

File #:

62-116395

Serial Scope:

552 THRU 567

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1992 (44 USC 2107 Note). Case#:NW
88608 Date: 03-18-2025

0

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. J. B. Adams

FROM : Legal Counsel *JMB/87*

SUBJECT: SENSTUDY 75

1 - Mr. Mintz
1 - Mr. Wannall
1 - Mr. Cregar

DATE: 8/1/75
1 - Personnel File - Fred J. Cassidy
1 - Personnel File - Richard W. Held
1 - Mr. Hotis
1 - Mr. Daly

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

Loch Johnson, Staff Member, Senate Select Committee, requested that SA Fred J. Cassidy be made available for an interview concerning his knowledge of the "Houston Plan." Johnson indicated that this would be a Staff interview. SA Cassidy is currently on annual leave and Johnson was advised of this. He requested that he be notified when Cassidy would be available for interview.

Staff Member Lester B. Seidel requested that Richard W. Held be made available for Staff interview. He indicated that this particular interview would be with regards to COINTELPRO against the Black Panther Party and the Bureau's investigation of the Black Panther Party. Seidel is currently conducting interviews on the West Coast and the details concerning the time of the interview have not been established.

RECOMMENDATIONS:

REC-56

EX-101

62-1151-567

(1) That SAs Held and Cassidy be released from existing employment agreement for purposes of this Senate Select Committee interview. *Both in Interest Div - 5/8*

Cassidy to be available for interview
(2) That an Intelligence Division representative be made available to accompany SAs Cassidy and Held for consultation during interview when final details are arranged. (The Intelligence Division Agent will not be present during the interview but merely available for consultation.)

PVD:lad

(9)



8 AUG 28 1975

RJH
MDR-16
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/19/00 BY SP2 AAM/EHL

JBA
PCM

WHD



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

AUG 20 1975

M
8/20

TO: John Mintz, Assistant Director
Legal Counsel Division
Federal Bureau of Investigation

FROM: Michael E. Shaheen, Jr.
Special Counsel for Intelligence
Coordination

SUBJECT: Three Specific Requests from SSC as They
Relate to Item 4 of the August 13, 1975,
Letter from Elliff

Reference is made to a letter dated August 13, 1975, from John Elliff of the Senate Select Committee to me, a copy of which was sent to you earlier and attached to my memorandum dated August 15, 1975.

On August 20, 1975, Mike Epstein of the SSC staff orally requested delivery of three specific documents, access to which were embraced generally by Item 4 of the August 13, letter. These documents are:

- Delivered to*
SHAHEN
8/21/75
By P.V. Daly
Ewf
- (1) A June 7, 1961, memorandum from Courtney Evans to Bureau Agent Belmont
(2) A routing or "buck slip" dated June 3, 1961, from the Attorney General to Evans bearing the notation "pursue vigorously".
(3) A May 22, 1961, memorandum from Director Hoover to the Attorney General
- EX-101*

Please arrange for the delivery of these documents to me as soon as possible. Indeed, I should appreciate their receipt by this Office by tomorrow, August 21, 1975. If such information will permit you to expedite compliance with this priority request, Bureau Agent Cassidy knows of these documents and the SSC's special interest in them.

MDR-16

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/19/00 BY SP3 ALM/crc



UNITED STATES GOVERNMENT

Memorandum

TOP SECRET

TO : Mr. W. R. Wannall

FROM : S. S. Mignosa *SSM*

SUBJECT: SENSTUDY 75

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE

1 - Mr. W. R. Wannall
DATE: 8/18/75
1 - Mr. W. O. Cregar
1 - Mr. S. S. Mignosa
1 - Mr. T. J. McNiff
1 - Mr. C. H. McCarthy

Assoc. Dir. _____
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Dep. AD Inv. _____
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Files & Com. _____
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Spec. Inv. _____
Training _____
Telephone Rm. _____
Director Sec'y _____

Reference is made to memorandum dated 7/24/75, captioned as above, which requested review, assessment and recommendations pertaining to the contents of pages extracted from a 693-page CIA document in order to fully identify the subject matter and to assess whether FBI operations were compromised.

Section CI-3 conducted the following review and makes the assessment pertinent thereto:

RE: Page 00026, "Siesta" and pages 00059-61, captioned
"Subject: General: Office of Security Survey." (S)

This matter concerns Orlando Nunez-Toro (Bufile 105-141367), a United States citizen of Cuban extraction, who was suspected by CIA of attempting to recruit for intelligence purposes CIA personnel, one Miss Deborah Fitzgerald. By letter dated 8/4/70, the first communication to the FBI by CIA relating to Toro-Nunez and Fitzgerald, the FBI was requested to advise whether it interposed any objections to CIA investigative action CIA deemed necessary to explore questions raised by the association of Nunez-Toro and Fitzgerald with CIA employees. (S) EX-101 REC-56 (12-11-385656S)

In response to that inquiry, FBIHQ advised CIA by letter dated 8/14/70, that the FBI interposed no objection to CIA investigation for such a purpose. At the same time, CIA was specifically requested to provide the FBI with any information developed relating to FBI internal security responsibilities.

62-116395

CHM:cla *CHM*
(6)

Classified by 6098 *CHM*
Exempt from GDS, Categories 2 and 3
Date of Declassification Indefinite

CLASSIFIED BY SP2 ALM / EHL
DECLASSIFY ON: 25X

TOP SECRET

CONTINUED - OVER

AUG 27 1975

5-73m

ROUTE IN ENVELOPE

~~TOP SECRET~~

Memo to Mr. W. R. Wannall
Re: Senstudy 75
62-116395

CIA communicated with FBIHQ by letters dated 7/6/71 and 2/24/72, concerning the Nunez-Toro and Deborah Fitzgerald matter, requesting each time records review of Bureau files of numerous individuals of interest to CIA. On each occasion CIA was provided with the results of such checks. However, by letter dated 3/2/72, FBIHQ responded to CIA letter dated 2/24/72, by stating, "We have made a study of our file concerning this matter (Nunez-Toro and Fitzgerald) and a detailed review of the referenced material. At the present time, it appears the paramount concern is whether Nunez and Deborah Jane Fitzgerald are obtaining intelligence information concerning your Agency, and you have established a network of sources to cover that aspect. As you indicate, there is no specific evidence that Nunez or Fitzgerald has any connection with a hostile intelligence service or a foreign government. We, therefore, will defer to your Agency until completion of your investigation or the development of information showing they are engaged in subversive activities within our primary jurisdiction." (S)

The FBI did not conduct an internal security-type investigation regarding the relationship of Nunez-Toro and Fitzgerald. The FBI did conduct an internal security-type investigation of Nunez-Toro in 1965 as a result of his reported disaffection for the United States while living abroad. [We reopened that investigation in 1969 when it was reported that Nunez-Toro communicated with the Cuban Embassy, Ottawa, Canada.] That investigation was closed when it was established his family desired to return to Cuba and his contact was in that regard. (S)

A review of FBIHQ files ^{revealed} contain no information that any FBI employee was knowledgeable, before or after the fact, of a surreptitious entry on the part of CIA personnel, into the premises of Nunez-Toro and Deborah Fitzgerald. That surreptitious entry by CIA personnel into the premises of Nunez-Toro and Fitzgerald located in Fairfax, Virginia, received considerable publicity recently, when it was alleged that Fairfax police assisted the CIA during the entry. (S)

ASSESSMENT:

No compromise of an on-going FBI operation.

~~TOP SECRET~~

~~TOP SECRET~~

Memo to Mr. W. R. Wannall
Re: Senstudy 75
62-116395

RE: Page 00026, "Paragon." (S)

[This matter pertains to an alleged plot in 1972-73 to assassinate former Vice President Spiro Agnew and the Director of CIA by using two Latin American revolutionaries. A CIA informant abroad reported that one Elizabeth Boynton Millard, a New York City resident known for her Communist associations and her involvement with Latin-American revolutionaries, was scheduled "to finger" top United States Officials for assassination. The plot was allegedly conceived some time prior to 8/19/72, in Chile and was to be carried out sometime between 10/25/72 through 11/7/72.] The FBI investigated this plot thoroughly (S) and closed its investigation on 2/2/73, when it was concluded that none of the individuals reportedly involved had any connection with such activity.

ASSESSMENT:

No compromise of an on-going FBI operation.

RE: Page 00282, "28 October 1970."

During October, 1970, United States Government officials, including Dr. Henry A. Kissinger, who was then assigned to The White House, received cryptograms indicating bombings would occur in various cities of the United States on 11/29/70. The Soviet Military Attache, Washington, D. C., received a similar cryptogram reporting United States - Chinese activities against Russia. The sender of the cryptograms was identified and during our investigation other government agencies, including CIA, were requested to furnish the original cryptograms for fingerprint examination.

ASSESSMENT:

No compromise.

~~TOP SECRET~~

CONTINUED - OVER

~~TOP SECRET~~

Memo to Mr. W. R. Wannall
Re: Senstudy 75
62-116395

RE: Pages 00290, 00292, 00295, 00310.

The contents of these pages concern the Daniel Ellsberg matter, all of which is of a public nature.

ASSESSMENT:

No compromise.

RE: Pages 00334, 00361-363, 00368, 00371, 00373, 00376-379,
00384, 00385, 00468-470 and 00615.

The contents of these pages concern the "Chilean Project." On 4/16/71, CIA proposed technical penetration of the Chilean Embassy, Washington, D. C., to collect foreign intelligence data and to compromise classified encrypted diplomatic traffic. CIA proposed that access be made through one of their covert contacts. The FBI declined. The Attorney General then requested FBI cooperation. On 5/13/71, a memorandum was sent to the Department of State for approval of that operation and such approval was obtained on 5/17/71. On 7/14/71, the Attorney General authorized activation of the microphone installation at the Chilean Embassy until 10/8/71. CIA requested continuation as the expiration date approached and on 10/15/71, the Attorney General authorized such continuation. The technical surveillance was discontinued as noted in memorandum to the Attorney General and CIA dated 2/7/72. The surveillance was reactivated on 12/27/72, and was eventually discontinued on 2/22/73. (S)

On 6/19/73, the Watergate Special Prosecution Force requested FBI investigation of the alleged burglary of the Chilean Embassy, Washington, D. C., on or about 5/13/72. The Metropolitan Police Department, Washington, D. C., conducted an investigation of that incident and submitted a complete report to the Office of the United States Attorney. That report was in the possession of the Watergate Special Prosecution Force and on 10/30/73, that Force advised the FBI that no additional investigation was desired. There is no connection between the "Chilean Project" and the alleged burglary of the Chilean Embassy on or about 5/13/72. (S)

~~TOP SECRET~~

CONTINUED - OVER

~~TOP SECRET~~

Memo to Mr. W. R. Wannall
Re: Senstudy 75
62-116395

ASSESSMENT:

[The above information refers to our special coverage of the Chilean Embassy which was discontinued in February, 1973, and has not been operational since that time.] Possession of such information by the Senate Committee will not interfere with any on-going FBI investigation. All activities engaged in by the FBI in connection with this project were conducted on the instruction of Attorney General Mitchell. (S)

RE: Page 00361, captioned "Memorandum for: Executive Secretary, CIA Management Committee.

In addition to the "Chilean Project," the contents of this page also refer to FBI technical coverage of diplomatic establishments of Israel. It is pointed out that Watergate Defendant James McCord telephoned the Embassy of Israel, Washington, D. C., after his arrest, believing that his conversation would be overheard and he would be able to challenge tainted evidence. The date of his telephone call to the Embassy of Israel is not known but it is pointed out that our technical coverage of the Embassy of Israel was discontinued on 10/16/72, at the specific request of Secretary of State William Rogers. This matter is also public knowledge.

ASSESSMENT:

No compromise of FBI operations.

RE: Pages 00457 and 00458, concerning Item Number 3.

According to CIA, this matter involved surreptitious entries by CIA into a French diplomatic establishment, Washington, D. C., during the early 1960's. As is evident from reading Item number 3, there is no FBI involvement in or knowledge of such activities by CIA. (S)

~~TOP SECRET~~

CONTINUED - OVER

~~TOP SECRET~~

Memo to Mr. W. R. Wannall
Re: Senstudy 75
62-116395

It is pointed out that Philippe Thyraud De Vosjoli (Bufile 64-33606) a former attache of the French Embassy, Washington, D. C., and a former French Intelligence officer, cooperated with CIA and provided CIA with information in 1963 that French intelligence planned to engage in intelligence activities in the United States. This information was thereafter transmitted to the FBI. It is believed that De Vosjoli is identical with either Iden-122 or Iden-124 mentioned in Item number 3. (S)

ASSESSMENT:

There is no compromise of an on-going FBI operation.

RE: Pages 00591-00593, captioned ["MHCHAOS Program."] (S)

This CIA program involved the clandestine collection abroad of information relating to foreign efforts to support and influence domestic United States extremism. The foreign-oriented activity in the United States was of two types; first, selected FBI informants who traveled abroad in connection with their extremist activity and their resultant debriefing by CIA with the cooperation of the FBI. Second, FBI sources with existing extremist credentials who were offered to CIA for dispatching abroad to collect information responsive to CIA requirements. (S)

There has been no compromise of such FBI informants and sources.

ASSESSMENT:

No compromise of any on-going FBI operation.

ACTION:

For information and referral to Senstudy Group.

~~TOP SECRET~~



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

FBI

AUG 21 1975

TO: John Mintz, Assistant Director
Legal Counsel Division
Federal Bureau of Investigation

M 3/20 FROM: Michael E. Shaheen, Jr.
Special Counsel for Intelligence
Coordination

SUBJECT: Senate Select Committee Request

Attached is a letter dated August 19, 1975, from the Senate Select Committee requesting the names and addresses of various former and present Agents of the Bureau. Please arrange for compliance with this request as soon as possible.

The Department has determined that SSC staff interviews with these present and former agents would not interfere with any current criminal investigation by the Department and will so advise the Select Committee when the requested information is transmitted.

ENCLOSURE

MDR-16
ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/19/00 BY SP2 ALM/CHC

REC-56

EX-101

62-116375-564

9 AUG 27 1975

cc Ad Hoc

Treat as Original

62-116375

5-18



84 AUG 28 1975

AUG 21 1975

TO: John Mintz, Assistant Director
Legal Counsel Division
Federal Bureau of Investigation

FROM: Michael E. Shaheen, Jr.
Special Counsel for Intelligence
Coordination

SUBJECT: Senate Select Committee Request

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MDR-16

10/19/00 SP2 ALm/ETC

FRANK CHURCH, IDAHO, CHAIRMAN
JOHN G. TOWER, TEXAS, VICE CHAIRMAN
PHILIP A. HART, MICH.
WALTER F. MONDALE, MINN.
WALTER D. FUJDOLSTON, KY.
ROBERT MORGAN, N.C.
GARY HART, COLO.
WILLIAM G. MILLER, STAFF DIRECTOR
FREDERICK A. O. SCHWARZ, JR., CHIEF COUNSEL
CURTIS R. SMOOTHERS, MINORITY COUNSEL

United States Senate

SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES
(PURSUANT TO S. RES. 21, 94TH CONGRESS)

WASHINGTON, D.C. 20510

August 19, 1975

Michael E. Shaheen, Jr., Esq.
Special Counsel for Intelligence Coordination
Office of the Deputy Attorney General
U. S. Department of Justice
Washington, D. C. 20530

MDR-16

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/19/01 BY SP2 ALM/EHC

Dear Mike:

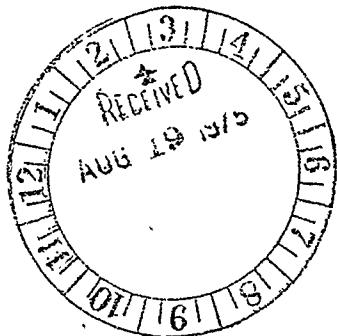
The Select Committee, as you know, is investigating the FBI's relationship to mail opening activities. The Committee staff desires to interview all present or former Special Agents of the FBI who were responsible for supervising the communications between the FBI and the CIA with regard to this activity. Therefore, I am hereby requesting the names and present assignment and/or whereabouts of these Special Agents. Furthermore, please provide the current addresses and office assignments of all Special Agents with the surname "McDougal" who were assigned to the New York City area in 1971, and the names and current addresses of all SACs and ASACs for years 1959 to 1966 in the following field offices: New York, Boston, Washington, Detroit, Seattle, Los Angeles, Miami, and San Francisco.

In addition, please advise me as to whether Committee staff interviews of these Special Agents would interfere with the current criminal investigation into these matters by the Justice Department. This request is pursuant to the special procedure to which we have agreed.

Sincerely,

John T. Elliff

John T. Elliff
Director
Domestic Intelligence Task Force



62-116375-564
ENCLOSURE

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

AUG 21 1975

TELETYPE

NR010 AT CODE

9:45 PM URGENT AUGUST 21, 1975 SSP

TO: DIRECTOR, FBI (62-116395)

FROM: ATLANTA (62-2854)

SENSTUDY 75

RE BUTEL TO ATLANTA, AUGUST 14, 1975, AND ATLANTA TEL TO BUREAU,
AUGUST 15, 1975.

FORMER SA EDWARD F. GAMBER, MARIETTA, GEORGIA, ADVISED THIS DATE
HE HAS BEEN CONTACTED BY PAUL WALLACH, SSC STAFF MEMBER, WHO HAS
ARRANGED AN INTERVIEW WITH GAMBER IN THE ATLANTA AREA AT TEN A.M.,
SEPTEMBER 2, 1975. SA GAMBER INTENDS TO CONTACT THE OFFICE OF LEGAL
COUNSEL BY COLLECT CALL AUGUST 22, 1975.

E N D

SJP FBIHQ CLR

MDR-16
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/19/00 BY SP2 ALM/jew

Copy retained in
Personnel Records Unit

82 AUG 29 1975 msl

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Dep.-A D-Inv.	_____
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Telephone Rm.	_____
Director Sec'y	_____

2-116-395-563

9 AUG 27 1975

UNITED STATES GOVERNMENT

Memorandum

TO : J. B. Adams

FROM : Legal Counsel *J. B. Adams*

SUBJECT: SENSTUDY 1975

- 1 - Mr. Mintz - Enc.
1 - Mr. Wannall - Enc.
1 - Mr. Gregar - Enc.

- DATE: 7/29/75
1 - Mr. Hotis - Enc.
1 - Mr. Daly - Enc.

Assoc. Dir. _____
Dep. AD Adm. _____
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Ident. _____
Inspection _____
Intell. _____
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Legal Coun. _____
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Spec. Inv. _____
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Telephone Rm. _____
Director Sec'y _____

NDR-16
ALL INFORMATION CONTAINED
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DATE 10/19/00 BY SP2 ALM/BH

On 7/25/75 at the request of Special Counsel for Intelligence Coordinator Michael Shaheen in the Department, a meeting was held between representatives of the FBI (SAs Paul B. Daly and John Thomas), representatives of the Senate Select Committee (John T. Elliff, Task Force head of the Domestic Task Force, Mark Gitenstein) and Michael Shaheen of the Department. At this meeting Mr. Shaheen advised that the proposed procedures concerning the handlings of requests for documents by the Senate Select Committee had been approved by the Attorney General and in the Senate Select Committee. (A copy is attached.)

Shaheen and Elliff indicated the purpose in meeting on the 25th along with an anticipated meeting on Monday, 7/28/75, was to assist the SSC in the planning of a superseding request in accordance with the newly established procedures concerning document requests. Both Shaheen and Elliff expressed concern at this time that the schedules set forth in the new agreement was such that in many instances the Bureau would not be able to respond in time to meet the deadlines. Additionally, Shaheen expressed concern that the provisions require that the Attorney General adjudicate any question as to the necessity of furnishing a document to the Committee and to make such a decision within 24 hours would be very burdensome.

Messrs. Elliff and Shaheen were advised by SA Daly that this would be true, pointing out that in many instances files are not readily available because of FOIA requests, needs of the Bureau's ongoing investigations and law suits in which it was necessary to view particular files. It was also pointed out that many of the requests of the Senate Select Committee necessitate the review of a number of files and/or numerous volumes of a particular file all of which are not necessarily available immediately. Mr. Shaheen advised that it was the Attorney General's desire that Senate Select Committee requests take precedence over all other matters including the Freedom of Information. It was pointed out to Mr. Shaheen that our responses to Freedom of Information Act are under deadline by law and; if

Enclosure

ST 110

REG 41

62-116395-5
CONTINUED 25 OVER

PVD:lad 3 1975
(P8)

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

Legal Counsel to J. B. Adams Memorandum
RE: SENSTUDY 1975

this were to be the Attorney General's feelings, he should advise this Bureau in writing so that we would be in a position to use this statement of policy should this question arise during litigation. It was pointed out that in many areas of possible abuse set forth by the Senate Select Committee we have pending FOIA requests and/or litigation which require the availability of those files for responses.

Elliff indicated that it was the Committee's desire in their forthcoming superseding request to request material that had been previously furnished the Committee with the understanding that there would be less excisions made in compliance with the new agreement. He inquired as to whether the Bureau could advise him as to what material previously furnished was readily retrievable and could be furnished in accordance with a new request. He was advised by SAs Daly and Thomas that it was not possible at this time to give him a response, however, we would endeavor to make an analysis of prior requests to obtain this information and have it available for the meeting Monday, 7/28/75.

A general discussion was had concerning the new agreement especially concerning the type of material which might properly be excised and third agency problems. It was generally agreed upon that not only the identity of informants be excised but also information which might disclose the identity of informants might also be properly excised. Elliff indicated that the Committee did not wish to see many items referred to the Attorney General as is called for by the agreement for his decision and would rather at least on a preliminary basis where it was a question of the propriety of the excision that the discussion be held with ~~he~~ or one of his representatives before such a referral was made. Shaheen also indicated a desire that the referrals to the Attorney General be kept to a minimum. Regarding the "Third Agency" problems which are not addressed in the agreement there was no final decision arrived at. Elliff and Shaheen were under the impression that the clauses referring to foreign intelligence operations or foreign intelligence sources would handle this problem. They were advised that this was not the case. This was not true since even in these instances Senators on the Committee are given access after the Attorney General has made a determination that material involved "peculiarly sensitive foreign intelligence sources or peculiarly sensitive ongoing foreign

CONTINUED - OVER



Legal Counsel to J. B. Adams Memorandum
RE: SENSTUDY 1975

intelligence operations." It was pointed out that this would require that many documents be referred to the Attorney General for his determination which would be contrary to Messrs. Elliff's and Shaheen's desires.

The meeting was held 7/28/75, Messrs. Gitenstein and Elliff of the Committee, Michael Shaheen and Steven K. Blackhurst of the Department, and SAs Paul V. Daly, Seymour Phillips and Elmer Larson were in attendance. Regarding the "Third Agency" rule problem, we advised the Department and the Committee that we would continue to abide by this rule. The Committee presented a request dated July 28, 1975, captioned "Superseding Request for FBI Materials." This document amounted to a recapitulation of prior requests made by the Committee with a schedule for delivery set forth in accordance with the established guidelines for the production of documents. An item-by-item analysis of the request contained in the document was had and where necessary modifications concerning scheduled responses was made. It was obvious the intent of the Committee in making the superseding request was to have more documents made available in the Committee offices and also to have less excisions made on documents previously furnished the Committee based on prior requests. We were requested by Shaheen to prepare as soon as possible correspondence to the Attorney General setting forth instances where the deadlines set by the Committee could not be made. This prompted the provisions in the guidelines for the production of documents which require the Attorney General to notify the Committee Chairman and Vice Chairman within 24 hours of any expected delay beyond 96 hours of the request.

RECOMMENDATION:

Action. For information.

Request being
handled separately
JBA

POD

JBA/R.J.

JMA

PM

WHD

MPC

PROPOSED PROCEDURES

(1) The Domestic Task Force Leader* will submit periodically a list pertaining of specific materials, except to the inquiry being conducted under S.R. 21, to which the Committee staff wishes access or of which the Committee desires delivery. Any questions as to the scope or meaning specificity, of any portion of such list shall be identified by the Special Counsel and discussed at the time of acceptance of the list, between the DTFL and the Special Counsel.

The first such list will be delivered to the Department of Justice within 48 hours of the adoption of this procedure, and will summarize and supersede all the presently outstanding requests; this list will be in priority order, as fixed by the Committee, with fixed delivery/access dates specified. These materials for which the Committee requests delivery or access shall be delivered to the Committee or made accessible in Room 4171 of the Hoover Building not later than within 48 96 hours of the date specified. The Committee Chairman and Vice Chairman shall be informed by the Attorney General, within 24 hours each of receipt of ~~the~~ request, of any delay beyond 48 96 hours, the expected length of the delay, and the specific reasons for the delay. Partial access or delivery shall be proffered, by the Bureau of/to any materials requested, while the balance of such materials are being prepared. A partial proffer shall not extend the time of full response set forth herein.

MDR-16
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/19/00 BY SP2 AEM/EHL

* Wherever used herein, the term Domestic Task Force Leader (DTFL) Staff Director, is understood to include the Chief Counsel and the Minority Counsel of the Senate Select Committee.

CLOSURE

62-116395-562

These procedures shall apply to all matters covered by paragraph 1. In the event of a specific problem arising with the applicability of these procedures to any matter in current litigation or any matter in which criminal prosecution is pending, or any matter which the Attorney General shall specifically designate as extraordinarily sensitive, a special procedure shall be undertaken.* Such specific problem areas shall be identified by the Attorney General to the Chairman and Vice Chairman by letter upon consideration of the lists submitted pursuant to this provision. The special procedure to be followed shall be proposed, defined, adopted, and followed after consideration by the SSC of the specific problem area and pertinent inquiry and discussion at the staff level.

(2) The following procedures shall apply (a) where delivery of materials requested might jeopardize FBI sensitive sources or ongoing operations, or (b) where the Domestic Task Force Leader requests access to materials, rather than delivery to the SSC.

(3) The Department will furnish access at the Hoover Building in Room 4171 to those materials requested:

(a) only to the members of the Committee, where it is determined by the Attorney General that the materials involve particularly sensitive foreign intelligence sources or particularly sensitive ongoing foreign intelligence operations.

* No restriction of currently operational arrangements is intended under this provision.

- (b) In all other cases, to the appropriately cleared staff who will have access to all of the materials.
- (c) An exception to (a) and (b) above is made for the identities of so-called "live" informants or potential informants as defined in the FBI Manual of Instructions as to which no access will be furnished unless the identity of the individual as an informant or potential informant has already been made known to the Committee, jointly agree on the limited disclosure of such identities to the Chairman and Vice Chairman.
- (d) As to other information which would identify persons, as sources, who have provided or continue to provide information to the FBI, and as to whose identity the FBI has undertaken an obligation of confidentiality, the Committee and its staff shall preserve the confidentiality and shall make no use* which would impair the confidentiality of this class of information to which access has been given, unless the identity of the individual as a source has already been made known to the Committee, or unless such information appears in materials which have been screened by the FBI as provided in paragraph 6 below.

* Examples of prohibited use are:

- (1) interviews of the source, as source
- (2) interviews or inquiries that would disclose the fact that the identity of a confidential source was made known to the staff.
- (3) public disclosure.

- (4) Those materials to which the staff has access may be reviewed and studied in Room 4171 of the Hoover Building and such notes may be taken as deemed appropriate by the Staff.
- (5) The Committee staff shall select from these materials to which access is herein provided, those materials which it deems pertinent to the Committee's inquiries and necessary for delivery to the Committee's offices.

(6) The Bureau shall make copies of such materials as are specified by the staff under the provisions of (5) above for transfer to the Committee's offices

· (a) before the copies of such materials are taken to the Committee's offices, the Bureau shall, within 24 hours of the selection, make appropriate excisions and paraphrases of information which might, if inadvertently disclosed, endanger sensitive or sensitive FBI sources and ongoing operations.

(b) If the Task Force Leader has any objections to the excisions or paraphrases, the materials in issue will be forthwith conveyed by the Bureau, with a written statement of its grounds for its position, to the Special Counsel who shall resolve the matter by negotiation within 24 hours.

