File #:

62-116395

Serial Scope:

267 THRU 268

268X1
269
269X1 THRU 275
277 THRU 280
282 THRU 288
290 THRU 293
295 THRU 299

UNITED STATES GOVERNMENT

SECRET

Memorandum

TO : Mr. D. J. Brennan, Jr

DATE: February 13, 1970

FROM : S. J. Papich

SUBJECT: UNION FOR REVOLUTION

[redacted], CIA, furnished the following to the Liaison Agent on 2/10/70. (S)

CIA has established a U.S. based notional organization representing itself as being communist-oriented and having the following mailing addresses: P.O. Box 444, Boston, Massachusetts, 02102 and P.O. Box 8272, General Post Office, Philadelphia, Pennsylvania, 19101. The organization's activity in the U.S. will be restricted to production of propaganda in the form of pamphlets, etc., which material will be mailed to various Left Wing groups in foreign countries. The primary objective of this operation is to develop penetrations and/or sources in revolutionary Arab groups in the Middle East. The organization is completely notional in character in that there will be no offices in the U.S. (only p.o. boxes) and even the officials will bear fictitious names. CIA hopes that once the propaganda begins circulating, Arab groups will become interested and will endeavor to establish contact with "officials" of the organization. If this develops, CIA will then proceed to use its own personnel under "suitable" cover to make the contact. From then on CIA will maneuver to penetrate the target group. (S)

In response to the Liaison Agent's request, CIA will furnish us samples of propaganda. The Agent also asked that we be given copies of communications sent to the mailing addresses by any organizations or individuals. We should have such data so that we can take the necessary investigative action in the event any persons or organizations in the U.S. take an interest in the captioned group. We, of course, will also be interested in international ramifications which could have a bearing on the activities of Left Wing activity in this country. The Agent also asked for the names of the officials which will be related to the Union for Revolution. (S)

At this stage there does not appear to be any conditions or developments which would have an adverse bearing on our operations or jurisdiction providing that CIA keeps us adequately informed. CIA asks that it be apprised of any information coming to our attention concerning the organization. CIA further requests that its interest not be revealed outside of the Bureau and that this information be handled on a need-to-know basis. (S)

SJP:wmk
(6)

SECRET

62-116395-294

CONTINUED - OVER

ENCLOSURE

Memorandum to Mr. D. J. Brennan, Jr.
RE: UNION FOR REVOLUTION

ACTION:

The above information is being directed to the attention of the Internal Security Section and the Nationalities Intelligence Section. Liaison will follow in order to obtain samples of the propaganda referred to above and will again reiterate that we be furnished copies of communications transmitted to the mailing addresses.

OPTIONAL FORM NO. 10 MAY 1962 EDITION 5010-106

UNITED STATES GOVERNMENT

Memorandum

JFK Act 5 (g) (2) (D)

TO : Mr. D. J. Brennan, Jr

DATE: February 13, 1970

FROM : S. J. Papich

SUBJECT: UNION FOR REVOLUTION

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE.

Norman Garrett, CIA, furnished the following to the Liaison Agent on 2/10/70. (S)

CIA has established a U.S. based notional organization representing itself as being communist oriented and having the following mailing addresses: P.O. Box 444, Boston, Massachusetts, 02102 and P.O. Box 8272, General Post Office, Philadelphia, Pennsylvania, 19101. The organization's activity in the U.S. will be restricted to production of propaganda in the form of pamphlets, etc., which material will be mailed to various Left Wing groups in foreign countries. The primary objective of this operation is to develop penetrations and/or sources in revolutionary Arab groups in the Middle East. The organization is completely notional in character in that there will be no offices in the U.S. (only p.o. boxes) and even the officials will bear fictitious names. CIA hopes that once the propaganda begins circulating, Arab groups will become interested and will endeavor to establish contact with "officials" of the organization. If this develops, CIA will then proceed to use its own personnel under "suitable" cover to make the contact. From then on CIA will maneuver to penetrate the target group. (S)

