FEDERAL BUREAU OF INVESTIGATION

SURREPTITIOUS ENTRIES

(JUNE MAIL-SERIALS X111-30X20)

PART 10 OF 23

FILE NUMBER : 62-117-166

ALL (b)(7)(C), (D)

FURNISHED ATTORNEY GARDNER WITH 325 NAMES OF SWP/YSA MEMBERS AND SYMPATHIZERS FOR PERIOD 1970 - 1973. GARDNER WAS ADVISED [redacted] WILLING TO SEARCH NAMES BUT ESTIMATED PROJECT WOULD TAKE FOUR TO FIVE WEEKS. ATTORNEY GARDNER STATED ONLY NAMES HE DESIRED SEARCHED AT [redacted] WERE THOSE OF [redacted] AND [redacted] CHARLES BOLDUC [redacted] SWP AND YSA.

WITH REFERENCE TO RE DETROIT AIRTEL, AUGUST 13, 1973, GARDNER REQUESTED REVIEW OF [redacted] FILES REGARDING REPORTED BREAKINS OF SWP HEADQUARTERS, 3737 WOODWARD, DETROIT, OCTOBER 30, 1971 AND ALLEGED BREAKINS OF THE RESIDENCE OF CHARLES BOLDUC, FEB. 1, 1972 OR 1973 AND FEB. 22, 1972 OR 1973.

THIS REQUEST WILL BE COMPLIED WITH AND RESULTS FORWARDED FORTHWITH.

~~CLASSIFIED BY 1506, XGDS CATEGORY 2, INDEFINITE.~~

END.

HOLD

FD-36 (R- -14-74)

FBI

Date: 5/5/76

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

Via AIRTEL _____ (Precedence)

TO: DIRECTOR, FBI (66-8160)
ATTN: INTD, IS-3 SECTION

FROM: ADIC, NEW YORK (66-8170 Sub 2)

SUBJECT: JUNE
SURREPTITIOUS ENTRIES

ReBunitel to NY, 4/23/76, captioned as above.

Enclosed are copies of three separate memoranda at NY describing material reviewed and copies furnished to representatives of the US Department of Justice, Civil Rights Division, during the period April 26 through 4/30/76, at New York.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 3-10-82 BY SP4JRM/cal

EX-110 62-117166-X118

REC-6 66-5465-34

6 MAY 7 1976

ENCLOSURE

2 - Bureau (Encls. 3) (RM)
1 - New York
(4)

(1)(7)(C)

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

6 MAY 19 1976

OPTIONAL FORM NO. 10
1973 EDITION
FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

ALL (6)17/(C)

TO : ADIC (66-8170 Sub 2) DATE: 5/4/76

FROM : SA [redacted] 40

SUBJECT: JUNE
SURREPTITIOUS ENTRIES

ReBunitel, captioned as above, 4/23/76.

This is to compile a log pertaining to material furnished by the writer to USDJ Attorneys WILLIAM L. GARDNER and STEVEN HORN, of the Civil Rights Division. Referenced communication set forth instructions relating to the material to be furnished.

April 26, 1976

Material	Furnished by Writer	Returned to Writer
SAC Folder Instructions	3:30PM	6:02PM
SAC Folders 1 through 10 (inclusive)	3:30PM	5:15PM
SAC Folders 11 through 25 (inclusive)	5:20PM	6:02PM
April 27, 1976		
SAC Folder C	9:45AM	10:25AM (for copy work)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8-10-82 SP4JRM/cal

[redacted]

ENCLOSURE 62-117166-X118

5010-110

OPTIONAL FORM NO. 10
1973 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum ALL (b)(7)(C)

TO : ADIC (66-8170 SUB 2) DATE: 5/4/76

~~CONFIDENTIAL~~

FROM: SA [redacted] #40

SUBJECT: JUNE
SURREPTITIOUS ENTRIES

~~Classified by SPECIAL~~
~~Declassify on: OADR~~ 5/26/83

On 4/27/76, xerox copies of the below-listed serials were furnished to USDJ Attorneys WILLIAM L. GARDNER and STEVEN HORN by the writer:

SAC Folder 25

Memo of SA [redacted] 3/8/72, captioned [redacted] SM - SDS (EXTREMIST) KEY ACTIVIST";

Memo of SA [redacted] 3/23/72, captioned as above;

Memo of SA [redacted] 4/7/72, captioned as above;

Memo of SA [redacted] 6/6/72, captioned as above;

Memo of SA [redacted] 6/13/72, captioned as above;

Memo of SA [redacted] 12/11/72, captioned as above;

Memo of SA [redacted] 12/20/72, captioned "WEATHFUG";

Memo of SA [redacted] 2/14/73, captioned "WEATHFUG";

Memo of SA [redacted] 4/18/73, captioned [redacted] aka- FUGITIVE (WEATHFUG), IO#4361, ARL; ARL-CONSPIRACY, OO:CG"

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE.

~~CONFIDENTIAL~~

[redacted]

3-10-82 SPY JRM/cal 62-117166-XII 8

ENCLOSURE 310

5010-110

XXXXXX
XXXXXX
XXXXXX

FEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

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

☒ Deleted under exemption(s) b(1) with no segregable material available for release to you.

☐ Information pertained only to a third party with no reference to you or the subject of your request.

☐ Information pertained only to a third party. Your name is listed in the title only.

☐ Document(s) originating with the following government agency(ies) _____ _____, was/were forwarded to them for direct response to you.

_____ Page(s) referred for consultation to the following government agency(ies); _____ _____ as the information originated with them. You will be advised of availability upon return of the material to the FBI.

_____ Page(s) withheld for the following reason(s):

_____

_____

☐ For your information: _____

_____

☒ The following number is to be used for reference regarding these pages:
62-117166-X118 PAGE 2

XXXXXX
XXXXXX
XXXXXX

XXXXXXXXXXXXXXXXXX
X DELETED PAGE(S) X
X NO DUPLICATION FEE X
X FOR THIS PAGE X
XXXXXXXXXXXXXXXXXX

OPTIONAL FORM NO. 10
1973 EDITION
FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum ALL (6)(7)(C)

TO : ADIC (66-8170 Sub 2) DATE: 5/4/76

FROM : SA [redacted] #40

SUBJECT: JUNE
SURREPTITIOUS ENTRIES

~~CONFIDENTIAL~~

On 4/27/76, the below-listed material was made available to USDJ Attorneys WILLIAM L. GARDNER and STEVEN HORN by the writer:

NYfile 100-171161 [redacted]
vols 1 - 10, Sub A

100-171161 1B1 (1) - 4 (6)

NYfile 176-96 [redacted]
vols 1 - 11

Material furnished on 4/28/76:

NYfiles 100-171161 Sub 1, 2, 3, 4

NYfiles 176-403A (WEATHFUG)
vols 1 through 76

NYfiles 100-16543[redacted]
subs 2, 3, 4 (furnished by SAC GRUBERT)

Material Furnished on 4/29/76:

NY 100-160644 (VVAW) Sub A

NY 100-160644 vols 12 - 61

Classified by SP4JRM/cal
Declassify on: OADR
5/26/83

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE.

[redacted] 3-10-82 SP4JRM/cal

~~CONFIDENTIAL~~

62-117166-X 118

5010-110

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

CONFIDENTIAL

NY 66-8170 Sub 2

[redacted]

Material furnished on 4/30/76 to USDJ Attorney GARDNER by SA [redacted]

NY 100-165434 Vols 1 - 5
NY 100-171161 Vols 1 - 8 and 10.

CONFIDENTIAL

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

ALL (L)67)(C)

1-Mr. J.A. Mintz
1-Mr. T.W. Leavitt
1-Mr. R.L. Shackelford

TO : Mr. T. W. Leavitt

DATE: 5/27/76

1-Mr. F.J. Cassidy
1 [redacted]

FROM : F. J. Cassidy JUNE

SUBJECT: SURREPTITIOUS ENTRIES

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Adm. Serv.
Ext. Affairs
Fin. & Pers.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Legal Coun.
Plan. & Eval.
Rec. Mgmt.
Spec. Inv.
Training
Telephone Rm.
Director Sec'y

PURPOSE:

To record a review of FBIHQ files "WeathFug," and "Jennifer Ellen Dohrn," on 5/27/76 by Departmental Attorneys (Civil Rights Division) William L. Gardner and Steven Horn.

SYNOPSIS:

In a request of 4/21/76, the Civil Rights Division asked to review a number of files concerning the Weather Underground and its members, files pertaining to the Socialist Workers Party, and certain files relating to Arab terrorist matters. Departmental Attorney Gardner indicated his review of the files requested in the 4/21/76 memorandum would take place both at FBIHQ and in the field. On 5/26/76, Mr. Gardner asked to review on 5/27/76 the FBIHQ files concerning "WeathFug," and [redacted] Review took place at FBIHQ on 5/27/76 and Mr. Gardner had made available to him all sections of "WeathFug," and all sections of the [redacted] file, including the JUNE section.

RECOMMENDATION:

None. For record purposes.

66-8160

1 - 176-1637
1 - 100-454261

62-117166-1X

[redacted] (8)

APPROVED:	Ext. Affairs	Laboratory
Assoc. Dir.	Fin. & Pers.	Legal Coun.
Dep. AD Adm.	Gen. Inv.	Plan. & Eval.
Dep. AD Inv.	Ident.	Rec. Mgmt.
Asst. Dir.:	Inspection	Spec. Inv.
Adm. Serv.	Intell.	Training

REC-80

EX-110

3 JUN 2 1976

SEE DETAILS PAGE TWO

DATE 3-10-82 BY SP4 JRM/cal

ROUTE IN ENVELOPE

UNRECORDED COPY FILED IN

6 JUN 10 1976

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

FBI/DOJ

Memorandum to Mr. T. W. Leavitt
Re: Surreptitious Entries
66-8160

DETAILS:

In connection with its continuing inquiry into FBI matters involving surreptitious entry, the Civil Rights Division requested on 4/21/76 to review a number of files at both FBIHQ and in the field. Among those files were ones which related to the Weather Underground.

On 5/26/76 Civil Rights Division Attorney William L. Gardner asked to review specifically the "WeathFug" and [redacted] cases. Mr. Gardner requested to review these files at FBIHQ on 5/27/76.

On 5/27/76 Mr. Gardner and Departmental Attorney Steven Horn (who has accompanied Mr. Gardner on a review of files at the New York Office) reviewed the "WeathFug" and [redacted] Headquarters files. All sections of "WeathFug" were made available for the review; all sections of the [redacted] file, including the one JUNE section, were made available.

ALL (6/17)(C)

1 - Mr. [redacted]
1 - Mr. Ad[redacted]
1 - Mr. Mi[redacted] (Route thru for revi
(Attn: [redacted]
1 - Mr. Leavitt
1 - Mr. Cassidy (Attn [redacted]

Airtel

To: SACs, Charlotte JUNE (Encs.-2)
Detroit (Enc.)

6/2/76

From: Director, FBI

PERSONAL ATTENTION

1 - Mr. Shackeli
1 - Mr. McMahon
1 [redacted]

Subject: ~~CONFIDENTIAL~~
SOCIALIST WORKERS PARTY, ET AL. VS
THE ATTORNEY GENERAL, ET AL.
(U.S.D.C., S.D. NEW YORK)
CIVIL ACTION NO. 73 CIV 3160 (TPG)
Bufile: 100-1[redacted]

SURREPTITIOUS ENTRIES
Bufile: 66-8160

ReBuairtels dated 5/4/76 and 5/12/76, captioned "Surreptitious Entries," no copies to Charlotte, which stated the Civil Rights Division, Department of Justice, requested FBIHQ and Detroit Office make available certain documents and files regarding "surreptitious entries." A copy of a letter from J. Stanley Pottinger, Assistant Attorney General, Civil Rights Division, to the Director dated 4/21/76, captioned "Surreptitious Entries" was furnished to Detroit as an enclosure to airtel dated 5/4/76.

Enclosed for the Charlotte Office is one copy of Mr. Pottinger's letter dated 4/21/76. One copy of letter of [redacted] dated 3/29/71 is also enclosed for both Charlotte and Detroit.

For the information of Charlotte, Category B-10 of Mr. Pottinger's letter requested information regarding [redacted] who was investigated as a Socialist Workers Party (SWP) member. The last sentence in this paragraph reads, "State specifically how the Bureau obtained possession of the March 29 letter."

The basis for this particular inquiry involved how the Bureau obtained a letter written by [redacted] in 1971 to the Detroit Chapter of the SWP [redacted] had been a member of the SWP since June, 1963. On 3/20/73, a Security of Government Employees (SGE) investigation was instituted

62-117166-

[redacted] (10)

SEE NOTE PAGE FIVE

~~Class. & Ext. By SP[redacted]~~
~~Reason-FCIM [redacted]~~
~~Date of Review 6-11-96~~
3/18-97

66-8160

NOT RECORDED

46 JUN 16 1976

~~ROUTE IN ENVELOPE~~

~~CONFIDENTIAL~~
~~DUPLICATE YELLOW~~
6 JUN 21 1976

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE.

Classified by SP[redacted]
Declassify on: OADR
5/2[redacted]

CONFIDENTIAL

on her based on information she was employed by the Department of Interior. The SGE investigation was completed and forwarded to the Civil Service Commission on 4/27/73. Page 24 of Detroit SGE report dated 4/18/73 states as follows: [redacted] who was unavailable for recontact or testimony, on November 2, 1971, furnished a typewritten letter dated March 29, 1971, addressed to 'Dear Comrades' and signed by [redacted] A Xerox copy of this letter is hereinafter set forth." This letter, copy of which is enclosed for Charlotte and Detroit, was set forth on pages 25 and 26 of the SGE report. The original copy is maintained in Detroit file 100-308338-1A-5. The administrative page of this report listed [redacted] as an anonymous source. The SWP alleged that this letter was obtained by a mail intercept or a break-in.(C)

(C)(1)

[redacted]

(C)

On 5/17/76, Departmental Attorney William L. Gardner, Civil Rights Division, arrived in Detroit where he personally reviewed files at the Detroit FBI Office considered pertinent

CONFIDENTIAL

ALL (b)(7)(C)

Airtel to SAC, Charlotte et al
Re: Socialist Workers Party, et al. v.
The Attorney General, et al.
100-16

Surreptitious Entries
66-8160

regarding allegations surrounding any surreptitious entries against the SWP, its members, and in particular, the [redacted] matter. He was unable to resolve the [redacted] matter from file reviews, although no Agent personnel possibly involved in this matter was interviewed by him. Mr. Gardner has now requested that FBIHQ advise the Department in writing as to how the Bureau obtained th[redacted] letter.

In addition to the interest by the Civil Rights Division, AUSA William Brandt, Southern District of New York, who is handling the Government's defense in New York City in connection with the SWP civil suit, advised that Bureau personnel who can furnish information regarding the [redacted] matter may be required to testify at the SWP trial scheduled to begin in New York City on 7/1/76. He also stated that a representative from his office would contact SAs [redacted] and [redacted] regarding this matter. AUSA Brandt also stated that his office is concerned that SAs of the Bureau do not compromise any of their constitutional rights during conversations with any representative of his office regarding this matter. It is his recommendation that Agents be notified that although cooperation is required between the Department and the FBI, Agents should be aware of their constitutional rights, particularly the Fifth Amendment. Thus, the employee in the field office should be informed that if it is his view an answer would tend to incriminate him and that he desires not to furnish such information, he should so state to the AUSA. AUSA Brandt explained that the FBI employee in question has every right not to furnish such information and that it is far better that the Government learn that fact now rather than at the time of trial.

Airtel to SAC, Charlotte et al
Re: Socialist Workers Party, et al. v.
The Attorney General, et al.
100-16

Surreptitious Entries
66-8160

[redacted]

In order to respond to the Department's request, SA [redacted] is to be personally interviewed by the SAC, Charlotte, and SA [redacted] personally interviewed by the SAC, Detroit. To insure Agents do not compromise any of their constitutional rights, the Interrogation, Advice of Rights form (FD-395) is to be executed prior to interview. In addition, insure that SAs [redacted] and [redacted] clearly understand that no administrative action will be taken against either of them for exercising their constitutional rights.

Agents [redacted] and [redacted] should be apprised of the facts surrounding this matter, a copy of enclosed letter in question shown to each and an in depth interview conducted of each to obtain any information either of them may be able to furnish as to how the Bureau obtained possession of this letter. Upon completion of interview, affidavit is to be obtained from each Agent concerning his knowledge of this matter. SAC review the matter, make appropriate recommendations and submit summary of results by nitel. Submit affidavits to FBIHQ by airtel.

4-750 (2-7-79)

XXXXXX
XXXXXX
XXXXXX

FEDERAL BUREAU OF INVESTIGATION

FOIPA DELETED PAGE INFORMATION SHEET

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

☒ Deleted under exemption(s) (b)(1) with no segregable material available for release to you.

☐ Information pertained only to a third party with no reference to you or the subject of your request.

☐ Information pertained only to a third party. Your name is listed in the title only.

☐ Document(s) originating with the following government agency(ies) _____ _____, was/were forwarded to them for direct response to you.

_____ Page(s) referred for consultation to the following government agency(ies); _____ _____ as the information originated with them. You will be advised of availability upon return of the material to the FBI.

