

~~CONFIDENTIAL~~

Attacker:

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b7c

RECORDED - 63
Mr. William P. Rogers (original and one)
Deputy Attorney General

July 20, 1955

Director, FBI

CONGRESSMAN ROBERT C. BYRD
MISCELLANEOUS - INFORMATION CONCERNING
(ESPIONAGE)
FBI

A source which has furnished reliable information in the past has advised that the Soviet Embassy has been contacted by the office of Congressman Robert C. Byrd of West Virginia to obtain a visa application so that the Congressman can visit the USSR.

It is requested that dissemination of the above information be limited, and that if disseminated, adequate measures be taken to protect our source, which involves coverage of the Soviet Embassy, Washington, D. C.

65-30092

cc - 1 - Assistant Attorney General
William F. Tompkins

RECEIVED
JUL 21 1955
FBI

RECEIVED
JUL 29 1955
FBI

ORIGINAL FILED IN 65-30092

Tolson _____
Boardman _____
Nichols _____
Belmont _____
Harbo _____
Mohr _____
Parsons _____
Rosen _____
Tamm _____

CWP:gms

(5)

~~CONFIDENTIAL~~

MAILED 2

JUL 28 1955

AIRTEL

FBI WASH FIELD

7/21/55

DIRECTOR, FBI (65-30093) DEFERRED

SODAC, WASHINGTON, D. C., IS - R.

On 7/20/55 [redacted]
[redacted] Congressman ROBERT C. BYRD of West Virginia,
asked [redacted] the Soviet Embassy to see that
forms for a visa application are sent to the Congressman.

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Later on the same date, [redacted] an
unidentified man from the Office of Congressman ALBERT DAVID
BAUMHART, JR., of Ohio, advised [redacted] that he had
two constituents in his office today who want to get Russian
visas in order to establish trade there.

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Later on the same date, [redacted] a
Secretary from the Office of Congressman THOMAS J. DODD of
Connecticut, called [redacted] to find out how the
Congressman should go about applying for a visa to the Soviet
Union.

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On 7/21/55, [redacted]
[redacted] volunteered the information to SA [redacted]
that the following members of Congress have applied or will be
applying for Soviet visas to visit the USSR in the coming weeks:
Senator and Mrs. WILLIAM A. PURTELL of Connecticut; Senator and
Mrs. GEORGE W. MALONE of Nevada; Senator ALLEN J. ELLENDER,
SR., of Louisiana; Representative JOHN J. RHODES of Arizona;
Representative PATRICK J. HILLINGS of California, and [redacted]
[redacted] Secretary to Congressman HILLINGS; and
Congressman ROBERT C. BYRD of West Virginia. [redacted] further
advised that he knows that members of the office staffs of some

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LEW:jcr
(4)

105-16597

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NOV 10 1955

105-16597

PAGE TWO

of the above officials have visited the Soviet Embassy in Washington in connection with obtaining the necessary visas for such travel but he does not know their identities or the specific dates on which such visits to the Soviet Embassy were made. [redacted] requested that his name be kept confidential in this matter [redacted]

[redacted] Foregoing
for info of Bureau. No investigation contemplated by WFO.

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LAUGHLIN

47
sub

United States Senate
December 27, 1962

1421
(MC)

Respectfully referred to
Congressional Liaison
Federal Bureau of Investigation
Department of Justice

Washington 25, D. C.

for such consideration as the communication
herewith submitted may warrant, and for a report
thereon, in duplicate to accompany return of
inclosure, with particular reference to
any available information on the
organization listed as supplier of leaflet.
By direction of

J

Robert C. Byrd
Robert C. Byrd, U. S. S.

GPO 16-7132-1

RCB:mmm

Re: Correspondence from the Reverend
 Hurricane,
West Virginia.

4 to be returned
ENCLOSURE
Re: 1/3/63

ATTACHED

EX-105

REC-58

13 DEC 31 1962

53 JAN 18 1963

more
De Jozak
1-2-63
QH/psv

CONFIDENTIAL

2-CEE/101-07

READING COPY

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-15-2010 BY 60324 uc baw/sab/lsg

December 20, 1962

Bro. Byrd:

I am writing in regard to the inclosed pamphlet on
"Destruction of this Republic Plotted". I would like
to hear from you on the matter. I am [redacted]
son. We live between Charleston and Hurricane, known
as Teays Valley. [redacted]

[redacted] This plot in my opinion should be closely
considered. I was converted under Bro. [redacted] at
Ansted, W. Va., I am a very close friend of Rev. [redacted]

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[redacted] Bro. [redacted] I was born at Coal City, W. Va.
The reason I told you about my friends are, and the place
of conversion and birth so you would know who I am. All
the information you give me will be held confidential.
Please let me hear from you so I will know what to do.

Sign:

[redacted]

Address:

[redacted]

Hurricane, W. Va.

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EXCERPS FROM THE BOOK

Destruction of this Republic Plotted

The Treasonable Fourth Degree Oath of the Knights of Columbus
By Burke McCarty

FOR EXTRA COPIES WRITE:
The Challenger
Box 1
Finleyville, Penna.

Price 10 cents each or
25 for \$1.00

ROMAN CATHOLIC OATHS

We print the Oaths or "Obligation" of the Knights of Columbus and shall dissect it with our knowledge and interpretation, and will say that no statement contained in this pamphlet, has ever been questioned or denied in our knowledge, by any of the Knights of Columbus. We print it in full as it is given on page 13 of the "Knights of Columbus vs Criminal and Malicious Bigotry" pamphlet issued by the Supreme Board, K. of C., Nov., 1914, as follows;

- "I swear to support the Constitution of the United States.
- "I pledge myself as a Catholic Citizen and Knight of Columbus to enlighten myself upon duties as a citizen and to conscientiously perform such duties entirely in the interest of my country and regardless of all personal consequences.
- "I pledge myself to do all in my power to preserve the integrity and purity of the ballot and to promote reverence and respect for law and order.
- "I promise to practice my religion openly and consistently, but without ostentation, and to so conduct myself in public affairs and in the exercise of public virtue as to reflect nothing but credit upon our Holy Church, to the end that she may flourish and our country prosper to the greater honor and glory of God."

(Supreme Council seal.)

Signed...Wm. J. McGinley
Supreme Secretary

IN ORDER TO GET the real significance of the above oath one must try to understand the Roman Catholic psychology. We must also endeavor to learn the SINCERITY with which the Oath is taken; in other words, HOW IT WORKS OUT WHEN CARRIED TO FINAL ANALYSIS.

TO BEGIN WITH, bear in mind that the Roman Catholics claim that America belongs to them by the RIGHT OF DISCOVERY. That Christopher Columbus was a Roman Catholic, his expedition was financed by the Roman Catholic King and Queen of Spain. The Children in the Catholic schools are told that this country really should be called COLUMBIA.

THE K. OF C. are the MILITANT ARM of the papacy to recover America for the "HOLY Mother Church". You notice the OATH says: I pledge myself as a CATHOLIC CITIZEN...he does not pledge himself as an AMERICAN CITIZEN...the two are as far apart as the poles; as far apart as the confessional box and the ballot box.

THE KNIGHTS OF COLUMBUS does not have to guess what his duties are as a CATHOLIC citizen. He has had this impressed upon him from the cradle up, in the parochial school, from the pulpit, and through the confessional. And now let us see what this OATH means.

CHIEF DUTIES OF A CATHOLIC CITIZEN

THE POPE, of course, is the highest authority. The Pope usurps the authority of God. He speaks to the Catholic laity through his encyclical letters. Leo XIII, when speaking of himself, capitalizes, the same as the Deity. "We" and "Our" is the way it is written. The kind of obedience Catholics must render to the Pope is explicitly given by him in his "Great Encyclicals," page 193, which says:

"Union of minds, therefore, requires together with a perfect faith, complete submission of the will to the Church and to the Roman Pontiff as to GOD HIMSELF."

Therefore when Leo XIII or John XXIII sent his encyclical out as the "Chief Duties of a Catholic Citizen," it was a COMMAND which was to be obeyed as coming from God HIMSELF. This command is reflected in the above Oath, as you will see.

"The chief element of this duty (Catholic citizen) consists in openly professing unflinchingly the Catholic doctrine and in PROPAGATING IT TO THE UTMOST POWER." See Great Encyclicals, page 189.

The Pope does not say, "Your chief duty as a Catholic citizen is LOYALTY TO THE COUNTRY of which you are a native. No, sir; a Catholic citizen's chief duty is to openly profess his faith and to "propagate that faith to its utmost"

NOW, THE ABOVE OATH, "I promise to practice my religion openly and consistently...to reflect nothing but credit upon our Holy Mother Church" WHY? "that she may flourish." is all in perfect accord with what they learned as the chief duty of Catholic citizens.

YOU WILL NOTICE the complacency with which this Fourth Degree oath assumes participation in PUBLIC AFFAIRS and PUBLIC virtue. If you will take the trouble to look into it, you will find the Catholics in official positions are Knights of Columbus. They are the ones whom the Church has groomed to conduct public affairs in this THEIR country...Columbia (America). They are the ones whom the Pope has directed to conquer America. The USA is the only country where the papacy HAS A COMPLETE AND SATISFACTORY COOPERATION WITH THE STATE!

THE PACE TO MAKE AMERICA CATHOLIC QUICKENS

IN THE WHITE HOUSE.....John F. Kennedy.....Roman Catholic
ATTORNEY GENERAL.....Robert Kennedy.....Roman Catholic
VICE PRESIDENT.....Lyndon B. Johnson...The first American to receive the Grand Cross of Merit from the Roman Catholic Order of Malta, (Los Angeles CITIZEN NEWS, Oct. 14, 1961.
SENATE....M. J. Mansfield Maj. Leader.....Roman Catholic
House of Rep....J. W. McCormack.....Probably the next Speaker of the House. Roman Catholic, with many awards for 'service to Church'.
DIRECTOR OF PEACE CORPS...R. S. Shriver, Jr., Roman Catholic and brother-in-law to John F. Kennedy. (The Peace Corps. is merely a Roman Catholic Front abroad.)
PRESIDENTIAL AIDE.....Larry O'Brien....Roman Catholic, got his political beginnings with such smooth-tongued Irishmen like James M. Curley, David Walsh; now Special Assistant for Congressional Relations...He sees to it that Kennedy's Administration Programs become public law. Time 9-1-61.
DIRECTOR OF THE C.I.A.....John M. McCone....Very, very much Roman Catholic, close friend of Cardinal McIntyre, and the pope. (Central Intelligence Agency...responsible for Cuban Fiasco.
PERSONAL REPRESENTATIVE TO
THE VATICAN.....Thomas K. Finletter.....AP News, Nov., 1961...John Kennedy makes contact with Pope John the XXIII ..the very thing he promised not to do.

THAT "I swear to support the Constitution of the United States" cannot be taken literally and sincerely by the members of this Roman organization as AMERICAN Citizens. That must be taken if taken at all...with mental reservation. "I swear to support the Constitution of the United States until such time as we are in a position to change it and make it in KEEPING WITH OUR HOLY MOTHER CHURCH."

FOR INSTANCE, Romanists are commanded by the Church to not only participate in public affairs, but to 'endeavor above all, to introduce effectual measures, so that as becomes a Catholic people, PUBLIC PROVISION MAY BE MADE FOR THE INSTRUCTION OF YOUTH IN RELIGION and true morality.'" (Great Ency., page 130L

WHEN CHURCH AND STATE CONFLICT

THESE ROMAN CITIZENS, When the laws of the State conflict with the laws of the "Holy Mother" church, are oath-bound to support the Church...regardless of personal Consequences. The Pope tells them:

to live for. Left to himself, nothing else on earth could have induced such a man to lie in waiting like a common criminal, with three others of his kind, to spring upon an innocent victim he did not even know by sight, meet him with a friendly innocent smile and greeting, enter the room of a stranger, and in a most cowardly wanton way do him to death.

WILLIAM BLACK well knew, as every other ex Romanist knows, that he was a target; a 'marked man'. when he took upon himself this mission. The fact that he was armed, and the fact that he felt it necessary to carry as a body guard a man who was an expert shot with him, shows that William Black knew the Jesuit oath on the Congressional records, and what it involved. Every ex-Catholic knows it.

COPELAND, A BANKER, was another dupe who took this oath to obey, 'regardless of all personal consequences.' He himself was wounded almost to death. He, too, lay in waiting for the victim in this modern, up-to-date hotel corridor. It was their Roman oath as 'Catholic citizens' which impelled these Knights of Columbus to their dastardly act.

THIS JESUIT OATH which the priest in the Knights of Columbus may take is the same, and it works out just the same. The names under which it masquerades change... Cammorist, Black Hand, clan-Na-Gaels, Knights of Columbus, Fenian, Ancient Order of Hibernians, Molly McGuires or Sinn Feins, it is identically the same.

THEIR MEMBERS will swear in court, when arraigned, that "they take no such oath," just as did the Clan-Na-gaels in the Cronin trial, and the Knights of Columbus in the Mankato Journal trial. Just as did the Molly McGuires. The facts, however, belie their statements.

IN SUMMING UP I WILL SAY IF THE KNIGHTS OF COLUMBUS DO NOT TAKE THE ALLEGED OATH ON THE CONGRESSIONAL RECORD, FEB. 15, 1913 their priests may do so and the members obey them.

That this short Oath as recorded in the beginning of this article was written to suit the occasion there is no doubt....it is a camouflage. "I swear to support the Constitution of the United States" hides the JOKER of their CATHOLIC CITIZENSHIP. In short, it was cooked up to deceive and to offset the claim that they took the "alleged oath" in the Congressional Record.

THE FOLLOWING IS FROM COL. HARRIS'S BOOK, THE "HISTORY OF A GREAT CONSPIRACY" 1892, Pgs. 372-373.

Booth (the murderer) was in New York Nov. 11, 1864...on that day Booth had a letter in his possession which he accidentally dropped in a street car in the presence of Mrs. Husdpeth, the witness, who delivered it to Major General Dix the same day, and by whom as his letter was on file before this court shows, the same was transmitted to the War Dept., Nov. 17, 1864. That this letter contains these words:

"Dear Louis (Booth): The time has at last come that we have all so wished for, and upon you everything depends. As it was decided, before you left, we were to cast lots, we accordingly did so, and you are to be the Charlotte Corday of the nineteenth century.

When you remember the fearful vow that was taken by us, you will feel there is no drawback. ABE must DIE, and NOW. You can choose your weapons...the cup, the Knife, the bullet. The cup failed once, and might again. Johnson, who will give this has been like an enraged demon since the meeting, because it has not fallen upon him to rid the world of the monster...You know where to find your friends. your disguises are so perfect and complete that without one knew your face no police telegraphic dispatch would catch you...

Strike for your home, strike for your country; bide your time, but strike sure...

Charles Selby

(Does not the above sound like they had taken the Jesuits oath?)

The following was taken from 'Southey Common Place Book', third series. (Reprinted in the Methodist Magazine, 1804).

After the battle of Ross (In Ireland) the following oath was found in the pockets of the Slain:

"I, A. B. do solemnly swear by our Lord Jesus Christ, who suffered for us on the Cross, and by the blessed Virgin Mary, that I will burn, destroy and murder all heretics, up to my knees in blood, so help me God."

FOR EXTRA COPIES WRITE: The Challenger, Box 1, Finleyville, Penna

PRICE: 10 cents each or 25 for \$1.00



"But if the laws of the State are manifestly at variance with the divine law, containing enactments hurtful to the Church, or conveying injunctions hurtful to the duties imposed by religion, or if they violate them in the person of the Supreme Pontiff, the authority of Jesus Christ, THEN TRULY TO RESIST BECOMES A POSITIVE DUTY, TO OBEY A CRIME." Page 185.

NOW, WE MUST remember that the prerogative the Church Claims as its own sphere of action includes the right to MAKE LAWS and the EDUCATION OF YOUTH, as follows:

"To exclude the Church founded by God Himself from the business of life, from the power to make laws for the education of youth, is a grave and fatal error." Page 124.

THIS EXPLAINS THE PERSISTENT and harrasing attacks upon our Public School, contempt for our civil marriage and divorce laws; denial of public inspection of Roman institutions; flagrant violations of State and Federal Constitutions by illegal appropriations of public money to these sectarian institutions; special privileges received through intimidating or bribing unprincipled politicians and legislators.

A CAREFUL INVESTIGATION of the above facts will disclose the demoralizing effect of the subtle Jesuit system of bribery and also the peculiar and dangerous psychology of this organization known as the Pope's Militia in America...The Knights of Columbus.

ASSASSINATION OF THE REV. WILLIAM BLACK? EX ROMANIST...CONFESSION OF GUILT

WILLIAM BLACK WAS enroute to Santa Cruz, Calif., where he was to testify in a libel suit brought against the Editor of a Socialist paper in that city who had made a specific statement that the murderous Fourth Degree Oath on the Congressional Record was true and had been taken by (Black) who would testify that he as a FOURTH DEGREE KNIGHTS OF COLUMBUS HAD TAKEN THE OATH.

IN MY OPINION IF THE "alleged" oath is not true then for the good of the order of the Knights of Columbus, they should have appointed a committee to escort William Black in safety to Santa Cruz and allowed him to go on the witness stand and give his testimony in full and thereby settle forever this question about their fourth degree oath.

BLACK WOULD HAVE been compelled to have given all the facts pertaining to his initiation, into the Knights of Columbus, residence, date, credentials, etc., etc.

.....BUT THE FACT THAT Fourth Degree Members of the Knights of Columbus or Marshall, Texas, on February 14, 1914, "extirpated" William Black "BY THE LEADEN BULLET," thereby preventing said Black from testifying in the Santa Cruz libel case clinches the contention and is a full, complete confession of guilt to the mind of the writer beyond the peradventure of a doubt.

WHEN THE COMMAND TO assassinate William Black, "Apostate" Catholic, heretic, and MASON, by the "leaden bullet," fell to the lot of the lay members of the Knights of Columbus at Marshall, Texas, it was obeyed to the letter, "regardless of all personal consequences."

TELEGRAPHIC DISPATCHES INFORMED us that at the preliminary hearing of the murderers of Black it was brought out that their priest, "Father" Granger, was present at several secret meetings of the Knights just prior to and during Black's presence in Marshall.

THE KNIGHTS OF COLUMBUS who committed that dark deed were not the common Roman thug or hoodlum type which generally makes up the "wrecking crew" of the papacy.

THEY WERE EDUCATED, prominent, wealthy citizens; men of families; men who could not have had any personal grievance or animosity toward this American citizen, William Black. He was a stranger to them and they had to ask him "Are you Mr. Black?"

As American citizens these four men could have not had no personal grievance with William Black, nor against the constitutional rights of free speech and liberty of conscience which William Black insisted upon exercising.

BUT AS "CATHOLIC" citizens, which means citizens of the Pope of Rome, the "chief duty" is to render obedience to that individual as "to God himself," to obey his orders which came down to them through their Archbishops, bishops and priests; they had no choice. They had to carry out the command of the black-robed members of the Knights of Columbus and their oath by the "leaden bullet".

"REGARDLESS OF ALL personal consequences." Let us scan what that meant in this case.

JOHN ROGERS, whose duty it seems in this case was to spring at Black and pinion his arms before he had an opportunity to get his gun, while the other three "Catholic" citizens opened fire in their victim, was himself shot to death, and his body fell over that of the first martyr in this great battle for Human Rights in the United States.

JOHN ROGERS was a happily married man, the husband of a loving wife, and the father of eight children. He was up to that time a prominent, wealthy, respected citizen, with everything

ROBERT C. BYRD
6TH DISTRICT, WEST VIRGINIA

Room 1441
NEW HOUSE OFFICE BUILDING
WASHINGTON 25, D. C.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-15-2010 BY 60324 uc baw/sab/lsg

Congress of the United States

House of Representatives

Washington, D. C.

January 10, 1958

J. Edgar Hoover, Esq.
Director
Federal Bureau of Investigation
United States Department of Justice
Washington 25, D. C.

Dear Mr. Hoover:

Allow me to express to you and to Mr. G. A. Nease the sincere appreciation of myself and of my constituents, [redacted] Lester, West Virginia, for the prompt and courteous assistance of the Bureau in the matter of [redacted] daughter, [redacted]

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b7C

[redacted] has written to express his gratitude for the call made on him by the local F.B.I. agent and for his advice.

Thank you very much indeed for this service.

With kind regards.

Sincerely yours,

Robert C. Byrd
Robert C. Byrd, M. C.

RCB:vy

cc: [redacted]

b6
b7C

162-1-13-1
NOT RECORDED

145 JAN 14 1958

INITIALS ON ORIGINAL

57 JAN 20 1958

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 2-17-60

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Pages 2368-2388, 2392-2406, the Senate continued its consideration of H. R. 8315, directing the Secretary of the Army to lease certain property in Missouri for school purposes. Several amendments have been offered to this bill in connection with civil rights. Pages 2371 and 2372, Senator Ervin, (D) North Carolina, and Senator Russell, (D) Georgia, commented on the question as to whether there is a need for additional civil rights legislation. Mr. Russell stated "It is not that the people can point to places where enforcement of the existing laws has broken down, unless it be due to negligence of the Department of Justice. It is simply due to the fact that there is no political mileage in undertaking to enforce the adequate existing laws." Mr. Ervin stated "Sometimes, I say with regret, men who hold public office do things in this connection which are unworthy of the offices which they occupy. Let me be specific. In 1957 the then Attorney General of the United States, Mr. Herbert Brownell, came before our committee. Basing his statements upon alleged FBI reports which he refused to allow members of the committee to see, he charged that it was necessary to enact a civil rights act setting up new election machinery for the entire country, because in 3 voting precincts out of approximately 2,200 or 2,300 in my State of North Carolina, some few Negroes had been denied the right to register and vote." On pages 2387 and 2388, Senators Byrd, (D) West Virginia, and Long, (D) Louisiana, discuss certain provisions of civil rights legislation. Mr. Byrd advised that "While the legislation is likely to be concentrated upon the issue of voting rights, I believe that it is highly important that antibombing and antilynching provisions be included." He cites several bombing incidents stating "we cannot be sure that these terrorist actions are the results of foreign influence, but the pattern is much like the method of operation in certain foreign countries. This possibility, of course, adds to the necessity of providing the FBI with power and authority to initiate the investigation of bombing incidents, and the ultimate right of Federal prosecution of the culprits."

Original filed in: 66-17-1-117

Robert C.


58 MAR 2 1960

In the original of a memorandum captioned and dated as above, the Congressional Record for 2-16-60 was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

62-102432-
NOT RECORDED
117 MAR 1 1960

Memorandum to the Director
Re: The Congressional Record

Mr. Long questions Mr. Byrd as to whether legislation is needed since most bombings can be handled by local police. Mr. Long stated "I happen to know that a great many sheriffs have been trained in the FBI school, and have available to them everything the Federal Government has. When they are on the scene locally, I see no reason to believe that the FBI agents would do any better job than would the local law enforcement officials. - - - Personally, I doubt if the FBI is any more efficient than some of the local sheriffs." Mr. Byrd replied "The Senator from West Virginia wishes to state that it is not his purpose or desire to see the Federal Government preempt the law enforcement activities of the States in this field. But it is his position that local authorities are, for the most part, not equipped to handle such cases as this. - - - He feels, however, that the Federal Government should be provided with authority by law to initiate action when it is evident that explosives which have been transported in interstate commerce are used in the activities of the kind described." Mr. Byrd went on to state "I feel that the FBI should have the authority to initiate investigations, and, if violation of an interstate nature has been detected, that Federal officials should have the power not only of investigation but also of prosecution of the terrorists when apprehended. If the crime is purely intra-state in nature, local authorities should, and rightly so, have the power of prosecution." Mr. Byrd advised "J. Edgar Hoover, Director of the Federal Bureau of Investigation, has said that 'bombings can be materially curbed by an aroused public opinion, a coordinated effort on the part of Federal, State, and local agencies, and stern punishment of the perpetrators.'"



Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 2-27-58

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Robert O. ^①Byrd
(Congressman)

ages A1799-
A1800

Congressman Byrd, (D) West Virginia, extended his remarks to include a statement which he made to the House Committee on Post Office and Civil Service in support of salary increases for Federal classified and postal workers. Mr. Byrd stated "As we refuse Federal employees the right to bargain for their wages and working conditions they must depend upon the fair play of Congress to maintain their equitable position in the economy." He went on to state We are confronted here with the almost unbelievable spectacle of the richest country in the world today keeping a majority of its Federal employees on what is subsistence pay or less. To authorize a pay increase would only be remedying an inequality."

Original filed in:

62-102432-✓

RECORDED
MAR 7 1958
INITIALS ON ORIGINAL

186
76 MAR 11 1958

In the original of a memorandum captioned and dated as above, the Congressional Record for 2-26-58 was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

OPTIONAL FORM NO. 10

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. DeLoach *DeLoach*

DATE: January 2, 1963

FROM : D. C. Morrell *Morrell*

SUBJECT: SENATOR ROBERT C. BYRD
DEMOCRAT - WEST VIRGINIA

Tolson _____
Belmont _____
Mohr _____
Casper _____
Callahan _____
Conrad _____
DeLoach ☒
Evans _____
Gale _____
Rosen _____
Sullivan ☒
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

2-1
Mc
Senator Byrd submitted by communication dated 12-27-62 a letter from [redacted] Hurricane, West Virginia. [redacted] asked Senator Byrd about the pamphlet he enclosed captioned "Destruction of this Republic Plotted." It was indicated that extra copies of the pamphlet could be obtained from "The Challenger," Box 1, Finleyville, Pennsylvania. The pamphlet contains excerpts from the book, "The Treasonable Fourth Degree Oath of the Knights of Columbus," by Burke McCarty. *B Coal City, W.Va*

The Senator would like information with particular reference to the organization listed as the supplier of the leaflet.

Nothing was located in Bufiles which could be identified with "The Challenger." It is noted that in the 40s a children's comic magazine called "The Challenger" was published by individuals connected with "The Protestant," a pro-Russian publication. Its purpose was to counteract pro-fascist and antilabor newspapers and publications among children. There appears to be no relationship between this publication which was published in New York and the one distributing this leaflet. [redacted] Burke McCarty and "The Treasonable Fourth Degree Oath of the Knights of Columbus" cannot be identified in Bufiles.

The Bureau is, however, aware of the alleged oath taken by the Fourth Degree Knights of Columbus. We have received correspondence periodically over the years concerning it and it is frequently mentioned by various hate sheet publications. It has been determined that the oath is completely spurious and false. The alleged oath indicates that the Knights of Columbus will torment and murder any other denomination as heretics. It was originally circulated during an election campaign in Pennsylvania in 1912. The Congressional Record of 2-15-13, pages 3215 through 3221 records the details of a debate regarding this election and the circulation of this false oath. The Record clearly indicates the spurious nature of the oath and it is admitted to be such by Thomas S. Butler, the winner of the Congressional election in whose favor the oath was used. The Congressional Record of 1-29-15 contains the findings of a committee of Free Masons in California who examined the ceremonies of the Knights of Columbus and found the alleged oath as "scurrilous, wicked and libelous--." The Supreme Council of the Knights of Columbus,

1 - Mr. Jones - Enclosures (3)

1 - Mr. DeLoach - Enclosures (3)

JH:pjt (4)

REC-58

JAN 8 1963

67 JAN 14 1963 CORRESPONDENCE

Morrell to DeLoach memo
Re: SENATOR ROBERT C. BYRD

71 Meadow, New Haven, Connecticut, also has information available concerning the spurious nature of this oath.

Bufiles indicate limited relations with Senator Byrd. However, we have handled constituent inquiries for him in the past.

RECOMMENDATION:

That someone in your (Mr. DeLoach) office contact Senator Byrd or a member of his staff and advise that we have no information we can give him concerning "The Challenger." He should be advised of the general background on the bogus oath and be advised of the above indicated sources where he can obtain data relating to it. The copies of [redacted] letter and the leaflet he furnished should be returned.

✓ cyp. *[initials]* *[initials]* *[initials]* *[initials]* *[initials]* *[initials]* *[initials]*
Handled with
[redacted]
Sent Senator
Byrd 1/3/62
eck

b6
b7C

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. DeLoach

DATE: 1-29-63

FROM : M. A. Jones

SUBJECT: SENATOR ROBERT C. BYRD (D-WEST VIRGINIA)

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Senator Byrd from West Virginia served in the 83rd through 85th Congresses and was elected to the Senate in 1958 to replace veteran Senator Chapman Revercomb.

We have had friendly contact with Senator Byrd, who has contacted us on several occasions regarding constituent matters. It was reported that Senator Byrd was once a member of the Ku Klux Klan and possibly an official. At one time, he indicated that he felt that the Klan had been blamed for actions committed by others. In 1959 he contacted the Bureau regarding two missing women in West Virginia. Our jurisdiction was explained to him and he was very cordial, but very deliberate, and had his secretary on the phone to take notes. He appreciated the manner in which he was treated and stated the Bureau could count on him for support. He has also advocated widening the FBI's jurisdiction, particularly with regard to civil rights legislation concerning anti-bombing and anti-lynching provisions.

In view of the favorable attitude of Senator Byrd and the fact that he has previously indicated the Bureau could count on him for support, it is felt it would be appropriate to present him an autographed copy of the Director's new book, "A Study of Communism." It is noted that during the past session of Congress, he was a member of the Appropriations Committee.

RECOMMENDATION:

That the Director autograph a copy of his new book to Senator Byrd and that it be returned to your Office for personal presentation to him.

1 - Mr. DeLoach

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62 APR 16 1963

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REC-74

EX-117

Delivered
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62-115155-4
CRIME RESEARCH

ALL INFORMATION CONTAINED
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DATE 10-15-2010 BY 60324 uc baw/sab/lsg

United States Senate

COMMITTEE ON APPROPRIATIONS

March 20, 1965

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ALAN BIBLE, NEV.
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EVERARD H. SMITH, CLERK
THOMAS J. SCOTT, ASST. CLERK

Mr. Tolson ✓
Mr. Belmont ✓
Mr. Mohr ✓
Mr. DeLoach ✓
Mr. Casper ✓
Mr. Callahan ✓
Mr. Conrad ✓
Mr. Felt ✓
Mr. Gale ✓
Mr. Rosen ✓
Mr. Sullivan ✓
Mr. Tavel ✓
Mr. Trotter ✓
Tele. Room ✓
Miss Holmes ✓
Miss Gandy ✓

The Honorable J. Edgar Hoover
Director
Federal Bureau of Investigation
Department of Justice
Washington 25, D. C.

Dear Mr. Hoover:

I would appreciate it if I might have such information as you might make available to me concerning communists in the civil rights movement. I am particularly interested in information with respect to those leaders of the civil rights movement who have been shown to have pro-communist affiliations.

With kind wishes.

Sincerely yours,

Robert C. Byrd

Robert C. Byrd, U.S.S.

RCB:erl

REC-26 62-102432-5

Monroe to DeLoach memo dated 3/26/65
DP: baf / Ref

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58 APR 15 1965

CORRESPONDENCE

UNITED STATES GOVERNMENT

Memorandum

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TO : Mr. DeLoach

DATE: 3-29-65

FROM : D. C. Morrell

ROBERT C.

SUBJECT: REQUEST BY SENATOR BYRD, DEMOCRAT,
WEST VIRGINIA, FOR AVAILABLE INFORMATION
CONCERNING COMMUNISTS IN CIVIL RIGHTS
MOVEMENT

By letter 3-20-65, captioned Senator, with whom we have handled several constituent inquiries satisfactorily, and who was given an autographed copy of "A Study of Communism," asked for whatever data was available concerning communists in the civil rights movement. He was particularly interested in data concerning those leaders who have been shown to have procommunist affiliations.

While our relations have been cordial with Senator Byrd, it should be noted that in the mid-fifties, it was reported that Senator Byrd was once a member of the Ku Klux Klan and was a Kleagle or an organizer. Byrd reported at that time that the Klan was needed more than ever and that many of the acts attributed to the Klan were in reality committed by others.

OBSERVATIONS:

Senator Byrd is on the Appropriations Committee, and the "climate" existing in this country in the mid-fifties concerning racial matters was not as pointed as it is today. Senator Byrd, if he had been a member of the Ku Klux Klan, does not necessarily have to share their position with the emphasis placed upon equality for all so prevalent today. However, the data in our files concerning some of the matters he mentioned are too sensitive to explain formally in a written communication, as reflected in the attached "White Paper" classified "Top Secret," dated 11-27-64.

RECOMMENDATION:

That you, Mr. DeLoach, contact Senator Byrd and discuss this matter with him. It should be explained that the issues involved are pending investigative matters and much of them are classified "Top Secret" due to the sensitive sources involved. However, his attention should be directed to the

Enclosures (3)

58 APR 15 1965

1 - Mr. DeLoach

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REC-26

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CONTINUED - OVER

Memorandum to Mr. DeLoach
RE: Request by Senator Byrd

material beginning on page 40 of the Director's 1965 Appropriation Testimony, and a copy is attached. Also attached is a copy of a report on rioting in this country dated 9-18-64, both of which can be given to Senator Byrd for his assistance.

OK - V. *H* *AM* *J* *WCC*

Handled 3-31-65
with
Adm. Cont. *A Sen Byrd*
Quibb

b6
b7c

July 20, 1965

^(B)
Honorable Robert C. Byrd
United States Senate
Washington, D. C. 20510

My dear Senator:

Please accept my sincere thanks for
the support you indicated in having inserted in the
"Congressional Record" the guest editorial by Congress-
man Richard L. Roudebush published in "Roll Call" on
July 15th. The public certainly needs to be informed
about the ever-increasing crime problem, and I want
you to know that we in the FBI appreciate your action
in this matter.

Sincerely yours,
J. Edgar Hoover

ENCLOSURE

NOTE: Congressman Roudebush has been congratulated by the Director
on his re-election to Congress. He is being thanked for his editorial
by separate communication. The Bureau enjoys cordial relations with
Senator Byrd.

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3 JUL 28 1965

EX-113

CRIME IN THE CAPITAL

Mr. BYRD of West Virginia. Mr. President, much has been said and written about the growing crime rate in the District of Columbia and the hazards which the Metropolitan Police Department faces in endeavoring to make our city safe. I believe the situation has been excellently stated in a guest editorial published in Roll Call which appeared on July 15. It was written by Representative RICHARD ROUDEBUSH, of Indiana, and I ask unanimous consent to have it printed in the Record.

There being no objection, the article was ordered to be printed in the Record as follows:

Crime is rapidly becoming the No. 1 domestic problem in our Nation. It ranks, in my opinion, alongside the internal Communist threat.

As a rural Indiana resident living in a nice farming community near Noblesville, we were not fully aware of the tremendous problems encountered in the larger cities.

One of my myriad duties in Congress is serving on the House Committee for the District of Columbia. As a "city councilman," so to speak, for the Nation's Capital, my eyes have certainly been opened to the problems of our police departments and other law enforcement agencies in controlling crime.

J. Edgar Hoover, Director of the FBI, does not exaggerate when he says that it is unsafe on the streets of Washington and other major American cities after dark.

The Nation's Capital becomes a jungle after sunset, despite heroic efforts of the police department.

Police dogs roam Capitol Hill day and night with their uniformed masters.

Newspapers run front-page articles on how to defend yourself from bodily harm and how to protect your home from robbery.

Bookstands offer specials on books dealing with self-defense.

Three clerks on my staff have been taking judo courses after work for weeks now from a Marine instructor who is training Capitol Hill employees to defend themselves from possible attacks.

The girls are quite serious about the course and are faithful in their attendance. They also carry tear gas guns in their purses, and when leaving the office after dark in the short daylight months, they are accompanied by policemen to their cars.

A written notice on a Supreme Court bulletin board plainly states to women employees, "Do not leave the building after dark unescorted."

Police for weeks have been trying to catch a pair of perverts roaming the three office buildings of the U.S. House of Representatives.

Lawlessness is on the rampage. We read of riots and open anarchy in some cities and on some campuses of institutions of higher learning. The point is rapidly being reached where martial law or military law may be required to halt crime, or we may witness citizens taking the law into their own hands and banding together for mutual protection.

Again, in my opinion, J. Edgar Hoover has put his finger on part of the trouble when he stated recently that some bleeding heart judges and social workers have been worried more about the sensibilities and rights of the criminal than the safety and well-being of law-abiding American citizens.

If the increasing crime rate is to be reversed, we must have strict law enforcement with fair but stern judicial action and no mollycoddling. Otherwise, a national crisis is inevitable.

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 10-15-2010 BY 60324 uc baw/sab/lsg

"The Congressional Record"
July 16, 1965
Page 16499

62-102432-7
ENCLOSURE

UNITED STATES GOVERNMENT

Memorandum

TO : The Director

DATE: June 22, 1965

FROM : N. P. Callahan

SUBJECT: The Congressional Record

Robert C. Byrd

Pages 13723-13733. Senator Byrd, (D) West Virginia, during the discussion on the appropriations for the District of Columbia, spoke concerning newspaper stories, editorials and activities on the part of organized pressure groups in connection with funds for the needy. He commented on the article from the Washington Post entitled "Bastard, Byrd accused by Episcopal Bishop for stand on welfare." Mr. Byrd placed this article and several others in the record. He also commented on the investigation of those persons applying for assistance and stated "I do not see why a welfare recipient should object to investigation any more than an individual who has been recommended by a Senator for the position of U. S. District Attorney. That man is investigated by the Federal Bureau of Investigation before the President sends his name to the U. S. Senate."

Original filed in: 100-1771-2717

162-102420
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In the original of a memorandum captioned and dated as above, the Congressional Record for 6-21-65 was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

July 19, 1965

Honorable Robert C. Byrd
United States Senate
Washington, D. C. 20510

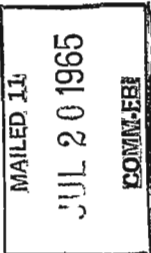
My dear Senator:

I wish to take this means of expressing
my appreciation to you for inserting in the "Congressional
Record" my remarks directed to the youth of our country
which appeared in the July 11th issue of the "Wheeling
News-Register."

Sincerely yours,

J. Edgar Hoover

NOTE: We have enjoyed cordial relations with Senator Robert C. Byrd. The Director's remarks appear on page 16383-4 of the "Congressional Record." These originally appeared in the 7-11-65 issue of "Parade."



ENCLOSURE

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3 JUL 29 1965

FBI DIRECTOR SPEAKS TO
AMERICA'S YOUTH

Mr. BYRD of West Virginia. Mr. President, I was deeply impressed with the message directed to America's young folk by Director J. Edgar Hoover of the Federal Bureau of Investigation, as published in the July 11, 1965, issue of Parade, Wheeling, W. Va., News-Register.

I, therefore, request unanimous consent to have this article placed in the Record, so that Mr. Hoover's remarks may receive greater circulation.

There being no objection, the newspaper article was ordered to be printed in the Record as follows:

[From the Wheeling (W. Va.) News-Register, July 11, 1965]

AN IMPORTANT MESSAGE FOR AMERICA'S YOUTH
FROM J. EDGAR HOOVER

The bedrock of this Nation's strength is unity. America was built on the faith of men who pledged their lives and ideals in a common cause. This heritage of union has been a constant factor in our national life, passed on from one generation to the next. As the melting pot of the world, the United States grew and prospered because it was able to assimilate many cultures and creeds into that heritage. Distrust and suspicion had no part in this process, yet these divisive forces have been with us continually, seeking to dilute our strength and sap our vigor.

Today the radical elements which operate at the fringes of the political and ideological spectrum are following this pattern. Spewing forth their poison of bigotry, hate and distrust, they are working to turn American against American in order to achieve their own ends. And high on their list of targets are the young people of the Nation.

I believe it is vitally important today for our youth to know these extremists for what they are and to be aware of the threat they pose.

First of all, they are not difficult to identify. They include the counterfeit patriots at the fanatic limits of the far right, such as the Ku Klux Klan, who not only take the law into their own hands on occasion but who would use the Constitution and the laws of the United States to withhold from some the liberty and justice which are guaranteed to all.

Also included are Communists and other agents of foreign ideologies on the extreme left who would destroy this country's democratic institutions and betray our freedom. Beneath the deception of surface appearances, there is much that is similar between the radicals of the two extremes. They both reject the rules of democratic society and both would undermine our traditional processes to further their own interests.

Between the fanatical poles there are, of course, many degrees of belief and expression. It is important, however, to know what is merely rebellious behavior and what is disruptive and dangerous. Orderly protest, such as that which has generally characterized the Civil Rights movement, is far removed from the area of extremism to which I am referring.

The guideposts by which young people may orient themselves in today's world often seem blurred and uncertain. At this stage in the maturing process, the perplexed adolescent becomes aware of pressures from all sides seeking to influence him along certain lines of endeavor. In this maze, the hysterical calls of blind chauvinism and the siren songs of pseudo-liberalism may appear to offer philosophies of simplicity which are vastly more appealing than the voices of moderation and logic.

THE SIMPLE FANATICS

Simplicity is a part of the stock-in-trade of the fanatical fringe. For them there are no grays in our complex society but only black and white. This commitment to the absolute correctness of their positions and the absolute incorrectness of their opponent's can be dangerous, for it logically leads to a policy of expediency in which the means are justified by the end.

Undoubtedly, virulent extremism of the right or left is attractive to some young people because of the implication of direct action. But the young person who feels himself drawn to the philosophies of either camp should ask himself this question—"In later years, what could be the consequences to me of such an association?"

The answer to this question is to be found many times in the files of the FBI. Time and again, we in the FBI have seen young people leave these groups in disgust, only to find that they are later typed by their former association or that some unfortunate incident connected with their membership, an arrest, for example, continues to embarrass them.

Consider the case of a young technical worker in the Midwest. In the 1960's he was approached to join the Communist Party. An idealist, he was interested in aligning himself with a progressive movement to fight social injustice. The Communists exploited this idealism, beguiling him with their two-faced claims that the party offered the only sure way to the solution of the world's ills. He bought this line, joined the party and was also active in a Communist-front group.

PAST HAUNTS HIM

This naive young man quickly learned that he had made a mistake. He could not reconcile his beliefs with the godless conspiracy of the Communists and he broke all ties with them. His brief adventure in the far left was not that easily dismissed, however, for he subsequently encountered considerable adverse reaction from citizens who knew nothing of his circumstances except that he had once been connected with the Communist Party. This unfair but very real situation has since caused him and his family much anxiety and has even been a disruptive factor in his employment.

Of course, the misfortune of this and other youthful victims of its machinations is of no concern to the Communist Party. It is engaged in an intensive campaign to subvert the minds and win the support of American youth and it has no compunction about the harm it causes.

A current major program which the Communist Party is directing against young people is the W. E. B. du Bois Clubs of America. This party-oriented youth organization, founded in June 1964, at a convention in California dominated and controlled by the Communists, has as its basic aim the promotion of Marxism-Leninism. Centered on college campuses, the Dubois Clubs represent a soft-sell approach which the Marxists believe has great promise in reaching American youth.

The party is also trying to contact young people through a massive campus speech program. This is a propaganda campaign concerned with attempting to influence student opinion at American colleges and universities to accept the party as a legitimate organization within our democratic tradition—which it is not.

Zealots of the extreme right are no less eager to win the support of young people than those on the left. Lacking the subtlety of the Communist approach, these radicals have nevertheless enjoyed considerable recent success in their efforts to broaden their influence.

Emotion, not reason, controls the fanatical right and it is on this level that they make

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their pitch. They may clothe their rantings in patriotic garb, passing themselves as defenders of the Constitution or protectors of religion. They know such devices have much appeal for impressionable youth.

But look behind this thin disguise and their true character can clearly be seen. Terrorism and violence mark the activities of these groups, and it is a tenet of their cowardly philosophy that they attack only the weak and outnumbered.

The Ku Klux Klan and other racist groups which would trample upon the rights of their fellow men deserve the contempt every American.

Do not be taken in by their emotional appeals. Instead, take a long, hard look at the terrible acts of violence which have occurred in certain of our Southern States in recent months and know them for what they really are.

There is nothing honorable or patriotic about any organization which condones lawlessness and intimidation. The law is above any individual or group of individuals and we must be constantly on guard against those who would shortcut or use the law to achieve their own ends.

America's young people are its future, the key to continued greatness. The extremists know this, and they also believe that youth America's Achilles' heel through which they can effectively strike at our unity.

Their campaigns to divide and subvert are in full swing. But this duplicity will surely fail if our young citizens stand to be counted for the future, if they articulate their pride in our traditions and ideals and shoulder the responsibilities of the heritage.

ENCLOSURE

Let to Byrd
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September 22, 1965

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62-1024329

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Honorable Robert C. Byrd
United States Senate
Washington, D. C. 20510

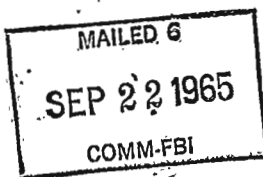
My dear Senator:

I received your letter of September 16th,
with enclosure, and want to thank you for your thoughtfulness in writing. It was indeed a pleasure to talk with you on the occasion of our meeting at the White House.

I can assure you that your interest in furnishing me a copy of your speech, "Contempt for Law and Order," is appreciated, and I read it with great interest.

Sincerely yours,

J. Edgar Hoover



NOTE: We have had generally favorable relations with Senator Byrd. His speech condemns the Los Angeles riots as well as riots in other parts of the country despite the fact that civil rights legislation has been passed to insure wider economic opportunities for Negroes. He points out in his speech, however, that he does not believe that deprivation has been the main contributing factor to rebellion against constitutional authority, but attributes it to a general breakdown in respect for law and order.

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Mr. Felt	✓
Mr. Gale	✓
Mr. Rosen	✓
Mr. Sullivan	✓
Mr. Tavel	✓
Mr. Trotter	✓
Tele. Room	✓
Miss Holmes	✓
Miss Gandy	✓

CARL HAYDEN, ARIZ., CHAIRMAN

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ALLEN J. ELLENDER, LA.
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JOHN L. MCCLELLAN, ARK.
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SPESSARD L. HOLLAND, FLA.
JOHN STENNIS, MISS.
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A. S. MIKE MONRONEY, OKLA.
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GALE W. MCGEE, WYO.
HUBERT H. HUMPHREY, MINN.
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E. L. BARTLETT, ALASKA
WILLIAM PROXMIRE, WIS.

LEVERETT SALTONSTADT, MASS.
MILTON R. YOUNG, N.H.
KARL E. MUNDT, S.D.
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THOMAS H. KUCHEL, CALIF.
ROMAN L. HRUSKA, NEBR.
GORDON ALLOTT, COLO.
NORRIS COTTON, N.H.
CLIFFORD P. CASE, N.J.

United States Senate

COMMITTEE ON APPROPRIATIONS

September 16, 1965

EVERARD H. SMITH, CLERK
THOMAS J. SCOTT, ASST. CLERK

The Honorable J. Edgar Hoover
Director
Federal Bureau of Investigation
Washington, D. C.

Dear Mr. Hoover:

I am enclosing a copy of my August 23 Senate speech
entitled, "Contempt for Law and Order." In the
event you did not see it, I hope you have an opportunity
to read it.

It was a pleasure to talk with you when we were both
visiting at the White House recently.

I hope to see you again before many days.

Sincerely yours,

Robert C. Byrd

Robert C. Byrd, U.S.S.

RCB:lmc
Enclosure

1 - ENCLOSURE

ENCLOSURE ATTACHED

REC-6

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SEP 20 1965



Congressional Record

PROCEEDINGS AND DEBATES OF THE 89th CONGRESS, FIRST SESSION

Vol. 111

WASHINGTON, MONDAY, AUGUST 23, 1965

No. 155

CONTEMPT FOR LAW AND ORDER

Mr. BYRD of West Virginia. Mr. President, a few days ago—ironically, during the week in which the Federal Government began implementation of the Voting Rights Act of 1965—violence and rioting erupted in Los Angeles, Calif., in Chicago, Ill., and in Springfield, Mass.—erupted and reached a stunning peak of intensity, especially in Los Angeles.