In response to the Liaison Agent's request, CIA will furnish us samples of propaganda. The Agent also asked that we be given copies of communications sent to the mailing addresses by any organizations or individuals. We should have such data so that we can take the necessary investigative action in the event any persons or organizations in the U.S. take an interest in the captioned group. We, of course, will also be interested in international ramifications which could have a bearing on the activities of Left Wing activity in this country. The Agent also asked for the names of the officials which will be related to the Union for Revolution. (S)

At this stage there do s not appear to be any conditions or developments which would have an adverse bearing on our operations or jurisdiction providing that CIA keeps us adequately informed. CIA asks that it be apprised of any information coming to our attention concerning the organization. CIA further requests that its interest not be revealed outside of the Bureau and that this information be handled on a need-to-know basis. (S)

SJP:wmk (6)

Classified by 6283
Exempt from GDS, Category 3
Date of Declassification Indefinite

SECRET

CONTINUED - OVER

CLASSIFIED BY Seaman Bpg
DECLASSIFY ON: 25X
11-15-2000
NSE-16

Memorandum to Mr. D. J. Brennan, Jr.
RE: UNION FOR REVOLUTION

ACTION:

The above information is being directed to the attention of the Internal Security Section and the Nationalities Intelligence Section. Liaison will follow in order to obtain samples of the propaganda referred to above and will again reiterate that we be furnished copies of communications transmitted to the mailing addresses.

CLASSIFY AS APPROPRIATE

NOTE: SEE INSTRUCTIONS ON REVERSE BEFORE COMPLETING.

TO: Intelligence Community Staff
ATTN: Central Index

FROM: Federal Bureau of Investigation

SECRET

SUBJECT: Abstract of Information Provided to Select Committees

1. HOW PROVIDED (check appropriate term. If a document was made available for review but not transmitted, so note.)

X	DOCUMENT		BRIEFING		INTERVIEW		TESTIMONY		OTHER

2. DATE PROVIDED: 6/11/75

3. TO WHOM PROVIDED (check appropriate term; add specific names if appropriate)

X	SSC
	HSC

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE.

4. IDENTIFICATION (provide descriptive data for documents; give name or identification number of briefer, interviewee, testifier and subject)

Other Specific FBI Practices and Programs

5. IN RESPONSE TO (list date and item number if in response to formal request, otherwise state verbal request of (name), initiative, subpoena, etc.)

SSC letter 5/14/75, Appendix C, Part III, Item 24.

6. CLASSIFICATION OF INFORMATION (enter U, C, S, TS or Codeword)

"S"

7. KEY WORDS (enter the appropriate key words from the list provided separately; if key words not listed are used underline for emphasis)

COVERT ACTIVITIES (S)

10-15-2000
CLASSIFIED BY SP2ALM/BAP
DECLASSIFY ON: 25X1
MBP-16

8. SUMMARY (see reverse side before completing this item)

With agreement of CIA, SSC was furnished with copy of documents maintained by the Bureau relating to establishment by CIA in this country of a "notional" Marxist-Leninist organization. (S)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11-3-00 BY SP2ALM/BAP
MBP-16

Note: Original via liaison to Central Community Index in connection with Senstudy 75.
6-24-75 CFS

1.1.6 C
Encl
5 Bin

TJM:lhb
(4)

62-116395

MARK AS YELLOW

SECRET

3791 (6-75)

CLASSIFY AS APPROPRIATE

ENCLOSURE
62-116395-284

SECRET

SECRET

2 - Mr. J. A. Mintz
(1 - Mr. J. B. Hotis)
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. B. T. Palmer
1 - Mr. H. W. Dare, Jr.

62-116395

June 11, 1975

UNITED STATES SENATE SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE.

