

TELETYPE

PRIORITY

1 - Mr. Decker

(Attn: [redacted])

1 - Mr. Leavitt

1 - Mr. Mintz

7/12/77

FM DIRECTOR

1 - Legal Research Unit

TO WASHINGTON FIELD (62-0)

Civil Rights Div.

BT

Surreptitious Entries

E F T O

WASHINGTON FIELD OFFICE AGENTS SUBPOENAED TO APPEAR BEFORE GRAND JURY, WASHINGTON, D.C., CONCERNING SURREPTITIOUS ENTRIES REURTEL DATED JULY 13, 1977.

ON JULY 14, 1977, MR. WILLIAM L. GARDNER, CHIEF, CRIMINAL SECTION, CIVIL RIGHTS DIVISION, ADVISED A REPRESENTATIVE OF LEGAL COUNSEL DIVISION, FBIHQ, THAT THE DEPARTMENT DOES NOT INTEND TO ASK QUESTIONS THAT WOULD RESULT IN DISCLOSURE OF CLASSIFIED INFORMATION AND THAT THEREFORE, THE ISSUE OF WHETHER THE GRAND JURY IS CLEARED OR UNCLEARED DOES NOT ARISE. HE FURTHER STATED THAT THIS ISSUE WAS DISCUSSED AND RESOLVED MANY MONTHS AGO AND THAT [redacted] IS OR SHOULD BE COMPLETELY AWARE OF THE ABOVE. THE SPECIAL AGENTS NAMED IN REFERENCED TELETYPE AND THOSE WHO WILL BE SUBPOENAED ARE HEREBY RELIEVED OF THEIR OBLIGATIONS UNDER FORM FD-291, EMPLOYMENT AGREEMENT, AND ARE AUTHORIZED TO DISCUSS NON-

ALL OK

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11/10/00 BY SP5 JRM/cab

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
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- Training _____
- Public Affs. Off. _____
- Telephone Rm. _____
- Director's Sec'y _____

CLASSIFIED INFORMATION IN THE FILES OF THE FBI TO THE EXTENT

FEDERAL BUREAU OF INVESTIGATION COMMUNICATIONS SECTION

SEE NOTE PAGE 2

2 JUL 19 1977

JUL 15 1977 1105 a.m. TELETYPE

PERS. UNIT

(4)(6) (7)(C)

54 AUG 15 1977

ROOM TELETYPE UNIT

NECESSARY TO TESTIFY BEFORE THE GRAND JURY. IN VIEW OF MR. GARDNER'S SPECIFIC REPRESENTATION THAT THERE WILL BE NO OCCASION TO REVEAL CLASSIFIED INFORMATION DURING SUCH TESTIMONY, IT DOES NOT APPEAR THAT ANY OTHER RELEASE IS APPROPRIATE OR NECESSARY.

NOTE:

This responds to referenced teletype's request for written instructions as to testimony by agents of WFO subpoenaed to testify before a Federal grand jury concerning surreptitious entries. Agent's counsel raised the question of necessity for releases to include not only the employment agreement but also specific provisions relating to safeguarding of classified information.

JCF

APPROVED:

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FM LOS ANGELES (66-) (P) (6)

TO DIRECTOR () (ROUTINE)

BT

CLEAR

SURREPTITIOUS ENTRIES.

ALL (4/3), (4/6), (4/10)

ON JULY 27, 1977, SA [REDACTED] LOS ANGELES DIVISION, WAS CONTACTED BY RICHARD JOHNSTONE, DEPARTMENTAL ATTORNEY, INVESTIGATING ALLEGED FBI SURREPTITIOUS ENTRIES WITH REGARD TO THE WEATHFUG INVESTIGATION. JOHNSTONE STATED THAT HE WISHED TO INTERVIEW SA [REDACTED] AT WASHINGTON, D.C. AT EARLIEST POSSIBLE OPPORTUNITY, SPECIFICALLY, ON DISCUSSIONS HELD DURING AN IN-SERVICE WHICH SA [REDACTED] ATTENDED IN OCTOBER 1972 AND GENERALLY REGARDING "ANY OTHER SURREPTITIOUS ENTRIES, BAG JOBS, AND MAIL OPENINGS."

JOHNSTONE ADVISED THAT SA [REDACTED] IS NOT CONSIDERED AS A TARGET FOR PROSECUTION AND WILL BE INTERVIEWED PRIOR TO MAKING A GRAND JURY APPEARANCE.

JOHNSTONE WAS ADVISED THAT SA [REDACTED] WOULD APPEAR AT THE

REC 12

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

[Handwritten signature]
LEGAL

PAGE TWO (LA 66-) C L E A R

DEPARTMENT OF JUSTICE, 9:00 A.M., AUGUST 3, 1977, ROOM 7632.

UACB, SA [REDACTED] WILL TRAVEL TO WASHINGTON, D.C. ON
AUGUST 2, 1977 FOR INTERVIEW ON AUGUST 3, 1977 UTILIZING GTR.

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FM HQ

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FM PORTLAND (92-0104)

TO DIRECTOR (00-100)

BT

BT

ATTENTION: U.S. DEPT. OF JUSTICE DIVISION, LEGAL COUNSEL
DIVISION.

DEPARTMENT OF JUSTICE INQUIRY RE WEATHERMAN FUGITIVE
INVESTIGATION.

RE: WEATHERMAN TELEPHONE CALLS TO PORTLAND AND LOS ANGELES
CAPTIONED AS ABOVE, DATED JULY 26, 1977, AND PORTLAND
TELEPHONE TO BUREAU DATED JULY 19, 1977, CAPTIONED

"SURREPTITIOUS WIRETS", AND PORTLAND TELEPHONE CALL TO
BUREAU DATED JULY 27, 1977.

ON AFTERNOON, JULY 27, 1977, SUPERVISOR [REDACTED]
[REDACTED] PORTLAND DIVISION, WAS CONTACTED BY PAUL HOOBER,
ATTORNEY, U.S. JUSTICE DEPARTMENT, CIVIL RIGHTS

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ALL INFORMATION CONTAINED
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DATE 3-3-82 BY SP4 JRM/cal

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D. [Signature]

PAGE TWO PD 88-2184 5 T O

WASHINGTON, D.C., INVESTIGATING ALLEGED FBI SURREPTITIOUS
ENTRIES DURING INVESTIGATION OF WEATHERMAN FUGITIVES.
HOFBERG STATED HE WAS INVESTIGATING PORTLAND FBI INVESTIGA-
TION OF WEATHERMAN AND POSSIBLE "EAG JOBS" IN CONNECTION
WITH "VISION WORKS", ENGINE, OREGON, AND CLAYTON
VAN LYDEGRAF. HOFBERG STATED INTERVIEW WOULD BE UNDER
ADVICE OF RIGHTS - ADVISED OF RIGHTS AS THERE WOULD BE
NO PROSECUTIVE SERVICE BY AGENT [REDACTED] TRAVELING TO D.C. FOR
INTERVIEW WITHOUT BEING WILLING TO BE INTERVIEWED UNDER
ADVICE OF RIGHTS. HOFBERG STATED SA [REDACTED] HAS THE RIGHT TO
AN ATTORNEY AND MAY DESIRE TO GET AN ATTORNEY. HOFBERG
SUGGESTED SA [REDACTED] MAY WISH TO THINK IT OVER, TO WHICH
SA [REDACTED] SA HE WOULD RECONTACT HOFBERG A.Y., JULY 28,
1977.

ON MORNING OF JULY 28, 1977, SA [REDACTED] ADVISED FBIHQ
LEGAL COUNSEL DIVISION OF ABOVE.

ON JULY 28, 1977, SA [REDACTED] TELEPHONICALLY CONTACTED
PAUL HOFBERG ADVISING THAT HE [REDACTED] WAS WILLING TO BE
INTERVIEWED UNDER ADVICE OF RIGHTS AND DID NOT DESIRE AN

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PAGE THREE FD-302-6104 D.F.T.O
ATTORNEY AT THIS TIME.

INTERVIEW SET FOR THURSDAY, AUGUST 4, 1977, AT
9:00 A.M. AT JUSTICE BUILDING, AND HOFFER INDICATED
POSSIBLE APPEARANCE BEFORE FEDERAL GRAND JURY, WASHINGTON,
D.C., ON FRIDAY, APRIL 5, 1977.

ON JULY 28, 1977, FBIHQ LEGAL COUNSEL DIVISION WAS
TELEPHONICALLY ADVISED OF THE ABOVE INFORMATION.

HOFFER, SUPERVISOR [REDACTED] WILL TRAVEL TO WASHINGTON, D.C.,
AUGUST 3, 1977, AND REPORT TO JUSTICE DEPARTMENT,
AUGUST 4, 1977.

BT

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COMMUNICATIONS SECTION

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Telephone Rm.
Director's Sec'y

FM NEW HAVEN (SS-DEAD)

TO DIRECTOR PRIORITY

BT

CLEAR

Handwritten: Civil Rights Div. Entries
OK, OK

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE

DEPARTMENTAL INVESTIGATION OF SURREPTITIOUS ENTRY BY FBI

LATE P.M., JULY 28, 1977, DEPARTMENTAL ATTORNEY PAUL HOEBER TELEPHONICALLY CONTACTED [REDACTED] NEW HAVEN DIVISION, AND ADVISED HE WAS ASSIGNED TO THE INVESTIGATION BEING CONDUCTED BY THE DEPARTMENT OF SURREPTITIOUS FBI ENTRIES. HE STATED HE WAS AWARE [REDACTED] HAD THE [REDACTED]

[REDACTED]

LACB [REDACTED] WILL BE PRESENT IN WDC AUG. 2, 1977 FOR INTERVIEW BY DEPARTMENT [REDACTED] INTENDS TO BE IN WDC EARLY A.M., FOR REVIEW PERTINENT SERIALS AT FBIHQ RELATIVE TO INFORMATION SUPRA.

CBR

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AUG 29 1977

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TO DIRECTOR ROUTINE

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Director's Sec'y	

ATTN: ASSISTANT DIRECTOR JOHN A. MINTZ, LEGAL COUNSEL DIVISION
INQUIRY RE SURREPTITIOUS ENTRY.

PAUL HORBER, DEPARTMENTAL ATTORNEY, REQUESTED THIS DATE THAT

[REDACTED] REPORT TO HIS OFFICE, 9:30 AM,
JULY 8, 1977, FOR TESTIMONY BEFORE GRAND JURY CONCERNING
CAPTIONED MATTER. TESTIMONY CONCERNING [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED] "ACR" [REDACTED] WILL REPORT AS REQUESTED.

BT

Paul Horber's Sub. Surreptitious Entry

ALL INFORMATION CONTAINED
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JUL 13 1977

LEGAL COUNSEL

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 FM DETROIT (66-4910)
 TO DIRECTOR (PRIORITY)
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ATTENTION LEGAL COUNSEL DIVISION
 SURREPTITIOUS ENTRIES

(Handwritten notes)
 mac
 Carl

(Handwritten notes)
 info
 [Redacted]

ON JULY 1, 1977, RICHARD JOHNSTON, CIVIL RIGHTS DIVISION, DEPARTMENT OF JUSTICE, CONTACTED SA [REDACTED] OF THE DETROIT DIVISION AND REQUESTED SA [REDACTED] TO REPORT TO ROOM 763L, P.O.B. BUILDING ON JULY 6, 1977, FOR INTERVIEW RE CAPTIONED MATTER. JOHNSTON STATED THAT SA [REDACTED] IS NOT A TARGET OF CAPTIONED INQUIRY BUT SINCE HE ATTENDED THE WEATHERMAN IN-SERVICE DURING SUMMER OF 1970, THE DEPARTMENT WISHES TO INTERVIEW HIM.

HACR, SA [REDACTED] WILL REPORT AS REQUESTED.

BT

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HOLD PLS

ALL INFORMATION CONTAINED
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airtel

October 3, 1977

To: SAC, Cincinnati

From: Director, FBI

SURREPTITIOUS ENTRY INVESTIGATION

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In an effort to expedite the continuing efforts of the captioned investigation, it is requested that SA [redacted] Columbus Resident Agency, be made available to assist in this matter.

SA [redacted] is to report to Room 1157-B, FBIHQ, on Thursday, 10/6/77 for instructions.

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- Director's Sec'y _____

lac

70 OCT 19 1977

MAIL ROOM TELETYPE UNIT

P. H. [signature]

- 1 - Mr. J. B. Adams
- 1 - Mr. T. W. Leavitt
- 1 - Mr. D. W. Moore, Jr.
- 1 - Mr. A. J. Decker, Jr.

October 6, 1977

The Attorney General

Director, FBI

~~SECRET~~

SAFEGUARDING OF NATIONAL SECURITY INFORMATION AND MATERIAL

Class. & Ext. By: SP/JRM/led
 Reason-FCIM II, 1-2.2.2.3
 Date of Review: 10-6-97
 3-2-82

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED EXCEPT
 WHERE SHOWN OTHERWISE.

This is to call to your attention a matter relating to the Civil Rights Division "Surreptitious Entry Investigation" which has been conveyed to me by Bureau personnel concerned regarding the safeguarding of classified national security material and information.

In July, 1977, [redacted] a member of the law firm of [redacted] Washington, D. C., who is counsel for a number of Special Agents who have been summoned to appear before the Federal grand jury meeting at Washington, D. C., in connection with the Civil Rights Division investigation, questioned as to whether his clients were authorized to discuss classified information and material before the Federal grand jury. [redacted] questioned as to whether the Agents were authorized to reveal classified information falling within the purview of Executive Order 11652 and Title 28, Code of Federal Regulations, Part 17 (28 CFR 17), to uncleared persons.

