manipulated, and yet you seemed to insist  
24 that this investigation go on, and this information was used  
25 against the individuals.

1 Now, are there instances where the Bureau has admitted that  
2 its first assumptions were wrong and they have changed their  
3 course?

4 Mr. Adams. We have admitted that. We have also shown  
5 from one of the cases that Senator Hart brought up, that after  
6 five days we closed the case. We were told something by an  
7 individual that there was a concern of an adverse influence  
8 in it, and we looked into it. On the Martin Luther King  
9 situation there was no testimony to the effect that we just  
10 dragged on and on, or admitted that we dragged on and on and  
11 on, ad infinitum. The wiretaps on Martin Luther King were  
12 all approved by the Attorney General. Microphones on Martin  
13 Luther King were approved by another Attorney General. This  
14 wasn't the FBI, and the reason they were approved was that  
15 there was a basis to continue the investigation up to a point.

16 What I testified to was that we were improper in discrediting  
17 Dr. King, but it's just like --

18 Senator Huddleston. The Committee has before it memoranda  
19 written by high officials of the Bureau indicating that the  
20 information they were receiving from the field, from these  
21 surveillance methods, did not confirm what their supposition  
22 was.

23 Mr. Adams. That memorandum was not on Dr. King. That  
24 was on another individual that I think somehow got mixed up  
25 in the discussion, one where the issue was can we make people

1 prove they aren't a Communist before we will agree not to  
2 investigate them.

3 But the young lady appearing this morning making the  
4 comment that she never knew of anything she told us that  
5 she considers herself a true member of the VVAW-WSO inasmuch  
6 as she feels in general agreement of the principles of it, and  
7 agreed to cooperate with the FBI in providing information regard-  
8 ing the organization to aid in preventing violent individuals  
9 from associating themselves with the VVAW-WSO. She is most  
10 concerned about efforts by the Revolutionary Union to take over  
11 the VVAW-WSO, and she is working actively to prevent this..

12 I think that we have a basis for investigating the VVAW-  
13 WSO in certain areas today. In other areas we have stopped  
14 the investigation. They don't agree with these principles  
15 laid down by the --

16 Senator Huddleston. That report was the basis of your  
17 continuing to pay informants and continuing to utilize that  
18 information against members who certainly had not been involved  
19 in violence, and apparently to get them fired from their job  
20 or whatever?

21 Mr. Adams. It all gets back to the fact that even in the  
22 criminal law field, you have to detect crime, and you have to  
23 prevent crime, and you can't wait until something happens.. The  
24 Attorney General has clearly spoken in that area, and even our  
25 statutory jurisdiction provides that we don't --

smn 4

Phone (Area 202) 544-6000

WARD &amp; PAUL

410 First Street, S.E., Washington, D.C. 20003

1 Senator Huddleston. Well, of course we've had considerable  
2 evidence this morning where no attempt was made to prevent  
3 crime, when you had information that it was going to occur.  
4 But I'm sure there are instances where you have.

5 Mr. Adams. We disseminated every single item which he  
6 reported to us.

7 Senator Huddleston. To a police department which you  
8 knew was an accomplice to the crime.

9 Mr. Adams. Not necessarily.

10 Senator Huddleston. Your informant had told you that,  
11 hadn't he?

12 Mr. Adams. Well, the informant is on one level. We have  
13 other informants, and we have other information.

14 Senator Huddleston. Yes, but you were aware that he  
15 had worked with certain members of the Birmingham police in  
16 order to --

17 Mr. Adams. Yes. He furnished many other instances also.

18 Senator Huddleston. So you weren't really doing a whole  
19 lot to prevent that incident by telling the people who were  
20 already part of it.

21 Mr. Adams. We were doing everything we could lawfully  
22 do at the time, and finally the situation was corrected, so that  
23 when the Department, agreeing that we had no further juris-  
24 diction, could sent the United States Marshal down to perform  
25 certain law enforcement functions.

1 Senator Huddleston. Now, the Committee has received  
2 documents which indicated that in one situation the FBI assisted  
3 an informant who had been established in a white hate group  
4 to establish a rival white hate group, and that the Bureau paid  
5 his expenses in setting up this rival organization.

6 Now, does this not put the Bureau in a position of being  
7 responsible for what actions the rival white hate group might  
8 have undertaken?

9 Mr. Adams. I'd like to see if one of the other gentlemen  
10 knows that specific case, because I don't think we set up a  
11 specific group.

12 This is Joe Deegan.

13 Mr. Deegan. Senator, it's my understanding that the  
14 informant we're talking about decided to break off from the  
15 group he was with. He was with the Macon Klan group of  
16 the United Klans of America, and he decided to break off. This  
17 was in compliance with our regulations. His breaking off,  
18 we did not pay him to set up the organization. He did it  
19 on his own. We paid him for the information he furnished  
20 us concerning the operation. We did not sponsor the organiza-  
21 tion.

22 Senator Huddleston. Concerning the new organization that  
23 he set up, he continued to advise you of the activities of that  
24 organization?

25 Mr. Deegan. He continued to advise us of that organization

1 and other organizations. He would advise us of planned  
2 activities.

3 Senator Huddleston. The new organization that he formed,  
4 did it operate in a very similar manner to the previous one?

5 Mr. Deegan. No, it did not, and it did not last that  
6 long..

7 Senator Huddleston. There's also evidence of an FBI  
8 informant in the Black Panther Party who had a position of  
9 responsibility within the Party with the knowledge of his  
10 FBI contact of supplying members with weapons and instructing  
11 them in how to use those weapons. Presumably this was in the  
12 knowledge of the Bureau, and he later became -- came in contact  
13 with the group that was contracting for murder, and he partici-  
14 pated in this group with the knowledge of the FBI agent, and  
15 this group did in fact stalk a victim who was later killed with  
16 the weapon supplied by this individual, presumably all in the  
17 knowledge of the FBI.

18 How does this square with your enforcement and crime  
19 prevention responsibilities.

20 Mr. Deegan.. Senator, I'm not familiar with that particular  
21 case.. It does not square with our policy in all respects, and  
22 I would have to look at that particular case you're talking  
23 about to give you an answer.

24 Senator Huddleston. I don't have the documentation on that  
25 particular case, but it brings up the point as to what kind of

1 control you exercised over this kind of informant in this kind  
2 of an organization and to what extent an effort is made to  
3 prevent these informants from engaging in the kind of thing  
4 that you are supposedly trying to prevent.

5 Mr. Adams. A good example of this was Mr. Rowe, who became  
6 active in an action group, and we told him to get out or  
7 we would no longer use him as an informant, in spite of the  
8 information he had furnished in the past.

9 We have had cases, Senator, where we have had --

10 Senator Huddleston. But you also told him to participate  
11 in violent activities.

12 Mr. Adams. We did not tell him to participate in violent  
13 activities.

14 Senator Huddleston. That's what he said.

15 Mr. Adams. I know that's what he said. But that's what  
16 lawsuits are all about, is that there are two sides to the  
17 issue, and our agents handling this have advised us, and I  
18 believe have advised your staff, that at no time did they  
19 advise him to engage in violence.

20 Senator Huddleston. Just to do what was necessary to  
21 get the information, I believe maybe might have been his  
22 instructions.

23 Mr. Adams. I don't think they made any such statement  
24 to him along that line, and we have informants, we have  
25 informants who have gotten involved in the violation of the law,

smn 8

Phone (Area 202) 544-6000

WARD &amp; PAUL

410 First Street, S.E., Washington, D.C. 20003

1 and we have immediately converted their status from an informant  
2 to the subject, and have prosecuted I would say, offhand, I  
3 can think of around 20 informants that we have prosecuted for  
4 violating the laws, once it came to our attention, and even  
5 to show you our policy of disseminating information on violence  
6 in this case, during the review of the matter, the agents told  
7 me that they found one case where their agent had been working  
8 24 hours a day, and he was a little late in disseminating the  
9 information to the police department. No violence occurred,  
10 but it showed up in a file review, and he was censured for  
11 his delay in properly notifying local authorities.

12 So we not only have a policy, I feel that we do follow  
13 reasonable safeguards in order to carry it out, including periodic  
14 review of all informant files.

15 Senator Huddleston. Well, Mr. Rowe's statement is  
16 substantiated to some extent with the acknowledgement by the  
17 agent in charge that if you're going to be a Klansman and you  
18 happen to be with someone and they decide to do something, that  
19 he couldn't be an angel. These were the words of the agent,  
20 and be a good informant. He wouldn't take the lead, but the  
21 implication is that he would have to go along and would have  
22 to be involved if he was going to maintain his credibility.

23 Mr. Adams. There's no question but that an informant at  
24 times will have to be present during demonstrations, riots,  
25 fistfights that take place, but I believe his statement was

9mn9  
Phone (Area 202) 544-6000

1 to the effect that -- and I was sitting in the back of the  
2 room and I don't recall it exactly, but some of them were  
3 beat with chains, and I didn't hear whether he said he beat  
4 someone with a chain or not, but I rather doubt that he did  
5 because it's one thing being present, and it's another thing  
6 taking an active part in criminal actions.

7 Senator Huddleston. He was close enough to get his  
8 throat cut.

9 How does the gathering of information --

10 Senator Tower. Senator Mathias is here, and I think that  
11 we probably should recess a few minutes.

12 Could we have Senator Mathias' questions and then should  
13 we convene this afternoon?

14 Senator Huddleston. I'm finished. I just had one more  
15 question.

16 Senator Tower. Go ahead.

17 Senator Huddleston. I wanted to ask how the selection of  
18 information about an individual's personal life, social, sex  
19 life and becoming involved in that sex life or social life  
20 is a requirement for law enforcement or crime prevention.

21 Mr. Adams. Our agent handlers have advised us on Mr.  
22 Rowe, that they gave him no such instruction, they had no  
23 such knowledge concerning it, and I can't see where it would  
24 be of any value whatsoever.

25 Senator Huddleston. You aren't aware of any case where

WARD & PAUL

410 First Street, S.E., Washington, D.C. 20003

1 these instructions were given to an agent or an informant?

2 Mr. Adams. To get involved in sexual activity? No, sir.

3 Senator Huddleston. Thank you, Mr. Chairman.

4 Senator Tower. Senator Mathias.

5 Senator Mathias. Thank you, Mr. Chairman.

6 I would like to come back very briefly to the Fourth  
7 Amendment considerations in connection with the use of informants  
8 and in posing these questions we're not thinking of the one  
9 time volunteer who walks in to an FBI office and says I have  
10 a story I want to tell you and that's the only time that you  
11 may see him. I'm thinking of the kind of situations in which  
12 there is a more extended relationship which could be of varying  
13 degrees. It might be in one case that the same individual  
14 will have some usefulness in a number of situations. But when  
15 the FBI orders a regular agent to engage in a search, the first  
16 test is a judicial warrant, and what I would like to explore  
17 with you is the difference between a one time search which  
18 requires a warrant, and which you get when you make that  
19 search, and a continuous search which uses an informant, or  
20 the case of a continuous search which uses a regular undercover  
21 agent, someone who is totally under your control, and is in a  
22 slightly different category than an informant.

23 Mr. Adams. Well, we get there into the fact that the  
24 Supreme Court has still held that the use of informants does  
25 not invade any of these constitutionally protected areas, and

1 if a person wants to tell an informant something that isn't  
2 protected by the Supreme Court.

3 An actual search for legal evidence, that is a protected  
4 item, but information and the use of informants have been  
5 consistently held as not posing any constitutional problems.

6 Senator Mathias. I would agree, if you're talking about  
7 the fellow who walks in off the street, as I said earlier,  
8 but is it true that under existing procedures informants are  
9 given background checks?

10 Mr. Adams. Yes, sir.

11 Senator Mathias. And they are subject to a testing period.

12 Mr. Adams. That's right, to verify and make sure they  
13 are providing to us reliable information.

14 Senator Mathias. And during the period that the relation-  
15 ship continues, they are rather closely controlled by the  
16 handling agents.

17 Mr. Adams. That's true.

18 Senator Mathias. So in effect they can come in a very  
19 practical way agents themselves to the FBI.

20 Mr. Adams. They can do nothing --

21 Senator Mathias. Certainly agents in the common law use  
22 of the word:

23 Mr. Adams. That's right, they can do nothing, and we  
24 instruct our agents that an informant can do nothing that the  
25 agent himself cannot do, and if the agent can work himself into

smn 12

Phone (Area 202) 544-6000

WARD &amp; PAUL

410 First Street, S.E., Washington, D.C. 20003

1 an organization in an undercover capacity, he can sit there and  
2 glean all the information that he wants, and that is not in the  
3 Constitution as a protected area. But we do have this problem.

4 Senator Mathias. But if a regular agent who is a member  
5 of the FBI attempted to enter these premises, he would require  
6 a warrant?

7 Mr. Adams. No, sir, if a regular -- it depends on the  
8 purpose for which he is entering. If a regular agent by  
9 concealing his identity, by -- was admitted as a member of the  
10 Communist Party, he can attend Communist Party meetings, and he  
11 can enter the premises, he can enter the building, and there's  
12 no constitutionally invaded area there.

13 Senator Mathias. And so you feel that anyone who has  
14 a less formal relationship with the Bureau than a regular  
15 agent, who can undertake a continuous surveillance operation  
16 as an undercover agent or as an informant. --

17 Mr. Adams. As long as he commits no illegal acts.

18 Senator Mathias. Let me ask you why you feel that it is  
19 impractical to require a warrant since, as I understand it,  
20 headquarters must approve the use of an informant. Is that  
21 degree of formal action required?

22.

23

24

25

end

Tape 9

Phone (Area 202) 544-6007

1 Mr. Adams. The main difficulty is the particularity  
1 which has to be shown in obtaining a search warrant. You  
2 have to go after particular evidence. You have to specify  
3 what you're going after, and an informant operates in an  
4 area that you just cannot specify. He doesn't know what's  
5 going to be discussed at that meeting. It may be a plot to  
6 blow up the Capitol again or it may be a plot to blow up the  
7 State Department building.

8  
9 Senator Mathias. If it were a criminal investigation,  
10 you would have little difficulty with probable cause, wouldn't  
11 you?

12 Mr. Adams. We would have difficulty in a warrant to  
13 use someone as an informant in that area because the same  
14 difficulty of particularity exists. We can't specify.

15 Senator Mathias. I understand the problem because it's  
16 very similar to one that we discussed earlier in connection  
17 say wiretaps on a national security problem.

18 Mr. Adams. That's it, and there we face the problem of  
19 where the Soviet, an individual identified as a Soviet spy  
20 in a friendly country and they tell us he's been a Soviet spy  
21 there and now he's coming to the United States, and if we can't  
22 show under a probable cause warrant, if we couldn't show that  
23 he was actually engaging in espionage in the United States,  
24 we couldn't get a wiretap under the probable cause requirements  
25 which have been discussed. If the good fairy didn't drop the

WARD & PAUL

410 First Street, S.E., Washington, D.C. 20003

1 evidence in our hands that this individual is here conducting  
2 espionage, we again would fall short of this, and that's  
3 why we're still groping with it.

4 Senator Mathias. When you say fall short, you really,  
5 you would be falling short of the requirements of the Fourth  
6 Amendment.

7 Mr. Adams. That's right, except for the fact that the  
8 President, under this Constitutional powers, to protect this  
9 nation and make sure that it survives first, first of all  
10 national survival, and these are the areas that not only the  
11 President but the Attorney General are concerned in and we're  
12 all hoping that somehow we can reach a legislative middle  
13 ground in here.

14 Senator Mathias. Which we discussed in the other national  
15 security area as to curtailling a warrant to that particular  
16 need.

17 Mr. Adams. And if you could get away from probable  
18 cause and get some degree of reasonable cause and get some  
19 method of sealing indefinitely your interest, say, in an  
20 ongoing espionage case and can work out those difficulties,  
21 we may get their yet.

22 Senator Mathias. And you don't despair of finding that  
23 middle ground?

24 Mr. Adams. I don't because I think that today there's  
25 more of an open mind between Congress and the Executive Branch

1 and the FBI and everyone concerning the need to get these  
2 areas resolved.

3 Senator Mathias. And you believe that the Department,  
4 if we could come together, would support, would agree to that  
5 kind of a warrant requirement if we could agree on the language?

6 Mr. Adams. If we can work out problems and the Attorney  
7 General is personally interested in that also.

8 Senator Mathias. Do you think that this agreement might  
9 extend to some of those other areas that we talked about?

10 Mr. Adams. I think that that would be a much greater  
11 difficulty in an area of domestic intelligence informant who  
12 reports on many different operations and different types of  
13 activities that might come up rather than say in a Soviet  
14 espionage or a foreign espionage case where you do have a little  
15 more degree of specificity to deal with.

16 Senator Mathias. I suggest that we arrange to get  
17 together and try out some drafts with each other, but in the  
18 meantime, of course, there's another alternative and that  
19 would be the use of wiretap procedure by which the Attorney  
20 General must approve a wiretap before it is placed, and the  
21 same general process could be used for informants, since  
22 you come to headquarters any way.

23 Mr. Adams. That could be an alternative. I think it  
24 would be a very burdensome alternative and I think at some  
25 point after we attack the major abuses, or what are considered

1 major abuses of Congress and get over this hurdle, I think  
2 we're still going to have to recognize that heads of agencies  
3 have to accept the responsibility for managing that agency  
4 and we can't just keep pushing every operational problem up  
5 to the top because there just aren't enough hours in the day.

6 Senator Mathias. But the reason that parallel suggests  
7 itself is of course the fact that the wiretap deals generally  
8 with one level of information in one sense of gathering  
9 information. You hear what you hear from the tap.

10 Mr. Adams. But you're dealing in a much smaller number  
11 also.

12 Senator Mathias. Smaller number, but that's all the  
13 more reason. When an informant goes in, he has all of his  
14 senses. He's gathering all of the information a human being  
15 can acquire from a situation and has access to more information  
16 than the average wiretap.

17 And it would seem to me that for that reason a parallel  
18 process might be useful and in order.

19 Mr. Adams. Mr. Mintz pointed out one other main  
20 distinction. to me which I had overlooked from our prior  
21 discussions, which is the fact that with an informant he is  
22 more in the position of being a central monitor in that one  
23 of the two parties to the conversation agrees, such as like  
24 central monitoring of telephones and microphones and  
25 anything else versus the wiretap itself where the individual

1 whose telephone is being tapped is not aware and there is,  
2 and neither of the two parties talking had agreed that their  
3 conversation could be monitored.

4 Senator Mathias. I find that one difficult to accept.  
5 If I'm the third party overhearing a conversation that is taking  
6 place in a room where I am, and my true character isn't perceived  
7 by the two people who are talking, in effect they haven't  
8 consented to my overhearing my conversation. Then they consent  
9 if they believe that I am their friend or their, a partisan  
10 of theirs.

11 But if they knew in fact that I was an informant for  
12 someone else, they wouldn't be consenting.

13 Mr. Adams. Well, that's like I believe Senator Hart  
14 raised earlier, that the courts thus far have made this  
15 distinction with no difficulty, but that doesn't mean that  
16 there may not be some legislative compromise which might be  
17 addressed.