_____ Page(s) withheld for the following reason(s):

_____

_____

☐ For your information: _____

_____

☒ The following number is to be used for reference regarding these pages: 62-117166-NOT RECORDED DATED 6/7/76 PAGE

XXXXXXXXXXXXXXXXXXX
X DELETED PAGE(S) X
X NO DUPLICATION FEE X
X FOR THIS PAGE X
XXXXXXXXXXXXXXXXXXX

XXXXXX
XXXXXX
XXXXXX

FB

ALL 3(7)(C)

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. T. W. Leavitt

FROM : F. J. Cassidy

SUBJECT: SURREPTITIOUS ENTRIES

1 - Mr. J. A. Mintz
1 - Mr. H. N. Bassett
1 - Mr. T. W. Leavitt
DATE: 6/8/76
1 - Mr. R. L. Shackelford
1 - Mr. F. J. Cassidy
1 [redacted]

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Adm. Serv.
Ext. Affairs
Fin. & Pers.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Legal Coun.
Plan. & Eval.
Rec. Mgmt.
Spec. Inv.
Training
Telephone Rm.
Director Sec'y

JUNE

PURPOSE:

To record a 6/2/76 review of certain FBI Headquarters files by Civil Rights Division Attorneys James Dyck and Carl Feldbaum.

SYNOPSIS:

On 6/2/76 Civil Rights Division Attorney William L. Gardner telephonically advised that a four-person "committee" of Departmental attorneys had been formed to conduct further inquiries into investigative matters of the FBI involving surreptitious entries. Besides himself, Departmental Attorneys Steven Horn, Dyck, and Feldbaum will participate. Since the latter two have had no practical knowledge of the files in question (Weathfug and [redacted] Mr. Gardner asked that they be allowed to review certain sections of those files at FBIHQ on 6/2/76. This was accomplished on 6/2/76.

RECOMMENDATION:

None. For record purposes.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 3-10-82 BY SP4JRM/cal

APPROVED:
Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Adm. Serv.
Ext. Affairs
Fin. & Pers.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Legal Coun.
Plan. & Eval.
Rec. Mgmt.
Spec. Inv.
Training

66-8160
1 - 176-1637
1 - 100-454261
[redacted]

EX-110

62-117166-3X

SEE DETAILS, PAGE 2

REC 32

JUN 14 1976

[redacted]

6 JUN 21 1976

FBI/D

Memo to Mr. T. W. Leavitt
Re: Surreptitious Entries

ALL
b1/7/C

DETAILS:

On 6/2/76, Civil Rights Division Attorney William L. Gardner telephonically advised SA [redacted] that a four-person "committee" of Departmental attorneys had been formed at the Department to conduct further inquiries into investigative matters of the FBI involving surreptitious entries which have been of specific interest to the Department; namely, in the Weatherfug and [redacted] matters.

On the "committee" besides himself, Gardner said, were Departmental Attorneys Steven Horn (who accompanied him to New York on their recent review of files and documents there); Jim Dyck, a recently engaged Departmental employee from the Senate Select Committee (SSC) staff (who is scheduled to assume a position in the Department's Anti-trust Division; and Carl Feldbaum, who worked for Henry Ruth in the Watergate Special Prosecutor's Office (SPO).

Mr. Gardner asked that Messrs. Dyck and Feldbaum be allowed to review certain sections of the Weatherfug and [redacted] matters on 6/2/76, to familiarize themselves with the material which they will, it is presumed, ultimately review in our field offices.

On 6/2/76, Sections 35 through 70 of the Weatherfug file, and Sections 1 through 6 (and Section 1 JUNE) of the [redacted] file were made available for review by Messrs. Dyck and Feldbaum at Room 4825, JEH Building.

ALL 6/(7)(C)

6/10/76

AIRTEL

TO: DIRECTOR, FBI
(ATTN [redacted]
ROOM 4238 JEH)

FROM: ACTING SAC, DETROIT (66-4910)

SOCIALIST WORKERS PARTY, ET AL,
V. THE ATTORNEY GENERAL, ET AL
(U.S.D.C., S.D. NEW YORK) CIVIL
ACTION # 73,CIV 3160 (TPG)
(BUFILE ~~100-16~~)

SURREPTITIOUS ENTRIES
(BUFILE 66-8160)

100-16-3104

Re Detroit teletype to the Bureau, 6/9/76 and Butelcall 6/10/76.

In accordance with instructions of referenced Butelcall, there is enclosed the original and 5 copies of an LHM captioned, "Socialist Workers Party, et al, versus the Attorney General, et al, (United States District Court, Southern District of New York) Civil Action # 73,CIV 3160 (TPG)".

(2) - Bureau (Enc.6)
2 - Detroit
[redacted]
(4)

62-117166
~~66-8160~~

NOT RECORDED
191 AUG 3 1976

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9-15-82 BY SP4JRM/cal

6 AUG 9 1976

ALL 6/(7)(C)

6-14-76

Airtel JUNE

To: Director, FBI
Attention: SA [redacted]
Room 4238 JEH

From: SAC, Charlotte (66-1488)

Subject: SOCIALIST WORKERS PARTY, ET AL. V.
THE ATTORNEY GENERAL, ET AL.
(U.S.D.C., S.D. NEW YORK)
CIVIL ACTION NO. 73 CIV 3160 (TPG)
Bufile: ~~100-16~~
SURREPTITIOUS ENTRIES
Bufile: 66-8160
100-16-3078 100-16-3103
Rebuairtel 6-7-76; CE nitels 6/9/76 and 6/10/76 and Butelcall 6-10-76. 100-16-3111, 3077

In accordance with instructions of referenced Bureau telephone call 6-10-76, there is enclosed the original and 5 copies of a Letterhead Memorandum captioned "SOCIALIST WORKERS PARTY, ET AL. V. THE ATTORNEY GENERAL, ET AL., (U.S.D.C., S.D. NEW YORK), CIVIL ACTION NO. 73 CIV 3160 (TPG)".

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-13-82 BY SP4 JRR/cal

(2) - Bureau (Encls. 6)
2 - Detroit (66-4910) (Encl. 2)
1 - Charlotte (66-1488)

[redacted]
(5)

62-117166
~~66-8160~~

NOT RECORDED
191 AUG 3 1976

6 AUG 9 1976

ALL 62-117166

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR 101-11.6

UNITED STATES GOVERNMENT

Memorandum

1 - J. B. Adams
1 - H. N. Bassett
1 - J. A. Mintz

TO : Mr. T. W. Leavitt

DATE: 6/22/76

1 - D. W. Moore, Jr.
1 - T. W. Leavitt
1 - R. L. Shackelford
1 - F. J. Cassidy

FROM : F. J. Cassidy

SUBJECT: SURREPTITIOUS ~~ENTRIES~~ JUNE 1 [redacted]

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Adm. Serv.
Ext. Affairs
Fin. & Pers.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Legal Coun.
Plan. & Eval.
Rec. Mgnt.
Spec. Inv.
Training
Telephone Rm.
Director's Sec'y

~~Reference~~ letter of the Attorney General (AG), 4/29/76, captioned "Socialist Workers Party, et al. v. Attorney General, et al. (S.D.N.Y.) 73 CIV 3160"; memorandum from the Director to the AG, 5/13/76, same caption; and memorandum of Legal Counsel to Mr. J. B. Adams, 5/28/76, captioned "Socialist Workers Party, et al., v. The Attorney General, et al. (U.S.D.C., SD New York) Civil Action No. 73 Civ 3160," (copies attached).

PURPOSE:

To initiate action in response to Recommendation Number 1 of referenced Legal Counsel memorandum as it pertains to Bureau personnel.

SYNOPSIS:

62-117166-144

In a memorandum of 4/29/76, the AG advised that the court and plaintiffs in the Socialist Workers Party (SWP) civil action may have been misled by information supplied to the Department by the Bureau with respect to allegations of break-ins made in the complaint filed by plaintiffs. Director's memorandum of 5/13/76 to the AG furnished pertinent information in response to AG's 4/29/76 memorandum. Legal Counsel memorandum of 5/28/76, in connection with request of the AG recommended that Intelligence Division (INTD) review all Department statements, including those by the FBI, concerning break-ins to determine whether or not statements made in public or executive session needed to be retracted and/or clarified. Statements to include

REC-34

JUL 1 1976

Enclosures

66-8160

1 - 100-16

[redacted]

(10)

EX. 116

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 3-10-92 BY SP4JR/cal

CONTINUED - OVER

SPEC. MAIL RM

ROUTE IN ENVELOPE

1 ENCLOSURE

6 JUL 1976

FBI/DOJ

public speeches by the Director, AG, and other Departmental and Bureau officials as well as their testimony before congressional committees. External Affairs Division, Legal Counsel Division's Office of Congressional Affairs, IS-2 and IS-3 Sections, INTD, are being asked to review appropriate records in response to recommendation in Legal Counsel memorandum of 5/28/76. Douglas R. Marvin, Special Assistant to the AG, advised on 6/21/76 that he will handle the response to AG's request as it pertains to the Department.

RECOMMENDATIONS:

1. That External Affairs Division review speeches made by the Director and other FBI personnel for any statements concerning surreptitious entries performed by the Bureau. Furnish results of the review to INTD.

2. That the Office of Congressional Affairs, Legal Counsel Division, review testimony by Bureau personnel before congressional committees, both public and executive session, for any statements made concerning surreptitious entries, with the exception of statements concerning the Socialist Workers Party (SWP), by Bureau personnel and furnish results to INTD.

Memorandum to T. W. Leavitt
Re: SURREPTITIOUS ENTRIES
66-8160

3. That IS-2 Section, INTD, review testimony of Bureau officials before the various congressional committees with reference to any statements made concerning surreptitious entries against the SWP.

4. That IS-3 Section, INTD, on receipt of pertinent material from the Department and that requested from other Divisions and Sections of the Bureau, review same to determine whether or not, in view of recent discoveries of surreptitious entry activity, any statements need to be retracted and/or clarified.

[redacted]

APPROVED:
Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Adm. Serv.
Ext. Affairs
Fin. & Pers.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Legal Coun.
Plan. & Eval.
Rec. Mgmt.
Spec. Inv.
Training

DETAILS:

In a memorandum to the Bureau of 4/29/76, the AG indicated that as a result of certain information coming to his attention, it appeared that the plaintiffs and the court in the SWP's civil action may have been misled by information supplied to the Department by the Bureau. This information concerned our suggestions as to the Department's response to the suit relating to allegations of break-ins made in the complaint.

 CONTINUED - OVER

The AG advised that although the complaint had been filed three years ago, certain "error" had not been brought to the attention of the attorneys handling the civil action, though it appeared records at FBIHQ and in the New York Office reflected the inaccuracy.

In a memorandum of 5/13/76, the Department was furnished our explanation as to how the discrepancies occurred, and what steps we were taking to remedy same in the future.

In his 4/29/76 memorandum the AG also indicated his wishes that the Bureau furnish information as to whether or not any public (or executive session) statements made by Department personnel (including Bureau personnel) concerning surreptitious entries, need to be retracted and/or clarified.

In a memorandum of 5/28/76, Legal Counsel Division recommended that INTD review all Departmental statements including those by FBI personnel, concerning break-ins, to determine whether any of such statements referred to by the AG needed to be retracted and/or clarified. These statements were to include public speeches by the Director, AG, and other Departmental and FBI officials as well as their testimony before congressional committees.

As we are not in a position to know what testimony has been given by Departmental officials or what speeches such officials may have made concerning surreptitious entries, Douglas R. Marvin, Special Assistant to the AG, was contacted on 6/21/76 by Inspector James C. Farrington, Legal Counsel Division. Mr. Marvin advised the FBI should only respond as to its own personnel in regard to paragraph three of the AG's letter of 4/29/76, and he would obtain the information as it pertains to Departmental personnel. (This should be confirmed in writing when the communication transmitting the results of our survey of speeches and testimony of Bureau personnel is sent).

 CONTINUED - OVER

Memorandum to T. W. Leavitt
RE: SURREPTITIOUS ENTRIES
66-8160

On receipt of the results of the review by the External Affairs Division concerning references to surreptitious entries in speeches made by any FBI officials and the review by the Office of Congressional Affairs, Legal Counsel Division, of testimony by FBI officials, both in public and executive sessions before congressional committees concerning surreptitious entries, INTD will review same to determine if there is need for retraction or clarification.

IS-2 Section of INTD which handles the SWP case will review all testimony given in connection with that case to determine if any statements made concerning the SWP need to be retracted or clarified.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR 101-11.6

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Adm. Serv. ____
Ext. Affairs ____
Fin. & Pers. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Legal Coun. ____
Plan. & Eval. ____
Rec. Mgmt. ____
Spec. Inv. ____
Training ____
Telephone Rm. ____
Director Sec'y ____

TO : Mr. J. B. Adams

DATE: 5/28/76

FROM : Legal Counsel

SUBJECT: SOCIALIST WORKERS PARTY, et al., v.
THE ATTORNEY GENERAL, et al.
(U.S.D.C., S.D. NEW YORK)
CIVIL ACTION NO. 73 CIV 3160

PURPOSE

To recommend that the Intelligence Division review all Departmental statements concerning FBI break-ins and that the Records Management Division instruct all SACs to insure that all investigative documents in their offices are indexed into their central filing system.

SYNOPSIS

By memorandum dated 4/29/76, the Attorney General advised that the court in captioned civil action may have been misled by information supplied by the Bureau to the Department suggesting how the Government should respond to allegations of break-ins made in the complaint. The Attorney General requested that we advise him as to how this occurred and what procedures are being implemented to insure that it will not recur. The Attorney General also wanted to know whether any statements made by Departmental personnel need to be retracted and/or clarified.

By memorandum dated 5/13/76, the Director furnished pertinent information to the Attorney General concerning this matter. Concerning the Attorney General's request to know whether any statements of Departmental personnel need to be retracted and/or clarified, the Director stated that we are reviewing such statements and we would advise the Attorney General

(CONTINUED - OVER)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 3-10-82 BY SP4 JRM/cal

Encs.
1 - Mr. Leavitt
1 - Mr. Decker
1 - Mr. Mintz
1 [redacted] 1 - Legal Research Unit

62-117166-14X

ENCLOSURE

[redacted] U.S. Savings Bonds Regularly on the Payroll Savings Plan

promptly. The Note to the Director's memorandum dated 5/13/76, specified that a separate memorandum would be prepared making the recommendations set forth below.

RECOMMENDATIONS

1. That the Intelligence Division review all Departmental statements including those by FBI personnel concerning FBI break-ins to determine whether any public (or executive session) statements need to be retracted and/or clarified and then advise the Attorney General. This review should include public speeches by the Director, Attorney General and other Department and FBI officials as well as their testimony before Congressional Committees.

2. That the Records Management Division instruct all SACs to insure that all investigative documents in their offices are indexed into their central filing system.

APPROVED:
Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Adm. Serv.
Ext. Affairs
Fin. & Pers.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Legal Coun.
Plan. & Eval.
Rec. Mgmt.
Spec. Inv.
Training

(CONTINUED - OVER)

Legal Counsel Memorandum
to Mr. J. B. Adams
Re: Socialist Workers Party, et al., v.
The Attorney General, et al.
Civil Action No. 73 CIV 3160

DETAILS

Plaintiffs, the Socialist Workers Party (SWP), its youth group the Young Socialist Alliance (YSA), and 15 individual plaintiffs filed captioned civil action during July, 1973, alleging that defendants have denied them constitutional rights as a political party. They seek substantial damages as well as broad injunctive relief. Defendants include the Director and other Government officers as well as John F. Malone, former Assistant Director in Charge, New York Office, and Special Agents George P. Baxtrum, Jr., presently assigned to the Milwaukee Office and Arthur G. Greene, Jr., presently assigned to the New York Office. The trial in this civil action is scheduled to begin on July 1, 1976, in the Southern District of New York before the Honorable Thomas P. Griesa.

By memorandum dated April 29, 1976, copy attached, the Attorney General advised that the court in captioned civil action may have been misled by information supplied by the Bureau to the Department suggesting how the Government should respond to allegations of break-ins made in the complaint and that, relying on that advice, the Department filed what later appeared to be an erroneous answer to the complaint. The Attorney General requested that we advise him promptly on two points: (1) how did this occur; and, (2) what procedures are being implemented to insure that it will not recur. The Attorney General also wanted to know whether any statements made by Departmental personnel (including Bureau personnel) need to be retracted and/or clarified.

(CONTINUED - OVER)

Legal Counsel Memorandum
to Mr. J. B. Adams
Re: Socialist Workers Party, et al., v.
The Attorney General, et al.
Civil Action No. 73 CIV 3160

By memorandum dated May 13, 1976, copy attached, the Director furnished pertinent information to the Attorney General concerning this matter. In response to the Attorney General's specific questions the Director stated:

"In response to your first concern, how did this occur, our FBI Headquarters personnel did not direct an inquiry to FBI field offices concerning so-called general allegations in this complaint. Even if they had, however, the 'break-in' documents in our New York Office were not integrated into the regular filing system in the office and, if an inquiry concerning general allegations had been made, it is entirely possible that New York would have responded with negative information. Thus, concerning the question of what procedures are being implemented to insure that this type problem will not recur, we will re-emphasize to all offices our current regulations that all investigative documents maintained by them, including all 'break-in' documents in our New York Office, must be indexed into the central filing system of the office. This will mean that pertinent information in investigative documents maintained in all FBI field offices will be readily retrievable, and this action should prevent any recurrence of this problem.

"Concerning your request to know whether any statements of Departmental personnel need to be retracted and/or clarified, we are reviewing such statements and will advise you promptly."

The Note to the Director's memorandum dated 5/13/76, specified that a separate memorandum would be prepared making the recommendations set forth above.

