JFK ASSASSINATION SYSTEM

IDENTIFICATION FORM

AGENCY INFORMATION

AGENCY : FBI
RECORD NUMBER : 124-10181-10266

RECORDS SERIES :
SF

AGENCY FILE NUMBER : 62-6887-1 THRU 51

DOCUMENT INFORMATION

ORIGINATOR :
FROM :
TO :

TITLE :

DATE : 00/00/00
PAGES : 0

SUBJECTS :

NAR

DOCUMENT TYPE :
CLASSIFICATION : U
RESTRICTIONS : NOT ASSASSINATION RELATED
CURRENT STATUS : P
DATE OF LAST REVIEW : 08/01/94

OPENING CRITERIA :
INDEFINITE

COMMENTS :

[R] - ITEM IS RESTRICTED

Date: August 2, 2021

From: National Archives and Records Administration

Subject: Reconstructed FBI File SF 62-6887, Serials 1-51

To: The File

This memorandum briefly summarizes the status of missing original Federal Bureau of Investigation (FBI) case files or portions of case files in the President John F. Kennedy Assassination Records Collection (JFK Collection) and documents the National Archives and Records Administration's (NARA) efforts to reconstruct these records, where possible, from duplicate copies of documents located in other FBI files.

As the JFK Collection was first compiled and reviewed in the 1990s, the Assassination Records Review Board and the FBI designated some records as "not believed relevant" (NBR) or "not assassination related" (NAR). The FBI retained custody of the NBR/NAR records and postponed their transfer to NARA until a later date. Every document or group of documents ("serials"), however, received an indexed Record Identification Form (RIF) and FBI inventory sheet for insertion into the JFK Collection.

In September 2011, several years prior to the 2017 re-review and transfer of the NBR/NAR material to the National Archives, a flood severely damaged thousands of feet of records at the FBI's Alexandria Records Center in Alexandria, Virginia. In June 2012, NARA approved the FBI's request for emergency destruction of 10,000 cubic feet of records that posed significant airborne health hazards. Among the damaged records were FBI field office files that contained postponed JFK Collection material designated as "pertaining to a matter unrelated to the JFK Assassination Investigation" or "not assassination related."

This compilation represents NARA's efforts to reconstruct the original file or portions of the file, as completely as possible, with duplicate copies of documents located in the FBI field office and headquarters files within the JFK Collection. Each reconstructed file or compilation contains a Record Identification Form, an explanatory cover memo, existing administrative documents available within the JFK Collection, and copies of identified duplicate documents. The table below summarizes the status of FBI file SF 62-6887, Serials 1 through 51.

RIF Number	FBI File Number	List of Serials From Inventory Sheet	List of Identified Serials at NARA	Reconstructed Status (None, Partial, Complete)
124-10181-10266	SF 62-6887	1-51	1-3, 5-15, 17-41, 43-46	Partial

FEDERAL BUREAU OF INVESTIGATION
POSTPONEMENT INFORMATION SHEET (JFK MATERIALS)

234 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion (these deletions).

[] Deletions were made pursuant to the postponement rationale indicated below with no segregable material available for disclosure. All references relate to Section 6 of the "President John F. Kennedy Assassination Records Collection Act of 1992."

- [] Subsection 1A (intelligence agent's identity)
- [] Subsection 1B (intelligence source or method)
- [] Subsection 1C (other matter relating to military defense, intelligence operations or the conduct of foreign relations)
- [] Subsection 2 (living person who provided confidential information)
- [] Subsection 3 (unwarranted invasion of privacy)
- [] Subsection 4 (cooperating individual or foreign government, currently requiring protection)
- [] Subsection 5 (security or protective procedure, currently or expected to be utilized)

[] Information pertained to a matter unrelated to the JFK Assassination investigation.

[] For your information: _____

_____

[] The following number is to be used for reference regarding this page (these pages):

SF 62-6887-1 Thru 51

XXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX

XXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX

JFK Inventory Sheet
(COMMITTEE FILES)

File #: SF 62-6887 - - **Section #:** 1 **Re:** CHURCH COMM.

Serial Number	Document Date	Document Type	Document From	Document To	3rd Agy	Other	Direct Dupes	ACTUAL	PERT.	Rev.	Rel.	With-held	FBI Ref 3rd Agy	Duplicate Location	Postponements
1	05/02/75	TT	HQ	ALL SACS		2	2	4	0						NAR
2	05/14/75	TT	SF	HQ		2	1	3	0						NAR
3	05/16/75	TT	SF	HQ		1	1	2	0						NAR
4	05/20/75	MEMO	BATES	ALL EMPLOY		2		2	0						NAR
5	05/20/75	TT	HQ	ALL SACS		1	1	2	0						NAR
6	05/19/75	LET	THIRD PART	CHURCH COM		2		2	0						NAR
7	05/28/75	LET	CONGRESSMA	SF		2		2	0						NAR
8	06/03/75	AT	SF	HQ		1		1	0						NAR
8	06/03/75	LET	SF	CONGRESSMA		1		1	0						NAR
9	06/09/75	TT	HQ	SF		2	2	4	0						NAR
10	06/16/75	TT	SF	HQ		1	1	2	0						NAR
11	06/16/75	TT	SC	HQ		1	1	2	0						NAR
12	06/11/75	LET	THIRD PART	HQ		1		1	0						NAR
13	06/03/75	AT	SF	HQ		1		1	0						NAR
14	06/03/75	LET	SF	CONGRESSMA		1		1	0						NAR
15	06/11/75	TT	SF	HQ		1	1	2	0						NAR

Serial Number	Document Date	Document Type	Document From	Document To	3rd Agy	Other	Direct Dupes	ACTUAL	PERT.	Rev.	Rel.	With-held	FBI Ref 3rd Agy	Duplicate Location	Postponements
16	06/11/75	MEMO	DRUKEN	BATES		1		1	0						NAR
17	06/18/75	TT	HQ	NY		3	3	6	0						NAR
18	06/24/75	TT	SF	HQ		11	11	22	0						NAR
19	07/02/75	LET	HQ	THIRD PART		1		1	0						NAR
20	07/02/75	AT	HQ	SF		1		1	0						NAR
21	07/09/75	TT	HQ	LA		2		2	0						NAR
22	07/14/75	TT	SF	HQ		4	4	8	0						NAR
23	07/17/75	TT	HQ	SD		3	3	6	0						NAR
24	07/18/75	TT	SF	HQ		1	1	2	0						NAR
25	07/30/75	TT	HQ	LA		3		3	0						NAR
26	07/31/75	TT	HQ	LA		2		2	0						NAR
27	08/14/75	LHM	SF	HQ		5		5	0						NAR
28	08/14/75	LHM	SF	HQ		4		4	0						NAR
29	08/13/75	LHM	SF	HQ		9		9	0						NAR
30	08/13/75	LHM	SF	HQ		7		7	0						NAR
31	08/15/75	LHM	SF	HQ		3		3	0						NAR
32	08/15/75	AT	SF	HQ		1		1	0						NAR
33	07/31/75	TT	HQ	LA		2		2	0						NAR

Serial Number	Document Date	Document Type	Document From	Document To	3rd Agy	Other	Direct Dupes	ACTUAL	PERT.	Rev.	Rel.	With-held	FBI Ref 3rd Agy	Duplicate Location	Postponements
34	07/30/75	TT	HQ	LA		3		3	0						NAR
35	09/03/75	AT	SF	HQ		1		1	0						NAR
36	09/04/75	TT	HQ	ALL SACS		3		3	0						NAR
37	09/05/75	TT	HQ	AX		7	7	14	0						NAR
38	09/09/75	TT	SF	HQ		1	1	2	0						NAR
39	09/10/75	TT	SF	HQ		2	2	4	0						NAR
40	10/09/75	TT	HQ	SF		2	2	4	0						NAR
41	10/15/75	TT	SF	HQ		5	5	10	0						NAR
42	10/09/75	MEMO	DEJEAN	SF		1		1	0						NAR
43	12/10/75	TT	HQ	ALL SACS		4		4	0						NAR
44	12/10/75	RS	HQ	SF		1		1	0						NAR
44	12/02/75	TRANSCRIPT	CHURCH COM			61		61	0						NAR
45	07/12/76	AT	SF	HQ		2		2	0						NAR
46	10/19/76	AT	HQ	AL		1		1	0						NAR
47	01/13/78	NEWS ARTIC	SF			1		1	0						NAR
48	04/24/78	NEWS ARTIC	SF			2		2	0						NAR
49	09/05/80	NEWS ARTIC	SF			1		1	0						NAR
50	09/05/80	NEWS ARTIC	SF			1		1	0						NAR

Serial Number	Document Date	Document Type	Document From	Document To	3rd Agy	Other	Direct Dupes	ACTUAL	PERT.	Rev.	Rel.	With-held	FBI Ref 3rd Agy	Duplicate Location	Postponements
51	11/21/80	NEWS ARTIC	SF			1		1	0						NAR

Grand Totals.....	0	185	49	234	0	0	0	0

End of Report....

NR074 WA CODE

1936(((((((((((((((((PM NITEL 5-2-75 MSE

TO ALL SACS

FROM DIRECTOR (62-116395)

PERSONAL ATTENTION

SENSTUDY 75

CAPTIONED MATTER PERTAINS TO BUREAU'S HANDLING OF REQUESTS FROM SENATE AND HOUSE SELECT COMMITTEES TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES. IN CONNECTION WITH WORK OF THESE COMMITTEES, STAFF MEMBERS MAY SEEK TO INTERVIEW CURRENT AND FORMER FBI EMPLOYEES.

RECENTLY, THE SENATE SELECT COMMITTEE (SSC) STAFF HAS INTERVIEWED SEVERAL FORMER EMPLOYEES AND IT IS ANTICIPATED THAT MANY MORE SUCH PERSONNEL WILL BE CONTACTED.

THE FBI HAS PLEDGED FULL COOPERATION WITH THE COMMITTEE AND WE WISH TO ASSIST AND FACILITATE ANY INVESTIGATIONS UNDERTAKEN BY THE COMMITTEE WITH RESPECT TO THE FBI. HOWEVER, WE DO HAVE AN OBLIGATION TO INSURE THAT SENSITIVE SOURCES AND METHODS AND ONGOING SENSITIVE INVESTIGATIONS ARE FULLY

ICC destroyed 5/1/75

Doge

62-DEAD

FIC

62-9368-1B

SEARCHED INDEXED
SERIALIZED FILED
MAY - 1 1975
FBI — ALBANY

5 TOOPS

ADVISE ALL EMPLOYEES.

Put on weekly memo for 5/8/75 CH 5/1/75

PROTECTED. SHOULD ANY FORMER EMPLOYEE CONTACT YOUR OFFICE AND HAVE ANY QUESTION REGARDING HIS OBLIGATION NOT TO DIVULGE INFORMATION OBTAINED BY VIRTUE OF HIS PAST FBI EMPLOYMENT, HE SHOULD BE INSTRUCTED TO CONTACT LEGAL COUNSEL, FBIHQ, BY COLLECT CALL. YOUR CONVERSATIONS WITH FORMER EMPLOYEES MUST BE IN KEEPING WITH OUR PLEDGE. IT IS BELIEVED SUCH A PROCEDURE WOULD INSURE PROPER PROTECTION AND ALSO FACILITATE THE WORK OF THE SSC.

THE ABOVE PROCEDURE ALSO APPLIES TO CURRENT EMPLOYEES OF YOUR OFFICE. HOWEVER, CONTACT WITH THE LEGAL COUNSEL SHOULD BE HANDLED THROUGH THE SAC.

END

HOLD

//

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAY 14 1975

TELETYPE

REC-117

Assoc. Dir. ____
Dep.-A.D.-Adm. ____
Dep.-A.D.-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 ____

NR 007 SF CODE

5:13 PM NITEL 5/14/75 MCC

TO DIRECTOR (62-116395)

FROM SAN FRANCISCO

ATTN LEGAL COUNSEL

SENSTUDY 75

RE BUREAU TELETYPE TO ALL OFFICES DATED MAY 2, 1975, ABOVE CAPTION.

ON MAY 14, 1975, LESTER B. SEIDEL, INVESTIGATOR, SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES, WASHINGTON, D.C., TELEPHONICALLY CONTACTED THE SAN FRANCISCO OFFICE AND REQUESTED THE IDENTITY OF THE SPECIAL AGENT IN CHARGE OF THE SAN FRANCISCO OFFICE IN 1970. HE WAS ADVISED THAT SPECIAL AGENT IN CHARGE CHARLES W. BATES SERVED IN THAT CAPACITY FROM JANUARY, 1970, THROUGH APRIL, 1970; THAT FORMER SPECIAL AGENT IN CHARGE HARRY J. MORGAN (NOW RETIRED) SERVED FROM APRIL, 1970, THROUGH SEPTEMBER, 1970; AND THAT ASSISTANT DIRECTOR ROBERT E. GEBHARDT SERVED AS SPECIAL AGENT IN CHARGE FROM SEPTEMBER, 1970, THROUGH NOVEMBER, 1972.

REC-117 62-116395-219

SEIDEL DID NOT INDICATE THE SPECIFIC NATURE OF HIS INQUIRY OTHER THAT IT WAS CONNECTED WITH THE COMMITTEE WITH WHICH HE IS AFFILIATED.

ABOVE BEING FURNISHED FOR INFORMATION OF BUREAU.

END

HOLD

SFO CMC

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1-18-01 BY SP2 AMP

cc Dowd

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAY 16 1975

NR 019 SF PLAIN

7:09PM NITEL MAY 16, 1975 KEK

TO: DIRECTOR (62-116395) (ATTN: OFFICE OF LEGAL COUNSEL)

FROM: SAN FRANCISCO (62-6887)

SENSTUDY, 1975

Assoc. Dir.	
Dep.-A.D.-Adm.	
Dep.-A.D.-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	

Hotis/Bur

RE BUREAU NITEL TO ALL OFFICES MAY 2, 1975.

ON MAY 16, 1975, FORMER SAN FRANCISCO SUPERVISOR DAVID E. TODD CALLED AND ADVISED HE HAD RECEIVED CALL FROM LESTER SEIDEL, SENATE SELECT COMMITTEE, WANTING TO INTERVIEW TODD RE DOMESTIC COUNTERINTELLIGENCE OPERATIONS, SPECIFICALLY, BLACK PANTHER PARTY. TODD SAID HE WANTED TO BE COOPERATIVE BUT WAS APPREHENSIVE REGARDING DIVULGING INFORMATION AS A RESULT OF HIS FBI EMPLOYMENT. HE WAS INSTRUCTED TO IMMEDIATELY CALL COLLECT THE OFFICE OF THE LEGAL COUNSEL AT FBIHQ. HE SAID HE WOULD DO THIS.

TODD ALSO ADVISED THAT SEIDEL HAD TOLD HIM THE COMMITTEE ALSO WANTED TO INTERVIEW FORMER SAN FRANCISCO SUPERVISOR ALBERT P. CLARK.

END

EX 104 REC 67 62-116395-186

17 MAY 28 1975

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1-19-01 BY SP2 ALM/Ru

LEC

CC

NR036 WA CODE

4:53PM NITEL 5-20-75 PAW

TO ALL SACS

FROM DIRECTOR (62-116395)

PERSONAL ATTENTION

SENSTUDY - 75.

REBUTEL MAY 2, 1975.

IN CONNECTION WITH WORK OF THE SENATE AND HOUSE SELECT COMMITTEES, ITS REPRESENTATIVES MAY CONTACT YOUR OFFICE FOR INFORMATION.

IN ONE RECENT INSTANCE, A REPRESENTATIVE OF THE SENATE SELECT COMMITTEE TELEPHONICALLY INQUIRED AS TO IDENTITY OF SAC IN A PARTICULAR OFFICE DURING 1970.

IN HANDLING SUCH INQUIRIES INSURE ESTABLISHING BONA FIDES OF REPRESENTATIVE BY SHOW OF CREDENTIALS ON PERSONAL CONTACT OR, IF TELEPHONIC CONTACT, BY TELEPHONING BACK TO COMMITTEE. UNLESS INFORMATION IS OF A PUBLIC NATURE, AS IN THE INSTANCE CITED ABOVE, OBTAIN FBIHQ CLEARANCE PRIOR TO SUPPLYING ANY INFORMATION. FBIHQ MUST BE EXPEDITIOUSLY ADVISED OF ALL INFORMATION FURNISHED.

END

62-3439-4

SEARCHED INDEXED
SERIALIZED FILED
MAY 20 1975
FBI-OMAHA

Mr. Mohr
Mr. Christiansen
Reed
Kaybon

May 19, 1975
20 Cozzolino Drive
Millbrae, CA 94030

Mr. Lester B. Seidel
Investigator
Select Committee to Study
Government Operations with
Respect to Intelligence Activities
Room 2308
Building 302 - Dirkson Building
Washington, DC 20510

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1-25-01 BY SP2AC/pw

Dear Mr. Seidel:

Reference is made to your telephone call to me on May 16, 1975, in which you advised that the Committee was gathering facts concerning the FBI's various CoIntelPros and in particular, you were looking into the CoIntelPro having to do with the Black Panthers. You inquired if I recalled a letter, which had been made public, dated May 11, 1970, from the Director, FBI, to the SAC, San Francisco, which suggested disruptive techniques against the Black Panthers and which mentioned spurious police or FBI reports. I advised you I had no first hand recollection of having seen such a document at that time, but that I had read a recent news item describing such a document.

You also indicated an interest in the theoretical question as to whether intelligence functions should be divorced from enforcement functions in order to avoid the dilemma of disclosure versus dismissal, and you suggested that my views on this might be helpful in educating the Committee.

For your information, I entered on duty as a Special Agent on January 5, 1942, and retired from the Bureau on December 3, 1971. During the two years immediately preceding my retirement I served as supervisor of a squad of agents which investigated, among other matters, violations and alleged violations of law by the Black Panthers. The only information I have concerning the Black Panthers was learned as a direct result of my official duties. I have made no independent study of them, nor do I have any personal files or written material, either official or otherwise, relating to them.

Since speaking with you, I have reviewed Executive Order #501-73 (28 C.F.R.§§ 16.21, 16.22 and 16.23) which specifies that no employee or former employee of the Department of Justice shall produce any material contained in the files of the Department

161

nor shall he disclose any information acquired in the performance of his official duties without prior approval of the Attorney General or appropriate Departmental official.

From this, I must conclude that I am prohibited from furnishing you or the Committee any information along the lines requested by you unless appropriate authority to do so has first been given by an authorized representative of the Department of Justice.

Very truly yours,

David E. Todd

DAVID E. TODD

cc: Director,
Federal Bureau of Investigation
9th and Pennsylvania Avenue
Washington, DC 20535

SAC
Federal Bureau of Investigation
450 Golden Gate Avenue
San Francisco, CA 94102

Congress of the United States
House of Representatives

RONALD V. DELLUMS, 8TH DISTRICT, CALIFORNIA

DISTRICT OF COLUMBIA COMMITTEE
CHAIRMAN, SUBCOMMITTEE ON EDUCATION
ARMED SERVICES COMMITTEE

WASHINGTON OFFICE:
1417 LONGWORTH BUILDING
WASHINGTON, D.C. 20515
(202) 225-2661

DISTRICT OFFICES:
2490 CHANNING WAY, ROOM 202
BERKELEY, CALIFORNIA 94704
(415) 548-7767

201 13TH STREET, ROOM 105
OAKLAND, CALIFORNIA 94604
(415) 763-0370

DONALD R. HOPKINS
DISTRICT ADMINISTRATOR

May 28, 1975

Mr. Don Jones, Senior Resident Agent
Federal Bureau of Investigation
P. O. Box 1033
Berkeley, California 94704

Dear Mr. Jones:

As you are aware, I have been concerned for some time about the nature of the Bureau's involvement in local law enforcement affairs. This concern has been heightened by my appointment to the House Select Committee to Investigate the U. S. Intelligence Community. In this light, I am requesting answers to the following questions concerning FBI activity in Berkeley:

1. What is the size of the contingent of agents in the Berkeley field office?

2. What are the functional responsibilities in the field office, and what are the percentages of agents involved in each, i.e., political, drug abuse, criminal, etc.?

3. What are the titles of the agents, and how do these relate to their involvement in category two?

4. What is the ethnic and sexual breakdown of the staff and agents in the Berkeley field office?

5. What are the interactions and working relationships between the field office, the Berkeley Police Department, the University of California Police Department, private security agencies and informers? How many informers are utilized by the field office?

6. Recent disclosures have raised serious questions regarding the Bureau's involvement in political surveillance activities of organizations and individuals over the past several years. What actions has the local field office taken to correct the abuses of these actions, and what political surveillance is being undertaken?

62-116395-238

7. I have read with interest of the Special Weapons and Tactics course given under Bureau auspices at the Santa Rita Rehabilitation Facility in Alameda County. I would appreciate your forwarding to me a description of the activities undertaken in this course, and the relationship of UCPD and BPD to the course. In addition, I would appreciate being provided any relevant information on SWAT that you have available.

Thank you for your cooperation in this matter. I will look forward to your reply.

Sincerely,

Ronald V. Dellums
Member of Congress

RVD/djc

FD-36 (Rev. 5-22-64)

FBI

Date: 6/3/75

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL AIR MAIL (Priority)

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

TO: DIRECTOR, FBI (62-116395)
ATTENTION: OFFICE OF LEGAL COUNSEL

FROM: SAC, SAN FRANCISCO (62-6887)

SUBJECT: SENSTUDY, 1975

Remytel call this date to Assistant to the Director JAMES B. ADAMS.

There is enclosed for the Bureau a letter dated 5/28/75 from Congressman RONALD V. DELLUMS, 8th District of California, to Mr. DON JONES, Senior Resident Agent, FBI, Berkeley, California. There is also enclosed a copy of my reply to Congressman DELLUMS.

San Francisco Office is obtaining pertinent information to Congressman DELLUM's request and this will be submitted to the Bureau in the immediate future.