18 Senator Mathias. Well, I particularly appreciate your  
19 attitude in being willing to work on these problems because  
20 I think that's the most important thing that can evolve from  
21 these hearings, so that we can actually look at the Fourth  
22 Amendment as the standard that we have to achieve. But the  
23 way we get there is obviously going to be a lot easier if we  
24 can work toward them together.

25 I just have one final question, Mr. Chairman, and that

1957

1 deals with whether we shouldn't impose a standard of probable  
2 cause that a crime has been committed as a means of controlling  
3 the use of informants and the kind of information that they  
4 collect.

5 Do you feel that this would be too restrictive?

6 Mr. Adams. Yes, sir, I do.

7 When I look at informants and I see that each year  
8 informants provide us, locate 5000 dangerous fugitives, they  
9 provide subjects in 2000 more cases, they recover \$86 million  
10 in stolen property and contraband, and that's irrespective  
11 of what we give the local law enforcement and other Federal  
12 agencies, which is almost a comparable figure, we have almost  
13 reached a point in the criminal law where we don't have much  
14 left. And in the intelligence field we still, I think when  
15 we carve all of the problems away, we still have to make sure  
16 that we have the means to gather information which will permit  
17 us to be aware of the identity of individuals and organizations  
18 that are acting to overthrow the government of the United  
19 States. And I think we still have some areas to look hard  
20 at as we have discussed, but I think informants are here to  
21 stay. They are absolutely essential to law enforcement.  
22 Everyone uses informants. The press has informants, Congress  
23 has informants, you have individuals in your community that  
24 you rely on, not for ulterior purposes, but to let you know  
25 what's the feel of the people, am I serving them properly,

1 am I carrying out this?

2 It's here to say. It's been here throughout history  
3 and there will always be informants. And the thing we want to  
4 avoid is abuses like provocateurs, criminal activities, and  
5 to ensure that we have safeguards that will prevent that.  
6 But we do need informants.

7 Senator Tower. Senator Hart, do you have any further  
8 questions?

9 Senator Hart of Michigan. Yes. I ask unanimous request  
10 perhaps with a view to giving balance to the record, the  
11 groups that we have discussed this morning into which the  
12 Bureau has put informants, in popular language, our liberal  
13 groups -- I would ask unanimous consent that be printed in  
14 the record, the summary of the opening of the headquarters  
15 file by the Bureau of Dr. Carl McIntyre when he announced  
16 that he was organizing a group to counter the American Civil  
17 Liberties Union and other "liberal and communist groups,"  
18 is not a left only pre-occupation.

19 Senator Tower. Without objection, so ordered.

20 (The material referred to follows:)

21

22

23

24

25

1 Senator Tower. Any more questions?

2 Then the Committee will have an Executive Session this  
3 afternoon in Room 3110 in the Dirksen Building at 3:00, and  
4 I hope everyone will be in attendance.

5 Tomorrow morning we will hear from Courtney Evans,  
6 Cartha DeLoach. Tomorrow afternoon, former Attorneys General  
7 Ramsey Clark and Edward Katzenbach.

8 The Committee, the hearings are recessed until 10:00  
9 a.m. tomorrow morning.

10 (Whereupon, at 1:10 o'clock p.m., the hearing in the  
11 above mentioned matter was concluded, to reconvene on Wednesday  
12 December 3rd, 1975, at 10:00 o'clock a.m.)

13 - - -  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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, 66-2150  
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.

CCO - [initials]  
to SAC [initials]  
Serial Copy [initials]  
Enc. (1) [initials]  
Bufile [initials]  
Urfile [initials]  
SAC [initials]

66-2150

SEARCHED	INDEXED
SERIALIZED	FILED
JAN 2 1976	
FBI - MEMPHIS	

ASAC [initials]

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

C O N T E N TSTATEMENT OF:PAGE

The Honorable Clarence M. Kelley,  
Director, Federal Bureau of Investigation

2451

## INTELLIGENCE INVESTIGATION

- - -

Wednesday, December 10, 1975

- - -

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.

- - -

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.

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

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

Phone (Area 202) 544-6000

WARD &amp; PAUL

410 First Street, S.E., Washington, D.C. 20003

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

smn 13

Phone (Area 202) 544-6000

WARD &amp; PAUL

410 First Street, S.E., Washington, D.C. 20003

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

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

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

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

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

The fact that the Department of Justice has commenced the formulation of operational guidelines governing our intelligence activities does not in any manner diminish the need for legislation. The responsibility for conferring jurisdiction resides with the Congress.

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

Phone (Area 202) 544-6000

WARD &amp; PAUL

410 First Street, S.E., Washington, D.C. 20003

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

Phone (Area 202) 544-6000

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.

WARD &amp; PAUL

410 First Street, S.E., Washington, D.C. 20003

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

WARD: GSH

IA Open

2/10/55

Tap 2

Phone (Area 202) 544-5000

WARD &amp; PAUL

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

osh 2

Phone (Area 202) 544-6000

WARD &amp; PAUL

410 First Street, S.E., Washington, D.C. 20003

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

gsh 3  
Phone (Area 202) 544-6000

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

WARD & PAUL

410 First Street, S.E., Washington, D.C. 20003

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

gsh

Phone (Area 202) 344-6000

WARD &amp; PAUL

410 First Street, S.E., Washington, D.C. 20003

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

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

ash 8

Phone (Area 202) 544-6000

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.

WARD &amp; PAUL

410 First Street, S.E., Washington, D.C. 20003

gs 9  
Phone (Area 202) 544-6000

WARD & PAUL

410 First Street, S.E., Washington, D.C. 20003

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

gsh 10

Phone (Area 202) 544-6000

WARD &amp; PAUL

410 First Street, S.E., Washington, D.C. 20003

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

oh 1

Phone (Area 202) 544-6000

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

WARD &amp; PAUL

410 First Street, S.E., Washington, D.C. 20003

Phone (Area 202) 544-6000  
12

WARD & PAUL

410 First Street, S.E., Washington, D.C. 20003

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.

gsh 13

Phone (Area 202) 544-6000

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?

End 2

WARD &amp; PAUL

410 First Street, S.E., Washington, D.C. 20003

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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 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

2481  
2482

smn 4

Phone (Area 202) 544-6000

WARD & PAUL

410 First Street, S.E., Washington, D.C. 20003

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 sing 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 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 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 pracfi-  
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.

end t. 3

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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 .kindof 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

gs 2  
Phone (Area 202) 544-6000

WARD &amp; PAUL

410 First Street, S.E., Washington, D.C. 20003

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

SS 8  
Phone (Area 202) 544-6000

WARD & PAUL

410 First Street, S.E., Washington, D.C. 20003

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

gs.

Phone (Area 202) 544-6000

End Tape 4

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

the FBI that will help to remedy many of the problems we'll  
encounter in the future.

Thank you.

WARD &amp; PAUL

410 First Street, S.E., Washington, D.C. 20003

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

Phone (Area 202) 544-6080  
Page 2

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

WARD & PAUL

410 First Street, S.E., Washington, D.C. 20003

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.

Phone (Area 202) 544-6000

WARD & PAUL

410 First Street, S.E., Washington, D.C. 20003

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

mn 6

Phone (Area 202) 544-6000

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

WARD &amp; PAUL

410 First Street, S.E., Washington, D.C. 20003

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.

1 Putting aside for one moment the counterespionage  
2 effort, and looking strictly at what we have been calling the  
3 Domestic Intelligence, is it your view that the retention of  
4 this function in the Bureau is critical to the Bureau's  
5 law enforcement position?

6 Mr. Kelley. My personal opinion is that the Bureau does  
7 a splendid job in this area. I feel further that the background  
8 of criminal investigatory activities and experiences which  
9 all counterintelligence people have is very helpful. It is help-  
10 ful not only in gathering knowledge and experience, it also  
11 enters into this field, a person with a broad understanding  
12 of the rights and privileges, and you don't have so much that  
13 spy type, that cloak and dagger, that very, very secret type  
14 of an operation.

15 I subscribe to the present system heartily.

16 Mr. Smothers. Would it be of assistance to your mission  
17 if within the Bureau guidelines were established that  
18 effectively limited access or controlled dissemination of  
19 the intelligence product? In other words, if we had a  
20 situation where the intelligence product is critical to assist  
21 the law enforcement effort, I don't think there's any question  
22 that there should be access to it.

23 Isn't our problem one of controlling the use of that  
24 intelligence product and preventing the kind of murky crossing  
25 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.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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.)

- - -

(Mount Clipping in Space Below)

# South Backs CIA, FBI

## Many Feel Congressional Probes Undermine Security

WASHINGTON — Despite recent revelations of misconduct, the Central Intelligence Agency and the FBI continue to enjoy widespread support in the South.

That is the conclusion reached after an informal survey of Southern congressional offices, which report their mail is running overwhelming, in support of the two beleaguered agencies and against the congressional investigations of them.

"ONE MUST WONDER where the loyalties of many of our senators and representatives lie," wrote a Lake County, Fla., man to Sen. Dick Stone, D-Fla. "We are so far out of balance now I doubt if we ever will be able to cope with the criminal terrorists or subversive hordes who will destroy the very Constitution designed to protect the innocent."

Stone's press secretary, Walt Wurfel, said the mail was "heavily weighted" in support of the CIA and FBI.

"I do not know what the Congress could possibly think they are accomplishing by destroying our most important national security agencies," wrote an Ocean Springs, Miss., man to Rep. Trent Lott, R-Miss. "Won't you please do something to stop this relentless war being waged against our people in the CIA and the FBI?"

Aspokesman for Sen. Bill Brock, R-Tenn., said 99 per cent of his mail is running against the congressio-

By  
Charles  
Overby



GANNETT NEWS SERVICE

nal investigations. "The mail has been fairly heavy on this," said Chuck Murchison, Brock's press secretary. "We are still getting mail on the congressional investigations and now we are beginning to hear on Angola."

Tom Houston of Lott's Mississippi office said no constituents had written to support the congressional investigations. "None, not even one," Houston said.

This widespread support of the CIA and the FBI from the South should come as no surprise. There always has been strong backing

(Indicate page, name of newspaper, city and state.)

— PAGE 9

— NASHVILLE BANNER

— NASHVILLE, TENN.

Date: JAN. 9, 1976

Edition:

Author:

Editor: ROBERT E. HOLLAND

Title:

Character:

or

Classification:

Submitting Office: MEMPHIS

☐ Being Investigated

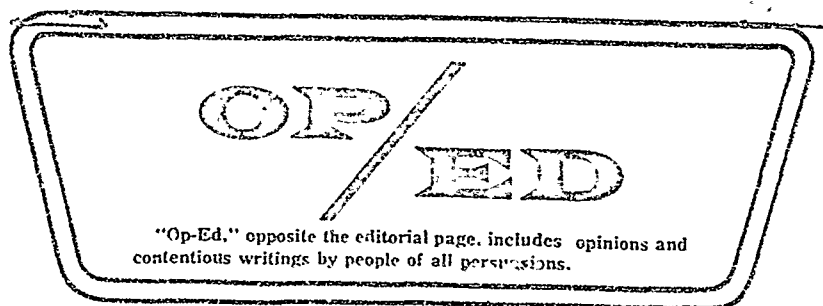
SEARCHED	INDEXED
SERIALIZED	FILED

JAN 1976

FBI - MEMPHIS

Orig fwd to  
BUREAU 1-8-76 AM

Sent via facsimile  
to Bureau 1/8/76 - D/H (initials)



Even during the height of the Vietnam War demonstrations, general support for the military continued to exist among southerners for institutions that bolster national security.

The same now is true with the CIA and the FBI.

Southern conservatives view these two agencies as vital to the security of America, and if there is an abuse here or there, then it's probably done to protect the national security, they reason.

The sanctity of "national security" offers the broadest umbrella conceivable in the South. Not all congressmen and senators have lost sight of this unpublicized support for the two agencies.

"There is almost no future for covert activities," lamented Rep. Bob Sikes, D-Fla., in a recent interview. "We are the only power not permitted to do things that must be done in our own interest without having it fought over in public."

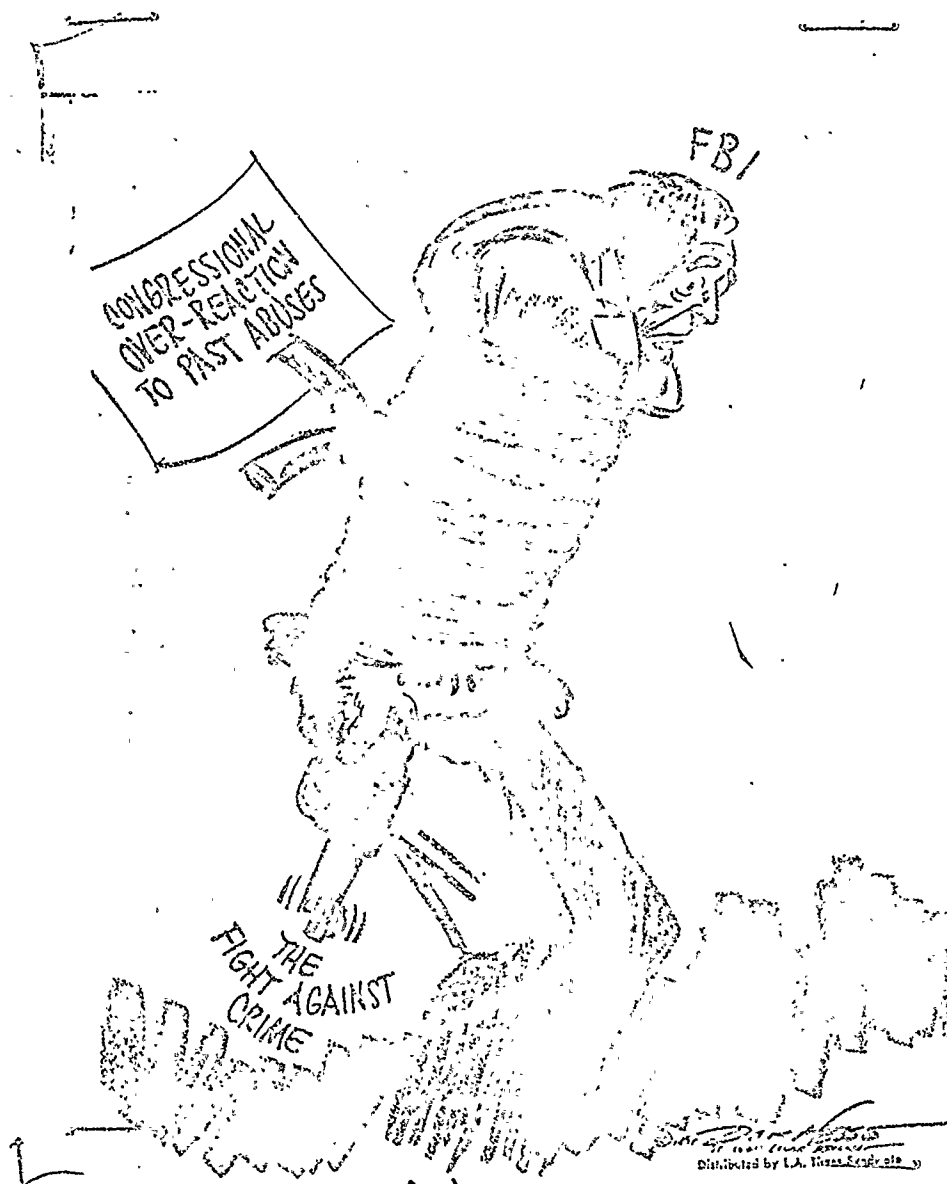
This undercurrent of opposition to the congressional investigations is likely to have a strong negative impact on any presidential aspirations of Sen. Frank Church, D-Idaho, chairman of the Senate Intelligence Committee. The mail has been downright vitriolic against Church.

"Instead of Sen. Church crippling the CIA and the FBI, why don't he investigate the KGB, who has flooded this country?" wrote a Pensacola, Fla., man. "I wonder whose side he's on." A ~~verb~~ Beach man wrote: "What can be done to stop Sen. Frank Church and his committee, which is the most disgraceful action taken by any Senate committee in modern times? . . . In my estimate, Sen. Frank Church is one of the most un-American senators that we have. Frank Church is feeding information directly into the Communist hands. Advise what can be done about Frank Church immediately."

**THIS ANTI-FRANK Church,** pro-CIA, pro-FBI theme is consistent in congressional mail, at least from the South.

And while constituent mail is not a scientific weathervane of public opinion, it's a pretty good indication that the outrage directed at the CIA and FBI in Congress is seen as overblown and unrepresentative of the thinking in the Southern heartland.

(Mount Clipping in Space Below)



(Indicate page, name of newspaper, city and state.)

— PAGE 9

— NASHVILLE PANTER

— NASHVILLE, TENN.

Date: JAN. 9, 1976

Edition:

Author:

Editor: KENNETH E. BORER

Title:

Character:

or

Classification:

Submitting Office: MEMPHIS

☐ Being Investigated

66-9150

SEARCHED	INDEXED
SERIALIZED	FILED

JAN 8 1976

FBI - MEMPHIS

ORIG fwd to  
Bureau 1-8-76 am

sent via facsimile  
to Bureau, 1/8/76  
DH (mish)

(Mount Clipping in Space Below)

# FBI's "POLITICAL ABUSES"

## Full Text of Official Report

New light now is shed on a mystery that has fascinated, and worried, official Washington for years: To what extent has the Federal Bureau of Investigation been used as a kind of "secret police" to spy on political figures and events—and who used it that way?

The answers, according to a report by the staff of the Senate Intelligence Committee, are that the FBI was indeed subject to "political abuse," and that it happened under every President from Franklin D. Roosevelt to Richard Nixon.

The Senate Select Committee on Intelligence is headed by Senator Frank Church (Dem.), of Idaho. It has been investigating both the FBI and the Central Intelligence Agency for months, with the aim of developing closer supervision of intelligence agencies in the future.

On these pages you get the complete text of the Committee staff's report on the FBI and its controversial role in recent American history.

The political abuse of the FBI did not begin in the 1960s. Although this Committee has concentrated its investigations on the events of the '60s and '70s, the story cannot be fully understood by looking at just the last 15 years.

Therefore, the first objective of this report is to lay out some of the historical context for more-recent political abuses of the Bureau.

The second objective is to describe some of the results of our investigation which show the various types of political abuse to which the FBI is susceptible.

Some have been in response to the desires of the Bureau's superiors.

Others have been generated by the Bureau itself.

(Indicate page, name of newspaper, city and state.)

U.S. NEWS AND  
WORLD REPORT

Date: DECEMBER 15, 1975

Edition:

Author:

Editor: HOWARD FIEGER

Title:

Character:

or

Classification:

Submitting Office: MEMPHIS

☐ Being Investigated

*put in 66-2150*

SEARCHED	INDEXED
SERIALIZED	FILED <i>map</i>
DEC 30 1975	
FBI - MEMPHIS	

*[Signature]*

question for the Committee to answer when all the evidence is in.

## Historical Background

The historical background of political abuse of the FBI involves at least three dimensions.

