

INTELLIGENCE ACTIVITIES

SENATE RESOLUTION 21

HEARINGS

BEFORE THE

SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES

OF THE

UNITED STATES SENATE

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HUSTON PLAN

SEPTEMBER 23, 24, AND 25, 1975



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INTELLIGENCE ACTIVITIES—HUSTON PLAN

TUESDAY, SEPTEMBER 23, 1975

U.S. SENATE,
SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS
WITH RESPECT TO INTELLIGENCE ACTIVITIES,
Washington, D.C.

The committee met pursuant to notice at 10:05 a.m., in room 318, Russell Senate Office Building, Senator Frank Church (chairman) presiding.

Present: Senators Church, Tower, Mondale, Huddleston, Hart (Colorado), Baker, Goldwater, Mathias, and Schweiker.

Also present: William G. Miller, staff director; Frederick A. O. Schwarz, Jr., chief counsel; and Curtis R. Smothers, counsel to the minority.

The CHAIRMAN. The hearing will please come to order.

The end of our involvement in Vietnam brought to a close a tragic and turbulent chapter in American history. In Southeast Asia, well over 50,000 American soldiers lost their lives.

Here at home, massive antiwar demonstrations filled the streets. At Kent State and Jackson State, college students were shot down as they protested the policies of their Government.

Just as the country was obsessed by Vietnam, so too the White House became transfixed by the wave of domestic protest that swept the country. On June 5, 1970, President Nixon called in J. Edgar Hoover of the FBI, Richard Helms of the CIA, and others from the military intelligence agencies. He charged them with getting better information on domestic dissenters, and directed them to determine whether they were subject to foreign influence.

After a series of meetings throughout June 1970, a special report was prepared for the President. It set forth several options which ranged from the innocuous to the extreme, from doing nothing to violating the civil liberties of American citizens. In a memorandum, White House aide Tom Charles Huston recommended the extreme options to the President. These recommendations have become known as the Huston plan. The President approved the plan, and it was sent to the FBI, the CIA, and the military intelligence agencies for implementation.

Some provisions of the plan were clearly unconstitutional; others violated Federal statutes. As the distinguished American journalist Theodore White has observed, the Huston plan would have permitted Federal authorities to reach "all the way to every mailbox, every college campus, every telephone, every home."

Five days after the President approved the plan, he revoked it at the insistence of the FBI Director and the Attorney General—to the

dismay of those CIA, NSA, and FBI representatives who had helped Huston develop it.

All this is a part of the public record, thanks to Senator Sam Ervin's hearings on Watergate. Yet, the matter does not rest here. Our investigations have revealed that the Huston plan itself was only an episode in the lawlessness which preceded and followed its brief existence.

First, we have discovered that unlawful mail openings were being conducted long before the President was asked to authorize them in June 1970. The President and Mr. Huston, it appears, were deceived by the intelligence officials.

Second, even though the President revoked his approval of the Huston plan, the intelligence agencies paid no heed to the revocation. Instead, they continued the very practices for which they had sought presidential authority, expanding some of them and reinstating others which had been abolished years before. As in the case of the shellfish toxin, the decision of the President seemed to matter little.

Finally, the Huston plan, as we now know, must be viewed as but one episode in a continuous effort by the intelligence agencies to secure the sanction of higher authority for expanded surveillance at home and abroad.

As these hearings will reveal, the leaders of the CIA and individuals within the FBI continued to seek official blessing for the very wrongs envisaged in the Huston plan.

We open this public inquiry to reveal these dangers, and to begin the task of countering the erosion of our freedoms as American citizens.

Senator Tower?

Senator Tower. Thank you, Mr. Chairman.

Mr. Chairman, I think the hearings that we are about to undertake raise some of the fundamental issues that exist in an open society governed by the Constitution which guarantees certain basic rights to its citizenry.

We get to the point where we have to determine the extent to which the individual liberties and the rights of individuals must be protected by Government, rather than infringed on by Government. We also explore the question of the extent to which Government is able to protect its citizens from those who would jeopardize their lives, their safety, or threaten their property.

The question is whether or not our system provides the climate in which too much surveillance of individual citizens can occur, or whether, in given situations, perhaps the proscriptions of the law are an inhibition on effective law enforcement, and the restraint of those who would engage in violence against the peace and security of our society.

I think this is brought sharply into focus by the fact that there have been two attempts made on the life of the President of the United States in the last 17 days. There is no question that Government, or agencies thereof, in the instances we are going to investigate, has infringed on the rights of its citizens.

I am wondering, however, that if laws that are set up for the general governance of the citizenry in terms of the preservation of law and order might not, from time to time, carry some exceptions so that we can afford reasonable protection to the President of the United States and others who are set in governance over our people. I think these

hearings could be very useful and productive. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Tower.

I might say that with reference to this second attempt on the life of the President, I have been asked what this committee intends in connection with its mandate to investigate, not only the CIA and the FBI, but also, the Secret Service, and all other Federal agencies connected with law enforcement or intelligence activities.

It is my view, as chairman of the committee, that while the committee itself will have to consider its proper role, it should certainly look very carefully at the way that the CIA, the FBI, and the Secret Service coordinates. Any intelligence information that might constitute a possible threat to the President, or any other high official of the Government, should be passed between them, and procedures then should be followed to carry out the responsibility to protect the President. This is a matter that clearly falls within the mandate of this committee, and I would hope that the committee would want to look very carefully into that aspect of the general question of protecting the President.

Now, our first witness this morning is Mr. Huston. I wonder if you will stand and take the oath. Do you solemnly swear that all of the testimony you give in this proceeding will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HUSTON. I do.

The CHAIRMAN. Mr. Schwarz will commence the questioning.

TESTIMONY OF TOM CHARLES HUSTON, FORMER ASSOCIATE COUNSEL AND STAFF ASSISTANT TO PRESIDENT RICHARD M. NIXON

Mr. SCHWARZ. Mr. Huston, were you employed in the White House as of 1970?

Mr. HUSTON. Yes, sir.

Mr. SCHWARZ. Prior to that time, had you been employed in the White House and had you worked on intelligence matters?

Mr. HUSTON. Yes.

Mr. SCHWARZ. Prior to June 1970, had you had numerous conversations with Mr. William Sullivan of the FBI?

Mr. HUSTON. Yes.

Mr. SCHWARZ. In the course of those conversations had you discussed inhibitions upon intelligence collections?

Mr. HUSTON. Yes.

Mr. SCHWARZ. And did he take the position that the FBI was being unduly inhibited in its efforts to collect intelligence on domestic radicals and other groups in this country?

Mr. HUSTON. I think it was his opinion that the Bureau was operating under restraints; yes.

Mr. SCHWARZ. And by operating under restraints, what do you mean?

Mr. HUSTON. That they did not have available for use the tools that they felt were necessary to do the job.

Mr. SCHWARZ. Did President Nixon call a meeting in his office on June 5, 1970, to discuss with the heads of the intelligence agencies the subject of restraints upon intelligence collection?

Mr. HUSTON. The President did not really touch on any detail on restraints. He was more concerned with making sure that the intelligence community was aware of the seriousness with which he viewed the escalating level of revolutionary violence.

Mr. SCHWARZ. And what did he ask the intelligence community to do about that subject?

Mr. HUSTON. He directed that each of the agencies should join under a committee, and a committee to be chaired by Mr. Hoover, which would prepare a report for him which would cover three areas. First, it should have a threat assessment; second, it should specify the various restraints under which the agencies thought they were operating that hindered them; and, third, it should contain a series of options of how to deal with these various restraints which would enable him to make a decision.

Mr. SCHWARZ. Who was present at that meeting?

Mr. HUSTON. Mr. Hoover, Mr. Helms, Admiral Gayler, General Bennett, Mr. Haldeman, Mr. Erlichman, Mr. Finch, and myself.

Mr. SCHWARZ. Mr. Hoover was head of the FBI; Mr. Helms was head of the CIA. What position did Admiral Gayler hold?

Mr. HUSTON. Director of the National Security Agency.

Mr. SCHWARZ. And what position did General Bennett hold?

Mr. HUSTON. Director of the Defense Intelligence Agency.

Mr. SCHWARZ. All right. Following the meeting in the President's office, did you and the agencies proceed to hold a number of meetings on the subjects which the President had directed you to discuss?

Mr. HUSTON. Yes.

Mr. SCHWARZ. Did you meet with the heads of the agencies, or with second-level people in the agencies?

Mr. HUSTON. There were two meetings among the heads of the agencies in addition to the meeting with the President. But the bulk of the activity was undertaken by a working group consisting of second-level people.

Mr. SCHWARZ. All right. The first meeting that took place with the heads of the agencies was in Mr. Hoover's office?

Mr. HUSTON. Yes.

Mr. SCHWARZ. And did Mr. Hoover, in the first instance, ask the other agency heads to do what the President had asked them to do, or did he seek to go down another course?

Mr. HUSTON. It was my opinion that he was heading down a course different from that that the President had outlined.

Mr. SCHWARZ. And how did Mr. Hoover's first proposal differ from that which the President had asked the representatives to do?

Mr. HUSTON. Mr. Hoover indicated that he was under the impression that what the President wanted was a historical overview of the problem of revolutionary violence.

Mr. SCHWARZ. And instead, what did the President want?

Mr. HUSTON. Well, as I said to Mr. Hoover, it was my understanding the President was less interested in the past than in the future, and that he was concerned about the problems that may come up, and what could be done to deal with them.

Mr. SCHWARZ. And he was also concerned in knowing what restraints were being applied to the power of the agencies to collect information on Americans, is that right?

Mr. HUSTON. Yes.

Mr. SCHWARZ. Did the working group proceed to investigate that question of what restraints were being placed upon the intelligence community in their efforts to collect information on American citizens?

Mr. HUSTON. That was my impression, yes.

Mr. SCHWARZ. Who chaired the working group?

Mr. HUSTON. Mr. Sullivan.

Mr. SCHWARZ. Mr. Sullivan of the FBI?

Mr. HUSTON. Yes.

Mr. SCHWARZ. There were representatives, also, from the CIA?

Mr. HUSTON. Yes.

Mr. SCHWARZ. And those persons were Mr. Angleton and Mr. Ober, is that correct?

Mr. HUSTON. Yes.

Mr. SCHWARZ. And then there were representatives from the NSA?

Mr. HUSTON. Yes.

Mr. SCHWARZ. And the DIA?

Mr. HUSTON. Yes.

Mr. SCHWARZ. And the Army, Navy, and Air Force intelligence community, is that right?

Mr. HUSTON. Yes.

Mr. SCHWARZ. And in addition to Mr. Sullivan from the FBI, there were other FBI personnel such as Mr. Brennan, is that right?

Mr. HUSTON. Yes.

Mr. SCHWARZ. How many meetings did the working group have?

Mr. HUSTON. I am unclear. It seems to me there were three, maybe four.

Mr. SCHWARZ. Stemming from those three or four meetings, did you come up with a report?

Mr. HUSTON. Yes. A draft report was prepared by the committee.

Mr. SCHWARZ. Was it prepared by the committee and approved by the entire working group?

Mr. HUSTON. Yes.

Mr. SCHWARZ. What happened then? Was it submitted to the Directors for their signatures?

Mr. HUSTON. Well, it was submitted to three of the four Directors for their approval.

Mr. SCHWARZ. To which three was it submitted in the first instance?

Mr. HUSTON. To Admiral Gayler, General Bennett, and Mr. Helms.

Mr. SCHWARZ. Now, you picked those three out and not Mr. Hoover. Why was it submitted to the three Directors, other than Mr. Hoover, before being submitted to Mr. Hoover?

Mr. HUSTON. Because the Bureau personnel on the committee felt that if they took the report back to Mr. Hoover, that he would go completely—he would refuse to go along with it, and they felt that, tactically, if they went to him and said, the report has already been approved by the other three Directors, that perhaps he would then acquiesce.

Mr. SCHWARZ. Now, in saying Bureau personnel on the committee, do you mean Mr. Sullivan and Mr. Brennan?

Mr. HUSTON. Yes.

Mr. SCHWARZ. What was your understanding of why they believed Mr. Hoover might resist the proposals?

Mr. HUSTON. I think they were concerned that Mr. Hoover would not appreciate anyone outside the Bureau commenting upon the way in which the Bureau conducted its domestic intelligence operations.

Mr. SCHWARZ. So your understanding was that Mr. Hoover's subordinates themselves felt that the restraints which were being placed upon the intelligence agencies were excessive on the one hand, but felt that Mr. Hoover, for bureaucratic or personal pride reasons, would not agree with any proposals to change or eliminate those restraints. Is that right?

Mr. HUSTON. Well, I think it went beyond restraints. I think it went to the entire purpose of the report, particularly to the recommendation for a continuing, permanent, interagency committee.

Mr. SCHWARZ. Did you have a view as to what they thought Mr. Hoover's attitude would be toward that part of the report dealing with restraints?

Mr. HUSTON. Well, I think their attitude was that he would be opposed to any change whatsoever in the way in which the Bureau was operating.

Mr. SCHWARZ. Whereas they favored changing the restraints which they thought were inhibiting the Bureau's ability to collect intelligence on American citizens?

Mr. HUSTON. That was certainly my impression; yes.

Mr. SCHWARZ. That was clearly your impression?

Mr. HUSTON. Yes; it was.

Mr. SCHWARZ. The document which is exhibit 1¹ is entitled "Special Report, Interagency Committee on Intelligence, (Ad Hoc), Chairman, J. Edgar Hoover, June 1970." Was this document signed by the four intelligence community directors?

Mr. HUSTON. I do not have exhibit 1, but I will assume that it is.

The CHAIRMAN. Well, let us get you the exhibit.

Mr. SCHWARZ. In any event, are you aware that certain footnotes were affixed reflecting Mr. Hoover's disagreement with certain language in the reports?

Mr. HUSTON. Yes.

Mr. SCHWARZ. When were Mr. Hoover's footnotes affixed? Were they affixed before the three other Directors approved, or were they affixed after the three other Directors approved?

Mr. HUSTON. After.

Mr. SCHWARZ. So Admiral Gayler, Director Helms and General Bennett approved the report prior to any footnotes that Mr. Hoover inserted; is that correct?

Mr. HUSTON. Yes.

Mr. SCHWARZ. All right. Now, have you seen exhibit 1?

Mr. HUSTON. Yes.

Mr. SCHWARZ. Is that the document which was approved by the four Directors?

Mr. HUSTON. Yes, with the deletions that are—

¹ See p. 141.

Mr. SCHWARZ. The deletions which are for—

Mr. HUSTON [continuing]. For security reasons.

Mr. SCHWARZ [continuing]. For security reasons which are disclosed?

Mr. HUSTON. Yes.

Mr. SCHWARZ. What was the attitude of Messrs. Helms, Gayler, and Bennett when they discovered that Director Hoover was affixing footnotes to the report which the entire intelligence community had, prior to then, agreed to?

Mr. HUSTON. I do not recall Mr. Helms having any comment. Admiral Gayler called me and was very upset. General Bennett called me and was very upset. They wanted to either have another meeting among the Directors and demand that the footnotes be withdrawn, or else they wanted to insert their own footnotes saying that they favored certain things.

I was very much interested in not creating any difficulties with Mr. Hoover that could at all be avoided, and I told both General Bennett and Admiral Gayler that I thought it was unnecessary for them to take such action; that in my cover memorandum to the President, I would set forth their views as they had expressed them to me, and that I would appreciate it if they would not raise this question with the Director.

Mr. SCHWARZ. So their position, in summary, was that either the Hoover footnotes should be eliminated, or they would like to insert footnotes indicating that they approved the changes which Mr. Hoover was indicating he disapproved. Is that correct?

Mr. HUSTON. Yes.

Mr. SCHWARZ. After the signing of the document which we have identified as exhibit 1, did you submit to the President certain recommendations with respect to the restraints on intelligence collection?

Mr. HUSTON. Yes.

Mr. SCHWARZ. And have you got in front of you the document which is exhibit 2¹?

Mr. HUSTON. Yes.

Mr. SCHWARZ. And is that the document which you did submit to the President?

Mr. HUSTON. Which I submitted to Mr. Haldeman for transmittal to the President.

Mr. SCHWARZ. You submitted it to Mr. Haldeman for transmission to the President? Is that right?

Mr. HUSTON. Yes.

Mr. SCHWARZ. And now, in that document, you make certain recommendations with respect to changing restraints which you felt had been placed upon intelligence collection; is that right?

Mr. HUSTON. Yes.

Mr. SCHWARZ. In making those recommendations, did you believe you were representing the consensus of the entire working group that had worked on the study for yourself and for the President?

Mr. HUSTON. Yes.

Mr. SCHWARZ. So that whatever recommendations you made with respect to illegal opening of the mail, or burglary, or surreptitious entry, were ones which you believe represented the views of the entire

¹ See p. 189.

intelligence community with the exception of the footnotes of Mr. Hoover himself; is that right?

Mr. HUSTON. Yes.

Mr. SCHWARZ. Now you did recommend, did you not, that the United States should commence—in your view, commence—as you understood it, commence or recommence, the illegal opening of mail. Is that correct?

Mr. HUSTON. Yes. My understanding, from my contacts with the Bureau and through the working committee, was that in the past, this had been a technique that had been employed, particularly on matters relating to espionage, and that the professional intelligence community indicated that they thought it was a necessary technique to be undertaken under extreme circumstances, and that they felt that they should be authorized to do so.

Mr. SCHWARZ. Basing your views on the recommendations of the entire intelligence community, except for Mr. Hoover's footnotes, you also advocated that the United States should commence, or recommence, to commit burglaries, to acquire valuable intelligence information. Is that right?

Mr. HUSTON. Yes. I was told that the Bureau had undertaken "black bag" jobs for a number of years—up until 1966. That it had been successful and valuable, again, particularly in matters involving espionage. And that they felt this, again, was something that, given the revolutionary climate, they thought they needed to have the authority to do.

Mr. SCHWARZ. And in both cases, your position and their position was, in effect, that the end justifies the means?

Mr. HUSTON. No. I'm not going to speak for what their position is, but I do not think that fairly summarizes what my position was.

Mr. SCHWARZ. Well, I'm sure some of the other persons here are going to question you on that issue.

Did President Nixon, through Mr. Haldeman, approve the recommendations for change which you had made on behalf of the entire intelligence community?

Mr. HUSTON. Yes.

Mr. SCHWARZ. What happened after that?

Mr. HUSTON. The question then arose as to how the decisions were to be implemented. I had recommended to Mr. Haldeman that I felt that the President ought to call the Directors back into his office and inform them personally of his decisions. It seemed to me that that was a proper course to take, particularly in view of the sensitivity of the decisions relative to Mr. Hoover.

However, the President and Mr. Haldeman did not think that that was necessary, so then the question became how should a decision memorandum go out. Mr. Haldeman seemed to think that it was not necessary for either he or the President to do that, so I was nominated.

Mr. SCHWARZ. And you sent it out?

Mr. HUSTON. Yes, I did. Over my signature.

Mr. SCHWARZ. You sent a memorandum indicating that the President had approved, and that the restraints that the intelligence community wished to have removed could now be removed, and they should proceed with their business. Is that right?

Mr. HUSTON. Well, really that they should proceed to come back for a subsequent meeting of what would then become a permanent interagency committee. And at that point, the methods of implementation would be discussed.

Mr. SCHWARZ. At that point, the methods of implementation would be implemented?

Mr. HUSTON. Yes.

Mr. SCHWARZ. Now I just have two more questions, Mr. Huston, having to do with the attitudes of the intelligence community in the meetings that you attended with them.

First, I would like to read to you from exhibit 9¹, a document prepared for Mr. Sullivan, for Mr. Hoover's first address to the Directors after the President's meeting on June 5. And Mr. Sullivan proposed this language:

Individually, those of us in the intelligence community are relatively small and limited. Unified, our own combined potential is magnified and limitless. It is through unity of action that we can tremendously increase our intelligence-gathering potential, and, I am certain, obtain the answers the President wants.

Was that, in substance, the view of the intelligence community with which you met?

Mr. HUSTON. Well, I do not know quite how to answer that. It seemed to me the people at the working-group level felt that it was important that there be a greater degree of community coordination than there had been in the past, particularly, as you know, at that time, the CIA and the FBI liaison had been terminated. So I think there was a high degree of sensitivity at working-group level with respect to interagency coordination.

Mr. SCHWARZ. In connection with your answer that that liaison had been terminated, at the June 5 meeting, was the President told that, or was he told something inconsistent with that?

Mr. HUSTON. Well, I think he was told—well, the trouble with dealing with these people is that what they say is not often so untrue as it is misleading.

But, the President—I had told the President the problem that existed as a result of Mr. Hoover terminating the liaison. When the President asked Mr. Hoover and Mr. Helms, "Are you people getting along, working well together?", and they both said, "Well yes, we're doing very well", and I think both of them probably thought that was an honest answer, because I think both of them felt that they didn't need to have any formal method of liaison.

Mr. SCHWARZ. One final question, Mr. Huston. Throughout the meetings you had on this subject, did any person, other than Mr. Hoover in the footnotes, suggest or argue that the activities being proposed ought not to be done because they were either unconstitutional or illegal?

Mr. HUSTON. No.

Mr. SCHWARZ. I have nothing further.

The CHAIRMAN. Mr. Smothers, do you have any questions?

Mr. SMOTHERS. Yes, Mr. Chairman, just as a matter of brief inquiry. Mr. Huston, I think we have so far the impression of your functioning as the vehicle for transmission of the intelligence community's views

¹ See p. 209.

to the President. I think it might be useful to inquire whether your functions indeed went beyond that point.

Mr. HUSTON, during the time of this effort on the development of the Huston plan, for whom did you work? Who was your immediate superior?

Mr. HUSTON. Until August of 1970, it would have been Jim Keogh. I was assigned to the speechwriting staff.

Mr. SMOTHERS. Did you also work for Mr. Haldeman?

Mr. HUSTON. Well, anyone who was on the White House staff worked for Mr. Haldeman.

Mr. SMOTHERS. Did you, from time to time, receive guidance from Mr. Haldeman regarding the intelligence or investigative capabilities desired by the President?

Mr. HUSTON. No, not really. I don't think I received any guidance from Mr. Haldeman on that until we got into this period on April or June of 1970.

Mr. SMOTHERS. Until you got into the period April and June 1970?

Mr. HUSTON. Yes.

Mr. SMOTHERS. What kind of guidance did you receive during the April-June 1970 period?

Mr. HUSTON. We had discussions on the staff with Mr. Haldeman as to who should have staff responsibility for coordination of intelligence matters, which Mr. Haldeman regarded simply as a housekeeping detail.

Mr. SMOTHERS. Did you also receive from Mr. Haldeman a communication regarding the desires of the President on the nature and extent of surveillance that ought to be accomplished?

Mr. HUSTON. No.

Mr. SMOTHERS. Did you undertake, at Mr. Haldeman's direction, an effort to use the Internal Revenue Service as a surveillance mechanism?

Mr. HUSTON. No.

Mr. SMOTHERS. Let me read to you from a memorandum which you sent to Mr. Haldeman on September 21, 1970 [exhibit 62¹]. You do not have a copy of this memorandum. It is short, though, and I believe you will be able to follow it.

Memorandum for Mr. Haldeman, from you. First paragraph begins, "I am attaching a copy of a report from the IRS on the activities of its 'Special Service group' which is supposed to monitor the activities of ideological organizations (for example, Jerry Rubin Fund, Black Panthers, et cetera) and take appropriate action when violations of IRS regulations turn up. You will note that the report is long on words and short on substance."

Second paragraph, "Nearly 18 months ago, the President indicated a desire for IRS to move against leftist organizations taking advantage of tax shelters. I have been pressing IRS since that time to no avail."

Did this pressing of IRS, Mr. Huston, represent Presidential guidance communicated to you?

Mr. HUSTON. The extent of the pressing—we talked before to the fact that a meeting was held with the Commissioner of Internal Revenue, Dr. Burns, and I in June of 1969, at which meeting Dr. Burns expressed to the Commissioner the President's concern that as a result

¹ See p. 395.

of testimony that had come out, both before the House Ways and Means Committee and the Senate Government Operations Committee, that it appeared that there were organizations, ideological organizations, that were in violation of the tax laws. And we were talking in that context about 501 (c) (3) organizations.

Subsequent to that, I had sent a memorandum to Mr. Barth who was the Assistant to the Commissioner, asking him specifically a question with regard to why the Sierra Club had had its exemption revoked when two REMC's (Rural Electrification Membership Corporations) had been brought to my attention who seemed to be similarly involved in advocating environmental legislation had not. I received a memorandum back indicating to me the reason was the two groups fell into different tax classifications.

I also, in July 1969, received from the IRS copies of the minutes of two meetings that were held by what then I think was called the Activist Organizations Committee, or something like that; all of which I received in July 1969. From July 1969 to August 1970, to the best of my recollection, there was no further written communication. And if there were any telephonic communication, I do not recall it and Mr. Barth does not have any recollection of it. So in August 1970 I sent the memorandum to the IRS, having read the story in the newspaper that Mr. Rubin was now channeling all of his lecture fees to a tax-exempt foundation, and asked what was going on and what had happened to this committee that had been established a year prior.

At that point I then received from the Commissioner a copy of a report that indicated what the committee had been doing. I then sent a copy of that report to Mr. Haldeman with the memorandum you just read. Neither Mr. Haldeman nor anyone else in the White House responded to that memorandum and I had no subsequent contact with the IRS.

Mr. SMOTHERS. Is it not true that since this investigation, which IRS was ordered to initiate, had been going for some 18 months, and for some 15 months even at the time your Huston plan was completed, that you and your supervisors had some very clear ideas regarding the kinds of surveillance you wanted conducted?

Mr. HUSTON. By whom?

Mr. SMOTHERS. By any governmental agencies.

Mr. HUSTON. Well, as I say, I never talked with any of my superiors about the type of surveillance activities they wanted undertaken.

Mr. SMOTHERS. But you were aware, were you not, Mr. Huston, of the intention of these various surveillance efforts? Is it not clear from your memorandum that you are intending to identify people who are in conflict or believed to be in conflict with the administration's ideas?

Mr. HUSTON. I am sorry, in what memorandum?

Mr. SMOTHERS. Concerning the purpose of your investigative effort with IRS.

Mr. HUSTON. I did not have any investigative effort with IRS. That is the point I am trying to make.

Mr. SMOTHERS. What was the intent of the administration, as you understood it, in asking IRS to look closely at these leftist organizations?

Mr. HUSTON. As far as I know, if by the administration you mean the White House, the White House never asked the IRS to look at these

leftist organizations. Dr. Burns conveyed to the Commissioner the President's concern about 501 (c) (3) organizations.

Mr. SMOTHERS. Let me ask you then two questions about that memorandum. First, the words, "nearly 18 months ago the President indicated a desire for IRS to move against leftist organizations." Those are your words; how do you interpret them?

Mr. HUSTON. Well, the President frankly did express that concern. However, Dr. Burns did not express his concern to the Commissioner in the same way.

Mr. SMOTHERS. Just one other statement then from that same memorandum. In the last paragraph you indicate in communicating to Mr. Haldeman:

What we cannot do in a courtroom via criminal prosecution to curtail the activities of some of these groups, IRS could do by administrative action. Moreover, valuable intelligence type information could be turned up by IRS as a result of their field audits.

Is this not a move against these organizations? Is this not an indication of the philosophy you were asked to communicate to the intelligence groups when you sat down with them?

Mr. HUSTON. No. First of all, after the time that that memorandum was written I never sat down with any intelligence community people.

Second, what that concept denoted at that point in time was essentially the strike force concept that had been successful in organized crime. Going back to the Johnson administration, the White House had been concerned about the sources of funding of many of these groups. And the point that was being made there was that through the audit process undertaken in connection with alleged violation of tax laws, it was entirely likely to uncover the source of funds. However, that was an opinion that I expressed to Mr. Haldeman. Mr. Haldeman never responded to it. I never talked to anyone at the IRS about it. And so far as I know, no one at the White House asked the IRS to do anything. In fact, I might add, that each of the people in the Special Service Staff have testified—an affidavit indicated that the White House had absolutely no influence whatsoever in the creation of the Special Service Staff. That includes Mr. Thrower, Mr. Barth, Mr. Green, Mr. Bacon. Each one of these people, by affidavit, have indicated that the Special Service Staff was set up at the initiative of the IRS personnel and not at the request of the White House and that the White House had made no effort to influence the work undertaken by that committee. And I know in my own case, I did not even know about the committee until after it was established.

Mr. SMOTHERS. I have nothing further at this time, Mr. Chairman.

The CHAIRMAN. I might say that this committee is looking into the question of the Special Service Staff and the ways that the Internal Revenue Service has been used to harass citizens and organizations for purposes other than determining their tax liability. And we will get to that in the course of our hearings.

Coming back now to the Huston plan, I would like to call your attention to exhibit 1.¹ You have it now, do you not, Mr. Huston?

Mr. HUSTON. Yes, sir.

The CHAIRMAN. I would ask you to turn to exhibit 2², and turn to

¹ See p. 141.

² See p. 189.

page 2, please, of your recommendations to the President. Now first of all, as I understand it, this document represented your proposals to the President for lifting or relaxing certain restraints on the intelligence community with respect to gathering information on what you call the revolutionary climate. I would suppose that had reference to the antiwar demonstrations and antiwar protest groups.

Mr. HUSTON. Senator, I really was peripherally interested in the antiwar demonstrations. What I was concerned about was the 40,000 bombings that took place in 1 year. What I was concerned about was the 39 police officers who were killed in sniping incidents.

The CHAIRMAN. Yes, and everything connected with that.

Mr. HUSTON. Well, that is what I am talking about when I am talking about revolutionary violence as opposed to antiwar demonstrations.

The CHAIRMAN. Well, whatever your purpose, the document you sent to the President contained your recommendations for lifting or relaxing certain restraints.

Mr. HUSTON. Or keeping restraints as in the case of the military.

The CHAIRMAN. And in some cases, keeping restraints.

Mr. HUSTON. Yes.

The CHAIRMAN. Now, was it your understanding, when you submitted that document to the President, that his authority was being requested for lifting or relaxing restraints if he chose to accept your recommendation?

Mr. HUSTON. Yes.

The CHAIRMAN. Now, turning to the question of mail coverage, on page 2 of your recommendations I read, "recommendation: restrictions on legal coverage should be removed." And I take it by legal coverage you had reference to the procedure that enables intelligence agencies, law enforcement agencies, to look at the envelopes. If the procedure is followed, there is a legal way for doing that.

Mr. HUSTON. Yes, sir.

The CHAIRMAN. Then you recommended, "also, present restrictions on covert coverage should be relaxed on selected targets of priority, foreign intelligence and internal security interests." Now here you were referring to opening the mail, were you not?

Mr. HUSTON. Yes.

The CHAIRMAN. And that was against the law, was it not?

Mr. HUSTON. Yes.

The CHAIRMAN. So you were making a very serious recommendation to Mr. Nixon. You were recommending that he authorize mail openings, even though such openings were in violation of the law.

Mr. HUSTON. Well, I think what was being recommended was that they be employed in spite of the fact that there was a Federal law that prohibited it but, as in relationship both to mail and to surreptitious entry, and of course electronic surveillance, there was the whole question as to whether in essence the fourth amendment applied to the President in the exercise of his internal security power. And I think that is where—that is why I earlier said, when you asked me about our thinking, I think this is where the question arose. In my mind, what we were talking about is something that I had been told had been done for 25 years. It had been done with the knowledge

of the professional intelligence community, the people who had been here long before we got in town, and would be here long after we left town.

The question really was a question of whether inherent in the Executive power, in matters involving internal security or the security of the state, the President could act contrary to the dictates of a statute. And I think that was the kind of dilemma that we had ourselves in.

The CHAIRMAN. You were recommending that the President, in this case, authorize mail openings, even though such action was contrary to the Federal statute.

Mr. HUSTON. Yes, sir.

The CHAIRMAN. And you have suggested that there might be some inherent right that circumvents the fourth amendment to the Constitution of the United States guaranteeing citizens against unreasonable searches and seizures without a warrant, bearing upon the national security responsibilities of the President.

Mr. HUSTON. Senator, I think this really goes to the heart of the matter, as you well know. And I think if you recall in the Safe Streets Act, there was a proviso clause in there that said to the effect that nothing in this act is to be deemed to limit whatever power the President might have with respect to national security matters. I think it was that kind of approach to this whole area of fourth amendment rights as they evolved, in terms of national security, internal security, that opened the door to men, who in good conscience thought they could go ahead and do it.

The CHAIRMAN. Now, you yourself have suggested this was a very serious question.

Mr. HUSTON. Yes.

The CHAIRMAN. And you were asking the President to take action that violated the Federal statute, upon the theory that he had some inherent right to do this. Now since that is such a central question, since it does go to the protection offered American citizens in the fourth amendment to the Constitution, did you take the matter up with the Attorney General of the United States to secure his opinion?

Mr. HUSTON. No.

The CHAIRMAN. No?

Mr. HUSTON. No.

The CHAIRMAN. Was the Attorney General of the United States advised of the recommendations that were being made to the President or of all of the activity by the CIA, the NSA, the FBI that preceded your submitting recommendations to the President?

Mr. HUSTON. In terms of activity, do you mean in connection with the preparation of a report, or whatever they had done for the last 25 years?

The CHAIRMAN. My question relates to those particular meetings that you have described.

Mr. HUSTON. No, the Attorney General was not aware of the appointment of the committee or the fact that the committee was being—

The CHAIRMAN. He did not know of the appointment of the committee, the purpose of the committee?

Mr. HUSTON. No.

The CHAIRMAN. The fact that it had met, the fact that recommendations had been made to you, and that you were making recommenda-

tions to the President involving actions that constituted a violation of Federal statutes. Why was the Attorney General never informed?

Mr. HUSTON. Well, I think there are two answers to that; well, there are really three answers. The first answer is that when the decision was made for the President to hold this meeting, the context in which the discussion occurred related to intelligence collection matters. It was viewed as an intelligence matter and not a law enforcement or criminal matter. And in that case, we simply brought in the people who were the professional intelligence people and they are the ones who had the responsibility for handling the problem, and as to whom the President would turn.

Now, the second aspect of it is that after all, theoretically at least, the FBI is the division of the Justice Department and it would have seemed to be incumbent upon the Director before he signed the report to have cleared it with his superior just as Admiral Gayler and General Bennett, before they signed the report, got clearance from the Deputy Director of the Department of Defense.

The third problem or third answer probably is that I was the one who was responsible for—or at least initially responsible for—suggesting who would be appropriate to be involved in these proceedings. I, at that time, did not have any clear preconception of where the committee was going to end up, in terms of what it specifically would recommend. Many of these things, particularly as they related to the NSA for example, or the CIA, I did not know anything about.

And finally, I frankly did not have a whole lot of confidence in the Justice Department, and its sensitivity with respect to distinguishing between types of protest activity.

The CHAIRMAN. And it never occurred to you, as the President's representative, in making recommendations to him that violated the law, that you or the White House should confer with the Attorney General before making those recommendations.

Mr. HUSTON. No, it didn't. It should have, but it didn't.

The CHAIRMAN. Well, now, you have described this report to the President, which has become known as the Huston plan, as a report in which you were requesting the President to authorize certain actions, some of which were illegal. And one of those illegal actions had to do with the subject about which I am now inquiring, mail opening.

Mr. HUSTON. Yes.

The CHAIRMAN. When you testified earlier in executive session, you were asked the following question: "You were not aware of the fact, I take it, that at this time, the time you were submitting your recommendations to the President, the CIA was opening mail?"

You replied, "No. In fact, I think one of the more interesting things in this whole thing is why I didn't know half the things I didn't know, when the President of the United States sat across the table from the Directors of the intelligence agencies, and said, 'I want a complete report on what is going on.' I did not know about the CIA mail openings. I didn't know about the COINTEL Program. These people were conducting all of these things on their own that the President of the United States did not know about."

Do you still stand by that testimony?

Mr. HUSTON. With the exception, I assume—I guess I can't be positive that the President didn't know, if he had learned from other sources, but I can say I certainly didn't know about it, and it was my responsibility to see that the President knew what was going on.

The CHAIRMAN. And to your knowledge, he did not know.

Mr. HUSTON. No. To my knowledge, he did not know.

The CHAIRMAN. And it would have been a very curious exercise for him, wouldn't it, to look at your recommendations asking for his authority to open the mail, if he already knew that the practice had been going on for a long time before his authority was asked?

Mr. HUSTON. Yes.

The CHAIRMAN. Yes. And he never raised that with you?

Mr. HUSTON. No.

The CHAIRMAN. And 5 days later, upon reconsideration, when he pulled back this report or this directive, did he do that for the purpose of revoking the authority that he had given?