2 - Bureau (Encls. 2)
1 - San Francisco
CWB/cmp
(3)

REC-102

62-116395-236X

14 JUN 6 1975

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10/19/2000 BY SP2 AM/mf MDR-16

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

U.S.Government Printing Office: 1972 — 455-574

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

450 Golden Gate Avenue
Box 36015
San Francisco, California 94102

June 3, 1975

The Honorable Ronald V. Dellums
Congress of the United States
House of Representatives
Washington, D.C. 20515

Dear Congressman Dellums,

Mr. Don Jones, the Senior Resident Agent of the FBI Resident Agency in Berkeley, California, has referred to me your letter of May 28, 1975 asking certain information concerning the FBI's operation in Berkeley, California.

Your letter has been referred to FBI Headquarters in Washington, D.C. for appropriate action.

Sincerely,

Charles W. Bates
Special Agent in Charge

236 X

CODE TELETYPE URGENT

6-9-75

TO SAC SAN FRANCISCO

FROM DIRECTOR FBI (62-116395) -2821

SENSTUDY 75 REC-102

1 - Mr. Wannall
Attn: Cregar
1 - Mr. Gebhardt
1 - Mr. Mintz
1 - Mr. Hotis
1 - Mr. Daly

THIS IS TO ADVISE YOU THAT PURSUANT TO REQUEST FROM THE SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC) I HAVE RELEASED YOU AND FORMER SA DAVID E. TODD FROM APPLICABLE EMPLOYEE SECRECY AGREEMENTS FOR THE PURPOSE OF A STAFF INTERVIEW BY SSC CONCERNING COINTELPRO AND THE INVESTIGATION AT SAN FRANCISCO OF THE BPP. LESTER B. SEIDEL, STAFF MEMBER OF SSC WILL TRAVEL TO SAN FRANCISCO TO CONDUCT THE INTERVIEWS IN APPROXIMATELY TWO WEEKS.

AN AGENT WILL BE AVAILABLE DURING INTERVIEW TO ASSIST IN MAKING A DETERMINATION AS TO WHETHER OR NOT A PARTICULAR QUESTION SHOULD BE RESPONDED TO. THIS AGENT IS NOT TO BE CONSIDERED PRIVATE COUNSEL AND WILL NOT BE PRESENT DURING INTERVIEW.

YOU, AN ASAC, OR SENIOR SUPERVISOR CONTACT FORMER SA DAVID E. TODD TO ADVISE HIM OF THE WAIVER OF THE APPLICABLE SECRECY AGREEMENT AND DETERMINE WHETHER HE IS DESIROUS OF HAVING AN

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. ____

PVD:eek
(7) FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JUN 09 1975

TELETYPE

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2-22-00 BY [illegible]

1975

TELETYPE UNIT

AGENT AVAILABLE DURING INTERVIEW. FOR YOUR BACKGROUND INFORMATION TODD HAS PREVIOUSLY BEEN IN CONTACT WITH LEGAL COUNSEL DIVISION CONCERNING THIS INTERVIEW AND HAS BEEN BRIEFED CONCERNING HIS RIGHT TO COUNSEL, ETC.

SUTEL RESULTS OF CONTACT WITH TODD. YOU SHOULD CONTACT LEGAL COUNSEL DIVISION FOR ADDITIONAL INFORMATION CONCERNING YOUR INTERVIEW.

NOTE:

By memo 6-2-75 captioned as above it was recommended and approved that SAC Charles W. Bates, former SA David E. Todd, and Assistnat Director Robert E. Gebhardt be released from applicable secracy agreements for purposes of interview by SSC. We are separately advising Assistant Director Robert E. Gebhardt of this decision.

NR 001 SF CODE

10:56 AM URGENT 6/16/75 MCC

TO DIRECTOR (62-116395)

FROM SAN VRANCISCO (62-6887)

ATTN W. O. CREGAR, INTD

SENSTUDY 75.

RE SACRAMENTO TELETYPE INSTANT DATE.

REVIEW OF SAN FRANCISCO ELSUR INDICES SHOWS NO OVERHEARS ON MARTIN LUTHER KING, JR.

END

VLJ FBIHQ CLR

Assoc. Dir. ____
Dep.-A.D.-Adm. ____
Dep.-A.D.-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 ____

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JUN 16 1975

TELETYPE

NR001 SC CODE

10:30 AM URGENT 6/16/75 VLS

TO DIRECTOR (62-116395)

SAN FRANCISCO

FROM SACRAMENTO (62-489)

ATTN: INTD (W. O. CREGAR)

SENSTUDY 75.

RE BUREAU TEL TO DETROIT, JUNE 13, 1975.

REVIEW OF SACRAMENTO INDICES REFLECTS NO INFO RE ELECTRONIC SURVEILLANCE, APRIL 23-24, 1964, SENATOR HOTEL, SACRAMENTO, CALIF. SACRAMENTO DIVISION ESTABLISHED 1967.

FOR INFO SAN FRANCISCO, RETEL STATED IN CONNECTION WITH SENATE SELECT COMMITTEE REQUEST, FOLLOWING DATA REQUESTED BY RETURN TELETYPE ATTN: INTD - W. O. CREGAR:

ELECTRONIC SURVEILLANCE INDICES AT FBIHQ DO NOT INDICATE OVERHEARS ON KNOWN TECHNICAL INSTALLATIONS ON MARTIN LUTHER KING, JR. FOR ABOVE DATE AND LOCATION.

SAN FRANCISCO REVIEW ELSURE INDICES AND FURNISH FBIHQ FIRST DATE KING OVERHEARD ON ABOVE TECHNICAL INSTALLATION. IF HE WAS NOT HEARD, SO ADVISE.

END

VLJ FBIHQ CLR

REC-88 62-116395-460

7 JUL-30 1975

84 AUG 4 1975

20 Cozzolino Drive
Millbrae, California 94030
June 11, 1975

Mr. Clarence M. Kelley
Director, Federal Bureau of Investigation
Washington, D. C.

Dear Mr. Kelley:

On this date Supervisor Berryman of the San Francisco Office read to me a teletype to the effect the Bureau had approved a secrecy release for me to respond to questions from Senate investigator Lester B. Seidel in connection with a Senate Select Committee on Internal Security investigation of the CoIntelPro as it related to the Black Panther Party. A copy of a letter from me to Mr. Seidel has been furnished to the Bureau previously.

At the time I was designated supervisor of the squad handling internal security investigations of the Black Panther Party (BPP), the BPP was international in scope; Eldridge Cleaver and others had been granted asylum in Algeria; the BPP had support and/or branches in France, Germany, Scandinavia and China. Aspects of the counter intelligence program approved by the Bureau of which I am aware were directed against some BPP foreign operations. Thus, interrogation by the Senate investigator may involve information disseminated to other government agencies under security classification and may touch on foreign policy as well.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10-27-2011 BY SP2AMB/RW

Therefore, prior to furnishing information obtained in an official capacity to Mr. Seidel, who according to the Bureau's teletype will be in San Francisco in about two weeks, I would like written confirmation of the release which was furnished me orally, preferably an official document covering any secrecy agreement made with the Bureau as well as releasing me from the provisions of any applicable executive orders which preclude disclosure of official information without approval of the Attorney General or an authorized Departmental officer. I would also appreciate being advised if there is any limitation on the scope of the material which I may release.

Since the Bureau's teletype also approved a secrecy release for current SAC Charles Bates, this presupposes he will be authorized to furnish Mr. Seidel with the contents of files if Mr. Seidel so requests. Therefore, I would also appreciate advice as to whether I will be permitted to refresh my recollection by reviewing official files prior to or during the interview with Mr. Seidel.

Sincerely yours,

David E. Todd
Retired Special Agent

cc: SAC San Francisco

84 JUL 21 1975

THREE

DAVID E TODD
20 COZZOLINO DR
MILLBRAE CA 94030

CR#75-60203
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/30/83 BY SP-2 TAP/plm

Mr. Clarence M. Kelley,
Director
Federal Bureau of Investigation
U. S. Department of Justice
Washington, D. C. 20535

FD-36 (Rev. 5-22-64)

FBI

Date: 6/3/75

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL AIR MAIL
(Priority)

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

TO: DIRECTOR, FBI (62-116395)
ATTENTION: OFFICE OF LEGAL COUNSEL

FROM: SAC, SAN FRANCISCO (62-6887)

SUBJECT: SENSTUDY, 1975

Remytel call this date to Assistant to the Director JAMES B. ADAMS.

There is enclosed for the Bureau a letter dated 5/28/75 from Congressman RONALD V. DELLUMS, 8th District of California, to Mr. DON JONES, Senior Resident Agent, FBI, Berkeley, California. There is also enclosed a copy of my reply to Congressman DELLUMS.

San Francisco Office is obtaining pertinent information to Congressman DELLUM's request and this will be submitted to the Bureau in the immediate future.

2 - Bureau (Encls. 2)
1 - San Francisco
CWB/cmp
(3)

REC-102

62-116395-236X

14 JUN 6 1975

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/19/2000 BY SP2 AM/mf
MDR-16

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

U.S.Government Printing Office: 1972 — 455-574

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

450 Golden Gate Avenue
Box 36015
San Francisco, California 94102

June 3, 1975

The Honorable Ronald V. Dellums
Congress of the United States
House of Representatives
Washington, D.C. 20515

Dear Congressman Dellums,

Mr. Don Jones, the Senior Resident Agent of the FBI Resident Agency in Berkeley, California, has referred to me your letter of May 28, 1975 asking certain information concerning the FBI's operation in Berkeley, California.

Your letter has been referred to FBI Headquarters in Washington, D.C. for appropriate action.

Sincerely,

Charles W. Bates
Special Agent in Charge

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/19/2006 BY SP2 rum/mf
MOR-16

236 X

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JUL 12 1975

TELETYPE

NR 009 SF CODE

9:10 PM NITEL 6/11/75 CJC

TO: DIRECTOR (62-116395)

FROM: SAN FRANCISCO (62-6887)

ATTENTION: OFFICE OF LEGAL COUNSEL AND INTD.

SENSTUDY 75.

REBUTEL JUNE 9, 1975.

ON JUNE 11, 1975, FORMER SA DAVID E. TODD ADVISED OF THE WAIVER OF EMPLOYEE SECRECY AGREEMENTS FOR THE PURPOSE OF A STAFF INTERVIEW BY SSC WITH HIM. TODD REQUESTED AGENT BE AVAILABLE DURING INTERVIEW TO ASSIST HIM. TODD INDICATED HE WOULD IMMEDIATELY ADVISE THIS OFFICE IF IN RECEIPT OF INFORMATION RE DATE OF INTERVIEW.

SAC, SAN FRANCISCO, WILL CONTACT LEGAL COUNSEL DIVISION FOR ADDITIONAL INFORMATION CONCERNING HIS INTERVIEW.

END

HOLD PLS

Assoc. Dir.
Dep.-A.D.-Adm.
Dep.-A.D.-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

EX-111

5 - [illegible]

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10-12-2000 BY sp2aum/pap MDR-16

REC-26 62-116395-336

14 JUL 2 1975

56 JUL 17 1975

SPECIAL

GPO 909-767

NR048 WA CODE

4:38PM IMMEDIATE 6/18/75 GHS

TO NEW YORK
BOSTON
DETROIT
LOS ANGELES
MIAMI
SAN FRANCISCO
SEATTLE
WFO

FROM DIRECTOR

100-[illegible] 6/25
66-1700-[illegible] 6/25
66-5[illegible] 6/25

T O P S E C R E T

SENSTUDY 1975; BUDED: JUNE 24, 1975.

THE FOLLOWING REQUEST FOR INFORMATION HAS BEEN ADDRESSED TO THE ATTORNEY GENERAL AND FROM THE ATTORNEY GENERAL TO FBIHQ FROM THE SENATE SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES: " . . . THE FOLLOWING REQUESTS PERTAINING TO THE TECHNIQUE REFERRED TO AS 'MAIL SURVEILLANCE, INCLUDING MAIL COVERS AND OPENING MAIL' AND THE UTILIZATION OF THIS TECHNIQUE 'IN INTERNAL SECURITY, INTELLIGENCE COLLECTION, UND/OR COUNTERINTELLIGENCE MATTERS, OPERATIONS, OR ACTIVITIES:' (1) FOR ALL INCIDENTS OF MAIL OPENING OR MAIL INTERCEPT BY OR ON BEHALF OF THE FEDERAL BUREAU OF INVESTIGATION FROM JANUARY 1, 1960, UNTIL THE PRESENT, PLEASE

66-6243
66-1700-[illegible]

SEARCHED [illegible] INDEXED
SERIALIZED [illegible] FILED
JUN 18 1975
FBI - LOS ANGELES

STATE THE PHYSICAL LOCATION WHERE THE OPENING OR INTERCEPT WAS CONDUCTED, THE NAMES OF THE INDIVIDUALS WHO PARTICIPATED IN THE OPENING OR INTERCEPT, THE TYPE OF MAIL OPENED OR INTERCEPIED, AND THE PURPOSE OF THE OPENING OR INTERCEPT. (2) FOR ALL INCIDENTS OF MAIL COVERS THAT WERE PHYSICALLY CONDUCTED BY FBI EMPLOYEES, WHETHER ALONE OR IN COOPERATION WITH POSTAL SERVICE EMPLOYEES, FROM JANUARY 1, 1960, UNTIL THE PRESENT, PLEASE STATE THE PHYSICAL LOCATION WHERE THE COVER WAS CONDUCTED, THE NAMES OF THE INDIVIDUALS WHO PARTICIPATED IN THE COVER, THE TYPE OF MAIL COVERED, AND THE PURPOSE OF THE COVER. (3) PLEASE PROVIDE ALL DOCUMENTS AND MEMORANDA WHICH DISCUSS, REFER, OR RELATE TO THE ORIGINS, AUTHORIZATIONS, CONDUCT AND TERMINATION OF, AND POLICIES AND PROCEDURES FOR, HE MAIL OPENINGS, INTERCEPTS, AND COVERS IDENTIFIED ABOVE."

EACH OFFICE SHOULD IMMEDIATELY REVIEW ITS FILES FOR ALL INFORMATION REQUESTED BY THE SENATE COMMITTEE. NEW YORK, BOSTON, DETROIT, LOS ANGELES, SEATTLE, AND WFO SHOULD FURNISH INFORMATION CONCERNING SAM SURVEY. NEW YORK, DETROIT, AND SAN FRANCISCO SHOULD FURNISH INFORMATION CONCERNING GUS SURVEY. NEW YORK AND WFO SHOULD FURNISH INFORMATION CONCERNING Z COVERAGE.

SAN FRANCISCO SHOULD FURNISH INFORMATION CONCERNING CHIPROP AND CHICLET. MIAMI SHOULD ADVISE IF THE INFORMATION RECEIVED FROM MM 890-S RESULTED FROM INTERCEPT OF MAIL AND IF SO APPROPRIATE INFORMATION SHOULD BE FURNISHED. RESULTS SHOULD BE SUBMITTED BY TELETYPE, ATTENTION OF SA W. O. CREGAR, UND SHOULD REACH THE BUREAU BY JUNE 24, 1975.

CLASSIFIED BY 3676, XGDS 2 AND 3, INDEFINITE.

END

NR 009 SF CODED

4:20 PM URGENT 6/24/75 CJC

TO: DIRECTOR, FBI

FROM: SAC, SAN FRANCISCO (62-6887)

T O P S E C R E T

ATTENTION: SA W. O. GREGAR

SENSTUDY 1975, BUDED JUNE 24, 1975.

RE BUREAU TELETYPE CAPTIONED AS ABOVE DATED JUNE 18, 1975.

FOR THE INFORMATION OF FBI HEADQUARTERS IT HAS NOT BEEN THE PRACTICE TO UTILIZE A CONTROL FILE FOR MAIL COVERS. RATHER, THEY ARE WORKED FROM THE SUBSTANTIVE FILE. THEREFORE, THERE IS NO PRACTICAL METHOD TO DETERMINE THE NUMBER OF MAIL COVERS THAT MAY HAVE BEEN PLACED IN YEARS PAST. HOWEVER, BECAUSE THEY WERE NOT AVAILABLE AS AN INVESTIGATIVE TECHNIQUE BETWEEN 1964 AND 1973, THE TOTAL NUMBER SINCE 1960 WOULD NOT BE LARGE. THERE FOLLOWS SPECIFIC RESPONSE FROM SAN FRANCISCO FILES TO REQUESTS IN REFERENCED TELETYPE.

GUS SURVEY (BUFILE 65-67003, SF 105-11581)

REC-102 62-

THE GUS SURVEY WAS INSTITUTED BY THE SAN FRANCISCO OFFICE OF FBI ON OCTOBER 30, 1961, AND WAS DISCONTINUED ON FEBRUARY 9, 1962. THE SURVEY TOOK PLACE AT THE RINCON ANNEX POST OFFICE IN SAN

12 JUL 25 1975

ROUTE IN ENVELOPE

84 JUL 29 1975

NW 55089 DocId:32989628 Page 114

NW 65994 DocId:32175170 Page 32

THE PRIMARY OBJECTIVE OF THE GUS SURVEY WAS TO ATTEMPT TO LOCATE AND UNCOVER SOVIET ILLEGAL AGENTS. THE SURVEY INVOLVED THE EXAMINATION OF ALL FIRST CLASS MAIL ENVELOPES ARRIVING AT THE RINCON ANNEX POST OFFICE WHICH ORIGINATED FROM WASHINGTON, D.C., OR NEW YORK CITY. THE ENVELOPES ONLY WERE SCANNED FOR CHARACTERISTICS WHICH WOULD INDICATE THAT THEY COULD HAVE ORIGINATED FROM A SOVIET ILLEGAL SUPPORT AGENT AND POSSIBLY BE DIRECTED TO AN ILLEGAL SOVIET AGENT IN THE SAN FRANCISCO AREA.

THE SURVEY WAS BASED ON INFORMATION DEVELOPED CONCERNING COMMUNICATIONS DIRECTED FROM KNOWN ILLEGAL SUPPORT AGENTS ATTACHED TO SOVIET ESTABLISHMENTS IN NEW YORK AND WASHINGTON, D.C., TO SOVIET ILLEGAL AGENTS RESIDING IN THE UNITED STATES. PREVIOUS ANALYSIS OF MAIL COMMUNICATIONS FROM SOVIET ILLEGAL SUPPORT AGENTS TO SOVIET ILLEGALS OPERATIONG IN THE UNITED STATES IN THE 1960'S REVEALED THAT PRIMARY CHARACTERISTICS ON SUSPECT ENVELOPES WERE:

1. LACK OF RETURN ADDRESS.
2. TYPEWRITTEN ADDRESS IN BLOCK FORM.
3. USE OF LINCOLN $.Ø4 STAMPS.
4. USE OF "BUSINESS SIZE" WHITE OR BROWN ENVELOPES.
5. ADDRESS OCCASIONALLY TYPEWRITTEN ON A "STICKER" GLUED

TO ENVELOPE.

WHEN AN ENVELOPE WITH MANY OR ALL OF THE ABOVE CHARACTERISTICS WAS OBSERVED, AN INVESTIGATION WAS INSTITUTED FOR THE PURPOSE OF DETERMINING IF THE ADDRESSEE COULD POSSIBLY BE A SOVIET ILLEGAL AGENT.

THIS SURVEY WAS AUTHORIZED FOR A 60 DAY PERIOD AND WAS TERMINATED AT ONE POINT DURING 1961 CHRISTMAS RUSH ONLY TO BE RE-INSTITUTED IN ORDER TO COMPLETE THE 60 DAY AUTHORIZATION PERIOD.

SINCE ALL FIRST CLASS MAIL ENVELOPES WERE SCANNED, IT WAS ESTIMATED THAT APPROXIMATELY 130,000 ENVELOPES A DAY WOULD BE SCANNED FOR THE ABOVE CHARACTERISTIC.

DURING THE SURVEY PERIOD, MORE THAN 1,101,880 ENVELOPES WERE SCANNED AND 83 INVESTIGATIONS WERE INITIATED. ALL 83 INVESTIGATIONS WERE EVENTUALLY CLOSED INASMUCH AS NO INTELLIGENCE OPERATIONS OR ILLEGAL AGENTS APPEARED TO BE INVOLVED IN ANY OF THE SUSPECT MAIL.

PERTINENT COMMUNICATIONS CONCERNING THE GUS SURVEY AND INCLUDED IN BOTH SAN FRANCISCO AND BUREAU FILES ARE AS FOLLOWS:

SAN FRANCISCO LETTER TO THE BUREAU DATED SEPTEMBER 26, 1961, CAPTIONED "SAM SURVEY," BUREAU FILE 65-65884.

ADDITIONAL PERTINENT COMMUNICATIONS CONCERNING THE GUS SURVEY AND LOCATED IN BUREAU FILE 65-67003 AND SAN FRANCISCO FILE 105-11581, ARE AS FOLLOWS:

BUREAU LETTER TO SAN FRANCISCO DATED OCTOBER 4, 1961.

SAN FRANCISCO AIRTEL TO THE BUREAU DATED OCTOBER 13, 1961.

BUREAU LETTER TO SAN FRANCISCO DATED OCTOBER 18, 1961.

SAN FRANCISCO LETTER TO BUREAU DATED NOVEMBER L, 1961, CONFIRMING THAT THE GUS SURVEY WAS INSTITUTED AT 12:01 AM, OCTOBER 30, 1961, AND THAT SYMBOL NUMBER CSSF 2536-S WAS ASSIGNED.

SAN FRANCISCO LETTER TO BUREAU DATED NOVEMBER 21, 1961.

SAN FRANCISCO LETTER TO BUREAU DATED JANUARY 11, 1962.

SAN FRANCISCO LETTER TO BUREAU DATED MARCH 21, 1962, CONFIRMING THAT THE GUS SURVEY WAS DISCONTINUED ON FEBRUARY 9, 1962.

