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

5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. W. R. Wannall

FROM : W. O. Cregar

SUBJECT: SENSTUDY 75

1 - Mr. J. B. Adams
1 - Mr. J. A. Mintz
1 - Mr. H. N. Bassett
(Attn: J. A. Conley)

DATE: 12/8/75

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

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

This informative memorandum is to record a matter of particular interest which was discussed at a conference 12/3/75, attended by Deputy Associate Director J. B. Adams, Assistant Director W. R. Wannall, and Supervisors D. Ryan and S. F. Phillips of the Intelligence Division, with Assistant Attorney General Richard L. Thornburgh and Criminal Division Attorneys Kevin Maroney and Phil White in Thornburgh's office.

JFK Law 10(a)1

JFK Law 10(a)1

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 6-26-80 BY SP-3 Blake

ST-110 REC-30

12 DEC 19 1975

Enclosures 2 ENCLOSURE

62-116395

CONTINUED - OVER

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

SFP:lhb (9)

84 DEC 19 1975

ROUTE IN ENVELOPE

5-7

UNREC COPY AND COPY OF ENCL FILED IN 100-106670

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

JFK Law 10(a)1

JFK Law 10(a)1

JFK Law 10(a)1

CONTINUED - OVER

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

JFK Law 10(a)1

RECOMMENDATION:

None. For information and record purposes.