The first is the Bureau's subservience to the Presidency, its willingness to carry out White House requests without question. When L. Patrick Gray, as acting FBI Director, destroyed documents and gave FBI reports to presidential aides whom the FBI should have been investigating after the Watergate break-in, he just carried to the extreme an established practice of service to the White House.

The other side of this practice was the Bureau's volunteering political intelligence to its superiors, not in response to any specific request.

And the third historical dimension was the FBI's concerted effort to promote its public image and discredit its critics.

Early examples of the Bureau's willingness to do the President's bidding occur under Franklin D. Roosevelt. In 1940 it complied with a request to run name checks, open files, and make reports on hundreds of persons who sent telegrams to the President that were—to quote the letter from the President's secretary to J. Edgar Hoover—"all more or less in opposition to national defense," or that expressed approval of Col. Charles Lindbergh's criticism of the President.

Another example came to light in recent years when Maj. Gen. Harry Vaughan, who was President Truman's military aide, disclosed that President Roosevelt had ordered wire-

taps on the home telephones of his closest aides. Shortly after Mr. Truman had taken office, someone had presented General Vaughan with transcripts of the wiretaps. He took them to President Truman, who said, according to General Vaughan: "I don't have time for that foolishness." This story is generally confirmed by the Committee staff's inquiry into J. Edgar Hoover's "Official and Confidential Files," where an index to the logs of these wiretaps was located.

Historical illustrations of the FBI's practice of volunteering political intelligence to its superiors appear in virtually every Administration.

President Roosevelt's Attorney General, Francis Biddle, recalled in his autobiography how J. Edgar Hoover shared with him some of the "intimate details" of what his fellow Cabinet members did and said—"their likes and dislikes, their weaknesses and their associations." Attorney General Biddle confessed that

And there is the added possibility, suggested by some of the documents we have seen and some of the witnesses we have interviewed, that certain political abuses resulted from the inexorable dynamics of the FBI's intelligence-gathering process itself: in other words, that the FBI intelligence system developed to a point where no one inside or outside the Bureau was willing or able to tell the difference between legitimate national-security or law-enforcement information and purely political intelligence.

Whether any particular abuse resulted from outside demands, from the FBI's own desires, or from the nature of the intelligence process is a

U.S. NEWS & WORLD REPORT, Dec. 15, 1975



The late FBI Director J. Edgar Hoover

## FBI's "POLITICAL ABUSES"

[text continued from preceding page]

he enjoyed hearing these derogatory and sometimes "embarrassing" stories and that Director Hoover "knew how to flatter his superior."

President Truman and his aides received regular letters from Hoover labeled "Personal and Confidential" and containing tidbits of political intelligence. Sometimes they reported on possible Communist influence behind various lobbying efforts, such as activities in support of civil-rights legislation. On other occasions they reported allegations that a Communist sympathizer had helped write a Senator's speech, and inside information about the negotiating position of a non-Communist labor union.

Some of the letters were undoubtedly of political value to the President. One related the activities of a former Roosevelt aide who was trying to influence the Truman Administration's appointments. Another advised that the FBI had learned from a confidential source that a "scandal" was brewing and that it would be "very embarrassing to the Democratic Administration." A third contained the report of a "very confidential source" about a meeting of newspaper representatives in Chicago to plan publication of a series of stories exposing organized crime and corrupt politicians. The stories were going to be critical of the Attorney General and the President.

The Truman White House also received a copy of an FBI memorandum reporting the contents of an in-house communication from *Newsweek* magazine reporters to their editors about a story they had obtained from the State Department.

An example from the Eisenhower Administration shows how White House requests and FBI initiative were sometimes mixed together. President Eisenhower asked Director Hoover to brief the Cabinet on racial tensions in early 1956. What the Cabinet received was a report not only on incidents of violence, but also on the activities of Southern Governors and Congressmen in groups opposing integration, as well as the role of Communists in civil-rights lobbying efforts and the NAACP's plans to push for legislation.

No one appears to have questioned the propriety of the FBI reporting such political intelligence, or Director Hoover's competence to do so.

The third source of abuse throughout the Bureau's history was its concern for its image and hostility to any critics. One example each from the Truman and Eisenhower years shows how the Bureau checked and reported on its critics.

In 1949 the National Lawyers Guild planned to issue a report denouncing FBI surveillance activities revealed in a court case. The FBI provided the Attorney General advance information from its sources about the Lawyers Guild plans, as well as a full report on everything about the group in Bureau files. Attorney General Howard McGrath passed the reports on to the President, and J. Edgar Hoover advised the White House directly about last-minute changes in the Guild's plans. The FBI's inside information gave the Attorney General the opportunity to prepare a rebuttal well in advance of the expected criticism.

The second instance took place in 1960, when the Tennessee Advisory Committee to the U.S. Civil Rights Commission announced it would investigate charges by the Knoxville Area Human Relations Council that federal agencies, including the FBI, were practicing racial discrimination. The FBI conducted name checks on the 11 members of the council's board of directors. The results were sent to Attorney General William Rogers, Deputy Attorney General Lawrence Walsh, and Special Assistant to the Attorney General Harold R. Tyler, Jr.

## Six Presidents who



Franklin D. Roosevelt



Harry S. Truman

Derogatory information on four of these individuals included allegations of subversive connections from as far back as the late '30s and early '40s, an allegation that one board member had "corrupt political associates" in 1946, and the characterization of another as having "unorthodox attitudes" and sending flowers and "mash" notes to a woman in his church. The FBI's report also made the flat statement: "As you know, this Bureau does not practice racial segregation or discrimination." (The Committee will recall that it has previously received information as to the number of black FBI agents in the early 1960s.)

Thus, the Bureau's more distant history shows the development of its political services for higher authorities and its concern for its own political position.

### Name-Check Abuses

The staff's investigation of alleged abuses in the 1960s and '70s discloses a wide variety of questionable name checks sometimes for Presidents and sometimes in the Bureau's own interest.

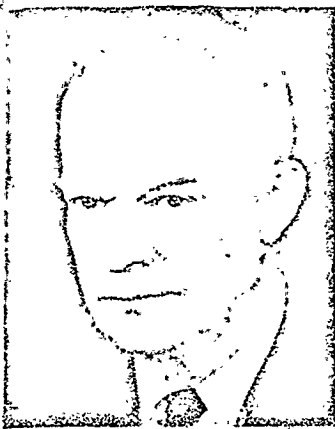
An examination of these name-check reports shows the peculiarly damaging nature of the Bureau's practice. No new investigation was done to verify the allegations stored away for years in FBI files. Anything anyone ever told the FBI about the individual was pulled together, including charges that the Bureau may never have substantiated. FBI files inevitably include misinformation because people bear grudges or make mistakes. Sometimes the Bureau verifies the charge, but frequently there is no reason to do so, and it is just recorded in the files. Such charges can be retrieved by a name check and reported without further substantiation.

The request by the Nixon White House for a name check on CBS correspondent Daniel Schorr, which the FBI turned into a full field investigation, has been examined extensively elsewhere. The staff has determined that President Johnson asked for name-check reports on at least seven other journalists, including NBC commentator David Brinkley, Associated Press reporter Peter Arnett and columnist Joseph Kraft.

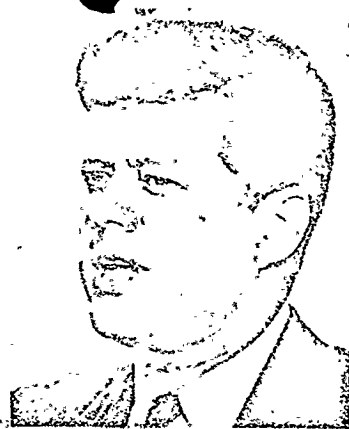
Another political abuse of FBI name checks occurred in the closing days of the 1964 presidential-election campaign, when Johnson aide Bill Moyers asked the Bureau to report on all persons employed in Senator Goldwater's office. Moyers has publicly recounted his role in the incident, and his account is confirmed by FBI documents.

Some of President Johnson's requests parallel those of

## Administrations employed FBI checkups in way now questioned—



Dwight D. Eisenhower



John F. Kennedy



Lyndon B. Johnson



Richard M. Nixon

President Roosevelt 25 years earlier. The FBI complied with White House requests for name checks on dozens of persons who signed telegrams critical of U.S. Vietnam policy in 1965. The names of other presidential critics were also sent to the Bureau to be checked and reported on, as were the names of critics of the Warren Commission. The FBI also volunteered reports on presidential critics.

The White House requests for name checks are episodic in comparison to the name checks conducted as a matter of systematic Bureau policy for the use of FBI Director Hoover. The Crime Records Division prepared name-check memoranda for Director Hoover regularly on Congressmen, other public officials, and prominent persons of interest to the Director. Many of these special memoranda were filed by the Crime Records Division. Others found their way into Director Hoover's "Official and Confidential Files."

The Committee staff has located in these "O and C Files" such special memoranda on the author of a critical book about the FBI, and on all the members of the Senate subcommittee chaired by Senator Long which threatened to investigate the FBI in the mid-1960s. Some of these name-check reports and special memoranda contained derogatory information and, in the case of the author, information from his income-tax returns and personal information about his wife. The reports on members of the Long committee were compiled in a briefing book, with tabs on each Senator.

Therefore, these incidents demonstrate the potential for abuse inherent in the Bureau's unregulated name-check procedure. White House requests bypassed the Attorney General, and the FBI Director's own requests took place totally within the Bureau. The real meaning of the long-standing fear that the FBI had so-called dossiers on Congressmen and other prominent persons was that FBI officials could have name-check reports prepared for his use on anyone he desired to know more about.

### Abuse of FBI Investigative Powers

The next category is abuse of the FBI's investigative powers.

There is a vivid example under the Kennedy Administration involving the FBI's late-night and early-morning interviews of a steel-company executive and several reporters who had written stories about the steel executive. Former Assistant FBI Director Courtney Evans, who was informal liaison with Attorney General Kennedy, has told the Committee that he was given no reason for the request.

Another example arises out of the Bobby Baker case. In

1965 the FBI declined a request of the Justice Department Criminal Division to "wire" a witness in the investigation of former Johnson Senate aide Bobby Baker. Although the FBI refused on grounds that there was not adequate security, the Criminal Division had the Bureau of Narcotics in the Treasury Department "wire" the witness as a legitimate alternative. When the Baker trial began in 1967, this became known. Presidential aide Marvin Watson told the FBI that President Johnson was quite "exercised," and the FBI was ordered to conduct a discreet "rundown" on the head of the Criminal Division in 1965 and four persons in Treasury and the Narcotics Bureau, including specifically any associations with former Attorney General Robert Kennedy.

Another incident occurred in 1966 when Mr. Watson requested that the FBI monitor the televised hearings of the Senate Foreign Relations Committee on Vietnam and prepare a memorandum comparing statements of Senators Fulbright and Morse with "the Communist Party line."

At the request of President Johnson, made directly to FBI executive Cartha DeLoach, the FBI passed purely political intelligence about United States Senators to the White House which was obtained as a by-product of otherwise legitimate national-security electronic surveillance of foreign-intelligence targets. This practice also continued under the Nixon Administration at the request of Mr. H. R. Haldeman.

It is more difficult to place the label "abuse" automatically on presidential requests for electronic surveillance to investigate leaks of classified information. Attorney General Kennedy authorized wiretaps in 1962 on *New York Times* reporter Hanson Baldwin and his secretary, and they lasted for about one month.

In addition to the wiretap on *New York Times* reporter Hanson Baldwin in 1962, the Committee has received materials from the FBI reflecting authorization by Attorney General Robert Kennedy of a wiretap on a reporter for *Newsweek* magazine in 1961 during the investigation of another leak of classified information. Further materials reflect authorization by Attorney General Nicholas Katzenbach of a wiretap on the editor of an anti-Communist newsletter in 1965, also during the investigation of a leak of classified information.

The Committee has received materials from the FBI reflecting authorization by Attorney General Robert F. Kennedy of wiretaps on at least six American citizens, including three executive-branch officials, a congressional staff member and two registered lobbying agents for foreign interests. The materials also reflect that these wiretaps

## FBI's "POLITICAL ABUSES"

[text continued from preceding page]

related to an investigation of efforts by foreign interests to influence United States economic policies.

The wiretaps under the Nixon Administration of journalists and current or former White House and other executive officials have been widely publicized.

The staff's inquiry into this matter has determined that, according to available records, at least one of these wiretaps had nothing to do with leaks and was conducted solely for personal information about the target. Nevertheless, the wiretapping to investigate leaks under Attorneys General Kennedy and Katzenbach and of President Roosevelt's aides were undoubtedly precedents J. Edgar Hoover had in mind when he told President Nixon and Dr. Kissinger in 1969 that wiretaps had been used for these purposes in the past.

Another abuse of FBI investigative powers under the Johnson Administration was the surveillance conducted at the 1964 Democratic National Convention in Atlantic City. The most-sensitive details of the plans and tactics of persons supporting the Mississippi Freedom Democratic Party delegate challenge went to the White House from the FBI's wiretap on Dr. [Martin Luther] King and other types of FBI surveillance. The responsible White House official at the time, Mr. Walter Jenkins, has told the Committee that he can recall no political use made of these reports. Nevertheless, an unsigned document has been located at the Johnson Library recording at least one political use of Mr. DeLoach's phone records.

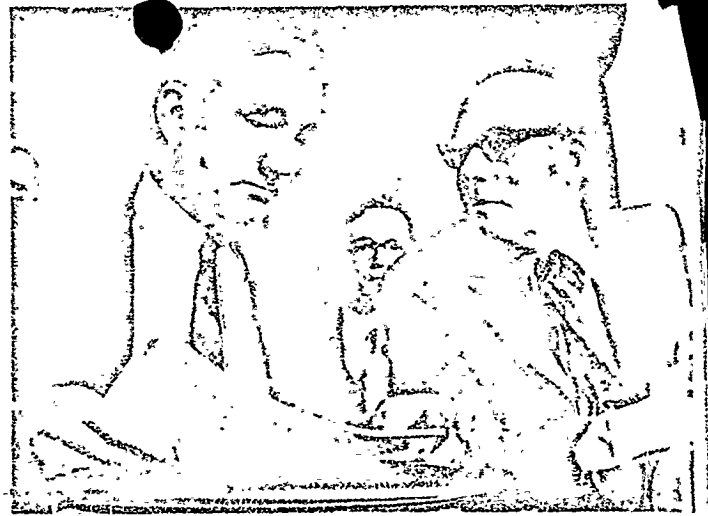
As Theodore H. White's account of the 1964 campaign ["The Making of the President 1964"] makes clear, the most important single issue that might have disturbed President Johnson at the Atlantic City Convention was the Mississippi challenge. And the FBI's own inquiry into the Atlantic City events reports several FBI agents' recollection that one purpose of the Bureau operation was to help avoid "embarrassment to the President."

The Committee must weigh all the evidence in deciding whether this abuse of the FBI resulted from a White House request, from FBI officials volunteering information to serve and please the President, or from a legitimate civil-disorders intelligence operation which got out of hand because no one was willing to shut off the political-intelligence by-product.

It should also be noted that an aide to Vice President Hubert Humphrey contacted the FBI to request assistance at the 1968 Chicago [Democratic] Convention. Nothing appears to have come of this request, largely because Attorney General Ramsey Clark turned down FBI requests for authorization to wiretap protest-demonstration leaders at the Chicago Convention.

According to materials provided to the Committee by the FBI, President Johnson asked the FBI to conduct physical surveillance on Mrs. Anna Chennault, prominent Republican woman leader, on Oct. 30, 1968, in the final days of the election campaign. The FBI instituted this surveillance to cover her activities in Washington, D.C., and New York City. The results of this physical surveillance were disseminated to J. Bromley Smith, executive secretary of the National Security Council, who had conveyed Johnson's request to Cartha DeLoach of the FBI. On Nov. 7, 1968, Smith called DeLoach and stated that President Johnson wanted the FBI to abandon its physical surveillance of Mrs. Chennault.

On Nov. 13, 1968, at the instruction of President Johnson, the FBI checked the toll call telephone records in Albuquerque, N.M., to determine if vice-presidential candidate Spiro Agnew had called Mrs. Chennault or the South Viet-



Former Attorneys General Ramsey Clark and Nicholas Katzenbach before the Senate Intelligence Committee on December 3

namese Embassy on Nov. 2, 1968, when he was in Albuquerque. No such records were located. President Johnson was furnished with this information on Nov. 13, 1968. Also, the arrival and departure times of Agnew in and out of Albuquerque on Nov. 2, 1968, were verified at the request of the White House.

The FBI has reviewed its files on this matter and has advised that the apparent reason the White House was interested in the activities of Mrs. Chennault and Spiro Agnew was to determine whether the South Vietnamese had secretly been in touch with supporters of presidential candidate Nixon, possibly through Mrs. Chennault, as President Johnson was apparently suspicious that the South Vietnamese were trying to sabotage his peace negotiations in the hope that Nixon would win the election and then take a harder line towards North Vietnam.

The FBI also states that physical surveillance of Mrs. Chennault was consistent with FBI responsibilities to determine if her activities were in violation of certain provisions of the Foreign Agents Registration Act (Section 601, et seq., Title 22, USC) and of the Neutrality Act (Section 953, Title 18, USC).

(Further details of these events involving electronic surveillance remain classified "Top Secret.")

Finally, there are two additional examples of political abuse of the FBI or by the FBI in the 1970s.

In July, 1971, three months after the supposed end of FBI COINTELPRO [counterintelligence program] operations, the FBI leaked to a newsman derogatory public-record information about Daniel Ellsberg's lawyer. Copies of the article were sent to the Attorney General, the Deputy Attorney General and presidential aide H. R. Haldeman, with the specific approval of Director Hoover, with no indication it was generated by the FBI.

In May, 1970, the FBI provided Vice President Agnew at his request with derogatory public-record information and other allegations about Rev. Ralph David Abernathy, the president of the Southern Christian Leadership Conference. This occurred following a telephone conversation between Director Hoover and Mr. Agnew during which, according to FBI records, the Vice President "said he thought he was going to have to start destroying Abernathy's credibility."

Thus, in summary, political abuse of the FBI and by the FBI has extended over the years through Administrations of both parties.

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: DIRECTOR'S APPEARANCE

Date 1/5/76

BEFORE SENATE SELECT COMMITTEE  
ON INTELLIGENCE ACTIVITIES  
DECEMBER 10, 1975

☒ For information ☐ Retention optional ☐ For approval action

☐ The enclosed is for your information. If used in a future report, ☐ paraphrase contents.

☐ Enclosed are corrected pages from report of SA dated \_\_\_\_\_

66-2150

SEARCHED	INDEXED
SERIALIZED	FILED
JAN 7 1976	
FBI - MEMPHIS	

Remarks: By routing slip dated 12/30/75 and captioned as above, all SACs and Legats were furnished a copy of the transcript of Mr. Kelley's 12/10/75 appearance before the Senate Select Committee on Intelligence Activities. Although the data contained in the transcript may be made available to news media representatives, used in answering questions received from citizens, and otherwise treated as being of a public-source nature, the transcript itself should not be reproduced for, or given to, anyone outside the FBI.