In Los Angeles, after a 5-day orgy of rioting, murder, racial battling, setting of fires, looting, and wanton destruction of property, evaluations of damages and probes of the basic causes are being undertaken.

It is reported that at least 36 people are dead—including policemen and firemen—between 700 and 800 have been treated in hospitals—and many more are believed to have been injured—more than 4,000 persons—almost all of whom were Negroes—were arrested, fire damages are estimated at \$175 to \$200 million, and it cost the taxpayers more than \$250,000 daily to keep the nearly 15,000 National Guardsmen on duty, and a like sum daily to maintain 1,000 law enforcement officers and conduct other activities necessary to control the racial insurrection.

Anarchy first broke out in Los Angeles in the Negro community of Watts, but it eventually spread over an area of tens of square miles, with mobs of several thousands roaming the streets of the city in total lawlessness. One reporter described the mob scene by saying:

Everyone got in the looting—grownups, old men and children—breaking windows, raiding stores, destroying cars, setting fires. Everybody started drinking—even little kids 8 or 9 years old.

Guns were stolen and widely distributed. The Los Angeles Fire Department reported that more than 1,000 major blazes were set. Airliners in the Los Angeles area, as they came into the city for landing, were reported to have been fired upon by snipers. Helicopters carrying persons televising the scene were also fired on. Rioters ripped up streets for chunks of asphalt to toss at police, and fire trucks, and cars containing whites. Fire alarms were too numerous to cope with. Many automobiles were overturned and burned, while countless others had windows and windshields smashed by rocks and bottles. Many occupants were dragged from cars and beaten mercilessly.

Afterward, the area was said to have the appearance of a major battlefield after a battle, with entire blocks of gutted and looted stores, their windows smashed and gratings twisted out of shape. In some areas, complete city blocks were more than 90 percent destroyed. Hundreds of commercial buildings suffered total or major damage.

And in Chicago, during the same week, the looting of stores, hurling of bottles and fire bombs, and slashing attacks on police officers constituted a similar pattern of Negro mob violence. Concurrently, violence, arson, and looting were part of racial demonstrations in Springfield, Mass.

All of this occurred against a background of precedent-shattering decisions by the Supreme Court and actions by the Congress in response to clamor from civil rights organizations for civil rights legislation. The rule of mobs in the streets has thus followed, as well as preceded, congressional enactment of the most sweeping civil rights laws, laws of questionable constitutionality urged upon Members of Congress as a means of

keeping mobs out of the streets. The Los Angeles riots occurred despite hundreds of local breakthroughs across the land to guarantee certain so-called civil rights—southern restaurants integrated, State-directed school segregation ended, hotels and motels integrated, and local antipoverty programs begun. They have occurred despite massive efforts to provide wider economic opportunities for, and to insure greater employment of, Negroes.

Time and time again last year I received letters from my constituents urging me to vote for the 1964 Civil Rights Act "to get the demonstrators off the streets." I said, during the Senate debate at that time, that the passage of the bill would not satisfy the demonstrators and that they would be back in the streets. Early this year, the marchers and the demonstrators were back in the streets. Only a fortnight ago, Congress enacted and sent to the President a voting rights bill which, by any previous Supreme Court membership, would undoubtedly have been struck down as unconstitutional. Yet, the demonstrations go on. Not satisfied with court decisions decreeing desegregation, the demonstrators seek to drive school boards beyond what the court decisions require. They demonstrate against de facto segregation in the schools, whereas the courts have not struck down de facto segregation. They clamor against the neighborhood schools, whereas the courts have not outlawed pupil assignments to schools in the neighborhood where pupils reside. They clamor against racial imbalance in the schools whereas the courts have not ruled against racial imbalance, and Congress has, in fact, expressly declared its interpretation of the word "desegregation," in title IV of the Civil Rights Act of 1964, as not meaning "the assignment of students to public schools in order to overcome racial imbalance." Judging from the agitation in this direction, one would get the impression that there is no quality except in an "integrated" education.

The question may, therefore, be asked: Are these destructive rebellions against the fabric of society, such as we have just witnessed in Los Angeles, solely the result of what has been called a heritage of degradation and discrimination which has brought about a sense of injustice giving rise to anarchy and lawlessness? In the judgment of many, they were given birth, to no small degree, by the waves of demonstrations, the widespread acts of so-called civil disobedience, and the various and sundry other agitations that have recently swept over the country in the name of civil rights.

It is an obvious fact that the rule of law and order has broken down in Los Angeles and elsewhere in our land under the guise in part, at least, of righting civil wrongs. A second question presents itself: To what extent are emotional tides of hatred and bitterness being aroused and exploited for political advantage of leaders of certain militant racial groups, or for the advancement of political ideologies of concealed origins?

It is known that fanatic Black Muslims have agitated and contributed to mob violence in American cities. FBI Director J. Edgar Hoover has warned that there has been a rising degree of undesirable infiltration of some civil rights groups.

I desire to ask, as do other concerned Americans, whether the actions in Los Angeles, in Chicago, in Springfield, Morgantown, and wherever violence of this nature may occur in the future, may be said to be a logical outgrowth, in part, of the leadership of certain clergymen

who have stated a belief that it is appropriate, and even desirable, to disobey what they arbitrarily consider to be "bad" laws and to obey only those laws which they label "good" laws—in other words, that it is morally right to resort to disobedience whenever a citizen's conscience tells him that a law is unjust.

As Supreme Court Justice Frankfurter once said:

If a man can be allowed to determine for himself what is law, every man can. That means first, chaos; then, tyranny.

It is shocking that some church leaders have endorsed such a program.

Of course, the clergyman has every legal right to speak, if he wishes, on controversial issues. David Lawrence said recently, in U.S. News & World Report:

But, how can a clergyman impress on the individual the importance of submitting to God's will when the pastor himself yields to passion as he participates in controversy? Isn't it really the highest duty of the clergy to heal wounds and prevent friction by teaching us the way to resolve our differences without violence or anger?

All too often, certain clergymen have overlooked opportunities to help and succor the multitude in their own neighborhoods to participate in highly publicized nonviolent activities elsewhere that have culminated, not unexpectedly, in violence. Of course, they are well-intentioned churchmen, and they probably constitute a very small minority of all the churchmen, but one may well believe that their actions in this regard have, nonetheless, damaged, rather than helped, relations between the races.

What are the causes of the Los Angeles riots? Already the overworked expressions—"heat," "frustration," "deprivation," "poverty," "discrimination," "oppression," "exclusion from the mainstream of society," "police brutality," and so forth—are being used to explain why the riots took place. Already we are hearing those who lay the "conditions that breed violence" at the door of a "callous and indifferent society."

Yet, the Negro has long had the right to vote and a legal right to any job for which he could qualify in California. Moreover, Los Angeles, reportedly, has the lowest percentage of Negroes of the Nation's 10 largest cities.

Mr. President, while none of these factors can be ignored, I cannot believe that they are the sole, or perhaps even the major causes of the Los Angeles insurrection. Many of us who hold membership in this body grew up in surroundings of poverty. I represent a State which has seen more than its share of poverty in the dead past. Conditions there are better now, and most of the State is prospering. But I have seen the days when thousands, Negroes and whites alike, in the Appalachians lived in conditions of squalor, deprivation, and ill health which could scarcely be equalled in the slums of Chicago or the ghettos of Los Angeles. There was everywhere the spectacle of mass depression, malnutrition, and misery.

A plethora of articles and feature stories has appeared in national magazines and metropolitan newspapers about the economic stagnation which enveloped the southern Appalachians. Yet, these people never resorted to burning, looting, rioting, assaulting, injuring, murdering, and destroying.

If poverty were the root cause of crime and violence, there would have been continual chaos and revolution in those days. But there was not chaos. There was a wholesome respect for law and order. There were no welfare programs, no antipoverty programs, no Federal aid as we now know it. But there was no

disorder, and people could walk the roads at night almost everywhere in greater safety than one can be sure of at high noon today on the streets of our Nation's Capital. Negroes and whites got along well in the community. Race tensions were virtually unknown. This is not to say that laws were never broken. They were. And those who violated the laws were punished, and the sociologists, the psychiatrists, and the politicians and judges were not expected to find excuses for the crimes committed.

So, there is much to support the belief that poverty and alleged police brutality are not the causes but only the scapegoats for the senseless outbreaks of violence and destruction during these recent days. Not to be overlooked are the willful disobeying of court orders, the numerous sit-ins, wage-ins, lie-downs, and other violations of laws which have become the order of the day.

Such violations of laws are popularly referred to as constituting civil disobedience, but under our legal system, as it was heretofore known at least, when there is an intent to break a law, the act which follows from the intent constitutes a crime and the individual should be punished. Yet, the American public has been subjected and exposed to every conceivable kind of inconvenience by hordes of rag-tag beatniks, agitators, and professional troublemakers who insist upon lying down in the streets, blocking traffic, forming human walls in front of business establishments, swarming over private property, staging noisy sit-ins and demonstrations, and all in the innocuous name of civil disobedience. And few people have dared to voice an objection for fear of being labeled "bigot." As a matter of fact, the public has become so mesmerized by the constant stream of these day-to-day developments as to make the average citizen feel that he is out of step unless he, too, takes to the streets and gets himself arrested as a participant.

Laws are made to be obeyed by all of the people all of the time. Respect for the law is the basis for orderly government and law-abiding and peace-loving citizens, regardless of race, need to rally around the police, who, too often, play a thankless role in riotous and difficult and dangerous situations. Of course, there have been instances of police brutality, and there can be no excuse for the use of undue force by a policeman. But, all too often, the charge of police brutality is made by persons and groups when they have resisted arrest and have openly invited the use of force. The law-abiding citizen has no need to fear police brutality.

Whatever the causes for the recent mob actions in American communities, it is an obvious fact that there has been a violent breach of two cardinal principles of our American society—the respect for law and order, and the recourse to orderly process of law to seek redress of any wrongs.

Whatever the causes of the riots which appeared in markedly uniform manner and detail in areas of our Nation recently, one fact is clear, aside from the fact that no amount of excuses can be brought forth to justify them: those who disgrace our Nation by violent disobedience, and wilful flouting of the law—whether they be black men, or white men, whether in the South, North, East, or West—must be dealt with severely. Such action cannot be tolerated. Light dealing with hoodlums who participate in these crimes will merely encourage further disrespect for the law and even greater criminal activity.

To quote Justice Frankfurter again: Lawlessness, if not checked, is the precursor of anarchy.

What beyond this if we are to attack the roots of crime and the roots of riots? First of all, those who cherish equal rights under the law should be taught to assume equal responsibility before the law.

Peaceful assembly is protected by the Constitution and so is the right to petition the Government against grievances. But willful violation of the law—whether the law be municipal, State, or Federal—should not be tolerated. The civil rights of all Americans are guaranteed by the Constitution and the Bill of Rights, and the individual whose rights are denied should seek redress in the courts rather

than in the streets. For, as a great Associate Justice of the Supreme Court, Louis Brandeis, once said:

All rights are derived from the purposes of the society in which they exist; above all rights rises duty to the community.

Second, every effort should be put forth to stamp out illiteracy, and the emphasis, for every individual, should be upon education. Education, rather than integration for integration's sake, is the important thing. Education will light the paths to mutual respect, cooperation, and better understanding. Education is the cornerstone for amicable race relations.

Booker T. Washington, one of the greatest of American Negroes, lived as a boy in Malden, W. Va., where he toiled in the salt works and in the mines. In later years, when he had become a great educator, he made a statement, the wisdom of which can benefit not only the Negro boy or girl, but also the white youth who is desirous of making a success in life:

When a Negro girl learns to cook, to wash dishes, to sew, to write a book, or a Negro boy learns to groom horses, or to grow sweet-potatoes, or to produce butter, or to build a house, or to be able to practice medicine, as well or better than someone else, they will be rewarded regardless of race or color.

Moreover, every man should have the opportunity for employment on the basis of merit, and he should expect to be chosen only on the basis of merit—and he should expect to be chosen only on the basis of merit, education, training, experience, industry, and character—not the color of his skin. Nor should the color of one's skin be a badge for preferential treatment in hiring and promotion any more than it should be a badge for discriminatory treatment.

Also, family planning is imperative, and civil rights organizations should make intensive efforts to promote such. The high birth rate among low-income Negro families simply cannot be overlooked. For, whatever importance may be assigned to unemployment as a factor in riots and other developments which have racial overtones, the fact is that, in this age of automation, cybernation, and advancing technology, the problem of unemployment will always be with us, and no amount of Government largess and costly poverty programs will constitute a panacea therefor as long as the birth rate is permitted to soar, unchecked and uncontrolled, among those families least prepared and able to provide for large numbers of children who, in later years, will be candidates for jobs which no longer exist.

Additionally, the problem of illegitimacy must be dealt with. In New York City's Harlem, where Negro rioting flared last year, one out of every five Negro children is illegitimate. An indication of the concomitant social evils can be seen in the fact that there were 12 times as many cases of venereal disease per 100,000 people in Harlem as there were per 100,000 people in New York City as a whole.

Illegitimacy is, more and more, becoming a frightening factor in this whole equation. How the Nation can continue to close its eyes to this disturbing fact is beyond comprehension. Something is going to have to be done about it, or the burden of crime, riots, and the dole will ultimately become unbearable. Militant civil rights groups should stop blaming the white power structure for all of the ills that are visited upon the Negro community. Negroes must themselves take the lead in doing something constructive for themselves, and they can do this by waging war upon the evils of illegitimacy, as one important beginning.

The Negro's lot can be infinitely better in the future if something is done now to encourage and promote planned parenthood and parental responsibility. This is not to say that illegitimacy is nonexistent among whites, but the statistics show clearly where the problem is greatest, and it should there be attacked most intensely.

Finally, Mr. President, no amount of Government paternalism can take the place of drive and ambition, when it comes to developing the substantial and upright citizen. Hard work, perseverance, and self-accomplishment breed independence and strength, and courage and resourcefulness in the man or

woman. Somehow the glory of honest toil is going to have to be restored if this Nation is going to survive all of the dangers that confront it. There is no question but that the Central Government has a responsibility to assist, a responsibility to provide certain services, but if that Government is to endure, the people must not be encouraged more and more to depend upon the Government for the supplying of every want and every need. A nation on the dole can never hope to maintain the moral fiber, the spiritual strength, and the rugged resourcefulness to keep her people free.

Easy money, easy living, laziness, shiftlessness—all these go hand in hand with irresponsibility, a disordered society, and ultimate decay.

In closing, Mr. President, let me say that I do not mean to imply that Negroes in America have not had their grievances or that they have not, in innumerable instances, been treated unjustly. Nor, do I maintain that they should not seek redress for the wrongs visited upon them. Whether it be the man whose skin is as black as the shades of night or the lowliest immigrant, newly arrived to these shores from Germany, Italy, or elsewhere, whose background, whose customs, and whose language are all foreign to our own, let fairness be rendered and justice be done. But the instrument for the rendering of justice and fairness is ever present in our land and under our constitutional system. Let no man or group or race of men err in the belief that the law can best be administered by taking it into one's own hands.

For, as a great Supreme Court Justice once said:

The law that protects the wealth of the most powerful, protects also the earnings of the most humble; and the law which would confiscate the property of the one would, in the end, take the earnings of the other.

Disobedience to law and acts of violence by a few can hurt the just cause of the many. Not alone this. The perpetuation of ours as a government of laws depends upon the preservation of the constitutional process through which the rights of minorities can be safeguarded and only through which the freedoms of all our citizens will endure.

It may be a tedious process, a long and painstaking process, but, like the mills of the gods, it grinds exceedingly fine. And anything that is antithetic to that constitutional process, whether it be the street riot or the lynchan's noose, or whether it be the false doctrine of self-determination by one's conscience as to what laws should be obeyed or disobeyed does violence to this Republic and to constitutional American liberty.

12-102432-9

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Wick

DATE: 6-10-66

FROM : M. A. Jones

SUBJECT: SENATOR ROBERT C. BYRD (D - W. VA.)
REQUEST FOR TAPE RECORDING WITH
DIRECTOR ON YOUTH CRIME

Tolson ☒
DeLoach ☒
Mohr ☒
Wick ☒
Casper ☒
Callahan ☒
Conrad ☒
Felt ☒
Gale ☒
Rosen ☒
Sullivan ☒
Tavel ☒
Trotter ☒
Tele. Room ☒
Holmes ☒
Gandy ☒

My memorandum of 6-2-66, noted that Senator Byrd desired to present a five-minute radio program to his constituents on the subject of youth crime. The Senator invited the Director to make this appearance, but in the event that Mr. Hoover was not available, another Bureau representative would be satisfactory. It was recommended and approved that the Director not take time from his busy schedule to make this appearance and that a substitute be designated.

SA [] of the Crime Research Section, who has had previous experience in appearances of this kind, has been designated to participate in this program with Senator Byrd, at 1:15 p.m., Wednesday, 6-15-66.

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A series of proposed questions and answers for this interview, prepared from previously approved Bureau material, is attached herewith. It is noted that Senator Byrd's office requested that these questions and answers be submitted at least a day before the program is recorded on 6-15-66.

REC-51

62-102432-10

RECOMMENDATION:

That in view of the deadline in this matter, the attached proposed questions and answers be routed through expeditiously for approval and returned to the Crime Research Section for further handling.

Enclosure

ENCLOSURE

- 1 - Mr. DeLoach - enclosure
- 1 - Mr. Wick - enclosure

CJH:jer (8)

COPY SENT TO MR. TOLSON

NOTED

Recorded with
Sen. Byrd 6-15-66
50 JUL 18 1966
5/19

June 14, 1966

YOUTHFUL CRIME

QUESTION: It seems that today we are hearing more and more about the growth of crime among young people in the United States. Is the picture really as bad as it has been painted in recent years?

ANSWER: Let's look at it this way: During 1964, the most recent year for which the FBI has complete statistics, persons under 18 years of age were identified as the perpetrators in 37% of the serious crimes solved by police. By serious crimes, we mean murder, robbery, forcible rape, burglary, aggravated assault, larceny \$50 or more and automobile theft.

QUESTION: Some persons have been heard to say that the increase in youthful crime statistics is due in part to the continued population increase. How true is this?

ANSWER: There is some merit to this argument...but we can't disregard this fact: in recent years, the rate of arrests of persons in the young age group has risen twice as fast as their increase in population. While persons from 10 to 17 years of age comprised approximately 15% of our national population in 1964, they committed 43% of the property crimes. Nationally, the arrests of these young persons rose 17% over the previous year. It's true that better than 95% of America's young people never become involved in crime. When we talk about youthful crime, we're dealing with a very small minority of our young people. The figures I have cited, however, do indicate an alarming trend... and that is that our young people are contributing a highly disproportionate share to the over-all

ENCLOSURE 62-105432-10

crime picture. Crime figures for the year of 1965 are now being compiled by the FBI and will be released next month. Unfortunately, they will offer no comfort whatever...but will show that youthful crime continues to soar.

QUESTION: As a newspaper reader, one of the aspects of this situation which causes me great concern is the violence connected with some of these criminal acts. We read about crimes which appear absolutely senseless...which often are all the more terrifying because of the wanton brutality displayed.

ANSWER: This is something we read about every day. A Washington, D. C., newspaper reported that two cousins, one aged 17 and the other 18, had been arrested for the brutal slaying and robbery of two boys near Louisville, Kentucky. When asked why they had murdered the two boys, one of them blamed the murders on the fact that they had been "crazy" with drink. A California paper reported that a 10-year-old boy was strangled, beaten, sexually molested and shot to death by a 16-year-old. Asked why he did it, the 16-year-old replied, "I don't know why I did it. I'm crazy." Two teenagers mugged a 63-year-old man. When he was found, he was unconscious and bleeding, having been stomped and kicked in the head repeatedly. When they left him, they took his wallet. It contained \$.30. A Philadelphia newspaper reported that a 14-year-old boy had shot

and killed his mother and father. His explanation for the slayings: His father had given him a spanking, and his mother was always nagging him. All of these stories are tragic and horrifying. They can hardly be described as "juvenile delinquency." More appropriate is the term, "youthful criminality."

QUESTION: At this point, the obvious question comes to mind: What causes youthful criminality, and why is it such a problem today?

ANSWER: Actually, there are many factors involved, but let me touch on a few that the Director of the FBI, Mr. J. Edgar Hoover, has mentioned many times in the past. First and foremost is parental failure. Too many parents are failing to give their children a set of standards and rules to live by. Too often, they see the law as something to circumvent, as when they willfully ignore the rules of traffic safety. There has been a growing trend of irresponsibility among the so-called upper-class and middle-class teenagers who feel that because of their parents' position in the community, they should be exempt from the rules that govern others.

QUESTION: In other words, it is a fallacy for us to regard youthful crime as solely a product of poor environment and substandard economic conditions.

ANSWER: It certainly is. Society has been taking the blame too long for the rampages of teenage hoodlums. In the words of Mr. Hoover, "No

doubt, society has failed our youth, but not in the way many seem to think. Rather, the dereliction has been in the failure to teach them the meaning of discipline, restraint, self-respect and respect for law and order and the right of others. Consequently, the lesson now is both painful and costly."

QUESTION: These things are evident in so much of what we hear about today: the public apathy to the spiraling crime rate...the attitude demonstrated by those among us who passively tolerate immorality and disrespect for authority...vicious attacks on policemen...the increasing number of assaults made against defenseless persons, usually women, while bystanders refuse to help the individual being attacked.

ANSWER: Summing up, I would like to point out that all of us share responsibility for the youth of America, and it's up to us to rededicate ourselves to the task of eliminating those conditions which are responsible for the criminal behavior of some of our young people. Discipline is the by-word in the development of normal law-abiding youth...discipline in the home as well as in the schools. But it must begin in the home. As Mr. Hoover has said, "The home is the very foundation on which this Nation was built, and it is here that parents must set the proper example for their children and endeavor to instill in them the basic principles of good citizenship, love of God and respect for one's fellow man."

4:50 PM

June 16, 1966

MEMORANDUM FOR MR. TOLSON
MR. DE LOACH
MR. WICK

Senator Robert C. Byrd of West Virginia called and said he was wondering if someone in the Bureau could prepare for him a little speech with reference to the Supreme Court ruling on Monday on police questioning of suspects.

I told the Senator I could get that done. I also told him there is a complication there which the Chief Justice tried to take care of in his opinion in that they are trying to claim there is no differentiation between the types of crime handled by the FBI and those of local authorities. I stated that, of course, is not entirely accurate because in Federal crimes, you generally have the case pretty well made before making an arrest and in local crimes you may have an attack or assault and the police officer has to make an arrest at once. I stated under the rulings we now have, a person has to be advised that he need not talk and can have a lawyer, et cetera, and therefore I think it will hit the local authorities harder than the Federal authorities, but I would get him up some notes on this.

Senator Byrd stated he would appreciate it as he would like to make a speech on the Senate floor hitting that ruling.

I spoke to Mr. Tolson about this matter and instructed that it be handled.

Very truly yours,

J. E. H.

John Edgar Hoover
Director

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SENT FROM D	540 PM
TIME	540 PM
DATE	6/16/66
BY	JEC

ORIGINAL FILED IN 62-73212-1070

UNITED STATES GOVERNMENT

Memorandum

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TO : Mr. Wick

DATE: 6-15-66

FROM : M. A. Jones

SUBJECT: SENATOR ROBERT C. BYRD (D - W. VA.)
REQUEST FOR TAPE RECORDING WITH
DIRECTOR ON YOUTH CRIME

In prior memoranda it was approved that a Bureau representative appear with Senator Byrd on a five-minute radio program dealing with youthful crime. This afternoon, SA [] of the Crime Research Section recorded this program with the Senator. [] presented several quotations by the Director on this subject.

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After the program, Senator Byrd said he felt that the Director's statements were excellent, hard hitting and exposed the sob-sister approach to the youthful crime problem for what it is. Senator Byrd said he agreed fully with the Director's position, he admired the Director's courage, and he asked that his sentiments be conveyed to Mr. Hoover.

Byrd said that the Director's record of public service was unparalleled anywhere, and he knew that it would never be possible for any successor to adequately "fill his shoes." He said he hoped that for the good of the country, the Director would remain in his present position for "many, many more years."

The Senator went on to say that he was deeply concerned with the manner in which law enforcement was being hamstrung by current court decisions. He was especially distressed because of the most recent Supreme Court ruling on the matter of confessions, and he wondered how it was possible "that five men can produce a majority resulting in a decision which can have nothing else but a corrosive effect on our society." He said that the attitude of the courts today is seriously impeding the efforts of law enforcement and its latest decision will offer new encouragement to the criminal and further increase our already spiraling criminal rates.

Enclosure *sent 6-16-66*
1 - Mr. DeLoach - Enclosure
1 - Mr. Wick - Enclosure

CJH:nal (7)

REC-51

62-102432-11
JUN 20 1966

CRIME RESEARCH SECTION

CONTINUED--OVER

1 JUL 11
317

M. A. Jones to Wick Memo
RE: SENATOR ROBERT C. BYRD

Senator Byrd said that he was also greatly concerned about adequate salaries being paid to policemen. He said he felt that this is a most important aspect in the battle against crime and must receive attention in each individual community.

RECOMMENDATION:

That the attached letter over the Director's signature be forwarded to Senator Byrd.

[Handwritten initials and marks: a large 'P' with a diagonal line through it, a checkmark, 'LH', 'TV', a small signature, and 'a']

June 16, 1966

REC-51

62-102437-12

30 July

Honorable Robert C. Byrd
United States Senate
Washington, D. C. 20510

My dear Senator:

Special Agent [] has informed me of your very favorable remarks concerning my administration of this Bureau, and I did want to take this opportunity to express my personal thanks.

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b7c

The problem of youthful crime is a serious one indeed, and I am pleased that you share my views regarding it. I certainly feel that this is a matter which deserves the attention of every citizen, for it is only in this way that we will be able to combat the apathy that exists in some quarters and find an effective solution to our Nation's crime problem.

All of us in the FBI appreciate your support and confidence.

Sincerely yours,
J. Edgar Hoover

V

- 1 - Pittsburgh
- 1 - Mr. DeLoach (Sent with cover memo)
- 1 - Mr. Wick (Sent with cover memo)

JS

NOTE: See M. A. Jones to Wick Memo dated 6-15-66, captioned "Senator Robert C. Byrd, (D - W. Va.), Request for Tape Recording with Director on Youth Crime."

- Tolson _____
- DeLoach _____
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- Holmes _____
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50 JUL 18 1966

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UNITED STATES GOVERNMENT

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TO : Mr. Wick

DATE: 6-2-66

FROM : M. A. Jones

SUBJECT: SENATOR ROBERT C. BYRD (D - W. VA.)
REQUEST FOR TAPE RECORDING WITH
DIRECTOR ON YOUTH CRIME

[redacted] in Senator Byrd's Office called me (Mr. Jones) to advise that a new National Training School for Boys will be dedicated in the near future in West Virginia. [redacted] stated that, in view of the establishment of this new School, there has been an increased interest among Senator Byrd's constituents in the state about youth crime. Senator Byrd, therefore, thought that it would be timely to present a program to his constituents on this particular topic and desired to have the Director appear with him to make an approximately five-minute recording on the topic of youth crime which would be broadcast prior to the dedication of this new School. [redacted] noted that if Mr. Hoover is not available for this commitment, perhaps he (Mr. Hoover) might care to designate another Bureau representative. She stated that she has no specific deadline relative to the making of this tape recording.

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INFORMATION IN BUFILES:

Bufiles reflect that Senator Byrd, a former U. S. Representative, was elected to the U. S. Senate in November, 1958. We have enjoyed cordial relations with him and his office has been contacted on a number of occasions relative to constituent letters he has sent to the Bureau. He was furnished an autographed copy of "A Study of Communism" in March, 1963.

OBSERVATION:

While this would afford a wonderful opportunity for the Director to present his views on the current youth problem, it is not felt that in view of Mr. Hoover's heavy schedule he would desire to participate. Perhaps it would be well, however, if some Bureau representative did join with Senator Byrd in the five-minute broadcast.

1 - Mr. DeLoach
1 - Mr. Wick

1 - Miss Gandy
1 - Miss Holmes

CRIME RECORD ARCH

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CONTINUED - OVER

M. A. Jones to Wick Memo
RE: SENATOR ROBERT C. BYRD

RECOMMENDATIONS:

1. That the Director not take time from his heavy schedule to participate in this broadcast.

OK.
X.

2. That consideration be given to designating someone (~~perhaps Mr. DeLoach~~) to substitute for Mr. Hoover.

yes.
X.

3. If Recommendation Two (above) is approved, that final arrangements be made with Senator Byrd's Office and that an appropriate script be prepared and submitted for approval.

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D

✓

OK.
X.
JAL

YN

JS

Mr. Tolson	✓
Mr. DeLoach	✓
Mr. Mohr	✓
Mr. Wick	✓
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

RICHARD B. RUSSELL, GA., CHAIRMAN
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SAM J. ERVIN, JR., N.C.
HOWARD W. CANNON, NEV.
ROBERT C. BYRD, W. VA.
STEPHEN M. YOUNG, OHIO
DANIEL K. INOUE, HAWAII
THOMAS J. MCINTYRE, N.H.
DANIEL B. BREWSTER, MD.
HARRY F. BYRD, JR., VA.
LEVERETT SALTON, MASS.
MARGARET CHASE, MAINE
STROM THURMOND
JACK MILLER, IOWA
JOHN G. TOWER, TEX.

United States Senate

COMMITTEE ON ARMED SERVICES

WILLIAM H. DARDEN, CHIEF OF STAFF
CHARLES B. KIRBOW, CHIEF CLERK

June 17, 1966

The Honorable John Edgar Hoover
Director
Federal Bureau of Investigation
United States Department of Justice
Washington, D. C.

Dear Mr. Hoover:

Thank you so much for your nice letter of June 16. It was kind of you to write as you did concerning my support of your programs.

With warm regards, believe me to be

Sincerely yours,

Robert C. Byrd
Robert C. Byrd, U.S.S.

RCB:yrr

*no reply ne
from
6/21*

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JUN 22 1966

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55 JUL 7 1966

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DATE 10-15-2010 BY 60324 uc baw/sab/lsg

LAW OFFICES

J. NORMAN STONE

1010 VERMONT AVENUE, N.W.

WASHINGTON 5, D.C.

737-7780

RESIDENCE PHONES
949-9326
949-6660

CABLE ADDRESS
"STONE"

June 22, 1966

The Honorable Robert C. Byrd
United States Senate
Washington, D.C.

Re: [REDACTED]

Dear Senator Byrd:

Enclosed please find copy of "hate" letter received by my client, the above-named, a welfare recipient who was one of several who picketed your home a few days ago.

Since your name is mentioned in the aforementioned letter, I thought that you might like to ask the FBI to investigate as I am certain that you would not want it to be inferred that you are associated with the anonymous writer who states that he is one of your friends.

For my part I feel certain that you had nothing to do with it, but some of those who demonstrated and others who have seen this letter seem not to be so sure.

Personally, I am of the opinion, sir, that you can alleviate much of the terror that has struck [REDACTED] a poor woman without much education, by publicly decrying this poison pen letter and publicly disassociating yourself with the alleged "friend" of yours who wrote it and further by asking that your other "friends" cease and desist from engaging in such un-American, Communist tactics.

You are in a position of vast power which can be utilized to further the spirit of tolerance, benevolence, peace, compassion, kindness, understanding, brotherhood and love which are absolutely necessary in these days of the "reaping of the whirlwinds" whose seeds were sown by the preceding few generations of white America.

You can lead the way to a settling of these "whirlwinds" which are surely and swiftly approaching. Anything less than

ENCLOSURE

54 JUL 7 1966

CORRESPONDENCE

This is the statement made from one of the friends of Senator Byrd:

You and your kind Stay out of Arlington, Va.

Sen. Byrd is welcome!

Aren't you ashamed of living on Welfare-- without advertising it,
and asking for more-- without a thought of working to earn your
living?

This is one answer to your picketting Sen. Byrd's home.

62-102432-14

ENCLOSURE

June 6, 1966

Honorable Robert C. Byrd
United States Senate
Washington, D. C. 20510

My dear Senator:

I want to extend my thanks for your thoughtfulness in including in the June 2nd issue of the "Congressional Record" my remarks regarding unjustifiable allegations of police brutality which were published in the June edition of the FBI Law Enforcement Bulletin.

My associates and I have deeply valued your consistent support of measures contributing to effective law enforcement, and I would not want the occasion to pass without expressing heartfelt appreciation.

Sincerely yours,

J. Edgar Hoover

MAILED 27

JUN 7 1966

COMM-FBI

NOTE: Senator Byrd is on the Special Correspondents' List.

DFC:car

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DeLoach _____
Mohr _____
Wick _____
Casper _____
Callahan _____
Conrad _____
Felt _____
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Holmes _____
Gandy _____

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JUL 19 1966

MAIL ROOM ☐ TELETYPE UNIT ☐

**J. EDGAR HOOVER AND "POLICE
BRUTALITY"**

Mr. BYRD of West Virginia. Mr. President, all fair-minded persons shudder at the thought of law enforcement officials who may engage in unethical conduct. But how fair and justified is the growing cry of "police brutality"? This is a question that should concern all people who wish to see good law enforcement and the protection of our rights.

Mr. J. Edgar Hoover, Director of the Federal Bureau of Investigation, and who has had ample experience in law enforcement, should be a proper authority to analyze the growing complaint of "police brutality."

His comments are contained in the June edition of the FBI Law Enforcement Bulletin. I believe they are worthy of our study. I, therefore, ask unanimous consent that they be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the FBI Law Enforcement Bulletin,
June 1, 1966]

MESSAGE FROM THE DIRECTOR
(By John Edgar Hoover, Director)

Law enforcement today is being degraded, purposely in many instances, by the widespread and indiscriminate use of the term "police brutality."

This practice is called a guilt-by-language process by some individuals. They may be right. For example, the word "juvenile" has been associated with "delinquency" so often and so long that now, when used alone, it has a disagreeable connotation to much of the public.

"Police brutality" conjures up visions of hulking men in uniform clubbing and beating innocent people. Rarely, however, does the term fit the circumstances to which it is applied. It is used in wild accounts of enforcement officers' lifting limp demonstrators who block busy thoroughfares, in references to oral commands by policemen who disperse potential troublemakers, in depicting efforts by officers to halt violations of the law, and in describing any number of other sworn duties performed by policemen.

June 2, 1966

COI

We know there is a calculated and deliberate attempt by some groups to inflame hostility against law enforcement by charging "police brutality" without cause. To a large degree they have succeeded. The term is bandied about in all media of communication without serious consideration as to its true meaning or its harmful effect on a profession which is charged with enforcing the basic rules of civilized living.

I agree with a growing number of responsible news editors, public officials, and law-abiding citizens that it is high time to get this "pet slogan" into a better perspective. We do not deny there have been instances of misuse of force by enforcement officers, but such incidents are not as prevalent as the public has been led to believe. A general and accepted principle of the law has been that an officer may use such force as is necessary to make lawful arrests, protect his life, and perform other specific duties. Frequently, however, the choice is not his to make; he has to use force or be maimed or killed and have the rights of all the people trampled by those who have no respect for law or due process. Even then, his best efforts often are not enough, as evidenced by the appalling number of officers assaulted and killed each year.

Policemen have the same basic rights as others. There is no reason why they should be singled out for ridicule by invalid blanket accusations. The public, the press, and law enforcement itself should launch a concerted drive to stop the semantic indictment of police. Allegations and incidents should be reported and described in realistic, impartial, and truthful terms. If an officer is assaulted while making an arrest and uses undue force to subdue the person, then call it "undue force." If an officer uses profane language to a citizen, then describe it as profane language. If an officer is thought to be biased or prejudiced in his treatment of groups or individuals, then the complaint should so state. But the constant cry of "police brutality" as a catch phrase, exploited and used as camouflage for illegal conduct, is dead wrong. It is a stigmatization of police by rote.

ENCLOSURE

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ALL INFORMATION CONTAINED

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DATE 10-15-2010 BY 60324 uc baw/sab/lsg

RICHARD B. RUSSELL, GA., CHAIRMAN
JOHN STENNIS, MISS.
STUART SYMINGTON, MO.
HENRY M. JACKSON, WASH.
SAM J. ERVIN, JR., N.C.
HOWARD W. CANNON, NEV.
ROBERT C. BYRD, W. VA.
STEPHEN M. YOUNG, OHIO
DANIEL K. INOUE, HAWAII
THOMAS J. MCINTYRE, N.H.
DANIEL B. BREWSTER, MD.
HARRY F. BYRD, JR., VA.

LEVERETT SALTONSTALL, MASS.
MARGARET M. SMITH, MAINE
STROM THURMOND, S.C.
JACK MILLER, IOWA
JOHN G. TOWER, TEX.

WILLIAM H. DARDEN, CHIEF OF STAFF
CHARLES B. KIRBOW, CHIEF CLERK

United States Senate

COMMITTEE ON ARMED SERVICES

August 16, 1966

Mr. Tolson	✓
Mr. DeLoach	✓
Mr. Mohr	✓
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

The Honorable J. Edgar Hoover
Director
Federal Bureau of Investigation
United States Department of Justice
Washington, D. C.

Dear Mr. Hoover:

Thank you for taking the time to write me your very kind letter concerning my speech, which appeared in a recent issue of the Congressional Record.

As I am sure you know, I am very concerned over the crime situation in the country today.

With best wishes, I am

Sincerely yours,

Robert C. Byrd
Robert C. Byrd, U.S.S.

RCB:mg

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CORRESPONDENCE

Mr. Tolson _____
Mr. DeLoach ☒
Mr. Mohr ☒
Mr. Wick ☒
Mr. Casper _____
Mr. Callahan _____
Mr. Conrad _____
Mr. Felt _____
Mr. Gale _____
Mr. Rosen ☒
Mr. Sullivan ☒
Mr. Tavel _____
Mr. Trotter _____
Tele. Room _____
Miss Holmes _____
Miss Gandy _____

August 26, 1966

MR. DE LOACH:

RE: W.E.B. DU BOIS CLUBS OF AMERICA;
INQUIRY BY SENATOR ROBERT BYRD
(D - W. VA.)

ROBERT C. BYRD

Senator Byrd telephonically contacted my office yesterday afternoon and inquired if someone could stop by his office to "brief" him concerning the DuBois Clubs which, he understood, was sponsoring a demonstration in Washington this weekend.

SA Bowers kept this appointment with the Senator. Bowers furnished the Senator copies of articles, speeches and statements by the Director which contain information about the DuBois Clubs, other reprint data we have available concerning the organization, some public-source-type information regarding the planned demonstration this weekend which had been previously furnished to friendly news media contacts. The Senator indicated he was going to make a speech on the floor of the Senate in the near future concerning the DuBois Clubs and he was most appreciative of our assistance. He will not attribute the information to us.

RESPECTFULLY,

R. E. WICK

~~1 - Mr. Tolson~~
1 - Mr. DeLoach
1 - Mr. Sullivan
1 - Mr. Jones

DWB:mls
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August 12, 1966

Honorable Robert C. Byrd
United States Senate
Washington, D. C. 20510

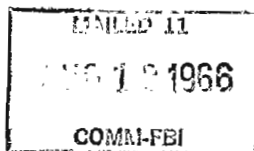
My dear Senator:

I have seen the "Congressional Record"
which contains your speech given on August 10th. You
are indeed to be complimented for this excellent
presentation.

We in the FBI, and I am sure all in law
enforcement, are most grateful that you spoke so force-
fully about the crime situation and the problems
confronting those of us charged with the responsibility
for coping with increasing lawlessness.

Sincerely yours,

J. Edgar Hoover



AUG 12 10 14 AM '66
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FBI

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NOTE: The Bureau furnished cooperation to Senator Byrd in
connection with several speeches which he incorporated into his
presentation to the Senate on 8-10-66. Senator Byrd is on the
Special Correspondents' List.

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CONGRESSIONAL RECORD — SENATE

August 10, 1966

York Times of July 31, 1966, a copy of which is enclosed. This article points out that the Federal Government is, of itself, harvesting millions of board feet a year from virgin Redwood timber supplies. Has the Department of Agriculture been requested to cease cutting until the issue is resolved?

Because of your keen and sincere interest in the park site for the people of your constituency perhaps, before our responding in kind to your letter, it might be well if we had an opportunity for a discussion.

Very truly yours,

RAGAN & MASON,
WILLIAM F. RAGAN.

Enclosures.

cc: The Honorable ALAN BIBLE, HENRY M. JACKSON, B. EVERETT JORDAN, FRANK E. MOSS.

EXHIBIT 3

JULY 26, 1966.

Mr. ROBERT S. LUNTEY,
Assistant Chief, Office of Resource Planning,
San Francisco Planning and Service
Center, National Park Service, 450
Golden Gate Avenue, San Francisco,
Calif.

DEAR MR. LUNTEY: This will respond to your letter requesting permission to take certain photographs of our property for purposes of showing them to the Senate Subcommittee concerned with the proposed national park.

Please be advised that we have conferred with our Counsel in Washington, and we hereby deny your request. As you should be aware five members of the Subcommittee, including the Chairman of the full committee, were recently in Crescent City and personally visited our lands. In addition to that the same group flew over the entire territory by helicopter. Accompanying the senators were representatives of the Park Service. As we are aware, many factors concerning this proposed park have been distorted and photographs similarly can cause an erroneous impression.

We consequently see no reason why in such a short space of time the expense of photographs to make expensive montages to impress the committee is necessary. Consequently, this request is denied.

Very truly yours,

RELLIM REDWOOD Co.,
DARRELL H. SCHROEDER,
Vice President.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the Journal of the proceedings of Tuesday, August 9, 1966, was approved.

THE GROWING PROBLEM OF CRIME IN THE UNITED STATES

Mr. BYRD of West Virginia. Mr. President, today this Nation is faced with a tremendous problem in a word which is appearing—unfortunately—each day in headlines of our newspapers—and that word is "crime." We live in an era of increasing crime and violence. Two mass murders have occurred in less than 3 weeks—in Indiana on July 14, and on August 1 in Texas—and a total of 24 persons died.

At this very moment somewhere in our country citizens are being murdered, assaulted, raped, and robbed. Though completely innocent themselves, they may bear for the remainder of their lives the scars given them by hoodlums and desperados. The time has come for every American to be concerned.

When we mention crime, we should not visualize merely a stolen car, a burglarized filling station, or a victim of assault. These are the evidences of crime—but in our complicated world of today crime has a much more far-reaching complex status than the common conception of murder or theft. There are, of course, the so-called above ground crimes; namely, murder, assault, and theft. But, today, crime also abounds underground—in gambling, corruption, malfeasance in office, and is often known as organized crime. Crime also relates to probation and parole statutes, to law enforcement agencies, to sex offenders, to the failure of citizens to understand their responsibilities in society.

Today I want to take sufficient time to discuss some aspects of the crime problem.

NATIONAL CRIME PICTURE

The waves of lawlessness are beating strongly against the shorelines of our national life. According to the FBI's Uniform Crime Reports, 2,780,000 serious crimes were reported during 1965, representing a 6 percent increase over the previous year. Of course, the total number of criminal acts that occur is unknown because many crimes never come to the attention of the police. This is an appalling tragedy.

Since 1958, crime has increased six times faster than our population growth. No aspect of crime is today taking a holiday. Last year, crimes of violence—that is, murder, nonnegligent manslaughter, forcible rape, robbery, and aggravated assault—climbed 6 percent as a group. Property crimes of burglary, larceny \$50 and over, and automobile theft were also up 6 percent, resulting in total property stolen in excess of \$1 billion.

In 1965, a serious crime was committed every 12 seconds, with a burglary occurring every 27 seconds, an auto theft every 60 seconds, a robbery every 4½ minutes, a forcible rape every 23 minutes, and a murder every 53 minutes.

Crime showed no favoritism to any area of this Nation. Geographically, all regions registered increases, led by the Western States with a 10-percent rise, followed by the Northeastern States, up 8 percent, and the North Central and Southern States, up 4 percent.

Most of us would probably surmise that crime is increasing in large cities of at least 250,000 in population. This assumption is indeed correct, with crime reflecting a 4-percent jump.

But the rapidly expanding suburban areas around our big urban centers reflected an 8-percent jump—twice that of cities. This is the area where allegedly law-abiding, well-behaved, intelligent people live—yet in these areas we find lawlessness growing with fantastic speed. However, the FBI reports show that many of the offenders in suburbia are nonresidents. For example, in the Maryland and Virginia suburbs of the Washington, D.C., metropolitan area, 31 percent of all persons taken into custody were nonresidents of the communities in which they were arrested.

The rural areas showed a 3-percent jump. My own State of West Virginia,

a so-called poverty-stricken State, was 49th among the 50 States in the overall crime rate per 100,000 inhabitants, 49th in the number of burglaries, 50th in the number of larcenies, and 50th in the number of auto thefts.

The crime picture is today one of America's great, black spots of shame. Like a giant mushroom cloud, it puts its sooty finger on every American, regardless of where he may live.

Just why is crime on such a spree in a society which calls itself rational and intelligent? Why, last year, was murder up 6 percent, forcible rape up 9 percent, robbery up 6 percent, aggravated assault up 6 percent, burglary up 6 percent, and automobile theft up 5 percent?

The inner core of this tragedy is reflected even more in the statistics from the FBI concerning juvenile misbehavior. Last year, 63 percent of all arrests for serious crimes involved persons under 21 years of age. While the increase in the 10- to 17-year-age group population was 17 percent in the period 1960-65, police arrests of persons under 18 years of age, for serious crimes, jumped 47 percent during that period. Thus, it can be clearly observed that the percentage increase in the criminal involvement of those young persons, as measured by police arrests, is more than triple their percentage increase in the national population. However, it should be remembered that only a small percentage of the total young age population becomes involved in criminal acts—less than 5 out of 100.

Last year, persons under the age of 25 comprised 74 percent of all police arrests for serious crimes in large cities, 72 percent in rural areas, and 78 percent in the suburbs.

Male arrests for all crimes outnumbered female arrests 7 to 1; however, female arrests continued to increase more rapidly in 1965. Female arrests, overall, accounted for 13.4 percent of the total, 18 percent of the forgery, 20 percent of the fraud, 17 percent of the embezzlement, 17 percent of the criminal homicide, 4 percent of the auto theft, and 22 percent of the larceny arrests.

Nonwhites accounted for 52 percent of the arrests for forcible rape, in cities and suburbs, and 59 percent of the murders and nonnegligent manslaughters.

In 1965, the clearance, or police solution, rate nationally was 24.6 percent, virtually unchanged from 1964. Significantly, however, according to the FBI Uniform Crime Reports for 1965, there was a 5-percent decrease from the previous year in the number of adults found guilty and a sharp 13-percent increase in the number of acquittals and dismissals. Three out of every 10 murder defendants were either acquitted or their cases were dismissed at some prosecutive stage, over one-third of those charged with forcible rape were acquitted or had their cases dismissed, and over one-third of the persons charged with aggravated assault won freedom through acquittal or dismissal.

A significant fact emerges—

States the 1965 FBI Uniform Crime Reports.

ENCLOSURE

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In earlier times, before the harvest of redwoods began, there were approximately 2 million acres of coast redwoods in California. Less than 20 percent of the original virgin forest now remains. Less than 3 percent of the original virgin redwood forest is in parks today.

No one is more conscious than I of the constitutionally protected rights of the owners of private property. The right to hold and dispose of private property is basic to our way of life. But should not every citizen, property owner or not, consider his obligation to society as a whole?