On July 14, 1977, Mr. William L. Gardner, Chief, Criminal Section, Civil Rights Division, was queried by a representative of this Bureau's Legal Counsel Division regarding clearance requirements in this instance. Mr. Gardner responded the Department does not intend to ask questions that would result in disclosure of classified information and that, therefore, the issue of whether the grand jury is cleared or uncleared does not arise. He stated this issue was discussed and resolved many months ago and that [redacted] is or should be completely aware of the above.

Based upon Mr. Gardner's certification, instructions were issued to several Special Agents scheduled to appear before the grand jury at Washington, D. C., that they were relieved of their

62-11885

DUPLICATE YELLOW

NOT RECORDED
 SEE NOTE, PAGE 5
 OCT 17 1977

1 - 62-117166 (Surreptitious Entry Investigation)

58 OCT 21 1977

~~SECRET MATERIAL ATTACHED~~

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Classified by SP/JRM/led
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ORIGINAL FILED IN 62-11885-1246

Classified by SP/JRM/led
 10-6-97

The Attorney General



obligations under their employment agreement with the FBI and authorized to discuss nonclassified information in the files of the FBI to the extent necessary in connection with their appearances before the grand jury. In view of Mr. [redacted]'s specific representation that there would be no occasion to reveal classified information during the grand jury testimony, no other release was deemed appropriate or granted.

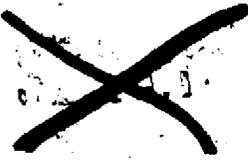
Information has been brought to my attention indicating there may have been instances where classified national security information has been discussed before the Federal grand jury convened in Washington, D. C., in connection with the "Surreptitious Entry Investigation." While our knowledge of the matters discussed is limited, FBI Headquarters personnel responsible for protecting classified information have advised of several examples where information possibly disclosing intelligence sources and methods and foreign relations matters, the continuing protection of which is essential to the national security, may have been discussed. Examples of these areas are the following.

ALL
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1. A former field office official was questioned relating to a surreptitious entry [redacted]

[redacted] Prior to his appearance before the grand jury [redacted] While the Department Attorneys endeavored to be nonspecific relating to the foreign intelligence area and attempted to develop FBI Headquarters approval procedures for such techniques, the former [redacted] official was unable to state what had been discussed before the grand jury prior to and following his appearance.

2. A supervisor of a West Coast field office was questioned in detail before the grand jury relating to [redacted]



The Attorney General

~~SECRET~~

The technique involved was effected against a

3. An official of a West Coast office was mentioned specifically relating to

(b)(3)

As a matter of background, by letter dated September 7, 1976, the former Attorney General authorized the former Assistant Attorney General, Civil Rights Division, to disseminate classified information or material, pursuant to the provisions of 28 CFR 17.64, to persons outside the Executive Branch in connection with the investigation by a Federal grand jury convened to hear evidence of alleged break-ins and related matters directed at private organizations and individuals in the United States, including specifically the Weather Underground organization. This authorization was specifically limited to the dissemination of such information or material only to the members of "this grand jury, its court reporter and the typist for any transcript of the grand jury proceedings." The authorization was conditioned upon the Assistant Attorney General, Civil Rights Division, making appropriate arrangements to assure the proper protection of such information and material.

It is this Bureau's understanding the above authorization related to the Federal grand jury convened in New York City to hear evidence relating to the "Surveillance Entry Investigation." We have no information indicating such authorization has been granted for the Federal grand jury convened in Washington, D. C., and inquiries of the Security Programs Section, Office of Management and Finance, have failed to determine any clearances have been granted for the Washington, D. C., grand jury, court reporter and typist.

~~SECRET~~

The Attorney General

The letter of the former Attorney General also indicated pursuant to 28 CFR 17.26 the former Assistant Attorney General was authorized to downgrade or declassify any classified national security information relevant to the grand jury proceedings, for the purposes of the grand jury proceedings only. This authority was subject to approval by the Department Review Committee (DRC). No information has been received indicating the DRC has downgraded or declassified any information pursuant to either the grand jury convened in New York City or that convened in Washington, D. C.

I would appreciate your making appropriate inquiries regarding this matter to ensure classified national security information and material is being appropriately safeguarded in accordance with Federal regulations and that you effect any corrective steps you deem appropriate. Please advise me the results of your inquiries so I may furnish appropriate advice to our personnel.

- 1 - The Deputy Attorney General
- 1 - Assistant Attorney General
Criminal Division

[REDACTED]

[REDACTED]

[REDACTED]

~~SECRET~~

The Attorney General

NOTE CONTINUED:

~~SECRET~~

It should also be noted the DEC, which other than the Attorney General is the final authority on classification matters within the Department, has determined in the past the Weatherman investigation, which has been the principle target of the "Organizations Entry Investigation," was a legitimate national security investigation in accordance with the need to protect classified material. Certain techniques utilized in the past in connection with the Weatherman investigation have been adjudicated by the DEC as properly classified. It would appear the Civil Rights Division Attorneys, in spite of their representations, are clearly discussing sensitive classified matters before the grand jury convened in Washington, D. C., without regard to clearances and other safeguarding procedures as specified by the former Attorney General in connection with the grand jury convened in New York City. Classified by 101-1000-1 and 2, in whole. (U)

~~SECRET~~

FEDERAL GOVERNMENT

Mr. Michael E. Shaheen, Jr., Counsel
Office of Professional Responsibility, DOJ

October 11, 1977

Director, FBI

- 1 - Mr. Mintz
- 1 - Mr. Johnson
- 1 - [REDACTED]

UNAUTHORIZED DISCLOSURES CONCERNING
CIVIL RIGHTS DIVISION INVESTIGATION
OF SURREPTITIOUS ENTRIES

(6/6), OK

Reference is made to my letter ^{suw 103} dated April 13, 1977, to the Attorney General concerning captioned matter (copy attached).

In referenced letter I brought to the attention of the Attorney General the fact that disclosures of facts involved in this investigation were serious and I requested that the Office of Professional Responsibility investigate the leaking of investigative facts in this matter.

In this regard I am attaching a copy of a newspaper article appearing in the October 4, 1977, edition of the "New York Times" which also contains information relating to captioned matter. I am forwarding this article to you for your consideration in the investigation of this matter.

As I pointed out in referenced letter, I am of the opinion the publicity generated by this information has seriously prejudiced the ability of prospective defendants to obtain a fair trial, but I do not intend this letter to minimize the seriousness of the charges made. I would appreciate being kept advised of the progress of this inquiry into this matter.

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Enclosure (2)

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2-ENCLOSURE

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- Assoc. Dir. _____
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MAILED 7/13 1977

ALL INFORMATION CONTAINED

NOV 3 1977

BY [REDACTED]

The Attorney General

April 13, 1977

Director, FBI

UNAUTHORIZED DISCLOSURES CONCERNING
CIVIL RIGHTS DIVISION INVESTIGATION
OF SURREPTITIOUS ENTRIES

As you are aware, the repeated unauthorized disclosure of information concerning the Department's investigation into alleged wrongdoings by present and former employees of this Bureau has been a matter of serious concern to me. I know that you share this concern and are doing your utmost to guard against a repetition of this conduct.

One recent example of these disclosures is found in the March 31, 1977, issue of the Washington Post, captioned "Indictments Bread of FBI Events in Illegal Break-Ins." The article announced that Justice Department officials had recommended indictments of "low-level personnel involved in illegal burglaries as a stepping-stone to possible further prosecution of approximately six present and former FBI executives." As you know, this is not an isolated incident. Similar articles have appeared repeatedly over the past several months, discussing the progress of the Department's investigation, speculating on the likelihood of indictments, identifying persons who are the principal subjects of the investigation, and disclosing matters such as trial strategy that could be known only to attorneys or others in the Department of Justice who were closely connected with the investigation.

On June 30, 1976, I sent a memorandum to the Assistant Attorney General, Civil Rights Division, J. Stanley Pottinger, inquiring whether an investigation should be conducted regarding disclosures that appeared earlier that month in the New York Post. "Mr. Pottinger replied that no such investigation should be undertaken." On October 21, 1976, I forwarded a complaint

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 3-3-82

BY SP4JRM/cal

60-11746-118

ENCLOSURE

form to the Public Integrity Section of the Criminal Division, enclosing a copy of an article in the New York Times of the same date, noting that the information contained therein might involve a violation of the Privacy Act. In his reply, Assistant Attorney General Richard L. Thornburgh requested that no investigation be conducted at that time, but advised that the Criminal Division would "review this decision at such time as the Civil Rights Division has conducted its inquiry into the illegal entries."

In my opinion, the deliberate disclosure of this information may constitute a violation of the criminal provisions of the Privacy Act. It is certainly contrary to explicit regulations of the Department of Justice, which are subject to severe administrative penalties. There may also have been a flagrant breach of the secrecy of grand jury proceedings and of the ethical and professional standards of the Bar. One can only speculate on whether the resultant publicity has prejudiced the ability of prospective defendants to obtain a fair trial. I am sure you will agree that these matters take on special significance where personnel of the Department of Justice may be involved.

I certainly do not intend to minimize the seriousness of the charges that have been made against present and former members of this Bureau. I recognize also the necessity for investigation and the need for a prompt and impartial resolution of the allegations. It is for this reason that I deferred to the Department of Justice and avoided making any inquiries regarding the investigation. But as Director of the FBI I have a special responsibility to insure that our employees are treated in a fair and impartial manner, particularly where allegations of misconduct may result in criminal charges. They are entitled to no more--and certainly no less--than any other citizen in similar circumstances.

I therefore respectfully request that this matter be referred to the Office of Professional Responsibility in accordance with 28 C.F.R. § 0.39a and that I be kept advised of the progress of the inquiry.

For your further information, I have attached copies of some of the newspaper articles that have appeared concerning this investigation.

F.B.I. Chief in New York May Face More

Questions on Wiretap Case

- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
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- Director's Sec'y _____

By NICHOLAS M. HORROCK

Special to The New York Times

WASHINGTON, Oct. 3—Government prosecutors are contemplating recalling the chief of the big New York office of the Federal Bureau of Investigation before a grand jury in an effort to straighten out contradictory testimony about an illegal electronic surveillance in Staten Island, sources familiar with the case said today.

This is the first indication of activity in a case that has seemed frozen in bureaucratic limbo since last spring. The Department of Justice has been investigating alleged abuses by the F.B.I. for more than 16 months under two Administrations, but only one indictment has been brought and only one potential suspect cleared by an official statement.

Department sources said there had been growing pressure to make a decision on the F.B.I. cases before Judge Frank M. Johnson Jr., President Carter's nominee to head the bureau, takes office. Judge Johnson's confirmation hearings before the Senate Judiciary Committee are to begin a week from today, a White House source said.

According to well-informed sources, the second grand jury appearance for J. Wallace LaPrade, an assistant director of the F.B.I., might give him an opportunity to resolve contradictions between his testimony and that of other bureau men on a wiretapping stakeout in an antiwar radical case several years ago.

A Chance to Query Him

But another source said that it would also provide the Government with a chance to ask Mr. LaPrade whether he had had a role in a series of previously undisclosed burglaries.

On May 10, The New York Times quoted Government sources who said that the prosecutors had recommended to Attorney General Griffin B. Bell that Mr. LaPrade be prosecuted. The prosecutors, from the civil rights division, which has handled the case, said they had also found evidence that could warrant prosecution of John F. Morley, Andrew J. Deck-



J. Wallace LaPrade

er, Arbor Gray and James Ingram, all of whom had served in F.B.I. internal security work.

The recommendation to prosecute Mr. LaPrade, key sources said, was based on contradictions between his testimony and that of other F.B.I. agents about an electronic surveillance in the bureau's effort to catch Cameron Bishop, an antiwar radical wanted in the early 1970's in connection with several bombings.

Several agents and officials were questioned by a Federal grand jury sitting in the Southern District of New York about who was in a panel truck parked on a stakeout of an unauthorized wiretapping of a telephone that the agents believed Mr. Bishop would use.

Mr. LaPrade reportedly said he was not in the truck. Other agents said he was.

A source said that Mr. LaPrade would have an opportunity to "clear up" this contradiction before a grand jury here.

- The Washington Post _____
- Washington Star-News _____
- Daily News (New York) _____
- The New York Times 16
- The Wall Street Journal _____
- The National Observer _____
- The Los Angeles Times _____

Date Oct 4, 1977

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

62-11716-1118

that was ordered to review the case by r. Bell last spring.

Thomas Bolan, Mr. LaPrade's lawyer, said he could not comment on the case. John Wilson, a spokesman for the Justice Department, said that lawyers handling the investigation referred comment to Benjamin Civelletti, an Assistant Attorney General in charge of the criminal division, and that Mr. Civelletti was on the way to Los Angeles. Later Marvin Wall, the chief spokesman for the department, called back and said that it was declining comment because this was an active criminal investigation.

As the case has dragged on, lawyers both within the department and for the defense, members of the F.B.I. and those under investigation have criticized the department's delay.

"This has left all these men [F.B.I. officials and agents implicated in the reported abuses] in limbo over what's going to happen," one defense lawyer complained privately. "And I think that's vastly unjust."

The starting date of the investigation has not been reported. But it has been under way at least 16 months, according to records and interviews. At the end of the Ford Administration, Justice Department lawyers were reported to have prepared to recommend a series of prosecutions.