ALL 6/17/9(C)

1 - Mr. J. B. Adams
1 - Mr. Bassett
1 - Mr. Leavitt

The Attorney General

May 13, 1976

1 - Mr. Decker
1 - Mr. Mintz
1 - Mr. T. Dudney
1 [redacted]
1 - Mr. McMahon
1 - Legal Research U
1 - Mr. Stassinos
2 [redacted]

Director, FBI

SOCIALIST WORKERS PARTY, et al., v.
ATTORNEY GENERAL, et al.
(S.D.N.Y.)
CIVIL ACTION 73 CIV 3160

By memorandum dated April 23, 1976, you advised that the Court in captioned civil action may have been misled by information supplied by the Bureau to the Department suggesting how we should respond to allegations of break-ins made in the complaint and that, relying on that advice, the Department filed what later appeared to be an erroneous answer to the complaint. You also indicated you were even more troubled to find that the attorneys handling this civil action were not officially advised of the error for almost three years after the complaint was filed. You then requested that we advise you promptly on two points: how did this occur and what procedures are being implemented to insure that it will not recur. You also wanted to know whether any statements made by Departmental personnel need to be retracted and/or clarified.

MAILED 15
MAY 14 1976
FBI

By way of background, plaintiffs filed the complaint in this civil action during July, 1973. The document contains numerous allegations of specific wrongdoing, including burglary, electronic surveillance, and mail openings. For example, paragraphs 68 - 70 allege that "[o]n or about 5-24-73, unidentified persons broke into the apartment of plaintiff Norman Oliver in Brooklyn, New York, . . . [and that] [o]n information and belief, the persons who . . . participated in the burglaries . . . were agents of the F.B.I., ..." The complaint also contains general allegations. Paragraph 33 specifies: "During or about the year 1940 and continuously thereafter, the defendant Public Officers . . . agreed . . . to cause agents of the U. S. Government to engage in a systematic campaign . . . harassment against SWP [and YSA] . . . and spy upon them by means of warrantless electronic surveillance, unauthorized opening and monitoring of mail, burglary, and other illegal means."

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 ___

[redacted]

(15)

MAIL ROOM ☐ TELETYPE UNIT ☐

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-10-82 BY SP4JRM/

(See NOTE last page)

GPO : 1975 O - 569-9

The Attorney General

Subsequent to the receipt of the complaint, our Headquarters staff prepared and sent a communication dated August 9, 1973, to ten FBI field offices. It specified:

"Recipient offices cover locations where specific acts of terrorism, burglaries, or harassment against SWP and Young Socialist Alliance (YSA) allegedly occurred according to complaint furnished you in referenced communication. After careful review of the complaint and of appropriate files, each office furnish Headquarters all available pertinent information concerning specific allegations relating to your division. This information should be furnished by airtel to Headquarters, with copy to New York, as soon as possible. You should be meticulous in your review in this regard, bearing in mind that at some future date, affidavits may be required concerning these matters."

The last paragraph of this communication specified:

"Concerning allegations made in the complaint regarding wiretapping and general allegations regarding commission of illegal acts by defendant public officers and their agents, a separate communication will be sent at a later date to all offices for information with which to answer these allegations."

Our New York Office responded with a communication dated August 10, 1973. "[T]he only specific act occurring in the New York division is referred to in paragraphs 68 - 70 concerning the breaking and entering of the apartment of Norman Oliver . . . . The New York Office has no information regarding this matter."

Allegations concerning other specific break-ins were made in the complaint, but none of the field offices furnished any positive information regarding these alleged break-ins.

FBI personnel did not prepare a subsequent communication to obtain information concerning general allegations. In 1973, this matter was handled in our Legal Counsel Division by Special Agent [redacted]

ALL 61/7/(c)

On May 3, 1976, Special Agent [redacted] presently assigned to our Omaha Office, advised he does not recall why a subsequent communication was not sent to field offices asking for information concerning general allegations. He stated however, that because the field offices failed to furnish information concerning specific allegations, it was probably assumed that they would be unable to furnish information concerning general allegations. Special Agent [redacted] added that when the FBI recommended to the Department that the general allegations in paragraph 33 be denied he had no knowledge that the FBI had conducted break-ins against SWP or YSA. If he had, he certainly would have furnished this information to the Department. To the best of Special Agent [redacted] knowledge, Special Agent Hugh Wallet, now deceased, the supervisory Agent in the Intelligence Division who handled this civil action during 1973, had no knowledge the FBI conducted break-ins against SWP or YSA.

On April 13, 1976, this matter was discussed with Steven J. Glassman, Assistant U. S. Attorney, Southern District of New York, who handled this civil action for the Government until April 30, 1976, when he resigned from the U. S. Attorney's Office. Assistant U. S. Attorney Glassman advised that during January, 1974, when he prepared the Government's answer, he was unaware of the fact that the FBI had conducted break-ins against plaintiffs. To the best of his recollection he was first informed sometime subsequent to January, 1974, (exactly when, he does not recall) by FBI Headquarters personnel that there probably had been FBI break-ins against SWP but that no records existed concerning such break-ins. No request was made by Mr. Glassman, however, to officially advise the U. S. Attorney, Southern District of New York, or the Department of this information. Thus, while the existence of these break-ins was not officially drawn to Mr. Glassman's attention in writing, this knowledge was within his cognizance. Mr. Glassman added that in his opinion the Government's denial of allegations in the complaint concerning "burglaries" was proper, for the illegality of this activity was yet to be authoritatively determined.

By letter dated November 5, 1975, Thomas J. Cahill, U. S. Attorney, Southern District of New York, enclosed for us a list of twenty-six items which plaintiffs requested from the FBI in discovery in this civil action. Documents requested included those pertaining to any "intelligence gathering burglaries" directed against plaintiffs. Note that in accordance with FBI policy we at FBI Headquarters believed that documents concerning break-ins had been destroyed in field offices following review by Bureau Inspectors at each annual field office inspection. During late August, 1975, or early September, 1975, however, personnel in the Research Section of our Intelligence Division learned as a result of the General Accounting Office's inquiry of our New York Office that information concerning eight targets of break-ins were located in "SAC Folders" in the New York Office. Personnel in the Research Section handling requests of the Department's Civil Rights Division concerning FBI break-ins were unaware that requests had been made in the SWP civil action for information concerning "intelligence gathering burglaries." Subsequent to the receipt of Mr. Cahill's letter dated November 5, 1975, personnel in the Internal Security - 2 Section of our Intelligence Division assigned to work on the SWP civil action made general inquiries at FBI Headquarters to determine if any information had been developed concerning FBI break-ins. Our Research Section advised personnel working on the SWP civil action of the results of inquiries at our New York Office concerning eight specific targets of break-ins. Personnel assigned to work on the SWP civil action theorized that additional information relating to break-ins might be located in our New York Office and felt that this possibility should be explored.

Because of the above and because of plaintiffs' request for "burglary" documents, FBI Headquarters personnel then, for the first time, canvassed all FBI field offices in an effort to locate documents relating to any "intelligence gathering burglaries" directed against plaintiffs. New York furnished documents revealing that between January 15, 1960, and July 1, 1966, ninety-three break-ins were directed against SWP and YSA offices in New York City. The above documents were not maintained in the regular files of the New York Office but rather in "SAC Folders."

The Attorney General

Los Angeles furnished documents concerning a break-in and microphone installation directed against the residence of plaintiff [redacted] on April 30, 1960. New Haven furnished documents concerning a physical entry directed against the residence of an SWP organizer on March 10, 1960.

By letter dated March 22, 1976, documents furnished by New York, New Haven, and Los Angeles concerning break-ins directed against plaintiffs were made available to the U. S. Attorney, Southern District of New York.

In response to your first concern, how did this occur, our FBI Headquarters personnel did not direct an inquiry to FBI field offices concerning so-called general allegations in this complaint. Even if they had, however, the "break-in" documents in our New York Office were not integrated into the regular filing system in the office and, if an inquiry concerning general allegations had been made, it is entirely possible that New York would have responded with negative information. Thus, concerning the question of what procedures are being implemented to insure that this type problem will not recur, we will re-emphasize to all offices our current regulations that all investigative documents maintained by them, including all "break-in" documents in our New York Office, must be indexed into the central filing system of the office. This will mean that pertinent information in investigative documents maintained in all FBI field offices will be readily retrievable, and this action should prevent any recurrence of this problem.

Concerning your request to know whether any statements of Departmental personnel need to be retracted and/or clarified, we are reviewing such statements and will advise you promptly.

1 - The Deputy Attorney General

(See NOTE next page)

The Attorney General
Re: Socialist Workers Party, et al., v.
The Attorney General, et al.
(S.D.N.Y., Civil Action 73 CIV 3160

NOTE: Coordinated with Intelligence, Records Management, and Inspection Divisions. A separate memorandum is being prepared recommending that the Intelligence Division review all Departmental statements including those by FBI personnel concerning FBI break-ins to determine whether any public (or executive session) statements need to be retracted and/or clarified and that Records Management Division instruct all SACs to insure that all investigative documents are indexed into their central filing system.

APPROVED:	Ext. Affairs	Laboratory
Assoc. Dir.	Fin. & Pers.	Legal Coun.
Dep. AD Adm.	Gen. Inv.	Plan. & Eval.
Dep. AD Inv.	Ident.	Rec. Mgmt.
Asst. Dir.:	Inspection	Spec. Inv.
Adm. Serv.	Intell.	Training

XXXXX
XXXXX
XXXXX

FEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

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

☐ Deleted under exemption(s) _____ with no segregable material available for release to you.

☐ Information pertained only to a third party with no reference to you or the subject of your request.

☐ Information pertained only to a third party. Your name is listed in the title only.

☒ Document(s) originating with the following government agency(ies) DEPT. OF JUSTICE OFFICE OF INFORMATION AND PRIVACY was/were forwarded to them for direct response to you.

_____ Page(s) referred for consultation to the following government agency(ies); _____ as the information originated with them. You will be advised of availability upon return of the material to the FBI.

_____ Page(s) withheld for the following reason(s):

_____

_____

☐ For your information: _____

_____

☒ The following number is to be used for reference regarding these pages:
62-117166-14X

XXXXXX
XXXXXX
XXXXXX

XXXXXXXXXXXXXXXXXX
X DELETED PAGE(S) X
X NO DUPLICATION FEE X
X FOR THIS PAGE X
XXXXXXXXXXXXXXXXXX

ALL (4/17/(C)

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JUN 29 1976

TELETYPE

CONFIDENTIAL

Assoc. Dir.
Dep.-A.D.-Adm.
Dep.-A.D.-Inv.
Asst. Dir.:
Adm. Serv.
Ext. Affairs
Fin. & Pers.
Gen. Inv.
Ident.
Inspection
Intell. TAFT
Laboratory
Legal Coun.
Plan. & Eval.
Rec. Mgmt.
Spec. Inv.
Training
Telephone Rm.
Director Sec'y

NY 786

NR 011 NY CODE

9 418 PM NITEL 6/29/76 ATL

TO: DIRECTOR, FBI (66-8160)

FROM: ADIC, NEW YORK

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE.

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

JUNE

ATTN: INTD, IS-3 SECTION

DECLASSIFY ON: SP4 JRM/cak 3-10-82

SURREPTITIOUS ENTRIES

ON APRIL 27, 1976, AT NEW YORK, ONE XEROX COPY EACH OF BELOW LISTED MEMORANDUMS FURNISHED TO US DEPARTMENT OF JUSTICE ATTORNEYS WILLIAM L. GARDNER AND STEVEN HORN. THESE MEMORANDUMS ARE LOCATED IN SAC FOLDER NUMBER 25 AT NEW YORK:

1. MEMO OF SA [redacted] MARCH 6, 1972, CAPTIONED [redacted] SM-SDS (EXTREMIST), KEY ACTIVIST".

2. MEMO OF SA [redacted] MARCH 23, 1972, SAME CAPTION (DOHRN).

3. MEMO OF SA [redacted] APRIL 7, 1972, SAME CAPTION.

4. MEMO OF SA [redacted] JUNE 6, 1972, SAME CAPTION.

5. MEMO OF SA [redacted] JUNE 13, 1972, SAME CAPTION.

62-117666-19X1

REC-21 66-8160-361

5 JUL 26 1976

Classified by SP4 JRM/cak
Declassify: OADR 5/26/83

ROUTE IN ENVELOPE

CONFIDENTIAL

JUL 27 1976

6 JUL 20 1976

F-361

CONFIDENTIAL

6. MEMO OF SA [redacted] DECEMBER 11, 1972, SAME CAPTION.

7. MEMO OF SA [redacted] DECEMBER 20, 1972, CAPTIONED "WEATHFUG".

8. MEMO OF SA [redacted] FEBRUARY 14, 1973, CAPTIONED "WEATHFUG".

9. MEMO OF SA [redacted] APRIL 16, 1973, CAPTIONED [redacted] AKA-FUGITIVE (WEATHFUG), IO#4361, ARL; ARL-CONSPIRACY, OO: CHICAGO".

ONE XEROX COPY EACH OF THE FOLLOWING MEMORANDUMS FROM SAC FOLDER C WERE ALSO FURNISHED TO DEPARTMENTAL ATTORNEYS GARDNER AND HORN:

[redacted] (C)

[redacted] (C)

[redacted] (C)

CONFIDENTIAL

[redacted] (C)

[redacted] (C)

[redacted] (C)

AT THE TIME OF THEIR ENTRY INTO THE SAC FOLDERS AND ALSO AT THE TIME OF THEIR BEING FURNISHED TO THE USDJ ATTORNEYS, THE ABOVE MEMORANDUMS WERE NOT CLASSIFIED. REVIEW AT NEW YORK HAS RESULTED IN MEMORANDUMS ONE THROUGH FOURTEEN BEING CLASSIFIED AS DESCRIBED BELOW AS OF JUNE 28, 1976.

MEMORANDUMS NUMBERED ONE THROUGH NINE ABOVE WERE CLASSIFIED "CONFIDENTIAL", ~~CLASSIFIED BY 7572, XGDS 2, INDEFINITE.~~

MEMORANDUMS NUMBER TEN THROUGH FOURTEEN ABOVE WERE CLASSIFIED "CONFIDENTIAL", ~~CLASSIFIED BY 6392, XGDS 2, INDEFINITE.~~

MEMORANDUM 15 ABOVE WAS NOT CLASSIFIED.

~~CONFIDENTIAL~~

THE BUREAU IS THEREFORE REQUESTED TO IMMEDIATELY NOTIFY USDJ ATTORNEYS GARDNER AND HORN OF THE "CONFIDENTIAL" CLASSIFICATION OF MEMORANDUMS ONE THROUGH FOURTEEN. THE XEROX COPIES THEY WERE FURNISHED, ALONG WITH ANY OR ALL COPIES THEY MAY HAVE REPRODUCED THEMSELVES, MUST ALSO BE MARKED "CONFIDENTIAL" IN THE MANNER SET FORTH ABOVE.

IT IS FURTHER NOTED THAT DURING THE COURSE OF THE WEEK SUBSEQUENT TO THE DEPARTMENTAL INQUIRY AT NEW YORK, ASSISTANT DIRECTOR, INSPECTION DIVISION, HAROLD N. BASSETT ALONG WITH JOHN E. OTTO AND CHARLES E. PRICE, INSPECTION DIVISION, ALSO CONDUCTED A REVIEW OF CAPTIONED MATTER AT NEW YORK. THESE PERSONNEL WERE ALSO FURNISHED WITH XEROX COPIES OF THE ABOVE LISTED MEMORANDUMS AND SHOULD THEREFORE BE ADVISED OF THEIR CURRENT "CONFIDENTIAL" CLASSIFICATION FOR APPROPRIATE MARKING.

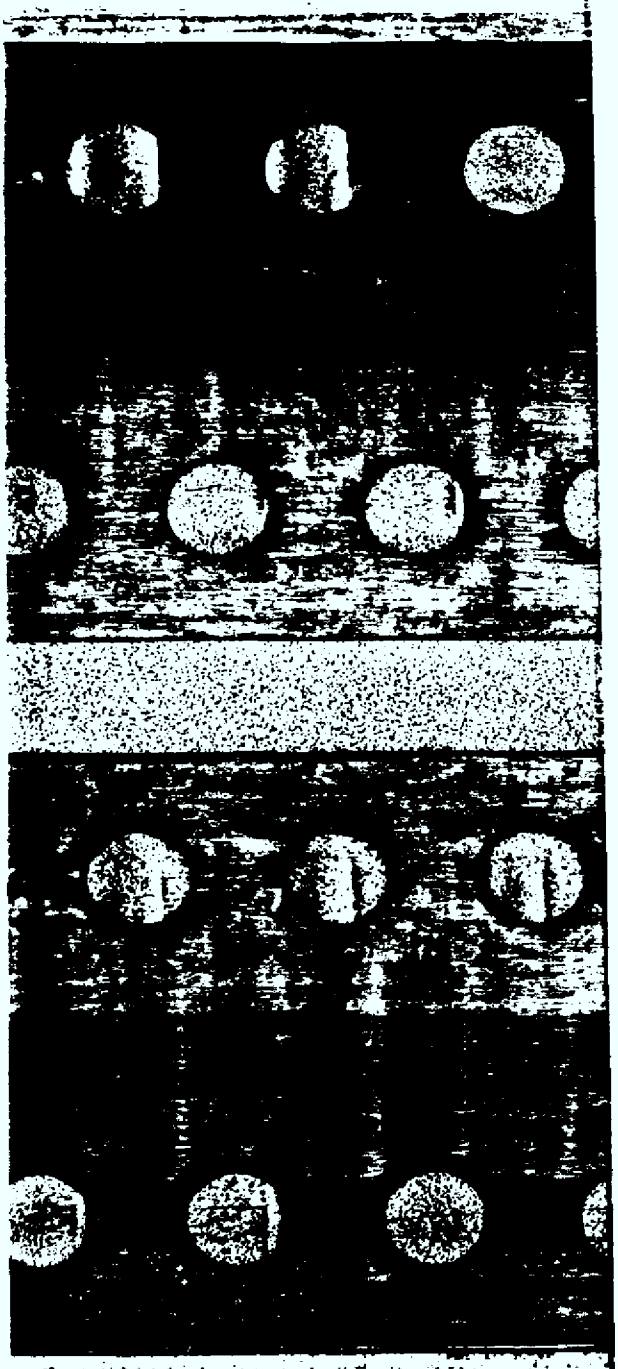
~~CLASSIFIED BY [redacted], XGDS 2 - INDEFINITE.~~ 2481

END.