The bill I sponsor is supported by the President, the Secretary of the Interior, the Governor of California, and many conservation-minded Senators and Congressmen and citizens. The Save-the-Redwoods League urges its adoption. But, as the wheels of the legislative machine slowly turn, the private owners of this priceless natural resource have, it seems to me, a responsibility to their fellow-citizens, a moral obligation far transcending the normal legal rights and obligations of landowners. They have, I think, an obligation to respect the efforts of the people's representatives to preserve these giants. There is a responsibility to stop slashing down these ancient trees, hell-bent on their almost complete obliteration.

Some of these redwoods have taken 2,000 years to grow to their present grandeur. Those who would sever them from the earth are not answerable to Congress or the courts. They are, however, answerable to the people of this country, and to posterity. These giant trees belong to the ages.

On July 13, 1966, I wrote Miller-Rellim Redwood Co. again urging it to announce "a suspension of cutting in vital areas of virgin redwoods within the proposed park boundaries until Congress had had time to act on this legislation." Mr. President, I ask that my July 13 letter to Miller-Rellim be included in the Record at the conclusion of my remarks.

The VICE PRESIDENT. Without objection it is so ordered.

(See exhibit 1.)

Mr. KUCHEL. Nearly a month has passed and no responsive answer or announcement has been heard. I have received one letter from Mr. Miller's secretary and one from his attorney, but none from the man in whose hands the fate of the Redwood National Park lies. Mr. President, I ask that the letters which I have received from Mr. Miller's secretary and his attorney be included in the Record at the conclusion of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

(See exhibit 2.)

Mr. KUCHEL. The sum of the responses from Miller-Rellim Redwood Co. is delay. And as the private owner stalls off my efforts to achieve a suspension of cutting within the proposed park boundaries, what is happening on the land? What is happening, Mr. President, is that Miller-Rellim Redwood Co. has slammed the gates to its property shut in order to keep the Congress from knowing how much and how fast it is cutting. I ask to have printed in the

Record at the conclusion of my remarks a letter which Mr. Darrell H. Schroeder, vice president of Miller-Rellim Redwood Co., wrote to the National Park Service on July 26, 1966, denying the Park Service access to the Miller property so that the Park Service might be prevented from presenting the true facts as coming hearings on the legislation.

The VICE PRESIDENT. Without objection, it is so ordered.

(See exhibit 3.)

Mr. KUCHEL. Mr. President, this is a fight for the people. It is a fight to preserve as a national park a plot of ground on which still stand these living giants. It is a fight against the spoliation of whole mountains, against the marauding devastation of virgin forests. It is a fight in which the people of my State and our country ought to enlist, to protect and to preserve a little, a precious little, ground on which the mighty redwoods grow.

When I add up what I have seen firsthand in visiting the Miller-Rellim property, what I have seen in aerial photographs, what I have heard from administration officials, what I have heard from respected conservationists, plus Miller-Rellim's failure satisfactorily to respond to my repeated request, I am compelled to conclude that the Miller-Rellim Redwood Co. is pursuing a program designed to destroy the park value of this portion of its timberlands by cutting out its heart.

I again urge Miller-Rellim voluntarily to suspend cutting in vital areas of virgin redwoods within the proposed park boundaries until Congress has had time to act on this legislation. I ask the company to do so in a spirit of cooperation and with an awareness of the responsibilities imposed upon it as trustee of a great vanishing natural resource.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON

INTERIOR AND INSULAR AFFAIRS,
July 13, 1966.

Mr. HAROLD A. MILLER,
President, Miller-Rellim Redwood Co.,
P.O. Box 356,
Crescent City, Calif.

DEAR Mr. MILLER: During the recent Redwood National Park field hearings held by the Parks and Recreation Subcommittee of the Senate Committee on Interior and Insular Affairs in Crescent City, California, it was disclosed that in recent months your company has been moving its cutting operations into virgin stands of redwoods on your property south of the boundary of Jedediah Smith State Park.

Since you own substantial redwood acreage outside the proposed park boundaries, I asked you, during the hearings:

"Would it not be better, Mr. Miller, in the future for us to agree that, while this legislation is under discussion in the Congress, precautions be taken that the area contemplated to be used as a park be left alone to the greatest extent economically feasible?"

Your reply was:

"It would certainly not be feasible. You just cannot move your operation around that way."

No one is more conscious than I of the constitutionally protected rights of the owners of private property. The right to hold and dispose of private property is basic to our way of life.

The few remaining old growth redwoods

represent a priceless, irreplaceable part of our American heritage. As the wheels of the legislative machine slowly turn and as legislation to create a Redwood National Park is pending in Congress, I believe that you, as the owner of properties which include this natural resource have a responsibility to our fellow citizens, a moral obligation, which far transcends the normal legal rights and obligations of land-holding. I believe that you have an obligation to respect the efforts of your fellow citizens to preserve some of these giants, and not to frustrate those efforts or render them meaningless. Yours is responsibility to refrain from felling these ancient trees at the very time some of us in Washington are attempting to save them.

I again urge you to publicly announce, in a spirit of cooperation and with an awareness of the responsibilities imposed upon you as trustees of this disappearing natural resource, a suspension of cutting in vital areas of virgin redwoods within the proposed park boundaries until Congress has had time to act on this legislation.

With kindest regards,

Sincerely yours,

THOMAS H. KUCHEL,
U.S. Senator.

EXHIBIT 2

MILLER REDWOOD CO.,

Crescent City, Calif., July 18, 1966.

HON. THOMAS H. KUCHEL,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR KUCHEL: In Mr. Miller's absence, I wish to acknowledge receipt of your letter of July 12th. While a photocopy of your letter has been forwarded to Mr. Miller, it is unlikely that he will have an opportunity to reply until after his return to this office on August 3rd.

Very truly yours,

VELMA JEREMIAH
Mrs. Velma Jeremiah,
Secretary to Mr. Harold A. Miller.

RAGAN & MASON,
Washington, D.C., August 2, 1966.

HON. THOMAS H. KUCHEL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KUCHEL: On July 13, 1966, you wrote to Mr. Harold Miller, President of Stimson Lumber Company. For your ready reference, a copy of your letter is attached hereto.

In your letter you asked Mr. Miller to publicly announce, with the awareness of his responsibilities that he is suspending cutting in a "vital area of virgin Redwoods."

Mr. Miller and I have discussed your letter and it was agreed that I would respond as outlined below. However, I have recently been ill and consequently have not had the opportunity of responding to your letter until today.

Before responding in substance, I must refer to the record of the hearings at which time your point was also raised, and at which time I pointed out that over fifty members of Congress have supported legislation to impose the park elsewhere. I think you must agree that the predominance of support for a Redwood National Park is not on the locus of the Administration's proposal. As was pointed out in the hearings, the park proposal has been pending for a number of years and the predominant support for a park is not in the area affecting the Miller land.

We therefore respectfully request that you advise as to whether or not similar letters were sent to other companies that are involved in cutting adjacent to the other and more heavily supported park proposal.

I would also like to call your attention—and again not as a response in kind to your subject letter—to an article in the New

Since 1932, acquittals and dismissals for the serious crimes, as a group, have risen 14 per cent.

The offense which had the highest percentage of acquittals and dismissals was forcible rape with 43 per cent.

According to the FBI Uniform Crime Reports, 53 of America's finest law enforcement officers were killed last year by the brutal assaults of criminal desperados. During the 6-year period, 1960-65, a total of 278 officers were killed by criminal actions. Records showed that, of those arrested for murdering these policemen, 76 per cent had been arrested on some criminal charge prior to the time they killed the policemen, and, very significantly, over one-half of the group had been previously arrested for assaultive-type crimes such as rape, robbery, assault with a deadly weapon, and so forth. In fact, nine had been charged on some prior occasion with an offense of murder, seven of whom had been paroled on the murder charge. Sixty-eight per cent of the persons responsible for the murders of the policemen had prior convictions on criminal charges, and more than two-thirds of the group had received leniency in the form of probation or parole on at least one of these convictions. More than one of every four of the murderers was on parole or probation when he killed a police officer.

The number of serious crimes is an affront to a nation which prides itself on being civilized. Murder and assault are throwbacks to the jungle, where man lived on the skill of his knife and spear. Surely, one of the characteristics of an intelligent and rational society is the opportunity of citizens to live in safety—whether in their homes, or on the streets or at their daily work.

Just who are the hard-core criminals today? Do we have any information about them?

THE HARD-CORE CRIMINAL

The FBI has undertaken a most revealing study of selected hard-core criminals. These studies indicate that our total criminal population is much smaller than total annual crime would suggest. The explanation is that our rate of criminal recidivism is high. For example, the FBI studied the criminal histories of selected murderers, bank robbers, and fugitive felons. Of the 900 persons arrested for murder at some stage in their careers, it was disclosed that they had an average of more than 6 arrests over a 9-year span. Twelve per cent of these offenders had more than one murder charge on their record.

What did the FBI study show about bank robbers—always a dangerous breed of desperados? For bank robbers arrested and charged in 1963 and 1964 their average age was 31 and their average criminal career was over 10 years. During this time, they had averaged five arrests, almost one-half of them for serious crimes. More than three-quarters of these bank robbers had been arrested for other crimes prior to their arrest and charge for bank robbery. Only a small number of bank robbers—

3 per cent—had repeated this crime after first being arrested for bank robbery. Why this small rate of recidivism? The answer probably lies, according to Mr. J. Edgar Hoover, in the high conviction rate and prison terms given by the courts.

These facts indicate that the high volume of offenses in this country are being committed by a relatively small criminal population. The intensity of this criminal activity is highest in the younger age groups.

What does this mean? Simply this—more preventative action is needed in the early years to prevent these youngsters from being hard-core criminals. Moreover, we must look frankly at some of the abuses of judicial leniency.

PAROLE AND PROBATION

Although parole and probation are vitally necessary to the American judicial system, they are, unfortunately, frequently abused. The 1964 annual report of the U.S. Board of Parole pointed out that the maximum sentence imposed by the Federal courts during 1964 was 50.4 months, while the average stay in prison of all Federal prisoners was only 17.5 months. This clearly shows that Federal prisoners are serving much less than half of their intended sentences.

Has parole or probation or other forms of leniency such as the suspended sentence or the conditional release tended to rehabilitate criminals, lessen the crime rate, or stop recidivism? An FBI study of some 92,000 criminal offenders in 1963-64 showed that 76 per cent were repeaters—that is, they had a prior arrest on some charge. Leniency in the form of probation, suspended sentence, parole, or conditional release had been afforded to 51 per cent of the offenders. After the first leniency, this group averaged more than three new arrests. Murders, rapes, and aggravated assaults committed by those on probation all attest to the fact that there is indeed a severe lack of insight surrounding these cases.

Headlines of every major newspaper in the country reflect the daily onslaught on the American citizenry by deranged individuals who have received undeserved judicial leniency. In 1964, one of these sadists, a man who had pleaded guilty to two vicious murders in 1956 and was subsequently convicted and sentenced to life imprisonment, was set free to roam the streets again. This individual possessed nothing less than a 47-year-old criminal record. Yet, only 8 years was the penalty for his act. Less than a year later, this man was before the bar of justice again, this time for his alleged participation in a dual murder.

Another recent, tragic example of undeserved leniency involved a midwestern individual who had served 8 years in prison for the brutal slaying of two western police officers. The two policemen were cut down in the line of duty while attempting to arrest their slayer. The man was sentenced to life imprisonment and 25 years, the sentences to run concurrently. However, after only 8 years

had transpired, the prison opened its doors feeling that society's debt had been paid.

I am not a man without compassion or forgiveness, but it outrages my sense of righteousness to think of this man walking free in society—a man who had cut short the lives of two officers of the law.

This is not an isolated case. Cases such as the ones I have described constantly arise. Undeserved parole and probation are open invitations to criminals, whether they be smalltime hoods, or bigtime operators, to continue their assaults against society.

Therefore, it is mandatory that a scrupulous eye be affixed to judicial leniency. Common sense dictates that our society must be protected from people who, convicted of violent crimes, will do everything within their power to continue their nefarious way.

SEX CRIMES

Outside of murder itself, perhaps the most reprehensible crime perpetrated is that of rape. Last year, there were 22,470 forcible rapes or assaults in the United States. Above and beyond this figure many of these crimes are never reported to the police, primarily because of fear or embarrassment on the part of the victims.

For the period 1960-65, forcible rapes have increased 36 per cent. These statistics can be more easily understood when we realize that in 1965, 61 such offenses occurred each day of the year—a rape every 23 minutes.

The rapist, the child molester and the "peeping tom" are basically depraved individuals. Unfortunately, sex crimes are the ones particularly susceptible to recidivism, that is, people with records of such offenses tend to commit them over and over again. Often, however, these people are placed on probation, especially if it is a first offense or they are sent to hospitals for "rehabilitation." Sadly enough, in many cases, this period of "rehabilitation" only consists of a short time after which the individual is released. A few days or weeks later he is again arrested for the same crime.

LAW ENFORCEMENT TRAINING

American law enforcement today stands on the front line against the criminal. In 1965, according to the FBI Uniform Crime Reports, the ratio of police to population in 3,613 cities with a population of 109 million represented some 1.7 officers per 1,000 population. Actually, this manpower is inadequate to perform the mounting task facing law enforcement. Today, especially in large cities, an ever greater demand is being made for placing officers on patrol duty. Often, for the sake of safety, they must go in pairs. But, as can be seen, patrol duty is an enormous drain on manpower. Too often, the chief of police does not have the men to do what he knows should be done.

In the suburbs, with a population of 40 million, which are today registering the largest increases in crime, the police employee ratio drops to 1.2 per thousand

population. Actually, the average ratio of police to population has remained pretty much unchanged since 1958, despite an increase in the volume of crime, an increase in motor vehicle registrations, and a constantly rising demand for other police services.

What are the factors back of the appalling increase in the volume of crime here in America? There are, obviously, many factors such as population growth, a high rate of mobility, and so forth. However, there are two factors to which I especially wish to address my comments at this time. One of these concerns civil disobedience and demonstrations, and the other concerns recent court decisions which make more difficult the arrest, prosecution, and conviction of criminals.

CIVIL DISOBEDIENCE AND DEMONSTRATIONS

Over the past three or four years our society has been subjected to a virtual wave of demonstrations. America has been afflicted by an epidemic of acts of so-called civil disobedience. Laws, whether in the form of municipal ordinances or in the form of State statutes, have been willfully and intentionally disobeyed by individuals and by groups. Private property has been subjected to deliberate trespass, and mobs have taken to the streets, interfering with commerce, creating disorder, and breaching the peace.

Wherever the so-called nonviolent movement has gone, violence has all too often accompanied it. In many instances it could have been, and was, anticipated that the highly publicized "nonviolent" demonstration or march would likely provoke violence, and it was probably hoped by some that it would do so. Violence was, in some instances, apparently the catalyst so necessary for success.

Aided and encouraged by vote-seeking politicians, by some segments of the big city press, by various church groups, and by sincere do-gooders, those who advocated, participated in, and led demonstrations went on to advocate, participate in, and lead greater and larger demonstrations. From demonstration to demonstration, march to march, headline to headline—so it went. To lie down in the streets and be carted off to jail was heralded by some as an act of Christian witnessing, and a record of arrest for acts of so-called civil disobedience was considered a badge of honor for the person with such a record. To march in front of television cameras, arm in arm with demonstrators, became the craze of the times.

Civil disobedience was sometimes advocated from some of the pulpits throughout the land and was encouraged, upon occasion, by public officials whose voices joined in the refrain "we shall overcome." Sit-ins, wade-ins, and walk-ins became the order of the day. Demonstrators chained themselves one to another, to form human walls in front of business establishments. Children in schools were exhorted to absent themselves and participate in marches and demonstrations in violation of the law. Court orders were flouted by demonstration leaders. Frequently, the mobs

were so large that the police were helpless to make arrests, and wrongdoers went on their merry way unchallenged. Not uncommonly, mobs converged upon jails to demand that those persons arrested for violating the laws be released to violate the laws again.

Literally hundreds of agitators, troublemakers, publicity seekers, as well as good and noble men and women crusading for what they believed to be a just cause, converged from all points of the compass upon troubled communities traveling by bus, by train, by airplane, and on foot to participate in this march or that march and then to depart as hurriedly as they had arrived. That they left behind them aroused passions, renewed hatreds, and exacerbated frictions was of little consequence. The march, after all, had gone forward to reach its goal, and had, therefore, been a success. Men and women sought to build or embellish reputations by participating in the marches or by getting themselves arrested, thus hoping to gain a little local, or even national, notoriety.

These acts of so-called civil disobedience were proclaimed time and time again by important public personages to be in the finest of American tradition, and it became rather commonplace to hear glowing references made to the Boston Tea Party as an act of civil disobedience on the part of our forebears and come to be equated with acts of civil disobedience lately being witnessed. Human rights were loudly proclaimed to be superior to property rights—among the oldest and most basic of natural and human rights—and demonstrators arrested and convicted for trespassing on private property were exculpated by the U.S. Supreme Court and their convictions voided.

It was said to be good Christian doctrine to disregard manmade laws which conflicted with one's own conscience. If one felt a particular law to be wrong, then he was to consider himself free, by a higher moral law, to disobey such a manmade law or ordinance. In other words, each individual was to become the self-determiner of those laws which he would obey and those laws which he would not obey. This was a curious and strange doctrine, indeed, in a government reputed to be a government of laws and not a government of men.

In the face of such a situation as I have described, is it any wonder that we have observed a growing disrespect for law and order? Should it come as a surprise that young people, seeing their parents and activist members of the clergy engaging in demonstrations and acts of civil disobedience, would come to believe laws are made to be broken rather than kept? Is it any wonder that young people came to look upon an arrest record as a matter of little or no concern? And, if it was excusable—or even popular—to disobey a municipal ordinance or to become involved in a minor infraction of the law, need one draw the line, and, if so, where?

If one law could be flouted with impunity, why could other laws not be similarly disregarded? If one could cavalierly disobey a municipal ordinance, why

not disobey a State statute? If one could commit a misdemeanor and go unpunished, why not a felony? If it was the accepted norm for one's parent to break the law and heap abuses upon policemen, why was it not equally acceptable for the student to be disrespectful toward his teacher? In such an atmosphere of permissiveness, civil disobedience, and disrespect for civil law, the seeds of crime took deeper root, and the Nation is now reaping the harvest.

HANDCUFFS ON LAW ENFORCEMENT

During recent years many court decisions have been rendered in the general field of civil liberties which affect the day-to-day work of law enforcement. From a society in which some constitutional rights were often ignored or overlooked, we have now become a society in which no constitutional right of any person is too unimportant for the courts and public opinion to scrutinize.

As a result, a number of court decisions have strengthened the rights of the individual and restricted the power of the police. No American, in any way, wants to see any abrogation of civil liberties or abuse of constitutional privileges. Yet, there is conclusive evidence that some judges, in their decisions, are today unnecessarily fettering law enforcement; that is, putting unrealistic handcuffs on the police.

Take, for example, a Chicago judge's decision in March 1965, which acquitted two defendants in a case in which two plainclothes police officers were attacked in a street assault. One of the officers was so severely gashed, he spent 23 days in the hospital, where 28 stitches were required to close his wound. One of the assailants had a broken beer bottle and the officers, after identifying themselves, drew their pistols and ordered the man to drop the bottle, which he refused to do.

In releasing the two men, the judge said:

The right to resist unlawful arrest is a phase of self-defense. What is a citizen to do when he is approached by two officers with a gun?

Seldom has a more unrealistic judicial decision been rendered. Here was a case of a defendant who had used a broken beer bottle to attack officers who had properly identified themselves and who had drawn their weapons in justifiable circumstances. Yet, the arresting officers were criticized.

Never must we forget, Mr. President, that the citizens of the community also have rights. Where the balance is weighted to heavily in favor of the criminal, giving him every break and putting cuffs unnecessarily on the police, the cause of good society is not promoted.

On June 13, the U.S. Supreme Court hung yet another anchor around the necks of this Nation's police officers.

The 61-page decision, written by Chief Justice Warren and the concurrence of Justices Black, Douglas, and Brennan, came as no particular surprise. It is in keeping with the trend of decisions which these men have handed down for years—decisions which hamper effective law enforcement, elevate individual rights out of perspective and regulate the overall rights of society to a secondary position.

But there are many who were surprised to see Justice Fortas joining these four to form a majority and thus enable the Supreme Court to once again impede law enforcement. It was, after all, only last year that Justice Fortas testifying before the Judiciary Committee of this body which was considering confirmation of his appointment to the Supreme Court, declared that he believed the "adequate opportunity" for police interrogation of persons accused or suspected of a crime is absolutely essential to law enforcement.

In the words of an editorial from the June 15, 1966, issue of the Washington Evening Star, under the decision which Justice Fortas helped to make effective, "opportunity for police interrogation becomes, not adequate, but virtually impossible. Law enforcement, and especially the public, will suffer accordingly," the newspaper declared.

This landmark decision—and indeed it must be so characterized since it introduces an entirely new concept into police operations—interposes for the first time the full impact of the fifth amendment protection against self-incrimination on the police-suspect relationship.

The Court said:

We hold "that when an individual is taken into custody or otherwise deprived of his freedom by the authorities and is subjected to questioning, the privilege against self-incrimination is jeopardized. Procedural safeguards must be employed to protect the privilege. . . .

Here are the safeguards demanded by the five-men—the rules which they have imposed on all the police officers of this land:

He (the suspect) must be warned prior to any questioning that he has the right to remain silent, that anything he says can be used against him in a court of law, that he has the right to the presence of an attorney, and that if he cannot afford an attorney one will be appointed for him prior to any questioning if he so desires. Opportunity to exercise these rights must be afforded to him throughout the interrogation. After such warnings have been given, and such opportunity afforded him, the individual may knowingly and intelligently waive these rights and agree to answer questions or make a statement. But unless and until such warnings and waiver are demonstrated by the prosecution at trial, no evidence obtained as a result of interrogation can be used against him.

The Honorable J. Edward Lumbard, chief judge of the Second Circuit Court of Appeals, in September 1963, wrote in the American Bar Association Journal that there have been two distinct trends in the criminal law during the last 40 years—"to strengthen the rights of the individual and to restrict the powers of the police."

In April 1964, Jenkin Lloyd Jones, noted editor and newspaper columnist, summed up the feelings of many in a column he called "Weeping for the Innocent" with these words:

It is time that decent Americans begin to yell bloody murder. The robbers have been chasing the cops long enough. Let's turn the race around. Let's recognize that honest people have some rights, too, and that among these rights is the protection afforded by making it dangerous to rob, loot, maim or murder them.

Well, a lot of decent Americans have been yelling bloody murder, but their shouts have gone unheeded by a Supreme Court which seems to hear only the sentimental and illogical gush of the small minority intent on elevating the rights of the individual above the rights of society. So, the scales of justice, which should be maintained at a delicate balance, have gradually but steadily been tipped in favor of the lawless.

Chief Justice Warren went to great lengths in his 61-page decision to belittle the impact which his "safeguards" will have on law enforcement. Blandly he asserted:

The limits we have placed on the interrogation process should not constitute an undue interference with a proper system of law enforcement . . . our decision does not in any way preclude police from carrying out their traditional investigatory functions.

Yet, Mr. President, police interrogation of suspects long has been a traditional investigatory function, and the Court-imposed "safeguards" certainly will preclude police from carrying it out.

The Chief Justice cited the "exemplary record of effective law enforcement" on the part of the Federal Bureau of Investigation which through the years has advised suspects:

At the outset of an interview, that he is not required to make a statement, that any statement may be used against him in court, that the individual may obtain the services of an attorney of his own choice and, more recently, that he has a right to free counsel if he is unable to pay.

He devoted four pages in his decision to outlining the FBI's procedures.

But is there justification for the Chief Justice's assertion that "the practice of the FBI can readily be emulated by State and local enforcement agencies"? He dismissed the argument that the FBI deals with different crimes from those dealt with by State authorities as not mitigating the significance of the FBI experience.

Justice John Harlan, in his dissent, rightly noted:

In spite of the Court's obiter dictum . . . there is some basis for believing that the staple of FBI criminal work differs importantly from much crime within the ken of local police.

Then in a classic understatement, Justice Harlan declared:

The skill and resources of the FBI may also be unusual.

Justice Harlan also pointed out that FBI agents in the past have not been encumbered by the now-required affirmative "waiver" before they could ask questions, nor were they previously prevented from attempting to prevail upon a suspect, who has said he did not want to talk, to change his mind.

To date, I have noted no comment by FBI Director J. Edgar Hoover concerning the most recent Supreme Court decision which further complicates the work of the profession to which he has dedicated his life. But one can gain some insight into his feelings from the following passage from a statement he made in 1960:

We are faced today with one of the most disturbing trends that I have witnessed in my years of law enforcement—an over-

zealous pity for the criminal and an equivalent disregard for his victim.

The Chief Justice also devoted considerable space to an attempt to show that the British have not suffered from similar safeguards in effect since 1912. Justice Harlan pointed out several significant differences in our newly formed rule of police interrogation and the British judges' rules.

That many British subjects are less than satisfied with their form of criminal justice also is quite evident. An article published in March 1965, in the American Bar Association Journal by Lord Hartley Shawcross, noted British lawyer, is a good example. He wrote that crime in Britain pays because "more and more people get away with it." He declared:

We cling to a sentimental and sporting attitude in dealing with the criminal. We put illusory fears about the impairment of liberty before the promotion of justice. How are our liberties protected by making criminals and suspects a privileged class? The activities of the criminals are a far more serious invasion of our privacy and our liberties than those of the police.

This eminent British lawyer, with years of experience under the judges' rules, has learned his lesson the hard way. He has seen the folly of subordinating the rights of society to the rights of the individual in criminal matters. Thanks to our Chief Justice and his four associates, we must now experience this same folly.

The Chief Justice and his four concurring Associate Justices were not satisfied on June 13 with merely imposing new and severe restrictions on law enforcement. They also took the occasion to malign law enforcement through direct accusation and innuendo in a seemingly gratuitous manner. The Chief Justice quoted numerous excerpts from what he referred to as police manuals and texts to show the sinister trickery police are instructed to use in an effort to induce a confession.

But, as Justice Tom Clark pointed out in his dissent, not one of the so-called police manuals "is shown by the record here to be the official manual of any police department, much less in universal use in crime detection." The manuals quoted, said Justice Clark, are "merely writings in this field by professors and some police officers." Justice Clark also declared:

The police agencies—all the way from municipal and state forces to the federal bureaus—are responsible for law enforcement and public safety in this country. I am proud of their efforts, which in my view are not fairly characterized by the Court's opinion.

To which I say, "Amen."

One of the greatest achievements of American law enforcement has been in preserving, nurturing, and strengthening the proper relationship of the individual to the state.

This Nation emerged on the basic principle that the individual must be protected from the tyranny of the state.

Law enforcement has assumed a frontline role in fighting to preserve and strengthen the integrity of free government, the dignity of man, the supremacy of law over force—the basic freedoms we

hold priceless. The continuing challenge is to define and preserve the proper balance between the rights of the individual and those of society.

This challenge was being met in true democratic fashion. Justice Harlan pointed out in his dissent that there now is a massive reexamination of criminal law enforcement procedures on a scale never before witnessed. Involved in this vital project is a special committee of the American Bar Association, a study group of the American Law Institute, the President's Commission on Law Enforcement and Administration of Justice, and several other groups equipped to do practical research. Some of the best minds in all fields affected by and relating to law enforcement are involved in this undertaking.

As Justice Harlan asserted, great concern has been expressed that the long-range and lasting reforms being formulated by these careful studies may be frustrated by the Court's too rapid departure from existing constitutional standards. Justice Harlan continued:

Despite the Court's disclaimer, the practical effect of the decision . . . must inevitably be to handicap seriously sound efforts at reform, not least by removing options necessary to a just compromise of competing interests. Of course, legislative reform is rarely speedy or unanimous, though this Court has been more patient in the past. But the legislative reforms when they came would have the vast advantage of empirical data and comprehensive study, they would allow experimentation and use of solutions not open to the courts, and they would restore the initiative in criminal law reform to those forums where it truly belongs.

Let me underscore the last part of Justice Harlan's comment—the restoration of the initiative in criminal law reform to those forums where it truly belongs. One wonders if the Chief Justice and his associates have not become intoxicated by their recent forays into the field of legislation. Could it be that they viewed the various studies as a threat to their newly asserted power to legislate criminal law rather than rule upon it?

The Chief Justice and his four concurring Associate Justices "encourage Congress and the States to continue their laudable search for increasingly effective ways of protecting the rights of the individual while promoting efficient enforcement of our criminal laws." But they warn at the same time that any congressional or State action must go at least as far as the rules promulgated by the Court.

Justice Byron White in his dissent declared:

The most basic function of any government is to provide for the security of the individual and of his property. These ends of society are served by the criminal laws which for the most part are aimed at the prevention of crime. Without the reasonably effective performance of the task of preventing private violence and retaliation, it is idle to talk about human dignity and civilized values.

My research indicates that the majority of Americans feel the Court has interpreted the Constitution as a charter of freedom for those who have chosen to ignore the Constitution and all our laws, who have chosen to defy law and

order with their every deed, who have chosen to demand and expect every right for themselves while denying any rights to others.

Insuring maximum safety for the innocent sometimes works to provide protection for the criminal. Perhaps that is an unavoidable side effect, but our system of justice should exist not just to exonerate the wrongly accused but also to convict and punish the guilty. Clearing the innocent and convicting the guilty both are important methods for providing protection to the many millions of members of society who think the criminal is a greater threat to their well-being than is the police officer.

Many of our forefathers came from countries where this was not necessarily true. The State and its police were a greater threat to them and their property than the few criminals around. For this reason our Founding Fathers insisted on certain protections against police invasion of privacy and violation of rights. Thank God for them. But let us not interpret them out of all proportion—let us not so impede the work of our law enforcement agencies that they cannot provide the protection we want and need.

Always we hear the cry raised by the proponents of individual rights that we are in danger of a police state. But when the Constitution and Bill of Rights were enacted in the 18th century and interpreted with a much narrower view, we did not have a police state. We did not have a police state 100 years ago, 10 years ago, nor even the day before the Supreme Court made its landmark decision. Nor were we in danger of having one.

This Nation is in the midst of a war on crime—a war which must be won if we are to remain a free people with any rights either for society or the individual. The gravity of the situation can be seen in the fact that crime over the years since 1958 has increased six times faster than our national population growth.

We need all our resources in the fight against crime. We need especially the full services of our law enforcement agencies. These we cannot have now because five men on the Supreme Court have chosen to once again place a hindrance, a needless hindrance, in the path of law enforcement.

No thinking person can contest that the "safeguards" will impede effective law enforcement.

Listen to the words of Justice White's strong dissent:

The rule . . . will measurably weaken the ability of the criminal law. . . . It is a deliberate calculus to prevent interrogations, to reduce the incidence of confessions and pleas of guilty and to increase the number of trials. . . . There is, in my view, every reason to believe that a good many criminal defendants, who otherwise would have been convicted on what this Court has previously thought to be the most satisfactory kind of evidence, will now, under this new version of the Fifth Amendment, either not be tried at all or acquitted if the State's evidence, minus the confession, is put to the test of litigation. I have no desire whatsoever to share the responsibility for any such impact on the present criminal process.

In some unknown number of cases the

Court's rule will return a killer, a rapist or other criminal to the streets and to the environment which produced him, to repeat his crime whenever it pleases him. As a consequence, there will not be a gain, but a loss, in human dignity. The real concern is not the unfortunate consequences of this new decision on the criminal law as an abstract, disembodied series of authoritative proscriptions, but the impact on those who rely on the public authority for protection and who without it can only engage in violent self-help with guns, knives and the help of their neighbors similarly inclined.

And then Justice White made what is perhaps the most pathetic statement contained in the entire 61 pages of the Court's decision and the 49 pages of dissent. He said:

There is, of course, a saving factor: the next victims are uncertain, unnamed and unrepresented in this case.

Was this not another way of saying that the Court once again was playing Russian roulette with countless Americans who think they have a right to protection from all types of criminals?

One of the cases decided by the Supreme Court in handing down its 5-to-4 decision gives good insight into what impact the new "safeguards" may have on the war against crime. I refer to the case of Ernesto A. Miranda against State of Arizona.

Miranda was arrested 10 days after an 18-year-old girl was kidnaped and forcibly raped near Phoenix, Ariz. Taken to the police station, he was picked out of a lineup by the victim. He then was taken into another room and questioned by two officers. At first he denied his guilt, but after a short time he confessed and provided both a detailed oral and written statement, all of which was completed in less than 2 hours. There was no contention that any force, threats, or promises had been used. The statement he signed contained the wording that the confession was voluntary and made "with full knowledge of my legal rights, understanding any statement I make may be used against me."

The Chief Justice and his four concurring Associate Justices reversed the conviction since Miranda had not been advised of his right to consult with an attorney and since his right not to be compelled to incriminate himself was not effectively protected.

Concerning the decision, Justice Harlan had this to say in dissent:

One is entitled to feel astonished that the Constitution can be read to produce this result. These confessions were obtained during brief daytime questioning conducted by two officers and unmarked by any of the traditional indicia of coercion. They assured a conviction for a brutal and unsettling crime, for which the police had and quite possibly could obtain little evidence other than the victim's identification, evidence which is frequently unreliable. There was, in sum, a legitimate purpose, no perceptible unfairness, and certainly little risk of injustice in the interrogation. Yet the resulting confessions, and the responsible course of police practice they represent, are to be sacrificed to the Court's own finespun conception of fairness which I seriously doubt is shared by many thinking citizens in this country.

There is another fact which we must now recognize and soon face as a result of the five men's new safeguards. The

safeguards are certain to necessitate much greater expenditures of tax moneys at the Federal, State, and local levels in the fight against crime.

First of all there must be funds to pay the "stationhouse lawyers" requested by suspects—criminals who failed to steal enough to be able to afford their own attorney or who squandered what they took before they were arrested. But then this cost can hardly be charged to the war against crime, for these lawyers will not be at the police station to assist in the search for truth—they will be there to help the suspect beat the rap. As Justice White pointed out in his dissent:

The Court all but admonishes the lawyer to advise the accused to remain silent. . . .

It would almost seem that the Chief Justice and his four concurring Associate Justices feel that a suspect is not capable of exercising his personal right against self-incrimination—he must have an attorney to do it for him. Justice White commented on this point:

Instead of confining itself to protection of the right against compelled self-incrimination the Court has created a limited Fifth Amendment right to counsel—or, as the Court expresses it, a "right to counsel to protect the Fifth Amendment privilege. . . ." The focus then is not on the will of the accused but on the will of counsel and how much influence he can have on the accused. Obviously, there is no warrant in the Fifth Amendment for this installing counsel as the arbiter of the privilege.

Another obvious expense which will result from the safeguards will stem from the need for more and better law enforcement officers. To get them is going to require better pay than is now being provided our police in many areas. And they are going to have to be provided better and more extensive training to enable them to cope with all the red-tape imposed on them by the Chief Justice and his four concurring Associate Justices.

On June 16, I sent a telegram to Police Chief John B. Layton, Washington Metropolitan Police Department, asking him to comment on the effect which the U.S. Supreme Court ruling would have on law enforcement in the District of Columbia. He answered as follows:

The effect of this ruling, as I see it, will be to further reduce the opportunity for

obtaining an admissible confession or admission after an arrest of a defendant has been effected or his freedom of movement curtailed by the police. This decision moves the protection against self-incrimination of an individual back to an earlier time than we have previously understood it. That is the privilege against self-incrimination and right to counsel is invoked not just at the trial stage, but as soon as the defendant is taken in custody, that is at the earliest stage of custody procedures.

It would appear, therefore, that the only statements or admissions that would be admissible under this opinion would be those made outside of a custody situation or those where it can be clearly shown that the defendant made, not only, a voluntary but a "knowing" and "intelligent" waiver of his right to counsel.

In the same telegram, I asked Chief Layton if the ruling would make more difficult the work of the Police Department and, if so, why. He answered thusly:

In my judgment, the enforcement efforts of the Police Department will be made considerably more difficult. Many criminal acts are perpetrated in a manner calculated by the offender to prevent later identification. Without fairly conclusive evidence, identifying a particular offender with an offense, the questioning process, using whatever evidence had been developed to substantiate the probable cause requirement for arrest, has been an important procedure in developing additional evidence in the nature of admissions or confessions or statements, intended to be exculpatory which through investigation, might be broken down and ultimately substantiate the defendant's guilt.

Of necessity, more reliance will have to be placed on other individuals who may be witnesses to some aspects of an offense and it is remembered in this connection that many citizens already are reluctant to become involved as witnesses in Court cases. It is generally recognized that an Attorney's advice to a criminal defendant, originally, will be not to talk to the police. A defendant who would make admissions of a criminal offense in the face of such a warning, would be under strong personal compulsion to speak out. It would also seem natural that the criminal element in our society would become even more arrogant in any contact they will have with the police.

In answer to my question as to whether the ruling would "just about eliminate the use of confessions," Chief Layton answered by saying:

The answer is yes. There would be very little opportunity, as I see it, to obtain a

confession which would be ruled admissible under this Supreme Court opinion, especially if given after arrest.

I asked Chief Layton whether or not, as a result of the ruling, he foresaw an accelerated increase in crime in the Nation's Capital, to which question he responded in the following manner:

I would not predict an accelerated increase, but I would not be surprised to observe some increase in crime. Those defendants charged with crime and particularly the recidivist will be aware that he is afforded advice of counsel at an earlier stage than has been true prior to this opinion. And the scales are now balanced somewhat more in his favor.

While there are many factors causing crime, I can't help but note that the crime rate has been continuing an upward trend during a period where the exclusionary rules have been given more effect in the trial of criminal cases.

Mr. President, it certainly is regrettable that the Supreme Court, through a bare majority of its members, has become obsessed with this overemphasis of individual rights as against the rights of society. Our Nation and countless of its innocent citizens will undoubtedly suffer as a result, and, fearfully, the situation as to crime, in this country, will continue to grow worse. I hope that our Nation's highest tribunal will eventually experience a change of direction in dealing with criminals, and that public-spirited citizens everywhere will rally to the support of police departments throughout the land and speak out, at every opportunity, in behalf of obedience to law.

To quote a former Justice of the U.S. Supreme Court:

Lawlessness, if not checked, is the precursor of anarchy. (Frankfurter)

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a paper prepared by the Library of Congress which shows the period of service, in terms of prior judicial experience, of the U.S. Supreme Court Justices from 1789 through 1966.

The PRESIDING OFFICER (Mr. BREWSTER in the chair). Without objection, it is so ordered.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

U.S. Supreme Court Justices, 1789-1966—Period of service and prior judicial experience

Chief justice	Date of commission	Commencement of service	Service terminated	Appointed by—	Prior judicial experience
John Jay	Sept. 26, 1789	Feb. 2, 1790	June 29, 1795	Washington	Chief justice of New York (Colonial), 1776-79. ¹
John Rutledge	July 1, 1795	Aug. 12, 1795	Dec. 15, 1875	do	Chancery Court of South Carolina, 1784-89; Supreme Court of South Carolina, 1791-94; Associate Justice of U.S. Supreme Court, 1789-91.
Oliver Ellsworth	Mar. 4, 1796	Mar. 8, 1796	Dec. 15, 1800	do	Supreme Court of Errors of Connecticut (Colonial); Superior Court of Connecticut (Colonial), 1781-85.
John Marshall	Jan. 31, 1801	Feb. 4, 1801	July 6, 1835	John Adams	None. ²
Roger Brooke Taney	Mar. 15, 1836	Mar. 28, 1836	Oct. 12, 1864	Jackson	Do.
Salmon Portland Chase	Dec. 6, 1864	Dec. 15, 1864	May 7, 1873	Lincoln	Do.
Morrison Remick Waite	Jan. 21, 1874	Mar. 4, 1874	Mar. 23, 1888	Grant	Do.
Melville Weston Fuller	July 20, 1888	Oct. 8, 1888	July 4, 1910	Cleveland	Do.
Edward Douglass White	Dec. 19, 1910	Dec. 12, 1910	May 19, 1921	Taft	Do.
William Howard Taft	June 30, 1921	July 11, 1921	Feb. 3, 1930	Harding	Associate Justice of Supreme Court of Louisiana, 1878-80; Associate Justice of U.S. Supreme Court, 1884-1910.
Charles Evans Hughes	Feb. 13, 1930	Feb. 24, 1930	June 30, 1941	Hoover	Judge of Superior Court, Cincinnati, 1887-92; U.S. Court of Appeals, 6th Circuit, 1892-1900.
Harlan Fiske Stone	July 3, 1941	July 3, 1941	Apr. 22, 1946	F. Roosevelt	Associate Justice of U.S. Supreme Court, 1910-16.
Frederick Moore Vinson	June 21, 1946	June 24, 1946	Sept. 8, 1953	Truman	Associate Justice of U.S. Supreme Court, 1925-41.
Earl Warren	Oct. 2, 1953	Oct. 5, 1953	(v)	Eisenhower	U.S. Court of Appeals for District of Columbia, 1939-43.
John Rutledge	Sept. 29, 1789	Feb. 15, 1790	Mar. 6, 1791	Washington	None.
William Cushing	Sept. 27, 1789	Feb. 2, 1790	Sept. 13, 1810	do	Chancery Court of South Carolina (Colonial), 1784-89.
James Wilson	Sept. 29, 1789	Oct. 5, 1789	Aug. 21, 1798	do	Superior Court of Massachusetts (Colonial), 1772-74; Massachusetts General Court, 1774-75; Massachusetts Supreme Court, 1775-89.

Footnotes at end of table.