Four months later, John Kearney, a retired bureau supervisor, was indicted on charges stemming from the case. In the uproar that followed, Mr. Bell ordered a Washington grand jury to completely review the allegations and determine whether higher-ranking officials had ordered the illegal activities.

Two months later, department lawyers wrote to John Morley, a former F.B.I. official who headed internal security intelligence work in New York at one point, and told him he was no longer a target of the investigation.

It has been clear that Mr. Bell has been reluctant to prosecute agency men for actions taken during their investigations. He has been under heavy pressure from groups supporting the F.B.I. and from conservative national security advocates who have argued that the Government could not prosecute its employees for properly trying to protect citizens against dangerous agitators.

Kelley Sees New Sensitivity

LOS ANGELES, Oct. 3 (AP)—Law enforcement officials, despite a tendency to "cry disaster over each new Supreme Court decision" that broadens defendants' rights, have gained a new sensitivity to human worth, Clarence M. Kelley said today.

The retiring Director of the F.B.I. told the International Association of Chiefs of Police that sensitivity to constitutional rights and the "individual's innate worth" was the most important change he had seen in 37 years of police work.

As the association's 84th annual conference began, Gov. Edmund G. Brown Jr. of California challenged the chiefs to support the cause of excluded groups in society.

"It is not enough to indulge in the perceptions of the past, but to try to assimilate and welcome into the mainstream of society those groups who for too long have been left out," he said, mentioning the elderly, women and minorities.

airtel

October 17, 1977

To: SAC, Cincinnati

From: Director, FBI

SURREPTITIOUS ENTRY INVESTIGATION

In an effort to expedite the continuing efforts of the captioned investigation, it is requested that SA [redacted] Columbus Resident Agency, be made available to assist in this matter.

SA [redacted] is to report to Room 1427-D, FBIHQ, on Thursday, 10/20/77 for instructions.

ALL
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ST-137

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OCT 21 1977

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FEDERAL GOVERNMENT

Mr. Michael E. Shaheen, Jr., Counsel
Office of Professional Responsibility, DOJ

October 31, 1977

Director, FBI

- 1 - Mr. Mintz
- 1 - Mr. Johnson
- 1 - [REDACTED]

ALL
6/3
6/6
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UNAUTHORIZED DISCLOSURES CONCERNING
CIVIL RIGHTS DIVISION INVESTIGATION
OF SURREPTITIOUS ENTRIES

Attached is a copy of a self-explanatory letter dated October 21, 1977, to the Attorney General from Special Agent [REDACTED] who is assigned to our New York FBI Field Office. Also attached is a copy of a New York Times article dated October 6, 1977, entitled "Burglaries in New Jersey Linked to FBI Memorandum." I am bringing this matter to your attention even though you have previously informed me that it is the policy of your office not to conduct any additional inquiries concerning matters of this nature until requested to do so by the Attorney General.

In the event your office does conduct an inquiry into this matter, I would appreciate being informed of the results of your inquiry.

Enclosures (2)

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NOTE: This communication is being submitted to OPR, DOJ, in view of the fact that SA [REDACTED] NY, has made allegations against Departmental attorneys involved in the Department's surreptitious entries investigation. It should be noted that we have previously communicated with OPR, DOJ, concerning unauthorized disclosures of information in the Civil Rights Division investigation of surreptitious entries and we have been advised that it is the policy of OPR, DOJ, not to conduct any investigation into allegations of this nature unless instructed to do so by the Attorney General. We were informed of this policy by OPR, DOJ, memorandum of 10/25 to Inspector-DAD Thomas M. Johnson, OPR, FBI, captioned "Unauthorized Disclosures Concerning Civil Rights Division Investigation of Surreptitious Entries."

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- Telephone Rm. _____
- Director's Sec'y _____

APPROVED:

[Signature]

- Director _____
- Assec. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____

- Adm. Serv. _____
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Newark Field Office Said to Have Been Told to 'Do Anything' in Weathermen Search

By NICHOLAS M. HORROCK

Special to The New York Times

WASHINGTON, Oct. 6—Federal prosecutors have found a written link between the headquarters of the Federal Bureau of Investigation here and two previously undisclosed burglaries by agents at a private home in New Jersey, law enforcement sources said today.

According to these sources, the prosecutors have found an F.B.I. memorandum from Washington to the Newark field office authorizing agents to "do anything possible" to apprehend Judith Flatley, who was being sought as a fugitive on a charge growing out of antiwar activities by the Weathermen organization.

At least two "surreptitious entries" were made at the home of Miss Flatley's parents, Benjamin and Rosa Cohen, in Union, N.J., near Newark, in January and February 1973, the sources said.

This is the first instance in which such blanket written authority has been found in a 16-month investigation of burglary and wiretapping by F.B.I. agents, the sources said. The document also established, the sources said, that bureau officials in Washington were willing to give agents carte blanche to apprehend the Weathermen fugitives.

The disclosure of the memorandum comes at a time when there is growing speculation that Attorney General Griffin B. Bell is nearing a decision on whether to seek further indictments or to abandon the investigation and impose some sort of administrative sanctions on agents involved who are still in the bureau.

Numerous Justice Department sources have indicated in recent days that a major decision will be made in the next week or two, and that, as Mr. Bell has indicated, serious thought is being given to possible disciplinary actions short of indictment.

John Kearney, a former supervisor in the bureau's New York field office, was indicted earlier this year on charges growing out of the investigation. The prosecutors in the case reported to Mr. Bell at that time that they had evidence of wrongdoing by a half dozen senior F.B.I. officials as well as several middle-level supervisors.

In addition, The New York Times reported yesterday that similar break-ins had been committed within the last five years by agents assigned to organized crime units in New York. The purpose of those break-ins and wiretaps, law enforcement sources said, was to obtain illegally information that later could be used as the basis for applications for wiretaps.

What the agents were doing, the sources said, was obtaining information from break-ins or illegal bugs, pretending that it had been legally obtained from live informants, then using it in their requests for legal wiretaps.

At the time of the alleged burglaries at the Cohen home, J. William LaPrade was in charge of the Newark office. He is now an assistant director of the bureau and heads the New York field office. The prosecutors are reported to be seeking to discover whether he received the memorandum personally and construed it as authority to order a break-in.

Thomas Bolan, Mr. LaPrade's lawyer, declined to comment on the matter, but sources familiar with the case have said that Mr. LaPrade has never been asked about the Newark incident.

A spokesman for the F.B.I. had no comment on the case.

According to the law enforcement sources, Miss Flatley's search was part of an intense campaign in late 1972 and early 1973 to capture members of the Weather Underground who were wanted on a range of Federal warrants. L. Patrick Gray was director of the bureau and has repeatedly denied, through his lawyer, ordering any illegal entries.

Nevertheless, the sources said, a "greenie"—a green-tabbed memorandum denoting a "special" investigation—went to the Newark field office ordering an increase in its efforts to apprehend Miss Flatley.

Two agents, James Weaver, now attached to the San Diego field office, and Kenneth Stuller, now believed to be on duty in New York, were questioned about the entry into the Cohen home.

Their lawyer, Jack Solerwitz of Mineola, L.I., declined to comment on the details of the case but said that the two agents had done nothing wrong.

In the search for fugitives of the Weather organizations, F.B.I. agents made illegal entries in an effort to find leads to the whereabouts of the fugitives. Many of the victims of the entries were families or friends of fugitives.

On entry 1975, the civil rights division of the Department of Justice began a national investigation of the practice but concentrated mainly on members of Squad 47, a unit in the New York field office assigned to internal security and Weather organization cases.

One constant difficulty, sources familiar with the investigation have said, was establishing that the line agents carried out these illegal acts at the specific instruction of their superiors and that there was authorization from F.B.I. headquarters.

FILE 3-3-82

NY SP4 SRM/col

October 21, 1977

Griffin Bell,
Attorney General
of the United States
Department of Justice
Ninth and Pennsylvania Avenues
Washington, D.C.

ALL INFORMATION CONTAINED

DATE 3-3-82

SP4JEM/cal

Dear Sir:

It is difficult to describe the distress and frustration I feel as I have suddenly been made out to be a criminal by the Department of Justice. Over six years ago I took an oath to uphold the laws of the United States as a member of the Federal Bureau of Investigation and that same Justice Department which now seeks to impugn my character and reputation. The day of the administration of that oath as a Special Agent of the FBI, June 21, 1971, was for me a proud and happy day. It meant a chance to serve my country and to make my small contribution to society.

Although I enjoy my work as an Agent now more than ever, a sadness and bitterness is now part of me that did not exist before. I have been used -- made a pawn -- by men, specifically Department of Justice Attorneys, playing a game for their self-aggrandizement.

On August 24 of this year I testified before a Federal Grand Jury in Washington, D.C. regarding activities in which I participated as a Special Agent. My cooperation with Department of Justice Attorneys was freely given for the following reasons: (1) Directions from the FBI Director, Clarence Kelley, that agents cooperate fully with Departmental Investigators; (2) Agreement of immunity from prosecution proffered by Justice Department Attorneys, refusal of which risks contempt of Grand Jury charges; and (3) Belief on my part that perhaps the FBI had been guilty of "excesses" in the past and that, painful as it might be, investigation into these "excesses" might, over time, be for the better.

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ENCLO.

Griffin Bell
October 21, 1977
Page Two

I am not now, nor was I on June 21, 1971, naive enough to believe that the FBI, or any government agency, should not be held accountable for its actions or those of its agents. My August 24 testimony before the Grand Jury is ample evidence that I believe this to be true. I do not believe, however, I should be ashamed of any activities in which I have engaged as an Agent. Never have I participated in anything as an FBI Agent with malicious or criminal intent, and never did I participate in anything as an Agent that I did not feel at the time was approved and justified.

It is impossible to describe the range of emotions I encountered during the two days in August I spent talking with Departmental Attorneys and testifying before the Grand Jury. Suddenly, I who had decided to dedicate his life to defending justice was called to answer to justice. It was a depressing experience, one which left me feeling totally vulnerable. But in the back of my mind was the ever present rationalization that, perhaps, it was for the best.

Then, however, in the October 7, 1977 issue of The New York Times, an article headlined, "Burglaries in Jersey Linked to FBI Memo"; appeared under the by-line of Nicholas M. Harrock. The text of the article contained not only the names of myself and other agents in connection with an alleged illegal entry, but also information which could only have been obtained from Department of Justice Attorneys and from secret Grand Jury testimony.

I was, to say the least, outraged and my vulnerability was complete. As a result of that article, I am suddenly exposed as having committed criminal acts, I am open to possible civil suits and my reputation, as well as that of other agents and the Bureau itself is questioned in a public forum. All of this occurs without the benefit of proper legal disposition of the matters in question and, more importantly, the obvious sources of information as contained in the article are Department of Justice attorneys.

For some time now, FBI activities have been under investigation. It seems daily, articles such as that described above appear in the press. The majority seem to impugn the reputa-

Griffin Bell
October 21, 1977
Page Three

tion and character of the Bureau and its employees. When I compare the damage done by so-called "FBI excesses" with those of Department of Justice investigators who seem determined to destroy the Bureau or, at best, limit its effectiveness as a law enforcement agency, the "FBI excesses" pale in the comparison.

The tools to correct or improve FBI investigative techniques lie with the President, through the Attorney General and with the Congress, through its oversight committees -- as do culpability for past "excesses". Exposing these "excesses" through the media by using the guise of a confidential investigation and then slipping the results through the keyhole serve no one. I strongly urge and implore you, Sir, to launch an immediate investigation into the leakage of information by "Justice Department sources" as contained in the above cited New York Times article, as well as previous such articles.

As a starting point for this investigation, I give you the names of Mr. Francis Martin and Mr. Richard Johnston, the attorneys who questioned me before the Grand Jury on August 24. I urge this investigation with respect for you, Sir, the institutions of our Government and the cherished rights and liberties of all citizens in the United States.

Sincerely,


Special Agent
New York Office, FBI


cc. Clarence M. Kelley,
Director - FBI

(b)(6), (c)
(b)(7), (c)

PLANNING AND INSPECTION DIVISION

Attached letter is answer to your letter to Michael E. Shaheen, Jr., Counsel, Office of Professional Responsibility (OPR), Department of Justice (DOJ), re leaks from the Federal Grand Jury concerning the Civil Rights Division investigation of surreptitious entries. Attached letter states that OPR, DOJ, conducted an inquiry based on your 4/13/77 letter concerning the same matter and the results of that investigation were reported to the Attorney General. He requested no further inquiry and OPR, DOJ, is not conducting any additional inquiries until requested to do so by the Attorney General.

For your information, we also advised the Attorney General on 10/31/77 of SA [redacted]

[redacted] concern that grand jury information had been leaked concerning his testimony. We have no reply from the latest letter. This is being furnished to you for your information.

(b)(3),
(b)(6), (b)(7)(C)

[Handwritten initials]

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DATE 3-3-82 BY SP4 JRM/cal

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FEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

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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.
- Documents originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you. **DEPT. OF JUSTICE, OFFICE OF PROFESSIONAL RESPONSIBILITY**

_____ Pages contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

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

For your information: _____

The following number is to be used for reference regarding these pages:

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UNITED STATES GOVERNMENT

Memorandum

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- Public Affs. Off. _____
- Telephone Rm. _____
- Director's Sec'y _____

TO : Mr. Adams

DATE: 12/27/77

FROM :

ALL (6/2), (4/6), OK

SUBJECT: SURREPTITIOUS ENTRIES INVESTIGATION
BY CIVIL RIGHTS DIVISION,
DEPARTMENT OF JUSTICE

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

PURPOSE: To submit attached list of FBI documents (all xerox copies except one) furnished to Departmental Attorney Stephen A. Horn, Civil Rights Division, 4/28/77-5/4/77, and to record that Mr. Horn reviewed original Bureau abstracts in the Service Unit and Bufile [redacted] as well as portions of Bufile 66-8160 with Bureau approval.

