FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1214327-0

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FD-36 (Rev. 2-14-74)

FBI

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED 2/23/77
DATE 09-17-2008 BY 60322/UCLRP/PJ/EHL

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

Via AIRTEL AIR MAIL
(Precedence)

TO: DIRECTOR, FBI
(ATTN: RECORDS MANAGEMENT DIVISION
FOI - PA BRANCH)

FROM: SAC, SACRAMENTO (62-564) (RUC)

SUBJECT: ELDRIDGE [redacted] CLEAVER v.
CLARENCE M. KEELEY, ET AL.,
(U.S.D.C., D.C.)
CIVIL ACTION #76-795
FREEDOM OF INFORMATION ACT (FOIA) MATTER
Buded 2/18/77

b6
b7C

Re Bureau teletype, 2/16/77; Sacramento airtel, 2/16/77; Bureau telephone call, 2/22/77.

Enclosed for the Bureau are two copies of Sacramento serials from the Sacramento main file of the Black Panther Party from 8/1/67 to 4/30/68. These are Sacramento serials 1 through 16 of Sacramento #157-52.

As indicated in referenced airtel from Sacramento, Sacramento does not have any serials for LEROY ELDRIDGE CLEAVER or [redacted] for this time period. 100-447251 13965

REC 55

EX-113

FEB 26 1977

30 ENCLOSURES DETACHED + FILED WITH SACRAMENTO AIRTEL DATED 2/16/77 WITH SAME SUBJECT

(2) - Bureau (~~Enc. 30~~)
1 - Sacramento
BRLK/kmc
(3)

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

55 MAY 13 1977

FD-36 (Rev. 2-14-74)

FBI

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-17-2008 BY 60322/UCLRP/PJ/EHL

2/24/77

Transmit the (Type in plaintext or code)

Via Airtel (Precedence)

TO: DIRECTOR, FBI
(ATTN: RECORDS MANAGEMENT DIVISION,
FOIPA BRANCH, SA FRANK UNDERWOOD)

FROM: ADIC, LOS ANGELES (190-4) (1) (RUC)

SUBJECT: ELDRIDGE [redacted] CLEAVER
v. CLARENCE M. KELLEY, ET AL.
(USDC, DC) CIVIL ACTION NO. 76-795
FREEDOM OF INFORMATION ACT (FOIA) MATTER
BUDED: 2/18/77

b6
b7C

Re Los Angeles airtel to the Bureau dated 2/17/77; Bureau telephone call to Los Angeles on 2/23/77.

Enclosed for the Bureau are two copies each of the following serials from the Los Angeles main file on the Black Panther Party (BPP):

157-1618-59
157-1618-60
157-1618-61
157-1618-89
157-1618-107
157-1618-112
157-1618-139
157-1618-140
157-1618-141

Also enclosed for the Bureau are two copies of an FD-338, which is a floating serial in Los Angeles BPP main file and which indicates serials from that file which have been previously destroyed.

100-447251-1396X6

ENCLOSURE REC-26 DE-21

3 - Bureau (Enc. 20)
1 - Los Angeles

KAJ/rv 19 ENCLOSURES DETACHED
(4) FILED WITH SERIAL FROM LOS ANGELES DATED 2/17/77

ST-126

24 MAR 4 1977

SUBJECT SAME AS ABOVE

Approved: Special Agent in Charge

Sent M Per

56 MAY 9 1977

GPO : 1975 O - 590-

For the information of the Bureau, the above enclosures were inadvertently ommitted from the enclosures submitted with referenced airtel.

For the additional information of the Bureau, the following is supplied in order that the Bureau may construct an inventory list of all serial gaps in documents supplied by Los Angeles to the Bureau pursuant to this request. The following is an inventory list of serial gaps from Los Angeles main file on LEROY ELDRIDGE CLEAVER: [redacted] b6 b7C

SERIAL	DESCRIPTION	RECEIVED	REASON
157-2323-3	Informant Report	7/1/68	Information outside the scope of the dates supplied by requestor.
-4	Informant Report	6/13/68	Information outside the scope of the dates supplied by requestor.
-5	Informant Report	7/26/68	Information outside the scope of the dates supplied by requestor.
-6	Los Angeles letter to San Francisco dated 1/17/67		Information outside the scope of the dates supplied by requestor.
-7	Informant Report	1/19/67	Information outside the scope of the dates supplied by requestor.

LA 190-4

SERIAL	DESCRIPTION	RECEIVED	REASON
-8	Informant Report	1/6/67	Information outside the scope of the dates supplied by requestor.
-9	Informant Report	2/9/67	Information outside the scope of the dates supplied by requestor.
-10	San Francisco airtel to Memphis dated 4/26/67		Information outside the scope of the dates supplied by requestor.
-13	Teletype from Albany to FBIHQ dated 7/27/68		Information outside the scope of the dates supplied by requestor.
-14	Teletype from San Francisco to FBIHQ dated 7/26/68		Information outside the scope of the dates supplied by requestor.
-15	Teletype from Honolulu to FBIHQ dated 8/8/68		Information outside the scope of the dates supplied by requestor.

LA 190-4

SERIAL	DESCRIPTION	RECEIVED	REASON
-17	Informant Report	7/9/68	Information outside the scope of the dates supplied by requestor.
-18	Informant Report	7/10/68	Information outside the scope of the dates supplied by requestor.
-19	Informant Report	7/19/68	Information outside the scope of the dates supplied by requestor.
-20	Informant Report	7/23/68	Information outside the scope of the dates supplied by requestor.
-21	Informant Report	7/23/68	Information outside the scope of the dates supplied by requestor.
-26	Informant Report	6/7/68	Information outside the scope of the dates supplied by requestor.
-27	Informant Report	6/19/68	Information outside the scope of the dates supplied by requestor.
-28	Informant Report	6/21/68	Information outside the scope of the dates supplied by requestor.

LA 190-4

SERIAL	DESCRIPTION	RECEIVED	REASON
-29	Identical to Serial Number 3 above		
-30	Informant Report	7/3/68	Information outside the scope of the dates supplied by requestor.
-31	Informant Report	7/10/68	Information outside the scope of the dates supplied by requestor.
-33	Informant Report	7/16/68	Information outside the scope of the dates supplied by requestor.
-34	Informant Report	7/17/68	Information outside the scope of the dates supplied by requestor.
-35	Informant Report	7/17/68	Information outside the scope of the dates supplied by requestor.
-36	Informant Report	7/23/68	Information outside the scope of the dates supplied by requestor.
-37	Informant Report	7/24/68	Information outside the scope of the dates supplied by requestor.

The following information is submitted for purposes of the Bureau inventory concerning the serial gaps in the Los Angeles main file on the BPP:

SERIAL	DESCRIPTION	RECEIVED	REASON
157-1618-1	San Francisco LHM dated 3/16/67		Information outside the scope of the dates supplied by requestor.
-2	San Francisco airtel to FBIHQ dated 3/16/67		Enclosed Serial Number 1.
-3	San Francisco airtel to FBIHQ dated 3/30/67		Corrected LHM serial number 1.
-4	San Francisco airtel to FBIHQ dated 5/3/67		Enclosed LHM serial 6.
-5	News article dated 5/3/67		Information outside the scope of the dates supplied by requestor.
-6	San Francisco LHM dated 5/3/67		Information outside the scope of the dates supplied by requestor.
-7	San Francisco LHM dated 4/26/67		Information outside the scope of the dates supplied by requestor.
-8	San Francisco airtel to FBIHQ dated 4/26/67		Enclosed LHM serial 7.

SERIAL	DESCRIPTION	RECEIVED	REASON
-9	San Francisco LHM dated 4/20/67		Information outside the scope of the dates supplied by requestor.
-10	San Francisco airtel to FBIHQ dated 4/20/67		Enclosed LHM serial 9.
-11	San Francisco LHM dated 5/5/67		Information outside the scope of the dates supplied by requestor.
-12	San Francisco airtel to FBIHQ dated 5/5/67		Enclosed LHM serial 11.
-13	State Teletype System Print-out dated 5/4/67		Information outside the scope of the dates supplied by requestor.
-14	San Francisco LHM dated 5/23/67		Information outside the scope of the dates supplied by requestor.
-15	San Francisco airtel to FBIHQ dated 5/23/67		Enclosed LHM serial 14.
-16	San Francisco LHM dated 6/14/67		Information outside the scope of the dates supplied by requestor.

LA 190-4

SERIAL	DESCRIPTION	RECEIVED	REASON
-17	San Francisco airtel to FBIHQ dated 6/14/67		Enclosed LHM serial 16.
-18	FD-159 dated 6/16/67		Information outside the scope of the dates supplied by requestor.
-22	San Francisco LHM dated 3/1/67		Information outside the scope of the dates supplied by requestor.
-23	San Francisco airtel to FBIHQ dated 3/1/67		Enclosed LHM serial 22.
-24	Informant Report	2/24/67	Information outside the scope of the dates supplied by requestor.
-25	San Francisco LHM dated 5/23/67		Information outside the scope of the dates supplied by requestor.
-26	San Francisco airtel to FBIHQ dated 5/23/67		Enclosed LHM serial 25.
-27	No serial in file		
-64	Los Angeles teletype to FBIHQ dated 5/3/68		Information outside the scope of the dates supplied by requestor.

SERIAL	DESCRIPTION	RECEIVED	REASON
-81	Los Angeles LHM dated 5/7/68		Information outside the scope of the dates supplied by requestor.
-82	Los Angeles airtel to FBIHQ dated 5/7/68		Enclosed LHM serial 81.
-83	San Francisco teletype to Los Angeles dated 5/13/68		Information outside the scope of the dates supplied by requestor.
-85	News article dated 5/14/68		Information outside the scope of the dates supplied by requestor.
-88	No serial in file		
-92	Los Angeles letter to San Francisco dated 5/20/68		Information outside the scope of the dates supplied by requestor.
-94	Los Angeles teletype to San Francisco dated 5/21/68		Information outside the scope of the dates supplied by requestor.
-95	New York teletype to FBIHQ dated 5/22/68		Information outside the scope of the dates supplied by requestor.

LA 190-4

SERIAL	DESCRIPTION	RECEIVED	REASON
-96	WFO teletype to FBIHQ dated 5/21/68		Information outside the scope of the dates supplied by requestor.
-97	FD-159 dated 5/23/68		Information outside the scope of the dates supplied by requestor.
-98	News article dated 5/24/68		Information outside the scope of the dates supplied by requestor.
-99	News article dated 5/24/68		Information outside the scope of the dates supplied by requestor.
-100	News article dated 6/21/68		Information outside the scope of the dates supplied by requestor.
-101	News article dated 6/21/68		Information outside the scope of the dates supplied by requestor.
-102	New York teletype to FBIHQ dated 5/25/68		Information outside the scope of the dates supplied by requestor.
-103	New York letter to San Francisco dated 5/24/68		Information outside the scope of the dates supplied by requestor.

LA 190-4

SERIAL	DESCRIPTION	RECEIVED	REASON
-104	Los Angeles airtel to San Francisco dated 5/24/68		Information outside the scope of the dates supplied by requestor.
-105	News article dated 5/3/68		Information outside the scope of the dates supplied by requestor.
-106	Informant Report	5/23/68	Information outside the scope of the dates supplied by requestor.
-108	New Orleans airtel to FBIHQ dated 6/3/68		Information outside the scope of the dates supplied by requestor.
-109	No serial in file		
-110	Los Angeles letter to FBIHQ dated 6/17/68		Information outside the scope of the dates supplied by requestor.
-111	Los Angeles report dated 7/5/68		Investigative period 5/20/68 to 7/1/68
-113	Informant Report	5/17/68	Information outside the scope of the dates supplied by requestor.

LA 190-4

SERIAL	DESCRIPTION	RECEIVED	REASON
-116	News article dated 7/10/68		Information outside the scope of the dates supplied by requestor.
-119	No serial in file		
-130 - 131	No serials in file		
-163	Memo from SA to SAC, Los Angeles dated 5/23/68		Information outside the scope of the dates supplied by requestor.
-168 - 169	No serials in file		
-175 - 176	No serials in file		
-178 - 179	No serials in file		
-181 - 184	No serials in file		
-187 - 189	No serials in file		
-193	No serial in file		
-194	Chicago airtel to FBIHQ dated 6/3/68		Information outside the scope of the dates supplied by requestor.
-195	Memo from SA to SAC, Los Angeles dated 6/4/68		Information outside the scope of the dates supplied by requestor.
-197	San Francisco LHM dated 6/3/68		Information outside the scope of the dates supplied

LA 190-4

SERIAL	DESCRIPTION	RECEIVED	REASON
-198	San Francisco airtel to FBIHQ dated 6/3/68		Enclosed LHM serial 197.
-199	Informant Report	6/4/68	Information outside the scope of the dates supplied by requestor.
-200	Informant Report	6/4/68	Information outside the scope of the dates supplied by requestor.
-202	Informant Report	6/4/68	Information outside the scope of the dates supplied by requestor.
-203	Informant Report	6/4/68	Information outside the scope of the dates supplied by requestor.
-204	Informant Report	6/4/68	Information outside the scope of the dates supplied by requestor.
-206	Supervisor Memo to SAC, Los Angeles, dated 6/7/68		Information outside the scope of the dates supplied by requestor.
-207	San Francisco LHM dated 6/5/68		Information outside the scope of the dates supplied by requestor.

SERIAL	DESCRIPTION	RECEIVED	REASON
-208	San Francisco airtel to FBIHQ dated 6/5/68		Enclosed LHM serial 207.
-209	New Orleans LHM dated 6/3/68		Information outside the scope of the dates supplied by requestor.
-210	San Francisco LHM dated 6/14/68		Information outside the scope of the dates supplied by requestor.
-211	San Francisco airtel to FBIHQ dated 6/14/68		Enclosed LHM serial 210.
-212 - 213	No serial in file		
-214	News article dated 5/15/68		Information outside the scope of the dates supplied by requestor.
-215 - 226	No serials in file		
-227	Memo from SA to SAC, Los Angeles, dated 6/11/68		Information outside the scope of the dates supplied by requestor.
-228	News article dated 6/12/68		Information outside the scope of the dates supplied by requestor.
-229	New York letter to Los Angeles dated 6/10/68		Information outside the scope of the dates supplied by requestor.

LA 190-4

SERIAL	DESCRIPTION	RECEIVED	REASON
-230	News article dated 6/12/68		Information outside the scope of the dates supplied by requestor.
-231	News article dated 6/13/68		Information outside the scope of the dates supplied by requestor.
-232	Memo of SA to SAC, Los Angeles, dated 6/14/68		Information outside the scope of the dates supplied by requestor.
-233	Los Angeles letter to FBIHQ dated 6/17/68		Purely administrative internal data
-234	News article dated 6/18/68		Information outside the scope of the dates supplied by requestor.
-235	Cincinnati LHM dated 6/13/68		Information outside the scope of the dates supplied by requestor.
-236	Cincinnati airtel to FBIHQ dated 6/13/68		Enclosed LHM serial 235.
-238	San Francisco airtel to Los Angeles dated 6/17/68		Information outside the scope of the dates supplied by requestor.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-17-2008 BY 60322/UCLRP/PJ/EHL

98
ENCLOSURE

100-447251-1396X6

~~140-1546~~

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

5010-108

UNITED STATES GOVERNMENT

Memorandum

TO : SAC,

DATE:

FROM : SA

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-17-2008 BY 60322/UCLRP/PJ/EHL

SUBJECT: BLACK PANTHER PARTY

In connection with the destruction of channelizing memoranda, the information contained on the serials listed below was incorporated in a ☐ report ☐ letterhead memorandum dated _____. Where the serial is accompanied by the file and serial number of the original informant report, the information was not used because it was of no value to the report. The review for the communication checked above was made from _____ through _____.

In accordance with the above, the following serials are to be destroyed.

Volume	Serials (List by serial or serial scope.)
1	28,29,31,65 thru 68, 70.
2	86,87,90,117,118,1122 thru 129,137,153 thru 161,164 thru 167,170 thru 176,177,180,186,190,196.
3	148,149,152, 155 thru 257,286
4	477,478.
5	515 thru 518,520,541,543,545,548,549,551553 thru 555,557 thru 560,562,563,567 thru 571,573 thru 579,581,590,595,598, 608,609,612 thru 614,616,633,634,636 thru 639,643 thru 646 649 thru 652.
6	664,665,667 thru 690,705 thru 710,725 thru 744,769,770, 773,774,776 thru 778,781,788,805,806.
7	849 thru 857,859 thru 870,877,883,884,886 thru 892,901,902, 907,909,911 thru 917,937 thru 945,958 thru 964,973 thru 977.

SEARCHED ..... INDEXED .....
SERIALIZED ..... FILED .....
MAR 28 1973

Destroyed by _____ Date _____

MAY 1962 EDITION
GSA GEN. REG. NO. 27

UNITED STATES GOVERNMENT

Memorandum

: SAC, DATE:

OM : SA

BJECT: BLACK PANTHER PARTY

In connection with the destruction of channelizing memoranda which are one year old, on a yearly basis, the serials listed below were destroyed. The review for this memorandum was made from serial _____ through serial _____.

In accordance with the above, the listing below sets forth the serials to be destroyed and the location of the original information: Destroyed because material wasn't pertinent to file or had previously been used in reports.

Volume	Serials	Location of the Original Informatio
7 cont.	935 thru 993,997 thru 1007,1019 thru 1022,1049 thru 1055.	
8	1057,1058,1060,1069,1070,1072 thru 1075,1086,1087,1097,	
	1098,1109 thru 1115,1119 thru 1126,	
9	1145,1146,1148A thru 1158,1185 thru 1191,1209 thru 1217,	
	1223 thru 1225,1227 thru 1235,1237,1256,1260 thru 1263,	
	1265 thru 1278.	
10	1285,1293 thru 1307,1338 thru 1340,1362 thru 1366,1384	
	thru 1386,1400 thru 1409,1411 thru 1427,1433,1456 thru	
	1459,1470,1471,1479 thru 1495.	
11	1552 thru 1593	
12	1637 thru 1640,1659 thru 1692,1700 thru 1710,1713 thru 1731,	
	1756 thru 1757,1769 thru 1771,1774,1775.	
13	1795 thru 1808.	

No. of copies _____ Approved _____

Destroyed by _____ Date _____

MAY 1962 EDITION
GSA GEN. REG. NO. 27

UNITED STATES GOVERNMENT

Memorandum

TO : SAC,

DATE:

FROM : SA

SUBJECT: BLACK PANTHER PARTY

In connection with the destruction of channelizing memoranda which are one year old, on a yearly basis, the serials listed below were destroyed. The review for this memorandum was made from serial _____ through serial _____.

In accordance with the above, the listing below sets forth the serials to be destroyed and the location of the original information: Destroyed material wasn't pertinent to file or had previously been used in reports.

Volume	Serials	Location of the Original Information
14	1827,1828,1830,1831,1833 thru 1835,1847,1857,1858,1862 thru 1869,1874 thru 1879,1881 thru 1883,1885 thru 1888,1894 thru 1898,1906 thru 1910,1922 thru 1924,1931 thru 1936,1949 thru 1953,1960 1964 thru 1966,1976 thru 1983,1990,1990A,1991, 1995 thru 2007.	
15	2017,2018,2032,2034 thru 2036,2048,2049,2051,2052,2039 thru 2096,2121 thru 2128,2131,2132.	
16	2136,2137,2141,2146 thru 2148,2152,2166 thru 2171,2174,2177 thru 2181,2195,2204 thru 2210,2215,2217,2240 thru 2245,2247, 2252,2253,2258,2259.	
17	2282 thru 2292,2335,2348 thru 2356,2362 thru 2367,2373 thru 2388,2393 thru 2397,2399 thru 2402.	

No. of copies _____

Approved _____

Destroyed by _____ Date _____

FD-338a (4-3-67)
ORIGINAL FORM NO. 19
MAY 1942 EDITION
GSA GEN. REG. NO. 27

2019-106

UNITED STATES GOVERNMENT

Memorandum

TO : SAC,

DATE:

FROM : SA

SUBJECT: BLACK PANTHER PARTY

In connection with the destruction of channelizing memoranda which are one year old, on a yearly basis, the serials listed below were destroyed. The review for this memorandum was made from serial _____ through serial _____.

In accordance with the above, the listing below sets forth the serials to be destroyed and the location of the original information: Destroyed material wasn't pertinent to file or had previously been used in reports.

Volume	Serials	Location of the Original Information
18	2420 thru 2427,2434 thru 2436,2438,2454,2464 thru 2468.	
19	2519,2521 thru 2547.	
20	2576 thru 2648,2653 thru 2656,2660,2669,2670,2672,2674 thru 2677,2679,2695,2696,2698,2699,2701 thru 2707,2709 thru 2711, 2713,2717,2720,2721,2734,2735,2737,2739 thru 2742,2747 thru 2749,2751,2755,2758 thru 2773,2777 thru 2785,2820.	
20	2822 thru 2828,2831 thru 2836,2838 thru 2840,2842 thru 2844, 2846 thru 2855,2857 thru 2893,2917 thru 2933,2938 thru 2945, 2947 thru 2951,2953 thru 2959,2961 thru 2970,2972 thru 2976, 2978 thru 2990,3019,3033 thru 3037,3040,3041,3043 thru 3045, 3047 thru 3049,3051 thru 3056,3059 thru 3061,3063 thru 3068, 3070 thru 3075,3092 thru 3095,3098,3105 thru 3110,3114 thru 3117.	

No Filing _____ Approved _____

Destroyed by _____ Date _____

FD-338a (4-3-63)
OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

UNITED STATES GOVERNMENT

Memorandum

TO : SAC,

DATE:

FROM : SA

SUBJECT: BLACK PANTHER PARTY

In connection with the destruction of channelizing memoranda which are one year old, on a yearly basis, the serials listed below were destroyed. The review for this memorandum was made from serial _____ through serial _____.

In accordance with the above, the listing below sets forth the serials to be destroyed and the location of the original information: Destroyed material wasn't pertinent to file or had previously been used in reports.

Volume	Serials	Location of the Original Information
22	3155 thru 3191,3194 thru 3196,3219 thru 3222,3224 thru	
	3232,3234 thru 3255,3259,3264,3267,3269 thru 3271,3273 thru	
	3275,3285 thru 3287,3289 thru 3302,3304 thru3307,3313,3315	
	thru 3320,3322,3328,3325 thru 3329,3331,3333 thru 3341,	
	3344 thru 3357,3359 thru 3366,3373,3374,3377 thru 3380,	
23	3388,3391,3392,3394 thru 3399,3401,3406 thru 3409,3416,3419,	
	thru 3601,3603 thru 3605,3607 thru 3611,3613 thru 3617,3620,	
	3622 thru 3630,3632 thru 3673,3675 thru 3690,3692,3693,	
	3695 ,3696,3701 thru 3704,3716 ,3717,3725 thru 3730,3773	
	thru 3786,3788 thru 3810.	
24	3811 thru 3827,3829 thru 3881,3883 thru 3889,3891 thru 3920,	
	3926 thru 3931, 3970 thru 4004.	

No. of copies _____ Approved _____

FD-336 (REV. 3-15-50)
OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-10

UNITED STATES GOVERNMENT

Memorandum

TO : SAC,

DATE:

FROM : SA

SUBJECT: BLACK PANTHER PARTY

In connection with the destruction of channelizing memoranda, the information contained on the serials listed below was incorporated in a ☐ report ☐ letterhead memorandum dated _____. Where the serial is accompanied by the file and serial number of the original informant report, the information was not used because it was of no value to the report. The review for the communication checked above was made from _____ through _____.

In accordance with the above, the following serials are to be destroyed.

Volume	Serials (List by serial or serial scope.)
25	4028 thru 4114, 4116 thru 4152, 4154 thru 4156, 4158,5159
	4162 thru 4238, 4238 thru 4262, 4256 thru 4269, 4349 thru
	4509, 4511 thru 4973, 4980,4984,4987,4992 thru 4995,
26	4996,5002 thru 5006,5018 thru 5020,5043.
27	5069,5070 thru 5219, 5223,5224,5226 thru 5240, 5242 thru
	5254,5258 thru 5262,5265,5269,5284 thru 5386,5388 thru
	5474,5476 thru 5482,5508 thru 5581,5583 thru 5590,
	5609 thru 5630,5631A thru 5679A,5680,5681, ~~[illegible]~~.
28	5691 thru 5693,5719 thru 5850,5900 thru 5958,5961 thru
	5974,5992,5993,6029 thru 6098,6100,61001,61004 thru 6132,
	6136 thru 6138,6141,4142,6150,6151,6157,6178 thru 6204,
29	6207 thru 6273,6285 thru 6407,6444,6487,6489 thru 6649,
	6674 thru 6676,6767 thru 6790.
30	6791 thru 7108,7110 thru 7155,7202 thru 7227.
31	7229 thru 7255, 7257 thru 7285,7330,7356 thru 7417.
32	7447,7449,7451 thru 7458,7461,7462,7464,7465,7518 thru
	7566.

Destroyed by _____ Date _____

FD-376 (Rev. 3-11-68)
OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, DATE:

FROM : SA

SUBJECT: BLACK PANTHER PARTY

In connection with the destruction of channelizing memoranda, the information contained on the serials listed below was incorporated in a [ ] report [ ] letterhead memorandum dated _____. Where the serial is accompanied by the file and serial number of the original informant report, the information was not used because it was of no value to the report. The review for the communication checked above was made from _____ through _____.

In accordance with the above, the following serials are to be destroyed.

Volume	Serials (List by serial or serial scope.)
33	7567 thru 7593, 7596 thru 7638, 7640 thru 7694, 7710 thru 7743, 7748 thru 7759.
34	7849 thru 7898, 7901 thru 7906, 7909 thru 7916, 7918, 7920 thru 7924, 7926 thru 7930, 7932, 7934 thru 7938, 7942, 7944, 7955, 7956, 8006 thru 8128, 8130 thru 8146, 8149 thru 8155.
35	8176 thru 8456, 8497 thru 8512, 8514 thru 8626, 8628 thru 8634, 8636 thru 8652, 8665 thru 8754, 8756 thru 8762, 8764, 8767 thru 8776, 8781 thru 8806, 8811 thru 8816, 8823 thru 8827, 8835 thru 8840, 8850 thru 8857, 8861 thru 8867, 8875, 8876, 8881, 8882.
36	8907 thru 9036, 9039 thru 9062, 9064 thru 9109, 9112 thru 9118, 9120 thru 9133, 9136 thru 9138, 9140, 9141, 9145 thru 9153, 9156 thru 9159, 9172, 9174, 9180 thru 9188.
42	9319

No. of copies _____ Approved _____

Destroyed by _____ Date _____

FEDERAL STATE OF FLORIDA
OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-06

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, DATE:

FROM : SA

SUBJECT: BLACK PANTHER PARTY

In connection with the destruction of channelizing memoranda, the information contained on the serials listed below was incorporated in a ☐ report ☐ letterhead memorandum dated _____. Where the serial is accompanied by the file and serial number of the original informant report, the information was not used because it was of no value to the report. The review for the communication checked above was made from _____ through _____.

In accordance with the above, the following serials are to be destroyed.

Volume	Serials (List by serial or serial scope.)
43	9935, 9937, 9963, 9975.
47	10436
49	10579

Destroyed by _____ Date _____

FD-36 (Rev. 2-24-74)

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HEREIN IS UNCLASSIFIED
DATE 09-17-2008 BY 60322/UCLRP/PJ/EHL

2/24/77

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

Via AIRTEL _____
(Precedence)

TO: DIRECTOR, FBI
(ATTN: RECORDS MANAGEMENT DIVISION
FREEDOM OF INFORMATION - PRIVACY ACTS BRANCH)

FROM: SAC, SAN DIEGO (190-3) (RUC)

SUBJECT: ELDRIDGE [redacted] CLEAVER
VS
CLARENCE M. KELLY;
ET AL
(U.S.D.C., D.C.)
CIVIL ACTION NUMBER 76-795
FREEDOM OF INFORMATION ACT (FOIA) MATTER

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Re Bureau telephone call to San Diego, 2/23/77.

Enclosed herewith for the Bureau is one copy of an FD-338 showing destruction of certain serials and one copy each of SA [redacted] memos dated 5/9/68 and 5/2/68.

These enclosures account for all of the missing serials in San Diego file 100-13978 entitled, "BLACK PANTHER PARTY."

100-447251-1396X7

No further investigation being conducted by San Diego at this time.

EX-106 REC-26 190-2546-17

2 enclosures detached filed with San Diego airtel dated 2/17/77 - same subject 10m 4/22/77

ENCLOSURE

FEB 28 1977

(2) Bureau (Enc. 3)
1-San Diego
JRR:cwf
(3)

Underwood

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

5-5 MAY 2 1977

GPO : 1975 O - 590-992

FD-338 (4-21-61)
OPTIONAL FORM NO. 10
GSA FPMR (41 CFR) 101-11.6
5010-104

UNITED STATES GOVERNMENT

Memorandum

TO : SAC San Diego (100-13978) DATE: 4/7/70

FROM : SA [redacted]

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SUBJECT: BPP

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DATE 09-17-2003 BY 60322/UCLRP/PJ/EHL

In connection with the destruction of channelizing memoranda, the information contained on the serials listed below was incorporated in a report dated . The review for this report was made from serial 101 through serial 41 (Dated 7/23/68)
See Rept. for Period
In accordance with the above, the following serials are to be destroyed:

Volume	Serials (List by serial or serial scope.)
I	3, 4, 7, 9, 10, 10A
	11, 13, 14, 15, 19
	~~22, 22A, 23, 27~~
	32, 36, 41

100-447251-1396x7

100-13978

SEARCHED
SERIALIZED
FILED
FBI — SAN DIEGO

~~140-25 dup 17~~

No. of copies 1

Approved

Destroyed by [illegible] Date 4/7/70

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

UNITED STATES GOVERNMENT

Memorandum

ALL INFORMATION CONTAINED
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DATE 09-17-2008 BY 60322/UCLRP/PJ/EHL

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

TO : The Associate Director

DATE: 2/25/77

FROM : Legal Counsel

SUBJECT: PEOPLE OF THE STATE OF CALIFORNIA v.
LEROY ELDRIDGE CLEAVER
SUPERIOR COURT
STATE OF CALIFORNIA, COUNTY OF ALAMEDA
SUBPOENA MATTER

PURPOSE: To advise of the receipt of subpoenas for FBI records issued by the defendant in captioned criminal action and our attempt to have the subpoenas quashed or narrowed.

SYNOPSIS: Criminal prosecution of Leroy Eldridge Cleaver is currently pending in Superior Court of the State of California, County of Alameda. He is charged with attempted murder and assault with a deadly weapon resulting from a shoot-out with local police officers in Oakland, California, in April, 1968. Mr. Cleaver's attorneys have issued subpoenas addressed to the San Francisco and Sacramento FBI Offices which request, in effect, review of all FBI records concerning Cleaver, the Black Panther Party, several other organizations with which Cleaver was associated, and numerous individuals who were Black Panther Party members and/or friends of Cleaver and production of a substantial portion of their records. Substantially identical subpoenas were served on San Francisco and Sacramento on 2/7/77 requiring the subpoenaed documents to be produced on 2/18/77. Similar subpoenas were served on the San Francisco offices of the CIA, Army Intelligence Command and the Internal Revenue Service during the week of 2/7/77.

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Enclosures

ENCLOSURE

1 - [redacted]
(Atten: [redacted])
1 - [redacted]
1 - FOIA Litigation Unit
1 - Legal Research Unit
1 - [redacted]

JRD:kg
(6)

REC-37 100-447251-B97

7 MAR 8 1977

LEGAL COUNSEL

(CONTINUED - OVER)

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

5010-108

FBI/DOJ

Memorandum to The Associate Director
Re: People of the State of California
v. Leroy Eldridge Cleaver,
Superior Court, State of California,
County of Alameda, Subpoena Matter

Cleaver is also the plaintiff in a civil action presently pending in United States District Court, District of Columbia, arising from his Freedom of Information Act (FOIA) request for FBI records relating to the incident for which he is now awaiting trial. The request for documents pursuant to the subpoenas overlaps the FOIA request but appears to be broader in scope.

Departmental Attorney John F. Barg, Civil Division, is handling this matter and has discussed the subpoenas with representatives of the Legal Counsel Division and with the Departmental Attorney who is handling the FOIA civil action. On 2/16/77, at the request of Mr. Barg, Special Agent Frank Underwood, III, Records Management Division, executed a brief affidavit summarizing the status of our production of documents pursuant to the FOIA request.

On 2/18/77 Mr. Barg appeared in Superior Court in Alameda County and filed a motion to quash the subpoenas, supported by the affidavit of Special Agent Underwood, arguing that the subpoenas were overly broad, unduly burdensome, would require duplication of effort and were beyond the jurisdiction of the Court to enforce. The Court took the matter under advisement and did not rule on the motion to quash. Legal Counsel Division is following this matter closely with Mr. Barg and will advise of the Court's decision when received. This matter is being coordinated with the Special Projects Unit of the General Investigative Division.

RECOMMENDATION: None. For information.

APPROVED:	Adm. Serv.	Legal Coun.
	Ext. Affairs	Plan. & Insp.
Director	Fin. & Pers.	Rec. Mgt.
Assoc. Dir.	Gen. Inv.	S. & T. Serv.
Dep. AD Adm.	Ident.	Spec. Inv.
Dep. AD Inv.	Intell.	Training

Memorandum to The Associate Director
Re: People of the State of California
v. Leroy Eldridge Cleaver,
Superior Court, State of California,
County of Alameda, Subpoena Matter

DETAILS: Leroy Eldridge Cleaver is presently awaiting trial in Superior Court of the State of California, County of Alameda, on charges of attempted murder and assault with a deadly weapon. These charges arise from his involvement in a shoot-out with local police officers in Oakland, California on 4/6/68. On 2/7/77 subpoenas issued by Cleaver's attorneys in this case were served on the San Francisco and Sacramento Field Offices. The subpoenas (Copy of San Francisco subpoena attached) served in Sacramento and San Francisco are identical with the exception of the name of the custodian of the records. The subpoenas are extremely broad in scope and would require, in effect, review of all FBI records concerning Cleaver, the Black Panther Party, several other organizations with which Cleaver was associated, and numerous individuals who were Black Panther Party members and/or friends of Cleaver and production of a substantial portion of these records. Substantially identical subpoenas were served on the San Francisco offices of the CIA, Army Intelligence Command, and the Internal Revenue Service during the week of 2/7/77.

It is noted that Mr. Cleaver also is the plaintiff in a civil action pending in United States District Court for the District of Columbia arising from his Freedom of Information Act (FOIA) request for FBI documents regarding the above-mentioned incident. The FBI has already released approximately 1330 pages pursuant to this request. The request for documents pursuant to the subpoenas overlaps the Freedom of Information Act request but is even broader in scope.

Departmental Attorney John F. Barg, Civil Division, has been assigned to handle this matter and has discussed the subpoenas with Special Agent [redacted] of the Legal Counsel Division and with Departmental Attorney Bruce Titus who is handling the FOIA Civil Action.

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On 2/16/77 Mr. Barg prepared an affidavit with the assistance of Mr. Titus summarizing the status of the FBI's production of documents to Mr. Cleaver pursuant to the FOIA. After review by the Legal Counsel Division, Special Agent Frank

Underwood, III, of the Records Management Division executed the affidavit and it was provided to Mr. Barg at that time. A copy of the affidavit was reviewed by the FOIA Litigation Unit, Legal Counsel Division, to insure it was consistent with prior statements in the FOIA suit. (Copy of affidavit attached.)

On 2/18/77 Mr. Barg appeared in Superior Court, Alameda County, and filed a motion to quash the subpoenas, supported by the affidavit of Special Agent Underwood, arguing that the subpoenas were unduly burdensome, overly broad, would require duplication of effort already expended pursuant to Cleaver's FOIA request, and were beyond the jurisdiction of the Court to enforce. The Court took the matter under advisement and has not as yet ruled on the motion to quash.

Legal Counsel Division is following this matter closely with the Department and will advise of the Court's ruling. This matter is being coordinated with Special Agent [redacted] of the Special Projects Unit of the General Investigative Division.

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

ALL INFORMATION CONTAINED
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DATE 09-17-2008 BY 60322/UCLRP/PJ/EHL

PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, v. LEROY ELDRIDGE CLEAVER, Defendant.	NO. 42287 SUBPOENA

TO: CUSTODIAN OF RECORDS OF The Federal Bureau of Investigation, San Francisco Field Office:

You are hereby commanded to appear before the Honorable Alan A. Lindsay of the Superior Court of Alameda County, Department 11, at 1225 Fallon Street, Oakland, California, on February 18, 1977, at 2:00 p.m., as a witness in a criminal action prosecuted by the people of the State of California against Eldridge Cleaver.

You are required, also, to bring with you papers described in Exhibit "A" attached to this Subpoena. Your personal presence is not required.

Given under my hand this 2nd day of February, 1977.

JOHN W. KEKER
Counsel for Defendant Eldridge Cleave

100-442251-1397

ENCLOSURE

JOHN W. KEKER
Kipperman, Shawn, Keker & Brockett
407 Sansome Street
Suite 400
San Francisco, California 94111
Telephone: (415) 788-2200

MARCUS S. TOPEL
360 Pine Street
Penthouse Suite
San Francisco, California 94104
Telephone: (415) 421-6140

Attorneys for Defendant ELDRIDGE CLEAVER

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-17-2008 BY 60322/UCLRP/PJ/EHL

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, v. LEROY ELDRIDGE CLEAVER, Defendant.	NO. 42287 EXHIBIT "A"

Any and all actual voice records, tapes, mechanical or electrical recordings, as well as written transcripts, logs, summaries, reports, memoranda, letters, airtels, notes, and other records of any form whatsoever in your possession, actual or constructive, or available to you, or obtainable from local offices or the main offices or headquarters or archives of your agency of:

(1) Any electronic or other surveillance of Eldridge Cleaver.

(2) Any electronic or other surveillance of the Black

100-442251-1394

Panther Party or its members, or of Cleaver's associates and associated organizations (as listed in Definitions and Instructions, infra), if such communications relate in any way to Eldridge Cleaver or to the incident charged as occurring on April 6, 1968, or the events leading thereto.

(3) Any intelligence activities concerning Eldridge Cleaver, conducted by, approved by, suggested by or participated in by any of the following organizations:

The Federal Bureau of Investigation
The National Security Agency
The United States Army, Navy and Air Force Intelligence Agencies
The Office of Special Air Force Investigation (OSI)
The Oakland California Police Department
The Emeryville California Police Department
The San Francisco Police Department
The Berkeley Police Department
The California Department of Criminal Investigation and Identification
The California Highway Patrol
The California Adult Authority
The California Department of Corrections
The Defense Intelligence Agency
The San Francisco Attorney General's Office
The Sacramento Attorney General's Office
The California Attorney General's Office
The San Francisco District Attorney's Office
The Alameda County District Attorney's Office
The Internal Revenue Service
The Central Intelligence Agency

(4) Any intelligence activities conducted by any organization listed in Paragraph 3 concerning the Black Panther Party or its members, or Cleaver's friends and organizations with which Cleaver was associated, if the record of such activity mentions or concerns Eldridge Cleaver or the April 6, 1968 incident or the events leading thereto.

////

(5) Applications for executive, administrative, or judicial approval of such surveillance or activities, as described above, and responses to such applications.

(6) Intelligence activity concerning or surveillance of Cleaver's attorneys, as listed below:

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DEFINITIONS AND INSTRUCTIONS

Paragraph 1 includes surveillance of any wire or oral communications as to which the person intercepting the communication was a party to the conversation, communications as to which a party to the conversation allegedly consented to surveillance, communications intercepted under the "emergency" provision contained in 18 U.S.C. Section 2518(7), communications intercepted under the "national security" provisions contained

in 18 U.S.C. Section 2511(3), communications intercepted pursuant to California Penal Code Section 630-637.2, and generally, all communications, intercepted with or without judicial authorization.

"Intelligence activity[ies]" as used herein includes, but is not limited to, surveillance, "bugging" or "tapping", protecting, harassing, spreading information (whether true or untrue) concerning, sending letters to, making calls to, intercepting calls to or from, intercepting mail or other communications to or from, trying to disrupt, interfere with, impede, or otherwise affect the activities of, infiltrating, relaying or uncovering or gathering information about, burglarizing the home or offices of, trying to cause dispute or dissension or enmity between, or otherwise spying upon or affecting or interfering with the activities, behavior or operations of the persons and entities listed below:

BLACK PANTHER PARTY MEMBERS

[redacted]

Huey P. Newton

[redacted]

Bobby Hutton

[redacted]

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FRIENDS AND ORGANIZATIONS ASSOCIATED WITH CLEAVER

[redacted]

Roscoe Proctor (CPUSA)

[redacted]

[redacted]

Stokely Carmichael

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The Black Panther Party or local offices thereof
The Black Panther Party for Self Defense
United Slaves - U.S.
Black Panther Party of Northern California
The National of Islam
I AM
African American Historical and Cultural Society
Black Student's Union (San Francisco State College)
Student Nonviolent Coordinating Committee
The Black House
"The Movement" Newspaper
Friends of SNCC
The National Guardian Newspaper
Communist Party, U.S.A.
Socialist Worker's Party
Committee for New Politics
International Socialist Club
Peace and Freedom Party
Midpeninsula Observor Newspaper
Ramparts Magazine

The "incident of April 6, 1968" refers to the occurrences on that date described in Paragraph 3 of the attached Affadavit.

JOHN W. KEKER
Kipperman, Shawn, Keker & Brockett
407 Sansome Street
Suite 400
San Francisco, California 94111
Telephone: (415) 788-2200

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DATE 09-17-2008 BY 60322/UCLRP/PJ/EHL

MARCUS S. TOPEL
360 Pine Street
Penthouse Suite
San Francisco, California 94104
Telephone: (415) 421-6140

Attorneys for Defendant ELDRIDGE CLEAVER

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, v. LEROY ELDRIDGE CLEAVER, Defendant.	NO. 42287 AFFIDAVIT OF JOHN W. KEKER IN SUPPORT OF SUBPOENA DUCES TECUM

STATE OF CALIFORNIA)
) ss.
CITY AND COUNTY OF SAN FRANCISCO)

I, JOHN W. KEKER, being duly sworn, deposes and states:

1. I am an attorney of record for the defendant in this action, which is set for jury trial on May 9, 1977, in the Alameda County Superior Court.

2. On information and belief, the witness subpoenaed, or his duly authorized representative, has in his possession or under his control the documents described in Exhibit "A", which is attached

ENCLOSURE

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to the accompanying subpoena duces tecum.

3. The information requested is material to a proper and fair presentation of the defense of my client, and will facilitate the ascertainment of the facts in this case, for the following reasons which I set forth on information and belief, based on my examination of documents available to me.

Eldridge Cleaver was indicted on April 24, 1968, on three charges of attempted murder and three charges of assault with a deadly weapon. All charges stem from an incident on April 6, 1968, involving members of the Oakland and Emeryville Police Departments and members of the Black Panther Party. Each of the persons allegedly assaulted by Eldridge Cleaver -- [redacted] -- were at the time members of the Oakland Police Department.

Officers [redacted] and [redacted] have testified that the incident began when they were fired upon without provocation. They claim that they employed no unnecessary, excessive or illegal force. Officer [redacted] has testified to the effect that the alleged assault upon him occurred while he was trying to apprehend suspects in the basement of or alley adjacent to 1218 28th Street, Oakland, the address at which Eldridge Cleaver was arrested. Numerous officers have testified before the Grand Jury that returned the indictment against Eldridge Cleaver and at trials of co-defendants that Bobby Hutton, arrested at the same time and place as Eldridge Cleaver, was shot and killed trying to escape.

On the other hand, [redacted] h. testified

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that the incident began when Officers [redacted] and/or [redacted] began firing their guns, without cause or justification. Further, the Honorable Raymond J. Sherwin, Judge of the Superior Court of Solano County, found that Eldridge Cleaver's only handling of a firearm on the night of April 6, 1968 was in obedience to a police command. Statements made by other police officers present at the scene of the arrest, statements not presented to the Grand Jury, contradict the testifying officers' description of the killing of Bobby Hutton, and indicate that Bobby Hutton was not trying to escape when he was killed by policemen.

Each of the officers who has testified has explained his presence at the location of the incident occurred as a result of normal police practices and procedures. However, on April 6, 1968, Eldridge Cleaver and other members of the Black Panther Party believed they were the objects of a police vendetta. On and before the date of the incident, Eldridge Cleaver received numerous telephone calls from unnamed sources, such calls coming not only to his home, but to whatever house he visited. The pattern of the calls, and the fact that the anonymous callers somehow knew both Cleaver's travel plans and his whereabouts, strongly suggests the use of electronic surveillance of Eldridge Cleaver's phone, of the phones in the Black Panther Party office, and of the phones of Eldridge Cleaver's friends, acquaintances and fellow party members.

[redacted] of the Black Panther Party at the time of the incident, has testified that on April 5, 1968, he received anonomous telephone calls at Black Panther Party

Headquarters, which calls threatened the lives of Black Panther Party members, and specifically threatened the life of Eldridge Cleaver. Such calls are believed to result from intelligence activity of some governmental agency.

On April 6, 1968, the date of the incident, a person claiming to be associated with the San Francisco Police Department came to Black Panther Party Headquarters in Oakland, California to say he would be a pipeline for the Black Panthers, and stating further that the police were going to try and trick the Panthers so that the police could kill them. The officer further warned that the Oakland Police Department was planning to raid Black Panther Headquarters and advised that any weapons be removed therefrom. This alleged policeman has not been identified, and it is believed that he was an operative of a government law enforcement agency, acting in an undercover capacity to infiltrate, spy upon or provoke the Black Panthers.

The Federal Bureau of Investigation maintained surveillance on Black Panther Party Headquarters and upon Party-related locations beginning no later than February 26, 1968, and continuing up to and including the date of the incident. In addition, the long distance numbers called from Cleaver's home phone were investigated as early as December, 1967, by the Federal Bureau of Investigation and/or other governmental agencies; some persons to whom Cleaver placed calls were also investigated. Cleaver was listed on the Federal Bureau of Investigation's Security Index; a separate listing on the FBI's "Rabble Rouser Index" was reserved for the Black Panter Party

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1 and identified members thereof, including Eldridge [redacted]
2 Cleaver. By the date of the incident one or more informants
3 reporting to the FBI and/or to other governmental agencies had
4 infilitrated the Black Panther Party and were in positions whence
5 they could both report on the planned activities of the Black
6 Panther and also effectuate disruptive tactics directed by their
7 employer agency. The FBI regularly transmitted to local law
8 enforcement agencies, and also to the OSI, the Secret Service,
9 the intelligence agencies of the Army and Navy, and other
10 domestic intelligence agencies, information gathered from such
11 informants and surveillance, and notified such agencies of
12 the plans and activities of Eldridge Cleaver and the Black Panther
13 Party.
14 As early as 1961, the California Department of Corrections
15 had targeted Eldridge Cleaver as a black activist and follower of
16 the Black Muslim Movement. Prior to the release of Cleaver from
17 incarceration in December, 1966, the FBI requested the Department
18 of Corrections to identify and closely watch such "Malcolm X types"
19 and to notify the FBI upon their release so the FBI could continue
20 surveillance. Cleaver was so identified; in addition, the Special
21 Service apparatus of the Department of Corrections maintained
22 surveillance of Cleaver after his parole, in cooperation with
23 officials of the California Adult Authority.
24 Cleaver's association with persons identified by intelligence
25 agencies as Communists subjected him to further surveillance and
26 intelligence activities, including interception and copying of his

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correspondence with [redacted]. Similarly, Cleaver's ties to the Socialist Workers Party, Student Nonviolent Coordinating Committee, the Peace and Freedom Party and other "New Left" groups, which groups were the targets of surveillance and intelligence activities of local and domestic law enforcement and/or intelligence agencies, made him also a target of such surveillance and intelligence activities.

Public documents have established that on or about the date of the incident domestic intelligence activities were conducted by various government law enforcement and intelligence agencies against so-called black extremist groups, activities designed to spy upon such groups, to disrupt their activities, to assassinate or cause the assassination of their leaders, to spread lies and untruths about such groups, to cause internal dispute and dissension, in short, to eradicate such groups, including the Black Panther Party. Much of this activity was illegal. Eldridge Cleaver, the Black Panther Party, and its members, Cleaver's friends, and organizations which he associated, described in Exhibit "A", were targets of such surveillance and activities conducted by some or all of the following governmental agencies: The Federal Bureau of Investigation, the Secret Service, the National Security Agency, the United States Army, Navy and Air Force Intelligence agencies, the Internal Revenue Service, the Central Intelligence Agency, the OSI, the Oakland California Police Department, the Emeryville California Police Department, the San Francisco Police Department, the Berkeley

Police Department, the California Department of Criminal Investigation and Identification, the California Highway Patrol, the California Adult Authority, the California Department of Corrections, the National Security Agency, the Defense Intelligence Agency, the Racial Intelligence Agency, the San Francisco Attorney General's Office, the Sacramento Attorney General's Office, the San Francisco District Attorney's Office, and the Alameda County District Attorney's Office.

Intelligence activities conducted by government agencies after April 6, 1968, included electronic surveillance of Cleaver's attorneys and interception of confidential communications and information. Such conduct is in violation of Cleaver's Sixth Amendment rights.

The just described intelligence activities evidence the interest on and about April 6, 1968, of domestic law enforcement and intelligence agencies in the activities of Eldridge Cleaver, the Black Panther Party, and Cleaver's friends and associates as described in Exhibit "A". Further, the killing of Bobby Hutton during the incident and the attendant violations of State and Federal law spurred the interest of said agencies. The FBI conducted an investigation of the incident, and has taken statements from witnesses in addition to those heretofore produced at trial or provided to the Oakland Police Department or to the Alameda County District Attorney.

Defendant needs the subpoenaed materials on surveillance of himself and the parties described in Exhibit "A" to the

Subpoena in order to prepare his defense, for the evidence relates directly to the truth of police officers' assertions that their presence at the scene of the arrest was the result of normal police procedures, rather than the result of a purposeful and concerted conspiracy among various law enforcement agencies to harass, intimidate or even assassinate Eldridge Cleaver and/or other Black Panthers. The evidence also directly bears upon whether the officers' firing upon Eldridge Cleaver and the other Black Panther Party members present at the scene of the incident was an attempt to effectuate an arrest, was in self-defense, or was intended to kill Eldridge Cleaver and/or other Black Panthers without legal cause or justification. Further, as the bulk of the surveillance was illegal and in violation of the First and Fourth Amendment rights of Eldridge Cleaver and other Black Panthers, the material is relevant and indispensible to planned and potential motions to suppress or exclude evidence as illegally seized or as the fruit of a search in contravention of the Constitution. The material also relates to Cleaver's state of mind on April 6, 1968, as to whether the officers were in the course of official duty, and to the officers' propensity for violence. Documents relating to intelligence activity after April 6, 1968, are necessary for potential motions to dismiss the charges for prosecutorial misconduct, and to exclude evidence obtained through violations of Eldridge Cleaver's Fourth and Sixth Amendment rights. The records will also relate to the truthfulness of witnesses' statements and testimony concerning the incident, an issue particularly

important here where the likelihood that Bobby Hutton was murdered by police officers immediately following his arrest provides motive, bias and interest for the police officers to have distorted their public testimony about the preceding conduct of Hutton and Cleaver.

4. The material subpoenaed is not available for inspection by the general public, and the defendant cannot obtain such material through his own efforts.

DATED: February 3rd, 1977

JOHN W. KEKER

Subscribed and sworn to before me this 3rd day of February, 1977.

NOTARY PUBLIC

OFFICIAL SEAL
DINAH ROBERTS
NOTARY PUBLIC - CALIFORNIA
CITY & COUNTY OF SAN FRANCISCO
My Commission expires Nov. 24, 1979

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-17-2008 BY 60322/UCLBP/PJ/EHL

PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, v. LEROY ELDRIDGE CLEAVER, Defendant.	No. 42287 AFFIDAVIT OF FRANK UNDERWOOD, III

I, Frank Underwood, III, being duly sworn, depose and say as follows:

(1) I am a Special Agent of the Federal Bureau of Investigation (FBI), assigned in a supervisory capacity to the Freedom of Information-Privacy Acts (FOIPA) Branch, Records Management Division, at FBI Headquarters, Washington, D. C.

(2) Due to the nature of my official duties, I am personally familiar with the FBI's production of documents to defendant Cleaver pursuant to the FOIA. The information furnished herein is based upon my personal knowledge, obtained in my official capacity.

(3) On or about January 12, 1977, the FBI released to defendant Cleaver's attorney under the FOIA all non-exempt documents, totaling approximately 1330 pages, from our Central Records System at FBI Headquarters concerning Leroy Eldridge Cleaver, [redacted] and the California branches of the Black Panther Party that fell within the time period of August 1, 1967 through April 30, 1968. Additionally, defendant Cleaver's attorney was furnished with an index of all documents within the ambit of the narrowed request and a detailed justification for the withholding

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100-441201-1397

ENCLOSURE

of those records deemed exempt from the compelled disclosure provisions of the FOIA.

(4) I caused a search to be made of the approximate records of the FBI for the period August 1, 1967 through April 30, 1968, and have determined that no one identifiable with Leroy Eldridge Cleaver or [redacted] was the target of electronic surveillance coverage, nor were any of their conversations monitored by an electronic device of the FBI during the time period of August 1, 1967 through April 30, 1968. In addition, the FBI did not maintain any electronic surveillance on premises which were known to have been owned, leased, or licensed by defendant Cleaver [redacted] or the California branches of the Black Panther Party during the aforementioned time period.

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Frank Underwood III

FRANK UNDERWOOD, III
Special Agent
Federal Bureau of Investigation
Washington, D. C.

Subscribed and Sworn to before me this 16th day of February, 1977.

Mildred M. Foster
NOTARY PUBLIC

My commission expires My Commission Expires September 14, 1981.

CBD-183

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-17-2008 BY 60322/UCLRP/PJ/EHL

ELDRIDGE [redacted] CLEAVER,
Plaintiffs,

v.

CLARENCE M. KELLEY, et al.,
Defendants.

Civil Action No. 76-0795
(N.D. CA Misc. No. 77-042 C)

NOTICE TO TAKE DEPOSITION

TO: Counsel for Defendants

You are hereby notified that the deposition of Charles Gain, Chief of Police, City and County of San Francisco, California, has been reset and will now be taken at the law offices of John Keker, Esquire, Kipperman, Shawn, Keker & Brockett, 407 Sansome Street, Suite 400, San Francisco, California, on Friday, March 11, 1977, at 2:00 p.m., and that the taking of said deposition, if not completed that day, will be continued from day to day at the same place until completed.

Terry F. Lenzner
Terry F. Lenzner

Robert B. Cornell
Robert B. Cornell

Wald, Harkrader & Ross
910 Seventeenth Street, N.W.
Washington, D.C. 20006
(202) 872-8155

Counsel for Plaintiffs

Dated: February 18, 1977

ENCLOSURE

Rec'd from Dept Talks 2/23/77 WWH

Rec'd Atty

2-3648

XEROX
MAR 3 1977

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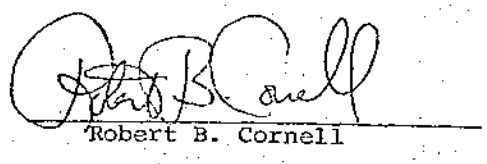
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice to Take Deposition was hand delivered, this 18th day of February, 1977, to:

Joseph Guerrieri, Esquire
Assistant United States Attorney
United States Courthouse
Room 3415
Constitution Avenue and John
Marshall Place
Washington, D.C. 20001

Bruce E. Titus, Esquire
Deputy Chief
Information and Privacy Unit
Civil Division
Department of Justice
Washington, D.C. 20530

Barbara Ward, Esquire
Department of Justice
Room 3411
Washington, D.C. 20530



Robert B. Cornell

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DATE 09-17-2008 BY 60322/UCLBP/PJ/EHL

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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ELDRIDGE [redacted] CLEAVER, Plaintiffs,	)	
v.	)	Civil Action No. 76-0795
CLARENCE M. KELLEY, et al., Defendants.	)	

PLAINTIFFS' FIRST INTERROGATORIES
AND REQUEST FOR PRODUCTION OF DOCUMENTS

Pursuant to the Court's Order dated February 11, 1977, plaintiffs request the defendants to respond to the following Interrogatories and Request for Production of Documents and to do so within seven (7) days. Plaintiffs' Interrogatories and Request for Production of Documents are continuing in nature. If further exemptions are invoked in the course of these proceedings plaintiffs request defendants to amend their responses within seven (7) days after such exemption is invoked:

1. Identify the person or persons responding to these Interrogatories on behalf of the defendants.

2. Identify each person who assisted in the preparation of answers to these Interrogatories, including any person supplying information or documents for use in such answers.

3. Describe the information or documents supplied by each such person.

4. Describe all documentary sources used in making answers to these Interrogatories, including the identity of any document involved.

5. For each document for which an exemption under 5 UwS.C. §552(b)(1) is claimed, state:

a. Why release of the document would cause damage to the national security;

b. Whether the reference has been classified by an authorized official;

c. Who classified the document; and

d. Whether the document containing the reference is scheduled to be downgraded and if so, when.

6. For each document for which an exemption under 5 U.S.C. §552(b)(2) is claimed, state how and by what criteria it was determined that the materials excised were related solely to internal personnel rules and practices of the agency.

7. For each document for which an exemption under 5 U.S.C. §552(b)(3) is claimed, state:

a. The statute and pertinent section thereof specifically exempting the document from disclosure;

b. How release of the excised material would allegedly contravene such statute;

c. By what criteria it was determined that the excised material fell within such statute.

8. For each document for which an exemption under 5 U.S.C. §552(b)(7)(C) is claimed, state:

a. How and by what criteria it was determined that the documents were investigatory records compiled for law enforcement purposes;

b. How release of the excised material would constitute an invasion of personal privacy; and

c. How and by what criteria it was determined that the invasion of privacy would be unwarranted.

9. For each document for which an exemption under 5 U.S.C. §552(b)(7)(D) is claimed, state:

a. How and by what criteria it was determined that the documents were investigatory records compiled for law enforcement purposes;

b. How release of the excised material would disclose the identity of a confidential source; and

c. Whether individual consideration was given to determining whether the identity of the source was any longer in need of being protected and whether the source wished to reveal his identity.

10. For each document for which an exemption under 5 U.S.C. §552(b)(7)(E) is claimed, state:

a. How and by what criteria it was determined that the documents were investigatory records compiled for law enforcement purposes; and

b. How release of the excised material would disclose investigative techniques and procedures.

11. For each document for which an exemption under 5 U.S.C. §552(b)(7)(F) is claimed, state:

a. How and by what criteria it was determined that the documents were investigatory records compiled for law enforcement purposes; and

b. How release of the excised material would endanger the life or physical safety of law enforcement personnel.

12. With reference to plaintiffs' narrowed request as contained and illustrated in plaintiffs' letter of May 21, 1976, addressed to [redacted], kindly state:

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a. Whether the Department of Justice has within its files records or copies of records emanating from any other federal or state agency which may pertain to plaintiffs' narrowed request;

b. Whether the Department of Justice has records which reflect the identity and existence of records maintained by other federal or state agencies which may pertain to plaintiffs' narrowed request;

c. Whether such records are indexed in the FBI Central Records System and if not, state how and where they are indexed or referenced;

d. If any such records exist, plaintiffs request that they be identified and produced in accordance with the Court's Order of December 22, 1976.

13. Which FBI agents and supervisory officials were assigned to the Oakland, California, area for the period August, 1967 through April, 1968, and for each person, kindly specify:

a. Their names;

b. Their titles and positions during the subject period;

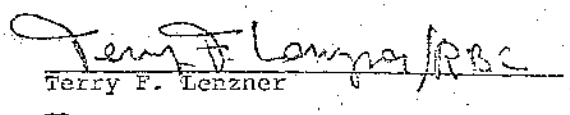
c. Their current addresses and telephone numbers.

14. With respect to FBI agents and officials other than referred to in Interrogatory Number 13 who may have knowledge about activities directed against plaintiffs and their associates including the California branches of the Black Panther Party, kindly state:

a. Their names;

b. Their titles and positions during the subject period;

c. Their current office addresses and telephone numbers.



Terry F. Lenzner

Robert B. Cornell

Wald, Harkrader & Ross
910 Seventeenth Street, N.W.
Washington, D.C. 20006
(202) 872-8155

Attorneys for Plaintiffs

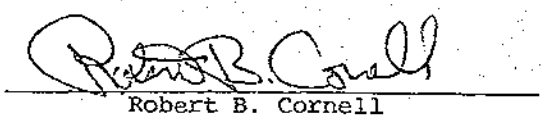
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Plaintiffs' First Interrogatories and Request for Production of Documents was hand delivered, this 18th day of February, 1977, to:

Joseph Guerrieri, Esquire
Assistant United States Attorney
United States Courthouse
Room 3415
Constitution Avenue and John
Marshall Place
Washington, D.C. 20001

Bruce E. Titus, Esquire
Deputy Chief
Information and Privacy Unit
Civil Division
Department of Justice
Washington, D.C. 20530

Barbara Ward, Esquire
Department of Justice
Room 3411
Washington, D.C. 20530



Robert B. Cornell

FD-36 (Rev. 7-27-76)

FBI

TRANSMIT VIA:	PRECEDENCE:	CLASSIFICATION:
☐ Teletype	☐ Immediate	☐ TOP SECRET
☐ Facsimile	☐ Priority	☐ SECRET
☒ Airtel	☐ Routine	☐ CONFIDENTIAL
		☐ E F T O
		☐ CLEAR

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Date 2/28/77

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TO: DIRECTOR, FBI
(ATTENTION: RECORDS MANAGEMENT DIVISION,
FREEDOM OF INFORMATION - PRIVACY ACTS BRANCH)

FROM: SAC, SAN FRANCISCO (66-4556)

SUBJECT: ELDRIDGE [redacted] CLEAVER V.
CLARENCE M. KELLEY, ET AL.,
(U.S.D.C., D.C.)
CIVIL ACTION NO. 76-795
FREEDOM OF INFORMATION ACT (FOIA) MATTER

Re San Francisco airtel to Director 2/17/77; Bureau telephone call to San Francisco 2/24/77.

Enclosed for the Bureau are two xerox copies of the following serials pertaining to captioned matter which were omitted from referenced San Francisco airtel to the Bureau.

San Francisco file 100-55520

Serials 191, 215, 216, 217, 218, 220, 224

100-447251-1397X

EX-105

ENCLOSURE

REC-26

20 MAR 8 1977

(2) - Bureau (Enc. 2)
2 - San Francisco
TJAH:lmk
(4)

2 ENCLOSURES DETACHED + FILED WITH SAN FRANCISCO AIRTEL DATED 2/07/77 WITH SAME SUBJECT

9/22/77

Approved: _____ Transmitted _____ (Number) _____ (Time) Per _____

53 MAY 16 1977

SF 66-4556
TJAH:lmk

San Francisco file 100-58841

Serials 209, 327, 416

San Francisco file 157-1057

Serials 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 70, 71, 73, 74, 81, 82, 85, 86, 87, 88, 89, 90, 91, 92, 93

San Francisco file 157-1204

Serials 33 and 76

San Francisco file 157-864

Serial 11

The following serial numbers were omitted from the referenced San Francisco airtel to the Bureau due to the serials having been placed in other San Francisco files inasmuch as they were not relevant to the file from which they were taken.

San Francisco file 100-58841

Serials 404, 405, 415, and 467, 468, 506, 507, 524, 525, 526 were all placed in San Francisco file 157-1204.

San Francisco file 157-1204

Serial 6 was transferred into San Francisco file 100-58841.

SF 66-4556
TJAH:lmk

The following serials are not being forwarded inasmuch as the serial was skipped inadvertently. The San Francisco file 100-58841, serial 350, has a skipped serial number.

In addition San Francisco file 100-58841, serial 219, has that serial missing, as does San Francisco file 100-55520, serial 193.

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Assistant Attorney General
Civil Division
Attn: Bruce E. Titus

March 9, 1977

Assistant Director - Legal Counsel
Federal Bureau of Investigation

1 - Mr. Decker
Attn: Mr. Underwood
1 - [redacted]
1 - [redacted]

ELDRIDGE [redacted] CLEAVER v.
CLARENCE M. KELLEY, et al.
(U.S.D.C., D.C.)
CIVIL ACTION NO. 76-0795

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Enclosed are the original and five copies of an affidavit of Special Agent Frank Underwood, III, Records Management Division, Federal Bureau of Investigation Headquarters (FBIHQ), for filing in this litigation.

The affidavit was prepared at the request of Bruce E. Titus, Deputy Chief, Information and Privacy Section, Civil Division, who advised it would be filed in captioned litigation in the United States District Court for the District of Columbia, pursuant to a Court Order of February 10, 1977.

We request that you keep us advised of all pertinent developments in this matter.

Enclosures (6)

XEROX

WWH:lso
(6)

MAR 16 1977
REC-63 100-447251-1398

NOTE:

Instant memorandum furnishes the Department an affidavit for filing in captioned litigation in the United States District Court, District of Columbia, pursuant to a Court Order of February 10, 1977.

MAR 11 1977

UNRECORDED COPY FILED IN BUFILE

ORIGINAL 5 HAVE BEEN RECEIVED TO DEPT. ATTY. FILES 3/19/77 WWH

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

APPROVED:

Director
Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.

Adm. Serv.
Ext. Affairs
Fin. & Pers.
Gen. Inv.
Ident.
Intell.

Legal Coun.
Plan. & Insp.
Rec. Mgt.
S. & T. Serv.
Spec. Inv.
Training

ENCL

MAIL ROOM ☑ TELETYPE UNIT ☐

5 MAR 22 1977

3 Lcf 8

FBI/DOJ

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DATE 09-17-2003 BY 60322/UCLRP/PJ/EHL

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100-447251-1398

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DATE 09-17-2008 BY 60322/UCLRP/PJ/EHL

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

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ELDRIDGE [redacted] CLEAVER,

Plaintiffs

v.

Civil Action No.
76-0795

CLARENCE M. KELLEY, et al.,

Defendants

FOURTH AFFIDAVIT OF FRANK UNDERWOOD, III

I, Frank Underwood, III, being duly sworn, depose and say as follows:

(1) I am a Special Agent of the Federal Bureau of Investigation (FBI), assigned in a supervisory capacity to the Freedom of Information - Privacy Acts (FOIPA) Branch, Records Management Division, at FBI Headquarters (FBIHQ), Washington, D. C.

(2) Due to the nature of my official duties, I am personally familiar with the procedures we have followed in responding to plaintiff's Freedom of Information Act (FOIA) request for certain material in our possession. The information furnished herein is based upon my personal knowledge, obtained in my official capacity.

(3) I am aware of the Order of this Court of February 10, 1977, requiring that within 30 days, the government shall "Inform the parties and the Court of all files and categories which are not indexed in the manner described in the government's first and second reports and which may pertain to the Court's order of December 22, 1976."

(4) In response to the Court's Order dated February 10, 1977 (see paragraph 3, supra), the following data is being set forth:

(a) Pursuant to Title 5, United States Code, Section 552a (e)(4) and (11), Section 3 of the Privacy Act of 1974, the Department of Justice set forth the system of records maintained by the FBI in Volume 41, Number 181, Federal Register, September 16, 1976, with amendments set forth in Volume 42, Number 4, January 6, 1977. A true copy of the relevant portion of the Federal Register is attached hereto as Exhibit A.

Accordingly, information relative to the record systems searched and being searched and the results thereof, as well as those record systems not searched and the reasons therefor, are set forth below:

Record System Name	Action Taken	Results or Reasons Not Searched
Justice/FBI-001 National Crime Information Center	Not searched	Contains only information on wanted persons, individuals charged with serious and/or significant offenses, and missing persons.
Justice/FBI-002 FBI Central Records System	Searched	Records located and released to plaintiff
Justice/FBI-003 Bureau Mailing List	Not searched	Bureau mailing list, basically law enforcement or closely related areas
Justice/FBI-004 Routine Correspondence By Preprinted Form	Not searched	Routine correspondence system which is handled by preprinted form
Justice/FBI-005 Routine Correspondence	Not searched	Contains routine correspondence from citizens and no investigative information
Justice/FBI-006 Electronic Surveillance (Elsur) Indices	Searched	Searched for period August 1, 1967, through April 30, 1968, and no one identifiable with Leroy Eldridge Cleaver or [redacted] was the target of electronic surveillance nor were any of their conversations monitored by an electronic device of the FBI during that period.

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Record System Name	Action Taken	Results or Reasons Not Searched
Justice/FBI-007 FBI Automated Payroll System	Not searched	This is the FBI automated payroll system
Justice/FBI-008 Personnel Information Network System	Not searched	Contains only personnel information concerning FBI employees and former employees
Justice/FBI-009 Identification Division Records System	Not searched	Contains fingerprint identification records exempted from the Privacy Act; however, access available to individuals by independent procedures as set forth in Title 28, Code of Federal Regulations, 16.30-34
Justice/FBI-999 FBI Field Divisions	California Offices currently being processed	This is a listing of Field Divisions of the FBI

(5) In response to plaintiff's narrowed request for information under the FOIA, our search for and location of information in FBI files was conducted in our Central Records System covering the period August 1, 1967, through April 30, 1968 (Record System Justice/FBI-002), and Electronic Surveillance (Elsur) Indices (Record System Justice/FBI-006). Documents located as a result of a search of Record System Justice/FBI-999 (FBI Field Divisions - California) are currently being processed pursuant to the Court's Order of February 10, 1977.

Frank Underwood III

FRANK UNDERWOOD, III
Special Agent
Federal Bureau of Investigation
Washington, D. C.

Subscribed and Sworn to before me this 9th day of March, 1977.

Mildred M. Foster
Notary Public

My Commission expires My Commission Expires September 14, 1981

JUSTICE/FBI - 001

System name: National Crime Information Center (NCIC).

System location: Federal Bureau of Investigation; 9th and Pennsylvania Avenue, N.W.; Washington, D.C. 20535.

Categories of individuals covered by the system:

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A. Wanted Persons

1. Individuals for whom Federal warrants are outstan
2. Individuals who have committed or have been iden with an offense which is classified as a felony or se misdemeanor under the existing penal statutes of the jurisdiction originating the entry and felony or misdemeanor warrant has been issued for the individual with respect to the offense which was the basis of the entry. Probation and parole violators meeting the foregoing criteria.
3. A 'Temporary Felony Want' may be entered when a law enforcement agency has need to take prompt action to establish a 'want' entry for the apprehension of a person who has committed, or the officer has reasonable grounds to believe has committed, a felony and who may seek refuge by fleeing across jurisdictional boundaries and circumstances preclude the immediate procurement of a felony warrant. A 'Temporary Felony Want' shall be specifically identified as such and subject to verification and support by a proper warrant within 48 hours following the initial entry of a temporary want. The agency originating the 'Temporary Felony Want' shall be responsible for subsequent verification or re-entry of a permanent want.

B. Individuals who have been charged with serious and/or significant offenses.

C. Missing Persons

1. A person of any age who is missing and who is under proven physical/mental disability or is senile, thereby subjecting himself or others to personal and immediate danger.
2. A person of any age who is missing under circumstances indicating that his disappearance was not voluntary.
3. A person of any age who is missing and in the company of another person under circumstances indicating that his physical safety is in danger.
4. A person who is missing and declared unemancipated as defined by the laws of his state of residence and does not meet any of the entry criteria set forth in 1, 2, or 3 above.

Categories of records in the system:

A. Stolen Vehicle File

1. Stolen vehicles.
2. Vehicles wanted in conjunction with felonies or serious misdemeanors.
3. Stolen vehicle parts, including certificates of origin or title.

B. Stolen License Plate File

1. Stolen or missing license plates.

C. Stolen/Missing Gun File

1. Stolen or missing guns.
2. Recovered gun, ownership of which has not been established.

D. Stolen Article File

E. Wanted Person File

Described in 'Categories of individuals covered by the system: A. Wanted Persons'

F. Securities File

1. Serially numbered stolen, embezzled, counterfeited, missing securities.
2. 'Securities' for present purposes of this file are currency (e.g. bills, bank notes) and those documents or certificates which generally are considered to be evidence of debt (e.g. bonds, debentures, notes) or ownership of property (e.g. common stock, preferred stock), and documents which represent subscription rights (e.g. rights, warrants) and which are of those types traded in the securities exchanges in the United States, except for commodities futures. Also included are warehouse receipts, travelers checks and money orders.

G. Boat File

H. Computerized Criminal History File

EXHIBIT A

A cooperative Federal-State program for the interstate exchange of criminal history record information for the purpose of facilitating the interstate exchange of such information among criminal justice agencies.

I. Missing Person File
Described in "Categories of individuals covered by the system: C. Missing Persons"

Authority for maintenance of the system: The system is established and maintained in accordance with Title 28, United States Code, Section 534 and Title 28 - Judicial Administration, Chapter 1 - Department of Justice (Order No. 601-75) Part 20 - Criminal Justice Information Systems.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Data in NCIC files is exchanged with and for the official use of authorized officials of the Federal Government, the states, cities, and penal and other institutions in accordance with Title 28, U.S. Code, Section 534. The data is exchanged through NCIC terminals under the control of criminal justice agencies in the 50 states, FBI Field Offices, and other Federal law enforcement agencies. Dissemination of criminal history record information is set forth in Title 28 - Judicial Administration, Chapter 1 - Department of Justice (Order No. 601-75) Part 20 - Criminal Justice Information Systems, Subpart C, Section 20.33.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information maintained in the NCIC system is stored electronically for use in a computer environment.

Retrievability: On-line access to data in NCIC is achieved by using the following search descriptors.—1. Vehicle File: a) Vehicle identification number; b) License plate number; c) NCIC number (unique number assigned by the NCIC computer to each NCIC record).

2. License Plate File: a) License plate number; b) NCIC number.
3. Gun File: a) Serial number of gun; b) NCIC number.
4. Article File: a) Serial number of article; b) NCIC number.
5. Wanted Person File: a) Name and one of the following numerical identifiers: date of birth, FBI number (number assigned by the Federal Bureau of Investigation to an arrst fingerprint record), Social Security number (It is noted the requirements of the Privacy Act with regard to the solicitation of Social Security numbers have been brought to the attention of the members of the NCIC system.), Operator's license number (driver's license number), Miscellaneous identifying number (military number or number assigned by Federal, state, or local authorities to an individual's record, Originating agency case number; b) Vehicle or license plate known to be in the possession of the wanted person; c) NCIC number (unique number assigned to each NCIC record).
6. Securities File: a) Type, serial number, denomination of security; b) Type of security and name of owner of security; c) Social Security number of owner of security; d) NCIC number.
7. Boat File: a) Registration document number; b) Hull serial number; c) NCIC number.
8. Computerized Criminal History File: a) Name, sex, race, and date of birth; b) FBI number; c) State identification number; d) Social Security Number; e) Miscellaneous number.
9. Missing Person File-SAME AS WANTED PERSON FILE.

Safeguards: Data stored in the NCIC is documented criminal justice agency information and access to that data is restricted to duly authorized criminal justice agencies. The following security measures are the minimum to be adopted by all criminal justice agencies having access to the NCIC Computerized Criminal History File. These measures are designed to prevent unauthorized access to the system data and/or unauthorized use of data obtained from the computerized file.

1. Computer Centers
   a. The criminal justice agency computer site must have adequate physical security to protect against any unauthorized personnel gaining access to the computer equipment or to any of the stored data.
   b. Since personnel at these computer centers can access data stored in the system, they must be screened thoroughly under the authority and supervision of an NCIC control terminal agency. (This authority and supervision may be delegated to responsible criminal justice agency personnel in the case of a satellite computer center being serviced through a state control terminal agency.) This screening will also apply to non-criminal justice maintenance or technical personnel.
   c. All visitors to these computer centers must be accompanied by staff personnel at all times.
   d. Computers having access to the NCIC must have the proper computer instructions written and other built-in controls to prevent criminal history data from being accessible to any terminals other than authorized terminals.
   e. Computers having access to the NCIC must maintain a record of all transactions against the criminal history file in the same manner the NCIC computer logs all transactions. The NCIC identifies each specific agency entering or receiving information and maintains a record of those transactions. This transaction record must be monitored and reviewed on a regular basis to detect anny possible misuse of criminal history data.
   f. Each state control terminal shall build its data system around a central computer, through which each inquiry must pass for screening and verification. The configuration and operation of the center shall provide for the integrity of the data base.
2. Communications
   a. Lines/channels being used to transmit criminal history information must be dedicated solely to criminal justice use, i.e., there must be no terminals belonging to agencies outside the criminal justice system sharing these lines/channels.
   b. Physical security of the lines/channels must be protected to guard against clandestine devices being utilized to intercept or inject system traffic.
3. Terminal Devices Having Access to NCIC
   a. All agencies having terminals on the system must be required to physically place these terminals in secure locations within the authorized agency.
   b. The agencies having terminals with access to criminal history must have terminal operators screened and restrict access to the terminal to a minimum number of authorized employees.
   c. Copies of criminal history data obtained from terminal devices must be afforded security to prevent any unauthorized access to or use of that data.
   d. All remote terminals on NCIC Computerized Criminal History will maintain a hard copy of computerized criminal history inquiries with notations of individual making request for record (90 days).

Retention and disposal: Unless otherwise removed, records will be retained in file as follows:

1. Vehicle File
   a. Unrecovered stolen vehicle records (including snowmobile records) which do not contain vehicle identification numbers (VIN) therein, will be purged from file 90 days after the end of the license plate's expiration year as shown in the record. Unrecovered stolen vehicle records (including snowmobile records) which contain VIN's, will remain in file for the year of entry plus 4.
   b. Unrecovered vehicles wanted in conjunction with a felony will remain in file for 90 days after entry. In the event a longer retention period is desired, the vehicle must be re-entered.
   c. Unrecovered stolen VIN plates, certificates of origin or title, and serially numbered stolen vehicle engines or transmissions will remain in file for the year of entry plus 4.
2. License Plate File
   Unrecovered stolen license plates not associated with a vehicle will remain in file for one year after the end of the plate's expiration year as shown in the record.
3. Gun File
   a. Unrecovered weapons will be retained in file for an indefinite period until action is taken by the originating agency to clear the record.

b. Weapons entered in file as 'recovered' weapons will remain in file for the balance of the year entered plus 2.

4. Article File

Unrecovered stolen articles will be retained for the balance of the year entered plus one year.

5. Wanted Person File

Persons not located will remain in file indefinitely until action is taken by the originating agency to clear the record (except 'Temporary Felony Wants', which will be automatically removed from file after 48 hours).

6. Securities File

Unrecovered, stolen, embezzled, counterfeited or missing securities will be retained for the balance of the year entered plus 4, except for travelers checks and money orders which will be retained for the balance of the year entered plus 2.

7. Boat File

Unrecovered stolen boats will be retained in file for the balance of the year entered plus 4.

8. Missing Person File

Will remain in the file until the individual is located or, in the case of unemancipated persons, the individual reaches the age of emancipation as defined by laws of his state.

9. Computerized Criminal History File

When an individual reaches age of 80.

System manager(s) and address: Director, Federal Bureau of Investigation; J. Edgar Hoover F.B.I. Building; 9th and Pennsylvania Avenue, N.W.; Washington, D.C. 20535.

Notification procedure: Same as the above.

Record access procedures:

It is noted the Attorney General is exempting this system from the access and contest procedures of the Privacy Act. However, the following alternative procedures are available to a requester. The procedures by which an individual may obtain a copy of his Computerized Criminal History are as follows:

If an individual has a criminal record supported by fingerprints and that record has been entered in the NCIC CCH File, it is available to that individual for review, upon presentation of appropriate identification, and in accordance with applicable state and Federal administrative and statutory regulations.

Appropriate identification includes being fingerprinted for the purpose of insuring that he is the individual that he purports to be. The record on file will then be verified as his through comparison of fingerprints.

Procedure. 1. All requests for review must be made by the subject of his record through a law enforcement agency which has access to the NCIC CCH File. That agency within statutory or regulatory limits can require additional identification to assist in securing a positive identification.

2. If the cooperating law enforcement agency can make an identification with fingerprints previously taken which are on file locally and if the FBI identification number of the individual's record is available to that agency, it can make an on-line inquiry of NCIC to obtain his record on-line or, if it does not have suitable equipment to obtain an on-line response, obtain the record from Washington, D.C., by mail. The individual will then be afforded the opportunity to see that record.

3. Should the cooperating law enforcement agency not have the individual's fingerprints on file locally, it is necessary for that agency to relate his prints to an existing record by having his identification prints compared with those already on file in the FBI or, possibly, in the State's central identification agency.

Contesting record procedures: The subject of the requested record shall request the appropriate arresting agency, court, or correctional agency to initiate action necessary to correct any stated inaccuracy in his record or provide the information needed to make the record complete.

Record source categories: Information contained in the NCIC system is obtained from local, state, Federal and international criminal justice agencies.

Systems exempted from certain provisions of the act: The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G), (H), (e)(8), (f), (g) and (m) of the Privacy Act pursuant to 5 U.S.C. 552a (j). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

JUSTICE/FBI - 002

System name: The 'FBI Central Records System' containing investigative, personnel, administrative, applicant, and general files.

System location: a. Federal Bureau of Investigation, J. Edgar Hoover FBI Building, 10th and Pennsylvania Avenue, N.W., Washington, D.C. 20535; b. 59 field divisions (see Appendix); c. 14 Legal Attaches (see Appendix).

Categories of individuals covered by the system:

a. Individuals who relate in any manner to official FBI investigations including, but not limited to suspects, victims, witnesses, and close relatives and associates that are relevant to an investigation.

b. Applicants for and current and former personnel of the FBI and persons related thereto that are considered relevant to an applicant investigation, personnel inquiry, or persons related to personnel matters.

c. Applicants for and appointees to sensitive positions in the United States Government and persons related thereto that are considered relevant to the investigation.

d. Individuals who are the subject of unsolicited information, who offer unsolicited information, request assistance, and make inquiries concerning record material, including general correspondence, contacts with other agencies, businesses, institutions, clubs, the public and the news media.

e. Individuals, associated with administrative operations or services including pertinent functions, contractors and pertinent persons related thereto.

Categories of records in the system:

The FBI Central Records System - The FBI utilizes a 'central records system' of maintaining its investigative, personnel, applicant, administrative, and general files. This system consists of one numerical sequence of subject matter files, an alphabetical index to the files, and a supporting abstract system to facilitate processing and accountability of all important mail placed in file. Files kept in FBI field offices are also structured in the same manner, except they do not utilize an abstract system.

Files kept in FBI Field Offices - Field offices maintain certain records that are not contained at FBIHQ that include files, index cards, and related material pertaining to cases in which there was no prosecutive action undertaken; perpetrators of violations not developed during investigation; or investigation revealed allegations were unsubstantiated or not within the investigative jurisdiction of the Bureau. These investigations closed in field offices and correspondence not forwarded to FBI Headquarters. Duplicate records and records which extract information reported in the main files are also kept in the various divisions of the FBI to assist them in their day-to-day operation. Some of the information contained in the main files has also been extracted and placed on computer to enable various divisions to retrieve information more rapidly by avoiding the need for a manual search for information maintained in the main files. Also, personnel type information dealing with such matters as attendance and production and accuracy requirements is maintained by some divisions.

Authority for maintenance of the system: Federal Records Act of 1950, The Constitution of the United States, various provisions of U.S. Code, Executive Orders and Presidential directives.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The records contained in this system are utilized by the FBI in support of its mission to conduct investigations within its jurisdiction and for various administrative purposes. Information from these files is disseminated to appropriate Federal, state, local, and foreign agencies where the right and need to have access to this information exists -- For example, to assist in the general crime prevention and detection efforts of the recipient agency. Information is also disseminated to these agencies and to individuals and organizations, where such dissemination is necessary to elicit information from such agencies and individuals. Information from this system is also disseminated during appropriate legal proceedings. For example, witness interviews are made available to defendants pursuant to the Jencks Act during Federal criminal trials. In the event that a system of records maintained by this agency to carry out its functions indicated a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local, or foreign, charged with the responsibility of

investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. A record from this system of records may be disclosed as a 'routine use' to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. For example, in discharging its obligations under Executive Order 10450, this agency would disseminate record information as a direct result of a name check request submitted by another government agency. A record relating to an actual or potential civil or criminal violation of title 17, United States Code, may be disseminated to a person injured by such violation to assist him/her in the institution or maintenance of a suit brought under such title. Background and descriptive information on Federal fugitives is disseminated to the general public and the news media in an effort to bring about the apprehension of these wanted individuals. News releases are also disseminated to the public and the news media concerning apprehensions of FBI fugitives and other notable accomplishments. Additionally, public source information is distributed on a continuing basis, upon request, to the general public and representatives of the media.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in hardcopy form, computer tape, and microfilm.

Retrievability: The FBI General Index must be searched to determine what information, if any, the FBI may have in its files. The index cards are on all manner of subject matters, but primarily a name index of individuals. It should be noted the FBI does not index all individuals that furnish information or names developed in an investigation. Only that information that is considered pertinent and relevant and essential for future retrieval, is indexed. In certain major cases most persons contacted are indexed in order to facilitate the proper administrative handling of a large volume of material. The FBI is in the process of automating its 'Central Records System' and, therefore, the retrieval of certain data will be accomplished by utilizing certain computer peripheral equipment such as CRT (Cathode Ray Tube) video screens, and printers. This will basically involve certain personnel information, general index information, and the abstracting system. Automation in no way changes the 'Central Records System'; it only facilitates access more effectively and efficiently.

Safeguards: Records are maintained in a restricted area and are accessed only by FBI employees. All FBI employees receive a complete background investigation prior to being hired. All employees are cautioned about divulging confidential information or any information contained in FBI files. Failure to abide by this provision violates Department of Justice regulations and may violate certain statutes providing maximum severe penalties of a 10,000 dollar fine or 10 years' imprisonment or both. Employees that resign or retire are also cautioned about divulging information acquired in the job.

Retention and disposal: The Bureau, by its investigative mandate, collects and maintains information from a wide variety of sources. The records support the Bureau's investigative and administrative needs and its obligation to act as a clearinghouse under Executive Order 10450 regarding the security of Government employees. An active destruction program includes microfilming of certain files over 10 years old and researching files, to determine whether they contain sufficient historical, research, investigative, or intelligence value to warrant their retention. The Code of Federal Regulations, Title 41, and Title 44 of the U.S. Code set forth Records Management procedures to be followed by government agencies in relation to their records. All agencies are required to retain any material made or received during the course of public business which has been preserved or is appropriate for preservation. Accordingly, disposition of record material must be in accordance with established regulations. Subsequent destruction is accomplished through authority granted by National Archives and Records Service, GSA, utilizing either the General Records Schedules or a specific request for record destruction which is approved by the Archivist. Records are also destroyed or returned to source as a result of Court Order. Subsequent to 1/27/75, a Congressional moratorium on all destruction, and a later decision rendered on further retention of security and intelligence material, has substantially reduced the tangible effects of the destruction program.

System manager(s) and address: Director; Federal Bureau of Investigation; Washington, D.C. 20535.

Notification procedure: Same as above.

Record access procedures: A request for access to a record from the system shall be made in writing with the envelope and the letter clearly marked 'Privacy Access Request'. Include in the request your full name, complete address, date of birth, place of birth, notorized signature, and other identifying data you may wish to furnish to assist in making a proper search of our records. Also include the general subject matter of the document or its file number. The requester will also provide a return address for transmitting the information. Access requests will be directed to the Director, Federal Bureau of Investigation, Washington, D.C. 20535.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should also direct their request to the Director, Federal Bureau of Investigation, Washington, D.C. 20535, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

Record source categories: The FBI, by the very nature and requirement to investigate violations of law within its investigative jurisdiction and its responsibility for the internal security of the United States, collects information from a wide variety of sources. Basically it is the result of investigative efforts and information furnished by other Government agencies, law enforcement agencies, and the general public, informants, witnesses, and public source material.

Systems exempted from certain provisions of the act: The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G) and (H), (e)(5) and (8), (f), (g) and (m) of the Privacy Act pursuant to 5 U.S.C. 552a (j) and (k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

JUSTICE/FBI - 003

System name: Bureau Mailing List.

System location: External Affairs Division, FBI; 9th and Penna, N.W.; Washington, D.C. 20535.

Categories of individuals covered by the system: Individuals who have requested receipt of published Bureau material and who meet established criteria (basically law enforcement or closely related areas).

Categories of records in the system: Name, address and business affiliation, if appropriate.

Authority for maintenance of the system: Title 5, U.S. Code, Section 301 and Title 44, U.S. Code Section 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For mailing of FBI material published on a regular basis.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computerized and 3X5 index card.

Retrievability: ID number in computer, alphabetically for card index.

Safeguards: Computer records maintained by Administrative Services Division, system operated by FBI personnel.

Retention and disposal: Revised on a monthly basis.

System manager(s) and address: Director, FBI, Washington, D.C. 20535

Notification procedure: Director, FBI, Washington, D.C. 20535

Record access procedures: Inquiry directed to Director, FBI, Washington, D.C. 20535

Contesting record procedures: Same as the above.

Record source categories: Individual requests for FBI material or official recommendation, from individuals associated with law enforcement.

Systems exempted from certain provisions of the act: None.

JUSTICE/FBI - 004

System name: Routine Correspondence Handled By Preprinted Form.

System location: External Affairs Division; FBI; 9th and Penna, N.W.; Washington, D.C. 20535.

Categories of individuals covered by the system: Routine correspondence from citizens not requiring a dictated response.

Categories of records in the system: Original correspondence and 3x5 index card.

Authority for maintenance of the system: Title 5, U.S. Code, Section 301 and Title 44, U.S. Code, Section 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal reference use of record of such correspondence.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Filing of original correspondence plus 3x5 index card.

Retrievability: Correspondence alphabetically and chronologically; index card alphabetically.

Safeguards: Maintained by FBI personnel; locked file cabinets during nonduty hours.

Retention and disposal: Original correspondence retained 90 days and destroyed; 3x5 index cards maintained one years and destroyed.

System manager(s) and address: Director, FBI, Washington, D.C. 20535

Notification procedure: *Director, FBI, Washington, D.C. 20535*

Record access procedures: Inquiry directed to Director, FBI, Washington, D.C. 20535

Contesting record procedures: Same as the above.

Record source categories: *Incoming citizen correspondence.*

Systems exempted from certain provisions of the act: None.

JUSTICE/FBI - 005

System name: Routine Correspondence Prepared Without File Yellow.

System location: External Affairs Division; FBI; 9th and Penna, N.W.; Washington, D.C. 20535.

Categories of individuals covered by the system: Routine requests received via correspondence from citizens.

Categories of records in the system: Tickler copy of routine response plus original citizen's letter.

Authority for maintenance of the system: Title 5 U.S. Code, Section 301 and Title 44, U.S. Code, Section 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Temporary record of routine inquiries without substantive, historical or record value for which no record is to be made in central FBI files.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Onionskin copy of outgoing correspondence.

Retrievability: Alphabetically and chronologically filed.

Safeguards: Maintained by FBI personnel; locked file cabinets during nonduty hours.

Retention and disposal: Retained 90 days, destroyed through confidential trash disposal.

System manager(s) and address: Director, FBI, Washington, D.C. 20535.

Notification procedure: Director, FBI, Washington, D.C. 20535.

Record access procedures: Inquiry directed to Director, FBI, Washington, D.C. 20535.

Contesting record procedures: Same as the above.

Record source categories: Incoming citizen correspondence.

Systems exempted from certain provisions of the act: None.

JUSTICE/FBI - 006

System name: Electronic Surveillance (Elsur) Indices.

System location: FBI Headquarters; Washington, D.C. 20535.

Categories of individuals covered by the system: Individuals who have been the targets of direct electronic surveillance coverage by the FBI, who have participated in conversations monitored by an FBI electronic installation, or who have owned, leased, or licensed premises on which the FBI has conducted an electronic surveillance.

Categories of records in the system: The Elsur Indices are maintained on 3' x 5' cards, which set forth the name of each person monitored by the FBI since January 1, 1960, a source number to identify the individual on whom the surveillance was installed, the date the conversation occurred, and the location of the field office which conducted the monitoring.

Authority for maintenance of the system: The Elsur Indices were initiated in October, 1966, at the instructions of the Department of Justice, which also established the cutoff date of January 1, 1960. The authority for the maintenance of these records is Title 5, Section 301, USC, which grants the Attorney General the authority to issue rules and regulations prescribing how Department of Justice information can be employed. Title 18, USC, Section 2519, also sets forth recordkeeping requirements.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The Elsur Indices are utilized: (1) To respond to judicial inquiries about possible electronic surveillance coverage of witnesses, defendants, or attorneys involved in Federal court proceedings, and (2) To enable the Government to certify whether a person regarding whom court-

order authority is being sought for electronic coverage has ever been so covered in the past. The actual users of the indices are always Agents of the FBI.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained manually on 3' x 5' cards.

Retrievability: They are indexed alphabetically under the two general categories of 'Criminal' and 'Security.'

Safeguards: They are maintained in a guarded room at all times, with a special locking system for off-duty hours when they are not in use.

Retention and disposal: Until advised to the contrary by the Department, the courts, or Congress, these indices will be maintained indefinitely.

System manager(s) and address: Director, Federal Bureau of Investigation, Washington, D.C. 20535.

Notification procedure: Same as the above.

Record source categories: See Category of Individual.

Systems exempted from certain provisions of the act: The Attorney General hasxempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G), (H), (e)(5) and (8), (f), (g) and (m) of the Privacy Act pursuant to 5 U.S.C. 552a (j). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

JUSTICE/FBI - 007

System name: FBI Automated Payroll System.

System location: Federal Bureau of Investigation; Computer Systems Division; Ninth and Pennsylvania Avenue; Washington, D.C. 20535.

Categories of individuals covered by the system: A) Current employees of the Federal Bureau of Investigation (FBI); B) Resigned employees of the FBI are retained in the automated file for the current year for the purposes of clearing all pay actions and providing for any retroactive actions that might be legislated.

Categories of records in the system: System contains full record for each employee reflecting all elements relative to payroll status, plus accounting records and authorization records through which payrolls are issued and by which payrolls are audited. For example, this system contains the employees' Social Security Number, time and attendance data, and place of assignment.

Authority for maintenance of the system: System is established and maintained in accordance with Federal pay requirements, and all legislative enactments,—Civil Service Commission regulations, General Accounting Office rulings and decisions, Treasury Department requirements, and Office of Management and Budget regulations relative thereto. Title 5, U.S. Code, Section 301 and Title 44, U.S. Code, Section 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Biweekly issuance of payroll and related matters. Quarterly issuance of State Tax Report and Federal Insurance Contributions Act Report. Resign and End-of-Year Federal Tax Records (W-2's). Bi-weekly, quarterly, fiscal and annual Budget and Accounting Reports. Appropriate information is made available to the Internal Revenue Service and state and city tax bureaus.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information maintained in the system is stored electronically on magnetic tapes and disks for use in a computer environment.

Retrievability: Information is retrieved by Social Security Number. (The authority to solicit an employee's Social Security Number is based on Title 26, Code of Federal Regulations, Section 31.6011(b)-2(b).)

Safeguards: Information contained in the system is relative to the individual employee's payroll status and is considered confidential to that employee and to official business conducted for that employee's pay and accounting purposes. It is safeguarded and protected in accordance with the FBI's Computer Center's regulations that permit aess and use by only authorized personnel.

Retention and disposal: Master Payroll and Accounting Records stored electronically are retained for a period of three years, as are Federal Tax files. Auxiliary files pertinent to main payroll functions are retained for periods varying from three pay periods to three years, depending on support files needed for any retroactive or audit purposes. Hard copy records are retained in accordance with instructions contained in General Records Schedule 2, GSA Reg. 3, and GSA Bulletin FPMR B-47 Archives and Records.

System manager(s) and address: Director; Federal Bureau of Investigation; Ninth and Pennsylvania Avenue, Washington, D.C. 20535.

Notification procedure: Same as the above.

Record access procedures: A request of access to information may be made by an employee through his supervisor or by a former employee by writing to the Federal Bureau of Investigation; 9th and Pennsylvania Avenue, Washington, D.C. 20535, Attention Payroll Office.

Contesting record procedures: Contest of any information should be set out in detail and a check of all supportive records will be made to determine the factual data in existence, which is predetermined by source documents and accounting procedures governing pay matters.

Record source categories: Source of information is derived from personnel actions, employee authorizations, and time records which are issued and recorded in accordance with regulations governing Federal pay.

Systems exempted from certain provisions of the act: None.

JUSTICE/FBI - 008

System name: Personnel Information Network System (PINS).

System location: Federal Bureau of Investigation; Identification Division; 2nd and D Streets, S.W.; Washington, D.C. 20537; (with access terminals located at the following address): Federal Bureau of Investigation; John Edgar Hoover Building; 10th Street and Pennsylvania Avenue, N.W.; Washington, D.C. 20530.

Categories of individuals covered by the system: Federal Bureau of Investigation employees and former employees.

Categories of records in the system: The system contains personnel information which includes information set forth on (1) FBI form 3-634 in-lieu of Standard Form 50 - Notification of Personnel Action, (2) SF 176-T-Federal Employee Group Life Insurance Plan, (3) FBI form 12-60 in lieu of SF 1126 - Notification of Pay Change, (4) SF 2801 and CSC 1084 - Application for and additional information in support of retirement, respectively, (5) SF 2809 - Federal Employee Health Benefit Plan and (6) various intra-agency forms and memoranda.

Authority for maintenance of the system: The system is established and maintained pursuant to regulations set forth in the Federal Personnel Manual. Title 5, U.S. Code, Section 301 and Title 44, U.S. Code, Section 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The PINS is used (1) to prepare the Notification of Personnel Action, copies of which are furnished to the Civil Service Commission (2) to locate and charge

out personnel files for official use, (3) to generate lists of employees which are used internally by authorized personnel for record keeping, planning, and decision making purposes, and (4) as a source for the dissemination of information (A) to federal, state and local agencies and to private organizations pursuant to service record inquiries and (B) pursuant to credit inquiries (In response to proper credit inquiries from credit bureaus and financial institutions, the FBI will verify employment and furnish salary and length of service).

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information maintained in PINS is stored by disc and magnetic tape.

Retrievability: Information is retrieved (1) on-line through Cathode Ray Tubes by keying the name or Social Security Number of the employee and (2) off-line by tape reading. (It is noted the authority to solicit an employee's Social Security Number is based on Title 26, Code of Federal Regulations, Secti 31.6011(b)-2(b).)

Safeguards: Areas housing the system and access terminals are located in secure buildings available to authorized FBI personnel and escorted maintenance and repair personnel only. Access terminals are operational only during normal daytime working hours at which time they are constantly attended.

Retention and disposal: Electronically stored records for employees and former employees are maintained indefinitely in a vault under the control of a vault supervisor. Pursuant to regulations set forth in the Federal Personnel Manual a copy of the Notification of Personnel Action is made a part of the employees' personnel file.

System manager(s) and address: Director; Federal Bureau of Investigation; John Edgar Hoover Building; 10th Street and Pennsylvania Avenue, N.W.; Washington, D.C. 20530.

Notification procedure: Same as the above.

Record access procedures: A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request.' Include in the request the name and return address of the requestor. Access requests will be directed to the Director, Federal Bureau of Investigation.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the Director, FBI stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

Record source categories: Sources of information contained in this system are present and former FBI employees and employee personnel files.

Systems exempted from certain provisions of the act: None.

JUSTICE/FBI - 009

System name: Identification Division Records System.

System location: Federal Bureau of Investigation; U.S. Department of Justice; 10th and Pennsylvania Avenue, N.W.; Washington, D.C. 20535.

Categories of individuals covered by the system:

A. Individuals fingerprinted as a result of arrest or incarceration by Federal, state or local law enforcement agencies.

B. Persons fingerprinted as a result of federal employment applications, military service, alien registration and naturalization purposes and individuals desiring to have their fingerprints placed on record with the FBI for personal identification purposes.

Categories of records in the system:

A. Criminal fingerprint cards and related criminal justice information submitted by authorized agencies having criminal justice responsibilities.

B. Civil fingerprint cards submitted by Federal agencies and civil fingerprint cards submitted by persons desiring to have their fingerprints placed on record for personal identification purposes.

C. Identification records sometimes referred to as 'rap sheets' which are compilations of criminal history information pertaining to individuals who have criminal fingerprint cards maintained in the system.

D. An alphabetical name index pertaining to each individual whose fingerprints are maintained in the system. The criminal records and the civil records are maintained in separate files and each file has an alphabetical name index related to the data contained therein.

Authority for maintenance of the system: The system is established, maintained and used under authority granted by 28 U.S.C. 534 and P.L. 92-544 (86 Stat. 1115). The authority is also codified in 28 C.F.R. 0.85(b), and (j).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The FBI operates the Identification Division Records System to perform identification and criminal history record information functions for federal, state, and local criminal justice agencies, and for noncriminal justice agencies, and other entities where authorized by Federal statute, state statute pursuant to Public Law 92-544 (86 Stat. 1115), Presidential executive order, or regulation of the Attorney General of the United States. In addition, identification assistance is provided in disasters and for other humanitarian purposes. Dissemination is also conducted in accordance with Public Law 94-29, known as the Securities Acts Amendments of 1975.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 C.F.R. 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request the individual who is the subject of the record.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information in the system is stored manually in file cabinets either in its natural state or on microfilm. In addition, some of the information is stored electronically in converting the manual system to an automated system.

Retrievability: (1) All information in the system is retrievable by technical fingerprint classification index and positive identification is effected only by comparison of the unique characteristics obtained from fingerprint impressions submitted for search against the fingerprint cards maintained within the system.

(2) An auxiliary means of retrieval is through the alphabetical name indexes which contain names of the individuals, their birth data, other physical descriptors and the individuals' technical fingerprint classifications and FBI numbers, if such have been assigned.

(3) The name of an individual and his FBI number may assist in retrieval of information about that individual from within the system. Since July, 1971, all individuals whose fingerprints have been placed in the criminal file have been assigned unique FBI numbers. Prior to July, 1971, all individuals who had two or more fingerprint cards in the criminal file were assigned FBI numbers.

Safeguards: Information in the system is unclassified. Disclosure of information from within the system is made only to authorized recipients upon authentication and verification of the right to access the system by such persons and agencies. The physical security and maintenance of information within the system is provided by FBI rules, regulations and procedures.

Retention and disposal:

(1) The Archivist of the United States has approved the destruction of records maintained in the criminal file when the records indicate individuals have reached 80 years of age and the destruction of records maintained in the civil file when the records indicate individuals have reached 75 years of age.

(2) Fingerprint cards and related arrest data in the system are destroyed seven years following notification of the death of an individual whose record is maintained within the system.

(3) Fingerprint cards submitted by state and local criminal justice agencies are returned upon requests of the submitting agencies. The return of a fingerprint card under this procedure results in the deletion from the system of all arrest information related to that fingerprint card.

(4) Fingerprint cards and related arrest data are removed from the Identification Division Records System upon receipt of Federal court orders for expunctions when accompanied by necessary identifying information. Recognizing lack of jurisdiction of local and state courts over an entity of the Federal Government, the Identification Division Records System, as a matter of comity, returns fingerprint cards and related arrest data to local and state criminal justice agencies upon receipt of orders of expunction directed to such agencies by local and state courts when accompanied by necessary identifying innformations.

System manager(s) and address: Director, Federal Bureau of Investigation; 10th and Pennsylvania Avenue, N.W.; Washington, D.C. 20535.

Notification procedure: Address inquiries to the System Manager. The Attorney General has exempted the Identification Division Records System from compliance with subsection (d) of the Act.

Record access procedures: The Attorney General has exempted the Identification Division Records System from compliance with subsection (d) of the Act. However, pursuant to 28 C.F.R. 16.30-34, and Rules and Regulations promulgated by the Department of Justice on May 20, 1975 at 40 Fed. Reg. 22114 (Section 20.34) for Criminal Justice Information Systems, an individual is permitted access to his identification record maintained in the Identification Division Records System and procedures are furnished for correcting or challenging alleged deficiencies appearing therein.

Contesting record procedures: Same as the above.

Record source categories: See Categories of Individuals.

Systems exempted from certain provisions of the act: The Attorney General has exempted this system from subsections (c)(3) and (4), (d), (e)(1), (2) and (3), (e)(4)(G), (H), (e)(5) and (8), (f), (g) and (m) of the Privacy Act pursuant to 5 U.S.C. 552a (j). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the Federal Register.

JUSTICE/FBI - 999

System name: Appendix of Field Divisions for the Federal Bureau of Investigation.

Field Office:

502 U.S. Post Office & Court House
Albany, New York 12207

4303 Federal Office Building
Albuquerque, New Mexico 87101

Room 500, 300 North Lee Street
Alexandria, Virginia 22314

Room 238, Federal Building
Anchorage, Alaska 99510

275 Peachtree Street, N.E.
Atlanta, Georgia 30303

7142 Ambassador Road
Baltimore, Maryland 21207

Room 1400 - 2121 Building
Birmingham, Alabama 35203

John F. Kennedy Federal Office Building
Boston, Massachusetts 02203

Room 1400 - 111 West Huron Street
Buffalo, New York 14202

115 U.S. Court House and Federal Building
Butte, Montana 59701

1120 Jefferson Standard Life Building
Charlotte, North Carolina 28202

Room 905, Everett McKinley Dirksen Building
Chicago, Illinois 60604

415 U.S. Post Office & Court House Building
Cincinnati, Ohio 45202

3005 Federal Office Building
Cleveland, Ohio 44199

1529 Hampton Street
Columbia, South Carolina 29201

Room 200, 1810 Commerce Street
Dallas, Texas 75201

Room 18218, Federal Office Building
Denver, Colorado 80202

333 West Fort Building
Detroit, Michigan 48226

202 U.S. Court House Building
El Paso, Texas 79901

Room 605, Bishop Trust Building
Honolulu, Hawaii 96813

6015 Federal Building and U.S. Court House
Houston, Texas 77002

575 North Pennsylvania St.
Indianapolis, Indiana 46202

800 Unifirst Federal Savings & Loan Building
Jackson, Mississippi 39205

414 U.S. Court House & Post Office Building
Jacksonville, Florida 32202

Room 300 - U.S. Courthouse
Kansas City, Missouri 64106

Room 800, 1111 Northshore Drive
Knoxville, Tennessee 37919

Room 2-011, Federal Office Building
Las Vegas, Nevada 89101

215 U.S. Post Office Building
Little Rock, Arkansas 72201

11000 Wilshire Boulevard
Los Angeles, California 90024

Room 502, Federal Building
Louisville, Kentucky 40202

841 Clifford Davis Federal Building
Memphis, Tennessee 38103

3801 Biscayne Boulevard
Miami, Florida 33137

Room 700, Federal Building and U.S. Court House
Milwaukee, Wisconsin 53202

392 Federal Building
Minneapolis, Minnesota 55401

520 Federal Building
Mobile, Alabama 36602

Gateway I, Market Street
Newark, New Jersey 07101

770 Chapel Building
New Haven, Connecticut 06510

701 Loyola Avenue
New Orleans, Louisiana 70113

201 East 69th Street

New York, New York 10021

Room 300, 870 Military Highway
Norfolk, Virginia 23502

50 Penn Place, N.W., 50th at Pennsylvania
Oklahoma City, Oklahoma 73118

1010 Federal Office Building
Omaha, Nebraska 68102

8th Floor, Federal Office Building
600 Arch Street
Philadelphia, Pennsylvania 19106

2721 North Central Avenue
Phoenix, Arizona 85004

1300 Federal Office Building
Pittsburgh, Pennsylvania 15222

Crown Plaza Building
Portland, Oregon 97201

200 West Grace Street
Richmond, Virginia 23220

Federal Building
2800 Cottage Way
Sacramento, California 95825

2704 Federal Building
St. Louis, Missouri 63103

3203 Federal Building
Salt Lake City, Utah 84138

433 Federal Building
San Antonio, Texas 78296

3211 Fifth Avenue
San Diego, California 92103

450 Golden Gate Avenue
San Francisco, California 94102

Pan Am Building
255 Ponce de Leon Avenue
San Juan, Puerto Rico 00917

5401 Paulsen Street
Savannah, Georgia 31405

915 Second Avenue
Seattle, Washington 98174

535 West Jefferson Street
Springfield, Illinois 62702

Room 610, Federal Office Building
Tampa, Florida 33602

506 Old Post Office Building
Washington, D.C. 20535

Federal Bureau of Investigation Academy
Quantico, Virginia 22135

LEGAL ATTACHE (all c/o The American Embassy for the cities indicated):

Bern, Switzerland

Bonn, Germany (Box 310, APO, New York 09080)

Brasilia, Brazil (APO, New York 09676)

Buenos Aires, Argentina

Caracas, Venezuela (APO, New York 09893)

Hong Kong, B.C.C. (FPO, San Francisco 96659)

London, England (Box 40, FPO, New York 09510)

Madrid, Spain (APO, New York 09285)

Manila, Philippines (APO, San Francisco 96528)

Mexico City, Mexico

Ottawa, Canada

Paris, France (APO, New York 09777)

Rome, Italy (APO, New York 09794)

Tokyo, Japan (APO, San Francisco 96503)

JUSTICE/FBI-002

System name:

The FBI Central Records System containing investigative, personnel, administrative, applicant, and general files.

System location:

a. Federal Bureau of Investigation, J. Edgar Hoover FBI Building, 10th and Pennsylvania Avenue, NW., Washington, D.C. 20535; b. 59 field divisions (see Appendix); c. 14 Legal Attaches (see Appendix).

Categories of individuals covered by the system:

a. Individuals who relate in any manner to official FBI investigations including, but not limited to suspects, victims, witnesses, and close relatives and associates that are relevant to an investigation.

b. Applicants for and current and former personnel of the FBI and persons related thereto that are considered relevant to an applicant investigation, personnel inquiry, or persons related to personnel matters.

c. Applicants for and appointees to sensitive positions in the United States Government and persons related thereto that are considered relevant to the investigation.

d. Individuals who are the subject of unsolicited information, who offer unsolicited information, request assistance and make inquiries concerning record material, including general correspondence, contacts with other agencies, businesses, institutions, clubs, the public and the news media.

e. Individuals associated with administrative operations or services including pertinent functions, contractors and pertinent persons related thereto.

Categories of records in the system:

The FBI Central Records System—The FBI utilizes a 'central records system' of maintaining its investigative, personnel, applicant, administrative, and general files. This system consists of one numerical sequence of subject matter files, an alphabetical index to the files, and a supporting abstract system to facilitate processing and accountability of all important mail placed in file. Files kept in FBI field offices are also structured in the same manner, except they do not utilize an abstract system.

Files kept in FBI Field Offices—Field offices maintain certain records that are not contained at FBIHQ that include files, index cards, and related material pertaining to cases in which there was no prosecutive action undertaken; perpetrators of violations not developed during investigation; or investigation revealed allegations were unsubstantiated or not within the investigative jurisdiction of the Bureau. These investigations closed in field offices and correspondence not forwarded to FBI Headquarters. Duplicate records and records which extract information reported in the main files are also kept in the various divisions of the FBI to assist them in their day-to-day operation. Some of the information contained in the main files has also been extracted and placed on computer to enable various divisions to retrieve information more rapidly by avoiding the need for a manual search for information maintained in the main files. Also, personnel type information dealing with such matters as attendance and production and accuracy requirements is maintained by some divisions.

Authority for maintenance of the system:

Federal Records Act of 1950, The Constitution of the United States, various provisions of U.S. Code, Executive Orders and Presidential directives.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The records contained in this system are utilized by the FBI in support of its mission to conduct investigations within its jurisdiction and for various administrative purposes. Information from these files is disseminated to appropriate Federal, State, local, and foreign agencies where the right and need to have access to this information exists—For example, to assist in the general crime prevention and detection efforts of the recipient agency. Information is also disseminated to these agencies and to individuals and organizations, where such dissemination is necessary to elicit information from such agencies and individuals. Information from this system is also disseminated during appropriate legal proceedings. For example, witness interviews are made available to defendants pursuant to the Jencks Act during Federal criminal trials. In the event that a system of records maintained by this agency to carry out its functions indicated a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. A record from this system of records may be disclosed as a 'routine use' to a Federal, State, or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. For example, in discharging its obligations under Executive Order 10450, this agency would disseminate record information as a direct result of a name check request submitted by another government agency. A record relating to an actual or potential civil or criminal violation of title 17, United States Code, may be disseminated to a person injured by such violation to assist him/her in the institution or maintenance of a suit brought under such title. Background and descriptive information on Federal fugitives is disseminated to the general public and the news media in an effort to bring about the apprehension of these wanted individuals. News releases are also disseminated to the public and the news media concerning apprehensions of FBI fugitives and other notable accomplishments. Additionally, public source information is distributed on a continuing basis, upon request, to the general public and representatives of the media. Upon specific approval of the Director, information may be disseminated from this system to individuals in the private sector in extenuating circumstances in order to protect life of property. Information which relates to foreign counter-intelligence matters may be disseminated to individuals in the private sector with the specific authority of the Attorney General where he deems it necessary in order for the Federal Bureau of Investigation (FBI) to fulfill its statutory responsibilities to investigate espionage in the United States. The FBI has received inquiries from private citizens and Congressional offices in behalf of constituents seeking assistance in locating such individuals as missing children or heirs to estates. Where the need is acute and where it appears FBI files may be the only lead in locating the individual, consideration will be given to furnishing relevant information to the inquiring individual. Information will be provided only in those instances where it can be determined from the information at hand that the individual being sought would want the information to be furnished, e.g. an heir to a large estate. Information with regard to missing children will not be provided where they have reached their majority. The decision to make any dissemination under these circumstances can be made only by the Director, and this authority cannot be delegated.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in sys-

tems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Policies and practices for storing: retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Files are maintained in hardcopy form, computer tape, and microfilm.

Retrievability:

The FBI General Index must be searched to determine what information, if any, the FBI may have in its files. The index cards are on all manner of subject matters, but primarily a name index of individuals. It should be noted the FBI does not index all individuals that furnish information or names developed in an investigation. Only that information that is considered pertinent and relevant and essential for future retrieval, is indexed. In certain major cases most persons contacted are indexed in order to facilitate the proper administrative handling of a large volume of material. The FBI is in the process of automating its 'Central Records System' and, therefore, the retrieval of certain data will be accomplished by utilizing certain computer peripheral equipment such as CRT (Cathode Ray Tube) video screens, and printers. This will basically involve certain personnel information, general index information, and the abstracting system. Automation in no way changes the 'Central Records System'; it only facilitates access more effectively and efficiently.

Safeguards:

Records are maintained in a restricted area and are accessed only by FBI employees. All FBI employees receive a complete background investigation prior to being hired. All employees are cautioned about divulging confidential information or any information contained in FBI files. Failure to abide by this provision violates Department of Justice regulations and may violate certain statutes providing maximum severe penalties of a 10,000 dollar fine or 10 years' imprisonment or both. Employees that resign or retire are also cautioned about divulging information acquired in the job.

Retention and disposal:

The Bureau, by its investigative mandate, collects and maintains information from a wide variety of sources. The records support the Bureau's investigative and administrative needs and its obligations to act as a clearinghouse under Executive Order 10450 regarding the security of Government employees. An active destruction program includes microfilming of certain files over 10 years old and researching files to determine whether they contain sufficient historical, research, investigative, or intelligence value to wararnt their retention. The Code of Federal Regulations, Title 41, and Title 44 of the U.S. Code set forth Records Management procedures to be followed by Government agencies in relation to their records. All agencies are required to retain any material made or received during the course of public business which has been preserved or is appropriate for preservation. Accordingly, disposition of record material must be in accordance with established regulations. Subsequent destruction is accomplished through authority granted by National Archieves and Records Service, GSA, utilizing either the General Records Schedules or a specific request for record destruction which is approved by the Archivist. Records are also destroyed or returned to source as a result of Court Order. Subsequent to January 27, 1975, a Congressional moratorium on all destruction, and a later decision rendered on further retention of security and intelligence material, has substantially reduced the tangible effects of the destruction program.

System manager(s) and address:

Director: Federal Bureau of Investigation: Washington, D.C. 20535.

Notification procedure:

Same as above.