April 29, 1975

JFK Law 10(a)1

Enclosure

JFK Law 10(a)1

JFK Law 10(a)1

JFK Law 10(a)1

JFK Law 10(a)1

JFK Law 10(a)1

JFK Law 10(a)1

JFK Law 10(a)1

JFK Law 10(a)1

JFK Law 10(a)1

JFK Law 10(a)1

JFK Law 10(a)1

JFK Law 10(a)1

JFK Law 10(a)1

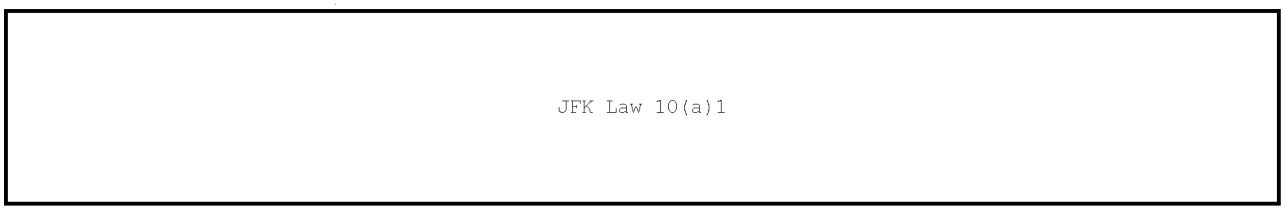
JFK Law 10(a)1

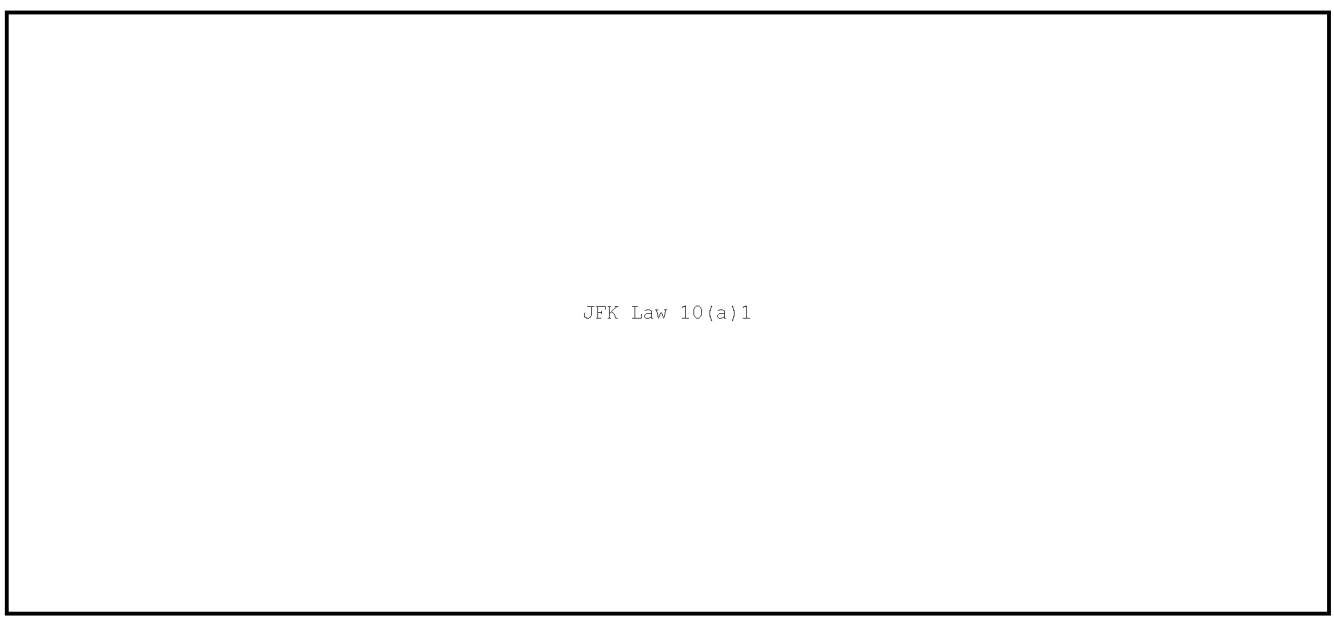
JFK Law 10(a)1

JFK Law 10(a)1

JFK Law 10(a)1


JFK Law 10(a)1


JFK Law 10(a)1


JFK Law 10(a)1

JFK Law 10(a)1

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

The Attorney General

December 8, 1975

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

Director, FBI

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

Reference is made to my letter to you August 19, 1975, which furnished a memorandum with enclosure concerning an interview by a representative of the SSC of former FBI Special Agent George C. Moore.

Enclosed is the original of another memorandum which reports on another interview of Moore by SSC Staff Members. A copy of the memorandum is also enclosed for forwarding to Mr. James A. Wilderotter, Associate Counsel to the President.

Enclosures (2)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2-14-81 BY SP2 JAM/ca

62-116395

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

1 - 67- (Personnel file former SA George C. Moore)

SFP:mjg
(11)

ST 115

REC-51 62-116395-1200X

ENCLOSURE

3 JAN 16 1976

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

84 JAN 20 1976

GPO : 1975 O - 569-920

1 - Mr. J. B. Adams
1 - Mr. J. A. Mintz
1 - Mr. W. R. Wannall
1 - Mr. D. Ryan

62-116395

December 8, 1975

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

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

RE: INTERVIEW OF FORMER FBI
SPECIAL AGENT (SA) GEORGE C. MOORE
BY SSC STAFF MEMBERS

Reference is made to the memorandum of this Bureau dated August 19, 1975, which reported an interview on July 28, 1975, of former FBI SA George C. Moore by an SSC Staff Member.

Moore was again interviewed by SSC Staff Members on November 3, 1975. Prior to the interview recorded below, the FBI released Moore from his confidentiality agreement for the purpose of the interview confined to the subject of COINTELPRO. Set forth below is the report of that interview prepared by Moore and voluntarily furnished to this Bureau.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4-14-81 BY SP-2 JAM/bw

"COINTELPRO (INTERVIEW OF
FORMER SA GEORGE C. MOORE BY
SENATE SELECT COMMITTEE STAFF
MEMBERS, NOVEMBER 3, 1975)"

"For identification purposes, this is a memorandum prepared by George C. Moore, former Special Agent of the FBI who served as Section Chief of IS-1 Section from October 1967 until his retirement on July 31, 1974. My address is 6715 N 27th St, Arlington, VA. 22213, telephone number 533-8288. Since the captioned interview concerned matters involving my activities while an FBI employee, I am furnishing this memorandum containing recalled pertinent aspects of the interview to FBI Headquarters entirely by my own volition.

