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Collection Act of 1992

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Case#JFK-2025 Date:
11-17-2025

[R] - ITEM IS RESTRICTED

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. J. B. Adams

Airtel

FROM : Legal Counsel

SUBJECT: TENSENBERG, Chicago (92-3182)

- 1 - Mr. Mintz - Encls. (2)
- 1 - Mr. Adams - Encls. (2)
- 1 - Mr. Bassett - Encls. (2)

DATE: 12/5/75

- 1 - Mr. Wannall - Encls. (2)
- 1 - Mr. Cregar - Encls. (2)
- 1 - Mr. Kotis - Encls. (2)
- 1 - Mr. Daly - Encls. (2)

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From: Director, FBI (92-3182)

On 12/4/75, a meeting was held with the following representatives of captioned Committee: Chief Counsel F.A.O. Schwartz; Assistant Counsel Paul Michel; Staff Member Mark Gitanstein; Staff Director of the Domestic Task Force John T. Elliff; and Staff Member John Bayley. Representing the Bureau at this meeting were Deputy Associate Director James B. Adams, Assistant Director John A. Mintz, Inspector John B. Kotis, and SA Paul V. Daly.

It is not felt that the letterhead memorandum submitted with your airtel contains sufficient specific information to resolve the foregoing testimony of 12/3/75 of the Director before the Subcommittee 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 to support the identification of Alex as a leading Chicago hoodlum figure and the paper consists of two pages. The first page discusses the Committee's view of problems arising out of the FBI's domestic intelligence investigation. 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.

Legal has requested this matter be given prompt attention and in view of this, you should submit material by 11-11-75. These options run 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 intel. investigations with legislative limits imposed on each investigation. Included is the combination of creating an independent Inspector General. Alex has appealed and Swiss police advised they feel there is some question of identity as to whether there are two persons by the name of Alex involved and have requested further verification concerning this.

Enclosures

CONTINUED - OVER

PVD:lad

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FBI

Legal Counsel to Mr. Adams
RE: SENSTUDX 79

Date: 11/4/65

Transmit the following in _____

(Type in plaintext or code)

Via _____

The second position paper which was prepared by John T. Elliff begins by a six-page statement and analysis of the Bureau's current authority to conduct domestic intelligence investigations. He then lists four options for the Committee.

TO : DIRECTOR, FBI (92-3182)

FROM : SAC, CHICAGO (92-373)
Option 1 is for Congress to pass legislation ratifying the existing FBI authority as set forth by Presidential directives and Executive Orders.

SUBJECT: GUS ALEX, aka.

Option 2 suggests Congress might give serious consideration to creating a separate Security Intelligence Agency within the Department of Justice. In this Option, Elliff suggests that the FBI itself has considered this Option as part of the larger question of separating all FBI intelligence functions from law enforcement functions of the Bureau.

Option 3 considers the elimination of FBI domestic intelligence. In his analysis of this position, it might be possible for the Bureau to develop the necessary intelligence information through its normal criminal investigations and thus remove the necessity for domestic intelligence investigations as presently conducted.

A photo of GUS ALEX taken in Los Angeles in 1959 at the time of his arrest there.

Option 4 considers setting standards for domestic intelligence investigations. In this Option, Elliff states that the FBI should be authorized by statute to conduct domestic intelligence investigations only as Congress finds that regular criminal investigations would not provide information to anticipate or prevent the use of violence in violations of Federal law and that incidents of the use of violence in such violations are of a serious nature and threaten the security of the country.

to obtain an affidavit from GUS ALEX to confirm or deny his identity for purposes of the Director's appearance on 12/9/75 before the Senate Select Committee, it is believed his response to questions concerning the aforementioned position papers should be that the Bureau has received copies and is reviewing the various proposals and that it would not be appropriate at this time for the Director to comment regarding the substance of the proposals.

- 3 - Bureau
1 - Chicago
EWA:flk
(4)

2 photos attached
+ Enclosed with resubmission
from 92-3182

NOV 18 1965
CONTINUED - OVER

Approved: _____

Special Agent in Charge

Sent _____

M

Per _____



UNITED STATES DEPARTMENT OF JUSTICE

Legal Counsel to Mr. Adams
RE: SENSTUDY 75

In Reply, Please Refer to
File No.

Chicago, Illinois
November 4, 1965

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.

The following information is set forth to substantiate the fact that Gus Alex, the subject of the Swiss entry ban and member of the Chicago underworld is identical with the Gus Alex who claims residence in Evergreen Park, Illinois, and employment in the publicly department of the De Luxe Cigarette Service, Incorporated, Niles, Illinois.

RECOMMENDATIONS:

Enclosed is one copy of a photograph of Gus Alex taken when he was arrested in 1959 by the Los Angeles, California, Police Department, and of Alex and his paramour, Suzanne Neeger, taken in Switzerland in 1963. Both photographs represent the same individual who is recognized by Chicago Police and Federal Bureau of Investigation personnel as the person observed in almost daily contact and association with other top ranking hoodlums in Chicago. He is also identical with the individual about whom this correspondence concerns.