Record access procedures:

A request for access to a record from the system shall be made in writing with the envelope and the letter clearly marked "Privacy Access Request". Include in the request your full name, complete address, date of birth, place of birth, notarized signature, and other identifying data you may wish to furnish to assist in making a proper search of our records. Also include the general subject matter of the document or its file number. The requester will also provide a return address for transmitting the information. Access requests will be directed to the Director, Federal Bureau of Investigation, Washington, D.C. 20535.

Contesting record procedures:

Individuals desiring to contest or amend information maintained in the system should also direct their request to the Director, Federal Bureau of Investigation, Washington, D.C. 20535, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the informaion sought.

Record source categories:

The FBI, by the very nature and requirement to investigate violations of law within its investigative jurisdiction and its responsibility for the internal security of the United States, collects information from a wide variety of sources. Basically it is the result of investigative efforts and information furnished by other Government agencies, law enforcement agencies, and the general public, informants, witnesses, and public source material.

Systems exempted from certain provisions of the act:

The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (e) (1), (2) and (3), (e) (4) (G) and (H), (e) (5) and (8), (f), (g) and (m) of the Privacy Act pursuant to 5 U.S.C. 552a (j) and (k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the FEDERAL REGISTER.

1 - Mr. Decker
Attn: Mr. Underwood
1 - [redacted]
1 - [redacted]

March 10, 1977

Assistant Attorney General
Civil Division
Attn: Bruce E. Titus

FEDERAL GOVERNMENT

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b7C

Assistant Director - Legal Counsel
Federal Bureau of Investigation

ELDRIDGE [redacted] CLEAVER v.
CLARENCE M. KELLEY, et al.
(U.S.D.C., D. C.)
CIVIL ACTION NO. 76-0795

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-17-2008 BY 60322/UCLRP/PJ/EHL

Enclosed are the original and five copies of Answers to Plaintiffs' First Set of Interrogatories of Special Agent Frank Underwood, III, Records Management Division, FBI Headquarters (FBIHQ), for filing in this litigation.

The answers were prepared at the request of Bruce E. Titus, Departmental Attorney, Information and Privacy Section, Civil Division, who advised they would be filed in captioned litigation in the United States District Court for the District of Columbia, pursuant to a Court Order of February 10, 1977.

We request that you keep us advised of pertinent developments in this matter.

Enclosures (6)

1 - United States Attorney (Enc.)
District of Columbia

100-447251-1399

NOTE: Instant memorandum furnishes to the Department Answers to Plaintiffs' First Set of Interrogatories for filing in captioned litigation in the USDC, DC, pursuant to a Court Order of February 10, 1977.

ORIGINAL & 5 HAND CARRIED TO BRUCE E. TITUS ATTY 3/10/77 WWH

WWH:rml
(7)

MAILED 12
MAR 1 1977
FBI

APPROVED:
Director
Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.

Adm. Serv.
Ext. Affairs
Fin. & Pers.
Gen. Inv.
Ident.
Intell.

Legal Coun.
Plan. & Insp.
Rec. Mgt.
S. & T. Serv.
Spec. Inv.
Training

MAR 16 1977

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

719597

MAIL ROOM ☐ TELETYPE UNIT ☐

WWH

FBI/DOJ

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-17-2008 BY 60322/UCLRP/PJ/EHL

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

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ELDRIDGE [redacted] CLEAVER,

Plaintiffs

v.

Civil Action No.
76-0795

CLARENCE M. KELLEY, et al.,

Defendants

DEFENDANT FEDERAL BUREAU OF INVESTIGATION'S

ANSWERS TO PLAINTIFFS' FIRST SET OF INTERROGATORIES

Frank Underwood, III, Special Agent, Federal Bureau of Investigation (hereinafter FBI), pursuant to Court Order February 10, 1977, and being duly sworn, answers the following interrogatories. These answers are based on information available to a party within the meaning of Rule 33 of the Federal Rules of Civil Procedure.

Interrogatory No. 1: Identify the person or persons responding to these Interrogatories on behalf of the defendants.

Answer No. 1: Special Agent Frank Underwood, III.

Interrogatory No. 2: Identify each person who assisted in the preparation of answers to these Interrogatories, including any person supplying information or documents for use in such answers.

Answer No. 2: No one.

Interrogatory No. 3: Describe the information or documents supplied by each such person.

Answer No. 3: None.

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b7C

Interrogatory No. 4: Describe all documentary sources used in making answers to these Interrogatories including the identity of any document involved.

Answer No. 4: Second Affidavit of Special Agent Frank Underwood, III, dated January 12, 1977, and affidavit of Special Agent [redacted] dated January 25, 1977, and affidavit of Leon Ulman, Deputy Assistant Attorney General for the Office of Legal Counsel of the Department of Justice dated February 1, 1977.

Interrogatory No. 5: For each document for which an exemption under Title 5, United States Code, Section 552, (b)(1) is claimed, state:

(a) Why release of the document would cause damage to the national security;

(b) Whether the reference has been classified by an authorized official;

(c) Who classified the document; and

(d) Whether the document containing the reference is scheduled to be downgraded and if so, when.

Answer No. 5: (a) See paragraph 4(a) of affidavit of Special Agent [redacted] dated January 25, 1977, and affidavit dated February 1, 1977, of Leon Ulman, Deputy Assistant Attorney General for the Office of Legal Counsel of the Department of Justice and Chairman of the Department Review Committee, established pursuant to 28 C.F.R. 17.38 in compliance with Section 7 (B)(2) of Executive Order 11652.

(b) Yes.

(c) FBI Classification Officer.

(d) The document is not scheduled to be downgraded.

Interrogatory No. 6: For each document for which an exemption under Title 5, United States Code, Section 552, (b)(2) is claimed, state how and by what criteria it was determined that the materials excised were

related solely to internal personnel rules and practices of the agency.

Answer No. 6: See paragraphs 7 and 9(b) of Second Affidavit of Special Agent Frank Underwood, III, dated January 12, 1977.

Interrogatory No. 7: For each document for which an exemption under Title 5, United States Code, Section 552 (b)(3) is claimed, state:

(a) The statute and pertinent section thereof specifically exempting the document from disclosure;

(b) How release of the excised material would allegedly contravene such statute;

(c) By what criteria it was determined that the excised material fell within such statute.

Answer No. 7: (a) (b) and (c) Title 5, United States Code, Section 552 (b)(3) was not applied to withhold any documents or portions thereof.

Interrogatory No. 8: For each document for which an exemption under Title 5, United States Code, Section 552, (b)(7)(C) is claimed, state:

(a) How and by what criteria it was determined that the documents were investigatory records compiled for law enforcement purposes;

(b) How release of the excised material would constitute an invasion of personal privacy; and

(c) How and by what criteria it was determined that the invasion of privacy would be unwarranted.

Answer No. 8: (a) These documents were compiled during investigations conducted pursuant to statutes, including Rebellion or insurrection (Title 18, United States Code, Section 2383); Seditious conspiracy (Title

18, United States Code, Section 2384); Advocating Overthrow of the Government (Title 18, United States Code, Section 2385).

(b) and (c) See paragraphs 7 and 9(c) of Second Affidavit of Special Agent Frank Underwood, III, dated January 12, 1977.

Interrogatory No. 9: For each document for which an exemption under Title 5, United States Code, Section 552 (b)(7)(D) is claimed, state:

(a) How and by what criteria it was determined that the documents were investigatory records compiled for law enforcement purposes;

(b) How release of the excised material would disclose the identity of a confidential source; and

(c) Whether individual consideration was given to determining whether the identity of the source was any longer in need of being protected and whether the source wished to reveal his identity.

Answer No. 9: (a) See answer number 8(a) supra.

(b) See paragraphs 7 and 9(d) of Second Affidavit of Special Agent Frank Underwood, III, dated January 12, 1977.

(c) Consideration was given to determining whether the identity of the source was in need of any longer being protected. Answer to second part is not known to me.

Interrogatory No. 10: For each document for which an exemption is claimed under Title 5, United States Code, Section 552 (b)(7)(E) is claimed, state:

(a) How and by what criteria it was determined that the documents were investigatory records compiled for law enforcement purposes; and

(b) How release of the excised material would disclose investigative techniques and procedures.

Answer No. 10: (a) See answers to 8(a) and 9(a) supra.

(b) See paragraphs 7 and 9(e) of Second Affidavit of Special Agent Frank Underwood, III, dated January 12, 1977.

Interrogatory No. 11: For each document for which an exemption under Title 5, United States Code, Section 552 (b)(7)(F) is claimed, state:

(a) How and by what criteria it was determined that the documents were investigatory records compiled for law enforcement purposes; and

(b) How release of the excised material would endanger the life or physical safety of law enforcement personnel.

Answer No. 11: (a) See answers to 8(a), 9(a) and 10(a), supra.

(b) See paragraphs 7 and 9(f) of Second Affidavit of Special Agent Frank Underwood, III, dated January 12, 1977.

Interrogatory No. 12: With reference to plaintiffs' narrowed request as contained and illustrated in plaintiffs' letter of May 21, 1976, addressed to [redacted] kindly state: b6 b7C

(a) Whether the Department of Justice has within its files records or copies of records emanating from any other Federal or state agency which may pertain to plaintiffs' narrowed request;

(b) Whether the Department of Justice has records which reflect the identity and existence of records maintained by other Federal or state agencies which may pertain to plaintiffs' narrowed request;

(c) Whether such records are indexed in the FBI Central Records System and if not, state how and where they

are indexed or referenced;

(d) If any such records exist, plaintiffs' request that they be identified and produced in accordance with the Court's Order of December 22, 1976.

Answer No. 12: (a) As for answer on behalf of the FBI, aware of none other than our own records.

(b) As for answer on behalf of the FBI, aware of none other than our own records.

(c) Not applicable in view of answer to "(b)."

(d) Not applicable in view of answer to "(b)."

Interrogatory No. 13: Which FBI agents and supervisory officials were assigned to the Oakland, California, area for the period August, 1967, through April, 1968, and for each person kindly specify:

(a) Their names;

(b) Their titles and positions during the subject period;

(c) Their current addresses and telephone numbers.

Answer No. 13: (a) (b) and (c) Object.

Interrogatory No. 14: With respect to FBI agents and officials other than referred to in Interrogatory No. 13, who may have knowledge about activities directed against plaintiffs and their associates including the California branches of the Black Panther Party, kindly state:

(a) Their names;

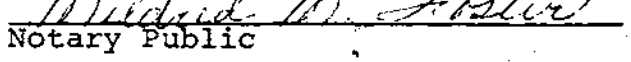
(b) Their titles and positions during subject period;

(c) Their current office addresses and telephone numbers.

Answer No. 14: (a) (b) and (c) Object.

FRANK UNDERWOOD, III
Special Agent
Federal Bureau of Investigation
Washington, D. C.

Subscribed and Sworn to before me this 10th day of March, 1977.



Notary Public

My Commission expires My Commission Expires September 14, 1981

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DATE 09-17-2009 BY 60322/UCLRP/PJ/EHL

Assistant Attorney General
Civil Division
Attn: Bruce E. Titus

March 10, 1977

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Assistant Director - Legal Counsel
Federal Bureau of Investigation

1 - Mr. Decker
Attn: Mr. Underwood
1 - [redacted]
1 - [redacted]

ELDRIDGE [redacted] CLEAVER v.
CLARENCE M. KELLEY, et al.
(U.S.D.C., D.C.)
CIVIL ACTION NO. 76-0795

Enclosed are the original and five copies of an affidavit of Special Agent Frank Underwood, III, Records Management Division, Federal Bureau of Investigation Headquarters (FBIHQ), for filing in this litigation.

The affidavit was prepared at the request of Bruce E. Titus, Deputy Chief, Information and Privacy Section, Civil Division, who advised it would be filed in captioned litigation in the United States District Court for the District of Columbia, pursuant to a Court Order of February 10, 1977.

We request that you keep us advised of all pertinent developments in this matter.

Enclosures (6)

REC-39

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(6)

NOTE:

Instant memorandum furnishes the Department an affidavit for filing in captioned litigation in the United States District Court, District of Columbia, pursuant to a Court Order of February 10, 1977.

ORIGINAL AND FIVE HAVE BEEN GIVEN TO DEPT ATTY BRUCE TITUS 3/10/77

DO-447251-1399X

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

APPROVED:
Director
Adm. Serv.
Ext. Affairs
Fin. & Pers.
Gen. Inv.
Ident.
Intell.
Legal Coun.
Plan. & Insp.
Rec. Mgt.
S. & T. Serv.
Spec. Inv.
Training

MAIL ROOM ☑ TELETYPE UNIT ☐

MAR 28 1977

FBI/DOJ

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DATE 09-17-2008 BY 60322/UCLRP/PJ/EHL

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

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ELDRIDGE [redacted] CLEAVER	)	
Plaintiffs,	)	
v.	)	Civil Action No. 76-0795
CLARENCE M. KELLEY, et al.,	)	
Defendants.	)	

FIFTH AFFIDAVIT OF FRANK UNDERWOOD, III

I, Frank Underwood, III, being duly sworn, depose and say as follows:

(1) I am a Special Agent of the Federal Bureau of Investigation (FBI), assigned in a supervisory capacity to the Freedom of Information-Privacy Acts (FOIPA) Branch, Records Management Division, at FBI Headquarters (FBIHQ), Washington, D. C.

(2) Due to the nature of my official duties, I am personally familiar with the procedures we have followed in responding to plaintiffs' Freedom of Information Act (FOIA) request for certain material in our possession. The information furnished herein is based upon my personal knowledge, obtained in my official capacity.

(3) I am aware of the orders of this Court dated December 22, 1976, and February 10, 1977, and am familiar with the procedures we have followed in order to comply in the time allotted by the Court with plaintiffs' request for information under the FOIA. Reference is hereby made to my Affidavits dated December 28, 1976, January 12, 1977, February 7, 1977, and March 9, 1977.

(4) Pursuant to that phase of the Court's February 10, 1977, order which stated "Direct the FBI to contact its California Field Offices and such other Field Offices as may have information encompassed by this Court's order of December 22, 1976, and provide

plaintiffs with such information in accordance with that order," instructions to that effect were directed to the San Francisco, Los Angeles, Sacramento, and San Diego FBI Field Offices as indicated by February 15, 1977, teletype, a copy of which is attached hereto and marked Exhibit A. It should be noted that the same narrowed date scope criteria rather than activity scope, as explained in Paragraph 4 of the Second Affidavit of Frank Underwood, III, was utilized to ascertain which documents, located as a result of the search of the respective Field Offices, were to be forwarded to FBIHQ for processing under the FOIA. In response to the aforementioned instructions the San Francisco and Los Angeles Field Offices advised that a search of their indices resulted in the location of main files containing documents within the narrowed date scope identifiable with Leroy Eldridge Cleaver, [redacted] and the Black Panther Party (BPP) as well as references identifiable with the plaintiffs. The Sacramento and San Diego Field Offices advised that a search of their indices resulted in the location of main files containing documents within the date scope identifiable with the BPP but also resulted in neither main files nor references, being located identifiable with Leroy Eldridge Cleaver or [redacted] [redacted] within the narrowed date scope. The documents reviewed indicate, during the period of the narrowed date scope, that California was the center of BPP activity, yet, the indices searches of one-half of the California FBI Field Offices (two of the four, namely, Sacramento and San Diego) revealed those Field Offices, nevertheless, had neither main files nor any references identifiable with Leroy Eldridge Cleaver or [redacted] during the pertinent time frame and those same Field Offices had only a small volume of information concerning the BPP during the same period of time. Also the documents reveal the publically proclaimed national headquarters of the BPP and the residence of the Cleavers was in the San Francisco - Oakland, California area. It was not deemed reasonable, therefore, to check with additional FBI Field Offices in this matter and it was in fact not done for that reason.

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(5) The processed documents were made available on March 10, 1977, to plaintiffs' attorney. Excisions were made from documents released and some documents were withheld in their

entirety pursuant to Exemptions (b)(1), (b)(2), (b)(5), (b)(7)(C), and (b)(7)(F).

(6) Also attached hereto are Exhibits B, C, D, E, F, G, H, I, J, and K, consisting of an inventory of documents reviewed for release, a copy of those documents as actually released to the plaintiffs and justifications for the withholding of information either in whole or in part concerning Leroy Eldridge Cleaver - San Francisco (Exhibit B), [redacted] - San Francisco (Exhibit C), the BPP - San Francisco (Exhibit D), and "see" references concerning Leroy [redacted] Cleaver - San Francisco (Exhibit E); Leroy Eldridge Cleaver - Los Angeles (Exhibit F), and [redacted] - Los Angeles (Exhibit G), the BPP - Los Angeles (Exhibit H) and "see" references concerning Leroy [redacted] Cleaver - Los Angeles (Exhibit I); BPP - Sacramento (Exhibit J); and BPP - San Diego (Exhibit K).

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(7) The aforementioned Field Office files reviewed and processed contain material not within the confines of the aforementioned narrowed date scope and it was, therefore, withheld in its entirety and so designated in the respective inventories as "out of scope" or "outside scope." Documents forwarded by the aforementioned Field Offices to FBIHQ in this matter for processing under the FOIA pursuant to the Court's February 10, 1977, order which had been processed previously pursuant to the Court's December 22, 1976, order, were not processed again. These duplicative documents are accounted for by file number and serial number in the respective inventories attached hereto as mentioned above (see paragraph 6, supra) and are specifically designated in the inventories as having been processed pursuant to the Court's January 12, 1977, deadline.

(8) Other documents designated in the respective inventories as "destroyed" pertain to channelizing memoranda. A channelizing memorandum is a form cover page attached to an informant report. In most instances, the informant information concerns several different subjects or subject matters under investigation for whom (which) there are separate individual case files. The original document is filed in the informant's file. In order to channelize copies of information to the pertinent case files, this form is utilized as an administrative device to transmit same.

Concerning copies of channelizing memoranda, the FBI's Manual of Rules and Regulations, Part II, Section 3, Subsection O, Item 2, under the heading of Administration of Offices and concerning files and records which are to be destroyed when they have served the purpose for which prepared, provides among other things that channelizing memoranda in subversive matter and extremist matter cases may be destroyed after the information contained therein has been included in a report or letterhead memorandum (LHM) or must be destroyed when the information contained therein has not been included in a report or LHM because the information is of no value to the report or LHM. Documents destroyed pursuant thereto are accounted for by utilization of form FD-338 which is maintained as a part of the file in which the destroyed document was filed. This regulation additionally provides that the destruction of channelizing memoranda should be subject to close supervisory control to insure that all pertinent information contained therein is reported in a report or LHM. A few other documents are designated in the respective inventories as "skipped in file." This refers to certain documents the existence of which at any point in time is not known. It indicates gaps in the serialization (sequential numbering system) and, in absence of any information to the contrary, is at this time presumably attributable to human clerical error. Additional efforts are being made to account for the same.

(9) The documents forwarded to FBIHQ from the aforementioned Field Offices were processed in accordance with the same application of the FOIA exemptions as explained in Paragraph 9 of the Second Affidavit of Frank Underwood, III, with the exception of Exemption (b)(5) which was not previously asserted. Title 5, United States Code, Section 552, Subsection (b)(5) allows for the deletion of "inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency." The material withheld from a document in part pursuant to (b)(5) in this matter appears in one particular document and specifically concerns predecisional deliberative advice and opinion, the free exchange of which should be encouraged and of which is essential to the decision making process.

(10) Included among the FOIA exemptions asserted in the material attached hereto as mentioned above (see Paragraph 6, supra) was (b)(1) which exempts from disclosure information specifically authorized by Executive Order 11652 to be kept classified in the interest of national defense. Information in that regard was withheld following a review thereof by a Special Agent of the FBI, authorized to classify FBI documents pursuant to Executive Order 11652, who determined that these particular documents or portions thereof should be classified or retain their classification. These particular documents will be presented to the Department Review Committee for final administrative classification adjudication and the findings will be made available to the Court.

Frank Underwood, III
Special Agent
Federal Bureau of Investigation
Washington, D. C.

Subscribed and Sworn to before me this 10th day of March, 1977.

Mildred M. Foster
Notary Public

My commission expires My Commission Expires September 14, 1981.

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

UNITED STATES GOVERNMENT

Memorandum

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

TO : The Associate Director

DATE: 3/14/77

FROM : Legal Counsel

SUBJECT: PEOPLE OF THE STATE OF CALIFORNIA v.
LEROY ELDRIDGE CLEAVER
SUPERIOR COURT
STATE OF CALIFORNIA, COUNTY OF ALAMEDA
SUBPOENA MATTER

PURPOSE: To advise that the subpoenas for FBI records issued by the defendants in the captioned criminal action were quashed by the presiding judge on 3/2/77.

SYNOPSIS AND DETAILS: Criminal prosecution of Leroy Eldridge Cleaver is currently pending in Superior Court of the State of California, County of Alameda. Cleaver is charged with attempted murder and assault with a deadly weapon resulting from a shoot-out with local officers in Oakland, California, in April 1968. Mr. Cleaver's attorneys recently issued subpoenas addressed to our San Francisco and Sacramento Field Offices which would have, in effect, required a review of all FBI records concerning Cleaver, The Black Panther Party, several other organizations with which Cleaver was associated, and numerous individuals who were Black Panther Party members and/or friends of Cleaver and production of a substantial portion of these records. (Legal Counsel memorandum to Associate Director, 2/25/77, captioned as above, provided the details of these subpoenas and our response thereto.)

The Department of Justice (DOJ) filed a Motion to Quash the subpoenas on 2/18/77 in the Superior Court. The

100-447251-1400
REC-46
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Enclosure

1 - [redacted]
Attn: [redacted]
1 - [redacted]
1 - FOIA Litigation Unit
1 - Legal Research Unit
1 - [redacted]

JRD:kg
(6)

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

5010-108

FBI/DOJ

Memorandum to The Associate Director
Re: People of the State of California v. Leroy Eldridge Cleaver
Superior Court
State of California, County of Alameda
Subpoena Matter

Court took the matter under advisement at that time. On 3/9/77 Departmental Attorney John F. Barg, Civil Division, who is handling this matter, contacted the Legal Counsel Division and advised that he had just learned that the Superior Court had ordered the subpoenas quashed in their entireties. He also noted that the requests of the attorneys for the defendant to allow service of subpoenas out of state, particularly on the Attorney General of the United States and on the FBI in Washington, D.C., were also denied. A copy of the order of the Court is attached. Mr. Barg advised that it is possible that the defendant's attorneys may reissue subpoenas for FBI records; however, it is expected that any future subpoenas will be more narrow in scope and easier to deal with.

RECOMMENDATION: None. For information.

APPROVED:

Director
Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv. JBK/Per

Adm. Serv.
Ext. Affairs
Fin. & Pers.
Gen. Inv. m/8
Ident.
Intell.

Legal Coun. m/Per
Plan. & Insp.
Rec. Mgt.
S. & T. Serv.
Spec. Inv.
Training

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102-753 5M 7/61 (new)

MAR 7 1977

DEPT. 11

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA

Date: March 2, 1977 Hon. ALAN A. LINDSAY, Judge; Andrea Clark, Deputy Sheriff; J. Kodubec, Deputy Clerk; Ernest Black, Reporter

THE PEOPLE OF THE STATE OF CALIFORNIA
Plaintiff

vs.

ELDRIDGE CLEAVER
Defendant

Counsel appearing for Plaintiff: none present

Counsel appearing for Defendant: none present

RECEIVED MAR 7 1977 DOCKET UNIT CIVIL DIVISION

NATURE OF PROCEEDINGS: EXPARTE ORDER RE: DECISION ACTION NO. 42287

RE: Subpoenaes Duces Tecum Concerning Surveillance Records;
Court orders: Motions to Quash Subpoenaes directed to the below listed persons and agencies are hereby granted.
List of Subpoeneaes Quashed--
To the Custodian of Records of:
1. San Francisco District Attorney 2. San Francisco Police Department 3. Berkeley Police Department 4. Emeryville Police Department 5. California Adult Authority 6. California Department of Corrections 7. California Bureau of Criminal Investigation and Indentification 8. Attorney General of the State of California 9. Sacramento Attorney General's Office 10. San Francisco Attorney General's Office 11. Federal Bureau of Investigation - Sacramento Field Office 12. Federal Bureau of Investigation - San Francisco Field Office 13. Central Intelligence Agency - San Francisco Office 14. Internal Revenue Service - San Francisco District 15. Army Intelligence Command - San Francisco Field Office - 525th Military Group (Successor to 115 MI) 16. Naval Intelligence Investigative Service Office (NISO) 12ND 17. Office of Special Air Force Security Investigation (OSI) 19D.

RE: Subpoenaes Duces Tecum To Be Served Out of State;
Court orders: Certificates of Materiality are denied regarding the below listed subpoenaes.
List of subpoenaes denied--
To the Custodian of Records of:
1. Office of Special Air Force Security Investigation 2. Naval Intelligence Investigative Service Office, Headquarters 3. Defense Intelligence Agency 4. United States Army Intelligence Agency 4. Internal Revenue Service 6. Central Intelligence Agency 7. Attorney General of the United States 8. Federal Bureau of Investigation.

RE: Subpoenaes Duces Tecum Concerning Pitchess material;
Court orders: the subpoena directed to the Emeryville Police Department quashed.
Court orders: compliance with the subpoena directed to the Oakland Police Department to the extent of the records for the name listed below:

[redacted] [redacted] [redacted] (the personnel records of Officer [redacted] were not actually subpoenaed; but production of his records, together with those of Officers [redacted] and [redacted], seems warranted by a reading of the Grand Jury transcript.)

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Court further orders: the balance of the subpoena is quashed with regard to information on any other officer.

100-447257

COMPLIANCE DATE: ON OR BEFORE 5:00 PM FRIDAY, MARCH 11, 1977.

(See Page Two)

ENCLOSURE

CIVIL DIV. General

102-735 5M 7/61 (new)

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA

DEPT. 11

Date: March 2, 1977 Hon. ALAN A. LINDSAY, Judge; Andrea Clark, Deputy Sheriff; J. Kadubec, Deputy Clerk; Ernest Black, Reporter

THE PEOPLE OF THE STATE OF CALIFORNIA
Plaintiff

Counsel appearing for Plaintiff: none present

vs.

Eldridge Cleaver
Defendant

Counsel appearing for Defendant: none present

NATURE OF PROCEEDINGS: (PAGE TWO)

ACTION No. 42287

COPIES OF THE ATTACHED ORDER ARE MAILED THIS DATE TO:

Marcus S. Topel
360 Pine St.
Penthouse Suite
San Francisco, Calif.
94104

John W. Keker
Kipperman, Shawn, Keker & Brockett
407 Sansome St.
Suite 400
San Francisco, Calif.
94111

Thomas J. Orloff
Senior Trial Deputy
District Attorney's Offi
Alameda County Courthous
1225 Fallon St.
Oakland, Calif.
94612

Peter L. Cling
Assistant District Attorney
San Francisco District Attorney's Office
850 Bryant St.
San Francisco, Calif.
94103

Michael Seybold
Legal Office, San Francisco Police Dept.
850 Bryant St. 5th. Floor
San Francisco, Calif.
94103

Dennis A. Lee
Associate City Attorney
2171 McKinley Avenue, Room 220
Berkeley, Calif. 94704

Ted Lakey, City Attorney
City Hall, City of Emeryville
2449 Powell St.
Emeryville, Calif. 94608

Timothy A. Reardon
Deputy Attorney General
6000 State Building
San Francisco, Calif.
94102

John F. Barg
U.S. Department of Justice, Civil Division
Washington, D.C. 20530

Jeffrey N. Haney
Deputy City Attorney
Oakland City Hall
14th. & Washington Streets
Oakland, Calif. 94612

UNITED STATES GOVERNMENT

memorandum

DATE:

REPLY TO ATTN OF: Barbara Allen Babcock
Assistant Attorney General
Civil Division

BAB:DJA:JFBarg:mpk
233279-593

SUBJECT: People of the State of California v. Leroy Eldridge Cleaver, No. 42287, Superior Court, Alameda County

TO: Clarence M. Kelley
Director
Federal Bureau of Investigation

14 MAR 1977

FEDERAL GOVERNMENT

Attention: Legal Counsel Division

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Enclosed is a copy of the Court's order in the above-captioned case quashing in their entirety the subpoenas duces tecum directed to the Custodians of Records in your San Francisco and Sacramento field offices. The Court also denied Cleaver's application for an out of state subpoena duces tecum directed to FBI headquarters.

In the event new subpoenas are issued to FBI employees in connection with this case, please inform me as quickly as possible so that an appropriate response can be prepared.

Enclosure

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EX-113

REC-60 100-447251-1400X

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22 MAR 15 1977

EX PROC

33 MAR 15 1977

MAR 25 1977

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

OPTIONAL FORM NO. 10
(REV. 7-76)
GSA FPMR (41 CFR) 101-11.6
5010-112

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1 - [redacted]
1 - FOIA Litigation Unit
1 - Research Unit
March 15, 1977
1 - [redacted]

b6
b7C

SACs, Sacramento
San Francisco

Director, FBI

PEOPLE OF THE STATE OF CALIFORNIA
v. LEROY ELDRIDGE CLEAVER
SUPERIOR COURT, STATE OF CALIFORNIA
COUNTY OF ALAMEDA
SUBPOENA MATTER

ReButel to San Francisco and Sacramento, captioned as above, dated 2/16/77, and reBucals to Sacramento on 3/10/77 and to San Francisco on 3/14/77.

Enclosed to each receiving Office is one copy each of a court order dated 3/2/77.

As advised in referenced telephone calls, on 3/9/77 the Department of Justice attorney assigned to this matter advised that the subpoenas issued in captioned matter requiring the production of FBI documents were ordered quashed by the Superior Court Judge on 3/2/77. Although it is possible that the attorneys for the defendant will reissue subpoenas for FBI records, it is hoped that if this does occur the subpoenas will be more narrow in scope and easier to deal with.

San Francisco should remain alert for any additional subpoenas directed to the FBI in captioned criminal action and immediately advise FBI Headquarters, attention Legal Counsel Division, of any new subpoenas.

100-449251-1401

ST-124 REC-26

Enclosure

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

MAILED 3
MAR 15 1977
FBI

JRD:clh
(9) clh

SEE NOTE - PAGE 2.

MAIL ROOM ☑ TELETYPE UNIT ☐

GPO : 1976 O - 207-526

Letter to Sacramento
Re: PEOPLE OF THE STATE OF CALIFORNIA
v. LEROY ELDRIDGE CLEAVER

NOTE: This relates to subpoenas issued by the attorneys for the defendant, Leroy Eldridge Cleaver, in the captioned criminal prosecution. Subpoenas requesting numerous FBI documents were served on the Sacramento and San Francisco Offices in February. The Department of Justice filed a motion to quash the subpoenas in Superior Court on 2/18/77. The Court subsequently ordered the subpoenas quashed on 3/2/77. (Legal Counsel memorandum to The Associate Director dated 3/14/77, furnishes the full background of this matter.)

APPROVED:

Director
Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.

Adm. Serv.
Ext. Affairs
Fin. & Pers.
Gen. Inv.
Ident.
Intell.

Legal Coun. m|gd
Plan. & Insp.
Rec. Mgt.
S. & T. Serv.
Spec. Inv.
Training

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

UNITED STATES GOVERNMENT

Memorandum

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Assoc. Dir. ___
Dep. Adm. ___
Dep. Inv. ___
Adm. Serv. ___
Fed. Cts. ___
Fin. & Pers. ___
Gen. Inv. ___
Ident. ___
Inspection ___
Intell. ___
Laboratory ___
Legal Coun. ___
Plan. & Eval. ___
Rec. Mgmt. ___
Spec. Inv. ___
Training ___
Telephone Rm. ___
Director Sec'y ___

TO : The Associate Director

DATE: 3/25/77

FROM : Legal Counsel

SUBJECT: PEOPLE OF THE STATE OF CALIFORNIA v.
LEROY ELDRIDGE CLEAVER
SUPERIOR COURT
STATE OF CALIFORNIA, COUNTY OF ALAMEDA
SUBPOENA MATTER

PURPOSE: To advise that the defendant's attorneys in captioned criminal prosecution have filed papers with the Court of Appeals, First Appellate District, State of California, attempting to compel the trial judge who previously quashed the subpoena for FBI records to grant discovery of the requested documents and to allow service of subpoenas on FBI Headquarters, Washington, D. C., and on the Attorney General.

(100-447251-1406)

SYNOPSIS AND DETAILS: Legal Counsel to Associate Director memorandum dated 3/14/77, captioned as above, advised that subpoenas issued by the defendant in the captioned criminal action were quashed by the presiding judge of the Superior Court, State of California, County of Alameda, on March 2, 1977. (Copy of 3/14/77 memo attached).

On 3/22/77, Department of Justice attorney John F. Barg, Civil Division, who is handling this matter, advised SA [redacted] of the Legal Counsel Division that he had just learned that Mr. Cleaver's attorneys have filed an application with the Court of Appeals for the First Appellate District of the State of California seeking a Writ of Mandamus to compel the trial judge in this matter to 1) grant discovery of FBI documents contained in the San Francisco and Sacramento Field Office files, as requested in the subpoena which was quashed by that judge and; 2) allow service of out-of-state subpoenas on FBI Headquarters, Washington, D.C., and on the Attorney General to compel production of documents ~~from FBIHQ~~ and Department of Justice files.

ST-118 REC-63 100-447251-1402 MAR 5 1977

Mr. Barg noted that the defendant's attorneys have dropped their request for documents directed to ~~several other~~

1 - [redacted]
Attention: [redacted]
1 - [redacted]

1 - FOIA Litigation Unit
1 - Legal Research Unit
1 - [redacted]

JRD:las
(6)

APR 21 1977

LEGAL COUNSEL

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

5010-108

FBI/DOJ

Memo to The Associate Director
Re: People of the State of California v.
Leroy Eldridge Cleaver
Superior Court
State of California, County of Alameda
Subpoena Matter

Federal agencies and now are only requesting documents from FBI files. Mr. Barg advised he is in the process of preparing a brief to file in opposition to the defendant's request and will, if necessary, appear in court in California to oppose the Writ of Mandamus. Mr. Barg advised he was hopeful that the writ would not be granted and that he would keep the Legal Counsel Division fully advised of any developments in this matter.

RECOMMENDATION: None. For information.

JCK

APPROVED:	Adm. Serv.	Legal Coun.
	Ext. Affairs	Plan. & Insp.
Director	Fin. & Pers.	Rec. Mgt.
Assoc. Dir.	Gen. Inv. M/KVW	S. & T. Serv.
Dep. AD Adm.	Ident.	Spec. Inv.
Dep. AD Inv.	Intell.	Training

IRVING JAFFE
Acting Assistant Attorney General
DENNIS G. LINDER
JOHN F. BARG
Civil Division
U. S. Department of Justice
Washington, D. C. 20530
Telephone: (202)739-4189

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-17-2008 BY 60322/UCLRP/PJ/EHL

JAMES L. BROWNING, JR.
United States Attorney
JAMES A. BRUEN
Assistant United States Attorney
Civil Division
16th Floor, Federal Building
450 Golden Gate Avenue
San Francisco, California 94102
Telephone: (415)556-6430

Attorneys for Federal Custodians of
Subpoenaed Records

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, v. LEROY ELDRIDGE CLEAVER, Defendant.	No. 42287 MOTION TO QUASH SUBPOENAS DUCES TECUM

100-447251-
~~190-2546~~

The Custodians of Records of the Federal Bureau of Investigation, Sacramento Field Office; the Federal Bureau of Investigation, San Francisco Field Office; the Internal Revenue Service, San Francisco District; the Central Intelligence Agency, San Francisco Office; and the Army Intelligence Command, San Francisco Field Office, by their undersigned counsel, hereby move this Court to quash the

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3 MAR 18 1977

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3-ENCLOSURE

DIV. 6

Legal Counsel

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subpoenas duces tecum, issued and served in said cause on or about February 7, 1977 by and on behalf of defendant. A Memorandum of Points and Authorities in support of this motion is attached.

Respectfully submitted,

IRVING JAFFE
Acting Assistant Attorney General

JAMES L. BROWNING
United States Attorney

JAMES A. BRUEN
Assistant United States Attorney
Civil Division

DENNIS G. LINDER

_____
JOHN F. BARG
Attorneys, Department of Justice
Washington, D. C. 20530
Telephone: (202)739-4189

Attorneys for Federal Custodians of Subpoenaed Records

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IRVING JAFFE
Acting Assistant Attorney General
DENNIS G. LINDER
JOHN F. BARG
Civil Division
U. S. Department of Justice
Washington, D. C. 20530
Telephone: (202)739-4189

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JAMES L. BROWNING, JR.
United States Attorney
JAMES A. BRUEN
Assistant United States Attorney
Civil Division
16th Floor, Federal Building
450 Golden Gate Avenue
San Francisco, California 94102
Telephone: (415)556-6430

Attorneys for Federal Custodians of
Subpoenaed Records

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, v. LEROY ELDRIDGE CLEAVER, Defendant.	No. 42287 MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO QUASH SUBPOENAS DUCES TECUM

PRELIMINARY STATEMENT

By five essentially identical subpoenas duces tecum issued to the Custodians of Records in the Federal Bureau of Investigation's San Francisco and Sacramento field offices, the Central Intelligence Agency's San Francisco Office, the Internal Revenue Service's San Francisco District Office, and the Army Intelligence Command's San Francisco Field Office, defendant Cleaver seeks to obtain all records in any form whatsoever, and without regard to the date of

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such records, concerning electronic or other surveillance of him and intelligence activities concerning him which were conducted, approved, suggested, or participated in by nine federal agencies and thirteen California state and local agencies. In addition to these sweeping requests for material on Cleaver himself, he also seeks to obtain all records, without regard to the date of such records, concerning electronic or other surveillance of and intelligence activities concerning the Black Panther Party, its 89 members listed in Exhibit A to the Subpoenas, his 38 listed "friends," and twenty listed organizations, if such records in any way relate to Cleaver or the shooting incident of April 6, 1968. Finally, the subpoenas also seek all records of applications for approval of such surveillance and intelligence activities, responses to such applications, and all records of surveillance or intelligence activity concerning any of Cleaver's fifteen attorneys.

Not only are the subpoenas exceedingly overbroad in scope and potentially oppressive in their demands, but they are also deficient in substance. For these reasons, and because defendant has received voluminous materials from the Federal Bureau of Investigation which pertain to the time period preceding and following the incident here at issue, the subpoenas should be quashed.

ARGUMENT

I. The Subpoenas Are Without Effect to the Extent They Seek Documents Not Within the Custody and Control of the Subpoenaed Custodians or Documents Outside the State of California

The subpoenas *duces tecum* issued by the defendant purport to seek all records and documents in the custodians' possession, actual or constructive, or available to them, or obtainable from local

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offices, main offices, headquarters, or archives of the agencies involved.

However, to the extent that the defendant seeks by way of the instant subpoenas to compel production of documents from the Washington, D. C. headquarters of each federal agency involved, the subpoenas have no effect. Since the compulsory process of a state court only extends to those persons located within its jurisdiction, The Uniform Act to Secure the Attendance of Witnesses from Without the State in Criminal Cases, §1334 P.C., is the exclusive means by which out-of-state witnesses may be subpoenaed to appear or produce documents in criminal cases. People v. Cavanaugh, 69 Cal. 2d 262, 444 P.2d 110, 70 Cal. Rptr. 438 (1968), cert. denied, 395 U.S. 981.

Although documents located within California and in the custody of the Federal offices to which the subpoenas were issued may be subject to the Court's jurisdiction, the subpoenas issued in this matter can only properly require the production of such documents as may be under the control of the custodian of the records. Therefore, the defendant's effort to obtain documents from numerous offices of each agency by simply serving a subpoena duces tecum on the custodian of records at one such office is equally ineffective. Consequently, the scope of the subpoenas duces tecum is improper, and they should therefore be quashed, or at least modified to require production of only those documents under the control of each custodian of records and only to the extent that the court may uphold the sufficiency of the subpoenas.

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II. The Subpoenas Should be Quashed Because the Affidavit in Support of the Subpoenas Fails to Specify the Documents Required and Fails to Demonstrate Adequate Cause for the Requested Discovery

Discovery by an accused in a criminal case is "addressed to the sound discretion of the trial court, which has inherent power to order discovery in the interests of justice." Hill v. Superior Court, 10 Cal. 3d 812, 816, 518 P.2d 1353, 112 Cal. Rptr. 257 (1974). However, the defendant must demonstrate that the material requested will facilitate the ascertainment of the facts pertinent to the case and will aid the defendant in obtaining a fair trial. Pitchess v. Superior Court, 11 Cal. 3d 531, 522 P.2d 305; 113 Cal. Rptr. 897 (1974); Hill v. Superior Court, supra. The standard established to guide courts in the exercise of their discretion in determining whether an accused has adequately demonstrated his need for the material is set forth in Hill v. Superior Court, supra:

> An accused however, is not entitled to inspect material as a matter of right without regard to the adverse effects of disclosure and without a prior showing of good cause. In criminal cases, the trial court retains wide discretion to protect against the disclosure of information which might unduly hamper the prosecution or violate some other legitimate governmental interest. [citations omitted]. Additionally, the court has discretion to deny discovery in the absence of a showing which specifies the material sought and furnishes a "plausible justification" for inspection. [citations omitted]. A showing, however, that the defendant cannot readily obtain the information through his own efforts will ordinarily entitle him to pretrial knowledge of any unprivileged evidence, or information that might lead to the discovery of evidence, if it appears reasonable that such knowledge will assist him in preparing his defense.... [citations omitted]. 10 Cal. 3d at 817.

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A review of the affidavit submitted by defense counsel in support of the subpoenas duces tecum reveals that the affidavit wholly fails to satisfy any of the requirements stated in the Hill case: (1) it does not set forth specifically the information sought, (2) it does not contain a "plausible justification" for the discovery, (3) it does not demonstrate how this disparate and possible massive amount of information will assist him in the preparation of his defense, and (4) it contains essentially no limitations in either time or subject matter to protect the legitimate governmental interests of the agencies from whom material is sought.

Rather than requiring production of specific documents related to the issues in the pending criminal case, the subpoenas duces tecum seek "all actual voice records, tapes, machanical or electrical recordings, as well as written transcripts, logs, summaries, reports, memoranda, letters, airtels notes, and other records of any form whatsoever." This does not constitute a request for specific documents; rather it is nothing more than an all-encompassing blanket subpoena which would permit the defendant to acquire information totally unrelated to the issues in the case. In People v. Serrata (1976) 62 Cal. App. 3d 9, ___P.2d___, 133 Cal. Rptr. 144, the California Court of Appeals upheld the quashing of third party subpoenas duces tecum directed to the IBM corporation, seeking all notes, documents, recordings, reports and statements compiled and collected by the IBM security staff and its agents and employees during the course of their investigation into the activities leading to the criminal charges against the defendant. The court stated:

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> [T]he trial court was correct in quashing defendant's subpoenas on the basis that they involved such a broad, blanket demand for documents that defendant's conduct amounted to nothing more than a fishing expedition. 133 Cal. Rptr. at 147.

The court concluded that the "blanket nature" of the subpoenas was sufficient independent grounds for quashing them. Yet the subpoenas in Serrata, supra, were far more specific and limited in scope than those issued by defendant Cleaver.

Even to the extent that defendant Cleaver seeks "all records of any form whatsoever" merely pertaining to himself, the subpoenas are so overbroad that they would require production of documents potentially generated by the federal agencies while Cleaver was a fugitive overseas, after his return to the United States, and perhaps even before he joined the Black Panther Party. Yet defendant Cleaver seeks not simply all records about himself, but he seeks all records concerning the Black Panther Party, and over one hundred other persons and organizations, if such records in any way pertain to Cleaver or the incident at issue. Because he has failed to specify the information sought by the subpoenas, as required by Hill, the subpoenas should be quashed.

The affidavit in support of the subpoenas similarly fails to contain a "plausible justification" for such sweeping demands for discovery. The relationship between the issues in the criminal case and the alleged activities of the subpoenaed federal agencies is very attenuated, with the possible exception of the time period immediately preceding the shooting incident on April 6, 1968. Arguably, the FBI could possess information relevant to the defendant's claim of a "police vendetta" against him and the Black

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Panther Party.

However, the defendant has already obtained, by means of the Freedom of Information Act (5 U.S.C. §55a), all information in the possession of FBI Headquarters dated from August 1, 1967 through April 30, 1968 concerning himself, [redacted] and the Black Panther Party in California, a total of more than 1300 pages of material. Furthermore, the files released to the defendant indicate that he was not the subject of electronic surveillance by the FBI during this period of time.[1/]

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In view of the FBI's prior release to the defendant of materials pertinent to the issues in the criminal case, no plausible justification exists for demanding more information from the FBI. Furthermore, since the FBI has already furnished the defendant with information pertinent in time to the incident of April 6, 1968, the defendant has not demonstrated how other FBI material, or how any information whatsoever from the other subpoenaed agencies, could assist him in preparing his defense. The defendant should not, in the context of this criminal case, be permitted to make extraordinarily sweeping demands of federal agencies without justifying his requirements, demonstrating the relevance of the discovery, and as noted above, specifying the information sought.

Finally, Hill v. Superior Court, supra, speaks of the court's discretion "to protect against the disclosure of information which might...violate some other legitimate governmental interest."

1/ The attached affidavit of Frank Underwood, III, a Special Agent of the Federal Bureau of Investigation, sets forth the scope of the material released to defendant Cleaver pursuant to the Freedom of Information Act.

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12-8-76 DOJ

10 Cal. 3d at 816. Several crucial governmental interests are jeopardized by the discovery sought by the defendant. Because the subpoenas are so broad in subject matter and unlimited in time, the manpower, financial cost and time required for such a file review would be oppressively burdensome and could not possibly be accomplished prior to the trial in May of this year. Additionally, if the subpoenaed federal officials do possess materials concerning the defendant and the persons and organizations listed in Exhibit A to the subpoenas, some of the information may properly be subject to claims of national security privilege, United States v. Reynolds, 345 U.S. 1 (1953) or the governmental privilege protecting intra-governmental deliberative communications. United States v. Nixon, 418 U.S. 683, 705-713 (1974); Carl Zeiss Stifting v. V.E.B. Carl Zeiss, Jena, 40 F.R.D. 318, 325 (D.C. 1966).

Since the subpoenas are so incredibly overbroad, containing no specificity as to the documents sought and no plausible justification for discovery demands of such a magnitude that the legitimate interests of the federal government are violated, they should for those reasons alone be quashed.

But, assuming arguendo that this Court concludes that the subpoenas should be quashed only in part, or even not at all, the federal agencies from which documents are sought may assert claims of privilege to protect various legitimate governmental interests. No attempt was made by the several agencies at this time to ascertain whether or not they have in their custody documents that are properly privileged because to even undertake a file review within the parameters of the instant subpoenas would, as stated

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12-8-76 DOJ

above, be a massive undertaking and would in itself jeopardize legitimate federal interests. Therefore, the federal government should be protected from subpoenas of such a draconian dimension without the necessity of resorting to claims of privilege.

CONCLUSION

For the reasons stated, the Federal Custodians of Subpoenaed Records respectfully request that their Motion to Quash Subpoenas Duces Tecum be granted.

Very Respectfully,

IRVING JAFFE
Acting Assistant Attorney General

JAMES L. BROWNING
United States Attorney

JAMES A. BRUEN
Assistant United States Attorney
Civil Division

DENNIS G. LINDER

JOHN F. BARG
Attorneys, Department of Justice
Washington, D. C. 20530
Telephone: (202) 739-4189

Attorneys for Federal Custodians of Subpoenaed Records

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12-8-76 DOJ

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Motion to Quash Subpoenas Duces Tecum and the Memorandum of Points and Authorities in Support of said motion, filed on behalf of the Federal Custodians of Subpoenaed Records, has been served upon the parties to this case by leaving a copy thereof at the offices of the following attorneys on this 17th day of February, 1977:

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-17-2008 BY 60322/UCLRP/PJ/EHL

John W. Keker, Esquire
Kipperman, Shawn, Keker and Broackett
407 Sansome Street
Suite 400
San Francisco, California 94111

Marcus S. Topel, Esquire
360 Pine Street
Penthouse Suite
San Francisco, California 94104

Thomas J. Orloff, Esquire
Deputy District Attorney
900 Courthouse
1225 Fallon Street
Oakland, California 94612

JOHN F. BARG
Department of Justice
Washington, D. C. 20530
Telephone: (202)739-4189

100-447251
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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAME

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DATE 09-17-2008 BY 60322/UCLRP/PJ/EHL

PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, v. LEROY ELDRIDGE CLEAVER, Defendant.	No. 42287 AFFIDAVIT OF FRANK UNDERWOOD, III

I, Frank Underwood, III, being duly sworn, depose and say as follows:

(1) I am a Special Agent of the Federal Bureau of Investigation (FBI), assigned in a supervisory capacity to the Freedom of Information-Privacy Acts (FOIPA) Branch, Records Management Division, at FBI Headquarters, Washington, D. C.

(2) Due to the nature of my official duties, I am personally familiar with the FBI's production of documents to defendant Cleaver pursuant to the FOIA. The information furnished herein is based upon my personal knowledge, obtained in my official capacity.

(3) On or about January 12, 1977, the FBI released to defendant Cleaver's attorney under the FOIA all non-exempt documents, totaling approximately 1330 pages, from our Central Records System at FBI Headquarters concerning Leroy Eldridge Cleaver, [redacted], and the California branches of the Black Panther Party that fell within the time period of August 1, 1967 through April 30, 1968. Additionally, defendant Cleaver's attorney was furnished with an index of all documents within the ambit of the narrowed request and a detailed justification for the withholding

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Form OBD-183
12-8-76 DOJ

of those records deemed exempt from the compelled disclosure provisions of the FOIA. b6 b7C

(4) I caused a search to be made of the approximate records of the FBI for the period August 1, 1967 through April 30, 1968, and have determined that no one identifiable with Leroy Eldridge Cleaver or [redacted] was the target of electronic surveillance coverage, nor were any of their conversations monitored by an electronic device of the FBI during the time period of August 1, 1967 through April 30, 1968. In addition, the FBI did not maintain any electronic surveillance on premises which were known to have been owned, leased, or licensed by defendant Cleaver, [redacted] or the California branches of the Black Panther Party during the aforementioned time period.

FRANK UNDERWOOD, III
Special Agent
Federal Bureau of Investigation
Washington, D. C.

Subscribed and Sworn to before me this 16th day of February, 1977.

NOTARY PUBLIC

My commission expires My Commission Expires September 14, 1981.

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12-8-76 DOJ

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FBI

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TRANSMIT VIA:	PRECEDENCE:	CLASSIFICATION:
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☐ Facsimile	☐ Priority	☐ SECRET
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		☐ E F T O
		☐ CLEAR

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Date 3/15/77

TO: DIRECTOR, FBI (100-447251)
(ATTN: LEGAL COUNCIL DIVISION AND GENERAL INVESTIGATIVE DIVISION)

FROM: SAC, SAN FRANCISCO (66-3564-A)

SUBJECT: PEOPLE OF STATE OF CALIFORNIA v.
LEROY ELDRIDGE CLEAVER
SUPERIOR COURT, STATE OF CALIFORNIA,
COUNTY OF ALAMEDA,
SUBPOENA FOR FEBRUARY 18, 1977
LEGAL MATTER; FOIPA; UFAP AND
RACIAL MATTERS

Re Bureau teletype to San Francisco, 2/16/77.

For information of Bureau and Sacramento, on 3/2/77 Departmental Attorney JOHN BARG appeared in Alameda County Superior Court, Oakland, California, in connection with captioned subpoena. A motion to quash which was made by Mr. BARG was granted in its entirety re documents requested from San Francisco and Sacramento Divisions. A further request by Plaintiff for out of state subpoena was denied by same local judge.

Deputy District Attorney [redacted] Alameda County District Attorney's Office, Oakland, advised that as of 3/14/77, no further motions of any kind have been made by Plaintiff in connection with captioned matter.

San Francisco will advise of any further developments.

REC-63 100-447251-1403

ST-101

MAR 18 1977

2 - Bureau
2 - Sacramento
4 - San Francisco
(1 - 66-3564-A)
(1 - 66-4556)
(1 - 88-12329)
(1 - 157-4324)
RLW/dlw
(8)

Approved: CWB/ Transmitted (Number) (Time) Per

55 APR 18 1977

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DATE 09-17-2008 BY 60322/UCLRP/PJ/EHL

Date: March 16, 1977 REGISTERED

To: Commander
United States Army Intelligence Agency
Freedom of Information Center
(MIIA-CAF)
Fort George G. Meade, Maryland 20755

Attention: Thomas F. Conley, Chief

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b7C

From: Clarence M. Kelley, Director

Subject: FREEDOM OF INFORMATION-PRIVACY ACTS (FOIPA)
REQUEST OF ELDRIDGE [redacted] CLEAVER,
UNITED STATES DISTRICT COURT FOR THE DISTRICT
OF COLUMBIA, CIVIL ACTION NO. 76-795

Enclosed herewith are a copy of correspondence from captioned individuals' attorney and a copy of four classified documents which originated with your Agency.

The aforementioned documents are referred to your Agency for appropriate action and direct response from your Agency to captioned individuals' attorney. The Court and the attorney have been advised of the referral of this matter.

MAR 16 1977

100-447251-1403X

REC 55

Enclosures (5)

1 - Assistant Attorney General
Civil Division
Attention: Bruce E. Titus

APR 5 1977

715204

NOTE: These documents from from LA file 157-1618-132, 136 and San Francisco file 157-1189-1, 2 originated at Army and were classified "Confidential" by that Agency.

ldm:lrc (6)

CONFIDENTIAL MATERIAL ATTACHED

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

MAIL ROOM [X] TELETYPE UNIT [ ]

58 APR 26 1977

GPO : 1976 O - 207-526

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HEREIN IS UNCLASSIFIED
DATE 09-17-2008 BY 60322/UCLRP/PJ/EHL

Date: March 16, 1977 BY COURIER SERVICE

To: Office of the Assistant
Secretary of Defense (Public Affairs)
Directorate for Freedom of Information
and Security Review
Room 2C757, Pentagon
Washington, D. C.

FEDERAL GOVERNMENT

Attention: [redacted]

From: Clarence M. Kelley, Director

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b7C

Subject: FREEDOM OF INFORMATION-PRIVACY ACTS (FOIPA)
REQUEST OF ELDRIDGE [redacted] CLEAVER,
UNITED STATES DISTRICT COURT FOR THE DISTRICT
OF COLUMBIA, CIVIL ACTION NO. 76-795

Enclosed herewith are a copy of correspondence from captioned individuals' attorney and a copy of nine classified documents which originated with your agency.

The aforementioned documents are referred to your agency for appropriate action and direct response from your agency to captioned individuals' attorney. The Court and the attorney have been advised of the referral of this matter.

100-447251-1403

REC 55

Enclosures (10)

EX-101

1 - Assistant Attorney General
Civil Division
Attention: Bruce E. Titus

14 APR 5 1977

NOTE: These documents from San Francisco Field Office file 157-1204, 100-50841 and Los Angeles File 157-1618. Originated at D.O.D.

ldm:lrc (6)

CONFIDENTIAL MATERIAL ATTACHED

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

53 APR 26 1977

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GPO : 1976 O - 207-526

LAW OFFICES
WALD, HARKRADER & ROSS

ROBERT L. WALD
THOMAS H. TRUITT
DONALD H. GREEN
THOMAS C. MATTHEWS, JR.
TERRY F. LENZNER
JERRY D. ANKER
ALEXANDER W. SIERCK
STEPHEN M. TRUITT
STEVEN K. YABLONSKI
THOMAS W. BRUNNER
MARK SCHATTNER
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NANCY H. HENDRY
GLORIA PHARES STEWART

CARLETON A. HARKRADER
ROBERT M. LICHTMAN
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CHARLES C. ABELES
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TONI K. GOLDEN
JAMES DOUGLAS WELCH
C. COLEMAN BIRD
GERALD B. WETLAUFER
AVRUM M. GOLDBERG
CAROL KINSBOURNE
DAVID B. WEINBERG
STEVEN M. GOTTLIEB
SHEILA JACKSON LEE *
RANGELEY WALLACE
* ON LEAVE

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LEWIS M. POPPER
DENNIS D. CLARK
LESLIE S. BRETZ
ANTHONY L. YOUNG
STEVEN E. SILVERMAN
JAMES R. MYERS

1320 NINETEENTH STREET, N. W.
WASHINGTON, D. C. 20036

(202) 296-2121
CABLE ADDRESS: WALRUS
TELEX: 248591

SELMA M. LEVINE (1924-1975)

OF COUNSEL
PHILIP ELMAN
CHARLES FABRIKANT

OUTSIDE SOURCE

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DATE 09-17-2008 BY 60322/UCLRP/PJ/EHL

March 17, 1977

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

Re: Eldridge [redacted] Cleaver v. Clarence M. Kelley, et al., Civil Action No. 76-0795

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Dear Director Kelley:

This will acknowledge receipt of your letter dated March 10, 1977. We are pleased to enclose our check for $165.10 made payable to the Federal Bureau of Investigation. As the matter of your Agency's withholding of documents has been fully joined in judicial proceedings, we do not believe it to be appropriate to fully and specifically address ourselves to that matter outside of those proceedings. So that the record of our correspondence is clear, we wish to note that in our view invocation of the exemptions noted in your letter of March 10, 1977, is not legally justified. Accordingly, we will seek the release of the documents withheld from the District Court.

Sincerely yours,

Robert B. Cornell

Robert B. Cornell 100-447251-1403X2

V-L REC-37

DE-48

RBC:mp
Enclosure
cc: Bruce E. Titus, Esquire
Barbara Ward, Esquire

24 MAR 18 1977

ENCLOSURE

53 APR 1 1977

MIIA-CAF 25 March 1977

SUBJECT: Freedom of Information/Privacy Act Request - Eldridge [redacted] Cleaver

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Mr. Terry F. Lenzner
~~Attorney-at-Law~~ OUTSIDE SOURCE
910 17th Street, NW
Washington, D.C. 20006

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FBI

1. Reference your letter, dated 27 February 1976, to the Department of Justice, requesting records concerning Eldridge [redacted] Cleaver under the provisions of 5 USC 552. The Federal Bureau of Investigation referred your letter with four (4) documents containing Army-originated information for a determination as to their releasability to you. This letter was received on 17 March 1977.

2. The Army-originated information has been reviewed, determined to be releasable and copies of the reports are forwarded herewith. Fees incidental to the reproduction of these documents are waived. Some of these records have been sanitized to delete identifying information on persons who provided information on the express or implied assurance that their identities would be held in confidence. As a result, investigatory material which would reveal the identities of confidential sources, if released, is exempt from the mandatory access requirement of the Privacy Act in accordance with 5 USC 552a(k)(2) and (5). The material is also exempt from the mandatory public disclosure requirements of the Freedom of Information Act, per 5 USC 552(b)(7)(D). The sanitizations on page 2 of documents 1 and 2 have been taken by the FBI.

100447251-[redacted]

3. The withholding of this information constitutes a partial denial of your request by the properly designated Access and Amendment Refusal Authority (AARA) and you are advised that you have the right to appeal this decision to the Secretary of the Army. If you should decide to file an appeal, the appeal should be forwarded to this office for necessary processing:

EX-106 REC-63

Freedom of Information Center
US Army Intelligence Agency
US Army Intelligence and Security Command
ATTN: MIIA-CAF
Fort Meade, Maryland 20755

7 MAR 30 1977

56 MAY 03 1977

MIIA-CAF 25 March 1977

SUBJECT: Freedom of Information/Privacy Act Request - Eldridge [redacted] [redacted] Cleaver

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4. As you will note in examining documents 1 and 2, they are identical except for minor differences in the titling data. Documents 3 and 4 are identical except for minor annotations in the margin. Documents 3 and 4 are of extremely poor quality. We have contacted the FBI and verified these are the best available copies. At Inclosure 5 we have reconstructed the body of the report to the best extent possible and this copy is furnished for your use.

5. If you have any further questions, you may contact the Freedom of Information Center, US Army Intelligence Agency, US Army Intelligence and Security Command, ATTN: MIIA-CAF, Fort Meade, Maryland 20755. The telephone numbers are (301) 677-4501/4743.

FOR THE COMMANDER:

5 Incl
as

THOMAS P. CONLEY
Chief, Freedom of Information Center

CF:
FBI-FOIPA Unit
HQDA (DA-OGC)

SE0003 0880334Z

RR HI SF

DE SE

R 290012Z MAR 77

FM SEATTLE (163-NEW) (P)

TO DIRECTOR ROUTINE

SAN FRANCISCO ROUTINE

BT

CLEAR

MAR 28 10 42 PM '77

RECEIVED
FEDERAL BUREAU
OF INVESTIGATION
COMMUNICATIONS SECTION

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DATE 09-17-2008 BY 60322/UCLRP/PJ/EHL

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S. & T. Serv.
Spec. Inv.
Training
Telephone Rm.
Director's Sec'y

SECTION CI-4
Rm. 4634 JEH

ATTENTION: FOREIGN LIAISON UNIT

LEROY ELDRIDGE CLEAVER; FPC, OO: BUREAU.

RE SEATTLE TELEPHONE CALL TO SA [redacted], SAN FRANCISCO, MARCH 25, 1977.

ON MARCH 25, 1977, [redacted] ADVISED SUBJECT HAD MADE APPLICATION TO ENTER CANADA TO ATTEND A YOUTH FOR CHRIST RALLY ON APRIL 30, 1977, AT VANCOUVER. [redacted] REQUESTED SUBJECT'S PRESENT STATUS REGARDING CONDITIONS OF BAIL BE DETERMINED, SPECIFICALLY IF SUBJECT HAS PERMISSION FROM LOCAL AUTHORITIES TO LEAVE THE UNITED STATES.

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b6
b7C
b7D

100-447251-14034

SEC-106 REC-60 163-42911

MAR 30 1977

[redacted]

b6
b7C

No dissemination
per RAB/ser 3/29/77

PAGE TWO, SE 163-NEW, CLEAR

SAN FRANCISCO DIVISION. DETERMINE THE CONDITIONS OF SUBJECT'S BAIL AND DETERMINE IF SUBJECT HAS PERMISSION TO LEAVE THE UNITED STATES, AND THEREAFTER ADVISE SEATTLE.

SEATTLE DIVISION WILL ADVISE [redacted] OF SUBJECT'S PRESENT STATUS. b7D

BT

0880335Z HQ 2

SECTION CI-4

ALL INFORMATION CONTAINED
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DATE 09-17-2008 BY 60322/UCLRP/PJ/EHL

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DE SF 014

R 300103Z MARCH 77

FM SAN FRANCISCO

TO DIRECTOR, FBI ROUTINE

[redacted]TLE/ ROUTINE

BT

E F T O

ATTN: FOREIGN LIAISON UNIT.

LEROY ELDRIDGE CLEAVER; FPC; OO: BUREAU.

RE SEATTLE TELETYPE MARCH 29, 1977.

DEPUTY DISTRICT ATTORNEY THOMAS ORLOFF, ALAMEDA COUNTY DISTRICT ATTORNEY'S OFFICE, ADVISED TODAY THAT CLEAVER, WHOSE TRIAL STARTS IN ALAMEDA COUNTY ON MAY 9, 1977, IS UNDER NO TRAVEL RESTRICTION WHATSOEVER.

[redacted]

MAR 29 8 12 PM '77

RECEIVED
FEDERAL BUREAU
OF INVESTIGATION
COMMUNICATIONS SECTION

Dir.
AD Adm.
Dep. AD Inv.
Asst. Dir.:
Adm. Serv.
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S. & T. Serv.
Spec. Inv.
Training
Telephone Rm.
Director's Sec'y

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b7C

SECTION CI-4
Rm. 4634 JEH

100-447251-14315
REC-26
ST-127

399

SECTION CI-4
Rm. 4634 JEH

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

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI
(ATTN: FOREIGN LIAISON UNIT)

DATE: 4/5/77

FROM : SAC, SEATTLE (163-1540) (RUC)

SUBJECT: LEROY ELDRIDGE CLEAVER
FPC
OO: BUREAU

Re Seattle teletype to Bureau 3/28/77, and San Francisco teletype to Bureau 3/30/77.

On 3/30/77, [redacted] was contacted by SA [redacted] and advised that SUBJECT is under no travel restrictions whatsoever.

No LHM being submitted, UACB.

2 - Bureau
1 - San Francisco (Info)
1 - Seattle (163-1540)
DEF/dlb
(4)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-17-2008 BY 60322/UCLRP/PJ/EHI

b6
b7C
b7D

EX-106
REC-37

100-447251-1403X6

8 APR 8 1977

EXP. PROC.

54 APR 19 1977

5010-110

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

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

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (100-447251)

DATE: 4/18/77

FROM : LEGAT, PARIS (88-256)(RUC)

SUBJECT: LEROY ELDRIDGE CLEAVER
EM - BPP

EX. PROC. 30 APR 27 1977

Continued contact with official French services has determined no information which would indicate captioned subject has traveled or currently plans to travel to France at this time. Logical sources are aware of our continuing interest and will provide any future information which may be developed concerning travel to, or activities in, France by CLEAVER.

All logical investigation at this time has been completed and captioned matter is being RUC'd.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-17-2008 BY 60322/UCLRP/PJ/EHL

EX-101 REC-92 100-447251-1404

4 - Bureau
(1 - Foreign Liaison Unit)
(1 - San Francisco)(Info)(88-12329)
1 - Paris
MGZ:jls
(5)

5/3

1 cc to SF (info)
5-20-77
PEN/tmw

56 MAY 23 1977

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

UNITED STATES GOVERNMENT

Memorandum

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

FBI/DOJ

TO : The Associate Director

DATE: 4/29/77

FROM : Legal Counsel

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-17-2008 BY 60322/UCLRP/PJ/EHL

SUBJECT: PEOPLE OF THE STATE OF CALIFORNIA v.
LEROY ELDRIDGE CLEAVER
SUPERIOR COURT
STATE OF CALIFORNIA, COUNTY OF ALAMEDA
SUBPOENA MATTER

PURPOSE: To advise that the Court of Appeals, First Appellate District, State of California, has denied the request of the defendant's attorneys for a Writ of Mandamus to compel the trial judge in the captioned criminal action to grant the requested discovery of FBI documents.

SYNOPSIS AND DETAILS: Legal Counsel to Associate Director memorandum dated 3/25/77, captioned as above (copy attached) advised that the subpoenas for FBI records issued at the request of attorneys for the defendant were quashed by the presiding judge of the Superior Court, County of Alameda, and that attorneys for the defendant had filed an application with the Court of Appeals, First Appellate District, State of California, seeking a Writ of Mandamus (titled Writ of Mandate under California law) to compel the trial judge to grant the requested discovery.

handled separately

On 4/12/77, Department of Justice Attorney John F. Barg, Civil Division, who is handling this matter, advised Special Agent [redacted] of the Legal Counsel Division that on 3/29/77, the Court of Appeals, First Appellate District, denied the defendant's request for a Writ of Mandamus (copy of Court Order attached).

EX-113

100-447251 - 1404X

Enclosures (2)

ENCLOSURE

REC 61

1 - [redacted]
Attn: [redacted]
1 - [redacted]
1 - FOIA Litigation Unit
1 - Legal Research Unit
1 - [redacted]

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17 MAY 4 1977

JRD:kgw
(6)

5 MAY 13 1977

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

FBI/DOJ

Memorandum to The Associate Director
Re: People of the State of California v.
Leroy Eldridge Cleaver
Superior Court
State of California, County of Alameda
Subpoena Matter

Mr. Barg also advised that the defendant's attorneys have now filed a similar request with the California Supreme Court. He advised he is following this matter closely and will handle the necessary filing of documents and appearance to oppose the issuance of the Writ and will advise the Legal Counsel Division of the outcome.

RECOMMENDATION: None. For information.

APPROVED:	Adm. Serv.	Legal Coun.
	Ext. Affairs	Plan. & Insp.
Director	Fin. & Pers.	Rec. Mgt.
Assoc. D.	Gen. Inv.	S. & T. Serv.
Dep. AD Adm.	Ident.	Spec. Inv.
Dep. AD Inv.	Intell.	Training

RECEIVED
MAR 31 1977
KIPPERMAN, SHAWN, KEKER & BROCKETT

Court of Appeal of the State of California

COPY

IN AND FOR THE

First Appellate District

FILED
MAR 29 1977
Court of Appeal - First App. Dist.
CLIFFORD C. PORTER, Clerk
BY _____ Deputy

Division FOUR

Leroy Eldridge Cleaver,
Petitioner,
vs.
Superior Court, County of Alameda,
Respondent,
Oakland Police Department, et al.,
Real Parties in Interest.

No. 40971

Superior Court No. 42287

ALL INFORMATION CONTAINED
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DATE 09-17-2008 BY 60322/UCLRP/PJ/EHL

BY THE COURT:

The petition for writ of mandate is denied.

Dated MAR 29 1977

100-447251-1404X

CHIDSCOTT, P.J.
P.J.

EXHIBIT A

ALL INFORMATION CONTAINED
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FBI J 10 24 PM '77

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DE SF 022

R 040217Z MAY 77

FM SAN FRANCISCO (66-3564-A) (P)

TO DIRECTOR (100-447251) ROUTINE

BT

CLEAR

ATTN: LEGAL COUNSEL DIVISION

PEOPLE OF STATE OF CALIFORNIA V. LEROY ELDRIDGE CLEAVER, SUPERIOR COURT, STATE OF CALIFORNIA, COUNTY OF ALAMEDA, SUBPOENA FOR FEBRUARY 18, 1977. LEGAL MATTERS.

RE BUREAU LETTER TO SAN FRANCISCO, MARCH 15, 1977.

ON INSTANT DATE, SAN FRANCISCO DIVISION SERVED WITH "ALTERNATIVE WRIT OF MANDATE" ISSUED BY COURT OF APPEALS, STATE OF CALIFORNIA, ON MAY 2, 1977. DOCUMENT BASICALLY SERVES NOTICE TO SHOW CAUSE WHY LOWER COURT ORDER OF MARCH 2, 1977 GRANTING MOTION TO QUASH SUBPOENA IN CAPTIONED CASE SHOULD NOT BE SET ASIDE. DATE FOR SHOW CAUSE HEARING IS ON MAY 13, 1977, WITH DATE FOR FILING MOTIONS SET FOR

REC 101 100-447251-1405

21 MAY 16 1977

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On 5/6/77, Opt. Atty John Barg, Civil Div, advised that date for filing briefs extended to 5/13/77 and oral arguments re-set for 5/19/77. He will file appropriate response and appear to argue.

JPD 5/7/77

57

MAY 9, 1977.

IT IS NOTED THAT ABOVE COURT OF APPEAL ORIGINALLY DENIED CLEAVER'S APPEAL FROM MARCH 2, 1977 ORDER TO QUASH. THE CALIFORNIA SUPREME COURT SUBSEQUENTLY ORDERED A SECOND HEARING FOR CALIFORNIA COURT OF APPEAL.

BUREAU REQUESTED TO HAVE DEPARTMENTAL ATTORNEY JOHN BARG CONTACT EITHER THOMAS ORLOFF, ALAMEDA COUNTY DA'S OFFICE, OAKLAND, (415) 874-5887 OR TIMOTHY REARDON, CALIFORNIA ATTORNEY GENERAL'S OFFICE, SAN FRANCISCO, (415) 557-0231 RE ABOVE DEVELOPMENT.

COPIES OF ABOVE WRIT BEING FORWARDED TO BUREAU BY AIRTEL.

BT

Done 5/3/77

FD-36 (Rev. 7-27-76)

FBI

TRANSMIT VIA:
- [ ] Teletype
- [ ] Facsimile
- [x] Airtel

PRECEDENCE:
- [ ] Immediate
- [ ] Priority
- [ ] Routine

CLASSIFICATION:
- [ ] TOP SECRET
- [ ] SECRET
- [ ] CONFIDENTIAL
- [ ] E F T O
- EAR

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DATE 09-17-2008 BY 60322/UCLRP/PJ/EHL

1/16/78

TO: DIRECTOR, FBI
(ATTENTION: LEGAL COUNSEL DIVISION)

FROM: SAC, SAN FRANCISCO (66-3564A-216)

SUBJECT: PEOPLE OF THE STATE OF CALIFORNIA
v.
LEROY ELDRIDGE CLEAVER
Superior Court, State of California,
County of Alameda
SUBPOENA MATTER

Re San Francisco airtel to the Bureau, 1/3/78.

On 1/10/78, AUSA MALCOLM SEGAL appeared in Superior Court, Alameda County in response to captioned subpoena matter.

Captioned matter continued until 2:00 p.m., 1/31/78, at which time U. S. Government is expected to file motion to quash, furnish date such motion will be filed, or furnish date by which documents sought will be furnished.

REC-39

100-447251-1405X

EX-124

10-24

23 JAN 18 1978

2 - Bureau
2 - San Francisco
RLW/ds
(4)

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LEGAL COUNSEL

54 NOV 8 1978

Approved: _____ Transmitted _____ (Number) (Time) Per _____

GPO : 1977 O - 225-539

TRANSMIT VIA:
- [ ] Teletype
- [ ] Facsimile
- [x] Airtel

PRECEDENCE:
- [ ] Immediate
- [ ] Priority
- [ ] Routine

CLASSIFICATION:
- [ ] TOP SECRET
- [ ] SECRET
- [ ] CONFIDENTIAL
- [ ] E F T O
- [ ] CLEAR

Date 12/15/77

TO: DIRECTOR, FBI
ATTN: LEGAL COUNSEL DIVISION

ENCLOSURE

FROM: SAC, WFO (197-15) (P)

2-1

FREEDOM OF INFORMATION (FOIA)
AND PRIVACY ACTS (PA) LITIGATION

F.O.I.-PRIVACY ACTS-GEN'L

J-GENL

Re Bureau airtel to Albany, 9/30/77, and WFO airtel to Bureau dated 11/11/77.

Enclosed for the Bureau is one xerox copy each of current docket sheets for FOIA/PA cases filed in United States District Court, for the District of Columbia (USDCDC).

100-447251-

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RECORDED

DEC 16 1977

ENCLOSURE

ENCLOSURE

LEGAL COUNSEL

3648

F.O.I.A.

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(2) - Bureau
1 - WFO
BAO:mkg

(3)

Approved: _____ Transmitted _____ (Number) _____ (Time) Per _____

CIVIL DOCKET CONTINUATION SHEET — PRECEDING PAGE

PLAINTIFF	DEFENDANT	DOCKET NO. 1705
ELDRIDGE CLEAVER, et al.	CLARENCE M. KELLEY, et al.	PAGE ___ OF ___ PAGES

DATE	NR.	PROCEEDINGS
		PARTIES / COUNSEL

PARTIES

ELDRIDGE CLEAVER [redacted]

COUNSEL

Terry F. Lenzner
Robert B. Cornell
~~910 17th St., N.W. 20006~~
~~Tele: 872-8155~~
1320-19th St., N.W. 20036
Tele: 296-2121

b6
b7C

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-17-2008 BY 60322/UCLRP/PJ/EHL

vs.

1) CLARENCE M. KELLEY, individually and as Director, United States Department of Justice, Federal Bureau of Investigation — 1) Barbara Ward, AUSA - Tele: 426-7117

2) EDWARD H. LEVI, individually and as Attorney General, United States Department of Justice — 2) - do -

3) UNITED STATES DEPARTMENT OF JUSTICE — 3) - do -

DC-111A REV. (1/75)

100-447251-
~~1-0-2546~~
~~ENCLOSURE~~

DIST/OFFICE	DOCKET YR.	DOCKET NUMBER	FILING DATE MO.	DAY	YEAR	J	N/S	O	R	R 23	DEMAND $	OTHER	JUDGE NUMBER	JURY DEM.	DOCKET YR.	DOCKET NUMBER
0090/1	76	0795	05	06	76	2	890	1					9048		76	0795

PLAINTIFFS

ELDRIDGE CLEAVER, et al.

DEFENDANTS

CLARENCE M. KELLEY, et al.

SEE PRECEEDING PAGE FOR COMPLETE CAPTION

CAUSE

Complaint for declaratory & injunctive relief pursuant to 5 USC 552, et seq. ans 28 USC 1361.

jaw

ATTORNEYS

Terry F. Lenzner
Robert B. Cornell
910-17th St., N.W. 20006
Tele: 872-8155

CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
				JS-5	
				JS-6	

UNITED STATES DISTRICT COURT DOCKET

DC-111 (Rev. 1/75)

DATE	NR.	PROCEEDINGS
1976 May	06	COMPLAINT; exhibits 1,2,2a,2b,3, 4 thru 7; appearance.
May	06	SUMMONS (6) and copies (6) of complaint issued to defts., AUSA. All served 5-11-76.
May	06	APPLICATION by pltf. for a temporary restraining order; c/m 5-7-76.
May	06	MOTION by pltf. for preliminary injunction; c/m 5-7-76.
May	07	MEMORANDUM of points & authorities by pltf. in support of application for temporary restraining order and motion for preliminary injunction; c/m 5-7-76.
May	07	MOTION of pltfs. for expedited consideration; P&A's; c/m 5-7-76.
May	07	MOTION of pltf. for Temporary Restraining Order, heard and denied; preliminary injunction set for 5-20-76 at 10:00 A.M. (OTBP). (Rep: D. Duschaine) GREEN,J.
May	12	ORDER filed 5-11-76 denying motion of pltfs. for temporary restraining order. (N) GREEN,J.
May	13	TRANSCRIPT of Proceedings of May 7, 1976; pp. 1-20; Rep: Duane B. Duschaine (COURT COPY).
May	19	MOTION of defts. to dismiss and to stay further proceedings; affidavit of Eric C. Williams; exhibits A thru F; memorandum of law; c/m 5-19-76.
May	20	MOTION of pltf. for a preliminary injunction, heard and held in abeyance continued until 5-24-76 at 10:00 A.M. for ruling. (Rep: E.O. Wells) GREEN,J.
May	24	MOTION of pltf. for preliminary injunction continued until 5-26-76 at 9:30 A.M. for determination. (Rep: E.O. Wells) GREEN,J.
May	26	MOTION of pltf. for a preliminary injunction, heard and denied. (Rep: E.O. Wells) GREEN,J.
May	28	OPINION filed 5-27-76. (N) GREEN,J.
May	28	JUDGMENT and ORDER filed 5-27-76 denying motion of pltfs. for preliminary injunction; entered in favor of defts. on all counts of complaint by pltfs. (N) GREEN,J.
July	02	TRANSCRIPT of Proceedings of May 26, 1976; pp. 1-34; Rep: Elaine O. Wells (COURT COPY).
July	15	MOTION by pltf. for relief of final judgment entered May 27, 1976; P & A; c/ s 7/15/76.

SEE NEXT PAGE

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. 76-0795
ELDRIGE CLEAVER, et al.	CLARENCE M. KELLEY, et al.	PAGE 1 OF ___ PAGES

DATE	NR.	PROCEEDINGS
1976 July	23	OPPOSITION of defts. to motion of pltfs. for relief of final judgment entered May 27, 1976; attachment; c/m 7-23-76. Appearance of Barbara Ward.
July	26	NOTICE of Appeal by pltfs. from Order of May 27, 1976. Copy mailed to Barbara Ward. $5.00 deposited & credited to U.S. by Robert B. Cornell.
July	27	ORDER filed 7-26-76 denying motion of pltfs. for relief from final judgment. (Signed 7-23-76) (N) GREEN,J.
July	27	TRANSCRIPT of Proceedings of May 20 & 24, 1976; pp. 1-50; Rep: Elaine O. Wells (COURT COPY).
Aug	6	MOTION by pltff. to proceed on appeal in forma pauperis; Exhibit A & B; c/m 8-6-76.
Aug	13	ORDER filed 8-12-76 denying motion of pltf. for leave to proceed in forma pauperis. (N) GREEN,J.
Sept	07	RECORD on Appeal delivered USCA; receipt acknowledged (#76-1831).
Nov	23	CERTIFIED COPY ORDER USCA vacating judgment of USDC and remanding for further consideration as set forth in the attached memorandum.
Nov	23	TRANSMITTAL SHEET USCA returning original record to USDC with 3 volumes of transcript under separate cover.
Dec	08	CERTIFIED copy Order USCA denying petition for rehearing.
Dec	13	REQUEST by pltf. for expedited consideration on remand; exhibits 1 & 2; c/s 12-13-76.
Dec	16	MOTION by defts. to supplement; memorandum of points & authorities by defts. in support of motion to supplement and in opposition to proposed findings, conclusions and order by pltfs.; attachment A; c/m 12-15-76.

SEE OVER

PLAINTIFF	DEFENDANT	DOCKET NO. 76-0793
ELDRIDGE CLEAVER, et al.	CLARENCE M. KELLEY, et al.	PAGE 2 OF ___ PAGES

DATE	NR.	PROCEEDINGS
1976 Dec	23	MEMORANDUM ORDER filed 12-22-76 granting motion of pltfs. for a preliminary injunction; restraining defts. from taking certain actions; directing defts. to file by 1-12-77 an index directing that all documents for which exemptions are not sought shall be produced for pltfs. by 1-12-77. (N) GREEN,J.
Dec	29	REPORT by defts. to the Court; affidavit of Frank Underwood, III; c/m 12-28-76.
1977 Jan	13	REPORT by defts. to the Court pursuant to order of Dec. 22, 1976; second affidavit of Frank Underwood, III; Exhibit A; Exhibits B thru F (5 large volumes); c/m 1-12-77.
Jan	25	NOTICE by pltfs. to District Court concerning change in California trial date for Eldridge Cleaver; c/m 1-25-77.
Jan	25	MOTION by pltfs. to compel government to fully and diligently compl with District Court order and for ancillary relief; P&A's; exhibits A & B; c/sl-25-77.
Jan	25	NOTICE by pltfs. that the firms of Truitt, Fabrikant, Bucklin & Lenzner and Wald, Harkrader & Ross have joined in the practice of law under the name of Wald, Harkrader & Ross.
Feb	04	MOTION by defts. for enlargement of time ; c/m 2-4-77.
Feb	07	MEMORANDUM of points & authorities by defts. in opposition to motic of pltfs. to compel government to fully and diligently comply with District Court order and for ancillary relief; exhibits A & B; c/m 2-7-77.
Feb	08	REPORT by defts. to the Court; exhibits A & B; c/m 2-8-77.
Feb	11	ORDER filed 2-10-77 granting motion of defts. for enlargement of time which defts. may file opposition to motion of pltfs. to compel to & including 2-7-77. (signed 2-7-77) (N) GREEN,J.
Feb	11	NOTICE of pltfs. to take deposition of Charles Gain; c/m 2-11-77.
Feb	15	ORDER filed 2-11-77 directing the Government within thirty (30) days to comply with the Court's Order of 12-22-76; granting pltfs. leave to conduct discovery on an expedited basis. (See Order for further details.) (N) (n/r) GREEN, J.

SEE NEXT PAGE

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. 76-0795
ELDRIDGE CLEAVER, et al.	CLARENCE M. KELLEY, et al.	PAGE 3 OF ___ PAGES

DATE	NR.	PROCEEDINGS
1977 Feb	18	INTERROGATORIES (first) by pltfs. and request for production of documents; c/s 2-18-77.
Feb	18	NOTICE by pltfs. to take deposition of Charles Gain; c/s 2-18-77.
Mar	10	CHANGE of address for pltfs' counsel; c/m 3-10-77.
Mar	11	ANSWERS of deft. #1 to first set of interrogatories of pltfs.; c/s 3-11-77.
Mar	11	OBJECTIONS of defts. to first interrogatories of pltfs.; c/s 3-11-77.
Mar	14	REPORT by defts. to the Court; fourth affidavit of Frank Underwood, III w/exhibit A; fifth affidavit of Frank Underwood, III with exhibits A thru K & three attachments; c/s 3-14-77. (Exhibits & attachments to fifth affidavit are large & bound in brown paper)
May	11	NOTICE by pltfs. of removal of California prosecution against Eldridge Cleaver from trial calendar; c/m 5-11-77.
July	18	CERTIFIED copy of ORDER USCA awarding costs in favor of appellant as follows: U.S. Court of Appeal Filing Fee - $50.00, Cost of printing & binding Appellant's brief - $245.70, and Costs for printing and binding Joint Appendix - $386.93; total cost of $682.63.

No CHANGE

DC-111A REV. (1/75)

FD-36 (Rev. 7-27-76)

FBI

TRANSMIT VIA:	PRECEDENCE:	CLASSIFICATION:
☐ Teletype	☐ Immediate	☐ TOP SECRET
☐ Facsimile	☐ Priority	☐ SECRET
☒ Airtel	☐ Routine	☐ CONFIDENTIAL
		☐ E F T O
		CLEAR

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-17-2008 BY 60322/UCLRP/PJ/EHL Date 1/3/78

TO: DIRECTOR, FBI
(ATTENTION: LEGAL COUNCIL DIVISION,
SUPERVISOR [redacted]

FROM: SAC, SAN FRANCISCO (66-3564-A)

SUBJECT: PEOPLE OF THE STATE OF CALIFORNIA
v. LEROY ELDRIDGE CLEAVER
Superior Court,
State of California,
County of Alameda
SUBPOENA MATTER

Re Bureau letter to San Francisco dated 3/15/77.

Enclosed herewith are two (2) copies of new subpoena in captioned matter which was served on San Francisco Office during late afternoon of 12/30/77, and which seeks production of documents by 1/10/78.

From cursory review it appears that this subpoena is not nearly as broad in scope as subpoena served on San Francisco Division, 2/7/77. However, even assuming this to be the case, it would appear at this time that San Francisco could not reasonably be expected to comply with subpoena by 1/10/78. San Francisco is currently reviewing

EX-130 REC-60 100-447251 1405X1

22 JAN 5 1978

(2) - Bureau (Encls. 2)
2 - San Francisco
RLW/pkv
(4)

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Approved: _____ Transmitted _____ (Number) (Time) Per _____

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GPO : 1977 O - 225-539

files for the purpose of estimating a realistic date by which compliance could be made through exercise of diligence in the event that a determination is made not to resist this latest subpoena.

San Francisco will review Elsur records to determine whether documents described in paragraph one were in existence as early as the period from January to April, 1968.

San Francisco suggests that most of materials sought in paragraphs two and three, at least that relating to ELDRIDGE CLEAVER and the BPP, has possibly been already furnished to CLEAVER and his attorneys in the form of FOIA release. If such a release has occurred, we possibly should refer CLEAVER and his attorney to such release. Anticipating that they then might complain regarding excised form of any such documents received, we might respond that through reference to specific pertinent documents received under FOIA that they could possibly receive documents under current subpoena with less excisions, noting that some of FOIA exemptions would not apply to the material sought through subpoena.

It is noted that the last paragraph on page four of subpoena indicates documents dated subsequent to 4/6/68 containing information relating to the four month period prior to that date are being sought. San Francisco would suggest that some reasonable agreement should be made with CLEAVER and attorney to limit the file review to be conducted. For example, a review of documents bearing dates for six months subsequent to April, 1968, may be considered sufficient to satisfy subpoena.

Copy of subpoena was furnished to Office of U.S. Attorney, San Francisco, on 1/3/78.

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DATE 09-17-2008 BY 60322/UCLRP/PJ/EHL

EVIDENCE

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C.

ENCLOSURE

100-447251-1405X1

MARCUS S. TOPEL, ESQ.
360 Pine Street, Penthouse Suite
San Francisco, California 94104
Telephone: (415) 421-6140

KIPPERMAN, SHAWN, KEKER & BROCKETT
JOHN W. KEKER
407 Sansome Street, Suite 400
San Francisco, California 94111
Telephone: (415) 788-2200

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. ELDRIDGE CLEAVER, Defendant.	NO. 42287 ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 09-17-2008 BY 60322/UCLRP/PJ/EHL SUBPOENA

TO: CUSTODIAN OF RECORDS: Federal Bureau of Investigation
San Francisco Office

You are hereby commanded to appear before The Honorable Alan A. Lindsay of the Superior Court of Alameda County, Department 11, 1225 Fallon Street, Oakland, California, on January 10, 1978, at 2:00 P.M., as a witness in a criminal action prosecuted by the People of the State of California against Eldridge Cleaver.

You are required, also, to bring with you papers described in Exhibit "A" attached to this Subpoena. Your personal presence is not required.

Given under my hand this 29th day of December, 1977.

JOHN W. KEKER
Counsel for Defendant CLEAVER

Memo Legal Counsel to Assoc Dir
2-1-78

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-17-2008 BY 60322/UCLRP/PJ/EHL

PEOPLE OF THE STATE OF CALIFORNIA,	)	
Plaintiff,	)	NO. 42287
vs.	)	
ELDRIDGE CLEAVER,	)	EXHIBIT "A"
Defendant.	)	

The request of the accompanying subpoena encompasses any document (as defined below) of:

1. Any electronic or other surveillance (as defined below) of Bobby Hutton, [redacted] or Eldridge Cleaver from January 1, 1968 until and including April 4, 1968.

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2. Any intelligence activities (as defined below) concerning nine (9) individuals named in Paragraph 1 above from January 1, 1968, until and including April 6, 1968.

3. Any instructions or communications of any type transmitted to the San Francisco Office of the Federal Bureau of Investigation from its national headquarters in Washington, D.C., or any of the other regional offices concerning or relating to the nine (9) individuals named in Paragraph 1 above from January, 1, 1968, until and including April 6, 1968.

4. Any communications, discussions, agreements, or tactical plans between this Agency and/or the Oakland Police

Department and/or the Emeryville Police Department and/or the San Francisco Police Department from January 1, 1967, on or before April 6, 1968, concerning or relating to Eldridge Cleaver, the Black Panther Party or the nine (9) individuals named in Paragraph 1 above.

DEFINITIONS AND INSTRUCTIONS

"Document" means any and all actual voice records, tapes, mechanical or electrical recordings, as well as written transcripts, logs, summaries, reports, memoranda, letters, airtels, notes, and other records of any form whatsoever in your possession, actual or constructive, or available to you, or obtainable from any office of your agency (located in the State of California).

"Surveillance" means any interception of communications to or from, or watching, observing, reporting, spying upon or monitoring the activity of the relevant entity. It includes surveillance of any wire or oral communications as to which the person intercepting the communication was a party to the conversation, communications as to which a party to the conversation allegedly consented to surveillance, communications intercepted under the "emergency" provision contained in 18 U.S.C. Section 2518(7), communications intercepted under the "national security" provisions contained in 18 U.S.C. Section 2511(3), communications intercepted pursuant to California Penal Code Section 630-637.2, and generally, all communications, intercepted with or without judicial authorization. It includes observation of activity whether or not such observation was at the request of this agency.

"Intelligence activities" as used herein refers to surveillance, "bugging" or "tapping," intercepting calls to

Department and/or the Emeryville Police Department and/or the San Francisco Police Department from January 1, 1967, on or before April 6, 1968, concerning or relating to Eldridge Cleaver, the Black Panther Party or the nine (9) individuals named in Paragraph 1 above.

DEFINITIONS AND INSTRUCTIONS

"Document" means any and all actual voice records, tapes, mechanical or electrical recordings, as well as written transcripts, logs, summaries, reports, memoranda, letters, airtels, notes, and other records of any form whatsoever in your possession, actual or constructive, or available to you, or obtainable from any office of your agency (located in the State of California).

"Surveillance" means any interception of communications to or from, or watching, observing, reporting, spying upon or monitoring the activity of the relevant entity. It includes surveillance of any wire or oral communications as to which the person intercepting the communication was a party to the conversation, communications as to which a party to the conversation allegedly consented to surveillance, communications intercepted under the "emergency" provision contained in 18 U.S.C. Section 2518(7), communications intercepted under the "national security" provisions contained in 18 U.S.C. Section 2511(3), communications intercepted pursuant to California Penal Code Section 630-637.2, and generally, all communications, intercepted with or without judicial authorization. It includes observation of activity whether or not such observation was at the request of this agency.

"Intelligence activities" as used herein refers to surveillance, "bugging" or "tapping," intercepting calls to

r from, intercepting mail or other communications to or from, attempting to disrupt, interfere with, impede or otherwise affect the activities of, infiltrating, relaying or uncovering or gathering information about, buglarizing the home or offices of, or otherwise spying upon or affecting or interfering with the activities, behavior or operations of the relevant entities.

The request for documents includes documents dated after pril 6, 1968, if that document contains information specified in aragraphs 1-4.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. ELDRIDGE CLEAVER, Defendant.	)	NO. 42287 AFFIDAVIT OF JOHN W. KEKER IN SUPPORT OF SUBPOENA DUCES TECUM

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-17-2008 BY 60322/UCLRP/PJ/EHL

STATE OF CALIFORNIA)
) ss
CITY AND COUNTY OF SAN FRANCISCO)

I, JOHN W. KEKER, being duly sworn, deposes and states:

1. I am an attorney of record for the defendant in this action which is set for jury trial on February 24, 1978 in the Alameda County Superior Court.

2. On information and belief, the witness subpoenaed, or his duly authorized representative, has in his possession or under his control the documents described in Exhibit "A", which is attached to the accompanying subpoena duces tecum.

3. The information requested is material and essential to the proper and fair presentation of the defense of the Defendant, and will facilitate the ascertainment of the facts in this case, for the following reasons which I set forth on information and belief, based on my examination of documents available to me.

BEST AVAILABLE COPY

Eldridge Cleaver was indicted on April 24, 1968, on three charges of attempted murder and three charges of assault with a deadly weapon. All charges stem from an incident on April 6, 1968, involving members of the Oakland and Emeryville Police Departments [illegible] members of the Black Panther Party. Other Black Panther members participating in the incident are Bobby Hutton, [redacted]. Each of the persons allegedly assaulted by Eldridge Cleaver -- [redacted] -- were at the time members of the Oakland Police Department.

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Officers [redacted] and [redacted] have testified that the [illegible]dent began when they were fired upon without provocation. They [illegible] that they employed no unnecessary, excessive or illegal force. [illegible]r [redacted] has testified to the effect that the alleged assault [illegible]m occurred while he was trying to apprehend suspects in the [illegible]nt of or alley adjacent to 1218 28th Street, Oakland, the [illegible] at which Eldridge Cleaver was arrested. Numerous officers [illegible]ified before the Grand Jury that returned the indictment [illegible] Eldridge Cleaver and at trials of co-defendants that Bobby [illegible]rrested at the same time and place as Eldridge Cleaver, [illegible] and killed trying to escape.

Each of the officers who has testified has explained his [illegible]ce at the location of the incident occurred as a result of [illegible]l police practices and procedures. However, on April 6, 1968, [illegible] Cleaver and other members of the Black Panther Party [illegible]ved they were the objects of a police vendetta. On and before [illegible]te of the incident, Eldridge Cleaver received numerous tele- [illegible] calls from unnamed sources, such calls coming not only to his [illegible]me, but to whatever house he visited. The pattern of the calls,

and the fact that the anonymous callers somehow knew both Cleaver's travel plans and his whereabouts, strongly suggests electronic surveillance of Eldridge Cleaver's phone, of the phones in the Black Panther Party office, and of the phones of Eldridge Cleaver's friends, acquaintances and fellow party members.

[redacted] of the Black Panther Party at the time of the incident, has testified that on April 5, 1968, he received anonymous telephone calls at Black Panther Party Headquarters, which calls threatened the lives of Black Panther Party members, and specifically threatened the life of Eldridge Cleaver. Such calls are believed to result from intelligence activity of some governmental agency.

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On April 6, 1968, the date of the incident, a person claiming to be associated with the San Francisco Police Department came to Black Panther Party Headquarters in Oakland, California to say he would be a pipeline for the Black Panthers, and stating ...er that the police were going to try to trick the Panthers ...t the police could kill them. The officer further warned that ...kland Police Department was planning to raid Black Panther ...arters and advised that any weapons be removed therefrom. ...lleged policeman has not been identified, and it is believed ...e was an operative of a government law enforcement agency, ...ng in an undercover capacity to infiltrate, spy upon or provoke ... Black Panthers.

The Federal Bureau of Investigation maintained surveillance on Black Panther Party Headquarters and upon party-related locations beginning no later than February 26, 1968, and continuing up to and including the date of the incident. In addition, the long distance numbers called from Cleaver's home phone were investigated as early

as December, 1967, by the Federal Bureau of Investigation; some persons to whom Cleaver placed calls were also investigated. Cleaver was listed on the Federal Bureau of Investigation's Security Index; a separate listing on the FBI's "Rabble Rouser Index" was reserved for the Black Panther Party and identified members thereof, including Eldridge [redacted] Cleaver. By the date of the incident one or more informants reporting to the FBI [and/or to other governmental agencies] had infiltrated the Black Panther Party and were in positions whence they could both report on the planned activities of the Black Panther and also effectuate disruptive tactics directed by their employer agency. The FBI regularly transmitted to local law enforcement agencies information gathered from such informants and surveillance, and notified such agencies of the plans and activities of Eldridge Cleaver and the Black Panther Party.

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As early as 1961, the California Department of Corrections had targeted Eldridge Cleaver as a black activist and follower of the Black Muslim Movement. Prior to the release of Cleaver from incarceration in December, 1966, the FBI requested the Department of Corrections to identify and closely watch such "Malcolm X types" and to notify the FBI upon their release so the FBI could continue surveillance. Cleaver was so identified.

Public documents [see e.g., Church Committee report] have established that on or about the date of the incident domestic intelligence activities were conducted by various government law enforcement and intelligence agencies against so-called black extremist groups, activities designed to spy upon such groups, to disrupt their activities, to assassinate or cause the assassination of their leaders, to spread lies and untruths about such groups, to

cause internal dispute and dissension, in short, to eradicate such groups, including the Black Panther Party. Much of this activity was illegal. Eldridge Cleaver, the Black Panther Party, and its members, Cleaver's friends, and with organizations which he associated, were targets of such surveillance and activities conducted by the Federal Bureau of Investigation.

The FBI has recently released a voluminous amount of heavily censored documents concerning the COINTELPRO operation against Cleaver and the Black Panther Party. These documents show a concerted intelligence of the type described above. However, according to news reports over 16,000 pages of documents have been held back. Defendant seeks such of these documents as come within the purview of this subpoena.

The just described intelligence activities evidence the interest on and about April 6, 1968, of domestic law enforcement and intelligence agencies in the activities of Eldridge Cleaver and the Black Panther Party. Further, the killing of Bobby Hutton during the incident and the attendant violations of State and Federal law spurred the interest of said agencies. The FBI conducted an investigation of the incident, and has taken statements from witnesses in addition to those heretofore produced at trial or provided to the Oakland Police Department or to the Alameda County District Attorney.

On information and belief, defendant Cleaver was a target of surveillance, conducted by this agency, including illegal surveillance, and was a victim of activities, including illegal activities, of this agency designed to destroy or discredit Cleaver and/or the Black Panther Party and its leaders and members; the events of April 6, 1968, are partially attributable to such

activities conducted by this agency; this agency was a party of the law enforcement conspiracy to discredit and destroy Cleaver, the Black Panther Party, and its leadership; further, this agency participated in an investigation of the April 6, 1968 incident and has information relating thereto.

Defendant needs the subpoenaed materials on surveillance of himself and of the parties described in Exhibit "A" to the Subpoena in order to prepare his defense, for the following reasons:

1. The evidence relates directly to the truth of police officers' assertions that their presence at the scene of the arrest was the result of normal police procedures, rather than the result of a purposeful and concerted conspiracy among various law enforcement agencies to harass, intimidate or even assassinate Eldridge Cleaver and/or other Black Panthers.

2. The evidence also directly bears upon whether the officers' firing upon Eldridge Cleaver and the other Black Panther Party members present at the scene of the incident was an attempt to effectuate an arrest, was in self-defense or was unprovoked and/or excessive force intended to kill Eldridge Cleaver and/or other Black Panthers without legal cause or justification.

3. The material also relates to Cleaver's state of mind on April 6, 1968, and to whether the officers were acting in the course of official duty during that incident.

4. The records will also relate to the truthfulness of witnesses' statements and testimony concerning the incident, an issue particularly important here where the likelihood that Bobby Hutton was murdered by police officers immediately following his arrest provides motive, bias and interest for the police

officers to have distorted their public testimony about the preceding conduct of Hutton and Cleaver.

5. The material subpoenaed is not available for inspection by the general public, and the defendant cannot obtain such material through his own efforts. Defendant has prosecuted an F.O.I.A. suit to obtain such materials, but such materials to a great extent, have not been obtained.

Dated: December 29, 1977

JOHN W. KEKER

Subscribed and sworn to
before me this 29th day of
December, 197 .

NOTARY PUBLIC

OFFICIAL SEAL
LYNNE BECKER
NOTARY PUBLIC - CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO
My Commission expires Nov. 25, 1979

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1214327-0

Total Deleted Page(s) = 24
Page 51 ~ b6; b7C;
Page 52 ~ b6; b7C;
Page 53 ~ b6; b7C;
Page 56 ~ b6; b7C;
Page 59 ~ b6; b7C;
Page 60 ~ b6; b7C;
Page 61 ~ b6; b7C;
Page 62 ~ b6; b7C;
Page 66 ~ b2;
Page 67 ~ b2;
Page 68 ~ b2;
Page 69 ~ b2;
Page 119 ~ Duplicate;
Page 120 ~ Duplicate;
Page 121 ~ Duplicate;
Page 122 ~ Duplicate;
Page 139 ~ b6; b7C;
Page 140 ~ b6; b7C;
Page 141 ~ b6; b7C;
Page 142 ~ b6; b7C;
Page 143 ~ b6; b7C;
Page 152 ~ b6; b7C;
Page 153 ~ b6; b7C;
Page 154 ~ b6; b7C;

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Director's Sec'y

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FM SAN FRANCISCO (66-3564A)

TO DIRECTOR ROUTINE

BT

CLEAR

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10-22-2008 BY 60322/UCLRP/PJ/EHL

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ATTN: LEGAL COUNSEL DIVISION, SUPERVISOR

PEOPLE OF THE STATE OF CALIFORNIA V. LEROY ELDRIDGE CLEAVER, SUPERIOR COURT, STATE OF CALIFORNIA, COUNTY OF ALAMEDA, SUBPOENA MATTER.

RE SAN FRANCISCO AIRTEL TO BUREAU, JANUARY 3, 1978, AND SAN FRANCISCO TELEPHONE CALL TO BUREAU, JANUARY 30, 1978.

ON JANUARY 30, 1978, ASSISTANT UNITED STATES ATTORNEY MALCOLM SEGAL, SAN FRANCISCO, MET WITH ATTORNEYS FOR ELDRIDGE CLEAVER (HEREINAFTER REFERRED TO AS "ATTORNEYS"). AUSA SEGAL GENERALLY CONVEYED TO ATTORNEYS THAT GOVERNMENT CONSIDERS CURRENT SUBPOENA (RECEIVED AT SAN FRANCISCO DECEMBER 30, 1977) OVER BROAD AND BURDENSOME AS WRITTEN. AUSA FURTHER ADVISED

100-447251-1405X2

EX-112

REC-2 1405X

20 OCT 24 1978

LEGAL COUNSEL

PERS. REC. UNIT

66 NOV 27 1978

ATTORNEYS THAT GOVERNMENT MAY POSSIBLY SEEK TO LIMIT RATHER THAN QUASH SUBPOENA IF SOME AGREEMENT ON REASONABLE LIMITS CAN BE REACHED.

ATTORNEYS MADE FOLLOWING REQUESTS AND/OR DEMANDS RE THE MORE CONTROVERSIAL PORTIONS OF SUBPOENA:

1. GENERALLY, THEY WOULD AGREE TO PROTECTIVE ORDER FOR GOVERNMENT TO LIMIT GOVERNMENT'S PRODUCTION AS LONG AS PROTECTIVE ORDER "REASONABLY WORDED".

2. RE DEFINITION PARAGRAPH OF SUBPOENA. ATTORNEYS AGREE THAT SUBPOENA SHOULD ONLY APPLY TO SAN FRANCISCO FIELD OFFICE, AS DISTINGUISHED FROM ALL CALIFORNIA FBI OFFICES. ON OTHERHAND, ATTORNEYS WANT MANUAL CHECK OF FBIHQ RECORDS TO INSURE THAT FBIHQ DOES NOT HAVE DOCUMENTS NOT IN POSSESSION OF SAN FRANCISCO. EXAMPLE WAS GIVEN OF COINTELPRO INSTRUCTIONS ISSUED AT FBIHQ BUT NOT SENT TO FIELD.

3. RE FOIA RELEASE TO CLEAVER. ATTORNEYS ADMIT THEY HAVE LIST OF DOCUMENTS WITHHELD UNDER FOIA EXEMPTIONS, BUT MAINTAIN THEY WANT ALL DOCUMENTS WITHHELD OR EXCISED TO BE PROCESSED UNDER SUBPOENA RELEASE STANDARDS (AS OPPOSED TO FOIA PROCESSING STANDARDS). SINCE THEY DO WANT ALL DOCUMENTS, THEY

SEE NO REASON TO MAKE SPECIFIC REQUEST AS FBIHQ IS IN POSSESSION OF SAME LIST.

4. RE TIME PERIOD COVERED BY REQUEST. ATTORNEYS AGREE TO LIMIT THEIR REQUEST TO SEARCH FOR DOCUMENTS DATED AFTER APRIL 6, 1968 WHICH MAY RELATE TO PERIOD JANUARY 1, 1968 - APRIL 6, 1968 TO JUNE 1, 1968. HOWEVER, IF INFORMATION LATER BECOMES AVAILABLE TO THEM RE DOCUMENTS DATED ANYTIME AFTER THAT DATE, THEY WISH TO RESERVE RIGHT TO REQUEST SUCH DOCUMENTS UNDER THIS SUBPOENA.

5. RE PARAGRAPH FOUR OF SUBPOENA WHICH REQUESTS DOCUMENTS FROM JANUARY 1, 1967 TO APRIL 6, 1968. ATTORNEYS STATE THAT THIS IS NOT ERROR. THEY SEEK DOCUMENTS RELATING TO COMMUNICATIONS BETWEEN FBI AND LOCAL LAW ENFORCEMENT FOR THIS PERIOD SINCE THEY BELIEVE POSSIBILITY EXISTS THAT SOME PLANNING COULD HAVE TAKEN PLACE THIS EARLY.

as to 4 and 5 above but we did not [illegible] ST says no problem

CURSORY ESTIMATE BY SAN FRANCISCO INDICATES ATTORNEYS' REQUESTS IN PARAGRAPHS ONE, THREE, FOUR, AND FIVE ABOVE WOULD NOT APPEAR TO BE UNREASONABLE OR EXCESSIVELY BURDENSOME TO SAN FRANCISCO. IN REGARD TO PARAGRAPH FIVE, IT WOULD APPEAR SAN FRANCISCO HAS FEW IF ANY DOCUMENTS FOR YEAR 1967 WHICH

WOULD COME UNDER THIS SUBPOENA.

SAN FRANCISCO HAS NO WAY OF EVALUATING HOW BURDENSOME REQUEST OF ATTORNEYS IN PARAGRAPH TWO ABOVE WOULD BE TO FBI HEADQUARTERS.

ON INSTANT DATE SUBPOENA MATTER CONTINUED IN ALAMEDA COUNTY SUPERIOR COURT, BY MUTUAL AGREEMENT OF PARTIES, UNTIL FEBRUARY 14, 1978 AT 2 P.M., SINCE SOME AGREEMENT APPEARS POSSIBLE.

ATTORNEYS HAVE REQUESTED GENERAL AND INFORMAL ORAL RESPONSE OF GOVERNMENT TO ABOVE REQUESTS AND/OR DEMANDS BY FEBRUARY 3, 1978 FROM AUSA, SAN FRANCISCO, AS TO WHETHER IT APPEARS THAT SOME AGREEMENT IS IN FACT POSSIBLE.

BUREAU REQUESTED TO REQUEST DEPARTMENT TO ADVISE AUSA SEGAL REGARDING GENERAL RESPONSE REQUESTED BY ATTORNEYS BY FEBRUARY 3, 1978.

BT

FD-36 (Rev. 2-14-74)

FBI

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DATE 10-22-2008 BY 60322/UCLRP/PJ/EHL

5/4/77

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

Via AIRTEL _____
(Precedence)

TO: DIRECTOR FBI
(ATTN: LEGAL COUNSEL DIVISION) (100-447251)

FROM: SAC, SAN FRANCISCO (66-3564-A) (P)

SUBJECT: PEOPLE OF STATE OF CALIFORNIA V.
LEROY ELDERIDGE CLEAVER,
SUPERIOR COURT, STATE OF
CALIFORNIA, COUNTY OF ALAMEDA,
SUBPOENA FOR FEBRUARY 18, 1977
LEGAL MATTERS

Re San Francisco teletype to Bureau, 5/3/77.

Enclosed here-with are two copies of "Alternative Writ of Mandate" served on San Francisco Division Office on 5/3/77.

1 cc w/encl Rm 7326 EXD

ENCLOSURE

REC-92 100-447251-145X3

NO ENCLOSURE ATTACHED

2 - Bureau (Encs. 2)
2 - San Francisco
RLW/cjm
(4)

Rm 4238

MAY 6 1977

LEGAL COUNSEL

7326

b6
b7C

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

56 MAY 26 1977

GPO : 1975 O - 590-992

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION FOUR

EROY ELDRIDGE CLEAVER, Petitioner, vs. UPERIOR COURT, ALAMEDA COUNTY, Respondent, AKLAND POLICE DEPARTMENT, ET AL., Real Parties in Interest.	ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10-22-2008 BY 60322/UCLRP/PJ/EHL No. 1/Civil 40971 ALTERNATIVE WRIT OF MANDATE

he People of the State of California to the Superior Court of the State of alifornia, _____ County of Alameda, Greeting:

The petition for a writ of mandate on file herein having been onsidered and good cause appearing for the issuance of this alternative rit of mandate,

WE DO COMMAND YOU, forthwith upon receipt of this writ, to:

(1) Vacate your order of March 2, 1977, in Case No. 42287, People v. leaver, insofar as it quashes the subpoenas served on the Oakland and Emeryille Police Departments with respect to Pitchess material concerning the fficers on the scene of and participating in the incident of April 6, 1968, rom which the charges against the Defendant result;

(2) Vacate your order of March 2, 1977, in Case No. 42287, People v. leaver, insofar as it quashed subpoenas concerning surveillance records irected to real parties in interest;

(3) Vacate your order of March 2, 1977, in Case No. 42287, People v. leaver, insofar as it denies the Motion for Certification of out-of-state ubpoenas directed to the Attorney General of the United States and the deral Bureau of Investigation, and to issue a Certificate under Penal Code ction 1334.3 that the custodians of records of the above agencies are material itnesses in the pending criminal case of People v. Cleaver,

in the alternative that you show cause before Division Four of this urt on Friday, May 13, 1977 at 10:00 a.m. in its courtroom the State Building, San Francisco, California, why you have not done so.

The written return, if any, to this alternative writ is to be served d filed on or before May 9, 1977.

Witness the Honorable Thomas Caldecott, Presiding Justice of e Court of Appeal of the State of California, First Appellate District, vision Four.

Attest my hand and the Seal of this Court this Court this 2nd day May, 19 77.

Clifford C. Porter Clerk

SEAL

By R. F. LIPPI
Deputy Clerk

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-22-2008 BY 60322/UCLRP/PJ/EHL

1 - [redacted]
Attn: Mr. James
Attn: Mr. Underwood
1 - Mr. Mintz
1 - [redacted]

b6
b7C

Assistant Attorney General
Civil Division
Attention: Bruce E. Titus

October 6, 1977

Assistant Director - Legal Counsel
Federal Bureau of Investigation

FEDERAL GOVERNMENT

ELDRIDGE AND KATHLEEN CLEAVER v.
CLARENCE M. KELLEY, et al.
(U.S.D.C., D.C.)
CIVIL ACTION NUMBER 76-0795

3 -

Enclosed are the original and five copies of an Affidavit of Special Agent (SA) Gerald A. James, Records Management Division, Federal Bureau of Investigation Headquarters, for filing in this litigation.

The affidavit, which relates to classified (b)(1) material withheld from plaintiff, was prepared at the request of Bruce E. Titus, Deputy Chief, Information and Privacy Section, Civil Division, who advised it would be filed in captioned litigation in the United States District Court for the District of Columbia to complement the Affidavit of SA Frank Underwood, III, dated March 10, 1977, and filed in this matter. In that affidavit (paragraph 9, page 4), information was set forth that a subsequent affidavit regarding documents classified pursuant to Executive Order 11652 would be filed in this matter after the documents had been presented to the Department Review Committee for final administrative classification and adjudication.

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REC-54 Y-33 7 OCT 7 1977

ENCLOSURE

We request that you keep us advised of all pertinent developments in this matter and provide us with copies of documents filed with the Court.

Enclosures (6)

NOTE:

Instant memorandum furnishes the Department an affidavit for filing in captioned litigation in the United States District Court, District of Columbia, regarding material withheld from plaintiff and classified pursuant to EO 10450, to complement the Affidavit of SA Frank Underwood, III, filed March 10, 1977.

WWH:wea (7)

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

APPROVED:
Director
Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Adm. Serv.
Crim. Inv.
Fin. & Pers.
Ident.
Intell.
Laboratory
Legal Coun.
Plan. & Insp.
Rec. Mgmt.
Spec. Inv.
Tech. Servs.
Training
Public Affs. Off.

MAIL ROOM ☐ TELETYPE UNIT ☐

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FBI/DOJ

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-22-2009 BY 60322/UCLRP/PJ/EHL

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

ELDRIDGE AND KATHLEEN CLEAVER

Plaintiffs

v. CIVIL ACTION NUMBER 76-0795

CLARENCE M. KELLEY, et al.

Defendants.

AFFIDAVIT OF GERALD A. JAMES

I, Gerald A. James, being duly sworn, depose and say as follows:

(1) I have been a Special Agent of the Federal Bureau of Investigation (FBI) for 14 years. During the last 13 years of my tenure as an FBI Special Agent (SA), I have been assigned various responsiblities in domestic security and foreign counterintelligence work. I am currently assigned to the Document Classification Review Unit in the Records Management Division at FBI Headquarters (FBIHQ), Washington, D.C.

(2) I have been authorized to classify FBI documents pursuant to Executive Order (EO) 11652, Sections 2(A)(3) and 2(c), and 29 C.F.R. 17.23, et seq. My current assignment in classification matters involves a review of classified documents requested under the Freedom of Information Act (FOIA) as to their suitability for continued classification.

(3) I am aware of the Order of this Court dated February 10, 1977, and am familiar with the procedures we followed in order to comply in the time allotted by the Court with that order. This affidavit relates to classified documents

obtained from our California offices pursuant to the Court Order dated February, 10, 1977. I have made a personal, independent examination of all documents listed hereinafter and have personal knowledge of the information as set forth in those documents for which the exemption (b)(1), pursuant to Title 5, United States Code, Section 552, is claimed.

(b) During my examination I found that a number of documents were created at times when the FBI did not place a classification marking on documents prepared for internal use only, despite the fact the information contained therein would qualify for classification under EO 10450, the predecessor of EO 11652. These documents, all intra-FBI documents, were not intended for dissemination. At that time, only documents intended for dissemination outside the FBI were formally classified. In certain instances, these documents contain statements or a caveat, when the data is particularly sensitive, that should the information therein be incorporated in documents prepared for dissemination, those documents should be appropriately classified.

(c) Subsequent to the full implementation of EO 11652, these practices were changed and all documents warranting classification were to be classified. These documents, internal in nature and not intended for dissemination, are mentioned in sub-paragraphs (4)(a) through (4)(cccc).

(d) My examination was conducted in strict adherence to the standards and criteria found in EO 11652. Upon my determination that a particular document carried the appropriate classification, no additional markings were made by me on the document. Additional markings were made on the document pursuant to the requirements set forth in Section 4 of EO 11652 only when a change in classification was warranted. The classification levels as set forth in EO 11652 were also relied

upon exclusively by the affiant as set forth in the pertinent part in Section 1 as follows:

"(B) 'Secret.' 'Secret' refers to that national security information or material which requires a substantial degree of protection. The test for assigning 'Secret' classification shall be whether its unauthorized disclosure could reasonably be expected to cause serious damage to the national security. Examples of 'serious damage' include disruption of foreign relations significantly affecting the national security; significant impairment of a program or policy directly related to the national security; revelation of significant military plans or intelligence operations; and compromise of significant scientific or technological developments relating to national security. The classification 'Secret' shall be sparingly used."