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

1 - 67- (Personnel file former SA George C. Moore)
ORIGINAL AND ONE COPY TO AG
SFP:mjg
(10)

SEE NOTE PAGE FOUR

MAIL ROOM TELETYPE UNIT

62-116395-
ENCLOSURE 1200X

GPO : 1975 O - 569-920

U. S. Senate Select Committee
to Study Governmental Operations
With Respect to Intelligence Activities (SSC)

Re: Interview of Former FBI Special Agent (SA)
George C. Moore by SSC Staff Members

"RE: INTERVIEW OF FORMER
FBI SPECIAL AGENT (SA)
GEORGE C. MOORE BY
U. S. SENATE SELECT COMMITTEE
STAFF MEMBERS, 11/3/75"

"At 2:00 p.m. November 3, 1975 I appeared at the Dirksen Senate Office Building at the request of Staff Member Barbara Banoff to be interviewed with regard to the FBI COINTELPRO."

"The interview was conducted primarily by Banoff assisted by Ms. Mary DeOreo and joined later by Staff Member Mark Gitenstein. The interview was recorded by a 'court' reporter and I was advised of my rights and signed paper to that effect."

"The highlights of the interview which lasted until approximately 5:15 p.m. are as follows:"

"The initial part covered my duties, experience and general information about the Bureau's structure and chain of command. I was asked if I had been made Section Chief in 1967 by Mr. W. C. Sullivan because of my prior experience in counter-intelligence in the foreign field. I replied that I felt quite sure that counterintelligence experience had no part in my selection but was due to recommendations of my superiors - then Section Chief W. R. Wannall and Branch Chief D. E. Moore."

"The early thrust of the interview dealt to a large extent with the climate of the times in 1967-1968-69 at which time the COINTELPRO was intensified against the black extremists. The Staff Members by their questions laid the ground work for answers which showed the violent propensities of most of the targets at the time and the fact that on balance the program was believed to have been effective in preventing additional violence."

U. S. Senate Select Committee
to Study Governmental Operations
With Respect to Intelligence Activities (SSC)

Re: Interview of Former FBI Special Agent (SA)
George C. Moore by SSC Staff Members

"Several documents were shown to me (memoranda which initiated and intensified the program). It is noted the Program itself against the Black Extremists was initiated before I became Section Chief. I stated, however, that I was fully acquainted with the aims and goals and had actively participated as Section Chief in implementing and in the administrative supervision of same."

"A substantial amount of time was spent as to why the 'civil rights organization' Southern Christian Leadership Conference (SCLC) headed by Dr. Martin Luther King was set forth as a target both initially and later when a communication was sent to all offices instructing that the program be intensified. I was able to furnish very little information as to why SCLC and King were targets in addition to the reasons stated in the initial communication."

"The Staff Members indicated that they were not troubled by the COINTEL targets who were violent prone but were concerned about Dr. King and SCLC being made target."

"Another area of concern which involved rather a substantial amount of questions concerned COINTEL tactics whereby allegations were sponsored by the FBI re certain targets being informants. The Staff Members pointed out their concern with this tactic as it could result in physical violence being directed against that particular person as a result of the FBI's program. I pointed out that I was not aware of any such violence ever having occurred and I was asked whether this was just luck or because of fact that much consideration was given to such tactics before approval. I agreed that perhaps luck did play a part but all COINTEL proposal received a great deal of consideration and scrutiny by top officials before approval as we wanted to be sure we did not cause violence on any person."

U. S. Senate Select Committee
to Study Governmental Operations
With Respect to Intelligence Activities (SSC)

Re: Interview of Former FBI Special Agent (SA)
George C. Moore by SSC Staff Members

"I was asked if we ever discussed COINTEL at field conferences and I advised that we usually discussed all key programs including COINTEL and exchanged ideas in that regard."

"As a matter of interest, I was asked at the end of the interview whether I had discussed the interview with anyone prior to appearing. I stated that I had discussed it with SA Paul Daly in order to get proper clearance from the Bureau."

"I was then asked if I would be in touch with any one at the FBI after the interview. I indicated that I would be in touch with Daly whereupon the query was made as to 'why?' I advised them that after having served for over 31 years in the FBI I felt I had an obligation to advise the Bureau on a voluntary basis of the result of any inquiry such as this one which was concerning activities and matters of interest to the FBI."

"Respectfully furnished
George C. Moore 11/6/75"

NOTE:

The statement of Moore, which was partially handprinted and partially handwritten, was mailed to this Bureau and copied as is by a Bureau secretary. Release from confidentiality agreement for purpose of the interview is recorded in Legal Counsel to Mr. J. B. Adams memorandum 10/22/75 "Senstudy 75."