IN VIEW OF THE AMOUNT OF ENVELOPES WHICH HAD TO BE SCANNED NUMEROUS AGENTS OF THE SAN FRANCISCO OFFICE OF THE FBI WERE UTILIZED INCLUDING THE FOLLOWING:

RICHARD E. STEPHENS

JOHN T. KERLER

DOUGLAS G. ALLEN

STANLEY J. EAGER

WILLIAM F. MC LAUGHLIN

FRED ELLEDGE

WILLIAM A. COHENDET

DONALD L. COFFIN

JOSEPH M. WUSLICH

HARRY L. MC NEILL

KEITH G. TEETER

WAYNE K. WELCH

DAVID C. SPENCER

STANLEY F. FEWSTER

DANIEL A. GROVE

JOHN P. MC HUGH

JAMES E. SHERRIFF

CLIFFORD J. CARMODY

JAMES WEIL

CHIPROP (BUFILE 105-121706, SF 105-2563)

CHIPROP WAS OPENED AT SAN FRANCISCO BY SAN FRANCISCO LETTER TO BUREAU DATED SEPTEMBER 17, 1954, AND WAS OPERATED AS A MAIL COVER UNTIL JULY, 1956, WHEN CONTENTS OF A LETTER RECEIVED FROM CHINA BY COMMUNIST PARTY FUNCTIONARY, ELIZABETH GURLEY FLYNN, WERE

SET OUT IN SAN FRANCISCO LETTER TO BUREAU DATED JULY 25, 1956. THEREAFTER CONTENTS OF LETTERS FROM CHINA WERE REGULARLY EXAMINED, ITEMS IN CHINESE WERE REGULARLY FURNISHED TO THE BUREAU FOR TRANSLATION ON A SELECTIVE BASIS. APPROXIMATELY 40,000 ITEMS OF CORRESPONDENCE APPEAR TO HAVE BEEN EXAMINED UNDER THE CHIPROP PROGRAM. THE CASE WAS ORIGINALLY OPENED IN CONNECTION WITH THE UNITED STATES GOVERNMENT POLICY OF INTERCEPTING COMMUNIST PROPAGANDA FROM ABROAD, AND EXAMINATION OF MAIL WAS HANDLED THROUGH THE RESTRICTED MERCHANDISE SECTION OF THE UNITED STATES CUSTOMS OFFICE AT SAN FRANCISCO. SAN FRANCISCO AIRTEL DATED APRIL 6, 1961, DIRECTED TO BUREAU FILE 134-5108, INDICATED COVERAGE DISCONTINUED SINCE INTERCEPTION OF COMMUNIST PROPAGANDA DISCONTINUED BY PRESIDENTIAL ORDER ON MARCH 17, 1961. BUREAU RADIOGRAM DATED APRIL 11, 1961, REQUESTED COMMENTS REGARDING RESUMPTION OF COVERAGE AND SAME WAS REINSTITUTED JULY 14, 1961, WITH SAN FRANCISCO AIRTEL THAT DATE. BY SAN FRANCISCO AIRTEL DATED APRIL 23, 1962, CHIPROP COVERAGE WAS DISCONTINUED SINCE RESTRICTED MERCHANDISE UNIT MOVED FROM CUSTOMS HOUSE TO RINCON ANNEX OF UNITED STATES POST OFFICE. BUREAU LETTER DATED SEPTEMBER 14, 1963, REQUESTED SAN FRANCISCO DETERMINE IF CHIPROP COVERAGE COULD BE RESUMED. SAN FRANCISCO

LETTER DATED SEPTEMBER 21, 1962, ADVISED CSSF 2279-S COULD NOT BE RE-ACTIVATED BUT POSSIBILITY OF RESUMPTION OF CHIPROP COVERAGE THROUGH THAT SOURCE WOULD BE FOLLOWED. SAN FRANCISCO AIRTEL DATED JUNE 12, 1963, ADVISED THAT CHIPROP COVERAGE WAS BEING RE-INSTITUTED THROUGH THE FOREIGN PROPAGANDA UNIT AT THE UNITED STATES CUSTOMS HOUSE, THAT SOURCE BEING DESIGNATED AS CSSF 2641-S. WHEN THE FOREIGN PROPAGANDA UNIT MOVED TO RINCON ANNEX, MAIL COVERAGE CONTINUED TO BE SECURED THROUGH IT AND STILL LATER, COVERAGE WAS SECURED THROUGH THE HEAD OF THE AIR MAIL FACILITY OF THE UNITED STATES POST OFFICE. IN ALL CASES, MAIL SELECTED FOR EXAMINATION WAS OPENED ONLY IN THE SAN FRANCISCO OFFICE OF THE FBI DURING EARLY MORNING HOURS JUST AFTER MIDNIGHT AND WAS RETURNED TO THE POSTAL FACILITY SAME DATE.

CHICLET (BUFILE 105-121706, SF 105-14767)

CHICLET WAS INITIATED IN COMPLIANCE WITH BUREAU LETTER DATED SEPTEMBER 9, 1963. SAN FRANCISCO LETTER DATED OCTOBER 28, 1963, INDICATED CHICLET COVERAGE WOULD BE COVERED THROUGH THE SUPERINTENDANT OF THE AIR MAIL FACILITY OF THE UNITED STATES POST OFFICE AND INITIAL EXAMINATION WOULD BE MADE IN HIS OFFICE. HOWEVER, AS IN THE CASE OF CHIPROP, ALL ITEMS SELECTED FOR INTERNAL EXAMINATION

SECRET

WERE TAKEN TO THE FBI OFFICE TO BE OPENED AND XEROXED. CHIPROP COVERAGE WAS DESIGNATED AS FURNISHED BY CSSF 2670-S. MORE THAN 4,000 ITEMS WERE EXAMINED UNDER THE CHICLET PROGRAM.

CHICLET AND CHIPROP COVERAGE BOTH WERE DISCONTINUED IN 1966 AFTER LIM P. LEE WAS APPOINTED AS POSTMASTER OF SAN FRANCISCO, JANUARY 24, 1966, IT BEING POINTED OUT TO THE BUREAU THAT LEE HAD BEEN ADMINISTRATIVE ASSISTANT OF CONGRESSMAN PHILLIP BURTON AND THAT IT WAS FELT NO CHANCE SHOULD BE TAKEN THAT BURTON MIGHT BECOME AWARE OF THE COVERAGE BY THE FBI.

CHIPROP AND CHICLET COVERAGE WERE CARRIED OUT UNDER THE SUPERVISION OF FORMER SUPERVISOR RICHARD G. FLETCHER, WHO IS NOW RETIRED AND RESIDING IN SAN MATEO, CALIFORNIA. THE CHIPROP CASE WAS FIRST ASSIGNED TO SA PATRICK J. HAGGERTY AND WAS HANDLED DURING 1964 BY FORMER SA PAUL J. TSCHIDA. THE CHIPROP CASE AWAS REASSIGNED ON JANUARY 15, 1965, TO SA BERTRAM WORTHINGTON, WHO CONTINUED TO HANDLE THE CASE UNTIL IT WAS CLOSED IN 1966. THE CHICLET CASE WAS ASSIGNED TO SA PATRICK J. HAGGERTY AT ITS INCEPTION AND WAS REASSIGNED ON JANUARY 27, 1964, TO SA BERTRAM WORTHINGTON, WHO CONTINUED TO HANDLE IT UNTIL IT WAS CLOSED IN 1966. NO EXACT RECORD IS AVAILABLE OF THE IDENTITIES OF THE

SPECIAL AGENTS WHO ACTUALLY OPENED THE MAIL UNDER THE CHIPROP AND CHICLET PROGRAMS. HOWEVER, SAN FRANCISCO FILE 105-2563, SERIAL 99 IS A MEMORANDUM DATED DECEMBER 20, 1963, WHICH LISTS SPECIAL AGENTS WHO SHOULD RECEIVE SMALLPOX VACCINATIONS BECAUSE OF THE VOLUME OF MAIL FROM CHINA AND HONG KONG WHICH THEY WERE HANDLING. THE SPECIAL AGENTS LISTED WERE THE FOLLOWING:

DOUGLAS G. ALLEN

THOMAS D. MC GOLDRICK

WILLIAM A. COHENDET (SINCE RETIRED)

DAVID N. NUNN

DANIEL A. GROVE

WILLIAM F. MC LAUGHLIN

PAUL J. TSCHIDA (SINCE RESIGNED)

JOSEPH M. WUSHLICH

ALBERT G. HIGGINS

BERTRAM WORTHINGTON

RICHARD E. STEPHENS (SINCE RETIRED)

STANLEY F. FEWSTER (SINCE RETIRED)

VAJA KOLOMBATOVIC

G. STEWART THATFORD (SINCE RETIRED)

SECRET

PATRICK J. HAGGERTY, JR.

HARRY L. MC NEILL (SINCE RETIRED)

[SF 5592-S] (S)

SINCE AUGUST 15, 1972, SAN FRANCISCO HAS MAINTAINED A MAIL COVER ON THE SOVIET CONSULATE, 2790 GREEN STREET, SAN FRANCISCO, CALIFORNIA, FOR THE PURPOSE OF ASSISTING THE BUREAU IN FULFILLING ITS INVESTIGATIVE RESPONSIBILITIES PERTAINING TO THE INTERNAL SECURITY OF THE UNITED STATES. THE MATTER IS ENTITLED SOVIET CONSUL GENERAL, SAN FRANCISCO, CALIFORNIA, IS - R, BUREAU FILE 105-210032. (S)

THIS MAIL COVER WHICH OCCURS AT THE MARINA STATION, UNITED STATES POST OFFICE, LOCATED AT 3225 FILLMORE STREET, SAN FRANCISCO, CALIFORNIA, IS PRESENTLY HANDLED STRICTLY BY UNITED STATES POST OFFICE EMPLOYEES THROUGH THE COOPERATION OF POSTAL INSPECTOR J. W. WINEGAR FOR FIRST CLASS MAIL [IN EFFORTS TO DETERMINE THE IDENTITY OF PERSONS IN CORRESPONDENCE WITH THE CONSULATE. BUREAU EMPLOYEES DO NOT ACTIVELY PARTICIPATE IN THE PHYSICAL REVIEW OF MAIL. MAIL IS NOT OPENED OR INTERCEPTED AND FBI IS ONLY PROVIDED WITH RETURN ADDRESS ON ENVELOPES ADDRESSED TO SAN FRANCISCO SOVIET CONSULATE. THE MAIL COVER OF THE SOVIET CONSULATE WAS INITIATED BY A LETTER] (S)

SECRET

PAGE ELEVEN SF 62-6887

FROM ACTING DIRECTOR L. PATRICK GRAY, III, TO THE ASSISTANT POST-MASTER GENERAL, INSPECTION SERVICE, UNITED STATES POSTAL SERVICE, WASHINGTON, D.C., DATED JULY 13, 1972, FOR A PERIOD OF 120 DAYS. THE JUSTIFICATION FOR SAME COVER HAS BEEN RENEWED AT 120 DAY INTERVALS SINCE THAT DATE AND IS CURRENTLY JUSTIFIED UNTIL JULY 13, 1975.

CLASSIFIED BY 5478, XGDS 2 AND 3, INDEFINITE.

END.

HOLD PLS

1 - Mr. Adams
1 - Mr. Wannall
1 - Mr. Cregar
1 - Mr. Mintz
1 - Mr. Hotis
1 - Mr. Daly

July 2, 1975

1 - Personnel File Special Agent
David E. Todd
1 - Mr. Miller

Mr. David E. Todd
20 Corzolino Drive
Millbrae, California 94030

Dear Mr. Todd:

Thank you for your letter of June 11, 1975.

You are released from the FBI Employment Agreement for the purpose of a Staff interview by the Senate Select Committee on Intelligence Activities concerning COINTELPRO and the investigation at San Francisco, California, of the Black Panther Party.

I am not aware of any other release you may require.

Pursuant to your request of June 11, 1975, a Special Agent will be available during the interview to assist you in making a determination whether or not a response should be made to a particular question. This Agent is not to be considered private counsel and he will not be present during the interview.

FBI files will not be made available for the interview.

Sincerely yours,

ENCLOSURE

CA#75-6203
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/30/83 BY SP-3 TAP/RBG

REC-107 62-[redacted]-324

Clarence M. Kelley
Director

3 JUL 9 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. ____
Director Sec'y ____

JDM:PVD:eek
(13)

NOTE: Former SA Todd signed a secrecy agreement with the Bureau on 12-3-62.

MAIL ROOM ☑ TELETYPE UNIT ☐

July 2, 1975

airtel

To: SAC, San Francisco (62-6887)

From: Director, FBI (62-116395)

CA#75-0223
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/30/83 BY SP-3 TAP/RBS

Subject: SENSTUDY 75

ReButel June 9, 1975.

Enclosed is a letter from the Director to former Special Agent David E. Todd. You, an ASAC, or Senior Supervisor please hand deliver enclosed letter to Mr. Todd immediately.

You are reminded of a memorandum to all employees, Re: "INTERVIEWS OF FBI EMPLOYEES," in which the Director advised this Bureau has pledged its cooperation with the Congress.

Enclosure

1-Mr. Adams
1-Mr. Wannall
1-Mr. Cregar
1-Mr. Mintz
1-Mr. Hotis
1-Mr. Daly
1-Personal File Special Agent David E. Todd
1-Mr. Miller

62-116395-324
REC-107 116-116395-324

PVD:lgp
(12)

1 - ENCLOSURE

MAILED 6
JUL 3 1975
FBI

3 JUL 9 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. ____
Director Sec'y ____

MAIL ROOM ☐ TELETYPE UNIT ☐

GPO 954-546

SPECIAL

GPO 909-767

NRØ55 WA CODE

11:42PM NITEL 7/9/75 PLD

TO LOS ANGELES

SAN DIEGO

SAN FRANCISCO

FROM DIRECTOR (62-116395)

SENSTUDY 75 66-190064124

BUDED COB JULY 14, 1975

UNITED STATES SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS WIH RESPECT TO INTELLIGENCE ACTIVITIES IS EXAMINING "MEASURES DIRECED AGAINST THE BLACK PANTHER PARTY (BPP) IN THE LATE 196ØS AND EARLY 197ØS IN SAN FRANCISCO - OAKLAND, LOS ANGELES AND SAN DIEGO, CALIFORNIA, BY THE FIELD OFFICES OF THE FBI." AS A PART OF THIS REQUEST FBIHQ HAS BEEN REQUESTED TO FURNISH "A LIST OF ALL LOCAL POLICE DEPARTMENTS AND PERSONNEL CONTACTED RELATIVE TO THIS COINTELPRO; A LIST OF ALL MEDIA PERSONS CONTACTED IN RELATION TO THIS COINTELPRO AND THE MEDIA AFFILIATION; AND A LIST OF ALL FBI PERSONNEL CONNECTED WITH THIS COINTELPRO, THEIR SPECIFIC CONNECTION, AND THEIR PRESENT LOCATON." IN ADDITION TO ABOVE, THE COMMITTEE

Handled 7/11/75

66-6243-11

66-190064124 I

REQUESTS INFORMATION AS TO THE WHEREABOUTS AND CURRENT RELATIONSHIP TO THE FBI OF "PRIMARY CASE AGENTS RESPONSIBLE FOR THIS COINTELPRO IN THE FIELD."

IT IS FELT BY FBIHQ THAT THE ABOVE INFORMATION SHOULD BE EXCLUDED FROM DATA BEING FURNISHED COMMITTEE; HOWEVER, SHOULD NEGOTIATIONS FAIL IN OBTAINING AND EXEMPTION, THIS DATA IS BEING COMPILED AT FBIHQ. IT IS REALIZED THAT A PARTIAL ANSWER TO THESE QUESTIONS MAY BE AVAILABLE IN BUREAU FILES; HOWEVER, COMPLETE DATA NECESSARY IS NOT AVAIABLE AT FBIHQ. ALL OFFICES SHOULD FURNISH BY TELETYPE NO LATER THAN CLOSE OF BUSINESS JULY 14, 1975, ATTENTION INTELLIGENCE DIVISION - MR. W. O. CREGAR, DATA REQUESTED BY THE COMMITTEE SE OUT ABOVE.

END 9

HOLD

...DEPARTMENT OF INVESTIGATION
COMMUNICATIONS SECTION

Dep.-A.D.-Adm.
Dep.-A.D.-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

NR 004 SF CODE

1246 PM URGENT 7/14/75 MCC

TO DIRECTOR

FROM SAN FRANCISCO (62-6887) 4P

ATTN INTELLIGENCE DIVISION - MR. W. O. CREGAR

REC-53

UNITED STATES SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES IS EXAMINING "MEASURES DIRECTED AGAINST THE BLACK PANTHER PARTY (BPP) IN THE LATE 1960S AND EARLY 1970S IN SAN FRANCISCO - OAKLAND, LOS ANGELES AND SAN DIEGO, CALIFORNIA, BY THE FIELD OFFICES OF THE FBI."

RE BUREAU NITEL JULY 9, 1975.

FOLLOWING IS A LIST OF ALL LOCAL POLICE DEPARTMENTS AND PERSONNEL CONTACTED BY THE SAN FRANCISCO DIVISION RELATIVE TO THIS COINTELPRO:

IN NOVEMBER 1968, UNKNOWN OFFICERS OF THE SAN FRANCISCO POLICE DEPARTMENT WERE CONTACTED IN ORDER TO GIVE WILFRED HOLIDAY, ALSO KNOWN AS CAPTAIN CRUTCH, SPECIAL PRIVILEGES AT CITY PRISON. SEE SAN FRANCISCO LETTER DECEMBER 2, 1968, ENTITLED "COUNTERINTELLIGENCE PROGRAM, BLACK NATIONALIST - HATE GROUP, RACIAL INTELLIGENCE (BLACK PANTHER PARTY), BUFILE 100-448006.

EX-106

REC-53

CA#175-6203

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 12/1/83 BY SP2 TAP/RBG

3 JUL 21 1975

84 AUG 6 1975

IN JANUARY 1969, UNKNOWN POLICE OFFICERS, BERKELEY POLICE DEPARTMENT, WERE ADVISED THAT RICHARD AND SAM NAPIER WERE MEMBERS OF THE BPP. THIS INFORMATION WAS FURNISHED TO THE BERKELEY POLICE DEPARTMENT AFTER AN ARMORED CAR WAS HELD UP AND A GUARD MURDERED AND THE GETAWAY CAR WAS FOUND TO BE REGISTERED TO RICHARD NAPIER. SEE SAN FRANCISCO LETTER TO THE BUREAU JANUARY 13, 1969, ENTITLED "COINTELPRO, BLACK NATIONALIST - HATE GROUPS (BLACK PANTHER PARTY).

IN EARLY 1969, AN UNKNOWN OFFICER, SHERIFF'S OFFICE, ALAMEDA COUNTY, CALIFORNIA, AT OAKLAND, WAS ADVISED OF THE USE BY A FILM COMPANY (MGM) OF BLACK PANTHERS AS "PROPS" IN THEIR FILMING OF BERKELEY RIOT SCENES. THE SHERIFF'S OFFICE IN TURN FURNISHED THIS INFORMATION TO THE BERKELEY PRESS. SEE SAN FRANCISCO LETTER TO THE BUREAU MARCH 10, 1969, ENTITLED "COUNTERINTELLIGENCE PROGRAM, BLACK NATIONALIST - HATE GROUP, RACIAL INTELLIGENCE, BLACK PANTHER PARTY."

IN APRIL 1969, INFORMATION WAS RECEIVED THAT THE BPP WAS PLANNING A MEETING BETWEEN SOME OF THEIR LEADERS AND SOME OF THE PEOPLE WHO HAD LEFT THE PARTY IN AN EFFORT TO GET THEM BACK TOGETHER. THIS INFORMATION WAS FURNISHED TO RICHARD WAGNER,

OAKLAND POLICE DEPARTMENT, ON APRIL 18, 1969, WHO, IN TURN, APPARENTLY FED THE INFORMATION TO THE BLACK PANTHER RENEGADES WHO CONSTRUED THIS APPARENTLY AS A "SET UP" AND DID NOT ATTEND. THIS INCIDENT IS RECORDED IN SAN FRANCISCO SERIAL 157-601-201.

ON SEPTEMBER 26, 1969, SERGEANT STAN WHITE, OAKLAND POLICE DEPARTMENT, INTELLIGENCE UNIT, WAS ADVISED THAT INFORMATION HAS BEEN RECEIVED THAT THOMAS JOLLY, A BPP MEMBER, WAS PLANNING TO CONTACT PROBATION OFFICER IN OAKLAND, CALIFORNIA, TO REPRESENT HIMSELF AS THE UNCLE OF BELVA NEWSON, ANOTHER BPP MEMBER WHO HAD BEEN ARRESTED. JOLLY, WHO IS NOT NEWSON'S UNCLE, PLANNED TO ARRANGE FOR HER RELEASE TO THEM. THIS MATTER IS RECORDED IN SAN FRANCISCO FILE 157-601-356.

SAN FRANCISCO FILE DOES NOT REFLECT MEDIA PERSONNEL WERE CONTACTED IN RELATION TO THIS PROGRAM.

SA RAYMOND N. BYERS, LAST KNOWN BY SAN FRANCISCO TO BE ASSISTANT LEGAT, TOKYO, WAS NAMED COORDINATOR OF THE COINTELPRO - BPP ON APRIL 3, 1968. THE CASE WAS REASSIGNED APRIL 18, 1968, TO FORMER SA WILLIAM COHENDET WHO PRESENTLY RESIDES AT 1557 BALBOA WAY, BURLINGAME, CALIFORNIA 94010. THIS MATTER WAS REASSIGNED TO SA LEO S. BRENNEISEN MAY 16, 1969. THE MATTER WAS CLOSED ON MAY 1, 1971.

~~PLS MAKE READ LAST PARAGRAPH 2ND LINE 3RD WORD READ TOKYO REPT TOKYO~~

THIS MATTER WAS SUPERVISED BY FORMER SA ALBERT P. CLARK FROM APRIL 3, 1968 TO MAY 9, 1970. CLARK PRESENTLY RESIDES 66 ELM AVENUE, LARKSPUR, CALIFORNIA 94939. COINTELPRO - BPP WAS SUPERVISED BY FORMER SA DAVID E. TODD FROM FEBRUARY 9, 1970 TO MAY 1, 1971. TODD RESIDES AT 20 COZZOLINO DRIVE, MILLBRAE, CALIFORNIA 94030.

