

# File #:

602-116395  
62-HQ-116395

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1<sup>st</sup> NR 1203X, 1204X, 1<sup>st</sup> NR 1204X, 1206-1210X  
1212, 1214X, 1214X1, 1215, 1215X

Released under the John F. Kennedy  
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P.L. 102-166, USC 2107 Note & Search  
Report Date: 03-18-2025  
Released Date: 03-18-2025  
1232 (44 TBC 2107 Data).  
Released Date: 03-17-2025

UNITED STATES GOVERNMENT

**Memorandum**

TO : Mr. J. B. Adams

FROM : Legal Counsel

SUBJECT: SENSTUDY 75

**MATERIAL FOR SENATE SELECT COMMITTEE ON INVESTIGATING INTELLIGENCE ACTIVITIES (SSC)**

- 1 - <sup>2</sup> Mr. S. F. Phillips  
 1 - Mr. Mintz - Encls. (2)  
 1 - Mr. Adams - Encls. (2)  
 1 - Mr. Bassett - Encls. (2)

DATE: 12/5/75

- Mr. Newman - Encls. (2)  
 Mr. Oregon - Encls. (2)  
 1 - Mr. Hotis - Encls. (2)  
 1 - Mr. Daly - Encls. (2)

**2. ORIGINATING ORGANIZATION:** FBI - NYALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 12/12/02 BY SP-106

Assoc. Dir. \_\_\_\_\_  
 Dep. AD Adm. \_\_\_\_\_  
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 Asst. Dir. \_\_\_\_\_  
 Admin. \_\_\_\_\_  
 Comp. Syst. \_\_\_\_\_  
 Ext. Affairs \_\_\_\_\_  
 File & Com. \_\_\_\_\_  
 Gen. Inv. \_\_\_\_\_  
 Intel. \_\_\_\_\_  
 Inspection \_\_\_\_\_  
 Intell. \_\_\_\_\_  
 Laboratory \_\_\_\_\_  
 Legal Coun. \_\_\_\_\_  
 Plan. & Eval. \_\_\_\_\_  
 Spec. Inv. \_\_\_\_\_  
 Training \_\_\_\_\_  
 Telephone No. \_\_\_\_\_  
 Director Secy. \_\_\_\_\_

**3. NATURE OF MATERIAL:** Letterhead memorandum  
**4. DOCUMENT CLASSIFICATION:** Unclassified  
**5. INITIAL SECURITY INFORMATION:** S-106-1A  
**6. SUBJECT OF CONTENTS:**

The meeting discussed the forthcoming testimony on 12/9/75 of the Director before that Committee and Elliff furnished the Bureau two draft papers discussing the Bureau's investigative jurisdiction and issues the Committee Staff feels the Senate Select Committee must address from a legislative standpoint. Copies of these papers are attached. The original request be modified as follows. The FBI will prepare the necessary list and make it available for review by the appropriate cleared personnel of the SSC Staff.

The first paper which consists of six pages discusses in Part I what the Committee sees as problems arising out of the FBI's domestic intelligence investigations. This portion highlights the fact that these investigations may be overbroad in scope, collect irrelevant information, and continue the investigations beyond what the Committee sees as their normal investigative conclusion. This portion also addresses the investigative techniques used during these investigations and the resultant dissemination of information collected.

**9. DATE OF SUBMISSION:** 4/8/75

**10. LOCATION OF FILE COPY:** FBI file 62-11635-53  
 SF-661-17-152-HEM-BG  
 63-44395-1215X

Under Part 2, the document discusses options available to the Committee. These options ran the gamut from abolition of the Bureau's domestic intelligence functions to administrative oversight by the Attorney General or Congressional oversight or enacting legislation providing for domestic intelligence investigations with legislative limits imposed on such investigations. Included is the consideration of creating an independent Inspector General.

**NOTE:** Original via liaison to Central Community Index in consultances in Senstudy 75.

7 JAN 22 1976

CONTINUED - OVER

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MAIL ROOM

TELETYPE UNIT

12/6/76

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ALL INFORMATION CONTAINED  
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DATE 12-11-88 BY [initials]

Intelligence Division  
Legal Counsel to Mr. Adams

RE: SENSTUDY 75

INFORMATIVE NOTE

Date 4/25/75

You were previously advised that John T. Elliott begins by a six-page statement of the Bureau's current authority to conduct intelligence investigations. He then lists activities of the American Indian Movement (AIM), after being confronted by AIM leaders, admitted being a confidential informant for the FBI. This information has been made public.

Attached teletype from Omaha advises that Assistant U. S. Attorney Keith E. Uhl

Office of Special Prosecution stated he received a telephone call 4/24/75 from Durham and that Durham told him he had been contacted by representatives of the Office of Sen. George Mitchell, Washington, D.C., requesting Durham's presence in Washington during the week of April 28, 1975, for

purpose of attending staff meetings to determine his potential as a witness before committee investigating operations of the FBI. Durham indicated he intended to comply and would have no further contact with the FBI. We are following this matter closely and you will be kept advised.

Option 4 considers setting up a General Intelligence Investigations Division. In this Option 1 - Legal Counsel Division, the FBI should be authorized by statute to conduct intelligence investigations only as Congress intended. Criminal investigations would not provide participants or prevent the use of violence in law and that incidents of the use of violence are of a serious nature and threaten the

WDN:ljj

IGD/wb  
For purposes of the Director's appearance before the Senate Select Committee, it is to questions concerning the aforementioned that the Bureau has received copies and

## COMMUNICATIONS SECTION

Legal Counsel to Mr. Adams  
RE: SENSTUDY 75 APR 24 1975

TELETYPE

NR 005 OM PLAIN

ELLIFF indicated during this meeting that the Director during his appearance may anticipate being asked a question by one of the Senators relating to his statement before the American Bar Association in Montreal concerning the necessity for the sacrifice of certain individual rights at the expense of investigations. He also anticipated the Director might be asked a question concerning his position on COINTELPRO. Regarding the question concerning the Director's statement before the American Bar Association in Montreal, the Legal Counsel Division will draft a proposed response. Concerning COINTELPRO, a response has been prepared and will be put together with the briefing material for the Director.

ON APRIL 24, 1975, AUSA KEITH E. OHL, ADVISED HE

RECEIVED TELEPHONE CALL FROM SUBJECT RELATING SUBJECT HAD BEEN CONTACTED BY REPRESENTATIVES OF THE OFFICE OF SENATOR FRANK CHURCH, WASHINGTON, D.C., REQUESTING

~~RECOMMENDATIONS:~~ HIS PRESENCE IN WASHINGTON DURING WEEK OF APRIL 28,

(1) That the Director respond to questions concerning the attached position papers as set forth above.

SUBJECT'S POTENTIAL AS WITNESS BEFORE CHURCH

COMMITTEE INVESTIGATING OPERATIONS OF THE FBI.

SUBJECT INDICATED HE INTENDED TO COMPLY WITH REQUEST AND HAD DECIDED THAT IN VIEW OF THIS DEVELOPMENT, HE

WOULD DECLINE AND NOT SOLICIT ANY FURTHER CONTACT WITH

REPRESENTATIVES OF THE FBI.

(2) That the Legal Counsel Division draft a proposed response concerning the Director's statement made in Montreal relating to the sacrifice of certain individual rights.

16 MAY 2 1975

RFD

FBI-BEL

JMA  
JUN 11 1975  
FBI-BEL

ROUTED FROM 121121Z MAY 30 1975  
121121Z MAY 30 1975 62-116325-11  
NOT RECORDED

- JUN 11 1975

UNITED STATES GOVERNMENT

*Memorandum*Issues and Options for Discussion with  
Former Attorneys General Rogers, Katzenbach, and Clark

TO : MR. W. R. WANNALL

1 - Mr. W. R. Wannall

1 - Mr. J. A. Mintz

DATE April 22, 1975

FROM : MR. W. O. CREGAR

MDE-10

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DATE 10/10/01 BY SP/AM/JP

Asstn. Dir. \_\_\_\_\_  
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 Asst. Dir. \_\_\_\_\_  
 Admin. \_\_\_\_\_  
 Comp. Syst. \_\_\_\_\_  
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 Training \_\_\_\_\_  
 Legal Coun. \_\_\_\_\_  
 Telephone Rm. \_\_\_\_\_  
 Director Sec'y \_\_\_\_\_

I. Background#MDR16  
ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 10/10/01 BY SP/AM/JP

SUBJECT: ~~SIMPLY~~  
In the past few weeks the staff has presented the Committee with evidence suggesting the following about the FBI's internal security intelligence program:

The purpose of this memorandum is to record that

A. The program is massive, involving the collection of information on the activities of thousands of innocent, law-abiding American citizens.

on 4/18/75 Mr. James Wilderotter, Associate Counsel to the President's Executive Office Building, stated he had reviewed a final copy of the Intelligence Division Position Paper on Jurisdiction including Exhibit L, pages 36 and 37. Mr. Wilderotter advised several individuals were not alleged espionage agents, but citizens who fall within the FBI's vague definitions of "subversion" and "extremism" -- purely homegrown "threats to the national security".

B. With reference to the study entitled Intelligence Division Position Paper on Jurisdiction, Mr. Wilderotter requested that he be furnished a copy and this was done. In addition, Wilderotter advised him in his interview that groups were investigated whose threats to the national security were tenuous, if not non-existent.

C. That FBI policy on "subversive" and "extremist" investigations was vague and subject to the following abuses:

that he be furnished a copy and this was done. In addition, Wilderotter advised him in his interview that groups were investigated whose threats to the national security were tenuous, if not non-existent.

2. collection of information on the personal life and political views of subjects unrelated to the national security.

For information and record purposes.

3. the continuance of investigations well after it should have become obvious that there was no legitimate predicate.

D. Particularly invasive collection techniques were used, including electronic surveillance, mail opening, and surreptitious entries. Although these have been terminated, the predominant and perhaps most insidious continues today through the FBI's huge informant/confidential source network.

E. Information collected in the course of these investigations is disseminated regularly throughout the federal government and to local law enforcement.

F. Until 1971, information collected through these investigations was disseminated as part of the COINTELPRO program to the subjects' friends, relatives, employers, and others in an effort to discredit or "neutralize" alleged "subversives" or "extremists".

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UNITED STATES GOVERNMENT

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**Memorandum**

1 - Mr. J. A. Mintz  
 1 - Mr. W. R. Wannall  
 1 - Mr. W. O. Cregar

Assoc. Dir. \_\_\_\_\_  
 Dep. AD Adm. \_\_\_\_\_  
 Dep. AD Inv. \_\_\_\_\_  
 Asst. Dir. \_\_\_\_\_  
 Admin. \_\_\_\_\_  
 Comp. Syst. \_\_\_\_\_  
 Ext. Affairs \_\_\_\_\_  
 Files & Ctrs. \_\_\_\_\_  
 Gen. Inv. \_\_\_\_\_  
 Maint. \_\_\_\_\_  
 Inspection \_\_\_\_\_  
 Intel. Unit \_\_\_\_\_  
 Laboratory \_\_\_\_\_  
 Plan. & Eval. \_\_\_\_\_  
 Spec. Inv. \_\_\_\_\_  
 Training \_\_\_\_\_  
 Legal Coun. \_\_\_\_\_  
 Telephone Rm. \_\_\_\_\_  
 Other Sec'y \_\_\_\_\_

**TO : M. J. [Signature]** The FBI's internal security intelligence program was used by Presidents from Franklin Roosevelt to Richard Nixon to serve their political interests, usually by collecting information on critics or political opponents.

**FROM : Mr. W. F. [Signature]** *(SENSTUDY 15)*

**SUBJECT : INTELLIGENCE DIVISION POSITION PAPER ON AUTHORITY TO CONDUCT NATIONAL SECURITY INTELLIGENCE INVESTIGATIONS**

I. The program is not authorized by statute but is founded on a series of secret or ambiguous Presidential orders, which in turn are based upon a questionable assertion of "inherent constitutional authority".

*Document Section, FBI Laboratory, determined the type appearing on Hoover memorandum dated 8/24-25/36 was prepared on a Remington typewriter with an ink supposed since October 1935. Hoover memorandum to DeLoach dated 9/10/36, where he used IBM typewriter with the huge informant/confidential source network -- is still operating. Letterhead used on both Hoover memoranda of 8/24-25/36 was authorized FBI stationery effective August 14, 1936.*

K. There is no statute or internal Bureau or Justice Department policy prohibiting a new Director, Attorney General, or President from ordering the Bureau to expand the program to its earlier dimensions.

*On 9/10/75, Mr. Donald B. Schewe, Assistant Librarian, Reference Archives, Franklin D. Roosevelt Library, Hyde Park, New York, advised that The White House Ushers Appointment Book contained entries showing that on Thursday, August 24, 1936, from 9:20 a.m. to 10:12 a.m., President Roosevelt and [redacted] Hoover in his residence at The White House prior to leaving for his office. Schewe pointed out that this meeting was significant. Among the issues and options which might be discussed with former Attorneys General in response to what the Committee has learned are the following:*

A. Abolition. Elimination of the FBI internal security Intelligence program as Attorney General Harlan Stone, reflected in 1934 when confronted with abuses growing out of the FBI's first internal security intelligence program, such as the infamous Palmer raids.

*In weighing this option, the Committee should consider the following issues:*

**ACTION:** Whether there are not some functions (e.g., protecting the President, preventing or at least predicting violence by terrorist organizations, or predicting civil disorders) which require intelligence collection.

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All:vb

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2. Whether FBI intelligence reports are valuable in that respect, especially in light of a recent GAO report suggesting that such reports are rarely useful in predicting violent activity.

J. H. Mortimer

3. Whether such information, assuming it is valuable, could not be obtained through more traditional criminal investigations.

MEMORANDUM FOR MR. Tamm

FROM JOHN EDGAR HOOVER

DATED SEPTEMBER 10, 1936  
CONFIDENTIAL MEMORANDUM BY  
JOHN EDGAR HOOVER DATED AUGUST 25, 1936

4. Whether the value of the information, marginal or otherwise, justifies the risk to civil liberties inherent in such intelligence collection.

5. Whether, given the way in which limited and ambiguous grants of authority have been expanded into major authorizations by statute short of a total prohibition of all non-law enforcement intelligence activities in the domestic sector will be adequate to prevent the recurrences of the kinds of abuses uncovered by this Committee. (Or, conversely, whether it is possible to draft a law authorizing a limited civil disturbance and counter-terrorist intelligence mission that will not eventually evolve, like the National Security Act of 1947, into a charter for unanticipated and unwanted covert activities.) "Memorandum For Mr. Tamm from John Edgar Hoover dated September 10, 1936" was prepared on an IBM typewriter equipped with a pica style of type which has been ~~whether it would be sufficient to restrict the FBI~~ ~~"Confidential Criminal Investigations without also (a) placing limits upon the length of investigations, (b) the kinds of information which can be collected and disseminated to the subject irrelevant to the alleged criminal act, (c) the utilization of warrantless electronic surveillance and other particularly invasive collection techniques, and (d) the utilization of huge informant/confidential source network without judicial or Justice Department supervision.~~ ~~Intelligence~~ ~~Authorizing Statute.~~ Recognition of the value of internal security intelligence, but placing limits upon the program designed to minimize the infringement upon civil liberties, an option being actively considered by the present Attorney General.

RECOMMENDATION: ~~the result of this examination be forwarded to the~~ ~~Intelligence~~ ~~Authorizing Statute.~~ In weighing this option, the Committee should consider many of the issues set out under the first option and, in addition:

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1. Whether meaningful and stringent guidelines can be written which do not so hamper the administration of ~~FBI Internal security intelligence program~~ as to make the product not just marginal, as GAO suggests, but worthless.
2. In light of the possibility that the present Attorney General may address this matter via internal Justice Department guidelines, whether this approach does not ignore the legal authority question which can only be resolved by statute.

~~New letter~~ Whether or not Congress could draft a statutory version of the guidelines which could be flexible enough to meet an evolving threat and at the same time place meaningful restrictions upon the program.

st

4. Even assuming there is no absence of legal authority, is it safe to leave these guidelines in the form of a departmental order which can be rescinded by the next Attorney General?

- C. Delegation of Authority to Attorney General. Simply ratifying the present program via enactment of a statutory charter which grants the FBI authority to conduct an internal security intelligence program subject to its own internal guidelines or departmental guidelines as proposed by the Attorney General.

In weighing this option, the Committee should consider many of the issues set out above and:

1. Whether such a statute would not be an unconstitutional delegation of powers to the Executive Branch.
2. Whether enactment of such a statute would not represent a failure by the Congress to confront the issues raised above.

AUG 18 1976 P.M.

\*A preliminary staff analysis of the Attorney General's draft guidelines suggests that, despite months of conscientious and painstaking work by a departmental task force, the guidelines are not adequate. This analysis, which will be presented when Attorney General Levi testifies on December 10, indicates that several of the more questionable FBI investigations (e.g., of Dr. King and the women's liberation movement) would still be permissible under these proposed guidelines.

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J. EDWARD HOOVER

DIRECTOR

5

## Federal Bureau of Investigation

- D. Legislative Inaction. Enact no new statute affecting the FBI's legal authority or the internal security intelligence program. Washington, D. C.

In weighing this option, the Committee should consider many of the issues set out above and, in addition:

1. Whether this failure to act might not leave the status of the program in doubt and subject to court challenge.
  2. Whether this failure to act after full disclosure by the Bureau might not be taken by the FBI and the courts as a ratification of the program.
- E. Administrative Oversight by the Attorney General. The Justice Department should be required to exercise greater administrative oversight over the FBI's internal security intelligence program by Attorney General Levi, regardless of whatever other options Congress accepts.

In weighing this option, the Committee should consider the following issues:

1. Whether it is practical for the Attorney General or his staff to review thousands of such investigations each year.
2. Whether the Attorney General or his staff should review all or just the so-called "full" investigations.
3. Whether, to facilitate the conduct of such reviews, the Attorney General or his staff should be given "complete" access to Bureau files, including information regarding the identity and reliability of informants and confidential sources.
4. Whether it is possible to develop a staff of career attorneys within the Department with both the access and independence essential to the conduct of searching reviews.
5. Whether the Attorney General or his staff should not also be required to review various informant and so-called "intensification" programs, and the establishment of specialized indices (which have a significant impact upon which cases are opened) instead of just reviewing individual investigations in a vacuum as provided by the Attorney General's draft guidelines.

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March 10, 1975

- F. An Inspector General. In addition to the above options, an independent Inspector General should be created to investigate improprieties by the FBI. This option is advanced by those concerned about the inadequacy of the FBI's investigation of the disappearance of former Director Hoover's personal files, its limited inquiry into the so-called Atlantic City convention case, and the absence of any internal investigation of the abuses locating any communications bearing upon a conversation between former President FRANKLIN D. ROOSEVELT and former Secretary of State GORDON HULL in the latter part of August, 1936. Mr. SCHEWE was advised that this conversation was concerned with the security of the US and that Mr. J. EDGAR HOOVER of the FBI gave him permission to make a memorandum of the conversation to an Inspector General within the Department of Justice when both the Inspector General and the Director of the FBI will be responsible to the same official, the Attorney General, regarding the same conversation. Arrangements were made to meet with Mr. SCHEWE at the Franklin D. Roosevelt Library, Hyde Park, NY, on 3/12/75.
- Mr. SCHEWE was advised that this conversation was concerned with the security of the US and that Mr. SCHEWE would have "complete" access to Bureau files, including information pertaining to the identity and reliability of informants and confidential sources.

On 3/12/75, Mr. SCHEWE advised that he had conducted a search for an Inspector General with access to extremely sensitive information which might become a serious threat to the independence of the Bureau from political influence and the civil liberties of American citizens more interested in involving FRANKLIN D. ROOSEVELT (FDR), HULL and Mr. HOOVER, occurred on approximately 3/10/75. In addition to the above, the creation of an oversight committee(s) in the Congress, to which the Bureau would be required to report and which would have the power to investigate abuses.

Mr. SCHEWE stated that a "buck slip" dated 8/24/36, (copy of which is attached) furnished a Rerox copy of a "buck slip" dated 8/24/36, (copy of which is attached) to the Secretary of State from FDR. In weighing this option, the Committee should consider the kinds of problems posed by the Justice Department oversight and Inspector General options discussed above. Mr. SCHEWE stated that "buck slips" are nothing more than a copy memorandum utilized to transmit communications which are attached thereto. It is to be noted that this "buck slip" indicates that attached to it was a memorandum for the Public Reporting and Disclosure to Subjects. In addition to the above options, the requirement that the FBI make frequent public reports on the details of its internal security intelligence programs and policies and reveal the details of improper intelligence investigations to the subjects of those investigations.

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that the synopsis of this memorandum which appears on the "buck slip" was the usual practice at that time to identify the documents attached to it. SCHEWE added that this was the only document he was able to locate which may have some bearing on the desired information. SCHEWE stated that the possibility exists that the referred to memorandum may be located among the collection of papers of GORDON HULL which are now stored at the Library of Congress, Washington, D.C.

2. Whether such disclosure might not increase the number of law suits filed against the FDR personnel Mr. SCHEWE then exhibited to interviewers personnel of the White House Usher's Appointment Book which was hand-written and kept on a daily basis. This appointment book contained the following pertinent information:

Thursday, August 13, 1936, at 9:50 AM  
FDR departed the White House for a visit to the flood areas in NY, Ohio and Pennsylvania.

Thursday, August 24, 1936, FDR returned to White House at 8:45 AM.

9:20 AM FDR met with Mr. HOOVER from 9:20 AM to 10:12 AM.

(Note \* - There is no entry in this book for Aug. 24, 1936, indicating that Mr. HULL was there. Mr. SCHEWE advised that it is interesting to note that FDR met Mr. HOOVER in his residence in the White House on 8/24/36, prior to leaving for his office in the White House. SCHEWE also pointed out that this meeting was significant since FDR met with Mr. HOOVER on 8/24/36, immediately after returning from an extended trip. This, according to SCHEWE was a departure from FDR's usual practice.

There was no record in the White House Usher's Appointment Book for 8/25/36, which would indicate that FDR met with either Mr. HULL or Mr. HOOVER on that date. This book indicates that FDR departed the White House on Tuesday, 8/25/36, at 10:40 PM for a trip to the draught areas, in upper Maine, South Dakota and North

~~DRAFT~~  
MEMORANDUM

Dakota, as well as a visit to Mt. Rushmore. ~~President~~ <sup>December</sup> 4, 1975.  
return to the White House until Sunday, Sept. 6, 1936,  
at 10:02 AM.

~~FBI LEGISLATION - PROPOSED OPTIONS Book~~  
~~The White House Ushe's Appointments Book~~  
 further reflects that FDR, during the period July 10, 1936, to Aug. 10, 1936, was away from the White House in preparation for the testimony of FBI Director ~~in preparation for the testimony of FBI Director~~  
 campaigning. FDR returned to the White House on ~~8/13/36~~ and remained there until ~~8/13/36~~, when he again departed on a trip and returned on ~~8/14/36~~ and 10, the Domestic Intelligence Task Force is pulling together various and returned on ~~8/25/36~~.  
 proposals for legislation dealing with FBI intelligence.

Mr. SCHEWE also produced to interviewing ~~his~~ <sup>the</sup> appointment book of FDR's private secretary, GRACE TULLY for the pertinent period. This appointment book reflects all of FDR's office appointments. A review of the ~~Current Statutes and Executive Orders~~ appointment book fails to reflect that FDR met or had an appointment with Mr. HOOVER in his office during the ~~period 8/13/36 to 9/6/36~~. However, this appointment book does reflect that during this period, which reads as follows:

at 1:00 PM.

The Attorney General may appoint officials: Mr. SCHEWE further advised that he personally reviewed the following and was unable to locate any documents or references which could possibly shed some light on the matter of interest to us:

- 1.) ~~Papers kept in FDR's safe.~~
- 2.) ~~Papers kept by his secretary in a separate White House safe.~~

Clauses (2) and (3) are a possible statutory basis for intelligence investigations going beyond the investigation of specific federal crimes. Under (2), the FBI may "assist" the Secret Service in the protection of the President by providing

- 3.) ~~Papers kept in FDR's official presidential file.~~
- 4.) ~~Papers kept in FDR's alphabetical file maintained by his secretary.~~
- 5.) ~~Individual agencies files.~~
- 6.) J. EDGAR HOOVER ~~Mobile.~~

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intelligence on persons or groups who may endanger the President's safety.)

8.) **Assistant Attorney General's file.**

A formal agreement between the FBI and the Secret Service sets forth the types of intelligence information

provided by 10.) **Internal Security file.** However, this agreement states that:

11.) **FBI file.**

The FBI will not conduct investigation of individuals or groups solely for the purpose of establishing whether they constitute

reviewing all of the above data, he concluded that after pertinent document of interest to us is now at the FDR

Library at Hyde Park, N.Y. SCHEWE added that for any indication of a violation of Title 18, U.S.

such document is at the Library. It is mislaid. And S. such document is at the Library. It is mislaid. As there are approximately 21 million pages of manuscripts

which the FBI has jurisdiction. (Tab A)

and documents at the Library, it would be impossible

to locate same.

Clause (3) recognizes that the Attorney General may

direct the FBI to conduct investigations other than criminal

"buck slip" there are four penciled notations, i.e., X200, X285 and X67. SCHEWE stated that these

investigations, regarding certain undefined "official matters" notations are part of the FDR Library cross-reference

under the control of the Department of Justice." This is a

and could locate nothing further regarding the matter

possible statutory basis for at least two broad areas of FBI

pertained to the enclosed "buck slip".

intelligence investigations — civil disturbance intelligence

and intelligence for the Federal Employee Security Program.

The most recent legal advice to the FBI from the Justice

Department on the gathering and reporting of data regarding

civil disturbances notes that on April 1, 1969, the President

designated the Attorney General as chief civilian officer to

coordinate the government's response to civil disturbances.

The FBI is instructed to gather and report on "all significant

incidents of civil unrest" and on "all disturbances where there

are indications that extremist organizations . . . are believed

to be involved in efforts to instigate or exploit them." The

FBI is specifically advised to make reports "even when no specific violation of Federal law is indicated." On the other hand, the FBI is instructed not to report "every relatively insignificant incident of a strictly local nature coming to its attention." (Tab B)

2856  
THE WHITE HOUSE  
WASHINGTON

~~CONFIDENTIAL~~

August 24, 1936.

The Justice Department has given the following recent instructions to the FBI regarding intelligence for the Federal Employee Security Program. Executive Order 10450, as amended by Executive Order 11785, is interpreted as requiring an FBI

investigation of organizations "with a potential" or "violating federal or state statutes prohibiting unlawful advocacy of violence or the commission of any unlawful act of violence. The next FBI is advised that "it is not possible to set definite parameters covering the initiation of investigations of potential organizations falling within the Order." The FBI is instructed to apply "the same yardstick" to investigations of individuals who are affiliated with such organizations. The FBI is specifically advised that "it is not necessary that a crime occur,

F. D. R.

before the investigation is initiated." (Tab C)

Clause (3) also recognizes that the Attorney General, <sup>x67</sup> related to the others, and all in their relation of coordination.

may direct the FBI to conduct investigations, other than criminal investigations, regarding certain undefined "official matters under the control of the Department of State." This is a possible statutory basis for FBI intelligence investigation of foreign intelligence activities within the United States or to

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collect positive foreign intelligence. The best example is  
 11:45PM NITEL MAY 3, 1975, WHICH  
 TO Director (See Page 95) <sup>MAY 01 1975</sup>  
 FROM ALEXANDRIA (334-10086) (P)  
 to the FBI directing the Bureau to initiate investigations  
~~SENSITIVE~~ individuals or organizations which have a marked potential  
 use by a foreign intelligence service, but about which there is  
~~RECORDED INFORMATION~~ <sup>ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 11/19/01 BY SPROMO/CHG/CR</sup>  
 no information indicating intelligence activity. (See Staff  
 Reporter "Counterintelligence/Counterspying: The Law and  
 ALEXANDRIA, October 14, 1975.) AND STATED THAT IN EVENT HE IS  
 CONTACTED BY STAFF OF SENATE OR HOUSE COMMITTEE, HE MAY REFUSE TO BE  
~~INTERVIEWED, BUT IF HE CONSENTS TO BE INTERVIEWED HE WILL REQUEST~~  
~~PRESENCE OF FBI AGENT, IF QUESTIONS ARE ASKED RELATIVE TO SENSITIVE~~  
~~TO BUREAU OPERATIONS.~~

INQUIRY AT RESIDENCE OF HAROLD P. LEINBAUGH, 1160 WINGFIELD DR.  
 Instead, he placed sole reliance on a series of Presidential  
 DRIVE NO. 1-EAN, NO. ON MAY 2, 1975, REVEALS THAT HE IS PRESENTLY AT  
 directives extending from 1936 until the 1960's which the FBI  
 C. MEDITERRANEAN, HOTEL CARAVELLE, ST. ANNE, GUADALUPE, FRENCH  
~~LES INDIES. HE IS EXPECTED TO RETURN TO HIS RESIDENCE ON MAY 18, 1975~~  
~~intelligence investigations". The Attorney General has codified~~  
~~these directives in a Justice Department regulation instructing~~  
~~THE BUREAU IS REQUESTED TO ADVISE IF ALEXANDRIA SHOULD CONTACT~~  
~~the FBI to:~~  
~~LEINBAUGH UPON HIS RETURN.~~

Carry out the Presidential directive  
 of September 6, 1939, as reaffirmed by Presi- REC 106 62-16261-98  
 dential directives of January 8, 1943, July 10 MAY 7 1975  
 24, 1950, and December 15, 1953, designating  
 the [FBI] to take charge of investigative  
 work in matters relating to espionage, sabotage,  
 subversive activities, and related matters.  
 28 C.F.R., Section 0.85(d).

- 5 -

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

MR 902 BA PLAIN

The FBI also cites directives of President Kennedy on June 2, 1962, and Attorney General Kennedy on March 5, 1964, which

1220PM URGENT MAY 3, 1975 BJD

MAY 04 1975

1962, and Attorney General Kennedy on March 5, 1964, which

TO: DIRECTOR, FBI (62-116395)

are the latest charter for the Interdepartmental Intelligence

FROM: BALTIMORE (62-NEM).

Conference, composed of the FBI Director and the chiefs of the

SENSTUDY 75.

military intelligence agencies.<sup>45</sup> This group is authorized

RE BUREAU TEL, MAY 2, 1975.

coordinate "all investigation of domestic espionage, counter-

DONALD G. HANNING, 18 OXFORD STREET, CHEVY CHASE,

espionage, sabotage, subversion, and other related intelligence

MARYLAND, CONTACTED INSTANT DATE BY SAC, BALTIMORE.

matters affecting internal security." (Tab D)

INSTRUCTIONS IN REFERENCED TELETYPE FOLLOWED. HANNING

The theory behind the FBI's position is that the Presi-

ADVISED HAD NOT BEEN CONTACTED BY ANY REPRESENTATIVE OF

denit has inherent constitutional powers, at least in the

THE SENATE OR HOUSE SELECT COMMITTEES TO DATE. ADVISED

absence of contrary legislation, to authorize FBI intelligence

WOULD CONTACT SAC, BALTIMORE SHOULD HE BE CONTACTED IN

activities. The only judicial support for this theory is

THE FUTURE.

language in the Supreme Court's opinion in the Keith case,

ENDSS FBIHQ CCLR

which declared warrantless wiretapping<sup>SEC 106</sup> of domestic groups un-

constitutional.

62-116395-97

COPY RETAINED IN HERALD RECORDS UNIT

The Court acknowledged the importance of "national secu-

rity in its domestic implications . . . especially at a time

of worldwide ferment and when civil disorders in this country

are more prevalent than in the less turbulent periods of our

History." Under such circumstances, the Court stated, the

President has a "fundamental duty" under the Constitution to

"preserve, protect and defend the Constitution of the United

States." The Court added, "Implicit in that duty is the power

to protect our Government against those who would subvert or

overthrow it by unlawful means." Hence, the Court appeared to

CC: 6/9 1975 (JL giving)

84 MAY 8 1975

NW 88608 DocId:32989628 Page 16

Assoc. Dir.
Dep.A.D.-Adm
Dep.A.D.-Inv
Asst. Dir.:
Admin.
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Int. Inv.
Ident.
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FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

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Gen. Inv. _____
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Investigation _____
Intell. _____
Intell. Analysis _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Public Rel. _____
Director Sec'y _____

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TELETYPE

recognize that the President's "domestic security role" has a "constitutional basis"; that the President through the Attorney General may need "to obtain intelligence information about those who plot unlawful acts against the Government" and that "threats

NR 09 09 09 PLAIN,  
7:00 PM CST URGENT MAY 2, 1975 3AM

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 11/19/01 BY SP/SP/MAZ

and acts of sabotage against the Government exist in sufficient

TO: number to justify investigative powers with respect to them."

FROM: The Court applied the general principle that "unless the Government safeguards its own capacity to function and to preserve

the security of the people, society itself could become so disordered that all rights and liberties would be endangered."

AND Nevertheless, the central holding of the Hechler decision was that  
OF AUTHORIZED JUSTICE RE POSSIBLE INTERVIEW AND STATED THAT  
HE WOULD DESIRE AN AGENT BE PRESENT IF SUCH INTERVIEW

END OCCURS. STATED HE WOULD PERSONALLY CONTACT ME IF HE IS  
CONTACTED BY STAFF MEMBERS.

RECORDED BY FBI WIRE BE KEPT ADVISED.  
END REC-106 102-116395-96

MAN FBIING ACK FOR ONE

WA CBLB 16 MAY 7 1975  
declared in the Steel Seizure Case, "When the President takes  
measures incompatible with the expressed or implied will of  
Congress, his power is at its lowest ebb. . . ." 343 U.S. 579,  
637.

COPY RETAINED IN  
PERSONNEL RECORDS UNIT

2 - Mr. S. F. Phillips

~~Amendment~~  
B. Option One - Ratifying Existing Powers

April 30, 1975

The first option for Congress is legislation ratifying the existing authority granted to the FBI by current Presidential directives and orders. Such legislation would be cast in extremely general terms. Its main advantage is that it would

1. **TITLE/SUBJECT:** Policies and Procedures of the FBI provide a basis for Congressional oversight. It could also

2. **ORIGINATING ORGANIZATION:** FBI reinforce the Attorney General's role as the immediate supervisor

3. **NATURE OF MATERIAL:** Letterhead memorandum with enclosures described below

authorise the Attorney General to direct the FBI:

4. **DOCUMENT CLASSIFICATION:** Unclassified except for one enclosure to conduct investigations of "domestic espionage,

counterespionage, sabotage, and subversive activities;

5. **NATIONAL SECURITY INFORMATION STAMP:** Should have

2. to gather and report information on civil disturbances;

6. **SUMMARY OF CONTENTS:**

Following excerpts from the FBI Manual of Instructions:

3. to conduct investigations of other related intelligence matters affecting internal security and

(a) Table of Contents.

(b) ~~Private Guidelines for FBI Investigations~~

4. to conduct investigations of official matters relating to the Department of State.

(c) Section 36. Espionage (classified "Secret")

(d) Section 84. Registration Act.

(e) Section 86. Sabotage.

(f) Section 87. Investigations of Subversive

In addition, the statute would require the Attorney General

(g) Section 88. Sedition. REC-106

to report annually to the appropriate Congressional committees

(h) Section 95. Protection

on the volume and type of investigations and reports, the

(i) Section 97. Voorhis Act.

(j) Section 122. Extremist Matters and Civil

Unrest.

Investigative techniques used, and the policies and procedures

adopted by the Justice Department and the FBI Manual of Rules and Regulations.

The weaknesses of this approach are obvious. Congress

would have legislated a wholesale delegation of power without

*SEE NOTE PAGE TWO*

Asst. Dir. \_\_\_\_\_

Dep. AD \_\_\_\_\_

Dep. AD MR \_\_\_\_\_

Asst. Dir. \_\_\_\_\_

Admin. \_\_\_\_\_

Comp. Syst. \_\_\_\_\_

Ext. Affairs \_\_\_\_\_

Files &amp; Com. \_\_\_\_\_

Gen. Inv. \_\_\_\_\_

Ident. \_\_\_\_\_

Inspect. \_\_\_\_\_

SPP:ekw

Intell. \_\_\_\_\_

Laboratory \_\_\_\_\_

(4)

Plan. &amp; Eval. \_\_\_\_\_

Spec. Inv. \_\_\_\_\_

Training \_\_\_\_\_

Legal Coun. \_\_\_\_\_

Telephone Rx. \_\_\_\_\_

Director Secy. \_\_\_\_\_

MAIL ROOM TELETYPE UNIT

- 8 -

standards or limitations other than the supervision of the

~~Attorney General and oversight by Congress. In view of the instructions and related matters covering FBI investigations Select Committee's findings as to the vast overbreadth of FBI material excluded but available for review by appropriately domestic intelligence investigations and the abuses committed~~

~~in the name of "counterintelligence", Congress would in effect be permitting future expansion of FBI operations to match past policies.~~

~~7. REQUESTER/DATE OF REQUEST: SSO. 5/19/75~~

~~8. RELEASING AUTHORITY: FBI~~

~~9. DATE OF SUBMISSION: 4/7/75~~

C. ~~OPTION TO CAVEAT Separate Security Intelligence Agency~~

~~11. RELATION TO INTELLIGENCE COMMUNITY PROBLEMS:~~

~~creating a separate Security Intelligence Agency within the No direct relation.~~

~~Justice Department. It would perform the functions of the present Counterintelligence Branch of the FBI Intelligence~~

~~NOTE: Original vigorous Central Intelligence in connection with Senstudy 75.~~

~~Division, dealing with foreign intelligence and counterintelligence/counterespionage. The FBI itself has considered this option as part of the larger question of separating all FBI intelligence functions from the law enforcement functions of the Bureau. (Tab E)~~

A separate agency would be justified only if it was authorized to conduct investigations of a wider scope and using different techniques than would otherwise be permitted. In other words, Congress could decide that foreign counterintelligence investigations should go beyond investigation of specific crimes, that techniques such as electronic surveillance should be used without a warrant or with a special type of warrant,

Routing Slip  
02-Rev. 12-17-73

(Copied to 1000's Checked) - 9 -

## TO: SAC:

Albany       Houston       Oklahoma City  
 Albuquerque       Indianapolis       Omaha  
 Alexander       Jackson       Philadelphia  
 Anchorage       Jacksonville       Phoenix  
 Atlanta       Kansas City       Pittsburgh  
 Baltimore       Louisville       Portland  
 Birmingham       Las Vegas       Richmond  
 Boston       Little Rock       Sacramento  
 Buffalo       Los Angeles       St. Louis  
 Butte       Louisville       Salt Lake City  
 Charlotte       Memphis       San Antonio  
 Chicago       Miami       San Diego  
 Cincinnati       Milwaukee       San Francisco  
 Cleveland       Minneapolis       San Juan  
 Columbia       Mobile       Savannah  
 Dallas       Newark       Seattle  
 Denver       New Haven       Springfield  
 Detroit       New Orleans       Tampa  
 El Paso       New York City       Washington D.C.  
 Honolulu       Norfolk       Quantico

## TO LEGAT:

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

and that operations should be conducted to intelligence activities by means other than "non grata" proceedings. On the other hand, the investigation of foreign intelligence acts as a criminal investigation, then the FBI sh

Any statute in this area must use gen

diplomatic reasons. For example, Congress

Date 10/6/75

RE: SENSTUDY 75

authorize deception operations or efforts to **PERSONAL ATTN.**  
intelligence officers, even though such techniques are envisioned. Such techniques are dealt with

Retention      For appropriate  
 For information       optional       action       Surep, by \_\_\_\_\_  
 The above does not preclude use of \_\_\_\_\_ in appropriate circumstances  
 Enclosed are completed cases from report of SA \_\_\_\_\_  
dated \_\_\_\_\_  
ensure accountability.

