

File #:

62-116464

Serial Scope:

1st NR 215 THRU 253

Released under the John F. Kennedy Assassination Records
Collection Act of 1992 (44 USC 2107 Note). Case#: NW 68262
Date: 09-22-2022

1 - Mr. N. P. Callahan
1 - Mr. J. B. Adams
2 - Mr. J. A. Mintz
(1 - Mr. J. B. Hotis)

The Attorney General

November 19, 1975

Director, FBI

1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. F. J. Cassidy
1 - Mr. A. F. Watters, Jr.

**FBI ROLE AND REQUIREMENTS IN THE
INTELLIGENCE COMMUNITY;
REQUEST OF HOUSE SELECT COMMITTEE
ON INTELLIGENCE**

Attached for your approval and forwarding to Congressman Otis G. Pike, Chairman, Select Committee on Intelligence, United States House of Representatives, is a response to a letter we received recently from Congressman Pike asking for the FBI's views on the future of the intelligence community. For your information, we are enclosing a copy of Congressman Pike's letter, dated October 8, 1975, together with our preliminary response, dated October 17, 1975.

A copy of attached response to Congressman Pike is also being furnished for your records.

Your concurrence in our response is requested.

Enclosures - 4

1 - The Deputy Attorney General (Enclosures - 3)
Attention: Michael E. Shaheen, Jr.
Special Counsel for Intelligence Coordination

AFW: vb
(12)

SEE NOTE PAGE TWO

REG 12

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The Attorney General

NOTE:

By memorandum from Mr. W. R. Wannall to Mr. J. B. Adams, dated 10/16/75, captioned as above, approval was obtained for transmittal of a preliminary response, dated 10/17/75, to Congressman Pike's request for FBI views on the future of the intelligence community. In our preliminary response, we indicated that our views would be furnished at an early date following consultation with appropriate FBI personnel.

Since transmittal of our 10/17/75 preliminary response, we have learned that the heads of other member-agencies of the intelligence community have received a similar request from the Congressman. In addition, we have been informed that the Attorney General has met with White House officials and determined that it would not be appropriate for us to make specific recommendations in response to the Congressman's letter. The communication to Congressman Pike attached for the Attorney General's approval sets forth general observations on the future of the intelligence community and is responsive both to the Congressman's inquiry and to the Attorney General's determination that our reply should avoid specific recommendations.

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

DEC 16 1975
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Director Sec'y	_____

NR 002 CV PLAIN

2:29 PM NITEL 12/16/75 FGG

TO: DIRECTOR (62-116464)

SAC, TAMPA

FROM: CLEVELAND

RE: HOUSE STUDY 70

RE BUREAU NITEL 12-15-75

TAMPA REQUESTED TO CONTACT AL ROSEN AS REQUESTED IN
REFERENCED NITEL. INQUIRY WITH AL ROSEN'S SISTER IN AKRON, OHIO,
INDICATES HE IS ENROUTE TO HOLIDAY INN NUMBER ONE, ST. PETERSBURG,
FLORIDA BY AUTOMOBILE AND IS SCHEDULED TO ARRIVE THERE ON
EITHER 12/16-17/75.

ADDITIONALLY, TAMPA ADVISE FBIHQ OF ROSEN'S ITINERARY
UNTIL THE TIME HE EXPECTS TO RETURN HOME IN AKRON, OHIO.

END

DLA FBIHQ CLR

Records
cc into
67

ST-114

REC-60

62 116464-252

15 JAN 2 1976

56 JAN 14 1976

5-DM

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. J. B. Adams

DATE: 1/5/76

FROM : Legal Counsel *[Signature]*

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

SUBJECT: HOUSE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES

U.S. RECORDING COMPANY

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

At 10:47 a.m. on January 5, 1976, Joseph Leo Gormley, formerly employed in the FBI Laboratory, advised that he retired June 30, 1973, and currently is employed at IACP, telephone number 948-0922, Ext. 248.

Mr. Gormley said that he was contacted by Richard Vermeire of the House Intelligence Committee who requested him to be available for an interview this afternoon concerning FBI purchases from the U.S. Recording Company. He told me that he had no personal knowledge of such purchases and he requested advice from the Bureau as to his response to Vermeire.

I told Mr. Gormley that he should consider himself relieved of the obligation of any secrecy agreement he may have signed with the FBI for purposes of the interview with Vermeire concerning the subject matter indicated. I told him that should the interview concern other matters, he should be aware that he is not being relieved of the obligation to protect the identities of confidential informants, not interfere with pending investigations, not disclose information obtained from third party sources, and not disclose sensitive investigative techniques. I also told Mr. Gormley that should the proposed interview appear to require the advice of counsel to assist him, such could be made available upon his request. He indicated that because he has no personal knowledge of the U.S. Recording Company or the Bureau's purchasing practices, he felt that he had no need to request counsel at this time. N

ST-114 REC-51 62-116464-251

Mr. Gormley said that he would call Vermeire and agree to the interview this afternoon and that he would appropriately advise the Bureau of the results of the interview.

RECOMMENDATION:

15 JAN 9 1976

For information.

1 - Personnel file Joseph Leo Gormley

[Signature]
LEGAL COUNSEL



8 4 21

JAN 10 1976

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

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. W. R. Wannall

FROM : W. O. Cregar

SUBJECT: HOUSTUDY 75

2 - Mr. J. M. Mintz
(1 - Mr. J. B. Hotis)
1 - Mr. R. J. Gallagher
(Attn: J. J. Boyd)

DATE: 12/29/75

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

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Director Sec'y _____

By letter dated 10/20/75, received at the Bureau 11/4/75 (copy attached), the House Select Committee (HSC) requested that it be furnished with copies of all materials contained in FBI files pertaining to the shooting of Kenyon F. Ballew in Silver Spring, Maryland, on 6/7/71. This shooting occurred when representatives of the Alcohol, Tobacco and Firearms Division and local police officers broke into the Ballew apartment with a warrant charging Ballew with unregistered possession of firearms and explosives. As a result of the incident, Ballew was wounded and suffered a crippling injury. He filed suit against the Government and the Civil Rights Division of the Department requested this Bureau to conduct what amounted to a minimal amount of investigation in this matter.

On 11/12/75, Special Agent (SA) Thomas J. McNiff, after a conference with SAs Paul V. Daly, Legal Counsel Division, and John J. Boyd, General Investigative Division, discussed the propriety of the above request with Steven Blackhurst, Deputy Special Counsel for Intelligence Coordination, Department of Justice, as the request did not appear to fall within the HSC mandate as outlined in H. R. 591. Blackhurst concurred with the above observation and stated he would inquire of the HSC as to the purpose of their inquiry.

On 11/14/75, Blackhurst advised he had been informed that the basis for the HSC inquiry was receipt of information that a CIA electronic surveillance installation may

Enclosures

62-116464

1 - 44-49948

TJM:1hb 1hb

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REC-51

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15 JAN 9 1976

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Memorandum to Mr. W. R. Wannall
Re: Houstudy 75
62-116464

have been the source used to secure the search warrant described above. HSC desired to ascertain whether or not Bureau files contained any information supporting that allegation.

On 11/17/75, Blackhurst was advised that a review of Bureau files was negative concerning the above inquiry. Blackhurst then stated he would determine whether additional action need be taken by this Bureau in response to HSC letter dated 10/20/75.

On 12/16/75, Blackhurst advised he had ascertained from the HSC that this Bureau can disregard the request contained in above HSC letter.

ACTIONS:

1. For information.
2. Attached is a letter for the Attorney General with a copy to Michael E. Shaheen, Jr., Special Counsel for Intelligence Coordination, confirming the advice from Mr. Blackhurst that this Bureau can disregard the request contained in the HSC letter of 10/20/75.

TJM/8

gba

Detached from the
1-2-76
JAN 2 1976

JAN



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

NOV 3 1975

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

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

SUBJECT: House Select Committee Letter dated October 20

Attached is a letter from the House Select Committee dated October 20, 1975, which this Office received on October 28, 1975. Apparently the HSC is interested primarily in reviewing materials developed as a result of an FBI investigation into this matter which was done at the request of the Civil Rights Division of the Department. The HSC also wants to know what documents, if any, have been turned over to Mr. Ballew or his attorney either as a result of a civil suit concerning this or as the result of a Freedom of Information Act request. If you have questions concerning an appropriate response to this letter, please contact Steve Blackhurst of my staff.

11/4/75 sent by R/S to O'Connell, Dir 6 - assigned John Boyd XT4272
11/12/75 Blackhurst questioned re legitimacy of inquiry
11/14/75 Blackhurst inquired whether Confites contain info that C/H (HSC) might have been source used to procure search warrant (HSC basis for inquiry)
11/17/75 Blackhurst advised review was neg. He will advise if add'l response necessary
11/16/75 Blackhurst advised no additional action necessary.

cc: Paul Daly



62-116464-250
ENCLOSURE

OTIS G. PIKE, N. Y., CHAIRMAN

ROBERT N. CIAIMO, CONN.
JAMES V. STANTON, OHIO
RONALD V. DELLUMS, CALIF.
MORGAN F. MURPHY, ILL.
LES J. PIN, WIS.
DALE MILFORD, TEX.
PHILIP H. HAYES, IND.
WILLIAM LEHMAN, FLA.

ROBERT MC CLORE, ILL.
DAVID C. TREEN, LA.
JAMES P. JOHNSON, COLO.
ROBERT W. KASTEN, JR., WIS.

A. SEARLE FIELD, STAFF DIRECTOR
AARON B. DONNER, COUNSEL

TELEPHONE: (202) 225-9751

Select Committee on Intelligence
U.S. House of Representatives
Washington, D.C. 20515

October 20, 1975

RECEIVED

OCT 28 1975

O.L.A.

Mr. Michael A. Shaheen, Jr.
Special Counsel for Intelligence
Coordination
Department of Justice
Washington, D.C. 20530

Dear Mr. Shaheen:

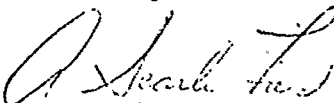
On behalf of the Select Committee, I hereby request that you furnish this Committee with copies of all materials contained in Department of Justice and Federal Bureau of Investigation files pertaining to the shooting of Kenyon F. Ballew in Silver Spring, Maryland on June 7, 1971.

Such materials should include, but not be limited to, copies of all memoranda prepared by Department of Justice personnel.

In connection with this request, please advise whether the Alcohol, Tobacco and Firearms Division of the Treasury Department conducted an investigation of the same matter. Also please inform us as to whether Justice Department files have been provided to Kenyon Ballew or his attorney at any time and the specific documents turned over or withheld.

Thank you for your cooperation.

Sincerely,


A. Searle Field
Staff Director

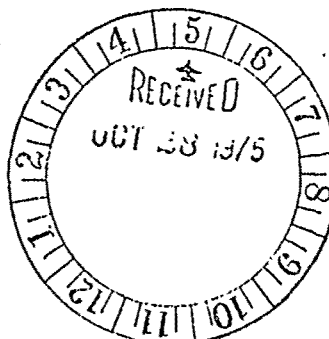
OFFICE OF LEGISLATIVE AFFAIRS

DEPUTY ATTORNEY GENERAL

DEPARTMENT OF JUSTICE	
8	OCT 24 1975
R.A.D.	

OFFICE OF LEGISLATIVE AFFAIRS

DEPUTY ATTORNEY GENERAL



UNITED STATES GOVERNMENT

Memorandum

TO : Mr. J. B. Adams *YBR*

FROM : Legal Counsel *[Signature]*

SUBJECT: HOUSTUDY

1 - Mr. Mintz
1 - Mr. Cleveland
1 - Mr. Wannall
DATE: 12/31/75
1 - Mr. Branigan
1 - Mr. Cregar
1 - Mr. Hotis
1 - Mr. Daly

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Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
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Director Sec'y _____

By memorandum dated 12/19/75 to the Attorney General, we advised the Department of Justice that we were opposed to furnishing captioned Committee information concerning proprietaries in response to their letter of 12/1/75, since they are on-going Bureau operations. We further advised the Department that we had afforded the Committee a briefing concerning these operations in as detailed a manner as possible without compromising the operations.

On 12/30/75 at the request of Rex Lee, Assistant Attorney General of the Civil Division of the Department; Deputy Assistant Director Fred Fehl; SA John McHale; Section Chief William O. Cregar; and SA Paul V. Daly met with Mr. Lee, his assistant Thomas Martin and Assistant Special Counsel for Intelligence Coordination Steven Blackhurst concerning the captioned Committee's request for information pertaining to proprietaries.

It was brought to Mr. Lee's attention at that time of the Bureau's concern relative to the disclosure of the requested information to captioned Committee and of the Bureau's position that the information requested should not be furnished. It was pointed out to Mr. Lee that such disclosure might adversely impact on the on-going sensitive operations of the Bureau and create unnecessary risks to the physical well-being of Bureau Agents and informants and with regard to the proprietaries operating in the criminal field, jeopardize prosecutions.

Mr. Lee explained that he was sympathetic to the Bureau's position; however, Mike Duval at the White House had instructed him to attempt to reach some accommodation concerning this request. According to Mr. Lee, this was prompted by a concern at the White House that the House Select Committee might not abide by their

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JAN 30 1976

PVD:lad
(9)

84 JAN 28 1976

Legal Counsel to Mr. Adams
RE: HOUSTUDY

agreement with the President concerning the publication by that Committee of material in their possession of a sensitive nature. The aforementioned agreement allows for the President to certify the necessity that a particular document or particular information not be published and the Committee would abide by that certification. The Committee, in conversations with representatives at the White House, had cited two areas where Executive Branch responses had not been acceptable one of which was the Bureau's response concerning proprietaries.

Mr. Lee concluded the meeting by indicating he would contact a representative of the House Select Committee and attempt to extract an agreement as to the matter and type of information which would be given to that Committee without giving to the Committee information with which they might be able to identify the proprietary in question. He stated that if this was not acceptable with the Committee, he would at that point refuse the Committee's request.

On 12/31/75, Thomas Martin telephonically advised SA Paul V. Daly of this Division that Mr. Lee had contacted Aaron Donner and that Donner appreciated the Bureau's concerns relative to furnishing information on the proprietaries. Donner also indicated that they would seek to keep such information from Committee members. Martin stated that Mr. Lee agreed to furnish the Committee a financial balance sheet showing income, assets, and liabilities (the balance sheet should go back no more than five years and if the original balance sheets would disclose the operation in question, a sanitized balance sheet would be prepared); the original amount of money used to create the proprietary and the source of same; and evidence of compliance with state and/or Federal laws.

With regard to the latter, if the information concerning compliance with state and/or Federal laws would expose the operation in question, Martin stated we should so advise the Department so that a decision might be made as to what disclosure, if any, would be made concerning this material. He was asked whether the Committee

CONTINUED - OVER

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Legal Counsel to Mr. Adams
RE: HOUSTUDY

was seeking access or delivery of the material in question. It was pointed out to Martin that the Committee indicated access might be sufficient for the Committee's needs. Martin stated he would check on this particular question and advise the Bureau of the answer. Martin subsequently advised that the Bureau should provide access to but not delivery of the material.

Additionally, Martin stated that the Committee desired the requested information by delivery ^{*of the response} on Monday, 1/5/76. It was explained to Martin that it may not be possible to gather and furnish the information requested by that time.

RECOMMENDATION:

That the Intelligence Division with input from the Special Investigative Division gather the necessary information to prepare the appropriate response for the House Select Committee.

J

WRW
HED

D.D.
Jm

SEE ADDENDUM BY SPECIAL INVESTIGATIVE DIVISION NEXT PAGE



ADDENDUM BY SPECIAL INVESTIGATIVE DIVISION: 1/2/76 FCF:dlb


The Special Investigative Division is of the definite opinion the following points should be enumerated and brought to the attention of the Director:

At the meeting which was held in the office of Assistant Attorney General Rex Lee on the morning of December 30, 1975, Lee commenced by advising that he would attempt to explain his complete lack of knowledge of the situation. Deputy Assistant Director Fehl then inquired of Lee as to whether or not he had reviewed the Director's letter to the Attorney General dated December 19, 1975, captioned "United States House Select Committee on Intelligence Activities," and Lee said he had not seen the letter. In brief, the Bureau's position in the letter of December 19, 1975, very clearly stated to the Attorney General that we have again reviewed this particular matter and feel that a disclosure of information concerning an on-going Bureau operation is not appropriate. We told the Attorney General we stood ready to, of course, furnish information pertinent to discontinued proprietary operations which would offer the Committee a chance to see the procedures used by the Bureau in establishing and maintaining such operations. The Attorney General was also advised that the Committee was afforded a briefing concerning these operations in as detailed a manner as possible.

Several months ago, Peter Hughes, a staff member of the Committee, was apprised in most general terms concerning the Bureau's proprietaries (organized crime matters) at which time Hughes advised that he was completely satisfied and had no further questions. Hughes exhibited surprise at the nominal amount of dollars the FBI had expended as compared to CIA operations.

The Senate Select Committee on Intelligence Activities requested information concerning on-going Bureau operations and was advised this data would not be furnished. Church's committee made no further demands on the Bureau.

At the conference on December 30, 1975, Lee was advised we did not feel that the matters being handled by the Special Investigative Division were within the confines of the charter of the House Committee. He was told that we were not gathering "intelligence" but rather we were conducting criminal investigations looking toward prosecutive action in U. S. District Courts. He said he understood and also said he would review the charter. There is no indication in this memorandum that Lee has in fact reviewed the charter.



Lee was advised that the Bureau had no objection to discussing the discontinued operations and we mentioned specifically those wherein we had a small proprietary interest with LEAA. An example was given to Lee of an undercover operation in New York wherein, due to loose talk, an informant was murdered gangland style (Operation Flyer).

Lee discussed as an alternate, our preparing "sanitized balance sheets" of the on-going operations. He was told by representatives of the Special Investigative Division that this could well raise a question and pinpoint possible dates of the institution of the operation and most likely the Committee would then request the back-up books and records to substantiate the balance sheets. Deputy Assistant Director Fehl told Lee in no uncertain terms that prior to the time that we would make any disclosure of any matter whatsoever, the Bureau would close down any of its on-going current operations. The well-being and safety of the Bureau Agents was and is of paramount importance; therefore, any disclosure would necessitate a discontinuance and we would so advise the Department.

Of the three proprietary interests, one has been discontinued; however, the informant still resides and is active in the locale of the proprietary. Further, off-shoot investigations are being conducted of the discontinued operation. The second operation has been discontinued; however, we are in the process of obtaining indictments and prosecution is, of course, pending. The third operation is on-going and we contemplate reaching our ultimate objective within the next sixty days.

In view of the above observations, the Special Investigative Division strongly recommends the following:

(1) That we do not disclose any information whatsoever to Assistant Attorney General Rex Lee for access or review by the Committee on our on-going undercover operations.

(2) That a representative of the Special Investigative Division discuss this matter with Assistant Attorney General Thornburgh, Criminal Division, who has the responsibility of the pending prosecutive action in these matters, so that he, Thornburgh, has an opportunity for input into furnishing data to the Committee.

J

WVC

SEE Legal Counsel to Mr Adams Memo of 1/9/76 and
memo to AG of 1/7/76. JCF 1/9/76 This matter resolved
favorably for Bureau

John

- ① - Mr. Mintz
- 1 - Mr. Cleveland
- 1 - Mr. Wannall

Mr. J. B. Adams

1/9/76

Legal Counsel

- 1 - Mr. Cregar
- 1 - Mr. Notis
- 1 - Mr. Daly

HOUSTUDY

In accordance with the instructions of the Attorney General on 1/8/76, Charles Maddox, House Select Committee Staff Member, reviewed the balance sheets and other financial data pertaining to the Bureau proprietaries. Maddox, after review of these materials, stated that there would be no more requests for disclosure of information concerning Bureau proprietaries and that this would satisfy the Committee's needs. Maddox did, however, ask that the Bureau advise him whether there are in existence any internal regulations concerning the operation of proprietaries, whether the Bureau's operation of proprietaries are in violation of Section 869 of Title 31 of the U. S. Code, and ask the Bureau to work with him in the preparation of a short paragraph on proprietaries for the Committee's public report.

The Department of Justice is, at the request of Maddox, responding to the question relating to Title 31, U.S. Code, Section 869. This particular response is being coordinated with Assistant Special Counsel for Intelligence Coordination Steven Blackhurst. Responses to the other information he requested ~~are~~ being coordinated by the Intelligence Division.

RECOMMENDATION:

..... For information.

RVD:lad
(8)

62 116451 - 249X

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. J. B. Adams

FROM : Legal Counsel

SUBJECT: HOUSTUDY

1 - Mr. Mintz
1 - Mr. Bassett
1 - Mr. Wannall
DATE: 12/30/75
1 - Mr. Cregar
1 - Mr. Hotis
1 - Mr. Daly

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Director Sec'y _____

On 12/29/75, Richard Vermeire, Staff Member of the House Select Committee, requested that former SAs Joseph Leo Gormley and Dr. William Magee be made available for deposition concerning U.S. Recording Company purchases made by this Bureau.

RECOMMENDATIONS:

(1) That former SAs Gormley and Magee be released from any existing employment agreement for purposes of deposition before the House Select Committee.

(2) That the Intelligence Division determine the current whereabouts of former SAs Gormley and Magee and insure that they are advised they may be contacted by members of the Committee.

(3) That the Legal Counsel Division orally advise the House Select Committee of the current whereabouts of former SAs Gormley and Magee.

1 - Personnel File - Joseph Leo Gormley
1 - Personnel File - William Magee

lad
(10)

ST-114

REC-51

15 JAN 9 1976

84 15 1976

LEGAL COUNSEL

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

UNITED STATES GOVERNMENT

Memorandum

TO : Director, FBI

DATE: December 24, 1975

FROM : Harold R. Tyler, Jr.
Deputy Attorney General

SUBJECT: Jacqueline Hess - Espionage

In response to your memorandum to the Attorney General dated December 12, 1975 on this subject, I wish to advise you that the Department declined prosecution in this case in a memorandum from me to you dated November 14, 1975. Chairman Pike was advised of our decision at or about the same time.

Please let me know if your office cannot find any memorandum from me on this subject dated November 14, 1975.

cc: The Attorney General

REC-78

NOT RECORDED
170 FEB 3 1976

1-12-76

5 DEC 30 1975

EXP. PROC.
DEC 30 1975

65-75907-23

ORIGINAL FILED IN

Records
62-116464

W. H. Sullivan
R. Egan



FBI
35 1976

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

Re: Signora to ex-Wall 1/2/76 KME:med
(enc)

F B I

Date: 12/24/75

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIRMAIL
(Priority)

TO: DIRECTOR, FBI (62-116464)

FROM: SAC, TAMPA (66-721)

HOUSE STUDY /75.

ReBUnitel, 12/15/75.

TPnitel to Bureau, 12/17/75.

C.Q. SMITH contacted 12/24/75, upon his return to St. Petersburg, Fla., and was advised of the contents of referenced Bureau nitel.

Chase

7/24/75

DeLoach

2 - Bureau
1 - Tampa
JJG:ls
(3)

62-114

REC-51

17 DEC 29 1975

Approved: *[Signature]*

Sent _____

M

Per _____

Special Agent in Charge

84 JAN 13 1976

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

DEC 24 1975

TELETYPE

NR 007 AX PLAIN

10:35 PM NITEL DEC. 24, 1975 VAN

TO: DIRECTOR (62-116464)

HOUSTON (62-2998)

FROM: ALEXANDRIA (62-233) (PUC)

HOUSE STUDY 75.

REFERENCE BUREAU TELETYPE TO ALEXANDRIA, DECEMBER 15,
1975; AND HOUSTON TELETYPE TO ALEXANDRIA, DECEMBER 18, 1975.

ALL FORMER AGENTS MENTIONED IN REFERENCED BUREAU
TELETYPE AS RESIDENTS IN ALEXANDRIA AREA HAVE BEEN CONTACTED.
HOUSTON SHOULD DISCONTINUE EFFORTS TO CONTACT WILLIAM JARVIS
GOODWIN AT BEAUMONT AS HE WAS LOCATED AT ARLINGTON, VIRGINIA.

END.

HOLD

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Director Sec'y	_____

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Direct (1/13)
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84 JAN 19 1976

The Attorney General

Director, FBI

U. S. HOUSE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES (HSC)

2 - Mr. J. A. Mintz
(1 - Mr. Hotis)
1 - Mr. R. J. Gallagher
(Attn: J. J. Boyd)
1 - Mr. W. R. Wannall
January 2, 1976
1 - Mr. W. O. Cregar
1 - Mr. T. J. McNiff

Reference is made to a letter dated November 3, 1975, from Mr. Michael E. Shaheen, Jr., Special Counsel for Intelligence Coordination, to Mr. John A. Mintz, Assistant Director, Legal Counsel Division, Federal Bureau of Investigation, entitled "House Select Committee Letter dated October 20." Referenced letter advised that, should the FBI have questions concerning an appropriate response to the enclosed letter from the HSC dated October 20, 1975, contact should be had with Mr. Steven Blackhurst of Mr. Shaheen's staff.

The purpose of this letter is to confirm that on December 16, 1975, Mr. Blackhurst advised Special Agent Thomas J. McNiff of this Bureau that the FBI can disregard the request contained in the letter of the HSC dated October 20, 1975.

62-116464

EX 104

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

REC-51

62-116464-246

JAN 6 1976

WOC:1hb/1hb
(10)

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Admin. _____
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Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____

1 - 44-49948

MAIL ROOM ☐ TELETYPE UNIT ☐

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

The Attorney General

November 26, 1975

Director, FBI

U. S. HOUSE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES (HSC)

Enclosed herewith is a Xerox copy of a letter dated November 18, 1975, furnishing information to the Intelligence Community Staff (ICS) for ultimate delivery to the HSC.

By letter dated November 10, 1975, to the ICS, the HSC requested a list of all contracts executed between the intelligence agencies, including the military intelligence branches, and the following private industries:

- (1) Bell Telephone Laboratories
- (2) Research Institute of America, Inc.
- (3) TRW, Inc.
- (4) Motorola
- (5) Polaroid Corporation
- (6) Bectal Industries

Subsequently, by letter dated November 11, 1975, the ICS advised it would assemble a compilation for the entire community and requested input from the FBI in this regard.

On November 18, 1975, this matter was discussed orally between Special Agent Andrew J. Duffin of this Bureau and Mr. Michael E. Shaheen, Jr., of the Department, following which the enclosed letter which contains the FBI's response was sent to the ICS.

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Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

62-116464

AJD:1hb/1hb
(8)

MAIL ROOM ☐ TELETYPE UNIT ☐

The Attorney General

A copy of this letter is also being furnished to
Mr. Shaheen.