END

~~LER FWAUTXX WAIT A MINUTE ON 3RD PAGE 2, DXX 2, 2ND TOL~~

~~LAST LINE LAST 294~~

~~WORD READ MILLBRAE REPT MILLBRAE~~

2 - Mr. J. A. Mintz
(1 - Mr. J. B. Hotis)
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. S. F. Phillips

CODE TELETYPE NITEL

JULY 17, 1975

PERSONAL ATTENTION

TO SACS SAN DIEGO
SAN FRANCISCO
SEATTLE

FROM DIRECTOR FBI (62-116395)

SENSTUDY 75

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10/12/02 BY SP2 KLM/ldj

PERS. REC. UNIT

REBUTEL MAY 2, 1975.

INQUIRIES MADE OF BUREAU BY SENATE SELECT COMMITTEE (SSC) CONCERNING BELOW-LISTED FORMER FBI EMPLOYEES SUGGESTS THAT THEY MAY BE INTERVIEWED BY SSC STAFF. INTERVIEWS WILL CONCERN COINTELPRO ACTIVITIES DIRECTED AGAINST THE BLACK PANTHER PARTY IN THE LATE 1960'S AND EARLY 1970'S BY THE SAN DIEGO, SAN FRANCISCO AND SEATTLE OFFICES. SET OUT BELOW ARE LAST KNOWN ADDRESSES OF THESE FORMER BUREAU EMPLOYEES.

EACH OF THESE FORMER EMPLOYEES IS TO BE IMMEDIATELY CONTACTED AND ALERTED THAT HE MIGHT BE APPROACHED BY THE SSC STAFF. THEY SHOULD BE TOLD THAT IN THE EVENT THEY ARE INTERVIEWED AND DURING THE COURSE OF SAME, QUESTIONS ARE ASKED WHICH RELATE TO SENSITIVE BUREAU OPERATIONS (SOURCES, METHODS,

COPY RETAINED IN PERSONNEL RECORDS UNIT

SFP:lhb lhb
(7)

SEE NOTE PAGE 3

REC-88 62-116395-382

3 JUL 21 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. ___
Director Sec'y ___

COMMUNICATIONS SECTION

JUL 17 1975

TELETYPE

MAIL ROOM ☐ TELETYPE UNIT ☑

84 JUL 22 1975

TECHNIQUES, THIRD AGENCY RULE AND ONGOING INVESTIGATIONS), THEY MAY REQUEST AN FBI AGENT BE PRESENT. BUREAU WILL PROVIDE AGENT ON REQUEST OF INTERVIEWEE. AGENT WILL NOT BE PRESENT AT INTERVIEW ITSELF BUT MERELY AVAILABLE NEARBY FOR CONSULTATION PURPOSES. AS A PRELUDE TO INTERVIEW, THE FORMER EMPLOYEE MAY, AFTER BEING CONTACTED BY SSC STAFF, CONTACT BUREAU'S LEGAL COUNSEL DIVISION BY COLLECT CALL FOR FULL INFORMATION TO ASSIST HIM, INCLUDING OBLIGATIONS AS TO CONFIDENTIALITY OF INFORMATION ACQUIRED AS FBI EMPLOYEE. IT IS EMPHASIZED THAT BUREAU'S OFFER OF ASSISTANCE IS NOT INTENDED TO IMPEDE SSC WORK BUT IS DONE AS COOPERATIVE GESTURE AND TO SAFEGUARD SENSITIVE BUREAU INFORMATION. CONTACTS WITH THESE FORMER EMPLOYEES TO BE HANDLED PERSONALLY BY SAC OR ASAC. IN EVENT THIS NOT FEASIBLE FOR JUST CAUSE, TO BE HANDLED BY A SENIOR SUPERVISOR.

BUREAU SHOULD BE ADVISED BY TELETYPE AFTER THE FORMER EMPLOYEES HAVE BEEN CONTACTED IN LINE WITH THE ABOVE INSTRUCTIONS. IF A FORMER EMPLOYEE NO LONGER IN YOUR TERRITORY OR TEMPORARILY AWAY, SET OUT LEAD TO OTHER OFFICE IMMEDIATELY WITH COPY TO FBI HEADQUARTERS.

SAN DIEGO: ROBERT S. BAKER, 4268 HORTENSIA, SAN DIEGO, CALIFORNIA 92103.

SAN FRANCISCO: ALBERT P. CLARK, 66 ELM AVENUE, LARKSPUR, CALIFORNIA 94939. WILLIAM COHENDET, 1557 BALBOA WAY, BURLINGAME, CALIFORNIA 94010.

SEATTLE: LEROY W. SHEETS, 5725 72ND STREET, N.E., MARYSVILLE, WASHINGTON 98270.

NOTE:

The referenced Bureau teletype 5/2/75 was a general instruction to all SACs concerning the SSC and Bureau's cooperation with same. We are currently processing a request from the SSC concerning COINTELPRO-BPP in West Coast offices, and among the items of information we are supplying are the current whereabouts of Agents who worked on COINTELPRO as Coordinators and Supervisors in the indicated offices. This teletype to alert the former Agents is in accordance with the procedure we have been following.

Assoc. Dir.	
Dep.-A.D.-Adm.	
Dep.-A.D.-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	

COMMUNICATIONS SECTION

JUL 18 1975

TELETYPE

NR 005 SF CODE

5:27 PM NITEL 7/18/75 CJC

TO: DIRECTOR (62-116395)

FROM: SAN FRANCISCO (62-6887)

SENSTUDY 75

REBUTEL, JULY 17, 1975.

FORMER SA WILLIAM COHENDET ADVISED OF CONTENTS OF RETEL THIS DATE. FORMER SA ALBERT P. CLARK IN TRAVEL STATUS ON VACATION UNTIL MONDAY, JULY 21, AT WHICH TIME HE WILL ALSO BE ADVISED.

END

HOLD PLS

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-3-00 BY SP2 ALM/RW

5-8

COPY RETAINED IN PERSONNEL RECORDS UNIT

(COHENDET)

62-116395-390

cc-67-

3 JUL 22 1975

PERS. REC. UNIT

84 JUL 22 1975

NR053 WA CODE

8:35PM NITEL 7-30-75 FLC

TO LOS ANGELES

SAN DIEGO

SAN FRANCISCO

FROM DIRECTOR (62-116395)

SENSTUDY 75

REBUTEL MAY 2, 1975.

SENATE SELECT COMMITTEE (SSC) STAFF MEMBER LESTER SEIDEL HAS FURNISHED THE FOLLOWING TENTATIVE SCHEDULE FOR INTERVIEWS IN YOUR OFFICE: SAN DIEGO JULY 30, 1975 SAS EARL M. PETERSEN, LAWRENCE F. WIRICK; LOS ANGELES AUGUST 5, 1975 WALLACE E. WARD, RICHARD A. BLOESER, AUGUST 7, 1975 ASSISTANT DIRECTOR ROBERT E. GEBHARDT; SAN FRANCISCO AUGUST 11, 1975 LEO S. BRENNEISEN, AUGUST 11-12, 1975 SAC CHARLES W. BATES. PURPOSE OF INTERVIEW IS TO BE COINTELPRO AND BUREAU INVESTIGATION OF THE BLACK PANTHER PARTY. ADDITIONALLY SAC BATES WILL BE INTERVIEWED CONCERNING KNOWNLEDGE OF "HOUSTON PLAN" BY SSC STAFF MEMBER LOCK JOHNSON.

I HAVE WAIVED YOUR EMPLOYMENT AGREEMENTS FOR PURPOSES OF THESE INTERVIEWS. EACH SHOULD NOTE THAT HE HAS THE RIGHT TO COUNSEL; HOWEVER, THE FBI IS UNABLE TO PROVIDE PRIVATE COUNSEL. THERE ARE CERTAIN PRIVILEGED AREAS CONCERNING WHICH SAS WOULD

cc to Bloeser + Ward

66-6243-13

SEARCHED ___ INDEXED ___
SERIALIZED ___ FILED ___
JUL 30 1975
FBI - LOS ANGELES

NOT BE REQUIRED TO ANSWER QUESTIONS. AREAS CONCERN INFORMATION WHICH MIGHT DIVULGE 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.

SAN FRANCISCO NOTE RELEASE ALSO APPLIES TO FORMER SAS ALBERT P. CLARK AND WILLIAM A. COHENDET WHO, ALONG WITH OTHER EX-SAS ON WEST COAST, MAY ALSO BE INTERVIEWED. CLARK AND COHENDET HAVE ALREADY RECEIVED FOREGOING ADVICE REGARDING PRIVATE COUNSEL AND PRIVILEGED AREAS AND HAVE ASKED FOR CONSULTATION ASSISTANCE WHICH BUREAU IS APPROVING AS BELOW.

NORMALLY, FBIHQ WOULD SUPPLY REPRESENTATIVE TO BE ON-THE-SCENE FOR CONSULTATION PURPOSES. HOWEVER, DISTANCE AND TIME SCOPE MAKES THIS NOT FEASIBLE IN THIS INSTANCE.

THE RANKING FBI OFFICIAL IN EACH OFFICE WILL SERVE FOR CONSULTATION PURPOSES. IN HIS ABSENCE, AN SAC IN LOS ANGELES OR ASAC IN SAN DIEGO AND SAN FRANCISCO MAY SO SERVE. PURPOSE OF CONSULTANT, WHO WILL NOT BE PRESENT AT INTERVIEW BUT AVAILABLE NEARBY, WILL BE TO SUPPLY ASSISTANCE IN THE EVENT PERSON BEING

INTERVIEWED IS ASKED QUESTIONS IN ONE OF THE PRIVILEGED AREAS OR QUESTIONS OUTSIDE THE SPECIFIED PARAMETERS OF THE INTERVIEW (COINTELPRO/BLACK PANTHER PARTY). SHOULD QUESTIONS ARISE WHICH CONSULTANT REPRESENTATIVE CANNOT HANDLE, SUGGEST IMMEDIATE TELEPHONE CALL TO LEGAL COUNSEL DIVISION.

SHOULD ADDITIONAL FORMER SAS CONTACT YOUR OFFICE FOR ASSISTANCE, COORDINATE WITH THEM WAIVER FROM EMPLOYMENT AGREEMENT THROUGH LEGAL COUNSEL DIVISION AND FURNISH CONSULTATION SERVICES AS REQUESTED.

NOTE THAT RANKING OFFICIAL SERVING IN CONSULTANT POSITION DOES NOT REPRESENT THE PARTICULAR EMPLOYEE AS PRIVATE COUNSEL.

END

HOLD

NR050 WA CODE

9:01PM NITEL 7-31-75 FLC

TO LOS ANGELES

SAN DIEGO

SAN FRANCISCO

FROM DIRECTOR (62-116395)

SENSTUDY 75

REBUTEL JULY 30, 1975.

REPORTING PROCEDURES TO FOLLOW RELATIVE TO SENATE SELECT COMMITTEE (SSC) STAFF INTERVIEWS OF PRESENT AND FORMER SAS:

FOR INCUMBENTS: IMMEDIATELY AFTER INTERVIEW PREPARE LHM REPORTING AS DETAILED AS POSSIBLE QUESTIONS ASKED AND REPLIES GIVEN. INCLUDE WHETHER OR NOT INTERVIEWEE'S RIGHTS WERE EXPLAINED TO HIM; DURATION OF INTERVIEW; AND IF IT WAS NECESSARY FOR INTERVIEWEE TO CONSULT WITH BUREAU REPRESENTATIVE, SO STATE. ALSO INCLUDE ADVICE GIVEN TO INTERVIEWEE BY BUREAU REPRESENTATIVE AS TO RIGHT TO COUNSEL, PRIVILEGED AREAS, CONSULTATION PRIVILEGES, AND PARAMETERS OF INTERVIEW, ALL AS DISCUSSED IN REFERENCED TELETYPE, LHM SHOULD BEAR DUAL CAPTION: "U.S. SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITES (SSC)"; "INTERVIEW OF SA (INSERT NAME) BY SSC STAFF MEMBER." SUBMIT ORIGINAL AND SEVEN COPIES OF EACH LHM TO BUREAU BY COVER AIRTEL, ATTENTION INTD W.O. CREGAR.

66-6243-14

Ward
Bloesser

FOR FORMER SAS: ANY FORMER SA WHO HAS BEEN INTERVIEWED AND VOLUNTEERS TO FURNISH RESULTS (NOTE THAT SUCH INFORMATION SHOULD NOT BE SOLICITED BY FBI BUT MERELY ACCEPTED WHEN OFFERED) SHOULD BE THOROUGHLY DEBRIEFED AS SOON AS POSSIBLE AFTER INTERVIEW AND LHM PREPARED AND SUBMITTED IN LINE WITH INSTRUCTIONS FOR INCUMBENTS. SECOND HEADING OF LHM SHOULD USE TERM "FORMER SA."

END

MAH OF FBI LOS ANGELES FOR ONE PLUS TWO OTHERS LA CLR

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

San Francisco, California

August 14, 1975

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

INTERVIEW OF FORMER SA WILLIAM A. COHENDET BY SSC STAFF MEMBER

On August 14, 1975, retired former Special Agent William A. Cohendet was interviewed from 9:30 A.M. to 11:15 A.M. by Lester B. Seidel, Investigator for the U.S. Senate Select Committee on Intelligence Activites (SSC). The interview took place at the Holiday Inn on Van Ness Avenue, San Francisco.

Mr. Seidel mentioned that he was serving as a counsel for the SSC, investigating all phases of the United States intelligence community, and he had chosen the Black Panther Party and the Counterintelligence Program (COINTEL) as his field. He stated that he was hoping for full cooperation on the part of the former Special Agent.

He was advised that former Special Agent Cohendet was willing to cooperate with the committee and he trusted that something constructive would come out of the effort being put forward. Former Special Agent Cohendet also pointed out that in his opinion the Black Panther Party (BPP) had been a group devoted to violence, thievery, and fraud, and the committee should realize the type of Subjects with whom they are dealing in order to place the investigation in its proper framework.

The first question concerned the former Special Agent's background and Bureau service. This was briefly furnished.

Seidel then asked when and how the technical surveillances had been installed, who initiated them, and who approved them.

The former Special Agent replied that he was not party to any of these arrangements and did not know any of the details.

Seidel then asked if former Special Agent Cohendet knew the origin and purposes of the COINTEL Program. He was informed that the former Agent did not know the origin of the program, and said he believed its purposes were those as set forth in the instructions which Seidel had and which spoke for themselves. The former Agent admitted that said program at one time had been assigned to him but due to the press of other functions, he had been unable to give it a great deal of time and felt that during the period that it had been assigned to him, it had been largely ineffective.

Seidel then asked if there was any connection between ELSUR and COINTEL and the reply was given that obviously there would be if the ELSUR material being reviewed could be considered as having any pertinence to a COINTEL operation. However, former Special Agent Cohendet could not recall having used this material while the case was assigned to him, at least to any significant degree. Not having the files available made it impossible to state positively if there had been any specific instance of use of this material.

Seidel asked as to the possible effectiveness of anonymous letters and he was informed that in the opinion of the former Agent, such letters, particularly having to do with personal infidelity or thievery, which were the usual suggested avenues, would have little effect on the recipients who were active in such fields themselves much of the time. In the more serious areas of perhaps trying to falsely show that an individual was an FBI or police informant, the former Special Agent said that the use of this technique would not be used for fear of causing bodily harm or death to an innocent person due to the well-known propensity of the BPP of dealing harshly with any suspected deviator let alone informant.

Seidel then asked as to the value of ELSUR to the BPP investigation and the former Special Agent stated that in his belief it was extremely valuable in many ways. For instance, it assisted and gauged the true Huey Newton, his plans, and weaknesses. It was also valuable in estimating the possible effect of a certain COINTEL program as possibly suggested by some other office. As a result of their information, the San Francisco Office usually rejected most suggestions as being unlikely to be successful.

Seidel wondered if ELSUR was not the most valuable, single investigative aid that the Bureau had had in this investigation, and the former Special Agent agreed that he was probably correct.

Seidel then wondered if the COINTEL proposals should be part of some legislation proposed by Congress and the former Special Agent replied that the Bureau officials, in his opinion, should be allowed to comment on this because the fact that the program would be ineffective against the BPP might not be a valid argument that it would not work to better advantage in other circumstances.

Former Special Agent Cohendet declined to comment on the effectiveness of COINTEL as used against the Socialist Workers Party, not having had any experience with its use in that field.

Seidel then asked about informants and asked if there had been any pressure from the Bureau in the development of such sources. Former Special Agent Cohendet acknowledged that there certainly had been great pressure in this direction, as it was well known that informants were a necessary part of any investigation and a police organization can never give up on this phase of its work no matter how difficult the circumstances were in their development. In the case of the BPP, the development of informants was particularly difficult because of the fear that many persons in the black community felt concerning the BPP as well as the lack of desire to cooperate against another black person.

Seidel asked about foreign funds being raised and given to the BPP, and former Special Agent Cohendet recalled that "Masai" Hewitt and others went to Sweden and other countries where the BPP raised money on speech making tours.

Seidel then asked about any investigation of BPP funds and former Special Agent Cohendet said that it was his recollection that investigation of BPP funds had been undertaken through legal channels but he had no personal knowledge of the investigation and declined to go further into this field.

Seidel asked about referrals of Bureau information to the Internal Revenue Service and former Special Agent Cohendet said that he had no personal knowledge of what had been done in this direction.

Seidel then asked about the affair between Actress Jean Seberg and "Masai" Hewitt, which had appeared in a Hollywood gossip column and had alleged that Seberg had become pregnant by Hewitt. Seidel said that the Los Angeles Office of the Federal Bureau of Investigation had admitted leaking this information to someone in the press.

Former Special Agent Cohendet knew that this couple had been lovers for a brief period but denied any knowledge of any leak to the press by either San Francisco or Los Angeles.

Seidel asked if the former Agent thought that leaking this type of information was appropriate. No comment was offered as to this question.

Seidel, at the conclusion of the interview, said that he had noted that the "faking" of police records as suggested had never been undertaken and he observed that he believed the COINTEL abuses were being overplayed by the press. From what he learned in interviews in San Francisco, it seemed to him that the program had been mostly played down and indeed, an independent judgment had been exercised in the implementation of the program.

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

INTERVIEW OF FORMER SA WILLIAM A. COHENDET BX
SSC STAFF MEMBER

A general discussion of the BPP ensued in which former Special Agent Cohendet reiterated the criminal background and threatening attitude of many of the BPP members, their mendacious ways, and their lack of credibility in their public statements. The former Special Agent credited the news media with helping to build up the BPP beyond its actual strength and influence.

Seidel asked about the former Agent's knowledge of the reaso for the removal of former SAC Harry Morgan from San Francisco. He said the only reason he was asking this question was in order to avoid embarrassing former SAC Morgan when he interviews him concerning his possible knowledge of BPP activities sometime in the future. Former Special Agent Cohendet had no knowledge as to why Mr. Morgan was transferred.

In summation, Seidel ventured the opinion that he thought the ELSUR technique was far more valuable in the carrying out of the investigation of the BPP than the COINTEL. Former Special Agent Cohendet had to agree to the above observation.

Former Special Agent Cohendet was not advised of any rights that he might have in declining to answer any questions and Seidel said he was actually seeking witnesses for a possible hearing in Washington, D.C. He stated that no names would be mentioned in any write-up he would make concerning his interviews.

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

San Francisco, California

August 14, 1975

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

INTERVIEW OF FORMER SA ALBERT P. CLARK
BY SSC STAFF MEMBER

On August 13, 1975, former Special Agent Albert P. Clark, who was a supervisor in the San Francisco FBI Office and who retired in December of 1969, advised as follows:

He was interviewed in his home at 66 Elm, Larkspur, California, by SSC Member Lester B. Seidel from 5:40 P.M. to 6:55 P.M., August 12, 1975.

Clark was not placed under oath and no mention was made of his rights. However, Seidel was pleasant and in no way antagonistic. The interview was general, not penetrative, not in depth, and very few specific questions were asked. There appeared to be no discernible criticism of either the Counterintelligence Program (COINTEL) or the Bureau's investigation of the Black Panther Party (BPP) by Seidel.

Seidel was compelled on more than one occasion to declare that he was pro-FBI, that the object of his inquiries was to assist the United States Senate in understanding the problem in order that they could consider possible legislation that may eliminate any abuses in the future.

Seidel did mention the fact several times that information had been leaked to the press that Jane Seberg, the movie actress, had become pregnant by a BPP official.

Seidel finally asked Clark if he would have okayed a COINTEL proposal like this and he answered that he would have if he felt that it would have sufficiently hindered the BPP, stating that possibly in some of these occasions someone might get hurt but on the other hand, investigation of the BPP by the FBI might be made easier and it might also cut down on the number of BPP supporters.

Clark was asked to whom the main BPP case was assigned and to whom COINTEL had been assigned in the San Francisco Division. Clark replied that he did not remember but possibly during the time of his supervision, more than one Agent had handled the matters.

Seidel asked how many BPP informants the San Francisco Division had. Clark replied he did not recall ~~because~~ and he did not believe that Seidel had a right to know.

Seidel inquired about the BPP wire tap, asking who had requested the tap, the Bureau or the San Francisco Division. Again, Clark replied that he did not recall but the San Francisco Division would not have necessarily waited for the Bureau to initiate the matter but might have requested the Bureau rather than the Bureau having initiated the matter.

Seidel wanted to have an example of a COINTEL proposal. He was not given a specific example but general conversation was had to the effect that any move that might be suggested that would aid the San Francisco Division in their investigation of the BPP in determining their supporters and financiers and possibly disenchanting those individuals might be an example.

Seidel did not ask Clark whether he had done a particular thing.

Questioned concerning whether he felt COINTEL had been effective, Clark replied he did not believe the matter was susceptible to proof but the BPP had sure gone into a steep decline.

Seidel again brought up the Seberg matter and asked if it had done any good. Clark stated he replied, "Maybe."

During this conversation, Clark got the general impression that perhaps Seidel did not feel that COINTEL had been necessary but Clark had argued that it had made the BPP more difficult to operate and possibly easier for the FBI to investigate.