Remarks:

The legislation should be more specific. Attached should be brought to the attention of the investigation and other operations division. In his information, the SSC has exhibited an interest in Cammarota than non-resident aliens in Rome in 1964 and is aware Cammarota was a foreign power. He thus may be contacted by SSC personnel.

Investigated if they have a marked potential for intelligence service, but no information indicated.

Enc.

Bufile **22-48599** **ALL INFORMATION CONTAINED** **HEREIN IS UNCLASSIFIED** **DATE 1-14-2010 BY SP-1/PB/DP/BS** file

• Unfile

The statute should also set out standards

OPTIONAL FORM NO. 10  
MAY 1962 EDITION  
GSA GEN. REG. NO. 27

5010-106

- 10 -

## UNITED STATES GOVERNMENT

**Memorandum**

TO : **MR. CALLAHAN** DATE: **2/7/75.**  
 term "foreign organization" refers, for instance, to a group

like the Palestine Liberation Organization.) If the group fits

FROM **J. B. ADAMS** <sup>#mD16</sup> ~~ALL INFORMATION CONTAINED~~ ~~HEREIN IS UNCLASSIFIED~~ <sup>HOTSPOT</sup>  
 the criteria for foreign domination, there should be an addi-

SUBJECT: **ENQUIRY 1975** <sup>DATE 1/19/75</sup> ~~ALL INFORMATION CONTAINED~~ ~~HEREIN IS UNCLASSIFIED~~ <sup>HOTSPOT</sup>  
 tional finding that it may engage in intelligence activities or

in activities involving the use of violence in violations of

federal law. On 2/6/75 Mr. Kelley and I met with Senator Church and Bill Miller, Staff Director of the Senate Select Committee.

If the group meets all these standards, Congress may a very responsible manner, had no intention of destroying or impairing authorize the investigation of its activities, going beyond that the efforts of the Committee would help to reestablish public confidence regular criminal investigations. Such investigations could

In the intelligence agencies.  
 extend to all individuals who are members of, or express support for, the organization, as well as to the efforts of the organization to influence and control other groups. However, to prevent such abuses in the future.

Parameters have not been drawn but Senator Church feels that it may be sufficient to authorize only the investigation of

active members and supporters. This would prevent a revival Study will be largely concerned with the activities of the Central Intelligence Agency but will, of course, involve the FBI and other agencies involved in domestic intelligence.

The Committee hopes to have a nonpartisan staff of approximately 40 employees headed up by Mr. Miller and would appreciate having necessary background investigations expedited to permit an early clearance. Miller indicated he has already been in touch with Mr. Hotis and Mr. Bowers in this regard.

The Petersen Committee report on COINTELPRO considered the need for special supervision of foreign counterintelligence operations in the United States. It recommended the creation of a Foreign Intelligence Advisory Commission to make decisions.

Senator Church appeared satisfied with this arrangement. He stated that of a Foreign Intelligence Advisory Committee to make decisions. Committee was on the impeachment inquiry. Our experience in this regard with regard to the necessity of a Foreign Intelligence Committee, particularly the 17 wiretaps had written us after indicating that if we made classified foreign counterintelligence techniques. (Tab F) This proposal

JBA:am's (8)

1 - Mr. Jenkins  
 1 - Mr. Cleveland  
 1 - Mr. McDermott

1 - Mr. Mintz  
 1 - Mr. Wannall  
 1 - Mr. Hotis

Admin. \_\_\_\_\_  
 Comp. Syst. \_\_\_\_\_  
 Ext. Affairs \_\_\_\_\_  
 Files & Com. \_\_\_\_\_  
 Ident. \_\_\_\_\_  
 Inspection \_\_\_\_\_  
 Interrogation \_\_\_\_\_  
 Laboratory \_\_\_\_\_  
 Legal & Eval. \_\_\_\_\_  
 Spec. Inv. \_\_\_\_\_  
 Training \_\_\_\_\_  
 Telephone/Rm. \_\_\_\_\_  
 Director Secy. \_\_\_\_\_

**FAR 10/5/71**

**CONTINUED OVER**

1975

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has merit in view of the limited amount of time the Attorney  
Memorandum for Mr. Callahan

Re: SENSTUDY 1975

General can give to personal supervision and the after-the-fact role of legislative oversight regarding the separate agency.

information available they would afford it appropriate security restricted to members only, legislation to create a separate foreign

public. Subsequent to the hearings, the Committee published its report counterintelligence agency must deal with relationships to the

which contained our classified documents right along with the Top Secret classifications. Senator Church was not aware of this, appeared surprised

Central Intelligence Agency, the State Department, and other by it, and stated surely the information must have been declassified. I

advised him that not by us and it was our information foreign intelligence agencies. The current FBI-CIA agreement

on their respective jurisdictions is only a "memorandum of understanding" of the Select Committee would have any effect on the proliferation of

committees. It being to the CIA to undertake certain clandestine activities within the United States, in coordination with the

other members of the Senate who felt that it was a waste of time to have repetitive testimony on the same subject matter before a variety of

FBI. (Tab C) Proposals are currently circulating in the Executive Branch for a new National Security Council intelligence

that he could not vouch for what would happen in the House, however, he

Directives to specify the House leadership in order to try to effect some

coordinated approach there also, because he was well aware of the large electronic surveillance of American citizens abroad. (Tab H)

number of committees seeking to provide oversight or obtain information from the intelligence agencies.

A full draft of a statutory charter for a separate

foreign counterintelligence agency is not included here, since Senator Church was assured that the FBI would be completely responsive

the focus is on domestic intelligence issues. However, one

President in order to protect sensitive sources and information. Senator

implied that such a statute going to talk to that President in regard in

order to secure his complete cooperation, and it was Senator Church's feeling

functions should relate only to law enforcement and criminal

that the Committee should be entitled to answers to any questions they might ask without restriction other than, of course, the identities of informants.

He felt the progress of the Committee would be severely impaired if it were necessary to go to Court over such questions to obtain enforcement of their

D. Option Three -- Elimination of FBI Domestic Intelligence

ACTION The basic assumption behind Attorney General Levi's effort to develop "guidelines" for FBI domestic intelligence is that regular criminal investigations are not adequate to

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**CODE TELETYPE NITEL**  
 supply the information needed to anticipate or prevent the use  
 of violence in violations of federal law. That assumption  
 should ~~BEACO ALL REFERENCES~~ <sup>1 - Mr. T.J. Jenkins 5/2/75</sup> be questioned. Regular criminal investigations are  
 likely to produce a substantial amount of information which  
<sup>1 - Each Assistant Director</sup>  
~~FRONT PRIORITY FBI (62-116395)~~  
<sup>1 - Mr. W. O. Gregar</sup>  
~~SENSTUDY 75 PERSONAL ATTENTION~~  
 intensive criminal investigations of Ku Klux Klan violence in  
~~the South during the 1960's would have required the FBI to look~~  
~~into FROM SENATE AND HOUSE SELECT COMMITTEE TO STUDY GOVERNMENT~~  
~~OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES.~~  
~~CONNECTION WITH WORK OF THESE COMMITTEES, STAFF MEMBERS MAY SEEK~~  
~~FBI TO INTERVIEW CURRENT AND FORMER FBI EMPLOYEES.~~  
 it has obtained came from intelligence investigations which  
~~RECENTLY, THE SENATE SELECT COMMITTEE (SSC) STAFF HAS~~  
~~would not have been conducted as regular criminal investigations.~~  
~~INTERVIEWED SEVERAL FORMER EMPLOYEES AND IT IS ANTICIPATED~~  
~~The fact that an FBI investigation was supervised by~~  
~~its Intelligence Division does not necessarily mean that the~~  
~~investigation was, automatically, outside the regular criminal~~  
~~law enforcement jurisdiction of the Bureau. Any FBI investigation under-~~  
~~TAKEN BY THE COMMITTEE WITH RESPECT TO THE FBI. HOWEVER, WE~~  
~~of federal law falls within that jurisdiction. Moreover,~~  
~~DO HAVE AN OBLIGATION TO INSURE THAT SENSITIVE SOURCES AND~~  
~~regular criminal investigations can also extend to plans,~~  
~~METHODS AND ONGOING SENSITIVE INVESTIGATIONS ARE FULLY~~  
~~attempts, or conspiracies to engage in such activities.~~

Adm. Dir. \_\_\_\_\_  
 Dep. AD Adm. \_\_\_\_\_  
 Dep. AD Inv. \_\_\_\_\_  
 Asst. Dir. \_\_\_\_\_  
 Admin. \_\_\_\_\_  
 Comp. Syst. \_\_\_\_\_  
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 Training \_\_\_\_\_  
 Legal Coun. \_\_\_\_\_  
 Telephone Rm. \_\_\_\_\_  
 Director Secy. \_\_\_\_\_

WOC:skw (1B) (2) One suggested difference between intelligence-type and  
<sup>S-10</sup> SEE NOTE PAGE TWO 1975

regular criminal investigations is that the latter are

terminated after a reasonable time, if sufficient evidence to

COMMUNICATIONS SECTION

MAY 02 1975

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TELETYPE TO ALL OFFICES

RE: SENSTUDY 75

~~justify~~ prosecution is not obtained. However, there is no legal reason why the prosecutor cannot request that the investigation continue indefinitely as long as there is information that violent activities and plans for violence are still underway. The degree of evidence needed to justify a prosecution is certainly greater than the degree of evidence needed to call. ~~BY INSTRUCTING THE CURRENT LEGAL COUNSEL, FAMA, BY DIRECT CALL.~~

~~YOUR CONVERSATIONS WITH FORMER EMPLOYEES MUST BE IN KEEPING WITH~~

All this is not to say that no further standards are ~~OUR PLEDGE. IT IS BELIEVED SUCH A PROCEDURE WOULD INSURE PROPER~~ needed to guide regular criminal investigations when they may ~~PROTECTION AND ALSO FACILITATE THE WORK OF THE SSC.~~

touch on sensitive First Amendment or other constitutional

~~THE ABOVE PROCEDURE ALSO APPLIES TO CURRENT EMPLOYEES~~ interests. This is especially true of criminal investigations ~~OF YOUR OFFICE. HOWEVER, CONTACT WITH THE LEGAL COUNSEL SHOULD~~ of individuals or groups engaged both in lawful political, or ~~BE HANDLED THROUGH THE SAC.~~

social activities and in unlawful violence or plans for violence.

NOTE: To what extent is the advocacy of violence a proper basis for initiating an investigation? Should an investigation

be initiated on the basis of allegations or other information

~~The Office of Legal Counsel in response to requests from former employees will utilize the briefing paper prepared by the Intelligence Community Staff of the Director of Central~~ support for an organization which has ~~one of the objectives~~ Antonino Scalia.

the use of violence? Should an investigation be started on all members and public supporters of an organization, some of whose members have acted in concert to use violence?

These questions are addressed in the draft Attorney General's guidelines for domestic intelligence investigations under the heading "preliminary investigations". (Tab I) Since

UNITED STATES GOVERNMENT

**Memorandum**

1 - Mr. W. R. Wannah

1 - Mr. H. O. Gresser inves-

1 - Mr. E. W. Larson, Jr.

1 - Mr. S. F. Phillips

Asst. Dir. \_\_\_\_\_  
 Dep. AD Adm. \_\_\_\_\_  
 Dep. AD Inv. \_\_\_\_\_  
 Asst. Dir. \_\_\_\_\_  
 Admin. \_\_\_\_\_  
 Comp. Syst. \_\_\_\_\_  
 Ext. Affairs \_\_\_\_\_  
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 Gov. Inv. \_\_\_\_\_  
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 Training \_\_\_\_\_  
 Legal Coun. \_\_\_\_\_  
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 Director Sec'y \_\_\_\_\_

the guidelines assume that there should be intelligence investigations, they do not consider whether such investigations might be permitted as regular criminal investigations.

FROM: MR. W. O. O'REGAR

The Klan and Weatherman examples again illustrate the point. Once it has been established that a particular Klan group is engaged in or planning violence, it is reasonable

to conduct at least preliminary inquiries to determine whether the members and supporters of the group are involved in the Central Community Index (CCI) in connection with Senstudy 75.

violence or the plans for violence. Similarly, the search for

Attached are (1) memorandum 4/11/75 re CCI and its Weathermen fugitives, several who committed bombings and other acts (of letter 4/21/75 from Thomas to Schwartz and its attachment, Abstract format. violence would appear reasonably to include preliminary instructions in attachments and arrived at the following understandings.

supporters have harbored the fugitives.

The FBI will provide Abstracts only, not documents, to the other hand, it would seem unreasonable to furnish to the Select Committees. Abstracts should be dated when typed and keyed to all members and supporters of Klan groups across communications to which they pertain. Under item nine of format, the country on the ground that some Klan groups have used enter date of communication involved, not date it is delivered to a Select Committee. We may use an abbreviated version for the Select Committee's names, such as "Senate Select Committee." all members and supporters of SDS because the Weatherman faction engaged in violence. The scope of the investigation must be logically related to its specific purpose, and not an excuse for wide-ranging collection of intelligence.

62-116899 is one possible exception to the requirement that the FBI only conduct regular criminal investigations. The Attorney General (and the President) do require reports on (6)

ENCLOSURE

REC-88

16 MAY 6 1975

84 MAY 6 1975

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## THE DIRECTOR OF CENTRAL INTELLIGENCE

WASHINGTON, D. C. 20505

major civil disturbances which may not involve violations of

11 April 1975

federal law. The FBI should be authorized to gather such data and make appropriate reports as part of its law enforcement

responsibilities. However, the data and reports should be

Group on Congressional Reviews

limited to information provided by local or state law enforcement authorities or obtained in the course of a regular FBI

SUBJECT : Central Community Index

criminal investigation. Where local authorities provide information about individuals and organizations which are not the

1. The central indexing capability detailed in the subject of a regular FBI criminal investigation, the data and preparation of abstracts has been accepted and the Community Index is ready to receive material. The address of the Community Index is

name index.

Room 6E25

In periods of widespread civil disturbances, the  
CIA Headquarters  
Langley, Virginia 20505.

Attorney General may require a more systematic procedure for

2. The timeliness of reporting to the Central Index is critical and you are requested to make this information available to the appropriate organizational components within your agencies.

was the case in 1967, when Attorney General Clark created the

Interdivisional Intelligence Unit in the Justice Department.

The IDIU stored and indexed civil disturbance reports separately from the FBI. The data was used to help anticipate or ameliorate disorders. John M. Clarke

Associate Deputy to the DCI for the Intelligence Community

of evaluating reports on civil disturbances is still performed

by the Justice Department. This function should also be

authorized by statute, and the intent of Congress should be

that the Attorney General must obtain specific legislative

authorization for any future IDIU.

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ENCLOSURE

62-11-395-92

## THE DIRECTOR OF CENTRAL INTELLIGENCE

WASHINGTON, D. C. 20505

IDIU was not perfect. Under Attorney General John

Mitchell it supplied a list of names of American dissidents <sup>10 April 1975</sup> ~~to the CIA~~ <sup>DATA</sup> ~~OPERATIONS~~ to the CIA. (Tab J) It also was used in conjunction with grand jury proceedings inquiring into terrorist bombings.

**MEMORANDUM FOR: USIB Principals**

Both of these activities should be forbidden by the statute

**SUBJECT:** Community Aspects of Inputs to Congressional authorizing the Justice Department to evaluate intelligence disturbance information.

Finally, legislation may be needed to make clear that

1. The Intelligence Community Staff, with John M. Clarke, the ~~ABBA~~ is not authorized to conduct investigations of organizations or individuals for the specific purpose of compiling progress of the investigations conducted by the Senate and House Select Committees investigating intelligence activities. In particular, it will ensure that we are kept informed as to materials which are the ~~formally~~ being provided to the Select Committees by all elements of the Community. The USIB Ad Hoc Group will assist on this applies to FBI assistance to the Secret Service, under the present FBI-Secret Service agreement.

2. In response to this assignment, the Intelligence Community Staff is establishing a registry for documentation relating to the of investigations. This registry will be an Administrative Index (ASEX) of reference of all responses, testimony, et cetera, provided by USIB agencies and subjects of current domestic intelligence investigations. The past history of the FBI's Security Index and other target lists

3. In order to make the registry useful to the Board, it is essential that it include: (Key Activists, Agitator Index, Key Black Extremists) suggests the need to enact legislation banning the compiling of lists each Intelligence Community element provides to one of the Select Committees where the originating agency considers the materials to involve aspects of Community activities, or convicted for specific crimes and the list is used in connection with the investigation of such crimes. The availability of this documentation will be of particular importance if it is expected there will be subsequent inquiries relating to the materials provided and involving elements of the Community other than the originating element.

These proposals to limit the FBI to regular criminal investigations and civil disturbance reporting must be tested against the actual past experience of the Justice Department and the FBI. General instructions from the Department to the Bureau may be overly vague, even within the framework of criminal investigation. Two examples are Attorney General W. E. Colby's memorandum on riots in 1967 and Assistant Attorney General Yeagley's memorandum of campus disorders in 1969. (Tab K) The Nation of Islam exchange between the Department and the FBI in 1973-74 is another illustration. (Tab L)

**Attachment:**  
As stated

Thus, there is no automatic panacea in restricting the FBI to criminal investigations. The need for careful scrutiny of actual investigative policies and practices by Congress and the Attorney General is just as great as if the FBI were authorized to conduct domestic intelligence investigations. Legislation must focus on procedures for ensuring accountability by regular reports from the Attorney General to the appropriate Congressional committees.

The following are some of the basic elements which should go into a statute embodying this option. It would authorize the Attorney General to direct the FBI:

1. to investigate violations of federal criminal laws, provided that the scope and duration of the investigation are logically related to its specific purpose;

FORMAT FOR ABSTRACT TO BE SUBMITTED TO  
USIB AD HQC COORDINATING STAFF REGISTRY

2. to take only such investigative measures as are sanctioned by rule of law, procedure, or judicially recognized or accepted investigative practices, and are not in violation of state or federal law;

1. ~~TITLE/SUBJECT:~~ to seek legal advice from the Attorney General or his designee whenever a proposed action may be perceived, with reason, to unfairly affect the rights of citizens, provided that this responsibility to seek legal advice is the duty of both the FBI as an institution and FBI agents as individuals;

6. ~~4. SUMMARY OF CONTENTS:~~ (Brief narrative statement law describing content, problems addressed and any conclusions or recommendations agencies regarding major civil disturbances, provided whatever was provided to the Select Committee.)

ed that such information is not entered into the FBI general

7. DATE OF REQUEST:

files and name index;

8. RELEASING AUTHORITY:

9. to disseminate information obtained from criminal investigations for the following purposes, under regulations

10. LOCATION OF FILE COPY:

promulgated by the Attorney General and published in the Federal

11. RELATION TO INTELLIGENCE COMMUNITY PROBLEMS. (Identify Register:

a. prosecution of violations of criminal laws;

b. prevention or anticipation of violations of criminal laws;

c. assistance to the Secret Service in the performance of its protective responsibilities; *more 16 SP2 A.M. 7/26*

d. determination of the suitability of individuals for employment by the federal government;

Ad Hoc Staff

75-358

## THE DIRECTOR OF CENTRAL INTELLIGENCE

6. to report civil disturbance information obtained  
WASHINGTON, D. C. 20505

from state and local law enforcement agencies to the Attorney General for the purpose of determining the need to use federal military force under 10 U.S.C. 331 et seq.;

Mr. L. Frank Schwartz,  
Federal Bureau of Investigation  
Room 4637  
J. Edgar Hoover Building  
Washington, D. C.  
to compile such lists of persons arrested or convicted for specific crimes as may be necessary for use in connection with the investigation of such crimes;

Dear Frank:

8. to provide to the Attorney General or his designee

Reference is your request for comments on the sample full access to any information in the possession of the FBI provided to the Senate Select Committee.

which he may deem necessary for the performance of his responsibilities

As you know, we want to make the Community Registry as accessible as possible to appropriate Congressional committees on FBI activities; be provided to the Registry. Where this is not done, an abstract or summary of the document or documents and standards con-

sistent with this statute which the Attorney General may pre-  
an entry for "Document Classification." A copy of the  
described, provided that such procedures and standards shall be

published in the Federal Register or, if publication would sub-  
them more "indexable."

stantially interfere with the conduct of investigations,

a. Item 1, "TITLE/SUBJECT" refers to the subject reported to appropriate Congressional committees.

abstract on the FBI Manual of Instructions should have an entry here something like: "Instructions covering FBI Investigations in the Security Field," rather than the title of the Senate Committee.

b. The date at the head of the page should be the date of preparation of the abstract. The date of submission to the Committee is listed at Item 9.

c. The entry "ORIGINATING ORGANIZATION" identified the organization with authority to release the document.

file 62-116395  
JF/JW

5

92

ENCLOSURE

62-116395-92

**E. Option Four: Setting Standards for Domestic Intelligence**

be brief, but also should clearly indicate what is being provided, the authorized by statute to conduct

instance, whether your sample on the letterhead domestic intelligence investigations only if Congress finds

The summary as written gives no indication as to

(1) that regular criminal investigations as described above single sentence now used to describe all of them covers would not provide information to anticipate or prevent the use

of violence in violations of federal law, and (2) that the incidents

from the Committee, the Committee title should be entered dents of the REQUESTOR violence in violations of federal law are member of the Staff, his name should be indicated.

so numerous and so serious as to constitute a significant threat

f. The last entry in the format, "PROBLEM AREAS," to the internal security or domestic tranquility of the United States

know if there are Third Agency, or sources and methods,

States, or other sensitivity problems involved, and this is

the place to identify them. We are beginning to use

The abstract prepared in our office as an aid to obtaining release clearance when we are dealing with

engage in violence, advocate violence, or believe in the desirability of the ultimate use of violence to advance their

reason why they should be concerned about release of the document. The entry in this final section of the

format is expected to prove useful for this purpose.

domestic intelligence authority. There must be additional

5. One copy of the document or its abstract is all that is needed by the registry

findings that regular criminal investigations are inadequate

6. The mailing address of the registry is:

Community Index  
ROOM 5E25

CIA Headquarters

Furthermore, if FBI domestic intelligence is authorized

by statute, it should be an annual authorization which must be renewed each year upon reconsideration by Congress and the

Attorney General of these factors. Past experience indicates

Jack E. Thomas  
Coordination Staff, ICS

that the annual appropriations process does not provide an

Enclosure: as stated

appropriate forum for considering the FBI's basic authority.

**FORMAT FOR ABSTRACT TO BE SUBMITTED TO  
USIB AD HOC COORDINATING STAFF REGISTRY**

Attorney General Levi's draft guidelines provide a basis for the consideration of a domestic intelligence authorization.

**MATERIAL FOR THE SENATE (HOUSE) SELECT COMMITTEE**  
They do not cover the investigation of ~~foreign-related~~

activities which may be directed by, subsidized by, or otherwise conducted in active collaboration with a foreign government,

1. **TITLE/SUBJECT:** a foreign organization, or their agents. (See Option Two above.)

2. **ORIGINATING ORGANIZATION:**

The guidelines deal with five different types of threats

3. **NATURE OF MATERIAL: (Report, briefing, chart, etc.)**

4. **DOCUMENT CLASSIFICATION:** of violence which may constitute serious dangers to the country:

5. **NATIONAL SECURITY INFORMATION STAMP (YES/NO)**

1. overthrow of the government (revolutionary violence);

2. interference in the U.S. with the activities of a foreign government (bombing a consulate, attempting to assassinate a visiting foreign leader);

3. interference with the functioning of the government or the flow of interstate commerce to influence federal policies (violent protest activities, terrorist bombings);

4. deprivation of civil rights (Klan violence, violent protest against busing);

5. incitement of violence which may require the use of federal military force (riots, major civil disturbances accompanying protest demonstrations).

The guidelines also refer to violence directed at state governments, either overthrow of a state government or interference with the functioning of a state government.

UNITED STATES GOVERNMENT

# Memorandum

Authorizing legislation should indicate whether domestic

TO ~~MR. W. R. WANNALLI~~ <sup>Mr. W. R. WANNALLI</sup> intelligence is necessary for any or all of these specific prob-

DATE: April 21, 1975

lems. For example, revolutionary violence in an attempt to  
FROM ~~MR. W. O' MREGAR~~ <sup>1 - Mr. S. F. Phillips</sup> overthrow the government may be a remote and speculative danger;

SUBJECT: ~~INQUIRIES~~ <sup>BP</sup> while terrorist bombings may be substantially interfering with

the functioning of the government. Klan violence was unquestionably a serious danger to civil rights in the early and mid-

~~Associate Counsel to the President for Congressional Inquiries,~~  
1960's, but is it so today? Major riots and civil disturbances  
furnished the following four documents with a request that  
he advise whether copies of such documents could be made available  
were to the Senate Select Committee: (1) An internal FBI memorandum  
dated 5/16/72 captioned "FBI Jurisdiction, Criminal Intelligence  
Information"; (2) An internal FBI memorandum dated 5/16/72 captioned  
"FBI Authority in Domestic Intelligence Matters"; (3) A study  
on Subversion prepared for former Acting FBI Director J. Louis  
Patrick Gray III dated 5/19/72; (4) A memorandum from the Director  
of the FBI to the Attorney General dated 8/7/73 recommending the  
issuance of an Executive Order concerning the conduct of domestic  
intelligence investigations.

intelligence can be simplified. The Attorney General's draft

On 4/18/75 Mr. Wilderotter advised Section Chief  
~~William O'Mregan that the above four documents were selected~~ I  
for delivery to the Senate Select Committee.

ACTION: For information and record purposes,

1. to ascertain facts or information which serves to  
anticipate and prevent the use of violence in violations of  
federal law intended to

a. interfere, in the United States, with the

activities of a foreign government or its authorized representatives; and

*DEC 88  
16 MAY 6 1975  
ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 11/9/01 BY SP2 ALM/HB*

16 MAY 6 1975

84 MAY 6 1975

NW 55813 DocID:2999632 Page 33

- 23 -

1 - Mr. J. B. Adams

1 - Mr. J. A. Mintz

b. interfere with the functioning of the government

**The Attorney General** April 28, 1975  
of the United States or the free flow of interstate commerce in  
order to influence policies or decisions of the federal govern-  
ment. Director, FBI

1 - Mr. W. O. Gregar

1 - Mr. J. G. Deegan

**U. S. SENATE SELECT COMMITTEE TO STUDY GOVERNMENT OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES (SSC)**  
 This formulation concentrates on the most likely current serious danger to the country, namely, politically motivated terrorist violence. FBI Director Kelley's recent public statements have stressed the increasing nature of terrorist activity. Staff memorandum from Lish Whitson dated April 20, 1975, states that there were 45 terrorist bombings in 1974 and 46 such bombings in the first six months of 1975. A copy of the memorandum is enclosed for your use in the event you desire to furnish it to Mr. James A. Wilderotter, Associate Counsel to the President.

However, this increasing threat is not the only factor Enclosures - 2

to be considered. In the course of the FBI's regular criminal investigations of these bombings and other incidents of terrorist violence, can it obtain as a by-product substantial information which may serve to anticipate and prevent future violence? If so, the need for broader intelligence-type investigations is less evident.

1 - 100-106670 (Martin Luther King, Jr.)  
 1 - 67-29405 (Personnel File Former SA Lish Whitson)

SFP:ekw  
 (II) If so, the need for broader intelligence-type investigations is less evident.

~~ALL INFORMATION CONTAINED~~~~HEREIN IS UNCLASSIFIED~~~~DATE 2-20-04 BY SP/MLIA~~

REC-6

The draft guidelines provide that the FBI would conduct full-scale intelligence investigations on the basis of "specific and articulable facts justifying the conclusion"

EX-110 MAY 2 1975

Asst. Dir. \_\_\_\_\_  
 Dep. AD \_\_\_\_\_  
 Dep. AD Inv. \_\_\_\_\_  
 Asst. Dir. \_\_\_\_\_  
 Admin. engaged in activities which may involve the use of violence in violations of federal law. The two "mays" render the requirement of "specific and articulable facts" almost meaningless.

Therefore, any legislation should authorize the FBI:

56 MAY 06 1975

MAIL ROOM  TELETYPE UNIT 

NW 55013 DocId:32999682 Page 34

2. to conduct full domestic intelligence investigations  
 1 - Mr. J. B. Adams

on the basis of specific and articulable facts justifying the  
 conclusion that an individual, or individuals acting in concert,  
~~ALL INFORMATION CONTAINED~~  
~~HEREIN IS UNCLASSIFIED~~

are engaged in activities which are likely to involve the use  
 DATE 2-20-1975 SA DOWD 6026 1 - Mr. W. G. Gregor  
 of violence as described in 1 above.

U. S. SENATE SELECT COMMITTEE TO STUDY GOVERNMENT OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES (SSC)

The draft guidelines also discuss the surveillance techniques to be used in full domestic intelligence investigations, including informants, ~~small covers~~, (see ~~electronic~~ electronic surveillance.

#### STAFF MEMBER

The guidelines note that additional techniques may need to be covered, such as inquiries made under "pretext", photographic surveillance, "trash covers", etc. However, the legislation may

~~SSC Interview of Retired FBI SA Lish Whitton~~ deal with techniques more generally by providing that the FBI

is authorized. On the afternoon of April 23, 1975, Mr. Lish Whitton personally appeared at the office of an FBI official, stated

that he had taken only such investigative measures as were

Staff Member of the SSC, and was desirous of reporting the sanctioned by rule of law, procedure, or judicially recognized

or accepted investigative practices, and are not in violation

~~of state or federal law.~~

*him* ~~On~~ ~~the~~ ~~afternoon~~ ~~of~~ ~~April~~ ~~23,~~ ~~1975,~~ ~~Mr.~~ ~~Lish~~ ~~Whitton~~ arrived for assignment at FBI Headquarters,

to which Headquarters Division he had been assigned, and when he

more detailed explanation of investigative techniques for full

an SA November 20, 1933, and retired June 19, 1972. He was

assigned at Headquarters December 10, 1941, attached to the

Federal Intelligence Division and served in that Division

until his retirement. The current title for that Division is

~~Knowledge Division~~. It is known that Whitton that he

the draft guidelines is broadened considerably under the pro-

know that Whitton had at one time mailed a package to

~~Martin Luther King, Jr.,~~ ~~Florida~~ ~~and~~ ~~had~~ ~~Whitton~~

~~vision~~ ~~for~~ ~~preliminary~~ ~~investigations~~. They can be Whitton

to relate the details concerning this matter. Whitton thereupon

initiated on the basis of allegations or other information that

1 - 100-106670 (Martin Luther King, Jr.)

an individual, or individuals acting in concert, have advocated

activities which may involve violence, or are members of, or

(11) *NPF 3/8/75* SEE NOTE PAGE FIVE

Training \_\_\_\_\_

Legal Coun. \_\_\_\_\_

Telephone Re. \_\_\_\_\_

Director Sec'y \_\_\_\_\_

MAIL ROOM  TELETYPE UNIT

*EXCLUSION*

62-11639-90

GPO 201-346

**U. S. SENATE SELECT COMMITTEE TO STUDY CIVIL RIGHTS**

~~INVESTIGATION WITH RESPECT TO INTELLIGENCE ACTIVITIES (ICAO)~~

have expressed public support for an organization which has as its objective activities which may involve violence. The

~~REVIEW OF RELATED FBI SPECIAL AGENT (SA) BY~~

~~SSC STAFF MEMBERS~~

purpose of the preliminary investigation is to verify or refute the allegations or information. However, the vagueness of the

~~WHITTON AND THE USE OF VIOLENCE~~

~~ADVICE TO THE DIRECTOR~~

~~STANDARD IS OBVIOUS~~

~~THITTON AT HIS HOME ONE SUNDAY AND TOLD HIM THAT INTO~~

~~FBI WEAVER HAD CONDUCTED PRELIMINARY INVESTIGATIONS~~

~~CRITERIA FOR FULL INVESTIGATIONS, THE FBI SHOULD BE AUTHORIZED~~

~~TO MIAMI, FLORIDA, BY PLANE AND ON ARRIVAL AT THE MIAMI~~

~~AIRPORT TO CONDUCT PRELIMINARY DOMESTIC INTELLIGENCE INVESTI-~~

~~GATION~~

~~WHITTON DID AS DIRECTED AND UPON CALLING SULLIVAN, WAS~~

~~INVESTIGATED ON THE BASIS OF ALLEGATIONS OR OTHER INFORMATION THAT~~

~~ACCORDINGLY, WHITTON HAD THE PACKAGE WEIGHED, PUT POSTAGE~~

~~STAMP ON IT, AND ADDRESSED IT TO MARTIN LUTHER KING (NOT~~

~~MRS. MARTIN LUTHER KING OR FRIESEN HAD INDICATED). THE~~

~~ADVOCATE THE USE OF VIOLENCE AS DESCRIBED IN 1~~

~~THE FOLLOWING DAY, SUNDAY, WHITTON TALKED TO WHITTON AND~~

~~ABOVE~~

~~THE NEXT DAY, MONDAY, HE INFORMED SULLIVAN THAT HIS~~

~~INSTRUCTIONS HAD BEEN CARRIED OUT. SULLIVAN COMMENTED TO~~

~~WHITTON "SOMEONE IS ENGAGED IN ACTIVITIES WHICH ARE LIKELY TO~~

~~INVOLVE THE USE OF VIOLENCE AS DESCRIBED IN 1 ABOVE;~~

~~WHITTON ADVISED HE HAD PAID FOR THE STAMPS~~

~~TO MAIL THE PACKAGE AND WHITTON SAID THAT HE HAD PROBABLY DONE~~

~~C. P. ARE MEMBERS OF OR HAVE EXPRESSED PUBLIC SUPPORT~~

~~TO UTILIZING PER DIEM MONEY. FRIESEN ASKED WHETHER HE HAD~~

~~FRENCH ORGANIZATION INVOLVED IN ACTIVITIES WHICH INVOLVE, OR ARE~~

~~THE NEGATIVE. FRIESEN ASKED IF WHITTON HAD GONE TO THE MIAMI~~

~~LIKELY TO INVOLVE THE USE OF VIOLENCE AS DESCRIBED IN 1 ABOVE,~~

~~AND WHETHER WHITTON HAD DISCUSSED THIS MATTER WITH ANYONE.~~

~~PROVIDED THAT OTHER MEMBERS OF THE ORGANIZATION ARE CURRENTLY~~

~~WHITTON DID NOT REPLY TO THE QUESTION ASKED WHETHER HE HAD DISCUSSED~~

~~THE SUBJECT OF A FULL DOMESTIC INTELLIGENCE INVESTIGATION OR A~~

~~ONLY WITH SULLIVAN. AT THIS POINT, WHITTON ASKED FRIESEN TO~~

~~REGULATE CRIMINAL INVESTIGATION. FRIESEN SOLELY LAUGHED AND DID NOT REPLY~~

~~TO THE QUESTION.~~

Unless these changes are made in the guidelines, they would per-

~~FRIESEN ALSO ASKED WHITTON WHETHER HE HAD EVER WRITTEN~~

~~A MEMORANDUM REGARDING THIS MATTER, TO WHICH WHITTON REPLIED IN~~

~~THE NEGATIVE. FRIESEN ASKED IF WHITTON HAD EVER SEEN A MEMORANDUM~~

~~BEEN SERIOUSLY CRITICIZED. FOR INSTANCE, THEY WOULD ALLOW IN-~~

~~ON THIS MATTER AND WHITTON AGAIN REPLIED IN THE NEGATIVE.~~

VESTIGATIONS OF ALL SDS MEMBERS OR ALL BLACK STUDENT UNION LEAD-

ERS ON THE GROUND THAT THEIR ACTIVITIES MAY INVOLVE VIOLENCE,

U. S. GOVERNMENT BY CONTRACTOR  
DEPARTMENT OF DEFENSE TO THE DIRECTOR OF中央情報局 (DCI)

even though there is no specific allegation of likely involvement with respect to KILLED OR LIVERED (KOL) activities.