Enclosure

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



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

November 18, 1975

By Liaison

Jack E. Thomas
Major General, USAF (Ret.)
Chief, Coordination Staff
Intelligence Community Staff
Central Intelligence Agency
Washington, D. C. 20505

Dear General Thomas:

Reference is made to your letter dated November 11, 1975, addressed to FBI Liaison Officer Vernon H. Weimar, your number DCI/IC-75-3851.

In response to your request, the following is the only contract this Bureau has entered into with any of the six listed companies since January 1, 1973:

TRW Systems Group
7600 Colshire Drive
McLean, Virginia 22101
\$255,148.00
June 30, 1975.

It is noted this does not include contracts between the FBI and other intelligence agencies, nor does it include purchase orders written to any of the mentioned companies.

Sincerely yours,

Clarence M. Kelley
Director



62-116464-245

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. J. B. Adams

FROM : Legal Counsel

SUBJECT: HOUSTUDY - 75

1 - Mr. Mintz
1 - Mr. Adams
1 - Mr. Cochran
1 - Mr. Wannall
DATE: 11/12/75
1 - Mr. Cregar
1 - Mr. Hotis
1 - Mr. Daly

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Admin. _____
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Telephone Rm. _____
Director Sec'y _____

Section Chief William Harward of the Laboratory Division who had previously been cleared to give a deposition to representatives of the House Select Committee appeared for a deposition in that Committee's space on 11/11/75.

During the course of his interview which pertained to the U.S. Recording Company and the utilization by the Bureau of other companies in a similar fashion, i.e. cutout purchases, he did not respond to a question as to what other companies he knew of which this Bureau dealt with indirectly through the U.S. Recording Company. Harward indicated to the Committee representatives that these companies are confidential sources of this Bureau. Subsequently, Harward advised SA Paul V. Daly of this Division that he could recall five companies which furnished the Bureau equipment through the U.S. Recording Company--namely, General Teledyne, Bell and Howell, Custom Electric, Knowles Microphone and Northeast Electronics. The aforementioned companies furnished the Bureau equipment such as dial recorders, transmitters and microphones.

By way of background, the guidelines for interviews for this Committee have followed the guidelines we have utilized with the Senate Select Committee in which a current or former employee need not respond to questions in four separate categories: (1) information provided by sources (or any other information) which might tend to identify a confidential source; (2) information concerning sensitive investigative techniques; (3) information derived from other Government agencies, including information from foreign intelligence sources; and (4) any information the disclosure of which could adversely affect ongoing investigations. While unlike the Senate Select Committee, we have no written agreement to the aforementioned categories but the House Select Committee has not resisted thus far on our placing limitations on the information they may gain through interviews.

PVD:lad
(9)

EX 104

REC-511

62-116427-244

CONTINUED - OVER
5 DEC 8 1975

84 9 1976

Legal Counsel to Mr. Adams
RE: HOUSTUDY

Harward did not respond to the question relating to companies dealing through the U.S. Recording Company with the Bureau because he felt that we were dealing with a confidential source and he could not disclose the identity of same. He indicated that it could be determined by the name of the particular company what type of equipment this Bureau was purchasing, thereby disclosing a sensitive technique. This information is protected by the guidelines.

On 11/11/75, Richard Vermeire, Staff Member of captioned Committee, who participated in the interview of Harward was telephonically contacted by SA Daly and it was explained to him the reason for the reluctance of the Bureau to furnish the names of the companies. Instead, SA Daly offered to give him a numerical response as to the companies, a generic description of the company and the reason for not disclosing the particular information. Vermeire explained that he could not accept the alternative response. He volunteered that Chairman Otis Pike and another unnamed Congressman were very much interested in this particular matter and that it would be necessary for the Committee to have the requested information.

Vermeire stated that Chairman Pike was concerned that there may be some improprieties involved in this matter and indicated he would make all the inquiries necessary to resolve this matter. Vermeire stated that because of Chairman Pike's interest he was receiving considerable pressure from the Committee to obtain the necessary information for the Committee to make a determination as to whether improprieties existed.

As an alternative, it was suggested to Vermeire that he might wish to submit a written request asking for the information and the Bureau could address that aspect. Vermeire stated he would not do this. He indicated he wanted the response from Harward in response to the question asked during the deposition and that as the Bureau maintained these companies were confidential sources that matter would have to be resolved by the Committee as to whether they might pursue it further. Every indication from the conversation with Vermeire indicated the Committee would pursue this particular aspect further.

CONTINUED - OVER

↓ ↓

Legal Counsel to Mr. Adams
RE: HOUSTUDY

If it is determined we should not respond to this particular question because these companies enjoy a confidential relationship and/or the disclosure of the requested information would jeopardize a sensitive technique, a letterhead memorandum to that effect should be prepared and furnished to the Attorney General with a copy to the Deputy Attorney General by cover letter for the Department's forwarding to the Committee. It should be kept in mind that our failure to furnish the requested information in the deposition does not mean the Committee would not receive the information in some other fashion. What we are addressing in this particular memorandum is the fact that we do not want the information furnished by Section Chief Harward as part of his deposition. Additionally, consideration should be given to the fact that by refusing to furnish this particular information we may highlight this aspect of the House Select Committee inquiry to Chairman Pike and he may draw unwarranted conclusions.

To date we have, of course, been scheduled for only one day of FBI hearings by that Committee and there are indications that this Bureau will not be a major target for the Committee. Our refusal to furnish the requested information could, of course, direct additional attention to the Bureau.

RECOMMENDATION:

That the Laboratory Division in conjunction with the Intelligence Division should expeditiously prepare the letterhead memorandum with a cover letter to the Attorney General with a copy to the Deputy Attorney General advising the Committee of our refusal and explaining same if * should decide not to furnish the information. (*the Laboratory)

[Handwritten signatures and initials: JH, Huc, JSA, JPC, JED, 117, Jm]

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. J. B. Adams

FROM : Legal Counsel *SAM*

SUBJECT: HOUSTUDY -75 *SAK*

1 - Mr. Mintz
1 - Mr. Bassett
1 - Mr. Cochran

DATE: 12/22/75

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

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

On 12/22/75, Richard Vermeire, Staff Member of the House Select Committee, requested that SA Wilbur G. Stevens of the Laboratory Division be made available for deposition concerning U.S. Recording Company purchases made by this Bureau.

RECOMMENDATION:

That SA Stevens be released from any existing employment agreement for purposes of deposition before the House Select Committee concerning U.S. Recording Company purchases made by this Bureau.

REC-5T

EX 104

5 JAN 7 1976

1 - Personnel File - Wilbur G. Stevens

8 JAN 9 1976
lad (AD)
(10)

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

DEC. 16 1975

TELETYPE

Assoc. Dir.	_____
Dep.-A.D.-Adm.	_____
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Training	_____
Legal Coun.	_____
Telephone Rm.	_____
Director Sec'y	_____

NR 007 AX PLAIN

8:28 PM NITEL DEC. 16, 1975 VAN

TO: DIRECTOR (62-116464)
HOUSTON

FROM: ALEXANDRIA (62-233) (P)

HOUSE STUDY 75.

Houstudy - '75

REFERENCE BUREAU TELETYPE TO ALEXANDRIA, DECEMBER 15, 1975.

THE HOUSE SELECT COMMITTEE (HSC) HAS INDICATED DESIRE TO INTERVIEW CERTAIN FORMER BUREAU EMPLOYEES CONCERNING ANY KNOWLEDGE THEY MAY POSSESS PERTAINING TO THIS BUREAU'S PURCHASING PRACTICES WITH UNITED STATES RECORDING COMPANY.

LEAD. HOUSTON. AT BEAUMONT, TEXAS. SHOULD CONTACT WILLIAM JARVIS GOODWIN AT 6550 LEXINGTON, APARTMENT 245, OR AT EMPLOYMENT, LAW OFFICES OF GOODWIN AND HAWTHORNE, 455 MILAM STREET, AND ADVISE HIM OF HSC INTENTION. FURTHERMORE, SHOULD HE BE CONTACTED BY HSC, BEFORE SUBMITTING TO INTERVIEW HE SHOULD CONTACT THE OFFICE OF LEGAL COUNSEL AT BUREAU HEADQUARTERS COLLECT TO SECURE RELEASE FROM HIS EMPLOYMENT AGREEMENT AND ASCERTAIN PARAMETER WITHIN WHICH INTERVIEW MAY BE CONDUCTED.

END.

HOLD

61 JAN 9 1976

cc - Legal Counsel

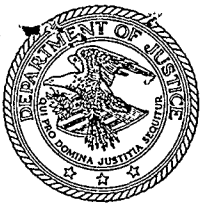
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REC-50 62-116464-242

DEC 31 1975

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FBI



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

NOV 28 1975

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

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

SUBJECT: HSC Request dated November 24

Attached is a letter from the House Select Committee requesting access to FBI materials concerning various individuals. Please prepare an appropriate response.

11/26/75 assigned Mendenhall

cc: Paul Daly

ST 115
REC 12 62-116464-241

15 DEC 30 1975

ENCLOSURE

LEGAL COUNSEL

62-116464

5-1/14

OTIS G. PIKE, N. Y., CHAIRMAN

ROBERT N. GLAUM, CONN.
JAMES V. STANTON, OHIO
RONALD V. DELLUMS, CALIF.
MORGAN F. MURPHY, ILL.
LES ASPIN, WIS.
DALE MILFORD, TEX.
PHILIP H. HAYES, IND.
WILLIAM LEHMAN, FLA.

ROBERT MCCLORY, ILL.
DAVID C. TREEN, LA.
JAMES P. JOHNSON, COLO.
ROBERT W. KASTEN, JR., WIS.

A. SEARLE FIELD, STAFF DIRECTOR
AARON B. DONNER, COUNSEL

TELEPHONE: (202) 225-9751

Select Committee on Intelligence
U.S. House of Representatives
Washington, D.C. 20515

November 24, 1975

Mr. Michael Shaheen, Jr.
Spec. Counsel for Intel. Coordination
Department of Justice
Washington, D.C. 20530

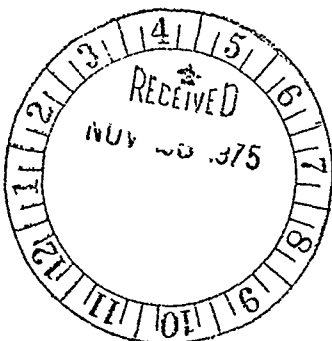
Dear Mr. Shaheen:

Pursuant to a meeting between Mr. Hotis and Mr. Daley of the F.B.I., and Ms. Ellen Miller of our staff, we are hereby resubmitting our Oct. 3, 1975 request for materials relating to certain FBI informants.

As was discussed at that meeting, our staff has agreed to cooperate with the Bureau's suggested procedures in obtaining information relating to the informants listed below on the case by case basis. The agreement reached involves the following procedures: 1) submission of names with specific reference to the material needed by the Committee; 2) a request by the FBI to each of the individuals involved requesting permission for the release of such information in the cases where the former informant status is not public information; and 3) immediate access to information on the individuals in cases where the former informant status is public information. We hope that these procedures will not be too cumbersome and that the information will be forthcoming.

Therefore, we hereby request access to all notes, memoranda, files, and reports pertaining to the former FBI informants listed below:

Alfred Burnett--Seattle bombings
Jeff Desmond--Seattle bombings
David Sannes--Seattle bombings
Horace Parker--Seattle court house damage
Thomas Mosher--Stanford Univ. Anti-war movement
Momlaung Singhata Thomas Tongyai N'ayondlya--
Hobart College, S.D.S. Anti-war demonstrations



ENCLOSURE

62-116464-241

Mr. Michael Shaheen, Jr.

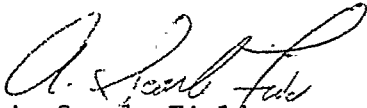
Page 2

November 24, 1975

Boyd F. Douglas, Jr.--"East Coast Conspiracy to Save Lives"
-- Larry Grantwohl--Weatherman S.D.S.
-- Carl Becker-Vietnam Veterans Against the War (VVAW)
Pablo Manuel Fernandez--VVAW
Eustacio (Frank) Martinez--Chicano organizations
Emerson Poe-- VVAW
George Demmerle--"Crazies"
Terrence Norman--Kent State University
Charles R. Grimm--University of Alabama
Lawrence Goff--Revolutionary Union

Your prompt attention will be appreciated.

Sincerely,



A. Searle Field
Staff Director

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

The Attorney General

December 16, 1975

Director, FBI

1 - Mr. K. A. Mendenhall
1 - Mr. P. W. Cook

U. S. HOUSE SELECT COMMITTEE ON
INTELLIGENCE ACTIVITIES (HSC)

Reference is made to HSC letter dated November 24, 1975, requesting access to all notes, memoranda, files and reports pertaining to 16 individuals who were informants or alleged to be informants of this Bureau.

Enclosed for your approval and forwarding to the HSC is the original of a memorandum which constitutes this Bureau's response to the above request.

A copy of this memorandum is being furnished for your records.

Enclosures - 2

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

PWC:dew
(10)

5- ENCLOSURE

REC-1

62-116464-240

15 DEC 30 1975

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Admin. _____
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Files & Com. _____
Gen. Inv. _____
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Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____

MAIL ROOM ☐ TELETYPE UNIT ☐

62-116464

2 - Mr. J. A. Mintz
(1 - Mr. J. B. Hotis)
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. K. A. Mendenhall
1 - Mr. P. W. Cook

December 16, 1975

**U. S. HOUSE SELECT COMMITTEE ON
INTELLIGENCE ACTIVITIES (HSC)**

Reference is made to HSC letter dated November 24, 1975, requesting access to all notes, memoranda, files and reports pertaining to specific activities concerning the following individuals who were informants or alleged to be informants of this Bureau:

Alfred Burnett--Seattle bombings
Jeff Desmond--Seattle bombings
David Sannes--Seattle bombings
Horace Parker--Seattle court house damage
Thomas Mosher--Stanford University Anti-war movement
Momlaung Singhata Thomas Tongya N'ayondlya--Hobart College, S.D.S. Anti-war demonstrations
Boyd F. Douglas, Jr.--"East Coast Conspiracy to Save Lives"
Larry Grantwohl--Weatherman S.D.S.
Carl Becker--Vietnam Veterans Against the War (VVAW)
Pablo Manuel Fernandez--VVAW
Eustacio (Frank) Martinez--Chicano organizations
Emerson Poe--VVAW
George Demmerle--"Crazies"
Terrence Norman--Kent State University
Charles R. Grimm--University of Alabama
Lawrence Goff--Revolutionary Union

Pertinent material responsive to the above HSC request has been retrieved and is available for review at FBI Headquarters by appropriately cleared personnel of the HSC Staff.

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. **1 - The Attorney General**
Asst. Dir.:

Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
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Telephone Rm. _____
Director Sec'y _____

ORIGINAL AND ONE TO THE ATTORNEY GENERAL

PWC:dew
(9)

SEE NOTE PAGE TWO

U. S. HOUSE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (HSC)

NOTE:

~~CONFIDENTIAL~~

All of the above 16 individuals are known to this Bureau. Six individuals, Alfred Burnett, Jeff Desmond, David Sannes, Eustacio (Frank) Martinez, Charles R. Grimm and Pablo Manuel Fernandez, were never FBIHQ approved informants although allegations to that effect have been publicized in the past. Nine individuals, Horace Parker, Thomas Mosher, Boyd Douglas, Larry Grantwohl, Emerson Poe, George Demmerle, Lawrence Goff, Momlaung Singhata Thomas Tongyai N'ayondiya and Terrence B. Norman, were Bureau informants, whose confidential relationships with this Bureau have become public knowledge either through giving testimony or because of irresponsible actions on their part.

Requested material appropriately excised concerning the above two categories of informants is being made available to the HSC. These individuals are not being notified by this Bureau of HSC interest in their activities as the informant reports themselves are not being furnished and the information concerning the specified activity has appeared in the mass media.

With regard to Carl Becker, this individual in 8/73 testified at the VVAW trial in Tallahassee, Florida. Since 7/72, because of his subversive and extremist contacts, he continued to furnish valuable information to the New Orleans Office, and is currently operated by the New Orleans Office as a confidential source. If this communication is approved, New Orleans will be advised that the HSC was furnished an excised summary of Becker's relationship with this Bureau up to and including the time of his testimony and no information was volunteered concerning his current status. New Orleans will be instructed to so notify Becker and advise him to be guided accordingly in the event he is contacted by representatives of HSC. He will also be instructed to immediately furnish his contacting Agent the results of any such contact.

Above mentioned pertinent material concerning Sannes, Grimm, Norman, Grantwohl and N'ayondiya has been previously made available to the SSC in response to a similar request from that committee. Documents being made available contain only information concerning specific areas of interest to the HSC with regard to these 16 individuals. Classified by 6570, XGDS 2, Indefinite.

~~CONFIDENTIAL~~

5-140 (Rev. 1-21-74) FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

Addressee: HOUSE SELECT COMMITTEE

☐ LTR ☒ LHM ☐ Memo ☐ Report dated 12/16/75

U.S. HOUSE SELECT COMMITTEE

Caption of Document:

11/24/75 request re informants

Originating Office: FBI ³⁰₁₂₋₇

Delivered by: Richard F. Taylor Date: 12/18/75

Received by: Michael Schafer

Title: _____

Return this receipt to the Intelligence Division, FBI

CLASSIFY AS APPROPRIATE

E: 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.)

2. DATE PROVIDED

☒ DOCUMENT ☐ BRIEFING ☐ INTERVIEW ☐ TESTIMONY ☐ OTHER

12/16/75

FOR REVIEW

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

SSC

☒ HSC4. IDENTIFICATION (provide descriptive data for documents; give name or identification number of briefer,
interviewee, testifier and subject)

Memorandum

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

HSC letter 11/24/75

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

U

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

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

Available for review by appropriate HSC Staff Members at FBIHQ:
All materials pertaining to specific activities concerning 16
individuals who were informants or alleged to be informants
for the FBI.

62-116264

(4)

ORIGINAL VIA LIAISON TO CENTRAL COMMUNITY INDEX
IN CONNECTION WITH HOUSTUDY

TREAT AS YELLOW

5-170

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.

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. J. B. Adams

FROM : Legal Counsel *Jm*

SUBJECT: HOUSTUDY

1 - Mr. Mintz
1 - Mr. Cochran
1 - Mr. Wannall

DATE: 12/29/75

1 - Mr. Cregar
1 - Mr. Hotis
1 - Mr. Daly

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. _____
Asst. Dir. _____
Admin. _____
Comp. Syst. _____
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Spec. Inv. _____
Training _____
Telephone Rm. _____
Director Sec'y _____

On 12/24/75, Richard Vermeire, Staff Member of the House Select Committee, requested that SAs McNair W. Perry, William D. Campbell, Royce V. Colby, G. Owen Verven, and John P. Wilgus be made available for deposition concerning their knowledge of U.S. Recording Company purchases made by this Bureau.

RECOMMENDATION:

That SAs Perry, Campbell, Colby, Verven, and Wilgus be released from any existing employment agreement for purposes of deposition before the House Select Committee concerning U.S. Recording Company purchases made by this Bureau.

- Jim*
Jm
JSTH/AD
PJD
Jm
- 1 - Personnel File - William D. Campbell
 - 1 - Personnel File - Royce V. Colby
 - 1 - Personnel File - McNair W. Perry
 - 1 - Personnel File - G. Owen Verven
 - 1 - Personnel File - John P. Wilgus

EX 104

REC-57

DEC 31 1975

62-116464-239

lad
(14)



56 JAN 3 1976

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

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. J. B. Adams

FROM : Legal Counsel *JAM*

SUBJECT: HOUSTUDY

1 - Mr. Mintz - Enc.
1 - Mr. Adams - Enc.
1 - Mr. Jenkins - Enc.

DATE: 12/22/75

1 - Mr. Bassett - Enc.
1 - Mr. Moore - Enc.
1 - Mr. Wannall - Enc.
1 - Mr. Cregar - Enc.
1 - Mr. Hotis - Enc.
1 - Mr. Daly - Enc.

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
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Gen. Inv. _____
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Laboratory _____
Legal Coun. _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Telephone Rm. _____
Director Sec'y _____

Attached is an article which appeared in the Washington Star News on December 21, 1975, written by Orr Kelly alleging that the Internal Revenue Service (IRS) agents and General Accounting Office (GAO) auditors had entered into the investigation of the FBI's dealings with the U. S. Recording Company. The article alleges that the IRS is running "net worth" checks on past and present Bureau officials along with Joseph Tait, the President of U.S. Recording Company.

Richard Vermeire, Staff Member of captioned Committee, advised SA Paul V. Daly of this Division that to his knowledge the allegations contained in the Kelly article are without foundation. He stated the Committee did meet with IRS representatives sometime ago to discuss this matter but he had no indication that anything had been done by IRS in this regard and that he knew of no other staff member on the Committee that had such information. Additionally, concerning the allegations of GAO auditors looking into this matter, Roger Carroll the accountant who is going over the U.S. Recording Company records is a GAO employee who has been assigned to captioned Committee. Carroll's work product will remain with the House Select Committee and in no way is this inquiry connected with GAO.

Vermeire stated that with regard to the Orr Kelly article and his observations concerning it that he was also speaking for Timothy Oliphant, the other Staff Member of captioned Committee who is participating in the inquiry. Vermeire speculated that the source of the news article was Committee Counsel Aaron Donner; however, he did not indicate the basis for this speculation.

RECOMMENDATION:

For information.

Enclosure

PVD:lad

(11)

264

JAN 2 1976

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

IRS Agents, GAO Auditors Canceled

Dealings of an FBI 'Front' Probed

By Orr Kelly

Washington Star Staff Writer

The House Intelligence Committee has called in Internal Revenue Service agents and General Accounting Office auditors to help in a potentially explosive investigation of the housekeeping side of the FBI.

Until the new investigation was started, both House and Senate select committees on intelligence had been focusing on past misdeeds of the intelligence and investigative arms of the bureau — especially the 15-year effort to disrupt the activities of a variety of suspected domestic subversive organizations.

But now the committee is zeroing in on the other side of the bureau's operations and asking whether there has been financial corruption within the bureau — and whether it exists today.

WHILE THE FBI's misdeeds in the area of intelligence and investigations have largely involved men who are retired or dead, the new investigation reaches into an area of the bureau's operations that has supplied all of the top officials who, working directly under FBI Director Clarence M. Kelley, now run the bureau.

The House committee's interest in the business and financial side of the FBI began this fall when Martin Kaiser, who makes 480 different kinds of "electronic widgets," as he calls them, at a plant in Cockeysville, Md., and sells them to a variety of American and foreign police and intelligence agencies, told the committee about an obscure Washington firm known as U.S. Recording Co.

Kaiser told the committee he had signed up the bureau as a customer in the late 1960s by writing to J. Edgar Hoover and describing some devices he had invented to detect telephone taps and other kinds of electronic surveillance bugs. The late FBI chief was so impressed, Kaiser said, that he invited him in for a personal meeting.

Shortly afterward, Kaiser said in an interview, he began getting orders through U.S. Recording Co. He said he dropped by the firm's warehouse-like building at 1347 South Capitol St. and met Joseph X.

Tait, the president, but never did get past the front door.

KAISER SAID it quickly became apparent to him that U.S. Recording was simply serving as a front for the FBI. Committee investigators have now found U.S. Recording also has served as a similar front for CIA and White House purchases, although Kaiser said his sales to other government agencies were made directly rather than through a front.

So, Kaiser said, he began making deliveries directly to the bureau, even though the paperwork and payments went through U.S. Recording. But even that worried him, he said, because it is illegal to sell surveillance equipment to anyone except a law enforcement agency. Technically, the deal with U.S. Recording was illegal even though the equipment was being delivered directly to the bureau.

The law permits agencies such as the FBI to buy without competitive bids through front companies so it will be more difficult for foreign intelligence agents to find out what kind of equipment U.S. agencies are using and to devise countermeasures to such equipment. But that still leaves a problem with the law limiting sales of bugs.

Kaiser said he became more suspicious one day when he was visiting an FBI office and saw an invoice from U.S. Recording for equipment he had delivered to the bureau showing a 30 percent markup.

ALTHOUGH attorneys for the company have reportedly told the committee that the markup averaged only about 12 percent to cover handling of the paperwork, GAO auditors have found the markup ran about 25 to 30 percent, compared with a reasonable figure for the work involved of about 5 to 10 percent, according to committee sources.

When Kaiser first came to the committee, what he had to say seemed to involve, at most, a relatively minor problem. Even a 25 percent markup on the \$150,000 worth of business Kaiser did with the bureau would have produced only \$37,500 — a relatively small

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Telephone Rm. _____

Director Sec'y _____

The Washington Post _____

Washington Star-News A 2

Daily News (New York) _____

The New York Times _____

The Wall Street Journal _____

The National Observer _____

The Los Angeles Times _____

Date SEP 14 1975

ENCLOSURE

62-116464-238

amount when spread over a period of half a dozen years.

But the GAO auditors have now determined, according to committee sources, that U.S. Recording's business with the bureau ran about \$750,000 a year. A 25 percent markup on that amount would come to \$187,500 a year.

Where did all that money go?

TO FIND OUT, internal revenue agents are running "net worth" checks on Tait, the president of U.S. Recording, and some past and present bureau officials who have been involved in the administrative side of the bureau, according to committee sources. In a "net worth" check, the agents establish a person's net worth at one time, then determine it at a later time and then ask the person to account for the difference in the two figures.

The dominant figure in the administrative area of the bureau's operations for a decade and a half was John P. Mohr, who retired three years ago as the top administrative official in the bureau. Last week, according to committee sources, Mohr refused to give a statement to committee investigators under oath.

Men who were closely associated with Mohr now dominate the upper echelons of the bureau hierarchy, with the exception of Kelley himself. Nicholas Callahan is the top aide to Kelley. Thomas Jenkins is the associate director in charge of the administrative side of things — the job Mohr had at the time of his retirement. James Adams has switched over to the investigative side of the bureau and is now Jenkins' counterpart responsible for that phase of bureau operations.

WHEN QUESTIONS

were first raised about the relationship between U.S. Recording and the bureau, Atty. Gen. Edward M. Levi asked Kelley to investigate. The official in charge of the investigation is Harold N. Bassett, the assistant director in charge of the inspection division. Bassett, who was a close associate of Mohr's, is one of only two assistant directors who report directly to Callahan.

According to committee

sources, Tait said, when called up for questioning by the committee staff, that he had talked beforehand with Callahan. His advice, Tait reportedly said, was to "tell the truth."