Enc.  
Bufile  
Urfile

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:

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

RE:

Date December 4, 1975

HEARINGS BEFORE THE SENATE  
SELECT COMMITTEE

☐ 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:

For your assistance in responding to local press inquiries, attached is a copy of unedited excerpted remarks by Assistant to the Director--Deputy Associate Director James B. Adams while testifying before the Senate Select Committee on 12/2/75, concerning anti-FBI allegations made by Gary Rowe, former FBI informant.

SEARCHED	INDEXED <i>mk</i>
SERIALIZED	FILED <i>mk</i>
DEC 8 1975	
FBI - MEMPHIS	

Enc. (1) *mk*  
Bufile  
Urfile

SAC *[Signature]*

EXCERPTS OF REMARKS MADE BY  
ASSISTANT TO THE DIRECTOR --  
DEPUTY ASSOCIATE DIRECTOR JAMES B. ADAMS  
TESTIFYING BEFORE THE  
SENATE SELECT COMMITTEE  
PERTAINING TO THE KU KLUX KLAN,  
GARY ROWE, FORMER FBI INFORMANT, AND  
PREVIOUS ATTEMPTS OF THE FBI  
TO PREVENT VIOLENCE

DECEMBER 2, 1975

QUESTION: ....You do use informants and do instruct them to spread dissention among certain groups that they are informing on, do you not?

MR. ADAMS: We did when we had the COINTEL programs which were discontinued in 1971, and I think the Klan is probably one of the best examples of a situation where the law was ineffective at the time. We heard the term, State's Rights used much more than we hear today. We saw with the Little Rock situation the President of the United States sending in the troops pointing out the necessity to use local law enforcement. We must have local law enforcement use the troops only as a last resort. When you have a situation like this where you do try to preserve the respective roles in law enforcement, you have historical problems.

With the Klan coming along, we had situations where the FBI and the Federal Government was almost powerless to act. We had local law enforcement officers in some areas participating in Klan violence. The incidents mentioned by Mr. Rowe--everyone of those he saw them from the lowest level--the informant. He didn't see what action was taken with that information as he pointed out during his testimony. Our files show that this information was reported to the police departments in every instance.

We also know that in certain instances the information upon being received was not being acted upon. We also disseminated simultaneously through letterhead

memorandum to the Department of Justice the problem. And here we were--the FBI--in a position where we had no authority in the absence of an instruction from the Department of Justice to make an arrest. Section 241 and 242 don't cover it because you don't have evidence of a conspiracy. It ultimately resulted in a situation where the Department called in U. S. Marshals who do have authority similar to local law enforcement officials.

So historically, in those days, we were just as frustrated as anyone else was, that when we got information from someone like Mr. Rowe--good information, reliable information--and it was passed on to those who had the responsibility to do something about it, it was not always acted upon as he indicated.

QUESTION: In none of these cases, then, there was adequate evidence of conspiracy to give you jurisdiction to act.

MR. ADAMS: The Departmental rules at that time, and still do, require Departmental approval where you have a conspiracy. Under 241, it takes two or more persons acting together. You can have a mob scene and you can have blacks and whites belting each other, but unless you can show that those that initiated the action acted in concert, in a conspiracy, you have no violation.

Congress recognized this and it wasn't until 1968 that they came along and added Section 245 to the Civil Rights Statute which added punitive measures against an

individual. There didn't have to be a conspiracy. This was a problem that the whole country was grappling with--the President of the United States, Attorneys General--we were in a situation where we had rank lawlessness taking place. As you know from the memorandum we sent you that we sent to the Attorney General the accomplishments we were able to obtain in preventing violence and in neutralizing the Klan and that was one of the reasons.

QUESTION: ....A local town meeting on a controversial social issue might result in disruption. It might be by hecklers rather than by those holding the meeting. Does this mean that the Bureau should investigate all groups organizing or participating in such meetings because they may result in violent government disruption?

MR ADAMS: No sir, and we don't....

QUESTION: Isn't that how you justify spying on almost every aspect of the peace movement?

MR. ADAMS: No sir. When we monitor demonstrations, we monitor demonstrations where we have an indication that the demonstration itself is sponsored by a group that we have an investigative interest in, a valid investigative interest in, or where members of one of these groups are participating where there is a potential that they might change the peaceful nature of the demonstration.

This is our closest question of trying to draw guidelines to avoid getting into an area of infringing on the 1st Amendment right, yet at the same time, being

aware of groups such as we have had in greater numbers in the past than we do at the present time. We have had periods where the demonstrations have been rather severe and the courts have said that the FBI has the right, and indeed the duty, to keep itself informed with respect to the possible commission of crime. It is not obliged to wear blinders until it may be too late for prevention. Now that's a good statement if applied in a clear-cut case.

Our problem is where we have a demonstration and we have to make a judgment call as to whether it is one that clearly fits the criteria of enabling us to monitor the activities. That's where I think most of our disagreements fall.

QUESTION: In the Rowe Case, in the Rowe testimony that we just heard, what was the rationale again for not intervening when violence was known about. I know we have asked this several times--I'm still having trouble understanding what the rationale, Mr. Wannall, was in not intervening in the Rowe situation when violence was known.

MR. WANNALL: Senator Schweiker, Mr. Adams did address himself to that and if you have no objections, I'll ask that he be the one to answer the question.

MR. ADAMS: The problem we had at the time, and it is the problem today, we are an investigative agency; we do not have police powers even like the U. S. Marshals do. The Marshals

since about 1795 I guess, or some period like that, had authorities that almost border on what a sheriff has. We are the investigative agency of the Department of Justice, and during these times the Department of Justice had us maintain the role of an investigative agency.

We were to report on activities. We furnished the information to the local police who had an obligation to act. We furnished it to the Department of Justice in those areas where the local police did not act. It resulted finally in the Attorney General sending 500 U. S. Marshals down to guarantee the safety of people who were trying to march in protest of their civil rights.

This was an extraordinary measure because it came at a time of Civil Rights versus Federal Rights and yet there was a breakdown in law enforcement in certain areas of the country. This doesn't mean to indict all law enforcement agencies in the South at the time either, because many of them did act upon the information that was furnished to them. But we have no authority to make an arrest on the spot because we would not have had evidence that was a conspiracy available. We could do absolutely nothing in that regard. In Little Rock the decision was made, for instance, that if any arrests need to be made, the Army should make them. And next to the Army, the U. S. Marshals should make them--not the FBI, even though we developed the violations. We have over the years as you know at the

Time there were many questions raised. Why doesn't the FBI stop this? Why don't you do something about it? Well, we took the other route and effectively destroyed the Klan as far as committing acts of violence and, of course, we exceeded statutory guidelines in that area.

QUESTION: What would be wrong, just following up on your point there, Mr. Adams, with setting up a program since it is obvious to me that a lot of our informers are going to have preknowledge of violence of using U. S. Marshals on some kind of long-range basis to prevent violence?

MR. ADAMS: We do. We have them in Boston in connection with the busing incident. We are investigating the violations under the Civil Rights Act, but the Marshals are in Boston. They are in Louisville, I believe, at the same time and this is the approach that the Federal Government finally recognized.

QUESTION: On an immediate and fairly contemporary basis that kind of help can be sought instantly as opposed to waiting till it gets to a Boston state. I realize a departure from the past and not saying it isn't, but it seems to me we need a better remedy than we have.

MR ADAMS: Well, fortunately we are at a time where conditions have subsided in the country even from the 60's and the 70's, or 50's and 60's. We report to the Department of Justice on potential trouble spots around the country as we learn of them so that the Department will be aware of them. The planning

for Boston, for instance, took place a year in advance, with state officials, city officials, the Department of Justice and the FBI sitting down together saying "How are we going to protect the situation in Boston"? I think we have learned a lot from the days back in the early 60's. But, the Government had no mechanics which protected people at that time.

QUESTION: Next I would like to ask, back in 1965, I guess during the height of the effort to destroy the Klans as you put it a few moments ago, I believe the FBI has released figures that we had something like 2,000 informers of some kind or another infiltrating the Klan out of roughly 10,000 estimated membership.

MR. ADAMS: That's right.

QUESTION: I believe these are FBI figures or estimates. That would mean that 1 out of every 5 members of the Klan at that point was an informant paid by the Government and I believe the figure goes on to indicate that 70 percent of the new members in the Klan that year were FBI informants. Isn't that an awful overwhelming quantity of people to put in an effort such as that? I'm not criticizing that we shouldn't have informants in the Klan and know what is going on to revert violence but it just seems to me that the tail is sort of wagging the dog. For example today we supposedly have only 1594 total informants, both domestic informants and potential informants. Yet, here we have 2,000 in just the Klan alone.

MR. ADAMS: Well, this number of 2,000 did include all racial matters and informants at that particular time and I think the figures

we tried to reconstruct as to the actual number of Klan informants in relation to Klan members was around 6 percent, I think after we had read some of the testimony on it. Isn't that right, Bill? Now the problem we had on the Klan is the Klan had a group called the Action Group. This was the group if you remember from Mr. Rowe's testimony that he was left out of in the beginning. He attended the open meetings and heard all the hoorahs and this type of information but he never knew what was going on because each one had an Action Group that went out and considered themselves in the missionary field. Theirs was the violence. In order to penetrate those you have to direct as many informants as you possibly can against it. Bear in mind that I think the newspapers, the President, Congress, everyone, was concerned about the murder of the three civil rights workers, the Lemul Penn case, the Violet Liuzzo case, the bombings of the church in Birmingham. We were faced with one tremendous problem at that time.

QUESTION: I acknowledge that.

MR. ADAMS: Our only approach was through informants. Through the use of informants we solved these cases. The ones that were solved. There were some of the bombing cases we never solved. They're extremely difficult, but, these informants as we told the Attorney General and as we told the President, we moved informants like Mr. Rowe up to the top leadership. He was the bodyguard to the head man. He was in a position where he could see that this could continue forever unless we could

create enough disruption that these members will realize that if I go out and murder three civil rights, even though the Sheriff and other law enforcement officers are in on it, if that were the case, and in some of that was the case, that I will be caught, and that's what we did, and that's why violence stopped because the Klan was insecure and just like you say 20 percent, they thought 50 percent of their members ultimately were Klan members, and they didn't dare engage in these acts of violence because they knew they couldn't control the conspiracy any longer.

QUESTION: I just have one quick question. Is it correct that in 1971 we were using around 6500 informers for a black ghetto situation?

MR ADAMS: I'm not sure if that's the year. We did have a year where we had a number like that of around 6000 and that was the time when the cities were being burned. Detroit, Washington, areas like this, we were given a mandate to know what the situation is, where is violence going to break out next. They weren't informants like an individual that is penetrating an organization. They were listening posts in the community that would help tell us that we have another group here that is getting ready to start another fire fight or something.

QUESTION: ... Without going into that subject further of course we have had considerable evidence this morning where no attempt was made to prevent crime when you had information that it was going to occur. I am sure there were instances where you have.

MR. ADAMS: We disseminated every single item which he reported to us.

QUESTION: To a police department which you knew was an accomplice to the crime.

MR. ADAMS: Not necessarily knew.

QUESTION: Your informant told you that, hadn't he?

MR. ADAMS: The informant is on one level. We have other informants and we have other information.

QUESTION: You were aware that he had worked with certain members of the Birmingham Police in order...

MR. ADAMS: That's right. He furnished many other instances also.

QUESTION: So you really weren't doing a whole lot to prevent that incident by telling the people who were already a part of it.

MR. ADAMS: We were doing everything we could lawfully do at the time and finally the situation was corrected when the Department agreeing that we had no further jurisdiction, sent the U.S. Marshals down to perform certain law enforcement functions.

QUESTION: ...This brings up the point as to what kind of control you can exercise over this kind of informant and to this kind of organization and to what extent an effort is made to prevent these informants from engaging in the kind of thing that you were supposedly trying to prevent.

MR. ADAMS: A good example of this was Mr. Rowe who became active in an Action Group and we told him to get out or we were no longer using him as an informant in spite of the information he had furnished in the past. We have cases, Senator where we have had

QUESTION: But you also told him to participate in violent activities

MR. ADAMS: We did not tell him to participate in violent activities.

QUESTION: That's what he said.

MR. ADAMS: I know that's what he says, but that's what lawsuits are all about is that there are two sides to issues and our Agent handlers have advised us, and I believe have advised your staff members, that at no time did they advise him to engage in violence.

QUESTION: Just to do what was necessary to get the information.

MR. ADAMS: I do not think they made any such statement to him along that line either and we have informants who have gotten involved in the violation of a law and we have immediately converted their status from an informant to the subject and have prosecuted I would say off hand, I can think of around 20 informants that we have prosecuted for violating the laws once it came to our attention and even to show you our policy of disseminating information on violence in this case during the review of the matter the Agents have told me that they found one case where an Agent had been working 24 hours a day and he was a little late in disseminating the information to the police department. No violence occurred but it showed up in a file review and he was censured for his delay in properly notifying local authorities. So we not only have a policy, I feel that we do follow reasonable safeguards in order to carry it out, including periodic review of all informant files.

QUESTION: Mr. Rowe's statement is substantiated to some extent with an acknowledgment by the Agent in Charge that if he were going

to be a Klansman and he happened to be with someone and they decided to do something, he couldn't be an angel. These are words of the Agent. And be a good informant. He wouldn't take the lead but the implication is that he would have to go along or would have to be involved if he was going to maintain his liability as a ---

MR. ADAMS: There is no question that an informant at times will have to be present during demonstrations, riots, fistfights that take place but I believe his statement was to the effect that, and I was sitting in the back of the room and I do not recall it exactly, but that some of them were beat with chains and I did not hear whether he said he beat someone with a chain or not but I rather doubt that he did, because it is one thing being present, it is another thing taking an active part in a criminal action.

QUESTION: It's true. He was close enough to get his throat cut apparently.

QUESTION: How does the collection of information about an individual's personal life, social, sex life and becoming involved in that sex life or social life is a requirement for law enforcement or crime prevention.

MR. ADAMS: Our Agent handlers have advised us on Mr. Rowe that they gave him no such instruction, they had no such knowledge concerning it and I can't see where it would be of any value whatsoever.

QUESTION:           You don't know of any such case where these instructions  
                    were given to an Agent or an informant?

MR. ADAMS:           To get involved in sexual activity? No Sir.

NR050 WA PLAIN

11:58PM NITEL 12/10/75 UHS

TO ALL SACS

FROM DIRECTOR

DIRECTOR'S APPEARANCE BEFORE SENATE SELECT COMMITTEE

ON INTELLIGENCE ACTIVITIES, DECEMBER 10, 1975

A COPY OF THE STATEMENT I DELIVERED BEFORE THE SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES TODAY HAS BEEN SENT ALL OFFICES. FOR YOUR INFORMATION, THERE FOLLOWS A SYNOPSIS ACCOUNT OF THE MAJOR AREAS OF THE COMMITTEE'S QUESTIONS TO ME, TOGETHER WITH MY RESPONSES:

(1) REGARDING FBI INFORMANTS, QUESTIONS WERE ASKED WHETHER COURT APPROVAL SHOULD BE REQUIRED FOR FBI USE OF INFORMANTS IN INVESTIGATIONS OF ORGANIZATIONS (MY RESPONSE WAS THAT THE CONTROLS WHICH EXIST TODAY OVER USE OF INFORMANTS ARE SATISFACTORY); HOW CAN FBI KEEP INFORMANTS OPERATING WITHIN PROPER LIMITS SO THEY DO NOT INVADE RIGHTS OF OTHER PERSONS (MY RESPONSE WAS THAT RELIANCE MUST BE PLACED ON THE INDIVIDUAL AGENTS HANDLING INFORMANTS AND THOSE SUPERVISING THE AGENTS' WORK, THAT INFORMANTS WHO VIOLATE THE LAW CAN BE

*Broady*  
*P/S send 1 cc to each*  
*Asst. Handled by Clint Smith*  
*12/11/75*

*6-2150*  
*msk*  
*10*

PAGE TWO

PROSECUTED -- AS CAN ANY AGENT WHO COUNSELS AN INFORMANT TO COMMIT VIOLATIONS); AND DID FORMER KLAN INFORMANT CARY ROWE TESTIFY ACCURATELY WHEN HE TOLD THE COMMITTEE ON DECEMBER 2 THAT HE INFORMED FBI OF PLANNED ACTS OF VIOLENCE BUT FBI DID NOT ACT TO PREVENT THEM (MY RESPONSE WAS THAT ROWE'S TESTIMONY WAS NOT ACCURATE).

(2) IN RESPONSE TO QUESTIONS REGARDING IMPROPER CONDUCT BY FBI EMPLOYEES, I STATED THAT ALLEGED VIOLATIONS OF LAW BY FBI PERSONNEL SHOULD BE INVESTIGATED BY THE FBI OR OTHER APPROPRIATE AGENCY; THAT THE INSPECTION DIVISION HAS CONDUCTED INQUIRIES REGARDING ALLEGATIONS OF MISCONDUCT; THAT AN OFFICE OF PROFESSIONAL RESPONSIBILITY HAS JUST BEEN ESTABLISHED IN THE JUSTICE DEPARTMENT, AND WE WILL ADVISE THAT OFFICE OF OUR MAJOR INVESTIGATIONS OF DEPARTMENTAL PERSONNEL, INCLUDING FBI EMPLOYEES, FOR ALLEGED VIOLATIONS OF LAW, REGULATIONS, OR STANDARDS OF CONDUCT; THAT I WOULD RESERVE COMMENT REGARDING POSSIBLE CREATION OF A NATIONAL INSPECTOR GENERAL TO CONSIDER MATTERS OF MISCONDUCT BY EMPLOYEES OF ANY FEDERAL AGENCY.

PAGE THREE

(3) IN RESPONSE TO QUESTIONS CONCERNING HARASSMENT OF MARTIN LUTHER KING, JR., I STATED THAT THE PERSONS WHO ISSUED THE ORDERS WHICH RESULTED IN SUCH HARASSMENT SHOULD FACE THE RESPONSIBILITY FOR IT, RATHER THAN THOSE UNDER THEM WHO CARRIED OUT SUCH ORDERS IN GOOD FAITH; THAT THE FBI STILL HAS RECORDINGS RESULTING FROM ELECTRONIC SURVEILLANCES OF KING; THAT WE RETAIN RECORDINGS FOR TEN YEARS BUT WE ALSO HAVE AGREED TO A REQUEST FROM THE SENATE NOT TO DESTROY INFORMATION IN OUR FILES WHILE CONGRESSIONAL INQUIRIES ARE BEING CONDUCTED; THAT I HAVE NOT REVIEWED THE KING TAPES; THAT IF THE COMMITTEE REQUESTED TO REVIEW THE KING TAPES, THE REQUEST WOULD BE REFERRED TO THE ATTORNEY GENERAL.

(4) IN RESPONSE TO QUESTIONS REGARDING WHETHER IT WOULD BE ADVANTAGEOUS TO SEPARATE THE FBI CRIMINAL INVESTIGATIVE RESPONSIBILITIES AND OUR INTELLIGENCE FUNCTIONS, I STATED THAT WE HAVE FOUND THE TWO AREAS TO BE COMPATIBLE, AND I FEEL THE FBI IS DOING A SPLENDID JOB IN BOTH AREAS.