**10: INTERVIEW OF RETIRED FBI SPECIAL AGENT (SA) BY**

Another reason for the revision is to exclude those

investigations which would be justified as regular criminal investigations. Thus, allegations or other information that violence would fall within the FBI's regular criminal investigation jurisdiction would extend to make the trip and Whitson told him there was none. Epstein furthered at the preliminary stage to cover advocacy of violence and membership in or public support for organizations involved in or likely to be involved in violence. Full investigations required Epstein to ascertain that the voucher could merely that the CTR had been issued for a round-trip to and from Miami and how much per diem had been claimed in connection with the plans for violence. Epstein inquired as to whether Whitson had registered at the Airport Hotel in Miami, and, if so, whether it was under his own name. Whitson told Epstein that he had registered under his name at this hotel.

Additional Information Furnished to FBI By Whitson

In addition to the foregoing, Whitson furnished to the FBI official the following information on April 23, 1975, which information he did not furnish to Epstein.

When Sullivan told Whitson he wanted him to fly the package to Miami, he stated that only he, Sullivan, Mr. Hoover, Mr. Tolson, (then FBI Associate Director) and Mr. Belmont (then FBI Assistant to the Director) knew of this situation. (At the time, 1964, Sullivan was an Assistant Director.) Sullivan never did complain to Whitson anything more regarding this incident.

UNITED STATES GOVERNMENT

**Memorandum**  
U.S. GOVERNMENT COMMITTEE TO STUDY GOVERNMENTAL  
OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES (SOC)TO : RE: Mr. J. E. Adams DATE: 12/6/76  
Mr. J. E. Adams, Retired FBI Special Agent (6) BY  
SOC STAFF MEMBER

From : Legal Counsel

Whitton said that when he arrived at the North Terminal of National Airport following Sullivan's telephonic instructions, King was unknown to Whitton but who added, "King," turned over to him a package DECEMBER 10, 1975 which was wrapped in brown paper and sealed with sealing tape. It is Whitton's recollection the package measured approximately eight inches by eight inches by one inch.

At 3:01 p.m. on December 5, 1975, Mark Wolf of the Attorney General's staff, called me at the instructions of the Attorney General and advised that the Attorney General requested to receive the ~~Robert F. Kennedy~~ or probably had already gone abroad. It is Whitton's recollection that shortly after the mailing of the package, Sullivan commented to Whitton that the package had not yet been received by King. Because of this comment, Whitton is of the belief that the package was never delivered to King at the ~~headquarters of the Southern Club~~ Leadership Conference and not to King's residence. Further, Whitton's recollection is that the package was never delivered to Mr. Hoover in his office.

Wolf said that the Attorney General is currently en route to Chicago and will return to Washington on Sunday evening. Therefore, the requested materials should be delivered to the Attorney General no later than Monday morning, December 8, 1975.

Whitton observed that in his opinion, the information which was the source of Epstein prior to interviewing RECOMMENDATION:

Whitton must have originated with Sullivan. Whitton noted that Mr. Hoover or Mr. Tolson, Director of the FBI, had

That the Intelligence Division prepare an appropriate response to the Attorney General's instructions in time for delivery by 9:00 a.m. on December 6, 1975, CSC. One other factor that causes Whitton to feel that Sullivan was the source of the information was a question Epstein raised as to whether Whitton had put Mr. Tolson's address on the package when he addressed it to King. - Mr. Tolson said he recalls that when he was in Miami and received Mr. Tolson's telephone instructions, ~~regarding~~ Sullivan told him that if he did so, and the name of the addressee, ~~King~~, he would be required to put someone's name on the envelope other than in the

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 10-07-2017 BY 12/6/76

(6)

Access. Dir. \_\_\_\_\_  
Dir. AB Adv. \_\_\_\_\_  
Dir. AB Inv. \_\_\_\_\_  
Assist. Dir. \_\_\_\_\_  
Comp. Syst. \_\_\_\_\_  
Rec. Affairs \_\_\_\_\_  
Purch. & Con. \_\_\_\_\_  
Gen. Inv. \_\_\_\_\_  
Mem. \_\_\_\_\_  
Magazine \_\_\_\_\_  
Insel. \_\_\_\_\_  
Liber. \_\_\_\_\_  
Legal Ctr. \_\_\_\_\_  
Plan. & Proj. \_\_\_\_\_  
Spec. Inv. \_\_\_\_\_  
Trunking \_\_\_\_\_  
Telephone Rec. \_\_\_\_\_  
Disaster Rec'd. \_\_\_\_\_

LEAD SOURCE



UNITED STATES DEPARTMENT OF JUSTICE  
SENATE SELECT COMMITTEE TO STUDY GOVERNMENT  
OPERATIONS WITH FEDERAL BUREAU OF INVESTIGATION (SFC)

*NYL*

In Reply, Please Refer to  
RE: INTERVIEW OF RETIRED FBI SPECIAL AGENT (SA) BY  
File No. (SC) 62-7721

WASHINGTON, D.C. 20535.

May, 13, 1968

dead letter office. Sullivan concurred that no return address should be used. ~~MEMORANDUM FOR THE ATTORNEY GENERAL~~  
RE: NATIONALIST PARTY OF PUERTO RICO  
INTERNAL SECURITY - PUERTO RICAN NATIONALIST

On April 24, 1975, Whitton furnished by telephone to the ~~Attorney General~~ ~~presently maintains an authorized technical surveillance at the residence of Rosa Collazo and her daughter, Lydia Collazo-Turner, 1755 Anthony Avenue, Bronx, New York. This surveillance was originally installed on April 13, 1962, when King was "away" at the time.~~

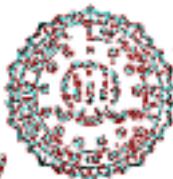
Rosa Collazo is the wife of Oscar Collazo who is serving a life sentence in connection with the killing of a White House guard during an attempt to assassinate former President Truman on November 1, 1950. Both Rosa and her daughter are active in the Nationalist Party of Puerto Rico in New York City. During the past six months, this surveillance has continued to furnish valuable information regarding activities of Puerto Rican independence advocates in New York. Through this surveillance, we have obtained information concerning the movement of Puerto Rican nationalists between New York and Puerto Rico. Included in this information was advance notice that Rosa Collazo planned to attend the General Assembly of the Nationalist Party of Puerto Rico during February, 1968, in Puerto Rico. Upon her return, details were obtained concerning the proceedings of the General Assembly. In addition, we were able to obtain advance notices of demonstrations in New York City in which nationalists participated. This enabled us to inform police authorities and interested Government agencies in advance of the demonstrations. Information herein taken from two memoranda to the President. Unless you instruct to the contrary, this technical surveillance will be continued for an additional six months. and GTR information from J. D. Cox, Voucher Unit, Computer Systems Division.

Very truly yours,

*J. Edgar Hoover*  
John Edgar Hoover  
Director

SECRET

SEARCHED	INDEXED
SERIALIZED	FILED
APR 24 1975	
FBI - NEW YORK	



## UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

1 - Mr. J. A. Mintz

1 - Mr. W. R. Wannall

1 - Mr. W. O. Cregar

WASHINGTON, D.C. 20535

April 18, 1975

June 3, 1965

1 - Mr. R. H. Horner

1 - Mr. T. E. Burns

Director, FBI

## MEMORANDUM FOR THE ATTORNEY GENERAL

UNITED STATES SENATE  
Re: DOMINICAN SITUATION  
ON INTELLIGENCE ACTIVITIES - INTERNAL SECURITY -  
DOMINICAN REPUBLIC

Reference is made to a letter from the Senate Select Committee dated March 18, 1975, requesting certain documents and other information from the Federal Bureau of Investigation (FBI) and specifically regarding policies and procedures military advisors to the deposed Dominican President Juan Bosch in the latter's efforts to regain control of the Dominican Government. Diego Bordas is a wealthy shipping executive currently residing in exile with San Juan, Puerto Rico, having been born in the Dominican Republic on January 11, 1923. He served in various high posts under Juan Bosch during the latter's short occupancy of the position of President of the Dominican Republic in early 1963. Bordas spends much of his time at 888 Ashford Avenue in San Juan, using an apartment at that address as his residence during the absence of its owner, Jose Antonio Benitez Jimenez, from Puerto Rico. Jose Benitez is the cousin of Jaime Benitez, the latter the Director of the University of Puerto Rico and a close associate and advisor of Juan Bosch. Diego Bordas also maintains a residence at 21 V. Floresia, Pueblo Viejo, a suburb of San Juan, near the current residence and headquarters of Juan Bosch. Diego Bordas and his brother jointly operate a shipping business known as Bordas and Company at Highway Number 2, Puerto Viejo, Puerto Rico, and his financial dealings in support of the Bosch efforts can reasonably be expected to be conducted from this commercial establishment.

16 MAY 2 1975

NOTE: The Bordas brothers have both been the subjects of numerous allegations indicating their cooperation with procommunist and pro-fidelist factions of Dominican politics and are apparently opportunists who have seized the current situation to enhance their political and financial futures. Luis Bordas is currently in the Dominican Republic acting as the Director of Military Operations of the rebel forces supporting Bosch.

Asst. Dir. \_\_\_\_\_  
Dept AD Adm. \_\_\_\_\_  
Dept AD Inv. \_\_\_\_\_  
Asst. Dir. \_\_\_\_\_  
Mktg. \_\_\_\_\_  
Comp. Syst. \_\_\_\_\_  
Ext. Affairs \_\_\_\_\_  
Files & Com. \_\_\_\_\_  
Gen. Inv. \_\_\_\_\_  
Memt. \_\_\_\_\_

109-12-21 Cor 4B

NATIONAL SECURITY INFORMATION  
UNCLASSIFIED MATERIAL ATTACHED  
Laboratory \_\_\_\_\_  
Plan. & Eval. \_\_\_\_\_  
Spec. Inv. \_\_\_\_\_  
Training \_\_\_\_\_  
Legal Coun. \_\_\_\_\_  
Telephone \_\_\_\_\_  
Dir. Secy. \_\_\_\_\_  
MAIL ROOM 11 TELETYPewriter  
Subject to Criminal Sanctions

SECRET

REC 4

4 JUN 15 1965

SECRET

1 - Mr. J. A. Mintz  
 1 - Mr. W. R. Wannall  
 1 - Mr. W. O. Cregar  
 1 - Mr. R. H. Horner  
 1 - Mr. T. E. Burns

## MEMORANDUM FOR THE ATTORNEY GENERAL

JFK Act § 1 (c)

April 18, 1975

[redacted] clearance for technical coverage of the business he operates jointly with [redacted] was obtained by the Federal Bureau of Investigation on June 1, 1965.

## WITH RESPECT TO INTELLIGENCE ACTIVITIES

In view of the pressing nature of the international situation as it relates to the Dominican Republic, it is requested that you authorize technical coverage of the residences of [redacted] mentioned above and of the business address of the joint venture operated by the [redacted]. Reference is made to letter dated March 19, 1975, to the Attorney General from the Chairman of the captioned Committee, which encloses certain requests for documents and other information from the Federal Bureau of Investigation (FBI).

Respectfully,  
 This is to advise that with respect to the memorandum from the Attorney General to the Director, FBI, captioned "Microphone Surveillance," dated May 20, 1954, we are deferring action on this request to the United States Department of Justice, Edgar F. Hoover, Communication Director.

APPROVED RLWDATE The Attorney GeneralTEB:vb  
(8)

#moe16  
ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 1-18-01 BY SP2 ALM/tfg

Asst. Dir. \_\_\_\_\_  
 Dep. AD Adm. \_\_\_\_\_  
 Dep. AD Inv. \_\_\_\_\_  
 Asst. Dir. \_\_\_\_\_  
 Admin. \_\_\_\_\_  
 Comp. Syst. \_\_\_\_\_  
 Ext. Affairs \_\_\_\_\_  
 File & Com. \_\_\_\_\_  
 Gen. Inv. \_\_\_\_\_  
 Ident. \_\_\_\_\_  
 Inspection \_\_\_\_\_  
 Intel. \_\_\_\_\_  
 Laboratory \_\_\_\_\_  
 Plan. & Eval. \_\_\_\_\_  
 Spec. Inv. \_\_\_\_\_  
 Training \_\_\_\_\_  
 Legal Coun. \_\_\_\_\_  
 Telephone Rm. \_\_\_\_\_  
 Director Sec'y \_\_\_\_\_

SECRET

MAIL ROOM TELETYPE UNIT

*See pg*  
The Attorney General

Director, FBI

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

- 2 - Mr. J. A. Mintz  
(1 - Mr. J. B. Hotis)  
1 - Mr. W. R. Wannall  
1 - Mr. W. O. Gregar  
1 - Mr. P. E. Nugent

December 19, 1975

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

DATE 10/3/00 BY SPRAED

Reference is made to SSC letter dated December 4, 1975, containing requests for materials concerning Martin Luther King, Jr.

Enclosed for your approval and forwarding to the SSC is an original of a memorandum in response to Item 2 in that letter.

Also enclosed for your records is a copy of the memorandum which is being delivered to you with a copy of the document in response to Item 2 which is being delivered to the SSC.

Enclosures (2) REC-51

1 - The Deputy Attorney General  
Attention: Michael E. Shaheen, Jr.  
Special Counsel for  
Intelligence Coordination

JAN 22 1976  
RECORDED ON FILE  
18th BLDG  
ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 10/3/00 BY SPRAED

62-116395-1214X

NOTE:

A copy of the SSC letter 12/4/75, is attached to the file copy of enclosed letterhead memorandum. Exact copy of the memorandum being furnished is maintained in the office of the SENSTUDY 75 Project. Arrangements have been made for a representative of the Legal Counsel Division to deliver the attached memorandum as well as the document being provided to the SSC. As indicated in the enclosed memorandum, Items 1, 3 and 4 requested in the referenced SSC Letter are being handled separately. Items 1 and 3 requested in referenced SSC letter are being handled by the IS-3 and CI-3 Sections respectively. Item 4, a restatement of prior request submitted by the SSC is being handled separately by SA V. E. Thornton of the IS-1 Section.

Assoc. Dir. \_\_\_\_\_  
Dep. AS Adm. \_\_\_\_\_  
Dep. AS Inv. \_\_\_\_\_  
Asst. Secy. \_\_\_\_\_  
Admin. \_\_\_\_\_  
Comp. Sect. \_\_\_\_\_  
Ext. Affairs \_\_\_\_\_  
Files & Cm. \_\_\_\_\_  
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Laboratory \_\_\_\_\_  
Plan. & Eval. \_\_\_\_\_  
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Legal Coun. \_\_\_\_\_  
Telephone No. \_\_\_\_\_  
Director Sec'y \_\_\_\_\_

MAIL ROOM  TELETYPE UNIT 62-116395-1214X  
© 440-AM 26-1076 02209628 Page 42

ENCLOSURE

SECRET//RESTRICTED//NOFORN

GPO : 1975 O - 097-700

STANDARD FORM NO. 64

# Office Memorandum • UNITED STATES GOVERNMENT

TO Director, Federal Bureau of Investigation  
62-116395

FROM The Attorney General

Mr. J. A. Mintz  
(1 - J. B. Hotis)  
1 - Mr. W. R. Wannall  
1 - Mr. Wm. O. Gregor [initials]  
1 - Mr. P. E. Nugent

December 19, 1975

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 10/20/00 BY SPANKY

declassification 4/16/2025  
by SPANKY

SUBJECT MICROPHONE SURVEILLANCE  
U. S. SENATE SELECT COMMITTEE TO  
STUDY GOVERNMENTAL OPERATIONS WITH  
RESPECT TO INTELLIGENCE ACTIVITIES (SSC)

Reference is made to SSC letter dated December 4, 1975, containing requests for materials concerning Martin Luther King, Jr., California, U.S. 120, denouncing the use of microphone surveillances by city police in a gambling case makes appropriate a reappraisal of the use which may be made in the future by the Federal Bureau of Investigation of microphones in connection with FBI vs. William D. Moyers, Special Assistant to the President, at the White House, Washington, D. C., dated October 27, 1964.

It is clear that in some instances the use of microphone surveillance is necessary to determine the activities of this letter the SSC requested materials reflecting this letter such as hand-delivered to the White House by Mr. DeLoach on the October 28, 1964, alliance be utilized by the Federal Bureau of Investigation. This use need not be limited to the development of evidence for prosecution. It is noted that in addition to requesting a copy of comm. Hoover's letter to Mr. Moyers and to the notation appearing the thereon reading "personally delivered 10/28/64, Dfts No additional materials are available in FBIHQ files reflecting delivery of this letter beyond the aforementioned notation which, it appears, bears the initial of Mr. DeLoach. The Department of Justice approves the use of microphone surveillance by the FBI under these circumstances and for these purposes.

Items 1, 3 and 4 requested in the referenced SSC letter are being handled in separate responses.

I do not consider that the decision of the Supreme Court in Irvine v. California, supra, requires a different course. That case is The Attorney General on its facts. The language of the Court, however, indicates certain uses of microphones which it would be well to avoid, if possible, even in internal security investigations.

It is quite clear that in the Irvine case the Justices of the Supreme Court were outraged by what they regarded as a lack of discretion of installing a microphone in response to your request and is not for dissemination of such messages over television. Its use is limited to official presentation to the public and the content must not be disclosed to unauthorized persons. The Court's Constitution and the conduct of the FBI the need for discretion and restraint in the use of microphones by the FBI in all cases, including internal security.

original AND ONE TO AS he installation of a microphone in a bedroom or in some personally intimate location should be avoided whenever possible. If this appear, however, that important intelligence or evidence relating to matters connected with the national security can only be obtained by the installation of a microphone in such a location. It is my opinion that under such circumstances the use of a microphone is not prohibited by the Supreme Court's decision in the IRVINE case.



OFFICE OF THE DEPUTY ATTORNEY GENERAL  
WASHINGTON, D.C. 20530

- 2 -

December 8, 1975

Previous interpretations which have been furnished to you as to what may constitute trespass in the installation of microphones, suggest that the views expressed have been tentative in nature and have attempted to predict the course which courts would follow

~~TO: John A. Mintz, Assistant Director~~ It is realized that not infrequently the question of trespass arises in connection with the installation of a microphone. The question of whether a

~~From: Michael E. Shsseen, JR.~~ trespass is actually involved and the second question of the effect of such a trespass upon the admissibility in court of the evidence thus obtained, must necessarily be resolved according to the circumstances of each case. The Department in resolving the problems which may arise in connection with the use of microphone surveillance will review the

~~SUBJECT: Senate Select Committee Request~~

circumstances in light of the practical necessities of investigation and of the national interest which must be protected. It is my opinion that the Department should adopt that interpretation which will permit microphone coverage by the FBI in a manner most conducive to our national interest. I recognize that for the FBI to fulfill its important intelligence function, considerations of internal security and the national safety are paramount and, therefore,

~~I invite your attention to paragraph numbered 4, which amends an earlier request of the Committee (Elliff letter of November 25, 1975, Item 6c) which request was the subject of a telephone conversation on December 3, 1975, with Mr. Seymour Phillips of the Bureau.~~

cc: Paul Daly

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 10/31/00 BY SPGR/MS

1/10/75  
1/10/75

62-716395-1214X

PARKER CHAMBERS, FRANCIS J. GILMAN  
JOHN R. HANCOCK, JR., ROBERT M. KENNEDY, JR.  
WILLIAM F. KEEGAN, JR., THOMAS G. KELLY, JR.  
WALTER J. KEEGAN, JR., ROBERT L. KENNEDY, JR.  
ROBERT KENNEDY, JR., ROBERT L. KENNEDY, JR.  
WILLIAM F. KEEGAN, JR., ROBERT L. KENNEDY, JR.  
WILLIAM F. KEEGAN, JR., ROBERT L. KENNEDY, JR.  
WILLIAM F. KEEGAN, JR., ROBERT L. KENNEDY, JR.

## UNITED STATES GOVERNMENT

## United States Senate

Assoc. Dir. \_\_\_\_\_  
Dep. AD Adm. \_\_\_\_\_  
Dep. AD Inv. \_\_\_\_\_  
Asst. Dir. \_\_\_\_\_  
Admin. \_\_\_\_\_  
Comp. Syst. \_\_\_\_\_  
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Files & Com. \_\_\_\_\_  
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Legal Coun. \_\_\_\_\_  
Telephone Rec. \_\_\_\_\_  
Director Sec'y \_\_\_\_\_

## Memorandum

TO : MR. WALSH

FROM : L. C. GROOVER

SUBJECT: Michael E. Shaeen, Jr., Esq. *Reference Legal Counsel to S. B. A. Memorandum*Special Counsel for Intelligence  
Coordination

Office of the Deputy Attorney General

U. S. Department of Justice

Washington, D.C. 20530

SELECT COMMITTEE TO  
STUDY GOVERNMENTAL OPERATIONS WITH  
RESPECT TO INTELLIGENCE ACTIVITIES

(PURSUANT TO S. RES. 21, 89TH CONGRESS)  
WASHINGTON, D.C. 20510

4/3/75 PPD-616

December 4, 1975

AMERICAN INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 1/1/01 BY SP-2 ALM/116

Dear Mike:

Relet requested, among other things, the titles and number of FBI field office agents assigned to internal security, intelligence collection and counterintelligence matters, operations or activities, together with the percent of total agent man-hours devoted to such matters, operations ~~and delivery of all materials pertaining~~, item 10C of relet,

~~The Senate Select Committee requests the following materials for delivery:~~ to the circumstances surrounding the recommendation for, authorization of,

~~and duration and termination of the electronic surveillance referred to in~~ item 1 and 22 of my letter of November

~~21, 1975 and in materials delivered to~~ 21, 1975 and in materials delivered to

~~the Committee on December 1, 1975. It is noted the request specifically mentions internal security, intelligence collection and counterintelligence matters. Our response has been constrained by the traditional two categories of internal security and counterintelligence. Intelligence collection (informants) is included in the category data for both of the other categories as appropriate.~~ was hand delivered by Mr. Cartha DeLoach

RECOMMENDATION:on October 28, 1964. *MEC-100*

3. Delivery of all materials pertaining to the surveillance of Mrs. Anna Chapman, prior and, thereafter, forwarded to the Legal and House Divisions which is coordinating replies to the Senate Select Committee.

The Committee's request in my letter of November 27, 1975, item 6c should be revised to read as follows: "All memoranda and any other materials which pertain to, bear upon, or indicate any actions taken pursuant to or in connection with the recommendation contained in this memorandum, including a summary of the recommendations of relevant Bureau personnel pertaining thereto." *SEE LEGAL COUNSEL DIVISION ADDENDUM PAGE TWO* *SEE LEGAL COUNSEL DIVISION ADDENDUM PAGE THREE*

Sincerely,

EXCLOSURE

5 WFO



84 MAY 2 1975

NW 25510 DocId:2228747 Page 43

Memorandum to Mr. Walsh  
Re: Senate Select Committee on  
Intelligence Activities

WOC

ADDENDUM: Intelligence Division, WOC:aso, 4/4/75

The Intelligence Division has reviewed the attached figures prepared by the Administrative Division. Under the criteria of the current Classification Act it would be impossible to justify classification of these figures; however, should they be made public or fall into the hands of a hostile foreign intelligence service, it would reveal the current capability the FBI employs in the field of counterintelligence against the total foreign threat. In view of the above, the Intelligence Division strongly recommends that the ~~Administrative Counsel, SENATE SELECT COMMITTEE~~ the staff of the Senate Select Committee pointing out the vulnerability in ~~12/19/75~~ this attachment in an effort to ~~D.S. the SENATE SELECT COMMITTEE~~ request identified as III C.

Caption of Document:

JWR/HHW 12/4/75 request - Martin L. King.

Originating Office: (FD) FBI

Delivered by: DD Conf

Date: 12/3/75

Received by: Carla

Title: Research Period

Return this receipt to the Intelligence Division, FBI

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 12/16/00 BY SP/AM/MS

- 2 -

JVER

62-116-1214X

ENCLOSURE

CLASSIFY AS APPROPRIATE

INSTRUCTIONS ON REVERSE  
BEFORE COMPLETING.TO: Intelligence Community Staff  
ATTN: Central Index

FROM:

FBI

SUBJECT: ~~Abstract of Information Provided to Select Committee~~ *dy 4-14-75*

1. ~~INFO PROVIDED (check appropriate term. If a document was not available for review but not traced, mark retained)~~ **REGARDING THE OBSERVATIONS OF THE INTELLIGENCE DIVISION**  
 DOCUMENT  INFORMATION  RECORDS  OTHER **12/19/75**  
 concerning the making available the amount of manpower to counterintelligence and domestic intelligence work in the FBI, the Legal Counsel Division has the following observations:
2. ~~TO WHOM PROVIDED (check appropriate term; add specific names if appropriate)~~

*(1) Based on our analysis and conversations this Division has had with Fred B. Griffith of the Inspection Division, it appears that the information contained in this memorandum may be classified confidential under Executive order 11652.*

3. ~~IDENTIFICATION (provide descriptive data for documents; give name or identification number of briefer, interviewer, classifier and subject)~~

*(2) Before making any determination as to whether we*

*make such information available to the Senate Select Committee, it would appear we should determine from CIA what their response to such a request will be so that our position and that of CIA will be*

4. ~~IN RESPONSE TO THIS INFORMATION, THE NUMBER OF THE REQUEST OR IDENTIFICATION NUMBER OF THE REQUEST, DATE OF REQUEST, SUBJECT, DATE OF RESPONSE, AND NAME OF PERSON PREPARED BY~~  
**Leon F. Schwartz, Liaison Section of Intelligence Division, and requested**

**CLASSIFICATION OF INFORMATION (check one)**  
 1. C.I.A.  
 2. C.I.D.  
 3. C.I.S.  
 4. C.I.A. & C.I.D.  
 Classified

**S**

**SSC letter 12/4/75, item 2**

- (3) It is not believed that we should take a hard and fast position that this information not be made available to the Committee or that we make an effort to have the Committee withdraw their request for information handling. We should rather develop some fallback position such as that this information will be made available to the Chairman of the Committee or will be made available during an oral briefing, etc.*

5. ~~SUMMARY (see reverse side before completing this item)~~

*Materials relating to Martin Luther King, Jr.: Copy of a letter from Mr. Hoover to The Honorable William D. Moyers 10/27/64 along with notation that shows letter was hand delivered by Mr. DeLoach 10/28/64.*

*See memo. Copy to you. (dated 11-11-65)  
 woc + ekw*

*ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED  
 DATE 10/21/02 BY SP/ALM/MS*

*62-116395*

*FBI:SPK*

*(4)*

**ORIGINAL VIA LIAISON TO CENTRAL COMMUNITY INDEX  
 IN CONNECTION WITH SENSTUDY 75**

*- 3 -*

**TREAT AS YELLOW**

8791 (6-78)

CLASSIFY AS APPROPRIATE

~~CONFIDENTIAL~~100-10654/4-0016  
CLASSIFIED BY SIEBOLD  
OK 1-18-01~~INSTRUCTIONS~~THE NUMBER OF FBI FIELD OFFICE AGENTS ASSIGNED TO  
INTERNAL SECURITY AND COUNTERINTELLIGENCE MATTERS

- Type or print clearly in ink.
- Indicate classification of the abstract and source, it has been determined that matters relating to
- Date the abstract and put on any internal control numbers required.
- "FROM" entry should clearly identify the organization providing the information.
- If additions (as when a copy of document sent to SAC is later sent to HSC) or changes to a previously submitted form are necessary, submit a copy of the original abstract, with the change indicated. Special Agent

In ChargeIn ChargeSupervisorsSpecial Agents

Total  
Equivalent Full-  
Year Agent  
Employees

11/16/375  
EXCLUSIVELY

Internal Security 2.90 Assistant 1.75 Supervisors 47.08 Special Agents 671.07 Total 722.68  
Counterintelligence 2.31 Special Agents 16.18 Supervisors 904.29 Special Agents 954.97

*SPECIFIC ITEM NO. 8. SUMMARY - enter brief narrative statement describing substance of information and showing relationship to Intelligence Community matters if appropriate. Any feedback or evidence of investigatory interests should be noted. Commitments made to supply additional information should be noted. Additionally, certain administrative information may be entered here, e.g., restrictions on review of a document, if document was paraphrased, whether interviewee is current or former employee, etc. If actual document or transcript is provided, that fact should be noted and no summary is required. Additional pages may be attached if necessary.*

personnel assigned as of 2/28/75:

	<u>Special Agents In Charge</u>	<u>Assistant Special Agents In Charge</u>	<u>Special Agent Supervisors</u>	<u>Special Agents</u>	<u>Percent of Total Agent Personnel</u>
Internal Security	4.2%	2.9%	11.9%	9.5%	9.5%
Counterintelligence	3.5%	3.6%	11.7%	12.2%	12.6%

~~CONFIDENTIAL~~

9

Classified by 2 & 3  
Exempt from CDS, Category 2 & 3  
Date of Declassification Indefinite

OPTIONAL FORM NO. 10  
MAY 1962 EDITION  
GSA GEN. REG. NO. 27  
5010-106

UNITED STATES GOVERNMENT

# Memorandum

TO : Mr. J. B. Adams **SSC LETTER 12-4-75** DATE: 4-14-75

FROM : Legal Counsel *Doug Fuller*

SUBJECT: **SENSTUDY 75**

ITEM 2

Adjoc. Dir. \_\_\_\_\_  
Dep. AD Adm. \_\_\_\_\_  
Dep. AD Inv. \_\_\_\_\_  
Asst. Dir. \_\_\_\_\_  
Admin. \_\_\_\_\_  
Comp. Syst. \_\_\_\_\_  
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Files & Com. \_\_\_\_\_  
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Inspection \_\_\_\_\_  
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Legal Coun.  \_\_\_\_\_  
Plan. & Eval. \_\_\_\_\_  
Spec. Inv. \_\_\_\_\_  
Training \_\_\_\_\_

Telephone Re. \_\_\_\_\_  
Director Sen. *SP-2 ALM/216*

*4-14-75*  
*4-14-75*  
*4-14-75*

On 4-11-75 Doug Marvin, Assistant to the Attorney General, was apprised of the fact we intended to affix a property stamp on certain nonclassified documents we were furnishing the Senate Select Committee (SSC). It was explained the stamp contained a caveat that the particular document may not be made available to unauthorized individuals without the Bureau's consent. He advised he felt this procedure was excellent.

On 4-14-75 Mr. Marvin requested that all future contacts with the Department concerning SENSTUDY be coordinated with Jack Fuller, extension 3892. Mr. Fuller is assigned to the Attorney General's office.

**RECOMMENDATION:**

For information.

*PM*  
ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 11/18/01 BY SP-2 ALM/216

*PM*  
ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 10/31/02 BY SP-2 ALM/216

*PM*  
*62-116395-87*

*PM*  
APR 23 1975

*R. Letourneau*

*62-116395-12 141X*

ENCLOSURE

~~SECRET~~

UNITED STATES GOVERNMENT

# Memorandum

TO: MR. W. R. WANNAMAKER

DECLASSIFIED BY SP24N MIL  
ON 10/13/2000

FROM: MR. W. R. CREGAR

SUBJECT: Honorable William D. Moyers  
Special Assistant to the President  
The White House  
Washington, D. C.Mr. L. C. Groover to Mr. Walsh  
314/75 entitled "Senate Select Committee on Intelligence"

Dear Mr. Moyers:

RECORDED 10/13/75  
 forwarded to the Intelligence Division for review  
 the titles and numbers of FBI field office Agents assigned to  
 internal security, intelligence collection, and/or counter-  
 intelligence matters, operations or activities. This was in response  
 to requirement in Senator Church's letter dated 6/19/75.  
 Wigington was described as a member of the Democratic  
 Party Correlation Committee, Austin, Texas. Blackwell  
 as an assistant to Martin Luther King, Jr., at the Southern  
 Christian Leadership Conference, Atlanta, Georgia. Inclination to  
 provide these type figures to the SSC.

Wigington indicated to Blackwell a desire for  
 King to write "an anti-Goldwater letter" which Wigington's  
 Committee intends to distribute in Texas among labor groups.  
 Blackwell stated that King may go to Texas prior to the  
 forthcoming presidential election and Blackwell inquired  
 as to whether King would be in any danger. Wigington  
 stated that he would contact one Harry Goodman concerning  
 any possible danger to King in Texas. This Bureau's source  
 had no information concerning the identity of Goodman.

During this contact Wigington complained to  
 Blackwell that a group from the Southern Christian Leader-  
 ship Conference, which Conference is headed by King, and  
 a group from the Amalgamated Meat Cutters and Butcher  
 Workers of North America had picketed in Fort Worth,  
 Texas. Wigington stated that this was not a good thing  
 at this time since all Negro and labor organizations should  
 be working for the election of President Lyndon B. Johnson.  
 Director to review the names and numbers of CIA covert officers  
 overseas. This information is also being furnished to  
 officials in the Department of Justice.

APR 24 1978  
 REC 14  
 Telco: ekw/v  
 100-106670 (King)  
 1-100-442529 (CIA)

SEE NOTE PAGE TWO  
 APR 24 1978 BY SP24N MIL

SPP:kml 1801 BY SP24N MIL  
 (12) *SP24N MIL*

100-106670 (King) *SP24N MIL*

1-100-442529 (CIA) *SP24N MIL*

(12) *SP24N MIL*

100-106670 (King) *SP24N MIL*

1-100-442529 (CIA) *SP24N MIL*

- 1 - Mr. J. B. Adams  
 1 - Mr. J. Belmont  
 1 - Mr. W. R. Mohr  
 1 - Mr. DeLoach  
 DATE: April 14, 1975  
 1 - Mr. October 27, 1964  
 1 - Mr. L. F. Schwartz  
 1 - Mr. BY KIA1964 Gar

- 1 - Mr. Evans  
 1 - Mr. Rosen  
 1 - Mr. Sullivan  
 1 - Mr. Bland  
 1 - Mr. Baumgardner  
 1 - Mr. Phillips

Assist. Dir. \_\_\_\_\_  
 Dep. AD Adm. \_\_\_\_\_  
 Dep. AD Inv. \_\_\_\_\_  
 Asst. Dir. Admin. \_\_\_\_\_  
 Comm. Secy. \_\_\_\_\_  
 Ent. Affairs \_\_\_\_\_  
 File & Com. \_\_\_\_\_  
 Reg. Inv. \_\_\_\_\_  
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 Security \_\_\_\_\_  
 Public Env. \_\_\_\_\_  
 Spec. Inv. \_\_\_\_\_  
 Training \_\_\_\_\_  
 Legal Coun. \_\_\_\_\_  
 Telephones Rx. \_\_\_\_\_  
 Director Sec'y \_\_\_\_\_

NATIONAL SECURITY INFORMATION  
 EXCLUDED FROM AUTOMATIC  
 DOWNGRADING AND  
 DECLASSIFICATION

Sincerely yours, OVER

SP 24 NOV 2 1964

ST-11333 LEGAL COUNSEL ADDITIONAL

PAGE 3 OF 3

Group 1

Excluded from automatic  
 downgrading and  
 declassification

~~SECRET~~

Memorandum to Mr. W. R. Wannall  
RE: SENSTUDY 75  
Honorable William D. Moyers

AC NOTE:

Classified "Secret" as information reported is  
from AT 1380-S\*, a highly sensitive source with respect  
to the racial situation. This source is of continuing  
value and the unauthorized disclosure of this information  
could compromise its effectiveness and thus be detrimental  
to the national defense. Information obtained from Atlanta  
teletype 10/29/64 will be shown to Mr. Miller or a senior staff member at FBIHQ in an effort to  
demonstrate a spirit of cooperation and credibility.

*wizw/Har*

*Addendum*

- 2 -

~~SECRET~~

- 2 -

1 - Mr. Bassett - Encls.  
 1 - Mr. Cleveland - Encls.  
 1 - Mr. Gallagher - Encls.  
 1 - Mr. McDermott - Encls.

ATTORNEY GENERAL'S COUNSEL DIVISION

1 - Mr. Mintz - Encls.  
 1 - Mr. Walsh - Encls.  
 1 - Mr. Wannall - Encls.  
 1 - Mr. Motis - Encls.

*S/*  
*1st*  
 Director, FBI  
 Legal Counsel Division interposes no objection to  
 Intelligence Division's recommendation. If approved, Intelligence  
 Division prepare necessary communication to notify the SCA.

TESTIMONY BY THE ATTORNEY GENERAL  
 BEFORE THE SENATE SELECT COMMITTEE  
 ON INTELLIGENCE ACTIVITIES

ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED  
 DATE 7/20/02 BY SPAC/MS

*Not in my office*  
*Not in my office*  
*Not in my office*  
 On November 21, 1975 Inspector John B. Motis of this Bureau met with Doug Marvin, Counselor to the Attorney General; Mark Wolf, Special Assistant to the Attorney General; and Michael S. Shaeen, Jr., Special Counsel for Intelligence Coordination, concerning your forthcoming appearance before the Senate Select Committee on Intelligence Activities. At this meeting this Bureau was requested to provide write-ups on certain phases of this Bureau's operations which are to be used in the preparation of a briefing book for your testimony.

Attached are the following individual write-ups as requested on November 21, 1975: "Investigative Techniques"; "Organizational Structure and Functions of the FBI"; "Allegation of Misconduct Involving Special Agent in Charge, Miami Office"; "Director Hoover's 'Official and Confidential' (OC) Files"; "Allegations of Possible Misconduct by FBI Agents, Houston, Texas"; "Allegations of Personal and Official Misconduct of a Former Special Agent in Charge of the Baltimore Office"; "Allegation of Bribery by FBI Agent, New York"; "Allegation of Possible Misconduct by an FBI Agent, Detroit, Michigan"; "Allegations of Misconduct by FBI Agents, Richmond, Virginia, Field Office, in Connection with the Investigation of Illegal Wiretapping by the Richmond, Virginia, Police Department"; "Allegations of Violations of Gun Control Act by FBI Agent"; "Review of Appropriations Testimony for Fiscal Years 1958 thru 1976"; "Tenure of FBI Director"; "Transfer of Drug Enforcement Responsibilities to the FBI"; "Office of Special Review, Department of Justice"; and "Major Topics of Primary Concern to Congressional Committees."