(c) In the event the matter is not resolved within 24 hours, the Special Counsel shall submit the matter forthwith to the Attorney General who shall notify the Chairman forthwith and arrange for an appropriate disposition.

(7) The Committee staff may remove to the office of SSC for appropriate use, any notes which they may make upon review of material screened by the FBI, as provided in (6) above, without such notes being reviewed by the Bureau. The Committee staff may remove notes on unscreened materials only if such notes are reviewed and cleared by the Bureau under the provisions of (6) (a) thru (c) above.

(8) The staff and the members of the Committee may examine the original materials to which the staff has been given access as extensively as necessary, in the Hoover Building at Room 4171, during normal FBI business hours; upon reasonable notice, special arrangements may be made for access at other times.

(9) These procedures are adopted subject to satisfactory experience in implementation. If after a fair trial the procedures herein do not operate suitably in the view of either the SSC or the Attorney General, the procedures may be unilaterally set aside by either the SSC or the Attorney General and other appropriate and suitable methods of procedure undertaken.

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Walsh

DATE: July 24, 1975

FROM : S. R. Burns

SUBJECT: SENATE SELECT COMMITTEE
REVIEW OF PORTIONS OF
BUREAU MANUAL OF RULES AND
REGULATIONS

Oscar Study 7-27
MDR-16
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/19/00 BY SP2 ALM/OTC

Intelligence Division has requested the Administrative Division to review Sections 10 and 12 (copies attached) of the Manual of Rules and Regulations for any possible excisions or problems in furnishing this material to the committee and to furnish the results of the review to Legal Counsel, attention Dennis R. Dickson.

Section 10, pertaining to Appeals and Grievances, and Section 12, Transfers-Resignations, have been reviewed and no problems can be foreseen and no excisions are necessary. In this regard, it is noted that Part I, Section 10, Appeals and Grievances, needs to be revised to set forth the current appeal rights of nonveterans. Attached is memorandum recommending a Manual revision be approved pointing out that under current procedure, final action in disciplinary matters involving cases of nonveterans up to and including dismissal is taken by the Assistant Director, Administrative Division, with the employee having the right to appeal this action to the Director.

There was some question under Section 12 dealing with transfers to foreign assignments wherein it is set out that Chief Clerks should be afforded training in maintenance, consolidation, and destruction of files, whether this information should be furnished. This was discussed with Deputy Assistant Director, Homer R. Hauer, Files and Communications Division, who advised there is nothing objectionable to this reference regarding destruction of files and the reference of same need not be excised.

Under Section 12, dealing with foreign assignments, information is set out regarding people being transferred to such assignments receiving training on coding equipment, the AFSAM-7. This was questioned as to whether it should be excised. Alvin C. Frank, Section Chief, Communications Section, advised this information need not be excised as the mere reference to AFSAM coding equipment is not objectionable.

3 - Legal Counsel (Attention: Mr. Hampton)

TEAm:mba/tmc (5)

1 - Intelligence Division

JUL 24 1975

(OVER)

Memorandum Burns to Walsh
Re: Senate Select Committee

It should also be noted that certain Manual changes are being recommended in connection with Section 12, in relation to absences for maternity purposes. In Section 12, page 10, we are recommending that the phrase "absence for maternity reasons" be used in all instances where we have previously used the phrase "maternity leave." These recommended revisions have already been approved and are being processed. In Section 12, page 8, we are recommending a revision indicating that employees resigning for maternity purposes can utilize accrued sick leave during their period of incapacitation and are not setting out specific time elements as previously utilized. Memorandum is attached recommending this change.

RECOMMENDATION:

That this memorandum be furnished to Intelligence Division, with three copies to Legal Counsel Division, setting forth that the Administrative Division has no objection to the material set out in Sections 10 and 12, including proposed revisions, of the Manual of Rules and Regulations being referred for review.

aw
woc
fsm

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Walsh

DATE: July 22, 1975

FROM : S. R. Burns

S.R.B.
SUBJECT: NONVETERAN APPEAL RIGHTS

AMENDMENT TO MANUAL OF RULES
AND REGULATIONS

MDR-16

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 10/19/00 BY SP2 ALM

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

The purpose of this memorandum is to update Part I, Section 10, Appeals and Grievances, of the Manual of Rules and Regulations to set forth the current appeal rights of nonveterans.

Attached is the proposed change pointing out that final action in disciplinary matters involving cases of nonveterans up to and including dismissal is taken by the Assistant Director, Administrative Division. The nonveteran employee may appeal the action taken by the Assistant Director, Administrative Division, to the Director.

It is recommended that one copy of the attached be referred to the Intelligence Division and three copies to Legal Counsel Division for inclusion in Section 10 of the Manual of Rules and Regulations as this material is being referred to the Senate Select Committee for review along with other sections of the Manual. The Committee can be advised that the Manuals are constantly being updated and the attached change is currently effective and will appear in the next revision of the Manual.

RECOMMENDATION:

That the attached Manual revision be approved and made effective immediately and that the copies, attached, be disseminated to Intelligence Division and Legal Counsel Division in view of material being furnished to the Senate Select Committee.

lw

Enc.

1 - Intelligence Division

1 - Legal Counsel

July 23, 1975

PROPOSED CHANGE IN
MANUAL OF RULES AND REGULATIONS

Part I, Section 10, Appeals and Grievances

G. NONVETERANS' APPEAL RIGHTS

Recommendations for administrative action following inquiry by a field office, headquarters division, and possibly including the FBI Inspection Division staff, where serious charges may result, are forwarded to the Personnel Section of the Administrative Division. The matter is reviewed and a decision recommended. The Assistant Director of the Administrative Division, following his review of the matter, determines what final action is to be taken up to and including dismissal. The employee may appeal this final action to the Director.

MDR-16

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/19/00 BY SP2 ALM/ETL

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Walsh

DATE : July 23, 1975

FROM : S. Ray Burns

SUBJECT: PROPOSED CHANGE IN MANUAL OF RULES AND REGULATIONS

R. G. Hunsinger memorandum to Mr. Walsh dated April 3, 1975 authorized changes in "Maternity Leave Policy."

Proposed changes in the Manual of Rules and Regulations were handled under the date of May 23, 1975, concerning changes in Maternity Leave Policy, in addition to previous changes there is attached a revision for your approval.

RECOMMENDATION

That the attached be sent and forwarded to the Training Division for handling.

ew
MDR-16
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/19/00 BY SP2 ALM/cwl

Enclosure

HS:ced
(3)

1 - Mr. Woodworth

July 23, 1975

PROPOSED CHANGE IN MANUAL
OF RULES AND REGULATIONS

Part I, Section 12, Page 8, 4b(2) should read as follows:

- (2) Employees resigning for maternity purposes
Generally, an employee resigning for maternity
purposes is paid for accrued sick leave for
period of incapacitation and resignation will
become effective upon expiration of accrued
sick leave. Note: In order for employee
to be paid for sick leave.....

MDR-16
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/10/02 BY SP2/AM/EM/EHL

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Walsh

DATE: July 22, 1975

FROM : S. R. Burns

SUBJECT: NONVETERAN APPEAL RIGHTS
AMENDMENT TO MANUAL OF RULES
AND REGULATIONS

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

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Attached is the proposed change pointing out that final action in disciplinary matters involving cases of nonveterans up to and including dismissal is taken by the Assistant Director, Administrative Division. The nonveteran employee may appeal the action taken by the Assistant Director, Administrative Division, to the Director.

It is recommended that one copy of the attached be referred to the Intelligence Division and three copies to Legal Counsel Division for inclusion in Section 10 of the Manual of Rules and Regulations as this material is being referred to the Senate Select Committee for review along with other sections of the Manual. The Committee can be advised that the Manuals are constantly being updated and the attached change is currently effective and will appear in the next revision of the Manual.

RECOMMENDATION:

That the attached Manual revision be approved and made effective immediately and that the copies, attached, be disseminated to Intelligence Division and Legal Counsel Division in view of material being furnished to the Senate Select Committee.

Enc

MDR-16

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 10/19/00 BY SP2 AL/VEHL

Enc.

1 - Intelligence Division

25 Legal Counsel

July 23, 1975

**PROPOSED CHANGE IN
MANUAL OF RULES AND REGULATIONS**

Part I, Section 10, Appeals and Grievances

G. NONVETERANS' APPEAL RIGHTS

Recommendations for administrative action following inquiry by a field office, headquarters division, and possibly including the FBI Inspection Division staff, where serious charges may result, are forwarded to the Personnel Section of the Administrative Division. The matter is reviewed and a decision recommended. The Assistant Director of the Administrative Division, following his review of the matter, determines what final action is to be taken up to and including dismissal. The employee may appeal this final action to the Director.

MDR-16

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 10/19/00 BY SP276M/ EHL

Memorandum

TO : Mr. Walsh

DATE: July 23, 1975

FROM : S. Ray Burns

SUBJECT: PROPOSED CHANGE IN MANUAL OF RULES AND REGULATIONS

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RECOMMENDATION

That the attached be sent and forwarded to the Training Division for handling.

ew

MDR-16
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/19/02 BY SP2 ALM/ETL

Enclosure

HS:cld
(3)

1 - Mr. Woodworth

July 23, 1975

PROPOSED CHANGE IN MANUAL
OF RULES AND REGULATIONS

Part I, Section 12, Page 8, 4b(2) should read as follows:

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Generally, an employee resigning for maternity
purposes is paid for accrued sick leave for
period of incapacitation and resignation will
become effective upon expiration of accrued
sick leave. Note: In order for employee
to be paid for sick leave.....

MDR-16

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 10/19/02 BY SEP 2 2001/671L

NR002 SE CODE

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

4:21 PM NITEL 8/18/75 SLA

TO DIRECTOR
FROM SEATTLE (134-1177)

AUG 18 1975
TELETYPE

JEFFREY PAUL DESMOND, AKA, INFORMATION CONCERNING. OO: SEATTLE.

RE SEATTLE AIRTEL TO BUREAU, JANUARY 21, 1972, AND SEATTLE
NITEL TO BUREAU, JULY 8, 1975, CAPTIONED "SENSTUDY 1975".

FOR INFORMATION OF BUREAU, SEATTLE POST INTELLIGENCER, DAILY
SEATTLE, WASHINGTON, NEWSPAPER, ON INSTANT DATE CARRIED AN ARTICLE
ENTITLED "BOMB-CASE FIGURE 'ASSASSINATED' HERE". THIS ARTICLE
QUOTED SEATTLE POLICE CHIEF ROBERT HANSON AS SAYING THAT SUBJECT
WAS FOUND DEAD IN HIS APARTMENT WITH A SINGLE BULLET WOUND IN HIS
CHEST, AND THIS HAD AN APPEARANCE OF BEING A FLAT OUT ASSASSINATION.

THE SAME ARTICLE STATED THAT DESMOND IN PAST HAD CLAIMED HE
HAD BEEN RECRUITED BY THE FBI TO HELP THEM APPREHEND BOMBERS AND
THE FBI DENIED DESMOND'S STATEMENT.

SEATTLE HAS AGAIN ANSWERED PRESS QUERIES WITH THE SAME DENIAL
THAT DESMOND EVER WORKED AS AN INFORMANT FOR THE FBI.

COPY OF ARTICLE BEING SENT TO BUREAU UNDER SEPARATE COVER.

END

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/28/81 BY SP-1/CESK/UP

Records
Pls place
cc into
62-116395

62-116395-

NOT RECORDED

46 AUG 18 1975

5-WNf

84 AUG 28 1975

Asst. Dir.	—
Dep.-A.D.-Adm.	—
Dsp.-A.D.-Inv.	—
Asst. Dir.	—
Admin.	—
Corp. Syst.	—
Ext. Affairs	—
Files & Com.	—
Gen. Inv.	—
Ident.	—
In-action	—
Int.	—
Pls. & Eval.	—
Spec. Inv.	—
Training	—
Legal C. m.	—
Telephone Rm.	—
Visitor Sec'y	—

ORIGINAL FILE IN 62-116395-1

F B I

Date: 8/7/75

Transmit the following in _____

(Type in plaintext or code)

AIRTEL

AIRMAIL

Via _____

(Priority)

TO: DIRECTOR, FBI (62-116395)

FROM: SAC, LOS ANGELES (66-6243) (P)

SUBJECT: U. S. SENATE SELECT COMMITTEE ON
INTELLIGENCE ACTIVITIES (SSC);
INTERVIEW OF SA WALLACE E. WARD
BY SSC STAFF MEMBER

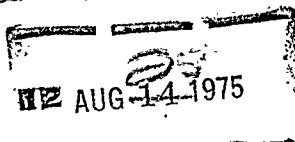
Re Bureau teletype to Los Angeles dated 7/31/75,
captioned SENSTUDY 75.

Enclosed herewith for the Bureau are the original
and seven copies of a letterhead memorandum concerning the
above interview.

2-4063 ② - Bureau (Enc. 8)
2 - Los Angeles 5-D-27747

wew/pml/jer
(4)

ENCLOSURE
MDR-16
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/17/00 BY SP9 ALM/EHL



FIVE



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION
Los Angeles, California

August 7, 1975

In Reply, Please Refer to
File No.U.S. SENATE SELECT COMMITTEE ON
INTELLIGENCE ACTIVITIES (SSC);
INTERVIEW OF SA WALLACE E. WARD
BY SSC STAFF MEMBER

On August 5, 1975, Special Agent (SA) Wallace E. Ward was interviewed by SSC Staff Member Lester Seidel at Los Angeles Headquarters regarding Cointelpro/Black Panther Party. The interview lasted from 9:12 a.m., to 9:22 a.m.

Seidel asked how long SA Ward has been a Special Agent with the FBI, and SA Ward responded nine years. He further requested previous offices SA Ward had been assigned to, and SA Ward responded Cincinnati, Ohio. Seidel advised the Bureau informed him that SA Ward had been assigned Cointelpro/Black Panther Party in June, 1969. Seidel requested to know what work SA Ward had been assigned before this, to which SA Ward responded he could not remember, but believed general criminal work.

Seidel requested to know what specific instructions were issued with regard to operating Cointelpro/Black Panther Party. SA Ward advised that due to his employment agreement, the sensitive nature of the Bureau work, and the possible overlap of Bureau investigation, he did not feel he could respond to any further questions. The official interview was terminated at this point.

SA Ward was advised by Mr. Seidel that the interview was voluntary but SA Ward was not advised of his rights in this matter.

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*

MDR-16
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/19/00 BY SP2 ALM/EHL

ENCLOSURE



D. Not D. S.

62-116395-560

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. W. R. Wannall

FROM : W. O. Cregar WOC/B

SUBJECT: SENSTUDY 75

3 - Mr. J. A. Mintz
(1 - Mr. J. B. Hotis)
(1 - Mr. P. V. Daly)

DATE: 8/18/75

1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. S. F. Phillips

MDR-16

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 10/17/00 BY SP2 AM/EHC

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

At the request of the Senate Select Committee (SSC), we recently furnished to it superseded material dated back to 1960 and relating to various sections of the Manual of Instructions, including Section 87. In furnishing this material, we did not furnish the various cover sheets relating to the many revisions since 1960.

We have received a telephonic request from Miss Martha Talley of the SSC Staff for additional information which would help her to better understand the various revisions to Section 87. She also specifically desired a copy of page 1 of that Section as it existed on 1/1/60.

We have secured the various cover sheets for the many revisions, as well as a copy of page 1 which bears the revision date of 8/13/56 and which, according to Mrs. Alene T. Smith of the Training Division, was the page 1 in force as of 1/1/60.

In order to comply with the request of Miss Talley, it is not believed necessary to obtain from the SSC a formal, written request; neither is it believed necessary to transmit the requested material by formal correspondence to the SSC through the Attorney General.

EX 104 REC-56 62-116375-559

ACTION: Attached to Supervisor P. V. Daly's copy of this memorandum is the material which it is requested he furnish to Miss Talley. Attached to this memorandum is a file copy of the page 1 alluded to above. Mrs. Smith has available in the Training Division duplicate copies of the cover sheets referred to above.

ENCLOSURE
Enclosure

62-116395

SFP:1hb1hb(7)

AUG 25 1975

a. STATUTES

Title 18, USC, §§ 953, 2383-2385, 2387-2390, (formerly §§ 4-11, 13, Title 18, and §§ 33-35, 37, Title 50, USC), effective 9-1-48. Violations occurring prior to 9-1-48 should be considered under former code sections. [Sections 2384 and 2385 were amended 7-24-56 to increase maximum penalties (Public Law 766).]

§ 2384. Seditious conspiracy - (A representative trial under this section involved 28 members of the Nationalist Party of Puerto Rico. The trials were held in September 1954 and February 1955 in the U. S. District Court, Southern District of New York, and resulted in 27 convictions. Sentences imposed ranged from 1½ years to six years.)

"If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined not more than \$20,000 or imprisoned not more than twenty years, or both.")

§ 2385. Advocating overthrow of Government - Smith Act of 1940 (Prosecutions under the Smith Act have been primarily instituted against a number of Communist Party functionaries for conspiracy to violate the provision of Title 18, USC, section 2385, set out below under the elements as 1a, but there have been several individual functionaries indicted, tried and convicted under provision 1c, (4) and (5) below, which is commonly known as the "Membership Provision" of the Smith Act of 1940.)

"Whoever knowingly or willfully advocates, abets, advises; or teaches the duty, necessity, desirability, or propriety of overthrowing or destroying the government of the United States or the government of any State, Territory, District, or Possession thereof, or the government of any political subdivision therein, by force or violence, or by the assassination of any officer of any such government; or

"Whoever, with intent to cause the overthrow or destruction of any such government, prints, publishes, edits, issues, circulates, sells, distributes, or publicly displays any written or printed matter advocating, advising, or teaching the duty, necessity, desirability, or propriety of overthrowing or destroying any government in the United States by force or violence, or attempts to do so; or

"Whoever organizes or helps or attempts to organize any society, group, or assembly of persons who teach, advocate, or encourage the overthrow or destruction of any such government by force or violence; or becomes or is a member of, or affiliates with, any such society, group, or assembly of persons, knowing the purposes thereof—

"Shall be fined not more than[\$20,000]or imprisoned not more than[twenty] years, or both, and shall be ineligible for employment by the United States or any department or agency thereof, for the five years next following his conviction."

"If two or more persons conspire to commit any offense named in this section, each shall be fined not more than \$20,000 or imprisoned not more than twenty years, or both, and shall be ineligible for employment by the United States or any department or agency thereof, for the five years next following his conviction.")

1. Elements of section 2385

There are three possible violations involved in section 2385.

a. Advocated, abetted, advised, or taught

- (1) The person, knowingly or willfully
- (2) Advocated, abetted, advised, or taught the duty, necessity, desirability, or propriety of overthrowing or destroying the Government of the U.S., or the government of any state, territory, district or possession thereof, or the government of any political subdivision thereof

MDR-16

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 10/7/00 BY SP2 ALM

8-13-56

ENCLOSURE

CODE

TELETYPE

2 - Mr. J. A. Nitel

TO SAC BALTIMORE
FROM DIRECTOR FBI (62-116395)
SENSTUDY 75

(1 - Mr. J. B. Hotis)
AUGUST 20, 1975

1 - Mr. W. R. Wannall
PERSONAL ATTENTION

1 - Mr. W. O. Cregar
1 - Mr. S. F. Phillips

REBUTEL MAY 2, 1975, FURNISHING BACKGROUND CONCERNING
SENATE SELECT COMMITTEE (SSC) AND BUREAU'S DESIRE TO COOPERATE
WITH IT; AND BUTEL MAY 28, 1975, CONCERNING CERTAIN FORMER
FBI EMPLOYEES WHO IT WAS BELIEVED MIGHT BE INTERVIEWED BY
SSC STAFF.

A RECENT REQUEST OF THE SSC INDICATES IT MAY INTERVIEW
FORMER SPECIAL AGENTS GEORGE A. BERLEY, 4116 DUNNEL LANE,
KENSINGTON, MARYLAND 20795, AND JOSEPH M. ENGLISH, 18 EAST-
MOOR DRIVE, SILVER SPRING, MARYLAND 20901. SUBJECT MATTER
OF INTERVIEWS UNKNOWN.

IMMEDIATELY HAVE BERLEY AND ENGLISH CONTACTED IN
ACCORDANCE WITH INSTRUCTIONS IN REFERENCED BUREAU TELETYPE
MAY 28. SUTEL IN ABOVE CAPTION RESULTS OF CONTACTS.

EX 104 REC-56 62-116395-557
1 - 67-245562 (Personnel file Former SA George A. Berley)
FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION
1 - 67-295922 (Personnel file Former SA Joseph M. English)

SFP:dmt
(9)

AUG 20 1976
GMD
TELETYPE

AUG 22 1975

Assoc. Dir. _____

Dep. AD Adm. _____

Dep. AD Inv. _____

Asst. Dir.: _____

Admin. _____

Comp. Syst. _____

Ext. Affairs _____

Files & Com. _____

Gen. Inv. _____

Ident. _____

Inspection _____

Intell. _____

Laboratory _____

Plan. & Eval. _____

Spec. Inv. _____

Training _____

Legal Coun. _____

Telephone Rm. _____

NOTE: The alerting of these retired Special Agents is in
accordance with procedures we have been following. All
information necessary to the Baltimore Office for the contacts
was incorporated in the referenced 5/28/75 teletype.

FRANK CHURCH, IDAHO, CHAIRMAN
JOHN G. TOWER, TEXAS, VICE CHAIRMAN
PHILIP A. HART, MICH.
WALTER F. MONDALE, MINN.
WALTER D. HUDDLESTON, KY.
ROBERT MORGAN, N.C.
GARY HART, COLO.
HOWARD H. BAKER, JR., TENN.
DAKRY GOLDWATER, ARIZ.
CHARLES MC C. MATHIAS, JR., MD.
RICHARD S. SCHWEIKER, PA.
WILLIAM G. MILLER, STAFF DIRECTOR
FREDERICK A. O. SCHWARZ, JR., CHIEF COUNSEL
CURTIS R. SMOTHERS, MINORITY COUNSEL

United States Senate

SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES
(PURSUANT TO S. RES. 21, 94TH CONGRESS)
WASHINGTON, D.C. 20510

August 20, 1975

MDR-16
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/18/00 BY SP2 ALM

Sensstudy - '75
Michael E. Shaheen, Jr., Esq.
Special Counsel for Intelligence Coordination
Office of the Deputy Attorney General
U. S. Department of Justice
Washington, D. C. 20530

Dear Mike:

Attached is an additional request for FBI materials in seven parts, requested for delivery or access by August 26, 1975 (Part I), August 29, 1975 (Parts II and III), September 4, 1975 (Parts IV and V), and under Special Procedures (Parts VI and VII).

Please note that a few items are given earlier deadlines than we discussed yesterday. These include Part II, items 5 and 6, and Part IV, item 7. Please let me know if alternate deadlines should be set for these materials.

I also hope you will expedite the requests made in my letters to you yesterday, especially the request for names of agents in connection with mail openings. This latter request should be considered a request for delivery by August 25, 1975, although I hope we can have it by the end of the week.

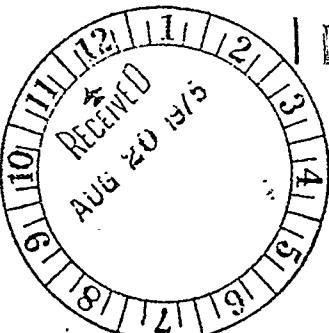
REC-56 62-116395-556

Thanks for your cooperation in this matter.

Sincerely,

John T. Elliff
Director
Domestic Intelligence Task Force

AUG 22 1975



ENCLOSURE

Treat as Original

62-116395

5-1

August 20, 1975

REQUEST FOR FBI MATERIALS

Part I -- requested for delivery by August 26, 1975

1. Materials pertaining to the origins, approval, and implementation of SAC letter 70-48 dated September 15, 1970, which authorized development of Security Informants between the ages of 18 and 21.
2. Materials pertaining to a two-day conference held at FBI headquarters on September 17-18, 1970, with racial supervisors from 39 field offices plus two legal attaches, including the initiation of the conference, the subjects discussed, and any advice or instructions to the field related thereto.
3. Materials pertaining to the origins, approval, and implementation of decision in 1970 to grant approvals for Special Agents in Charge on their own initiative to authorize use of concealed recording devices by a Special Agent or proven source in covering public appearances by black and New Left extremists except where such appearances are at educational institutions.
4. Materials pertaining to the Attorney General's testimony on February 27, 1975, regarding "types of abuse for which the Bureau has been susceptible in the past." (This material was previously made available for review per III. D. of your letter of August 1, 1975. Delivery is now requested.)
5. All SAC letters and SAC memoranda previously made available for access by SSC staff at FBIHQ. (Cf., Part IV, item 3.)

63 MDR 16
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/18/00 BY SP2 ALM/EHC

62-116395-556

ENCLOSURE

6. Materials pertaining to the furnishing of information to the White House in February 1970 and March 1970 regarding the role of Klan organizations in mailing letters to the President protesting school desegregation.
7. Materials pertaining to the origins, approval, and periodic review of the preparation and dissemination by the Research Section of the Intelligence Division of the following:
 - a. CINAL, a periodic intelligence letter summarizing significant items of interest in the security field;
 - b. "The Extremist Speaks", a monthly compilation which shows the extremist views of right, left, and racially oriented groups and individuals;
 - c. "Special Report, Nationwide Civil Disturbances", an extensive brief prepared at the request of Vice President Agnew;
 - d. "Stop the Bombing Campaign: A Communist Cause", a study prepared at the request of the President's Foreign Intelligence Advisory Board;
 - e. A secret paper for the U. S. Intelligence Board analyzing "Racism, Radicalism, and Nationalism in the Caribbean";
 - f. "FBI Summary of Extremist Activities", a weekly summary of racial extremist activities.
8. Materials pertaining to the origins, contents, and maintenance of additions to, and periodic review of, the National Security File maintained by the FBI laboratory.
9. All materials pertaining to Project HUNTER, including, but not limited to, all memoranda discussing the origins, approval, implementation, and periodic review of the requests by the FBI for the opening of mail by the CIA in connection with this project and any other CIA mail intercept activity; and all materials pertaining to the origins, approval, and implementation of the requests by the FBI for CIA mail intercepts directed at the

following: SNCC, Institute for Policy Studies, Clergy and Laymen Concerned About Vietnam, and Jeremy Stone.

10. Copies of the 90-day status letters on COINTELPRO activities submitted by the Chicago FBI field office to the Bureau.
11. Last known address of former FBI clerical employee Katherine Osborn Jensen.
12. Present office of assignment or last known address of the following present or former Special Agents:
 - a. John Kleinkauf;
 - b. William Forsythe;
 - c. James Bland;
 - d. Paul Cox;
 - e. Theodore P. Rosack;
 - f. Robert Denz;
 - g. Fred Fox.

Part II -- requested for access by August 29, 1975

1. Materials pertaining to the dispatch of an FBI informant to attend the World Conference on Vietnam in Stockholm, Sweden, in November 1970, and the dispatch of this informant to any other such conference(s) abroad.
2. All materials included in the "Brief for Director's Use in Connection with Attorney General's Staff Conference" for the year 1970 and any other years for which such briefs were prepared.
3. Materials pertaining to the origins in 1954 and the expansion in 1955, 1959, 1962, 1963, and 1970 of the program entitled "Intelligence Coverage of Friendly Foreign Countries (Bufile 65-63113)", and any periodic review thereof.
4. Materials reflecting the information supplied by, and Bureau supervision of the handling of, William O'Neal, known to the SSC to have been an informant within the Chicago Black Panther Party, including the log of contacts with O'Neal kept by Special Agent Roy Martin Mitchell.
5. All materials submitted by the FBI to the Department of Justice in the course of the investigation leading to the presentation of evidence in 1969 to the federal grand jury regarding the shootings of Fred Hampton and Mark Clark in Chicago on December 4, 1969.
6. Materials, including inspection, investigative, and special inquiry reports and personnel records, pertaining to former Special Agent (FNU) "Jack" Freedman, now retired, who was at one time assigned to the New York City field office of the FBI.