"(C) 'Confidential.' 'Confidential' refers to that national security information or material which requires protection. The test for assigning 'Confidential' classification shall be whether its unauthorized disclosure could reasonably be expected to cause damage to the national security."

(e) Documents described in sub-paragraphs (4)(a) - (4)(cccc) and (5)(a) through (5)(g) are exempt from automatic declassification as authorized by EO 11652. These exemption categories are described in Section 5(B) of the EO as follows:

Category 1 is described in the Executive Order as "classified information or material furnished by foreign governments or international organizations and held by the United States on the understanding that it be kept in confidence."

Category 2 is described in the Executive Order as "classified information or materials specifically covered by statute, or pertaining to crytography, or disclosing intelligence

sources or methods."

Category 3 is described in the Executive Order as "classified information or material disclosing a system, plan, installation, project or specific foreign relations matter, the continuing protection of which is essential to the national security."

(4) The following documents which are identified in the fifth affidavit of Frank Underwood, III, dated March 10, 1977, were specifically examined by the affiant and are identified hereafter by the same file number. These documents were not classified at their origin for reasons set forth in paragraphs (3)(b) and (3)(c), supra.

(a) Document #100-55520-144 is a one-page intra-office memorandum dated January 25, 1968, at San Francisco, California. The document classified "Confidential," Category 2, by Classifying Office 7306 on March 2, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to paragraphs 1 and 2.

(b) Document #100-55520-146 is a five-page intra-office memorandum dated January 10, 1968, at San Francisco, California. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 2, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to the bracketed portions of pages 1 and 2 and all paragraphs on pages 2 through 5.

(c) Document #100-55520-147 is an intra-office memorandum dated January 23, 1968, at San Francisco, California, consisting of 3 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 2, 1977, because it discloses an intelligence source, the disclosure

of which would be detrimental to the national security. The classified data is confined to the bracketed portions of pages 1 and 2 and all paragraphs on pages 2 and 3.

(d) Document #100-55520-148 is an intra-office memorandum dated January 22, 1968, at San Francisco, California, which consists of 2 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 2, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to page 2, paragraphs 1, 3, 4 and 5.

(e) Document #100-55520-149 is an intra-office memorandum dated January 25, 1968, at San Francisco, California, which consists of 2 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 3, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to the bracketed portions of pages 1 and 2 and all paragraphs on page 2.

(f) Document #100-55520-153 is an intra-office memorandum dated January 15, 1968, at San Francisco, California, which consists of 2 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 3, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to the bracketed portions of pages 1 and 2 and all paragraphs on page 2.

(g) Document #100-55520-154 is an intra-office memorandum dated January 15, 1968, at San Francisco, California, which consists of 3 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 3, 1977, because it discloses an intelligence source,

the disclosure of which would be detrimental to the national security. The classified data is confined to all paragraphs on page 2 and paragraph 2 on page 3.

(h) Document #100-55520-157 is an intra-office memorandum dated February 15, 1968, at San Francisco, California, which consists of 3 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 3, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to the bracketed portion of page 2 and all paragraphs on pages 2 and 3.

(i) Document #100-55520-158 is an intra-office memorandum dated February 27, 1968, at San Francisco, California, which consists of 2 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 3, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to the last paragraph on page 2.

(j) Document #100-55520-158A is an intra-office memorandum dated February 27, 1968, at San Francisco, California, which consists of 2 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 3, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to the bracketed portion of page 1 and all paragraphs on page 2.

(k) Document #100-55520-170 is an intra-office memorandum dated February 16, 1968, at San Francisco, California, which consists of 3 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 3, 1977, because it discloses an intelligence source,

the disclosure of which would be detrimental to the national security. The classified data is confined to all paragraphs of page 2.

(l) Document #100-55520-226 is an intra-office memorandum dated April 3, 1968, at San Francisco, California, which consists of 3 pages. The document was classified "Confidential," Category 2, on March 3, 1977, by Classifying Officer 7306 because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to paragraph 3 page 2 and paragraphs 2 and 4, page 3.

(m) Document #100-58841-205, is a letter from the Special Agent in Charge (SAC), San Francisco to FBIHQ, Washington, D.C., dated August 10, 1967, which consists of 6 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 2, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to paragraphs 1 and 3 of page 2, paragraph 5 of page 4 ending on page 5, paragraph 4 of page 5 and paragraphs 1 and 2 of page 6.

(n) Document #100-58841-225 is an intra-office memorandum dated August 17, 1967, at San Francisco, California, which consists of 2 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 2, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to paragraphs 1 and 2 of page 2.

(o) Document #100-58841-228 is a letter from the SAC, San Francisco to FBIHQ dated September 13, 1967, which consists of 4 pages. This document was classified "Confidential,"

Category 2, by Classifying Officer 7306 on March 2, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to paragraphs 2 and 4 of page 1, paragraphs 3 and 6 of page 3.

(p) Document #100-58841-230 is a letter from the SAC, San Francisco to FBIHQ dated October 11, 1967, which consists of 4 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 2, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to paragraph 3 of page 1 and paragraph 4 of page 3.

(q) Document #100-58841-248 is a letter from SAC, San Francisco to FBIHQ dated October 11, 1967, which consists of 4 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 3, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to paragraph 4 of page 1 and paragraph 4 of page 3.

(r) Document #100-58841-259 is an intra-office memorandum dated November 29, 1967, at San Francisco, California, which consists of 2 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 3, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to paragraph 1 page 1, paragraph 3 page 1, ending on page 2.

(s) Document #100-58841-278 is an intra-office memorandum dated December 5, 1967, at San Francisco, California, which consists of 3 pages. The document was classified

"Confidential," Category 2, by Classifying Officer 7306 on March 3, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to the bracketed portion of page 1, paragraphs 1 through 5 page 2, paragraphs 1 and 2 of page 3.

(t) Document #100-58841-279 is an intra-office memorandum dated December 5, 1967, at San Francisco, California, which consists of 2 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 3, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to the bracketed portion of page 1, and paragraphs 1 through 4 on page 2.

(u) Document #100-58841-321 is an intra-office memorandum dated January 25, 1968, at San Francisco, California, which consists of 1 page. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 3, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to paragraph 2 of page 1.

(v) Document #100-58841-336 is an intra-office memorandum dated January 15, 1968, at San Francisco, California, consisting of 2 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 3, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to the bracketed portion of page 1 and all paragraphs of page 2.

(w) Document #100-58841-337 is an intra-office memorandum dated December 22, 1967, at San Francisco, California,

consisting of 2 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 3, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to the bracketed portion of page 1 and paragraphs 2, 3, 4, 5, and 6, of page 2 and paragraph 2, page 3.

(x) Document #100-58841-341 is an intra-office memorandum dated January 15, 1968, at San Francisco, California, which consists of 3 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 3, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to all paragraphs on page 2.

(y) Document #100-58841-342 is an intra-office memorandum dated January 15, 1968, at San Francisco, California, which consists of 2 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 3, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to the bracketed portions of pages 1 and 2 and all paragraphs of page 2.

(z) Document #100-58841-346 is an intra-office memorandum dated January 10, 1968, at San Francisco, California, which consists of 5 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 3, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to the bracketed portions of pages 1 and 2 and all paragraphs of pages 2 through 4.

(aa) Document #100-58841-347 is an intra-office memorandum dated January 22, 1968, at San Francisco, California, which consists of 2 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 3, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to paragraphs 1 through 5 of page 2.

(bb) Document #100-58841-348 is an intra-office memorandum dated January 23, 1968, at San Francisco, California, which consists of 3 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 3, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to the bracketed portion of page 1, all paragraphs of page 2 and paragraphs 1, 2, 3, and 4 of page 3.

(cc) Document #100-58841-353 is an intra-office memorandum dated January 30, 1968, at San Francisco, California, which consists of 2 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 3, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to paragraph 2 of page 1.

(dd) Document #100-58841-371 is an intra-office memorandum dated January 15, 1968, at San Francisco, California, which consists of 2 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 3, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to the bracketed

portion of page 1 and paragraph 2 of page 2.

(ee) Document #100-58841-372 is an intra-office memorandum dated January 15, 1968, at San Francisco, California, which consists of 2 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 3, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to the bracketed portion of page 1 and paragraph 1 of page 2.

(ff) Document #100-58841-377 is an intra-office memorandum dated February 9, 1968, at San Francisco, California, which consists of 4 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 3, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to the bracketed portion of page 1 and all paragraphs of pages 2, 3 and 4.

(gg) Document #100-58841-395 is an intra-office memorandum dated February 20, 1968, at San Francisco, California, which consists of 5 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 3, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to all paragraphs of pages 2, 3, 4, and 5.

(hh) Document #100-58841-396 is an intra-office memorandum dated February 15, 1968, at San Francisco, California, which consists of 3 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 3, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to the bracketed

portion of page 1 and all paragraphs of pages 2 and 3.

(ii) Document #100-58841-398 is an intra-office memorandum dated February 23, 1968, at San Francisco, California, which consists of 9 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 3, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to the bracketed portion of page 1 and paragraphs 3 and 4 of page 2.

(jj) Document #100-58841-409 is an intra-office memorandum dated February 19, 1968, at San Francisco, California, which consists of 3 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 3, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to the bracketed portion of pages 1 and 3 and paragraph 1 of page 3.

(kk) Document #100-58841-419 is an intra-office memorandum dated February 27, 1968, at San Francisco, California, which consists of 2 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 3, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to the last paragraph of page 2.

(ll) Document #200-58841-420 is an intra-office memorandum dated February 27, 1968, at San Francisco, California, which consists of 2 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 3, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to all paragraphs

of page 2.

(mm) Document #100-58841-442 is an intra-office memorandum dated February 16, 1968, at San Francisco, California, which consists of 3 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 4, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to the bracketed portion of page 1 and all paragraphs of page 2.

(nn) Document #100-58841-449 is an intra-office memorandum dated March 11, 1968, at San Francisco, California, which consists of 2 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 4, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to paragraphs 2, 3, and 4 of page 2.

(oo) Document #100-58841-457 is an intra-office memorandum dated March 14, 1968, at San Francisco, California, which consists of 2 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 4, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to paragraph 1, page 1 and paragraphs 1, 2, and 4 of page 2.

(pp) Document #100-58841-479 is an intra-office memorandum dated February 26, 1968, at San Francisco, California, which consists of 4 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 4, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to the bracketed

portions of pages 1 and 3 and paragraphs 8 and 9 of page 2.

(qq) Document #100-58841-480A is an intra-office memorandum dated February 26, 1968, at San Francisco, California, which consists of 4 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 4, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to all paragraphs of pages 2, 3, and 4.

(rr) Document #157-1057-4 is an intra-office memorandum dated January 10, 1968, at San Francisco, California, which consists of 5 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 2, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to the bracketed portions of pages 1 and 2, paragraphs 1, 2, and 3 of page 2, paragraphs 1 and 2 of page 3, ending on page 4 and all paragraphs of page 4.

(ss) Document #157-1057-5 is an intra-office memorandum dated January 10, 1968, at San Francisco, California, which consists of 5 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 2, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to the bracketed portions of pages 1 and 2, paragraphs 1, 2 and 3 of page 2, paragraphs 1 and 2 of page 3 , ending on page 4 and all paragraphs of page 4.

(tt) Document #157-1057-6 is an intra-office memorandum dated January 15, 1968, at San Francisco, California, which consists of 2 pages. The document was classified

"Confidential," Category 2, by Classifying Officer 7306 on March 2, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to the bracketed portion of pages 1 and 2 and paragraphs 1, 2, 3, and 4 of page 2.

(uu) Document #157-1057-7 is an intra-office memorandum dated January 22, 1968, at San Francisco, California, which consists of 2 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 2, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to paragraphs 1, 2, 4, and 5 of page 2.

(vv) Document #157-1057-8 is an intra-office memorandum dated January 23, 1968, at San Francisco, California, which consists of 3 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 2, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to the bracketed portions of pages 1 and 2, paragraphs 1, 2, 3, 4, and 5, of page 2 and paragraphs 2, and 3 of page 3.

(ww) Document #157-1057-9 is an intra-office memorandum dated January 25, 1968, at San Francisco, California, which consists of 2 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 2, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to the bracketed portions of pages 1 and 2 and paragraphs 1 and 2 of page 2.

(xx) Document #157-1057-15 is an intra-office memorandum dated February 9, 1968, at San Francisco, California,

which consists of 4 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 2, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to the bracketed portions of pages 1 and 2, paragraphs 1, 2, and 3 of page 2, paragraph 4 of page 2, ending on page 3, all paragraphs of page 3 and paragraph 1 of page 4.

(yy) Document #157-1057-16 is an intra-office memorandum dated February 15, 1968, at San Francisco, California, which consists of 3 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 2, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to the bracketed portions of pages 1 and 2 and all paragraphs of pages 2 and 3.

(zz) Document #157-1057-17 is an intra-office memorandum dated February 27, 1968, at San Francisco, California, which consists of 2 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 2, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to all paragraphs of page 2.

(aaa) Document #157-1075-29 is an intra-office memorandum dated March 12, 1968, at San Francisco, California, which consists of 2 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 2, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to the bracketed

portions of pages 1 and 2 and paragraph 1 of page 2.

(bbb) Document #157-1057-30 is an intra-office memorandum dated March 12, 1968, at San Francisco, California, which consists of 2 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 2, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to the bracketed portions of pages 1 and 2, and all paragraphs of page 2.

(ccc) Document #157-1057-31 is an intra-office memorandum dated January 25, 1968, at San Francisco, California, which consists of 1 page. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 2, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to paragraphs 1 and 2.

(ddd) Document #157-1057-32 is an intra-office memorandum dated February 2, 1968, at San Francisco, California, which consists of 1 page. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 2, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to paragraphs 1, 3, and 4.

(eee) Document #157-1057-78 is an intra-office memorandum dated April 11, 1968, at San Francisco, California, which consists of 5 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 2, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to paragraphs 1, 2, and 3 of page 2 and paragraph 1 of page 4 ending on page 5.

(fff) Document #157-1057-80 is an intra-office memorandum dated May 1, 1968, at San Francisco, California, which consists of 2 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 2, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to paragraph 1, page 2.

(ggg) Document #157-1204-19 is an intra-office memorandum dated March 26, 1968, at San Francisco, California, which consists of 1 page. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 2, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to paragraphs 1 and 2.

(hhh) Document #157-1204-22 is an intra-office memorandum dated March 29, 1968, at San Francisco, California, which consists of 3 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 2, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to paragraph 2, page 1, paragraphs 1, 4, and 5 page 2, and paragraphs 2 and 3, page 3.

(iii) Document #157-1204-51 is an intra-office memorandum dated February 16, 1968, at San Francisco, California, which consists of 7 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 2, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to the bracketed portion of page 1 and all paragraphs of pages 2, 3, 4, 5, 6

and 7.

(jjj) Document #157-1204-56 is an intra-office memorandum dated March 12, 1968, at San Francisco, California, which consists of 2 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 2, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to the bracketed portions of pages 1 and 2 and paragraphs 1, 2 and 3 of page 2.

(kkk) Document #157-1204-61 is an intra-office memorandum dated April 10, 1968, at San Francisco, California, which consists of 2 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 2, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to paragraphs 1 and 2 of page 2.

(lll) Document #157-1204-82 is an intra-office memorandum dated April 8, 1968, at San Francisco, California, which consists of 2 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 2, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to paragraphs 1 and 2 of page 2.

(mmm) Document #157-1204-106 is an intra-office memorandum dated May 1, 1968, at San Francisco, California, which consists of 2 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 3, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to all paragraphs

on page 1 and the last paragraph on page 1 ending on page 2.

(nnn) Document #157-1204-108 is an intra-office memorandum dated April 3, 1968, at San Francisco, California, which consists of 4 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 3, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to all paragraphs on pages 2, 3 and 4.

(ooo) Document #157-1204-110 is an intra-office memorandum dated April 3, 1968, at San Francisco, California, which consists of 3 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 3, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to paragraph 3, page 2, ending on page 3 and paragraphs 1 and 3 on page 3.

(ppp) Document #157-1204-121 is an intra-office memorandum dated April 23, 1968, at San Francisco, California, which consists of 1 page. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 3, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to paragraph 2.

(qqq) Document #157-1204-177 is an intra-office memorandum dated May 8, 1968, at San Francisco, California, which consists of 3 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 2, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to paragraph 1, page 1.

(rrr) Document #157-1204-183 is an intra-office memorandum dated May 15, 1968, at San Francisco, California, which consists of 3 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 2, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to paragraph 5, page 1 and paragraph 1, page 2.

(sss) Document #157-1204-209 is an intra-office memorandum dated April 11, 1968, at San Francisco, California, which consists of 5 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 2, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to paragraphs 1, 2 and 3 of page 2, paragraph 2, page 3, paragraph 1, page 4, which ends on page 5.

(ttt) Document #157-1204-222 is an intra-office memorandum dated May 1, 1968, at San Francisco, California, which consists of 6 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 2, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to the bracketed portion of page 2.

(uuu) Document #157-1204-223 is an intra-office memorandum dated May 1, 1968, at San Francisco, California, which consists of 2 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 2, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to paragraphs 1

and 2 of page 2.

(vvv) Document #157-1204-224 is an intra-office memorandum dated April 18, 1968, at San Francisco, California, which consists of 4 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 2, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to all paragraphs of page 2 and paragraphs 1 and 2 of page 3.

(www) Document #157-1204-171 is a letter from SAC, Boston to SAC, San Francisco dated May 9, 1968, which consists of 2 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 3, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to all paragraphs of page 1, paragraphs 1 and 3 of page 2 and all paragraphs of page 3.

(xxx) Document #100-55520-191 is an intra-office memorandum dated February 28, 1968, at San Francisco, California, which consists of 1 page. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 3, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to paragraph 2.

(yyy) Document #157-673-201 is an intra-office memorandum dated April 11, 1968, at San Francisco, California, which consists of 3 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 2, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to the bracketed portions of pages 1 and 2 and all paragraphs of pages 2 and 3.

(zzz) Document #157-1618-38 is a one-page communication from an FBI representative abroad to FBIHQ dated February 20, 1968. The document was classified "Secret," Category 1, with an indefinite date of declassification on March 4, 1977, by Classifying Officer 7306 as this discloses the FBI's interest in a specific foreign relations matter. The classified data is confined to paragraph 1 of page 1.

(aaaa) Document #157-1618-39 is a two-page communication from an FBI representative abroad to FBIHQ dated February 20, 1968. The document was classified "Secret," Category 1, with an indefinite date of declassification on March 4, 1977, by Classifying Officer 7306, as the information contained therein was so classified by an agency of a foreign government. The classified data is confined to all paragraphs of pages 1 and 2.

(bbbb) Document #157-1618-147 is an intra-office memorandum dated April 25, 1968, at Los Angeles, California, which consists of 1 page. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 4, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to paragraph 1 of page 1.

(cccc) Document #157-1618-136 is a letter from SAC, San Francisco to SAC, Los Angeles, dated March 28, 1968, which consists of 2 pages. The document was classified "Confidential," Category 2, by Classifying Officer 7306 on March 4, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to paragraphs 2, 3 and 4 of page 1.

(5) The following documents were classified at their

origin. Additional markings were made on the documents pursuant to the requirements set forth in Section 4 of EO 11652 only when a change in classification was warranted:

(a) Document #157-1204-63 is a letterhead memorandum (LHM) dated April 11, 1968, at San Francisco, California, which consists of 18 pages. The document was classified "Confidential" at origin and continues to warrant such classification. It was classified "Confidential," Category 2, by Classifying Officer 7306 on March 2, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to paragraphs 3 and 4 of page 3 and paragraph 6 of page 7.

(b) Document #157-1204-74 is a LHM dated April 12, 1968, at San Francisco, California, which consists of 7 pages. The document was classified "Confidential" at origin and continues to warrant such classification. It was classified "Confidential," Category 2, by Classifying Officer 7306 on March 2, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to paragraph 2 of page 5.

(c) Document #157-1204-105 is an intra-office memorandum dated April 18, 1968, at New York, New York, which consists of 2 pages. The document was classified "Secret" at origin and continues to warrant such classification. It was classified "Secret," Category 2, by Classifying Officer 7306 on March 3, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to the bracketed portion of page 1, ending on page 2.

(d) Document #157-1204-182 is a letter from the SAC, Chicago to FBIHQ dated May 9, 1968, which consists of

5 pages. The document was classified "Confidential" at origin, but was upgraded to "Secret," Category 2, by Classifying Officer 7306 on March 2, 1977, because it discloses an intelligence source, the disclosure of which would be detrimental to the national security. The classified data is confined to the bracketed portion of page 1 and paragraph 1, all paragraphs of pages 2, 3 and 4 and paragraphs 1 and 2 of page 5.

(e) Document #157-1618-35 is a two-page communication from an FBI representative abroad to FBIHQ dated February 6, 1968. The document was classified "Top Secret" at origin and subsequently downgraded to "Secret" by its originator. It was classified "Secret" by Classifying Officer 7306 in Category 1, with an indefinite date of declassification on March 4, 1977, as information contained therein was so classified by an agency of a foreign government. The classified data is confined to all paragraphs of pages 1 and 2.

(f) Document #157-1618-36 is a two-page communication from an FBI representative abroad to FBIHQ dated February 6, 1968. The document was classified "Top Secret" at origin and subsequently downgraded to "Secret" by its originator. It was classified "Secret" by Classifying Officer 7306 in Category 1, with an indefinite date of declassification on March 4, 1977, as information contained therein was so classified by an agency of a foreign government. The classified data is confined to all paragraphs of page 1 and paragraphs 2, 3, 4, and 5 of page 2.

(g) Document #157-1619-37 is a three-page communication from an FBI representative abroad to FBIHQ dated February 20, 1968. The document was classified "Secret" at origin and continues to warrant such classification. It was classified "Secret" by Classifying Officer 7306 in Category 1, with an indefinite date of declassification on March 4, 1977, as

information contained therein was so classified by an agency of a foreign government. The classified data is confined to all paragraphs of pages 1, 2 and 3.

(6) All documents described in sub-paragraphs (4)(a) through (4)(cccc) and (5)(a) through (5)(g) were presented to the Departmental Review Committee (DRC), for classification review on March 22, 1977, and the classification of each was upheld as to those portions described.

(7) The affiant has reviewed, on a paragraph-by-paragraph basis, all the documents described in sub-paragraphs (4)(a) through (4)(cccc) and (5)(a) through (5)(g), and has determined that these documents warrant the classification assigned, and that all the documents have been appropriately marked in accordance with EO 11652, and Section 4(A), and 28 C.F.R. 17.40, et seq.

(8) The portions of the above documents not warranting classification have been considered for release subject to other exemptions of the FOIA.

Gerald A. James
GERALD A. JAMES
Special Agent
Federal Bureau of Investigation
Washington, D.C.

Subscribed and Sworn to before me this 5th day of October, 1977.

Margaret F. Dem
Notary Public

My commission expires 12/14/78.

Airtel

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-22-2008 BY 60322/UCLRP/PJ/EHLh 22, 1978

To: SAC, San Francisco

1 - Mr. Mintz
(Route through for review)

From: Director, FBI

Attn: [redacted]
1 - [redacted]
1 - [redacted]

b6
b7C

PEOPLE OF THE STATE OF CALIFORNIA
V. LEROY ELDRIDGE CLEAVER
SUPERIOR COURT
STATE OF CALIFORNIA
COUNTY OF ALAMEDA
SUBPOENA MATTER

Buded April 3, 1978.

As San Francisco is aware, criminal prosecution of Leroy Eldridge Cleaver is currently pending in Superior Court, County of Alameda, California. He is charged with attempted murder and assault with a deadly weapon resulting from a shoot-out with local police officers in Oakland, California, in April, 1968.

In February, 1977, the defense attorneys for Cleaver issued subpoenas which were extremely broad in scope directed to the FBI and to numerous other Federal agencies. The Department of Justice, on behalf of the FBI and other Federal agencies, was successful in obtaining a court order quashing these subpoenas. This order was subsequently upheld on appeal to the Court of Appeals, First Appellate District, State of California, and to the California Supreme Court.

On December 30, 1977, a new subpoena issued on behalf of defendant Cleaver was served on the San Francisco FBI office. This subpoena is much more narrow in scope than the previous subpoena and, therefore, the Government has decided to partially comply with the subpoena and to file a Motion to Quash that portion of the subpoena which seeks documents already released under the Freedom Of Information Act.

MAILED 19
MAR 22 1978
FBI

EX-101

REC-94 100-447251-1406

JM:dc*
(6)

(SEE NOTE - PAGE FOUR)

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Adm. Serv.
Crim. Inv.
Fin. & Pers.
Ident.
Intell.
Laboratory
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Spec. Inv.
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Training
Public Affairs Off.
Telephone Rm.
Director's Sec'y

28 APR 11 1978

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FBI/DOJ

Airtel to San Francisco
RE: PEOPLE OF THE STATE OF CALIFORNIA
V. LEROY ELDRIDGE CLEAVER

On February 28, 1978, Malcolm Segal, Assistant United States Attorney, Northern District of California, appeared in Superior Court and informed the Court of the areas in which the FBI will comply with the subpoena. It is noted that the Government has agreed to comply with the subpoena within sixty (60) days, if possible.

In addition to Eldridge Cleaver the subpoena names eight other individuals as follows:

1. Bobby Hutton
   DOB: 1949 or 1950;

2. [redacted]
   California Adult Authority No. [redacted]
   DOB: [redacted];

3. [redacted]
   California Adult Authority No. [redacted]
   DOB: [redacted];

4. [redacted]
   California Adult Authority No. [redacted]
   DOB: [redacted];

5. [redacted]
   California Adult Authority No. [redacted]
   DOB: [redacted];

6. [redacted]
   California Adult Authority No. [redacted]
   DOB: [redacted]

7. [redacted]
   California Adult Authority No. [redacted]
   DOB: [redacted]

8. [redacted]
   California Adult Authority No. [redacted]
   DOB: [redacted].

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b7C

Airtel to San Francisco
RE: PEOPLE OF THE STATE OF CALIFORNIA
V. LEROY ELDRIDGE CLEAVER

Following discussions between counsel for defendant and attorneys of the Department of Justice, the FBI will make available to the defendant those documents that pertain to the areas of compliance as follows:

1. Documents maintained in the subject files pertaining to the nine named individuals in the San Francisco Field Office and Headquarters, where those files reasonably can be identified, from January 1, 1968, through June 1, 1968, and logs of any electronic surveillance of the nine named individuals from January 1, 1968, through June 1, 1968.

2. Documents maintained in the subject files (the nine named individuals in the subpoena) pertaining to the Black Panther Party at the San Francisco Field Office and Headquarters encompassing the period January 1, 1967, through June 1, 1968 pertaining to any communications, discussions, agreements, or tactical plans between the Bureau and the Oakland Police Department and/or the Emeryville Police Department and/or the San Francisco Police Department concerning or relating to the defendant, the Black Panther Party, or the nine individuals named in the subpoena.

The San Francisco Division is instructed to review its main subject files on the nine individuals mentioned above for any serials not previously furnished in captioned matter to FBIHQ, e.g., channelizing memoranda, memos to SACs and inter-office communications, that fit within the criteria for compliance as outlined above. Two xerox copies of each pertinent document should be made. The copies should be clean and unexcised, and separated into two sets of documents. Thereafter, these documents should be forwarded to Headquarters by cover airtel, attention Special Projects Review Unit, Document Classification and Review Section, Records Management Division. These documents should arrive

at Headquarters by April 3, 1978 in order to process these documents pursuant to the deadline set for compliance with the subpoena.

NOTE: Criminal prosecution of Leroy Eldridge Cleaver currently pending in Superior Court, County of Alameda, California, on attempted murder and assault charge. In February, 1977, the defense issued subpoenas which were extremely broad pertaining to Cleaver and eight other individuals involved in the case. These subpoenas were quashed by a court order which was subsequently upheld on appeal by the California Superior Court. On December 30, 1977, a new subpoena was issued and the Government has decided to partially comply with it and move to quash that portion of the subpoena dealing with request for documents already made available under FOIA. Accordingly, compliance is restricted to main files of the nine named individuals at Headquarters and the San Francisco Office within the time frame of January 1, 1968, through June 1, 1968, pertaining to these individuals and references to the Black Panther Party in the individual subject files for the time period January 1, 1967, through June, 1968. San Francisco Division being contacted to furnish copies of documents not previously furnished to FBIHQ to comply with the subpoena. Buded of April 3, 1978 set in order to process documents and make them available to the Department of Justice pursuant to deadline for subpoena compliance.

This matter has been coordinated with SA [redacted] [redacted] Legal Counsel Division. b6 b7C

1-[redacted]
Attn: [redacted]
1-Mr. Mintz
1-[redacted]
Attn: [redacted]

b6
b7C

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HEREIN IS UNCLASSIFIED
DATE 10-22-2008 BY 60322/UCLRP/PJ/EHL

May 10, 1978

1-[redacted]
1-Legal Research Unit

Mr. Dale H. Speck
Director
Department of Justice
Division of Law Enforcement
Bureau of Criminal Identification
and Investigation
Box 13327
Sacramento, California 95813

FEDERAL GOVERNMENT

Re: People of the State of California
v. Leroy Eldridge Cleaver
Superior Court
State of California
County of Alameda

Dear Mr. Speck:

For your information, Leroy Eldridge Cleaver has been charged with attempted murder and assault and is currently awaiting trial in Superior Court, County of Alameda, California.

In December, 1977, defendant Cleaver subpoenaed records of the FBI pertaining to himself, other individuals and the Black Panther Party. The FBI has reviewed its files and has thus far produced a number of records. We have not as yet produced any documents from other agencies or documents containing information furnished by such agencies. Enclosed are xerox copies of such documents as they pertain to your agency.

EX-101 REC-65 100-447251-1407

Please review the enclosed materials to determine what information contained therein may be produced to defendant Cleaver. It is suggested that you bracket in red any information that you believe should be withheld from the defendant and advise this Bureau of the reason for withholding any information.

MAILED 7
MAY 1 0 1978
FBI

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Adm. Servs.
Crim. Inv.
Ident.
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Laboratory
Legal Coun.
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Tech. Servs.
Training
Public Affs. Off.
Telephone Rm.
Director's Sec'y

CM:lsh (8)

SEE NOTE PAGE 2

MAIL ROOM

54 MAY 1 1978

FBI/DOJ

Mr. Dale H. Speck

Should your agency wish a formal claim of privilege to be filed as to any document, or information contained therein, it is requested that you contact Mr. Larry L. Gregg, Attorney, Civil Division, Department of Justice, Washington, D. C. Mr. Gregg can be contacted by telephone at 202-739-4686.

It would be appreciated if you could handle this matter expeditiously.

Should you have any questions concerning this matter, please contact Special Agent [redacted] Legal Counsel Division, FBI Headquarters, telephone number [redacted] b2 b6 b7C

Sincerely yours,

John A. Mintz
Assistant Director-Legal Counsel

Enclosures (9)

NOTE: Leroy Eldridge Cleaver is currently awaiting trial in State Court on charges of assault and attempted murder. Defendant Cleaver has subpoenaed FBI records pertaining to himself, other individuals and the BPP. The scope of this subpoena has been narrowed considerably through extensive negotiations. Although the FBI has produced a number of records, it has withheld those documents either furnished by, or containing information provided by outside agencies. This communication requests the agency to review such documents and advise this Bureau of any deletions it wishes to make and to contact the Department if it wishes a formal claim of privilege to be filed. This matter was coordinated with SA [redacted], Records Management Division and Mr. Larry L. Gregg, Attorney, Civil Division, Department of Justice. b6 b7C

APPROVED:
Director
Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Adm. Serv.
Crim. Inv.
Ident.
Intell.
Laboratory
Legal Coun.
Plan. & Eval.
Rec. Mgt.
Tech. Serv.
Training
Public Affs. Off.

F. Criminal Record

The following is Subject's criminal record as maintained by the Bureau of Criminal Identification and Investigation in Sacramento, California:

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HEREIN IS UNCLASSIFIED
DATE 10-22-2008 BY 60322/UCLRP/PJ/EHL

Ltr to Dale N. Sparks 5-10-78
CM:lsh

4-8-58 OFFICE OF THE ATTORNEY GENERAL

BUREAU OF CRIMINAL IDENTIFICATION AND INVESTIGATION

GEORGE H. BRERETON, Chief

P. O. Box 1859, Sacramento

FOR OFFICIAL USE ONLY

The following record, CII#715185 FBI#214 850 B

L 13 U 00M 19
I 2 U 00I 15

NEGRO 6-1 182 ARK. 1935

Leroy Eldridge CLEAVER

A-294498 A

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-22-2008 BY 60322/UCLRP/PJ/EHL

ED OR IVED	DEPARTMENT AND NUMBER	NAME	CHARGE	DISPOSITION
13-50	Fred C. Nelles School for Boys. Whittier YA 11511	Leroy Eldridge CLEAVER	Durg. & Fa	From L.A. Co. Jr. Ct. Paroled May, 1951
5-52	SO Los Angeles B 245360	Leroy Eldridge CLEAVER, Jr.	700 M WIC Nares.	
51-0	PD, Los Angeles, 8348 W 10	Leroy Eldridge CLEAVER, Jr.	Susp. Narc. Act Felony Delinquent	
6-53	Diagnostic Clinic Waterman, YA 11511	Leroy E. CLEAVER	Parole Viol	Dec. 1953 Paroled JULY 1954, DISCH. F PAROLE
3-54	PD Los Angeles 227408	Leroy Eldridge CLEAVER, Jr.	Susp. Narc. Act (Felony)	6-9-54, ST. PRISON
6-54	SO Los angeles (B-245360 (B-305855)	Leroy Eldridge CLEAVER, Jr.	Poss. of Narc. (II)	

Cont. Page 2

4-8-58

OFFICE OF THE ATTORNEY GENERAL

BUREAU OF CRIMINAL IDENTIFICATION AND INVESTIGATION

GEORGE H. BRERETON, Chief

P. O. Box 1859, Sacramento

FOR OFFICIAL USE ONLY

The following record,

CII 715185

L 13 U 004 19
I 2 U 001 15

Leroy Eldridge CLEAVER

ED OR VED	DEPARTMENT AND NUMBER	NAME	CHARGE	DISPOSITION
18-54	California State Prison A-29498	Leroy E. CLEAVER	Poss. Narc (11500 H&S Code)	From L. A. Co. Term 6 mos-10 y 12-3-56, Parole
-3-57	PD LOS ANGELES 227400-C	LEROY ELDRIDGE CLEAVER	SUSP.ASLT W/I TO MURDER	3-11-58.ST.PRISON CC CC W/UNEXP.PAR TIME
-4-57	PD LOS ANGELES 227400-C	LEROY ELDRIDGE CLEAVER	VIO.SEC. 3056 PC	
-6-57	SO LOS ANGELES B-245360(B-515769)	LEROY ELDRIDGE CLEAVER	ASLT.W/I COMM MURDER,ASLT. W/I COMM.RAPE 2 CTS. & AWDW,2 CTS.	
-58	CALIF.DEPT. OF CORRECTIONS A-29498 A	LEROY ELDRIDGE CLEAVER	RET.PV W/AC ASLT/W/I COM MURDER 4 CTS. & ADW W/PR. FEL.CONV.P&P EA.CT.(217 PC) &(245 PC)	FROM LA CO. TERM 6MOS-14YRS. CTS.& 6MOS-10YRS. CC&CC WPT

ALL INFORMATION CONTAINED
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DATE 10-22-2009 BY 60322/UCLRP/PJ/EHL

[redacted] California Bureau of Criminal Investigation

SF 100-51709
WJW/amc

and Identification (CII) #2175190.

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DATE 10-22-2008 BY 60322/UCLRP/PJ/EHL

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HEREIN IS UNCLASSIFIED
DATE 10-22-2009 BY 60322/UCLRP/PJ/EHL

The records of Bureau Criminal Identification and Investigation (CII), Sacramento, California, under CII No. 3 233 969, disclosed that BOBBY JAMES HUTTON, born April 21, 1950, Arkansas, was on May 2, 1967, arrested by the Sacramento Police Department, No. S-14024, on charge of 182.1 Penal Code - delinquent juvenile.

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DATE 10-22-2008 BY 60322/UCLRP/PJ/EHL

1-Mr. Mintz
1-[redacted]
Attn: [redacted]
1-[redacted]
By Courier Service

Attn: [redacted]
1-[redacted]
1-Legal Research Unit

b6
b7C

Date: May 10, 1978

To: The Judge Advocate General
Department of the Air Force
1900 Half Street, S.W.
Washington, D. C. 20314

FEDERAL GOVERNMENT

From: John A. Mintz
Assistant Director-Legal Counsel

Subject: PEOPLE OF THE STATE OF CALIFORNIA
V. LEROY ELDRIDGE CLEAVER
SUPERIOR COURT
STATE OF CALIFORNIA
COUNTY OF ALAMEDA

For your information, Leroy Eldridge Cleaver has been charged with attempted murder and assault and is currently awaiting trial in Superior Court, County of Alameda, California.

In December, 1977, defendant Cleaver subpoenaed records of the FBI pertaining to himself, other individuals and the Black Panther Party. The FBI has reviewed its files and has thus far produced a number of records. We have not as yet produced any documents from other agencies or documents containing information furnished by such agencies. Enclosed are Xerox copies of such documents as they pertain to your agency.

Please review the enclosed material to determine what information contained therein may be produced to defendant Cleaver. It is suggested that you bracket in red any information that you believe should be withheld from the defendant and advise this Bureau of the reason for withholding any information.

REC-65 100-447251-1408

CM:lsh (8)

SEE NOTE PAGE 2

EX-101
MAILED
MAY 12 1978
FBI

MAY 16 197

Enclosure

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
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Public Affs. Off.
Telephone Rm.
Director's Sec'y
MAIL ROOM

54 JUN

FBI/DOJ

The Judge Advocate General

Should your agency wish a formal claim of privilege to be filed as to any document, or information contained therein, it is requested that you contact Mr. Larry L. Gregg, Attorney, Civil Division, Department of Justice, Washington, D. C. Mr. Gregg can be contacted by telephone at 202-739-4686.

It would be appreciated if you could handle this matter expeditiously.

Should you have any questions concerning this matter, please contact Special Agent [redacted] Legal Counsel Division, FBI Headquarters, telephone number [redacted]. b2 b6 b7C

Enclosures

NOTE: Leroy Eldridge Cleaver is currently awaiting trial in State Court on charges of assault and attempted murder. Defendant Cleaver has subpoenaed FBI records pertaining to himself, other individuals and the BPP. The scope of this subpoena has been narrowed considerably through extensive negotiations. Although the FBI has produced a number of records, it has withheld those documents either furnished by, or containing information provided by outside agencies. This communication requests the agency to review such documents and advise this Bureau of any deletions it wishes to make and to contact the Department if it wishes a formal claim of privilege to be filed. This matter was coordinated with SA [redacted], Records Management Division and Mr. Larry L. Gregg, Attorney, Civil Division, Department of Justice. b6 b7C

APPROVED:

Director
Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.

Adm. Serv.
Crim. Inv.
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Legal Coun.
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Tech. Servs.
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1-[redacted]
Attn: [redacted]
1-Mr. Mintz
1-[redacted]
Attn: [redacted]
By Courier Service
1-[redacted]
1-Legal Research Unit

b6
b7C

Date: May 10, 1978

To: Director
Selective Service System
600 E Street, N.W.
Washington, D. C. 20435

Attention: [redacted]
Records Manager

From: John A. Mintz
Assistant Director-Legal Counsel

Subject: PEOPLE OF THE STATE OF CALIFORNIA
V. LEROY ELDRIDGE CLEAVER
SUPERIOR COURT
STATE OF CALIFORNIA
COUNTY OF ALAMEDA

For your information, Leroy Eldridge Cleaver has been charged with attempted murder and assault and is currently awaiting trial in Superior Court, County of Alameda, California.

In December, 1977, defendant Cleaver subpoenaed records of the FBI pertaining to himself, other individuals and the Black Panther Party. The FBI has reviewed its files and has thus far produced a number of records. We have not as yet produced any documents from other agencies or documents containing information furnished by such agencies. Enclosed are xerox copies of such documents as they pertain to your agency.

Please review the enclosed materials to determine what information contained therein may be produced to defendant Cleaver. It is suggested that you bracket in red any information that you believe should be withheld from the defendant and advise this Bureau of the reason for withholding any information.

BY COURIER SVC.
MAY 12 P.M.
Exec. FBI

REC-26 100-447251-1469

CM:lsh (8)

SEE NOTE PAGE 2

EX-121

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Adm. Servs. ____
Crim. Inv. ____
Ident. ____
Intell. ____
Laboratory ____
Legal Coun. ____
Plan. & Insp. ____
Rec. Mgmt. ____
Tech. Servs. ____
Training ____
Public Affs. Off. ____
Telephone Rm. ____
Director's Sec'y ____

MAIL ROOM

MAY 17 1978

FBI/DOJ

Director
Selective Service System

Should your agency wish a formal claim of privilege to be filed as to any document, or information contained therein, it is requested that you contact Mr. Larry L. Gregg, Attorney, Civil Division, Department of Justice, Washington, D. C. Mr. Gregg can be contacted by telephone at 202-739-4686.

It would be appreciated if you could handle this matter expeditiously.

Should you have any questions concerning this matter, please contact Special Agent [redacted] Legal Counsel Division, FBI Headquarters, telephone number [redacted]. b2 b6 b7C

Enclosures (4)

NOTE: Leroy Eldridge Cleaver is currently awaiting trial in State Court on charges of assault and attempted murder. Defendant Cleaver has subpoenaed FBI records pertaining to himself, other individuals and the BPP. The scope of this subpoena has been narrowed considerably through extensive negotiations. Although the FBI has produced a number of records, it has withheld those documents either furnished by, or containing information provided by outside agencies. This communication requests the agency to review such documents and advise this Bureau of any deletions it wishes to make and to contact the Department if it wishes a formal claim of privilege to be filed. This matter was coordinated with SA [redacted], Records Management Division and Mr. Larry L. Gregg, Attorney, Civil Division, Department of Justice. b6 b7C

Approved:
Director
Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Adm. Serv.
Crim. Inv.
Ident.
Intell.
Laboratory
Legal Coun.
Insp.
Public Affs. Off.

UNITED STATES GOVERNMENT

Memorandum

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

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. Off. ____
Telephone Rm. ____
Director's Sec'y ____

TO : Assistant Director
Records Management Division

DATE: 3/8/78

FROM : Legal Counsel

SUBJECT: PEOPLE OF THE STATE OF CALIFORNIA
v. LEROY ELDRIDGE CLEAVER
SUPERIOR COURT, STATE OF CALIFORNIA
COUNTY OF ALAMEDA
SUBPOENA MATTER

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-22-2008 BY 60322/UCLRP/PJ/EHL

PURPOSE: To request that Headquarters' files be reviewed for documents demanded in subpoena issued by defendant Cleaver and that these documents be appropriately excised pursuant to guidelines which are attached.

SYNOPSIS: In connection with captioned matter, defendant Cleaver subpoenaed FBI files. Background information and a copy of subpoena are attached. The Government has decided to partially comply with the subpoena and to file a motion to quash that portion of the subpoena which seeks documents already released under Freedom of Information Act (FOIA). A copy of the motion, which sets forth the areas of compliance, is attached. Records Management Division has agreed to process Headquarters' files in accordance with guidelines which are attached.

RECOMMENDATIONS:

REC-50 100-447251-1416

(1) That the Records Management Division assign this matter to Special Projects Review Unit (SPRU), for processing in accordance with the attached guidelines.

6 JUN 23 1978

ENCLOSURE

EX-111

APPROVED:
Director ____
Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____

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

Legal Coun. ____
Plan. & Insp. ____
Rec. Mgnt. ____
Tech. Servs. ____
Training ____
Public Affs. Off. ____

Enclosures (4)

1-[redacted]
1-Mr. Mintz
1-[redacted]
1-[redacted]
1-Legal Research Unit
1-[redacted]

b6
b7C

CM:lsh
(7)

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

FBI/DOJ

Memorandum Legal Counsel to Assistant Dir.
Records Management Division
Re: People of the State of California
v. Leroy Eldridge Cleaver

b6
b7C

(2) That before initiating its review, SPRU coordinate this matter with SA [redacted], Legal Counsel Division (LCD).

JCF

APPROVED:		
Director ____	Adm. Serv. ____	Legal Coun. ____
Assoc. Dir. ____	Crim. Inv. ____	Plan. & Insp. ____
Dep. AD Adm. ____	Ident. ____	Rec. Mgmt. ____
Dep. AD Inv. ____	Intell. ____	Tech. Servs. ____
	Laboratory ____	Training ____
		Public Affs. Off. ____

DETAILS: Reference is made to memorandum of Legal Counsel to the Associate Director dated 2/1/78, captioned as above. This memorandum, a copy of which is attached, contains pertinent background information relating to captioned matter.

Since the issuance of the attached subpoena, LCD has been in constant contact with Departmental Attorney, Larry Gregg and Malcolm Segal, Assistant United States Attorney (AUSA), Northern District of California (NDC). It has been agreed to by the Department and LCD that the Bureau would only partially comply with the subpoena. Accordingly, AUSA Segal appeared in Superior Court on 2/28/78 and informed the Court of the areas of compliance. Additionally, the Government filed a motion to quash the subpoena in part to preclude the Bureau from undertaking a review of documents already processed and released to the defendant under FOIA.

In order to facilitate a search of Headquarters' records, the following background information was provided by defense counsel pertaining to those individuals whose files will be processed:

(a) Bobby Hutton - no information - Date of birth (DOB): 1949 or 50
(b) [redacted] - California Adult Authority (CAA), # [redacted]; DOB [redacted]
(c) [redacted] - CAA # [redacted]; DOB [redacted]
(d) [redacted] - CAA # [redacted]; DOB [redacted]
(e) [redacted] - CAA # [redacted]; DOB [redacted]
(f) [redacted] - CAA # [redacted]; DOB [redacted]
(g) [redacted] - CAA # [redacted]; DOB [redacted]
(h) [redacted] - CAA # [redacted]; DOB [redacted]

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For the purpose of processing the documents to be released under this subpoena, the same guidelines as those being utilized in the Black Panther Party (BPP), civil action will also be used to process the documents involved in captioned matter. A copy of those guidelines is also attached.

It should be noted that the Government has agreed to comply as outlined above within 60 days, if possible.

On 2/28/78, SA [redacted], LCD, conferred with [redacted], Unit Chief, SPRU, Records Management Division regarding captioned matter. He advised that his unit would be able to handle this subpoena matter but suggested that LCD recommend it be assigned to the Agent Supervisor who is handling the BPP case, namely [redacted] b6 b7C

It should also be noted that the San Francisco Field Office will also be processing documents in accordance with the aforementioned guidelines. Hence, efforts should be made to avoid duplication of work. LCD suggests, with the approval of the Department, that Headquarters review and process any communications received from or transmitted to the San Francisco Office. San Francisco would limit its review to only those documents that have not been disseminated to or received from the Bureau. LCD will issue appropriate instructions to San Francisco once this matter is resolved with the Records Management Division.

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6/19/78 UNCLAS ROUTINE

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-22-2008 BY 60322/UCLRP/PJ/EHL

FM DIRECTOR FBI

TO/SAN FRANCISCO {66-3564A}/

ATTN: SA [redacted] PRINCIPAL LEGAL INSTRUCTOR

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b7C

BT

UNCLAS

PEOPLE OF THE STATE OF CALIFORNIA V. LEROY ELDRIDGE CLEAVER, SUPERIOR COURT, STATE OF CALIFORNIA, COUNTY OF ALAMEDA; SUBPOENA MATTER.

RE BUAIRTEL TO SAN FRANCISCO, JUNE 19, 1978.

ON JUNE 19, 1978, JUDGE IN CAPTIONED MATTER WAS CLEARED BY THE DEPARTMENT FOR ACCESS TO THOSE DOCUMENTS CLASSIFIED CONFIDENTIAL FURNISHED TO THE SAN FRANCISCO DIVISION AS ENCLOSURES TO REFERENCED BUREAU AIRTEL.

BT

REC-50 100-447251-1411

JAB/DEL

6/19/78 7326 4528

1 - [redacted]
ATTN: [redacted]
1 - MR. MINTZ
1 - LEGAL RESEARCH UNIT
1 - [redacted]

EX-111

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION
JUN 26 1978

JUN 26 1978

SEE NOTE PAGES 2 AND 3.

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NOTE: Criminal prosecution of Leroy Eldridge Cleaver currently pending in Superior Court, County of Alameda, California, on attempted murder and assault charges. In February, 1977, the defense issued subpoenas which were extremely broad pertaining to Cleaver and eight other individuals involved in the case. These subpoenas were quashed by a court order which was subsequently upheld on appeal by the California Supreme Court. On December 30, 1977, a new subpoena was issued and the Government decided to partially comply with it and move to quash that portion of the subpoena dealing with request for documents already made available under FOIA. Accordingly, compliance is restricted to the main files of the nine individuals named in the subpoena at FBIHQ and the San Francisco Office with the time frame of January 1, 1968, through June 1, 1968, and references to the Black Panther Party in the individual subject files for the time period January 1, 1967, through January 1, 1968. San Francisco Division has furnished to Headquarters copies of documents not previously furnished to FBIHQ in captioned matter, which have been processed along with Headquarters files by the Special Projects Review Unit. The Assistant United States Attorney in San Francisco handling this matter appeared in court on February 28, 1978, and indicated that the Government would comply with the subpoena within sixty days, if possible. By Buairtel dated April 27, 1978, excised documents for court production were furnished to San Francisco, some of which were excised in their entirety. By this communication, unexcised copies of those documents being furnished San Francisco in anticipation of in camera court proceedings. Defense Counsel has requested brief characterization of each document excised in its entirety in order to determine whether or not to appeal their nonproduction. Unexcised documents being furnished San Francisco for assistance in preparing characterizations. San Francisco will make characterizations available to AUSA for in camera review by Judge in captioned matter. Judge will determine from characterizations if documents will be produced. Possibility exists Judge may request to

see unexcised documents in entirety. Therefore, documents made available to AUSA or Judge would have all informant identities and sensitive investigative techniques deleted therefrom. On 6/14/78, enclosed documents classified confidential were reviewed by the Document Classification and Review Section (DCRS), Records Management Division, for the purpose of ascertaining their current classification status. Several of the documents were declassified by DCRS. San Francisco Division advised telephonically of classification review. AUSA Robert Dondero, N.D. California, is handling captioned matter. On 6/16/78, Dondero received security clearance for access only to information classified confidential from Charles Alliman, Security Specialist, Office of Management and Finance, Department of Justice. This matter was discussed with SA [redacted] Criminal Investigative Division, who had no objection to the aforementioned procedure. On 6/19/78, Judge in captioned matter received security clearance for access to documents classified confidential from Jerry Rubino, Chief, Security Programs Management Group, Department of Justice, per SA [redacted] [redacted] Unit Chief, Policy Unit, DCRS, Records Management Division. This matter has been coordinated with SA [redacted] [redacted] Records Management Division, and Mr. Larry L. Gregg, Attorney, Civil Division, Department of Justice.

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b7C

APPROVED:

Director
Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.

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

Legal Coun.
Plan. & Insp.
Rec. Mgmt.
Tech. Serv.
Training
Public Affs. Off.

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

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Adm. Serv. ____
Crim. Inv. ____
Fin. & Pers. ____
Ident. ____
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Spec. Inv. ____
Tech. Servs. ____
Training ____
Public Affs. Off. ____
Telephone Rm. ____
Director's Sec'y ____

TO : The Associate Director

DATE: 2/1/78

FROM : Legal Counsel

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-22-2008 BY 60322/UCLBP/PJ/EHL

SUBJECT: PEOPLE OF THE STATE OF CALIFORNIA v.
LEROY ELDRIDGE CLEAVER
SUPERIOR COURT, STATE OF CALIFORNIA
COUNTY OF ALAMEDA
SUBPOENA MATTER

PURPOSE: To advise of receipt of a subpoena for FBI records issued by the defendant in the captioned criminal action and of our progress in negotiating a compromise response to the subpoena.

SYNOPSIS AND DETAILS: Criminal prosecution of Leroy Eldridge Cleaver is currently pending in Superior Court, County of Alameda, California. He is charged with Attempted Murder and Assault With a Deadly Weapon resulting from a shoot-out with local police officers in Oakland, California, in April, 1968.

By way of background, in February, 1977, the defense in this case issued subpoenas which were extremely broad in scope directed to the FBI and to numerous other Federal agencies. These subpoenas were over-broad and would have, in effect, required a review and production of all records of the California FBI offices and FBIHQ relating to Cleaver, the Black Panther Party (BPP), several other organizations with which Cleaver was associated and numerous individuals who were BPP members and/or friends of Cleaver. The Department of Justice, on behalf of the FBI and the other Federal agencies, was successful in obtaining a court order quashing these subpoenas. This order was subsequently upheld on appeal to the Court of Appeals, First Appellate District, State of California, and to the California Supreme Court.

3-ENCLOSURE

Enclosure

EX-124 REC-70 100-447251-1412

1 - Mr. Mintz
1 - Legal Research Unit
1 - [redacted]

7 FEB 6 1978

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JRD:las (4)

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

5010-110

FBI/DOJ

On 12/30/77, a new subpoena issued on behalf of defendant Cleaver was served on the San Francisco FBI Office. (Copy of subpoena and affidavit in support of subpoena attached). This subpoena is much more narrow in scope than the previous subpoena in that it appears to require only review of the San Francisco Office files, is limited to a specified time period, and is generally limited to records concerning Cleaver and the eight other individuals who were directly involved in the shooting incident giving rise to the charges against Cleaver. (There is one reference in the subpoena to a review of records concerning the BPP; however, this is limited to one specific aspect of the BPP investigation during a specified time period).

Assistant United States Attorney (AUSA) John F. Barg. San Francisco (previously assigned to the Department of Justice, Washington, D.C.), who handled the motions to quash and the subsequent appeals on the previous subpoena, and Department of Justice (DOJ) Attorney Larry Gregg, who is currently handling this subpoena, are both of the opinion that a motion to quash as to the current subpoena would be unsuccessful because it is greatly narrowed in scope and does not suffer from the procedural defects of the last subpoena. Additionally, there is some concern, based on conversations with the local District Attorney who is prosecuting this matter, that an absolute refusal by the Federal Government to produce any documents regarding this matter could give Cleaver's attorneys ammunition to further delay the trial or possibly obtain a dismissal of the charges based on the claim that he is being denied "due process" because of his inability to obtain relevant information vital to his defense.

It is the opinion of the Legal Counsel Division and San Francisco that if we can successfully negotiate a narrowing of the subpoena with the defense attorneys, clarify certain language in the subpoena, and limit the period of review to four months in most cases and six months in one area, San Francisco can comply with the subpoena without an unreasonable burden.

Legal Counsel to The Associate Director Memo
Re: People of the State of California v.
Leroy Eldridge Cleaver
Superior Court, State of California
County of Alameda
Subpoena Matter

The subpoena was originally returnable on 1/10/78, but a postponement was obtained until 1/31/78. On 1/30/78, San Francisco advised that based on the negotiations presently underway between the Offfice of the U. S. Attorney, San Francisco, and the defense attorneys in this matter a further postponement until February 10, 1978, was agreed to.

Legal Counsel Division is in daily contact with the DOJ, the San Francisco Office, and the U.S. Attorney's Office, San Francisco, regarding the negotiations to narrow the scope of the subpoena and will advise of the final agreement worked out. It is anticipated the final agreement as to the scope of the review and production of documents will be entered in the court record in the form of a stipulation. At that time a reasonable time period for the actual production of the documents will be set.

Legal Counsel Division will advise of further developments in this matter.

RECOMMENDATION: None; for information.

APPROVED:

Director
Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.

Adm. Serv.
Crim. Inv.
Fin. & Pers.
Ident.
Intell.
Laboratory

Legal Coun.
Plan. & Insp.
Rec. Mgmt.
Spec. Inv.
Tech. Serv.
Training
Public Affs. Off.

MARCUS S. TOPEL, ESQ.
360 Pine Street, Pe house Suite
San Francisco, California 94104
Telephone: (415) 421-6140

KIPPERMAN, SHAWN, KEKER & BROCKETT
JOHN W. KEKER
407 Sansome Street, Suite 400
San Francisco, California 94111
Telephone: (415) 788-2200

ALL INFORMATION CONTAINED
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DATE 10-22-2008 BY 60322/UCLRP/PJ/EHL

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

PEOPLE OF THE STATE OF CALIFORNIA,	)	NO. 42287
Plaintiff,	)	
vs.	)	
ELDRIDGE CLEAVER,	)	SUBPOENA
Defendant.	)	

TO: CUSTODIAN OF RECORDS: Federal Bureau of Investigation
San Francisco Office

You are hereby commanded to appear before The Honorable Alan A. Lindsay of the Superior Court of Alameda County, Department 11, 1225 Fallon Street, Oakland, California, on January 10, 1978, at 2:00 P.M., as a witness in a criminal action prosecuted by the People of the State of California against Eldridge Cleaver.

You are required, also, to bring with you papers described in Exhibit "A" attached to this Subpoena. Your personal presence is not required.

Given under my hand this 29th day of December, 1977.

JOHN W. KEKER
Counsel for Defendant CLEAVER

ENCLOSURE

Memo Legal Counsel to Assoc Dir
2-1-78 J L Dillard

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-22-2008 BY 60322/UCLRP/PJ/EHL

PEOPLE OF THE STATE OF CALIFORNIA,	)	
Plaintiff,	)	NO. 42287
vs.	)	
ELDRIDGE CLEAVER,	)	EXHIBIT "A"
Defendant.	)	

The request of the accompanying subpoena encompasses any document (as defined below) of:

1. Any electronic or other surveillance (as defined below) of Bobby Hutton, Warren Wells, Charles Bursey, David Hilliard, Terry Cotton, John Scott, Wendell Wade, Donnell Lankford, or Eldridge Cleaver from January 1, 1968 until and including April 4, 1968.

2. Any intelligence activities (as defined below) concerning nine (9) individuals named in Paragraph 1 above from January 1, 1968, until and including April 6, 1968.

3. Any instructions or communications of any type transmitted to the San Francisco Office of the Federal Bureau of Investigation from its national headquarters in Washington, D.C., or any of the other regional offices concerning or relating to the nine (9) individuals named in Paragraph 1 above from January, 1, 1968, until and including April 6, 1968.

4. Any communications, discussions, agreements, or tactical plans between this Agency and/or the Oakland Police

Microcopy

Department and/or the Emeryville Police Department and/or the San Francisco Police Department from January 1, 1967, on or before April 6, 1968, concerning or relating to Eldridge Cleaver, the Black Panther Party or the nine (9) individuals named in Paragraph 1 above.

DEFINITIONS AND INSTRUCTIONS

"Document" means any and all actual voice records, tapes, mechanical or electrical recordings, as well as written transcripts, logs, summaries, reports, memoranda, letters, airtels, notes, and other records of any form whatsoever in your possession, actual or constructive, or available to you, or obtainable from any office of your agency (located in the State of California).

"Surveillance" means any interception of communications to or from, or watching, observing, reporting, spying upon or monitoring the activity of the relevant entity. It includes surveillance of any wire or oral communications as to which the person intercepting the communication was a party to the conversation, communications as to which a party to the conversation allegedly consented to surveillance, communications intercepted under the "emergency" provision contained in 18 U.S.C. Section 2518(7), communications intercepted under the "national security" provisions contained in 18 U.S.C. Section 2511(3), communications intercepted pursuant to California Penal Code Section 630-637.2, and generally, all communications, intercepted with or without judicial authorization. It includes observation of activity whether or not such observation was at the request of this agency.

"Intelligence activities" as used herein refers to surveillance, "bugging" or "tapping," intercepting calls to

Department and/or the Emeryville Police Department and/or the San Francisco Police Department from January 1, 1967, on or before April 6, 1968, concerning or relating to Eldridge Cleaver, the Black Panther Party or the nine (9) individuals named in Paragraph 1 above.

DEFINITIONS AND INSTRUCTIONS

"Document" means any and all actual voice records, tapes, mechanical or electrical recordings, as well as written transcripts, logs, summaries, reports, memoranda, letters, airtels, notes, and other records of any form whatsoever in your possession, actual or constructive, or available to you, or obtainable from any office of your agency (located in the State of California).

"Surveillance" means any interception of communications to or from, or watching, observing, reporting, spying upon or monitoring the activity of the relevant entity. It includes surveillance of any wire or oral communications as to which the person intercepting the communication was a party to the conversation, communications as to which a party to the conversation allegedly consented to surveillance, communications intercepted under the "emergency" provision contained in 18 U.S.C. Section 2518(7), communications intercepted under the "national security" provisions contained in 18 U.S.C. Section 2511(3), communications intercepted pursuant to California Penal Code Section 630-637.2, and generally, all communications, intercepted with or without judicial authorization. It includes observation of activity whether or not such observation was at the request of this agency.

"Intelligence activities" as used herein refers to surveillance, "bugging" or "tapping," intercepting calls to

or from, intercepting mail or other communications to or from, attempting to disrupt, interfere with, impede or otherwise affect the activities of, infiltrating, relaying or uncovering or gathering information about, buglarizing the home or offices of, or otherwise spying upon or affecting or interfering with the activities, behavior or operations of the relevant entities.

The request for documents includes documents dated after April 6, 1968, if that document contains information specified in paragraphs 1-4.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. ELDRIDGE CLEAVER, Defendant.	)	NO. 42287 AFFIDAVIT OF JOHN W. KEKER IN SUPPORT OF SUBPOENA DUCES TECUM

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-22-2008 BY 60322/UCLRP/PJ/EHL

STATE OF CALIFORNIA)
) ss
CITY AND COUNTY OF SAN FRANCISCO)

I, JOHN W. KEKER , being duly sworn, deposes and states:

1. I am an attorney of record for the defendant in this action which is set for jury trial on February 24, 1978 in the Alameda County Superior Court .

2. On information and belief, the witness subpoenaed, or his duly authorized representative, has in his possession or under his control the documents described in Exhibit "A", which is attached to the accompanying subpoena duces tecum.

3. The information requested is material and essential to the proper and fair presentation of the defense of the Defendant, and will facilitate the ascertainment of the facts in this case, for the following reasons which I set forth on information and belief, based on my examination of documents available to me.

Eldridge Cleaver was indicted on April 24, 1968, on three charges of attempted murder and three charges of assault with a deadly weapon. All charges stem from an incident on April 6, 1968, involving members of the Oakland and Emeryville Police Departments [illegible] members of the Black Panther Party. Other Black Panther members p[illegible]ticipating in the incident are Bobby Hutton, Warren Wells, Ch[illegible]es Bursey, David Hilliard, Terry Cotton, John Scott, Wendell W[illegible]de, Donnell Lankford. Each of the persons allegedly assaulted by L[illegible]dge Cleaver -- Nolan Darnell, Richard Jensen, and John Schlim -- w[illegible] at the time members of the Oakland Police Department.

Officers Darnell and Jensen have testified that the [illegible]ent began when they were fired upon without provocation. They [illegible] that they employed no unnecessary, excessive or illegal force. [illegible] Schlim has testified to the effect that the alleged assault [illegible]m occurred while he was trying to apprehend suspects in the [illegible] of or alley adjacent to 1218 28th Street, Oakland, the [illegible]at which Eldridge Cleaver was arrested. Numerous officers [illegible]fied before the Grand Jury that returned the indictment [illegible]dridge Cleaver and at trials of co-defendants that Bobby [illegible]rrested at the same time and place as Eldridge Cleaver, [illegible] and killed trying to escape.

Each of the officers who has testified has explained his [illegible]e at the location of the incident occurred as a result of [illegible]l police practices and procedures. However, on April 6, 1968, [illegible] Cleaver and other members of the Black Panther Party [illegible] they were the objects of a police vendetta. On and before [illegible]te of the incident, Eldridge Cleaver received numerous tele- [illegible] calls from unnamed sources, such calls coming not only to his [illegible], but to whatever house he visited. The pattern of the calls,

and the fact that the anonymous callers somehow knew both Cleaver's travel plans and his whereabouts, strongly suggests electronic surveillance of Eldridge Cleaver's phone, of the phones in the Black Panther Party office, and of the phones of Eldridge Cleaver's friends, acquaintances and fellow party members.

Emory Douglas, the Minister of Culture of the Black Panther Party at the time of the incident, has testified that on April 5, 1968, he received anonymous telephone calls at Black Panther Party Headquarters, which calls threatened the lives of Black Panther Party members, and specifically threatened the life of Eldridge Cleaver. Such calls are believed to result from intelligence activity of some governmental agency.

On April 6, 1968, the date of the incident, a person [illegible]ming to be associated with the San Francisco Police Department [illegible] to Black Panther Party Headquarters in Oakland, California to [illegible] he would be a pipeline for the Black Panthers, and stating [illegible]r that the police were going to try to trick the Panthers [illegible] the police could kill them. The officer further warned that [illegible]land Police Department was planning to raid Black Panther [illegible]rters and advised that any weapons be removed therefrom. [illegible]lleged policeman has not been identified, and it is believed [illegible]e was an operative of a government law enforcement agency, [illegible]ng in an undercover capacity to infiltrate, spy upon or provoke [illegible] Black Panthers.

The Federal Bureau of Investigation maintained surveillance [illegible]ck Panther Party Headquarters and upon party-related locations beginning no later than February 26, 1968, and continuing up to and including the date of the incident. In addition, the long distance numbers called from Cleaver's home phone were investigated as early

as December, 1967, by the Federal Bureau of Investigation; some persons to whom Cleaver placed calls were also investigated. Cleaver was listed on the Federal Bureau of Investigation's Security Index; a separate listing on the FBI's "Rabble Rouser Index" was reserved for the Black Panther Party and identified members thereof, including Eldridge and Kathleen Cleaver. By the date of the incident one or more informants reporting to the FBI [and/or to other governmental agencies] had infiltrated the Black Panther Party and were in positions whence they could both report on the planned activities of the Black Panther and also effectuate disruptive tactics directed by their employer agency. The FBI regularly transmitted to local law enforcement agencies information gathered from such informants and surveillance, and notified such agencies of the plans and activities of Eldridge Cleaver and the Black Panther Party.

As early as 1961, the California Department of Corrections had targeted Eldridge Cleaver as a black activist and follower of the Black Muslim Movement. Prior to the release of Cleaver from incarceration in December, 1966, the FBI requested the Department of Corrections to identify and closely watch such "Malcolm X types" and to notify the FBI upon their release so the FBI could continue surveillance. Cleaver was so identified.

Public documents [see e.g., Church Committee report] have established that on or about the date of the incident domestic intelligence activities were conducted by various government law enforcement and intelligence agencies against so-called black extremist groups, activities designed to spy upon such groups, to disrupt their activities, to assassinate or cause the assassination of their leaders, to spread lies and untruths about such groups, to

cause internal dis[illegible]ate and dissension, in sho[illegible], to eradicate such groups, including the Black Panther Party. Much of this activity was illegal. Eldridge Cleaver, the Black Panther Party, and its members, Cleaver's friends, and with organizations which he associated, were targets of such surveillance and activities conducted by the Federal Bureau of Investigation.

The FBI has recently released a voluminous amount of heavily censored documents concerning the COINTELPRO operation against Cleaver and the Black Panther Party. These documents show a concerted intelligence of the type described above. However, according to news reports over 16,000 pages of documents have been held back. Defendant seeks such of these documents as come within the purview of this subpoena.

The just described intelligence activities evidence the interest on and about April 6, 1968, of domestic law enforcement and intelligence agencies in the activities of Eldridge Cleaver and the Black Panther Party. Further, the killing of Bobby Hutton during the incident and the attendant violations of State and Federal law spurred the interest of said agencies. The FBI conducted an investigation of the incident, and has taken statements from witnesses in addition to those heretofore produced at trial or provided to the Oakland Police Department or to the Alameda County District Attorney.

On information and belief, defendant Cleaver was a target of surveillance, conducted by this agency, including illegal surveillance, and was a victim of activities, including illegal activities, of this agency designed to destroy or discredit Cleaver and/or the Black Panther Party and its leaders and members; the events of April 6, 1968, are partially attributable to such

activities conducted by this agency; this agency was a party of the law enforcement conspiracy to discredit and destroy Cleaver, the Black Panther Party, and its leadership; further, this agency participated in an investigation of the April 6, 1968 incident and has information relating thereto.

Defendant needs the subpoenaed materials on surveillance of himself and of the parties described in Exhibit "A" to the Subpoena in order to prepare his defense, for the following reasons:

1. The evidence relates directly to the truth of police officers' assertions that their presence at the scene of the arrest was the result of normal police procedures, rather than the result of a purposeful and concerted conspiracy among various law enforcement agencies to harass, intimidate or even assassinate Eldridge Cleaver and/or other Black Panthers.

2. The evidence also directly bears upon whether the officers' firing upon Eldridge Cleaver and the other Black Panther Party members present at the scene of the incident was an attempt to effectuate an arrest, was in self-defense or was unprovoked and/or excessive force intended to kill Eldridge Cleaver and/or other Black Panthers without legal cause or justification.

3. The material also relates to Cleaver's state of mind on April 6, 1968, and to whether the officers were acting in the course of official duty during that incident.

4. The records will also relate to the truthfulness of witnesses' statements and testimony concerning the incident, an issue particularly important here where the likelihood that Bobby Hutton was murdered by police officers immediately following his arrest provides motive, bias and interest for the police

officers to have distorted their public testimony about the preceding conduct of Hutton and Cleaver.

5. The material subpoenaed is not available for inspection by the general public, and the defendant cannot obtain such material through his own efforts. Defendant has prosecuted an F.O.I.A. suit to obtain such materials, but such materials to a great extent, have not been obtained.

Dated: December 29, 1977

JOHN W. KEKER

Subscribed and sworn to
before me this 29th day of
December, 197 .

NOTARY PUBLIC

OFFICIAL SEAL
LYNNE BECKER
NOTARY PUBLIC - CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO
My Commission expires Nov. 25, 1979

FD-36 (Rev. 7-27-76)

FBI

TRANSMIT VIA:
- [ ] Teletype
- [ ] Facsimile
- [X] Airtel

PRECEDENCE:
- [ ] Immediate
- [ ] Priority
- [ ] Routine

CLASSIFICATION:
- [ ] TOP SECRET
- [ ] SECRET
- [ ] CONFIDENTIAL
- [ ] E F T O
- [ ] CLEAR

Date 2/27/78

TO: DIRECTOR, FBI (ATTN: LEGAL COUNSEL DIVISION)

FROM: SAC, SAN FRANCISCO (66-3564A-216)

SUBJECT: PEOPLE OF STATE OF CALIFORNIA
v.
LEROY ELDRIDGE CLEAVER
Superior Court,
State of California
County of Alameda
SUBPOENA MATTER

Re San Francisco airtel to Bureau, 1/16/78.

AUSA MALCOLM SEGAL has advised that captioned subpoena matter has been continued until 2/28/78. AUSA SEGAL states that he is awaiting instructions from Departmental Attorney.

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REC-83

100-447251-1412

EX-124

② - Bureau
2 - San Francisco
RLW/cea
(4)

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b7C

Approved: _____ Transmitted _____ (Number) (Time) Per _____ FBI/DOJ

62NOV 7 1978

Airtel

1-[redacted]
1-[redacted]
1-Mr. Mintz
1-[redacted]
Legal Research
4/27/78

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DATE 10-22-2003 BY 60322/UCLRP/PJ/EHL

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To: SAC, San Francisco
Attn: SA [redacted]
Principal Legal Instructor

From: Director, FBI

PEOPLE OF THE STATE OF CALIFORNIA
V. LEROY ELDRIDGE CLEAVER
SUPERIOR COURT
STATE OF CALIFORNIA
COUNTY OF ALAMEDA
SUBPOENA MATTER

Re Bureau airtel to San Francisco dated March 22, 1978. Enclosed for San Francisco are 2 sets each containing xerox copies of 24 excised documents. Also enclosed is a xerox copy of guidelines for excision.

San Francisco is instructed to furnish enclosed documents to Robert J. Brakestone, Chief, Criminal Division, United States Attorney's (USA) Office, San Francisco, for in court production on May 1, 1978. It is noted that documents numbered 1A through 24A are the defendant's copies of excised documents and documents numbered 1B through 24B are the USA's copies of excised materials. San Francisco should make available to the USA a copy of the guidelines utilized in making excisions. It is noted that deletion symbols are set out on page four of the guidelines.

MAILED 7
APR 27 1978
FBI

REC-9/60 - 44725/-14/2X1

Enclosures (49)

2C

CM:lsh (9)

SEE NOTE PAGE 2

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Adm. Servs.
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Director's Sec'y

MAIL ROOM

FBI/DOJ

Airtel to San Francisco
Re: People of the State of California
v. Leroy ELdridge Cleaver

San Francisco should insure that the USA's Office is aware that a number of documents also processed at FBIHQ are not at this time being furnished to defendant Cleaver inasmuch as information contained in these documents originated from outside agencies. You may advise USA that FBIHQ is in the process of contacting these agencies for the purpose of determining whether they would have any objections to the FBI furnishing the documents in question to the defendant.

For the information of San Francisco, Departmental Attorney Larry L. Gregg, Civil Division, Department of Justice, Washington, D. C. has been in contact with Mr. Brakestone and has coordinated the filing of motions and supporting documents re captioned matter.

NOTE: Criminal prosecution of Leroy Eldridge Cleaver currently pending in Superior Court, County of Alameda, California, on attempted murder and assault charges. In February, 1977, the defense issued subpoenas which were extremely broad pertaining to Cleaver and eight other individuals involved in the case. These subpoenas were quashed by a court order which was subsequently upheld on appeal by the California Supreme Court. On December 30, 1977, a new subpoena was issued and the Government decided to partially comply with it and move to quash that portion of the subpoena dealing with request for documents already made available under FOIA. Accordingly, compliance is restricted to the main files of the nine individuals named in the subpoena at FBIHQ and the San Francisco Office with the time frame of January 1, 1968, through June 1, 1968, and references to the Black Panther Party in the individual subject files for the time period January 1, 1967, through January 1, 1968. San Francisco Division has furnished to Headquarters copies of documents not previously furnished to FBIHQ in captioned matter, which have been processed along with Headquarters files by the Special Projects Review Unit. The Assistant United States Attorney in San Francisco handling this matter appeared in court on February 28, 1978, and indicated that the Government would comply with the subpoena within sixty days, if possible. By this communication excised documents for court production are being dispatched to San Francisco. This matter has been coordinated with SA [redacted], Records Management Division and Mr. Larry L. Gregg, Attorney, Civil Division, Department of Justice.

b6
b7C

APPROVED: Adm. Serv. ___ Legal Coun. ___
Director ___ Crim. Inv. ___ Ident. ___
Assoc. Dir. ___ Inspection ___
Dep. AD Adm. ___ Intell. ___ Plans & Insp. ___
Dep. AD Inv. ___ Laboratory ___ Training ___
Public Affs. Off. ___

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

UNITED STATES GOVERNMENT

Memorandum

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Dep. AD Inv. ____
Asst. Dir.: ____
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Intell. ____
Laboratory ____
Legal Coun. ____
Plan. & Insp. ____
Rec. Mgmt. ____
Spec. Inv. ____
Tech. Servs. ____
Training ____
Public Affs. Off. ____
Telephone Rm. ____
Director's Sec'y ____

TO : [redacted]

FROM : [redacted]

DATE: 4/26/78

1 - Mr. Mintz
Attn: [redacted]
1 - [redacted]
1 - [redacted]

b6
b7C

[redacted]

SUBJECT: PEOPLE OF THE STATE OF CALIFORNIA V. LEROY ELDRIDGE CLEAVER
SUPERIOR COURT
STATE OF CALIFORNIA
COUNTY OF ALAMEDA
SUBPOENA MATTER

PURPOSE: To answer a request from the Legal Counsel Division that Special Projects Review Unit, of the Records Management Division conduct a file review for document request by subpoena pertaining to defendant Cleaver and eight other individuals involved in the case in connection with information contained in files at Headquarters and the San Francisco Division.

EX-114 REC-24 100-447251-141242

SYNOPSIS: Criminal prosecution of Leroy Eldridge Cleaver currently pending in Superior Court, County of Alameda, California, on attempted murder and assault charge. In February, 1977, the defense issued subpoenas which were extremely broad pertaining to Cleaver and eight other individuals involved in the case. These subpoenas were quashed by a court order which was subsequently upheld on appeal by the California Supreme Court. On December 30, 1977, a new subpoena was issued and the Government has decided to partially comply with it and move to quash that portion of the subpoena dealing with request for documents already made available under FOIA. Accordingly, compliance is restricted to main files of the nine individuals named in the subpoena, at Headquarters and the San Francisco Office within the time frame of January 1, 1968, through June 1, 1968, pertaining to these individuals and references to the Black Panther Party in the individual subject files for the time period January 1, 1967, through June, 1968. San Francisco Division has furnished Headquarters copies of documents not previously furnished to FBIHQ in captioned matter, which have been processed along with Headquarters files by the Special Projects Review Unit. The Assistant United States Attorney (AUSA) in San Francisco

APR 24 1978

ENCLOSURE

JM:dc*dc

(CONTINUED - OVER)

66 DEC 7 1978

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

5010-110

FBI/DOJ

Memorandum [redacted] to [redacted] b6 b7C
RE: PEOPLE OF THE STATE OF CALIFORNIA
V. LEROY ELDRIDGE CLEAVER

handling this matter appeared in court on February 28, 1978, and indicated that the Government would comply with the subpoena within sixty days, if possible.

RECOMMENDATION: That this memorandum be approved in order to provide the Legal Counsel Division with the necessary processed documents demanded by subpoena. This matter has been coordinated with SA [redacted] of the Legal Counsel Division. b6 b7C

APPROVED:
Director
Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Adm. Serv.
Crim. Inv.
Ident.
Intell.
Laboratory
Legal Coun.
Plan. & Insp.
Rec. Mgmt.
Tech. Servs.
Training
Public Affs. Off.

DETAILS: Criminal prosecution of Leroy Eldridge Cleaver is currently pending in Superior Court, County of Alameda, California. He is charged with attempted murder and assault with a deadly weapon resulting from a shoot-out with local police officers in Oakland, California, in April, 1968.

In February, 1977, the defense attorneys for Cleaver issued subpoenas which were extremely broad in scope directed to the FBI and to numerous other Federal agencies. The Department of Justice, on behalf of the FBI and other Federal agencies, was successful in obtaining a court order quashing these subpoenas. This order was subsequently upheld on appeal to the Court of Appeals, First Appellate District, State of California, and to the California Supreme Court.

On December 30, 1977, a new subpoena issued on behalf of defendant Cleaver was served on the San Francisco FBI Office. This subpoena is much more narrow in scope than the previous subpoena and, therefore, the Government has decided to partially comply with the subpoena and to file a Motion to Quash that portion of the subpoena which seeks documents already released under the Freedom Of Information Act.

Memorandum [redacted] to [redacted]
RE: PEOPLE OF THE STATE OF CALIFORNIA
V. LEROY ELDRIDGE CLEAVER

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On February 28, 1978, Malcolm Segal, Assistant United States Attorney, Northern District of California, appeared in Superior Court and informed the Court of the areas in which the FBI will comply with the subpoena. It is noted that the Government has agreed to comply with the subpoena within sixty (60) days, if possible.

In addition to Eldridge Cleaver the subpoena names eight other individuals as follows:

1. Bobby Hutton
   DOB: 1949 or 1950;

2. [redacted]
   California Adult Authority No.
   DOB: [redacted]

3. [redacted]
   California Adult Authority No.
   DOB: [redacted];

4. [redacted]
   California Adult Authority No.
   DOB: [redacted];

5. [redacted]
   California Adult Authority No.
   DOB: [redacted]

6. [redacted]
   California Adult Authority No.
   DOB: [redacted]

7. [redacted]
   California Adult Authority No.
   DOB: [redacted]

8. [redacted]
   California Adult Authority No.
   DOB: [redacted].

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b7C

Memorandum [redacted] to [redacted]
RE: PEOPLE OF THE STATE OF CALIFORNIA
V. LEROY ELDRIDGE CLEAVER

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b7C

Following discussions between counsel for defendant and attorneys of the Department of Justice, the FBI will make available to the defendant those documents that pertain to the areas of compliance as follows:

1. Documents maintained in the subject files pertaining to the nine named individuals in the San Francisco Field Office and Headquarters, where those files reasonably can be identified, from January 1, 1968, through June 1, 1968, and logs of any electronic surveillance of the nine named individuals from January 1, 1968, through June 1, 1968.

2. Documents maintained in the subject files (the nine named individuals in the subpoena) pertaining to the Black Panther Party at the San Francisco Field Office and Headquarters encompassing the period January 1, 1967, through June 1, 1968, pertaining to any communications, discussions, agreements, or tactical plans between the Bureau and the Oakland Police Department and/or the Emeryville Police Department and/or the San Francisco Police Department concerning or relating to the defendant, the Black Panther Party, or the nine individuals named in the subpoena.

Following instructions from Headquarters, the San Francisco Division reviewed its main subject files on the nine individuals named in the subpoena and forwarded to Headquarters Xerox copies of serials not previously furnished in captioned matter to FBIHQ. These serials along with Headquarters files were reviewed and excised by the Special Projects Review Unit of the Records Management Division.

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1-[redacted]
Attn: [redacted]
1-Mr. Mintz

b6
b7C

May 10, 1978

1-[redacted]
Attn: [redacted]
1-[redacted]
1-Legal Research Unit

LOCAL & STATE

Mr. J. J. Enomoto
Director
Department of Corrections
714 P. Street
Sacramento, California 95814

Re: People of the State of California
v. Leroy Eldridge Cleaver
Superior Court
State of California
County of Alameda

Dear Mr. Enomoto:

For your information, Leroy Eldridge Cleaver has been charged with attempted murder and assault and is currently awaiting trial in Superior Court, County of Alameda, California.

In December, 1977, defendant Cleaver subpoenaed records of the FBI pertaining to himself, other individuals and the Black Panther Party. The FBI has reviewed its files and has thus far produced a number of records. We have not as yet produced any documents from other agencies or documents containing information furnished by such agencies. Enclosed are xerox copies of such documents as they pertain to your agency.

Please review the enclosed materials to determine what information contained therein may be produced to defendant Cleaver. It is suggested that you bracket in red any information that you believe should be withheld from the defendant and advise this Bureau of the reason for withholding any information.

MAILED 12
MAY 12 1978
FBI

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Adm. Servs. ____
Crim. Inv. ____
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Telephone Rm. ____
Director's Sec'y ____

CM:lsh (8)

100-447251-1412X3
SEE NOTE PAGE 2

EX 104 REC-79 170-254

58 JUN 14 1978
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FBI/

Mr. J. J. Enomoto

Should your agency wish a formal claim of privilege to be filed as to any document, or information contained therein, it is requested that you contact Mr. Larry L. Gregg, Attorney, Civil Division, Department of Justice, Washington, D. C. Mr. Gregg can be contacted by telephone at 202-739-4686.

It would be appreciated if you could handle this matter expeditiously.

Should you have any questions concerning this matter, please contact Special Agent [redacted], Legal Counsel Division, FBI Headquarters, telephone number [redacted] b2 b6 b7C

Sincerely yours,

John A. Mintz
Assistant Director-Legal Counsel

Enclosures (24)

NOTE: Leroy Eldridge Cleaver is currently awaiting trial in State Court on charges of assault and attempted murder. Defendant Cleaver has subpoenaed FBI records pertaining to himself, other individuals and the BPP. The scope of this subpoena has been narrowed considerably through extensive negotiations. Although the FBI has produced a number of records, it has withheld those documents either furnished by, or containing information provided by outside agencies. This communication requests the agency to review such documents and advise this Bureau of any deletions it wishes to make and to contact the Department if it wishes a formal claim of privilege to be filed. This matter was coordinated with SA [redacted], Records Management Division and Mr. Larry L. Gregg, Attorney, Civil Division, Department of Justice. b6 b7C

JLF

APPROVED: Adm. Serv. Crim. Inv. Legal Coun. Ident. Intell. Laboratory Public Affs. Off.

SF 100-55520
JTQ/vhk

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DATE 10-23-2008 BY 60322/UCLBP/PJ/EHL

DETAILS:

I. BACKGROUND

Except as otherwise noted, all background information appearing in this section was obtained on May 1, 1967, from Region 2, San Francisco Work Unit 2, State of California Department of Corrections, 69 - 11th Street, San Francisco, California, hereinafter referred to as Department of Corrections. Other information appearing elsewhere in this report received from the Department of Corrections on May 1, 1967, will show the date the report was written rather than the date received by this office.

A. Birth

Subject was born August 31, 1935, to LEROY and THELMA ROBINSON CLEAVER in Little Rock, Arkansas.

B. Education

Subject left school at the age of 17, at which the highest grade reached was the eleventh.

Subject, while at San Quentin Prison, was enrolled in high school between 1958 and 1962. Average grade, "B-". Comment: "A good student with interest and cooperation".

Subject re-enrolled in high school courses from March, 1966, to October, 1966, and received an average grade of "D". Comment: "At first student did not work and was uninterested. During past semester, he has improved much and has been a good student. Subject's leisure time is spent studying, reading, writing, painting and listening to the radio. He uses the library regularly".

The record indicated that he was a high school graduate since 1962 from San Quentin.

Ltr to J. J. Enomoto 5-10-78
CM: [illegible]

C. Residences

Subject resided at the following addresses:

1277 West 25th Street, Los Angeles, California, c/o his mother, 1957.

1880 Turk Street, San Francisco, California, c/o [redacted], December, 1966 - March, 1967.

1711 Broderick Street, San Francisco, California, March, 1967 - April 20, 1967.

407 Belvedere Street, San Francisco, California, c/o [redacted], April 20, 1967 to present.

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D. Employment

Subject has worked for the following employers:

Jones Rug Cleaning Service, 846 Chapman Avenue, Pasadena, California, December, 1956.

Coast Distribution Company, 515 West Washington Boulevard, Los Angeles, California, December, 1956 - January, 1957.

Los Angeles County Heart Association, 660 South Western Avenue, January, 1957 - March, 1957.

[redacted] (Junk Dealer), 4023 Adeir Street, Los Angeles, California, March, 1957.

Jones Rug Cleaning Service, address as above, October, 1957.

Giant Rug Cleaning Company, November, 1957.

(It is noted that Subject was arrested on November 3, 1957, the details of which will appear in a subsequent portion of this report.)

SF 100-55520
JTQ/vhk

"Ramparts" magazine, 301 Broadway, San Francisco, California, December, 1966, to present, earning $400 a month plus expenses.

E. Marital Status

On February 27, 1967, Subject and [redacted] filled out a form entitled, "Request for Restoration of Civil Right to Marry", with the Department of Corrections. In this request, Subject stated that he was single, had never married, and had no dependents. [redacted] indicated that she was divorced on October 21, 1965, and has two minor children, ages 13 and 17. Both parties certified that the above information was correct.

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Parole Officer [redacted] stated that this request has not been approved as yet, and there is some indication that Subject is backing away from this plan to get married.

Subject was released on parole on December 12, 1966, to the supervision of the Department of Corrections.

II. ACTIVITIES IN CONNECTION WITH SUBVERSIVE ORGANIZATIONS

A. Nation of Islam (NOI)

The NOI is characterized in the Appendix Section of this report.

Subject was very active in Muslim activities while at Folsom Prison. In fact, he was considered a leader in this. His Muslim activities have tapered off, and he has completely resolved himself (according to him) as a result of the demise of MALCOLM X.

Department of Corrections
Report dated 10/20/66

MALCOLM X is characterized in the Appendix Section of this report under the caption Organization of Afro-American Unity, Incorporated (OAAU).

Since his incarceration, the Subject has been identified strongly with the Muslim movement. He admitted that he does not accept all of the Muslim tenets in its full scope but feels it is a useful tool for the Negro race in general.

Department of Corrections
Report dated 9/18/63

The February, 1967, issue of "Ramparts" magazine contained an article entitled, "Prisons: The Muslims' Decline." As a prelude to this article, it was written, "The author, now a "Ramparts" Staff Writer, served eight years in various California prisons, where he was for a while a member of the Muslims".

SF 100-55520
JTQ/vhk

The article appeared under the name of ELDRIDGE CLEAVER. He pointed out that at one time the Muslims had a very high concentration of adherence in such prisons as Soledad, San Quentin, and Folsom; but they are no longer taken seriously by prison officials. He cited the reasons for this decline as follows:

1. ALLAH has failed to come as promised to destroy the white devils and those blacks who were not Muslims.

2. The callous ouster and subsequent murder of MALCOLM X, who was the universal hero of black prisoners, by ELIJAH MUHAMMAD and the princes of the Nation of Islam in the upper echelons of the hierarchy.

3. Failure of the Nation of Islam to render any legal assistance to the Muslims behind the walls.

CLEAVER concluded his article by saying that what black inmates in prison now look to with rising hopes is the cry for Black Power and the elaboration of its details in the name of MALCOLM X.

Confidential informants, generally familiar with NOI activities in the San Francisco area, advised during May, 1967, that they know of no NOI activities on the part of CLEAVER.

On May 3, 1967, [redacted], Parole Officer, Department of Corrections, San Francisco, stated that Subject was arrested with the above-described group and charged with conspiracy to intimidate the Legislature, a felony. He stated that today, CLEAVER appeared in the Sacramento Municipal Court, where the charge against him was dropped. b6 b7C

On May 1, 1967, the Department of Corrections was contacted by "Ramparts" requesting permission for Subject to attend the meeting of the Legislature on May 2, 1967, as a reporter to cover the discussion on police and community relations. Early on May 2, Subject was granted this permission.

Upon the arrest of Subject, the attorneys for "Ramparts" charged that Subject was not a participant of this affair, was an observer with white reporters when he was arrested, the only one who had his camera broken, was

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insulted by the police when he showed his press card, and discriminated against because he was a Negro. It is believed that "Ramparts" officials knew in advance that the Black Panthers planned to disrupt the Legislature on May 2, 1967.

SF T-18, 5/3/67

IV. DESCRIPTION

The following description of Subject was taken entirely from the records of the Department of Corrections:

Birth:	August 31, 1935, Little Rock, Arkansas
Race:	Negro
Height:	6' 2"
Weight:	185 pounds
Eyes:	Brown
Hair:	Black
Residence:	407 Belvedere Street, San Francisco, California
Employment:	Staff Writer for "Ramparts" magazine, 301 Broadway, San Francisco, California
Relatives:	Father - LEROY CLEAVER, 5000 Indiana Avenue, Chicago, Illinois Mother - Mrs. THELMA CLEAVER, 130 West Caliveras Street, Altadena, California Sister - CLAUDETTE JACKSON, residing with mother Sister - WILHELMINA ROBINSON, residing with mother Friend and Attorney - [redacted], San Francisco, California In his statement dated May 14, 1958, additional relatives were listed as follows:

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b7C

SF 100-55520
JTQ/vhk

Stepfather - WADE WALKER, residing with Subject's mother
Sister - HELEN JONES, residing with Subject's mother
Brother - JAMES CLEAVER, residing with Subject's mother
Brother - THEOPOLIS CLEAVER, residing with Subject's mother.

SER 61
DEPT OF CORRECTIONS
STATE OF CALIFORNIA

BLACK PANTHER PARTY FOR SELF DEFENSE

[redacted]

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On May 3, 1967, a confidential source advised that on May 1, 1967, "Ramparts" contacted a parole officer in the Department of Corrections in San Francisco requesting permission for Leroy Eldridge Cleaver, a Staff Writer for the magazine, to attend the session of the California Legislature on May 2, 1967, which would be concerned that day with police and community relations. Such permission was not immediately granted. However, early on May 2, 1967, Cleaver received the permission requested. Source stated that after Cleaver was arrested, a "Ramparts" attorney protested that Cleaver was with a group of white reporters on the scene, that no white reporter was arrested, that he presented his press card to the arresting officers who disregarded it with an insult, that he was mistreated by the police and discriminated against because he was a Negro.

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457 MADISON AVENUE, NEW YORK 22, NY

TELEPHONE PLAZA 1-2600

JOHN J. SIMON
EXECUTIVE EDITOR
MODERN LIBRARY AND VINTAGE BOOK

May 3, 1968

Mr. Eldridge Cleaver
Vacaville Medical Facility
Vacaville, Cal.

Dear Mr. Cleaver:

At the suggestion of [redacted], I am sending to you under separate cover the following books published by Random House:

DeFord by David Shetzline
A Cab at the Door by V.S. Pritchett
Prelude to Riot by Paul Jacobs
In the Fist of the Revolution by Jose Yglesias

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I hope you enjoy these books and I will be eager to hear what you think of them.

Yours sincerely,

John J. Simon

JJS/jcs

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DATE 10-23-2008 BY 60322/UCLRP/PJ/EHL

ge Cleaver
29498

lle, California
95688

Mrs. Thelma Cleaver
850 Oak Street, Apt. #11
San Francisco, California
94117

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DATE 10-23-2008 BY 60322/UCLRP/PJ/EHL

Center for the Study of Democratic Institutions
The Fund for the Republic, Inc.
Box 4068, Santa Barbara, California 93103

May 6, 1968

Mr. Eldridge Cleaver
Vacaville Medical Facility
Vacaville, California

Dear Mr. Cleaver:

We are having sent out to you today a copy of everything currently in print, at the request of [redacted]

Sincerely yours,

Edward Reed mf

Edward Reed
Director of Publications

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Mar 24 12 27 PM

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DATE 10-23-2008 BY 60322/UCLRP/PJ/EHL

Center for the Study of Democratic Institutions
The Fund for the Republic, Inc.
Box 4068, Santa Barbara, California 93103

Mr. Eldridge Cleaver
Vacaville Medical Facility
Vacaville, California

Searched

M.O._____ Ck._____

Cash_____ Mc_____

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-23-2008 BY 60322/UCLBP/PJ/EHL

I signed from Roosevelt library, had it bought today, over seven years ago, & forgot to read it. [illegible]

May 7, 1974

Dear Eldridge Cleaver,
I want to thank you for sending your splendid book. [illegible] See you at next meeting. Please write.
Sincerely

[redacted]

b6
b7C

NOT AN APPROVED CORRESPONDENT
RETURN TO SENDER

BETTER BUSINESS

Mr. Eldridge Cleaver
Correctional Facility
Vacaville, Calif.

May 24

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-23-2008 BY 60322/UCLRB/PJ/EHL

b6
b7C

BERTRAND RUSSELL PEACE FOUNDATION
P.O. Box 69790
s Angeles, California 90069

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-23-2008 BY 60322/UCLRP/PJ/EHL

...y 9, 1963

Mr. Eldridge Cleaver
[redacted]
Sather Gate Center
2437 Durant Avenue
Berkeley, California

b6
b7C

Dear Eldridge:

As [redacted] has discussed with you, Bertrand Russell has asked me to participate in the work of preparing the International Committee to Release Eldridge Cleaver.

We are now preparing National Committees in several countries, and there will be extensive work in the gathering of eminent sponsors throughout the United States. In the course of making well-known the circumstances of your persecution by the authorities, we are confident that large sections of the population can be mobilized around the question of your right to be free and to be immune from the attempt to incapacitate you politically and in your written work.

There are many important questions arising out of this work, several of them to do with legal aspects of your case, which are important for me to discuss with you. I am particularly concerned to transmit certain ideas of Bertrand Russell for your consideration.

You will know of the International War Crimes Tribunal and its hearings into the crimes of the United States Government against the people of Vietnam. We have in mind a similar Commission of Inquiry for the purpose of examining exhaustively and dramatically the crimes against the oppressed Afro-American Nation.

b6
b7C

I am sending copies of this letter to [redacted], Senator Marvin Dymally and R.K. Procunier.

I look forward with great anticipation to seeing you and convey my gratitude not only for your work but for the generous dedication of "SOUL ON ICE" to Bertrand Russell which will hearten him immensely.

Yours in the struggle,

b6
b7C

[redacted]
[redacted], Bertrand Russell

BS:cs

cc: Senator Marvin Dymally
[redacted]
R.K. Procunier
[redacted]

Los Angeles, California 90069

MAY 10 9 00 AM '68
DEPT OF CORRECTIONS
CENTRAL OFFICE
SACRAMENTO

MAY 9 PM 1968 CALIF

Mr. R.K. Procunier
Director
Department of Corrections
Sacramento, California

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-23-2008 BY 60322/UCLRP/PJ/EHL

AIR MAIL

OPTIONAL FORM NO. 10

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, SAN FRANCISCO (100-55520) DATE: 1/18/68

FROM : SA [redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-23-2008 BY 60322/UCLRP/PJ/EHL

SUBJECT: LEROY ELDRIDGE CLEAVER
RM-MISCELLANEOUS

b6
b7C

On 1/17/68, [redacted] of the State of California, Department of Corrections, 71 11th Street, San Francisco, advised that Subject was married to [redacted] on 12/27/67, in the Baptist Church located at 4030 South Broadway, Los Angeles, California.

He also advised that information has come to his attention that CLEAVER is the Minister of Information for the Black Panther Party for Self Defense.

3 - San Francisco (100-55520)
[redacted]
(1 - 100-58841 - BPPSD)

JTQ:Jal
(3)

SEARCHED ✓ INDEXED ✓
SERIALIZED ✓ FILED ✓
JAN 1 [illegible]
FBI — SAN FRANCISCO

100-55520-139

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-23-2008 BY 60322/UCLRP/PJ/EHL

LOCAL & STATE

1-[redacted]
Attn: [redacted]
1-Mr. Mintz
1-[redacted]
Attn: [redacted]
1-[redacted]

b6
b7C

May 12, 1978

1-Legal Research Unit

Mrs. Pearl ~~S. West~~
Director
Department of Youth Authority
1241 Williamsborough Drive
Sacramento, California 95823

Re: People of the State of California
v. Leroy Eldridge Cleaver
Superior Court
State of California
County of Alameda

Dear Mrs. West:

For your information, Leroy Eldridge Cleaver has been charged with attempted murder and assault and is currently awaiting trial in Superior Court, County of Alameda, California.

In December, 1977, defendant Cleaver subpoenaed records of the FBI pertaining to himself, other individuals and the Black Panther Party. The FBI has reviewed its files and has thus far produced a number of records. We have not as yet produced any documents from other agencies or documents containing information furnished by such agencies. Enclosed are xerox copies of such documents as they pertain to your agency.

Please review the enclosed materials to determine what information contained therein may be produced to defendant Cleaver. It is suggested that you bracket in red any information that you believe should be withheld from the defendant and advise this Bureau of the reason for withholding any information.

MAILED 17
MAY 12 1978
FBI

100-447251-1412X4

REC-70

CM:lsh (8)

DE-61

SEE NOTE PAGE 2

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

MAIL ROOM

FBI/DOJ

Mrs. Pearl S. West

Should your agency wish a formal claim of privilege to be filed as to any document, or information contained therein, it is requested that you contact Mr. Larry L. Gregg, Attorney, Civil Division, Department of Justice, Washington, D. C. Mr. Gregg can be contacted by telephone at 202-739-4686.

It would be appreciated if you could handle this matter expeditiously.

Should you have any questions concerning this matter, please contact Special Agent [redacted] Legal Counsel Division, FBI Headquarters, telephone number [redacted] b2 b6 b7C

Sincerely yours,

John A. Mintz
Assistant Director-Legal Counsel

Enclosures (3)

NOTE: Leroy Eldridge Cleaver is currently awaiting trial in State Court on charges of assault and attempted murder. Defendant Cleaver has subpoenaed FBI records pertaining to himself, other individuals and the BPP. The scope of this subpoena has been narrowed considerably through extensive negotiations. Although the FBI has produced a number of records, it has withheld those documents either furnished by, or containing information provided by outside agencies. This communication requests the agency to review such documents and advise this Bureau of any deletions it wishes to make and to contact the Department if it wishes a formal claim of privilege to be filed. This matter was coordinated with SA [redacted], Records Management Division and Mr. Larry L. Gregg, Attorney, Civil Division, Department of Justice. b6 b7C

APPROVED:

Director
Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.

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

Legal Coun.
Plan. & Insp.
Rec. Mgmt.
Tech. Servs.
Training
Public Affs. Off.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-23-2008 BY 60322/UCLRP/PJ/EHL

1-[redacted]
Attn: [redacted]
1-Mr. Mintz
1-[redacted]
Attn: [redacted]
1-[redacted]

b6
b7C

May 12, 1978

LOCAL & STATE

1-Legal Research Unit

Mr. Irv Marks
Administrator
Interstate Probation and
Parole Compact
Suite 300
83 Scripps Drive
Sacramento, California 95826

Re: People of the State of California
v. Leroy Eldridge Cleaver
Superior Court
State of California
County of Alameda

Dear Mr. Marks:

For your information, Leroy Eldridge Cleaver has been charged with attempted murder and assault and is currently awaiting trial in Superior Court, County of Alameda, California.

In December, 1977, defendant Cleaver subpoenaed records of the FBI pertaining to himself, other individuals and the Black Panther Party. The FBI has reviewed its files and has thus far produced a number of records. We have not as yet produced any documents from other agencies or documents containing information furnished by such agencies. Enclosed are [redacted] copies of such documents as they pertain to your agency.

100-442251
14 12 X5

REC. 84
DE-16

Please review the enclosed materials to determine what information contained therein may be produced to defendant Cleaver. It is suggested that you bracket in red any information that you believe should be withheld from the defendant and advise this Bureau of the reason for withholding any information.

ENCLOSURE

22 MAY 23 1978

MAILED 12
MAY 12 1978
FBI

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

CM:lsh (8)

SEE NOTE PAGE 2

JUN 14 1978
MAIL ROOM

FBI/DOJ

Mr. Irv Marks

Should your agency wish a formal claim of privilege to be filed as to any document, or information contained therein, it is requested that you contact Mr. Larry L. Gregg, Attorney, Civil Division, Department of Justice, Washington, D. C. Mr. Gregg can be contacted by telephone at 202-739-4686.

It would be appreciated if you could handle this matter expeditiously.

Should you have any questions concerning this matter, please contact Special Agent [redacted], Legal Counsel Division, FBI Headquarters, telephone number [redacted]. b2 b6 b7C

Sincerely yours,

John A. Mintz
Assistant Director-Legal Counsel

Enclosures(4)

NOTE: Leroy Eldridge Cleaver is currently awaiting trial in State Court on charges of assault and attempted murder. Defendant Cleaver has subpoenaed FBI records pertaining to himself, other individuals and the BPP. The scope of this subpoena has been narrowed considerably through extensive negotiations. Although the FBI has produced a number of records, it has withheld those documents either furnished by, or containing information provided by outside agencies. This communication requests the agency to review such documents and advise this Bureau of any deletions it wishes to make and to contact the Department if it wishes a formal claim of privilege to be filed. This matter was coordinated with SA [redacted], Records Management Division and Mr. Larry L. Gregg, Attorney, Civil Division, Department of Justice. b6 b7C

APPROVED:
Director
Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Adm. Serv.
Crim. Inv.
Ident.
Intell.
Laboratory
Legal Coun.

STATE OF CALIFORNIA

RONALD E. REAGAN, Governor

INTERSTATE PROBATION AND PAROLE COMPACT
303 STATE OFFICE BUILDING No. 1
SACRAMENTO 14, CALIFORNIA

March 22, 1968
DATE

b6
b7C

Russell L. Higgins, Administrator
Interstate Parole Compact
To: 160 No. LaSalle Street
Chicago, Illinois 60603

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-23-2008 BY 60322/UCLRP/PJ/EHL

OUT-OF-STATE TRAVEL PERMIT

(INFORMATIONAL NOTICE)

CLEAVER, Leroy E. A-29498-A
(NAME) (NUMBER)

Subject, whose California address is 850 Oak St., Apt. 11, San Francisco

has been granted permission to visit in your State for the following purpose: of

appearing on the Irv Kaupcinet Show

Residence during visit: with father, 740 E. 43rd St., Chicago, Ill.
(NAME AND ADDRESS OF RELATIVES, FRIENDS, ETC. IN OTHER STATE)

Subject will leave California 3/24/68 and return California 3/30/68

traveling by: Commercial airline.
(AUTO, BUS, ETC., AND PERSONS ACCOMPANYING)

REPORTING INSTRUCTIONS (Check one):

Not instructed to report to parole office: ☒

Instructed to report to parole office: ☐

Instructed to correspond with parole office: ☐

Instructed to report to: _____
(NAME AND ADDRESS OF OTHER PERSON)

SPECIAL INSTRUCTIONS:

Milton Burdman
Deputy Administrator

FOR THE ADMINISTRATOR

100-447251

By: _____

Approved: _____
UNIT SUPERVISOR

100-447251-1412 X5
UNIT

DIST: ORIGINAL & CONES TO OS ADM.
CC SUBJECT
REGION

~~San Francisco~~ Work Unit
71 - 11th Street
San Francisco, California

Letter to Irv Kaupcinet 5-10-78

ENCLOSURE

PAROLE AND PROBATION FORM

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-23-2008 BY 60322/UCLRP/PJ/EHL

Agreement to Return

(In triplicate: one copy to be given inmate; one copy each to sending and receiving states)

SENDING STATE California RECEIVING STATE Illinois

RE: CLEAVER, Leroy E.

I, Leroy E. Cleaver, in consideration of being granted (parole) ~~(probation)~~ by the State of California and especially being granted the privilege to leave the state of California to go to Illinois hereby agree:

1. That I will make my home with father, Mr. Cleaver, 740 E. 43rd St., Chicago (Name and Address), until a change of residence is duly authorized by the proper authorities of Illinois (Receiving State)
2. That I will comply with the conditions of (parole) ~~(probation)~~ as fixed by both states of California (Sending State) and Illinois (Receiving State)
3. That I will, when duly instructed by the Parole Authority, return at any time to the state of California
4. That I hereby do waive extradition to the state of California (Sending State) from any jurisdiction in or outside the United States where I may be found and also agree that I will not contest any effort by any jurisdiction to return me to the state of California
5. Failure to comply with the above will be deemed to be a violation of the terms and conditions of (parole) ~~(probation)~~ for which I may be returned to the state of California

DATED [redacted] SIGNED Leroy Cleaver

Witnesses [redacted]

100-447251-1412X5

b6
b7C

On the ..... day of ..... 19..... permission was granted to the above person to reside in the state of Illinois and to be supervised by Illinois Parole Authorities.

2

[redacted]
Interstate Compact Admin. (Calif.)

~~190-754~~ By: 34

ENCLOSURE NOR: [redacted]

STATE OF CALIFORNIA

RONALD E. REAGAN, Governor

INTERSTATE PROBATION AND PAROLE COMPACT
903 STATE OFFICE BUILDING No. 1
SACRAMENTO 14, CALIFORNIA

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-23-2008 BY 60322/UCLRP/PJ/EHD

March 22, 1968
DATE

To: Russell G. Oswald, Administrator
Interstate Parole Compact
2 University Place
Albany, New York 12203

Attn: [redacted], Interstate Matter

b6
b7C

OUT-OF-STATE TRAVEL PERMIT

(INFORMATIONAL NOTICE)

~~CLEAVER, Leroy E.~~ (NAME) ~~A-29498-A~~ (NUMBER)

Subject, whose California address is ~~850 Oak St., Apt. 11, San Francisco, Calif.~~

has been granted permission to visit in your State for the following purpose: ~~1) McGraw~~ Hill Book ~~signing party; 2) David Suckins TV show.~~

Residence during visit: ~~Algonquin Hotel, 44th St., New York City~~
(NAME AND ADDRESS OF RELATIVES, FRIENDS, ETC. IN OTHER STATE)

Subject will leave California ~~3/24/68~~ and return California ~~3/30/68~~

traveling by: ~~commercial airline~~
(AUTO, BUS, ETC., AND PERSONS ACCOMPANYING)

REPORTING INSTRUCTIONS (Check one):

Not instructed to report to parole office: ☒

Instructed to report to parole office: ☐

Instructed to correspond with parole office: ☐

Instructed to report to: _____
(NAME AND ADDRESS OF OTHER PERSON)

SPECIAL INSTRUCTIONS:

100-447251-1412 X5

Milton Burdman
Deputy Administrator

FOR THE ADMINISTRATOR

[redacted]

Approved: [redacted]
UNIT SUPERVISOR

[redacted]

By: [redacted]
AGENT [redacted], Asst Su

b6
b7C

San Francisco NU #2
71 -11th St., San Francisco, Cal

DIST: ORIGINAL & COPIES TO OS ADM.
CC: SUBJECT
REGION

190-2446-34

ENCLOSURE

PAROLE AND PROBATION FORM

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-23-2008 BY 60322/UCLRP/PJ/EHL

ment to Return

(In triplicate: one copy to be given inmate; one copy each to sending and receiving states)

SENDING STATE California RECEIVING STATE New York

RE: CLEAVER, Leroy E.

I, Leroy E. Cleaver, in consideration of being granted (parole) (probation) by the California and especially being granted the privilege to leave the state of California to go to New York hereby agree,

1. That I will make my home with Algonquin Hotel, 44th St., New York City (Name and Address), until a change of residence is duly authorized by the proper authorities of New York (Receiving State)
2. That I will comply with the conditions of (parole) (probation) as fixed by both states of California (Sending State) and New York (Receiving State)
3. That I will, when duly instructed by the parole authority, return at any time to the state of California
4. That I hereby do waive extradition to the state of California (Sending State) from any jurisdiction in or outside the United States where I may be found and also agree that I will not contest any effort by any jurisdiction to return me to the state of California
5. Failure to comply with the above will be deemed to be a violation of the terms and conditions of (parole) (probation) for which I may be returned to the state of California

DATED March 22, 1968 SIGNED [signature]

Witnesses: [redacted]

100-447251-1412X5

On the 22 day of March 19 68, permission was granted to the above person to reside in the state of New York and to be supervised by New York parole authorities.

b6
b7C

[redacted]
Interstate Compact Admin. (Calif.)

By: [redacted]
San Francisco Dist Supv IS Unit

For: [redacted]
Supervisor, Interstate Unit

ENCLOSURE

UNITED STATES GOVERNMENT

Memorandum

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Adm. Servs. ____
Crim. Inv. ____
Ident. ____
Intell. ____
Laboratory ____
Legal Coun. ____
Plan. & Insp. ____
Rec. Mgmt. ____
Tech. Servs. ____
Training ____
Public Affs. Off. ____
Telephone Rm. ____
Director's Sec'y ____

TO : [redacted]

FROM : [redacted]

DATE: 6/7/78

1 - Mr. Mintz
Attn: [redacted]
1 - [redacted]
1 - [redacted]

SUBJECT: PEOPLE OF THE STATE OF CALIFORNIA
V. LEROY ELDRIDGE CLEAVER
SUPERIOR COURT
STATE OF CALIFORNIA
SUBPOENA MATTER

[redacted] 1326

b6
b7C

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-23-2008 BY 60322/UCLBP/PJ/EHL

PURPOSE: To advise that clear, unexcised copies of documents previously processed by the Special Projects Review Unit are being provided to the Legal Counsel Division for transmittal to the Principal Legal Instructor in the San Francisco office of the FBI.

SYNOPSIS AND DETAILS: SA [redacted] of the Legal Counsel Division advised that in anticipation of In Camera court proceedings pertaining to captioned matter, it would be necessary to furnish the Principal Legal Instructor of the FBI's San Francisco office clear, unexcised copies of documents previously processed. These documents were demanded by subpoena and excised copies had been furnished to the defendant.

REC-76 100-447251-1413

RECOMMENDATION: That this memorandum be approved in order to provide the attached documents to the Legal Counsel Division.

DE-78

20 OCT 24 1978

EX-124

UNRECORDED COPY FILED IN 66-2369

WFS/TCD

ENC. BEHIND FILE

Enclosure (21)

ENCLOSURE

4 - [redacted]

JM:dc* dc
(4)

66 NOV 8 1978

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

FBI/DOJ

Airtel

1 - [redacted]
Attn: [redacted]
1 - [redacted]
Attn: [redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-23-2008 BY 60322/UCLRP/PJ/EHL

6/19/78

b6
b7C

To: SAC, San Francisco (66-3564A) 1 - Mr. Mintz
(Attn: SA [redacted], 1 - Legal Research Unit
Principal Legal Instructor) 1 - [redacted]

From: Director, FBI

PEOPLE OF THE STATE OF CALIFORNIA
V. LEROY ELDRIDGE CLEAVER
SUPERIOR COURT
STATE OF CALIFORNIA
COUNTY OF ALAMEDA
SUBPOENA MATTER

Re Buairtel to San Francisco, 4/27/78, San Francisco telcals to Bureau, 6/5/78 and 6/12/78, Buairtel to San Francisco, 6/9/78, and Butelcals to San Francisco, 6/14/78.

Enclosed for San Francisco are 22 sets of xerox copies of unexcised documents.

Above enclosures represent clear, unexcised copies of those documents previously furnished to the San Francisco Division as enclosures to referenced Bureau airtel.

As instructed in referenced telephone calls, enclosed documents classified confidential should not be furnished to Judge in captioned matter without prior Bureau approval as he must be cleared by the Department for access to such documents. AUSA Robert Dondero has been cleared for access only to information classified confidential.

REC-9 100-447251-14/14

118904

CONFIDENTIAL DOCUMENTS ENCLOSED

Enclosures (22)

JAB:del
(8)

MAILED 18
JUN 19 1978
FBI

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Adm. Servs. ____
Crim. Inv. ____
Ident. ____
Intell. ____
Laboratory ____
Legal Coun. ____
Plan. & Insp. ____
Rec. Mgmt. ____
Tech. Servs. ____
Training ____
Public Affs. Off. ____
Telephone Rm. ____
Director's Sec'y ____

MAIL ROOM

FBI/DOJ

Airtel to SAC, San Francisco
Re: PEOPLE OF THE STATE OF CALIFORNIA
V. LEROY ELDRIDGE CLEAVER
SUPERIOR COURT
STATE OF CALIFORNIA
COUNTY OF ALAMEDA

Additionally, before furnishing any of the enclosed documents to AUSA Dondero or the Judge in captioned matter, San Francisco is instructed to delete any informant identities or sensitive investigative techniques reflected therein. Department currently considering clearance for Judge for access to enclosed classified documents and San Francisco will be advised of its decision by teletype.

NOTE: Criminal prosecution of Leroy Eldridge Cleaver currently pending in Superior Court, County of Alameda, California, on attempted murder and assault charges. In February, 1977, the defense issued subpoenas which were extremely broad pertaining to Cleaver and eight other individuals involved in the case. These subpoenas were quashed by a court order which was subsequently upheld on appeal by the California Supreme Court. On December 30, 1977, a new subpoena was issued and the Government decided to partially comply with it and move to quash that portion of the subpoena dealing with request for documents already made available under FOIA. Accordingly, compliance is restricted to the main files of the nine individuals named in the subpoena at FBIHQ and the San Francisco Office with the time frame of January 1, 1968, through June 1, 1968, and references to the Black Panther Party in the individual subject files for the time period January 1, 1967, through January 1, 1968. San Francisco Division has furnished to Headquarters copies of documents not previously furnished to FBIHQ in captioned matter, which have been processed along with Headquarters files by the Special Projects Review Unit. The Assistant United States Attorney in San Francisco handling this matter appeared in court on February 28, 1978, and indicated that the Government would comply with the subpoena within sixty days, if possible. By Buairtel dated April 27, 1978, excised documents for court production were furnished to San Francisco, some of which were excised in their entirety. By this communication, unexcised copies of those documents being furnished San Francisco in anticipation of in camera court proceedings. Defense Counsel has requested brief characterization of each document excised in its entirety in order to determine whether or not to appeal their nonproduction. Unexcised documents being furnished San Francisco for assistance in preparing characterizations. San Francisco will make characterizations available to AUSA for in camera review by Judge in captioned matter. Judge will determine from characterizations if documents will be produced. Possibility exists Judge may request to see unexcised documents in entirety. In such case, no

classified information will be made available to the Judge without prior Bureau authority as he must be cleared by the Department for access. AUSA Robert Dondero, N.D. California, is handling captioned matter. On 6/16/78, Dondero received security clearance for access only to information classified confidential from Charles Alliman, Security Specialist, Office of Management and Finance, Department of Justice. Additionally, documents made available to AUSA or Judge would have all informant identities and sensitive investigative techniques deleted therefrom. On 6/14/78, enclosed documents classified confidential were reviewed by the Document Classification and Review Section (DCRS), Records Management Division, for the purpose of ascertaining their current classification status. Several of the documents were declassified by DCRS. San Francisco Division advised telephonically of classification review. This matter was discussed with SA [redacted] Criminal Investigative Division, who had no objection to the aforementioned procedure. This matter has been coordinated with SA [redacted], Records Management Division, and Mr. Larry L. Gregg, Attorney, Civil Division, Department of Justice. On 6/19/78, SA [redacted], Unit Chief, Policy Unit, DCRS, Records Management Division, advised he had discussion with Jerry Rubino, Chief, Security Programs Management Group, Department of Justice, regarding clearanc for Judge in captioned matter for access to enclosed classified documents. Department currently considering clearance and San Francisco will be advised of its decision by teletype. Clearance for Judge must be obtained pursuant to Department of Justice Order 2620, paragraph 5, effective 6/8/78.

b6
b7C

APPROVED:

Director
Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.