Seidel then wanted to know what there was about the BPP that caused such a concentration of FBI investigative attention. Clark pointed out that this would have to be answered in the context of time, that at the time the program was initiated, there was no doubt that the BPP was a violent, racist organization opposing all law enforcement, attacking officers and generally disturbing the tranquility of the community.

Seidel then went on to discuss the business of pressure. Had Special Agent in Charge Charles W. Bates and the Bureau put too much pressure on the matter? Clark stated there was undoubtedly pressure because everyone was interested in doing the best type job possible and finding out everything possible concerning the BPP. There was obvious pressure from the Bureau in the matter and the Bureau, in a case like this, could never be satisfied. Clark stated that he related that perhaps too much pressure had come from the Bureau because he had felt at the time he was a supervisor that San Francisco Division knew more about the BPP than the Bureau. On the other hand, he related that Bureau officials were probably under pressure because of the national interest and the demands on them in Washington.

Seidel related that he was interested in ascertaining what Agent would make the best witness to appear in Washington to explain and testify concerning COINTEL. He specifically requested Clark's recommendation and mentioned the names of Special Agents Leo S. Brenneisen of San Francisco and Bob Baker of Los Angeles. Clark stated that he had countered by suggesting that somebody in Washington who directed the program and approved all proposals might be a better witness.

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INTELLIGENCE ACTIVITIES (SSC)

INTERVIEW OF FORMER SA ALBERT P. CLARK
SSC STAFF MEMBER

Clark recalled that near the first of the interview, Seidel probably, more to make conversation than to obtain information, asked a few questions concerning US and the Republic of North Africa (RNA). He was advised that US had not been active in this division and there had been no pertinent RNA activity brought to his attention. Seidel asked if Ron Karenga of US had visited San Francisco and Clark replied he had no exact recollection of this.

Seidel talked and asked Clark's opinion on the separation into different agencies of the Bureau's criminal and security investigations. Clark stated that he told Seidel that in the past he had considered this and felt that frankly it might have advantages, and at the same time, might have disadvantages. He pointed out that the disadvantages were that you could not be sure that it, in fact, would work and that if you remove the security investigations from the Bureau, you would undoubtedly lose a great deal, including public support.

Seidel asked if Clark had worked under former SAC Harry Morgan. He advised that he had retired prior to the time Morgan was assigned to the San Francisco Division.

Clark pointed out that during the interview, a recorder appeared prominently on his desk, and Seidel could, of course, not be sure that it was not in operation, although as the duration of the interview lengthened, it must have been obvious to Seidel that it was not operating.

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

San Francisco, California

August 13, 1975

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

INTERVIEW OF FORMER SA DAVID E. TODD BY SSC STAFF MEMBER

On August 12, 1975, retired former SA David E. Todd was interviewed from 1:00 p.m. to 2:30 p.m. by Lester B. Seidel, Investigator for the SSC. The interview took place at the Holiday Inn, San Francisco.

By way of background, in all contacts with Seidel previously, former SA Todd has indicated to him great reluctance to discuss these matters without clearance from the Bureau, and pointed out to Seidel that the Bureau had released former SA Todd from the Employment Secrecy Agreement for the purpose of a staff interview, but Seidel was told that former SA Todd did not think it was either his responsibility or his prerogative to provide information or make information public; that while employed he was acting as an Agent of the Federal Government and felt it was the responsibility of the Federal Government to provide the information, and that if the Senate Committee desired information from former SA Todd, the questions should have been submitted to him in writing, and his answers should have been made in writing and first forwarded to the FBI, and then after the FBI determined it advisable to make these answers available to the Committee, that would have been the proper channel.

Seidel pointed out the Committee and the Bureau had made an agreement whereby the Bureau would make Agents available to the Committee for interview. Former SA Todd pointed out to Seidel that he is not in the category of an Agent, being a retired Agent, and at this point there was no additional discussion on this matter.

Seidel was also told that nothing that was said by former SA Todd should be interpreted as being critical of the Counterintelligence Program (COINTEL) itself, and that if the Bureau felt that such a Program was necessary in the interest of national defense, he had carried it out in the best way he saw fit, and that in recommending against specific proposals as being impractical or inadvisable, these recommendations were against the specific incidents recommended and not against the Program as a whole.

Seidel's first questions dealt with former SA Todd's background and the extent of his Bureau service, and whether he had worked security or criminal matters. Former SA Todd gave him chronologically the offices in which he had served in the Bureau, and stated he had been associated from 1952 to 1956 with the Domestic Intelligence Division, Washington, D.C., and had become Supervisor in San Francisco in December, 1969, of the Black Panther Party (BPP), and that during his Bureau career he had worked both criminal and security matters.

Seidel asked the name of the squad which was originally the Racial Squad, and subsequently changed to Extremist Matters, and he asked whether the work was strictly intelligence, or whether it combined intelligence or criminal work. It was pointed out Bombing Matters were originally being handled on this Squad for a period of time, and that both the criminal activities of the Panthers, as well as intelligence activities, were combined in the assignment.

Seidel then asked when the technical surveillances on the Panthers were installed. Former SA Todd replied that they were functioning at the time he was appointed Supervisor. Seidel then asked how was the technical surveillance related to the COINTEL, if at all, and specifically whether information coming from the technical surveillance was used in carrying out the COINTEL. Former SA Todd advised that he could not recall specifically what was done in either Program without reviewing the files and comparing the information therein with the source. Seidel seemed very interested in this, but actually the question could not be answered on the basis of recollection alone, and was not.

Seidel then asked how would the Panther COINTEL be defined with regard to aims, techniques and results. The answer to this was that the aims were to counter generally the revolutionary objectives and activities of the Panthers. The question concerning techniques was left unanswered, and as far as results go, former SA Todd told Seidel that he did not feel there had been any great results from the Program as it was pursued in the San Francisco Office, but he could not speak for the rest of the Program as far as the Bureau is concerned.

Seidel asked whether the Agents working the criminal aspects of the BPP received information that was received from a technical source, and he was told procedures by which information had been routed to them in their cases, and that at the time we operated these technical surveillances, we felt they had been installed lawfully, and that the information received could be used.

Seidel asked whether there was a great deal of pressure put on the San Francisco Office for the development of informants. He was told yes, that informants were the backbone of good law enforcement and the Bureau constantly urged better informant coverage.

Seidel asked if there had been similar pressure placed on the office in the COINTEL, and former SA Todd replied that he did not feel that any great pressure had been put on the office to carry out this Program, but that the Bureau had recommended the Program, however, had left it up to the office pretty much as to how it should be carried out.

Seidel asked whether the Program had been successful in causing dissension within the Party. Former SA Todd told him that he did not feel this had been particularly effective in any way, and that causing dissension had not been a primary objective of the Program in the San Francisco Office, and that the policy had been to use the Program for primarily two purposes: 1) for the purpose of developing informants by attempting to dissuade them from their loyalties to the Party; and 2) to make representations to Panthers for whom outstanding arrest warrants had been issued in order to flush them out so they could be apprehended.

Seidel asked specifically about the COINTEL involving the Breakfast Program, and was told a recommendation had been made for putting some kind of contamination in the Breakfast Program food, and that this office had felt this extremely inadvisable and recommended against it, and it was not carried out here.

Former SA Todd was also asked about a COINTEL proposal relating to "The Black Panther" newspapers, and was told that such a proposal had been made involving saturating the papers with a foul smelling fish oil or some substance, however, we recommended against this as it would serve no purpose.

Seidel was advised that the San Francisco policy had been to recommend against harassment, per se, and also recommended against leaking information to the press. Seidel then raised the question about the incident where Huey P. Newton's high standard of living was given to the press, and he was told that this fell into the category of informant development on the basis it was felt that if those Panthers who were living practically in poverty could realize what Newton's standards of living were, it might change their allegiance to him and they could be contacted for informant purposes.

Seidel was also told that in this phase of the COINTEL, it was former SA Todd's recollection that this information regarding Newton's high standard of living had been disseminated by informants, and that the press was well aware of Newton's standards of living without having to make this information available to them.

Seidel asked what the instructions had been from the Bureau in carring out the COINTEL. Former SA Todd told Seidel that he had reviewed this file after being appointed Supervisor, but could not recall specifically what the Bureau instructions were. The only other instructions received were at a two day conference in Washington, D.C., on BPP matters conducted by former Assistant to the Director William Sullivan, and Section Chief George Moore, at which time it was pointed out that the Bureau desired the COINTEL to be coordinated with the Bureau, but that former SA Todd did not recall any firm prohibition against

taking certain actions without Bureau authority, and that the field had some leeway in what they did, but, in general, offices made proposals to the Bureau with copies to San Francisco prior to taking any action. Seidel asked why San Francisco got copies of all proposals, and was told this was because San Francisco was office of origin in the BPP case and other offices were required to furnish a copy of all correspondence.

Seidel then asked to what extent Special Agent in Charge Charles W. Bates had knowledge of the COINTEL as it related to the BPP, and he was told that former SA Todd could not speak for Bates and his knowledge would be dependent upon how carefully he read incoming mail and reviewed files, and former SA Todd had no knowledge as to what extent Bates did this.

Seidel was told that under the supervisory setup in the office at the time, former SA Todd felt it was his responsibility to direct this Program in San Francisco and not Bates.

Seidel indicated that out of his investigation in the hearings, undoubtedly there would be some legislation coming out of Congress that would either enable or prohibit such things as the COINTEL, and he stated that was one reason he was asking concerning its effectiveness, and wondered what former SA Todd would recommend. Seidel was told that former SA Todd felt it essential that the Government should have the right to defend itself against individuals and groups who advocate violent revolution or who are aligned with foreign powers, and that there was a need for some sort of legislation within the framework of constitutional government which would enable the Government to do this; but, of course, it should be done under proper control. Seidel asked for suggestions as to what sort of control, and was told that this was a matter for Congress to decide, but perhaps Congress should look into some legislation similar to wiretap legislation, where the responsibility is upon a Federal judge to issue a warrant.

Former SA Todd had prepared a brief summary of what he recalled of the activities of the BPP, and he made a copy of this available to Seidel. Former SA Todd also had made a chronology to assist him in answering questions, together with

some notes concerning COINTEL policy, former SA Todd's general recollection of matters, questions of law regarding agent - principal, privileged information problems, ongoing litigation and national defense, and informants and sources. Seidel asked for a copy of this chronology and this, too, was given to him.

Seidel expressed great interest in receiving the one page summary of the Panthers' activities, and stated that he had chosen the Panthers for a case study, and he seemed more interested in this than in the COINTEL. He also indicated that there might be future interviews and that former SA Todd might be called as a witness before the Committee at a later date.

At the outset of the interview, Seidel asked whether former SA Todd desired his rights be read to him. Former SA Todd told him that since he did not interpret this as a custodial interview, and it was his understanding Seidel had no police power, that he could forego reading the rights.

Former SA Todd did not feel it was necessary to consult with a Bureau representative at this time.

The above information was furnished by former SA Todd voluntarily and was not solicited.

CHRONOLOGY

Approximate Dates	
Dec. 1969	Designated supervisor. Reviewed Cointelpro file. No recollection of any actions by S. F. in file.
Feb. 1970	Conference in Washington, D.C. Briefed on Baltimore Black Panther murder. Cointelpro discussed.
May 1970	Cointelpro letter. Suggestion rejected by S. F.
Aug 1970	Marin Court shootout (Jonathan Jackson-Judge Haley)
Aug 1970	Cleaver released from prison.
Jan 1971	Letters to Algeria to provoke Cleaver to return to U. S. so arrest could be effected.
Feb 1971	Newton becomes Supreme Commander, Cleaver expelled.
March 1971	Robert Webb murder.
April 1971	Sam Napier murder.
April 1971	Two New York police officers wounded.
May 1971	Four New York police officers murdered.
August 1971	George Jackson killed in prison break attempt.
August 1971	Officer Kowalski murder attempt - Washington & Bottom arrest
August 1971	S. F. Ingleside Station attack - Officer Young murdered.
Dec. 1971	Retired.

COINTELPRO: Recommended against many proposals.
Approved recommendation to try to induce Cleaver to return to U. S.
Would have approved actions to persuade Panthers to change loyalty from Party and become informants, but cannot recall any specific ones.
Would not have approved any proposals solely for harrassment or for leaking information to press; there must have been some bona fide investigative purpose behind proposal before considering it.

RECOLLECTION: Recall only generalities. Requested if could review Bureau files prior to interview. This was denied. Cannot testify with any specificity without review of files.

AGENT-PRINCIPAL PRIVILEGED INFORMATION: Sensitive techniques
Informants & Sources
Ongoing Investigations
Foreign Intelligence

Ongoing litigation: Panthers v. FBI & IRS, USDC, S. F. Civil rights.

National Defense: Documents reviewed were classified.
Does executive branch have right to defend nation against advocates of revolution (public interest issue).

Informants & sources: Cannot reveal. (Includes information that might reveal identity.)

Neither my responsibility nor my prerogative to provide or make this information public. I was acting as an agent of the Federal government, and it is responsibility of government to provide the information

Any questions should be submitted in writing and my answers in writing should be forwarded to FBI and if FBI deems it advisable to make these answers available to Committee, that should be proper channel.

The investigation of the Black Panther Party was a National Defense matter. Information on file points to collaboration with foreign powers by leaders of the Party.

Throughout the two-year period in which I supervised the investigation there were strong liaisons between Black Panthers and dissident groups abroad as well as with the governments of foreign nations. The Black Panthers had support and/or branches in France, Germany and Scandinavia, and were international in scope. Eldridge Cleaver, wanted on felony warrants, had been granted asylum in Algeria and with his entourage was residing in a villa provided by the Algerian government. During this period he made at least one trip to Moscow, Russia. Several Black Panthers travelled to Cuba. Huey Newton, in 1971, travelled to Red China by way of Canada and Hong Kong at the invitation of the Chinese government at a time when the United States had no diplomatic relations with them.

At the time I began serving as supervisor in late 1969, the Black Panther Party was under co-leadership of Huey Newton, then confined to prison in California, and Eldridge Cleaver, living in exile in Algeria. The Black Panther Party, both in the newspaper it published weekly at San Francisco, and in public statements by its officers and leaders, advocated violent revolution; it published instructions on guerrilla warfare, directions for the use of weapons, and printed detailed drawings and instructions on the manufacture of bombs and explosive devices, and it agitated openly for the murder of police officers. The term "off the pigs," which means "kill the police," was a Black Panther catchphrase. The history of the Black Panther Party during the period I acted as supervisor is replete with incidents of murder, violence and inciting to revolution. The revolutionary quotation of Mao Tse-Tung, "Political power grows out of the barrel of a gun," became a Black Panther motto.

Sometime in early 1971 a split occurred in the Black Panther Party. Huey Newton, following his release from prison in 1970, gained control of one faction headquartered in Berkeley, California, and he broke openly with Eldridge Cleaver, publicly expelling Cleaver and Cleaver's lieutenants from the Party. The Newton faction thereafter gradually took a more moderate approach, advocating social change through community service in place of its prior profile of violence. No change was noted in the policies of the Cleaver faction directed from Algiers, and it continued to advocate violent revolution; it began publication in New York of its own newspaper proclaiming its revolutionary policies; and followers belonging to this faction continued to commit crimes of violence.

The following crimes of violence attributed to the Cleaver faction of the Black Panthers have been documented in the book "Target Blue," by former Deputy Police Commissioner Robert Daley of New York City (Dell Publishing Co., Inc., 1973):

Ambush attacks against police officers which resulted in 7 officers murdered, 3 wounded, and one attempted murder thwarted, which led to the solution of the other cases and established these attacks to be a nationwide conspiracy; and the murder of two Newton-faction Black Panthers.

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

San Francisco, California
August 13, 1975

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

INTERVIEW OF SA LEO S. BRENNEISEN BY SSC STAFF MEMBER

Prior to interview by SSC Staff Member, SA LEO S. BRENNEISEN telephonically contacted SA DENNIS MILLER at FBI Headquarters making four inquiries on August 6, 1975; on the same date, the following answers were received:

Is it permissible for agent to give general answers concerning the Black Panther Party (BPP) as to membership number and Chapter numbers at various dates?

Answer: Yes.

Local media has previously set forth a memorandum purportedly from the FBI, San Francisco Office, suggesting consideration should be given to furnishing fabricated documents originating with the Oakland Police Department and the FBI, San Francisco, when, in fact, the memorandum came from the Bureau. If questioned concerning this memorandum, may agent point out that this document originated with the Bureau rather than San Francisco?

Answer: Yes.

In contemplation of possible questioning concerning false correspondence directed to ELDRIDGE CLEAVER and others abroad, can agent refer SSC Staff to Bureau when questioned concerning identity of agents preparing correspondence?

Answer: Yes.

Is it necessary for agent to express an opinion as to morality, legality of said Counterintelligence Program (COINTEL)?

Answer: You are not obliged to answer those questions you do not desire to answer, but if you wish you may comment on the legality or morality of the plan.

SA DENNIS MILLER related that he desired that it be borne in mind that the Bureau in no way wished to impede the SSC investigation.

LESTER B. SEIDEL, SSC Staff Member, appeared at the San Francisco Office of the FBI on August 11, 1975, and interviewed SA LEO BRENNEISEN from 1:03 PM to 2:30 PM. SEIDEL prefaced the interview by explaining that he had been advised that BRENNEISEN was the Coordinator for the COINTEL in San Francisco from May 16, 1969 to May 1, 1970. It was pointed out to him that the case was assigned to agent from May 16, 1969 to May 1, 1971.

SEIDEL asked if agent had, in fact, approved all proposals coming from the San Francisco Office. He was advised that not necessarily because if another agent made a proposal the person approving it in San Francisco would be the person signing the outgoing mail, namely, the Supervisor or Relief Supervisor.

SEIDEL asked what Squad agent had been assigned to during this Program, and he was advised S-6. He inquired if there was any COINTEL in San Francisco against US; he was advised to the contrary. He inquired as to the usual number of cases assigned agent, and was advised that to agent's best recollection probably 30 at any one time. He asked if agent's work was exclusively security during the handling of the COINTEL Program and he was advised agent did have some criminal assignments. He inquired if there was any relationship between COINTEL and criminal assignments, and he was advised no and that agent desired to limit the scope of his questioning to the COINTEL Program.

SEIDEL then asked how many suggestions the agent had submitted in COINTEL. He was advised that an estimate would be difficult but probably the nearest figure would be some two suggestions a month with possibly six months in two years when no suggestions were made. He inquired as to agent's knowledge of what percentage of total proposals from all sources submitted to the Bureau had been approved, and he was advised only a small percentage.

At this point, SEIDEL requested agent to outline the types of COINTEL proposals submitted by San Francisco. He was answered that anonymous letters, letters with pseudonyms, and letters signed with the name of an existing person had been used.

It was pointed out that the program had included the use of anonymous letters, including those directed to landlords advising that the Black Panther Party was occupying their property; letters to people supporting BPP programs, including the Breakfast Program and enclosing copies of the BPP color book for children encouraging the shooting of police officers and/or articles from the "Black Panther Party", the official BPP newspaper, showing their propensity and advocacy of violence; letters to organizations containing articles that showed the BPP in direct opposition to their aims, such as a letter to a Jewish organization showing BPP support of Palestine guerrillas.

It was pointed out that letters had been directed to ELDRIDGE CLEAVER in Algeria in the names of BPP members. At this point, SEIDEL interrupted to explain that he was enlisting the complete cooperation of the interviewee, that there had been some Congressional criticism of the COINTEL, that there were some segments of the population that were anti-FBI and that he desired to present the FBI in a proper light, and that he had good friends in the Bureau.

SEIDEL asked, was it necessary to have utilized COINTEL. Agent advised that it was difficult to correctly judge the effect of the program but it was felt it was not without some effect because the Black Panther Party had not only dwindled from a membership of approximately 1,000 in 1969 to perhaps 200 in 1973, but that the organization became split with dissension and had dropped much of its former advocacy for violence.

SEIDEL then requested that the agent give his recommendation on what COINTEL in the future should be; whether there should be a division between security and criminal investigations to different agencies in order that a possible intrusion on the rights of an individual in intelligence matters might not necessarily preclude his being prosecuted by the Bureau in a criminal matter. Agent

refused to furnish his "off-the-cuff" opinion, pointing out that he felt that it was without the scope of his release.

Without further questioning agent concerning the types of COINTEL proposals, SEIDEL next asked if the Electronic Surveillance (ELSUR) on the BPP was in operation at the time COINTEL was initiated, and what proposals were submitted in COINTEL based on information from ELSUR.

SEIDEL was advised agent's release would not allow him to discuss ELSUR.

SEIDEL asked if the San Francisco Division had made any "snitch" proposals. When asked to clarify the question, he stated that this was a suggestion to the effect that a Black Panther Party member be accused of being an FBI informant. Agent replied that to the best of his recollection no such recommendations had been made to the Bureau by San Francisco, and on the contrary, agent knew that it had been pointed out by San Francisco that any such allegation should be most carefully considered inasmuch as BPP history has indicated that they had dealt severely with suspected informants, even to the point of killing them.

SEIDEL then asked if the San Francisco Division had received a great deal of "flak" from the Bureau on this program. He was advised that the Bureau operates a "tickler system" for following investigations and that the program had received some priority from the FBI but agent had never considered correspondence from the Bureau as being "flak".

SEIDEL at this point instead of questioning made the statement that the Bureau gave this matter "high priority". No comment was made to this statement.

SEIDEL next questioned agent if he had read any publicity concerning a May 11, 1970 letter from the Bureau to San Francisco entitled, "Special Operations Research", in which it was suggested that some consideration be given to furnishing the BPP spurious documents that supposedly originated with the Oakland Police Department and the FBI. He explained that some newspaper had received a copy of the document under the Freedom of Information Act and thereafter published it. He inquired if a response to the letter

had been made by San Francisco. Agent advised that it was his recollection that San Francisco had responded recommending against both proposals, pointing out that the BPP had in the short past published contingency plans of the Berkeley Police Department for a raid on National Headquarters to the embarrassment of that agency. San Francisco was of the opinion that if spurious documents were furnished to the BPP they would immediately publish them, rather than attempt to develop an informant and the operation presented a great deal of possible embarrassment and publicity for the Bureau.