Part III -- requested for delivery by August 29, 1975

1. Materials pertaining to the origins, approval, preparation, and dissemination by the Racial Reporting Unit of the Intelligence Division in 1970-71 of the following:
 - a. A special paper for the Vice President concerning racial disturbances in Mississippi and Georgia;
 - b. A detailed account of advance information concerning the potential for violence in support of the Black Panther Party in New Haven, Connecticut.
2. Materials pertaining to the origins, approval, preparation, and dissemination by the New Left Reporting Unit in 1970 of a library of "hand out" material on the New Left for dissemination on a high level to government officials and responsible citizens.
3. Materials pertaining to the origins, approval, and implementation of the following airtels and letters to field offices pertaining to the New Left movement:
 - a. Airtel dated 10/23/68 instructing the field to expand its Key Activist programs;
 - b. Airtel dated 10/28/68 instituting a program to obtain a comprehensive study of the whole New Left movement;
 - c. Letter dated 11/5/68 instructing the field to conduct a detailed survey of "underground" newspapers;
 - d. Airtel dated 3/10/69 requesting information about statements by Key Activists;
 - e. Airtel dated 3/16/70 instituting a survey of financial support given to New Left groups;
 - f. Airtel dated 3/19/70 instructing the field to locate New Left communes and identify participants;
 - g. Teletype to all SACs dated 4/17/70 defining a commune and instructing the field to develop informant coverage of all communes;

- h. Airtel dated 5/13/70 instructing each office to submit monthly reports on informant coverage used against communes;
 - i. Airtel dated 5/15/70 forwarding copy of departmental letter concerning campus disorders;
 - j. Airtel to select offices dated 8/20/70 instructing them to submit handwriting specimens of each Key Activist to be placed in the National Security File maintained by the laboratory.
 - k. SAC letter 70-48(B) dated 9/15/70 instructing the field to develop new informants to infiltrate communes and the staffs of underground newspapers;
 - l. SAC letter 70-57(C) dated 10/13/70 discussing briefings of local law enforcement officials regarding New Left extremism;
 - m. Airtel dated 11/4/70 instructing the field to investigate all members of SDS and to consider each for the Security Index.
4. Materials pertaining to the origins, approval, and periodic review of the establishment of the Black Nationalists Photographic Album on March 8, 1969, and to the origins and approval of dissemination of the Black Nationalists Photographic Album to other agencies.
5. Materials pertaining to the origins, approval, and periodic review of the preparation of a monthly Racial Calendar by the Racial Intelligence Section of the Intelligence Division.
6. Materials pertaining to the FBI's receipt of and response to directives of the Department in 1953 and thereafter, including letter from the Department dated July 28, 1966, requesting information of the Nation of Islam.
7. Materials pertaining to the origins, approval, and periodic review of the program entitled "Communist Influence on Racial Groups (Bufile 100-442529)".

8. All memoranda and any other materials which pertain to the establishment of a special unit to handle Communist influence in racial matters in 1963 or 1964.
9. All memoranda and other materials which pertain to the assignment of Special Agent Seymour Philips to head the unit identified in item 7 above.
10. All memoranda and other material which pertain to the assignment of Special Agents Theodore P. Rosack and Richard Bates to the unit identified in item 7 above.
11. All memoranda and other materials relating to the re-assignment of Special Agent Seymour Philips out of the special unit identified in item 7 above.
12. All memoranda and other materials analyzing or reporting the Communist Party's participation in and/or influence on the March on Washington.
13. All memoranda and other materials reflecting an analysis of the Communist Party's influence in racial matters which were written subsequent to the March on Washington.
14. Materials pertaining to the origins, approval, and periodic review of the "Key Black Extremist Program".
15. Materials pertaining to the proposal, consideration by the Executive Conference on October 29, 1970, and approval of a program to conduct a survey of black student unions, including instructions sent to the field on November 4, 1970, to implement this program.
16. Materials pertaining to the origins, approval, and periodic review of the Ghetto Informant Program instituted October 11, 1967, and justified by memorandum of G. C. Moore to W. C. Sullivan dated July 19, 1970.
17. Materials pertaining to requests by the Intelligence Division for placing name stops in the Identification Division and for placing names in the stop file of the NCIC Unit, during or after 1970, where such requests relate to persons other than fugitives.

18. Materials pertaining to the use by the FBI Intelligence Division in 1970 of carefully controlled contacts with the Commission on Campus Unrest to secure a copy of their report in advance in order to ensure that there were no unfavorable comments concerning the FBI.

Part IV -- requested for access by September 4, 1975

1. Materials pertaining to all actions undertaken by the FBI, in connection with COINTELPRO or otherwise, to encourage tension between the Chicago Black Panther Party and Chicago youth gangs.
2. All materials pertaining to the opening and maintenance of a Bureau file, if any, on the following persons and organizations, including material reflecting the decision to open the file, the information compiled in the file, and any other Bureau activity related to the subject and recorded in the file:
 - a. Legion of Justice;
 - b. Thomas Sutton;
 - c. Thomas Stewart;
 - d. Steve Sedlacko;
 - e. Jerry Gaisor;
 - f. Orville Brettman;
 - g. Chicago Black Panther Party;
 - h. Fred Hampton;
 - i. Jesse Jackson;
 - j. Chicago Urban League;
 - k. Renault Robinson;
 - l. Father George Clements;
 - m. The Woodlawn Organization;
 - n. Black Strategy Center;
 - o. Black Peace Stone Rangers;
 - p. Rev. Arthur Brazier;
 - q. Archie Hargraves.

3. The following materials pertaining to FBI activities in Mississippi:
 - a. All materials reflecting contacts and reports of contacts (and the substance thereof) between and/or among the FBI, the Meridian, Mississippi, or Jackson, Mississippi, police, and A. I. Botnick, from September 1, 1967, to March 31, 1970.
 - b. All materials reflecting contacts between the FBI and Tom Hendricks, from May 1, 1968, to August 31, 1968.
 - c. All materials reflecting the information supplied by, and Bureau supervision of the handling of, Alton Wayne Roberts, Raymond Roberts, and Gordon Clark, known to the SSC to have been informants, from May 1, 1968, to August 31, 1968.
 - d. All materials pertaining to FBI activities with regard to Thomas A. Tarrants, including all communications with other law enforcement agencies and private individuals or groups relating thereto, during April - September 1968..
 - e. All materials pertaining to the events in Meridian, Mississippi, in June 1968 which resulted in the shootings of Thomas A. Tarrants and Kathy Ainsworth.
4. All materials reflecting the information supplied by, and Bureau supervision of the handling of, the following persons known to the SSC to have been FBI informants:
 - a. Robert Hardy;
 - b. Terry Norman;
 - c. Douglas Durham;
 - d. Larry Grantwohl;
 - e. Mary Jo Cooke;

- f. Joseph Burton;*
 - g. Thomas Tongyai;
 - h. Howard Berry Godfrey;
 - i. Harry and Jill Schafer;*
 - j. William DuValle;
 - k. Charles Grimm;
 - l. Boyd F. Douglas;
 - m. David Sannes.
5. All materials pertaining to the activities and decisions of the FBI leading to the arrest by the FBI of persons in 1971 in Camden, New Jersey, later prosecuted in the case of United States v. Briggs.
 6. All materials pertaining to FBI activity with regard to the Secret Army Organization in the San Diego, California, area.
 7. All annual inspection reports for the Intelligence Division beginning with the earliest available and including the year 1972-1975.

* Please also include all materials relating to travel by any of these individuals outside the United States for, on behalf of, or at the request of the FBI.

Part V -- requested for delivery by September 4, 1975

1. All materials pertaining to the referring of information by the Los Angeles field office of the FBI in 1973 to the Los Angeles district office of the Internal Revenue Service with regard to Bella Stumbo and Della (LNU) and the allegation that Bella Stumbo had been using the false name of Della (LNU) to conceal income.
2. Materials pertaining to a "no contact list", and any other similar matters such as SAC letter 66-78 dated December 15, 1966, reflecting that Courtney Evans is a person not to be contacted.
3. A list of all "control files", "set-up files", and "functional files" maintained by the FBI Intelligence Division.

Part VI -- materials to be coordinated with response under special procedures for electronic surveillance and surreptitious entry

Materials pertaining to FBI electronic surveillance policy, as listed below, and any other materials logically related thereto (based on analysis of materials in "Black Notebook"):

- a. Memorandum of W. C. Sullivan dated September 25, 1964, which is referenced in the first sentence of the September 30, 1964, memorandum from Mr. Sullivan to Mr. Belmont captioned "Confidential Informant and Similar Types of Coverage".
- b. Follow-up memorandum which is referenced in the "Action" section of the September 30, 1964, memorandum from Mr. Sullivan to Mr. Belmont captioned "Confidential Informant and Similar Types of Coverage".
- c. All memoranda and other materials which reflect responses to or implementation of President Johnson's June 30, 1965, "Memorandum for the Heads of Executive Departments and Agencies" pertaining to electronic surveillance.
- d. All memoranda and other materials which reflect consultations between FBI officials and the Attorney General as required in the penultimate paragraph of President Johnson's June 30, 1965, "Memorandum for the Heads of Executive Departments and Agencies" pertaining to electronic surveillance.
- e. All memoranda and other materials reflecting a March 30, 1965, conversation between Director Hoover and Attorney General Katzenbach as referenced in the last paragraph of the March 30, 1965, memorandum from the Director to the Attorney General pertaining to "proper controls over wiretapping and the installation of microphones".
- f. All memoranda and other materials reflecting procedure which was "set up" as referred to in the March 30, 1965, memorandum from the Director to the Attorney General pertaining to "proper controls over wiretapping and the installation of microphones".

- g. All memoranda and other materials which reflect the "various recent conversations" between the Director and the Attorney General, as referenced in the first sentence of the September 14, 1965, memorandum from the Director to the Attorney General concerning "special investigative techniques".
- h. All memoranda and other materials which reflect the following actions referred to in the September 14, 1965, memorandum from the Director to the Attorney General concerning "special investigative techniques":
 - (1) "the Federal Bureau of Investigation has severely restricted and, in many instances, eliminated the use of special investigative techniques in carrying out our investigative work."
 - (2) "we have discontinued completely the use of microphones."
 - (3) "I have further cut down on wiretaps."
 - (4) "I have further refused to authorize any mail covers, trash covers, or the use of the polygraph in our cases."
 - (5) "I have instructed that such (portable) recorders not be used by the FBI."
- i. Memorandum from the Director to the Attorney General dated September 23, 1964, which is referenced in the first sentence of the September 27, 1964, memorandum from the Attorney General to the Director captioned "Special Investigative Techniques".
- j. All memoranda and other materials reflecting revisions, modification, or changes with respect to the eliminations or restrictions reflected in the September 14, 1965, memorandum described in paragraph h above, and which revisions, modifications, or changes resulted from the September 27, 1964, memorandum described in paragraph i above.
- k. All internal FBI memoranda pertaining to the implementation of the June 16, 1967, "Memorandum to the Heads of Executive Departments and Agencies" from Attorney General Clark.

1. All internal FBI memoranda pertaining to the implementation of the October 16, 1972, "Memorandum to the Heads of Executive Departments and Agencies" from Attorney General Kleindienst.
- m. Any communications between the Justice Department and the FBI regarding the "new standards and guidelines for use of electronic surveillance . . ." referred to by Attorney General Richardson in his September 12, 1973, letter to Senator J. W. Fulbright.
- n. All internal FBI memoranda pertaining to the implementation of the standards and guidelines referred to in item m above.

Part VII -- materials covered by procedures for the
Martin Luther King case

1. Contents of the OC file labeled Martin Luther King, Jr. which was designated as File #100 by the Inspection Division, including note dated December 10, 1965, to Mr. Hoover; routing slip dated July 22, 1969, to Miss Gandy; memorandum dated June 10, 1969, from the Director to the Attorney General; and Serial Removal Charge-Out dated December 13, 1973.
2. Serials 100-106670-253 and 100-106670-255.
3. Any FBI materials which would establish what was originally attached to the December 10, 1965, note to Mr. Hoover which appears on OC File #100.
4. Identification of the FBI personnel whose names appear in the lower left-hand corner of the December 10, 1965, note to Mr. Hoover which appears in OC File #100, together with their present offices of assignment or last known address.
5. Identification of the FBI employee who entered the name "Martin Luther King, Jr." on the December 10, 1965, note to Mr. Hoover which appears in OC File #100.
6. Identification of the FBI employee who entered the names "Martin Luther King, Jr." and "Nicholas deB. Katzenbach" on the July 22, 1969, note to Miss Gandy which appears in OC File #100.
7. All materials which reflect the circumstances surrounding the xeroxing of three copies of the December 10, 1965, memorandum to Mr. Hoover on June 30, 1966, as reflected on the copy of the note which appears in OC File #100.
8. All memoranda and other materials prior to October 7, 1963, which pertain in any way to electronic surveillance or proposals for electronic surveillance of the Southern Christian Leadership Conference and/or Martin Luther King, Jr.

9. All memoranda and any other materials reflecting correspondence, communications and/or contacts between FBI headquarters personnel and FBI field office personnel with respect to feasibility, installation, initiation, continuation, authorization, re-authorization, and termination of and disposition of tapes with respect to each of the electronic surveillances identified in the FBI's July 24, 1975, memorandum attached to your letter of August 11, 1975, which responded to Item III. G. of my July 28, 1975, request.
10. All memoranda and any other materials reflecting authorization or articulation of the procedure identified in the last paragraph of page 6 of the FBI memorandum referred to in item 9 above, to wit, "authorization for utilizing a misur was made by the FBI Director or his designees".
11. All memoranda and other materials which pertain to photographic or covert optical surveillance of Martin Luther King, Jr.
12. All memoranda and other materials which reflect information received from the Central Intelligence Agency concerning Dr. King.
13. All memoranda and other materials reflecting advance information received by the FBI that Dr. King would be meeting with Stanley Levison in any of the cities and on any of the dates upon which any of the microphone surveillances of Dr. King were operational.
14. All memoranda and other materials reflecting (as the result of information obtained from physical surveillance or live sources) that Dr. King did in fact meet Mr. Levison in any of the cities and on any of the dates upon which any of the microphone surveillances of Dr. King were operational.
15. All memoranda and any other materials which pertain to the transmittal of tape recordings of King surveillances from the Intelligence Division, or any persons therein, to the Laboratory Division, or persons therein, or vice versa.

16.. All memoranda and any other materials* which related to:

- a. The preparation and/or dissemination of a "composite" tape (or copies thereof) which contained any or all parts of any tapes which resulted from electronic surveillance of Dr. King.
- b. The preparation of any transcripts of any or all parts of any tapes which resulted from electronic surveillance of Dr. King.
- c. The mailing of any tapes which resulted from electronic surveillance of Dr. King and/or any other materials to Dr. King, Mrs. King, and/or the Southern Christian Leadership Conference.
- d. The playing of any tapes which resulted from electronic surveillance of Dr. King, or offers to play such tapes, or the displaying or dissemination of transcripts of such tapes, or offers to display or disseminate such transcripts, to persons not employed by the FBI.

* The Committee is not requesting tapes or transcripts.

1 - Mr. J. A. Mintz
1 - Mr. W. R. Wannall
1 - Mr. W. O. Gregar
1 - Mr. S. F. Phillips

The Attorney General

August 15, 1975

Director, REC56 C 11-395-555
EX 104

U. S. SENATE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES

Enclosed for your information is the original of a memorandum concerning an interview by a Staff Member of captioned Committee of former FBI Special Agent Theodore A. King. A copy of the memorandum is also enclosed for forwarding to Mr. James A. Wilderotter, Associate Counsel to the President.

Enclosures - 2

62-116395

MDR-16

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/17/00 BY SP-2 ALM/EHL

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

1 - 100-106670 (Martin Luther King, Jr.)
1 - 67-526234 (Personnel File Former SA Theodore A. King)

SFP:lhb 1hb
(10)

2 ENCLOSURE

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell.

Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun.

Telephone Rm. _____
Director Sec'y _____

edw

SEP 4 1975

MAIL ROOM TELETYPE UNIT

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

62-116395

August 15, 1975

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

RE: INTERVIEW OF FORMER FBI SPECIAL
AGENT (SA) THEODORE A. KING BY
SSC STAFF MEMBER

MDR-16

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/17/00 BY SP2 ALM/EHL

On August 11, 1975, Theodore A. King, Director of Security, Southern Bell Telephone Company, Atlanta, Georgia, voluntarily advised the Atlanta Field Office of the FBI that he was interviewed by SSC Staff Member Michael Epstein in the Dirksen Senate Office Building in Washington, D. C., on August 7, 1975, between 10:00 and 10:45 a.m. Theodore A. King served in the FBI as an SA from May 3, 1954, until March 18, 1960, when he resigned. It appears from the details of the interview, as set out below, that Theodore A. King was interviewed as an official of the Southern Bell Telephone Company and not as a former FBI SA.

The following are the details of the interview as furnished by Theodore A. King:

At the beginning of the interview, which was not under oath, King was furnished a form 'warning' him of his rights, which he signed. Epstein was the only other individual present during the interview. Epstein stated the interview concerned the activities of Martin Luther King, Jr., and the Southern Christian Leadership Conference (SCLC) during the early 1960's. Epstein asked the name of the employee in the telephone company who was the contact with the FBI in the 1960's and King advised it was Charles Eberhart. King explained he took over the Security Division of the Southern Bell Telephone Company in 1961, and he handled the contacts with the FBI after that time. King stated that Alden Miller was the contact man at the FBI at the time.

ORIGINAL AND ONE COPY TO AG

1 - 100-106670 (Martin Luther King, Jr.)
1 - 67-526234 (Personnel File Former SA Theodore A. King) SEE NOTE PAGE 3

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

MAIL ROOM

TELETYPE UNIT

ENCLOSURE

SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC)

RE: INTERVIEW OF FORMER FBI SA BY SSC

King was asked if he provided assistance to the FBI on national security information at any time and he stated he did not recall.

King was asked if the Southern Bell Telephone Company provided any leased cable or leased line to the FBI at any time and King stated he did not recall. King stated he had several conversations with FBI individuals regarding the procedure for obtaining leased lines and he advised them to follow the normal channels through the company to make application for leased lines the same as any other customer.

King was asked if any other Agent might have had contact with the telephone company in connection with obtaining leased lines and he stated it was entirely possible.

King was asked if he could recall any leased lines being obtained under fictitious names and he advised he knew of none.

King was asked if he was ever given any names or numbers to furnish information regarding, and he stated that he did not recall. He was asked if he ever received any request in writing regarding such and he stated he knew of none.

King was asked if he assisted in any way in furnishing information about the telephone services of Martin Luther King, Jr., or the SCLC and he advised he could not recall.

King was asked if he knew Martin Luther King, Jr., or the SCLC was under investigation at the time, and he stated he did not know it for a fact.

SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC)

RE: INTERVIEW OF FORMER FBI SA BY SSC

King was asked if the Southern Bell Telephone Company had any written policy about giving out information at the time and he replied there was no written policy until after 1968, which stated in substance that no information would be given out without a subpoena.

NOTE:

Information reported herein taken from Atlanta teletype, dated 8/11/75, captioned "Senstudy 75."

TO: Intelligence Community Staff
ATTN: Central Index

FROM:

FBI

SUBJECT: Abstract of Information Provided to Select Committees

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

2. DATE PROVIDED

8/15/75

DOCUMENT

BRIEFING

INTERVIEW

TESTIMONY

OTHER

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

SSC
HSC

The Attorney General with a copy for forwarding to
the White House

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

Memorandum reporting results of an interview by SSC
Staff Member of former Special Agent of the FBI Theodore
A. King

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

NA

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

U

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

Surveillance, electronic

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

Former FBI investigation of Martin Luther King Jr.

MDR-16

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 10/17/00 BY SP2 ALM/EHL

62-116395

FMK:fmk

(4)

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

6, WOC/B

TREAT AS YELLOW

INSTRUCTIONS

- 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.
- "FROM" entry should clearly identify the organization providing the information.
- 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.

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.

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

NR 009 AT CODE

AUG 11 1975

5:55 PM NTEL AUGUST 11, 1975 SSPELETYP

TO: DIRECTOR, FBI (62-116395)

FROM: ATLANTA (62-2854)

ATTN: LEGAL COUNSEL DIVISION AND INTD, (W.O. CREGAR)

SENST DOD Y '75

ON AUGUST 11, 1975, THEODORE A. KING, DIRECTOR OF SECURITY, SOUTHERN BELL TELEPHONE COMPANY, ATLANTA, GEORGIA, AND FORMER FBI AGENT, ADVISED HE WAS INTERVIEWED BY SSC STAFF MEMBER MICHAEL EPSTEIN IN THE EVERETT DIRKSEN OFFICE BUILDING IN WASHINGTON, D.C., ON AUGUST 7, 1975, BETWEEN 10:00 AM AND 10:45 AM, AT WHICH TIME THE FOLLOWING TRANSPRIRED:

AT THE BEGINNING OF THE INTERVIEW, WHICH WAS NOT UNDER OATH, KING WAS FURNISHED A FORM WARNING HIM OF HIS RIGHTS, WHICH HE SIGNED. EPSTEIN WAS THE ONLY OTHER INDIVIDUAL PRESENT DURING THE INTERVIEW. EPSTEIN STATED THE INTERVIEW CONCERNED THE ACTIVITIES OF MARTIN LUTHER KING, JR. AND THE SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE (SCLC) DURING THE EARLY 1960'S. EPSTEIN ASKED THE NAME OF THE EMPLOYEE IN THE TELEPHONE COMPANY WHO WAS THE CONTACT WITH THE FBI IN THE 1960'S AND KING ADVISED IT WAS CHARLES EBERHART. KING EXPLAINED HE TOOK OVER THE SECURITY DIVISION OF THE SOUTHERN BELL TELEPHONE COMPANY IN 1961, AND HE HANDLED THE CONTACTS WITH THE FBI AFTER THAT TIME. KING STATED THAT ALDEN MILLER WAS THE CONTACT MAN AT THE FBI AT THE TIME.

REC-56 62-116395-5
AUG 22 1975

MDR-16

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/17/00 BY SP2 ALM/EHC

LEGAL COUNSEL

Assoc. Dir.	_____
Dep.-A.D.-Adm.	_____
Dep.-A.D.-Inv.	_____
Asst. Dir.:	
Admin.	_____
Comp. Syst.	_____
Ext. Affairs	_____
Files & Com.	_____
Gen. Inv.	_____
Ident.	_____
Inspection	_____
Int'l.	_____
Laboratory	_____
Plan. & Eval.	_____
Spec. Inv.	_____
Training	_____
Legal Counsel	_____
Telephone Rm.	_____
Direct & Serv.	_____

KING WAS ASKED IF HE PROVIDED ASSISTANCE TO THE FBI ON NATIONAL SECURITY INFORMATION AT ANY TIME AND HE STATED HE DID NOT RECALL.

KING WAS ASKED IF THE SOUTHERN BELL TELEPHONE COMPANY PROVIDED ANY LEASED CABLE OR LEASED LINE TO THE FBI AT ANY TIME AND KING STATED HE DID NOT RECALL. KING STATED HE HAD SEVERAL CONVERSATIONS WITH FBI INDIVIDUALS REGARDING THE PROCEDURE FOR OBTAINING LEASED LINES AND HE ADVISED THEM TO FOLLOW THE NORMAL CHANNELS THROUGH THE COMPANY TO MAKE APPLICATION FOR LEASED LINES THE SAME AS ANY OTHER CUSTOMER.

KING WAS ASKED IF ANY OTHER AGENT MIGHT HAVE HAD CONTACT WITH THE TELEPHONE COMPANY IN CONNECTION WITH OBTAINING LEASED LINES AND HE STATED IT WAS ENTIRELY POSSIBLE.

KING WAS ASKED IF HE COULD RECALL ANY LEASED LINES BEING OBTAINED UNDER FICTITIOUS NAMES AND HE ADVISED HE KNEW OF NONE.

KING WAS ASKED IF HE WAS EVER GIVEN ANY NAMES OR NUMBERS TO FURNISH INFORMATION REGARDING, AND HE STATED THAT HE DID NOT RECALL. HE WAS ASKED IF HE EVER RECEIVED ANY REQUEST IN WRITING REGARDING SUCH AND HE STATED HE KNEW OF NONE.

KING WAS ASKED IF HE ASSISTED IN ANY WAY IN FURNISHING INFORMATION ABOUT THE TELEPHONE SERVICE OF MARTIN LUTHER KING, JR. OR THE SCLC AND HE ADVISED HE COULD NOT RECALL.

PAGE THREE AT 62-2854

KING WAS ASKED IF HE KNEW MARTIN LUTHER KING, JR. OR THE SCLC
WAS UNDER INVESTIGATION AT THE TIME, AND HE STATED HE DID NOT
KNOW IT FOR A FACT.

KING WAS ASKED IF THE SOUTHERN BELL TELEPHONE COMPANY HAD
ANY WRITTEN POLICY ABOUT GIVING OUT INFORMATION AT THE TIME AND
HE REPLIED THERE WAS NO WRITTEN POLICY UNTIL AFTER 1968, WHICH
STATED IN SUBSTANCE THAT NO INFORMATION WOULD BE GIVEN OUT WITHOUT
A SUBPOENA.]

E N D

SJP FBIHQ CLR

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. W. R. Wannall

FROM : W. O. Cregar *WOC* *E/S*

SUBJECT: SENSTUDY 75

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

DATE: 8/15/75

1 - Mr. W. O. Cregar
1 - Mr. T. J. McNiff

MDR-16
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/17/00 BY SP2/ADM/EHC/JL/jmf

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

Bureau letter to the Attorney General with enclosed memorandum, both dated 8/7/75 and captioned "United States Senate Select Committee on Intelligence Activities," advised that the Senate Select Committee (SSC) had requested the current address of former Special Agent (SA) Thomas J. Smith so that he may be interviewed with regard to his knowledge concerning the "Huston Plan." Referenced LHM furnished the SSC with the current address of SA Smith as 3410 Memphis Lane, Bowie, Maryland 20715.

The note to referenced memorandum advised that an attempt was made to telephonically contact SA Smith at the above residence at which time it was ascertained that SA Smith was out of town and not expected to return until sometime in the future. A message was left for SA Smith to contact FBI Headquarters upon his return.

On August 14, 1975, SA Smith telephonically contacted SA Thomas J. McNiff at FBI Headquarters. SA Smith was advised that the SSC had inquired as to his current address as they desired to interview him with regard to his knowledge concerning the "Huston Plan." He was advised that upon being contacted by the SSC, he should immediately advise the Legal Counsel Division in order to secure a release from his employment agreement. He was also advised that should he so desire, a Bureau Agent would be available upon his request for counseling purposes during the interview. It was also pointed out to Mr. Smith that during the interview, there were certain areas concerning which he would not be required to

62-116395

EX-104

REC-56

1 - 67-449472 (Personnel File Former SA Thomas J. Smith)

TJM:lhb/lhb

(6)

CONTINUED - OVER

Memorandum to Mr. W. R. Wannall
Re: Senstudy 75
62-116395

answer questions, namely: information which might divulge the identities of FBI sources; information relating to sensitive methods and techniques; information which might adversely affect ongoing FBI investigations and information which originated with other agencies, including foreign intelligence agencies. Mr. Smith expressed his appreciation for the information and concluded by saying that upon being contacted by the SSC, he would advise this Bureau of the date of the anticipated interview and his decision as to whether or not he would request that a Bureau Agent be made available for consultation.

RECOMMENDATION:

None. Above for information.

TJH
E.M

when
jpk JMWG

FBI
PLM

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. W. R. Wannall

FROM : W. O. Cregar

SUBJECT: SENSTUDY 75

MDR-16

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 10/17/00 BY SP2 MEM/CWL

1 - Mr. N. P. Callahan
1 - Mr. T. J. Jenkins
1 - Mr. J. B. Adams

DATE: 8/12/75

2 - Mr. J. A. Mintz
(1 - Mr. J. B. Hotis)
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 & Com. _____
Gen. Inv. _____
Ident. _____
Inspection
Intell.
Laboratory _____
Legal Coun. _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Telephone Rm. _____
Director Sec'y _____

Memorandum outlines problem area with respect to confidentiality of FBI sources which we have encountered in the Senate Select Committee (SSC) investigation.