Mr. HUSTON. Yes, because Mr. Hoover and Attorney General Mitchell had prevailed upon him to change his decision, which he did. And there was certainly no doubt in my mind, nor do I think there could have conceivably been any doubt in the minds of any of the other people who had been involved, that the revocation of the—the recall of the decision memoranda meant a reversal of the President's position.

The CHAIRMAN. So the President revoked the authority he had given?

Mr. HUSTON. Yes.

The CHAIRMAN. For such things as mail openings?

Mr. HUSTON. Yes.

The CHAIRMAN. And yet, are you aware that the mail openings continued for a long time after that revocation?

Mr. HUSTON. Well, I have read the Rockefeller Commission report, yes, sir. That is all I know about it.

The CHAIRMAN. So we have a case where the President is asked to authorize mail openings, even though they are illegal, and quite apart from whether he should have done it, and quite apart from whether or not the advice of the Attorney General should have been asked, he acceded to that request. He did so thinking that he was authorizing these openings, not knowing that his authority was an idle gesture, since these practices had been going on for a long time prior to the request for his authority. And after he revoked that authority, the practices continued, even though he had revoked it. That is the state of the record, based on your testimony?

Mr. HUSTON. Yes; I think it is.

The CHAIRMAN. Senator Tower.

Senator TOWER. A fundamental question is whether the intelligence community itself provided the inspiration to the Huston plan, or whether you went to them with either the clear guidance of the White House or with your own ideas. Can you enlighten us on that?

Mr. HUSTON. Well, I had been involved peripherally in the intelligence area since June of 1969, when I was first asked to undertake the assignment of preparing a report on foreign financing of revolutionary protest activity. And in October and November of 1969, I

was responsible for the coordination of intelligence relating to the antiwar demonstrations in Washington.

During this period I became, I think, close to Mr. Sullivan and Mr. Brennan. I think I had their confidence, in that I think they thought I understood a little bit about who the players were and what was going on in the country in internal security matters. And they certainly had my confidence. In fact, I do not think there was anyone in the Government who I respected more than Mr. Sullivan.

So that by the time of April when Mr. Haldeman held a meeting at which it was decided that the President would call the Directors together, I had had many discussions with the Bureau about what their problems were. And by the time the committee met, I had a clear view of what they thought they needed.

Now, the question becomes, who was the inspiration. No one, Mr. Haldeman or the President, ever said to me—who were the only two who were directly involved—"Here is what we want," except that Mr. Haldeman did say to me that the President leaned toward the use of the military in domestic intelligence. As a matter of fact, I was strongly opposed to that, if for no other reason than being a former Army intelligence officer, I had seen first hand who was doing that work, and accordingly, I thought they ought to stay in the military business. The military services wanted to stay in the military business; the FBI wanted them to stay. So that was the only guidance I ever received from Mr. Haldeman or indirectly through the President as to what might be preconceived. And in that instance, we came in with a recommendation that was contrary to what their initial reaction had been.

So, in summary, the impression, Senator, of course, is that I kind of sat down here and created out of whole cloth an entire array of new techniques to exploit and infringe upon the civil liberties of the American people, and that I forced it down Dick Helms' throat, and I blackjacked Admiral Gayler, and I really used my heavy weight on all of these poor little professional intelligence people and forced them into coming up with all of this.

Now, I think the fact of the matter is that the entire intelligence community, in the summer of 1970, thought we had a serious crisis in this country. I thought we had a serious crisis in this country. My attitude was that we have got to do something about it. Who knows what to do about it? The professional intelligence community.

The professional intelligence community tells me, this is what—you give us these tools; we can solve the problem. I recommended those tools.

The thing that is interesting to me about the fact that I did not know about the mail openings, I did not know about the COINTEL Program, is that if we had known that many of these tools that they were asking for permission to use were already being used and we still were not getting any results, it conceivably would have changed our entire attitude toward the confidence we were willing to place in the hands of the intelligence community in dealing with this problem.

So, since I have been out in front, as you know, Senator, since the first time we talked, back in May, in the Armed Services Committee,

I have been out front in this thing, that the Huston plan—I never wrote this report that everyone calls the Huston plan. I did not write that report.

But all I want to say for the record is, I thought we had a serious problem. I was not concerned about people who didn't like the war. I wasn't concerned about people who thought Nixon was a louse. I was not concerned about who was going to be the Democratic nominee. I am talking about—we were talking about bombers; we were talking about assassins; we were talking about snipers. And I felt something had to be done. These people said, here are the tools we need. I take full responsibility. I recommended it.

Senator TOWER. So what you are saying is that the inspiration for the report, in most of its aspects, in the absence of anything but the scantiest guidelines by the White House, actually came from the agencies involved?

Mr. HUSTON. Yes, Senator. As a matter of fact, I never heard of NSCID 6. In fact, I never saw NSCID 6. For all I know, NSCID 6 says you get a free lunch in the White House mess. And you know, it's in here as a recommendation.

Senator TOWER. You got no guidance from anybody, in addition to the President, Mr. Haldeman, or any of the Presidential staffers? In other words, all that was contributed by the White House was what you attested to here?

Mr. HUSTON. Yes. After the meeting with the President, I was then responsible for giving the committee a guideline as to what the President wanted, which was the three areas we discussed—threat assessment, restraints, and options. The committee then prepared the report, and it came back to me.

In the meantime, I think I sent Mr. Haldeman a memo some time in mid-June, saying the committee is coming along fine; we hope to have a report by the end of the month. At no time from June 5 until July 23 or after July 23, when Mr. Haldeman called me to recall the decision memoranda, did I talk either to him or to the President about anything relating to this report.

Senator TOWER. After completion of the report, who took the initiative in seeking the President's approval of it?

Mr. HUSTON. Of the recommendations?

Senator TOWER. Yes; of the recommendations.

Mr. HUSTON. It was my responsibility, when the committee prepared its report and submitted it to the President, to prepare a summary of the report and, if deemed appropriate, to prepare recommendations, which I then did. I prepared the cover memorandum, which is exhibit 2¹ and sent it forward to the President, trying to set forth all of the strongest arguments pro and con in a summarized form, with respect to the various options.

And in that connection, I made the recommendations which I felt, in my judgment, represented the consensus of the professional intelligence community as to what we ought to do.

Senator TOWER. Are you saying in the report that the recommendations, then, are yours?

Mr. HUSTON. Yes; they are my recommendations, because in the formal report—and I insisted on that with the working group that

¹ See p. 189.

the President wanted options. He did not want someone to say—the committee people themselves—to say, “this is what you should do.” However, there was simply never any doubt in my mind as to who wanted what.

And, in fact, in my cover memorandum to Mr. Haldeman, I tried to outline who was in favor of what. I pointed out, for example, that the CIA was not in favor of a permanent interagency committee. They only wanted an ad hoc committee. I said Mr. Helms cooperated. I would not have said Mr. Helms cooperated, if he didn't. For all I knew, the President would pick up the phone and say, “Dick, what did you think of this committee?” So I had tried to tell the President, through Mr. Haldeman, what I had felt was the result and the attitude of the committee.

Senator TOWER. What was your attitude toward the President's reversal of the decision that resulted in revoking the plan?

Mr. HUSTON. I thought it was a mistake for several reasons. The first reason I thought it was a mistake, is it put us back to ground zero, which is not merely back to ground zero in terms of operational techniques, but back to ground zero in terms of lack of any coordination among the intelligence agencies.

Second, I felt in my own mind that Mr. Hoover's objections were not based—I do not want to phrase it—I felt that not all of Mr. Hoover's objections had been meritoriously submitted to the President as to what he was really concerned about.

And third, frankly, I was concerned about what effects this would have on the intelligence community other than the FBI, if they could put their back into this project which was supposed to have been a joint effort, they all reached a consensus and then one person, the Director of the FBI, could succeed in reversing it.

Senator TOWER. While you did not prepare this plan, you were in fact its advocate.

Mr. HUSTON. Yes, sir.

Senator TOWER. Thank you.

The CHAIRMAN. Senator Mondale?

Senator MONDALE. Mr. Huston, in the preparation of the options presented to the President, several recommendations were presented to the President which were described as being illegal.

Mr. HUSTON. Yes, sir.

Senator MONDALE. And I gather that you were not raising any questions except that it was understood by all concerned that they were illegal but they were recommended nonetheless.

Mr. HUSTON. Well, as I indicated earlier, Senator, I think that in the case of surreptitious entry, for example, based upon the fact that this had been occurring for many, many years, that there were obviously in line with numbers of who had been involved, that there had to be some justification, legal justification. But I think that in the terms of the use of the word, for example, “burglary,” frankly, I think, I am sure what this committee will find out if it talks to enough intelligence community people, that the final bottom line on that is what happens to the guy who gets caught. And that is where clearly he is going to take the heat, under the local or State statute that he violates, because Mr. Hoover is not going to come and bail him out.

Senator MONDALE. Let me return to my question. There was no doubt in your mind that opening people's mail and reading it, tapping conversations by U.S. citizens, burglarizing embassies and the rest was illegal. That is why you said it was illegal in your memo to the President, is that correct?

Mr. HUSTON. Two areas—I do not think the tapping falls into that area.

Senator MONDALE. Let us pick one area.

Mr. HUSTON. Yes, certainly. We said it was illegal. Mr. Hoover said it was illegal. I put it in the memorandum to the President. In fact, I escalated the rhetoric from, I think, breaking and entering to burglary, so that the President would have no doubt whatsoever what the worst case was on that question.

Senator MONDALE. All right. So it is agreed that recommendations and actions were presented to the President which called for a response by which the President would approve illegal acts by the Government. What legal justification or other justification do you have, as an attorney and an officer of the court and as a public officer sworn to uphold the Constitution and the laws of the land, to entertain and recommend illegal acts by the Government?

Mr. HUSTON. Well, as I said, Senator, it was my opinion at the time that simply the fourth amendment did not apply to the President in the exercise of matters relating to the internal security or national security. It was an argument that Mr. Justice Douglas, for example, anticipated in the U.S. District Court case that ruled unconstitutional the domestic wiretaps because up until 1972 every President, and with the possible exception of Attorney General Clark, every Attorney General, argued that the President had inherent authority under Executive power to engage in warrantless wiretaps, although the Court in criminal matters had clearly held that a warrantless wiretap violated the fourth amendment. Yet, the Justice Department even took the case to the Supreme Court because they felt there was that inherent power.

Now you and I both know as lawyers that if there is an exception to the fourth amendment for electronic surveillance, which is a trespass in common law, then it does not take a lot of imagination to extend that from the trespass via the telephone to trespass via surreptitious entry or mail opening. That is frankly the kind of dangerous road we were hustling down at this point.

Senator MONDALE. All right. If that is your justification, why did you call it illegal then? What you are arguing, then, is that it is legal for the President to violate rights, constitutional and legal rights of citizens, if he is the President and if he invokes national security as a justification. But you did not say that in your memo. You said these things are illegal. Now, which is it?

Mr. HUSTON. Well, I think that for the purposes that seem to me to be most relevant at the time—that is, that the operative action—the operation was going to be the undertaken by an individual, who, if he is caught, is going to go to jail, it is clearly illegal.

Senator MONDALE. Yes. So that it would be fair to say that you understood and told the President it was illegal, but to justify it now, you invoke a national security defense which would make it legal.

Mr. HUSTON. No; I am not—

Senator MONDALE. Which position is it?

Mr. HUSTON. Senator, I am not invoking any defense now because you asked me what my opinion was at the time and not what my opinion is now.

Senator MONDALE. All right.

Mr. HUSTON. What I am saying to you is that the consideration that was given by not only me, but by the other people who signed this report and discussed these things, was that frankly it was within the power of the President to do it.

Senator MONDALE. All right. Why did you not say in your memo that this would appear to be illegal, but that in fact it is legal because, the President has powers not mentioned in the Constitution, but powers which we feel every President possesses. These powers are such that the law does not apply to the President and the constitutional rights of the citizens do not apply where the President decides that the national security dictates. Why did you not say that? Instead of that, you said it was illegal.

Mr. HUSTON. I said that because that is what the report had said.

Senator MONDALE. All right. Now, do you recall, at the time you were discussing these various options to be recommended to the President, what the position was of the principals representing the various agencies? You had a representative from the NSA, one from the CIA, one from the DIA, and one from the FBI. During the course of making up these options, which of them objected to these recommendations which involved illegal acts?

Mr. HUSTON. At the working-group level, I do not recall any objection.

Senator MONDALE. Do you recall any of them ever saying, "We cannot do this because it is illegal"?

Mr. HUSTON. No.

Senator MONDALE. Can you recall any discussion whatsoever concerning the illegality of these recommendations?

Mr. HUSTON. No.

Senator MONDALE. Does it strike you as peculiar that top public officers in the most high-level and sensitive positions of Government would discuss recommending to the President actions which are clearly illegal, and possibly unconstitutional, without ever asking themselves whether that was a proper thing for them to be doing?

Mr. HUSTON. Yes; I think it is, except for the fact that I think that for many of those people we were talking about something that they had been aware of, had been undertaking for a long period of time.

Senator MONDALE. Is that an adequate justification?

Mr. HUSTON. Sir, I am not trying to justify, I am just trying to tell you what my impression is of what happened at the time.

Senator MONDALE. Because if criminals could be excused on the grounds that someone had done it before, there would not be much of a population in any of the prisons today, would there?

Mr. HUSTON. No.

Senator MONDALE. Second, I gather it is your testimony that although these agencies were asked to supply information on what they were doing, in fact, none of them offered evidence that they were opening mail or intercepting private communications and performing other acts which it was requested that the President authorize. Is that correct?

Mr. HUSTON. The reports indicated that there were no mail openings, there were no surreptitious entries.

Senator MONDALE. And in fact there were?

Mr. HUSTON. Well, apparently there were, but that was the information I had.

Senator MONDALE. Now, not only did they not tell the President that those acts and actions were underway, but they did not talk about it with each other. Is that correct? When they met and discussed this, the CIA did not tell the others that they were already engaging in illegal mail openings.

Mr. HUSTON. Yes, I think that was part of the problem of not telling us.

Senator MONDALE. Then after these options were turned down by the President, they continued and, in fact, increased in scope in some respects, did they not?

Mr. HUSTON. I do not know, Senator, any more than what is in the Rockefeller Commission report.

Senator MONDALE. All right. Now suppose you were a President who wanted the law obeyed in this field. In the light of this record, what on earth would you do to gain accountability to the law?

Mr. HUSTON. The first thing I would do is move the Domestic Intelligence Division out of the FBI.

Senator MONDALE. First of all, what would you do to get the truth?

Mr. HUSTON. To get the truth?

Senator MONDALE. Yes.

Mr. HUSTON. Well, I think that if—I have to think that if President Nixon had sat Mr. Helms across his desk, and said, “Are you opening any mail?”, Mr. Helms would have said yes.

Senator MONDALE. Why would it occur to the President to ask that question?

Mr. HUSTON. It would not occur to him and that is the whole problem.

Senator MONDALE. You see, time and time again we come to this point. The only way the President can control these agencies is to get them over to the White House for dinner and spend hour after hour to find out what is going on, and then get on his knees and plead that they might do as he wished.

Mr. HUSTON. I do not know how you find out except that I think we are at a threshold period in which the entire attitude toward the means of collecting intelligence is dramatically changed. I think that 25 years ago that people would not have been at all surprised, nearly as surprised, as people are or as people are today. It is interesting to me, Senator, that in October 1971, on the Sunday edition of the New York Times, there was a front page article which was obviously planted to attack J. Edgar Hoover, which criticized Mr. Hoover for the fact that he had refused to engage in “black bag” jobs that were necessary in dealing with espionage. Now this was on the front page of the New York Times. There was not any editorial in that paper saying what in the world kind of criticism is that of J. Edgar Hoover, that he is not helping you guys out with black bag jobs. But this is the attitude that existed at that time and it was nothing that was unknown to any sophisticated person. I think that—

Senator MONDALE. Yes, but what I do not understand is that as a lawyer and one trained to uphold the law, and as an officer of the

court and one who is sworn to uphold the law, why on earth you felt that mood was a justification for violating the law. You know better than that. That is not the basis for law in this country. The law is a law and we are to uphold it and if it is not popular, then we should change it. You do not take the law into your hand and play God and interfere with the rights of the American people just because there is something you do not like.

Mr. HUSTON. Senator, I agree with that.

Senator MONDALE. But that is not what you did.

Mr. HUSTON. Well, Senator, I understand that is not what I did.

Senator MONDALE. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Baker?

Senator BAKER. Thank you, Mr. Chairman.

Mr. Huston, there have been references from time to time in your testimony and that of other witnesses to the effect that J. Edgar Hoover put the kibosh on the Huston plan. Do you know why he did? Did he ever tell you why?

Mr. HUSTON. No, sir, he never talked to me about it.

Senator BAKER. Do you have any information that would indicate why he disagreed with the recommendation of the plan?

Mr. HUSTON. I did not think his objections were principled, Senator, because in many instances he says, not that this is illegal, it should not be done, he says, "I do not want to do it, but I do not care if somebody else does it," which does not strike me as being a principled objection.

Senator BAKER. Did he say that?

Mr. HUSTON. Yes, I think you will find, particularly with regard to the National Security Agency, indicated that he did not want to do it but if NSA wanted to do it themselves they had no objection.

Senator BAKER. Are there documents that indicate that Mr. Hoover said that while he did not want the FBI to do certain things, it was all right with him if the NSA did it?

Mr. HUSTON. It was in the report in the footnote, Senator.

Senator BAKER. What techniques was Mr. Hoover referring to at that time?

Mr. HUSTON. Of course he was opposed to everything, from the NSA requests for surreptitious entry down to allowing the FBI to increase its campus coverage by employing informers who were less than 21 years old. He had established a policy that to qualify as a campus informant for the FBI you had to be 21 years old. The Bureau operations people thought that imposed a difficult restraint on them since the most likely people to cooperate with the FBI were the younger freshmen and sophomores who had not yet become involved in a lot of these things. And so they wanted, in essence, to get the age where you could qualify as an FBI informant reduced to 18.

Mr. Hoover did not want to do that because apparently he felt that the risk of exposure was too great. So in order simply to get the age reduced from 21 to 18, we couched—the FBI people couched—this recommendation in terms that campus informant coverage shall be expanded because they did not want to zero in on the specific problem because it would make Mr. Hoover mad.

Senator BAKER. Why were you worried about making Mr. Hoover mad? This is the second or third time in your testimony that I have

either heard you say or gotten the impression that you were scared to death of J. Edgar Hoover.

Mr. HUSTON. Well, Mr. Hoover was a very influential man in the Government and it seemed to me that it was unlikely that any sort of successful intelligence—domestic intelligence capability—could be developed without the cooperation of the Director of the FBI, since the FBI is the primary agency in this area. And it has always been my view to try—if you can get a fellow to go along without ruffling his feathers too much by trying to be—that is why I wanted the President to invite him in and give him the decision because it seemed to me it would be easier maybe to get him to accept it. But as it turns out, that did not work.

And finally, on the 18-year-old thing, after Congress said 18-year-olds could vote—

Senator BAKER. You mean it did not work because the President did not call Mr. Hoover in or because the President did not convince him?

Mr. HUSTON. I do not know that even if the President would have called him in it would have made any difference, but that was the kind of approach that I would have taken.

Senator BAKER. Did you broach the idea to the President?

Mr. HUSTON. Yes, I did.

Senator BAKER. What did the President say about that?

Mr. HUSTON. Well, Mr. Haldeman said—as you know, Senator, there was not much of a disposition in the West Wing to take up valuable time with dealing with individuals, in a word, just to convince him.

Senator BAKER. Did you receive word through Mr. Haldeman that the President was not about to ask J. Edgar Hoover to the White House?

Mr. HUSTON. That is right.

Senator BAKER. Was the President also apprehensive about J. Edgar Hoover's approval of this?

Mr. HUSTON. I do not have any idea. I do not know.

Senator BAKER. Did you talk to Attorney General Mitchell about the plan?

Mr. HUSTON. No.

Senator BAKER. But you received word that he disapproved of it?

Mr. HUSTON. Yes.

Senator BAKER. How did you receive that word?

Mr. HUSTON. Mr. Sullivan told me that Mr. Hoover had gone to the Attorney General after the decision memorandum had gone out, and Haldeman called me and indicated to me that either the Attorney General had talked to him or to the President, and it was at that point that the decision memorandum was to be recalled.

Senator BAKER. As I recall the testimony of Mitchell in the Water-gate hearings, he indicated that he was considerably distressed, if not in fact irate, about these proposals, and as quick as he could he got in touch with the President to put a stop to it. Is that in accord with your recollection?

Mr. HUSTON. That is my understanding, yes, sir.

Senator BAKER. Did he give the reasons for his indignity over the report, according to your information?

Mr. HUSTON. No. I do not know. I assume his arguments were that it is not the kind of thing we ought to be doing.

Senator BAKER. There is a fine difference here that may or may not be important depending on how things develop later. But is it your impression, if you have any impression, that Mr. Mitchell was putting the kibosh on the plan to support Hoover for the sake of supporting Hoover, or because he was indignant that it proposed certain illegal activities, or for some other reason?

I was intrigued with your statement a minute ago, which was, I believe, that Hoover did not really state his concerns about the plan. What was your impression of the Mitchell objection?

Mr. HUSTON. I only got second hand from Haldeman, and Bob did not spend a lot of time explaining to a junior staff member why he was doing things. So I did not know what it was. I assumed that probably the Attorney General did not see any reason for a bunch of people in the White House to be rocking the boat with the Justice Department and getting Mr. Hoover all upset. And I also would give the Attorney General the benefit of the doubt and conclude that he thought this was something that we should not be doing.

Senator BAKER. Mr. Huston, you have indicated that, as far as you know, the President did not know, and you certainly did not know, that at the time you made the recommendation for mail cover, for surreptitious entry, for illegal wiretaps, those activities were already being conducted by those agencies. Is that a correct recollection of your testimony?

Mr. HUSTON. Well, Senator, again on this wiretap thing, everybody has assumed all along that these wiretaps were illegal. Until 1972 it was the position of every President, every Attorney General and many Federal District Courts that they were not illegal.

Senator BAKER. That is sort of like the young lawyer who was arguing the case before the Supreme Court and the Chief Justice stopped him and said, "Young man, that is not the law," and he said, "Well, it was the law until your Honor spoke." So until 1972 the law was different in that respect?

Mr. HUSTON. Yes, sir.

Senator BAKER. And unwarranted, meaning taps without a search warrant for national security purposes?

Mr. HUSTON. Yes, sir.

Senator BAKER. Without that fine distinction.

Mr. HUSTON. On the other two areas, there clearly was no authority.

Senator BAKER. You did not know at the time you made the recommendation that these things were ongoing?

Mr. HUSTON. That is right.

Senator BAKER. And the other two.

Mr. HUSTON. Yes.

Senator BAKER. What other things were being done by the intelligence community, as you later discovered, that may or may not have been recommended in your report that dealt with similar matters?

Mr. HUSTON. I think there were several things that were critically important that we should have known about that we did not and could very easily have influenced our judgment. One, of course, was the CO INTELPRO—Counterintelligence Program which we did not know

about; Operation CHAOS, whatever it was—that the CIA had its own private operation going that we did not know about.

Senator BAKER. Can you tell us, or is there any reason why the witness should not tell us, what COINTELPRO and CHAOS were, the nature of the programs?

The CHAIRMAN. No; there is no reason. The Justice Department has now made disclosures on COINTELPRO and I think the Rockefeller report set out Operation CHAOS.

Senator BAKER. Briefly, for this record, Mr. Huston, what was COINTELPRO and what was CHAOS?

Mr. HUSTON. As I understand, the COINTEL Program was essentially designed to sow discord and I do not know what the correct technical term for it is, but it was an offensive program against designated targets by the FBI in terms of—

Senator BAKER. Well, give us an example.

Mr. HUSTON. For example, Professor Jones is a member of the Socialist Workers Party and he is running for the school board so the friendly neighborhood FBI agent sends a letter to the newspaper saying, "You may not know this, but this bird that is running for the school board is a member of the Socialist Workers Party."

Senator BAKER. You did not know about the COINTEL Program at the time of the filing of the Huston report?

Mr. HUSTON. No.

Senator BAKER. And you later learned of it?

Mr. HUSTON. Yes.

Senator BAKER. How did you later learn of it?

Mr. HUSTON. Well, when the Justice Department released the reports.

Senator BAKER. Do you know whether or not the President of the United States knew of the COINTEL Program?

Mr. HUSTON. I do not believe so. All of the information that has been made public indicates that no one outside of the Bureau was to know about it including anyone in the Justice Department.

Senator BAKER. Including the Attorney General and the President?

Mr. HUSTON. Yes, including the Attorney General.

Senator BAKER. What was the other operation?

Mr. HUSTON. The Operation CHAOS and that is that apparently the CIA had a group set up that was concerned directly with matters affecting domestic intelligence collection or events that were occurring within the continental United States. We did not know about that. In fact, the impression that we had all along was that the CIA had very little interest in or coverage of areas which we thought were important, which was what happened abroad when these people, who were under surveillance by the FBI, left the country. That is where we thought the CIA effort should be.

Senator BAKER. Mr. Huston, let me ask you this. Can you tell me who authorized either COINTELPRO or CHAOS? Was it a Presidential authorization?

Mr. HUSTON. I do not think so. I do not think any President knew about it and I think both of those programs were originated before this administration. I think COINTELPRO went back into the Johnson administration and Operation CHAOS went back to the Johnson administration.

Senator BAKER. I am not trying to establish blame or responsibility. I am just trying to establish in my own mind's eye whether in these projects the agencies were self-starters or whether someone up the scale may have authorized them.

Mr. HUSTON. I do not know except that they were originated in a prior administration and my understanding is that President Johnson did not know about it, and I do not believe President Nixon knew about it.

Senator BAKER. Thank you, sir.

Thank you, Mr. Chairman.

The CHAIRMAN. Do you suppose they were just covenants that ran with the land? They were established in some previous administration. There was no responsibility to let successive Presidents know.

Mr. HUSTON. Senator, I do not know.

The CHAIRMAN. Well, I might say that with respect to both Operation CHAOS and COINTELPRO this committee intends to hold public hearings and explore all of the ramifications of those programs.

Senator Huddleston.

Senator HUDDLESTON. Thank you, Mr. Chairman. Mr. Huston, did you attach any significance to the fact that after your plan was developed, and at least for a few days, because the official policy of the administration, that neither the President nor Mr. Haldeman signed this plan, that went out over your signature, and subsequently became known as the Huston plan?

Mr. HUSTON. Senator, I think that was the intention. I was the person who was given this responsibility. It was my job, and I think that it was supposed to be me sitting here rather than Mr. Haldeman.

Senator HUDDLESTON. But, it was a significant change in policy, and one accepted by an administration that had put great store in its law and order theme during its campaign, and it would seem to me that this was something that might, with all deference to you, have a higher classification of importance in the administration.

Mr. HUSTON. I would think so, too. I was never under any illusions about my influence in the administration.

Senator HUDDLESTON. Were you flattered by the fact that this plan carried your name?

Mr. HUSTON. It was an honor at the time I would have been very happy to do without, particularly since it had been my intention to leave the administration at the end of the second year anyway.

Senator HUDDLESTON. Could it have been that the administration was reluctant to put any higher official title on the plan, knowing that it did include extralegal activity?

Mr. HUSTON. Well, I think there was no doubt that in matters of great sensitivity there is always a conscious policy too, in any agency, to have a cutoff point, but I think more importantly if you understand the attitude in the White House at this time, Mr. Haldeman felt that if he said the President had made a decision and you worked in the Government, you ought to assume that he made the decision, and that if he designated someone else on his staff to tell you that the President made a decision, then you ought to believe that person. So, I think it probably never occurred to him that there is any reason in the world why a low-ranking White House aide could not simply send out a decision, a paper that said the President has made these decisions.

Senator HUDDLESTON. Even though that policy pursued such a lofty objective, as you pointed out a moment ago, of simply quelling the disturbances that were going on in this country restoring peace and tranquility, eliminating the bombings, eliminating the killing of policemen.

Mr. HUSTON. I think that if there had been any mileage in putting out a press release, Senator, I am sure it would not have gone out in my name.

Senator HUDDLESTON. That is what I am curious about, with such a lofty objective as you have described previously.

Mr. HUSTON, are you familiar with the Special Service Staff, or the Special Service groups, of the IRS?

Mr. HUSTON. Yes, sir.

Senator HUDDLESTON. Are you familiar with some of its activities?

Mr. HUSTON. Yes.

Senator HUDDLESTON. Would you say that it is a proper response and a logical response to the interest that you, on behalf of the President, showed in this field?

Mr. HUSTON. No. Well, I never expressed any interest in this field, Senator. The interest that I expressed to the IRS predated by a year my activity in this matter and was related to 501(c)(3) organizations.

Senator HUDDLESTON. Which were ideological organizations on which you were interested in getting information through the IRS?

Mr. HUSTON. No, I never asked for any information on any organization from the IRS.

Senator HUDDLESTON. How would you expect that your memorandum would be interpreted, first of all, when you, after previously meeting with representatives of the IRS, and then nearly 13 months later asking for a progress report on operations of ideological organizations, and going to the pains of putting in that request the fact that you had made your original request back in July of 1969? This memo was dated August 14. It seems to me you are very pointedly indicating to the Director that over a year has passed and you have not received any evidence or any activity.

What impression do you think the IRS would receive from that memorandum?

Mr. HUSTON. Well, I think the impression that they received was that I would like to have a progress report, and Commissioner Thrower sent me a progress report.

Senator HUDDLESTON. And that there was at least keen interest on the part of the White House.

Mr. HUSTON. I do not know how much importance he attached to my inquiry for a progress report. He indicates he did not attach any, but, beyond that, I do not know.

Senator HUDDLESTON. I note, too, that in response to your request that a report was filed, and the cover memorandum to that report from Mr. Randolph Thrower of the IRS says, "I would stress that knowledge of the existence and operation of this group should be carefully limited." From whom did you think the information of this group should be kept?

Mr. HUSTON. Senator, I did not give any thought to that at all. I was getting at that time every day piles of documents that had all sorts of elaborate classifications, restraint, hold-back, don't disclose stuff on it. Whenever something came across my desk like that, I attached no importance to that characterization whatsoever.

Senator HUDDLESTON. You did not wonder whether or not he even wanted the other intelligence-gathering agencies to know about this activity?

Mr. HUSTON. I did not know because there was nothing in that report that was of any interest to an intelligence agency.

Senator HUDDLESTON. But, as a matter of fact, you pointed out as you relayed that report on to Mr. H. R. Haldeman in a subsequent memorandum the next day, the memorandum that Mr. Smothers referred to earlier, in which you indicate that the report had very little substance to it. Is that correct?

Mr. HUSTON. Yes.

Senator HUDDLESTON. And you pointed out to Mr. Haldeman that you had been pressing the IRS for over a year now, to no avail, to get some action, I presume, in this field. What form did this pressing take?

Mr. HUSTON. As I indicated earlier, I told you each instance in which I had a communication with the IRS, and that was primarily in June-July, 1969, and thereafter I have no recollection, nor does anyone at the IRS have any recollection, of any subsequent contact until August of 1970.

Senator HUDDLESTON. What did you mean then to Mr. Haldeman? You said you had been pressing for—

Mr. HUSTON. Well, I had, in fact, on occasions when the initial request that something be done has come down. The Counsel to the President and I had met with the Commissioner, and I had subsequently sent two memoranda to the Commissioner regarding 501(c)(3) organizations, and, as a result of that, we had never gotten—the thing that happened was we had asked a very narrow question relating to the enforcement of the tax laws with respect to tax-exempt organizations. We never got any answer on that. What we got instead was the creation of this Special Service Staff that was out rooting around in a thousand different organizations, and never once did we get any response back specifically, except on the inquiry I raised about why the Sierra Club exemption had been revoked. Never did we get any specific response to the original message that Dr. Burns had conveyed to the Commissioner.

Senator HUDDLESTON. But your memo to Mr. Haldeman [exhibit 62¹], certainly suggests something more than a narrow interest in tax exemption because it points out again, in the sentence that Mr. Smothers read, that "Moreover valuable intelligence-type information could be turned up by IRS as a result of their field audits." This suggests to me that you are looking beyond the question of whether or not some tax law might be violated.

Mr. HUSTON. A year later my interest in the question of financing these groups had arisen in the context of this report. That was my view, which I conveyed to Mr. Haldeman. However, I never expressed that view to anyone in the IRS. Mr. Haldeman never indicated to me whether he agreed or disagreed with that view. As far as I know and as far as the record shows from the IRS, no one from the White House ever conveyed that view to them.

Senator HUDDLESTON. How did you expect to get a report from the IRS in this area if you had not expressed a view to them that this is what you were looking for?

Mr. HUSTON. The request for a report went to the earlier area of concern which was after the committee had been set up. They sent me the

¹ See p. 395.

minutes of the first two meetings. After a year I sent a memo asking for a progress report of what had happened in the IRS from July 1969 to August of 1970.

Senator HUDDLESTON. Are you suggesting to this committee that at the time of the plan neither you nor anyone else in your group had an interest in intelligence-gathering operations that might be conducted through the IRS?

Mr. HUSTON. Senator, if we had attached any importance to the use of the IRS as an intelligence-collecting agency, we would have included them in the committee that met to discuss this problem. The Bureau was under standing instructions from the President, just as it had been from President Johnson, to provide the White House with information with regard to the sources of financing of many of these activities. Now, where the Bureau got that information, I do not know, but I do know that there was information that came from the Bureau regarding that.

Senator HUDDLESTON. Let me go back then to two statements that you have made today which seem to me somewhat contradictory.

First, you said it was not necessary in your mind to consult with the Attorney General about this proposed plan because you conceived it to be directed chiefly at intelligence gathering, rather than law enforcement. Later this morning you said that you were not concerned about what people thought about who was for or against the war, if I might paraphrase, you were not concerned about who the next President was going to be, or who the candidates were going to be, but you were concerned about bombings and the killing of policemen.

Now, these are law enforcement problems, it seems to me. Now, do you find a basic conflict there in what the objectives were of this?

Mr. HUSTON. Well, there may be a conflict, but it does not seem to be a conflict to me, and it goes to the entire difference of approach to this problem, and that my concern was stopping things before they happened and not having some sort of derivative satisfaction of having the perpetrator in jail, and to me the purpose of intelligence was to collect the information in advance that would allow you to forestall the creation of overt acts, as, for example, the Bureau had been successful in doing in Detroit, where sniping incidents had been planned and was done.

Senator HUDDLESTON. That is intelligence. That is what you were talking about with the IRS, the kind of intelligence they could gather, was it not?

Mr. HUSTON. You mean that was the kind of thing I was talking about by memo to Mr. Haldeman? Yes; that was the kind of thing I was talking about to Mr. Haldeman by memo.

Senator HUDDLESTON. Once the IRS had this capability and had it in place and being used, could they also not use that same intelligence-gathering capability against any citizen that they might want to audit for any purpose?

Mr. HUSTON. Well, yes; I think so. but I think you are leaping one step over from what I indicated to Haldeman in terms of my view that the strike force concept against organized crime was a model for a strike force concept against terrorist activities. You are leaping from that point which ran into a dead end, to some conclusion that Mr.

Smothers tried to make, and perhaps you, that that was translated into some directive to the IRS, and it was not.

Senator HUDDLESTON. It would be very simple, would it not, to make even a logical extension of this IRS capability, to extend it to any other group or any other person that the White House might want some special intelligence information about?

Mr. HUSTON. Well, as I indicated, I do not think the White House, in my knowledge, ever asked for any intelligence raw tax data from the IRS. Any such data would have gone to the Bureau.

Senator HUDDLESTON. Do you know of any case where the White House has ever directed the Internal Revenue Office to conduct any specific audit?

Mr. HUSTON. No.

The CHAIRMAN. Senator Goldwater?

Senator GOLDWATER. Thank you, Mr. Chairman.

I want to speak first about the IRS, and I am very happy that the chairman has mentioned this subject. Somebody on this committee has likened the CIA to a bull elephant running rampant. I liken the IRS to a rattlesnake sliding along in the grass, probably the greatest threat to American freedom and Americans of anything we have. And yet, this morning is the first public indication I have heard that the IRS is going to be investigated, and I think it is time.

I notice a report, or a letter, written by you on September 21 [exhibit 62¹] in which you said, "Nearly 18 months ago the President indicated a desire for IRS to move against leftist organizations taking advantage of tax shelters. I have been pressing IRS since that time to no avail."

In other words, the IRS will protect any organization in this country they feel like protecting. I think it is high time that this committee, or some other committee, expose just what we are up against in this country because the power to tax is the power to destroy.

Mr. HUSTON, have you ever been a member of the CIA?