SEIDEL asked for agent's knowledge of why the letter had been captioned as previously described rather than Counterintelligence Program, Black Panther Party. Agent stated he had no recollection of exact caption of the letter. SEIDEL then went on to explain that he had been advised that the Bureau had several COINTELS and the one covering Special Operations Research was a COINTEL covering foreign operations. Agent made no comment.

SEIDEL requested what proposals had been made to disrupt the BPP newspaper; how did the proposals originate, and what offices submitted them. He was advised that it was agent's recollection that the Bureau may have requested suggestions from several offices but that to agent's knowledge none had been approved. When SEIDEL continued to question the agent concerning specific proposals and why their approval was not recommended by San Francisco, he was advised that one proposal was the use of a foul-smelling chemical to put on the paper. San Francisco was of the opinion it would not be practical inasmuch as it would contaminate an airplane and would subject the airline or the printing company to damages. SEIDEL was further advised that it was believed the suggestion may have been made for the changing of a first page of an issue at the printing company to embarrass the BPP, but it was pointed out that this would also merely result in a claim being filed against the printer.

SEIDEL was advised that there may have been a suggestion that some thought should be given to the possible delay of the plates for the paper, that suggestion coming at the time when the paper was being printed in New York with the master copy being filmed in San Francisco. San Francisco did not suggest approval because a mere delay would have been of little benefit because the paper was not timely.

SEIDEL asked about the disruption of the BPP Breakfast Program. The answer was given that agent had no recollection of this, and SEIDEL was asked did he have any information from the Bureau that we had attempted a disruption of the program in San Francisco. He related that he believed not and that it probably happened in San Diego.

SEIDEL asked about a suggestion that informants set up a possible confrontation between the BPP and the Republic of New Africa (RNA). Agent stated he had no recollection of such a proposal and did not believe it had been submitted by San Francisco because the membership and activity in RNA had been minimal in this area.

SEIDEL then asked if we had suggested that landlords in the San Francisco area be encouraged to insist on their rent from the BPP. Agent advised he had no recollection of this, but could see nothing wrong in it.

SEIDEL inquired as to the amount of knowledge that SAC CHARLES BATES would have had concerning COINTEL. He was advised that agent had no information, that he, himself, had never discussed the program with Mr. BATES while it was in operation. SEIDEL then inquired if former SAC HARRY MORGAN had been ill during the time he was assigned to San Francisco and the reason for his transfer. Agent replied he had no information concerning this matter.

SEIDEL was asked if he felt that any of the actions agent described as being taken by the San Francisco Division were illegal. SEIDEL stated that he did not believe that these were matters that were in violation of any existing criminal statutes, but there might be some question as to whether the FBI had the specific authority to do these things.

SEIDEL ended the interview by again reiterating that he was a friend of the Bureau, that he was making an inquiry and desired to obtain the opinions of both Headquarters and agents in the field, and that he may make a request to the Bureau to widen the scope of agent's release.

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INTERVIEW OF SA LEO S. BRENNEISEN

Agent was not placed under oath and when agent refused to furnish opinions in those cases noted above or to discuss ELSUR, SEIDEL suggested that he, SEIDEL, put away his pencil and pad. Agent replied that that was not necessary. The only right explained to agent was the fact that all information furnished by him was at his own volition and was entirely voluntary. No mention was made that any part of the interview might be utilized in a possible court proceeding against the agent.

Agent did not consult with Bureau representative during course of the interview.

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

San Francisco, California

August 15, 1975

In Reply, Please Refer to File No.

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

INTERVIEW OF SAC CHARLES W. BATES BY SSC STAFF MEMBERS

On the evening of August 11, 1975, Mr. Lester Seidel and Mr. Lock Johnson, Staff Members of the Senate Select Committee, met with Special Agent in Charge Charles W. Bates of the San Francisco Office. This meeting occurred over dinner. No statements were made by either of these individuals as to any rights that SAC Bates might have in connection with the interview.

During the dinner, Mr. Seidel referred to COINTELPRO involving the FBI's investigation of the Black Panther Party in San Francisco. Bates advised him that he was in charge of the San Francisco Office from July, 1967 until the end of April, 1970, when he was transferred to Chicago. Bates stated that he was aware of the investigation being conducted on the Black Panther Party but was not personally conversant with all the details of this investigation as such details were all contained in the FBI's file. On at least two occasions Mr. Seidel referred to specific facts occurring in other parts of the country involving anonymous letters sent to individuals under COINTELPRO. He asked if Bates agreed that these actions were proper. Mr. Seidel was told that Bates had no way of knowing the facts as he related were true or any other of the circumstances involved and that, therefore, he was unable to comment at all.

Mr. Seidel asked if Bates had any recommendations for legislation which the Committee could propose that would assist the FBI in the domestic counterintelligence field. Bates informed him that he was not fully conversant with this entire field and that it was the prerogative of FBI officials at Washington and Department of Justice officials to recommend such legislation.

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.

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Mr. Seidel also inquired as to whether Bates felt that an extension of electronic surveillances into the domestic intelligence field would be of assistance. Bates informed him that the FBI was operating according to current court decisions as involve electronic surveillances and that the courts had recently precluded this action in strictly domestic intelligence matters. Mr. Seidel was informed that this was a decision for FBI officials in Washington.

On several occasions during the evening, Mr. Johnson asked Bates if he was aware of the "Houston Plan." On each occasion Bates informed him that he was not aware of the "Houston Plan" and his only knowledge of it is what he has seen in the public press. At one time Mr. Johnson asked if Bates thought that Mr. Hoover had turned down the "Houston Plan" because he was afraid for his job. Bates again replied that he had no firsthand knowledge having anything to do with the "Houston Plan" but he was certainly aware that Mr. Hoover was not afraid of anything or anyone.

Both Mr. Johnson and Mr. Seidel asked if Bates felt that the use of "black bag jobs" would be of advantage in conducting domestic counterintelligence operations. Bates replied that he had no personal direct knowledge of such matters and had never been involved in such matters.

During the evening, Mr. Seidel asked if Bates felt that a congressional ~~oversite~~ OVERSIGHT committee of the FBI was sound and proper. Bates informed that he certainly agreed with the concept of congressional ~~oversite~~ OVERSIGHT as long as it was constructive and not destructive. Mr. Seidel asked if Bates felt that the FBI's security operation should be completely divorced from its criminal responsibilities and handled as a separate agency or a separate part of the FBI. Bates informed him that it appeared that the FBI's efforts in both the criminal and the security field had been effective and appeared to be proper in its present context. Mr. Seidel inquired if Bates was personally acquainted with Mr. William C. Sullivan, former FBI official. Mr. Seidel was informed that Bates worked in the same division with Mr. Sullivan in the 1950's and knew him as another supervisor at FBI Headquarters.

Seidel then asked if Bates was aware of the disagreements that Mr. Sullivan had had with Mr. Hoover and he was informed that he had no details concerning this matter.

SSC;
INTERVIEW OF SAC
CHARLES W. BATES
BY SSC STAFF MEMBERS

Mr. Seidel asked if Bates knew former SAC Harry Morgan. Bates told him that he knew him as he had replaced him as SAC in San Francisco at the end of April, 1970. He then asked if Bates was aware of why Mr. Morgan was transferred from San Francisco. Bates told him that some problem had arisen in connection with his running the San Francisco Office but that he was not personally aware of the specific details. but that they would be available at FBI Headquarters. Seidel said the only reason he was asking was that he was thinking about interviewing Mr. Morgan but he did not want to embarrass him and then asked if Morgan's transfer from San Francisco had anything to do with a drinking problem. Bates said again that he was not aware of the specifics.

On the afternoon of August 13, 1975, Mr. ~~Lock~~ Loch Johnson came into the San Francisco FBI Office saying he had just a few more questions he wanted to ask Bates. He then asked if the San Francisco Office was involved in foreign counter-intelligence work, and he was informed that we were as were many other FBI offices. He then asked if we surveilled everyone who went into or came out of the Soviet Consulate in San Francisco. He was informed that Bates did not intend to discuss with him any investigative techniques or anything having to do with pending investigations. Mr. Johnson said he was attempting to find some individual who was an expert in foreign counterintelligence, particularly the Soviet threat to the United States. Bates informed him that there were probably a number of people in the United States who would qualify in this category but Bates did not consider himself as an expert in this field.

The above represents specific matters brought up during these discussions.

FD-36 (Rev. 5-22-64)

FBI

Date: 8/15/75

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL AIRMAIL (Priority)

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

TO: DIRECTOR, FBI (62-116395)
(ATTN. INTD - W.O. CREGAR)

FROM: SAC, SAN FRANCISCO (62-6887)

SENSTUDY '75

Rebutels 7/30 and 31/75.

Enclosed for the Bureau are eight copies each of LHMs covering interviews by the U.S. Senate Select Committee on Intelligence Activities covering interviews of SAC CHARLES W. BATES, SA LEO S. BRENNEISEN, and former SAs DAVID E. TODD, ALBERT P. CLARK, and WILLIAM A. COHENDET.

It is noted that accompanying the LHM concerning interview of former SA DAVID E. TODD is a three-page xerox of a brief summary and chronology prepared by TODD and furnished to Mr. SEIDEL. It is noted that the chronology under the date of 8/19/70 bears a notation, "CLEAVER released from prison." TODD obviously meant HUEY NEWTON, instead of CLEAVER.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11/30/83 BY D-STAP/RBG CA# 15-6283

ENCLOSURE

2) Bureau (Encls. 40) (AMD REG)
2 San Francisco
(1- 62-6887)
(1- 157-601)

LSB:LMR
(4)

REC-16

5 SEP 16 1975

62-116395

Approved: _____ Sent _____ M Per _____

Special Agent in Charge

84 SEP 18 1975

NR050 WA CODE

9:01PM NITEL 7-31-75 FLC

TO LOS ANGELES

SAN DIEGO

SAN FRANCISCO

FROM DIRECTOR (62-116395)

SENSTUDY 75

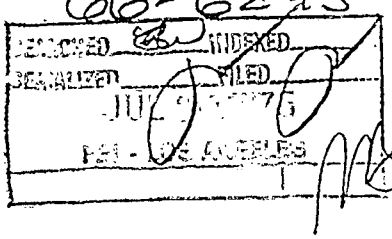
REBUTEL JULY 30, 1975.

REPORTING PROCEDURES TO FOLLOW RELATIVE TO SENATE SELECT COMMITTEE (SSC) STAFF INTERVIEWS OF PRESENT AND FORMER SAS:

FOR INCUMBENTS: IMMEDIATELY AFTER INTERVIEW PREPARE LHM REPORTING AS DETAILED AS POSSIBLE QUESTIONS ASKED AND REPLIES GIVEN. INCLUDE WHETHER OR NOT INTERVIEWEE'S RIGHTS WERE EXPLAINED TO HIM; DURATION OF INTERVIEW; AND IF IT WAS NECESSARY FOR INTERVIEWEE TO CONSULT WITH BUREAU REPRESENTATIVE, SO STATE. ALSO INCLUDE ADVICE GIVEN TO INTERVIEWEE BY BUREAU REPRESENTATIVE AS TO RIGHT TO COUNSEL, PRIVILEGED AREAS, CONSULTATION PRIVILEGES, AND PARAMETERS OF INTERVIEW, ALL AS DISCUSSED IN REFERENCED TELETYPE, LHM SHOULD BEAR DUAL CAPTION: "U.S. SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITES (SSC)"; "INTERVIEW OF SA (INSERT NAME) BY SSC STAFF MEMBER." SUBMIT ORIGINAL AND SEVEN COPIES OF EACH LHM TO BUREAU BY COVER AIRTEL, ATTENTION INTD W.O. CREGAR.

66-62493-14

Ward
Bloesser



FOR FORMER SAS: ANY FORMER SA WHO HAS BEEN INTERVIEWED AND VOLUNTEERS TO FURNISH RESULTS (NOTE THAT SUCH INFORMATION SHOULD NOT BE SOLICITED BY FBI BUT MERELY ACCEPTED WHEN OFFERED) SHOULD BE THOROUGHLY DEBRIEFED AS SOON AS POSSIBLE AFTER INTERVIEW AND LHM PREPARED AND SUBMITTED IN LINE WITH INSTRUCTIONS FOR INCUMBENTS. SECOND HEADING OF LHM SHOULD USE TERM "FORMER SA."

END

MAH OF FBI LOS ANGELES FOR ONE PLUS TWO OTHERS LA CLR

NRØ53 WA CODE

8:35PM NITEL 7-3Ø-75 FLC

TO LOS ANGELES

SAN DIEGO

SAN FRANCISCO

FROM DIRECTOR (62-116395)

SENSTUDY 75

REBUTEL MAY 2, 1975.

SENATE SELECT COMMITTEE (SSC) STAFF MEMBER LESTER SEIDEL HAS FURNISHED THE FOLLOWING TENTATIVE SCHEDULE FOR INTERVIEWS IN YOUR OFFICE: SAN DIEGO JULY 3Ø, 1975 SAS EARL M. PETERSEN, LAWRENCE F. WIRICK; LOS ANGELES AUGUST 5, 1975 WALLACE E. WARD, RICHARD A. BLOESER, AUGUST 7, 1975 ASSISTANT DIRECTOR ROBERT E. GEBHARDT; SAN FRANCISCO AUGUST 11, 1975 LEO S. BRENNEISEN, AUGUST 11-12, 1975 SAC CHARLES W. BATES. PURPOSE OF INTERVIEW IS TO BE COINTELPRO AND BUREAU INVESTIGATION OF THE BLACK PANTHER PARTY. ADDITIONALLY SAC BATES WILL BE INTERVIEWED CONCERNING KNOWNLEDGE OF "HOUSTON PLAN" BY SSC STAFF MEMBER LOCK JOHNSON.

I HAVE WAIVED YOUR EMPLOYMENT AGREEMENTS FOR PURPOSES OF THESE INTERVIEWS. EACH SHOULD NOTE THAT HE HAS THE RIGHT TO COUNSEL; HOWEVER, THE FBI IS UNABLE TO PROVIDE PRIVATE COUNSEL. THERE ARE CERTAIN PRIVILEGED AREAS CONCERNING WHICH SAS WOULD

cc to Bloeser + Ward

66-6243-13

SEARCHED ____ INDEXED ____
SERIALIZED ____ FILED ____
JUL 3 0 1975
FBI - LOS ANGELES

NOT BE REQUIRED TO ANSWER QUESTIONS. AREAS CONCERN INFORMATION WHICH MIGHT DIVULGE 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.

SAN FRANCISCO NOTE RELEASE ALSO APPLIES TO FORMER SAS ALBERT P. CLARK AND WILLIAM A. COHENDET WHO, ALONG WITH OTHER EX-SAS ON WEST COAST, MAY ALSO BE INTERVIEWED. CLARK AND COHENDET HAVE ALREADY RECEIVED FOREGOING ADVICE REGARDING PRIVATE COUNSEL AND PRIVILEGED AREAS AND HAVE ASKED FOR CONSULTATION ASSISTANCE WHICH BUREAU IS APPROVING AS BELOW.

NORMALLY, FBIHQ WOULD SUPPLY REPRESENTATIVE TO BE ON-THE-SCENE FOR CONSULTATION PURPOSES. HOWEVER, DISTANCE AND TIME SCOPE MAKES THIS NOT FEASIBLE IN THIS INSTANCE.

THE RANKING FBI OFFICIAL IN EACH OFFICE WILL SERVE FOR CONSULTATION PURPOSES. IN HIS ABSENCE, AN SAC IN LOS ANGELES OR ASAC IN SAN DIEGO AND SAN FRANCISCO MAY SO SERVE. PURPOSE OF CONSULTANT, WHO WILL NOT BE PRESENT AT INTERVIEW BUT AVAILABLE NEARBY, WILL BE TO SUPPLY ASSISTANCE IN THE EVENT PERSON BEING

INTERVIEWED IS ASKED QUESTIONS IN ONE OF THE PRIVILEGED AREAS OR QUESTIONS OUTSIDE THE SPECIFIED PARAMETERS OF THE INTERVIEW (COINTELPRO/BLACK PANTHER PARTY). SHOULD QUESTIONS ARISE WHICH CONSULTANT REPRESENTATIVE CANNOT HANDLE, SUGGEST IMMEDIATE TELEPHONE CALL TO LEGAL COUNSEL DIVISION.

SHOULD ADDITIONAL FORMER SAS CONTACT YOUR OFFICE FOR ASSISTANCE, COORDINATE WITH THEM WAIVER FROM EMPLOYMENT AGREEMENT THROUGH LEGAL COUNSEL DIVISION AND FURNISH CONSULTATION SERVICES AS REQUESTED.

NOTE THAT RANKING OFFICIAL SERVING IN CONSULTANT POSITION DOES NOT REPRESENT THE PARTICULAR EMPLOYEE AS PRIVATE COUNSEL.

END

HOLD

FD-36 (Rev. 5-22-64)

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
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Inspection ____
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Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

F B I

Date: 9/3/75

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL AIR MAIL (Priority)

TO: DIRECTOR, FBI (62-116395)
ATTN: INTD - W.O. KREGAR

FROM: SAC, SAN FRANCISCO (62-6887)

SUBJECT: U.S. SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC); INTERVIEW OF FORMER ASSISTANT DIRECTOR AL BELMONT

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10-27-00 BY SP2 ALM/RW

On the morning of 9/2/75, Mr. AL BELMONT, former Assistant to the Director of FBI, called SAC, San Francisco. He said that early last week Mr. MIKE EPSTEIN from the Staff of the Church Committee called him and said he wanted to come to California and talk with Mr. BELMONT on Saturday, 8/30/75. Mr. BELMONT said that EPSTEIN appeared and talked to him for about 30 minutes. His main topic of discussion was the MARTIN LUTHER KING case. EPSTEIN told BELMONT that he was attempting to tie the FBI investigation of the KING case into the "March on Washington." BELMONT told him that the FBI's investigation had nothing to do with the March on Washington. He further told EPSTEIN that the KING case was open because of information of definite efforts by the Communist Party to influence KING.

EPSTEIN referred to some monograph and then to some memorandum with BELMONT's initials on it concerning the KING case and BELMONT told him he had no personal knowledge of that. Mr. BELMONT stated he merely wanted to make this known to the Bureau.

REC-102 84-6

For the Bureau's information, Mr. BELMONT's physical condition has deteriorated in the past few months and it is most difficult to understand his speech as the illness which he has has affected the control of most of his muscles.

SEP 5 1975

2 - Bureau
1 - San Francisco
CWB/cmp
(3)

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

U.S. Government Printing Office: 1972 — 455-574

84 OCT 10 1975

NR033 WA CODE

6:16PM 9/4/75 NITEL AJM

TO ALL SACS

FROM DIRECTOR (62-116395)

PERSONAL ATTENTION

SENSTUDY 75

REBUTEL MAY 2, 1975.

PURPOSES OF INSTANT TELETYPE ARE TO (1) REITERATE THAT FBI HAS PLEDGED FULL COOPERATION WITH THE SENATE SELECT COMMITTEE (SSC) AND WISHES TO ASSIST AND FACILITATE ANY INVESTIGATIONS UNDERTAKEN BY THE SSC WITH RESPECT TO THE FBI; AND (2) SET FORTH NEW PROCEDURE RELATING TO SSC STAFF INTERVIEWS OF CURRENT AND FORMER FBI EMPLOYEES.

FOR INFORMATION OF THOSE OFFICES WHICH HAVE NOT PREVIOUSLY HAD CURRENT OR FORMER EMPLOYEES IN ITS TERRITOY INTERVIEWED BY THE SSC, THE BUREAU FREQUENTLY LEARNS FROM THE SSC OR OTHERWISE THAT FORMER EMPLOYEES ARE BEING CONSIDERED FOR INTERVIEW BY THE SSC STAFF. INSTRUCTIONS ARE ISSUED FOR THE FIELD OFFICE TO CONTACT THE FORMER EMPLOYEE TO ALERT HIM AS TO POSSIBLE INTERVIEW, REMIND HIM OF HIS CONFIDENTIALITY AGREEMENT WITH THE BUREAU AND SUGGEST THAT IF HE IS CONTACTED FOR

ASAC

GILBERT

KEEFE

LONERGAN (Last)

1cc dest.

62-2368-9

SEARCHED ✓ INDEXED

SERIALIZED BB FILED BB

SEP 4 1975

FBI-ALBANY

INTERVIEW, HE MAY CONTACT THE LEGAL COUNSEL DIVISION BY COLLECT CALL FOR FURTHER INFORMATION. IN THE USUAL CASE, AS CIRCUMSTANCES UNFOLD, THE FORMER EMPLOYEE IS TOLD(1) THAT HE HAS A RIGHT TO LEGAL COUNSEL, BUT THAT THE BUREAU CANNOT PROVIDE SAME; (2) THAT THE BUREAU HAS WAIVED THE CONFIDENTIALITY AGREEMENT FOR THE INTERVIEW WITHIN SPECIFIED PARAMETERS; AND (3) THAT THERE ARE FOUR PRIVILEGED AREAS IN WHICH HE IS NOT REQUIRED TO ANSWER QUESTION. THESE AREAS ARE RELATING TO INFORMATION WHICH MAY (A) IDENTIFY BUREAU SOURCES; (B) REVEAL SENSITIVE METHODS/TECHNIQUES; (C) REVEAL IDENTITIES OF THIRD AGENCIES, INCLUDING FOREIGN INTELLIGENCE AGENCIES, OR INFORMATION FROM SUCH AGENCIES; AND (D) ADVERSELY AFFECT ONGOING BUREAU INVESTIGATIONS.

HERETOFORE, BUREAU HAS OFFERED INTERVIEWEES CONSULTATION PRIVILEGES WHEREBY A BUREAU SUPERVISOR WOULD BE AVAILABLE NEARBY, ALTHOUGH NOT ACTUALLY AT INTERVIEW, SO INTERVIEWEE MIGHT CONSULT WITH HIM SHOULD QUESTIONS ARISE AS TO PARAMETERS OF INTERVIEW OR PRIVILEGED AREAS. THE CONSULTANT DID NOT ACT AS A LEGAL ADVISOR.