(6)(7)(C)

CONFIDENTIAL

ALL 6/(7)(C)



Routing Slip
FD-4 (Rev. 3-1-73)

To: ☒ Director

Att [redacted] Room 4063 JEH

Date 7/7/76

FILE

Title

☐ SAC
☐ ASAC
☐ Supv.
☐ Agent
☐ SE
☐ SC
☐ CC
☐ Steno
☐ Clerk

RE: ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 3-10-82 BY SP1

☐ Rotor #

ACTION DESIRED

☐ Acknowledge
☐ Assign ___ Reassign ___
☐ Bring file
☐ Call me
☐ Correct
☐ Deadline ___
☐ Deadline passed
☐ Delinquent
☐ Discontinue
☐ Expedite
☐ File
☐ For information
☐ Handle
☐ Initial & return
☐ Leads need attention
☐ Open Case
☐ Prepare lead cards
☐ Prepare tickler
☐ Return assignment card
☐ Return file
☐ Search and return
☐ See me
☐ Serial # ___
☐ Post ☐ Recharge ☐ Return
☐ Send to ___
☐ Submit new charge out
☐ Submit report by ___
☐ Type

NOT RECORDED
21 JUL 16 1976

[redacted]

CONFIDENTIAL

☐ Return with explanation or notation as to action taken.

Re: NY Teletype to Bureau dated 6/29/76 "Surreptitious Entries". Correction, Page 4. - Classified by 2781

SAC W. R. Seubert

☐ See reverse side

Office New York

N.Y. copies corrected

5-20-720

FD-36 (Rev. 2-1-74)

ALL (6/17/(C), (D)

FBI

Date: 6/30/76

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

Via AIRTEL (Precedence)

TO: DIRECTOR, FBI (66-8160)

FROM: ACTING SAC, DETROIT (66-4910)

J U N E

SURREPTITIOUS ENTRIES

Re Detroit teletype to Bureau, 5/18/76 and Detroit airtel to Bureau, 8/13/73, captioned, "Socialist Workers Party, IS".

Enclosed for the Bureau are eight copies of an LHM, dated and captioned as above.

Enclosed LHM prepared in response to request by Departmental Attorney WILLIAM L. GARDNER as set out in referenced teletype.

Contact with [redacted] Wayne State University, Detroit, Michigan, in an effort to verify and expand information previously furnished regarding a B&E of the residence of CHARLES BOLDUC, 4225 Commonwealth, Detroit, on or about 2/22/73, was negative. [redacted] advised he searched his records for this information as set out in LHM and was unable to locate any information whatsoever pertaining to this B&E.

ENCLOSURE

2 - Bureau (Enc.-8) (RM)
- Detroit
[redacted]
(3)

62-117166-20X
REC 68 ~~66-8160-3876~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3-10-82 BY SP4JRm/cal

4 JUL 8 1976

Approved: JEB/PLM Sent _____ M Per _____
Special Agent in Charge

SPECIAL AGENT, RM

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

ALL (61-7126)

Detroit, Michigan
June 30, 1976

Re: Surreptitious Entries

Reference is made to memorandum, dated April 21, 1976, from J. Stanley Pottinger, Assistant Attorney General, Civil Rights Division, captioned "Surreptitious Entries".

William L. Gardner, Departmental Attorney, United States Department of Justice, requested on May 17, 1976, the residences and offices of [redacted] Charles Bolduc, Deborah Deegan, The Socialist Workers Party (SWP) (See Appendix), and the Young Socialist Alliance (YSA) (See Appendix), be searched through the records of the Detroit, Michigan Police Department for any information regarding possible "Breaking and Enterings" (B & Es) for the period 1970 - 1973, inclusive.

Specifically Gardner requested a review of Detroit Police Department files regarding a "B & E" of SWP Headquarters, 3737 Woodward, Detroit, Michigan, October 30, 1971; an alleged "B & E" of the residence of Charles Bolduc, 4225 Commonwealth, Detroit, on or about February 1, 1972, February 22, 1972, February 1, 1973, and February 22, 1973.

On June 7, 1976 [redacted] Detroit Police Department (DPD) provided the results of their record search regarding "B & Es" of the SWP/YSA, Charles Edward Bolduc, Deborah Deegan [redacted] for the period of 1970 - 1973, inclusive.

The results of the DPD record search were negative except for a reported [redacted]

ALL (b)(7)(C), (D)

Re: Surreptitious Entires

The details of this report reflect [redacted]

[redacted]

On June 15, 1976 [redacted] Wayne State University, Detroit, provided the results of his record search regarding Charles Bolduc, 4225 Commonwealth, Detroit, for February 1, 1972, February 22, 1972, February 1, 1973, February 22, 1973 [redacted] stated he could not find any report of a B&E at the 4225 Commonwealth address on those dates.

APPENDIX

Socialist Workers Party (SWP)

The SWP is a revolutionary, Trotskyist-communist organization, which is headquartered in New York City. Its purpose, as stated in its Declaration of Principles, is the overthrow of the U.S. Government and the institution of a dictatorship of the working class and the eventual achievement of a communist society. It was founded in 1938 and maintains close association with international Trotskyist organizations as a "sympathizing" group, but it denies formal membership in any foreign group to escape application of the Voorhis Act, which regulates certain types of organizations subject to foreign control. While the SWP does not openly advocate the use of violence at the present time to overthrow the U.S. Government, it believes that eventual violent revolution in the U.S. is inevitable. Its objection to the current use of violence is based on the ground that it believes violence is premature at this time. The SWP seeks to precipitate a revolution when conditions are ripe and to seize control of the revolution and to direct it when it occurs.

APPENDIX

Young Socialist Alliance (YSA)

The YSA is the youth group of the Socialist Worke
Party (SWP). It was formed in October, 1957, and is curren
headquartered in New York City. It propagandizes the belie
of the SWP among the youth and is the main source of recrui
ment into the SWP. The SWP is a revolutionary, Trotskyist-
communist organization which has as its purpose the overthr
of the U.S. Government and the institution of a dictatorshi
of the working class and the eventual achievement of a comm
society.

APPENDIX

ALL (6/17/76)

1 - Mr. Adams
1 - Mr. Walsh
1 - Mr. Mintz (Attn [redacted]
(Route thru for review)

July 16, 1976

1 - Mr. Bassett
1 - Mr. Leavitt
1 - Mr. Cassidy (Attn [redacted]
1 - Mr. Shackelford
1 - Mr. McMahon
1 [redacted]

Assistant Attorney General
Civil Rights Division

Director, FBI

SURREPTITIOUS ENTRIES

JUNE

62-117166-207
REC 68 66-8160-3870

ST-116 per: 3850

Reference is made to your memorandum dated April 21, 1976, captioned "Surreptitious Entries," which requested that certain material and files be made available for review and which requested certain other information be obtained.

Category B of this memorandum concerns the Socialist Workers Party (SWP), its members, candidates and officials. Question 9, Category B, requested that files of the Detroit, Michigan, Police Department be reviewed for police reports dealing with alleged burglaries or break-ins at any SWP Office in Michigan and at any residence of SWP members or sympathizers in Michigan during the period 1970-1973, inclusive.

As you are aware, Mr. William L. Gardner of the Civil Rights Division arrived in Detroit on May 17, 1976. He personally reviewed files at the Detroit FBI Office concerning allegations surrounding surreptitious entries against the SWP and its members. While in Detroit, Mr. Gardner more specifically stated which files of the Detroit Police Department be desired to be reviewed regarding allegations of surreptitious entries. Attached are two copies of an LHM prepared at Detroit dated June 30, 1976, in response to his request.

If you wish additional investigation to be conducted concerning this matter, please advise the nature and scope of investigation you desire.

Enclosures - 2

SEE NOTE PAGE TWO

(12) MAILED 19 JUL 19 1976 FBI

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 3-10-82 BY SP4 JRM/cal

Assoc. Dir. ___
Dep. AD Adm. ___
Dep. AD Inv. ___
Asst. Dir. [redacted]
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 ☐

6 JUL 29 1976

GPO 954

ALL (b)(7)(C)

Assistant Attorney General
Civil Rights Division

NOTE:

By memorandum dated 4/21/76 captioned "Surreptitious Entries" (copy attached), J. Stanley Pottinger Assistant Attorney General, Civil Rights Division, requested certain files be made available which concerned allegations of surreptitious entries. Category B of this memorandum concerns the SWP, its members, candidates and officials. Question 9, Category B, requested the Bureau to conduct a broad review of records of the Detroit,Michigan,Police Department for reported burglaries or break-ins at SWP Offices in Michigan and any residence of any members or sympathizers of SWP in Michigan for the period 1970-1973.

By airtel dated 5/4/73, the Detroit Office was instructed to ascertain requested information.

On 5/17/76, Departmental Attorney William L. Gardner personally reviewed files at Detroit Office concerning above matter and in particular, facts surrounding how the Detroit Office obtained a letter written by [redacted] dated 3/29/71 (See R. L. Shackelford memorandum to Mr. T. W. Leavitt, dated 7/2/76, captioned "Surreptitious Entries"). While in Detroit, Mr. Gardner limited the number of files of the Detroit Police Department to be reviewed to include the SWP, its youth group, the Young Socialist Alliance, and several known members ofthese organizations. File reviews of the Detroit Police Department as well as Wayne State University, were checked with negative results. Detroit LHM dated 6/30/76, setting forth results of check, being furnished in response to request. In addition, Department being advised that if any additional investigation desired to advise nature and scope of such request.

APPROVED:
Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Adm. Serv.
Ext. Affairs
Fin. & Pers.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Legal Coun.
Plan. & Eval.
Rec. Mgmt.
Spec. Inv.
Training

JOI/ICY

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. T. W. Leavitt

FROM : R. L. Shackelford

SUBJECT: SURREPTITIOUS ENTRIES

1 - Mr. Adams
1 - Mr. Walsh
1 - Mr. Mintz (Attn [redacted])
(Route thru for review)
DATE: 7/2/76
1 - Mr. Bassett
1 - Mr. Leavitt
1 - Mr. Cassidy (Attn [redacted])
1 - Mr. Shackelford
1 - Mr. McMahon
1 [redacted]

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 _

Classified by [redacted]
Declassify on: OADR [redacted] CONFIDENTIAL

PURPOSE:

To furnish to the Assistant Attorney General, Civil Rights Division, attached letter along with its enclosures which set forth results of inquiries concerning letter written by [redacted] in 1971 to the Socialist Workers Party (SWP), which appears in Detroit Security of Government Employees (SGE) report dated 4/18/73. SWP alleged letter was obtained from either mail intercept or "black bag" job.

SYNOPSIS:

[redacted]

1 [redacted]
1 [redacted]

ST-105 REC-59

Continued - Over

JUL 22 1976

Enclosures - Sent 7-[illegible]-76 [redacted] (12)

Classified by [redacted]
Reason-[redacted] 1.4.2
Date of Review [redacted] 3-10-82

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE.

6 JUL 29 1976

[redacted]

SPEC. INV. RM.

ALL (b)(1), (b)(2), (b)(7)(C)

Memorandum to Mr. T. W. Leavitt
Re: Surreptitious Entries

RECOMMENDATIONS

1) If approved, that attached letter and its enclosures be sent to Assistant Attorney General, Civil Rights Division.

2) Since Assistant United States Attorney (AUSA) Brandt, Southern District of New York, who is handling the SWP civil suit has also made inquiry concerning the [redacted] letter, copies of LHMs will be furnished to him under separate cover.

APPROVED:	Ext. Affairs	Laboratory
Assoc. Dir.	Fin. & Pers.	Legal Coun.
Dep. AD Adm.	Gen. Inv.	Plan. & Eval.
Dep. AD Inv.	Ident.	Rec. Mgmt.
Asst. Dir.:	Inspection	Spec. Inv.
Adm. Serv.	Intell.	Training

DETAILS:

Reference memorandum R. L. Shackelford to Mr. T. W. Leavitt, 5/13/76, which stated copy of letter written on 3/29/71 by [redacted] SWP member, Detroit, appears in SGE report dated 4/18/73, concerning her employment with Department of Interior. SGE report states letter was obtained from [redacted] who was unavailable for recontact or testimony." Administrative pages of report indicate source was anonymous. Detroit file reveals letter was placed in file by SA [redacted] SWP and [redacted] alleged letter was obtained from either mail intercept or "black bag" job. (b)

[redacted]

On 5/17/76, Departmental Attorney William L. Gardner, Civil Rights Division, reviewed files at Detroit regarding possible surreptitious entries against SWP and its members. He reviewed

ALL (LHM), 6/22, 6/17/(

Memorandum to Mr. T. W. Leavitt
Re: Surreptitious Entries

pertinent files at Detroit regarding [redacted] situation, including her main 100 file and 140 file. This review revealed that original copy of [redacted] letter is maintained in Detroit file 100-308338-1A-5 (Detroit [redacted] file) and it was placed there by SA [redacted] In addition, Mr. Gardner reviewed the [redacted] file concerning [redacted] This informant (C) file contains no reference regarding [redacted] letter.

(LHM) In response to request by Civil Rights Division that the Bureau now advise the Department in writing how the above letter was obtained, SAs [redacted] and [redacted] after being advised of their rights, declined to execute Waiver of Rights form and declined to make any comment regarding this matter. LHMs setting forth results of interviews being furnished as enclosures to letter to Assistant Attorney General, Civil Rights Division.

(C) On 6/23/76 [redacted] was shown the [redacted] letter by Agent personnel of the Detroit Office [redacted] advised (C) that he had no recollection of the letter and has "no idea" who may have furnished it.

AUSA William Brandt, Southern District of New York, who is handling the SWP civil suit, has also made inquiry concerning the [redacted] letter. On 6/23/76, in response to request from AUSA Brandt and in order to maintain source's confidentiality, source telephonically contacted AUSA Brandt in New York from Detroit. Agent personnel were present (C) with source at the time of telephonic contact [redacted] advised AUSA Brandt of the fact that he has no recollection of the letter and had "no idea" who may have furnished it.

Copies of LHMs regarding interviews of SAs [redacted] and [redacted] being furnished to AUSA Brandt under separate cover.

ALL 3(7)(C)

UNITED STATES GOVERNMENT

Memorandum

1 - J. Adams
1 - H. N. Bassett
1 - J. A. Mintz
1 - T. W. Leavitt
1 - R. L. Shackelford

TO : Mr. T. W. Leavitt

DATE: 7/13/76

1 - F. J. Cassidy
1 [redacted]

FROM : A. B. Fulton

SUBJECT: SURREPTITIOUS ENTRIES JUNE

Reference memorandum F. J. Cassidy to Mr. T. W. Leavitt, 6/22/76, captioned "Surreptitious Entries," (copy attached).

PURPOSE:

To advise of results of a survey by Intelligence Division (INTD), External Affairs Division, and Office of Congressional Affairs, Legal Counsel Division, for any statements made by the Director or other FBI personnel concerning surreptitious entries which may at this time require retraction and/or clarification; for approval to send attached letter to the Department.

SYNOPSIS:

62-117166-25X1

In a memorandum of 4/29/76, the Attorney General (AG) advised that the court and plaintiffs in the Socialist Workers Party (SWP) suit may have been misled by information supplied by the Bureau with respect to allegations of break-ins. In addition, AG's memorandum indicated the Bureau should review material relating to any statements concerning entries by Departmental and Bureau personnel which may now require clarification and/or retraction. Legal Counsel Division memorandum of 5/28/76 recommended that INTD determine whether or not such statements needed to be clarified or retracted. On 6/21/76, Douglas Marvin, Special Assistant to the AG, advised he would handle the response to the AG's request. Results of a review of material available to the Office of Congressional Affairs, Legal Counsel Division, and IS-2 Section, INTD, indicates no need for retraction or clarification of statements before congressional committees about entries in general, or about the SWP matter. Review of material furnished Department's Civil Rights Division by IS-3 Section, INTD, shows no material which had not been promptly clarified or corrected, where necessary, by subsequent memoranda. External Affairs Division furnished documents relating to public speeches or news conferences of the Director. A 7/14/75 news conference contains comments of Director to effect that he knew of no entries in the domestic area subsequent to 1966.