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

Legal Coun
Plan. & Insp.
Rec. Mgmt.
Tech. Servs.
Training
Public Affs. Off.

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1214327-0

Total Deleted Page(s) = 51
Page 3 ~ b5;
Page 4 ~ b5;
Page 5 ~ b5;
Page 6 ~ b5;
Page 55 ~ b5; b6; b7C;
Page 56 ~ b5;
Page 57 ~ b5;
Page 58 ~ b5;
Page 62 ~ b5; b6; b7C;
Page 63 ~ b5;
Page 64 ~ b5;
Page 112 ~ b5;
Page 113 ~ b5;
Page 114 ~ b5;
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Page 5 ~ b5;

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LAW OFFICES
WALD, HARKRADER & ROSS

1300 NINETEENTH STREET, N.W.
WASHINGTON, D.C. 20036

(202) 828-1200
CABLE ADDRESS: WALROS
TELEX (RCA): 248591 (WHR)

DALLAS OFFICE
1600 ONE DALLAS CENTRE
DALLAS, TEXAS 75201
(214) 741-9241

ROBERT M. COHAN
RESIDENT PARTNER

SELMA M. LEVINE (1924-1975)

OF COUNSEL
PHILIP ELMAN
DON WALLACE, JR.

CHARLES C. ABELES
JONI GOLDEN ALLEN
JERRY D. ANKER
GEORGE A. AVERY
DAVID R. BERZ
J. COLEMAN BIRD
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ANN ADAMS WEBSTER

* NOT ADMITTED IN D.C.

FEDERAL GOVERNMENT

February 21, 1980

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DATE 10-23-2008 BY 60322/UCLRP/PJ/EHL

Stephen Hart, Esquire
Civil Division
Department of Justice
10th Street and Constitution Ave., N.W.
Washington, D.C. 20530

RE: Cleaver v. Kelley et al., Civil Action No. 76-0795 (D.D.C., filed May 7, 1976)

Dear Steve:

In accordance with our settlement conference on the above-referenced case last Wednesday, please find enclosed a rough draft of a settlement stipulation. I believe this stipulation essentially covers all of the points we agreed to at the conference. In any event, I would appreciate your comments or suggestions within the next two weeks in hopes that we can settle this matter soon.

Sincerely,

Chris J. Conanan

Chris J. Conanan

100-447251-1414X

~~190-2546-35~~

CJC:llk

Enclosure

cc: [redacted]

b6
b7C

FEB 26 1980

ENCLOSURE

6 1 APR 23 1980

1 - [redacted]

Mr. D. Jerry Rubino
Security Officer
Department of Justice

March 1, 1979

b6
b7C

[redacted], Security Officer
FBI

ALL INFORMATION CONTAINED
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DATE 10-23-2008 BY 60322/UCLRP/PJ/EHL

ELDRIDGE CLEAVER
1325 JOHNSON STREET
MENLO PARK, CALIFORNIA
CLEARANCE INFORMATION

This is in reference to your telephonic request on February 28, 1979, for information relating to the captioned individual, who is being considered for clearance for access to national security information.

The records of this Bureau indicate one Eldridge Cleaver of California, also known as Leroy Eldridge Cleaver, has been the subject of extensive past investigation by this Bureau for a variety of alleged violations of Federal laws. This individual was formerly a leader of the extremist Black Panther Party.

There are at least seven main files relating to Eldridge Cleaver, also known as Leroy Eldridge Cleaver, of California, but these do not reveal his residence as 1325 Johnson Street, Menlo Park, California.

Original Filed In

62-117792

1 - 100-447251 (Cleaver)

DR:lfj (5)
XXX

100-447251-

MAR 5 1979

57 APR 9 1979

OPTIONAL FORM NO. 10
JULY 1973 EDITION
GSA FPMR (41 CFR) 101-11

UNITED STATES GOVERNMENT

Memorandum

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TO : DIRECTOR, FBI
(ATTENTION: LEGAL COUNSEL DIVISION)

DATE: 8/23/79

FROM SAC, WFO (197-15) (P)

2-2

SUBJECT: FOIPA LITIGATION

ReWFOlet to the Bureau dated 4/9/79.

Enclosed for FBIHQ is one copy each of the docket sheets concerning FOIPA litigation involving the FBI in United States District Court (USDC), District of Columbia, showing the latest entries recorded since last checked by WFO on 3/27/79.

Docket sheets checked at the Civil Division, USDC, on 8/21/79, by SC [redacted] are listed numerically below by court case number.

b6
b7C

75-1071	ANTONIO, EMIL de
75-1121	MEEROPOL, MICHAEL, etal
75-1577	Scientology, The Founding Church
75-1714	WOLFSON, LOUIS E.
75-1996	WEISBERG, HAROLD
76-1302	ALBERTSON, LILLIE
76-1394	JAFFE, SAM
76-1421	AFSHAR, NASSAR
76-1467	WIXOM, ROSWELL W.
76-1742	TARNOPOL, NAT, etal
77-0532	GINSBERG, ALLEN
77-0546	ZERILLI, ANTHONY T.
77-0903	ZERILLI, ANTHONY J.
77-1933	CELLINI, ROBERT J.
77-2206	ABRAMSON, HOWARD S.
78-0071	PATTERSON, ANNIE C.
78-0207	ANDREJKO, MICHAEL (Closed)
78-0249	WEISBERG, HAROLD
78-0366	DINSIO, AMIL
78-0420	WEISBERG, HAROLD
78-1004	TIGAR, MICHAL E.
78-1059	BAST, RICHARD L.

2 - Bureau (Enc. 49)
1 - WFO

RMM:rmm
(3)

100-447251-
~~190-2546~~
NOT RECORDED
152 SEP 19 1979

ORIGINAL FILED IN 197

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan
5010-110

136
57 SEP 28 1979

WFO 197-15

78-1360	LONDRIGAN, JOSEPH P.
78-1517	PICCOLO, JAMES M.
78-1518	PICCOLO, JAMES M.
78-1688	PRATT, ELMER G.
78-1721	AFRIKA, REP. of NEW
78-1801	BONNEY, JOHN
78-1820	CROOKER, MICHAL ALLEN
78-1827	CATTANO, DAVIS L.
78-2083	FLACKS, RICHARD
78-2196	BAST, RICHARD L.
78-2209	DEMETRACOPOULOS, ELIAS P.
78-2243	MIZELL, LORENZA A.
78-2247	LAWRENCE, RONALD E.
79-0082	HAM, GENE v. Griffin Bell & USDJ.
79-0333	TZANEFF, STEVEN J. (Closed)
79-0347	BAST, RICHARD v. FBI
79-0353	GALLAGHER, MARY v. FBI
79-0801	KAZONIS, WILLIAM M. v. Griffin Bell, etal
79-0956	FITZGIBBON, ALAN L. v. CIA & FBI
79-1067	JURGINS, DENNIS N.
79-1109	MacCLARY, RICHARD A.
79-1218	PAUWERT, H.L. VANDER
79-1219	PAUWERT, H.L. VANDER
79-1279	RAY, JAMES E.
79-1339	Holy Spirit Association for Unification of World Christianity
79-1347	JESTER, GARY DOUGLAS
79-1984	LETELIER, ISABEL v. DOJ, etal

The following dockets contained no addtional entries since last reported on 4/9/79.

76-0040	BAST, RICHARD L.
76-0289	FONDA, JANE S.
76-0795	CLEAVER, ELDRIDGE, etal
76-0288	HAYDEN, THOMAS F.
76-2038	CARROLL, THOMAS JOSEPH
77-1107	BAST, RICHARD L.
77-1410	Scientology, The Founding Church
78-2431	CARSON, BIRCHEL L.

WFO 197-15

Court dockets for cases listed below could not be located on 8/21/79. WFO will recheck dockets at USDC in an attempt to locate and will furnish the latest entries of these dockets upon availability.

75-1025	POST-DISPATCH, ST. LOUIS
77-2099	HERNANDEZ, RENEE
78-0535	STASSIS, JOSEPH SR.
78-0536	STASSI, JOSEPH SR.
78-0418	HUNT, NELSON BUNKER
78-1149	HALPRIN, ALBERT
78-1242	SMITH, DANIEL C.
78-1380	COFFER, ERNEST R.
78-1381	ARMSTRONG, RICHARD X.
79-0142	CAMPANILE, ANTHONY v. USDOJ

LAW OFFICES
WALD, HARKRADER & ROSS

1300 NINETEENTH STREET, N.W.
WASHINGTON, D. C. 20036

(202) 828-1200
CABLE ADDRESS: WALRUS
TELEX (RCA): 248591 (WHR)

DALLAS OFFICE

1600 ONE DALLAS CENTRE
DALLAS, TEXAS 75201
(214) 741-9241

ROBERT M. COHAN
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CHARLES C. ABELES
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SELMA M. LEVINE (1924-1975)

OF COUNSEL
PHILIP ELMAN
DON WALLACE, JR.

May 2, 1980

ALL INFORMATION CONTAINED
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Stephen Hart, Esquire
Civil Division
Department of Justice
Room 3533
10th Street and Constitution Ave., N.W.
Washington, D.C. 20530

RE: Cleaver v. Kelley et al., Civil Action
No. 76-0795 (D.D.C., filed May 7, 1976)

Dear Mr. Hart:

100-447251-1414X1

We were encouraged by our settlement conference on Monday, April 21, 1980 and are hopeful that this case can be settled along the lines that we discussed. We have informed our clients about the conference, and are awaiting their decision on whether they wish to contest or seek additional review of the withholding of documents or portions thereof reflected in the materials you turned over to us at the conference.

190-2546

We have fully reviewed these materials. We believe that the James Affidavit is not legally sufficient under Vaughn v. Rosen and related cases to support the withholding of "national security" documents. However, we have advised our clients that the Department, if challenged, will continue vigorously to litigate this issue and that, although we are confident that we would ultimately prevail, at least in part, any gains would be purely speculative.

From our meeting, I gather that the Department would be willing to settle this case on the following terms: (1) the Cleavers would be barred in the future from submitting and/or litigating an FOIA request for the same documents as were requested in their 1976 FOIA request; and (2) an award of attorneys' fees to the firm that was a reasonable amount. Assuming that our clients do not want to litigate over additional "national security" documents, these settlement terms are agreeable in principle, assuming that we can work out the details.

JUN 3 1980

WALD, HARKRADER & ROSS

Toward this end, I am enclosing our Itemized Statement of Attorneys' Fees and Expenses. We believe that our claim for attorneys' fees for all of the work done on this case is both reasonable and fair, especially since we have already cut a substantial amount of attorney time that was expended directly on the litigation.

I would appreciate it very much if you would submit to us your draft stipulation for settling this case so that we may have a clearer indication of the Department's position. We could then have another conference at your earliest convenience hopefully to resolve this matter. Please call me if you have any questions.

Sincerely,

Chris J. Conanan

Chris J. Conanan

CJC:llk

Enclousres

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Cleaver

ELDRIDGE AND KATHLEEN CLEAVER

Plaintiffs,

v.

CLARENCE M. KELLEY, et al.,

Defendants.

Civil Action No. 76-0795
(Judge June Green)

D.C.

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DATE 10-23-2008 BY 60322/UCLRP/PJ/EHL

ITEMIZED STATEMENT OF ATTORNEYS' FEES AND EXPENSES

I. HISTORY OF LEGAL REPRESENTATION

In February 1976, the Cleavers became aware of documents revealing the existence of FBI counter-intelligence programs intended to destroy the Black Panther Party. The Cleavers were specific targets of these programs. Mr. Cleaver was then facing an impending trial in the State Court of California on charges of attempted murder and assault with a deadly weapon. He and his criminal defense lawyers thought that the FBI documents concerning the Cleavers would be very relevant to a number of Mr. Cleaver's defenses in the criminal matter and might also provide exculpatory evidence in that matter.

The Cleavers and their criminal defense lawyers therefore retained the services of Terry F. Lenzner, Esq. of Truitt, Fabrikant, Bucklin & Lenzner (subsequently merged into Wald, Harkrader & Ross and hereinafter called "the firm") for the preparation of a Freedom of Information Act request to the Department of Justice and to represent the Cleavers in any potential litigation resulting from such a request.

In light of Mr. Cleaver's then imminent criminal trial, Mr. Lenzner on February 27, 1976 submitted a broad Freedom of Information Act request to the Department of Justice on behalf of the Cleavers and asked that it be given top priority consideration, i.e. that it be processed expeditiously

100-447251-1414X1

190-2546-36

ENCLOSURE

without regard to other requests.

Adhering to its "chronological policy," the Department refused to process the Cleavers' request ahead of other FOIA requests previously submitted. This "chronological policy" called for requests to be processed in chronological sequence on a first-in, first-out basis. After negotiations with the Department, the scope of the request was narrowed. Specific types of documents for a specific time period were requested in order to facilitate the prompt release of documents. Even though the request had been significantly narrowed, the Department still maintained that it would not make an exception to its chronological policy and would not promptly process the Cleavers' request or release documents.

As a result of the Department's strict adherence to its chronological policy, the Cleavers filed a novel lawsuit in May 1976 in the United States District Court to obtain the speedy processing of their FOIA request and an early release of the documents requested. At the time of the lawsuit only one unreported District Court case had even peripherally touched these issues.

These issues were vigorously litigated by both the Cleavers and the Government. Each side filed numerous pleadings and motions, often supported by lengthy legal memoranda. In addition, the District Court held many hearings with the benefit of oral argument and legal memoranda supplied by counsel. The District Court denied the Cleavers' motion for a preliminary injunction, upholding the Department's application of its chronological policy to the Cleavers' request. In view of the

fact that some of these same issues were addressed by the D.C. Circuit Court of Appeals in Open America v. Watergate Special Prosecution Force,*/ (decided two weeks after the District Court's ruling) the Cleavers moved for a rehearing, but this motion was also denied. In July 1976, the Cleavers then appealed the District Court's ruling to the Court of Appeals.

The Open America decision had upheld the Government's application of its chronological policy in routine requests, but it also established a requester's right to have priority processing when an urgent or an exceptional need was demonstrated. Both the scope of that right and the evidentiary burden necessary to come within that right were unsettled at the time of the Cleavers' appeal.

On appeal the Cleavers vigorously argued that Mr. Cleaver's peculiar predicament brought him within the urgent or exceptional need standard of Open America. Without waiting for the Government's Brief, the Court agreed and summarily reversed the District Court, holding that Mr. Cleaver's need to prepare for an upcoming criminal trial presented a claim, if proven, that came within the urgent or exceptional need standard of Open America. Accordingly, the Court of Appeals remanded the case to the District Court on the evidentiary issue of whether an "exceptional need or urgency justifies putting Appellants' [the Cleavers'] request ahead of all other requests received prior thereto."

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*/ 547 F.2d 605 (D.C. Cir. 1976).

On remand, both sides tenaciously litigated whether the Cleavers had met the "exceptional need or urgency" burden. See Defendants' Memorandum of Points and Authorities in Support of Motion to Supplement and in Opposition to Plaintiffs' Proposed Findings, Conclusions and Order, at 9 (Dec. 15, 1976). In late December 1976, the District Court resolved the issue in favor of the Cleavers, holding that Mr. Cleaver's potential criminal liability and the possible presence of helpful information to Mr. Cleaver's criminal defense required priority treatment for the Cleavers' request. Cleaver v. Kelley, 427 F. Supp. 80 (D.D.C. 1976) (on remand). This was the first case defeating the application of a chronological policy to a requester seeking information for his own need.

Shortly thereafter and pursuant to Court Order, the Government produced a voluminous number of FOIA documents. All of these documents were eventually sent to Mr. Cleaver's defense lawyers, and many were deemed helpful or essential to his criminal defense. However, many documents or portions thereof were withheld by the Government on the basis of certain exemptions. The Government, in support of its withholding of documents, submitted lengthy affidavits and inventory worksheets.

The law firm analyzed all of the submitted documents, worksheets, and affidavits, to determine whether the Government had conducted an adequate search and retrieval of documents potentially responsive to the Cleavers' request. The firm found that potentially responsive documents located in FBI field offices had not been searched, and that the Government had not diligently searched for or retrieved documents from the FBI's central head-

quarters. Accordingly, the Cleavers moved the Court for additional relief: (1) requiring the Government to undertake a more exhaustive review, and (2) allowing the firm to take discovery from the Government to inquire into the Government's search for documents and the Government's use of exemptions for withheld documents. See Plaintiffs' Memorandum of Points and Authorities in Support of Plaintiffs' Motion to Compel Government to Fully and Diligently Comply with District Court Order, and for Ancillary Relief (Jan. 25, 1977). Although the Government vigorously contested the Cleavers' motion (see Defendants' Memorandum in Opposition, (Feb. 4, 1977)) the Court on February 11, 1977 granted the Cleavers' motion and ordered the Government to search the FBI field offices, and report all steps taken to comply with the document production requirements imposed by the Court. Significantly, the Order also allowed the Cleavers' "to conduct discovery on an expedited basis." Order of February 11, 1977. In response, the Government did expand its search and additional documents were found and produced to the Cleavers. Furthermore, the Cleavers served interrogatories addressed to appropriate officials concerning the Government's exemption claims for withholding documents. After the Government submitted various reports on its compliance with its search and retrieval obligations under the Court Order, further litigation by the Cleavers was held in abeyance pending disposition of certain appeals in Mr. Cleaver's criminal case. See Plaintiffs' Notice of Removal of California Prosecution Against Eldridge Cleaver From Trial Calendar (May 11, 1977). In January 1980, Mr. Cleaver pleaded guilty to one criminal count in the State's indictment and the other counts were dismissed.

From the inception of the Cleavers' Freedom of Information Act request, the firm has represented the Cleavers on all matters arising from that request. The firm's and the Government's extensive litigation work product are partly reflected in Attachment A, an index of the pleading, motions and memoranda filed initially in the District Court, on appeal to the Court of Appeals, and on remand in the District Court.

The Itemized Statement of Attorneys' Fees and Expenses, submitted herein, records the firm's work on the case for which attorneys' fees and expenses are claimed.

II. THE ITEMIZED STATEMENT OF ATTORNEYS' FEES AND EXPENSES

Several generic categories have been created to describe the firm's work in this case, some of which grossly overlap each other because of the nature of legal research and preparation. A brief description in outline form of the actual work done is contained under each category. Obviously, efforts undertaken in one category may have been used in work in another category. For example, the firm's total amount claimed for the appellate work category is substantially understated because much of the research done for the appeal had been performed earlier in the litigation.

For each category, the amount claimed for payment reflects the attorneys' fees and expenses incurred in representing the Cleavers. The attorneys' fees amount in each category is derived from the hours worked by the firm's attorneys and/or para-professional staff multiplied by the firm's hourly rate for such services at the time the work was done. The breakdown of the attorneys' fees amount for each category are in sets of parentheses -- the first set lists a partner's fee incurred; the

second lists an associate's fee incurred; and the third (when present) lists a para-professional's (para-legals or investigators) fee incurred.

Many legal professionals worked on the case; however, the principal attorneys involved were Terry F. Lenzner, Robert B. Cornell, and Chris J. Conanan. Brief biographical sketches for each of these attorneys are included in Attachment B. At the end of the Itemized Statement of Attorneys' Fees and Expenses, a total figure for all fees and expenses incurred in our representation is listed.

A. The Statement

1. INITIAL CONSULTATION

FEBRUARY 1976

A. Meeting with clients

B. Conversations with Mr. Cleaver's criminal defense lawyers

C. Preparation of and filing FOIA request letters

D. Preliminary legal research on Privacy Act

ATTORNEYS' FEES: $660.00 (3.2 hrs x $75.00) + (10.5 hrs x $40.00)

EXPENSES: 14.10 (xerox)

TOTAL: $674.10

2. PRELIMINARY STAGES TO FILING COMPLAINT (MARCH, APRIL 1976)

A. Investigation of Senate Select Committee, CIA and FBI materials

B. Legal research on FOIA administrative appeals and Privacy Act

C. Inquiries to pertinent agencies about COINTELPRO programs

D. Review letters from Department of Justice or FBI denying the Cleavers' FOIA request for prompt release of documents and negotiations with the Department

ATTORNEYS' FEES: $3,871.00 (27.8 hrs x $75.00) + (41.9 hrs x $40.00) + (5.5 hrs x $20.00)

EXPENSES: 248.46 (xerox, postage, telephone, filing fees, and other expenses) ?

TOTAL: $4,119.46

3. FILING THE COMPLAINT AND LITIGATING BEFORE DISTRICT COURT

MAY TO AUGUST 1976

A. Discussions with Mr. Quinlan Shea, et al. Department of Justice on narrowing the FOIA request

B. Legal research on FOIA litigation; consultation with Larry Ellsworth, Esq.

1. conferences on legal strategy, i.e. equitable relief *pendente lite* after complaint filed

2. administrative agency exhaustion requirements

3. preparation of affidavits

C. Drafting pleadings and Motions Practice

1. complaint and motions for TRO and preliminary injunction and supporting memoranda filed; review case, prepare argument on equitable relief before Judge June Green, and attend hearings

2. rehearing motions filed; review opposition pleadings

3. *in forma pauperis* research; file pleadings for such

4. review District Court Judgment; drafted rehearing pleadings

a. legal research on *Open America v. Watergate* case

b. preparation for appeal

ATTORNEYS' FEES: $11,287.50 (28.5 hrs x $75.00) + (179.9 hrs x $40.00) + (97.7 hrs x $20.00)

EXPENSES: 710.48 (xerox, postage, telephone, filing fees, and other expenses)

TOTAL: $11,997.98

4. APPELLATE LITIGATION

SEPTEMBER TO OCTOBER 1976

A. Preparation of appellate brief, joint appendix, and motions

1. legal research for brief

2. opposition to Government's motions

B. Remand from Court of Appeals

1. review opinion and begin preparation for remand

ATTORNEYS' FEES: $2,635.00 (11.0 hrs x $75.00) + (43.4 hrs x $40.00) + (3.7 hrs x $20.00)

EXPENSES: 817.57 */ (xerox, postage, transportation, filing fees, and other services)

TOTAL: $3,452.57

5. DISTRICT COURT LITIGATION AFTER REMAND; AND REVIEW OF DOCUMENTS

NOVEMBER 1976 TO MARCH 1978

A. Drafting pleadings for expedited consideration

1. drafting opposition to Government's pleadings

B. Strategy conferences with Mr. Cleaver's defense lawyers

C. Legal research on Court of Appeal's opinion

D. Review order of Judge June Green in favor of the Cleavers

1. strategy conferences for documents to be turned over

E. Review documents, affidavits, and materials submitted pursuant to court order

1. prepare pleadings on documents turned over

2. conferences with the Cleavers re documents

3. attend court hearings and status calls

F. Drafting discovery pleadings

1. interrogatories

2. letter to FBI

G. Preliminary legal research on FOIA exemptions

H. Preliminary research on motions for summary judgment; organize documents and exemptions asserted

ATTORNEYS' FEES: $12,315.25 (23.75 hrs x $75.00) + (158.50 hrs x $40.00) + (209.7 hrs x $20.00)

EXPENSES: 2,372.25 (xerox, transportation, postage, meals, telephone calls, and other services)

TOTAL: $14,687.50

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*/ On February 23, 1977, the Court of Appeals awarded the Cleavers $682.63 for appellate costs; this sum has not been paid according to our records.

6. PREPARATION FOR FURTHER LITIGATION

AUGUST 1978 to OCTOBER 1978; JANUARY 1979 to FEBRUARY 1979

A. Legal research on documents withheld

1. Vaughn v. Rosen research

2. Exemption 7 research on lawfulness of FBI program

a. Stein v. Richardson research

b. legislative history

B. Preparation of motion for summary judgment; preparation of pleadings and supporting legal memoranda

C. Consultation with the Cleavers re criminal defense in California and relationship with FOIA litigation

D. Research legislative history and cases on attorneys' fees

1. The Exner, Sampson, and 2d Cir. cases

2. "Substantially prevailed" and public interest cases

ATTORNEYS' FEES: $4,713.75 (.75 hrs x $75.00 + .25 hrs x 125.00) + (110.00 hrs x $40.00 + 1.75 hrs x $75.00) + (4.75 hrs x $20.00)

EXPENSES: 33.80 (xerox, meals, and telephone)

TOTAL: $4,747.55

7. SETTLEMENT NEGOTIATIONS

SEPTEMBER 1979 to MARCH 1980

A. Calls to Department of Justice

1. draft letter to Department

2. conversations with the Cleavers

B. Review court docket; read Irons v. Bell and Scientology cases; send list of exempted documents to Department attorneys

1. redraft motion for summary judgment and supporting memoranda

C. Settlement conferences

1. prepare draft stipulation

ATTORNEYS' FEES: $2,878.75 (.50 hrs x $125.00 + 9.25 hrs x $95.00) + (18 hrs x $60.00 + 12.25 x $70.00)

EXPENSES: zero

TOTAL: $2,878.75

C. SUMMARY

CATEGORY OF REPRESENTATION	TOTAL FEES AND EXPENSES
1. Initial Consultation	$674.10
2. Preliminary Stages to Filing Complaint	$4,119.46
3. Filing the Complaint and Initial Litigation	1,997.98
4. Appellate Litigation	3,452.57
5. District Court Litigation After Remand	14,687.80
6. Preparation For Further Litigation	4,747.55
7. Settlement Negotiations	2,878.75

TOTAL AMOUNT CLAIMED $42,557.91

ATTACHMENT A

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NGS FILE

Eldridge and Kathleen Cleaver

v. Plaintiffs,

Clarence M. Kelley, et al.
Defendants.

U.S. DISTRICT COURT
FOR THE DISTRICT OF
COLUMBIA
No. 76-0795

1 -	5/7/76	Summons and U.S. Marshals Service Forms
1-a	5/11/76	U.S. Marshals Form re Clarence M. Kelley, Individually, Office of Director, FBI
1-b	"	U.S. Marshals Form re Clarence M. Kelley as Director, FBI
1-c	"	U.S. Marshals Form re Edward H. Levi, Individually, Office of Attorney General
1-d	"	U.S. Marshals Form re Edward H. Levi, as U.S. Attorney General
1-e	"	U.S. Marshals Form re U.S. Dept. of Justice, Office of Attorney General
1-f	"	U.S. Marshals Form re Clarence M. Kelley, et al. served on Earl J. Silbert
2 -	5/7/76	Complaint Seeking Declaratory and Injunctive Relief
3 -	5/7/76	Plaintiffs' Motion for Expedited Consideration.
4 -	5/7/76	Plaintiffs' Memorandum of Points and Authorities in Support of Motion for Expedited Consideration.
5 -	5/7/76	[Proposed] Order re Motion for Expedited Consideration.
6 -	5/7/76	Plaintiffs' Application for a Temporary Restraining Order.
7 -	5/7/76	Plaintiffs' Proposed Temporary Restraining Order.
8 -	5/7/76	Plaintiffs' Motion for Preliminary Injunction.
9 -	5/7/76	Plaintiffs' Memorandum of Points and Authorities in Support of Motion for Preliminary Injunction and TRO.
10 -	5/11/76	ORDER of U.S. District Judge June Green denying Plaintiffs' Motion for TRO.
11 -	5/19/76	Defendants' Motion to Dismiss and to Stay Further Proceedings.
12 -	5/19/76	Affidavit of Eric C. Williams (Exhibit A to Defendants' Motion to Dismiss and to Stay Further Proceedings.)
13 -	5/19/76	Defendants' Memorandum of Law in Support of Motion to Dismiss and Stay Further Proceeding and In Oppositon to Pltfs.' Motion for a Preliminary Injunction.

14 -	5/19/76	Proposed Order re Defendants' Motion to Dismiss and Stay Further Proceedings
15 -	5/20/76	Plaintiffs' Opposition to Defendants' Motion to Dismiss and Stay Further Proceedings; Plaintiffs' Reply to Defendants' Opposition to Plaintiffs' Motion for Preliminary Injunction.
16 -	5/20/76	Plaintiffs' Memorandum of Points and Authorities in Oppostion to Defendants' Motion to Dismiss and Stay Further Proceedings, and Reply to Def. Opposition to Pltfs.' Motion for a Preliminary Injunction.
16a -	5/21/76	Letter to Mr. Quinlan Shea, Jr., from Robert B. Cornell limiting Plaintiffs' information request.
17 -	5/26/76	Letter to Judge Green from Robert B. Cornell dated 5/26/76 enclosing proposed order pursuant to Judge Green's oral ruling of May 26th, that Plaintiffs' Motion for Preliminary Injunction is denied, and that final judgment is entered in favor of Defendants on all counts of Pltfs.' Complaint.
18 -	5/27/76	OPINION of Judge June L. Green noting that judgment will be entered for Defendants.
19 -	5/27/76	JUDGMENT of Judge June L. Green ordering that Plaintiffs' Motion for Preliminary Injunction is denied and that final judgment is entered in favor of Defendants.
20 -	7/15/76	Letter to Judge Green from T. F. Lenzner and Robert B. Cornell.
21 -	7/15/76	Motion for Relief of Final Judgment Entered May 27, 1976, filed by Plaintiffs.
22 -	7/15/76	Memorandum of Points and Authorities in Support of Plaintiffs' Motion for Relief.
23 -	7/15/76	Proposed Order
24 -	7/23/76	Defendants' Opposition to Plaintiffs' Motion for Relief of Final Judgment.
25 -	7/26/76	ORDER of U.S. District Judge June L. Green denying Plaintiffs' Motion for Relief from Final Judgment.
26 -	7/26/76	NOTICE OF APPEAL to the U.S. Court of Appeals for the District of Columbia filed by Plaintiffs.
27 -	8/6/76	MOTION TO PROCEED IN FORMA PAUPERIS filed by Plaintiffs.
28 -	8/9/76	Proposed Order re granting of Plaintiff's Motion to Proceed in Forma Pauperis.
29 -	8/13/76	ORDER of Judge June Green denying Plaintiffs' motion to proceed in forma pauperis

Cleaver v. Kelley, et al.
No. 76-0795
(Cont.)

30 -	12/13/76	Plaintiffs' Request for Expedited Consideration on Remand
31 -	12/13/76	Plaintiff's Proposed Findings, Conclusions and Order re Request for Expedited Consideration on Reman
32 -	12/13/76	Certificate of Service re above
33 -	12/13/76	Letter to the Honorable June L. Gree from Robert Cornell enclosing Plaintiffs' Request for Expedited Consideration on Remand, Findings Conclusions and Order.
34 -	12/15/76	Defendants' Motion to Supplement
35 -	12/15/76	Defendants' Memorandum of Points and Authorities in Support of Motion to Supplement and in Oppositic to Plaintiffs' Proposed Findings, Conclusions and Order.
36 -	12/15/76	Defendants' Proposed Findings of Face and Conclusions of Law
37 -	12/15/76	Defendants' Proposed Order re above
38 -	12/15/76	Certificate of Service re above
39 -	12/22/76	MEMORANDUM ORDER of Judge June L. Gre United States District Judge
40 -	12/28/76	REPORT TO THE COURT with attached Affidavit of Frank Underwood, Special Agent as Exhibit A.
41 -	1/12/77	(SECOND) REPORT TO THE COURT
42 -	1/12/77	(SECOND) AFFIDAVIT OF FRANK UNDERWOOD, Special Agent, Federal Bureau of Investigation.
43 -	1/12/77	Letter from Clarence M. Kelley, Director, FBI, enclosing FOIA material
44 -	1/13/77	Letter from Bruce E. Titus, enclosing omitted Exhibit E three papges to the Second Affidavit of F.Underwood.
45 -	1/25/77	PRAECIPE noting change of name of law firm
46 -	1/25/77	NOTICE TO THE DISTRICT COURT CONCERNING CHANGE IN CALIF. TRIAL DATE FOR ELDRIDGE CLEAVER

Cleaver v. Kelley, et al.,
CA No. 76-0795

PLEADINGS CONT.

47 -	1/25/77	PLAINTIFFS' MOTION TO COMPEL GOVERNMENT TO FULLY AND DILIGENTLY COMPLY WITH DISTRICT COURT ORDER AND FOR ANCILLARY RELIEF
48 -	1/25/77	MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFFS' MOTION TO COMPEL GOVERNMENT TO FULLY AND DILIGENTLY COMPLY WITH DISTRICT COURT ORDER AND FOR ANCILLARY RELIEF.
49	1/25/77	Proposed ORDER re above.
50 -	2/4/77	Defendants' Motion for Enlargement of Time with proposed order re filing of Opposition to Plaintiffs' Motion to Compel Government to Fully and Diligently Comply with District Court Order (1 day)
51 -	2/4/77	DEFENDANTS' /MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO PLAINTIFFS' MOTION TO COMPEL GOVERNMENT TO FULLY AND DILIGENTLY COMPLY WITH DISTRICT COURT ORDER AND FOR ANCILLARY RELIEF filed with: Exhibit A - Affidavit of James W. Awe Exhibit B - Third Affidavit of Frank Underwood, III
52 -	2/8/77	REPORT TO THE COURT w/ Exhibits A and B (Affidavits) Exhibit A - Leon Ulman, Deputy Assistant Atty. General Exhibit B - Garnett T. Tunstall, Special Agent, FBI
53 -	2/10/77 (filed) 2/7/77 (signed)	ORDER re defendants' Motion for Enlargement of Time re filing of Opposition to Plaintiffs' Motion to Compel Government to Fully and Diligently Comply with DC Order extended to 2/7/77.
54 -	2/11/77	ORDER of Judge June L. Green (Feb 3rd '77 --Government shall inform parties and court of all files and categories not indexed --Directing FBI to contact Calif. Field Offices and such other Field Offices as may have information --Government to file supplemental Report --Plaintiffs are granted leave conduct discovery on expedite

Cleaver v. Kelley, et al.
No. 76-0795

PLEADINGS, CONT.

55 -	February 11, 1977	NOTICE TO TAKE DEPOSITION OF Police Chief Charles Gain in San Francisco
56 -	Feb. 18, 1977	PLAINTIFFS' FIRST INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS
57 -	Feb. 18, 1977	SECOND NOTICE TO TAKE DEPOSITION OF Charles Gain
58	3/10/77	DEFENDANT FBI ANSWER TO PLAINTIFFS' FIRST SET OF INTERROGATORIES
59	3/11/77	DEFENDANTS' OBJECTIONS TO FRIST INTERROGATORIES
60	3/10/77	PRAECIPE noting change of address of Plaintiffs' attorneys.
61	3/14/77	REPORT TO THE COURT
62	3/14/77	FOURTH AFFIDAVIT OF FRANK UNDERWOOD, III
63	3/14/77	FIFTH AFFIDAVIT OF FRANK UNDERWOOD, III
64	5/11/77	NOTICE OF REMOVAL OF CALIFORNIA PROSECUTION AGAINST ELDRDIGE CLEAVER FROM TRIAL CALENDAR

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

ELDRIDGE AND KATHLEEN CLEAVER]

v. Appellants,]

No. 76-1831

CLARENCE M. KELLEY, et al.,]

Appellees.]

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PLEADINGS FILE

1 -	August 13, 1976	MOTION TO PROCEED IN FORMA PAUPERIS filed by Appellants
2 -	August 23, 1976	OPPOSITION TO APPELLANTS' MOTION TO PROCEED IN FORMA PAUPERIS.
3-	August 27, 1976	APPELLANTS' NOTICE OF INTENT TO REPLY TO GOVERNMENT'S OPPOSITION TO APPELLANTS' MOTION TO PROCEED IN FORMA PAUPERIS
4 -	August 31, 1976	REPLY OF APPELLANTS TO GOVERNMENT'S OPPOSITION TO THEIR MOTION TO PROCEED IN FORMA PAUPERIS
5 -	August 31, 1976	APPELLANTS' MOTION TO WITHDRAW THEIR MOTION TO PROCEED IN FORMA PAUPERIS WITHOUT PREJUDICE.
5a-	Sept. 7, 1976	DOCKETING OF RECORD NOTICE
6 -	Sept. 15, 1976	ORDER granting Petitioners' Motion to Withdraw motion to proceed in forma pauperis. (George A. Fisher, Clerk)
7 -	Oct. 18, 1976	BRIEF OF APPELLANTS WITH JOINT APPENDIX FILED (for copy of JA, see separate folder)
8 -	Oct. 19, 1976	MOTION OF APPELLANTS FOR EXPEDITED CONSIDERATION OF FREEDOM OF INFORMATION ACT APPEAL

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

ELDRIDGE AND KATHLEEN CLEAVER	)	
Appellants,	)	No. 76-1831
v.	)	
CLARENCE M. KELLEY, et al.,	)	
Appellees.	)	

PLEADINGS FILE CONT.

9 -	Nov. 5, 1976	APPELLEES' MOTION FOR EXTENSION OF TIME IN WHICH TO FILE BRIEF.
10 -	Nov. 11, 1976	OPPOSITION OF ELDRIDGE & KATHLEEN CLEAVER TO GOVERNMENT'S MOTION FOR EXTENSION OF TIME
11 -	November 24, 1976	ORDER of Circuit Judges McGowan and MacKinnon vacating judgment of the District Court and case remanded for further consideration as set forth in the attached Memorandum.
12 -	Nov. 22, 1976	APPELLEES' MOTION FOR LEAVE TO FILE BRIEF IN TYPEWRITTEN FORM
13 -	Nov. 22, 1976	BRIEF FOR THE APPELLEES
14 -	Nov. 22, 1976	PETITION OF DEFENDANTS-APPELLEES FOR REHEARING
15 -	Nov. 30, 1976	ORDER denying appellees' Motion for extension of time as Moot
16 -	Dec. 1, 1976	ORDER holding that appellees' motion for leave to file brief in typewritten form held in in abeyance pending ruling on petition for rehearing.
17 -	Dec. 7, 1976	ORDER re appellees' petition for rehearing be denied, per curiam, before Judges McGowan and MacKinnon.

PLEADINGS (CONT.)

18 -	1/19/77	Praecipe noting change of name of Firm.
19 -	1/19/77	Motion For Leave to Submit Costs On Appeal Out of Time
20 -	1/19/77	Statement of Costs on Appeal
21 -	1/24/77	OPPOSITION TO AWARD OF COSTS
22 -	2/18/77	ORDER Appellants' Motion for leave to file bill of costs granted and clerk is to file appellants' lodged bill of costs.
23 -	2/23/77	ORDER costs awarded totalling $682.63

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ATTACHMENT B

TERRY F. LENZNER

Terry F. Lenzner, born New York, N. Y., August 10, 1939; admitted to bar, 1966, District of Columbia. Preparatory education, Harvard University (B.A., cum laude, 1961); legal education, Harvard University (LL.B., 1964). Trial Attorney, Civil Rights Division, U.S. Department of Justice, 1964-1967. Assistant U.S. Attorney, Southern District of New York, Organized Crime Unit, 1967-1969. Special Assistant to the President of New York City Board of Education, 1969. Director, Office of Legal Services, U.S. Office of Economic Opportunity, 1969-1970. Assistant Chief Counsel, Select Committee on Presidential Campaign Activities, U.S. Senate, 1973-1974. Special Counsel, Alaska Pipeline Commission, 1976-1977. Special Counsel, State of Alaska, 1978—. Special Counsel, Division of Pari-Mutuel Wagering, State of Florida, 1978—. Special Counsel, City of Boston, Massachusetts, 1978—. Adjunct Professor, Criminal Procedure, Georgetown University Law Center, 1976. Member, Harvard University Board of Overseers, 1970-1976. Member, Committee for Public Justice, 1969—. Member, Executive Committee, District of Columbia Lawyers Committee for Civil Rights Under Law, 1970—. Vice Chairman, Visiting Committee on Harvard-Radcliffe, 1973-1976. Chairman, Visiting Committee on Government Department, Harvard University, 1974-1976. *Member:* The District of Columbia Bar; American Bar Association.

ROBERT B. CORNELL

Robert B. Cornell, born Stamford, Connecticut, May 14, 1945; admitted to bar, 1973, District of Columbia. Preparatory education, Bates College (B.A., 1967) and University of Glasgow, Scotland (M.A., with honors, 1969); legal education, George Washington University (J.D., with honors, 1972). Staff Attorney, 1972-1974 and Managing Attorney, 1974-1975, Washington District of Columbia Neighborhood Legal Services Program. *Member:* The District of Columbia Bar; American Bar Association.

CHRIS J. CONANAN

Chris J. Conanan, born New York, N. Y., December 13, 1953; admitted to bar, 1978, District of Columbia. Preparatory education, City College of the City University of New York (B.A., cum laude, 1974); legal education, New York University (J.D., 1978). *Member:* The District of Columbia Bar.

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FEDERAL GOVERNMENT

VMG:SEHart:jmp

JUL 28 1980

Telephone:
(202) 633-4785

Mr. Chris J. Conanan
Wald, Harkrader & Ross
1300 Nineteenth Street, N.W.
Washington, D. C. 20036

Re: Cleaver v. Kelley, et al., Civil Action No. 76-0795 (U.S.D.C. D. D.C.)

Dear Mr. Conanan:

For the purpose of making a recommendation concerning settlement, I have reviewed your letter of May 2, 1980 and the document entitled "Itemized Statement of Attorneys' Fees and Expenses" enclosed with it. Assuming arguendo that plaintiff his substantially prevailed and that this is an appropriate case for attorneys' fees, the itemization that you have provided in some instances is insufficient and compensation for other items requested would in no event be warranted.

First, none of the amounts listed as attorneys' fees are itemized in a way that the defendants can determine which attorney performed which task or for how many hours he worked on a given task. Nor can it be determined if any of the work done by one attorney was duplicative of that performed by another. The rates for partners and associates also appear high for FOIA work in the mid-1970's. In order for us to meaningfully consider settlement, it will be necessary for you to supply us with a particularized breakdown of the number of hours each named attorney worked on each identified task, together with supporting time sheets.

100-447251-1415

Second, defendants will also need a further breakdown of the claimed expenses with the amount given for each expense listed. All transportation listed should be identified by traveler, his origin, and his destination: meals should be identified by who had them and by number consumed; filing fees should be identified by documents filed; xeroxing of any documents received through the FOIA request should be separated from other xeroxing; and "other expenses" and "other services" should be fully explained. Further explanation may reveal that certain of these expenses are not compensable items within the meaning of 5 U.S.C. 552(a)(4)(B).

AUG 1980

Aside from these general concerns, I have at this time the following initial comments on specific items of your request. The first two categories of the statement -- "Initial Consultation" and "Preliminary Stages to Filing Complaint" -- relate solely to fees and expenses connected with submission of the FOIA request and pursuing the administrative process. They are not litigation expenses within the meaning of 5 U.S.C. 552 (a)(4)(E) and, hence, are not compensable. Further, category 3 of the statement, "Filing the Complaint and Litigating before District Court", also contains some additional matters related to the administrative process, work on a TRO and preliminary injunction which had little or no chance of success, unrelated research and an unusual amount of redrafting.

The fourth category, "Appellate Litigation" does not sufficiently identify motions and covers what appears to be an inordinate amount of research, the bulk of which may be duplicative. Category 5 also contains research items which appear duplicative. In addtion, it contains such items as "B. Strategy conferences with Mr. Cleaver's defense lawyers, "D...1. strategy conferences for documents to be turned over" and "F...1. prepare pleadings on documents turned over," which provide insufficient information to determine whether such activity was reasonably necessary for the pursuit of this lawsuit. Similarly, a never-filed summary judgment motion can be tracked through categories 6, 7 and 8. There is a serious question whether the fees and expenses requested for this motion could be construed as reasonably necessary at all. Assuming any fees and expenses are appropriate, it is noted that the amounts requested appear to be duplicative.

In category 6 the claims in parts A, 2., "Exemption 7 research on lawfulness of FBI program", and C., "Consultation with the Cleavers re criminal defense in California and relationship with FOIA litigation", appear quite attenuated and further explanation is necessary. Also, the research on attorneys' fees should to this point be minimal since no filings have been necessary on this issue.

The last category, "Settlement Negotiations," with which I have some personal familiarity, seems excessive based upon my estimate of the parallel time I have spent in the negotiations. Moreover, one sub-item, the "list of exempted documents" was somewhat gratuitous since the only list necessary was of documents you wished to continue disputing since we already had a list of all exempt documents.

Thank you for your patience in waiting for my response to your letter. After you have had an opportunity to review this letter,

please feel free to call me so that we can discuss this matter further.

Very truly yours,

STEPHEN E. HART
Trial Attorney
Federal Programs Branch

cc: SA [redacted]
Legal Counsel Division
Federal Bureau of Investigation

b6
b7C

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

98 MAY [illegible]

Name of Presiding Judge, Honorable HUBERT L. WILL

Cause No. 76 C 3902 Date MAY 21,1980

Title of Cause

DAVID HAMLIN v CLARENCE M. KELLEY et al

Brief Statement of Motion

memorandum opinion & order

The rules of this court require counsel to furnish the names of all parties entitled to notice of the entry of an order and the names and addresses of their attorneys. Please do this immediately below (separate lists may be appended).

Names and Addresses of moving counsel

Representing

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Names and Addresses of other counsel entitled to notice and names of parties they represent.

b6
b7C

Reserve space below for notations by minute clerk

MEMORANDUM OPINION & ORDER FILED.

ACCORDINGLY, DEFENDANTS' MOTION FOR SUMMARY JUDGMENT IS GRANTED EXCEPT INSOFAR AS INDICATED WITH RESPECT TO SPECIFIC DOCUMENTS LISTED IN THE APPENDICES TO THIS OPINION. 145-12-2772

THE COURT ALSO GRANTS PLAINTIFF'S PETITION FOR AN AWARD OF ATTORNEYS' FEES, BUT ONLY IN THE AMOUNT OF $5,606.25.

Memo ABC & AHE, Cir Div - 10-1 SD JSS: gmm

100-447251-1415X

197-2245-1

Hand this memorand[illegible] the Clerk.
[illegible] will not rise to [illegible] the Court until motion has been called.

ENCLOSURE

19

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FILED

MAY 21 1980

H. Stuart Cunningham, Clerk
United States District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DAVID HAMLIN,	)	
Plaintiff,	)	
v.	)	No. 76 C 3902
CLARENCE M. KELLEY, et al.,	)	
Defendants.	)	

MEMORANDUM OPINION AND ORDER

This is an action under the Freedom of Information Act (FOIA), 5 U.S.C. §552, to compel the defendants to produce certain documents for inspection and copying. Presently before the Court are cross motions for summary judgment, and plaintiff's petition for an award of attorneys' fees. For the reasons hereinafter stated, based upon our in camera inspection of those documents withheld by the defendants under a claim of statutory exemption under the FOIA, we grant defendants' motion for summary judgment except insofar as indicated with respect to specific documents listed in the Appendices to this opinion. We also grant plaintiff's petition for an award of attorneys' fees, but only in the amount of $5,606.25.

BACKGROUND

Plaintiff initially requested access under the FOIA to all FBI files on the American Civil Liberties Union, the Illinois Division of the American Civil Liberties Union, and the Roger Baldwin Foundation of the American Civil Liberties Union, Inc. in a letter of April 1, 1976 to former FBI Director Clarence Kelley. Kelley acknowledged plaintiff's letter on April 16, but indicated that because of an extremely heavy volume of FOIA requests, such requests were subject to substantial delays. Interpreting Kelley's response as a refusal to produce the documents within ten days, the time allowed under §552(a)(6)(A), plaintiff appealed this refusal by letter to former Attorney General Edward Levi by letter of July 6, 1976.

Following a failure of any action within 20 days, the time allotted by §552(a)(6)(A) for appeal and no request for an extension of time as provided by §552(a)(6)(B), plaintiff filed this action on October 21, 1976 seeking access under the FOIA to these FBI files. This case first came before the Court on defendants' motions to dismiss and to stay the proceedings pending the internal agency review of the records. We denied these motions and sua sponte granted partial summary judgment for the plaintiff.

Hamlin v. Kelley, 433 F.Supp. 180 (N.D.Ill. 1977). Pursuant to our order, the defendants produced numerous documents to the plaintiff for inspection and copying. The defendants also withheld portions of some of the documents which were produced and other documents in their entirety based upon claims of exemption from disclosure under 5 U.S.C. §552(b).

On October 14, 1977, plaintiff filed his motion to require defendants to submit a detailed justification, itemization and indexing for those documents which were withheld under a claim of exemption. In response, defendants filed several detailed affidavits explaining the excisions and claims of exemption, and on March 20, 1978, filed four cartons containing copies of the documents in the form that they had been produced to the plaintiff. Thereafter, on plaintiff's suggestion, on April 7, 1978, we held that, as part of our duties to review the defendants' determination de novo, we would undertake an in camera inspection of the documents in their unexcised form. On June 30, 1978, we denied defendants' motion to reconsider our decision to conduct an in camera review.

Subsequently, on September 13, 1978, defendants filed in camera two cartons and one envelope containing copies of

those documents from which material had been excised and deleted. These documents were prepared in such a manner that the Court could review the deleted material. Simultaneously, defendants filed their motion for summary judgment now before the Court. Subsequent to completion of briefing on defendants' motion and plaintiff's cross-motion for summary judgment, we reviewed those documents withheld on grounds other than §552(b)(1). With respect to those documents withheld on the authority of (b)(1), we determined and ordered on March 9, 1979 that the defendants re-examine them prior to our in camera inspection in light of the newly effective Executive Order (EO) 12065 as to their suitability for continued classification under (b)(1).

Defendants thereafter completed a renewed review of the documents originally classified under (b)(1), including submitting those documents exceeding twenty years in age to the Department Review Committee of the Justice Department. This renewed review did not produce significant additional disclosures to the plaintiff. Most documents previously found classified under the substantive provisions of EO 11652 were determined equally to be classified under EO 12065. As to those few documents which were declassified, several contained information for which a different §552(b) exemption has now been claimed.

REVIEW OF WITHHELD DOCUMENTS

Insofar as this Court's role in considering claims of exemptions under the FOIA is concerned, 5 U.S.C. §552(a)(4)(B) provides:

> On complaint, the district court of the United States . . . has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant. In such a case the court shall determine the matter de novo, and may examine the contents of such agency records in camera to determine whether such records or any part thereof shall be withheld under any of the exemptions set forth in subsection (b) of this section and the burden is on the agency to sustain its action. [Emphasis added.]

Pursuant to our responsibilities under this statute, on April 7, 1978 we determined to undertake an in camera inspection of those documents withheld in whole or in part by the defendants.

Subsequent to our decision, the Seventh Circuit, in Terkel v. Kelley, 599 F.2d 214 (7th Cir. 1979), interpreted §552(a)(4)(B)'s de novo review provision not to require an in camera inspection where (1) the defendant agency had filed detailed descriptions of the documents at issue, the portions excised, the statutory source of the exemption claimed and the reason for its assertion, as well as affidavits indexing the excisions and reasons therefor to the individual documents

and copies of the original documents such that the excised material could be read and compared with the claimed exemptions and (2) nothing in the record questioned the defendants' good faith. While there is some doubt whether both elements of the Seventh Circuit's ruling in Terkel were satisfied in this case and that we might have been justified in not conducting an in camera review, since nothing in Terkel precludes the in camera review which we conducted, we do not reach that question. Such an inspection is well within our discretion pursuant to the provisions of §552(a)(4)(B):

> In camera inspection does not depend on a finding or even tentative finding of bad faith. A judge has discretion to order in camera inspection on the basis of an uneasiness, on a doubt he wants satisfied before he takes responsibility for a de novo determination. Government officials who would not stoop to misrepresentation may reflect an inherent tendency to resist disclosure, and judges may take this natural inclination into account.

Ray v. Turner, 587 F.2d 1187, 1195 (D.C.Cir. 1978). See also Lamont v. Department of Justice, 475 F.Supp. 761, 768-69 (S.D.N.Y. 1979).

Having completed our in camera review of thousands of pages of documents, we conclude that, for the most part, the defendants' assertions of exemptions under the FOIA are well-founded. At the same time, however, we also find that

a number of the withheld documents have been excised to a degree unwarranted by any of the enumerated FOIA exemptions. Plaintiff is entitled to have documents in this latter group produced in a form which complies with the FOIA.

Due to the large number of pages and documents reviewed in this case, it is simply not practical to explain with particularized reference to each document why or why not that document fits within a statutory exemption. Rather, for purposes of decision, it is adequate to summarize the standards and criteria which we have utilized in conducting our in camera review. See Founding Church of Scientology of Washington, D.C., Inc. v. Bell, 603 F.2d 945, 950 (D.C.Cir. 1979).

(b)(1) DOCUMENTS

Section 552(b)(1), as amended, exempts matters:

> (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order.

In undertaking our de novo review responsibilities with respect to documents classified under (b)(1), we are to accord substantial weight to the agency's affidavit, Terkel v. Kelley, supra, 599 F.2d at 215, 217 n.3, and are not empowered merely "to test the expertise of the agency." Maroscia v.

Levi, 569 F.2d 1000, 1003 (7th Cir. 1977).

Recognizing that we exercise a narrow scope of review with respect to documents for which a claim of exemption under (b)(1) is asserted, we cannot, however, accept defendants' broad argument that we are

> precluded from examining classified documents in order to make [an] independent determination whether or not a particular document should be classified.

Memorandum in Support of Defendants' Motion for Summary Judgment at 7 (September 13, 1978) [emphasis added]. Nothing in the statute or its legislative history suggests that a district court's de novo review of (b)(1) documents is limited solely to a determination of whether proper procedures were followed in classifying such documents. This is particularly true where, as here, our preliminary review of the excised and deleted portions revealed a significant number of documents where the defendants' claim of exemption was without any tangible substantive foundation or where the defendants failed to adhere to their duty under §552(b) to release any reasonably segregable non-exempt portion of an agency record.[1]

EO 12065 currently sets forth the criteria for classification of documents "in the interest of national

defense or foreign policy." See 5 U.S.C. §552(b)(1)(A). Sections 1-301 through 1-303 set forth the substantive requirements for classification.

> 1-301. Information may not be considered for classification unless it concerns:
> (a) military plans, weapons, or operations;
> (b) foreign government information;
> (c) intelligence activities, sources or methods;
> (d) foreign relations or foreign activities of the United States;
> (e) scientific, technological, or economic matters relating to the national security;
> (f) United States Government programs for safeguarding nuclear materials or facilities; or
> (g) other categories of information which are related to national security and which require protection against unauthorized disclosure as determined by the President, by a person designated by the President pursuant to Section 1-201, or by an agency head.
>
> 1-302. Even though information is determined to concern one or more of the criteria in Section 1-301, it may not be classified unless an original classification authority also determines that its unauthorized disclosure reasonably could be expected to cause at least identifiable damage to the national security.
>
> 1-303. Unauthorized disclosure of foreign government information or the identity of a confidential foreign source is presumed to cause at least identifiable damage to the national security. [Emphasis added.]

The Fifth, Sixth and Seventh Affidavits of Bradley B. Benson (Benson Affidavits) present for the individual documents withheld under (b)(1) the classification level ("Top Secret," "Secret," or "Confidential"), the paragraph

under §§1-301 through 1-303 authorizing the classification, and an explanation of the purposes underlying the classification.[2]

While the Benson Affidavits for the most part adequately explain the classifications and it appears that, as a procedural matter, the (b)(1) documents were properly classified, we have found upon our in camera review a number of documents where release of the excised information or where release of portions of the deleted material can not under any reasonable stretch of the imagination "be expected to cause [any] identifiable damage to the national security." We thus set forth in Appendix A a list of those (b)(1) documents which have been unjustifiably excised, and an itemization of the portions of those documents which must be released in order to bring the documents within the FOIA requirements.

As discussed above, it is impractical to discuss with particularity each of the documents which we have reviewed. A brief discussion here, however, of a few representative documents which we conclude have been overexcised, notwithstanding the substantial weight which we have given to the defendants' affidavits, will be instructive.

Document #3100 is typical of many of the documents withheld under (b)(1) which we conclude to have been impermissibly overexcised. The information contained on this document primarily relates to the activities and affairs of an organization other than the ACLU, but because the ACLU was at some point mentioned in the document, it was indexed by the FBI into their files on the ACLU. The Fifth Benson Affidavit, at 22, states that the text of Document #3100 is classified because the report is in the source's "own narrative style." We do not find, however, that production of the narrowly limited portion of this document which mentions the ACLU (¶ 4 on p. 3) creates any risk of disclosing the source's "unique narrative style." Nor can production of the document in such a limited form (including identification of the principal subject organization), without disclosure of the date and place of the meeting and without disclosure of the identities of individuals present at the meeting, be considered to provide any "raw data" by which the informant's activities could be traced. Rather, we conclude that production of the parts of Document #3100 outlined in Appendix A is consistent with the defendants' duty to disclose "reasonably segregable" portions of this document. Disclosure of these portions raises not even a glimmer of a threat to national security.

A different type of situation is presented by Documents #2918 and #2919. The Sixth Benson Affidavit, at 10-11, states that these documents are classified because:

> This data, if disclosed, would reveal the target, method and results of an intelligence gathering activity deemed at the time necessary to the maintenance of the FBI's national security responsibilities. While the specific target of this activity may no longer be of interest, the type of intelligence sought is still considered important and the methodology is still used. Release of this data would provide the subjects of our national security investigations with the details necessary to analyze our targeting, thwart detection, and neutralize the effectiveness of our intelligence gathering efforts, thereby creating a long-range impact on the overall maintenance of national security.

Paragraph 8(d) of the Fifth Benson Affidavit, at 11, further states:

> Intelligence methods must be protected in situations where a certain capability, a certain technique or the application thereof is unknown to those who would take countermeasures. Secret information collection techniques or technological devises are valuable only so long as they remain unknown. As with intelligence sources, the result of disclosure is neutralization.
>
> And the term "intelligence methods" is not limited to sophisticated techniques and electronic devises [sic] but rather includes the standard procedures and practices of an intelligence agency because the knowledge of such matters would be of invaluable assistance to those who would seek to penetrate and/or take countermeasures against the nation's intelligence gathering activities.

We are not persuaded by the sweeping logic of the Benson Affidavits as applied to these documents. That investigative activity of the type disclosed in these two documents occurred is common knowledge. Disclosure of 30 year old instances of its occurrence, absent some ongoing need for secrecy as to the content of the communications or for secrecy with respect to the fact that this particular person or group was the focus of such investigative activity, neither of which is claimed to be present here, raises no perceptible threat to national security.

Documents #3147 and #3350 present a still different situation. In each case, the document withheld appears to be simply a mimeographed copy of a disseminated public document which somehow came into the hands of an FBI source. With appropriate deletion of information concerning how and from whom the distributed document was received, it is impossible to imagine how withholding can be justified under (b)(1).

While the foregoing examples do not cover all the (b)(1) documents, they are typical and illustrate the broad interpretation given the exemptions to justify withholding substantially all of a number of documents when only portions at best should have been withheld. While we can only surmise, the

only apparent reason, in some instances that suggests itself, is that the FBI would prefer not to disclose that it received and kept certain documents. Moreover, while some information has been deleted in certain documents, identical information has not been deleted in others, indicating that no uniform standards were applied. Accordingly, we are satisfied that none of the additional disclosures which we have determined are necessary under the FOIA fall within any of the prescribed exemptions.

(b)(7) DOCUMENTS

In this case, by far the majority of excisions have been made by the defendants upon the authority of 5 U.S.C. §552(b)(7), and particularly (b)(7)(C) and (D). Section 552(b)(7), as amended, provides in pertinent part, for the exemption of:

> investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would . . . (C) constitute an unwarranted invasion of personal privacy, (D) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (E) disclose investigative techniques and procedures, ...

The Seventh Circuit has described the rationale of exemptions (b)(7)(C) and (D):

> It is proper that such material be withheld in order not only to protect those citizens who voluntarily provide law enforcement agencies with information, but also to insure that such persons remain willing to provide such information in the future. Furthermore, references to third parties may be properly deleted to protect their privacy and to minimize the public exposure or possible harassment of those persons mentioned in the files. Their claim to privacy under Exemption 7(C) outweighs the minimal public interest which would be served by release of their names.

Scherer v. Kelley, 584 F.2d 170, 176 (7th Cir. 1978) (quoting from Maroscia v. Levi, supra, 569 F.2d at 1002). See also Terkel v. Kelley, supra, 599 F.2d at 216.

As a preliminary matter, there exists a serious question as to whether the (b)(7) exemptions are applicable to many of the documents for which defendants have asserted them. The predicate to (b)(7)'s application is that the documents be "investigatory records compiled for law enforcement purposes." Courts construing the meaning of and Congressional intent behind this statutory language have reached differing conclusions as to (b)(7)'s applicability where the information withheld was gathered by a "law enforcement agency" for purposes unrelated to the enforcement of federal laws.

Compare Irons v. Bell, 596 F.2d 468, 476 (1st Cir. 1979) ((b)(7) protects against disclosure of FBI records arising from investigations which had a "total lack of any likelihood of enforcement") and Church of Scientology of California v. United States Department of the Army, 611 F.2d 738, 747-48 (9th Cir. 1979) (agency which has clear law enforcment mandate, such as FBI, need only establish "rational nexus" between enforcement of a federal law and the document for which the exemption is claimed) with Lamont v. Department of Justice, 475 F.Supp. 761, 773-76 and nn. 49, 50, 62 (S.D.N.Y. 1979) ((b)(7) protects only those investigative files compiled while the agency was gathering information with the good faith belief that the subject may violate or has violated federal law).

We conclude, however, that we need not in this case decide the precise limits of (b)(7)'s applicability to FBI records. As to those documents in which defendants have made deletions based upon exemptions (b)(7)(C) or (D), we conclude that it is generally immaterial whether (b)(7) is applicable. Assuming arguendo that (b)(7) were inapplicable as to some of these documents because they were not "investigatory records" under the rationale of the Lamont decision, supra, 5 U.S.C. §552(b)(6) nonetheless justifies

the deletions which the defendants have made to protect the identities of FBI agents, other persons providing confidential information, third party correspondents with the FBI, and third parties mentioned in the course of the document. Applying the balancing principles relevant to a determination under (b)(6), see Church of Scientology of California v. United States Department of the Army, supra, 611 F.2d at 746, release of such information would without doubt "constitute a clearly unwarranted invasion of [the] personal privacy" interests of these individuals. Lamont v. Department of Justice, supra, 475 F.Supp. at 780-83.[3]

To the extent defendants have relied upon (b)(7)(D) in making numerous deletions, plaintiff contends that many of these deletions were improperly made because the "confidential source" either had or should have no claim of confidentiality. Plaintiff relies for this assertion on the "facts" that some former confidential sources have "gone public," that some FBI sources have been required to testify at public hearings, and that the FBI is able to recruit and retain sources of information independent of any assurance of confidentiality.

We cannot agree that these questionable assertions impugn the validity of the First Benson Affidavit, at 23-30,

which contains a detailed explanation of the general circumstances surrounding the FBI's gathering of information from confidential sources. The First Benson Affidavit, coupled with our in camera inspection, adequately reveals a supporting basis for the defendants' assertion of either an explicit or implicit assurance of confidentiality to those sources whose identity has been withheld under the (b)(7)(D) exemption. See Maroscia v. Levi, supra, 569 F.2d 1002. To require more from the defendants, such as a statement from the FBI agent who gathered the information from the confidential source to the effect that an an assurance of confidentiality was given, would place upon them a clearly unwarranted burden. See Pacheco v. FBI, 470 F.Supp. 1091, 1102-03 (D.P.R. 1979).

Turning then to consideration of the individual documents which we have reviewed in camera, we have determined that for the most part the defendants' claims of exemption, whether evaluated by the standards of (b)(6) or (b)(7), are well-founded. There are, however, a number

of documents which we conclude have been unjustifiably excised whether tested under (b)(6) or (b)(7). A list of these documents and an itemization of the portions of those documents which must be released in order to bring the documents within the requirements of the FOIA are set forth in Appendix B.

As for the single document which defendants have withheld under a claim of exemption based upon (b)(7)(E), Document #2560, we conclude that the defendants' interest in investigatory techniques which are neither routine nor generally known outside the government, see Lamont, supra, 475 F.Supp. at 780, sustains the excision.[4]

ATTORNEYS' FEES

Plaintiff also petitions for an award of attorneys' fees pursuant to 5 U.S.C. §552(a)(4)(E). Specifically, plaintiff seeks an award based upon 74 3/4 hours of work at an hourly rate of $75/hour, and a multiplier of 2.25, for a total of $12,614.05.

Section 552(a)(4)(E) provides:

> The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case under this section in which the complainant has substantially prevailed.

Awarding plaintiff attorneys' fees under §552(a)(4)(E) requires a two-fold determination: (1) did plaintiff "substantially prevail" and, (2) if so, is an award of fees justified under the additional factors relevant to the Court's discretionary determination of entitlement to fees. See, e.g., Cox v. United States Department of Justice, 601 F.2d 1, 6 (D.C.Cir. 1979); Nix v. United States, 572 F.2d 998, 1006 (4th Cir. 1978). For the reasons hereinafter stated, we find plaintiff has satisfied both tests and is entitled to an award of fees.

In order to conclude that a plaintiff has "substantially prevailed" in an FOIA suit,

> a plaintiff must show at minimum that the prosecution of the action could reasonably have been regarded as necessary and that the action had substantial causative effect on the delivery of the information.

Vermont Low Income Advocacy Council, Inc. v. Usery, 546 F.2d 509, 513 (2d Cir. 1976) (hereinafter "VLIAC"). Accord, Marschener v. Department of State, 470 F.Supp. 196, 199 (D.Conn. 1979); Ford v. Selective Service System, U.S. Civil Service Commission, 439 F.Supp. 1262, 1264 (M.D.Pa. 1977). While the decision is fairly close, we conclude that plaintiff

has satisfied both elements of the VLIAC test and has "substantially prevailed" in this FOIA litigation.

Plaintiff initially requested access under the FOIA to the documents which were the subject of this suit on April 1, 1976, and was unsuccessful in securing any agency action upon his request prior to filing this action on October 21, 1976, more than six months later. At the time of filing this action, no prospect of administrative review by the defendants was apparent; indeed, after this action was filed, the defendants moved to stay these proceedings pending an administrative review of the documents. Defendants premised this motion on the claim that the tremendous number of pending FOIA requests coupled with inadequate staff and insufficient funding constituted "exceptional circumstances" within the meaning of 5 U.S.C. §552(a)(6)(C) to justify allowing additional time for the production of the documents.

On April 15, 1977, more than one year after the original request, we found defendants' motion to be meritless, and ordered defendants to process and produce the documents within 30 days. On defendants' motion for an

extension of time, on May 6, 1977, we granted defendants an extended schedule in which to produce the documents so as to harmonize the FBI's production of records in this case with the efforts of a special task force of 400 FBI agents who were beginning efforts in early May 1977 to process the serious backlog of FOIA requests. Pursuant to this order, and our order and memorandum opinion of June 2, 1977, 433 F.Supp. 180, the requested documents were finally produced with excisions during the summer of 1977.

This early history of this litigation contributes to the conclusion that plaintiff "substantially prevailed." While the FBI during 1976-1977 was deluged with numerous requests for production of documents and it appears that inadequate appropriations prevented handling of such FOIA requests within the statutorily mandated time limits, these facts do not preclude an award of fees.[5] Numerous decisions have recognized that, apart from the question of whether

the agency's withholding of documents was substantively justified, the timing of release of agency documents is important. Marschener, supra, 470 F.Supp. 196, 199-200 (D.Conn. 1979); Exner v. FBI, 443 F.Supp. 1349, 1353 (S.D.Cal. 1978), aff'd, 612 F.2d 1202, 1207 (9th Cir. 1980); Burke v. Department of Justice, 432 F.Supp. 251, 252 (D.Kans. 1976), aff'd, 559 F.2d 1182 (10th Cir. 1977). Nor is this case similar to the facts of VLIAC where the FOIA plaintiff rushed into court at a time when the agency was in the process of locating misplaced documents and had expressed every intention of accommodating the plaintiff's request.

We recognize that the defendants are not necessarily at fault for the delays incumbent in processing the numerous FOIA requests which were filed during 1976-1977. However, a determination that defendants were at fault is not a necessary element to a conclusion that plaintiff "substantially prevailed." Rather, we find that the plaintiff was perfectly justified, even in the light of understandable difficulties on defendants' part, in his resort to the courts to secure defendants' compliance with the time limits imposed by the FOIA. "Prosecution of this action could reasonably have been regarded as necessary." VLIAC, supra, 546 F.2d at 513.

Additionally, this action undoubtedly had a "substantial causative effect on delivery of the information." Id. Our orders of April, May and June 1977 substantially affected and prompted defendants' handling of plaintiff's FOIA request. Moreover, while it must be recognized that the key to the timely processing of plaintiff's and other applicants' requests was the creation of the special task force which became operative in May 1977, the pressure brought by this and other suits to secure compliance with the statutory time limits was apparently instrumental in the creation of the task force and in effectuating the overall purposes of the FOIA.

Apart from the early history of this litigation, we find that plaintiff's partial success with respect to the substantive merits of this case contributes to the conclusion that plaintiff "substantially prevailed." While, in numerical terms, we have far more often sustained the defendants' assertion of an FOIA exemption than not, we have found a sizeable number of documents which have been unjustifiably excised. As to this latter group of documents, there is no doubt that this litigation has had "a substantial causative effect" on the production of the information.

Having concluded that plaintiff "substantially prevailed," our inquiry turns to consideration of the criteria which are applicable to the exercise of our discretion as to whether an award of fees should be made. The criteria to be considered are primarily those set forth in Senate bill, S. 2543, which preceded the ultimate version of §552(a)(4)(E). E.g., Blue v. Bureau of Prisons, 570 F.2d 529, 533 (5th Cir. 1978). These criteria include (1) the benefit to the public deriving from the case, (2) the commercial benefit to the complainant, (3) the nature of the complainant's interest in the records sought, and (4) whether the government's withholding of the records sought had a reasonable basis in law.

We have no difficulty concluding that under these criteria plaintiff is entitled to an award of fees. As has been well stated in an FOIA suit involving an organization not unlike the ACLU:

> These documents dealing with the FBI coverage of an individual and an organization, the American Friends Service, during a period of domestic turbulence and upheaval add important information to the public domain. Their importance to the public lies not so much in whether they reveal that FBI activity was widespread or intrusive, but rather in what they add to the collective knowledge about our society and the Government's activity in it. Some may find these documents reassuring; others may find them

> frightening; and, still, many others may not find them worth considering at all. Perhaps most important is that they can be found in the first place. Finally, the other factors reveal that this suit was not brought for commercial benefit and that the complainant's standing is similar to that of a private attorney general.

Flower v. FBI, 448 F.Supp. 567, 574 (W.D.Tex. 1978). Plaintiff's interest in these documents was in no way commercial; rather, it was based upon a combination of historical and public concerns. Substantial benefit to the public will flow from the release of the documents which were the subject of this litigation. In Blue, supra, 570 F.2d at 533, the Fifth Circuit stated:

> With respect to the first of these considerations -- "the benefit to the public deriving from the case"--. . . the Senate Report's discussion of this criterion referred repeatedly to disclosure to the press and to public interest organizations, thus strongly suggesting that in weighing this factor a court should take into account the degree of dissemination and likely public impact that might be expected from a particular disclosure. S.Rep. No. 854, 93rd Cong., 2d Sess. 19 (1974). This goes to the central purpose of the disclosure act: to assist our citizenry in making the informed choices so vital to "the maintenance of a popular form of government." Id. at 2.

It is hard to conceive of documents more closely related to these fundamental purposes than those at issue in the instant case.

Defendants argue, nonetheless, that they had a reasonable basis for withholding the documents, both with respect to their delay in producing the documents during the early stages of this case and with respect to those documents which we have ultimately ordered released on the merits. We need not, however, explicitly pass on this issue for, even assuming defendants had a reasonable basis for their assertions and made their excisions and deletions in good faith, an award of fees is justified based upon our review of the other relevant criteria. The existence of a reasonable basis for withholding documents does not preclude the plaintiff's recovery of attorneys' fees; it is but one factor to consider. Cuneo v. Rumsfeld, 553 F.2d 1360, 1366 (D.C.Cir. 1977).

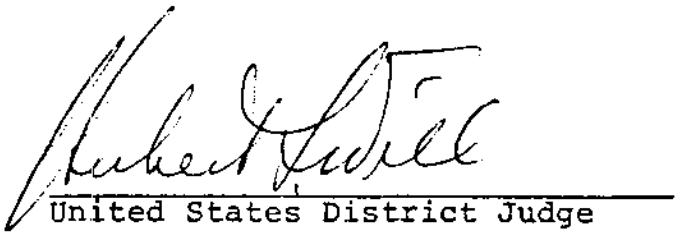
Having concluded that plaintiff is entitled to an award of fees, it remains to determine the amount to be awarded. The affidavit of plaintiff's counsel states that 74.75 hours have been spent on this litigation and that counsel's usual and customary billing rate is $75 per hour. We find the $75/hour figure to be reasonable, both by reference to decisions awarding fees in FOIA litigation, see Exner v. FBI, 443 F.Supp. 1349, 1354 (S.D.Cal. 1978) ($75/hour); Founding Church of Scientology v. Marshall,

439 F.Supp. 1267, 1271 (D.D.C. 1977) ($60/hour), and by reference to currently prevailing hourly rates for attorneys of comparable skill and experience in the Chicago legal community. See In re Folding Carton Antitrust Litigation, 84 F.R.D. 245, 265 (N.D.Ill. 1979). We also find the number of hours expended, 74.75, to be reasonable, and adequately explained by the affidavit of plaintiff's counsel.

We do not, however, find any multiplier justified in the circumstances of this case. Whether evaluated by the factors enumerated generally in Johnson v. Georgia Highway Express, 488 F.2d 714 (5th Cir. 1974) or by those similarly set forth in FOIA cases specifically, see Exner, supra, increasing the award of plaintiff's attorneys' fees by a multiplier would be unwarranted. Most importantly, this case, apart from the early stages where interpretation of §552(a)(6)(C) was an issue, did not involve particularly complex or novel legal issues or require particular skill on the part of plaintiff's counsel. Nor has the quality of plaintiff's counsel's work been so high as to justify independently such an increase. Finally, while we have determined that plaintiff has "substantially prevailed," we conclude that an unmultiplied fee award reflects the

"amount involved and the results obtained" by virtue of this litigation.

Accordingly, plaintiff's petition for an award of attorneys' fees is granted in the amount of $5,606.25. An order consistent with all of the foregoing will enter.



United States District Judge

DATED: May 21, 1980

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FOOTNOTES

1/ The doctrine of segregability applies to the national security exemption as well as to the other exemptions under the FOIA. Church of Scientology of California v. United States Department of the Army, 611 F.2d 738, 743-44 (9th Cir. 1979).

2/ The (b)(1) documents were originally indexed under EO 11652 in the First and Second Affidavits of Lewis Small. Subsequent to our order requiring re-examination under the provisions of EO 12065, those documents were reindexed in the Fifth, Sixth and Seventh Benson Affidavits. These Benson affidavits deal with all of the (b)(1) documents previously considered in the Small Affidavits, with the exception of Documents #505, #506, #1195, and #3350.

3/ Many of the documents withheld by the defendants under (b)(7) relate primarily to the activities of some organization or individual other than the ACLU. We conclude that we need not make an individualized determination with respect to each organization and document as to whether or not (b)(7) has been properly invoked. Much of the material contained in these documents is clearly outside the scope of the plaintiff's request. Moreover, much of the information was undoubtedly uncovered in the course of bona fide law enforcement investigations.

As to those documents which fall within the scope of the plaintiff's request and as to which there may be some doubt with respect to the existence of a bona fide law enforcement investigation, we conclude that, assuming the Lamont analysis were controlling, (b)(6) operates equally with respect to these documents to justify the excisions. In our in camera inspection, we have not found any such document where the justifiable deletions would be different under (b)(6) than under (b)(7)(C) and (D).

4/ We additionally find that the deletions made to Documents #955 and #2098 based upon 5 U.S.C. §552(b)(3) are justified under the FOIA, and are adequately explained by the affidavit of Robert E. Owen.

5/ The Court of Appeals for the District of Columbia has apparently reached a different conclusion. In Cox v. United States Department of Justice, 601 F.2d 1, 6 (D.C. Cir. 1979), that court stated

> In making the determination that the VLIAC tests were satisfied, it is appropriate for the district court to consider, inter alia, whether the agency, upon actual and reasonable notice of the request, made a good faith effort to search out material and to pass on whether it should be disclosed. We have elsewhere had occasion to note both the plethora of Freedom of Information Act cases pending before federal agencies at any given time, and the time-consuming nature of the search and decision process. See Open America v. Watergate Special Prosecution Force, 178 U.S.App.D.C. 308, 315, 547 F.2d 605, 612 (1976). If rather than the threat of an adverse court order either a lack of actual notice of a request or an unavoidable delay accompanied by due diligence in the administrative processes was the actual reason for the agency's failure to respond to a request, then it cannot be said that the complainant substantially prevailed in his suit. The court must determine the cause of the delay.

To the extent the Cox decision is at odds with our decision, the root of the disagreement lies in our respective conclusions with regards to the "exceptional circumstances" provision of 5 U.S.C. §552(a)(6)(C). In Open America v. Watergate Special Prosecution Force, supra, relied upon in Cox, the court had held that (a)(c)(C) was satisfied where

> an agency, like the FBI here, is deluged with a volume of requests for information vastly in excess of that anticipated by Congress, when the existing resources are inadequate to deal with the volume of such requests within the time limits of subsection (6)(A), and when the agency can show that it "is exercising due diligence" in processing the requests. In such situation, in the language of subsection (6)(C), "the court may retain jurisdiction and allow the agency additional time to complete its review

> of the records." Under the circumstances defined above the time limits prescribed by Congress in subsection (6)(A) become not mandatory but directory.

547 F.2d at 616. In our opinion of June 2, 1977, we reached the contrary conclusion that a heavy, unexpected volume of FOIA requests was not "exceptional circumstances" within the contemplation of (a)(6)(C):

> Inadequate staff, insufficient funding or a great number of requests are not within the meaning of "exceptional circumstances" as that language is used in the statute nor were they within the contemplation of its framers as evidenced by the legislative history.
>
> References throughout the Senate Report indicate time and again that the Congress intended to eliminate the very conduct which defendants now claim should excuse them from prompt compliance.

433 F.Supp. at 182.

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APPENDIX A

We conclude that the following documents for which defendants have asserted claims of exemption under 5 U.S.C. §552(b)(1) have been unjustifiably excised. For each document found to be impermissibly withheld in toto or in part, there is an itemization by page, paragraph, line and word of the additional portions of the document which must be disclosed to bring it into compliance with the FOIA. In addition to this written description, we have marked on the documents submitted to us in camera those portions which are additionally to be disclosed. These additional portions to be disclosed are marked by brackets in black ink. Where an entire page is to be disclosed, no markings have been made.

Certain of the documents (#505, #506, #1195, #3350) contained in the following list were not indexed in the Fifth, Sixth or Seventh Benson Affidavits. Documents #505, #506 and #1195 were, however, referenced in the initial Affidavit of Lewis L. Small, at 43-46, where it was indicated that they were being referred to another governmental agency for its determination as to continued classification. To date, no supplemental affidavit from any referenced agency has been filed with respect to these documents. Document #3350 has

apparently been omitted from these Benson affidavits through oversight. Under these circumstances, we have proceeded to review these documents under the general principles set forth in the Benson Affidavits.

As to all other documents withheld under a claim of exemption under 5 U.S.C. §552(b)(1), we grant defendants' motion for summary judgment.

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Doc.#	Index Location	Additional Portions To Be Disclosed
505	First Small Aff., at 46	Disclose entire document.
506	First Small Aff., at 44	Disclose entire document.
1195	First Small Aff., at 44	Disclose entire document.
1245	First Small Aff., at 7 Sixth Benson Aff., at 5	Disclose all of ¶2 on p. 1, except for words 4-6 on line 3, words 1 and 2 on line 4, word 5 on line 9, words 2-5 on line 10, words 1 and 3-6 on line 11, word 1 on line 13, word 8 on line 16. Disclose all of ¶3 on p. 1, except for word 3 on line 1. Disclose all of ¶1 on p. 2, except for words 1-5 on line 1, words 2 and 4-7 on line 2, words 1-4 on line 3, word 4 on line 4, word 2 on line 5, word 7 on line 6, word 2 on line 7, words 1 and 4 on line 11, and word 1 on line 15. Disclose all of ¶2 on p. 2, except for word 8 on line 4. Disclose all of ¶3 on p. 2, except for words 1-5 on line 1, word 2 on line 2, words 2 and 3 on line 3, and word 5 on line 7. Disclose all of ¶4 on p. 2, except for words 1 and 7 on line 1.

Doc.#	Index Location	Additional Portions To Be Disclosed
1288	First Small Aff., at 8 Sixth Benson Aff., at 6	Disclose all of ¶1 on p. 3, except for words 3-9 on line 1 and for words 1 and 2 on line 4. Disclose all of ¶¶3, 4 and 6 on p.4, except for words 4-7 on line 1 and words 1 and 2 on line 2 of ¶3; for word 5 on line 1 and words 1-5 on line 2 of ¶4; and for words 5 and 6 on line 1 of ¶6.
1289	First Small Aff., at 8 Sixth Benson Aff., at 7	Disclose all of ¶¶2 and 3 on p. 4, except for words 5 and 6 on line 2, of ¶2; and for words 1-5 on line 1, words 1-5 on line 2, and words 3-6 on line 4 of ¶3. Disclose all of ¶2 on p. 5, except for line 1 and words 1-4 on line 2.
1298	First Small Aff., at 8 Sixth Benson Aff., at 8	Disclose line 1 of ¶2 on p. 1.
1435	First Small Aff., at 9 Fifth Benson Aff., at 16	Disclose all of ¶3 on p. 1, except for words 4-12 on line 1, entire line 2, and words 1 and 12-13 on line 3. Disclose words 5-10 on line 2 of ¶4 on p. 1.
1804	First Small Aff., at 9 Fifth Benson Aff., at 16	Disclose all of ¶¶2-5 on p.1, except for words 1-3 and 7-8 on line 1, words 1-3 on line 2, and words 5-11 on line 4 of ¶2; for word 1 on line 1 and word 3 on line 5 of ¶3; for words 1-3 on line 1 of ¶4; and for word 5 on line 3 of ¶5. Disclose all of carry-over paragraph on p. 2, except for word 3 on line 4.

Doc.#	Index Location	Additional Portions To Be Disclosed
2918	First Small Aff., at 13 Sixth Benson Aff., at 9	Disclose entire document, except all references to individual who placed the communication and to FBI agents or employees and file numbers.
2919	First Small Aff., at 14 Sixth Benson Aff., at 10	Disclose entire document, except all references to individual who placed the communication and to FBI agents or employees and file numbers.
2999	Sixth Benson Aff., at 12	Disclose all of ¶1, except words 5 and 6 on line 1 and word 3 on line 8.
3000	First Small Aff., at 15 Sixth Benson Aff., at 12	Disclose all of ¶1, except words 5 and 6 on line 1.
3021	First Small Aff., at 15 Sixth Benson Aff., at 14	Disclose heading of document. Disclose all of ¶¶2 and 3 on p. 1, except for entire lines 1 and 2 and words 1-8 on line 3 of ¶2. Disclose entire carry-over paragraph and ¶1 on page 2.
3033	First Small Aff., at 16 Sixth Benson Aff., at 15	Disclose entire ¶1, except for words 3-4 on line 1.
3051	First Small Aff., at 16 Sixth Benson Aff., at 23	Disclose heading on p. 1, except for name of FBI agent. Disclose all of ¶¶1 and 2 on p. 1, except for words 5-6 on line 1, words 2-3 and 8-9 on line 2, word 3 on line 3, word 4 on line 5, and word 9 on line 21 of ¶1. Disclose all of p. 2, except for words 1 and 5 on line 1 of ¶1.

Doc.#	Index Location	Additional Portions To Be Disclosed
3065	First Small Aff., at 16 Fifth Benson Aff., at 19	Disclose heading on p. 1, except for name of FBI agent. Disclose all of ¶1 on p. 2, except for words 1, 8 and 9 on line 1, entire line 2, words 1 and 2 on line 3, word 4 on line 10, word 10 on line 11, word 5 on line 15, and words 2 and 3 on line 16.
3086	First Small Aff., at 17 Fifth Benson Aff., at 20	Disclose heading on p. 1, except for name of FBI agent. Disclose all of ¶1 on p. 1, except for entire lines 1-3, words 1-4 on line 4, word 6 on line 8, word 8 on line 18, word 2 on line 21, word 6 on line 24, word 3 on line 27, words 4-11 on line 29, and entire lines 30-32.
3100	First Small Aff., at 18 Fifth Benson Aff., at 22	Disclose heading on p. 1, except for name of FBI agent. Disclose entire ¶4 on p. 3, except for words 4 and 5 on line 5, words 1, 2 and 4 on line 6, and word 1 on line 9.
3121	First Small Aff., at 18 Fifth Benson Aff., at 23	Disclose heading on p. 1, except for name of FBI agent. Disclose entire ¶2 on p. 4 of the document (numbered "p. 2") except for words 1 and 2 on line 11.
3142	Second Small Aff., at 9 Sixth Benson Aff., at 25	Disclose heading on p. 1, except for name of FBI agent. Disclose entire ¶1 on p. 1, except for words 5-9 on line 1, words 1-5 and 9-10 on line 2, word 1 on line 3, words 4 and 5 on line 5, and words 2-6 on line 8

Doc. #	Index Location	Additional Portions To Be Disclosed
		Disclose entire ¶4 on p. 1, except for words 1, 2 and 5 on line 1 and word 2 on line 3.
3144	Second Small Aff., at 9 Sixth Benson Aff., at 26	Disclose heading on p. 1, except for name of FBI agent.
		Disclose entire ¶2 on p. 2 of the document (numbered "p.1"), except for words 5 and 6 on line 9, words 3-5 on line 12, word 9 on line 15, and words 3 and 4 on line 17.
3147	Second Small Aff., at 8 Sixth Benson Aff., at 26	Disclose heading on p. 1, except for name of FBI agent.
		Disclose all of ¶1 on p. 1, except words 3-8 on line 1, words 1-4 and 8-10 on line 2, words 2-11 on line 5, and entire lines 6-7.
		Disclose all of ¶2 on p. 1.
		Disclose all of pp. 4-8 (numbered "pp. 2-6").
3209	First Small Aff., at 25 Fifth Benson Aff., at 35	Disclose heading on p. 1, except for name of FBI agent.
		Disclose all of p. 2, except for words 1 and 2 on line 1 of ¶1.
3211	First Small Aff., at 25 Fifth Benson Aff., at 36	Disclose heading on p. 1, except for name of FBI agent.
		Disclose all of ¶1 on p. 2 (numbered "p. 1"), except for words 8 and 9 on line 14 and word 1 on line 16.

Doc.#	Index Location	Additional Portions To Be Disclosed
3221	First Small Aff., at 27 Fifth Benson Aff., at 41	Disclose heading on p. 1, except for name of FBI agent. Disclose entire ¶2 on p. 5 (numbered "p. 3").
3222	First Small Aff., at 27 Fifth Benson Aff., at 38	Disclose heading on p. 1, except for name of FBI agent. Disclose entire p. 2, except for word 7 on line 7 and word 1 on line 8 of ¶1 and for words 5-7 on line 1 of ¶2.
3238	First Small Aff., at 28 Fifth Benson Aff., at 40	Disclose heading on p. 1, except for name of FBI agent. Disclose lines 1-7 and words 1-6 of line 8 on p. 7 of the document (numbered "p. 5"), except for words 7-11 on line 1 and word 1 on line 2.
3270	First Small Aff., at 31 Fifth Benson Aff., at 45	Disclose heading on p. 1, except for name of FBI agent. Disclose information within "Brief description of activity or material" section on p. 1. Disclose entire p. 2, except for words 3-4 on line 3 of ¶1, the list of persons in attendance, and words 9-11 on line 3 of ¶2. Disclose entire p. 2, except for words 1 and 2 on line 1 of ¶1, words 2-4 on line 2 of ¶2, and words 10 and 11 on line 2, words 9 and 10 on line 3, word 14 on line 4, and word 1 on line 15 of ¶3.

Doc.#	Index Location	Additional Portions To Be Disclosed
		Disclose entire p. 4, except for words 9 and 10 on line 1 of the carry-over paragraph; words 4 and 5 on line 1, words 9 and 10 on line 4, words 5, 6, 8 and 9 on line 5, and word 10 on line 6 of ¶2.
3280	First Small Aff., at 33 Third Benson Aff., at 4 Fifth Benson Aff., at 49	Disclose heading on p. 1, except for name of FBI agent.
		Disclose information within "Brief description of activity or material" section on p. 1.
		Disclose entire p. 3 of document (numbered "p. 1"), except for all handwritten notations.
3350	First Small Aff., at 38	Disclose heading on p. 1, except for name of FBI agent.
		Disclose entire pp. 3 through 6.

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APPENDIX B

We conclude that the following documents for which defendants have asserted claims of exemption under 5 U.S.C. §552(b)(7)(C) or (D) have been unjustifiably excised. These documents are itemized and marked in the same manner as previously described in Appendix A with reference to the (b)(1) documents.

Here also, certain of the documents on the following list were apparently referred to other governmental agencies for review. Since no affidavits have been forthcoming from any of these agencies, we have independently reviewed these documents in accordance with the principles set forth in the First Benson Affidavit.

As to all other documents withheld under a claim of exemption based upon 5 U.S.C. §552(b)(7), we grant defendants' motion for summary judgment.

Doc. #	Additional Portions To Be Disclosed
695	Disclose words 1-4 on line 1 of ¶1.
1279	Disclose words 1 and 2 on line 1, word 7 on line 2, and words 2-4 on line 3 of ¶4.
1395	Disclose entire document.
1399	Disclose lines 1 and 2 and words 1-3 on line 3 of ¶5 of p. 1.
1524	Disclose words 9-13 on line 2 of ¶3.
1572	Disclose all of ¶2 on p. 6 of document (cover memo), except for words 1-3 on line 1.
1573	Disclose all deleted material in ¶3.
1680	Disclose entire p. 4, except for words 5-7 on line 1 of ¶1.
1777	Disclose entire ¶3, except for words 5-7 on line 1, words 9-12 on line 4, words 1-10 on line 5, words 2-8 on line 7, words 1, 2 and 8 on line 8.
	Disclose entire ¶4.
2208	Disclose entire document, except for entries on numbered lines 2, 4, 9 and 13, and for words 1-3 on line 2 of numbered line 14.
2298	Disclose entire ¶1 on p. 2 of document, except for words 1-2 on line 7.
	Disclose entire ¶2 on p. 3 of document, except for line 1, words 1-4 on line 2, words 8 and 9 on line 4, and words 1-3 on line 5.
2352	Disclose entire ¶3 on p. 2.

Doc. #	Additional Portions To Be Disclosed
2404	Disclose entire ¶2 on p. 1; except for words 1 and 2 on line 1.
2455	Disclose entire ¶4 on p. 2.
2466	Disclose entire pp. 2-4 of document (numbered as "1-3").
2557	Disclose all deleted material.
2676	Disclose entire ¶2 on p. 1 of document.
	Disclose entire ¶3 on p. 1 of document, except for words 10-12 on line 1, words 1-3 and 12 on line 3, words 1-4 and 10-11 on line 4, and words 1-10 on line 5.
	Disclose entire ¶4 on p. 1 of document, except for words 2-4 on line 2, words 5-7 on line 3, and words 5-9 on line 4.
	Disclose entire ¶1 on p. 2 of document (numbered "p. 4"), except for word 10 on line 1, words 1 and 2 on line 2, words 3-5 on line 3, and words 2-6 on line 4.
	Disclose entire ¶2 on p. 2 of document (numbered "p. 4"), except for word 11 on line 7 and entire line 8.
	Disclose entire ¶3 on p. 2 of document (numbered "p. 4"), except for words 11 and 12 on line 1, word 1 on line 2 and words 4-8 on line 4.
	Disclose entire ¶1 on p. 3 of document (numbered "p. 5").
	Disclose entire ¶2 on p. 3 of document (numbered "p. 5"), except for words 9-11 on line 1, and words 2-4 on line 3.
	Disclose entire ¶3 on p. 3 of document (numbered "p. 5"), except for word 9 on line 1 and words 1-6 on line 2.

Doc. #	Additional Portions To Be Disclosed
	Disclose entire ¶4 on p. 3 of document (numbered "p. 5"), except for words 7-9 on line 1.
	Disclose entire ¶5 on p. 3 of document (numbered "p. 5"), except for words 10 and 11 on line 1, word 1 on line 2, words 2-4 on line 3, and words 2-6 on line 4.
	Disclose entire ¶6 on p. 3 of document (numbered "p. 5"), except for words 6-8 on line 1, word 11 on line 2, words 1-2 and 11-12 on line 3, and words 1-3 on line 4.
	Disclose entire p. 4 of document (numbered "p. 8").
2757	Disclose both names within text of handwritten letter, on pp. 1 and 2 of document.
2870	Disclose entire p. 1, except for words 5-9 on line 5 and words 1-4 on line 6 of ¶2; for word 1 on line 1 of ¶3.
	Disclose entire p. 2, except for the first two lines presently deleted and the "NOTE" at the end of the document.
2877	Disclose entire document.
2916	Disclose entire document, except for apparent initials of agent or informant under left-hand top heading.
3080	Disclose entire lines 5 and 6 and words 1 and 2 on line 7 of ¶1 on p. 2 of document (numbered "p. 1").
3143	Disclose heading on p. 1, except for name of FBI agent.

Doc. #	Additional Portions To Be Disclosed
	Disclose entire ¶1 on p. 3 of document (numbered "p. 1"), except for words 8-10 on line 6 and words 1-4 on line 7 and for the list of names following line 7.
	Disclose entire ¶2 on p. 3 of document (numbered "p. 1").
	Disclose entire carry-over paragraph on p. 4 of document (numbered "p. 2"), except for word 8 on line 1, word 3 on line 4, word 1 on line 8, and words 9-10 on line 13.
3333	Disclose entire document, except for entire p. 1, and for those first two deletions on p. 2 reflecting the source of the information.
3367	Disclose entire ¶2 on p. 1.
3373	Disclose entire document.
3375	Disclose heading on p. 1, except for name of FBI agent.
	Disclose index file on bottom of p. 1.
	Disclose entire second page.
3514	Disclose entire document, except for words 9 and 10 on line 2 and word 1 on line 3 of ¶1 and for words 8 and 9 on line 2 of ¶2.
3545	Disclose entire ¶1, except for words 1 and 2 on line 3.
	Disclose entire ¶3 of document.

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14 NOV 1980

VWG:SEHart:jpb

Telephone:
(202) 633-4785

OUTSIDE SOURCE

Chris J. Conanan, Esquire
Wald, Harkrader & Ross
1300 19th Street, N.W.
Washington, D. C. 20036

ELDRIDGE OC

Re: Cleaver v. Kelley, et al., U.S.D.C.,
D.C., Civil No. 76-0795

Dear Mr. Conanan:

Various proposals for settling this matter have been discussed by us since your letter of September 19, 1979, in which you set forth your initial position regarding settlement. Since that date, in order to supply you with more information regarding the documents withheld in whole or in part under the FOIA exemptions, the FBI has re-reviewed all documents for which an exemption was claimed under 5 U.S.C. §552(b)(1) and (b)(5). The one document for which a (b)(5) exemption was claimed has been turned over to you and the reason for each (b)(1) exemption claim has been provided to you through the Affidavit of Gerald A. James.

During our meeting of April 21, 1980 we discussed your proposed terms of settlement and I informed you generally of the expectations we had regarding any final settlement. As your proposed settlement includes the payment of attorney fees, I asked you to provide us with the amount of your claim for attorney fees and costs so we could examine it as part of your offer of settlement. Your claim for $42,557.91 was submitted with your letter of May 2, 1980.

V-57 DE-28 100-447251-1416

Your proposed offer of settlement has been rejected. However, a counteroffer to settle this matter on the following terms has been authorized: (1) no further re-review and re-indexing of documents be sought; (2) plaintiffs dismiss their action with prejudice; (3) plaintiffs agree not to submit another Freedom of Information Act request for those documents requested in their February 1976 request; and (4) plaintiffs receive $7,200.00 in attorney fees in full settlement of their claim for attorney fees and costs in this case.

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I look forward to hearing from you regarding our counteroffer of settlement.

Very truly yours,

STEPHEN E. HART
Attorney
Federal Programs Branch
Civil Division

cc: SA [redacted]
Legal Counsel Division
Federal Bureau of Investigation

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DATE 10-23-2008 BY 60322/UCLRP/PJ/EHL

29 JUN 1981

VMG:SEHart:dmb
[redacted]

Telephone:
633-4785

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FEDERAL GOVERNMENT

Mr. Marc E. Lackritz
Wald, Harkrader & Ross
1300 19th Street, N.W.
Washington, D.C. 20036

Re: Cleaver v. Kelley, et al., USDC D.C.,
Civil No. 76-0795

Dear Mr. Lackritz:

Enclosed are the original and one copy of a Stipulation and Order of Dismissal embodying the defendants' proposal for terminating this matter. I apologize for the delay in getting the document to you, but the FBI could not review it until after I left for vacation last week.

If the document is acceptable to you, please sign the original and return it to me for filing with the Court.

Thanks.

Very truly yours,

STEPHEN E. HART
Attorney
Federal Programs Branch
Civil Division

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Enclosure

DE-70 100-447251-147

cc: SA [redacted]
Legal Counsel Division
Federal Bureau of Investigation

JUL 14 1981

1 ENCLOSURE

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FILE NOTATION UNIT
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VMG:SEHart:dmb [redacted]

Telephone:
633-4785

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DATE 10-23-2008 BY 60322/UCLRP/PJ/EHL

Mr. Marc E. Lackritz
Wald, Harkrader & Ross
1300 19th Street, N.W.
Washington, D.C. 20036

~~DISCLOSURE STATEMENT~~ FEDERAL GOVERNMENT

Eldridge O

Re: Cleaver v. Kelley, et al., USDC D.C.,
Civil No. 76-0795

Dear Marc:

I received the signed stipulation from you in this matter, but on the same day also learned from a GAO claims employee that the wording of paragraph 3 might be insufficient to allow the check to be made out to both plaintiffs and your firm. Accordingly, I have prepared another proposed stipulation with language to this liking.

I will, of course, destroy the original stipulation. I look forward to hearing from you on this.

Very truly yours,

STEPHEN E. HART
Attorney
Federal Programs Branch
Civil Division

100-447251-1418

Enclosure

cc: SA [redacted]
Legal Counsel Division
Federal Bureau of Investigation

1-ENCLOSURE

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10 JUL 22 1981

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USGAO FORM 39 (REV. 4-3-72)

ADVICE OF PAYMENT OF SETTLEMENT TO ACCOMPANY CHECK

IN CORRESPONDENCE PLEASE REFER TO

UNITED STATES GENERAL ACCOUNTING OFFICE
TRANSPORTATION AND CLAIMS DIVISION
WASHINGTON, D. C. 20548

23 SEP 1981
(DATE)

Claim No.: Z-2729866

Eldridge and Kathleen Cleaver
and Wald, Harkrader and Ross
c/o Stephen E. Hart
U.S. Department of Justice
Washington, DC 20530

FEDERAL GOVERNMENT

TO ACCOMPANY CHECK

I have certified that there is due you from the United States, payable from the appropriation(s) indicated, the sum of $ 7,200.00 on account of the action dated July 28, 1981, arising in the case of Cleaver v. Kelley et al., in the U.S. District Court for the District of Columbia CA No. 76-0795.

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100-447251-1418

The enclosed Treasury check is in settlement of said claim(s).

For Director, Transportation and Claims Division

10 NOV 1981

By

CLAIMANT'S NOTICE

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DATE 10-23-2008 BY 60322/UCLRP/PJ/EHL

D STATES DISTRICT COURT
HE DISTRICT OF COLUMBIA

ELDRIDGE AND KATHLEEN CLEAVER, Plaintiffs, v. CLARENCE M. KELLEY, et al., Defendants.	)	Civil Action No. 76-0795

RELEASE

On behalf of Eldridge Cleaver, Kathleen Cleaver and the law firm of Wald, Harkrader & Ross, which represents plaintiffs in this action, I hereby acknowledge receipt of U.S. Treasury check number 37,644,667 in the sum of seven thousand two hundred dollars ($7,200.00) in full and complete settlement of any and all claims for attorney fees and costs incurred in this action.

DATE: 10-29-81

MARC E. LACKRITZ
Wald, Harkrader & Ross
Attorneys for Plaintiffs

3 AUG 1981

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DATE 10-23-2008 BY 60322/UCLRP/PJ/EHL

NITED STATES DISTRICT COURT
OR THE DISTRICT OF COLUMBIA

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ELDRIDGE AND KATHLEEN CLEAVER, Plaintiffs,	)	
v.	)	Civil Action No. 76-0795
CLARENCE M. KELLEY, et al., Defendants.	)	

FILED
JUL 29 1981
JAMES F. DAVEY, Clerk

STIPULATION AND ORDER OF DISMISSAL

IT IS HEREBY STIPULATED, by and between counsel for the parties, subject to approval by the Court, that:

1. All claims presented by the complaint in this action shall be dismissed with prejudice pursuant to Rule 41(a) of the Federal Rules of Civil Procedure.

2. Plaintiffs or any person acting on their behalf shall not in the future submit to the United States Department of Justice or any component thereof, including the Federal Bureau of Investigation, a request under the Privacy Act, 5 U.S.C. §552a, et seq., or the Freedom of Information Act, 5 U.S.C. §552, et seq. for any documents requested by plaintiffs in the request upon which this action was based.

3. The United States shall pay, and plaintiffs and their attorneys agree to accept, seven thousand two hundred dollars ($7200.00) in full and complete settlement of any and all claims for attorney fees and costs incurred in this action.

AUG 4
DOCKET UNIT
CIVIL
DIVISION

MARC E. LACKRITZ
Wald, Harkrader & Ross
Attorney for Plaintiffs

STEPHEN E. HART
U.S. Department of Justice
Attorney for Defendants

76-0795

Memorandum

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DATE 10-23-2003 BY 60322/UCLRP/PJ/EHL

Exec AD Inv. ___
Exec AD Adm. ___
Exec AD LES ___
Asst. Dir.:
Adm. Servs. ___
Crim. Inv. ___
Ident. ___
Intell. ___
Laboratory ___
Legal Coun. ___
Plan. & Insp. ___
Rec. Mgnt. ___
Tech. Servs. ___
Training ___
Public Affs. Off. ___
Telephone Rm. ___
Director's Sec'y ___

To : Assistant Director
Records Management Division RPF|MGL

Date 10/28/81

From : Legal Counsel

Subject : ELDRIDGE AND KATHLEEN CLEAVER
v. CLARENCE M. KELLEY, et al.
(U.S.D.C., DISTRICT OF COLUMBIA)
CIVIL ACTION NUMBER 76-0795

PURPOSE: To advise Records Management Division (RMD) of the Court's final determination with respect to captioned action.

SUMMARY OF CASE: This Freedom of Information Act (FOIA) case began when plaintiffs on February 27, 1976, requested copies of all Federal Bureau of Investigation (FBI) records concerning or referring to them. This request was later narrowed to include only the time period August 1967 through April 1968. Plaintiffs insisted on expedited treatment of their request stating that materials believed to be in the possession of the FBI were needed for Eldridge Cleaver's June 14, 1976, criminal trial in California State Court for attempted murder and assault. Since the Bureau rejected this demand, plaintiffs commenced litigation in the District of Columbia (D.C.) on May 7, 1976, to compel the FBI to process plaintiff's request immediately. On May 27, 1976, the Court granted the FBI's motion to dismiss, upholding the Bureau's policy of processing FOIA requests in chronological order.

Plaintiffs appealed the May 27, 1976, District Court decision. The District of Columbia Circuit Court of Appeals, on November 23, 1976, reversed the District Court ruling and remanded this case for a determination as to whether or not Eldridge Cleaver qualified for an exceptional need or urgency in the material requested. Concluding that plaintiffs' request demanded immediate attention, the District Court, on December 22, 1976, ordered all documents not warranting exemption under FOIA, disclosed with an index and justification for each deletion, by January 12, 1977. The FBI complied, releasing to Eldridge Cleaver several hundred pages of documents and indexing, as exempt in whole or in part, several hundred more.

100-447251-1419

Enclosure 1 ENCLOSURE

2 - [redacted]
Attn: [redacted] (Enc.)
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1 - [redacted] (Enc.)
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OCT 30 1981

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FBI/DOJ

Assistant Director
Records Management Division

The Court later responded to plaintiffs' motion to compel a further search because of the FBI's alleged failure to search its four California field offices. In this regard, the Court ordered this search and on March 10, 1977, the FBI released or indexed several hundred more documents which were located in all FBI California field offices.

This case remained dormant from October 1977, until September 1979, when defendants and plaintiffs began discussing the possibility of settlement, including an attorney's fees payment. On May 2, 1980, plaintiffs suggested an amount exceeding $42,000.00. Defendants summarily rejected this and accurately estimated $7,200.00 to be a reasonable amount of compensation for the work done by plaintiffs' attorneys.

SUMMARY OF DECISION: In a Stipulation and Order of Dismissal filed July 29, 1981, (copy attached), the Department of Justice (DOJ) agreed to pay plaintiffs and their attorneys $7,200.00 in full and complete settlement of any and all claims for attorney's fees and costs incurred in this action. As part of the *quid pro quo*, the plaintiffs agreed not to submit a future request to DOJ or any of its components, including the FBI, for the documents which were the subject of plaintiffs' February 26, 1976, request. Accordingly, the Court dismissed with prejudice pursuant to Rule 41(a) of the Federal Rules of Civil Procedures all claims presented in this action.

RECOMMENDATION: None. For information.

APPROVED:	Adm. Servs. ____	Laboratory ____
	Crim. Inv. ____	Legal Coun. ____
Director ____		Off. of Cong. & Public Affs. ____
Exec. AD-Adm. ____	Ident. ____	Rec. Mgnt. RPF/mlc
Exec. AD-Inv. ____	Inspection ____	Tech. Servs. ____
Exec. AD-LES ____	Intell. ____	Training ____

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STATES DISTRICT COURT
DISTRICT OF COLUMBIA

ELDRIDGE AND KATHLEEN CLEAVER, Plaintiffs,	)	
v.	)	Civil Action No. 76-0795
CLARENCE M. KELLEY, et al., Defendants.	)	

FILED
JUL 29 1981
JAMES F. DAVEY, Clerk

STIPULATION AND ORDER OF DISMISSAL

IT IS HEREBY STIPULATED, by and between counsel for the parties, subject to approval by the Court, that:

1. All claims presented by the complaint in this action shall be dismissed with prejudice pursuant to Rule 41(a) of the Federal Rules of Civil Procedure.

2. Plaintiffs or any person acting on their behalf shall not in the future submit to the United States Department of Justice or any component thereof, including the Federal Bureau of Investigation, a request under the Privacy Act, 5 U.S.C. §552a, et seq., or the Freedom of Information Act, 5 U.S.C. §552, et seq., for any documents requested by plaintiffs in the request upon which this action was based.

3. The United States shall pay, and plaintiffs and their attorneys agree to accept, seven thousand two hundred dollars ($7200.00) in full and complete settlement of any and all claims for attorney fees and costs incurred in this action.

MARC E. LACKRITZ
Wald, Harkrader & Ross
Attorney for Plaintiffs

STEPHEN E. HART
U.S. Department of Justice
Attorney for Defendants

FEDERAL BUREAU OF INVESTIGATION
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Memorandum

Subject: Eldridge and Kathleen Cleaver v. Clarence M. Kelley, et al., USDC DC, Civil Action No. 76-0795

Date: NOV 1 1981

VMG:SEHart:jld

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Tel: 633-4345

To: William H. Webster, Director
Federal Bureau of Investigation

From: J. Paul McGrath
Assistant Attorney General
Civil Division

Attention: John A. Mintz
Assistant Director
Legal Counsel Division

As the Stipulation and Order of Dismissal has been signed and payment to plaintiffs of the amount agreed upon for attorney fees and costs made, we are now closing our file in this case.

Attachment

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100-447251-1420

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LEGAL COUNSEL

FD-36 (Rev. 5-22-78)

[redacted]

☐ Facsimile

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FBI

PRECEDENCE:
☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:
☐ TOP SECRET
☒ ~~SECRET~~
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☐ UNCLAS E F T O
☐ UNCLAS

DATE: 10-23-2008
CLASSIFIED BY 60322/UCLRP/PJ/EHL
REASON: 1.4 (C)
DECLASSIFY ON: 10-23-2033

Date 2/8/83

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

TO: DIRECTOR, FBI

FROM: SAC, WFO

ELDRIDGE CLEAVER AND THE KGB [redacted] ~~SECRET~~ b1

(S) [redacted]

All markings, notations and items of information contained in this communication are classified "~~Secret~~" unless otherwise noted. (S)

IN VIEW OF THE SENSITIVITY OF [redacted] EXTREME CAUTION MUST BE EXERCISED IN THE HANDLING OF ANY INFORMATION ATTRIBUTED TO THIS ASSET AND NO ACTION TAKEN WHICH COULD CONCEIVABLY JEOPARDIZE THE SECURITY OF THIS ASSET. b1

(S)

IN COMMUNICATIONS PREPARED FOR DISSEMINATION OUTSIDE THE BUREAU, [redacted] b1

(S)

NO DISSEMINATION OUTSIDE THE BUREAU IS TO BE MADE WITHOUT PRIOR FBIHQ AUTHORITY.

(S) [redacted] b1

~~SECRET~~
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~~Declassify on OADR~~

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85 Approved: TMC/JDS Transmitted _____ (Number) (Time) Per _____

7.4 MAY 29 1984

U.S. GOVERNMENT PRINTING OFFICE : 1982 O - 369-895

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R 300950Z SEP 83

FM BONN (100-1846) (P)

TO DIRECTOR ROUTINE 976-30

BT

UNCLAS

LEROY ELDRIDGE ~~CLEAVECH~~ CLEAVER CHECK OF FUGITIVE STATUDM

[redacted]

[redacted] HAS INQUIRED INTO

THZISTWRUS OF LEROY ELDRIDGE CLEAVER, DOB AUGUST 31, 1935 [redacted]

[redacted]

HPONN FILE 100-1846 ON CLEAVER WAS REVIEWED, BUT THERE ARE NO GUCENT COMMUNPZATIONS REGARDING HIS CURRENT STATUS. [redacted]

REQUEST OF THE BUREAU

FBIHQ IS REQUESTED TO ADVISE IF CAPTIONED INDIVIDUAL IS CURRENTLY WANTED. IF SO, DETERMINE IF THERE IS ANY INDICATION THAT SUBJECT MAY TRAVEL TO THE NETHERLANDS.

b7D

b6
b7C

100-447251-1421

OCT 15 1983

[redacted]

LEG-7 (Rev. 7-7-80)

Memorandum

To : Director, FBI (100-447251) Date OCT 24 1983

From : Legal Attache, BONN (100-1846) (RUC)

Subject : LEROY ELDRIDGE CLEAVER;
CHECK OF FUGITIVE STATUS

Reference: Bucab 10/7/83.

Dissemination, as outlined below, was made on dates indicated.

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☐ _____ copies of

☒ Pertinent information from rebucab.

Name and Location of Agency	Date Furnished
[redacted]	OCT 24 1983

b7D

100-447251

NOT RECORDED
12 NOV 2 1983

b6
b7C

1 - Bureau
(1 - Foreign Liaison Desk)

FUG. SUP.

FBI/DOJ

0-93 (Rev. 4-26-78)

192

DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
COMMUNICATION MESSAGE FORM

PAGE 1 OF 1

DATE	CLASSIFICATION	PRECEDENCE
10/7/83	UNCLAS E F T O	ROUTINE

START HERE

FM FM DIRECTOR FBI

TO TO LEGAL ATTACHE BONN {100-1846} ROUTINE

BT

ALL INFORMATION CONTAINED
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14 UNCLAS E F T O

LEROY ELDRIDGE CLEAVER.

12 RE BONN TELETYPE SEPTEMBER 30, 1983.

CAPTIONED SUBJECT IS NO LONGER A FUGITIVE.

10 BT

8

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4

2

100-447251-1422

OCT 13 1983

DO NOT TYPE PAST THIS LINE

DO NOT TYPE MESSAGE BELOW THIS LINE

APPROVED BY	DRAFTED BY	DATE	ROOM	TELE EXT.
	CEC:AMC {2}	10/7/83	5062/6	

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1 - LIAISON UNIT

0922EST
OCT 2

DO NOT FILE WITHOUT COMMUNICATIONS STAMP

FBI/DOJ

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

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (157-22627) DATE: JUN 24 1975

FROM : SAC, NEW YORK (157-6852) (P)

SUBJECT: BLACK PANTHER PARTY - CLEAVER FACTION (BPP-CF)
EM
OO: NY

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10-21-2008 BY 60322/UCLRP/PJ/EHL

ReNYlet to the Bureau, 4/17/75.

Enclosed for the Bureau are four copies, for San Francisco two copies, and for all other offices one copy, of an insert reflecting a transcript of an interview of ELDRIDGE CLEAVER, broadcast 5/17/75.

The interview reflects basically the same changes of philosophy reflected in the interview/transcription enclosed

4 - Bureau (Encls. 4) (RM)
(2 - 157-22627) (BPP-CF)
(1 - 100-165706) (BPP) (INFO)
(1 - 100-447251) (CLEAVER) (INFO)
4 - San Francisco ~~(Encls. 4)~~ (RM)
(1 - 157-6923) (BPP-CF) (INFO)
(1 - 157-1204) (BPP) (INFO)
(1 - 88-12329) (CLEAVER) (INFO)
(1 - 100-55520) (CLEAVER) (INFO)
1 - Detroit (157-7850) (BPP-CF) (Encl. 1) (INFO) (RM)
1 - Louisville (157-1469) (BPP-CF) (Encl. 1) (INFO) (RM)
1 - Newark (100-49194) (BPP-CF) (Encl. 1) (INFO) (RM)
1 - Philadelphia (157-6296) (BPP-CF) (Encl. 1) (INFO) (RM)
1 - New York (100-161993) (BPP) (INFO)
1 - New York (100-161321) (CLEAVER) (INFO)
1 - New York (157-3201) (COMMITTEE TO DEFEND ELDRIDGE CLEAVER) (INFO)
1 - New York (100-161993) (BPP) (INFO)
1 - New York

GHS:bp
(17)

ENCLOSURE

100-447251

NOT RECORDED
43 JUL 2 1975

157-22627-

ORIGINAL FILED IN CASE FILE

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

5010-108

8 OCT 2 1975

with the referenced NY letter dated 4/17/75. That is, a renouncing of violence and a desire of CLEAVER to return to the United States. Note that CLEAVER states he desires to return to the United States by no later than July 4, on the 200th anniversary of "our country".

This transcription is furnished for information and reference purposes. Although the recording was made on 5/17/75, it is forwarded at this time becuase of transcription equipment shortages and malfunctions.

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DATE 10-21-2009 BY 60322/UCLRP/PJ/EHL

GHS:bp
1

NY 157-6852

The following is a tape recording of the 5/17/75, 6:00 PM broadcast of the WCBS-TV, New York, weekly program titled "Sixty Minutes". The recording is of a filmed interview with ELDRIDGE CLEAVER, formerly a prominent leader of the Black Panther Party (BPP) and former spiritual leader of the faction of the BPP which split from the main organization in January/February, 1971. The interview was conducted by Mr. MIKE WALLACE, co-host of the program. (The recording was made by Special Agent [redacted] FBI, New York Office). b6 b7C

It is noted that CLEAVER is currently sought on a Federal warrant charging him with Unlawful Flight to Avoid Prosecution.