RE: OTHER SPECIFIC FBI PRACTICES AND PROGRAMS

Reference is made to memorandum from captioned Committee dated May 14, 1975, and the appendices thereto, which contained requests for information from the FBI concerning all memoranda and other materials reflecting conversations, contacts, or communications between the FBI and the CIA on the subject of the establishment or creation of "national" Marxist-Leninist organizations within the United States.

In response to Item number 24, Part III, Appendix C, enclosed for the Committee is a copy of a memorandum from S. J. Papich to Mr. D. J. Brennan, Jr., dated February 13, 1970, captioned "Union For Revolution," which sets forth information from CIA advising of the establishment of a "national" Marxist-Leninist organization by the CIA. Although the FBI did, as noted in other responses to the Committee, establish and direct such national organizations, no information has been developed indicating the FBI consulted with CIA regarding their establishment or creation.

Enclosure

1 - The Attorney General

CLASSIFIED BY SP2AUM/AP
DECLASSIFY ON: 25X
11-15-2006 MDR-16

CLASSIFIED BY SP2AUM/AP
DECLASSIFY ON: 25X
11-15-2006 MDR-16

SEE NOTE PAGE 2

SECRET

HWD:prd
(9)

Classified by 6283
Exempt from GDS, Category Number 2
Date of Declassification Indefinite

SECRET

62-116395-284

ENCLOSURE

MAIL ROOM ☐ TELETYPE UNIT ☐

The Attorney General

NOTE:

See memorandum W. O. Cregar to Mr. W. R. Wannall, dated 6/6/75, which advised of CIA's clearance to forward memorandum dated 2/13/70 to the Committee. In enclosure dated 2/13/70, the name of the CIA Agent who furnished the information has been excised per CIA's request. Memorandum dated 3/23/70 and captioned "Union For Revolution," mentioned in W. O. Cregar memorandum to Mr. W. R. Wannall, dated 6/6/75 is not being forwarded to the Committee since it is not responsive to the Committee's specific request. That memorandum deals with an evaluation of CIA's notional operation by this Bureau. (S)

~~Classified "Secret"~~ in accordance with CIA's classification of its information per Mr. Walt Elder, CIA. (S)

SECRET

THE DIRECTOR OF CENTRAL INTELLIGENCE

WASHINGTON, D. C. 20505

Intelligence Community Staff

DCI/IC-75-0119
10 June 1975

MEMORANDUM FOR: See Distribution

SUBJECT : Memorandum dated 6 June 1975 re Task Force Assignments

1. This memorandum is a follow-on to subject memorandum and in addition to completing the principal officer assignments also lists task force members assigned by other agencies:

	Subject	Principal Agency	Principal Officer	Task Force Assignments
CIA State DOD	Assassinations	White House	Mr. Wilderotter IDS 145-7094	James Gardner, State Dept. IDS 101-29034
CIA Army	Drug Abuse (Testing of drugs)	CIA	Sayre Stevens IDS 143-4303	Malcolm Lawrence State Dept. IDS 101-28694
FBI, CIA W. House DofJ	Political Abuses (1964)	FBI	Hunter Helgeson ~~John Thomas~~ ~~324-4609~~ IDS 17V-488V Green V303	
ALL	Domestic Surveillance (incl. 17 taps, Huston Plan, etc.)	Justice	John Martin IDS 187-4555	Charles Kane CIA IDS 143-6777 Verne St. Mars State Dept. IDS 101-29448

ALL FBI INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11-16-2006 BY SP2 RUMFORD

CLASSIFIED BY 006805
EXEMPT FROM GENERAL DECLASSIFICATION SCHEDULE OF E. O. 11652, EXEMPTION CATEGORY: § 5(b)(1, 2, 3) or (4) (circle one or more)
AUTOMATICALLY DECLASSIFIED ON
Impossible to Determine
(unless impossible, insert date or event)