In their investigation of COINTELPRO, SSC has been given access to material from which we excised only informants and potential informants as defined in Manual of Instructions. When such material was requested for delivery, we have excised identities of all individuals to whom we have incurred an obligation to protect their identity and relationship with the FBI. SSC has objected to these more extensive excisions in delivered material, claiming the agreed-upon procedures do not allow us such latitude. This was not our understanding of the agreement.

As a result of this impasse, on morning of 8/8/75, the Director and other FBI representatives met with the Attorney General (AG) and the Deputy Attorney General (DAG) in an attempt to resolve the question. The AG deferred a decision at that time pending the receipt of certain requested information concerning the general COINTELPRO operation. Later that date, Mr. John Elliff, SSC, contacted SAs William O. Cregar and Elmer W. Larson of the Senstudy Project, INTD, and stated the DAG had suggested he attempt to get together with Bureau representatives and reach some sort of compromise or accommodation in this area. REC-56 62-116395-633

AUG 22 1975

During the afternoon of 8/8/75, Messrs. Cregar, Larson and Elliff conferred at length. Mr. Elliff indicated he felt it was imperative that a certain number of individuals,

62-116396

EWL:lhb/lb

(8)

84 AUG 26 1975

CONTINUED - OVER

5-EJ

Memorandum to Mr. W. R. Wannall
Re: Senstudy 75
62-116395

who had cooperated with the FBI in the COINTELPRO operations, be interviewed by SSC Representatives so that a more accurate picture could be obtained concerning possible harm to COINTELPRO targets. He indicated there was a deadline set for completion of COINTELPRO phase of SSC investigation and time did not allow for extensive interviews; however, he estimated that given no deadline a maximum of 36 such contacts would be made and, in view of the deadline, 8 to 12 interviews of the type indicated to be more realistic. Mr. Elliff isolated three cases which he suggested might most easily lend themselves to a compromise on this point and suggested they be considered by the Bureau. If the Bureau saw fit to agree in these instances, he suggested further deliberations be made to select further cases in which the cooperative sources' identities could be made available to the SSC.

SAs Cregar and Larson emphasized to Elliff that the principle involved here was not whether or not the cooperative source was of great and current value to the FBI but that the issue was the FBI's obligation to the source to protect the confidentiality of the relationship. While professing to acknowledge the validity of the Bureau position in this regard, Elliff, nonetheless, was adamant in his standing that the SSC be allowed to contact these sources without the FBI first contacting them to ascertain their amenability to such interview. It was stressed to Elliff that prior contact of these sources by the FBI would be mutually advantageous since it would satisfy FBI obligation to the source and, if the source then agreed to interview, would provide the SSC with a forth-coming cooperative witness. Finally, after much discussion, Elliff suggested that the three cases presented by him be approved and following this he would be willing to consider negotiation concerning further disclosures of identities of sources based on FBI proposal of prior contact. The three cases proposed by Elliff are briefly set out below:

CONTINUED - OVER

Memorandum to Mr. W. R. Wannall
Re: Senstudy 75
62-116395

1. In 1969, an Assistant State Attorney General, an established source of the Albuquerque Office, requested public source information concerning an individual in New Mexico who was a candidate for appointment to a pollution commission. We were able to furnish such information reflecting the subject's affiliation with the Students for a Democratic Society. SSC indicated they desire to interview our source.

2. In 1966, we furnished information to a California State Alcohol Beverage Control Commission agent that liquor was to be sold at a political fund-raising party. SSC desires to interview this source.

3. In 1968, the editor of a Tucson, Arizona, newspaper contacted our resident agency in Tucson and requested pertinent background data concerning some of the activists in various anti-draft, anti-Vietnam and similar groups in the Tucson area who had been receiving considerable publicity of late. Authority was granted to furnish public source data to the newspaper man. SSC now wishes to identify this contact and interview him.

On 8/12/75; the Director was advised of the proposal by Mr. Elliff. The Director indicated he desired to adhere to the current policy of not divulging identity of sources with whom the FBI has a confidential relationship; however, he extended an invitation for Mr. Elliff to meet with him on 8/18/75 at 4:00 p.m., for further discussion of this issue. During the morning of 8/12/75, the Director's position and invitation was conveyed to Mr. Elliff by SA Cregar. Shortly thereafter, Mr. Elliff called back to advise that he appreciated the invitation but that in his view the meeting would merely contribute to further delay and that he planned to contact

CONTINUED - OVER

Memorandum to Mr. W. R. Wannall
Re: Senstudy 75
62-116395

Mr. Michael E. Shaheen of the DAG's staff and press for him to advise the AG and ask him to resolve the issue as soon as possible.

RECOMMENDATION:

None. For Information.

EWS

DRW
JES
Pen

wbu

Jawby

K

1 - Mr. W. R. Wannall
1 - Mr. O. Cregar
1 - Mr. J. C. Deegan
1 - Mr. R. L. Shackelford

Mr. W. R. Wannall

8/1/75

A. B. Fulton

1 - Mr. A. B. Fulton
1 - Mr. D. Ryan
1 - Mr. D. K. Pettus

COINTELPROS

MDR-16

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 10/17/00 BY SP/ALM/EHL

This is to identify 68 serials, copies of which were furnished to John Elliff, staff member of the Senate Select Committee (SSC), on 8/5/75 for retention in SSC offices.

Barbara Banoff, a staff member of SSC, requested 47 of the copies on 8/1/75 and 19 on 8/4/75. The requests were submitted by her based on copies which were previously reviewed by staff members in room 4171, JEM. Subsequent to the request for delivery of specific serials to LSC offices, they were re-excised to insure information which would tend to identify sensitive sources was deleted. Excisions in each serial, prior to being made available for delivery, was approved by appropriate Section Chief. Elliff accepted delivery from Section Chief Cregar and signed both attached lists indicating receipt.

Attached are 29 copies of serials requested on 8/1/75 which were delivered to Elliff on 8/5/75. Other copies which were delivered are not attached since no additional excisions were made other than those made in the initial project for review only. Excised copies of those serials were previously designated for the Cointelpro file. A second list is attached which contains ten copies of serials requested on 8/4/75 and delivered to Elliff on 8/5/75. Nine copies which were delivered are not attached since there was no additional excising.

ACTION:

None. For information.

Enclosures
62-116009

- 1 - 62-116305 (Senstudy)
1 - 100-449098 (New Lcrit)
1 - 100-3-104 (CPUSA)
1 - 100-448006 (Black Extremist)

DKP:lfj
(12)

SEP 2 1975

62-116009
NOV 1 1975
170 SEP 2 1975

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. W. R. Wannall

FROM : W. O. Cregar

SUBJECT: SENSTUDY 75

- 1 - Mr. J. B. Adams
1 - Mr. H. N. Bassett
1 - Mr. W. V. Cleveland
1 - Mr. R. J. Gallagher
DATE: 7/21/75
- 2 - Mr. J. A. Mintz
(1 - Mr. J. B. Hotis)
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. J. E. McHale
1 - Mr. J. W. Hines
1 - Mr. J. P. Thomas

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

This recommends representatives of Special and General Investigative Divisions review material from inspection reports which may be requested by the Senate Select Committee (SSC) to determine whether any excisions would be necessary before it is made available to the SSC.

By letter dated 5/14/75, the SSC, Appendix B, Item I, Number 5, requested access to annual inspection reports and related surveys for the past 10 years with respect to the Intelligence Division and 10 field offices. At a conference between members of the SSC Staff and representatives of the Department of Justice and the FBIHQ Senstudy staff, 5/30/75, it was agreed that in response to the above request we would make available to the SSC Staff, for review at FBIHQ, copies of the reports of the two inspections conducted of the Domestic Intelligence Division in 1971 and the inspection of the San Francisco Office during October, 1970.

REC-56

EX 104

62-116375-552

These reports have been reviewed by both the Intelligence and Inspection Divisions and necessary excisions agreed upon. The SSC Staff is being notified by LHM 7/22/75, transmitted through the Attorney General by letter dated 7/22/75, that excised copies of the aforementioned three reports are available for review in Room 4171 JEH. The LHM alerts the Committee to the fact that all portions of the San Francisco report which pertain solely to criminal matters, without security ramifications, have been removed from that report but can be made available for review should the ~~the~~ ^{AUG 22 1975} ~~the~~ ~~SSC~~.

62-116395 MDR-10

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

JPT:lhb lhb

(12)

EHL
J-T Thos

CONTINUED - OVER

SEE ADDENDUM OF SPECIAL INVESTIGATIVE DIVISION
PAGE 3

Memorandum to Mr. W. R. Wannall
Re: Senstudy 75
62-116395

determine that such material is pertinent to its mandate by making a written request for access to it. The criminal portions removed are attached to the tickler copies of this memorandum designated for Messrs. Cleveland and Gallagher, as they relate to matters within their Divisions' purview. It has been our experience that the SSC generally does request to see or obtain material not furnished during responses to an initial request. Therefore, it would be prudent for representatives of the General and Special Investigative Divisions to, at this time, review the material attached to Messrs. Cleveland and Gallagher's ticklers and make a determination as to whether any excisions must be made before review by the SSC Staff, should same be requested. Generally, under current ground rules, only material which would identify sensitive sources, including cooperative foreign agencies, or violate the Third Agency Rule, may be excised. Inquiries regarding current ground rules may be made by the Senstudy representatives of the General and Special Investigative Divisions of Supervisor J. P. Thomas, Room 4063 JEH, Extension 4636.

ACTION:

It is recommended that the material attached to the ticklers of Messrs. Cleveland and Gallagher be reviewed as indicated above and returned to Mr. Thomas with any necessary excisions underlined in red by 7/24/75.

RJG
BWB/ed

WFW

MR

add *Jam*

ADDENDUM SPECIAL INVESTIGATIVE DIVISION WPB:bam 7/24/75

The attached portion of the October, 1970 Inspection Report of the San Francisco Office has been received and in the event it is furnished to the Senate Select Committee, it is felt that those portions bracketed or underlined in red should be excised. The pages containing material to be excised are as follows:

[REDACTED], 179, 181, [REDACTED] 209, 211, 222, [REDACTED]

Jam
Dot
J.B.
Par

Re

~~W.M.~~
~~GRS~~

Rev. 8/17/70

CRIMINAL INFORMANTS

4-H

INSPECTOR A.C. LARSON

During the inspection your
Criminal Informant Program

will be evaluated as to productivity and numerical progress as well as
from a program development standpoint.

GENERAL

MUR-16
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/10/00 BY SP2 ALM/EHL

1. Identify supervisor and coordinator.
2. Are any Agents assigned exclusively to this program? If so, identify.
3. Prepare a tabulation showing the number of CIs and Potential Criminal Informants (PCIs) now as compared to last inspection. Tabulation should also include number of CIs and PCIs in headquarters city and each Resident Agency. Show numerical and percentage gain or loss.
4. Prepare tabulation showing Agent participation in program using format set forth below:
 - a. Identify Agents spending 50% or more of time on criminal-type investigative matters, who have been so engaged for past year or longer, who do not have currently assigned qualified CI personally developed by that Agent.
 - b. Length of time such Agent assigned to criminal-type investigations.
 - c. If necessary to clarify, set forth nature of assignments such as general criminal, accounting, or other, together with percentage of time devoted.

SAN FRANCISCO

INSPECTION

4-H

OCT 16 1970

62-116395-552

Criminal Informants

- 2 -

- d. Those Agents identified in #a above, who have developed qualified CIs in past five years but because of transfer, reassignment, or discontinuance of informant do not now have assigned a CI (furnish dates of development, discontinuance or reassignment).
- e. Number of PCIs currently assigned to Agents identified in #a above.

Name	Years on Criminal Work	Nature of Assignment and % (If Needed)	Date Last CI Devel- oped	Date Disc., Reassigned, etc.	No. PCIs Now Assigned
------	---------------------------	-------------------------------------------------	--------------------------------	------------------------------------	-----------------------------

- 5. Show payments to informants and compare with last inspection.
- 6. Identify any informants to be contacted by only one Agent. Set forth justification for this procedure.
- 7. What procedures and controls exist dealing with informant contacts after hours?

PROGRAM DEVELOPMENT

1. Briefly state overall objectives of your Criminal Informant Program. To what extent do your criminal desk supervisors participate in this program? (Do not include Criminal Intelligence Desks -- separate survey.)

- 2. Do you have standards or requirements by which you judge Agent's participation in program? Include specific comments regarding first-office Agents, Agents transferred in since last inspection, Agents assigned to your Division for more than one year.
- 3. a. List by supervisory desks handling criminal classifications, specific headquarters target areas (either geographically or by classification) selected for informant development efforts. Identify several for each desk and include examples for each criminal classification handled. Identify Agents specifically assigned to develop informants in each of above listed areas. Identify by file number informants developed.

b. Same for each Resident Agency.

4. In order to maintain stability of your program and to insure CIs and PCIs are not "turned over" for turnovers sake, do you require Agents to submit a newly developed CI or PCI at time closing or discontinuing memoranda are submitted on old ones?

5. What administrative procedures do you have to insure your substantive supervisors are aware of and participate in informant program? Do they approve both opening and closing memoranda? Are they aware of productivity of CIs and PCIs handled by Agents assigned to their squads? How? Do you maintain a record of productivity by desk?

6. How often is Criminal Informant Program discussed by supervisors at squad conferences?

7. Do you keep statistics by Resident Agency (or road trip territory) on productivity of informants? Do you feel your informant coverage in each Resident Agency (road trip) is adequate? Where are the weaknesses? Handle each individually.

8. Do you feel your informant coverage in headquarters city is adequate? Break down by squad giving consideration to types of classifications handled by each.

9. What administrative devices do you employ to follow Agents working criminal cases in headquarters city and in Resident Agencies to be certain each is making maximum contributions to the Criminal Informant Program?

10. What steps are taken to eliminate the carrying of PCIs in a pending status for over one year, when during that time they have been unable to produce sufficient information to qualify as criminal informants?

11. Racial and ghetto informants have proven to be of valuable assistance in solution of numerous criminal cases. What provisions have you made to make these sources available to Agents working criminal work? How and to whom do they submit their requests for contact with these informants?

Criminal Informants

12. How much use is made of your Criminal Informant Index, broken down geographically and by type of information for purpose of directing certain inquiries to logical informants? Document.

Comments of SAC requested.

SAC GEBHARDT
(10/21/70)
JTM:mer

1. ASAC JAMES T. MORELAND
SA STANLEY J. HENNESSY

2. No

OCATION	SYMBOL INFORMANTS				POTENTIAL INFORMANTS				TOTALS			
	6/69	10/70	Diff	%	6/69	10/70	Diff	%	6/69	10/70	Diff	%
headquarters	75	74	-1	-1.3	175	176	+1	+.57	250	250	-	-
Berkeley	4	6	+2	+50	5	10	+5	+100	9	16	+7	+77.8
Eureka	3	2	-1	-33.3	1	2	+1	+100	4	4	-	-
Ayward	6	7	+1	+16.6	9	9	-	-	15	16	+1	+6.7
Monterey	5	5	-	-0-	3	8	+5	+166.6	8	13	+5	+62.5
Oakland	22	21	-1	-4.5	35	31	-4	-11.4	57	52	-5	-8.7
Palo Alto	2	3	+1	+50	5	8	+3	+60	7	11	+4	+57.1
Richmond	4	4	-	-0-	7	7	-	-	11	11	-	-0-
Alinas	2	3	+1	+50	7	4	-3	-42.8	9	7	-2	-22.2
San Jose	9	9	-	-0-	20	27	+7	+35	29	36	+7	+24.1
San Mateo	3	6	+3	+100	4	15	+11	+275	7	21	+14	+200
San Rafael	2	3	+1	+50	7	5	-2	-28.6	9	8	-1	-11.1
Santa Cruz	2	3	+1	+50	3	6	+3	+100	5	9	+4	+80
Santa Rosa	4	3	-1	-25	4	4	-	-	8	7	-1	-12.5
Walnut Creek	5	6	+1	+20	3	5	+2	+66.7	8	11	+3	+37.5
Totals	148	155	+7	+4.73	288	317	+29	+10.07	436	472	+36	+8.3

- 4.

Name	Years on Criminal Work	Nature of Assignment	Date Last Developed CI	Date Disc. Reassigned Etc.	Number of PCIs Assigned
MALOY	2 1/2 Assigned San Francisco 6/16/69	Selective Service Matters	None	None	4
WOLFARTH	10, Assigned San Francisco 7/14/69	ITSP, Fraud By Wire	19 69	R - 7/69	5
MAVITY	2 1/2 Top Ten Program Relief Supv.	88s Top Ten Program Relief Supv.	4/69	C - 8/69	3

5. Comparative Disbursements

<u>Month</u>	<u>8/1/68 through 5/69</u>	<u>6/1/69 through 9/70</u>
June		1517.91
July		1787.00
August	845.00	1676.10
September	755.00	1520.00
October	1715.00	2233.00
November	1095.00	1670.00
December	1510.00	2623.60
January	1270.00	1138.00
February	1215.40	1510.00
March	1300.00	2397.00
April	2520.00	1460.00
May	2514.40	1303.00
June, 1970		1308.00
July, 1970		1703.00
August, 1970		1195.00
September, 1970		1248.00
	\$14,739.80	\$26,289.61

6. None

7. Agents contacting informants outside of normal working hours obtained supervisory approval for these contacts prior to making them and make appropriate notations on their #3 cards. Supervisors thereafter, during file reviews with Agents, check with them regarding those contacts and spot-check informant files to insure after-hour contacts were made and appropriately recorded.

PROGRAM DEVELOPMENT

1. The overall objectives of the criminal informant program are to develop high quality informants who are in a position to furnish valuable information on a continuing basis.

Criminal desk supervisors participate in the program by remaining alert to the necessity of having good informant coverage in the criminal classifications which are covered by their respective desks. The supervisor is also required to approve any expenditure made to an informant

for information or services concerning any case handled on his desk and in this way will be aware of the progress of the program as it relates to their desk. The supervisors also follow the Agents' activities in this regard on an individual basis to insure that they are fully participating in the informant program.

2. The San Francisco Office does have standards which requires all Agents assigned one year or more to this division should conform to and that is they should have a minimum of four PCIs or one CI and two PCIs or two CIs assigned at any one time. This, of course, is by no means considered a maximum and many Agents participate more fully in the program.

There are currently no first office agents assigned to this division and when an Agent is transferred to this division and assigned to criminal work he is expected to show some progress by the end of sixty days and within one year he is expected to be in compliance with the above standards.

3. A.

DESK 1

Accounting Matters
Supervisor H. ERNEST WOODBY

DESK 7

Applicant Matters
Supervisor ROBERT D. ROBY

These two desks are being handled as one unit inasmuch as the only true criminal classification handled by both desks are deserter fugitive cases, which are split alphabetically between the desks.

SA HENRY L. GAIDIS is the only agent who spends more than fifty per cent of his time on Squad 1 on deserter matters and SA FRANCIS J. O'HARA is the only agent on Squad 7 who spends more than fifty per cent of his time on these matters.

156.

SAs GAIDIS and O'HARA have been specifically assigned to develop informants who can give coverage in fugitive deserter matters and they have concentrated their efforts in specific areas where deserters are most likely to be found, as set forth below:

137-5670	South of Market Street Area
137-5355	North Beach Area
137-5094	Tenderloin and North Beach Areas (homosexuals)
137-5477	Tenderloin and North Beach Areas (homosexuals)
137-5738	Haight - Ashbury and the Fillmore (Negro ghetto area)

DESK 2

Bank Robberies - Major Case
Supervisor BRYON C. WHEELER

Special Agents assigned to Squad 2 have been instructed to continually be alert to develop top quality informants in order to carry out the responsibilities in their investigative fields. The work on the squad is broken down into two major categories, the first of which includes bank robberies and kidnappings. Agents specifically assigned to develop informants in this field are SAs MONTE A. HALL, FRANCIS J. COLLOPPY, JR., THOMAS J. PADDEN, ARDEN F. KEITH, ELDEN LOEFFELHOLZ, and WILLIAM R. tenBENSEL. The following informants have been developed in this field:

137-5473
137-2686
137-2961
137-2864
137-4999
137-4290
137-5308
137-1934

137-4867
137-4680
137-5260

The second major category handled on this desk is the 88 - Fugitive cases and agents specifically assigned to develop informants in this field are SAs RICHARD C. DU BRUILLE, CLARENCE A. BROM and MICHAEL G. KEALEY. The following informants have been developed in this regard:

137-5469
137-5426
137-4294

DESK 3

General Criminal Desk
Supervisor MORRIS M. DE JEAN

The main criminal classifications handled by this desk are ITSMV, Theft or Destruction of Government Property, Crime on Government Reservations, Crime on the High Seas, Probation and Parole Violators, Bond Default Fugitives, and Crime Aboard Aircraft and Air Piracy.

It is noted there are several major military installations within Headquarters City, including the Presidio and the U. S. Naval Shipyard at Hunters Point, as well as numerous Government buildings.

In the ITSMV field SAs DANIEL J. BUCKLEY and EDWARD C. SAUER have been assigned to develop informants and in this regard the following have been developed:

137-470
137-3528

The fugitive classifications handled off this desk are distributed among the various members of the squad and in these classifications SAs BERLYN H. CLOW, JAMES E. TARLETON, JR. and GARY D. MINYEN have been specifically assigned to develop informants and the following are informants developed in this regard:

137-5291
137-2164
137-5425

Regarding the Government reservations, it is noted that specific liaison assignments have been made in regard to these but inasmuch as persons normally contacted on these bases are Government employees contacted on an official basis, they are not considered appropriate for development as CIs and are bound to furnish information as part of their duties. It is noted, however, that the Hunters Point Naval Shipyard is in a predominantly Negro area and two PRIs, 170-845 and 170-241, are under development at that location by SAs assigned to this squad.

Regarding the air piracy and crime aboard aircraft violations, it is noted all major airports are located within Resident Agency territories and coverage at these locations will be covered there.

DESK 5

TFIS and ITSP Matters
Supervisor GLENN A. HARTER

A major category on this desk is civil rights matters but inasmuch as this classification does not lend itself to the development of informants it will not be covered in this write-up.

In TFIS matters the following agents have been assigned these cases and have been instructed to develop informants in this field: SAs F. STEPHEN OSBORN, DAVID C. SUMMING, JAMES R. ECHOLS, RALPH V. FINK, STEPHEN L. JENKS, and MARSHALL H. FELDMAN. In this regard the following informants have been developed:

137-5202
137-5538
137-5358
137-4826

The following agents handle primarily ITSP matters and have been instructed to develop informants in this regard: SAs ELLSWORTH F. HEMINGWAY, FREDERICK A. GROS, and EARL W. BAKER. In addition, a major source of information in this field was developed by SA JOSEPH T. FOX, JR., who was recently transferred to the Hayward Resident Agency, and is still contacted by SA FOX. The following are informants developed in this field:

137-1966
137-5547
137-5168
137-4458

DESK 6

Selective Service Matters
Supervisor RAY M. ANDRESS

It is noted all agents assigned to this desk work Selective Service matters and have been instructed to develop informants that will be of assistance in this classification.

It is also pointed out that this desk has numerous subjects that fall in the radical left and Black militant category. Anytime these subjects, when interviewed, appear to be cooperative in any degree their names and addresses are furnished to the appropriate desk for consideration as development to an informant.

Members of this squad continually endeavor to develop informants in Black neighborhoods, homosexual hang-outs, and cheap hotel areas where most fugitive Selective Service subjects are located.

The following informants have been developed in this regard:

137-4948
137-4876
137-139

It is noted a number of agents on this squad are recent transferees into this office and there is a total of thirty PCIs currently under development by members of this squad.

B.

BERKELEY RA

The Berkeley RA encompasses a large populous metropolitan area and its primary investigative problems lie in the security field. There are four agents assigned to the

Berkeley RA handling primarily criminal matters and they are SAs WILLIAM H. SMITH, JR., TUVAL V. FARQUHAR, ROBERT F. PEVAHOUSE and LEON H. BLAKENEY.

Due to the varied nature of the criminal work existing in the Berkeley RA and the relatively small area covered by the Berkeley RA, no specific targets have been designated for informant development, but all agents working criminal matters are constantly alert to the necessity of having good informant coverage. The following informants have been developed:

137-4547
137-3910
137-4723
137-5238
137-109

EUREKA RA

The Eureka RA is a one-man RA handled by SA RICHARD GUY MILLER and covers Humboldt and Del Norte County, which are both rural in nature. All classifications in this territory are handled by SA MILLER and in view of the nature of the RA, no specific targets have been designated for informant coverage. Two informants have been developed in this territory and give general criminal coverage. They are as follows:

137-2613
137-3685

HAYWARD RA

The Hayward RA covers the southern half of Alameda County and has been a rapidly expanding RA in population and has developed into a large trucking area with a population of approximately half a million people.

The major criminal problems in this RA have been TFIS and ITSMV violations.

In this regard, SA SAMUEL A. MILLER has been specifically directed to develop informants covering TFIS violations and SA PAUL M. CARPER, JR. has been directed to develop informants in the ITSMV field.

The following informants have been developed in this regard:

137-5402
137-5011
137-5175

The remaining informants in this RA furnish general information regarding criminal and fugitive matters.

MONTEREY RA

The Monterey RA covers a territory that is rural in nature and its main industry is tourism and agriculture. There are four agents assigned to the Monterey RA which handle primarily criminal classifications and they are SAs FRANK W. MITCHELL, WARREN A. COOK, MAX H. FISCHER and LESLIE L. VANNATTA. Two problems exist in the Monterey RA territory and they are a large hippie-type population residing within the RA territory and the town of Seaside, California, is basically a Negro ghetto type area. The agents assigned to criminal work have been instructed to establish as much coverage as possible in these two areas and the following two informants have been developed in this regard:

137-5255
137-5778

The major criminal classifications worked in this RA are Selective Service matters, deserter matters, theft and destruction of Government properties matters, crime on Government reservations (it is noted Fort Ord, a major Army camp, is located within the RA territory), with a sprinkling of other criminal classifications. The following three informants provide general criminal coverage for the entire RA territory:

137-4008
137-3258
137-4601

OAKLAND RA

The Oakland RA covers the northern half of Alameda County and is the largest RA, personnel wise, within the San Francisco Division. In this regard, its problems, as related to criminal investigations, are very much the same as Headquarters City.

The following is a list of agents working criminal matters who have been assigned to develop informants in the specific classifications they primarily are responsible for, along with a list of informants developed for coverage in these files:

Bank robberies and major case matters are handled by SAs DONALD F. HALLAHAN and WILLIAM P. O'CONNELL. The following are informants developed in this regard:

137-2752
137-3121
137-213

In ITSMV, DGP, CGR, air piracy and aircraft hijacking matters the agents handling them are SAs DAVID ROBERT EVANS, THOMAS C. MC GEE and CHARLES SPYROPOULOS. The following is a list of informants developed in this regard:

137-5470
137-5161
137-5235
137-5326
137-5073

Handling TFIS and ITSP matters are SAs EWING H. RAUCH, JR. and R. JAMES WILLIAMS. In this regard, they have developed the following informants:

137-3515
137-4674
137-5480
137-4497
137-5088

Agents handling Selective Service matters and deserter matters are SAs ROBERT M. LEONARD, DONALD E. LOVEJOY, GEORGE W. SMITH and GEORGE P. WILLIAMS, JR. In this regard, the following informants have been developed:

137-5342
137-1667

PALO ALTO RA

The Palo Alto RA is basically a metropolitan area and its investigative problems are primarily in the security field. The agents working the criminal classifications in the Palo Alto RA are SAs TROY F. WILDER and JEAN G. HUGHES. There have been no specific target areas assigned in Palo Alto due to the general nature of the criminal assignments given these two resident agents. The following informants have been developed, giving general criminal coverage to the territory covered by the Palo Alto RA:

137-1807
137-5031
137-5518
137-5815
137-975

RICHMOND RA

The Richmond RA covers northwestern Contra Costa County with its basic population located in the City of Richmond itself. As related to criminal investigations, its one problem area in the Richmond RA is the Negro ghetto area located in North Richmond. There are two agents working criminal matters in this RA, GERARD JAMES NORTON and RICHARD L. WEAVER. Inasmuch as the above-mentioned ghetto area is their primary problem area, they have been instructed to develop informants, giving as much coverage as possible for this area. In this regard, the following informants have been developed:

137-2818
137-5287
137-2575
137-5091

164.