U.S. Supreme Court Justices, 1789-1966—Period of service and prior judicial experience—Continued

Chief Justice	Date of commission	Commencement of service	Service terminated	Appointed by—	Prior judicial experience
John Blair	Sept. 30, 1789	Feb. 2, 1790	Jan. 27, 1796	Washington	General Court of Virginia (Colonial), 1778-80; High Court of Chancery of Virginia (Colonial), 1780; Court of Appeals of Virginia, 1780-89.
James Iredell	Feb. 10, 1790	May 13, 1790	do.	do.	North Carolina Superior Court, 1777-78.
Thomas Johnson	Nov. 7, 1791	Aug. 6, 1792	Feb. 1, 1793	do.	Court of Maryland, 1790-91.
William Patterson	Mar. 4, 1793	Mar. 11, 1793	Sept. 9, 1806	do.	None.
Samuel Chase	Jan. 27, 1796	Feb. 4, 1796	June 10, 1811	do.	Criminal Court of Baltimore, 1788-91; General Court of Maryland, 1791-96.
Bushrod Washington	Dec. 20, 1798	Feb. 4, 1799	Nov. 26, 1829	do.	None.
Alfred Moore	Dec. 10, 1799	Aug. 6, 1800	Jan. 26, 1804	John Adams	Superior Court of North Carolina, 1798-99.
William Johnson	Mar. 26, 1804	May 7, 1804	Aug. 4, 1834	Jefferson	Court of Common Pleas of South Carolina, 1798-1804.
Henry Brockholst Livingston	Nov. 10, 1800	Jan. 20, 1807	Mar. 18, 1823	do.	Supreme Court of New York, 1802-06.
Thomas Todd	Mar. 3, 1807	May 4, 1807	Feb. 7, 1826	do.	Court of Appeals of Kentucky, 1801-07.
Joseph Story	Nov. 18, 1811	Feb. 3, 1812	Sept. 10, 1845	Madison	None.
Gabriel Duvall	do.	Nov. 23, 1811	Jan. 14, 1835	do.	Do.
Smith Thompson	Dec. 9, 1823	Sept. 1, 1823	Dec. 18, 1843	Monroe	Supreme Court of New York 1802-19.
Robert Trimble	May 9, 1826	June 16, 1826	Aug. 25, 1828	J. Q. Adams	Court of Appeals of Kentucky, 1807-09; U.S. District Court, Kentucky, 1815-26.
John McLean	Mar. 7, 1829	Jan. 11, 1830	Apr. 4, 1861	Jackson	Supreme Court of Ohio, 1816-22.
Henry Baldwin	Jan. 6, 1830	Jan. 18, 1830	Apr. 21, 1844	do.	None.
James Moore Wayne	Jan. 9, 1835	Jan. 14, 1835	July 5, 1867	do.	Superior Court of Georgia, 1824-29.
Philip Pendleton Barbour	Mar. 16, 1836	May 12, 1836	Feb. 26, 1841	do.	General Court of Virginia, 1825-27; U.S. District Court of Virginia, Eastern District, 1830-36.
John Catron	Mar. 8, 1837	May 1, 1837	May 30, 1865	Van Buren	Tennessee Supreme Court of Errors and Appeals, 1824-34.
John McKinley	Sept. 25, 1837	Jan. 9, 1838	July 10, 1852	do.	None.
Peter Vivian Daniel	Mar. 8, 1841	Jan. 10, 1842	May 31, 1860	do.	U.S. District Court of Virginia, 1838-41.
Samuel Nelson	Feb. 13, 1846	Feb. 27, 1846	Nov. 28, 1872	Tyler	Circuit Court of New York, 1823-31; Supreme Court of New York, 1831-45.
Levi Woodbury	Sept. 20, 1845	Sept. 23, 1845	Sept. 4, 1851	Polk	Superior Court of New Hampshire, 1817-23.
Robert Cooper	Aug. 4, 1846	Aug. 10, 1846	Jan. 31, 1870	do.	District Court of Allegheny County, Pa., 1833-40.
Benjamin Robbins Curtis	Dec. 20, 1851	Oct. 10, 1851	Sept. 30, 1857	Fillmore	None.
John Archibald Campbell	Mar. 22, 1853	Apr. 11, 1853	Apr. 30, 1861	Pierce	Do.
Nathan Clifford	Jan. 12, 1858	Jan. 21, 1858	July 26, 1881	Buchanan	Do.
Noah Haynes Swayne	Jan. 24, 1862	Jan. 27, 1862	Jan. 24, 1881	Lincoln	Do.
Samuel Freeman Miller	July 16, 1862	July 21, 1862	Oct. 13, 1890	do.	Justice of peace, Bourbonville, Ky., 1840's.
David Davis	Dec. 8, 1862	Dec. 10, 1862	Mar. 4, 1877	do.	8th Judicial Circuit in Illinois, 1848-62.
Stephen Johnson Field	Mar. 10, 1863	May 20, 1863	Dec. 1, 1897	do.	Supreme Court of California, 1857-63.
William Strong	Feb. 18, 1870	Mar. 14, 1870	Dec. 14, 1880	Grant	Supreme Court of Pennsylvania, 1857-68.
Joseph P. Bradley	Mar. 21, 1870	Mar. 23, 1870	Jan. 22, 1892	do.	None.
Ward Hunt	Dec. 11, 1872	Jan. 9, 1873	Jan. 27, 1882	do.	New York Court of Appeals, 1865-73.
John Marshall Harlan	Nov. 20, 1877	Dec. 10, 1877	Oct. 14, 1911	Hayes	County Court, Franklin County, Ky., 1858-59.
William Burnham Woods	Dec. 21, 1880	Jan. 5, 1881	May 14, 1887	do.	Middle Chancery Division, Alabama, 1868-69; U.S. Court of Appeals, 6th Circuit, 1869-80.
Stanley Matthews	May 12, 1881	May 17, 1881	Mar. 22, 1889	Garfield	Court of Common Pleas, Hamilton County, Ohio, 1851-53; Superior Court of Cincinnati, 1863-65.
Horace Gray	Dec. 20, 1881	Jan. 9, 1882	Sept. 15, 1902	Arthur	Supreme Judicial Court of Massachusetts, 1864-82.
Samuel Blatchford	Mar. 22, 1882	Apr. 3, 1882	July 7, 1893	do.	U.S. District Court of New York, Southern District, 1867-78; U.S. Court of Appeals, 2d Circuit, 1878-82.
Lucius Quintus C. Lamar	Jan. 16, 1888	Jan. 18, 1888	Jan. 23, 1893	Cleveland	None.
David Josiah Brewer	Dec. 18, 1889	Jan. 6, 1890	Mar. 28, 1910	Harrison	Probate and criminal courts, Leavenworth County, Kans., 1862-65; Kansas District Court, 1865-69; Supreme Court of Kansas, 1870-84; U.S. Court of Appeals, 8th Circuit, 1884-90.
Henry Billings Brown	Dec. 20, 1890	Jan. 5, 1891	May 28, 1906	do.	Circuit Court, Wayne County, Mich., 1868, U.S. District Court, Eastern District of Michigan, 1876-90.
George Shivas, Jr.	July 26, 1892	Oct. 10, 1892	Feb. 23, 1903	do.	None.
Howell Edmunds Jackson	Feb. 18, 1893	Mar. 4, 1893	Aug. 8, 1895	do.	U.S. Court of Appeals, 6th Circuit, 1886-93.
Edward Douglas White	Feb. 19, 1894	Mar. 12, 1894	Dec. 18, 1910	Cleveland	Supreme Court of Louisiana, 1878-80.
Rufus Wheeler Peckman	Dec. 9, 1895	Jan. 6, 1896	Oct. 24, 1909	do.	Supreme Court of New York, 1883-86; Court of Appeals of New York, 1886-90.
Joseph McKenna	Jan. 21, 1898	Jan. 26, 1898	Jan. 5, 1925	McKinley	U.S. Court of Appeals, 9th Circuit, 1892-97.
Oliver Wendell Holmes	Dec. 4, 1902	Dec. 8, 1902	Jan. 12, 1932	T. Roosevelt	Supreme Judicial Court of Massachusetts, 1882-1902.
William Rufus Day	Feb. 23, 1903	Dec. 2, 1903	Nov. 13, 1922	do.	Court of Common Pleas, Ohio, 1886-90; U.S. Court of Appeals, 6th Circuit, 1899-1903.
William Henry Moody	Dec. 12, 1906	Dec. 17, 1906	Nov. 20, 1910	do.	None.
Horace Harmon Lurton	Dec. 20, 1909	Jan. 3, 1910	July 12, 1914	Taft	Chancellor, 6th Division, Tennessee, 1875-93; U.S. Court of Appeals, 6th Circuit, 1893-1910.
Charles Evans Hughes	May 2, 1910	Oct. 10, 1910	June 10, 1916	do.	None.
Willis Van Devanter	Dec. 16, 1910	Jan. 3, 1911	June 2, 1937	do.	Supreme Court of Wyoming, 1889-90; U.S. Court of Appeals, 8th Circuit, 1903-10.
Joseph Rucker Lamar	Dec. 17, 1910	do.	Jan. 2, 1916	do.	Supreme Court of Georgia, 1906-08.
Mahlon Pitney	Mar. 13, 1912	Mar. 18, 1912	Dec. 31, 1922	do.	Supreme Court of New Jersey, 1901-08; chancellor of New Jersey, 1908-12.
James Clark McReynolds	Aug. 29, 1914	Oct. 12, 1914	Jan. 31, 1941	Wilson	None.
Louis Brandeis	June 1, 1916	June 5, 1916	Feb. 13, 1939	do.	Do.
John Hessin Clarke	July 24, 1910	Oct. 9, 1916	Sept. 18, 1922	do.	U.S. District Court, Northern District of Ohio, 1914-16.
George Sutherland	Sept. 5, 1922	Oct. 2, 1922	Jan. 17, 1938	Harding	None.
Pierce Butler	Dec. 21, 1922	Jan. 2, 1923	Nov. 16, 1930	do.	Do.
Edward Terry Sanford	Jan. 29, 1923	Feb. 19, 1923	Mar. 8, 1930	do.	U.S. District Court, Eastern and Middle District, Tennessee, 1908-23.
Harlan Fiske Stone	Feb. 5, 1925	Mar. 2, 1925	July 2, 1941	Coolidge	None.
Owen Josephus Roberts	May 20, 1930	June 2, 1930	July 31, 1945	Hoover	Do.
Benjamin Nathan Cardozo	Mar. 2, 1932	Mar. 16, 1932	July 9, 1938	do.	Supreme Court of New York, 1914-17; New York Court of Appeals, 1917-32.
Hugo Lafayette Black	Aug. 18, 1937	Aug. 10, 1937	(¹)	F. Roosevelt	Police judge, Birmingham, 1910-11.
Stanley Forman Reed	Jan. 27, 1938	Jan. 31, 1938	Feb. 25, 1957	do.	None.
Felix Frankfurter	Jan. 20, 1939	Jan. 30, 1939	Aug. 28, 1962	do.	Do.
William O'Connell Douglas	Apr. 16, 1939	Apr. 17, 1939	(²)	do.	Do.
Frank Murphy	Jan. 18, 1940	Feb. 5, 1940	July 19, 1949	do.	Do.
James Francis Byrnes	June 25, 1941	July 8, 1941	Oct. 8, 1942	do.	Recorder's Court, Detroit, 1923-1930.
Robert Houghwout Jackson	July 11, 1941	July 11, 1941	Oct. 9, 1954	do.	None.
Wiley Blount Rutledge	Feb. 11, 1943	Feb. 15, 1943	Sept. 10, 1949	do.	Do.
Harold Hitz Burton	Sept. 22, 1945	Oct. 1, 1945	Oct. 13, 1958	Truman	U.S. Court of Appeals for District of Columbia, 1930-43.
Thomas Campbell Clark	Aug. 10, 1949	Aug. 24, 1949	(³)	do.	Do.
Sherman Minton	Oct. 5, 1949	Oct. 12, 1949	Oct. 16, 1956	do.	U.S. Court of Appeals, 7th Circuit, 1941-49.
John Marshall Harlan	Mar. 17, 1955	Mar. 28, 1955	(³)	Eisenhower	U.S. Court of Appeals, 2d Circuit, 1954-55.
William Joseph Brennan, Jr.	Oct. 15, 1956	Oct. 16, 1956	(³)	do.	New Jersey Superior Court, 1949-51; Appellate Division of New Jersey Superior Court, 1951-52; Associate Justice of New Jersey Supreme Court, 1952-56.
Charles Evans Whitaker	Mar. 22, 1957	Mar. 25, 1957	Apr. 1, 1962	do.	U.S. District Court, Western District of Missouri, 1954-56; U.S. Court of Appeals, 8th Circuit, 1956-57.
Potter Stewart	Oct. 14, 1958	Oct. 14, 1958	(³)	do.	U.S. Court of Appeals, 6th Circuit, 1954-58.
Byron R. White	Apr. 11, 1962	Apr. 16, 1962	(³)	Kennedy	None.
Arthur J. Goldberg	Sept. 25, 1962	Oct. 1, 1962	July 20, 1965	do.	Do.
Abe Fortas	Aug. 11, 1965	Oct. 4, 1965	(³)	L. B. Johnson	Do.

¹ The dates indicated represent the years in which service commenced and terminated. No attempt is made to indicate months and days.

² "None" indicates that an examination of generally recognized research sources failed to disclose any judicial service.

³ Present.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a transcript of a briefing on Ernesto Miranda versus the State of Arizona, by Mr. David G. Bress, U.S. Attorney for the District of Columbia, on June 21, 1966, and issued to the police department of the District of Columbia in the form of a memorandum dated July 15, 1966.

This memorandum will indicate the extent to which the police departments of the country will be strait-jacketed by the U.S. Supreme Court's ruling of June 13, 1966.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

GOVERNMENT OF THE DISTRICT OF
COLUMBIA, METROPOLITAN POLICE
DEPARTMENT,

July 15, 1966.

MEMORANDUM

Subject: Transcript of Briefing on Ernesto Miranda vs the State of Arizona by Mr. David G. Bress, U.S. Attorney for District of Columbia on June 21, 1966.

To the Force:

Deputy Chief Lawrence A. Hartnett, Chief of Detectives, introduced Mr. David G. Bress, United States Attorney for the District of Columbia, and the subject matter, the recent decision handed down by the Supreme Court.

Mr. Bress, Chief Hartnett, Chief Layton, Members of the Police Department, as all of you know, last Monday, June 13, 1966, the Supreme Court handed down its decision in the *Miranda* case. The essence of that decision is that the privilege which the individual has against self-incrimination is jeopardized by custodial interrogation. We had not had that principle before. We had always understood that admissions and confessions were admissible in evidence if they were voluntary. This new decision injects into the law as we previously understood it, the principle that the privilege against self-incrimination does not begin at the trial where a person may not be compelled to testify against himself, but it actually begins at its earliest stage—when arrest occurs.

There has been an inkling of a move in this direction for many years. All of you know the requirement for early presentment of an arrested person before the United States Commissioner or a Committing Magistrate in General Sessions Court. Why was that necessary under Rule 5 (a) of the Federal Rules of Criminal Procedure? The reason why that was necessary was because it was felt that the privilege against self-incrimination that an arrested person had was sufficiently strong to warrant some judicial warning to him about his rights, so that he would be aware of the effect of what he might say.

There had not been any prior decision that held that the privilege against self-incrimination began at such an early stage, that is to say, at the arrest stage.

Now without going into a detailed explanation of the *Miranda* case, I'm going to give you what I think is the essence of the case and how I believe practically it should affect your work in the questioning of arrested persons or non-arrested persons.

The *Miranda* opinion, different from so many Supreme Court opinions, sets guidelines. It is a clear opinion in many ways and I think each of you should read the entire opinion. I'm sure the Department will make copies available to you. You don't have to be a lawyer to really fully understand it. It is written in very clear terms and sets up the guidelines to govern your work.

Now, you will recall that in August, 1965, the Police Department order, I think, 9-B,

gave you specific instructions about what kind of warning to give to an arrested person, before he was questioned. You were told to tell him, in substance, that he was under arrest; that he had the right to remain silent; and that anything he said might be held against him. You also advised him that he had the right to consult with a lawyer; that he had a right to talk to any member of his family or a friend; and that if he did not have a lawyer, one would be provided for him when he first went to court. (This latter instruction meant that one would be provided for him under the Criminal Justice Act, when he appeared before the Committing Magistrate, that is, either the Commissioner or a Judge of the General Sessions Court.) Now, we continued under that order up to the present time. There was a proposal by me in the latter part of May of this year for some modification of that, but, as far as Police Department Orders are concerned, that is the order that continued up to the present time and it included the so-called 3-hour rule. Now the 3-hour rule is no longer valid under the *Miranda* case and you will see the reason for this shortly.

The necessity in all cases of early presentation before the Committing Magistrate is now also somewhat relaxed. The type of warning that has been given in the past by law enforcement officers is not adequate under the *Miranda* case. Under the *Miranda* case I have prepared what I consider to be an appropriate warning, the exact language of which I am not yet wedded to. I will probably try and simplify it for more effective use. That warning now should state as follows:

(1) *You have been placed under arrest. You are not required to say anything to us at any time or to answer any questions. Anything you say can be used against you in court.*

So far so good, that is not different from your prior warning.

The second part is also similar to the prior warning:

(2) *You may call a lawyer or a relative or a friend and they may come here to speak with you. A phone will be made available to you for that purpose.*

That, too, is consistent.

Now, beginning with the third and fourth—there are only four paragraphs to this warning—we have the essence of the case, and I will then go about explaining it. I think it is better to give it to you in this highlight first.

(3) *You have the right to consult with a lawyer before we ask you any questions and to have such lawyer present with you during such questioning. You may retain a lawyer if you are financially able to do so. If you cannot afford to hire a lawyer, one will be furnished to you if you so desire, and that is before questioning, not as in the prior case, when you go to court.*

(4) *If you fully understand these rights which you have, but, nevertheless, of your own free will desire to answer questions about the matter under investigation, without the presence of a lawyer, you may waive such rights and answer the questions. If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.*

While this sounds like a heavy burden it may be productive of a few statements. That, in essence, is what *Miranda* requires, and *Miranda* is the law.

In order to insure that each officer has knowledge of this warning, it is my recommendation that it be permanently printed on some card or plastic and carried by each officer. The warning should be appropriately posted in all precincts and other places where interrogations generally occur. These steps if followed will tend to insure that arrested

persons are properly warned, so that their statements when made will be more readily admitted into evidence by our courts.

I have, therefore, developed about eight rules of conduct for the police in order for them to conform to the requirements of the *Miranda* case. I have given you so far the outline of a warning, now let me tell you what I think you must do, and why you must do it, in order to satisfy this new approach.

The case is perfectly clear that if a person is not under arrest and is not deprived of his freedom of action in any way (I'll explain that) no warning need be given and questions may be freely asked. This would include volunteers, that is, those that confess, or give incriminating statements, without being asked any questions. Therefore, the *Miranda* Rule has no relationship to people who are not under arrest. Accordingly, one conclusion to draw from the case is that in the course of your investigation you may interrogate suspects before you detain a person or place him under arrest. What you learn will be admitted in evidence and it is not impaired by this decision. I said if he is not under arrest. There are also a few additional little words in there—the alternative is if he is not deprived of his freedom of action in any way. You may not have expressly stated to the suspect that he is under arrest and therefore think you have the right to interrogate him freely. You do not. If by your conduct you would lead him, probably him, possibly a reasonable person, to believe that he can get up and go at will, the law is such a person is not under arrest. If his freedom of action is limited in any way the law will treat him as though he were under arrest. Therefore, for example, if one of your officers wants to interview a man at his apartment or his home and you knock on the door and state who you are, indicate your purpose, ask if you may come in and talk and he invites you in, you can go in and talk to him to your heart's content and whatever he says to you can be used, provided that by your conduct or your expressions you lead him to believe that his freedom of action is in no way being restrained. But if you walk into that same apartment with four or five officers with drawn guns and you don't say a thing about his being under arrest, but you start asking questions, the rules and warnings of *Miranda* apply. So that the first principal we get from this case, the first guideline is, there is no prohibition on questioning if the man is not under arrest or he is not being detained. I also say this principle applies equally to volunteers.

The court draws the distinction, as I'm sure you can readily understand, between a voluntary statement and the statement of a volunteer. A voluntary statement is one that presumably is made by the exercise of free will. It can be made in response to questions. Such a statement is always subject to challenge as to whether it was or was not voluntary; whether the overall circumstances surrounding the making of that statement were coercive or not. Whereas, a statement of a volunteer is a verbal communication by a person who calls on the phone and says, "I just shot my wife." Or, he comes into the precinct and says, "I just did something terrible—I want to tell you about it." Those are the statements of a volunteer and the fewer questions asked the better; but such statements are not inhibited by the opinion.

The next principal is that, if a person is arrested or is detained without actual arrest, he may not be asked any questions without first being warned, that is the full warning, and this applies equally to questioning at the scene, in the cruiser, and at the precinct. I know this is tough. This is a new rule.

If you are investigating at the scene and you do not have a person under arrest or if a particular person is not detained, the court

says everyone at the scene knows it is his duty to cooperate. If you are involved in a situation where there is no legal justification for the confinement of a person, then interrogation at the scene without the warning would be perfectly proper. Therefore, this highlights the importance of interrogation without arrests. But, if there is an arrest or detention, no questioning can be undertaken until the full warning is given and the wishes of the suspect complied with. Even after you have given the warning, if the person arrested or detained, either refuses to state whether he wants a lawyer or not, or, instead of refusing to state whether or not he wants a lawyer, in the alternative, he may expressly state that he does want a lawyer, in either case, of his silence or his express statement that he does want a lawyer, he has not waived his right to counsel and he may not be questioned. If, however, he states he wants a lawyer present, then it is incumbent upon the police to give him the opportunity to call his own lawyer, (which can't be done at the scene), then there can be no questioning in such a case until you get to the precinct—or if he has no lawyer, and this is the particularly new point, the police must make one available to him before questioning can begin. In such circumstances therefore, where he expressly states that he wants a lawyer, the questioning must be deferred until the lawyer arrives. It is expected that the local bar association will provide a telephone number to the police to be used by them to obtain a lawyer only in those circumstances where there is the request for a lawyer.

If the program bogs down, so that the bar doesn't answer the challenge of making lawyers available then under *Miranda*, if the man is silent and doesn't say whether he wants a lawyer or not, or if he expressly says he does not want to talk until he sees a lawyer, unfortunately, in these circumstances *Miranda* requires that there be no questioning.

Now, if a lawyer responds, either a retained lawyer, or a bar association furnished lawyer, this is the next logical step—what happens then? The arrested person should be afforded the opportunity to confer in private with that lawyer. After the conference between the lawyer and his new client, questioning may proceed in the presence of the lawyer—if the arrested person is then willing to answer questions. The lawyer may leave and may tell him that he may talk. The odds are certainly strong that the lawyer will generally advise him to say nothing, so that when the lawyer arrives and instructs him that there is to be no questioning that is the end of questioning. This again highlights those cases where it is possible—the need for questioning pre-arrest. Where the suspect declines to be interrogated, and the lawyer goes on his business, then the individual should be presented before a Committing Magistrate or to the Commissioner. The need for speed without unnecessary delay should be complied with, although there is really no penalty which results because there is no admission to be excluded. Nevertheless, it is a rule and a statute (Rule 5(a)), and reasonably prompt presentment should take place.

During any questioning in the presence of his lawyer, the lawyer may consult with the client (and this is a new principle but logically fits in here) and, if at any time during the questioning the arrested person says that he doesn't want to answer any more questions, you have got to stop. If his lawyer terminates the questioning at any point, even if he consented to it in the first place, questioning must thereafter stop. You can go back again and say do you want to resume? And, if they consent to resume, resumption of interrogation can take place. But even here there is no effective waiver in law by virtue of a person answering some questions that such person thereby waives the right to remain silent as to any remaining questions.

The *Miranda* case clearly says that termination of questioning may take place at any time at the election of the arrested person. Needless to say, a detailed record of questions and answers should be maintained together with appropriate notations of any objections which the lawyer present may interpose to certain questions, so that you can turn over to the United States Attorney's Office as full and clear a picture as is possible of what took place during the interrogation process. Thus far we've considered what happens where he is silent and where he says he wants a lawyer—no questions. If he says he wants a lawyer, he gets the lawyer, and questioning then may be done only with the approval of the lawyer and it can be terminated at any point at the request of the lawyer or the person under arrest.

Now, we haven't obtained many statements up to this point. After the warning is given, under this decision, interrogation in the absence of the lawyer is proper where the arrested person has waived his rights under the warning. That is, every one of the rights, including the waiver of his right to remain silent, as well as his right to the presence of a lawyer. In the past, waiver has been found from the failure to ask for a lawyer in other jurisdictions. The case we now have expressly holds that waiver cannot be inferred from silence or from the failure to ask for a lawyer.

We now come to what I believe is the most important part of the whole case as far as you are concerned. The waiver that I mentioned a moment ago is only valid if it is expressed, it cannot be implied; there must be an express waiver, it may be oral, it may be written. Now what constitutes the waiver? The court says that a waiver is valid, that is a waiver of the rights under this warning, (waiver to the right of counsel, waiver of the privilege against self-incrimination.) The waiver is valid only if it is voluntarily, knowingly and intelligently given. These three words—voluntarily, knowingly and intelligently—I wouldn't have too much trouble about the "voluntary" part, "knowingly" gives me some concern, "intelligently" creates a real problem.

Whenever there is any interrogation in the absence of a lawyer, the government has, as the Supreme Court has said in this case, "A heavy burden" to demonstrate at the trial that a defendant voluntarily, knowingly and intelligently waived his privilege against self-incrimination and his right to a retained or appointed counsel. Therefore, while you gentlemen may get any statement you want under a waiver, we, in the United States Attorney's Office, before such statement is offered in evidence have the burden to affirmatively make a showing that the defendant voluntarily, knowingly and intelligently waived those rights.

I said a moment ago that this waiver may be oral or written. Of course, the written waiver is preferable and I have prepared a form of written waiver, if voluntarily signed, and knowingly signed, and signed with intelligence, then no problem will arise. But you can see how, depending upon the circumstances of the case, even though the written waiver is obtained, that the government will have to carry a real heavy burden in getting an admission in evidence with a waiver.

As an alternative to getting a written waiver signed by the person who is now about to talk in the absence of his lawyer, it is equally satisfactory if the essence of the warning and the waiver is summarized in the signed statement of facts executed by the arrested person, provided that the summary clearly shows that the oral waiver was given before questioning began and provided further that it also shows that the waiver remained in effect without being revoked during the entire interrogative process.

Remember, I said in connection with the illustration of what happens when the lawyer is present and you are asking questions, that questioning may be terminated at any point. That same right is not dependent upon whether there is or is not a lawyer present. The right to terminate questioning of a suspect by law enforcement officers at any point is even stronger when there is no lawyer present.

Significantly, however, nothing that you obtained in questioning is valid unless the warning has been given before the questioning began. Further, even though you can show the warning before and the waiver before, the rest of the statement may be invalid unless you also foreclose the possibility that the person under arrest may have terminated the questioning after the second question. He may have said, for example, after the second question, "I don't want to say anymore." Therefore, we do have a heavy burden, not only to show that the waiver was given before questioning began, and that it was voluntarily, knowingly and intelligently given, but that it continued unrevoked throughout the process of the entire statement.

In lieu of a separate document to be called a waiver, it is adequate for our purposes if, in the summary of your statement of facts, the essence is included in the signed statement—but it is not enough to say that "I waive my rights," you have to spell out exactly what the rights are. It is not enough to say that "the warning was given before the questioning began," because the questioning may have been terminated as far as the suspect is concerned before the statement was concluded. Therefore, those several possibilities must be covered in the statement.

Another principle which may affect you that is to be drawn from the teaching, in this case, is that the questioning should not be lengthy in the absence of the lawyer. Even with an express waiver, even in writing, the court has stated that lengthy interrogation before a statement is made is "strong evidence" that the waiver is invalid. The court does not tell us what is short nor what is long, but it does state that if you interrogate for a long time that is an indication that the waiver is invalid.

The Supreme Court has said that "An express statement that the individual is willing to make a statement and does not want an attorney followed closely by a statement could constitute a waiver." That is as close as the Supreme Court gets to the subject of the possible existence of an implied waiver. The implied as distinguished from the express waiver is as follows: The express waiver exists where the man says, "I know what my rights are, you have read me the warning, I understand about the privilege of self-incrimination, I understand about the right to counsel, I don't care about that, I waive the rights and I want to make a statement. I am willing to make a statement." That is an express waiver and that is valid whether it is oral or written. The implied waiver exists according to the Supreme Court where the person under arrest or in custody indicates that he is willing to make a statement (it doesn't use words of waiver)—he's willing to make a statement, and he does not want a lawyer; when that is followed by a statement closely in point of time, that could amount to an implied waiver.

Another lesson from this case is to be drawn not from *Miranda* but from *Westover*. You know we call it the *Miranda* case, but there were three state cases decided at the same time and one federal case. The federal case is known as the *Westover* case and *Westover* involved local police who had *Westover* under interrogation in Kansas City. I believe *Westover* was in local custody for fourteen hours and had been interrogated at length during that period, before the F.B.I.

had arrived. The question was what the effect of the fourteen hour period of confinement and interrogation by Kansas City Police—not related to the California bank robbery that the F.B.I. was interested in. The court found the atmosphere as coercive, as a result of fourteen hours interrogation or confinement by local police which carried over to in fact the F.B.I. interrogation which only lasted two hours. I called this principal from the *Westover* position of the *Miranda* combine of cases to tell you the following: That when a prisoner is taken by the District of Columbia Police from another jurisdiction where he has been subjected to questioning, it is recommended that the D.C. interrogation following warning should not begin until the prisoner has been moved both in time and in place from his former surroundings.

Had the F.B.I. taken *Westover* from the Kansas City Police and moved him to St. Louis or to Los Angeles, what he said to the F.B.I. would have been admitted in that case under the prior rule.

What has happened to *Mallory* requirements, I know many of you must be concerned. As to those cases where the lawyer is present during interrogation, *Mallory* is of little or decreasing significance, because first there is no "unnecessary delay" involved inasmuch as you waited for the defendant to have his own lawyer present and the protection which *Mallory* was calculated to give to protect him in his rights by the presence of a magistrate, a judicial officer has now been given in effect by the presence of his own attorney. Therefore, the speed of presentation before the committing magistrate seems to be unnecessary any longer. Yet it is on the books, you will find it as a rule, so that when that process is over in ordinary course he should be taken before the committing magistrate but no admission in my opinion will hereafter be excluded because of any delay in presentment on *Mallory* grounds. However, with respect to statements obtained without the presence of a lawyer under the so-called express waiver or the implied waiver which I just mentioned, presentment, early presentment to the committing magistrate under *Mallory* is still required.

Gentlemen that is all I have to report to you on *Miranda* at this time.

The following questions were asked of Mr. Bress by various members of the Department present at this talk.

Question: You stated that if we have a man under arrest, he desires a lawyer and he does not have the money to hire one, is it incumbent on us to supply the lawyer?

Answer: It's incumbent on you to supply him with a lawyer unless you want to forego taking a statement.

Question: We want to get a statement. It's 2:30 tomorrow morning that this happens, the man wants a lawyer, what do we do?

Answer: That's a new problem. What I think you will do is that the Bar Association will have to maintain, I hope, a panel of lawyers available around the clock and that the police may have the burden, and it may be a heavy burden, to contact that panel to see that a lawyer is sent in order for you to be able to question. If he has made the request, there must be a lawyer present or your questions will amount to nothing. As a subsidiary point to your question, I think there is involved the question as to what happens to the *Mallory* requirement of presentment to the committing magistrate without "unnecessary" delay in such a situation, and my opinion is, and I think I'm right, that since the delay is caused by his own request for a lawyer, that the delay is not "unnecessary".

Question: Should an arrested subject ask for counsel and after conferring with counsel, he is advised by counsel in the presence of the arresting officer not to make any statement or answer any questions, this arrested subject, despite this legal advice, and still in the presence of counsel, insists on giving a statement, what should the arresting officer do in this case?

Answer: If he insists on doing it in the presence of counsel, I certainly wouldn't turn it down. I would take it and hope that it might come in as a spontaneous statement. Remember, I stated initially that statements of volunteers, spontaneous statements, without interrogation, are admissible. If you don't ask the man any questions and he says he wants to tell you what happened and he tells you, without any questions, I think this is spontaneous and we would have no trouble getting it into evidence under the *Miranda* case.

Question: The problem there is still we have to prove the voluntariness of this statement?

Answer: Whether he knowingly, and intelligently made the statement voluntariness is not as great a problem as being able to show that the man, under the circumstances made the statement after his lawyer told him not to, was acting intelligently and knowingly.

Question: You have a prisoner, he signs a waiver. You ask some three or four questions. Among these questions, he may reveal where he hid the weapon or other evidence. And then all of a sudden he refuses to answer any other questions. On the basis of what he has already answered voluntarily and signed a waiver, you make application with an affidavit for a search warrant. I am wondering how this will affect your affidavit or if you would be able to admit this in Court as evidence?

Answer: Based on your hypothetical question, Captain, so far, what he had said up to the time that he said he wouldn't answer any more questions, it is entirely valid and admissible. It may be the basis for an application for a search warrant. It is also admissible in evidence as an incriminating admission.

Question: Before he is arrested, talking with him and he admits to you that he had, perhaps, committed a homicide, at what point are we required to arrest him? He gives you the whole story before you make the arrest?

Answer: You should, by all means, not arrest too soon. As a matter of fact, if you should move to arrest, then you are merely foreclosing yourself from getting further information. So, I think you have answered the question yourself.

Question: Well, how long is long?

Answer: Long enough, but not too long.

Question: You are in the process of executing a search warrant for narcotics, and upon arrival at the address and admittance has been gained, you notice three subjects in the room and upon a table are narcotics. You know that the narcotics belong to one of the subjects. Do you advise them of their rights, etc., before you ask the question, "To whom do these narcotics belong?" Would we be wrong in asking the question first?

Answer: I think the preliminary question should be: "What happened here? What's this all about? Who does this belong to?" Not addressed to any particular individual. It's not part of a series of questions. It's a matter of getting a better orientation and part of a general investigation. I don't think that type of questioning is prohibited.

Question: Mr. Bress, I had quite a few questions, but you have answered most of them, sir. We had a case in the Fourth Precinct just the other morning, in which we had a robber, a holdup. The suspects

were captured by Captain Farran and citizens. They had been warned by one of my men on the scene at the time, of their constitutional rights under this ruling; to have the lawyer, remain silent, etc.; that they didn't have to say anything. Now, my question is this. While at the station giving instructions to these men and while the two individuals were being booked, the complainant was asked what time the offense had occurred. He looked at his wrist and he said, "they took my watch, too. I don't have my watch. I don't know." With that I walked over to the Station Clerk where the subjects were being booked for the arrest. I asked the Station Clerk if these men had a watch on them. He said, yes, they both had a watch. I said, "would you let me see them or let the complainant see them?" With that, one of the defendants spoke up and said, "ask him what kind of watch it is, because I don't want to be blamed for something I didn't do." He said, "I didn't want to hurt anybody. I just wanted the money. I even tied the man up loosely." Now, saying he makes this admission and I did not advise him of his constitutional rights because I wasn't addressing myself to him; I was addressing myself to the Station Clerk. And say we didn't need this confession as evidence in the trial, would your office submit the statement as evidence?

Answer: Did you say you did or did not need it?

Question: Did not need it. Would you use this statement or not?

Answer: If the Assistant felt the way I do about it, he would use it, because I would characterize that as a spontaneous statement, not the result of interrogation. It's a statement of a volunteer. You didn't put any questions to him. It wasn't in the course of interrogation. However, if the Assistant were wiser than I, and was interested in protecting his record on appeal and felt that he had a strong enough case without it, he might not use it.

Question: I understand. My question was directed with reference to a possible future interpretation of the law which we can look forward to. I'm anxious to see if that fell into the category of advising continuously during confinement of the individual.

Answer: They say sometimes that the law is "a ass", but that is not true in *Miranda*. I don't think that this teaching requires the constant rote repetition of a warning under such circumstances.

Question: Now, one other thing. You did speak on the three-hour rule that we had been working under, and just for clarification, we know that all of this is out—with reference to interrogation—but the Court did say when an individual is in custody on probable cause, the police may, of course, seek out evidence in the field to be used in the trial against them. Such investigation may include inquiry of persons not under restraint, generally on-the-scene questions, so forth.

Answer: Yes.

Question: I just brought that up, Mr. Bress, with the reference that there is no great hurry in arraigning this individual immediately or forthwith; that they do give us a limited time to complete an outside investigation free of interrogation of the person held.

Answer: Oh, yes. The force and effect of *Mallory* exists where no lawyer appears, and even though Rule 5(a) must be complied with, I think the force and effect of it has been diminished considerably now by *Miranda*.

Question: I think this Supreme Court ruling clears up what we asked for. We asked for a clear ruling on the subject of interrogation. I think we have it. Now, one other

question, just for clarification. It is my interpretation an indigent, according to the court ruling, is any person who says, "I can't afford a lawyer."

Answer: No. That is not correct. The mere fact that a man says he's indigent and can't afford a lawyer does not necessarily mean that the court will accept him as an indigent. In most instances, when he says he is, he generally is. But according to the UPO, The Neighborhood Legal Services Program, so-called Poverty Program, the standard of indigency is \$65.00 a week for a single person, plus \$15.00 for each dependent. If a man earns more than that, or family earnings are more than that, they are not indigent. A man earning \$55.00 a week and a wife earning \$25.00 a week, are not indigent. They are not entitled to free legal advice.

Question: We have knowledge that an individual who says that he can't afford a lawyer and wants us to appoint one is making \$150.00 a week, where does that put us in the interrogation angle?

Answer: I haven't considered this before. I know that we had considered it in NLSP and just denied service, but I think that for police purposes that if he says he can't afford a lawyer, you have got to assume that is true. What difference can you draw from his stating that he can't afford one when he can afford one, and the case where he says he can afford one but doesn't know one? He, in effect, is stating that "I want a lawyer." You can't interrogate him until a lawyer is present.

Question: One other question I would like a clarification on—I think I understand, but let's say that we have an individual in custody. He's been advised of his rights as set up by the Supreme Court. He has with him his lawyer. He's been told that he doesn't have to make a statement. He goes on saying certain incriminating things or makes incriminating statements.

Answer: In response to questions?

Question: In response to questions. And then he invokes after this continuous warning as the court holds must be given to him, he finally says, "I don't want to say anything else. I am going to remain silent." Then the interrogation is cut off. I think you said then the burden becomes upon the prosecutor to show that this was done timely, knowingly and intelligently. I wonder if we would be in a position to use what he did say that was incriminating?

Answer: I answered that in a prior question. Up to the point where he speaks that "I don't desire to answer anymore questions," everything that he said up to that point is valid and admissible. Anything that he says thereafter is not. It's presumed coercive unless you get from him an expression of a willingness to resume giving answers.

Question: After a defendant has had a preliminary hearing, has had the advice of counsel, has been told by his attorney to say nothing about the case, if he is interviewed while being held at the D.C. Jail and he decides to disregard the advice of his lawyer and makes a voluntary statement, what would be the effect of this ruling?

Answer: It can't be done now, couldn't be done even before Miranda. Under the decision in *Queens vs. U.S.* in 118 U.S. App. D.C., where a lady was charged with a felony and at the preliminary hearing, the case was continued for her to obtain counsel, as she was entitled to under the criminal justice act, on the continued date when the preliminary hearing was to be held, the police officer went over to her and had a little conversation with her and she made some incriminating statements. Those statements were admitted in the trial and she was convicted. On appeal, the Court of Appeals held that those statements should not have been admitted on the grounds that her

appearance at the preliminary hearing was for the purpose of having counsel appointed, and counsel not yet having been appointed, any interrogation was prohibited because it frustrated her right to counsel. It was in violation of her right to counsel. If counsel had been appointed, then it would also have been bad because of the *Massiah* and *Escobedo* cases. I think that answers your question, does it not, even before *Miranda*? Certainly it would be true now. You look as though you are not satisfied.

Question: No. A previous question, you said that he could disregard the advice of his counsel?

Answer: yes. But when he disregards, he had already had the benefit of the advice of the lawyer and then has made a statement which I said might be a statement of a volunteer. Now, if he says his lawyer says I don't want you saying anything and he says I understand your advice, but I still want to make a statement, I still want to answer the question that these policemen want to put to me, I think you can still do that. The best kind of statement is one obtained in the presence of counsel.

Question: You say that we can talk to a person voluntarily of his own free will and accord and any questions that this man answers under this voluntary conversation is not considered under arrest, but yet I can cite cases under the Court of Appeals where a man has talked voluntarily to the police on the street, in the stations, in his own home and subsequently the Court of Appeals had rules that the man was detained by the police and that there is not such a thing as voluntarily being detained by the police. And consequently, any information that was drawn from this conversation was used against him in trial without the presence of a lawyer there to advise him of his rights, when the conversation began.

Answer: I am familiar with those cases.

Question: Now, where do we stand if we talk to a man on the street and from the information that we gather from this conversation, we subsequently piece it together and make our case?

Answer: You stand precisely as I have indicated. That if he is being detained to the point that his freedom of action is limited—those are the very words of the Supreme Court—freedom of action not being limited in any way. Now, in each of the cases that you referred to, if they had gone as far as the Court of Appeals said that the circumstances operated upon the mind of the arrested persons in these cases—that is, made him feel that he was under detention and he didn't have the freedom to move about freely, those would still be treated as arrests. Now, there may be such cases arising in the future where you do not intend to detain, but a Court may say that you did detain. This man was frightened into thinking that he couldn't leave if he wanted to. That is still the test. If, he is not arrested, nor is his freedom of action limited in anyway, whatever he says to you is outside the scope of *Miranda*.

Question: Sir, I think the Courts later on may rule that the primary mission of my conversation with this man was because he was a prime suspect and even though he had freedom of movement, freedom of limitation, the only reason I spoke to him was the fact that he was a suspect.

Answer: I think the Supreme Court takes cognizance of the fact that investigation by police is still to be continued and is very essential and they think that people should cooperate in answering questions to the police. I think there may come a day where you don't think that you have detained a person, but a Court may well hold that you did detain. I'm sure that we have that possibility and therefore, the purpose of this discussion is to alert you to the fact that you should make a conscious effort to see to

it that the circumstances in pre-arrest questioning do not, in any way, impair the freedom of action of the man you are talking to. Tell him, "you can go." "You don't have to talk to me. You can go if you want to. You are not under arrest; I don't intend to detain you in any way, but I do have some questions." Now, it may be you are focusing on him as your prime suspect, but the focusing on him and his feelings of detention are two separate matters.

Question: I have one question. It pertains to the line-up sheet. How far can we go with the line-up sheet? Do we have to advise him? Do we have to wait for his lawyer before we start making the line-up sheet? There are quite a few questions we ask the individual in the line-up sheet.

Answer: Relating to the particular incident?

Question: No. To the person himself. You ask the person several questions; his name, address, age and try to get some background information from that individual. Has he been in the service? Family, prior record, quite a bit on the back and front of that line-up sheet. Now, how far can we go?

Answer: I confess to a lack of sufficient experience with the line-up sheets to be able to answer that question with confidence. I have seen them but I have not had occasion personally to use them. My impression is that if this is merely a background history of the individual involved, and does not relate to any effort to seek an admission or incriminating statement from him concerning the crime under investigation, then there is nothing objectionable about it. You can still pursue it to your heart's content.

Question: When a suspect leaves this jurisdiction and is arrested in New York and we forward a U.S. Commissioners' arrest warrant, by a United States Marshal, to New York, you don't want him interrogated in custody in New York? The next time we see him is in the District Jail. That would be the only time that we would be able to interview him would be at the District Jail. Is that right?

Answer: If he has not been subjected to intensive interrogation in the place of arrest, I don't think that the impediment of *Westover* would apply. If he's just been picked up on a warrant, from the District of Columbia in New York, you can go there and start questioning him right away, provided you have given him all the warnings. If I am understanding your question correctly.

Question: Well, say that he is arrested at 3:00 in the morning. It may be an hour or two hours before they notify us and it takes us, maybe, another three hours to get to New York or where he is. Well, that's five hours that he is in custody in New York. Would they say that he is in custody too long and that we can't talk to him there?

Answer: What was he doing during that five hours? Was he under interrogation in New York? If he was just being held in New York pending your arrival, I don't think that that is a *Westover* type of situation. But if he were arrested in New York—for example—on a housebreaking there, and they worked on him for a number of hours—well, *Westover* had fourteen hours and I don't have a crystal ball to put the right line time limit; but if they worked on him for a number of hours on one investigation and then you went to the same place and started interrogating him on another investigation, I think you would have a *Westover* situation. You ought to change the time and place for your questioning.

Question: Regarding juveniles, sixteen to eighteen years of age, that fall into the waiver category in Juvenile Court after we have advised them of their rights. Are we going to be able to use their confession in Court?

Answer: There are a number of cases that cross my mind that have recently been decided, that affect trials of juveniles waived to District Court and to what extent the statements made by them are admissible in evidence. The answer is that voluntary statements are not usable against them if they are made before waiver—under the Harling case. How, under Miranda, statements after waiver may also not be used—except when made in the presence of counsel—and that seems very unlikely. There is also the real danger of exclusion, as fruits of the poisonous tree, of evidence obtained from leads procured from pre-waiver statements.

Chief Layton: Mr. Bress, one other item that I would like to have you give some further consideration to, would be a question that was raised; that is how long can our people talk with an individual who is a suspect prior to arrest, and I'm sure that this is a hard question. But it is also a hard decision for a police officer or a detective to make out on the street in a situation where he has sufficient probable cause to justify an arrest and yet he feels that by discussing the facts in the case he may get some additional evidence that would help to assure a conviction when the case gets to Court. As I say, this is a hard question for a police officer to make out on the street, if we leave it to him and say that he should talk to the suspect long enough, but not too long. Now, I don't know what definitive answer you might be able to make on further reflection, but I would hope that you might give that some further thought.

Mr. Bress: That might be a hard decision for you, Chief, but it's an even harder one for me; because my answer would indicate that there is a time limit and that if you fully exercise that time, the Court will say that the time was too long. I have no limit. All I can say is that the shorter the time, the safer it is. The longer the time, you impair safety by extending it. If there is no arrest and no detention, there is nothing in the case that indicates that there is any time limit at all. When there is no detention, but the longer you interrogate, I think the greater likelihood there is, particularly if you are focusing on that suspect, for an inference to be drawn that he was being detained or at least he would make it appear at a trial, months later, that he felt that he was being detained because you held him up so long. I would think that nothing more specific than that can be given.

Chief Layton: On the Question of the telephone number, do you have any indication of when or what the prospects are of getting the phone number from the Bar Association for making calls at night?

Mr. Bress: No, sir, I have no indication as of this moment when they will make it available. Now, while I have all you gentlemen in one place, there is one other problem that has been disturbing me. And that is the matter of free press and fair trial. I am concerned and I know you must be with the problem that arises from pre-trial publicity. Particularly when some well publicized cases or exciting cases are coming up for trial; and a lot of information gets into the press that furnishes the basis for the defendant asking for a change of venue or postponements of trial; no good comes from unnecessary information being given to the press. The press is entitled to know everything that takes place in the Courtroom. The press is entitled to know certain things, within certain limits, that a man is arrested, what he is arrested for, what were the circumstances surrounding the arrest and so forth. They are not entitled to know—they are not even supposed to be told—what his criminal record is. The press should not be told that a man makes a confession. Those matters are likely to be disputed at a trial. So I would request that there be self-restraint exercised

in releasing anything to the press, other than the basic data of time and place of arrest, the nature of the charge, identification of the man, period. Nothing about the gruesome details of the offense.

Question: I would like to say one thing. The police get blamed for a lot of this detailed information, Mr. Bress, when this information comes from another source.

Answer: I'm not blaming anybody.

Question: No, but I'm sure that you realize that the press is something to deal with. Number (1)—they call up the individuals involved; the individuals pose for them; (2)—they make statements on the type and size of the gun that was used. I couldn't agree more with you in your thinking; don't misunderstand me, but I would like to clear this up. We try to stick to the basic facts, but we find it almost an impossibility because of the other ingredients in the situation, such as the people involved. So, I agree that we should keep out these statements that give all detailed information, such as the caliber of gun we might be looking for, knife or any of the things that would be admissible as evidence in the Court. But we have another problem, I'm sure, you are aware of. We don't give all the information out. Most of this information that you are talking about comes from the persons involved. You see their pictures in the newspapers, on television, etc. I would like to ask this question too, while I'm here. Often time we are asked for photographs of the individuals, who are arrested and that judgment as to whether or not we release the picture is based on many things, but I read in the papers just recently where even if you showed the I.D. picture without the number on it, the Courts were considering this an invasion of the suspected person's rights. I wonder if you would say whether we should release these pictures or not.

Answer: Of a man under arrest?

Question: Yes, sir.

Answer: Well, I don't think that unless there is a question of identification involved in the case.

Question: Well, there is always a question of identification in a robbery, under any circumstances.

Answer: Well, then I would—if that is a picture of the man who is under arrest—that is not your statement. This is the man who actually committed the offense. This is the man you charged?

Question: Yes, sir.

Answer: We try to exercise self-restraint in the prosecutor's office and we are under limitations on what statements we can make. You will frequently see no comment in connection with any case that is pending trial. No comment about anything that occurs or who appears before a Grand Jury. For example, we are permitted under the rules of the Department of Justice to release only the following information. Now this doesn't necessarily bind you, but I think the philosophy should be the same; the defendant's name, age, residence, employment, marital status and similar background information. That's all right. The substance or text of the charge such as the complainant, indictment or information. The identity of the investigating and arresting agencies and the length of the investigation. The circumstances immediately surrounding an arrest including the time and place of arrest, resistance, pursuit, possession and use of weapons in connection with arrest and the description of the items seized at the time of arrest. That is as far as we can go. Now, these are the things that I think, in your own common sense, should be the limit of what is released. Observations about a defendant's character, statements, admissions, confessions or alibis attributed to a defendant should not be made. Reference to investigative procedures such as fingerprints, polygraph examinations, ballistic tests or laboratory test should not

be made. Statements concerning the identity or credibility or testimony of prospective witnesses and statements concerning evidence or argument in the case should not be made. Those are the things that are verboten-prohibited.

Question: They are all find words and we like that, but the 251 is a public record. Also, the arrest book is public record by law. Now, we have somewhat of a problem there, I think, because the 251 Form gives a detailed report of the offense of any arrest made, etc.

Answer: I think if it is a public record, the press has access to it. Thank you, Gentlemen. It has been a pleasure to be here before you.

Deputy Chief Hartnett: Well men, as Mr. Bress has told you, this is now the law, and we will have to adjust and we will have to comply with it. I know, and you know, we will have problems accompanying this adjustment. There will be Department Orders issued later.

Now, I urge you that if you have any problems to consult with you Precinct Supervisor or Squad Leaders, so they can present them to us and we, in turn, can present any particular problems to the District Attorney's Office for possible answer.

I doubt if I could inspire you with the equivalent of a half-time pep talk such as Knute Rockne used to give to his Notre Dame teams, but nevertheless, I sincerely say, don't get discouraged, but get out there and do the same good job that you have been doing all along.

Do you have anything else, Chief Layton?

Chief Layton: Nothing else.

Mr. Bress: Chief, I would like to say one thing. In my seven months as the United States Attorney, my relationship to the Department has been excellent. My contact with the Chief has been wonderful. The work that I have seen your men do in the course of the past seven months has been inspiring. I compliment each one of them for the fine job. I don't think there is a better Police Department in the United States—but we must strive to make it even better.

By direction of the Chief of Police:

JOHN S. HUGHES,

Deputy Chief of Police, Acting Executive Officer.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed at this point in the Record a general order which was issued to the metropolitan police of the District of Columbia by the Deputy Chief of Police, John S. Hughes, on July 16, 1966, the subject of which deals with the questioning of arrested persons.

There being no objection, the general order was ordered to be printed in the RECORD, as follows:

GOVERNMENT OF THE DISTRICT OF COLUMBIA, METROPOLITAN POLICE DEPARTMENT,

July 16, 1966.

[General Order No. 9-C, Series 1964]

Subject: Questioning of Arrested Persons. To the Force:

Under date of June 13, 1966, the Supreme Court of the United States delivered an opinion in the case of Ernesto A. Miranda vs The State of Arizona.

In the cited opinion "Custodial Interrogation" is defined as: "Questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way."

The Constitutional issue decided is the admissibility of statements obtained from a defendant questioned while in custody and deprived of his freedom of action.

The opinion states that the prosecution may not use statements stemming from cus-

todial interrogation of the defendant unless it demonstrates the use of procedural safeguards effective to secure the privilege against self-incrimination.

To assure the proper procedural safeguards are employed the following measures are required.

Prior to any questioning, the person must be warned that:

- A. He has a right to remain silent.
- B. Any statement he does make may be used as evidence against him.
- C. That he has the right to presence of an attorney whether retained or assigned.

QUESTIONING OF ARRESTED PERSONS

In accordance with the law now defined in the opinion of the Supreme Court of the United States and recommendations of the United States Attorney, members of the Force are directed that:

To comply with the provisions of the law the arrested person shall be clearly warned in the following terms:

You are under arrest. Before we ask you any questions, you must understand what your rights are.

You have the right to remain silent. You are not required to say anything to us at any time or to answer any questions. Anything you say can be used against you in court.

You have the right to talk to a lawyer for advice before we question you and to have him with you during questioning.

If you cannot afford a lawyer and want one, a lawyer will be provided for you.

If you want to answer questions now without a lawyer present you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

If necessary, this warning will then be given in writing or explained in language which the arrested person can readily understand. If the arrested person is incapable of understanding any warning, by reason of alcohol, drugs, injury or other reason, the warnings may be postponed until the arrested person is capable of understanding the warning and questions put to him.