62-116395-200

ENCLOSURE

	Subject	Principal Agency	Principal Officer	Task Force Assignments
FBI CIA(Clarke) DOD	Electronic Surveillance and Warrantless Wiretap	Justice	George Calhoun IDS 187-4401	William Jones State Dept. IDS 101-20370
FBI CIA, DOD	Use of Notional Organizations	FBI	John Thomas 324-4609 IDS 171-4609 GREEN V303	
FBI CIA	Use of Proprietary Organizations	CIA —	Erich Isenstead Green 3140	Lee Peters State Dept. IDS 101-29403
FBI CIA DOD	Mail Cover and Intercept	Justice	Phil White IDS 187-4674	Ernest Tsikerdanes CIA IDS 143-6348
(to be defined by SSC)	Watch List	DoD	Benson Buffham NSA 688-7222	
DOD	Army Surveillance	DoD	Dr. David Cooke 695-4436	

2. The following officers from the Department of State have been named to assist in the CIA preparation of comprehensive papers on the following geographic and subject areas:

Greece	James Gardner IDS 101-29034
Dominican Republic	James Gardner IDS 101-29034
Laos	James Henderson East Asia Bureau
The Congo	Bayard King IDS 101-21504
Indonesia	Patricia Barnett IDS 101-22369

Katzenbach Report

Emerson Brown
IDS 101-21504

3. The proposed DCI's letter to the Chairman of the House Select Committee on Intelligence is in final coordination and is expected to be available for Community review shortly. Following this, Mr. Wilderotter will meet with the General Counsels to review and coordinate on the final language.

Harriett Mowitt

Harriett Mowitt
Executive Secretary
USIB Ad Hoc Coordinating Group

cc: Mr. Buchen
Mr. Hills

Distribution:
1 - Mr. Wilderotter
1 - Mr. Latimer
1 - Mr. Hyland
1 - Mr. Morell
1 - Mr. O'Connor
1 - Mr. Cregar
1 - Mr. Knoche
1 - Mr. Clarke

~~SECRET~~

Rec'd from Ad Hoc Comm. 6/16/75 LFS

27 May 1975

MEMORANDUM

SUBJECT: Electronic Surveillance Legislation

1. Over a dozen bills have been introduced in Congress to date aimed at restricting electronic surveillance conducted on national security grounds. Although impelled by concern for the Fourth Amendment rights of American citizens, the major bills in this area (S. 743, H.R. 141, H.R. 214) are characterized by a heavy-handed approach which poses a serious threat to the exploitation of foreign SIGINT sources, both within the United States and overseas. (Signals intelligence subsumes communications intelligence and electronic intelligence.)

2. The 1968 Omnibus Crime Control and Safe Streets Act (18 U.S.C. 2510, et seq.) established certain procedures which require the Government to obtain a court order issued on probable cause prior to conducting wire or oral communication interception in the investigation of certain offenses. In section 2511(3) of that Act, Congress specifically disavows any limitation on the constitutional powers of the President in national security matters and recognizes that the President has inherent constitutional authority to engage in certain foreign intelligence activities:

> (n)othing contained in this chapter or in section 605 of the Communications Act of 1934 shall limit the constitutional power of the President ... to obtain foreign intelligence information deemed essential to the security of the United States, or to protect national security information against foreign intelligence activities. (emphasis added)

The emphasized language implicitly recognizes that foreign intelligence surveillances may be distinguished from national security surveillances aimed at the discovery and prosecution of criminal conspiracies and activity.

3. In reliance on these Presidential powers and congressional recognition thereof, foreign intelligence signal and communication interceptions may be conducted within the United States without judicial warrant.

ALL FBI INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11-14-2000 BY 62116/kp NSA-16

62-116395-278

ENCLOSURE

~~SECRET~~

4. Sentiment that the provisions of 18 U.S.C. 2511(3) (quoted above) are incompatible with Fourth Amendment rights has spawned a Senate bill and over a dozen House bills (some of these identical) aimed at closing what the sponsors view as "the national security loophole" in current surveillance laws. A distinctive approach to national security surveillance is taking shape which would prohibit the use of warrantless surveillance for any reason whatsoever, treating national security surveillance under a single rubric, without distinguishing between gathering foreign intelligence on the one hand, and national security surveillances aimed at the discovery and prosecution of criminality, on the other.