66-8160
Enclosures - Sent 7-20-76

CONTINUED - OVER

[redacted]

ENCLOSURE ENC. BEHIND FILE

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 3-16-82 BY SP2 STK/cal

Memorandum to Mr. Leavitt
Re: Surreptitious Entries
66-8160

Analysis of material concerning entries, which were known at the time of the Director's comments, fails to show any need for retraction or clarification at the present time in view of recent statements to the press and to the Department. * Entry information located in mid-March, 1976, not furnished to Senate and House Select Committees inasmuch as (1) the House Committee's inquiry had ended and, (2) the Senate Committee's report on surreptitious entries was in preparation, and a Departmental investigation of entries which occurred within the Statute of Limitations had been initiated.

Enclosed letter to the Department outlines results of this survey, and confirms Mr. Marvin's conversation on 6/21/76 relative to his handling of Department's response.

RECOMMENDATION:

That attached letter be furnished to the AG.

* MR. POTTINGER ADVISED APPROPRIATE HOUSE + SENATE COMMITTEES OF THESE LATTER ENTRIES.

DETAILS:

In a memorandum of 4/29/76, the AG indicated that as a result of certain information coming to his attention, it appeared that the plaintiffs and the court in the SWP's civil action may have been misled by information supplied the Department by the Bureau. This information concerned our suggestions as to the Department's response to the suit relating to allegations by the SWP of break-ins performed by the Bureau.

In a memorandum of 5/28/76, Legal Counsel Division recommended that INTD review all Departmental statements, including those by Bureau officials, concerning break-ins to determine whether any such statements referred to in the AG's memorandum needed to be retracted and/or clarified.

On 6/21/76, Douglas Marvin, Special Assistant to the AG, advised he would handle the Departmental response to the AG's request.

CONTINUED - OVER

Memorandum to Mr. Leavitt
Re: Surreptitious Entries
66-8160

Attached is material received from Office of Congressional Affairs, Legal Counsel Division, External Affairs Division, and IS-2 Section, INTD, relating to the subject of the AG's 4/29/76 request. A review of this material indicates no need for retraction or clarification of statements before congressional committees about entries in general, or about the SWP matter.

Review of material furnished the Department's Civil Rights Division by IS-3 Section, INTD, shows no material which had not been promptly clarified or corrected, where necessary, by subsequent memoranda to that Division.

With respect to the Director's comments in a 7/14/75 news conference, that there were no entries against domestic targets subsequent to 1966, an analysis of material available to INTD shows that at the time of the Director's responses INTD was not in possession of information suggesting entries did occur after 1966. The Director's comments were based on then current information - information based on recollections of INTD personnel-and the July, 1966, Sullivan to DeLoach memorandum regarding black bag jobs. Subsequent to the Director's conference statements, our inquiries of field offices surfaced information indicating entries did occur after Mr. Hoover's instructions. The Civil Rights Division has been kept fully apprised, and it is believed there is no need to retract or clarify statements at this time.

In view of recent statements to the press clarifying certain information furnished to them earlier, it is believed there is no need at this time to further clarify remarks made by Bureau officials.

Entry information located by us in mid-March, 1976, was not furnished to Senate and House Select Committees inasmuch as (1) the House Committee's inquiry had ended, and (2) the Senate Committee's report on entries was in preparation. Further, since certain of the newly discovered entries were within the Statute of Limitations, the Department initiated an investigation and it did not appear appropriate to disseminate such information at that time to the Senate Committee.

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

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir.
Dep. AD
Dep. AD
Asst. Dir.:
Admin.
Comp. Sy
Ext. Affa
Files & C
Gen. Inv.
Ident.
Inspectio
Intell.
Laborato
Legal Co
Plan. & E
Spec. Inv
Training
Telephone
Director Se

TO : Mr. Leavitt

FROM : Legal Counsel

SUBJECT: SURREPTITIOUS ENTIRES (JUNE)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 3-16-82 BY SP4 JMB/bal

PURPOSE:

The purpose of this memorandum is to advise of review of testimony made by Bureau officials concerning surreptitious entries by Agents of the FBI.

SYNOPSIS:

RECOMMENDATIONS

The Intelligence Division should insure that documents (55c) furnished to the Senate Select Committee regarding surreptitious entries are not in conflict with recently developed information on the number of surreptitious entires conducted by field Agents.

Enclosures

1 - Mr. Adams (enclosures)
1 - Mr. Bassett (enclosures)
1 - Mr. Mintz (enclosures)
1 - Mr. Moore (enclosures)
1 - Mr. Leavitt (enclosures)
1 - Mr. Shackelford (enclosures)
1 - Mr. Cassidy (enclosures)
1 - Mr. Porter (enclosures)
2 - Mr. Daly (enclosures)
1 - Mr. Coulson (enclosures)

DOC [redacted]
(12)

6/17/(C)

DETAILS:

SA Danny O. Coulson of the Office of Congressional Affairs, has completed a review of pertinent testimony before Senate and House Committees by Bureau officials concerning surreptitious entries conducted by Special Agents of the Federal Bureau of Investigations. Statements made by Bureau officials concerning surreptitious entires directed against the Socialist Workers Party (SWP) are not included in this memorandum.

On Tuesday, November 18, 1975, Assistant to the Director, James B. Adams, former Assistant Director W. Raymond Wannall, Section Chief R. L. Shackelford, Special Agents David Ryan and Hugh Mallett, testified before the Select Committee on Intelligence, U.S. House of Representatives, 94th Congress, First Session. This testimony dealt with "FBI domestic intelligence programs."

Congressman James V. Stanton(Ohio) posed this question to former Assistant Director Wannall, "Mr. Wannall, has the FBI ever participated in burglaries in order to obtain information for their purposes of investigations?" Mr. Wannall responded, "I think Mr. Kelley, at a news conference in July, acknowledged that the FBI had participated in surreptitious entires to obtain information." Mr. Wannall was asked by Congressman Stanton, "Could you tell me, from 1945 until the present, how many instances there were?" Mr. Wannall responded, "We have made a very thorough study and have

individuals
interviewed numerous/who might have been knowledgeable in that area. The figures that I recall that we have come up with is about a dozen and a half targets, however, there had been numerous entries against some of those targets. I think we have accounted for something in the neighborhood of 240 entires, none of which have taken place since April of 1968."

The text of this testimony can be found in "U.S. Intelligence Agencies and Activities: Domestic Intelligence Programs, Hearings Before the Select Committee on Intelligence, U.S. House of Representatives 94th Congress, First Session, Part 3, pages 1028-1030.

On ~~Tuesday~~ Thursday, September 25, 1975, Charles Brennan, former Assistant Director, testified before the Senate Select Committee on Intelligence Activities. During this testimony, Mr. Brennan was queried concerning the number of "black bag jobs" to which Mr. Brennan responded, "I would have to say--I would put it in a frame, possibly, of may 30, 40." This testimony can be found in "Intelligence Activities, Hearings before the Select Committee to Study Governmental Operations with Respect to Intelligence Activities of the U.S. Senate, 94th Congress, Volume 2, Houston Plan. On pages 112-113 of this report, Chairman Frank Church (Idaho) stated regarding "black bag" jobs, "Now let me just give these figures. These are figures that have been supplied to us by the Federal Bureau of Investigation;....at least 14 domestic subversive targets were the subject of at least 238 entires from 1942 to April 1968. I

In addition, at least three domestic subversive targets were the subject of numerous entires from October 1952 to June 1966."

This same document on page 278 reproduces a LHM entitled, "United States Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities by Senate Selett Committee" (SSC) raised surreptitious entires in domestic targets. This LHM sets forth in part with procedures outlining a request on the part of a SAC of a field office to the appropriate Assistant Director at FBIHQ. This LHM indicates that the SAC maintained a record of approval as a control device in his office and that the next yearly field office inspection, files were destroyed.

to investigations currently being conducted by the FBI where a determination has been made within the FBI that that individual is a threat to the internal security, a current threat at the present time. It is a very small list, relatively small. It involves approximately 1,250 names at the present time.

Mr. McCLORY. What is the longest time that a name has been on that list? Do you have names that have been on there for 30 or 40 years?

Mr. ADAMS. No, sir. The administrative index did not come into play until 1971. Prior to that time, we had the security index, which was a listing which had a different purpose.

Mr. McCLORY. Does membership in the Socialist Workers Party just automatically put you on the index?

Mr. ADAMS. No, sir, it does not.

Mr. McCLORY. About how many members of that party would you have on the list?

Mr. ADAMS. I can give you that figure. I would prefer that any detailed description of targets and individuals be done in executive session.

Mr. McCLORY. Have you already furnished that information to the staff?

Mr. ADAMS. I do not know that we have had a request.

Mr. McCLORY. If not, would you furnish that? I would like to have the number. I don't have to know the names.

Mr. ADAMS. Yes, sir, I have no objection to furnishing it to them.

[The Bureau's reply is included in its November 28, 1975, memorandum, and is printed on pages 1123–1127 of the appendixes.]

Mr. McCLORY. You mentioned in your statement that you are not only interested in subversive activity which implied violence but also "undermining." What is the difference between the violent overthrow of the United States and undermining the United States? Have you got two groups that you are interested in?

Mr. ADAMS. No, sir, they are both working toward the same end. It is all inherent in the same idea of activity with the intent or design to overthrow the Government of the United States or any subdivision by force and violence.

Mr. McCLORY. My time is up. Thank you very much.

Chairman PIKE. Mr. Stanton.

Mr. STANTON. Thank you, Mr. Chairman.

Mr. Wannall, has the FBI ever participated in burglaries in order to obtain information for their purposes of investigation?

Mr. WANNALL. I think Mr. Kelley, at a news conference in July, acknowledged that the FBI had participated in surreptitious entries to obtain information.

Mr. STANTON. Were they illegal activities?

Mr. WANNALL. I'm not in a position to render an opinion. The whole thing, as a matter of fact, is under study by the Department of Justice at this time.

Mr. STANTON. Could you tell me, from 1945 until the present, how many instances there were?

Mr. WANNALL. We have made a very thorough study and have interviewed numerous individuals who might have been knowledgeable about a dozen and a half targets. However, there had been numerous entries against some of those targets. I think we have accounted for something in the neighborhood of 240 entries, none of which have taken place since April of 1968.

Mr. STANTON. Since April of 1968?

Mr. WANNALL. In our domestic area.

Mr. STANTON. Do you know what illegal entry is under the law? Are you a lawyer?

Mr. WANNALL. I think I understand what an illegal entry is; yes, sir.

Mr. STANTON. Do any of these fit that definition?

Mr. WANNALL. I think in the definition, intent to commit a crime within the premises would be included. The entries that were made——

Mr. STANTON. Do you know what breaking and entering is under the State law of Maryland or Ohio?

Mr. WANNALL. Yes, sir.

Mr. STANTON. Do you have to have the intent to commit a crime to break and enter?

Mr. WANNALL. I would say you probably do not have to have an intent to commit the crime on the premises.

Mr. STANTON. Intent is not an important element. In other words, if you had the noblest intent in the world, but if you are breaking and entering it is still a violation of the State law; correct?

Mr. WANNALL. I would take your definition of it, Mr. Congressman.

Mr. STANTON. I would like to have your definition. I would like to know what a prominent person in the FBI thinks of breaking and entering.

Mr. WANNALL. I can assure you there are no such circumstances today.

Mr. STANTON. That is not the question. The question is, do you understand what breaking and entering is?

Mr. WANNALL. Yes.

Mr. STANTON. Has the FBI illegally entered premises to seek information?

Mr. WANNALL. The FBI has entered premises without the knowledge of the owners of the premises for the purpose of seeking information; yes, sir.

Mr. STANTON. In other words, they are guilty of breaking and entering and violating the law of the States of this Union; is that correct?

Mr. WANNALL. Again, I am not going to render an opinion. That is in the hands of the Department of Justice at this time.

Mr. STANTON. Why did they get involved in breaking and entering?

Mr. WANNALL. I think basically it had to do with the passage of the Internal Security Act of 1950, title II.

Congress directed the Justice Department to place itself in a position, in the event of a national emergency, to take off the streets individuals who might be placed in detention camps.

Mr. STANTON. Is there anything in that act that allows the FBI to break and enter a dwelling?

Mr. WANNALL. No, sir.

Mr. STANTON. Then that is not justification for those illegal entries; is it?

Mr. STANTON. So the fact of the matter is that the FBI cannot use that as a basis for illegally breaking and entering an inhabited dwelling.

Mr. WANNALL. I know of no law which would permit the FBI to do that.

Mr. STANTON. Then the FBI has been involved in illegal activities?

Mr. WANNALL. The FBI has been involved in breaking and entering.

Mr. STANTON. Did they ever seek the Attorney General's permission, prior to 1972, for breaking and entering?

Mr. WANNALL. Not to my knowledge.

Mr. STANTON. Who was the person responsible, prior to 1972, for approving a breaking and entering?

Mr. WANNALL. These were approved at the highest level of the Bureau, normally the Director of the FBI.

Mr. STANTON. Then Mr. Hoover directed the activities. He did not seek approval from the Attorney General?

Mr. WANNALL. To my knowledge, he did not.

Mr. STANTON. In other words, Mr. Hoover felt that he had the power to violate the law of a State or of this country?

Mr. WANNALL. Are you asking me what Mr. Hoover's opinion was?

Mr. STANTON. Yes; I am asking you if he approved illegal activities.

Mr. WANNALL. He approved the breaking and entering; yes, sir.

Mr. STANTON. Do you think, in terms of the U.S. Government, that for the purposes of the Bureau and of this Government the activities of the Bureau are going to be improved by virtue of the fact that we have had exposure of some of the illegal activities of the Bureau?

In other words, do you feel that the examination of these publicly is going to be therapeutic for the Bureau?

Mr. WANNALL. I think they will be; yes, sir.

Mr. STANTON. Thank you.

Chairman PIKE. Mr. Murphy.

Mr. MURPHY. Thank you, Mr. Chairman.

Mr. Adams, one of the problems we have, I think, with the FBI is in regard to wiretapping. It is a practice that the FBI has not admitted to but about which we have some information that leads us to believe it went on in the past and I am wondering if it has been stopped. I am also interested in the question of reliable informants.

We understand that the FBI will go into a town, say Chicago, where I am from, and they will get a local policeman or some local police force to do wiretapping for them. They pass this information on to a strike force made up of an FBI agent, Justice representative, IRS agent. Then, when they go to court and they are asked where the evidence came from, they can properly say they did not have anything to do with the wiretap.

Do you get any information that way that you classify from reliable informants?

Mr. ADAMS. Not that particular situation. If the Chicago Police Department were engaged in illegal wiretaps and it came to our attention, we would open an investigation under the interception-of-communication statute.

never reported in the last 3 or 4 years any illegal wiretap they found except to the customer whose line they found it on. They said they had no duty to report it to the Federal authorities.

I am wondering what your interpretation of their position would be?

Mr. ADAMS. You are talking about the telephone company?

Mr. MURPHY. I am talking about the Illinois Bell Telephone Co., the only subsidiary of A.T. & T. which does not report wiretaps to Federal authorities or any authorities. The rest of the system all does.

I am of the opinion that if a citizen sees a crime or knows of a crime being committed, he has a duty to report it to the proper authorities.

Mr. ADAMS. I am a little hesitant to comment on their testimony, not having read it or being familiar with the exact wording of the statement. But I do agree with you that when information comes to the attention of a citizen—we urge this of anyone—this should be reported to proper law enforcement authorities.

Mr. MURPHY. Let me ask you a question, Mr. Adams.

There was an inordinate number of ex-FBI agents working for A.T. & T. and its subsidiaries throughout the country. Is there any purposeful connection there?

Mr. ADAMS. No. I think you will find in any major segment of industry that former FBI officers are often employed as security officers. I think they have demonstrated their qualifications over the years. They do gravitate to good positions in private industry.

But there is no concerted effort to penetrate or to control or dominate or do anything of this sort on the part of FBI agents collectively or individually.

Mr. MURPHY. When you are summoned before a congressional committee and queries are presented to you as to how many wiretaps exist today in the United States, was it a practice before the Director came down to testify, to send out a notification, "Take the wiretaps off for a week or 2 so when I go to the committee I can testify that as of this day there are only 10 or only 4 domestic wiretaps existing"?

Mr. ADAMS. Absolutely not. I believe the information we furnished to this committee, and to the Senate committee staff, would clearly show by checking against appropriations testimony, information of that type. There was no such activity. Mr. Hoover frankly imposed restraints on wiretapping in the FBI—considerable restraints on wiretapping. In fact, some of the material we made available shows that he was one of the loudest voices urging some type of authority and approval in the Attorney General, not only of ours but other agencies.

Mr. MURPHY. All right, I only have 5 minutes.

Did the FBI ever get information that the IRS was conducting schools on wiretapping?

Mr. ADAMS. I don't recall whether we had any such specific information.

Mr. MURPHY. We had a former U.S. attorney tell us that he acknowledged the IRS was conducting informal schools on wiretap. They bought the equipment and the Director of the IRS came in and told the agents, "If you get caught, you are on your own; but, if you bring in good information, we will make a strong case out of it."

Senator BAKER. Domestic espionage or international espionage?

Mr. BRENNAN. I'm speaking of counterespionage.

Senator BAKER. You're speaking of counterespionage in the sense of a spy of a foreign country operating in this country, and you were trying to counter him? Is that the counterespionage you're speaking of?

Mr. BRENNAN. Yes sir.

Senator BAKER. And that's the only case you knew "black bag" jobs to be done?

Mr. BRENNAN. Subsequently, after I got to Bureau headquarters, I learned there were some "black bag" jobs which were directed at what I would have to term domestic subversive groups, and some domestic extremist organizations, but they were quite limited.

Senator BAKER. How many "black bag" jobs were done in the course of your tenure at the FBI?