(5) IN RESPONSE TO QUESTIONS CONCERNING THE ADEQUACY OF CONTROLS ON REQUESTS FROM THE WHITE HOUSE AND FROM OTHER GOVERNMENT AGENCIES FOR FBI INVESTIGATIONS OR FOR INFORMATION

PAGE FOUR

FROM OUR FILES, I STATED THAT WHEN SUCH REQUESTS ARE MADE ORALLY, THEY SHOULD BE CONFIRMED IN WRITING; THAT WE WOULD WELCOME ANY LEGISLATIVE GUIDELINES THE CONGRESS FEELS WOULD PROTECT THE FBI FROM THE POSSIBILITY OF PARTISAN MISUSE.

A FULL TRANSCRIPT OF THE QUESTIONS AND ANSWERS WILL BE FURNISHED TO EACH OFFICE AS SOON AS IT IS AVAILABLE.

ALL LEGATS ADVISED SEPARATELY.

END

RJH

ACK FOR TWO AND TKS

(Mount Clipping in Space Below)

# More Skeletons Emerge From The FBI's Closet

FOR NEARLY 50 years, Mr. J. Edgar Hoover was a folk hero and the organization that he shaped and headed was thought of as the finest law enforcement agency in the world. But now the skeletons are coming out of the closet.

Recent disclosures that Mr. Hoover kept derogatory data on congressmen and many others, sought to discredit the Rev. Martin Luther King, Jr., evidently approved a whole range of "dirty tricks" in a war against various groups, and succumbed to political pressures of presidents are tarnishing the image both of Mr. Hoover and the FBI.

Political abuse of the agency dates back to the Roosevelt administration and includes spying on newsmen, government officials and civil rights leaders under presidents of both parties, according to Senate testimony.

The FBI's campaign against the Ku Klux Klan and its violence was called this week the bureau's "finest hour." But a one-time informant said the agency rarely acted to head off Klan attacks against blacks and civil rights workers and that the FBI condoned his participation in acts of violence while he was a Klan member.

The informant, Mr. Gary T. Rowe Jr., who testified before the Senate committee with a mask covering his face, said he warned the FBI three weeks in advance about plans by the Klan to attack Freedom Riders in Birmingham.

He said the attack took place as planned after the Klan had been promised free rein for 15 minutes by members of the Birmingham police force. Mr. Rowe said when he asked the FBI why nothing was done to prevent the attack, the response was a question: "Who were we going to report it to? The police department was involved."

(Indicate page, name of newspaper, city and state.)

PAGE 14

THE TENNESSEAN

NASHVILLE, TENN

Date: DEC. 4, 1975

Edition:

Author:

Editor: LLOYD ARMOUR

Title:

SENSTUDY-75

Character:

or

Classification:

66-2150

Submitting Office: MEMPHIS

☐ Being Investigated

SEARCHED	INDEXED
SERIALIZED	FILED
DEC: 8 1975	
FBI - MEMPHIS	

Orig fwd to  
BUREAU 12-8-75 am  
Copy to:  
80-14  
NW 55240 DocId:3298981

Mr. James B. Adams, the FBI's deputy associate director for investigation, told the senators the bureau did make mistakes but said he does not believe a

balanced picture of its achievements has emerged because "of the necessity to zero in on abuses."

The abuses are a matter of concern. The role of an informant may be a dirty one and it may be argued that now and then the FBI has to resort to underhanded tactics to deal with crime and violence. But the process of riding rough-shod over civil liberties of those whose only fault was participating in the civil rights movement, or those suspected of something by the White House, or the persecution of Dr. King has no justification at all.

Apparently it has been an accepted rule in such agencies as the FBI or the CIA that if the director ordered staff members to engage in illegal or unconstitutional activities, that was to be done.

The Congress, which is elected by the people to represent their interest, has done very little to oversee either the FBI or the intelligence community, to be on the lookout for abuse, or to question what was going on.

Mr. Hoover ran the bureau as a personal fiefdom. And such was his political clout that attorneys general seldom interfered with him and the Congress seemed to be content to take at face value his annual reports that the FBI was doing a great job.

In many respects, it has done that. But as Sen. Walter Mondale observed, it was a consistent bungler in the field of political activities.

The disclosures are saddening because the FBI, most of all, needs no such blots on its reputation. But the message of such disclosures comes through loud and clear: Never again can the people and the Congress take it for granted that the government agencies are pure — or that the White House is above reproach. And henceforth, no FBI director should be permitted to serve a length of time that would enable him to perceive himself as king of all he surveyed.

F B I

Date: 12/8/75

Transmit the following in \_\_\_\_\_  
CODE  
(Type in plaintext or code)Via TELETYPE NITEL  
(Priority)

813

TO: DIRECTOR (62-116395)

FROM: MEMPHIS (66-2150)

ATTENTION: EXTERNAL AFFAIRS

SENSTUDY 75

ON DECEMBER 5, 1975, AT 2:56 P.M., A TELEPHONE CALL WAS RECEIVED AT THE MEMPHIS OFFICE FROM ONE DAVID WISE, TELEPHONE NUMBER 202 293-2056, REQUESTING TO TALK TO SA BEN D. HALE. SA HALE WAS OUT OF THE OFFICE AT THAT TIME AND RETURNED THE CALL TO MR. WISE AT APPROXIMATELY 4:50 P.M., ON DECEMBER 5, 1975.

MR. WISE ADVISED HE WAS A WRITER DOING A BOOK ON THE CHURCH COMMITTEE'S INVESTIGATION OF THE FBI AND REFERRED TO FORMER ASSISTANT DIRECTOR CARTHA D. DELOACH AS "MY OLD FRIEND." WISE REFERRED TO TESTIMONY BEFORE THE CHURCH COMMITTEE ON THE PREVIOUS WEDNESDAY BY MR. DELOACH AND REFERRED TO A MEMO INTRODUCED BY THE COMMITTEE FROM MR. DELOACH TO FORMER ASSISTANT DIRECTOR MR. JOHN MOHR, DATED AUGUST 29, 1964, REGARDING THE COVERAGE BY THE FBI OF THE 1964 DEMOCRATIC CONVENTION AT ATLANTIC CITY, NEW JERSEY. THE MEMO, ACCORDING TO WISE,

BDH:cmc:mab

(1) *pub*

66-2150

SEARCHED

SERIALIZED

INDEXED

Approved: *Ben Hale / SMC*

Special Agent in Charge

Sent: *12/8/75 10:30*Per: *DJH*

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

F B I

Date:

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)Via \_\_\_\_\_  
(Priority)

PAGE TWO (ME 66-2150)

HAD STATED THAT THE AGENTS AT ATLANTIC CITY HAD DONE AN OUT-  
STANDING JOB OF COVERING THE DEMOCRATIC CONVENTION AND HAD  
USED PRESS CREDENTIALS TO OBTAIN THE INFORMATION DESIRED BY  
THE BUREAU. THE AGENTS WERE SO GOOD, IN FACT, THAT THEY HAD  
OBTAINED INSIDE INFORMATION THAT WAS NOT TO BE RELEASED IN  
THEIR ROLES AS NEWSMEN. WISE REFERRED TO A SECOND MEMO FROM  
MR. BASSETT TO MR. CALLAHAN DATED JANUARY 29, 1972, ENTITLED  
"SPECIAL SQUAD, ATLANTIC CITY, NEW JERSEY, DEMOCRATIC CON-  
VENTION, 1964." THIS MEMO CONCERNED ITSELF WITH WHAT THE  
CHURCH COMMITTEE WAS TRYING TO FIND OUT ABOUT CAPTIONED  
MATTER.

WISE SAID THAT DELOACH TESTIFIED BEFORE THE COMMITTEE  
THAT HE RECALLED ONLY "A COUPLE" OF AGENTS HAD USED THE NA-  
TIONAL BROADCASTING COMPANY (NBC) PRESS CREDENTIALS, WHICH  
CREDENTIALS WERE OBTAINED BY AN INDIVIDUAL AT NBC WHO WAS  
FRIENDLY TO THE FBI.

WISE STATED PREVIOUS MATERIAL REGARDING THE USE OF  
NEWS CREDENTIALS INDICATED THEIR USE WAS WIDESPREAD BY THE  
SPECIAL SQUAD OF AGENTS AT ATLANTIC CITY, WHEREAS DELOACH  
TESTIFIED HE COULD RECALL ONLY A COUPLE OF AGENTS USING

Approved: \_\_\_\_\_ Sent \_\_\_\_\_ M Per \_\_\_\_\_

Special Agent in Charge

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

F B I

Date:

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)Via \_\_\_\_\_  
(Priority)

PAGE THREE (ME 66-2150)

THEM. HE ADVISED DELOACH DID NOT USE ANY AGENTS' NAMES. MR. WISE SAID HIS PURPOSE IN CALLING SA HALE WAS TO CLARIFY THIS POINT AS TO HOW MANY AGENTS HAD ACTUALLY USED PRESS CREDENTIALS SINCE HE BELIEVED THERE WERE 19 AGENTS ASSIGNED TO THIS MATTER AND HE FURTHER KNEW THAT SA HALE WAS INVOLVED IN THE ATLANTIC CITY ASSIGNMENT.

MR. WISE SAID THAT SAC B. D. WILLIAMS OF KANSAS CITY WAS ALSO ON THE ATLANTIC CITY ASSIGNMENT. HE SAID HE BELIEVED ANOTHER AGENT, NOW ASSIGNED TO THE BUREAU, WAS THERE, WHOSE NAME IS COHL OR COLLER (PHONETIC). HE DECLINED TO ADVISE SA HALE HOW HE KNEW SA HALE WAS ON THIS ASSIGNMENT AND SAID THIS INFORMATION HAD COME "FROM HIS SOURCES." HE SAID THAT HE DID NOT DESIRE TO RELEASE SA HALE'S NAME IN HIS BOOK, BUT ONLY NEEDED INFORMATION THAT HE BELIEVED SA HALE POSSESSED IN ORDER TO MAKE THIS BOOK FACTUAL. HE SAID HE HAD BEEN AT THE 1964 DEMOCRATIC CONVENTION SERVING AS A REPORTER.

SA HALE ADVISED MR. WISE THAT HE UNDERSTOOD THE NATURE OF MR WISE'S INQUIRY BUT THAT HE COULD NOT MAKE ANY

Approved: \_\_\_\_\_

Sent \_\_\_\_\_ M Per \_\_\_\_\_

Special Agent in Charge

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

F B I

Date:

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)Via \_\_\_\_\_  
(Priority)

PAGE FOUR (ME 66-2150)

STATEMENTS CONFIRMING OR DENYING THE INFORMATION IN POSSESSION OF WISE. IT WAS SUGGESTED HE MIGHT DESIRE TO CONTACT FBI HEADQUARTERS REGARDING THIS MATTER AND WHILE SA HALE WOULD NOT CONFIRM OR DENY HIS ASSIGNMENT AT ATLANTIC CITY, ANY FURTHER CONTACT BY MR. WISE WOULD HAVE TO BE CLEARED THROUGH FBI HEADQUARTERS.

HE ACKNOWLEDGED THESE STATEMENTS BY SA HALE SAYING THE FBI HAD ALWAYS BEEN COOPERATIVE WITH HIM IN THE PAST AND WOULD CONTACT THEIR PRESS RELATIONS DEPARTMENT WITHIN THE NEXT WEEK OR TWO IN AN EFFORT TO GET BUREAU TO APPROVE HIS TALKING WITH SA HALE.

END.

Approved: \_\_\_\_\_

Special Agent in Charge

Sent \_\_\_\_\_ M Per \_\_\_\_\_

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

(Mount Clipping in Space Below)

## Plan to Discredit Militant Revealed

From Press Dispatches

WASHINGTON. — Late FBI Director J. Edgar Hoover approved a plan to discredit a Midwest black militant leader with anonymous letters accusing him of adultery and of being a bureau informant, according to FBI documents.

The documents, made available by the Senate intelligence committee, show the bureau's campaign against Charles E. Koen lasted from 1968 to 1971 and was approved at each step of the way by Hoover. However, it was unclear whether the letters were ever actually sent to Koen, who a committee spokeswoman said is currently a minister in Cairo, Ill.

According to the FBI documents, the campaign against Koen began in November 1967 with a proposal by St. Louis FBI officials to send him anonymous letter criticizing him for referring to the possible use of violence in his public speeches.

Two months later, Hoover authorized the FBI's Baltimore office to send an anonymous letter to the No. 2 man in the Black Liberator movement informing him that Koen was working for either the CIA or FBI. The letter, signed "A Soul Brother," said Koen "was in Baltimore last week and spent most of his time in the Justice Building. Don't know whether that cat was talking to CIA or FBI."

In other developments, Democratic House and Senate leaders have called for congressional inquiries into the assassination of Dr. Martin Luther King Jr.

Democratic Whip Robert C. Byrd, D-W. Va., urged a "thorough probe" by the Senate Intelligence Committee. A review of the case by the Justice Department was ordered last week.

(Indicate page, name of newspaper, city and state.)

PAGE 33

MEMPHIS PRESS  
SCIMITAR

MEMPHIS, TENN

Date: DEC. 3, 1975

Edition:

Author: CHARLES H.

Editor: SCHEIDT

Title:

SENSTUDY-75

Character:

or

Classification: 66-2150

Submitting Office: MEMPHIS

☐ Being Investigated

SEARCHED	INDEXED
SERIALIZED	FILED <i>ujh</i>

DEC 5 1975

FBI - MEMPHIS *RB*

Orig fwd to  
Bureau 12-5-75am

(Mount Clipping in Space Below)

# Wiretap 'Precedents' Traced to FDR, RFK

WASHINGTON. — (AP) — The late Atty. Gen. Robert F. Kennedy approved FBI wiretaps on two newsmen and four government employes as well as on civil rights leader Martin Luther King, the Senate Intelligence Committee was told today.

Committee counsel John Elliff said the taps as well as similar wiretaps on the home telephones of top aides to President Franklin D. Roosevelt "were undoubtedly precedents J. Edgar Hoover had in mind" when he carried out orders from the Nixon White House to install wiretaps on newsmen and government officials.

Those wiretaps were installed in 1969 on the telephones of 17 reporters and gov-

ernment officials, including former White House aide Morton Halperin, who has filed a lawsuit challenging the legality of the action. Halperin's phone was tapped for 21 months.

The taps were installed in an attempt to stop suspected leaks of classified information to the press.

## In related developments:

- Atty. Gen. Edward H. Levi said in an interview he has not ruled out disciplinary action against FBI agents involved in a campaign of harassment against King. Levi said the attempt to discredit King, including a letter which King reportedly took as a suicide suggestion, "came

under the heading of outrageous."

- Cartha DeLoach, assistant to Hoover during the 1960s, told the committee the bureau prepared reports on all candidates for Congress, including statements about whether the candidate was friendly to the director. DeLoach said Hoover used the reports for writing congratulatory messages to the winners of congressional elections.

- Sen. Robert Morgan, D-N.C., told the committee the FBI kept similar files on many state officials.

(Indicate page, name of newspaper, city and state.)

PAGE 1

MEMPHIS PRESS  
SCIMITAR

MEMPHIS, TENN

Date: DEC. 3, 1975

Edition:

Author: CHARLES H.

Editor: SCHNEIDER

Title: SENSTUDY-75

Character:

or

Classification: 66-2150

Submitting Office: MEMPHIS

☐ Being Investigated

SEARCHED	INDEXED
SERIALIZED	FILED <i>sig</i>
DEC: 5 1975	
FBI - MEMPHIS	

Orig fwd to  
BUREAU 12-5-75 am

Elloff said the Kennedy-approved wire-  
taps were on the telephones of Hanson  
Baldwin, a now-retired reporter for the

New York Times, and an unidentified re-  
porter for Newsweek magazine. They  
were ordered as part of an investigation  
into leaks of classified information, he  
said.

The other Kennedy approved taps were  
against three executive-branch employes  
and a congressional staff employe, Elliff  
said, adding that they were related to an  
investigation of efforts by foreign inter-  
ests to influence U.S. economic policies.

Courtney Evans, a former liaison be-  
tween Hoover and Kennedy, told the com-  
mittee there is no evidence Kennedy ap-  
proved the taps beyond a 30-day trial  
period in 1963. But Evans said the assassi-  
nation of President John F. Kennedy

occurred during that time, and the late  
attorney general was taken away from his  
normal duties.

Elliff said investigators have found in  
Hoover's files an index to the logs of  
wiretaps placed on the home telephones of  
Roosevelt's closest aides and cited testi-  
mony that these taps were ordered by  
Roosevelt himself.

In addition, Elliff said, the White House  
received during the administration of  
President Harry S Truman a copy of an  
FBI memo reporting the contents of an  
internal communication from Newsweek  
magazine reporters to their editors in  
New York.

The committee counsel disclosed as  
well that in 1965 then-Atty. Gen., Nicholas  
Katzenbach authorized a wiretap on the  
editor of an anti-Communist newsletter as  
part of a leak investigation. He identified  
neither the editor nor the newsletter.

According to Elliff, President Lyndon B.  
Johnson asked for namechecks on seven  
journalists, including NBC commentator  
David Brinkley, Associated Press reporter  
Peter Arnett and columnist Joseph Kraft.  
Elliff gave no indication of what prompted  
the request.

White House aides also requested name-  
checks on all persons employed in the of-  
fice of Sen. Barry Goldwater, R-Ariz.,

Turn to Page 9-Y - SENATE

## Senate Panel Told That RFK Approved Wiretaps on King

From Page 11

when he was the 1964 Republican presidential candidate, and on persons who signed telegrams critical of U.S. policy in Vietnam in 1965.

DeLoach said the request for namechecks on Goldwater employees was rebuffed by the bureau.

But a memo made public by the committee indicated the FBI had reported to Bill Moyers, a Johnson aide at the time, that no derogatory information could be found on 13 members of Goldwater's staff and that derogatory information was available on two others.

Elliff said, however, that the requests for namechecks were minor in comparison with the FBI's systematic policy of preparing namechecks on congressmen, public officials and other prominent persons of interest to Hoover.

Examples of more extensive name-

checks, Elliff said, were internal FBI reports on all members of a Senate subcommittee which threatened to investigate the FBI in the mid-1960s.

The counsel also said former Vice President Spiro T. Agnew received derogatory public information about the Rev. Ralph David Abernathy, presently head of the Southern Christian Leadership Conference, because Agnew "thought he was going to have to start destroying" Abernathy's credibility.

Agnew himself was the subject of an FBI investigation in 1968 when President Johnson asked the bureau to check toll-call telephone records to determine whether Agnew, the Republican vice presidential candidate at the time, was trying to sabotage Johnson's Vietnam peace talks.

(Mount Clipping in Space Below)

# Panel Probing FBI-Klan Ties Hears 2 Sides

WASHINGTON (AP) — A top FBI official Tuesday called the campaign against the Ku Klux Klan the bureau's "finest hour." But a one-time informant said agents rarely acted to head off Klan attacks against blacks and civil rights workers.