(a) S. 743 by Senators Nelson and Kennedy would amend 18 U.S.C. 2510, et seq., as follows: First, repeal 18 U.S.C. 2511(3) thereby withdrawing whatever congressional recognition that section gave the foreign intelligence surveillance powers of the President. Second, prohibit intercepting the communications of an American citizen or alien admitted for permanent residence until a prior judicial warrant is obtained issued on probable cause that a specific crime, e.g., espionage, has been or is about to be committed. Third, prohibit intercepting the communication of a foreign power or its agent until a prior judicial warrant is obtained by establishing probable cause (a) that such interception is necessary to protect the national defense (note narrower standard than national security); (b) that the interception will be consistent with the international obligations of the United States; and (c) that the target is a foreign power or foreign agent. (A foreign agent is defined as any person, not an American citizen or alien lawfully admitted for permanent residence, whose activities are intended to serve the interests of a foreign power and to undermine the national defense. Each application for such an interception would be made to the D. C. Federal District Court on personal and written authorization of the President and would provide detailed information on the target, the purposes and justification of the interception.) Upon court approval, only the FBI would be authorized to intercept the communication. Fourth, require that every American citizen targetted be informed of the specifics of the surveillance within a month of the last authorized interception. (This disclosure could be postponed if the Government satisfies the court that the target is engaged in a continuing criminal enterprise or that disclosure would endanger national security interests. A foreign power or its agent need not be informed of interceptions.) Fifth, require the Attorney General to report to the Congress, at least quarterly, the details of each interception undertaken on national security grounds, to be filed with the Senate Foreign Relations and Judiciary Committees and the House International Relations and Judiciary Committees.

(b) H. R. 141 by Representative Kastenmeier, Chairman of the House Subcommittee on Courts, Civil Liberties, and the Administration of Justice, which has legislative jurisdiction for surveillance, is similar to the above bill. It would repeal 18 U.S.C. 2511(3) and amend Title 18 to permit communications interception in national security cases only under court order issued on probable cause that an individual has committed one of several enumerated offenses or is engaged in activities intended to serve the interests of a foreign principal and to undermine the national security. (From the language of the bill, it could be argued that the foreign agent's activities would have to constitute a criminal offense before a warrant could be issued.) The bill does not mention the communications of a foreign power. Each application for an interception would have to be authorized by the Attorney General and made to a Federal judge of competent jurisdiction. The targetted individual would be informed of the surveillance within ninety days. The President, Attorney General, and all Government agencies would be required to supply Congress, through the Senate Judiciary and Foreign Relations Committees and the House Judiciary and International Relations Committees, any information regarding any interception applied for.

(c) H. R. 214 by Mr. Mosher and seven identical bills co-sponsored by over 70 Congressmen from both parties, would prohibit any interception of communications, surreptitious entry, mail-opening, or the procuring and inspection of records of telephone, bank, credit, medical, or other business or private transactions of any individual without court order issued on probable cause that a crime has been committed. Like S. 743 and H. R. 141, reviewed above, H.R. 214 would repeal 18 U.S.C. 2511(3). Unlike the above bills, H.R. 214 does not provide for non-law enforcement surveillance. It would also strike out provisions for summary procedures for intercepting communications during emergencies and would require that detailed information on each application for a communication interception be reported to the House and Senate Judiciary Committees.

5. Intelligence Community Interests: These bills, through imposing judiciary administration over all surveillance, would impair existing responsibility to conduct electronic surveillance in gathering foreign positive intelligence, which now reaches wholly domestic communications, those both transmitted and received within the United States; wholly foreign communications, those both transmitted and received abroad; and transnational communications, international communications received in or transmitted from the United States.