Mr. BRENNAN. I would have no idea, sir.

Senator BAKER. Well, you've got to have some idea. Was it 1, or was it 1,000?

Mr. BRENNAN. I do not think I would be capable of commenting. I do not have that range; I did not work in that field where it was generally employed as a technique, Senator.

Senator BAKER. How many do you have knowledge of? Something in the range of what, 1, 10, 100, 1,000?

Mr. BRENNAN. I don't think I'm in a position to be able to answer that, Senator.

Senator BAKER. Do you have any knowledge on that subject?

Mr. BRENNAN. Yes; in a general range.

Senator BAKER. Then I would like to have that general range.

The CHAIRMAN. Senator Baker, we have figures. Would you like to have them? We have documentary figures.

Senator BAKER. I would like that, and I would like the witness' impression too, Mr. Chairman.

The CHAIRMAN. Very well. What was your impression?

Mr. BRENNAN. Can we get a given time frame?

Senator BAKER. No. That you have knowledge of.

Mr. BRENNAN. The overall impression on my 26 years in the FBI?

Senator BAKER. Yes.

Mr. BRENNAN. I would have to say—I would put it in a frame, possibly, of maybe 30, 40.

Senator BAKER. Did the FBI ever get caught?

Mr. BRENNAN. I don't think we did, Senator.

Senator BAKER. As a matter of fact, you didn't.

Mr. BRENNAN. I never heard of anybody getting caught, sir.

Senator BAKER. And the techniques involved—were they with the cooperation of the local police? How many men did it take? What techniques did you employ to keep from getting caught?

Mr. BRENNAN. I never engaged in one, Senator, so again, I would have to speculate on that, or speak from hearsay.

Senator BAKER. Mr. Chairman, do you have some figures?

The CHAIRMAN. Yes. I was just going to congratulate you, Senator, because you have managed to get your rebuttal and a good speech and your questions all within 10 minutes.

Senator BAKER. I think I'm being politely told to shut up.

[General laughter.]

The CHAIRMAN. Now, let me just give these figures. These are [illegible] that have been supplied to us by the Federal Bureau of Investigation [illegible] have, at our request, been declassified. And I would like to [illegible] into the record.

We have 11 domestic subversive targets were the subject of at least [illegible] entries from 1942 to April 1968. In addition, at least three domestic subversive targets were the subject of numerous entries from October 1952 to June 1966. Since there exists no precise record of entries, we are unable to retrieve an accurate accounting of their number, but that is the best figure we have.

Senator BAKER. Thank you, Mr. Chairman. This final question, Mr. Brennan, since my time apparently has expired. Was your division the one involved in any surveillance of political figures at the Democratic National Convention in 1968?

Mr. BRENNAN. Yes, sir. We developed all of the intelligence information relative to the activities of the dissidents who went out to Chicago to disrupt the convention. However, I don't recall any time that any instructions were given to include surveillances of, as you say, political figures, Senator.

Senator BAKER. Yes. I'm talking about the allegations and the charges that the FBI kept surveillance on Robert Kennedy and Senator Edward Kennedy and Martin Luther King, and a number of other political figures, and that, in fact, there was a communications link—I believe a telephone—from FBI headquarters in that city to the White House—even to the Oval Office.

Mr. BRENNAN. I am not familiar with such surveillances. But basic——

Senator BAKER. You're familiar with those allegations and charges?

Mr. BRENNAN. No. As a matter of fact, I'm not.

Senator BAKER. You've never heard them before?

Mr. BRENNAN. No. Not those specific ones.

Senator BAKER. Well, generally, maybe I'm not describing it with exact accuracy.

Mr. BRENNAN. I recall that there was an Earth Day affair, which I believe Senator Muskie made a speech, or something, and I believe an FBI report dealt somehow with the Senator's appearance on that occasion. But any information of that type was purely coincidental to the investigative efforts of the FBI which were basically directed at the activists who were involved in those types of movements. And anything related to political figures was actually coincidental.

Senator BAKER. I'm told I was wrong. It was not at the 1968 convention; it was the 1964 convention that I was referring to. Does that alter your answer at all?

Mr. BRENNAN. I had little knowledge of the 1964 convention. That was not coordinated out of the Domestic Intelligence Division. It is my recollection that that was basically coordinated by Mr. DeLoach.

Senator BAKER. Are you aware, generally, of the situation that I described in reference to the 1964 Democratic National Convention?

Mr. BRENNAN. I'm aware in general, because the FBI personnel that were there at that time were phoning in reports concerning the activities of individuals and groups over which Domestic Intelligence Division had an interest.

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

(IS-3) 62-116395 September 23, 1975

UNITED STATES SENATE SELECT COMMITTEE
TO STUDY GOVERNMENTAL OPERATIONS
WITH RESPECT TO INTELLIGENCE ACTIVITIES (SSC)

RE: SURREPTITIOUS ENTRIES - DOMESTIC TARGETS

Reference is made to SSC letter dated September 22, 1975, from Mr. John T. Elliff, Director, Domestic Intelligence Task Force, to Mr. Michael E. Shaheen, Jr., Special Counsel for Intelligence Coordination, Office of the Deputy Attorney General, wherein Mr. Elliff made the following request with respect to domestic targets of surreptitious entries conducted by the FBI:

1. Statistics on the volume of such surreptitious entries in inclusive categories such as "subversive," "white hate," organized crime," or "miscellaneous." These statistics should be cleared for public disclosure.

2. Committee access at FBI Headquarters to a complete list of specific targets, represented by the statistics in Item 1, above.

3. Delivery to the Chairman and Vice Chairman of the list of specific targets requested for access in Item 2, above.

With respect to this request, from 1942 to April, 1968, surreptitious entry was utilized by the FBI on a highly selective basis in the conduct of certain investigations. Available records and recollection of Special Agents at FBI Headquarters (FBIHQ), who have knowledge of such activities, identify the targets of surreptitious entries as domestic subversive and white hate groups. Surreptitious entry was used to obtain secret and closely guarded organizational and financial information, and membership lists and monthly reports of target organizations.

When a Special Agent in Charge (SAC) of a field office considered surreptitious entry necessary to the conduct of an investigation, he would make his request to the appropriate Assistant Director at FBIHQ, justifying the need for an entry and assuring it could be accomplished safely with full security. In accordance with instructions of Director J. Edgar Hoover, a memorandum outlining the facts of the request was prepared for approval of Mr. Hoover, or Mr. Tolson, the Associate Director. Subsequently, the memorandum was filed in the Assistant Director's office under a "Do Not File" procedure, and thereafter destroyed. In the field office, the SAC maintained a record of approval as a control device in his office safe. At the next yearly field office inspection, a review of these records would be made by the Inspector to insure that the SAC was not acting without prior FBIHQ approval in conducting surreptitious entries. Upon completion of this review, these records were destroyed.

There is no central index, file, or document listing surreptitious entries conducted against domestic targets. To reconstruct these activities, it is necessary to rely upon recollections of Special Agents who have knowledge of such activities, and review of those files identified by recollection as being targets of surreptitious entries. Since policies and procedures followed in reporting of information resulting from a surreptitious entry were designed to conceal the activity from persons not having a need to know, information contained in FBI files relating to entries is in most instances incomplete and difficult to identify.

Reconstruction of instances of surreptitious entry through review of files and recollections of Special Agent personnel at FBIHQ who have knowledge of such activities, show the following categories of targets and the approximate number of entries conducted against each:

1. At least fourteen domestic subversive targets were the subject of at least 238 entries from 1942 to April, 1968. In addition, at least three domestic subversive targets were the subject of numerous entries from October, 1952, to June, 1966. Since there exists no precise record of entries, we are unable to retrieve an accurate accounting of their number.

NEWS CONFERENCE OF CLARENCE M. KELLEY
DIRECTOR, FEDERAL BUREAU OF INVESTIGATION
JULY 14, 1975

MR. KELLEY: Good morning. I have very few statements to make as an opening. I just want to say that this is a further attempt on my part to be a little more available. Frankly, it is something which I hope we can continue and I have not in the past been premeditatively evasive nor reluctant to appear before you. But, frankly, I've been pretty busy with a number of other things. I want to let you know that we're continuing our efforts to try to improve the rapport between us. We will continue to do some things and hopefully, in the future we can get togethe. more frequently on the basis of some of our past meetings which I think have been very fruitful. So now I'll throw it open for questions and these lights are a little bit strong but I'll try to be able to identify you. Do you have any questions?

QUESTION: Do you have any evidence, sir, or any information leading you to suspect any CIA Agents have been planted in any manner or form in any executive agencies for the purpose of transmitting evidence back to the CIA about that agency?

MR. KELLEY: I have no evidence whatsoeyer brought to my attention and I certainly know of none.

QUESTION: Sir, do you have ongoing programs trying to check out that sort of thing? Do you look for it?

MR. KELLEY: We have no ongoing programs whatsoever and have had no reports that it has occurred and this is something new to us.

QUESTION: Sir, there have been complaints repeatedly in recent days from Congressmen and Senators on the Hill who are charged with investigating the FBI and its domestic surveillance in past years that they are not getting the information that they need. We heard from Senator Church maybe yeste day. Can you respond to that?

MR. KELLEY: The allegation has been made to the effect that the FBI is dragging its feet, so to speak, and slow to respond to the requests of the Church committee for information relative to past abuses by the FBI in the intelligence fi and it's even been said from time to time that this reluc- tance is reflective of an effort to preserve the image of Mr. Hoover. First, I want you to know that in giving instructions in this matter, it has been consistently my policy to say that we should be completely candid and forthright. And we should respond in whatever manner we can consistent, of course, with some restrictions--thos being a matter of confidentiality and right to privacy. Insofar as dragging our feet, the letter which was sent t us was dated May 14, 1975. We immediately embarked on a program to try to respond. In May, 1975, I remember it w

the last half of May, we devoted 323 man days to try to r spond and to date have added another over 400 hours and a total dedication of personnel--of 102 of our people. We have 102 people who are responding to this request. The reason why it has taken this much time and this great amount of manpower is that we must go through all of this material very carefully to preserve, of course, the privacy of those who may be mentioned and also to assure that matters of grave import are no so disclosed. We are trying at best we can to resolve in favor of making them available. I think this number 102 is very significant inasmuch as in the work of the Freedom of Information, there are also over 102, about 105 people, dedicated to fulfilling our obligations there. So, we have almost 210 people engaged in these two enterprises and this has a great impact upon our capabilities. Does that answer your question?

QUESTION: Can you tell us why Senator Church would be complaining?

MR. KELLEY: Why he what?

QUESTION: Why he would be complaining?

MR. KELLEY: No sir, I don't know. Some of these things, of course, may be thought to be too slow and it's thought perhaps that all you have to do is to remove the material from

the file and send it on up. We have already submitted a great deal of it and intend within the next 10 days to complete the entire matter.

QUESTION: Is in any of that material now in the Justice Department awaiting approval of the Attorney General?

MR. KELLEY: Yes, some of it is in the hands of the Department ready to be transmitted. That's our first step--after we make our survey, to ship it over to them, they review it and th send it on through.

QUESTION: Well, has it been there for a while?

MR. KELLEY: I can't tell you exactly what length of time but I can say that within about 10 days, we'll have ours completed and you can gage thereafter what type of delay is experienced through the Department.

QUESTION: Mr. Kelley, Senator Church says that you won't allow him and his staff to interview FBI Agents and that's one of the complaints he makes about the lack of cooperation. Is that true that you will not allow the Senate staff to interview FBI Agents?

allegation

MR. KELLEY: We have gone through a procedure whereby ex-FBI Agents may have available to them our people in order to consult with them as to any matter which might be thought to violative of some of the confidentiality provisions; and

we have not, to my knowledge, denied the right of anyone presently employed to be interviewed with, of course agai the requirements that if they want to consult with us they may do so.

QUESTION: Well, in other words, you're saying that FBI Agents can be interviewed by the Senate staff. Is that correct?

MR. KELLEY: Let me just check that. Mr. Mintz, is that correct? Have we denied any?

MR. MINTZ: We have not denied any. We've not indicated to anyone we would not let them be interviewed.

QUESTION: What was that Mr. Kelley, about ex--I didn't understand, about ex-FBI Agents?

MR. KELLEY: Ex-FBI Agents, when called, and we're advised, are informe that one of our people can be present outside the interview room for consultation by that interviewee with our people to determine whether or not a certain question is beyond the purview of his capability, and we do not say to him that he cannot answer but we do say here are the rules, the regulations, the law and you can be guided in accordanc with your own dictates. But we make available to him a con sultant, so to speak.

QUESTION: Is that a requirement or..?

MR. KELLEY: That's an agreement between us.

QUESTION: In other words, when an ex-Agent goes up, he has to have somebody?

MR. KELLEY: No sir, he does not have to have but we inform him that he may have if he so desires.

QUESTION: During your confirmation hearings two years ago, you advocated or said that you would like to see more Congressional oversight of the FBI. You think now that there's too much, just about right, or not enough oversight?

MR. KELLEY: It is true that I said during my confirmation that I do not object to FBI Congressional oversight. One has been established and I have met with them on several occasions to set an oversight committee. There is also a House so-called oversight committee--it's the House Judiciary Committee--there are others who may by virtue of their jurisdiction feel that they, too, have oversight. We do no oppose House oversight. Frankly, I would like to have a joint committee of oversight so that we can know precisely to whom we should report and they, in turn, know precisely to whom any oversight problems can be referred. Basically, in other words, I do not object to oversight--I do think that it would be much better if we could have it well-structured so that it will be clearly understood by all parties concerned as to what they are going to do and how they are to do it.

QUESTION: Mr. Kelley, do you feel the oversight being conducted now between the Senate and House is probing too deeply into t FBI--do you feel that any of the operations of the FBI ha been hurt by the investigations going on now?

MR. KELLEY: I do not construe the activities of the oversight groups as having delved too deeply into the work of the FBI. We on occasion feel that perhaps some matters need protectio particularly those involving national security, but I hav no objection in the exchange in oversight groups of any matter in which we are engaged. I think, as a matter of fact, that this is a proper balance insofar as keeping us in line and I also welcome it inasmuch as it gives us an opportunity to explain just what and how we do things. I do not object to the exchange, in other words.

QUESTION: Mr. Kelley, you said that you're not attempting to preserv the image of J. Edgar Hoover and, apparently, you know what will be in the information that is to go out of your office in 10 days. Can you tell us, when that information gets up to the Hill and assuming it's made public, are the going to be some more bomb shells about the FBI that we haven't heard about or is this all information which has generally been made public?

MR. KELLEY: I don't know of any bomb shells, so to speak. In the news media, there have been many things discussed, many reports made, and in those matters I think that just about every-thing that we know about has been already, at least to

some extent, discussed and, to some extent, publicized. I am convinced that in these matters where there might be some criticism, there is an underlying intent to do that which is good for the Nation. I have not come across any activities which I would construe as being illegal, being directed toward personal gain or to enhance the reputation of anyone. I see nothing untoward in these activities, in other words, as they will be reviewed by the various groups

QUESTION: Now, Mr. Kelley, Mr. Sullivan said about a week ago, that he assumed there had been some national security break-ins over the years and I'm just wondering if there have been national security break-ins, say in the last five years, roughly what number are we talking about and why aren't they illegal? What's the legal authority?

MR. KELLEY: There have been statements made about surreptitious entries and the latest was that statement made by Mr. Sullivan who just retired as the Assistant Director in Charge of the Los Angeles Office; and there have been, of course, reports in the media that the Department of Justice has been inquiring into allegations that our people have engaged in surreptitious entries or, as they are sometimes termed, burglaries. Yes, the FBI has conducted surreptitious entries in securing information relative to the security of the Nation. However, in 1966,

all such activity was terminated with the exception of a small amount of actions which were conducted in connecti with foreign counterintelligence investigations which we felt had a grave impact upon the security of the Nation. And again, as I just said, I feel that the FBI personnel participating in or approving such activities acted in good faith with the belief that national security interest were paramount and their actions were reasonable. I'm always mindful of a story I heard many years ago about two neighbors who started some arguments which, obviously, were going to terminate into difficulties. One of the neighbors started a campaign to build himself up with shadowboxing, punching the bag and so forth, and it appeare very likely that he was going to be in pretty good shape in order to beat up his neighbor and so the neighbor, thereafter, concerned as to what would happen to him, started to defend himself. You don't wait until the climax which could be the putsch--you start preparing yourself and so I think that the FBI and its officials construed this as paramount again in the protection of the country.

QUESTION: You said that in 1966, there were a small amount of burglaries. I'm just wondering how small is small and

who gave the OK. Did this come from President Johnson or President Nixon or was this a decision made by Attorney General....

MR. KELLEY: This matter will be discussed in subsequent hearings and in reports, and further than what I have stated, I cannot comment.

QUESTION: Mr. Kelley, were these directed against Americans or foreign persons?

MR. KELLEY: I would prefer not at this point to make any comments further and particularly not in particularity as to who may have been the ones against whom they were directed.

QUESTION: Well, were they all conducted in this country or were some conducted overseas?

MR. KELLEY: I know of none overseas.

QUESTION: Sir, going back to prior to 1966, why was the procedure changed in 1966?

MR. KELLEY: By virtue of the feeling of Mr. Hoover that, under the then-prevailing philosophy and the feeling that possibly in the context of the times, this was not a viable procedure--they were stopped. It was Mr. Hoover's decision.

QUESTION: Sir, can we infer that there were quite a number, a large number, of burglaries prior to 1966, but fewer since then?