Assoc. Dir. \_\_\_\_\_  
 Dep. AD Admin. \_\_\_\_\_  
 Dep. AD Inv. \_\_\_\_\_  
 Ass't. Dir. \_\_\_\_\_  
 Admin. \_\_\_\_\_  
 Comp. Syst. \_\_\_\_\_  
 Ext. Affairs \_\_\_\_\_  
 File & Com. \_\_\_\_\_  
 Gen. Inv. \_\_\_\_\_  
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 Inspection \_\_\_\_\_  
 Inv. \_\_\_\_\_  
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 Plan. & Eval. \_\_\_\_\_  
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 Training \_\_\_\_\_  
 Legal Coun. \_\_\_\_\_  
 Telephone Rm. \_\_\_\_\_  
 Mail Room \_\_\_\_\_  
 Teletype Unit \_\_\_\_\_  
 DocId:32989628  
 Page 52

*717-77 RIC 62-116395-1212*  
 With respect to the material requested by memorandum  
 of Mark L. Wolf, Special Assistant to the Attorney General,

RE DEC 29 1976

SEE NOTE - PAGE 2

62-116395-5-406

OPTIONAL FORM NO. 10  
MAY 1962 EDITION  
GSA GEN. REG. NO. 27

UNITED STATES GOVERNMENT

The Attorney General

Mr. W. R. Wannall

FROM :

to Inspector John S. Notis of this office dated November 26, 1975, which requested additional information, we are gathering the necessary material on an expeditious basis and the results will be furnished as soon as possible.

SUBJECT:

SENSTUDY 75  
BRIEFING FOR STAFF MEMBERS  
BY INTELLIGENCE DIVISION  
APRIL 11, 1975  
Enclosures (15)1 - Mr. J. B. Adams  
1 - Mr. J. A. Mintz

DATE: 4/11/75

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 11/8/01 BY SP-2 ALM/HG

Assoc. Dir. \_\_\_\_\_  
 Dep. Asst. Attn. \_\_\_\_\_  
 Admin. \_\_\_\_\_  
 Adm. Secy. \_\_\_\_\_  
 Camp. Syst. \_\_\_\_\_  
 Ext. Affairs \_\_\_\_\_  
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 Int. Oper. \_\_\_\_\_  
 Laboratory \_\_\_\_\_  
 Legal Coun. \_\_\_\_\_  
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 Training \_\_\_\_\_  
 Telephone Rec. \_\_\_\_\_  
 Director Sec'y \_\_\_\_\_

On 4/11/75, from 10:00 am until 12:20 pm, staff members of the Senate Select Committee on Intelligence Activities were briefed by Assistant Director Wannall and 1 - The Deputy Attorney General from the Committee. Michael E. Shaheen, Jr., Enclosures (15) Mr. Frederick A. Schwartzenbach, Chief Counsel; and Messrs. Mark Gittestein, Marvin Epstein, Patrick Shea, Britt Snider and Loch Johnson, all staff members.

The first hour of the briefing was occupied with the showing of the INTD slide presentation and commentary which provided highlights of the work of the INTD, both in the counterintelligence and internal security field. Following this presentation a question and answer period ensued for the NOTE: See Legal Counsel Memorandum to Mr. Schaefer dated 4/24/75 re captioned "Testimony By The Attorney General Before The Senate Select Committee on Intelligence Activities." On 12-1-75 Mark Wolf, Special Assistant to the Attorney General, requested the attached information be furnished as soon as possible in writing, no later than 4/2-75. This response was coordinated and incorporates material prepared by the Inspection, Special Investigative, General Investigative, Files and Communications and Intelligence Divisions. Due to the time constraints we are furnishing interim responses. As completed additional material will be furnished to the Department programs designed to assign certain counterintelligence functions to non-Agent personnel, thereby freeing additional Special Agents to function as case officers. In response to a question as to whether the additional investigative effort necessary to counter the mounting hostile intelligence threat might not involve investigation of more and more American citizens, Mr. Wannall conceded

62-116395

REC-106

62-116395  
6 APR 29 1975EWL:jvl  
(5)

CONTINUED - OVER

Memorandum to Mr. W. R. Wannall  
 Re: Senstudy 75  
 Briefing for Staff Members  
 by Intelligence Division  
 April 11, 1975  
 The Attorney General

2 - Mr. J. A. Mintz  
 (1 - Mr. J. B. Hotis)  
 1 - Mr. W. R. Wannall  
 1 - Mr. W. G. Gregar  
 January 14, 1976

1 - Mr. V. R. Thornton

*that this was inevitable. He stressed, however, the investigative policies of the FBI which protected the constitutional right of privacy of such individuals.*

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

*Reference is made to the Senate Select Committee on Intelligence security investigation of the Martin Luther King, Jr. assassination. The questioning appeared to indicate an interest in the predication, duration and administrative controls of investigations of domestic organizations and individuals. Again, Mr. Wannall stressed the precautions inherent in FBI policy and instructions to the field in these matters, pointing out in effect that these investigations are founded on statutory authority and are closely supervised by experienced personnel at Headquarters level. The Committee staff appeared to accept these answers and no critical or negative statements on the part were evident.* Enclosed for your approval and forwarding to the SSC is an original of a memorandum in response to Item 4 in the December 4, 1975, request and Items 7c and 8c of the November 25, 1975, request.

The briefing was terminated at 12:20 pm, due to commitments on the part of the staff. Mr. Miller and Mr. Schwarz both expressed their appreciation for the briefing and indicated it had been most instructive. They indicated a desire to continue these discussions at some later date and Mr. Wannall assured them that he would be happy to continue the briefing at any future mutually agreeable time.

1 - The Deputy Attorney General

*Attention! Michael E. Sheehan, Jr., Special Counsel for Intelligence Coordination, which he inquired as to what advantages and disadvantages the FBI could be anticipated as a result of the Committee fulfilling its mandate. Mr. Wannall replied that any statutory authority defining and affirming the FBI's role in the intelligence collection field would certainly be a positive achievement. He also stated that any result of*

*NOTE: Committee's investigation which would tend to limit the investigative resources of the intelligence effectiveness of the FBI would surely be an unfortunate negative factor.* **RECOMMENDATION:** Copies of SSC letters 11/25/75 and 12/6/75 are attached to the file copy of enclosed LHM. Arrangements have been made for a representative of the Legal Counsel Division to deliver the attached memorandum as well as documents being provided to the SSC. Copies of material being furnished to SSC being retained with Senstudy 75 Project.

*None. For information.*

Asst. Dir.  
 Dep. AD Adm.  
 Dep. AD Inv.  
 Asst. Dir.

Admin.  
 Comp. Syst.  
 Env. Affairs  
 File & Cont.  
 Gen. Inv.  
 Mem.  
 Inspection  
 Email.  
 Laboratory  
 Plan. & Eval.  
 Spec. Inv.  
 Testing

**ENCLOSURE**

UNITED STATES GOVERNMENT

*Memorandum*

TO : Mr. J. B. Adams

62-116395

FROM : W. R. Wannall

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 1/15/02 BY [Signature]

SUBJECT: SENSTUDY 75

FORMER SUPERVISOR TO THE SELECT COMMITTEE TO  
ASSIGN STUDY GOVERNMENTAL OPERATIONS WITH  
RESPECT TO INTELLIGENCE ACTIVITIES (SSC)2 - Mr. J. A. Mintz  
1 - (1-Mr. J. B. Hotis)

1 - Mr. W. R. Wannall

1 - Mr. W. O. Gregar

1 - Mr. V. R. Thornton

Assoc. Dir. \_\_\_\_\_  
 Dep. AD \_\_\_\_\_  
 Dep. AD \_\_\_\_\_  
 Asst. Dir. \_\_\_\_\_  
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 Legal Coun. \_\_\_\_\_  
 Telephone Rm. \_\_\_\_\_  
 Director Sec'y \_\_\_\_\_

January 14, 1976

At 3:17 p.m., 4/22/75 former Special Agent Lish Whitson who for many years was a supervisor in the Intelligence Division telephoned me to advise that he had received a request to appear for an interview Reference is made to, SSG letter dated December 4, 1975, Select Committee of which requests materials concerning Martin Luther King, Jr.; and SSG letter dated November 25, 1975, Items 7c and 8c of which request materials concerning the Washington Spring Project and Sanitation Workers Strike, Memphis, Tennessee, respectively, been requested to appear for an interview by any member of the staff of the Select Committee. Whitson stated that he was proceeding with the preparation of his testimony propoed the SSG of materials in response to referenced requests answering questions which would involve material which he knew to be classified at the time of the interview. In respect to Item 4 of the December 4, 1975, request, news that only indication of any action taken concerning the recommendation contained in the pertinent memorandum dated March 29, 1968, captioned, "Counterintelligence Program, Black Nationalist-Hate Groups, Racial Intelligence (Martin Luther King)" is the true staff pencilized notation "Handled 4/3/68," appearing on page one and to essentials which are believed to be those of former Special Agent sensitive Harold P. Leinbaugh. Among the documents being furnished basis the SSG is a memorandum dated July 18, 1975, captioned, install "Drs. Martin Luther King, Jr." along with supporting documents, on which were submitted to the Attorney General concerning black instigating Sep 10, 1975, leading to the proposed action recommended by the members. March 29, 1968, memorandum. It includes results of an interview of Leinbaugh in view of this, it was his intention to be responsive and candid during the interview by Mr. Epstein as he could be but if in response to Item 7c, the only indication of any revelation as to what he then suggested (recommendation) contained in the memorandum dated March 26 to 1968, Epsteined, advise him "Counterintelligence Program, Black Nationalist-Hate Groups, is availing Intelligence by Washington Spring Project" is the pencilized notation "Handled 4/4/68," appearing on page two of that memorandum and initials which are believed to be those of former SA Leinbaugh.

Assoc. Dir. \_\_\_\_\_  
 Dep. AD \_\_\_\_\_  
 Dep. AD \_\_\_\_\_  
 Asst. Dir. \_\_\_\_\_  
 Admin. \_\_\_\_\_  
 Comp. Syst. \_\_\_\_\_  
 Ext. Affairs \_\_\_\_\_  
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 Plan. & Eval. \_\_\_\_\_  
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 Training \_\_\_\_\_  
 Legal Coun. \_\_\_\_\_  
 Telephone Rm. \_\_\_\_\_  
 Director Sec'y \_\_\_\_\_

WW: 10/1/75  
 (5)

WRT: [Signature] This document is prepared in response to your request and is not for dissemination outside your Committee. It is to be treated as confidential and the content may not be disclosed to unauthorized persons until without the express approval of the FBI.

ORIGINAL AND ONE TO AG

Memorandum to Mr. Adams

Re: SENSTUDY 75  
SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC)  
FORMER SUPERVISOR LISH WHITSON  
ASSIGNED INTELLIGENCE DIVISION

prior approval. Whitson stated that if the writer had no objection, he would telephone again after his interview with Epstein as to the event and matters came up which he felt would be of interest to the Bureau. He was assured that the writer had no objection. Whitson would appreciate any observations which he could add to his notes. A pencilized notation appearing on page one, dated 3/28/68, and initials which again are believed to be those of former SA Leinbaugh.

ACTION: The Attorney General

For information and record purposes.

*[Handwritten signatures and initials]*

1 - Mr. J. A. Mintz  
 1 - Mr. W. R. Wannall  
 1 - Mr. W. O. Cregar

The Attorney General

April 22, 1975

Director, FBI

UNITED STATES SENATE SELECT COMMITTEE  
ON INTELLIGENCE ACTIVITIES

AMENDMENT  
ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 1/18/01 BY SP2 ALM/PLG

By letter dated March 19, 1975, the Senate Select Committee requested information from the FBI. Part I of the Committee's letter pertained to the legal authority for investigations.

Attached for your approval and forwarding to the Committee is the original of a memorandum and report of the Federal Bureau of Investigation concerning the subject of legal authority for investigations.

WASHINGTON, D. C. 20535

Addressee: SENATE SELECT COMMITTEE

A copy of this memorandum, with enclosures, is being provided for your records.

U. S. SENATE SELECT COMMITTEE

Caption of Document:

Enclosures - 10

12/4/75 request Item 4

AFW:vb (6)

11/25/75 request Items 7c and 8C's

NOTE:

Originating Office: FBI

Delivered by: D. J. Carl

Rec'D

62-116395-83

Received by: Legal Counsel Division

Title: Letter was transmitted with an attachment, prepared by the Committee's staff, which set forth examples of the type of information concerning domestic intelligence jurisdiction of interest to it. Among those items cited in the attachment to the Committee's 3/19/75,

Return this receipt to the Intelligence Division, FBI

letter was a study on jurisdiction prepared for former Acting FBI Director Louis Patrick Gray III by the Office of Legal Counsel, dated 5/18/72. Representatives of the Legal Counsel Division do not believe the 5/18/72 study is, in itself, appropriate to furnish in response to the question of the Senate Select Committee on legal authority. However, Legal Counsel Division believes that two internal FBI memoranda, prepared in connection with the drafting of the 5/18/72 study, would be pertinent to the Senate Select Committee's inquiry. Accordingly, these two documents, items one and two of attached memorandum for the Committee, are being furnished.

ENCLOSURE

ENCLOSURE ATTACHED

CLASSIFY AS APPROPRIATE

REINSTRUCTIONS OR REVERSE  
BEFORE COMPLETING.TO: Intelligence Community Staff  
ATTN: Central IndexFROM:  
FBI

SUBJECT: Abstract of Information Provided to Select Committee

1. NEW PROVIDED (check appropriate box. If a document was made available  
for review but not transmitted, no note.) DOCUMENT

BRIEFING

INTERVIEW

TESTIMONY

OTHER

1 - Mr. J. A. Mintz  
1 - Mr. W. R. Wannall

1 - Mr. G. Cregar

1/14/76

April 22, 1975

2. TO WHOM PROVIDED (check appropriate box. Add names if no box checked)

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

<input checked="" type="checkbox"/>	SSC
	HSC

**RE: LEGAL AUTHORITIES**

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

Memorandum and enclosures Reference is made to the March 19, 1975, letter from the Chairman of the Senate Select Committee to the Attorney General, requesting certain documents and other information from the FBI.

5. IN RESPONSE TO FIRST DATE AND ITEM NUMBER IF IN RESPONSE TO FORMAL REQUEST, OTHERWISE STATE VERBAL REQUEST, CHECKED INDIVIDUALLY, INFORMATION ATTACHED

The Senate Select Committee's request, entitled "Legal Authorities":  
SAC letter 12/4/75, Item 4 and SSC letter 1/23/75,  
Items 7c and 8a

6. CLASSIFICATION OF INFORMATION (enter D, E, S, T, or  
SECRET, CONFIDENTIAL, or  
TOP SECRET)

1. An internal FBI memorandum dated May 16, 1972, captioned "FBI Jurisdiction, Criminal Intelligence Information."

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

2. An internal FBI memorandum, dated May 18, 1972, captioned "Operating Procedures in Intelligence Matters," Information Handling

3. A study on subversion prepared for former Acting FBI

Director Louis Patrick Gray III, dated May 19, 1972.

Delivery of materials regarding Martin Luther King, Jr., and the Washington Spring Project and the Sanitation Workers Strike, Memphis, Tennessee, respectively, intelligence investigations.

Enclosures - 4

1 - The Attorney General

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 10/30/00 BY SP/AM/JP

62-116395  
(6)

AJD:lhb (4) ORIGINAL VIA LIAISON TO CENTRAL COMMUNITY INDEX  
IN CONNECTION WITH SENATE STUDY 75.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 11/11/01 BY SP/AM/JP

TREAT AS YELLOW

3781-14-761

CLASSIFY AS APPROPRIATE

FBI - WASH DC

1210X

166-10086



## UNITED STATES DEPARTMENT OF JUSTICE

~~INSTRUCTIONS~~

## FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

- Type or print clearly in ink.

- Indicate classification of the abstract top and bottom.

- Date the abstract and put on any internal control numbers required.
- ~~UNITED STATES SENATE SELECT COMMITTEE  
TO STUDY GOVERNMENTAL OPERATIONS~~
- "FROM" entry ~~should clearly identify the organization providing the information.~~

RE: **LEGAL AUTHORITIES**

- If additions (as when a copy of document sent to SSC is later sent to HSC) or changes to a previously submitted form are necessary, submit a copy of the original abstract, with the change indicated.

Reference is made to the March 19, 1975, letter from the

~~Senate Select Committee on Intelligence~~ ~~on the subject of~~ ~~intelligence matters~~ ~~and its relationship to~~ ~~Intelligence Community~~ ~~matters if appropriate. Any feedback or evidence of investigatory interests should be noted. Commitments made to supply additional information should be noted. Additionally, certain administrative information may be entered here, e.g., restrictions on review of a document, if document was paraphrased, whether interviewee is current or former employee, etc. If actual document or transcript is provided, that fact should be noted and no summary is required. Additional pages may be attached if necessary.~~

~~Attached are the following documents responsive to the Senate Select Committee's request, entitled "Legal Authorities":~~

~~1. An internal FBI memorandum dated May 18, 1972, captioned "FBI Authority in Criminal Intelligence Information."~~

2. An internal FBI memorandum, dated May 18, 1972, captioned "FBI Authority in Domestic Intelligence Matters."

3. A study on subversion prepared for former Acting FBI Director Louis Patrick Gray III, dated May 19, 1972.

4. A memorandum from the Director of the FBI to the Attorney General dated August 7, 1973, recommending the issuance of an Executive Order concerning the conduct of domestic intelligence investigations.

Enclosures - 4

# M0816  
ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 1-18-01 BY SP-8 ATT/MS



62-16515-83

OPTIONAL FORM NO. 10  
MAY 1962 EDITION, GSA GEN. REG. NO. 27  
GSA GEN. REG. NO. 27  
5010-106

UNITED STATES GOVERNMENT

*Memorandum*

TO : Mr. Dalbey

DATE: 5/16/72

FROM : J. A. Mintz *JAM*SUBJECT: FBI JURISDICTION: CRIMINAL  
INTELLIGENCE IN ~~SSCR REQUEST~~ 12-4-75ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 11/8/01 BY SP2/AS/MS

ITEM 4

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

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

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

CONTINUED - OVER

ENCLOSURE

ENCLOSURE

UNITED STATES GOVERNMENT

**Memorandum**  
 RE: DISPOSITION; CRIMINAL  
 INTELLIGENCE INFORMATION

TO : Mr. W. C. Sullivan

DATE: March 28, 1968

FROM : G. C. Moore

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

## SUBJECT: COUNTERINTELLIGENCE PROGRAM

BLACK NATIONALIST - HATE GROUPS

RACIAL INTELLIGENCE Long-established suspicion of the FBI's treatment of officers (MARTIN LUTHER KING) the Congressional findings but statutory enactments

did not eliminate the conduct described as evil therein. There remains

PURPOSE: task of establishing the identities of those constituting the national menace and developing prosecutable evidence of Martin Luther King.

"intelligence" collection is one means by which this responsibility may be fulfilled. It may be the only practical means in view of the scarcity

BACKGROUND: of witnesses willing to testify and of the high mortality potential of those who do appear. A classic example of such jurisdiction is reported in the Tufts Skin & Tendon 151 F.2d 414 (4th Cir. 1945) case found an anonymous note on the east of his

car which read "This could have been a bomb. Keep your mouth shut."

When violence broke out during the march King led in Memphis on 3-28-68, King disappeared. There is a first class Negro hotel in Memphis, the Hotel Lorraine, but King chose to hide out at the white owned and operated Holiday Inn Motel. If the Supreme Court announces that individuals have a

RECOMMENDATION: Constitutionally protected right of privacy that may be overcome only

The above facts have been included in the attached blind memorandum and it is recommended it be furnished a cooperative news media source by the Crime Records Division for an item showing King is a hypocrite. This will be done on a highly confidential basis. (Katz v. United States, 389 U.S. 347 (1967) Enclosure)

More specific Constitutional limitations on the criminal intelligence function may be found in the First Amendment protections of

(7) speech and assembly; the Fourth Amendment prohibitions of unreasonable searches and seizures; and the Fifth Amendment privilege against

1 - Mr. C. D. DeLoach  
1 - Mr. T. E. Bishop  
1 - Mr. G. C. Moore

1 - Mr. D. Ryan (Press Media) consistently found in decisions having a bearing on the relationship between these rights and the collection of criminal intelligence

is that, when in direct conflict, the collection effort must yield. Such is the case.

This memorandum is prepared in response to your request and is not for dissemination outside your Committee. It is limited to official proceedings by your Committee and the contents may not be disclosed to unauthorized persons without the express approval of the FBI.

PMB: JWD: 280

Memorandum J. A. Mintz to Mr. Dalbey  
RE: FBI JURISDICTION; CRIMINAL  
INTELLIGENCE INFORMATION

March 29, 1968

not to label criminal ~~as I say, NOT AS I DO~~ merely the product of malpractice, but to recognize the paramount nature of the Constitutional interests being safeguarded. Other incidents of government regulatory authority have been required to yield as well when confronted with legitimate claims of strike in Memphis, Tennessee, has urged Negroes to boycott downtown white merchants to achieve Negro demands. On 3-29-68 King led a march for the sanitation workers. Like Judas leading lambs to slaughter King led the marchers to violence, and when the violence broke out, King disappeared, susceptible of being characterized as harassment may well be enjoined as, for example, was the case of an

The fine Hotel Lorraine in Memphis is owned and patronized exclusively by Negroes but King didn't go there from his hasty exit. Instead King decided the plush Holiday Inn Motel, white owned, operated and almost exclusively white be patronized, was the place to "cool it." There will be no boycott of white merchants for King, only for his followers. or openly attends organizational meetings where his presence inhibits communication and the transaction of the business of the assembly (Long 309, United Furniture Workers v. Gates, 75 F. Supp. 620 (ND Ind. 1948)). However, open photographic surveillance of public gatherings (Donahoe v. Duling, 330 F. Supp. 308 (ED Va. 1971)) and secret monitoring of criminal activities through the use of undercover agents (Lewis v. United States, 385 U.S. 206 (1968)) and informants (Gandy v. United States, 385 U.S. 295 (1966)) have met with judicial approval.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 10/30/00 BY SP/SAW/DP

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

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

100-441606-93  
3  
ENCLOSURE

Memorandum J. A. Mintz to Mr. Dalbey  
 RE: FBI JURISDICTION: CRIMINAL  
 INTELLIGENCE INFORMATION

REC-87  
 1 - J. B. Adams  
 1 - W. R. Wannall  
 1 - D. Ryan  
 1 - J. G. Deegan

44-16670-3765 July 18, 1975

However, the court order to destroy the Intelligence files excepted instances "where such information will be used to charge persons with specifically defined criminal conduct." 256 A2d at 305. Thus, ~~Attacks on the First Amendment may be interpreted as drawing a distinction between collecting information where political or social factors are involved and those~~

~~Amendment violations which may be directly related to collection background leading up to the proposed action recommended in memorandum G. C. Moore to Mr. W. C. Sullivan dated March 29, 1968, captioned "Counterintelligence Program, Black Nationalist-Hate Groups, Racial Intelligence, (Martin Luther King)." (copy attached) that the First Amendment would be stretched so far as to~~

~~protect freedom of speech and assembly when such speech and assembly constitute the offense.~~

This memorandum recommended that information be furnished to a cooperative news media source by the Crime Records Division of the Federal Bureau of Investigation (FBI) showing King as a hypocrite. This was to be based on the fact that when violence broke out during a march led by King in Memphis, Tennessee, on March 28, 1968, he disappeared into the Holiday Inn Hotel (also known as the Riverview Motel).

A notation on the above referred to memorandum indicated that the recommendation was "handled" on April 3, 1968, by Mr. Harold P. Leimbach of the Crime Records Division (see notation on memorandum dated March 29, 1968, attached).

Efforts are manipulated to cause harassment or where such activity coincides with Committee investigations, except the Criminal Intelligence program must be performed.

By way of background it should be noted that at about 6 p.m. on April 4, 1968, while standing on second floor balcony outside room 306 of the Hotel Lorraine, Memphis, Tennessee, King was shot and killed.

Memphis teletype dated April 2, 1968, reflects that King and other Southern Christian Leadership Conference (SCLC) officials were due to arrive in Memphis at 10:15 a.m. on April 3, 1968, via Eastern Airlines from Atlanta. (copy of Memphis teletype dated April 2, 1968, attached)

After King's death, an interview with Reverend Ralph David Abernathy, a close associate of King, reflected that he and King registered into the Hotel Lorraine in Memphis.

SEE NOTE PAGE 3

(ENCLOSURE)

ROUTE IN ENVELOPE

84-A055 1539

encl. sec. 2-100-000

UNITED STATES GOVERNMENT

# Memorandum

TO : Dr. Martin Luther King, Jr.  
Mr. Dalboey

DATE: 5/18/72

FROM : Tennessee, at about 10:30 a.m. on April 3, 1968. (Information contained in report of SA Joe C. Hester dated April 17, 1968, Memphis, captioned "UNSUB, aka, Eric Starvo Galt, et al., Civil Rights", page 45. See attached FD-302 reflecting interview with Reverend Ralph David Abernathy).

For further background regarding the basis of this proposal Atlanta teletype dated March 28, 1968, captioned "Martin Luther King, Jr. Investigation" with second caption "Sanitation Workers Strike, Memphis, Tennessee, Racial Matters" reflects that on March 28, 1968, King and other SCLC people were in room 301, Holiday Inn, Memphis, Tennessee, at 4:30 p.m. (copy of Atlanta teletype attached)

It is fair to say that the domestic intelligence program is one of the more controversial areas of the Bureau's activities. For one thing, a Memphis teletype dated March 29, 1968, captioned "Sanitation Workers Strike, Memphis, Tennessee, Racial Matters" reflects that King participated in the march of sanitation workers on March 28, 1968. When violence erupted including the breaking of windows and looting by the marchers, King and a few associates ran to a nearby car and left the march proceeding to Rivermont Motel where they remained through the afternoon and evening. (copy of Memphis teletype attached)

political beliefs, habits or associations; or that information collected for proper purposes may be disseminated to the news media. Harold P. Leinbaugh, after having had all the facts set out above reviewed with him including the fact his notation of "handled" appeared on the March 29, 1968, memorandum, advised that he has absolutely no recollection of this memorandum and can unhesitatingly state that he cannot now recall whether or not proposed information was ever disseminated to any news media source. He indicated that his notation "handled" would not necessarily mean that he did disseminate this information. In explaining this he stated that the notation could mean that he was merely clearing this document through Crime Records Division and at this late date there would be absolutely no way that he could make any positive statements as to whether or not the information recommended was ever disseminated to a news media source.

clear what facts and circumstances must be present to authorize an intelligence investigation, nor how far such an investigation may lawfully extend. In this connection, it is important to note that the FBI has been given wide discretion to define its own authority, and to choose the directions, methods, and locus of its investigations. For one thing, the FBI Director made

From the above recorded sequence of events as reflected in various communications identified above, it is evident that King returned to Memphis, Tennessee, from Atlanta.

- CONTINUED - OVER

- 2 -

Memorandum to Mr. Dalbey

**RE: FBI AUTHORITY IN DOMESTIC  
INTELLIGENCE MATTERS**

And unlike the practice in criminal cases, our electronic surveillances in security matters are not submitted for prior court approval. For another, the exclusionary rule which provides the usual method of judicial control over investigative procedures, is not often available in security cases. Dr. Martin Luther King, Jr.

Since the goal is largely preventive, these cases seldom come before the courts. As a result, the public, the courts, and the Congress have very on April 3, 1968, and checked into the Hotel Lorraine since matters approximately 10:30 a.m. The notation indicating that the proposed furnishing of information to the news media was "handled" on April 3, 1968, would, of course, preclude any such information from appearing in the press prior to King's checking into the Hotel Lorraine at approximately 10:30 a.m. on April 3, 1968.

The Senate Subcommittee on Constitutional Rights has expressed particular concern about the appropriate afflles maintained at FBI Headquarters fails to reflect any newspaper article which could have been an outgrowth of the proposed recommendation contained in the G. C. Moore memorandum to Mr. W. C. Sullivan dated March 29, 1968.

A review of the "Memphis Commercial Appeal" for the period March 28 to April 1, 1968, maintained on microfilm in the Library of Congress failed to reflect any article which would appear to be an outgrowth of the proposed recommendation contained in G. C. Moore memorandum to Mr. W. C. Sullivan dated March 29, 1968. References were noted indicating that King held a press conference at the Holiday Inn Rivermont Motel on March 29, 1968. It may be developing in the courts in several recent cases, plaintiffs have made the claim that government information gathering which goes beyond the effort to apprehend criminal suspects, may have a "chilling effect" on the exercise of First Amendment rights.

These challenges thus far have not been successful: Anderson v. Sills, Enclosures (5), 265 A2d 678 (1970); Donahoe v. Duling, 330 F. Supp. 308 (E.D. Va. 1971); American Civil Liberties Union v. Westmoreland, 323 F. Supp. 1153 (N.D. Ill. 1971).

**NOTE:**

The courts have generally recognized that one of the principal functions of the Bureau is to gather information jaw violators, agitators of See memorandum J. G. Beegan to Mr. W. R. Wrennall, dated 7/18/75, captioned as above, prepared by HAN/eah, (D.C. Cir. 1971) cert. granted, 404 U.S. 955 (1971); The Fifth Avenue Peace Parade Committee, et al. v. J. Edgar Hoover, et al., 70-Cv. 2646 HRT, decided February 16, 1972. The Court of Appeals for the District of Columbia Circuit, has observed that the identity of the agency gathering such information is determinative of the significance of any alleged chill to

**Memorandum**

RE: FBI AUTHORITY IN DOMESTIC  
INTELLIGENCE MATTERS

Mr. W. C. Sullivan

DATE: March 29, 1968

DEA G.C. Moore to First Amendment rights. Thus, in Davis v. Iehord, 442 F2d 1207, although appellants allegedly felt chilled by a Congressional Committee's investigation of them, the Court found there was insufficient justiciability in their claims.

COUNTERINTELLIGENCE PROGRAM  
BLACK NATIONALIST - HATE GROUPS  
RACIAL INTELLIGENCE  
(MARTIN LUTHER KING)  
PURPOSE:

To publicize hypocrisy on the part of Martin Luther King. Judiciary must become involved, and thus every investigation has

a judicial check which operates to guarantee the protection of constitution

BACKGROUND:

Martin Luther King has urged Negroes in Memphis, Tennessee, to boycott white merchants in order to force compliance with Negro demands in the sanitation workers' strike Court of Appeals in ratum. In contrasting the potential impact on

Amendment rights occasioned by investigations conducted by the military with investigations conducted by a civilian investigative agency, the Court pointedly examined the "source of the chill" as it had

been caused by the "chilling effect doctrine", singled out the FBI as a source which does not generate a reasonable basis for inhibition apprehensions. In this connection the Court stated,

- 1 - Mr. C. D. DeLoach  
1 - Mr. T. E. Bishop REC-20  
1 - Mr. W. C. Sullivan  
1 - Mr. G. C. Moore  
1 - Mr. D. Ryan (Mass Media) 3 - 24 task 11 log  
1 - Mr. T. J. Deakin

Handled 4/3/68 - R.A.T. - 3100  
100-448006-93  
#REFRESHED

March 29, 1968

Memorandum J. B. Hotis to Mr. Dalbey  
 RE: FBI AUTHORITY IN DOMESTIC  
 DO AS I SAY, NOT AS I DO  
 INTELLIGENCE MATTERS

Martin Luther King, during the sanitation workers' strike in Memphis, Tennessee, has urged Negroes to boycott downtown white merchants to achieve Negro demands. On 3-29-68 King led a march for the sanitation workers. Like Judas leading lambs to slaughter King led the marchers to violence, and when the violence broke out, King disappeared.

The fine Hotel Lorraine in Memphis is owned and patronized exclusively by Negroes but King didn't go there from his hasty exinity Instead King decided the plush Holiday Inn Motel, white owned, operated and almost exclusively white patronized, was the place to "cool it." There will be no boycott of white merchants for King only for his followers.

To compile information on law violators, agitators of violence, and possible subversives. It has always been recognized that this is a delicate function, and it is exercised under the direction of the Attorney General. Investigation is performed by men a majority of whom are under the direction of lawyers in the Justice Department, and the information compiled is only ~~information contained herein is UNCLASSIFIED~~ or to affect his liberty in any way except through the action of the courts.

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

The Supreme Court in Hoffa v. U.S., 385 U.S. 293 (1966), held that the use of secret informants is "not per se unconstitutional", and does not violate the Fifth Amendment privilege against self-incrimination, nor the Fourth Amendment prohibition against unreasonable searches and seizures. The Court upheld, as reasonable under the Fourth Amendment, admission at trial of evidence obtained by an undercover informant to whom a defendant spoke without knowledge that he was in the employ of the police. 385 U.S. at 300-303. See also Lewis v. U.S., 385 U.S. 290 (1966) and Lopez v. U.S., 373 U.S. 427 (1963). *100-7700-696-93*

~~ENCLOSURE~~

24

Memorandum J. B. Hotis to Mr. Dalbey  
 RE: FBI AUTHORITY IN DOMESTIC  
 INTELLIGENCE MATTERS

FBI MEMPHIS Moreover, the Supreme Court in U.S. v. White, 401 U.S. 745 (1971), recently held that the use of secret informants does not violate ~~ALL INFORMATION CONTAINED~~ ~~HEREIN IS UNCLASSIFIED~~ ~~DATE 4-2-08 BY SP-652~~ justifiable expectation of privacy under the Fourth Amendment, even when an informant uses electronic equipment to transmit his conversations with defendants to other agents.

FROM MEMPHIS 157-1692 3P

If the use of undercover government informants without a warrant does not violate the Fourth Amendment and invade a defendant's constitutionally justifiable expectations of privacy, Hoffa v. U.S., supra, ~~socially valuable~~, ~~information gathered~~, ~~under the Foreign Agents Registration Act~~, ~~is not~~, ~~SECRET~~ ~~DATE 4-2-08 BY SP-652~~ conversations with defendants and testify concerning them, or simultaneously record and transmit their conversations to others, who may testify against them, On Lee v. U.S., 343 U.S. 747 (1952); U.S. v. White, supra, then clearly mere visual

~~surveillance~~ or plainries in plain view by informants at public meetings ~~will not violate their constitutional rights~~

ON APRIL TWO, NINETEEN SIXTY EIGHT, LT. E. H. ARKIN, MEMPHIS POLICE DEPARTMENT, ADVISED THAT THE FUNERAL OF LARRY PAYNE, SEVENTEEN YEAR OLD NEGRO WHO WAS SHOT BY MEMPHIS PD OFFICER ~~in the public arena deliberately expose themselves to the public. See TATE v. WOODBURY, 383 U.S. 130 (1967). Any recording of their activities by the defendants does not invade their privacy any more than does a newspaper, radio, or television story, and, indeed, much less since any information compiled is usable and effective only through court action.~~ ~~TEMPLE, MEMPHIS, ABOUT FIVE HUNDRED IN ATTENDANCE DESPITE FACT~~ Tatum v. Laird, 444 F2d 947, 957 (D.C. Cir. 1971).

CHURCH CAN SEAT TWENTY FIVE HUNDRED. BODY INTERRED IMMEDIATELY More difficult questions are presented where the investigation AFTER FUNERAL into ARKIN ADVISED THAT ANOTHER SANITATION WORKERS SYMPATHY MARCH IS SCHEDULED FOR DOWNTOWN MEMPHIS AFTERNOON OF APRIL TWO. ~~they support the rights of the 1st, 4th and 14th Amendments.~~ ~~The Fifth Avenue Peace Parade Committee, et. al. v. J. Edgar Hoover, et. al.; 70 Civ. 2646 HRT, decided February 15, 1972; examination of bank records); U.S. v. Gerhart, 275 F. Supp. 847 (W.D. Va. 1967)~~ ~~NOT RECORDED~~

EASTERN AIRLINES ADVISED ON APRIL TWO THAT REV. MARTIN LUTHER KING, JR., AND SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE (SCLC) AIDES; RALPH D. MCKEEBEE, BERNARD LEE, AND ANDREW M. YOUNG DUE TO ARRIVE MEMPHIS, TENNESSEE, APRIL THREE, FROM ATLANTA.

END PAGE ONE *Albert C. Hayden*

I.D.I. This document is prepared in response to your request and is not for dissemination outside your Committee. Its use is limited to official purposes and the content may not be disclosed to unauthorized persons and Attorney General. Date *4-2-08* *Sp-652* *express approval of the FBI*.

1 APR 5 1968

OF: 1/2

Memorandum J. B. Hotis to Mr. Dalbey  
Re: FBI AUTHORITY IN DOMESTIC  
INTELLIGENCE MATTERS

In summary, it is premature to say that the First Amendment  
line of cases dealing with the "shillings" concept offers any substantial  
impediment to our intelligence investigations. There is less reason for  
~~CONFIDENTIAL~~ ON APRIL TWO A SOURCE ADVISED THAT AT A PRESS CONFERENCE AT  
~~CONFIDENTIAL~~ THE BAPTIST CHURCH, WHICH SHOULD SIMPLY  
~~CONFIDENTIAL~~ CLAYBORN TEMPLE, APRIL TWO, REV. COLEMAN JACKSON OF SCLC'S OPERATION  
~~CONFIDENTIAL~~ BREAD BASKET, REV. S. KYLES OF METROPOLITAN BAPTIST CHURCH,  
~~CONFIDENTIAL~~ MEMPHIS AND REV. EDWARD L. BROWN, MT. PISGAH CME CHURCH, ADVISED  
~~CONFIDENTIAL~~ THAT WITH SCLC PERSONNEL IN MEMPHIS THAT NIGHTLY MASS STRIKE  
SUPPORT MEETINGS WILL BE RESUMED, THE FIRST AT MASON TEMPLE ON  
NIGHT OF APRIL THREE WITH KING AS FEATURED SPEAKER. THEY SAID  
MASS MARCH WILL BE HELD FRIDAY, APRIL FIVE, AND THAT THEY WILL  
HAVE SCHOOL CHILDREN PARTICIPATE SINCE MARCHING WITH "MARTIN LUTHER  
KING, JR., THE GREATEST LIVING AMERICAN," WOULD BE MORE EDUCATIONAL  
THAN BEING IN SCHOOL. WHEN ASKED BY PRESS IF KING WOULD PERSONALLY  
MARCH, JACKSON SAID KING MIGHT NOT MARCH. HE DID NOT ELABORATE.  
WHEN ASKED IF SCLC GROUP WOULD VIOLATE A POSSIBLE INJUNCTION  
AGAINST THEIR MARCHING, JACKSON SAID "THE WHITE MAN HAS ALREADY  
ENJOINED THE BLACK MAN TO THE GHETTO AND THE WHITE MAN DOESN'T  
NEED TO VALIDATE IT, BY SENDING US A PIECE OF PAPER." KYLES SAID THE  
PROBLEM FACING MEMPHIS IS NOT MILITANT BLACK YOUTH BUT IS  
"WHITE RACISM." JACKSON DESCRIBED OPERATION BREAD BASKET AS MASSIVE  
END PAGE TWO

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 1-18-01 BY SP-2 HEM/ATG

DRIVE TO FORCE ALL GROCERS IN NEGRO AREA TO CEASE SELLING MART'S BREAD, WONDER BREAD, COCA COLA, AND SEALTEST DAIRY PRODUCTS AS THESE FIRMS DO NOT HIRE SUFFICIENT NUMBER OF NEGROES.