Officers should remember that the critical point is the time the arrest is made or the person's freedom of action is limited, for it is then that the person must be fully advised of his rights.

If a person is not under arrest and is not deprived of his freedom of action in any way, no warning need be given and questions may be freely asked.

Information obtained by interrogation before arrest is admissible and not impaired by this opinion.

When conducting investigations, officers shall attempt to develop and complete in every detail possible the accumulation of evidence against the suspect prior to making the arrest.

Whether under arrest or not, spontaneous statements made by an individual, not in response to questions, are admissible in evidence. Accurate notes should be made of such statements.

Unsolicited or volunteered statements of persons who appear at police stations, or call in by telephone and state they have committed a crime, are not barred or affected by this opinion.

If the defendant indicates in any manner and at any stage of the process that he wishes to consult with an attorney before speaking there can be no questioning.

If the defendant is alone and indicates in any manner that he does not wish to be interrogated, the police may not question him.

The facts that he may have answered some questions or volunteered some statements on his own does not deprive him of the right to refrain from answering any further inquiries until he has consulted with an attorney, and thereafter consents to be questioned.

If the accused decides to talk to his interrogators, he is still entitled to do so with the assistance of counsel.

The accused must be clearly informed that he has the right to consult with a lawyer and to have the lawyer with him during interrogation. This right does not depend on the accused making the request.

If the accused states that he wants an attorney, the interrogation must cease until an attorney is present. At that time the individual must have an opportunity to confer with the attorney and to have him present during any subsequent questioning.

If the individual cannot obtain an attorney and he indicates that he wants one before speaking to police, they must respect his decision to remain silent.

A defendant may waive these rights, provided the waiver is made voluntarily, knowingly, and intelligently. This necessarily will require proof that the defendant did completely understand and freely waive his rights.

Waiver of rights by an arrested person, whether oral or written, shall be witnessed by other officers, but preferably, by other civilian witnesses already involved, or otherwise willing to do so.

Questioning should not be lengthy in the absence of a lawyer. Even with an express waiver, the Court has stated that lengthy interrogation before a statement is made is evidence that the waiver is invalid.

Whenever an express waiver is given and a statement obtained without a lawyer, prompt presentment before the United States Commissioner or the District of Columbia Court of General Sessions, as required by Rule 5(a) of the Federal Rules of Criminal Procedure, is still necessary.

The Supreme Court opinion states that an "express statement that the individual is willing to make a statement and does not want an attorney followed closely by a statement could constitute a waiver."

In order to fully apprise a person interrogated of the extent of his rights, it is necessary to warn him not only that he has the right to consult with an attorney, but, also, if he is indigent, that a lawyer will be provided to represent him before questioning. If he states he wants a lawyer present, it is then incumbent upon the police to give him the opportunity to contact his own lawyer or, if he has none, to make one available to him through one of the volunteer legal agencies.

In so doing, the arresting officer shall place the call to the agency, notify the person answering, of the name of the arrested person, the place of detention and the offense charged. A written record of the date, time, and the person so notified shall be kept as a part of the case history.

If a lawyer requested by the arrested person comes to the precinct station or Headquarters, the arrested person shall be afforded every reasonable opportunity for confidential consultation consistent with safeguards against escape or the commission of an unlawful act. If no lawyer appears, and if a relative or friend requested by the arrested person comes to the precinct station or Headquarters, it is advisable that one such person be permitted to talk for a reasonable time with the arrested person, though officers, in their discretion, may admit others.

Communication and access to an arrested person by a person other than a lawyer may be denied or postponed where there is a reason to believe that it is sought for the purpose of destroying evidence, concealing stolen property, intimidating witnesses, warning an accomplice, or arming or facilitating escape by the arrested person. If such communication or access is denied, a record shall be made stating the reason.

In accordance with provisions of Chapter VI, Sections 8, 9 and 10 of the Manual, every possible effort shall be made to communicate with the person or persons whom the arrested

person wishes to notify of his arrest, including use of the telephone. A record shall be made of any request of an arrested person to communicate with another person. If there is no request, the officer shall so note.

After the accused person has conferred with counsel, and it is felt that interrogation is necessary or likely to be productive, the officer shall repeat the warning of rights previously given to the accused, while counsel is present and then proceed with the interrogation unless or until terminated by the arrested person. Close attention should be given by the interrogator to the questions asked and the answers volunteered so that a concise and accurate résumé can be made of the statement. When possible, and with the agreement of the accused and his counsel, this statement should be reduced to writing and offered to the accused for his signature, if time permits and it would not otherwise cause "unnecessary delay" of arraignment.

Although speed of arraignment is of less importance now, if a lawyer is present during interrogation, it still must be considered.

When a person wanted by this Department is arrested in another jurisdiction and has been subjected to questioning by others, whenever possible, interrogation by members of this Department, after advising of rights, should not begin until the prisoner has been moved in time and place from his former surroundings.

Nothing herein prohibits questioning for information necessary for the booking and processing of a prisoner through the Identification Bureau.

Accompanying this order is a "Warning and Consent" form which shall be executed whenever an arrested person indicates willingness to waive his rights and make a statement. This includes a "consent to speak" portion whereby an arrested person may indicate that he desires to waive his rights and that he fully understands what he is doing. He shall be given this form to read, or if unable to read the form it shall be read to him, after which he shall be allowed to sign the "consent to speak" portion thereof. The remainder of the form shall be completed and then signed by the officer and the witnesses. Other officers may be used as witnesses; however, it is preferable to utilize other than police personnel as witnesses, if available.

A copy of this General Order, with attachment, shall be distributed to each member of the Force in accordance with the procedure outlined in General Order No. 12, Series 1958.

By direction of the Chief of Police:

JOHN S. HUGHES,
Deputy Chief of Police, Acting Executive Officer.

Order rescinded: General Order No. 9-B, Series 1954.

Mr. BYRD of West Virginia. Mr. President, I have here a "Warning and Consent" form which has been distributed to the members of the Police Department of the District of Columbia by the Deputy Chief of Police. This is a form which shall be executed whenever an arrested person indicates willingness to waive his rights and make a statement.

The form reads as follows:

WARNINGS AND CONSENT—WARNING AS TO YOUR RIGHTS

You are under arrest. Before we ask you any questions, you must understand what your rights are.

You have the right to remain silent. You are not required to say anything to us at any time or to answer any questions. Anything you say can be used against you in Court.

You have the right to talk to a lawyer for advice before we question you and to have him with you during questioning.

If you cannot afford a lawyer and want one, a lawyer will be provided for you.

If you want to answer questions now, without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

The suspect is then supposed to add his signature to the form. His signature will indicate that he understands his rights in this matter and that he desires to waive his rights.

That portion of the form reads as follows:

CONSENT TO SPEAK

I know what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer. I understand and know what I am doing. No promises or threats have been made to me or used against me.

Signature _____

Date and time _____

Statement was read by Defendant _____

Statement was read to Defendant _____

Signature of Officer _____

Witnesses: _____

This form is to be signed by the arrested person and also by the officers and by witnesses.

I hope that Senators will read this form and the general order issued by the Metropolitan Police Department, as a result of the Supreme Court's June 13 rulings, that they may fully understand the difficult burden which now has been added to those already carried by policemen in their efforts to secure evidence leading to the conviction of persons who have committed crimes.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. LAUSCHE. What is the source of this statement just read by the Senator from West Virginia—"Warning and Consent," "Warning As to Your Rights," and then "Consent to Speak," and finally the signature of the accused or the suspect?

Mr. BYRD of West Virginia. The source is the Metropolitan Police Department of the District of Columbia.

Mr. LAUSCHE. Is that what they are doing now?

Mr. BYRD of West Virginia. That is what is being done.

At first, I presented for the Record a transcript of a briefing by the U.S. Attorney for the District of Columbia, Mr. David G. Bress. This was a briefing to the chief and to the members of the police department, and the briefing took place on June 21, which was 8 days after the Court decision on June 13.

This briefing was then put in the form of a memorandum and distributed to the police department personnel.

The next day, on July 16, the General Order No. 9-C was distributed to the members of the police force of the District of Columbia, and this had to do with the questioning of arrested persons.

Accompanying the general order was the form which is to be signed by suspects and by arresting policemen. Policemen are to carry this form with them; and if the suspect is willing to sign the statement, showing that he knowingly, willingly, and intelligently waives his rights,

the suspect is to sign, and the arresting policeman is also to sign in the presence of witnesses.

Mr. LAUSCHE. Am I correct in my understanding that prior to this Supreme Court decision, the information imparted to a suspect dealt primarily with the information that he had a right to answer questions or not to answer them, that whatever he said would be used against him in court, but that now the following statement has been added to that general procedure:

You have the right to talk to a lawyer for advice before we question you and to have him with you during questioning.

If you cannot afford a lawyer and want one, a lawyer will be provided for you.

If you want to answer questions now, without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

Is that the substance of it?

Mr. BYRD of West Virginia. Mr. President, in answer to the distinguished senior Senator from Ohio, I shall read from the transcript of the briefing by Mr. David G. Bress. This is what he said at that time:

Under the *Miranda* case I have prepared what I consider to be an appropriate warning, the exact language of which I am not yet wedded to. I will probably try and simplify it for more effective use. That warning now should state as follows:

(1) You have been placed under arrest. You are not required to say anything to us at any time or to answer any questions. Anything you say can be used against you in court.

So far so good, that is not different from your prior warning.

Prior to the *Miranda* case.

Mr. LAUSCHE. I was on the bench for 10 years, and that is the warning that was usually given.

Mr. BYRD of West Virginia. Yes.

To proceed, he said:

The second part is also similar to the prior warning:

(2) You may call a lawyer or a relative or a friend and they may come here to speak with you. A phone will be made available to you for that purpose.

That, too, is consistent.

Now, beginning with the third and fourth—there are only four paragraphs to this warning—we have the essence of the case, and I will then go about explaining it. I think it is better to give it to you in this highlight first.

(3) You have the right to consult with a lawyer before we ask you any questions and to have such lawyer present with you during such questioning. You may retain a lawyer if you are financially able to do so. If you cannot afford to hire a lawyer, one will be furnished to you if you so desire, and that is before questioning, not as in the prior case, when you go to court.

(4) If you fully understand these rights which you have, but, nevertheless, of your own free will desire to answer questions about the matter under investigation, without the presence of a lawyer, you may waive such rights and answer the questions. If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

That, in essence, is what the *Miranda* case requires, and the *Miranda* case is the law.

Does that answer the question of the Senator from Ohio?

Mr. LAUSCHE. That answers the question clearly.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the Record the following articles: an editorial from the July 28, 1966, edition of the *Huntington, W. Va., Advertiser*; an article from the June 15, 1966, edition of the *Columbus Dispatch*, Columbus, Ohio; an editorial from the June 15, 1966, edition of the *Columbus, Dispatch*, Columbus, Ohio; an editorial from the June 14, 1966, edition of the *Chicago, Ill., Tribune*; an editorial from the June 15, 1966, edition of the *New York Daily News*; a column by David Lawrence from the June 15, 1966, edition of the *Washington Evening Star*; an editorial from the June 15, 1966, edition of the *Washington Evening Star*; and a column by Richard Wilson which appeared in the June 17, 1966, edition of the *Washington Evening Star*.

There being no objection, the articles and editorials were ordered to be printed in the Record, as follows:

LENIENCY FOR OFFENDERS IS ENCOURAGEMENT TO VIOLENCE

The effects of leniency in dealing with criminals was made clear in the official report of the Federal Bureau of Investigation, released today, reviewing the 6-percent increase in violent crimes during 1965.

In connection with the report Attorney General Nicholas deB. Katzenbach disclosed that crimes such as murder, robbery, burglary and aggravated assault during the year numbered more than two and three-quarters million.

The FBI record of 135,000 known offenders revealed that three of every four had a prior arrest. The entire group had an average criminal career of more than 10 years during which they averaged five arrests.

Forty-eight percent had been arrested in two or more states, and over half had benefited from leniency in the form of parole, probation, conditional release or suspended sentence.

After the first leniency the group averaged more than three arrests.

FBI records also exposed the extent to which repeaters contribute continuously to the national crime problem. A record of over 6,900 offenders who were released between January and June, 1963, after having been charged, showed that 48 percent were arrested for new crimes within two years.

Fifty-nine percent of the burglars, 70 percent of the auto thieves and 64 percent of the robbers repeated during that time.

How the United States Supreme Court and other tribunals can justify their recent trend of finding new unprecedented technicalities for releasing criminals in the face of these statistics is beyond the comprehension of the people that suffer from increasing violence.

The 46-percent increase in serious crimes just since 1960 should certainly cause some effort to apply the only known remedy—swift, certain and adequate punishment.

The trend of the times, however, is not only to show leniency to criminals but to create the impression that law-enforcement officers are a bunch of sadistic characters who get their kicks from brutalizing offenders.

The restrictions that the Supreme Court has thrown up to protect criminals from police questioning can open the way for almost sure acquittal from any crime.

If, for instance, Richard Speck, the man charged with the mass murder of eight Chicago student nurses, would ignore the advice of his attorney and insist on confessing de-

spite constitutional rights recently set up by the Supreme Court, he would certainly make a good case for a plea of insanity.

The only apparent way out of this absurd situation for law enforcement is a constitutional amendment imposing reasonable conditions for accepting voluntary confessions in evidence.

[From the Columbus (Ohio) Dispatch,
June 15, 1966]

SAXBE RAPS COURT RULING ON INTERROGATION—SAYS WAY OPEN FOR LAWLESS TO "TREE TOWN"

Ohio Atty. Gen. William B. Saxbe forecast bleakly Tuesday the U.S. Supreme Court has opened the way for the lawless "to 'tree' the town."

Saxbe borrowed the phrase from Western lore. It referred to desperadoes taking six-gun control of small settlements.

The attorney general joined untold numbers of police and prosecutors who received with dismay the court's Monday decision regarding self-incrimination.

The far-reaching, 5-4 decision, laid down rules which make it impossible for police to question an uncooperative suspect and further weakened the legal effect of oral or written confessions, Saxbe said:

"I think the decision is a bunch of ———
———" the out-spoken attorney general fumed.

Saxbe, who has been instrumental in attempting to raise pay scales and employment qualifications for Ohio lawmen, asserted the high court has imposed a nearly insurmountable block to law enforcement.

"The police officer today has got to be a diplomat, a combat soldier, a psychologist, a social worker and an expert marksman—yet he gets paid less than a street cleaner," Saxbe stormed.

"Certainly there are places where the training—the background—of officers may be deficient, but with what those men are paid, we're lucky to have them," Saxbe argued.

The Attorney General pointed out that police, "to maintain law and order, must have the force. You can't just let the hoodlums have the muscle."

"They'll run wild while the poor policeman's behind the tree, reading his rule book to find out what he can do about it," Saxbe warned.

Justice John M. Harlan, one of the four who disagreed with the majority decision, had commented in his strongly worded dissent: "The social costs of crime are too great to call the new rules anything but hazardous experimentation."

Prior to the decision, attorneys general of 27 states had urged the High Court to impose no further limits on the questioning of criminal suspects.

[From the Columbus (Ohio) Dispatch, June 15, 1966]

RIGHTS OF LAWFUL SOCIETY SHAKEN BY WARREN OPINION

It takes a rare provocation to bring personalities into the ordinarily staid address of justices of the United States Supreme Court. But the division of opinion generated by Chief Justice Earl Warren's further limitation of interrogation as an instrument of law enforcement gave evidence that the popular misgivings about the chief justice's advocacy of permissiveness reach into the body of the court.

Most recent finding of the Warren-led majority which denies police the right to question suspects in criminal investigations without the subjects' consent brought a heated rebuttal from Justice John M. Harlan who contended the chief justice had introduced a "new doctrine" and warned against anyone being "fooled by it."

Justice Harlan's strongest point was made when he declared the ruling, which favors

criminals over law-abiding citizens, "a one-sided proposition that ignored the other side of the equation—the side of society."

As in the 1964 Escobedo ruling this week's decision which extended the liberal philosophy of Escobedo was a close vote with the narrowest majority of one following the Warren leadership.

Each advancement of Chief Justice Warren's legal thinking weakens the case of the state in criminal actions. The task of law enforcement is multiplied at a time when it is already under heavy pressure from a rising crime rate.

Communism's fifth column is proffered a new security under the law and the day is readily foreseeable when contempt of official investigative bodies by the abuse of the Fifth Amendment will no longer be reprehensible.

Justice Byron R. White, another of the dissenting minority, assailed the Warren thesis as being without precedent or basis in the nation's law. He said:

"In some unknown number of cases the court's rule will return a killer, a rapist or other criminal to the streets and the environment which produced him, to repeat his crime whenever it pleases him. As a consequence there will be not a gain but a loss in human dignity."

We concur in the dissent.

[From the Chicago (Ill.) Tribune,
June 14, 1966]

WHY POLICE GET GRAY

A divided decision by the Supreme Court yesterday makes it even more difficult to hang a conviction on a criminal defendant. Taken in conjunction with a long series of previous holdings by the court, the decision throws up another roadblock in the path of the police and prosecutors.

The court embellished and extended its previously enunciated doctrine that a confession may not be introduced in court unless a man under arrest is given all the breaks. Police must warn a suspect from the outset that he may remain silent. He must be told that he is entitled to the presence of an attorney from the moment he is taken into custody, and even before that. He must be warned that anything he says may be used in evidence against him.

Only if the person under arrest waives these court-defined rights can the state or federal government take advantage of his admissions. But his decision to do so must be made "voluntarily, knowingly, and intelligently," and at any stage in the proceedings he may break off and demand a lawyer. It takes little imagination to see what a fruitful field these conditions open on appeal. By asking for a lawyer anywhere along the line, a defendant stands a good chance of invalidating the whole of a confession. And, if he does not exercise his protective options, it can always be contended that he was not acting "intelligently."

Chief Justice Warren, speaking for the majority, remarked that the court had arrived at its decision after reviewing its 1964 decision reversing the conviction of an Illinois defendant, Danny Escobedo, accused of murder. The court on that occasion held that any incriminating statement made after refusal of a request to see a lawyer cannot be introduced into evidence, thereby overruling a case decided only six years before.

In yesterday's decision, governing four criminal cases, the court expanded the Escobedo doctrine, which extended the right to counsel to a suspect in a police station. Now the right to counsel operates from the moment a suspect is taken into custody or "otherwise deprived of his freedom of action in any significant way."

Three of four cases before the court were decided on a 5 to 4 vote, and the other by 6 to 3. Convictions invalidated involved

charges in one case of the murder of a woman and the robbery of four others; of robbing two federally insured lending institutions; of the kidnap-rape of an 18-year-old girl; and the robbery of a dress shop. The court professed itself anxious "to scour the privileges against self-incrimination."

The court began to express its aversion to confessions of any nature as far back as 1957, when it forbade federal [but not state] police to use statements produced during pre-commitment interrogation. That ruling saved Andrew Mallory from a death sentence for rape in Washington, D.C. Three years later he was convicted of the same offense in Philadelphia and is now serving a state sentence of 11½ to 23 years.

In his dissent from the Escobedo decision two years ago, Justice White objected: "Until now there simply has been no right guaranteed by the federal Constitution to be free from the use at a trial of a voluntary admission made prior to indictment. . . . Today's decision cannot be squared with other provisions of the Constitution which, in my view, define the system of criminal justice this court is empowered to administer."

Yesterday Justice White and his dissenting colleagues found themselves hollering down the old Warren rail barrel, while the majority, in Justice Black's characterization of a year ago, continued blithely to sit as "a day-to-day constitutional convention."

[From the New York (N.Y.) Daily News, June 15, 1966]

SO WHY HAVE COPS AND DA'S?

The Earl Warren Supreme Court on Monday handed down a 5-4 ruling making it extremely difficult if not impossible for police to get confessions out of arrested persons—or for courts to admit any such confessions in evidence at the ensuing trials.

Arrestees must be told on arrest that they don't have to talk to the police and can demand attorneys at once (paid by the taxpayers if the accused is broke or says he or she is), and that anything they say may be used against them.

This is the British system, plus. Remember all those expertly written English murder yarns in which Inspector Gideon or Whom-have-you-of-Scotland-Yard tells every arrestee: "I must warn you that anything you say," etc.?

The catch is that Britons by and large are law-abiding, and many criminal strains in the British population were cut off by the old laws carrying the death penalty for dozens of offenses—whereas the American people have a tradition of rebellion, for better or worse, going back to the Revolution and Civil War.

This new ruling may force police and district attorneys to do smarter detective work and evidence-assembling. Let's only hope it doesn't turn the criminal element loose on decent people, and thereby spark revivals of Old West-style Vigilante-ism. But let's not bet on those hopes.

[From the Washington (D.C.) Evening Star,
June 15, 1966]

THE NEW "SAFEGUARDS" FOR SUSPECTS

(By David Lawrence)

An unwitting crime hereafter may never be punished, particularly if the suspect knows enough to keep his mouth shut. Police officers have just been told by the Supreme Court of the United States that, immediately after they take a suspect into custody and prior to any questioning, they must warn him that anything he says may be used against him. They must specifically advise him of his right not to answer any question and of his right to have counsel beside him during any interrogation to which he may consent.

If the suspect indicates "in any manner and at any stage of the process" that he

wants to consult with a lawyer before speaking or that he does not wish to be interrogated, there can be no questioning. Unless the prosecution demonstrates that it has used these "procedural safeguards" in behalf of the defendant, even voluntary confessions are not admissible as evidence in a court.

When the Supreme Court, by a 5-to-4 decision, said this week that these "safeguards" are required by the Constitution, a sweeping change was made in the methods of handling persons accused of crime in America. Law-enforcement agencies now are confronted with new obstacles to the protection of men, women and children and to the prevention and punishment of crime.

The Constitution does say that no individual "shall be compelled in any criminal case to be a witness against himself" and that an accused person has the right "to have the assistance of counsel for his defense." But until recent years this has been construed to refer to trial procedures, and never before have these rights been extended so broadly to include questioning at the police station. Police officers in some cases have undoubtedly intimidated persons suspected of a crime, and in other instances have managed in a tactful way to elicit what are called "voluntary" confessions.

Now if a suspect makes any statement which is later used in court, the police have to prove that before the interrogation he was fully advised of his rights and had available the services of an attorney—who must be appointed for him if he is unable to retain one on his own. The suspect can waive such rights only if it is done "voluntarily, knowingly and intelligently."

Chief Justice Warren—joined by Justices Black, Douglas, Fortas and Brennan—says all this is in accord with the basic requirements of the Constitution. Four of the nine members of the court—Justices Clark, White, Harlan and Stewart—dissented and take the view that the court has gone too far.

Certainly more police officers now will be required in order to detect crimes. Since a policeman or even a witness seldom is present when a crime is committed, it becomes difficult, if not impossible, to produce indisputable proof when those suspected of complicity in the crime cannot be questioned without their consent.

Some of the justices in the minority think that it is enough to require that a confession be voluntary and that it wasn't necessary for the court to stress the need for the presence of counsel at all times or the fact that the suspect can remain silent if he wishes. Justice White, in his dissenting opinion, declares:

"The most basic function of any government is to provide for the security of the individual and of his property. The rule announced today will measurably weaken the ability of the criminal law to perform in these tasks."

Justice Harlan, in his dissent, says that the court now has extended the Fifth Amendment privilege to the police station, and he adds:

"Nothing in the letter or the spirit of the Constitution or in the precedents squares with the heavy-handed and one-sided action that is so precipitously taken by the court in the name of fulfilling its constitutional responsibilities."

Many states and bar associations have been struggling to find a system that would improve law enforcement, particularly with reference to the handling of suspects in police stations. Chief Justice Warren says that the decision this week does not interfere with further efforts in that direction. But many lawyers will wonder just how any rules can be drawn up that will induce suspects to tell the police anything if even mere conversation with a person in custody cannot be used in court against him and now is regarded as a form of duress.

[From the Washington (D.C.) Evening Star, June 15, 1966]

GREEN LIGHT FOR CRIMINALS

The Supreme Court's 5 to 4 ruling on police questioning of criminal suspects will be received with rejoicing by every thug in the land. For without a doubt it is a ruling which will grievously handicap the police and make it much easier for a criminal to beat the rap.

The murky torrent of words embodied in Chief Justice Warren's opinion tends to obscure some aspects of the ruling. But the salient points come through clearly enough.

Henceforth, once the police have taken a suspect into custody, they cannot lawfully ask him any questions unless four warnings have been given. (1) The suspect must be plainly advised that he need not make any statement. (2) He must be informed that anything he says may be used against him in a trial. (3) He must be told that he has a right to have an attorney present throughout the questioning. (4) If the suspect is an indigent, he must be assured that he will be furnished a lawyer free of charge. Unless all of these conditions are met no confession or other evidence obtained during an interrogation can be used against the suspect.

The Chief Justice makes the remarkable observation that "our decision is not intended to hamper the traditional function of police officers in investigating crime." Intent aside, he must know that this is in fact a decision which will not only hamper but will largely destroy the traditional police function, at least as far as interrogation is concerned.

Why? Because any lawyer called in to sit beside a guilty prisoner is going to tell him to say nothing to the police. He would be derelict in his duty were he to do otherwise. In the face of this, the Chief Justice blandly suggests that there is nothing in the decision which requires "that police stop a person who enters a police station and states that he wishes to confess to a crime." How true! And how often in the proverbial blue moon will this happen?

The deplorable fact is that this ruling, as far as the public is concerned, will most directly affect the vicious types of crime—the murders, the yokings, the robberies and the rapes where it often is impossible to assemble enough evidence, without a confession, to obtain convictions. All the criminal need do is to demand a lawyer—and then the police, under the practical effect of this decision, will be unable to ask him question No. 1. What was it the President said about ridding our cities of crime so law-abiding citizens will be safe in their homes, on the streets and in their places of business?

The dissents by Justices Harlan, Clark, Stewart and White were sharply worded. It is necessary to read them to understand the frailty of the grounds upon which the majority rests this unprecedented ruling. But a few excerpts are helpful. Justice Harlan: "Nothing in the letter or the spirit of the Constitution or in the precedents squares with the heavy-handed and one-sided action that is so precipitously taken by the court in the name of fulfilling its constitutional responsibilities." Justice White: "The real concern is not the unfortunate consequences of this new decision on the criminal law * * *, but the impact on those who rely on the public authority for protection and who without it can only engage in violent self-help with guns, knives and the help of their neighbors similarly inclined." Justice Clark: "To require all those things (demanded in the majority opinion) should cause the court to choke over more cases than (those) which it expressly overrules today."

A final point. The newest member of the court, Justice Fortas, voted with the majority. But when he testified at a Senate Judiciary Committee hearing on confirma-

tion of his appointment last year he said he believed that an "adequate opportunity" for police interrogation of persons accused or suspected of crime "is absolutely essential to law enforcement." Under this decision, which Justice Fortas joined, opportunity for police interrogation becomes, not adequate, but virtually impossible. Law enforcement, and especially the public, will suffer accordingly.

[From the Washington (D.C.) Evening Star, June 17, 1966]

COURT'S 5-TO-4 RULING ON "HUMAN PERSONALITY"

(By Richard Wilson)

The demeanor of the Supreme Court when the recent opinions were read on getting confessions from suspected criminals revealed that the venerable justices are very wrought up over issues of high emotional content.

They are wrestling with a peculiarly modern problem much debated on the campuses of the universities and in intellectual circles. In the court's language this is the matter of respect for the "inviolability of the human personality."

This legally obtuse language can cover a lot of ground, ranging from the college boy who does not wish to be drafted to the demonstrator in the streets and on to the beat poet who peddles the delights of LSD and marijuana, all in the name of respect for the human personality.

The court has been seized with the problem over a wide range. The sanctity of the human personality emerges in the court's terms on such matters as the right to passports, birth control, school prayers, race relations, politics, Communist affiliations.

As most recently applied, the court comes down 5 to 4 with what amounts to a new law ending any attempt by the police to induce, trick or persuade suspected criminals into confessing. They can still confess, if they insist, but not until proof can be given that they do so of their own free will after being advised that they can remain silent and have a lawyer at their side. As a practical matter talking a criminal into confessing might as well be abandoned as a police practice from now on.

What the court is doing is debating the values of our time and not without rancor but wholly without consensus on matters vitally important to the general public.

The recent issue is only legally the principle of protecting the rights of the accused so that he is not intimidated or terrified by the atmosphere of the station house into acting and speaking against his own interests protected by the Constitution. If that were the case, the dissenting opinions revealed that the decision would have been better than 5 to 4.

The true issue involves the majority's eager crusading spirit tipping the balance of justice toward the criminal and without equal regard for those against whom the criminal has offended nor the responsibility of the state to protect life and property.

Social activism by the five justices usually thinking in concert is what is causing the trouble in the Supreme Court, and permits the vote of one man to decide issues of great importance. Franklin D. Roosevelt had a remedy for his time. He would have nearly doubled the court's membership so that its views would be more broadly representative, and thus more convincing.

But in Roosevelt's day the court was sanctified and immutable. One might as well have talked of increasing the membership in the Holy Trinity. Today we see the court in a different light, more as a tribunal than as a court in the hallowed sense, with five of nine tribunals issuing decisions that resemble laws, or edicts and who delve deep into the sociological and psychological un-

known for guidance in interpreting or restating the Constitution.

What is being discussed here is not the school desegregation decision. That was unanimous. But for the last 12 years only one-third of the court's decisions have been unanimous, and the 5-to-4 line-up often emerges in critical cases. A 5-to-4 decision is not convincing. It can always be overturned. If President Johnson had appointed to the court a justice like John Harlan instead of Abe Fortas, the decision would have gone another way in the confessions case.

The criticism of the Warren Supreme Court is not confined to those who don't like the school prayer decision or politicians who don't like the apportionment decision or the people who now fear that Warren permissiveness will help many a murderer, rapist and narcotics peddler beat the rap. Extremists who wish to "impeach Earl Warren" have a more rational counterpart in respected law professors and members of the Supreme Court itself who are becoming increasingly sharp, not to say heated, in their objections.

When there is this much smoke there is bound to be quite a fire. Chief Justice Warren added fuel to it by not merely defining the principle of freely given confessions, but by writing an edict thousands of words long on the conditions of admissible confessions. This essay was so diffuse and so fuzzy that any first year law student should be able to void a criminal's confession, no matter how freely given. Warren said, in effect, that his edict could be accepted as if it were a law until Congress or the legislatures come up with something as good or better.

Mr. BYRD of West Virginia. Mr. President, I yield the floor.

Mr. MANSFIELD. Mr. President, will the Senator from Washington yield me 1 minute?

Mr. MAGNUSON. I am happy to yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I want to compliment and commend the distinguished Senator from West Virginia [Mr. Byrd] who has made a major speech on one of the most troublesome subjects in our country today.

He has made a great deal of research on this subject, as he always does, putting his finger accurately on the facts and figures which we need to know.

I would hope that the Senate, the administration, and the people of this country would pay attention to the remarks made by the Senator from West Virginia [Mr. Byrd], because they are to the point and call attention to a problem which is not getting better but is getting worse as the weeks go by.

Mr. BYRD of West Virginia. I thank the distinguished senior Senator from Montana.

Mr. LAUSCHE. Will the Senator from Washington yield me 5 minutes of time, please?

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the Senator from Ohio proceed on his own time for 10 minutes. The reason I am doing this is that we are running out of time on the bill.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 10 minutes.

Mr. LAUSCHE. Mr. President, I commend the Senator from West Virginia for his very effective paper presented to the Senate on this day, dealing with the severe crimp that will be imposed upon the police of our country and upon law

enforcement officials in the effective maintenance of law and order as created by the decision in the Miranda case.

Under the language of amendment 5 of the Constitution, the Supreme Court has interpreted the following clause as justifying the pronouncement that five of its judges made in the Miranda case: "nor shall—any person—be compelled in any criminal case to be a witness against himself."

The court construed that to mean that when a person is apprehended under circumstances indicating his possible connection with a crime, the officers, before they question him, in addition to what had been the practice for years gone by, must go on to tell him that he has a right to have a lawyer present; that if he does not have the money to hire a lawyer, the Government will provide him with a lawyer; that if he begins answering questions succeeding that information without a lawyer, he may determine to ask for a lawyer.

My only comment is that I wish to join with the prosecutors, the judges, and the general public in expressing the view that the majority members of the Supreme Court for some strange reason look around for justification to impose this burden upon the law enforcement officials of our country. The criminal now is shielded beyond what the framers of our Constitution ever intended. The Supreme Court has thrown practically an impregnable barrier around the criminal, that barrier being so strong that it will be incapable of penetration, and making the prosecution of criminals most difficult.

GRAND JURY FINDS COMMUNISTS ORGANIZED CLEVELAND RIOT

Mr. LAUSCHE. Mr. President, yesterday the grand jury of Cuyahoga County returned a report to the common pleas court of that county, dealing with the riots that took place in Cleveland a few weeks ago. The finding of that grand jury, in my judgment, is of the utmost importance to every citizen in the United States.

I wish to read the finding of the grand jury. It will be recalled that 96 buildings were burned down, lives were taken, bodies were injured, and many other trespasses were committed.

The grand jury of Cuyahoga County is made of 15 citizens. This particular grand jury had as its foreman Mr. Louis B. Seltzer, the former editor of the Cleveland Press, who served in the capacity of editor for 36 years.

This is what the grand jury reported:

This jury finds that the outbreak of lawlessness and disorder was both organized, precipitated and exploited by a relatively small group of trained and disciplined professionals in this business.

With respect to that finding, 10 days ago in Chicago I made the statement that the riots were so replete with expert action that only one conclusion could be drawn; and that was that the movements were centrally directed and planned.

The grand jury went on to say: They—

And by "they" is meant these professionals—

were aided and abetted, wittingly or otherwise, by misguided people of all ages and colors, many of whom are avowed believers in violence and extremism, and some who are either members of, or officers, in the Communist Party.

Tragically, Mr. President, in the riots were hundreds of innocent people, and especially innocent Negroes. They did not know in their participation that in the background were Communists and organizers who precipitated and exploited the riots.

I read further from the report of the grand jury:

This jury considers it regrettable and unfortunate for the community's sake that the legal statutes of Ohio and Cuyahoga County are either so outmoded or inadequate in their scope that these responsible irresponsibles cannot at this time be reached by specific indictments for their infamous activities.

With regard to this finding, I wish to call to the attention of Senators that an amendment has been placed in the civil rights bill in the House of Representatives which would make individuals who precipitate, organize, or plan violence and riots in a community subject to Federal prosecution. When that measure comes before the Senate, it behooves us to make certain that it remains in the bill.

I shall read further from the findings of the grand jury:

This jury further believes that, even though what already happened is both regrettable and tragic in every conceivable human aspect, there is a grave potentiality for repetition of these disorders, or others like them, occurring elsewhere in this community.

I would add to that finding that there is a grave potentiality of repetition of riots not only in Cleveland but also in every metropolitan center in the country. In my judgment, the Lansing riot, the New York-Harlem riot, the Los Angeles riot, and the Cleveland riot are trial runs. They are drills under which these Communist leaders are perfecting their technique, making it possible for them to spread the destruction, spread the disorder, and spread the impotency of government throughout the country.

Mr. President, this is another finding:

It was established before the jury that the leaders of the W. E. B. DuBois Club and the Communist Youth Party, with interchangeable officers and virtually identical concepts, arrived in Cleveland only a few days before the Hough area disorders.

These men who came from Chicago, New York, and Brooklyn . . . they were seen constantly together. They made swift contact with other Clevelanders who, the evidence showed, are leaders of the Communist Party throughout the Ohio Valley district, including Cleveland.

I repeat that the tragedy of the riots is the fact that hundreds of innocent Negroes become enmeshed in demonstrations, not knowing at all that the Communists are standing in the background pulling the strings and directing the operations.

In Cleveland the rioters had supplies of Molotov bombs, and they met at the JFK club and discussed the planning

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. W. C. Sullivan *Wes*

1 - Mr. DeLoach
1 - Mr. Wick

DATE: 9/9/66

FROM : D. J. Brennan, Jr. *HJB*

1 - Mr. Rosen
1 - Mr. Sullivan
1 - Mr. M. A. Jones
1 - Liaison 1 - Mr. Papich

SUBJECT: ~~LEAK OF FBI DOCUMENTS CONCERNING~~
TO SENATOR ROBERT C. BYRD (D. - W. VA)

Tolson _____
DeLoach _____
Mohr _____
Wick _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

Reference is made to memorandum dated 9/7/66 from Mr. Wick to Mr. DeLoach concerning copies of FBI documents which appeared to have been passed to Senator Byrd by the Central Intelligence Agency (CIA). It was recommended that the Liaison Agent advise CIA concerning this matter and that if the Agency could not prove to our satisfaction that it was responsible, a vigorous protest was to be lodged. The Director's notation was "Most certainly do so promptly. H."

Because of the obviously serious nature of this matter, the Liaison Agent contacted the Office of Richard Helms, Director, CIA, on the morning of 9/9/66. The Agent was informed that Helms was involved in a lengthy conference at the White House and that upon the completion of the conference he was departing from the city, returning Monday, 9/12/66.

This matter could be taken up with one of the subordinate CIA officials but it is believed that the Director of CIA should be fully aware of this situation and if CIA is guilty, as it appears to be, Helms should be emphatically impressed with our displeasure for such uncalled-for activity.

ACTION:

If approved, the Liaison Agent will handle this matter with Helms on 9/12/66.

SJP:rab
(8) *rab*

REC 5

Wes
62-102432-19
9/9

13 SEP 16 1966

SEP 21 1966

UNRECORDED COPY FILED IN 62-102432-19

UNITED STATES GOVERNMENT

Memorandum

TO : W. C. Sullivan

DATE: 9/13/66

FROM : D. J. Brennan, Jr.

SUBJECT: LEAK OF FBI DOCUMENTS CONCERNING
[REDACTED] TO SENATOR ROBERT C. BYRD (D.-W.VA)

Tolson _____
DeLoach _____
Mohr _____
Wick _____
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Callahan _____
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Tele. Room _____
Holmes _____
Gandy _____

Reference is made to my memorandum dated 9/9/66 concerning copies of FBI documents which appeared to have been passed to Senator Byrd by the Central Intelligence Agency (CIA).

The Liaison Agent met with Richard Helms, Director of CIA, on 9/12/66, briefed him concerning this matter, and made it very clear that all of the evidence in our possession very strongly indicated that CIA was responsible for passing copies of Bureau documents to Senator Byrd. The Agent emphasized that unless CIA could establish that this was not true, we were lodging a strong protest. The Agent informed Helms that in view of the obviously serious nature of this matter, we would appreciate immediate action from CIA in order to resolve this matter with a minimum of delay.

Helms replied that it was difficult for him to believe that anyone would be so stupid to become involved in such activity, but he has learned through bitter experience that "anything is possible." He stated that he would take immediate action since he fully appreciated that a situation such as this adversely affected working relations between the two agencies. It was very apparent that Helms was decidedly disturbed over this development.

About an hour later, Helms contacted the Liaison Agent and advised that he had called in John Warner, who handles CIA's liaison with Congress. Also summoned were Warner's office staff. Warner and his subordinates told Helms that CIA has had little or no contact with Senator Byrd and they emphatically denied being involved in the activity as described by the Bureau. Warner subsequently checked his office records and told Helms that there was no record of any contact with Senator Byrd on

SJP:jad

(8)

1 - Mr. DeLoach
1 - Mr. Wick
1 - Mr. Rosen
1 - Mr. Sullivan

REC 5 62-102432-20

1 - M. A. Jones
1 - Liaison
1 - S. J. Papich

14 SEP 16 1966

CONTINUED - OVER

SEP 27 1966

SEP 21 1966

UNRECORDED COPY FILED IN 62-102432-20

Memorandum to W. C. Sullivan

From D. J. Brennan, Jr.

RE: LEAK OF FBI DOCUMENTS CONCERNING

[REDACTED] TO SENATOR ROBERT C. BYRD (D.-W.VA)

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this matter. Helms informed the Liaison Agent that under the circumstances he had no alternative but to order a thorough investigation within his agency. He gave instructions to Howard Osborne to investigate and do so thoroughly. Osborne subsequently confirmed to the Liaison Agent that Helms spelled out his instructions in no uncertain terms that "this thing had to be pinned down."

For your information, Osborne has been most cooperative with the Bureau having given us valuable assistance on numerous sensitive matters. It is believed that he will give us maximum cooperation in this particular matter.

ACTION:

Liaison will follow closely with CIA in order to resolve this in an expeditious manner.

W.C.S. *V.* *[Signature]* *JS*

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. DeLoach

DATE: September 7, 1966

FROM : R. E. Wick

SUBJECT: ~~LEAK OF FBI DOCUMENTS CONCERNING~~

~~██████████~~ TO SENATOR ROBERT C. BYRD (D. --W. VA.)

CLASSIFYING

ATTN: [initials]

Tolson _____
DeLoach _____
Mohr _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
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Sullivan _____
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Trotter _____
Tele. Room _____
Holmes _____
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SYNOPSIS

ROBERT C. O

Following a telephonic request from Senator Byrd, SA Bowers was sent to furnish him public source information on three individuals. Expressing disappointment at brevity of data furnished, Senator Byrd stated, "Why can't a United States Senator, the best friend the FBI has in the Senate, get information directly from the FBI which he has already received from a third party." He produced Xerox copies of two FBI investigative reports and one FBI letterhead memorandum concerning ██████████

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Told that only the Attorney General can release results of FBI investigations, he was asked to identify his source and to turn over the documents. He declined to name his source or to release the documents since they would lead to his source, pointing out he could not in good conscience violate a trust. He said he did not get the copies from the Department of Justice. A check of Bufiles reveals we furnished copies of the three documents in the Senator's possession to CIA on 2/3/66. CIA is only agency, aside from the Department of Justice, to get copies of two of documents. This, plus appearance of copies in possession of Senator (the appearance of so-called property stamp not used on copies sent to Department), indicates CIA was his source.

The Senator also revealed he has another documents concerning ██████████ which reportedly came from the FBI and which he obtained from a different source. His description of this indicates it is a copy of a blind memorandum furnished DC Commissioner John B. Duncan. This document was not observed, and the Senator also declined to name his source for it. The necessity to maintain FBI files inviolate was explained to the Senator and he was cautioned that if he makes any use of the data he paraphrase it and not attribute it to FBI. He promised to carefully protect documents, not to reveal he has them and not to attribute information to FBI.

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Enclosures (5)

- 1 - Mr. DeLoach
- 1 - Mr. Sullivan

- 1 - Mr. Rosen
- 1 - M. A. Jones

CONTINUED--OVER

DWB:r1f/mjl

62 SEP 30 1966

EX-102

REC-62

SEP 26 1966

UNRECORDED COPY FILED IN 62-102432-21

Memorandum from Mr. Wick to Mr. DeLoach

Re: LEAK OF FBI DOCUMENTS CONCERNING

[REDACTED] TO SENATOR ROBERT C. BYRD (D-W. Va.)

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RECOMMENDATIONS:

(1) That Bureau liaison representative advise CIA that Senator Byrd has copies of FBI documents which apparently could only have come from that agency. If CIA cannot prove to our satisfaction that they are not responsible for this, a vigorous protest should be lodged.

most certainly do so promptly.

(2) That the enclosed airtel be sent to Washington Field Office instructing the SAC to personally contact Commissioner John B. Duncan concerning the apparent leak of part of the information furnished him and, in the absence of proof that he or his office is not the source of this leak to lodge a vigorous protest.

I doubt advisability of this

*airtel not
to go out*

I concur.

*I concur & Mr.
Justice Duncan
is to receive nothing.*



Memorandum from Mr. Wick to Mr. DeLoach
Re: LEAK OF FBI DOCUMENTS CONCERNING
[REDACTED] TO SENATOR ROBERT C. BYRD (D-W. Va.)

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DETAILS:

Senator Byrd telephonically contacted you (Mr. DeLoach) on 9/1/66, requesting background information which we might have available on three individuals he identified as involved in recent racial disturbances in Southeast Washington. He identified these individuals as [REDACTED]

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Per instructions, SA David W. Bowers contacted Senator Byrd on 9/2/66 to furnish him brief public source information we have on the three individuals. Senator Byrd expressed disappointment at the brevity of the information furnished and commented, "Why can't a United States Senator, the best friend the FBI has in the Senate, get information directly from the FBI which he has already received from a third party." When asked what he meant, Senator Byrd reached into his brief case and produced Xerox copies of two FBI investigative reports and an FBI letterhead memorandum, all dealing with [REDACTED]

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These documents are identified as: the report of SA [REDACTED] dated 8/7/61 at Mobile, captioned "Unknown Subjects; [REDACTED] - Victim, Civil Rights;" the report of SA [REDACTED] dated 9/21/61 at Mobile under the same caption; and a letterhead memorandum dated 7/29/63 at Chicago under the dual caption of "March on Washington, August 28, 1963, Racial Matters - [REDACTED] Information Concerning." (The originals of these documents are enclosed.)

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Bowers told the Senator that the Attorney General is the only person who can release results of FBI investigations outside of Executive Branch agencies. He was asked if he had received the copies from the Attorney General or the Department of Justice. He said he had not. He then was asked where he obtained the documents. He declined to state since

Memorandum from Mr. Wick to Mr. DeLoach
Re: LEAK OF FBI DOCUMENTS

he said to do so would violate a confidence. It was pointed out to him that whoever furnished him the documents had violated a confidence. His attention was directed to the statement appearing at the bottom of the first page of the three documents in his possession to the effect that the document is the property of the FBI, is loaned to the agency, is not to be disseminated outside the agency and is furnished to the agency in response to its name check request. (This information is stamped on FBI reports and letterhead memoranda sent to other agencies in answer to name check requests.)

The Senator was told that it is of the utmost importance that FBI files remain inviolate if we are to continue to receive the cooperation of the general public and particularly of our sources, many of whom risk their lives to provide us information. He again was asked for the identity of his source of these documents and he was requested to turn over the documents to Bowers. The Senator replied that in good conscience he would not identify his source nor could he turn over the documents since this would enable us to trace them back to his source. He stated that he can now fully appreciate our concern over copies of our reports getting out and commented that he will insure no one ever sees the documents he has or knows of his possession of them. He indicated he may even destroy them. He stated he had contemplated using the information contained in the documents regarding [redacted] in a speech on the floor of the Senate and for this reason he had wanted to obtain the information directly from the FBI. He was told that we, of course, cannot prevent his using the information, but that if he does, he should carefully paraphrase it and under no circumstances indicate that it came from the FBI. He said he certainly would not attribute any such information to the FBI and that if he used it he would change it considerably.

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The Senator then commented that he had another document on [redacted] which also reportedly came from the FBI. He said this document was at home and had been obtained from another source which he likewise declined to identify on the basis that to do so would violate a trust. He described it as a three or four page item without any identification as having come from the FBI. He said it was on plain paper with the name [redacted] in capital

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Memorandum from Mr. Wick to Mr. DeLoach
Re: LEAK OF FBI DOCUMENTS

letters centered at the top of the first page. He stated this item contained information on [] not included in the other three documents, mentioning the fact that it reported []

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The Senator said the individuals who furnished the documents to him knew him "quite well, " and knew he would not "misuse" the information and that he would not do anything to harm the FBI. He said he certainly does not want to be responsible for these individuals getting in trouble and while he definitely does not want to be at odds with the FBI he cannot in good conscience reveal his sources. He then remarked that in view of these developments he may well decide against making any use of the information.