CLASSIFY AS APPROPRIATE

NOTE: SEE INSTRUCTIONS ON REVERSE BEFORE COMPLETING.

TO: Intelligence Community Staff ATTN: Central Index	FROM: FBI

SUBJECT: Abstract of Information Provided to Select Committees

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

	DOCUMENT		BRIEFING	X	INTERVIEW		TESTIMONY		OTHER

2. DATE PROVIDED: 12/8/75

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

	SSC
	HSC

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

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

Memorandum reporting results of an interview by SSC Staff Members of former Special Agent George C. Moore

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

NA

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

U

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

Counterintelligence
Organization and staffing

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10/27/00 BY SP2 AC/MS

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

Interviewed regarding the Bureau's Counterintelligence program during the 1967-69 years relating to Southern Christian Leadership Conference and Black Extremists.

62-116395

FMK: fmk
(4)

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

TREAT AS YELLOW

5- Ad

3791 (6-75)

CLASSIFY AS APPROPRIATE

INSTRUCTIONS

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

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

1 - Mr. N. P. Callahan
1 - Mr. J. B. Adams
1 - Mr. R. J. Gallagher
1 - Mr. W. R. Wannall

J. Stanley Pottinger
Assistant Attorney General
Civil Rights Division

December 8, 1975

1 - Mr. J. G. Deegan
1 - Mr. W. O. Cregar
1 - Mr. S. F. Phillips

Director, FBI

HDR-16
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/31/00 BY SP2 ALM/KP

MARTIN LUTHER KING, JR.

Reference is made to your letter dated December 4, 1975, in the above caption, your reference DJ 144-72-668.

This is to confirm a telephonic communication on December 5, 1975, between Mr. Robert A. Murphy of the Department and Deputy Associate Director James B. Adams of this Bureau. Adams sought clarifying information concerning those portions of the referenced letter pertaining to "friends and associates" of King, particularly as mentioned in the summarizing statement (page two, penultimate paragraph). It was agreed between Murphy and Adams that initially, we will make available the files relating to King, his immediate family and the Southern Christian Leadership Conference (SCLC), as well as the file concerning the FBI's investigation of the assassination of King. In so far as "friends and associates" of King are concerned, as the review of the above-described files by the Civil Rights Division progresses, we will also make available additional files relating to "friends and associates" as the Civil Rights Division may designate and request same.

In the spirit of the completeness of your review which is so essential, we are also designating two additional files for immediate review as they contain numerous references to King, the SCLC and related matters. It was from these two files that many communications have already been furnished to the Senate and House Select Committees on Intelligence. These two files are entitled "Communist Influence in Racial Matters" and "Communist Party, USA - Negro Question."

In order to expedite your review, it is suggested that you commence with those files we maintain at our Headquarters. Meanwhile, we will solicit the necessary inventories from our field offices for your further consideration.

This matter has been designated within this Bureau as of the highest priority.

62-116395

NOT RECORDED
46 DEC 17 1975

100-106670
1 - 62-116395 (SENSTUDY 75)

SFP:dmt
(1)

DUPLICATE YELLOW

4 DEC 18 1975

ORIGINAL FILED IN 100-106670 - 3970

Department of Justice

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	

FOR RELEASE AT 10:00 A.M., E.D.T.
THURSDAY, DECEMBER 11, 1975

STATEMENT

OF

THE HONORABLE EDWARD H. LEVI
ATTORNEY GENERAL OF THE UNITED STATES

BEFORE

THE SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES

10:00 A.M.
THURSDAY, DECEMBER 11, 1975
UNITED STATES SENATE
WASHINGTON, D. C.

62-116395-A

5-8

62-116395

The Committee has asked me to talk with you today about the future of the Federal Bureau of Investigation. I thought it might be helpful if I outline quite briefly some of the points I would like to make, some of the problems I think ought to be considered, and some of the steps we have taken.

The first point is that the statutory base for the operations of the Bureau cannot be said to be fully satisfactory. The basic statutory provision is 28 USC 533 which provides that the Attorney General may appoint officials "(1) to detect and prosecute crimes against the United States; (2) to assist in the protection of the President; and (3) to conduct such investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General." There are other statutes, such as the Congressional Assassination, Kidnapping and Assault Act, which vest in the Bureau special responsibilities to investigate criminal violations. In addition, there are Executive orders and Presidential statements or directives which place investigatory responsibilities upon the Bureau.