POSITION PAPER

ON APRIL TWO LT. ARKIN ADVISED THAT MEMPHIS CITY OFFICIALS ARE CONSIDERING SEEKING A COURT INJUNCTION PROHIBITING ANY MASS MARCH LED BY KING OR AN INJUNCTION SPECIFYING CONDITIONS UNDER WHICH A MARCH COULD TAKE PLACE AND ALSO CONSIDERING RESUMPTION OF A CURFEW AND PLACING STRIKE SUPPORT LEADERS UNDER A PEACE AND FINANCIAL RESPONSIBILITY BOND.

ARKIN ADVISED THAT REMAINDER OF TENNESSEE NATIONAL GUARD, WITH EXCEPTION OF ONE BATTERY CONSISTING OF TWO HUNDRED AND NINETY THREE OFFICERS AND MEN OF THE MEMPHIS GUARD UNIT, HAVE LEFT MEMPHIS.

AT THREE ZERO FIVE PM, SIXTY SANITATION WORKERS AND SYMPATHIZERS DEPARTED CLAYBORN TEMPLE CARRYING PLACARDS FOLLOWING THEIR USUAL PARADE MARCH TO BEALE STREET NORTH ON MAIN TO CITY HALL. NO INCIDENTS REPORTED.

*memo*

OVERTIME

FOLLOWS. P. END.

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

62-116345-83  
ENCLOSURE

## FEDERAL BUREAU OF INVESTIGATION

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 03/06 BY SP4/MSW

Date April 8, 1968

*Ralph B.* *M*  
 Reverend RALPH DAVID ABERNATHY, 630 La Verne Drive, N. W., Atlanta, Georgia, was interviewed at the Memphis Police Department at 10:55 p.m., April 4, 1968. Reverend ABERNATHY was advised of the Agent's identity and of the nature of the matter under investigation.

~~INTELLIGENCE COMMUNICATIONS~~  
~~CONGRESSIONAL INVESTIGATIONS~~  
~~PRESIDENTIAL DISCLOSURES~~  
~~INITIAL INSTRUCTIONS OF ATTORNEY GENERAL~~  
~~NATIONAL SECURITY COUNCIL DIRECTIVES~~  
~~INTERAGENCY AGREEMENTS~~  
~~VIOLENCE AND CRIMINALITY~~  
~~ADMINISTRATIVE ORDERS~~  
~~REGULATORY GROUPS~~  
~~GOVERNMENT REVOLUTIONARY AND SUBVERSIVE INDIVIDUALS~~  
~~IDENTIFIED INDIVIDUALS~~  
~~PERSONNEL AND OPERATING INSTRUCTIONS~~  
~~PROCEDURES FOR INVESTIGATION~~  
~~CONFIDENTIAL SOURCE AND RELATED~~  
~~DISCRETE INFORMATION~~

Reverend ABERNATHY, who described himself as Vice President at Large and Treasurer of the Southern Christian Leadership Conference, stated he was Dr. MARTIN LUTHER KING, JR.'s closest associate and stated that he and Dr. KING always shared a room whenever they travelled together. He stated that at about 10:30 a.m. on April 3, 1968, he and Dr. KING registered at the Lorraine Motel, Memphis, Tennessee.

Reverend ABERNATHY stated that on April 4, 1968, he and Dr. KING did not leave the motel and spent most of the day in their room, 2306, which is located on the second floor of the motel. He stated that he and Dr. KING had been gone from their room for approximately one hour or less when they returned to the room at about 5:30 p.m. He said they got dressed as they were going to dinner at the home of Reverend BILLY KYLE and that at almost exactly 6 p.m. they started to leave the room. Reverend ABERNATHY stopped for a moment and Dr. KING walked out onto the balcony just outside the door to his room. Reverend ABERNATHY was still inside the motel room but could hear Dr. KING discussing the dinner engagement with other associates who Reverend ABERNATHY believes were standing in the parking area of the motel underneath and to the front of the balcony on which Dr. KING was standing.

Reverend ABERNATHY stated he heard what sounded like a fire-cracker and then heard the screams of persons to whom Dr. KING had been talking. Reverend ABERNATHY went then to the balcony and discovered Dr. KING lying there wounded in the right side of the face and neck. He said he believed Dr. KING attempted to speak to him but was unable to do so. Reverend ABERNATHY said he instructed someone to call an ambulance and then accompanied Dr. KING in the ambulance to the hospital where Dr. KING subsequently died.

This document is prepared in response to your request and is not for distribution outside your Committee. It is not to be used in official proceedings by your Committee and the content ~~48~~ may not be disclosed to unauthorized personnel without the express approval of the FBI.

On 4/4/68 at Memphis, Tennessee File # Memphis 44-1987

by SA JOE C. HESTER; b:

Date dictated 4/8/68

ME #44-1897

INTELLIGENCE COLLECTION

8/10/64  
ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 11/18/01 BY SP2 ALM/HB

Reverend ABERNATHY stated that judging from the sound of the noise it appeared that the shot came from directly in front of the door and not from any great distance. He stated he did not observe anything that would indicate who fired the shot. Reverend ABERNATHY also stated that while they were in the motel room Dr. KING did not, to his knowledge, receive any telephone calls of a threatening nature or calls from persons who would not identify themselves. Reverend ABERNATHY said Dr. KING had not feared that any particular persons might harm him and Reverend ABERNATHY was unable to suggest any suspects or to provide any other information which might assist in identifying Dr. KING's killer. It has been charged that our intelligence collection is uncontrolled, capricious and dwells on personal idiosyncrasies without there being any security interest involved. Fragments of information, distorted and twisted to convey the false impression that the FBI is wantonly disregarding the privacy of citizens, have been published.

The FBI does not conduct security investigations of individuals without clear-cut authority and tight controls.

Critics have taken fragments of intelligence which have come to their attention and built them up into what is represented as the end product of security investigations with political overtones. In these instances, the items upon which such importance was placed have been fragmentary intelligence from substantive

investigations and could not be viewed in their real significance except as they fit into the overall perspective of the case.

~~URGENT~~ 3-28-68 ARK

TO DIRECTOR (100-186670) PARADE MPN/MISL, MEMPHIS  
FROM ATLANTA (100-5586) necessary part of his current investigations

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 3/20/2010 BY [signature]

Intelligence is information and the collection of it is  
essential to the success, efficiency, and effectiveness of investigative operations. In fact the  
two--investigation and intelligence--are mutually dependent.

SANITATION WORKERS STRIKE, MEMPHIS, TENNESSEE. It is vital that the Federal

Government detect factors which have a direct bearing on

~~possible violations of law related to the disruption or destruction of the Government.~~ FURNISHED THE FOLLOWING INFORMATION  
AT FOUR THIRTY PM MARCH TWENTYEIGHT, SIXTYEIGHT.

Intelligence developed to identify individuals  
who have a propensity for revolutionary or racial violence or  
before with Hosea Williams, DIRECTOR OF VOTER REGISTRATION AND  
POLITICAL EDUCATION, SCLC, CURRENTLY IN ATLANTA, WHO DURING LATE  
~~assaulted~~ in the enforcement of the laws designed to protect the  
AFTERNOON MARCH TWENTYEIGHT, SIXTYEIGHT, CONFERRED TELEPHONICALLY  
Integrity of the Government. Intelligence is also essential to  
WITH MARTIN LUTHER KING, JR., PRESIDENT, SCLC; RALPH D. ABERNATHY,  
the detection of attempts or conspiracies to move against the  
VICE PRESIDENT AND TREASURER, SCLC; AND BERNARD LEE, SPECIAL AIDE  
Government, actions which may themselves be crimes.

TO THE PRESIDENT, SCLC.

NO constitutional provisions, statutory enactments  
KING, ABERNATHY, AND LEE ARE CURRENTLY IN ROOM EIGHT ZERO ONE,  
or judicial rulings have attempted to deprive law enforcement  
HOLIDAY INN, MEMPHIS.

on its intelligence function, although various attempts have  
WITH REFERENCE TO RACIAL DISTURBANCE IN MEMPHIS MARCH

TWENTYEIGHT, SIXTYEIGHT, KING IS EXTREMELY DEJECTED. HE AND  
ABERNATHY STRONGLY FEEL DISTURBANCE ON THIS DATE DELIBERATELY PLANNED

EX-115 - 2 REC-9

APR 15 1968

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been made to define or limit the areas encompassed by intelligence and particularly the techniques of collection.

It is also recognized that some intelligence gathering activities may have an incidental "chilling" effect on individual citizens. The spectre of the Government's investigatory presence may cause a reaction in citizens, inhibiting the ~~PAGE TWO~~ exercise of their full constitutional rights. Therefore,

~~BY NEGROES WHO ARE NEITHER SYNPATETIC TO KING OR SCLC. IDENTITY~~  
~~a balance between the requirements of the Government and the~~  
~~OF SUCH INDIVIDUALS NOT KNOWN.~~

~~The intelligence function of investigation, must be~~  
~~WELFARE OF KING, PARTICULARLY ON NIGHT OF MARCH TWENTYEIGHT,~~  
~~SIXTYEIGHT, WHEN HE EXPECTS TO PARTICIPATE IN MARCH OR DEMONSTRATION~~  
~~WITH SANITATION WORKERS. AT PRESENT TIME KING DOES NOT FEEL HE SHOULD~~  
~~IT IS neither reasonable nor practical to launch an aggressive~~  
~~LEAVE MEMPHIS. DURATION OF STAY AND FURTHER DETAILS IN THIS~~  
~~intelligence collection effort concerning the activities of those~~  
~~CONNECTION NOT KNOWN.~~  
~~who might potentially violate a local antilittering ordinance.~~

~~ACCORDING TO WILLIAMS, HE, ABERHATHY, AND LEE STRONGLY FEEL~~  
~~Detection of a conspiracy to bomb the White House, on the~~  
~~SAME ELEMENTS WHICH CAUSED DISTURBANCE IN MEMPHIS EARLIER MARCH~~  
~~other hand, certainly justifies a continuous and intensive~~  
~~TWENTYEIGHT MAY CAUSE PERSONAL HARM TO KING EVENING OF MARCH~~  
~~intelligence effort to identify the participants and gain~~  
~~TWENTYEIGHT, SIXTYEIGHT.~~

~~knowledge of any specific plans.~~ ~~10 Feb 68~~  
INFORMATION FROM AI [redacted] JFK Act 6 (4) MUST BE CLASSIFIED  
CONFIDENTIAL. MEMPHIS, HOWEVER, SHOULD ADVISE LOCAL AUTHORITIES IF  
NOT ALREADY KNOWN THAT KING CONTEMPLATES PARTICIPATING IN MARCH OR  
DEMONSTRATION EVENING OF MARCH TWENTYEIGHT AND THAT IN VIEW OF EARLIER  
DISTURBANCES IN MEMPHIS ON THIS DATE, SEVERAL RANKING SCLC OFFICIALS  
APPREHENSIVE FOR PERSONAL WELFARE OF KING.

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

It is clear that the aspirations of most revolutionary groups far exceed their capability to achieve their ultimate **PAGE THREE**. They are, however, quite capable of eroding

~~the integrity of the democratic system by lesser acts and, if TWENTYEIGHT, SIXTYEIGHT,~~ RECEIVED: 11:39PM RM not discouraged or thwarted, might well accumulate the will and power for more decisive action. The dramatic success of the Castro revolution is a sufficient example. Consequently, continuing intelligence collection relating to all revolutionary individuals and organizations, commensurate with the immediate threat posed, is imperative to proper vigilance.

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

FBI WASH DC

124-10273-10086

by foreign governments, their intelligence services and others

FBI MEMPHIS acting in their behalf. On the domestic scene the FBI has

~~1200AM REPORT 3-29-68 DUE~~ ~~activities concerning changing from the communist underground~~

TO DIRECTOR ~~about hooded night riders of the Klan who terrorized our~~

FROM MEMPHIS (157-1004) ~~area, in the 1960's~~ ~~herein designated changes occurred~~

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

DATE 10/2000 BY SP/ALW

In the internal security problems faced by the country. These ~~changes~~ ~~Racial MATTER~~ ~~were reflected in both the scope and nature of the~~ ~~FBI's response and in the intelligence requirements levied~~ ~~upon MEMPHIS by the Executive Branch.~~ ~~MARCH TWENTY EIGHT, NINETEEN SIXTY EIGHT.~~

~~FOLLOWING THE SUMMARY OF MARCH TWENTY EIGHT ACTIVITIES,~~

~~ON MARCH TWENTY EIGHT, LT. E. H. ARKIN, INSPECTIONAL BUREAU~~

~~MEMPHIS POLICE DEPT ADVISED THAT THE MASS MARCH TO BE LED BY~~

~~REV. MARTIN LUTHER KING, JR., IN SUPPORT OF SANITATION WORKERS~~

~~STARTED AT APPROXIMATELY ELEVEN AM CST WITH ESTIMATED FIVE TO SIX~~

~~THOUSANDS WORKERS, MANY OF WHOM WERE NEGRO TEENAGERS. MARCH~~

~~STARTED AT CLAYBORN TEMPLE, LOCATED HEART OF NEGRO AREA, AND~~

~~MARCH JOINED MARCH AFTER IT PROGRESSSED ONE BLOCK. HE WALKED WITH~~

~~MARCHERS IN VICINITY BEALE AND MAIN STREETS, MADE NO SPEECHES~~

~~PRIOR TO MARCH, MADE NO KNOWN UTTERANCES DURING MARCH, AND BY~~

~~TIME HE REACHED ABOVE POINT RAMPANT BREAKING OF STORE WINDOWS~~

~~AND LOOTING WAS BEING PERPETRATED BY MARCHERS, WHEREUPON KING~~

~~AND A FEW ASSOCIATES RAN TO A NEARBY CAR AND LEFT MARCH, PROCEEDED~~

~~TO RIVERMONT MOTEL WHERE THEY REMAINED THROUGH AFTERNOON AND~~

~~EVENING. BY NOON, POLICE HAD BROKEN UP CROWD, BEING FORCED TO USE~~

~~TEARGAS, BUT SPORADIC LOOTING HAS CONTINUED THROUGH AFTERNOON~~

*1cc: J. W. / included in letter to White House*

*1cc: J. C. / included in letter to Attorney General. Date 3-29-68*

NOT RECORDED *3-29-68*

100-162-APR-4 1968

POLAROID

Page 76

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

As the tide of crime and disruption swelled, it brought with it new and pressing problems on the domestic security scene. FBI domestic security investigations increased ~~PAGE TWO~~. There was also an immediate increase in FBI ~~AND DOMESTIC, PRIMARILY CONCERNING THE SOUTHERN CIVIL RIGHTS AREA OF MEMPHIS,~~ ~~TO A FREEDOMMARCH IN THE NEGRO AREA, PRIMARY TARGET OF LOOTERS BEING~~ ~~Lique, STORES AND SMALL GROCERIES.~~ was essential in contending with ~~THE TENNESSEE STATE LEGISLATURE PTOBABY PASSED A CURFEW BILL, WHICH~~ ~~WAS PROPOSED BY MEMPHIS MAYOR HENRY LEE, EFFECTIVE AT SEVEN PM,~~ ~~AND THIRTY FIVE HUNDRED TENNESSEE NATIONAL GUARDSMEN FROM MEMPHIS~~ ~~AND WEST TENNESSEE, AND CURRENTLY DOWNTOWN MEMPHIS OPERATE AS~~ ~~ACTUAL UNITS, BEING ACCOMPANIED ON THEIR PATROLS BY REPRESENTATIVES~~ ~~OF MEMPHIS PD.~~ emphasized that law enforcement organizations must ~~SCHEDULED MASS RALLY TO FEATURE UNCTION OF MARCH TWENTY~~ ~~EIGHT CANCELED AT TWELVE MIDNIGHT, MARCH TWENTY-EIGHT, THREE~~ ~~HUNDRED ARRESTS, PRIMARILY RELATING TO LOOTING AND CURFEW VIOLATIONS~~ ~~HAD BEEN MADE BY POLICE DEPT. FOUR INDIVIDUALS~~ ~~HAVE BEEN SHOT, ONE OF THESE, A SIXTEEN YEAR OLD BOY, WAS KILLED~~ ~~IN ACT OF LOOTING A STORE. THREE OTHERS WERE SHOT, TWO BY~~ ~~POLICE OFFICERS AND ONE BY A STOREKEEPER WHILE LOOTING, NONE~~ ~~SERIOUSLY INJURED.~~

Similarly, the President's Commission on Campus Unrest (1970) took special note of the need for intelligence in effective law enforcement. The Commission stated in its

AGE THREE

report, "It is an undoubted fact that on some campuses there

EASTERN AIRLINES ADVISED THAT KING, RALPH ABERNATHY, AND are men and women who plot, all too often successfully, to

BERNARD LEE, FAILED TO LEAVE MEMPHIS ON EASTERN FLIGHT THREE bush and bomb, and sometimes to maim and kill." The report

NINE EIGHT, NINE ZERO FIVE CST, DUE TO ARRIVE ATLANTA ELEVEN concluded that the best, ~~AND~~ sometimes the only, means

ZERO THREE PM EST. THIS ALSO CANCELS KING'S AND LEE'S FLIGHT Law enforcement has to thwart or prevent such plots is

FROM ATLANTA SIX TWENTY AM MARCH TWENTY NINE DUE TO through "clandestine intelligence work."

ARRIVE BALTIMORE SEVEN FORTY TWO AM. INSPECTOR G. P. TIMES,

Prevention is the very essence of the proper use MEMPHIS PD, ADVISED KING PLANNING TO STAY IN MEMPHIS AT intelligence. To be forewarned is to be placed in a

RIVERMONT MOTEL TONIGHT, FUTURE PLANS UNKNOWN AT PRESENT position to carry out countermeasures to meet a threat. During TIME. P.

the mass actions and violent confrontations of the 1960's,

CORE PAGE TWO, PARA ONE, LINE ONE WORDS EIGHT, NINE, AND TEN FBI intelligence collection was crystallized in dissemination

SHLD BE "AREA OF MEMPHIS" AND LINE TWO, PARA ONE, WORD FIVE of information to other government agencies. This intelligence SHLD BE "PRIMARY"

provided them with an essential working tool to contend with

PAGE TWO PARA THREE, LINE ONE WORD SIX SHLD BE "KING" AND LINE THREE public disorders and activities of a revolutionary nature.

WORD THREE SHLD BE "PRIMARY" AND A PERIOD SHLD BE BETWEEN

In a memorandum to the Director of the FBI, 9/14/67,

"DEPT. MID FOUR OBXXXX ON LINE FOUR"

Attorney General Clark stressed the importance of intelligence.

PAGE TWO PARA ONE LINE THREE WORD ONE SHLD BE "LIQUOR". The Attorney General asserted, "It is most important that

END.

HFL

FBI WASH DC

P

UNITED STATES GOVERNMENT

# Memorandum

you use the maximum available resources

to tell Mr. W. C. Sullivan to collect and report all facts bearing upon

(riot activity)." Elaborating on this point, he said, "In these circumstances we must be certain that every attempt is

SUBJECT DR. MARTIN LUTHER KING, JR. information bearing

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 10/29/00 BY SP-100

to take every step possible to determine whether

During a conference on 7/16/75 between the Assistant Attorney General, J. Stanley Pottinger, and his staff and the Director of the FBI and his staff, a question arose concerning Martin Luther King's alleged moving from one hotel or motel to another hotel or motel in Memphis, Tennessee, prior to his murder on 4/4/68 by prompt and vigorous legal action." The

~~Attorney General's evaluation of the importance of LEM~~ Attached is a letterhead memorandum (LEM) setting forth an inquiry including a review of all appropriate Bureau files regarding a proposal made in memorandum U. C. Mooge to Mr. W. C. Sullivan dated 3/29/68 in connection with the counterintelligence other program wherein it was recommended that information be made available to a cooperative news media source showing King to be a hypocrite. This was to be based on the fact that when violence broke out during a march led by King in Memphis, Tennessee, on 4/28/68, he disappeared. There was a first class Negro hotel in Memphis, the Hotel Lorraine, but King chose to hide out in disreputable white owned and operated Holiday Inn Motel (also known as the Rivermont Motel). The LEM will reflect and document the fact that although a notation appears on the memorandum that it was "handled" there is no information available to reflect that it was ever actually given to a cooperative news source. Mr. Harold P. Leinbaugh (retired), who placed the notation "handled" on the document, absolutely has no recollection of this matter nor can he state whether or not the information was disseminated.

"relating to black power and black national organizations" REC#8  
The time elements as documented in this LEM would preclude the proposal contained in the 3/29/68 memorandum of having any affect upon King's choice of a motel in which to reside.

RECOMMENDATION:

12 JUL 29 1975

That the attached LEM along with attachments be disseminated to the Department.

This document is prepared in response to your request and is not for dissemination outside your Submittal. It is designed to official proceedings by your Command and its content may not be disclosed to unauthorized persons without the express approval of the FBI.

cch  
HAN:cch (6)

ROUTE IN ENVELOPE

Assist. Dir. \_\_\_\_\_  
Dir. AD ASST. \_\_\_\_\_  
Dir. AD SEC. \_\_\_\_\_  
Asst. Dir. \_\_\_\_\_  
Adm. \_\_\_\_\_  
Cmp. Sec. \_\_\_\_\_  
Ext. Affairs \_\_\_\_\_  
Files & Com. \_\_\_\_\_  
Gen. Inv. \_\_\_\_\_  
Meet. \_\_\_\_\_  
Investigat. \_\_\_\_\_  
Intell. \_\_\_\_\_  
Laboratory \_\_\_\_\_  
Legal Coun. \_\_\_\_\_  
Plan. & Eval. \_\_\_\_\_  
Spec. Inv. \_\_\_\_\_  
Training \_\_\_\_\_  
Telephone Rec. \_\_\_\_\_  
Director Sec'y \_\_\_\_\_

10/29/00  
S-100

new 7/22/00  
Delivered 7/22/00  
by [signature]  
to [signature]  
App'd

officers and members thereof, racial incidents throughout the country, and any specific demonstrations which are being planned and are of such nature as to render them subject to the possibility of violence." Quick retrieval  
ITEM 7C  
of this intelligence was emphasized through the use of computers.

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

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 1/29/00 BY SP/AMW

Ritter

UNITED STATES GOVERNMENT

# Memorandum

TO : Mr. W. C. Sullivan

AUTHORITY

DATE: March 26, 1968

FROM : G. C. Moore

ALL FBI INVESTIGATIONS AND INTELLIGENCE COLLECTING

FUNCTIONS IN THE INTERNAL SECURITY FIELD ARE BASED ON

SUBJECT: COUNTERINTELLIGENCE PROGRAM

ANTI-SUBVERSIVE ACTIVITIES IN CONGRESSIONAL ENCLAVES

BLACK NATIONALIST - HATE GROUPS

RACIAL INTELLIGENCE

(WASHINGTON SPRING PROJECT)

NATIONAL SECURITY COUNCIL DIRECTIVES AND INTERAGENCY AGREEMENTS

PURPOSE: set forth below.

~~Congressional Enclaves~~  
 To recommend item be furnished cooperative national news media source by Crime Records, designed to curtail success of ~~Attorney General~~ ~~King's fund-raising for the Washington Spring Project~~, Section 533

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

Martin Luther King has now scheduled the Washington Spring Project, his "poor people's march on Washington, D. C.", for the latter part of April, 1968. King's organization, the Southern Christian Leadership Conference (SCLC), has sent out a mailing to 70,000 potential financial contributors. King asked these 70,000 to contribute to the Washington Spring Project for the feeding and housing of the marchers.

Sedition - 18 U. S. Code, Sections 2387, 2388  
 At the same time, churches in the Washington, D. C., area have said they will feed and house King's marchers.

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

That the above facts be given as cooperative news source by the Crime Records Division so that a story could be after hearings by Subversive Activities Control Board - 50 U. S. Code, Sections 780d-9b as amended or repealed (Internal Security Act of 1950, Subchapter I, Title II, Subversive Activities Control Act of 1950, and amendments by Communist Control Act of 1954) also Executive Order 11605 below

1 - Mr. DeLoach

1 - Mr. W. C. Sullivan

1 - Mr. Bishop

1 - Mr. G. C. Moore

1 - Mr. D. M. Wells

1 - Mr. T. J. Deakin

EX-106  
- 10 -

CONTINUED - OVER

This document is prepared in response to your request made on for information outside your Committee. It is not intended to cover Committee and its subject may not be disclosed to persons not authorized to receive it, except as provided by law. FBI

55 Enclosure 334  
TJD:df/dsm (7) ✓ -

5-1

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

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

Memorandum to Mr. Sullivan  
RE: ~~Private Correspondence with Foreign Governments -~~  
~~18 U. S. Code, Section 953. (Logan Act)~~

Registration of Foreign Agents - 22 U. S. Code, given nation-wide circulation that King does not need contributions from the 70,000 people he solicited. Since the churches have offered support, no more money is needed and any contributed would only be used by King for other purposes. This item would need nation-wide circulation in order to reach all the potential contributor's and curtail their donations. A sample item is attached.

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

That the facts about King's solicitation of funds unnecessarily be given a cooperative news source by the Crime Records Division. - 18 U. S. Code, Sections 231-233, 245, 2101-2102

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

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

*Handled 4/6/68*  
Presidential Directives

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

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

Presidential Directive - 1/8/48

reiterated instructions of previous directive of  
Martin Luther King, Jr., President of the Southern  
Christian Leadership Conference (SCLC), today finds himself  
in the embarrassing position of having too much money, or at  
least the probability of too much money. The SCLC sent out a  
huge mailing to its contributors pleading for funds for the  
Washington Spring Project, the "poor people's march on  
Washington." Thousands of contributors were urged to support  
the march financially in order to feed and house the demon-  
strators. But the churches in the Washington, D. C., area  
have offered to house and feed the demonstrators to espionage,  
subversion, sabotage, subversive activities and related matters.

Now the contributions are beginning to roll in from  
the mailing and King doesn't need the money. An embarrassment  
of riches has befallen King, who will only use the money for  
other purposes. The churches had better come through with  
all the housing and support the demonstrators need, because  
there will be little money left for the "poor people" by the  
time the march rolls around. 4/27/53

established programs to insure that the employment  
and retention of my Government employees is clearly  
consistent with the interests of national security.  
Requires check of FBI Fingerprint Files and, in  
cases where derogatory information develops, FBI  
conducts a full-field investigation.

Executive Order 11605 7/2/71

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

Policy Instructions of Attorney General

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

100-44806-83  
-12

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

SSC REQUEST 11-25-78

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

#### National Security Council Directives

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

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

#### Interagency Agreements

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

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

*Retain*

UNITED STATES GOVERNMENT

Telephone \_\_\_\_\_  
 Teletype \_\_\_\_\_  
 Telex \_\_\_\_\_  
 Cables \_\_\_\_\_  
 Radios \_\_\_\_\_  
 General \_\_\_\_\_  
 FBI \_\_\_\_\_  
 Other \_\_\_\_\_  
 Total: \_\_\_\_\_  
 To File \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Memo Reg. \_\_\_\_\_  
 Copy \_\_\_\_\_

# Memorandum

## IMPLEMENTATION OF AUTHORITY

TO : Mr. Sullivan DATE: 3/28/68

FROM : G. C. Moore *her*  
are furnished to the field in a "Manual of Instructions,"subject: SANITATION WORKERS STRIKE ALL INFORMATION CONTAINED  
IN THIS TELETYPE IS UNCLASSIFIED  
DATE 10/09/00 BY *SP/AMH*MEMPHIS, TENNESSEE.  
RACIAL MATTERS

in Charge. In addition, instructions and guidance are given

to the field in Headquarters' communications on specific cases.

Compliance with criteria and guidelines obtained by super-

vision in both the field and at Bureau Headquarters. In  
Memphis for some time, Martin Luther King, Jr., today led a  
march composed of 5,000 to 6,000 people through the streets  
of Memphis. King was in an automobile preceding the marchers.As the march developed, acts of violence and vandalism broke  
out including the breaking of windows in stores and some  
looting.

tions are being followed.

This clearly demonstrates that acts of so-called  
nonviolence advocated by King cannot be controlled. The same  
thing could happen in his planned massive civil disobedience  
~~the FBI is to investigate revolutionary organizations dedicated~~  
for Washington in April.RECEIVED  
to the violent overthrow or destruction of the United StatesACTION:EX-105 *157-446-38* APR 2 1968  
Government. These include old-line Marxist groups, for example,Attached is a blind memorandum pointing out the  
above, which if you approve, should be made available by  
Crime Records Division to cooperative news media sources.  
Party; and such new revolutionary groups as the Students for

Enclosure

**ENCLOSURE**

a Democratic Party, the Black Panther Party and the Weathermen.

In the investigation of subversive individuals a determination

is made of the dangerousness of the individual and efforts are  
made to obtain evidence of violations of any applicable

- 1 - Mr. Sullivan
- 1 - Mr. G. C. Moore
- 1 - Mr. Deskin

This document is prepared in response to your request and is not for dissemination outside your Committee. Its use is limited to official proceedings  
of your Committee and its content may not be disclosed to unauthorized persons  
or without the prior approval of the FBI.

cc:

cc:

cc:

Federal laws. To assist in cataloguing the level of dangerousness of those individuals and to retrieve quickly information concerning them, the Domestic Intelligence Christian Leadership Conference, injected himself into the sanitation workers' strike in Memphis, Tennessee, and the result of King's famous espousal of nonviolence was vandalism, looting, and riot.

Previously, King involved himself in this strike, called for a general strike, and called for a mass march. Today he led the mass march in an automobile at the head of the line. Negroes began shouting "black power" and trouble began. King, apparently unable or unwilling to control the marchers, absented himself from the scene; window breaking and Se, looting broke out, provided for emergency detention of subversive Police officers were forced to use gas to break up the march and to control the crowd. It was necessary to activate the National Guard. Martin Luther King claims his much-heralded march on Washington, scheduled for April 22, 1968, will also be "nonviolent." He says he has persuaded militant black nationalists to abandon violent extremism in Washington, D. C., during the march. Memphis may only be the prelude to civil strife in Your Nation's Capital. However, the Attorney General noted that the repeal of Title II "does not alter or limit the FBI's authority and responsibility to record, file and index information secured" in this field and concurred in the establishment of an administrative index to assist in "making readily retrievable and available the results of its (the FBI's) investigations into subversive activities."

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 10/30/00 BY SPANWED

157-9146-38

ENCLOSURE

157-9146-38-15

ZEROX  
APR 4 1968

JOHN GARDNER, SECRETARY  
U. S. SENATE  
P. O. BOX 36000, WASH.  
20510, D.C.  
TELEPHONE: 224-2210

WILLIAM H. DANIELS, JR., SENATOR  
DANIELS, H. WILLIAM, JR.  
SENATE, U. S. SENATE  
P. O. BOX 36000, WASH.  
20510, D.C.  
TELEPHONE: 224-2210

EDWARD M. BROWN, SENATOR  
BROWN, EDWARD M., SENATOR  
SENATE, U. S. SENATE  
P. O. BOX 36000, WASH.  
20510, D.C.  
TELEPHONE: 224-2210

# United States Senate

~~For this end, such an index (called Adex) was~~

~~STUDY GOVERNMENTAL OPERATIONS WITH~~

~~RESPECT TO INTELLIGENCE ACTIVITIES~~

~~(Approved by U. S. Senate, 89th Congress)~~

WASHINGTON, D.C. 20510

Instituted for making quickly referable information on

four categories of individuals in order of dangerousness:

November 25, 1975

## I) National leaders of revolutionary or extremist

~~groups~~ members who have exhibited a propensity for violence,

Michael E. Shabean, Esq.,  
Special Counsel for Intelligence  
members with training in sabotage, espionage, or guerrilla

Coordination

Office of the Deputy Attorney General

~~Warfare, Unaffiliated revolutionaries with a propensity~~

U. S. Department of Justice

Washington, D.C. 20530

~~for violence, and revolutionaries with access to key facilities.~~

Dear Mike:

## II) Secondary leadership of revolutionary and

~~extremist groups, active members of these groups, and~~  
Committee the following items in connection with our

~~revolutionaries, revolutionaries or extremists with a propensity~~

~~for violence against property rather than persons.~~  
1. All memoranda and any other materials which  
pertain to contacts, conversations or meetings between  
one Val Colapane and Special Agent Harold Linebaugh or  
any other FBI Headquarters officials concerning Martin  
Luther King, Jr., during November or December of 1964.  
~~within the previous five years, leaders of fronts for revolu-~~

~~tionary groups, and individuals with revolutionary ideologies~~  
2. All memoranda and any other materials which  
pertain to contacts, conversations or meetings between  
any FBI Headquarters officials and any representatives of  
the news media concerning Martin Luther King, Jr., during  
November or December of 1964.  
~~likely in a national emergency to commit acts of espionage,~~

~~sabotage, or terrorism.~~  
3. All memoranda and any other materials which  
pertain to a meeting between Ralph Abernathy and either  
FBI Director Hoover or Cartha DeLoach during December  
1964 or January 1965 (other than the December 1, 1964  
meeting which was attended by Dr. King and the January 11,  
1965 meeting which was attended by Andrew Young).

~~IV) Persons likely to assist, financially or~~  
4. Investigation of an individual is conducted to  
determine whether or not he should be listed on the Adex. If, as  
pertaining to the following statement which appears in the  
second paragraph of the September 11, 1964 memorandum  
from Mr. F. J. Baumgardner to Mr. W. C. Sullivan, captioned  
"Martin Luther King, Jr., Security Matter - Communist":

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 12-20-00 BY SP2924/MAP

- 16 -

62-116375-1210X

445-141

Michael E. Shaheen

Page 2

November 25, 1975

the result of the investigation, it is determined he does On that occasion Assistant Director not meet the criteria the case is closed. If, on the appropriate action to forestall the publication of the article, other hand, he does meet the criteria, he is listed in

5. The 7/16/64 memorandum from Mr. Baumgardner to Mr. Sullivan which is noted in handwriting at the bottom of the second page of the July 15, 1964 memorandum from Mr. ~~press~~ Category I ~~case continues under investigation for~~ ~~as long as the individual continues to warrant that Category~~ Baumgardner to Mr. Sullivan, captioned "Communist Party, USA, Negro Question, Communist Influence in Racial Matters, Internal Security - Communist."

listing. When an individual is listed in Categories II, III and IV, however, the investigation is closed, subject to periodic reopening to verify his location, to determine

his activities and to ascertain whether he still qualifies  
a. Access to original of this memorandum  
for and its enclosure. Provision is made for upgrading,

b. Access to all extant "tickler" and/or other copies of this memorandum and its attachment in their original form; activities and level of dangerousness fluctuate.

c. All memoranda and any other materials which pertain to, bear upon, or indicate any actions taken pursuant to or in connection with the recommendation contained in this memorandum. (This should include any and all information of whatever nature and in whatever form received, collected, and/or prepared in connection with Mr. James Adams' testimony on this subject before the Senate Select Committee on November 18, 1975.)

extremist groups. The purpose of investigations of basic d. All memoranda and any other materials received from FBI field offices or written at provide FBI Headquarters prior to and pertaining to the recommendation contained in the March 29, 1968 memorandum.

President to fulfill his Constitutional responsibilities;

7. With respect to the memorandum with enclosure, from W. C. Moore to Mr. W. C. Sullivan, dated March 26, 1968, captioned "Counterintelligence Program, Black Nationalist - Hate Groups, Racial Intelligence (Washington Spring Project); please provide the access and/or materials requested in a, b, c, and d of Item 6 above.

17

November 25, 1975

Page 3

8. With respect to a memorandum with enclosure,  
 (2) dated November 20, 1975, from G. C. Moore to M. J. Sullivan, dated 3/28/68, captioned "Sanitation Workers Strike, Memphis, Tennessee, Racial Matters," please provide the accessions and/or materials visable to requested in a, b, c, and d of Item 6 above.

prevent such conspiracies from being carried out; and

9. Responses to Items 6, 7, and 8 should include copies of all newspaper clippings or magazine articles contained in FBI files which contain information set forth in the memoranda and/or enclosures identified in Items 6, 7, and 8 above.

Board in accordance with provisions of the Internal Security

Sincerely,

John T. Elliff  
Director

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

**Domestic Intelligence Task Force**  
Investigation is initiated upon receipt of information indicating that organization advocates overthrow of Government or engages in activity to deny others their Constitutional or statutory rights.

Investigation is conducted to establish aims and objectives, location and size, domination and control by hostile foreign power, identities of all leaders and members.

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

Investigation is initiated upon receipt of information that organization is dominated, controlled or influenced to substantial degree by revolutionary organization.

Investigation is conducted to determine degree of infiltration, aims and objectives, location and size and identities of all leaders.