Mr. HUSTON. No, sir.

Senator GOLDWATER. FBI?

Mr. HUSTON. No, sir.

Senator GOLDWATER. DIA?

Mr. HUSTON. Yes. I was assigned to the DIA when I was an Army intelligence officer.

Senator GOLDWATER. Were you hired by the White House as a speechwriter at one time?

Mr. HUSTON. Yes, sir.

Senator GOLDWATER. And it was from that that you went into the preparation of the so-called Huston plan?

Mr. HUSTON. Yes, sir.

Senator GOLDWATER. Was the Huston plan ever used?

Mr. HUSTON. No.

Senator GOLDWATER. Never put into effect?

Mr. HUSTON. No.

Senator GOLDWATER. What do you think about the Huston plan as you sit here today?

Mr. HUSTON. Well, Senator, I think that the—I still believe that there is a threat that may be characterized and defined as an internal security threat. I think there are people that want to destroy this

¹ See p. 395.

country; I think there are people who are willing to go to great lengths to do it. I think the two attempts upon the life of the President are symptomatic of that. And so I think there is a necessary place in our society for an effective domestic intelligence-collection effort. And more importantly than collection, for professional analysis of that information.

I think that it is perhaps easy to justify the emphasis that we attached in 1970, but I think it is just as easy to discount it. We were sitting in the White House getting reports day in and day out of what was happening in this country in terms of the violence, the numbers of bombings, the assassination attempts, the sniping incidents—40,000 bombings, for example, in the month of May in a 2-week period were averaging six arsons a day against ROTC facilities.

What happened then, I think is—at least from my perspective—is that we convinced ourselves that this was something that was going to just continue to get worse until we reached the point where all of the people who were predicting police-state repression were going to get what they—it was going to become a self-fulfilling prophecy, because that was the only way it was going to be handled. As for example, I suspect it had been true in the Chicago Black Panther raid, and in the Los Angeles Black Panther shootout. So my view was that we had to do something to stop it.

Mr. White would say that this authorized the extension into every person's mailbox. Theoretically, that may be true, although I do not think that the terms that we used in terms of highly selected targets or top priority targets were a bit looser than the terms that Attorney General Clark used when he got authorization from President Roosevelt, and when President Truman authorized electronic surveillance.

But the fact of the matter is that we were motivated, unjustly perhaps, unreasonably or unconscionably, by a legitimate concern which related to the lives and property of people that were subject to random acts of violence. My view was, I had confidence in the professional intelligence community. These were the professionals, these were the people who had been authorized to solve these problems.

What I did not realize then was that these kinds of programs, although theoretically and conceptually could be narrowly used in the best interests of the country by responsible people, can lead to the type of thing that happened with the Plumbers and with the Watergate. Now everyone tries to link the Huston plan as a precursor of the Plumbers and the Watergate, and in my mind it is totally untrue.

But it is obvious to me that this kind of thing lends itself too easily to the type of corruption that we have seen, and, therefore, I have come to the conclusion that whereas I would traditionally have taken the position that I am willing to run some small risk of infringing upon some small portion of the public's otherwise legitimate rights for the greater good security of all of the people, I now come to the conclusion that we have no practical alternative but to take a far greater risk that there are going to be these kinds of things that we cannot deal effectively against until such time as perhaps our recourse is simply to the ongoing criminal process.

But I do not want to leave the impression that I think there is no problem because I think that we need to deal with this thing in such a way as to maximize the respect for the rights of the citizens; at the

same time, not destroying the capability of the people acting through their Government to protect themselves against those who would destroy this country.

Senator GOLDWATER. I thank you, Mr. Huston, for that statement. I agree with that statement 100 percent, and I have no other questions, so I will just comment that as long as we have Daniel Ellsbergs, some newspapers, journalists, media people, and organizations intent on changing the basic philosophy of this country, by the same kind of subversion that you are now being at least charged with part way, I think we have to be forever on our toes. I think you have expressed your purpose well.

Every time I pick up a morning paper or an evening paper, and I see the disclosure of secrets that I thought were locked up in my brain, or my heart, or my safe, I get worried about my country. And I hope that this committee, through the continued diligence of its chairman and staff members, will disclose everything wrong with this country.

The CHAIRMAN. Thank you, Senator Goldwater.

Senator HART?

Senator HART of Colorado. Mr. Huston, you expressed unhappiness that the plan that we are discussing here today has come to be known as the Huston plan. I suppose there is a degree of logic in that dismay on your part. If you had your choice, what do you think this plan should be called, with the benefit of hindsight?

Mr. HUSTON. I think it ought to be called simply what it was: the Report of the Interagency Committee on intelligence. But let me say that after 2 years of having that tagged on me by the enterprising members of the press, I have learned to live with it.

Senator HART of Colorado. You have indicated that after the fact, you found out that many of the agencies that were on that interagency task force were already using the tools that they were sitting there discussing obtaining White House approval. Why do you think they were going through this charade?

Mr. HUSTON. I wish I knew. I do not know. I think that part of the problem was that if the other agencies knew they were doing it there would have been all sorts of problems, because, for example, the FBI greatly resented President Johnson ordering the military intelligence into the domestic collection area in 1967 because that was their charter. But the President directly ordered it, and they had to live with it, although they certainly were anxious and happy that the Ervin committee hearings blew that out of the water and got those people out of the business.

I think, for example, the FBI—Mr. Hoover would have had an absolute stroke if he had known that the CIA had an Operation CHAOS going on. So I think the last thing in the world the CIA would have done was to disclose to the Bureau that they were working on their turf. So I think interagency jealousies and rivalries had part to do with it.

I think the second thing is that if you have got a program going and you are perfectly happy with its results, why take the risks that it might be turned off if the President of the United States decides he does not want to do it; because they had no way of knowing in advance what decision the President might make. So, why should the CIA—

that the President may say, "hell no, I don't want you guys opening any mail." Then if they had admitted it, they would have had to close the thing down.

The COINTEL Program—apparently even the Justice Department did not know about that. If they had told me, it was obvious that the word would have been out. So it seems to me that many of these agencies just kind of operated in their own world, and had their own programs going. They did not want anyone else to know it. And the thing that intrigues me is that I always was under the illusion that the purpose of intelligence was to provide policymakers with information upon which to make policies. But if the policymaker does not even know that there are sources of information available, I do not know what in the world good it does anybody except the people who are operating it for their own gratification.

Senator HART of Colorado. You were complaining that there were no available results. Can you account for the fact that they were using the tools that they, at the same time, were seeking to obtain, and weren't achieving better results?

Mr. HUSTON. I think that is what would have been the key show-down in my mind, because my idea was that what these people were saying, "if we had the tools we could get the job done." Well, if they already had the tools and they weren't getting the job done, then you have to look at some other reason why we weren't getting information that we wanted.

Senator HART of Colorado. What do you think that reason is?

Mr. HUSTON. Well, I think there needs to be some shakeups myself, and some changes made in the intelligence community. You know, each of these agencies has great strengths. I think the FBI is the greatest law enforcement agency in the world. I think the CIA is perhaps the best foreign intelligence-collection agency in the world. But they have weaknesses.

The FBI, for example, does not have any effective analytical capability. I mean, they are very good at collecting raw intelligence data, but what needs to be done to make it useful to a policymaker is to put that data into context and to analyze it. Now this is a strength that the CIA is very good at in many respects.

So I think that—plus, the intelligence community is always on the short end of personnel and budget. The FBI's Intelligence Division is always the last in line for new people, always the last in line for money. There are shortages of people and personnel, and I am, for example, convinced that there are vastly inadequate resources available in the Bureau to deal with the espionage threat in this country, simply because they do not have the manpower for it.

So I am hopeful that that is what this committee is going to do, in addition to merely exposing things that went on that should not have gone on. I am hopeful that this committee is going to come up and propose some specific changes, if you operate on the assumption that there is a need for some sort of intelligence-collection capability, both domestically and in foreign areas.

Senator HART of Colorado. I am not sure the record accurately reflects why J. Edgar Hoover objected to this report. We have touched on that several times this morning. In your judgment, was he afraid of encroachment by the other agencies, or did he genuinely feel that some of these activities were illegal?

Mr. HUSTON. Well, I think that Mr. Hoover, since he cannot defend himself, ought to be entitled to the benefit of the doubt, and his stated objection was that he did not feel that these things were permissible, although, as the record will clearly indicate, at one time or another, for a substantial period of time, he had authorized each of those things. But I assume, giving him the benefit of the doubt, he had a change of heart and that was the basis on which he objected.

I think, however, that the record will also show that he was very much concerned about any attempt of any other agency to be involved in programs of which he was ultimately responsible.

Senator HART of Colorado. Would you tell the committee what President Nixon's and Mr. Haldeman's views were on the use of the military in domestic intelligence and internal security matters?

Mr. HUSTON. The President never expressed any opinion to me on that subject, but it is my recollection that Mr. Haldeman had indicated to me that the President felt that perhaps the problem was one of manpower, and that we could use the military intelligence services for that purpose. I did not say anything to Haldeman about that, but it struck me as being a silly thing to say because at that very time we had approved, at the White House, the request from the Secretary of the Army to dismantle the CONUS intelligence operation, and Senator Ervin was getting ready to start his hearings. The FBI had never wanted to have the military involved.

Senator HART of Colorado. Did Mr. Sullivan say that?

Mr. HUSTON. Yes; he told me that.

Senator HART of Colorado. Did he say this in the interagency group?

Mr. HUSTON. I don't recall what he said. I certainly recall Colonel Downey and the other military people saying that they simply did not want anything. And I said, look, I can understand that, but let us put down—you know, this is something that the President wants to consider, we've got to give him an option, so let us put it down. But if you read those options—I mean, there are absolutely no even remotely convincing arguments in the paper for using the military. So it was quite obvious that the committee did not want to do that, and I recommended that we not use the military.

Senator HART of Colorado. What did the military people say in the committee?

Mr. HUSTON. They said they simply did not want to be involved; that they had limited manpower, that they had problems with Congress as a result of this, that they had their own problems—service-related problems—to deal with and that they did not think it was appropriate for the military to be involved in the collection of intelligence relating to civilians.

Senator HART of Colorado. In your judgment, did the other members of that interagency group share what you profess to be your concern about bombings and snipings? Or were they more interested in lifting some of the restraints so that they could perhaps use some other devices? Were they using the bombings and the snipings as a device to broaden their capabilities?

Mr. HUSTON. Well, it certainly was my impression, and Mr. Sullivan, in many talks that we had, certainly indicated to me that he was as concerned about this problem as I was. The other agencies really

didn't discuss it. And of course, the intelligence community's concern was a lot broader than my concern.

They were talking about a lot of groups that I had never heard of before, and didn't interest me at all. But I think their concern was as great as ours because in 1970—up to that May of 1970, you would have been hard pressed not to be concerned. I do not think there is any problem about who was concerned. Everybody was concerned. The only question was what the results of that concern would be.

Senator HART of Colorado. Mr. Helms has indicated that the structuring of Operation CHAOS was in response to a Presidential request. I think you have indicated the President didn't know anything about Operation CHAOS. Do you know which of those statements is accurate?

Mr. HUSTON. Again, all I know about Operation CHAOS is what I've read in the Rockefeller Report, and it was my recollection that the Rockefeller Report indicated that operation was set up either in 1967 or 1968. And I have no way of knowing for sure if the President knew about it. But I cannot think that he knew about it. And he certainly didn't know about it through me or through that report.

Senator HART of Colorado. Finally, Mr. Huston, there was a famous statement made by a military officer during the Vietnam conflict to the effect that a village had to be destroyed in order to save it. Has it ever occurred to you that that same danger exists with regard to freedoms and democracy in this country?

Mr. HUSTON. That freedom has to be destroyed to save it? No, that certainly never occurred to me.

Senator HART of Colorado. Do you think that possibility ever existed in recent years?

Mr. HUSTON. No; I don't.

The CHAIRMAN. I might say it will be necessary for the committee to examine the Nixon papers as they relate to the so-called Huston plan. The committee has subpoenaed those papers, and an arrangement has been worked out which is intended to yield those papers to the committee.

When we examine those papers, they may or may not tell us how much the President may have known at any given time. But I am told by Counsel that the papers have been turned over to the White House by Mr. Herbert Miller, Nixon's attorney.

Our understanding is that they are to come to us. Maybe it is just a stopover at the White House. I do not know. But we are going to try to determine that, and we hope to have, and expect to have, those papers very soon.

I think, Senator Mathias, you are next.

Senator MATHIAS. Thank you, Mr. Chairman.

Mr. Huston, when you received this assignment and when you evaluated it in the serious way that you described to the committee very eloquently, did it ever occur to you to consult with Senator Eastland, the chairman, or Senator Hruska, for example, the ranking minority member of the Judiciary Committee, on such a serious threat to the Nation?

Mr. HUSTON. Senator, because of my position on the White House staff, I would not have been in a position to do that.

Senator MATHIAS. Did you ever recommend it to anybody else?

Mr. HUSTON. At one point, I had recommended that consultation be undertaken with the ranking members of the Judiciary Committee of the House, of the Internal Security Subcommittee of the Judiciary Committee, and the Internal Security Committee of the House. However, nothing ever came of that.

Senator MATHIAS. The concept of coordination with the Congress, which I conceive to be the constitutional plan for dealing with serious national problems, that never emerged in your consultations, other than that once?

Mr. HUSTON. No, sir.

Senator MATHIAS. Mr. Chairman, I am driven by that response to a retrospective comment. Senator Goldwater and I and several other Members of the Senate went down to the White House one day, to have what we called in those days a "candor meeting" with President Nixon, and at that time, I suggested that the problems that we now generally call Watergate would not be resolved unless the President was willing to discuss questions like the Huston plan.

And he said that night, "You will get the answer. You will get the full disclosure." And I have to think what a tragedy it is that we did not try to work these problems out in a coordinated way, rather than come through all of the tragedy that we have been through since that night, to learn about the Huston plan in this setting and in this way today.

I must say that I am perhaps more concerned since Mr. Huston's testimony this morning than I was before, because of what he has told us about the origins of the plan, and the way in which it was formulated and adopted. Senior officials of the Government advocated it, and as he describes it, formulated it. He himself, as the task force director, advocated it, and the President of the United States approved it.

Now, through all of these steps—and I would gather from your testimony that there were a number of steps, and a number of meetings and consultations—was the word Constitution ever used by anybody?

Mr. HUSTON. Senator, I do not recall the details of any conversation, except within the context that I had earlier described of this inherent Executive power, a belief that I think permeated the entire intelligence community in these areas.

Senator MATHIAS. Although, of course, Mr. Hoover, for example, in referring to implementing mail coverage, did raise the question of illegality.

Mr. HUSTON. Yes, he did.

Senator MATHIAS. He did use the word illegal.

Mr. HUSTON. Yes; yes, he did.

Senator MATHIAS. I think the problem before this committee is a very real one. And I hope that as we make recommendations to the Congress on how to deal with the problems that have been presented to us, we would have in mind the role of Government in the lives of the people.

The role of Government, it seems to me, is not just the use of force. It is the use of example, and I call to mind Justice Brandeis' opinion, *Olmstead v. The United States*, in which he said that,

Decency, security, and liberty alike demand that Government officials shall be subjected to the same rules of conduct that are commands to the citizen. In a

Government of laws, existence of the Government will be imperiled if it fails to observe the law scrupulously. Our Government is the potent, the omnipresent teacher, for good or for ill. It teaches the whole people by its example. Crime is contagious. If the Government becomes a law-breaker, it breeds contempt for law. It invites every man to become a law unto himself. It invites anarchy.

To declare that in the administration of the criminal law, the end justifies the means, to declare that the Government may commit crimes in order to secure the conviction of a private citizen, would bring terrible retribution. Against that pernicious doctrine, this Court should resolutely set its face.

It seems to me, Mr. Chairman, that that is a philosophy that should guide our Government in dealing with even the most serious problems. Now, that opinion was written about 1928.

Mr. HUSTON, you said you thought there had been a change in attitude, perhaps more consciousness of, the rights of privacy today than 25 or 30 years ago. That opinion would not, I think, support that view. But let me ask you this question. Is it not true that it is not so much a change in attitude, but the development of techniques that has made us very conscious of our dependence on the fourth amendment, that years ago—in fact, when the fourth amendment itself was written, the only ways to survey the citizen was through a window, or at his keyhole, or listening down his chimney? Today, you have taps, and bugs, and telescopic lenses on cameras. You have all kinds of sensing devices beyond the imagination of the citizens a generation ago.

Do you not feel that the protection of the fourth amendment should be more resolutely adhered to today than ever before, because of that very fact?

Mr. HUSTON. Yes. I think that there are numbers of threats today that weren't perceived. I think that a large number of those threats are not in the intelligence community, or even in the enforcement areas of the Government.

Senator MATHIAS. Which places, as Justice Brandeis suggested, an even greater burden on Government to lead.

Mr. HUSTON. On Government in all respects, Senator, from the use of the social security numbers as a national identifier, on down to credit reports, and that sort of thing. And I think that—let me say, for example, that I have absolutely no disagreement whatsoever with the opinion of the court in the U.S. district court case which struck down warrantless wiretaps. I agree with the conclusion of the court entirely in that case, and I have no hesitation in my mind of feeling that the Government has to run—that free people have to run certain risks that are inherent in a society where there are people who aren't going to play by the same rules.

And when I talked about attitude, Senator, I am not trying to justify anything. I am simply trying to explain my impression of what the attitude was that I was exposed to by those people who were my seniors.

Senator MATHIAS. I understand that, and I think you have done this committee a great service in the way you presented it this morning. We are going to need the benefit of all the advice we can get in making our recommendations.

Earlier this morning, you said that you thought that domestic intelligence should be removed from the FBI, and you did not follow that up. I wonder if you would like to amplify that statement?

Mr. HUSTON. Well, I think that the biggest problem this committee has to grapple with, if I may presume to suggest to the committee, is

the problem that on the one hand, you run the risk that the tools of the intelligence community, the law enforcement community, the taxing authority to the extent that it is immediately accountable and subject to the direction of the President or the White House, is subject to political abuse. So that it is important, in my mind, to have these authorities independent enough that they have the strength to withstand or resist use of the agencies for partisan or political purposes, which I think most of the agencies, most of the time have been successful at, but not all of the time. And I'm sure you are aware of many instances going back way beyond the Nixon administration, and in many respects, in my judgment, much more so in prior administrations where agencies were used for political purposes. And that is a real risk and a great threat that needs to be dealt with.

On the other hand, to the extent that these agencies are so independent that they feel immunity, that they do not even have to tell the President of the United States what they are doing, that they do not feel any accountability to him whatsoever, that they are not directly accountable to the Congress, they are not directly accountable to the Executive, and accordingly, they are accountable to no one. And, of all the power that is dangerous, unaccountable power is the most dangerous in my judgment, so that the dilemma it seems to me that the Nation faces today is how do you establish these things that are necessary to protect liberties with enough independence and integrity to resist any perversions by the politicians, and yet make them sufficiently accountable to those people who are elected, and responsible to the American people that they can be on target with the objectives that have been established by an elected Government. And I think that is the crux of the dilemma that is faced by those who want to deal honestly with the intelligence community today.

Senator MATHIAS. This really brings us back to Senator Mondale's question: how can a President feel that the law is being obeyed, and that Presidential policy is being adhered to? Does that not bring us in full circle back to the Constitution, and to the assurance, to the extent that we can be sure of any human undertaking, that the Constitution is understood, that loyalty to the Constitution is being given by every public service?

Mr. HUSTON. Yes; I think it comes back to an assumption by all officers of what an agreement among all people in Government, as to exactly what are the limits and responsibilities and obligations imposed by the Constitution. But I think that the problem we have had—and it is not just in this area, Senator. I think it is in many areas that over the past 30 years, you have had an accretion of little steps to increase the claim of Executive power, and that pretty soon, after a 30-year period, all of a sudden, you woke up one morning, and here was this creature that had been created that no one along the line had ever really contemplated.

Each of these steps, I think, initially were innocent and honest steps. I think most of these—it is my belief that these people in the intelligence community were honest people, dedicated people, wanting to do an honest job, for what they thought was best for the country. And I do not think that they were out to destroy the liberties of the American people for any perverse political purpose.

But what happened, in my judgment, in this area, where I got sucked in, when I should have known better, and where many other more intelligent, sophisticated people got sucked in in other areas, is the whole concept of some inherent Executive power that really extends beyond anything contemplated by those who made the incremental claims, as we went through the years. And I think that position has been reached, and now there are some hard looks at this, and some knocks, and perhaps we're even swinging, in my judgment, a little bit too much the other way. But I think that is healthy, and I think we are on the right track.

Senator MATHIAS. But you agree if it had not come to a screeching halt, there would have been a national—

Mr. HUSTON. I think that—what I know, and as you know, Senator, I left the White House in June 1971. But based on what I know, from what happened subsequently, and other things that had happened in prior administrations, there is no doubt in my mind that it was necessary that this thing come to a screeching halt, and some heads be knocked down, and some people have their names attached to things that they would rather not be attached to, and that honest men look at some tough questions in the search for honest answers. And I hope that is where we are headed today, not trying to put the blame on who was the worst guy in the lot, but what in the world got you guys into this thing, what was your thinking, how can you avoid it? And here are some honest solutions.

Senator MATHIAS. And where do we go from here?

Mr. HUSTON. Well, it looks to me like you are on the right track, and my only hope is that this committee and the committee on the other side will start on the assumption that here exists a need, an honest need, for intelligence-collection capability, and the analysis capability and the question is, how do we structure it, how do we keep it under control, how do we make its exercise of its powers compatible with the constitutionally protected rights.

In a final analysis, it is my view, Senator, whether you are a judge who sits on the court, whether you are a Senator who has to cast a vote, whether you are the Director of the FBI, when you have power, in the final analysis, you have discretion, and that discretion and how you use it is a matter of the extent of your integrity, so the bottom line, in many respects, is going to be integrity. But where I think I made my mistake, the biggest mistake I made was, I assumed that the integrity of the people who would be involved in this intelligence-collection operation was such that, although conceptually you could argue that these recommendations were so broad that they could have encompassed—you know, we could have been breaking into 250 million homes in 1970—my judgment was that those types of extraordinary powers would be used only under the narrowest, most limited circumstances, and for that check, I rely upon the integrity of the person who has the authority.

What I have learned subsequently is what happens when the person who has that discretion is not Dick Helms, but he is Howard Hunt, and that seems to me to be the risk. So there has to be some institutional restraint, in my judgment.

Senator MATHIAS. Thank you very much, Mr. Huston. You have been very helpful.

The CHAIRMAN. The Constitution, when it was written, I think, recognized this frailty in people who were to be entrusted with power, and for that very reason, laid down certain prohibitions, certain restrictions upon the power of Government. As you know, the first amendment simply denies to the Government the power to interfere with free speech and freedom of religion, freedom of assembly, and the fourth amendment undertakes to deny to the Government the power to conduct unreasonable searches and seizures.

The men who wrote the Constitution did not want to entrust our civil liberties to the good judgment and discretion of men in government who may overreach themselves, and that is why these protections were written into the supreme law of the land.

Now, I go back to Senator Mathias' question. He asked you that when the intelligence leaders were dealing with you to eliminate these restrictions, all of which culminated in your recommendation to the President that certain illegal actions be taken, he asked you whether anybody expressed any concern about the Constitution. And it just happens, Senator Mathias, that our counsel, Mr. Schwarz, asked that question previously in executive session, the same question that you put to the witness. Mr. Schwarz asked, "Was there any person who stated that the activity recommended, which you have previously identified as being illegal opening of the mail and breaking and entry or burglary—was there any single person who stated that such activity should not be done because it was unconstitutional?" And you, Mr. Huston replied, "No." And then Mr. Schwarz asked, "Was there any single person who said such activity should not be done because it was illegal?" And you replied, "No." Now, I take it that still remains your testimony?

Mr. HUSTON. Yes. But Senator, I might point out that on the constitutional question, that—you know, at the time of the *Olmstead* case, in 1927, it is my recollection that the Supreme Court at that time held that, in that period, held that wiretaps—I think they adopted the exclusionary rule, that didn't apply to the States. And it wasn't until 19—I think it was in the Warren Court, in 1960—that the Supreme Court finally held that a nontrespass electronic surveillance constituted a violation of the fourth amendment.

It was not until 1972 that the Supreme Court held that warrantless wiretaps—my only point is that in many of these areas throughout there have been men of honest differences of opinion who felt that the Constitution—I'm sure, for example, that Justice Black would have said from day one that the Constitution clearly prohibited this, but there were other men of equal intent who said that the Constitution did not contemplate the prohibition of that.

The CHAIRMAN. As far as bugging is concerned, there has been an evolution in the courts, and this has been a gray area in the law, but I do not think that, as far as opening the mail was concerned, there was any such gray area, and you yourself referred to your recommendation as an illegal act. So, we are talking about the whole plan, and in the course of its evolution, none of these people, even the directors of these agencies, with such great power, ever raised the question of the constitutionality of what was being proposed.

Mr. HUSTON. That's right.

The CHAIRMAN. That is correct?

Mr. HUSTON. Yes, sir.

The CHAIRMAN. Senator Schweiker.

Senator SCHWEIKER. Thank you, Mr. Chairman.

Mr. Huston, one of the areas I am interested in is whether or not the Huston plan ever died. First you have its proposal, acceptance, and then its withdrawal. But 2 months later—in fact, less than 2 months later—John Dean wrote about the Interagency Domestic Intelligence Unit and said it would be established with operational and evaluational purposes in mind, and that it would help to determine what the restraints were that could be removed.

Then, in April of 1971, following after that, there was another meeting with Mr. Hoover, Mr. Helms, Admiral Gayler, discussing a broadening of the operations to remove restraints, and particularly of the very confidential type. So the idea keeps emerging, almost like a phoenix out of the ashes; and then 3 months after that, the Plumbers was established. Do you really feel that the concept, the ideas, the proposals really died at that point?

Mr. HUSTON. Well, I can only speak, Senator, of my own knowledge. I was not involved in the creation or operation of the Interagency Evaluation Committee. I left the White House before the Plumbers were organized, so I do not have any personal knowledge of what happened after that.

My knowledge is simply that I was told by Mr. Haldeman that the ending of the operations to remove restraints and particularly of the FBI, had decided to withdraw his approval, that I was to get the memorandum back, and that the matter then might be reconsidered, if the President could meet with the Attorney General and Mr. Hoover. I assumed that such a meeting would be held. As far as I know, however, no such meeting was held.

Now, it is entirely possible that—and perhaps, based upon Mr. Dean's memorandum, it seems to me likely—that as a result of the decision of the President to terminate his authorization that he had given in connection with the report of the Interagency Committee, that they decided to go forward on a narrower basis, and, therefore, established the IEC. However, the IEC concept was substantially different from that concept which was set forth in the report of the Interagency Committee, in that we contemplated that the continuing group would be comparable to the U.S. Intelligence Board, that it would operate within the FBI, that the Director of the FBI would be chairman. It would be staffed by FBI people.

And, as I understand, the IEC was set up within the Justice Department, under the direction or the chairmanship of the Assistant Attorney General, that it had Justice Department staffing, and that the Bureau, for all intents and purposes, did not cooperate with it. But that is all I know personally.

Senator SCHWEIKER. Well, as I understand it, it is true they did not supply a staff which was taken over by Justice Department, but they did attend meetings and they were part of the formal group. So while there was a balking up along the way, somebody was pushing, pushing, pushing with a concept, and even, eventually, the FBI attended that group meeting, while it did not supply staff.

So I think you can make a pretty good case out of the fact that an awful lot of concepts survived intact, when you also consider

that—and you admitted this under earlier testimony—that Operation CHAOS was in full blast in the CIA. There were other activities that even the President did not know about previously that were still going on, that some of the agencies did not want to talk about, and did not want to admit to their peers and colleagues that they were doing. So I think when you see the total picture, it is not quite as definitive as just the ending of a chapter, the closing of a door.

Mr. Huston, you said in your previous testimony that you spoke about a classification program, and you said on page 96 of your May 23 deposition, that:

The whole concept of intelligence operations was obviously a very sensitive matter. If it wouldn't have been classified in the way that it was in the agency and hadn't been recognized as such, if this wasn't possible, then we couldn't have had such a plan.

Isn't really one of the hearts of this issue Government classification of information? Many of us did not even know about these matters until much later than it happened, because it was highly classified.

Is classification not really a way that the executive branch not only keeps things from the legislative branch but keeps it from the people, because by your own testimony I think you are obviously saying that if it had gotten out, it probably would have self-destructed? So isn't Government secrecy and classification "top secret" really the means and the vehicle that the Executive accumulates this great power that people do not want them to have?

Mr. HUSTON. I do not think, in my mind, there was ever any justification for the existence of the committee, or, had the Interagency Domestic Operations Board been established, there would have been any justification for having the mere existence of those operations classified. Nor do I think that, in many respects, much of what was discussed or contemplated should have been classified.

The only thing, in my mind, that should be classified would be that which would reveal, would disclose the identity of sources or otherwise jeopardize the collection of intelligence information.

Senator SCHWEIKER. I think an interesting footnote to what you are saying is that many of the documents here today were just declassified yesterday. Here we have had the Huston plan kicking around for a long period of time; it has been fairly general press knowledge. And yet we would have been restrained from asking certain questions if we had not gotten certain documents declassified by yesterday. If it had not come through, we might not have been able to have the hearing. And I think this is a pretty good picture of the technique that a Government branch or agency uses to put these things into motion. This would not ever get off the ground if it were open to the light of day.

We have had a lot of discussion about the fourth amendment, Mr. Huston, because I realize, that that is the heart of the issue. I have a little trouble, though, when I hear your answer. I know what you told me earlier, that you were concerned about revolutionary violence and that you were concerned about the disturbances rocking the country, and that this was the lesser of two evils, and that the Constitution gave the President an inherent security power of some kind.

But in reading the fourth amendment, it is pretty clear what it says:

The right of the people to be secure in their persons, houses, and papers and effects against unreasonable searches and seizures shall not be violated, and no warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

I do not know that you really need the Supreme Court to say what that means.

What one part of the Constitution gives the executive branch the rights that you saw for internal security protection? What part of the Constitution can you quote?

Mr. HUSTON. Well, Senator, first of all, I do not take the position—and I am not about to take the position here that Mr. Wilson took before the Ervin committee, because that is not my belief. I am simply trying to convey to you what the impression, unreasoned that it was, that existed in June of 1970.

In my judgment, any thoughtful consideration given to the risks versus the benefits, the literal reading of the Constitution and the general concept under which we have to operate in this country support your position. I would say, though, that the justification that would have been cited under the fourth amendment would be the question of whether the search was unreasonable.

Senator SCHWEIKER. Are you saying that there is or is not constitutional power to back up the ultimate right to effect the use of—

Mr. HUSTON. In my judgment, now, there is not.

Senator SCHWEIKER. As I recall from the nice chat that we had when I took your deposition before, Mr. Huston, I thought you felt at the time—

Mr. HUSTON. I did, at the time. Yes, I did.

Senator SCHWEIKER. Because I think it is really the heart of the issue, where that power falls and rests. And I think it is significant, as one of the other Senators pointed out, that they asked you to sign that memo. It seems to me that the White House knew they were walking all over the fourth amendment. And it seems to me this is just one more thing that we have learned to call plausible denial, whereby if something happens, why, they can really deny it happened, except that some bureaucratic person gets the blame.

And it just seems to me that the fact it became the Huston plan is a pretty good indication that it was not somebody else's plan, that they really knew they were walking over the fourth amendment, but thought they could get away with it. Would you agree with that or not?

Mr. HUSTON. No, Senator. My guess would be that they never gave any thought to it.

Senator SCHWEIKER. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Huston, when you were testifying in executive session before this public hearing, you were asked about your present view. And I think there are two portions of the deposition that ought to be read into the record, on which I would like any further comment you may want to make.

You were asked what the risk was of setting aside the laws, even

though the purpose seems a very compelling one as you reflect back upon it. And this is what you said :

The risk was that you would get people who would be susceptible to political considerations as opposed to national security considerations, or would construe political considerations to be national security considerations, to move from the kid with a bomb to the kid with a picket sign, and from the kid with the picket sign to the kid with the bumper sticker of the opposing candidate. And you just keep going down the line.

Is that not really about as good a statement—certainly, it is one of the best I have ever seen—of the risks that we assume once we begin to disregard the laws?

Mr. HUSTON. Yes, I think it is a risk. I think people start out with the best intentions in the world. I don't think there was anyone that was involved in this operation who was motivated by a desire to protect the President, to secure his reelection, to embarrass the Democrats, to engage in any partisan political purpose. There was no one who was going to get any medal put on him that said "hero," or who was going to be invited as a special guest to the White House Press Club.

But we went from this kind of sincere intention, honest intention, to develop a series of justifications and rationalizations based upon this, what I believe to be the basic issue of this distorted view of inherent executive power, and from that, whether it was direct, as Senator Schweiker seems to think it is, or was indirect or inevitable, as I tend to think it is, you went down the road to where you ended up, with these people going into the Watergate.

And so that has convinced me that you have just got to draw the line at the top of the totem pole, and that we would then have to take the risk—it is not a risk-free choice, but it is one that, I am afraid, in my judgment, that we do not have any alternative but to take.

The CHAIRMAN. Has that not really been a lesson that has been learned by the historians and the scholars through the years who have been interested in the growth and preservation of a free society, that in the end our reliance must be upon the law?

Mr. HUSTON. I think that is. But I think to me the interesting thing is that many of us who should have known better adopted a view of the Presidency that was comparable to the pre-Vietnam views of Dr. Schlesinger and others, and then proceeded to exaggerate and accelerate it.

As I say, I think so much of it was incremental, but we have got, as you say, correctly, I think, to get back to the elemental considerations. And, as I say, in your consideration I hope you will focus on this really dangerous question of power without any accountability whatsoever, at least with respect to the Presidency, that it ultimately was an accountability to the people through the Congress. But it could be entirely conceivable that the rest of these things would have been going on forever, and no one, including the President, no one would have known about it.

The CHAIRMAN. Of course, accountability is at the heart of this issue. And the thing that has not been known until today about the Huston plan is that it was just a 5-day episode where the President was asked to confer his authority to do these various things. He asked

for options. He authorized these things. Five days later, upon reconsideration, he revoked it. And the fact of the matter is these things had been going on long before he was asked, and they continued long after he revoked his authority.

We have found this to be the endemic problem in the intelligence service and in the law enforcement service of the Government. And you have characterized it, you have said, "These agencies are fiefdoms." It is not only that they do not want the President to know what is going on for fear he might say you shouldn't do it, but they do not want one another to know what is going on. The CIA does not want the FBI to know what particular things it may be up to and vice versa.

And this compartmentalization is always justified with elaborate arguments about secrecy, sensitivity, national security. And the end result of it all is such a chaos that the President himself cannot govern or control the very agencies that are supposed to be upholding the law and protecting us against the enemy.

Now, that has to be changed. And accountability, as you have said, goes to the very heart of our search, and it has got to be an accountability not only to the President; in the future, it has got to be an accountability to the Congress as well. And we are going to find it if we can, and we are going to recommend changes in the law and in the procedures that we hope will make these agencies accountable in the future.

Senator Mondale.

Senator MONDALE. Thank you, Mr. Chairman.

Earlier, Mr. Huston, you indicated that one of the great needs in this whole field was to draw the line between what, I guess you would say, were legitimate functions of these agencies, and a point where they become involved in the political sense, so that they corrupt and undermine and subvert the political process.

Would you not agree that that line has been drawn in terms of the criminal law now, that that has been the basic thrust of the law from the beginning of American society, to give the law enforcement officers enough power to apprehend criminals but not so much power that these agencies can be turned in on the American people, in terms of spies and in other ways, and that, thus, the first prerequisite of accountability is an agreement that everybody has to obey the law?

Mr. HUSTON. Yes, I agree.

Senator MONDALE. All right.

During your testimony today, you seemed to indicate that the present criminal law did not arm the Government with adequate tools to anticipate and prevent riots and violence. I find that somewhat disturbing, as an old law enforcement officer myself, because it is my impression that there is a host of laws on the books available to criminal investigators and prosecutors, law enforcement officers, within the legitimate framework of the Constitution and the laws, that permit investigations and arrests for conspiracy to commit crimes, or conspiracies to cross State lines for purposes of rioting and the rest.

Is there anything in your background which equipped you to draw the judgment that the criminal law is inadequate to deal with the problems of violence with which you were trying to deal?

Mr. HUSTON. No. I have no claim to any expertise that would qualify me to say that, other than the general specific impression that I had,

the information that I had from those people who were responsible for handling this problem.

Senator MONDALE. Yet most of the people you were talking to were not in law enforcement at all. They were in counterintelligence work and in an area which, as we now know, was violating the law. As it was, the only law enforcement principal you had there was Hoover, and he opposed it.