The informant, Gary Thomas Rowe Jr., wearing a hood to mask his face, told the Senate Intelligence Committee that FBI officials condoned his participation in acts of violence while he was a Klan member from 1960 to 1965. They also ordered him to sow dissension within the Klan by sleeping with the wives of as many Klan members as possible, he said.

James Adams, the FBI's deputy associate director for investigation, testified Rowe never was told to involve himself in violence or sexual activities.

However, Sen. Walter Huddleston (D-Ky.) said Rowe's control agent has in effect corroborated his story by telling the committee Rowe "couldn't be an angel and be a good informant."



Gary Rowe

Sen. Walter Mondale (D-Minn.) told Adams the record now is clear that while the FBI is the world's best law enforcement agency, it is a consistent bungler in the field of political activities. It interfered with civil liberties and finally heaped shame upon itself, he said.

Rowe said he warned the FBI three weeks in advance about plans by the Klan to attack freedom riders in Birmingham.

He said the attack took place as planned as the Klan moved in with baseball bats, clubs, chains and pistols after

having been promised free rein for 15 minutes by members of the Birmingham police force.

Rowe said that when he asked the FBI why nothing had been done to prevent the attack, he was told, "Who in the hell were we going to report it to? The police department was involved."

Rowe said the Klan got extensive help from the police department and county sheriff's department in Birmingham and was allowed unlimited access to the police department's intelligence files on civil rights orders.

(Indicate page, name of newspaper, city and state.)

PAGE 4

COMMERCIAL APPEAL

MEMPHIS, TENN

Date: Dec. 3, 1975

Edition:

Author:

Editor: MICHAEL GREHL

Title: SENSTUDY-75

Character:

or

Classification: 66-2150

Submitting Office: MEMPHIS

☐ Being Investigated

SEARCHED INDEXED  
SERIALIZED FILED *mjk*

DEC: 4 1975

FBI - MEMPHIS

Orig fwd to  
Bureau 12-4-75 dm

He said Klan members often rode in police cars to keep track of civil rights activities.

Rowe described another incident in which a judge in Birmingham returned to the Klan weapons which had been confiscated by the Alabama State Highway Patrol.

The incident occurred in 1963 as Klan members were traveling to the University of Alabama in Tuscaloosa to support Alabama Gov. George Wallace, who had proclaimed his intention of standing in the schoolroom door to prevent the university's integration.

Rowe, who now lives in California under an assumed identity, did not identify the judge. He said the judge slammed him on the shoulder, called him a "good American" and told him to take the weapons and "put them to good use."

Rowe said his FBI contacts were astonished when he displayed the weapons cache in the trunk of his car.

Rowe said the FBI told him to take any action he could to disrupt and discredit the Klan, including spying on the sex lives of Klan members in order to "pass the word around and to cause dissension in their homes."

That charge was denied under oath by Adams.

Adams said that at the height of the FBI's campaign against the Klan about 6 per cent of the Klan were FBI informants. The Klan thought up to 50 per cent of its members were FBI informants, he added. Because the Klan was insecure, he said, it became violent.

Adams acknowledged the FBI made some mistakes but said he does not believe a balanced picture of its achievements has emerged because "of the necessity to zero in on abuses."

"I think our accomplishment with the Klan was the FBI's finest hour."

Committee members noted that the FBI's campaign against Rev. Martin Luther King Jr. began in 1962 after King refused to discuss with the FBI his charge that the bureau's activities in the South were "aiding segregationists."

Citing Rowe's testimony and information gathered by the committee staff, Sen. Gary Hart (D-Colo.) said it now appears Dr. King was right. "And that the bureau was either deceiving itself or not telling the truth."

Adams noted the FBI cannot arrest persons breaking state or local laws. He said bureau files show Rowe's information was relayed to police departments in every instance and that the Justice Department also was informed.

Eventually, 500 U.S. marshals were sent to the South to deal with such matters in the face of the refusal of some local police departments to do so, he said.

(Mount Clipping in Space Below)

# Hoover Tribute Slammed

WASHINGTON (UPI) — Saying J. Edgar Hoover violated the law, some members of Congress introduced bills Monday to take his name off the new FBI building.

"The disclosures last month to the Senate Intelligence Committee indicate that Mr. Hoover was a sick individual, a bigot, who had no more respect for the law than the criminals he was supposed to be in charge of apprehending," said Rep. Patricia Schroeder (D-Colo.) in introducing her bill to rename the structure simply the FBI Building.

"Hoover's name should not be allowed to defame a public building," she said.

Rep. Charles B. Rangel (D-N.Y.), who sponsored a similar bill, said: "Mr.

Hoover violated the Constitution and broke laws attempting to entrap innocent citizens and, in fact, world leaders."

He referred, among other things, to allegations that Hoover had civil rights leader Martin Luther King Jr. watched and hoped to discredit him.

"I really do not think Americans would like to remember the things that had been done during Hoover's administration (at the FBI) by putting his name on that building," Rangel said.

The building named for the longtime director of the FBI, on Pennsylvania Avenue between the White House and the Capitol, was completed in October at a cost of \$120 million. Mrs. Schroeder called it the most expensive federal office building ever constructed.



— AP Wirephoto

The Hoover Building: A Tribute Under Attack

(Indicate page, name of newspaper, city and state.)

PAGE 9

COMMERCIAL APPEAL

MEMPHIS, TENN

Date: DEC. 2, 1975

Edition:

Author:

Editor: MICHAEL GREHL

Title:

SENSTUDY-75

Character:

or

Classification: 66-2150

Submitting Office: MEMPHIS

☐ Being Investigated

SEARCHED	INDEXED
SERIALIZED	FILED
DEC: 2 1975	
FBI - MEMPHIS	

(Mount Clipping in Space Below)

# Hoover Secretary Destroyed Files On Order

WASHINGTON (AP) — J. Edgar Hoover's long-time secretary told Congress Monday that when the Federal Bureau of Investigation's director died in 1972, she systematically destroyed his personal files, "as Mr. Hoover indicated he wanted."

Helen W. Gandy told a House subcommittee that she and another secretary went through all the files in Hoover's inner offices, destroying everyone that was marked "personal."

"There were 30 or 32 file drawers. I did not keep a record of how many," she testified. "I tore them up and put them in cartons. They were then taken to the Washington FBI field office to be either incinerated or shredded."

Meanwhile, former FBI informant Gary Thomas Rowe Jr. said he has told Senate investigators he repeatedly provided advance warnings of Ku Klux Klan attacks against blacks and civil rights workers but the bureau took almost no action to prevent the incidents.

In an interview, Rowe said the FBI knew Klansmen would attack a group of Freedom Riders as they debarked from their buses in Birmingham, but agents merely stood by and took photographs of the 1961 incident.

Rowe is scheduled to testify under oath Tuesday before the Senate intelligence committee. He will wear a mask in order to preserve his new identity.

Miss Gandy denied that the files she personally destroyed contained any official FBI business or information on the personal lives of public officials. And she said that she did not consider her actions to have violated an order by then acting-Atty. Gen. Richard G. Kleindienst that Hoover's offices be sealed. Kleindienst testified to the subcommittee on government information that upon learning of Hoover's death on May 2, 1972, he ordered that Hoover's suite of offices "be locked and sealed."

"I didn't want to have any records of the FBI left in a position where no one was responsible for them," Kleindienst said.

Kleindienst said he didn't pursue the matter because L. Patrick Gray was soon sworn in as acting FBI director and took responsibility for the files.

(Indicate page, name of newspaper, city and state.)

PAGE 9

COMMERCIAL APPEAL

MEMPHIS, TENN

Date: DEC. 2, 1975

Edition:

Author:

Editor: MICHAEL GREHL

Title:

SENSTUDY-75

Character:

or

Classification: 66-2150

Submitting Office: MEMPHIS

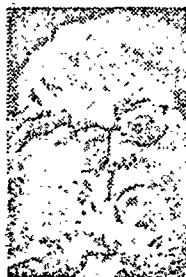
☐ Being Investigated

SEARCHED INDEXED  
SERIALIZED FILED

DEC: 2 1975

FBI - MEMPHIS

Miss Gandy testified that between May 2 and May 12, she and another secretary worked on Hoover's files in his FBI office, segregating the personal ones from those marked "official and confidential."



These official files were retained by the FBI, she said.

After May 12, the files were moved to the late FBI director's residence, where Miss Gandy said she continued the destruction process for another two months.

"Mr. Hoover would not have allowed them to be used if he had been living," she testified, "I had my instructions."

Miss Gandy repeatedly said she found nothing in the personal files that did not relate strictly to personal matters.

However, in contrasting comments, former FBI Assistant Director William C. Sullivan said Hoover's

personal files were filed with political and personal information on public figures.

Sullivan said the distinction drawn by Miss Gandy between personal files and official-confidential files "is kind of meaningless because thousands and thousands and thousands of items were official and confidential."

Sullivan, who is in poor health, gave his statement in a tape interview with a committee staff member at Bolton, Mass. Excerpts from the tape were played at the hearing by committee Chairman Bella Abzug, (D-N.Y.).

(Mount Clipping in Space Below)

# The News Media's Hypocrisy

## To The Commercial Appeal:

During the lengthy Watergate turmoil, I had an uneasy and unexplainable feeling of animosity toward the news media. Many people did. Even one television reporter lamented the fact. "We didn't create Watergate," he said, "we just reported it. Why blame the news media for it?"

At the time his statement seemed superficially true. But since the confusion and emotionalism of that time have died down and we have been separated from it by time, an element of objectivity has been added to the feelings I had and in retrospect I can now identify them properly.

No, the news media didn't create Watergate. But there have been many, many scandalous situations that the public had a right to know about that have gone unreported for years — a drunken congressman on the floor of the House, questionable relationships between public officials and underworld figures, etc. There are many things I'm sure we'll never know that the news media had access to but never reported. I'm sure that Watergate would be overshadowed by the affairs of some of our other presidents. And this is not to say that two wrongs make a right, either. It's just that by singling out Mr. Nixon to expose, the news media, in effect, were sitting in judgment on him. It

wasn't their reporting of the facts. It was their motives in doing so.

Just as now with the exposure of the FBI involvement with the Dr. Martin Luther King scandal. They aren't exposing the facts the FBI uncovered in their surveillance (for fear of damaging Dr. King's reputation), just the methods the FBI used in uncovering those facts. What hypocrisy.

Suppression of the news is suppression no matter what the reason. If a man's reputation is good enough reason for it, then why are they condemning J. Edgar Hoover — a dead man, unable to come to his own defense? What of his reputation?

It's the news media's selectivity in reporting events that the public objects to — not the facts themselves. People's motives are sometimes much more important than their actions.

Their efforts to discredit one man's reputation while shielding another's have cost them the respect and confidence of the American public.

MRS. LILLIAN HALL

(Indicate page, name of newspaper, city and state.)

PAGE 5

COMMERCIAL APPEAL

MEMPHIS, TENN

Date: NOV. 30, 1975

Edition:

Author:

Editor: MICHAEL GREIL

Title:

EDITORIAL

Character:

or

Classification:

Submitting Office: MEMPHIS

☐ Being Investigated

SEARCHED INDEXED  
SERIALIZED FILED

DEC 2 1975

FBI - MEMPHIS

### After Mr. Hoover

#### To The Commercial Appeal:

His final rites had hardly been performed when the ghouls appeared from beneath the mossy rocks of nihilism and began beating their drums of innuendo, inference, and speculation in diatribe of the once proud symbol of order.

Now it is said that many politicians and prominent men feared him. Why so? Sober drivers don't fear trailing cops. They say he was a man riddled with idiosyncrasies. But compared to his detractors, innocuous ones, you can bet. They add he was ruthless. Is the newly pursued "Rubber-Bullet, Bail 'em Out" law enforcement approach succeeding?

Sorry, Mr. Hoover, but there seems to be a concerted effort afoot to disintere and place you in a potter's field, a la Bolshevik.

RUSS SIMPSON

Germantown

(Mount Clipping in Space Below)

# Hoover, King and the FBI

A years-long personal vendetta conducted by the FBI's late director, J. Edgar Hoover, against the late Dr. Martin Luther King Jr., has now been revealed in testimony before the Senate Intelligence Committee.

If the American people aren't appalled by the revelations, they should be.

Some of the facts of the FBI's campaign of harassment against King, and its continued efforts to compromise him, have emerged piecemeal in the past.

But only now, in the light of evidence presented to the committee, is it possible to assess the degree to which the FBI under Hoover transgressed against the civil rights of King and thousands of other citizens.

For, as James Adams, FBI assistant director in charge of intelligence, told the committee this week, there was no legal basis to justify the seven-year effort to discredit King. During that period, only one surveillance of King was approved by an attorney general, Robert F. Kennedy.

In spite of mammoth wiretapping and bugging operations aimed at proving that King was under "Communist influence," no real evidence was found.

Beyond that, the FBI at Hoover's urging did its best to compromise King with tales of alleged marital infidelity. It also took upon itself the task of finding a "new national Negro leader" to promote in place of King. Nothing came of that.

And in 1964, shortly before King was

to receive the Nobel Peace Prize, the FBI sent him an anonymous letter containing a veiled suggestion that he commit suicide.

Committee testimony also shows that during Hoover's directorship the FBI compiled dossiers on half a million Americans, often using "dirty and dangerous" tactics similar to those used against foreign spies.

These transgressions — and they were transgressions, no matter how well-meaning the motives may have been — are difficult for Americans to comprehend in the context of their free and open society.

And, coming on the heels of revelations of similar transgressions by the CIA in recent years, they are doubly hard.

But now, at least, the facts are on the record, and it isn't too late to begin a fresh chapter in the history of an agency that has, in the main, served this country well.

FBI Director Clarence Kelley has urged Congress to exercise more control over the bureau and thus help "restore any breach of credibility" it has suffered.

"I would not object at all to come to Congress and report to the committee with oversight authority and tell them exactly what we are doing and how we are doing it," he said.

We can't think of a better way to begin.

(Indicate page, name of newspaper, city and state.)

PAGE 4

MEMPHIS PRESS  
SCIMITAR

MEMPHIS, TENN

Date: NOV. 21, 1975

Edition:

Author:

Editor: CHARLES H.

Title: SCHNEIDER

SENSTUDY-75.

Character:

or

Classification: 66-2150

Submitting Office: MEMPHIS

☐ Being Investigated

66-2150  
SEARCHED INDEXED  
SERIALIZED FILED

NOV 24 1975

FBI - MEMPHIS

ORIG fwd to  
Bureau 11-24-75

(Mount Clipping in Space Below)

## Black Leaders Say Acts Against King More Than Believed

Memphis black leaders who were associated with Dr. Martin Luther King Jr. before his assassination here in 1968 said yesterday they were generally aware that Dr. King was threatened by the FBI.

However, most said they had not realized the extent of the threat, and one said the disclosures that the FBI had waged a campaign to discredit Dr. King bring into question the investigation of his murder.

The staff of the Senate Intelligence Committee Tuesday revealed that the FBI's campaign had included sending Dr. King a letter which he interpreted as a suggestion that he commit suicide, the planting of 16 electronic bugs and 8 wiretaps and an effort to promote another black leader.

"This calls for a whole new look at the investigative process that went into the King murder," said Rev. Samuel B. Kyles, pastor of Monumental Baptist Church and head of Operation PUSH.

The black leaders said Dr. King had mentioned attempts by the FBI to intimidate him but had never gone into detail.

"On occasion he said he knew he was being spied on, that his room was bugged. But his position was that he was not plotting to overthrow the government, he was not a Communist and he was not in conspiracy," said Mr. Kyles.

"We had not had a discussion on the threats. He had mentioned to me, in fact to a group of us, about being intimidated by the FBI.

"He said he was not going to be intimidated, but he did not go into detail. That was just in a general conversation when we were discussing about being prepared to pay the price," said Rev. H. Ralph Jackson, director of the AME Church's Department of Minimum Salary.

The black leaders believe the animosity of the late J. Edgar Hoover, then director of the FBI, was personal and said they didn't then realize its extent.

"King became an obsession with him because he let it become personal," said Rev. Henry L. Starks, pastor of St. James AME Church.

"I don't think people really understood the extent of Hoover's personal dislike of King. I think he felt he should have been given the Nobel prize that year — anybody but Dr. King," said Mr. Kyles. Dr. King received the Nobel peace prize in 1965, 34 days after he received the letter suggesting suicide from the FBI.

(Indicate page, name of newspaper, city and state.)

PAGE 12

COMMERCIAL APPEAL

MEMPHIS, TENN

Date: NOV. 20, 1975

Edition:

Author:

Editor: MICHAEL GREHL

Title:

SENSTUDY-75

Character:

or

Classification: 66-2150

Submitting Office: MEMPHIS

☐ Being Investigated66-2150  
SEARCHED

SERIALIZED

INDEXED

FILED

NOV 21 1975

FBI - MEMPHIS

Orig fwd to  
Bureau 11-21-75 am

The black leaders said they also felt threatened, at the time of their major civil rights activities in the 1960s.

"I'm certain that the people working with Dr. King were aware they were being spied on and things would be used against them and that they were in as much danger from law enforcement people as from people outside the law," said Vasco Smith Jr., now a County Court squire.

Mrs. Maxine Smith, his wife and the executive secretary of the Memphis branch of the NAACP, said she and others were aware long before King's death that telephones of civil rights leaders were tapped and that law enforcement agencies were looking for information that could be used to discredit them.

She said she also believes her telephone has been tapped sporadically since her election to the Memphis Board of Education.

Mrs. Smith and others were outraged because of the FBI activities and surprised at their extent.

"I could never conceive that people could be this cruel, this brutal," she said. "If this country is willing to destroy some of the greatest minds it can produce, then I can't understand what this country is all about."

(Mount Clipping in Space Below)

## Dr. King And The FBI

THE REVELATIONS about former FBI Director J. Edgar Hoover's obsession with Dr. Martin Luther King Jr. fall heavily in Memphis.

It was the FBI which took over the investigation of the assassination of Dr. King here after the April 4, 1968, tragedy. Details of the investigation learned later showed that it was a herculean effort which resulted, with an assist from Scotland Yard, in the arrest of James Earl Ray. At the time of King's death, however, suspicions of a conspiracy were rampant, especially among blacks.

The suspicions were fed by the standard retort of "no comment" to questions and the instant and total embargo on information by law enforcement agencies.

The evidence of an FBI campaign to destroy King's influence brought out in Senate Intelligence Committee hearings aggravates those lingering suspicions even though there has been no persuasive evidence of coverup or conspiracy.

EVIDENCE in the committee hearings shows that Hoover ordered reports that King was not a threat to the country rewritten to coincide with what must be considered his personal prejudice. Hoover's fixation against King is evident in the tawdry letter and tape recording sent anonymously by the FBI to King 34 days before he received the 1964 Nobel Peace Prize. The sender, after alleging knowledge of unsavory activities by the civil rights leader, said he had "only one way out." That way has been construed to mean suicide.

King did go on to accept the prize. And he went on, until his death in Memphis, to marshal efforts in the struggle against injustices to blacks and the poor. Despite the FBI's six-year effort to discredit him, neither his resolve nor his courage were shaken. Indeed, Hoover's failure can be regarded as particular corroboration of that resolve and that courage.