The close personal relationship between Mohr and Tait first came to public attention earlier this year when Mohr gave a deposition in a lawsuit. Mohr, who is the executor of the estate of Clyde Tolson, for many years the top aide to Hoover, is being sued by Tolson's brother.

Mohr volunteered a list of 38 men — including top officials of both the FBI and CIA — who had taken part in marathon poker games at the Blue Ridge Lodge, located in Virginia and not far from Harper's Ferry, W.Va.

"We played draw poker, five-card stud, seven-card stud. Nothing wild," he said. Another former bureau official said it was not unusual for the winners to take home \$150 and the losers to go home that much poorer.

MOHR NAMED Tait as one of those who took part in the games, and committee investigators have since learned that he was the one who arranged for the poker weekends. Although Tait and others who attended the poker sessions have told the committee they paid their own way, one goal of the GAO auditors is to trace the individual payments to make sure that U.S. Recording or Tait did not pick up the tab.

When committee investigators went out to look at the lodge late last month and examine its records, they found that the lodge had burned down the day before. But the records were not lost, and local investigators have blamed the blaze on an electrical problem.

At this point the committee investigators have many more questions than they have answers. The significance of the investigation is that the questions they are asking are the kind that have not been asked about the bureau since a young Hoover took over the corrupt bureau and eliminated the kind of money corruption that has always plagued almost every other police agency.

UNITED STATES GOVERNMENT

Memorandum

TO : MR. CALLAHAN

DATE: 12-18-75

FROM : T. J. JENKINS

SUBJECT: INTERVIEW OF ASSISTANT TO THE DIRECTOR
THOMAS J. JENKINS BY TIM OLIPHANT OF THE
HOUSE COMMITTEE ON INTELLIGENCE CON-
CERNING U. S. RECORDING COMPANY

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
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Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

There is attached a write-up containing the substance of the interview which should be referred to Mr. Mintz for forwarding to the Department.

RECOMMENDATION:

That upon approval the attached write-up be made available to Mr. Mintz for forwarding to the Department in accordance with our usual procedures.

SI 115

REC-51

62-116464-237X1

5 JAN 23 1976

Enc.

TJJ:pmd

(4)

1 - Mr. Bassett

1 - Mr. Mintz

5-8

let to AG 1-17-76 Enc. 4
STN:146

UNITED STATES GOVERNMENT

Memorandum

TO : MR. JENKINS

DATE: 12-18-75

FROM : T. J. FEENEY, JR.

SUBJECT: INTERVIEW OF INSPECTOR THOMAS J. FEENEY, JR., BY TIM OLIPHANT OF THE HOUSE COMMITTEE ON INTELLIGENCE CONCERNING U. S. RECORDING COMPANY

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
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Gen. Inv. _____
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Spec. Inv. _____
Training _____
Telephone Rm. _____
Director Sec'y _____

There is attached a write-up containing the substance of the interview which should be referred to Mr. Mintz for forwarding to the Department.

RECOMMENDATION:

That upon approval the attached write-up be made available to Mr. Mintz for forwarding to the Department in accordance with our usual procedures.

Enc. *746*

TJF:mfs

(4)

1 - Mr. Bassett

1 - Mr. Mintz

SI 115

REC-51

62-116464-237X

5 JAN 23 1976

Enclosures detached and sent to AG + WH by Burdett 1/20/76, captioned House Select Committee on Intelligence Activities (62-116464) TJE.

5- [Signature]

~~CONFIDENTIAL~~
Airtel

1 - Mr. W.O. Cregar
1 - Mr. R.L. Shackelford
1 - Mr. K.A. Mendenhall
1 - Mr. P.W. Cook

To: SAC, New Orleans (134-1140)

12/18/75

From: Director, FBI (134-21446)

CS NO 2163-S
SM

For information of the New Orleans Division, the U. S. House Select Committee on Intelligence Activities (HSC) requested by communication dated 11/28/75 access to information regarding 16 individuals who were informants or alleged to be informants of this Bureau. Above captioned individual was one of the individuals on whom information was sought. The HSC requested information concerning source's participation in Vietnam Veterans Against the War (VVAW) activities.

As you are aware, this individual had furnished information concerning VVAW activities and testified for the Government during the Gainesville 8 trial in 1972. As a result of this individual's testimony, he received publicity through the news media. Although it is unknown how the HSC obtained source's identity, it is believed that his identity was made known possibly as a result of his publicity during this trial.

In view of the above, you are to advise the source that in response to the HSC request for information concerning source's involvement with VVAW activities the Bureau released information limited to his VVAW participation. The present status of this individual has not been made known to the HSC. You should instruct source that in the event any inquiry is made of the source by any HSC representative, the contacting Agent should be immediately notified before any response is made to the HSC.

PWC:dew
(8)

SEE NOTE PAGE TWO

ORIGINAL FILED IN 134-1140

DUPLICATE YELLOW

~~CONFIDENTIAL~~

62-116464-

Classified by 6570

Exempt from GDS, Category 2

Date of Declassification Indefinite

NOT RECORDED
JAN 15 1976

ROUTE IN ENVELOPE

84 JAN 8 1976

~~CONFIDENTIAL~~

Airtel to New Orleans
Re: CS NO 2169-S
134-21446

NOTE:

As indicated above in order to be responsive to HSC request, information pertaining to activities of CS NO 2169-S in VVAW matters is being made available to the HSC. This individual was utilized as a security informant by the New Orleans Division and furnished valuable information concerning VVAW activities. Source was utilized as a Government witness during the Gainesville 8 trial in Tallahassee, Florida, in 1972, and as a result received newspaper publicity. Source, however, continued to furnish information to the New Orleans Division and was utilized by New Orleans as a potential security informant until 9/75 when FBI Headquarters determined that the majority of information furnished by this individual was obtained as a result of his position. Therefore, he was changed to a confidential source. It is noted that source continues to furnish valuable information pertaining to security and extremist activities to the New Orleans Division. The HSC is not being furnished information concerning the present relationship of source with this Bureau. This individual is being requested to contact the Bureau in the event a request is received by him from the HSC.

~~CONFIDENTIAL~~

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

DEC 18 1975

TELETYPE

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

NR010 NO PLAIN

7:30PM NITEL DECEMBER 18, 1975 PGH

TO DIRECTOR, FBI (62-116464)

ALEXANDRIA (62-233)

FROM HOUSTON (62-2998)

HOUSE STUDY '75.

RE AX NITEL TO BUREAU AND HOUSTON, DECEMBER 16, 1975.

ON DECEMBER 18, 1975, JOE GOODWIN ADVISED HIS BROTHER WILLIAM JARVIS GOODWIN DEPARTED BEAUMONT, TEXAS, FOR ARLINGTON VIRGINIA, ON DECEMBER 17, 1975. WILLIAM GOODWIN WILL REMAIN IN ARLINGTON, VIRGINIA, UNTIL NEW YEAR'S. WILLIAM GOODWIN CAN BE CONTACTED THROUGH NORMA BOSTICK, 1301 SOUTH SCOTT, ARLINGTON, VIRGINIA, TELEPHONE NUMBER 703-780-8859.

ALEXANDRIA AT ARLINGTON, VIRGINIA: THROUGH NORMA BOSTICK, ADVISE WILLIAM GOODWIN OF INFORMATION SET OUT IN ABOVE ALEXANDRIA NITEL TO BUREAU. ALEXANDRIA ADVISE HOUSTON WHEN CONTACT MADE.

HOUSTON AT BEAUMONT, TEXAS: WILL MAINTAIN CONTACT WITH JOE GOODWIN RE CHANGE IN ITINERARY OF WILLIAM JARVIS GOODWIN.

END

ST-103

REC-60

62-116464

237

DEC 30 1975

79 JAN 7 1976

1 - Mr. Walsh
1 - Mr. S. R. Burns
1 - Mr. Mintz
1 - Mr. Hotis
1 - Mr. Taylor

December 22, 1975

ST 115
REC 67

62-116464-236

Honorable Ronald V. Dellums
House of Representatives
Washington, D. C. 20515

Dear Congressman Dellums:

This is in response to your letter to me dated December 5, 1975, in which you advise you had not received my reply to your letter of September 29, 1975. Attached is a true copy of my earlier response dated October 20, 1975, which had been mailed the following day to your Washington, D. C., office.

I trust this is satisfactory to you.

Sincerely yours,

C. M. Kelley

Clarence M. Kelley
Director

Enclosure

NOTE: See Legal Counsel to Mr. Adams memorandum dated 12-17-75, captioned "Request by Representative Ronald V. Dellums for Reply to his Letter to Director Kelley Dated 9-29-75. Representative Dellums' letter of 9-29-75 sought information regarding our Berkeley, California, RA as well as information concerning minority employment and "black bag" jobs.

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Telephone Rm. _____
Director Sec'y _____

RTT:dkg (8)

MAILED 7
DEC 23 1975
FBI

MAIL ROOM ☐ TELETYPE UNIT ☐

TRUE COPY

October 20, 1975

Honorable Ronald V. Dellums
House of Representatives
Washington, D. C. 20515

Dear Congressman Dellums:

This is in response to your letter to me dated September 29, 1975, which was received on October 7, 1975.

To clarify your inquiries, it should be noted the Resident Agency at Berkeley, California, operates under the general supervision of the Federal Bureau of Investigation's San Francisco Office.

The complement of Special Agents assigned to the Berkeley Resident Agency is consistent with need in that portion of the territory for which our San Francisco Field Office is responsible. The assignment of personnel to the Berkeley Resident Agency is in proportion to that of areas of similar size and of like metropolitan composition.

The FBI applies a positive program aimed at circulating opportunities in the FBI for members of minority groups and attracting those who are interested and qualified. Our positive program, which receives guidance through the Bureau's Office of Equal Employment Opportunity Affairs at our Headquarters in Washington, D. C., is applied by the Special Agents in Charge of our 59 field offices and their staffs. While we do not have any minority or female Special Agents headquartered in Berkeley, we do have Special Agents of various minorities, including Blacks, Hispanics and Orientals, and female Special Agents assigned to our San Francisco Office and they are available for assignment wherever the need may arise including in Berkeley.

TRUE COPY

TRUE COPY

Honorable Ronald V. Dellums

Based on a survey during March, 1975, the San Francisco Office was devoting under 20 percent of its time to domestic intelligence (internal security) matters. This survey did not break down the allocation of manpower below the field office level.

The Special Agent in Charge of every FBI field office is responsible for the use of the manpower in his office. He has the authority to deploy specially trained personnel as necessary. Our Apprehension Teams, which have as their objectives the enforcement of laws within our jurisdiction and the protection of lives, may be used in FBI cases in which the risk of danger to human life is greater than normal. When we have jurisdiction, the decision of how best to respond is ours alone. We do not anticipate any conflict with state or local law enforcement agencies in this regard.

By "black bag" operations I assume you mean surreptitious entries. Since the matter is being reviewed by the Department of Justice, it would be inappropriate for me to discuss it.

Sincerely yours,

/s/ Clarence M. Kelley

Clarence M. Kelley
Director

- 2 -

TRUE COPY

Congress of the United States
House of Representatives

RONALD V. DELLUMS, 7TH DISTRICT, CALIFORNIA

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

December 5, 1975

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

Dear Director Kelley:

On September 29, 1975 I wrote to you requesting additional information regarding the operation of the Berkeley Field Office of the Bureau.

To this date my records reflect that I have not received a reply to that inquiry. I would appreciate your forwarding such a reply to my office as expeditiously as is possible.

I thank you for your cooperation.

Sincerely yours,

Ronald V. Dellums
Ronald V. Dellums
Member of Congress
7TH DISTRICT (CALIFORNIA)
RVD/hlh

RECEIVED
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Hck let
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ATT:dkg

Mr. Kelley
12-25-75
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Director Sec'y ☒

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EX-100
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REC 67 62 116 427 236

DEC 12 1975

FOIA

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. J. B. Adams

FROM : Legal Counsel *JMA*

SUBJECT: HOUSE SELECT COMMITTEE ON
INTELLIGENCE ACTIVITIES

1 - Mr. Mintz
1 - Mr. Cregar
1 - Mr. Hotis
DATE: 12-10-75
1 - Mr. Daly
1 - Mr. Miller

Assoc. Dir. _____
Dep. AD Adm. _____
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On 12-10-75 the House Select Committee heard testimony from Roger Fischer (phonetic), Professor of Law, Harvard University; former Attorney General Nicholas deB. Katzenbach; and McGeorge Bundy. The major topic of discussion was covert operations abroad.

Of particular interest to the Bureau was a question by Representative Morgan Murphy to Mr. Katzenbach. Mr. Murphy asked what Mr. Katzenbach would recommend in the way of controls of the FBI other than Congressional oversight. Katzenbach suggested limiting the term of the Director, tightening electronic surveillance legislation, requiring specific authorization to investigate groups and creating administrative or legislative procedures which would grant the Attorney General more power to review FBI activities; for example, giving a prosecuting Government attorney access to FBI files.

Congressman Murphy asked if the FBI requested local police departments to conduct illegal wiretaps and thereafter received from the local police information gained from those taps. Katzenbach responded that he did not know the answer to that question. He said he suspected it took place, but the FBI never told him about that. Later, Congressman Philip Hayes asked Katzenbach, in effect, if he suspected it took place why he didn't do something. Katzenbach responded that on occasion he did make inquiry but the FBI told him it was not done. Katzenbach stated one should remember the Attorney General, of necessity, treated J. Edgar Hoover with kid gloves.

The prepared statements of Mr. Katzenbach and Mr. Bundy are attached.

RECOMMENDATION:

For information.

ENCLOSURE

Enclosures
JDM:dkg (7)



Statement by McGeorge Bundy
House Select Committee on Intelligence
December 10, 1975

Mr. Chairman:

It is a pleasure to respond to your invitation to appear before this Committee for a general discussion of the disadvantages and advantages of covert operations conducted by the Central Intelligence Agency. In this brief opening statement I confine myself to a few propositions. I have stated them without detailed defense and elaboration, and often in quite tentative form, because I believe the questions presented are not simple and the answers that will be right in the future are not easy to determine sharply today. Moreover, like many other citizens I am still learning from the extraordinary revelations of recent months; it has been particularly painful to learn for the first time of many things that happened while I was myself in government. I should also emphasize that for nearly ten years I have been unconnected with this field and have seen to it that there was no connection whatever between the Ford Foundation and any secret government agency.

This statement does not address particular episodes, except for a few that are clearly on the record already, and for two contrasting reasons. Those which I did know about in government are not matters which I yet feel free to discuss publicly in detail, and those which have happened at other times are matters on which I do not have first-hand or authoritative knowledge. In any case I think it may be more useful for your purpose to try to suggest a limited number of broad notions.

62-116464-235

ENCLOSURE

First and foremost, the general presumption, in considering covert action, should in peacetime be against it. To put the point sharply, the general record of the last twenty years suggest that only too often the covert activities of the United States government have cost us more than they were worth. There are notable exceptions, and they may give some guidance as to the kinds of exceptions which may be wise in the future, but the general proposition seems to me a strong one.

This proposition, if it is correct, has a very important consequence for the management and control of such operations. While in principle it has always been the understanding of senior government officials outside the CIA that no covert operations would be undertaken without the explicit approval of "higher authority," there has also been a general expectation within the agency that it was its proper business to generate attractive proposals and to stretch them, in operation, to the furthest limit of any authorization actually received. Indeed, as we now know, there have been cases, notably in assassination plotting, in which activities have gone far beyond any known authorization. I believe that these such inexcusable and unauthorized actions will not be repeated soon, and I think it is important to recognize that internal corrective action was taken well before recent revelations. But the general disposition toward activism in the operational offices of the CIA is another matter, and it is this general disposition that I think could be significantly constrained by a recognized and general presumption that covert operations are entirely out of order except when they have explicit and exceptional authorization.

Nor do I think it necessarily true that an explicit recognition of the exceptional character of such operations would reduce their value and quality in

cases in which they were in fact authorized. On the contrary, I think a CIA with a much smaller and leaner covert intelligence capability could easily have greater specific effectiveness in its exceptional operations than the very large and over-staffed enterprise developed in the last generation.

The kinds of exceptions which might justify occasional covert operations are not numerous, and can be grouped under a few major headings.

(1) In time of open warfare, the case for covert activities is significantly strengthened. There is still good reason to be wary in authorizing such activities, but the fact remains, when there is open conflict, that the balance of the argument over special secret operations shifts. In an unpopular and divisive war like Vietnam, it will be dangerous to exaggerate the meaning of this shift, but the historical and logical case for this exception is strong.

(2) A critically important need for intelligence collection can justify special operations that would otherwise be undesirable. The early missions of the U-2 over the Soviet Union and the special missions authorized over Cuba just before the Cuban missile crisis are excellent examples. The messy handling of the U-2 shoot-down of 1960 is a separate matter with its own lessons, but the strategic arms race of the 1950s and the Cuban missile crisis of 1962 would have been enormously more dangerous without covert intelligence overflights.

Intelligence collection is often separated from covert operations in the thinking of intelligence administrators and other concerned officials. I think this distinction, like the parallel distinction in the field of counterintelligence, deserves re-examination. Both intelligence collection and counterintelligence have involved covert activity which goes well beyond conventional espionage and counter-espionage, and such enlargements of activity often present many of the same dangers as covert actions of other sorts. The massive mail intercepts conducted in the name of counterintelligence are an excellent example of an abuse which would have been much less likely to occur if it had been adequately constrained by a plain requirement of approval from "higher authority."

(3) It is at least worth consideration whether there may not be need for some highly secret activity in emerging fields like those of international terrorism and nuclear danger. I do not know enough about these subjects to know what could or should be done, but I do not believe we can assert with complacency that there is no need for such work here that might go beyond intelligence collection. I find it hard to exclude the possibility that in these fields situations could arise in which covert action of some sort would be the least evil choice available.

(4) It is not always wrong to give covert financial support to beleaguered democrats in countries where the continuing right of political choice is directly threatened by extremists of either the right or left. This is a sensitive and difficult area, and it is understandable that when excessive and heavy-handed intervention seems to be conducted in ways which assist only right-wing authoritarians, covert political action should get a bad name. But that is not the whole of our historical record, and I believe that heavy external support given by others for anti-constitutional totalitarians can legitimate support for genuinely democratic and constitutional forces.

The hardest cases in this category are those of appeals for help from political groups which are out of power and fear that constitutional and democratic process may be extinguished by the existing regime. Our experience in such anguishing cases suggests that it is not easy to make a genuinely constructive response in such situations. I conclude that there is a heavy burden of proof on those that would support the opposition in such situations, but I do not find this a happy conclusion.

In concluding let me suggest briefly certain general standards which ought to be met under all of the four kinds of exceptions I have suggested.

First, no operation should ever be covert if in fact it can be as effectively conducted in the open. Moreover, the justification for covertness must always be sought in the international situation and not in any hesitations about public or Congressional opinion in the United States. An overflight should be kept private primarily because its public announcement is so painfully embarrassing to the

country which is overflown. A political subsidy, if and when justified on other grounds, can merit covertness only if that is important to its effectiveness on the scene -- never because disclosure would be troubling at home.

The second general standard is the converse -- that a covert operation should never be authorized unless in fact it can be persuasively defended to the American public and to the Congress if it is exposed. I should note that this proposition is almost the opposite of the traditional doctrine of "plausible denial." Here the mistakes over the U-2 shoot-down are instructive. If from the first day of that affair the administration had explained what had happened and why the flights were authorized in the first place, it would have had much less trouble both here and abroad. The case of the U-2 flights over Cuba is still more striking, for here the evidence obtained from the flights was published to the world within weeks, and that evidence in itself provided complete and persuasive justification for the overflights. We will have fewer but better covert operations if all those who authorize them ask themselves severely how they will defend them to the American public and to the world in event of exposure.

Finally, it is my belief that the initiative in considering covert operations should be held firmly in the hands of political leaders and not operational activists. The government should not be in a position in which there is constant pressure from large and zealous operational bureaus to make use of any and all of their alleged capabilities. Nor should there be indulgence in the pretense that covert operations can readily substitute for more visible forms of action. They are limited instruments, and the attempt to stretch them beyond their limited usefulness is usually both ineffective and costly.

STATEMENT OF
NICHOLAS deB. KATZENBACH
BEFORE
THE SELECT COMMITTEE ON INTELLIGENCE

HOUSE OF REPRESENTATIVES

December 10, 1975

ENCLOSURE

62-116464-235

Mr. Chairman and Members of the Committee:

The fundamental problem with covert activities in support of foreign policy objectives is, of course, the fact that they are covert. Their success depends upon their secrecy.

And that simple proposition raises the central question for this Committee: in a society which depends on a high degree of freedom of information to control the activities of government, is it possible to exercise political control over covert activities abroad? Is it possible to hold an agency charged with such responsibilities accountable in our political system?

As obvious as that point is, it is easy to lose sight of in the spate of revelations about covert activities of the past conducted by the Central Intelligence Agency. Public debate sometimes seems to focus on the merits or demerits of a particular CIA action; on the judgments exercised by those conducting such activities, and on the morality of some techniques, or even on the question of whether or not we should covertly interfere in foreign political processes at all.

I start from the premise that some of our covert activities abroad have been successful, valuable in support of a foreign policy which was understood and approved by the electorate and Congress, and that situations may

well arise in the future--and may even exist today--where our capacity to conduct appropriate covert activities could be an important adjunct to our foreign policy and to stability in the world. I also start from the premise that some of our covert activities abroad have not been successful, and have been wrong and wrongheaded. In some cases we have grossly overestimated our capacity to bring about a desirable result and have created situations unintended and undesirable. And, from recent revelations, I would conclude that at least some of the ideas seriously considered were plainly wild and irresponsible.

Secondly, I would like to make it clear that I believe that covert means for collecting intelligence abroad are indispensable. When, in my 1973 article in Foreign Affairs, I said I would be prepared to give up all covert activities, I excepted from that statement covert activities designed to gain intelligence. There is a clear conceptual distinction between activities designed to gain intelligence, and activities designed to influence political acts directly. But I do not think that line is easy to draw in factual circumstances, and I think my article was somewhat glib in giving the impression that it could be.

At any given time the extent of covert activity designed to influence political conditions in another country is very much a function of how one views the world and the role of the United States in it. Thus for a quarter

century after World War II the commonly-held American perception of a competitive struggle with the Soviet Union everywhere dominated our foreign policy. Both the United States and the Soviet Union were anxious to extend their influence as far as possible. Both countries employed overt and covert means to do so. Each country had the aim of installing and preserving in power governments favorably oriented to themselves; and the United States was extremely active in preventing Communist governments from taking over Third World countries. Because we are an open society we made far more use of open techniques, such as economic and military aid, than we did of covert activities. Nonetheless it is my strong impression that since 1960 we have been making a major effort to wind down many of our covert activities, despite the recent revelations concerning Cuba, the Dominican Republic, and, of course, Chile.

Phasing down both our overt and our covert activities is a direct reflection of our changing world and a changing foreign policy. The countries of Europe and Japan have regained economic strength, and the potential of world Communism for Soviet domination has been fractionated by the growth of nationalism and the reemergence of China. I do not mean to sound sanguine in this respect. Nobody can look at Portugal today, the potential in Spain, the growth of the Communist Party in Italy, and the general decline of Christian Democrats throughout Europe without feeling some measure of concern. We will be faced for some time with the problems caused by the radical elements in the Arab world, and there is much turmoil in S. E. Asia as a result of the collapse of Vietnam.

I wrote in 1973 that I thought the time had come to abandon all covert activities (other than intelligence) designed to influence political results in foreign countries. That is still my position today. But I arrive at it reluctantly and with the belief that there are covert activities which are proper, useful, and moral. I do not think it is an easy conclusion to arrive at. Perhaps it is not even a wise one.

I arrive at this conclusion for a number of reasons, all involving judgments which the Committee may not share with me.

First, I believe the revelations of Watergate and of the recent investigations into the intelligence activities of the CIA and the FBI have created a great mistrust by the people of the United States in their government. Unless one feels that the loss is greater than I would estimate it to be, I think abandoning secret activities abroad would help to restore public confidence in government in this country.

Second, I think the public revelation of past CIA activities, while essential to restoring confidence in government in this country, has done much to destroy the CIA's capacity successfully to conduct covert activities abroad. Further, unless we formally abandon them, I suspect we will get blamed for even more things which we have not done in the future than has been the case in the past. Given that situation, the game may not be worth the candle.

Third, I think we need to put our energies into formulating and articulating a foreign policy for the next several years which can command public consensus and public support. We simply do not have that today and I think it is important that we should. Not only do I believe covert activities are particularly dangerous when there is not broad support for the foreign policy which they serve, but I fear that the emotional issues involved in covert activities will tend to detract from and confuse proper public debate as to what our foreign policy should be. If we can achieve that consensus, and it is a clear one, then perhaps at some future date we could consider the possibility of covert activities in its support with such controls as we can devise. But in the interval I think they should be suspended.

Fourth, I have the feeling from recent revelations that secrecy becomes a source of power and a factor in misjudgment. Control over relatively large resources, unconstrained by the knowledge and views of many of one's peers, is itself a dangerous situation in a political democracy.

I do not wish to be understood as saying that I do not believe that there are not some steps the Congress could take which would alleviate some of the problems which have occurred in the past. It could, for example, forbid any U. S. involvement in the assassination of foreign political leaders; forbid any U. S. involvement in directly providing weapons to any non-governmental group abroad -- though it cannot probably effectively assure that money provided may not in fact be spent for those purposes. It could

insist on far tighter control in the Executive Branch of covert activities aimed at influencing political decisions abroad, and insist upon review, with written record, of all such activities at a very high level of government, together with an appraisal of their success or failure. And it could provide for review at specified periods -- perhaps every four or five years -- by an appropriate Congressional committee.

I believe procedures of this kind would be helpful in bringing matters under control. I believe they would have the desirable effect of reducing clandestine activities, and channelling these into what I would regard as the more desirable and legitimate areas; for example, helping to fund activities on the part of local groups designed to express diversity of opinion within a relatively closed society.

What I do not know -- and the Committee must judge -- is whether or not steps of this kind are adequate to deal with the problems of secrecy in the circumstances of today.

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

DEC 18 1975

TELETYPE

NR 001 BA CODE

1125AM NITEL 12-18-75 BL

TO: DIRECTOR (62-116464)

FROM: BALTIMORE (66-3127)

HOUSE STUDY 75.

REBUNTEL 12-15-75.

THE FOLLOWING FORMER FBI EMPLOYEES WERE CONTACTED
12-16-75, AS INSTRUCTED IN RETEL: PAUL F. O'CONNELL, JR.,
POTOMAC, MARYLAND; VICTOR TURYN, ELLICOTT CITY, MD.; AND
THOMAS FARROW, MARIOTTSTVILLE, MD.