Might it be that the whole basis for this recommendation to the President to relax restrictions on these police activities in order to meet these threats was based on a false assumption that the law did not, in its proper exercise, contain adequate remedies to deal with it?

Mr. HUSTON. Well, I think that the intelligence collection or analysis and collection process is different from the law enforcement process. And I think that the intelligence community can do its job without the necessity for extraordinary—the use of extraordinary investigative techniques.

But I think, for example, if you take the Safe Streets Act that sets forth the criteria under which you can have court-ordered wiretaps, it is my recollection that those taps can only run for like 7 days—I'm not sure; it's some limited period of time—pursuant to a court order, before they have to be disclosed to the party who is subject to being overheard. And in a continuing intelligence collection process, that would not be as effective a way to go about it.

But I don't think that—my judgment would be that there's nothing we can do today that cannot be done generally within the parameters of existing criminal laws.

Senator MONDALE. I am glad to hear you say that, because I think there was an impression left here that the country that lives within the constitutional law is powerless to deal with violence. Within the law and the Constitution, good law enforcement officers know perfectly well how to investigate the suggestions of probable cause or the commission of crimes. There are plenty of laws to stop crime before it is committed, before conspiracies are developed.

I would like to at least correct what I think is the impression here that somehow if you are constitutional and legal, you are also defenseless, that criminal law is a rough tool as practiced constitutionally, and it can work effectively if people have the patience to work within it.

One final point: earlier today you said that you did not see how your recommended restrictions on due process in any way contributed to the Plumbers. I will concede that you did not want the Plumbers created. But if violations of the law by public officers are acceptable for your purposes, why are violations of the law for other purposes not equally justifiable?

Mr. HUSTON. My view on the Plumbers is that you had a group of vigilantes operating outside the framework of established, authorized law enforcement agencies, who were operating for what appeared to me to be essentially political purposes, whereas what we were talking about was the exercise of functions by authorized law enforcement agencies for internal security purposes, and not political purposes.

Senator MONDALE. Which is the more offensive to American society and principles, official lawlessness by persons who are public employees, and many of them lawyers, on the one hand, or paid lawlessness by persons outside of the Government?

Mr. HUSTON. Well, I am not sure that you can establish any qualitative distinction there, except for the risk, the propensity for such acts to be undertaken by the vigilantes, as opposed to the professionals.

Senator MONDALE. Do you think that those who ordered the Plumbers were not just as convinced of the righteousness of their cause as you were?

Mr. HUSTON. I do not have any idea what they were convinced of, but I am convinced that the intelligence community would never have undertaken the Plumbers' operation.

Senator MONDALE. Well, I have some trouble accepting that.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Huddleston.

Senator HUDDLESTON. Thank you, Mr. Chairman.

Just one more question, Mr. Huston, on the subject of the intelligence-gathering capability of the IRS. You have testified, I believe, that you did not specifically make a request of the Service to gather intelligence on any particular group or individual. Is that correct?

Mr. HUSTON. Yes, sir.

Senator HUDDLESTON. Were you surprised to learn, then, that the IRS, in fact, through its Activist Organizations Committee, and through the FBI, had been supplying to the White House, some 5 months prior to the memorandum that we referred to earlier, intelligence information on at least one organization, the Students for a Democratic Society?

Mr. HUSTON. I do not think I ever saw, or I have no recollection of ever having seen any information that came to the White House from the IRS, Senator.

Senator HUDDLESTON. We have a memorandum to that effect [exhibit 65¹] about Mr. Paul Wright, who at that time was head of the AOC, indicating that he was giving his permission to the FBI to relay to the White House, at the request of the White House, intelligence information that had been gathered on the SDS.

Mr. HUSTON. Well, Senator, as I think I testified earlier, there had been, I assume—I don't know what that memorandum dealt with, but if it dealt with financial matters or sources of funding, there had been a standing request from the President, before I became involved in this, to the Bureau, to provide the White House with continuing information with respect to sources of funds that were being used by organizations who were engaged in violence; and so what may have happened is that the Bureau was given that assignment; they went to the IRS and said, "do you have any information we can use?" And IRS said, "Yes, you may use this information." The Bureau then sent it to the White House.

But as far as I know. I never saw any memorandum from the IRS directly to the White House, or to anyone else to say that this information was derived from information secured by the IRS.

Senator HUDDLESTON. Well, this memorandum would certainly indicate that the IRS was supplying to the White House certain very sensitive intelligence information.

The point I would like to make is that this episode, and this testimony by you, Mr. Huston, and the subsequent action of the IRS, is somewhat consistent with other types of information that we have received, where those in high authority within these agencies expressed

¹ See p. 400.

to us that it was not their intent that any abuse occur, and it was their understanding that all down the line understood that no abuse occur. Yet, as we see in this case, where subsequent to your inquiry of the agency, they did increase their activity in this regard, creating the Special Service Staff. We saw this in the case of the poisons that were not destroyed, even though the Director of the Agency was under that impression, and had the understanding that they were destroyed, and that everyone understood. There have been other instances in a more serious area, which we cannot go into at this time, but relating to possible assassination plots.

We see consistently that the higher authorities indicate that they had an understanding that these abuses would not occur, but down the line, the persons who were implementing the action had an understanding, according to their testimony, that they were acting in accordance with expressed authority from higher-ups. And this is the dilemma in which we find ourselves as we continue to try to pinpoint the accountability for the kind of actions that are contrary to everything we believe in, a free and open and democratic society.

Thank you, Mr. Chairman.

The CHAIRMAN. I think that sums it up, Senator.

Senator Schweiker, do you have any further questions?

Are there any further questions on the part of the committee? If not, I want to thank you very much for your testimony today. It has been extremely important testimony, and the committee will stand adjourned until 10 tomorrow morning.

[Whereupon, at 12:15 p.m., the committee adjourned to reconvene at 10 a.m. Wednesday, September 24.]

WEDNESDAY, SEPTEMBER 24, 1975

U.S. SENATE,
SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS
WITH RESPECT TO INTELLIGENCE ACTIVITIES,
Washington, D.C.

The committee met, pursuant to notice, at 10:05 a.m., in room 318, Russell Senate Office Building, Senator Frank Church (chairman) presiding.

Present: Senators Church, Tower, Mondale, Huddleston, Morgan, Hart (Colorado), Baker, Mathias, and Schweiker.

Also present: William G. Miller, staff director; Frederick A. O. Schwarz, Jr., chief counsel; and Curtis R. Smothers, council to the minority.

The CHAIRMAN. The hearing will please come to order.

Yesterday the committee commenced its inquiry into the Huston plan, our witness being Mr. Huston. And it developed in the testimony that several illegal proposals had been made to the President—in this case, Mr. Nixon—that he had approved those proposals, and later, had revoked his approval. But, the very activities for which authority was sought, had in fact been going on for a long period of time, prior to the submission of the proposals to the President.

The evidence also showed that once the President had revoked the proposals, about 5 days after he had first approved them, the activities, nevertheless, continued, and in some cases, were expanded.

Mr. Huston testified that Mr. Nixon was not aware of these activities, either before or after his approval and revocation of the Huston plan. One of the illegal activities was the opening of the mail by the CIA, and this committee will look into that mail-opening program extensively. It is a very serious matter, and we have hearings scheduled a few weeks from now, at the end of which we will inquire in detail about the mail-opening program.

We will want to know, for example, why the mail of such individuals and organizations in this country as the Ford Foundation, Harvard University, and the Rockefeller Foundation was regularly opened by the CIA, or why the mail coming to or from such individuals as Arthur Burns, Bella Abzug, Jay Rockefeller, Martin Luther King, Jr., Mrs. Martin Luther King, Jr., Richard Nixon himself, as well as such Senators as Hubert Humphrey, Edward Kennedy, even the Chairman of this committee, whose letter to my mother is in the file, should have been regularly opened and scrutinized by the CIA against the laws of the country.

And so today, our objective is not to look at this mail program in great detail, for we will do that later. But it is, rather, to examine the lack of accountability within the Agency and the failure to keep the President of the United States properly advised of such activities, a core issue if we are going to reform the intelligence agencies and law

enforcement agencies of the Federal Government and make them properly responsible and accountable for their actions to the elected representatives of the people, chief among whom, of course, is the President himself.

Now with that brief introduction to the general topic for the day, I would like to ask our witness, Mr. Angleton—who, I understand, is represented by counsel—to take the oath. Before I ask you to take the oath, Mr. Angleton, I wonder if your attorney would identify himself for the record.

Mr. BROWN. Yes, Mr. Chairman, my name is John T. Brown, counsel for Mr. Angleton in these proceedings.

The CHAIRMAN. Thank you, Mr. Brown. Mr. Angleton, would you please stand to take the oath? Do you solemnly swear that all the testimony you will give in this proceeding will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ANGLETON. I do.

The CHAIRMAN. Mr. Schwarz, would you please begin the questioning?

TESTIMONY OF JAMES ANGLETON, FORMER CENTRAL INTELLIGENCE AGENCY OFFICIAL, ACCOMPANIED BY JOHN T. BROWN, COUNSEL

Mr. SCHWARZ. Mr. Angleton, were you employed by the CIA in 1970?

Mr. ANGLETON. Yes; I was.

Mr. SCHWARZ. What was your job at that time?

Mr. ANGLETON. I was Chief of the Counterintelligence Staff.

Mr. SCHWARZ. And when did you start working for the CIA?

Mr. ANGLETON. I began in 1947, having come from OSS (Office of Strategic Services).

Mr. SCHWARZ. You knew, Mr. Angleton, did you not, that the CIA was opening mail in New York City in 1970, and had been doing so for approximately 15 or 20 years?

Mr. ANGLETON. I did.

Mr. BROWN. Mr. Schwarz, pardon me. If I may interrupt for just a moment. As I indicated to the counsel for the committee, Mr. Angleton had a very brief opening statement which he wished to make, and I would like, at this time, to ask for the opportunity to have him make that statement, if I may.

Mr. SCHWARZ. Yes; I'm sorry. You did say that to me, and I'm very sorry. Would you go ahead?

Mr. ANGLETON. Mr. Chairman and members of the committee, my name is James Angleton. I am appearing before the committee today, freely and without subpena. I am mindful of the serious issues facing the committee, and I know of your concern that they be resolved prudently and expeditiously. I have served in the intelligence community of the United States for 31 years, beginning with the OSS during World War II. In 1954, I became Chief of the Counterintelligence Staff of the CIA, a position which I held until 1974. I am now retired.

My years of service have convinced me that the strength of the United States lies in its capacity to sustain perpetual yet peaceful

revolution. It is the ultimate function of the intelligence community, as part of our Government, to maintain and enhance the opportunity for peaceful change.

I believe most strongly that the efforts and motivations of the intelligence community have contributed to the sustaining of a Nation of diversity and strength.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Mr. Angleton.

Mr. SCHWARZ. Mr. Angleton, you just said, did you not, that you knew in 1970, and had known for a substantial period of time, that the CIA was opening mail in New York City?

Mr. ANGLETON. That is correct.

Mr. SCHWARZ. And Director Helms knew that, did he not?

Mr. ANGLETON. That is correct.

Mr. SCHWARZ. And J. Edgar Hoover, head of the FBI, knew that, did he not?

Mr. ANGLETON. I would assume so, sir.

Mr. SCHWARZ. Well, I will read to you what Mr. Helms said in his deposition of last week. "Mr. Hoover knew all about the mail operations." Now, you have no reason to doubt that, do you?

Mr. ANGLETON. I do not.

Mr. SCHWARZ. And Mr. Sullivan of the FBI knew all about the CIA's mail-opening program, did he not?

Mr. ANGLETON. That is correct.

Mr. SCHWARZ. Now Mr. Helms, Mr. Hoover, Mr. Sullivan, and yourself were all involved in the process which has come to be known as the Huston plan, is that correct?

Mr. ANGLETON. That is correct.

Mr. SCHWARZ. And Mr. Helms and Mr. Hoover signed the plan, did they not?

Mr. ANGLETON. They did.

Mr. SCHWARZ. And Mr. Sullivan was the primary drafter, but you and other working persons contributed to the drafting of the report, did you not?

Mr. ANGLETON. Correct.

Mr. SCHWARZ. All right. Would you turn, Mr. Angleton, to page 29 of the Special Report, Interagency Committee on Intelligence (Ad Hoc), June 1970 [exhibit 1¹].

Now that is talking about mail coverage, isn't it?

Mr. ANGLETON. That is correct.

Mr. SCHWARZ. And it distinguishes between routine coverage and covert coverage, saying routine coverage is legal and covert coverage is illegal, is that correct?

Mr. ANGLETON. That is correct.

Mr. SCHWARZ. And by covert coverage, they meant opening the mail, did they not?

Mr. ANGLETON. Exactly.

Mr. SCHWARZ. Would you read into the record the first sentence under the heading, "Nature of Restrictions," please?

Mr. ANGLETON. "Covert coverage has been discontinued while routine coverage has been reduced primarily as an outgrowth of publicity arising from disclosure of routine mail coverage during legal pro-

¹ See p. 141.

ceedings and publicity afforded this matter in congressional hearings involving accusations of governmental invasion of privacy."

Mr. SCHWARZ. Now the first five words say "covert coverage has been discontinued," and, as you just agreed a moment ago, that states that the opening of mail has been discontinued, isn't that right?

Mr. ANGLETON. May I seek a little clarification, please?

I believe that if you read the contribution under preliminary discussion, we are faced with two problems. We are faced with the problem of domestic mail that goes from one point in the United States to another point in the United States.

The CIA activity was devoted to mail to the United States from Communist countries, and to Communist countries from the United States. So there are two degrees of opening.

In other words, the entire intent and motivation of the program, as conducted by CIA, involved the question of foreign entanglements, counterintelligence objectives.

The domestic mail program was a program that had been conducted at some time or another by the FBI.

Mr. SCHWARZ. Mr. Angleton, would you answer my question?

The words "covert coverage has been discontinued," covert there means opening mail, isn't that right?

Mr. ANGLETON. That is correct.

Mr. SCHWARZ. I will read to you from the prior paragraph, a reference which makes perfectly clear that the committee was talking about both foreign and domestic mail. The sentence which says the following: "Covert mail coverage, also known as 'sophisticated mail coverage,' or 'flaps and seals,' entails surreptitious screening and may include opening and examination of domestic or foreign mail." Now, the sentence which says "covert coverage has been discontinued," is a lie. That is false as far as your knowledge, Mr. Hoover's knowledge, Mr. Helms' knowledge, and Mr. Sullivan's knowledge; isn't that correct?

Mr. ANGLETON. Excuse me, I'm trying to read your preceding paragraph. It is still my impression, Mr. Schwarz, that this activity that is referred to as having been discontinued refers to the Bureau's activities in this field.

Mr. SCHWARZ. Well, the words don't say that, first of all. Second, how would a reader of these words have any idea that that distinction is being drawn, Mr. Angleton?

Mr. ANGLETON. Well, it is certainly my impression that this was the gap which the Bureau was seeking to cure. In other words, that they had had such—

Mr. SCHWARZ. Let's make perfectly clear what we're talking about. You knew, Mr. Helms knew, Mr. Hoover knew, and Mr. Sullivan knew that the CIA was, in fact, opening the mail, and the sentence says "covert coverage"—which means mail openings—"has been discontinued."

Mr. ANGLETON. But I still say that the FBI, in my view, are the ones who made the contribution of that statement. It was covering the problems that they had had in discontinuing their mail coverage.

Mr. SCHWARZ. Mr. Helms signed the report, didn't he?

Mr. ANGLETON. That is correct.

Mr. SCHWARZ. All right. I just want to have you read into the

record from two or more documents which relate to the U.S. Attorney General's being informed about mail opening, but being informed in June 1971, or in other words, a year after the Huston plan.

Would you first read into the record from exhibit 56¹, paragraph 4 of that document. And while you were looking for it, I will identify it for the record that that is a CIA memorandum, for the record, dated May 19, 1971, subject, "DCI's Meeting Concerning HT/LINGUAL," which was a code name for the mail-opening program. And it refers, Mr. Angleton, to a meeting in Mr. Helms' office which involved a number of CIA officials, including yourself.

Now, would you read into the record paragraph 4, please?

Mr. ANGLETON. Paragraph 4:

"The DCI," meaning the Director of Central Intelligence, "then asked, who in the Post Office Department knows the full extent of the operation—beyond cover surveillance. The Chief of Counterintelligence," meaning myself, "replied that only Mr. Cotter knows, for he has been witting while with CIA and the Office of Security. The previous Chief Postal Inspector, Mr. Montague, had never wanted to know the extent of examination actually done, and was thus able to deny on oath before a congressional committee that there was any tampering. Mr. Cotter would be unable to make such a denial under oath.

In an exchange between the Director for Central Intelligence and the Deputy Director for Plans, it was observed that while Mr. Cotter's loyalty to CIA could be assumed, his dilemma is that he owes loyalty now to the Postmaster General.

Mr. SCHWARZ. All right. In other words, for the first time, someone was in the Post Office Department, who, for sure, knew that the mail was being opened. Because of that dilemma, Mr. Helms went to see the Attorney General, did he not?

Mr. ANGLETON. That is correct.

Mr. SCHWARZ. All right. Now, would you read into the record the memorandum for the record, June 3, 1971, subject, "Meeting at the DCI's Office Concerning HT/LINGUAL" [exhibit 57²] the second paragraph which refers to Mr. Helms' statement that he had briefed the Attorney General concerning the mail opening program.

Mr. ANGLETON. Paragraph 2:

Mr. Helms stated that on Monday he had briefed Attorney General Mitchell on the operation. (NOTE.—Mr. Helms may have meant Tuesday, June 1, Monday having been a holiday.) Mr. Helms indicated that Mr. Mitchell fully concurred in the value of the operation and had no "hangups" concerning it. When discussing the advisability of also briefing Postmaster General Blount, Mr. Mitchell encouraged Mr. Helms to undertake such a briefing.

Mr. SCHWARZ. All right. Now, that document was dated June 3, 1971, and the mail opening program lasted until January or February 1973, when at the insistence of Mr. Colby, who said it was illegal, it was dropped. Is that correct?

Mr. ANGLETON. That is correct. It was actually—the Director was Mr. Schlesinger.

Mr. SCHWARZ. And was it not Mr. Colby who was the moving force saying it was illegal?

Mr. ANGLETON. Precisely.

Mr. SCHWARZ. All right, no further questions, Mr. Chairman.

The CHAIRMAN. Mr. Angleton—well, first of all, Mr. Smothers, do you have any questions at this time?

¹ See p. 365.

² See p. 368.

Mr. SMOTHERS. Yes; I do, Mr. Chairman. Mr. Angleton, there are two matters I would like to inquire into briefly. First, the process regarding approval for such actions as mail opening; and second, the nature of this working group itself. The chief counsel has just raised the questions regarding the statement in the report of the interagency group, and you indicated in response to his question that that may have been put in by the FBI. Is that correct?

Mr. ANGLETON. Pardon?

Mr. SMOTHERS. With respect to the discontinuance of the covert operation, mail opening, as mentioned in that report, you theorized, in response to Mr. Schwarz's question, that that may have been a statement put in by the FBI. To the best of your knowledge, didn't the FBI do most of the drafting on this report?

Mr. ANGLETON. The FBI, as I recall it, collected the opinions after each meeting of the participating agencies and appeared at the next meeting with minutes and a draft of the previous session.

Mr. SMOTHERS. All right. With respect to the question then of mail opening, is it your experience that this kind of operation by the CIA would have been discussed in interagency working group meetings among persons who would otherwise have been uninformed of such operations?

Mr. ANGLETON. No; we would not raise such an operation.

Mr. SMOTHERS. In the normal course of things, would there have been an approval channel other than such interagency groups for securing Presidential advice and consent to such operations?

Mr. ANGLETON. I am not aware of any other channel.

Mr. SMOTHERS. Would such channels as the Special Group or the Intelligence Board have been a proper place for such matters to be raised?

Mr. ANGLETON. I do not believe that an operation of this sensitivity would have been raised in any body. It would have been—if there was going to be submission for Presidential approval, it would have been raised either by the Director of the FBI or the Director of Central Intelligence.

Mr. SMOTHERS. But in any event, it would not have been raised with this working group involved with the Huston plan?

Mr. ANGLETON. That is correct. That is correct.

Mr. SMOTHERS. Mr. Angleton, if we could turn for a moment to the process resulting in the Huston plan itself, I would like to take you back to your testimony before the staff of this committee on the 12th of September. At that time, you were asked about the involvement of Mr. Tom Charles Huston in the development of this plan. I would like to read to you from page 16 of your transcript and ask you if it accurately reflects your comments at that time.

Mr. Loch Johnson is doing the questioning, and his question to you is:

Do you think that Tom Charles Huston viewed himself as a potential arbiter for domestic intelligence disagreements within the community?

Your response:

I think he did because his short letter of instructions to the heads of the intelligence community said that his role was to be what Dr. Kissinger's was in foreign policy. It was a very clear-cut edict, so to speak, that he was the ultimate authority in the Executive for domestic security.

Mr. Angleton, is that statement still true? Does that accurately reflect your testimony on September 12?

Mr. ANGLETON. I think it does. I could expand on it, but I think that is quite accurate.

Mr. SMOTHERS. But that response then is still true? You still believe it to be true?

Mr. ANGLETON. I believe it very much so and that particularly after listening to Mr. Huston yesterday.

Mr. SMOTHERS. Let me then raise with you another question regarding Mr. Huston's role. If you would, counsel, turn to page 24 of the same transcript. Mr. Angleton, the question is raised as to whether Mr. Huston was in fact the White House authority, but in addition as to whether he was competent to manage such a group as the one that was involved in the preparation of the Huston plan.

If you would turn to the last Angleton statement on page 24, let me read into the record your comment at that time and ask if that still represents your view.

Talking about his experience in the intelligence area, he was very knowledgeable. He had obviously gone into this matter at some length prior to the meeting. He knew precisely what none of us really knew, that is the depths of the White House concern. In fact, the most dramatic moment, I think, was at the beginning of one meeting. At some stage in the meetings after preliminary draft had been put forward, he found it totally unacceptable, and his comments were to the effect that the subcommittee was not being responsive to the President's needs.

Does that accurately reflect your comments?

Mr. ANGLETON. It does indeed. I think it is almost a direct quotation as it relates to his insistence, after one of the sessions. He began the next session with the statement to the effect that the committee was not responding—the drafting committee was not responding to the President's requests and was not responsive to it.

Mr. SMOTHERS. During the course of the meetings of this interagency intelligence group, was there any doubt in your mind that your purpose was to respond to the White House's bidding and that the message regarding the desires of the White House was being brought by Tom Charles Huston?

Mr. ANGLETON. There was no question in my mind, nor in the minds of others, that he represented the Commander in Chief in terms of bringing together this plan, and he certainly never qualified what his authority was. He made it very clear, and he submitted in writing that he was to have this role for domestic intelligence comparable to Dr. Kissinger's role in foreign affairs.

Mr. SMOTHERS. Thank you, Mr. Angleton.

Mr. Chairman, I have nothing further.

The CHAIRMAN. Mr. Angleton, you heard Mr. Huston's testimony yesterday?

Mr. ANGLETON. I heard most of it, sir.

The CHAIRMAN. You will remember then that he represented to the committee that in response to the President's desire to extend intelligence coverage within this country, that he asked the various departments of the Government involved, the FBI, the CIA, the NSA, to come together with a plan and give the President some options, and that the purpose of the recommendations that were made to the

President in the so-called Huston plan, based upon the recommendations that had come from these departments, was to secure the President's authorization to eliminate restrictions that he felt were obstructing this gathering of intelligence.

Now, Mr. Huston told us that he was never informed by the CIA, the FBI, or any agency that the mail was being opened. He made a recommendation to the President. The President authorized mail openings, and he testified that to his knowledge the President did not know that the mail was being opened either.

Now, when we asked Mr. Helms, the Director of the CIA, if to his knowledge the President had been told of the mail openings, he said, I do not know whether he knew it or not.

So the state of the record is that to the best of our knowledge the President had not been told that the mail was being opened. He gets a recommendation in which it is represented that covert coverage, which is mail openings, has been discontinued, and he is asked to authorize the reopening of this program. Now, you have referred to the President as the Commander in Chief. What possible justification was there to misrepresent a matter of such importance to the Commander in Chief?

Mr. ANGLETON. I would say that your question is very well put, Mr. Chairman. I can only speculate—and I do not have any record of the discussions between ourselves and the FBI during the drafting stages, but I know we had several where matters tabled within the drafting committee, were matters that we never explained to the other members, and one of them, of course, was the mail intercept. Again, only by way of speculation, I believe if the President had approved, or even if there had been some access to the President—because, I think, this is probably the most difficult task of all, was to have the audience in which these things could be explained—I have no satisfactory answer to your question, except that I do not believe that a great deal of the mail problem centered on the Bureau's lack of coverage, not the Agency's.

The CHAIRMAN. But the CIA was the agency principally involved in the mail openings.

Mr. ANGLETON. That is correct for all foreign mail, not for domestic.

The CHAIRMAN. Yes; and we will explore the whole breadth of that program in due course. Did not the CIA have an affirmative duty to inform the President about such a program?

Mr. ANGLETON. I believe so, without any question.

The CHAIRMAN. But it apparently was not done. You did not inform the President. Director Helms did not inform the President, so—

Mr. ANGLETON. I would say, sir, not by way of any excuse, but those were very turbulent periods for the intelligence community and particularly for the FBI, and I think that all of us had enormous respect for Mr. Hoover and understood the problems which he had in sustaining the reputation of the FBI.

The CHAIRMAN. But the fact that the times were turbulent, the fact that illegal operations were being conducted by the very agencies we entrust to uphold and enforce the law makes it all the more incumbent that the President be informed of what is going on; does it not? It is really not an excuse.

Mr. ANGLETON. I do not think there was ever the forum in which these matters could be raised at that level. I think that has been one

of the troubles in domestic counterintelligence and foreign counterintelligence that the issues never do get beyond the parochial circle of those engaged in that activity.

The CHAIRMAN. But you have said that there was an affirmative duty on the CIA to inform the President?

Mr. ANGLETON. I don't dispute that.

The CHAIRMAN. And he was not informed, so that was a failure of duty to the Commander in Chief; is that correct?

Mr. ANGLETON. Mr. Chairman, I don't think anyone would have hesitated to inform the President if he had at any moment asked for a review of intelligence operations.

The CHAIRMAN. That is what he did do. That is the very thing he asked Huston to do. That is the very reason that these agencies got together to make recommendations to him, and when they made their recommendations, they misrepresented the facts.

Mr. ANGLETON. I was referring, sir, to a much more restricted forum.

The CHAIRMAN. I am referring to the mail, and what I have said is solidly based upon the evidence. The President wanted to be informed. He wanted recommendations. He wanted to decide what should be done, and he was misinformed.

Not only was he misinformed, but when he reconsidered authorizing the opening of the mail 5 days later and revoked it, the CIA did not pay the slightest bit of attention to him, the Commander in Chief, as you say. Is that so?

Mr. ANGLETON. I have no satisfactory answer for that.

The CHAIRMAN. You have no satisfactory answer?

Mr. ANGLETON. No; I do not.

The CHAIRMAN. I do not think there is a satisfactory answer, because having revoked the authority, the CIA went ahead with the program. So that the Commander in Chief is not the Commander in Chief at all. He is just a problem. You do not want to inform him in the first place, because he might say no. That is the truth of it. And when he did say no you disregard it and then you call him the Commander in Chief.

I have no further questions. Senator Tower?

Senator TOWER. Mr. Angleton, the role of certain leaders within the intelligence community, such as that of Mr. Helms, has been of concern to this committee. Referring back to your transcript of September 12, at page 17, you were asked about the role of the Director of your Agency, the role of Mr. Helms. You began by discussing the first meeting of the interagency committee. You were asked who attended it and your response was as follows, and I read directly from the transcripts:

Mr. Helms, but he attended only for a few moments. Huston made the opening remarks as I recall. And since it was being held in our building, Helms made a brief appearance so to speak, the host, and he took off and I do not think from that moment he attended any other meetings.

Now Mr. Angleton, the question is this: is this still an accurate characterization of Mr. Helms' participation in the decisions and recommendations leading up to a so-called Huston plan?

Mr. ANGLETON. I did not mean my statement to indicate that there is any neglect of duty. It was simply that the working group was

qualified to adhere to certain guidelines. Mr. Helms' appearance, first appearance, was to lend weight to the President's request and to support Mr. Huston.

Senator TOWER. Are you saying then that Mr. Helms made no substantial contribution to the substance of the report?

Mr. ANGLETON. No; I am speaking about the—that his original talk was only to outline what the President required from the working group and naturally I saw him from time to time in terms of—I would telephone him to indicate where we stood on the report.

Senator TOWER. Now, Mr. Angleton, in these working group sessions, who represented the FBI?

Mr. ANGLETON. Mr. Sullivan, sir, who was also the chairman of the working group.

Senator TOWER. In your opinion, did Mr. Sullivan's views accurately represent those of Mr. Hoover?

Mr. ANGLETON. No; I do not think so.

Senator TOWER. Could you elaborate on that?

Mr. ANGLETON. Mr. Sullivan, as the chief of internal security, Assistant Director for Internal Security, found himself handicapped by lack of personnel and funding and in addition many of the aggressive operations conducted by the Bureau in the past have been systematically cut out by Mr. Hoover.

Senator TOWER. What does that mean? What is the significance?

Mr. ANGLETON. The significance being that the production of Internal Security fell down considerably.

Senator TOWER. Now, Mr. Angleton, did you come to gain some insight into the relationship between Mr. Sullivan and Mr. Tom Charles Huston?

Mr. ANGLETON. Well, it was my understanding, sir, that they had known one another for over a year prior to the meetings. And I would suggest that Mr. Huston was much better educated when he embarked on these matters than his testimony suggests. I find him extremely knowledgeable. He was certainly aware of the gaps.

Senator TOWER. Would you say that Mr. Huston reflected the views of Mr. Sullivan?

Mr. ANGLETON. Very much so, sir.

Senator TOWER [presiding]. I have no further questions. Mr. Mondale?

Senator MONDALE. Thank you, Senator Tower.

Mr. Angleton, you were in charge of the covert mail cover program from the beginning; am I correct?

Mr. ANGLETON. Not from the beginning, sir, from 1955.

Senator MONDALE. All right.

Mr. ANGLETON. I took it on as an ongoing operation which had been lodged also in the Agency.

Senator MONDALE. What is your understanding as to who authorized the program?

Mr. ANGLETON. I would say that the operation that was first initiated in 1952, at some stage the authorization was from the Chief of Operations of the Clandestine Services.

Senator MONDALE. As you conducted this program, under whose authority was it your understanding that you were operating?

Mr. ANGLETON. Within the Agency?

Senator MONDALE. Yes.

Mr. ANGLETON. Under the Chief of the Clandestine Operations.

Senator MONDALE. The Deputy Director for Plans, would that be?

Mr. ANGLETON. Correct.

Senator MONDALE. For your purposes, was that considered adequate authority or was this such that you felt authority had to flow from either the President or the National Security Council?

Mr. ANGLETON. I believe that I regarded that, plus the authority from the Director who was knowledgeable of the program, as internal authority.

Senator MONDALE. At your level of operations, that would be the only authority with which you would concern yourself?

Mr. ANGLETON. That is correct.

Senator MONDALE. All right. What was your understanding of the legality of the covert mail operation?

Mr. ANGLETON. That it was illegal.

Senator MONDALE. It was illegal. Now, you are an attorney?

Mr. ANGLETON. No, I am not, sir.

Senator MONDALE. Well, that might be an asset.

Mr. ANGLETON. That is my cover, Senator.

Senator MONDALE. How do you rationalize conducting a program which you believe to be illegal?

Mr. ANGLETON. To begin with, I was taking it over as an ongoing operation and there was probability that the program, through lack of personnel and funding, would have been scrubbed at some stage. From the counterintelligence point of view, we believe that it was extremely important to know everything possible regarding contacts of American citizens with Communist countries.

And second, that we believed that the security of the operation was such that the Soviets were unaware of such a program and therefore that many of the interests that the Soviets would have in the United States, subversive and otherwise, would be through the open mails, when their own adjudication was that the mails could not be violated.

Senator MONDALE. So that a judgment was made, with which you concurred, that although covert mail opening was illegal, the good that flowed from it, in terms of the anticipating threats to this country through the use of this counterintelligence technique, made it worthwhile nevertheless.

Mr. ANGLETON. That is correct.

Senator MONDALE. How do you recommend that this committee deal with this profound crisis between political and legal responsibility in government, a nation that believes in the laws, and what you regard to be the counterintelligence imperative of illegal activity? What do we do about it?

Mr. ANGLETON. My own belief has always been that high authority, whether it be on the Hill, the Congress, or in the Executive, needs to examine very closely the counterintelligence content available to this Government regarding its adversaries, and regarding the Soviet and the Soviet Bloc.

To my knowledge, there has never been such an examination. I believe very much in a statement made by Director of the FBI, Mr. Kelley, that it is his firm view, which he expressed in Canada

at a bar association convention, that certain individual rights have to be sacrificed for the national security.

Senator MONDALE. Do you believe that national security cannot be protected except through the sacrifice of these rights?

Mr. ANGLETON. I believe that all matters dealing with counter-espionage require very sophisticated handling and require considerable latitude.

Senator MONDALE. Who do you think should be empowered to determine which rights should be set aside?

Mr. ANGLETON. I think that, sir, not being an expert in these matters, that it should be a combination of the Executive and the Congress.

Senator MONDALE. How would the Congress express itself? Traditionally, it is through the adoption of laws.

Mr. ANGLETON. I am afraid I do not—

Senator MONDALE. As I understand the progression of this discussion, it is your opinion that this Nation cannot protect itself without setting aside certain personal liberties. Then I asked you, who would determine what liberties were to be set aside? And you have said it should be a combination of the Executive and the Congress. Of course, the Congress acts through laws. Are you saying that we should take another look at our laws to see whether they fully meet the needs of national security?

Mr. ANGLETON. That is correct.

Senator MONDALE. Would it not have been better then, when these laws were violated in the past, to do just that? Come to the Congress and say, "in our opinion we cannot defend you under the present laws and, therefore, we make these recommendations for change." That was not what was done. Surreptitiously and privately and covertly, legal rights of the American people were violated; in this case, mail was opened, without any such approval in the law. Is that correct?

Mr. ANGLETON. That is correct.

Senator MONDALE. Do you think that was a correct way to proceed?

Mr. ANGLETON. I think in an ideal world dealing with intelligence, and I have never seen one yet, that these matters should have been brought up vigorously. All through the life span of the CIA, I do not think there was the proper forum here for the airing securely of these matters.

Senator MONDALE. I disagree with you on the question of national security. I think our Constitution provides plenty of power to protect this country. In any event, I see no authority for anyone in the executive or in the Congress or anywhere else for determining, on his own, that the law is not good enough and therefore taking it into his own hands. I see no way of conducting a civilized, democratic society with those kinds of rules.

Now in your system for covert openings, there was prepared a watch list which set forth certain names of organizations and purposes and those names were the trigger for opening mail to or from them which was sent internationally.

Mr. ANGLETON. To the Soviet Union.

Senator MONDALE. To the Soviet Union. The list included Linus Pauling, John Steinbeck, the author, and Victor Reuther of the Auto Workers. What counterintelligence objective was it you thought you

were achieving in opening the mail of what most of us would assume to be very patriotic, thoughtful, decent Americans?

Mr. ANGLETON. Sir, I would prefer, if possible, to respond to that question in executive session.

Senator MONDALE. Well, I would like the answer. The chairman is not here so I think we ought to pass that request up until the chairman is back.

I have several other questions along that line with other names. But, in any event, let us wait until the chairman returns.

Senator TOWER. What was the request of the witness? That it not be answered except in executive session?

Senator MONDALE. Yes; I asked about three names that were on the watch list and he asked to answer that in executive session. I think we should await the chairman.

Mr. ANGLETON. Sir, may I please modify that?

Mr. BROWN. Would the Senator please just indulge us for just a moment so I can confer with Mr. Angleton?

Senator TOWER. Let us have order, please.

Mr. Angleton, should you answer this question in open session, would you be disclosing classified information that has not been previously cleared for disclosure?

Mr. ANGLETON. I would also need to have the opportunity to review files in the agency before making any response.

Senator TOWER. In other words, you do not know whether it would be disclosing classified information that has not been cleared?

Mr. ANGLETON. I would not depend on my memory, sir, at this time, because these are cases or matters which apparently were some time back.

Senator TOWER. The Chair will rule that for the time being, you will not be required to answer the question in open session; but that the matter can be reopened, should the committee decide that they should be disclosed in public session.