WALLACE: Violence is as American as apple pie. Black revolutionary fetish in the sixties as Black violence hit our major cities and law and order sometimes became police brutality. It was the Black Panthers who were the most militant of all Blacks then a gun toting cadre self-appointed to protect the Black ghetto they said from the white state and ELDRIDGE CLEAVER then the most vocal of the Panthers. Whatever became of ELDRIDGE CLEAVER Sixty Minutes talked to him five years ago in exile in Algiers. He is now in Paris and we visited him to see what those five years had done to confirm his notions or to change them. Our report back in 1970 began in this house in Oakland, California. CLEAVER had survived a police shootout here, the walls were scarred by bullets, charred by smoke and fire, teargas. Another Panther had been killed by police guns when he ran from this house. CLEAVER stripped off his clothes, walked out stark naked to show he was unarmed. He was charged with assault with intent to kill, jumped bail, fled to exile first in Cuba then in Algeria rather than go to prison. Then from State Haven in Algiers CLEAVER

100-447251-

ENCLOSURE

called for physical attack against the leaders of the US Government. Five years ago we asked this question what purpose is served by talking of shooting your way into the Senate of the United States, taking off the head of Senator McLellan and shooting your way back out. What purpose is really served by that kind of talk and what would be accomplished

CLEAVER: The goal the goal is to take Senator Mc Lellan head now the process of getting his head ah has ah to rely on a strategic technique, I mean I can't just walk in and take his head and walk out you see I have to get past the guards, get past those who might try to protect his pig head so to me I think that would mean shooting my way in and shooting my way out because I wouldn't want to go in take his head and just sit there.

WALLACE: When the American people hear that you want to shoot your way into the United States Senate, take off the head of a Senator

CLEAVER: White House and take off the head of RICHARD NIXON

WALLACE: What does that mean. This is rhetoric

CLEAVER: This is not rhetoric. I'm telling you that RICHARD NIXON, J. EDGAR HOOVER, Senator JOHN McLellan, et al not just them but all the pigs of the power structure have to be apprehended and I feel myself you see that the fate that they receive would depend upon the resistance they put up.

WALLACE: Bravado from ELDRIDGE CLEAVER overseas while his fellow passers here at home remained a small demoralized beleaguered group never more than a thousand Black Panthers in the entire country and they had been entirely infiltrated

by police informers. Panther leaders were being jailed or killed in shootouts with police still the Party was teaching the next generation to take up a gun

Children singing in the background

WALLACE: It was a liberation school they called it in Brooklyn. Brainwash indoctrination about the pigs and about their own Panther hero.

Unidentified Fenale - Okay, who is this?

Children's response - (Garbled)

Unidentified female - Who is it?

Children's response - (Garbled)

Unidentified female - You say it loud

Children's response - HUGHIE (Garbled)

Unidentified female - And where's HUGHIE?

Children's response - In jail

(Name) had been jailed for shooting a policeman on a retrial he was acquitted went free but now he has jumped bail again charged with killing a seventeen year old Black girl in California.

Unidentified female - Now who took BOBBY away?

Children's response - The pigs

Unidentified female - Who took BOBBY away?

Children's response - The pigs

Unidentified female - Right on

BOBBY was BOBBY SEALE who had been arrested for murder. A hung jury set him free. Later he was convicted for sparking riots during the 68 Democratic Convention. Then SEALE turned moderate, ran for mayor of Oakland, California and lost. He has dropped out of sight now and is being sought by the Los Angeles Police on child support charges. Five years ago with CLEAVER in exile and HUGHIE NEWTON in jail Panther Headquarters in Oakland was run by DAVID HILLIARD surrounded by sand bags and barricaded windows, fearing a shootout with police. HILLIARD was later convicted of assault, served his time. He is now a counselor at a school for juvenile delinquents in California. ELDRIDGE CLEAVER in Algiers five years ago was the Panther's philosopher in exile.

CLEAVER: The way I read the situation, I don't think that ah the Government and the ruling class in the United States is going to resent or allow Black people to enjoy freedom and liberation. I think that it has to be taken, and I fully believe that we have to fight a war of liberation from these fascist, imperialist social orders in the United States.

WALLACE: The Algerian Government helped subsidize CLEAVER until 1972 when some Panthers landed in Algiers with a hijacked American plane and a half a million dollars in ransom. CLEAVER protested when Algeria gave back the money along the plane. This incident and others gradually wore out his welcome in Algeria so France became CLEAVER'S

refuge and in his flat there a graying ELDRIDGE CLEAVER has been thinking a good deal. When you told me five years ago that you were going to shoot your way into United States Senate and take off the head of Senator John McLellan that you were going to shoot your way into the White House and take off the head of RICHARD NIXON, and that J. EDGAR HOOVER had to be apprehended and you said it was not rhetoric you meant it.

CLEAVER: Okay, now I will say this the my feelings then and my feelings now is that RICHARD NIXON absolutely had to be taken out of the White House you see

WALLACE: But the system did it

CLEAVER: Yes the system did at long last. I'm very happy that the system did it therefore I don't feel that there's any need to talk about going in there and taking it off myself. But I say this that as long as that man was in the White House I felt the need to go in there and take him out. I can't say that I don't feel that, and I don't feel ashamed about that I'm proud about that.

WALLACE: You said that it was going to be necessary to fight a war of liberation against the fascist, imperialist United States. You no longer believe that?

CLEAVER: I think we can solve our problems without fighting a war of liberation simply because the system itself has reacted to the pressure that was brought upon it by that kind of organizing that kind of mobilization and that kind of rhetoric. Now this doesn't mean that by doing that that solves all our problems but it does eliminate I think the kind of concentration camp solution to the Black problem that we thought that we were facing.

WALLACE: Are you telling me at bottom that you wish you hadn't said violent, gun, take off the head, shoot your way into the Senate. Are you telling me that political acts

CLEAVER: Well I'll say this, this is what I'm saying I think it would have been possible given, this is all with high insight now

WALLACE: Sure

CLEAVER: Because at the time I didn't see any alternatives. I can say now that I wished I had had a better knowledge of how to deal with a political situation. I no longer am interested in going around talking about guns or advocating violence in the abstracts or calling people pigs.

WALLACE: These days the CLEAVER'S, ELDRIDGE and KATHLEEN stroll the left bank in Paris spring like many exiles before them. It's been a twisted route for him since the days when he was the acclaimed author of Soul on Ice that brilliant and bitter story of his early years and another assault conviction that had sent him to San Quentin prison, that was the time he was the hero of many white radicals. He was even a candidate for the Presidency, in 1968 for the Peace and Freedom Party. But now he wants to come home says he's ready to stand trial for that open shoot out but insists that he not be locked up before that trial. He supports himself with publisher's advances on his next book which he has been trying to finish. CLEAVER is no longer a Panther, no longer a Black symbol of resistance to white capitalism, imperialism. He is no longer an invited guest in Communist land.

CLEAVER: The point is this that in the Communist countries they don't have any kind of machinery for the people to bring their will to bear on the decision making process (garbled) I don't do it with any reluctance we do have that in the United States, and we do have the political freedom, a certain amount of freedom, but that our political institutions rather than be destroyed they need to be perfected, they need to be fully developed.

WALLACE: Let me understand. Do I understand ELDRIDGE CLEAVER in 1975 correctly. You renounce violence, the gun under present conditions in the United States, you're not as enamored of the communist states as you once were. The fact that a man has a black skin does not necessarily make him you're brother. All this is fairly accurate no?

CLEAVER: I think its accurate enough

WALLACE: And you want to go home

CLEAVER: And I want to go home. I think I will go home too. People who don't want me to come back, who don't have the same interest in me coming back as I do they can look at it academically, which means a very personal thing. I think I have a right to come back without going to prison before going to trial and I'm working for that and I'm going to do everything I can to be, I want to be back there no later than the 4th of July, on the 200th anniversary of our country and if I'm not back there than I don't know where I'll be.

WALLACE: CLEAVER'S father LEROY CLEAVER died in Chicago a week ago at the age of 72 and his son could not come home for the funeral. The Panthers these days are a changed outfit working in the black community for non-violent social reform backing their own political candidates, their

rhetoric (garbled), their energy is devoted to laboring inside the system. When ELDRIDGE CLEAVER, if ELDRIDGE CLEAVER comes home though he is no longer a Black Panther he will find that his new perceptions and their's are not so far apart.

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
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FOI/PA# 1416912-0

Total Deleted Page(s) = 48
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Page 17 ~ b1;
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Page 38 ~ Referral/Direct;
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Page 209 ~ b1;
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Page 215 ~ b6; b7C;
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DATE 09-15-2006 BY 60322/UCLRS/RJ/EHL

Legat, Bern 11/29/72

For the Acting Director, FBI (100-447251) 1 - [redacted]
W. Mark Felt
Acting Associate Director

b6
b7C

LEROY ELDRIDGE CLEAVER
EXTREMIST MATTERS - BLACK PANTHER PARTY
FUGITIVE

ReBuairtel 9/13/72.

Advise Bureau of the current status of your efforts to verify that Cleaver has account number 163943 at the "CREDIT SUISSE, Case postale, 1211 Geneve 11, GENEVE, SUISSE" and to obtain data from this account.

1 - Foreign Liaison Unit (Route through for review)

ERS:fb
(5)

NOTE:

In 9/72, we obtained pertinent data relating to Cleaver's possible bank account in Switzerland. Inasmuch as Cleaver is a Bureau fugitive and monitoring of the account could serve as an alert with respect to his future intentions, we requested Legat take action through an appropriate source. The Legat has not yet replied to our request.

REC-71 100-447251-1131

MAILED 8
NOV 30 1972
FBI

11 NOV 30 1972

ST-114

58 DEC 8 1972

MAIL ROOM

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

UNITED STATES GOVERNMENT

Memorandum

TO : ACTING DIRECTOR, FBI (100-447251)

DATE: 12/4/72

ALL INFORMATION CONTAINED
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DATE 09-15-2009 BY 60322/UCLRP/PJ/EEL

FROM : SAC, LOS ANGELES (88-15756) (RUC)

BPP

SUBJECT: LEROY ELDRIDGE CLEAVER, aka -
FUGITIVE
IO #4239
WF #447
EM - BPP;
UFAC - ASSAULT WITH INTENT
TO COMMIT MURDER;
THREAT AGAINST THE PRESIDENT
OF THE UNITED STATES
OO: San Francisco

Re Detroit airtel to the Bureau et al dated 10/30/72.

The following sources familiar with the activities and membership of the Cleaver Faction in Los Angeles, California, were contacted during November regarding the possible return of ELDRIDGE CLEAVER to the United States and none were able to furnish any information substantiating such a claim:

[redacted]

b2
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Furthermore, all sources were advised that receipt of any such information regarding the possible return of ELDRIDGE CLEAVER should be furnished immediately to the FBI.

[redacted] indicated he was aware of CLEAVER's troubles in Algeria as previously set forth, and has been remaining alert for movement by CLEAVER.

REC-88 100-447251-1132

ST 101

20 DEC 8 1972

2 - Bureau (RM)
1 - Detroit (157-2699) (Info) (RM)
1 - San Francisco (88-12329) (Info) (RM)
1 - Los Angeles

BOC/nc
(5)

FUGITIVE
EXT. INT. SEC.

DEC 19 1972

JAN 8 1973

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

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

~~SECRET~~

ALL INFORMATION CONTAINED
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WHERE SHOWN OTHERWISE

FBI

Date: 11/30/72

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

Via AIRTEL _____ (Priority)

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE OSX(6)
DATE 09-16-2008

TO: ACTING DIRECTOR, FBI (100-447251)

FROM: SAC, BERN (88-24) (P)

SUBJECT: LEROY ELDRIDGE CLEAVER
EXTREMIST MATTERS - BLACK PANTHER PARTY
FUGITIVE

00: SF

ReBuairtel 9/13/72.

(S) [redacted]

b1

With regard to [redacted] indicating in June, 1972, that her temporary address in Switzerland was [redacted] Switzerland, attention is called to Bulet 9/20/72 entitled "BLACK PANTHER PARTY (BPP), INTERNATIONAL RELATIONS - PUBLICITY, EM - BPP," page 3, which contains the following information:

b6
b7C

The telephone number [redacted] in Zurich belongs to a well-known leftist extremist [redacted] born [redacted] residing at [redacted] Zurich. According to information from a sensitive source [redacted] contacted on June 28, 1972 [redacted] LMR Bureau (Marxist Revolutionary League) in

100-447251-1133

3 - Bureau
(1 - Foreign Liaison)
2 - Bern (1 - 88-24)
(1 - 157-15)

REC-63 ~~SECRET~~

16 DEC 6 1972

HDG:rah
(5)

EXT. INT.

58 DEC 18 1972

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

BER 88-24

Zurich and asked him to escort [redacted] by car to Kloten Airport. The latter declined the request due to lack of time. It is not known who actually took [redacted] to the Airport.

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b7C

[redacted] SHOULD BE CONSIDERED ARMED AND EXTREMELY DANGEROUS.

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

UNITED STATES GOVERNMENT

Memorandum

TO : ACTING DIRECTOR, FBI (~~157~~ 100-447251) DATE: 12/7/72

FROM : SAC, SAN FRANCISCO (157-4324)

SUBJECT: LEROY ELDRIDGE CLEAVER, aka -
FUGITIVE
I.O. # 4239
WANTED FLYER # 447
EM - BPP
UFAC - ASSAULT WITH INTENT
TO COMMIT MURDER AND RAPE
AND ASSAULT WITH A DEADLY
WEAPON
(KBE)

00:SF

[redacted]

ReBulet 11/29/72.

Enclosed for the Bureau are eight (8) copies of amended page two for LHM prepared by this office 11/9/72. Two (2) copies of amended pages also enclosed for Los Angeles, New York and WFO.

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DATE 09-15-2006 BY 60322/UCLRS/PJ/EHL

ENCLOSURE

4 - Bureau (RM) (Enc. 8)
(1 - 100-381638) ([redacted])
(1 - 157-20609) ([redacted])
2 - Los Angeles (Encs. 2) (RM)
(1 - 157-2323) (CLEAVER)
(1 - 157-7230) ([redacted])
2 - New York (Encs. 2) (RM)
(1 - 100-161321) (CLEAVER)
(1 - 157-7181) ([redacted])
2 - WFO (Encs. 2) (RM)
(1 - 157-2026) (CLEAVER)
(1 - 157-4051) ([redacted])
4 - San Francisco
(1 - 100-52235) ([redacted])
(1 - 157-5880) ([redacted])
(1 - 157-4572) ([redacted])
LSB/sad (S-6) (14)

100-447251

NOT RECORDED
12 DEC 13 1972

FUG. SUP.
EXT. INT. SEC.
STAT. SECT.
CONSOLIDATION

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

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

UNITED STATES GOVERNMENT

Memorandum

TO : ACTING DIRECTOR, FBI (157-10555) DATE: 12/14/72

FROM : SAC, NEW YORK (100-161321) (P)

SUBJECT: LEROY ELDRIDGE CLEAVER -
FUGITIVE
EM - BPP

BLACK LIBERATION ARMY
EM - URBAN GUERRILLA WARFARE

ReNYlet to the Bureau, dated 12/12/72, captioned, "BLACK LIBERATION ARMY; EM - URBAN GUERRILLA WARFARE."

Document T-29, a letter dated 7/14/71, at Algiers, addressed to [redacted] from E. C. (CLEAVER), is included in the New York file for [redacted]

The NYO is handling CLEAVER as a pending case and this information has been included in his New York file.

ALL INFORMATION CONTAINED
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DATE 09-15-2008 BY 60322/UCLRP/PJ/EHL

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4-Bureau (RM)
1-New York (157-7347)
1-New York

TFR:ss
(6)

REC-28 100-447251-134

EX-101

DEC 18 1972

EX-PAT. SEC.

JAN 4 1973

JAN 8 1973

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

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ALL INFORMATION CONTAINED
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DATE 09-15-2008 BY 60322/UCLRP/PJ/EHL

b6
b7C

ACTING DIRECTOR, FBI (157-23580) 12/12/72

SAC, NEW YORK (100-171218)(P)

[redacted]
EM-BPP

ReBulet, dated 9/21/72, captioned "LEROY ELDRIDGE CLEAVER, EM-BPP-FUGITIVE".

Referenced Bureau letter contained three letters furnished to the Bureau under highly confidential circumstances dated 6/1, 10 and 11/72, alleged to be written by ELDRIDGE [redacted] CLEAVER to [redacted] in NYC.

The letter dated 6/1/72 mentioned the name [redacted] A review of NYO indices were made and no identification could be made without further background data.

The letter dated 6/11/72 mentioned [redacted] A review of NYO indices disclosed that [redacted] believed identical with [redacted] NYO references reflect [redacted] National Peace Action Coalition (NPAC) and Peoples Coalition for Peace and Justice (PCPJ) set out in "New York Times" newspaper, dated 9/26/71.

On numerous dates during October and November, 1972 subject's mail was observed on a table in the entranceway of her residence, [redacted] NYC, NY. Most of the mail received by [redacted] was "junk mail" or mail with no return address.

3- Bureau (RM)
(1- 100-447251)
2- San Francisco (157-4324)(RM)
1- New York (100-161321)
1- New York

JCS:kk
(7)

100-447251

NOT RECORDED
184 DEC 15 1972

ORIGINAL FILED IN

51 DEC 27 1972

b6
b7C

In view of the coming holidays it is possible [redacted] may receive more mail and a request for a mail cover will be submitted by separate communication.

In view of the fact no positive information was obtained as a result of NYO investigation re three letters mentioned above, no LHM is being prepared.

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

UNITED STATES GOVERNMENT

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-15-2006 BY 60322/UCLRF/PJ/EHL

Memorandum

TO : Acting Director, FBI (100-447251) DATE: 12-12-72

FROM : Legat, Rome (88-55) (P) BEF

OAD for algeria

SUBJECT: LEROY ELDRIDGE CLEAVER, aka - FUGITIVE
I. O. #4239; WANTED FLYER #447
RM - BPP; UFAC - ASSAULT WITH INTENT
TO COMMIT MURDER; THREAT AGAINST THE
PRESIDENT OF THE UNITED STATES

DO: SF

ReROMlet 10-10-72.

Sources of the Rome Office in Italy, Greece, Turkey and Cyprus have not developed any information to date relating to the presence of CLEAVER in their respective countries nor has any information been received that CLEAVER may attempt to re-enter the United States.

The Bureau will be advised by expeditious means of any pertinent information developed.

(5) - Bureau
(1 - Foreign Liaison Desk) REC-48
(2 - San Francisco 88-12329)
1 - Rome
TJB:hcs
(6)

100-447251-1135

11 DEC 18 1972

2 cc's per 0-7 to SF
1 cc for Div. 12/19/72 JSR/vand

b6
b7C

1 JAN 2 1973

EXT. INFORMATION

DEC 5 1975

JAN 1973

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

5010-108

5-113a (9-29-65)

SECRET

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 35X(1)
DATE 09-15-2006

Domestic Intelligence Division

(S)

INFORMATIVE NOTE

Date 1/4/73

(S)

bl

(S)

ERS:bak EM/NEM

ERS

WGL GCM

DBK

1-4

9:44A

SECRET

5-1137 (9-29-65)

SECRET

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FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(1)
DATE 09-15-2008

Domestic Intelligence Division

INFORMATIVE NOTE

Date 1/3/73

(S)

b1

(S)

We are furnishing information contained in attached to our interested field offices.

COM/SLP WGC

SECRET

ERS:fb

EM/HEM

1-3
10:20 am

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(1, 6)
DATE 09-23-2006

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HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Airtel

~~SECRET~~

1/9/73

To: SACs, Cleveland
Detroit
Los Angeles (157-2323)
Louisville
Newark
New York (100-161321)
Norfolk
San Francisco (157-4324)

1 [redacted] b6 b7C

2

From: Acting Director, FBI (100-447251)

LEROY ELDRIDGE CLEAVER
EXTREMIST MATTERS - BLACK PANTHER PARTY
FUGITIVE

OO: SF

The following information classified "~~Secret~~" was received from a confidential source who has furnished reliable information in the past. It is to receive no dissemination outside this Bureau without prior approval of the source.

(S) [redacted] b1

100-447251-1138

ERS:fb
(19)

~~Classified by: SP-2TAP/RBS~~
~~Declassify on: OADR~~ 1/9/84

REC-14

EX-101

JAN 10 1973

MAILED 6
JAN 8 1973
FBI

SEE NOTE PAGE TWO

~~ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE~~

~~SECRET~~

Felt
Baker
Callahan
Cleveland
Conrad
Dalbey
Gebhardt
Jenkins
Marshall
Miller, E.S.
Purvis
Soyars
Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

58 JAN 16 1973

MAIL ROOM ☑ TELETYPE UNIT ☐

b1

Airtel to SACs, Cleveland Et Al
RE: LEROY ELDRIDGE CLEAVER
100-447251

SECRET

Recipient offices will be provided any additional information received concerning subject's travel abroad which could denote possible further travel to the United States. Recipient offices alert appropriate sources accordingly and keep the Bureau advised of significant information received.

NOTE:

San Francisco is origin in the Cleaver case and all other recipient offices have Cleaver Faction groups or individuals in their territories.

SECRET

SECRET

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JAN 04 1973

TELETYPE

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Dalbey
Mr. Gebhardt
Mr. Jones
Mr. Mo
Mr. Ath
Mr. Purvis
Mr. Soyars
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Fayne
Mrs. Neenan

b6
b7C

FTB008 10:02AM 1-4-73 MKA

STATE 887

12:02PM URGENT 1/4/73 JMD

TO ACTING DIRECTOR (100-447251) NR 002-04

LEGAT BERN 001-04 BONN 001-04

LEGAT LONDON 001-04 MADRID 001-04

LEGAT ROME 001-04

FROM LEGAT PARIS (88-256) 2P

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(1, 6)
DATE 09-03-2008

LEROY ELDRIDGE CLEAVER, EM - BPP

b1

REC-69 100-447251-1139

20 JAN 10 1973

END OF PAGE ONE

SECRET

See 54 10/19/83
ERS

SECRET

PAR 88-256 PAGE TWO

b1

BUREAU MAY WISH TO ALERT SOURCES.

END

LXS JB

SECRET

CC MR. TRAINOR
ROOM 712-A S&D

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(1, 6)
DATE 09-23-2008

SECRET

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

SAC, San Francisco (157-4324) 1/18/73

Acting Director, FBI (100-447251) **PERSONAL ATTENTION**

LEROY ELDRIDGE CLEAVER
EXTREMIST MATTERS - BLACK PANTHER PARTY
FUGITIVE

1 [redacted] b6
1 [redacted] b7C

The following information classified "~~Top Secret~~" was received from a most sensitive source during 1/73. It must not be included in any communication prepared for dissemination. It is to be used for lead purposes only and the fact that the Bureau is in possession of such data must not be revealed to outside agencies or individuals.

(S) [redacted] b1

San Francisco advise the Bureau whether [redacted] **is significant with respect to the Eldridge Cleaver situation.** b7D

REC-67 100-447251-1140

1 - Los Angeles (157-2323) (Personal Attention)
1 - New York (100-161321) (Personal Attention)

JAN 17 1973

ERS:fb
(7)

EX-101

SEE NOTE PAGE TWO

MAILED 5
JAN 17 1973
FBI

GCM

SECRET

Felt
Baker
Callahan
Cleveland
Conrad
Calbey
Gebhardt
Jenkins
Marshall
Miller, E.S.
Jarvis
Moyers
Walters
Sole, Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

MAIL ROOM ☑ TELETYPE UNIT ☐

Letter to SAC, San Francisco
RE: LEROY ELDRIDGE CLEAVER
100-447251

NOTE:

Fugitive Eldridge Cleaver has expressed a desire to return to the United States if he can be released on parole pending trial for charges growing out of the 4/68 shoot-out between the Black Panther Party and Oakland, California, police. [redacted]

(S)

b1

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DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(1)
DATE 09-18-2006

SECRET

1 - [redacted]

1 - [redacted]

b6
b7C

CODE CABLEGRAM URGENT

TO LEGAT, COPENHAGEN

1/16/73

FROM ACTING DIRECTOR, FBI (100-44725)

LEROY ELDRIDGE CLEAVER; EXTREMIST MATTERS - BLACK PANTHER PARTY;

FUGITIVE

CONFIDENTIAL SOURCE WHO HAS FURNISHED RELIABLE INFORMATION IN PAST RECENTLY LEARNED ELDRIDGE CLEAVER HAS REPORTEDLY TAKEN UP RESIDENCE AT UNSPECIFIC LOCATION IN SWEDEN AND THAT CLEAVER IS NOT PLANNING TO RETURN TO UNITED STATES IN NEAR FUTURE. METHOD OF TRAVEL BY CLEAVER FROM ALGERIA AND DOCUMENTATION USED BY HIM NOT KNOWN BY SOURCE.

ADDITIONALLY, UNITED PRESS INTERNATIONAL RELEASE JANUARY ONE TWO, LAST, STATED SOURCES CLOSE TO CLEAVER IN ALGERIA WOULD NOT BE SURPRISED IF HE APPEARED IN STOCKHOLM.

(S)

ABOVE DATE FURNISHED FOR YOUR INFORMATION. [redacted]

[redacted] (S)

1 - Foreign Liaison Unit (Route through for Review)

REC-40 100-44725-1141

ERS:jas
(5)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

19 JAN 17 1973

EX-105

[redacted] b1

NOTE:

[redacted]

[redacted] (S)

SECRET

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION
JAN 16 1973
TELETYPE

Felt
Baker
Callahan
Cleveland
Conrad
Dalbey
Gebhardt
Jenkins
Marshall
Miller, E.S.
Purvis
Soyars
Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

MAIL ROOM ☐ TELETYPE UNIT ☐

GCM

ERS

SECRET

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JAN 16 1973

TELETYPE

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Dalbey
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Purvis
Mr. Soyars
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

FTB006 5:37AM 1-16-73 TJT

STATE 758

4:00 PM NITEL 1/15/73 EC

TO ACTING DIRECTOR (100-447251) NR018-15

FROM LEGAT PARIS (88-256) 1P

LEROY ELDRIDGE CLEAVER, EM - BPP.

b6
b7C

(S) REPARCAB JANUARY FOUR LAST.

[redacted] ADVISE NO ADDITIONAL INFORMATION RECEIVED TO DATE REGARDING CLEAVER'S DEPARTURE FROM ALGIERS AND NO INDICATION HE HAS VISITED OR TRANSITED PARIS.

b1

THEY HAVE BEEN REQUESTED TO CONTINUE TO BE ALERT FOR ADDITIONAL INFORMATION.

WE WILL CONTINUE TO FOLLOW CLOSELY AND ADVISE.

END

ST-110

100-447251-1142

REC-21

JAN 17 1973

b6
b7C

TMT JB

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(1, 6)
DATE 09-26-2008

cc Mr. Boynton
Rm. 7008 9&D

JAN 24 1973

cc MR. TRAINOR
ROOM 712-A 9&D

SECRET

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JAN 17 1973

TELETYPE

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Dalbey
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller
Mr. Purvis
Mr. Soyars
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herron
Mrs. Neenan

DJ

FTB013 9:23AM 1-17-73 DEB

STATE 857

3:00PM 1/17/73 URGENT IMS

TO ACTING DIRECTOR (100-447251) NR 09-17

LEGAT COPENHAGEN (88-23) 1P

LEROY ELDRIDGE CLEAVER. EXTREMIST MATTERS - BLACK PANTHER PARTY.

FUGITIVE.

REBUREAU CAB JANUARY SIXTEEN LAST.

PLEASE AIR MAIL TWELVE COPIES OF SUBJECT'S IDENTIFICATION ORDER OR WANTED FLYER.

END

MBT JB

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-26-2006 BY 60322/UCLRE/SC/EHL

b6
b7C

ST-110

REC-36 100-447251-1143

4 JAN 22 1973

Ltr to Legat Cop. 1/19/73 EBS:

cc-

3rd Rec. Mr. Boynton

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

UNITED STATES GOVERNMENT

Memorandum

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-23-2008 BY 60322/UCLRF/PJ/EHL

TO : ACTING DIRECTOR, FBI (100-447251) DATE: 1/19/73

FROM : SAC, SAN FRANCISCO (157-4324)

SUBJECT: LEROY ELDRIDGE CLEAVER -
FUGITIVE
I.O. # 4239; W.F. # 447
EM - BPP; UFAC - ASSAULT WITH
INTENT TO COMMIT MURDER
OO: San Francisco

Re San Francisco letter and LHM dated 11/9/72, pointing out that CLEAVER, in June, 1972, was in touch with an associate in the United States indicating an urgent need for funds and in this connection mentioned one [redacted] who previously resided at the residence of [redacted] San Francisco. Calif.

b6
b7C

The LHM further pointed out that in May, 1972, [redacted] of the Cleaver Faction of the Black Panther Party (BPP), instructed an individual that he could get in touch with the Revolutionary People's Communication Network by addressing a letter to [redacted] San Francisco, California, with [redacted] written on the outside.

San Francisco LHM pointed out that [redacted] was [redacted] Further investigation reflects that [redacted] resides at [redacted] San Francisco, instead of [redacted] No information has been developed concerning any extremist activity on his part.

There is a possibility that CLEAVER and his followers, through the cooperation of [redacted], is merely using this name and address as a mail drop.

REC-63 100-447251-1144

Inasmuch as CLEAVER reportedly has departed Algeria and his present whereabouts are not known it is suggested that Bureau may wish to contact Postal authorities at Washington, D. C. to request a cover on mail directed to [redacted] San Francisco.

2 - Bureau (RM)
2 - San Francisco
(1 - 88-12329)
LSB/sad (S-6)
(4)

54 FEB 1 1973

F223

22 JAN 22 1973

FUGITIVE
EXT. INTERSEC.

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

5010-108

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-23-2008 BY 60322/UCLRP/PTLEHI

Legat, Copenhagen (88-23) 1/19/73

Acting Director, FBI (100-447251)

1 - [redacted] b6
1 - [redacted] b7C

LEROY ELDRIDGE CLEAVER
EXTREMIST MATTERS - BLACK PANTHER PARTY
FUGITIVE

Reurcab 1/17/73.

Enclosed are 12 copies of Identification Order number 4239 and 12 copies of Wanted Flyer number 447 pertaining to captioned subject.

Enclosures - 24

1 - Foreign Liaison Unit (Route through for review)

ERS:fb
(6)

NOTE:

We have received reports that subject may be in Sweden and have so notified Legat, Copenhagen. Referenced cablegram requested 12 copies of subject's Identification Order or Wanted Flyer. We are sending both.

ST-113

REC-88 100-447251-1145

MAILED 8
JAN 30 1973
FBI

JAN 22 1973

Felt
Baker
Callahan
Cleveland
Conrad
Calbey
Gebhardt
Jenkins
Marshall
Miller, E.S.
Mirvis
Myers
Walters
Sole, Room
Kinley
Armstrong
Herwig
Neenan

59 JAN 29 1973

MAIL ROOM ☑ TELETYPE UNIT ☐

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(1)
DATE 09-08-2006

SECRET

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HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

1 - [redacted]
1 - [redacted]

b6
b7C

CODE

TELETYPE

URGENT

(S) [redacted]

1/16/73

b1

FROM ACTING DIRECTOR, FBI (100-447251)

LEROY ELDRIDGE CLEAVER; EXTREMIST MATTERS - BLACK PANTHER PARTY;

FUGITIVE

Unclas/COG

CONFIDENTIAL SOURCE WHO HAS FURNISHED RELIABLE INFORMATION IN PAST RECENTLY LEARNED ELDRIDGE CLEAVER HAS REPORTEDLY TAKEN UP RESIDENCE AT UNSPECIFIED LOCATION IN SWEDEN AND THAT CLEAVER IS NOT PLANNING TO RETURN TO UNITED STATES IN NEAR FUTURE. METHOD OF TRAVEL BY CLEAVER FROM ALGERIA AND DOCUMENTATION USED BY HIM NOT KNOWN BY SOURCE.

ADDITIONALLY, UNITED PRESS INTERNATIONAL RELEASE JANUARY 12, 1973, STATED SOURCES CLOSE TO CLEAVER IN ALGERIA WOULD NOT BE SURPRISED IF HE APPEARED IN STOCKHOLM.

(S) [redacted]

b1

[redacted]

(S)

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JAN 16 1973

TELETYPE

ERS:jas
(4)

NOTE:

REC-45 100-447251-1149

We have had conflicting reports concerning subject's departure from Algeria where he headed the Black Panther Party International Section. The confidential source referred to herein obtained the information from the Cleaver Faction activist in Los Angeles, California. Legat, Copenhagen, being advised separately.

Felt
Baker
Callahan
Cleveland
Conrad
Dalbey
Gebhardt
Jenkins
Marshall
Miller, E.S.
Purvis
Soyars
Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

SECRET

57 JAN 29 1973

MAIL ROOM TELETYPE UNIT

JAN 22 1973

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X1, 6
DATE 09-23-2008

SECRET

Domestic Intelligence Division

INFORMATIVE NOTE

Date 1/15/73

(S) [redacted]

(S) [redacted] Attached from one of our sources in Los Angeles, California, indicates Cleaver may have taken up residence in Sweden. We are checking this out.

Letter written by Cleaver 11/72, furnished the source by a Black Panther Party-Cleaver Faction activist in Los Angeles, indicates Afro-American liberation movement is currently "regrouping, organizing, laying in supplies and girding itself for waging war." Cleaver, in his letter, also predicted general chaos to break out in the United States when the Vietnam War ends particularly in view of the thousands of angry young men returning from the war.

Copies of attached being furnished Internal Security Division of the Department and pertinent data being included in our summary to The White House, Vice President, Attorney General, Deputy Attorney General, Secret Service and Defense Intelligence Agency.

ERS:fb

SECRET

b1

DECLASSIFIED BY 60322/UCLRE/PG/ERL
ON 09-23-2009

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JAN 14 1973

~~CONFIDENTIAL~~

TELETYPE

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Kinley
Mr. Gebhardt
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Mintz
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

RONR Ø1 LA CODE

739 PM 1-14-73 NITEL JDH

TO ACTING DIRECTOR (100-447251)

NEW YORK (100-161-321)

SAN FRANCISCO (157-4324)

FROM LOS ANGELES (157-2323) 3P

~~ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE.~~

BEF

LEROY ELDRIGDE CLEAVER; EXTREMIST MATTER- BLACK PANTHER PARTY; FUGITIVE

RE BUAIRTEL DATED 1/9/73.

~~Classified by SP2 [illegible]~~
~~Declassify on: OADR~~

SOURCE, WHO HAS PROVIDE RELIABLE INFORMATION IN PAST, ADVISED [redacted] LOS ANGELES, INDICATED INSTANT THAT ELDRIDGE CLEAVER EXITED ALGERIA RECENTLY AND TOOK UP RESIDENCE AT UNSPECIFIED LOCATION IN SWEDEN. [redacted] INDICATED CLEAVER NOT PLANNING RETURN TO UNITED STATES IN NEAR FUTURE. METHOD OF TRAVEL AND DOCUMENTATION USED BY CLEAVER NOT DISCUSSED BY [redacted] (U)

b6
b7C

REC-84 100-447251-1148

JAN 24 1973

[redacted] ALSO FURNISHED LENGTHY LETTER RECEIVED FROM CLEAVER DATED NOVEMBER 1972, REPORTED BY [redacted] TO BE NEW DIRECTION OF AFRO AMERICAN LIBERATION MOVEMENT. LETTER DISCUSSED AT LENGTH DEVELOPMENTS LEADING TO EMERGENCE OF [redacted] (U)

END PAGE ONE

2cc's R/S ISD; Adm. deleted
JCG 914 DB
ERS/JSG 1/29/73

58 JAN 29 1973

EXT. INTERED.

~~CONFIDENTIAL~~

CONFIDENTIAL

OF AFRO AMERICAN LIBERATION MOVEMENT, ITS GROWING PAINS AND EFFORTS BY UNITED STATES GOVERNMENT TO SABOTAGE MOVEMENT. CLEAVER INDICATES MOVEMENT IS CURRENTLY "REGROUPING, ORGANIZING, LAYING IN SUPPLIES, AND GRIDING ITSELF FOR WAGING WAR". CLEAVER PREDICTS GENERAL CHAOS TO BREAK OUT IN UNITED STATES AT END OF WAR IN VIET NAM, PARTICULARLY IN VIEW OF THOUSANDS OF ANGRY YOUNG MEN RETURNING FROM WAR. (C) (U)

CLEAVER CONCLUDES STATING THAT PRESIDENT NIXON MAY HAVE BEGUILED AMERICAN PEOPLE TO RETURN HIM TO OFFICE WITH MANDATE, BUT NOTED REVOLUTIONARIES DON'T VOTE, "EXCEPT WITH GUNS AND BOMBS". AND ACCORDINGLY, PRESIDENT NIXON, ALONG WITH THE AFRO AMERICAN BOURGESOISE, IS GOING TO RECEIVE A MAJORITY OF THE VOTES OF THE AMERICAN REVOLUTIONARIES. (C) (U)

LETTER ALSO REFERS TO [redacted] OF CONGRESS OF RACIAL EQUALITY, AS [redacted] AND [redacted] AS "ONE OF THE MOST TREACHEROUS SPOKESMEN FOR THE AFRO AMERICAN BOURGESOISE". (C) (U)

b6
b7C

ADMINISTRATIVE

SOURCE UTILIZED IS [redacted] (C) (U)

b2
b7D

COPY OF CLEAVER LETTER SECURED AND FORTHCOMING (C) (U)

IN LHM FORM

END PAGE TWO

CONFIDENTIAL

LA 157-2323

~~CONFIDENTIAL~~

PAGE THREE

SOURCE REMAINING ALERT TO FURTHER INFORMATION RE TRAVEL OF ELDRIDGE CLEAVER. ~~(C)~~ (U)

BUREAU REQUESTED TO FURNISH COPY OF INSTANT TELETYPE TO BUREAU FILE 157-22627.

DISSEMINATION OF INFO RE CLEAVER LETTER SHOULD BE DISCREET AS EXTENT OF DISTRIBUTION OF SAME NOT KNOWN. ~~(C)~~ (U)

END

WGM FBI HQ CLR FOR UR ONE

6

B-CC

~~CONFIDENTIAL~~

b6
b7C

MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-23-2008 BY 60322/UCLRP/PJ/EEL

TO : ACTING DIRECTOR, FBI (100-447251) DATE: 1/22/73

FROM : SAC, SAN FRANCISCO (157-4324)

SUBJECT: LEROY ELDRIDGE CLEAVER -
FUGITIVE
EM - BPP

ReBulet dated 1/18/73, a copy of which is enclosed for Sacramento.

On 1/19/73, CURTIS LYNUM, Vice-Chairman of California Adult Authority and former SAC of this office was interviewed at San Mateo, California. He advised as follows:

In July, 1972, the U.S. Supreme Court in the MORRISEY case set up new standards for State Boards revocating paroles of those individuals who had not been convicted since their release. The court ruled that a state parolee had the right to introduce witnesses on his behalf. LYNUM was of the opinion that the new standard was not retroactive and hence would have no bearing on the revocation of CLEAVER's parole.

The decision of the California Supreme Court on 12/14/72, extended the MORRISEY standard to probation and disciplinary cases.

LYNUM pointed out that the best legal authority on these matters is NELSON KEMSKY, an Assistant Attorney General of California in Sacramento, California. He suggested that KEMSKY be contacted.

100-447251-1149

LEAD:

SACRAMENTO

AT SACRAMENTO, CALIFORNIA. Sacramento is requested to contact Assistant Attorney General NELSON KEMSKY to determine if either the MORRISEY or the California decision of 12/14/72 is significant to the ELDRIDGE CLEAVER situation.

ST-115 REC-63

JAN 24 1973

FUG-SUP.

1 cc for T's 1/30/73

2 - Bureau (RM)
1 - Los Angeles (157-2323) (Personal Attention) (RM)
1 - New York (100-161321) (Personal Attention) (RM)
2 - Sacramento (Enc. 1) (Personal Attention) (RM)
1 - San Francisco
LSB/sad (S-6)
(7)

914

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

FD-65 (Rev. 9-27-72)
OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

INSTRUCTIONS - Reverse side

Memorandum

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-23-2008 BY 60322/UCLRB/EJG/EHL

TO : Director, FBI (100-447251)

Att: Special Investigative Division

DATE: 1/23/73

FROM : SAC, SAN FRANCISCO (157-4324)

SUBJECT: LEROY ELDRIDGE CLEAVER, aka -
FUGITIVE, I.O. # 239, W.F. # 447,
EM - BPP; UFAC - ASSAULT WITH INTENT
TO MURDER, RAPE AND WITH A DEADLY
WEAPON (KE)

- [ ] Initial Submission
- [x] Supplements FD-65 dated 12/10/68
- [ ] Photograph not needed

Indicate following:

- [x] Extremist (Black)
- [ ] Extremist (White)
- [ ] Rev. Act.
- [ ] Other Security background
- [ ] None of these

Caution MKE	Name NAM	Sex SEX	Race RAC
[X] ARMED AND DANGEROUS	LEROY ELDRIDGE CLEAVER	M	N

Birthplace NAT	Birth Date DOB	Height HGT	Weight WGT	Hair HAI
Little Rock, Arkansas	8/31/35	6'2"	185	Black

FBI No. FBI	Eyes	Visible Scars, Marks, Tattoos, etc. VSM
214 830 B	Brown	

NCIC Fingerprint Classification FPC	Other Identifying Number MNU	Social Security # SOC
221518MM19111518116	CII 715185	

Operator's License Number OLN	Operator's License State OLS	Year Expire OLY

Offense Charged OFF UFAC - Parole Violator (Assault with Intent to Commit Murder, Rape and Assault With Deadly Weapon).

U. S. Code, Title and Section 18 USC 1073

Warrant Issued By U.S. Commissioner, San Francisco on 12/10/68 DOW

F. O. File # OCA

Date PBV or Bond Default Case Referred to Office

Miscellaneous Including Bond Recommended MIS

San Francisco deleted "Threat Against President" from offense charged 1/23/73. Bond recommended $100,000.00.

Fingerprint Classification (Henry System)

24 L 13 U OOM 19
I 2 U OOI 15

LICENSE PLATE AND VEHICLE INFORMATION

License Plate Number LIC	State LIS	Year Expires LIY	License Plate Type LIT
		REC-24	100-447251-1150

Vehicle Identification # VIN	Year VYR	Make VMA	Model VMO	Style VST	Color VCO
		ST-112			

Aliases	Additional Identifiers
Eldridge Cleaver	MCT-41 JAN 26 1973

NCIC # W010938395 NIC

FUG. SUP.

2 - Bureau (1 - NCIC)
2 - San Francisco
(1 - 88-123295)
LSB/sad (S-6) (4)

1973

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(1, 8)
DATE 09-28-2006

SECRET

1 - [redacted]

CODE CABLEGRAM URGENT

1 - [redacted]

TO LEGAT COPENHAGEN 1/23/73

b6
b7C

FROM ACTING DIRECTOR FBI (100-447251)

LEROY ELDRIDGE CLEAVER; EXTREMIST MATTERS - BLACK PANTHER PARTY; FUGITIVE

REMYCAB JANUARY ONE SIX, ONE NINE SEVEN THREE.

CONFIDENTIAL SOURCE WHO HAS FURNISHED RELIABLE INFORMATION IN PAST RECENTLY ADVISED THAT [redacted] CURRENTLY IN SWEDEN AND NOT SUBJECT AS PREVIOUSLY REPORTED. PURPOSE OF HER TRAVEL UNKNOWN.

SOURCE REPORTED THAT ELDRIDGE CLEAVER TRAVELED TO LIBYA TO SECURE NEW OPERATING HEADQUARTERS FOR REVOLUTIONARY PEOPLES COMMUNICATION NETWORK AND ALSO NEGOTIATE WITH LIBYAN GOVERNMENT FOR ARMS AND FINANCES TO CARRY ON STRUGGLE IN UNITED STATES. CLEAVER ATTEMPTING ESTABLISH STRONGER ALLIANCE WITH ARAB TERRORISTS GROUPS WITH "BLACK SEPTEMBER" GROUP SPECIFICALLY MENTIONED. A SECOND SOURCE WHO HAS PROVIDED RELIABLE INFORMATION IN PAST, ALSO ADVISED THAT CLEAVER, TRAVELED TO LIBYA TO ESTABLISH NEW HEADQUARTERS FOR HIS ORGANIZATION.

1 - Foreign Liaison Unit (Route through for review)

RHR:ems
(5)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

SEE NOTE PAGE TWO

FEDERAL BUREAU OF INVESTIGATION
MAIL ROOM SECTION

Felt
Baker
Callahan
Cleveland
Conrad
Dalbey
Gebhardt
Jenkins
Marshall
Miller, E.S.
Purvis
Soyars
Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

REC 43
ST-103
SECRET
100-447251-115
23 JAN 26 1973
54 JAN 30 1973
MAIL ROOM TELETYPE UNIT

CABLE TO COPENHAGEN
RE: LEROY ELDRIDGE CLEAVER
100-447251

ABOVE FURNISHED FOR YOUR INFORMATION.

(S)

b1

END

NOTE: (S)

SECRET

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X1, 6
DATE 08-23-2008

airtel

1 - Foreign Liaison
1 - [redacted]
1 - [redacted]
1 - [redacted]

b6
b7C

1/9/73
(Attn. [redacted])

SECRET

To: SAC, Albany
LEGATS, Bern
Bonn
Copenhagen
London
Madrid
Mexico City
Ottawa
Paris

From: Acting Director, FBI

LEROY ELDRIDGE CLEAVER, aka -
FUGITIVE
I.O. # 4239
W.F. # 447
RM - BPP
UFAC - ASSAULT WITH INTENT TO
COMMIT MURDER; THREAT AGAINST
THE PRESIDENT OF THE UNITED STATES
OO: San Francisco

~~ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE~~

CA 75-6203
~~Classified by 50-AIPOLRBG~~
~~Declassify on: OADR~~
1/9/84

ReBuairtels to SAC, Albany and all other offices 1/13/70 and 2/4/72, captioned as above with reference to coverage of all ports of entry, border crossing points, and international nonstop air flight terminals where applicable concerning Cleaver's possible return to the United States.

(S) [redacted]

b1

100-447251-1152

(S) [redacted]

2 - All Other Offices

SEE NOTE PAGE 2

JJR:cpt
(16)

MAILED 8
JAN 10 1973
FBI

JAN 18 1973

b6
b7C

Felt
Baker
Callahan
Cleveland
Conrad
Dalbey
Gebhardt
Jenkins
Marshall
Miller, E.S.
Mervis
Mohr
Ryers
Tolson
Room
Tavel
Winstrong
Wolfe
Bowman

SECRET

MAIL ROOM ☐ TELETYPE UNIT ☐

Airtel to Albany
Re: Leroy Eldridge Cleaver

SECRET

(S)

All offices and indicated Legal Attaches insure appropriate sources, and where applicable U. S. Customs Agents, are alert to Cleaver's possible return. (C)

(U) ARMED AND DANGEROUS

b1

(S) NOTE:

SECRET

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-23-2008 BY 60322/UCLRP/SG/EHL

Airtel

1/26/73

To: SAC, San Francisco (157-4324) (88-12329)

From: Acting Director, FBI (100-447251)

1 - [redacted]
1 - [redacted]
1 - [redacted]

LEROY ELDRIDGE CLEAVER -
FUGITIVE
I.O. #4239; W.F. #447
EM - BPP; UFAC - ASSAULT WITH
INTENT TO COMMIT MURDER
OO: San Francisco

Re San Francisco airtel to Bureau 1/19/73.

Prior to consideration of a mail cover on mail directed to [redacted] San Francisco should determine the following information:

b6
b7C

1) Current address and employment of [redacted] [redacted] it being noted that information reported in San Francisco letterhead memorandum dated 11/9/72, indicated he was [redacted] and further, that investigation indicates [redacted] resides at [redacted] San Francisco, instead of [redacted]

2) Did [redacted] reside at [redacted] and if so, for what period of time?

3) Who is the current occupant of [redacted] San Francisco?

4) Utilizing suitable pretext, determine whether any mail has been directed to [redacted] in the last several months.

REC-86 100-447251-1153

MAILED 5
JAN 26 1973
FBI

22 JAN 29 1973

ENB:sc
(7)

SEE NOTE PAGE 2.

Felt
Baker
Callahan
Cleveland
Conrad
Dalbey
Gebhardt
Jenkins
Marshall
Miller, E.S.
Purvis
Soyars
Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

58 FEB 2 1973

MAIL ROOM ☐ TELETYPE UNIT ☐

b6
b7C

Airtel to San Francisco
Re: Leroy Eldridge Cleaver

5) Desirability of placing cover on [redacted] current address as opposed to [redacted]

ARMED AND DANGEROUS.

NOTE: San Francisco has suggested mail cover on one [redacted] San Francisco, whose name and address were furnished in May, 1972, by [redacted] of the Cleaver Faction of the BPP, as one to direct mail to in order to get in touch with the Revolutionary People's Communication Network. San Francisco has advised [redacted] actually resides at [redacted] San Francisco, and is allegedly [redacted] Prior to consideration of a mail cover, San Francisco is being instructed to establish current address and employment concerning [redacted] whether he ever resided at [redacted] current occupant of this address; whether any mail has been directed to him at [redacted] in the last several months; and desirability of placing cover on address currently established for [redacted]

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 35X(1)
DATE 10-14-2006

SECRET

CODE TELETYPE (S) URGENT

[redacted] 1 - [redacted] 1/23/73

b1
b6
b7C

FROM ACTING DIRECTOR FBI (100-447251)

UNCLASSIFIED

1 - [redacted]

LEROY ELDRIDGE CLEAVER; EXTREMIST MATTERS - BLACK PANTHER PARTY;

FUGITIVE

REFERENCE MY TELETYPE JANUARY 16, 1973.

CONFIDENTIAL SOURCE WHO HAS FURNISHED RELIABLE INFORMATION IN PAST RECENTLY ADVISED THAT [redacted] CURRENTLY IN SWEDEN AND NOT SUBJECT AS PREVIOUSLY REPORTED. PURPOSE OF HER TRAVEL UNKNOWN.

SOURCE ADVISED ELDRIDGE CLEAVER REPORTEDLY TRAVELED TO LIBYA TO SECURE A NEW OPERATING HEADQUARTERS FOR REVOLUTIONARY PEOPLES COMMUNICATION NETWORK AND ALSO NEGOTIATION WITH LIBYAN GOVERNMENT FOR ARMS AND FINANCES TO CARRY ON STRUGGLE IN UNITED STATES. CLEAVER ATTEMPTING ESTABLISH STRONGER ALLIANCE WITH ARAB TERRORISTS GROUPS WITH "BLACK SEPTEMBER" GROUP SPECIFICALLY MENTIONED.

A SECOND SOURCE WHO HAS PROVIDED RELIABLE INFORMATION IN PAST, ALSO ADVISED THAT CLEAVER TRAVELED TO LIBYA TO ESTABLISH NEW HEADQUARTERS FOR HIS ORGANIZATION.

REC-49 100-447251-1155

b6
b7C

UNRECORDED COPY FILED IN CASE FILE

RHR:ems
(4)

SI-106

5 JAN 29 1973
SEE NOTE PAGE 2

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

SECRET

XEROX
FEB 1 1973
55 FEB 2 1973

MAILROOM ☐ TELETYPE UNIT ☑

Felt
Baker
Callahan
Cleveland
Conrad
Calhoun
Gebhardt
Jenkins
Marshall
Miller, E.S.
Mohr
Soyars
Walters
Tele. Room
Kinley
Armstrong
Herwig
Neenan

(S)

TELETYPE TO [redacted]
RE: LEROY ELDRIDGE CLEAVER
100-447251

b1

(S) [redacted]

NOTE:

We previously received report that Cleaver traveled to Sweden. The same confidential source now reports that [redacted] traveled to Sweden while subject went to Libya from Algeria. This information received from Cleaver Faction activists in Los Angeles. The second confidential source independently reported Cleaver's move to Libya obtained from [redacted] sympathetic to Cleaver Faction. Legat, Copenhagen, being advised separately.

b6
b7C

FD-113a (9-29-65)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-24-2008 BY 60322/UCLRP/PG/EHL

Domestic Intelligence Division

INFORMATIVE NOTE

Date 1/23/73

You have been advised in the past of activities of Eldridge Cleaver, fugitive and leader of the Cleaver faction of the Black Panther Party (BPP-CF), who until recently was residing in Algeria. Attached reports information from an informant of our Los Angeles Office that [redacted] is currently in Sweden; Eldridge Cleaver is residing in Libya in order to secure new operating headquarters and to negotiate with Libyan government for arms and finances to carry on the "struggle" in the United States. Also, Cleaver is moving toward making stronger allies of Arab terrorist groups, with the "Black September" group specifically mentioned. Another Los Angeles informant furnished information substantiating Cleaver's presence and activity in Libya.

b6
b7C

Copy of attached sent to Internal Security Division of the Department. Pertinent parts being included in summary to White House, Vice President, Attorney General, Deputy Attorney General, Secret Service, State Deparment and [redacted]

b2

HEM:owc

EM/HEM

GCM/ICD

WGL

1-23
10:14A

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JAN 23 1973

TELETYPE

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Dalbey
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Purvis
Mr. Soyars
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

NR 030 LA CODE

945 PM NITEL 1-22-73 MAH

TO ACTING DIRECTOR (100-447251)

NEW YORK (100-161321)

SAN FRANCISCO (157-4324)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-24-2008 BY 60322/UCLRF/PJ/EHL

FROM LOS ANGELES (157-2323) 2P

LEROY ELDRIDGE CLEAVER, EXTREMIST MATTER - ~~BPP~~ BLACK PANTHER PARTY - FUGITIVE.

[redacted]

~~RE~~ REFERENCE LOS ANGELES TELETYPE TO THE ACTING DIRECTOR, FBI, ~~ET AL~~ AND FIELD OFFICES, DATED 1-14-73.

SOURCE ONE, WHO HAS PROVIDED RELIABLE INFORMATION IN THE PAST, ADVISED 1-22-73 THAT CONVERSATION WITH [redacted] LOS ANGELES, OVER WEEKEND, REVEALED ELDRIDGE CLEAVER CURRENTLY RESIDING ~~LYBIA~~ LIBYA, NOT SWEDEN AS PREVIOUSLY REPORTED. [redacted] INDICATED [redacted] CURRENTLY IN SWEDEN.

b6
b7C

[redacted]

ACCORDING TO [redacted] CLEAVER IN ~~LYBIA~~ LIBYA TO SECURE NEW OPERATING HEADQUARTERS FOR REVOLUTIONARY PEOPLE'S COMMUNICATION NETWORK (RPCN) AND ALSO TO NEGOTIATE WITH ~~LYBIAN~~ LIBYAN GOVERNMENT FOR ARMS AND FINANCES TO CARRY ON "STRUGGLE" IN

ST-100 REC-3 100-447251-1156

17 FEB 1 1973

END PAGE ONE

[redacted]

5

1 XEROX
JAN 15 1973

2 cc. ISD
Adm. data deleted

UNITED STATES. [redacted] INDICATED CLEAVER MOVING TOWARD MAKING STRONGER ALLIES OF ARAB TERRORIST GROUPS WITH "BLACK SEPTEMBER" GROUP BEING MENTIONED.

b6
b7C

A SECOND SOURCE WHO HAS FURNISHED RELIABLE INFORMATION IN THE PAST ADVISED 1-22-73 THAT ACCORDING TO [redacted] ELDRIDGE CLEAVER CURRENTLY RESIDING ~~IN LYBIA~~ LIBYA, HAVING EXITED ALGERIA. SOURCE INDICATED CLEAVER IN ~~LYBIA~~ LIBYA TO SET UP NEW RPCN HEADQUARTERS.

ADMINISTRATIVE:

SOURCE ONE IS [redacted]

SOURCE TWO IS [redacted]

b2
b7D

BOTH SOURCES REMAINING ALERT FOR FURTHER INFORMATION REGARDING CLEAVER TRAVEL.

END

REC 5 FBI WA RDR

CC: MR. CLEVELAND

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

UNITED STATES GOVERNMENT

Memorandum

TO : ACTING DIRECTOR, FBI (100-447251) DATE: 1/30/73

FROM : SAC, NEW YORK (100-161321) (P)

SUBJECT: LEROY ELDRIDGE CLEAVER aka -
FUGITIVE
I.O. #4239
N.F. #447
EM-BPP
UFAC-ASSAULT WITH INTENT TO
COMMIT MURDER; THREAT AGAINST
THE PRESIDENT OF THE UNITED STATES
(OO: SF)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-24-2008 BY 60322/UCLRB/EG/EHL

b6
b7C

ReBuairtel to NY dated 1/9/73.

On 1/22/73, SA [redacted] contacted JOHN W. FALLON, JR., SAC, Customs Agency Service, US Customs, 201 Varick Street, New York, NY, and placed a stop with US Customs for the captioned subject.

NYO sources have been alerted of subject's possible return to US, but they have no information. They will remain alert.

Investigation at New York continuing.

2 - Bureau (RM)
2 - San Francisco (157-4324) (INFO) (RM)
1 - New York

100-447251-1157

TFR:ccr
(5)

REC-67

21 FEB 1 1973

EX-105

ELEC. SUP.
EXT. DIV. SEC.

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan
5010-108

5-113a (9-29-65)

SECRET

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DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(1, 6)
DATE 09-24-2008

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Domestic Intelligence Division

INFORMATIVE NOTE

Date 1/29/73

During the past month we have received conflicting reports that Eldridge Cleaver, fugitive leader of the Black Panther Party (BPP) International Section, Algiers, Algeria, had traveled to Sweden and traveled to Libya.

(S)

b1

We are furnishing information in attached to Internal Security Division of the Department and to interested field offices.

RHR:was

EM/GCM

CCM/JCV

WGL

DAR

EAS

DAK

1-29

4:52 P

SECRET

9-10 (Rev. 1-28-71)

MEMORANDUM FOR IDENTIFICATION DIVISION

Bufile 100-447251	Name of Subject Leroy Ethridge Cleaver		Date 1-29-73 Fugitive Index # 73257
FBI # 214 830	Serial #	Other Identifying # CII # 71578	Subject Located

Prosecution dismissed

Reason and/or by whom:

City

Date

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-24-2008 BY 60322/UCLRP/PJ/EHL

Action to be taken

Cancel fugitive stops for Index

☐ Gen'l Fug

☐ SS

☐ Deserter

Add additional aliases

I. O. #

Date of Fug Card 12-12-68

Ident Memo Received ☑ Yes ☐ No

☐ Description

Add additional charges: Rape; Asslt. with ~~[illegible]~~ deadly weapon; Parole violator
Correct Bufile # (per call to Fug Unit on 2-28-73)
per SF FD-65 1-23-73

additional charges added + Bufile # corrected 3/6/73 # 3/14
100-447251

NOT RECORDED

21 MAR 13 1973

Remarks

7 0 MAR 14 1973

36 (Rev. 5-12-67)

FBI

Date: 1/15/73

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

Via AIRTEL AIR MAIL
(Priority)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 2-16-96 BY SP5BCE/aw 94-317

TO: ACTING DIRECTOR, FBI (100-447251)

FROM: SAC, LOS ANGELES (157-2323) (P)

SUBJECT: LEROY ELDRIDGE CLEAVER -
FUGITIVE
EM - BPP

Re Los Angeles teletype to the Bureau, et al dated 1/14/73, captioned as above, and Bureau airtel to Los Angeles, et al, dated 1/9/73.

Enclosed herewith for the Bureau are nine copies of a letterhead memorandum (LHM) regarding captioned individual with two copies of an FD-376 stapled thereto. Extra copies of this LHM are being furnished the Bureau for transmittal to Legat, Copenhagen, in view of inquiry to be made there.

One copy of this LHM is being furnished recipient offices for information purposes only.

Source utilized in the enclosed LHM is [redacted] [redacted]

b2
b7D

REC-87 100-447251-1160

6 - Bureau (Enc. 9) (RM)
(2 - 157-22627)
1 - Cleveland (Enc. 1) (Info) (RM)
1 - Detroit (Enc. 1) (INfo) (RM)
1 - Louisville (Enc. 1) (Info) (RM)
1 - Newark (Enc. 1) (INfo) (RM)
1 - New York (100-161321) (Enc. 1) (Info) (RM)
1 - Norfolk (Enc. 1) (Info) (RM)
1 - San Francisco (157-4324) (Enc. 1) (RM)
3 - Los Angeles
(1 - 157-6401)

21 JAN 18 1973

b2

BOC/nc
(14)

XEROX FEB 7 1973

b6
b7C

54 FEB 15 1973

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

GPO : 1970 O - 402-735

Enclosed LHM is classified ~~confidential~~ as unauthorized disclosure could reasonably be expected to damage national security by compromising source utilized, an informant who is furnishing valuable information on a continuing basis relative to the activities of the Cleaver Faction of the Black Panther Party.

Lead set forth to Legat to determine if Cleaver currently residing in Sweden.

FD-376 (Rev. 8-15-72)

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

LA 157-2323

~~CONFIDENTIAL~~

WASHINGTON, D.C. 20535

In Reply, Please Refer to
File No. BU 100-447251

January 15, 1973

Director
United States Secret Service
Department of the Treasury
Washington, D. C. 20220

RE: **LEROY ELDRIDGE CLEAVER**

Dear Sir:

The information furnished herewith concerns an individual or organization believed to be covered by the agreement between the FBI and Secret Service concerning protective responsibilities, and to fall within the category or categories checked.

1. ☐ Threats or actions against persons protected by Secret Service.
2. ☐ Attempts or threats to redress grievances.
3. ☐ Threatening or abusive statement about U. S. or foreign official.
4. ☐ Participation in civil disturbances, anti-U. S. demonstrations or hostile incidents against foreign diplomatic establishments.
5. ☐ Illegal bombing, bomb-making or other terrorist activity.
6. ☐ Defector from U. S. or indicates desire to defect.
7. ☒ Potentially dangerous because of background, emotional instability or activity in groups engaged in activities inimical to U. S.

Photograph ☒ has been furnished ☐ enclosed ☐ is not available.

Very truly yours,

L. Patrick Gray III

L. Patrick Gray, III
Acting Director

DECLASSIFIED BY SP5BCEW
ON 7-16-96
94-517

1 - Special Agent in Charge (Enclosure(s))
U. S. Secret Service **Los Angeles (RM)**

~~CONFIDENTIAL~~

Enclosure(s)

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Los Angeles, California
January 15, 1973

In Reply, Please Refer to File No.

[redacted]

LEROY ELDRIDGE CLEAVER
FUGITIVE
EXTREMIST MATTER
BLACK PANTHER PARTY

b6
b7C

A source who has furnished reliable information in the past advised on January 14, 1973, that [redacted] Cleaver Faction of the Black Panther Party (BPP) indicated Eldridge Cleaver, description set forth below, had recently exited Algeria, where he had been in exile, and taken up residence in Sweden.

The BPP is a black extremist organization started in Oakland, California, in December 1966. It advocates the use of guns and guerrilla tactics to bring about the overthrow of the United States Government.

The Cleaver Faction of the BPP of Los Angeles evolved following a February 1971, dispute between Huey Newton and Eldridge Cleaver, BPP leaders. Just prior to the dispute, [redacted] was expelled from the Party. According to a source, subsequent to [redacted] dismissal from the BPP, he realigned his loyalty behind the leadership of Eldridge Cleaver, and assumed [redacted] of the Los Angeles Cleaver Faction himself. The Cleaver Faction of the BPP in Los Angeles has no community centers or other public facilities like its BPP predecessor.

DECLASSIFIED BY SBS BCR/ow
ON 7-16-96
94-517

[redacted]

FEB 7 1973

100-[illegible] — 1160

CLASSIFIED BY WILLIAM J. NOLAN
EXEMPT FROM GENERAL DECLASSIFICATION
SCHEDULE OF EXECUTIVE ORDER 11652
EXEMPTION CATEGORY TWO
AUTOMATICALLY DECLASSIFIED ON INDEFINITE

ENCLOSURE

MRS LEROY ELDRIDGE CLEAVER

CONFIDENTIAL

Eldridge Cleaver is the former BPP Minister of Information and head of the international section of the BPP. Cleaver is currently a Federal fugitive and had been in exile in Algeria.

Cleaver is described as follows:

Sex	Male
Race	Negro
Date of Birth	August 31, 1935
Place of Birth	Little Rock, Arkansas
Height	6'2"
Weight	190 pounds
Hair	Black
Eyes	Brown
Characteristics	Mustache, beard, afro
FBI Number	214 830 B
Fingerprint Classification	24 L 13/2 U U OOM/OOI 19/15
Wife	[redacted]

[redacted] indicated that according to his information, Cleaver did not plan to return to the United States in the near future. [redacted] did not comment as to the method of travel utilized by Cleaver or the type of documentation used for his travel. b6 b7C

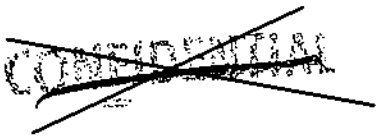
[redacted] made available a letter, reportedly from Eldridge Cleaver, dated November of 1972, which, according to [redacted] is a dissertation by Cleaver as to the new direction to be taken by the Afro-American Liberation Movement, a movement thoroughly explained in the letter.

A copy of that letter is attached to this memorandum.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

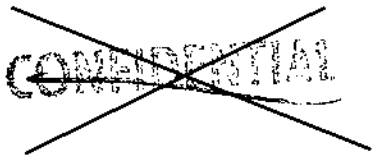
CONFIDENTIAL

LEROY ELDRIDGE CLEAVER



LEADS

It is requested that investigation be conducted to determine if Eldridge Cleaver is currently residing in Sweden.



ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-24-2008 BY 60322/UCLRP/PJ/EHI

At the present time, it can be said that the Afro-American Liberation Movement is suffering from success. As a result, we now stand at a cross roads, a decisive juncture in the history of our peoples' movement. We have come a long way since that fateful day, in 1956, when our people siezed the initiative and went on the offensive, by launching a boycott to protest the racist policy of segregation and discrimination practiced by the public transportation facilities in Montgomery, Alabama. The principle of non-cooperation with, and direct action against, racial segregation and discrimination came to full flower in the historic Montgomery Bus Boycott, but it gave rise to new ideas and tactics that caught on and swept like wildfire, first throughout the southern United States, where segregation was official and backed up by the guns and billy clubs of the law, and then throughout the United States as a whole, where, although not official, segregation and discrimination were still deeply imbedded practices and institutions. Through a combination of events, talent, and a leadership vacuum, Dr. Martin Luther King became the leader of this movement and articulated its rationale. This marked the beginning of the mass-based, militant, but non-violent phase of our movement.

Sixteen years of bitter, ever escalatin struggle, with progressive refinements in tactics, stand between us today and that decisive moment. We have registered profound victories in mass mobilization and in zeroing in on our targets. But because of certain failures of our movement, we have been unable to consolidate our forces on the basis of our victories, and we are now in danger of having these victories taken away from us by the neo-colonialist counter-offensive which the rulers of the Empire of Babylon have mounted against our movement.

Over the period of the past sixteen years, the powerful explosions of the Afro-American Liberation Struggle have shattered into smithereens the antiquated system of domestic colonialism, which was propped up on a national scale by its Separate But Equal pillars of Segregation and Discrimination in the South, forcing the rulers of Babylon to reorganize their system of oppression on a higher level, and to come up with a brand new set of tactics to achieve essentially the same goals. The oppressor has opted, vis a vis our people, for selective genocide against the revolutionary forces within our movement, and a system of neo-colonialist control to deal with the Afro-American people as a whole. To consolidate this new system of control, our people have been turned over to the Afro-American bourgeoisie, a privileged, educated, and affluent class of lackies that has historically cooperated with the rulers of Babylon in return for a few crumbs from the master's table. In the past, the master has dished out these crumbs by a miser's measure, enriching only a hand-picked few and elevating only a token number of the class to positions of prestige and nominal power, as a tactic to placate the black masses and spreading amongst them belief in success within the American system. The difference is that today, the Afro-American bourgeoisie as a whole has been hastily pulled into service by America's rulers, in a frantic effort to sabotage and squash the Afro-American Liberation Struggle.

Owing to certain unique features of the oppression of the Afro-American people, it has always been difficult for us to keep a clear picture of what is going on. Thus, the history of our struggle is replete with Dark Ages. Time and time again, because of deep changes in the American political scene as a whole -- the Civil War, the Emancipation, Segregation, World War I, the Great Depression, World War II, Integration, and now, Black Capitalism -- our movement has lost its perspective, if not gone blind. This ability of white America to constantly frustrate and sabotage our movement has its roots in the peculiar circumstances of our people having been separated from our ancestral homeland of Africa, transported to the North American continent, and colonized on the same land mass occupied by the population of the colonizing power, dispersed and scattered over a vast territory. Thus our people have been robbed of the source of the major dynamic feeding the national liberation struggle of other colonized peoples -- the powerful thirst to reclaim their ancestral homeland. However, this does not mean that the Afro-American people do not stand in need of liberation, it only means that our struggle is much more difficult and complex than that of other colonized peoples. At the same time,

our oppressor has been very skillful in taking advantage of our confusion as to our relationship to the land, by instilling in our people as a whole a grave doubt as to our rights within the United States of America. For this reason, our people were torn between the belief in returning to Africa or fighting for our rights inside the United States.

The struggle of our people to shatter the constraints systematically imposed upon us could never suceed without either eliminating the will of white America to constrain us, or creating a situation where constraint was no longer possible. As an oppressed people, we confronted the physical constraint of being systematically organized out of the mainstream of the economic, political, and social life of the country, blocked out of equal and normal access to the goods and services of both publically and privately held institutions which control the qualitative aspect of our lives. In short, we were imprisoned in a small compartment of the political, economic, and social structure, with insufficient channels open to us for total participation in the vital processes of our country.

This basic situation of categorical physical constraint was backed up and sanctified by a system of values, customs, traditions, and ideological beliefs that held us in a form of bondage to the perspectives and world view of white Americans. We were trapped in a psychological vise because we also shared with white Americans some of the basic components of this superstructure of belief. This was particularly true in our estimation of our selves as a people, and in our evaluation of our selves as individual members of an oppressed group. As far back as the turn of the century, we realized that nothing much was going to change until this collosal, racist superstructure of belief was demolished through scholarly refutation of existing beliefs, and equally scholarly formulation of new perspectives. Certainly, we must all recognize that that was what the career of Dr. W. E. B. DuBois was all about. DuBois personified, perhaps to its highest degree of development, a type and style of scholarly research and exposition that laid down the ideological framework for the attack upon this superstructure of belief that rationalized the system that was oppressing us. This ideological framework, laid down by DuBois and countless others who labored diligently and well in the same field, provided the general framework within which our struggle has developed on the ideological level.

It was through this great work that our struggle was rationalized and elevated from the realms of blind groping and undirected, goalless rebellion that was doomed from the outset by lack of vision and perspective. By the time 1956 rolled around, we were so well armed with an understanding and critique of the United States, both historically and in its present form, that we possessed a two-edged sword that cut brilliantly through all of the hypocritical arguments pushed forth in attempts to block us. So that when, with the Montgomery Bus Boycott, we shifted over to direct mass action, we were moving also against a thoroughly discredited system, and Martin Luther King was able to articulate our grievances in a form that all could understand, even if all did not agree. If some of us disagreed with part of what King was saying, it was not because we did not understand him, but rather because we understood only too well. The unique and lasting contribution of Dr. King is that he forged a unity between theory and practice that had been lacking theretofore.

The scholarly work of Dr. DuBois and his generation of collaborators had been carried out more or less in an ivory tower, far away and divorced from the everyday struggles of the people. King brought these two streams together simply by climbing out of the ebony tower of his pulpit, temporarily, and getting down into the streets where the dragon of reality lives. This gave a cost to our struggle that had never existed before and which has proved, with the passage of time, to be a link forged that can never be broken.

In another sense, in the history of the decolonization of Afro-America, Martin Luther King must be looked upon as sort of a founding father, because his role was something like that of an independance leader in formerly colonized areas of the world who led their people to nationhood, independence, and neocolonialism. The classical contours of both colonization and decolonization do not apply to Afro-America, except in their

essence, for the peculiarities of our situation has dictated that the oppressor fashion and adapt the universal principles of colonization, and later, decolonization, to this unique situation. And just as, for us, colonization existed in a hidden form, so has decolonization been an obscure process, and the new system of oppression being ushered in to replace the old is also not something clear and blatant on its face.

In formerly colonized countries, people get so drunk off their new independence that the new chains of neo-colonialism get already fastened into place before they become aware of the fact that they are not free, that they are still in bondage to precisely the same people and forces as they were subjected to prior to independence, except that now the oppression and exploitation is carried out through the instrumentality of indigenous leaders and a parasitical class, the national bourgeoisie, at the top. It is in this same sense that I feel safe in saying that during the 1960's the struggles of the Afro-American people led them to independence in a land of their very own -- the Land of Blackness.

Like a cloud of black dust kicked up around the feet of those who marched with Martin Luther King, a new consciousness was unleashed that spread throughout Afro-America. Central to this new consciousness was an assertiveness based upon the belief of equal moral value of the individual, regardless of his race, creed, or color. King resurrected and breathed new life into what had become a dead letter of lost faith in America at the beginning of the second Eisenhower-Nixon administration, in the aftermath of the Korean War and in the grips of the Cold War, and on the eve of the upsurge of the national liberation struggles in Africa. When this new phenomenon of consciousness met and collided with its dialectical opposite, the racist doctrine of the Black Muslim Movement, a new synthesis was born which came to be known as Revolutionary Black Nationalism, personified by Malcolm X at the end of his career. An ideological compromise was worked out in practice, and it was Malcolm, not King, who came out of it all on a higher level, for King was still, up to the moment of his death, weighted down with the ball and chain of white Christianity, whereas Malcolm had implicitly rejected religion and opted for a materialistic approach to the struggle.

Although it must be said that the Black Muslim movement provided the essential element that in time would constitute the promised land of Blackness, this new world was locked inside of the Nation of Islam and was raging to be born. It took the violent split in that organization, between Elijah Mohammed and Malcolm X, to allow the new baby of blackness room to escape the womb. And so we can more accurately associate its birth with Stokeley Carmichael, and the bursting upon America of the Black Power phase of the struggle. Prior to the split between Malcolm and Elijah, the Muslims had locked a clean-shaven, slickheaded block upon the Blackness that they espoused and which had spread throughout Afro-America. When Malcolm broke away from the Nation of Islam, one of the first things he did was to grow a beard and a forerunner of the natural. This was perhaps the most profound negation of the Nation of Islam that Malcolm made, with its essentially anti-black preachments about a non-existent Asiatic Black Man, which had led them to a negative assessment of black physical characteristics. One of the underground scandals that existed in the Nation of Islam for many years, and which perhaps still exists, was the General-Orders given to the sisters by Elijah Mohammed himself to straighten their hair, on the grounds that kinky hair was ugly and dirty. The Black Power Movement shattered this madness forever, unleashing into its full blossom a self-estimation and esteem which, coupled with the principle of assertiveness, of initiative, embodied in the previous work of Martin Luther King and coalescing at the end, constituted a final assault upon both the old system of constraints and the superstructure of beliefs.

The details of this final assault upon the citadel of white racist America as it had existed historically is the history of the Black Panther Party, wherein the children of a new era, with a new consciousness that embodied both the new self estimation-assertion-initiative, and Blackness, carried the rebellion to an extreme that forced the oppressor to throw in his hand and deal himself some new cards. It may be more accurate to say that the oppressor cracked open a brand new deck, with an Ace of Spades called

Black Capitalism.

By now, it is clear to everybody, except, perhaps, Stokeley Carmichael, that the Afro-American people are determined to fight for an equal, proportionate share in the United States. Just as in other situation of confrontation between the colonized people and the colonizers, the demands of the Afro-American people were ignored until the moment when we began to fight and shed blood of the oppressor. As long as it was only the blood of the Afro-American people that was flowing, it was business as usual as far as the oppressor was concerned. The American ruling class knew that it was too late to stop the motion of the Afro-American people and that it was in the interest of their system to try and guide the motion of the people into controllable channels. This task of guiding and controlling the mass movement of the Afro-American people was assigned to the Afro-American bourgeoisie.

The maneuver on the part of the American ruling class of placing the Afro-American bourgeoisie in control of the Afro-American people is the same as placing a puppet ruling class at the head of a colonized nation with a population of upwards of 30,000,000 people. It is a phenomenon that in the history of de-colonization of the Third World the colonizing powers have used to their advantage over and over again, with the result that the colonizers perpetuate their control through indigenous puppets. However, the Afro-American bourgeoisie was not really prepared in advance to assume this task. In its perspectives, the Afro-American bourgeoisie never anticipated this turn of events. The dreams of the Afro-American bourgeoisie have always been to enter directly into the American ruling class with no thought of what would happen to the Afro-American masses. It was almost as though they hoped that the Afro-American masses would just disappear. Consequently, when this new task was thrust upon them, it found the Afro-American bourgeoisie confused and at a loss as how to move to fulfil their assigned task. The Afro-American bourgeoisie has not consolidated its regime to wield efficiently and effectively the power passed down to it by the rulers of the Empire. The Afro-American bourgeoisie is too unskilled in the exercize of real power on the highest levels of authority, it is too disunited, too petty, too greedy, and politically too ignorant to rapidly consolidate. But, feverishly, moving on a crash program, they are working day and night to consolidate their forces. A fierce power strungle, fed by the Judas dollars of Black Capitalism, positions of power in the administrative apparatus of the state, and accolades from the ruling class, is underway within the wheeler-dealer circles of the Afro-American bourgeoisie. The jewel of this struggle, awaiting the victors, is control of the neo-colonialist apparatus, developed out of the experience of decolonization that is taking place on a worldwide scale, and adapted to the peculiar situation of the Afro-American people. The rulers of the Empire of Babylon are counting on this new system to enable them to continue their domination, exploitation, and oppression of the Afro-American people.

If E. Franklin Frazier could return and revise his book, Black Bourgeoisie, he would have to add, among other things, a chapter entitled, "The Black Bourgeoisie Turns Black". The analysis which Frazier made of the Black Bourgeoisie, writing in about 1955, still held true down to about 1965, ten of the most critical years in Afro-American history. In the conclusion of his book, Frazier left the black bourgeoisie where he had found them, trapped between the devil of white society and the deep blue sea of the black masses. In the words of Frazier:

> " In escaping into a world of make-believe, middle-class negroes have rejected both identification with the Negro and his traditional culture. Through delusions of wealth and power they have sought identification with the white America which continues to reject them."
>
> (Black Bourgeoisie, The Free Press, New York, 1965, p.237)

For all of its history, with a hatred as deep as the soul for all things black, the black bourgeoisie had remained aloof from the problems of the struggling black masses. When they looked at the black masses, it was only to measure their distance from them, in a self-flagellating calculation that sought new ways to place more distance between them.

A top-dog lackey for the white ruling class, the black bourgeoisie acted as a middleman for the white rulers and the black masses. They supplemented the crumbs tossed to them by the white power structure with the blood that they could suck from the black masses. Their stock in trade was selling niggers, out, like no slave trader ever did. The white power structure counted on the black bourgeoisie to keep niggers in line, and to keep them as quiet as possible. At election time, they were expected to get the niggers out to vote, with the certainty that if they did a good job, there would be a few plums coming their way after the polls closed down. Although they hated the black masses, and did not want to be identified with them, they understood very well that their own usefulness to the whites lay in their alledged control of the black masses. In the final analysis, the black bourgeoisie knew what side their bread was buttered on. They knew that they were using the black masses, whom they viewed only as a tool for getting favors from the whites. Between tasks, they would have preferred that their tool, their thing, remained hidden in the tool shed of the ghetto. No matter what storm beset the black masses, the black bourgeoisie felt itself to be above it, and outside the circle of harm.

In 1965, when the black masses set fire to Watts in that historic uprising, the major complaint of the black bourgeoisie was that racist Chief Parker of the Los Angeles Police Department had included the West Side, preserve of the black bourgeoisie, within the perimeter of the curfew area. They were uptight, and said so, that Parker, because of his virulent racism, was unable to make a distinction between a good, clean Negro and a bad, uncouth one. This has been a constant refrain of the black bourgeoisie, revealing itself in a thousand and one adages, i.e., in the separate but equal South, a well bred black college professor could not drink out of the white water fountain, whereas the town idiot, if he be white, was free to drink. Truly, it looked as though black bourgeois bebble of boundless bliss would never burst, because regardless as to what happened to the black masses, the white man would always need his black lackies to fetch his tricks for him. But around about 1965, the black masses, rejecting non-violence, turned to violent rebellion as a form of struggle against the system of oppression, presenting a most profound crisis to the power structure. The rebellion of the black masses also presented the black bourgeoisie with the heaviest crisis in its history.

As the smoke began to clear from the smouldering ruins of scores of cities throughout the country, both the rulers of the white machine and their black bourgeois valets stood aghast at what they saw. It was not so much the ashes and the ruins that blew their minds, because by and large the damage was confined to the ghetto areas where neither of them lived. What put them uptight was the fact that the black masses had turned - black.

At first, the black bourgeoisie tried to ignore the phenomenon as a passing fad. It was inconceivable to them, hating everything that was, is, or ever will be, black, including themselves and the very word "Black", they would not believe that niggers were serious when they started saying that Black Is Beautiful, etc. This is a madness that will surely pass, they said to themselves, and the white man.

The black bourgeoisie had fought a running battle of sabotage against the Black Muslims, hiding behind the shield of Christianity and white values. When that movement seemed to reach its limits, i.e., when just about every Afro-American had heard its message and although impressed, most had not joined, the black bourgeoisie breathed a sigh of relief. When Malcolm split with Elijah, the black bourgeoisie nearly died from laughter, shedding tears of joy. They were so happy that the dark cloud gathering ominously on the horizon seemed to be evaporating, as they had prayed all along that it would do -- as it had to do if they were to retain, in the order of importance to them, both their jobs and their sanity, both purchased by compromises that were irrevocable.

On all levels, the black bourgeoisie began to concentrate their fire upon Malcolm, because Elijah had already revealed himself to be just another opportunist hiding behind the facade of a militant religious doctrine. The task of the black bourgeoisie was to isolate Malcolm and render him impotent. But their efforts backfired. What is more, in

their vicious, stupid, Uncle Tom attacks against Malcolm, they thoroughly exposed themselves to the black masses as a mortal enemy, a parasitical class that thrived off the misery of the oppressed black masses. The campaign of the black bourgeoisie against Malcolm isolated them from the black masses as nothing before had ever done. As a class, Malcolm kept them jacked up single-handedly. Each of their spokesmen who stepped forward to debate Malcolm in an effort to cut him down and push the compromising drivel of their rhetoric off on the masses, got drove to the wall, as Malcolm demolished them with the simple truth.

Malcolm had won the allegiance of the black masses and was rapidly consolidating his leadership. He was the first Afro-American in history to turn the black masses completely away from the white man and the Afro-American bourgeoisie in a manner where he could have directed our movement, with unchallengeable leadership, into perspectives of real freedom. When this fact became clear, when it became clear that Malcolm could not be stopped by any of the so-called leaders who were tools of the white man, he was brutally assassinated. When Malcolm fell, the Afro-American bourgeoisie, along with the white ruling class, breathed a sigh of relief. Also, the Afro-American bourgeoisie began to study what Malcolm had been saying. They wanted to steal his fire, hoping to be able, in his absence, to win back the allegiance of the black masses by plagerizing the rhetoric of Malcolm X. Since they had been unable to beat Malcolm in life, they now joined him in death. Black politicians, police spies, doctors, lawyers, teachers, preachers -- the whole range of the black bourgeoisie began to sound as much like Malcolm as they could manage. For a while, it became impossible to tell the Uncle Toms from the people.

The magic word was black. Any game or trick, no matter how foul or detrimental to the Afro-American people, could be gotten away with as long as it was prefaced with the word Black. The vocabulary of the Afro-American bourgeoisie was transformed. Their every third word was Black. BLACK, Black, black. They had discovered their new thing. Now they were ready, again, to become the running black dogs for their white masters.

However, the Black bourgeoisie soon discovered, to its dismay, that regaining control of the Afro-American masses was not going to be an easy task. For although Malcolm X had been eliminated through murder, his followers were everywhere. The true followers of Malcolm X, those who understood what he had been doing, were determined to carry on with his work, come what may. Instead of one Malcolm X, the black bourgeoisie found itself confronted by thousands, hundreds of thousands, and then millions of young Afro-Americans who were armed with the spirit and teachings of Brother Malcolm. When the Black Panther Party emerged, in 1966, out of the hordes of the sons and daughters of Malcolm, the Afro-American bourgeoisie was confronted with a force that was armed, not only with the spirit and teachings of Malcolm X, but also with guns. Panic stricken, they threw up both hands and beat a hasty retreat. They also called for the police -- Black police.

The white ruling class became publically exasperated with their Afro-American lackeys, denouncing them for being unable to control the black masses. Being closer to the black masses than the white ruling class, the Afro-American bourgeoisie understood the mood of the black masses much better than their white bosses did. They knew that in order for them to do their job, the Afro-American masses had to be disarmed, particularly the Black Panther Party. So they conspired with the white ruling class in the destruction and disarming of the Black Panther Party and other groups of armed black militants. Also, they demanded that the police departments in black communities be turned over to them. Only in this way, they argued, could they control the black masses.

During the presidential campaign of 1968, Richard Nixon announced that if he was elected president of the United States, he would solve the nation's racial problems by suppressing the Black Power movement with a program of Law and Order, and satisfying the grievances of the Afro-American people with a program of Black Capitalism. No one doubted that he meant what he said about suppressing the movement, but no one believed

that a program of capitalism, black or white, was going to satisfy the grievances of the Afro-American people. It was not clear exactly what Nixon was up to, except that he was up to no good.

As he had promised during the campaign, immediately upon taking office, Nixon launched a vicious campaign of police and FBI assault, murder, and judicial frame-up against the movement, concentrating upon eliminating the leadership cadre of the militant wing of the Afro-American movement. At first, this attack was focused upon the Black Panther Party, and continued until the Party was virtually paralyzed. But it soon was broadened to include other black community organizations, student organizations, and progressive individuals. An unprecedented reign of terror existed, and an atmosphere of fear settled over Afro-American communities throughout the country. No one knew who would be the next victim of a police raid, who would get shot down in the streets like a dog, or who would be dragged into court on trumped-up charges. Those militants who were not killed or jailed, were driven underground, with the result that the mass movement was deprived of effective leadership. This opened the door for the return of black Christian preachers, politicians, and opportunists whose leadership had been rejected by the black masses. Nixon helped them regain control of the mass movement by eliminating their militant opposition, which had seized effective control of the movement.

At the outset of his first administration, in 1969, Nixon had announced, through a spokesman, Daniel Moynihan, that he was going to cancel out or cut back on all the programs adopted by previous administrations designed to alleviate the economic plight of the Afro-American masses, particularly the Welfare programs that offered minimal assistance to families impoverished through unemployment. "It is time," Moynihan stated, "for a period of benign neglect" of the Afro-American people.

It was at this point that even the Afro-American bourgeoisie got alarmed and began to criticize President Nixon. Throughout the period when the violent repression was at its height, the Afro-American bourgeoisie had maintained silence. They had not forgotten that Nixon had promised to launch a program to create some Black Capitalists. In their view, this meant that Nixon was going to help them get their greedy hands on some capital, because they were already capitalists at heart. Nixon did not need to create any Black capitalists, because American society had already done that. What was needed, and all that was needed, was money. To hell with Black Power and Black Capitalism, they chorushed. What we want is some Green Power!

When the repression was firmly in the saddle, and fear was everywhere in the air, and the Afro-American bourgeoisie was clamoring to high heaven, Nixon made his move. He let it be known that millions of dollars were now available to finance business ventures by Afro-Americans. This announcement unleashed a virtual stampede amongst the Afro-American bourgeoisie. The procedure was for them to draw up plans, on paper, and present them to the Nixon Administration for approval. If a given plan was acceptable, then the finance would be arranged.

Working through a network that included the National and local Chambers of Commerce, the Small Business Administration, various agencies of the federal government, private foundations, banks, and special comittees hastily organized by combines of the large corporations, a few million dollars began to trickle down into the hands of the Afro-American bourgeoisie. Existing Afro-American businesses received special loans and grants with which to finance programs of expansion. Brand new business ventures, doomed to failure in advance, were financed through one or the other components of Nixon's network. Each time a loan or grant was given, it received a lot of publicity in order to create and circulate the illusion that Black Capitalism was really working, and that Nixon was keeping his promises. These grants and loans were carefully distributed geographically and socially, so that they were spread out throughout the nation and throughout the black community. Two or three such loans or grants were given in every city that had a sizeable black population. This gave the impression that something was happening everywhere.

In certain areas, Nixon's Black Capitalism reached beyond the Afro-American bourgeoisie in a calculated political maneuver to pacify the masses. For example, certain militants who had cowered in the face of the repression and gave up the struggle, were allowed to participate in some of these million dollar schemes. In one instance, Floyd McKissack, who had been the head of CORE, the organization that had spearheaded the sit-in movement for desegregation and integration in the 1960's, received a 15,000,000 dollar grant for a Bullshit program that was nothing but a pay-off of hush-money. (This same jackanape lap-dog, McKissack, came out in support of Nixon's reelection to a second term for president) Also, the reactionary wing of the Black Panther Party, led by Huey Newton and Bobby Seale, were allowed to participate in a so-called Model Cities Program in Oakland, California, which received a 4,000,000 dollar grant from the federal government. (In return, Huey made a public statement in support of Black Capitalism, Christianity, White Capitalism, and an end to revolutionary violence.) And just recently, on the eve of the 1972 presidential election, the Rev. Jesse Jackson, one of the most treacherous spokesmen for the Afro-American bourgeoisie, a Christian preacher who has made a business of peddling the memory of Martin Luther King, was appointed, with much fanfare, the administrator of a program funded at 65,000,000 dollars by General Foods Corp., one of the U.S.'s major monopolies. Under this program, General Foods is committed to shell out a few jobs with high sounding titles to Jackson's hand-picked stooges, deposit up to 500,000 in black banks, up to 8,000,000 in tax deposits in other black financial institutions, the placement of 20,000,000 in insurance programs with black insurance companies, buy publicity and advertisements in black-owned publications, do business with black construction companies, black auto dealers, use black doctors and lawyers, etc.etc. To top it off, a tried and proved black lackey, Jerome C. Holland, former U.S. ambassador to Sweden, was named to General Foods' Board of Directors.

When such programs as these are announced, many Afro-Americans are persuaded to believe that heaven has at last come down to earth, and that they themselves, personally, are about to enter a promised land where the streets are paved with gold. The debilitating effect upon the liberation movement of Nixon's Black Capitalism is obvious, if for no other reason than that it excites an expectancy in the naive that somehow they might get in on the action. Like the general American population, the Afro-American people have also been thoroughly imbued with the get-rich-quick, rags to riches philosophy of laissez-faire capitalism. At any rate, they are able to participate vicariously in the glamor and glitter each time a new program or grant is announced. If they themselves haven't received any direct benefits from Black Capitalism so far, they think that it is because they are unlucky, or not smart enough to come up with a business scheme.

When Nixon's Black Capitalism is boiled down, we find that out of the 30 million Afro-American people, only a handful, a few thousand at most, ever get close to the money. The closest the black masses get to it is when they read about it in the newspapers, in a gigantic fraud and a cruel deception.

If the U.S. ruling class and government were to move seriously to alleviate the economic plight of the Afro-American people and elevate their standard of living to a parity with that of white Americans, it would take an outlay of billions of dollars and the total reorganization of the economy. Obviously, they have absolutely no intentions of doing anything like that. Thus, Nixon's program of Black Capitalism is a slick and relatively cheap substitute for real action. By passing out a few hundred million dollars amongst the Afro-American bourgeoisie, thus providing it with a more stable economic base, the Nixon government is firmly binding it to the American ruling class and preparing it for its role in controlling and suppressing the upsurge of the black masses. By allowing a little of this money to fall into the hands of back-sliding militants -- killing and jailing the others -- the Nixon government is sabotaging, with hopes of completely destroying, the liberation movement.

Meanwhile, a gigantic apparatus of repression is being perfected inside the U.S.A. to deal with the new upsurge of the forces of the Afro-American Liberation Movement which everybody knows is coming. For the struggle has been boiled down to its simplest form: violence. The repression has virtually eliminated any overt militant activity.

But just beneath the surface, the movement has been regrouping, organizing, laying in supplies, and girding itself for waging war. The expectancy of Afro-American revolutionaries is for general chaos to break out inside the United States at the end of the war in Viet Nam and Indochina, for thousands of angry young men have been coming back home from the war. Many of these men, particularly those with officers rank in the military, are being funelled into the apparatus of repression. Black generals, colonels, majors, captains, lieutenants, and sargents, are being taken into local police departments. Some of them are going into special units controlled directly from the Pentagon. All are being trained to cope with urban and rural guerilla warfare inside the United States. But the great bulk of the troops, those who were sent to Vietnam as cannon fodder, are returning to the streets, to unemployment, and racist oppression.

Nixon may have charmed the Brezhnevs and Chou-En-lai's of the world, he may have the leaders of the world eating out of his hand, he may even have beguiled the majority of American voters to return him to office with a mandate for the continuation of his policies, but revolutionaries do not vote, except with their guns and bombs. And Nixon, along with the Afro-American bourgeoisie, is also going to receive a majority of the votes of the American revolutionaries.

November, 1972
Algiers, Algeria
Eldridge Cleaver

revolutionary peoples communications network

SECRET

UNITED STATES GOVERNMENT

Memorandum

TO : ACTING DIRECTOR, FBI (100-447251)

DATE: 1/31/73

FROM : LEGAT, BERN (88-24) (P)

SUBJECT: LEROY ELDRIDGE CLEAVER, aka -
FUGITIVE
I.O. #4239
W.F. #447
RM - BPP; UFAC - ASSAULT WITH
INTENT TO COMMIT MURDER;
THREAT AGAINST THE PRESIDENT
OF THE UNITED STATES
OO: San Francisco

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 3SM(6)
DATE 09-24-2006

ReBuairtel 1/9/73.

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100-447251-1161

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b7C

(3) - Bureau
(1 - Foreign Liaison)
1 - Bern
HDG:rah
(4)

SECRET

58 FEB 28 1973

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

5010-108-02

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

UNITED STATES GOVERNMENT

Memorandum

3/30

TO : ACTING DIRECTOR, FBI (100-447251)

DATE: 2/6/73

BEC

FROM : SAC, WFO (88-7106) (RUC)

Inv. Rome, Bonn
Needed

SUBJECT: LEROY ELDRIDGE CLEAVER, aka-FUGITIVE
IO Number 4239,
WF Number 447
UFAC-ASSAULT WITH INTENT TO COMMIT MURDER;
THREAT AGAINST THE PRESIDENT OF THE UNITED STATES
(OO:SF)

A & D

b2
b6
b7C
b7D

Re Buairtel to AL and Legats, 1/9/73.

On 1/12/73, [redacted] who has furnished reliable information in the past, advised that during recent contacts with [redacted] who is associated with the Revolutionary Peoples Communication Network, no mention was made of subject's possible return to the United States.

In this regard, source was instructed to remain alert for any information that subject may be initiating efforts to return to the United States.

Very regular contact is maintained with this source to insure if such information is received, it will be promptly reported.

ARMED AND DANGEROUS.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-24-2008 BY 60322/UCLRE/PJ/EHI

ST-102

REC-76 100-447251-1162

(2) Bureau
2- San Francisco (88-12329)
1- WFO

1973

GCW:lap
(5)

b6
b7C

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

5010-108

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

FBI

Date: 2/8/73

Transmit the following in _____ 3/30
(Type in plaintext or code)

Via AIRTEL AIRMAIL
(Priority)

TO: ACTING DIRECTOR, FBI (100-447251)

FROM: SAC, MOBILE (157-2942) (RUC) BER
Ad & Inv. Rome, Madrid
Bonn

SUBJECT: LEROY ELDRIDGE CLEAVER, aka -
FUGITIVE
IO # 4239
WF #447
RM - BPP
UFAC - ASSAULT WITH INTENT TO
COMMIT MURDER; THREAT AGAINST
THE PRESIDENT OF THE UNITED STATES
(OO: SAN FRANCISCO)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 03-24-2006 BY 60322/UCLRP/FC/EHL

Re Bureau airtel, 1/9/73.

On 1/15/73, Inspector [redacted] Immigration and Naturalization Service, Mobile, Alabama, advised that CLEAVER is still on the INS Watch List. [redacted] was alerted as to the possible plans of CLEAVER to return to the United States and stated that his Department would be alert for the development of such information. He stated that his Department would check all normal sources of entry into the United States with the exception of small aircraft which inspection is done by U. S. Customs Office.

b6
b7C

On 1/15/73, [redacted] Resident Agent, Bureau of Customs, U. S. Treasury Department, Mobile, was alerted concerning the possibility of CLEAVER trying to enter the United States. He advised that photographs of CLEAVER are available and the Mobile Inspection force of U. S. Customs will remain alert for any information concerning any attempt by CLEAVER to enter the Port of Mobile.

100-447251-1164

REC-73

2 - Bureau
2 - San Francisco (89-13239)
1 - Mobile
JTB:lm
(5)

EX-109

54 FEB 23 1973

17 FEB 12 1973

FUG. SUP.

Approved: PAM
Special Agent in Charge

Sent _____ M Per _____

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

UNITED STATES GOVERNMENT

Memorandum

TO : Acting Director, FBI (100-447251) DATE: 2/13/73

FROM : SAC, Baltimore (157-3462) (RUC)

SUBJECT: LEROY ELDRIDGE CLEAVER, aka -
Fugitive
IO #4239
W.F. #447
EM - BPP
UFAC - ASSAULT WITH INTENT TO
COMMIT MURDER; THREAT AGAINST
THE PRESIDENT OF THE UNITED STATES
(OO: SF)

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DATE 09-24-2008 BY 60322/UCLRE/SC/EHL

ReBuairtel dated 1/9/73.

During the month of January, 1973, all appropriate extremist and criminal sources were contacted regarding CLEAVER and no positive information was developed. All sources have been alerted to CLEAVER's possible return to the United States.

On 2/9/73, Airport Police, Friendship International Airport, Baltimore, Maryland, and United States Customs Office were furnished copies of subject's IO's and WF's.

In view of the above, this matter is being considered RUC'd to San Francisco.

2 - Bureau (Registered Mail)
1 - San Francisco (For Info.) (Registered Mail)
1 - Baltimore

RJS:bas
(4)

REC-54 100-447251-1167

ST-116

FEB 15 1973

FUG. SUP.
EXT. SEC.

1 cc TA ENB/vw 2/15/73

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

5010-108

5-1(3a)(9-29-65)

SECRET

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EXEMPTION CODE 25X(1)
DATE 09-24-2003

Domestic Intelligence Division

INFORMATIVE NOTE

Date 2/16/73

(S) We have previously received conflicting reports that Eldridge Cleaver departed Algeria to various countries. [redacted]

(S) [redacted]

b1

(S) [redacted]

This matter is being coordinated with Special Investigative Division.

All offices and pertinent legats are being advised of the attached.

RHR:lmk

GCM

ERS

WGC

SECRET

SECRET

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(1)
DATE 09-24-2008

Airtel

February 23, 1973

To: SAC, Albany
Legats, Bern, Bonn, Copenhagen, London, Madrid, Mexico City, Ottawa, Paris

1 - [redacted]

1 - [redacted]

b6
b7C

From: Acting Director, FBI

LEROY ELDRIDGE CLEAVER, aka -
FUGITIVE
I.O. # 4239
W.F. # 447
EM - BPP
UFAC - ASSAULT WITH INTENT TO COMMIT MURDER; THREAT AGAINST THE PRESIDENT OF THE UNITED STATES
OO: SAN FRANCISCO

ALL INFORMATION CONTAINED
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WHERE SHOWN OTHERWISE

ReBuairtel dated 1/9/73 concerning the departure of Cleaver from Algeria in January, 1973.

(S) [redacted]

b1

2 - All Offices

1 - Foreign Liaison Desk (Route through for review)

RHR:ekw
(138)

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Purvis
Mr. Soyars
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Ms. Herwig
Mr. Mintz
Mrs. Neenan

MAIL ROOM TELETYPE UNIT

55 MAR 8 1973

ST-102

REC-64 100-447725

SEE NOTE PAGE TWO

19 MAR 1 1973

SECRET

Airtel to SAC, Albany and
Legats, Bern et al
RE: LEROY ELDRIDGE CLEAVER

All offices and indicated Legal Attaches maintain contact with appropriate sources and applicable U.S. Customs Agents since Cleaver's whereabouts are unaccounted for and he has stated an intention to return to the U.S.

ARMED AND DANGEROUS.

(S) NOTE:

[redacted] All field offices and indicated Legats were previously advised as to Cleaver's possible departure from Algeria. Recipients are being advised of the most current information and are requested to maintain contact with appropriate sources and U.S. Customs which they were previously instructed to alert as to Cleaver's return.

b1

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

UNITED STATES GOVERNMENT

Memorandum

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-24-2008 BY 60322/UCLRB/BW/EHL

TO : Acting Director, FBI (100-447251) DATE: February 26, 1

FROM : Legat, Rome (88-55) (P) BEF

SUBJECT: LEROY ELDRIDGE CLEAVER, aka - FUGITIVE
I. O. #4239; WANTED FLYER #447
RM - BPP; UFAC - ASSAULT WITH INTENT
TO COMMIT MURDER; THREAT AGAINST THE
PRESIDENT OF THE UNITED STATES

ReRomlet 12/12/72.

Rome Office sources in Italy, Greece, Turkey and Cyprus, who remain alert to the possible travel of CLEAVER, have not received any information that CLEAVER has transited these areas in an effort to re-ENTER THE United States.

Legat following.

5 - Bureau (1 - Foreign Liaison)
(2 - San Francisco 88-12329)
1 - Rome
TJB:MEG
(6)

2 ccs per O-7 to SF
1 cc for T's 3/5/73 ENB/vnw

100-447251-1171

REC-64

25 MAR 2 1973

ST-102

54 MAR 12 1973

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

5010-108-02

SECRET

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

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (100-447251) DATE: 2/27/73

FROM : LEGAT, COPENHAGEN (88-23) (P) BEF

SUBJECT: LEROY ELDRIDGE CLEAVER
- FUGITIVE
EM - BPP

D A & D

Inv, Rome
Bonn
Madrid

OO; SF

ReLAairtel and LHM 1/15/73.

(S)

[redacted] b1

As the Bureau is already aware, logical sources of this office have been alerted to our interest in subject and we will be advised if he should come to attention in the future.

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DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE (5X(1)
DATE 09-14-2008

4 - Bureau
(1 - Foreign Liaison)
(1 - Los Angeles)(157-2323)
1 - Copenhagen
REP:ims
(5)

100-447251-1172

REC-57

16 MAR 6 1973

ST-103

SECRET

FUGITIVE SUP.

[redacted] b6 b7C

1 cc per O-7 to LA
1 cc for T's
2/8/73 ENB/ward

MAR 1 0 1973

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

5010-108-01

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

UNITED STATES GOVERNMENT

Memorandum

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-24-2008 BY 60322/UCLRF/PG/EHI

TO : ACTING DIRECTOR, FBI (100-447251) DATE: 3/6/73

FROM : SAC, SACRAMENTO (157-291) (P)

SUBJECT: LEROY ELDRIDGE CLEAVER -
FUGITIVE
EM - BPP

Re Bureau letter dated 1/18/73, and San Francisco letter dated 1/22/73.

On 2/26/73, Assistant Attorney General ARNOLD OVEROYE advised that he had obtained copies of the following, same enclosed, for the Bureau's information:

1. Copy of U. S. Supreme Court Report re "JOHN J. MORRISSEY and G. DONALD BOOHER, Petitioners, v. LOU B. BREWER, Warden, Et Al"

2. State of California Supreme Court Opinion written by Chief Justice WRIGHT, in the case of "The People, Plaintiff and Respondent, v. ANDERSON VICKERS, Defendant and Appellant."

3. State of California Supreme Court Opinion written by Chief Justice WRIGHT, in the case of "The People, Plaintiff and Respondent v. ROBERT NELSON, Defendant and Appellant."

4. State of California Supreme Court Opinion written by Chief Justice WRIGHT in the case of "In Re ROBIN LIN PREWITT on Habeas Corpus".

RECEIVED
MAR 13 11 54 AM 1973
LEGAL COUNSEL

EX-109 REC-76 100-447251-118

2 - Bureau (Enc.-4)
1 - Los Angeles (157-23237) (PERSONAL ATTENTION)
1 - New York (100-161321) (PERSONAL ATTENTION)
1 - San Francisco (157-4324) (PERSONAL ATTENTION)
2 - Sacramento
GMS:jk
(7)

25 MAR 8 1973

51 MAR 28 1973
5010-108-02
Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

The MORRISSEY decision is mentioned in Numbers 2, 3, and 4 of the above. OVEROYE advised that he did not feel that the MORRISSEY or the California decision on 12/14/72, would be significant to the CLEAVER situation, but suggested that [redacted] now with the California State Department of Corrections, be contacted for his observations.

b6
b7C

On 2/28/73, [redacted] advised that he did not think that the MORRISSEY or California decision of 12/14/72 would make any difference in the CLEAVER matter, but said there was no way to be certain. He said it would have to be decided by the Court.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-24-2008 BY 60322/UCLRP/PJ/EHI

JOHN J. MORRISSEY and G. Donald Booher, Petitioners,

v

LOU B. BREWER, Warden, et al.

— US —, 33 L Ed 2d 484, 92 S Ct —

[No. 71–5103]

Argued April 11, 1972. Decided June 29, 1972.

SUMMARY

Two Iowa convicts whose paroles were revoked by the Iowa Board of Parole filed habeas corpus petitions in the United States District Court for the Southern District of Iowa, alleging that they were denied due process because their paroles were revoked without a hearing. The District Court denied the petitions on the ground that due process did not require a prerevocation hearing, and the United States Court of Appeals for the Eighth Circuit affirmed (443 F2d 942).

On certiorari, the United States Supreme Court reversed and remanded the case to the Court of Appeals for return to the District Court with directions to make findings on the procedures actually followed by the Parole Board in the two parole revocations. In an opinion by BURGER, Ch. J., expressing the views of six members of the court, it was held that the minimum requirements of due process in revoking paroles include (a) written notice of the claimed parole violations; (b) disclosure to the parolee of evidence against him; (c) opportunity to be heard in person and to present witnesses and documentary evidence; (d) the right to confront and cross-examine adverse witnesses (unless the hearing officer specifically finds good cause for not allowing confrontation); (e) a neutral and detached hearing body such as a traditional parole board, members of which need not be judicial officers or lawyers; and (f) a written statement by the fact finders as to the evidence relied on and reasons for revoking parole. The court further held that a preliminary hearing officer's determination that there is probable cause to hold a parolee for the parole board's final decision on parole revocation warrants the parolee's continued detention pending the final decision; but the court expressly pretermitted the question whether a parolee is entitled, in a parole revocation proceeding, to the assistance of retained counsel or to appointed counsel if he is indigent.

ENCLOSURE

1173

RENNAN, J., joined by MARSHALL, J., concurred in the result on the ınd that due process also requires that the parolee be allowed the stance of retained counsel at his revocation hearings.

OUGLAS, J., dissented on the grounds that a parolee who does not commit ew offense should not be arrested or jailed until his parole is revoked, that a parolee is entitled to counsel in parole revocation proceedings.

HEADNOTES

Classified to U. S. Supreme Court Digest, Annotated

ıinal Law § 110.5 — parole — revocation

The due process clause of the rteenth Amendment requires that ate afford an individual some opunity to be heard prior to revoking parole.

ninal Law § 110.5 — parole revocation — hearing

The hearing required by due proc- prior to revoking a convict's ole must be accorded before the ctive decision.

Appeal and Error § 1267 — record

3. On certiorari to review a United States Court of Appeals' judgment affirming a Federal District Court's decision that due process does not require a hearing before parole revocation, in which the state failed to assert before the District Court or the Court of Appeals that the petitioners received hearings or that in such hearings they admitted their parole violations, but urged in the Supreme Court that an interviewed parole board member stated that the petitioners were not

TOTAL CLIENT-SERVICE LIBRARY® REFERENCES

59 AM JUR 2d, Pardon and Parole §§ 90–102
18 AM JUR PL & PR FORMS (Rev ed), Pardon and Parole, Forms 31, 32
US L ED DIGEST, Criminal Law § 110.5
ALR DIGESTS, Criminal Law § 217
L ED INDEX TO ANNO (Rev ed), Criminal Law
ALR QUICK INDEX, Pardon, Parole or Probation
FEDERAL QUICK INDEX, Pardon, Parole or Probation

ANNOTATION REFERENCES

Right to assistance of counsel at proceedings to revoke probation. 44 ALR3d 306.

Withdrawal, forfeiture, modification, or denial of good-time allowance to prisoner. 95 ALR2d 1265.

Parolee's right to habeas corpus. 92 ALR2d 682.

Right to notice and hearing before revocation of suspension of sentence, parole, conditional pardon, or probation. 29 ALR2d 1074.

Statutes relating to parole or pardon of convicted criminals as subject to objection of denial of equal protection of laws. 152 ALR 1108.

Statute conferring power upon administrative body in respect to the parole of prisoners, or the discharge of parolees, as unconstitutional infringement of power of executive or judiciary. 143 ALR 1486.

among those who denied parole infractions, the Supreme Court would treat the case in the posture and on the record on which the state relied in the District Court and the Court of Appeals; however, the Supreme Court would permit the state to make a showing in the District Court that the petitioners in fact admitted the violations charged before a neutral officer.

Criminal Law § 97 — parole — purpose

4. Rather than being an ad hoc exercise of clemency, parole is an established variation on imprisonment of convicted criminals, the purpose of which is to help individuals reintegrate into society as constructive individuals as soon as they are able, without being confined for the full term of the sentence imposed, and to alleviate the costs to society of keeping an individual in prison.

Criminal Law § 97 — parole — essence

5. The essence of parole is release from prison, before completion of the sentence, on condition that the prisoner abide by certain rules during the balance of the sentence.

Criminal Law § 97 — parole — conditions

6. The conditions of the parole serve the dual purpose of (1) prohibiting, either absolutely or conditionally, behavior which is deemed dangerous to the restoration of the individual into normal society, and (2) providing the parole officer with information about the parolee and an opportunity to advise him, through the requirement that the parolee report to the parole officer and seek guidance and permission before doing many things.

Criminal Law § 110.5 — parole revocation — rights

7. Revocation of parole is not part of a criminal prosecution and thus the full panoply of rights due a defendant in such a proceeding does not apply to parole revocations.

Constitutional Law § 746 — due process — procedure

8. Whether any procedural protections are due depends on the extent to which an individual will be condemned to suffer grievous loss.

Constitutional Law § 513 — due process

9. Under the due process clause of the Fourteenth Amendment, the question is not merely the weight of the individual's interest, but whether the nature of the interest is one within the contemplation of the "liberty or property" language of the Fourteenth Amendment.

Constitutional Law § 746 — due process — procedure

10. Due process is flexible and calls for such procedural protections as the particular situation demands, but this does not mean that judges are at large to apply it to any and all relationships; its flexibility is in its scope once it has been determined that some process is due, and it is a recognition that not all situations calling for procedural safeguards call for the same kind of procedure.

Constitutional Law § 746 — due process — procedure

11. Consideration of what procedures due process may require under any given set of circumstances must begin with a determination of the precise nature of the government function involved as well as of the private interest that has been affected by governmental action.

Criminal Law § 110.5 — parole revocation

12. A parolee's liberty, although indeterminate, is within the protection of the Fourteenth Amendment, and its termination calls for some orderly process, however informal.

Criminal Law § 110.5 — parole revocation — grounds

13. A parolee is entitled to a conditional liberty and possessed of a right which can be forfeited only by reason of a breach of the conditions of the grant.

Criminal Law § 110.5 — parole revocation — hearing

14. Due process requires some minimal inquiry at or reasonably near the place of an alleged parole violation or arrest and as promptly as convenient after arrest while information is fresh and sources are available; such an inquiry is in the nature of a preliminary hearing to determine whether there is probable cause or reasonable grounds to believe that the arrested parolee has committed acts which would constitute a violation of parole conditions.

Criminal Law § 110.5 — parole revocation — hearing

15. Due process requires that after a parolee's arrest, the determination that reasonable grounds exist for revocation of parole be made by someone not directly involved in the case.

Criminal Law § 110.5 — parole revocation — hearing

16. After a parolee's arrest, due process does not require that a judicial officer make the determination that reasonable grounds exist for revocation of parole; it is sufficient if an evaluation of whether reasonable cause exists to believe that parole conditions have been violated is made by someone such as a parole officer other than the one who has made the report of parole violations or has recommended revocation.

Criminal Law § 110.5 — parole revocation — notice

17. With respect to the preliminary hearing before an independent decision maker as to whether reasonable cause exists to believe that parole conditions have been violated, due process requires that the parolee be given notice that the hearing will take place and that its purpose is to determine whether there is probable cause to believe that he has committed a parole violation; moreover, the notice should state what parole violations have been alleged.

Criminal Law § 110.5 — parole revocation — hearing

18. At the preliminary hearing to determine whether there is probable cause to believe that a parolee has committed a parole violation, due process requires that the parolee be allowed to appear and speak in his own behalf, and to bring letters, documents, or individuals who can give relevant information to the hearing officer; on the parolee's request, persons who have given adverse information on which parole revocation is to be based must be made available for questioning in his presence, except that where the hearing officer determines that an informant would be subjected to risk of harm if his identity were disclosed, he need not be subjected to confrontation and cross-examination.

Criminal Law § 110.5 — parole revocation — findings

19. Due process requires that with respect to a parole revocation preliminary hearing, the hearing officer make a summary or digest of what transpires at the hearing in terms of the parolee's responses and the substance of the documents or evidence given in support of parole revocation and of the parolee's position; based on the information before him, the officer must determine whether there is probable cause to hold the parolee for the parole board's final decision on revocation, and must state the reasons for his determination and indicate the evidence he has relied on, without making formal findings of fact or conclusions of law.

Criminal Law § 110.5 — parole revocation — detention

20. A preliminary hearing officer's determination that there is probable cause to hold a parolee for the parole board's final decision on revocation of the parole is sufficient, as a matter of due process, to warrant the parolee's continued detention and return to the state correctional institution pending the final decision.

Criminal Law § 110.5 — parole revocation — final hearing

21. Due process requires that before a parole authority's final decision on revoking parole, the parolee be given an opportunity for a hearing, if desired by the parolee; such a revocation hearing must be tendered within a reasonable time after the parolee is taken into custody, 2 months being a reasonable time; the hearing must be the basis for more than determining probable cause to believe that the parolee has committed a parole violation, but must lead to a final evaluation of any contested relevant facts and consideration of whether the facts as determined warrant revocation; and the parolee must have an opportunity to be heard and to show, if he can, that he did not violate the parole conditions or, if he did, that circumstances in mitigation suggest that the violation does not warrant revocation.

Criminal Law § 110.5 — parole revocation — due process

22. The minimum requirements of due process in revoking paroles include (a) written notice of the claimed parole violations; (b) disclosure to the parolee of evidence against him; (c) opportunity to be heard in person and to present witnesses and documentary evidence; (d) the right to confront and cross-examine adverse witnesses (unless the hearing officer specifically finds good cause for not allowing confrontation); (e) a neutral and detached hearing body such as a traditional parole board, members of which need not be judicial officers or lawyers; and (f) a written statement by the fact finders as to the evidence relied on and the reasons for revoking parole.

Criminal Law § 110.5 — parole revocation — final hearing

23. Under the due process clause, a parole authority's final hearing on parole revocation is a narrow inquiry, not to be equated to a criminal prosecution in any sense, and flexible enough to consider evidence, including letters, affidavits, and other material, which would be inadmissible in an adversary criminal trial.

Criminal Law § 110.5 — parole revocation — issues

24. In a parole revocation hearing, a parolee cannot relitigate issues determined against him in other forums, as in the situation presented when the revocation is based on conviction of another crime.