The FBI's campaign against King should not be taken as a general indictment of the bureau. It should not include the thousands of professionals within the bureau who always have and continue to do valuable service. And even though it has become fashionable of late to criticize Hoover, it should not be forgotten that he was the man who seized control in the 1920s from political hacks and hangers on and built the FBI into what is still considered the most efficient law enforcement agency in the world.

Hoover was a man who stayed on beyond his time, secure in a power nurtured by self-appointed sycophants. His career, despite contemporary criticism, was more admirable than not, but in the final chapter he cast a shadow on that in which he had so much pride.

A POLICE czar is contrary to the ideals of this nation. Such power must not be allowed for one man again. Accountability must be demanded, even as it is being demanded now.

In a recent speech, the present director, Clarence Kelley concedes that "perhaps our operations will derive benefit from the unprecedented surge of news media and official interest in the FBI."

It is unlikely Hoover would have made such a concession.

But having said that, Kelley also pointed out that "the threat posed by lethal bands of revolutionaries, hate groups and extremists who openly espouse violence and hostility to our system of government" still exists.

"Unchecked," he said, "these peddlers of death and destruction represent a very genuine threat to the freedom and tranquility of people like you — law-abiding and productive citizens throughout the nation."

That fact should not be forgotten, even as the FBI is being held accountable for past sins and struggles to regain the public confidence it needs if it is to be effective.

(Indicate page, name of newspaper, city and state.)

PAGE 6

COMMERCIAL APPEAL

MEMPHIS, TENN

Date: NOV. 20, 1975

Edition:

Author:

Editor: MICHAEL GREHL

Title:

SENSTUDY-75

Character:

or

Classification: 66-2150

Submitting Office: MEMPHIS

☐ Being Investigated

66-2150

SEARCHED	INDEXED
SERIALIZED	FILED
NOV 21 1975	
FBI - MEMPHIS	

*[Handwritten signature]*

Orig fwd to  
BUREAU 11-21-75AM

(Mount Clipping in Space Below)

# FBI's Use of Break-ins For 26 Years Revealed

(Indicate page, name of newspaper, city and state.)

PAGE 1

MEMPHIS PRESS  
SCIMITAR

MEMPHIS, TENN

66-2150\*

Date:

Edition:

Author: CHARLES H.

Editor: SCHNEIDER

Title:

Character:

or

Classification:

Submitting Office: MEMPHIS

☐ Being Investigated

orig. fwd. Bu  
9/26/75  
RC

SEARCHED	INDEXED
SERIALIZED	FILED
SEP 26 1975	
FBI - MEMPHIS	

W/26

(Mount Clipping in Space Below)

WASHINGTON. — (AP) — The FBI conducted hundreds of break-ins against "domestic subversive targets" over a 26-year period ending in 1968, the chairman of the Senate Intelligence Committee said today.

Releasing information supplied to the committee by the FBI, Sen. Frank Church, D-Idaho, said there were 238 break-ins conducted against 14 "domestic subversive targets" from 1942 to 1968 and "numerous entries" against three other similar targets from 1952 to 1966.

Charles Brennan, former head of the FBI's Domestic Intelligence Division, testified that the FBI's use of break-ins as an intelligence-gathering tool began to die out in the early 1960s.

Brennan said it was his opinion that the practice was curtailed as a result of increased emphasis on organized crime and civil rights, and of the late FBI Director J. Edgar Hoover's fear of creating an embarrassing incident which would give critics a chance to demand his resignation as he neared the mandatory retirement age.

In other action the committee wants to question former President Nixon about a CIA program of opening and copying foreign mail to U.S. citizens, even including one letter to Nixon.

The decision to ask Nixon to testify on this and other matters was announced Wednesday by Church. James Angleton, former CIA chief of counterintelligence, told the committee intelligence agencies illegally opened private mail over a period of 20 years.

The victims, according to Angleton's testimony and statements by Church, included Nobel Peace prize winner Linus Pauling and Martin Luther King Jr., Church and other senators, Nixon himself, the Ford and Rockefeller Foundations and Harvard University.

Church said the intelligence operation, code-named "HT Lingual," intercepted a letter to Nixon in June, 1968 — when he was campaigning for president — from his speechwriter, Ray Price, who was traveling in the Soviet Union.

Church said a letter he himself wrote to his mother-in-law while on a trip to the Soviet Union was opened and photographed.

The committee is not the only one that wants to question Nixon. U.S. District Judge Lewis Smith Wednesday ordered him to submit sworn depositions in former aide Morton H. Halperin's damage suit charging the Nixon administration with illegally tapping his home phone.

During Wednesday's committee hearing, panel member Walter F. Mondale, D-Minn., read from a White House document

describing a June 5, 1970, meeting in which Nixon instructed the nation's intelligence chiefs to expand surveillance of Americans, particularly students, to determine the extent of any foreign influence on them.

It showed, Mondale said, that Nixon had "this enormous, unrestricted, paranoid fear about the American people."

(Indicate page, name of newspaper, city and state.)

PAGE

MEMPHIS PRESS  
SCIMITAR

MEMPHIS, TENN

Date:

Edition:

Author: CHARLES H.

Editor: SCHNEIDER

Title:

Character:

or

Classification:

Submitting Office: MEMPHIS

☐ Being Investigated

(Mount Clipping in Space Below)

# FBI Break-Ins Against Extremists Yielded Little, GAO Says

WASHINGTON (AP) — FBI domestic intelligence operations, including break-ins in New York City and Chicago in the 1960s, produced few warnings of extremist and subversive activities and few convictions, Congress was told Wednesday.

In delivering a comprehensive analysis of FBI domestic intelligence activity, Congress' General Accounting Office said it came across eight FBI break-ins in New York and one in Chicago in the early 1960s.

The GAO investigators told the House civil rights subcommittee they

had no details on the break-ins — not even the organizations involved — but said all were subversive and extremist groups.

"I think we can say it appears to have been a technique used fairly frequently in one field office," said Richard L. Fogel, an assistant GAO division director. "We didn't get any indication this technique was used broadly across the country."

The late FBI Director J. Edgar Hoover ordered the break-ins stopped in 1967.

The GAO said that in a survey of 676

FBI domestic intelligence investigations in 10 cities, it found only 12 cases in which advance warning was obtained of subversive or extremist activities. Some of the 676 cases went back for many years and some were as late as 1974.

Only 16 of the 676 cases were referred for prosecution and only 4 resulted in conviction of subversives or extremists.

In 344 — 51 per cent — of the cases, the FBI was unable to establish that the suspects were in fact associated

with subversive activities, the GAO report said.

But while suggesting the FBI intelligence gathering had produced too little analysis for policy makers, U.S. Comptroller Gen. Elmer B. Staats said in delivering the report that the FBI's practice of simply gathering intelligence "may be sufficient."

"Who is to say," Staats said, "that the bureau's continuous coverage on such groups and their key leaders has not prevented them, to date, from achieving their ultimate subversive and extremist goals."

The GAO said it sampled domestic intelligence investigations in Chicago, Los Angeles, New York and San Francisco, which it said had high volumes of such activity, and in Atlanta; Buffalo, N.Y.; Columbia, S.C.; Sacramento; San Diego, and Springfield, Ill.

The report said the last six cities had "medium domestic intelligence caseloads."

The GAO survey was conducted in 1974 but in many cases the intelligence investigations had covered a number of years.

(Indicate page, name of newspaper, city and state.)

PAGE 49

COMMERCIAL APPEAL

MEMPHIS, TENN.

66-2150

Date: Sept. 25, 1975

Edition:

Author:

Editor: GORDON HANNA

Title:

Character:

or

Classification:

Submitting Office: MEMPHIS

☐ Being Investigated

66-2150

SEP 25 1975

FBI — MEMPHIS

F B I

Date: 9/18/75

013

Transmit the following in CODE  
(Type in plaintext or code)Via TELETYPE NITEL  
(Priority)

TO : DIRECTOR (62-116395)

DETROIT

FROM: MEMPHIS (66-2150)

PERSONAL ATTENTION

SENSTUDY 75

REBUNITEL OF SEPTEMBER 17, 1975.

REFERENCED NITEL LISTED ADDRESS OF PHILIP S. ENDRES  
AS 22 SOUTH SECOND STREET, MEMPHIS, TENN. INQUIRIES AT  
THAT LOCATION DETERMINED HE IS NOT KNOWN THERE. BUREAU  
SUBSEQUENTLY ADVISED <sup>RE</sup> ~~RE~~ VIEW OF ADDITIONAL DATA LISTED  
1975 ADDRESS AS 1527 PINE RIDGE DRIVE, GRAND HAVEN, MICHIGAN,  
AND PRESENTLY EMPLOYED AS DIRECTOR OF SECURITY, GENERAL  
TELEPHONE COMPANY, MUSKEGON, MICHIGAN.

DETROIT HANDLE IN ACCORDANCE WITH INSTRUCTIONS SET FORTH  
IN REFERENCED NITEL.

END

RHB:ln  
(1)

66-2150

SEARCHED \_\_\_\_\_

SERIALIZED \_\_\_\_\_

INDEXED \_\_\_\_\_

FILED lme

Approved: \_\_\_\_\_

Special Agent in Charge

Sent

DE 10:13

WA 6:14 PM

Per

KEB

PAW

JRL

SHE

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

NR063 WA CODE

11:55 PM NITEL 9/17/75 MEE

TO ALEXANDRIA	JACKSONVILLE	NEW YORK
ATLANTA	KNOXVILLE	RICHMOND
BOSTON	LOS ANGELES	ST. LOUIS
DETROIT	MEMPHIS	SAN DIEGO
JACKSON	NEWARK	SEATTLE

FROM DIRECTOR (62-116395)

PERSONAL ATTENTION

SENSTUDY 75

66-2150

REBUTELS MAY 2, 1975, AND SEPTEMBER 4, 1975, TO ALL OFFICES AND BUTELC SEPTEMBER 3, 1975, TO SELECTED OFFICES INFORMING LATTER THAT SENATE SELECT COMMITTEE (SSC) HAD REQUESTED IDENTITIES OF ALL SUPERVISORS AND COORDINATORS FOR COINTELPROS IN SELECTED OF ICES FOR (1) NEW LEFT AND BLACK EXTREMIST, 1967 THROUGH 1971, AND (2) FOR WHITE HATE, 1964 THROUGH 1971.

SSC ALSO REQUESTED LOCATIONS OF PERSONS NAMED IN FIELD RESPONSES TO REFERENCED SEPTEMBER 3, 1975, TELETYPES, AND LATEST INFORMATION IN BEING FILES HAS BEEN FURNISHED TO SSC.

SAC *[Signature]*

66-2150

SEARCHED <i>[initials]</i>	INDEXED <i>[initials]</i>
SERIALIZED <i>[initials]</i>	FILED <i>[initials]</i>
SEP 18 1975	
FBI - MEMPHIS	

*[Signature]*

PAGE TWO

SSC STAFF MAY CONTACT CURRENT AND/OR FORMER EMPLOYEES NAMED, TO INTERVIEW THEM CONCERNING THEIR KNOWLEDGE OF COINTELPROS IN WHICH THEY HAD SUPERVISORY OR COORDINATING RESPONSIBILITIES.

EACH OF THE FOLLOWING FORMER EMPLOYEES EXCEPT MESSRS. CROKE AND MCMAHUS IS TO BE CONTACTED IMMEDIATELY AND ALERTED THAT HE MIGHT BE APPROACHED BY THE SSC STAFF FOR 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 INFORMATION ACQUIRED AS FBI EMPLOYEE. IT IS EMPHASIZED 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 IS NOT FEASIBLE FOR JUST CAUSE, TO BE HANDLED BY A SENIOR SUPERVISOR.

REGARDING FORMER SAs CROKE AND MCMAHUS, SSC HAS BEEN INFORMED OF THEIR POOR PHYSICAL CONDITION AND REQUESTED TO TAKE THIS INTO CONSIDERATION IN ANY ACTION CONTEMPLATED BY SSC CONCERNING THEM. WE DO NOT, HOWEVER, KNOW THAT SSC WILL

PAGE THREE

NOT CONTACT THEM. NEW YORK OFFICE, IN COORDINATION WITH NEWARK SHOULD ARRANGE TO HAVE CONTACT MADE WITH CROKE AND MCMAHUS BY A FORMER ASSOCIATE TO MAKE FRIENDLY INQUIRY AS TO THEIR CURRENT CONDITION. IT IS BEING LEFT TO DISCRETION OF SAs NEW YORK AND NEWARK, BASED ON RESULTS OF SUCH INQUIRY, WHETHER CROKE AND MCMAHUS SHOULD BE INFORMED REGARDING POSSIBLE CONTACT OF THEM BY SSC. FBIHQ DOES NOT DESIRE THAT THEY BE UNDULY ALARMED, BUT WOULD NOT WANT THEM SURPRISED BY CONTACT OF SSC STAFF IF THIS COULD IMPAIR THEIR HEALTH.

IMMEDIATELY AFTER CONTACT, RESULTS SHOULD BE FURNISHED BUREAU BY NITEL IN ABOVE CAPTION, ATTENTION INTD, W. O. CREGAR, -4612 BRIEFLY INCLUDING REACTION OF FORMER EMPLOYEES CONTACTED. IF A FORMER EMPLOYEE NO LONGER IN YOUR TERRITORY OR TEMPORARILY AWAY, SET OUT LEAD TO OTHER OFFICE IMMEDIATELY WITH COPY TO FBIHQ.

ALEXANDRIA:

SETH F. EIKENBERRY, 5367 SUMMIT DRIVE, AIRFAX, VIRGINIA

JESSE C. HALL, JR., 4535 EATE" PLACE, ALEXANDRIA, VIRGINIA

ATLANTA:

CARL E. CLAIBORNE, 1366 MARY LOU LANE, S.E., ATLANTA,

PAGE FOUR

GEORGIA

RICHARD H. DAVIS, 1147 WILD CREEK TRAIL, ATLANTA, GEORGIA

CHARLES S. HARDING, 2243 PINECLIFF DRIVE, N. E., ATLANTA,

GEORGIA

BOSTON:

RICHARD H. BLASSER, 129 ACADEMY AVENUE, WEYMOUTH,

MASSACHUSETTS

FREDERICK M. CONNORS, 15 LONGFELLOW RD <sup>ROAD, MELROSE</sup> MELROSE,

MASSACHUSETTS

MICHAEL J. McDONAGH, 28 SPRINGVALE ROAD, NORWOOD,

MASSACHUSETTS

JOHN F. NOONAN, 122 VERNON ROAD, SCITUATE, MASSACHUSETTS

DETROIT:

ROBERT F. O'NEILL, 2551 IROQUOIS, DETROIT, MICHIGAN

JACKSON:

ROY K. MOORE, 107 SWALLOW DRIVE, BRANDON, MISSISSIPPI

JACKSONVILLE:

W. HERSHEL CAVER, 3714 NORTHWEST 40TH STREET, GAINESVILLE,

FLORIDA

KNOXVILLE:

PAGE FIVE

IRVING R. ANDERSON, 1209 PERCH DRIVE, CONCORD, TENNESSEE  
LOS ANGELES:

JOHN KEARNEY, 4140 MAYFIELD STREET, NEWBURY PARK,  
CALIFORNIA

RICHARD J. STILLING, 11648 AMESTOY STREET, GRANADA HILLS,  
CALIFORNIA

JOHN S. TEMPLE, 2145 GRENADIER, SAN PEDRO, CALIFORNIA  
MEMPHIS:

7 PHILIP S. ENDRES, 22 SOUTH SECOND STREET, MEMPHIS,  
TENNESSEE

NEWARK:

BENJAMIN P. MOMANUS, 2 MICHAEL STREET, FORDS, NEW JERSEY  
NEW YORK:

THOMAS J. CROKE, JR, 15 HOLSTRA DRIVE, GREENLAWN, NEW YORK  
JOHN J. DUNLEAVY, 10 SOUTHVIEW CT., CARLE PLACE, NEW YORK  
JOSEPH H. GAMBLE, 24 CREYSTONE ROAD, ROCKVILLE CENTRE,  
NEW YORK

RICHMOND:

CHARLES F. HEINER, 25 TWIN LAKE LANE, RICHMOND, VIRGINIA  
RANDOLPH E. TROW, 1702 RANCH DRIVE, RICHMOND, VIRGINIA

PAGE SIX

JOHN H. WAGNER, 8220 BARNINGHAM ROAD, RICHMOND, VIRGINIA  
SAINT LOUIS :

JOHN J. BUCKLEY, 9469 HARALD DRIVE, WOODSON TERRACE,  
MISSOURI

EDMUND C. WELTON, 825 DEADELL COURT, FERGUSON, MISSOURI  
SAN DIEGO :

ROBERT S. BAKER, 4268 HORTENSIA, SAN DIEGO, CALIFORNIA  
SEATTLE :

LEROY W. SHEETS, 5725 72ND STREET, N. E., MARYSVILLE,  
WASHINGTON

END

NEED PAGE FOUR OVER HAVE GARELE

*ALL  
FBIME*

UNITED STATES GOVERNMENT

# Memorandum

TO : ALL EMPLOYEES

FROM : SAC, MEMPHIS (66-2150)

SUBJECT: SENSTUDY 75

DATE: 9/8/75

Re Bureau nitel dated 9/4/75.

The Bureau has pledged full cooperation with the Senate Select Committee (SSC) and has set forth new procedures relating to SSC staff interviews of current and former FBI employees. The Bureau in the past on learning of SSC interest in a current or former employee has alerted that employee of possible interview and reminded him of his confidentiality agreement with the Bureau and suggested that if he is contacted for interview, he may contact the Legal Counsel Division by collect call for further information. Usually the employee is told that he has a right to legal counsel but the Bureau cannot provide same; that the Bureau has waived the confidentiality agreement for the interview within specified parameters and that there are four privileged areas in which he is not required to answer questions. These areas relate to information which may identify a Bureau source, reveal sensitive methods or techniques, reveal identities of third agencies, including foreign intelligence agencies or information from such agencies and areas that might adversely affect ongoing Bureau investigations. A supervisor has been provided for such consultations with the employee or former employee.

Effective immediately the Bureau will no longer provide on-the-scene personnel for consultation purposes and the prospective interviewees should be told that if they desire assistance of this nature during the 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.

- 1 - Each Employee  
① - 66-2150 (SenStudy 75)  
1 - 66-31 (Office Memo File)

BDH:nkt

nkt

*1 cc sent to Emp. 9/11/75*

*66-2150*

SEARCHED.....	INDEXED.....
SERIALIZED.....	FILED.....
SEP 12 1975	
FBI - MEMPHIS	

*XH*



ME 66-2150

This change in procedure should not be construed as lessening the assistance we are furnishing to current and former employees.

The Director further advised he was exploring avenues with the Department of Justice to arrange legal representation as necessary for current and former employees without expense to them. Results of this effort will be forwarded to all divisions.