During the brief period when Bowers was able to observe the documents in Senator Byrd's possession, he secured the identification of them as previously set out. He also noted that the documents apparently were Xerox copies made from Xerox copies. The letterhead memorandum involved included its accompanying informant evaluation page. Across the bottom of the first page of each of the documents it was apparent that a strip of paper bearing the stamped statement that the document is the property of the FBI and not to be disseminated outside the agency to which loaned had been used when the original documents in our files were copied. This is the procedure often followed in the Name Check Section when reports are being Xeroxed for distribution to other agencies in compliance with name check requests. The strip of paper is used to block out Bureau markings and at the same time reproduce the property statement.

As can be seen from the enclosed file copies of the three documents involved, we furnished "photo" copies of each to Central Intelligence Agency (CIA) on February 3, 1966, in response to the request from that agency of 1/20/66 for information on []

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Aside

Memorandum from Mr. Wick to Mr. DeLoach
Re: LEAK OF FBI DOCUMENTS

from the Civil Rights Division of the Department of Justice, CIA is the only agency to receive copies of the two investigative reports. The Department was furnished a carbon copy of the reports immediately after they were submitted in 1961. It should be noted that we do not use the so-called property stamp (showing the document is the property of the FBI and loaned to the other agency) on copies of reports forwarded to the Department but this stamp is used on such documents furnished to CIA.

In view of the foregoing information it seems apparent that Senator Byrd received the two investigative reports and the letter-head memorandum from someone in CIA.

Concerning the fourth document which Senator Byrd stated he had at his home, it appears quite evident that this is a copy of part of a blind memorandum we instructed Washington Field Office to furnish District of Columbia Commissioner John B. Duncan by letter dated 7/29/66. A blind memorandum concerning eight individuals mentioned by Commissioner Duncan when he met the Director on 7/25/66 was prepared for the Commissioner. Part of this was on [redacted] and was four pages in length. It does not contain any indications that it came from the FBI, and [redacted] name is typed in capital letters at the center of the first page as Senator Byrd stated the document he possesses was prepared.

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The original of this document is enclosed. Information of [redacted] appears at the bottom of the last page of the part concerning [redacted]

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We have enjoyed a cordial relationship with Senator Byrd.

UNITED STATES GOVERNMENT

Memorandum

TO : W. C. Sullivan

DATE: 9/21/66

FROM : D. J. Brennan, Jr.

SUBJECT: LEAK OF FBI DOCUMENTS CONCERNING
[REDACTED] TO SENATOR
ROBERT C. BYRD (DEMOCRAT - WEST VIRGINIA)

Tolson _____
DeLoach _____
Mohr _____
Wick _____
Casper _____
Callahan _____
Conrad _____
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Holmes _____
Gandy _____

This memorandum advises that Howard Osborn, Director of Security, Central Intelligence Agency (CIA), believes he has located the leak within CIA which resulted in FBI documents ending up in the hands of Senator Robert Byrd of West Virginia.

Memorandum Brennan to Sullivan dated 9/13/66, reported that Richard Helms, Director, CIA, had ordered Howard Osborn, Director of Security, to conduct a thorough investigation within CIA to determine if someone in CIA was furnishing FBI reports to Senator Byrd.

On 9/20/66, Osborn advised the Liaison Agent that all available records at CIA Headquarters and at their district field office failed to reveal any CIA interest in [REDACTED]. During the course of CIA's investigation, CIA employee, [REDACTED] who handles CIA name check requests with the Bureau's Name Check Section and who was on leave at the time, was telephonically contacted regarding this matter. [REDACTED] at first denied any knowledge of a name check request regarding [REDACTED]. He subsequently recontacted CIA Headquarters and changed his story. As a result, [REDACTED] was ordered to report to CIA Headquarters immediately. In a signed statement furnished to CIA, [REDACTED] advised that about six months ago, he was approached by a fellow CIA employee, [REDACTED]. [REDACTED] asked [REDACTED] if he would institute a name check with the Bureau on an "off the cuff basis" for a close personal friend in a law enforcement agency in Prince George's County. [REDACTED] who admitted he knew this was in violation of existing Agency rules, agreed to make the check. Upon receipt of the FBI documents, [REDACTED] admitted turning them over to [REDACTED] for his personal use. [REDACTED] subsequently viewed copies of the documents in question and identified them as being identical with the documents he furnished [REDACTED].

WOC:jad

REC-13

- (8)
1 - Mr. DeLoach, pp
1 - Mr. Wick
1 - Mr. Rosen
1 - Mr. Sullivan

- 1 - M. W. A. [REDACTED] 1966
1 - Liaison
1 - W. O. Cregar

b1 Per CIA
b3 Per CIA
b6
b7C

CONTINUED - OVER

54 OCT 3 1966

Memorandum to W. C. Sullivan
From D. J. Brennan, Jr.
RE: LEAK OF FBI DOCUMENTS CONCERNING
[REDACTED] TO SENATOR
ROBERT C. BYRD (DEMOCRAT - WEST VIRGINIA)

b6
b7C

Osborn advised that he is dispatching a senior security officer, as soon as travel documents can be obtained, [REDACTED] where [REDACTED] is currently assigned for CIA. [REDACTED] will be thoroughly interviewed and a signed statement will be obtained. All facts will be developed in the interview as to who [REDACTED] gave the documents to and a complete written report will be furnished the Bureau by CIA including the results of disciplinary action taken.

b3 Per CIA
b6 Per CIA

Osborn advised the Liaison Agent that both he and Mr. Helms are distressed over the incident and that they intend to make an example of the guilty CIA employees to insure that such an incident never occurs again. Osborn intends to recommend that [REDACTED] be removed from the rolls of CIA and is confident that Mr. Helms will support his recommendation.

Liaison will continue to follow with Osborn and will obtain a copy of CIA's written report as soon as possible.

ACTION:

For information.

W.C. Sullivan *[Signature]* *[Checkmark]* *[Signature]*

UNITED STATES GOVERNMENT

Memorandum

TO : The Director

DATE: *Sept. 14, 1966*

FROM : N. P. Callahan

SUBJECT: The Congressional Record

Original filed in: *66-1731-2969*

gm
gt

Page 21426. Senator Kechel, (R) California, pointed out that with an alarming increase in the crime rate in the country, as reflected by the reports of the Federal Bureau of Investigation, it is reassuring to read of a citizen's pride which results from respect for law and order. That pride is expressed in an article, entitled "What's Happened to Respect for Law and Order?" written by Senator Robert Byrd of West Virginia and appearing in the September 1966, edition of *Future* magazine. Mr. Kechel placed the article in the Record.

62-102432-
NOT RECORDED

47 SEP 29 1966

38
In the original of a memorandum captioned and dated as above, the Congressional Record for *Sept. 13, 1966* was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

57 OCT 4 1966

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. W. C. Sullivan

DATE: 10/10/66

FROM : D. J. Brennan, Jr.

SUBJECT: LEAK OF FBI DOCUMENTS CONCERNING
[REDACTED] TO SENATOR ROBERT C.
BYRD (DEMOCRAT - WEST VIRGINIA)

1 - Mr. DeLoach
1 - Mr. Wick
1 - Mr. Rosen
1 - Mr. Sullivan
1 - Mr. M. A. Jones
1 - Liaison
1 - Mr. Papich
1 - Mr. Cregar

Tolson
DeLoach
Mohr
Casper
Callahan
Conrad
Felt
Gale
Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

This memorandum advises that Central Intelligence Agency (CIA) employee, [REDACTED] has admitted furnishing FBI documents to persons outside of CIA.

Memorandum Brennan to Sullivan dated 9/21/66 reported that Howard Osborn, Director of Security, CIA, was dispatching a Senior Security Officer [REDACTED] to interview [REDACTED] who was implicated by another CIA employee for furnishing FBI documents to unauthorized persons outside of CIA.

On 10/7/66, Howard Osborn advised the Liaison Agent that he had received a cable from his Security Officer [REDACTED] following that Officer's interview with [REDACTED]. The cable, which was brief, advised that [REDACTED] admitted furnishing the FBI documents to persons outside of CIA; that a signed statement from [REDACTED] had been procured containing all the relevant facts including the identity of the person to whom [REDACTED] furnished the documents; and that the signed statement was being pouched to Washington headquarters of CIA.

Osborn advised that upon receipt of the signed statement a complete written report, including copies of the signed statements, will be furnished to the Bureau along with what disciplinary action Osborn expects to recommend to Richard Helms, Director, CIA.

Liaison will continue to follow this with Osborn and will obtain a copy of CIA's written report as soon as possible.

ACTION:

For information.

WOC:rab
(9)

55 OCT 19 1966

*This is outrageous
breach of security
by CIA.*

REC-47 62-102432-23

5-100
WFO

UNRECORDED COPY

UNITED STATES GOVERNMENT

Memorandum

Tolson _____
DeLoach _____
Mohr _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

TO : Mr. W. C. Sullivan

DATE: 11/18/66

FROM : D. J. Brennan, Jr.

- 1 - Mr. DeLoach
- 1 - Mr. Wick
- 1 - Mr. Sullivan
- 1 - Mr. Cregar
- 1 - Liaison
- 1 - Mr. Papich

SUBJECT: LEAK OF FBI DOCUMENTS CONCERNING
[REDACTED] TO SENATOR ROBERT C.
BYRD (DEMOCRAT - WEST VIRGINIA)

b6
b7C

In September, 1966, we received information indicating that copies of FBI documents had been passed to Senator Byrd by the Central Intelligence Agency (CIA). Subsequent investigation by CIA resulted in the identities of two CIA employees, [REDACTED] and [REDACTED] who admitted to CIA that they submitted a name check request to the Bureau through official channels and obtained copies of Bureau documents. CIA was continuing its investigation in order to determine what disposition was made of the Bureau material.

b3 Per CIA
b6 Per CIA

We lodged a vigorous protest to CIA, and on 10/14/66, Richard Helms, Director, CIA, personally apologized to the Director concerning the uncalled-for activity on the part of the CIA employees.

CIA has taken disciplinary action against the employees involved and has now submitted a letter dated 11/14/66 (enclosed), which completes the results of their investigation within the Agency. The investigation disclosed that the unauthorized recipient of the Bureau material was [REDACTED]

[REDACTED] The CIA employee had the responsibility of maintaining liaison with [REDACTED], and he obtained the information from the Bureau in response to a request from [REDACTED] who was seeking information concerning the subject.

b3 Per CIA
b6 Per CIA

A review of Bureau files has failed to disclose any derogatory information identifiable with [REDACTED]

We have nailed down all significant aspects of this matter; namely, the involvement of Senator Byrd, CIA, two CIA employees, and [REDACTED]

It is

SJP:rab

(7)

Enc. rab

CONTINUED - OVER

SEE SERIAL NR 26X
FOR CORRECTION SERIAL

86 DEC 7 1966

SEP 11 11/23/66

NOV 29 1966

UNRECORDED COPY FILED IN

Memorandum Brennan to Sullivan
RE: LEAK OF FBI DOCUMENTS CONCERNING
[REDACTED] TO SENATOR ROBERT C.
BYRD (DEMOCRAT - WEST VIRGINIA)

b6
b7C

assumed that [REDACTED] is the individual who passed the material to Senator Byrd. Either of the following courses of action could now be taken; namely, (1) confront [REDACTED] with the facts and lodge a strong protest concerning the involvement of [REDACTED] or (2) take no further action. It is believed that if this is taken to [REDACTED] there very likely will be an inquiry, and [REDACTED] will either admit or deny any irregular conduct on his part. We believe that [REDACTED] very likely would contact Senator Byrd and look for support. The Bureau could then become involved with the Senator. Nevertheless, we could still take the first course and let the chips fall where they may.

b3 Per CIA
b6 Per CIA

RECOMMENDATION:

If approved, it is recommended that we take no further action in this matter. We have spiked the uncalled-for activity within CIA, and our action should serve as a good deterrent for the future. We believe that it would not be in the best interests of the Bureau to take the second course of action because of the high probability of becoming involved in a conflict with Senator Byrd.

Ways
I THINK WE SHOULD
TELL [REDACTED] AND
WHATEVER ACTION HE
TAKES IS UP TO HIM.

b6
b7C

*ASAC J. McDermott
briefed re matter
& instruction to contact*

*ib
11/22/66*

10/2 11-18-66

yes.
[Signature]

UNITED STATES GOVERNMENT

Memorandum

TO : W. C. Sullivan

DATE: 11/23/66

FROM : D. J. Brennan, Jr.

SUBJECT: LEAK OF FBI DOCUMENTS CONCERNING
[REDACTED] TO SENATOR ROBERT C.
BYRD (DEMOCRAT - WEST VIRGINIA)

b6
b7C

Tolson _____
DeLoach _____
Mohr _____
Wick _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

Reference is made to my memorandum dated 11/18/66 concerning the FBI documents which were passed to Senator Byrd through a Central Intelligence Agency (CIA) employee and [REDACTED]

[REDACTED] Instructions were issued to inform [REDACTED] concerning this matter and the decision for any action concerning [REDACTED] would be the responsibility of [REDACTED]

b3 Per CIA
b6 Per CIA

ASAC McDermott, Washington Field Office, discussed this matter with [REDACTED] on the morning of 11/23/66; [REDACTED] was not available at any earlier time. [REDACTED] was disturbed that one of his subordinates would attempt to obtain information indirectly and that such information would have been passed to others. He wanted to give assurances that he would never condone such activity and he was taking the necessary steps to prevent a recurrence of any such incidents. He is checking into the matter. [REDACTED] expressed his appreciation for having been contacted because he did want to enjoy the confidence of the Bureau. He emphasized that he did not want anything to take place which might damage the relations between the Bureau and [REDACTED]

ACTION:

For information.

SJP:jad
(8)

- 1 - Mr. DeLoach
- 1 - Mr. Wick
- 1 - Mr. Sullivan
- 1 - D. W. Bowers
- 1 - Liaison
- 1 - W. J. Cregar
- 1 - S. J. Papich

62-102432-26

12 NOV 29 1966

UNRECORDED COPY FILED IN 62-80750

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

MAY 24 1967

TELETYPE

Mr. Tolson	_____
Mr. DeLoach	_____
Mr. Mohr	_____
Mr. Wick	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Mr. Holmes	_____
Miss Gandy	_____

FBI WASH DC

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-15-2010 BY 60324 uc baw/sab/lsg

FBI PITTSBGH

4-38PM 5-24-67

TO: DIRECTOR

FROM: PITTSBURGH (62-3217)

"CHANGED" PROPOSED DEMONSTRATION AT GRAFTON NATIONAL
CEMETERY, GRAFTON, W.VA., MAY THIRTY, NINETEEN SIXTYSEVEN,
PROTESTING APPEARANCE OF SENATOR ROBERT C. BYRD, INFORMATION
CONCERNING.

RE PG AIRTEL, DATED MAY THREE, LAST, CAPTION
"POSSIBLE DEMONSTRATION AT NATIONAL CEMETERY, GRAFTON, W.VA.,
MAY THIRTY, NINETEEN SIXTYSEVEN, PROTESTING APPEARANCE OF
SENATOR ROBERT C. BYRD."

AMERICAN LEGION POST, GRAFTON, W.VA., HAS RECEIVED
INFORMATION THAT STUDENTS FROM ALDERSON BROADDUS COLLEGE,
PHILIPPI, W.VA., PLAN TO STAGE A PROTEST DEMONSTRATION
AGAINST SENATOR BYRD ON MAY THIRTY NEXT. HOWEVER, THEY BELIEVE THERE
NO MORE THAN FIVE OR SIX DEMONSTRATIONERS.

LOCAL AUTHORITIES COGNIZANT.

LHM FOLLOWS.

END

RCS

FBI WASH DC

b6
b7c

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94-1-3150

REC 20

3 MAY 29 1967

Sec. to Sen. Byrd,
5-25-67
DWB/A

5-2

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
(DATE 10-15-2010 BY 60324 uc baw/sab/lsg)

FBI

Date: 5/15/67

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

Via _____
(Priority)

TO: DIRECTOR, FBI
FROM: SAC, PITTSBURGH (100-15660) (C)
SUBJECT: PROPOSED DEMONSTRATION AT WEST
VIRGINIA UNIVERSITY, MORGANTOWN,
W. VA., 5/14/67, PROTESTING
APPEARANCE OF SENATOR ROBERT C.
BYRD AND UNITED STATES INVOLVEMENT
IN VIETNAM
IS - INFORMATION CONCERNING

Re Pittsburgh telsto Bureau, dated 5/11/67, & 5/15/67.

Enclosed for the Bureau are eleven copies of an LHM concerning the above captioned matter.

Copies of this LHM are also being disseminated to USA, Wheeling, W. Va., Secret Service, Charleston, W. Va., G-2 and OSI, Pittsburgh, Pa., and NISO, Norfolk, Va.

No further investigation is being conducted.

AGENCY: G-2, ONI, OSI

RAO

DATE FORW: 5-18-67

HOW FORW: R/S

BY: BALS. RAC

3-Bureau (Enc. 11) (RM)
3-Pittsburgh
(1 - 100-15181) (VIDEM)
ECJ/psa
(6)

NOT RECORDED
140 MAY 23 1967

9 MAY 17 1967

ENCLOSURE

ORIGINAL FILED IN

105-138315-

6092

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

31 MAY 29 1967



In Reply, Please Refer to
File No.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-15-2010 BY 60324 uc baw/sab/lsg

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Pittsburgh, Pennsylvania

May 15, 1967

PROPOSED DEMONSTRATION AT WEST VIRGINIA
UNIVERSITY, MORGANTOWN, W. VA., MAY 14,
1967, PROTESTING APPEARANCE OF SENATOR
ROBERT C. BYRD AND UNITED STATES INVOLVE-
MENT IN VIETNAM

The graduation exercises at West Virginia University, Morgantown, West Virginia, were held at the University Field House at 3:00 PM on May 14, 1967. Senator ROBERT C. BYRD was present and awarded an Honorary Doctor of Law Degree.

Approximately twelve persons were observed picketing the West Virginia Field House prior to the graduation exercises carrying signs stating that Senator BYRD was a former member of the Klu Klux Klan, that BYRD had voted against the Civil Rights Act of 1964, and that BYRD was against home rule for Washington, D. C. There was also a sign stating, "Doctors Degrees Available Cheap."

There was no disturbance.

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.

FOR
FBI
AND

TO
DO VO
ABOUT

3 THE FACT
IT AND
YOUR

ENCLOSURE

62-102432

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-15-2010 BY 60324 uc baw/sab/lsg

FBI

Date: 5/11/67

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

Via AIRTEL _____
(Priority)

TO : DIRECTOR, FBI
FROM : SAC, PITTSBURGH (100-15660) (P)
SUBJECT: PROPOSED DEMONSTRATION AT WEST VIRGINIA UNIVERSITY, MORGANTOWN, W. VA., 5/14/67, PROTESTING APPEARANCE OF SENATOR ROBERT C. BYRD AND UNITED STATES INVOLVEMENT IN VIETNAM
IS - INFORMATION CONCERNING

Re Pittsburgh teletype to Bureau dated 5/11/67.

Enclosed for the Bureau are eleven copies of an LHM concerning captioned matter.

Information therein was furnished to SA HOWARD S. MEYERJACK by Captain [REDACTED] 109th Military Intelligence Group, Region III, Federal Building, Pittsburgh, Pa., on 5/11/67.

Police Department, Morgantown, W. Va., cognizant. b6 b7C

LHM being disseminated to USA, Wheeling, W. Va., Secret Service, Charleston, W. Va., G-2 and OSI, Pittsburgh, Pa., and NISO, Norfolk, Va.

Files of the Pittsburgh Office contained no information identifiable with [REDACTED] or "Protect All Negroes Now."

Matter being followed and Bureau will be kept advised.

3-Bureau (Encl. 11) **ENCLOSURE**
3-Pittsburgh

1-100-15181 (VIDEM). 62-102432

HSM/alb
(6)

20 MAY 18 1967

MAY 23 1967

ENCLOSURE

Approved: _____

Sent _____

Special Agent in Charge

INT. SEC.

6099

105-13831-501



In Reply, Please Refer to
File No.

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Pittsburgh, Pennsylvania
May 11, 1967

PROPOSED DEMONSTRATION AT WEST VIRGINIA
UNIVERSITY, MORGANTOWN, W. VA., MAY 14,
1967, PROTESTING APPEARANCE OF SENATOR
ROBERT C. BYRD AND UNITED STATES INVOLVE-
MENT IN VIETNAM

A representative of the 109th Military Intelligence Group, Region III, Pittsburgh, Pa., advised that information had been received from a source that a demonstration was planned to take place May 14, 1967, at West Virginia University, Morgantown, W. Va., to protest the appearance there of Senator Robert C. Byrd at West Virginia University commencement exercises and the United States policy on Vietnam. Members of a Huntington, W. Va., group called "Protect All Negroes Now" would be present. [redacted] Institute, W. Va., and [redacted] Clayton, N. J., were active in planning the demonstration.

b6
b7c

The August 12, 1965 issue of "The Charleston Gazette," Charleston, W. Va., in an article captioned "Jury Upholds Weimar Conviction," set out that an all white jury of Mercer County Intermediate Court upheld a conviction of William Curtis Weimar, Jr. Weimar was earlier convicted by a Bluefield, W. Va., Police Court for assault and damaging property, December 10, at a racially troubled "Y." Shortly after the incident, Weimar was dismissed from Concord College.

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

62-102432-

RECEIVED
U.S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

MAY 11 1967

100-15660

Mr. Tolson	_____
Mr. DeLoach	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

FBI WASH DC

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DATE 10-15-2010 BY 60324 uc baw/sab/lsg

FBI PITTSBGH

409 PM URGENT 5-11-67 CEC

TO DIRECTOR

FROM PITTSBURGH (100-15660)

PROPOSED DEMONSTRATION AT WEST VIRGINIA UNIVERSITY, MORGANTOWN,
W. VA., MAY FOURTEEN, NEXT, PROTESTING APPEARANCE OF SENATOR
ROBERT C. BYRD AND U.S. INVOLVEMENT IN VIETNAM; IS DASH
INFORMATION CONCERNING.

ON MAY ELEVEN, INSTANT, CAPTAIN [REDACTED] G TWO,
PITTSBURGH, PA., ADVISED DEMONSTRATION BEING PLANNED TO TAKE
PLACE MAY FOURTEEN, NEXT, AT WEST VIRGINIA UNIVERSITY, MORGANTOWN,
W. VA., PROTESTING APPEARANCE THERE OF SENATOR ROBERT C. BYRD
AT THE WEST VIRGINIA UNIVERSITY COMMENCEMENT EXERCISES AND
U.S. VIETNAM POLICY. MEMBERS OF HUNTINGTON, W. VA., GROUP
"PROTECT ALL NEGROES NOW", PLAN TO TAKE PART. [REDACTED]

[REDACTED] INSTITUTE, W. VA., AND [REDACTED] CLAYTON
N. J., ACTIVE IN ORGANIZING DEMONSTRATION.

LHM FOLLOWS. P.

END

RAK

FBI WASH DC

59 MAY 22 1967

NOT RECORDED

40 MAY 17 1967

TO MAY 26 1967

b6
b7C

ORIGINAL FILED IN 105-138315-6060

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-15-2010 BY 60324 uc baw/sab/lsg

F B I

Date: 5/31/67

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

TO: DIRECTOR, FBI

FROM: SAC, PITTSBURGH (62-3217) (C)

SUBJECT: PROPOSED DEMONSTRATION AT
~~GRAFTON NATIONAL CEMETERY,~~
~~GRAFTON, W. VA., 5/30/67,~~
PROTESTING APPEARANCE OF
SENATOR ROBERT C. BYRD
INFORMATION CONCERNING

Re Pittsburgh airtel to Bureau, dated 5/24/67.

Enclosed herewith for the Bureau are eleven (11)
copies of an LHM concerning the above-captioned matter.

Information in LHM was furnished to SA [REDACTED]

Copies of this LHM are being disseminated to
USA, Wheeling, W. Va.; G-2, Pittsburgh, Pa.; and Secret
Service, Charleston, W. Va.

- 3 - Bureau (Encls. 11)
2 - Pittsburgh

CFW/jmc
(4)Agency G-2, ONL, OSI, CRDDate Forw. JUN 6 1967How Forw. RSBy JCT/16 1cc RACIAL UNIT

56 JUN 13 1967

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



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

Pittsburgh, Pennsylvania
May 31, 1967

PROPOSED DEMONSTRATION AT
GRAFTON NATIONAL CEMETERY,
GRAFTON, WEST VIRGINIA, MAY 30, 1967,
PROTESTING APPEARANCE OF
SENATOR ROBERT C. BYRD

On May 31, 1967, Deputy United States Marshal [redacted]
[redacted] Fairmont, W. Va., advised that he attended the ceremonies
at the Grafton National Cemetery at Grafton, W. Va., on
May 30, 1967, and no demonstrations or incidents occurred.

b6
b7c

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*-

62-102432-28

ENCLOSURE

The Attorney General

July 13, 1967

Director, FBI

HONORABLE ROBERT C. BYRD
UNITED STATES SENATE
WASHINGTON, D. C.

Enclosed are a copy of a letter I received from Senator Byrd
and a copy of my reply to him.

Enclosures (2).

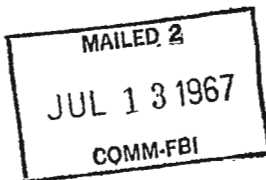
- 1 - The Deputy Attorney General - Enclosures (2)
- 1 - Mr. Wick - Enclosures (2)
- 1 - Mr. DeLoach - Enclosures (2)

HRH:kcf (9)

ST 102
REC 82

62-102432-29

JUL 14 1967



Tolson _____
DeLoach _____
Mohr _____
Wick _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

79 JUL 18 1967

MAIL ROOM ☐ TELETYPE UNIT ☐

JUL 13 3 12 PM '67

REC'D

JUL 13 3 12 PM '67

77-58227-104
REC'D COPY FILED IN

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DATE 10-15-2010 BY 60324 uc baw/sab/lsg

Tolson _____
DeLoach ☒ _____
Mohr _____
Wick ☒ _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan ☒ _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

Walter Scott's

Personality Parade

Q. I read in Harper's that Sen. Robert Byrd of West Virginia used to be an organizer for the Ku Klux Klan. Is this so?—L. W., Charleston, W. Va.

A. Senator Byrd (D., W. Va.) has made no secret of his Klan affiliation, which came to an end more than 20 years ago.

The Washington Post
Times Herald **PARADE MAG 2**
The Washington Daily News _____
The Evening Star (Washington) _____
The Sunday Star (Washington) _____
Daily News (New York) _____
Sunday News (New York) _____
New York Post _____
The New York Times _____
World Journal Tribune _____
(New York) _____
The Sun (Baltimore) _____
The Worker _____
The New Leader _____
The Wall Street Journal _____
The National Observer _____
People's World _____
Date **JUN 11 1967**

*File - Robert Byrd -
S/pw 62-102432-A-*

NOT RECORDED
128 JUN 19 1967

224
54 JUN 21 1967

8-23-67

Mr. Tolson_____
Mr. DeLoach_____
Mr. Mohr_____
Mr. Bishop_____
Mr. Casper_____
Mr. Callahan_____
Mr. Conrad_____
Mr. Felt_____
Mr. Gale_____
Mr. Rosen_____
Mr. Sullivan_____
Mr. Tavel_____
Mr. Trotter_____
Tele. Room_____
Miss Holmes_____
Miss Gandy_____

Mr. Bishop:

RE: CALL FROM OFFICE OF
SENATOR ROBERT C. BYRD
(D - WEST VIRGINIA) FOR
CRIME DATA

A [] in the office of Senator Byrd of West Virginia called this morning and indicated that the Senator is making a major speech on the floor of the Senate on September 15th on the crime situation. She wondered whether the Senator's office could be furnished comprehensive data on crime, recent statements from the Director on the crime situation and any "suggested remarks" which the Senator might give. I told [] that I would check around and see just what was available.

While on several occasions in the past we have gotten up suggested material for Senator Byrd's use, the fact remains that we did have some difficulty with his office several months ago in connection with a "leak" by him of information to outsiders. Our recent contacts with his office have been of a formal nature.

RECOMMENDATION:

That the attached material be sent to the Senator's office without cover letter.

M. A. Jones

Enclosures (11)
Preliminary UCR release (6?)
LEB Introduction, 5-67
LEB Introduction, 6-67
LEB Introduction, 7-67
LEB Introduction, 8-67

A "Hue and Cry" for a Modern Era

"Faith, Freedom and Law"

UCR press release, 8-10-67

FBI Appropriation 1968

UCR--1966

"An Analysis of the New Left:

A Gospel of Nihilism," Christianity Today

1 - Mr. DeLoach
1 - Mr. Bishop
1 - Mr. Bowers

ST-115

REC-24

10 AUG 28 1967

59 MAY 1967

October 9, 1967

Honorable Robert C. Byrd
United States Senate
Washington, D. C. 20510

My dear Senator:

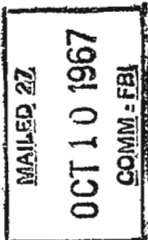
I want to express my appreciation for your having inserted in the "Congressional Record" of October 5th my message from the October issue of the FBI Law Enforcement Bulletin which appeared as an editorial in the October 3rd edition of the "Williamson Daily News."

I am pleased that you found my comments worthy of being brought to the attention of your colleagues and I want to thank you for your support.

Sincerely yours,

J. Edgar Hoover

62-102432-31



1 - Pittsburgh

EX 106

REC-14

18 OCT 17 1967

NOTE: Senator Byrd is on the Special Correspondents List. An acknowledgment of the editorial to the "Williamson Daily News" is being handled separately.

JBT:jed

(5)

Tolson _____
DeLoach _____
Mohr _____
Bishop _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

1- ENCL

30 OCT 23 1967

MAIL ROOM ☐ TELETYPE UNIT ☐

STERNER ACTION NEEDED

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to insert in the Record an editorial, entitled "Stern Action Needed at Outset,"

which appeared in the October 3, 1967, edition of the Williamson Daily News.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

STERN ACTION NEEDED AT OUTSET

Rioting and crime in the streets are two of the most urgent problems confronting this nation. These have resulted in a myriad of suggestions as to their causes and an even greater number of remedial measures for their cure. By virtue of his long career in directing the nation's No. One law enforcement agency, J. Edgar Hoover, director of the Federal Bureau of Investigation, certainly should be competent to discuss these conditions with an air of authority. This he does in his message to all law enforcement officials which appears in the FBI Law Enforcement Bulletin. Mr. Hoover's message reads as follows:

In a riot there are no victors. The losers include everybody—the rioters, the victims, law enforcement, the community, the State, and the Nation.

Causes of riots can be counted by the score. A study of the overall problem indicates, however, that the widespread violence in our country to some degree is a direct outgrowth of the civil disobedience movement. In recent years, some leaders of dubious stature have made a grandiose gesture of willfully violating laws they deem to be unjust. For the most part, these individuals, although admittedly guilty of breaking the law, have gone unpunished. Young thugs and misguided teen-agers, seeing others defy authority and the courts with impunity, have been led to believe that any crime under a banner of complaints is justified. Consequently, they ignore the law and roam through their communities creating violence and terror. Certainly, those who espouse the theory of civil disobedience and authorities who free guilty violators must share a portion of the blame and responsibility for the turmoil in our streets. It should be abundantly clear that the doctrine of civil disobedience is a doctrine of self-destruction.

Stern, decisive action is needed when a street disturbance begins. Justice is not served when a growing horde of vandals and looters is appeased and their pillage overlooked lest "a show of force might provoke them to greater violence." Quiescence does not satisfy rioters. Procrastination or uncertainty on the part of authorities denotes weakness or concession to a mob. Thus, the offenders are encouraged and their violence gains momentum.

A judicial self-appraisal by the news media of their riot coverage might also be in order. Some media have already taken action in this regard. There can be no quarrel with the all-important role of keeping the public informed as quickly and as completely as possible. No one rightfully expects riots to be played down or salient facts withheld.

On the other hand, militant agitators, hate-mongers, and publicity-seeking rabble rousers who incite riots have no fear of over-exposure. They know that television, radio, and front-page news stories are the best and quickest means of getting their views before the public. Thus, they seek attention from the news media. In riot reporting, objectivity and balance, always key factors of responsible journalism, help expose distortion and reduce the special treatment of those who advocate violence. Strict adherence to high journalistic principles is a valuable public service in matters affecting public safety.

Many proposals have been advanced to help eliminate the causes of riots. Just as there is no single cause, there is no single remedy. I do know, however, that the answer will not be found in sociological remedies alone. If our system of law is to survive, then the law must be enforced. Those who break the law, acting alone or in concert, must be detected and arrested, promptly prosecuted, and given

proper, substantial punishment. In halting riots and removing crime from our Nation's streets, this should be the first order of business.

Congressional Record, October 5, 1967
Pages S 14263 - S 14264

62-102432-31

87

10/9/67
B. J. J.
S. J. J.

RICHARD B. RUSSELL, GA.
ALLEN J. ELLENDER, LA.
LISTER HILL, ALA.
JOHN L. MCCLELLAN, ARK.
WARREN G. MAGNUSON, WASH.
SPESSARD L. HOLLAND, FLA.
JOHN STENNIS, MISS.
JOHN O. PASTORE, R.I.
A. S. MIKE MONRONEY, OKLA.
ALAN DIBLE, NEV.
ROBERT C. BYRD, W. VA.
GALE W. MCGEE, WYO.
MIKE MANSFIELD, MONT.
E. L. BARTLETT, ALASKA
WILLIAM PROXMIRE, WIS.
RALPH YARBOROUGH, TEX.

THOMAS J. SCOTT, CHIEF CLERK
WM. W. WOODRUFF, ASST. CHIEF CLERK

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DATE 10-15-2010 BY 60324 uc baw/sab/lsg

United States Senate

COMMITTEE ON APPROPRIATIONS
WASHINGTON, D.C. 20510

October 18, 1967

Mr. Tolson	✓
Mr. DeLoach	✓
Mr. Mohr	✓
Mr. Bishop	✓
Mr. Casper	✓
Mr. Callahan	✓
Mr. Conrad	✓
Mr. Felt	✓
Mr. Gale	✓
Mr. Rosen	✓
Mr. Sullivan	✓
Mr. Tavel	✓
Mr. Trotter	✓
Tele. Room	✓
Miss Holmes	✓
Miss Gandy	✓

Hon. John Edgar Hoover, Director
Federal Bureau of Investigation
U. S. Department of Justice
Washington, D. C.

Dear Mr. Hoover:

Thank you for your letter concerning my insertion
of your message in the October 5 issue of the
Congressional Record. I was pleased and privileged
to see that these pertinent comments of yours
received wider coverage.

With warm regards.

Sincerely yours,

Robert C. Byrd
Robert C. Byrd
U. S. Senator

RCB:mg

REC- 57

62-102432-32

11 OCT 23 1967

53 OCT 27 1967

EXPIRES

30 OCT 20 1967

No ack - reply
Spaw

UNITED STATES GOVERNMENT

Memorandum

TO : MR. TOLSON

DATE: 1/19/68

FROM : C. D. DeLoach

cc Mr. DeLoach
Mr. Sullivan
Mr. Rosen
Mr. Bishop
Mr. Bowers

SUBJECT: MARTIN LUTHER KING

Appointment with ^①
Senator Robert C. Byrd (D.-W.Va.)
1/19/68

Tolson _____
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At his request I met with Senator Byrd in his office at 11 a.m. today. Also present was [redacted] Senator Byrd's staff member on research and speech writing. b6
b7C

Senator Byrd outlined to me his responsibilities in the supervision of the District of Columbia Government. He told me he was extremely concerned over the pronouncements made recently by Martin Luther King that massive civil disobedience would be staged in the nation's capital this summer. The Senator indicated it was time that King "met his Waterloo" and that he felt this summer would do the trick. He stated this, of course, depended upon whether or not the President would allow sufficient force to "knock King down."

Senator Byrd asked me if the FBI could prepare a speech for him on the subject of King which he could give on the Senate floor next week. He stated thereafter he would like to be kept up to date on the activities of King so that further speeches could be made. He reminded me that he was a great supporter of Mr. Hoover and the FBI. He reiterated his responsibilities in connection with the D.C. Government and told me that, while other senators and congressmen were aiding and abetting the alleged civil rights cause, he had constantly sounded forth a warning as to the attachments to subversive causes which many so-called civil rights leaders had. b6
b7C

I told Senator Byrd and [redacted] that, while we appreciated his great interest, the pressure of work would prevent us from being of assistance and we, therefore, could not prepare the speech he had in mind. I stated if any items of a public source nature came to our attention which we felt would be of interest to the Senator, we could, of course, refer him to the appropriate source which contained these items.

CONTINUED-----OVER

CDD:CSH (6)

SP4 SPYJMM
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COPY MADE FOR MR. TOLSON

UNRECORDED COPY FILED IN 100-106670-201

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DATE 10-15-2010 BY 60324 uc baw/sub/lbg

JAN 23 2 24 PM '68

JAN 22 9 37 AM '68

RECEIVED TOLSON
FBI

MR. J. L. ...
JAN 22 10 29 AM '68
RECEIVED
FBI

RECEIVED SECTION
F.B.I.
JAN 20 2 09 PM 1968

SENSTUDY 75

NOTATIONS HEREIN ACCOUNT FOR ACCESS AND/OR DELIVERY OF THIS DOCUMENT TO SENATE
SELECT COMMITTEE (SSC) AND/OR HOUSE SELECT COMMITTEE (HSC) ON INTELLIGENCE ACTIVITIES.

NOTE: FORM IN WHICH ACCESS AND/OR DELIVERY WAS MADE MAY BE DIFFERENT
THAN AS REPRESENTED BY THIS DOCUMENT IN THAT CERTAIN EXCISIONS MAY HAVE BEEN
MADE. FOR ACCESS/DELIVERY FORM, SEE BUFILE (S) 62-116395 (SSC), 62-116464 (HSC).

SSC	62-116395-837	HSC
ACC. _____	DATE _____	ACC. _____
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COPIES OF DOCUMENTS FURNISHED TO DR. MARTIN LUTHER KING, JR., WERE ALSO FURNISHED
TO ESTATE OF KING THRO JHM THE DEPT. AS INDICATED BELOW FOR INSTANT DOCUMENT, DATE
DENOTING DELIVERY TO DEPT. SEE BUFILE 100-106670 FOR FORM IN WHICH FURNISHED.

_____ TO DEPT. _____

REC'D - SULLIVAN
FBI - JUSTICE
JAN 31 10 01 AM '68

JAN 31 9 41 AM '68

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DOM INTELL DIV.

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FBI
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JAN 22 9 51 AM '68
REC'D BISHOP
FBI

[Handwritten signature]

Mr. Tolson

Using generalities, I briefed the Senator and [] in a very few moments, about the swing to the left of various alleged civil rights organizations such as SNCC, CORE, and the Southern Christian Leadership Conference. I told them that the Director had pointed this out on many occasions and that the Director clearly felt that the more these groups needed money and publicity, the further left they would swing in order to gain such objectives.

I told the Senator and [] they should feel free to call us at any time; however, we of course were restricted in what we could furnish them. The Senator expressed appreciation and asked that his best regards be extended to the Director.

[] newspaper in West Virginia. He deplored the attacks upon the Director and the FBI by the Charleston, West Virginia Gazette, and stated this paper makes little impression upon the people of West Virginia.

ACTION:

For record purposes.

P *L. J. [unclear]*

June 11, 1968

Honorable Robert C. Byrd
United States Senate
Washington, D. C. 20510

My dear Senator:

It was indeed thoughtful of you to place "The Washington Daily News" editorial, "Superb Police Work," in the June 10th issue of the "Congressional Record." I want you to know of my sincere appreciation for doing so and for your most kind comments regarding our efforts in the capture of James Earl Ray, the suspected assassin of Martin Luther King.

We are grateful for the outstanding cooperation the FBI has received from the [redacted]

[redacted] As you pointed out, a tremendous amount of tedious work has gone into this investigation, and because of this it has been difficult to refrain from publicly setting straight those detractors who have sought to ridicule our efforts and motives.

Your generous remarks and expressions of support are certainly reassuring, and all of us in the FBI extend our thanks.

MAILED 7

JUN 11 1968

COMM-FBI

Sincerely yours,
J. Edgar Hoover

REC 43

62-102432-34

JUN 17 1968

1 - Pittsburgh - [redacted]

NOTE: Senator Byrd is on the Special Correspondents' List, and our relations with him have been very good.

GEM:kce (5)

XEROX

JUN 25 1968

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TELETYPE UNIT

PERS. REC. UNIT

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DeLoach
Mohr
Bishop
Casper
Callahan
Conrad
Felt
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Rosen
Sullivan
Tavel
Trotter
Tele. Room
Holmes
Gandy

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PERSONNEL RECORDS UNIT

THE CAPTURE OF JAMES EARL RAY,
SUSPECTED SLAYER OF MARTIN
LUTHER KING

Mr. BYRD of West Virginia. Mr. President, the tragic events of last week overshadowed one of the greatest accomplishments in law enforcement activity in recent years—the capture of James Earl Ray, the suspected slayer of Martin Luther King.

Many of us have become accustomed to such achievements by the FBI, for we have seen J. Edgar Hoover and his dedicated men and women time after time accomplish the seemingly impossible. Some felt this case was impossible. Others, selfish individuals who do not know the true character of Mr. Hoover and his associates, have blandly asserted their belief that Ray would never be captured, implying that the FBI did not really want to catch Ray.

But the FBI all the while continued its job in its usual professional manner, saying nothing about the progress being made. Hundreds of thousands of man-hours went into the investigation. No lead, no matter how farfetched it seemed, was left unchecked. The trail, wherever it led, was followed, FBI agents and officials alike, from Mr. Hoover on down, worked long hours, day and night, weekends and holidays, in an effort to find this man.

The break came finally last week, and Ray is now in jail awaiting his day before the bar of justice. Ray could not have run afoul of three finer law enforcement agencies in the world even if he had tried, for his final capture resulted from the cooperation of the FBI the Royal Canadian Mounted Police, and New Scotland Yard.

Let all would-be assassins take note—the full force of law enforcement throughout the free world will never rest until all such criminals are brought to justice.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "Superb Police Work," published in the Washington Daily News of June 10, 1968.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SUPERB POLICE WORK

Only the trial can confirm whether or not the suspect in the murder of Dr. Luther King is the right man.

But the international police diligence, patience and skill which led to the capture of James Earl Ray, alias Eric Starvo Galt, alias Ramon George Sneyd, has to go into the books as one of the most remarkable crime searches in many years.

The FBI had been looking for Ray since April 20, after a spate of intensive detective work pin-pointed the identity of the man they wanted. Police all across the United States had been involved in the hunt, and when it seemed possible Ray might have slipped out of the United States, police forces in other countries were informed.

There are no passport requirements for Americans visiting Canada and it was fairly easy for Ray to "go north."

But the Royal Canadian Mounted Police lived up to their reputation for relentless pursuit. They combed 200,000 applications and turned up Ray's picture on a request for a Canadian passport under the name of Sneyd. The FBI and the British were alerted, among others.

Britain's famed Scotland Yard made the capture as the result of typical perseverance. Ray was caught at an airport trying to leave the country.

This fellow obviously is no ordinary suspect. Whether or not he had confederates, his trail marks him as a cunning character.

In any case, we think the FBI, the Mounties and Scotland Yard deserve special commendation. And only hope that similarly skillful police cooperation will lead to the arrest of other wanton killers—the three men, for instance, who gunned down Abder Rayyan, a South Side Chicago merchant. Police could detect no motive but since Rayyan was a Jordanian immigrant, it was possible the killing was intended as revenge for the assassination of Senator Kennedy.

"Congressional Record"
June 10, 1968

100
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JUN 25 1968

62-102432-34

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Let to Byrd
6-11-68
QEM/line

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DATE 10-15-2010 BY 60324 uc baw/sab/lsg

United States Senate

COMMITTEE ON APPROPRIATIONS

WASHINGTON, D.C. 20510

June 12, 1968

Mr. Tolson	✓
Mr. DeLoach	✓
Mr. Mohr	✓
Mr. Bishop	✓
Mr. Casper	✓
Mr. Callahan	✓
Mr. Conrad	✓
Mr. Felt	✓
Mr. Gale	✓
Mr. Rosen	✓
Mr. Sullivan	✓
Mr. Tavel	✓
Mr. Trotter	✓
Tele. Room	✓
Miss Holmes	✓
Miss Gandy	✓

CARL HAYDEN, ARIZ., CHAIRMAN
RICHARD B. RUSSELL, GA.
ALLEN J. ELLENDER, LA.
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JOHN L. MCCLELLAN, ARK.
WARREN G. MAGNUSON, WASH.
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A. S. MIKE MONRONEY, OKLA.
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MIKE MANSFIELD, MONT.
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GORDON ALLOTT, COLO.
NORRIS COTTON, N.H.
CLIFFORD P. CASE, N.J.
JACOB K. JAVITS, N.Y.

THOMAS J. SCOTT, CHIEF CLERK
WM. W. WOODRUFF, ASST. CHIEF CLERK

The Honorable J. Edgar Hoover
Director
Federal Bureau of Investigation
U. S. Department of Justice
Washington, D. C. 20535

Dear Mr. Hoover:

Thank you for your letter concerning my insertion in the Congressional Record of the editorial entitled "Superb Police Work" from the Washington Daily News. You may be assured that I was very pleased to see that the fine work of you and your staff received wider recognition. My congratulations to you on the persistence that resulted in the final achievement of your goal!

With warm regards, I am

Sincerely yours,

Robert C. Byrd
Robert C. Byrd
U. S. Senator

62-10243235

RCB:mg

REC-44

16 JUN 20 1968

EXP. PROC.
51 JUN 28 1968

36
8961-21-MNP
JUN 17 1968

F29

51 JUN 28 1968

J. Edgar Hoover

June 24, 1968

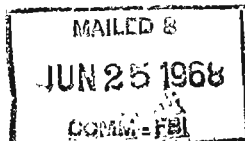
Honorable Robert C. Byrd
United States Senate
Washington, D. C. 20510

My dear Senator:

It was indeed thoughtful of you to place in the
June 21st issue of the "Congressional Record" the favorable
article written by the Honorable Ralph McGill concerning the
work of this Bureau in the James Earl Ray case. Your gen-
erous remarks are certainly reassuring, and my associates
join me in expressing appreciation for your continued support.

Sincerely yours,

J. Edgar Hoover



1 - Pittsburgh

NOTE: Senator Byrd is on the Special Correspondents List. Honorable Ralph McGill is the publisher of "The Atlanta Constitution," Atlanta, Georgia, and is on the Special Correspondents List. This article appeared in the June 15th edition of "The Atlanta Constitution" and was entitled, "The Geese Are Quiet Now." By letter of 6-18-68 the Director expressed his appreciation for this article to Mr. McGill and his kind comments concerning our work in the James Earl Ray case.

FMG:mer (5)

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DeLoach _____
Mohr _____
Bishop _____
Casper _____
Callahan _____
Conrad _____
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Sullivan _____
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Tele. Room _____
Holmes _____
Gandy _____

MAIL ROOM ☐ TELETYPE UNIT ☐

54 JUL 9 1968

COMMENDATION OF THE FBI FOR CAPTURE OF JAMES EARL RAY

Mr. BYRD of West Virginia. Mr. [redacted] ident, on June 10, 1968, I made brief remarks in the Senate commending J. Edgar Hoover and the FBI for the capture of James Earl Ray, the man suspected of killing Martin Luther King. At that time, I stated:

Selfish individuals who do not know the true character of Mr. Hoover and his associates, have blandly asserted their belief that Ray would never be captured, implying that the FBI did not really want to catch Ray.

Ralph McGill, the distinguished publisher of the Atlanta Constitution, has developed this thought further in a column published in the Evening Star of June 20, 1968. He also made some most laudatory and deserved comments about the FBI. I ask unanimous consent that the column be printed in the Record.