SIGINT provides a broad range of foreign intelligence ranging from early warning indicators to the most mundane information. The importance of any single intercept or series of interceptions cannot be anticipated in advance; therefore, the probable cause standard and the proposed requirements of "particularity" are inappropriate in connection with this method of foreign intelligence collection. (Furthermore, the House bills would impair existing responsibility for using other intelligence gathering techniques against foreign subjects within the United States, e.g., medicepts, photo surveillance, etc.)

6. Effect on Intelligence Community Interests: The bills reviewed above would severely restrict domestic communications interception for foreign intelligence gathering purposes; raise serious questions respecting authority to intercept transnational communications; and would even raise questions concerning the foreign intelligence community's authority to conduct electronic surveillance abroad free from judicial intrusion or other conditions. (Moreover, the House bills would restrict the use of other intelligence gathering techniques against foreign targets within the United States.)

(a) Domestic Electronic Surveillance: An operation mounted against a foreign target within the United States to gather foreign positive intelligence would apparently not meet the court test unless the specific message targetted involved an anticipated, demonstrable and direct threat to the national defense. S. 743 explicitly confers interception authority to the FBI alone. It also explicitly raises the issue of the consistency of surveillance with international obligations, e.g., the Vienna Convention, and thus challenges the position taken by the State Department that no current international obligation precludes targetting foreign facilities within the United States.

(b) Transnational Electronic Surveillance: Proposed legislation would apparently subject the interception of transnational communications from a situs within the United States to the probable cause standard. It could also provide grounds for arguing that interceptions of transnational communications from facilities outside the United States would be subject to the same standard.

(c) Foreign Electronic Surveillance: The bills reviewed above are broadly written and the prohibitions are not expressly limited to the territory of the United States. While the reach of this legislation should be subject to the built-in limitation that the authority of a federal court to issue warrants is confined to its territorial limits, repeal of 18 U.S.C. 2511(3) and the articulation of probable cause standards for foreign intelligence gathering activities could have a grave impact on overseas intelligence collection by bringing into play a body of exclusionary rule case law (developed in ruling on the admissability in a Federal criminal trial of evidence obtained overseas by electronic surveillance). Suffice it, here, to say that this could result in

subjecting overseas foreign intelligence surveillance to the proposed probable cause standards as a test of the "reasonableness" required by Fourth Amendment protections. Moreover, this legislation could raise complex questions in situations where an element of the interception process falls within the jurisdiction of the federal court, e.g., the physical presence of the surveillance device. Even if these bills would not directly affect authority to conduct foreign electronic surveillance, they could ultimately weaken it by raising the opportunity to argue that this authority rests only on three bases--assertion of inherent Presidential intelligence-gathering powers, congressional recognition and judicial acceptance. Repeal of 18 U.S.C. 2511(3) may be viewed as weakening the argument that Congress has recognized foreign intelligence gathering authority inherent in the President and delegated to his Executive branch agents.

7. Summary:

--Proposed legislation would repeal 18 U.S.C. 2511(3) and would impose judicial administration of a "probable cause" standard over foreign intelligence electronic surveillance. At the very least, this would restrict communications interceptions against foreign targets within the United States to situations involving an anticipated, demonstrable and direct threat to the national defense. Also, this would probably subject the interception of transnational communications, from either an overseas or domestic situs, to the same judicial standards. Finally, this would raise difficult questions concerning the ability of CIA, NSA, and the service cryptologic agencies to conduct electronic surveillance overseas against foreign targets without conforming to the standards of Fourth Amendment "reasonableness" articulated in this legislation. In sum, enactment of proposed legislation would severely restrict the collection and processing of foreign SIGINT and would seriously impair the production of all-source intelligence.