MR. KELLEY: You cannot infer anything because I have not told you of any number. I can only say that they were stopped in 1966. As to the number, I cannot actually tell you how many nor can I say that it's quite a number or very few.

QUESTION: Why can't you tell us the number?

ANSWER: Because we're going to make reports to our Congressional groups and to the Department of Justice and, frankly, I can't tell you the number myself. We don't have any....

QUESTION: They did not entirely stop in 1966? There were some that did get, you say, a small number after 1966?

ANSWER: There may have been some after 1966 which were, of course, in the field of foreign counterintelligence, and such that it would make a grave impact on our....

QUESTION: Before that, they were not with the field of foreign counterintelligence?

ANSWER: Oh, yes, there were some in that field also.

QUESTION: There were others that were not in the field of foreign counterintelligence before 1966?

ANSWER: You recall that I said in the context of the time, it may well have been that prior to that time national security or counterintelligence or whatever terminology you might want to use could have included other areas. But, then you began to compartmentize various types of activities and then it became evident that the area of foreign counterintelligence national security certainly should be differentiated from domestic security.

QUESTION: But, Mr. Kelley, what policy have you followed in the time that you have been Director? Is this type of activity, has it been permitted? Is it policy now to conduct this kind of activity?

ANSWER: I have not had a single request to conduct such activity since I have been made Director. If ever anything of this type comes up, and I can't foresee this need, but, if it ever did come up and it became a matter of grave concern, a matter which is to be solved only through such activity, I would present it to the Attorney General and would be guided by his opinion as to such activity. Frankly, I have not had any such request since I have come aboard.

QUESTION: Is that in the foreign field, Mr. Kelley. Is that limited to the foreign field when you say such activity?

ANSWER: Yes, sir. Foreign intelligence, counterintelligence, national security, whatever terminology you want to use.

QUESTION: Back prior to 1966, were any of those in say organized crime investigations?

ANSWER: I know of none.

QUESTION: Would you characterize, Mr. Kelley, what areas they were in, please. What areas the pre-1966 burglaries took place? Characterize the kinds of investigations they concern?

ANSWER: I can not at this point characterize them because I just don't know how they were to be characterized. But, it could be that, I would guess, that the great majority of them are what we now term counter-foreign, counterintelligence, or national security. I would say that in all probability the geat majority of them were in that area. That's where the grave concern is.

QUESTION: Have you reviewed them from a legal point of view to determine whether any of them at all were conducted without proper legal authority?

ANSWER: We have discussed them with the Department, and will place them in their hands and they will make such a review.

QUESTION: I wanted to ask you if this goes back to World War II, the Korean War, the Vietnam War, the Cold War or all of them?

ANSWER: They will go back to World War II, I'm confident.

QUESTION: Is it possible to get court authorization by warrant or whatever means for surreptitious entry as distinguished from an ordinary search warrant?

ANSWER: Inherent in the request for a microphone installation there is a matter of surreptitious entry. So, therein you have a natural concomitant. You do have that

permission. There is some dictum to indicate, at present, that this may be brought up later. But, I know of no authorization which can be obtained per se for a surreptitious entry. And, at this point, of course, the feeling is that these confined as they are to foreign counterintelligence it flows from presidential authority as it applies also to the warrantless wiretaps.

QUESTION: Weren't the civil rights groups, Mr. Kelley, among some of the organizations who were burglarized?

ANSWER: I'm not going to say anything about where they were, or against which organizations they were directed, only to say that they were, Mr. Nelson, and I hope that will satisfy you, and I hope that if there is any revelation to be made later that they can be as complete as possible because, again, we feel that the intent was a very good one and there was no illegality concerned. And the impact of it was to protect the country.

QUESTION: Sir, how can you say that there was no illegality concerned if the Constitution says that you have to have a search warrant to make an entry and without, as I understand it, even checking this with the Attorney General, these Agents burglarized private premises?

ANSWER: The resolution of the problem which you now present is up to the Department and the courts, and I, of course, will not engage in anything except to say that in the defense of the men who authorized and participated, that they had this intent and within every criminal violation there is a necessity that there be the ingredient of intent and there was none here as far as I can determine.

QUESTION: Mr. Kelley, would you say, sir, that most of these requests for surreptitious entry flowed from presidential authority? Is that what you said, sir?

ANSWER: No, I did not say that. I did not give a complete outline as to what the authorization was. And, this again will be a matter which will be discussed in the reviews of the Department and the various Congressional committees.

QUESTION: Sir, would you say that the Cubans who burglarized Daniel Elzberg's psychiatrist's office should not have been convicted then since they thought that they were on a national security mission? They didn't intend to violate any laws. That was their testimony.

ANSWER: I have no judgment insofar as that because my province is in presenting the facts and for the review and determination by the courts and if such an inference was made it was not intended by me to give them any sanctuary. I'm trying to keep in the area of our facts and that particular thing as to whether or not they had any intent or whether or not it is a viable defense is up to the courts.

QUESTION: Mr. Kelley, did you twice mention that you expect some resolution to this question in the courts? How is it going to get into the courts?

ANSWER: I don't know. It possibly will be some sort of a defense, rather some sort of a presentation to the courts by the Attorney General. He has indicated that perhaps this being a Constitutional question--it being a matter of the executive privilege of the presidential power--that it might well be necessary to have such a review to determine.

QUESTION: Were all of these break-ins conducted with the permission of either the Attorney General or the President at the time? Or were there any that were conducted without such approval?

ANSWER: I cannot, at this point, give you any particulars about the program. I just say, as I did before, and this....

QUESTION: Because you don't know or because you're withholding comment?

ANSWER: I'm withholding comment.

QUESTION: Mr. Kelley, I'm still unclear about distinction between break-ins before 1966 and afterward. Is the reduction in number the only change that was made or was there change in the limitations on the targets that were used?

ANSWER: There was a change insofar as the targets just being in the subsequent area confined to those matters which were concerned in foreign counterintelligence.

QUESTION: You imply then that the others concern domestic security or did it go beyond that?

ANSWER: This implication is yours, Mr. Rogers, but....

QUESTION: I'm trying to recall what you said initially.

ANSWER: I said that..., the question was asked me whether I included domestic intelligence, and I said I was confident that the great majority was in the area of foreign intelligence or foreign counter-intelligence, whatever you want to call it. And there may have been. I don't know.

QUESTION: Mr. Kelley, you said that you have not received a request for any type of activities such as this since you have been in office. When did the last one take place?

ANSWER: I do not know. I do not know.

QUESTION: Will the material you turn over to the Church Committee include full details of everyone of the break-ins?

ANSWER: It will be a matter which will be completely presented to the Attorney General, and, insofar as full disclosure by him, that's a question which only he can answer. We will report those about which we know.

QUESTION: Mr. Kelley, you said it was also for the good of the country that Agents send letters to school boards and principals and others to damage the reputation of people working who have had connections with groups the FBI had infiltrated. Was that also for the good of the country?

ANSWER: Your statement, was that also for the good of the country to do that, to damage the reputation, was not the issue. As you pose your question, you answered substantially my response that would be made. Yes, I think that the purpose here was to do something that would ultimately end to the benefit of the Nation. In other words, I think in the so-called COINTEL Program, which you mentioned, that the intent there was one which had

adequate basis. As to the programs, now, individually activities within those programs may be suspect. I have said and repeated that some of those activities I would not feel are proper today. I wasn't there during the time that all of these programs were developed, nor certainly the approval of the various activities within those programs. Were I to have been there, there is some that perhaps I might have said, "No I don't think this is proper." I have the benefit of hindsight. I have the benefit of experience in local law enforcement which, I think, prepares me to better understand perhaps the impact of some of these types of things. They are not at all unknown in the field of law enforcement. In some degree or another almost all the law enforcement has engaged in some similar types of activities. Not perhaps to the sophistication as the COINTEL Program, but the context of the time is felt necessary in the present day. We realize that different standards should be applied and they are and we do not engage in those activities now. Since April, 1971, we cut them off.

(NOTE TO CORRESPONDENTS AND EDITORS: The preceding comment by Mr. Kelley concerning local police use of efforts similar to COINTELPRO may be open to misinterpretation. At his direction the FBI later issued his clarifying statement: "I had in mind that law enforcement agencies have used methods designed to create disunity among the criminal element, particularly in organized crime and hoodlum gangs. Probably most common was labeling a crime figure as a police informant to discredit and destroy his criminal influence. These activities to pit one crime figure against another have achieved success in neutralizing the criminal element.")

QUESTION: You said that you disagreed with some of the activities, that they were not proper programs. Alright, does that mean that there are variations of COINTEL Programs still going on?

ANSWER: In the first place, we deliniate certain programs. That's the overall structure of the full system. Within each of these programs there were some activities, individual activities. I feel that the setup of the programs certainly was directed properly, that is, with the intent to preserve the Nation. Insofar as some individual activities, yes, I feel that some

were, in today's context particularly, imprudent and that they were not, again in the present context, the type of thing that certainly I would approve. Be that as it may, we stopped them in 1971 and we have no intention to continue them.

QUESTION: Mr. Kelley?

ANSWER: Yes, sir, Joe?

QUESTION: When you were an Agent did you engage in any break-ins or were you aware of any break-ins?

ANSWER: Insofar as the matter which you are now discussing, I think that we can give substantially the same answer to this. This is a matter which is being investigated by the Department and is being investigated by the various committees, particularly the Select Committee of Congress and, I'm not saying that Clarence Kelley engaged in such activites, or did not engage in these activities. I'm merely saying that these have been presented for review and they will, thereafter, be discussed at some length and any publicity that might be given them will be that which will be given by those more knowledgeable than I.

QUESTION: Mr. Kelley, to your knowledge have any members of the FBI been involved in the planning or execution of assassinations?

ANSWER: No, sir. I know of none.

QUESTION: Mr. Kelley, how about the break-in of embassies here in Washington. Have any members of the FBI gained surreptitious entry into any embassies in Washington?

ANSWER: Without naming or designating victims or institutions, I can only say that there were a few concerned with counterintelligence--foreign in nature--subsequent to 1966. Further then that I cannot say.

QUESTION: A few is 10, 20, 100? When you say few, I'm sure that I'm lost as to how few is a few.

ANSWER: Not many.

QUESTION: Was a lot of this done in Washington as opposed to other cities in the country?

ANSWER: There were not a lot, I'm confident of that. And, frankly, I don't think that all of the few were confined to Washington, D. C., but I can't tell you absolutely that that is true.

QUESTION: Mr. Kelley, were any of these done in conjunction with the CIA? With their knowledge?

ANSWER: I know of none. Now, subsequently, perhaps there may have been information which did go to them but, not insofar as the origin of the information, I'm confident of that. We were not in partnership with CIA.

QUESTION: How about the NSA? Were there any of these break-ins done to help benefit the NSA in its code-breaking programs?

ANSWER: That is a matter which will be developed and will be presented and, it's better for them to comment then I.

QUESTION: Mr. Kelley, the Rockefeller Commission report said that, in discussing the CIA's mail cover operations, said the FBI only learned about this about five years after it was in the works. In 1958, I believe. Mr. Colby's report to the President said the FBI knew about it from its conception. Which is correct?

ANSWER: It is my understanding it was 1968.

QUESTION: 1958?

ANSWER: 1968. Wait a minute, 1958, 1958. That's right, 1958.

QUESTION: Mr. Kelley, in the last 50 years, as I understand it from FBI officials, there has never been an FBI Agent prosecuted for any kind of corruption or crime in connection with his official duties. Is there any agreement with the Justice Department either in writing or any other kind of agreement not to prosecute people who may stray from or commit crimes but, rather to handle it with internal discipline?

ANSWER: Mr. Kelly, spelled K-E-L-L-Y, there is no such agreement. I would not abide by such an agreement. I vehemently oppose any such arrangement and would not operate under such arrangement. No, there is none. Yes, anyone that, within the FBI, will be prosecuted if there is evidence leading to that

conclusion. I can assure you absolutely that this is my policy, is the policy of the Bureau, and that we will pursue them as vigorously as we possibly can. There's nothing worse in my estimation than the betrayal of trust and that's what we have when one of your own people defects and gives sanctuary and assistance to the crminal world.

QUESTION: How do you account than for the fact that there has been no one who has strayed across the line in all these years? It's almost unhuman.

ANSWER: Well, I appreciate your compliment, Mr. Kelly, which I agree with, there has been none. There have been, of course, some allegations made from time to time, all of which have been pursued and found to be groundless. I think that it's inherent in an organization which is closely scrutinized, an organization which has a strong inspection system but, more than anything else, is the choice of people who are not susceptible to this type of thing. Unquestionably, in such a screening process some might get through. But, than, within the FBI is a built-in system which further prevents this possibility and that is a tremendous pride in this very matter. That is, that there has been no corruption. And, I am confident that Agents working with one another, although, will, of course, on occasion be sympathetic to an Agent who possibly may be drinking too much or may possibly, for other reasons in the area the morals might digress to some extent, they absolutely will not countenance corruption or defection to the criminal element or otherwise contaminate that splendid reputation of the Bureau. It's a unique situation. It's difficult for some to understand. But, it's a built-in barrier to an extension of this type of activity and, something of which we will have tremendous pride and I personally would not hesitate one second to pursue any allegations such as this, feeling that although it may get wide publicity, although it may, to some extent, harm the credibility of the FBI, it must be done. And, I assure you, will be done. Unusual perhaps, but nonetheless, it is present and we will persist with this type of activity. We don't ask our Agents to squeel on one another, we point out the splendid reputation that is inherent within our tradition and is one of the finest traditions you can possibly build.

QUESTION: Mr. Kelley, earlier you spoke of the advantages and limitations of hindsight. After having examined the records of the break-ins and other surreptitious activity, you observed that you thought it was well intentioned, I believe, in most cases. Did you also observe that there was any gross misuse of authority in the process of that?

MR. KELLEY: I do not note in these activities any gross misuse of authority. I see a consistent thread of well-intentioned activities. Perhaps now in the present society, and in the context of now and in those times. I do not feel that it was a corruption of the trust that has been placed in us. As now we have determined a valuation that perhaps could be wrong, but in those days there was no intention to engage in activities which were prohibited, illegal, or otherwise wrong.

QUESTION: Mr. Kelley, why wouldn't an act like the bugging of Martin Luther King's hotel room have been a betrayal of trust? These Agents took an oath under the Constitution and that was prohibited by Federal law at that time.

MR. KELLEY: There have been a number of articles written about this situation. In reviewing this situation, I feel that the authority stemmed from the proper source. It was a matter which was construed in those times as of considerable concern to the country, and the FBI acted in accordance with the request which was made that it be installed.

You say that it was a matter which was then a violation of the law. Within the warrantless wiretaps under ordinary circumstances they could conceivably be construed as a violation, but under the umbrella of the protection of the country they have been authorized, so I don't subscribe to the feeling that they knowingly, in such an installation, vilated the law with the intent to violate the law.

QUESTION: Mr. Kelley, do you still--does the FBI still--compile personal information on the personal behavior of Members of Congress, members of the press, and other people?

MR. KELLEY: The FBI receives a great deal of information from time to time. We are charged when we have a complaint to write up that complaint. We feel that not only are we following the archival rules that such must be recorded, but also we feel in discharge of our duties we should record it because such information might well dovetail with some investigation that we are conducting. People come to us to tell about these things for reasons--not just to spill out gossip and rumor and to possibly put someone on the spot. We inform them, for example, at the time they submit this information a record will be made of this but if it is outside the jurisdiction of the FBI we so state. They know before they leave, for example, that nothing will be done about it other than to record it.

QUESTION: But it is put in the files?

MR. KELLEY: Yes, it is put in the files. Yes sir.

QUESTION: Whether it has to do with sex activities, or drinking too much, or what have you?

MR. KELLEY: The allegations within the complaint are put into the complaint and are put into the file no matter what they might be. Yes.

QUESTION: Government officials, Members of Congress and the press, and what have you?

MR. KELLEY: Yes sir. The Department of Justice and the Bureau are now engaged in a mutual venture to set up guidelines as to our activity in this regard. We will abide by those guidelines. We do want it known, however, that some of this information might very well be helpful to us in later investigations. The abuse is the publication of this information, and I know of no abuse, Jack, which we can point to.

QUESTION: Has it been used at times to try to get a person's job?

MR. KELLEY: I know of none.

QUESTION: You know of none?

MR. KELLEY: Now you say to try to get a person's job? Now I don't know of all of the activities that were involved in--and I say to you, Jack, that yes there have been some accounts as to this effect. I feel that actually were there any such activity it was on the basis of a

feeling that these things were true and that they were of such importance that they should be passed on. Some of these, of course, are in the COINTEL Program. I was not privy to some of these allegations. I assure you that this will not continue to the present time. I have been asked what about your own feeling about such information. Since I have arrived I have not had a bit of gossip or a bit of rumor sent to me and this is over two years. I have not reviewed files to find out about reporters, Congressmen or other public figures. I do not subscribe to that type of thing. I have a file on me. It is a quite lengthy file. It includes the investigation conducted about me at the time I was being considered. I understand it is quite voluminous. I assure you that I have not read that file. I do not know who made complimentary statements about me. I don't know who made derogatory statements. Perhaps, maybe, some of you may have made such statements. I don't want to be colored in my opinion about you by some statements which you may have made in good faith, and I think this substantially is what it is all about. The confidentiality and the privacy of individuals. If you, Joe Lastelic, want to make a statement about me, you should. I think you should be given that right, and I think that the proper forum is in one of confidentiality. I have not read those so-called gossip, rumor, or other objectionable types of materials. I am

not going to read them, and I certainly do not sponsor any move to revive anything such as may have once existed.