MR. O'CONNELL AND MR. TURYN ADVISED THEY HAD NOT
BEEN CONTACTED IN CONNECTION WITH THE U. S. RECORDING
COMPANY; HOWEVER, MR. FARROW ADVISED HE WAS CONTACTED
BY TWO STAFF INVESTIGATORS OF THE HOUSE SELECT COMMITTEE
ON 12-8-75.

MR. FARROW RELATED THAT THESE INDIVIDUALS WERE
INTERESTED IN THE KNOWLEDGE HE POSSESSED CONCERNING THE
BLUE RIDGE ROD AND GUN CLUB AT HARPERS FERRY, WEST VIRGINIA.
HE ADVISED HE INFORMED THESE INDIVIDUALS THAT HE WOULD
END PAGE ONE

12-18-75

DEC 5 1975

BL

84 MAR 23 1976

Assoc. Dir.	_____
Dep.-A.D.-Adm.	_____
Dep.-A.D.-Inv.	_____
Asst. Dir.:	_____
Admin.	_____
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Files & Com.	_____
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Spec. Inv.	_____
Training	_____
Legal Coun.	_____
Telephone Rm.	_____
Director Sec'y	_____

REC-100

62-116464-2348

DEC 23 1975

LEGAL COUNSEL

Tef

PAGE TWO

BA 66-3127

DISCUSS ANY SOCIAL ACTIVITY IN WHICH HE PARTICIPATED AT THIS CLUB BUT IN CONNECTION WITH ANY OFFICIAL DISCUSSION CONCERNING THE U. S. RECORDING COMPANY HE WOULD BE OBLIGATED TO CHECK WITH FBIHQ BEFORE ANY DISCUSSION COULD BE HAD.

MR. FARROW STATED HE ASKED THE INVESTIGATORS WHY THE INQUIRY WAS BEING MADE AND THEY SAID THEY WERE CHECKING JUST TO SEE IF THERE HAD BEEN ANY IMPROPRIETIES.

THE THREE FORMER EMPLOYEES ADVISED THAT SHOULD THEY BE CONTACTED BY THE HOUSE SELECT COMMITTEE CONCERNING ANY KNOWLEDGE THEY POSSESSED PERTAINING TO FBI PURCHASING PRACTICES WITH THE U. S. RECORDING COMPANY, THEY WOULD IMMEDIATELY CONTACT THE LEGAL COUNSEL OFFICE IN BUREAU HEADQUARTERS.

END

DLS FBIHQ ACK

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

DEC 17 1975

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Assoc. Dir. _____
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Director Sec'y _____

NR004 TP PLAIN

4:35PM NITEL DECEMBER 17, 1975 JFD

TO DIRECTOR, FBI (62-116464)

CLEVELAND

FROM TAMPA - (66-721)

HOUSE STUDY 75.

RE BUREAU NITEL, DECEMBER 15, 1975 AND CLEVELAND NITEL,
DECEMBER 16, 1975.

C. Q. SMITH IS PRESENTLY IN ALABAMA ATTENDING FUNERAL
SERVICES OF A RELATIVE AND IS DUE TO RETURN TO ST. PETERSBURG
THIS WEEKEND. HE WILL BE CONTACTED UPON HIS RETURN.

AL ROSEN WAS CONTACTED AND STATED HE WILL BE IN
ST. PETERSBURG AREA UNTIL JANUARY 1, 1976 AND WILL THEN RETURN
TO AKRON BY POA. HE WAS ADVISED OF THE INFORMATION CONTAINED
IN REFERENCED BUREAU NITEL.

END

ST-110

REC-9

62-116464-234

15 DEC 23 1975

LEGAL COUNSEL

79 JAN 7 1976

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

DEC 16 1975

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Legal Coun.	_____
Telephone Rm.	_____
Director Sec'y	_____

NR 005 CO PLAIN

4:19PM NITEL DEC. 16, 1975 RAA

TO: DIRECTOR (62-116464)

FROM: COLUMBIA

HOUSE STUDY 75.

REBUNITEL 12/15/75.

FORMER ASSISTANT DIRECTOR ODD T. JACOBSEN CONTACTED TO
AND ADVISED OF INFORMATION SET FORTH IN RENITEL. MR. JACOBSEN
STATED HE WOULD BE IN MINNEAPOLIS DIVISION FROM DECEMBER 19
THROUGH DECEMBER 29, 1975, AND COULD BE CONTACTED IN CARE OF
THE MINNEAPOLIS OFFICE. HE WILL BE RETURNING TO HILTON HEAD
ON DECEMBER 30, 1975.

END

PLS ACK FOR THREE

REC-9

62-116464-233

DEC 31 1975

79 JAN

7 1076

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Walsh

DATE: 12/9/75

FROM : G. S. McMichael

SUBJECT: INTERVIEW - PIKE COMMITTEE

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 _____

Today I was interviewed by Mr. Timothy Oliphant from the Pike Committee in the presence of SA Dennis Miller, Legal Counsel Office. I did not take notes during the interview and the following questions and answers are from memory:

Q. How long have you known Mr. Tait?

A. From the early fifties.

Q. Has the Bureau purchased confidential equipment other than from U. S. Recording Company?

A. Yes.

Q. How do you know what equipment should be purchased through a "cut-out"?

A. The decision is determined by the Laboratory and is so set forth on the requisitions.

7 JAN 22 1976

Q. Who in the Laboratory makes the decision that the equipment should be purchased through a "cut-out"?

A. The request received by the Administrative Division comes from the Assistant Director's Office of the Laboratory.

Q. Who in the Bureau determines whether or not the price is in line when purchasing through a "cut-out"?

A. The Administrative Division depends upon the Laboratory to advise when the price is out-of-line.

GSM/sam

1 - Mr. Paul Daly

1 - Mr. W. O. Cregar

(OVER)

84 JAN 29 1976

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

Memo McMichael to Walsh
Re: Interview - Pike Committee

Q. Did Mr. Tait spend lots of time in Mr. Mohr's office?

A. Not to my knowledge.

Q. Did Mr. Tait spend lots of time in the Laboratory?

A. Not to my knowledge.

Q. Do you know about any confidential papers being taken to Harper's Ferry to be destroyed?

A. Absolutely not.

Q. Have you ever been out socially with Mr. Tait?

A. Yes. I have had lunch with others when Mr. Tait was present.

Q. Did you ever see Mr. Tait pickup the bill?

A. Not to my knowledge.

Q. Did any non-Government employees, present or former, other than Mr. Tait and Mr. Oberdick play cards in the group at Harper's Ferry?

A. Not that I recall.

Q. Who invited you to play?

A. Mr. J. P. Mohr.

Q. Did you pay?

A. Yes. \$35.00

Q. When purchasing items from Mr. Oberdick, what method is used?

A. Mr. Oberdick's company is not used as a "cut-out". He quotes on items the same as other companies. Sometimes he is low and sometimes he is high.

Memo McMichael to Walsh
Re: Interview - Pike Committee

Q. Is Mr. Oberdick ever given preferential treatment over other companies?

A. Absolutely not.

Q. Are the majority of purchases made by the FBI taken from GSA contracts?

A. Yes.

Mr. Oliphant also asked if he could have the total amount in dollars paid to U. S. Recording, broken down by Fiscal Year. Breaking out what was confidential and what was GSA schedule. Mr. Miller asked him if he would confirm this in writing and he responded yes. I also asked for what period of time and he replied as far back as possible.

RECOMMENDATION:

None. For your information.

A handwritten signature, possibly "JW", in dark ink.

UNITED STATES GOVERNMENT

Memorandum

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

TO : Mr. J. B. Adams

DATE: 12/8/75

FROM : Legal Counsel *JMM*

1 - Mr. Hotis
1 - Mr. Daly

SUBJECT: HOUSTUDY

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

Staff Member Richard Vermeire of the House Select Committee requested that the following former Bureau personnel be made available for interview by Staff Members of that Committee concerning any knowledge they may possess pertaining to the Bureau's purchasing practice with the U.S. Recording Company:

Former Executive Assistant to the Associate Director
Rufus Beaver;
Former SAC Thomas Farrow;
Former Assistant Director James Gale;
Former SA William Goodwin; (*W. JARVIS Goodwin*)
Former Assistant Director Odd T. Jacobson;
Former Inspector Norman McDaniel;
Former Inspector Donald E. Moore;
Former Deputy Assistant Director Paul O'Connell;
Former Assistant to the Director Al Rosen;
Former Assistant Director William Sawyers; (*SOYERS*)
Former SA C. Q. Smith;
Former SAC Victor Turyn; and
Former Assistant Director Leonard M. Walters.

The Intelligence Division has been orally advised of this request.

1 - Personnel File - Rufus Beaver EX-112,
1 - Personnel File - Thomas Farrow
1 - Personnel File - James Gale
1 - Personnel File - William Goodwin REC-962 - *10- [Signature] (int)*
1 - Personnel File - Odd T. Jacobson
1 - Personnel File - Norman McDaniel
1 - Personnel File - Donald E. Moore
1 - Personnel File - Paul O'Connell
1 - Personnel File - Al Rosen
1 - Personnel File - William Sawyers
1 - Personnel File - C. Q. Smith
1 - Personnel File - Victor Turyn
1 - Personnel File - Leonard M. Walters

DEC 29 1975

5-75
LEGAL COUNSEL

RECOMMENDATIONS - OVER

PVD:lad (20)

Legal Counsel to Mr. Adams
RE: HOUSTUDY

RECOMMENDATIONS:

(1) That the aforementioned former Bureau personnel be released from any existing employment agreement for purposes of Staff interview by the House Select Committee concerning their knowledge of the Bureau's purchases from the U.S. Recording Company.

(2) That the Intelligence Division determine the last known addresses of former Bureau personnel as contained in Bureau files and insure that the former personnel are alerted to the fact that they may be contacted by representatives of the House Select Committee.

*Teletype to AX, BA, CG, CV, CO, TP & WFO 12/15/74
to alert those individuals as indicated by HSC. TJA*

(3) That the Legal Counsel Division will orally furnish the last known residence of the aforementioned former personnel.

*Veronica Adams
in person*

OK
JTB
JTB/PRD
11/10

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. J. B. Adams

FROM : Legal Counsel

SUBJECT: HOUSTUDY

1 - Mr. Mintz
1 - Mr. Bassett
1 - Mr. Cochran
DATE: 12/8/75
1 - Mr. Wannall
1 - Mr. Cregar
1 - Mr. Hotis
1 - Mr. Daly

Assoc. Dir. _____
Dep. Asst. Dir. _____
Dep. Asst. Inv. _____
Asst. Dir.: _____
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Training _____
Telephone Rm. _____
Director Sec'y _____

On 12/4/75, Richard Vermeire, Staff Member of the House Select Committee, requested that the Bureau determine whether it would be possible for the House Select Committee to review the records of the U.S. Recording Company unexcised in the office of the U.S. Recording Company. Vermeire stated it was not possible because of the excisions made on those records by the Bureau for the House Select Committee to make a thorough review of same. Vermeire interposed no objection to a Bureau representative being present during that review and, in fact, thought it would be useful.

On the instructions of Assistant Director John A. Mintz, SA Paul V. Daly of this Division contacted Attorney Brian Gettings who is representing Mr. Joseph Tait to determine whether he interposed any objection to the Bureau making available the U.S. Recording Company records for review in Bureau space by representatives of the House Select Committee. Mr. Gettings stated he had no objection to this arrangement.

The House Select Committee will be advised on 12/8/75 that the Bureau will make available for review U.S. Recording Company records in Bureau space.

RECOMMENDATION :

For information.

DEC 29 1975

PVD: lađ
(9.)



1 - Mr. Adams
1 - Mr. Mintz
1 - Mr. Gallagher
1 - Mr. Wannall
1 - Mr. O'Connell
1 - Mr. Cooke
1 - Mr. Sheer

The Attorney General

December 2, 1975

Director, FBI

U. S. HOUSE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES (HSC)

On November 18, 1975, Assistant to the Director-
Deputy Associate Director James B. Adams, Assistant Director
W. Raymond Wannall, and other representatives of the FBI
appeared in open hearings before the HSC, chaired by
Congressman Otis G. Pike.

During the hearings Robert W. Hardy, a former Bureau
informant, appeared and furnished a statement to the HSC in
which he made certain allegations against the FBI. As my
representatives had not had the opportunity to review and com-
ment on Mr. Hardy's statement, the HSC asked that we do so and
submit our observations for inclusion in the official record of
the hearings.

Enclosed for your approval and forwarding to the HSC
is a letterhead memorandum (LHM), with enclosures, in response to
Mr. Hardy's statement.

A copy of this LHM, with enclosures, is being furnished
for your records.

Enclosures (6)

62-116464

EX-115

REC-9

62-116464-230

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

DEC 29 1975

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

FJC:cap
(11)

ENCLOSURE

*See Serial
197 for
Attachments*

John

gsc

JAM/HM

MAIL ROOM ☐ TELETYPE UNIT ☐

1 Mr. Adams
1 Mr. Mintz
1 - Mr. Gallagher
1 - Mr. Wannall
1 - Mr. O'Connell
1 - Mr. Cooke
1 - Mr. Sheer

62-116464

December 2, 1975

RE: STATEMENT OF ROBERT W. HARDY
BEFORE THE HOUSE SELECT
COMMITTEE ON INTELLIGENCE
NOVEMBER 18, 1975

On Tuesday, November 18, 1975, Robert W. Hardy appeared before the House Select Committee (HSC) dealing with the subject matter of intelligence activities and made a statement concerning his performance as an informant for the FBI. In this statement, Mr. Hardy made certain allegations against the FBI which are set out below with appropriate responses.

The attached pages set out each of Mr. Hardy's allegations which are excerpts from his testimony. Each allegation is followed by a refutation. Except where specifically noted, these responses to Mr. Hardy's allegations are excerpted from the FBI report of Special Agent Michael M. Ryan at Philadelphia dated November 18, 1971, entitled, "Camden Action; Jayma Ann Abdoo; Et Al." This report is a chronological compilation of debriefings prepared following the daily meetings of Hardy with the FBI Agents assigned as his contacts. The report is attached. The refutations of Mr. Hardy's testimony are, therefore, in the main taken from his own contemporary reports to the FBI.

Enclosures (2)

TLS:nm/cap. *h*
(10)

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____

NOTE:

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Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

See memo Cooke to Gallagher dated 11/26/75 captioned,
"U. S. House Select Committee on Intelligence."

Jim *HC* *[Signature]*

MAIL ROOM ☐

TELETYPE UNIT ☐

ENCLOSURE

62-116464-230

GPO : 1975 O - 569-920

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.)

2. DATE PROVIDED

DOCUMENT

BRIEFING

INTERVIEW

TESTIMONY

☒

OTHER

12/2/75

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

SSC

☒

HSC

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

Memorandum and enclosures

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

NA

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

U

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

review, hearings

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

Statement of Robert W. Hardy before the HSC 11/18/75 concerning
his performance as an informant for the FBI. Setting forth
the allegations by Hardy and the FBI responses to these
allegations.

62-116464

FMK:fmk

(4)

ORIGINAL VIA LIAISON TO CENTRAL COMMUNITY INDEX
IN CONNECTION WITH HOUSTUDY

TREAT AS YELLOW

5-10-75

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.

5-140 (Rev. 1-21-74) FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D. C. 20535

House Select Committee

Addressee:

☐ LTR ☒ LHM ☐ Memo ☐ Report dated 11/28/75

Caption of Document: Re hearings held 11/18/75. Info set forth is in response to specific questions raised during hearings.

FBI

Originating Office:

Delivered by:

Date:

Received by:

Title:

Return this receipt to the Intelligence Division, FBI

ENCLOSURE

62-116464-230

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. J. B. Adams

DATE: 11-20-75

FROM : Legal Counsel

SUBJECT: ALLEGATIONS OF SOVIET
PENETRATIONS ON CAPITOL HILL
INTERNAL SECURITY - RUSSIA

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 _____

Reference of memorandum of 11-10-75 from Mr. Branigan to Mr. Wannall concerning inquiry from Congressman Otis G. Pike, Chairman of the House Select Committee on Intelligence, requesting information regarding "alleged and confirmed" incidents of Soviet-bloc penetrations of congressional staffs.

Per instructions by Mr. Adams, Inspector Bowers met with Senator James O. Eastland on 11-18-75 and advised him of this inquiry from Congressman Pike since a former employee of the Senator's, one Kenneth R. Tolliver, was involved with the Soviets while working for the Senator. Senator Eastland was told that while we had confirmed to Congressman Pike the existence of one incident wherein a member of a congressional staff had furnished information to hostile intelligence agents obtained through his congressional employment, we had declined to identify any of the parties involved since this would infringe the privacy of others. Senator Eastland expressed appreciation for our having informed him of this matter and asked that he be kept currently informed of future pertinent developments.

Senator Eastland advised that he had received a letter from Congressman Pike recently requesting that members of the House Select Committee on Intelligence staff be allowed access to the files of the Senate Subcommittee on Internal Security, which Senator Eastland chairs. He said the letter indicates the staff would be interested in organizations and individuals on lists maintained by the Subcommittee, and also inquired about the FBI's relations with the Subcommittee. Senator Eastland said that he had determined the letter was sent without Congressman Pike's knowledge or approval; hence, he (Senator Eastland) will ignore it.

RECOMMENDATION:

For information.

1 - Mr. Adams

1 - Mr. Moore

1 - Mr. Cregar

1 - Mr. Hotis

1 - Mr. Mintz

1 - Mr. Wannall

1 - Mr. Branigan

1 - Mr. Bowers



DEC 31 1975
(10)

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

LEGAL COUNSEL

ms/pdw

PLAINTEXT

TELETYPE

NITEL

2 - Mr. A. Mintz
(1 - Mr. J. B. Hotis)

1 - Mr. H. N. Bassett
1 - Mr. W. R. Wannall
DECEMBER 15, 1975
1 - Mr. W. O. Cregar
1 - Mr. T. J. McNiff

TO SACS ALEXANDRIA
BALTIMORE
CHARLOTTE
CLEVELAND
COLUMBIA
TAMPA
WFO

FROM DIRECTOR FBI (62-116464)

HOUSTUDY 75.

select

THE HOUSE SELECT COMMITTEE (HSC) HAS INDICATED DESIRE TO
INTERVIEW CERTAIN FORMER BUREAU EMPLOYEES CONCERNING ANY
KNOWLEDGE THEY MAY POSSESS PERTAINING TO THIS BUREAU'S PURCHAS-
ING PRACTICE WITH U. S. RECORDING COMPANY. LISTED BELOW ARE
THE NAMES OF THE FORMER EMPLOYEES CONCERNING WHOM HSC HAS
EXPRESSED AN INTEREST AS WELL AS THE LAST KNOWN ADDRESS OF
EACH INDIVIDUAL AS IT APPEARS IN HIS PERSONNEL FILE: RUFUS R.
BEAVER - 326 EAST STADIUM DRIVE, EDEN, NORTH CAROLINA 27288;
THOMAS FARROW - 9319 MEADOW HILL ROAD, ELLICOTT CITY, MARYLAND
21043; JAMES H. GALE - 3307 ROCKY MOUNT ROAD, FAIRFAX,
VIRGINIA-- HOME PHONE 273-1661, OFFICE PHONE 591-2151;

JA

REC-7 62-116461-228

- 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 _____

TJM:1hb/1hb
(8)

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

SEE NOTE PAGE 3

DEC 15 1975
TELETYPE
950P

TJM

MAIL ROOM ☐

TELETYPE UNIT ☐

PAGE TWO 62-116464

WILLIAM JARVIS GOODWIN - 1301 SOUTH SCOTT STREET, ARLINGTON,
VIRGINIA 22204 - HOME PHONE 920-2754; ODD T. JACOBSEN -
77 BATTERY ROAD, HILTON HEAD ISLAND, SOUTH CAROLINA 29928;
NORMAN MC DANIEL - 7103 SEA CLIFF ROAD, MC LEAN, VIRGINIA
22101; DONALD E. MOORE - 505 CROWN VIEW DRIVE, ALEXANDRIA,
VIRGINIA 22314 - HOME PHONE 751-0327; PAUL F. O'CONNELL, JR. -
2417 STRATTON DRIVE, POTOMAC, MARYLAND - HOME PHONE 424-2585;
AL ROSEN - 55 FIR HILL TOWERS NORTH; AKRON, OHIO 44304;
C. Q. SMITH - 2061 HAWAII AVENUE NORTHEAST, SAINT PETERSBURG,
FLORIDA 33703 - HOME PHONE 522-6597; WILLIAM B. SOYARS -
12019 GREYWING SQUARE, RESTON, VIRGINIA - HOME PHONE 860-4055;
VICTOR TURYN - 2645 TURF VALLEY ROAD, ELLICOTT CITY, MARYLAND;
LEONARD.M. WALTERS - 1303 MACBETH STREET, MC LEAN, VIRGINIA -
HOME PHONE 356-1464.

RECIPIENTS ARE REQUESTED TO CONTACT THE ABOVE-LISTED
INDIVIDUALS RESIDING IN THEIR RESPECTIVE AREAS AND ADVISE
THEM OF THE ABOVE-STATED HSC INTENTION. EACH INDIVIDUAL SO
CONTACTED SHOULD BE INSTRUCTED THAT WHEN AND IF CONTACTED BY
THE HSC THEY SHOULD, BEFORE SUBMITTING TO INTERVIEW,
TELEPHONICALLY CONTACT THE OFFICE OF LEGAL COUNSEL AT BUREAU

PAGE THREE 62-116464

HEADQUARTERS COLLECT TO SECURE RELEASE FROM THEIR EMPLOYMENT AGREEMENT AND TO ASCERTAIN PARAMETERS WITHIN WHICH INTERVIEW MAY BE CONDUCTED. ADVISE HEADQUARTERS SHOULD DIFFICULTY BE ENCOUNTERED IN CONTACTING ABOVE-LISTED INDIVIDUALS.

NOTE:

Memorandum from Legal Counsel to Mr. J. B. Adams dated 12/8/75, captioned "Houstudy," secured approval of the Director for HSC interview of the above-listed individuals.

2 - J. A. Mintz
(1 - Mr. J. B. Hotis)

PLAINTEXT

TELETYPE

1 - Mr. H. N. Bassett
1 - Mr. W. R. Wannall

TO SAC WFO

FROM DIRECTOR FBI (62-116464) - 227

HOUSTUDY 75.

DECEMBER 24, 1975
1 - Mr. W. O. Cregar
1 - Mr. T. J. McNiff

THE HOUSE SELECT COMMITTEE (HSC) HAS INDICATED DESIRE TO INTERVIEW FORMER ASSISTANT DIRECTOR FRANK WAIKART CONCERNING KNOWLEDGE HE MAY POSSESS PERTAINING TO THE BUREAU'S PURCHASING PRACTICE WITH U. S. RECORDING COMPANY. PERSONNEL FILE OF WAIKART LISTS HIS LAST KNOWN HOME ADDRESS AS OF 1972 TO BE 3715 WELTHAM STREET, SOUTHEAST, WASHINGTON, D. C. 20023.

WFO IS REQUESTED TO CONTACT WAIKART AND ADVISE HIM OF ABOVE-STATED HSC INTENTION. HE SHOULD BE INSTRUCTED THAT WHEN AND IF CONTACTED BY THE HSC HE SHOULD, BEFORE SUBMITTING TO INTERVIEW, TELEPHONICALLY CONTACT THE LEGAL COUNSEL DIVISION AT BUREAU HEADQUARTERS TO SECURE RELEASE FROM HIS EMPLOYMENT AGREEMENT AND TO ASCERTAIN PARAMETERS WITHIN WHICH INTERVIEW MAY BE CONDUCTED. ADVISE HEADQUARTERS ONLY IF DIFFICULTY SHOULD BE ENCOUNTERED IN ESTABLISHING CONTACT WITH WAIKART.

TJM:1hb/lhb
(8)

DEC 24 1975

NOTE:

TELETYPE

See memorandum from Legal Counsel to Mr. J. B. Adams, dated 12/17/75, captioned "Houstudy," which sets forth above information concerning HSC intention to interview former Assistant Director Waikart.

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Admin. _____
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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 ☒

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. J. B. Adams *JBH*

FROM : Legal Counsel *JM*

SUBJECT: HOUSTUDY

1 - Mr. Mintz
1 - Mr. Bassett
1 - Mr. Wannall
1 - Mr. Cregar
DATE: 12/17/75
1 - Mr. Hotis
1 - Mr. Daly

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

Staff Member Richard Vermeire of the House Select Committee requested that former Acting Assistant Director Frank Waikart be made available for Staff interview concerning any knowledge he may have pertaining to the Bureau's purchasing practice with the U.S. Recording Company.

RECOMMENDATIONS:

(1) That former Acting Assistant Director Waikart be released from any existing employment agreement for purposes of interview by the House Select Committee.

(2) That the Intelligence Division determine the whereabouts of former Acting Assistant Director Waikart and insure that he is advised that he may be contacted by members of the Committee.

DEC 19 1975

(3) That the Legal Counsel Division orally advise the House Select Committee of the whereabouts of former Acting Assistant Director Waikart.

1 - Personnel File - Frank Waikart

lad *417*
(10)



UNITED STATES GOVERNMENT

Memorandum

TO : MR. CALLAHAN

DATE: 12/17/75

FROM : J. B. ADAMS

SUBJECT: U. S. RECORDING COMPANY
INTERVIEW BY PIKE COMMITTEE

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
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Spec. Inv. _____
Training _____
Telephone Rm. _____
Director Sec'y _____

On 12/9/75 I was interviewed by Tim Oliphant of the House Select Committee on Intelligence in the presence of SA John Dennis Miller, Legal Counsel Division. There is attached a write-up of the substance of the interview which should be referred to Mr. Mintz for forwarding to the Department.

RECOMMENDATION:

That upon approval the attached write-up be made available to Mr. Mintz for forwarding to the Department in accordance with our usual procedures.

Enc.

JBA:ams
(4)

- 1 - Mr. Bassett
- 1 - Mr. Mintz

ST 115

REC-51

62-116464-226X

5 JAN 20 1976

*Enclosure detached
and sent to H G + WH by Bulet
1/20/76, captioned House select
Committee on Intelligence Activities
62-116464. TSM*

5 - [unclear]

ENCLOSURE

PROCEEDINGS AGAINST HENRY A. KISSINGER
(Pursuant to Title 2, United States Code, Sections 192 and 194)

DECEMBER 8, 1975.—Referred to the House Calendar and ordered to be printed

Mr. PIKE, from the Select Committee on Intelligence,
submitted the following

REPORT

of the

SELECT COMMITTEE ON INTELLIGENCE
CITING HENRY A. KISSINGER

together with

CONCURRING and DISSENTING VIEWS

INTRODUCTION

On November 6, 1975, the Select Committee on Intelligence of the House of Representatives, established by House Resolution 591, 94th Congress, First Session, caused to be issued a subpoena to Henry A. Kissinger, Secretary of State. (See Appendix A.) The subpoena demanded that the Secretary of State, or any subordinate officer, official or employee with custody or control deliver to the Select Committee, of which the Honorable Otis G. Pike is Chairman, on November 11, 1975, at 10:00 a.m. in Room B-316 Rayburn House Office Building, Washington, D.C., certain materials set forth and described in the said subpoena.¹ This subpoena was duly served on November 7, 1975.