There being no objection, the column was ordered to be printed in the Record, as follows:

RAY'S CAPTURE STILL THE SINISTER RUMOR MILLS

Another phase of the sickness of our society, of which petty, petulant cynicism and a wish to believe the worst are symptoms, was revealed by the capture of the man suspected of killing Dr. Martin Luther King. The arrest of James Earl Ray came after a really brief span of time, all things considered.

A Bible text may be helpful. Three paragraphs of it begin with Matthew 11:12.

"From the days of John the Baptist until now, the Kingdom of Heaven suffereth violence and the violent carry it away . . .

"The man who has ears to hear, he must use them.

"But how can I show what the people of this generation are like? They are like children sitting in the market place calling out their friends, 'We played at weddings for you but you would not dance, and we played at funerals and you would not cry.' For John came neither eating nor drinking and they said, 'He is a hypocrite and crazy.' Then the Son of Man came, enjoying life, and people say, 'Look, a drunkard and a glutton—the close friend of the tax collector and the sinners. . . ."

Always the doubters—the cynics, the naysayers, the makers of false rumors, the arouasers of suspicion—refuse to accept reality.

King was murdered on April 4. The one suspect was arrested in London on June 8.

Yet, in those few weeks the most amazing, corrupting rumors, half-whispered claims of "inside information," doubts and evil reports were circulated about the Department of Justice and, more especially, the Federal Bureau of Investigation.

Some of these false accusations and wholly spurious claims of "inside reports" and manufactured rumors were set in motion by the gaggles of geese that are in all our community ponds. Others were initiated by persons of malice or by enemies of the American system. Some were set in motion seeking to make the Negro have doubt in the integrity of the Department of Justice.

The more commonly circulated false rumors and lies were these:

1. The FBI doesn't want to catch the man because the FBI didn't like King.

2. The FBI (or "the government") doesn't want to capture Ray because if he is caught there will be released something so monstrous it can't be allowed to become public.

3. The suspect is already dead. The persons who hired him to murder have already killed him to keep him from talking and the FBI knows it and wants it left that way.

4. There were other lesser, but equally silly, claims that "they" told to the gullible. These included claims that the FBI hired only Catholics. "They" also said the FBI was made up of Southerners who didn't like colored people—and so on and on. ad nauseum.

J. Edgar Hoover's rebuke to King grew out of King's repeating the charge told him by someone who claimed to "know" it was true, that the FBI was composed of red-neck Southern whites who didn't try to protect civil rights workers. (When King was killed "they" spread stories he had made "millions," he had vast amounts of insurance, and so on.)

It is surprising how many persons do not understand the legalisms that restrict the FBI to investigative work connected with violations of federal law. The Bureau is not a police force. The FBI was, for example, largely impotent in the civil rights area until Congress enacted federal laws.

It is a tribute to J. Edgar Hoover and the almost incredible expertise of his bureau that they have done so tremendous a job in

the area of federal law enforcement and detection. The FBI very likely is the most expert research and investigative bureau in the world. Maybe it has a peer—but no superior.

While the geese-flock known as "they" were whispering that they "knew" the FBI was not trying to find James Earl Ray, a massive force of men and research detection was at work in 50 states, in Mexico and Canada.

The gossip geese will be quiet for a brief time—but they soon will be at it again. Nothing ever stops them—not even the truth.

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 10-15-2010 BY 60324 uc baw/sab/lsg

The Congressional Record - Senate
Page S7559 & S7560 6-21-68

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8/21/68
62-10243-2-36

RICHARD B. RUSSELL, GA., CHAIRMAN
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 STUART SYMINGTON, MO.
 HENRY M. JACKSON, WASH.
 SAM J. ERVIN, JR., N.C.
 HOWARD W. CANNON, NEV.
 ROBERT C. BYRD, W. VA.
 STEPHEN M. YOUNG, OHIO
 DANIEL K. INOUE, HAWAII
 THOMAS J. MCINTYRE, N.H.
 DANIEL B. BREWSTER, MD.
 HARRY F. BYRD, JR., VA.

MARGARET CHASE SMITH, MAINE
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WILLIAM H. DARDEN, CHIEF OF STAFF
 CHARLES B. KIRBOW, CHIEF CLERK

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 10-15-2010 BY 60324 uc baw/sab/lsg

United States Senate

COMMITTEE ON ARMED SERVICES

WASHINGTON, D.C. 20510

Mr. Tolson	✓
Mr. DeLoach	✓
Mr. Mohr	✓
Mr. Bishop	✓
Mr. Casper	✓
Mr. Callahan	✓
Mr. Conrad	✓
Mr. Felt	✓
Mr. Gale	✓
Mr. Rosen	✓
Mr. Sullivan	✓
Mr. Tavel	✓
Mr. Trotter	✓
Tele. Room	✓
Miss Holmes	✓
Miss Gandy	✓

October 9, 1968

file
 The Honorable J. Edgar Hoover
 Director
 Federal Bureau of Investigation
 Department of Justice
 Washington, D. C.

Dear Mr. Hoover:

Thank you for your kind letter concerning my insertion of portions of the FBI Annual Report in the Congressional Record of October 7, 1968.

Needless to say, I was pleased and privileged to have the opportunity to bring the Report to the attention of the Congress, and I am sure the Members will share my interest in the enlightening material contained therein.

With warm regards,

Sincerely yours,

Robert C. Byrd
 Robert C. Byrd
 U. S. Senator

RCB:dec

REC-41

EX 109

6 OCT 15 1968

62-102432-37

OCT 11 1968

59 OCT 21 1968

7c file - 10/15/68
10/15/68
HS
8/15/68

March 24, 1969

REC-113

62-102432-38

Handwritten notes:
J. Edgar Hoover
2
1 - Mr. Long
G. J. ...
v. l. y.

Honorable Robert C. Byrd
United States Senate
Washington, D. C. 20510

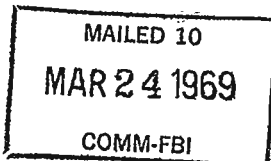
1 - Mr. Long

My dear Senator:

Your telegram of March 20, 1969, has been received, and your comments regarding the investigation in the assassination of Martin Luther King, Jr., have been noted.

The results of investigation conducted by this Bureau are furnished to the United States Department of Justice; and if you have any questions concerning our investigation, it is suggested that you may desire to communicate directly with Mr. Jerris Leonard, Assistant Attorney General, Civil Rights Division, United States Department of Justice, Washington, D. C. 20530. I have taken the liberty of furnishing a copy of your telegram to Mr. Leonard.

You may be assured that this Bureau will endeavor to fully discharge its investigative responsibilities in all matters coming within our jurisdiction.



Sincerely yours,

J. Edgar Hoover

✓

REL:jms
(4) jms

NOTE:

Senator Robert C. Byrd (Democrat - West Virginia) is on the Special Correspondents List. Copy of incoming being furnished to the Department by form memorandum.

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56 APR 8 1969

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Handwritten notes and stamps:
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March 21, 1969

GENERAL INVESTIGATIVE DIVISION

Senator Robert C. Byrd (Democrat-West Virginia) sent the attached telegram in which he inquires concerning the speculation that a conspiracy may have been involved in the assassination of Martin Luther King, Jr.

We will reply to the Senator by separate communication advising him the results of investigation conducted by this Bureau are furnished to the Department, and if he has any questions he may desire to communicate directly with the Department. He will also be advised that he may be assured that this Bureau will endeavor to fully discharge its investigative responsibilities in all matters coming within our jurisdiction.

REL:rl

Chen *Ryan* *Egan* *JK* *D* *L*

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 10-15-2010 BY 60324 uc baw/sab/lsg

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

MAR 20 1969

WESTERN UNION

ALL INFORMATION CONTAINED
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Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
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Miss Holmes	
Miss Gandy	

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HON J EDGAR HOOVER DIRECTOR

FEDERAL BUREAU OF INVESTIGATION WASHDC

I HAVE BEEN DISTURBED BY THE FACT THAT THE FULL STORY CONCERNING THE MURDER OF DR. MARTIN LUTHER KING. JR., HAS NOT YET BEEN LEARNED. THE SENTENCING OF JAMES EARL RAY WITHOUT A TRIAL HAS STIRRED TOO MUCH SPECULATION THAT A CONSPIRACY MAY HAVE BEEN INVOLVED. IF OTHER PEOPLE DID PLAY A PART, THEN JUSTICE HAS NOT YET BEEN SERVED.

RAY'S OWN WORDS AND THE COMMENTS OF OTHERS HAVE CREATED QUESTIONS THAT OUGHT TO BE ANSWERED.

I WAS NOT AN ADMIRER OF DR KING, BUT THE ASSASSINATION OF ANYONE IS A DESPICABLE ACT AND THE SUSPICION SHOULD NOT BE ALLOWED TO REMAIN THAT THERE WERE INDIVIDUALS OTHER THAN RAY WHO PARTICIPATED IN KING'S ASSASSINATION. IF THERE WERE SUCH PERSONS,

REC-113

ASSASSINATION

MAR 28 1969

MR. DELCACH FOR THE DIRECTOR

THEN THEY, TOO SHOULD BE PUNISHED. I URGE THAT THE FBI RENEW
ITS EFFORTS TO GET TO THE BOTTOM OF THE CASE

ROBERT C BYRD US SENATOR.

V

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Bishop

FROM : M. A. Jones

SUBJECT: SENATOR ROBERT C. BYRD
(D - WEST VIRGINIA)

DATE: 7-9-69

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On the afternoon of 7-8-69 [] Executive Secretary to Senator Byrd, phoned Inspector Herington and advised that the Senator had seen the morning edition of "The Washington Post" and was interested in the article quoting the Director from some of his recent testimony. She said the Senator felt that he was in complete agreement with the Director's comments as reported and the Senator was interested in obtaining a copy of the testimony.

[] was advised that the article pertained to the Director's testimony before the House Subcommittee on Appropriations in April, 1969, and that we did not currently have available for distribution a complete text of the Director's testimony. She was advised, however, that we did have a summary available and she requested a copy be furnished the Senator. This is being done.

[] also said that the Senator had been following closely the activities of the Students for a Democratic Society (SDS) and he wondered whether the FBI had any material available regarding the current status of SDS, particularly in light of the recent SDS convention. She said the Senator would appreciate any data which could be given him. Relations with Senator Byrd cordial.

RECOMMENDATION:

That Domestic Intelligence Division furnish any material available regarding the current status of SDS for delivery to Senator Byrd via liaison.

- 1 - Mr. DeLoach
- 1 - Mr. Bishop
- 1 - Mr. W. C. Sullivan
- 1 - Mr. C. D. Brennan

JH:mbk

(9) 56 JUL 23 1969

327

REC-23

14 JUL 15 1969

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. W. C. Sullivan *WCS*

FROM : C. D. Brennan *CD*

SUBJECT: SENATOR ROBERT C. BYRD
(D - WEST VIRGINIA)

DATE: 7/10/69

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Memorandum M. A. Jones to Mr. Bishop dated 7/9/69 (attached) states that Senator Byrd had been closely following the activities of Students for a Democratic Society (SDS) and wondered whether the FBI had any material available regarding the current status of this organization particularly in light of the recent SDS National Convention. [redacted] Executive Secretary to Senator Byrd, stated the Senator would appreciate any data which could be given him. It was approved by the Director that public source material be furnished the Senator.

Enclosed for Senator Byrd is a memorandum setting forth details concerning the recently held SDS National Convention. Attached to this memorandum are two clippings from a recent issue of "New Left Notes," weekly publication of SDS, which also set forth detailed information concerning the Convention. Also enclosed for Senator Byrd is a copy of a document dated 6/4/69 concerning SDS which contains a general over-all history of the organization, its programs, its activities and objectives up to the time of the National Convention.

RECOMMENDATION:

Attached material be furnished Senator Byrd by Crime Records Division. All this material is public source information and not classified.

Enclosures

- 1 - Mr. C. D. DeLoach
- 1 - Mr. T. E. Bishop
- 1 - Mr. W. C. Sullivan
- 1 - Mr. C. D. Brennan
- 1 - [redacted]

b6
b7C

WNP:djb
(6)

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25 JUL 15 1969

INT. SEC.

ENCLOSURE

146 Handed
7/11/69

62-1021432-40

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-15-2010 BY 60324 uc baw/sab/lsg

July 11, 1969

STUDENTS FOR A DEMOCRATIC SOCIETY
NATIONAL CONVENTION
JUNE 18-23, 1969

✓
WEL
S. L. P. Gold
C. L. P. W.
62-11375-40

SDS National Convention, June 18-23, 1969

Three forces were in operation at the beginning of the Students for a Democratic Society (SDS) National Convention; namely, the Progressive Labor Party (PLP) faction led by individuals from the New England and San Francisco areas; the National Office group consisting of individuals backing Michael Klonsky, National Secretary of SDS; and, a faction led by Bernardine Dohrn, SDS National Interorganizational Secretary and Mark Rudd who was to be elected the new SDS National Secretary.

On June 19, 1969, a debate on racism began with Klonsky defending the Black Panther Party (BPP) as the vanguard force for revolution and the PLP faction claiming that the working class, black and white together, must play the vanguard role.

On June 20, 1969, the Klonsky and Dohrn groups left the convention hall because of the dispute with the PLP faction over racism and several other matters and set up a new headquarters. As a result of this split, each faction elected three national officers and other individuals to a National Interim Committee. The National Office faction of SDS continues to operate out of 1608 West Madison Street, Chicago, whereas the PLP faction currently is headquartered at the home of John Pennington, PLP faction National Secretary, Cambridge, Massachusetts.

Newly elected officers to the National Office group of SDS besides Mark Rudd are Jeffrey Jones, Interorganizational Secretary, and William Ayers, Education Secretary. Newly elected officers of the PLP faction besides Pennington are Patricia Foreman, Interorganizational Secretary, and Alan Spector, Education Secretary.

Many of the ramifications which resulted from this split will not be fully known until the 1969-70 school year begins, especially in respect to which of the factions control or guide a particular SDS chapter. Both factions of SDS, while espousing different programs, promote Marxist-Leninist-Maoist revolutionary objectives to overthrow the existing system in this country.

SDS National Convention, June 18-23, 1969

Attached are two clippings from the June 25, 1969, issue of "New Left Notes," weekly publication of SDS, which set forth detailed information concerning the expulsion of the PLP faction from SDS and the current programs of this organization.

Enclosures - 2

Press Statement

June 24, 1969

The 1969 SDS Convention has been one of the most important in our history. Two decisions were made that have serious implications for SDS and the entire world-wide anti-imperialist movement.

First, we have expelled members of Progressive Labor Party from our ranks. We have taken this action because of Progressive Labor Party's objectively racist and counter-revolutionary positions and actions. Progressive Labor Party has attacked all nationalism, calling it reactionary. This has led Progressive Labor Party to attack struggles for black community control of police, black studies programs; the League of Revolutionary Black Workers, the Black Panther Party and their breakfast for children program, as well as actively organizing against open admissions for black and brown people in City College in New York, Queens College, Brooklyn College, and other schools. They have said that they support black liberation; in fact, they support black liberation struggles everywhere except where they exist.

Progressive Labor Party has further attacked the National Liberation Front of South Vietnam, Ho Chi Minh, the Democratic Republic of Vietnam, Cuba, and other leading forces in the people's fight against U.S. imperialism. They have served the interests of imperialism by attacking the heroic leaders of the struggle for world revolution.

We in SDS have for some time understood that there is need for a world-wide socialist revolution against U.S. imperialism. We have understood that that revolution is already being waged in Vietnam, in Cuba, in Bolivia, in Angola, and in dozens of other Third World countries. That revolution is being led in the U.S. by black and Latin peoples fighting for their liberation and self-determination. Behind the growth of the Black Panther Party, black and brown student unions, La Raza, Alianza, and numerous other organizations of the black and Latin people, as well as the development of struggles all the way from free medical clinics to uprisings in the community is this one essential fact: the oppressed and colonized peoples of this country are engaging in a struggle for their liberation, and they will surely win!

The struggle of the peoples of the world for their freedom is in the interests of the people of the whole world, including all working people within the U.S. We have fought for years to build active struggles in solidarity with those of the black and Third World peoples. This is the meaning behind the struggles at Columbia, San Francisco State, and a thousand other colleges and high schools. We have done this not out of guilt, but out of the sure knowledge that the battles of the oppressed peoples of the world are the key to toppling this racist, imperialist system. Most of our organizing work has been to win people to this position and to force them to choose sides in the world revolution. But how could we demand of people outside the organization what we could not demand of people inside? Our only solution to this contradiction was to expel those who sabotaged and attacked the real struggles of the people of the world—our struggles—so that the movement could continue to grow and win.

Secondly, the SDS Convention is taking the lead in raising the level of militancy and seriousness of the movement to stop the Vietnam war. The people of this country will not be fooled by Nixon's talk of "de-escalation" in Vietnam. He is using his so-called peace gestures to cover up the increasing brutality, genocide, and repression against the blacks, the revolutionary youth movement, and all opposition to imperialism within the U.S.

NEW LEFT NOTES
ng. 3
June 25, 1969

ENCLOSURE

62-112132-40

SDS will respond by increasing its work with working class young people, in the army, in communities, and in work places throughout the country. We will be everywhere. We will build a revolutionary youth movement capable of actively engaging in the war against the imperialists. We will escalate our attacks until imperialism is defeated in Vietnam.

This fall, in Chicago, at the time the Conspiracy trials begin, we will lead massive demonstrations against the war, in support of the Black Panther Party, and in solidarity with all political prisoners, including Huey P. Newton and the eight under attack for last summer's righteous demonstrations. Throughout the fall, we will continue actions to stop the war and increase our attack on imperialism.

The SDS Convention also elected national officers for the coming year. The three national secretaries are: Jeff Jones, 22, Inter-organizational Secretary; Mark Rudd, National Secretary; and Bill Ayers, 24, Educational Secretary.

The National Interim Committee members are: Howie Machtinger, Chicago; Linda Evans, Detroit; Bob Avakian, San Francisco; Corky Benedict, Cleveland; Barbara Riley, New York; Noel Ignatin, Chicago; Mike Klonsky, Chicago; and Bernardine Dohrn, Chicago.

NATIONAL CONVENTION EXPELS RACIST PL, AND ELECTS NEW OFFICERS

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 10-15-2010 BY 60324 uc baw/sab/lsg

THE PRINCIPLES UPON WHICH PL WAS EXPELLED, ADOPTED
BY THE NATIONAL CONVENTION.

1. We support the struggles of the black and Latin colonies within the U.S. for national liberation, and we recognize those nations' rights to self-determination (including the right to political secession, if they desire it).

2. We support the struggle for national liberation of the people of South Vietnam, led by the National Liberation Front and the South Vietnamese Provisional Revolutionary Government. We also support the Democratic Republic of Vietnam, led by President Ho Chi Minh, as well as the Democratic Republic of China, the People's Republics of Korea and Albania, and the Republic of Cuba, all waging fierce struggles against U.S. imperialism. We support the right of all peoples to pick up the gun to free themselves from the brutal rule of U.S. imperialism.

The Progressive Labor Party has attacked every revolutionary nationalist struggle of the black and Latin peoples in the U.S. as being racist and reactionary. For example, they have attacked open admission, black studies, community control of police and schools, the Black Panther Party and their "breakfast for children" program, and the League of Revolutionary Black Workers.

The Progressive Labor Party has attacked Ho Chi Minh, the National Liberation Front of South Vietnam, the revolutionary government of Cuba—all leaders of the people's struggles for freedom against U.S. imperialism.

The Progressive Labor Party, because of its positions and practices, is objectively racist, anti-communist, and reactionary. PLP has also in principle and practice refused to join the struggle against male supremacy. It has no place in SDS, an organization of revolutionary youth.

NEW LEFT NOTES
pg. 1
June 25, 1969

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-1- 62 - 112432 - 40

For these reasons, which have manifested themselves in practice all over the country, as well as at this convention, and because the groups we look to around the world for leadership in the fight against U.S. imperialism, including the Black Panther Party and the Brown Berets, urge us to do so, SDS feels it is now necessary to rid ourselves of the burden of allowing the politics of the Progressive Labor Party to exist within our organization. Progressive Labor Party members and all people who do not accept the above two principles are no longer members of SDS.

We should rid our ranks of all impotent thinking. All views that overestimate the strength of the enemy and underestimate the strength of the people are wrong. (Mao, Red Book, Page 86)

January 29, 1970

Honorable Robert C. Byrd
United States Senate
Washington, D. C. 20510

My dear Senator:

I want you to know how much I appreciate the kind remarks you made Tuesday on the floor of the Senate concerning the work of the FBI in connection with the Yablonski case. It was very thoughtful of you to do this as well as have inserted into the Congressional Record the editorial from the "New York Daily News."

Your continuing support means much to all of us and we will endeavor to make every effort to merit the confidence you have in us.

Sincerely yours,

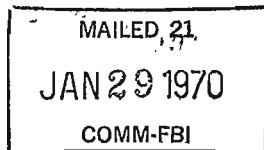
J. Edgar Hoover

1 - Pittsburgh

NOTE: Senator Byrd is on the Special Correspondents List. The editorial appearing in the "New York Daily News" was acknowledged on 1-23-70.

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EX-109

19 JAN 30 1970

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DATE 10-15-2010 BY 60324 uc baw/sab/lsg

CREDIT WHERE CREDIT IS DUE

Mr. BYRD of West Virginia, Mr. President, I have always been a believer in the principle of giving credit where credit is due.

Great credit is due the FBI and its Director, J. Edgar Hoover, for the fine work which he has done in connection with the investigation of the Joseph Yablonski murders.

A very short—but very much to the point—editorial in the New York Daily News of January 23 takes cognizance of this FBI work. I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

SOME FBI SUPER-SLEUTHING

Working with its usual quiet efficiency, the Federal Bureau of Investigation has collared three suspects in the brutal New Year's Eve murders of United Mineworkers rebel Joseph Yablonski, his wife and daughter.

Without prejudging the cases of the three men—or any others who may be nabbed—we tip our hat to the G-men for a snappy job. For our money, J. Edgar Hoover's corps is the top investigative agency in the world, and the American people should be thankful they are around.

CONGRESSIONAL RECORD

January 27, 1970

Page S678

XEROX
JAN 30 1970

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62-102432-41

ENCLOSURE

UNITED STATES GOVERNMENT

Memorandum

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TO : Mr. Bishop *Bj*

DATE: 1-6-70

FROM : M. A. Jones *M. A. Jones*

SUBJECT: SENATOR ROBERT C. BYRD (D-WEST VIRGINIA)
REQUEST FOR INFORMATION
RE: ORGANIZED CRIME ACTIVITIES IN
WEST VIRGINIA

Press Secretary to Senator Byrd, on 1-5-70, contacted Bureau Headquarters and requested information concerning possible organized crime activities in West Virginia. He said the Senator is very much concerned about this situation, particularly in light of the recent bombing of the automobile belong to Monongalia County Prosecuting Attorney Joseph Laurita, Jr., on 1-2-70. stated that any information we furnish would not be attributed to us if we so desired.

We have enjoyed a cordial relationship with Senator Byrd.

Enclosed is a brief blind memorandum prepared by the Special Investigative Division concerning organized crime in West Virginia.

RECOMMENDATION:

That the enclosed information be approved to be furnished to Senator Byrd, with the understanding that he will not attribute it to us. This should be returned to the Crime Research Section for prompt delivery.

Enclosure

- 1 - Mr. DeLoach - Enclosure
- 1 - Mr. Bishop - Enclosure
- 1 - Mr. Gale - Enclosure
- 1 - Mr. Rosen - Enclosure
- 1 - M. A. Jones - Enclosure
- 1 - Mr. Bowers - Enclosure

DWB:mjl
(8)

JAN 21 1970

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191 JAN 14 1970

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CRIME RESEARCH

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DATE 10-15-2010 BY 60324 uc baw/sab/lsg

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Mr. Walters	✓
Mr. Mohr	✓
Mr. Bishop	✓
Mr. Casper	✓
Mr. Callahan	✓
Mr. Conrad	✓
Mr. Felt	✓
Mr. Gale	✓
Mr. Rosen	✓
Mr. Sullivan	✓
Mr. Tavel	✓
Mr. Soyars	✓
Tele. Room	✓
Miss Holmes	✓
Miss Gandy	✓

RICHARD B. RUSSELL, GA., CHAIRMAN
ALLEN J. ELLENDER, LA.
JOHN L. MCCLELLAN, ARK.
WARREN G. MAGNUSON, WASH.
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ALAN BIBLE, NEV.
ROBERT C. BYRD, W. VA.
GALE W. MCGEE, WYO.
MIKE MANSFIELD, MONT.
WILLIAM PROXMIRE, WIS.
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JOSEPH M. MONTGOMERY, N. MEX.

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NORRIS COTTON, N.H.
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HIRAM L. FONG, HAWAII
J. CALEB BOGGS, DEL.
JAMES B. PEARSON, KANS.

United States Senate

COMMITTEE ON APPROPRIATIONS

WASHINGTON, D.C. 20510

February 4, 1970

THOMAS J. SCOTT, CHIEF CLERK
WM. W. WOODRUFF, COUNSEL

The Honorable John Edgar Hoover
Director
Federal Bureau of Investigation
U. S. Department of Justice
Washington, D. C. 20535

Dear Mr. Hoover:

Thank you for your letter expressing your appreciation for my remarks on the floor concerning the work of the Federal Bureau of Investigation in the [redacted] case and also for my insertion in the Congressional Record.

You may be assured of my continuing support for the fine work of the Bureau.

With kind regards.

Sincerely yours,

Robert C. Byrd
U. S. Senator

(D- W. VIRGINIA)

RCB:mg

53 FEB 24 1970

No ack. reply
8/11

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Bishop *FW*

DATE: 1/13/70

FROM : M. A. Jones *MA Jones*

SUBJECT: SENATOR ROBERT C. BYRD (D-WEST VIRGINIA)
REQUEST FOR INFORMATION
RE. ORGANIZED CRIME ACTIVITIES
IN WEST VIRGINIA

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In my memo to you of 1/6/70 (copy enclosed) it was reported that we had received a request from [redacted] Press Secretary to Senator Byrd, for information on possible organized crime activities in West Virginia. This memo enclosed a brief statement prepared by the Special Investigative Division outlining in general terms organized crime in West Virginia. With the Director's approval this statement was furnished to [redacted] on 1/7/70.

On 1/12/70 [redacted] telephonically contacted Inspector Bowers and advised Senator Byrd is continuing his personal inquiry into criminal activities in West Virginia with particular emphasis on gambling operation and other organized crime activities. He stated the Senator intends to strongly support S. 30, the Organized Crime Control Act of 1970, and in doing so to make specific references to the situation in West Virginia. [redacted] stated he has been given the responsibility of compiling information in this regard and asked if we would furnish additional and more specific information regarding gambling operations and other organized crime activities. over the last several years and up to the present time.

It was explained to [redacted] that we cannot go beyond the information already furnished him. It was pointed out that more detailed information on specific individuals, places, and events could well jeopardize pending investigations of not only the FBI but perhaps other federal agencies as well as state and local police. He stated that, as always, the FBI would not be shown as the source of any information we might furnish. He was told that this has no bearing on the situation since the mere mention of such information might jeopardize pending investigations regardless whether the source of information is disclosed or not.

RECOMMENDATION:

For information

Enclosure

NOT RECORDED

191 JAN 26 1970

50 FEB 3 1970
1 - Mr. DeLoach
1 - Mr. Bishop

DWB:mjl (7)

1 - Mr. Gale
1 - M. A. Jones

1 - Mr. Bowers

ORIGINAL FILED IN 62-7-30-1

Mr. Tolson ☒
Mr. Sullivan ☒
Mr. Mohr ☒
Mr. Bishop ☒
Mr. Brennan ☒
Mr. Callahan ☒
Mr. Casper ☒
Mr. Conrad ☒
Mr. Felt ☒
Mr. Gale ☒
Mr. Rosen ☒
Mr. Tavel ☒
Mr. Walters ☒
Mr. Soyars ☒
Tele. Room ☒
Miss Holmes ☒
Miss Gandy ☒

JAMES O. EASTLAND, MISS., CHAIRMAN
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SAM J. ERVIN, JR., N.C.
THOMAS J. DODD, CONN.
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BIRCH BAYH, IND.
QUENTIN N. BURDICK, N. DAK.
JOSEPH D. TYDINGS, MD.
ROBERT C. BYRD, W. VA.
ROMAN L. HRUSKA, NEBR.
HIRAM L. FONG, HAW.
HUGH SCOTT, PA.
STROM THURMOND, S.
MARLOW W. COOK, KY.
CHARLES MC C. MATHIAS, JR., MD.
ROBERT P. GRIFFIN, MICH.

United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, D.C. 20510

JOHN H. HOLLoman III
CHIEF COUNSEL AND STAFF DIRECTOR

August 6, 1970

The Honorable J. Edgar Hoover
Director
Federal Bureau of Investigation
United States Department of Justice
Washington, D. C. 20535

Dear Mr. Hoover:

Thank you for your letter of August 5. It was thoughtful of you to write as you have concerning my statement in the Senate on August 4.

With good wishes.

Sincerely yours,

Robert C. Byrd
Robert C. Byrd
U. S. Senator
(D-W.VA.)

RCB:ybs

EXP. PROC.

36 AUG 7 1970

REC- 61

62-102432-43

12 AUG 17 1970

JOHN H. HOLLoman III

54 AUG 18 1970

August 5, 1970

Honorable Robert C. Byrd
United States Senate
Washington, D. C. 20510

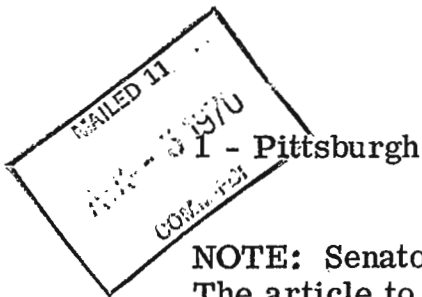
My dear Senator:

Thank you very much for your factual
remarks on the floor of the Senate on August 4th regard-
ing the long-standing policy of this Bureau not to draw
conclusions in matters which we investigate.

It was thoughtful of you to do this and my
associates and I are most appreciative of your action in
setting the record straight. We are grateful for your con-
tinued staunch support.

Sincerely yours,

J. Edgar Hoover



NOTE: Senator Byrd (D- W. Va.) is on the Special Correspondents List.
The article to which he refers in the Akron Beacon Journal appeared on
7/23/70. A letter was written to the President and Editor on 7/31/70.

PDW:llk (5)

Tolson _____
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CONGRESSIONAL RECORD — SENATE

8-4-70

S12705

was Venlaminov who firmly established the policy of protecting native tribal rights and who introduced both Aleut and Tlingit into the liturgy. However, the influence of a life such as that of Father Herman cannot be underestimated in explaining the ardent faith of the natives whose religious traditions have survived to this day, despite many trials.

The shrine raised on New Valaam to Father Herman has been preserved to the present day (with its relics of St. Seraphim of Sarov), partly due to the devotion of a Russian monk who went there in 1935. In the eyes of the natives, Father Herman was already a saint. (Troparia in his honor were in existence in the early 1900's.) He embodied "the qualities which characterized the Age of Saints from the desert of Mesopotamia to the remotest of the Western Isles—ascetism, humility, devotion, unworldliness, sympathy with the weak, both in nature and in humanity, gentleness, spiritual nobility." Such is the message of Father Herman of Kodiak.

FBI INVESTIGATION OF KENT STATE SHOOTINGS

Mr. BYRD of West Virginia. Mr. President, the Akron, Ohio, Beacon Journal, of July 23, 1970, contains an article which reported the FBI had drawn certain conclusions regarding the propriety of the activities of the Ohio National Guard in connection with the slaying of four students at Kent State University. This report has received wide circulation.

It has long been the policy of the FBI not to draw conclusions from its investigations. This is as it should be. An investigative agency should be no more than that—it should collect the facts and report them to proper authorities without any conclusions or other expressions of opinions. This is the way the FBI always has operated and it is the way the FBI operated in connection with its investigation of the Kent State shootings.

I am informed that the FBI conducted a very detailed investigation of the events at Kent State and furnished to the Department of Justice a complete and objective report of the facts it developed, and that the FBI report did not conclude that "six of the Ohio National Guardsmen could be criminally charged." I am also advised that the FBI report did not conclude the shootings "were not necessary and not in order." I believe that such conclusions, if they were made, came from some source other than the FBI. I think it is very important that this matter is made clear, for it is totally foreign to our form of government to have an investigative agency making conclusions concerning the possible prosecution of individuals.

Article based on
contact by
Insp. Dave Bowers.
Jenn

Let to Byrd/col
8-5-70
P. S. G. C. K.

see

62-102432-44

November 4, 1970

PERSONAL

Honorable Robert C. Byrd
United States Senator
Sophia, West Virginia 25921

My dear Senator:

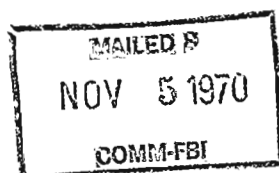
Your many friends in the FBI join
me in extending congratulations and best wishes
on the occasion of your re-election to the United
States Senate.

This outstanding recognition on the
part of your constituents must certainly be a source
of great satisfaction to you, and we want you to know
that we stand ready to be of aid in matters of mutual
interest.

REC-21

With kind regards,

Sincerely yours,
J. Edgar Hoover



EX-112

NOV 9 1970

1 - Pittsburgh

NOTE: Senator Byrd is on the Special Correspondents List and is
a member of the Senate Appropriations Committee.

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P. D. Williams
Room 4718

Election Confirmed Through:

Wash. Daily News _____
Wash. Post _____
Wash. Eve. Star _____
N.Y. Times _____
UPI _____

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Bishop

FROM : M. A. Jones

SUBJECT: ROY A. LANE
ROOM 309, MEDICAL SCIENCE BUILDING
1029 VERMONT AVENUE, NORTHWEST
WASHINGTON, D. C. 20005

DATE: 8/24/70

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Captioned individual for several years has pestered various Senators generally because they have failed to assist him in his long disagreement with the Social Security Administration's rejection of his claim. He has distributed a number of leaflets in the various Senators' home states in which he makes unfounded claims about these individuals. His latest victims are Senator Robert Byrd (D-W. Va.) and Senator Vance Hartke (D-Ind.).

Senator Byrd contacted Inspector Bowers on 8/21/70 and made available the enclosed copy of an item which Lane apparently is sending to various veterans' organizations in West Virginia. This identifies Byrd as the "No. 1 Senator, who has done the least for West Virginia's war veterans..." The leaflet claims that Lane's group, identified as War Veteran's of America, has a tape on which Senator Byrd states, in answer to a question as to why he did not help West Virginian veterans, "Because I do not consider the veteran's of Korea and the Viet Nam war veterans, as there was never a declaration of war; and war veteran's of World War II have had 25 year's to adjust themselves, and by now should need no assistance." The leaflet, signed by Lane, promises to make the tape available to any veterans' group on request. Senator Byrd stated he has never made such a statement.

A virtually identical leaflet also is being distributed in Indiana concerning Senator Hartke, according to his Executive Secretary, [redacted] who contacted Inspector Bowers on 8/19/70. She said the charge against Senator Hartke is not true. Both Senator Byrd and [redacted] were advised the leaflet being distributed by Lane does not constitute a violation of Federal law within FBI jurisdiction. They were orally furnished background information concerning Lane and advised that while we have never investigated him, information which has come to our attention from other Senators and through communications he has sent to the FBI indicates [redacted] is the subject of Bufile 176-1276.

RECOMMENDATION:

ENCLOSURE

For information.

Enclosure

1 - Mr. Sullivan

1 - Mr. Bishop

DWB:mjl (7)

1 - Mr. Rosen

1 - M. A. Jones

1 - Mr. Bowers

CRIME RESEARCH

ORIGINAL FILED 176-1276-10

NOT RECORDED

202 AUG 31 1970

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REGARDING - WEST VIRGINIA'S - SENATOR - ROBERT C. BYRD - AND - WAR - VETERANS

Our group called "War Veteran's of America", organized in 1965, is merely to provide voters, with information regarding Congressmen and Senators, seeking election at their states voting time. We perform this transaction, to let you know true facts, rather than lies used, by ANYONE seeking votes and then, only in regards to that states war veterans.

Senator Byrd has become the No. 1 Senator, who has done the least for West Virginia's war veterans, as a whole THAN-ANY-OTHER-STATE- SENATOR-IN-ANY-OTHER- STATE.

Recently, at a luncheon, held in Washington, D.C. Senator Byrd was asked, and I quote, "Why do you never come to the aid of West Virginia's War Veterans"? His answer was "BECAUSE I DO NOT CONSIDER THE VETERAN'S OF KOREA AND THE VIET NAM WAR VETERANS, AS THERE WAS NEVER A DECLARATION OF WAR. AND WAR VETERAN'S OF WORLD WAR II HAVE HAD 25 YEAR'S TO ADJUST THEMSELVES, AND BY NOW SHOULD NEED NO ASSISTANCE." Unquote.

Our organization has this statement on tape, and if arrangements are asked for on a visit by anyone in the of West Virginia, we will be glad to play it for you ---a recording of Senator Byrd's own voice, again, we are "NOT" politically inclined. We do not know who, if anyone, will oppose Senator Byrd, and we are NOT sure if he will seek re-election---we merely print TRUE facts that we are told because of the work of a "machine", in West Virginia you may never get. For example, you will never see your leading newspapers, T.V. or news casters, in West Virginia, quote words used in this leaflet, and I do not believe Senator Byrd will ever give any news casters in West Virginia a denial of facts stated in this leaflet.

Our organization wishes All war veteran's the very best in their future life.

Thank you,

Mr. Roy A. Lane
C/O Medical Science Bldg. Rm. 309
1029 Vermont Avenue, N.W.
Washington, D.C. 20005

176-~~ENCLOSURE~~

62- 102432-

November 27, 1970

BY SPECIAL MESSENGER

C
Honorable Robert C. Byrd
United States Senate
Washington, D. C.

My dear Senator:

I want to express my appreciation to you for the courtesies extended to me today during my appearance before the Subcommittee considering the FBI supplemental budget request for fiscal year 1971.

The work of the FBI is expanding and becoming more complex each day during these troubled times and you can be assured that my associates and I greatly appreciate your support.

With kindest personal regards,

Sincerely,

J. Edgar Hoover

RH JH:pmdy
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NOTE: Senator Robert C. Byrd (D-West Va.) is on the Special Correspondents' List and is a member of the Subcommittee on Deficiencies and Supplemental Appropriations.

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EX-113

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MAIL ROOM ☐ TELETYPE UNIT ☐

January 21, 1971

BY SPECIAL MESSENGER
PERSONAL

Honorable Robert C. Byrd
United States Senate
Washington, D. C.

My dear Senator:

I would like to express my heartiest congratulations on your election today as Majority Whip of the Senate. This expression of confidence in your ability by your colleagues in the Democratic Caucus must be a source of great pride to you. You have my best wishes for every success in your new duties.

Sincerely yours,

J. Edgar Hoover

REC 85

62-100132-47

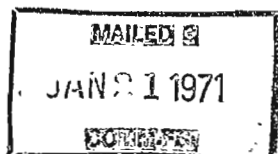
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NOTE: Senator Byrd is on the Special Correspondents List. The Assistant Majority Leader is commonly known as the Majority Whip.

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UPI-63

(LEADERSHIP)

WASHINGTON--SEN. ROBERT C. BYRD, D-VA., TODAY DEPOSED SEN. EDWARD M. KENNEDY AS THE ASSISTANT MAJORITY LEADER IN THE UNITED STATES SENATE.

SEN. FRANK MOSS, D-UTAH, WAS ELECTED IN A CLOSED-DOOR DEMOCRATIC CAUCUS TO SUCCEED BYRD AS SECRETARY OF THE DEMOCRATIC CONFERENCE, THIRD IN THE LEADERSHIP HIERARCHY.

SEN. SAM J. ERVIN, D-N.C., EMERGED FROM THE CAUCUS TO ANNOUNCE BYRD'S ELECTION 31-24.

DEMOCRATIC FLOOR LEADER MIKE MANSFIELD WAS RENAMED TO HIS OFFICE WITHOUT OPPOSITION.

1/21--GE1149A

*Letter to Byrd
1/21/71
FMG-jls*

FOR MR. TOLSON

62-102432-47

WASHINGTON CAPITAL NEWS SERVICE

ENCLOSURE

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DEMOCRATIC FLOOR LEADER MIKE MANSFIELD WAS RENAMED TO HIS OFFICE WITHOUT OPPOSITION.

1/21--GE1149A

ORIGINAL FILED IN 94-55-752-156

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130 JAN 27 1971

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WASHINGTON CAPITAL NEWS SERVICE

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UPI-68

ADD 1 LEADERSHIP, WASHINGTON (UPI-63)

IN THE REPUBLICAN CAUCUS, SENATE GOP LEADER HUGH SCOTT OF PENNSYLVANIA WAS RE-ELECTED, DEFEATING SEN. HOWARD H. BAKER JR., OF TENNESSEE 24-20. IN 1969, SCOTT BEAT BAKER 24-19.

BAKER MADE A LAST-MINUTE DECISION TO RUN AGAINST SCOTT AFTER HAVING CAMPAIGNED FOR SEVERAL WEEKS WITHOUT GETTING DEFINITE COMMITMENTS, ONE WAY OR THE OTHER FROM A SIZEABLE GROUP OF UNDECIDED SENATORS.

KENNEDY HELD THE SECOND SPOT JUST TWO YEARS. IN A CHRISTMAS WEEK COUP TWO YEARS AGO HE RALLIED SUFFICIENT SUPPORT TO OUST SEN. RUSSELL B. LONG, A CONSERVATIVE LOUISIANA DEMOCRATIC. BYRD WILL RESTORE A CONSERVATIVE VOICE TO THE SECOND DEMOCRATIC SPOT, AND GIVING HIM A LEG UP ON THE MAJORITY LEADERSHIP POST ITSELF WHEN MANSFIELD ULTIMATELY STEPS DOWN.

BYRD'S STRENGTH IN THE DEMOCRATIC CAUCUS WAS CONCEALED UP TO THE LAST MOMENT. KENNEDY CONFIDENTLY CLAIMED VICTORY IN PRIVATE TALKS WITH HIS SENATE DEMOCRATIC COLLEAGUES AS LATE AS YESTERDAY.

BYRD, HOWEVER, ASSIDUOUSLY CAMPAIGNED BEHIND THE SCENES, WHILE NEVER FORMALLY ANNOUNCING HE WOULD CHALLENGE THE MASSACHUSETTS DEMOCRATIC.

KENNEDY'S DEFEAT CAST A FURTHER SHADOW OVER WHATEVER CHANCE HE MAY HAVE HAD OF CAPTURING THE DEMOCRATIC PRESIDENTIAL NOMINATION NEXT YEAR.

ALTHOUGH FROM A BORDER STATE, BYRD IS IN THE MODERATE-CONSERVATIVE WING OF THE DEMOCRATIC PARTY, AND OVER THE YEARS HAS FOLLOWED THE LEADERSHIP OF SEN. RICHARD B. RUSSELL, D-GA., THE DOMINANT FIGURE FROM DIXIE FOR MORE THAN A GENERATION, NOW REPORTED NEAR DEATH AT WALTER REED ARMY HOSPITAL.

1/21--MB1200P

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UPI-71

ADD 2 LEADERSHIP, WASHINGTON

BYRD'S VICTORY WAS ATTRIBUTED, AT LEAST IN PART, TO THE MANY FAVORS HE HAS DONE FOR ALL MEMBERS OF THE SENATE. HE KEPT TO THE SENATE FLOOR ALMOST CONSTANTLY DURING THE LAST SESSION, GUARDING THE RIGHTS AND PRIVILEGES OF OTHER SENATORS.

BYRD ALSO PERFORMED MANY OF THE ASSISTANT LEADER (WHIP)'S DUTIES DURING KENNEDY'S EXTENDED ABSENCES FROM THE FLOOR.

KENNEDY'S STAR BEGAN TO WANE AFTER THE UNFORTUNATE CHAPPAQUIDICK INCIDENT IN THE SUMMER OF 1969. HE NEVER REGAINED THE MOMENTUM MUSTERED FOR HIS SUCCESSFUL CHALLENGE SIX MONTHS EARLIER TO LONG.

1/21--MB1207P

ALLEN J. ELLENDER, LA., CHAIRMAN

JOHN L. MCCLELLAN, ARK.
WARREN G. MAGNUSON, WASH.
JOHN C. STENNIS, MISS.
JOHN O. PASTORE, R.I.
ALAN BIBLE, NEV.
ROBERT C. BYRD, W. VA.
GALE W. MCGEE, WYO.
MIKE MANSFIELD, MONT.
WILLIAM PROXMIRE, WIS.
JOSEPH M. MONTOMY, N. MEX.
DANIEL K. INOUE, HAWAII
ERNEST F. HOLLINGS, S.C.

MILTON R. YOUNG, N. DAK.
KARL E. MUNDT, S. DAK.
MARGARET CHASE SMITH, MAINE
ROMAN L. HRUSKA, NEBR.
GORDON ALLOTT, COLO.
NORRIS COTTON, N.H.
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DATE 10-15-2010 BY 60324 uc baw/sab/lsg

United States Senate

COMMITTEE ON APPROPRIATIONS

WASHINGTON, D.C. 20510

THOMAS J. SCOTT, CHIEF CLERK
WM. W. WOODRUFF, COUNSEL

February 18, 1971

The Honorable J. Edgar Hoover
Director
Federal Bureau of Investigation
U. S. Department of Justice
Washington, D. C.

Dear Mr. Hoover:

I deeply appreciate your kindness in expressing your congratulations on my recent election to the post of Senate Majority Whip. I am, of course, highly honored by the trust placed in me by my Democratic colleagues. It is my hope that I can contribute in good measure to the effective conduct of Senate business, and, thereby, to the general good.

I am grateful for your good wishes and I thank you for your kind letter.

With appreciation and kind personal regards, I am

Sincerely yours,

Robert C. Byrd
Robert C. Byrd
U. S. Senator

EX-100

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FEB 26 1971

Thank you!

Sincerely

Robert Byrd

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OFFICE OF DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

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MR. TOLSON ☒
MR. SULLIVAN ☒
MR. MOHR ☒
MR. BISHOP ☒
MR. BRENNAN, C.D. ☒
MR. CALLAHAN ☐
MR. CASPER ☐
MR. CONRAD ☐
MR. DALBEY ☐
MR. FELT ☐
MR. GALE ☐
MR. ROSEN ☐
MR. TAVEL ☐
MR. WALTERS ☐
MR. SOYARS ☐
MR. JONES ☐
TELE. ROOM ☐
MISS HOLMES ☐
MRS. METCALF ☐
MISS GANDY ☐

Reg. up - no ack
to [unclear]
[unclear]

April 12, 1971

cut
(1)
Honorable Robert C. Byrd
United States Senate
Washington, D. C. 20510

My dear Senator:

I very much appreciate your recent
challenge for Congressman Boggs to produce his evi-
dence of charges against this Bureau and me. Your
support in this matter is most encouraging and means
a great deal to all of us.

Sincerely yours,

J. Edgar Hoover

1 - Mr. M. A. Jones (detached)

NOTE: Senator Byrd (D - W. Va.) is on the Special Correspondents List.

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DATE 10-15-2010 BY 60324 uc baw/sab/lsg

Kleindienst Assails Boggs; Invites Inquiry Into F.B.I.

By ROBERT M. SMITH

Special to The New York Times

WASHINGTON, April 7—Richard G. Kleindienst, Deputy Attorney General, asserted today that Representative Hale Boggs of Louisiana was "either sick or not in possession of

his faculties" when he charged that the Federal Bureau of Investigation had tapped Congressmen's telephones and called for the resignation of J. Edgar Hoover.