OFFICE OF THE DEPUTY ATTORNEY GENERAL

WASHINGTON, D.C. 20530

Extremist Groups

December 1, 1975

The purpose of investigations of white hate and black extremist organizations is to: (1) provide intelligence to the Executive Branch which will enable the President to fulfill his Constitutional responsibilities; and (2) detect developing conspiracies to violate substantive laws and initiate prosecutive action whenever possible to prevent such conspiracies from being carried out.

Investigations of white hate groups are confined to those which have actually or allegedly committed or have adopted a policy of advocating or inciting the use of violence to deny others their rights under the Constitution. Investigations of black extremist organizations concern those groups which take extremist, anti-U. S. Government, anti-white positions and whose activities have involved them or may involve them in civil unrest and/or subversive activity.

Attached is a letter from the Senate Select Committee dated November 25, 1975, requesting various information regarding the King matter. Please prepare an appropriate response to this request.

cc: Paul Daly  
Subversive, Revolutionary and Extremist Individuals

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

4-812 (Rev. 12-11-78)

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

Membership in a basic revolutionary organization

Date of Mail 11/28/75

Espousing the ~~INEQ~~ revolutionary movements

Special training ~~IN~~ or leadership training, in a revolutionary group

Has been removed and placed in the Special File Room of Records Section  
Individuals having access to key facilities  
group at any time

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

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

See File 66-2554-7530 for authority.

Extremists and revolutionaries who have demonstrated a propensity for violence, have involved or may involve themselves in civil unrest, or who ~~are~~ <sup>REASON FOR CONTINUATION</sup> ~~intend~~ <sup>REASON IS UNCLASSIFIED</sup> ~~to~~ <sup>DATE 10/10/76</sup> overthrow of the Government

Subject JUNE MAIL SENSITIVE  
Persons who influence others to engage in acts injurious to the national defense or who are likely to furnish financial or other assistance to revolutionary or extremist elements because of their sympathies  
~~Removed By~~ 79 JAN 1 1976

File Number 62-116395-1210

Unaffiliated Individuals

I - Mr. J. R. Adams

I - Mr. J. A. Mintz

I - Mr. D. W. Moore

The Attorney General December 9, 1975

extremist activities, some investigation More W. conduced  
 Director, FBI 1 - Mr. W. O. Gregar  
 of individuals who are not affiliated with Mr. Organ F. Phillips

Investigation of an individual is undertaken when information is received that the person:

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 12/10/00 BY SP/ALM/P

Is a revolutionary or extremist and Enclosed is the original of a memorandum, with attachment, concerning an interview of former FBI Assistant Director Robert E. Wick by SSC Staff Members. Also enclosed is a copy of the memorandum, with attachment, for forwarding to Mr. James A. Wilderotter, Associate Counsel to the President.

Is a revolutionary or extremist and Your specific attention is invited to certain information relating to the interview of Wick suggestive of improprieties on the part of an SSC Staff Member. The facts, as known to this Bureau, are as follows:

ideology and is likely to seize opportunity Wick first contacted this Bureau concerning the interview by telephone on November 5, 1975, to advise that he had been called on October 31, 1975, by an individual identifying himself as Mike Epstein representing the SSC. Epstein requested Wick to come to Washington, D. C., for a two to three hour interview concerning a matter relating to his "employment." Epstein did not further describe the subject matter of the interview and an appointment was arranged for November 7, 1975. Wick said that he was uncertain as to the probable subject matter of the interview because other matters coming within his responsibilities as Vice President of Pan American World Airways which were unrelated to the FBI, have been of recent interest to the SSC. Wick asked for advice of the FBI concerning this matter.

Thereupon, the Legal Counsel Division of this Bureau contacted Epstein and determined that the subject matter of the interview of Wick would be Martin Luther King, Jr. A return call was made to Wick on November 3, 1975, to advise him that this Bureau had learned that the subject matter of the interview would be Martin Luther King, Jr.

Assist. Dir. \_\_\_\_\_  
Sup. Ad. \_\_\_\_\_  
Dep. AD Inv. \_\_\_\_\_

Asst. Dir. \_\_\_\_\_

Adm. \_\_\_\_\_

Coop. Syst. \_\_\_\_\_

Ext. Affairs \_\_\_\_\_

Fikes & Com. \_\_\_\_\_

Dev. Inv. \_\_\_\_\_

Intell. \_\_\_\_\_

Laboratory \_\_\_\_\_

Plan. & Eval. \_\_\_\_\_

Spec. Inv. \_\_\_\_\_

Training \_\_\_\_\_

Legal Coun. \_\_\_\_\_

Telephone Rec. \_\_\_\_\_

Planes Encl. \_\_\_\_\_

SPP:mjg/lb  
(11)

62-116375-1209X  
62-51  
Generally, these objectives may be listed 1975  
(Personnel file former Assistant Director  
Robert E. Wick) (1) the detection and

21

- 21 -

JULY 5 1976  
FBI - NEW YORK  
40-3975

MAIL ROOM

TELETYPE UNIT

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identification of intelligence operations and agents;

(2) the penetration of these operations for the purpose

of control and the development of intelligence information;

(3) neutralization of hostile intelligence operations through

disruption and disinformation, and, if necessary, prosecution. Whatever  
and advised that he had been rather annoyed at Epstein's  
the initial approach to him; particularly, because Wick had tried  
on more than one occasion during the telephone conversation  
with Epstein to pry from Epstein the subject matter of the  
interview but Epstein persisted in not advising him.

For our intelligence investigations and conducted in  
this Bureau's representative who had descended from  
Epstein on November 5, 1975, the subject matter of the inter-  
view has advised that when he made the inquiry of Epstein, he  
asked Epstein why he had not told Wick the subject matter.  
Epstein's reply was that Wick had not asked him, a statement  
directly contradictory to Wick's advice to this Bureau,  
initiated usually on the basis of a known or suspected connec-

The second suggested impropriety is that Epstein  
contacted Wick prior to advising this Bureau of his intention  
to interview Wick, an action which is contrary to procedures  
which have been agreed upon between the SSC and this Bureau.

Enclosures (4) investigations emanate from various sensitive sources and

62-116395 involve special considerations, extensive criteria and

1. The Deputy Attorney General  
limitations are defined and contained in current instructions.

Attention: Michael E. Shaheen, Jr.

Special Counsel for

In general terms, the governing criteria are designed

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

Restrictions on Investigations

1 - Mr. J. B. Adams

1 - Mr. J. A. Mintz

1 - Mr. D. W. Moore

FBI guidelines go beyond the rules for opening,  
62-116395

December 9, 1975

investigating and closing cases; they also impose restrictions

1 - Mr. W. R. Wannall

to make certain that we do not violate the constitution. Gregar

U. S. SENATE SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS rights of any individual with respect to intelligence activities (SSC)

becoming "fishing expeditions." In the security field these

RE: INTERVIEW OF FORMER FBI ASSISTANT DIRECTOR (AD) ROBERT WICK

are some of the restrictions imposed by the Bureau

BY SSC STAFF MEMBERS

Security cases are evaluated continually  
to determine if we are fulfilling ourresponsibilities. Cases not  
warranting further investigation are

closed promptly.

On November 5, 1975, Wick advised this Bureau that on October 31, 1975, he had been contacted by an individual identifying himself as Mike Epstein of the SSC who requested Wick to come to Washington for a two to three hour interview concerning a matter relating to his employment. Epstein did not further describe the subject matter although Wick attempted to obtain such information from Epstein, and Independence Party of Puerto Rico.

Upon receipt of the above information from Wick, this Bureau determined from Epstein that the subject matter was to be Martin Luther King, Jr., and that fact was relayed to Wick on November 5, 1975. Wick was also told that he was being released from his secrecy agreement with the FBI for the purpose of the interview, confined to the indicated subject matter. Wick was also advised by this Bureau that he was not required to answer questions falling within four privileged areas: matters pertaining to pending investigations; information from third agencies, including foreign intelligence agencies; information concerning sensitive methods and techniques; and information which might divulge the identities of FBI sources.

When it is determined that a security subject

is attached hereto is a copy of a MEMORANDUM FOR THE FILE dated November 12, 1975, which Wick voluntarily furnished this Bureau and which represents his report pertaining to the interview.

Enclosure: Civil rights organizations are not investigated.

1 - 67- (Personnel file former Assistant Director  
Robert Wick)

ORIGINAL AND ONE COPY TO AG

SFP:mjsn (10)

- 23 -

SEE NOTE PAGE TWO

Assoc. Dir. \_\_\_\_\_  
Dep. AD Adm. \_\_\_\_\_  
Dep. AD Inv. \_\_\_\_\_  
Asst. Dir. \_\_\_\_\_  
Admin. \_\_\_\_\_  
Comp. Syst. \_\_\_\_\_  
Ext. Affairs \_\_\_\_\_  
Files & Com. \_\_\_\_\_  
Gen. Inv. \_\_\_\_\_  
Mem. \_\_\_\_\_  
Inspection \_\_\_\_\_  
Intel. \_\_\_\_\_  
Laboratory \_\_\_\_\_  
Plan. & Eval. \_\_\_\_\_  
Spec. Inv. \_\_\_\_\_  
Training \_\_\_\_\_  
Legal Coun. \_\_\_\_\_  
Telephone Rec. \_\_\_\_\_  
Disaster Soc'y \_\_\_\_\_

MAIL ROOM  TELETYPE UNIT 

GPO: 1974 O-100-420

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

No surveillances are conducted at the U. S. Senate Select Committee to Study Governmental Operations With Respect to Intelligence Activities (SSC).

Re: Interview of Former FBI Assistant Director (AD) Robert WICK by SSC Staff Members  
No telephone or microphone surveillances are operated without prior written approval of the Attorney General.

NOTE: Bureau authority is required for:

Information relating to contacts between WICK and this Bureau are reported in memorandum 11/3/73 from Legal Counsel to Mr. J. B. Adams "Senate Select Committee on Intelligence Activities," and 11/7/73 from J. O. Gregor to M. R. Womall "Senstudy 75." In WICK's statement, MEMORANDUM FOR THE FILE, was mailed to Supervisor S. F. Phillips of the Senstudy 75 Project. The matter of improprieties was addressed specifically in the above 11/3/73 Cognac memorandum and it is believed that the Department should be made aware of this matter.

Developing sources connected with an institution of learning.

Interviews of subjects of active, current security investigations.

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

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

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

### Information Storage and Retrieval

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

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

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

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

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

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

### Dissemination

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

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

v7

The Attorney General

August 7, 1973

Director, FBI

~~SCOPE OF FBI JURISDICTION  
AND AUTHORITY IN DOMESTIC  
INTELLIGENCE INVESTIGATIONS~~

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 1-18-01 BY SP-2 ALM/JLG  
*AMDF6*

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

Actually, a study has been <sup>JK Law 10/6/81</sup> going on in the FBI for more than two years as to the scope of FBI jurisdiction and authority in domestic intelligence investigations. When Mr. L. Patrick Gray, III, was designated as Acting Director of the FBI, he instructed that a position paper be prepared concerning the jurisdiction and authority of the FBI to conduct domestic intelligence investigations. A position paper was prepared which in essence stated that authority of the FBI in this field is based on legislative enactments, even though we may have publicly relied heavily on Presidential directives as the basis for such authority. Mr. Gray ordered an in-depth study made of the position and in August, 1972, a detailed report was furnished to him. The following is a summary of that report.

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

62-116-15-83

ENCLOSURE

The Attorney General

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

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

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

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

The Attorney General

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

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

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

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

The Attorney General

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

The study concluded with two basic recommendations.

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

At first glance these recommendations may appear to contradict our position that we already have statutory authority to conduct security-type investigations; that this being the case we do not need additional legislative enactments, nor do we need an Executive order. But being realistic we think that the basic statutes upon which we rely for our authority to conduct domestic intelligence investigations need to be updated to fit 1973 needs. Title 15 U.S.C. Sections 2383, 2384, and 2385 relate to the national security, but the legislative history of 2383 and 2384 indicates that they were designed for the Civil War era, not the Twentieth Century, and Section 2385 has been reduced to a fragile shell by the Supreme Court. These statutes are unquestionably still valid, but updating is certainly indicated. The bills introduced as H.R. 6046 and S. 1400 in the 93rd Congress appear to contain language which should fill our statutory needs, except perhaps for those groups, such as the Ku Klux Klan, which do not seek to overthrow the Government, but nevertheless are totalitarian in nature and seek to deprive constitutionally guaranteed rights.

CLASSIFY AS APPROPRIATE

REF ID: A61126  
INSTRUCTIONS TO REVERSE  
BEFORE COMPLETING.TO: Intelligence Community Staff  
ATTN: Central Index

FROM:

FBI

SUBJECT: Abstract of Information Provided to Select Committees

~~The Attorney General~~

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

6. DATE PROVIDED

12/9/75

<input checked="" type="checkbox"/>	DOCUMENT	INTERVIEW	TESTIMONY	OTHER
-------------------------------------	----------	-----------	-----------	-------

As to the need for an Executive order, we think that two issues are involved. We have statutory authority, but what we need is a definitive

7. TO WHOM PROVIDED (check appropriate term and specific name if appropriate) he requirement from the President is to the nature and type of intelligence data

~~The Attorney General with a copy for forwarding to~~  
~~the White House~~

8. SUBJECT (check appropriate term and specific name if appropriate) there is a need, from our standpoint, for both authoritative and definitive guidelines. The statutes give us the authority.

~~9. HSC~~ The Executive order would define our national security objectives.

10. IDENTIFICATION (provide descriptive data for documents; give name or identification number of briefer, interviewee, testifying and subject) Members of Congress, including such men as Senator Robert C.

11. MEMORANDUM REPORTING RESULTS OF AN INTERVIEW BY SSC STAFF (check appropriate term and specific name if appropriate) Members of former Assistant Director Robert Wick

rather spell out his own requirements in an Executive order instead of having

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

13. CLASSIFICATION OF INFORMATION (enter S, C, SC or Codeword)

The political climate of suspicion and distrust resulting from disclosures coming out of the Watergate hearings could present an obstacle to getting any such Executive order signed in the immediate future. However,

14. KEY WORDS (enter the appropriate key words from the list provided separately. If key words not listed use your own terms and explain) nevertheless valid and when scrutinized closely, the language

in the Executive order we hereinafter propose establishes definitive guidelines which have been set forth in the ~~Information handling~~ Intelligence collection

15. SUMMARY (see reverse side) We therefore propose and recommend that an Executive order along the following lines be submitted to the White House with a strong Interviewed regarding his knowledge of the FBI's investigation of Martin Luther King, Jr. order which we think would be appropriate and does not necessarily represent an ideal format or style which should be submitted to the White House.

62-116395

FMK:fmk

EXECUTIVE ORDERORIGINAL VIA LIAISON TO CENTRAL COMMUNITY INDEXIN CONNECTION WITH SENATE STUDY 175

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

~~and information contained~~

HEREIN IS UNCLASSIFIED

DATE 1/20/00 BY SP2A/MK

TREAT AS YELLOW

5 M

- 5 -

8791 (6-75)

CLASSIFY AS APPROPRIATE

16/0019

INSTRUCTIONS

- Type or print clearly in ink.

**The Attorney General**

- Indicate classification of the abstract top and bottom.

- Date the abstract and put on any internal control numbers required.

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

- If additions (as where a copy of document sent to SSC is later sent to DDCI) or changes to a previously submitted form are necessary, submit a copy of the original abstract, with the change indicated.

WHEREAS THERE HAVE BEEN DOCUMENTS CONTAINING UNLAWFUL ACTS ATTRIBUTED TO THE GOVERNMENT OF THE UNITED STATES OR AGAINST PERSONS ENTITLED TO THE PROTECTION OF THE UNITED STATES THEREBY ENDANGERING THE DOMESTIC TRANQUILITY, THREATENING THE SUBSTANCE OF INFORMATION AND SHOWING RELATIONSHIP TO INTELLIGENCE COMMUNITY MATTERS IF APPROPRIATE. ANY FEEDBACK OR EVIDENCE OF INVESTIGATORY INTERESTS SHOULD BE NOTED. COMMITMENTS MADE TO SUPPLY ADDITIONAL INFORMATION SHOULD BE NOTED. ADDITIONALLY, CERTAIN ADMINISTRATIVE INFORMATION MAY BE NOTED HERE, E.G., RESTRICTIONS ON REVIEW OF A DOCUMENT, IF DOCUMENT WAS PARAPHRASED, WHETHER INVESTIGATOR IS CURRENT OR FORMER EMPLOYEE, ETC. IF ACTUAL DOCUMENT OR TRANSCRIPT IS PROVIDED, THAT FACT SHOULD BE NOTED AND NO SUMMARY IS REQUIRED. ADDITIONAL PAGES MAY BE ATTACHED IF NECESSARY.

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

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

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

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

Please don't type over

F B I

The Attorney General

Date: 12/9/73

Transmit the following in \_\_\_\_\_

(Type in plaintext or code)

killing of police officers who, by their uniform, are a symbol of the democratic

Via AIRTEL AIR MAIL

embarrassment; hijacking of aircraft; influence of revolutionary movements; terrorist assaults on foreign diplomatic personnel and establishments; and declaration of war on our form of government are only a few of the violent acts

which have been committed by domestic subversives who seek to destroy or seriously cripple our Government. Terrorist guerrilla attacks which were

once confined to far flung places and related to problems of no immediate concern of our are now possible in this country. Foreign terrorist groups in

RE: SENATE, TESTIMONY OF ASSISTANT TO THE DIRECTOR JAMES B. ADAMS

collusion with foreign agents to aid plans for an airport massacre of ASSISTANT TO THE DIRECTOR JAMES B. ADAMS, AND ASSISTANT DIRECTOR W. RAYMOND WANNALL

the type which recently occurred in Israel. Other foreign terrorist elements have laid plans to commit acts on American soil. ALL INFORMATION CONTAINED

12/2/75

HEREIN IS UNCLASSIFIED

DATE 10/20/01 BY SP2 ALM

Re: Los Angeles phone call to Assistant to the Director JAMES B. ADAMS, 12/9/75.

RJL

On 12/3/75, the attached article appeared in the Los Angeles Times under the byline of reporter JACK NELSON. As indicated, the headline and lead paragraph which supposedly is based on ADAMS' testimony clearly reflects that the FBI did nothing to prevent Klan violence although we knew of normally associated with Klan violence minutes. In other words we

the contemplated violence. After discussing this matter with Mr. ADAMS and reviewing the actual testimony received in defining the FBI's investigative authority, it was decided to expand

and I met with Editor BILL THOMAS and National Editor ED GUTHMAN at the Los Angeles Times, the Government. However, we also believe that such expanded authority must be formally set forth in an

I advised these gentlemen that I was aghast when I read the headlines and the lead paragraph of this article. General's expressed interest in trying more to set guidelines to our work and could not believe that JIM ADAMS did not reute informant

BONE's testimony that we took no action relative to contemplated violence since I knew that this was contrary to the rules, regulations, policy, and philosophy of the FBI

in 1960. In then called Mrs. ADAMS in Washington, D.C., and once he likewise was upset over the headline and lead paragraph,

priority matter. We believe the issuance of guidelines by the Attorney General under Title 28, Section 28, United States Code, to be equally important.

ENCLOSURE  
EX-112  
1 - Bureau (1 Encl)  
1 - Los Angeles  
REG:nnb  
(4)

12-1103-1209  
12-1103-1209

12 DEC 12 1975

-7-

Approved: 7 1976

PENNY

U.S. Government Printing Office: 1972 - 403-874

LA 66-6243  
The Attorney General

because, according to ADAMS, he completely refuted these statements in that we did disseminate the contemplated investigation plans of violence to the Birmingham Police Department and to the Department of Justice in the form of a letterhead memorandum. These guidelines provide that in each instance, the domestic intelligence investigation must be predicated on information indicating that the organization or individual is engaged in activity which could involve a violation of specific statutes relating to national security. A copy of the new guidelines was previously furnished to the FBI. I continued that I waited until I received the actual transcript of testimony and told the gentlemen that upon my review of the testimony of Mr. ADAMS and Mr. WANNALL, to the best of my knowledge, I could not reconcile the headline and lead paragraph with such testimony copy I then proceeded to read several excerpts from the testimony. The effective date of the new guidelines was August 1, 1973.

I advised Mr. THOMAS and Mr. GUTHMAN that my immediate reaction was to prepare a "Letter to the Editor" but felt after a re-analysis of the situation that this is not a judgment question on the part of the newspaper, but one of a slanted, inaccurate story either by design or through misunderstanding. I therefore felt that the Los Angeles Times, if it so desired, should be in a position to correct the situation itself based on the facts.

Mr. THOMAS expressed appreciation for my approach and stated that at the time he read the article, already printed, a question came to his mind as to why the FBI did not advise someone or take some action relative to contemplated violence. He, however, took no further action. He said in view of what I had read from excerpts of Mr. ADAMS' testimony and the now available complete transcript of the testimony, he intends to pursue this matter further and would prefer not to have a "letter to the Editor", but rather correct any inaccuracies on the part of the Los Angeles Times through their own pursuit of further inquiring concerning this story.

Mr. GUTHMAN concurred with Mr. THOMAS and they indicated that it appears the obvious question is based on Mr. ADAMS' testimony of who in the Department of Justice received this information relative to contemplated violence and what did such a responsible Department of Justice official do with the information. He agreed that based on the information furnished to them, the FBI has been done an injustice but that they, the Los Angeles Times, desired to pursue this matter further.

1 - Mr. W. R. Hannall  
1 - Mr. W. O. Cregar  
2 - Legal Counsel Division

LA 66-6243  
The Attorney General

April 22, 1975

(1-Mr. Farrington)

~~Director, FBI~~ It should be noted the article of JACK NELSON is based on one specific situation, namely the testimony of former informant GARY ROWE that he had furnished advance information to the FBI to the effect that members of the Ku Klux Klan would be given the opportunity to beat members of the Freedom Riders without interference by law enforcement authorities for approximately 15 minutes after which the local law enforcement authorities would take action, and that the FBI was advised of this ~~in advance~~ Select Committee dated March 19, 1975, requesting certain documents and other information from the Federal Bureau of Investigation.

Attached for your approval and forwarding to the Committee is the original of a memorandum which constitutes a response to one of the requests set forth in referenced letter. A copy of this memorandum is enclosed for your records.

Enclosures (2)

62-116395

ENL:ekw (1)  
(8)

4/24 Approved by D.G. (Inch:4, Herk)  
4/25 Delivered to Major Epistles  
of SSC

POD

REC'D

62-116395-82

NOTE: The Senate Select Committee has made a request for titles and number of FBI field office Agents in the internal security and counterintelligence field as well as the percentage of manpower assigned in these areas. The Administrative Division has compiled this information. However, it is not felt this data should be furnished formally in a written response to the Committee. This data can be classified "Confidential" under Executive Order 11652. Over and above this technical classification a great deal of sensitivity attaches to these figures since should they be made public or otherwise fall into the

- 3 -

NOTE CONTINUED PAGE 5 APR 29, 1975

J ENCLURE

The Attorney General

NOTE CONTINUED:

## Took No Action to Prevent Klan Violence, FBI Admits

BY JACK NELSON

Times Staff Writer  
Times Wire Service Chief  
WASHINGTON—An FBI official conceded Tuesday that the bureau had failed to use its undercover work's information to head off Ku Klux Klan violence in Alabama in the 1970s.

But, the official, James R. Adams, assistant to the director, told the Senate Intelligence Committee that the FBI was "just as frustrated as anyone else" at "rank lawlessness" that existed in Alabama at that time. Also, he said, the FBI is an investigative agency and has no enforcement power.

Adams' defense of the FBI came immediately after Gary Thomas Rowe Jr., wearing a hood to conceal his features, testified that on many occasions he had warned the bureau of the Klan's plans for violence, but that the violence occurred without official interference.

Rowe served six years as an FBI undercover agent before testifying in 1976 as the star witness against three



WITNESS—Gary Thomas Rowe Jr. wears hood while testifying.  
AP Wirephoto

Klanmen accused of killing a white civil rights worker in Lowndes County, Ala. Since then he has been living

Please Turn to Page 6, Col. 1

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 10/30/00 BY SPOM/AMW

Los Angeles Times

12/3/75

- 2 -

62-1-375-1209

EXCLUSIVE

OPTIONAL FORM NO. 10  
MAY 1962 EDITION  
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

## Memorandum

TO : MR. CALLAHAN

FROM : T. J. JENKINS

UNITED STATES SENATE SELECT COMMITTEE TO STUDY CIVIL RIGHTS OPERATIONS WITH RESPECT

SUBJECT: GARY T. ROWE TESTIMONY BEFORE SENATE

SELECT COMMITTEE RE: ORGANIZATION

- 1 - Mr. W. R. Wannall  
 1 - Mr. W. O. Gregar  
 2 - Legal Counsel Division  
 DATE: (12-3-75)  
 Harrington

April 21, 1975

Attn: Dir.  
 Dep. AD Adm.  
 Dep. AD Inv.  
 Asst. Dir.  
 Admin.  
 Comp. Syst.  
 Ext. Affairs  
 File & Com.  
 Gen. Inv.  
 Inspect.  
 Intell.  
 Laboratory  
 Plan. & Eval.  
 Spec. Inv.  
 Training  
 Legal Coun.  
 Telephone Sys.  
 Disaster Saf.

On 12-3-75 an individual who identified himself as Garland Reeves of the Birmingham, Alabama News, called and he advised that he understood I was the Special Agent in Charge of the Birmingham Office at the time the bus was burned with the Freedom Riders in Birmingham, Alabama, in 1961. He stated that he would like to know if Rowe had furnished us information that the Birmingham Police were going to wait 15 or 30 minutes to go to the bus station in order to give the Klan an opportunity to work over the Freedom Riders. I informed Reeves that I recall no such information being furnished to us at that time. I told him that all information we received concerning possible violence was furnished to the Birmingham Police Department. He wanted to know, if there had been such an agreement what action would I take. I told him that if I determined that the police department would not take any action for 15 or 30 minutes I would advise the Mayor of the city and the Police Commissioner and if they felt the same as the police department, would then advise the Governor of the State.

He wanted to know what would be the FBI's position at that time if the police department refused to take any action. I told him that we did not have jurisdiction in matters of this nature, that they were purely local and it was the responsibility of the local authorities to handle such matters. He desired to know if I would call out the Federal Marshals. I informed him that the FBI did not have any authority to call upon the Federal Marshals in a situation of this nature but if such a situation arose, I would have immediately notified our headquarters in Washington, who would have notified the Department of Justice, who would have such authority.

I told him that while I was in Birmingham as Special Agent in Charge we kept the Bureau headquarters in Washington completely informed of all developments and they in turn, kept the Department of Justice informed.

ACTION: Submitted for information.

TJJ:pmd (5)

1 - Mr. Adams 1 - Mr. Moore

1 - Mr. Wannall

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 10-25-00 BY SP2 ALM/jmg

ENCLOSURE

F B I

Date: 12/4/75

www/FAC

Transmit the following in \_\_\_\_\_  
(Type in plaintext or code)

Via A I R T E L *Geff*  
(Priority)

TO: DIRECTOR, FBI (62-116395)  
ATTN: INTD, W.O. CREGAR  
FROM: SAC, SAN DIEGO (66-1714)

*LC*  
SENSTUDY 75

Re San Diego telephone call to Bureau, 12/4/75.

Enclosed for the Bureau are eight copies of a letter-head memorandum reflecting information received in the San Diego Office concerning GARY THOMAS ROWE, Jr.

Deputy SCOTT BOIES of the San Diego County Sheriff's Office was contacted and advised that if he felt he recognized ROWE that he should not discuss the matter openly with anyone in that ROWE was obviously attempting to protect his identity. Deputy BOIES was not advised that ROWE was identical with THOMAS NEIL MOORE.

(2) - Bureau (Enclosed)  
1 - San Diego

DCS:pgh  
(3)

1 - The Attorney General

2 - Bureau (Enclosed)

NOT SPC  
AP

REC'D BY

62-116395-1206X

CH 2-6  
12/4/75

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 10/30/2014 BY SP001-SP001-ANH

Wolfe  
SPC

Approved: RJM/C

Special Agent in Charge

62-395-82

Sheet \_\_\_\_\_ of \_\_\_\_\_

U. S. GOVERNMENT PRINTING OFFICE: 1960 O-340-02 (2)

FEDERAL BUREAU OF INVESTIGATION  
U.S. DEPARTMENT OF JUSTICE

3810-104

UNITED STATES GOVERNMENT

UNITED STATES DEPARTMENT OF JUSTICE

*Memorandum*  
FEDERAL BUREAU OF INVESTIGATIONIn Reply, Please Refer to  
File No.San Diego, California 4/3/75  
December 4, 1975FROM : L. C. GROOVER  
*LCG/MC*SUBJECT: SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES  
U. S. SENATE SELECT COMMITTEE  
ON INTELLIGENCE ACTIVITIES (SSC)

*Reopened*

Assist. Dir. \_\_\_\_\_  
 Dep. AD Adm. \_\_\_\_\_  
 Dep. AD Inv. \_\_\_\_\_  
 Assst. 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 \_\_\_\_\_

Reference Congressional Hearings, Adams memorandum dated 3/20/75-captioned as above and letter of Senator Frank Church dated 3/19/75.

At 11:30 p.m. on December 2, 1975, Deputy Sheriff Scott Boies of the San Diego County Sheriff's Office, Lemon Grove, California Sub-Station, telephonically contacted the San Diego FBI Office and advised as follows:

*Helet requested among other things, the titles and number of FBI field office agents assigned to internal security, intelligence collection and/or counterintelligence matters, operations or activities, together with the names of the individuals identified as the operators of the operations and activities page 3, item HIC of ref.*

*The purpose of this memorandum is to forward to the Legal Counsel Division through the Intelligence Division, the response attached herewith, to the above request.*

Deputy Boies stated that he recognized the individual, the man identified as Gary Thomas Rowe, Jr., who is testifying before the Senate Subcommittee on the Ku Klux Klan. He stated he heard Mr. Rowe talk on a news broadcast and recognized him as being an individual he knows as Thomas Earl Moore. Deputy Boies furnished Moore's date of birth as August 19, 1933, and an address of 589 1/2 Street, Chula Vista, California, where Moore resided in 1971. Deputy Boies stated that Moore worked for Western Bureau of Investigation, It headquartered in Los Angeles and worked as security, security guard for the White Front Department Store, Chula Vista, California.

Moore has been classified in the traditional two categories of internal security and counterintelligence. Intelligence collection (informants) is included in the data for both of the other categories as appropriate.

RECOMMENDATION:ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 10-10-2003 BY SP2 ALM/JBG

That this memorandum will be forwarded to the Intelligence Division for review, classification and approval and, thereafter, forwarded to the Legal Counsel Division which is coordinating replies to the Senate Select Committee.

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

1 - Mr. Jackson

SEE INTELLIGENCE DIVISION

ADDENDUM PAGE TWO

SEE LEGAL COUNSEL DIVISION  
ADDENDUM PAGE THREEALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

DATE 11/8/01 BY SP2 ALM/JBG

NW 53510 DocID:103389492 Page 111

62 - ADDENDUM PAGE ONE  
- 1 \* -  
S. W. J. B.12061  
S. W. J. B.

Memorandum to Mr. Walsh  
Re: Senate Select Committee on  
Intelligence Activities  
The Attorney General

REC-103  
Director, FBI ADDENDUM: Intelligence Division, WO/also, 12/14/75  
2 - Mr. J. A. Mintz  
(1 - J. B. Hotis)  
1 - Mr. W. R. Wannall

December 12, 1975

*WOB*  
1 - Mr. W. O. Cregar  
1 - Mr. J. G. Deegan  
1 - Mr. S. Klein

U. S. SENATE SELECT COMMITTEE has reviewed the attached figures prepared by the INTELLIGENCE ACTIVITIES (SSC). Under the criteria of the current Classification Act it would be impossible to justify classification of these figures; however, should they be made public or fall into the hands of a hostile foreign intelligence service, it would reveal the current capability of the FBI employees in the field of counterintelligence against the total foreign threat. In view of the above, the INTELLIGENCE DIVISION strongly recommends that the Legal Counsel Division discuss this with the staff of the Senate Select Committee pointing out the vulnerability implicit in this attachment in an effort to have the Committee withdraw its request mentioned as H.C.

Reference is made to my November 26, 1975, letter to you enclosing among other material, a memorandum concerning former FBI informant Gary Thomas Rowe, Jr. Enclosed for your approval and forwarding to the Committee is a copy of a memorandum dated December 4, 1975, regarding Gary Thomas Rowe, Jr., received by FBI Headquarters from our San Diego field office.

Rowe, is a former informant who testified before the SSC on December 2, 1975, regarding his role in supplying information to the FBI regarding Ku Klux Klan activities in Alabama. He has been utilizing the cover name, Thomas Neil Moore.

Also enclosed for your records is a copy of the December 4, 1975, memorandum.

Enclosures - 2

62-116395

1 - Deputy Attorney General  
Attention: Michael E. Shaheen, Jr.  
Special Counsel for  
Intelligence Coordination

Asst. Dir. \_\_\_\_\_  
Asst. AS Adm. \_\_\_\_\_  
Asst. AS Inv. \_\_\_\_\_  
Asst. Dir. \_\_\_\_\_  
1 - 137-6295

Admin. \_\_\_\_\_  
Coop. Sys. \_\_\_\_\_  
Ext. Adm. \_\_\_\_\_  
FBI & Com. \_\_\_\_\_  
Mem. Inv. \_\_\_\_\_  
Meet. \_\_\_\_\_  
Logs/Logs \_\_\_\_\_  
Incl. \_\_\_\_\_  
Laboratory \_\_\_\_\_  
Plan. & Eval. \_\_\_\_\_  
Spec. Inv. \_\_\_\_\_  
Testing \_\_\_\_\_  
Legal Coun. \_\_\_\_\_  
Telephone En. \_\_\_\_\_

SK:klm:kln  
(11)

*WOB/Tel*  
SEE NOTE PAGE 2

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 12/14/2018 BY SP/AM/SP/AM/JV/E/JR

ADDENDUM: LEGAL COUNSEL DIVISION

PVD:gkg 4-14-75

Regarding the observations of the Intelligence Division concerning the making available the amount of manpower dedicated to counterintelligence and domestic intelligence work in the FBI, the ~~The Attorney General~~ Legal Counsel Division has the following observations:

(1) Based on our analysis and conversations this division has had with Fred B. Griffith of the Inspection Division, it appears that the information contained in this memorandum may be classified confidential under Executive order 11652.

Above being furnished to the Attorney General and the SSC in order to apprise them of information reflecting that Rove, who testified with a mask over his face, was identified by a San Diego Deputy Sheriff after hearing Rove's voice on a news broadcast. Arrangements have been made for a representative of the Legal Counsel Division to deliver the attached memorandum consistent in this area. In this regard SA Rich V. Day has contacted Leon F. Schwartz, Liaison Section of Intelligence Division, and requested he determine from CIA what their position in this regard is.

(3) It is not believed that we should take a hard and fast position that this information not be made available to the Committee or that we make an effort to have the Committee withdraw their request for this information. We should rather develop some fallback position such as that this information will be made available to the Chairman of the Committee or will be made available during an oral briefing, etc.

- 3 -

- 2 -

# model  
ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 11/18/01 BY SP2 ALM/ERG

2025 RELEASE UNDER E.O. 14176  
2025 RELEASE UNDER E.O. 14176  
2025 RELEASE UNDER E.O. 14176

5010-106

UNITED STATES GOVERNMENT

# Memorandum

TO : Mr. Adam B. Adams

FROM : Legal Counsel

SUBJECT: ~~SENATE SELECT COMMITTEE  
ON INTELLIGENCE ACTIVITIES~~  
TESTIMONY BY THE DIRECTOR  
DECEMBER 9, 1975W 110216  
ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 12/4/75 BY SP2 AM/MS

DATE: 4-10-75 DATE: 12/4/75

Adviser (Dly)  
 Days (Avail)  
 Days Off  
 Days Work  
 Basis Work  
 Admin  
 Computer  
 Ext. Advisor  
 File & Comm  
 Grooming  
 Motor  
 Inspection  
 Infrastr  
 Library  
 Comm  
 Photo & Film  
 Book Inv.  
 Training  
 Political Act  
 Private Sec

160-1075-1

In connection with our investigations of staff members for

captioned Committee, we have developed derogatory information on two

~~LEGISLATIVE PROPOSAL TO CHANGE~~

individuals which has been brought specifically to the attention of William Miller,

Staff Director of the Committee. One of these involved ~~Mrs. Betty Dale Ellisor~~ ~~Miller~~

~~FBI BUILDING~~

LaVoy whose sister-in-law questioned her loyalty and declared she "does not love America." The sister-in-law said Mrs. LaVoy constantly criticized the

U. S. Government and its policy and underlying weaknesses of our society.

In connection with the Director's appearance on December 9, Another individual said she was highly critical of CIA activities. This information was pointed out to Miller on 3-25-75 when the results of the investigation were delivered to him, and he also was advised that the CIA would be furnished the same data in accordance with our agreement concerning these matters. H. R. 10903,

introduced by Congressman Gude of Maryland and H. R. 10918, introduced

by Congresswoman Schroeder of Colorado, would change the name of the building to FBI Building. H. R. 10916, introduced by Congressman

Rangel of New York, would change the name to Federal Bureau of Investigation Building. All three of the bills were referred to the

Committee on Public Works and Transportation of the House, the maker and said he would have fined her if he had the authority. He described

her definitely as a security risk due to her mental and emotional instability. It also was pointed out to Miller that other former supervisors described her as

unstable when working under pressure and unable to get along with fellow employees.

## RECOMMENDATION:

Miller was told that this information also would be furnished to CIA.

For information of the Director in connection with his preparation for testimony. On 4-2-75 Miller advised Inspector Bowers he had considered the

matter involving Mrs. LaVoy and had discussed it with the Committee Chairman, and they had decided to proceed with her as a staff member since they did not feel the derogatory remarks by her sister-in-law were sufficiently strong enough to

disqualify her since the remainder of the investigation was favorable.