QUESTION: Those files will remain? Rumors, gossips--gossip, whatever is in it?

MR. KELLEY: Yes sir.

QUESTION: You said that you don't question the motives of people who come in to give you information. Do you ever check out the information that was given to you about the people?

MR. KELLEY: If it is within our jurisdiction and makes allegations which may mount into a violation, yes, we check them out. But a mere allegation that so and so is a sex deviate or that he is going around conducting himself other than in a gentlemanly manner and so forth, no, we do not just on the bare gossip stage check that out.

QUESTION: But, nevertheless, that remains in file. You don't check that out, that remains in the person's file unevaluated and raw. Is that correct?

MR. KELLEY: That's right. Now the implication is that you should possibly clear the man. In so doing you would, of course, be violating your charter which is that you do not investigate matters of this type. You might also by virture of this give it some degree of

statute by investigating it. But more than anything else if we have no business in it we shouldn't be checking it out and we do not.

QUESTION: If you have no business in it, why are you in it at all?

MR. KELLEY: We did not enter into it.

QUESTION: Is this a file that is a part of the FBI records?

MR. KELLEY: Yes sir.

QUESTION: You won't always be the FBI Director?

MR. KELLEY: That's right. I am confident of that. I am with you a thousand percent.

QUESTION: Mr. Kelley, can you tell us when you first learned of the files that Mr. Hoover kept that were called his confidential or OC files and whether or not anyone within the Bureau knew about those files and failed to tell you about them?

MR. KELLEY: Jack, that's a long answer, but I will try to brief it. I first learned of the possibility that these files existed in January, 1974. I then was presented a list of some of the files and called in one of the Assistant Directors and said what is this all about. Should they be integrated into the general file system, and I mean by that that we have a general file system. We have a section of our files which are kept in a separate room because we don't want everyone to have the capability of going into them. The man who was charged

with the responsibility of looking into this then within a few months retired. The next stimulation of this situation arose after a statement appeared in the paper mentioning these files and we immediately talked about this. Still I did not look at the files. I then instructed that our Inspection Division go over them a make a listing of them, categorizing them. Some of them, of course, were purely administrative, some included information as outlined by Mr. Levi. Such a listing was made and was turned over to the Department. Thereafter Mr. Silberman looked them over and thereafter Mr Levi looked them over and I made a rather cursory check of them myself. Why did I not look these files over in the first place? I did not construe them as being within the realm of the so-called dossiers that had been mentioned before and during, certainly, my confirmation. I said I did not subscribe to the preparation or retention of dossiers on Congressmen nor members of the Senate. I still persist in that and we have not. My references were about those which were declared improper during Mr. Gray's administration and they were at that time stopped. These were dossiers that were prepared on candidates for Members of Congress and those who failed in their venture were destroyed. Those which were successful were put into the general files. We no longer do that and frankly, in my opinion, this is what was referred to. I feel that these files should be

maintained confidential. I still have not given them a close review. I have not done so for the very reason as I mentioned about my own file. I don't think it will benefit me to go over them. Under archival rules they must be preserved. In the guidelines which are to be established, I will welcome any reasonable guideline which says we either do or do not preserve them. I am anxious for us to do our work the way it should be done. More than that, I cannot say.

QUESTION: Mr. Kelley, there have been suggestions that your absences from Washington for family reasons have prevented you from getting the kind of control of the Bureau that you would have if you were here all the time. I am wondering how you respond to that kind of suggestion?

MR. KELLEY: My response is that I feel that I have been able to maintain control. I am certainly in constant touch. I have telephone calls that are relayed to me when I have made such trips. I am confident that the executive staff of this Bureau is solidly behind me. I say this inasmuch as I have somewhat a feeling such as may be implied in your question. I must as a result of conditions that you know about make these trips. If I feel that in so doing it will endanger my administrative control and my capability of doing that which I think should be done, I will leave.

There is no question whatsoever because that which I say applies to others should also apply to me. But, I do feel that I have control of the organization. I have known of no disruptive tactics tha might have been launched to unseat me and again were there any evidence of that and found, in my opinion, to be one which is well grounded, I would immediately leave.

QUESTION: Mr. Kelley, if I can return for the moment to the subject of break-ins. You said that conditions of national security and foreign intelligence--there may have been other areas. I wonder if you can be a little clearer on whether there were any break-ins that were not related to foreign intelligence or national security?

MR. KELLEY: I know of none.

Thank you Mr. Kelley.

U.S. INTELLIGENCE AGENCIES AND ACTIVITIES: DOMESTIC INTELLIGENCE PROGRAMS

HEARINGS

BEFORE THE

SELECT COMMITTEE ON INTELLIGENCE
U.S. HOUSE OF REPRESENTATIVES

NINETY-FOURTH CONGRESS

FIRST SESSION

OCTOBER 9, NOVEMBER 13, 18, AND THE AFTERNOON SESSION OF DECEMBER 10, 1975

PART 2

Printed for the use of the
Select Committee on Intelligence

63-185

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON: 1976

SELECT COMMITTEE ON INTELLIGENCE

OTIS G. PIKE, New York, *Chairman*

ROBERT N. GIAIMO, Connecticut
JAMES V. STANTON, Ohio
RONALD V. DELLUMS, California
MORGAN F. MURPHY, Illinois
LES ASPIN, Wisconsin
DALE MILFORD, Texas
PHILIP H. HAYES, Indiana
WILLIAM LEHMAN, Florida

ROBERT McCLORY, Illinois
DAVID C. TREEN, Louisiana
JAMES P. (JIM) JOHNSON, Colorado
ROBERT W. KASTEN, Jr., Wisconsin

A. SEARLE FIELD, *Staff Director*
AARON B. DONNER, *General Counsel*

STAFF MEMBERS

CAROLYN ANDRADE
JOHN M. ATKINSON
STANLEY BACH
ALEXANDER BEAM
JACK BOOS
HERBERT J. BROOKS
JOHN BURKE
ROGER CARROLL
DENISE GITTIN
THOMAS H. HATTERY
STANLEY M. HECHT
JACQUELINE HESS
PETER L. HUGHES III
VANCE HYNDMAN
FRED K. KIRSCHSTEIN
CHARLES MATTOX
JAMES C. MINGER
ELLEN S. MILLER
JAMES B. F. OLIPHANT
SUSAN R. PAISNER
SUSAN POOR
GREGORY G. RUSHFORD
MICHAL A. SCHAFER
JOSEPHINE SCHEIBER
KATHY SCHROEHER
EMILY SHERKETOFF
ROSCOE B. STAREK III
RICHARD S. VERMEIRE
JEFFREY R. WHIELDON
CHERYL TINA YAMAMOTO
SANDRA ZEUNE

CONTENTS

WITNESSES

Appendixes

Mr. JOHNSON. I suppose there is an Assistant Attorney General involved?

Mr. WANNALL. There is an Assistant Attorney General in charge of the Criminal Division.

Mr. JOHNSON. Is that an appointed office? Is that one of those offices where people serve for a while and then they go out and another person is appointed and he goes out? It looks to me as though this is probably what happened—that they started the investigation 30 years ago and nobody ever challenged it or stopped it.

Mr. WANNALL. It is an appointed office, but I'm sure the reports are not personally reviewed by him. They are probably reviewed by someone under him, who would certainly have some degree of continuity in his position.

Mr. JOHNSON. What kind of oversight in the Congress do we have to check these things?

Mr. WANNALL. Oversight by Congress?

Mr. JOHNSON. Yes. Has anybody in the Congress ever said, "Why are you doing this and why have you continued for 30 years when you have not found there is any danger?"

Mr. WANNALL. I don't know whether it would be termed oversight as such, but I think during the entire period of time the Director of the FBI testified in connection with the appropriations of the FBI.

Mr. JOHNSON. We have had testimony about what that kind of testimony involved. If that is what it was, it is understandable how it went on so long.

Chairman PIKE. Mr. Dellums.

Mr. DELLUMS. Before getting into questions, I would like to say I appreciate your going into statistics with respect to minorities employed by the FBI. But in appropriate terms, your employment of blacks is 1.2 percent, and in a Nation where 51.2 percent of the population is women, you have 0.4 percent women agents.

Now, with respect to your statement about the Fourth International, as I understand it, the Socialist Workers Party was affiliated with the Fourth International back in the late 1930's. That was not illegal. As a result of the passage of the Voorhis Act, the Socialist Workers Party discontinued any affiliation from that day to the Fourth International which in my opinion flies in the face of your justification for 30 years of intimidation, burglarizing, warrantless wiretaps, and other programs you have used to justify under the absurd nomenclature of counterintelligence program. With respect to the Socialist Workers Party specifically, as I understand it this morning, you testified that the FBI has not engaged in surreptitious entry or burglary since 1965.

In the fall of 1971, the office of the Michigan Socialist Party was burglarized, and file materials were taken. In April 1973, the Civil Service Commission confronted a former SWP member with a copy of a letter of resignation from SWP. The letter had been in the burglarized file.

My questions are twofold. Has the FBI burglarized SWP offices in general, and specifically have you burglarized Michigan offices of the SWP?

[An affidavit signed by Norma Jean Lodico attesting to the burglary referred to by Mr. Dellums and to other matters is printed on pages 1195–1196 of the appendixes.]

Mr. WANNALL. Congressman Dellums, this morning the date I mentioned was 1968 as opposed to 1965. I have no knowledge that the FBI has burglarized the Socialist Workers Party in that or other instances you are talking about since then.

Mr. DELLUMS. You say you have no knowledge. Let me put it this way: I would like to suggest that you check the files, and if there is any material leading to any facts that you burglarized the SWP or its Michigan office, would you supply that in writing to this committee?

Mr. WANNALL. The files have been checked, and I assure you there is nothing in the files to indicate that in 1971 the Michigan office was burglarized.

Mr. DELLUMS. Thank you.

FBI manual section 122, entitled "Extremist Matters and Civil Unrest," says in part:

> In addition to the three principal statutes outlined above, the following statute would pertain to investigations of Klan and other white hate groups.
> (4) Civil Rights Act of 1968 (T18, USC, Sec. 241)
> In summary, this statute makes it unlawful for two or more persons to conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States. Additionally, it prohibits two or more persons going in disguise on the highway or on the premises of another with intent to prevent or hinder his free exercise or enjoyment of any rights secured by the Constitution or the laws of the United States.

Doesn't this in fact describe the major part of the FBI's intelligence activities against so-called dissent groups in this country?

Mr. WANNALL. The entire matter relating to the so-called Cointelpro has been reviewed and is under consideration in the Civil Rights Division of the Department of Justice. We took our entire file on the Cointelpro and made it available to the Assistant Attorney General and two of his deputies to review the matter. While it was not possible for him to look at every serial, he did look at most of the serials, and in fact Mr. Ryan, who is at the table with me, tried to direct his attention to specific items that might be troublesome.

Following the review, he said based on his review there was no indication of a violation of the statute. He did say that if any information is called to his attention in the future, he certainly would consider it.

Mr. DELLUMS. You indicated in testimony this morning that you no longer have a security index file. You have an ADEX file. Does the FBI still maintain at some location cards which have names of 13,000 persons who were on this security index?

My point is: You say you don't have it, but don't you in fact still have those names, and you can call them forward at any time?

Mr. WANNALL. We have cards on 13,000. I will accept that figure. I think it is probably in that neighborhood. When the security index was discontinued by legislation of this Congress in September of 1971, we had a program of regularly destroying cards. They were maintained for a certain period of time and then destroyed. However, Senator Mansfield issued instructions in January of this year that no records should be destroyed pending the outcome of the investigations by the Senate committee. We have made no destruction of any records since that time.

Chairman Pik
Mr. Milford.
Mr. MILFORD.
First, I would
with the chairm
to her written sta
when FBI Direct
ject of an investi
Mr. WANNALL.
pick up "LaPrad
Mr. LaPrade. He
of our Newark of
Mr. MILFORD.
eral witnesses ha
some very disturb
sations and allega
Under our syst
juries or even in
of rebuttal by the
been accused of s
There are actuall
One is the offici
half of the Hous
that in effect is a
papers.
With little dou
will detail the se
peared before this
Unlike our lega
through painstak
are known and pr
They are legall
as long as someon
fits a 1-minute TV
if the quotes are se
While the FBI
night's news or as
extremely importa
and detailed infor
that have been ma
You have rebut
ize that you may
gation that has be
mittee to finish its
or other FBI offic
Therefore, I will
ments of each and
case where the FB
gal act or where a
I would ask you t
information:
(1) All evident
either substantiate

Chairman PIKE. The time of the gentleman has expired.

Mr. Milford.

Mr. MILFORD. Thank you, Mr. Chairman.

First, I would like to clear up for the record the colloquy you had with the chairman concerning this Lori Paton statement. According to her written statement the appropriate words were: "I was shocked when FBI Director LaPrade wrote back denying I had been the subject of an investigation." Now the record is clear on it.

Mr. WANNALL. Thank you. I picked up "FBI Director." I did not pick up "LaPrade." In that instance, I have read the letter signed by Mr. LaPrade. He was not the Director. He was special agent in charge of our Newark office.

Mr. MILFORD. Mr. Wannall, on the surface it would seem that several witnesses have appeared before this committee and have given some very disturbing testimony against the FBI. Some of these accusations and allegations are very serious.

Under our system of justice, whether in our courts or before our juries or even in congressional investigations, there exists the right of rebuttal by the accused or maligned. Without a doubt the FBI has been accused of some serious aberrations and violations of our laws. There are actually two hearings going on here today.

One is the official hearing being conducted by this committee on behalf of the House of Representatives. The other is a public hearing that in effect is a form of trial by television and notoriety by newspapers.

With little doubt tonight's television and tomorrow's newspapers will detail the sensational statements made by the witnesses that appeared before this committee today.

Unlike our legal system of justice, the press is not required to plod through painstaking investigations to assure that all legitimate facts are known and presented to the jury or to the public.

They are legally free to print or broadcast any item of information as long as someone will simply say it—particularly if it conveniently fits a 1-minute TV blurb or 300-word newspaper item, and particularly if the quotes are sensational, controversial or scandalous.

While the FBI is probably going to flunk out as a TV star in tonight's news or as a celebrity in tomorrow's newspaper, I think it is extremely important for this committee's record to have the complete and detailed information concerning the allegations and accusations that have been made by witnesses before us today.

You have rebutted portions of that testimony, Mr. Wannall. I realize that you may not be able to fully comment on each and every allegation that has been made today. The time remaining for this committee to finish its investigation will probably not allow us to call you or other FBI officials back before the committee in formal hearings.

Therefore, I will ask you, as an official of the FBI, to take the statements of each and every witness that have appeared here today in each case where the FBI has been charged with the commission of an illegal act or where allegations of improper actions have been made, and I would ask you to supply for the committee's record the following information:

(1) All evidentiary information contained in FBI files that will either substantiate or rebut each allegation.

HOUSE OF REPRESENTATIVES

HEARINGS

BEFORE THE COMMITTEE

on

SELECT COMMITTEE ON INTELLIGENCE

Staff Interview

Wednesday, November 5, 1975

Washington, D. C.

Official Reporters to Committees

lph

STAFF INTERVIEW

- - -

Wednesday, November 5, 1975

- - -

House of Representatives

Select Committee on Intelligenc

Washington, D. C.

The staff interview began at 2:00 o'clock p.m., in Room B-316, Rayburn House Office Building,

Present: James Oliphant, John Atkisson, and Richard Vermeire, Committee Counsel.

- - -

said the technique should be discontinued.

Mr. Vermeire. Which one was that?

Mr. Wannall. I would have to refresh my memory. It involved, as I recall, the Communist Party, USA. It was probably in about 1967 or 1968. There was no record of it in our headquarters, but our New York office did have a notation on a serial in the file that a telephone call had been placed to headquarters and approval granted to make the entry for the purpose not of taking something away but for the purpose of photographing material on the premises.

Mr. Oliphant. Were there any surreptitious entries against the Socialist Workers Party?

Mr. Wannall. There have been, yes.

Mr. Oliphant. Up until what date?

Mr. Wannall. I don't know the date. Do you?

Mr. Shackelford. I cannot speak factually but I would generally say up to the '66 date. They could have terminated before that. I have no first hand knowledge.

Mr. Oliphant. After that date, Mr. Shackelford, were there any surreptitious entries performed, not by Bureau personnel, but at the behest of the Bureau; in other words, through the use of informants or through the use of people who were friendly to the Bureau?

Mr. Wannall. After 1966?

Mr. Oliphant. That is right.

Mr. Wannall. Our study has revealed none.

Mr. Oliphant. What is the policy of the Bureau, if the Bureau is conducting an investigation regarding, let's say, a subversive organization and let's say not a foreign organization, not a Soviet organization, and the Bureau is presented with information which would appear to be the result of something which was taken from an organization. I refer specifically, let's say, to internal documents and that sort of thing, which are not for public consumption, not pamphlets and things like that, and the Bureau is in receipt of that.

What is the position of the Bureau with that?

Mr. Wannall. I think if the documents clearly indicated they came from such a source, our policy would be not to accept them.

I cannot say, with some 8,000 men out in the field, that they would not be accepted. But I can tell you this, if they were accepted and we learned about it, the agent would be subjected to severe disciplinary action. He would put himself in a position of having something he could not use because he would know good and well he was in possession of something that would do him no good and he dare not report to headquarters.

Mr. Vermeire. Do you have any estimation of the total