SALINAS RA

The Salinas RA is a two-man RA working primarily criminal matters. The territory is rural in nature and its primary industry is agriculture.

In view of the nature of the territory no specific target areas have been designated and SAs THOMAS P. DOWD and CARL A. GOSTING have developed the following informants which provide general criminal coverage in their territory:

137-5452
137-5099
137-5594.

SAN JOSE RA

The San Jose RA territory covers a large metropolitan area with a population in excess of 800,000 people. Eight of the ten SAs assigned to this RA handle criminal case assignments at least fifty per cent of the time.

There has been a high incidence of bank robberies in the territory and specific efforts have been made to develop informants by SAs WILLIAM N. KIDWELL, JR. and FRANCIS M. CONNOLLY which would provide information in this regard and they have developed the following informants:

137-4215
137-5350

The remainder of the criminal work in the RA is general in nature and no specific assignments have been made to develop informants and no agent has been specifically assigned to the development of informants in the RA. In addition to the above informants, there are five other symbol informants furnishing general criminal information and three informants furnishing information in the criminal intelligence field.

SAN MATEO RA

The San Mateo RA covers a large metropolitan area, including the San Francisco International Airport. There is a large volume of work at this airport and SAs WAYNE J. MORRISON, JOHN F. BRESLIN and EDWARD C. SERNETT have been instructed specifically to develop informants providing coverage of criminal matters relating to it. In this regard, the following two informants have been developed:

137-5204
137-5501

There have been no other specific targets picked for development of informants in the RA territory and in addition to the above two informants, there are four other informants furnishing general criminal information within the territory.

SAN RAFAEL RA

The San Rafael RA territory includes Marin and Napa Counties. All criminal work in Marin is handled by SA DAVID D. THOMAS and one problem has been the City of Sausalito, which has a large hippie population, and specific efforts have been made to develop an informant who could provide information concerning this element, and in this respect, SA THOMAS has the following informant:

137-5396

In addition to this informant SA THOMAS has an informant providing general criminal information in Marin City, California, which is a Negro ghetto area. This informant is 137-3167.

SA ELWIN N. WEGNER handles all criminal work in Napa County, which is basically rural in nature and no specific target areas have been picked for this county. It is noted, however, SA WEGNER has developed an informant providing general criminal coverage for the City of Napa and this informant is 137-5421.

166.

SANTA CRUZ RA

The Santa Cruz RA is a three-man RA with two agents, PATRICK J. HAGGERTY, JR. and JOSEPH A. DUSHEK, handling the criminal work in this area. The territory covered by this RA is basically rural in nature and no specific targets have been picked for this territory. It is noted, however, three CIs are currently being handled in this RA and in addition, they have a symbol racial informant and a top echelon criminal informant target. These informants are as follows:

137-4132
137-5651
137-5280
137-5112
170-613

SANTA ROSA RA

Criminal matters in the Santa Rosa RA are handled by SAs WILLARD E. BASEMAN and DOUGLAS R. AHLSTROM.

The Santa Rosa RA covers three rural counties of Sonoma, Mendocino and Lake, comprising some 7000 square miles in area. The bulk of criminal activity is located in and around the headquarter city of Santa Rosa, California (Sonoma County). Informant coverage has been established in the legalized cardrooms and night clubs in this area.

Coverage in the counties of Mendocino and Lake is limited to the close personal relationship with deputy sheriffs that cover the remote areas of these counties, which principal industries are logging and ranching.

There are no principal targets for informant development, such as shipping companies, railroads, airports, or large industries. Coverage has been established in gambling, 137-3976 and 137-4486. In night clubs, coverage has been established with females, 137-5819 and 137-5818, both of whom are furnishing quality information and will be converted as CIs.

In deserter and Selective Service matters, hippie coverage is maintained in Guerneville, California (Sonoma County) through 137-5462. This latter town is largely a summer resort town for the area, but does have a hippie population in the winter months as well. Also, in the Indian and Mexican deserter fugitive matters, 137-1412 gives coverage to the skid row section of Santa Rosa, California.

WALNUT CREEK RA

Criminal investigations in the Walnut Creek RA are handled by SAs RUDOLPH H. MANCINI and FRANKLIN S. BURROUGHS.

This RA covers a territory which consists of several large "bedroom" communities and a large section that is rural in nature.

The only problem high crime rate area in the territory is the City of Pittsburg, which is a Negro ghetto-type area and specific efforts have been made to develop informant coverage in this area. The following informants have been developed and furnish general criminal and racial information for the Pittsburg area:

137-674
137-5079

In addition, the RA handles four other informants and they are:

137-3135
137-5395
137-3529
137-4685

4. Yes, in line with the answer to question two above, agents are expected to submit a replacement at the earliest possible date.
5. Supervisors participate in the informant program in that they must approve all expenditures to informants furnishing information in classifications handled on their respective

desks. In this way they are aware of the productivity of the informant program as it concerns them. Also, if there is any particular problem concerning the handling of a particular informant, a supervisor is expected to assist and give guidance to the agent handling this particular informant. Supervisors are also regularly reminded of the importance of the informant program at supervisors' conferences and follow their individual agents to insure that they are fully participating.

Supervisors in this office are not required to approve either closing or opening memoranda on informant files. No record is kept of productivity of informants by desks, however, this information is readily available through the monthly statistical letter submitted on informant production inasmuch as each statistic is reported by classification.

6. Agents are reminded of the criminal informant program and their responsibility to participate in it at each biweekly squad conference.
7. Informant statistics are not kept by RA or road trip territory, however, this information would be available if it were necessary to obtain it by review of the particular informant files that are providing coverage in these areas. Our informant coverage in each RA area is considered adequate at this time and no particular weaknesses are noted. However, efforts are made on a continuing basis to try to improve coverage in all areas.
8. It is felt that informant coverage at Headquarters City is adequate at this time, but as indicated in number seven above, a continuing effort is made to improve this coverage.

Regarding the coverage provided by each criminal desk, it is noted that as of October 12, 1970, the following CIs and PCIs are being handled off the respective desks:

	<u>CIs</u>	<u>PCIs</u>
Desk 1	3	2
Desk 2	15	14
Desk 3	7	17
Desk 5	11	27
Desk 7	2	3
Desk 6	3	30

The classifications handled by the above listed desks are set forth in question three above.

9. Administrative devices used to make certain agents are making maximum contributions to the criminal informant program are that the agents are followed on an individual basis through file reviews and supervisor conferences to insure they are meeting the criteria as set forth in question number two above. The criminal informant files are also specifically reviewed on a semi-annually basis at the time the semi-annual LHM's are submitted to the Bureau. It is also noted files are checked at the time they are posted on a continuing basis.
10. Informant files are reviewed at the end of the first year they have been opened on an individual basis and if they have been unproductive the agent is advised to close the case and replace the PCI with a new one.

If the PCI has been productive the agent handling him is advised to convert him to a criminal informant. If it is a questionable matter it is discussed with the agent handling the PCI on an individual basis and a decision is reached in this matter inasmuch as the agent is in a better position to make the judgement as to the potential of this particular PCI.

11. All agents in the San Francisco Division are aware of the racial and ghetto informant program through participation. If an agent has a case that he feels warrants contacting of ghetto informants he will dictate a memorandum setting forth specifically that they should be contacted by the particular agents handling them.
12. No actual record is kept of how much use is made of the geographical criminal informant index. However, it has proved to be a valuable tool in determining who the logical informants are to contact in any given situation. This has saved many investigative hours by making easily available to each agent the particular type of informant coverage he might need.

ADDENDUM
INSPECTOR ARNOLD C. LARSON
10/27/70
LSM/jb

#mDR16
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/20/01 BY SP2 Acm/JTG

All criminal informant (CI) files and a representative number of potential criminal informant (PCI) files were reviewed during this inspection. Following review, a memorandum disclosing the rating afforded in each file has been forwarded to you for inclusion in the respective file.

Your office is currently operating 145 CIs as compared to 141 CIs being operated at the time of the last inspection. There is also an increase in the number of PCIs under development at this time to 271 as opposed to 250 under development during the last inspection. These figures do not include Top Echelon informants or targets for development which are commented on separately under the Criminal Intelligence Program. This represents a slight increase in the number of CIs and a more substantial increase in the number of PCIs under development. However, there is a slight decrease in two large metropolitan areas, namely, San Francisco and Oakland, which though slight represents a static situation as to increasing coverage in these areas. The Oakland Resident Agency has also recorded a decrease in the number of PCIs under development. In analyzing the coverage in the resident agencies, it was noted that Monterey, Richmond and San Jose have the same coverage from CIs as during the last inspection although Monterey and San Jose have shown a substantial increase in the number of PCIs being handled. PCIs under development in Salinas and San Rafael are down somewhat, although this too in part is off-set by the increase in the number of CIs being operated. In view of the Bureau's increased responsibilities, it is absolutely essential that a strong criminal informant program be maintained and in fact expanded if the Bureau is to meet these increased responsibilities.

QUALITY

All of the CI files were reviewed during this inspection and the following ratings were given to the CIs presently being operated by this office:

Excellent	14
Very Good	36
Good	78
Fair	12
Poor	3
Not Rated	2
Total	145

The two files which were not rated are SF 3308-C, SF file 137-5342 (Bufile 137-22463) and SF 2290-C, SF file 137-213 (Bufile 137-3071). Because SF 3308-C furnishes information principally as a result of his employment in the U.S. Army, Personnel Center, Oakland, California Army Base, this informant should be discontinued as a CI and converted to a Confidential Source. SF 2290-C was recently reopened on the basis of having provided a service to Department of Justice attorneys and the Bureau but has furnished no criminal information for an extended period of time and had been in a closed status since 3/10/69. This informant should also be discontinued as a CI and considered as a Confidential Source. You should appropriately advise the Bureau that this action has been taken.

The following informants have been rated Fair and they should be given specific assignments for a period of 90 days in an attempt to improve their productivity. At the end of that period of time you should advise the Bureau of reasons for continuing them as informants or that they are being discontinued.

<u>Symbol Number</u>	<u>San Francisco File Number</u>	<u>Bufile Number</u>
SF 3258-C	137-4999	137-21270
SF 2712-C	137-3352	137-10786
SF 3320-C	137-5425	137-22726
SF 3119-C	137-4547	137-18815
SF 2966-C	137-4265	137-15784
SF 3313-C	137-5168	137-22503
SF 3348-C	137-5594	137-23437
SF 2684-C	137-2613	137-10351
SF 3303-C	137-5161	137-22387
SF 3095-C	137-4080	137-18823
SF 3072-C	137-4674	137-17879
SF 22793-C	137-3135	137-9744

The following informants were rated Poor and should be closed immediately:

<u>Symbol Number</u>	<u>San Francisco File Number</u>	<u>Bufile Number</u>
SF 3226-C	137-4427	137-20833
SF 3166-C	137-5091	137-19341
SF 3257-C	137-4888	137-21264

A representative number of PCIs were reviewed and were rated as follows:

Excellent	4
Very Good	10
Good	31
Poor	1
Insufficient Data to Rate	37
	<u>83</u>

The following PCIs have been under development for a period in excess of one year and should be closely followed and directed for a period of 90 days in an attempt to qualify them as CIs. If at the end of that time they have not furnished sufficient information to qualify as CIs they should be closed.

137-5486
137-5483
137-5474

File 137-5485 has also been open for a period in excess of a year. This PCI has furnished no information since September 1969. This file should be closed. This PCI was rated "Poor."

AGENT PARTICIPATION

You have indicated Special Agents JAMES P. HALOY, CARLTON H. WOLFARTH and GARY N. MAVITY have spent 50% or more of their time on criminal type investigative matters during the past year but do not currently have assigned a qualified CI personally developed by them. Further comment is being set forth later in this addendum concerning these Agents.

PAYMENTS

A review of payments indicates that your office paid an average of \$1,473.98 a month to informants during the period immediately preceding the last inspection. For the period immediately preceding this inspection, an average of \$1,643.10 was paid to informants each month. A spot check of payments made to CIs and PCIs indicated value was being received for the money paid. You should insure that your personnel are alert to the use of monetary payments to enlist the further cooperation of informants by compensating them for expenses incurred in pursuit of information for this Bureau and as compensation for their effort on the Bureau's behalf. You should continue to closely evaluate informant payments to insure that value is received for money paid.

ACCOMPLISHMENTS

According to Bureau records your office shows increases in 4 of the 8 statistical accomplishments attributable to informants and it is noted that these increases have occurred in matters concerned directly with FBI investigations.

PROGRAM DEVELOPMENT

You have indicated a rather extensive involvement of supervisory personnel in directing informant development to those areas of responsibility coming within the scope of their respective desks. Referring to Government reservations and military installations, you indicated you do not consider Government employees appropriate for development as CIs as they are bound to furnish information as part of their duties. Your attention is specifically directed to

Section 108, I-12, Volume 4, Manual of Instructions, which states informants should be developed on Government reservations and military installations when warranted. In view of the large installations located within your territory, it is suggested you identify particular areas of these installations wherein informant coverage would be logical and productive and give consideration to pinpointing such areas for development.

You have also indicated that Supervisors approve payments to informants and in this way are also aware of the productivity of the informant program. However, it is noted that approval of payments provides a rather limited assessment of the productivity of informants and points out the need for a continuing evaluation of respective coverage. Supervisors must constantly be alert to identify specific areas in which informant coverage would be logical and productive.

OBSERVATIONS AND RECOMMENDATIONS

You should give consideration to the development of informants on Government reservations and military installations as suggested by the Manual of Instructions.

In a number of instances, it was noted there was no follow-up on incomplete information furnished by informants. In such instances, the informant was not recontacted any sooner than required by the 30 day contact rule, which would indicate a lack of direction of the informant to further develop information of interest. The need to give informants direction to develop information to the point it can be considered useful and valuable should be brought to the attention of all appropriate investigative personnel.

There were few instances noted during review of the CI files wherein FD-302's had been utilized in recording informant information. It is recognized that much information regarding fugitives and possible suspects does not require

such recording but in view of the recent passage of Senate Bill 30 which will greatly expand the opportunity to utilize informant information, you should make certain all personnel are aware of those instances in which informant information should be recorded on an FD-302 and the proper method for so recording it.

Numerous areas have been identified in your territory as being the habitat of ethnic, ghetto and hippie elements, many with a high incidence of crime. To provide a better over-all view of the coverage in San Francisco and the heavily populated East Bay area and to facilitate a more convenient, ready reference for the agents of your office to this information, you should consider preparing a large wall map of the San Francisco - East Bay area and placing it in a central secure position in the office. In addition to criminal informants, you should include the location in which racial and ghetto informants will logically be able to furnish information and you should identify the location of all these informants on the map with an appropriate locator reference to an index showing the agent to whom the informant is assigned and the coverage which informant can be expected to provide.

EXPLANATIONS REQUESTED

Explanations are requested from SA's JAMES P. MALOY, CARLTON H. WOLFARTH and GARY N. MAVITY as to why they have not developed a qualified criminal informant during the past year.

Comments of SAC, ASAC and SA STANLEY J. HENNESSY requested.

SA STANLEY J. HENNESSY, ASAC JAMES T. MORELAND AND SAC ROBERT E. GEBHARDT: The Inspector's analysis of the Criminal Informant Program has been reviewed by each of us. It has been the goal of this office to develop quality informants that can furnish information concerning violations within the jurisdiction of the Bureau. As noted by the Inspector, we have increased our

number of CI'S since the last inspection and have increased the number of PCI'S since the last inspection. We have also increased our payments to informants and no instances have been found where we did not get value received from these payments to informants. We have achieved excellent statistics from them as indicated by the fact that at the close of the last fiscal year we were ahead in all eight categories of informant accomplishments. This is our continuing goal and we will make every effort to surpass these accomplishments in the coming months. The observations, instructions and suggestions of the Inspector will be immediately complied with and this program will continue to receive close supervision in order to get maximum results in connection with our work.

SA JAMES P. MALOY: Since my assignment to the San Francisco
10/28/70 Office, I have developed 4 PCI's. I am
presently handling 4 PCI's. One PCI,

STEVE VINSON (137-5565) can be qualified as a CI as soon as
additional background information is obtained. I will
immediately develop this background information and he will
be qualified as a CI. In SF 25-75571 PCI [Steve Vinson] (137-
5565) furnished information on which investigating Agents
located and interviewed subject (Mosely). In 25-7475 PCI
[Steve Vinson] (137-5565) furnished information on which
investigating Agents located the subject (Malagone). PCI
Vinson is in a position to furnish information on Deserters,
SSA fugitives, hippies and narcotics. In 25-73123 PCI
[Jay Wilson] (137-5790) furnished information re fugitive
Jonathan Pitts. In 25-72710 PCI [Dewey A. Parker] (137-5566)
furnished information which resulted in the location of
subject Arsene Joseph St. Amand, Jr. I recognize the
importance of the Bureau's informant program and will make
every effort to develop other CI's.

SA GARY ~~W~~ MAVITY:
10/28/70
GNM:jl

In the period of time I have been assigned to criminal work I have handled a number of PCIs with a view to the qualification of them as approved Criminal Informants. In the past year since I last had an approved Criminal Informant I have handled several PCIs including one who previously was the prime factor in the apprehension of a Bureau fugitive wanted for the murder of a police officer. This PCI has since furnished information of value which was relayed to the local police in a burglary case. He has been given the assignment to develop further information concerning local suspects in the handling of stolen merchandise from this and other burglaries.

In the past year I have been unable to devote a great deal of time to the development of this and other PCIs due to having been utilized as Relief Supervisor in the absence of the regular supervisor and because of the time necessary to prepare and present lectures at police schools on legal matters.

I am aware of the importance of the Criminal Informant Program and will continue efforts to develop a qualified Criminal Informant and expect to qualify the above-mentioned PCI in the very near future.

RJM
SA CARLTON H. WOLFARTH: I am extremely aware of the need to
10/28/70 develop CIs and have had a total of
CHW:ekk nine PCIs in San Francisco during the
time I have been in San Francisco.

I arrived in the San Francisco Division, 7/13/69, on transfer from the Chicago Division. It is to be noted that I developed CG 7215C in 1967. This informant had either worked for or was close to the top men of organized crime in Chicago, Miami and New Orleans. At one time, through a court order, this informant was wired with a microphone and tape recorder so information could be obtained in an Obstruction of Justice case. I had at least one other informant while I was handling the above informant, and handled both until leaving Chicago.

The potential of the four PCIs which I opened on 8/24/70 and the one which I opened 10/19/70 appears promising and it is anticipated that at least one will develop into a CI in the near future.

My assignments in San Francisco have been mainly ITSP - FBW investigations which are complicated and involve reviewing records and interviews with banks, brokerage house and other business officials. I had one excellent opportunity to develop a good CI when [LOUIS MARDER] Las Vegas furnished me on 2/27/70 and 3/2/70 the original information which led to the recovery of \$650,000 worth of Avco Thrift Certificates at Las Vegas. [MARDER] as recently as 10/27/70, furnished me valuable information. He cannot be developed into a CI because he lives in Las Vegas and is under Federal indictment in Miami.

I am sorry that this delinquency on my part happened. It is regretted and I will not let it happen again.

Rev. 8/24/70

Form 16
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/20/01 BY SP-2 ALM/jtg

CRIMINAL INTELLIGENCE PROGRAM
AND INTERSTATE GAMBLING ACTIVITIES

4-M-3

INSPECTOR *AC* LARSON

Please furnish data requested below. If a question is not applicable, so indicate.

PART A. GENERAL

1. Brief summary of commercial or continuing types of lucrative crime in your territory such as organized illegal gambling, loan sharking (shylocking), labor racketeering, planned bankruptcy fraud, et cetera.
2. A brief analysis any corruption in law enforcement or among political officials who tend to control law enforcement.
3. Assess level of your informant and other coverage relied upon in making responses to paragraphs 1 and 2 above.
4. What progress have you made in penetration of racketeering operations since last inspection? To what extent has your Criminal Intelligence Program been expanded since last inspection?
5. Set forth total Agent days spent on Organized Crime and Gambling Programs in last six months and if less than previous six months explain. How many Agents are assigned full time to these programs? Describe allocation of manpower (headquarters and resident agencies) and outline your plans for allocation of manpower in future (headquarters and resident agencies). Outline supervisory responsibility and functions in these programs.

SAN FRANCISCO

INSPECTION

4-M-3

OCT 16 1970

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6. Tabulate by months since last inspection the number of origin cases opened in classifications 92, 143, 144, 162, 165, 166, 168, 172, and 179.
7. Set forth accomplishments including convictions since last inspection as a result of Criminal Intelligence and Inter-State Gambling Programs in your territory. Separately set forth cases pending prosecutive action.
8. While prosecution of underworld leaders and associates is a prime objective, a continuing flow of basic intelligence on organized criminal activities and general crime picture in your area is necessary to future success of your program. Briefly describe examples of intelligence accomplishments which enable you to stay abreast of these conditions.
9. Cite examples of dissemination to other agencies, Federal, state or local, which have resulted in disruption of organized crime.

PART B. GAMBLING MATTERS

1. Identify leading gambling operators in your division.
2. Indicate types of gambling prevalent in your division and whether under hoodlum control.
3. What is extent of gambling in your division? Furnish data available with respect to monthly or annual handle.
4. Advise how sports line is received or formed in your division as well as how gambling operators are receiving early race results.
5. What progress have you made in penetration of illegal gambling operations since your last inspection?
6. By letter to SAC, Albany, 1/27/70, captioned "Gambling Investigations Under Proposed S 30, Organized Crime Control Act, 1970, IGA Activities," the Bureau issued

instructions regarding the investigation of gambling matters. How have you complied with those instructions? Be as brief as possible; however, be specific.

PART C. TOP-ECHELON INFORMANT MATTERS

In providing information called for below, bear in mind that a top-echelon informant can be qualified on the basis of regularly providing productive information on local gambling matters even if not tied into La Cosa Nostra.

1. Show number and location of top-echelon informants at time of last inspection and now. If decrease, explain. Identify by symbol number top-echelon informants developed since last inspection. List targets for development in TECIP and show location. What are your plans for increasing coverage?
2. Identify Agents working full time or almost full time in Organized Crime and Gambling Programs who have not thus far developed a top-echelon informant and explain why not.

PART D.

(Provide response only if applicable to your territory, i.e. presence of La Cosa Nostra or major hoodlum activity.)

1. Identify organized criminal groups (e.g. La Cosa Nostra) present in your division. Explain briefly manner in which such group or groups, control any or all of operations outlined in Part A, paragraph 1. Identify leadership element. Break down your response by headquarters city and resident agency territories.
2. What is estimated La Cosa Nostra membership in your territory and how many have been identified. Of the La Cosa Nostra members within your division, how many

have been identified by sources of your office? What are your plans for effecting identification of other La Cosa Nostra members residing in your territory? Has your intelligence developed any indication of a change in leadership or operations of La Cosa Nostra in your division? If so, advise of your contemplated action with respect to this situation.

3. Identify by symbol number any top-echelon criminal informants who are members of La Cosa Nostra or other organized criminal groups in your territory. Outline your prospects for development of additional informants of this type.

PART E. TITLE III OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

1. Are Agents handling Criminal Intelligence Program investigations thoroughly familiar with all aspects of Title III?
2. Have any Title III requests been initiated since last inspection? Identify files.
3. Identify files wherein investigative efforts are being made to justify Title III requests.

Comments of SAC requested.

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CRIMINAL INTELLIGENCE PROGRAM AND
INTERSTATE GAMBLING ACTIVITIES

PART A. GENERAL

1. The commercial or lucrative type of criminal activity in the San Francisco Division continues to be predominantly confined to the areas as noted below. Exhaustive and probative investigation and close liaison with local state and Federal agencies to date has revealed no evidence of an organized criminal group controlling these activities in San Francisco or Resident Agency territories. Investigation contacts with informants and other sources of information have failed to reveal the existence of any organized illegal gambling, loan-sharking (Shvlocking), labor racketeering or planned bankruptcy frauds.

- A. Local bookmaking involving horse and sport bets conducted by numerous local independent bookmakers, some of whom have established "lay-off" arrangements among themselves.
- B. Prostitution activity primarily in the "Tenderloin" section of San Francisco involving out-of-town businessmen, tourists, and servicemen with prostitutes, most of whom are working for unorganized negro "pimps".
- C. Narcotic activity and related crimes usually involving thefts and frauds near universities, military installations, and "hippie" or Bohemian sections of cities within the division.

2. This office continues to enjoy an excellent relationship with the San Francisco Police Department and its official personnel. Cooperation and excellent relationships

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are known to exist between all Resident Agencies and the local law enforcement agencies in their territories. No evidence or information has been made available to this office to indicate that there is any corruption in law enforcement in this division.

As the Bureau is well aware, Mayor JOSEPH LAWRENCE ALIOTO was the Subject of anti-racketeering investigation by this office several years ago, however, this matter has been closed. ALIOTO prior to assuming the position of Mayor of the City of San Francisco was a prominent and well known attorney, particularly in the field of anti-trust matters. He is known to have been the attorney for TONY LIMA, a former "Boss" of the LCN in San Francisco. He also represented a number of other LCN figures and their associates.

Prior investigation revealed that the cousin of ALIOTO's father, JOHN ALIOTO, was the former "Boss" of the Milwaukee LCN Family. JOHN ALIOTO attended the inauguration of Mayor ALIOTO at San Francisco in January 1968.

As a result of an article published in "Look" magazine, September 23, 1969, linking ALIOTO with many LCN figures, ALIOTO filed a \$12.5 million libel suit against "Look" magazine and the authors of this article, RICHARD CARLSON and LANCE BRISBON.

On May 15, 1970, Federal Judge BRUCE THOMPSON declared a mistrial in San Francisco on this suit in that the jury was unable to agree on the key issue of whether the article linking ALIOTO with the "Mafia" was published with "malice and reckless disregard for the facts." The jurors told newsmen that the article was defamatory to ALIOTO and that at least 50 per cent of the 27 points were indeed untrue. There was no agreement as to whether the falsehoods and the article's general claim that ALIOTO was "enmeshed in a web of alliances" with the "Mafia" represented "malice and reckless disregard for the facts." U.S. Supreme Court has ruled that such a finding is essential to a libel judgment sought by a public official.

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On August 5, 1970, RUDOLPH PAPALE, brother-in-law of Mayor ALIOTO, filed a \$2 million libel suit against "Look" magazine and CARLSON and BRISSETTE. This article referred to a trip by PAPALE to Mexico during which PAPALE met with FRANK BOMPENSIERO, "CAPO", of the Los Angeles Family of the LCN residing in San Diego to discuss a lard selling permit in Mexico for a company of which PAPALE was former president.

On September 5, 1970, it was reported that retrial of the ALIOTO \$12.5 million libel suit against "Look" was tentatively reset for May 3, 1971.

3. San Francisco top level informants currently being handled consist of four members of the LCN and six TE informants in the gambling and related criminal fields. Our LCN TE informants and ten PC target informants report on LCN activities of the San Francisco and San Jose Families as well as LCN activities in other divisions. Our other TE informants and our 36 PC target informants regularly report on matters involving bookmaking, prostitution, pornography and other criminal matters. [As an indication of the level of our informant coverage since last inspection, SF 2689-C-TE assumed the position of "Boss" of the San Francisco LCN Family.] These informants due to their positions and locations have made it possible to obtain top level information necessary to provide coverage for Items 1 and 2.

4. Since last inspection extensive investigation as well as informant coverage led to the first ITAR conviction prosecutions ever in the San Francisco Division (see Item 7 below).