- 1 - Mr. Walsh
- 1 - Mr. Adams
- 1 - Mr. Wannall
- 1 - Mr. Cleveland
- 1 - Mr. Moore
- 1 - Mr. W. M. Mintz
- 1 - Mr. Mintz

JAM:mfd

(16)

84 30 1975

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

REC 100 12-116-37-81 REC 100 12-116-37-81

1 - Mr. Cregar DEC 16 1975

1 - Mr. Steel

1 - Mr. Farrington

1 - Mr. Bowers

DEC 22 1975

CONTINUED - OVER

DEC 29 1975

LE

12/1/75

COPY FILLED IN

Legal Counsel to Mr. Adams Memo

94<sup>th</sup> CONGRESS

RE: SENATE SELECT COMMITTEE

1st Session

ON INTELLIGENCE ACTIVITIES

H.R. 10905

Miller also advised on 4-2-75 that their review of the Ellison investigation showed justifiable concern for her being cleared for the staff, and he asked for any guidance we might give him. It was pointed out that the only real solution to the situation seemed to be that she not be added to the staff.

**IN THE HOUSE OF REPRESENTATIVES**

Miller said he would appreciate any comments from the CIA also in this regard. This request was conveyed to ~~Chairman, Select Committee on Intelligence Division~~ Chief William Cregar of the Intelligence Division who subsequently advised that ~~Charles~~ Director of Security, CIA, had reviewed the file. Colby and ~~Chairman, Select Committee on Intelligence Division~~ agreed there was sufficient cause to question her suitability for assignment to the Select Committee staff. Kane stated CIA Director Colby concurred in this observation.

These views were conveyed to Miller on 4-9-75. Miller stated at that time that they had resolved the situation by assigning Mrs. Ellison to purely administrative tasks and that she would be fully isolated from any sensitive or classified information in connection with her responsibilities.

To amend the Dwight D. Eisenhower Memorial Bicentennial

**RECOMMENDATION:** Civic Center Act.

- 1 ~~Be it enacted by the Senate and House of Representa-~~
- 2 ~~tives of the United States of America in Congress assembled,~~
- 3 That section 8 of the Dwight D. Eisenhower Memorial Bi-
- 4 centennial Civic Center Act (86 Stat. 1022) is amended
- 5 by striking out "J. Edgar Hoover F.B.I. Building" wherever
- 6 it appears in such section and inserting in lieu thereof "F.B.I.
- 7 Building".

I

K  
H  
ML INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 10/20/02 BY SP/AMW

OFFICIAL FORM NO. 10  
MAY 1962 EDITION  
GSA GEN. REG. NO. 27

UNITED STATES GOVERNMENT

## Memorandum

TO : Mr. J. B. Adams  
 FROM : Legal Counsel  
 SUBJECT: SENSTUDY 75

DATE: 3-21-75

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 11/18/01 BY SP2 HJM

H.R. 10905

Asst. Dir. \_\_\_\_\_  
 Dep. AD Adm. \_\_\_\_\_  
 Dep. AD Inv. \_\_\_\_\_  
 Asst. Dir. \_\_\_\_\_  
 Admin. \_\_\_\_\_  
 Comp. Syst. \_\_\_\_\_  
 Ext. Affairs \_\_\_\_\_  
 File & Cas. \_\_\_\_\_  
 Gen. Inv. \_\_\_\_\_  
 Ident. \_\_\_\_\_  
 Inspect. \_\_\_\_\_  
 Infra. \_\_\_\_\_  
 Infra. Inv. \_\_\_\_\_  
 Infra. Proj. \_\_\_\_\_  
 Infra. Teleph. Rm. \_\_\_\_\_  
 Director Sec'y \_\_\_\_\_

On 3-19-75 Inspectors John B. Hotis, David W. Beavers, and Special Agent Paul V. Daly met with William Miller, Staff Director; Frederick A. O. Schwarz, Jr., Chief Counsel; and Michael T. Ervine of the Senate Select Committee (SSC) staff. During the meeting Mr. Schwarz requested a briefing be arranged for staff members of SSC concerning the operations of the Intelligence Division, that they be furnished copies of training documents pertaining to matters handled by the Intelligence Division, and that they be furnished a glossary of terms used in the intelligence field. He pointed out the aforementioned material would greatly assist in the SSC staff developing an understanding of the Intelligence Division operations and hopefully prevent misunderstandings or needless requests of the FBI.

Mr. Miller advised that Senators Frank Church and John Tower intended to contact the Director in the immediate future to discuss arrangements relating to the SSC's review of the FBI activities.

RECOMMENDATIONS:

- (1) Intelligence Division review and where possible make available training documents relating to training concerning Intelligence Division matters and a glossary of terms used in the intelligence field, or recommend a counter offer,
- (2) Legal Analysis Office in conjunction with the Intelligence Division arrange a briefing for Senate Select Committee staff members.

NW 88613 DocId:32989632 Page 116

1 - Mr. Adams  
 1 - Mr. Wannall  
 1 - Mr. Mintz  
 1 - Mr. Farrington  
 1 - Mr. Hotis  
 1 - Mr. Daly 72  
 PYD:kis/Alb 1975

REQ 44

62-11637-80

17 APR 22 1975

J-EWS

UNITED STATES GOVERNMENT

*Memorandum*

TO : Mr. J. B. Adams

DATE: 4/17/75

FROM : Legal Counsel

Max CONGRESS

1st Session

SUBJECT: SENATE SELECT COMMITTEE  
ON INTELLIGENCE# MOB16  
ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 1-18-01 BY SP-2 100-1162

Assoc. Dir. \_\_\_\_\_  
 Dep. AD Adm. \_\_\_\_\_  
 Dep. AD Inv. \_\_\_\_\_  
 Asst. Dir. \_\_\_\_\_  
 Admin. \_\_\_\_\_  
 Comp. Syst. \_\_\_\_\_  
 Ext. Affairs \_\_\_\_\_  
 Files & Cen. \_\_\_\_\_  
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 Laboratory \_\_\_\_\_  
 Plan. & Eval. \_\_\_\_\_  
 Spec. Inv. \_\_\_\_\_  
 Training \_\_\_\_\_  
 Telecon. \_\_\_\_\_  
 Telephone Rec. \_\_\_\_\_  
 Director Sec'y \_\_\_\_\_

**H. R. 10918**

At 11:00 a.m. on April 17, 1975, Inspector John B. Hotis  
 Special Agent Paul H. O'Dwyer met with Deputy Attorney General Tyler  
 and Associate Deputy Attorney General James Hutchinson at the request  
 of the Deputy Attorney General.

Mrs. Scammans introduced the following bill; which was referred to the Committee on Public Works and Transportation. It was advised that he had been requested by Burke Marshall and F.A.O. Schwarz, III, who are consultant and General Counsel, respectively, for the Senate Select Committee to meet with him on Monday afternoon, April 21, 1975, to discuss matters relating to the Committee's activities. The Deputy Attorney General said that he has been personally acquainted with Mr. Marshall for a long time and also is acquainted with Mr. Schwarz. He considered the possibility of having a Bureau representative attend the meeting, but then decided it would be best if he would meet with Marshall and Schwarz privately to determine where the new Federal building in the District of Columbia, which is expected to house the Federal Bureau's responsibilities of investigation, and if it became necessary, he would request the Bureau to send a representative to the meeting.

1 Be it enacted by the Senate and House of Representatives of the United States in Congress assembled,

2 That section 8 of the Public Law 92-520 is amended to

3 read as follows: The Deputy Attorney General inquired as to the procedure currently being employed in responding to the Committee's requests and Inspector Hotis explained the current procedures. I mentioned to the Deputy Attorney General the existence of the Ad Hoc Committee of Intelligence Agencies and suggested to him that he might desire to designate a representative to attend those meetings in order to be on notice as to the policies being developed by the White House and the intelligence community in responding to Committee requests. I explained to him that James Wildenauer, formerly Associate Deputy Attorney General, was the

4 Building. Any reference in 1a law, rule, regulation, docu-

1 - Mr. Cregar 1 - Mr. Hotis

5 Building, record, or other paper of the United States to such

6 54AFC:JAM:mdf (7)

CONTINUED - OVER

SENATE CONGRESS  
106th Session

H. R. 10918

Memorandum to Mr. Adams  
Re: Senate Select Committee on Intelligence

A BILL

Department's representative on the ~~Committee, but he was now being~~  
~~reassigned to responsibilities at the White House. I told him that~~  
~~Assistant Attorney General Scalia had been scheduled to attend the last~~  
~~meeting of the Committee, although he was unable to attend. The~~  
~~Deputy Attorney General said that he would discuss with Mr. Scalia~~  
~~the possibility of having Mr. Scalia attend as the Department's~~  
~~representative.~~

By Mrs. Scammon

December 1, 1978

Referred to the Committee on Public Works and  
Transportation

I asked the Deputy Attorney General whether he was undertaking  
the principal responsibility in the Department for matters relating to the  
Senate Select Committee and other committees that may be inquiring  
into the FBI and he said that that was not clear as yet because the Attorney  
General has taken a personal interest in these matters and it appeared that  
the responsibilities are still fragmented within the Department. It was  
his opinion that the responsibilities should be centralized and he appeared to be  
willing to undertake that responsibility.

It was my impression that the Deputy Attorney General was  
interested in being of assistance to the FBI in these matters and expressed  
a willingness to cooperate by having the FBI participate as much as  
possible with the Deputy Attorney General.

RECOMMENDATION:

For information.

*Dir. was advised 8/7  
not clarity on H.R.  
J.W. per*

*J.W.*

CONFIDENTIAL

UNITED STATES GOVERNMENT

**Memorandum**

94th CONGRESS

1st Session

TO : Mr. W. R. Wannall

FROM : W. A. Branigan

SUBJECT: WILLIAM G. MILLER IN THE HOUSE OF REPRESENTATIVES  
IS - R**H. R. 10916**1 - Mr. B. Adams  
1 - Mr. J. A. Mintz  
1 - Mr. W. R. Wannall1 - Mr. W. A. Branigan  
1 - Mr. W. O. Cregar  
1 - Mr. V. H. Weimar

Asses. Dir.  
 Dep. AD Adm.  
 Dep. AD Fin.  
 Adm. Fin.  
 Admin.  
 Comm. Syst.  
 Exch. Affairs  
 Files & Com.  
 Gener. Inv.  
 Inv.  
 Inspection  
 Laboratory  
 Plan. & Eval.  
 Spec. Inv.  
 Testing  
 Legal Coun.  
 Telephone Rm.  
 Director Sec'y

Searched - 75 December 1, 1975

Mr. Branigan introduced the following bill; which was referred to the Committee on Public Works and Transportation.

Mr. William G. Miller is the Staff Director

for the Select Committee to Study Governmental Operations with respect to intelligence activities. On 10/5/73, representatives of our Washington Field Office, (WFO) interviewed Mr. Miller, with Bureau approval, relative to contacts he had had with members of the Soviet Embassy, Washington, D. C. At that time Mr. Miller was the Director of the Special Senate Committee to Terminate the National Emergency. On that occasion he was most cooperative, and upon being advised that the FBI's interest in

(S) Soviet Embassy personnel focused more on their personalities rather than Soviet policies per se, Mr. Miller agreed to be interviewed whenever the FBI felt such was necessary.

3. 3. That section 8 of the Dwight D. Eisenhower Memorial Bill

4. 4. centennial Civic Center Act (86 Stat. 1092) is amended  
assigned to the Soviet Embassy, Washington, D. C. Rapota

5. 5. by striking out "J. Edgar Hoover FBI Building" both  
(KGB), Political Branch (PB), who was extremely active on Capitol Hill. It appears and inserting in lieu thereof "Federal Mr. Lakeland, he advised that among others Mr. William G. Miller was Bureau of Investigation Building" contacts with Soviet Embassy personnel, although he was not able to state with certainty that Mr. Miller had been in contact with Rapota.

62-116395 21 APR 26 1975

WFO has now requested ~~NOT RECORDED~~ Bureau through the Legal Analysis Office obtain concurrence of the Chairman of the aforementioned committee for the permission granted

AS APPROPRIATE TO AGAIN INTERVIEW MR. MILLER CONCERNING HIS PERSONAL ASSOCIATIONS WITH

[105-213145] (S)

CONTINUED - OVER

CONFIDENTIAL

VHW:dan

(7)

Classified by 5683 WPS/VAN

Exempt from GDS, Categories 2 and 3

Date of Declassification Indefinite

Enc.

- sent 4-17-75

RECORDS

Place reentry 116395

(RENSTUDY-1)

8 APR 25 1975

CLASSIFIED BY SP-2 RUM 1/26

ORIGINAL FILED IN

13

~~CONFIDENTIAL~~

Memorandum to Mr. W. R. Wannall  
 Re: William G. Miller

105-213145(S)

SEN. CONGRESS  
 1st Session

H.R. 10916

Rapota and possibly other Soviets. WFO has noted that Mr. Miller is also known to have been in contact with Aleksandr A. Kokorev, a First Secretary of the Soviet Embassy, Washington, D. C., and a known officer of the Soviet Military Intelligence (GRU). (S) To change the name of the J. Edgar Hoover F.B.I. Building.

While Mr. Miller was most cooperative on the last occasion he was interviewed by the FBI. BY MR. RANGER. It is noted he did not provide any particularly significant information concerning [the Soviets with whom he had contact.] While it is not known at this time whether he could presently provide meaningful information, an interview with him at this time, when he is now the Staff Director of the Select Committee to Study Governmental Operations, could well be untimely and indiscreet.

DISTRIBUTION: J. EDGAR HOOVER

Distributed to the Committees on Un-American Activities and

Transportation

ACTION:

(1) In view of impending contacts which will be had by FBIHQ with Mr. Miller, the purpose of this memorandum is to draw attention to the fact that Mr. Miller has had past contact with representatives of Soviet intelligence services and may be continuing to have same. (S)

WWD wfw/fsp  
 EOB wfw/fsp

(2) If you agree, there is attached a communication to WFO captioned, "Grigoriy A. Rapota; IS - R (SOVEMB-KGB)" which denies authority for an interview with Mr. Miller at this time and instructs that office to promptly advise additional contacts between Mr. Miller and representatives of the Soviet Embassy, Washington, D. C., which may come to its attention. (S)

HN wfw/fsp  
 EOB

wfw/fsp

CONFIDENTIAL

- 2 -

PLM

QPA

SECRET

Mr. Jenkins  
The Attorney General

J. Cochran, Jr.  
Director, FBI

~~REQUEST BY SENATE JUDICIARY SUBCOMMITTEE  
ON OVERADMINISTRATIVE PRACTICE AND PROCEDURE  
ON FOR INFORMATION CONCERNING USE OF DRUGS  
FOR INTERROGATION~~

1 - Mr. Cochran  
1 - Legal Counsel Division  
1 - Mr. W. R. Wannall  
1 - Mr. McWright  
1 - Mr. W. O. Cregar  
11/28/75

April 10, 1975

Reference is made to a letter from the Senate Select Committee dated November 18, 1975, which your Office has received and forwarded to the Senate Select Committee on Intelligence. The letter represents the desire of the Senate Select Committee to review any Bureau documents relating to the Bureau's interest in or use of drugs during interrogation. Attached for your approval and forwarding to the Committee is

the "Intelligence Division Position Paper on Jurisdiction," dated February 13,

1975, past pointed out in referenced memo that captioned Subcommittee staff members James P. Fesmire and Thomas M. Susman had obtained information from the Department of Defense (DOD) and the Central Intelligence Agency (CIA) concerning a program coordinated between DOD, CIA, and FBI to develop a truth serum. The program apparently began in early 1950 and ended. Persons of the FBI Laboratory had knowledge of this activity and the exhibits will be forwarded as soon as possible. Certain names are deleted in the exhibits due to

prThe information that Fesmire and Susman have obtained apparently relates to a Navy drug experimentation project from 1947 to 1954. Navy files indicated that the FBI was aware of this program and Mr. C. D. DeLoach and D. J. Parsons were mentioned. One copy for the Committee and one copy for your records.

A review of Bureau files disclosed only one reference (62-2030-76) to the Navy drug project. This was a memorandum, 8/4/58, recording that Mr. Alberti, OMI, had informed Linnean that the Navy had been developing a new drug which

(6)

62-2639

Enclosure

Assist. Dir. \_\_\_\_\_  
Dep. Asst. Dir. \_\_\_\_\_  
Dep. Adm. Rev. \_\_\_\_\_

Asst. Dir. \_\_\_\_\_  
Admin. \_\_\_\_\_  
Comp. Secy. \_\_\_\_\_  
Ext. Affairs \_\_\_\_\_  
Files & Com. \_\_\_\_\_  
Gen. Info. \_\_\_\_\_  
Mosc. \_\_\_\_\_  
Inspection \_\_\_\_\_  
Intell. \_\_\_\_\_  
Laboratory \_\_\_\_\_  
OGI/atoms \_\_\_\_\_  
Plan. & Eval. \_\_\_\_\_  
Spec. Inv. \_\_\_\_\_  
Training \_\_\_\_\_  
Legal Coun. \_\_\_\_\_  
Dir. Office \_\_\_\_\_  
TELETYPE UNIT

REC-106

62-116395-118

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 10/20/08 BY SP/AM/MJG

CONTINUED - OVER

NOT RECORDED

46 FEB 5 1976

Memorandum J. Cochran, Jr. to Mr. Jenkins

I - Legal Counsel Division

RE: REQUEST BY SENATE JUDICIARY SUBCOMMITTEE  
ON ADMINISTRATIVE PRACTICE AND PROCEDURE  
FOR INFORMATION CONCERNING USE OF DRUGS  
FOR INTERROGATION

1 - Mr. W. R. Wannall  
1 - Mr. O. Cregar

April 10, 1975

UNITED STATES SENATE SELECT COMMITTEE

TO STUDY GOVERNMENTAL OPERATIONS WITH  
RESPECT TO INTELLIGENCE ACTIVITIES

might be used to great advantage on espionage suspects. Navy offered to inform us about this. A notation by Mr. DeLoach indicated that Mr. Parsons would meet with Navy on 3/11/75.

Reference is made to letter dated March 19, 1975, to the Attorney General from the Chairman of the Senate Select Committee on Intelligence, which contains details of our review of Navy files on this project, including a Bureau press release which was to have been made in the event that the Navy mentioned the FBI in their press release on this matter.

Attached is the FBI "Intelligence Division Position Paper" dated February 12, 1975, which, though not specifically named, falls within the spirit of the documents requested in the letter of March 19, 1975. The purpose of this paper is to set forth a study and analysis of the investigative authority granted by the Presidential Directives, the National Security Council and orders of the Attorney General, as well as to list statutes from which the FBI draws investigative jurisdiction in the security and intelligence areas of operation.

On 1/30/75, Laboratory and Training Division representatives met with representatives of the Biomedical and Chemical Laboratories of Edgewood Arsenal, Maryland, to discuss the potential use of incapacitating chemical agents in hostage situations. Although we have developed an awareness of various agents which may be used in these situations, we have not conducted any research with these agents. Memorandum on this matter are located in File # 30-307, as soon as approvals are obtained. Certain names are deleted in the exhibits due to privacy considerations.

A single instance occurred where "truth serum" was administered in a Bureau case. Truth serum was administered to Thurman Stevens Wilkins at his own request while being interviewed in the Los Angeles Office, April 26, 1947. Wilkins was allegedly involved with one Lemley Samuel Witezoff, the subject of a Soviet espionage case (100-34307). The actual drug used was sodium amytal and the actual administration was done by a physician. Prior Bureau authority was not obtained by the Los Angeles Office in connection with this incident. SAC Hood submitted a letter of explanation to the Bureau on July 3, 1947. This incident resulted in the following information being set forth in SAC Letter 84-47 dated July 3, 1947:

(6)

This document is prepared in response to your request and is not for dissemination outside your Committee. Its use is limited to official proceedings by your Committee and the content may not be disclosed to unauthorized personnel without the express approval of the FBI.

CONFIDENTIAL MATERIAL ATTACHED

Memorandum J. Cochran, Jr. to Mr. Jenkins  
RE: REQUEST BY SENATE JUDICIARY SUBCOMMITTEE  
ON ADMINISTRATIVE PRACTICE AND PROCEDURE  
FOR INFORMATION CONCERNING USE OF DRUGS  
FOR INTERROGATION

"The Bureau will not tolerate any experiments or participation on the part of its personnel in the utilization of the so called truth serums or other chemicals alleged to have a similar effect, ---- consequently, in the event any Bureau agent violates ~~these instructions~~, <sup>April 16, 1975</sup> drastic administrative action will be taken."

*This is to acknowledge receipt of*  
~~Classified material by letterhead memorandum dated April 16, 1975, from the Federal Bureau of Investigation.~~  
There was nothing found in Bureau files that would indicate that we have received any documents from CIA concerning their drug research programs. The files do reflect that we were aware that CIA was conducting research with lysergic acid diethylamide (LSD) and that British Intelligence had successfully utilized LSD on several Russian espionage agents. The information concerning CIA and British activities is set out for the benefit of the Director only and cannot be released outside the Bureau.

*See Marshall*  
There are two Bureau files which contain most of the information relating to the immediate area of interest of the captioned Senate Subcommittee. These files are 62-3698 (Truth Serum) and 80-645 (Chemical Munitions and Gases). Pertinent serials may also be found in 80-807 and 100-343077 as previously noted in this memorandum.

I see no reason why Mr. Michie and Mr. Sasman should not be afforded an oral briefing regarding these matters, and if necessary make pertinent serials of Bufiles 62-3698, 80-645, 80-807, and 100-343077 available to them for review.

RECOMMENDATIONS:

- (1) That Mr. Michie and Mr. Sasman be advised by Legal Counsel that available Bureau records and interview with current knowledgeable employee indicate the FBI has never engaged in nor funded anyone's efforts in research and/or development programs in the use or effect of drugs on human behavior. They should be advised our efforts in this regard as far as can be established from the available records consists of following through liaison contacts with other government agencies and the private sector sources the current developments in behavior modifying drugs.

UNITED STATES GOVERNMENT

# Memorandum

TO : MR. W. R. WANNALL

1 - Mr. J. B. Adams  
1 - Mr. J. T. Jenkins

DATE: April 15, 1975

Asst. Dir. \_\_\_\_\_  
 Dep. AD Adm. \_\_\_\_\_  
 Dep. AD Inv. \_\_\_\_\_  
 Asst. Dir. \_\_\_\_\_  
 Admin. \_\_\_\_\_  
 Comp. Syst. \_\_\_\_\_  
 Ext. Affairs \_\_\_\_\_  
 Files & Com. \_\_\_\_\_  
 Gen. Inv. \_\_\_\_\_  
 Maint. \_\_\_\_\_  
 Inspection \_\_\_\_\_  
 Insell. \_\_\_\_\_  
 Laboratory \_\_\_\_\_  
 Plan. & Eval. \_\_\_\_\_  
 Spec. Inv. \_\_\_\_\_  
 Training \_\_\_\_\_  
 Legal Coun. \_\_\_\_\_  
 Telephone Rec. \_\_\_\_\_  
 Director Sec'y \_\_\_\_\_

Memorandum J. Cochran, Jr. to Mr. Jenkins Each Assistant Director

RE: REQUEST BY SENATE JUDICIARY SUBCOMMITTEE

FROM : MCN:ADMINISTRATIVE PRACTICE AND PROCEDURE

FOR INFORMATION CONCERNING USE OF DRUGS. Cregar Phillips

FOR INTERROGATION

SUBJECT: SENSTUDY 75

(2) That if they desire to pursue this matter further, SA McWright and myself be permitted to meet with Michele and Susman to (a) reaffirm the information in recommendation #1 and (b) if necessary, to produce for their inspection pertinent serials from 62-6290, 60-615, 60-807, and 100-343877.

From time to time, requests will be made of various Divisions at FBIHQ for assistance in preparing responses. The Office of Legal Counsel has already contributed considerably in support of Senstudy 75 and is an integral part of the Project.

In order that we may keep an up-to-date record of the cost to the Bureau in handling this Project, each Assistant Director is requested to effect the necessary procedures to maintain such records and by the third of each month furnish by routing slip to W. O. Cregar, Room 4063, JEH Building, the following information: (1) Name of Division reporting; (2) Month for which reporting, which will be month just ended; (3) Main days devoted to Project assistance, broken down by (a) Agent and (b) clerical, including GS level for both Agent and clerical. An example submitted by 5/3/75 would be as follows: (1) GID; (2) Report for 4/75; (3)(a) one-half day @ GS-16; one day @ GS-15; three days @ GS-14; (3)(b) two days @ GS-7; two days @ GS-5.

This is effective commencing 4/1/75 and first routing slip report due 5/3/75 will be for the month of April, 1975.

If a Division has not participated during the preceding month, merely submit a routing slip to this effect.

The cooperation of all is urged so that the necessary cost data may be compiled each month. It is recognized that exact figures will not be feasible and that estimates will be most practical and will suffice.

ACTION: For action as above by each Assistant Director,

62-116395

15 APR 22 1975

SFP:ekw (18)

WPWT

ekw

XEROX  
JUN 11 1975

5 APR 28 1975

pm jnk

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 11/26/2016 BY SPC-BEN

RECORDED COPY FILED IN 4/24/1975

OPTIONAL FORM NO. 10  
MAY 1962 EDITION  
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

**Memorandum**

Mr. W. R. Wannall

TO : Mr. W. R. Wannall  
 W. C. Creger

PROM : W. C. Creger

SENSTUDY 75

SUBJECT: SENSTUDY 75

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

DATE 10/30/01 BY SP2 ALMTZG

DATE 11/18/01 BY SP2 ALMTZG

2 - Mr. J. P. Mintz  
 (1 - Mr. J. B. Hotis)  
 1 - Mr. D. McNamee  
 1 - Mr. J. U. Cochran  
 1 - Each Assistant Director  
 11/6/75

1 - Mr. J. P. Thomas

Assoc. Dir. \_\_\_\_\_  
 Delegated Admin. \_\_\_\_\_  
 Dep. Adm. \_\_\_\_\_  
 Admin. \_\_\_\_\_  
 Comp. Syst. \_\_\_\_\_  
 Ext. Affairs \_\_\_\_\_  
 Files & Ctrs. \_\_\_\_\_  
 Gen. Inv. \_\_\_\_\_  
 Maint. \_\_\_\_\_  
 Inspection \_\_\_\_\_  
 Lab. (4) \_\_\_\_\_  
 Laboratory \_\_\_\_\_  
 Plan. & Eval. \_\_\_\_\_  
 Spec. Inv. \_\_\_\_\_  
 Training \_\_\_\_\_  
 Legal Coun. \_\_\_\_\_  
 Telephone Secy. \_\_\_\_\_  
 Director Secy. \_\_\_\_\_

This is to inform you that on 11/7/75 Defense Department will release to the Senate Select Committee (SSC), the Senate Judiciary Subcommittee on Administrative Practices and Procedures (Senator Edward M. Kennedy's committee), and to the press, information concerning Navy projects from 1947 to 1954 involving drug experimentation; a Navy file indicates FBI was aware of programs but laboratory has no knowledge of any active participation by Bureau personnel. We believe that by creating this facility we will be able to meet the requirements of the Select Committee with the exception of the research that will have to be done in the substantive Divisions.

On 11/4/75, Clark McRuder, Assistant to Admiral Bobby L. Inman, Director of Naval Intelligence, informed me that on 11/7/75 the Navy was going to release to aforementioned committees and the press information on drug experimentation and that the FBI was mentioned in the pertinent files. Those files were reviewed at the Pentagon on 11/6/75 by supervisor J. P. Thomas of INIS. They had been classified "Secret" and "Top Secret" but now have been completely declassified. FBI was mentioned in connection with three projects. There are no FBI documents in the files. A memorandum dated 9/21/75 informed Mr. Alberti to a proposed request from the Committee to receive one copy of "drugs stated to have been used by Russians and Germans in interrogation techniques". Alberti is identified elsewhere in the file as Jack H. Alberti, Office of Naval Intelligence (ONI), who apparently coordinated the project mentioned in the file. The purpose of one project was to develop a speech-inducing drug to obtain intelligence from interrogates and the project began in 1947. The Project Manager will be Section Chief William O. Credar, CI-2 Section, Intelligence Division. His duties will encompass the review of all incoming requests from the Select Committee in an effort to identify policy questions;

WOC:lmh (9)  
 (18)

ENCLOSURE

CONTINUED - OVER

62-116395

Memorandum to Mr. W. R. Wannall

Re: Senstudy 75

Memorandum to Mr. W. R. Wannall

62-116395  
Re: Senstudy 75

50

A memorandum dated 8/15/75 on letterhead of the Office of Chief of Naval Operations concerned "Top Secret" Naval Medical Research Institute (NMRI) Project on Speech-Inducing Drugs, reported a meeting on 8/11/70 attended by personnel of NMRI, CIA, Office of Naval Research (ONR), a drug agency representative and Mr. Deloach and Mr. P. J. Parsons of the FBI Laboratory. The purpose of the meeting was to brief the FBI on a CIA project on narco-hypnosis and on the NMRI project. Parsons reportedly said the FBI had no such project, but had information on the experiences of various police departments in the United States with speech-inducing drugs. He agreed to make the FBI information available to NMRI and CIA. ONR agreed to give FBI, NMRI and CIA a study by ONR on projected research to improve polygraph reliability. Recipients were to give their comments and recommendations on the study to ONR. At the meeting NMRI gave Deloach an 8/11/70 NMRI progress report on its project. Parsons agreed to look into the possibility of getting volunteers from prisoners in Federal institutions and to supply NMRI with cannabis (marijuana) and heroin to the extent they might be available to the FBI. It is noted that no FBI representatives were listed in the memorandum reporting a 9/27/70 meeting of this group and there is no further record in the file of FBI participation. Neither is there any record that the FBI supplied any drugs for the project. White House will serve as the coordinating mechanism for the entire intelligence community.

Material regarding project "CHATTER" included a carbon copy of a rough draft memorandum (no letterhead) bearing the penciled date "11/30" which contained the following, clearly off information under the third agency rule carried on a project in cooperation with the Department of the Air Force and Army, CIA and ONI for the development of speech-inducing drugs... The Directors of Intelligence Group for Congressional Review of the Intelligence Community of the three services, of CIA and FBI consider this project

Memorandum to Mr. W. R. Wannall

Re: Senstudy 75

62-116395 to Mr. W. R. Wannall

Re: Senstudy 75

of utmost importance and urgency to... fulfillment of their missions for the security of the United States." The memorandum says that a project submitted to OMB by Professor Richard Wendt of the University of Rochester (NY) had been approved by all the agencies involved and recommended funding the project. The file indicates subsequently that this project did go forward and involve human experimentation. (excised) It is imperative that records furnished not only contain copies of the sanitized documents but also copies of the original text. For the second file dealt with project "CALLING CARD," 1952-1953, designed "to render an individual subservient to impose will or control." FBI was not mentioned.

In addition to the above, there will be stenographic and clerical personnel assigned to the Project to support the work of the Bureau Supervisors. We have not committed any more personnel to the Project than are absolutely necessary at the present time. Should the requests of the Select Committees require additional personnel, appropriate memoranda will be submitted with a complete justification for additional personnel assigned to the Project.

Although the physical space for the Project is limited, all personnel connected with Project Senstudy 75 will be located in Room 4063, J. Edgar Hoover Building. This space is physically located within the Intelligence Division.

As a matter of interest, Mr. James Wilderotter, Associate Counsel to the President, has requested that should any member of the intelligence community get requests from other Committees of the Congress which impact on the intelligence community, it should be of interest to the White House, copies of such subject by U.S. and foreign researchers, copies of both the requests and an abstract of the responses should be made available to the Federal Bureau files by the Laboratory.

ACTION: Division disclosed only one reference (62-2599-75) to the above. This was a memorandum, 8/4/50, recording that Mr. Alberti, OMB, had informed liaison that the Navy had been developing a new drug which might be used to great

CONFIDENTIAL - OVER

- 3 -  
JULY 1950

2 - Legal Counsel Division  
(1-Mr. Farrington)  
1 - Mr. W. R. Wannall  
1 - Mr. W. O. Cregar

Memorandum to Mr. W. R. Wannall  
**The Attorney General**  
Re: Sunstudy 75  
62-116395

April 9, 1975

H-105  
Director, FBI

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

DATE 11/18/01 BY SP2 ALM/HG

UNITED STATES SENATE SELECT COMMITTEE  
ON INTELLIGENCE ACTIVITIES  
advantage on espionage suspects. Navy offered to inform us about this. A notation by Mr. DeLoach indicated that Mr. Parsons would meet with Navy on 3/11/75. (Navy memorandum on this meeting set out above.) from the Senate Select Committee dated March 19, 1975, requesting certain documents. We have received a memorandum dated 11/4/75 from Defense describing the proposed release of Navy information to the committees and to the press. Copy of that memorandum and of the press release are attached. The release says that "Liaison was maintained with the FBI" concerning the drug releases. ACTION: SCI Manual of Instructions and the FBI Manual of Rules and Regulations and those portions of these Manuals which pertain to internal security, intelligence collection, and/or counterintelligence matters, operations, or activities. A copy of this memorandum is enclosed for your records.

Processing of the additional requests is continuing on an expeditious basis and further responses will be forthcoming.

REC-106

Enclosures - 13

62-116395-75

12 APR 23 1975

EWL:jvl.  
(7)

ENCL BEHIND FILE

3-ENCLOSURE

pm

SECRET MATERIAL ATTACHED

2 - Legal Counsel Division  
 (1-Mr. Farrington)  
 1 - Mr. W. R. Wannall  
 1 - Mr. W. O. Cregar

PRESS RELEASE NOVEMBER 9, 1975  
 NOVEMBER 7, 1975

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

The press statement released by the Navy today relating to its drug research on human subjects for the period 1947 through 1954 indicates liaison concerning this project was maintained by the Navy with other Governmental and other information from the Federal Bureau of Investigation (FBI), including the FBI.

A thorough review of FBI files has disclosed one of contents of the FBI Manual of Instructions and certain documents relating to this Navy research; in short, in response to this request the following material is enclosed:

memorandum, dated August 4, 1950. This memorandum, prepared by members of the liaison staff at FBI Headquarters, recorded "Secret"); 4) Section 84. Registration Act; 5) Section 86, that Navy officials had invited FBI representatives to a conference in the Washington area to discuss the usage of 10) Section 122. Extremist Matters and Civil Unrest.

truth serum in Intelligence circles," and that the Navy had

Not included as enclosures are Section 105, made advances in developing a new drug which "could be utilized once), classified "Secret"; Section 107, Part I, Internal to "secret advantages in the questioning of espionage agents."

Part II, Foreign Counterintelligence Assets; or Section 130, A handwritten notation on this memorandum directed that it to contain extremely sensitive information and for that representative of the FBI Laboratory, who was to attend this available for review by appropriately cleared personnel of the conference on August 11, 1950, quarters.

No further identifiable references to Navy drug Manual of Rules and Regulations and pertinent portions of development research is contained in FBI files. No record the table of contents of the FBI Manual of Rules and Regulations can be located that liaison was being maintained with the

Navy regarding this program, or that the FBI had knowledge of this program prior to the date of the above memorandum.

(7) **SECRET MATERIAL ATTACHED** *Eur?*

SEE NOTE PAGE TWO

ENCLOSURE

62-116395-25

The FBI was not involved in any way in this Navy  
~~UNITED STATES SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES~~ drug research, and the FBI has never participated in research  
ON INTELLIGENCE ACTIVITIES

with drugs designed to modify human behavior, nor has it

~~been a party to~~ from a review of the table of contents of this Manual it can  
be seen that the material contained in this Manual pertains  
to administrative rather than investigatory operations of  
the FBI, and for that reason it has not been possible to  
select portions of this Manual which pertain directly to  
internal security, intelligence collection, and/or counter-  
intelligence matters, operations, or activities responsive  
to the Committee's request. The various other requests  
contained in the Committee letter of March 19, 1975, are  
receiving attention and further response will be forthcoming  
at the earliest possible time.

Enclosures - 11

1 - The Attorney General

NOTE:

Table of contents for Manual of Instructions and  
Manual of Rules and Regulations, as well as the several Sections  
of the Manual of Instructions which are being transmitted to  
the Select Committee, have already been made available to the  
General Accounting Office in the past, with the exception of  
Section 36, Section 105, and Section 107, Part II. Sections  
105, 107, Part I and Part II, and Section 130 are not being  
furnished to the Committee, but the Committee will be allowed  
to examine these Sections at FBIHQ. Section 36, dealing with  
espionage, although classified, does not contain sensitive  
material involving sources and we feel in the spirit of the  
requirement we should furnish this Section to the Committee.

As a matter of interest, all of the material with  
respect to the Manual of Instructions which has been made  
available to GAO is actually maintained in FBI space.

The Attorney General

SI 115  
Director, FBI  
WOC:SL

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

- 1 - Mr. J. B. Adams  
2 - Mr. J. A. Mintz  
(1 - Mr. J. B. Motis)  
1 - Mr. W. R. Wannall  
December 24, 1975

- 1 - Mr. J. G. Deegan  
1 - Mr. R. L. Shackelford  
1 - Mr. F. J. Cassidy  
1 - Mr. W. O. Gregar

This is in response to the SSC letter dated December 18, 1975, wherein Senators Mondale and Baker requested rather detailed information to be made available during the last week of December, 1975, and the first week of January, 1976.

*POW* *APR 16 1976* *8-pm PVD/B*  
 This is to acknowledge receipt of *Re: Memorandum*. It is noted that most of the requests in this letter are somewhat ambiguous, that they require clarification from the SSC before the FBI can logically respond. In one instance, there is no way this Bureau could respond short of obtaining the recollections of Bureau Supervisors who worked in the Intelligence Division extending back almost 20 years. Because of this, we are attaching for your approval and forwarding to the SSC the original of a memorandum which delineates the problems attendant to the request of December 18, 1975, and, in most instances, requests a meeting between Mr. John Elliff, Domestic Task Force Director, SSC, and representatives of this Bureau in the hope that some alternatives or clarifications can be developed. A copy of the memorandum is furnished for your records.