--By repealing 18 U.S.C. 2511(3) and by introjecting the judiciary into the field of foreign intelligence gathering, proposed legislation raises a constitutional challenge insofar as it purports to withdraw sanction of and place limitations on the President's inherent power to conduct foreign surveillance. This infringement could undermine the Executive sources of authority upon which the intelligence community depends. To be sure, the proposed requirement of prior judicial authorization of foreign intelligence surveillances is altogether impractical. But the fundamental constitutional objection is that it purports to share Executive authority with judicial officers having no expertise in or responsibility for national security or foreign affairs. The necessity of a foreign intelligence surveillance is simply inappropriate for judicial resolution. It is a matter committed to the Executive branch by the Constitution and an area for which there are no judicially manageable standards. An arrangement by which federal judges decide what foreign intelligence the President may have in his conduct of foreign

relations is incompatible with the Chief Executive's inherent foreign intelligence gathering powers. Since this Presidential authority is constitutional in nature and stems from a fundamental separation of governmental powers, a Congressional attempt to require its sharing with the judiciary would certainly lead to protracted constitutional litigation. Moreover, Congress implicitly authorized the use of electronic surveillance in foreign intelligence activities and this legislation would circumscribe the very functions which Congress intended the Agency to perform.

UNITED STATES GOVERNMENT

Memorandum

~~SECRET~~

1 - Mr. J. B. Adams
3 - Mr. J. A. Mintz
(1-J.B.Hotis)
(1-Mr.P.V.Daly)
1 - Mr. W. R. Wannall
1 - Mr. T. W. Leavitt
1 - Mr. W. A. Branigan
1 - Mr. W. O. Cregar

Assoc. Dir. ___
Dep. AD Adm. ___
Dep. AD Inv. ___
Asst. Dir. ___
Admin. ___
Comp. Syst. ___
Ext. Affairs ___
Files & Com. ___
Gen. Inv. ___
Ident. ___
Inspection ___
Intell. ___
Laboratory ___
Plan. & Eval. ___
Spec. Inv. ___
Training ___
Legal Coun. ___
Telephone Rm. ___
Director Sec'y ___

TO : MR. W. R. WANNALL

DATE: May 27, 1975

FROM : MR. W. O. CREGAR

SUBJECT: SENSTUDY 75

INFORMATION CONTAINED
IS UNCLASSIFIED EXCEPT
SHOWN OTHERWISE

This memorandum reports the results of a meeting* between Mr. John Elliff, Senate Select Committee (SSC) Staff, who is in charge of the task force looking into the FBI, and Messrs. Wannall, Leavitt, Branigan, and Cregar. Purpose of the meeting was to acquaint Elliff with the work of the Counterintelligence Branch in the Intelligence Division.

House Select Committee (HSC)

Elliff advised that the SSC is concerned with how the HSC plans to conduct its probe of the intelligence community. He anticipates HSC may hold hearings very shortly and possibly prior to the time the SSC gets underway. At the present time, Elliff knows of no agreement or plans to provide the HSC with copies of intelligence community documents the SSC has been furnished.

Department of Justice

According to Elliff, Kevin T. Maroney, Deputy Assistant Attorney General, Criminal Division, has agreed to allow Staff Members of the SSC to review the Department's file on the Intelligence Evaluation Committee (this was a Committee chaired by the Department and evolved from one of the recommendations set out in the "Houston Plan." During its existence the Bureau had several representatives assigned to the IEC).

Mr. Maroney has also advised the SSC Staff that in the 1966-67 period the Department of Justice did an extensive study on the legal authority for the conduct of electronic surveillances. Elliff was quite pleased that the Justice Department planned to make this study available for review by Staff Members of the SSC in the Department's Building and expressed the hope that the Bureau would also see fit to allow Staff Members to review research and studies the Bureau might have conducted in the area of sensitive investigative techniques.

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62-116395

WOC:ekw (9)

*5/22/75

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CONTINUED - OVER

17 JUN 27 1975

84 JUN 27 1975

Sensitive Investigative Techniques

Mr. Elliff felt that much could be accomplished in responding to the SSC request of 5/14/75 if the Bureau could pull together the basic FBI documents delineating our legal authority to engage in the following investigative techniques.