Investigation in the case CARL EZEKIAL ECKSTIN, ITWI, case developed a "shakedown" by ECKSTIN against local bookmaker VICTOR ROMOLO. This matter arose out of the failure of ROMOLO to pay a bookmaking debt owed ECKSTIN. SALVATORE VINCENT "BILL" BONANNO, JOSEPH BONANNO, JR., MAURICE PATRICK HARTIGAN and MARTIN CHEIPETZ CARSON acting as agents for ECKSTIN attempted to collect the \$1,600 gambling debt and during contacts with ROMOLO threatened him with physical harm.

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if he failed to pay the debt. This case is currently under investigation with the matter being presented to the Federal Grand Jury at San Francisco for violation of Title 18, U.S. Code, Section 894, Extortionate Credit Transaction Statute.

It should be pointed out that "BILL" BONANNO and JOSEPH BONANNO, JR. are the sons of JOSEPH BONANNO, SR., a "Commission" member of the LCN in the United States.

The aforementioned Subjects are also involved in a separate ECT case involving the shakedown and threats to do bodily harm to WILLIAM JOSEPH ELLIS. This matter is presently under investigation and will be presented to the Federal Grand Jury, San Francisco immediately upon completion of Grand Jury action in the ECKSTIN ECT case.

Since last inspection investigation has continued in regard to GUISEPPI CONFORTE, the reported Vice Lord, State of Nevada, who for years has headed up a major prostitution operation. Through extensive investigation and the placement of SF 3239-C-TE and SF 3369-C, this organization has been completely penetrated identifying his lieutenants and scope of operation. As a result of the above, it has been determined that CONFORTE's operation has spread to the State of Hawaii being controlled there by one of his top lieutenants, TOMMY SEALE. San Francisco has under preparation an affidavit for a request of a Title 3 electronic surveillance on the phones utilized by this organization in Honolulu. This Title 3 affidavit has been prepared with the assistance of Departmental Attorney at San Francisco and who has discussed same with the Organized Crime Section, Department of Justice, who has advised that upon completion of current investigation in Honolulu the affidavit should be immediately submitted for approval.

As another example of the progress made in the penetration of the racketeering operation since the last inspection information was received that HARRY JOHN JOHNSON and ALAN "SUITCASE" FIDLER, two Boston "hit men" received a contract, reportedly by a printer, to travel to San Francisco and "straighten somebody out over a union matter." JOHNSON, a former resident of San Francisco, is known as a former associate of JACK GOLDBERGER, top local Teamster official

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and reportedly JIMMY HOFFA's special West Coast representative. JOHNSON and FIDLER travelled to San Francisco from Boston in January, 1970 and through surveillance and subsequent intensive investigation it was determined that they met with one GEORGE R. DUNCAN, International Representative, International Typographers Union (ITU). It was determined that shortly prior to the travel of JOHNSON and FIDLER to the San Francisco area a strike situation existed at the San Rafael "Independent Journal" newspaper involving the ITU. Through cooperation and liaison with local law enforcement, JOHNSON and FIDLER were arrested near San Rafael, California and found to be in possession of handguns and mace. Shortly after the return of JOHNSON and FIDLER to the Boston area, an individual who had knowledge that they had been given this contract was found murdered in Boston and on his body were found the names and telephone numbers of JOHNSON and FIDLER. Through these efforts the attempt by JOHNSON and FIDLER to perform the conditions of the contract were thwarted. In addition, this matter is being considered by Departmental Attorney for possible Federal Grand Jury presentation.

Another example of progress made in the penetration in the field of intelligence and organized crime in this area resulted when through information furnished by top echelon informants revealing the presence of ALATADENO JAMES FRATIANNO residing in the San Francisco territory. Through investigation and surveillances conducted FRATIANNO was subsequently contacted and was developed as a top echelon target of this division. Frequent contacts were conducted with FRATIANNO and extensive cooperation was obtained from him concerning organized crime. FRATIANNO was identified as a member of the Los Angeles Family of the LCN and during August, 1970 was indicted by Federal Grand Jury convening in San Francisco for two counts of violation of Title 18, U.S. Code, Section 894, ECT. Although presently incarcerated FRATIANNO is being contacted periodically as a target in an effort to continue development of his cooperation.

Increase in penetration of racketeering operations since last inspection is evidenced by the above examples as well as the statistical accomplishments reported hereinafter.

5. Total Agent days spent on organized crime and gambling program in last six months was 2,370 days, 3 hours. The total for the prior six months was 2,356 days, 4 hours.

There are 19 Agents working full time on the CIP, 14 in Headquarters City and 5 in RA's.

The following Special Agents are assigned full time to the CIP Squad:

Supervisor - CHARLES N. HINER

Squad Assignments

TECIP - LOWELL S. LAWRENCE, Coordinator
CHARLES E. GALVIN

IGA - BERNARD A. FEENEY, Coordinator
JAMES F. BLANTON
THOMAS J. A. HENRY
GEORGE B. JARVIS, JR.
JOHN G. REDMOND

ITAR - PROSTITUTION - COSBY J. MORGAN, Coordinator
EDWIN K. TANAKA
PETER K. STACKHOUSE

CIP-AR - FRANK UNDERWOOD, III, Coordinator
JOHN CONNOLLY, JR.
J. TIMOTHY LANN
DAVID J. SARGENT

Berkeley RA - GEORGE R. ZEIGLER

Oakland RA - RUSSELL J. HUCKABY

San Jose RA - JOHN M. PAGE
JOSEPH CHIARAMONTE

Walnut Creek RA - RUDOLPH H. MANCINI

Manpower for the program is constantly being re-evaluated for maximum effectiveness and efficiency both in

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Headquarters City and Resident Agencies. Manpower will be allocated in the future according to the demands of the investigative matters to be conducted.

6. Tabulation by months since last inspection, of the number of origin cases opened in the following classifications:

		92	143	144	162	165	166	168	172	179
1969	July	10	0	0	1	15	22	0	0	0
	August	4	0	0	0	11	8	0	0	0
	September	27	0	0	0	19	34	1	0	0
	October	12	1	0	0	23	30	0	0	0
	November	28	0	0	0	54	26	0	0	1
	December	14	0	0	0	8	29	0	0	0
1970	January	15	4	0	1	30	29	0	0	0
	February	23	1	0	2	30	31	0	0	1
	March	17	1	0	22	5	30	0	0	0
	April	14	0	0	1	4	26	0	0	0
	May	16	0	0	11	3	33	0	0	0
	June	17	0	0	15	17	41	0	0	0
	July	8	0	0	4	10	47	0	0	0
	August	4	0	0	6	16	30	1	0	0
	September	16	0	0	2	13	58	0	0	1
	TOTALS	225	7	0	65	258	474	2	0	3

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7. Since the last inspection seven convictions have been reported as a result of Criminal Intelligence and Interstate Gambling Programs as indicated below:

<u>Caption</u>	<u>Bufile</u>	<u>SF File</u>	<u>Convictions</u>
HULLEN HOWARD WATKINS, aka; GAIL KRISTINE WATKINS ET AL - VICTIMS ITAR - PROSTITUTION; WSTA	166-3994	166-846	2
THOMAS HENRY SZYMANSKI, aka; DONNA MARIE STEVENSON ET AL - VICTIMS ITAR - PROSTITUTION; WSTA	166-3664	166-615	1
EDWARD ADOLPH BARDYSZEWSKI, aka TFIS; AR	92-11801	92-1180	1
CHARLES PRITCHETT, aka; IVAR ARNOLD KVALNES, aka ITAR - GAMBLING; CGR - GAMBLING	166-4217	166-949	2
JACK GLENN KNOPFER; EUGENE DE POLO ITGD	143-1138	143-54	1

Prosecutive action is pending in the below listed cases:

<u>Caption</u>	<u>Bufile</u>	<u>SF File</u>	<u>Potential Convictions</u>
ALADENA T. FRATIANNO, aka AR; ECT	92-3899	92-271	1
JACK GLENN KNOPFER; EUGENE DE POLO ITGD	143-1138	143-54	1
MILTON GOLDMAN, aka ITSP; AR	92-10419	92-715	1

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The following additional convictions were reported
by CIP Squad:

<u>Caption</u>	<u>Bufile</u>	<u>SF File</u>	<u>Convictions</u>
JOSEPH ALEX RUDY, aka; DONALD NASON - VICTIM EXTORTION - CONTEMPT OF COURT	9-50141	9-2315	1
TERRY LEE GREENFIELD; UNITED AIRLINES, SFIA - VICTIM EXTORTION	9-51445	9-2375	1
MYRTLE ALICE HALL, aka LMRDA - IM	159-3071	159-267	1
JOHN REED COX, aka; FLOREDIA ALLEAN SAVAGE - VICTIM EXTORTION	9-49946	9-2303	1

Prosecutive action is pending in the below listed
cases:

<u>Caption</u>	<u>Bufile</u>	<u>SF File</u>	<u>Potential Convictions</u>
FRED JOE THORNTON, aka; ERMA SCOTT, aka - VICTIM EXTORTION	9-51238	9-2363	1
SUZANNE HONEY STOUGHTON, aka-Fug. LMRDA - IM	159-3044	159-264	1
TED CECIL SURRIDGE LMRDA - IM	159-2972	159-259	1
ROBERT WILLIAM WARD; SHIRLEY OWDEN - VICTIM EXTORTION	9-51212	9-2362	1

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8. Subsequent to the submission of last inspection report, through information by top echelon informants this office, information has been developed that SF 2689-C-TE has assumed the position of "Boss" of the San Francisco LCN Family.

SF 2656-PC has reported to the return to the San Jose area of STEFANO ZOCCOLI, Consiglieri of the San Jose LCN Family from Los Angeles where he had been residing for the past year.

During November 1969, SF 2656-PC reported that GEORGE ADRAGNA, a member of Western Pennsylvania Family of the LCN was coming to the San Jose area to live. Subsequently, SF 2656-PC and SF 2689-C-TE reported that ADRAGNA's membership had been transferred to the San Jose LCN Family and he is currently residing in the San Jose area.

Subsequent to the submission of last inspection report SF 2689-C-TE reported that JAMES FRATIANNO, a member of the Los Angeles LCN Family had moved into the San Francisco area where he remained until August when he commenced serving a prison sentence executed by the State of California.

During October, 1969, information was received indicating that JERRY LISNER, major bookmaker, Los Angeles, California was in contact with JOHN CASTELLI, bookmaker, Oakland, California. The purpose of this contact was for LISNER to establish a base of operation, particularly bookmaking, for his criminal activities in the San Francisco area. Investigation subsequently established that LISNER and others commenced a bookmaking operation in Alameda and Contra Costa Counties, East Bay Area, using as its front A-1 TV Service, Oakland, which is owned by JOHN CASTELLI. Following extensive investigation in cooperation with the Oakland Police Department, no evidence was developed to indicate any violation of Federal statutes. On November 22, 1969, the Oakland and Berkeley, California Police Departments simultaneously arrested SALVATORE J. BERNICE, JOHN TRAPPS and two other associates who were engaged in LISNER's bookmaking

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operation. These arrests resulted in a breakup in the entire bookmaking operation and subsequently during February, 1970 LISNER returned to the Los Angeles, California area.

In July, 1970, information was made available to the San Mateo Police Department which led to the arrest of WALTER DALY, PAULA DALY and SABRINA DUNN. These individuals were arrested for prostitution, conspiracy, maintaining a disorderly house and being an inmate in a disorderly house. These arrests were a direct result of informant information and investigation conducted by the San Francisco Office which revealed no Federal violation and therefore was referred to local authorities. This operation was determined to be a \$90,000 a year "high class" call girl service and from this five other call girl services were uncovered, all local in nature in San Francisco. Intelligence information concerning these operations has been furnished the San Francisco Police Department and are being followed closely by the San Francisco Office.

9. Results of dissemination of information resulting in disruption of organized crime since the last inspection are illustrated by the following statistical accomplishments:

Raids	12
Individuals Arrested	39
Convictions	38
Amount of money seized	\$5,829.00
Total "handle" - bookmaking	\$895,000.00

Prior to the last inspection, these accomplishments were as follows:

Raids	10
Individuals Arrested	24
Convictions	10
Amount of money seized	\$5,198.00
Total "handle" - bookmaking	\$575,500.00

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In addition to the foregoing, as a result of information furnished by SF 2956-C-TE and SF 3036-PC, CHARLES FRANCIS LEAHY, JR., Major San Francisco bookmaker, was arrested on August 4, 1970, by the San Francisco Police Department on charges of bookmaking and ex-convict in possession of firearm. Trial date was initially set for September 22, 1970 in Municipal Court, San Francisco, however, has been set over until October 28, 1970.

PART B: GAMBLING MATTERS

1. In the San Francisco Division there appears to be two gambling operators that lead all others in terms of handle, volume, coverage, number of accounts, and number of employees. These operators are CARL EZEKIAL ECKSTEIN and CHARLES FRANCIS LEAHY, JR., both of whom are based in San Francisco. While they both handle substantial individual accounts, ECKSTEIN and LEAHY are primarily associated with and rely on lessor local bookmakers for "action."

CARL EZEKIAL ECKSTEIN, age 40 years, has been engaged in gambling activities most of his adult life. ECKSTEIN was formerly associated with TONY RUIZ and other San Francisco bookmakers, but in the last year ECKSTEIN has set up his own independent operation. ECKSTEIN has been arrested on several occasions on charges of bookmaking but has never been convicted of this violation. In 1965 ECKSTEIN was convicted for failure to pay Federal wagering tax, which conviction was subsequently overturned. Details regarding his current operation are set forth below in Paragraph 3.

CHARLES FRANCIS LEAHY, JR., a native San Franciscan, in his middle 40's, has been engaged in bookmaking activities throughout his adult life. He was convicted in United States District Court, San Francisco, in 1961 for arrest on 9/28/60 for violation of Title 26, Section 7203, U.S. Code, failure to report and pay wagering tax, and was sentenced to six months in jail and five years probation. Subsequent to his incarceration, LEAHY moved to Medford, Oregon. He returned to the San Francisco area in the Spring of 1969 and resumed his bookmaking activities. During his absence from San Francisco, his ex-brother-in-law, KENNETH JOSEPH ZAHND, reportedly handled his, LEAHY's, bookmaking operation. LEAHY was recently arrested by the San Francisco Police Department on local bookmaking charges and is currently awaiting trial.

2. The types of gambling prevalent in the San Francisco Division are primarily wagering on horse races and sporting events. In addition, small numbers betting with a weekly drawing take place usually in the Spanish-speaking communities. There are also legal and illegal card games operating usually in low-income commercial neighborhoods. Gambling in the division is conducted by individual operators who are independent of each other, except for layoff purposes with respect to bookmaking and there are no indications of hoodlum control over any of these activities.

3. Concerning the extent of gambling in this division, bookmakers ECKSTEIN and LEAHY, named in Paragraph 1 above, operate in the following manner. Both are in daily contact with their accounts located in the Bay area which include other bookmakers for layoff purposes, split bookmakers, and numerous individual bettors.

Bets are placed with these operations generally at locations to which the general public has access, such as bars, restaurants, coffee shops, and other small shops. The "action" received at these business locations are in turn called in to a phone spot operated by a bookmaker who has a gambling relationship with the operator of the business.

ECKSTEIN normally operates with six employees, including two phone men, a bookkeeper, a pay & collect man, and two runners. In addition, he utilizes several split bookmakers as employees. The principal bookmakers and split bookmakers involved in the ECKSTEIN bookmaking operations are THEODORE CHALMIS, ALBERT DiGERONIMO, ELBERT HEDRICK, MANNY PRONGOS, and ALBERT CARLSON. ECKSTEIN's monthly handle based on informant data, evidence seized by the San Francisco Police Department during recent bookmaking raids, and interviews of bettors is estimated to be approximately \$50,000 for horse bets. His sports "action" varies with the season of the year and bettor interests in particular sporting events; however, ECKSTEIN's handle for sports action is estimated to be \$40,000 per month.

LEAHY's operation normally consists of a separate phone man for horse racing action and sports bets, at least two pay & collect men, and several runners operating in the vicinity of three San Francisco bars in which LEAHY reportedly has a hidden interest. The persons believed to be associated with LEAHY as bookmakers and/or split bookmakers are ROBERT MAGIDSON, ATTILIO SPAGNUOLA, VICTOR FORNER, KENNETH ZAHND, MORRIS COOPER, and ALBERT CARLSON.

With respect to LEAHY's handle it is to be noted that a review of records seized at the time of his arrest on 8/4/70 discloses a daily handle for horse action in the approximate amount of \$2,000 or approximately \$50,000 per month. Data regarding LEAHY's sports handle is incomplete but it is estimated that this handle is comparable to that of ECKSTEIN.

Based on a review of available gambling records seized by local authorities on lessor local bookmakers, it is estimated that they have a monthly handle of approximately \$25,000 each. Investigation, including contacts with informants and local authorities, indicates there are approximately 20-30 lessor bookmakers operating in the San Francisco Division on any given day. Accordingly, it would appear that the monthly handle for the San Francisco Division is in the approximate amount of one million dollars.

4. Sports line is formed by local bookmakers who receive an early opinion line from sports services located in Los Angeles, California, operated either by GERALD KILLGORE, DOMINICK "SONNY" DeFALCO, or FRANK MILANO. Upon receipt of this line information, the local bookmaker will make his own adjustments, if necessary, to suit his particular situation. In addition, the local major newspapers in this division publish line information on a daily basis prior to a particular sporting event.

Early race results are currently being furnished to local bookmakers by JERI GORDON MATZA who openly operates

a sports service at 225 Kearny Street, San Francisco. Investigation has determined that MATZA receives race results by calling either California Turf, Los Angeles, a horse race results business operated by FRANK MILANO, or J & K Sports Journal, North Hollywood, California, operated by GERALD KILLGORE.

45. Since the last inspection, the San Francisco Office has developed SF 2661-C-TE, [who is a key operator within the ECKSTEIN bookmaking organization.] SF 3036-PC, who was targeted at time of last inspection, has been developed to the point where he furnishes detailed information on a weekly basis regarding the LEAHY bookmaking organization. This target is a split bookmaker handling sports "action" for the LEAHY organization. As a result of information furnished by SF 3036-PC and SF 3237-C-TE, LEAHY was arrested by the San Francisco Police Department on 8/4/70 on charges of bookmaking and convict in possession of a weapon.

SF 3090-PC was targeted at the time of the last inspection; however, during the past several months, he has furnished extensive information regarding several large bookmaking operations.

SF 3387-C was developed since the last inspection and was responsible for the initial information and identification of a major bookmaking operation in the East Bay area, including Oakland, California, and Naval Air Station, Alameda, California. The informant's information led to the arrest and subsequent conviction of the two major operators within the organization in United States District Court, San Francisco. In addition, based on informant's information and investigation by this office, there were two arrests and convictions effected by local authorities, Oakland.

As a result of extensive investigation in the ECKSTEIN ITWI case, a "shakedown" on the part of ECKSTEIN against a local bookmaker was developed. This investigation has resulted in two major ECT cases involving non-payment of bookmaking debts which are currently under investigation and before the Federal Grand Jury at San Francisco. To date, eight local bookmakers have appeared before the Federal Grand Jury and others will be called. This has had a disruptive effect among bookmakers and has created an atmosphere of distrust.

6. Pursuant to instructions set forth in Bureau letter to SAC Albany 1/27/70 regarding gambling investigations under proposed SB30, a review of gambling cases was undertaken. It should be pointed out that during the past three years, it has been the policy of the San Francisco Office to closely follow the activities of local gambling organizations and/or subjects in an attempt to develop any indication of a Federal gambling violation. Per instructions additional 162 and 165 cases have been opened and investigated. Specifically since 2/1/70 sixty-three 162 cases and ninety-eight 165 cases have been opened.

PART C. TOP-ECHELON INFORMANT MATTERS

1. At the time of the last inspection, San Francisco had 7 top-echelon (TE) criminal informants. Of those 7, 4 were LCN members:

SF-2550-C-TE, San Jose "family"
SF-2745-C-TE, San Jose "family"
SF-2689-C-TE, San Francisco "family"
SF-3208-C-TE, New York "family"
SF-2956-C-TE, San Francisco
SF-3058-C-TE, San Francisco
SF-3237-C-TE, San Francisco

Since the last inspection, this office has developed three additional TE informants:

SF-2661-C-TE, San Francisco
SF-3300-C-TE, San Francisco
SF-3239-C-TE, San Francisco

At the time of the last inspection, San Francisco had under development a total of 39 PC informant targets.

Targets currently under development are as follows:

LCN Members - 10

SF-2501-PC, San Francisco
SF-2874-PC, San Mateo
SF-3013-PC, Monterey
SF-2545-PC, San Francisco
SF-2582-PC, San Jose
SF-2630-PC, San Francisco
SF-2886-PC, San Jose
SF-3132-PC, San Francisco
SF-3141-PC, San Francisco
SF-3242-PC, San Jose

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Associates of LCN Members - 5

SF-2656-PC, San Jose
SF-3123-PC, Oakland
SF-3241-PC, San Jose
SF-3385-PC, San Francisco
SF-3288-PC, " "

Gambling and General Criminal Field - 31

SF-2500-PC, San Francisco
SF-2845-PC, " "
SF-2927-PC, " "
SF-3036-PC, Oakland
SF-3061-PC, San Francisco
SF-3090-PC, " "
SF-3112-PC, " "
SF-3135-PC, Oakland
SF-3144-PC, San Francisco
SF-3178-PC, " "
SF-3235-PC, " "
SF-3243-PC, " "
SF-3245-PC, " "
SF-3251-PC, " "
SF-3132-PC, " "
SF-3290-PC, " "
SF-3291-PC, " "
SF-3310-PC, " "
SF-3318-PC, " "
SF-3338-PC, " "
SF-3324-PC, " "
SF-3333-PC, " "
SF-3336-PC, " "
SF-3347-PC, " "
SF-3351-PC, " "
SF-3350-PC, " "
SF-3355-PC, " "
SF-3385-PC, " "
SF-3349-PC, " "
SF-3234-PC, " "
SF-3356-PC, Santa Cruz

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The San Francisco Division has under development a total of 46 PC targets in San Francisco and RA territories. The TECIP continues to be intensified for development of additional targets and information received regarding subjects of AR, ITAR and gambling investigations, as well as information received by our informants, is carefully evaluated for possible selection of potential targets under this program.

<u>Agents</u>	<u>Targets Assigned</u>
JAMES F. BLANTON	2
JOSEPH CHIARAMONTE	2
THOMAS J. A. HENRY	4
RUSSELL J. HUCKABY	3
J. TIMOTHY LANN	2
JOHN M. PAGE	4
JOHN G. REDMOND	1
DAVID J. SARGENT	1
FRANK UNDERWOOD, III	2
GEORGE R. ZEIGLER	2

It should be noted that SA's LANN and SARGENT were assigned to Squad #4 handling CIP matters subsequent to the last inspection. All agents on this squad are well aware and constantly apprised of the importance of the TECIP and efforts will continue to insure that each agent will develop a TE informant.

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PART D.

1. The La Cosa Nostra (LCN) continues to exist in the Northern California area and includes a San Francisco "family" and a San Jose "family." There are currently 8 members of the San Francisco "family" residing in this division and 19 members of the San Jose "family" residing in this division. In addition, there are two members of the San Francisco "family" residing in the Sacramento Division, one member in the Los Angeles Division, one in the Chicago Division and two members presently residing in Italy. There are currently 3 members of the San Jose "family" residing in the Sacramento Division and one in the Las Vegas Division. All of these members have been identified as members of the San Francisco or San Jose "families" by TE informants of the San Francisco Division.

Four top echelon informants of this division who are members of LCN "families" have failed to indicate that the LCN "families" of this division register any control over gambling, narcotics, prostitution or any other organized illegal activity within this division.

The present leadership of the San Francisco "family" has recently been assumed by ANTHONY LIMA, who took over this position when the previous "boss", JAMES JOSEPH LANZA, stepped down in his favor. The "underboss" of the San Francisco "family" is GASPAR "BILL" SCIORTINO and this "family" has one Capo de Decina, VINCENZO INFUSINO, who resides in Modesto, California, in the Sacramento Division.

The leadership of the San Jose "family" remains the same as at the time of the last inspection report with JOSEPH CERRITO, the "boss," PHILIPPO OCTAVIO MERICI and STEFANO ZOCCOLI, Consiglieris, and one Capo de Decina, EMANUEL FIGLIA. No appointment has been made to the position of "underboss" since the death of the previous "underboss," CHARLES CARBONE, in 1967.

2. There are presently 8 members of the San Francisco "family" and 19 members of the San Jose "family" residing in this territory. All of these members have been identified by TE criminal informants of this division.

TE informants of this office who are members of the LCN or associates of members of the LCN have been alerted to continue to furnish information and identities of any individuals

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who are associated with the LCN in this territory. SF-2689-C-TE has indicated that the recruits are the "second army" of the LCN and to be aware of and on top of activities of the LCN, it is necessary to identify these recruits. Since the last inspection, TE informants have identified an additional 11 recruits of the San Francisco and San Jose "families" residing in this territory or in the Sacramento territory.

As has been reported above, TE informant of this office reported the change in leadership of the "boss" of the San Francisco "family" when JAMES LANZA stepped down in favor of ANTHONY LIMA.

In addition, informants of this office reported the return to the San Jose area of Consiglieri STEFANO ZOCCOLI, who has been residing in the Los Angeles territory.

3. The following TE criminal informants are members of the LCN in the San Francisco territory:

SF-2550-C-TE
SF-2689-C-TE
SF-2745-C-TE
SF-3208-C-TE

Agents of the San Francisco Division currently involved in the development of TE criminal informants and in AR investigations are contacting the following PC targets who are members of the LCN in this territory in an effort to develop their cooperation:

SF-2545-PC
SF-2501-PC
SF-2630-PC
SF-2874-PC
SF-3013-PC
SF-2582-PC
SF-2886-PC
SF-3132-PC
SF-3141-PC
SF-3242-PC

Of the above LCN member targets, SF-2501-PC, SF-2874-PC and SF-3141-PC, in contacts to date, have furnished some cooperation and it is felt that with continued contacts, these targets offer excellent potential. In addition, from contacts to date, SF-2582-PC and SF-3013-PC have also expressed some cooperation and it is felt offer good potential as targets under the TECIP.

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PART E. TITLE III OF THE OMNIBUS CRIME CONTROL AND SAFE
STREETS ACT OF 1968

1. All agents assigned to Squad #4, handling CIP matters, are thoroughly familiar with all aspects of Title III.
2. Yes. See 3. below..
3. Since the last inspection, extensive investigation, as previously reported herein, has been conducted in the GIUSEPPE CONFORTA; ETAL case. During recent weeks, an affidavit for a Title III electronics surveillance has been prepared with the assistance of the Departmental attorney at San Francisco. This case, as well as the affidavit, has been discussed with the Organized Crime Section, Department of Justice, by the Departmental attorney and it is agreed that upon completion of investigation currently being conducted by the Honolulu Office, these results should be added to the affidavit and immediately submitted to the Bureau and the Department for approval.

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ADDENDUM

INSPECTOR ARNOLD C. LARSON:

10/27/70

X OFL:dp

with appropriate personnel:

The following comments
are based on a review of
information of pending
files and interviews

LA COSA NOSTRA (LCN)

Investigation by your office revealed the existence of two LCN "families" within your territory. Membership within these "families" total 64 individuals. Your investigation revealed neither "family" is considered to be very strong and has little or no illegal operations being conducted on a day to day basis.

One "family" is centered in the San Francisco area and has for the past few years been headed by James Lanza, an attendee at the Apalachin meeting in 1957. Lanza has recently stepped down as boss of the San Francisco "family" and has been replaced by Toni Lima. Your investigation reveals that Lima's leadership has not been approved by the "commission." You should follow this matter closely so you will be in a position to know all activities relating to this change in position.

The second "family" is centered in the San Jose area and is headed by boss Joe Cerrito. This "family" exhibits little enthusiasm for illegal operations. You should closely follow the activities of members of this "family" to insure that any illegal operations are immediately known to your office.

Organized Crime

Although prostitution, gambling and narcotic activities exist within your division, there is no indication from your investigations that these operations are controlled by either the LCN or other organized groups. Your investigations should be continually pursued with vigor in order that your office will be aware of any illegal operations within your division. This is particularly true in regard to gambling activities in view of the recent passage of Senate Bill 30.