EFFECTIVE IMMEDIATELY, BUREAU WILL NO LONGER PROVIDE

ON-THE-SCENE PERSONNEL FOR CONSULTATION PURPOSES TO ASSIST EITHER CURRENT OF FORMER EMPLOYEES. PROSPECTIVE INTERVIEWEES SHOULD BE TOLD THAT, IF THEY DESIRE ASSISTANCE OF THIS NATURE DURING AN INTERVIEW, THEY MAY CONTACT EITHER PERSONALLY (IF INTERVIEW IS IN WASHINGTON, D. C.) OR BY COLLECT CALL, THE ASSISTANT DIRECTOR OF THE INTELLIGENCE DIVISION, MR. W. R. WANNALL, OR, IN HIS ABSENCE, SECTION CHIEF W. O. CREGAR.

THIS CHANGE IN PROCEDURE SHOULD NOT BE CONSTRUED AS LESSENING THE ASSISTANCE WE ARE FURNISHING TO CURRENT AND FORMER EMPLOYEES.

FOR YOUR ADDITIONAL INFORMATION, I AM WORKING WITH THE DEPARTMENT IN EXPLORING AVENUES TO ARRANGE LEGAL REPRESENTATION, WHEN NECESSARY, FOR CURRENT AND FORMER EMPLOYEES WITHOUT EXPENSE TO THEM. YOU WILL BE KEPT ADVISED OF DEVELOPMENTS IN THIS REGARD.

END

LVV FBI ALBANY

CLR

NR 030 WA CODE

615PM NITEL 9/5/75 PMJ

TO ALEXANDRIA	BALTIMORE	BIRMINGHAM
BOSTON	CHICAGO	CINCINNATI
DALLAS	EL PASO	INDIANAPOLIS
JACKSON	JACKSONVILLE	LOUISVILLE
LOS ANGELES	MEMPHIS	MIAMI
NEW YORK	OKLAHOMA CITY	OMAHA
PHILADELPHIA	PHOENIX	ST. LOUIS
SAN DIEGO	SAN FRANCISCO	SAVANNAH
SEATTLE		

FROM DIRECTOR (62-116395)

PERSONAL ATTENTION

SENSTUDY 75

REBUTELS MAY 2, 1975, AND SEPTEMBER 4, 1975.

SENATE SELECT COMMITTEE (SSC) HAS REQUESTED WHEREABOUTS OF A NUMBER OF FORMER FBI EMPLOYEES INDICATING THEY MAY BE INTERVIEWED BY THE SSC STAFF. LISTED BELOW, BY FIELD OFFICE TERRITORY, ARE THESE FORMER EMPLOYEES AND THEIR LAST KNOWN ADDRESSES AS CONTAINED IN BUREAU FILES.

See my nitel, 9/5/75 R

66-1[illegible]-28

SEARCHED... INDEXED...
SERIALIZED... FILED...
SEP 5 1975
FBI — LOS ANGELES

INFORMATION FROM SSC INDICATES NAMES OF FORMER SA'S LITRENTO AND STEWART DEVELOPED AS HAVING BEEN RESPONSIBLE FOR SUPERVISING COMMUNICATIONS BETWEEN THE FBI AND CIA CONCERNING MAIL OPENING ACTIVITIES. ALL OTHERS IN LIST BELOW WERE EITHER SAC, ASAC, OR BOTH, DURING PERIOD 1959 - 1966 IN ONE OR MORE OF THE FOLLOWING OFFICES: BOSTON, DETROIT, LOS ANGELES, MIAMI, NEW YORK, SAN FRANCISCO, SEATTLE, AND WASHINGTON FIELD. THEY PRESUMABLY ARE ALSO KNOWLEDGEABLE CONCERNING MAIL OPENINGS.

EACH OF THESE FORMER EMPLOYEES IS TO BE IMMEDIATELY CONTACTED AND ALERTED THAT HE MIGHT BE APPROACHED BY THE SSC STAFF FOR INTERVIEW. THE FORMER EMPLOYEE MAY, AFTER BEING CONTACTED BY SSC STAFF, CONTACT BUREAU'S LEGAL COUNSEL DIVISION BY COLLECT CALL FOR FULL INFORMATION TO ASSIST HIM INCLUDING OBLIGATIONS AS TO CONFIDENTIALITY OF INFORMATION ACQUIRED AS FBI EMPLOYEE. IT IS EMPHASIZED THAT BUREAU'S OFFER OF ASSISTANCE IS NOT INTENDED TO IMPEDE SSC WORK, BUT IS DONE AS COOPERATIVE GESTURE AND TO SAFEGUARD SENSITIVE BUREAU INFORMATION.

CONTACTS WITH THESE FORMER EMPLOYEES TO BE HANDLED PERSONALLY BY SAC OR ASAC. IN EVENT THIS IS NOT FEASIBLE FOR JUST CAUSE, TO BE HANDLED BY A SENIOR SUPERVISOR.

IMMEDIATELY AFTER CONTACT, RESULTS SHOULD BE FURNISHED BUREAU BY NITEL IN ABOVE CAPTION, BRIEFLY INCLUDING REACTION OF FORMER EMPLOYEES CONTACTED. IF A FORMER EMPLOYEE NO LONGER IN YOUR TERRITORY OR TEMPORARILY AWAY, SET OUT LEAD TO OTHER OFFICE IMMEDIATELY WITH COPY TO FBIHQ.

ALEXANDRIA:

W. DONALD STEWART, CRYSTAL HOUSE I, APARTMENT 202, ARLINGTON, VIRGINIA.

JAMES H. GALE, 3307 ROCKY MOUNT ROAD, FAIRFAX, VIRGINIA

THOMAS E BISHOP, 8820 STARK ROAD, ANNANDALE, VIRGINIA

BALTIMORE:

ANTHONY P. LITRENTO, 2810 STONYBROOK DRIVE, BOWIE, MARYLAND

PAUL O'CONNELL, JR., 2417 STRATTON DRIVE, POTOMAC, MARYLAND

DONALD E. RONEY, 131 CAMBRIDGE DRIVE, WINDSOR HILLS, WILMINGTON, DELAWARE

VICTOR TURYN, 264 TURF VALLEY ROAD, ELLICOTT CITY, MARYLAND

DONALD W. MORLEY, BOX 222, NEW MARKET, MARYLAND

U
ST

PAGE FOUR

BIRMINGHAM:

JOHN DAVID POPE, JR., 221 REMINGTON ROAD, BIRMINGHAM, ALABAMA

BOSTON:

LEO L. LAUGHLIN, 9 EVERETT AVENUE, WINCHESTER, MASSACHUSETTS

EDWARD J. POWERS, 10 COLONIAL DRIVE, BEDFORD, NEW HAMPSHIRE

J.F. DESMOND, 185 FRANKLIN STREET, BOSTON, MASSACHUSETTS

CHICAGO:

MARLIN W. JOHNSON, CANTEEN CORPORATION, THE MERCHANDISE MART, CHICAGO, ILLINOIS

HARVEY G. FOSER, 1012 SOUTH HAMLIN, PARK RIDGE, ILLINOIS

CINCINNATI:

PAUL FIELDS, 2677 CYCLORAMA DRIVE, CINCINNATI, OHIO

HARRY J. MORGAN, 5314 ELMCREST LANE, CINCINNATI, OHIO

DALLAS:

PAUL H. STODDARD, 3014 CHATTERTON DRIVE, SAN ANGELO, TEXAS

KENNETH E. COMMONS, 2458 DOUGLAS DRIVE, SAN ANGELO, TEXAS

EL PASO:

KARL W. DISSLY, POST OFFICE BOX 9762, EL PASO, TEXAS

INDIANAPOLIS:

DILLARD W. HOWELL, 6413 CARDINAL LANE, INDIANAPOLIS, INDIANA

ALLAN GILLIES , 8228 HOOVER LANE, INDIANAPOLIS, INDIANA

JACKSON:

WILLIAMS W. BURKE, JR., 1847 AZTEC DRIVE, JACKSON, MISSISSIPPI

PAGE FIVE

JACKSONVILLE:

DONALD K. BROWN, 826 BROOKMONT AVENUE, EAST JACKSONVILLE, FLORIDA

WILLIAM M. ALEXANDER, 4857 WATER OAK LANE, JACKSONVILLE, FLORIDA

LOUISVILLE:

BERNARD C. BROWN, 2301 NEWMARKET DRIVE, N.E., LOUISVILLE, KENTUCKY

LOS ANGELES:

✓ WILLIAM G. SIMON, ~~2075~~ 2035 LOMBARDY ROAD, SAN MARINO, CALIFORNIA — O: 380-3330 h: 681-2129

✓ WESLEY G. GRAPP, 4240 BON HOMME ROAD, WOODLAND HILLS, CALIFORNIA — O: ~~646-3722~~ 646-5921 h: 340-6308

ARNOLD C. LARSON, 4232 ABBINGTON COURT, WESTLAKE VILLAGE, CALIFORNIA — O: 646-8314 h: 889-4290

✓ JOSEPH K. PONDER, 3719 CARRIAGE HOUSE COURT, ALEXANDRIA, VIRGINIA. BUSINESS ADDRESS: 3030 SOUTH RED HILL AVENUE, SANTA ANA, CALIFORNIA — O: 272-9357 h: TRE 9460 Wilshire Blvd, Beverly Hills, Calif 90212

MEMPHIS:

E. HUGO WINTERROWD, 1550 NORTH PARKWAY, MEMPHIS, TENNESSEE

MIAMI:

THOMAS MC ANDREWS, 324 NEAPOLITAN WAY, NAPLES, FLORIDA

FREDERICK F. FOX, 11450 W. BISCAYNE CANAL ROAD, MIAMI, FLORIDA

NEW YORK:

JOSEPH L. SCHMIT, 656 HUNT LANE, MANHASSET, NEW YORK

HENRY A. FITZGIBBON, 76 EASTON ROAD, BRONXVILLE, NEW YORK

OKLAHOMA CITY:

JAMES T. MORELAND, 108 FERN DRIVE, POTEAU, OKLAHOMA

LEE O. TEAGUE, 2501 N.W. 121ST STREET, OKLAHOMA CITY, OKLAHOMA

OMAHA:

JOHN F. CALLAGHAN, IOWA LAW ENFORCEMENT ACADEMY, CAMP DODGE, POST OFFICE BOX 130, JOHNSTON, IOWA

PHILADELPHIA:

RICHARD J. BAKER, 219 JEFFREY LANE, NEWTON SQUARE, PENNSYLVANIA

JOHN F. MALONE, 25 GARFIELD AVENUE, CARBONDALE, PENNSYLVANIA

PHOENIX:

PALMER M. BAKEN, JR., 3832 EAST YUCCA STREET, PHOENIX, ARIZONA

ST. LOUIS:

THOMAS J. GEARTY, 6630 CLAYTON ROAD NR. 105, RICHMOND HEIGHTS, MISSOURI

WESLEY T. WHALEY, 286 GREEN TRAILS DRIVE, CHESTERFIELD, MISSOURI

SAN DIEGO:

FRANK L. PRICE, 2705 TOKALON STREET, SAN DIEGO, CALIFORNIA

SAN FRANCISCO:

CURTIS O. LYNUM, 644 EAST HILLSDALE BOULEVARD, SAN MATEO, CALIFORNIA

HAROLD E. WELBORN, 13067 LA VISTA COURT, SARATOGA, CALIFORNIA

SAVANNAH:

TROY COLEMAN, 36 CROMWELL ROAD, WILMINGTON PARK, SAVANNAH, GEORGIA

JOSEPH D. PURVIS, 721 DANCY AVENUE, SAVANNAH, GEORGIA

SEATTLE:

LELAND V. BOARDMAN, ROUTE 3, BOX 268, SEQUIM, WASHINGTON

RICHARD D. AUERBACH, P.O. BOX 1768, SEATTLE, WASHINGTON

JAMES E. MILNES, 4317 - 50TH AVENUE, N.E., SEATTLE, WASHINGTON

PAUL R. BIBLER, 15134 - 38TH AVENUE, N.E., SEATTLE, WASHINGTON

END

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

SEP 09 1975

TELETYPE

NR 005 SF CODE

8:20PM NITEL 9/9/75 CJC

TO: DIRECTOR (62-116395)

FROM: SAN FRANCISCO

SENSTUDY 75

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10-17-00 BY SP2AW/pc

Assoc. Dir.
Dep.-A.D.-Adm.
Dep.-A.D.-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

RE BUREAU NITEL SEPTEMBER 5, 1975.

SAC, SAN FRANCISCO, CONTACTED HAROLD E. WELBORN ON SEPTEMBER 8, 1975, AND ACQUAINTED HIM WITH INFORMATION IN REFERENCED NITEL. WELBORN'S IMMEDIATE REACTION WAS THAT HE DID NOT DESIRE TO DISCUSS WITH ANY OUTSIDER ANY INFORMATION THAT HE HAD OBTAINED THROUGH HIS FBI EMPLOYMENT. HE DID STATE THAT SHOULD HE BE CONTACTED BY SSC STAFF REGARDING INTERVIEW, HE WOULD IMMEDIATELY TELEPHONE THE BUREAU'S LEGAL COUNSEL DIVISION. FOR INFORMATION, WELBORN NOW RESIDES AT 19422 VINEYARD LANE, SARATOGA, CALIFORNIA.

SAC CONTACTED CURTIS O. LYNUM ON SEPTEMBER 9, 1975. LYNUM'S REACTION WAS THAT HE COULD NOT SEE THE BASIS FOR THEIR DESIRE TO CONTACT HIM. HOWEVER, SHOULD THEY DO SO, HE WOULD IMMEDIATELY ADVISE THIS OFFICE AND ALSO TELEPHONE THE BUREAU'S LEGAL COUNSEL DIVISION. FOR INFORMATION, LYNUM'S CORRECT ADDRESS IS WEST HILLSDALE INSTEAD OF EAST AS IN REFERENCED NITEL.

END

EX-106 REC-37 62-116395-702

12 SEP 19 1975

GC2 XEROX

HOLD SEP 10 1975

Welborn Lynum 5 Hillsdale (last)

cc 67-

84 SEP 23 1975

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

SEP 10 1975

TELETYPE

DECLASSIFIED BY SP-2 ALM/RW #MDR16
ON 10-17-00 7-26-01
REC-61

Assoc. Dir.
Dep. A.D.-Adm.
Dep. A.D.-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

NR 018 SF CODE

8:48 PM NITEL 9/10/75 CJC

TO: DIRECTOR (62-113395)

FROM: SAN FRANCISCO (62-6887)

~~C O N F I D E N T I A L~~

10-17-00 CLASSIFIED BY SP2 ALM/RW Dated opened
DECLASSIFY ON: 25X 1
MDR 16

SENSTUDY 75

RE SAN FRANCISCO NITEL, JANUARY 17, 1975, CAPTIONED "CURRENT INQUIRY INTO CIA DOMESTIC OPERATIONS - INFORMATION CONCERNING."

ON SEPTEMBER 10, 1975, JOHN H. VAN METER, 1333 JONES STREET, SAN FRANCISCO, CALIFORNIA, FORMER REGIONAL CHIEF POSTAL INSPECTOR, CALIFORNIA, WHO RETIRED DECEMBER 30, 1966, ADVISED THAT HE HAS RECEIVED TELEPHONE INQUIRIES FROM SSC STAFF MEMBERS PAUL WALLACH AND JOSEPH DECK IN WASHINGTON, D.C. (WDC) FOR THE PURPOSE OF MAKING A DEPOSITION.

VAN METER HAS AGREED TO FLY TO WDC SEPTEMBER 17, 1975 AND MAKE THE DEPOSITION THE FOLLOWING DAY.

VAN METER FURTHER ADVISED THAT THE STAFF MEMBERS MENTIONED DOCUMENTS IN THEIR POSSESSION THAT THEY WOULD LIKE HIM TO REVIEW PRIOR TO FILING HIS DEPOSITION. THEY DID NOT ELABORATE THE TYPE OR NATURE OF THESE DOCUMENTS.

EX-106 REC-61 62-113395-182
5 SEP 17 1975

VAN METER HAS TOLD SSC STAFF THAT HE HAS NO KNOWLEDGE OF FURNISHING ANY MAIL TO CIA. BECAUSE OF THIS HE FEELS

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

SECRET

84 SEP 18 1975

THE DOCUMENTS REFERRED TO ABOVE RELATE TO FBI INVESTIGATIONS.

FOR BUREAU'S INFORMATION VAN METER WAS ASSIGNED IN REGIONAL POSTAL INSPECTOR'S OFFICE, SAN FRANCISCO, FROM 1950 TO 1966. INITIALLY HE WAS DEPUTY CHIEF INSPECTOR AND FROM 1961 UNTIL RETIREMENT HE WAS CHIEF POSTAL INSPECTOR. HE CONSISTENTLY EXHIBITED A DISCREET MANNER.

DURING THIS PERIOD VAN METER COOPERATED WITH THIS OFFICE AND PROVIDED ACCESS TO CERTAIN TYPE MAIL IN CONNECTION WITH MAIL INTERCEPT PROGRAMS, IN PARTICULAR THE GUS SURVEY, CHIPROP AND CHICLET (U)

THIS IS BEING FURNISHED FOR INFORMATION OF THE BUREAU.

~~CLASSIFIED BY 2340, XGDS CATEGORY 2, INDEFINITE.~~

END

HOLD PLS

1 - Mr. W. R. Wannall
1- Mr. W. O. Cregar

CODE TELETYPE NITEL

1 - Mr. J. W. Redfield

TO SAC SAN FRANCISCO OCTOBER 9, 1975

FROM DIRECTOR FBI (62-116395) PERSONAL ATTENTION

1 - Mr. L. L. Anderson

SENSTUDY 75

REBUTEL MAY 2, 1975, SETTING FORTH PERTINENT BACKGROUND DATA CONCERNING CAPTIONED MATTER.

REFERENCE IS MADE TO SAN FRANCISCO LETTER DATED MARCH 11, 1960, CAPTIONED "CSSF 2279-S*; CONFIDENTIAL SOURCE - CHINESE," SAN FRANCISCO FILE 134-1132, A COPY OF WHICH WAS FURNISHED TO SENATE SELECT COMMITTEE (SSC) TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES.

BY LETTER OCTOBER 8, 1975, THE ABOVE COMMITTEE REQUESTED "ACCESS TO THE LISTS OF GOVERNMENT EMPLOYEES AND SAN FRANCISCO SECURITY AND SECURITY INDEX SUBJECTS WHOSE NAMES WERE ON THE WATCH LISTS EMPLOYED IN THE CHIPROP SURVEY AND THE CHICLET SURVEY. THESE CATEGORIES ARE DESCRIBED IN A MEMORANDUM FROM SAC, SAN FRANCISCO, TO DIRECTOR, FBI, DATED MARCH 11, 1960."

IT IS NOTED A REVIEW OF REFERENCED LETTER INDICATES THE PORTIONS OF REFERENCED LETTER PROMPTING THIS REQUEST APPEAR TO BE THE LAST PARAGRAPH ON PAGE TWO AND PARAGRAPH ONE ON PAGE

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1-23-01 BY SP2 AC/MDE-16

LLA:kjg
(6)

EX-115 REC-30 62-116395-913

SEE NOTE PAGE 2

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's Sec'y

MAIL ROOM TELETYPE UNIT

GPO 954-546

THREE. SAN FRANCISCO SHOULD FURNISH IDENTITIES OF INDIVIDUALS ON ANY WATCH LISTS MAINTAINED IN CONNECTION WITH CHIPROP AND CHICLET AND/OR FURNISH SUFFICIENT INFORMATION TO BUREAU SO THAT AN APPROPRIATE RESPONSE MAY BE MADE IN ACCORDANCE WITH THE ABOVE REQUEST.

THIS REQUEST SHOULD BE TREATED WITH THE HIGHEST PRIORITY INASMUCH AS PUBLIC HEARINGS ON THIS MATTER ARE SCHEDULED FOR THE WEEK OF OCTOBER 20.

SUTEL REPLY TO REACH BUREAU BY CLOSE OF BUSINESS ON OCTOBER 15, 1975.

NOTE:

Referenced 5/2/75 teletype previously informed of our cooperation with the SSC and of our obligation to insure that sensitive sources, methods and ongoing investigations are fully protected. Above request from SSC cannot be handled based on review of Bureau files, therefore, San Francisco being instructed as above.

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

OCT 16 1975

NR 024 SF CODE

9:15PM NITEL OCTOBER 15, 1975 MHF

TELETYPE

TO: DIRECTOR (62-116395)

FROM: SAN FRANCISCO (62-6887)

S E C R E T

SENSTUDY 75.

RE BUTEL, OCTOBER 9, 1975.

REFERENCE IS MADE TO SAN FRANCISCO LETTER DATED MARCH 11, 1960, CAPTIONED "CSSF 2279-S, CONFIDENTIAL SOURCE - CHINESE," SAN FRANCISCO FILE 134-1132.

FOR INFORMATION OF BUREAU, SAN FRANCISCO FILE 134-1132 (ADMINISTRATIVE) WAS LOCATED AFTER A THOROUGH SEARCH OF SAN FRANCISCO FILES AT 4:45 PM PST, OCTOBER 15, 1975. REVIEW OF THIS FILE DISCLOSED NO "WATCH LISTS" UTILIZED UNTIL JUNE 26, 1963 WHEN CSSF 2279-S WAS REPLACED BY CSSF 2641-S AND SF FILE 134-1132 WAS CLOSED.

SAN FRANCISCO HAS INTERVIEWED AGENT PERSONNEL WHO PARTICIPATED IN THE CHICLET AND CHIPROP SURVEYS IN ORDER TO RECONSTRUCT CRITERIA USED FOR THESE PROGRAMS.