DETAILS: In view of my retirement on 12/30/77, the following information is being furnished to you concerning this matter. With your approval, on 4/25/77, I was assigned to allow Departmental Attorney Stephen A. Horn, Civil Rights Division, free access to review the original Bureau abstracts maintained in the Service Unit of the Records Branch and to service any requests for access to additional records after clearing such requests with you, or with Mr. Paul L. Mack when you were not available.

Mr. Horn reviewed Service Unit abstracts daily on 4/25/77-4/29/77 and on 5/2/77, personally selecting the abstracts he desired to review after the filing system had been explained. The original abstracts for serials 4, 6x6, 13, 30 and 113 of Bufile [redacted] (REVOLUTIONARY ACTIVITIES - VIOLENCE) were charged out to the Special File Room for maintenance there and Mr. Horn requested to review these abstracts, which were shown to him after approval was granted on 4/27/77. He then requested to review Bufile [redacted]. After this request was approved, with review required of Domestic Security and Terrorism Section of Criminal Investigative Division to excise names of Special Agents in deep undercover assignments, all five sections of Bufile [redacted] were made available on 4/28/77, for Mr. Horn's review. He also requested approval to review all 1972 and 1973 mail (regular and "June" mail) in Bufile 66-8160 (TECHNICAL SURVEILLANCE - GENERAL). Attached is a list of the original serials that were copied and excised for Mr. Horn to review from these two files in lieu of the original serials. Also

Enclosures

EX-130

Room 7145

14 JAN 9 1978



79 JAN 20 1978

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

CONTINUED - OVER

Memorandum [redacted] to Mr. Adams
RE: SURREPTITIOUS ENTRIES INVESTIGATION
BY CIVIL RIGHTS DIVISION,
DEPARTMENT OF JUSTICE

(4/2), (6/6), 07/6

attached is a list of FBI documents (all xerox copies except one) from these two files that were requested by Mr. Horn and furnished to him with the approval of you or Mr. Mack. All of these were reviewed by the Document Classification Office for classification purposes before they were furnished to Mr. Horn. Note that serial 6x6 of Bufile [redacted] is classified "Top Secret" and therefore a "Classified Document Receipt" was obtained from Mr. Horn. Also note that the original serial 3438x2 of 66-8160 was charged out to Mr. Horn on 4/29/77, and has not been returned to date. A xerox copy of the "Classified Document Receipt" (original and yellow copy both attached to original serial in file) for the xerox copy of [redacted] furnished Mr. Horn is attached hereto as well as a xerox copy of the charge out receipt for 66-8160-3438x2 (original serial). The excised copies of serials shown to Mr. Horn in lieu of the original serials as listed on one of the attachments hereto have been returned to the Domestic Security and Terrorism Section.

RECOMMENDATION:

This memorandum is being submitted for information and record purposes, if desired, in view of my retirement on 12/30/77.

JMA

BUFILE [REDACTED]

(6/2), (7/10)

LIST OF SERIALS COPIED AND EXCISED TO PROTECT NAMES OF SPECIAL AGENTS IN DEEP UNDERCOVER ASSIGNMENTS - THESE COPIES AND ALL OTHER ORIGINAL SERIALS IN THIS FILE WERE MADE AVAILABLE TO DEPARTMENTAL ATTORNEY STEPHEN A. HORN FOR REVIEW ON 4/28/77 WITH BUREAU APPROVAL.

SECTION 1 (Serial Scope 1 - 65)

6x2; 6x3; 6x4; 6x6; not recorded mail dated 8/4/72; 7; 11; 14; 20; 22; 23; 24; 25; 26; 27; 36; 46; 52; 53; 62 and 63.

(note: excised copy of serial 6x6 classified "Top Secret" was requested, approved and given to Mr. Horn - receipt obtained.)

SECTION 2 (Serial Scope 66 - 115)

66; 68; 69; 70; 72; 77; 80; 81; search slip 4/5/73; 82; 84; 85; 86; 87; 92; 93; 94; 100; 101; 102; 103; 104; 105; 108; 111; 112; and 114.

SECTION 3 (Serial Scope 116 - 177)

117; 118; 119; 120; 122; 126; 127; 129; 130; 131; 134; 135; 136; not recorded mail dated 12/18/73 and 8/21/74; 138x; 139; 142; 143; 144; 145; 146; 147; 148; 149; 150; 151; 152; 153; 154; 155; 156; 157; 158; 160; 161; 162; 166; 168; 169; 170; 174; and 176.

SECTION 4 (Serial Scope 178 - 217)

178; 180; 181; 183; 185; 189; 192; 194; 196; 197; 200; 205; 208; 209; 215; and 216.

SECTION 5 (Serial Scope 218 - open 240)

227; 228; 229; 230; 231; 232; 233; 234; 235; 237; 238; and 239.

BUFILE 66-8160

Mr. Horn reviewed 1972 and 1973 original serials with the exception of serials 3377; 3393; 3399; 3412; and 3461 (all "June" mail), which were excised on a xerox copy of each and reviewed by Mr. Horn.

ALL INFORMATION CONTAINED

3-3-82

SP4J&M/cal

(6/6), (7/6)

Encl. to memo
12/27/77

[REDACTED] Mr. Adams
[REDACTED]

ENCLOSURE

66-117166-122

ITEMIZED LIST OF FBI DOCUMENTS FURNISHED DEPARTMENTAL ATTORNEY STEPHEN A. HORN, CIVIL RIGHTS DIVISION

<u>DATE FURNISHED</u>	<u>ORIGINAL OR COPY</u>	<u>FILE & SERIAL #</u>	<u>DATE & OTHER IDENTITY OF DOCUMENTS</u>
4/28/77	Xerox Copy	[REDACTED]	6/23/72 - Memorandum R. L. Shackelford to Mr. E.S. Miller captioned "STUDENTS FOR A DEMOCRATIC SOCIETY (WEATHERMAN) INTERNAL SECURITY - REVOLUTIONARY ACTIVITIES" (4 pages)
4/28/77	Xerox Copy	[REDACTED]	(6/28/72) - DO-6 routing slip note from G. (Mr. Gray) to Mr. Felt
4/28/77	Xerox Copy	[REDACTED]	(7/17/72) - DO-6 routing slip note from G. (Mr. Gray) to Mr. Felt
4/28/77	Xerox Copy	[REDACTED]	6/30/72 - Memorandum E. S. Miller to Mr. W. Mark Felt captioned "PROPOSALS IN FURTHERANCE OF APPREHENSION OF WEATHERMAN FUGITIVES" (4 pages)
4/28/77	Xerox Copy	[REDACTED]	6/28/72 - Memorandum Mr. L. Patrick Gray, III, Acting Director to Mr. Felt captioned "Proposals in Furtherance Of Weathermen Fugitives" (2 pages)
			(7/17/72) - Enclosed DO-6 pink routing slip note from G. (Mr. Gray) to Mr. Felt
4/28/77	Xerox Copy	[REDACTED]	7/03/72 - Memorandum W. V. Cleveland to Mr. W. Mark Felt captioned "PROPOSALS IN FURTHERANCE OF APPREHENSIONS OF WEATHERMAN FUGITIVES" (4 pages)
			(7/17/72) - Enclosed DO-6 pink routing slip note from G. (Mr. Gray) to Mr. Felt
4/28/77	Xerox Copy	[REDACTED] Partial (Enclosure)	(7/17/72) - Handwritten notes of G (Mr. Gray) on yellow tablet paper (3 pages)
5/28/77	Xerox Copy	[REDACTED]	7/11/72 - Memorandum E. S. Miller to Mr. W. M. Felt captioned INVESTIGATIVE PRIORITIES DOMESTIC INTELLIGENCE DIVISION" (3 pages with 38 pages enclosed - total 41 pages). CLASSIFIED: "TOP SECRET" (Receipt obtained).
4/28/77	<u>ORIGINAL</u>	66-8160-3438X2	8/04/72 - Memorandum T. J. Smith to Mr. E. S. Miller captioned "WIRETAPPING" (5 pages)

ALL
(6/2)
(7/17)

72
66-9911-18

Enclosure

CONTINUED (PAGE 2)
ITEMIZED LIST OF FBI DOCUMENTS FURNISHED DEPARTMENTAL ATTORNEY STEPHEN A. HORN, CIVIL RIGHTS DIVISION

5/02/77	Xerox Copy	66-8160-3417	6/28/72 - Memorandum Acting Director, FBI to Acting Assistant Attorney General, Internal Security Division captioned "SUPERVISORY CONTROL OF ELECTRONIC SURVEILLANCE IN NATIONAL SECURITY CASES" (2 pages plus note on page 3)
5/02/77	Xerox Copy	66-8160-3424	6/19/72 - Memorandum D. J. Dalbey to Mr. Felt captioned "WIRETAPPING;. UNITED STATES v. U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN (2pgs)
5/04/77	Xerox Copy "JUNE" Mail	66-8160-3510	8/30/73 - Informal 1 page note "TO: CLARENCE" "RE: SURREPTITIOUS ENTRY" from "N. P. CALLAHAN" marked "JUNE" mail
5/04/77	Xerox Copy "JUNE" Mail	66-8160-3511	8/24/73 - Memorandum R. J. Baker to Mr. Callahan captioned "DEVELOPMENT OF POSITION FOR DIRECTOR KELLEY TO TAKE ON SURREPTITIOUS ENTRY" (5-page memorandum plus 5 pages for 2 addendums) marked "JUNE" mail

DEPARTMENT OF JUSTICE

CLASSIFIED DOCUMENT RECEIPT

Control No. _____

(W/C), (O/C)

FROM (Division or Office) FEDERAL BUREAU OF INVESTIGATION, RECORDS MANAGEMENT DIV.
TO MR. STEPHEN A. HORN, CIVIL RIGHTS DIV., JUSTICE, RM. 7613
DELIVERED BY SA [REDACTED] For FBI Room 5869 JEH FBI BLDG
RECEIVED BY [Signature] For CRD, JUSTICE Room 7613 JUSTICE BLDG
DATE 8/4/77 Time 11:30 AM

IDENTITY OF DOCUMENT

ADDRESSEE MR. W. M. FELT
FROM E. S. MILLER
DATE 7/11/72 No. PAGES 41 COPY _____ OF _____ COPIES _____
CLASSIFICATION TOP SECRET FILE NO. [REDACTED]

SUBJECT: INVESTIGATIVE PRIORITIES
DOMESTIC INTELLIGENCE DIVISION
(3 page memorandum with 38 pages enclosed)

Xerox Copy SA

(6/2)
(7/10)

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

(W/C), (O/C)

Enclosure to memo [REDACTED] to Mr. Adams, 12/12/77

INSTRUCTIONS: This form is to be removed from file by a Filing Unit employee only upon the return of the item.

Subject TECHNICAL SURVEILLANCE - GENERAL (MEMO CAPTIONED WIRETAPPING)

Type of Mail Date of Mail

- Report
- Incoming letter
- Outgoing letter
- ORIGINAL Memorandum T. J. SMITH TO MR. E. S. MILLER 8/4/72
- Airtel (5-PAGE MEMO - COPY ATTACHED)
- Teletype
- Enclosure (describe)

- Laboratory Work Sheet
- Personnel Security Questionnaire (PSQ)
- Loyalty Form
- Other (describe)

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

Removed for <input checked="" type="checkbox"/> Mr. <u>HORN, STEVE</u> <input type="checkbox"/> Mrs. <input type="checkbox"/> Miss <input checked="" type="checkbox"/> Room <u>76-13, CIVIL RIGHTS DIV.</u>	Removed by <u>[REDACTED]</u> (UPON APPROVAL MR. PAUL HARRIS)	Date of Removal <u>4/29/77</u>
---	--	-----------------------------------

Reason for Removal DEPT

- For copying (If for another agency, list agency and date of request.)
- To send to
- To attach to
- For office use
- For change to another file
- Other (Specify) FOR REVIEW IN CIVIL RIGHTS DIV. AND TO BE RETURNED

(6/6), (7/6)

Complete File and Serial Number 66-8160-3438 X 2

RECEIVED ORIGINAL [Signature] DATE 4/29/77

FBI

TRANSMIT VIA:

- Teletype
- Facsimile
- Airtel

PRECEDENCE:

- Immediate
- Priority
- Routine

CLASSIFICATION:

- TOP SECRET
- SECRET
- CONFIDENTIAL
- E F T O
- CLEAR

Date 5/13/77

TO: DIRECTOR, FBI

FROM: ADIC, NEW YORK (190-1)

SUBJECT: IDENTIFICATION OF SOURCE USED
IN AN FBI MEMORANDUM;
FREEDOM OF INFORMATION - PRIVACY ACT
(FOIPA) MATTER
(BU# DEADLINE COB 5/16/77)

(6K2)

ReBuairtel, 5/9/77, requesting information concerning the identity of former [REDACTED]

A review of the separate indices maintained in the ADIC's Office, reveal [REDACTED] to have been the confidential source indicated for disseminating information obtained by the NYO through the use of two surreptitious entries, 2/16/62 and 6/7/62.

All documentation relating to these two entries as well as the documentation of all other such entries, was removed from the ADIC's Office and turned over to the Department of Justice.