Enclosures (2) *jl*

62-116395

Assist. Dir. \_\_\_\_\_  
Dir. AD Adm. \_\_\_\_\_  
Dir. AD Inv. \_\_\_\_\_  
Ass. Dir. \_\_\_\_\_  
Admin. \_\_\_\_\_  
Comp. Syst. \_\_\_\_\_  
Int. Affairs \_\_\_\_\_  
Fines & Cos. \_\_\_\_\_  
Rec. Inv. \_\_\_\_\_  
Mod. \_\_\_\_\_  
Inspection \_\_\_\_\_  
Audit \_\_\_\_\_  
Laboratory \_\_\_\_\_  
Plan. & Eval. \_\_\_\_\_  
Spec. Inv. \_\_\_\_\_  
Testing \_\_\_\_\_  
Legal Coun. \_\_\_\_\_  
Telephone Div. \_\_\_\_\_  
Director Sec'y \_\_\_\_\_

1 - The Deputy Attorney General  
Attention: Michael E. Shaheen, Jr.  
Special Counsel for  
Intelligence Coordination

WOC:lhb/jl

(12) *edw*

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 10/30/00 BY SP25/MW

SEE NOTE PAGE 2

MAIL ROOM  TELETYPE UNIT

202-350-2100-202-350-2369882 Page 131

202-350-2100-202-350-289628 Page 131

62-116395-575  
ENCLOSURE

62-116395-575

UNITED STATES GOVERNMENT

# Memorandum

TO : Mr. J. B. Adams  
The Attorney General  
FROM : Legal Counsel  
SUBJECT: ~~RE: STUDY 75~~

DATE: 4-8-75

*ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 1-18-01 BY SP2 ALM/HG*

Assoc. Dir. \_\_\_\_\_  
Dep. AD-Adm. \_\_\_\_\_  
Dep. AD-Mktg. \_\_\_\_\_  
Asst. Dir. \_\_\_\_\_  
Admin. \_\_\_\_\_  
Comp. Syst. \_\_\_\_\_  
Ext. Affairs \_\_\_\_\_  
Files & Com. \_\_\_\_\_  
Gen. Inv. \_\_\_\_\_  
Meet. \_\_\_\_\_  
Supervision \_\_\_\_\_  
Travel \_\_\_\_\_  
Laboratory \_\_\_\_\_  
Legal Counsel \_\_\_\_\_  
Public Rel. \_\_\_\_\_  
Spec. Inv. \_\_\_\_\_  
Training \_\_\_\_\_  
Telephone Rm. \_\_\_\_\_  
Director Sec'y \_\_\_\_\_

## BRIEFING FOR STAFF MEMBERS

### BY INTELLIGENCE DIVISION

The request of 12/18/75 was received in the Intelligence Division in the midafternoon of 12/22/75. A conference was held on the morning of 12/23/75 of pertinent

Division personnel in an effort to identify the problems connected with responding to this request. It is believed that the only way the Bureau can logically respond to the request is by obtaining clarifications and, in some instances, alternatives to the requests set out.

As you were previously advised, William Miller, then Director of the Senate Select Committee on Intelligence Activities, requested that we provide a briefing for certain staff members of the Committee on the functions of the Intelligence Division. He asked that the briefing cover both internal security and foreign counterintelligence operations and that it provide a broad overview of our investigative responsibilities.

We have already determined that both John Elliff and the SSC Counsel, F. A. O. Schwartz, are out of the city beginning at 10:00 a.m. on Friday, 4-11-75. The Intelligence Division is prepared to offer a two-hour briefing for the holidays. The Legal Counsel Division has left ward with Mr. Schwartz and/or Mr. Elliff to call SA Paul Daly upon their return to the city. After a luncheon break, the staff members will be given a brief tour of the Files and Communications Division.

Copy of 12/18/75 request attached.

Since the briefing will cover classified materials, no staff members will be invited unless they have appropriate security clearances. As a consequence Professor John Elliff, who has been tentatively named Director of the Committee's Task Force on Domestic Intelligence, will not attend. It is hoped that we may provide him with a private meeting at some later date.

REC-106

It is expected that those attending the briefing will include: Mr. Miller, F. A. O. Schwarz III, Chief Counsel, Mark Gitenstein and Marvin Epstein, staff members. Since no Committee members will be present, we are not recommending that the staff meet with the Director.

### RECOMMENDATION:

That the above-named staff members of the Senate Select Committee be given a briefing by the Intelligence Division and the Files and Communications Division on 4-11-75.

- 1 - Mr. Callahan
- 1 - Mr. Adams
- 1 - Mr. Jenkins
- 1 - Mr. Wannall

- 1 - Mr. Mintz
- 1 - Mr. Cregar
- 1 - Mr. Farrington
- 1 - Mr. Hotis

JBH:dkg (10)  
84 APR 23 1975

OPTIONAL FORM NO. 10  
MAY 1962 EDITION  
GSA GENREGIT NO. 27  
5010-106

UNITED STATES GOVERNMENT

**Memorandum**

TO : Mr. J. B. Adams

62-116395

FROM : Legal Counsel

SUBJECT: SENSTUDY 75

- 1 - Mr. J. B. Adams  
 2 - Mr. J. A. Mintz  
 (1 - Mr. J. B. Hotis)  
 1 - Mr. W. R. Wannall  
 1 - Mr. J. G. Deegan  
 1 - Mr. R. L. Shackelford

Assoc. Dir. \_\_\_\_\_  
 Dep. AD \_\_\_\_\_  
 Dep. ID \_\_\_\_\_  
 Asst. Dir. \_\_\_\_\_  
 Admin. \_\_\_\_\_  
 Comp. Syst. \_\_\_\_\_  
 Ext. Affairs \_\_\_\_\_  
 Files & Com. \_\_\_\_\_  
 Gen. Inv. \_\_\_\_\_  
 Mem. \_\_\_\_\_  
 Inspection \_\_\_\_\_  
 Intell. \_\_\_\_\_  
 Lab/Intell. \_\_\_\_\_  
 Leg. Ctr. \_\_\_\_\_  
 Plgn. & Eval. \_\_\_\_\_  
 Spec. Inv. \_\_\_\_\_  
 Training \_\_\_\_\_  
 Telephone Re. \_\_\_\_\_  
 Director Sec'y \_\_\_\_\_

December 24, 1975

ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED  
 DATE 11/18/01 BY 116395

Mr. F. J. Cassidy  
 Mr. W. O. Gregar

"The Washington Post," Thursday, Dec. 10, 1975, edition

on page A31 contains an article reporting an interview of Senator Frank Church, Chairman of the Senate Select Committee on Intelligence Activities. Senator Church, according to this article, stated that the Committee is entitled to make public eventually any documents it gets and is very familiar with "strings attached."

Inasmuch as this Committee is also the Committee which the FBI is furnishing information to, it is believed a clarification of Senator Church's statement must be obtained and in the interview we should furnish the Senate Select Committee only those documents which do not have a caveat such as classified documents or documents bearing the property stamp responses be provided the SSC during the last week of December, 1975, and the first week of January, 1976.

On December 22, 1975, this Bureau received a copy of a letter dated December 18, 1975, which Senators Mondale

and Baker sent to the Attorney General levying certain requirements on the FBI with a request that the responses

be provided the SSC during the last week of December, 1975,

and the first week of January, 1976.

Dr. John M. Clarke, Associate Deputy to the DCI for the Intelligence Committee concerning Senator Church's reported statement. Clarke stated that he had contacted

Item I requested access to materials in the CIA of a letter dated December 18, 1975, which Senators Mondale and Baker sent to the Attorney General levying certain requirements on the FBI with a request that the responses be provided the SSC during the last week of December, 1975,

and the first week of January, 1976.

Section Chief William O. Gregor advised that he had contacted Dr. John M. Clarke, Associate Deputy to the DCI for the Intelligence Committee concerning Senator Church's reported statement. Clarke stated that he had contacted

Item I requested access to materials in the CIA of a letter dated December 18, 1975, which Senators Mondale and Baker sent to the Attorney General levying certain requirements on the FBI with a request that the responses be provided the SSC during the last week of December, 1975,

and the first week of January, 1976.

Upon receipt of referenced letter, the Intelligence Division initiated efforts to isolate the files documenting these preventive actions. The Bureau's response of December 10, 1975, was predicated on a review of the pertinent inspection reports of the Intelligence Division.

These reports do not document by file number the individual all FBI personnel to whom preventive actions were taken. In these reports, it will be necessary to have knowledgeable Intelligence Division personnel queried in an effort to try to match the preventive action with a particular investigative file. In some instances,

it will be necessary to have knowledgeable Intelligence Division personnel queried in an effort to try to match the preventive action with a particular investigative file. In some instances,

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it will be necessary to have knowledgeable Intelligence Division personnel queried in an effort to try to match the preventive action with a particular investigative file. In some instances,

1 - Mr. Farrington  
 1 - Mr. Hotis

1 - Mr. Daly

RECOMMENDATION  
 CONSIDERED - OVER

62-116395-1204X

MAIL ROOM  TELETYPE UNIT

62-116395-1204X

MAIL ROOM  TELETYPE UNIT

Legal Counsel to Adams Memo  
RE: SENSTUDY 75

SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC)

RECOMMENDATION:

RE: DECEMBER 18, 1975, LETTER TO THE ATTORNEY GENERAL

FROM SENATORS MONDALE AND BAKER

~~No action be taken by the Bureau to obtain clarification of Senator Church's statement pending the results, 4-11-75, meeting of the Executive Committee of the Ad Hoc Coordinating Group on Congressional Review, and that in the interim we furnish the Senate Select Committee only those documents which do not have a caveat such as classified documents or documents bearing the property stamp.~~

~~there will be no investigative file but merely a communication from a field office reporting information furnished by a source of the FBI on which some preventive action was predicated. It is possible that the acts of violence reported by the source could involve a violation over which the FBI had no investigative jurisdiction. In such cases, the local field office would have merely furnished the information to the appropriate law enforcement agency and no investigative file would exist.~~

We are continuing our efforts to attempt to isolate those files which document preventive actions. However, because of the problems attendant thereto, as well as those problems raised in the subparagraphs of Item 1, it is recommended that a meeting be arranged between Mr. John Elliff, Domestic Task Force Director, and representatives of this Bureau to discuss possible alternatives to some of these requests.

Items 2 and 3 concern the September 24, 1975, report to the House Judiciary Committee by the General Accounting Office. The FBI is in the process of preparing a response and it will be made available to the Committee as soon as possible. However, it is noted that the FBI prepared no analysis at all on the findings of the General Accounting Office contained in their report of September 24, 1975.

Item 4 requests the annual reports from the office of origin to FBI Headquarters for the investigation of Dr. Martin Luther King, Jr., in 1963 through 1968, and the Women's Liberation Movement for the years that organization was under investigation. Item 4 also requests annual reports available on the investigations "about which materials were supplied pursuant to John Elliff's request of October 26."

SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC)

RE: DECEMBER 18, 1975, LETTER TO THE ATTORNEY GENERAL  
FROM SENATORS MONDALE AND BAKER.

## Senate CIA Committee Says White House Stalls on Data

By George Lardner Jr.  
Washington Post Staff Writer

The Senate Committee on Intelligence Operations division indicated they consider the query, but its committee chair, Sen. George J. Mitchell, told reporters after the hearing that the committee had received no response from the White House. The committee's letter to the Justice Department, dated Dec. 18, 1975, said it had been authorized to write another letter to President Ford if he did not respond by Oct. 26, 1975. It is again proposed that a meeting with Mr. Elliff be arranged to clarify this ambiguity.

The committee asked Mr. Ford on March 14, 1975, that the Executive Orders and Jan. 1973 National Security Council memorandum of understanding between the CIA and the rest of the intelligence community, including the command structure at the White House.

The indices of this Bureau are not organized to enable retrieval of information of a "preventive action" character or examples of FBI actions taken to prevent violence. The retrieval of such information from FBI files, other than that described in the response to Item 1, would require extensive review and/or dependence on the recollection of individuals of occurrences extending back almost 20 years. It is suggested that, during the proposed meeting with Mr. John Elliff, this request be discussed.

Item 6 requests access to all FBI materials pertaining to Martin Luther King, Jr., the Poor Peoples' Campaign and the Sanitation Workers Strike in Memphis, Tennessee, from January 1, through April 4, 1968.

"The Washington Post"  
April 10, 1975

62-116395-93  
INCLUSIONS

UNITED STATES GOVERNMENT

# Memorandum

TO: Mr. SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC)

FROM: W. J. O' Cregor  
 RE: DECEMBER 18, 1975, LETTER TO THE ATTORNEY GENERAL  
 FROM SENATORS MONDALE AND BAKER

SUBJECT: SENSTUDY 75

1 - Mr. Callahan  
 1 - Mr. Adams

Mr. Mintz  
 1 - Mr. Walsh  
 1 - Mr. Wannall  
 1 - Mr. Hotis  
 1 - Mr. Cregar

It is this Bureau's belief that all pertinent material pertaining to Martin Luther King, Jr., for the period January 1, through April 4, 1968, has been made available to the SSC responsive to previous requests. With regard to the Poor Peoples' Campaign and the Sanitation Workers Strike in Memphis, Tennessee, it is not clear whether the letter is requesting access to the entire FBI file on these two activities from the period January 1, 1968, through April 4, 1968. It is recommended that a classification of this request can be accomplished during the previously proposed meeting between Mr. John Clancy as well as senior officials from Defense, Treasury, National Security Council, Office of Management and Budget, and the Energy Research and Development Administration.

Item 7 requests all materials pertaining to "Project Oversight." Items of interest were discussed:

Mr. Patrick Hills, Assistant Counsel to the President, Associate Deputy AG Wilderetter, Mr. John Clancy as well as senior officials from Defense, Treasury, National Security Council, Office of Management and Budget, and the Energy Research and Development Administration.

A check of indices of the FBI regarding "Project Oversight," as well as the word "oversight," fails to contain any reference to either. Without additional information of any particular agency were being interviewed by SSC staff personnel, the essence of this meeting resulted in the SSC being responsive to this specific request again, it is suggested that, during the forthcoming meeting with John Clancy, a clarification of "Project Oversight" will be obtained. Hills also discussed the problem of the unknown employee or former employee who might request to be interviewed unbeknownst to the parent agency. It was suggested to the Counsel and Staff Director by Hills that such an employee be interviewed by only one staff member, that the staff member attempt to determine the scope of this individual's testimony and then advise the parent agency to insure the agency could provide advice as to the sensitivity of the unknown employee's testimony. No firm decisions were made but it would appear the Counsel and Staff Director will agree to allow Counsel to be present during the

Enclosures

SI-106

WOC:ebc

(9)

CONTINUED - OVER

1 ENCLOSURE  
 5 APR 21 1975

## Intelligence Division

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 12/30/02 BY SP/ST

INFORMATIVE NOTE

Memorandum for Mr. Wannah

1/5/76

RE: SENSTUDY 75

testimony of a secret employee and following such testimony attached is a request from Senators Mondale and Baker of the Senate Select Committee (SSC) dated 12/28/75. It is anticipated more definitive (SSC) dated 12/28/75, the final decisions regarding this aspect will be forthcoming from the White House. Director has requested he be advised regarding the status of this request.

The question was raised by the Bureau representative attached to a copy of a letter to the AG and DDCM for the AG, dated 12/24/75, members of the Intelligence Community received from the Congressional committees. Mr. Wilderotter advised that this would be a judgment question; however, if a request from a Congressional committee other than the Select Committees impacted on the Intelligence Community, involve sensitive issues or would be of interest to the White House, such requests should be provided to the interagency a result of this meeting, and a understanding was developed regarding the

Mondale-Baker request. Attached is a list of those members of the SSC staff who have been certified for access to compartmented information.

Also attached is a paper identifying 10 issues likely to grow by the Bureau possibly in addition to the ones listed above. The pencil notation in D under Item 1 were temporarily placed in agencies of the Intelligence Community responding to Item 1 concerning a paper which addresses these issues. It is noted that issue identified as number eight is entitled, "Intelligence Files and Privacy." Mr. Colby asked that the FBI prepare this paper. Assistant Director Mintz advised Items 2 and 3 are in signature process. Item 4 was restricted to the annual report. Item 4 was completed by the end of January 1976.

Attached also is a copy of the survey of the SSC facility, Room G-308, Dirksen Building covering all aspects of physical and technical security. None of the participants of the EXCOM had any objection to the facility and we presume the SSC will abide by the procedures outlined in the attached survey report.

Attached also for information is a draft of an employee notice and agreement concerning treatment of confidential material being considered by the SSC. It is to be noted that to date neither the Committee nor its staff has signed any such Secrecy Agreement.

CONTINUED - OVER

Secrecy, Dir. \_\_\_\_\_  
 Dep. AD Adm. \_\_\_\_\_  
 Dep. AD Inv. \_\_\_\_\_  
 Asst. Dir.;  
 Admin. \_\_\_\_\_  
 Comp. Syst. \_\_\_\_\_  
 Est. Affairs \_\_\_\_\_  
 Files & Com. \_\_\_\_\_  
 Gen. Inv. **RE:** \_\_\_\_\_  
 Maint. \_\_\_\_\_  
 Inspections \_\_\_\_\_  
 Intell. **ACTION** \_\_\_\_\_  
 Laboratory \_\_\_\_\_  
 Legal Coun. \_\_\_\_\_  
 Plan. & Eval. \_\_\_\_\_  
 Spec. Inv. \_\_\_\_\_  
 Training \_\_\_\_\_  
 Telephone Rm. \_\_\_\_\_  
 Director Sec'y \_\_\_\_\_

## Intelligence Division

## INFORMATIVE NOTE

**Memorandum for Mr. Wannall 1/5/76**

**SENSTUDY 75****RE: SENSTUDY 75**

ched is a request from Senators  
nd Baker of the Senate Select  
~~for information and record purposes.~~

*wew*

(SSC) dated 12/18/75. The  
has requested he be advised  
the status of this request.

ched is a copy of a letter to the  
M for the SSC, dated 12/24/75,  
advising the AG that the request of  
Senators Mondale and Baker require clari-  
fication. On 12/30/75, Cregar and Daly  
met with SSC Staff Members Gitenstein and  
Epstein to obtain this clarification. As  
a result of this meeting, the following  
understanding was developed regarding the  
Mondale-Baker request:

Item 1 was reworded to make recovery  
by the Bureau possible. In addition, C and  
D under Item 1 were temporarily placed in  
abeyance. (A partial response to Item 1  
is currently being walked through signature  
process.)

Items 2 and 3 are in signature process.

Item 4 was restricted to the annual  
reports on some 31 organizations. This  
will be time-consuming and we cannot  
WOC:lh  
CONTINUED - OVER *gmc*

estimate when we will complete Item 4.

Item 5 has been reduced to the recollection of Bureau Supervisor David Ryan who handled the COINTELPRO matter and will not require research beyond what SA Ryan can recall. (Ryan is currently developing material and a response to this request.)

~~have read the Resolution establishing the Senate~~  
Item 6 has been reduced to all materials relating to the Poor People's Environmental Operations Campaign, the Sanitation Workers Strike in Memphis, Tennessee, and Martin Luther King, Jr., contained in Headquarters files between the period 1/1-4/4/68. (We are currently working on this request.)

I understand that to qualify as an employee of Item 7 - Epstein has agreed to obtain more identifying data regarding Project  
~~the Select Committee to Investigate~~ Oversight and we are awaiting this information. I agree to, abide by those Rules. I further understand

~~that~~ and agree that the obligations hereby placed upon me continue after my employment with the Committee has terminated. *Wet*

SIGNATURE

NW 55013 DocId:32989628 Page 139

SWORN TO BEFORE NOTARY

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 1-18-01 BY SP2 ALM/HG  
HMDE16

~~SECRET~~

JOHN HANCOCK, AGENT, CHIEFMAN  
JOHN S. TAYLOR, TESTIMONY COORDINATOR  
ROBERT A. KELLY, WITNESS  
WALTER P. MURDOCH, WITNESS  
WALTER S. WILDEBOLD, JR., WITNESS  
ROBERT HARRIS, JR., WITNESS  
JOHN H. HORN, WITNESS  
WILLIAM G. WILSON, STAFF COMMITTEE  
FRANCIS A. G. DETHMERS, JR., CREDIT MANAGER  
CARTER H. ZIMMERMAN, HIGHLIGHT COORDINATOR

RECEIVED  
OFFICE OF THE  
UNITED STATES SENATE  
GENERAL

House staff with appropriate security clearance  
and a ~~need to know~~ need to know

SELECT COMMITTEE TO  
STUDY GOVERNMENTAL OPERATIONS WHICH ARE  
PERPETRATED INTELLIGENCE ACTIVITIES

SPONSORED BY SENATE AND HOUSE

WASHINGTON, D.C. 20510

"7.5 Testimony taken in executive session by the Committee and other materials received by the staff shall not be made public or disclosed to any person outside the Committee unless authorized by a majority vote of the Committee, or upon termination of the Committee December 16, 1975 as determined by a vote of the Senate.

"7.6 Before the Committee is called upon to make any inquiry, Attorney General Edward H. Levi testifies, papers, or other materials presented to it, the Committee members shall have a Department of Justice to examine all pertinent testimony, Washington, D.C. materials that have been obtained by the inquiry staff. No member shall release any of that testimony or those papers or other materials to the public or any person outside the Committee ~~unless authorized by~~ majority vote, ~~or~~ ~~unless being presented at the time the vote is taken.~~ We have been asked to chair a special subcommittee of the Select Committee on Intelligence which will concentrate on matters relating to domestic intelligence

"7.5 The staff of the Committee shall now discuss to either the substance or committee on the termination of the Committee with another member of the committee or other committee personnel. Upon termination of employment by the Committee, each member of the committee shall submit ~~surrender~~ any classified material which came into his possession while in the employ of the Committee.

"9.4 The employment of any member of the staff who has been engaged in these areas and hope that they will be available to work with the Committee staff on these matters. However, the Subcommittee finds the Committee record needs to be supplemented ~~in several important respects and therefore~~ finds it necessary to direct a number of requests to the FBI for further information which two hopes will be created on a priority basis so that the Subcommittee can meet the deadlines set by the full committee. These future requests which will be handled between the two committee counsel or Mr. Elliff, Domestic Task Force Leader, and Mr. Shaheen, Special Counsel for Intelligence Coordination, will pertain ~~to~~ information necessary for us to formulate meaningful recommendations and to pursue matters on certain specific ~~unresolved~~ alleged abuses which remain unsettled. Among the future requests will be questions pertaining to your guidelines on "Domestic Security-Investigations" and on manpower and budget statistics for the FBI's domestic intelligence program.

RECD 12/16/75

For us to meet the deadline set by the full committee, it is essential that the information requested below be

~~SECRET~~

~~SECRET~~

FRANK GOREHL, TORONTO, CHAIRMAN  
 JOHN G. TAYLOR, TORONTO, VICE CHAIRMAN  
 PHILIP A. HORN, NEW YORK  
 WALTER P. MORRISON, NEW YORK  
 WALTER D. MCGOWAN, NEW YORK  
 ROBERT MCGINNIS, NEW YORK  
 GENE HART, DENVER  
 WILSON D. WILLIAMS, BOSTON DIRECTOR  
 RICHARD A. MURPHY, JR., BOSTON VICE DIRECTOR  
 DONALD E. SCHAFFER, SECURITY COUNSEL

RECEIVED  
 SECRET COMMITTEE ON THE  
 STUDY OF GOVERNMENTAL OPERATIONS  
 WITH RESPECT TO INTELLIGENCE ACTIVITIES  
 DEPARTMENT OF JUSTICE, WASH. D.C.

provision of Rule 6.11, the confidential treatment of material received by the Committee. These provisions are contained in

Rules 6.11; 7 (and each of its subsections), 9.3 and 9.4 which provide the following:

"6.11 Release of Testimony and Other Matters. No testimony shall be made public, in whole or in part or by any Department of Justice authorized by a majority vote of the Washington, D.C. office 20530, prior to the Chairman the name of any witness scheduled to be heard by the Committee shall Dear General Lewis prior to his testimony."

"RULE 7. Protection of Handwritten Material  
 Classified or Sensitive Material  
 Office Building Shall Operate Under Strict Security Precautions. One guard shall be on duty at all times by the entrance to control entry. All persons before entering the offices shall identify themselves. An additional guard shall be posted at night for surveillance of the secure area where sensitive documents are kept.

"7.2 Sensitive documents and other materials shall be segregated in a secure storage area. They may be available to work with the Committee staff on these matters. However, the Subcommittee finds the Committee record needs to be supplemented in several important respects and therefore finds it necessary to direct a number of requests to the FBI for further information which we hope will be treated on a priority basis so that the Subcommittee can meet the deadlines set by the full committee. These and future requests which will be handled between the two have committee counsel Mr. Frank Ellings Domestic Task Force Leader, and Mr. Shaheen, Special Counsel for Intelligence Coordination, with pertinent information necessary to formulate recommendations and to pursue in the person of a specific individual whom I can avail myself among the future requests will be questions pertaining to your guidelines on "Domestic Security Investigations" and on manpower and budgetary statistical for the the Committee domestic intelligence program staff director, the chief counsel and the counsel to the minority, and to

For us to meet the deadline set by the full committee, it is essential that the information requested below be

~~SECRET~~

*Draft 3/28/75*~~SECRET~~

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

Attorney General Edward H. Levi  
Page Two

December 18, 1975

Employee Notice and Agreement Concerning Treatment of Confidential Material  
provided during the last week of December and the first week of January;

NOTICE

1. With respect to each of the examples of effective prevention of violence provided the Committee pursuant to John Eilliff's letter of November 26 to Mr. Shahsen, please provide access to materials in the investigative file for the 6-month period preceding the act of violence been stressed since the outset by the Senate and the Committee.

(a) All materials relating to the legal and factual predicate for each investigation;

Committee requires the Committee to:

(b) The first investigative report disseminated outside the FBI in each such case, and a list of recipients of that report;

(c) The total number of individuals whose names were referred to the FBI's general name index in the course of each investigation;

(d) The total number of individuals about whom information was obtained through informants, confidential sources, physical surveillance, electronic surveillance and other sensitive techniques; and information relating to the activities of the Central Intelligence Agency or any other department or agency of the Federal Government engaged

(e) The annual report from the office of origin for each such investigation to FBI headquarters for the last five years during which the case in question was ~~Select Committee~~ during the course of its study

2. Please provide any information which you have refuting the suggestion made on page 34 of the General Accounting Office's September 24 report (to the House Judiciary Committee, that cases in which violence can be predicted probably represents less than 2% of all FBI domestic intelligence investigations.

which would adversely affect the intelligence.

3. Please provide all memoranda or analyses prepared for the Justice Department Director Kelley nor Assistant Director Wannall on the findings of the General Accounting Office as presented to the House Judiciary Committee on September 24.

in foreign countries of any department or agency

4. Please provide the annual report from the office of origin to FBI headquarters for the investigation of

~~SECRET~~

~~SECRET~~

DD/A 75-1549

Attorney General Edward H. Levi

Page three

December 18, 1975

Dr. Martin Luther King in 1963 through 1968, and for the investigation of the Women's Liberation Movement for the years that that organization was under investigation, and the annual reports available on the investigations about ~~MEMPHIS MATERIALS ASKED~~ <sup>APR 1975</sup> ~~AS SUPPLIED PURSUANT TO JOHN ELLIFF'S REQUEST OF OCTOBER 28~~ the Intelligence Community

VIA ~~Memorandum for Chairman, Security Committee, APR 1975~~  
~~SUBJECT: Security Committee, Preventive Action~~  
~~Security, Robert C. Hill~~  
 5. Please provide specific examples of cases where the FBI has taken action in the past similar to that which

Mr. William J. White, Jr., ~~Memphis, Tennessee, from~~  
 6. Access to all FBI materials pertaining to Dr. Martin Luther King, Jr., the Poor People's Campaign, and the Sanitation Workers Strike in Memphis, Tennessee, from Mr. January 1 through April 4, 1968.

1. All materials pertaining to "Project Oversight" facility, Room G-308, Dirksen Building, as requested by Mr. Ben Marshall, ~~Security Director of that Committee, was requested on March 1975. We look forward to continuing cooperation on this area of joint concern.~~

3. With the security procedures now in effect and those planned for implementation, ~~sincerely~~, the facility will provide adequate protection for the handling and storage of CIA documents of all levels of classification. Also attached for your information is a copy of the survey report.

Walter F. Mondale  
Chairman

Charles W. Kane  
Vice-Chairman  
Director of Security

Att:

cc: DD/A  
Chairman, SECOM

Refer  
CTA

Regrated Unclassified when separated  
from Classified Attachment(s)

NW 88608 DocId:32989628 Page 143

OS 5 1284

E-2 IMPDET  
CL BY 063417

~~SECRET~~

SURVEY REPORT

Senate Select Committee Facility  
Dirksen Bldg. 1st & C Street, N. E.  
Washington, D. C.

1. In response to a request from Mr. Ben Marshall, Security Director, Senate Select Committee, (tele. 224-1700) Messrs. Nicholas R. Zubon and Robert E. Burgener conducted a comprehensive security survey of the Senate Select Committee's Facility on 24 March 1975.

8-140 (Rev. 1-26-74) FEDERAL BUREAU OF INVESTIGATION

2. Mr. Marshall provided both a comprehensive tour of the facility and a detailed explanation of its operation.

Addressed to: SENATE SELECT COMMITTEE

3. The following are pertinent facts concerning the security procedures at the Senate Select Committee Facility:  
Date of Document: (12/18/75 Letter to the Attorney General)

A. Type of Facility (Senators Mondale & Baker)

The Committee is in the auditorium (Room G 308) of the Dirksen Building at 1st and C Street, N. E., Washington, D. C. Access to the auditorium is gained by entering the building from the 1st and C Streets entrance. A 24-hour guard post is located just inside this entrance. The Select Committee facility is 40' east of the building guard post. It is nearly in direct line of sight, however, a foyer surrounded by a 6' high temporary partition precludes the auditorium entrance door from being visible. The entrance to the auditorium is protected by a 24-hour guard post.

The auditorium (Room G 308) is approximately 100' long x 45' wide. The floor, ceiling and walls are made of 6" to 8" solid masonry. The ceiling has a false ceiling approximately 18" deep in which the air handling equipment and sundry other service components are housed. All major air handling equipment is on the roof above the auditorium. Access to the roof which is strictly controlled by the Director of Security, is via a stairway in the southeast corner of the auditorium. The roof has a 2' x 3' register approximately 12' above the floor through which

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 10/20/2017 BY SP2/MW/JW

62-116395-1204X

CLASSIFY AS APPROPRIATE

INSTRUCTIONS ON REVERSE  
BEFORE COMPLETING.TO: Intelligence Community Staff  
ATIN: Central Index

FROM: FBI

SUBJECT: Abstract of Information Provided to Select Committees

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

2. SAME PROVIDED

X ~~DOCUMENT~~ ~~TRANSMITTED~~ ~~INTERVIEWED~~ ~~TESTIMONY~~ ~~OTHER~~ 12/24/75  
A ~~document~~ passed from the auditorium to the rear handling equipment on the roof. These registers are solidly bolted into the walls.

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

The front of the auditorium (south wall) is covered by a large movie screen. To the right and left of the movie screen are two rooms 6' wide and approximately 15' long used by the research section clerical personnel. These rooms have countertop openings approximately 3' above the floor.

4. ~~RECORDED INFORMATION PROVIDED~~ (provide description data for ~~RECORDED INFORMATION PROVIDED~~ name or subject matter in words of briefest, information, testimony and exhibits)  
exist along both sidewalls for approximately three quarters of the length of the wall. The sidewalls have intercorridors on the opposite side of the countertops which have been converted into unpartitioned office space. The only reproduction machine, a xerox model 3100, is located in the west corridor.

5. ~~THE EAST CORRIDOR HAS BEEN CONVERED INTO A COMPARTMENTED~~  
~~information storage room and a compartmented document reading room.~~  
Memorandum ~~SSC letter 12/18/75~~ Director indicated that he may move his office to the head of the compartmented reading room to provide a larger measure of access control to this sensitive area.

6. KEY WORDS (enter the appropriate key words from the list provided separately; if key words not listed use word descriptive for explosive)  
The auditorium has SIX wooden exterior doors, 7' high and 3" thick. The entrance door into the auditorium (West and north wall) will have an electrical push-button lock installed. A similar door in the east end of the north wall will be barred and bracketed on the inside to prevent unauthorized entry. The west wall has 2 exterior doors leading into the Capitol Police offices. The east wall has two exterior doors with one leading to the rear while the second door leads to the north end. Access is gained by two stairways on the east and west sides of the auditorium. The second floor space consists of a large projection room, currently "overshoot" projection equipment, all INFORMATION CONTAINED private film viewing rooms.

7. ~~SUMMARY INFORMATION PROVIDED BEFORE COMPLETING THIS ITEM~~  
Requesting clarification of items listed in request received from Senators Mondale and Baker regarding preventive actions; 9/24/75 report of the House Judiciary Committee by the General Accounting Office; Annual reports from the office of origin to FBIHQs for investigation of Dr. Martin Luther King, Jr.; pertinent materials pertaining to Martin Luther King, Jr. for the period 1/1 thru 4/4/68 previously made available. Clarification with regard to Poor Peoples' Campaign and the Sanitation Workers Strike in Memphis, Tenn.; "Project Overshoot" projection equipment, ALL INFORMATION CONTAINED private film viewing rooms.  
HEREIN IS UNCLASSIFIED  
DATE 10/20/00 BY SPANWELL

62-116395 TREAT AS YELLOW  
The ~~other~~ small rooms will be connected with glass interview rooms. The windows in each of these rooms will be covered during the stay of the Select Committee in the auditorium.

(4) ORIGINAL VIA LIAISON TO CENTRAL COMMUNITY INDEX  
IN CONNECTION WITH SENATE STUDY 75

62-116395-P284X

1 - Mr. J. B. Adams  
 1 - Mr. H. W. Walsh  
 (Mr. G. S. McRachael)

B. Access Controls  
Mr. W. R. Mansall

12/17/76

Access to the Dirksen Building is gained by J. Coohren the main entrance on 1st and C Streets, ground floor, or the (Mr. F. M. Loviso)  
 Basement Tunnel Entrance at the rear of the building. Both entrances have a 24-hour guard post where persons entering are checked for identification. Brief cases and packages are processed through x-ray machines. Main entrance are checked for ID, however, air boxes are not checked.

This informative memorandum to record unsuccessful efforts to pinpoint the typewriter on which was typed an anonymous letter apparently directed to subject, the original of which was located in papers left behind on the retirement of former Assistant to the Director William C. Sullivan. From 1800 hours Friday through 0800 hours Saturday, and from 1300 hours Saturday to 0700 hours Monday, everyone must show an ID card. Visitors are permitted only by appointment. They are logged in and accepted at all times while in the auditorium. From 1800 hours Friday through 0800 hours Saturday, and from 1300 hours Saturday to 0700 hours Monday, everyone must show an ID card. In the event of an access Laboratory established that the typing was done on a Royal typewriter with pica style type. We checked available Mr. Marsden's typewriters with pica style type, as well as our inventory records maintained by the Administrative Division as well as our own in IINB to locate all Royal typewriters which were in the then Domestic Intelligence Division (DID) around 1964. This search was based on the suspicion that the note was typed by Sullivan on a typewriter accessible to him in 1964 when he was Assistant Director of the DID. Building has two 24-hour/7 day-a-week guard posts at the entrances while the Senate Select Committee on Small Business occupies the building. Our check-out revealed that there are available only four typewriters of the type sought which were likely inside the DID in 1964. All four are presently in IINB and three of them were readily eliminated as not identical to that which produced the questioned document on the basis that all three have closed "4", whereas the questioned document has an open ended "A". The fourth typewriter, serial number IINB 10-433913, is secured, and the section is normally quiet during the night. The guards on duty at the time of the survey were a shift and was examined by Supervisor F. N. Devine of the Document Section of the Laboratory who advised that it is not identical to the typewriter which produced the questioned document. 200-206670  
 (1) - G3-21C305 (RESIDENTY 75)

CONTINUED - OVER

SFP:bkb  
 (10)

ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED  
 DATE 12/20/01 BY SP/AMW

ROUTE IN ENVELOPE

Memorandum to Mr. W. R. Marshall  
Re: Martin Luther King, Jr.  
100-103570

All exterior doors to the auditorium will have contact (microswitch) alarms. The Remington Rand safes, being obsolete, will be protected by a proximity alarm. The compartmented storage room and an adjacent reading area will be protected by a volumetric alarm. A fire protection & smoke detector/rate of rise alarm will be installed in the compartmented area. All alarms will be enumerated at the guard desk at the entrance to the auditorium. ~~The ADT Company will install and maintain~~ None. For information and record purposes, the alarms.

#### E. Safes

The facility has 22 safes. Sixteen 4-drawer Remington Rand Safes located below the movie screen. Three class six Mosler 5-drawer, two class 1 Diebold 2-drawer, and one class 2 Diebold four-drawer are located in the compartmented storage room. With the exception of the Remington Rand safes, all other safes are in good working order.

The safe combination and repairs are under contract with the Safemaster Company. The safe combinations were recently changed by that company. All safe combinations are under the control of Mr. Marshall. However, an assist on day-to-day operations is provided by Mr. Pat Shea, Assistant Staff Director, who acts as backup for safeguarding the combinations to the safes in the compartmented storage room. Messrs. Larry Kieves, John Petersen and Ms. Jan Orloff are backup for the combinations to the sixteen Remington Rand Safes. Mr. Marshall was given two change keys in the event he decides to change the combination himself should staff personnel rotate.

#### F. Document Control

Incoming CIA documents will be delivered by Agency courier to the guard at the entrance door to the auditorium. The registry officer will receipt for them and take them to the Registry Section where all documents will be logged. Compartmented and Top Secret material will be taken to the Compartmented Storage Room and placed in a safe after it has been logged in Registry. Individuals, on an access list promulgated by Mr. Marshall draw the compartmented documents from the safes but must read them in the adjacent area dedicated for this purpose. Documents classified below TS/Codeword will