F B I

Date: 9-8-75

005

Transmit the following in CODE  
(Type in plaintext or code)Via TELETYPE NITEL  
(Priority)

TO: DIRECTOR (62-116395)

FROM: MEMPHIS (66-2150)

SENSTUDY 75.

REBUNITEL 9/5/75.

E. HUGO WINTERROWD CONTACTED BY SAC 9/8/75. WINTERROWD HAS NOT BEEN CONTACTED AS YET BY SENATE SELECT COMMITTEE (SSC). IF HE IS SO CONTACTED HE WILL IMMEDIATELY GET IN TOUCH WITH BUREAU'S LEGAL COUNSEL DIVISION FOR ASSISTANCE, INCLUDING A REVIEW OF HIS OBLIGATIONS AS TO CONFIDENTIALITY OF INFORMATION ACQUIRED AS FBI EMPLOYEE. WINTERROWD, WHO IS COMPLETELY COOPERATIVE, INTENDS TO CONDUCT HIMSELF DURING ANY INTERVIEW BY SSC MEMBERS IN ACCORDANCE WITH ANY ADVICE FURNISHED BY OFFICE OF LEGAL COUNSEL.

END

JHT:BN

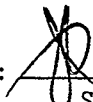
(1) 

66-2150

SEARCHED \_\_\_\_\_

SERIALIZED \_\_\_\_\_

INDEXED \_\_\_\_\_

FILED Approved: 

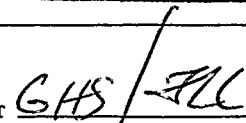
Special Agent in Charge

Sent

9:06 P

M

Per



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

NR 030 WA CODE

5:53PM NITEL 9/5/75 PMJ

TO ALEXANDRIA	BALTIMORE	BIRMINGHAM
BOSTON	CHICAGO	CINCINNATI
DALLAS	EL PASO	INDIANAPOLIS
JACKSON	JACKSONVILLE	LOUISVILLE
LOS ANGELES	MEMPHIS	MIAMI
NEW YORK	OKLAHOMA CITY	OMAHA
PHILADELPHIA	PHOENIX	ST. LOUIS
SAN DIEGO	SAN FRANCISCO	SAVANNAH
SEATTLE		

FROM DIRECTOR (62-116395)

PERSONAL ATTENTION

SENSTUDY 75

REBUTELS MAY 2, 1975, AND SEPTEMBER 4, 1975.

SENATE SELECT COMMITTEE (SSC) HAS REQUESTED WHEREABOUTS OF A NUMBER OF FORMER FBI EMPLOYEES INDICATING THEY MAY BE INTERVIEWED BY THE SSC STAFF. LISTED BELOW, BY FIELD OFFICE TERRITORY, ARE THESE FORMER EMPLOYEES AND THEIR LAST KNOWN ADDRESSES AS CONTAINED IN BUREAU FILES.

66-2150-C

754-0789  
Real 65NC 9/6/75  
R

Handled  
SAC [Signature]

66-2150

SEARCHED <i>HL</i>	INDEXED
SERIALIZED	FILED <i>me</i>
SEP 5 1975	
FBI - MEMPHIS	

[Signature]

PAGE TWO

INFORMATION FROM SSC INDICATES NAMES OF FORMER SA'S LITRENTO AND STEWART DEVELOPED AS HAVING BEEN RESPONSIBLE FOR SUPERVISING COMMUNICATIONS BETWEEN THE FBI AND CIA CONCERNING MAIL OPENING ACTIVITIES. ALL OTHERS IN LIST BELOW WERE EITHER SAC, ASAC, OR BOTH, DURING PERIOD 1959 - 1966 IN ONE OR MORE OF THE FOLLOWING OFFICES: BOSTON, DETROIT, LOS ANGELES, MIAMI, NEW YORK, SAN FRANCISCO, SEATTLE, AND WASHINGTON FIELD. THEY PRESUMABLY ARE ALSO KNOWLEDGEABLE CONCERNING MAIL OPENINGS.

EACH OF THESE FORMER EMPLOYEES IS TO BE IMMEDIATELY CONTACTED AND ALERTED THAT HE MIGHT BE APPROACHED BY THE SSC STAFF FOR 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 INFORMATION ACQUIRED AS FBI EMPLOYEE. IT IS EMPHASIZED 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.

PAGE THREE

CONTACTS WITH THESE FORMER EMPLOYEES TO BE HANDLED PERSONALLY BY SAC OR ASAC. IN EVENT THIS IS NOT FEASIBLE FOR JUST CAUSE, TO BE HANDLED BY A SENIOR SUPERVISOR.

IMMEDIATELY AFTER CONTACT, RESULTS SHOULD BE FURNISHED BUREAU BY NITEL IN ABOVE CAPTION, BRIEFLY INCLUDING REACTION OF FORMER EMPLOYEES CONTACTED. IF A FORMER EMPLOYEE NO LONGER IN YOUR TERRITORY OR TEMPORARILY AWAY, SET OUT LEAD TO OTHER OFFICE IMMEDIATELY WITH COPY TO FBIHQ.

ALEXANDRIA:

W. DONALD STEWART, CRYSTAL HOUSE I, APARTMENT 202, ARLINGTON, VIRGINIA.

JAMES H. GALE, 3307 ROCKY MOUNT ROAD, FAIRFAX, VIRGINIA

THOMAS E BISHOP, 8320 STARK ROAD, ANNANDALE, VIRGINIA

BALTIMORE:

ANTHONY P. LITRENTO, 2810 STONYBROOK DRIVE, BOWIE, MARYLAND

PAUL O'CONNELL, JR., 2417 STRATTON DRIVE, POTOMAC, MARYLAND

DONALD E. RONEY, 131 CAMBRIDGE DRIVE, WINDSOR HILLS, WILMINGTON, DELAWARE

VICTOR TURYN, 2645 TURF VALLEY ROAD, ELLICOTT CITY, MARYLAND

DONALD W. MORLEY, BOX 222, NEW MARKET, MARYLAND

PAGE FOUR

BIRMINGHAM:

JOHN DAVID POPE, JR., 221 REMINGTON ROAD, BIRMINGHAM, ALABAMA

BOSTON:

LEO L. LAUGHLIN, 9 EVERETT AVENUE, WINCHESTER, MASSACHUSETTS

EDWARD J. POWERS, 10 COLONIAL DRIVE, BEDFORD, NEW HAMPSHIRE

J.F. DESMOND, 185 FRANKLIN STREET, BOSTON, MASSACHUSETTS

CHICAGO:

MARLIN W. JOHNSON, CANTEEN CORPORATION, THE MERCHANDISE  
MART, CHICAGO, ILLINOIS

HARVEY G. FOSTER, 1012 SOUTH HAMLIN, PARK RIDGE, ILLINOIS

CINCINNATI:

PAUL FIELDS, 2677 CYCLOPAMA DRIVE, CINCINNATI, OHIO

HARRY J. MORGAN, 5314 ELMCREST LANE, CINCINNATI, OHIO

DALLAS:

PAUL H. STODDARD, 3014 CHATTERTON DRIVE, SAN ANGELO, TEXAS

KENNETH E. COMMONS, 2458 DOUGLAS DRIVE, SAN ANGELO, TEXAS

EL PASO:

KARL W. DISSLY, POST OFFICE BOX 9762, EL PASO, TEXAS

INDIANAPOLIS:

DILLARD W. HOWELL, 6413 CARDINAL LANE, INDIANAPOLIS,

INDIANA

ALLAN GILLIES, 8228 HOOVER LANE, INDIANAPOLIS, INDIANA

JACKSON:

WILLIAMS W. BURKE, JR., 1847 AZTEC DRIVE, JACKSON,

MISSISSIPPI

PAGE FIVE

JACKSONVILLE:

DONALD K. BROWN, 826 BROOKMONT AVENUE, EAST JACKSONVILLE,  
FLORIDA

WILLIAM M. ALEXANDER, 4357 WATER OAK LANE, JACKSONVILLE,  
FLORIDA

LOUISVILLE:

BERNARD C. BROWN, 2301 NEWMARKET DRIVE, N.E., LOUISVILLE,  
KENTUCKY

LOS ANGELES:

WILLIAM G. SIMON, 2075 LOMBARDY ROAD, SAN MARINO,  
CALIFORNIA

WESLEY G. GRAPP, 4240 BON HOMME ROAD, WOODLAND HILLS,  
CALIFORNIA

ARNOLD C. LARSON, 4232 ABBINGTON COURT, WESTLAKE VILLAGE,  
CALIFORNIA

JOSEPH K. PONDER, 3719 CARRIAGE HOUSE COURT, ALEXANDRIA,  
VIRGINIA. BUSINESS ADDRESS: 3030 SOUTH RED HILL AVENUE,  
SANTA ANA, CALIFORNIA

MEMPHIS:

E. HUGO WINTERROWD, 1550 NORTH PARKWAY, MEMPHIS, TENNESSEE  
MIAMI:

THOMAS MC ANDREWS, 324 NEAPOLITAN WAY, NAPLES, FLORIDA

FREDERICK F. FOX, 11450 W. BISCAYNE CANAL ROAD, MIAMI,  
FLORIDA

8176 HARLEY  
382-2219

11

PAGE SIX

NEW YORK:

JOSEPH L. SCHMIT, 656 HUNT LANE, MANHASSET, NEW YORK

HENRY A. FITZGIBBON, 76 EASTON ROAD, BRONXVILLE, NEW YORK

OKLAHOMA CITY:

JAMES T. MORELAND, 108 FERN DRIVE, POTEAU, OKLAHOMA

LEE O. TEAGUE, 2501 N.W. 121ST STREET, OKLAHOMA CITY,

OKLAHOMA  
OMAHA:

JOHN F. CALLAGHAN, IOWA LAW ENFORCEMENT ACADEMY,  
CAMP DODGE, POST OFFICE BOX 130, JOHNSTON, IOWA

PHILADELPHIA:

RICHARD J. BAKER, 219 JEFFREY LANE, NEWTON SQUARE,

PENNSYLVANIA

JOHN F. MALONE, 25 GARFIELD AVENUE, CARBONDALE, PENNSYLVANIA

PHOENIX:

PALMER M. BAKEN, JR., 3832 EAST YUCCA STREET, PHOENIX,

ARIZONA

ST. LOUIS:

THOMAS J. GEARTY, 6630 CLAYTON ROAD NR. 105, RICHMOND HEIGHTS,

MISSOURI

WESLEY T. WHALEY, 286 GREEN TRAILS DRIVE, CHESTERFIELD,

MISSOURI

PAGE SEVEN

SAN DIEGO:

FRANK L. PRICE, 2705 TOKALON STREET, SAN DIEGO, CALIFORNIA

SAN FRANCISCO:

CURTIS O. LYNUM, 644 EAST HILLSDALE BOULEVARD, SAN MATEO,  
CALIFORNIA

HAROLD E. WELBORN, 13067 LA VISTA COURT, SARATOGA,  
CALIFORNIA

SAVANNAH:

TROY COLEMAN, 36 CROMWELL ROAD, WILMINGTON PARK, SAVANNAH,  
GEORGIA.

JOSEPH D. PURVIS, 721 DANCY AVENUE, SAVANNAH, GEORGIA  
SEATTLE:

LELAND V. BOARDMAN, ROUTE 3, BOX 268, SEQUIM, WASHINGTON

RICHARD D. AUERBACH, P.O. BOX 1768, SEATTLE, WASHINGTON

JAMES E. MILNES, 4317 - 50TH AVENUE, N.E., SEATTLE,  
WASHINGTON

PAUL R. BIBLER, 15134 - 38TH AVENUE, N.E., SEATTLE,  
WASHINGTON

END

*HC*  
*FBI ME*

NR033 WA CODE

7:20PM 9/4/75 NITEL AJN

TO ALL SACS

FROM DIRECTOR (62-116395)

PERSONAL ATTENTION

SENSTUDY 75

66-2150

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 FOR

SAC *[Signature]*

66-2150

SEARCHED <i>[initials]</i>	INDEXED <i>[initials]</i>
SERIALIZED <i>[initials]</i>	FILED <i>[initials]</i>
SEP 4 1975	
FBI - MEMPHIS	

*[initials]*

*Hale [Signature]*  
Brief this into a short memo to all employees.  
*[Signature]*

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 OR 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

PLS HOLD

### SACs CONFERENCE

#### Senate Select Committee (SSC) Staff Interviews - Privileged Areas

In connection with the staff interviews there has been general agreement between the SSC, the Department and the Bureau that there are four main privileged areas and that current and ex-FBI employees need not answer questions which fall into these areas which are as follows:

- (1) Information which indentifies or may identify FBI sources.
- (2) Information which may adversely affect ongoing FBI investigations.
- (3) Information concerning sensitive methods and techniques.
- (4) Information obtained from third agencies, including foreign intelligence agencies.

*Put this in  
the sen. sel  
Comm. file*

66-2150

SEARCHED	INDEXED
SERIALIZED	FILED <i>unk</i>
1975	
FBI - MEMPHIS	

*180*

UNITED STATES GOVERNMENT

# Memorandum

TO : ALL AGENTS

FROM : *TW/* SAC, MEMPHIS (66-2150)

SUBJECT: SENSTUDY - 75

DATE: 5/21/75

Re Bureau nitel to all offices 5/20/75.

The referenced nitel advises that the Senate and House Select Committees or its representatives may contact the office for information.

In one recent instance, a representative of the Senate Select Committee telephonically inquired as to the identity of the SAC in a particular office during 1970.

In handling such inquiries, insure establishing the bona fides of the representative by a show of credentials on personal contact or if telephonically contacted by returning the telephone call back to the committee. Unless the information is of a public nature, as in the instance cited above, obtain FBI clearance prior to supplying any information. FBIHQ must be expeditiously advised of all information furnished.

Staff members may seek to interview current and former FBI employees. We have pledged full cooperation with the committee; however, we do have an obligation to insure that sensitive sources and incidents and ongoing sensitive investigations are fully protected. Should any former employee contact the office and have any question regarding his obligation not to divulge information obtained by virtue of his past employment, he should be instructed to contact Legal Counsel, FBIHQ, by collect call.

- 1 - Each Agent
- ① - 66-2150
- 1 - 66-31 (Office Memo File)

PJD:tjm

*[Signature]*

66-2150

SEARCHED	INDEXED
SERIALIZED	FILED
MAY 21 1975	
FBI - MEMPHIS	

*[Signature]*



NR136 WA CODE

4:33PM NITEL 5-22-75 PAW

TO ALL SACS

FROM DIRECTOR (62-116395)

PERSONAL ATTENTION

SENSTUDY <sup>0</sup> - 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

PLS RETURN TO TALK

*ASOC* *PAW*

*Hester* *JCH*

*Shelburne* *CAC*

*Brady* *@*

*(Admin Clerks)*

66-2150

SEARCHED	INDEXED
SERIALIZED	FILED
MAY 22 1975	
FBI - BOSTON	
<i>SAC</i> <i>176</i>	

*Keefe  
cc sent  
encl. clerk  
5-21-75  
@*

NR074 WA CODE

948PM NITEL 5-2-75 MSE

TO ALL SACS

FROM DIRECTOR (62-116395)

PERSONAL ATTENTION

SENSTUDY 75

64-2150 ✓

CAPTIONED MATTER PERTAINS TO BUREAU'S HANDLING OF REQUESTS 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

reopened  
cc sent  
can't check  
5-21-75  
②

ASAC  
Shelburne  
HESTER  
Brady

66-2150

SEARCHED	INDEXED
SERIALIZED	FILED
MAY 3 1975	
FBI - MEMPHIS	
SAC	

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

JLC FOR TWO

FBIME CLR

TU

F B I

Date: 3/25/75

Transmit the following in PLAINTEXT  
(Type in plaintext or code)Via TELETYPE NITEL  
(Priority)

005

TO: DIRECTOR ATTN: BUDGET AND ACCOUNTING SECTION

FROM: MEMPHIS

SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES

REBUTEL MARCH 24, 1975.

MEMPHIS OFFICE USES APPROXIMATELY 25 PERCENT OF ONE SUPERVISOR'S TIME IN THE SECURITY FIELD, 20 PERCENT ON INTERNAL SECURITY AND 5 PERCENT ON COUNTERINTELLIGENCE.

IN ADDITION, SIX AGENTS ARE UTILIZED, THE FOLLOWING TABLE SHOWING PERCENTAGE OF TOTAL TIME SPENT BY THESE AGENTS IN THIS FIELD:

AGENT	TIME ON SECURITY CASES	TIME ON INTERNAL SECURITY	TIME ON COUNTER- INTELLIGENCE
A	100	100	0
B	75	50	25
C	50	50	0
D	50	25	25
E	25	25	0
F	25	0	25

66-2150

IN ADDITION TO THE ONE-FOURTH SUPERVISOR TIME, THIS OFFICE USES THE EQUIVALENT OF THREE AND ONE-FOURTH AGENTS IN THE SECURITY

CFB:jap

Approved: TBM gkt

Special Agent in Charge

Sent 9<sup>12</sup> P

M

Per LTT JAC

GPO : 1970 O - 402-735

F B I

Date:

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)Via \_\_\_\_\_  
(Priority)

ME

PAGE TWO

FIELD; TWO AND ONE-HALF AGENTS ON INTERNAL SECURITY AND THE  
EQUIVALENT OF THREE-FOURTHS OF ONE AGENT ON COUNTERINTELLIGENCE.  
END.

Approved: \_\_\_\_\_ Sent \_\_\_\_\_ M Per \_\_\_\_\_  
Special Agent in Charge

NR 0322

7:25PM NITEL 3-24-75 DEB

TO ALL SACS

FROM DIRECTOR

SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES

SENATOR FRANK CHURCH, CHAIRMAN OF THE SENATE SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES HAS MADE AN INITIAL REQUEST FOR INFORMATION FROM THE FBI. AMONG THE ITEMS REQUESTED IS A BREAKDOWN OF FIELD AGENT PERSONNEL ASSIGNED TO INTERNAL SECURITY AND COUNTERINTELLIGENCE MATTERS.

ACCORDINGLY, WITHIN FOUR EIGHT HOURS EACH SAC SHOULD SUTEL TO FBIHQ, ATTENTION: BUDGET AND ACCOUNTING SECTION, SETTING FORTH SEPARATELY THE NUMBER OF SACS, ASACS, SUPERVISORS AND AGENTS ASSIGNED TO INTERNAL SECURITY AND COUNTERINTELLIGENCE MATTERS. PERCENTAGES OF AN AGENT'S TIME, WHEN NOT ASSIGNED FULL-TIME TO THESE ACTIVITIES, SHOULD BE USED IF APPROPRIATE, PARTICULARLY IN THE SUPERVISORY CATEGORIES. THIS INFORMATION SHOULD BE BROKEN DOWN SEPARATELY BETWEEN INTERNAL SECURITY AND COUNTERINTELLIGENCE. YOUR RESPONSE SHOULD BE LIMITED TO AGENT PERSONNEL ONLY.

END

ACK FOR TWO TELS GAC FBI MEMPHIS

CLAEK

*Go-Dead  
JCH*

66-2150

SEARCHED	INDEXED
SERIALIZED	FILED
MAR 24 1975	
FBI - MEMPHIS	

*[Signature]*