However, a review of NYfile 100-142451 (Bufile 100-436224 and 100-436225) indicates that on the two referenced dates [REDACTED] furnished information concerning materials maintained by the United States Festival Committee, Incorporated, at their headquarters, Room 807, 460 Park Avenue South, NYC". This information appears to indicate the location of the two entries.

The information obtained from these entries consists of photographic copies of letters and envelopes.

- 2 - Bureau (RM)
- 1 - New York

1 MAY 16 1977

(4)

Approved: _____

Transmitted _____

(Number)

(Time)

Per _____

3-3-82

BSP45RM/CAD

(6K2)

(6K6, 0100)

REC-53

62-117166-123

EX-100

62-117166

[Signature]

NY 190-1

There is no other information contained *in this*
file that would ~~assist~~ in further identifying former ~~_____~~

(6X2)

XXXXXX
XXXXXX
XXXXXX

FEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

2

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)(5), (b)(6), (b)(7)(C) 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:
62-117166-124

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XXXXXX

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

UNITED STATES GOVERNMENT

Memorandum

- 1 - Mr. J. B. Adams
- 1 - Mr. J. J. McDermott
- 1 - Mr. J. A. Mintz

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Adm. Serv. _____
- Crim. Inv. _____
- Fin. & Pers. _____
- Ident. _____
- Intell. _____
- Laboratory _____
- Legal Coun. _____
- Plan. & Insp. _____
- Rec. Mgnt. _____
- Spec. Inv. _____
- Tech. Servs. _____
- Training _____
- Public Affs. Off. _____
- Telephone Rm. _____
- Director's Sec'y _____

TO : Mr. Bassett *MBP*

DATE: 1/27/78

FROM : [REDACTED]

- 1 - Mr. H. N. Bassett
- 1 - Mr. P. V. Daly
- 1 - [REDACTED]

SUBJECT: SURREPTITIOUS ENTRY INVESTIGATION

~~SECRET~~
Classified by SP4JRM/cal
Declassify on: OADR
5-20-83

Class. & Ext. By SP4JRM/cal
Reason-FCIM 11.2
Date of Review 3-20-98
3-2-82

PURPOSE: To advise of access authorizations (clearances) currently being afforded by the Department of Justice in connection with the Surreptitious Entry Investigation and the fact the Department has failed to obtain necessary clearances for former Special Agent John J. Kearney.

DETAILS:

[REDACTED]

ALL
(U)
(b)(6)
(7)(c)

The Department Security Office had determined that attorney [REDACTED] of the [REDACTED] law firm is no longer on the Kearney case and he will not be afforded compartmented clearance.

REC-103

62-11711-125

FEB 6 1978

[REDACTED]

At the request of the Document Classification/Security Officer, the Department Security Office advised no request had been made and no access authorization has been granted to former Special Agent Kearney.

~~SECRET~~

CONTINUED - OVER

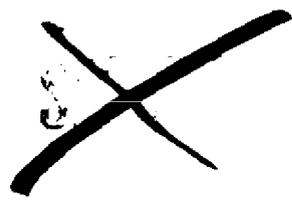
SEE DCRS ADDENDUM, PAGE 3

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



5010-110
7 9 MAR 17 1978

Memorandum to Mr. Bassett
Re: Surreptitious Entry Investigation



Obviously Kearney will require clearances if he is to discuss with his attorneys areas which have already been touched upon in connection with the initial discovery motions in the Kearney indictment.

Also, it would seem advisable, if not already done, that Kearney be released from his employment agreement which carries beyond his date of retirement.

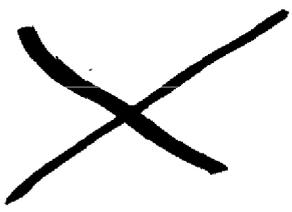
4/10



RECOMMENDATION: For information. It is suggested Mr. Adams or Mr. McDermott promptly call to the attention of appropriate officials at the Department the need for John J. Kearney to be granted access authorizations as indicated above.

*Hold this until
the brevier necessary
which may be in the
next few days*

*has
red T for a/a
1/27/78*



OVER

ADDENDUM DOCUMENT CLASSIFICATION AND REVIEW SECTION

2/2/78

~~SECRET~~

ALL
COPIES
TO
BE
DESTROYED

It has been determined that on 2/1/78 Deputy Assistant Attorney General Mary C. Lawton, Office of Legal Counsel, instructed the Department Security Office to obtain clearance for former Special Agent John J. Kearney. The Department Security Office was advised it should have no direct contact with Kearney, but should handle any necessary procedures through the office of [redacted] attorney for Kearney.

It is noted the Director, by memorandum dated 6/9/77, advised the Attorney General he might desire to afford former Special Agent Kearney and his counsel [redacted] clearances for access to classified information and to secure their agreement to abide by the Department's regulations concerning access to, security of and disclosure of classified information. The Document Classification/Security Officer shortly thereafter advised the Department Review Committee, the highest organizational body on classification matters, of the need for the Department to ensure clearances were obtained for Kearney and [redacted] Prior to this time in a "Motion for Discovery and Inspection," attorney [redacted] had requested information relating to Communications Intelligence matters.

During conference at Dept on 2/2/78 Mary Lawton mentioned needed clearance for Barney Skolnik and he agreed that such clearances should be afforded Kearney. HND

DeSo

APPROVED:

Director _____	Adm. Serv. _____	Legal Coun. _____
Asst. Dir. _____	Crim. Inv. _____	Files _____
Dep. AD Adm. _____	Fin. & Pers. _____	Ident. _____
Dep. AD Inv. _____	Intell. _____	Spec. Inv. _____
	Laboratory _____	Training _____
		Public Affs. _____

web

HND

~~SECRET~~

Top Secret Control Number HO 78-791

Originator of Material FBIHQ
(FBI field division, FBIHQ or outside agency)

Letter (u) Airtel _____

LHM _____ Memo _____

Date of Mail 4/5/78

Report _____ Other (TS) Personal Memo

Teletype _____

5/25/72

~~CONFIDENTIAL~~

Captioned:

Central Signal Division Intercepted Entry

This serial is under the control of the Top Secret Control Officer located in the Document Classification Office.

Authority 62-116665

**ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5/20/83 BY SP4EW/cal**

~~Class. & Ext. By SP4EW/cal
Reason-FOIA 2
Date of Review 5-98
4-21-88~~

File number 62-117166-126

~~REPRODUCTION OF THIS DOCUMENT IS PROHIBITED
UNLESS SHOWN OTHERWISE~~

PERMANENT SERIAL CHARGE-OUT

~~CONFIDENTIAL~~

UNITED STATES GOVERNMENT

Memorandum

- 1 - Mr. J. J. McDermott
- 1 - Mr. E. Long
- 1 - Mr. J. Mintz
- 1 - Mr. Bassett

DATE: 3/13/78

Assoc. Dir.
Dep. AD
Asst. Dir.:

- Adm. Serv.
- Ext. Aff.
- Files & Com.
- Gen. Inv.
- Ident.
- Intell.
- Laboratory
- Legal Coun.
- Plan. & Insp.
- Rec. Mgnt.
- Spec. Inv.
- Tech. Serv.
- Training
- Public Affs.
- Telephone Rm.
- Director's Sec'y

Civil Rights Division

SURREPTITIOUS ENTRY/INVESTIGATION

PURPOSE: To secure authority for SA [redacted] to discuss official matters before the Federal grand jury convened at Washington, D. C., to hear evidence relating to captioned investigation, and, in the event proper clearance procedures are effected, to discuss before the grand jury classified national security information and material, if necessary.

DETAILS: On 3/13/78, SA [redacted] Administrative Services Division, advised me he had received information from the Criminal Division of the Department that I was scheduled to appear before a Federal grand jury hearing evidence relating to the Surreptitious Entry Investigation on 3/15/78. After asking SA [redacted] as to whether I was a target of the investigation and as to whether my appearance was voluntary or to be under subpoena, he made further inquiries and advised me I was not a target and that I would be subpoenaed to appear on 3/16/78.

This is to request authority of the Director that I be released from my employment agreement to discuss official information as necessary before the Federal grand jury. Also, in the event I determine necessary clearances have been obtained by the Department for members of the Federal grand jury, court reporter and court stenographer, that I be authorized to discuss as required classified national security information and material.

As a matter of information, by memorandum dated 10/6/77, the former Director called to the attention of the Attorney General several instances wherein classified information and material had been discussed before the Federal grand jury in this investigation without proper clearances for the grand jury, court reporter and stenographer. The former

62-117166

ENCLOSURE

1 - 67-

(Personnel file of SA [redacted])

CONTINUED - OVER



(7)
APR 21 1978

SEE ADDENDUM LEGAL COUNSEL DIVISION PAGE 3
SEE ADDENDUM, DC/SO, PAGE 4

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

DATE 3-3-82 BY SP4 SRM/ul

AL
W
L
B

4

Memorandum to Mr. Bassett
Re: Surreptitious Entry Investigation
62-117166

Director requested at that time the Attorney General make appropriate inquiries to ensure classified national security information and material was being appropriately safeguarded in accordance with Federal regulations and that the Director be advised of the results of these inquiries so he in turn could alert appropriate personnel. To my knowledge the Director's memorandum of 10/6/77 was never acknowledged.

On this date, I checked with the Department Security Office and determined that neither the court reporter, court stenographer nor members of the Federal grand jury convened at Washington, D. C., had been afforded clearances for national security information and material. A representative of the Department Security Office advised in his opinion such clearance was definitely necessary before such individuals could receive classified national security information or material.

I have retained personal attorneys in connection with this appearance and am requesting the Department authorize one who has already received clearance to discuss classified matters relating to this appearance and afford clearance to the second attorney who does not possess clearance for national security information and material.

(6/3)
(6/6)
(6/10)

RECOMMENDATION: That SA [redacted] as required, be released from his employment agreement to discuss classified national security information and material before the Federal grand jury convened at Washington, D. C., in captioned matter, if required, and providing proper clearances have been obtained by the Department for all individuals who will receive this material.

Asst. Dir. _____	Adm. Serv. _____	Legal Coun. _____
Ident. _____	Crim. Inv. _____	Plan. & Insp. _____
Intell. _____	Lab. _____	Rec. Mgnt. _____
Off. AD Adm. _____	Librarians _____	Tech. Servs. _____
Off. AD Inv. _____		Training _____
		Public Affs. Off. _____

SA [redacted] advised Inspector P.L. MACIE on 2/10/78 that his appearance before the Federal grand jury on 2/10/78 had been cancelled and he may be rescheduled to appear on 2/10/78.

OV
V

Memorandum to Mr. Bassett
Re: Surreptitious Entry Investigation
62-117166

ALL (6/13)
(6/13)

ADDENDUM LEGAL COUNSEL DIVISION 3/14/78 JCF

██████████ contacted Inspector James C. Farrington, Legal Counsel Division, regarding this matter at which time it was suggested to him that he may wish to contact the Departmental Attorney handling the testimony before this grand jury for the purpose of determining whether the line of questioning will involve classified data, and resolve this problem at that time. In this way, it was hoped that this would eliminate any confrontation during the grand jury testimony.

JCF

APPROVED: *won*
Director _____
Asst. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. *jma*

Adm. Serv. _____
Crim. Inv. *ml*
Ident. _____
Intell. _____
Laboratory _____

Legal Coun. *JCF*
Plan. & Insp. _____
Rec. Mgnt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____

ADDENDUM LEGAL COUNSEL DIVISION 3/27/78 JCF

In view of the concerns expressed by SA ██████████ relative to the possibility of discussing classified information before the Federal Grand Jury, there is attached a copy of a letter dated March 23, 1978, to Assistant Attorney General Benjamin R. Civiletti, from Attorney General Bell, which was received today, 3/27/78, from Mr. Frank Martin, Trial Attorney, in which the Attorney General authorized the dissemination of classified information or material to persons outside the Executive Branch in connection with this investigation by this Federal Grand Jury.

JCF

Over

APPROVED: *won*
Director _____
Asst. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. *jma*

Adm. Serv. _____
Crim. Inv. _____
Ident. _____
Intell. _____
Laboratory _____

Legal Coun. *JCF*
Plan. & Insp. _____
Rec. Mgnt. _____
Tech. Servs. _____
Training _____
Public Affs. Off. _____

ADDENDUM

3/31/78

The 3/23/78 Attorney General letter to Assistant Attorney General Civiletti is a perfunctory post facto clearance of a Federal grand jury which has been in session for months. It does not respond to former Director Kelley's 10/77 letter citing instances where national security information was compromised before this grand jury and requesting corrective action. While the Attorney General's letter meets the requirement of 28 CFR 17.64, that classified information shall not be disseminated outside the Executive Branch except as authorized by the Attorney General, apparently no effort has been made to assure its protection, and the authorization does not meet the requirement of 28 CFR 17.57, that access shall not be given to any person unless a determination of trustworthiness has been made.

Late 3/30/78, the Department Security Office stated it was endeavoring, at the request of the Criminal Division, to expeditiously afford my attorney [redacted] clearance so he could represent me in connection with my rescheduled appearance before the grand jury at 1:30 p.m., 3/31/78.

While it appears some in the Department are continuing to ignore or bend for their own purposes regulations relating to the safeguarding of national security material, in view of the letter of the Attorney General and the current efforts of the Department to afford my attorney clearance, the FBI could be accused of resorting to technicalities if I am not released from my employment agreement to furnish both official and classified information to the grand jury. The continued violations and circumvention by the Department of regulations relating to protection of national security information in this investigation unfortunately destroy the integrity of the Executive Branch's system of protecting such information and material, the integrity of such material obtained by us from intelligence sources and methods, and will deter our acquisition of vital national security material in the future.