As you are aware provisions of Senate Bill 30 made it a Federal crime in certain gambling operations and it will not be necessary to prove interstate aspects of the gambling activity.

Top Echelon Criminal Informant Program (TECIP)

The following is an analysis of your Top Echelon Informant Program at this time as compared with the last inspection:

<u>Rating</u>	<u>Last Inspection</u>	<u>Present Inspection</u>
Excellent	4	3
Very Good	2	3
Good	1	3
Fair	0	1
Poor	0	0
Insufficient Data to Rate	0	0
 Totals	7	10

It is noted your office has penetrated the LCN "families" in both San Jose and San Francisco through the development of member informants. This is very noteworthy and you are encouraged to make certain that your member informants are utilized to the best advantage of the Bureau. Also, it is noteworthy that you have increased your TE coverage from 7 to 10 since the last inspection.

SF 3058-C-TE (San Francisco file 137-4670; Bureau file 137-17455) was rated fair because of a lack of productivity. You should follow instructions issued in Bureau letter dated July 14, 1970 and if this informant is unproductive for four months subsequent to the receipt of that letter the informant should be closed.

Although SF 2745-C-TE (San Francisco file 137-3456; Bureau file 137-11174) was rated good, his progress should be closely followed. Although he is noted to be a member informant the file indicates he is very sick with varicose veins and is very old. The majority of information furnished by this source has been of a nature of past activities and little present information is being furnished by him. You should endeavor to have him furnish more productive recent informant or give consideration to concentrate on a more productive source.

A review of your file 137-5207, Bureau file 137-20313 concerning SF 3208-C-TE indicates the source was last contacted on June 26, 1970. The file indicates this source sold his business and left for Los Angeles and this information was learned by your office on August 13, 1970. The file also indicates this TE left the New York area because of being a victim of a shylock loan. In view of this information you should closely follow this informant's activities and be circumspect in dealing with the informant to prevent any possible embarrassing situation from arising.

The following is a rating of the PCs and a comparison with the ratings at the time of the last inspection:

<u>Rating</u>	<u>Last Inspection</u>	<u>Present Inspection</u>
Excellent	0	1
Very Good	6	7
Good	11	24
Fair	1	3
Poor	1	1
Insufficient Data to Rate	<u>20</u>	<u>10</u>
Totals	39	46

It is very encouraging to note that you have increased your targets from 39 from the time of the last inspection to 46 at the time of this inspection. You are encouraged to continue this most desirable trend.

SF 2123-PC (San Francisco file 137-4945; Bureau file 137-11841) was rated fair. This target was opened on April 8, 1968 and was last contacted on October 10, 1969. You advised that contact is being held in abeyance pending a surveillance which was conducted by the Oakland Police Department in early 1970. In view of the length of time since this case was opened and the length of time since this target was contacted he was rated fair.

SF 2630-PC (San Francisco file 137-2967; Bureau file 137-9023) was rated fair. By letter dated December 10, 1968 the Bureau advised that this target was over two years old and that you should consider deleting within four months if he was unproductive. This informant was also rated fair during the last inspection because of lack of productivity.

The only reason this informant is being classified fair, instead of poor is because information contained in your letter to the Bureau dated September 18, 1970 wherein your informant reported information was furnished by a TE to the effect that the present "boss" of the San Francisco LCN "family" had been discussing leadership of the San Francisco LCN with the target. You are instructed that in the event he does not furnish valuable positive information within 90 days he should be closed and a more suitable target developed.

SF 3061-PC (San Francisco file 137-4768; Bureau file 137-17558) was also rated fair. This target along with the other two targets rated fair should be closely followed for 90 days and be given specific assignments during that period of time. In the event they are unproductive they should be closed.

SF 2582-PC (San Francisco file 137-2698; Bureau file 137-8249) was rated poor and should be closed.

In regard to your PCs, the following specific instructions are being furnished you:

SF 2656-PC (San Francisco file 137-3086; Bureau file 137-9425) was rated good [because of his being close to San Jose LCN member Dominick Anzalone and Pittsburgh LCN member George Adragna who recently moved to San Jose. He is also close to LCN "recruit" Vito Adragna.] It is noted that this target has been opened for a period of more than one year and has been furnishing general rather than any specific information. You should encourage this informant to furnish some specific information concerning these people who he is close to in order that he may be retained as a target of your office.

SF 3318-PC (San Francisco file 137-5545; Bureau file 137-22526) has been a target of your office since December 26, 1969. Unless your office is in possession of some specific information to the contrary he should be immediately interviewed to determine whether he will be cooperative with your office.

SF 3135-PC (San Francisco file 137-5010; Bureau file 137-19079) was opened on May 17, 1968. During the two inspections since he was opened this PC was rated Unsufficient Data to Rate. On November 20, 1969 you advised that an interview of this PC was being held in abeyance pending an investigation by the Oakland, California Police Department. The file indicates that that investigation was completed on August 6, 1970 with your target paying a \$125 fine. On August 19, 1970 you advised that interview of the target was being delayed pending further investigation. You are instructed that this interview should be immediately conducted in order to determine if this target will be cooperative with your office.

SF 3297-PC (San Francisco file 137-5457; Bureau file 137-22106) was opened on October 17, 1969. The file indicates that this target has never been interviewed and you indicate that contact with the target is being delayed until a more logical area of vulnerability is developed. Inasmuch as this target is over one year old it is felt that sufficient information should be developed so that your office might approach this target to determine if he will be cooperative with your office.

SF 3192-PC (San Francisco file 137-5016; Bureau file 137-10982) was opened on May 21, 1968. SF 3110-PC (San Francisco file 137-2182; Bureau file 137-22452) has been opened since December 8, 1969. It would appear that sufficient time has elapsed in order for your office to develop background information so that an interview of these targets can be conducted. You should without further delay interview these targets to determine if they will be cooperative and if not you should consider closing and finding more suitable targets for development.

Information you furnished indicates there are ten SAs who are working either exclusively or virtually exclusively on the CIP and IGA program who have not developed TEs. Although all ten Agents have PCs their progress should be closely followed to insure their participation in the development of TEs. In this regard you may desire to reiterate provisions of the Manual of Instructions to the Agents on the program concerning the qualifications of TE informants.

All Agents are to be reminded that in dealing with informants, they are to be particularly alert and not leave themselves open for criticism or false accusations. The importance of having an alternate contacting Agent or another Agent along during the course of certain interviews is advisable in case any compromising situation is attempted.

With the recent enactment of Senate Bill 30 you should concentrate on increasing your informant coverage in the areas covered by this legislation. Also in regard to the passage of Senate Bill 30 dealing with gambling, which you are aware does not now require interstate activity, you should not overlook the utilization of your racial informants to furnish information to your office concerning gambling activities. Other divisions of the Bureau have been particularly successful in coordinating the information from racial informants in to the CIP and IGA programs.

Statistical Accomplishments

During the fiscal year (fy) you recorded two convictions in the CIP-IGA category. During the fy 1970 your office had three convictions. During the first three months of fy 1971 you have recorded one conviction in this category.

According to the information furnished by your office you have four cases pending prosecution, two of which are in the 159 (LMRDA-IM) category and two are in the 92 (Anti-Racketeering) category. Only one of these cases is in the CIP-IGA program. A review of your files indicates that in file 179-24 in a case captioned JAMES FRATIANNO, EXTORTIONATE CREDIT TRANSACTION (ECT), the subject was indicted under Title 18, Section 894 of the U.S. Code. Your office was working the case under Anti-Racketeering classification and the file was opened after the ECT indictment.

In regard to the possible statistical accomplishments, from the above file it would appear the local office of the United States Attorney will seek indictments under the ECT statute. A review of your cases in this category reveal only three Office of Origin cases. The files also indicate instances wherein there are shylocking activities among the gamblers where there are large debts outstanding. A review of your

file 165-100 on Kenneth Joseph Zahnd, aka; Morris Cooper, ITWI, indicates the local office of the United States Attorney appears to be in no rush to seek Grand Jury indictments on gambling matters. If the local office of the United States Attorney will entertain prosecution under ECT and is in no rush to seek indictments under the gambling statute, you should review at squad conferences with Agents assigned to the program provisions of SAC letter 68-46 dated August 20, 1968 wherein provisions of the ECT statute are set forth.

In relation to statistical accomplishments, prior experience has shown a direct relationship between Office of Origin cases in a particular classification and statistical accomplishments. As of September 30, 1970 your monthly administrative report reflects the following Office of Origin cases in the categories enumerated:

<u>Classification</u>	<u>Office of Origin Cases</u>
92	99
143	0
144	0
162	22
165	50
166	128
168	0
172	1
179	2

A review of the monthly administrative reports since the last inspection indicates your office of origin cases has remained fairly constant since the last inspection. With the increase of manpower on this program and the addition of informant development since the last inspection it is anticipated that your office should be in position at this point to begin to show results in regard to the statistical accomplishment phase of this program.

Supervision And Manpower

The CIP and IGA program is supervised by Supervisor Charles N. Hiner. Discussions with Supervisor Hiner and personnel assigned to the program indicate a very enthusiastic approach to the problems involved in this program.

Immediately prior to the last inspection, by letter May 29, 1970 captioned "CRIMINAL INTELLIGENCE PROGRAM, ASSIGNMENT OF ADDITIONAL MANPOWER," you advised the Bureau of the addition of ten Agents to be assigned exclusively to this program. Your success since that time has been noted by the addition of one conviction in 1970 vs. 1969. Also you have added three TEs to the program and seven additional PCs. This is to your credit and you are encouraged to continue this favorable trend. However, the collection of intelligence information, though very important, is only one phase of this program. The other phase of the program which must receive close supervision and personal attention is the obtaining of convictions to fulfill the Bureau's responsibility toward statistical accomplishments.

In regard to statistical accomplishments, other divisions of the Bureau have been very successful in the utilization of Title 3. The utilization of Title 3 requires extensive use of manpower and if the Title 3 you are presently awaiting approval is approved you should judiciously use manpower in the operation of the Title 3 installation.

In regard to the utilization of manpower, it is imperative that all Agents assigned to this program show the necessary zeal to accomplish the desired results of intelligence information and statistical accomplishments. In the event any Agents assigned to the program fail to show the necessary enthusiasm consideration should be given to the reassignment of those Agents to other squads.

Administration And Files

Several instances were noted wherein the "pink sheet" were not completed although the informant files have been opened for a considerable period of time. The following are instances of this:

137-2341	137-5457
137-5545	137-3813
137-5651	137-3241
137-5688	137-5293
137-5650	137-5423
137-5597	
137-5323	

There were four instances wherein you were instructed during the last inspection to complete the pink sheet and although 14 months have passed since last inspection these pink sheets have not been completed. While failure to complete the pink sheet when instructed does not necessarily indicate an Agent's enthusiasm in working this program, it does not show the desired attitude. These four instances are as follows:

137-4768
137-5015
137-4945
137-5016

A review of your 162 files indicates several instances wherein Bureau instructions were not followed. These Bureau instructions were set forth in Bureau airtel dated April 2, 1969, captioned "INTERSTATE GAMBLING ACTIVITY MATTERS." This is found in your file 162-00-21. Briefly, these instructions stated that the 162 classification should be reserved for "intelligence-type" inquiries and that substantive cases should be opened under the proper classification. These files which were opened on individual gamblers were as follows:

162-897
162-896
162-893
162-885
162-883
162-902
162-903
162-892
162-899
162-733
162-900

A review of your 166 files indicates cases which appear to be of dubious prosecutive potential and you should closely follow these cases to insure that when it is determined they are of no intelligence or prosecutive value these cases should be immediately closed. Instances are as follows:

166-1628	166-1623	166-1652	166-1614
166-1510	166-1624	166-1650	166-1615
166-1491	166-1625	166-1635	166-1616
166-1550	166-1627	166-1634	166-1571
166-1551	166-1630	166-1646	166-1572
166-1633	166-1607	166-1648	166-1567
166-1632	166-1610	166-1649	166-1575
166-1631	166-1653	166-1667	166-1576

Dissemination

Your office has been very successful in obtaining favorable results in dissemination of information to local law enforcement agencies concerning local violations developed during the investigation. You are encouraged to continue this favorable trend; however, you should bear in mind that violations that were strictly local in nature previously may now be covered by the recent enactment of Senate Bill 30. Those which are determined to be Federal violations, of course, should be prosecuted in Federal court.

New Legislation

A review of your files indicates you have complied with Bureau letter dated January 27, 1970, concerning the then proposed Senate Bill 30. You should closely follow guidelines formulated by the Bureau in regard to this new legislation in order that your office will be abreast of the latest information so that the Bureau's responsibilities in the organized crime field can be fulfilled.

Observations and Instructions

(1) Provisions of Title 3, the Extortionate Credit Transaction statute and of the Manual of Instructions concerning the qualification of TEs should be reiterated to all Agents on the program at squad conferences.

(2) You should stress to all Agents on the program the necessity of developing quality TEs.

(3) You should stress the necessity of proper utilization of Title 3 installations as other field divisions have been very successful in this regard in obtaining a backlog of potential statistical accomplishments.

(4) You should concentrate on quality cases which have prosecutive potential which will obtain the desired statistical accomplishments.

(5) You should keep abreast of policy in regard to new Senate Bill 30 so that the Bureau's responsibility in this regard can be fulfilled.

Comments of Supervisor HINER and SAC requested.

SUPERVISOR CHARLES N. HINER AND
SAC ROBERT E. GEBHARDT

Inspector's in-depth analysis and favorable comments regarding positive results achieved in the Criminal Intelligence Program are appreciated. You are assured the observation and comments will be closely followed and implemented.

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SELECTIVE SERVICE MATTERS

4-M-5

INSPECTOR ARNOLD C. LARSON: The following comments, observations, recommendations and instructions are being made after an in-depth review of a representative number of your Selective Service Act matter cases and administrative files along with conversations with supervisory and Agent personnel and review of the answers to questions in a separate yellow (4-M-5):

The San Francisco area is a haven to draft dodgers and this undesirable situation will not be reversed until we make this area unattractive for "bums," "hippies," and members of white and black extremist groups who come to San Francisco in order to avoid the draft. Several obstacles must be surmounted in order to reverse this undesirable situation. The indifferent attitude that the judges have displayed to date must be reversed towards a tough handling of Selective Service Act violators. Supervisory and Agent personnel must maintain an aggressive attitude and continue to be a leader in streamlining processing procedures by the United States Attorney's Office and various Selective Service Boards to insure that these violators are promptly prosecuted in the courts. Every technique available to the Bureau should be used to get the judges, United States Attorney and public riled up about this ridiculous situation. Aggravated violators should be put in jail.

There are 2,983 "hippie-type" communes in the San Francisco Division comprising in excess of 20,000 population. 1,050 of these communes are located in the Berkeley and Oakland areas comprising in excess of 10,000 population and 43 communes are known to be violently oriented. Your office has eight subjects who have committed Selective Service Act violations that are members of white and black extremist groups. Every effort should be made to take these individuals out of circulation by placing them in jail. Information concerning their activities with extremist groups should be furnished to the probation officers so that they can so inform the judges in their presentencing report. All Agents handling Racial Matters and Selective Service Act matters should be periodically reminded to be on the alert

SAN FRANCISCO INSPECTION

4-M-5

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to identify members of the Black Panther Party, Students for a Democratic Society, and other members of extremist groups who are in violation of Selective Service Act matters. These should be promptly discussed with the United States Attorney for expeditious handling.

There are several reasons why the draft dodgers come to this area to beat the draft, however, the six most important reasons are as follows:

1. Nation-wide publicity during the last three years concerning San Francisco being a haven for draft dodgers.
2. The apathetic attitude of the United States District Judges. Sentences have been very light and many decisions were adverse due to technical grounds which made prosecution of additional cases difficult.
3. Large panel of attorneys, most, if not all, of them of civil liberties inclination, was formed a few years ago in San Francisco under the auspices of the U. S. District Court for the purpose of defending Selective Service Act violators. The attorneys are appointed from this panel, by the court, when a man cannot afford his own attorney. The expenses for the violators' defense are paid out of the U. S. Legal Assistance or Public Defender Fund in San Francisco. Many of these attorneys have not only defended inductees who refused to step forward for induction, but have furnished legal advice and assistance to various Resistance movements in the area.
4. The Resistance, a loose organization in various colleges throughout the United States, has counsellors who assist registrants in deciding what their rights and possibilities are under the Act. The Resistance has several offices in various parts of Berkeley, Oakland and San Francisco where men can go for advice.

5. Investigations have developed strong indications that there is a loosely organized movement by registrants to deliberately crowd the court calendars in San Francisco to make the reaching of any one man as slow as possible. This will also give the violator the opportunity of getting the indictment against him dismissed alleging that the defendant cannot receive a speedy trial.
6. The former United States Attorney had on his staff an assistant handling 25 cases who had never served in the Armed Forces and was outwardly sympathetic towards the Selective Service Act violators. The new United States Attorney has a good attitude towards the prosecution of these violators, however, he has not completely replaced the staff of the old United States Attorney.

A major portion of the Selective Service Act violations in the San Francisco Division pertains to the inductees failing to step forward to be sworn into the Armed Forces, thereby refusing induction. The Armed Forces Examining and Entrance Station located in Oakland, California handles all inductions for Northern California and part of Nevada and handles approximately five per cent of all inductions in the United States.

Approximately 38 per cent of all refusals for induction into the Armed Forces arise at Oakland, according to the Department of the Army statistics. Many registrants from all over the United States come to the San Francisco area for the specific purpose of having their local draft board changed to this area, and after meeting all other requirements for induction, refuse to step forward to be inducted knowing that they will have two years or longer of freedom due to the slow handling of these cases by the Selective Service Board, United States Attorney's Office and the courts. San Francisco has several cases where the violations are over two years old in which no prosecutive action has been taken.

It is evident from the backlog of cases awaiting trial (414), backlog of cases awaiting prosecutive action by the Federal Grand Jury (749) and the fact that these violations are being received by your office at the average rate of 175 cases per month, that something must be done to get these cases before the courts. The most aggravated cases should be singled out and tried first, particularly those individuals who are members of extremist groups. Experience has shown that after several subjects have received rigid sentences, and a widely publicized trial, that many subjects enter guilty pleas hoping for lesser sentences by avoiding the Government the expense of a trial.

It is recognized the San Francisco Division has been most forcefully making every effort to expedite the handling of these cases, particularly through the judiciary. Indications are that the relatively newly appointed United States Attorney is sympathetic and receptive to the problem and is making an effort to diminish the backlog of cases awaiting Grand Jury presentations, but it is recognized once an indictment is returned, it is then up to the judiciary to proceed through the final step, to which they have not been particularly receptive. They have not responded enthusiastically to handling these matters in Federal Court.

It is obvious the Federal Judges in Northern California (San Francisco Division) have resisted any and all pressures brought to bear upon them concerning this problem. In my analysis of this situation, I have determined that the United States Attorney's Office, personnel of the FBI, and Selective Service personnel have all attempted to influence the Judges in handling these matters more expeditiously to no avail. Furthermore, within recent months there has been wide-spread nation-wide publicity relative to their coddling and minimizing this particular problem. This apparently has had no effect upon them. It would, therefore, appear that the various Federal Judges will not react to this problem unless some superior influential individual or group can forcefully bring this matter to their attention, particularly if such individual or group is one which the Federal Judges would respect. The obvious answer is the Administrator of the Courts for the Federal Judicial System in Washington, D.C. and/or Chief Justice of the Supreme Court, WARREN BURGER.

You are, therefore, instructed to suggest to the Bureau that the contents of the letterhead memorandum setting forth this overall problem be brought to the attention of the Attorney General with the further suggestion that the Attorney General bring this matter to the attention of the Administrator of the Courts of the Federal Judicial System and/or Chief Justice BURGER for his analysis and information, and the further suggestion he may desire to communicate with the Chief Federal Judge in San Francisco relative to these matters.

SAC, ASAC, Supervisory and Agent personnel should take advantage of every opportunity to personally discuss this aggravated situation with the United States Attorney, Selective Service Board officials, SAC contacts and other prominent individuals to get them riled up about this ridiculous situation. Insure that continuous close liaison is maintained by supervisory and Agent personnel with United States Attorney's Office and various local draft board officials to insure that these cases are promptly processed and prosecuted.

Your office in April, 1969 suggested to the former United States Attorney that arresting several inductees on the spot might have a favorable effect upon lowering the rate of refusals at the Oakland Induction Center. The only objection given by the former United States Attorney was that the case of the registrant must be presented to the Federal Grand Jury within two weeks after arrest. Due to your effective liaison, most of the "bottlenecks" have been worked out between the Selective Service Board and United States Attorney's Office in which these arrests can now be effected. You should be alert to members of extremist groups who will fail to step forward at the time of their induction and appropriately arrange with the United States Attorney for authority to arrest these individuals on the spot. You should insure that such arrests are given adequate press coverage. Such plans should be brought to the attention of the Bureau for their consideration in making a national press release, if warranted.

You must closely coordinate Selective Service Act cases with Agents handling extremist groups such as the Black Panther Party, Weatherman, SDS, etc. These files should be cross-referenced by appropriate memoranda.

Statistical Accomplishments and Administrative Handling of Cases

As of 9/30/70, you had 1,873 origin Selective Service matters (1,799 active and 74 inactive). Between March and September 1970 you received 1,186 Selective Service Act matters for investigation, an average of 169 (1,186 - 7) per month. As of 10/23/70, 1,183 of the origin cases were completed. 749 cases are awaiting the United States Attorney's (USA) prosecutive decision, and 414 cases involve indictments of subjects and are awaiting trial. The case load is split about in half between Headquarters City and Resident Agents. 17 Agents are assigned to Squad 6 who handle only Selective Service Act (SSA) matters and their informants. One Agent has been on extended sick leave. Approximately 18 Resident Agents spend between 60 to 100% of their time on Selective Service Act matters. During the fiscal year 1970, ending 6/30/70, you recorded 74 convictions and for the first four months of fiscal year 1971, ending 9/30/70, you have recorded 9 convictions.

The procedures followed by your office concerning the immediate handling of subjects who refuse to step forward at the Armed Forces Examining and Entrance Station, Oakland, California, appear to save Agent time and Government expense and should be continued. It is noted, however, that several months elapse between the time the Subject is interviewed and the time the United States Attorney makes his prosecutive decision since he insists that the Selective Service file be processed and forwarded to his office by the State Director of the Selective Service Board. You should have Headquarters city Agents continue close liaison with Selective Service Boards and the United States Attorney's Office to insure that these cases receive expeditious processing and are presented to the Federal Grand Jury at an early date.

Current administrative procedures being followed in these refusal type cases are as follows:

The Induction Officer at the Armed Forces Examining and Entrance Station, Oakland, California, calls an Oakland Agent when there is going to be one or more inductees who will refuse to submit to induction. Inductions are handled on a Wednesday of each week. The Special Agent witnesses the refusal, conducts a short interview of the Subject, and in almost every instance secures an admission from the Subject that he knew he was violating the law and that he had thought

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about this matter carefully before refusing to step forward. The Agent during this interview obtains the Subject's current address which is generally different from the one he furnished the Selective Service Board. The Agent places the Subject on notice as to what probably will occur as to an indictment, summons, etc. The Subject is cautioned to remain in touch with his Local Draft Board in order to avoid being a Bureau fugitive.

A case is immediately opened and assigned to the Oakland Agent who prepares a report. Information copies of the report are furnished to the local USA, San Francisco; and the field office and the USA covering the Subject's draft board when located in another division. It is the USA's opinion (San Francisco) that the refusal to step forward takes precedence over any prior delinquencies and will be handled by the USA, San Francisco. Instructions are given in leads to Headquarters city Agents and/or auxiliary offices to closely follow the Local Board to insure that all pertinent information regarding the Subject is promptly furnished to the USA, San Francisco.

In order to streamline the administrative handling of these matters as well as keeping the Bureau fully informed of the activity you are taking in these matters to insure prompt prosecutive handling, the following instructions should be followed:

All refusal cases and all other cases in which the investigation is completed should be reassigned to three or four Headquarters city Agents. These Agents will have the responsibility of getting these cases to the Federal Grand Jury and on the trial calendar. Those cases in which the subject becomes a fugitive should be reassigned to another case Agent.

At the present time there are 1163 cases pending prosecutive action. In order to eliminate status letters and reports to the Bureau in these type cases, the following procedures should be followed.

Memos to the SAC should be placed in individual files to keep them from becoming delinquent. When the Subject is indicted the Bureau should be immediately advised in each individual case. Beginning 10/30/70 and continuing on the 15th and 30th of each subsequent month, you are to advise the Bureau, by letter, entitled "SELECTIVE SERVICE ACT MATTERS, SAN FRANCISCO DIVISION" of the activity conducted,

which would include the total number of cases presented to the Federal Grand Jury during the prior two week period, identifying each case by San Francisco file number, Bureau file number and title; the number of cases completed and awaiting Federal Grand Jury action; number of new cases received for investigation and general comments concerning the attitude of the USA's Office and U.S. District Courts concerning these matters. Also you should comment on any favorable publicity being given these matters by the local press media.

In the refusal cases the Bureau should be specifically advised of the status of a case within five months after the violation. The USA should be requested to advise of the prosecutive action he intends to take in each case and this information reported in the individual file.

It is felt that better liaison can be maintained with the USA's Office when only two or three Special Agents present these cases in a group thereby eliminating 30 to 35 different Agents presenting their cases separately. The Bureau will be kept advised on a semi-monthly basis of the activities of your office in getting these SSA matters through the courts. The above procedures will eliminate the dictation and typing of approximately 750 pages each month.

There are a sufficient number of SSA cases in Berkeley, Oakland, San Jose and San Francisco for your consideration of having a Special Clerk handle the review of Selective Service Board records. You should closely review these situations in these particular areas and if warranted recommendations for hiring Special Clerks.

Comments of SAC requested.

SAC ROBERT E. GEBHARDT
(10/29/70)
Supervisor ~~PAT~~ M. ANDRESS

The inspector's instructions will be followed.

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ADMINISTRATIVE MEMORANDUM

Administrative Handling of Theft
From Interstate Shipment Cases in
the San Francisco Division

INSPECTOR ARNOLD C. LARSON: During the course of the inspection of the San Francisco Office a review was made of 140 Theft From Interstate Shipment cases. Instances were noted wherein Bureau Regulations concerning the handling of these cases were not followed. Set forth below are instances noted during this review:

In the following cases, it was noted the amount involved appeared to be a minor amount and there appeared to be no aggravating circumstances concerning these violations. In some instances concerning the cases which originated at the San Francisco Airport, it was noted the file indicated there was a possibility of an individual at the airport being involved in the theft. However, it is felt it is not necessary to keep open all the minor cases in order to determine which, if any, employees at the airport may be involved. These cases where minor amounts are involved are as follows:

15-11816
-11977
-11987
-11988
-11989
-11990
-11991
-11993
-11995
-11814
-11946
-11945
-11944
-11947
-11927
-11941
-11926
-11940
-11824
-11992
-11902

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-11996
-11994
-11953
-11925
-11923

The FBI Handbook, Part III, Chapter 73, Paragraph F, Page 192, states as follows:

"If complaint is received involving a minor Theft From Interstate Shipment where there are no known aggravating or unusual circumstances, immediately present facts to USA for prosecutive opinion. If USA will not consider Federal prosecution, conduct no investigation, advise complainant, and, where appropriate, refer matter to law enforcement agency having jurisdiction. Confirm to USA and complainant in writing opinion and action taken."

None of the aforementioned cases reviewed indicate you are referring minor violations to the U. S. Attorney to determine if he would prosecute in the event a subject was identified.

There were numerous incidents wherein information had been received and the file contained no FD-302s and no indication that the FD-302s had been dictated.

The following is a list of these files which includes only those files wherein the case is at least 15 calendar days old. These files are identified as follows:

15-11918
-11980
-11816
-12010
-12011
-12013
-12017
-11814
-11947
-11837
-11831
-11983
-11902

-11939
-12006
-11973
-11933
-11969
-12003
-12000
-11999
-11998
-11954
-11925
-11923

The Manual of Rules and Regulations, Section 4, Paragraph C2b and c, provide as follows:

(b) "Information not in a signed statement received from a witness and concerning which the witness may testify" should be reported on the Form FD-302.