SYLLABUS BY REPORTER OF DECISIONS

Petitioners in these habeas corpus proceedings claimed that their paroles were revoked without a hearing and that they were thereby deprived of due process. The Court of Appeals, in affirming the District Court's denial of relief, reasoned that under controlling authorities parole is only "a correctional device authorizing service of sentence outside a penitentiary," and concluded that a parolee, who is still "in custody," is not entitled to a full adversary hearing such as would be mandated in a criminal proceeding. *Held:*

1. Though parole revocation does not call for the full panoply of rights due a defendant in a criminal proceeding, a parolee's liberty involves significant values within the protection of the Due Process Clause of the Fourteenth Amendment, and termination of that liberty requires an informal hearing to give assurance that the finding of a parole violation is based on verified facts to support the revocation.

2. Due process requires a reasonably prompt informal inquiry conducted by an impartial hearing officer near the place of the alleged parole violation or arrest to determine if there is reasonable ground to believe that the arrested parolee has violated a parole condition. The parolee should receive prior notice of the inquiry, its purpose, and the alleged violations. The parolee may present relevant information and (absent security considerations) question ad-

verse informants. The hearing officer shall digest the evidence or probable cause and state the reasons for holding the parolee for the parole board's decision.

3. At the revocation hearing, which must be conducted reasonably soon after the parolee's arrest, minimum due process requirements are: (a) written notice of the claimed violations of parole; (b) disclosure to the parolee of evidence against him; (c) opportunity to be heard in person and to present witnesses and documentary evidence; (d) the right to confront and cross-examine adverse witnesses (unless the hearing officer specifically finds good cause for not allowing confrontation); (e) a "neutral and detached" hearing body such as a traditional parole board, members of which need not be judicial officers or lawyers; and (f) a written statement by the factfinders as to the evidence relied on and reasons for revoking parole.

443 F2d 942, reversed and remanded.

Burger, C. J., delivered the opinion of the Court, in which Stewart, White, Blackmun, Powell, and Rehnquist, JJ., joined. Brennan, J., filed an opinion concurring in the result, in which Marshall, J., joined. Douglas, J., filed an opinion dissenting in part.

APPEARANCES OF COUNSEL

W. Don Brittin, Jr., argued the cause for petitioners.
Larry S. Seuferer argued the cause for respondents.

OPINION OF THE COURT

Mr. Chief Justice **Burger** delivered the opinion of the Court.

[1] We granted certiorari in this case to determine whether the Due Process Clause of the Fourteenth Amendment requires that a State afford an individual some opportunity to be heard prior to revoking his parole.

Petitioner Morrissey was convicted of false drawing or uttering of checks in 1967 pursuant to his guilty plea, and was sentenced to not more than seven years' confinement. He was paroled from the Iowa State Penitentiary in June 1968. Seven months later, at the direction of his parole officer, he was arrested in his home town as a parole violator and incarcerated in the county jail. One week later, after review of the parole officer's written report, the Iowa Board of Parole revoked Morrissey's parole and he was returned to the penitentiary located about 100 miles from his home. Petitioner asserts he received no hearing prior to revocation of his parole.

The parole officer's report on which the Board of Parole acted shows that petitioner's parole was revoked on the basis of information that he had violated the conditions of parole by buying a car under an assumed name and operating it without permission, giving false statements to police concerning his address and insurance company after a minor accident, and obtaining credit under an assumed name and failing to report his place of residence to his parole officer. The report states that the officer interviewed Morrissey, and that he could not explain why he did not contact his parole officer despite his effort to excuse this on the ground that he had been sick. Further, the report asserts that Morrissey admitted buying the car and obtaining credit under an assumed name and also admitted being involved in the accident. The parole officer recom-

mended that his parole be revoked because of "his continual violating of his parole rules."

The situation as to petitioner Booher is much the same. Pursuant to his guilty plea, Booher was convicted of forgery in 1966 and sentenced to a maximum term of 10 years. He was paroled November 14, 1968. In August 1969, at his parole officer's direction, he was arrested in his home town for violation of his parole and confined in the county jail several miles away. On September 13, 1969, on the basis of a written report by his parole officer, the Iowa Board of Parole revoked Booher's parole and Booher was recommitted to the state penitentiary, located about 250 miles from his home, to complete service of his sentence. Petitioner asserts he received no hearing prior to revocation of his parole.

The parole officer's report with respect to Booher recommended that his parole be revoked because he had violated the territorial restrictions of his parole without consent, had obtained a driver's license under an assumed name and operated a motor vehicle without permission, and had violated the employment condition of his parole by failing to keep himself in gainful employment. The report stated that the officer had interviewed Booher and that he had acknowledged to the parole officer that he had left the specified territorial limits and had operated the car and had obtained a license under an assumed name "knowing that it was wrong." The report further noted that Booher had stated that he had not found employment because he could not find work that would pay him what he wanted—he stated he would not work for $2.25 to $2.75 per hour—and that he had left the area to get work in another city.

After exhausting state remedies, both petitioners filed habeas corpus petitions in the United States District Court for the Southern District of Iowa alleging that they had been denied due process because their paroles had been revoked without a hearing. The State responded by arguing that no hearing was required. The District Court held on the basis of controlling authority that the State's failure to accord a hearing prior to parole revocation did not violate due process. On appeal, the two cases were consolidated.

The Court of Appeals, dividing 4 to 3, held that due process does not require a hearing. The majority recognized that the traditional view of parole as a privilege rather than a vested right is no longer dispositive as to whether due process is applicable; however, on a balancing of the competing interest involved, it concluded that no hearing is required. The court reasoned that parole is only "a correctional device authorizing service of sentence outside the penitentiary"; the parolee is still "in custody." Accordingly, the Court of Appeals was of the view that prison officials must have large discretion in making revocation determinations, and that courts should retain their traditional reluctance to interfere with disciplinary matters properly under the control of state prison authorities. The majority expressed the view that "non-legal, non-adversary considerations" were often the determinative factors in making a parole revocation decision. It expressed concern that if adversary hearings were required for parole revocation, "with the full panoply of rights ac-

corded in criminal proceedings," the function of the parole board as "an administrative body acting in the role of parens patriae would be aborted" and the board would be more reluctant to grant parole in the first instance—an apprehension that would not be without some basis if the choice were between a full scale adversary proceeding or no hearing at all. Additionally, the majority reasoned that the parolee has no statutory right to remain on parole. Iowa law provides that a parolee may be returned to the institution at any time. Our holding in Mempa v Rhay, 389 US 128, 19 L Ed 2d 336, 88 S Ct 254 (1967), was distinguished on the ground that it involved deferred sentencing upon probation revocation, and thus involved a stage of the criminal proceeding, whereas parole revocation was not a stage in the criminal proceedings. The Court of Appeals' decision was consistent with many other decisions on parole revocations.

[2] In its brief in this Court, the State asserts for the first time that petitioners were in fact granted hearings after they were returned to the penitentiary. More generally, the State says that within two months after the Board revokes an individual's parole and orders him returned to the penitentiary, on the basis of the parole officer's written report, it grants the individual a hearing before the Board. At that time the Board goes over "each of the alleged parole violations with the returnee, and he is given an opportunity to orally present his side of the story to the Board" If the returnee denies the report, it is the practice of the Board to conduct a further investigation before making a final determination either affirming the initial revocation, modifying it, or reversing it.[1] The State asserts that Morrissey, whose parole was revoked on January 31, 1969, was granted a hearing before the Board on February 12, 1969. Booher's parole was revoked on September 13, 1969, and he was granted a hearing on October 14, 1969. At these hearings, the State tells us—in the briefs—both Morrissey and Booher admitted the violations alleged in the parole violation reports.

Nothing in the record supplied to this Court indicates that the State claimed, either in the District Court or the Court of Appeals, that petitioners had received hearings promptly after their paroles were revoked, or that in such hearing they admitted the violations; that information comes to us only in the State's brief here. Further, even the assertions that the State makes here are not based on any public record but on interviews with two of the members of the parole board. In the interview relied on to show that petitioners admitted their violations, the board member did not assert he could remember that both Morrissey and Booher admitted the parole violations with which they were charged. He stated only that, according to his memory, in the previous several years all but three returnees had admitted commission of the parole infractions alleged and

[2] 1. The hearing required by due process, as defined herein, must be accorded *before* the effective decision. See Armstrong v Manzo, 380 US 545, 15 L Ed 2d 62, 85 S Ct 1187 (1965). Petitioner asserts here that only one of the 540 revocations ordered most recently by the Iowa Parole Board was reversed after hearing, Petitioner's Reply Brief, at 7, suggesting that the hearing may not objectively evaluate the revocation decision.

that neither of the petitioners was among the three who denied them.

[3] We must therefore treat this case in the posture and on the record the State elected to rely on in the District Court and the Court of Appeals. If the facts are otherwise, the State may make a showing in the District Court that petitioners in fact have admitted the violations charged before a neutral officer.

I

Before reaching the issue of whether due process applies to the parole system, it is important to recall the function of parole in the correctional process.

[4, 5] During the past 60 years, the practice of releasing prisoners on parole before the end of their sentences has become an integral part of the penological system. Note, Parole Revocation in the Federal System, 56 Geo LJ 705 (1968). Rather than being an ad hoc exercise of clemency, parole is an established variation on imprisonment of convicted criminals. Its purpose is to help individuals reintegrate into society as constructive individuals as soon as they are able, without being confined for the full term of the sentence imposed. It also serves to alleviate the costs to society of keeping an individual in prison.[2] The essence of parole is release from prison, before the completion of sentence, on the condition that the prisoner abide by certain rules during the balance of the sentence. Under some systems parole is granted automatically after the service of a certain portion of a prison term. Under others, parole is granted by the discretionary action of a board which evaluates an array of information about a prisoner and makes a prediction whether he is ready to reintegrate into society.

To accomplish the purpose of parole, those who are allowed to leave prison early are subjected to specified conditions for the duration of their terms. These conditions restrict their activities substantially beyond the ordinary restrictions imposed by law on an individual citizen. Typically parolees are forbidden to use liquor or to have associations or correspondence with certain categories of undesirable persons. Typically also they must seek permission from their parole officers before engaging in specified activities, such as changing employment or living quarters, marrying, acquiring or operating a motor vehicle, traveling outside the community and incurring substantial indebtedness. Additionally, parolees must regularly report to the parole officer to whom they are assigned and sometimes they must make periodic written reports of their activities. Arluke, A Summary of Parole Rules, 15 Crime and Delinquency 267, 272–273 (1969).

[6] The parole officers are part of the administrative system designed to assist parolees and to offer them guidance. The conditions of parole serve a dual purpose; they prohibit, either absolutely or conditionally, behavior which is deemed dangerous to the restoration of the individual into normal society. And through

2. See Warren, Probation in the Federal System of Criminal Justice, 19 Fed Prob 3 (Sept 1955); Annual Report, Ohio Adult Parole Authority 1964/65, at 13–14, Note, Parole: A Critique of Its Legal Foundations and Conditions, 38 NYU L Rev 702, 705–707 (1963).

the requirement of reporting to the parole officer and seeking guidance and permission before doing many things, the officer is provided with information about the parolee and an opportunity to advise him. The combination puts the parole officer into the position in which he can try to guide the parolee into constructive development.[3]

The enforcement leverage which supports the parole conditions derives from the authority to return the parolee to prison to serve out the balance of his sentence if he fails to abide by the rules. In practice not every violation of parole conditions automatically leads to revocation. Typically a parolee will be counseled to abide by the conditions of parole, and the parole officer ordinarily does not take steps to have parole revoked unless he thinks that the violations are serious and continuing so as to indicate that the parolee is not adjusting properly and cannot be counted on to avoid antisocial activity.[4] The broad discretion accorded the parole officer is also inherent in some of the quite vague conditions, such as the typical requirement that the parolee avoid "undesirable" associations or correspondence. Cf. Arciniega v Freeman, 404 US 4, 30 L Ed 2d 126, 92 S Ct 22 (1970). Yet revocation of parole is not an unusual phenomenon, affecting only a few parolees. It has been estimated that 35–45% of all parolees are subjected to revocation and return to prison.[5] Sometimes revocation occurs when the parolee is accused of another crime; it is often preferred to a new prosecution because of the procedural ease of recommitting the individual on the basis of a lesser showing by the State.[6]

Implicit in the system's concern with parole violations is the notion that the parolee is entitled to retain his liberty as long as he substantially abides by the conditions of his parole. The first step in a revocation decision thus involves a wholly retrospective factual question: whether the parolee has in fact acted in violation of one or more conditions of his parole. Only if it is determined that the parolee did violate the conditions does the second question arise: should the parolee be recommitted to prison or should other steps be taken to protect society and improve chances of rehabilitation? The first step is relatively simple; the second is more complex. The second question involves the application of expertise by the parole authority in making a prediction as to the ability of the individual to live in society without committing antisocial acts. This part of the decision, too, depends on facts, and therefore it is important for the Board to know not only that some violation was committed but also to know accurately how many and how serious the violations were. Yet this second step, deciding what to do about the violation once it is identified, is not purely factual but also predictive and discretionary.

If a parolee is returned to prison, he often receives no credit for the

3. Note, Observations on the Administration of Parole, 79 Yale LJ 698, 699–700 (1970).

4. Ibid.

5. President's Commission on Law Enforcement and Administration of Justice, Corrections 62. The substantial revocation rate indicates that parole administrators often deliberately err on the side of granting parole in borderline cases.

6. See Morrissey v Brewer, 443 F2d 942, at 953–954, n 5 (CA8 1971) (Lay, J., dissenting); Rose v Haskins, 388 F2d 91, 104 (CA6 1968) (Celebrezze, J., dissenting).

time "served" on parole.[7] Thus the returnee may face a potential of substantial imprisonment.

II

[7] We begin with the proposition that the revocation of parole is not part of a criminal prosecution and thus the full panoply of rights due a defendant in such a proceeding does not apply to parole revocations. Cf. Mempa v Rhay, 389 US 128, 19 L Ed 2d 336, 88 S Ct 254 (1967). Parole arises after the end of the criminal prosecution, including imposition of sentence. Supervision is not directly by the court but by an administrative agency, which is sometimes an arm of the court and sometimes of the executive. Revocation deprives an individual not of the absolute liberty to which every citizen is entitled, but only of the conditional liberty properly dependent on observance of special parole restrictions.

[8-11] We turn therefore to the question whether the requirements of due process in general apply to parole revocations. As Mr. Justice Blackmun has written recently, "This Court has rejected the concept that constitutional rights turn upon whether a governmental benefit is characterized as a 'right' or as a 'privilege.'" Graham v Richardson, 403 US 365, 374, 29 L Ed 2d 534, 543, 91 S Ct 1848. Whether any procedural protections are due depends on the extent to which an individual will be "condemned to suffer grievous loss." Joint Anti-Fascist Refugee Committee v McGrath, 341 US 123, 168, 95 L Ed 817, 852, 71 S Ct 624 (1951) (Frankfurter, J, concurring), quoted in Goldberg v Kelly, 397 US 254, 263, 25 L Ed 2d 287, 296, 90 S Ct 1011 (1970). The question is not merely the "weight" of the individual's interest, but whether the nature of the interest is one within the contemplation of the "liberty or property" language of the Fourteenth Amendment. Fuentes v Shevin, 405 US —, 32 L Ed 2d 556, 92 S Ct — (decided June 12, 1972). Once it is determined that due process applies, the question remains what process is due. It has been said so often by this Court and others as not to require citation of authority that due process is flexible and calls for such procedural protections as the particular situation demands. "[C]onsideration of what procedures due process may require under any given set of circumstances must begin with a determination of the precise nature of the governmental function involved as well as of the private interest that has been affected by governmental action." Cafeteria & Restaurant Workers Union v McElroy, 367 US 886, 895, 6 L Ed 2d 1230, 1236, 81 S Ct 1743 (1961). To say that the concept of due process is flexible does not mean that judges are at large to apply it to any and all relationships. Its flexibility is in its scope once it has been determined that some process is due; it is a recognition that not all situations calling for procedural safeguards call for the same kind of procedure.

We turn to an examination of the nature of the interest of the parolee in his continued liberty. The liberty of a parolee enables him to do a wide range of things open to per-

7. Arluke, A Summary of Parole Rules—Thirteen Years Later, 15 Crime and Delinquency 267, 271 (1969); Note, Parole Revocation in the Federal System, 56 Geo LJ 705, 733 (1968).

sons who have never been convicted of any crime. The parolee has been released from prison based on an evaluation that he shows reasonable promise of being able to return to society and function as a responsible, self-reliant person. Subject to the conditions of his parole, he can be gainfully employed and is free to be with family and friends and to form the other enduring attachments of normal life. Though the State properly subjects him to many restrictions not applicable to other citizens, his condition is very different from that of confinement in a prison.[8] He may have been on parole for a number of years and may be living a relatively normal life at the time he is faced with revocation.[9] The parolee has relied on at least an implicit promise that parole will be revoked only if he fails to live up to the parole conditions. In many cases the parolee faces lengthy incarceration if his parole is revoked.

[12] We see, therefore, that the liberty of a parolee, although indeterminate, includes many of the core values of unqualified liberty and its termination inflicts a "grievous loss" on the parolee and often on others. It is hardly useful any longer to try to deal with this problem in terms of whether the parolee's liberty is a "right" or a "privilege." By whatever name the liberty is valuable and must be seen as within the protection of the Fourteenth Amendment. Its termination calls for some orderly process, however informal.

Turning to the question what process is due, we find that the State's interests are several. The State has found the parolee guilty of a crime against the people. That finding justifies imposing extensive restrictions on the individual's liberty. Release of the parolee before the end of his prison sentence is made with the recognition that with many prisoners there is a risk that they will not be able to live in society without committing additional antisocial acts. Given the previous conviction and the proper imposition of conditions, the State has an overwhelming interest in being able to return the individual to imprisonment without the burden of a new adversary criminal trial if in fact he has failed to abide by the conditions of his parole.

Yet the State has no interest in revoking parole without some informal procedural guarantees. Although the parolee is often formally described as being "in custody," the argument cannot even be made here that summary treatment is necessary as it may be with respect to controlling a large group of potentially disruptive prisoners in actual custody. Nor are we persuaded by the argument that revocation is so totally a discretionary matter that some form of hearing would be administratively intolerable. A simple factual hearing will not interfere with the exercise of discretion. Serious studies have suggested that fair treatment on parole revocation will not result in fewer grants of parole.[10]

8. "It is not sophistic to attach greater importance to a person's justifiable reliance in maintaining his conditional freedom so long as he abides by the conditions of his release, than to his mere anticipation or hope of freedom." Bey v Connecticut Bd. of Parole, 443 F2d 1079, 1086 (CA2 1971).

9. See, e. g., Murray v Page, 429 F2d 1359 (CA7 1970) (parole revoked after eight years; 15 years remaining on original term).

10. Sklar, Law and Practice in Probation

This discretionary aspect of the revocation decision need not be reached unless there is first an appropriate determination that the individual has in fact breached the conditions of parole. The parolee is not the only one who has a stake in his conditional liberty. Society has a stake in whatever may be the chance of restoring him to normal and useful life within the law. Society thus has an interest in not having parole revoked because of erroneous information or because of an erroneous evaluation of the need to revoke parole, given the breach of parole conditions. See People ex rel. Menechino v Warden, 27 NY2d 376, 267 NE2d 238, 239 and n 2, 318 NYS2d 449 (1971) (parole board had less than full picture of facts). And society has a further interest in treating the parolee with basic fairness: fair treatment in parole revocations will enhance the chance of rehabilitation by avoiding reactions to arbitrariness.[11]

[13] Given these factors, most States have recognized that there is no interest on the part of the State in revoking parole without any procedural guarantees at all.[12] What is needed is an informal hearing structured to assure that the finding of a parole violation will be based on verified facts and that the exercise of discretion will be informed by an accurate knowledge of the parolee's behavior.

III

We now turn to the nature of the process that is due, bearing in mind that the interest of both State and parolee will be furthered by an effective but informal hearing. In analyzing what is due, we see two important stages in the typical process of parole revocation.

[14] *(a) Arrest of Parolee and Preliminary Hearing.* The first stage occurs when the parolee is arrested and detained, usually at the direction of his parole officer. The second occurs when parole is formally revoked. There is typically a substantial time lag between the arrest and the eventual determination by the parole board whether parole should be revoked. Additionally, it may be that the parolee is arrested at a place distant from the state institution, to which he may be returned before the final decision is made concerning revocation. Given these factors, due process would seem to require that some minimal inquiry be conducted at or reasonably near the place of the alleged parole violation or arrest and as promptly as convenient after arrest while information is fresh and sources are available. Cf. Hyser v Reed, 318 F2d 225 (CA DC 1963). Such an inquiry should be seen as

and Parole Revocation Hearings, 55 J Crim L, and PS 175, 194 (1964) (no decrease in Michigan, which grants extensive rights); Rose v Haskins, 388 F2d 91, 102 n 16 (CA6 1968) (Celebrezze, J., dissenting) (cost of imprisonment so much greater than parole system that procedural requirements will not change economic motivation).

11. See President's Comm'n on Law Enforcement and Administration of Justice, Corrections 83, 88 (1967).

[13] 12. See n 15, infra. As one state court has written, "Before such a determination or finding can be made it appears that the principles of fundamental justice and fairness would afford the parolee a reasonable opportunity to explain away the accusation of a parole violation. [The parolee] . . . is entitled to a conditional liberty and possessed of a right which can be forfeited only by reason of a breach of the conditions of the grant." Chase v Page, 456 P2d 590 (Okla Crim Apps 1969).

in the nature of a "preliminary hearing" to determine whether there is probable cause or reasonable grounds to believe that the arrested parolee has committed acts which would constitute a violation of parole conditions. Cf. Goldberg v Kelly, 397 US, at 267–271, 25 L Ed 2d at 298–300.

[15] In our view due process requires that after the arrest, the determination that reasonable grounds exist for revocation of parole should be made by someone not directly involved in the case. It would be unfair to assume that the supervising parole officer does not conduct an interview with the parolee to confront him with the reasons for revocation before he recommends an arrest. It would also be unfair to assume that the parole officer bears hostility against the parolee which destroys his neutrality; realistically the failure of the parolee is in a sense a failure for his supervising officer.[13] However, we need make no assumptions one way or the other to conclude that there should be an uninvolved person to make this preliminary evaluation of the basis for believing the conditions of parole have been violated. The officer directly involved in making recommendations cannot always have complete objectivity in evaluating them.[14] Goldberg v Kelly found it unnecessary to impugn the motives of the caseworker to find a need for an independent decisionmaker to examine the initial decision.

[16] This independent officer need not be a judicial officer. The granting and revocation of parole are matters traditionally handled by administrative officers. In Goldberg, the Court pointedly did not require that the hearing on termination of benefits be conducted by a judicial officer or even before the traditional "neutral and detached" officer; it required only that the hearing be conducted by some person *other* than one initially dealing with the case. It will be sufficient, therefore, in the parole revocation context, if an evaluation of whether reasonable cause exists to believe that conditions of parole have been violated is made by someone such as a parol officer other than the one who has made the report of parole violations or has recommended revocation. A State could certainly choose some other independent decisionmaker to perform this preliminary function.

[17, 18] With respect to the preliminary hearing before this officer, the parolee should be given notice that the hearing will take place and that its purpose is to determine whether there is probable cause to believe he has committed a parole violation. The notice should state what parole violations have been alleged. At the hearing the parolee may appear and speak in his own behalf; he may bring letters, documents, or individuals who can give relevant information to the hearing officer. On request of the parolee, persons who have given adverse information on which parole revoca-

13. Note, Observations on the Admin. of Parole, 79 Yale LJ 698, 704–706 (1970) (parole officers in Connecticut adopt role model of social worker rather than an adjunct of police, and exhibit a lack of punitive orientation).

14. This is not an issue limited to bad motivation. "Parole agents are human, and it is possible that friction between the agent and parolee may have influenced the agent's judgment." 4 Attorney General's Survey on Release Procedures 246 (1939).

tion is to be based are to be made available for questioning in his presence. However, if the hearing officer determines that the informant would be subjected to risk of harm if his identity were disclosed, he need not be subjected to confrontation and cross-examination.

[19, 20] The hearing officer shall have the duty of making a summary, or digest, of what transpires at the hearing in terms of the responses of the parolee and the substance of the documents or evidence given in support of parole revocation and of the parolee's position. Based on the information before him, the officer should determine whether there is probable cause to hold the parolee for the final decision of the parole board on revocation. Such a determination would be sufficient to warrant the parolee's continued detention and return to the state correctional institution pending the final decision. As in Goldberg, "the decision-maker should state the reasons for his determination and indicate the evidence he relied on . . ." but it should be remembered that this is not a final determination calling for "formal findings of fact or conclusions of law." 397 US, at 271, 25 L Ed 2d at 300. No interest would be served by formalism in this process; informality will not lessen the utility of this inquiry in reducing the risk of error.

[21] (b) *The Revocation Hearing.* There must also be an opportunity for a hearing, if it is desired by the parolee, prior to the final decision on revocation by the parole authority. This hearing must be the basis for more than determining probable cause; it must lead to a final evaluation of any contested relevant facts and consideration of whether the facts as determined warrant revocation. The parolee must have an opportunity to be heard and to show, if he can, that he did not violate the conditions, or, if he did, that circumstances in mitigation suggest the violation does not warrant revocation. The revocation hearing must be tendered within a reasonable time after the parolee is taken into custody. A lapse of two months, as the State suggests occurs in some cases, would not appear to be unreasonable.

[22, 23] We cannot write a code of procedure; that is the responsibility of each State. Most States have done so by legislation, others by judicial decision usually on due process grounds.[15] Our task is limited to de-

15. Very few States provide no hearing at all in parole revocations. Thirty States provide in their statutes that a parolee shall receive some type of hearing. See Ala Code Tit 42, § 12 (1959); Alaska Stats § 33.15.220 (1962); Ariz Rev Stats Ann § 31-417 (1956); Ark Stats Ann § 43-2810 (1971 Supp); Del Code Ann Tit 11, § 4352 (1970 Supp); Fla Stats Ann § 947.23(1) (1972 Supp); Ga Code Ann § 77-519 (1971 Supp); Hawaii Rev Stats § 353-66 (1968); Idaho Code §§ 20-229, 20-229A (1971 Supp); Ill Ann Stats c 108, § 207 (1972 Supp); Ind Stats Ann § 13-1611 (1970 Supp); Kan Stat Ann § 22-3721 (1971); Ky Rev Stats Ann § 439.330(1)(e) (1962); La Rev Stats § 15:574.9 (1972 Supp); Me Rev Stats Ann c 34, § 1675 (1970 Supp); Md Ann Code, Art 41, § 117 (1971); Mich Stats Ann § 28.2310(1) (1972 Supp); Miss Code Ann § 4004-13 (1956); Mo Ann Stats § 549.265 (1971 Supp); Mont Rev Code §§ 94-9838, 94-9835 (1969); NH Rev Stats Ann § 607:46 (1955); NM Stats Ann § 41-17-28 (1964); Cons Laws of NY Correction Law § 212(7) (1971 Supp); ND Cent Code 12-59-15 (1971 Supp); Pa Stats Ann Tit 61, § 321.21a(b) (1964); Tenn Code § 40-3619 (1955); Texas Code of Crim Proc, Art 42.12, § 22 (1966); Vermont Stats Ann Tit 28, § 1081 (1970); Wash Rev Code §§ 9.95.120 through 9.95.126 (1971

ciding the minimum requirements of due process. They include (a) written notice of the claimed violations of parole; (b) disclosure to the parolee of evidence against him; (c) opportunity to be heard in person and to present witnesses and documentary evidence; (d) the right to confront and cross-examine adverse witnesses (unless the hearing officer specifically finds good cause for not allowing confrontation); (e) a "neutral and detached" hearing body such as a traditional parole board, members of which need not be judicial officers or lawyers; and (f) a written statement by the factfinders as to the evidence relied on and reasons for revoking parole. We emphasize there is no thought to equate this second stage of parole revocation to a criminal prosecution in any sense; it is a narrow inquiry; the process should be flexible enough to consider evidence including letters, affidavits, and other material that would not be admissible in an adversary criminal trial.

We do not reach or decide the question whether the parolee is entitled to the assistance of retained counsel or to appointed counsel if he is indigent.[16]

[24] We have no thought to create an inflexible structure for parole revocation procedures. The few basic requirements set out above, which are applicable to future revocations of parole, should not impose a great burden on any State's parole system. Control over the required proceedings by the hearing officers can assure that delaying tactics and other abuses sometimes present in the traditional adversary trial situation do not occur. Obviously a parolee cannot relitigate issues determined against him in other forums, as in the situation presented when the revocation is based on conviction of another crime.

In the peculiar posture of this case, given the absence of an adequate record, we conclude the ends of justice will be best served by remanding the case to the Court of Appeals for its return of the two consolidated cases to the District Court with directions to make findings on the procedures actually followed by the Parole Board in these two revocations. If it is determined that petitioners admitted parole violations to the Parole Board, as Iowa contends, and if those violations are found to be reasonable grounds for revoking parole under state standards, that would end the matter. If the procedures followed by the Parole Board are found to meet the standards laid down in this opinion

Supp) W Va Code § 62-12-19 (1966). Decisions of state and federal courts have required a number of other States to provide hearings. See Hutchinson v Patterson, 267 F Supp 433 (Colo 1967) (approving parole board regulations); United States ex rel. Bey v Conn Bd. Parole, 443 F2d 1079 (CA2 1971) (requiring counsel to be appointed for revocation hearings); State v Holmes, 109 NJ Super 180, 262 A2d 725 (1970); Chase v Page, 456 P2d 590 (Okla Crim Apps 1969); Bearden v South Carolina, 443 F2d 1090 (CA4 1971) (North Carolina and Virginia also subject to Fourth Circuit rule); Baine v Beckstead, 10 Utah 2d 4, 347 P2d 554 (1959); Goolsby v Gagnon, 322 F Supp 460 (ED Wis 1971). A number of States are affected by no legal requirement to grant any kind of hearing.

16. The Model Penal Code § 305.16 (Proposed Official Draft 1962) provides that "The institutional parole staff shall render reasonable aid to the parolee in preparation for the hearing and he shall be permitted to advise with his own legal counsel."

that, too, would dispose of the due process claims for these cases.

We reverse and remand to the Court of Appeals for further proceedings consistent with this opinion.

Reversed and remanded.

SEPARATE OPINIONS

Mr. Justice **Brennan**, with whom Mr. Justice **Marshall** joins, concurring in the result.

I agree that a parole may not be revoked, consistently with the Due Process Clause, unless the parolee is afforded, first, a preliminary hearing at the time of arrest to determine whether there is probable cause to believe that he has violated his parole conditions and, second, a final hearing within a reasonable time to determine whether he has, in fact, violated those conditions and whether his parole should be revoked. For each hearing the parolee is entitled to notice of the violations alleged and the evidence against him, opportunity to be heard in person and to present witnesses and documentary evidence, and the right to confront and cross-examine adverse witnesses, unless it is specifically found that the witness would thereby be exposed to a significant risk of harm. Moreover, in each case the decisionmaker must be impartial, there must be some record of the proceedings, and the decisionmaker's conclusions must be set forth in written form indicating both the evidence and the reasons relied upon. Because the Due Process Clause requires these procedures, I agree that the case must be remanded as the Court orders.

The Court, however, states that it does not now decide whether the parolee is also entitled at each hearing to the assistance of retained counsel or of appointed counsel if he is indigent. Goldberg v Kelly, 397 US 254, 25 L Ed 2d 287, 90 S Ct 1011 (1970), nonetheless plainly dictates that he at least "must be allowed to retain an attorney if he so desires." Id., at 270, 25 L Ed 2d at 300. As the Court said there, "Counsel can help delineate the issues, present the factual contentions in an orderly manner, conduct cross-examination, and generally safeguard the interests of" his client. Id., at 270–271, 25 L Ed 2d at 300. The only question open under our precedents is whether counsel must be furnished the parolee if he is indigent.

Mr. Justice **Douglas**, dissenting in part.

Each petitioner was sentenced for a term in an Iowa penitentiary for forgery. Somewhat over a year later each was released on parole. About six months later each was arrested for a parole violation and confined in a local jail. In about a week the Iowa Board of Parole revoked their paroles and each was returned to the penitentiary. At no time during any of the proceedings which led to the parole revocations were they granted a hearing or the opportunity to know, question, or challenge any of the facts which formed the basis of their alleged parole violations. Nor were they given an opportunity to present evidence on their own behalf nor to confront and cross-examine those on whose testimony their paroles were revoked.

Each challenged the revocation in the state courts and, obtaining no relief, filed the present petitions in the Federal District Court which denied relief. Their appeals were consolidated in the Court of Appeals which, sitting en banc, in each case affirmed the District Court by a four-to-three vote, 443 F2d 942. The cases are here on a petition for a writ of certiorari, 404 US 999, 30 L Ed 2d 552, 92 S Ct 568, which we granted because there is a conflict between the decision below and Hahn v Burke, 430 F2d 100, decided by the Court of Appeals for the Seventh Circuit.

Iowa has a board of parole[1] which determines who shall be paroled. Once paroled a person is under the supervision of the director of the division of corrections of the Department of Social Services who in turn supervises parole agents. Parole agents do not revoke the parole of any person but only recommend that the board of parole revoke it. The Iowa Act provides that each parolee "shall be subject, at any time, to be taken into custody and returned to the institution" from which he was paroled.[2] Thus Iowa requires no notice or hearing to put a parolee back in prison, Curtis v Bennett, 256 Iowa 1164, 131 NW2d 1; and it is urged that since parole, like probation, is only a privilege it may be summarily revoked.[3] See Escoe v Zerbst, 295 US 490, 492–493, 79 L Ed 1566, 1568–1569, 55 S Ct 818; Ughbanks v Armstrong, 208 US 481, 52 L Ed 582, 28 S Ct 372. But we have long discarded the right-privilege distinction. See, e. g., Graham v Richardson, 403 US 365, 374, 29 L Ed 2d 534, 543, 91 S Ct 1848; Bell v Burson, 402 US 535, 539, 29 L Ed 2d 90, 94, 91 S Ct 1586; Pickering v Board of Education, 391 US 563, 568, 20 L Ed 2d 811, 817, 88 S Ct 1731; cf. Van Alstyne, The Demise of the Right-Privilege Distinction in Constitutional Law, 81 Harv L Rev 1439 (1968).

The Court said in United States v Wilson, 7 Pet 150, 161, 8 L Ed 640, 644, that a "pardon is a deed." The same can be said of a parole, which

1. Code of Iowa § 247.5 (1971) provides in part:

"The board of parole shall determine which of the inmates of the state penal institutions qualify and thereafter shall be placed upon parole. Once an inmate is placed on parole he shall be under the supervision of the director of the division of corrections of the department of social services. There shall be a sufficient number of parole agents to insure proper supervision of all persons placed on parole. Parole agents shall not revoke the parole of any person but may recommend that the board of parole revoke such parole."

2. Id., § 247.9 provides in part:

"All paroled prisoners shall remain, while on parole, in the legal custody of the warden or superintendent and under the control of the chief parole officer, and shall be subject, at any time, to be taken into custody and returned to the institution from which they were paroled."

3. A fundamental problem with [the right-privilege] theory is that probation is now the most frequent penal disposition just as release on parole is the most frequent form of release from an institution. They bear little resemblance to episodic acts of mercy by a forgiving sovereign. A more accurate view of supervised release is that it is now an integral part of the criminal justice process and shows every sign of increasing popularity. Seen in this light, the question becomes whether legal safeguards should be provided for hundreds of thousands of individuals who daily are processed and regulated by Governmental agencies. The system has come to depend on probation and parole as much as do those who are enmeshed in the system. Thus, in dealing with claims raised by offenders, we should make decisions based not on an outworn cliche, but on the basis of present-day realities." F. Cohen, A Legal Challenge to Corrections: Implications for Manpower and Training 32 (1969).

when conferred gives the parolee a degree of liberty which is often associated with property interests.

We held in Goldberg v Kelly, 397 US 254, 25 L Ed 2d 287, 90 S Ct 1011, that the termination by a State of public assistance payments to a recipient without a prior evidentiary hearing denies him procedural due process in violation of the Fourteenth Amendment. Speaking of the termination of welfare benefits we said:

"Their termination involves state action that adjudicates important rights. The constitutional challenge cannot be answer by an argument that public assistance benefits are 'a "privilege" and not a "right."' Shapiro v Thompson, 394 US 618, 627 n. 6 [22 L Ed 2d 600, 611, 89 S Ct 1322] (1969). Relevant constitutional restraints apply as much to the withdrawal of public assistance benefits as to disqualification for unemployment compensation. Sherbert v Verner, 374 US 398 [10 L Ed 2d 965, 83 S Ct 1790] (1963); or to denial of a tax exemption, Speiser v Randall, 357 US 513 [2 L Ed 2d 1460, 78 S Ct 1332] (1958); or to discharge from public employment, Slochower v Board of Higher Education, 350 US 551 [100 L Ed 692, 76 S Ct 637] (1956). The extent to which procedural due process must be afforded the recipient is influenced by the extent to which he may be 'condemned to suffer grievous loss,' Joint Anti-Fascist Refugee Committee v McGrath, 341 US 123, 168 [95 L Ed 817, 852, 71 S Ct 624] (1951) (Frankfurter, J., concurring), and depends upon whether the recipient's interest in avoiding that loss outweighs the governmental interest in summary adjudication. Accordingly, as we said in Cafeteria & Restaurant Workers Union v McElroy, 367 US 886, 895 [6 L Ed 2d 1230, 1236, 81 S Ct 1743] (1961), 'consideration of what procedures due process may require under any given set of circumstances must begin with a determination of the precise nature of the government function involved as well as of the private interest that has been affected by governmental action.' See also Hannah v Larche, 363 US 420, 440, 442 [4 L Ed 2d 1307, 1320, 1321, 80 S Ct 1502] (1960)." 397 US, at 262–263, 25 L Ed 2d at 295, 296.

Under modern concepts of penology, paroling prisoners is part of the rehabilitory aim of the correctional philosophy. The objective is to return a prisoner to a full family and community life. See generally Note, 56 Geo LJ 705 (1968); Note, 38 NYU L Rev 702 (1963); Comment, 72 Yale LJ 368 (1962); and see Baine v Beckstead, 10 Utah 2d 4, 347 P2d 554 (1959). The status he enjoys as a parolee is as important a right as those we reviewed in Goldberg v Kelly. That status is conditioned upon not engaging in certain activities and perhaps in not leaving a certain area or locality. Violations of conditions of parole may be technical, they may be done unknowingly, they may be fleeting and of no consequence.[4] See, e. g., Arciniega v Freeman, 404 US 4, 30 L Ed 2d 126, 92 S Ct 22; Cohen, Due Process, Equal Protection and State Parole Revocation Proceedings, 42 U Colo L Rev 197, 229 (1970). The parolee

4. The violations alleged in these cases on which revocation was based are listed by the Court of Appeals, 443 F2d 942, nn 1 and 2.

For a discussion of the British system that dispenses with precise conditions usually employed here see 120 U Pa L Rev 282, 311–312 (1971). As to conditions limiting constitutional rights see id., at 313–324, 326–339.

should in the concept of fairness implicit in due process have a chance to explain. Rather, under Iowa's rule revocation proceeds on the ipse dixit of the parole agent; and on his word alone each of these petitioners has already served three additional years in prison.[5] The charges may or may not be true. Words of explanation may be adequate to transform into trivia what looms large in the mind of the parole officer.

"[T]here is no place in our system of law for reaching a result of such tremendous consequences without ceremony—without hearing, without effective assistance of counsel, without a statement of reasons." Kent v United States, 383 US 541, 554, 16 L Ed 2d 84, 93, 86 S Ct 1045 (1966).

Parole,[6] while originally conceived as a judicial function, has become largely an administrative matter. The parole boards have broad discretion in formulating and imposing parole conditions. "Often vague and moralistic parole conditions may seem oppressive and unfair to the parolee." Dawson, Sentencing 306 (1969). They are drawn "to cover any contingency that might occur," id., at 307, and are designed to maximize "control over the parolee by his parole officer." Ibid.

Parole is commonly revoked on mere suspicion that the parolee may have committed a crime. Id., at 366–367. Such great control over the parolee vests in a parole officer a broad discretion in revoking parole and also in counseling the parolee—referring him for psychiatric treatment or obtaining the use of specialized therapy for narcotic addicts or alcoholics. Id., at 321. Treatment of the parolee, rather than revocation of his parole, is a common course. Id., at 322–323. Counseling may include extending help to a parolee in finding a job. Id., at 324 et seq.

A parolee, like a prisoner, is a person entitled to constitutional protection, including procedural due process.[7] At the federal level the construction of Regulations of the Federal Parole Board presents federal questions of which we have taken cognizance. See Arciniega v Freeman, 404 US 4, 30 L Ed 2d 126, 92 S Ct 22. At the state level, the construction of parole statutes and regulations is for the States alone, save as they implicate the Federal Constitution in which event the Supremacy Clause controls.

It is only procedural due process, required by the Fourteenth Amendment, that concerns us in the present cases. Procedural due process requires the following.

If a violation of a condition of parole is involved, rather than the commission of a new offense, there should not be an arrest of the parolee and his return to the prison or to a local jail.[8] Rather, notice of the

5. As to summary deprivations of individual liberty in Communist nations, see, e. g., Shao-chuan Leng, Justice In Communist China 34 (1967); 1 P. Tang, Communist China Today 271 (2d ed 1961); J. Hazard, Communists and Their Law 121–126 (1969).

6. "Parole is used after a sentence has been imposed while probation is usually granted in lieu of a prison term." Clegg, Probation and Parole 22 (1964). See Baine v Beckstead, 10 Utah 2d 4, 9, 347 P2d 554, —; People ex rel. Combs v La Valiee, 29 App Div 2d 128, 131, 286 NYS 2d 600, 603.

7. See President's Commission on Law Enforcement and Administration of Justice, Corrections, 83, 84 (1967); 120 U Pa L Rev 282, 348–358 (1971).

8. As Judge Skelly Wright said in Hyser v Reed, 318 F2d 225, 262 (CA DC 1963): "Where serious violations of parole have

alleged violation should be given to the parolee and a time set for a hearing.[9] The hearing should not be before the parole officer, as he is the one who is making the charge and "there is inherent danger in combining the functions of judge and advocate." Jones v Rivers, 338 F2d 862, 877 (CA4 1964) (Sobeloff, J., concurring). Moreover, the parolee should be entitled to counsel.[10] See Hewett v North Carolina, 415 F2d 1316, 1322–1325 (CA4 1969); People ex rel. Combs v LaVallee, 29 App Div 2d 128, 286 NYS 2d 600 (1968); Perry v Williard, 247 Ore 145, 427 P2d 1020 (1967). As the Supreme Court of Oregon said in Perry v Williard, "A hearing in which counsel is absent or is present on behalf of one side is inherently unsatisfactory if not unfair. Counsel can see that the relevant facts are brought out, vague and insubstantial allegations discounted, and irrelevancies eliminated." Id., at 148, 427 P2d, at 1022. Cf. Mempa v Rhay, 389 US 128, 135, 19 L Ed 2d 336, 340, 88 S Ct 254.

The hearing required is not a grant of the full panoply of rights

been committed, the parolee will have been arrested by local or federal authorities on charges stemming from those violations. Where the violation of parole is not serious, no reason appears why he should be incarcerated before hearing. If, of course, the parolee willfully fails to appear for his hearing, this in itself would justify issuance of the warrant." Accord, In re Tucker, 5 Cal 3d 171, 199, 486 P2d 657, 676, 95 Cal Rptr 761, 780 (1971) (Tobriner, J.).

9. As we said in another connection in Greene v McElroy, 360 US 474, 496–497, 3 L Ed 2d 1377, 1390, 1391, 79 S Ct 1400:

"Certain principles have remained relatively immutable in our jurisprudence. One of these is that where governmental action seriously injures an individual, and the reasonableness of the action depends on fact findings, the evidence used to prove the Government's case must be disclosed to the individual so that he has an opportunity to show that it is untrue. While this is important in the case of documentary evidence, it is even more important where the evidence consists of the testimony of individuals whose memory might be faulty or who, in fact, might be perjurers or persons motivated by malice, vindictiveness, intolerance, prejudice, or jealousy. We have formalized these protections in the requirements of confrontation and cross-examination. They have ancient roots. They find expression in the Sixth Amendment which provides that in all criminal cases the accused shall enjoy the right 'to be confronted with the witnesses against him.' This Court has been zealous to protect these rights from erosion. It has spoken out not only in criminal cases, but also in all types of cases where administrative and regulatory actions were under scrutiny." (Citations omitted.)

10. American Bar Assn. Project on Minimum Standards of Criminal Justice, Standards Relating to Providing Defense Services (1968); Amer L Inst, Model Penal Code, §§ 301.4, 305.15(1); Dawson, Sentencing, The Decision as to Type, Length, and Conditions of Sentence, Report Amer Bar Foundation's Survey of the Administration of Criminal Justice in the U. S. (1969). For the experience of Michigan in giving hearings to parolees see id., at 355. In Michigan it is reported that only one out of six parole violators retains counsel. One who cannot afford counsel is said to be protected by the hearing members of the board. Id., at 354. The number who ask for public hearings are typically five or six a year, the largest in a single year being 10. Michigan has had this law since 1937. Ibid. But the Michigan experience may not be typical, for a parole violator is picked up and returned at once to the institution from which he was paroled. Id., at 352–353.

By way of contrast, parole revocation hearings in California are secretive affairs conducted behind closed doors and with no written record of the proceedings and in which the parolee is denied the assistance of counsel and the opportunity to present witnesses on his behalf. Van Dyke, Parole Revocation Hearings in California: The Right to Counsel, 59 Calif L Rev 1215 (1971). See also Note, 56 Geo LJ 704 (1968) (federal parole revocation procedures).

applicable to a criminal trial. But confrontation with the informer may, as Roviaro v United States, 353 US 53, 1 L Ed 2d 639, 77 S Ct 623, illustrates, be necessary for a fair hearing and the ascertainment of the truth. The hearing is to determine the fact of parole violation. The results of the hearing would go to the parole board—or other authorized state agency—for final action, as would cases which involved voluntary admission of violations.

The rule of law is important in the stability of society. Arbitrary actions in the revocation of paroles can only impede and impair the rehabilitory aspects of modern penology. "Notice and opportunity for hearing appropriate to the case," Boddie v Connecticut, 401 US 371, 378, 28 L Ed 2d 113, 119, 91 S Ct 780, are the rudiments of due process which restore faith that our society is run for the many, not the few, and that fair dealing rather than caprice will govern the affairs of men.[11]

We do not prescribe the precise formula for the management of the parole problems. We do not sit as an ombudsman, telling the States the precise procedures they must follow. We do say so far as the due process requirements of parole revocation are concerned:[12]

(1) the parole officer—whatever may be his duties under various state statutes—in Iowa appears to be an agent having some of the functions of a prosecutor and of the police

(2) the parole officer is therefore not qualified as a hearing officer

(3) the parolee is entitled to a due process notice and a due process hearing of the alleged parole violations including, for example, the opportunity to be confronted by his accusers and to present evidence and argument on his own behalf

(4) the parolee is entitled to the freedom granted a parolee until the results of the hearing are known and the parole board—or other authorized state agency—acts.[13]

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11. The Brief of the American Civil Liberties Union, amicus curiae, contains in Appendix A the States that by statute or decision require some form of hearing before parole is revoked and those that do not. All but eight States now hold hearings on revocation of probation and parole, some with trial-type rights including representation by counsel.

12. We except of course the commission of another offense which from the initial step to the end is governed by the normal rules of criminal procedure.

13. The American Correctional Association states in its Manual of Correctional Standards, p. 279 (3d ed 1966) that:

"To an even greater extent than in the case of imprisonment, probation and parole practice is determined by an administrative discretion that is largely uncontrolled by legal standards, protections, or remedies. Until statutory and case law are more fully developed, it is vitally important within all of the correctional fields that there should be established and maintained reasonable norms and remedies against the sorts of abuses that are likely to develop where men have great power over their fellows and where relationships may become both mechanical and arbitrary."

And it provides for parole revocation rehearings:

"As soon as practicable after causing an alleged violator taken into custody on the basis of a parole board warrant, the prisoner should be given an opportunity to appear before the board or its representative. The prisoner should be made fully aware of the reasons for the warrant, and given ample opportunity to refute the charges placed against him or to comment as to extenuating circumstances. The hearing should be the basis for consideration of possible reinstatement to parole supervision on the basis of the findings of

I would reverse the judgments and remand for further consideration in light of this opinion.

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fact or of reparole where it appears that further incarceration would serve no useful purpose." Id., at 130.

The American Bar Association states in its brief amicus in the present cases that it is "in full agreement with the American Correctional Association in this instance. The position that a hearing is to be afforded on parole revocation is consistent with several sets of criminal justice standards formally approved by the Association through its House of Delegates."

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DEC 14 1972
R. E. BIGHEL, Clerk
R. E. Bighel

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

IN BANK

In re ROBIN LIN PREWITT
on Habeas Corpus

Crim. 16128

We issued an order to show cause in response to an application by Robin Lin Prewitt for a writ of habeas corpus wherein he complains that an Adult Authority (Authority) order improperly rescinded a prior grant of parole, fixed his term at maximum and provided that the Authority would not consider future applications for fixing his term at less than maximum or for granting parole. Since filing his petition he has further complained of a denial of procedural due process protections claimed to have been afforded pursuant to Morrissey v. Brewer (1972) 408 U.S. 471, filed by the Supreme Court after the filing of the petition herein.

In the case of In re Minnis (1972) 7 Cal.3d 639, we held that periodic reconsideration of Authority orders which deny parole or refuse to fix a term at less than maximum is essential to achieve the purposes of the

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ENCLOSURE

Indeterminate Sentence Law and the parole system (see Pen. Code, §§ 1168, 1168a, 3020), and that failure to afford such review constitutes an abuse of discretion.[1/] (Id., at pp. 645-647.) For reasons which hereinafter appear, petitioner is entitled only to that relief afforded by Minnis.

In 1969 petitioner pleaded guilty to violations of section 12220 (possession of a machine gun) and Health and Safety Code section 11910 (possession of a restricted dangerous drug). On May 9, 1969, he was sentenced to serve a term of six months to five years on the charge involving the possession of the machine gun for which he is currently incarcerated at Folsom Prison.[2/] He has one prior felony conviction.

On December 9, 1970, the Authority fixed petitioner's term at the maximum of five years, "[g]ranted parole effective May 17, 1971," and transferred him to a forestry camp pending release on parole. However, at a meeting of its executive committee which was held on April 20, 1971, the Authority rescinded its "action of

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[1/] Hereinafter, unless otherwise indicated, all section references are to the Penal Code.

[2/] Petitioner was also sentenced to serve a term of one year in the county jail for the violation of Health and Safety Code section 11910. He is no longer in custody pursuant to that conviction.

12-0-70 fixing term and granting parole." It again fixed petitioner's term at the maximum of five years, denied parole and declared that petitioner would receive "[n]o further parole consideration." [3/] The People concede that the Authority's action was predicated upon information contained in confidential statements submitted by law enforcement agencies which had investigated petitioner's case. [4/]

Section 3022 provides that "At least 30 days before the Adult Authority shall meet to fix and determine the length of time any prisoner shall be confined, the

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[3/] The quoted language appears in certifications of Authority action taken on the dates in question, copies of which certifications are submitted as exhibits with the return of the order to show cause. Language which hereinafter refers to a rescission of "parole" is intended to relate to either or both a rescission of the date set for parole and the parole itself.

[4/] An affidavit filed by the Director of the Adult Authority summarizes the content of the statements as follows: "Prewitt had been engaged in a number of burglaries in the San Mateo area; . . . a crime partner of Prewitt's stated . . . that he, Prewitt and two others had burglarized six hundred pounds of methamphetamine . . . while one of the men was on the roof of a building across the street with a rifle to shoot any police who came upon the scene; . . . Prewitt was a major supplier of illegal drugs in the San Mateo area; and . . . Prewitt had made a contract to have a policewoman undercover narcotics agent killed . . . and had furnished the gun to the potential assassin." When a correctional officer informally discussed the substance of the allegations with petitioner, petitioner denied knowledge of the alleged contract and disclaimed involvement in the other matters. Petitioner was never interviewed by any member or representative of the Authority.

authority shall send written notice thereof to each of the following persons who has made request therefor: the judge of the superior court before whom the prisoner was tried and convicted, the attorney for the defendant and the district attorney of the county from which the prisoner was sentenced and the law enforcement agency that investigated the case." Section 3042 makes a similar provision for notice to the foregoing parties and the Director of Corrections prior to the Authority's consideration of a prisoner's parole. The apparent purpose of notifying the designated parties is to invite them to submit their views as to the appropriate length of term and the advisability of parole.

Petitioner contends that he is entitled to confront and cross-examine the author of any submitted statement and the persons whose views are referred to or relied upon in that statement. He argues that by rescinding his parole date and redetermining his term without allowing him "to confront and cross-examine the witnesses against him" the Authority violated his right to procedural due process.

We deal first with the question whether an inmate prior to a rescission of parole is entitled to due process protections and, if so, what specific procedural processes are due. We deem that this inquiry, in significant

aspects, has heretofore been resolved in favor of petitioner's claims. (See Morrissey v. Brewer, supra, 408 U.S. 471.) Morrissey holds that proceedings for parole revocation must conform to minimum due process requirements, including, inter alia, the protections sought by petitioner in the instant case.[5/] (See People v. Vickers, ante, pp. ___, ___.) Although the proceedings of which petitioner complains were not for revocation of parole but for rescission of an unexecuted grant of parole, we can perceive no significant distinction between the deprivation of the right to conditional liberty enjoyed

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5/ Morrissey provides for a two-stage proceeding, the first being in the nature of a "'preliminary hearing' to determine whether there is probable cause or reasonable grounds to believe that the arrested parolee has committed acts which would constitute a violation of parole conditions." (408 U.S. at p. 485.)

A second, more formal hearing at which the question of violation is factually determined must include the following procedural protections: "(a) written notice of the claimed violations of parole; (b) disclosure to the parolee of evidence against him; (c) opportunity to be heard in person and to present witnesses and documentary evidence; (d) the right to confront and cross-examine adverse witnesses (unless the hearing officer specifically finds good cause for not allowing confrontation); (e) a 'neutral and detached' hearing body such as a traditional parole board, members of which need not be judicial officers or lawyers; and (f) a written statement by the fact-finders as to the evidence relied on and reasons for revoking parole. We emphasize there is no thought to equate this second stage of parole revocation to a criminal prosecution in any sense; it is a narrow inquiry; the process should be flexible enough to consider evidence including letters, affidavits, and other material that would not be admissible in an adversary criminal trial." (Id. at p. 489.)

by a parolee after release and the deprivation of the right to achieve such liberty after a grant thereof but before the date fixed for release. In either event the parolee has been deprived of a valuable if limited right to be free (see Morrissey v. Brewer, supra, 408 U.S. at p. 482; People v. Vickers, supra, ante, p. ___), and the same or substantially the same protection must be accorded him in effecting that deprivation. An inmate, accordingly, is entitled to a hearing which substantially conforms to the Morrissey procedures on the question whether an order granting parole should be rescinded as improvidently granted. 6/

Petitioner in the instant case has expressed particular concern because the information on which the Authority relied in rescinding its earlier order was submitted in the form of statements made following notice given pursuant to sections 3022 and 3042 without affording him an opportunity to respond thereto. The Morrissey procedures specifically provide for the protection petitioner demands (see fn. 5, supra) in a proceeding wherein

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6/ We note that, as petitioner in the instant case had not been actually released on parole and thus was continually in lawful custody prior to the order rescinding the grant of parole, the preliminary hearing which Morrissey provides for in the case of parole revocations would not be compelled here by due process considerations.

Morrissey is applicable. However, the protection is expressly limited. In describing the nature of a parolee's right to a disclosure of adverse information at the preliminary hearing, the Supreme Court stated that "if the hearing officer determines that the informant would be subject to risk of harm if his identity were disclosed, he need not be subject to confrontation and cross-examination." (408 U.S. at p. 487.) Such limitation on the right of disclosure is also applicable at the more formal hearing as to information submitted either by witnesses or by written statements in accordance with sections 3022 and 3042. (Id., at pp. 487, 489.) As the right of nondisclosure is necessary to protect only the informer, it is only his identity and not that of the reporting official or agency which may be withheld.

Although for purposes of applying Morrissey we do not distinguish between a revocation and a rescission of a grant of parole, it is not our intent and we do not hold that the Morrissey procedures are applicable to proceedings by the Authority for fixing the terms of and granting paroles to prison inmates. We are nevertheless constrained to remark, although the issue is not now before us, that certain proceedings in connection with the fixing of terms and granting of paroles may not

now conform to due process requirements. When determining whether a procedure involved in the term-fixing or parole-granting process violates due process, "the reviewing court must consider the objectives sought to be achieved by the challenged procedure, the possible unfairness to the prisoner, and the availability of alternative procedures which are less burdensome to the prisoner." (In re Minnis, supra, 7 Cal.3d 639, 649.) While the Authority's right to receive relevant information from the notified parties, including the investigating agencies, is beyond question (id., at p. 650; cf. Williams v. New York (1949) 337 U.S. 241, 245-247), doubt remains as to that body's right to keep such information secret from the prisoner who may suffer unjustifiably if inaccurate statements are relied upon by the Authority in making its determination.

The People have urged that disclosure of these statements will endanger the sources of information and that, consequently, potential informants will be discouraged from confiding in the Authority so as to deprive it of information essential to the performance of its functions. Except where, as noted in Morrissey, a disclosure will impose a risk of harm to some informant, the People's argument overstates the importance of confidentiality to the achievement of the governmental

objectives involved. The Legislature has otherwise provided for the submission immediately after pronouncement of judgment of similar statements from most of the same parties or agencies who receive notice pursuant to sections 3022 and 3042. (See § 1203.01; In re Minnis, supra, 7 Cal.3d 639, 650.) Copies of such statements at that time must be disclosed to the prisoner and his attorney, and there is nothing in the record which suggests that such disclosure requirements have seriously impeded the flow of information to the Authority.

From the inmate's point of view a policy of nondisclosure increases the potential for unfairness. Unless the prisoner learns what information is in the Authority's possession he cannot intelligently decide what subjects to discuss at his predisposition interview. (See § 5077.) Especially with respect to statements containing information which may be inaccurate and was not presented at trial--either because the information was not sufficiently trustworthy, was not legally admissible or had not been obtained at that time--the inmate may have no knowledge of even the fact of the lodging of false or inaccurate charges. In such a situation a refusal to apprise him of the source and nature of the information would effectively deny all reasonable opportunity to respond. "'[T]he stakes are

simply too high . . . and the possibility for honest error or irritable misjudgment are too great, to allow'" submission of such potentially damaging remarks without at least an opportunity to challenge them. (Goldberg v. Kelly (1970) 397 U.S. 254, 266.) At a minimum, and subject to limitation only when an informant will be exposed to an undue risk of harm, an inmate should be provided with a copy of any document submitted pursuant to sections 3022 and 3042, and should be afforded a reasonable opportunity to respond thereto, either in person or in writing. Nothing less will satisfy standards of fundamental fairness required by the due process clause.

The People argue that the documents submitted in the case of an inmate's parole and term-fixing disposition should not be made available to him for the reason that such documents are submitted to the Department of Corrections in reliance on a promise of confidentiality. The People cite City & County of San Francisco v. Superior Court (1951) 38 Cal.2d 156 and similar cases where such a promise was held sufficient to justify continued confidentiality. Those cases do not support the People's argument. In the City & County of San Francisco case we carefully limited our holding by stating: "The courts generally have concluded that the public interest in preserving confidential information outweighs in importance the interest

of a private litigant in the absence of considerations involving life or liberty." (At p. 163; italics added.) It is clear that in cases of term-fixing and parole-granting the private interest of an inmate in his liberty outweighs the public interest in preserving confidentiality. A claim that information is disclosed in confidence can not be made, of course, when the duty to disclose is compelled by law.

We have concluded that with the exception of the preliminary hearing the requirements of Morrissey are applicable in parole rescission proceedings and that the rescission in the instant case did not conform to the mandates of Morrissey. Such requirements, however, are to be made applicable only to revocations of parole occurring after June 29, 1972, and, we now hold, to rescission of parole grants after that date. As the rescission complained of here predated Morrissey by more than 14 months, that case affords petitioner no relief. (See People v. Vickers, supra, ante, p. ___; People v. Nelson, ante, p. ___.) [7]

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[7] The Morrissey procedures require that a parolee or, as in this case a prisoner whose grant of parole has been rescinded, be afforded an opportunity to confront and cross-examine witnesses against him. We may presume that in the case of a rescission of a grant of parole the action is generally taken because of events occurring within the prison community and the witnesses to such events would be subject to the Authority's

As above stated, we have held in the case of In re Minnis, supra, 7 Cal.3d 639, that the Authority is compelled to afford periodic reconsiderations of its orders which deny parole or refuse to fix a term at less than maximum. Although it appears that petitioner was entitled to relief for the failure of the Authority to so reconsider such orders made in his case, the Attorney General states in the return to the order to show cause that the Authority, in recognition of its conceded failure to have followed its own policies in fixing parole in the instant case, placed the matter of petitioner's parole on its first calendar at which it could be given a full hearing, that a hearing was had on May 10, 1972, and that an en banc review was scheduled on June 19, 1972, the results of which have not been disclosed. The Attorney General also asserts that by order dated May 19, 1972, the Authority has abandoned its policy of refusing to reconsider

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control and could be compelled to appear. Where the Authority lacks control over a necessary witness it does not appear that it can itself compel attendance. (Cf. §§ 5068-5082.) The Authority's problem in producing witnesses may be even more pronounced in the case of parole revocations where the events upon which the revocation is sought generally occur outside the prison community. Morrissey nevertheless requires that those witnesses upon whom the Authority relies must be available at the hearing, except where the hearing officer specifically finds good cause for not permitting confrontation. The lack of procedural or administrative tools which make it difficult to produce a material witness otherwise available cannot be urged as an excuse for denying the right to cross-examination and confrontation when that right has been accorded on due process grounds enunciated in Morrissey.

particular cases, and now reviews annually all cases including those wherein terms have been fixed at maximum. Petitioner does not factually dispute these matters in documents filed by him since the foregoing assertions.

It appears in view of the foregoing that petitioner has already been afforded all relief to which he may have been entitled in accordance with Minnis. We have no cause to assume that he will not continue to be accorded periodic review in connection with the fixing of his term and his right to parole, and we anticipate that the Authority will provide petitioner with copies of statements submitted by individuals and agencies pursuant to sections 3022 and 3042, or otherwise, which are retained by the Authority in petitioner's file. Such copies must be timely submitted to petitioner in order to afford him a fair opportunity to respond to the statements prior to any scheduled hearing date, but need not disclose to petitioner the identity of any informant if, in the sound discretion of the Authority, such disclosure would subject an informant to an undue risk of harm.

Inasmuch as the record does not establish that petitioner is entitled to release at this time, the order to show cause is discharged and the petition denied.

WRIGHT, C.J.

WE CONCUR:

McCOMB, J.
PETERS, J.
TOBRINER, J.
MOSK, J.
BURKE, J.
SULLIVAN, J.

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C O P Y

FILED
DEC 14 1972
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IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

IN BANK

THE PEOPLE, Plaintiff and Respondent, v. ANDERSON VICKERS, Defendant and Appellant.	Crim. 16440 (Superior Ct. No. 77158)

Defendant appeals from an order revoking probation granted after the imposition of sentence upon his plea of guilty to a charge of possession of heroin.[1/] (Health & Saf. Code, § 11500.) He contends that the denial of an opportunity to rebut allegations contained in the reports of the probation officer, upon which the court relied in ordering revocation, rendered the order invalid and subject to attack on appeal therefrom.[2/] We agree in

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1/ Although there are inconsistencies in the record, it fairly appears that judgment was pronounced and execution of sentence suspended on October 13, 1970. Defendant was placed on probation for three years conditioned among other things on serving one year in the county jail. The conduct alleged to constitute a violation of the terms of probation occurred within approximately one month after probation was granted and while defendant was enrolled in a work furlough program outside the jail. (Pen. Code, § 1203.)

2/ The order of revocation in these circumstances is appealable as an order made after judgment

ENCLOSURE
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principle but conclude for reasons hereinafter set forth that defendant is not entitled to relief in the instant circumstances.

A motion to revoke defendant's probation was filed by his probation officer and first appeared on calendar on November 18, 1970. Defendant was not present on that date and the matter was continued to December 14, at which time defendant and his attorney were both present. It appeared to the court from various probation reports that after one month on the work furlough program defendant reported ill and was admitted to an emergency hospital. He was treated and discharged that same day. After he did not respond to a call at his home the following day, his probation officer concluded that defendant had "absconded" and a bench warrant was issued.

The probation report also disclosed that at the time defendant was taken into custody upon his return to

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affecting a defendant's substantial rights. (Pen. Code, § 1237, subd. 2.) In the case of In re Davis (1951) 37 Cal.2d 872, the defendant was taken directly to prison upon revocation of probation granted after the imposition of sentence. He had neither a hearing nor notice prior to revocation and learned of the revocation only after his arrest and incarceration in prison. We held in such case that the validity of the revocation could be reviewed by writ of habeas corpus. (Id., at p. 875.) This is not to say, however, that a timely appeal from the order could not have been taken, and anything to the contrary in People v. Youngs (1972) 23 Cal.App.3d 180 (at p. 183, fn. 1) is disapproved. (See also People v. Delles (1968) 69 Cal.2d 906, 908; People v. Robinson (1954) 43 Cal.2d 143, 145.)

work following his alleged illness and recovery he possessed a large sum of money. He accounted for the possession of the money by explaining that he had collected rents from properties owned by his grandfather and that he held the money intending to pay taxes which had been assessed against those properties. According to the probation officer there was no response from occupants of the rental properties when the officer called.

At the December 14 hearing defendant's counsel criticized an adverse probation report prepared prior to the hearing at which probation was granted, stating that the report was the result of an incomplete investigation. Counsel also stated that defendant's grandfather, if given the opportunity, would testify in support of defendant's claim that he had collected and was holding rental money at the time of his arrest, and that other witnesses would testify as to defendant's illness during the time he was absent from the work furlough program. Counsel also stated that hospital personnel had told defendant to go home and rest and that he had been in bed for a week after which he voluntarily returned to work prior to his arrest. Other matters asserted by the court as appearing in the probation reports were also disputed by defendant's counsel.

Without hearing from any sworn witness the court concluded that it could not accept counsel's explanation

that defendant had innocently left the hospital for his home in response to instructions from hospital personnel, stating that, under the circumstances, defendant was too familiar with criminal procedures to have acted in good faith and had "just walked off from probationary status." Probation was revoked over defendant's claims that he had made no misrepresentations to his probation officer. [3/]

Complaints of a lack of notice and hearing prior to revocation of probation have, until recently, fallen on deaf ears. The established rule has been that "there is neither a constitutional nor a statutory right to notice and hearing preceding revocation of probation. The federal Constitution does not give such a right. [Citation omitted.] And we do not believe that . . . our state Constitution

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[3/] The record again leaves some doubt as to the actual proceedings in the trial court. The form filed pursuant to Penal Code section 1202b committing defendant to the Department of Corrections indicates that probation was denied, judgment was pronounced and defendant was committed to the Department of Corrections on December 14. On the other hand, the reporter's transcript is in accord with our view of the record, that is, that judgment was pronounced, execution of sentence stayed and probation granted on October 13, and on December 14 after continuance of a motion to revoke probation from November 18 probation was revoked and defendant committed. Our difficulty with the record is further compounded by the fact that defendant's notice of appeal, filed on December 18, erroneously specified November 18 as the date upon which probation was revoked. This may have been due to the court's erroneous recital at the hearing on December 14 that probation had been "heretofore revoked." As stated, we deem revocation to have been ordered for the first time on December 14 and conclude that the notice of appeal was thus timely filed. (Cal. Rules of Court, rule 31a.)

should be held to give petitioner a greater right in this respect than he is accorded under the federal Constitution, for under our law, as under the federal law, probation is not a right, but a privilege [citation omitted]." (In re Davis, supra, 37 Cal.2d 872, 873-874.) [4/] That rule, however, is no longer in accord with federal constitutional due process requirements (see Morrissey v. Brewer (1972)

[4/] Penal Code section 1203.2 provides in pertinent part:

"(a) At any time during the probationary period of a person released on probation under the care of a probation officer pursuant to this chapter, any probation or peace officer may, without warrant or other process and at any time until the final disposition of the case, rearrest the person and bring him before the court or the court may, in its discretion, issue a warrant for his rearrest. Upon such rearrest, the court may revoke and terminate such probation if the interests of justice so require and the court, in its judgment, has reason to believe from the report of the probation officer or otherwise that the person has violated any of the conditions of his probation, has become abandoned to improper associates or a vicious life, or has subsequently committed other offenses, regardless whether he has been prosecuted for such offenses.

"(b) Upon its own motion or upon the petition of the probationer or the district attorney of the county in which the probationer is supervised, the court may modify, revoke, or terminate the probation of the probationer pursuant to this subdivision. The court shall give notice of its motion, and the district attorney shall give notice of his petition to the probationer and the probation officer; and the probationer shall give notice of his petition to the probation officer. The court shall refer its motion or the petition to the probation officer. After the receipt of a written report from the probation officer, the court shall read and consider the report and either its motion or the petition and may modify, revoke, or terminate the probation of the probationer upon the grounds set forth in subdivision (a) if the interests of justice so require."

Unless otherwise specified all statutory references are to sections of the Penal Code.

408 U.S. 471) and, for reasons similar to those enunciated by Chief Justice Burger in Morrissey, we conclude that it is no longer consistent with our state constitutional requirements of due process (Cal. Const., art. I, § 13).

In Morrissey two Iowa parolees each suffered the revocation of his parole without a hearing upon review of the written report of his parole officer. The Supreme Court considered the traditional views, similar to those expressed in Davis, and noted in departing therefrom that a grant of parole is no longer a mere act of clemency but is now "an integral part of the penological system"; that its purpose is to "help individuals integrate into society as constructive individuals as soon as they are able"; that it "serves to alleviate the costs to society of keeping an individual in prison." (Id., at p. 477.) The court also noted that as due process considerations are no longer deemed to turn upon whether a governmental benefit is to be characterized as a "right" or a "privilege" (see Graham v. Richardson (1971) 403 U.S. 365, 374), the questions to be resolved were whether the nature of the interest being protected in revocation proceedings is such that some procedural processes should be accorded the parolee consistent with the Fourteenth Amendment and, if so, what minimal procedural safeguards in these circumstances are necessary.

The high court had little difficulty in concluding that the nature of the interest of a parolee in his liberty, even though significantly circumscribed, is one worthy of protection. It stated that "the liberty of a parolee, although indeterminate, includes many of the core values of unqualified liberty and its termination inflicts a 'grievous loss' on the parolee and often on others. . . . By whatever name the liberty is valuable and must be seen as within the protection of the Fourteenth Amendment. Its termination calls for some orderly process, however informal." (Id., at p. 482.)

The court chose not to prescribe the precise processes which are due a parolee before he may be deprived of his restricted liberty, but it set forth minimal requirements under the Fourteenth Amendment.[5/] In its view parole revocation conforming to due process is a two-step procedure--an initial determination that there exists or does not exist grounds which may support revocation thus justifying a temporary detention pending formal revocation proceedings, and the more formal proceedings requiring factual determinations and disposition based thereon.

5/ "We cannot write a code of procedure; that is the responsibility of each State. Most States have done so by legislation, others by judicial decision usually on due process grounds. Our task is limited to deciding the minimum requirements of due process." (Morrissey v. Brewer, supra, 408 U.S. at pp. 488, 489; italics added.)

The court likened the initial proceedings to a preliminary hearing for the determination of "probable cause or reasonable ground" to believe that a parole violation has occurred, and stated that "due process would seem to require that some minimal inquiry be conducted at or reasonably near the place of the alleged parole violation or arrest and as promptly as convenient after arrest while information is fresh and sources are available." (Id., at p. 485.) The determination need not be made by a judicial officer, but could be made by some qualified person such as a parole officer who was not directly involved in the case. The initial hearing need not be formal, but the parolee must be given notice of the time, place and purpose thereof, and of the alleged parole violations. At the hearing the parolee is entitled to appear and speak personally in his own behalf, and bring and present letters, documents and other persons who can give relevant information to the hearing officer. Adverse witnesses are to be made available for questioning by the parolee except when the hearing officer determines that an informant would be subject to risk of harm if his identity were disclosed. The hearing officer must make a summary or digest of the proceedings and must determine if there exists probable cause to hold the parolee for revocation proceedings against him. The court stated that as in Goldberg v. Kelly (1970) 397 U.S. 154, 271, "the decision-

maker should state the reasons for his determination and indicate the evidence he relied on" although "formal findings of fact or conclusions of law" are not required. A holding of the existence of probable cause, however, would warrant detaining the parolee and returning him to his place of detention pending further proceedings.

The revocation hearing itself may be waived by the parolee but, if not, must lead to a final resolution of contested facts and a conclusion whether such facts as determined warrant revocation of parole. [6/] The hearing must be had within a "reasonable time" after the parolee is taken into custody, and in Morrissey a lapse of two months was not deemed to be unreasonable.

The minimum requirements of due process at the revocation hearing were stated in Morrissey to be: "(a)

[6/] The high court stated that the hearing must be made available "if it is desired by the parolee." (408 U.S. at p. 481.) There is nothing in the opinion which forecloses a summary resolution of the issue of revocation if an undisputed course of conduct constitutes, as a matter of law, a violation of one or more conditions of parole. Whether a course of conduct and the attending circumstances are factually undisputed thus leaving open only questions of law is a matter as to which the hearing officer may make inquiry. If it appears, for instance, that upon a request by the hearing officer for a preliminary statement in the nature of an offer of proof by the parties the only matter in issue is the legal consequences of an undisputed course of conduct, the hearing officer may, without hearing any witness, rule on the matter. Such summary proceedings could not be used to shift the burden or degree of proof of factual matters if they remain in issue.

written notice of the claimed violations of parole; (b) disclosure to the parolee of evidence against him; (c) opportunity to be heard in person and to present witnesses and documentary evidence; (d) the right to confront and cross-examine adverse witnesses (unless the hearing officer specifically finds good cause for not allowing confrontation); (e) a 'neutral and detached' hearing body such as a traditional parole board, members of which need not be judicial officers or lawyers; and (f) a written statement of the factfinders as to the evidence relied on and reasons for revoking parole. We emphasize there is no thought to equate this second stage of parole revocation to a criminal prosecution in any sense; it is a narrow inquiry; the process should be flexible enough to consider evidence including letters, affidavits, and other material that would not be admissible in an adversary criminal trial." [7/] (Id., at p. 489.)

We are, of course, bound by the Supreme Court's determinations in Morrissey to the extent that they establish minimal due process requirements in parole revocation

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[7/] The court also noted that the "full panoply of rights due an individual in [a criminal proceeding] does not apply to parole revocations. . . . Revocation deprives an individual, not of the absolute liberty to which every citizen is entitled, but only of the conditional liberty properly dependent on observation of special parole restrictions." (Id., at p. 480.)

proceedings. Although we are not confronted with a revocation of parole but rather with proceedings for the revocation of probation granted after conviction and imposition of sentence, we cannot distinguish such proceedings in principle insofar as the demands of due process are concerned. The recognition that aside from an act of clemency a grant of parole is an integral part of the penological system intended to help those convicted of crime to integrate into society as constructive individuals as soon as possible and alleviate the cost of maintaining them in custodial facilities, is equally applicable in the case of a grant of probation. The characterization of a grant of probation as a privilege rather than a right is also, as in the case of a grant of parole, no longer of significance. Certainly the nature of a probationer's interest in his liberty, not necessarily ever having been an inmate of a prison or a jail, is at least as great as that of a parolee and is entitled to at least the same due process safeguards before it is terminated. Morrissey is thus equally applicable in the case of a revocation of probation insofar as it assures that revocation can be had only with due process protections. However, the precise nature of the proceedings for such revocation need not be identical if they assure equivalent due process safeguards.

The most obvious procedural distinction between probation revocation proceedings in this state and those discussed in Morrissey is that the former is not an administrative but is a judicial act as provided in section 1203.2. That section provides for some but not all of the minimum due process requirements necessary to conform such proceedings to Fourteenth Amendment proscriptions. Thus it provides in subdivision (a) for the rearrest of a probationer and revocation of probation but makes no provision for a preliminary determination of probable cause to believe that a violation of probation has occurred in order to warrant the detention of a probationer until a more formal hearing is had. Nor does it appear in connection with or at the formal hearing pursuant to proceedings under subdivision (a) that the probationer is assured of written notice of the claimed violations or, pursuant to proceedings under either subdivision (a) or (b), disclosure of the evidence against him, an opportunity to be heard in person and to present witnesses and documentary evidence, or the right to confront and examine adverse witnesses (except where the court finds good cause for not allowing confrontation). The statutory provision thus fails to meet several of the mandatory requirements of due process as set out in Morrissey and as now held by us to be applicable in probation revocation proceedings.

It also appears that defendant's probation was revoked in the instant case without according to him at least several of the safeguards mandated by Morrissey. The record shows he did not have a preliminary determination on the issue of probable cause [8/] and, at the hearing on revocation, he was denied an opportunity to be heard in person and to present witnesses and documentary evidence and the right to confront and cross-examine witnesses. Perhaps other rights now required by Morrissey were not afforded defendant. Before proceeding to a determination as to what relief, if any, defendant is entitled, there are other considerations which require discussion.

The courts of this state recognized prior to Morrissey that due process requires in probation revocation proceedings at least several of those rights now compelled by Morrissey. In People v. Youngs (1972) 23 Cal.App.3d 180, imposition of sentence was suspended and defendant was placed on probation. Three years later probation was summarily revoked on allegations by defendant's probation

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8/ It is possible, although we cannot so conclude on the record before us, that defendant was given the equivalent of a preliminary hearing on November 18, 1970, shortly after he was arrested. However, he did not attend that hearing.

We do not read Morrissey as precluding the holding of the two proceedings in close or immediate sequence to each other providing that the due process protections declared in that decision are not infringed.

officer of a failure to comply with certain terms of probation. When defendant was arraigned for sentencing his attorney raised the issue of an actual violation of the terms of probation, but after an informal discussion during which no witnesses were heard on defendant's behalf, probation was revoked.

The court recognized that under the then prevailing law a probationer had no right to a hearing preceding a revocation of probation in accordance with section 1203.2 (see fn. 4, supra), but held that following such a revocation he was entitled to a hearing between the act of summary revocation and the act of imposing sentence in order to challenge an erroneous or false allegation of a violation. The court concluded: "It appears to us that fundamental principles of due process and fair play demand, and we hold, that after a summary revocation of probation and before sentencing a hearing is required at which the defendant is entitled to be represented by counsel, to be advised of the alleged violation and given an opportunity to deny or explain it, and, if necessary, present witnesses on his own behalf." [9/] (Id., at p. 188.)

[9/] The court in Youngs dealt with a situation where sentence had not yet been imposed. As to a hearing on revocation where sentence had been imposed but execution thereof stayed prior to probation, the court stated: "Whether that procedure [revocation of probation ex parte and defendant taken directly to prison] comports with current concepts of due process, we leave to another court on another day. Frankly, we can find no meaningful distinction between the two procedures." (23 Cal.App.3d at p. 188.)

The broader rights afforded under Morrissey are not to be diminished by anything said in Youngs. Youngs, however, raises a further problem which was not presented in Morrissey, and which must be resolved. On the surface Morrissey appears to preclude a revocation until after a hearing, yet in Youngs a summary revocation of probation was deemed justified if there followed a hearing in conformance with due process. The answer, we believe, lies in the fact that Morrissey directed its attention only to the situation where there had been an actual deprivation of individual liberty, although circumscribed. In that case the parolees were arrested and immediately committed to confinement and eventually to prison without due process of law. A different situation is presented, however, when a parolee's right to liberty is the subject of proceedings had before his arrest or actual deprivation of his conditional liberty. Such a situation commonly develops when a parolee unilaterally elects to escape the restraints imposed on his liberty and severs the lines of communication with those assigned to supervise him; in effect, he absconds. Should he remain at liberty without proceedings had against him he could conceivably complete his term and the Authority would lose jurisdiction in the matter. (See People v. Youngs, supra, 23 Cal.App.3d 180, 184-185.) Due process does not require that a defendant profit by such

wrongdoing and we read Morrissey as applicable only in those instances where an actual seizure of the individual has occurred. It is this loss of liberty which compels the procedures set forth in Morrissey. Accordingly, a summary termination of his status while a parolee remains at liberty and unavailable to the authorities does not fall within the proscription of Morrissey.[10/] Once taken into custody, however, due process requires that he be accorded both preliminary and formal hearings which conform to Morrissey standards. The purpose of the hearings would not be to revoke parole as such revocations would have already been summarily ordered, but rather to afford the defendant an opportunity to require the Authority to establish that the alleged violations did in fact occur and justified the revocation.

For the same reasons we have held that Morrissey is applicable in probation as well as parole revocation proceedings, we conclude that a summary termination of probationary status in the case of an absconding probationer comports with due process requirements if he is accorded a hearing which conforms to Morrissey standards after being taken into custody.

10/ We do not foreclose the possibility that summary revocations other than when the defendant has absconded, particularly if necessary to preserve the court's jurisdiction, will comport with due process requirements.

that he was not volitionally guilty of any misconduct. However, he too often lacks the training and poise to present to either his probation officer or the court his explanation in a persuasive manner, although or perhaps because the stakes are high. Trained counsel, in such circumstances, "can help delineate the issues, present the factual contentions in an orderly manner, conduct cross-examination, and generally safeguard the interests of" his client. (Goldberg v. Kelly, supra, 397 U.S. 254, 270-271.) With counsel's assistance the proceedings will move to an orderly, just conclusion (see People v. Sharp (1972) 7 Cal.3d 448, 460-461) in the best interests of both the probationer and the People. We conclude accordingly that as a judicially declared rule of criminal procedure (see People v. Cahan (1955) 44 Cal.2d 434, 442) a probationer is entitled to the representation of retained or appointed counsel at formal proceedings for the revocation of probation, or following such summary revocation in appropriate cases.[11/]

Defendant in the instant case is not entitled to the benefits provided by Morrissey for the reason that

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11/ We note that in the instant case defendant was represented and, it appears, it has been the practice in at least some of our counties to provide counsel in these circumstances. (See People v. Youngs, supra, 23 Cal.App.3d 180, 186-187.)

Morrissey itself states that such procedures "are applicable to future revocations of parole." (Morrissey v. Brewer, supra, 408 U.S. 471, 490.) [12/] No reason appears why a different date should be established in a case of probation revocation. Morrissey was filed on June 29, 1972, a year and a half after the revocation complained of in the instant case. Nor is defendant entitled to relief on the ground that the revocation proceedings also failed to comply with due process procedures as compelled by Youngs. The opinion in Youngs was filed on January 28, 1972, more than a year after the revocation of probation in the instant case. We need not, however, resolve here the question of Youngs' retroactivity as Youngs deals only with probationers whose sentence was not imposed prior to probation. As we have noted (see fn. 8, supra) Youngs expressly states that as to whether due process requires a hearing on revocation of probation granted after judgment was pronounced and execution of sentence suspended, it would leave to another court on another day. Any retroactive application of Youngs

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[12/] Counsel for defendant in People v. Nelson, post, p. ___, argues that despite Morrissey's express direction otherwise it is to be given retroactive application. We reject the argument for the reasons set forth in that opinion.

would thus not aid defendant.[13/] (Cf. People v. Nelson, post, p. ___.)

The order revoking probation is affirmed.

WRIGHT, C. J.

WE CONCUR:

McCOMB, J.
PETERS, J.
TOBRINER, J.
MOSK, J.
BURKE, J.
SULLIVAN, J.

13/ This decision is to be effective after June 29, 1972 (also the effective date of Morrissey), and is applicable only to orders which revoke probation or modify it in a manner which places greater restrictions on the probationer's liberty.

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FILED

DEC 14 1972

G. E. BISHEL, Clerk

By Deputy

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

IN BANK

THE PEOPLE, Plaintiff and Respondent, v. ROBERT NELSON, Defendant and Appellant.	Crim. 16439 (Superior Ct. No. 78584)

Robert Nelson appeals from a judgment upon his guilty plea to a charge of carrying a concealed weapon. (Pen. Code, § 12020.) [1/] Following his plea, a probation report was prepared and at sentencing criminal proceedings were suspended and defendant was placed on probation for a period of three years. Within a month he was held to answer new charges of robbery and assault with a deadly weapon. At a hearing attended by defendant and his counsel the court in the instant case read the transcript of the preliminary hearing on the pending charges, the prior probation reports and a current report recommending revocation and, without hearing any witnesses on defendant's behalf

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1/ Unless it otherwise appears, all statutory references are to sections of the Penal Code.

1ENCLOSURE

revoked probation over defendant's objections that he "didn't do anything to violate." The appeal is from the subsequent judgment.[2/]

Defendant contends that the trial court committed prejudicial error in refusing to afford a hearing and an opportunity to present evidence which would have established his innocence of the pending charges upon which revocation was predicated. He relies on People v. Youngs (1972) 23 Cal.App.3d 180. (See also Morrissey v. Brewer (1972) 408 U.S. 471.) Either of these cases, if applicable, would afford defendant the relief he seeks.[3/]

We have held today in People v. Vickers, ante, p. ___, that Morrissey is to be made applicable to probation

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2/ Proceedings were suspended and probation granted on September 18, 1970. The preliminary hearing on the robbery and assault charge was held on October 9, 1970. At that time defendant was on probation not only for the section 12020 violation but also for an earlier misdemeanor conviction. The revocation hearing was held on December 9, 1970, probation was revoked as to the felony conviction and defendant was sentenced to prison for the term prescribed by law. The court stated, as to the misdemeanor conviction, "probation is terminated on that." The precise disposition of the misdemeanor matter does not appear, but defendant makes no complaint in that connection.

3/ Morrissey requires in parole revocation proceedings that procedural safeguards, in accordance with minimal standards specified therein, be afforded a parolee under compulsion of due process. Youngs holds that although probation may be summarily revoked in a case where probation had been granted prior to the imposition of sentence a probationer is thereafter entitled to a hearing on the merits of the revocation in compliance with due process requirements.

as well as parole revocations and that proceedings for such revocations must be in compliance with the procedures mandated by Morrissey. We further held, however, that as Morrissey expressly directs that it be applicable only prospectively from and after its effective date, June 29, 1972, that same date was also the effective date for application of the Morrissey procedures in instances involving probation revocations and probation modifications that result in greater restriction of the probationer's liberty. The revocation of which defendant complains occurred a year and a half prior to the decision of the Supreme Court in Morrissey. Defendant contends, however, that his right to the procedural safeguards required in Morrissey actually predate that decision.

The central theme of defendant's argument is that in cases decided prior to Morrissey property interests once classified as "privileges" were thereupon deemed to be "rights" with full due process protections before deprivation of the same. Such decisions, defendant contends, must be deemed to encompass deprivations of the "right" of liberty. Morrissey, it is asserted, merely gives expression to such preexisting rules. (See Goldberg v. Kelly (1970) 397 U.S. 254; Shapiro v. Thompson (1969) 394 U.S. 618; Sniadach v. Family Finance Corp. (1969) 395 U.S. 337; Armstrong v. Manzo (1965) 380 U.S. 545; Sherbert v. Verner

(1963) 374 U.S. 398; McCallop v. Carberry (1970) 1 Cal.3d 903; Orr v. Superior Court (1969) 71 Cal.2d 220; In re Harris (1968) 69 Cal.2d 486.) [4/]

Although we concede that the right to liberty is at the very least entitled to protections equal to or greater than those relating to the property interests dealt with in the cited cases, it was not until Morrissey that the Supreme Court purported to hold for the first time that a parolee's conditional liberty was entitled to certain due process protections. The court noted that a parolee has necessarily been convicted of a crime against the people;

[4/] Counsel particularly relies on Mempa v. Rhay (1967) 389 U.S. 128 as establishing prior to Morrissey that a probationer is entitled to a due process hearing on revocation of his probationary status. In Mempa as in the instant case, petitioners were placed on probation prior to sentencing and, at proceedings at which they were not represented by counsel following alleged probation violations, probation was revoked and they were sentenced to prison. The high court in that case considered only the question of the right of representation and concluded: "All we decide here is that a lawyer must be afforded at this proceeding whether it be labeled a revocation of probation or a deferred sentencing." (389 U.S. at p. 137.) In arriving at such conclusion the court relied only on legal principles relating to the right to be represented at sentencing. It has been correctly stated that Mempa "does no more than assert that upon deferred sentencing following probation violation, a defendant must be afforded the right to counsel. This has for many years been the rule in California. (See People v. Fields, 88 Cal.App.2d 30, 32-33.)" (People v. Jones (1968) 263 Cal.App.2d 818, 824.) Mempa thus does not adjudicate any element of the due process protections announced in Morrissey and cannot be deemed as establishing a retroactive date for its application

that such conviction justified the imposition of severe restrictions if he is to move freely in society because of the real risk that he may not be able to live without committing additional antisocial acts; and that the state had an "overwhelming interest in being able to return the individual to imprisonment" if he could not adjust to the demands of society. (408 U.S. at p. 483.) It is thus not only the tenuous nature of a parolee's or probationer's right in his liberty but also the hazard to which society is exposed which distinguishes the limited right to be free from other rights including property rights. This distinction compels the conclusion that the protection of the limited right of freedom of parolees or probationers must be dealt with as an individual and novel matter whose determination could not have been predicated on or dictated by determinations as to other rights which share some but not other critical common characteristics. We cannot, accordingly, conclude that the safeguards prescribed in Morrissey predated the filing of the opinion in that case and, in any event, we cannot ignore the high court's clear direction that it intended to speak prospectively only. We do not, moreover, look to the usual tests for determining the retroactivity of a novel rule as we would in those instances where that question is not answered in the written court

opinion giving birth to the rule. (See In re Tahl (1969) 1 Cal.3d 122, 134.)

In seeking to rely on People v. Youngs, supra, 23 Cal.App.3d 180, defendant is again confronted with the burden of establishing that it be applied retroactively. In Vickers we were not required to consider whether Youngs should be applied retroactively or prospectively only, as Youngs expressly excluded its application to a revocation hearing where, as in Vickers, probation had been granted after sentence had been imposed and its execution stayed. Youngs purports to apply in the instant case, however, where criminal proceedings were suspended before the grant of probation, thus necessitating sentencing and judgment upon the revocation thereof. We must, accordingly, now determine the issue we did not reach in Vickers.

Whether a rule departing from established practices should be given retroactive application requires a weighing of the following three criteria to determine what application of the new rule, on balance, more nearly accomplishes substantial justice: "'(1) the purpose of the new rule; (2) the extent of reliance upon the old rule; and (3) the effect the retroactive application would have upon the administration of justice.'" (In re Tahl, supra, 1 Cal.3d 122, 134.)

The purpose of Youngs was to protect a probationer's interest prior to the imposition of judgment and

sentence by providing a hearing comporting with due process on the merits of a summary revocation of probation already ordered. In a sense, however, the right to such a hearing preexisted Youngs as a defendant could have moved to set aside the order revoking probation (§ 1203.2, subd. (e)) and thus have obtained a due process determination of the merits of the revocation. (People v. De Waele (1964) 224 Cal.App. 2d 512, 516.) In practice then, the Youngs rule may be deemed as merely shifting the burden of initiating the hearing from the defendant. It is thus not of such great innovation as a rule which for the first time might have conferred a novel due process hearing in revocation proceedings. We conclude, accordingly, that because a probationer might have obtained a hearing on the merits of a summary revocation of probation prior to Youngs, there is little in the purpose of the rule enunciated in that decision to require any retroactive application.

As to the second criterion, it is clear that the pre-Youngs rule had been firmly established in this state for a great number of years. Although it appears that some of the more populous counties had provided without compulsion the equivalent of a hearing as prescribed in Youngs prior to the decision (see People v. Youngs, supra, 23 Cal.App.3d 180, 186), this is not to say that the courts and law enforcement agencies in other counties did not rely on the established

procedures.[5/] In any event we can only conclude that the reliance by both the People and the accused on pre-Youngs procedures, and the courts' reliance on the reports and recommendations of probation departments, has been extensive and well justified under the established practices. Such reliance weighs heavily in the balance against retroactive application of Youngs.

The final criteria of retroactive application requires that we consider the effect of retroactivity on the administration of justice. We are aware, of course, of the increasingly large number of persons convicted of crimes who are placed on probation. (See Crime & Delinquency in Cal. 1970, pp. 53-57.) There would unquestionably be a very heavy burden on the administration of justice should a retroactive application of Youngs, even for a limited period prior thereto, require a reexamination of the merits of probation revocations of inmates who are currently incarcerated or whose probation was modified so that greater restrictions were placed on their liberty.

The foregoing considerations all suggest that Youngs must be limited to prospective application only. Not

---

5/ The fact that the Youngs procedures had been voluntarily adopted, or substantially adopted by a significant number of courts would, at least as to revocation proceedings in such courts, render it unnecessary to consider the retroactivity issue. Our concern should be the effect of retroactive application on those courts applying the established rule.

being a decision of statewide compulsion, moreover, some question might be raised as to its statewide applicability. It may well be argued that once a definitive decision of the Court of Appeal departing from established procedures has become final, there no longer remains any sufficient justification for continued reliance on the old procedures, and the new rule, when as in the instant case it is approved by this court, must be given prospective application from the date of such finality.[6/] However, in the particular circumstances before us wherein the interrelated demands of Morrissey and Youngs are predicated on due process concepts, we recognize and give effect to Morrissey as an expression of the supreme law of the land. In such circumstances an application of Youngs from some earlier date than that mandated by Morrissey would only add confusion in the orderly administration of justice. We conclude, accordingly, that Youngs is likewise to be applicable from and after the effective date of Morrissey, June 29, 1972. As defendant's revocation predated that date and, incidentally, even the finality of Youngs by 15 months, neither case affords any relief.

[6/] Youngs became final on April 27, 1972.

Defendant's remaining contentions are so lacking in merit that they do not require discussion.

The judgment is affirmed.

WRIGHT, C. J.

WE CONCUR:

McCOMB, J.
PETERS, J.
TOBRINER, J.
MOSK, J.
BURKE, J.
SULLIVAN, J.

CONFIDENTIAL

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

UNITED STATES GOVERNMENT

Memorandum

EXEMPTED FROM AUTOMATIC DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(6)
DATE 09-24-2008

3/30

TO : ACTING DIRECTOR, FBI (100-447251) DATE: 3/7/73

FROM: LEGAT, MADRID (157-3) (P) Sw. Rome, Madrid

SUBJECT: LEROY ELDRIDGE CLEAVER, aka - FUG.
I.O. #4239, W.F. #447
EM - BPP; UFAC - ASSAULT WITH INTENT TO COMMIT MURDER; THREAT AGAINST THE PRESIDENT OF THE UNITED STATES
(OO: SF)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

B.G.F.

Re Paris cable 1/4/73 and Bureau airtel 2/23/73.

[redacted]

(0) b1

In addition, Legat has maintained close liaison with [redacted] U. S. Customs Attache, American Embassy, Madrid, regarding subject's possible whereabouts.

Legat will continue to maintain liaison with our foreign sources and the Customs Attache in an effort to develop information regarding subject's possible whereabouts. b6 b7C

ARMED AND DANGEROUS.

REC 98 100-447251-1174

ST-111

4 - Bureau
(1 - Foreign Liaison Desk)
(1 - San Francisco, 88-12329, Info.)
1 - Madrid
VVK:eim
(5)

21 MAR 12 1973

CONFIDENTIAL

1 cc per O-7 to SF

3/15/73 ENB

FUGITIVE
FIVE
SWM

5 MAR 20 1973

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

Airtel

1 - [redacted]

1 - [redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-24-2006 BY 60322/UCLRB/RJ/EHL

3/13/73

To: SAC, San Francisco (157-4324) (88-1329)

From: Acting Director, FBI (100-447251)

LEROY ELDRIDGE CLEAVER, aka -
FUGITIVE
I.O. #4239
W.F. #447
EM - BPP
UFAC - ASSAULT WITH INTENT TO
COMMIT MURDER; THREAT AGAINST
THE PRESIDENT OF THE UNITED STATES
OO: San Francisco

b6
b7C

Re San Francisco airtel to the Bureau dated 3/9/73.

In view of the sensitive employment of [redacted] investigation which has determined he resides in a location other than where original information indicated he could be contacted, and in the absence of information that he is actually in contact with the Cleaver Faction, your request for a mail cover is not being approved at this time.

REC-40 100-447251-1176
EX-103

NOTE: San Francisco has suggested a mail cover on [redacted] who allegedly may be in contact with the Cleaver Faction of the Black Panther Party. Mail cover is not being approved at this time due to the sensitive nature of [redacted] investigation which indicates he does not reside at the location where the original information indicated he could be contacted and lack of information placing him in contact with the Cleaver Faction.

ENB:sdb
(6)

MAILED 6
MAR 14 1973
FBI

23 MAR 15 1973

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Soyars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Ms. Herwig
Mr. Mintz
Mrs. Neenan

57 MAR 22 1973

MAIL ROOM [ ] TELETYPE UNIT [ ]

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

UNITED STATES GOVERNMENT

Memorandum

TO : Acting Director, FBI (100-447251) DATE: 3-12-73

FROM : SAC, Indianapolis (157-1149) (RUC)

SUBJECT: LEROY ELDRIDGE CLEAVER, aka -
FUGITIVE
I.O. #4239
W.F. #447
EM-BPP
UFAC-ASSAULT WITH INTENT TO COMMIT MURDER; THREAT AGAINST THE PRESIDENT OF THE UNITED STATES

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-24-2008 BY 60322/UCLRB/PG/EHL

OO: San Francisco

Re Indianapolis letter 9-21-72, Bureau airtel 1-9-73, and Bureau airtel, 2-23-73.

In order to insure that any re-entry of captioned subject through the Indianapolis Division territory is brought to the attention of this Bureau contacts with officials of the United States Customs and the Airport Police, Weir Cook Airport, Indianapolis, Indiana, were made on 2-23-73. Photographs and physical description of CLEAVER are in the possession of these officials, who advised that copies have been distributed to appropriate personnel at the Weir Cook Facility in an effort to insure that CLEAVER did not enter the United States at that airport without proper notice. The individuals further advised that they would cause CLEAVER's temporary detention if CLEAVER were to utilize the Weir Cook Airport for re-entry to the United States. It is further noted that current instructions are for the Indianapolis Division to be immediately notified in the event such occurred.

During the latter part of 2-73 similar investigation was conducted at the Fort Wayne Airport where airport officials and Fort Wayne law enforcement agencies were alerted; at Terre Haute and Evansville, Indiana, in order to insure that this Bureau would be advised if CLEAVER utilized small craft landing at these airfields to effect re-entry into the United States.

EX-111

2-Bureau
1-San Francisco
1-Indianapolis

HPL:tjr (4)

REC-21 100-447251-1177

MAR 15 1973

FUG-SUBJ

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

5010-108-02

All headquarters and resident agents in Indiana have been alerted and confidential informants, particularly those actively engaged in extremist matters in the Indianapolis Division have been contacted and made aware of this Bureau's interest in CLEAVER's re-entry into this country.

Contact with appropriate airport officials and sources of information are continuing and any positive data developed in this regard will be brought to the attention of the Bureau.

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

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-24-2008 BY 60322/UCLRF/PJ/EHI

F B I

Date: 3/9/73

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

Via AIRTEL AIRMAIL
(Priority)

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Soyars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Ms. Herwig
Mr. Mintz
Mrs. Neenan

TO: ACTING DIRECTOR, FBI (100-447251)

FROM: SAC, SAN FRANCISCO (157-4324) (P)

RE: LEROY ELDRIDGE CLEAVER -
FUGITIVE
I.O. #4239; W.F. # 447
EM - BPP; UFAC - ASSAULT WITH
INTENT TO COMMIT MURDER, RAPE
AND WITH A DEADLY WEAPON
(K.E.)

[redacted]

b6
b7C

Re San Francisco airtel dated 1/19/73, concerning a mail cover on [redacted] and Bureau airtel dated 1/26/73.

[redacted] On 3/2/73, [redacted] San Francisco, advised that [redacted] has continuously lived at [redacted] for more than five years.

REC-24 100-447251-1178

On 3/1/73, [redacted] U.S. Postal Inspector at San Francisco, advised that he was unable to ascertain whether [redacted] ever lived at [redacted] but postal records would indicate that he had apparently received mail there inasmuch as he filed a change of address to [redacted] on 3/16/72. [redacted] stated there was no further change of address for [redacted] but the carrier on the route states [redacted] is residing and receiving mail at [redacted] instead of [redacted]

EX-109

20 1973

On 3/5/73, [redacted] further reported that the following individuals receive mail at [redacted]

[redacted]

[redacted]

[redacted]

cc: Airtel to SF 3/13/73
Re SF Airtel to Bureau 3/9/73

FUGITIVE

2 - Bureau (RM)
2 - San Francisco
(1 - 88-12929)
(1 - 157-4572)
LSB/sad (S-6)
(5)

MAR 20 1973

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

U. S. GOVERNMENT PRINTING OFFICE: 1971—419—135

SF 157-4324
LSB/sad

[redacted]

b6
b7C

[redacted]

There are no pertinent references in this office identifiable with the last three named individuals.

It is suggested that the Bureau may wish to contact Postal authorities at Washington, D. C. and request a cover on foreign mail directed to [redacted] at [redacted], San Francisco, California.

b6
b7C

ARMED AND DANGEROUS.

9 handled

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

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-24-2008 BY 60322/UCLRP/PJ/EEL

FBI

Date: 3/14/73

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

Via AIRTEL AIRMAIL
(Priority)

b6
b7C

TO: ACTING DIRECTOR, FBI (100-447251) BEF

FROM: SAC, MOBILE (157-2942) (RUC)

RE: LEROY ELDRIDGE CLEAVER, Aka -
FUGITIVE
IO #4239
WF #447
RM - BPP
UFAC -ASSAULT WITH INTENT TO
COMMIT MURDER; THREAT AGAINST
THE PRESIDENT OF THE UNITED STATES
OO:SF

Re Bureau airtel, 2/23/73. REC-13 100-447251-1179

On 3/7/73, Inspector [redacted] Immigration & Naturalization Service, Mobile, Alabama, was alerted concerning the possibility of the subject trying to enter the United States. [redacted] advised that the subject was still on the INS Watch List. He stated that his department would be alert for the development of any information concerning the possible re-entrance of the subject into this country. He stated that his department would check all normal sources of entry into the United States.

On 3/7/73, [redacted] Acting Senior Resident Agent, Bureau of Customs, U. S. Treasury Department, Mobile, Alabama, was advised of the possibility of the subject ~~trying to re-~~ enter the United States. He advised that his department had been previously alerted for the possibility of the subject entering the country, and is continuing to remain alert for any information concerning any attempt by the subject to enter the Port of Mobile.

MAR 17 1973

FUG. COP. FILE

2 - Bureau
2 - San Francisco (88-13239)
1 - Mobile
EJB/crb
(5)

70 MAR 26 1973

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

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

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EXEMPTION CODE 25X(6)
DATE 09-26-2008

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WHERE SHOWN OTHERWISE

mxw

Xl- Foreign Liaison Unit
1 - [redacted] URGENT
914-A,
9th & D Streets

CODE

CABLEGRAM

~~CONFIDENTIAL~~

3/14/73

b6
b7C

TO: LEGAT, PARIS

FROM: ACTING DIRECTOR, FBI (100-447251) REC-114 1180

LEROY ELDRIDGE CLEAVER, AKA - FUGITIVE, I.O. FOUR TWO THREE NINE; W.F. FOUR FOUR SEVEN, EM - BPP; UFAC - ASSAULT WITH INTENT TO COMMIT MURDER; THREAT AGAINST THE PRESIDENT OF THE UNITED STATES. OO: SAN FRANCISCO.

(C)

[redacted]

b1

1 - SAN FRANCISCO (88-12329) (AIRMAIL)

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

mxw

1973
10:10pm
TELETYPE

ENB:sdc
(5)

TELETYPE UNIT
RECEIVED

MAR 14 8 [illegible]

~~CONFIDENTIAL~~

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Soyars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Ms. Herwig
Mr. Mintz
Mrs. Neenan

MAIL ROOM ☐ TELETYPE UNIT ☑

CABLEGRAM TO LEGAT, PARIS
RE: LEROY ELDRIDGE CLEAVER

(C) [redacted] b1

(C) [redacted] IS MAKING ADDITIONAL EFFORTS TO OBTAIN FURTHER INFORMATION CONCERNING THIS MATTER.

LEGAT, PARIS, IS REQUESTED TO ALERT SOURCES CONCERNING SUBJECT'S POSSIBLE PRESENCE IN FRANCE.

ARMED AND DANGEROUS.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAR 14 1973

TELETYPE

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Mil
Mr. Sowars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Ms. Herwig
Mr. Mintz
Mrs. Neenan

CONFIDENTIAL

QIALPFTB030 1:58 PM 3-14-73 GXC

STATE 572

420PM URGENT 3-13-73 JL

TO ACTING DIRECTOR (100-447251) NR 124-13

FROM LEGAT OTTAWA (157-46) 1P

LEROY ELDRIDGE CLEAVER, AKA - FUG. I. O. 4239;W. F. 447

EM -BPP;UFAC - ASSAUL WITH INTENT TO COMMIT MURDER:THREAT AGAINST

THE PRESIDENT OF THE U. S. OO - SAN FRANCISCO.

b6
b7C

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AUTHORITY DERIVED FROM:
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EXEMPTION CODE 25X(6)
DATE 08-26-2008

REBUAIRTEL 2/23/73.

(C)

b1

(C) WILL MAKE ADDITIONAL EFFORTS TO OBTAIN FURTHER

INFO IN THIS REGARD AND BUREAU WILL BE FURTHER ADVISED.

END

REC-114 100-447251-1180

22 MAR 20 1973

CONFIDENTIAL

FUGASUP.

628

$32 128#1

DEB FBIHQ

b6
b7C

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DATE 09-25-2006 BY 60322/UCLRF/PJ/EEL

SAC, New York (100-171218) 3/14/73

Acting Director, FBI (157-23580) 1 - [redacted]
1 - [redacted]

[redacted]

EXTREMIST MATTERS - BLACK PANTHER PARTY

Reurlet 2/23/73.

Captioned subject, as you are aware, is an associate of fugitive Eldridge Cleaver and in 1971 she met with Cleaver and other Black Panther Party - Cleaver Faction members in Algeria. The letters written by Cleaver to [redacted] in 6/72 indicate that Cleaver trusts the subject and considered her to be a source of needed funds or an individual who would willingly attempt to aid him in alleviating his reported financial problems. It appears Cleaver left Algeria in early 2/73 and his current location is unknown.

b6
b7C

[redacted] is a logical contact of Cleaver in this country. Since Cleaver's location is unknown, it is now believed a mail cover on the subject could be of assistance. Resubmit your request for a mail cover and include therein information as to whether [redacted] is under indictment, whether she is known to have an attorney of record and if so, the identity of the attorney.

Insure that you have sources who are in position to advise you of any plans by [redacted] to travel abroad as such travel could indicate a scheduled contact with Cleaver. Advance notice of travel would aid sources abroad in following her activities. Additionally, you should give consideration to a review of toll call records pertaining to the subject.

1 - 100-447251 (Eldridge Cleaver)

ERS:fb
(6)

100-447251-

SEE NOTE PAGE TWO

DUPLICATE YELLOW

NOT RECORDED
26 MAR 20 1973

ORIGINAL FILED IN 157-23580-1

Letter to SAC, New York
RE: [redacted]
157-23580

b6
b7C

NOTE:

[redacted] during interview in 8/72 acknowledged association with Cleaver but denied any connection with the Black Panther Party or of engaging in any revolutionary activity. The only pertinent information we have been able to develop is that she would furnish aid to Cleaver. By letter 1/30/73, we turned down a mail cover request by New York since it appeared such a cover would be of questionable value at that time. The subject's close association with Cleaver coupled with Cleaver's disappearance from Algeria would appear to now warrant a mail cover on this subject.

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DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(1, 6)
DATE 09-26-2008

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WHERE SHOWN OTHERWISE

SECRET

1 - Foreign Liaison Desk [redacted] b6 b7C

CODE CABLEGRAM

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

3/15/73

TO: LEGATS, BERN
PARIS

REC-73 1:35 AM

FROM: ACTING DIRECTOR, FBI (100-447251) 1181

EX-102

LEROY ELDRIDGE CLEAVER, AKA - FUGITIVE, I.O. FOUR TWO THREE NINE; W.F. FOUR FOUR SEVEN, EM - BPP; UFAC - ASSAULT WITH INTENT TO COMMIT MURDER; THREAT AGAINST THE PRESIDENT OF THE UNITED STATES. OO: SAN FRANCISCO.

(S) [redacted] b1

ATLANTA (AIRMAIL)
DETROIT (AIRMAIL)
MIAMI (AIRMAIL)
NEW YORK (AIRMAIL)
SAN FRANCISCO (88-12329) (AIRMAIL)

1 - [redacted] Room 914-A b6 b7C
9th & D Streets

SEE NOTE PAGE 4. . .

FJH:sde
(10)

SECRET

58 MAR 28 1973

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Soyars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Ms. Herwig
Mr. Mintz
Mrs. Neenan

MAIL ROOM [ ] TELETYPE UNIT [ ]

CABLEGRAM TO LEGATS, BERN
RE: LEROY ELDRIDGE CLEAVER

(S)

b1

CABLEGRAM TO LEGATS, BERN
RE: LEROY ELDRIDGE CLEAVER

(S) [redacted] b1

IN AN ATTEMPT TO IDENTIFY THE HIJACKERS, LEGATS SHOULD CONSIDER THE CASE ENTITLED [redacted]- FUGITIVES, HIJACKING OF DELTA AIRLINES FLIGHT EIGHT FOUR ONE, JULY THIRTY-ONE, SEVENTY-TWO." [redacted] DESCRIBED AS NEGRO MALE, BORN [redacted] BLACK HAIR, BROWN EYES, SEVENTY-TWO INCHES TALL, ONE EIGHT ZERO POUNDS, [redacted] b6 b7C [redacted], BEARD AND MUSTACHE, POSSIBLY [redacted] DESCRIBED AS NEGRO MALE, BORN [redacted] SEVENTY-EIGHT INCHES TALL, ONE FOUR ZERO POUNDS, BLACK HAIR, BROWN EYES, [redacted] DESCRIBED AS NEGRO MALE, BORN [redacted] SEVENTY-THREE INCHES TALL, ONE SEVEN FIVE POUNDS, BLACK HAIR, BROWN EYES. [redacted] DESCRIBED AS NEGRO FEMALE, BORN [redacted] SIXTY-FOUR INCHES TALL, ONE THREE ZERO

CABLEGRAM TO LEGATS, BERN
RE: LEROY ELDRIDGE CLEAVER

POUNDS, [redacted] DESCRIBED AS NEGRO FEMALE, BORN [redacted] SIXTY-EIGHT INCHES TALL, ONE THREE ZERO POUNDS, BLACK HAIR, BROWN EYES, POSSIBLY [redacted]

b6
b7C

LEGATS ALSO REFER TO BUREAU CABLE DECEMBER THIRTEEN, SEVENTY-TWO, TO PARIS, LONDON, MADRID, ROME, BERN, AND BONN, ENTITLED, [redacted] AKA - FUGITIVE; [redacted], AKA - FUGITIVE; CAA - PIRACY; KIDNAPING. [redacted] AS WELL AS [redacted] FULLY DESCRIBED IN RECAB, SHOULD ALSO BE CONSIDERED.

IN AN ATTEMPT TO IDENTIFY THE SUBJECTS, THE ABOVE-MENTIONED CASES ARE FOR ASSISTANCE AND INQUIRIES SHOULD NOT BE LIMITED TO THESE TWO CASES.

INFORMATION FROM SOURCE REPORTEDLY BEING FURNISHED LEGATS, PARIS AND BERN BY SOURCE. LEGATS SUCAB AT AN EARLY DATE INFORMATION AVAILABLE THROUGH THEIR SOURCES CONCERNING IDENTITY OF SUBJECTS REPORTEDLY IN FRANCE AND SWITZERLAND.

(S) [redacted]

b1

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

UNITED STATES GOVERNMENT

Memorandum

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-29-2008 BY 60322/UCLRP/PJ/EHL

TO : ACTING DIRECTOR, FBI (100-447251) DATE: 3/19/73

FROM : SAC, LOS ANGELES (157-2323) (P)

A&D BEF Poss. in France

SUBJECT: LEROY ELDRIDGE CLEAVER - Inv. Rome
FUGITIVE Madrid
EM - BPP Bonn
OO: SF

Re Los Angeles teletype to the Bureau, New York and San Francisco dated 1/22/73.

For information of the Bureau and receiving offices, Los Angeles not in receipt of any information regarding captioned individual since that set forth in referenced teletype.

Los Angeles has alerted all extremist sources, in a position to furnish information regarding CLEAVER, of the FBI's continued interest in determining his current location and any plans on his part to return to the United States. Any such information received by the Los Angeles Division will be expeditiously furnished to the Bureau, New York and San Francisco.

EX-109

REC-10 / 100-447251-1182

11 MAR 23 1973

b6
b7C

100-1515

2 - Bureau (RM)
1 - New York (100-161321) (Info) (RM)
1 - San Francisco (157-4324) (Info) (RM)
1 - Los Angeles

BOC/nc
(5)

57 APR 2 1973

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

5010-108

~~NO FOREIGN DISSEM/NO DISSEM ABROAD~~
~~CONTROLLED DISSEM~~
~~SECRET~~

0-1 (Rev. 3-15-72)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

b1

(S)

Federal Bureau of Investigation

(S)

March 9, 1973

ATTENTION:

(S)

b2

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(1, 6)
DATE 08-29-2008

(S)

ATTENTION:

(S)

1. For your information, I am enclosing communications which may be of interest to you.

2. It will be appreciated if you will have the investigation conducted as requested in the enclosed memorandum and furnish the results.

3. No further investigation is contemplated with regard to this matter.

4. You will be advised of the pertinent developments in connection with this inquiry.

5. Please note change in caption of this case.

6. Status of case: ☐ Completed ☐ Incomplete

(S)

Director
Federal Bureau of Investigation

~~NO FOREIGN DISSEM/NO DISSEM ABROAD~~
~~CONTROLLED DISSEM~~
~~SECRET~~

SECRET

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAR 20 1973

TELETYPE

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Soyars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Ms. Herwig
Mr. Mintz
Mrs. Neenan

FTB021 1222PM 3-20-73 DM

STATE 036

2:15PM NITEL 3/20/73 JMD

TO ACTING DIRECTOR (100-447251) NR 084-20

LEGAT BERN NR 005-20

FROM LEGAT PARIS (88-256) 2P

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

ELDRIDGE CLEAVER, AKA-FUGITIVE, I.O. 4239; W.F. 447, EM-BPP; UFAC ASSAULT WITH INTENT TO COMMIT MURDER; THREAT AGAINST THE PRESIDENT OF THE UNITED STATES, OO: SAN FRANCISCO

b6
b7C

EXEMPTED FROM AUTOMATIC DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 3EX(6)
DATE 09-29-2003

Fug SUPVR. 1511

REBUCAB MARCH 14, AND 16, 1973.