The said subpoena was not complied with on the return date thereof nor any subsequent date thereafter.

On November 14, 1975, the Select Committee met in open session at 10:00 a.m. in Room 2118 Rayburn House Office Building for the purpose of determining what action should be taken in view of the failure of Secretary of State, Henry A. Kissinger, to comply with said

¹ "All documents relating to State Department recommending covert action made to the National Security Council and the Forty Committee and its predecessor committees from January 20, 1961 to the present."

subpena. The Select Committee, a quorum being present, on a record vote of 10-2, recommended the adoption of a resolution as follows:

Resolved, That the Speaker of the House of Representatives certify the report of the Select Committee on Intelligence of the House of Representatives as to the contumacious conduct of Henry A. Kissinger, as Secretary of State, in failing and refusing to produce certain pertinent materials in compliance with a subpoena duces tecum of said Select Committee served upon Henry A. Kissinger, as Secretary of State, and as ordered by the Select Committee, together with all the facts in connection therewith, under the seal of the House of Representatives to the United States Attorney for the District of Columbia, to the end that Henry A. Kissinger, as Secretary of State, may be proceeded against in the manner and form provided by law.

CHRONOLOGY OF EVENTS

On November 6, 1975, the Select Committee on Intelligence met, after due notice, to consider the question of the issuance of subpoenas to obtain materials pertinent to the investigative responsibility of the Committee, as well as the Congress as a whole, and necessary to the discharge of its mandate. Seven subpoenas were authorized, each by a record vote of a majority of the members of the Committee. The subpoena which is the subject of this resolution was approved by a vote of 8 ayes with five members voting present. The subpoena is directed to the production of classified materials as to which there could be no public disclosure by the Committee without compliance with the release procedures previously agreed to.

No materials were furnished to the Committee on the return date of November 11, 1975, or until the time of the vote on the accompanying resolution. The materials which were the subject of the subpoena are necessary to the Committee's ongoing investigation. The failure of the Secretary of State to comply obstructs that investigation, and the work of this Committee.

On November 13, 1975, at 9:00 a.m., two days after the return date of the subpoena, the Select Committee met in open session in Room 2118 Rayburn House Office Building for the purpose of being advised by staff as to the status of compliance with said subpoena. Staff reported that none of the subpoenaed materials had been provided.

AUTHORITY

The Select Committee on Intelligence is a duly established Committee of the House of Representatives, pursuant to House Resolution 591, 94th Congress, First Session. H. Res. 591 was reported out of the Committee on Rules on July 11, 1975, and adopted by the House on a voice vote on July 17, 1975.

Section 2 of H. Res. 591 authorizes and directs the Select Committee to conduct an inquiry, *inter alia*, into:

- (1) the collection, analysis, use, and cost of intelligence information and allegations of illegal or improper activities of intelligence agencies in the United States and abroad;

(2) the procedures and effectiveness of coordination among and between the various intelligence components of the United States Government;

(3) the nature and extent of executive branch oversight and control of United States intelligence activities;

(4) the need for improved or reorganized oversight by the Congress of United States intelligence activities;

(5) the necessity, nature, and extent of overt and covert intelligence activities by United States intelligence instrumentalities in the United States and abroad;

(8) such other related matters as the select committee shall deem necessary to carry out the purposes of this resolution."

Section 3 of H. Res. 591 authorizes the Select Committee to inquire into the activities of several enumerated components of the intelligence community, including the National Security Council and the Central Intelligence Agency.

Further, Section 4 of H. Res. 591 authorizes the Select Committee to "require, by subpoena or otherwise, * * * the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary."

Pursuant, therefore, to its responsibilities and authority as mandated by the House of Representatives, the Select Committee has issued subpoenas for documents and information which, by the vote of the Committee, were deemed essential to its inquiry. The subpoena which forms the basis of the recommended resolution was issued in full conformance with this authority.

As indicated above, Secretary of State, Henry A. Kissinger, was summoned to furnish materials in his custody and control pursuant to a valid, duly executed subpoena of the Select Committee, but he deliberately failed to comply with the terms of said subpoena.

CONCLUSION

All substantive and procedural legal prerequisites have been complied with and the House of Representatives should adopt the accompanying resolution to refer the matter to the United States Attorney for the District of Columbia. Title 2, United States Code, Sections 192 and 194 states the necessary procedures for taking this action. (See Appendix B.)

It is the position of the Select Committee that the proceedings to date are in compliance with its mandate, its rules and the Rules of the House of Representatives and we recommend that the House adopt the resolution to report the fact of the refusal of Henry A. Kissinger, Secretary of State, to produce pertinent materials pursuant to a subpoena duces tecum of the Select Committee together with all the facts in connection therewith to the end that he may be proceeded against as provided by law.

ORIGINAL

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE
UNITED STATES OF AMERICA

To A. Searle Field, Staff Director, or his duly authorized representative.

You are hereby commanded to summon Henry A. Kissinger, Secretary of State, or any subordinate officer, official or employee with custody or control of the items described in the attached schedule and by service of a copy hereof the said Henry A. Kissinger, Secretary of State, or any subordinate officer, official or employee is hereby commanded to be and appear before the Select Committee on Intelligence

~~Committee~~ of the House of Representatives of the United States, of which the Hon. Otis

G. Pike is chairman, and to bring

with him the items described in the schedule annexed hereto and made a part hereof in the office of the Select Committee on Intel-

ligence, Room B-316 Rayburn House Office Building,

~~in their chamber~~ in the city of Washington, on November 11, 1975

at the hour of 10:00 a.m.
produce and deliver said items to said Committee or then and there to ~~testify before and answer questions of members of said Committee and their~~ their duly authorized representative in connection with the Committee's ~~investigation authorized and detailed by H. Res. 591, a copy of which is annexed.~~ investigation authorized and detailed by H. Res. 591, a copy of which is annexed.
Herein fail not, and make return of this summons.

Witness my hand and the seal of the House of Representatives

of the United States, at the city of Washington, this

6th day of November 19 75

Otis G. Pike

Otis G. Pike,

Chairman.

Attest:

[Signature]
Clerk.



fore us is hardly debatable. The claim of executive privilege is based on the assertion, set forth in the communication to the Select Committee, that the documents subpoenaed "in addition to disclosing highly sensitive military and foreign affairs assessments and evaluations, disclose the consultation process involving advice and recommendations of advisers to former Presidents, made to them directly or to Committees composed of their closest aides and counselors."

The argument is made that executive privilege may not be asserted by President Ford for communications directed to former Presidents or to advisory committees of former Presidents. On this point, as far as I know, there are no specific legal precedents. However, if the *rationale* of *United States v. Nixon* is applied it becomes apparent that the doctrine *must* extend to communications involving former Presidents.

The doctrine of executive privilege is bottomed not on some legal technicality but on plain and simple logic: the need for confidentiality. This need can be served only if those who make recommendations to the President know that their expressions will be protected even after the President to whom those expressions were made has left office. No Secretary of State, no high government official, no aide to the President has any assurance that the man he speaks to as President today may not be gone from the scene tomorrow. How can we expect him to advise the President with that candor of which the Supreme Court speaks in *U.S. v. Nixon* if he knows that the very next day the protection of executive privilege may be shattered because of a change in the occupant of the Oval Office?

If the need for a confidential channel of communication exists, isn't that need just as great on the day before the Presidency changes hands in orderly fashion every four or eight years? It is just as important on the last day of a President's term as it is on the first day. But if we deny the application of executive privilege to conversations with a former President then we have to conclude that communications which are fully protected on January 19 have absolutely no protection on January 20.

Those who do not believe that the doctrine of executive privilege can be invoked by a current President as to occurrences prior to his administration contend that such a proposition would lead to the ridiculous result that a current President might invoke executive privilege as to communications to President Washington. The answer to that is quite simple: the doctrine is applicable as far back as reasonably necessary to protect the purpose of the privilege. After the passage of time has eliminated the dangers of exposure the need for confidentiality disappears and executive privilege dissolves.

In any event, Secretary Kissinger is charged by the Select Committee with a criminal act—violation of 2 USC 192—for obeying the lawful order of his superior, the President. It is unconscionable—and indeed likely unconstitutional—to prosecute a subordinate official for obeying the lawful direction of his superior.

I submit, therefore, that the resolution of contempt based on this subpoena should be voted down because there is no critical need for the documents sought, and because there is very substantial doubt that prosecution for contempt in this instance would be successful.

DAVID C. TRENN.

fold duties; the importance of this confidentiality is too plain to require further discussion. Human experience teaches that those who expect public dissemination of their remarks may well temper candor with a concern for appearances and for their own interests to the detriment of the decisionmaking process. Whatever the nature of the privilege of confidentiality of Presidential communications in the exercise of Art. II powers, the privilege can be said to derive from the supremacy of each branch within its own assigned area of constitutional duties. Certain powers and privileges flow from the nature of enumerated powers; the protection of confidentiality of Presidential communications has similar constitutional underpinnings.

* * * * *

The expectation of a President to the confidentiality of his conversations and correspondence, like the claim of confidentiality of judicial deliberations, for example, has all the values to which we accord deference for the privacy of all citizens and added to those values the necessity for protection of the public interest in candid, objective, and even blunt or harsh opinions in Presidential decisionmaking. A President and those who assist him must be free to explore alternatives in the process of shaping "policies and making decisions and to do so in a way many would be unwilling to express except privately. These are the considerations justifying a presumptive privilege for Presidential communications. The privilege is fundamental to the operation of government and inextricably rooted in the separation of powers under the Constitution."

* * * * *

In this case the President challenges a subpoena served on him as a third party requiring the production of materials for use in a criminal prosecution; he does so on the claim that he has a privilege against disclosure of confidential communications. He does not place his claim of privilege on the ground they are military or diplomatic secrets. *As to these areas of Art. II duties the courts have traditionally shown the utmost deference to Presidential responsibilities.* (emphasis supplied)

* * * * *

*** Moreover, a President's communications and activities encompass a vastly wider range of sensitive material than would be true of any "ordinary individual." It is therefore necessary in the public interest to afford Presidential confidentiality the greatest protection consistent with the fair administration of justice. The need for confidentiality even as to idle conversations with associates in which casual reference might be made concerning political leaders within the country or foreign statesmen is too obvious to call for further treatment.

Thus, the Supreme Court has given firm foundation to the doctrine of executive privilege. Its applicability to the circumstances now be-

SCHEDULE OF ITEMS REQUIRED TO BE PRODUCED BY
HENRY A. KISSINGER, SECRETARY OF STATE, PUR-
SUANT TO SUBPOENA OF THE HOUSE SELECT COM-
MITTEE ON INTELLIGENCE, DATED NOVEMBER 6, 1975

1. All documents relating to State Department recommending covert action made to the National Security Council and the Forty Committee and its predecessor committees from January 20, 1961 to the present.

(5)

Congress' legislative tasks and the responsibility of a grand jury, or any institution engaged in like functions. While fact-finding by a legislative committee is undeniably a part of its task, legislative judgments normally depend more on the predicted consequences of proposed legislative actions and their political acceptability, than on precise reconstruction of past events; Congress frequently legislates on the basis of conflicting information provided in its hearings.

Thus, in order to have any chance of success in judicial proceedings which, it should be remembered, are criminal in nature, the Committee must show that the recommendations of the various Secretaries of State during the 14 years in question are "demonstrably critical to the responsible fulfillment" of the Committee's function. There is little doubt in my mind but that this test cannot be met.

Then there is a second, and perhaps even more formidable, legal hurdle. It is the hurdle of executive privilege asserted in this instance by the President of the United States.

It is important to keep in mind that the assertion of executive privilege was made by the *President* and not by the Secretary of State. By letter from the President's counsel to Secretary Kissinger, the President advised the Secretary that he invoked executive privilege as to the documents covered by the subpoena. The Secretary then transmitted that decision to the Committee. This procedure followed the method established several years before by presidential order.

But the important question is whether or not the assertion of executive privilege is valid in this instance. That such a doctrine exists and has constitutional validity has been clearly recognized by our courts including the Supreme Court of the United States. *United States v. Nixon*, 418 U.S. 683. Any Member who is troubled about the limits and definition of executive or presidential privilege should afford himself the opportunity of reading the pertinent portion of that decision beginning at page 705.

In *United States v. Nixon*, the Supreme Court was confronted with a collision between executive privilege and the constitutionally protected rights, as set forth in the Sixth Amendment, that every defendant in a criminal trial has: the right "to be confronted with the witnesses against him" and "to have compulsory process for obtaining witnesses in his favor." The Supreme Court held that a generalized claim of executive privilege could not be invoked to prevent access by the judicial branch to material necessary in a criminal trial.

Although the Supreme Court in *United States v. Nixon* was not dealing with the issue of congressional access versus executive privilege, nevertheless, the decision stands as a strong pronouncement as to the existence and extent of the doctrine. When the privilege is asserted on the basis of national security interests it may even foreclose access in criminal cases.

For those who may not have the opportunity to read the decision of the Supreme Court in *United States v. Nixon*, the following pertinent portions thereof will be helpful:

* * * The first ground is the valid need for protection of communications between high Government officials and those who advise and assist them in the performance of their mani-

ing inquiry. But what pertinence do *recommendations* for covert actions have to the business of the Select Committee?

H. Res. 591 established the Select Committee "to conduct an inquiry into the organization, operations and oversight of the intelligence community of the United States Government." The recommendations of the Secretary of State, or the recommendations of anyone else for that matter, are not relevant to the "organization, operations, and oversight of the intelligence community." H. Res. 591 authorizes the Select Committee to inquire into "the necessity, nature, and extent of overt and covert intelligence activities by United States intelligence instrumentalities * * *." While the authority of the Committee extends to covert activities *actually carried out*, that authority does not give the Committee the power to force anyone to disclose what *recommendations* he made for covert activities. Perhaps there are some in the Congress who would like to know what the Secretaries of State from 1962 to 1972 were recommending. That would make fascinating reading and undoubtedly would make for some great headlines were the information divulged. But the mandate of the Select Committee is not to inquire into the imagination of our Secretaries of State; our mandate is to determine how our intelligence community operates.

There isn't any need for our Committee to look into the minds of the Secretaries of State over the last 14 years in order to determine how the intelligence community carried out its functions. Our inquiry begins with the process by which a decision is made to carry out a covert operation, not with a *recommendation* to the decisionmakers.

Therefore, I submit that there is no real need for the Committee to have the information sought by the subpoena. Regardless of our legal right, we should not pursue the criminal prosecution of the Secretary of State for something that we have no real need for in carrying out our legislative function.

But, there are also at least two serious legal impediments to the Committee's right to obtain the information.

First, there is the legal question as to whether or not the subpoenaed materials seek information which is beyond the scope of our inquiry. In making this determination the courts will look to the scope of our authority as defined by H. Res. 591, and will also look to the facts of the particular case to determine if the subpoenaed materials are critical to the performance of the Committee's function. The United States Court of Appeals for the District of Columbia (to which court such an issue as we have before us would travel) spoke to this issue in *Senate Select Committee v. Nixon*, 498 F. 2d 725 (1974). The court said:

* * * we think the sufficiency of the Committee's showing must depend solely on whether the subpoenaed evidence is demonstrably critical to the responsible fulfillment of the Committee's functions.

* * * The sufficiency of the Committee's showing of need has come to depend, therefore, entirely on whether the subpoenaed materials are critical to the performance of its legislative functions. There is a clear difference between

APPENDIX B

Title 2, United States Code Section 192 and 194 as follows:

Sec. 192. Refusal of witness to testify or produce papers

Every person who having been summoned as a witness by the authority of either House of Congress to give testimony or to produce papers upon any matter under inquiry before either House, or any joint committee established by a joint or concurrent resolution of the two Houses of Congress, or any committee of either House of Congress, willfully makes default, or who, having appeared, refuses to answer any questions pertinent to the question under inquiry, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than \$1,000 nor less than \$100 and imprisonment in a common jail for not less than one month nor more than twelve months. As amended June 22, 1938, c. 594, 52 Stat. 942.

Sec. 194. Certification of failure to testify; grand jury action failing to testify or produce records

Whenever a witness summoned as mentioned in section 192 fails to appear to testify or fails to produce any books, papers, records, or documents, as required, or whenever any witness so summoned refuses to answer any question pertinent to the subject under inquiry before either House, or any joint committee established by a joint or concurrent resolution of the two Houses of Congress, or any committee or subcommittee of either House of Congress, and the fact of such failure or failures is reported to either House while Congress is in session, or when Congress is not in session, a statement of fact constituting such failure is reported to and filed with the President of the Senate or the Speaker of the House, it shall be the duty of the said President of the Senate, or Speaker of the House, as the case may be, to certify, and he shall so certify, the statement of facts aforesaid under the seal of the Senate or House, as the case may be, to the appropriate United States attorney, whose duty it shall be to bring the matter before the grand jury for its action. As amended July 13, 1936, c. 884, 49 Stat. 2041; June 22, 1938, c. 594, 52 Stat. 942.

Subpoena served: Friday, November 7, 1975.

Return date: Tuesday, November 11, 1975.

Directed to: Henry A. Kissinger, Secretary of State, or any subordinate officer, official or employee with custody or control of items described in the subpoena.

For the following: All documents relating to State Department recommending covert action made to the National Security Council and the Forty Committee and its predecessor committees from January 20, 1961 to the present.

On November 11, the return date of the subpoena, William G. Hyland, Director of the Bureau of Intelligence and Research, Department of State, notified the Committee staff director in writing that documents relating to recommendations by the State Department were at the White House for decision on the question of executive privilege.

On November 14, the Committee voted, 10-2, to bring contempt action against Secretary Kissinger for non-compliance with the subpoena. On the same day a letter on behalf of the Secretary of State was delivered to the Chairman of the Select Committee respectfully declining compliance. The letter reads, in part, as follows:

The subpoena sought "all documents relating to State Department recommending covert action made to the National Security Council and the Forty Committee and its predecessor Committees from January 20, 1961, to present." The Committee staff has made clear that this is intended to cover recommendations originating with the State Department. An examination of our records has disclosed ten such documents, dating from the period 1962 through 1972. These consist of recommendations from officials in the State Department, sometimes the Secretary of State, to the Forty Committee or its predecessor, 303 Committee, or to the President himself in connection with consideration by one of those Committees.

The documents in question, in addition to disclosing highly sensitive military and foreign affairs assessments and evaluations, disclose the consultation process involving advice and recommendations of advisers to former Presidents, made to them directly or to Committees composed of their closest aides and counselors.

A very extensive effort was required to identify documents meeting the description in the subpoena. This was no small undertaking considering that a period of more than 14 years was involved. As of November 14, the date of the letter referred to above, the staff of the Secretary of State had discovered ten documents, dating from the period 1962 through 1972. It is my understanding that none of the ten documents, or any similar documents subsequently located, involve the administration of President Ford, or the period of time in which Henry Kissinger has been Secretary of State, and that nine of the ten documents originated during the administrations of Presidents Kennedy and Johnson. Thus, any notion that the documents are being withheld to avoid embarrassment to the present administration should be discarded.

I question the need of the Committee to have recommendations by the State Department of covert actions. I admit that this is an interest-

All factors, legal and otherwise, should be weighed by us in making this decision: is it *wise* for the House of Representatives to vote favorably on the resolutions? Our decision could have far-reaching consequences.

I would now like to give my own views on this question. I offer them without pretense of sagacity, but with assurances to my colleagues in the House that they have been reached sincerely, honestly, and with much reflection.

It is my opinion that it was not wise of the Select Committee to vote the resolutions of criminal contempt against the Secretary of State. Thus, I believe it to be the better part of wisdom for the House to disapprove the resolutions. I say this for three principle reasons:

(a) To lay down the legal gauntlet now runs the risk of increasing hostility on both sides. This will lead to a freezing of positions. A conciliatory approach will probably result in the Committee getting more information. H.Res. 591, which established the Select Committee, directs the Committee to report to the House no later than January 31, 1976. If we send this matter to the courts there is no way that the issue can be resolved prior to that date nor prior to any reasonable extension of the life of the Committee.

(b) It is questionable that we need *all* of the information called for by the subpoenas. I am convinced that we can obtain, on a negotiated basis, sufficient information to carry out our legislative mandate. We should insist on our "legal rights" only when the information sought to be withheld from Congress is absolutely necessary to its legislative function. Especially is this true when the insistence of asserted legal rights involves the dissembling and enormously disruptive contempt proceedings against an executive official with heavy responsibilities. Whatever our views may be of the policies pursued by Secretary Kissinger and/or the President, we should have a decent regard for the effects of a judicial confrontation on the ability of the Secretary of State to carry out his duties. To require him to direct his time and energy to a judicial battle would cause a corresponding diminution of the time that he can devote to his responsibilities. This is an important element to be placed on the scales in resolving the equation of wisdom.

(c) Thirdly, I believe it unwise to pursue contempt because there are serious legal questions as to whether the action proposed by the Committee will be successful. The Committee has chosen a course of action which will place the judicial branch in the position of being the arbiter. If the judicial proceedings are destined to be unsuccessful, because of weaknesses in the committee's case, it behooves the House not to proceed for at least two reasons. First, we should seek to avoid the substantial expenditures of money and human effort which will have to be expended by both sides. Second, we should seek to avoid the possible establishment of an adverse precedent because of a weak case.

II. SPECIFIC VIEWS ON THE RESOLUTION COVERED BY THIS REPORT

Let us turn now to the specific resolution covered by this report and the subpoena on which it is based. It may be useful to the Members to break out the details of the subpoena as follows:

CONCURRING VIEWS OF OTIS G. PIKE

This Committee, since its inception, has had some difficulty penetrating veil after veil of secrecy thrown by the various intelligence agencies over the various intelligence activities of the United States government. One of the mandates of the Committee, as set forth in the resolution which created it, was to look at:

the nature and extent of executive branch oversight and control of United States intelligence activities

This we have attempted to do and the results have been disturbing. In general, rather than being circumscribed by oversight and control, the CIA was acting in every activity of questionable legality and/or morality, on orders from "higher authority"—either the President himself or the National Security Council or its "40 Committee."

Those covert actions generated by the Central Intelligence Agency's professionals have tended to be that—professional. Those generated by the White House or the State Department have tended to be more questionable, yet apparently they were rarely questioned. In furtherance of our mandate, the Committee, on the motion of Mr. McClory, and by a vote of 8 ayes, 5 present, issued a subpoena asking for the production of all recommendations made by the State Department to the National Security Council for covert actions by the CIA. The National Security Council is a statutory body, created by Congress in the National Security Act of 1947. It is not simply an extension of the Presidency. If there is any legal authority for covert actions by the CIA (other than the alleged Constitutional power of the President to use covert actions by the CIA in the "conduct of foreign affairs"), it lies in the National Security Act of 1947. It lies in that clause which authorizes "such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct." This is the language on which the CIA has traditionally relied for its legal justification in conducting covert activities. It has habitually referred to its covert actions as "intelligence activities" as did the President himself in alleging that executive privilege prohibited the State Department from providing the Committee with its recommendations to the National Security Council for covert actions.

The State Department, for reasons unclear to this member, has held itself to be in a wholly different position from every other Department with which the Committee has dealt. At an earlier time, this Committee was investigating the performance of the intelligence community and the role of the CIA, if any, in the 1974 coup on Cyprus and the subsequent Turkish invasion of Cyprus. We learned that the man in charge of the Cyprus desk in the State Department had objected strongly to our actions during that period, had believed that both the coup and invasion could have been prevented, and had expressed his

views in writing. The Committee sought, by subpoena, to obtain that document, and the State Department refused to provide it, raising the awful spectre of McCarthyism if Congress were able to get the recommendations of middle-level officers. In refusing to provide the recommendations of the man in charge of the Cyprus desk as to what we should have done in Cyprus, the Secretary of State, on October 14, 1975, wrote the Committee as follows:

It is my strong belief that the Committee should look to the policy levels of the Department, and not to junior and middle-level officers, for the policy information they seek. It is my principal advisers and I who are responsible for policy, and it is we who should be held accountable before the Congress and the American people for the manner in which we exercise the authority and responsibility vested in us by the President and Congress of the United States.

In keeping with this principle I am prepared now, as I have been from the beginning, to do the following:

* * * * *

Authorize any policy level officer of the Department or the Foreign Service to testify before the Select Committee on recommendations received by him from his subordinates, but without identification of authorship, and any recommendations he forwarded to his supervisors.

Just stay away from the poor middle-level officers and we policy makers will be happy to tell you about our recommendations!

All that is at issue in this subpoena is precisely what the Secretary of State assured Congress it would get. We want the recommendations of the State Department's policy makers for covert actions.

If the recommendations of lower level officers in the State Department are to be denied to Congress on the grounds of "McCarthyism" and those of top level officers in the State Department on the grounds of "executive privilege" then the State Department has arrogated unto itself total non-accountability for its recommendations as to operations by the CIA or the NSA or any other intelligence agency.

Oversight by Congress demands, first of all, the will and the stamina to exercise oversight. Secondly, it requires knowledge as to what actions are being undertaken. The Congress simply cannot exercise oversight if the Executive branch or any Department thereof unilaterally determines what facts Congress may have. There cannot be comity between the branches if the solemn commitments of October are broken by November.

The Secretary of State is in contempt of Congress and if Congress fails to meet its own responsibilities it will well merit that contempt.

OTIS G. PIKE.

DISSENTING VIEWS OF HON. DAVID C. TREEN

The majority of the Select Committee has voted three resolutions of contempt against Secretary of State Henry Kissinger. In each instance the resolution recommends criminal prosecution of Secretary Kissinger under sections 192 and 194 of Title 2 of the United States Code.

First, I want to make some general comments applicable to the three resolutions taken together. Following will be my observations on the specific resolution covered by this report.

I. GENERAL VIEWS ON THE THREE CONTEMPT RESOLUTIONS

Like every member of this Committee I am interested in the Select Committee receiving whatever information is necessary and appropriate to our function. It is of vital importance that our intelligence community operate efficiently, economically, prudently, and with proper regard for the rights of individuals.