Mr. ANGLETON. Thank you.

Senator MONDALE. I have got some other names I would like to submit to Mr. Angleton which I wish he would use in his review in preparation for that answer, whether in public or in private.

Senator TOWER. Thank you, Senator Mondale. Senator Baker?

Senator BAKER. Mr. Chairman, thank you very much.

I believe most of the information relevant to the Huston plan document have been covered by other members of the committee and by counsel. But there are two or three things of a more general nature that I would like to direct Mr. Angleton's attention to, and ask his reaction or comments on.

Before I do, however, what was your job at the time of your retirement from the CIA?

Mr. ANGLETON. I was the head of counterintelligence.

Senator BAKER. Counterintelligence, in layman's terms, implies something other than intelligence. I take it that it implies something to do with keeping up with what the other fellow's intelligence would be.

Mr. ANGLETON. That is correct.

Senator BAKER. Was a major part of your operation concerned with intelligence operations against the United States by, say, the Soviet Union or other countries?

Mr. ANGLETON. It was a question of all hostile intelligence services where we have a situation, for example, that in the Soviet bloc alone, there are over 27 intelligence services who would conduct activity in the United States and in the territories of allies.

Senator BAKER. Well, to put it in lay terms again, counterintelligence was to protect our intelligence resources?

Mr. ANGLETON. It was to penetrate and frustrate the espionage and subversion from outside.

Senator BAKER. How, then, was counterintelligence, your area of concern and expertise, important to that area to be involved with mail openings?

Mr. ANGLETON. Well, since the mail openings were to the Communist countries, it meant that there was a contact, regular contact, with Americans and third country nationals who were here. For example, there are many third country nationals that were here studying, who, in turn, had relatives who were studying in Soviet institutions.

Senator BAKER. I can follow that. But what prompted the question was, why on earth would you have, for instance, Frank Church or Richard Nixon on that list?

Mr. ANGLETON. I would say it was very much an error.

Senator BAKER. It was an error to have them on the list?

Mr. ANGLETON. That is precisely correct.

Senator BAKER. Are there other members of this committee that were on that list?

Mr. ANGLETON. I'm not aware of it, sir. I've not gone through the listings.

Senator BAKER. You began this operation in 1954 or thereabouts, I understand.

Mr. ANGLETON. It was started in another part of the agency in 1952, and it was taken over by us—counterintelligence—in 1955.

Senator BAKER. I understand from your testimony to Senator Mondale that you think that it is of sufficient value so that it ought to be continued.

Mr. ANGLETON. It is certainly my opinion, and the opinion of my former associates.

Senator BAKER. It should be continued even if it required the change of the statute law—and I am not sure that would even do it. Let us just assume for the moment that you have a congressional debate on the necessity for doing it, and thus change the nature of the postal system; that is, people no longer would assume that their mail was inviolate, that people probably were going to inspect it. That gets us terribly close to Big Brotherism; the idea that when you mail a letter, you have got to assume that somebody may read it, at least a letter outside the country. Even if you assume that that would be the range and scale of the debate in Congress, you would favor the passage of such a bill?

Mr. ANGLETON. I didn't quite say that, sir. I believe I would prefer, if possible, to stick to what I believe to be the approach to the problems within the intelligence community; and that is that both the executive, at a high level, and the Congress examine in depth the nature of the threat to our national security.

Senator BAKER. If I may interrupt you for a minute, I think I ought to explain why I am proceeding in this way. I know, from reading your briefing papers, and from a general impression of your service to your country and to the CIA, that you have been an extraordinarily important figure in the intelligence and counterintelligence scheme of things for many, many years. I believe, based on your testimony, that you have a grave concern for the nature and the scope of the foreign threat, and the importance of the methods and techniques that are employed or may be employed by the CIA, by the DIA, and by other intelligence agencies.

That is my general impression. But your impression of us should be that, while we recognize the importance of that, it gets right sticky when it would appear, in some cases clearly, that those methods and techniques violate either the statute law or the Constitution of the United States. What I am putting to you is whether or not this country should engage in a debate in the congressional forum—which is where laws are made and changed—about a matter such as the changing of the fundamental nature of the postal system—that is to say, to create a situation where people must assume that their mail is being read.

Now, are the techniques for intelligence gathering—is the nature of the foreign threat such that we should go ahead with that debate, or even pass such a statute?

Mr. ANGLETON. I think in the present atmosphere, it would be impossible.

Senator BAKER. That is sort of our job, too; to guess what is possible and impossible in the Congress, and I am often fooled about what is possible and impossible. From your standpoint, what I am trying to drive at is whether or not you believe the scope and the extent of the threat to this country from abroad is sufficient to launch this Congress into a debate on whether there should be such a change in the postal laws or not.

Mr. ANGLETON. Well, I must accept, sir, the fact that again, that I do not believe that the atmosphere would even tolerate this subject being the subject of debate. I think these perceptions of dangers and threats have changed very greatly in the last 2 years. I think the policies of détente and, prior to that, peaceful coexistence—

Senator BAKER. What do you think of the policies of détente?

Mr. ANGLETON. Well, I would only speak to the question of détente, peaceful coexistence, strictly from counterintelligence observation.

Senator BAKER. That is why I asked you. You were the head man in that field. What do you think of it?

Mr. ANGLETON. My view is that there is complete illusion to believe that, on the operative, clandestine side—which is, in a sense, a secret war that has continued since World War II—that the Soviets or the Soviet bloc have changed their objectives. And I base this on counterintelligence cases.

Senator BAKER. I do not mean to embarrass you, Mr. Angleton, but I want to ask you this question. In that respect, is your disagreement with détente as a national policy part of the reason why you retired from the CIA at the time you did?

Mr. ANGLETON. I really cannot say. Every day that passes, I discover, much to my amazement, certain points of view and activity in which I

might say, neither myself nor my colleagues were in great favor. I cannot be specific. I do not have the facts.

Senator BAKER. Mr. Angleton, there are many questions I could ask. Your experience covers a turbulent time in history, and the temptation to ask you specific details about it is almost irresistible. But for the moment, in view of the time restraints, I will postpone that.

I would ask only a single thing, and that is whether or not you think there should be a significant national debate in a congressional forum, as well, on the question as to whether or not we should legalize some of the activities that now appear to be illegal in the intelligence-collecting field. Now, it is my own personal view that if you are going to do some of these things, the country will not accept them, and should not. They are intrinsically an intrusion, beyond the scope of the permissible.

But if you are going to do some of the others, that are more closely held, you ought not to do them without asking. You ought to send them up to Congress and find out what the likelihood of the law being changed may be. Would you generally agree, in retrospect, that that ought to be the way this matter is approached?

Mr. ANGLETON. There is no question in my mind.

Senator BAKER. Thank you, sir. Thank you, Mr. Chairman.

Senator TOWER. Senator Huddleston?

Senator HUDDLESTON. Thank you, Mr. Chairman.

Mr. Angleton, first I wonder if we might bring some of the intelligence terminology down to lay language, so that the people will have a complete understanding of what we are talking about here. I think we have pretty well covered mail coverage, but just to clarify it maybe somewhat further, we are discussing the actual opening of mail of certain citizens who appear on a predetermined list. Does some individual actually read this mail, or is it photographed, or just how is this handled?

Mr. ANGLETON. Well, sir, the process was to collect mail at an international terminal before it went abroad, and mail coming from abroad from Communist countries, and having the opportunity to surreptitiously open the envelopes, photograph the contents, and to dispatch the mail to the addressee. The photographs of the mail were brought through another part of our organization to us in Counterintelligence, where we had a group of some six people very fluent in languages, and also in holograph and flaps, and they were very sophisticated technicians and analysts. They would make abstracts of the mail where it was important, together with internal findings and dossiers, and direct it to certain selected customers.

Senator HUDDLESTON. Customers being specific agencies of the Government, either CIA—

Mr. ANGLETON. For all intents and purposes it was only to the FBI, although there was some mail that did—there were some special items that went to military intelligence.

Senator HUDDLESTON. Now, electronic surveillance—what all does this involve?

Mr. ANGLETON. Pardon, sir?

Senator HUDDLESTON. Electronic surveillance—what does this involve specifically?

Mr. ANGLETON. We were not involved in electronic surveillance.

Senator HUDDLESTON. You know what it is, do you not?

Mr. ANGLETON. Yes, sir. It is all forms of eavesdropping.

Senator HUDDLESTON. Is this tapping telephones?

Mr. ANGLETON. Telephones.

Senator HUDDLESTON. That is, a wiretap.

Mr. ANGLETON. Bugs.

Senator HUDDLESTON. Bugs in rooms, or in places where people might assemble?

Mr. ANGLETON. Precisely.

Senator HUDDLESTON. Without their knowledge?

Mr. ANGLETON. Hopefully.

Senator HUDDLESTON. Surreptitious entry—what is this describing?

Mr. ANGLETON. That is the ability to penetrate into either a building or mail—

Senator HUDDLESTON. Break it down into a simple context that we hear in every police court in the country on Monday morning. It is breaking and entering to a great degree, is it not? It might be—

Mr. ANGLETON. As long as there is no—I say I agree, sir.

Senator HUDDLESTON. It would be breaking into someone's home or into his office or his apartment, and, in effect, taking what you consider to be important to the objective.

Mr. ANGLETON. It is not so much taking as it is photographing.

Senator HUDDLESTON. Or photographing.

Mr. ANGLETON. There is not really much breakage.

Senator HUDDLESTON. What do you mean by development of campus sources?

Mr. ANGLETON. Is that in the context, sir, of the Huston plan?

Senator HUDDLESTON. Yes, that was part of the Huston objective.

Mr. ANGLETON. It simply meant the eventual recruitment of sources on the campus.

Senator HUDDLESTON. Would that be students?

Mr. ANGLETON. I believe it referred specifically to students and perhaps some instructors.

Senator HUDDLESTON. Who would perform as informants or as—

Mr. ANGLETON. They would be spotters in terms of possible recruitment of people, or informants.

Senator HUDDLESTON. I think it is important that the people understand what we are talking about when we talk in intelligence terms, Mr. Angleton, and those descriptions I think will be helpful.

Now, prior to the development of the Huston plan, would you say that one of the reasons that this development occurred was that conflicts had grown specifically between the CIA and the FBI?

Mr. ANGLETON. Unfortunately, yes.

Senator HUDDLESTON. Would you describe what some of those conflicts were, some of the things that were troubling Mr. Hoover?

Mr. ANGLETON. Well, to begin with, in all fairness to Mr. Hoover, after World War II, he was not happy with his activities in certain parts of the world which he conducted during wartime, being transferred to another agency. I do not believe that this was jealousy, as has often been stated. I think that he only had to look at the fact that during World War II, the OSS had many people who were loyal to General Donovan, but also had loyalties to the opposition—and I do not want to characterize it as many. I think it is in many records.

And therefore, there was a very grave problem of the security standards of the Agency coming from World War II.

Senator HUDDLESTON. Did this result in the concern that he had that there were informants within the FBI that were telling the CIA things that Mr. Hoover did not think they should be telling?

Mr. ANGLETON. Sir, I think you are referring directly to the one straw that broke the camel's back.

Senator HUDDLESTON. Was this a single incident?

Mr. ANGLETON. A single incident in which an officer of the CIA received information to which he was entitled regarding a foreign national who disappeared and he received this information from an unnamed FBI officer. Mr. Hoover demanded the identity of the FBI officer. The CIA official as a matter of personal integrity refused to divulge the name of his source and he also offered to the Director, Mr. Helms, his resignation.

Senator HUDDLESTON. You indicate this was a one-time incident. Are you suggesting that the CIA did not have other sources of information from within the FBI that may not have been known by the Director, Mr. Hoover?

Mr. ANGLETON. I would never call them sources. The CIA had many contacts with the FBI at various levels.

Senator HUDDLESTON. Were there also instances where the CIA requested of the FBI and of Mr. Hoover to undertake certain wiretaps for domestic surveillance that Mr. Hoover declined to do?

Mr. ANGLETON. That is correct.

Senator HUDDLESTON. Did this also create friction between the agencies?

Mr. ANGLETON. I do not think that that in itself necessarily created the friction. I think the friction came from the case I described earlier.

Senator HUDDLESTON. Just that one case? Was that enough to cause Mr. Hoover to eliminate the liaison totally and formally between the two agencies?

Mr. ANGLETON. That is correct.

Senator HUDDLESTON. And he did that, in fact?

Mr. ANGLETON. He did, indeed.

Senator HUDDLESTON. During the early sessions of the group that was setting up the Huston plan, was this friction evident to you as a participant of those meetings, that the CIA and the FBI were not getting along at the top levels as they might?

Mr. ANGLETON. Well, I do not think that the relationship at the top levels was ever satisfactory. I believe—and this may be somewhat of an exaggeration—but I believe that over a period of some 25 years I do not think there were probably more than three or four or five meetings between the Director of FBI and the Director of CIA except those that might have been casual, where they bumped into one another in a national security conference.

Senator HUDDLESTON. Did this adversely affect the efficiency of our intelligence community?

Mr. ANGLETON. It did.

Senator HUDDLESTON. Do you think Mr. Hoover's concern in the FBI's dealings with the CIA was principally due to the questionable legality of some of the things that the CIA was asking him to do? Or was it a concern for the public relations aspect of his agency?

Mr. ANGLETON. Well, I think that Mr. Hoover was conscious of all aspects of situations where the Bureau's interests were affected, whether it be professional, whether it be public relations, he was without question the number one law enforcement officer in the United States and probably the most respected individual outside the United States among all foreign intelligence and security services. And I believe that Mr. Hoover's real concern was that during the Johnson administration, where the Congress was delving into matters pertaining to FBI activities, Mr. Hoover looked to the President to give him support in terms of conducting those operations. And when that support was lacking, Mr. Hoover had no recourse but to gradually eliminate activities which were unfavorable to the Bureau and which in turn risked public confidence in the number one law enforcement agency.

And I think his reasoning was impeccable.

Senator HUDDLESTON. Well, did the CIA, on occasion, ask Mr. Hoover and his agency to enter into "black bag" jobs?

Mr. ANGLETON. That is correct.

Senator HUDDLESTON. And that is surreptitious entry or in layman's terms, breaking and entering.

Mr. ANGLETON. It deals basically with handling couriers, the man who carries the bag.

Senator HUDDLESTON. During the initial stages of the interagency committee developing the Huston plan, did it occur to you to inquire whether or not—since you were aware that you were suggesting or talking about doing things that were illegal—did it occur to you to inquire whether or not the Attorney General of the United States had been advised or questioned about this plan?

Mr. ANGLETON. Well, I did not have, as a rule, relations with many Attorneys General except on very special cases.

Senator HUDDLESTON. I am not suggesting you would have inquired yourself, but that his approval would have been given or at least he would have been consulted.

Mr. ANGLETON. My approach, sir, on that—

Senator HUDDLESTON. Did it even bother you to wonder about it?

Mr. ANGLETON. No. I think I can reconstruct my attitude over many years on that matter, that I felt it most essential that the Attorney General be aware of the program in order to read the mail and to read the production. In other words, I think that an Attorney General who does not know the minutiae of the threat is a very poor Attorney General.

Senator HUDDLESTON. Were you surprised then to learn that he had not been consulted about the Huston plan?

Mr. ANGLETON. I was absolutely shocked. I mean it was unbelievable, because one believed that he had everything relating to Justice Department.

Senator HUDDLESTON. Is that the reason that you testified you were not surprised when the President rescinded his approval after Mr. Hoover went to the Attorney General?

Mr. ANGLETON. I must repeat that I could well understand how without even going into any inquiries, that the Huston plan was dead.

Senator HUDDLESTON. You expected that to happen?

Mr. ANGLETON. Absolutely.

The CHAIRMAN [presiding]. Thank you very much. I want to thank Senator Tower for taking over and presiding for me. I had to be at a meeting of the Senate Foreign Relations Committee that is considering the Sinai agreements and for that reason I had to absent myself.

Let us see, we are now at Senator Schweiker, please.

Senator SCHWEIKER. Thank you, Mr. Chairman.

Mr. Angleton, did you support the Huston plan in principle? At the time that this became a function of your decisionmaking process, your administrative responsibility, did you support the Huston plan?

Mr. ANGLETON. I did.

Senator SCHWEIKER. After the Huston plan was shot down, I guess by a combination of John Mitchell and J. Edgar Hoover, there were some other actions taken. First of all, John Dean was moved in and somewhat replaced Mr. Huston in his duties and then he wrote a memo on September 18, 1970 [exhibit 24¹], within 2 months of the decision to abandon the Huston plan. And he set up a new committee and I quote now from his memo, "a key to the entire operation will be the creation of a interagency intelligence unit for both operational and evaluation purposes." You were a part of that new unit; was that correct?

Mr. ANGLETON. I was present.

Senator SCHWEIKER. And as I understand it, the very first meeting of that unit was held in John Dean's office in the White House. Is that correct?

Mr. ANGLETON. That is correct.

Senator SCHWEIKER. So in essence, by this move, did you not really begin to accomplish many of the objectives that Mr. Huston set out, but you did it in a way that Mr. Mitchell and Mr. Hoover did not strenuously interpose their objection. Is that correct?

Mr. ANGLETON. I do not have any evidence of that.

Senator SCHWEIKER. Well, on April 12, do you recall there was a meeting among Mr. Helms, Mr. Hoover, and Admiral Gayler to discuss loosening up or broadening, whatever way you want to call it, the information gathering techniques to the point where some of the elements of the Huston plan were being reconsidered. Do you recall such a meeting?

Mr. ANGLETON. I know that that was something that was of concern to the intelligence community prior to and after the Huston plan. The Huston plan itself had no impact or did not impact on the meeting, the question of espionage assistance to the National Security Agency.

Senator SCHWEIKER. Of the seven or eight individual elements of the Huston plan concerning new ways of getting intelligence more easily, weren't some of these similar to the proposals that were discussed at the April 12 meeting as well as at the interagency meeting? Certainly you did discuss them, and did they not come up for consideration in different forms?

Mr. ANGLETON. Excuse me, sir.

Senator, I am trying to be responsive to your hypothesis. The Huston plan, in effect, as far as we were concerned, was dead in 5 days and therefore all of the other matters of enlarging procurement within the intelligence community were the same concerns that existed prior

¹ See p. 255.

to the Huston plan, and subsequent to the Huston plan. The Huston plan had no impact whatsoever on the priorities within the intelligence community.

Senator SCHWEIKER. I understand that, Mr. Angleton. But at that meeting where Mr. Helms and Admiral Gayler and the others met, was there not a discussion to do some of the very same things that had been referenced in the Huston plan?

Mr. ANGLETON. That part is correct, sir.

Senator SCHWEIKER. That is all I am trying to establish.

Mr. ANGLETON. But it had a life of its own prior to the Huston plan.

Senator SCHWEIKER. And then did not the Plumber's unit at a later time perform some of the same illegalities, such as breaking and entering, that the Huston plan has proposed?

Mr. ANGLETON. Pardon?

Senator SCHWEIKER. I realize you are not directly connected with the Plumbers, but did the Plumber's unit not do some of the same things, breaking and entry, illegal burglary, that the Huston plan proposed? Is that not a fact?

Mr. ANGLETON. Yes.

Senator SCHWEIKER. So in essence, they went around the back door instead of the front door. Even though the Huston plan was dead I believe it had nine lives. Now, Mr. Angleton, you were head of the Counterintelligence Unit of the CIA and under you was a group called the Special Operations Group, headed by Mr. Richard Ober, who we will be hearing from tomorrow. But inasmuch as you were involved as his immediate supervisor, it is correct to say that Operation CHAOS was under your supervision, although not immediately?

Mr. ANGLETON. It was technically under my supervision for "rations and quarters."

Senator SCHWEIKER. And you supported and went along with Operation CHAOS as an executive of CIA, is that not correct?

Mr. ANGLETON. I was not familiar with all of the operations of CHAOS.

Senator SCHWEIKER. Did you object to it? Did you oppose it? Did you fight it in any way?

Mr. ANGLETON. Those operations I knew about I approved, I mean, I was approving of.

Senator SCHWEIKER. Were you aware that some of the Operation CHAOS agents were operating in the United States?

Mr. ANGLETON. I was not. I would qualify that to say, as I have said before, before the Rockefeller Commission, that there was a period in all operations of that nature where the agent had to build cover in the United States. But I suggested, and I still believe, that those operations should be examined in terms of what was Mr. Ober's motive. And I think that one will find, as far as I know, that his motive was to send these people abroad for intelligence collection.

Senator SCHWEIKER. Well, were you aware of the memos [exhibit 65¹] that CIA sent to Walt Rostow, and then Henry Kissinger, which said the following, and I quote "you will, of course, be aware of the peculiar sensitivity which attaches to the fact that CIA has prepared

¹ See p. 402.

a report on student activities, both here and abroad." Were you aware of either memo, number one, or number two, that you were following student activities here?

Mr. ANGLETON. Do we have this memorandum?

Senator SCHWEIKER. I will ask the counsel whether you have it. This was received from the Rockefeller Commission. You might not have it immediately before you.

Mr. ANGLETON. I do not recall it.

Senator SCHWEIKER. Let me ask you this way. Were you aware of any activities under you, or under people under your direction, that had to do with preparing a report on the domestic activities of students here in the United States of America?

Mr. ANGLETON. There were reports that I cannot identify unless I see them.

Senator SCHWEIKER. That is not my question. My question is were you aware of any counterintelligence activities directed against the students of the United States of America here at home? You were in charge of supervising this whole counterintelligence unit.

Mr. ANGLETON. I tried to explain, sir, that I was not in charge.

Senator SCHWEIKER. What does being Chief of Counterintelligence mean? You were Chief of the Counterintelligence Staff, were you not?

Mr. ANGLETON. Yes.

Senator SCHWEIKER. And that did not come under your purview?

Mr. ANGLETON. I said that Mr. Ober's unit was in the Counterintelligence staff for rations and quarters. I did not have access to many of his disseminations. We were not even on the carbon copies for dissemination. I did not know the identity of his agents. I did not have any knowledge or appurtenances of a case officer over these activities.

Senator SCHWEIKER. Let me ask you something that you did testify to that we will not have a problem of communication on. On page 109 of your September 12 testimony, in a deposition before this committee, you were specifically asked about how the CIA might either ignore, or not follow, or contradict an order relating to the destruction of shellfish toxins and poisons, about which we held hearings last week. Now you are quoted in your deposition, "It is inconceivable that a secret intelligence arm of the government has to comply with all the overt orders of the government." Is that an accurate quote or not?

Mr. ANGLETON. Well, if it is accurate it should not have been said.

The CHAIRMAN. That is right, Mr. Angleton.

Senator SCHWEIKER. It looks like we are on plausible denial again is all I can say here, Mr. Chairman. It is a direct quote and I understand the procedure is to give you an opportunity to review your testimony each day, in case you want to correct it. Did you not have that opportunity?

Mr. ANGLETON. I did not expect, sir, to be called Friday night late and told I would be here today. I intended in due course to see my testimony. I was informed that I would be present in October.

Senator SCHWEIKER. Well, getting back to the issue at hand, Mr. Angleton, do you believe that statement that you made or do you not believe it? What is your belief of whether a secret intelligence agency has the right to contradict a direct order of a President or whether it does not apply?

Mr. ANGLETON. Well, I would say I had been rather imprudent in making those remarks.

Senator SCHWEIKER. Well, I think, Mr. Chairman, it raises the problem that this committee is really confronted with. And I don't want to say that—unfortunately you are not the exception in this belief, Mr. Angleton, because I think our work, our intelligence investigation, has turned up an awful lot of people in the intelligence community who really feel this way.

I think that is exactly how the toxin situation got to where it was. And, while this may not have been the biggest thing that happened, I think it is indicative of the problem that this committee and the Congress have to deal with. And you feel, or the intelligence community feels, that they are removed from even a direct order of the President. And I think that does come to the heart of the issue. I think you were honest in your statement and I think actually this is the issue before the committee and the Congress now. Thank you, Mr. Chairman.

The CHAIRMAN. Well I might observe that Mr. Angleton has not denied the statement, nor has he changed his position. He said it was an imprudent thing to say. That was your answer, was it not?

Mr. ANGLETON. I have not pursued the question of toxins from a professional point of view. I did not listen to all of the hearings on it. It is a matter very much outside of my professional background.

The CHAIRMAN. But your statement, Mr. Angleton, is not related to toxins. It is a very general statement, which I do believe represents your view.

Mr. ANGLETON. I am sorry, sir, but it does not necessarily represent my views.

The CHAIRMAN. You said it is inconceivable that a secret intelligence arm of the Government has to comply with all of the overt orders of the Government.

Mr. ANGLETON. To comply with all overt—

The CHAIRMAN. Do you retract that statement now, or do you merely regard it as imprudent.

Mr. ANGLETON. I have not studied the testimony, sir.

The CHAIRMAN. May I call your attention to it on page 109 of your testimony before this committee, September 12, beginning on line 9, and I read, "It is inconceivable that a secret intelligence arm of the Government has to comply with all of the overt orders of the Government."

Mr. ANGLETON. I withdraw that statement.

The CHAIRMAN. Do you withdraw that statement?

Mr. ANGLETON. I do.

The CHAIRMAN. Did you not mean it when you said it the first time?

Mr. ANGLETON. This was stated before the hearings, before you held your hearings on this matter?

The CHAIRMAN. Yes, but when you said it to us, did you mean it or did you not mean it?

Mr. ANGLETON. I do not know how to respond to that question.

The CHAIRMAN. You do not know how to respond to the question?

Mr. ANGLETON. I said that I withdrew the statement.

The CHAIRMAN. Very well, but you are unwilling to say whether or not you meant it when you said it.

Mr. ANGLETON. I would say that the entire speculation should not have been indulged in.

The CHAIRMAN. I see. Senator Morgan.

Senator MORGAN. First of all, with regard to the question that the chairman asked you, do you know what specific order was being referred to in that case?

Mr. BROWN. Excuse me, Senator, just a moment please.

Mr. ANGLETON. No; I did not know the orders.

Senator MORGAN. Then you are not talking about any particular order, but you were talking about orders in general?

Mr. ANGLETON. Sir, I have not reviewed this transcript.

Senator MORGAN. I understand that, Mr. Angleton. And that is why I was looking back at it myself.

If I could pursue for a moment the questions of Senator Mondale and Senator Baker, first of all, would you again draw the distinction between counterintelligence and intelligence gathering?

Mr. ANGLETON. In the ultimate, they are about the same thing. Counterintelligence is more or less all of the programs of which the distillate is counterespionage. In other words, the sum total of counterintelligence activity includes dossiers, identification of individuals, travel control and a whole series of other dossier items. It forms the counterintelligence base. From that can be developed a product which is counterespionage, the dealing in confrontation with other intelligence services: as a rule, dealing with their aggressive aspects, whether it be subversion, whether it be espionage, and in certain instances in the world of double agents, dealing with their counterespionage.

Senator MORGAN. Now, as Chief of the Counterintelligence Staff, how much of your work was involved in this country?

Mr. ANGLETON. Relatively little.

Senator MORGAN. Was the mail cover part of it?

Mr. ANGLETON. That is correct.

Senator MORGAN. And before the Huston plan, you were intercepting all mail going to Communist countries, photographing it, and intercepting all mail coming from Communist countries.

Mr. ANGLETON. That is correct. But there was a limit as to the amount of mail which we opened and photographed.

Senator MORGAN. What limitations were placed on the amount of mail?

Mr. ANGLETON. It is where it was of no interest.

Senator MORGAN. How did you determine whether or not mail was of no interest if you—

Mr. ANGLETON. It was, as a matter of procedure, one of the customer agencies would indicate that it, having levied a requirement previously, would state that they no longer desired such coverage.

Senator MORGAN. Well, now, was it coverage of those who were on the watch list, or was it coverage of all mail going to and from Communist countries?

Mr. ANGLETON. The basic thrust of the program was a watch list.

Senator MORGAN. Mr. Angleton, did you at that time consider the mail coverage indispensable to your job?

Mr. ANGLETON. I believed it was one of the few resources, routine in nature, available to counterintelligence.

Senator MORGAN. Well, Senator Mondale asked you about your rationale behind opening the mail. How do you reconcile it with the

rights of the individuals in this country under our Constitution? How did you reconcile your action?

Mr. ANGLETON. Well, Senator, I reconciled it in terms of the knowledge I had, and my colleagues had, regarding the nature of the threat.

Senator MORGAN. Well, assuming, Mr. Angleton, that you were justified in your actions, which I don't think you were, but assuming that, what is to prevent some other individual from deciding on his own that such activities are justified? And what is to prevent him from carrying out such activities?

Mr. ANGLETON. Senator, I don't want to quibble. But I will have to say the operation was in being 3 years before I entered the scene. It was not something of an individual initiative, it was a group of like-minded men who arrived at similar and the same conclusions that this was an indispensable means of collecting foreign intelligence on the Soviets, who regard this country to be the main enemy, and, together with the Soviet bloc, coordinates their activities on their ideological basis. This is very persuasive to someone who has given up 31 years of their life with certain very high ideals for this country. When I left the Army, as many of us did, I believed that we were in the dawn of a millenium. When I look at the map today and the weakness of power of this country, that is what shocks me.

Senator MORGAN. Mr. Angleton, the thing that shocks me is that these actions could be carried on contrary to the constitutional rights of the citizens of this country. Do you not believe that we can gather the necessary intelligence that we need for the protection and security of this country, and at the same time live within the Constitution?

Mr. ANGLETON. I am not a constitutional lawyer and I do not have at my fingertips those parts of the amendments which appear, on the surface, to give the President certain rights in wiretapping and electronic surveillance.

And if I understand it correctly, I do not believe there is too much of an extension to the next stage, which is the question of American and Soviet communications, or Soviet bloc communications.

Senator MORGAN. I would beg to differ on that, and on the analysis that you made, and also the one that Mr. Huston made. But for the purpose of the guidance of this committee, can you give us any suggestion as to how the actions of that Central Intelligence Agency can be monitored in such a way as to protect the fundamental rights of the American citizens of this country?

Mr. ANGLETON. You mean how it should be restructured?

Senator MORGAN. Yes; earlier you suggested that maybe the Congress and the President should take some action. But the thing that bothers me, Mr. Angleton, is how can we act if we don't know the facts? And, if we do act, the intelligence agencies refuse to obey the guidelines and ordinances. In other words you were doing all of these things before the Huston plan was ever devised. You continued to do them after the President rejected the report. So, what assurances do we have that an intelligence agency would follow any mandate of the Congress or the President? And how can we prepare some mandates that would be followed? That is what this committee is searching for.

Mr. ANGLETON. I have nothing to contribute to that, sir, beyond what I have said already.

Senator MORGAN. In other words, you just don't think it can be done. You feel that an intelligence agency has to have unlimited rights to follow its own instincts in gathering intelligence?

Mr. ANGLETON. No; I do not.

Senator MORGAN. What limitations would you place on it?

Mr. ANGLETON. I think the mail-intercept program is probably one of the few exceptions that I could conceive of.

Senator MORGAN. But if the Agency will not obey the orders of the President, do you have any suggestions as to what we can do to assure obedience in the future?

Mr. ANGLETON. Sir, I don't regard the submission to the President as being a black and white matter, because I don't know all of the facts surrounding that. But my reading of that language had a great deal to do with the question of gaps in the plan filled by the FBI in the question of domestically intercepting mail, rather than as we were doing excepting—directing it entirely to mail between the United States and Communist countries. And I do draw that distinction. In other words, our motive had nothing whatsoever to do with infringing, or I mean in harming, Americans. Our problem was to try to uncover foreign involvement in this country.

Senator MORGAN. Let me conclude by observing that I am concerned, from the testimony we have heard today, and also from the testimony we have heard in the past, about the fact that it seems from the testimony that many of these plans are devised and put into practice, and then at some later date, publicly, or for the record, the plans are rejected. But, notwithstanding such rejection either by the President or some higher authority, all of the plans are carried out anyway. And it makes me wonder whether or not the rejection of such plans is for the purpose—as Senator Schweiker pointed out—of plausible denial. Are they really rejections of the plans, or are they rejections for the purpose of the record? If it is a real rejection, how can we secure compliance with it by the various agencies?

Thank you, Mr. Angleton.

The CHAIRMAN. Thank you very much, Senator Morgan.

I think just for purposes of clarifying the matter I ought to say that we have found the CIA files on mail that has been opened, and we are now in the process of investigating and preparing ourselves to look into this whole question of mail opening in a much more detailed way. At the beginning of this hearing this morning I mentioned such organizations as the Ford Foundation, Harvard University, the Rockefeller Foundation, and such individuals as Arthur Burns, Congresswoman Bella Abzug, Jay Rockefeller, President Nixon, Martin Luther King, and Senator Hubert Humphrey, Senator Edward Kennedy, and myself whose mail had been opened, and I would like to make it clear that these names were never on the watch list, so far as we can determine. So that it is obvious that the opening of the mail was not restricted to any particular watch list, but may have gone very far afield, indeed.

I am going to get that letter I wrote to my mother. I want to see what is in that letter that was of interest to the CIA. And I say this because the privacy of the mail has been one of the most honored practices in this country and it is protected by the statutes. The Supreme Court of the United States passed on this very early in our

history, back in 1877. I just would like to read a passage of what the Supreme Court said about the privacy of the mail and the rights of American citizens. It said:

Letters and sealed packages of this kind in the mail are as fully guarded from examination and inspection, except as to their outward form and weight, as if they were retained by the parties forwarding them in their own domiciles.

The constitutional guaranty of the right of the people to be secure in their papers against unreasonable searches and seizures extends to their papers, thus closed against inspection, wherever they may be. Whilst in the mail, they can only be opened and examined under like warrant * * *

I think one of the real responsibilities of this committee is to make certain that in the future our intelligence agencies recognize that in the name of protecting freedom, they had better honor the Constitution and the laws, because that is what freedom is all about.

Senator Mathias.

Senator MATHIAS. Mr. Angleton, I suspect that there will be no witnesses coming before this committee who can be of more help to us than you in understanding the intelligence community as it developed after World War II, in understanding the kind of work that the intelligence community ought to be doing, and in helping us to see what needs to be done in the future. But in understanding exactly how you worked, I think we need to know some of the mundane, mechanical, things.

For instance, when Mr. Helms was before the committee last week, we discussed the question of compartmentation, the fact that certain parts of the Central Intelligence Agency were totally compartmented from other parts, and I think it is important to understand exactly what that does to the execution of national policy. For example, if a project would come to you about which some question of legality is raised, was compartmentation such that you could not consult the General Counsel of the CIA for a ruling on its legality?

Mr. ANGLETON. I would say that the custom and usage was not to deal with the General Counsel as a rule until there were some troubles. He was not a part of the process of project approvals.

Senator MATHIAS. There was no preventative practice?

Mr. ANGLETON. Not necessarily.

Senator MATHIAS. So that on this question of opening mail, the question of whether it was legal or illegal never was discussed with the legal officials of the Agency?

Mr. ANGLETON. Not to my knowledge.

Senator MATHIAS. What about relationships with law enforcement agencies outside the Central Intelligence Agency? For instance, in the Huston plan, Mr. Hoover appended a note to the recommendations on mail opening in which he objected to it, and noted that it was illegal, and indicated that he was aware that other agencies might be doing it. Now, if a project of that sort were undertaken, was there any preclearance with an agency like the FBI, a law enforcement agency?

Mr. ANGLETON. As it related to this, of course, the Bureau was fully apprised after they were informed in 1958. The Bureau would be—we would coordinate any domestic activity, or even with the three areas with the FBI in advance. By the same token, they would coordinate with us in advance any overseas activity, and in this respect I

was always a firm believer that when the Bureau developed certain intelligence sources, they should have the operational control over those sources, regardless of geography, as long as there was coordination.

Senator MATHIAS. You are going to lead me to my next question. But before I get to that, would the coordination with the FBI include immunity?

Mr. ANGLETON. It would depend, sir, on the parameters of the operation. If their own interests were impinged upon, there would certainly be coordinations in the community.

Senator MATHIAS. Yes, but would your operator, who might be apprehended in the course of the operation, be understood to be immune from legal prosecution as a result of the coordination with the FBI?

Mr. ANGLETON. You mean for an illegal act in the United States?

Senator MATHIAS. Yes. Was there any agreement that he would not be prosecuted, as would an ordinary citizen who was apprehended in the same act?

Mr. ANGLETON. Well, I must confess that until it was brought out in these hearings, I was unaware of the agreement between the Department of Justice and ourselves, even though I can well understand why there was such an agreement. But in the few cases I do know, I never saw the Agency ever interject itself on anything frivolous. In other words, it went to the heart of an operation or to the security of an agent.

Senator MATHIAS. In other words, you are saying that he took his risks if he were apprehended in any legal difficulties?