INFORMATION REGARDING POSSIBILITIES THAT CLEAVER HAS DEPARTED ALGIERS AND RUMORS THAT HE COULD BE IN THE PARIS AREA HAVE BEEN PASSED ON TO VARIOUS FRENCH POLICE AND SECURITY SERVICES. THEY HAVE BEEN ALERT FOR POSSIBLE SPECIFIC INFORMATION FROM VARIOUS SOURCES INCLUDING DELICATE SOURCES WHICH HAVE ACCESS TO INFORMATION REGARDING ACTIVITIES OF PERSONS PREVIOUSLY IN CONTACT WITH CLEAVER. SPOT SURVEILLANCES HAVE BEEN MADE OF [redacted] AND [redacted] WHO HAVE BEEN IN CLOSE CONTACT WITH CLEAVER AND [redacted] IN THE PAST. THUS FAR ALL IS NEGATIVE AND [redacted]

b1
b6
b7C

100-447251-1184

(S)

END OF PAGE ONE

REC-81

MAR 20 1973

1 xeroxed copy MIA 0-7 to: AT, DE, MM, NY, & SF.
RE Legats, Bern, Paris cablegram to Bureau 3/15/73

3/21/73 ENB/

54 APR 6 1973

SECRET

PAR 88-256 PAGE TWO (S)

IF HE IS HERE HE MUST BE DISGUIZED, USING FALSE IDENTITY AND AVOIDING HIS KNOWN CONTACTS. [redacted] b1

[redacted] (S)

(S) INFORMATION CONTAINED IN BUCAB OF 3/16/73 [redacted] (S)

[redacted] OF BLACK FUGITIVE HIJACKERS WHO COULD BE INVOLVED INCLUDING SUBJECTS IN THE DELTA HIJACKING [redacted] b1

[redacted] ETAL, [redacted] AND [redacted] AND [redacted] b6 b7C

[redacted] AND [redacted] ALSO MENTIONED AS POSSIBILITIES.

[redacted] (S) b1

FOR THE INFORMATION OF THE BUREAU, [redacted] IS WELL KNOWN TO THIS OFFICE AS LEADER OF A GROUP WHICH IS INVOLVED IN VARIOUS ALLEGED ACTIVITIES INCLUDING AIDING REVOLUTIONARY GROUPS IN THE CARRIBEAN AREA. HE WAS PREVIOUSLY A SUPPORTER OF THE FLN DURING ALGERIAN WAR. HE IS b6 b7C

[redacted]

[redacted] AND WILL KEEP BUREAU ADVISED b1

OF ANY PERTINENT ACTIVITIES. (S)

END

JPS JB

[redacted] b6 b7C

Fed-Boynton

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

UNITED STATES GOVERNMENT

Memorandum

TO : ACTING DIRECTOR, FBI
~~SAC, SAN FRANCISCO~~

DATE: 3/8/73

FROM : SAC, SAN DIEGO (88-5033)(RUC)

SUBJECT: LEROY ELDRIDGE CLEAVER, aka -
FUGITIVE
IO #4239
WF #447
EM - BPP
UFAC - ASSAULT WITH INTENT TO
COMMIT MURDER; THREAT AGAINST
THE PRESIDENT OF THE UNITED STATES
(OO: SAN FRANCISCO)

Re Bureau airtel to all offices dated 2/23/73.

U. S. Customs, San Diego, has been notified of possible return of subject to the United States and has advised proper lookouts for the subject are being maintained.

ARMED AND DANGEROUS.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-29-2008 BY 60322/UCLRP/FJ/EHL

REC-73 100-447251-1185

EX-111

b6
b7C

2 - ~~Bureau~~ SAN FRANCISCO
1 - San Diego
TOK/sg
(3)

MAR 22 1973

2 cc made and furnished ST via O-7

1 cc TA

3/13/73
ENB/vai

MAR 30

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan
5010-108

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

SECRET

MAR 27 1973

TELETYPE

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 3SK(6)
DATE 09-29-2006

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Sovars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Ms. Herwig
Mr. Mintz
Mrs. Neenan

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

b6
b7C

FTB015 1221PM 3-27-73 DKS

STATE 651

4:15PM URGENT 3/27/73 JMD

TO ACTING DIRECTOR (100-447251) NR 093-27

FROM LEGAT PARIS (88-256) 2P

LEROY ELDRIDGE CLEAVER, AKA - FUGITIVE, I.O. 4239; W.F. 447, EM - BPP; UFAC - ASSAULT WITH INTENT TO COMMIT MURDER; THREAT AGAINST THE PRESIDENT OF THE UNITED STATES. OO: SAN FRANCISCO

(S)

b1

REC 107 100-447251-1186

END OF PAGE ONE

SECRET

1 xx copy via D-4 to S.S.
1 xx copy for T-5 3/27/73
FSH/

b6
b7C

10 APR 4 1973

SECRET

(S)

PAR 88-256 PAGE TWO

[redacted]

IT IS POSSIBLE, IF CLEAVERS OR OTHER BLACK FUGITIVES ARE INVOLVED b1
THAT ATTORNEYS, AT REQUEST OF ABOVE-MENTIONED BPP SYMPATHIZERS, ARE CONTACTING FRENCH GOVERNMENT TO DETERMINE IF THEY WOULD BE ALLOWED TO REMAIN IN FRANCE AS POLITICAL REFUGEES. (S)

WE ARE FOLLOWING CLOSELY WITH [redacted] INVOLVED AND WILL KEEP BUREAU ADVISED OF ANY PERTINENT INFORMATION RECEIVED.

END

VAE JB

SECRET

3rd ed Mr. Boynton
Rm. 1008 9&D

CC-MR. MILLER

0-73 (Rev. 1-31-73)

SECRET

MESSAGE RELAY

Date 3/28/73

Transmit in CODE (plaintext or code) via teletype the attached URGENT (priority) message.

* *

FROM: Director, FBI

FIELD DISSEMINATION

TO:

RUEADWW/ ☐ The President

RUEADWW/ ☐ The Vice President
☐ Att.: _____

RUEADWW/ ☐ White House Situation Room
☐ Att.: _____

RUEHOC/ ☐ Secretary of State

RUEAIIX/ ☐ Director, CIA

RUEKJCS/ ☐ Director, Defense Intelligence Agency
☐ and National Indications Center

RUEACSI/ ☐ Department of the Army

RUEBGFA/ ☐ Department of the Air Force (AFOSI)

RUEOLKN/ ☐ Naval Investigative Service

RUEADSS/ ☐ U. S. Secret Service (PID)

RUEBWJA/ ☐ Attorney General (☐ By messenger)

RUEBWJA/ ☐ Deputy Attorney General (☐ By messenger)

RUEBWJA/ ☐ Internal Security Division (DOJ)

RUEBWJA/ ☐ Immigration & Naturalization Service

RUEADWS/ ☐ National Security Agency (DIRNSA/NSOC (Att.: SOO))

☐ ALL INFORMATION CONTAINED
☐ HEREIN IS UNCLASSIFIED EXCEPT
☐ WHERE SHOWN OTHERWISE

SACS: NEW YORK

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(6)
DATE 03-19-2008

LEGATS:

UNRECORDED COPY FILED IN

Classification: *(Classify if to other than Bureau Office)*

100-447251-1187

SUBJECT: SEE ATTACHED

21 MAR 29 1973

(Text of message begins on next page.)

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Soyars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Ms. Herwig
Mr. Mintz
Mrs. Neenan

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAR 28 1973

TELETYPE

MAR 30 1973

MAIL ROOM ☐ TELETYPE UNIT ☑

SECRET

SECRET

[redacted] JMD

[redacted] ZP

LEROY ELDRIDGE CLEAVER, AKA-FUGITIVE, I.O. 4239; W.F. 447, EM-BPP; UFAC - ASSAULT WITH INTENT TO COMMIT MURDER; THREAT AGAINST THE PRESIDENT OF THE UNITED STATES, OO: SAN FRANCISCO

(S) [redacted].

b1

[redacted]

SECRET

(S)

[redacted]

b1

[redacted].

[redacted] NEW YORK IDENTIFY [redacted] b7D

[redacted] AND SUTEL.

[redacted]

SECRET

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAR 23 1973

TELETYPE

Mr. Felt
Mr. Baker
Mr. Colson
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Sovars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Ms. Herwig
Mr. Mintz
Mrs. Neenan

FTB004 3:05AM 3-23-73 TJT

STATE 319

3:20 PM URGENT 3/22/73 IMM

TO ACTING DIRECTOR NR 088-22

LEGAT PARIS NR 008-22

FROM LEGAT BERN (88-24) 2P

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 3EX(1)
DATE 09-29-2008

b6
b7C

LEROY ELDRIDGE CLEAVER, AKA - FUGITIVE, I. O. FOUR TWO THREE NINE; W. F. FOUR FOUR SEVEN, EM - BPP; UFAC - ASSAULT WITH INTENT TO COMMIT MURDER; THREAT AGAINST THE PRESIDENT OF THE UNITED STATES. OO: SAN FRANCISCO.

ALL INFORMATION CONTAINED
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WHERE SHOWN OTHERWISE

b1

UNRECORDED COPY FILED IN 88-52262

100-447251-1188

22 MAR 27 1973

XEROX
APR 2 1973

55 APR 11 1973

SECRET

b1

ANY FURTHER INFORMATION RECEIVED IN THIS CASE WILL BE PROMPTLY FURNISHED BUREAU.

END

TMT JB

CC-MR. MILLER 3rd cc Mr. Boynton Rm. 1008 S&D

Xerox copy sent to

b6
b7C

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

UNITED STATES GOVERNMENT

Memorandum

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-30-2010 BY 60322/UCLRE/PJ/EEL

4/30

TO :ACTING DIRECTOR, FBI (100-447251) DATE: 4/4/73

FROM :SAC, WFO (88-7106) (RUC)

SUBJECT:LEROY ELDRIDGE CLEAVER, aka
FUGITIVE
IO NUMBER 4239
WF NUMBER 447
EXTREMIST MATTERS - BPP
UFAC - ASSAULT WITH INTENT TO COMMIT MURDER;
THREAT AGAINST THE PRESIDENT OF THE
UNITED STATES
(OO:SF)

Re Bureau airtel to Albany and Legats dated 2/23/73.

b2
b6
b7C
b7D

On 3/8/73 [redacted] who has provided reliable information in the past, advised that during recent contacts with [redacted] who is associated with the Revolutionary People's Communication Network, no mention was made of subject's possible return to the United States.

Source was instructed to remain alert for any information that subject may initiate efforts to return to the United States.

Contact with this source is maintained on regular basis and should information concerning the above be received, it will be reported promptly.

The following sources knowledgeable of extremist activities in the Washington, D.C. (WDC) area were contacted concerning the above captioned subject and his possible return to the United States in the near future. The sources had no information concerning the above subject and they were alerted to remain aware of the possible return of the subject to the United States.

100-447251-1189

REC-102

b2
b6
b7C
b7D

SOURCE	DATE	CONTACTING AGENT
[redacted]	3/20/73	SA [redacted]
	3/8/73	SA

2-Bureau
2-San Francisco (88-12329)
1-WFO
RSS:cam
(5)

57 APR 13 1973

3 APR 4 1973

FUG./SUP.

FIVE

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

5010-108

WFO 88-7106

SOURCE	DATE	CONTACTING AGENT	
	3/8/73	SA	
	3/15/73	SA	
	3/8/73	SA	
	3/20/73	SA	
	3/12/73	SA	
		SA	
	3/12/73	SA	
	3/13/73	SA	
	3/8/73	SA	
	3/12/73	SA	
	3/12/73	SA	
	3/13/73	SA	

b2
b6
b7C
b7D

ARMED AND DANGEROUS

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-30-2008 BY 60322/UCLRP/PJ/EHL

CODE **CABLEGRAM** **URGENT**

3/30/73

TO: LEGAT, PARIS (88-256)

REC-54 EX-101

FROM: ACTING DIRECTOR, FBI (100-447251)

1191

LEROY ELDRIDGE CLEAVER, AKA - FUGITIVE, I.O. FOUR TWO THREE NINE; W.F. FOUR FOUR SEVEN, EM - BPP; UFAC - ASSAULT TO COMMIT MURDER; THREAT AGAINST THE PRESIDENT OF THE UNITED STATES. OO: SAN FRANCISCO.

REURCAB MARCH THIRTY, SEVENTY-THREE.

NO PERTINENT IDENTIFIABLE INFORMATION LOCATED IN BUREAU FILES REGARDING [redacted] DATE OF BIRTH [redacted] IN [redacted] OR [redacted] DATE OF BIRTH [redacted].

BUREAU FILES DO DISCLOSE ONE [redacted] BORN [redacted] WAS SUBJECT OF DEPARTMENTAL APPLICANT INVESTIGATION

b6
b7C

1 - SAN FRANCISCO (AIRMAIL) - ENC.
1 - NEW YORK (AIRMAIL) - ENC.

1 - Foreign Liaison Desk
1 - [redacted] Rm 630, 9th & D Sts.
FJH:sde
(6)

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION
MAR 30 1973
TELETYPE

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Soyars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Ms. Herwig
Mr. Mintz
Mrs. Neenan

MAIL ROOM ☐ TELETYPE UNIT ☑

5 APR 13 1973

CABLEGRAM TO LEGAT, PARIS
RE: LEROY ELDRIDGE CLEAVER, AKA

FOR POSITION AS CORRECTIONAL OFFICER, FEDERAL DETENTION HEADQUARTERS, NEW YORK, NEW YORK, IN ONE NINE SIX ONE. NO PERTINENT DEROGATORY INFORMATION DEVELOPED.

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAR 30 1973

TELETYPE

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Sovars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Ms. Herwig
Mr. Mintz
Mrs. Neenan

FTB08 5:56AM 03-30-73 BJM

STATE 924

2:15 PM URGENT 3/29/73 EC

TO ACTING DIRECTOR (100-447251) NR098-29

FROM LEGAT PARIS (88-256) 2P

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-30-2008 BY 60322/UCLRB/SG/EHL

LEROY ELDRIDGE CLEAVER, AKA-FUGITIVE, I. O. 4239; W.F. 447, EM-BPP, UFAC-ASSAULT TO COMMIT MURDER; THREAT AGAINST THE PRESIDENT OF THE UNITED STATES. OO: SAN FRANCISCO.

REPARCABS 3/27 AND 3/20 LAST.

[redacted] AND [redacted] ON NIGHT OF 3/28 LAST DETERMINED [redacted] CONTACTED BY TWO BLACK CITIZENS OF THE UNITED STATES IDENTIFIED AS [redacted] FRANCE, DOB [redacted] AND [redacted] DOB [redacted] WAS IN POSSESSION OF U. S. PASSPORT [redacted] OR [redacted] DATE AND PLACE OF ISSUE UNKNOWN, AND REPORTEDLY ARRIVED IN PARIS FROM AFRICA DURING THE PAST WEEK. [redacted] REPORTEDLY HAS BEEN IN FRANCE FOR SOME TIME ACCORDING TO [redacted] NO INFORMATION IS CURRENTLY AVAILABLE TO [redacted] WHICH WOULD INDICATE [redacted] AND [redacted] ARE CONNECTED WITH ELDRIDGE CLEAVER.

b6
b7C
b7D

REC 54 100-447251-1191

EX-101

7 APR 6 1973

[redacted] FURTHER ADVISED THAT [redacted] AND [redacted] PLAN TO CONTACT [redacted] WHO IS KNOWN TO [redacted]

END PAGE ONE

Callahan
Parsons
Bishop
FJH/ehc

[redacted] AS A LEFTIST EXTREMIST.

REVIEW OF PARIS INDICES AND EXTREMIST PHOTO ALBUM DETERMINED NO INFORMATION RE [redacted] AND [redacted] HAVE REQUESTED EXPEDITE CHECK OF BUFILES. SUCAB.

b6
b7C
b7D

END

JPS JB

CC-MR. MILLER

3 ndcc — Mr. Boynton
Rm. 1008 S&D

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

UNITED STATES GOVERNMENT

Memorandum

TO : ACTING DIRECTOR, FBI

DATE: 4/6/73

FROM : SAC, NEW YORK

SUBJECT: BLACK LIBERATION ARMY
EM - UGW
(Bufile 157-10555)
(NYfile 157-7347)

ELDRIDGE (LNU)
EM - UGW
(OO:NY)
(NYfile 100-161321)
(Bufile 100-447251)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-30-2008 BY 60322/UCLRP/PC/EHL

ReNYlet to Bureau, 1/19/73, captioned, "BLACK LIBERATION ARMY; EM - UGW."

Bureau document number T-47 which is a letter entitled, "Dear [redacted]" and signed by "Eldridge" (LNU) is authored by ELDRIDGE CLEAVER (NYfile 100-161321)(Bufile 100-447251). From the context and date of the letter, it is evident that CLEAVER wrote this while in Algiers to the leader of the RPCN.

b6
b7C

EX-111

REC-64 100-447251-1192

22 APR 9 1973

FINE

CC 630d3

(4) - Bureau (RM)
(2-~~157-10555~~)
(2-100-447251)
1 - New York (157-7347)
1 - New York (100-161321)

DMT:eps
(6)

59 APR 17 1973

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

5010-108

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAR 30 1973

TELETYPE

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller
Mr. Soyars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Ms. Herwig
Mr. Mintz
Mrs. Neenan

FMB025 1255PM 3-30-73 DKS

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 09-30-2008 BY 60322/UCLRB/BG/EHL

STATE 968

5:45 PM URGENT 3/30/73 EIM

TO ACTING DIRECTOR (100-447251) NR 052-30

FROM LEGAT MADRID (157-3) (P) 2P

LEROY ELDRIDGE CLEAVER, AKA - FUGITIVE, EM - BPP, ETC. OO: SF.

REMYLET 3/7/73.

AMERICAN EMBASSY, RABAT, MOROCCO, BY TELEGRAM DATED 3/30/73, [redacted] CLASSIFIED CONFIDENTIAL, FURNISHED THE FOLLOWING INFORMATION OBTAINED FROM THE U. S. INTEREST SECTION, ALGIERS, ALGERIA: U.S.A. [redacted] HAD INFORMED THEM THAT SHE WAS LEAVING [redacted] AND ALGERIA. [redacted] REPORTEDLY WANTED BY UNITED STATES AUTHORITIES AND HAS BEEN QUESTIONED REGARDING POSSIBLE ENGAGEMENT IN NARCOTICS TRAFFIC IN ALGERIA. [redacted] CLAIMS [redacted] IS IN CONTACT WITH CLEAVERS AND HIJACKERS AND HAS TOLD HER LEROY CLEAVER IS NOW IN FLORIDA. [redacted] ARRIVES ALGIERS FOR BRIEF VISITS AND DEPARTS. [redacted] ALSO TOLD [redacted] THAT IF ALGERIAN AUTHORITIES TRY TO DEPORT HIM ON DRUG OR CRIMINAL CHARGES HE WILL CLAIM POLITICAL ASYLUM BASED UPON HIS CONTACTS WITH BLACK PANTHERS AND HIJACKERS. THERE IS NO INFORMATION TO CONFIRM THE VERACITY OF THE INFORMATION FURNISHED BY [redacted] [redacted]

b6
b7C

REC-5 100-447251-1193

APR 6 1973

PR 13 1973

cc via O-7 to SEATTLE + SF 4/4/73 ENB/vaw

Airtel to MAD 1 cc SE 4-4-73 ENB

END PAGE ONE

PAGE TWO

MADRID INDICES ARE NEGATIVE REGARDING [redacted] b6 b7C

BUREAU REQUESTED TO ADVISE IF [redacted] ARE OF BUREAU INTEREST.

CLEAVER ARMED AND DANGEROUS.

END

MDJ JB

MR. TRAINOR

cc -

3cc - Mr. Boynton

0-73 (Rev. 1-31-73)

MESSAGE RELAY

Date 4-3-73

Transmit in CODE (plaintext or code) via teletype the attached NITEL (priority) message.

* *

FROM: Acting Director, FBI (100-447251)

FIELD DISSEMINATION

TO:

RUEADWW/ ☐ The President
RUEADWW/ ☐ The Vice President
☐ Att.: _____
RUEADWW/ ☐ White House Situation Room
☐ Att.: _____
RUEHOC/ ☐ Secretary of State
RUEAIIX/ ☐ Director, CIA
RUEKJCS/ ☐ Director, Defense Intelligence Agency
☐ and National Indications Center
RUEACSI/ ☐ Department of the Army
RUEBGFA/ ☐ Department of the Air Force (AFOSI)
RUEOLKN/ ☐ Naval Investigative Service
RUEADSS/ ☐ U. S. Secret Service (PID)
RUEBWJA/ ☐ Attorney General (☐ By messenger)
RUEBWJA/ ☐ Deputy Attorney General (☐ By messenger)
RUEBWJA/ ☐ Internal Security Division (DOJ)
RUEBWJA/ ☐ Immigration & Naturalization Service
RUEADWS/ ☐ National Security Agency (DIRNSA/NSOC (Att.: SOO))
☐
☐
☐

SACS:

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-30-2009 BY 60322/UCLRP/PJ/EEL

LEGATS: PARIS

REC-3 100-447251-1194

Classification: *(Classify if to other than Bureau Office)*

21 APR 9 1973

SUBJECT:

See attached.

(Text of message begins on next page.)

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION
APR 3 1973
TELETYPE

KMR:asc

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Soyars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Ms. Herwig
Mr. Mintz
Mrs. Neenan

8 APR 12 1973

MAIL ROOM ☐ TELETYPE UNIT ☐

b6
b7C

~~[illegible] PLAIN~~

~~[illegible] 4-3-73 NYR~~

~~TO ACTING DIRECTOR 100-447251~~

~~FROM NEW YORK 100-161321 P IP~~

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

APR 03 1973

~~TELETYPE~~

Mr. Felt
Mr. [illegible]
Mr. [illegible]
Mr. [illegible]
Mr. [illegible]
Mr. [illegible]
Mr. [illegible]
Mr. Marshall
Mr. Miller, E.S.
Mr. Soyars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Ms. Herwig
Mr. Mints
Mrs. Neenan

LEROY ELDRIDGE CLEAVER; AKA-FUGITIVE, EXTREMIST MATTER-BPP;

OO: SAN FRANCISCO

~~RE BUREAU TEL, 3/28/73.~~

REGARDING PRESENT WHEREABOUTS OF ELDRIDGE CLEAVER THE NEW YORK POST, DATED 4/2/73, CARRIED A REPRINTED ARTICLE FROM THE LONDON OBSERVER, WHICH SUCCINCTLY ADVISED THAT ELDRIDGE CLEAVER IS IN PARIS, FRANCE AND FRANCOIS MITTERAND, FIRST SECRETARY OF THE SOCIALIST PARTY, MAY RAISE THE CASE OF OFFERING POSITICAL ASYLUM TO CLEAVER WHEN THE NATIONAL ASSEMBLY MEETS ON 4/2/73 IN PARIS, FRANCE. THE ARTICLE FURTHER STATES THAT CLEAVER DESIRES TO LIVE QUIETLY IN FRANCE AND ANALYZE HIS CURRENT SITUATION.

~~REQUEST OF BUREAU-----~~

~~THE BUREAU IS REQUESTED TO INSURE LEGAT, PARIS IS AWARE OF THIS INFORMATION AND MITTERANDS PLAN TO ASK FOR ASYLUM.~~

END **ADVISE BUREAU OF ANY DEVELOPMENTS RE CLEAVER'S ALLEGED**

~~ASYLUM.~~
ASYLUM

b6
b7C

CODE CABLEGRAM URGENT

4/4/73

b6
b7C

TO LEGAT PARIS (88-256)

FROM ACTING DIRECTOR FBI (100-447251)

1 - Foreign Liaison Desk

1 - [redacted] Rm.628, 9th&D

LEROY ELDRIDGE CLEAVER, AKA - FUGITIVE, I. O. NUMBER FOUR TWO THREE NINE; WF FOUR FOUR SEVEN, EM-BPP; UFAC-ASSAULT TO COMMIT MURDER; THREAT AGAINST THE PRESIDENT OF THE UNITED STATES, OO: SAN FRANCISCO.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-30-2008 BY 60322/UCLRF/PJ/EHL

REBUCAB APRIL THREE, LAST.

AP RELEASE IN WASHINGTON NEWSPAPER TODAY RELATES CLEAVER HAS APPLIED FOR POLITICAL ASYLUM IN FRANCE AND HAS TOLD FRENCH PREMIER PIERRE MESSMER THROUGH AN ATTORNEY THAT HE HAS BEEN PERSECUTED BECAUSE OF HIS ACTION IN FAVOR OF LIBERTY.

LEGAT PROMPTLY THROUGH ESTABLISHED SOURCES DETERMINE IF CLEAVER HAS APPLIED FOR POLITICAL ASYLUM AND SUCAB. ALSO INITIATE ANY POSSIBLE INQUIRIES FEASIBLE THROUGH YOUR SOURCES TO DETERMINE PRESENT WHEREABOUTS OF CLEAVER.

ARMED AND DANGEROUS.

100-447251-1195

REC- 101

1 - San Francisco (88-12329)
1 - New York (100-161321) (info)
1 - File

ENB:mfy
(7)

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION
APR 9 1973
TELETYPE

NOTE: PER ARTICLE, PAGE A3, 4/3/73 EDITION, THE EVENING STAR AND NEWS

57 APR 13 1973

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Soyars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Ms. Herwig
Mr. Mintz
Mrs. Neenan

MAIL ROOM TELETYPE UNIT

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

UNITED STATES GOVERNMENT

Memorandum

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-30-2008 BY 60322/UCLRE/SC/EHL

TO : ACTING DIRECTOR, FBI (100-447251) DATE: 4/5/73

FROM : SAC, CHARLOTTE (88-10875) (P)

SUBJECT: LEROY ELDRIDGE CLEAVER, aka -
FUGITIVE
IO #4239
W.F. #447
EM - BPP
UFAC - ASSAULT WITH INTENT TO COMMIT MURDER;
THREAT AGAINST THE PRESIDENT OF THE
UNITED STATES

(OO: SAN FRANCISCO)

Re Bureau airtels to all offices and Legats dated 1/9/73 and 2/23/73.

Pursuant to Bureau instructions in referenced communication, appropriate sources and informants have been contacted and alerted regarding the possible return of subject to the United States. Also, contact has been established with appropriate U. S. Customs Agents in North Carolina in order that this office will be advised upon receipt of any information indicating an attempt by subject to re-enter the United States.

Charlotte will continue to maintain contact with sources and informants and with appropriate U. S. Customs Agents in an effort to locate and apprehend subject. Any pertinent information will be immediately forwarded to the Bureau and Office of Origin.

ARMED AND DANGEROUS

REC-110 100-447251-1196

2 - Bureau
2 - San Francisco (88-12329)
2 - Charlotte

10 APR 9 1973

LRJ:rep
(6)

FUGITIVE

EXPUNGE

4 APR 17 1973

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

5010-108-02

0-73 (Rev. 1-31-73)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-30-2008 BY 60322/UCLR/PC/EHL

MESSAGE RELAY

Date 3/30/73

Transmit in CODE (plaintext or code) via teletype the attached NITE (priority) message.

* *

FROM: Director, FBI

FIELD DISSEMINATION

TO:

RUEADWW/ ☐ The President
RUEADWW/ ☐ The Vice President
☐ Att.: _____
RUEADWW/ ☐ White House Situation Room
☐ Att.: _____
RUEHOC/ ☐ Secretary of State
RUEAIIX/ ☐ Director, CIA
RUEKJCS/ ☐ Director, Defense Intelligence Agency
☐ and National Indications Center
RUEACSI/ ☐ Department of the Army
RUEBGFA/ ☐ Department of the Air Force (AFOSI)
RUEOLKN/ ☐ Naval Investigative Service
RUEADSS/ ☐ U. S. Secret Service (PID)
RUEBWJA/ ☐ Attorney General (☐ By messenger)
RUEBWJA/ ☐ Deputy Attorney General (☐ By messenger)
RUEBWJA/ ☐ Internal Security Division (DOJ)
RUEBWJA/ ☐ Immigration & Naturalization Service
RUEADWS/ ☐ National Security Agency (DIRNSA/NSOC (Att.: SOO))
☐
☐
☐

SACS: 9-2

LEGATS: Paris

GAD

Classification: (Classify if to other than Bureau Office)

REC-23 100-447251-1199
EX-112

SUBJECT: see attached

7 APR 5 1973

(Text of message begins on next page.)

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Soyars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Henggton
Ms. Herwig
Mr. Mintz
Mrs. Neenan

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAR 30 1973
10530
TELETYPE

MAIL ROOM ☐ TELETYPE UNIT ☑

DIV-9-FBI

Employee

POLICE
MILLER

~~NR 046 NY CODE~~

~~9:17PM NITEL 3-29-73 KPR~~

~~TO ACTING DIRECTOR~~

~~FROM NEW YORK 100-161321 R 2P~~

LEROY ELDRIDGE CLEAVER, AKA DASH FUGITIVE, IO 4239;
WF 447, EM DASH BPP; UFAC DASH ASSAULT WITH INTENT TO COMMIT
MURDER; THREAT AGAINST THE PRESIDENT OF THE UNITED STATES,
OO: SAN FRANCISCO.

Re Wrcat 3/28/73

~~RE BUREAU TELETYPE TO NEW YORK DATED 3/28/73~~.

A REVIEW OF THE NEW YORK CITY TELEPHONE DIRECTORIES
REVEAL TELEPHONE NUMBER [redacted] IS SUBSCRIBED TO BY [redacted]
[redacted] NYC, NEW YORK. ~~NYC INDICES~~
[redacted] DMV NEGATIVE RE [redacted] CONCERNING
LICENSE OR CAR REGISTRATION.

ON 3/29/73, [redacted] b6 b7C
NYC, NEW YORK, ADVISED [redacted] RESIDES AT ABOVE ADDRESS WITH
[redacted] DESCRIBED [redacted] AS BEING A WHITE MALE,
APPROXIMATELY 38 TO 40 YEARS OF AGE, AND EMPLOYED AS [redacted]

~~END PAGE ONE~~

PAGE TWO

[redacted] NYC, NEW YORK.

LEADS-----

NEW YORK-----

AT NEW YORK, NEW YORK.

ONE WILL CONTACT [redacted] DISCREETLY AND DETERMINE BACKGROUND INFORMATION RE [redacted]

TWO CONTACT SOURCES RE [redacted]

END

HOLD

b6
b7C

Bufiles disclose [redacted] and [redacted] stayed with [redacted] December 1971.

SPECIAL INVESTIGATIVE DIVISION

4/5/73

Attached cable from Legat, Paris, confirms press reports that Eldridge Cleaver's attorney has asked the French Government for political asylum for Cleaver. No decision reached to date.

Legat, Paris, will follow closely and Bureau will be kept advised. In this regard, Legat, Paris, has been instructed to make every effort through his sources to ascertain Cleaver's present whereabouts.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-30-2008 BY 60322/UCLRP/BJ/EHL

1 - [redacted]

b6
b7C

FJH:sde

WGC

WGC

JBC
EJH

SECRET

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

APR 05 1973

TELETYPE

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller
Mr. Soyars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Ms. Herwig
Mr. Mintz
Mrs. Neenan

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 3SX(6)
DATE 10-20-2006

FTB016 1126AM 4-5-73 DKS

STATE 508

2:30PM URGENT 4/5/73 JMD

TO ACTING DIRECTOR (100-447251) NR 108-05

FROM LEGAT PARIS (88-256) 1P

(S)

ALSO KNOWN AS - FUGITIVE, IDENTIFICATION ORDER 4239, WANTED FLYER 447

LEROY ELDRIDGE CLEAVER, ~~AKA-FUG~~, ~~I.O. 4239, WF 447~~, ~~EM-BPP~~; UFAC - UNLAWFUL FLIGHT TO AVOID CONFINEMENT - ASSAULT TO COMMIT MURDER; THREAT AGAINST THE PRESIDENT OF THE UNITED STATES, ~~OO: SF~~ OFFICE OF ORIGIN SAN FRANCISCO

EXTREMIST MATTER - BLACK PANTHER PARTY

b6
b7C

(S) REBUCAB 4/4/73.

b1

(S) EC-101

100-447251-1198

POLICE FURTHER ADVISE NO INFORMATION RE CURRENT WHEREABOUTS OF CLEAVER CURRENTLY AVAILABLE. PARIS FOLLOWING CLOSELY AND BUREAU WILL BE KEPT ADVISED.

END

#?-/1

APR 11 1973

SECRET

57 APR 13 1973

CC -

b6
b7C

3rd cc Mr Boynton

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

UNITED STATES GOVERNMENT

Memorandum

3/30

TO : ACTING DIRECTOR, FBI (100-447251)

DATE: 3/28/73

FROM : SAC, NEWARK (157-2679) (RUC)

SUBJECT: LEROY ELDRIDGE CLEAVER, aka
FUGITIVE
IO# 4239
WANTED FLYER #447
RM-BPP;
UFAC - ASSAULT WITH INTENT TO COMMIT MURDER;
THREAT AGAINST THE PRESIDENT OF THE UNITED STATES
(OO: SAN FRANCISCO)

Re: Bureau airtels to Albany, 1/9/73 and 2/23/73.

Newark extremist informants and sources have been alerted for any information to indicate subject contemplates return to the United States on the circumstances as set out in referenced airtels. All logical international non-stop air flight terminals in the Newark division have been advised of subject's possible return to this country. Any information regarding captioned individual will be immediately furnished the Bureau and appropriate offices.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 03-30-2006 BY 60322/UCLRE/PJ/EHL

b6
b7C

REC-5
100-447251-1199

2-Bureau
1-San Francisco (Info) (157-4324)
1-Newark
PW/jm
(4)

EX-101

11 MAR 29 1973

FBI

APR 19 1973

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

5010-108

b6
b7C

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAR 29 1973

TELETYPE

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Soyars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Ms. Herwig
Mr. Mintz
Mrs. Neenan

NR 046 NY CODE

947PM NITEL 3-29-73 KPR

TO ACTING DIRECTOR

FROM NEW YORK 100-161321 P 2P

[redacted]

LEROY ELDRIDGE CLEAVER, AKA DASH FUGITIVE, IO 4239;
WF 447, EM DASH BPP; UFAC DASH ASSAULT WITH INTENT TO COMMIT
MURDER; THREAT AGAINST THE PRESIDENT OF THE UNITED STATES,
OO: SAN FRANCISCO.

[redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-30-2008 BY 60322/UCLRP/EJ7/EHL

RE BUREAU TELETYPE TO NEW YORK DATED, 3/29/73.

A REVIEW OF THE NEW YORK CITY TELEPHONE DIRECTORIES
REVEAL TELEPHONE NUMBER [redacted] IS SUBSCRIBED TO BY [redacted]
[redacted] NYC, NEW YORK. NYO INDICES
NOT IDENTIFIABLE RE [redacted] DMV NEGATIVE RE [redacted] CONCERNING
LICENSE OR CAR REGISTRATION.

REC-94 100-447251-1200

23 APR 6 1973

ON 3/29/73, [redacted]
NYC, NEW YORK, ADVISED [redacted] RESIDES AT ABOVE ADDRESS WITH
[redacted] DESCRIBED [redacted] AS BEING A WHITE MALE,
APPROXIMATELY 38 TO 40 YEARS OF AGE, AND EMPLOYED AS [redacted]

END PAGE ONE

[redacted]

58 APR 17 1973

[redacted] NYC, NEW YORK.

b6
b7C

LEADS-----

NEW YORK-----

AT NEW YORK, NEW YORK.

ONE WILL CONTACT [redacted] DISCREETLY AND DETERMINE BACKGROUND INFORMATION RE [redacted]

TWO CONTACT SOURCES RE [redacted]

END

HOLD

SECRET

UNITED STATES GOVERNMENT

Memorandum

TO : ACTING DIRECTOR, FBI (105-128536)

DATE: MAR 30 1973

FROM : SAC, CHICAGO (157-8432) (C)

EXEMPTED FROM AUTOMATIC DECLASSIFICATION AUTHORITY DERIVED FROM: FBI AUTOMATIC DECLASSIFICATION GUIDE EXEMPTION CODE 25X(1, 6) DATE 09-30-2008

SUBJECT: [redacted]
EM

b6
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b7D

Re Chicago letters to Bureau, 1/26/73; 3/15/73 (No copies to New York or WFO).

Enclosed for the Bureau are seven copies of a letterhead memorandum (LHM) dated and captioned as above. The additional copies are being furnished the Bureau for its file 157-22627 regarding the Black Panther Party - Cleaver Faction and for its ELDRIDGE CLEAVER file, 100-447251. Two copies of the LHM are being furnished the New York Office for information purposes; one copy for instant file and one for its BPP - Cleaver Faction file. One copy is also being furnished WFO for information purposes. (S)

Chicago is not, at this time, furnishing any copies of the LHM to either United States Secret Service or to Immigration and Naturalization Service (INS), Chicago, [redacted] (S)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

ORIGINAL FILED IN 100-128536-70

4 - Bureau (Encl. 7) (RM)
1 - 100-447251 (ELDRIDGE CLEAVER)
1 - 157-22627 (BPP - CLEAVER FACTION)
2 - New York (157-7958) (Encl. 2) (RM)
1 - 157-6852 (BPP - CLEAVER FACTION)
1 - WFO (105-57982) (Encl. 1) (Info) (RM)
3 - Chicago
1 - 157-7246 (BPP - CLEAVER FACTION)
1 - 157-3385 (ELDRIDGE CLEAVER)

b1

JW:tlb
(10)
[redacted] (S)

2cc's RIS ISD
1cc 628 DA
CEG/JSG 4/11/73

Xeroxed copy via C-1 to SAC, Int's Unit
ENB/DAVIS

100-447251-5

NOT RECORDED
185 APR 5 1973

1 ENCLOSURE

SECRET

APR 19 1973

b6
b7C

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

5010-108-01

CG 157-8432

(S)

[redacted]

b1

[redacted]

a somewhat unstable individual who flits from one political cause or ideology to another and who is unsure of himself or what he is for. He is unsure of what his plans are and he is not settled as to what country or countries he will go to or stay in.

b6
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In the event Chicago develops any information regarding his travels or departures from the Chicago area, the Bureau and interested offices will be promptly advised.

Chicago feels that further interviewing at this time is not warranted due to [redacted] unstable nature and [redacted] He could be called upon to be asked specific questions, but it should be noted that he tends to be rambling in his conversation and reluctant to, or unable to, furnish many details.

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No. CG 157-8432

Chicago, Illinois

MAR 30 1973

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-30-2008 BY 60322/UCLRP/PJ/EHL

[redacted]
Also Known As
[redacted]

b6
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b7D

On January 26, 1973, [redacted] contacted the Chicago Federal Bureau of Investigation (FBI) Office advising he was using the name [redacted] and was currently staying with [redacted] advised [redacted] and was earning his living as [redacted]

On March 14, 1973, [redacted] advised [redacted] in the Chicago area, but that he "skipped about" and never stayed put. [redacted] said [redacted] involved in [redacted] was fearful and apprehensive of the FBI possibly because of [redacted]

b6
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b7D

On March 14, 1973, [redacted] Clerk, Immigration and Naturalization Service (INS), 219 South Dearborn, Chicago, advised Chicago INS files contained no information regarding [redacted] INS file [redacted] was not located in the Chicago INS Office.

On March 20, 1973 [redacted] advised he was staying at no particular address in Chicago, but did stay, at times, at the residence of [redacted] and [redacted] or the home of a friend. [redacted] said he [redacted] but did [redacted]

This document contains neither recommendations nor conclusions of the Federal Bureau of Investigation. It is the property of the Federal Bureau of Investigation and is loaned to your agency; it and its contents are not to be distributed outside your agency.

100-447231-

ENCLOSURE

b6
b7C
b7D

Also Known As

b6
b7C
b7D

of the Black Panther Party (BPP) in Algiers, a man known to him only as (phonetic). He described as a male American Negro, tall, over six feet, medium build, age in late 20's or early 30's, and possibly from Through he made the acquaintance of Eldridge Cleaver. They had several conversations together which ranged mainly over politics and writing, both of them being . Through he met a man known to him as was also known to him as was impressed by Cleaver as being a very calculating cold blooded person impressed stated

b6
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b7D

[redacted]
Also Known As
[redacted]

most of the persons associated with the BPP used marijuana. [redacted]

[redacted] opinion that the Panthers were tolerated in Algeria only because they were supported by the younger members of the National Liberation Front (NLF) [redacted] felt that older NLF people would have been most happy to have Cleaver leave Algeria [redacted] estimated that only about six to eight people were directly associated with the BPP in Algeria. He said there was much coming and going of people when he was visiting BPP offices.

b6
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b7D

[redacted]

b6
b7C
b7D

Also Known As

b6
b7C
b7D

The following description of obtained through interview and observation:

Name
Alias
Born
Place of Birth
Sex
Race
Height
Weight
Hair
Eyes
Build
Complexion
Characteristics

Languages

Illinois Driver's License Number
Social Security Number

[redacted]

Also Known As

[redacted]

b6
b7C
b7D

The Black Panther Party (BPP) is a black extremist organization started in Oakland, California, in December, 1966. It advocates the use of guns and guerrilla tactics to bring about the overthrow of the United States Government.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-30-2008 BY 60322/UCLRP/PC/EHL

PLAINTEXT TELETYPE URGENT

4/5/73

TO SACS NEW YORK
SAN FRANCISCO

1 - [redacted] b6 b7C

FROM ACTING DIRECTOR FBI

LEROY ELDRIDGE CLEAVER, AKA - FUGITIVE, I. O. #4239; WF 447, EM-BPP; UFAC-ASSAULT TO COMMIT MURDER; THREAT AGAINST THE PRESIDENT OF THE UNITED STATES, OO: SF.

LEGAT, PARIS, ADVISED [redacted] ON 4/5/73 STATED b7D FORMAL DEMAND FOR POLITICAL ASYLUM FILED BY LAWYER FOR ELDRIDGE CLEAVER WITH MINISTRY OF THE INTERIOR ON 4/4/73. MATTER CURRENTLY UNDER CONSIDERATION BUT NO DECISION REACHED TO DATE.

[redacted] ADVISED NO INFORMATION RE CURRENT WHEREABOUTS OF CLEAVER CURRENTLY AVAILABLE. PARIS FOLLOWING CLOSELY AND BUREAU TO BE KEPT ADVISED.

EX-117

REC-32 100-447251-1202

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Soyars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Ms. Herwig
Mr. Mintz
Mrs. Neenan

FJH:mfy
(3)

57 APR 19 1973

17 APR 10 1973

MAIL ROOM [ ] TELETYPE UNIT [✓]

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

FBI

Date: 4/9/73

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

Via AIRTEL _____ (Priority)

TO: ACTING DIRECTOR, FBI (100-447251)

FROM: SAC, SAN DIEGO (88-5033) (RUC)

LEROY ELDRIDGE CLEAVER, aka - Madrid
FUGITIVE Bonn
IO #4239 France
WF #447 Rome
EM - BPP
UFAC - ASSAULT WITH INTENT TO COMMIT MURDER; THREAT AGAINST THE PRESIDENT OF THE UNITED STATES
(OO: San Francisco)

CA#75-6203

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11/23/84 BY SP-2 TAP/RBG

Enclosed for the Bureau are five copies of a Letterhead Memorandum (LHM).

Two copies of the enclosed LHM are being furnished San Francisco and two for New York, their file captioned, "Black Panther Party - Cleaver Faction."

Information obtained from [redacted] by SA's [redacted] and [redacted]

ARMED AND DANGEROUS

REC-110 100-447251-1203

ENCLOSURE

(2) - Bureau (Encls. 5)
2 - San Francisco (88-12329) (Encls. 2)
2 - New York (157-6852) (Encls. 2)
1 - San Diego

b6
b7C

EMP:bw
(7)

APR 11 1973

FUGITIVE

ICC 630 9/D RHR/KS 4/16/73

ICC ENB/VW 4/11/73

55 APR 20 1973

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

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

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

San Diego, California
April 9, 1973

b6
b7C

In Reply, Please Refer to File No.

CA# 75-6203
ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 1/23/89 BY SP-27AP/RBG

LEROY ELDRIDGE CLEAVER

On April 6, 1973, [redacted] United States Navy, San Diego, California, advised that he was shot down over North Vietnam on December 29, 1971. He suffered a broken arm and after interrogation at a prisoner of war camp in Hanoi, Vietnam, he was taken to a hospital where he received treatment.

On December 31, 1971, when leaving the hospital, [redacted] was told he was being taken to a press conference. He was then taken to a place called the "Foreign Press Club." He was fed and was given a beer. He was then told to wait in what appeared to be a banquet room and not to talk to anyone.

In the banquet room were numerous tables set with dishes and silverware as if ready for a banquet. At one end of the room was a stage with a piano. Seated at the piano was a tall Negro male with a moustache and a goatee. He was wearing flared trousers, a pink shirt, and had a coat thrown over his shoulders. He was attempting to play the piano. He did not look at [redacted]

[redacted] was taken from the banquet room to a press conference. He was then lodged in the Hqlo Prison Camp in Hanoi, commonly called the "Hanoi Hilton."

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

100-447251-1203

ENCLOSURE

LEROY ELDRIDGE CLEAVER

[redacted] looked at numerous photographs of black extremists and stated that the individual he observed in Hanoi on December 31, 1971 was Leroy Eldridge Cleaver. b6 b7C

SECRET

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAR 28 1973

TELETYPE

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(6)
DATE 09-30-2004

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Soyars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Ms. Herwig
Mr. Mints
Mrs. Neenan

b6
b7C

FTB022 11:50 AM 3-28-73 GXC

STATE 759

1:45PM URGENT 3/28/73 JMD

TO ACTING DIRECTOR (100-447251) NR 096-28

FROM LEGAT PARIS (88-256) 2P

Inv. Bonn
Madrid
France

BEF

A+D

LEROY ELDRIDGE CLEAVER, AKA-FUGITIVE, I.O. 4239; W.F. 447, EM-BPP;
UFAC - ASSAULT WITH INTENT TO COMMIT MURDER; THREAT AGAINST THE PRESI-
DENT OF THE UNITED STATES, OO: SAN FRANCISCO

(S) REPARCAB 3/27/73.

FRANCE

b1

100-447251-1204

22 APR 16 1973

b6
b7C

END OF PAGE ONE

54 APR 2 1973

APR 09 1973

Two copies made for relay to SAC, NY 3/28/73 RMK

RMK/KS

SECRET

SECRET

(S)

PAR 88-256 PAGE TWO

b1

~~PLEASE SUCAB~~.

END

JXS JB

SECRET

CC-MR. MILLER MR. TRAINOR

3rd cc Mr. Boynton
Rm. 1008 9&D

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

APR 03 1973

TELETYPE

NR 031 NY PLAIN

627PM NITEL 4-3-73 KPR

TO ACTING DIRECTOR 100-447251

FROM NEW YORK 100-161321 P 1P

LEROY ELDRIDGE CLEAVER; AKA-FUGITIVE, EXTREMIST MATTER-BPP;

OO: SAN FRANCISCO

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-30-2008 BY 60322/UCLRE/PG/ESL

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Clegg
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Soyars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Ms. Herwig
Mr. Mintz
Mrs. Neenan

RE BUREAU TEL, 3/28/73.

REGARDING PRESENT WHEREABOUTS OF ELDRIDGE CLEAVER THE NEW YORK POST, DATED 4/2/73, CARRIED A REPRINTED ARTICLE FROM THE LONDON OBSERVER, WHICH SUCCINCTLY ADVISED THAT ELDRIDGE CLEAVER IS IN PARIS, FRANCE AND FRANCOIS MITTERAND, FIRST SECRETARY OF THE SOCIALIST PARTY, MAY RAISE THE CASE OF OFFERING POSITICAL ASYLUM TO CLEAVER WHEN THE NATIONAL ASSEMBLY MEETS ON 4/2/73 IN PARIS, FRANCE. THE ARTICLE FURTHER STATES THAT CLEAVER DESIRES TO LIVE QUIETLY IN FRANCE AND ANALYZE HIS CURRENT SITUATION.

REQUEST OF BUREAU----- REC-32 100-447251-1204X

THE BUREAU IS REQUESTED TO INSURE LEGAT, PARIS IS AWARE OF THIS INFORMATION AND MITTERANDS PLAN TO ASK FOR ASYLUM.

END

EO MAY 29 1973

b6
b7C

cc - Mr. Miller

Rec'd to Paris 4-3-73 KMK

7 JUN 5 1973

SECRET

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

UNITED STATES GOVERNMENT

Memorandum

TO : ACTING DIRECTOR, FBI (100-447251)

DATE: 4/19/73

FROM : LEGAT, MEXICO CITY (100-3184) (RUC)

EXEMPTED FROM AUTOMATIC DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(1)
DATE 09-30-2008

SUBJECT: LEROY ELDRIDGE CLEAVER,
aka - FUGITIVE
IO 4239, WF 447
EM - BPP; UFAC - ASSAULT WITH
INTENT TO COMMIT MURDER;
THREAT AGAINST THE PRESIDENT
OF THE U. S.

[redacted] b6 b7C

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Reference Bureau airtel dated 2/23/73.

The Mexico City Office maintains a continuing vigilance on individuals traveling between Mexico and Cuba via Cubana Airlines. This carrier operates two flights weekly between Mexico City and Havana and is regarded as a possible means of travel by the subject since he would presumably be welcome in Cuba and could readily enter the U. S. once he had reached Mexico.

Review of Cubana Airlines manifests has not given any indication that subject may have clandestinely entered Mexico by this route.

[redacted] b1

Contact with the representatives of the U. S. Immigration Service and U. S. Customs Service, American Embassy, Mexico City, has revealed that neither of those offices had been alerted to the possibility that the subject might attempt to re-enter the U. S. and could possibly travel by way of Mexico. Both of these offices stated that if information of such a nature should come to their attention, same would be promptly furnished to Legat, Mexico City.

5-Bureau
(1-Foreign Liaison Desk)
(2-San Francisco)(88-12329)
1-Mexico City
(6)

REC-49 100-447251-1205

APR 23 1973

SECRET

FUGITIVE

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

5010-108-02

About 4/10/73 a squib appeared in the English language, Mexico City daily newspaper "The News" to the effect that captioned subject had requested asylum in France. No subsequent information has appeared nor did the article indicate the whereabouts of the subject although the presumption existed that he was already in France.

(S) [redacted] b1

The Mexico City Office will maintain its reviews of Cubana Airlines manifests with a view to the possibility subject might utilize this route in an effort to return to the U. S.

ARMED AND DANGEROUS

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1416912-0

Total Deleted Page(s) = 36
Page 11 ~ b1;
Page 12 ~ b1;
Page 13 ~ b1;
Page 28 ~ b1;
Page 29 ~ b1;
Page 30 ~ b1;
Page 31 ~ b1;
Page 32 ~ b1;
Page 33 ~ b1;
Page 34 ~ b1;
Page 35 ~ b1;
Page 36 ~ b1;
Page 37 ~ b1;
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Page 48 ~ b1;
Page 49 ~ b1;
Page 62 ~ b1;
Page 63 ~ b1;
Page 73 ~ b1;
Page 74 ~ b1;
Page 75 ~ b1;
Page 104 ~ b1;
Page 112 ~ b1;
Page 134 ~ b6; b7C;
Page 170 ~ b1;
Page 171 ~ b1;
Page 197 ~ b1;
Page 198 ~ b1;

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XXXXXXXXXXXXXXXXXXXXXXXX
X   Deleted Page(s)    X
X   No Duplication Fee X
X   For this Page      X
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OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-30-2008 BY 60322/UCLRB/SC/EHL

TO : ACTING DIRECTOR, FBI (100-447251) DATE: 4/23/73

FROM : SAC, NEW YORK (100-161321) (P)

SUBJECT: LEROY ELDRIDGE CLEAVER aka-
FUGITIVE
IO 4239;
WF 447,
EM-BPP;
UFAC-ASSAULT WITH INTENT TO COMMIT
MURDER;
THREAT AGAINST THE PRESIDENT OF
THE UNITED STATES
(OO:SF)

ReNYnitel, 3/29/73.

On 4/3/73, [redacted] Personnel Office, and [redacted] advised SA [redacted] that they could locate no current or past employment for [redacted] who resides at [redacted] New York City, New York.

On 4/10/73, a pretext telephone call under the guise of an insurance salesman made by SA [redacted] was made to telephone number [redacted] which is subscribed to by [redacted] and it was determined that [redacted] is employed by [redacted] New York, not [redacted] New York, New York.

b6
b7C

REC-21 100-447251-1206

On 4/11/73 [redacted] advised SA [redacted] that [redacted] born [redacted] at [redacted] resides [redacted] New York City, New York and is currently [redacted] is a full-time employee and has been employed by [redacted] since [redacted]

2-Bureau (RM)
1-New York

DMT:dbg
(3)

10 APR 30 1973

FUGITIVE SUP.

51 MAY 4 1973

5010-108

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

[redacted] listed his SSAN as [redacted] b6
Records further revealed that [redacted] b7C

The following sources have been contacted since the inception of this investigation regarding [redacted] but to date no productive information has been developed: b2 b6 b7C b7D

[redacted] [redacted]

LEADS

NEW YORK

AT NEW YORK CITY, NEW YORK. Will check INS files and passport files, New York City, New York, to determine possible travel by [redacted] b6 b7C

2. Will contact SIS-NYCPD, Records Unit.

3. Continue to target New York sources.

4. Submit results in LHM.

4/19/73

SPECIAL INVESTIGATIVE DIVISION

Attached cablegram from Legat, Paris, advises French Government consideration of request of asylum for Leroy Eldridge Cleaver still pending and has become complicated because of considerable leftist pressure, including the French Socialists Party leader. [redacted] strong recommendation against asylum. [redacted] [redacted] will keep Legat advised.

b7D

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-30-2008 BY 60322/UCLRP/PC/EHL

1 - [redacted]

b6
b7C

FJH:mfy
(6)

G
4-19
11:11AM
WVC
WGL
JBC
CNH

SECRET

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

APR 18 1973

TELETYPE

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(6)
DATE 10-06-2005

Mr. Felt
Mr. Gale
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Mohr
Mr. Soyars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mr. Bowers
Mr. Herington
Ms. Herwig
Mr. Mintz
Mrs. Neenan

FTB035 6:08PM 4-18-73 DCW

STATE 847

5:00PM NITEL 4-18-73 CAK

TO ACTING DIRECTOR NR129-18

FROM LEGAT PARIS (88-256) 2P

Inv. France Rome Madrid Bonn

LEROY ELDRIDGE CLEAVER, AKA-FUG., I.O. 4239, WF 447, ~~EM-BPP;UFAC~~ EXTREMIST MATTER - BLACK PANTHER PARTY UNLAWFUL FLIGHT TO AVOID CONFINEMENT

ASSAULT TO COMMIT MURDER; THREAT AGAINST THE PRESIDENT OF THE UNITED STATES, ~~OO: SF.~~ OFFICE OF ORIGIN

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

b6
b7C

(S) REFERENCE PARIS ~~RE PAR~~ CABLE APRIL FIVE, LAST.

b1

END PAGE ONE

54 MAY 3 1973

SECRET

b6
b7C

SECRET

b1

PAGE TWO

[redacted] (S)

THEY ARE FOLLOWING CLOSELY AND WILL KEEP US ADVISED.

END

MBT JB

SECRET

XEROX

APR 1973 PSOR

CC-Miller

CC-

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

UNITED STATES GOVERNMENT

Memorandum

2/30

TO : Acting Director, FBI (100-447251) DATE: 4-25-73

FROM : Legat, Rome (88-55) (P)

SUBJECT: LEROY ELDRIDGE CLEAVER, aka - FUGITIVE
I.O. #4239; WANTED FLYER #447
RM - BPP; UFAC - ASSAULT WITH INTENT
TO COMMIT MURDER; THREAT AGAINST THE
PRESIDENT OF THE UNITED STATES

Re Rome let dated 2-26-73.

Sources of Legat in Italy, Greece, Turkey and Cyprus, alert to our interest in subject, have not received any information that CLEAVER has transited these areas in an effort to re-enter the United States.

Legat will continue to follow with sources and report any pertinent information developed to the Bureau.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-30-2006 BY 60322/UCLRF/PJ/EHL

EX-111 REC-76 100-447251-1208

(5) - Bureau
(1 - Foreign Liaison Desk)
(2 - San Francisco 88-12329)
1 - Rome
TJB:hcs
(6)

23 MAY 1 1973

2cc's via O-1 to SF
1cc for T. 5-7-73 ENS/cac

5 MAY 15 1973

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

5010-108-02

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

UNITED STATES GOVERNMENT

Memorandum

5/30

TO : ACTING DIRECTOR, FBI (100-447251) DATE: 4/24/73

FROM : LEGAT, BERN (88-24)(RUC)

BEF
AND Inv, Frame
Rame
Madrid
Bern

SUBJECT: LEROY ELDRIDGE CLEAVER, aka -
FUGITIVE, I.O. 4239; W.F. 447,
EM - BPP; UFAC - ASSAULT WITH
INTENT TO COMMIT MURDER; THREAT
AGAINST THE PRESIDENT OF THE U.S.
OO: SF

Re Bern cable 3/22/73. 4/2/73

No further information concerning this matter has been received from sources here. This case is, therefore, being RUC'd, subject to being reopened on receipt of any pertinent information.

3 - Bureau
(1 - Foreign Liaison Desk)
1 - Bern
HDG/jmd
(4)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-30-2008 BY 60322/UCLRE/EJ/EHL

1cc via 0-7 to SF

REC-49 100-447251-1209

MAY 2 1973

FUGITIVE

MAY 15 1973
Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan
5010-108-02

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

FBI

~~CONFIDENTIAL~~

Date: 4/25/73

5/30

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

Via AIRTEL _____
(Priority)

TO: ACTING DIRECTOR, FBI (100-447251)

FROM: LEGAT, MADRID (157-3) (P)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

SUBJECT: LEROY ELDRIDGE CLEAVER, aka - FUG.
I.O. #4239, W.F. #447
EM - BPP; UFAC - ASSAULT WITH INTENT TO COMMIT MURDER; THREAT AGAINST THE PRESIDENT OF THE UNITED STATES
(OO: SF)

EXEMPTED FROM AUTOMATIC DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(6)
DATE 09-30-2002

Remycab 3/30/73.

[redacted]

b1

San Francisco is requested to furnish Madrid with 20 photographs of the subject.

Bureau is requested to furnish 20 copies of subject's Identification Order, #4239.

ARMED AND DANGEROUS

REC-4 100-447251-1212

5 - Bureau
(1 - Foreign Liaison Desk)
(2 - San Francisco, 88-12329)
1 - Madrid
VVK:eim
(6)

~~CONFIDENTIAL~~

11 APR 30 1973

b6
b7C

AIRTEL

21 MAY 14 1973

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

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

5010-107

UNITED STATES GOVERNMENT

Memorandum

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-30-2008 BY 60322/UCLRE/PJ/EHI

TO : ACTING DIRECTOR, FBI (100-447251) DATE: 4/26/73

FROM : LEGAT, COPENHAGEN (88-23) (RUC)

BEF

A & D Div. Finance

SUBJECT: LEROY ELDRIDGE CLEAVER - FUGITIVE
EM - BPP

DD, SF

Legal
Admin
Bonn

Remylet, 2/27/73.

Sources of this office have not furnished any recent pertinent information concerning subject, although they are alert to our interest in him.

Until we receive some information of interest to the Bureau, this case will remain in an RUC status.

4-Bureau
(1-Los Angeles)(157-2323)
(1-Foreign Liaison)(Direct)
1-Copenhagen
REP:dlb
(5)

EX-107

REC-76 100-447251-1213

1 cc via O-7 to LA
1 cc for T's
5-8-73
ENB/vau

MAY 7 1973

FUSL SUB

57 MAY 17 1973
168

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

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

5010-106

UNITED STATES GOVERNMENT

Memorandum

TO Mr. E. S. Miller

FROM G. C. Moore

SUBJECT: BLACK PANTHER PARTY
EXTREMIST MATTERS

1 - Mr. E. S. Miller
1 - [redacted]
DATE: 12/1/72
1 - [redacted]
1 - Mr. G. C. Moore
1 - [redacted]

b6
b7C

Felt
Baker
Callahan
Cleveland
Conrad
Dalbey
Gebhardt
Jenkins
Marshall
Miller, E.S.
Purvis
Soyars
Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Ms. Herwig
Mrs. Neenan

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-30-2008 BY 60322/UCLRP/PJ/EHL

This is to advise of the first overt conciliatory move by Huey P. Newton and the Black Panther Party (BPP) toward Eldridge Cleaver, former BPP leader who split with Newton in a bitter and violent factional dispute during early 1971.

The latest edition of the official BPP newspaper, "The Black Panther," dated 11/23/72, contains a front-page photograph of Cleaver and headline which reads "Justice for Eldridge Cleaver." The unsigned Page 2 article recognizes the differences between the Newton and Cleaver Factions of the BPP, criticizes Cleaver for his actions prior to the schism, and then states that despite this "Eldridge Cleaver is not our enemy, he is not our oppressor." The article refers to Cleaver's announced intention to return to the United States and demand a trial, repeats the BPP demand for justice for all "victims" of the State, and reaffirms the BPP position that only the people have the right to judge.

The article then describes Cleaver as one of the many "victims" standing "naked before the armed might of the State" whose only shield is the authentic power of the popular masses. The article asserts that the BPP is a part of that shield and proclaims to all "victims" before the "bar of injustice be they Eldridge Cleaver or any other disenfranchised man, woman or child," that the BPP will "intercede and intervene" in the name of the people.

During 1968 when BPP founder and leader Huey P. Newton was in jail for killing a police officer, Cleaver became one of the top leaders and spokesmen of the BPP. He fled the United States in late 1968 to avoid being returned to a California jail for violation of parole. He surfaced in Cuba in 1969 and in June of

CONTINUED - OVER

105-165706
ABF:aso (6)

100-447251
~~100-447252~~

NOT RECORDED
145 FEB 27 1973

MAR 09 1973

ORIGINAL FILED IN 105-165706

that year moved to Algiers where he operated with other self-exiled and fugitive Panthers as the International Section of the BPP and, following the split with Newton in 1971, as the headquarters of the BPP - Cleaver Faction. The 1971 split with Newton led to a great deal of vocal and bitter animosity between Newton and Cleaver and their respective followers as well as several acts of violence, including two killings in New York City.

In an interview with Newton at Oakland, California, concerning this offer of aid to Cleaver, which interview appeared in the 11/30/72 edition of "The Washington Post," Newton stated his overture to Cleaver was designed to let everyone know that the BPP is not interested in an open confrontation with Cleaver and his followers, a confrontation which Newton claims the police are attempting to create. Newton also indicated he would make available to Cleaver when he returns to the United States the BPP attorney, the latter being Charles Garry of San Francisco.

ACTION:

For information. Pertinent parts of the above article concerning this conciliatory move by the BPP are being included in the Summary of Extremist Activities.

DEM
WGC
BPK
EM
1214
3:12 P

To DIRECTOR, FBI ATTN: VOUCHER STATISTICAL SECTION

From: SF

RE: TRAVEL DATA ON EXTREMISTS AND OTHER SUBVERSIVES

A	Type Case: BPP	HQ File #: 100-447251	Arbitrary #:	Date (MDY): 9/8/72
B	Validity Check: CLELE	Social Security #:	OO File #: 157-4324	OO: SF
C	Surname: Cleaver	Given Name: Leroy	Middle Name: Eldredge	Sex: M / Race: Negro
D	Country of Birth: USA / State of Birth: AR	City of Birth: Little Rock	Date of Birth (MDY): 8-31-35	Citizenship: USA
E	Rec #: 1 / Alias (Last, First, Middle Names): Cleaver Eldredge			
F	Rec #: / Alias (Last, First, Middle Names):			
G	Rec #: / Alias (Last, First, Middle Names):			
H	Rec #: / Alias (Last, First, Middle Names):			
I	Passport #: ~~None~~	Date of Issue (MDY):	Build: MEDIUM	Hair: BLACK
J	Scar Mark: M / Type: Pierced left ear	Location: ~~Shotgun wound left ankle & foot~~	Eyes: Brown	Hgt: 6'2" / Wgt: 190
K	Remarks on Description: ~~Pierced left ear = Shotgun wound left ankle & foot~~			
L	Remarks on Description: Shotgun wound Left Ankle and foot			
M	Occupation: Head of Cleaver faction BPP —		Affiliation Position: b6 b7C	
N	Spouse (Last, First, Middle Names):		Relationship: ~~Wife~~ W	Year of Birth:
O	Street #:	Street Name:	Apt. or Room #:	
P	City:	State:	Phone #:	Zip Code:
Q	Remarks on Location: ALGR			
R	Remarks on Location:			
S	Rec #: 1 / Departed U.S. (MDY): 9/0/64 / Returned U.S. (MDY):	Countries Visited (up to 9 four char. abbreviations): COBA USSR NKPR VNAM CHIN ALGR Cong		Source:
T	Rec #: 1 / Remarks on Travel: Has not returned to USA presently in ALGR.			
U	Rec #: / Remarks on Travel: 100-447251 -			

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 09-30-2006 BY 60322/UCLRB/PJ/EHL

FBIHQ Only

NOT RECORDED 15 SEP 13 1972

OK/CCC

New ☒ Add ☐ Replace ☐ Delete ☐

58 MAR 13 1973

EXT. AFF. SEC.

STAT. SECT.

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

UNITED STATES GOVERNMENT

Memorandum

TO : ACTING DIRECTOR, FBI (100-447251) DATE: 5/14/73

FROM : SAC, LOS ANGELES (157-2323)(RUC)

BEF

SUBJECT: LEROY ELDRIDGE CLEAVER - FUGITIVE

A + D Inv, Lome, Frame, Bom, Mabel

00: SF

Re Los Angeles letter to Bureau, ET AL, dated 3/19/73.

Los Angeles not in receipt of any information relative to this matter and is placing this matter in a RUC status.

Upon receipt of any information pertinent to the location of ELDRIDGE CLEAVER, the Bureau and appropriate offices will be advised.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-30-2008 BY 60322/UCLRF/EJ/EHL

ST-105

REC-12 100-447251-1214

22 MAY 17 1973

(2) - Bureau (RM)
1 - New York (100-161321)(Info)(RM)
1 - San Francisco (157-4324)(Info)(RM)
1 - Los Angeles

BOC/tmb
(5)

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

5010-108

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

UNITED STATES GOVERNMENT

Memorandum

TO: ACTING DIRECTOR, FBI (100-447251) DATE: 5/15/73

FROM: SAC, EL PASO (100-6098) (RUC)

SUBJECT:

LEROY ELDRIDGE CLEAVER, Aka-
FUGITIVE
IO #4239
WF #447
EM-BPP
UFAC-ASSAULT WITH INTENT TO
COMMIT MURDER; THREAT AGAINST
THE PRESIDENT OF THE UNITED STATES
OO: SAN FRANCISCO

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-30-2008 BY 60322/UCLRP/PG/EHL

Re Bureau airtel to Albany, 2/23/73.

Contacts are being maintained by El Paso Office with appropriate El Paso sources and U. S. Customs Agency covering the three border-crossing points from Mexico to the United States at El Paso. Photographs of subject and memoranda containing descriptive information and background have been posted at these three border-crossing locations. It is anticipated the FBI, El Paso, will be notified immediately in the event subject appears at any one of these inspection points seeking entrance into the United States.

ARMED AND DANGEROUS.

2- Bureau
2- San Francisco
1- El Paso

VJA:amc
(5)

b6
b7C

EX-105

REC 43

100-447251-1215

4 MAY 18 1973

7 MAY 1973

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

5010-108

(Rev. 5-22-64)

SECRET

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EXEMPTED FROM AUTOMATIC DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(6)
DATE 09-30-2008

FBI

Date: 5/14/73

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

Via AIRTEL _____ (Priority)

TO: ACTING DIRECTOR, FBI (100-447251)

FROM: LEGAT, PARIS (88-256)(P)

LEROY ELDRIDGE CLEAVER, aka - FUGITIVE
I.O. #4329, WF 447
EM - BPP; UFAC - ASSAULT TO COMMIT MURDER;
THREAT AGAINST THE PRESIDENT OF THE UNITED STATES

Re Paris cables 4/18, 4/5, 3/27, and 3/16/73, all captioned as above.

b1

The above information should be classified "~~Confidential~~" in the event it is disseminated outside the Bureau.

Paris is following and additional information will be furnished upon receipt.

REC-84 100-447251-1216

4 - Bureau
(1 - Foreign Liaison Desk)
(1 - San Francisco)(Info)
7 - Paris
(1 - 157-194)
(1 - 157-225)
(1 - 164-14)
(1 - 164-17)
(1 - 157-279)
(1 - 157-206)

MAY 17 1973

b6
b7C

MGZ/jmd

SECRET

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

☆ U. S. GOVERNMENT PRINTING OFFICE: 1971 — 413-135

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

UNITED STATES GOVERNMENT

Memorandum

TO : ACTING DIRECTOR, FBI (100-447251) DATE: 5/15/73

FROM : LEGAT, BONN (100-1846) (RUC)

SUBJECT: LEROY ELDRIDGE CLEAVER, aka -
FUGITIVE
I.O. #4239
W.F. #447
EM - BPP
UFAC - ASSAULT WITH INTENT TO
COMMIT MURDER; THREAT AGAINST
THE PRESIDENT OF THE UNITED STATES
OO: SAN FRANCISCO

Re Bureau airtel, 2/23/73.

Appropriate German and Dutch agencies have been requested to furnish Legat Bonn any information which comes to their attention concerning the whereabouts of the subject.

Bureau and San Francisco will be furnished any pertinent information received.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-30-2006 BY 60322/UCLRP/PJ/EHL

100-447251-1217

MAY 22 1973

4-Bureau
(1 - Liaison Section)
(1 - San Francisco)
1-Bonn
FRP:mm
(5)

b6
b7C

54 JUN 1 1973

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

SECRET

5/22/73

SPECIAL INVESTIGATIVE DIVISION

(S)

b1

No information available to police concerning current whereabouts of Cleaver, who is the subject of an unlawful flight investigation growing out of a 1968 shootout with members of the Oakland, California, Police Department.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

EXEMPTED FROM AUTOMATIC DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(6)
DATE 10-06-2008

- Mr. Gebhardt
1 - Mr. Miller
1 - [redacted]

JBE:mfy
(7)

WGC WVC
gsz

b6
b7C

SECRET

FTB010 908AM 5-22-73 REP

STATE 729

9:00AM URGENT 5/22/73 JMD

TO ACTING DIRECTOR (100-447251) NR 163-21

FROM LEGAT PARIS (88-256) 1P

[redacted]

BEF

LEROY ELDRIDGE CLEAVER, AKA-FUGITIVE, I.O. 4329, WF 447, EM - BPP; UFAC - ASSAULT TO COMMIT MURDER; THREAT AGAINST THE PRESIDENT OF THE UNITED STATES

OO; SF

RE PARIS AIRTEL 5/14/73 AND PARIS CABLE 4/18/73.

[redacted] ADVISED GOVERNMENT DECISION TO REFUSE POLITICAL ASYLUM TO ELDRIDGE CLEAVER BASED ON LEGAL ASPECTS INASMUCH AS AN INTERDICTION ORDER BARRING CLEAVER FROM ENTERING FRANCE IS CURRENTLY OUTSTANDING. NO INFORMATION AVAILABLE TO POLICE CONCERNING CURRENT WHEREABOUTS OF CLEAVER, [redacted] OR OTHER BPP MEMBERS BELIEVED TO HAVE TRAVELED TO FRANCE IN RECENT MONTHS. NO ADDITIONAL ACTIVITY BY CLEAVER FACTION MEMBERS IN PARIS HAS BEEN NOTED BY [redacted] SUBSEQUENT TO CONTACTS IN MARCH BY [redacted] AND [redacted] AND [redacted] WITH THE ATTORNEY WHO FILED REQUEST ON BEHALF OF CLEAVER.

ST-104 REC-3 100-447251-1218

ADDITIONAL INFO WILL BE FURNISHED AS AVAILABLE.

END

10 MAY 29 1973

XEROX MAY 31 1973

CC-MR. MILLER

DKS JB CLR

Mr. Boynton
Rm. 1008 9&D

57 JUN 5 1973

b6
b7C
b7D

Unrecorded Copy Filed In

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAY 23 1973

TELETYPE

LIMITED OFFICIAL USE FBB669

PAGE 01 PARIS 14354 231914Z

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-26-2008 BY 60322/UCLRB/EJ/EHL

63

ACTION EUR-25

INFO OCT-01 ADP-00 [redacted]-00 DODE-00 PM-07 H-02 INR-10 L-03

[redacted]-00 NSC-10 PA-03 RSC-01 PRS-01 SS-15 USIA-12 SY-10

PPT-02 SCA-01 FBIE-00 RSR-01 /104 W

---------- 014396

R 231719Z MAY 73

FM AMEMBASSY PARIS

TO SECSTATE WASHDC 397

REC-36

100-447251-1219

EX-117

23 MAY 31 1973

LIMITED OFFICIAL USE PARIS 14354

E.O. 11652: N/A

TAGS: PFOR, FR

SUBJ: CLEVER REQUEST FOR ASYLUM DENIED

b2

b6
b7C

1. FRENCH PRESS MAY 2[illegible] REPORTED GOF HAD DECIDED TO REJECT REQUEST OF ELDRIDGE CLEAVER FOR POLITICAL ASYLUM. REQUEST FOR ASYLUM, MADE EARLY APRIL, WAS REFUSED LAST WEEK ON LEGAL TECHNICALITY OF DECLINING TO CANCEL INTERDICTION ORDER ISSUED SOME YEARS AGO BARRING CLEAVER'S ENTRANCE TO FRANCE.

2. COMMENT: FRENCH CONTACTS CONFIRMED TO LEGATT MAY 22 DECISION TO DENY ASYLUM. SEVERAL PAPERS AND MAGAZINES HAVE GIVEN LOW-KEY COVERAGE TO STORY, NOTABLY MAY 21 ISSUE OF LE POINT WHICH ATTRIBUTES DECISION TO DENY ASYLUM TO "INFLUENCE OF U.S. EMBASSY."

IRWIN

LIMITED OFFICIAL USE

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(1)
DATE 09-30-2004

SECRET

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

1 - [redacted]
1 - [redacted]

b6
b7C

(S)

CODE TELETYPE PRIORITY

TO [redacted] 5/31/73

FROM ACTING DIRECTOR FBI (100-447251) - 1220

EX-109 REC-31

SECRET/WARNING NOTICE - ~~SENSITIVE INTELLIGENCE SOURCES AND METHODS INVOLVED/NO FOREIGN DISSEMINATION/NO DISSEMINATION ABROAD/CONTROLLED DISSEMINATION~~

(S) b1

[redacted]

LEROY ELDRIDGE CLEAVER, EXTREMIST MATTERS - BLACK PANTHER PARTY - FUGITIVE

(S) [redacted]

~~CLASSIFIED BY W. R. WANNALL. EXEMPT FROM GDS, CATEGORY 2. DATE OF DECLASSIFICATION INDEFINITE.~~

RHR:prd
(4)

[redacted] b6 b7C

NOTE:

(S) [redacted] b1

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Soyars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Baise
Mr. Barnes

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION
JUN 1 1 1973
TELETYPE

JUN 3 1 1973

SECRET

F249

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

UNITED STATES GOVERNMENT

Memorandum

TO : Acting Director, FBI (100-447251) DATE: June 7, 1973

FROM : Legat, Rome (88-55) (P)

SUBJECT: LEROY ELDRIDGE CLEAVER, aka - FUGITIVE
I. O. #4239; WANTED FLYER #447
RM - BPP; UFAC - ASSAULT WITH INTENT
TO COMMIT MURDER; THREAT AGAINST THE
PRESIDENT OF THE UNITED STATES

ReRomlet April 25, 1973.

Legat's alerted sources in Italy, Greece, Turkey and Cyprus have not developed any information to indicate that CLEAVER has transited those areas in an effort to re-enter the U. S.

Legat is following with sources and will report any pertinent information which may be developed.

b6
b7C

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-30-2008 BY 60322/UCLRF/EC/EHL

5 - Bureau (1 - Foreign Liaison)
(2 - San Francisco 88-12329)
1 - Rome
TJB:MEG
(6)

REC-84

100-447251-1225

2 CCS via O-7 to SF
1 cc for T.
6/14/73
ENB/VAW

11 JUN 11 1973

FUGSUP

JUN 22 1973

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan
5010-108-02

Laboratory Transmittal Form
1-72

1 - [redacted]

b6
b7C

FBI
LABORATORY

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

To: SAC, San Francisco (157-4324)

Date: June 26, 1973

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-30-2008 BY 60322/UCLRP/PJ/EEL

From: Director, FBI

Re: LEROY ELDRIDGE CLEAVER, aka -
FUGITIVE;
I.O. # 4239, W.F. # 447,
EM - BPP; UFAC - ASSAULT WITH
INTENT TO MURDER, RAPE AND ASSAULT
WITH A DEADLY WEAPON (KE)
OO: San Francisco

REC-123
FBI File No. 100-447251-1229

Lab. No. D-730619047 KN

Examination requested by: San Francisco

EX-104

Reference: Letter dated 6/14/73

Examination requested: Document

Remarks: Specimen received 6/18/73

Kcl Photocopy of Temporary Driver's License for the State of California, dated 6/13/68, bearing the name ELDRIDGE CLEAVER

Remarks:

Reference is also made to San Francisco routing slip dated 6/13/73 inquiring as to whether CLEAVER's handwriting has been included in the National Security File. The writing appearing on Kcl, which is of marginal value, is the only writing in the National Security File pertaining to CLEAVER. It would be desirable, when possible, that additional known writings executed by CLEAVER be submitted for inclusion in this file.

The signature of ELDRIDGE CLEAVER, appearing on the item Kcl, has been added to the National Security File.

Kcl is retained. No Laboratory report is being submitted at this time.

RJ:dsr
(4)

MAILED 23
JUN 26 1973
FBI

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Soyars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Baise
Mr. Bames
Mr. Bowers
Mr. Herrington
Mr. Conroy
Mr. Mintz
Mr. Eardley
Mrs. Hogan

70 JUL 17 1973
70 JUL 17 1974

ADMINISTRATIVE PAGE

MAIL ROOM ☐ TELETYPE UNIT ☐

7-2

6-20

RECORDED
6/20/73
dsr

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Laboratory Work Sheet

NO LAB FILE

Re: LEROY ELDRIDGE CLEAVER, aka -
FUGITIVE
I.O. # 4239, W.F. # 447,
EM - BPP; UFAC - ASSAULT WITH
INTENT TO MURDER, RAPE AND ASSAULT
WITH A DEADLY WEAPON (KE)
OO: San Francisco

File # 100-447251
Lab.# D-730619047 KN

Examination requested by: San Francisco (157-4324) letter 6/14/73

Examination requested: Document

Date received: 6/18/73

Result of Examination:

Examination by:

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-30-2008 BY 60322/UCLRP/PJ/EHI

b6
b7C

KCI Photocopy of
Temporary Driver's License for the State of California,
dated 6/13/68, bearing the name "Eldridge Cleaver"
copy

7-72
RJ
6/26/73

Routing Slip
FD-4 (Rev. 12-22-69)

R.M.

Date 6/13/73

To: [XX] Director

Att.: FBI LABORATORY File SF 157-4324
National Security File

Title

[ ] SAC
[ ] ASAC
[ ] Supv.
[ ] Agent
[ ] SE
[ ] IC
[ ] CC
[ ] Steno
[ ] Clerk

LEROY ELDRIDGE CLEAVER
aka-FUGITIVE
I.O # 4239
RM-BPP

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-30-2008 BY 60322/UCLRE/SC/EHL

RE: [redacted]

b6
b7C

[ ] Rotor #:

ACTION DESIRED

[ ] Acknowledge
[ ] Assign ____ Reassign ____
[ ] Bring file
[ ] Call me
[ ] Correct
[ ] Deadline ____
[ ] Deadline passed
[ ] Delinquent
[ ] Discontinue
[ ] Expedite
[ ] File
[ ] For information
[ ] Handle
[ ] Initial & return
[ ] Leads need attention
[ ] Return with explanation or notation as to action taken.

[ ] Open Case
[ ] Prepare lead cards
[ ] Prepare tickler
[ ] Return assignment card
[ ] Return file
[ ] Search and return
[ ] See me
[ ] Serial # ____
[ ] Post [ ] Recharge [ ] Return
[ ] Send to ____
[ ] Submit new charge out
[ ] Submit report by ____
[ ] Type

SUP.
FUG/SUP.
FAVR

Would you kindly advise if Subject's handwriting has been included in National Security File of the FBI Laboratory?

handled lab report dated

SAC
Office San Francisco 6/12/73

____ See reverse side

S-6

o GPO : 1971 421-419

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

UNITED STATES GOVERNMENT

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-30-2008 BY 60322/UCLRP/EJ/ESL

Memorandum

TO : ACTING DIRECTOR, FBI (100-447251) DATE: 6/14/73

FROM : SAC, SAN FRANCISCO (157-4324) (P)

SUBJECT: LEROY ELDRIDGE CLEAVER, aka -
FUGITIVE
I.O. # 4239, W.F. # 447
EM - BPP; UFAC - ASSAULT WITH
INTENT TO MURDER, RAPE AND ASSAULT
WITH A DEADLY WEAPON
(KE)
OO: San Francisco

730619047

Enclosed is a copy of a temporary drivers license signed by above-captioned Subject. It is suggested that CLEAVER's handwriting specimen be placed in the National Security File.

ARMED AND DANGEROUS.

"COPY AND SPECIMENS RETAINED IN LAB"

REC-4 100-447251-1229

EX-104

23 JUN 19 1973

2 - Bureau (RM) (Enc. 1)
2 - San Francisco
LSB/sad (S-6)
(4)

"ENCLOSURE ATTACHED"

Index Lab Files

7-72
RJ. der
6/26/73

b6
b7C

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

5010-108-02

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

RECORDED
6/20/73
dar

Laboratory Work Sheet

NO LAB FILE

Re: LEROY EMBRIDGE CLEAVER, aka -
FUGITIVE
I.O. # 4239, W.F. # 447,
EM - EPP; UFAC - ASSAULT WITH
INTENT TO MURDER, RAPE AND ASSAULT
WITH A DEADLY WEAPON (EM)
OO: San Francisco

File # 100-447251 - 1229
Lab.# D-730619047 EM

Examination requested by: San Francisco (157-4324) Letter 6/14/73

Examination requested: Document

Date received: 6/18/73

Result of Examination:

Examination by:

b6
b7C

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-30-2006 BY 60322/UCLRB/PJ/EHL

KCI
~~Item 1~~ Photocopy of
Temporary Driver's License for the State of California,
dated 6/13/68, bearing the name "Eldridge Cleaver"

Photed
6/19

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-30-2008 BY 60322/UCLRS/EJ/EHL

284 Bulk

ENCLOSURE

100-44 7251-1229

FILE# 100-447251-1229

DATE _____

EXAMINER # No Initials KW

Q#

K#

NEGATIVES

INITIALS _____

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 09-30-2008 BY 60322/UCLRP/PJ/EHL

STATE OF CALIFORNIA
DEPARTMENT OF MOTOR VEHICLES
This temporary license will automatically become VOID 60 days from date issued:

INTERIM LICENSE (TEMPORARY)
DIVISION OF DRIVERS LICENSES

ISSUED AT SAN FRANCISCO DATE JUN 13 1968

(X) MAY DRIVE 2 AXLE VEHICLE EXCEPT BUS. MAY TOW VEHICLE OF LESS THAN 6000 POUNDS GROSS.

( ) MAY DRIVE ANY SINGLE VEHICLE INCLUDING BUS. MAY TOW VEHICLE LESS THAN 6000 POUNDS GROSS.

( ) MAY DRIVE ANY VEHICLE OR COMBINATION OF VEHICLES.

( ) SEE OVER FOR ANY OTHER CONDITIONS

ONLY ONE BOX MAY BE CHECKED

Eldridge Cleaver
850 Oak St.
San Francisco, Calif. 94117

SEX	HAIR	EYES	HEIGHT	WEIGHT	BIRTHPLACE
M	Blk	Hzl	6-2	195	Wat Cal

DATE OF BIRTH | AGE | ANY OF ONLY

OTHER ADDRESS

REQUIRED FOR ANY OTHER CONDITIONS ☐ MUST WEAR CORRECTIVE LENSES ☐ DRIVE TEST ☐

X Eldridge Cleaver

6-13-68 SMF 38 gc
DATE F.O. C.C.

FEE $1.00

EXAMINER BADGE NO.

THIS TEMPORARY LICENSE ISSUED IN ACCORDANCE WITH APPLICANT'S CERTIFICATION TO POSSESSION OF VALID LICENSE. VOID IF RECORDS SHOW NO VALID CALIFORNIA LICENSE.

APP. No. DD 457915

IMPLICATE

Kel LABORATORY

RESTRICTIONS OR CLASS

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-30-2006 BY 60322/UCLRF/FC/EHL

INFORMATION

1. Your regular license will be mailed to you by the Department of Motor Vehicles. If at the end of sixty (60) days you have not received it, go to the nearest office of the Department of Motor Vehicles or Drivers License Examiner and explain the situation. Be sure to bring this Temporary License with you.
2. Change of address must be reported to the Department of Motor Vehicles within ten days.
3. If you change your name, take your license to the nearest Drivers License Examiner who will see that the proper changes are made on the records of the Department. *No fee will be charged for this service.*
4. Space will be provided on the reverse of your regular license for notation of blood type. If you desire such notation, ask your doctor, hospital, or blood bank to put this information on your license. DO NOT FILL IN THIS INFORMATION YOURSELF WITHOUT YOUR DOCTOR'S INSTRUCTION!

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 04-30-2008 BY 60322/UCLRP/PJ/EBL

STATE OF CALIFORNIA
DEPARTMENT OF MOTOR VEHICLES
This temporary license will automatically become VOID 60 days from date issued:

INTERIM LICENSE (TEMPORARY)
DIVISION OF DRIVERS LICENSES

ISSUED AT SAN FRANCISCO DATE JUN 13 1968

Eldridge Cleaver
850 Oak St.
San Francisco, Calif. 94117

(X) MAY DRIVE 2 AXLE VEHICLE EXCEPT BUS. MAY TOW VEHICLE OF LESS THAN 6000 POUNDS GROSS.

( ) MAY DRIVE ANY SINGLE VEHICLE INCLUDING BUS. MAY TOW VEHICLE LESS THAN 6000 POUNDS GROSS.

( ) MAY DRIVE ANY VEHICLE OR COMBINATION OF VEHICLES.

( ) SEE OVER FOR ANY OTHER CONDITIONS

ONLY ONE BOX MAY BE CHECKED

SEX	HAIR	EYES	HEIGHT	WEIGHT	MAR	PRE LIC. EXP
M	Blk	Hzl	6-2	195	Mar	Cal

DATE OF BIRTH	AGE	DMV USE ONLY
8-31-35	32	

OTHER ADDRESS

SEE OVER FOR ANY OTHER CONDITIONS ☐ MUST WEAR CORRECTIVE LENSES ☐ DRIVE TEST ☐

X Eldridge Cleaver

6-13-68 SRF 38 gc
DATE F.O. C.C.

FEE $1.00

EXAMINER BADGE NO

APP. No. DD 457915

THIS TEMPORARY LICENSE ISSUED IN ACCORDANCE WITH APPLICANT'S CERTIFICATION TO POSSESSION OF VALID LICENSE. VOID IF RECORDS SHOW NO VALID CALIFORNIA

RESTRICTIONS OR CLASS

INFORMATION

1. Your regular license will be mailed to you by the Department of Motor Vehicles. If at the end of sixty (60) days you have not received it, go to the nearest office of the Department of Motor Vehicles or Drivers License Examiner and explain the situation. **Be sure to bring this Temporary License with you.**
2. Change of address must be reported to the Department of Motor Vehicles within ten days.
3. If you change your name, take your license to the nearest Drivers License Examiner who will see that the proper changes are made on the records of the Department. ***No fee will be charged for this service.***
4. Space will be provided on the reverse of your regular license for notation of blood type. If you desire such notation, ask your doctor, hospital, or blood bank to put this information on your license. DO NOT FILL IN THIS INFORMATION YOURSELF WITHOUT YOUR DOCTOR'S INSTRUCTION!

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

EXEMPTED FROM AUTOMATIC DECLASSIFICATION AUTHORITY DERIVED FROM: FBI AUTOMATIC DECLASSIFICATION GUIDE EXEMPTION CODE 25X(1) DATE 10-16-2008

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, L.S.
Mr. Sevore
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Baise
Mr. Barnes
Mr. Bowers
Mr. Herington
Mr. Conmy
Mr. Mintz
Mr. Eardley
Mrs. Hogan

FBI

Date: 6/15/73

~~SECRET~~

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

Via AIRTEL AIRMAIL (Priority)

TO: ACTING DIRECTOR, FBI (100-447251)

FROM: SAC, SAN FRANCISCO (157-4324) (P)

RE: LEROY ELDRIDGE CLEAVER, aka -
FUGITIVE
I.O. # 4239; W.F. # 447
EM - BPP; UFAC - ASSAULT WITH
INTENT TO MURDER, RAPE AND ASSAULT
WITH A DEADLY WEAPON
KE
OO: San Francisco

Re Bureau airtel dated 5/22/73 and San Francisco airtel dated 6/13/73, entitled "KEY EXTREMIST PROGRAM, EM."

ELDRIDGE CLEAVER, former Minister of Information and head of the International Section of the Black Panther Party (BPP), has been a fugitive since 12/10/68. He left the U.S. for Cuba and in 1969 took up residence in Algiers, Algeria. He has continually called for the violent overthrow of the U.S. Government and in 1969 urged black GIs in South Vietnam to mutiny. It is the recommendation of the San Francisco Office that CLEAVER be continued on the Key Extremist list.

The following is information concerning Subject to questions set forth in Section 3 of referenced Bureau airtel:

EX-104 REC 43 100-447251-1230

1. Subject is included in the ADEX.

2. CLEAVER's photograph is in the San Francisco Section of the Extremist Photograph Album.

3. The bank account of [redacted] was monitored in San Francisco in 1969 after CLEAVER's escape from the U.S. His bank account in New York City was checked in 1970 at which time it was ascertained he only had $4.50 deposits. There is no indication that CLEAVER presently maintains any bank accounts.

b6
b7C

2 - Bureau (RM)
2 - San Francisco
LSB/sad (S-6)
(4)

~~SECRET~~

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

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

SF 157-4324
LSB/sad

4. The Bureau has been requested to furnish income tax returns and in 1971 returns for the years of 1966, 1967 and 1968 were made available. Inasmuch as CLEAVER has been a fugitive since the latter year there is no indication he would have filed a fund return.

(S) b1

5. For the most part, CLEAVER has been in Algiers since 1969 and our "close" coverage on CLEAVER has been through U.S. State Department [redacted] sources in New York and San Francisco who might receive information from CLEAVER are regularly contacted.

6. Handwriting of CLEAVER has been forwarded for the National Security File.

7. CLEAVER's fingerprints are in the Single Fingerprint File.

8. Reports and LHMs have regularly set forth speeches and articles of Subject advocating violence. On 11/11/71, the Department of Justice in considering possible sedition prosecution against CLEAVER pointed out that the technical problems of voice identification of tapes reportedly made by CLEAVER and the added fact that CLEAVER was in self-imposed exile, led them to the opinion that they did not contemplate prosecution of Subject under Title 18, U.S. Code, Section 2387 or Section 2388.

ARMED AND DANGEROUS.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(1)
DATE 10-01-2006

SECRET

Examining

1 - Mr. E. S. Miller
1 - Mr. G. C. Moore

SECRET

July 5, 1973

BY LIAISON

100-447251

(S)

1 - [redacted]
1 - [redacted]
1 - [redacted]

b6
b7C

[redacted]

CLASSIFICATION RETAINED BY 6928 w 28 cab
EXEMPT FROM GDS CATEGORY 8-18-78
DATE OF DECLASSIFICATION INDEFINITE

(S)

[redacted]

b1

APPROPRIATE AGENCIES AND FIELD OFFICES ADVISED BY ROUTING SLIP ON 8-21-78

(S)

The Attorney General has furnished the following information in response to the above.

[redacted]

(S)

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Miller, E.S.
Mr. Soyars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Baise
Mr. Bowes
Mr. Bowers
Mr. Herington
Mr. Conny
Mr. Mintz
Mr. Bartley
Mrs. Hogan

RHR:ekw
(7)

SECRET

SEE NOTE PAGE THREE

Classified by Acting Director
Exempt from GDS, Category 2
Date of Declassification Indefinite

SECRET

MAIL ROOM ☐ TELETYPE UNIT ☐

ORIGINAL FILED IN

(S) b1

Sincerely yours,

William D. Ruckelshaus
Acting Director

(S)

(S) b1

(S) The letter is classified "Secret" (S)

furnished information regarding b1 b6 b7C

(S)

SECRET

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-01-2006 BY 60322/UCLRF/PJ/EHL

Form DJ-150
(ed. 4-26-55)

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : Acting Director
Federal Bureau of Investigation

DATE: JUN 27 1973

FROM : The Attorney General

SUBJECT: Black Panther Party

Mr. Felt
Mr. Baker
Mr. Callahan
Mr. Cleveland
Mr. Conrad
Mr. Gebhardt
Mr. Jenkins
Mr. Marshall
Mr. Mohr
Mr. Soyars
Mr. Thompson
Mr. Walters
Tele. Room
Mr. Bates
Mr. Barnes
Mr. Bowers
Mr. Herington
Mr. Conroy
Mr.
Mr. Bardley
Mrs. Hogan

Mr. Malmfeldt
Mr. Heim

Attached is a copy of a memorandum written by Ben Holman, Director, CRS, in response to a request from my office for any information he might have on the subject matter of your inquiry to me of June 15, 1973.

I suggest that in responding to the unidentified agency that prompted your inquiry, you quote or paraphrase all but the first two paragraphs of Mr. Holman's memorandum and state that you have my approval in relaying his information. I leave to you to decide whether, as Mr. Holman recommends in his second paragraph, you should advise the agency to reassess the reliability of its source.

NOT RECORDED
191 JUL 12 1973

b2

Attachment

21 JUL 11 1973

To Miller, E.
Can you prepare a response along the lines outlined by AG for my signature.
end

b6
b7C

EXPEDITE

#31 7-6

7/5/73 JUN 27 1973

2 ENCLOSURE

5

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

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (100-447251) DATE: 7/16/73

FROM : SAC, NEW YORK (100-161321) (P)

SUBJECT: LEROY ELDRIDGE CLEAVER aka -
FUGITIVE
IO 4239
EM-BPP

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-06-2008 BY 60322/UCLRP/BW/EHL

Continued contact with sources familiar with Black Extremist organizations in NYC has failed to develop any positive information regarding ELDRIDGE CLEAVER.

As reported earlier, CLEAVER was reported to be in Paris, France, seeking political asylum, and the NYO has developed no information to contradict that statement.

Satellite investigation re [redacted] (NYfile 100-171218) continues in efforts to develop information re CLEAVER. b6 b7C

All sources listed below remain vigilant to any and all information re LEROY ELDRIDGE CLEAVER:

[redacted] [redacted] b2 b7D

CONSIDER CLEAVER ARMED AND DANGEROUS.

REC-61 100-447251-1232

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

16 JUL 19 1973

DMT:mej
(5)

FIG. SUP.

[redacted] b6 b7C

57 JUL 23 1973

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

5010-108

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

UNITED STATES GOVERNMENT

Memorandum

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-01-2008 BY 60322/UCLRP/PJ/EEL

TO : DIRECTOR, FBI (100-447251) DATE: 7/24/73

FROM : SAC, SAN FRANCISCO (157-4324) (P)

SUBJECT: LEROY ELDRIDGE CLEAVER, aka -
FUGITIVE
I.O. # 4239, W.F. # 447,
EM - BPP; UFAC - ASSAULT WITH
INTENT TO MURDER, RAPE AND ASSAULT
WITH A DEADLY WEAPON
(K.E.)
OO: San Francisco

Re San Francisco letter to the Bureau dated 6/14/73.

Enclosed for the Bureau is one (1) copy of a photostat of an Application for Mail and Visiting Privileges and one (1) copy of a Request For Restoration of Civil Rights containing handwriting and printing specimens.

This material was made available on 7/24/73, by [redacted] Office of Special Services, California State Department of Corrections, [redacted] Ferry Building, San Francisco, California. It is suggested these handwriting and hand printing specimens be added to the National Security File.

b6
b7C

REC 25 100-447251-1233

6 JUL 27 1973

ENCLOSURE

FUG/SUP

FIVB

2 - Bureau (Encs. 2) (RM)
2 - San Francisco
LSB/sad (S-6)
(4)

"ENCLOSURE ATTACHED"

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

5010-108-02

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-01-2008 BY 60322/UCLRP/PJ/EEL

2 Enclosures to Bureau
re with San Francisco report
dated 7/24/73
enclosed are one copy of a photostat of an Application for Mail & Visiting Privileges & one copy of a Request for Restoration of Civil Rights containing handwriting & printing specimens
LEROY ELDRIDGE CLEAVER, aka - FUGITIVE
IO #4239, WF #447, EM - BPP; UFAC -
ASSAULT WITH INTENT TO MURDER, RAPE &
San Francisco file No. ~~157-4324~~ ASSAULT WI
_____ file No. _____ A DEADLY WE
apon (K.E.
OO: SF

Pek

269

100-447251- 1233

ENCLOSURE 1

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-01-2006 BY 60322/UCLRP/PC/EHL

REQUEST FOR RESTORATION OF CIVIL RIGHTS

SUPERINTENDENT LAWRENCE E. WILSON:

Gr 11-64

Will you please obtain for me whatever authority is necessary to sign the following document:

Contract with McGraw-Hill Book Co. to publish a book called white Woman-Black man

My purpose for this request is as follows: To earn funds by writing a book for publication

The money or property involved in this contemplated act has no connection with my present offense, which is: Commission of 1597 plus $5,000.00 - $2,500 cash and $2,500.00 when book is accepted by the publisher

Signature Eldridge Cleaver

Number A-294198

Date 9/22/66

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-01-2008 BY 60322/UCLRE/SJ/EHL

STATE OF CALIFORNIA

APPLICATION FOR MAIL AND VISITING PRIVILEGES

b6
b7C

Answer the following questions about your proposed visitor or correspondent:

1. Name: ~~Mr.~~ Mrs. ~~Miss~~ [redacted] (first) (middle) (last) Age: adult
2. Address: [redacted] (number) (street) San Francisco, Calif. (city) (state)
3. This is my: (mother, wife, husband, friend, attorney, etc.) [redacted]
4. I have known this person for: (length of time) One year
5. This person is: (single, married, separated, divorced, widowed) divorced
6. If this is your divorced spouse, give date and place of final decree:
7. This person has been arrested: ("yes" or "no") no If "yes" state for what:
8. This person is on probation, parole or in jail: ("yes" or "no") no
9. If "yes," state which: Where:
10. This request is for visits only: Correspondence only: Both: Both

I hereby make application for the above privileges with the person named above under conditions prescribed by the rules of this institution. I certify that the facts stated above are true to the best of my knowledge and belief.

Sign full name: Lucy Eldridge Chavez Number: A-29499 Date: 6/20/66

DO NOT WRITE BELOW THIS LINE

Approved: ✓ Visits only: Correspondence Only: Both: ✓

Signature: [redacted] (final approval) Date: 6-21

Signature: (tentative approval) Date:

Denied: Reason for denial:

Signature: Date:

CDC form 106 sent: 6-2 Date Returned:

Posted on Visiting Card: 6-21 Posted on Mail Card: 6-21-66

CDC - 105 (38372)

FD-263 (Rev. 12-19-67)

SECRET

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
SAN FRANCISCO	SAN FRANCISCO	7/31/73	11/15/72 - 7/31/73

TITLE OF CASE	REPORT MADE BY	TYPED BY
LEROY ELDRIDGE CLEAVER, aka - FUGITIVE I.O. # 4239 W.F. # 447	[redacted]	sad

CHARACTER OF CASE
EM - BPP;
UFAC - ASSAULT WITH INTENT TO COMMIT MURDER AND RAPE AND ASSAULT WITH A DEADLY WEAPON;
(KEY BLACK EXTREMIST)

b6
b7C

REFERENCE: Report of SA [redacted] dated 11/17/72, at San Francisco, California.

- P -

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

ADMINISTRATIVE:

It is noted that FD-376s are not stapled to copies of this report and no dissemination made to Secret Service, San Francisco [redacted]

(S)

b1

INFORMANTS:

Identity of Source	File Where Located
SF T-1 is [redacted] (S)	157-4324 - 1463

ACCOMPLISHMENTS CLAIMED ☐ NONE						ACQUIT-TALS	CASE HAS BEEN:
CONVIC.	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES		PENDING OVER ONE YEAR ☐ YES ☐ NO PENDING PROSECUTION OVER SIX MONTHS ☐ YES ☐ NO

APPROVED CWB SPECIAL AGENT IN CHARGE

DO NOT WRITE IN SPACES BELOW

REC 43

100-447251A-1235

COPIES MADE:

5 - Bureau (100-447251) (RM)
3 - San Francisco (157-4324)
(1 - 88-12329)

EXEMPTED FROM AUTOMATIC DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(1)
DATE 10-01-2008

Dissemination Record of Attached Report				
Agency				
Request Recd.				
Date Fwd.				
How Fwd.				
By				

Notations

RMH

DATA PROCESSING

SECRET

A

COVER PAGE

U.S. GOVERNMENT PRINTING OFFICE : 1970 O—375-159

SF 157-4324
LSB/sad

Identity of Source	File Where Located
SF T-2 is [redacted]	157-4324 - 1405

b2
b7D

~~SECRET~~

B

COVER PAGE

FD-305 (Rev. 5-16-73)

~~SECRET~~

1. [X] Subject's name is included in the ADEX.
2. [ ] The data appearing on the ADEX Card are current.
3. [X] Changes on the ADEX Card are necessary and Form FD-122 submitted to the Bureau.
4. [X] A suitable photograph [ ] is [ ] is not available.
   Date photograph was taken 1967.
5. [ ] Subject is employed in a key facility and _____ is charged with security responsibility. Interested agencies are _____.

(S)

6. [X] This report is classified ~~Secret~~ because *(state reason)*

b1

7. [ ] Subject previously interviewed *(dates)* _____.
   [X] Subject was not [X] interviewed [ ] reinterviewed because *(state reason)*

   he is out of the country.

8. [ ] This case no longer meets the ADEX criteria and an FD-122 with succinct summary, has been directed to the Bureau recommending cancellation.
9. [X] This case has been reevaluated in the light of the ADEX criteria and it continues to fall within the criteria because *(state reason)*

   CLEAVER is militantly anti-U. S. Government and has called for soldiers in Vietnam to rebel and turn guns on senior officers.

10. [X] Security Flash Notice (FD-165) to Identification Division:
    [X] Submitted 5/31/67 *(date)* Placed [X] Yes [ ] No

11. [X] Subject is Extremist in ADEX and Stop Notice has been placed with the Bureau Stop Index.

12. [X] Subject designated and/or included in:
    [ ] Key Activist Program
    [X] Key Extremist Program
    [ ] Arab Terrorist Photograph Album
    [ ] Extremist Photograph Album
    [ ] Weatherman Photograph Album

~~SECRET~~

C

COVER PAGE

SF 157-4324
LSB/sad

LEAD:

SAN FRANCISCO

AT SAN FRANCISCO, CALIFORNIA. Will follow and report activities of CLEAVER.

FD-204 (Rev. 3-3-59)

UNITED STATES DEPARTMENT OF JUSTICE
ERAL BUREAU OF INVESTIGATION

EXEMPTED FROM AUTOMATIC DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(1)
DATE 10-01-2000

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

~~SECRET~~

b6
b7C

Copy to:

Report of: [redacted]
Date: 7/31/73

Office: SAN FRANCISCO, CALIFORNIA

Field Office File #: 157-4324

Bureau File #: 100-447251

Title: LEROY ELDRIDGE CLEAVER
I.O. # 4239
W.F. # 447

Character: EXTREMIST MATTERS - BLACK PANTHER PARTY; UNLAWFUL FLIGHT TO AVOID CONFINEMENT - ASSAULT WITH INTENT TO COMMIT MURDER AND RAPE AND ASSAULT WITH A DEADLY WEAPON

~~XXXXXX~~

Synopsis: Reliable source reports CLEAVER in France in late May, 1973, hoping to concentrate on writing and building power base against Huey Newton Faction of the Black Panther Party (BPP). Address unknown. November, 1972, CLEAVER continued his call for violence against U. S. Government.

- P -

DETAILS: AT SAN FRANCISCO, CALIFORNIA

I. BACKGROUND

The Black Panther Party (BPP) is a black extremist organization started in Oakland, California, in December, 1966. It formerly advocated the use of guns and guerrilla tactics to bring about the overthrow of the United States Government. Since early 1971, it has preached a policy of "survival pending revolution", and is seeking to organize the black community for the revolution it claims will ultimately follow.

CLASSIFIED BY Charles Bates
EXEMPT FROM GENERAL DECLASSIFICATION
SCHEDULE OF EXECUTIVE ORDER 11652
EXEMPTION CATEGORY 2
AUTOMATICALLY DECLASSIFIED ON indefinite

~~SECRET~~

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

U. S. GOVERNMENT PRINTING OFFICE : 1970 O - 405-840

(S) HUEY PERCY NEWTON is the co-founder and leader of the BPP.

[redacted] b1

SF T-1
June 7, 1973

THE ABOVE INFORMATION IS CLASSIFIED ~~SECRET~~.
REMAINDER OF THIS REPORT SHOULD BE CLASSIFIED ~~CONFIDENTIAL~~.

II. ACTIVITIES

In January, 1973, [redacted] of the Cleaver Faction of the BPP in Los Angeles, California, made available a copy of a letter from ELDRIDGE CLEAVER dated November, 1972. [redacted] describes the letter as a new direction to be taken by the Afro-American Liberation Movement, which is explained in the letter, reading in part as follows: b6 b7C

"At the present time, it can be said that the Afro-American Liberation Movement is suffering from success. As a result, we now stand at a cross roads, a decisive juncture in the history of our peoples' movement. We have come a long way since that fateful day, in 1956, when our people siezed the initiative and went on the offensive, by launching a boycott to protest the racist policy of segregation and discrimination practiced by the publis transportation facilities in Montgomery, Alabama....."

SECRET

".... It may be more accurate to say that the oppressor cracked open a brand new deck, with an Ace of Spades called Black Capitalism....."

"....The maneuver on the part of the American ruling class of placing the Afro-American bourgeoisie in control of the Afro-American people is the same as placing a puppet ruling class at the head of a colonized nation with a population of upwards of 30,000,000 people.

"When the repression was firmly in the saddle, and fear was everywhere in the air, and the Afro-American bourgeoisie was clamoring to high heaven, NIXON made his move. He let it be known that millions of dollars were now available to finance business ventures by Afro-Americans.

"In certain areas, NIXON's Black Capitalism reached beyond the Afro-American bourgeoisie in a calculated political maneuver to pacify the masses..... Also, the reactionary wing of the Black Panther Party, led by HUEY NEWTON and BOBBY SEALE, were allowed to participated in a so-called Model Cities Program in Oakland, California, which received a 4,000,000 dollar grant from the federal government. (In return, HUEY made a public statement in support of Black Capitalism, Christianity, White Capitalism, and an end to revolutionary violence.)

"Meanwhile, a gigantic apparatus of repression is being perfected inside the U.S.A. to deal with the new upsurge of the forces of the Afro-American Liberation Movement which everybody knows is coming. For the struggle has been boiled down to its simplest terms; violence. The repression has virtually eliminated any overt militant activity. But, just beneath the surface, the movement has been regrouping, organizing, laying in supplies, and girding itself for waging war. The expectancy of Afro-American revolutionaries is for general chaos to break out inside the United States at the end of the war in Viet Nam and Indochina, for thousands of angry young men have been coming back home from the war.

SECRET

SF 157-4324
LSB/sad

SECRET

"NIXON may have charmed the Brezhnevs and Chou-En-lai's of the world, he may have the leaders of the world eating out of his hand, he may even have beguiled the majority of American voters to return him to office with a mandate for the continuation of his policies, but revolutionaries do not vote, except with their guns and bombs. And NIXON, along with the Afro-American bourgeoisie, is also going to receive a majority of the votes of the American revolutionaries.

"November, 1972
"Algiers, Algeria
"ELDRIDGE CLEAVER

"revolutionary peoples communications network."

SF T-2
January, 1973

FD-323 (Rev. 12-12-72)

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

San Francisco, California

In Reply, Please Refer to File No.

July 31, 1973

~~SECRET~~

Title LEROY ELDRIDGE CLEAVER

Character EXTREMIST MATTERS - BLACK PANTHER PARTY; UNLAWFUL FLIGHT TO AVOID CONFINEMENT - ASSAULT WITH INTENT TO COMMIT MURDER AND RAPE AND ASSAULT WITH A DEADLY WEAPON.

Reference San Francisco report of SA [redacted] [redacted] dated and captioned as above.

All sources (except any listed below) whose identities are concealed in referenced communication have furnished reliable information in the past.

b6
b7C

~~SECRET~~

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SECRET

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

UNITED STATES GOVERNMENT

Memorandum

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(6)
DATE 10-06-2003

TO : DIRECTOR, FBI (100-447251) **DATE:** 7/24/73

FROM : LEGAT, PARIS (88-256) (P)

SUBJECT: LEROY ELDRIDGE CLEAVER, aka - FUGITIVE;
I.O. 4328, WF 447,
EM - BPP; UFAC - ASSAULT TO COMMIT MURDER;
THREAT AGAINST THE PRESIDENT OF THE U.S.

(S)

(S)

b1

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

3 - Bureau
(1-Foreign Liaison Desk)
6 - Paris
(1-157-31)
(1-157-206)
(1-157-45)
(1-157-117)
(1-157-180)
NWP:ec
(9)

REC-58

100-447251-1236

SECRET

JUL 30 1973

b6
b7C

FUG. SUP.

7 0 AUG 13 1973

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

5010-108

CONFIDENTIAL

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

UNITED STATES GOVERNMENT

Memorandum

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

TO : DIRECTOR, FBI (100-447251)

DATE: 7/30/73

FROM : LEGAT, MADRID (157-3) (P)

EXEMPTED FROM AUTOMATIC DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE OSX(6)
DATE 10-01-2008

SUBJECT: LEROY ELDRIDGE CLEAVER, aka - FUG.
I.O. #4239, W.F. #447
EM - BPP; UFAC - ASSAULT WITH INTENT TO COMMIT MURDER; THREAT AGAINST THE PRESIDENT OF THE UNITED STATES
(OO: SF)

Remyairtel to Bureau 4/25/73 and Bureau routing slip 5/8/73.

(b)

[redacted]

b1

Our sources are aware of our interest in subject's location and any pertinent information received will be furnished to the Bureau and San Francisco.

ARMED AND DANGEROUS.

REC-14 100-447251-1237

EX-112

21 AUG 8 1973

4 - Bureau
(1 - Foreign Liaison Desk)
(1 - San Francisco, 88-12329, Info.)
1 - Madrid
VVK:eim
(5)

CONFIDENTIAL

FUG. SUP.

SEX

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

5010-108-02

FD-122 (Rev. 1-22-73)
OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

b6
b7C

UNITED STATES GOVERNMENT

Memorandum

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-01-2008 BY 60322/UCLRP/PW/EHL

TO : Director, FBI (Bufile 100-447251) DATE: 7/31/73

CWB

FROM : SAC, SAN FRANCISCO (157-4324)

8/10/73

SUBJECT: LEROY ELDRIDGE CLEAVER, aka - FUGITIVE
I.O. # 4239, W.F. #447, EM - BPP; ASSAULT WITH INTENT TO COMMIT MURDER AND RAPE AND ASSAULT WITH A DEADLY WEAPON; (K.E.)

Reference: San Francisco report of SA [redacted] dated 7/31/73.

Recommend:
- ☐ Inclusion in ADEX (summary attached)*
- ☐ Removal from ADEX (summary attached)*
- ☒ Changes in ADEX card (specify change only)

* Abstract required.

Name		
Also known as: ☐ Supplemental page attached.	Sex: ☐ Male ☐ Female	Race: ☐ White ☐ Black ☐ Other
	Citizenship: ☐ U. S. ☐ Alien - _____ Specify Country	
Date of Birth (Month, day, year) / Place of Birth	Employment: Occupation: Writer	
Residence Address: Unknown	Firm & Address:	

100-447251

Type of Activity (Check principal activity only)
- ☐ (BEX) Black Extremist
- ☐ (CMC) Communist (pro-Chinese)
- ☐ (CMS) Communist (pro-Soviet)
- ☐ (CMT) Communist (Trotskyist)
- ☐ (FRN) Foreign Affiliation - _____ Specify Country
- ☐ (PRN) Puerto Rican Nationalist
- ☐ (REV) Revolutionary
- ☐ (MSC) Miscellaneous

☐ Tab Special Interest
- ☐ Espionage
- ☐ Foreign Government Employee
- ☐ U. S. Government Employee

☐ Remove Special Interest Tabbing

☐ Place in Unavailable Section
- ☐ Missing
- ☐ Out of Country
- ☐ Imprisoned

☐ Remove from Unavailable Section

NOT RECORDED
10 AUG 3 1973

Key Facility Data (if applicable)

Geographical Reference Number _____ Responsible Agency _____

2 - Bureau (RM)
1 - San Francisco
LSB/sad (S-6)
(3)

54 AUG 1 1973

EX-109

[redacted]

[redacted]

122

[redacted]

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

UNITED STATES GOVERNMENT

b6
b7C

Memorandum

TO : Director, FBI (100-447251) DATE: 8-9-73

FROM : Legat, Rome (88-55) (P)

SUBJECT: LEROY ELDRIDGE CLEAVER, aka - FUGITIVE
I.O. #4239; WANTED FLYER #447
RM - BPP; UFAC - ASSAULT WITH INTENT
TO COMMIT MURDER; THREAT AGAINST THE
PRESIDENT OF THE UNITED STATES

ReROMlet dated 6-7-73.

Sources of Legat in Italy, Greece, Turkey and Cyprus, alert to our interest in subject, have not received any information that CLEAVER has transited these areas in an effort to re-enter the United States.

Legat will continue to follow with sources and report any pertinent information developed to the Bureau.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-01-2008 BY 60322/UCLKP/SC/EHL

REC 44 100-447251-1238

5 - Bureau
(1 - Foreign Liaison Desk)
(2 - San Francisco 88-12329)
1 - Rome
TJB:hcs
(6)

1 AUG 15 1973

FUG. GROUP.

57 AUG 24 1973

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan
5010-108-02

NR 002 SF CODE

7:14PM NITEL 8/14/73 CRH

TO: DIRECTOR (100-447251)

FROM: SAN FRANCISCO (157-4324) 1P

LEROY ELDRIDGE CLEAVER, AKA - FUGITIVE, IO NUMBER 4239, WANTED FLIER NUMBER 447, EM - BPP, UFAC - ASSAULT WITH INTENT TO COMMIT MURDER AND RAPE, ASSAULT WITH A DEADLY WEAPON (KBE).

RE REPORT OF SA [redacted] serial 1236 7/31/73, AT SAN FRANCISCO.

REPORT INADVERTENTLY NOT STAMPED SECRET. BUREAU REQUESTED TO INSERT ~~SECRET STAMP AND SECRET C~~LASSIFICATION.

END

WA HOLD

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-01-2006 BY 60322/UCLRF/RJ/EEL

Assoc. Dir.
Asst. Dir.:
Admin.
Comp. Syst.
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Cong. Serv.
Corr. & Crm. Research
Press Off.
Telephone Rm.
Director Sec'y

b6
b7C

100-447251-
NOT RECORDED
12 AUG 23 1973

(Handled by Supervisor)

CC [redacted]

6 SEP 6 1973

[redacted]

SECRET

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

UNITED STATES GOVERNMENT

Memorandum

EXEMPTED FROM AUTOMATIC DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(6)
DATE 10-06-2006

TO : DIRECTOR, FBI (100-447251) DATE: 9/12/73

FROM : LEGAT, PARIS (88-256)(P)

SUBJECT: LEROY ELDRIDGE CLEAVER, aka-
FUGITIVE
I.O. 4329, WF 447,
EM - BPP; UFAC - ASSAULT TO COMMIT MURDER;
THREAT AGAINST THE PRESIDENT OF THE U.S.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Re Paris letter 7/24/73.

(S)

(S)

[redacted] Paris is following and pertinent information developed will be furnished to the Bureau and interested offices.

b1

3 - Bureau
(1 - Foreign Liaison Desk)
7 - Paris
(1 - 164-17)
(1 - 157-31)
(1 - 157-206)
(1 - 157-45)
(1 - 157-117)
(1 - 157-180)
MGZ/jmd
(10)

REC-36 100-447251-1241

SEP 20 1973

SECRET

FUG/SUP.