A number of questions are often asked about this statutory base. It has the virtue of simplicity, but the Executive orders which deal with government employee investigations are complicated and confusing, and Presidential

memoranda or, perhaps, oral instructions from a President may be difficult to collate. I think it is important, in any case, to separate out the kinds of questions which are asked about the Bureau's authority base. Some questions are constitutional in nature, relating to the inherent power of the President; others go to the interpretation of the statutes and the relationship between the statutes and Presidential directives; others go to the failure of the statutes to define sufficiently the areas of the Bureau's jurisdiction or to spell out sufficiently--and this is partly constitutional--the means and methods which the Bureau is permitted to use in carrying out its assigned tasks.

The second point, related to the first, is a continuing discussion of the role of the Bureau in intelligence investigations or domestic security investigations. The argument is sometimes made that the Bureau's proper role, at least in purely domestic matters, should be limited to investigations of committed crimes. The basic statute for the Bureau is broader than this, as have been Executive orders and Presidential mandates to the Bureau. The basic statute is broader since it refers to investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General. A disparity is sometimes seen among the different roles of the Bureau in crime detection, in on-going domestic security matters, and in foreign intelligence or foreign counterintelligence matters. In

recent days a statement by the then Attorney General Harlan Fiske Stone, who reorganized the Bureau and chose J. Edgar Hoover as its director, has been quoted as a relevant warning.

Stone warned, "There is always the possibility that a secret police may become a menace to free government and free institutions, because it carries with it the possibility of abuses of power which are not always quickly apprehended or understood .... It is important that its activities be strictly limited to the performance of those functions for which it was created and that its agents themselves be not above the law or beyond its reach .... The Bureau of Investigation is not concerned with political or other opinions of individuals. It is concerned only with their conduct and then only with such conduct as is forbidden by the laws of the United States. When a police system passes beyond these limits, it is dangerous to the proper administration of justice and to human liberty, which it should be our first concern to cherish."

I should like to suggest that Stone's warning always must be considered relevant to the proper conduct of the Bureau's duties, but it does not necessarily follow that domestic security investigations are, therefore, outside the Bureau's proper functions. The detection of crime in some areas requires preparation and at least some knowledge of what is likely to be going on. What is at issue, I think,

is the proper scope, the means and methods used, the attention paid to conduct and not views, and the closeness of the relationship of the conduct and that which is forbidden by the laws of the United States.

Third, I realize that some proposals, since I was asked about this when I last appeared before this Committee, might separate out in some fashion domestic and foreign intelligence functions from the FBI or from one another within the FBI. This is, of course, an issue to be looked at. I assume it is recognized that there may be some relationship between that intelligence which is domestic and that intelligence which is involved in foreign counterintelligence work. One may lead to the other. And there may be a relationship between foreign counter-intelligence and foreign intelligence. If the work were separated out into different agencies, I do not know if the decision about when an investigation should pass from one agency to another always could be made easily. Moreover, even so, information presumably would pass from one agency to the other. I know that one consideration has been that it might be decided that information collected by some permitted means in intelligence investigations under some circumstances should not be used in criminal prosecutions. But if there is an exchange of information, this must always be a consideration, whether there are separate agencies or not, and the basic question then is one

of use and not organization. The more active concern, I believe, is that there is a risk that conduct proper for one area may be improper for another, and that the combination can work a contamination. My view on this is that in any case we must decide what conduct is appropriate and is inappropriate for each of the areas, and we must take steps to make sure that proper conduct is lived up to. My hope is that the fact that the FBI has criminal investigative responsibilities,which must be conducted within the confines of constitutional protections strictly enforced by the courts, gives the organization an awareness of the interests of individual liberties that might be missing in an agency devoted solely to intelligence work. I know the argument can be run the other way. I believe the dangers are greater if there is separation.

Fourth, there is a question as to the proper role of the FBI in crime prevention and whether or not it should be considered authorized to take steps under some circumstances to reduce the likelihood that crimes will be committed or that serious injury to persons or property will occur. Preventive action has raised serious questions and these must be dealt with. I suppose an initial question is whether it should be allowed at all. Yet I believe under special circumstances and with proper controls most would believe this to be a proper function.