I differ with the majority on the question of what is "necessary and appropriate" to our function. I also differ with the majority as to the wisdom and appropriateness in these circumstances, of our attempts to hold the Secretary of State in contempt.

The issue of a congressional committee's authority to obtain testimony and materials from the executive branch of the government is a most important and, indeed, a most interesting issue. This is a legal issue, a constitutional issue. It is the view of some, if not all, of the Committee majority that this fundamental issue must be thrashed out here and now.

In my opinion, neither this Committee nor any other congressional committee should feel compelled to assert its legal rights just for the sake of flexing its muscles or to prove a point. The assertion and prosecution to an ultimate disposition by the Supreme Court of a congressional committee's "rights" should only occur when it is vitally necessary to the legislative function to obtain the testimony or materials *and* when there is no other way to meet that legislative need.

Thus, it is my hope that the distinction between what the Select Committee, or the Congress, *may be entitled to legally*, on the one hand, and the *appropriateness and necessity of asserting and prosecuting those rights*, on the other hand, will be kept clearly in mind in the debate on the issues raised by the resolutions of contempt.

I am not saying that the legal and constitutional questions should not be considered and debated. Indeed they should, because the legal and constitutional questions bear on the question of the appropriateness and wisdom of pursuing the contempt process. What I am saying is that one should not vote in favor of the resolutions of contempt *just because* that Member concludes that the Committee has the better side of the legal argument.

CONCURRING VIEWS OF RONALD V. DELLUMS

Throughout our investigations the Select Committee on Intelligence has encountered a pattern of non-cooperation from the executive branch agencies. The refusal to provide this information is yet another critical example of their unwillingness to cooperate. There is no doubt that the documents sought are essential to the Committee's inquiry.

The material requested is all of the documents relating to State Department's recommendations for covert actions to the National Security Council and the Forty Committee and the predecessor committees.

There is evidence that some covert actions were authorized and directed without 40 Committee and NSC approval, contrary to law. This specific information would be invaluable in establishing those actions forwarded for approval by the Forty Committee and in establishing ways and means of approval.

The subpoena was voted subsequent to unsuccessful staff attempts to secure the specified information.

After the subpoena was issued, no effort was made to comply with the request of the Committee. To preclude the Committee's review of this information would be contributing to a cover-up of possible wrong doing.

This committee has a finite life; its end is rapidly approaching. If we are to carry out as full an investigation as possible and still report on the date required, further negotiation and other interim steps will not be possible.

Within the framework of this investigation and as a precedent for the continuing oversight that must follow, the right of Congress and its duly appointed committees to obtain this information must be assured.

It is for these reasons and because of the unwillingness to cooperate shown by the Secretary of State Henry A. Kissinger, that I urge the House to cite Mr. Kissinger for contempt of Congress.

RONALD V. DELLUMS.

(11)

still very much alive—and to set a precedent in this case in which Presidents and their closest aides could fear revelation of their internal deliberations after they left the government would certainly have a chilling effect on the frank, forthright, and sometimes publicly unpopular advice which the Chief Executive has a right to expect from his advisors.

Finally, to help the members determine the validity of the assertion of executive privilege in their own minds, it may be useful to expand upon the sketchy description of the documents which is contained in the majority report. The Committee subpoenaed and the Executive has compiled a total of 25 documents prepared by the Department of State which were sent to the National Security Council and the Forty Committee in which the Department initiated 18 proposals for covert action projects. These documents cannot be described as a normal part of the tremendous paper flow between an Executive department and the White House. Rather, these documents contained highly sensitive information and went directly to the National Security Council, which is chaired directly by the President, or to the Forty Committee, which is chaired by the Assistant to the President for National Security Affairs—one of the President's two closest advisors in matters of foreign affairs and national security. Furthermore, the Select Committee has received testimony from the Secretary of State that, in no instance of which he is aware, did any covert operation receive approval without the direct personal attention of the President. Clearly, these documents either went directly to the President or were the basis for a Presidential briefing by one of his closest advisors. They are at the heart of the consultation process—and as such, deserve protection under the doctrine of executive privilege, if the doctrine is to have any vitality at all.

For the foregoing reasons it is the position of the undersigned that the resolution seeking to hold Dr. Kissinger in contempt for failure to produce materials under the State Department subpoena be rejected overwhelmingly by the Members of the House of Representatives.

ROBERT MCCLORY.

in writing the President's instruction to the Secretary of State to respectfully decline compliance with the subpoena on the grounds of the President's personal assertion of executive privilege. The Majority Report fails to mention the fact of this assertion of executive privilege; neither does it, in any way, challenge the validity of the assertion.

In the above-mentioned letter from the President to the Committee, the Committee received the President's personal word that

the documents revealed to an unacceptable degree that consultation process involving advice and recommendations to Presidents Kennedy, Johnson, and Nixon, made to them directly or to committees composed of their closest aides and counselors.

The Committee has no evidence, and has, in fact, made no claim that this is not the case. In the absence of any such claim, it seems to me that the President's claim in this respect ought to be honored and respected.

The Committee's action in pressing the contempt resolution in the face of the President's assertion of executive privilege in this case creates a conflict between the House of Representatives and the President which cannot be resolved by following any definitive precedent. However, there is a clearly established manner for the House to meet a challenge which it regards as contumacious. There is no need to refer this matter to the courts. If this House had the gumption, it could utilize its own authority to order the Sergeant-at-Arms to seize the Secretary and confine him to a common jail in the District of Columbia or the Guard Room of the Capitol Police. Of course there is no apparent intention on the part of any members of this Committee to follow this course of action. Indeed, no Congress has even undertaken to exercise its contempt authority in this manner against a sitting member of the President's cabinet—but the members ought to be aware that if the full House approves this resolution, it will set in motion a course of events which can result in an equally disastrous spectacle.

My point is that there may never be a "good" time in the course of Congressional-Executive Department relations for seeking a definitive ruling on the question of the power of a House Committee to secure documents or information where a defense of "executive privilege" is raised. While, indeed, there may never be a "good" time for pursuing such a procedure, now would seem to be the "worst" time considering the turbulent situation in world affairs.

Several members of the Committee have questioned the President's authority to assert executive privilege on behalf of his predecessors in office. Bearing in mind that the *raison d'être* of the privilege is the protection of the integrity of the consultation process between the Chief Executive and his closest advisors, it would seem obvious that the privilege runs to the Office of the Presidency rather than to the individual President himself—and numerous precedents can be cited in support of this particular assertion. The President has not claimed a privilege which covers a period going back to the founding of the Republic—rather he has sought to protect the consultation process in the immediate past three Administrations as it occurred over the past 15 years. Many people who served in the past three Administrations are

CONCURRING VIEWS OF JAMES P. JOHNSON

The response to the subpoena issued to Henry A. Kissinger as Secretary of State raised a fundamental issue and deserves the closest attention and scrutiny. The subpoena requested "all documents relating to State Department recommending covert action made to the National Security Council and the Forty Committee and its predecessor committees from January 20, 1961 to present."

On November 14, 1975, the Chairman received a letter read into the record by Mr. McClory as follows:

DEAR MR. CHAIRMAN: The Secretary of State has been instructed by the President respectfully to decline compliance with your subpoena to the Secretary of November 6, 1975, for the reason that it would be contrary to the public interest and incompatible with the sound functioning of the Executive Branch to produce the documents requested.

The subpoena sought "all documents relating to State Department recommending covert action made to the National Security Council and the Forty Committee and its predecessor committees from January 20, 1961, to present." The committee staff has made clear that this is intended to cover recommendations originating with the State Department. An examination of our records has disclosed ten such documents, dating from the period 1962 through 1972. These consist of recommendations from officials in the State Department, sometimes the Secretary of State, to the Forty Committee or its predecessor, 303 Committee, or to the President himself in connection with consideration by one of those committees.

The documents in question, in addition to disclosing highly sensitive military and foreign affairs assessments and evaluations, disclose the consultation process involving advice and recommendations of advisers to former Presidents, made to them directly or to committees composed of their closest aides and counselors.

Therefore, I advise you that the Secretary of State is declining to comply with such subpoena on the basis of the President's assertion of Executive privilege. Sincerely, George H. Aldrich, Acting Legal Advisor to the Department of State.

The key paragraph says, "The documents in question, in addition to disclosing highly sensitive military and foreign affairs assessments and evaluations, disclose the consultation process involving advice and recommendations of advisers to *former Presidents, made to them directly or to committees composed of their closest aides and counselors.*" This language was nearly identically repeated in a Presidential letter to the Chairman dated November 19, 1975.

The secrecy raised peripherally by the letter must not be allowed to deflect attention away from the real issue. The President and the Chairman and Ranking Member previously worked out an agreement under which the committee would receive classified information. Pursuant to this agreement, no classified information received by the committee can be released without the President's prior approval. Since reaching this agreement, no information requested has been denied the committee on the grounds of its classification, and the President has not said here that the documents are denied because they are highly classified. Rather, the assertion is made that they "disclose the consultation process involving advice and recommendations of *advisers to former Presidents*, made to them directly or to committees composed of their closest aides and counselors."

But, the subpoena was for documents from the State Department to the National Security Council and Forty Committee and its predecessor. To allow the doctrine of Executive privilege to extend to government documents of prior Administrations where publication and classification is not an issue, is to my mind a dereliction of my duty as a Member of Congress. The claim was not made by the Presidents involved. The documents were not removed at the expiration of the terms as being private. They are not being held in private, Presidential files. They were left as government documents in the State Department files. They are classified, but their classification is not asserted as a reason for withholding them from the committee which has access to secret documents ranging from assassination attempts to SALT compliance. They are withheld because they are allegedly "recommendations of advisers to former Presidents, made to them directly or to the committees composed of their closest aides and counselors." Thus, the claim is made, public documents become private communications which qualify for the doctrine of Executive privilege.

If the State Department documents recommending covert action, made to the National Security Council or the Forty Committee or its predecessor constitute recommendations of advisers to Presidents, then what government document doesn't become subject to similar claims of Executive privilege? The State Department is not a department of the United States Government under this assertion; rather, its employees are advisers to Presidents. State Department documents directed to another agency of government have become recommendations of advisers to Presidents, made to committees composed of their closest aides and counselors. Thus, the National Security Council, created by Congress through the Act of 1947 to be the chief advisory body to the President with respect to National Security affairs is reduced to a group of the "closest aides and counselors."

The doctrine of Executive privilege to protect the privacy of Presidential policy making procedures is surely a sound one. But, to extend it to a prior President who did not assert it, to apply it to government documents between governmental agencies, amounts to a claim of the power of censorship that cannot be accepted, in my view.

I asked the representative of the Executive Branch who appeared before our committee, Mr. Scalia, if there was another way to get a court determination of the issue besides a contempt citation of the Secretary of State. He replied that this was not an issue for the courts.

DISSENTING VIEWS OF REP. ROBERT McCLORY

In the final sentence of his letter to the Select Committee dated November 19, 1975, the President of the United States voiced a sentiment with which I wholeheartedly concur. The President wrote, "I believe that the national interest is best served through our cooperation and adoption of a spirit of mutual trust and respect." It is my earnest contention that in this area of complex national security issues and in an atmosphere of ongoing serious negotiations with the Executive Branch, the Committee ought to have continued to work together with the President to resolve remaining differences rather than follow the precipitate route of voting a contempt citation against the chief foreign affairs officer in this Administration at such a crucial time in world events. As the President stated, there is a legitimate national interest at stake here that ought to transcend all the recriminations, misunderstandings, and personality conflicts which have brought the Committee to this unfortunate action.

The House Select Committee on Intelligence has been given one of the most sensitive and important responsibilities which has faced the Congress since World War II. It has been no easy task to pierce the veil of secrecy which has surrounded the intelligence community's operations since our nation became the most powerful country on earth—and it has been more difficult still to come to grips with some of the most fundamental questions at the heart of the operation of a secret intelligence function in a democratic society. If I do say so, I believe that the Select Committee, with the aid of unprecedented cooperation on the part of the Ford Administration, has been conducting a crucially important investigation in a most honest and responsible manner.

It is in this context of respect for the dedication and hard work of the Committee that I must express my regret that the majority has chosen to take the hasty and mistaken action of voting a contempt resolution against the Secretary of State. In my opinion, the Committee has made an unfortunate and serious error in citing the Secretary for contempt, and this resolution does not merit the support of the full House of Representatives.

Secretary Kissinger ought not to have been cited in contempt for refusing to surrender State Department documents for which the President of the United States has asserted a claim of executive privilege. The Committee's subpoena to the Secretary sought "all documents relating to State Department recommending covert action made to the National Security Council and the Forty Committee and its predecessor committees from January 20, 1961 to the present." After service of the subpoena, the appropriate documents were identified and referred to the White House for review. The Attorney General was asked to carefully review these documents and rendered an opinion that executive privilege could appropriately be asserted. By letter to the Secretary dated November 14, 1975, the Counsel to the President confirmed

Therefore, prior to demanding possession of extremely sensitive documents, the Congress must have a mechanism and an internal system that will provide safeguards for the protection of these vital national secrets. No such safeguards presently exist. Current House rules, committee structures diversified intelligence jurisdiction, and House customs must be altered before closely held secrets can be properly protected.

In past Congresses, highly classified matters and extremely sensitive situations have been handled by a few key members of Congress on behalf of the entire body. Exposure of these vital national secrets was very limited.

Beginning with the 93rd Congress, and accelerating rapidly in the 94th Congress, numerous "reforms" have drastically altered past practices. While the new reforms have greatly increased individual member participation in the legislative processes, these same reforms have proportionately placed the nation in jeopardy concerning official secrets.

As an example, present rules in the House of Representatives allow any member to have full and unlimited access to all committee files and to any document within those files. There is no practical way to keep any member from "leaking" any information to the press, regardless of the security classification. There is no legal way to prevent an individual member from unilaterally releasing all or any part of an official secret by simply going to the floor and making it public in a floor speech. The wide diversity of opinions between individual Congressmen makes this procedure dangerous to national security and foreign relations.

In summary, the Select Committee on Intelligence has presented a good "technical argument" but has failed to show significant cause for bringing contempt action against Secretary of State Henry Kissinger, would leave itself open for serious public criticism for failing to establish mechanisms to responsibly handle the classified and sensitive matters that it seeks in the subpoenas.

While the committee's contention that "Congress has a right to the material summoned in the subpoenas" has merit, there is no real pressing need for these documents, at this time. They can be subpoenaed at a later date, after the House has established firm rules and procedures that will properly protect the extremely sensitive and highly classified national secrets that are involved.

By putting its own house in order before pressing this issue, Congress would then be able to rightfully and responsibly press ahead with proper oversight functions. If a Constitutional confrontation should then be necessary; the issue would be clear to the public, the Congress would not be subject to criticism, and national security would not be endangered.

Any possible benefits at this time, in citing Secretary Kissinger for contempt of Congress, are far outweighed by the grave dangers of undermining public confidence in both Congress and the Administration. Neither branch would win, and the nation would lose.

Members are strongly urged to oppose the resolution to cite the Secretary of State for contempt of Congress.

DALE MILFORD.

We are left with the choice of accepting this claim of Executive privilege or of citing the Secretary of State—two distasteful alternatives.

In my opinion, the more serious consequence would result from allowing the doctrine of Executive privilege to be extended under this claim. The security classification system should not cloud the issue. The right of privacy of a sitting President is not challenged here. The right of privacy of private communications to previous Presidents is not the issue.

But, the President must not be allowed to censor material that goes from one department of government to another by hiding it from Congressional committees. The doctrine of Executive privilege must not be allowed to hide or distort the history of previous Administrations when the security classification system is not involved. The claim that government employees in the State Department or the National Security Council are advisers or aides or counselors to the President, who are part of the consultation process which qualifies for Executive privilege makes the Presidency, rather than the United States Government, the object of loyalty of those who work for the United States. This claim, if allowed to stand unchallenged, can be extended and infinitum to nearly all important government documents or officials which would result in a complete destruction of the system of Congressional oversight. This claim, unchecked, makes the office of the President into a monarchy.

The same assertion can be made (though it hasn't been) for CIA documents to the National Security Council, going back to the inception of the agency. The same claim applies to Defense Department recommendations; to Transportation Department recommendations to the Federal Energy Administration; or Commerce Department recommendations to the Council of Economic Advisers in prior Administrations, etc., etc. Perhaps more illustrative of the serious potential consequences of this claim of Executive privilege is to try to differentiate between the present claim and the testimony of an official of a previous Administration before a Congressional committee. Could President Ford prevent former Secretaries Rogers or Rusk from testifying as to State Department recommendations during their tenure in office on the grounds of Executive privilege? If he can prevent the documents from being delivered, can't he stop testimony? It would seem so.

Most importantly, if this claim is allowed to stand, how is a Congressional committee to have oversight of the intelligence community? Recommendations from the CIA, the DIA, and the State Department with respect to covert action programs and other intelligence matters go through the Forty Committee and the National Security Council. If this material is subject to the claim of Executive privilege, then Congress can be effectively by-passed in the future, as it has been in the past in this critical area. The right of Congress to participate in decisions of utmost urgency would once again be emasculated. Obviously, the Legislative Branch cannot allow this claim to go unchallenged.

Hopefully, a solution will be forthcoming, short of pursuing this citation, but it must not be by Congressional acquiescence in this claim of Executive privilege.

JAMES P. JOHNSON.

DISSENTING VIEWS OF THE HONORABLE
DALE MILFORD

The contempt of Congress citation against Secretary of State Henry Kissinger should be opposed by members of Congress for three very important reasons.

First, this unprecedented contempt action will force this nation into a full-fledged Constitutional confrontation between the Administrative and Legislative branches of this government, which could result in a disastrous loss of public confidence in both branches of government.

Second, while both the Administrative and Legislative branches can argue fine points of law that would tend to justify their positions in this dispute, both also have "dirty hands" and both have failed to make in-house corrections that would prevent a confrontation.

Third, Congress is not prepared to protect the extremely sensitive documents that it is seeking from the Administration, and its failure to protect these documents could bring irreparable harm to this nation's foreign relations and national defense efforts.

A Constitutional confrontation between branches of this nation is a very serious matter. As in any battle, there will be a loser. In this instance, both sides could very possibly lose.

Public confidence, in a government's structure and its system is an absolute necessity for the survival of a democratic regime. A Constitutional confrontation, brought about by a serious national need or as a result of well-defined issues, can maintain or even build public confidence. On the other hand, such a confrontation that is politically motivated or that is based on nebulous and abstract points of law can quickly destroy public confidence in both sides of the controversy. The latter is particularly the case when the people know or suspect wrongdoing or incompetence on the part of either competing branch.

During recent months, the media has literally saturated the American people with accounts of improper past activities conducted by Administrative agencies. Parenthetically, (although with less press coverage) the Congress has also been negligent by failing to maintain proper oversight responsibilities. The sins must be equally shared.

The gist of the arguments involved in the resolution to cite Secretary Kissinger for contempt concerns the right of a Congressional committee to obtain extremely sensitive documents that are in the possession of the Administration. On the surface, this would appear to be a substantive issue and one of considerable importance.

Few, if any, members of Congress would disagree with the committee's position that Congress does indeed have a right to full knowledge of all activities that are carried out by our intelligence agencies. All responsible members of this body will also agree that the unauthorized release of extremely sensitive intelligence information can be very detrimental to this country's welfare.

(17)

FBI



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

December 17, 1975

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

FROM: Steven K. Blackhurst
SB Assistant Special Counsel for
Intelligence Coordination

SUBJECT: House Select Committee Request
dated December 11, 1975

Attached is a letter from the House Select Committee requesting that certain materials be declassified for inclusion in the Committee's report. The Committee's "deadline" has been changed to December 22, and is probably flexible. Please arrange for an appropriate response to the Committee's request, (I have already discussed possible responses to this request with Tom McNiff who can deal directly with John Atkisson of the House Select Committee staff on this if that is agreeable).

2

cc: Paul Daly

SP-110

REC-30

62-116464-226

ENCLOSURE

DEC 19 1975

1-Ad Hoc
2-18-75
84 DEC 29 1975

62-116464

5-By [signature]
10

December 17, 1975

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

FROM: Steven K. Blackhurst
Assistant Special Counsel for
Intelligence Coordination

SUBJECT: House Select Committee Request
dated December 11, 1975

Attached is a letter from the House Select Committee requesting that certain materials be declassified for inclusion in the Committee's report. The Committee's "deadline" has been changed to December 22, and is probably flexible. Please arrange for an appropriate response to the Committee's request (I have already discussed possible responses to this request with Tom McNiff who can deal directly with John Atkisson of the House Select Committee staff on this if that is agreeable).

cc: Paul Daly

OTIS G. PIKE, N. Y., CHAIRMAN

ROBERT N. GAIAMO, CONN.
JAMES V. STANTON, OHIO
RONALD V. DELLUMS, CALIF.
MORGAN F. MURPHY, ILL.
LES ASPIN, WIS.
DALE MILFORD, TEX.
PHILIP H. HAYES, IND.
WILLIAM LEHMAN, FLA.

ROBERT MCCLORY, ILL.
DAVID C. TREEN, LA.
JAMES P. JOHNSON, COLO.
ROBERT W. KASTEN, JR., WIS.

A. SEARLE FIELD, STAFF DIRECTOR
AARON B. DONNER, COUNSEL

TELEPHONE: (202) 225-9751

Select Committee on Intelligence
U.S. House of Representatives
Washington, D.C. 20515

DEC 11 1975
U.S. DEPT. OF JUSTICE
MAIL ROOM
ORON

December 11, 1975

Mr. Michael Shaheen
Spec. Counsel for Intel. Coordin.
Department of Justice
Washington, D.C.

Dear Mr. Shaheen:

The Committee requests that the following documents referred to in the November 18, 1975 hearing be declassified for inclusion in our report.

Because of the severe time pressures we request that such be made in writing by Wednesday December 17th, 1975.

The documents are as follows:

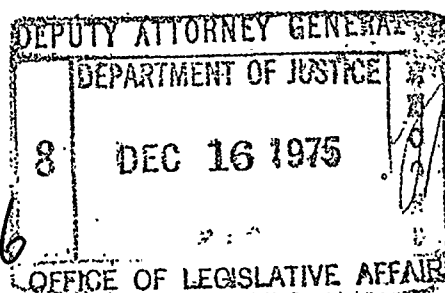
1. November 26, 1975. Letter from Blackhurst re: targets of warrantless electronic surveillance and targets of surreptitious entries.
2. WFO report, 3/14/69 re: Institute for Policy Studies, cover pages A,B, C,D,E,F,G.

Sincerely,



A. Searle Field
Staff Director

OFFICE OF LEGISLATIVE AFFAIRS



UNITED STATES GOVERNMENT

Memorandum

TO : JJ M^cDERMOTT/ JJM

FROM : WL BAILEY/ WLB

SUBJECT: *How...*

DATE:

Re Kiese ju

The attached *Letter # 91-493* has been received in the Records Section, appropriately initialed, and indicated for file. By use of instant transmittal memorandum, all necessary recording and indexing will be accomplished. It is to be noted this form is for internal use only within the Records Section, principally by the Routing Unit where bulky material not accompanied by memorandum is usually received.

The enclosure, if bulky and not usually filed with other papers in file, may be detached but this action should be clearly noted under the word "Enclosure."

Enc.

62

NOT RECORDED

12 DEC 19 1975

ENCLOSURE

FILE



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

December 12, 1975

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

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

SUBJECT: House Select Committee Request

Attached is a letter from the House Select Committee dated December 10, 1975, requesting delivery of certain materials related to FBI purchases from U. S. Recording Company. Please arrange for an appropriate response.

12/24/75 SA Robt. Keenan advises SA Daly has informed HSC that response to all inquiries concerning USRC will be submitted upon completion of internal inquiry. TMM

cc: Paul Daly

REC-100

62-116964-225X

FEB 12 1976

12/12/75

5-TMM



FEB 18 1976

OTIS G. PIKE, N. Y., CHAIRMAN

ROBERT N. GAIAMO, CONNY
JAMES V. STANTON, OHIO
RONALD V. DELLUMS, CALIF.
MORGAN F. MURPHY, ILL.
LES ASPIN, WIS.
DALE MILFORD, TEX.
PHILIP H. HAYES, IND.
WILLIAM LEHMAN, FLA.

ROBERT MCCLORY, ILL.
DAVID C. TREEN, LA.
JAMES P. JOHNSON, COLO.
ROBERT W. KASTEN, JR., WIS.

A. SEARLE FIELD, STAFF DIRECTOR
AARON B. DONNER, COUNSEL

TELEPHONE: (202) 225-9751

Select Committee on Intelligence
U.S. House of Representatives
Washington, D.C. 20515

10 December 1975

Mr. Michael E. Shaheen, Jr.
Special Counsel for Intelligence
Coordination
U.S. Department of Justice
Washington, D.C. 20530

Dear Mr. Shaheen:

Persuant to our inquiry into the cost of intelligence, we respectfully request that you submit to us calculations of the total dollar amount of purchases made by the Federal Bureau of Investigation from U.S. Recording Company by year.

Please send us these records from every year which you have records reflecting the gross dollar amount of sales between U.S. Recording and Federal Bureau of Investigation.

We further request that you indicate by year what percentage of the sales were the result of classified contracts.

Sincerely,

A. Searle Field

A. Searle Field
Staff Director

ASF/TO/dng



ENCLOSURE

62-116464-225X

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. McDermott *MD*

DATE: 12/12/75

FROM : W. L. Bailey *WLB*

SUBJECT: HOUSTUDY

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

Reference is made to Legal Counsel memorandum to Mr. Adams dated 11/25/75 regarding the House Select Committee's request to interview Special Agent James W. Awe regarding his participation on the U. S. Intelligence Board Information Handling Committee. *WLB*

In connection with this request, Special Agent Awe was interviewed in his office on 12/3/75 by House Select Committee Staff Member, Tina Yamamoto. She was specifically interested in the nature of the Information Intelligence Handling Committee (IHC) and its relationship to the U. S. Intelligence Board (USIB), the extent of FBI participation in this committee, the value of the committee and whether it should be continued, and to determine if there was any FBI objection to the fact that CIA serves as chairman of the committee.