Alex actually resides in apartment 10 C at 1150 North Lake Shore Drive, Chicago, however, in order to hide his identity he has utilized his recently deceased mother's address, 9353 South Spaulding, Evergreen Park, Illinois, for mailing purposes. On numerous occasions Alex has been observed entering his mother's residence and has parked his automobile in front of this address. Her telephone number was Garden 8675, Area Code 312, which telephone was listed to Mrs. Nick Alex. It is noted that Alex called this number on several occasions while visiting Switzerland in the past.

*See memo
T/E 11/10/65
11/10/65
JMA*

*Let from
12/12/75
JMA*

ENCLOSURE

92-3182-1117

Issues and Options for Discussion with
RE: GUS ALEX
Former Attorney General Rogers, Katzenbach, and Clark
ANTI-RACKETEERING

MD-116
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11-15-81 BY SP4/MLK

It has been reported by the Swiss Center for the Study of the
I. Background
Alex's employer, De Luxe Cigarette Service, Incorporated, certified that he has worked in their publicity department since 1957 and has never given any reason for complaints.
In the past few weeks the staff has presented the Committee with evidence suggesting the following about the FBI's internal security intelligence program:

It is noted that Alex claims income from this company which company for years has been reportedly controlled by hoodlums. Alex now is reportedly in charge of this company having taken it over from a close friend and fellow hoodlum, Edward Vogel. Alex on numerous occasions has been observed at this location with his chauffeur and body guard Nathan "Butch" Loden.

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

In 1958 Alex was summoned to Washington, D.C., to appear before the McClellan Senate Rackets Committee investigating hoodlum infiltration into labor and business in Chicago. Alex refused to cooperate and furnished no information, taking refuge behind the 5th Amendment. He refused to answer all questions except for his name and address.

1. overbreadth in scope in 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.

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

Captain William Duffy, Operating Director, Intelligence Section, Organized Crime Division, Chicago Police Department, advised that Gus Alex is a top ranking member of organized crime in Chicago and is closely allied with the top ranking members of the hoodlum element. Duffy advised further that he has maintained continuous investigation of Alex for years and of Alex's associations with the De Luxe Cigarette Service, Incorporated. Duffy stated that Alex has been completely uncooperative and that there is no question concerning his involvement with Chicago's underworld in organized crime.

D. 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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ENCLOSURE

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9/21/82
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G. 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

RE: GUS ALEX
ANTI-RACKETEERING

H. The program was conceived and implemented in secrecy, and although parts of the program were shared with outside authorities from time to time, until now no President, Attorney General, or Congressional committee has been exposed to the entire program in detail.

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".

J. The program continues today, albeit on a much more limited basis than in the late 1960's and early 1970's, and the basic machinery for the program -- the huge informant/confidential source network -- is still operating.

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.

II. Issues and Options

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 ordered in 1924 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:

1. 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.



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

Chicago, Illinois
November 2, 1965

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.
3. Whether such information, assuming it is valuable, could not be obtained through more traditional criminal investigations.
4. Whether the value of the information, marginal or otherwise, justifies the risk to civil liberties inherent in such intelligence collection.

GUS ALEX

ANTI-RACKETEERING

5. Whether, given the way in which limited and ambiguous grants of authority have been expanded into major authorizations, any statute short of a total prohibition of all non-law enforcement intelligence activities in the domestic sector will be adequate to prevent the recurrence 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.) 1963. Both photographs represent the same individual who is recognized by the Chicago Police and Federal Bureau of Investigation as the person who has been identified as having been in contact with other persons in the Chicago area who are known to be involved in the kinds of information which can be collected and disseminated on 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 a huge informant/confidential source network without judicial supervision, for mailing purposes. On numerous occasions Alex has been observed entering and leaving the premises of the various automobile in front of the FBI intelligence photograph which is upon the program designed to minimize the infringement upon civil liberties and an additional being actively considered by the present Attorney General and in the past.

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

1. Whether meaningful and stringent guidelines can be written which do not so hamper the administration of an 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. *ENCLOSURES 9
TO DIRECTOR FBI (92-3182)*
3. 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. *FROM SAC CHICAGO (92-353)
SUBJECT: GUS ALEX aka
AP*
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? *Enclosed are six (6) copies of a letter reflecting info relative to the identification of GUS ALEX. Also enclosed are three (3) photos.*

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.

*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.

ENCLOSURE

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

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.

Sue Alex

- 6 -

- F. As 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 in the King case.

NAME AND ADDRESS IN THE COMMENTS
Sue Alex
1353 S. Spaulding, Eugene, OR 97402

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

1. Whether it is possible to maintain the independence of 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.
2. Whether the Inspector General should have "complete" access to Bureau files, including information pertaining to the identity and reliability of informants and confidential sources.
3. Whether an Inspector General with access to extremely sensitive information might not become a serious threat to the independence of the Bureau from political influence and to the civil liberties of American citizens.

- G. Congressional Oversight. In addition to the above options, 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.

In weighing this option, the Committee should consider the kinds of problems posed by the Justice Department oversight and Inspector General options discussed above to the independence of the FBI and the confidentiality of its files.

- H. 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.