Fifth, the problem of proper controls, supervision and accountability is all-embracing. By statute the Federal Bureau of Investigation is in the Department of Justice, and also by statute the Attorney General is the head of the Department of Justice. The history is mixed, of course, and we all have a tendency to over-simplify, but it is a fair statement that there have been times in the past when the supervision by Attorneys General, granted that the Bureau must have considerable autonomy, has been sporadic, practically nonexistent, or ineffective. I hope that is not the case now. The responsibility is a heavy one. But in any event the problem of proper controls, supervision and accountability goes beyond the Director of the Bureau and the Attorney General. I have already mentioned that in my view the statutory base for the operations of the Bureau cannot be said to be fully satisfactory. I think that better controls and performance can be achieved through statutory means, executive orders, guidelines, and reporting to appropriate congressional committees.

Sixth, before I come to a resume of some of the steps which have been taken, let me say I know we all realize that in the past there have been grave abuses. I am uncomfortable with a kind of writing of history, however, which sees it only in terms of the abuses and not in terms of past and present strength. It is very difficult to be fair to the past in which many institutions of government carried a share of responsibility. But more than unfairness is involved. If we are not careful, we will turn to solutions of the moment which a better reading of history might indicate are not the best solutions. I know we must seize the moment, if I may use such a phrase in this setting. I know also that this Committee realizes that a very important agency with dedicated, highly professional, greatly disciplined government servants is involved. The importance is to the security and domestic tranquility of the United States. Stone's warning was given in an act of creation. He was proud of his creation. In spite of the abuses, there is a proper place for pride. I take it our mutual work should be to nurture that pride and the conditions which justify it.

I turn now to a review of some of the steps which have been taken or are in progress. We have tried most diligently, under safeguards to protect the privacy of individuals and with an awareness of the unfairness of instant history, to give a great deal of information to Congressional committees. Attorney General Saxbe made public and Deputy Attorney General Silberman and Director Kelley testified about the so-called COINTELPRO. When the FBI discovered evidence of several more COINTELPRO projects after I

became Attorney General, these were revealed. One of my first acts as Attorney General, my third week in office, was to testify before a Congressional committee about possible incidents of political misuse of the FBI by the White House in the past and about the nature of FBI file-keeping systems, particularly the files kept by Director Hoover in his office suite. Director Kelley has spoken publicly and before congressional committees about incidents in the past in which FBI agents engaged in break-ins to gather or photograph physical evidence in intelligence investigations. On a number of occasions, most recently in testimony before this Committee, I have described the history of the use of electronic surveillance by the FBI. We have welcomed such opportunities.

On February 26, 1975, I instructed Director Kelley to report to me any requests made of the Bureau or practices within the Bureau, which he deems improper or which present the appearance of impropriety. On February 28, 1975, Director Kelley ordered FBI personnel to report such requests or practices to him. In July, 1975, I reaffirmed my February directive and also asked for a report of all sensitive investigative practices. The Director promptly complied. Director Kelley has regularly provided information on conduct by Bureau agents and programs underway within the Bureau that could raise questions. These matters have been reviewed and discussed within the Deparmtnet so that a consistent and appropriate policy can be achieved. This is a continuing process. I do not assert that we are aware of everything about the Bureau. Nor do I suggest that we ought to know everything. Appropriate

communication, consultation and supervision at this level have to be selective. I make this point, which I think may sound disconcerting, not in any way to minimize the responsibility of the Bureau to keep the Department informed nor to minimize the Department's duty to find out. Rather I want to be realistic about a learning and organization problem which requires realism if it is to be understood and perfected.

With respect to possible legislation, the Department has in preparation various drafts of possible bills which may be of assistance in the area of what is now warrantless electronic surveillance. Although obtaining a judicial warrant does not automatically eradicate the possibility of abuse, it is perceived to be an important safeguard of individual privacy interests, and we are exploring, as we said we would do, various possibilities and alternatives.