It was explained that IHC was one of many committees of USIB. IHC has as its general mission the promotion of effective interchange of Intelligence information among the members of the Intelligence Community from a records management point of view. The Bureau's participation in the activities of IHC has been limited to the status of observer with the exception of an effort by a Subcommittee toward uniform application of procedures in the National Agency Check Program. The committee has been of value to the Bureau in that it allows the Bureau to keep in touch with other records managers throughout the Intelligence Community which provides ready access to information regarding record problems, procedures, and status of records automation. It is especially important to maintain certain standards so there can be an effective interchange of information within the Intelligence Community and this is particularly important as the various agencies enter into an automated environment with their records system. Although the committee has had a limited amount of meetings, the

1 - Mr. Wannall
Attention: Mr. Cregar
1 - Mr. Mintz
Attention: Mr. Hotis

1 - Personnel File - James W. Awe

JWA:evp

CONTINUED OVER

Memorandum to Mr. McDermott
HOUSTUDY

sharing of information regarding record problems, automation efforts and the efforts toward certain data standards has been and will continue to be important from cost effective point of view for all the members which should result in general economies for the entire federal government.

It was explained that the FBI has no objection to CIA serving as chairman of the IHC committee, since the Director of the Central Intelligence Agency (CIA) also serves as the Director of Central Intelligence (DCI) for the Intelligence Community. For CIA to continue in this capacity would seem appropriate and the FBI would interpose no objection, insofar as IHC committee activities are concerned.

RECOMMENDATION:

For information.

WRW

JPM
JRM

MD

- 2 - Mr. J. A. Mintz
(1 - Mr. J. B. Hotis)
1 - Mr. W. R. Wannall

The Attorney General

November 18, 1975

Director, FBI

- 1 - Mr. W. O. Cregar
1 - Mr. R. L. Shackelford
1 - Mr. T. J. McNiff
1 - Mr. R. D. Hampton

U. S. HOUSE SELECT COMMITTEE ON
INTELLIGENCE ACTIVITIES (HSC)

This is in partial response to HSC letter dated October 28, 1975, requesting access to or production of certain enumerated FBI files.

Attached for your approval and forwarding to the HSC is the original of a memorandum which constitutes a partial reply to referenced communication. A copy of the memorandum is being prepared for your records.

Enclosures (2)

62-116464

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

1 - 100-431511

RDH:eks/mjg
(12)

REC-30

62-116464-224

DEC 19 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. _____

"ENCLOSURE IN BULKY ROOM"

62-116464

2 - Mr. J. A. Mintz
(1 - Mr. J. B. Hotis)
1 - Mr. W. R. Wannall
1 - Mr. W. O. Gregar
1 - Mr. R. L. Shackelford
November 18, 1975

1 - Mr. T. J. McNiff
1 - Mr. R. D. Hampton

U. S. HOUSE SELECT COMMITTEE
TO STUDY GOVERNMENTAL OPERATIONS
WITH RESPECT TO INTELLIGENCE ACTIVITIES (HSC)

RE: REQUEST FOR MATERIALS CONCERNING
PETER CAMEJO

Reference is made to HSC letter dated October 28, 1975, Item #3, which requests "access to any and all files of FBI concerning Peter Camejo, SWP."

In accordance with established procedures, Bureau file concerning Peter Camejo has been reviewed and appropriately excised materials relating to the basis for the investigation, results of the investigation, and any instruction or guidance from FBI Headquarters (FBIHQ) has been extracted therefrom. This material is presently available at FBIHQ for review by HSC Staff Members.

1 - The Attorney General

1 - 100-431511

RDH:eks/mjg
(11)

NOTE:

Peter Camejo is a leading functionary in the SWP and has been of continuing investigative interest to this Bureau since 1959.

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

MAIL ROOM ☐

TELETYPE UNIT ☐

ENCLOSURE

GPO : 1975 O - 569-920

5-140 (Rev. 1-21-74) FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

Addressee: HOUSE SELECT COMMITTEE

☐ LTR ☒ LHM ☐ Memo ☐ Report dated 11/18/75

U.S. HOUSE SELECT COMMITTEE (HSC). Re: Request
Caption of Document: for Materials Concerning Peter Camejo.
(HSC letter 10/28/75, Item #3.)

Originating Office: FBI

Delivered by: [Signature] Date: 11/21/75

Received by: [Signature]

Title: a.c.

Return this receipt to the Intelligence Division, FBI

TO: Intelligence Community Staff
ATTN: Central Index

FROM:

FBI

SUBJECT: Abstract of Information Provided to Select Committees

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

2. DATE PROVIDED

☒ DOCUMENT ☐ BRIEFING ☐ INTERVIEW ☐ TESTIMONY ☐ OTHER

11/18/75

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

SSC

☒ HSC4. IDENTIFICATION (provide descriptive data for documents; give name or identification number of briefer,
interviewee, testifier and subject)**Memorandum**5. IN RESPONSE TO (list date and item number if in response to formal request, other-
wise state verbal request of (name), initiative, subpoena, etc.)

HSC letter 10/28/75, item 3

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

U

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

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

Available for review by appropriate HSC Staff Members at FBIHQ
materials relating to Peter Camejo.

62-116464

FMK: fmk

(4)

ORIGINAL VIA LIAISON TO CENTRAL COMMUNITY INDEX
IN CONNECTION WITH HOUSTUDY**TREAT AS YELLOW**5-9th

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.

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Jenkins

DATE: 12/10/75

FROM : W. M. Mooney

SUBJECT: HOUSTUDY

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 ☐

On 12/9/75, SA John M. Kirsch was interviewed at the J. Edgar Hoover Building, Washington, D. C., by Mr. Timothy Oliphant in the presence of SA Paul Daly. Mr. Oliphant who is representing Congressman Pike's Committee inquired concerning social activities at Harper's Ferry, West Virginia. SA Kirsch advised that he had attended two such gatherings primarily composed of Bureau personnel (present and former) during early 1974, the first such occasion being in January or February and the second a few months later, probably April, 1974. In response to Mr. Oliphant's question as to who invited SA Kirsch to attend Harper's Ferry, he was advised that SA Kirsch attended at the invitation of Assistant to the Director, Deputy Associate Director Thomas J. Jenkins who was at that time Assistant Director in charge of Training Division. Mr. Oliphant asked what the costs were for meals and lodging at Harper's Ferry and SA Kirsch advised that at best he could recall the costs were not excessive and probably \$12 to \$15 covered the entire affair. Certainly no more than \$20 was expended at either of the two outings by SA Kirsch. SA Kirsch did not recall exactly who collected for the meals but believes it was probably Mr. John Mohr. Mr. Oliphant asked what the table stakes were at Harper's Ferry and SA Kirsch advised that while he could not recall specifically, he believed they were rather low, perhaps 10¢ and 25¢.

SA Kirsch was specifically asked if he had met Mr. Joe Tate at which he replied that he had met him on one or two occasions but that he wouldn't know Joe Tate if he met him on the street. He was then asked if he knew Mr. Gus Oberdick. SA Kirsch advised that he has seen Mr. Oberdick a half dozen occasions during the past 20 years and noted that Mr. Oberdick was a friend of former SAC Henry Sloan. SA Kirsch stated that he did not believe Gus Oberdick would know him if he were to see him on the street. Mr. Oliphant asked if SA Kirsch had ever been assigned to the Administrative Division to which he replied no. Mr. Oliphant asked if SA Kirsch had ever

- 1 - Mr. Bassett
- 1 - Mr. Mintz
- 1 - Mr. Wannall
- 1 - Mr. Cregar
- 1 - Mr. P. Daly
- 1 - Personnel File of SA John M. Kirsch

JMK:jmt

REC-30

DEC 16 1975

CONTINUED - OVER

84 DEC 19 1975

Memo Mooney to Jenkins
Re: HOUSTUDY

arranged for the purchase of any law enforcement equipment from Mr. Oberdick to which he replied no. Mr. Oliphant asked if SA Kirsch had ever recommended any type of weapon or equipment be purchased in the police line at which time he was advised that SA Kirsch had in fact, as part of his duties, made recommendations for a variety of such purchases over the past several years. He was advised that the only large purchase of firearms with which SA Kirsch had anything to do was the acquisition of military weaponry from the Department of Defense for use by FBI Apprehension Teams.

RECOMMENDATION:

For information.





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

December 8, 1975

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

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

SUBJECT: House Select Committee Request dated December 1

Attached is a letter from the House Select Committee dated December 1, which this Office received on December 5. Please arrange for an appropriate response.

12/10/75 - To Shaheen

cc: Paul Daly

REC-100

62-116464-222X

7 MAR 4 1976

ENCLOSURE

1-Ad Hoc
12-9-75

5-778



MAR 9 1976

December 8, 1975

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

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

SUBJECT: House Select Committee Request dated December 1

Attached is a letter from the House Select Committee dated December 1, which this Office received on December 5. Please arrange for an appropriate response.

cc: Paul Daly

OTIS G. PIKE, N. Y., CHAIRMAN

ROBERT N. GIAIMO, CONN.
JAMES V. STANTON, OHIO
RONALD V. DELLUMS, CALIF.
MORGAN F. MURPHY, ILL.
LES ASPIN, WIS.
DALE MILFORD, TEX.
PHILIP H. HAYES, IND.
WILLIAM LEHMAN, FLA.

ROBERT MCCLORY, ILL.
DAVID C. TREEN, LA.
JAMES P. JOHNSON, COLO.
ROBERT W. KASTEN, JR., WIS.

A. SEARLE FIELD, STAFF DIRECTOR
AARON B. DONNER, COUNSEL

TELEPHONE: (202) 225-9731

Select Committee on Intelligence
U.S. House of Representatives
Washington, D.C. 20515

December 1, 1975

Mr. Michael Shaheen, Jr.
Spec. Counsel for Intel. Coordin.
Department of Justice
Washington, D.C.

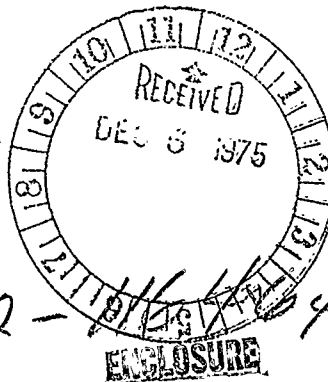
Dear Mr. Shaheen:

The House Select Committee hereby requests access to
any and all files, memorandum or other materials re:

- 6 vols. 1) Jesse Benjamin (J.B.) Stoner (DOB) April
13, 1924, Chairman; National States Rights
Party.
- repe in 96+ vols. 2) The Thunderbolt and the subscriber list
thereto (publication of the National States
Rights Party)
- 96 vols. 3) The National States Rights Party
- 2 vols. 4) Carl W. Ridout of Birmingham, Alabama
member -- National States Rights Party
- 1 vol. 5) John Mercer Johns of Jacksonville, Florida -
member - National States Rights Party
- 1 vol. 6) Vernon Higgins (Detroit, Michigan)

Sincerely,

A. Searle Field
A. Searle Field
Staff Director



236380-4-1
DEPARTMENT OF JUSTICE
DEC 4 1975
R.A.D.

OFFICE OF LEGISLATIVE AFFAIRS
DEPUTY ATTORNEY GENERAL
222X

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. J. B. Adams

FROM : Legal Counsel

SUBJECT: HOUSTUDY

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

DATE: 12/4/75

1 - Mr. Hotis
1 - Mr. Daly

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

On 12/2/75, Richard Vermeire, Staff Member of the House Select Committee, requested that the following Bureau personnel be made available for interview by Staff Members of that Committee concerning any knowledge they may possess pertaining to the Bureau's purchasing practice with the U. S. Recording Company:

Deputy Associate Director James B. Adams;
Associate Director Nicholas P. Callahan;
Assistant Director William V. Cleveland;
Inspector John P. Dunphy;
Executive Assistant to the Deputy Associate
Director of Administrative Affairs Thomas J.
Feeney, Jr.;
Deputy Associate Director Thomas J. Jenkins;
Special Agent John M. Kirsch;
Special Agent in Charge Robert G. Kunkel;
Mr. G. Speights McMichael;
Assistant Director Donald W. Moore, Jr.; and
Special Agent Frederick Woodworth.

RECOMMENDATION:

That the aforementioned Bureau personnel be released from any existing employment agreement for purposes of Staff interview by the House Select Committee concerning their knowledge of the Bureau's purchases from the U.S. Recording Company.

1 - Personnel File - James B. Adams
1 - Personnel File - Nicholas P. Callahan
1 - Personnel File - William V. Cleveland
1 - Personnel File - John P. Dunphy
1 - Personnel File - Thomas J. Feeney, Jr.
1 - Personnel File - Thomas J. Jenkins
1 - Personnel File - John M. Kirsch
1 - Personnel File - Robert G. Kunkel
1 - Personnel File - G. Speights McMichael
1 - Personnel File - Donald W. Moore, Jr.
1 - Personnel File - Frederick Woodworth.

PVD:lad
(19)

DEC 16 1975

LEGAL COUNSEL



UNITED STATES GOVERNMENT

Memorandum

TO : Mr. J. B. Adams

FROM : Legal Counsel *JAM*

SUBJECT: HOUSTUDY

1 - Mr. Mintz
1 - Mr. McDermott
1 - Mr. Wannall

DATE: 12/4/75

1 - Mr. Cregar
1 - Mr. Hotis
1 - Mr. Daly

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

Steven Blackhurst, Assistant Special Counsel for Intelligence Coordination in the Department, advised that the House Select Committee has requested a meeting tentatively scheduled for 3 p.m., Friday, 12/5/75, to discuss the disposition of documents and materials furnished that Committee by the FBI. Attending the meeting from the House Select Committee will be Jackie Hess.

We have learned that the CIA has recommended to the House Select Committee that the material they furnished be turned over to Archives with future access to that material being governed by procedures set up by the CIA. This concept was reportedly well received by Staff Members of the Committee, although it has not been finalized. The obvious advantage to this procedure is to in effect take the material from the Committee and place it in the custody of the Executive Branch. This may, in part, obviate problems created by the House Rule 11 which states material in possession of a House Committee is accessible to all Congressmen in the House, since the material may not be considered to be in the possession of the House Select Committee. All indications are that captioned Committee will go out of existence in January and the problem of access subsequent to the termination of the Committee by Congressional Staffers or Congressmen themselves is something that will have to be addressed during this meeting and if need be, subsequent meetings.

RECOMMENDATION:

That representatives of the Intelligence Division, Files and Communications Division, and the Legal Counsel Division meet at 3 p.m., 12/5/75, with the House Select Committee Staff Member to discuss disposition of Bureau materials in the possession of the Committee.

PVD:lad
(8)


SEE ADDENDUM PAGE 2

84 123 1975



NW 68262- DocId:32989696 Page 122

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

Memorandum to Mr. Adams
Re: HOUSTUDY

ADDENDUM BY LEGAL COUNSEL, 12/5/75, JAM:mfd. 

In view of our meeting of December 3, 1975, with the Deputy Attorney General where the problem of disposition of documents furnished the various committees was discussed, I have instructed Mr. Daly to propose to the House Committee representatives that FBI documents be returned to the FBI where they may be retained under seal if necessary. This proposal will be discussed this afternoon at the 3:00 p.m. meeting. You will be advised promptly of the results.





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

December 3, 1975

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

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

SUBJECT: House Select Committee Letter Dated December 2

Attached is a letter from the House Select
Committee dated December 2. Please prepare an appro-
priate response.

12/4/75 sent to Barnett & Keenan
12/24/75 SA Robt Keenan advises SA Daly has informed HSC that response will be
submitted upon completion of internal inquiry. TDM

cc: Paul Daly

REC-100

62-116464 220X

FEB 12 1976

LEGAL COUNSEL

5-116464

62-116464

1-Ad Hoc
12-4-75

see list to HG 2/10/76 (62-116464)

END/led



December 3, 1975

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

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

SUBJECT: House Select Committee Letter Dated December 2

Attached is a letter from the House Select
Committee dated December 2. Please prepare an appropriate response.

cc: Paul Daly

OTIS G. PIKE, N. Y., CHAIRMAN

ROBERT N. GIAMMO, CONN.
JAMES V. STANTON, OHIO
RONALD V. DELLUMU, CALIF.
MORGAN F. MURPHY, ILL.
LES ASPIN, WIS.
DALE MILFORD, TEX.
PHILIP H. HAYES, IND.
WILLIAM LEHMAN, FLA.

ROBERT MCCLORY, ILL.
DAVID C. TREEN, LA.
JAMES P. JOHNSON, COLO.
ROBERT W. KASTEN, JR., WIS.

A. SEARLE FIELD, STAFF DIRECTOR
AARON B. DONNER, COUNSEL

TELEPHONE: (202) 225-9751

Select Committee on Intelligence
U.S. House of Representatives
Washington, D.C. 20515

December 2, 1975

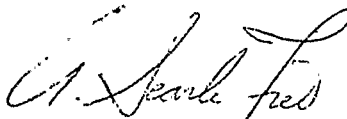
Mr. Michael E. Shaheen, Jr.
Special Counsel for Intelligence Coordination
U.S. Department of Justice
Washington, D. C. 20530

Dear Mr. Shaheen:

The Committee hereby requests information regarding any FBI internal investigation of former Assistant Director J. P. Mohr's relationship with Joseph Tait and the U. S. Recording Company.

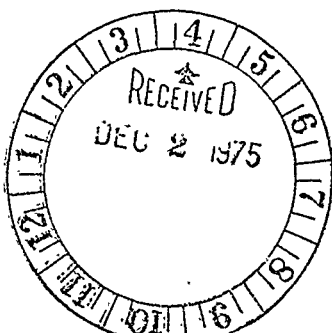
Thank you for your cooperation in this matter.

Sincerely,



A. Searle Field
Staff Director

ASF/RV/mas



ENCLOSURE

62-111464-220X

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. J. B. Adams

DATE: 11/21/75

FROM : Legal Counsel *[Signature]*

SUBJECT: HOUSE SELECT COMMITTEE
ON INTELLIGENCE;
U. S. RECORDING COMPANY

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

At 4:11 p.m. on November 21, Bryan Gettings, the attorney representing Joe Tait of the U. S. Recording Company, telephonically advised me that he and Mr. Tait appeared for interview by staff of the captioned Committee concerning Tait's dealings with the FBI. Mr. Gettings said that the interview was unproductive in that the staff seemed to have very little basis for their questions. He said that they did request delivery of Mr. Tait's records concerning Bureau transactions pertaining to the Martin Kaiser Company. I told Mr. Gettings that the Bureau was reviewing the records and that upon completion of the review copies would be made of the appropriate excisions of sensitive material. Mr. Gettings requested that the original records, plus a set of excised copies, be delivered to his office on Monday morning, November 24, prior to 11:30 a.m., in order that he might have the set of excised copies for delivery to the staff representatives of captioned Committee.

I spoke with Assistant Director Cochran, advised him of Mr. Gettings' request, and requested him to prepare the necessary copies for delivery to Mr. Gettings.

I spoke with Assistant Director Bassett and explained to him the arrangements I had made with the attorney for Mr. Tait and requested him to provide for delivery of the original records, plus a set of excised copies, to Mr. Gettings' office on Monday morning, November 24, prior to 11:30 a.m. Mr. Bassett said that would be arranged.

RECOMMENDATION:

For information.

- 1 - Mr. Cochran
- 1 - Mr. Bassett
- 1 - Mr. Wannall
- 1 - Mr. Eotis
- 1 - Mr. Mintz

JAM:mtm

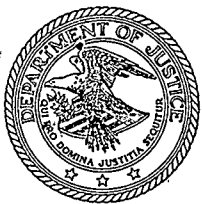
(8)

7 DEC 2 1975
62-116464-
NOT RECORDED
170 DEC 9 1975
[Signature]

11-157-1000

ORIGINAL FILED IN

-FBI



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

DEC 3 1975

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

Mile

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

SUBJECT: House Select Committee Letter Dated December 1

Attached is a letter from the House Select
Committee dated December 1. Please prepare an appro-
priate response.

cc: Paul Daly

D

ENCLOSURE

REC 17

62-116464-220

DEC 17 1975

1-AD
12-4-75

62-116464

5-11/11/75



84 DEC 23 1975

DEC 3 1975

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

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

SUBJECT: House Select Committee Letter Dated December 1

Attached is a letter from the House Select Committee dated December 1. Please prepare an appropriate response.

cc: Paul Daly

OTIS G. PIKE, N. Y., CHAIRMAN

ROBERT N. GIAIMO, CONN.
JAMES V. STANTON, OHIO
RONALD V. DELLUM, CALIF.
MORGAN F. MURPHY, ILL.
LES ASPIN, WIS.
DALE MILFORD, TEX.
PHILIP H. HAYES, IND.
WILLIAM LEHMAN, FLA.

ROBERT MCCLORY, ILL.
DAVID C. TREEN, LA.
JAMES P. JOHNSON, COLO.
ROBERT W. KASTEN, JR., WIS.

A. SEARLE FIELD, STAFF DIRECTOR
AARON B. DONNER, COUNSEL

TELEPHONE: (202) 225-9751

Select Committee on Intelligence
U.S. House of Representatives
Washington, D.C. 20515

December 1, 1975

Mr. Michael E. Shaheen, Jr.
Special Counsel for Intelligence Coordination
U. S. Department of Justice
Washington, D. C. 20530

Dear Mr. Shaheen:

A briefing was afforded the Committee staff on the subject of FBI proprietaries during October.

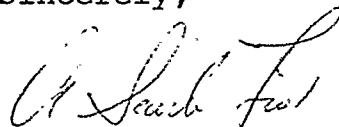
In the course of the briefing, certain disclosures were made as to accounting practices and procedures. Figures were developed on the financial standing of the entities, and the disposition of funds, other than appropriated funds.

Please provide Mr. Charles Mattox, a member of the staff the opportunity of an independent audit verification of the items disclosed in the briefing.

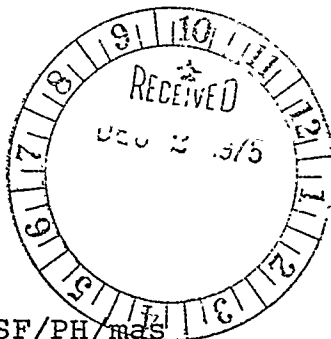
Specifically, the committee is interested in the two entities in the metropolitan Washington area and the cover entity in the greater Baltimore area. Arrangements may be made directly with Mr. Mattox or the undersigned at 225-9751.

A reply deadline of December 5, 1975 is requested. Further specific arrangements can be made at that time.

Sincerely,



A. Searle Field
Staff Director



ASF/PH/mas

62-116464-220
ENCLOSURE

F B I

Date: 12/3/75

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIRMAIL
(Priority)

TO: DIRECTOR, FBI
 FROM: ADIC, LOS ANGELES (66-6270)
 SUBJECT: HOUSTUDY

Re Bureau teletype to Los Angeles dated 12/2/75,
 captioned, "HOUSTUDY".

Enclosed for the Bureau are six copies of a
 letterhead memorandum (LHM) captioned DARTHARD MAURICE
 EDWARD PERRY, who is a former extremist informant.
 DARTHARD PERRY is the subject of Los Angeles file 170-2658,
 Bufile 157-20684.

REC-9 62-116764-219

15 DEC 8 1975

ENCLOSURE

- 3 - Bureau (Encl. 6)
 (2 - HOUSTUDY)
 (1 - 157-20684)
 2 - Los Angeles
 (1 - 170-2658)

WOH/sk
 (5)

- 1* -

Approved: [Signature]
 Special Agent in Charge

Sent _____ M Per _____



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Los Angeles, California

December 3, 1975

In Reply, Please Refer to
File No.

DARTHARD MAURICE EDWARD PERRY

Darthard Maurice Edward Perry, FBI Number 866-431 G, voluntarily appeared at the Los Angeles FBI Office on February 12, 1974, and claimed he wished to offer his assistance as an informant as regards the Black Panther Party (BPP), a characterization of which is contained in the appendix hereto, and the Symbionese Liberation Army (SLA), a characterization of which is contained in the appendix hereto, the latter having received publicity in the news media from the February 4, 1974, kidnapping of Patricia Campbell Hearst. Darthard Perry was interviewed by Special Agents William Otto Heaton and Brendan O. Cleary. He was found to have no information concerning the SLA but to have a somewhat extensive knowledge of former leaders and events concerning the BPP.

Darthard Perry advised he was a 1969 Los Angeles BPP chapter applicant but that he had never been admitted to membership and had never participated in activities of the BPP.

At the time of initial interview on February 12, 1974, Darthard Perry claimed he was then employed and had been employed for the past several years by the Watts Writer's Workshop, Los Angeles, California. He produced a publication entitled, Watts Writer's Workshop bearing his photograph over the name Ed Riggs, Video Workshop. There is no publication date on the pamphlet but the latest date appearing therein is 1969.

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.

62-116464-219
ENCLOSURE

DARTHARD MAURICE EDWARD PERRY

Darthard Perry described the Watts Writer's Workshop as a theatrical work group providing a forum for the expression and promotion of black theatrical talent, founded in August, 1965.

From March 6, 1974, until March 21, 1975, Darthard Perry was in active FBI informant status. The BPP had ceased to be a viable organization in the Los Angeles, California area by 1972. Darthard Perry was never guided, directed, or targeted by any FBI Agent to penetrate the BPP as it had ceased to exist in the Los Angeles area, nor to penetrate the Watts Writer's Workshop in Los Angeles, California, and the FBI has never conducted an investigation of the Watts Writer's Workshop. Darthard Perry never furnished any information concerning Watts Writer's Workshop activities or personnel.

However, Darthard Perry did furnish information to the Los Angeles FBI of various extremist individuals identified as former members of the BPP, principally members or followers of the Black Liberation Army (BLA), a characterization of which is contained in the appendix hereto.

On May 31, 1974, Perry advised that Renee Moore, also known as "Peaches" Moore, was urging urban guerrilla warfare in the black community of Los Angeles, California, and that she was in contact with a BLA member, John William Washington, also known as Long John.

On June 5, 1974, Perry advised that Byron Walter Bartlett, a former BPP activist had applied for and was seeking to obtain employment as a police officer by the Los Angeles Police Department without his prior background being known to that law enforcement agency.

DARTHARD MAURICE EDWARD PERRY

On June 19, 1974, Perry advised that "Peaches" Moore went to San Francisco, California, on Monday, June 17, 1974, following her appearance on a radio talk show at station KPFF-FM, North Hollywood, California, on which she advocated urban guerrilla warfare.

On June 24, 1974, Perry advised he attended a meeting on June 23, 1974, of a BLA cell led by John William Washington, in Los Angeles, California. Conversation centered on ways to free Elmer Gerard Pratt, also known as "Geronimo", a former BPP leader and titular head of the California BLA, incarcerated in San Quentin Prison for life on a murder charge. The conversation concerned emulating Arab terrorist groups and planning a jail break which would be a more efficient Marin County shoot out.

On June 24, 1974, Perry advised that Long John Washington was contacting Perry telephonically from Pomona, California. Washington refused to furnish a telephone number or residence. Washington has refused to allow pictures to be taken of him or his group. On July 5, 1974, Perry advised Long John Washington visited Perry at his residence.