I have not indicated an unwillingness to cooperate with this Federal grand jury. In my position, it is my responsibility to ensure regulations relating to the protection of

CONTINUED - OVER

OVER

ALL
4/3
5/6
7/10

national security information and material are enforced and this has been my intention. In view of the above, I request the Director release me from my employment agreement so I may provide official information and classified information to this Federal grand jury, its stenographer and court reporter, and any appropriate Department personnel who I am assured have proper clearance. While I believe to present my testimony in the proper perspective I need to relate information of a compartmented nature requiring special clearance and information which the President has requested be held closely, in view of the insecurity of the Federal grand jury I should not be permitted to discuss this latter information.

RECOMMENDATION: That SA [redacted] be released by the Director from his employment agreement to furnish official and classified information up to and including "Top Secret" on 3/31/78 to the Federal grand jury at Washington, D. C., in accordance with the above, and that he also be released to confer with his attorney, providing the Department does secure proper clearance before my testimony, under the same conditions.

NL
(6/3)
(6/6)
(6/10)
(6/10)



APPROVED: * [Signature]

Director	Adm. Serv.	Ident. Div.
Assoc. Dir.	Comm. Inv.	Int. Sec.
Dep. AD Inv.	Int. Aff.	Spec. Inv.
Dep. AD Adm.	Laboratory	Tech. Servs.
		Training
		Public Affs. Off.

*The issue for the Director is whether he will release [redacted] from his employment agreement (which generally requires the Director's approval for disclosure of official information acquired during employment by the FBI). If the Director authorizes the release and [redacted] is asked questions or desires to furnish information but feels constrained at the time because of the sensitivity of the information or because of restrictions other than the employment agreement, [redacted] should discuss those matters with the Dept. attorneys for resolution in the Dept. in light of the A.G.'s memo of 3/23/78, attached. JAW

XXXXX
XXXXX
XXXXX

FEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

2

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:

62-117166-127

XXXXXX
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XXXXXX

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

UNITED STATES GOVERNMENT

Memorandum

- 1 - Mr. J. J. McDermott
- 1 - Mr. J. A. Mintz
- 1 - Mr. H. N. Bassett

Mr. Bassett

~~SECRET~~

DATE: 3/30/78

Assoc. Dir.
Dep. AD
Dep. AD
Asst. Dir.:
Adm. Serv.
Crim. Inv.
Fin. & Pers.
Ident.
Intell.
Laboratory
Legal Coun.
Plan. & Insp.
Rec. Mgnt.
Spec. Inv.
Tech. Serv.
Training
Public Aff.
Telephone Rm.
Director's Sec'y

SUBJECT: SURREPTITIOUS ENTRY INVESTIGATION (X)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE.

Classified by
Declassify on: OADR

PURPOSE: To advise of areas of questions involving classified national security information about which I am to be questioned before a Federal grand jury convened at Washington, D. C., at 1:30 p.m. 3/31/78. (X)

ALL
(13)
(10)
(10)

DETAILS: On this date I conferred with Legal Counsel Division regarding clearance for my attorney [redacted] who advised me today I was scheduled to appear before the Federal grand jury at Washington, D. C., at 1:30 p.m. tomorrow. [redacted] of Legal Counsel Division consulted with Deputy Assistant Attorney General Robert Keuch of the Department and Keuch advised an effort would be made to obtain clearance for [redacted] prior to my appearance. (X)

At 5 p.m. today [redacted] telephoned me and advised he had been in contact with Department Attorney Frank Martin, and the latter told him that if I did not testify before the grand jury I would not be cited in contempt, but that he would recommend me for administrative action, including possible discharge. [redacted] stated he advised Mr. Martin that I was still asking that clearance be afforded to him [redacted] so I could discuss with counsel national security information. (X)

Martin advised [redacted] he did not think clearance was warranted and he considered [redacted] my counsel based on a memorandum in the custody of the Department. Thereupon, Martin stated the Department would question me regarding the following areas:

[Large redacted block of text]

62-117166

20 MAY 10 1978
CONTINUED - OVER

~~SECRET~~

Classified by [redacted]
Exempt from GDS, Categories 2 and 3
Date of Declassification Indefinite

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

(5)

79 MAY 10 1978

~~SECRET~~

Memorandum to Mr. Bassett
Re: Surreptitious Entry Investigation
62-117166

ALL (S)(1)(b)(1)

[REDACTED]

[REDACTED]

[REDACTED]

It is also interesting to note that Department Attorney Martin, while reluctant to afford the attorney of my choice clearance for classified national security information, appears to have no reluctance in providing him such information over the telephone. (X)

RECOMMENDATION: For record purposes. (X)

APPROVED:	Adm. Serv. _____	Legal Coun. _____
Director _____	Training _____	Ident. Div. _____
Assoc. Dir. _____	Ident. _____	Rec. Mgmt. _____
Dep. AD Adm. _____	Int. Aff. _____	Spec. Inv. _____
Dep. AD Inv. _____	Laboratory _____	Tech. Servs. _____
		Training _____
		Public Affs. Off. _____

~~SECRET~~

Memorandum

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

- Adm. Servs. _____
- Crim. Inv. _____
- Ident. _____
- Intell. _____
- Laboratory _____
- Legal Coun. _____
- Plan. & Insp. _____
- Rec. Mgnt. _____
- Tech. Servs. _____
- Training _____
- Public Affs. O. _____
- Telephone Rm. _____
- Director's Sec. _____

TO : MR. McDERMOTT

DATE: 4-20-78

FROM : R. E. LONG

SUBJECT: SURREPTITIOUS ENTRY MATTERS

On 4-18-78 Mr. Paul Boucher, Chief of the Departmental Task Force investigating surreptitious entry, called me and advised that they are presently referring matters to the FBI for any administrative action that the Bureau desires to take. Mr. Boucher advised that this is being handled by the Office of Professional Responsibility of the Planning and Inspection Division of the FBI. He advised that in view of this that certain individuals will need access to records that the Bureau has and/as furnished to the Department.

Mr. Boucher advised that in view of the nature of the action he is giving access to the following individuals to the files contained in Room 1427-D, which would be the surreptitious entry files:

[Handwritten initials]

Assistant Director Lee Colwell
 Deputy Assistant Director Thomas J. Biamonte
 SA [REDACTED]
 SA [REDACTED]

ACTION:

For information.

REC-65

62-117166-129

ST-138

REL [REDACTED]
 (4)
 1 - Mr. Colwell
 1 - SA [REDACTED]

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 5-3-82 BY SP458/ral cal

THREE

79 MAY 25 1978

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

AIRTEL

0907

4/9/80

To: ALL SACs and LEGATS

From: Director, FBI

DOCUMENT RECORDING AND INDEXING
FIELD OFFICE AND LEGAT FILES
CENTRAL SYSTEM OF RECORDS
BUDED: 5/9/80

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 6-3-81 BY 6383V

RIGHTS DIVISION SURVEILLANCE UNIT
SAC Memorandum 30-76, dated 7/1/76, sets forth the

Bureau policy and regulations requiring that all field office
investigative activity must be made a matter of record and
integrated into the field office files. The following is set
forth as a reminder and in amplification of the instructions
in SAC Memorandum 30-76.

Demands are continually being made upon the Bureau
to produce FBI documents through Freedom of Information/
Privacy Act requests and discovery orders in civil litigation
and subpoena matters. Issues are sometimes raised regarding
the production of documents originally designated as "Do Not File"
documents and/or documents relating to surreptitious entries.
In these instances, it has been necessary to hand search
files or folders which contain such documents in unrecorded
and unindexed form. Explanations have been required from the
FBI as to why such documents continue to be maintained in this
status. Failure to comply with these court orders could result
in contempt of court citations being issued against FBI officials.
In such situations, the court may also elect to impose sanctions
against the FBI when the Bureau is a party in civil litigation
matters.

In order that the Bureau may meet such discovery
demands and at the same time protect privileged or highly
sensitive material contained in official documents, it is
incumbent that the credibility of the Bureau not be diminished.
Compliance with existing regulations regarding the recording

- 1 - Mr. Boynton
- 1 - Mr. Brummer
- 1 - Mr. Steel
- 1 - Mr. Colwell
- 1 - Mr. Joseph
- 1 - [Redacted]
- 1 - Each Assistant Director

*(b)(7)(C)
(b)(7)(D)*

1 - Mr. [Redacted]
1 - Mr. [Redacted]
1 - [Redacted] (664)
1 - [Redacted] (166)
1 - [Redacted] (1538)

DUPLICATE MAY 16 1980

62-1176
NOT RECORDED
SERIALIZED

Airtel to All SACs and Legats
Re: Document Recording and Indexing
Field Office and Legal Files
Central System of Records

and indexing of documents is necessary, and each office should insure all documents are recorded and indexed.

For purposes of uniformity and simplification of instructions to SAC Memorandum 30-76, any file, folder, or collection of documents, but not limited to, any such file maintained in the SAC's safe or Confidential File Room, should be assigned an appropriate file number(s). The individual documents should be serialized, and the subject matter of each should be appropriately indexed affording retrievability of documents as defined under the FBI Central Records System published in the Federal Register.

The instructions set forth above, as well as those in SAC Memorandum 30-76, are to be applied to all documents investigative in nature and those administrative in nature except where the Manual of Administrative Operations and Procedures (MAOP) provides for exemption from indexing and serializing administrative documents.

This matter should be handled expeditiously and FBIHQ advised by close of business 5/9/80 of compliance with above instructions. Your reply should be designated "Attention: Records System Section, Records Management Division."

NOTE: In the past, surveys and administrative inquiry investigations have been conducted concerning the location and identification of documents, including those considered to be "Do Not File" type of documents. Searches conducted in connection with civil discovery matters have revealed such documents have been transferred or destroyed by reference in the Central Records System. In such instances, the individual subject matter of such documents has not been indexed, and in general such documents are those matters requiring such as Attorney General v. U.S. Attorney General, Attorney General of the U.S. v. U.S. Attorney General, and Alan Murphy, et al. v. Richard Nixon, et al. In such cases, the FBI has had to rely upon the original source. SAC Memorandum 30-76 sets forth general instructions regarding recording and indexing of such material. Because of the demands made upon the Service in civil discovery and subpoena matters, the indexing of such documents should be uniform.

62-117166-130
CHANGED TO
62-118045-5X

^{JK}
OCT 19 1978



(6/6), (7/6)

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 4-16-82 BY SP4 JRM/cal

Memorandum



Exec AD Ad
Exec AD Inv
Exec AD LE
Asst. Dir. :
Adm. Servs.
Crim. Inv.
Ident.
Intell.
Laboratory
Legal Coun.
Plan. & Insp.
Rec. Mgnt.
Tech. Servs.
Training
Off. of Cong. & Public Aff.
Telephone Rm.
Director's Sec'y

To : Mr. Finzel *f/rev*

Date 3/24/81

From : R. W. Scherrer *lwr*

Subject: **SURREPTITIOUS ENTRY**

~~CONFIDENTIAL~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE.

PURPOSE:

To place material related to captioned matter on record and to accomplish necessary indexing.

RECOMMENDATION:

1. That material related to captioned matter be placed on record and that necessary indexing be carried out.

f/Rev *g*

2. That this memorandum, with its enclosure, be retained in the Special File Room with access restricted to the Assistant Directors of the Records Management, Legal Counsel and Intelligence Divisions or those acting for them.

f/Rev *g* *h*

1- ENCLOSURE

Enclosure

62-117166

- 1 - Mr. O'Malley
- 1 - Mr. Mintz
- 1 - Mr. Finzel
- 1 - Mr. Dean
- 1 - Mr. Hall
- 1 - ~~██████████~~
- 1 - Mr. Scherrer

RWS
RWS
(8)

~~CONFIDENTIAL~~

Classified by ~~5745/...~~
Declassify on ~~OADR~~ 5/20/83

DE-54
GWS, O/KS

131

21 MAR 27 1981

CONTINUED OVER

83 MAR 27 1981

f/Rev
RWS

Memorandum R. W. Scherrer to Mr. Finzel
RE: SURREPTITIOUS ENTRY

~~CONFIDENTIAL~~

DETAILS:

Attached as an enclosure to the original of this memorandum is a folder captioned "SAC Folder Instructions," which was recovered at an undisclosed date from the New York Office. This material was not previously placed on record, inasmuch as there is no information contained therein identifying the target of any surreptitious entry. The information contained in the attached folder consists of various memoranda, routing slips and notes apparently related to the administrative handling of material secured through surreptitious entry. It is noted that a classification review of the material contained in the attached folder was conducted on 1/21/80. Also, as noted previously, no subject or target of surreptitious entry was identified in material contained in the attached folder. The following topics are mentioned and should be indexed to this memorandum:

(b)(1)



(c)

~~CONFIDENTIAL~~

Memorandum R. M. Scherrer to Mr. Finzel
RE: SURREPTITIOUS ENTRY

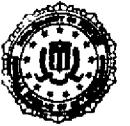
DETAILS:

H. N. Bassett memorandum to Mr. Callahan dated 5/11/76 reported the details of the acquisition of 27 volumes of personal folders maintained by the Assistant Director in Charge of the New York Office. These folders were acquired by former Assistant Director [REDACTED] and Inspectors [REDACTED] and [REDACTED] during the period 5/4/76 through 5/7/76. The above-described folders were taken to FBIHQ where they have been maintained since May, 1976. It is anticipated that these folders will not be returned to the New York Office, but will be retained at FBIHQ. The material contained in these folders identifies the targets of surreptitious entries carried out by the New York Office and are retrievable through the New York Office general index. (b) (7)

In order to facilitate FBIHQ retrieval of material contained in the 27 folders, the various memoranda contained therein will be indexed into the FBIHQ general index.