ST 104

AGENT PERSONNEL INTERVIEWED HAVE ADVISED THAT NO "WATCHLIST" WAS MAINTAINED FOR THESE PROGRAMS PRIOR TO 1964. LIMITATIONS IN REVIEWING OVER 13,000 LETTERS A DAY (IN LESS THAN A MAXIMUM OF TWO HOURS) DID NOT ALLOW SUFFICIENT TIME TO COMPARE THESE LETTERS WITH A LIST OF NAMES. IN PLACE OF A LIST, AGENT PERSONNEL REVIEWING THIS BULK OF LETTERS, USED GENERAL CATEGORIES OF REFERENCE. THESE AGENTS ALSO HAD THEIR OWN "MENTAL LIST" OF NAMES OF INDIVIDUALS

REC-30 62-116395-985

15 NOV 7 1975

84 NOV 10 1975

Assoc. Dir.
Dep.-A.D.-Adm.
Dep.-A.D.-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

WHO WERE OF INTEREST TO THE BUREAU. THIS "MENTAL LIST" INCLUDED INDIVIDUALS WHO IN THE PAST HAD QUALIFIED UNDER GENERAL CATEGORIES AS PERSONS OF INTEREST TO THE BUREAU.

THE GENERAL CATEGORIES OR CRITERION USED BY AGENT PERSONNEL REVIEWING LETTERS UNDER THE CHICLET AND CHIPROP SURVEYS INCLUDED: (1) LETTERS WITH A RETURN ADDRESS OF INDIVIDUALS WHO WERE BEING HELD AS PRISONERS OF WAR AND WHO WERE KNOWN TO BE "TURNCOATS" FROM THE KOREAN CONFLICT. (2) LETTERS WITH A RETURN ADDRESS OF A DOCTOR OR UNIVERSITY ON THE MAINLAND. (3) ANY MAIL EMANATING FROM CHICOM INTELLIGENCE SERVICES OR COVERS THAT WE WERE AWARE OF. (4) MAIL ADDRESSED IN ENGLISH WITH INFORMATION THAT IDENTIFIED IT WITH A SOURCE OF A SCIENTIFIC OR TECHNICAL NATURE. (5) MAIL WITH A RETURN ADDRESS OF A PARTICULAR PROVINCE IN CHINA WHERE THE ATOMIC BOMB WAS BELIEVED TO HAVE BEEN MANUFACTURED. (6) MAIL ADDRESSED TO WELL KNOWN SECURITY SUBJECTS OF THE BUREAU RESIDING WITHIN THE UNITED STATES. (7) MAIL THAT INDICATED ILLEGAL TRAVEL OF AMERICAN CITIZENS TO MAINLAND CHINA.

WITH SPECIFIC REFERENCE TO REFERENCED BUREAU TELETYPE OF OCTOBER 9, 1975, WHEREIN THE SENATE SELECT COMMITTEE (SSC) HAD

REQUESTED ACCESS TO "LISTS OF GOVERNMENT EMPLOYEES AND SAN FRANCISCO SECURITY AND SECURITY INDEX SUBJECTS WHOSE NAMES WERE ON WATCH LISTS", SAN FRANCISCO REPEATS THAT NO LISTS WERE MAINTAINED AND/OR UTILIZED PRIOR TO THE MARCH 11, 1960 SAN FRANCISCO LETTER REFERRED TO ABOVE.

WITH REGARD TO THE 140 CLASSIFICATION, SGE CASES, OPENED AS A RESULT OF THE SURVEYS REFERRED TO IN REFERENCED SAN FRANCISCO LETTER, NO LIST OF GOVERNMENT EMPLOYEES WAS MAINTAINED. THESE CASES WERE OPENED AS A RESULT OF AN INDICES SEARCH OF THE DIVISION WHERE AN INDIVIDUAL RESIDED OR AN INDICES SEARCH AT THE BUREAU WHICH WAS INITIATED BECAUSE THAT INDIVIDUAL CAME TO OUR ATTENTION AS A RESULT OF THE SURVEYS. FOR EXAMPLE, IF A PARTICULAR LETTER WAS OPENED BECAUSE IT WAS ADDRESSED TO A SCIENTIST, AND THIS LETTER CONTAINED INFORMATION THAT WARRANTED OPENING A CASE BECAUSE IT CONTAINED INFORMATION OF INTELLIGENCE VALUE, AN INDICES SEARCH IN THE DIVISION WHERE THAT PERSON RESIDED WAS CONDUCTED. IF THE INDICES SEARCH REVEALED THAT

THIS PERSON WAS A GOVERNMENT EMPLOYEE, A NEW SGE CASE WAS OPENED. SOMETIMES WHEN AN INDICES SEARCH DID NOT REVEAL GOVERNMENT EMPLOYMENT, SUBSEQUENT BACKGROUND INVESTIGATION DID, AND A NEW SGE CASE WAS OPENED.

WITH REGARD TO SAN FRANCISCO SECURITY AND SECURITY INDEX SUBJECTS, NO WATCHLISTS WERE UTILIZED PRIOR TO MARCH 11, 1960 IN THE CHIPROP/CHICLET SURVEYS. AGENT PERSONNEL WHO WERE ENGAGED IN REVIEWING LETTERS IN THESE SURVEYS WERE EXPERIENCED INVESTIGATORS IN SECURITY MATTERS IN THE SAN FRANCISCO BAY AREA. THESE AGENTS WERE WELL ACQUAINTED WITH THE NAMES OF SAN FRANCISCO AREA SECURITY AND SECURITY INDEX SUBJECTS AND HAD THEIR OWN PERSONAL "MENTAL LIST" OF NAMES OF THESE INDIVIDUALS TO DRAW ON WHILE REVIEWING LETTERS. ON OCCASION, MAIL THAT WAS ADDRESSED TO SECURITY SUBJECTS WAS OPENED BASED ON OTHER CRITERIA AND AN INDICES SEARCH REVEALED THAT THAT INDIVIDUAL WAS, IN FACT, OF INTEREST TO THE BUREAU FOR REASONS UNRELATED TO THE MAIL SURVEYS. IN SUCH INSTANCES

THE MAIL SURVEY HELPED CORROBORATE CURRENT INFORMATION REGARDING THESE SUBJECTS.

IT IS RECALLED BY SF SGENTS WORKING THE CHIPROP CHICLET SURVEYS SUBSEQUENT TO 1964 THAT CERTAIN "WATCHLISTS" WERE UTILIZED IN THESE SURVEYS DUE TO THE NUMBER AND TURNOVER OF AGENTS INVOLVED, HOWEVER, THESE LISTS WERE A "WITHIN HOUSE" LIST WHICH IN ALL PROBABILITY DID NOT BECOME AN INTREGAL PART OF THE ADMINISTRATIVE FILE IN QUESTION. SAN FRANCISCO IS CONTINUING TO LOOK FOR THE 134 FILE COVERING CSSF 2641-S AND WILL SUTEL RESULTS IMMEDIATELY UPON LOCATION AND REVIEW.

CLASSIFIED BY 7356. XGDS, CATEGORY 2. INDEFINITE.

END

HOLD PLS

NR050 WA PLAIN

10:34PM NITEL 12/10/75 GHS

TO ALL SACS

FROM DIRECTOR

DIRECTOR'S APPEARANCE BEFORE SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES, DECEMBER 10, 1975

A COPY OF THE STATEMENT I DELIVERED BEFORE THE SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES TODAY HAS BEEN SENT ALL OFFICES. FOR YOUR INFORMATION, THERE FOLLOWS A SYNOPSIZED ACCOUNT OF THE MAJOR AREAS OF THE COMMITTEE'S QUESTIONS TO ME, TOGETHER WITH MY RESPONSES:

(1) REGARDING FBI INFORMANTS, QUESTIONS WERE ASKED WHETHER COURT APPROVAL SHOULD BE REQUIRED FOR FBI USE OF INFORMANTS IN INVESTIGATIONS OF ORGANIZATIONS (MY RESPONSE WAS THAT THE CONTROLS WHICH EXIST TODAY OVER USE OF INFORMANTS ARE SATISFACTORY); HOW CAN FBI KEEP INFORMANTS OPERATING WITHIN PROPER LIMITS SO THEY DO NOT INVADE RIGHTS OF OTHER PERSONS (MY RESPONSE WAS THAT RELIANCE MUST BE PLACED ON THE INDIVIDUAL AGENTS HANDLING INFORMANTS AND THOSE SUPERVISING THE AGENTS' WORK, THAT INFORMANTS WHO VIOLATE THE LAW CAN BE

62-2368-12

PROSECUTED -- AS CAN ANY AGENT WHO COUNSELS AN INFORMANT TO COMMIT VIOLATIONS); AND DID FORMER KLAN INFORMANT GARY ROWE TESTIFY ACCURATELY WHEN HE TOLD THE COMMITTEE ON DECEMBER 2 THAT HE INFORMED FBI OF PLANNED ACTS OF VIOLENCE BUT FBI DID NOT ACT TO PREVENT THEM (MY RESPONSE WAS THAT ROWE'S TESTIMONY WAS NOT ACCURATE).

(2) IN RESPONSE TO QUESTIONS REGARDING IMPROPER CONDUCT BY FBI EMPLOYEES, I STATED THAT ALLEGED VIOLATIONS OF LAW BY FBI PERSONNEL SHOULD BE INVESTIGATED BY THE FBI OR OTHER APPROPRIATE AGENCY; THAT THE INSPECTION DIVISION HAS CONDUCTED INQUIRIES REGARDING ALLEGATIONS OF MISCONDUCT; THAT AN OFFICE OF PROFESSIONAL RESPONSIBILITY HAS JUST BEEN ESTABLISHED IN THE JUSTICE DEPARTMENT, AND WE WILL ADVISE THAT OFFICE OF OUR MAJOR INVESTIGATIONS OF DEPARTMENTAL PERSONNEL, INCLUDING FBI EMPLOYEES, FOR ALLEGED VIOLATIONS OF LAW, REGULATIONS, OR STANDARDS OF CONDUCT; THAT I WOULD RESERVE COMMENT REGARDING POSSIBLE CREATION OF A NATIONAL INSPECTOR GENERAL TO CONSIDER MATTERS OF MISCONDUCT BY EMPLOYEES OF ANY FEDERAL AGENCY.

(3) IN RESPONSE TO QUESTIONS CONCERNING HARASSMENT OF MARTIN LUTHER KING, JR., I STATED THAT THE PERSONS WHO ISSUED THE ORDERS WHICH RESULTED IN SUCH HARASSMENT SHOULD FACE THE RESPONSIBILITY FOR IT, RATHER THAN THOSE UNDER THEM WHO CARRIED OUT SUCH ORDERS IN GOOD FAITH; THAT THE FBI STILL HAS RECORDINGS RESULTING FROM ELECTRONIC SURVEILLANCES OF KING; THAT WE RETAIN RECORDINGS FOR TEN YEARS BUT WE ALSO HAVE AGREED TO A REQUEST FROM THE SENATE NOT TO DESTROY INFORMATION IN OUR FILES WHILE CONGRESSIONAL INQUIRIES ARE BEING CONDUCTED; THAT I HAVE NOT REVIEWED THE KING TAPES; THAT IF THE COMMITTEE REQUESTED TO REVIEW THE KING TAPES, THE REQUEST WOULD BE REFERRED TO THE ATTORNEY GENERAL.

(4) IN RESPONSE TO QUESTIONS REGARDING WHETHER IT WOULD BE ADVANTAGEOUS TO SEPARATE THE FBI CRIMINAL INVESTIGATIVE RESPONSIBILITIES AND OUR INTELLIGENCE FUNCTIONS, I STATED THAT WE HAVE FOUND THE TWO AREAS TO BE COMPATIBLE, AND I FEEL THE FBI IS DOING A SPLENDID JOB IN BOTH AREAS.

(5) IN RESPONSE TO QUESTIONS CONCERNING THE ADEQUACY OF CONTROLS ON REQUESTS FROM THE WHITE HOUSE AND FROM OTHER GOVERNMENT AGENCIES FOR FBI INVESTIGATIONS OR FOR INFORMATION

FROM OUR FILES, I STATED THAT WHEN SUCH REQUESTS ARE MADE ORALLY, THEY SHOULD BE CONFIRMED IN WRITING; THAT WE WOULD WELCOME ANY LEGISLATIVE GUIDELINES THE CONGRESS FEELS WOULD PROTECT THE FBI FROM THE POSSIBILITY OF PARTISAN MISUSE.

A FULL TRANSCRIPT OF THE QUESTIONS AND ANSWERS WILL BE FURNISHED TO EACH OFFICE AS SOON AS IT IS AVAILABLE.

ALL LEGATS ADVISED SEPARATELY.

END

PLS ACK FOR 2 TELS

LVV FBI ALBANY

ACK FOR TWO CLR

TKS

Vol. 15

The United States Senate

Report of Proceedings

Hearing held before

Select Committee to Study Governmental Operations

With Respect to Intelligence Activities

INTELLIGENCE INVESTIGATION

UNEDITED TRANSCRIPT

Tuesday, December 2, 1975

Washington, D. C.

000-

SENSTUDY FILE

HANDLE AS SAC LETTER RK Date 1/12/76

62-23608-16

66-2882

SEARCHED ____ INDEXED ____
SERIALIZED ____ FILED ____

DEC 1 2 1975

FBI - ALBANY

WARD & PAUL
410 FIRST STREET, S. E.
WASHINGTON, D. C. 20003

(202) 544-6000

Senator Tower. The next witnesses to appear before the Committee are Mr. James Adams, Assistant to the Director-Deputy Associate Director, Investigation, responsible for all investigative operations; Mr. W. Raymond Wannall, Assistant Director, Intelligence Division, responsible for internal security and foreign counterintelligence investigations; Mr. John A. Mintz, Assistant Director, Legal Counsel Division; Joseph G. Deegan, Section Chief, extremist investigations; Mr. Robert L. Schackelford, Section Chief, subversive investigations; Mr. Homer A. Newman, Jr., Assistant to Section Chief, supervises extremist informants; Mr. Edward P. Grigalus, Unit Chief, supervises subversive informants; Joseph G. Kelley, Assistant Section Chief, Civil Rights Section, General Investigative Division.

Gentlemen, will you all rise and be sworn.

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

Mr. Adams. I do.

Mr. Wannall. I do.

Mr. Mintz. I do.

Mr. Deegan. I do.

Mr. Schackelford. I do.

Mr. Newman. I do.

Mr. Grigalus. I do.

Mr. Kelley. I do.

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

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

(A brief recess was taken.)

Senator Tower. The Committee will come to order.

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

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

TESTIMONY OF W. RAYMOND WANNALL, ASSISTANT DIRECTOR, INTELLIGENCE DIVISION, FEDERAL BUREAU OF INVESTIGATION

ACCOMPANIED BY: JAMES B. ADAMS, ASSISTANT TO THE DIRECTOR-DEPUTY ASSOCIATE DIRECTOR (INVESTIGATION); JOHN A. MINTZ, ASSISTANT DIRECTOR, LEGAL COUNSEL DIVISION; JOSEPH G. DEEGAN, SECTION CHIEF; ROBERT L. SCHACKELFORD, SECTION CHIEF; HOMER A. NEWMAN, JR., ASSISTANT TO SECTION CHIEF; EDWARD P. GRIGALUS, UNIT CHIEF; AND JOSEPH G. KELLEY, ASSISTANT SECTION CHIEF, CIVIL RIGHTS SECTION, GENERAL INVESTIGATIVE DIVISION

Mr. Wannall. Mr. Chairman, that is not FBI data that you have quoted. That was prepared by the General Accounting Office.

Senator Tower. That is GAO.

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

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

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

Senator Tower. It would be a relatively high percent then?

Mr. Wannall. I would say yes. And your ques criteria?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Senator Tower. What was the Bureau's purpose in continuing or urging the continued surveillance of the Vietnam

Veterans Against the War?

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

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

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

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

Senator Tower. Mr. Hart?

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

statute.

Mr. Adams. I agree, Senator.

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

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

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

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

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

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

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

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

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

Mr. Adams. This is a problem.

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

Mr. Adams. Absolutely.

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

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

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

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

the meeting.

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

Mr. Adams. No, sir.

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

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

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

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

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

end 5

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

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

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

The informants reported on the planning for the meeting, the distribution of materials to churches and schools, participation by local clergy, plans to seek resolution on the ABM from nearby town councils. There was also informat[illegible] on

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

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

How do we get into all of that?

Mr. Adams. Well --

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

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

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

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

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

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

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

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

Mr. Adams. That's right.

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

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

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

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

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

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

Bureau files.

Is this what we want?

Mr. Adams. I'll let Mr. Wannall address himself to this. He is particular knowledgeable as to this operation.

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

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

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

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

Mr. Wannall. Well, of course, we did not rely entirely on the Buffalo informant, but even there we did recei-

from that informant information which I considered to be significant.

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

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

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

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

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

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

Senator Hart of Michigan. Would the same logic follow?

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

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

And as soon as we got the report of the outcome of the meeting and the fact that in the period of some [illegible]

discontinued any further interest.

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

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

Senator Mondale, pursue that question.

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

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

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

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

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

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

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

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

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

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

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

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

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warrant. It seems to beg the question.

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

This is an option available to Congress.

End Tape 6

Begin Tape 7

Senator Tower. Senator Schweiker.

Senator Schweiker. Thank you very much.

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

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

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

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

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

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

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

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

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

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

Senator Schweiker. All right.

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

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

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

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

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

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

next to the Army, the United States marshalls should make them, not the FBI, even though we developed the violations. And over the years, as you know, at the time there were many questions raised. Why doesn't the FBI stop this? Why don't you do something about it?

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

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

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

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

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

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

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

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

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

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

Why, Mr. Wannall, was this true?

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

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

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

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

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

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

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

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

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

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

Mr. Adams. Guy Goodwin was the Department official.

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

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

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

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

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

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

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

Theirs was the violence.

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

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

Senator Schweiker. I acknowledge that.

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

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

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

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

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

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

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

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

Senator Mondale?

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

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

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

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

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

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

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

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

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

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

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

Isn't sabotage a crime?

Mr. Adams. Sabotage is a crime.

Senator Mondale. Could you have investigated that?

Mr. Adams. After it happened.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

End Tape 7

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

Mr. Adams. Yes, I agree with that.

Senator Tower. Senator Huddleston.

Senator Huddleston. Thank you, Mr. Chairman.

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

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

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

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

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

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

Mr. Adams. That memorandum was not on Dr. King. That was on another individual that I thi[illegible] somehow got mixed up in the discussion, one where the issue was can we make people

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

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

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

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

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

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

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

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

Mr. Adams. Not necessarily.

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

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

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

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

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

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

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

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

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

This is Joe Deegan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Senator Huddleston. That's what he said.

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

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

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

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

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

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

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

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

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

How does the gathering of information --

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

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

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

Senator Tower. Go ahead.

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

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

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

these instructions were given to an agent or an informant?

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

Senator Huddleston. Thank you, Mr. Chairman.

Senator Tower. Senator Mathias.

Senator Mathias. Thank you, Mr. Chairman.

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

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

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

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

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

Mr. Adams. Yes, sir.

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

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

Senator Mathias. And during the period that the relationship continues, they are rather closely controlled by the handling agents.

Mr. Adams. That's true.

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

Mr. Adams. They can do nothing --

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Do you feel that this would be too restrictive?

Mr. Adams. Yes, sir, I do.

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

am I carrying out this?

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

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

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

Senator Tower. Without objection, so ordered.

(The material referred to follows:)

Senator Tower. Any more questions?

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

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

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

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

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FD-36 (R. 2-14-74)

FBI

Date: 7/12/76

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL AIR MAIL (Precedence)

REC-101

TO: DIRECTOR, FBI (62-116395)

FROM: SAC, SAN FRANCISCO (62-6887)

SUBJECT: SENSTUDY 75

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 12-2-80 BY SP2 AUC/pa

On Friday, 7/9/76, ED MONTGOMERY, retired reporter, "San Francisco Examiner," called me. He said he had just received a telephone call from a ROBERT FRIEDMAN of "Time Magazine" in New York. FRIEDMAN told MONTGOMERY that he had been going over some of the Church Committee Reports and that it was obvious that the FBI in the past had "fed" MONTGOMERY a considerable amount of information. MONTGOMERY said FRIEDMAN indicated that the FBI had given MONTGOMERY information regarding the Black Panther Party in Oakland. MONTGOMERY told FRIEDMAN that this was not true, that he received his information from the Sheriff's Office in Alameda County. FRIEDMAN also indicated that MONTGOMERY had received information concerning ANGELA DAVIS and the guns used in the Marin County shootout in which several people were killed. MONTGOMERY told FRIEDMAN that this was not true, that he had received this information from the Marin County Sheriff's Office and that the FBI was not involved in this case at that point but did later have an unlawful flight warrant on DAVIS, which resulted in her eventual arrest in New York.

62-116395-1688

REC-101

FRIEDMAN referred to several other incidents in the Church Committee Report and indicated it was obvious to him that the FBI had furnished the information to MONTGOMERY. MONTGOMERY told him this was "a lot of garbage." MONTGOMERY then asked FRIEDMAN if MONTGOMERY's name was mentioned in the report as having received the information and FRIEDMAN said it was not although FRIEDMAN drew the conclusion that it was MONTGOMERY.

2 - Bureau (RM)
1 - San Francisco
CWB/cmp
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4 JUL 14 1976

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

84 AUG 2 1976

SF 62-6887
CWB/cmp

MONTGOMERY again told FRIEDMAN that he had many, many sources and that he was not the recipient of information volunteered to him by the FBI. MONTGOMERY commented that FRIEDMAN obviously did not want to believe this.

MONTGOMERY furnished this for information.

0-9 (Rev. 2-14-74)

FBI

Transmit in _____ (Type in plaintext or code) Via AIRTEL _____ (Precedence)

To: SAC, Albany 10/19/76 (Date)

From: Director, FBI PERSONAL ATTENTION

DOMESTIC SECURITY INVESTIGATIONS

For your information, in connection with Congressional oversight, FBIHQ has been receiving requests from the Senate Select Committee on Intelligence relating to our handling of domestic security matters including the question as to the number of organizations and individuals currently under investigation.

In order to insure prompt response to all such requests, you are reminded that upon initiation of a domestic security investigation of an individual or organization, FBIHQ should be promptly notified, as set forth in Sections 87 and 122, Manual of Instructions. In addition, FBIHQ should also be promptly advised of the closing of any such investigations.

2 - All Offices (PERSONAL ATTENTION)

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Senstudy

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FBI/DOJ