Mr. ANGLETON. If he had not been instructed by the agency, and he strayed, he obviously was, to my recollection—this was a subject matter for the General Counsel to take up with the Department of Justice.

Senator MATHIAS. And when the General Counsel took it up with the Department of Justice, would it be merely to provide representation in a court of law, or would it be to make some arrangement by which immunity would be granted because of the nature of the duties he had been performing that resulted in the illegal act?

Mr. ANGLETON. I would assume that it would be—the purpose of this would be for our General Counsel to disgorge all relevant facts and all documents and papers, and present an Agency position, and that the argumentation for any special treatment would be supported by the facts.

Senator MATHIAS. And I have been deducing from what you say that you made the best deal that you could at the time, under the circumstances.

Mr. ANGLETON. Not entirely. I have known of—well, I won't go that far. But there have been cases which have involved, say, misuse of funds or whatnot, in which the Agency, as I recall, threw the party very much to the dogs.

Senator MATHIAS. Right. But those were the cases where there was no relief.

Mr. ANGLETON. Well, they were cases where a superior interest of the Government was not harmed.

Senator MATHIAS. I think I understand what you are saying. Now, getting back to the question that you raised a minute ago, in which

you said you thought that a source that you developed belonged to you, regardless of where it might happen to lodge geographically, it could be within the United States, could it not?

Mr. ANGLETON. It could be, and I think that if I might pursue that somewhat—

Senator MATHIAS. Yes; I wish you would tell us how you distinguish between CIA domestic activity that is prohibited by statute, and counterintelligence that may lead you into some domestic scene.

Mr. ANGLETON. Well, I think there are many approaches to this. But I would begin first with the agent-principal relationship. In other words, when we are dealing with agents, we are not dealing with pieces of merchandise. There are very tenuous psychological realignments between a case officer and his agent, and therefore he is threatened even if you change case officers, let alone the question of jurisdiction.

Now, assuming that an agent of ours comes to the United States, we are presented with a problem, therefore, of is he to be transferred to the jurisdiction of the FBI? The moment that the answer is yes, we are subjecting that individual to risk. Now, in the recruitment of that man, it is quite possible—and in more cases than one—that he has been given assurances that his identity is only known to a very limited number of people. And on occasions, his identity may only be known to the Director, so that this is a case-by-case matter.

In other words, we are in a sense the contracting agents for the Government, and we do contract, and we do accept conditions of employment. And to our way of thinking, we must abide by it. But in order not to jeopardize the domestic activities of the Bureau, and at the same time to give them the full benefits of the individual, there is a coordinating process with them as to this person. And I have never really known of many cases where there was not agreement.

Senator MATHIAS. So that there was, in fact, a gray area?

Mr. ANGLETON. It is a gray area, but it is a gray area by virtue of the actuality of a principal-agent relationship, not because of jealousies or internecine infighting.

Senator MATHIAS. And there were clearly pragmatic solutions to the problems that arose in the gray area?

Mr. ANGLETON. Correct.

Senator MATHIAS. One final question, Mr. Angleton. If we are to construct an intelligence community for the future, I think we have to understand what the nature of the problem is today. How would you assess the tensions that exist today between the United States and potential antagonists or enemies in the world, the kind of tensions that create the basic intelligence problem with which we have to cope?

Mr. ANGLETON. This would open up an extremely complicated channel of discussion.

Senator MATHIAS. I think it is important that we try to grapple with it, no matter how complicated it is.

Mr. ANGLETON. If I may go off on a tangent for a moment, I have observed the hearings as printed in the press being conducted by Congressman Pike; and with the exception of the security leakage which was highlighted by a press interview and whatnot, I would say that he is probing the intelligence community in the most productive avenue of evaluation, and that is the question of estimates, as to whether the American public are receiving an adequate return for their

investment. And I would suggest that if we are unable, in less sophisticated areas of the world, to arrive at accurate evaluation of the outbreak of wars, you can then have some slide rule as to our ability to cover the Communist bloc, which is composed of 27 different intelligence and security organizations, which deploys hundreds of thousands of secret police, both by way of troops and where we have the major challenge in every aspect of the running of an agent: communications, the possibility of leakages; and I would also note that two agents of the Agency were most productive for a short time, but were discovered and executed. I call attention to the inquiry that is going there, because I have followed it with very, very great interest, because I think it is hitting the nerve of the problem, namely, are we getting the production, and are we having the proper estimates?

Now, relating this to the Soviet, our information—

Senator MATHIAS. I would just call your attention, I think, to the fact that the cost of intelligence, the cost of the product is not only money. It can be in risk, as was demonstrated by the Gary Powers U-2 incident. It can be in damage to our own constitutional process, which is one of the elements of cost that I think we are trying to determine here.

Mr. ANGLETON. I think that as far as the bloc is concerned, you have a unified approach to the United States as the main enemy. They are bound together by ideological ties. There has been a process of de-Stalinization which was concluded in 1959, which reconciled vast differences, and which in essence was a return to Leninism. There was enunciated the policy of the main enemy, and the main enemy was the United States. And all agents working in bloc countries who priorly had been working on small members of NATO were redirected against the main target.

Recently in the newspaper, there was the announcement of the defection of a Romanian intelligence officer in Oslo, and there has been a major flap. And one can ask oneself the question that if Romania is so independent of Moscow and moving away from it, why is it that their intelligence service, which is most effective of their Central Committee, is working hand in glove with the Soviets?

Now, this is not speculation. These are facts. There have been agents captured playing out these roles who are now in jail, and it has shown total cohesiveness within the bloc in terms of strategic questionnaires of no possible use to Romania. Romania, however, has received most-favored-nation treatment, and it also received the visit recently of the President, not too far distant from the arrest in Oslo of the intelligence officer.

So I come back again to the nature of this threat. The nature of the threat rests within some thousands of pages of interrogation of very-high-level Soviet and bloc intelligence officers who were, in turn, very close in their activities to the political guidance of the Central Committees. And this cohesiveness dates from the period of 1959, when the intelligence services were changed from being the protectors or the preservers of the cult of personality of Stalin, and reverted back again to the days of Duchinsky and the revolution and Lenin, where every intelligence operation has a political objective.

And it ties together with the entire philosophy—and I do not base this on reading information available at the corner drugstore; this

comes from the interrogation of individuals who were in the system and had positions of high responsibility in intelligence—and the underpinning of those regimes are their intelligence and security services.

So, in conclusion, I would suggest that some day—and I know that I have proposed many things here which will never see the light of day—that the nature of the threat be diagnosed with a view that this country, having taken stock of those problems, and being faced, as I think Dr. Schlesinger has eloquently put it, with the possible change of the balance of military power; and I hope and I believe that some of his speeches on these matters were gained by him—the views—during his short tenure as the Director of Central Intelligence, where he was an avid reader of the secret information that I refer to.

The CHAIRMAN. The committee's concern in this investigation is the nature of the threat, to be sure. And an efficient intelligence organization is needed for this country; that is not the issue here. What is at issue here is running it in such a way that we don't slowly become the kind of police state you have described.

Mr. ANGLETON. I understand, Mr. Chairman. I was only responding to Senator Mathias.

The CHAIRMAN. Yes. But I just wanted to emphasize that our concern is that this country should never slide down that slippery slope that finally ends us up with the kind of police state you have described, and that is the whole reason that this investigation has been undertaken. Now, Senator Hart.

Senator HARR of Colorado. Thank you, Mr. Chairman.

Mr. Angleton, much of the justification for domestic intelligence and surveillance during the sixties and early seventies was based upon foreign contacts. I would like to quote, first of all, a letter from Mr. Helms to Mr. Hoover, dated March 20, 1970—I think at the dawn of the Huston era [exhibit 50¹].

On page 5, paragraph 8, entitled "New Left and Racial Matters," Mr. Helms says, "There is already a substantial exchange of information in this field," and then skipping a sentence, he says, "The increasingly close connection between these forces in the United States," presumably meaning the new left and racial groups, "and hostile elements abroad has been well established by both of our agencies."

Now, Mr. Angleton, in your deposition before this committee, you said as follows: "Within the Agency itself, there were those who took a very staunch stand that there was no foreign involvement." And then, skipping a line, "And these were fairly senior individuals, mainly on the overt side of the business. This attitude was very definitely that there was nothing to it; namely, foreign contact."

Are we to believe your deposition before this committee, or Mr. Helm's letter to Director Hoover in March of 1970, as to the extent of foreign involvement in domestic groups?

Mr. ANGLETON. It is not inconceivable—I mean, I cannot reconstruct this paragraph and put it in the time-frame that you have posed it. But it is not inconceivable that Mr. Helms did have disagreements with those senior people on the overt side, or that he had access to the content of mail intercept which would, of course, not be in their possession. I mean, that is one explanation.

¹ See p. 349.

Senator HART of Colorado. His letter leaves almost no avenue open for question as to the degree of contact. He said, "has been well established." Mr. Angleton, let me rephrase the question. Was it or was it not well established in the spring of 1970, that domestic groups, described as the new left and racial groups, had substantial foreign contact?

Mr. ANGLETON. There were a number of people from these groups who traveled to Moscow and to North Korea, and traveled abroad.

Senator HART of Colorado. And they had contact with "hostile elements?"

Mr. ANGLETON. It is my understanding, not having reviewed the mail intercepts, that it involved exhortations to violence, that it involved sending letters from the United States to Soviet institutions, inviting them to support the group in the United States by destroying U.S. property in Moscow and in other countries, and keeping them advised of their own plans and actions. It's also come out in mail intercept that certain groups went to Moscow for political indoctrination, and they went to North Korea for weaponry.

Senator HART of Colorado. Then how could senior officials in the CIA conclude that there was absolutely no foreign involvement?

Mr. ANGLETON. Well, I mean, there are many who believed that the foreign involvement matter was immaterial to the—

Senator HART of Colorado. That is not what your deposition said.

Mr. ANGLETON. Well, I thought my deposition stated that there were senior officials in the Agency who would not buy it.

Senator HART of Colorado. They didn't say it was insubstantial; they said it didn't exist. "There was no foreign involvement." The attitude is very definitely that there was nothing to it.

Mr. ANGLETON. I think it could be qualified as stating that the counterintelligence data which they received—and I don't know what they received—did not strike them as sufficient to go on this investigation of leftwing groups in this country. In other words, they were opposed to it.

Senator HART of Colorado. Mr. Angleton, the record before us strongly suggests that there was not only one Huston plan, but there may have been several operating almost simultaneously. I refer to your deposition before the committee in which you say, "What I'm trying to explain is that people are reading a lot into the Huston plan and, at the same time, are unaware that on several levels in a community identical"—I suppose you mean in the community—"identical bilateral discussions were going on." That is, between yourselves and the FBI. In other words, the Huston plan did not affect one way or the other the normal flow of business.

I also refer to—

Mr. ANGLETON. I don't think there was any—I'm afraid I don't have the time sequence here. What is the question, sir?

Senator HART of Colorado. Let me complete my question.

In addition to that testimony which you have already given, I refer to an April 12, 1971 memorandum for the files from Director Hoover [exhibit 31¹].

¹ See p. 272.

He says, and I quote :

This meeting had been requested by Mr. Helms and was for the purpose of discussing a broadening of operations, particularly of the very confidential type in covering intelligence, both domestic and foreign. There was some discussion upon the part of Mr. Helms of further coverage of mail.

Then I also refer to the Helms letter that I quoted in the previous question that was a March 1970 letter.

What all of this suggests, Mr. Angleton—and I think the committee would be interested in whether the facts support that—that not only was the so-called Huston group the inter-agency task force operating on the question of what restraints should be lifted, but, in fact, there were constant contacts going on, formally and informally, between the CIA, the FBI, NSA and perhaps other agencies about similar ongoing domestic intelligence programs. Is it safe for us to conclude that not only are we dealing with one Huston plan, but in fact, less formally, with perhaps several?

Mr. ANGLETON. Since the creation of the Agency, there has been constant discussion of operations and improvement of collection, so there is nothing unusual in this happening at this time, the fact that this, from 1947 on, was still taking place.

Senator HART of Colorado. Was it possible Mr. Huston was just being duped by the Agency into thinking that the White House was aware of what was going on, when, in fact, the agencies were having discussions of their own behind the back of the White House officials as to what should be done about domestic surveillance?

Mr. ANGLETON. Well I think that answer could only be had if Mr. Huston had been asked to explain in great detail, chronologically, his contacts with the FBI and the subjects of discussion. I do not believe that he could have met with Mr. Sullivan, and not have been exposed to all of these matters of operations a year prior to the Huston plan.

I know Mr. Sullivan very well, and he doesn't usually waste his time. Senator HART of Colorado. Mr. Huston has testified under oath, and therefore subjected himself to perjury charges, that he didn't—

Mr. ANGLETON. I'm not suggesting that the actual language he used could not be also interpreted to remove any taint of perjury. I am simply stating that I have known for a long time that he was very close to Mr. Sullivan, and I do know what Mr. Sullivan's concerns were in terms of gaps within the community. And simply because there was a Huston plan, there were a number of ongoing bilateral discussions every day with other elements within the intelligence community, which may or may not have duplicated the broad, general plan that Huston brought about.

Senator HART of Colorado. One final question.

Mr. Angleton, are you familiar with the name Thomas Riha, R-i-h-a?

Mr. ANGLETON. I am, indeed.

Senator HART of Colorado. And you are aware of the fact that the so-called Thomas Riha case played a key role in the breach of liaison between the CIA and the FBI?

Mr. ANGLETON. I am.

Senator HART of Colorado. Do you have any information for this committee as to what happened to Prof. Thomas Riha?

Mr. ANGLETON. What has happened to the subject?

Senator HART of Colorado. He has disappeared.

Mr. ANGLETON. I haven't heard anything. I have not actually inquired, but I have no knowledge. I think I heard speculation at one time, but it was back, more or less, in the *res gestae* of this trouble, that he was in Czechoslovakia, but I do not know.

Senator HART of Colorado. In your previous deposition you stated that the counterintelligence information was only as good as relations between the FBI and the CIA. That is a paraphrase of what you said. And since there was a termination of relationships between Mr. Hoover, the FBI and the CIA in the spring of 1970 over the Riha case, I think the committee might look into this termination with some degree of intensity. That is all, Mr. Chairman.

Mr. ANGLETON. I would like to suggest, Senator, that it was much deeper than that. It was a cutting off of all liaison within the intelligence community with the exception of the White House.

Senator HART of Colorado. Over this one case?

Mr. ANGLETON. Over this one case.

Once having established the principle with us, then it was simply a matter of a short period of time when the liaison office itself was done away within the Bureau.

Senator HART of Colorado. Mr. Chairman, I have a matter of committee business that I will take up at the appropriate time.

Thank you.

The CHAIRMAN. What is the matter you want to bring up?

Senator HART of Colorado. It has to do with an additional witness before this committee on this subject. But if there are further questions, you may want to go to those first. I don't know.

The CHAIRMAN. Very well. If there are further questions let us take them first. Senator Tower?

Senator TOWER. Mr. Angleton, was the mail intercept both for intelligence and counterintelligence purposes?

Mr. ANGLETON. Yes, sir.

Senator TOWER. Was there a feeling that the Soviets relied on a lack of authorization from the Government to open mail, and therefore, widely used the mail system?

Mr. ANGLETON. My assumption is that much of the mail and the content of the mail would not have come to us if they had been aware of the program.

Senator TOWER. Now returning to the comment at page 29 of the Huston plan [exhibit 1¹], the report noted that "covert coverage had been discontinued due to publicity arising from congressional hearings on privacy." You have testified that you believe this referred to FBI mail openings. Is that correct?

Mr. ANGLETON. I say that it is my impression that the thrust of that related directly to the Bureau's having abandoned the mail-intercept program domestically.

Senator TOWER. Is it your belief that disclosure of the CIA's continuing intercept to a working group, including representatives of other agencies, might lead the Soviets and others to discontinue use of the mails, and thus, deprive the United States of an important source of intelligence?

¹ See p. 141.

Mr. ANGLETON. I'm sorry, I don't quite get the thrust of this questioning.

Senator TOWER. Well, in other words, did you continue to do this and did not let anyone else know that the Agency was intercepting mail because you felt that the Soviets might get wind of it and, therefore, discontinue the use of the mails, thereby denying us an important intelligence source?

Mr. ANGLETON. I would say that does represent my analysis of the situation because I am quite confident—for example, we had in the Weathermen case, Cathy Boudin, who, in Greenwich Village, was a part of the Weathermen group building bombs. The bombs went up, and she and another person, a woman, fled from the house, and she was identified as one of the people fleeing from the house. And those were the facts—the only facts—in possession of the FBI dealing with a bomb-making house in Greenwich Village.

Now, when we went back and continued—or went back into our mail-intercept program, we found that she had written from Moscow some 30 to 40 letters to people in the United States, and these were the only leads that the FBI had that were in any way important. And to this day she is a fugitive from justice. It would raise in anyone's counter-intelligence mind as to whether she is in Moscow, but she is an active fugitive from justice.

Senator TOWER. During working group sessions, did anyone, at any time, ask you whether the CIA was conducting covert mail coverage?

Mr. ANGLETON. I don't recall, myself. I mean, I don't recall that and I don't recall details on how we arranged with the Bureau—or the verbiage in that report—in a way that would hide our use of the mails.

Senator TOWER. Did you at any time receive instructions, or attempt on your own initiative, to mislead the President on the issue of covert mail coverage conducted by the CIA?

Mr. ANGLETON. It is very difficult for me to respond to that because I do not have the facts as to the—as to what we were going to do regarding this question of including within the Huston project the fact that the FBI were recipients of our mail coverage.

I find it, therefore, very difficult to know how to reply to your question. I do know—and I think that this was my conviction at all times—that if there was ever an audience with the President of the United States to go over internal security in this counterespionage matter, there would never be anything withheld from him.

Senator TOWER. So you were never ordered to, nor did you ever on your own, attempt to mislead the President in this matter?

Mr. ANGLETON. I did not.

Senator TOWER. Thank you.

The CHAIRMAN. Senator Mondale?

Senator MONDALE. Thank you, Mr. Chairman. Mr. Angleton, would it be fair to say that starting, say, in 1967, with the rise in antiwar protests, that the CIA, the FBI and the other intelligence agencies were placed under tremendous pressure by the White House to investigate and determine the source of these protests?

Mr. ANGLETON. That is correct.

Senator MONDALE. So that while we ask questions about what you did in your department, it has to be placed in the context of what you referred to earlier as the mood and the temper and the fear of the times.

Mr. ANGLETON. That is correct.

Senator MONDALE. I think that has to be understood, because I think it is quite obvious that the Presidents—starting with Mr. Johnson in the beginning of the high rise in protests—tended to interpret those protests as being foreign-inspired. I don't have all of the documents with me by any means, but here is the memorandum from Mr. Huston to the President on June 20, 1969 [exhibit 6¹], stating—this is to the Director of the FBI, but he quotes the President:

The President has directed that a report on foreign Communist support of revolutionary protest movements in this country be prepared for his study. . . . "Support" should be liberally construed to include all activities by foreign Communists designed to encourage or assist revolutionary protests. . . .

And then I have a document here [exhibit 7²] which we have just obtained from President Nixon's files, entitled "Presidential Talking Papers," on June 5, 1970 [exhibit 63³], and this is the description of what he apparently told Mr. Hoover, Helms, General Bennett and Admiral Gayler.

He said—

We are now confronted with a new and grave crisis in our country, one which we know too little about. Certainly hundreds, perhaps thousands, of Americans, mostly under 30, are determined to destroy our society. They find in many of the legitimate grievances of our citizenry opportunities for exploitation which never escape the attention of demagogues. They are reaching out for the support—ideological and otherwise—of foreign powers, and they are developing their own brand of indigenous revolutionary activism which is as dangerous as anything which they could import from Cuba, China or the Soviet Union.

And then, among other things, he says, or his talking papers indicates he planned to say—

Third, our people, perhaps as a reaction to the excesses of the McCarthy era, are unwilling to admit the possibility that their children could wish to destroy their country, and this is particularly true of the media and the academic community.

In other words, this is a reflection of the President's attitude that there was a possibility that thousands of American youths desired to destroy this country.

Do you have any doubt that that is the motivation of Presidential orders and the temper of orders during that time?

Mr. ANGLETON. None whatsoever.

Senator MONDALE. If that is their view, namely, that the American people increasingly—including the media and the parents—could not be trusted to perceive this threat, isn't a series of agencies, uncontrolled by the law, reaching out to apprehend a threat which they perceived to threaten the very survival of democracy, an exceedingly dangerous tool indeed?

Mr. ANGLETON. Would you repeat the first part of that question?

Senator MONDALE. If I were a President, and I believed there were thousands of American youths wishing to destroy American society, and the parents couldn't see what the kids were up to, and the media wouldn't understand what they were up to, wouldn't I likely proceed to use agencies such as the CIA to move in most exaggerated and intensive ways to try and meet this threat?

¹ See p. 204.

² See p. 205.

³ See p. 396.

Mr. ANGLETON. I think that is correct, and that is the reason why earlier I referred to the strong statement made by Mr. Huston to us that we were not complying with the President's request.

I do not have a record of those first meetings as to anyone raising problems or political differences, but I know there was—the question of political implications was raised and discussed and they were knocked down by him.

Senator MONDALE. Yes. Because I think while we probe, as we should, in hard and intensive ways, with persons such as yourself who have worked in these agencies, the truth of it is that this problem began in the White House with the concern on the part of the President that these protests came not from legitimate concerns of Americans against the war, but probably were inspired by foreign support and leadership. Their protests were considered to be compromised and corrupted expressions, rather than the good faith protests of Americans concerned about that war. I think that attitude shows how dangerous it is to have agencies which themselves do not feel that they are bound by the restrictions of the law. That attitude, that fear, that distrust of the American people, coupled with agencies which feel they are not restrained by the law, I think is a road map to disaster.

Mr. ANGLETON. Senator, I would like to make just one comment. I believe that the depths of the President's feelings were, in part, justified because of the ignorance, so to speak, in the West regarding these matters. In other words, the quality of intelligence going to him he found totally unsatisfactory.

Senator MONDALE. That's right. Because it did not square with his paranoia that the American people were trying to destroy the country, and in fact, there was never any evidence of any significance that that paranoia was justified. That is what, I think, has been the traditional dispute in maintaining a democracy—whether you restrain power lest it be turned on the people, or whether you restrain power because you trust the people in the long run as the primary salvation of society.

I think this document, expressing as it does enormous, unrestricted paranoid fear about the American people, is an excellent expression of why we have to have laws that restrain the action of the President. Because, really, you were an agent of the President in all of these matters.

Mr. ANGLETON. Mr. Senator, I do believe that it is difficult to judge the President on the basis of that document. I am certain that anyone who has his responsibilities, and was receiving in-depth, around the clock reports from all over the United States, of bombings and civil unrest and murders—and I can go all the way down the long, grizzly list—

Senator MONDALE. Oh, yes. But—

Mr. ANGLETON. You can induce that, but it was not, in my view, paranoia.

Senator MONDALE. Do you think the possibility that there were thousands of American children under 30 determined to destroy our society is not paranoia?

Mr. ANGLETON. I will not take that out of context. The overall purpose of that talking paper was to address it to intelligence collectors, the heads of agencies. And it was to give them a hot foot of getting down to business and supplying facts. And those facts were very diffi-

cult to come by. Outside of the mail-intercept program, there was very little hard, incontrovertible evidence. There was nothing known regarding Cleaver's operations, his stay in Algiers, his dealing with Soviet bloc countries, his going to North Korea, and other activities of this sort. And these were hard facts.

Senator MONDALE. But as an old law enforcement officer, Mr. Angleton, I can tell you there are ways of going after those people based on probable suspicions entirely consistent with the laws and the Constitution, without undertaking efforts of the kind that were recommended here that were shotgun, unrestrained and unconcerned with the Constitution. We have ways of taking care of people who resort to violence in this country, and this way is not one of those permitted by the Constitution.

There is one other problem that bothers me, and that is this: what was really the problem in 1967, until the end of that war? Was it that Americans were bad people and therefore had to be spied on, or was it that we had a bad war that needed to be stopped? What I think this reflects is, instead of Presidents asking themselves, "is there something wrong with this war that is creating these protests?" Instead of that, they said, "there is something wrong with the protestors. They are getting foreign money, foreign directions, foreign spies, and therefore what we need is more counterintelligence." That may have delayed the day when Presidents realized the need to change and end that war.

The CHAIRMAN. I might just say, Senator, I think your point is well taken and we might just remind ourselves of the constitutional duty of the President. It is not just to perceive threats and then think up ways to deal with them outside of the law. The constitutional duty of the President is that he shall take care that the laws be faithfully executed. And when he takes his oath of office as President of the United States, he takes the following oath: "I do solemnly swear that I will faithfully execute the office of President of the United States and will, to the best of my ability, preserve, protect and defend the Constitution of the United States." Those are his duties.

Mr. ANGLETON. Yes; I understand.

The CHAIRMAN. And when Mr. Nixon approved the Huston plan, he forgot those duties. And when Mr. Mitchell, the Attorney General of the United States, was informed of the illegal opening of the mail a year later, as the chief law enforcement officer of the United States, he forgot those duties, too. Are there further questions?

Senator Mathias?

Senator MATHIAS. Mr. Angleton, I think you raised a very important and useful question when you pointed to the issue of measuring the value of the intelligence you received against the cost of producing it, and I have always felt, from the inception of this study, that that would have to be one of the major elements of our consideration. I would suggest, as I did a few minutes ago, that that cost has to be measured in more than just dollars. It has to be measured in the financial cost—what it costs the taxpayers—it has to be measured in the kind of risks that it exposes the United States to, risks of various kinds. It may be loss of personnel, loss of equipment, loss of face, loss of prestige, various kinds of risks; ultimately, the risk of war. And finally, of course, it involves the third element which you have just been discussing with Senator Mondale, the question of the cost in terms of erosion of the constitutional process.

But for our purposes today I am wondering if you could tell us how you, in your career, went about assessing the cost of intelligence that you felt might be procured in terms of risk to the United States. How would you make that delicate balance between what you wanted to know and thought would be useful for this Government to know, against what we might lose in the process of getting it?

Mr. ANGLETON. Well, sir, I think those of us who were in the war had the advantage of having been backstopped by thousands of troops in the event of error. And I might add that that is a testing ground that younger people in intelligence have not had. In other words, when they embark on operations, they are apt to not have the period of trial and error. I would say that all of the officers I have known in my experience in the Central Intelligence Agency, particularly in Counter-intelligence, have a very acute sense of making this judgment factor.

That is, we have handled so many cases that it builds up sort of a body of expertise in its own right as to how much you will risk to go after certain targets.

Naturally, the highest quality of intelligence that exists is in the field of radio signals and related matters. And then it goes in descending order of documents and to individuals who have had great access, or access. Now, all of these matters have to be brought to bear on what the expectancy will be, what one expects from the operation.

When the risks get very great, without exception that is taken to the Director. And then, if he has to seek outside guidance or consultation, he does so. And Mr. McCone was a great stickler for being brought in when anything reached a Cabinet-level decision.

Senator MATHIAS. Now, when we talk about a risk being very great, are we talking about the chance of losing an airplane and a pilot, or are we talking about the chance of involving this country, in a serious way, with another government? I'm trying to get some scale of values that would be considered.

Mr. ANGLETON. Obviously, anything that sets back the prestige of this country is almost controlling in terms of the Director's final decision. I mean, if the risk is one that is going to undermine the prestige of the United States, I don't know of any Director who would not take that up with Dr. Kissinger, or with the National Security Council, or the Forty Committee, or with the President.

But I think there is great responsibility within the Agency. I mean, I make no excuses regarding going ahead on the matters of illegal mail coverage, but that is a very small part of our activity, and I am not excusing it.

Senator MATHIAS. Going back into history, to pick up another example in which this kind of evaluation of what you might learn as against what you might risk is involved, do you know how that was weighed in the Gary Powers U-2 flight?

Mr. ANGLETON. It is purely hearsay. It is simply that a decision was made by the President.

Senator MATHIAS. We are not bound by the hearsay rules here.

Mr. ANGLETON. Well, I at least would like to so label it. But it is my understanding—and I know Mr. Dulles quite well in this regard, because later on it was my man who handled Gary Powers as to his debriefing—and what happened, it is my understanding that the question of the U-2 flights—and I may be wrong on this—were cleared with the President in terms of his own activities—in this case, his

travels to Paris to meet Khrushchev. And I would say the history of the Agency is sprinkled with cases which have gone forward and which have been canceled or changed because of some overriding political factor.

Senator MATHIAS. So it is your considered judgment that the question of the exposure of an important national interest is consistently weighed when a project is undertaken?

Mr. ANGLETON. Yes; but I would like to draw attention to the recommendation of the Rockefeller Commission, of which I happen to be much in favor. And that is that there be two Deputy Directors who would be approved by the Congress, one military and one civilian. And I would say there is very much need to have accessible a Director who can take the time to go into the nuts and bolts, because his absence means that there will be this slippage. And I think there is more than enough business for two Deputy Directors to be fully occupied.

Senator MATHIAS. Deputies who can measure this element of cost before—

Mr. ANGLETON. But who are looking into the Agency. Not being in the Agency looking out into the community. And there is a very proper role for the overall DCI. But I think Mr. Colby would be the first to admit that the burdens which he has had since he assumed the directorship—that he has been able to give a very small percentage of his time to the actual workings of the Agency.

The CHAIRMAN. Senator Hart?

Senator HART of Colorado. Mr. Chairman, the so-called Huston plan has been called one of the most dangerous documents in the history of this Republic. Mr. Huston testified that the President did not know that questionable surveillance techniques were being used prior to the development of this plan, that he thought when the order was given to terminate them, that they were terminated. There is other testimony and evidence about what the President knew or did not know. As I think all of us have tried to indicate to the people of this country, the principal part of our concern is the question of command and control. Who is in charge? Who gives what orders? Are they carried out? And if they are not carried out, why not?

I think it comes down, in this case, to a phrase that one of our distinguished members used in another context with regard to the same President. What did he know, and when did he know it? I have felt since the beginning, as a member of this committee, that we stand in constant danger of repeating a kind of perennial Government pattern that when something goes wrong, or when there are governmental abuses, the politicians and elected officials take it out on the appointed people, the career people, in various departments or agencies. And I think we, particularly, stand in constant danger of doing that in this case, and in other cases that we will be looking at.

I frankly don't find it very tasteful, and I don't think the American people will. If all we accomplish is public and private thrashing of people like Mr. Angleton and Mr. Huston and others, whether they deserve it or not, that is not our particular function.

I think the question comes down to: Who was giving what orders? What people at the highest levels of government, particularly the elected officials, knew or did not know about this plan and other activi-

ties? Were the causes shared equally among, or in part, by elected officials with appointed officials?

Consequently, Mr. Chairman, although I do not intend at this point to seek its immediate consideration, I would move to ask this committee to consider using all methods within its authority and control to seek the presence of former President Nixon before this committee.

The CHAIRMAN. I think the point is well taken, and I personally concur in the Senator's views. I think that in the Huston plan, Mr. Nixon was the central figure. We can get and are getting testimony as to what he appeared to have known, and the representations that were made to him, and what he appeared to authorize and then revoke. But he is the best witness as to what his intentions were, and he is the ultimate witness as to what he was told and what he was not told, and for that reason I concur fully in the Senator's view.

Senator TOWER. Mr. Chairman.

The CHAIRMAN. Yes, Senator Tower.

Senator TOWER. I think this is a matter that should be taken up in a closed business session of the committee so it can be fully discussed in that context as not to engage in a discussion of it here or a resolution of the matter here.

The CHAIRMAN. Well, the matter has been raised. As I understood Senator Hart to say he is not going to press for an immediate vote. Senator, have you made a motion?

Senator HART of Colorado. The motion is made, and I do not intend to press it in this session.

The CHAIRMAN. At this time.

Is there any further discussion that members would like to—

Senator MATHIAS. Well, Mr. Chairman, I can only say that I personally asked Mr. Nixon about the Huston plan, and I hope the committee has more luck than I have had as an individual in getting any information on it.

The CHAIRMAN. Well, we have also asked for other information, and we have had to subpoena some of it, as the Senator knows. I think that we will just have to find out if the former President is willing to come and tell us about this and his part in it, what he knew about it.

Senator MATHIAS. I do think this, Mr. Chairman, if you would yield.

The CHAIRMAN. And ultimately, of course, we have the question of a subpoena in the event that he declines to do so.

Senator TOWER. Mr. Chairman, I do not think we should discuss that here and raise publicly the threat of a subpoena because I think the matter can be resolved privately and should be. If we get into the business of a subpoena, we are looking at a long court battle that could go on well beyond the life of this committee as authorized by the Congress. There are ways to do things and ways not to, and I think we ought to explore every means short of that before we even suggest that we consider a subpoena.

The CHAIRMAN. Well, I think that the Senator is not going to press his motion at this time, and I feel we should take it up more fully and consider the proper step to take, and that then the committee should make its decision, and that decision will be announced publicly as soon as it is made. Is that agreeable to the committee?

Senator MATHIAS I would just make this comment, that this of course is not the first time that the question of Mr. Nixon's testimony has been raised in this committee. We have talked about it on several occasions, and I think it was Marlowe who said, "But at my back I always hear Time's winged chariot hovering near." Now, this committee has got to someday make a report. Time is moving very rapidly, and I would suggest to the Chair that we schedule the appropriate amount of time to discuss this subject and then make a decision one way or the other.

The CHAIRMAN. Very well, that will be done, if there is no further objection. That is the decision of the Chair. As soon as the committee has reached its decision, an appropriate announcement will be made. If there are no further questions—

Senator HUDDLESTON. Mr. Chairman.

The CHAIRMAN. Oh, Senator Huddleston, do you have a further question?

Senator HUDDLESTON. May I ask one further question that I did not get to during my allotted time?

Mr. ANGLETON, the Huston plan was an operative policy of the White House for some 5 days.

Mr. ANGLETON. Yes, 5 days.

Senator HUDDLESTON. During that time were there any internal instructions or memoranda or direction given within the CIA relating to implementing that plan?

Mr. ANGLETON. None to my knowledge.

Senator HUDDLESTON. None to your knowledge. After the President rescinded his authorization, following that time were there any internal memoranda involving instructions or directions within the CIA?

Mr. ANGLETON. No.

Senator HUDDLESTON. So it is accurate to say that the Huston plan presumably could have been implemented by the CIA without any further directions in addition to what they were already doing, and that there were in fact no directions canceling any effort that might have been started relative to that plan? It is almost as if the status quo were maintained from the beginning to the end, before and after without any actions being taken.

Mr. ANGLETON. With one exception, Senator, and that is that the plan marched up the hill and then it marched back again, and this was one of the few times that any programs involving counterintelligence, interagency counterintelligence, were ever read by a President.

Senator HUDDLESTON. That was the plan itself.

Mr. ANGLETON. The plan itself, but it had its own—

Senator HUDDLESTON. The paper went up the hill and back.

Mr. ANGLETON. It had certain impact.

Senator HUDDLESTON. The paper went up the hill and back, but the plan, the activities related in that plan, in fact, did continue.

Mr. ANGLETON. I do not think all the activity continued. I think there were a number of activities of the Bureau that fitted within the jurisdiction of the Bureau that were not rezoned.

Senator HUDDLESTON. But there were mail openings.

Mr. ANGLETON. The mail openings were within the Agency.

Senator HUDDLESTON. Wiretaps, surreptitious entries.

Mr. ANGLETON. I do not think there were any surreptitious entries, but I am giving an unqualified answer. But I understand your point, sir.

Senator HUDDLESTON. But I think the evidence indicates there were. But that is all, Mr. Chairman.

The CHAIRMAN. Yes, it is almost as though from the state of evidence to date that the President were really an irrelevancy.

Tomorrow, we will meet again at 10 o'clock, and our witness tomorrow is Mr. Charles Brennan of the FBI.

Thank you, Mr. Angleton, for your testimony.

Mr. ANGLETON. Thank you, Senator.

[Whereupon, at 1:05 p.m., the select committee was adjourned, to reconvene at 10 a.m., Thursday, September 25, 1975.]

THURSDAY, SEPTEMBER 25, 1975

U.S. SENATE,
SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS
WITH RESPECT TO INTELLIGENCE ACTIVITIES,
Washington, D.C.

The committee met, pursuant to notice, at 10:05 a.m., in room 318, Russell Senate Office Building, Senator Frank Church (chairman) presiding.

Present: Senators Church, Tower, Mondale, Huddleston, Morgan, Hart (Colorado), Baker, Goldwater, Mathias, and Schweiker.

Also present: William G. Miller, staff director; Frederick A. O. Schwarz, Jr., chief counsel; and Curtis R. Smothers, counsel to the minority.