The 27 folders described above will be made bulky enclosures to instant memorandum and will be retained in the Special File Room with access restricted to the Bureau Officials identified in recommendation number two above.

Memorandum



Exec
Asst
Adm
Crim
Ident
Intell
Lab
Legal
Plan
Rec
Tech
Training
Off.
& P
Tele
Director

To : Mr. Finzel *+/RWS*

Date 6/16/81

From : R. W. Scherrer *RWS*

Subject : SURREPTITIOUS ENTRY
(BUFILE 62-117166)

[Redacted]
Rm 5991

B/C
OK

PURPOSE:

To advise that a volume of material related to captioned matter was placed on record and filed in FBIHQ file 66-8160 captioned "Technical Surveillance-General" and to report that a project will be instituted to transfer this material from the latter file into captioned file.

RECOMMENDATION: For information.

+/RWS

DETAILS:

Captioned file was opened as a result of an internal FBI investigation of surreptitious entries which was directed by former Assistant Director Richard E. Long. A review of the FBIHQ general index disclosed that a volume of material

62-117166

ENC. BEHIND FILE

- 1 - 66-8160
- 1 - Mr. O'Malley
- 1 - Mr. Mintz
- 1 - Mr. Finzel
- 1 - Mr. Dean
- 1 - Mr. Hall
- 1 - Mr. Scherrer

SEARCHED
SERIALIZED
INDEXED
FILED
DATE 4-16-82 BY SP4 JAM/cal

[Redacted]

B/C
OK

RWS *[Redacted]* (15)

CONTINUED OVER

21 JUL 14 1981

JUL 17 1981

Memorandum R. W. Scherrer to Mr. Finzel
RE: SURREPTITIOUS ENTRY
(BUFILE 62-117166)

related to the surreptitious entry investigation had been placed on record and filed in FBIHQ file 66-8160. In order to facilitate future retrieval to material pertaining to the surreptitious entry investigation, a project will be instituted to identify surreptitious entry information filed in FBIHQ file 66-8160 and to transfer this material to [REDACTED] captioned file. This project will be handled by [REDACTED] of the Special File Room Subunit and will be coordinated with the Consolidation Subunit.

2/6
5/10

Date of Mail 6/19/81

Classification of Mail:

- Unclassified
- Confidential
- Secret
- Top Secret
- SCI

Mail Category

- Letter X Airtel _____
- LHM _____ Memo _____
- Report _____ Other _____
- Teletype _____

Subject SURUPTICIOUS ENTRY INVESTIGATIONS

Originator of Material FBIHQ

This serial has been removed and placed in the Special File Room of Records Branch.

Authority - 62-116065

SEARCHED
SERIALIZED
INDEXED
FILED
JUN 24 1981
FBI - SP4 JRM/cal

File Number 62-117166-✓

PERMANENT SERIAL CHARGE-OUT

702

64

~~SECRET~~

SAC FOLDER - SECS. 1, 2, 3, 4, etc. material formerly in 66-6182-B (de indexed as follows:
Sec. 1 [redacted] compl. 1/13,
" 2 [redacted] " 1/26/56
" 3 [redacted] " 2/8/56
" 4 - not indexed.)

ALL
GWN
G/KCJ

SAC FOLDER (A) - contains material formerly in [redacted] (main file), reviewed and de-indexed as follows:

Sec. 1 - Part I [redacted] 2/28/56;

Sec. 1 - Part II - same agent, 2/29/56;

Sec. 2 - same agent, 3/13/56; (see att. sheet for add'l sections)

SAC FOLDER (B) - contains material formerly in 100-4931-Sub. 32. (re [redacted])

SAC FOLDER (C) - contains material formerly in 66-6182-A (re keys)

SAC FOLDER (D) - contains material re: [redacted]

SAC FOLDER (E) - contains material re: cameras, technical data etc.

[redacted]

" " (H) - RE [redacted]

" " (I) - RE [redacted] (C)

" " (J) - RE [redacted] c

" " (K) - RE [redacted] (C)

~~CONFIDENTIAL~~

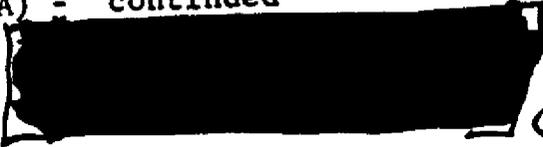
ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE
No longer in use.
Now filed 65-16594

~~SECRET~~

~~CONFIDENTIAL~~

SAC FOLDER (A) - continued

~~3~~ Sec. 3
~~4~~ Sec. 4
~~5~~ Sec. 5



(b/1/1)

~~SECRET~~

~~CONFIDENTIAL~~

9/17/58 -RE: CONFIDENTIAL TECHNIQUES RE CARS:

SEE TRAINING DOCUMENT #41, PRACTICAL WORK

IN STOLEN CAR CASES.

MR. SIMON:

ATTACHED ARE: INSTRUCTIONS RE CONF.
SOURCE ASSIGNMENTS - ALSO: ONE
MEMO DATED 1/5/56 NOT MARKED "JUNE"
AND ONE MARKED 1/11, MARKED JUNE AS
WELL AS "PERSONAL FOLDER SAC" -
WITH NOTE FROM MR. MOORE AS TO WHETHER
TO CONTINUE TO USE "JUNE" -

CHECK OF INSTRUCTIONS REFLECTED NO
PARTICULAR INFO ON THIS POINT.

I HAD SUGGESTED TO MR. O'CONNELL,
UPON RECEIPT OF MEMO 1/5/56, THAT
"JUNE" BE USED SO THAT IF BY ANY CHANCE
THIS MATERIAL GOT LOOSE & GOT TO
SERIALIZERS, IT WOULD BE RETURNED TO
SAC'S OFFICE, SINCE THEY HAVE BLANKET
INSTRUCTIONS NOT TO FILE ANYTHING WITH
"JUNE" ON. SINCE THESE MEMOS ARE
IN REGULAR FORM, BLOCK-STAMPED & INITIALED,
IT IS POSSIBLE SOME WOULD GO IN CASE
FILE. IS THERE ANY INSTRUCTION THAT
"JUNE" BE DISPENSED WITH HEREAFTER?
IT IS STILL USED ON LETTERS TO BUREAU
RE CONFIDENTIAL SOURCES, ETC.

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DATE 1/21/80 BY 284

12/28/55

CONFIDENTIAL SOURCE ASSIGNMENTS

Reference is made to my in-
formal note of 11/23/55 setting forth
contents of the conversation which I had
with Inspector B. C. BROWN.

After discussion with ASAC
DONALD MOORE on this date, I tele-
phonically contacted Inspector BROWN
and made the following recommendations
which he approved and stated should
be placed into effect.

The communications referring
to anonymous source assignments should
be completely deleted from the June file.
In addition, our indices should be
purged of all references to the communica-
tions covering anonymous source assign-
ments which were previously placed in
the June file. The memoranda and other
communications so extracted from the June
file will be placed in a personal folder
of the SAC to be maintained in the actual
personal custody of the SAC in the SAC's
personal office. The only official record
which will be maintained will be a card

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DATE 1/21/80 BY 28842

1/13/56 - Agreed that best to mark these
memos "June" as an extra safeguard
vs. filing inappropriately -
WR

index maintained by the SAC's Secretary which will set forth the number of the asterisk informant and the date of development of the informant.

It was agreed that the data placed in the SAC's personal folder would not be destroyed but would be retained.

These instructions are being stapled to the inside of said folder.

The communications extracted from the June file should be filed in chronological order.

In view of the decisions set forth above, it will be satisfactory to make a notation on any memoranda prepared covering confidential source assignments data concerning authority received from Headquarters.

(SEE ADDENDUM)

WILLIAM G. SIMON
ASAC

12/28/55

Further discussion has disclosed the necessity for maintaining a special index which contains the name, address, and the symbol number of a particular assignment. This index is referred to hundreds of times each month and is of absolute necessity to the workability of information secured under this program.

In addition it was noted that we must maintain a symbol informant card in the confidential informant index, it being noted that within the past several years instructions have been received that symbol numbers assigned to anonymous source assignments must be in sequence with symbol numbers assigned to tesurs, misurs, etc.

In addition it was noted that communications are forwarded to the Bureau each week advising the Bureau of the identity of symbol numbers assigned to anonymous source assignments and furnishing additional dates in connection with symbol numbers previously furnished to the Bureau.

In view of the above, I had another conversation with Inspector Brown. It was proposed that we maintain a special index under a personal label of James J. Kelly, to be

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1/21/80 BY 2442

utilized in connection with the personal folder to be maintained by James J. Kelly containing this material. Mr. Brown agreed that this was the only proper step which could be taken, it being agreed that it was necessary to report on this information.

I told him that the inconsistency which appeared was in connection with the maintenance of the symbol number card and the forwarding of communications to the Bureau explaining the designation of symbol numbers. I pointed out to him that within the past several years this system had been inaugurated by the NY office and that it has been very helpful in the report-writing phases of our work inasmuch as only the symbol number need be used rather than a long descriptive passage which attempts to explain the source of the information. Inspector Brown agreed that it would be necessary to maintain the symbol number card as in the past containing both the symbol number and the name of the subject and that also it would be necessary to continue forwarding to the Bureau as in the past under a JUNE and Personal & Confidential cover the designation of symbol numbers.

I pointed out to him that with respect to the administrative handling of these matters in the past year and a half there was no problem and that the main problems arose because of the variance in our procedures over the years in connection with anonymous source assignments conducted 10 and 15 years ago.

I also pointed out to him that there was a tremendous amount of information resulting from anonymous source assignments which had been channelized throughout the files of this office over the years.

W. G. SIMON, ASAC

See me

11/23/55

Inspector B. C. Brown advised me on 11/23/55 that with respect to any record of authorization of highly confidential sources, there should be no record in any file concerning authority secured for handling such an assignment.

The SAC should maintain an informal folder in his personal file or desk and in that folder there should be repositied an informal note concerning each particular assignment. These notes should be held until the next inspection.

Check Security 11/24/55

With respect to those files which contain such memoranda at the present time, they should be purged and the memoranda should be destroyed, on any of the assignments which have been completed.

These notes on each job should be retained in the future and will be deleted from the folder on the occasion of each inspection.

These instructions are being stapled to the inside of the folder, which will be placed in the lower lefthand drawer of the SAC's personal desk.

W. G. SIMON
ASAC

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DATE 1/21/80 BY 2842



1/3 - RE BAG JOBS & RECENT INSTRUCTIONS THAT FILES RELATING THERETO BE UN-INDEXED & COVERS CHANGED TO REFLECT "J.J.KELLY, PERSONAL", WITH NO NUMBER, AND KEPT IN YOUR OFFICE.

SINCE ALL CABINETS IN YOUR OFFICE ARE FULL, I WONDERED WHAT YOU THOUGHT MIGHT BE REMOVED- CONTENTS ARE AS FOLLOWS BEGINNING FROM ENTRANCE DOOR:

- 1 PRODIP EXHIBITS } *removed*
- 2 DETCOM EOLDERS } *removed*
- 3 YOUR SPEECH MATERIAL
- 4 YOUR PERSONAL FILES & PERSONNEL FILES OF VARIOUS CLERICAL EMPLS.
- 5 TOP SECRET MONOGRAPHS & PERSONNEL FILES ASACS
- 6 YOUR WORK DRAWER

HAVE REQUESTED A CABINET TO WHICH ALL WAR PLANS MATERIAL MIGHT BE TRANSFERRED (IT IS NOW IN 3 SEPARATE PLACES) AND WHEN SAME MADE AVAILABLE THERE WILL BE AMPLE SPACE IN YOUR OFFICE FOR THIS "JUNE" MATERIAL - OK TO HANDLE IT THIS WAY?

*1/3 spoke
EW per cab*

OH

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1/21/80 BY 2843

Memorandum

ALL
4/7/79

TO : SAC

DATE: 3/2/62

FROM :

[REDACTED]

"JUNE"

McL...
Edmit
OK?

SUBJECT:

ADMINISTRATIVE HANDLING OF "JUNE"
MATERIAL INVOLVING HIGHLY CONFIDENTIAL
AND ANONYMOUS SOURCES (HCAS)

- SAC
- ASAC
- SAC
- ASAC
- ASAC
- SEC 11
- SEC 12
- SEC 13
- SEC 14
- SEC 21
- SEC 22
- SEC 23
- SEC 24
- SEC 25
- SEC 26
- SEC 27
- SEC 28
- SEC 29
- SEC 30
- SEC 31
- SEC 32
- SEC 33
- SEC 34
- SEC 35
- SEC 41
- SEC 42
- SEC 43
- SEC 44
- SEC 45

The current procedure in the handling of memoranda involving highly confidential and anonymous sources is as follows:

- A - A June memorandum is prepared by the agent, setting out the results of his investigation to determine the security aspects of the contemplated assignment. Based on this memo, the Bureau is telephonically contacted and authority obtained. A notation by the ASAC is made on this memo setting out who authorized the assignment and the date. This memo is then filed in the SAC's folder, permanently. Once the assignment has been completed, if positive results are received a June memo is prepared setting out the results. This memo is also filed in the SAC's folder. All of these memos are filed according to date order.