Finally, a committee within the Department of Justice -- chaired by Mary Lawton, Deputy Assistant Attorney General in the Office of Legal Counsel, and composed of representatives of my office, the Criminal and Civil Rights Divisions, the Office of Policy and Planning, and the FBI -- has been working for eight months reviewing FBI procedures in many areas and drafting guidelines to govern those procedures in the future. The Committee has produced draft guidelines covering White House inquiries, congressional and judicial staff appointment investigations, unsolicited mail, and domestic security investigations. It is currently at work on guidelines covering counterespionage investigations and will later consider the use of informants, the employee loyalty program, organized crime intelligence investigations, criminal investigations, and other aspects of FBI practice. The Committee's work has been extensive and time-consuming. It has involved not only questions of proper safeguards but also of efficiency in the proper functioning of the Bureau. It has been an effort to translate into words the complicated and important mechanisms for controlling the FBI. I hope the Committee's efforts at articulation will be of use to this Committee and others as it considers drafting legislation.

You have received copies of the latest drafts of the guidelines that have been substantially completed by the Committee. These guidelines do not yet represent Department policy. There is disagreement within the Department on some aspects of these guidelines. I have disagreed with the Committee recommendations

from time to time, and the FBI has raised substantial questions about other recommendations--particularly with respect to the treatment of unsolicited mail. Some of the proposals in the guidelines could be promulgated as departmental regulations. Congress may feel some ought to be enacted into statutory law. Other provisions would require implementation by executive order.

I would be glad to discuss these draft guidelines with you in detail in response to your questions, but a brief discussion of the guidelines on domestic security may be useful at the outset.

The guidelines begin by attempting to impose some order and definiteness to the domestic security field. To begin with, these guidelines do not deal with FBI efforts to counteract the work of foreign intelligence services operating within the United States. Standards for determining when there is foreign involvement sufficient to place a subject in the category of foreign counterintelligence investigation are now being debated within the guidelines committee. The domestic security guidelines also are not meant to cover security or background investigations of federal appointees or investigations of ordinary crimes. Under the draft guidelines, domestic security investigations are only to be authorized when there is a likelihood that the activities of individuals or groups involve or will involve the use of force or violence in violation of federal law. Domestic security investigations are to be limited to activities of individuals or groups intended to accomplish one of five purposes: overthrowing the government of the United States or of a State; interfering with the activities within the United States of foreign governments

or their representatives; influencing government policies by interfering by force or violence with government functions or interstate commerce; depriving individuals of their civil rights; and creating domestic violence or rioting when such violence or rioting would necessitate as a countermeasure the use of Federal armed forces. There is also a provision for limited investigation when there is a clear and immediate threat of domestic violence which is likely to result in a request by a state for Federal armed assistance.

Currently there is no procedure requiring the review outside the FBI of all domestic intelligence investigations conducted by the FBI, though the FBI has a long-standing policy of reporting its investigative findings to the Criminal Division. Under the draft guidelines there would be a comprehensive program of reporting to the Attorney General or his designee of all preliminary and full domestic intelligence investigations. The Attorney General would be required under the draft guidelines to put a stop to any full investigation whose justification did not meet an established standard. The standard would be that there must be specific and articulable facts giving reason to believe that the individual or group under investigation is engaged in the activities I have just listed.

Another feature of the draft guidelines is to place strict controls upon the use of any technique by the FBI which goes beyond the gathering of information. COINTELPRO was the name given the use of some such techniques. As I have said before, some of the activities in COINTELPRO were outrageous and the others were foolish. Nonetheless, there may be circum-

stances involving an immediate risk to human life or to extraordinarily important government functions that could only be countered by some sort of preventive action. The guidelines require that any such preventive action proposal be submitted to the Attorney General. He could authorize the preventive action only when there is probable cause to believe that the violence is imminent and when such measures are necessary to minimize the danger to life or property. The preventive action would in all cases have to be nonviolent. The Attorney General would be required to report to Congress periodically and no less often than once a year on the use of preventive action by the FBI.

I make no claim that during this rather difficult but interesting and--I must trust--promising period we have achieved all that might have been possible. In many ways the work has been disappointingly slow. But I do think we have made advances in nurturing and helping to improve a structure which will be supportive of the best efforts of the men and women in the Department of Justice and in the Federal Bureau of Investigation. No procedures are fail-safe against abuse. The best protection remains the quality and professionalism of the members of the Bureau and of the Department.