The CHAIRMAN. The hearing will please come to order.

At the close of yesterday's hearing, Senator Hart of Colorado moved that former President Nixon be called as a witness in connection with the committee's investigation of the Huston plan. That motion was considered in executive session of the committee yesterday afternoon and it was decided by the committee that Mr. Nixon was indeed a central witness of great importance in the matter of the Huston plan, but that there were also other subjects that the committee is now investigating, with respect to which the former President's testimony would be equally important. And so the committee decided that we should endeavor to secure Mr. Nixon's testimony with respect to all of the work of the committee where that testimony would be critical. And the counsels for the committee, Mr. Schwarz and Mr. Smothers, were instructed to open negotiations with Mr. Nixon's attorney looking toward the arrangement that would enable the committee to secure this testimony.

Have you anything to add to that, Senator Tower?

Senator TOWER. I think that about sums it up, Mr. Chairman.

The CHAIRMAN. This morning, we continue our examination of the Huston plan and the events that led up to it and the continuing operations of the intelligence agencies, following Mr. Nixon's revocation of the plan itself. And our witness this morning is a representative of the FBI, Mr. Charles Brennan.

Before I swear the witness, I might say that last summer I made the remark that there was considerable evidence that the CIA had been behaving like a rogue elephant on a rampage. That remark was challenged. But I think that as we close this second week of public hearings, the evidence certainly bears out the fact that the CIA failed, in the case of the poisons, which we examined last week, to carry out the orders of the President. And this week, of course, as we have examined the Huston plan, it again becomes clear that the CIA was not responsive to the President's revocation. Not only the CIA, but the other agencies involved, including the FBI, failed to tell the President that cer-

tain operations like the mail openings, for which they sought Presidential approval, had in fact been going on for years before that authorization was sought. And when it was revoked, the mail openings continued for a long period of time afterwards. We will look this morning at the FBI's role in this particular plan. And our witness, Mr. Brennan, is prepared to respond to questions from the committee. Before we do that, would you please stand and take the oath? Do you solemnly swear that all the testimony you will give in this proceeding will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BRENNAN. I do.

The CHAIRMAN. Mr. Schwarz, would you commence questioning please.

Mr. SCHWARZ. Mr. Brennan, were you employed by the FBI?

TESTIMONY OF CHARLES BRENNAN, FORMERLY ASSISTANT DIRECTOR, FEDERAL BUREAU OF INVESTIGATION, DOMESTIC INTELLIGENCE DIVISION (1970-71)

Mr. BRENNAN. Yes, sir.

Mr. SCHWARZ. From when to when?

Mr. BRENNAN. From April 1948 until July 1974 when I retired.

Mr. SCHWARZ. And in June 1970 were you the Chief of the Internal Security Section of the Domestic Intelligence Division of the FBI?

Mr. BRENNAN. Yes, sir, I was.

Mr. SCHWARZ. And Mr. Sullivan was your immediate superior?

Mr. BRENNAN. Yes, sir.

Mr. SCHWARZ. And did you then in July of 1970 succeed him as the Chief of the Domestic Intelligence Division?

Mr. BRENNAN. Specifically August 1970.

Mr. SCHWARZ. And you left the FBI because of an incident in which Mr. Hoover and you had had a dispute about the questioning of Daniel Ellsberg's father. And I think some people will want to get into that with you, but is that the circumstance under which you left the FBI?

Mr. BRENNAN. Well, no, sir. That was not the specific circumstance. By the time I retired from the FBI, Mr. Hoover, of course, had been deceased several years.

Mr. SCHWARZ. All right. But there was an incident involving that matter in which Mr. Hoover placed you on probation. Am I correct about that?

Mr. BRENNAN. Yes, sir.

Mr. SCHWARZ. All right. Now, going back to the Huston plan itself, you recall, am I correct, that there was advocacy in the plan of increasing electronic surveillance, or bugs and taps, restoring, as the plan said, mail opening, increasing the coverage of envelopes and so forth, restoring the practice of surreptitious entry, and increasing the coverage of campus persons who were believed to be subjects of attention to the intelligence community?

Is that in general what was sought in the Huston plan?

Mr. BRENNAN. Yes, sir.

Mr. SCHWARZ. And all of those matters were opposed in the summer of 1970 by Mr. Hoover, is that right?

Mr. BRENNAN. Yes, sir, that's right.

Mr. SCHWARZ. And had Mr. Hoover been opposing those matters for a few years prior to 1970?

Mr. BRENNAN. Yes, sir, he had.

Mr. SCHWARZ. Was there an earlier time when Mr. Hoover had approved the use of those techniques?

Mr. BRENNAN. Yes, sir, previously during the earlier years of the Bureau's history I think most of these techniques had been in existence.

Mr. SCHWARZ. Now, I am going to ask you a question that may sound sort of strange, but I believe it is relevant from your conversation with us 2 days ago.

Mr. Hoover became 70 years old in 1965, is that in accord with your recollection? Now, why is it significant that Mr. Hoover became 70 in 1965? Specifically, why is that fact significant to your understanding of his opposition to the use of the techniques which we have been talking about?

Mr. BRENNAN. I think when Mr. Hoover reached age 70, of course, he came within the Government's law which required mandatory retirement at that time. And I believe that was waived by President Johnson, which virtually then called for the Director to be renewed as Director of the FBI on an annual basis. And I think that Mr. Hoover was very conscious of the fact that to a degree this put him into a somewhat vulnerable position. I think he then also became very conscious of the fact that any incident, which, within his understanding might prove to be an embarrassment to the Bureau, could reflect questionably on his leadership of the Bureau. And I think that perhaps he felt that such an incident could provide certain individuals with the capacity to not renew his continued role as Director of the FBI.

Mr. SCHWARZ. In your opinion, how was it that Mr. Hoover was able to stay on as Director of the Bureau for so long after 1965? Indeed, he stayed on until he died in what was it, 1972 or 1973?

Mr. BRENNAN. In 1972, I believe, he died.

Mr. SCHWARZ. In your opinion, why was it that the various Presidents kept him in office?

Mr. BRENNAN. Well, this very definitely is my opinion, but I think that the various Presidents possibly, just for political purposes I think, feared possibly the loss of votes. If they were to remove Mr. Hoover, I think there might have been some—and again this is purely speculation—there might have been fear on their part that perhaps Mr. Hoover had some information that might prove embarrassing to them.

Senator MORGAN. I feel as a committee member that I must voice my objection or dissent from this line of questioning. This man is speculating about the reasons that people who are now dead acted as they did.

In all fairness to the Presidents who retained Mr. Hoover and to Mr. Hoover, I just don't think it is proper to let somebody who admittedly had difficulty with Mr. Hoover speculate on his motives. This would not be accepted in a court of law and I don't think it should be accepted in this committee.

The CHAIRMAN. Senator, I think your point is well taken. Let us move ahead with the questions.

Mr. SCHWARZ. With respect, Mr. Brennan, to what Mr. Hoover actually did, let us look at what the written record reveals. And in

connection with the point made by Senator Morgan I wish to move to what he actually did and not to speculation.

Would you examine exhibit 32¹, please?

And I move, Mr. Chairman, the introduction of this document which is dated July 19, 1966. It is from Mr. Sullivan to Mr. DeLoach, subject: "Black bag" jobs. And it contains Mr. Hoover's handwritten note on the third page stating, "no more such techniques must be used."

The CHAIRMAN. Very well, without objection, the document will be entered into the record of the proceedings.

[The document referred to was marked exhibit No. 32 for identification.]

Mr. SCHWARZ. Now, Mr. Brennan, you have had an opportunity to see this document during the course of your preparation with us.

Mr. BRENNAN. Yes, sir, I have.

Mr. SCHWARZ. And does it accord with your understanding of the procedures which previously had been employed in connection with so-called "black bag" jobs?

Mr. BRENNAN. Yes, sir, it does.

Mr. SCHWARZ. All right. Would you read into the record, please, the second paragraph of the document.

Mr. BRENNAN. The second paragraph states, "We do not obtain authorization for 'black bag' jobs from outside the Bureau. Such a technique involves trespass and is clearly illegal. Therefore, it would be impossible to obtain any legal sanction for it. Despite this, 'black bag' jobs have been used because they represent an invaluable technique in combating subversive activities of a clandestine nature and directly undermining and destroying our Nation."

Mr. SCHWARZ. All right. Now, the document also refers to a so-called "do not file" procedure.

The CHAIRMAN. I think, Mr. Brennan, it might be helpful if you would just explain to the committee what a "black bag" job is.

Mr. BRENNAN. I think in general parlance, in the intelligence community, Senator, the "black bag" job refers to an operation which involves a penetration which basically is designed to obtain intelligence information, which basically constitutes breaking and entering.

The CHAIRMAN. You mean what would normally be called a burglary?

Mr. BRENNAN. Yes; normally, Senator, yes.

The CHAIRMAN. Thank you.

Mr. SCHWARZ. Would you turn to exhibit 33,² please?

And, Mr. Chairman, in line with what Senator Morgan indicated, I move the introduction of exhibit 33, which is Director Hoover's memorandum to Mr. Tolson and Mr. DeLoach, dated January 6, 1967, again stating his opinion with respect to the propriety of so-called "black-bag" techniques.

Senator MORGAN. Mr. Chairman, before we go on, so that there will be no misunderstanding about my position, I have no objection whatsoever to Mr. Hoover's orders being put in the record. My objections were to allowing or asking this witness to speculate on why Mr. Hoover did so and so or why the President extended his term.

The CHAIRMAN. I understand the objection and I have sustained it.

¹ See p. 273.

² See p. 276.

Mr. SCHWARZ. Would you read into the record, Mr. Brennan, exhibit 33, please?

Mr. BRENNAN. It is a memorandum for Mr. Tolson and Mr. DeLoach from J. Edgar Hoover, and it states:

I note that requests are still being made by Bureau officials for the use of "black bag" techniques. I have previously indicated that I do not intend to approve any such requests in the future, and consequently, no such recommendations should be submitted for approval of such matters. This practice, which includes also surreptitious entrances upon premises of any kind, will not meet with my approval in the future.

Very truly yours.

Mr. SCHWARZ. All right, finally, in this line of questioning, would you turn to exhibit 40¹ which is a memorandum dated July 27, 1970, from the Director of the FBI to the Attorney General, including Mr. Hoover's comments on the Huston plan itself.

Have you got that, Mr. Brennan?

Mr. BRENNAN. Yes.

Mr. SCHWARZ. All right, Mr. Chairman, I move the introduction into evidence of that document.

The CHAIRMAN. Without objection, it is so ordered.

[The document referred to was marked exhibit No. 40 for identification.]

Senator BAKER. Mr. Chairman, may I ask a question on procedure? I notice counsel today is moving introduction of documents. I was not under the impression that that was necessary in order to make it a part of the records of this committee. If it is, we have got a problem, because I assumed, then, at some point, all of the documents that have been used and prepared by staff would be thought of as the records of this committee and would be open to public inspection, except as sanitization would be required. I don't want to be picayunish, but I don't want to end up at some future date not having access to some of the information which was before us at this committee table. Is it the chairman's position that we must formally put documents in the record? My position is that we should consider all of them part of the record.

The CHAIRMAN. I think all documents will be considered part of the record. I believe that the reason counsel is proceeding this way this morning is because he is undertaking to put these particular documents in the record. While, normally, we have simply been asking the witness to refer to passages of documents in the normal interrogation. But, Senator, all of the documents, in any case, will form the record of this committee.

Senator BAKER. Thank you, sir.

The CHAIRMAN. My view is the same as yours.

Senator TOWER. So, no formal motion is necessary?

The CHAIRMAN. I actually think that is so. And if the committee would prefer, we will—

Senator BAKER. No; I don't object, I just want to make sure that this questioning which was new today does not imply that at some future date we are going to exclude documents. I am now reassured. The chairman, as I understand it, has ruled all of these documents will be for the record of the committee. That satisfies my request.

¹ See p. 313.

The CHAIRMAN. Very well. Now, would you proceed, Mr. Schwarz.

Mr. SCHWARZ. Mr. Brennan, is it fair to say that this document restates the objections to the lifting of the various restraints which Mr. Hoover had already expressed in the footnotes to the document submitted to the President on June 25, 1970?

Mr. BRENNAN. Yes, sir, it does.

Mr. SCHWARZ. All right, the only added part that ought to be read into the record, if you would, would be the final paragraph on the third page. Would you read that into the record.

Mr. BRENNAN:

Despite my clear-cut and specific opposition to the lifting of the various investigative restraints referred to above and to the creation of a permanent interagency committee on domestic intelligence, the FBI is prepared to implement the instructions of the White House, at your direction. Of course, we would continue to seek your specific authorization, where appropriate, to utilize the various sensitive investigative techniques involved in individual cases.

Mr. SCHWARZ. Now, is it your understanding that Mr. Mitchell declined to authorize, or did authorize specific techniques that were referred to? Or is it in between in some fashion?

Mr. BRENNAN. I don't recall that, sir.

Mr. SCHWARZ. I just have one more question. After the Huston plan was turned down, was there a program of intensification of investigation in the security field which was proposed by your department and approved eventually by the Director?

Mr. BRENNAN. Yes, sir.

Mr. SCHWARZ. I have nothing further, Mr. Chairman.

The CHAIRMAN. Mr. Smothers, do you have questions?

Mr. SMOTHERS. Just a few inquiries, Mr. Chairman. Mr. Brennan, I think it is a fair inference from your testimony this morning, and certainly from your previous testimony before the committee, that you are of the opinion that the FBI was somehow being restricted unnecessarily in its domestic intelligence effort.

Mr. BRENNAN. Yes sir, I was.

Mr. SMOTHERS. Is it your opinion that these restrictions were based upon the FBI's past record of inexactness or ineptness in this area? Could this at all have been based upon the fact that the work product coming out was not a good one?

Mr. BRENNAN. No, sir, I do not feel that there is a relation there at all. And perhaps I can clarify it for you. For example, I believe we have to go back to 1960. Prior to 1960 the FBI was not involved to any great extent in the investigations of organized crime or to any great extent in the investigations of civil rights matters. And following the advent of the Kennedy administration into office I believe particularly because of the Attorney General's interest in organized crime matters, specifically Robert Kennedy, the FBI quickly responded by establishing a new division which immediately began to emphasize and intensify investigations into organized crime. And at about the same time, I believe that there was an intensification of investigations into civil rights violations. And I think if you examine the record prior to 1960 as contrasted to after 1960, you will see there was a marked increase in the accomplishment of the FBI relative to these types of investigations.

I relate this because it also relates to the impact within the FBI, in other words, when you intensify in one area then you have to take manpower from somewhere in order to produce those intensified investigations. Basically, that manpower began to drain away from security and intelligence operations. And as a result, with the reduced manpower, there was coincidentally a reduction in the various techniques which applied to the security and intelligence field. Subsequently, as I indicated, Mr. Hoover then, by 1965, reached age 70 and I think then he also became very sensitive to the use of investigative techniques in the security intelligence field which he felt might prove embarrassing to the Bureau; all of which provided a drain which materially affected those of us who were involved in security and intelligence investigations.

Mr. SMOTHERS. Mr. Brennan, the question is raised in part because of a recent inquiry into this very question conducted by the General Accounting Office. In commenting on the effectiveness of FBI investigations, the Comptroller General, Elmer Staats, looked at and reported on cases that were reviewed, cases of the domestic intelligence activities here, many of which covered a period of time when you headed that operation. Turning to page 33 of a report released by them on yesterday, he notes that only 16 of 676 cases, less than 3 percent of those that you investigated, were referred for prosecution. Of those 16 referrals, only 7 were prosecuted, obtaining 4 convictions. Of these same cases, only 12 of them, or less than 2 percent, resulted in the FBI obtaining any advance knowledge of planned activities on the parts of subversive or extremist groups. The report sort of concludes that the domestic intelligence effort may be largely an ineffectual one. Do you agree with that conclusion?

Mr. BRENNAN. I do not think I would agree with that conclusion. I think that basically intelligence investigations are designed not specifically for prosecutive intent, but basically to develop intelligence information which will be provided to officials of the U.S. Government to enable them to possibly consider new types of legislation which may be affecting the security of the country. And I have not had an opportunity to review that report so I am not familiar with those circumstances. And I feel that a response to that could only come from the FBI relative to its own record of accomplishments, in regard to security and intelligence investigations.

Mr. SMOTHERS. Let me be sure I understand your last comment, then I will conclude. Is it your contention that a primary purpose of the domestic intelligence investigations conducted by the FBI was to aid in some legislative purpose?

Mr. BRENNAN. To a great extent, yes, sir.

Mr. SMOTHERS. To your knowledge, has the FBI made substantial legislative recommendations based on these intelligence activities?

Mr. BRENNAN. It is my recollection that it has, yes, sir.

Mr. SMOTHERS. I have nothing further, Mr. Chairman.

The CHAIRMAN. First of all, I would like to call your attention, Mr. Brennan, to exhibit 2,¹ page 3. Now do you have that reference?

Mr. BRENNAN. I believe so, Senator.

The CHAIRMAN. And if you look to the bottom of the page, to part E which bears the caption, "Development of Campus Sources." Now the document I am referring to is generally referred to as the Huston

¹ See p. 189.

plan. It is the recommendations that Mr. Huston made to President Nixon to relax restrictions and to authorize certain illegal actions.

Mr. BRENNAN. Yes, sir.

The CHAIRMAN. Now, with respect to the development of campus sources, Mr. Huston recommended to the President that "present restrictions should be relaxed to permit expanded coverage of violence-prone campus and student-related groups." And then in the rationale for that recommendation on page 4, I read at the top of the page, the first sentence, "The FBI does not currently recruit any campus sources among individuals below 21 years of age."

So what Mr. Huston was recommending, backed up by the various agencies that had put this report together, was that the restriction that the FBI had imposed upon itself, that it would not use informants on campuses who were less than 21 years old, should be revoked. Now the purpose of that was to enable the FBI to recruit student informants, was it not?

Mr. BRENNAN. Yes, sir.

The CHAIRMAN. So that information could be secured from members of the student body about activities, protests and demonstration activities on the campuses?

Mr. BRENNAN. Yes, sir.

The CHAIRMAN. Now, as we know, the President accepted that recommendation and then 5 days later revoked his approval of the entire Huston plan. That was in July of 1970.

Now I call your attention to exhibit 44,¹ please. It is the FBI's plan following the President's revocation of the Huston plan. It is dated September 2, 1970, and the purpose at the very top of the page of the plan is "to recommend consideration be given to returning to previous standards permitting the field to develop security and racial informants among students 18 years of age and older with full individual justification and Bureau approval." So here, within a month or so of the time the President revoked the Huston plan, this recommendation is made to Mr. Hoover, that the restriction on 21 years of age should be removed and student informants should be obtained on the college campuses. And on the last page of that memorandum, Mr. Hoover's approval states that you are authorized to develop student security and racial informants who are 18 years of age or over. This presents you with a tremendous opportunity to expand your coverage, correct—the last paragraph, just above Mr. Hoover's signature?

Mr. BRENNAN. The memorandum has attached to it part of what we call an SAC letter of instruction to the field. That is what you are referring to?

The CHAIRMAN. Yes. And in that letter of instruction to the field, Mr. Hoover says in the last paragraph, "as you are aware, you have been previously instructed not to use campus student informants under the age of 21. In view of the current circumstances, you are authorized to develop student security and racial informants who are 18 years of age or older." This presents you with a tremendous opportunity to expand your coverage.

Mr. BRENNAN. Yes, sir.

The CHAIRMAN. All right. So within a month after the time the President had revoked the Huston plan, the FBI had reduced the age

¹ See p. 323.

limit from 21 to 18 and then commenced a tremendous expansion of surveillance of student groups. Is that not correct?

Mr. BRENNAN. It was an expansion, Senator; yes, sir.

The CHAIRMAN. Well, let us look at the size of it.

Now let us turn back to exhibit 41,¹ if you please. And on page 2 of the FBI plan, I read to you from the latter part of the third paragraph:

* * * it is felt that every Black Student Union and similar group, regardless of their past or present involvement in disorders, should be the subject of a discrete preliminary inquiry through established sources and informants to determine background, aims and purposes, leaders and key activists. It is estimated that this would cause the field to open approximately 4,000 cases involving organizations and the key activists and leaders connected therewith.

That suggests to me a very broad expansion of the student surveillance activities.

Mr. BRENNAN. Yes, sir, but I think the foregoing, prior to that, provides a justification for it. It indicates, for example, in paragraph 2 there, that in 1967 black student unions began forming their own groups to project their demands, many of which indicated a commitment to black nationalism. And it also is followed by an observation that campus disorders involving black students increased, I believe that is either 23 or 28 percent of the 1969-70 school year over the previous year.

The CHAIRMAN. Right, but if we go back to the order for increasing the surveillance, the plan states, "It is felt that every Black Student Union and similar group, regardless of their past or present involvement in disorders" should be put under surveillance. So it really was a plan to establish general surveillance of these black student groups on the campuses of the country, regardless of their past or present involvement in disorders?

Mr. BRENNAN. Yes, sir, that is correct.

The CHAIRMAN. I think we have established on this testimony that the President revoked this plan which he first authorized, a plan that reduced the 21-year age barrier. A month or so later the Bureau comes along and reduces the age anyway, and establishes a broad new surveillance program on black student groups, regardless of whether or not they had any previous record of any sort.

Senator Tower?

Senator TOWER. Mr. Brennan, regarding the assumption that anti-war activities were being financed by Communist sources externally, was this an assumption that was held at the highest level in both the Johnson and Nixon administrations?

Mr. BRENNAN. I do not know whether it was an assumption, Senator, that was held at the highest levels. I believe it was my recollection that the FBI was continually being pressed by both the Johnson administration and the Nixon administration as to whether or not this was true—whether or not there was evidence to indicate that possibly there might be financing from abroad, underlying the anti-war protest here. And perhaps it might be that it was based on their assumption that it could be true.

Senator TOWER. In pursuance of this, did the FBI or the CIA monitor the principals involved in the matter of foreign travel,

¹ See p. 317.

attendance of international conferences, and receipt of propaganda, individual guidance from external sources and external finances? Was there an effort made to follow all of these particular aspects of the activities in the principals involved?

Mr. BRENNAN. To the degree that we were capable, within the limitations that we had, yes sir, we were seeking to do this and in some instances succeeded in placing informants in groups who were traveling abroad or attending Communist conferences abroad, yes sir.

Senator TOWER. Did you get any information or any hard intelligence to the fact that they were getting any individual guidance from these Communist sources?

Mr. BRENNAN. Guidance is a difficult question to answer, Senator. They attended conferences, for example, in Cuba, which were attended, as I recall, by officials from Communist governments. They attended conferences in various other countries abroad which were sponsored by Communists. The peace movement in the United States was generally discussed and I recall in one instance, for example, where several of the activists who were involved in the policy committee of the antiwar activities traveled abroad and attended conferences where these issues were the subject of discussion with many Communist representatives. And at the time, the general feeling of the antiwar movement here was that the next step in the stage should be protest demonstrations around the United States.

It is my recollection that information at the Communist conference abroad led to the conclusion that there should be instead a concentrated demonstration in Washington, D.C. And following the return of these individuals to this country, I think they served to project that view and indeed we did have a concentrated demonstration in Washington, D.C., and it is my recollection that when that demonstration took place, there were also concerted demonstrations at American embassies in many foreign countries on the same day.

Senator TOWER. Did you get any evidence that the activities in this country were indeed being financed by external sources?

Mr. BRENNAN. We never had any evidence to that effect, Senator.

Senator TOWER. You suspected it but you could not get any hard evidence?

Mr. BRENNAN. I personally did not suspect it, Senator. The question was continually being pushed to us by the White House as to whether or not there was proof of this. I personally held the feeling that we were dealing with what I term "credit card revolutionaries," and that the individuals involved in this type of activity in the United States had ample resources of their own through which to finance these activities. I never saw anything to the contrary.

Senator TOWER. These international meetings that they attended—those were under Communist auspices, were they not, financed by Communist sources?

Mr. BRENNAN. As I recall, they were, yes, sir.

Senator TOWER. So their external participation was indeed under Communist auspices?

Mr. BRENNAN. Yes, sir. As a matter of fact, we had furnished to the White House in one period of time a report which I recall ran between roughly 40 and 50 pages at the specific request of the White

House, in which we detailed specifically the extent of the links between Americans who were traveling abroad with the Communist representatives of these various conferences.

Senator TOWER. Turning to another matter, after the withdrawal of the Huston plan, was there any increase in electronic surveillances by the FBI?

Mr. BRENNAN. It is my recollection, Senator, that there was no significant increase.

Senator TOWER. In other words, it continued at about the same level?

Mr. BRENNAN. I believe it did, yes, sir.

Senator TOWER. What was the general level of electronic surveillances during the 1970 period?

Mr. BRENNAN. If I recall correctly, Senator, in the security field, I believe that we had somewhere in the range of 40 to 45.

Senator TOWER. Were you aware of a covert mail program in the FBI prior to June of 1970?

Mr. BRENNAN. Prior to June 1970 the only program of that nature of which I am aware went way back for years, and which I had no specific relationship with.

Senator TOWER. Were you aware of the CIA mail program before June 1970?

Mr. BRENNAN. No, sir, I was not.

Senator TOWER. Did you become aware of the CIA mail program during the preparation of the special report that was being prepared for the President?

Mr. BRENNAN. No, sir, I did not.

Senator TOWER. Did you ever inquire of any CIA personnel on the Huston plan working group if the CIA had a mail program? Did you ever ask any of them?

Mr. BRENNAN. No, sir, I did not.

Senator TOWER. Did you inquire of Bureau personnel about the CIA mail program?

Mr. BRENNAN. No, sir, I did not.

Senator TOWER. Were you ever aware that the Bureau was receiving information obtained from any mail intercepts?

Mr. BRENNAN. Not to my knowledge, no, sir. I knew that the Bureau received information disseminated by the CIA, but as to the nature of the technique by which information was received, no, I had never any indication that it came from that type of a technique.

Senator TOWER. Now, Mr. Brennan, you were one of the FBI representatives in the interagency working group which prepared the Special Report on Intelligence Assessment. Now, was it your impression that Mr. Huston of the White House staff, who testified here the day before yesterday, and Mr. Sullivan, from the FBI, were in close communication as the report developed?

Mr. BRENNAN. Yes, sir, they were.

Senator TOWER. Did Mr. Huston limit his role merely to that of an observer, or was he an active participant?

Mr. BRENNAN. I would define his role as an active participant.

Senator TOWER. In what way did he participate? Did he by chance, or by design, guide and direct the preparation of the report?

Mr. BRENNAN. I don't think he guided and directed the preparation of the report, because it is my recollection that Mr. Huston did not have that sufficient in-depth background concerning intelligence matters to be able to give that strong direction and guidance.

Senator TOWER. So who would be the principal figure there—Mr. Sullivan?

Mr. BRENNAN. I would say Mr. Sullivan was, yes, sir.

Senator TOWER. Thank you, Mr. Brennan. I have no further questions, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Tower.

Senator Mondale.

Senator MONDALE. Thank you, Mr. Chairman. Mr. Brennan, I take it that there was no doubt in your mind that the break-ins or the so-called black bag jobs were illegal?

Mr. BRENNAN. There was no doubt in my mind about that.

Senator MONDALE. And that some of the other activities such as unwarranted taps, some of the efforts under the COINTEL Program that we are going to be reviewing later, were illegal?

Mr. BRENNAN. In regard to wiretapping, Senator, the policy, as it prevailed within the Bureau, within my understanding, involved a legal one, which called for the written approval of the Attorney General of the United States, and which I believe was within the framework of legality, as the procedures existed at that time.

In regard to the counterintelligence program, I think the policy called for specific instructions to the field, that they were not to engage in illegal activities.

Senator MONDALE. Well, for the purpose of my question, let us just stay with break-ins, then, because they, we can both agree, were clearly illegal. How do you justify the law enforcement arm of the government which itself resorts to illegal taps? You must have thought this through. You must have wondered about it. How do you justify it?

Mr. BRENNAN. The primary ones of which I was aware involved organizations which were taking their direction and control from foreign powers, and that, to me, was sufficient basis for a utilization of that technique in order to determine the extent of the foreign direction or control of their activities.

Senator MONDALE. So the reason was not, in your mind, that it was legal, but that even though it was illegal, the purpose sought was sufficiently important that you felt the law could be violated?

Mr. BRENNAN. Yes, sir, I did.

Senator MONDALE. In retrospect, when we look at this whole period of the late sixties and the early seventies, did that foreign threat, the alleged foreign control and foreign funding, in fact, prove to be a serious cause of domestic unrest?

Mr. BRENNAN. No, sir, it did not.

Senator MONDALE. And, as a matter of fact, when we were all through with these techniques you concluded and I quote, "It is my recollection that we never developed any information to indicate that Communist sources abroad were financing the antiwar activities of the United States." Would that be accurate?

Mr. BRENNAN. Yes, sir, that is true.

Senator MONDALE. Further, you said, "I felt that the extremist groups and the others who were involved in the antiwar activities and

the like at the time were of middle- and upper-level income, and we characterize them generally as credit-card revolutionaries." Is that correct?

Mr. BRENNAN. Yes, sir.

Senator MONDALE. So that, when we spent several years trying to find, under Presidential directive, this evidence that domestic unrest was directed, financed, and heavily influenced by foreign enemies, in fact, we found it was pretty much a domestic source of unrest. Is that correct?

Mr. BRENNAN. Yes, sir, but we were continually being asked by the White House as to whether or not there was foreign funding of it, and in response to that, then, I felt that it was necessary for us to try to respond to the question.

Senator MONDALE. Thank you, Mr. Brennan, because I think that is exactly the point. And I return to Senator Hart's point yesterday. Our hearings thus far have necessarily involved questioning people like yourself, but, in fact, you were carrying out what you thought was official governmental policy, were you not?

Mr. BRENNAN. Yes, sir.

Senator MONDALE. And you thought you were doing what the President of the United States wanted you to do?

Mr. BRENNAN. Well, yes, to a degree that when the White House asked a question, I felt that it was necessary for the FBI to respond through the utilization of the appropriate techniques, to try to ascertain the answer.

Senator MONDALE. And you were under tremendous pressure in the late sixties and the early seventies to find evidence that these protesters were being financed and directed by foreign sources. Is that not correct?

Mr. BRENNAN. Yes, sir, no question about that.

Senator MONDALE. As a result, you, following these orders, expended tremendous effort, money and the rest, to try to prove the existence of such foreign influence?

Mr. BRENNAN. Yes, sir, we did.

Senator MONDALE. And except for these meetings about which you testified before, you found little or none?

Mr. BRENNAN. That is true.

Senator MONDALE. Mr. Chairman, it seems to me that part of the problem that we have uncovered here is a lack of accountability, and even some lawlessness on the part of these agencies, but above all, it seems to me what we have seen is a pattern of Presidential unaccountability to the law. It seems, if we go back to the sixties and the seventies, there was rising domestic concern and bitterness about this war, and those Presidents, instead of deciding there was something wrong with the war, decided there was something wrong with the people, and instead of trying to meet those arguments as though they were honest protests against the war, they tried to characterize them as being foreign-dominated-influenced, and in effect, the critics would be corrupted by an alien power.

Now, maybe some were, but there is very little evidence of it. Our task is not only to try to restore some kind of accountability to these agencies, but a much more difficult one. What do we do to make certain that Presidents in the future do not use these secret

agencies to carry out their fantasies, to try to shift the blame from themselves to somebody else, and if possible, to foreigners? I think it is asking a lot of human nature to ask people at the second level of Government to disobey the orders of the President. That means you lose your job. It means destruction of your career, maybe more, if that should happen. I think it is hard to expect, nor is it likely, that those agencies are going to proceed with policies which they think are really alien to what the President wants. And I think it was interesting that in 1966, when Ramsey Clark was Attorney General, they did, in fact, stop "black bag" jobs. At least an order went from Hoover to that effect, I think, reflecting this as the official policy at the time.

And our great task is to see how on earth we can address this problem: The grant of power to the CIA and to these other agencies is, above all, a grant of power to the President, and a dangerous grant, because he can operate secretly. And that is what I think makes our task so very difficult. Thank you.

Mr. BRENNAN. If I may inject an observation, Senator, and hopefully I will not be out of line in doing so, I would suggest that perhaps the problem is even more complex. In other words, the requests of the White House were just not simply to answer that one specific question. I think you have to look at the social, political, and economic complexities that were related, which built tremendous pressures on the White House, and these, I think, stem from the thousands of bombings, the arsons, the disruptions, the disorder. Our academic communities were being totally disrupted, and I think that a vast majority of the American people were subjecting the Representatives of Congress and the members of the White House staff and other people in Government to a great deal of pressure, as to why these things were taking place and why something wasn't being done about these, and I think in a broader context, then, the FBI was getting a tremendous amount of pressure from the White House, in response to the overall problem.

Senator MONDALE. The irony was that their conclusion, without any evidence, was that the unrest was supported by foreign money and direction, and you could not find any.

Mr. BRENNAN. Well, I would say—

Senator MONDALE. But they continued to pursue that theory long after no one could prove it, and the whole idea behind the Huston plan was to criticize the FBI for failing to find what the President was sure existed. And they found a dollar or two here and there, and they found some meetings, and no doubt there were some Communists involved. I have no doubt about that. But the mass of the protest was indigenous. It was domestic. It was prompted not by disloyalty, but by a profound feeling on the part of millions of Americans that the war was wrong.

Mr. Chairman, I think a very instructive memo on this Presidential point is dated September 18, 1970, by John Dean [exhibit 24¹]. It went to the Attorney General. What it says, in effect, is that now that we have rejected the Huston plan, we should put it, in effect, back into place, and remove the restraints as necessary to obtain such intelligence. In other words, they rejected the formal plan, and then they proceeded surreptitiously, according to this memo, to go ahead and do it anyway.

The CHAIRMAN. I think that is correct. Senator.

Constantly we have this theme raised, Mr. Brennan. You have raised

¹ See p. 255.

it in complete good faith, I am sure. Other witnesses have raised it, that this was a time of turbulence. Yes, there were great pressures on the Agency. The White House was deeply concerned about the extent of the antiwar protests.

But that is the very time, in times of turbulence and distress, when an even greater obligation falls not only on the agencies but on the President himself, to operate within the law. Stress or turbulence does not really excuse law enforcement agencies of the Government or the President himself from rising above the law and proceeding in lawless fashion.

Mr. BRENNAN. Yes; I agree with that, Senator.

The CHAIRMAN. Well, that certainly is not the record of what happened during this period. And I can only say that remembering those protests, it did not take an FBI agent to tell me that the students out in the campuses were upset with the war because they thought it was a foolish, futile war, and that is what it was. And I was upset with it, too, in the U.S. Senate, and I was protesting it. And I did not go to any Communist meetings in Cuba. It was a foolish policy for the country, and that was what the students were upset about, and it was an indigenous movement, basically, and a lawful one—not the violence, but the protest was lawful. This is a free society, and students have a right to protest when they do not think the Government policy is sound, particularly when they are the ones who are drafted to fight a war thousands of miles away in the jungles of Southeast Asia. So I just want to emphasize that our concern here is lawlessness.

Mr. BRENNAN. Yes, sir.

The CHAIRMAN. And that is all the more important in times of stress.

Senator TOWER. Mr. Chairman, may I be indulged a comment at this time?

The CHAIRMAN. Yes.

Senator TOWER. However indigenous this may have been, I am convinced there was some external influence. In 1967, I made a speech from the steps of Sproul Hall at the University of California at Berkeley. I was lucky to get away with my life. My speech was punctuated by such editorial comment consisting of four-letter words that I will not repeat here in mixed company, and I was called among other things, a Fascist pig, and I heard all of the rhetoric of the Communist anti-American propaganda mill. So that influence came from somewhere.

The CHAIRMAN. Yes. We all had that experience. I recall being called a Commie symp, because I opposed the war, so it was a time of stress. My point is that that is the time when it is more important than any other that everybody live within the law.

Mr. BRENNAN. Yes; and I agree with the Senator that certainly there was evidence of external Communist direction, whether that direct or not, the point is we were getting to the point of whether or not it was being funded from abroad, so there is no inconsistency in the two observations.

Senator TOWER. Let me just reinforce what I said by reading from page 62 of the transcript of the testimony of Mr. Angleton in an executive session of this committee, on September 12, 1975, "It has also come out in mail intercept that certain groups went to Moscow for political indoctrination, and they went to North Korea for weaponry."

The CHAIRMAN. Senator Baker?

Senator BAKER. It is my turn?

The CHAIRMAN. I believe so.

Senator BAKER. I want my 10 minutes, plus the time to speak and a time for rebuttal, Mr. Chairman.

[General laughter.]