On June 26, 1974, Perry advised that Long John Washington wanted photographs of the Los Angeles County Jail and Courthouse to assist in planning an anticipated jail break for Elmer G. Pratt.

On July 8, 1974, Perry advised that he recognized the photograph of a Federal fugitive Sharon Hazel Williams, a former member of the Los Angeles chapter of the defunct BPP. Perry described the possible recent sighting of her in the Watts, California area.

On July 11, 1974, Perry advised that Long John Washington had no information concerning the California National Guard Armory burglary of weapons on or about July 3 or 4, 1974, from its location at 700 North Alameda, Compton, California. In Perry's opinion, BLA members in Los Angeles were not involved.

RTHARD MAURICE EDWARD PERRY

On August 8, 1974, Perry advised that the A under the Los Angeles leadership of John William shington, was not planning any immediate violence hostile activity during the upcoming Watts stival.

On November 4, 1974, Perry advised that er the weekend of November 8 through 10, 1974, ron Walter Bartlett left Los Angeles, California, ing to Kansas City, Missouri, where he intended reside with a grandmother.

On November 13, 1974, Perry advised that met Albert Earlington Armour recently after having ft a message with his mother in Los Angeles, Calif- nia. Armour stated the BPP was not active in any litical or extremist activity. Armour claimed was selling a little marijuana and cocaine. rry advised that he was unable to subsequently cate Armour at the employment or residence address at Armour furnished.

On November 26, Perry advised of having served Albert Armour driving a white over brown rcury Cougar by himself in Inglewood, California, parently residing in that area.

On November 26, 1974, Perry advised that he d sat in the spectators section of the courtroom the pretrial hearing of BLA members Harold Taylor, ymond Boudreaux and John Bowman, and there met ristie Marie Farlice, active in BLA activities, who ves with Long John Washington. Perry thereafter tended, as a spectator, the pretrial hearings of ylor, Boudreaux, and Bowman on December 11, 12, d 13, 1974, in Los Angeles County Superior Court, s Angeles, California. The former BPP members, entified as members of the BLA, are charged with 1971 shoot out with the Los Angeles Police Department. rry claimed he struck up a conversation with court- om spectators Christi Farlice and Valerie Bowman, ster of defendant John Henry Bowman. Perry claimed

DARTHARD MAURICE EDWARD PERRY

he accompanied Christi Farlice to meet John William Washington at a radical bookstore. Perry advised that Chrisit Farlice was very actively involved in the affairs of the BLA and letter writing to imprisoned members. Perry advised there was no discussion of any plans to commit any acts of violence during the trial of Bowman, Boudreaux, and Taylor. Perry advised that Long John Washington complained that the anticipated courtroom appearance of Elmer G. Pratt had been terminated, and that no attempt could be made to free Pratt.

On January 30, 1975, Perry claimed that Long John Washington and Christi Farlice continued to refuse to give him a telephone number or location of their residence. Perry claimed they were planning a trip to Northern California to engage in unspecified activities and they claimed to continue to be involved in organizing a defense fund committee for BLA members Taylor, Bowman, and Boudreaux.

On February 2, 1975, Perry advised that Long John Washington claimed there were ten members of his BLA cell in Los Angeles consisting of three women and seven men. According to Perry, Washington wanted false identification for himself, Christi Farlice, and his cell members. Perry claimed that according to Washington, Christi Farlice was working on some type of confidential basis for the attorneys defending BLA members Taylor, Boudreaux and Bowman. Washington claimed he could buy automatic weapons.

On February 9, 1975, Perry claimed Long John Washington was accompanying an alleged member of the Kansas City BPP named Robert C. Bond over the weekend of February 8 and 9, 1975. Perry claimed that Washington again brought up the idea of obtaining false identification for the purpose of attempting fraudulent enlistments in the United States Military Service with the objective of obtaining weapons. Perry claimed Washington was pressing Perry to furnish

DARTHARD MAURICE EDWARD PERRY

the false identification.

On March 26, 1975, Perry advised that Valerie Bowman had furnished Perry a new residence address in San Francisco, California, where she claimed to be residing with two other BIA brothers and that she attended the first day trial of the San Quentin Six in San Francisco, California. The San Quentin Six are inmates accused of murder in the August 21, 1971, bloodiest escape attempt in the history of San Quentin.

Darthard Perry's active informant status with the Los Angeles FBI was terminated on March 21, 1975, because of indications of unreliability and instability.

BLACK LIBERATION ARMY

The Black Liberation Army (BLA) is a loose-knit urban guerrilla organization whose self-described purpose is to overthrow the Government. In announcing the BLA's purpose, the 2/29/72 issue of "Right On!," its official publication stated. . . "The purpose of the BLA is the same as that of the Tupamaros in Uruguay, Frelimo in Mozambique, and all the other liberation forces. The BLA is simply brothers and sisters who have gone underground to put all the revolutionary rhetoric and theory into practice. . . ."

Since May, 1971, the BLA has been involved in armed confrontations with law enforcement officials resulting in eight police officers being killed and another 28 being wounded or injured. Since July, 1971, the BLA has been involved in excess of 20 known bank robberies totaling over \$494,000, which money is used to finance its activities.

APPENDIX

BLACK PANTHER PARTY -
CLEAVER FACTION (BPP-CF)

The Black Panther Party - Cleaver Faction (BPP-CF) based in New York, New York, follows the violent revolutionary philosophy of its leader, Eldridge Cleaver, calling for the overthrow of the United States Government by creating a climate of terror accomplished by using urban guerrilla tactics. Bernice Jones, leader of the BPP-CF in New York City, in describing the purpose of the organization, stated "We are a revolutionary organization whose sole function is to wage revolution in America."

APPENDIX

APPENDIX

BLACK PANTHER PARTY FORMERLY KNOWN AS THE BLACK PANTHER PARTY FOR SELF-DEFENSE

The Black Panther Party (BPP), organized in December, 1966, at Oakland, California, by Huey P. Newton and Bobby George Seale, has the publicly-stated purpose of organizing black people to take control of the life, politics and destiny of the black community. The Party, operating the Black Panther Intercommunal News Service, publishes a newspaper called "The Black Panther," which at one time openly advocated the use of guns and guerrilla tactics in a revolutionary program to end the oppression of the black people but since early 1971 has spoken for a survival program pending revolution. BPP national headquarters, aka Black Panther Intercommunal Headquarters, is located in Oakland, California.

While openly advocating direct overthrow of the U. S. Government by force and violence until 1971, leaders have since avoided extreme statements in favor of calling for action within the established order. Newton, in an interview appearing in the May, 1973, issue of "Playboy" magazine, stated the Panthers' chief ambition is to change the American Government by any means necessary but that ultimately such change will be through armed violence.

Despite its claimed dedication to community service, indicators of the BPP's continued attraction to violence persist. Since July, 1974, Newton and other BPP members have been arrested in Oakland, California, for threatening police officers, murder of a 17-year-old female and the pistol whipping of Newton's tailor. Newton failed to appear on these charges and is now a local fugitive. Additionally, one died and three were wounded as a result of a shooting at a BPP-sponsored dance in Oakland, California, in October, 1974.

APPENDIX

... 3..

APPENDIX

SYMBIONESE LIBERATION ARMY

The Symbionese Liberation Army (SLA) was reportedly formed in the Summer of 1973, in California. An SLA document captioned, "Declaration of Revolutionary War and the Symbionese Program," dated 8/21/73, states " . . . Therefore, we of the Symbionese Federation of the SLA . . . do now, by the rights of our children and people and by force of arms and with every drop of our blood, declare revolutionary war against the fascist, capitalist class. We support by force of arms the just struggles of all oppressed people for self-determination and independence within the United States and the world, and hereby offer to all liberation movements, revolutionary workers' groups and peoples' organizations our total aid and support for the struggle for freedom and justice for all people and races . . . " The SLA has claimed credit for the 11/6/73 assassination of Dr. Marcus Foster, Oakland, California, School Superintendent; the 2/4/74 kidnaping of Patricia Campbell Hearst, daughter of newspaper publisher-owner Randolph A. Hearst; and the 4/15/74 robbery of the Hibernia Bank, San Francisco, California, in the furtherance of its revolutionary objectives. Six members of the SLA were involved in a shoot-out with the FBI and Los Angeles, California, police on 5/17/74, resulting in their deaths. Although no current information has been developed indicating the group has been active in areas other than California, other groups and individuals have surfaced claiming adherence to the SLA's revolutionary tenets.

APPENDIX

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Walsh

FROM : S. R. Burns *SRB*

SUBJECT: REQUEST FOR BUREAU'S MINORITY
STATISTICS BY HOUSE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES

DATE: 11/18/75

MB

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 _____

On 11/18/75, SA Supervisor Seymor F. Phillips, Intelligence Division, advised that SA Supervisor David Ryan, who is appearing before captioned Committee chaired by Congressman Pike, was on the line and needed an immediate breakdown of minority employees currently on the Bureau's rolls. The following minority statistics, as of 10/31/75, were furnished to SA Phillips:

Blacks
Clerks - 1,863
Agents - 103
1,966

American-Indian
Clerks - 13
Agents - 14
27

Spanish-American
Clerks - 263
Agents - 113
376

Oriental
Clerks - 96
Agents - 21
117

Female Agents
37

REC-38

7 NOV 26 1975

ACTION:

None..... For information.

- 1 - Mr. Adams
- 1 - Mr. Jenkins
- 1 - Mr. Wannall
- 1 - Mr. Hunsinger
- 1 - Mr. De La Rosa

SRB:aga
(7)



66 DEC 17 1975

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

2 - Mr. J. A. Mintz
(1 - J. B. Hotis)
1 - Mr. W. R. Wannall

The Attorney General

November 28, 1975

Director, FBI

1 - Mr. W. O. Cregar
1 - Mr. T. J. McNiff
1 - Mr. J. G. Deegan
1 - Mr. R. D. Shea

UNITED STATES HOUSE SELECT
COMMITTEE ON INTELLIGENCE ACTIVITIES (HSC)

Reference is made to HSC letter, dated October 28, 1975, Item 11, which requests access to any and all files concerning the Center for the Study of Democratic Institutions, Santa Barbara, California.

Enclosed for your approval and forwarding to the HSC is the original of a memorandum responding to the above request.

A copy of this memorandum is being furnished for your records.

Enclosures (2)

62-116464
1 - 100-391697

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

RDS:eks/klm
(12)

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 ☐

SEE NOTE PAGE 2
REC 12 62-116464-217
DEC 12 1975

The Attorney General

NOTE:

The Fund For the Republic (FFR) was incorporated in December, 1952. Today it is better known as the Center for the Study of Democratic Institutions (CSDI), under which title it has published its numerous studies throughout the years. We have 21 volumes concerning this organization (Bureau file 100-391697). Throughout the years we have correlated information concerning persons connected with this organization as well as activities of the organization. Numerous individuals connected with FFR have, in the past, had questionable associations with persons or organizations suspected of having subversive affiliations. From 1953 to 1955, we followed the projects and studies of the FFR and kept the Attorney General advised of the background of the various officers and employees of the FFR. In August, 1955, W. H. Ferry, the vice president of the FFR, made it known that the Fund intended to investigate the FBI and the American Legion. The Director, at that time, instructed that a comprehensive memorandum be prepared on the FFR with background data on the principal officers and that this memorandum be kept up-to-date at all times. This running memorandum began as a continuation of a monogram on the FFR prepared by the Central Research Section in November, 1955. It was brought up-to-date every three months since January 1, 1956, by the Liaison Section. By memorandum July 14, 1958, it was pointed out that the memorandum had become too cumbersome for Director Hoover's use and it was recommended and approved that it be discontinued. Many of the memoranda dealt with the investigation of the FFR by the Internal Revenue Service which had been going on for several years and which concerned the eligibility of the Fund of the FFR as a tax-exempt organization. A thorough review of these volumes concerning the FFR disclosed no active investigation of it by the FBI. It is noted that HSC Staff Member John Atkisson when queried 11/12/75, as to the motivation behind this inquiry, advised SA Thomas J. McNiff that an associate of his from California, suggested to him that the HSC should look into the Bureau's interest in CSDI, as the Bureau probably used the same investigative techniques against CSDI as have been publicly alleged in the Bureau investigation of Institute for Policy Studies.

62-116464

2 - Mr. J. A. Mintz
(1 - J. B. Hotis)
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. T. J. McNiff

November 28, 1975

1 - Mr. J. G. Deegan
1 - Mr. R. D. Shea

UNITED STATES HOUSE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES (HSC)

Reference is made to HSC letter dated October 28, 1975, Item 11, which requests access to any and all files concerning the Center for the Study of Democratic Institutions (CSDI), Santa Barbara, California.

As a result of an agreement reached on November 12, 1975, between Special Agent T. J. McNiff of the FBI and HSC Staff Member John Atkisson, the following is being submitted in response to the aforementioned request:

The CSDI has never been the subject of an investigation by the FBI, nor has the FBI directed informants or utilized other investigative techniques against this organization. However, in the past we have gathered public source material regarding it and have reviewed and researched pamphlets, periodicals, surveys, and books promulgated by it, when the content of the aforementioned material was of interest and germane to the work of the FBI. The vast bulk of the research conducted by the FBI pertained to Communism and related matters and took place during the period of time when CSDI was known as the Fund For the Republic (FFR).

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 _____

By way of background, the "New York Times," a morning daily newspaper in New York City, in its issue of February 26, 1953, revealed that the FFR was established in the Fall of 1952, after receiving a grant of \$15,000,000 from the Ford Foundation with headquarters in New York City.

1 - 100-391697

ORIGINAL AND ONE COPY TO AG

RDS:klm

(11)

MAIL ROOM ☐

TELETYPE UNIT ☐

U. S. House Select Committee
on Intelligence Activities (HSC)

The September 1, 1959, issue of the "New York World Telegram and Sun," a New York City daily evening newspaper, contained an article which disclosed that effective that date the main headquarters of the FFR would be renamed: "Center for the Study of Democratic Institutions, the Fund For the Republic, Inc., Box 4068, Santa Barbara, California."

1 - The Attorney General

Federal Bureau of Investigation
Records Section

11/4

, 19__

☐ Name Searching Unit, 4543 JEH-FBI Bldg.☐ Service Unit, 4654 JEH-FBI Bldg.☐ Forward to File Review☐ Attention Shea☐ Return to Shea

Supervisor

Room

Ext.

Type of References Requested:

☐ Regular Request (Analytical Search)☐ All References (Subversive & Nonsubversive)☐ Subversive References Only☐ Nonsubversive References Only☐ Main _____ References Only

Type of Search Requested:

☐ Restricted to Locality of _____☐ Exact Name Only (On the Nose)☐ Buildup ☐ VariationsCenter for the Study of
democratic institutionsSubject of Santa Barbara Calif

Birthdate & Place _____

Address _____

Localities _____

R# _____ Date 11/4Searcher
Initials SC

Prod. _____

FILE NUMBER

SERIAL

100-84984-95Center for the Studyof democratic institutions100-391697SS-O-A The BreibergSS-O-A-Wash. Daily News 5/23/6961-7559-2-10405162-0-6626262-110048-33462-110955-54362-35717-315262-111552-X262-40155-128564-330-268-341064-330-331-62894-4-2834-28MF 100-391697-A NY Times 6/11/69100-0-37340100-14646-554

NUMEROUS REFERENCE

Center for the Study of Demography

Subj: Institution of Santa Barbara CalifSupervisor Shq/ott Room 4065R# _____ Date 1/4 Searcher Initial EC

Prod. _____

FILE NUMBERSERIAL

	100-335641-53
MF	100-391697-611
	100-357682-360
	100-361072-73, 24
MF	100-391697-615, 619, 625
MF	100-391697-627, 628, 633
MF	100-391697-634, 648, 655
MF	100-391697-659, 677, 705
MF	100-391697-A My World Jul. 9/9/59
MF	100-391697-A Natl Guard 4/16/62
	100-420181-48
	100-428091-3007p1
	100-428091-3007p2
	105-174932-1
	105-140580-16
	105-137370-4
	105-106720-131p18
	105-67845-24169
	105-67845-20706, 20707
	105-67845-20591
	105-14704-122
	105-232855-13X
	105-67845-30475

NUMEROUS REFERENCE

SEARCH SLIP

Subj: C. Study demo. inst.Supervisor Shepard Room 405R# _____ Date 11/4 Searcher Initial PC

Prod. _____

FILE NUMBERSERIAL105-67845-30868105-67845-30872p2105-67845-30911105-67845-31233105-67845-32339105-67845-31332105-262360-1105-67845-34421105-67845-34572109-12-307-189109-12-221-1670109-12-307-A N.Y. Times 9/12/69134-1911-6

62-116464-217

Mr. Michael Shaheen

Page 2

October 28, 1975

9. Access to any and all files at F.B.I. concerning Earl Robert Merritt, Jr.;

10. Access to any and all files at F.B.I. concerning Donald Sanders Luce, born September 20, 1934, Social Security No. JFK Act 5 (g) (2) (D)

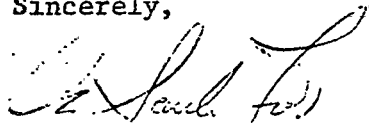
11. Access to any and all files concerning the Center for the Study of Democratic Institutions, Santa Barbara, California;

12. Production of those records already reviewed by our staff, concerning Bruce Bloy (SWP) and Marc Rich (SWP);

With respect to the files requested, it is assumed that the names of FBI Special Agents will NOT have been excised for the purposes of our review.

Because of the severe time deadlines imposed on this committee, please make the arrangements for access immediately.

Sincerely,



A. Searle Field
Staff Director

5-140 (Rev. 1-21-74) FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

Addressee: HOUSE SELECT COMMITTEE

☐ LTR ☒ LHM ☐ Memo ☐ Report dated 11/28/75

U.S. HOUSE SELECT COMMITTEE.
Caption of Document:

10/28/75 HSC request Item 11

Originating Office: FBI

Delivered by: Richard S. Taylor Date: 12/3/75 ³⁰⁵

Received by: Laquelline

Title: Security

Return this receipt to the Intelligence Division, FBI

TO: Intelligence Community Staff
ATTN: Central Index

FROM:

FBI

SUBJECT: Abstract of Information Provided to Select Committees

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

2. DATE PROVIDED

☒ DOCUMENT ☐ BRIEFING ☐ INTERVIEW ☐ TESTIMONY ☐ OTHER

11/28/75

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

SSC

☒ HSC

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

, Memorandum

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

HSC letter 10/28/75, item 11

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

U

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

Information handling
Intelligence collection

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

Center for the Study of Democratic Institutions, Santa Barbara, Calif., has never been the subject of an investigation of the FBI. The FBI in the past has gathered public source material regarding it and have reviewed and researched pamphlets, periodicals, surveys and books promulgated by it.

62-116464

FMK:fmk

(4)

ORIGINAL VIA LIAISON TO CENTRAL COMMUNITY INDEX
IN CONNECTION WITH HOUSTUDY

TREAT AS YELLOW

5. ml

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. J. B. Adams
2 - Mr. J. A. Mintz
(1 - Mr. J. B. Hotis)

The Attorney General

November 28, 1975

Director, FBI

1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. R. L. Shackelford
1 - Mr. F. J. Cassidy

U. S. HOUSE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES (HSC)

On November 18, 1975, Assistant to the Director-Deputy Associate Director James B. Adams, Assistant Director W. Raymond Wannall, and other representatives of the FBI appeared in open hearings before the HSC, chaired by Congressman Otis G. Pike.

During the hearings, a number of questions were raised by Congressman Pike and other members of the Committee. Enclosed for your approval and forwarding to Congressman Pike is a letterhead memorandum (LHM) containing information responsive to the questions raised.

This information must be made available to Congressman Pike by December 1, 1975, to be included in the official record of the hearings.

A copy of this LHM is being furnished for your records.

Enclosures - 2

62-116464

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

5 DEC 12 1975

FJC:glw
(11)

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 _____
Telephone Rm. _____
Director Sec'y _____

ENCLOSURE

MAIL ROOM ☐

TELETYPE UNIT ☐

1 - Mr. J. B. Adams
 2 - Mr. J. A. Mintz
 (1 - Mr. J. B. Hotis)
 1 - Mr. W. R. Wannall
 1 - Mr. W. O. Cregar
 1 - Mr. R. L. Shackelford

62-116464

November 28, 1975

1 - Mr. F. J. Cassidy

**U. S. HOUSE SELECT COMMITTEE
 ON INTELLIGENCE ACTIVITIES (HSC)**

Reference is made to the hearings held on November 18, 1975, before the U. S. House Select Committee on Intelligence Activities (HSC) at which testimony was given by James B. Adams, Assistant to the Director-Deputy Associate Director, Federal Bureau of Investigation (FBI); W. Raymond Wannall, Assistant Director, Intelligence Division, FBI; and other FBI representatives. The information set forth below is in response to specific questions raised during the hearings.

One aspect of the hearings dealt with the FBI's investigative interest in the Institute for Policy Studies (IPS). You asked Mr. Adams if a phone call from your Administrative Assistant to IPS was intercepted and recorded by the FBI. You specifically referred to information attributed to a source, WF T-4, which appeared in a document labeled WFO 100-46784.

From a review of our file, it was determined the symbol, WF T-4, was used in this instance to designate a one-time retrieval of some IPS trash abandoned by a trash truck at a Washington, D. C., sanitary dump on August 23, 1972. The recovered trash included carbon typewriter ribbons, from which information was subsequently transcribed. The actual transcription from one ribbon read as follows:

"Mrs. Woolbert of Congressman Pike's office was asked by Byron Johnson to call you. He is running for the 5th Congressional District of Congress. He wonders if you will be willing to go around and round up a group of liberal, anti-war folks for the evening of August 6-12th. She expects you to call her when you get back."

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

The above-quoted note was on a portion of a typewriter ribbon between other material dated July 26, 1972, typed by Marcus Raskin's secretary.

FJC:glw
 (10)

62-116464-216

MAIL ROOM ☐

TELETYPE UNIT ☐

U. S. House Select Committee on Intelligence Activities (HSC)

You requested information concerning attacks by the IPS on the FBI mentioned in the document labeled WFO 100-46784.

Information responsive to your inquiry is contained in pages 2 through 8 of the report of our Washington Field Office entitled "Institute for Policy Studies, 1520 New Hampshire Avenue, N.W., Washington, D. C.; IS - REVACT," dated March 15, 1973. A copy of this report was furnished to the HSC by letter dated November 14, 1975. As the information is already available to you and is classified "Confidential," it is not being submitted herewith for inclusion in the public record.

Congressman Dellums inquired as to the FBI's basis for the investigation of the IPS. He asked if the FBI's investigative interest in IPS was based on an association between IPS and "Ramparts" magazine, rather than to determine the degree of association between IPS and the Students for a Democratic Society (SDS).

An investigation of IPS was initiated on June 20, 1968, by the Washington Field Office of the FBI based upon information set forth in a communication dated June 19, 1968, from the New York Office of the FBI. This communication, captioned "Students for a Democratic Society (SDS)," contained information from a source who had furnished reliable information in the past that on May 27, 1968, Arthur I. Waskow of IPS, Washington, D. C., had contacted Jeff Jones of the New York Regional Office of SDS. Waskow reportedly advised Jones that his name had been included among 50 young, intelligent, leftist militants recommended to attend a three-day meeting of the Foreign Policy Association (FPA) at the New York Hilton Hotel, New York City, on May 27-29, 1968.

The source expected members of SDS to attend and possibly attempt to dominate the meetings.

The investigation of IPS was initiated to determine its association with SDS and what, if any, influence the New Left, of which SDS was an integral part, had on the FPA.

U. S. House Select Committee on Intelligence Activities (HSC)

Later in October of 1968, the Baltimore FBI Office reported information relating to a 1968 trip to Cuba by SDS members. "Ramparts" magazine was preparing an article, with some apparent cooperation from IPS, on this trip by SDS members. Consequently, FBI Headquarters sent instructions on November 1, 1968, to appropriate field offices to determine if there was a relationship between "Ramparts" and IPS, inasmuch as both had demonstrated an interest in SDS.

In response to the inquiry of Congressman McClory, there are currently 110 members of the Socialist Workers Party (SWP) on the Administrative Index (ADEX).

In discussing the FBI inquiry concerning Lori Paton, Congressman Johnson asked when the inquiry stopped and how long it took to establish that Miss Paton was a high school student. At subsequent points both you and Congressman Kasten made similar inquiries regarding this matter.

Miss Paton first came to the attention of the FBI in mid-February, 1973, when her name and address were obtained from a legal mail cover on the headquarters of the SWP, New York City. This information was forwarded by letter dated February 28, 1973, to our Newark Office for the purpose of identifying her and determining whether any further inquiry was warranted. The Newark Office reviewed its indices and contacted established confidential sources in an effort to determine the reason for her contact with the SWP. These inquiries proved negative. On March 22, 1973, Newark opened an individual case on Miss Paton and requested a further inquiry at Chester, New Jersey, to determine her identity and whether she was involved in subversive activities. On March 28, 1973, inquiries were made by our Resident Agent at Chester, New Jersey, with the local credit bureau and the Chief of Police, which indicated Miss Paton had probably graduated from the local high school. Later on this same date, our Resident Agent contacted the principal and vice principal at the high school and determined that she was in fact still a student there and had probably contacted the SWP in regard to one of her school courses. No further inquiries were made regarding Miss Paton. The Resident Agent, in the normal course of his

U. S. House Select Committee on Intelligence Activities (HSC)

business, dictated and forwarded to his Newark headquarters the results of his inquiry in a memorandum dated April 2, 1973. The Newark case Agent routinely reviewed the information from the Chester Resident Agent, recommended closing, and on May 7, 1973, the case was officially closed.

The above information concerning Miss Paton is furnished for inclusion in the transcript of the hearings concerning FBI surveillance activities, November 18, 1975, at line 19, page 4165.

It is requested that all of the above information be made a part of the official record of the November 18, 1975, hearings.

1 - The Attorney General

November 18, 1975

Congressman Otis Pike
Chairman

House Select Committee on Intelligence
United States Congress
Washington, D.C.

RE: Jacqueline Hess Matter

Dear Mr. Chairman:

Enclosed please find a copy of a memorandum of mine to Director Kelley in this case. I assume it will be no surprise to you to read that we have concluded that the Bureau investigation and our deliberations in the Department indicate no evidence of criminal intent on the part of Ms. Hess. Consequently we are closing this matter.

Very truly yours,

Harold R. Tyler, Jr.
Deputy Attorney General

encl.

REC-78

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170 FEB 3 1976

5 JAN 10 1976

Rec'd 1/6/76
S-PC

Records
cc 62-116464

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