(c) "Information which may be the subject matter of testimony of a Bureau Agent" should be reported on the Form FD-302.

Four instances were noted wherein serial numbers have been obtained and, although sufficient time had lapsed, the serial numbers had not been entered into NCIC. These cases are as follows:

15-12006
-11994
-11965
-11877

The Manual of Rules and Regulations, Part II, Section 3, Paragraph F, Page 31 and following pages lists the procedures for entering serial numbers of stolen items into NCIC.

In your file 15-11918 a case was opened wherein the opening memo states there is no Federal violation involved. The alleged purpose of opening this case is because the person who is responsible for this theft may have been involved in a theft wherein FBI jurisdiction was apparent.

Explanations Requested

Supervisor GLENN A. HARTER is requested to explain the following:

- 1) Why, in his supervision of these matters, he failed to insure that cases involving minor thefts were immediately presented to the U. S. Attorney for prosecutive opinion in accordance with existing Bureau instructions.
- 2) Why, in his overall supervision, he failed to detect that FD-302s were not prepared in the aforementioned cases.
- 3) Why he failed to detect that serial numbers in the aforementioned cases were not entered into NCIC.
- 4) Why a case was opened on 15-11918 when the opening serial indicated no Federal law had been violated.

1 Comments of SAC requested.

4) SUPERVISOR GLENN A. HARTER: 10/28/70 1) This office received a letter from the U.S. Attorney dated 6/24/69 wherein the

U.S. Attorney advised that they would not undertake prosecution of minor theft cases. The letter set the guide as those cases of value of less than \$100. This office has been following the interpretation of minor thefts as those having a value of less than \$100. It was the judgment of this office that about all of the airport thefts involved amounts in excess of \$100. It appears that an average loss at the airport would average an estimated \$250, it being noted that the airline companies currently are paying up to \$500 per bag. Therefore, these cases were not judged to be minor cases and had not been discussed with the U.S. Attorney as their value exceeded \$100. In following this policy San Francisco believed that they were in compliance with Section 94 of the Manual regarding presentation of minor cases to the U.S. Attorney. In the future this office will immediately present cases of the type cited by the Inspector to the U.S. Attorney before any investigation is conducted and will consider suitcase type thefts as minor cases.

2) Submission of FD 302s. Regarding the fact that I had not detected that FD 302s were not included in the 25 files listed by the Inspector, I would like to explain that 13 of these files were opened after September 22 and I had not reviewed any of these files as yet on tickler and thereby would not have had an opportunity to detect the fact that the FD 302 was not listed. The remaining files have not all been available for review at this time but it is obvious that some of these files did not have FD 302s prepared promptly.

3) NCIC Entries. Three of the four files listed where NCIC entries had not been made had not as yet been reviewed on ticklers since they had been received in this office. One of the four files, 15-11994, reflects a suitcase claim check number which is not suitable for entry into the NCIC.

4) File 15-11981 was recommended to be opened by the case Agent as he felt that this shipment involved personnel and circumstances which would be logically worked in connection with other existing TFIS cases and that it might be a lever for possible informant development. The Agent hoped to work this case even though it was not a Federal violation and obtain an

informant and utilizing the Subject's complicity in the case as a possible lever. It was believed that he could obtain a criminal informant.

I regret very much that it was necessary for the Inspector to call to my attention the matters referred to in this administrative write-up. I will take the necessary action to insure that minor cases are immediately presented to the U.S. Attorney, that FD 302s are immediately prepared, that NCIC numbers be immediately entered where pertinent so that it will not be necessary for these matters to be called to my attention again.

SAC ROBERT E. GEBHARDT:

The USA advised this office by letter dated 7/16/69 that the FBI should no longer present minor theft cases to the USA's office and that these cases should be deferred to local courts. The office has followed the policy set down by the USA and has utilized his guideline of \$100 as a minor case. In view of his policy, the office has not been receiving minor theft cases, as the local business community has been made aware of the policy of the USA and has not been referring minor cases to the office.

Occasionally some minor case is received from someone not aware of the policy of the USA's office in not prosecuting cases having a value of less than \$100. In the future when a complaint is received regarding a minor theft, the case will be immediately presented to the USA and after his declination, the office will advise the complainant and the USA's office in writing and where appropriate, refer the complaint to the local law enforcement agency having jurisdiction over the violation. This procedure will be in line with the requirements in the Manual of Inspection, Section 94.

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ADDENDUM

INSPECTOR ARNOLD C. LARSON: In regard to your answer to this write-up, the following is pointed out to you:

1. Your answer implies the inspector indicated that all suitcase-type thefts are minor thefts. This is completely inaccurate as each case, whether it be a suitcase or otherwise, has to be judged on the merits of the individual case. In the review of 140 cases there was not one single instance wherein the United States Attorney had been consulted to determine if the case was a minor amount and he would not entertain prosecution even if the subject were identified.

2. Concerning the submissions of FD-302's to the file, the following is a tabulation of cases over two months old in which no FD-302 is in the file:

<u>FILE NUMBER</u>	<u>DATE OPENED</u>
15-11918	8/14/70
15-11816	7/6/70
15-11814	7/2/70
15-11947	8/26/70
15-11818	7/10/70
15-11902	8/25/70
15-11939	8/28/70
15-11933	8/21/70

Although the remainder of the 25 files pointed out to you did not contain FD-302's and the files had not come up on ticklers for your review, it is apparent with this number of files without FD-302's the Agents are not receiving adequate instructions in conferences concerning proper preparing of FD-302's in TFIS cases.

3. Although it was pointed out to you wherein NCIC entries on serial numbers had not come up for administrative review, it is apparent that several Agents on your squad have not been properly instructed in the necessity of immediately entering serial numbers into NCIC. It should not be necessary for you to have to remind Agents on your squad on a periodic file review of the necessity of entering serial numbers into NCIC. They should not wait an extended period of time to enter these numbers in NCIC, but the serial numbers should be entered immediately after they are obtained.

4. File 15-11981 was of a purely local nature and should have been worked out of the related Federal violation case rather than open a separate TFIS case wherein no Federal jurisdiction was indicated in the opening serial.

Supervisor HARTER and SAC note

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CASE SUGGESTION WRITE-UP

JEREMIAH JOSEPH SULLIVAN, Jr.
SSN 4-3C-46-219
SELECTIVE SERVICE ACT
SF file 25-66962
Bufile 25-555242
OO: San Francisco

INSPECTOR ARNOLD C. LARSON: This is a pending case, opened on 3/16/67, assigned to SA GERARD JAMES NORTON of the Richmond, California, Resident Agency. It is supervised by SA RAY M. ANDRESS.

A review of this file reveals the Subject was declared delinquent by Local Board #30, Richmond, California, on 3/9/67, for failure to report for induction on 8/17/66. The whereabouts of the Subject have been unknown since 3/16/67, and considerable investigation has been conducted to locate him. Information was developed in March, 1970, that Subject was possibly in Canada and a friend of Subject's mother advised in September, 1970, that the Subject is in Canada, but that his mother does not have an address for him. The Subject is reported to telephone his mother on occasions. Other neighbors and police have reported Subject to be in Canada at the present time.

In view of the above, the following action should be promptly initiated in an effort to ascertain the location of the Subject:

1. Prepare a letterhead memorandum, in accordance with instructions set forth in the Manual of Rules and Regulations, Part II, Section 4, page 14 (2) (a) I and SAC letter #70-27, dated 5/19/70, in order that information regarding the Subject may be furnished to the Royal Canadian Mounted Police.

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2. Place stop notices with the Immigration and Naturalization Service.
3. Place stop, under Subject's name, with the FBI Identification Division.
4. Place stop notices with the appropriate FBI Border Offices.
5. Check toll telephone calls on Subject's parents.

If the objective of this case is obtained, either directly or indirectly as a result of this suggestion memorandum, advise the Bureau by routing slip, attention: The Inspection Division.

Comments of SA GERARD JAMES NORTON, Supervisor RAY M. ANDRESS, and SAC requested.

SA GERARD JAMES NORTON: Inspector's comments are appreciated
10/22/70 and recommendations will be done immediately.

SUPERVISOR RAY M. ANDRESS: This will be followed closely to insure that Inspector's suggestions are carried out.

SAC GEBHARDT: Inspector's comments appreciated. This will be done.

CASE SUGGESTION WRITE-UP

RAND N. DODD
SSAN 548 62 8438 A
ASN 28 189 434
FUGITIVE DESERTER
SF 42-44226
BU 42-284756
OO: SAN FRANCISCO

INSPECTOR ARNOLD C. LARSON: This is a pending case in the San Francisco Office which was opened in July 1969 and is presently assigned to SA JEAN G. HUGHES. It is supervised by SA H. ERNEST WOODBY.

Extended investigation has been conducted since inception of this case in the neighborhood of Subject's parents, 1132 South Sage Court, Sunnyvale, California. When case was initiated, it was determined Subject's family had moved from 870 El Camino, Mountain View, California, the address shown on Subject's DD 553 in 12/68 which was prior to Subject's reported absence from the military in 4/69. Subject's parents have appeared to be cooperative and although present neighbors of Subject's parents are not well acquainted with the Subject, they are cooperative and a neighborhood source has been established.

Subject entered military service in 9/66 at San Jose, California, at which time he was approximately 20 years of age. Since initiation of this investigation, additional past residences have been developed for Subject's parents at 278 Lassen Avenue, Mountain View, California in 9/63; 620 East Mauded Avenue, Sunnyvale, California in 7/68 and 1390 Latham Street, Mountain View, in 7/68. A neighbor has indicated Subject may have a brother but could furnish no specific information concerning his identity. Attempts to establish residence at the Latham Street address have been negative. Mail returned to the U.S. Army addressed to the Latham Street address indicated a possible residence of Apartment 101, 1617 Pine Street, San Francisco, California. Investigation has also indicated past employment for the Subject at Channing House, Palo Alto, California, for a period not stated.

In view of the fact Subject had already entered military service before his parents moved to their current address, it is suggested investigation be concentrated in

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the following areas to develop background and associates of Subject which may be of assistance in determining his present whereabouts and causing his apprehension:

1. Re-interview parents specifically concerning the identity of any possible brothers or sisters or other close relatives Subject might logically contact.
2. Conduct in depth investigation in areas of family's former residences, correlating this inquiry with results of re-interview of parents, to develop former employments or associates of Subject who may be able to furnish information concerning his present whereabouts.
3. Conduct inquiry at Pine Street address in San Francisco to develop background information of possible assistance in this investigation.
4. Check records at Channing House, Palo Alto, to determine if Subject formerly employed there and for possible leads to associates of Subject, such as listed references or indicated residences.
5. Conduct appropriate credit and criminal checks at Palo Alto and San Francisco.
6. Inasmuch as Subject has been absent for a period in excess of one year, consideration should be given to contacting Baltimore Source 4 should the above leads be unproductive.

If the objective of this case is achieved, either directly or indirectly as a result of this suggestion memorandum, advise the Bureau immediately by routing slip, attention Inspection Division.

Comments of SA JEAN G. HUGHES, Supervisor H. ERNEST WOODBY and SAC requested.

SA JEAN G. HUGHES: The above points have been noted and the investigation will be conducted.
(10/23/70)

SUPERVISOR H. ERNEST WOODBY: The suggestions of the Inspector are appreciated and immediate steps will be taken to carry them out.
(10/23/70) *JWM*

SAC ROBERT E. GEBHARDT: I concur with the Inspector's comments.
(10/23/70)

CASE SUGGESTION WRITE-UP

LEE EDWARD BECKHUSEN
SSAN 565-86-4805A
ASN US 56843058
FUGITIVE DESERTER
SF File 42-44534
Bufile 42-279118

INSPECTOR ARNOLD C. LARSON: This is a pending case, San Francisco origin, which was opened 8/4/69. The case had been assigned to SA STEVEN R. BROWN since 3/27/70, and is supervised on the desk of SA H. ERNEST WOODBY.

Subject declared deserter by U.S. Army 2/9/69. On 9/18/69, his mother, MARY BECKHUSEN, advised that the Subject lived with her until June, 1969, and since that time, had stayed with different friends in the Oakland-Berkeley area. Mrs. BECKHUSEN provided a list of other relatives of the Subject. She stated that she had seen the Subject approximately three weeks prior to that date.

On 11/18/69, Mrs. BECKHUSEN advised that she had not seen her son for several months and that he had called her from Death Valley, California, approximately one month prior to that date.

It is suggested that the following investigation be considered at this time:

1. Conduct thorough neighborhood investigation in vicinity of Subject's residence, 949 Madison Street, Albany, California.
2. Attempt to establish reliable neighborhood source who will report the Subject's presence in the event he is staying at or returns to his home address.
3. Interview Subject's brother, LYNN BECKHUSEN, and attempt to determine identity of friends in Oakland-Berkeley area.

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4. Interview Subject's brother, LAWREN BECKHUSEN, who resides on Fairview Street, Oakland.

5. Consider contacting Baltimore CS-4 for information regarding the Subject's employment.

These leads should not be considered all inclusive and case agent should conduct a thorough file review to insure that all logical investigation is being conducted in an effort to locate the Subject.

If the objective of the case is attained, either directly or indirectly as a result of this suggestion memorandum, advise the Bureau immediately by routing slip, attention: Inspection Division.

Comments of SA STEVEN R. BROWN, Supervisor H. ERNEST WOODBY and SAC requested.

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SA STEVEN R. BROWN: The above points have been noted and
10/24/70 this, as well as other logical
investigation will be conducted.

Supervisor H. ERNEST WOODBY: The suggestions of the
10/24/70 Inspector are appreciated
and immediate steps will be taken to carry them out.

SAC ROBERT E. GEBHARDT: I concur with the Inspector's
10/24/70 comments.

SUGGESTION MEMORANDUM

BOND DEFAULT MATTERS

INSPECTOR ARNOLD C. LARSON: As of 10/1/70, the San Francisco Office had 48 bond default matters under investigation. This volume of cases presents a fertile field for increased convictions under the Bond Default classification.

An in depth survey conducted by the Inspection Division disclosed that there has been a significant increase in cases received by the FBI for investigation subsequent to the passage of the Bail Reform Act of 1966. This Act liberalized bail and bond procedures in Federal cases whereby subjects were to be considered for release on their own personal recognizance or unsecured appearance bond in contrast to previous procedures which required a specific bond, creating an excellent opportunity for us to achieve statistical accomplishments. The ratio of convictions to the number of cases investigated in bond default matters is one of the highest of any violation handled by the Bureau.

One of our offices, namely San Diego, has been responsible for the most significant portion of the Bureau's convictions in bond default matters as a result of effective liaison with the U. S. Attorney, who felt that an indictment obtained under bond default was more easily proven than the substantive offense. When a subject is apprehended, the sentence is, in part, influenced by the U. S. Attorney, who informs the court the length of time the subject's apprehension has been sought by the Bureau. A number of these cases have arisen through charges of narcotics and smuggling of merchandise and aliens across the border. Subjects were brought before a magistrate, and rather than pleading guilty, subjects obtained a court appointed attorney and entered a not guilty plea. They were released then on either personal recognizance or a minimum bond until their scheduled appearance. When the subject failed to appear in court, a bench warrant was issued, San Diego opened a case, and usually within 30 days an indictment was secured under bond default.

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10/23/70

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Although San Francisco is not a border office, it is a great port of entry, both by sea and air, and many of the same type cases utilized by San Diego for obtaining a bond default indictment should be available to San Francisco.

As you are aware, convictions are becoming more difficult to obtain because of the court's interpretation of the law in many classifications. Bond default matters present an excellent opportunity to increase your conviction rate, therefore, it is suggested that through your liaison with the U. S. Attorney, point out to him the possibilities for an increase in convictions under the Bond Default Statute.

The necessity to establish effective liaison with the U. S. Attorney in bond default matters was set out in SAC Letter 70-13 dated 3/17/70.

If an increase in cases and convictions is obtained as a result of this Suggestion Memorandum, advise the Bureau by routing slip, attention Inspection Division.

Comments of Supervisor DE JEAN and SAC GEBHARDT requested.

SUPERVISOR MORRIS M. DE JEAN: Close liaison will continue to be maintained with the United States Attorney's office and all avenues of potential convictions will be vigorously pursued to increase the statistical accomplishments in the San Francisco Division.
10/26/70

SAC GEBHARDT:
10/26/70 This matter will be followed and the Inspection Division will be advised if an increase in cases and convictions is obtained.

SUBSTANTIVE ERROR WRITE-UP

ROGER WILLIAM EPPERLEY
SSN 4-4-49-18
SELECTIVE SERVICE ACT
OO: San Francisco
San Francisco File 25-77034

INSPECTOR ARNOLD C. LARSON: This is a closed case which was opened in the San Francisco Office 4/21/70, and closed 6/15/70. At that time, case was assigned to SA ROBERT M. LEONARD and supervised by SA RAY M. ANDRESS. The case was reopened 8/26/70, and assigned to SA RICHARD G. MILLER and supervised by Relief Supervisor RICHARD E. LUEBBEN on the desk of SA ANDRESS. Case was again closed 9/3/70.

The case was initially opened on the basis of a copy of a letter directed to Local Board 4, Eureka, California, from the Armed Forces Examining and Entrance Station, Oakland. The letter indicated that the Subject reported for induction 4/14/70, was found qualified, but left the building prior to induction. Case was closed 6/15/70, on basis of a memorandum from SA ROBERT M. LEONARD wherein it was pointed out that the violation was not such as to be reported to the U. S. Attorney by the Selective Service System.

Case was reopened 8/26/70, on receipt of a request for investigation from the U. S. Attorney, San Francisco, and assigned to SA RICHARD G. MILLER. Review of the file indicates that Subject was interviewed by SA MILLER 9/1/70, at which time he indicated he would agree to induction.

U. S. Attorney declined prosecution and a closing report was submitted 9/3/70, with copy to U. S. Attorney and San Francisco Office. This report was signed by SA RICHARD E. LUEBBEN. This report contains FD 302 (interview report form) wherein interview of Subject was recorded. The FD 302 fails to indicate that the Subject was advised of the identity of SA MILLER or the nature of the inquiry.

SAN FRANCISCO INSPECTION
10/26/70
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Agents' handbook, Part II, Page 12 and 12B, instructs that at the beginning of an interview with any known Subject of a Bureau case the Subject be advised of the name and official identify of the interviewing agent and the nature of the inquiry. The fact that the Subject was so advised is to be recorded in the opening paragraph of the FD 302.

EXPLANATIONS REQUESTED:

SA MILLER is requested to explain his failure to advise the Subject of his name and official identity and the nature of the inquiry and to record on FD 302 that this was done.

Relief Supervisor LUEBBEN is requested to explain his failure to detect this delinquency at the time he approved the report on 9/3/70.

Comments of SA ANDRESS and SAC requested.

SA RICHARD GUY MILLER: At the beginning of the interview at the 10/27/70 ~~RM~~ Humboldt County Jail, Eureka, California, I exhibited my FBI credentials to the subject and advised him of the nature of the inquiry. I apparently inadvertently failed to record this in the opening paragraph of the FD 302 and on review of this FD 302 I inadvertently failed to note this had been omitted from the FD 302. Care will be exercised in the future to insure this does not reoccur.

SA RICHARD E. LUEBBEN: I was Relief Supervisor on Desk #6 in the 10/27/70 ~~REL~~ absence of the regular supervisor and due to the exceptionally high volume of mail handled by this desk I inadvertently failed to note the above omission from FD 302 of SA MILLER dated 9/1/70 when the report was signed out by me. Every effort will be made in the future to avoid a repetition of this delinquency.

SA RAYMOND M. ANDRESS: In reference to the report of SA RICHARD GUY MILLER signed out by SA LUEBBEN on 9/3/70, SA LUEBBEN was one of the Relief Supervisors during my extended sick leave during this period. SA LUEBBEN is an experienced Relief Supervisor and supervises the desk in a very efficient and commendable manner. Due to the exceptionally heavy volume of mail during this time, he inadvertently overlooked the omission in the FD 302 of SA MILLER. The importance of advising Bureau subjects the identity of Agents and nature of interview will be discussed with the Relief Supervisors periodically and will be followed closely to insure this does not reoccur.

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SAC GEBHARDT: Above delinquencies noted and will be followed
10/27/70 closely to insure this does not occur again.

INSPECTOR ARNOLD C. LARSON: There is no Seat of Government
culpability in this matter as
this error or delinquency could only be detected through
a review of the field office file.

SUBSTANTIVE ERROR WRITE-UP

WILLIAM JOSEPH LAPUZZA, AKA.
NSN B 61 78 34
FUDE
OO: OMAHA
OM 42-8670
SF 42-44333
BU 42-285245

INSPECTOR ARNOLD C. LARSON: This is a pending case in the San Francisco Office opened on 7/24/69, assigned to SA JEAN G. HUGHES and reassigned on 12/8/69, to SA KENNETH W. SHEETS. Case is supervised by SA ROBERT D. ROBY.

Review of the file indicates the Subject together with two other Navy deserters had lived in a hippie commune in the San Jose area during August of 1969. Investigation has determined that he has used narcotics and has associated with hippie-type individuals until the present time.

During 8/70, investigation was conducted in San Jose and investigation determined that one JOAN BAUER was also residing in a hippie fashion and was acquainted with the Subject of this investigation as well as the other two Navy deserters.

On 8/13/70, JOAN C. BAUER was interviewed at which time she stated she is employed at National Aeronautics Space Agency (NASA), Ames Research Center, as a secretary at Moffett Field, a Navy installation. During the course of this interview, she stated she was living with a male individual in a common-law relationship. She had formerly considered herself a member of a "family" of hippies including the Subject and another Navy deserter. At the time of interview she advised that the members of this hippie "family" received mail at her address and the reason for maintaining the address is to receive food stamps for this hippie "family" living in a commune style. She stated she occasionally picks up their mail at her home and admitted on occasion taking the mail to them when she visits the "family". This interview was conducted at Moffett Field. The information concerning BAUER was orally disseminated to the Security Officer, NASA, Ames Research Center, on 8/13/70.

San Francisco Inspection
10/23/70
JHO/lja

The Manual of Rules and Regulations, Part 2, Section 5, Page 7, indicates that Bureau policy under Executive Order 10450 is to furnish the Civil Service Commission all pertinent identifiable, derogatory non-subversive information relative to employees of the Executive Branch of the government. This is normally accomplished by including such information in letterhead memorandum form and transmitting same to the Bureau for appropriate dissemination.

INSTRUCTIONS

Immediately handle this matter in accordance with Bureau instructions cited above.

EXPLANATIONS REQUESTED

1. SA KENNETH W. SHEETS is requested to explain why he neglected to forward to the Bureau in letterhead memorandum form the information developed concerning JOAN C. BAUER, as required by existing Bureau instructions.

2. Supervisor ROBERT D. ROBY is requested to explain why, in his over-all supervision of this case, he did not detect this error as set out above.

Comments of SAC requested.

Kid
SA SHEETS: JOAN C. BAUER advised at the outset of the interview on 8/13/70 that she could consider herself a member of the communal "family", however, this became a matter of interpretation during the course of interview and eventually she denied she was a member of the "family" or commune. She admitted visiting people connected with the commune and associating with them, even to the extent of allowing some of these individuals to use her address for the purpose of receiving mail and food stamps.

This matter was discussed at length with Security Officer RALPH MAINES and JOHN VAN ETEN, Head of Security at NASA, Moffett Field, California. They made no statement as to what action they intended to take.

I realize now that I should have also prepared a letterhead memorandum for dissemination to NASA Headquarters in Washington, D.C. I regret not having done so and in the future will insure that such matters are promptly disseminated.

SUPERVISOR ROBERT D. ROBY:

On 9/30/70 I approved a communication prepared by SA SHEETS to office of origin incorporating interview of JOAN C. BAUER, referred to above. At the time, my primary attention was directed toward information furnished in the substantive fugitive investigation and I failed to consider the nature of BAUER's employment. I agree that the information pointed out by the Inspector should have been furnished to the Bureau in letterhead memorandum form for dissemination at the Seat of Government. Letterhead memorandum has now been prepared and forwarded to the Bureau. I regret my oversight in this instance and will be alert for similar situations in the future to insure that all data which should be disseminated by letterhead memorandum is promptly submitted.

SAC GEBHARDT

Letterhead memorandum should have been prepared at the time of the initial interview with JOAN C. BAUER. I will continue to emphasize the necessity of prompt dissemination of information obtained during our investigations which may be of interest to other governmental agencies.

INSPECTOR ARNOLD C. LARSON: There is no Seat of Government culpability in this matter as this error or delinquency could only be detected through a review of the field office file.

SUBSTANTIVE ERROR WRITE-UP

JIMMY LA VERNE BUSHBAUM
ALSO KNOWN AS
JAMES L. BUSHBAUM - FUGITIVE
UFAC - MURDER
OO: LOS ANGELES
SF 88-9478
LA 88-11640
BU 88-35799

INSPECTOR ARNOLD C. LARSON: This case was opened in 9/65 with San Francisco as Office of Origin. Bureau changed Office of Origin to Los Angeles 7/19/66. Case has been opened periodically in San Francisco Division to cover leads. Case reopened 5/4/70 and assigned to SA DOUGLAS R. AHLSTROM. Case is supervised by SA BRYON C. WHEELER. Case was closed (RUC) on 10/15/70.

Subject escaped from custody at San Quentin Prison 9/16/65. Authorized complaint filed 10/21/65 before U.S. Commissioner, San Francisco, California. Bureau changed Office of Origin to Los Angeles because Subject's relatives and friends live in the Los Angeles area and all logical leads had been covered in the San Francisco Division.

Los Angeles by letter dated 4/24/70 requested the San Francisco Office to identify the holders of two telephone numbers concerning long-distance telephone calls from home telephone of Mrs. MARLYS CONNOLLY, Rialto, California. San Francisco by letter dated 6/30/70 identified one telephone number registered to the Subject's sister, Mrs. MELVIN GLAZE of Point Arena and subsequent contact with Mrs. GLAZE failed to develop any information concerning the Subject. No investigation was conducted to identify holder of telephone number 933-8871 at Walnut Creek, California between 5/4/70 (date case reopened) and 10/15/70 (date case RUCed).

INSTRUCTION:

Immediately reopen this case and conduct logical investigation requested in Los Angeles letter dated 4/24/70.

San Francisco Inspection
10/26/70
WAK/jb

EXPLANATIONS REQUESTED:

SA DOUGLAS R. AHLSTROM is requested to explain why he failed to detect the lead at Walnut Creek had not been covered before the case was closed on 10/15/70.

Field Supervisor BRYON C. WHEELER is requested to explain why he failed to assign a lead to a Walnut Creek Resident Agent to conduct an investigation to identify the holder of the telephone number and why he failed to insure that this investigation had been conducted before he approved the closing of this case (San Francisco letter to Los Angeles dated 10/15/70).

Comments of SAC requested.

SA DOUGLAS R. AHLSTROM: The writer was of the impression that the lead at Walnut Creek to identify a telephone subscriber had been covered and reported at the time the case was RUC'd on 10/15/70. The writer did not have the file available as the RUC communication was submitted from the Santa Rosa Residence Agency and was therefore unable to make a thorough review of the file. Steps will be taken to make certain this does not recur in the future.

SUPERVISOR BRYON C. WHEELER: The lead to check out a telephone number at Walnut Creek was inadvertently overlooked at the time the case was reopened and assigned to SA AHLSTROM. Upon receipt of the RUC communication closing the case on 10/15/70, the fact that the Walnut Creek lead had not been covered was overlooked. Efforts will be made to make certain this does not recur in the future. Case reopened.

SAC ROBERT E. GEBHARDT: The above write-up and explanations have been noted. It will be stressed among Special Agent and Supervisory personnel in this office the importance of guarding against a situation of this kind happening in the future.

✓✓✓

INSPECTOR ARNOLD C. LARSON: There is no Seat of Government culpability in this matter as this error or delinquency could only be detected through a review of the field office file.