(1) Electronic surveillances, including consensual electronic surveillances; (2) all forms of mail surveillances including covers and openings; (3) physical surveillances including Special Agent (SA) infiltration of target groups; photography and remote viewing and sensing devices (laser beams); (4) surreptitious entries; (5) incommunicado interrogations; and (6) bank credit, and other personal information.

It was Elliff's opinion that if the Committee could be allowed to review the legal authority for such surveillances along with the documents showing how the decision-making process worked in instituting, approving and discontinuing such operations, much of the misunderstandings some members of the Committee have would be clarified. Elliff also felt a detailed briefing of the Committee with whatever limitations the Bureau desired to place on the number and level of those to be briefed would be extremely helpful in assisting the Committee in developing some authority for the FBI to legally engage in such sensitive activities in the future.

Three Top Priority Items of the SSC

Elliff advised that in his judgment the three top priority items of the SSC regarding the FBI are as follows. (1) Develop legislation to clearly delineate the Bureau's jurisdictional authority in the security and counterintelligence field. (2) Provide the Bureau with some authoritative basis, either statutory or otherwise, to engage in certain counter-intelligence activities, i.e., surreptitious entry, electronic surveillances, incommunicado interviews, in national security cases when the need for such activity has been clearly established. (3) To improve the coordination between the FBI and the rest of the intelligence community.

Elliff was questioned about the reason for the third priority. He responded by noting that one President (Nixon) had stated that in 1970 there was a breakdown in the relations between the FBI and the rest of the intelligence community. Elliff was informed that this was not so, that the discontinuance of a formal liaison relationship with Central Intelligence Agency (CIA) and subsequently the rest of the intelligence community in 1970 did not mean that there was a breakdown in coordination. Elliff asked why the Bureau discontinued a formal liaison relationship with CIA in early 1970. We briefly reviewed for Elliff the Thomas Riha case pointing out that Mr. Kelley had personally caused a review of that case in an effort to determine whether it, in fact, was the reason for the discontinuance of our liaison relationship with the CIA. Elliff was informed that this was the case. In addition, we discussed with Elliff the 1966 understanding between CIA and the FBI and made it quite clear to him that we felt the relationship with not only CIA but the entire intelligence community was excellent.

Other Matters of Interest

During the course of the briefing, Elliff was shown charts depicting the inordinate increase of Sino-Soviet bloc official presence in the U. S. from 1959 through January, 1975, the growth of the presence of foreign hostile intelligence officials in the U. S. during this same period compared with the static number of SAs we had working against this threat during this same period. Elliff was concerned over the fact that the presence of Sino-Soviet bloc officials as well as the intelligence officers increased substantially while the number of SAs dedicated to counterintelligence investigations remained static. He wondered why this was so. Elliff was advised that it was a question of manpower and priorities. He was told that during the 1959-1975 period there was a considerable demand for the use of SA personnel in the fields of organized crime, civil rights & ghetto riots. In addition, during that period of time additional investigative responsibilities were placed upon the FBI by virtue of new legislation.

Memorandum to Mr. W. R. Wannall
RE: SENSTUDY 75
62-116395

Elliff was also interested in knowing whether our legal attaches were operational in the counterintelligence field. He was advised they were not. Elliff also asked whether CIA made available to the FBI their latest technical developments. He was advised that we believed they did.

Finally, Elliff desired to know whether the FBI had received any documents from another Government agency (CIA) wherein the Bureau was requested to surreptitiously enter the Chilean Embassy in Washington, D. C. He was advised that this would have to be researched and that we would be in touch with him on this particular subject.

RECOMMENDATIONS:

(1) We have already begun to examine the material asked for regarding the FBI's legal authority and implication of sensitive investigative techniques. Once examined and analyzed, we will submit recommendations as to how we should proceed taking into consideration the observations and suggestions of Elliff.

(2) We are pulling together the documents regarding the Chilean Embassy episode and with approval will suggest Elliff submit his specific request in writing through the AG.

Elliff advised by Ed Daley 6/16/75 WOB