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

5010-108

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

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-01-2008 BY 60322/UCLRE/EC/EHL

F B I

Date: 9/27/73

b6
b7C

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

Via AIRTEL REGISTERED MAIL
(Priority)

TO: DIRECTOR, FBI (100-477069)

FROM: SAC, PHILADELPHIA (100-55123) (P)

SUBJECT: UNSUB; aka [redacted]
SUBVERSIVE MATTER
(OO: PHILADELPHIA)

LEROY O CLEAVER

Re Miami letter to Bureau, 9/19/73.

Philadelphia sees no existent reason that would preclude interview of [redacted] upon her return to Florida.

Philadelphia Division desires that [redacted] be interviewed in depth re her knowledge of [redacted] and his associates.

4- Bureau (RM)
2- 100-477069 447251
2- 100-~~477215~~ ~~447251~~
2- Boston (100-45746) (RM)
4- Miami (RM)
2- 100-18065
2- 100-18066
2- Philadelphia
1- 100-55123
1- 100-55148

FAC/mcd
(12)

100-447251
~~100-477251~~
NOT RECORDED
2 OCT 9 1973

CARBON COPY

Original Filed In 100-477069-45

57 OCT 12 1973

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

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

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

CONFIDENTIAL

UNITED STATES GOVERNMENT

Memorandum

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(6)
DATE 10-01-2009

TO : DIRECTOR, FBI (100-447251)

DATE: 9/28/73

FROM : LEGAT, MADRID (157-3) (RUC)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

SUBJECT: LEROY ELDRIDGE CLEAVER, aka - FUG.
I.O. #4239, W.F. #447
EM - BPP; UFAC - ASSAULT WITH INTENT
TO COMMIT MURDER; THREAT AGAINST THE
PRESIDENT OF THE UNITED STATES
(OO: SF)

Remylet to Bureau 7/30/73.

(C)

[redacted]

b1

Our sources are aware of our interest in subject and in the event any pertinent information is received in the future, the Bureau and San Francisco will be advised.

ARMED AND DANGEROUS.

CONFIDENTIAL

REC-58 100-447251-1242

4 - Bureau
(1 - Foreign Liaison Desk)
(1 - San Francisco, 88-12329, Info.)
1 - Madrid
VVK:eim
(5)

6 OCT 5 1973

FUG. SUP.

FILE

SEX

b6
b7C

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

5010-108-02

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

UNITED STATES GOVERNMENT

Memorandum

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-01-2008 BY 60322/UCLRP/PTW/EHL

TO : Director, FBI (100-447251) DATE: October 4, 1973

FROM : Legat, Rome (88-55) (P)

SUBJECT: LEROY ELDRIDGE CLEAVER, aka - FUGITIVE
I. O. #4239; WANTED FLYER #447
RM - BPP; UFAC - ASSAULT WITH INTENT
TO COMMIT MURDER; THREAT AGAINST THE
PRESIDENT OF THE UNITED STATES

ReRomlet August 9, 1973.

As of October 3, 1973, our sources in Italy, Greece, Turkey and Cyprus have not received any information that CLEAVER has transited these areas in an effort to re-enter the United States.

Stops remain in effect. Any pertinent information developed will be reported to the Bureau promptly.

REC-72 100-447251-1243

7 OCT 10 1973

5 - Bureau (1 - Foreign Liaison)
(2 - San Francisco 88-12329)
1 - Rome
TJB:MEG
(6)

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FUG. SUP.

FIVE

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

5010-108-02

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

UNITED STATES GOVERNMENT

Memorandum

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-06-2006 BY 60322/UCLRE/BC/EHL

TO : DIRECTOR, FBI (100-447251) DATE: OCT 24 1973

FROM : SAC, NEW YORK (100-161321) (P)

SUBJECT: LEROY ELDRIDGE CLEAVER aka
FUGITIVE
IO NUMBER 4239
EM-BPP

ReNYlet to the Bureau, dated 7/16/73.

Continued contact with sources familiar with Black Extremist Organizations in NYC, has failed to develop any positive information regarding ELDRIDGE CLEAVER. As reported earlier, CLEAVER was reported to be in Paris, France, seeking political asylum and appearing in the NY Post dated 8/21/73, on page 35 was the following: "JEAN-PAUL SARTRE and MARY MC CARTHY are Among the 72 Writers and Intellectuals Who Petitioned RAYMOND MARCELIN, France's Minister of the Interior, to Grant Political Asylum to ELDRIDGE CLEAVER, who is in Europe in Self Proclaimed Exile from His American Jail Sentence. The Former Black Panther Leader Promised to Abstain From Political Activities if the Asylum is Granted."

All sources listed below remain vigilant to any and all information regarding LEROY ELDRIDGE CLEAVER:

[redacted] b2 b7D

CONSIDER CLEAVER ARMED AND DANGEROUS.

REC-57 100-447251-1244

OCT 26 1973

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

DMT:pmb
(4)

FUGITIVE

b6
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F 375

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

5010-108

SECRET

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

NOV 16 1973

TELETYPE

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FTB016 1237PM 11-16-73 RSP

STATE 119

3:30 PM URGENT 11/16/73 EC

TO DIRECTOR (100-447251) NR 332-16

FROM LEGAT PARIS (88-256) 2P

EXEMPTED FROM AUTOMATIC DECLASSIFICATION AUTHORITY DERIVED FROM: FBI AUTOMATIC DECLASSIFICATION GUIDE EXEMPTION CODE 1SM(6) DATE 10-01-2008

SUPVR.

LEROY ELDRIDGE CLEAVER, AKA, FUGITIVE. I.O. 4329, WF 447, EM-BPP;

UFAC - ASSAULT TO COMMIT MURDER; THREAT AGAINST THE PRESIDENT OF THE U.S.

(S)

[redacted]

REF: 100-447251-1290

[redacted] b1

[redacted] (S) b6 b7C

[redacted] (S)

END PAGE ONE

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UNRECORDED COPY FILED IN

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-06-2006 BY 60322/UCLRR/SJ/EHL

F B I

Date: 12/11/68

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

Via AIRTEL AIR MAIL - REGISTERED MAIL
(Priority)

TO: DIRECTOR, FBI (105-165706)

FROM: SAC, BUFFALO (157-689) (P)

BLACK PANTHER PARTY
ROCHESTER, NEW YORK
IM

[redacted] b6 b7C

Re New York radiogram, 12/4/68 and Bureau airtel, 12/5/68, both captioned [redacted] b2 b7D

On 12/10/68, [redacted] who has furnished reliable information in the past, advised as follows:

~~100-47~~
100-44725-1
NOT RECORDED
150 DEC 23 1968

- Bureau (AMRM)
  - (1 - 100-~~17951~~ 44725-1) (ELDRIDGE CLEAVER)
  - (1 - 100-) (STOKELY CARMICHAEL)
  - (1 - 100- [redacted]
- 1 - Newark (Info) (AMRM)
- 6 - New York (100-161993) (AMRM)
  - (1 - [redacted]
  - (2 - STOKELY CARMICHAEL)
  - (1 - SNCC)
  - (1 - 100-161321 (ELDRIDGE CLEAVER)
- 3 - San Francisco (AMRM)
  - (3 - 157-2588)
  - (1 - [redacted]
  - (1 - ELDRIDGE CLEAVER)
- 5 - Buffalo
  - (1 - 157-649) (ELDRIDGE CLEAVER)
  - (1 - 157-213) (SNCC)
  - (1 - [redacted]

[redacted] b2 b7D

b6 b7C

EJM:sap
(22)

[redacted]

ORIGINAL FILED IN

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

JAN 2 1974

On 12/6/68, he attended a meeting held at Student Nonviolent Coordinating Committee (SNCC) headquarters, 100 5th Avenue, New York City. Among the approximately 20 persons present were SNCC leaders [redacted] and Oakland Black Panther Party member [redacted] b6 b7C

[redacted] dominated in the meeting. He berated the Black Panthers whom he said were stupid because everytime they shot a cop they ended up in jail ten minutes later.

[redacted] attempted to defend the Panthers actions. [redacted] mentioned in an off hand manner that ELDRIDGE CLEAVER "can do the movement a lot of good now that he is in Cuba." An unidentified person inquired as to how CLEAVER got to Cuba and a second unidentified person said he had gone via Mexico.

Most conversation centered on recent police actions against Panthers in New Jersey. Panthers felt they have several security leaks, particularly in New Jersey because of this, and their recent encounter with police, and they and SNCC plan to go underground.

[redacted] said STOKELY CARMICHAEL would attend a weekend conference in New York City, 12/7-9/68 at an unnamed location. The chief topic was to be the details of going underground. [redacted] b6 b7C b7D

[redacted] advised informant that [redacted] CARMICHAEL denies [redacted]

b6 b7C

[redacted]

Informant feels [redacted] unlikely to furnish information to law enforcement officers.

b6
b7C

LEAD

NEW YORK

AT NEW YORK, NEW YORK

Will, if not previously done, attempt through logical sources and informants to verify data regarding CARMICHAEL's relationship to [redacted]

FD-26 (Rev. 5-22-64)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-06-2008 BY 60322/UCLRE/SC/EHL

FBI

Date: 12/23/68

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

Via AIRTEL
(Priority)

TO: DIRECTOR, FBI (105-165706)

FROM: SAC, NEW YORK (100-161993) (P)

SUBJECT: BLACK PANTHER PARTY
RM - SNCC

ReBUairtel, 12/11/68, captioned "BLACK PANTHER PARTY, ROCHESTER, NEW YORK."

6 - Bureau (RM)
(1-100-~~447251~~)(ELDRIDGE CLEAVER)
(1-100-)(STOKELY CARMICHAEL)
(1-100-)([redacted]
3 - Buffalo (RM)
(1-100-)(SNCC)
(1-100-)(BPP)
(1-[redacted]
3 - Los Angeles (RM)
(1-100-)(SNCC)
(1-100-)(BPP)
(1-100-)([redacted]
1 - Newark (INFO)(RM)
2 - San Francisco (RM)
(1-100-)(ELDRIDGE CLEAVER)
(1-100-)(BPP)
1 - [redacted]
1 - New York (100-161993)(BPP)
1 - New York (100-147963)(SNCC)
1 - New York (100-153751)(STOKELY CARMICHAEL)
1 - New York (100-160701)([redacted]
1 - New York (100-154616)([redacted]
1 - New York (100-148047)(SDS)(42)
1 - New York (157-)([redacted]

100-447251
~~105-447251~~
NOT RECORDED
184 JAN 7 1969

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ORIGINAL FILED IN 105-165706-34

RMM:dld
(24)

54 JAN 14 1969

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

JAN 2 1974

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On 12/7/68, [redacted] who has furnished reliable information in the past telephonically advised an informal meeting was held in Queens, NYC, on 12/6/68, between affiliaters of the Black Nationalist Movement and several white representatives of SDS.

According to this source, [redacted] and [redacted] described as a former BPP officials, from Los Angeles, California, initially met with several members of SDS at the NYC office of SNCC, 100 5th Avenue, NYC. Source related this meeting was initiated by the SDS representatives, who had called [redacted] suggesting they would like to meet with some affiliates of SNCC to illustrate what contribution they were making to the "revolution."

This source stated the meeting moved to an unrecalled location in Queens, NYC, and during same, the SDS representatives enumerated the various student/campus disturbances throughout the academic community of the country and credited their organization with this contribution to the overall "revolution."

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During the course of this meeting [redacted] made critical remarks of the Black Panther, and ELDRIDGE CLEAVER in particular, as he had done in past public statements, and he was also highly critical of the way the Black Panthers conducted their operation in both NY and NJ. These remarks prompted a general discussion of the difficulty the Panthers were having with NJ authorities.

The topic of "SNCC Going Underground", was originally introduced 2 years ago by [redacted] and whenever a particular Black Militant group encounters difficulty with the police, this topic presents itself. At the time the Revolutionary Action Movement encountered difficulty with the New York City Police, the idea of SNCC going underground was evidently discussed but never carried out.

This source related the officials of SNCC do not have the fortitude to function in an "underground" capacity, and presently their critical financial situation does not even permit them to operate openly, much less "underground". In addition, source related the friction that exists between SNCC and the Panthers would prevent any mutual underground operation, should it be financially possible.

With respect to STOKELY CARMICHAEL attending a conference in NYC, the weekend of 12/7-9/68, source related CARMICHAEL spoke at a rally of sorts in the Newark, NJ area, which was regarded among the local NYC militants as just another CARMICHAEL speech, wherein he would advocate a particular course of action, and then "flee" if anyone followed his suggestions. Source stated CARMICHAEL is regarded among leading militants as an egotistical revolutionary, who believes in nothing he's preached.

[redacted] was accompanied to this meeting by a Negro female, named [redacted] employed at [redacted] and who resides at [redacted] According to this source, [redacted] and as a result of [redacted] approximately a year ago. Source stated [redacted] Reportedly, CARMICHAEL and his family [redacted] have periodically [redacted]

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b7C

Source further reiterated this meeting with SDS representatives was not to formulate any type of future plan of action but merely one in which the SDS representative wanted an opportunity to blow their "revolutionary horn" to SNCC officials. This is illustrated by the fact both [redacted] and [redacted] no longer function within SNCC and [redacted] has been dismissed by the Panthers.

This source further stated it is the general opinion among the "militants" that CLEAVER has fled to Cuba, although no one has been able to offer concrete information to support this theory. It is based soley on fact Negro militants as a whole have enjoyed a friendly relationship with the Cuban Government, and have traveled to that country in the past as guests of the Cuban Government.

SECRET

FD-263 (Rev. 12-19-67)

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
SAN FRANCISCO	SAN FRANCISCO	12/3/73	8/1/73 - 11/29/73

TITLE OF CASE	REPORT MADE BY	TYPED BY
LEROY ELDRIDGE CLEAVER, aka - FUGITIVE I.O. # 4239 W.F. # 447	[redacted]	sad

CHARACTER OF CASE
EM - BPP;
UFAC - ASSAULT WITH INTENT TO COMMIT MURDER AND RAPE AND ASSAULT WITH A DEADLY WEAPON;
(KEY BLACK EXTREMIST)

b6
b7C

REFERENCE: Report of SA [redacted] dated 7/31/73, at San Francisco, California.

- P -

ADMINISTRATIVE:

Attached to two (2) copies of this report are copies of FD-376.

The confidential extremist sources mentioned in the body of the report are as follows:

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

EXEMPTED FROM AUTOMATIC DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(1)
DATE 10-06-2008

ACCOMPLISHMENTS CLAIMED ☐ NONE						ACQUIT-TALS	CASE HAS BEEN:
CONVIC.	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES		PENDING OVER ONE YEAR ☐ YES ☐ NO PENDING PROSECUTION OVER SIX MONTHS ☐ YES ☐ NO

APPROVED CWB 9HJ SPECIAL AGENT IN CHARGE

DO NOT WRITE IN SPACES BELOW

100-447251-1246

COPIES MADE:

5 - Bureau (100-447251) (RM)
1 - Secret Service, San Francisco (Class 7) (RM)
3 - San Francisco (157-4324) (1 - 88-12329)

[redacted]

2 DEC 7 1973

REC-1

[redacted]

Dissemination Record of Attached Report				
Agency	1cc R/S	SS (FD-376)/2cc		Crim. Div.
Request Recd.	1cc 628	DB		
Date Fwd.	12/14/73			
How Fwd.	R/S			
By	PVD			

Notations [redacted]

FILED

SECRET

U.S. GOVERNMENT PRINTING OFFICE : 1970 O—376-139

COVER PAGE

SF 157-4324
LSB/sad

on 10/23/73, to SA
on 10/24/73, to SA
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SF 4324
LSB/sad

on 10/29/73, to SA
on 10/23/73, to SA
on 10/24/73, to SA
on 10/29/73, to SA
on 10/29/73, to SA

b2
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LEAD:

SAN FRANCISCO

AT SAN FRANCISCO, CALIFORNIA. Will follow civil action against CLEAVER and through other sources attempt to ascertain his present whereabouts.

FD-305 (Rev. 5-16-73)

SECRET

1. [X] Subject's name is included in the ADEX.
2. [X] The data appearing on the ADEX Card are current.
3. [ ] Changes on the ADEX Card are necessary and Form FD-122 submitted to the Bureau.
4. [X] A suitable photograph [X] is [ ] is not available.
   Date photograph was taken 1967.
5. [ ] Subject is employed in a key facility and _____ is charged with security responsibility. Interested agencies are _____.
6. [ ] This report is classified _____ because *(state reason)*

7. [ ] Subject previously interviewed *(dates)* _____.
   [X] Subject was not [X] interviewed [ ] reinterviewed because *(state reason)*
   he is out of the country.

8. [ ] This case no longer meets the ADEX criteria and an FD-122 with succinct summary, has been directed to the Bureau recommending cancellation.
9. [X] This case has been reevaluated in the light of the ADEX criteria and it continues to fall within the criteria because *(state reason)*

   CLEAVER is militantly anti-U.S. Government and has called for soldiers in Vietnam to rebel and turn guns on senior officers.

10. [X] Security Flash Notice (FD-165) to Identification Division:
    [X] Submitted 5/31/67 *(date)* Placed [X] Yes [ ] No

11. [X] Subject is Extremist in ADEX and Stop Notice has been placed with the Bureau Stop Index.

12. [X] Subject designated and/or included in:
    [ ] Key Activist Program
    [X] Key Extremist Program
    [ ] Arab Terrorist Photograph Album
    [ ] Extremist Photograph Album
    [ ] Weatherman Photograph Album

SECRET

D*

COVER PAGE

FD-376 (Rev. 7-9-73)

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

WASHINGTON, D.C. 20535

December 3, 1973

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-06-2008 BY 60322/UCLRP/PJ/EHL

Director
United States Secret Service
Department of the Treasury
Washington, D. C. 20220

RE: **LEROY ELDRIDGE CLEAVER**

Dear Sir:

The information furnished herewith concerns an individual or organization believed to be covered by the agreement between the FBI and Secret Service concerning protective responsibilities, and to fall within the category or categories checked.

1. ☐ Threats or actions against persons protected by Secret Service.
2. ☐ Attempts or threats to redress grievances.
3. ☐ Threatening or abusive statement about U. S. or foreign official.
4. ☐ Participation in civil disturbances, anti-U. S. demonstrations or hostile incidents against foreign diplomatic establishments.
5. ☐ Illegal bombing, bomb-making or other terrorist activity.
6. ☐ Defector from U. S. or indicates desire to defect.
7. ☒ Potentially dangerous because of background, emotional instability or activity in groups engaged in activities inimical to U. S.

Photograph ☒ has been furnished ☐ enclosed ☐ is not available.

Very truly yours,

C M Kelley

Clarence M. Kelley
Director

1 - Special Agent in Charge (Enclosure(s)) 1
U. S. Secret Service, **San Francisco** (RM)

Enclosure(s) 1

FD-204 (Rev. 3-3-59)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 - Secret Service, San Francisco (Class 7) (RM)

Report of: [redacted] Office: SAN FRANCISCO, CALIFORNIA
Date: 12/3/73

Field Office File #: 157-4324 Bureau File #: 100-447251

Title: LEROY ELDRIDGE CLEAVER
I.O. # 4239
W.F. # 447

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10-01-2006 BY 60322/UCLRF/PJ/EHL

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b7C

Character: EXTREMIST MATTERS - BLACK PANTHER PARTY; UNLAWFUL FLIGHT TO AVOID CONFINEMENT - ASSAULT WITH INTENT TO COMMIT MURDER AND RAPE AND ASSAULT WITH A DEADLY WEAPON

Synopsis: [redacted] filed suit in San Francisco 9/21/73, against CLEAVER based on assignment by CLEAVER 2/14/68, one quarter interest in book "Soul On Ice". Plaintiff asked $26,464.67. Review of pleadings to date gave no indication present whereabouts of CLEAVER. Extremist sources San Francisco area have no information re Subject's exact location.

- P -

DETAILS: AT SAN FRANCISCO - OAKLAND, CALIFORNIA

This investigation is based on information which indicates that the Subject is engaged in activities which could involve a violation of Title 18, U. S. Code, Section 2383 (Rebellion or Insurrection), 2384 (Seditious Conspiracy), or 2385 (Advocating the Overthrow of the U.S. Government).

The Black Panther Party - Cleaver Faction (BPP-CF), based in New York, New York, split with the BPP located in Oakland, California, in February, 1971. The Cleaver Faction follows the violent revolutionary philosophy of its leader, ELDRIDGE CLEAVER, the overthrow of the United States Government by creating a climate of terror accomplished by using urban guerrilla tactics.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

☆ U.S. GOVERNMENT PRINTING OFFICE: 1967-O-275-878

SF 157-4324
LSB/sad

The September 25, 1973, edition of the "San Francisco Chronicle", a daily newspaper of San Francisco, reported that ELDRIDGE CLEAVER, who has not been seen in the Bay Area of California in five years, was sued in Superior Court for $24,464. The story continued to the effect that BEV~~ERLY A~~XELROD had filed a suit claiming that CLEAVER, a former client, had assigned her a 25 per cent interest in his book "Soul On Ice" which was published by Mc Graw - Hill in 1968. Also named as defendants were the Mc Graw - Hill Book Company and CLEAVER's agent CYRILLY ABELS. The story also reported that ROLAND DUMAS, the Paris attorney who represented CLEAVER on his appeal for assylum in France, said last month that CLEAVER is "somewhere in Europe".

A review of the records of the County Clerk, San Francisco, on September 25, 1973, under Civil Action [redacted] indicated that the law firm of Truehaft, Walker and Nawi had filed suit on behalf of [redacted] on September 21, 1973, in San Francisco against Mc Graw - Hill Book Company, ELDRIDGE CLEAVER, [redacted] and Does 1-10. The plaintiff's petition alleged that [redacted] was a resident of San Francisco, that CLEAVER had been a resident of San Francisco and that he owned rights and interest in a book "Soul On Ice" and that one [redacted] was CLEAVER's agent. The petition further alleged that CLEAVER had executed a written assignment to [redacted] of 25 per cent of all interest on "Soul On Ice" on February 14, 1968. Plaintiff further alleges that during the last four years she should have received payments totaling $26,464.67. She further alleges that the defendants refuse to acknowledge her assignment but rely on a revocation of assignment dated September 28, 1972. Plaintiff's ask for $26,464.27 plus interest, a declaration to the effect that the revocation of assignment has no force or effect.

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A copy of the assignment, Appendix "A", was attached to the petition showing that [redacted] accepted the assignment as payment in full for services rendered to ELDRIDGE CLEAVER. Appendix "B" was also attached to the petition showing it was witnessed by [redacted] at Algiers, Algeria, on September 28, 1972, and received by the Mc Graw - Hill Book Company on October 26, 1972. In the revocation CLEAVER claims that the agreement signed in February, 1968, was for legal services rendered to him prior

to that date, that [redacted] has been fully compensated for services rendered to him at that point and has maintained no contact with him since he departed the United States. He therefore declares the assignment is null and void. He further states that the agreement was signed under duress when he was [redacted] client and she is in bad faith to continue to attempt to use the assignment.

A review of the same file on November 27, 1973, reflected that defendant [redacted] represented by the law firm of Garry, Dreyfus, Mc Ternan and Brotsky had filed an answer to the complaint on November 23, 1973, in which [redacted] alleged that she believes CLEAVER asserts residence in San Francisco, California, and that she had been informed that CLEAVER had executed the original assignment of interest in his literary book and that she had received a copy of the assignment. Defendant denies that any sum whatsoever was due or payable at any time. She further alleges that she believes CLEAVER executed the revocation, Exhibit "B", and she was instructed by her principal, CLEAVER, to follow and adhere to it. [redacted] pleads that all controversy over Exhibit "B" is between plaintiff and defendant CLEAVER alone.

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She also pleads that the court lacks jurisdiction over the answering defendant and the necessary parties to the action and further claims that the action is banned by any or some of Sections 337, 338 and 339 of the Court of Civil Procedure (Statute of Limitations). Defendant prays that the plaintiff will take nothing and that she be dismissed with costs.

There was nothing in the pleadings indicating the present whereabouts of Subject.

Extremist sources in the San Francisco area report that they have no information concerning Subject's exact location.

FD-223 (Rev. 12-12-72)

In Reply, Please Refer to File No.

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

San Francisco, California

December 3, 1973

Title LEROY ELDRIDGE CLEAVER

Character EXTREMIST MATTERS - BLACK PANTHER PARTY
UNLAWFUL FLIGHT TO AVOID CONFINEMENT -
~~BXGXKXXX~~ ASSAULT WITH INTENT TO COMMIT MURDER
AND RAPE AND ASSAULT WITH A DEADLY
WEAPON.

Reference: San Francisco report of SA [redacted] [redacted], dated and captioned as above.

All sources (except any listed below) whose identities are concealed in referenced communication have furnished reliable information in the past.

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This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

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AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(6)
DATE 10-06-2006

SECRET

1 - Foreign Liaison Unit

CODE ~~PLAINTEXT~~ CABLEGRAM NITEL

12-4-73

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

TO LEGAT PARIS (88-256) REC-26

FROM DIRECTOR FBI (100-447251) -1247

LEROY ELDRIDGE CLEAVER, AKA, FUGITIVE, IO 4319, WF 447, EM-BPP; UFAC - ASSAULT TO COMMIT MURDER; THREAT AGAINST THE PRESIDENT OF THE UNITED STATES

RE LEGAT PARIS CABLE 12-1-73, COPY BEING MAILED SAN FRANCISCO.

A REVIEW OF BUREAU FILES INDICATES [redacted] FIRST CAME TO THE ATTENTION OF THE BUREAU ON 11-17-67 WHEN [redacted]

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b7D

HE CAME TO THE ATTENTION OF THE BUREAU A SECOND TIME ON 6-24-70 WHEN [redacted] ADVISED THAT [redacted]

1 - San Francisco-Enc.

SECRET

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

ENB:msm
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930P

DEC 16

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DEC 18 1973

MAIL ROOM TELETYPE UNIT

UNRECORDED COPY FILED IN

CABLEGRAM TO PARIS
RE: LEROY ELDRIDGE CLEAVER

[redacted]

[redacted] HE CAME TO THE ATTENTION OF THE BUREAU AGAIN ON 12-29-71 WHEN OSI LIAISON, AMERICAN EMBASSY, BONN, ADVISED IT LEARNED FROM [redacted] [redacted] THAT [redacted] b6 b7C b7D

[redacted]

INFORMATION CONTAINED IN BUREAU FILES AS A RESULT OF A REVIEW OF PASSPORT RECORDS INDICATE [redacted] HAS BEEN ISSUED SEVERAL U.S. PASSPORTS, THE LAST BEING ON 10-21-69 AT LONDON WHEN HE WAS ISSUED PASSPORT NUMBER [redacted] THESE RECORDS FURTHER INDICATE HE WAS BORN [redacted] HIS PARENTS LISTED AS [redacted] [redacted] AND [redacted] [redacted] THESE RECORDS INDICATE HE WAS NEVER MARRIED. b6 b7C

ON 1-25-71 [redacted] EXECUTED "APPLICATION FOR EXTENSION OF PASSPORT" AT THE AMERICAN EMBASSY, AMSTERDAM, NETHERLANDS. HE INDICATED HE INTENDED TO RESIDE ABROAD INDEFINITELY FOR FILM MAKING AND TRAVEL. HE LISTED HIS ADDRESS AS [redacted] PASSPORT RECORDS ALSO INDICATE HE IS KNOWN AT THE AMERICAN EMBASSY, PARIS, WHERE HE

CABLEGRAM TO PARIS
RE: LEROY ELDRIDGE CLEAVER

EXECUTED AFFIDAVIT SIGNED BY [redacted] BEFORE THE AMERICAN VICE CONSUL, PARIS ON 3-17-67 WHERE SHE SWORE SHE HAD KNOWN [redacted] FOR TWO AND ONE HALF YEARS AND HAD BEEN CORRESPONDING

(S) WITH HIM IN RELATION TO [redacted]

b1
b6
b7C

(S) [redacted] THE FOLLOWING DESCRIPTION APPEARS ON [redacted] MOST RECENT APPLICATION: HEIGHT 5'3", BROWN HAIR AND EYES, OCCUPATION [redacted]

[redacted]

COPY MAILED SAN FRANCISCO.

ARMED AND DANGEROUS.

SECRET

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

DEC 01 1973

TELETYPE

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

FTB006 10:40AM 12-01-73 DEB

STATE 373

2:30PM URGENT 11/30/73 JMD

TO DIRECTOR (100-447251) NR 345-01

FROM LEGAT PARIS (88-256) 2P

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

LEROY ELDRIDGE CLEAVER, AKA-FUGITIVE, I.O. 4319, WF 447, EM-BPP;
UFAC - ASSAULT TO COMMIT MURDER; THREAT AGAINST THE PRESIDENT OF THE
UNITED STATES

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(6)
DATE 10-01-2009

(S) REPARCAB 11/16/73.

[redacted]

100-447251-127

b1

DEC 14 1973

[redacted] AS [redacted]

[redacted] U.S. CITIZEN BORN ON [redacted] WHO IS BEARER

b6
b7C
b7D

OF U.S. PASSPORT [redacted] ISSUED BY U. S. EMBASSY, LONDON, IN OCTOBER

END OF PAGE ONE

Cable to Paris, cc SF
12/4/73
ENB/mam

DEC 19 1973

SECRET

PAR 88-256 PAGE TWO

1969. [redacted] IS [redacted] BUT NOT EMPLOYED BY [redacted] HOWEVER, HAS ACCESS TO OFFICE SPACE IN [redacted] FACILITY DUE TO PERSONAL FRIENDSHIP WITH [redacted] NO INFO AVAILABLE WHICH INDICATES PREVIOUS CONNECTION WITH CLEAVERS OR PRO-BPP ACTIVITY BY [redacted]

b6
b7C

BUREAU REQUESTED TO CONDUCT BUFILE REVIEW REGARDING [redacted] PARIS FOLLOWING AND BUREAU WILL BE ADVISED. SUCAB.

END

FBIHQ VFR

cc Mr. Mintz
3rd cc - Mr. Bennett

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

UNITED STATES G ERNMENT

Memorandum

TO : Director, FBI (100-447251) DATE: 12-5-73

FROM : Legat, Rome (88-55) (P)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-01-2008 BY 60322/UCLRE/BG/EHL

SUBJECT: LEROY ELDRIDGE CLEAVER, aka - FUGITIVE
I.O. #4239; WANTED FLYER #447
RM - BPP; UFAC - ASSAULT WITH INTENT
TO COMMIT MURDER; THREAT AGAINST THE
PRESIDENT OF THE UNITED STATES

ReROMlet dated 10-4-73.

As of 12-5-73 our sources in Italy, Greece, Turkey and Cyprus have not received any information that CLEAVER has transited these areas in an effort to re-enter the United States.

Stops remain in effect. Any pertinent information developed will be reported to the Bureau promptly.

REC-1 100-447251-1248

5 - Bureau
(1 - Foreign Liaison)
(2 - San Francisco 88-12389)
1 - Rome
TJB:hcs
(6)

JAN 2 1973

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

5010-108-02

b6
b7C

(Rev. 5-22-64)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(6)
DATE 10-01-2006

FBI

SECRET

Date: 12/12/73

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

Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI (100-447251)

FROM: LEGAT, PARIS (88-256)(P)

LEROY ELDRIDGE CLEAVER, AKA-
FUGITIVE
I.O. #4319, WF 447
EM - BPP; UFAC - ASSAULT TO COMMIT MURDER;
THREAT AGAINST THE PRESIDENT OF THE UNITED STATES

ReBucab 12/4/73, Paris cabs 11/16 and 30/73.

(S)

[redacted]

EX-112 REC-46 100-447251-1249

b1

(S)

[redacted]

3 - Bureau
(1 - Foreign Liaison Desk)
5 - Paris
(1 - 157-31)
(1 - 157-117)
(1 - 157-180)
(1 - 157-292)

SECRET

[redacted]

b6
b7C

MGZ:jmd
(8)

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

(S) [redacted]

(S) b1

Investigation by the PP has verified that [redacted] who has office space at [redacted] is identifiable with [redacted] concerning whom Bureau cable 12/4/73, set forth considerable background information. PP is continuing investigation to develop information concerning activities and contacts of [redacted] who has not come to the attention of Paris sources in connection with prior pro-CLEAVER, pro-BPP or subversive matters of any sort in France. b6 b7C

The above is being furnished to the Bureau for information.

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

UNITED STATES GOVERNMENT

Memorandum

TO: DIRECTOR, FBI (100-447251) DATE: 1/21/74

FROM: SAC, NEW YORK (100-161321) (P)

SUBJECT: LEROY ELDRIDGE CLEAVER, aka
FUGITIVE
IO NUMBER 4239
WF NUMBER 447
EM - BPP
UFAC - ASSAULT TO COMMIT MURDER;
THREAT AGAINST THE PRESIDENT OF
THE UNITED STATES
(OO: SF)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-06-2008 BY 60322/UCLRE/SG/EHL

ReNYlet to Bu, 10/24/73.

Continued contact with sources of the NYO of the FBI, who are familiar with extremist activities in the NYC area, has failed to develop any positive information regarding subject. These sources are:

b2
b7D

The above sources will continue to remain alert for any information regarding the activities of CLEAVER and any information developed will be submitted to the Bureau and San Francisco at that time.

REC-50 100-447251-1250

14 JAN 25 1974

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

TFR:amw
(5)

JAN 31 1974

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan
5010-108

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

SECRET

UNITED STATES GOVERNMENT

Memorandum

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(1, 8)
DATE 10-06-2000

TO : DIRECTOR, FBI (100-447251) DATE: 1/28/74

FROM : LEGAT, PARIS (88-256)(P)

SUBJECT: LEROY ELDRIDGE CLEAVER, AKA
FUGITIVE
I.O. #4319, WF 447
EM - BPP; UFAC - ASSAULT TO COMMIT MURDER;
THREAT AGAINST THE PRESIDENT OF THE UNITED STATES

Re Paris cable 1/14/74, captioned [redacted] and Paris airtel 12/12/73, captioned as above. b6 b7C

(S) Enclosed for the Bureau are 5 copies of an LHM captioned as above setting forth information furnished by the [redacted]

Paris is following and additional information will be furnished to the Bureau as available. b1

3 - Bureau (Enc.- 5) ENCLOSURE
(1 - Foreign Liaison Desk)
1 - Paris
MGZ/jmd
(4)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

ICC R/S NY
ICC 628 DB
PUD/JSG 2/19/74

SECRET

REC- 100-447251-1251

FBI/DOJ

SIX

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

5010-108

SECRET

CONFIDENTIAL

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

In Reply, Please Refer to File No.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

January 28, 1974

EXEMPTED FROM AUTOMATIC DECLASSIFICATION AUTHORITY DERIVED FROM: FBI AUTOMATIC DECLASSIFICATION GUIDE EXEMPTION CODE 25X(1, 6) DATE 10-06-2006

Re: Leroy Eldridge Cleaver

The following information was furnished by a Confidential source abroad on January 25, 1974:

(S)

b1

(S)

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

~~CLASSIFIED BY #24~~
~~EXEMPT FROM GDS, CATEGORY #1~~
~~DATE OF DECLASSIFICATION INDEFINITE~~

SECRET

CONFIDENTIAL

ENCLOSURE

100-447251-1251

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-02-2008 BY 60322/UCLRE/SC/EHL

SAC, San Francisco (88-12329) 3/4/74

REC-28
Director, FBI (100-447251) - 1252

LEROY ELDRIDGE CLEAVER, aka -
FUGITIVE
I.O. #4319, WF 447
EM-BPP; UFAC - ASSAULT TO COMMIT MURDER;
THREAT AGAINST THE PRESIDENT OF THE UNITED STATES
OO: San Francisco

Enclosed for San Francisco is one copy of a letter from Legat, Paris, dated 2/12/74.

San Francisco review your files concerning the subject and set out pertinent information in an LHM regarding any reported kidney ailments of [redacted] which may require specialized medical treatment. Handle immediately and submit to the Bureau for forwarding to Legat, Paris.

Enc.

b6
b7C

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

FJH:vmk
(4)

MAILED 6
MAR 4 1974
FBI

54 MAR 8 1974

MAIL ROOM ☑ TELETYPE UNIT ☐

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

SECRET

UNITED STATES GOVERNMENT

Memorandum

TO: DIRECTOR, FBI (100-447251)

DATE: 2/12/74

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

FROM: LEGAT, PARIS (88-256) (P)

SUBJECT: LEROY ELDRIDGE CLEAVER, aka
FUGITIVE
I.O. #4319, WF 447
EM-BPP; UFAC - ASSAULT TO COMMIT MURDER;
THREAT AGAINST THE PRESIDENT OF THE UNITED STATES

ReParlet 1/28/74.

(S)

(S)

b1

Bureau is requested to furnish any information available in Bufiles for dissemination to the PP.

REC-67 100-447251-1252

3 - Bureau
(1-Foreign Liaison Desk)
3 - Paris
(1-157-31)
(1-157-206)
MGZ:ec
(6)

FEB 18 1974

EX-111

b6
b7C

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(6)
DATE 10-06-2008

SECRET

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

5010-108

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

UNITED STATES GOVERNMENT

Memorandum

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-02-2008 BY 60322/UCLRP/EJ/ESL

TO : Director, FBI (100-447251)

DATE: February 15, 1974

FROM : Legat, Rome (88-55) (P)

SUBJECT: LEROY ELDRIDGE CLEAVER, aka - FUGITIVE
I. O. #4239; WANTED FLYER #447
RM - BPP; UFAC - ASSAULT WITH INTENT
TO COMMIT MURDER; THREAT AGAINST THE
PRESIDENT OF THE UNITED STATES

ReRomlet 12/5/73.

Legat's alerted sources in Italy, Greece, Turkey and Cyprus have not developed any information to indicate that CLEAVER has transited those areas in an effort to re-enter the United States.

Stops are in effect and any pertinent information developed will be reported to the Bureau promptly.

5 - Bureau (1 - Foreign Liaison Unit)
(1 - San Francisco 88-12329)
1 - Rome
TJB:MEG
(6)

REC-16 100-447251-1253

FEB 28 1974

b6
b7C

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

5010-108-02

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAR 12 1974

TELETYPE

NR030 NY CODE

937PM NITEL 3-12-74 CJR

TO DIRECTOR 100-447251

ATT INTD

SAN FRANCISCO

FROM NEW YORK 100-161321 1P

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-02-2008 BY 60322/UCLRB/PJ/EEL

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

LEROY ELDRIDGE CLEAVER AKA-FUGITIVE IO 4239;
WF 447; EM-BPP; UFAC-ASSAULT WITH INTENT TO COMMIT MURDER, RAPE
AND ASSAULT WITH DEADLY WEAPON (KE).

REVIEW OF NY FILES FOR SUBJECT AND [redacted]
REFLECTS NO INFORMATION CONCERNING ANY KIDNEY AILMENT OF [redacted]

NY NOT IN RECEIPT OF LETTER FROM LEGAT, PARIS, DATED FEBRUARY
12, 1974.

b6
b7C

ADMINISTRATIVE:

RE SF NITEL MARCH 8, 1974.

REC-15 100-447251-1254

END

14 MAR 13 1974

RXH FBIHQ ACK FO TEN

TU AND CLR

205

[redacted]

cc [redacted]

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

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

NR 007 SF PLAIN

9 42 PM WITEL 3/8/74 CRH

MAR 09 1974

TELETYPE

TO: DIRECTOR (100-447251)

NEW YORK

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-02-2008 BY 60322/UCLRP/PJ/EEL

FROM: SAN FRANCISCO (33-12329) 1P

LEROY ELDRIDGE CLEAVER, AKA - FUG., IC NR 4239,
WF NR 447, EM - DPP, UFAC - ASSAULT WITH INTENT TO COMMIT
MURDER AND RAPE AND ASSAULT WITH DEADLY WEAPON. (KBC).

FOR INFORMATION NEW YORK DIVISION, BUREAU BY LETTER
MARCH 4 LAST REQUESTED SAN FRANCISCO TO REVIEW FILES CONCERNING
SUBJECT AND SET OUT ANY PERTINENT INFORMATION IN AN LHM
REGARDING ANY REPORTED KIDNEY AILMENTS OF [redacted]
WHICH MAY REQUIRE SPECIALIZED MEDICAL TREATMENT. SAN FRANCISCO
WAS INSTRUCTED TO HANDLE IMMEDIATELY AND SUBMIT TO THE BUREAU
FOR FOWARDING TO LEGAT, PARIS. FOR INFORMATION BUREAU
ENCLOSURE, A COPY OF A LETTER FROM LEGAT, PARIS, DATED
FEBRUARY 12, 1974, WAS NOT RECEIVED BY SAN FRANCISCO.

REC-82 100-447251-1255

SENT SF + NY 3-12-74 VIA 0-7

REVIEW OF SAN FRANCISCO FILES REFLECTS NO INFORMATION
AVAILABLE CONCERNING ANY KIDNEY AILMENT OF [redacted]

b6
b7C

NEW YORK IS ORIGIN IN THE MATTER ENTITLED

MAR 15 1974

[redacted] AND IT IS SUGGESTED NEW YORK REVIEW THAT
FILE AND ADVISE BUREAU BY LHM ANY INFORMATION CONCERNING THE
AFOREMENTIONED MEDICAL CONDITION OF [redacted]

END 4 MAR 22 1974

WA HOLD CC - [redacted]

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

UNITED STATES GOVERNMENT

Memorandum

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-06-2006 BY 60322/UCLRP/PJ/EHL

TO : DIRECTOR, FBI (100-447251) DATE: APR 17 1974

FROM : SAC, NEW YORK (100-161321) (P)

SUBJECT: LEROY ELDRIDGE CLEAVER, aka
FUGITIVE
IO NUMBER 4239
WF NUMBER 447
EM - BPP
UFAC - ASSAULT TO COMMIT MURDER;
THREAT AGAINST THE PRESIDENT OF
THE UNITED STATES
(OO: SF)

ReNYnitel to Bu, 3/12/74.

Continued contact with sources of the FBI in the NYC area, who are familiar with extremist activities, has failed to develop any positive information regarding LEROY or [redacted] The sources contacted during February, March and April, 1974 were:

[redacted] [redacted]

b2
b6
b7C
b7D

The extremist sources of the NYO have been targeted towards the subject and any information they develop will be immediately submitted to both the Bureau and San Francisco.

ST-105

REC-64 100-447251-1256

2-Bureau (RM)
1-San Francisco (INFO) (RM)
1-New York (157-2285)
1-New York

TFR:amw
(5)

[redacted]

b6
b7C

5 APR 29 1974

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

5010-110

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

UNITED STATES GOVERNMENT

Memorandum

SECRET

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(6)
DATE 10-29-2003

TO : DIRECTOR, FBI (100-447251)

DATE: 4/16/74

FROM : LEGAT, PARIS (88-256) (P)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

SUBJECT: LEROY ELDRIDGE CLEAVER, aka
FUGITIVE
I.O. #4319, WF 447 00-SF
EM-BPP; UFAC - ASSAULT TO COMMIT MURDER;
THREAT AGAINST THE PRESIDENT OF THE UNITED STATES

[redacted] b6 b7C

(S) ReParlet 2/12/74 and Parairtel 12/12/73.

(S) [redacted] b1

Bureau is requested to furnish any information available in Bufiles which would verify or refute information re kidney ailment of [redacted] b6 b7C

3 - Bureau
(1-Foreign Liaison Desk)
3 - Paris
(1-157-31)
(1-157-206)
MGZ:ec
(6)

REC-14 100-447251-1257
EX-115
15 APR 22 1974

SECRET

ICC to NY UIA 0-7
ICC to SF UIA 0-7
ICC for TS

FJH/dp 4/26/74

5 APR 30 1974

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

5010-108

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

UNITED STATES GOVERNMENT

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-02-2009 BY 60322/UCLRB/BJ/EHL

Memorandum

TO: Director, FBI (100-447251)

DATE: April 16, 1974

FROM: Legat, Rome (88-55) (P)

SUBJECT: LEROY ELDRIDGE CLEAVER, aka - FUGITIVE
I. O. #4239; WANTED FLYER #447
RM - BPP; UFAC - ASSAULT WITH INTENT
TO COMMIT MURDER; THREAT AGAINST THE
PRESIDENT OF THE UNITED STATES

ReRomlet February 15, 1974.

As of April 16, 1974, alerted sources in Italy, Greece, Turkey and Cyprus have not developed any information to indicate that CLEAVER has transited those countries in an effort to re-enter the United States.

Stops remain in effect. Any pertinent information received from alerted sources will be furnished to the Bureau promptly.

100-447251-1258

5 - Bureau (1 - Foreign Liaison)
(2 - San Francisco 88-12329)
1 - Rome
TJB:MEG
(6)

REC-1

APR 22 1974

EX-113

INTELLIGENCE DIV
RECEIVED

U.S. DEPT. OF JUSTICE
FBI

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

5010-108-02

(S) [redacted] (Rev. 2-26-70)

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

5010-106

SECRET

b1

UNITED STATES GOVERNMENT

Memorandum

TO : Director, FBI ( )
Attention:

DATE: 4/23/74

FROM : Legat, Paris (88-256 ;157-31) (P)

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(6)
DATE 10-20-2008

SUBJECT: LEROY ELDRIDGE CLEAVER
[redacted]
EM-BPP-CF (Key Extremist)

b6
b7C

Re SE airtel & LHM, 4/10/74.

(S)

b1

Remarks:
(S)

EX-116

100-447251-1259

REC-57

1-Bureau
2-Paris
MGZ:ec
(3)

SECRET

Xerox

MAY 6 1974

56 MAY 10 1974

UNRECORDED COPY FILED IN 157-8/1/2

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

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-02-2006 BY 60322/UCLRS/PC/EHL

FBI

Date: 5/3/74

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

Via AIRTEL _____ (Priority)

TO: DIRECTOR, FBI (100-447251)

FROM: SAC, NEW YORK (100-161321) (P)

SUBJECT: LEROY ELDRIDGE CLEAVER aka
FUGITIVE
IO # 4239
WF NUMBER 447
EM-BPP
UFAC-ASSAULT TO COMMIT MURDER
THREAT AGAINST THE PRESIDENT
OF THE UNITED STATES
(OO:SF)

Re Legat Paris letters to Bureau, 2/12/74 and 4/16/74 and NYnitel to Bureau, 3/12/74.

Enclosed for the Bureau are 7 copies of an LHM dated and captioned as above, two of which are for transmittal to Legat, Paris. Enclosed for SF are 2 copies of same LHM.

NYO reviewed its files on ELDRIDGE [redacted] CLEAVER, in detail and no information was found re a kidney ailment for [redacted]

b6
b7C

In the event SF has forwarded LHM re above mentioned kidney ailment, or plans to, it is requested that an info copy be furnished NY.

ENCLOSURE

REC-47

EX-116

100-447251-1260

4-Bureau (Encls. 7) (RM)
(2-Legat Paris)
2-San Francisco (88-12329) (RM)
1-New York (157-2285)
1-New York

TFR:ojb
(9)

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

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

The sources contacted by the NYO in March and April, 1974 were:

b2
b7D

SECRET

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

New York, New York

In Reply, Please Refer to File No.

Bufile 100-447251
NYfile 100-161321

EXEMPTED FROM AUTOMATIC DECLASSIFICATION AUTHORITY DERIVED FROM: FBI AUTOMATIC DECLASSIFICATION GUIDE EXEMPTION CODE 25X(6) DATE 10-29-2008

Leroy Eldridge Cleaver

(S) [redacted] b1

Eldridge Cleaver, former BPP Minister of Information and head of the International Section of the Black Panther Party (BPP). Cleaver is believed to be living in Paris, France.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

The Black Panther Party - Cleaver Faction (BPP-CF) based in New York, New York, split with the BPP located in Oakland, California, in February, 1971. The Cleaver Faction follows the violent revolutionary philospphy of its leader, Eldridge Cleaver, the overthrow of the United States Government by creating a climate of terror accomplished by using urban guerrilla tactics.

This document contains neither recommendations nor conslusions of the Federal Bureau of Investigation (FBI).It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

SECRET

100-447251 — 1260

ENCLOSURE

Leroy Eldridge Cleaver

[redacted] and [redacted] is presently living abroad with [redacted]

During March, 1974, investigation by the Federal Bureau of Investigation (FBI) in the New York, New York area regarding Eldridge [redacted] Cleaver has not developed any information regarding a kidney ailment afflicting [redacted]

b6
b7C

Sources of the FBI in the New York City area who are familiar with BPP activities were contacted during March and April, 1974, regarding any known ailments of the Cleavers or [redacted] These sources advised they had no knowledge of any ailments of the Cleavers or [redacted]

(S)

[redacted] (Rev. 2-26-70)
OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

SECRET

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 3SX(6)
DATE 10-06-2003

UNITED STATES GOVERNMENT

Memorandum

(S)

TO : Director, FBI (100-447251) DATE: 5/13/74
Attention:

FROM : Legat, Paris (88-256) (P)

SUBJECT: LEROY ELDRIDGE CLEAVER, aka-FUG.
I.O. #4239, WF #447
EM - BPP; UFAC - ASSAULT TO COMMIT MURDER
THREAT AGAINST THE PRESIDENT OF THE UNITED STATES

Re New York airtel and LHM, 5/3/74.

b1

(S)

[redacted]

Remarks:

REC. 13 100-447251-1261

1 - Bureau
1 - Paris
MGZ/jmd
(2)

EX-112

MAY 21 1974

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

SECRET

FUG. SUB

b6
b7C

[redacted]

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

UNITED STATES GOVERNMENT

Memorandum

DECLASSIFIED BY 60322/UCLRP/PC/EHI
ON 10-06-2008

TO: DIRECTOR, FBI (100-447251)

DATE: JUN 18 1974

FROM: SAC, NEW YORK (100-161321) (RUC)

~~ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE.~~

SUBJECT: LEROY ELDRIDGE CLEAVER aka-
FUGITIVE
IO # 4239
WF # 447
EM-BPP;
UFAC - ASSAULT TO COMMIT
MURDER, THREAT AGAINST
THE PRESIDENT OF THE
UNITED STATES
(OO: SF)

ReNYairtel to Bureau, dated 5/3/74.

During 5/74 and 6/74, the following sources of the NYO, familiar with extremist activities, were contacted regarding CLEAVER with negative results:

(U) [redacted] (U)

~~Classified by SP2TAP1DMS~~
~~Declassify on: OADR~~
~~CA#75-6203~~

b2
b7D

ST-101 REC-16

100-447251-1262

(U) [redacted] (U)

It is noted that [redacted] and [redacted] are in a position to be aware of information regarding the possible return of CLEAVER to the US. All sources of the NYO, familiar with extremist activity, have been continually contacted regarding CLEAVER, and have been instructed to immediately advise the NYO in the event they receive information pertaining to CLEAVER,

2 - Bureau (RM)
3 - San Francisco (157-4324) (RM)
(1-88-12329)
1 - New York

GHS:lv
(6)

21 JUN 20 1974

FUGITIVE
F.I.U.

~~CONFIDENTIAL~~

F-56

JUL 1 1974

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

5010-108

or his return to the US. In additon, information regarding CLEAVER can very easily come to light during the course of the ongoing pending investigation of the Black Panther Party - Cleaver Faction (BPP-CF) which is office of origin at NY.

Since there are no leads outstanding at NY, this matter is placed in RUC status. The matter will be reopened in the event pertinent information regardng CLEAVER is obtained during the course of the BPP-CF investigation, or during the course of regular contact with established sources. The Bureau and San Francisco will be advised of such information via appropriate communication.

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

UNITED STATES GOVERNMENT

Memorandum

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-02-2006 BY 60322/UCLRB/BJ/EHL

TO : Director, FBI (100-447251)

DATE: 6/18/74

FROM : Legat, Rome (88-55) (P)

SUBJECT: LEROY ELDRIDGE CLEAVER, aka - FUGITIVE
I. O. #4239; WANTED FLYER #447
RM - BPP; UFAC - ASSAULT WITH INTENT
TO COMMIT MURDER; THREAT AGAINST THE
PRESIDENT OF THE UNITED STATES

ReROMlet dated 4/16/74.

Sources of Legat, as of 6/18/74, in Italy, Greece, Turkey and Cyprus, alert to our interest in captioned subject, have not received any information that CLEAVER has transited these areas in an effort to re-enter the United States.

Stops remain in effect and any pertinent information developed will be reported to the Bureau promptly.

5 - Bureau
(1 - Foreign Liaison Unit)
(2 - San Francisco 88-12329)
1 - Rome
TJB:hcs
(6)

REC-5 100-447251-1263

EX-111

b6
b7C

5 JUL 15 1974

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

5010-108-02

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

UNITED STATES GOVERNMENT

Memorandum

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-02-2006 BY 60322/UCLRF/PJ/EHL

TO : Director, FBI (100-447251)

DATE: 8-22-74

FROM : Legat, Rome (88-55) (P *)

SUBJECT: LEROY ELDRIDGE CLEAVER, aka - FUGITIVE
I.O. #4239; WANTED FLYER #447
RM - BPP; UFAC - ASSAULT WITH INTENT
TO COMMIT MURDER; THREAT AGAINST THE
PRESIDENT OF THE UNITED STATES

ReROMlet dated 6-18-74.

Appropriate Rome sources remain alert to our interest in captioned subject. Since the date of referenced letter, no Rome source has furnished any pertinent information regarding CLEAVER.

UACB, Rome is placing its file in a pending inactive status. Sources will periodically be alerted to our interest in subject.

LEAD - SAN FRANCISCO:

Will advise Rome when stops regarding subject may be removed.

REC-9 100-447251-1264

(5) - Bureau
(1 - Foreign Liaison Unit)
(2 - San Francisco 88-12329)
1 - Rome
JCM:mds
(6)

AUG 26 1974

SEP 5 1974

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan
5010-108-02

SECRET

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

UNITED STATES GOVERNMENT

Memorandum

EXEMPTED FROM AUTOMATIC DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 35X(6)
DATE 10-06-2008

REC 17

TO : DIRECTOR, FBI (100-447251) DATE: 3 1974

FROM : SAC, NEW YORK (100-161321) (RUC)

SI-117

SUBJECT: LEROY ELDRIDGE CLEAVER aka
FUGITIVE
IO # 4239
WF # 447
EM-BPP-CF
UFAC-ASSAULT WITH INTENT TO COMMIT
MURDER AND RAPE; ASSAULT WITH
DEADLY WEAPON
(OO: SF)

Unrecorded Copy Filed In 157-15733

1/19/84
Classified by SP2JAPLOMS
Declassify on: OADR
CA 75-6203

Enclosed for the Bureau are seven copies of an LHM, dated and captioned as above. One copy enclosed for SF.

Complete information concerning the anonymous letters received is in the enclosed LHM. It is noted that, as previously reported to the Bureau, the San Francisco Police Department furnished on 2/8/74 the following address, believed to be the residence of CLEAVER [redacted]

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

5, rue Gassendi
75014, Paris

Records place CA 75-6203

NYO indices reflect as follows:

[redacted] (BUfile 157-15733) is [redacted] She is allegedly engaged in the transfer of foreign BPP funds to domestic BPP headquarters through her own bank account, and has associated with BPP-CF figures.

b6
b7C

REC-2 100-447251-1265

ENCLOSURE

7 SEP 5 1974

SECRET

(4- Bureau (Encls. 7) (RM)
(1- Legat, Paris) (Encls. 1)
(1- Legat Desk, Bureau) (Encls. 1)
2- San Francisco (157-4304) (Encls. 1) (RM)
1- New York (157-4792) [redacted] INFO)
1- New York (100-114387 [redacted] (INFO)
1- New York (157-2285) [redacted] (INFO)
1- New York (157-6852) (BPP-CF) (INFO)
1- New York

XEROX
SEP 18 1974

EUC SUP. [redacted]

FIVE

2cc LHM - Dept State (0/4)
2cc LHM - [illegible] (07) 0 CM (6-14)
1cc LHM 1cc Let - T
1cc Let - Paris
JJK 9/11/74

1CC638DB
9/16/74
PUD/SJH

CHS:vnf
(20)
9/25/74

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

5010-110

(S) [redacted] b1

[redacted] aka [redacted] (BUfile 100-407122) has in the past served as [redacted] for CLEAVER. Recently, her name and [redacted] address have appeared among many others, among the possession of Black Liberation Army members [redacted] and [redacted] at the time of their arrests on various local and federal charges. The Bureau is also referred to the following communications: NYlet to Bureau, 6/25/69 captioned [redacted] SM-MISCH" and NYlet to Bureau, 10/31/73, captioned [redacted] EM-BLA". b6 b7C

The setting forth of specific leads for the Legat, Paris, is left to the discretion of the Bureau. (C)

(U)

ARMED AND DANGEROUS

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION
New York, New York

In Reply, Please Refer to File No.

SEP 8 1974

Leroy Eldridge Cleaver
Fugitive; Unlawful Flight to
Avoid Confinement; Extremist Matter-
Black Panther Party-Cleaver Faction
(BPP-CF)

The BPP-CF is based in New York, New York, split with the BPP located in Oakland, California in February, 1971. The Cleaver Faction follows the violent revolutionary philosophy of its leader, Eldridge Cleaver, the overthrow of the United States Government by creating a climate of terror accomplished by using urban guerrilla tactics.

On the morning of August 23, 1974, the New York (NY) Office of the Federal Bureau of Investigation (FBI) at Manhattan, NY, received an anonymous letter through the regular United States mail system. The handwritten address on the envelope, in ink, read as follows:

Lost Persons Bureau
FBI
201 East 69th Street
New York City, NY 10021

The letter was typewritten, single spaced on a single sheet of plain white onionskin type paper and read as follows:

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1/19/84 BY SP2TAP/pms

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

1 XEROX
SEP 18 1974

100-447257-1265

Leroy Eldridge Cleaver

"Eldridge Cleaver is receiving his mail c/o [redacted] in Paris XIV, France. A letter was sent (copy) to his attention from [redacted] of [redacted] New York City, on August 20, 1974, and should arrive in a day or two in France."

There was no further information or indication as to the sender and no postmark on the envelope.

On the same afternoon of the same date, the same FBI office received another anonymous letter through the regular United States mail system. The address on the envelope was typewritten this time, and read:

Lost Persons- F.B.I.
201 East 69th Street
New York, NY 10021

b6
b7C

The envelope was postmarked at New York, NY, August 22, 1974, afternoon.

The message contained in the envelope was handwritten, in ink, on a single piece of notepaper bearing the following letterhead:

[redacted]

The message read as follows:

Eldridge Cleaver
in care of [redacted]
Paris VI, France

There was no further explanation or information.

Leroy Eldridge Cleaver

It is noted that the 1974 edition of the New York Telephone Company Directory for Manhattan, NY contains the following listing:

[redacted] b6 b7C

ARMED AND DANGEROUS

(S) SECRET

(Rev. 2-26-70)
OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

EXEMPTED FROM AUTOMATIC DECLASSIFICATION AUTHORITY DERIVED FROM: FBI AUTOMATIC DECLASSIFICATION GUIDE EXEMPTION CODE 25X(6) DATE 10-03-2008

b1

TO : Director, FBI (100-447251) DATE: 9/19/74
Attention:

FROM : Legat, Paris (88-256) (P)

b6
b7C

SUBJECT: LEROY ELDRIDGE CLEAVER, aka - FUGITIVE
IO# 4239; WF# 447
EM-BPP-CF UFAC-ASSAULT WITH INTENT COMMIT MURDER AND RAPE;ASSAULT WITH DEADLY WEAPON
OO:SF

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

Re NY let & LHM, 9/3/74.

[X] On 9/19/74 dissemination was made of ref LHM.

to:

(S)

b1

1-Bureau
1-Paris
MGZ:ec
(2)

REC-46 100-447251-1266

ST-109 OCT 1 1974

SECRET

b6
b7C

FBI/DOJ

OCT 9 1974

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

UNITED STATES GOVERNMENT

Memorandum

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-02-2008 BY 60322/UCLR/PJ/EHI

TO: DIRECTOR FBI (100-447251)

DATE: 11/8/74

FROM: SAC SAN FRANCISCO (88-12329) (P*)

SUBJECT: LEROY ELDRIDGE CLEAVER
FUGITIVE
I.O. # 4239
W.F. # 447
EM - BPP; UFAC - ASSAULT WITH INTENT TO COMMIT MURDER; THREAT AGAINST THE PRESIDENT OF THE U. S.

A+D
00:SF

Re Legat Rome letter to the Bureau 8/22/74.

On 11/7/74 [redacted] California State Department of Corrections, Ferry Building, World Trade Center, San Francisco, telephone number [redacted] advised the Department of Corrections still has a warrant outstanding for CLEAVER's arrest and that the Department would be willing to take all steps necessary to return CLEAVER to California. [redacted] advised that in the event CLEAVER is arrested that the Department of Corrections also has a parole hold for CLEAVER which is non-bailable.

On the same date [redacted] Magistrate Clerk, U.S. Magistrate's Office, San Francisco, California, advised that Federal UFAC warrants for CLEAVER's arrest are contained in Docket #1 records under Warrant Number 1528.

b6
b7C

On the same date [redacted] Oakland, California, Police Department Intelligence Unit and Inspector [redacted] San Francisco, California, Police Department Homicide Division, were contacted for any new intelligence information concerning the CLEAVERS with negative results [redacted] advised the Oakland Police Department would still prosecute CLEAVER on charges resulting from a gun battle between BPP members, including CLEAVER, and the Oakland Police Department in April 1968.

EX-109 REC-43/00-447251-1269

San Francisco sources who are familiar with various phases of extremist matters in the San Francisco Bay Area are periodically contacted and reminded of our interest in the location and activities of CLEAVER.

NOV 11 1974

2 - Bureau (RM) 1455
4 - San Francisco
(1 - 88-12329)
(1 - 157-4324)
(1 - 157-7180)
(1 - 157-6923)
AWB/sdc (6)

NOV 19 1974

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

5010-108

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

UNITED STATES GOVERNMENT

Memorandum

~~CONFIDENTIAL~~
~~SECRET~~

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(6)
DATE 10-06-2006

TO : DIRECTOR, FBI {100-447251} DATE: 11/13/74

FROM : LEGAT, PARIS {88-256} {P}

SUBJECT: LEROY ELDRIDGE CLEAVER, aka
FUGITIVE
IO 4239
WF 447
EM-BPP-CF
UFAC-ASSAULT WITH INTENT TO COMMIT
MURDER AND RAPE; ASSAULT WITH
DEADLY WEAPON
{OO:SF}

ALL INFORMATION CONTAINED
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WHERE SHOWN OTHERWISE.

12/5/83
~~Classified by SP2 TAP / DMS~~
~~Declassify on: OADR~~
~~CA# 75-6203~~

Re New York let 9/3/74.

(S)

(S)

(S)

(S)

b1

EX-101
ENCLOSURE

REC-46 100-447251-1268

~~CLASSIFIED BY: No. 2996~~
~~EXEMPT FROM GDS CATEGORY: No. 1~~
~~DATE OF DECLASSIFICATION: INDEFINITE~~

5 - Bureau {Encs. 5}
{1-Foreign Liaison Unit}
{1-New York}{100-161321}
{1-San Francisco}{157-4304}
1 - Paris
MGZ:ec
{6}

1cc let to 1cc CHM reat to NY & SF 107
1cc let to 1cc CHM-T
JTR:cdc
11/22/74

NOV 19 1974

~~SECRET~~
~~CONFIDENTIAL~~

FBI - SAN FRANCISCO
DOC. CLASS. OFFICE

6 NOV 25 1974

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

~~SECRET~~

~~CONFIDENTIAL~~

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

In Reply, Please Refer to File No.

November 13, 1974

EXEMPTED FROM AUTOMATIC DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(6)
DATE 10-06-2009

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

LEROY ELDRIDGE CLEAVER

(S)

b1

(S)

(S)

CLASSIFIED BY: No. 2996
EXEMPT FROM GDS CATEGORY: No. 1
DATE OF DECLASSIFICATION: INDEFINITE

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12/5/83 SP2TAP/DMS

CA# 75-1203

~~SECRET~~

~~CONFIDENTIAL~~

ENCLOSURE 100-441951-1268

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-06-2006 BY 60322/UCLRF/PJ/EHL

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

UNITED STATES GOVERNMENT

Memorandum

TO : Director, FBI (100-447251) DATE: 12/16/74

FROM : Legat, Rome (88-55) (P*)

SUBJECT: LEROY ELDRIDGE CLEAVER, aka - FUGITIVE
I.O. #4239; WANTED FLYER #447
RM - BPP; UFAC - ASSAULT WITH INTENT
TO COMMIT MURDER; THREAT AGAINST THE
PRESIDENT OF THE UNITED STATES

ReRomlet 8/22/74.

No information regarding CLEAVER has been received from any alerted sources. Any pertinent information which may be developed will be furnished to the Bureau promptly.

5 - Bureau (1 - Foreign Liaison)
(2 - San Francisco 88-12329)
1 - Rome
TJB:MEG
(6)

REC 44

100-447251-1269

6 DEC 23 1974

U.S. DEPT. OF JUSTICE
FBI
DEC 23 1974
RECEIVED

54 JAN 13 1975

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan
5010-108-02

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-06-2008 BY 60322/UCLRP/PC/EHL

December 24, 1974

REC-59 100-447251-1270

[redacted]

[redacted]

Dear [redacted]:

Your letter dated December 12th, requesting a copy of Eldridge Cleaver's identification record, has been received. I can understand your concern and interest in writing; however, since this Bureau is authorized to furnish identification data only to officials of law enforcement and other government agencies and to the individual who is the subject of such record, it is not possible to comply with your request. I regret that the FBI cannot be of assistance in this matter.

b6
b7C

Sincerely yours,

C. M. Kelley

Clarence M. Kelley
Director

[redacted]

1 - Baltimore - Enclosures (2)

NOTE: Correspondent is not identifiable in Bufiles. Mr. [redacted] has taken upon himself to make a presentation to the Montgomery County Board of Education in a effort to have Eldridge Cleaver's book, "Soul on Ice", removed from the library of the county school system. Response coordinated with Division 1.

WPH:jac (4)

MAILED 10
DEC 24 1974
FBI

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

MAIL ROOM ☐ TELETYPE UNIT ☐

54 JAN 13 1975

GPO 954-546

WPH / 18

b6
b7C

December 12, 1974

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-06-2008 BY 60322/UCLRE/SC/EHL

Federal Bureau of Investigation
10th and Pennsylvania Avenue, N. W.
Washington, D. C.

Attention: Office of Director

Dear Mr. Director:

I am enclosing a copy of a Committee evaluation of the Montgomery County School Board on a book called "Soul on Ice," written by Eldridge Cleaver.

In talking to your Field Office I was advised that in all probability I could not receive a copy of Mr. Cleaver's criminal record, but since the Board of Education has put his book upon the shelves of the Montgomery County School System, and unless you have read this book, you cannot believe the language which is set forth therein, which is perverted, common and indecent in the worst sense, and since the Board of Education has seemingly idealized Mr. Cleaver, and since Mr. Cleaver seems to be proud of his criminal record and is using it as a matter of selling his books, I, therefore, believe that said criminal record should become public in nature.

I am sure you have certain guidelines and I will understand it if you cannot do so, but I would respectfully request that the FBI forward me a copy of his criminal record so that I can make it a part of the record of the Board of Education and possibly they can understand what type of individual we are dealing with.

REC-59 100-447251-1270

I can assure you that I am not a radical, nor an unreasonable person, unless belonging to the Rotary, Masons and Chamber of Commerce makes me one (which some people probably believe it does), I would only use this information to counter the position taken by the Board of Education.

You might be interested in knowing that the Board of Education refuses to reveal the names of the Committee, which is entirely made up of teachers and librarians, since they "might be harrassed by kooks." I assume the gentleman who said that was referring to me.

DEC 30 1974

ENCLOSURE

ack 12-24-74

CORRESPONDENCE

I wish to thank you for any cooperation that you might give me and can well understand if this is not possible, but I would appreciate this criminal record if it can be done within the administrative rulings of your organization, of which I have the highest respect and appreciation.

Hoping you will have an excellent Christmas and a healthy New Year, I remain

Very truly yours,

[redacted]

[redacted]
encl.

b6
b7C

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-06-2008 BY 60322/UCLRE/EJ/EHL

SOUL ON ICE Eldridge Cleaver; McGraw; 1968

The committee on reevaluation of Soul on Ice unanimously recommends that the book continue to be included in senior high school media center collections.

A number of critical articles and reviews have been written about Soul on Ice. The following rather lengthy article by Robert Coles appeared in Atlantic, June, 1968, and perhaps best explains Cleaver the man.

> The jacket of Eldridge Cleaver's autobiographical book Soul on Ice contains an ironic and sobering statement: "He was educated in the Negro ghetto of Los Angeles and at the California state prisons of San Quentin, Folsom and Soledad."
>
> We are told other things . . . but nothing quite so startling and shrewd as the facts of his "educational experience," to use the twentieth-century expression for schooling.
>
> As a matter of fact, the words we summon to describe a man like Mr. Cleaver tell more about "us" than him. We consider him uneducated, criminal, "culturally deprived," and "culturally disadvantaged," . . .
>
> A good deal of Soul on Ice was written in California's prisons. (After having been shot in the leg, Mr. Cleaver is, at this writing, back in jail.) All the essays deal with racial hurt, racial struggle, and racial pride. Mr. Cleaver is a black man, and he is not going to let either himself or anyone else forget that fact - in case it is possible for an American of either race to do so.
>
> . . . and apart from its black nationalism there are some really lovely and tender and even exquisite moments to be found - when the author becomes a writer, not a pamphleteer and not a propagandist and not a devious, cruel literary critic, but a man who wants to struggle with words and ideas and tame them. There are ostensibly four parts to the relatively slim volume, but actually it is split in two, "Letters from Prison" and "Prelude to Love - Three Letters" show how one inmate of a jail becomes something much more, a literate, sensitive, and intelligent human being. There are white millionaires who have failed where Cleaver has succeeded.
>
> How did he succeed? Why? We ought to ask such questions, even as we do with Malcolm X, Cleaver's great hero. People like me can tear Cleaver and Malcolm to shreds. We can discover the bad "background" they come from. We can find pathology everywhere - mental illness, physical disorder, social chaos, cultural disintegration. Cleaver's childhood was no doubt a sad and violent one. He went to bad, crowded schools. He grew up amid alcoholics, addicts, and worse. And ultimately, he went to jail and stayed there, not only behind bars but often enough in

solitary confinement as dangerous, wild, unruly, disobedient, troublesome, loudmouthed, uncontrolled, crazy - all the words.

Yet at times he writes vivid, compelling prose. He has a sense of humor. He knows how to be astringent one minute, ironic the next. He can be tolerant and compassionate, far more so in my opinion than the man who wrote the introduction to this book. He is full of Christian care, Christian grief and disappointment, Christian resignation, Christian messianic toughness, and hope. He loves his lawyer, a white woman, and pours out his love to her in three beautiful, incredibly subtle and blunt and unsparing and unforgettable letters. How did he do it - learn to write, learn the really impressive theological subtleties that are addressed to his lawyer?

Of course he also learned the other things, the handy political and sociological cliches that have blinded black and white men everywhere in every century. But above all we must notice what he has done: begun (and only begun) to master the writer's craft. For that achievement Eldridge Cleaver deserves our unashamed awe, our admiration, and our insistence that like every other writer he work harder, rid himself of unnecessary baggage, and put to word the startling ironies that he knows from real life but sees and comprehends out of his mind's life. He ought to spare us nothing, but he ought to spare himself very little either. Inside a developing writer there is, there has to be, a kind of ice that somehow uses but also transcends the weather, the scene, the hot and cold of the outside world.

The committee carefully considered criteria for selection of library books and textbooks, as well as the "Selection of Instructional Materials" statement in Evaluation and Selection of Instructional Materials and Equipment which has been adopted by the Montgomery County Board of Education. The selection statement reads:

> The primary function of a school media center collection is to support the curriculum and to meet the individual needs of students as encompassed in the Educational Goals for the Montgomery County Public Schools. Therefore, materials will be selected to carry out this function. In addition, selectors of materials will (1) choose those that are relevant to today's world; (2) choose those that offer opportunities to better understand and appreciate the problems, aspirations, and achievements of women and minority groups, avoiding those which produce negative attitudes, stereotypes, caricatures, epithets, and dialect (except in an historical or local setting); (3) choose those that permit teachers to comply with their charged responsibility of providing students with the opportunity to investigate and discuss controversial issues. Selected materials will necessarily relate to "all facets, sides, and/or opinions" on controversial issues.

The committee believes that Soul on Ice meets the criteria outlined in the above quoted statement.

The committee as a whole expressed grave concern that the complainants had not read the entire book and were judging the total book from excerpts only. One committee member registered chagrin and suggested that no requests for reevaluation be accepted unless the complainant had read the entire book.

The committee believes that the author rejects the statements made by the complainants regarding rape, racial hatred, and women as "degrading creatures." Consider the following quotes:

on rape . . .

". . . for the first time in my life, admitted that I was wrong, that I had gone astray . . . for I could not approve the act of rape."

out of context from "Allegory of the Black Eunuchs"

"I was angry at the infidel and repulsed by his monologue and the importance he seemed to attach to these matters."

on racial hatred . . .

". . . I have been terribly impressed by the youth of America, black and white. 'I am proud of them because they have reaffirmed my faith in humanity."

on women as "degrading creatures" . . .

the entire section called "Prelude to Love - Three Letters" and the section titled "To All Black Women from All Black Men."

Upon completion of the committee work, one member felt compelled to write the following statement which is now a part of the permanent file:

The charges leveled against the selection of Cleaver's Soul on Ice as an approved library book is, in my opinion, without merit!

The book is a reflection of one man's view of life, and has elements of real literary excellence.

The charges that the book would promote rape, enjoyment of law breaking and is sexist is a reflection of another man's view, and I feel that the consideration given the charges have been fairly considered and found far from convincing.

The selections mentioned have apparently been selected for possible shock value, are out of context, and do not accurately portray the theme of the book.

> It is incumbent upon those of us who are members of the teaching profession to withstand the challenge of a small group of individuals to become censors and judges of one of our most cherished freedoms - the freedom to inform ourselves, to become educated and to make decisions through acquaintance with all kinds of literature.

In summary, the committee believes the book, Soul on Ice, when judged in its entirety, meets the evaluation criteria for the selection of library books in Montgomery County Public Schools. Further, the committee considers Cleaver an articulate author. He can give young people insight into the problems of being Black in America - racial understanding. Finally, the committee unanimously recommends that Soul on Ice continue to be included in the senior high school media center collections of the Montgomery County Public Schools.

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

SECRET

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (100-447251)

DATE: 1/6/75

FROM : LEGAT, PARIS (88-256)(RUC)

EXEMPTED FROM AUTOMATIC
DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(6)
DATE 10-06-2006

SUBJECT: LEROY ELDRIDGE CLEAVER, aka -
FUGITIVE
IO 4239
WF 447
EM-BPP-CF
UFAC-ASSAULT WITH INTENT TO
COMMIT MURDER AND RAPE;
ASSAULT WITH DEADLY WEAPON
OO: San Francisco

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

ReParlet 11/13/74.

(S)

(S) b1

(S)

All logical investigation at this time has been completed and captioned matter is being RUC'd.

100-447251-1271

REC-31

5 - Bureau
(1 - Foreign Liaison Desk)
(1 - New York (100-161321)
(1 - San Francisco (157-4304)
4 - Paris
(1 - 157-31)
(1 - 157-45)
(1 - 157-206)
MGZ/sro
(9)

SECRET

15 JAN 14 1975

LCC 4077 JFH
see dest.
1/24/75
PVD/sjh

FUG. SUP.

FILE

JAN 27 1975

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

5010-108

(Rev. 1-30-74)

MESSAGE RELAY

Date 2-21-75

Transmit in PLAINTEXT (plaintext or code) via teletype the attached NITEL (precedence) message.

* *

FROM: Director, FBI 100-447251

FIELD DISSEMINATION

TO:

RUEADWW/ ☐ The President

RUEADWW/ ☐ The Vice President
☐ Att.: _____

RUEADWW/ ☐ White House Situation Room
☐ Att.: _____

RUEHOC/ ☐ Secretary of State

RUEAIIA/ ☐ Director, CIA

RUEKJCS/ ☐ Director, Defense Intelligence Agency
☐ and National Indications Center

RUEACSI/ ☐ Department of the Army

RUEBGFA/ ☐ Department of the Air Force (AFOSI)

RUEOLKN/ ☐ Naval Investigative Service

RUEADSS/ ☐ U. S. Secret Service (PID)

RUEBWJA/ ☐ Attorney General (☐ By messenger)

RUEBWJA/ ☐ Deputy Attorney General (☐ By messenger)

RUEBWJA/ ☐ Assistant Attorney General, Criminal Division
☐ and Internal Security Section
☐ and General Crimes Section

RUEBWJA/ ☐ Immigration & Naturalization Service

RUEOIAA/ ☐ National Security Agency (DIRNSA/NSOC (Att.: SOO))

RUEOGBA/ ☐ Federal Aviation Administration

☐

☐

SACS: SAN FRANCISCO
NEW YORK

LEGATS:

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-06-2008 BY 60322/UCLRE/PG/EHL

REC 62 / 100-447251-272

FEB 25 1975

Classification: *(Classify if to other than Bureau Office)*

SUBJECT: SEE ATTACHED

RC;cdl (2)

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

(Text of message begins on next page.)

10:30 PM

TELETYPE

MAIL ROOM ☐ TELETYPE UNIT ☑

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

Foreign Liaison Unit
☐ Route through for review
☐ Cleared telephonically
with _____

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-06-2008 BY 60322/UCLRP/PG/EHL

FEB 21 1975

TELETYPE

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

REC-89

3:45 PM URGENT 2/21/75 SRO

TO DIRECTOR (100-447251) NR 049-21

FROM LEGAT PARIS (88-256) [redacted]

LEROY ELDRIDGE CLEAVER, AKA - FUGITIVE, IO 4239, WF 447, EM-BPP-CF,
UFAC-ASSAULT WITH INTENT TO COMMIT RAPE; ASSAULT WITH DEADLY WEAPON.

OO: SAN FRANCISCO

Fug. SUPVR.
151

REPARLETS JANUARY 6, 1975 AND NOVEMBER 13, 1974.

ON FEBRUARY 21, 1975, THE SPECIAL CONSULAR SERVICES SECTION, AMERICAN EMBASSY, PARIS, ADVISED [redacted] APPEARED AT THE EMBASSY INSTANT DATE TO RENEW HER PASSPORT AND TO OBTAIN A PASSPORT FOR [redacted] ACCORDING TO INFORMATION SET FORTH IN PASSPORT APPLICATIONS EXECUTED BY [redacted] SHE IS CURRENTLY RESIDING [redacted] AT [redacted]

b6
b7C

REC-89 100-447251-1273

THE ABOVE-DESCRIBED [redacted] ADDRESS IS THE RESIDENCE OR OFFICE OF [redacted] A WELL-KNOWN [redacted] WHO IS BELIEVED TO HAVE ARRANGED FOR THE ISSUE OF FRENCH RESIDENCE PERMITS TO THE CLEAVERS ON A HIGHLY UNUSUAL AND SECRET BASIS AS SET FORTH IN PARIS COMMUNICATION DATED NOVEMBER 13, 1974.

FRANCE

MAR 4 1975

[redacted]

4 MAR 11 1975

F329

IN VIEW OF THE ABOVE AND OF THE FORTHCOMING EXTRADITION HEARING FOR [redacted] AND [redacted] TENTATIVELY SCHEDULED FOR MARCH THREE, 1975, PARIS IS REQUESTING FRENCH POLICE AT TOP LEVEL TO CONFIRM ISSUE OF RESIDENCE PERMITS TO THE CLEAVERS TO ASCERTAIN IF THERE ARE CONDITIONS WHICH WOULD PROSCRIBE PARTICIPATION BY THE CLEAVERS IN POLITICAL ACTIVITIES IN FRANCE. IT IS NOTED THAT, TO DATE, THERE HAS BEEN NO INDICATION THAT ANY ACTIVITY BY FRENCH LEFTIST GROUPS ON BEHALF OF [redacted] AND [redacted] HAS BEEN CARRIED OUT, AND IT IS CONSIDERED HIGHLY POSSIBLE THAT [redacted] MIGHT ATTEMPT TO INTRODUCE STATEMENTS FROM CLEAVER INTO THE HEARING TO ESTABLISH HISTORY OF BLACK PANTHER PARTY ACTIVITIES BY HOLDER WHICH WOULD BE HIGHLY INIMICAL TO EXTRADITION ATTEMPTS. A PERSONAL APPEARANCE BY CLEAVER AT THE TRIAL IS ALSO CONSIDERED A POSSIBILITY.

b6
b7C

PARIS IS FOLLOWING CLOSELY AND THE BUREAU WILL BE ADVISED AS ADDITIONAL INFORMATION IS DEVELOPED.

END

CC: INTELL. DIV.

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

FEB 28 1975

TELETYPE

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-06-2008 BY 60322/UCLRP/EJ/EHL

Assoc. Dir. —
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Ext. Affairs —
Files & Com. —
Gen. Inv. —
Ident. —
Inspection —
Intell. —
Laboratory —
Plan. & Eval. —
Spec. Inv. —
Training —
Legal Coun. —
Telephone Rm. —
Director Sec'y —

9:00 AM URGENT 2/28/75 SRO

TO DIRECTOR (100-447251) NR 051-27

FROM LEGAT PARIS (88-256)

LEROY ELDRIDGE CLEAVER, AKA - FUGITIVE, IO 4239, WF 447, EM-BPP-CF, UFAC - ASSAULT WITH INTENT TO COMMIT RAPE, ASSAULT WITH DEADLY WEAPON, OO: SAN FRANCISCO

REPARCAB FEBRUARY 21, 1975.

[redacted] ADVISE ELDRIDGE CLEAVER CURRENTLY IN POSSESSION OF FRENCH RESIDENCE PERMIT VALID FOR A SIX-MONTH PERIOD AND [redacted] OF A PERMIT VALID FOR ONE YEAR. NO DATE OF ISSUE FOR EITHER CARD INDICATED AND NO FURTHER INFORMATION RE CIRCUMSTANCES OF ISSUE OF CARDS WAS FURNISHED. REC 99 100-447251-1274

ACCORDING TO [redacted], CLEAVER AND [redacted] ARE REQUIRED TO ABSTAIN FROM ANY FORM OF POLITICAL ACTIVITIES UNDER TERMS ESTABLISHED AT TIME OF ISSUE OF RESIDENCE PERMITS. VIEWED WITHIN CONTEXT OF THE [redacted] EXTRADITION HEARING, [redacted] ADVISE APPEARANCE BY CLEAVER IF REQUESTED BY MAGISTRATE HANDLING CASE WOULD NOT CONSTITUTE VIOLATION OF ABOVE TERMS.

b6
b7C
b7D

MAR 7 1975

NO INFORMATION PRESENTLY AVAILABLE TO [redacted] WHICH WOULD INDICATE APPEARANCE OF CLEAVER OR INTRODUCTION OF ANY FORM OF DEPOSITION TO ESTABLISH BONA FIDES OF [redacted] OR [redacted] CONNECTION

1cc tel SF 107 LEB
JR:cde

20 MAR 13 1975

WITH THE BPP CURRENTLY CONTEMPLATED. THIS MATTER IS CURRENTLY CONSIDERED BY FRENCH JUSTICE AS A VIOLATION OF CRIMINAL STATUTES RATHER THAN A POLITICALLY MOTIVATED OFFENSE, ACCORDING TO [redacted] b7D

[redacted].

AS ADDITIONAL INFORMATION IS AVAILABLE, BUREAU WILL BE ADVISED.

END

cc-5

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

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-06-2008 BY 60322/UCLRF/PG/EHL

FBI

Date: 4/2/75

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

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

Via AIRTEL AIR MAIL
(Priority)

TO: DIRECTOR FBI (100-447251)

FROM: SAC SAN FRANCISCO (88-12329) (P)

RE: LEROY ELDRIDGE CLEAVER aka -
FUGITIVE
I.O. # 4239
WANTED FLYER #447
RM - BPP; UFAC - ASSAULT WITH
INTENT TO COMMIT MURDER;
THREAT AGAINST THE PRESIDENT
OF THE UNITED STATES

00:SF

Enclosed for the Bureau are five (5) copies of an LHM concerning captioned Subject's interview on local television station talk program utilizing a telephone conference call to the Subject in Paris, France. San Francisco taped the interview, a copy of which is maintained in the 1-A section of San Francisco file.

REC. 44 100-447251-1275

ST-111

5 APR 14 1975

1cc AIT-T
1 enc to Leg Paris 107
1 enc to INS 106
1 enc ea to [redacted], USSS, State 10-14

b2
b6
b7C

REC. DOCUMENT ENCLOSURE

2 - Bureau (Encs. 5) (RM)
4 - San Francisco
(1 - 157-7180)
AWB/sdc (S-6)
(6)

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

51 APR 24 1975

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

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION
San Francisco, California

In Reply, Please Refer to File No.

April 2, 1975

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-06-2008 BY 60322/UCLRP/PG/EHL

LEROY ELDRIDGE CLEAVER

On Saturday, March 22, 1975, Leroy Eldridge Cleaver and his wife Kathleen Cleaver were interviewed via a conference telephone hook-up from San Francisco, California, to Paris, France. Cleaver had previously stated in an interview with "Newsweek" magazine that he wants to return to the United States. Cleaver's interview on March 22, 1975, was part of Perspective III, a San Francisco television station, Channel 7, local programming which is usually concerned with current events and personalities. Perspective III in studio guests were Charles Garry, Cleaver's attorney in San Francisco, and Reginald Majors, a long time Cleaver friend and free lance writer. The program was moderated by Dwight Casmer, a Channel 7 television personality. Viewers were invited to call in with questions for Cleaver, however, this proved difficult because of trying to tie the viewer into the conference call.

CAL

Garry stated during the interview that if Cleaver returns to the United States he will have to go to jail as a parole violator and subsequently stand trial for a shootout with the Oakland Police Department, Oakland, California, on April 6, 1968. Garry stated Cleaver originally left the United States because he did not want to go to jail as a parole violator before standing trial for the shootout with the Oakland Police Department. Garry stated further that Cleaver did not feel that he had done anything to have his parole violated.

Garry stated that Cleaver will return to the United States only if assurances are given that his parole board will not place him in jail before he stands trial. Garry mentioned that Cleaver is a Federal fugitive, however, he stated the Federal fugitive charge is a "paper" charge and has no real meaning to it.

100-447251-1275

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

ENCLOSURE

LEROY ELDRIDGE CLEAVER

Cleaver stated during the question and answer interview that he wishes to return to the United States and stand trial in Alameda County, California, for the April 6, 1968, shootout providing he is not "slapped in prison first".

Cleaver stated he does not believe the American people would think of him as a crazy man spouting paranoid scare theory because a lot of people recognize that things they were saying about the practice of the United States government were things that were happening at the time Cleaver said they were happening.

Cleaver stated he has not gone soft on the United States system or compromised his principals but instead has "recognized realities". Cleaver feels that there are some serious shortcomings in the Marxist-Leninist theory in practice. Cleaver stated he bases his feelings on experience with Cuba, the Soviet Union, China, North Korea and throughout Eastern Europe, where each country is governed by repressive, dictatorian and authoritarian regimes that are not responsive to the people and have no machinery for bringing the wheel of the people into the decision-making process. Cleaver feels that the American people would not find this system of government acceptable. Cleaver stated that a lot of people who consider themselves progressive and have adopted the Marxist-Leninist theory can still be aggressive people without endorsing a lot of things which are really unacceptable.

Moderator Dwight Casmer had previously taped interviews with people on the street in San Francisco and asked them if they thought Leroy Eldridge Cleaver should be allowed to come home without going to jail as a parole violator. The tape was played to Cleaver during the program. Five people interviewed felt Cleaver should go to jail if he returns to the United States and three people interviewed felt he should be able to come back to the United States without penalty of going to jail before trial.

Kathleen Cleaver, Eldridge Cleaver's wife, stated during the question and answer interview that she left the United States in May 1969, seven months pregnant. She gave birth to a son, Rafael, in July 1969, and gave birth to a daughter, Joju, in July 1970. She stated the major bulk of her activities while in exile with her husband have been those of a mother. She stated she was politically active as much

as possible in the International Section of the Black Panther Party (BPP) doing most of the translating of BPP matters from English to French. She stated she did other work in communications, as well as travelled in Europe, Asia and Africa in making international BPP contacts, speeches, etc.

Characterizations of the BPP and the BPP-CF are attached in the appendix hereto.

Casmer asked Kathleen Cleaver if she would be the one to do the majority of the speaking, leg work and taking over "a lot" of the major up-front roles in being a spokesperson if and when she and Eldridge Cleaver returned to the United States. Kathleen Cleaver replied she had done that type of work before but preferred to see it coordinated and involving as many people as possible in order to get the most results from their activities.

An interviewer calling into the program asked Eldridge Cleaver if the United States system is so bad and the country is run so poorly why does he (Cleaver) want to return to the United States. Cleaver replied that he felt like a "fish out of dirty water" and wants to get back in. Cleaver stated that he feels revolutionary processes are at work in the United States but in a very quiet form; for instance, the destruction of the Nixon regime without armed revolution could not have happened in another country. Cleaver feels it is possible for fundamental changes (revolutionary) to take place within the United States in strictly an American form. Exactly what that form is he does not know. Cleaver stated that his role in changing United States society if he came back to the United States would be determined by the impact his statements and/or activities may have on his fellow man. He stated whatever impact his statements or activities would have on his fellow man would be his role in society; if his statements and activities were not relevant, then he would have no role.

Cleaver stated that he left the United States in 1968 and went to Cuba for 8 - 9 months and then to Algiers, Algeria, for four years and while there travelled quite widely, including North Korea, North Vietnam, China, through the Soviet Union several times, in and out of East European socialist countries and a few African countries. He stated that he met many people who are mostly associated with organizations. Cleaver stated that after all of his extensive

travels he has not seen a country that could offer the United States a model to go by; on the contrary, the United States could be a model for a lot of other countries in terms of developing democratic institutions. Cleaver feels that the only thing that socialist or so-called communist countries could teach the United States would be in terms of economic democracy in which there is a more even distribution of the national income. Cleaver feels that the United States is a political democracy.

Garry, Cleaver's attorney, stated he does not feel the United States is a political democracy but rather a quasi police state.

Cleaver stated that during his extensive travels he did not see any third world countries coming together in a common cause, instead, these third world countries were wrapped up in national self interest which was sometimes cloaked in words of solidarity.

1 BLACK PANTHER PARTY

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

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

BPP national headquarters, aka Black Panther Intercommunal Headquarters, as of May, 1974, continued to be located in Oakland, California, with branches throughout the country.

APPENDIX

1.

BLACK PANTHER PARTY -
CLEAVER FACTION (BPP-CF)

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

APPENDIX

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

UNITED STATES GOVERNMENT

Memorandum

TO : Director, FBI (100-447251) DATE: March 27, 1975

FROM : Legat, Rome (88-55) (P*)

SUBJECT: LEROY ELDRIDGE CLEAVER, aka - FUGITIVE
I. O. #4239; WANTED FLYER #447
RM - BPP; UFAC - ASSAULT WITH INTENT
TO COMMIT MURDER; THREAT AGAINST THE
PRESIDENT OF THE UNITED STATES OO SF

ReRomlet December 16, 1974.

As of March 27, 1975, alerted sources have not furnished any information concerning subject.

Legat following.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-06-2008 BY 60322/UCLRP/PC/EHL

EX 104 REC 17 100-447251-1276

5 - Bureau (1 - Foreign Liaison)
(2 - San Francisco 88-12329)
1 - Rome
TJB:MEG
(6)

2cc let SF 107
1cc cert
cert mail
3/19/75

18 APR 8 1975

FUGITIVE FILE

FBI

APR 22 1975

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

5108-02

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3/27/75

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DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(6)
DATE 10-06-2006

AIRTEL

TO : DIRECTOR, FBI (157-8943)
(100-447251)

FROM : LEGAT, LONDON (157-141)(RUC)
(157-120)(P)

SUBJECT: CHANGED
[redacted]
EM - BPP

LEROY ELDRIDGE CLEAVER, aka - FUGITIVE
I.O. #4239; W.F. #447
EM - BPP
UFAC - ASSAULT WITH INTENT TO
COMMIT MURDER; THREAT AGAINST THE
PRESIDENT OF THE UNITED STATES
(OO: SF)

b6
b7C

(S) [redacted]

Re Legat, Bern letter to Bureau 3/27/73.

(S) [redacted]

(S)

Bureau advise if any recent information has been received indicating whereabouts of ELDRIDGE CLEAVER [redacted]

(S) [redacted]

ARMED AND DANGEROUS

4 - Bureau (Encs. 2)
2 - San Francisco (Encs. 2)(88-12329)
2 - Legat, Paris (Info)(Encs. 2)(88-256)(Direct)
1 - Foreign Liaison Unit
2 - London
WAK:ejg
(9)

100-447251-

NOT RECORDED
160 APR 29 1975

SECRET MATERIAL ATTACHED

Enclosure

SECRET

51 APR 29 1975

ORIGINAL FILED IN

b1

157-9112-432

SECRET

(Rev. 2-26-70)
OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

EXEMPTED FROM AUTOMATIC DECLASSIFICATION
AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(6)
DATE 10-06-2008

b1

TO : Director, FBI (100-447251)
Attention:

DATE: 4/17/75

FROM : Legat, Paris (88-256) (P)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

SUBJECT: LEROY ELDRIDGE CLEAVER, aka - FUGITIVE
IO #4239; WANTED FLYER #447
RM-BPP; UFAC-ASSAULT WITH INTENT TO COMMIT
MURDER; THREAT AGAINST THE PRESIDENT OF USA

440

00: SF

Re San Francisco LHM dated 4/2/75.

X On 4/17/75 dissemination was made of referenced LHM to:

(S)

b1

(S)

1 - Bureau
1 - Paris
MGZ/sro
(2)

REC-13 100-447251-1277

ST 112

7 APR 22 1975

SECRET

FUG. SUP.

58 MAY 2 1975

E.I.W.P.

EDITION
(41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (157-22627) DATE: APR 17 1975

FROM : SAC, NEW YORK (157-6852) (P)

SUBJECT: BLACK PANTHER PARTY - CLEAVER FACTION (BPP-CF) EM (OO:NY)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 10-06-2006 BY 60322/UCLRB/BC/EHL

Enclosed for the Bureau and for San Francisco are four copies for each, of a transcription of a series of radio broadcast interviews of ELDRIDGE CLEAVER. One copy of the same enclosure is furnished to Detroit, Louisville, Newark and Philadelphia.

In general, the interviews reflect basic changes in CLEAVER's revolutionary and violence-prone philosophy and reflect his desire to return to the United States. The major points of the interviews are set forth below:

1 ENCLOSURE

4-Bureau (Encs. 4) (RM)
(1-100-447251) (CLEAVER) (INFO)
(1-105-165706) (BPP) (INFO)
1-Detroit (157-7850) (Enc. 1) (INFO) (RM)
1-Louisville (157-1469) (Enc. 1) (INFO) (RM)
1-Newark (100-49194) (Enc. 1) (INFO) (RM)
1-Philadelphia (157-6296) (Enc. 1) (INFO) (RM)
4-San Francisco (157-6923) (Encs. 4) (INFO) (RM)
(1-88-12329) (CLEAVER) (INFO)
(1-100-55520) (CLEAVER) (INFO)
(1-157-1204) (BPP) (INFO)
1-New York (157-3201) (Internat'l Comm to Defend CLEAVER) (INFO)
1-New York (100-161321) (CLEAVER) (INFO)
1-New York (100-161993) (BPP) (INFO)
1-New York

GHS:mys
(16)

100-447251-

NOT RECORDED
28 APR 22 1975

ORIGINAL FILED IN 157-22627

F-201

MAY 5 1975

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

5010-110

1. CLEAVER desires to return to the U.S., but only if he is assured bail prior to disposition of charges against him.

2. The Black Panther movement is dead and he does not wish to revive it because he now disavows violence.

3. CLEAVER's former anti-U.S. attitude has changed and he regrets the former anti-police policy of the Black Panthers, which caused various institutional reforms to be neglected.

4. Previous anti-Israel opinions have moderated and CLEAVER believes Israel should be recognized.

5. CLEAVER's former desire for American and African black unity has changed, and he feels the two groups are politically worlds apart.

6. CLEAVER renounces Marxism but adheres to the principles of socialism.

7. CLEAVER supports the concept that a strong military and police force are necessary for public safety.

8. CLEAVER is writing a history of the Black Panther movement to be called "Over My Shoulder".

9. CLEAVER expresses concern for "political prisoners" in the United States.

These transacriptions are furnished for information and reference purposes.

NY 157-6852

GHS:so
1

The following is a transcription of a tape recording made of a series of nine taped reports of an interview of ELDRIDGE CLEAVER. CLEAVER was interviewed in Paris, France, by "Group W News". The interview was conducted by a reporter for "Group W News" who identified herself as a radio news announcer, Reporter JANE FREEDMAN (PH) on dates not given in the reports, and the nine tape recorded reports were broadcast, over a five-day period, in groups of two per day, each group repeated three times daily, with the last group consisting of only the ninth report. They were broadcast beginning Monday, March 24, 1975, through Friday, March 28, 1975, over New York City, New York, radio station WINS (AM), and were recorded by SA [redacted] at New York City on the dates indicated. b6 b7C

Monday, March 24, 1975

(#1) Interviewer:

Former Black Panther ELDRIDGE CLEAVER, after more than six years in exile, three of them in Algeria, wants to return to the United States. In an interview in Paris, where he has been living with his wife and children, he told why.

CLEAVER:

Well, how are you? It's a beautiful day in Paris, how about that! I've been to America, I didn't want to leave, you know, I don't want to live in other countries. And, everything that I feel close to was there. My family is there and all that, you know.

Interviewer:

CLEAVER is trying to arrange a home-coming soon. In 1968, he was charged with default and his bail was revoked. Having spent a large part of his early years in prison, CLEAVER did not want to go back there. He still refuses pre-trial detention.

100-447251-

ENCLOSURE

CLEAVER:

The only thing I would accept is the minimum would be is that I would have to show up someday in court. And there if not reason for me to go to jail for the fact that jail is too big a price to pay for something you haven't done wrong, you know.

Interviewer:

CLEAVER says the charges were a frame-up. If he is given bail he will go back to stand trial. He says he wants to ba able to say that justice has been done. JANE FREEDMAN for "Group W News", Paris.

(#2) Interviewer:

ELDRIDGE CLEAVER, the once fiery Black Panther, now says the Black Panther movement is dead. I asked him whether he would revive it.

CLEAVER:

Heaven forbid! We are really being led to the radical part of our history. I would think of myself as a Black Panther now and I have no nostalgia for my old position, you see, with due pardon, so all of that is kind of a closed chapter.

Interviewer:

After six years in exile, CLEAVER says this is the time to think about the future. He now disavows violence and he is optimistic about the possibility for change in the United States and the future of a leftward movement. He feels Watergate was a strong factor.

CLEAVER:

In many of the criticisms of the formulations particular the general formulation of particularly the government and the status quo and we all now need I mentioned that has been forced down on the _____ of the American people by Richard Nixon. I think that many of our criticisms were proven by variety and can open the door for many more that have to be proven.

Interviewer:

CLEAVER hopes that once the internal problems in the United States are set straight, the country's foreign policy will change too. JANE FREEDMAN for "Group W News"- Paris.

Tuesday, March 25, 1975

(#3) Interviewer:

Absence has made the heart grow fonder. After more than six years in exile, ELDRIDGE CLEAVER wants to return home. He's not so critical of the United States any more.

CLEAVER:

I find myself becoming more discriminating as what bothers me about America and what doesn't bother me. In fact, I have a much healthier attitude because its good to like things in life and its good to love things, and there are some things about America I like and that I love.

Interviewer:

CLEAVER is sorry that the Black Panthers became fixated on the police and ignored other issues such as educational reform, housing, and the free breakfast program.

CLEAVER:

What went wrong with that the thing in question was the police, you see, and the minute that we touched that nerve with our particular approach we found that there wasn't enough time, and the best thing that we could do was to stop. We found ourselves in a very isolated situation with another war on our hands, you know, because people were being killed, you know.

Interviewer:

CLEAVER says the Panthers were learning from their own bitter experiences. He is writing a book on their history. JANE FREEDMAN for "Group W News", Paris.

(#4) Interviewer:

Six years in Algiers and Paris have changed former Black Panther ELDRIDGE CLEAVER, who has become a sort of liberal instead of a revolutionary. Once vehemently anti-Israeli CLEAVER's Middle-East views have moderated.

CLEAVER:

Our position was in sympathy with the Palestinian people. We felt the Palestinian people as being victimized by the process that has unleashed in the Middle East. Nothing has happened to change that, but what has happened is that we have a better understanding if we can use that word in terms of the situation of the Middle Eastern problem. We know more now about the activities of other governments that are involved, so its much more complicated than we once thought it was.

Interviewer:

Today CLEAVER believes the victims, the Jews and the Palestinians are being sold down the river by Henry Kissenger's personal diplomacy which he feels is placating governments not people.

CLEAVER:

He is primarily interested in working out a deal that will be satisfying to Egypt and Syria. This is his primary concern. If he could satisfy Egypt and Syria, he doesn't even want to talk to the Palestinians, see what I mean.

Interviewer:

CLEAVER believes the Middle East agreement should be ultimately reached and that the Arab Government should recognize Israel. JANE FREEDMAN for "Group W News", Paris.

Wednesday, March 26, 1975

(#5) Interviewer:

For a long time, Black Panther ELDRIDGE CLEAVER believed in an international movement based on solidarity between American Blacks, Algerians, and Black Africans. After three-and-one-half years in Algeria, CLEAVER has changed. Looking back on his experiences, he has concluded that the Black African movement is dead.

CLEAVER:

Beyond that all kind of cultural chasms, which I don't care to go over or conceal any fact, and that's one thing so that, I felt as distant from some Africans than I felt from, say some people in Asia. That whole thing just didn't stand up too heavy. Politically, you see, politically we are a world apart.

Interviewer:

Today CLEAVER feels more American than before.

CLEAVER:

I have a sense of identity now that I am very happy with, because its kind of firm, you know. I'm proud and happy to be an American, you know.

Interviewer:

CLEAVER wants to come home and is ready to stand trial on a 1968 charge of default with the intent of murder. He says he is not guilty. JANE FREEDMAN for "Group W News", Paris.

(#6) Interviewer:

During more than six years of self-imposed exile from the United States, Black Panther ELDRIDGE CLEAVER visited a large number of Communist countries. His rhetoric was once considered Marxist-Leninist. But today, he is no longer pro-Russian.

CLEAVER:

Talking to the Russians, you know, I realize that they would prefer for the United States to cease to exist, you know what I mean, I thought that it would be unacceptable, you see, and I feel that they were actually capable of not _____(tape missed) at the time_____(tape missed) _____(tape missed) United States.

Interviewer:

CLEAVER says he hasn't done any intellectual flip-flops, as he calls them, he says he has refined his opinion. He believes Marxism is no longer relevant, and he says we should apply what he calls the universal prinicples of socialism to America's needs, her situation, and in all particular history. He is optimistic that the country can solve its problems. JANE FREEDMAN for "Group W News", Paris.

NY 157-6852

7

Thursday, March 27, 1975

(#7) Interviewer:

It might be shocking to Black militants but Black Panther ELDRIDGE CLEAVER now believes in the need for a strong military and a domestic police force to guarantee public saftey, with reservations of course. During an interview in Paris, he said this about career soldiers.

CLEAVER:

These people are not there to be pigs, or to destroy America or to _____the Constitution, these people actually are responding to like the highest ideals of the public, really.

Interviewer:

CLEAVER doesn't believe Americans are consciously colonialists. He feels the government has used the American military in an evil way. He has undergone the same kind of transformation where the police are concerned.

CLEAVER:

The function of public safety is definitely some thing that must be dealt with We must have that. And no civilized community can sit on its hands and do nothing about people who go out ripping people off, you see.

Interviewer:

CLEAVER feels the police should not be used by the powers that be for their own political aim. JANE FREEDMAN for "Group W News", Paris.

(#8) Interviewer:

Living in exile has not been easy for ELDRIDGE CLEAVER, the 39-year-old former Black Panther. When he fled from the United States, the Government blocked his bank account so he never received royalties from his best seller, "Soul on Ice". Today, ELDRIDGE CLEAVER says he's living from hand-to-mouth in Paris with his wife and two children, and he's bitter about it.

CLEAVER:

I have no money and I have no paper, and I really can't go anywhere. I'm not American anymore. I have a _____which was put on me by the _____and he declared me to be a killer, of no career, of no enemies, and a Red Chinese. And anyone that would give me any money directly or indirectly will be guilty about it in the trade in with the enemies act.

Interviewer:

CLEAVER is now writing another book called, "Over My Shoulder" . It starts when he got out of prison in 1966 and chronicles the history of the Panthers. But CLEAVER is having editorial and financial disputes with his current publisher, "Viking", and has apparently broken the contract. CLEAVER is philosophical about his experiences in exile. He says exile has been a fortifying element for him. He has concluded that mankind is less grand than he once thought. He is still okay says CLEAVER, but he is less grand. JANE FREEDMAN for "Group W. News", Paris.

Friday, March 28, 1975

(#9) Interviewer:

After six years in self-imposed exile, former Black Panther ELDRIDGE CLEAVER, now 39, is hoping and planning to return to the States. His lawyers are trying to get his bail restored so he will be free awaiting trial. He has been accused of assault during a confrontation between police and Panthers in Oakland, seven years ago. Meanwhile, CLEAVER is thinking about what he will do after his trial.

CLEAVER:

The one thing that really bothers me which I want to do something about, is the problem of political prisoners, you know, like people who are imprisoned in the United States for really the same thing that I went out of the country for, you know what I mean; it was all part of the same process. For all those people still in prisons I want to do something to help you come out, because I think they were framed up and kind of railroading through the prison system by a government who was just trying to destroy an organization.

Interviewer:

CLEAVER also wants to get to the truth behind the murder of Panther FRANK HAMPTON killed by police during a pre-dawn raid on his Chicago apartment in 1969. He believes in the post-Watergate atmosphere perhaps the truth will come out. JANE FREEDMAN for "Group W News", Paris.

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

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FBI

Date: 5/6/75

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

Via AIRTEL AIRMAIL (Priority)

TO: DIRECTOR, FBI (100-447251)

FROM: SAC, SAN FRANCISCO (88-12329) (P)

RE: LEROY ELDRIDGE CLEAVER aka - FUGITIVE
I.O. # 4239
WF # 447
RM - BPP; UFAC - ASSAULT WITH INTENT TO COMMIT MURDER; THREAT AGAINST PRESIDENT OF U. S.

00: SF

Re SF Airtel & LHM to Bu, 4/2/75 and Legat, London Airtel to Bu, 3/27/75, [redacted]

(S)

Enclosed for Bureau are 6 copies of LHM concerning captioned Subject's current residence for dissemination to Legat, London.

b1

(S)

[redacted]

EX-101 REC-59 100-447251-1278

The enclosed LHM concerns captioned Subject's residence only. However, Bureau should note that San Francisco has alerted extremist informants for the Subject's possible return to U. S. in view of his recent statements during interview that he plans to return to U. S.

4cc enc Legat London 107
CEK: cde

ENCLOSURE

MAY 8 1975

2 - Bureau (RM) (encs. 6)
2 - San Francisco
AWB:ay
(4)

SECRET

FUGITIVE

b6
b7C

70 JUN 4 1975

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

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

~~SECRET~~

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

San Francisco, California

May 6, 1975

In Reply, Please Refer to File No.

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~~CONFIDENTIAL~~

LEROY ELDRIDGE CLEAVER

(S)

b1

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AUTHORITY DERIVED FROM:
FBI AUTOMATIC DECLASSIFICATION GUIDE
EXEMPTION CODE 25X(6)
DATE 10-06-2008

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~~Date of Declassification Indefinite~~

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105-147251-218

ENCLOSURE

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0-19 (Rev. 1-30-74)

Assoc. Dir. ____
Dep. AD Adm. ____
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Director Sec'y ____

Cleaver Seeks ...

Return Date

NEW YORK, May 7 (UPI) — Expatriate Eldridge Cleaver, onetime leader of the militant black movement in the United States, said today he would like to return to the United States no later than the Fourth of July on the 200th anniversary of our country.

Cleaver, living in Paris, said on 60 Minutes (CBS) that "we can solve our problems without fighting a war of liberation, simply because the system itself has reacted to the pressure that was brought upon it."

Cleaver jumped bail in connection with a shootout in Oakland, Calif., and fled to Cuba and Algeria before settling in Paris. He says he is ready to stand trial for the Oakland incident but believes "I have a right to come back without going to trial. And I'm going to do everything I can to be able to [illegible]

VG

File

b6
b7C

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DATE 10-06-2006 BY 60322/UCLRP/PG/EHL

100-447251-A-

NOT RECORDED

182 AUG 5 1975

The Washington Post A6
Washington Star-News ____
Daily News (New York) ____
The New York Times ____
The Wall Street Journal ____
The National Observer ____
The Los Angeles Times ____

Date 5/19/75

7261

AUG 18 1975

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20537

671f 5-21-75

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CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
Police Department Los Angeles California	Leroy Eldridge Cleaver, Junior #5348 ~~W 10~~	October 31, 1952	suspicion Narcotic Act felony delinquent	2-1,3
Sheriff's Office Los Angeles California	Leroy Eldridge Cleaver, Junior #B-245360	November 5, 1952	"700 M WIC"- Narcotics	released to custody of Preston School of Industry Ione California
Police Department Los Angeles California	Leroy Eldridge Cleaver, Junior #227400	February 13, 1954	suspicion Narcotic Act (felony)	State Prison "D45" June 9, 1954 (Cs162601) on charge of suspicion 11500 Health and Safety
Sheriff's Office Los Angeles California	Leroy Eldridge Cleaver, Junior #B-245360/ B-305651	February 16, 1954	possession of narcotics "(M)"	released to custody of California Institution for Men Chino California
California State Bureau	Leroy E. Cleaver #A-29498	June 18, 1954	possession narcotics (11500 Health and Safety Code	6 months to 10 years. December 3, 1956 paroled June 12, 1963 paroled

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100-447251-1

NOT RECORDED
21 MAY 28 1975

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Bufile # 100-447251

57 JUN 4 1975

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UNITED STATES DEPARTMENT OF JUSTICE
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CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
Police Department Los Angeles California	Leroy Eldridge Cleaver, Junior #LA 227 400 C	November 3, 1957 November 4, 1957	suspicion assault with intent to murder violation State Parole	State Prison concurrent concurrent with unexpired parole time, Count 6, 7 Not Guilty "D44" March 11, 1958 "Cs 196660" Fine guilty assault with a deadly weapon/ intent murder (Count 2 3) Found Guilty assault with a deadly weapon (Count 4, 5 8.)
Sheriff's Office Los Angeles California	LeRoy Eldridge Cleaver #B-245360/ B-515769	November 6, 1957	assault with intent to commit murder assault with intent to commit rape (2 counts) and assault with a deadly weapon (2 counts)	released to custody of California Institution for Men Chino California
State Bureau Sacramento California	Leroy Eldridge Cleaver #A-29498-A	March 20, 1958	Parole Violator (assault with intent to commit murder 4 counts and assault with a deadly weapon with prior felony conviction pled and proven each count, all concurrent and concurrent with present term)	6 months to 14 years 4 counts and 6 months to 10 years all concurrent and concurrent with present term December 12, 1966 paroled

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CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
Police Department Sacramento California	Eldridge Cleaver #S-14017	May 2, 1967	182.1 Penal Code Black Panther	released per District Attorney no complaint Enroute California State Parole released from custody both on May 3, 196'
Police Department Oakland California	Elridge Cleaver #200160	April 7, 1968	3 counts 187 Penal Code (attempted murder)	4-25-68 Discharged
California State Bureau	Leroy E. Cleaver #A29498A Residence: Vacaville, California	April 7, 1968	Parole Violator	To finish term
Sheriff's Office Oakland California	Eldridge Cleaver #68-4065 Business Address: San Francisco, California	April 10, 1968	217 Penal Code 3 counts and prior (assault with intent to kill)	dismissed and turned over to 68-4563
Sheriff's Office Oakland California	Elridge Cleaver #68/4563 Business Address: San Francisco, California	April 25, 1968	attempted 187 Penal Code 2 counts and 245B Penal Code 2 counts	

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3

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CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
Sheriff's Office Fairfield California	Leroy Eldridge Cleaver #68975	June 12, 1968	3 counts 187 Murder Warrant 3 counts 245b Penal Code assault with deadly weapon warrant	
	Residence: 850 Oak Street		San Francisco California	

Notations indicated by * are NOT based on fingerprints in FBI files but are listed only as investigative leads as being possibly identical with subject of this record.

IDENTIFICATION DIVISION

4

5

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CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
	WANTED: Leroy Eldridge Cleaver for PV Notify Reg Admin Par & Comm Serv Div Room 2040 Ferry Bldg San Fran Calif Att: Rec Off inf rec 12-3-68			
	WANTED BY FBI: Leroy Eldridge Cleaver, aka, Eldridge Cleaver, Leroy Eldridge Cleaver Jr. for Interstate Flight-Assault with intent to commit murder per IO #4239 issued 12-18-68 CAUTION: CLEAVER ALLEGEDLY HAS ENGAGED POLICE OFFICERS IN GUN BATTLE IN THE PAST. CONSIDER ARMED AND EXTREMELY DANGEROUS.			
	WANTED: Leroy E. Cleaver, for Parole Violation Case #A29498 date warrant/escape 4/21/75 Notify Adult Authority Parole Advisor Board Sacramento, California inf rec 4/23/75			

5

1-4d (Rev. 5-

1 -BU

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
IDENTIFICATION DIVISION
WASHINGTON, D. C. 20537

671f 5-21-75

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CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
	ADEX FLASH: Leroy Eldridge Cleaver, Any information or inquiry received refer one copy of record to IS-2 Intelligence Division and two copies to BFD San Francisco File #100-55520 Bu file #100-447251 information received 6-2-67, Alias: Eldridge Cleaver WANTED BY BUREAU: Leroy Eldridge Cleaver aka, Eldridge Cleaver for UFAC-Assault with intent to commit murder Rape, Assault with deadly weapon parole violator Fug Index #132571 Bu File #100-447251 O.O. San Francisco inf rec 12-12-68 CAUTION: ARMED AND DANGEROUS			
CC: IS-2 Intelligence Division CC: FBI San Francisco				

THIS PAGE SHOULD NOT BE DISSEMINATED OUTSIDE FBI.

1-4d (Rev. 5-

2 -BU

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
IDENTIFICATION DIVISION
WASHINGTON, D. C. 20537

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CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
	Additional information has been added currently to record.			

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

UNITED STATES GOVERNMENT

Memorandum

SECRET

CONFIDENTIAL

TO : Director, FBI (100-447251)

DATE: July 16, 1975

EXEMPTED FROM AUTOMATIC DECLASSIFICATION AUTHORITY DERIVED FROM: FBI AUTOMATIC DECLASSIFICATION GUIDE EXEMPTION CODE 25X(6) DATE 10-06-2000

FROM : Legat, Paris (88-256) (P)

SUBJECT: LEROY ELDRIDGE CLEAVER, aka - FUGITIVE
I.O. #4239; WANTED FLYER #447
RM - BPP; UFAC - ASSAULT WITH INTENT TO COMMIT
MURDER; THREAT AGAINST THE PRESIDENT OF USA

(S)

(S) [redacted] b1

The Special Consular Services (SCS), American Embassy, Paris, has advised that telephonic inquiry was received from one [redacted] (phonetic), reportedly a Washington, D. C. attorney, who allegedly is representing CLEAVER in his attempt to return to the United States. SCS advised that [redacted] requested information concerning the identity of officials of the U. S. Department of Justice and the Office of the Attorney General for the State of California whom he might contact to negotiate the return of CLEAVER to the United States. No information is currently available to SCS which would indicate that further efforts have been made by [redacted] to arrange the return of CLEAVER. b6 b7C

ST-117 REC- 13 100-447251-1279

(S) [redacted] b1

SECRET

CONFIDENTIAL

5 JUL 21 1975

4 - Bureau
(1 - Foreign Liaison Unit)
(1 - San Francisco)
1 - Paris
MGZ:CAK
(5)

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EXEMPTION CATEGORY #1
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5010-108