Mr. Kleindienst said he would "welcome an investigation by the responsible members of Congress" of the allegations made on the House floor Monday by Mr. Boggs, the Democratic whip.

"Unless that is done or Mr. Boggs retracts his statements," Mr. Kleindienst said, "you have hanging in the air the charge itself — wiretapping the telephones of members of Congress."

Mrs. Abzug Seeks Inquiry

Representative Bella S. Abzug, Democrat of Manhattan, filed a resolution in the House today calling on the Judiciary Committee to conduct "a full and complete investigation of the Federal Bureau of Investigation" that would include "investigation of the ability of the Director," Mr. Hoover.

Representative Emanuel Celler, Democrat of Brooklyn, chairman of the Judiciary Committee, said that he would consult with members of the committee about the possibility of holding hearings.

Mrs. Abzug said: "Recent events have made it starkly evident that the F.B.I. is busy in-

vestigating others, needs someone to investigate it. For example, in recent months we have observed charges (by Mr. Hoover) against leaders of the Catholic antiwar movement originate in testimony made before committees of Congress and justified only by an indictment returned two months later."

"Stolen F.B.I. files have shown us that the agency routinely maintains large and inaccurate dossiers on special groups and individuals—notably the peace movement and black activist groups — whose politics the director finds personally offensive," Mrs. Abzug said.

"These incidents show us that the F.B.I. may be slowly but inexorably invading the privacy, the constitutional freedoms and the peace of mind of us all," she added.

Representative Charles H. Wilson, Democrat of California, introduced a bill that would set a 10-year limit on the tenure of the head of the bureau and would set a mandatory retirement age of 65.

The prohibition against any public servant amassing "dy-

nastic or dictatorial powers' is one of the basic traditions of this country, Mr. Wilson said. "I see no justification for exempting an F.B.I. director from such traditions."

Representative Wayne L.

nounced this afternoon after consulting with Speaker Carl Albert of Oklahoma that the House Administration Committee, which he heads, would

hire an independent company to check Congressmen's telephones periodically to see if they were tapped.

And Representative John J. Rooney, Democrat of Brooklyn, released testimony by Mr. Hoover before the House Appropriations Subcommittee on State, Justice, Commerce and the Judiciary. Mr. Hoover told the subcommittee March 17: "We have never tapped the telephone of any Congressman or any Senator since I have been director of the bureau."

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The Sunday Star (Washington) _____
Daily News (New York) _____
Sunday News (New York) _____
New York Post _____
The New York Times _____
The Daily World _____
The New Leader _____
The Wall Street Journal _____
The National Observer _____
People's World _____

Date APR 8 1971

DUPE

ENCLOSURE

In the Senate, the Democratic whip, Robert C. Byrd of West Virginia, challenged Mr. Boggs to produce his evidence.

"I think there is a good bit of imagination involved here," Mr. Byrd said. "If he has good, substantial, bona fide evidence, he should reveal it."

Mr. Boggs reiterated his intention to disclose his evidence after the House returns from its Easter recess April 19.

At the White House, Ronald L. Ziegler, the President's press secretary, was asked if Mr. Hoover still enjoyed the full confidence of the President. "Yes," Mr. Ziegler replied.

A White House official disclosed that Mr. Boggs' charges were discussed for 25 minutes yesterday at the daily morning meeting of top White House staff members. He indicated that the discussion had concentrated on whether Mr. Boggs had any evidence to support his charges.

ALLEN J. ELLENDER, LA., CHAIRMAN
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 CHARLES H. PERCY, ILL.
 EDWARD W. BROOKE, MASS.

THOMAS J. SCOTT, CHIEF CLERK
 WM. W. WOODRUFF, COUNSEL

United States Senate

COMMITTEE ON APPROPRIATIONS

WASHINGTON, D.C. 20510

Mr. Tolson	✓
Mr. Sullivan	✓
Mr. Mohr	✓
Mr. Bishop	✓
Mr. Brennan	CD
Mr. Callahan	
Mr. Casper	
Mr. Conrad	
Mr. Dalbey	
Mr. Felt	
Mr. Gale	✓
Mr. Rosen	✓
Mr. Tavel	
Mr. Walters	
Mr. Soyars	
Tele. Room	
Miss Holmes	
Miss Gandy	

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 DATE 10-15-2010 BY 60324 uc baw/sab/lsg

April 14, 1971

The Honorable J. Edgar Hoover
 Director
 Federal Bureau of Investigation
 United States Department of Justice
 Washington, D. C. 20535

Dear Mr. Hoover:

Thank you for your letter of April 12. It was thoughtful
 of you to take note of my statement concerning the views
 expressed by Congressman Boggs.

With good wishes.

Sincerely yours,

Robert C. Byrd
 Robert C. Byrd
 U. S. Senator
 (D. W. VA.)

RCB:ybs

EXP. PROC.

APR 16 1971

*I think you
 have done a
 good job for our
 country. Mr. Hoover,
 and I view with
 concern the attacks
 upon and your
 organization.
 Sincerely, Byrd*

REC 98

6 APR 20 1971

APR 20 1971

70-1024-50

May 11, 1971

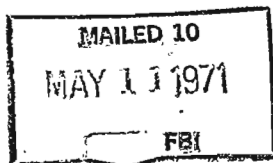
Honorable Robert C. Byrd
United States Senate
Washington, D. C. 20510

My dear Senator:

I have been informed of your very kind remarks yesterday in the Senate in connection with my 47th Anniversary as Director of the FBI and I wish to express my deep thanks.

Your expression of confidence is a source of great encouragement and means a great deal to me personally.

Sincerely yours,



J. Edgar Hoover

- 1 - Pittsburgh
- 1 - M. A. Jones

NOTE: Bureau has enjoyed cordial relations with Senator Byrd (D-West Va.), Majority Whip of the Senate, who was written on 4-12-71, to thank him for his support regarding the malicious untruths uttered by Congressman Boggs.

JRH:dmc (7)

REC-3962 - 10243-51

10 MAY 20 1971

Tolson _____
Sullivan _____
Mohr _____
Bishop _____
Brennan, C.D. _____
Callahan _____
Casper _____
Conrad _____
Dalbey _____
Felt _____
Gale _____
Rosen _____
Tavel _____
Walters _____

ENCLOSURE

55 MAY 26 1971

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-15-2010 BY 60324 uc baw/sab/lsg

**THE 47TH ANNIVERSARY OF FBI-
DIRECTOR J. EDGAR HOOVER**

Mr. BYRD of West Virginia. Mr. President, today marks the 47th anniversary of J. Edgar Hoover as Director of the Federal Bureau of Investigation—and, during these past 47 years, no man in government has made greater contributions to the Nation than has Mr. Hoover.

Born on January 1, 1895, in the District of Columbia, Mr. Hoover became acting Director of the politically-embroiled Bureau of Investigation on May 10, 1924. He moved immediately to take the Bureau out of politics, changing its direction so that today it serves the very real needs of the Nation. By setting educational requirements and a strict code of personal conduct, Mr. Hoover has made the Special Agent the most respected law enforcement officer in the world.

Mr. President, in the field of crime-fighting, Mr. Hoover's accomplishments are legion—a superior fingerprint identification process, the National Crime Information Center, and the National Academy at Quantico are just a few of

his tangible contributions. His intangible contributions are just as great, and today the FBI stands as a living monument to his life's work.

Unfortunately, Mr. Hoover has been loudly criticized in recent weeks—both in the news media and on the floor of Congress. I think it is fitting, then, that Mr. Hoover be commended today for his outstanding abilities, unfaltering determination, and unquestionable loyalty, all of which have helped to make the FBI an outstanding agency of the Federal Government.

Mr. Hoover deserves the heartfelt gratitude of all Americans for his 47 years of service, not only to the FBI, but also to the Nation.

Congressional Record - Senate
May 10, 1971
S6459

*File to Sen Byrd
5-11-71
JRH*

8/9

ENCLOSURE 62-162432-51

June 23, 1971

EX-105
REC-11

62 - 142433 - 52

PERS. REC. UNIT

Honorable Robert C. Byrd
United States Senate
Washington, D. C. 20510

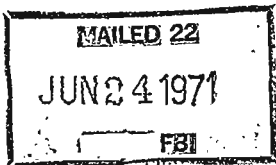
My dear Senator:

Assistant Director Bishop has shown
me the copy of your news release of June 16th which
[redacted] so thoughtfully sent him. I am indeed
appreciative of your strong defense of the FBI and
my administration of it in light of the recent unjusti-
fied attacks leveled against us.

b6
b7C

I am certainly grateful for your contin-
uing staunch support.

Sincerely yours,
J. Edgar Hoover



- 1 - Pittsburgh
1 - Mr. M. A. Jones - Enclosure (detached)

16 JUN 29 1971

NOTE: The Bureau has enjoyed cordial relations with Senator Byrd
(D - West Virginia) Majority Whip of the Senate. He is on the Special
Correspondents List.

JCW:djg (5)

Tolson _____
Sullivan _____
Mohr _____
Bishop _____
Brennan, C.D. _____
Callahan _____
Casper _____
Conrad _____
Dalbey _____
Felt _____
Gale _____
Rosen _____
Tavel _____
Walters _____
Soyars _____
Beaver _____
Tele. Room _____
Holmes _____
Gandy _____

MAIL ROOM ☐ TELETYPE UNIT ☐

1/3/71
WBS
United States Senate

10/23
MEMORANDUM

June 17, 1971

Dear Mr. Bishop:

Thought you might be interested
in Senator Byrd's news release.

Press Assistant

b6
b7c

Let to Byrd / onk (scd)
6-23-71
JCW: dly
8/9/71

Encl
2-2-71
WBS

Mr. Tolson	<input checked="" type="checkbox"/>
Mr. Sullivan	<input checked="" type="checkbox"/>
Mr. Mohr	<input checked="" type="checkbox"/>
Mr. Bishop	<input checked="" type="checkbox"/>
Mr. Brennan	<input checked="" type="checkbox"/>
Mr. Callahan	<input checked="" type="checkbox"/>
Mr. Casper	<input checked="" type="checkbox"/>
Mr. Conrad	<input checked="" type="checkbox"/>
Mr. Dalbey	<input checked="" type="checkbox"/>
Mr. Felt	<input checked="" type="checkbox"/>
Mr. Gale	<input checked="" type="checkbox"/>
Mr. Rosen	<input checked="" type="checkbox"/>
Mr. Tavel	<input checked="" type="checkbox"/>
Mr. Walters	<input checked="" type="checkbox"/>
Mr. Soyars	<input checked="" type="checkbox"/>
Mr. Beaver	<input checked="" type="checkbox"/>
Tele. Room	<input checked="" type="checkbox"/>
Miss Holmes	<input checked="" type="checkbox"/>
Miss Gandy	<input checked="" type="checkbox"/>

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EX-105

REC-11

62-102432-52

16 JUN 29 1971

C
ENCLOSURE

PERS. REG. UNIT

JUN 16 1971

Byrd's-Eye View

By U.S. Senator
Robert C. Byrd



Unjustified Attacks on the FBI

In recent weeks, critics of the FBI have been stepping up their attacks, both on the Bureau and on its Director, J. Edgar Hoover. A careful study of the criticisms shows that they are based on emotions rather than facts, and that few—if, indeed, any—of the criticisms are justified.

Probably the most vocal attack on the FBI centers around the Bureau's use of electronic surveillance devices—hidden microphones, telephone taps, and the like. There have been charges that the FBI has employed these devices to spy on innocent, private citizens, and that no one who dared to disagree with the government was immune from having his privacy invaded.

These charges drew the huge headlines their sensational nature warranted, but it is extremely important for all Americans to be aware that none of the charges has been proven.

The facts are that the FBI currently has less than 50 telephone taps and bugging devices in operation—about half of them monitoring the activities of organized crime, and the other half being used in cases of national security. Last year, when critics charged that the FBI was escalating its electronic surveillance program, there were 47 taps and "bugs" in operation.

Thus, the situation has remained relatively stable. In fact, the FBI's activities in this field have not increased over the past five years. It is only the criticism that has increased.

As for J. Edgar Hoover, the critics say that he is too old, and that he is more concerned about his own reputation than he is about the work of the FBI.

At age 76, Hoover is just two years older than Supreme Court Justice William O. Douglas, and nine years younger than Supreme Court Justice Hugo Black. Yet, the same critics who claim that Hoover is too old to head the FBI are curiously silent on the matter of retiring those two justices.

A man's capabilities should not be determined by his age alone. The FBI Director is still an efficient leader, and is making as great a contribution today as when he took over the FBI 47 years ago.

If Hoover and the FBI are sometimes viewed as one and the same, the reason is that the Director has devoted the better part of his life to building an agency that, like Caesar's wife, is above reproach. He has also kept his personal life free from any hint of scandal.

When criticism is justified, the FBI should be criticized. But the criticism should be based on facts of actual wrongdoings, and not on misleading allegations—and a look at the facts show that, for its work over the past 47 years, the FBI deserves mostly praise.

Robert C. Byrd

62-102432-52
ENCLOSURE

Letter Byrd
6-23-71
Jew. dig

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Brennan, C.D. _____
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Tele. Room _____
Holmes _____
Gandy _____

Senator Assails D.C. Judge

By Maurine Beasley
Washington Post Staff Writer

Sen. Robert C. Byrd (D-W.V.a.) yesterday urged the local unit empowered to remove judges to take all appropriate action necessary to halt what he termed "petulant and intemperate behavior" by Superior Court Judge Harry T. Alexander.

In a strongly worded letter to the D.C. Commission on Judicial Disability and Tenure, the senator referred to a newspaper account of Judge Alexander dismissing charges against a youth because a white police officer referred to a black woman complainant by her name only, without the prefix "Miss" or "Mrs."

The 16-year-old defendant had been charged with carrying a sawed-off shotgun and receiving stolen goods.

"If this account is accurate, then Judge Alexander would appear to be guilty of capricious and frivolous conduct on the bench," Byrd wrote to Newell W. Ellison, commission chairman.

"The use of 'Miss' or 'Mrs.' by the police officer would not seem to have had any bearing on the facts in this case. It is no wonder that hoodlums have a field day in the District of Columbia when serious criminal proceedings are handled in such a manner."

"Judge Alexander has made a mockery of the dispensing of justice," the senator, a member of the Senate Judiciary Committee, said. "Such petty behavior can only breed, in the criminally inclined, arrogance where the rights of others are concerned and contempt for the law and the courts."

Informed of the Byrd letter, the judge declined to comment except to claim the article had not been accurate.

He said the charges against the youth actually had been dismissed because of the "government's obstinance and refusal to go forward in the afternoon after the policeman was reprimanded."

The transcript of the July 30 proceeding shows that prosecutors sought a five-day postponement that Alexander declined to grant. He initially set a 30-day continuance and then reversed himself and told the youth's attorney to request a dismissal, which the judge then granted.

The Byrd letter is the second public complaint against Judge Alexander made to the commission in less than a month.

The first came from a probation officer, John Gordon, who accused Judge Alexander of exhibiting "racial hatred" during a juvenile youth hearing.

The judge, who is black, severely criticized Gordon, who is white, for permitting a 16-year-old black youth charged with burglary to work with young black children. The judge charged Gordon and three other judges, two black and one white, with agreeing to "racism," by employing the philosophy that "anything is good enough for blacks."

*I am glad
Sen. Byrd is
at this racist
militant judge.*

The Washington Post Times Herald _____
The Washington Daily News _____
The Evening Star (Washington) _____
The Sunday Star (Washington) _____
Daily News (New York) _____
Sunday News (New York) _____
New York Post _____
The New York Times _____
The Daily World _____
The New Leader _____
The Wall Street Journal _____
The National Observer _____
People's World _____

AUG 20 1971

Date _____

12 AUG 27 1971

67 SEP 1 1971

Born in New Orleans 47 years ago, one of seven children of a shoemaker, the judge worked as a bootblack to help pay his way through Georgetown University Law School.

He says he turned to shining shoes after he tried in vain to get a job as a clerk or bailiff at Washington's old Municipal Court, now Superior Court.

In those days, the court had only one black baliff and didn't want any more, the judge recalled yesterday. After serving as a Justice Department attorney and assistant U.S. attorney, he was appointed to the bench in 1966, returning to the court where he once tried to get a job. He is one of 11 black judges out of 37 at Superior Court.



SEN. ROBERT C. BYRD
frivolous conduct

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-15-2010 BY 60324 uc baw/sab/lsg

UNITED STATES GOVERNMENT

Memorandum

Tolson _____
Felt _____
Rosen _____
Mohr _____
Bishop _____
Miller, E.S. _____
Callahan _____
Casper _____
Conrad _____
Dalbey _____
Cleveland _____
Ponder _____
Bates _____
Tavel _____
Walters _____
Soyars _____
Tele. Room _____
Holmes _____
Gandy _____

TO : Mr. Bishop *P.B.*

DATE: 10-21-71

FROM : M. A. Jones *M.A.J.*

SUBJECT: SENATOR ROBERT C. BYRD (D-W. VA.)

DECEASED

W.V.A.
Reference memorandum of 10-20-71 from Mr. Martin to Mr. Cleveland reporting that the Bureau had received an anonymous letter postmarked in Beckley, West Virginia, and indicating that one Rosalee Michael of Beckley had committed suicide on 9-8-50 by jumping off a cliff. The letter indicated a rumor to the effect that this female was a girlfriend of Senator Byrd's. Referenced memorandum recommended a copy of the letter be furnished to the office of the Deputy Attorney General since Senator Byrd reportedly is being considered for nomination to the Supreme Court.

We enjoy an excellent relationship with Senator Byrd, and it is felt we owe him the courtesy of advising him of this situation also. Attached is a copy of the anonymous letter in question.

RECOMMENDATION:

That Inspector Bowers personally deliver the enclosed copy of the anonymous letter to Senator Byrd.

Enclosure *cl. 1*

- 1 - Mr. Felt
- 1 - Mr. Rosen
- 1 - Mr. Bishop
- 1 - Mr. Bates
- 1 - Mr. Cleveland
- 1 - Mr. Martin
- 1 - Mr. M. A. Jones
- 1 - D. W. Bowers

DWB:kjs (9)

54 DEC 9 1971

2 OCT 27 1971

CRIME RESEARCH

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Cleveland

FROM : L. H. Martin

SUBJECT: ROBERT C. BYRD
U. S. SENATOR (WEST VIRGINIA)
POSSIBLE CANDIDATE FOR
JUSTICE, U. S. SUPREME COURT

DATE: 10/20/71

Tolson _____
Felt _____
Rosen _____
Mohr _____
Bishop _____
Miller, E.S. _____
Callahan _____
Casper _____
Conrad _____
Dalbey _____
Cleveland _____
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Tavel _____
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Soyars _____
Tele. Room _____
Holmes _____
Gandy _____

Recent newspaper articles have mentioned Senator Robert C. Byrd, aged 53, a Democrat from West Virginia, as a possible replacement on the U. S. Supreme Court.

RELEASED

The Bureau is in receipt of an anonymous letter (attached) postmarked in Beckley, West Virginia, indicating one Rosalie Michael of Beckley, West Virginia, committed suicide on September 8, 1950, by jumping off a cliff near Beckley, West Virginia. The letter indicates a rumor spread that she had been a girlfriend of Byrd, who was married at the time, and she left a note addressed to him. The anonymous letter contains the names of various persons who can bear out the above allegation.

303 THIRD AVE.

From 1948 to 1950 Byrd served in the House of Delegates of West Virginia, and in 1950 he was elected to the Senate of West Virginia. He was elected to the U. S. House of Representatives in 1952.

In view of Byrd's possible selection as a replacement on the Supreme Court, it is believed the contents of the letter should be furnished to the Department; however, no investigation into the allegation should be made.

Bureau indices contain no identifiable information on Rosalie Michael.

ACTION:

If approved, the Office of the Deputy Attorney General will be furnished a copy of the letter.

Enclosure

1 - Mr. Felt
1 - Mr. Rosen
1 - Mr. Bishop
1 - Mr. Bates
1 - Administrative Review Unit
1 - Crime Records Division
RBL:bsw (10)

1 - Mr. Cleveland
1 - Mr. Martin
1 - Mr. Reilly
1 - [redacted]

20 NOV 3 1971

b6
b7C

DQ-6.

OFFICE OF DIRECTOR

FEDERAL BUREAU OF INVESTIGATION

UNITED STATES DEPARTMENT OF JUSTICE

October 18, 1971

Attached letter was sent to the
Director by an anonymous source
from Beckley, West Virginia.

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 10-15-2010 BY 60324 uc baw/sab/lsg

MR. TOLSON

MR. FELT

MR. ROSEN

MR. MOHR

MR. BISHOP

MR. MILLER, E.S.

MR. CALLAHAN

MR. CASPER

MR. CONRAD

MR. DALBEY

MR. CLEVELAND

MR. PONDER

MR. BATES

MR. TAVEL

MR. WALTERS

MR. SOYARS

MR. JONES

TEL. ROOM

MISS HOLMES

MRS. METCALF

MISS GANDY

wmc

Beckley, W. Va.

Oct. 13, 1971

Federal Bureau of Investigation
Washington, D. C.

Dear Sirs:

This letter is in reference to your investigation of Sen. Robert C. Byrd of West Virginia as a possible nominee for the United States Supreme Court.

I am not an admirer of Senator Byrd so please feel free to accept what I have to report with the greatest prejudice.

On Sept. 8, 1950, a Miss Rosalie Michael of 308 Third Ave., Beckley, killed herself by jumping off a cliff at Grandview State Park near Beckley.

Shortly thereafter, it was rumored around the city that she had been a girlfriend of Byrd (who was married at the time) and that she left a note addressed to him. I do know for a fact that the state police found a note with her belongings.

[redacted] Beckley, who was [redacted] of State Police Co. D at the time, personally investigated the woman's death. Others who may know something about the case are State Police Sgt. [redacted] of Shinnston who was with the Beckley detachment at the time; [redacted] also with the detachment but presently with the U. S. Alcohol and Tobacco Tax unit (I don't know where); [redacted] of the Beckley Fire Department, and Fire Department [redacted] The fire department recovered the woman's body and both of these men were with the department in 1950.

b6
b7C

ENCLOSURE

I do not know if there is one ounce of truth to this rumor about Senator Byrd, but if it will help prevent his nomination, then so be it.

REC-30 62-102432-55
20 NOV 3 1971

Forgive me for not signing this letter, but I don't want you starting a dossier on me, too.

Respectfully,

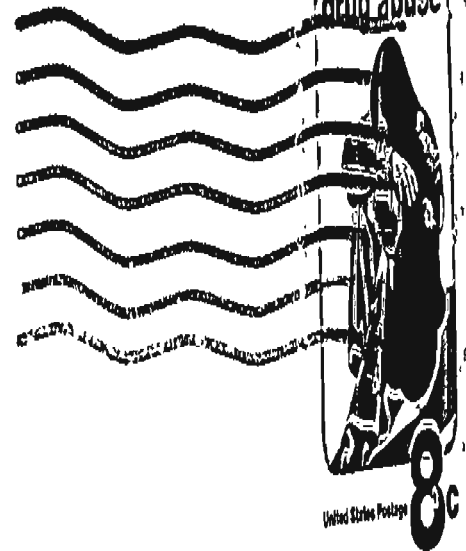
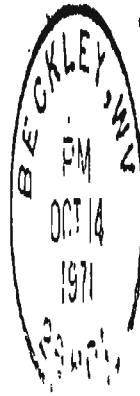
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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-15-2010 BY 60324 uc baw/sab/lsg

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 10-15-2010 BY 60324 uc baw/sah/lsg



Federal Bureau of Investigation
Washington, D. C.

DEC 22 1971

October 22, 1971

ROBERT C. BYRD
UNITED STATES SENATOR
WEST VIRGINIA

Recent newspaper articles have mentioned Senator Robert C. Byrd, a Democrat from West Virginia, as a possible replacement on the United States Supreme Court. Attached is a copy of an anonymous letter received by this Bureau.

Bureau files contain no identifiable information concerning Rosalie Michael mentioned in the letter.

No additional action is being taken on the basis of this letter. The above is being furnished for your information.

Enclosure

Tolson _____
Felt _____
Rosen _____
Mohr _____
Bishop _____
Miller, E.S. _____
Callahan _____
Casper _____
Conrad _____
Dalbey _____
Cleveland _____
Ponder _____
Bates _____
Tavel _____
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Soyars _____
Tele. Room _____
Holmes _____
Gandy _____

RBL:psh
(4)

54 DEC 23 1971

OCT 22 1971

ST-106

REC-48

62-102432-56

DEC 17 1971

b6
b7C

MAIL ROOM ☐ TELETYPE UNIT ☐

RETURN TO ☐ ROOM 1250

B. EVERETT JORDAN, N.C., CHAIRMAN
HOWARD W. CANNON, NEV.
CLAIBORNE PELL, R.I.
ROBERT C. BYRD, W. VA.
JAMES B. ALLEN, ALA.
MARLOW W. COOPER, KY.
JOHN SHERMAN COOPER, KY.
HUGH SCOTT, PA.
ROBERT P. GRIFFIN, MICH.

GORDON F. HARRISON, STAFF DIRECTOR
HUGH G. ALEXANDER, CHIEF COUNSEL
BURKETT VAN KIRK, MINORITY COUNSEL

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10-15-2010 BY 60324 uc baw/sab/lsg

United States Senate

COMMITTEE ON
RULES AND ADMINISTRATION
WASHINGTON, D.C. 20510

Mr. Felt	✓
Mr. Campbell	✓
Mr. Rosen	✓
Mr. Mohr	✓
Mr. Bishop	✓
Mr. Tavel, ES	✓
Mr. Callahan	✓
Mr. Casper	✓
Mr. Conrad	✓
Mr. J. Edgar	✓
Mr. Cleveland	✓
Mr. Felt	✓
Mr. Egan	✓
Mr. W. Hart	✓
Mr. Walters	✓
Mr. S. Jones	✓
Tele. Room	✓
Miss Holmes	✓
Miss Gandy	✓

May 10, 1972

L. Patrick Gray, III, Esq.
Acting Director
Federal Bureau of Investigation
United States Department of Justice
Washington, D. C. 20535

Dear Mr. Gray:

It was thoughtful of you to write as you did to express appreciation for my remarks concerning Mr. Hoover. He will long be mourned, and most of all by his former associates, I know.

With good wishes.

Sincerely yours,

Robert C. Byrd
Robert C. Byrd
U. S. Senator
(D-W.VA.)

RCB:ypc

Melberfeldt

EXP. PROC.
MAY 12 1972
38

EX-115

REC-72

66962

MCT-62

62-102432-56X
5 MAY 12 1972

56 MAY 22 1972

CORRESPONDENCE

no work - ref. 2

February 22, 1973

4
Honorable Robert C. Byrd
Committee on the Judiciary
United States Senate
Washington, D. C. 20510

Dear Senator Byrd:

I want you to know how very much I enjoyed the opportunity of talking with you yesterday. I was very much distressed when I learned of your stated intention to oppose my appointment as Director of the FBI, and I was gratified to learn that your mind is not closed on the topic.

In line with our conversation, there is being delivered to you a copy of the speeches I have made since becoming Acting Director of the FBI. I also am sending to you a copy of a memorandum dated January 10, 1973, concerning the allegations about me in the article in "Time" Magazine of January 15, 1973. Also being furnished to you is a copy of my letter of January 12, 1973, to Senator Sam Ervin dealing with the discontinued program to collect biographical data on Congressional candidates and also responding to specific questions from Senator Ervin regarding the FBI's furnishing information to the Department of Justice in response to a White House request for information relating to criminal justice issues in the campaign.

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 _____
Mr. Herwig _____
Mr. Mintz _____
Mr. Neenan _____

DWB:asg

Delivered
2-23-73
DWB
MAR 6 1973

MAIL ROOM ☐ TELETYPE UNIT ☐

REC-106
62-102432-56X1
23 FEB 27 1973

Honorable Robert C. Byrd

Also, Senator Byrd, I think you may find of interest copies of letters received from the heads of our field offices after my visits there, as well as copies of two recent communications from Special Agents of the FBI. These deal with some of the allegations about Agent morale.

I hope that these materials will help to dispel your doubts about the points you raised. They should show that it has never been my intention to command the FBI with anything but complete impartiality. I deeply appreciate your willingness to consider this matter.

With kindest regards,

Sincerely,

Signal: Pat Henry

Don't

JOHN L. MC CLELLAN, ARK., CHAIRMAN
WARREN G. MAGNUSON, WASH.
JOHN C. STENNIS, MISS.
JOHN O. PASTORE, R.I.
ALAN BIBLE, NEV.
ROBERT C. BYRD, W. VA.
GALE W. MC GEE, WYO.
MIKE MANSFIELD, MONT.
WILLIAM PROXMIRE, WIS.
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RICHARD S. SCHWEIKER, PA.
HENRY BELLMON, OKLA.

THOMAS J. SCOTT, CHIEF CLERK
JAMES R. CALLOWAY, COUNSEL

United States Senate

COMMITTEE ON APPROPRIATIONS
WASHINGTON, D.C. 20510

July 9, 1973

The Honorable Clarence M. Kelley
Director
Federal Bureau of Investigation
Room 5633
Department of Justice Building
Washington, D.C. 20535

Dear Mr. Kelley:

It was very kind of you to invite me to attend your swearing-in ceremony as Director of the Federal Bureau of Investigation, which will take place today in Kansas City, Missouri. As Mr. Dave Bowers was informed last Friday, it is not possible for me to attend the ceremony inasmuch as the Senate convened today following the July 4th holiday recess, and my duties as Senate Majority Whip require my presence on the Senate Floor.

I was pleased to support your nomination, and I wish you a successful and rewarding tenure as Director of the Federal Bureau of Investigation.

With kind wishes.

Sincerely yours,

Robert C. Byrd
Robert C. Byrd
U. S. Senator

RCB:1st

EX-105

REC-51

62-102432-57

JUL 12 1973

AUG 20 1973

Consolidated

file
6/4/73

July 25, 1973

Honorable Robert C. Byrd
United States Senate
Washington, D. C. 20510

Dear Senator Byrd:

I was pleased to learn of your selection as a member of the subcommittee for oversight of the FBI. I testified during hearings concerning my nomination as Director that I felt the creation of an oversight committee would mean a great deal to the FBI. This belief is certainly reassured by the membership of the subcommittee. The knowledge and experience which you and the other members have will contribute greatly toward enhancing the efficiency and reputation of the FBI.

Let me assure you that I and the members of my staff will work with you and this subcommittee in every way possible. It is my intention to cooperate fully in consideration of factors to make the FBI truly responsive to the Nation's needs. With your counsel I feel certain this goal can be achieved.

With kindest regards,

Sincerely,

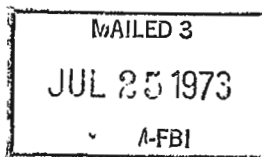
Clarence W. Kelley

REC-62

62-107432-58

22 JUL 26 1973

EX-103



Assoc. Dir. _____
Asst. Dir.: _____
Admin. _____
Comp. Syst. _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Cong. Serv. _____
Carr. & Crm. _____
Research _____
Press Off. _____
Telephone Rm. _____
Director Sec'y _____

DWB/jkl (3)

NOTE: Reference D. W. Bowers to the Director memo, 7/24/73, "Congressional Oversight of the FBI," DWB/jkl.

84 AUG 6 1973

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JAMES R. CALLOWAY, COUNSEL

United States Senate

COMMITTEE ON APPROPRIATIONS
WASHINGTON, D.C. 20510

July 30, 1973

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

Dear Mr. Kelley:

Thank you for your letter regarding my being selected as a member of the FBI oversight subcommittee. I appreciate both your kind words regarding my abilities to serve on this subcommittee, and your assurances of full cooperation in helping the subcommittee exercise its responsibility.

I hope your service as director of the Bureau will be a rewarding facet of your career.

With kind regards.

Sincerely yours,

Robert C. Byrd
Robert C. Byrd
U. S. Senator

RCB:pem

REC-59 (D-W.VA.)

EX-103

no act. reply
CSO-Rec'd
62-102432-59
10 AUG 6 1973

54 AUG 14 1973

CORRESPONDENCE

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Director Sec'y	_____

EXP. PROC.

AUG 6 1973

38

October 1, 1973

Honorable Robert C. Byrd
United States Senate
Washington, D.C. 20510

Dear Senator Byrd:

I want to thank you for your comments on "The Reasoner Report" which was telecast last night. As usual you took a reasonable approach to the question at hand.

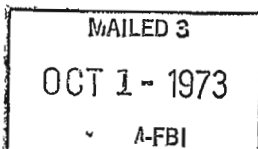
We in the FBI realize there are problems -- this was brought out rather emphatically during the hearings concerning my confirmation. We are working on these problems and with help from you, other members of the Subcommittee on FBI Oversight and others who are genuinely concerned, solutions will be found. Let me reassure you that I have every intention to cooperate with the Subcommittee on FBI Oversight.

With kindest regards,

Sincerely yours,

Clarence

Kelley



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Director Sec'y _____

1 - Mr. Callahan
1 - Mr. Franck
1 - Mr. Malmfeldt
1 - Mr. Herington
1 - Mr. Bowers
NOTE: Senator Byrd (D.-W.Va.) is a member of the Subcommittee on FBI Oversight and our relations with him have been cordial.

DWB:jo

MAIL ROOM ☐

TELETYPE UNIT ☐

60
REC-56
62-10243-
EX-112
Gulf
Jack
HIS
me

October 11, 1973

Honorable Robert C. Byrd⁶
United States Senate
Washington, D. C. 20510

Dear Senator Byrd:

During the course of my confirmation hearing before the Committee on the Judiciary of the United States Senate, June 19, 20, and 25, 1973, it was apparent to me that there is widespread interest in the Congress as to the activities of the National Crime Information Center (NCIC). It is my opinion that a discussion and explanation of NCIC would be of benefit to Members of the Congress of the United States.

It, therefore, gives me pleasure to extend an invitation to you or a member of your staff to attend a briefing on this subject on October 25, 1973, at 10:00 a. m. The briefing will be held in the Conference Room of the Computer Systems Division, Room 3119, FBI Identification Division Building, Second and D Streets, Southwest, Washington, D. C.

In order that we may plan for proper seating arrangements, a reply by October 22, 1973, would be very helpful.

Sincerely,

Clarence Kelley

PWM:nls (7)

- 1 - Mr. Franck
- 1 - Mr. Thompson
- 1 - Mr. Bowers
- 1 - Mr. Campbell
- 1 - [redacted]

b6
b7C

NOTE: See memo Campbell to Callahan dated 10/10/73 re "Congressional Liaison NCIC/CCH Briefing."

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REC-4162-102452-61
17 OCT 12 1973

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JAMES R. GALLOWAY, COUNSEL

United States Senate

COMMITTEE ON APPROPRIATIONS
WASHINGTON, D.C. 20510

October 8, 1973

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

Dear Mr. Kelley:

Your gracious letter of October 1 has been received in my office. I appreciate your writing to inform me that you were pleased with my comments on "The Reasoner Report."

You may be sure that I continue to be concerned about the FBI, and I am grateful for your offer to cooperate with the Subcommittee on FBI Oversight.

With kind regards, I am

Sincerely yours,

Robert C. Byrd
Robert C. Byrd
U. S. Senator

RCB:skt

2 XEROX
OCT 27 1973
OCT 10 1973

EX-112

REC-29

10-16
OCT 9 1973

CORRESPONDENCE

EX-112
OCT 9 1973
UNRECORDED COPY FILED IN 62-115-695

November 27, 1973

Honorable Robert C. Byrd
United States Senate
Washington, D. C. 20510

Dear Senator Byrd:

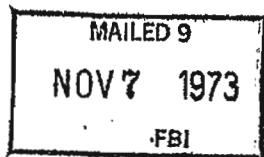
I regret that neither you nor a member of your staff was able to attend the briefing held on October 25, 1973, at the FBI Identification Building. The briefing included a presentation concerning the National Crime Information Center (NCIC) system, particularly the concepts and issues involved in the Computerized Criminal History Program, followed by a tour of the FBI's computer facilities. Questions posed by the perceptive Congressional staff members provided for a mutually beneficial discussion.

Since you were unable to attend, I have enclosed a packet of information, which I believe will be most useful in answering questions you may have about the NCIC.

Should you have any questions please feel free to contact me or a member of my staff.

Sincerely,

C. M. Kelley



PWM:lad
(7)

Enclosure

- 1 - Mr. Franck
- 1 - Mr. Bowers
- 1 - Mr. Thompson

NOTE: See memo Campbell to Callahan, dated 10/26/73, captioned "Congressional Liaison, NCIC/CCH Briefings, 10/25/73."

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- 1 - Mr. Campbell
- 1 -

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United States Senate

COMMITTEE ON APPROPRIATIONS
WASHINGTON, D.C. 20510

November 29, 1973

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Director Sec'y	_____

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

Dear Mr. Kelley:

I regret that it will not be possible for me to be present on December 6, the date of the Graduation Exercises of the FBI National Academy, Ninety-fifth Session, but I do thank you for your thoughtfulness in extending the invitation.

With kind wishes.

Sincerely yours,

Robert C. Byrd
Robert C. Byrd
U. S. Senator

RCB:skt

EX-117

REC-29

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ALL INFORMATION CONTAINED
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DATE 10-15-2010 BY 60324 uc baw/sab/lsg

December 17, 1973

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CH 2
Honorable Robert C. Byrd
Subcommittee on FBI Oversight
United States Senate
Washington, D. C. 20510

Dear Senator Byrd:

It was our pleasure to release the FBI
1973 Annual Report last Friday. In view of your
position on the Senate Subcommittee on FBI Oversight,
I thought you might like to have a copy.

Sincerely,
Clarence T. Kelley

Ben

Enclosure

from
NOTE: Senator Byrd (D-West Virginia) is a member of the
Senate Subcommittee on FBI Oversight.

JCW:mks (3)

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REC-8

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DEC 18 1973

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JCW

EX-109

REC-47

June 19, 1974

62-103432-66

Honorable Robert C. Byrd
United States Senate
Washington, D. C. 20510

Dear Senator Byrd:

I have learned that you have been ailing with laryngitis. I do hope you will make a speedy and complete recovery, particularly so that you will not miss participating in the FBI oversight hearings beginning next Tuesday.

With kindest regards,

Sincerely,

NOTE: See McDermott to Jenkins memo dated 6-19-74 captioned Senator Robert C. Byrd (D-W. VA.)

DWB:bf (6)

bf

Done

me

B/BF

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6-19-74
DWB

JUN 28 1974

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UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Jenkins *[initials]*

DATE: 6-19-74

FROM : J. J. McDermott *[initials]*

SUBJECT: SENATOR ROBERT C. BYRD (D-W. VA.)

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Staff members of Senator Byrd advised Inspector Bowers yesterday that the Senator has been suffering from a severe case of laryngitis over the past several days. The Senator has been in his office during this time, but has had to greatly curtail his activities. It is felt the Director may wish to send him the brief note which is enclosed.

RECOMMENDATION:

That the enclosed note to Senator Byrd be signed and returned to Congressional Services Office for delivery.

Enclosure - Sent 6-19-74

- 1 - Mr. Callahan
- 1 - Mr. McDermott
- 1 - Mr. Bowers

DWB:bf (5)

[initials]

REC-47

63-10343-66
5 JUN 21 1974

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JAMES R. CALLOWAY
CHIEF COUNSEL AND STAFF DIRECTOR

United States Senate

COMMITTEE ON APPROPRIATIONS
WASHINGTON, D.C. 20510

June 21, 1974

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

Dear Mr. Kelley:

Your thoughtful note has been received and is appreciated.
I have been suffering for the past several days with a
mild summer cold and accompanying sore throat--more of
a nuisance than an illness.

I am grateful for your interest and your good wishes.
I am hopeful that my schedule will permit me to attend
the FBI oversight hearings at which you will testify.

With kind personal wishes.

Sincerely yours

Robert C. Byrd

Robert C. Byrd
U. S. Senator

RCB:lsd

REC-34 67-102432-67

EX-110

JUL 2 1974

no action
6/26/74

20 JUL 12 1974

December 27, 1974

Honorable Robert C. Byrd
United States Senate
Washington, D. C. 20510

Dear Senator Byrd:

Enclosed is a copy of the 1974 FBI Annual Report
which I thought you might like to have. For your information,
the printing of this particular issue has been limited and it is
not readily available for public distribution.

Sincerely yours,

Clarence M. Kelley

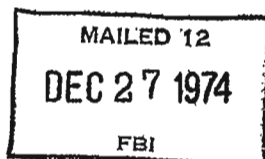
Clarence M. Kelley
Director
REC 44

Enclosure

1 - Congressional Services Office

JCW:nmi (4)

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ROBERT C. BYRD
WEST VIRGINIA

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United States Senate

OFFICE OF
THE MAJORITY WHIP
WASHINGTON, D.C. 20510

December 31, 1974

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Dep.-A.D.-Inv.	_____
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Director Sec'y	_____

Hon. Clarence M. Kelley
and Associates
Federal Bureau of Investigation
Washington, D. C. 20535

Dear Mr. Kelley:

Thank you for your thoughtful Christmas greeting.
My wife and I appreciate your kindness in extending
to us your Holiday wishes.

We hope that you will find the new year to be a
time of happiness, good health, and prosperity.

Sincerely yours,

Robert C. Byrd
Robert C. Byrd
U. S. Senator

RCB:jbh

EXP. PROC.
31 JAN 15 1975

EX-101

REC-50

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JAN 15 1975

CORRESPONDENCE

20 JAN 23 1975

*work. Byrd will be
back for work
Jan 11/15*

UNITED STATES GOVERNMENT

Memorandum

ALL INFORMATION CONTAINED
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DATE 10-15-2010 BY 60324 uc baw/sab/lsg

TO : Director, FBI

DATE: 1/22/76

FROM : SAC, Louisville

SUBJECT: ROBERT C. BYRD
MISCELLANEOUS MATTER

Enclosed is a letter addressed to "Mr. ROBERT C. BYRD, Old Post Office Building, Washington, D. C." This letter was apparently received by the FBI, WFO, and forwarded to SA [redacted] Cynthiana Resident Agent, Louisville Division. Since this envelope bore no return name nor address, it was opened by SA [redacted]

This letter referred to a fraud by employees at "RCA," where the person signing the letter, [redacted] Occoquan, Virginia," is apparently employed. It also refers to having been previously interviewed by [redacted] of the FBI" regarding this matter.

The latter part of the letter referred to Mr. BYRD as Majority Whip of the Senate. This letter was apparently intended for Senator ROBERT BYRD.

The enclosed letter and above information are being furnished to the Bureau for proper handling through our liaison on the Hill.

- ② - Bureau (Enc. 1)
- 1 - Louisville
- SSC:ww
- (3)

ENCLOSURE

REC-66

EX-111

7 JAN 26 1976

1/28/76 4th hand delivered to Sen. Byrd's office. P.T.

EX-111



7 FEB 26 1976

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

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Director's Sec'y _____

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DALE BUMPERS, ARK.

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JAMES R. CALLOWAY
CHIEF COUNSEL AND STAFF DIRECTOR

FEDERAL GOVERNMENT

United States Senate

COMMITTEE ON APPROPRIATIONS
WASHINGTON, D.C. 20510

September 5, 1978

Mr. William H. Webster, Director
Federal Bureau of Investigation
United States Department of Justice
Washington, D.C. 20535

Dear Mr. Webster:

Thank you for the invitation to attend the Graduation Exercises
of the FBI National Academy, 114th Session, on September 22,
1978.

Your thoughtfulness in extending an invitation to me is
appreciated, however, I regret that it will not be possible
for me to attend.

With best regards.

Sincerely yours,

Robert C. Byrd pc
Robert C. Byrd
U.S. Senator
(West Virginia)

RCB:bk

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1 - Mr. Colwell
1 - Mr. Finzel
1 - Mr. Mintz
1 - Mr. Young
1 - Mr. Bresson
1 - Mr. Miller
1 - Mr. Haynes
2 - Mr. Moschella

b6
b7c

FEDERAL GOVERNMENT

October 28, 1981

1 - [redacted]
1 - Mr. Andrews
1 - Miss Devine
1 - Telephone Room

Honorable Robert C. Byrd
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Senator Byrd:

Attorney General William French Smith and I cordially invite you to attend a business breakfast at 8:00 a.m. on November 5, 1981, at FBI Headquarters. At that time the topic of discussion will be the Freedom of Information Act. In view of the consideration currently being given to amending this Act, I think this would be an appropriate time to meet informally to discuss the current Act, the impact it has had on law enforcement and intelligence activities, and the amendments proposed by the Administration.

I hope your schedule permits you to join us. Special Agent [redacted] of our Congressional Affairs Unit is coordinating this meeting and can be contacted at 324-4510 for your reply or any additional details you may require.

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Sincerely yours,

William H. Webster
Director

62-102432-72
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Director *W. H. Webster*
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W. H. Webster
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United States Senate

WASHINGTON, D.C. 20510

December 1988

Mr. William S. Sessions
Director
U.S. Department of Justice
Federal Bureau of Investigation
Washington, D.C. 20535

Dear Mr. Sessions:

As 1988 draws to a close, I want to express to you my appreciation for the assistance you have provided to me and my staff during the past year.

Your cooperation has helped me in fulfilling my responsibilities as a United States Senator and Senate Majority Leader. I extend to you and your families my best wishes for a happy Christmas and New Year.

With kind regards, I am

Sincerely yours,

Robert C. Byrd
Robert C. Byrd

RCB:dwr

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May 4, 1990

Honorable Robert C. Byrd
Chairman
Committee on Appropriations
United States Senate
Washington, D.C.

Dear Mr. Chairman:

I cannot thank you enough for the gift of your book. I have often mentioned to [] that one of the high points of my career has been meeting you. This book and what it represents makes that especially so.

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Sincerely yours,

[]
Inspector-in-Charge
Congressional Affairs Office

62-102432-74

1 - Mr. Collingwood
3 - Mr. Rissler

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Honorable Robert C. Byrd
Chairman
Committee on Appropriations
United States Senate
Washington, D.C.

Dear Mr. Chairman:

I called a week ago Friday to express my appreciation for your strong support for our Fiscal Year 1992 budget. The mark that came out of your Committee addresses many critical areas of our mission and the funding for our Identification Division revitalization effort will, if enacted, ensure that we remain on schedule. I am pleased with our progress on this vital project and I will work to engender support in the House for the Senate mark.

I also would like to mention the strong assistance [redacted] has given to us. [redacted] is diligent and hard working on behalf of our Identification Division and I am appreciative of his efforts.

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Sincerely yours,

William S. Sessions
Director

- 1 - Mr. Clarke
- 1 - Mr. Greenleaf
- 1 - Mr. Kennedy
- 1 - Mr. York
- 1 - [redacted]
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- 1 - Mr. Collingwood
- 3 - [redacted]

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Honorable Robert C. Byrd
United States Senate
Washington, D.C.

Dear Senator Byrd:

It was exceedingly kind of you to include the recent *Washington Times* article in the *Congressional Record* along with your more than generous comments. It was extremely thoughtful of you.

As luck would have it, I was watching C-Span when you offered the comments. I cannot adequately describe the thrill it was to hear my name mentioned on the floor of the United States Senate and it was a very high honor for me personally to have it mentioned by you. I am very grateful. I often think how fortunate I am to have the privilege of working with or even just meeting the people who govern this country. Having the opportunity to participate in Government and meet leaders such as yourself is great reward in and of itself. To be recognized by one on the floor of the Senate is more than I ever could have imagined.

Thank you again very much.

Sincerely,

John E. Collingwood
Inspector in Charge
Office of Public and
Congressional Services

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1 - Mr. Collingwood

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