AS to
above
2 3 0
4 24
New
Procedure

Authority for Above Procedure

On 11/23/55, ASAC William G. Simon spoke to Inspector B. C. Brown at which time Inspector Brown instructed that the SAC should maintain an informal folder in his personal file or desk and in that folder there should be repositied an informal note concerning each particular assignment. These notes should be held until the next inspection.

[REDACTED]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
Date 1/21/80 By 2842

SEARCHED	INDEXED
SERIALIZED	FILED
MAR 10 1962	
NEW YORK	

Folder

Memo

ASAC William G. Simon again spoke to Inspector B. G. Brown on 12/28/56, in which the above instructions were reiterated and according to Mr. Simon's statement, "It was agreed that the data placed in the SAC's personal folder would not be destroyed but would be retained."

RECOMMENDATION

When authority is desired to conduct an NCAS, a memorandum be prepared setting out the results of the investigation conducted in connection with the ascertaining of the security aspects involved. This memorandum should not in any way refer to the question of Bureau authority. This memorandum should be the basis for the ASAC calling the Bureau. When authority is obtained, the ASAC should prepare a brief memorandum setting out this authority. Both of the above memorandums should be filed in separate SAC folders in date order. At the time of the next inspection, the memorandums containing Bureau authority should be destroyed and the other memorandum retained. It is also felt that a memorandum setting out the results of the NCAS should be prepared and filed in the same SAC folder as the memorandum containing the results of the investigation and this also would be retained on a permanent basis.

B - Certain of the assignments are approved on a continuing basis. This means that each month, a memorandum is submitted to Asst. Director A. H. Belmont at the Bureau, setting out the results of certain NCAS that are of a continuing nature and these are approved on an NCAS basis, thus avoiding the necessity of asking for Bureau authority on an individual basis. A copy is retained in the New York Office and a copy is prepared for ASAC SCAM who retains it for approximately 2 weeks until there is a question of what approval has been obtained on an NCAS basis. He then destroys it.

RECOMMENDATION

That there be no change in this procedure.

A review of existing SAC folder reflects that it would be impossible to destroy these memoranda containing Bureau authority without destroying valuable information. It is, therefore, recommended that the proposed action recommended above be placed in effect so that the memoranda as they exist up to this time be retained in their present condition.

Date 1/30

- To
- Director
- Att.
- SAC
- ASAC
- Supv.
- Agent
- SE
- CC
- Steno
- Clerk

FILE #

Title 2, 3, 4

for

of goe

ACTION DESIRED

- | | |
|--|---|
| <input type="checkbox"/> Acknowledge | <input type="checkbox"/> Open Case |
| <input type="checkbox"/> Assign.....Reassign..... | <input type="checkbox"/> Prepare lead cards |
| <input type="checkbox"/> Bring file | <input type="checkbox"/> Prepare tickler |
| <input type="checkbox"/> Call me | <input type="checkbox"/> Recharge serials |
| <input type="checkbox"/> Correct | <input type="checkbox"/> Return assignment card |
| <input type="checkbox"/> Deadline..... | <input type="checkbox"/> Return file |
| <input type="checkbox"/> Deadline passed | <input type="checkbox"/> Return serials |
| <input type="checkbox"/> Delinquent | <input type="checkbox"/> Search and return |
| <input type="checkbox"/> Discontinue | <input type="checkbox"/> See me |
| <input type="checkbox"/> Expedite | <input type="checkbox"/> Send Serials..... |
| <input type="checkbox"/> File | to |
| <input type="checkbox"/> For information | <input type="checkbox"/> Submit new charge-out |
| <input type="checkbox"/> Initial & return | <input type="checkbox"/> Submit report by..... |
| <input type="checkbox"/> Leads need attention | <input type="checkbox"/> Type |
| <input type="checkbox"/> Return with explanation or notation as to action taken. | |

E: HIGHLY CONFIDENTIAL ANONYMOUS SOURCES.
 BASED ON RECENT DISCUSSION OF ADMINISTRATIVE
 HANDLING OF MEMORANDA RE ABOVE TYPES OF SOURCES,
 FOLLOWING TYPES OF MEMORANDA ARE NOT TO BE FOR-
 WARD: (1) MEMO PREPARED BY AGENT SETTING OUT
 RESULTS OF HIS INVESTIGATION RE SECURITY ASPECTS
 OF CONTINGENT ASSIGNMENT; (OVER)

See reverse side

SAC

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 1/21/99 BY 284

THESE MEMORANDA ARE MARKED "JUNK".
MEMORANDA OF THIS TYPE ARE MAINTAINED PER-
MANENTLY. THERE IS NO REFERENCE TO BU. AUTHORITY.
(2) BRIEF MEMO BY ASAC REFLECTING AUTHORITY
SECURED FROM BUREAU FOR CONTACT WITH SOURCE.
THESE MEMORANDA ARE FILED IN SEPARATE
FOLDERS IN SAC'S OFFICE, MARKED "JUNK",
AND WILL BE DESTROYED AT CONCLUSION OF OFFICE
INSPECTION.

(3) MEMO PREPARED BY AGENT SETTING OUT RESULTS
OF CONTACT WITH SOURCE, DESIGNATION OF SYMBOL
NUMBER, etc.; THESE MEMORANDA, MARKED "JUNK",
ARE MAINTAINED PERMANENTLY IN SAC'S PERSONAL
FOLDER. SUCH MEMORANDA SHOULD BE PREPARED
REFLECTING RESULT OF CONTACT OF SOURCE WHETHER
SUCCESSFUL & INFO DISSEMINATED WHICH IS ATTRI-
BUTED TO SYMBOL, OR NEGATIVE AND NO DISSEMINA-
TION MADE.

RE KEYS INVOLVED IN CONTACT OF SOURCES,
MEMOS CONCERNING REFERENCE TO BE HANDLED AS
HEADSTOCK (MEMO PREPARED FOR SAC "JUNK" FOLDER
SHOWING BOOK # IN ASAC'S TEL-KEY CARBON)
AND NO NOTATION IN CASE FILE.

H. G. FOSTER
SAC

Date 10/11/80

- To
- Director
- Att.
- SAC
- ASAC DIV. 2, 1, 4
- Supv.
- Agent
- SE
- CC
- Steno
- Clerk

FILE #

Title

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1/21/80 BY 2842

ACTION DESIRED

- | | |
|--|---|
| <input type="checkbox"/> Acknowledge | <input type="checkbox"/> Open Case |
| <input type="checkbox"/> Assign..... Reassign..... | <input type="checkbox"/> Prepare lead cards |
| <input type="checkbox"/> Bring file | <input type="checkbox"/> Prepare tickler |
| <input type="checkbox"/> Call me | <input type="checkbox"/> Recharge serials |
| <input type="checkbox"/> Correct | <input type="checkbox"/> Return assignment card |
| <input type="checkbox"/> Deadline..... | <input type="checkbox"/> Return file |
| <input type="checkbox"/> Deadline passed | <input type="checkbox"/> Return serials |
| <input type="checkbox"/> Delinquent | <input type="checkbox"/> Search and return |
| <input type="checkbox"/> Discontinue | <input type="checkbox"/> See me |
| <input type="checkbox"/> Expedite | <input type="checkbox"/> Send Serials..... |
| <input type="checkbox"/> File | to |
| <input type="checkbox"/> For information | <input type="checkbox"/> Submit new charge-out |
| <input type="checkbox"/> Initial & return | <input type="checkbox"/> Submit report by |
| <input type="checkbox"/> Leads need attention | <input type="checkbox"/> Type |
| <input type="checkbox"/> Return with explanation or notation as to action taken. | |

IN VIEW OF MEMORABLE STANDING WHICH SEEMS TO EXIST BY SOME OF THE NEWER SAS WHO HANDLE HIGHLY CONFIDENTIAL SOURCES (NEW TO THIS TYPE OF ASSIGNMENT, THAT IS), MEMO ORIGINALLY DATED 4/5/61 HAS BEEN RETYPED - WOULD APPRECIATE YOUR MAKING THIS AVAILABLE TO SAS TO WHOM IT WOULD BE PERTINENT. HAVE ENCOUNTERED DELAYS RECENTLY IN SECURING MEMORANDA TO SUPPORT ASSIGNMENT OF SYMBOL, ETC.

Office 1649

2: HIGHLY CONFIDENTIAL ANONYMOUS SOURCES

- (1) MEMO PREPARED BY AGENT SETTING OUT RESULTS OF INVESTIGATION OF SECURITY ASPECTS OF CONTEMPLATED ASSIGNMENT. THESE MEMORANDA ARE "JUNE", FOR "SAC FOLDER" AND DO NOT BEAR THE OFFICE OR BUREAU FILE NUMBER. THEY ARE MAINTAINED PERMANENTLY IN SAC'S OFFICE. THERE IS NO REFERENCE TO BUREAU AUTHORITY.
- (2) BRIEF MEMO BY ASAC REFLECTING AUTHORITY SECURED FROM BUREAU FOR CONTACT WITH SOURCE. THESE MEMORANDA ARE FILED IN SEPARATE SUB-FILE IN SAC'S OFFICE, MARKED "JUNE", AND WILL BE DESTROYED AT CONCLUSION OF EACH OFFICE INSPECTION.
- (3) MEMO PREPARED BY AGENT SETTING OUT RESULTS OF CONTACT WITH SOURCE, ASSIGNMENT OF SYMBOL, MAINTAINED PERMANENTLY IN SAC'S PERSONAL FOLDER. SUCH MEMORANDA SHOULD BE PREPARED REFLECTING RESULT OF CONTACT OF SOURCE WHETHER SUCCESSFUL & INFO DISSEMINATED, WHICH IS ATTRIBUTED TO SYMBOL, OR NEGATIVE AND NO DISSEMINATION MADE.
- (4) KEYS: MEMOS CONCERNING RETENTION PREPARED FOR SAC "JUNE" FOLDER, SHOWING HOOK NUMBER IN ASAC'S TEL-TEE CABINET, NONOTATION IN CASE FILE, RETAINED PERMANENTLY.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1/21/02 BY 10277/200

TO: FILE

3/26/63

FROM: SAC, NY

SUBJECT: CONFIDENTIAL SOURCES

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1/21/80 BY 2842 PMU/AB

On 3/25/63 Assistant to the Director, A. H. BELMONT called to advise of the Director's concern in regard to confidential sources, especially in view of pdc-shots being taken at the Bureau by LEVINE and others.

He stated that the Director, after reviewing the facts, has decided to continue with this valuable source of information, but all such sources are to receive close scrutiny. The SAC or ASAC is to approve each request and Bureau authority must be specifically obtained for the handling of each source. The Director wants to be sure that we are not going on a fishing expedition, but have a specific objective in mind when handling these sources.

He stated that the planning of each source should be gone over carefully and an informal memorandum concerning same should be placed in the safe in the SAC's office and kept there until the next Inspection, at which time the memoranda will be reviewed by the Inspector and destroyed. Mr. BELMONT stated he wants to be sure that we are using men of dedication and stability on this important type of assignment.

This matter was discussed at the conference of the ASACS on 3/26/63. It was pointed out that while we are to be extremely cautious in this type of operation, this should not be interpreted to mean that there should be any lessening of our activity in this field. If we expect to continue making in-roads in the security field, we should use every ounce of imagination and initiative at our disposal. It was pointed out that sometimes it is easy, when a caution of this sort emanates from the Bureau, to use it as a veto to slow down our operation and not accomplish the end result that we have been achieving in the past.

1 - NY

*discussed with
appropriate supervisor
3-27-63*

*Supervisors
advised 3-27-63*

*Supervisors advised
3/27/63*

Sampolder

SEARCHED INDEXED
SERIALIZED FILED
MAR 27 1963
FBI - NEW YORK

Memorandum



Exec AD Adm.
 Exec AD Inv.
 Exec AD LES
 Asst. Dir.:

- Adm. Servs.
- Crim. Inv.
- Ident.
- Intr.
- Laboratory
- Legal Coun.
- Plan. & Insp.
- Rec. Mgnt.
- Tech. Servs.
- Training
- Off. of Cong. & Public Affs.
- Telephone Rm.
- Director's Sec.

To : Mr. Finzel *f/rw*

Date 10/29/81

From : R. W. Scherrer *RW*

Subject : SURREPTITIOUS ENTRY
(BUFILE 62-117166)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 4-16-82 BY SP4JRM/cal

Reference is made to my memorandum dated 6/16/81, captioned as above.

PURPOSE:

To advise that the Surreptitious Entry project was completed on October 28, 1981.

RECOMMENDATION:

For information.

APPROVED: _____
 SPECIAL AGENT IN CHARGE

_____ *f/rw*

DETAILS:

Reference memorandum set forth that a volume of material relating to the above caption was placed in FBIHQ file 66-8160 Technical Surveillance-General and a project would be instituted to transfer this material to above captioned file.

Oral discussions between [redacted] Unit Chief, Special Records Unit, Records Systems Section, Records Management Division [redacted] and [redacted] resulted in procedures being defined and implemented regarding the transfer of all data dated after January 1, 1975.

All functions to perform the transfer of material from 66-8160 to 62-117166 has been completed.

*(2/6)
(5/10)*

- 1 - 62-117166
- 1 - 66-8160
- 1 - Mr. O'Malley
- 1 - Mr. Mintz
- 1 - Mr. Finzel
- 1 - Mr. Dean
- 1 - Mr. Scherrer

1 - [redacted]

NOV 2 1981

62-117166 - 134

61 NOV 09 '81 (15)

*file
5/10*

XXX
XXX
XXX

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- Information pertained only to a third party. Your name is listed in the title only.
- Documents originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you.
DEPT. OF JUSTICE, OFFICE OF PROFESSIONAL RESPO

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