Senator BAKER. I will take my time in rebuttal first.

You know, really, it is awfully easy for all of us to be morally righteous and indignant. But as Senator Jim Pearson from Kansas told me when I was a young Senator, and excited about something, "You know, if you're in the Senate, you're only entitled to be a moral giant once a week." I don't propose now that we are excessively indignant about the turbulence of the times in Vietnam, but it is awful difficult for me to see how that relates to an inquiry into the Huston plan.

I think that these things ought to be kept in mind in that respect. One, those folks are still out there—the people who did, in fact, disrupt this country, who demonstrated in massive numbers here in the Capital and tried to block the streets that led to the Capital City, to shut down Washington, as they said. I remember driving down Virginia Avenue and having oil drums thrown in the path of my car, and my staff man who was driving that day is a big, burly young fellow who managed to get us to the Capitol with his nerve and the assistance of about 300 horsepower.

But those people are still there. There is no doubt that most of the protest was domestic, and indigenous to the American opportunity to express disagreement. But there also is no doubt that people who want to disrupt this country, and who want to change our system, thrive on the distrust that goes on during national upheavals.

So we can't sit here—as I sometimes get the impression we are doing—and throw the baby out with the bath water. We can't say the CIA, the FBI, the DIA, and whatever else we have got, were patently wrong in their efforts to investigate these situations, and they are bad and they ought to be disbanded. If we do, we will be totally at the mercy of those folks who are still out there.

The CHAIRMAN. Well, nobody is suggesting that, Senator.

Senator BAKER. I know that. But I hear the reports from time to time that 1976 will be the year of the resumption of the revolution. And I expect we are going to have a pretty good time next summer. This is the point that bothers me, Mr. Brennan, and I hope you understand that my energetic remarks in this respect have very little to do with you.

But the great tragedy of Watergate, or the tragedy of the Johnson era in its response to civil distress, or of the Nixon times—and God knows, the country went through a lot, and I went through a lot during that time politically—but the great tragedy of that time is not the resignation of a President, or the fact that another was killed—as bad as that was—or another terminated his political career under the stress of the war.

The great tragedy is, under the most tumultuous civil strife we have ever known except during the time of the Civil War, our institutions failed us. I am terribly unhappy to hear you say, and to hear others say, that we knew so-and-so was illegal, therefore we thought

the national good justified our going ahead with it. That is the greatest disservice that you could render this country, is to say that the constitutional protections and guarantees are not valid and relevant in times of great national stress. I think they are. And I think we can guard ourselves against those folks who are out there who would disrupt this city and this country, and burn our campuses, and destroy our banks and our public institutions. We can do all of those things and still not trample the rights under the Constitution. Our purpose here is to try to find out what went wrong and how we can prevent those events in the future.

I have two or three questions, and then I will stop. I made my speech, Barry. I took my speech and my rebuttal all at the same time.

The CHAIRMAN. You ended up in agreement with the chairman.

Senator BAKER. Well, no; the chairman had difficulty understanding why he agreed with me.

[General laughter.]

Senator BAKER. It's just that I expressed it in a different way, Mr. Chairman. I want to make sure that the chairman understands—and everybody else understands—that it's all well and good to be concerned about this, but don't throw the baby out with the bath water. Those folks are out there, you're going to see them again next summer, and you might as well be prepared for it.

Mr. Brennan, when did the "black bag" jobs start with the FBI?

Mr. BRENNAN. That I wouldn't know, Senator.

Senator BAKER. Did it start before you came to the FBI?

Mr. BRENNAN. That would be very difficult for me to say.

Senator BAKER. Certainly you're in a better position to say than I am. Were they going on at the time that you came to the FBI?

Mr. BRENNAN. If they were, I had no knowledge of them. I gained no knowledge of them until the early fifties.

Senator BAKER. When did you first have knowledge of the "black bag" jobs?

Mr. BRENNAN. In the early fifties.

Senator BAKER. What was your understanding of who authorized them?

Mr. BRENNAN. It was my understanding that they were authorized by the Director, Mr. Hoover.

Senator BAKER. Is that understanding based on documentary proof, on conversation with Mr. Hoover, on the statements of other people, or what?

Mr. BRENNAN. Well, it was just the general knowledge that I gained through my investigative experience in the FBI.

Senator BAKER. When was a "black bag" job authorized? When was it used? Under what circumstance for national security, or in order to assist a U.S. attorney in prosecuting a lawsuit? Out of curiosity, when was it authorized? When did you use the "black bag" job that you today say is illegal?

Mr. BRENNAN. The "black bag" jobs that I knew of—which I guess you have to say were technically illegal—but, as I know of the technique, for the most part through the years it involved counterespionage operations, sir.

Senator BAKER. Is that all?

Mr. BRENNAN. To my knowledge, yes sir.

Senator BAKER. Domestic espionage or international espionage?

Mr. BRENNAN. I'm speaking of counterespionage.

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

Mr. BRENNAN. Yes sir.

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

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

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

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

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

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

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

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

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

Mr. BRENNAN. Yes; in a general range.

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

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

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

The CHAIRMAN. Very well. What was your impression?

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

Senator BAKER. No. That you have knowledge of.

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

Senator BAKER. Yes.

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

Senator BAKER. Did the FBI ever get caught?

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

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

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

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

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

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

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

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

[General laughter.]

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

At least 14 domestic subversive targets were the subject of at least 238 entries from 1942 to April 1968. In addition, at least three domestic subversive targets were the subject of numerous entries from October 1952 to June 1966. Since there exists no precise record of entries, we are unable to retrieve an accurate accounting of their number, but that is the best figure we have.

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

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

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

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

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

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

Senator BAKER. You've never heard them before?

Mr. BRENNAN. No. Not those specific ones.

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

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

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

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

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

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

Senator BAKER. Did they phone in reports on Martin Luther King or on Robert Kennedy?

Mr. BRENNAN. I do not recall that they did that; no, sir.

Senator BAKER. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Baker. The Foreign Relations Committee is considering the Sinai agreement, and I have to stop in there this morning for a few minutes. I am trying to get the agreements declassified, and I'm going to ask Senator Tower to take over during the time I have to be away. Senator Huddleston is next.

Senator HUDDLESTON. Thank you, Mr. Chairman.

I regret that I had to miss most of the session so far this morning; I was at another subcommittee looking into another operation in our system—the matter of our grain inspection program and the corruption that has been discovered there and all its implications for this country and for our dealing with countries in the other parts of the world. So I will be brief, and hopefully not trespass on subjects that have already been covered by the witness.

Mr. Brennan, were you aware while you were with the FBI that prior to the development of the Huston plan there was a growing feeling of conflict between the FBI and the CIA, particularly at the top levels involving Mr. Hoover?

Mr. BRENNAN. Yes, sir. I was.

Senator HUDDLESTON. How do you think this conflict affected the efficiency of the total intelligence-gathering community?

Mr. BRENNAN. Are you speaking now, Senator—you will have to put me within the correct time frame. Are you speaking of—

Senator HUDDLESTON. Leading up to the formation of the Huston plan, 1969, 1970.

Mr. BRENNAN. It is my recollection that the Director of the FBI discontinued direct liason with the CIA, I believe, in February of 1969 or 1970.

Senator HUDDLESTON. I think that is very close, if not the exact date.

Mr. BRENNAN. And basically, I do not think that had a great deal of effect, relative to our participation with the CIA in the Huston plan.

Senator HUDDLESTON. Now, this conflict resulted primarily from a reluctance on the part of Mr. Hoover to participate in certain suggested intelligence-gathering activities. Is that correct?

Mr. BRENNAN. The conflict between CIA and FBI?

Senator HUDDLESTON. Right.

Mr. BRENNAN. No, sir. That arose out of a dispute which arose from a set of circumstances which occurred in, I believe, Denver, Colo., in which an FBI agent gave some information to a CIA agent, which Mr. Hoover learned about. He objected to—he had Mr. Helms call the CIA agent back to Washington, and he insisted on knowing the identity of the FBI agent who had divulged the information.

Senator HUDDLESTON. Right. Mr. Angleton described that incident yesterday. He described it as the straw that broke the camel's back, I believe.

Mr. BRENNAN. Yes.

Senator HUDDLESTON. Which would indicate there were other instances, too, such as a request by the CIA for specific wiretaps, this type thing—are you aware of any of this?

Mr. BRENNAN. I'm not too much aware of those, Senator, because I did not assume the position as Assistant Director of the Domestic Intelligence Division until August of 1970. And I think that the incidents, or whatever, that may have led up to a relationship of friction between the two agencies, had gone on before that. And I was really not all that aware of the details.

Senator HUDDLESTON. Were you aware that Mr. Hoover resisted the proposals that were included in the Huston plan?

Mr. BRENNAN. Yes, sir, I was.

Senator HUDDLESTON. Did Mr. Hoover also resist—at least for some period of time—the suggestions for the intensification program that followed the demise of the Huston plan?

Mr. BRENNAN. Well, the intensification program was not, let us say, an intensification program as might be defined within the concept of a program, sir.

What I am saying is, if you put all of these individual recommendations together, it resulted in intensification, but it was not a one-package program.

Senator HUDDLESTON. Wasn't it a fact that Mr. Hoover had great reservations and resisted some suggested intelligence-gathering activities during this period?

Mr. BRENNAN. Yes, sir, he very definitely did.

Senator HUDDLESTON. And it was Mr. Hoover going to the Attorney General, and then perhaps both of them going to the President, that actually scuttled the Huston plan. Is that correct?

Mr. BRENNAN. That is my understanding of what happened, sir; yes.

Senator HUDDLESTON. And why, in your judgment, was Mr. Hoover so reluctant to participate in these suggested intensifications of the intelligence-gathering activity?

Mr. BRENNAN. Well, sir, I think I previously explained that I feel that these techniques encompass some degree of risk which might constitute a backlash, which Mr. Hoover was desirous of avoiding.

Senator HUDDLESTON. The kind of backlash that would reflect on the agency?

Mr. BRENNAN. Yes, sir. Embarrassing incidents in which agents might be involved.

Senator HUDDLESTON. You think this was a greater concern of his than any abridgment of individual liberties or freedoms that might occur because of these activities?

Mr. BRENNAN. That is my personal feeling. He hadn't demonstrated a previous concern of this nature in the past.

Senator HUDDLESTON. But then after some insistence, and after developing additional activities that might be employed, on October 29, Mr. Hoover and the top echelons of the FBI did agree to certain types of activities which would, in fact, double the caseload of the FBI in intelligence; is that correct?

Mr. BRENNAN. Yes, sir, I believe so.

Senator HUDDLESTON. Upon what basis do you believe this agreement came about, or this change in position, on the part of Mr. Hoover?

Mr. BRENNAN. It is difficult for me to recall the time frame, Senator, but I believe that possibly it might have been motivated by possible budgetary considerations.

Senator HUDDLESTON. Are you saying, then, that Mr. Hoover and the other top officials of the FBI entered into this kind of a program which intensified its intelligence-gathering activity—and went beyond what might have been legal—for the purpose of increasing the caseload so that the budget of the FBI could be sustained or increased?

Mr. BRENNAN. No. I don't know that—can you clarify for me which techniques that you are stating the Director approved which would have been illegal?

Senator HUDDLESTON. Well, there were a number of activities included. The lifting of a moratorium on investigations of 7,000 individuals on the Security Index—what did that mean?

Mr. BRENNAN. That was involved in a procedure whereby cases would be opened at periodic intervals to recheck whether or not the individual might possibly still be employed at the same place, and so forth.

Senator HUDDLESTON. Which required agents in the field to intensify their surveillance of these individuals, whether or not there had been any indication that these individuals were, in fact, engaging in any kind of wrongdoing.

Mr. BRENNAN. I don't think it constituted surveillance, Senator. I think it merely involved reopening—

Senator HUDDLESTON. Some kind of checking would be required.

Mr. BRENNAN. A check, yes. A check.

Senator HUDDLESTON. Exhibit 41¹ mentions opening cases on approximately 4,000 black student activists, all members of the Black Student Unions, and similar groups, regardless of their past or present involvement in disorders. Does that constitute a check?

Mr. BRENNAN. Yes, sir.

Senator HUDDLESTON. Would this not, too, involve further checks, further investigation and surveillance, against people who had no record of any kind of participation in any sort of wrongdoing or disturbance?

Mr. BRENNAN. It was designed to try to develop information about the types of individuals who were activists in such groups who might further instigate individuals who had propensities for violence.

Senator HUDDLESTON. It involved the opening of cases on approximately 6,500 New Left student activists, black and white, to determine whether they had a propensity for violence. Now, how do you investigate a person to find out whether or not he or she has a propensity for violence?

Mr. BRENNAN. You cover his activities in connection with demonstrations and the like, and attempt to ascertain whether he is exhorting other individuals to engage in violence. A number of these individuals publicly professed their determination to destroy or overthrow the Government of the United States.

A number of them advocated means by which these efforts should be furthered, and Bureau investigations were broadly encompassing to make a determination as to whether or not they did, in fact, do certain of these activities.

Senator HUDDLESTON. We're looking at 6,500 people. You're surely looking at a number of people who have no experience in violence, and

¹ See p. 317.

who have no activity that would suggest that they have been involved in violence.

Mr. BRENNAN. That is true, Senator, but I think that—

Senator HUDDLESTON. It's a dragnet, "shotgun" type of operation.

Mr. BRENNAN. I think that's true. But by that time I believe that the leaders of the New Left movement had publicly professed their determination to act to overthrow the Government of the United States. And I felt that with them on public record as having this basic objective, anyone who joined in membership in their cause, possibly should have their names recorded for future reference in FBI files. And I was reminded of the circumstances of the thirties, when many individuals, who at that time were involved and concerned as a result of the economic depression, became involved with Communist activities.

A great deal of Communist cells developed, and many of the individuals who at that time were in colleges, subsequently were employed in sensitive positions of Government, and the Government had no record of their previous Communist involvement. I did not want to see a repetition of that sort of circumstances come about.

So that when individuals did profess themselves to be in adherence to the concepts which aimed at or called for the overthrow of their Government, I did feel that the FBI had the responsibility to record that type of information so if they ever obtained sensitive Government positions that could be made known, and known to the agency for which they were going to go to work.

Senator HUDDLESTON. So it is better to go with a blanket approach rather than possibly miss somebody who might turn up somewhere down the road.

Mr. BRENNAN. Well, sir, I feel that the absence of any type of approach in the thirties indicated to me that history proves that you can make tragic mistakes. And I felt that this Government should not fall into that type of a tragic mistake again.

Senator HUDDLESTON. My one point on the investigations of the 7,000 individuals on the Security Index is that it puts a person in the position of being locked up. So that is a rather serious position for a person to be in, or a category for him to be in. And this was part of this effort to increase the caseload, is that correct?

I think the total of these certainly represents a substantial intensification and increase in the activity of the FBI in this field of domestic intelligence. And I believe during this period—if it hasn't been pointed out already—you switched almost entirely from a counterintelligence operation to a domestic intelligence operation.

Mr. BRENNAN. No; I don't think that is true, Senator. I think that there was a different type of balance.

Senator HUDDLESTON. The emphasis—

Mr. BRENNAN. There was more of an emphasis on the domestic, but I think that the emphasis stemmed from the activists in this country who were using explosives and the like to such a disruptive effect, when, to me, it was a question of putting your priorities in order, and I personally felt that the domestic situation had a higher priority at that particular given time.

Senator HUDDLESTON. All right. Yesterday Mr. Angleton indicated to this committee that the most appropriate subject for investigation

into the intelligence-gathering community of this Nation would be to look at the product of what is being produced, and determine whether or not that was adequate.

He suggested by that statement, I think, that it is the end, rather than the means, that is important. And maybe the methods used—whether or not civil liberties might be abridged, or the Constitution violated—was not as important as what the final product was. Now Mr. Angleton, I assume, was speaking for himself and not the CIA. I am wondering what your concept is and whether this is the attitude that prevails in the FBI and in other intelligence-gathering operations.

Mr. BRENNAN. No; I don't think so, Senator. My particular feeling on that score—and I feel this is possibly representative of the general level of feeling inside the FBI—is that the end never justifies the means. I believe that we are a society of law and order, and I believe that our intelligence agencies, or any organization acting on behalf of our Government, should behave within the concept of the laws that they are trying to uphold. And I feel that the problem that has been long lacking has been the fact that we have not had the legislation which has clearly defined for the FBI the role that it must play in order to enable it to fulfill its responsibilities.

And I believe that this problem arose when the fact that we were operating basically out of a directive by President Roosevelt in 1939, which enabled the FBI to cope with problems which dealt with subversive activities, so-called because they were clearly and directly related to foreign interests. But I believe that once we passed 1960, when we got into a new era that marked a drastic social, political, and economic change in our society, and we saw a number of individuals in our country who professed themselves to be revolutionaries, dedicated to the overthrow of our Government, this posed new problems which should have brought about better defined legislation to enable the FBI to fulfill its responsibilities.

And I hopefully feel that, if nothing else, something may come out of the hearings of this committee that will give the FBI the applicable legal framework to enable it to go ahead and do its job.

Senator HUDDLESTON. That is our objective, Mr. Brennan. I think your concept would conform to those of the members of this committee. We are trying to find out how to do it, and your testimony will be helpful in that regard. Thank you, Mr. Chairman.

Senator TOWER [presiding]. Senator Goldwater?

Senator GOLDWATER. I have no questions.

Senator TOWER. Senator Morgan?

Senator MORGAN. Mr. Brennan, many of the 7,000 individuals who were on the Security Index were on there simply because they belonged to a given organization or some other group that you were suspicious of. Is that not true?

Mr. BRENNAN. Yes, sir.

Senator MORGAN. In other words, as far back as 1950, you and others in the Bureau followed the doctrine of guilt by association.

Mr. BRENNAN. No; I wouldn't say that's true, Senator.

Senator MORGAN. Well, if you put a man's name on a list because he was a member of an organization that was not illegal, he was put on there because he was associated with other people who are in that group that you might have suspected. Is that not true?

Mr. BRENNAN. Well, that possibly would be an interpretation that you could put on it.

Senator MORGAN. And from that time on, right on through the anti-war demonstrations, you and the Bureau had followed a policy of holding anyone else guilty, or holding others guilty by association, if they associated with groups that you were suspicious of. Is that not true?

Mr. BRENNAN. No; I don't think that's true. And let me clarify for you, Senator, something relative to the Security Index. The Security Index was something which was in existence years before I ever arrived at FBI headquarters. And as the Senator here indicated, it also involved one aspect of potential emergency detention.

I was opposed to, in general frames, the existence of a Security Index of that nature, and I think if you review FBI files you will find that I worked actively to reduce the number of individuals on the Security Index, and I changed the policies and procedures which drastically reduced those numbers. And I also changed the priorities which would determine the basis for which individuals might be considered for emergency detention.

Senator MORGAN. But on through the years, during your association with the Bureau, you have engaged in illegal activities such as unlawfully breaking and entering, because you felt that the ends justified the means.

Mr. BRENNAN. I never did, Senator. No.

Senator MORGAN. Well, under your direction did the Bureau not do that?

Mr. BRENNAN. I don't recall any specific instances under my direction, Senator.

Senator MORGAN. Well do you not know of such incidents in the Bureau?

Mr. BRENNAN. I know of such instances; yes.

Senator MORGAN. Mr. Brennan, I ask you, as early as the sixties—and I believe you indicated that is when most of it commenced—if you didn't, for instance, unlawfully break into the Ku Klux Klan headquarters in Louisiana, obtain the list of the membership and the financial records, and then proceed to arrest those members?

Mr. BRENNAN. In 1960?

Senator MORGAN. Somewhere in the sixties. I don't remember the exact date.

Mr. BRENNAN. I was shown a document which related to a penetration of what I would term a domestic extremist group, and I believe I indicated in there that I had no specific recollection of the specific penetration which may have been indicated.

Senator MORGAN. By penetration, you mean breaking and entering, and getting into the organizations, right?

Mr. BRENNAN. Yes sir.

Senator MORGAN. I ask you to look at exhibit 32¹ which is a memorandum dated July 19, 1966, from Mr. Sullivan to Mr. DeLoach. Do you see that memorandum?

Mr. BRENNAN. Yes sir, I see that.

Senator MORGAN. Look on the bottom of the second page.

¹ See p. 273.

Mr. Chairman, I am advised that an agreement would be reached that we would not talk about specific instances of unlawful breaking and entering. Is that correct?

Senator TOWER. I will defer that to Counsel.

Mr. SCHWARZ. Senator Morgan, they have not declassified the specific instances, and we are open to talking about the generalities at this point. We intend, I believe, to perhaps get back to specifics at another point.

Senator MORGAN. Mr. Brennan, it is true that you broke into these organization's headquarters, obtained membership rosters, financial information, not only with the white extremists, but, as you have already testified, you investigated the black extremist groups, regardless of whether you had had trouble with them or not.

That is true throughout the decade of the sixties, isn't it?

Mr. BRENNAN. Yes sir.

Senator MORGAN. And you went beyond that. You not only broke in and obtained this information, but you then proceeded to harrass these people by having their income tax records checked, did you not?

Mr. BRENNAN. I assume, Senator, when you say, I, that you did this, that you are referring to the FBI?

Senator MORGAN. Yes; speaking with regard to the FBI.

Mr. BRENNAN. Yes sir.

Senator MORGAN. And you, as a member of the FBI and part of the Justice Department, had access to every income tax return filed in this country, didn't you, simply by the attorney for the Justice Department certifying that it was needed in the course of your investigation?

Mr. BRENNAN. I don't know that we had access to the tax return of every individual in this country, sir.

Senator MORGAN. Did you ever have any trouble getting the tax return of anyone you wanted, whose return you wanted because you were investigating?

Mr. BRENNAN. I'm not too familiar with the use of that technique, Senator.

Senator MORGAN. I will ask you, sir, if you don't know that the FBI made it a practice of harrassing, or calling for tax investigations of those that they thought, in good faith, were dangerous, such as black extremists, white extremists, war demonstrators, those who wanted to go to the Democratic and Republican Conventions, in order to keep them busy, in order to keep them occupied?

Mr. BRENNAN. I was never aware that the FBI requested the IRS to harrass any individual on the basis of his tax return, Senator.

Senator MORGAN. Well, did you harrass them in any way through your investigations in order to keep them occupied, to keep them busy?

Mr. BRENNAN. Not that I have specific recollection of—the nature of that incident.

Senator MORGAN. Now the Director issued an order to stop the unlawful breaking and entering in 1966.

Mr. BRENNAN. Yes sir.

Senator MORGAN. But it did continue some after that, did it not?

Mr. BRENNAN. Not to my knowledge.

Senator MORGAN. Not to your knowledge. I believe you told Senator Mondale that you thought that at times, in the main interest of national security, such break-ins and enterings were justified.

Mr. BRENNAN. I think I told the Senator that I feel there is a need for legislation which would provide the legal framework for whatever action is decided the FBI should be engaged in.

Senator MORGAN. Did you not say also that you thought that there were times when such unlawful entry was justified and warranted?

Mr. BRENNAN. In the absence of any specific legislation, and if the FBI had the responsibility to develop information regarding the efforts of agents of a foreign power who were actively engaged in spying on intelligence activities in this country, I would say, yes sir, it would be justified.

Senator MORGAN. What do you refer to as domestic counterespionage? What is that?

Mr. BRENNAN. Do you have a reference to domestic counterespionage?

Senator MORGAN. I believe you referred to it earlier as domestic counterespionage.

Mr. BRENNAN. I do not think those two terms are coincidental or related. I referred to counterespionage as related to the type of activity which would be designed to block, negate, nullify, or develop information for prosecutive purposes concerning the activities of individuals who have been sent to this country, either under the guise of diplomatic cover legally, or as illegal agents, or utilizing Americans in concert with foreign agents, to engage in intelligence operations here. I would interpret the domestic groups to be basically related to the Americans who were involved in either, let us say New Left-type activities, Old Left activities, or extremist type activities.

Senator MORGAN. All right. But going back to domestic activities, and especially to the question that the chairman asked you with regard to your instructions, or the Bureau's instruction, to investigate every black student group, regardless of whether or not that group had been involved in any unlawful activities, was that sort of an effort to intimidate the black students from belonging to those groups? Was it not a type of espionage?

Mr. BRENNAN. No sir. I think if you look—as I pointed out to the chairman, I believe—the basis for that cited the fact that there had been a significant increase in disruptive activities on the part of some Black Student Unions, and I think the instructions concerned the initiation of investigations to determine which ones may have developed a propensity for violence.

Senator MORGAN. I only have a minute left, Mr. Brennan. Let me use that minute to say to you that I, of course, can understand the apprehensions of the Bureau, and your efforts to apprehend those who violated the law. But as a former chief law officer of my State, and one who directed a substantial law enforcement agency, I believe that there are adequate laws on the books today to enable any competent and efficient law enforcement agency to enforce the laws of this country without engaging in unlawful breaking and entering, without engaging in unlawful wiretaps, without using the IRS for the purpose of harrasing the citizens that we may suspect even though they may be guilty of nothing, but who, in our judgment, might be dangerous to society.

I think it may take a little more effort on the part of our law enforcement agencies. They may have to be better trained. But I think it

can be done, and I don't believe that in this country that we can tolerate people in Government violating laws themselves in order to apprehend others that we may suspect of violating the laws. Thank you, Mr. Chairman.

Senator TOWER. Senator Mathias?

Senator MATHIAS. Thank you, Mr. Chairman. Mr. Brennan, I rejoiced a moment ago when I heard you say that under the pressure of what appeared to be a domestic threat that the proper solution should have been to seek legislation to deal with it. I just want to say to you that I think that was absolutely the right reaction, and that it is a tragedy that your advice in this matter was not carried out.

The temptation is very great to say, "Well, we are in an emergency situation, we have to take emergency action." But, I think we ought to keep in mind some of the thoughtful advice we have had from great Americans in the past on this.

Chief Justice Hughes, who I look upon as a very great American, writing in a case in 1934 said that "an emergency does not create power. Emergency does not increase granted power or remove or diminish restrictions imposed upon the power granted or reserved. The Constitution was adopted in a period of grave emergency. Its grants and powers to the Federal Government and its limitations to the power of the States were determined in the light of emergency, and they are not altered by emergency." And I think this, in essence, is what you were telling us, and I think as we look to the future we want to try to insure that institutions, as they carry out their lawful duties, remember that emergencies alone do not create the power that is necessary to cope with. But there are within the constitutional framework sources of power which I think are capable of meeting any emergency, so it is the process that is important.

Mr. BRENNAN. I appreciate your observation, Senator. I agree with you wholeheartedly, and I think the record should show that I am very proud to be a member of the FBI. I think the FBI did an outstanding job over the years, and I think the people of the FBI represented the finest group of individuals that I have ever had the opportunity to associate with and I think as they stand today, they are ready and willing to do a further and better job for the country, and I do feel that there is a specific need for legislation to enable them—all they want to know is what are the guidelines, what do you want us to do, and tell us what are the limits that you do not want us to exceed, and I am very confident that the FBI will agree with that concept.

Senator MATHIAS. It seems to me it is the work of this committee, for the first time in a generation, to try to provide those kinds of guidelines for the FBI, the CIA, the DIA, the NSA and the other intelligence agencies that are important to the work of Government—

Mr. BRENNAN. I agree, sir.

Senator MATHIAS [continuing]. And this is the long overdue discharge of responsibility for the Congress.

I would like to look with you at the July 19, 1966, memorandum [exhibit 32¹] from Mr. DeLoach to Mr. Sullivan with reference to "black bag" jobs, and, without reviewing the terms of that memorandum, it would appear from it that it confirms your earlier testimony that

¹ See p. 273.

the "black bag" jobs had, in fact, been going on for some period of time prior to 1960, would it not?

MR. BRENNAN. Yes, sir.

Senator MATHIAS. And it also then confirms Mr. Huston's testimony of '1959, that at least as far as surreptitious entries are concerned, they did not begin with the Huston plan, would it not?

MR. BRENNAN. No, sir. I mean it would confirm Mr. Huston's testimony.

Senator MATHIAS. It would confirm it so that Mr. Huston really does not deserve credit as being an innovator, if you can call it credit; he was sort of a codifier of a practice that had already existed.

MR. BRENNAN. Yes; as a matter of fact, I do not know that Mr. Huston ever before, after, or at any time between, ever had any connection with any so-called "black bag" job.

Senator MATHIAS. This gives me, I think, greater concern than if he had thought it all up. It is very simple to deal with one man. We can get rid of him. We, in effect, have gotten rid of him. But dealing with institutional practices that have been in effect for a long time is a much tougher job.

The memorandum does say on page 2 that "Also through the use of this technique we have on numerous occasions been able to obtain material held highly secret and closely guarded by subversive groups and organizations which consisted of membership lists and mailing lists of these organizations." I wondered what criterion you imposed on yourself and your organization to decide whether the pursuit of domestic intelligence had crossed over the threshold. It was no longer the pursuit of subversive information, but actually interference in legitimate domestic political activity. Did you have any sort of test that you made yourself when some investigation was undertaken as to whether this was a proper investigation? How did you approach it? I am interested in your thought process.

MR. BRENNAN. Well, it gets to be a little bit of a complicated question. You mean the basis on which investigations were initiated?

Senator MATHIAS. Was there ever any point in which a red light flashed before you and you said "Well, I do not think we ought to get into this, I think this is getting into a constitutionally protected area"?

MR. BRENNAN. There may have been some instances. I am sure there probably were some instances, Senator. Right offhand, I cannot recollect or recall.

Senator MATHIAS. But you did not even have sort of a mental checklist?

MR. BRENNAN. Well, you had the basic responsibility of the FBI within the framework of the Presidential directives that may have existed within the degree of legislation that might have been passed by Congress, and based on the instructions from the Attorney General. This provided a broad framework for FBI operations and there was no—I do not think there was a situation within the FBI where any one individual, in other words, would have given a green light, so I think we had relatively a series of checks and balances, that prior to a really serious investigative matter, you would have to get approval along the line in the chain of command.

Senator MATHIAS. But these were internal checklists, and what I interpret as an appeal for you for congressional guidelines would be applicable in this very kind of situation.

Mr. BRENNAN. I feel that the possibility here, Senator, might arise for, let us say, a congressional legislative oversight committee, which would encompass agents from the FBI and which would also encompass attorneys from the Department of Justice who could, thereby, sit down and analyze the nature of the problems that the FBI is confronted with, have the prosecutive opinions of the attorneys, and get the overall legislative impressions of the Members of Congress. And I feel, by working together in this groundwork, perhaps it can all be brought together so that there can be a concise framework established for the future operations of the FBI.

Senator MATHIAS. But there was never any such consultation during the periods in which the "black bag" practice developed, which was a long period of time.

Mr. BRENNAN. Not to my knowledge, Senator.

Senator MATHIAS. I would like to move on to the memorandum or the letter written by Mr. Helms to Mr. Hoover which is exhibit 36,¹ dated February 26, 1970, and I would refer to the notation in Mr. Hoover's handwriting at the bottom of page 3, which says, "This is not satisfactory. I want our Denver office to have absolutely no contacts with CIA. I want direct liaison here with CIA to be terminated and any contact with CIA in the future to be by letter only." Signed "H."

Were you aware of this directive by Mr. Hoover?

Mr. BRENNAN. Yes, sir. I was.

Senator MATHIAS. Did this affect the operations of the FBI?

Mr. BRENNAN. I very definitely believe it did because I feel the various members of the intelligence community must work together in order to fulfill everybody's basic intelligence responsibilities, and I felt that the decision by Mr. Hoover to cut off relationship with the CIA was just totally an atrocious decision and was not consistent with what the responsibilities of the intelligence community are.

We rely upon and deal with CIA closely, as they do with us, in the interchange of matters of mutual interest to both of us, and it just did not square with the abilities of each to be able to carry out the responsibilities and perform the functions by saying, "discontinue liaison with the CIA."

Senator MATHIAS. So you think the best interests of our Government and our people were injured by the rupture between the FBI and the CIA in 1970.

Mr. BRENNAN. It certainly did not improve things, Senator. I feel it certainly did hurt.

Senator MATHIAS. Now, in considering the recommendations of this committee to govern the whole intelligence community in the future, do you think this kind of liaison ought to be mandated by the Congress so that one official, even an official as important as the Director of the FBI or the Director of the CIA, would not be able to cause such a total breach?

Mr. BRENNAN. Very definitely. There should have been some degree of objection right then and there which would have brought the mat-

¹ See p. 283.

ter to a head and which would have resulted in calling Mr. Hoover to task for an explanation as to why he arbitrarily was able to discontinue a relationship with the CIA, and unfortunately that did not come about. But I agree that there should be some means in the future by which no individual in a position of directorship of a particular Government agency should be able arbitrarily just to say who he is going to have contact with and who he is not, especially if it comes down to a point where it is injurious to the functions of the intelligence community.

Senator MATHIAS. To your knowledge, was there any objection to this from any higher authority in Government?

Mr. BRENNAN. Not that I know of. In effect, we worked around it.

Senator MATHIAS. And in fact, it may not even have been known to higher authority in Government, is that not true?

Mr. BRENNAN. I believe it must have been known, Senator.

Senator MATHIAS. So that, really, the only remedy is to provide by law for the kind of liaison which is absolutely necessary if we are to have the most effective use of the intelligence agencies?

Mr. BRENNAN. Yes, sir.

Senator MATHIAS. Thank you, Mr. Brennan.

The CHAIRMAN [presiding]. Senator Hart.

Senator HART of Colorado. Mr. Brennan, did the FBI conduct any surveillance of political figures at the 1972 Democratic Convention?

Mr. BRENNAN. Not to my recollection, Senator. And if they—political figures—in other words, I was not in—which one, 1968?

Senator HART of Colorado. 1972.

Mr. BRENNAN. 1972. I do not believe they did, Senator.

Senator HART of Colorado. Could you find out and let the committee know?

Mr. BRENNAN. Senator, I am no longer in the FBI.

Senator HART of Colorado. All right, we will find out. Thank you.

Mr. Brennan, how do you define the New Left, and whose definition was used by the FBI?

Mr. BRENNAN. The New Left was sort of an amorphous, disjointed collection of individuals that ranged all the way from those who were relatively, let us say, to put it in a nice style, were adopting a new style of life, and some of those who were involved in the drug scene, moving all the way up the ladder to those who were more legitimately concerned with—and I think this probably constitutes the overwhelming bulk and majority of it—several millions, clearly, of students who were clearly and objectively opposed to our involvement in the Vietnam situation, and then a relatively small, let us say, a few thousand individuals who were involved in the extremist sense of feeling that the only way to resolve the difficulties they saw confronting us was to take matters into their own hands, to use violence to achieve their ends.

Senator HART of Colorado. That is a pretty sweeping definition, is it not?

Mr. BRENNAN. I think that constitutes in my framework of reference, anyway, Senator, what I would term the New Left movement.

Senator HART of Colorado. A lot of the documents that we have before us and that are in the record refer to the need to watch and follow and otherwise survey the New Left. That is quite a bit of this country, not to mention a whole generation.

Mr. BRENNAN. I think, Senator, within the context of the reference to the New Left, as it is contained in FBI communications, I think we are basically referring more to trying to isolate out of this broad amorphous-type grouping, the grouping I described for you, basically the individuals who advocated violent—who displayed a propensity for violence, individuals who publicly professed their supposed revolutionary drive, and individuals who espoused Marxist-Leninist concepts, at the same time individuals who denounced the Communist Party as a moribund defunct party, and who aligned themselves in a greater sphere with the revolutionary leaders of Communist movements throughout the world.

Senator HART of Colorado. I do not find that qualification anywhere in the documents I have seen. You sent out dragnet kind of instructions to your special agents in charge of field agents and so forth, concerning the New Left, not using any of the qualifications that you have just stated here, which gave the agents a broad latitude as to whom they could watch, follow, break in on, and any one of a variety of other activities.

Mr. BRENNAN. I do not think, if you are implying that we watched and followed and broke in on millions of individuals, Senator, I do not think that is true. I think that you have to give us some credit for some degree of circumspection in the handling of these matters, and I think if you—in the context of specific instructions that related to the investigative responsibilities of the Bureau, I think that it emerges that there is a framework for our investigative responsibilities.

Senator HART of Colorado. Well, Mr. Brennan, if that degree of circumspection that you were relying on had not broken down, I doubt that this committee would be in existence. Let me refer to a document, exhibit 44¹ that I think has already been brought up in this hearing, a memorandum from Mr. Felt to Mr. Tolson, dated September 2, 1970. It is a document relating to whether people of age 18 to 21 should be recruited as informants.

At the bottom of the first page of that memorandum, it says, "If we could develop informants among these new members," talking about the younger people of various groups, "we could guide them to key positions. By the time they are 21 years of age they are almost ready to leave college and have been subjected to the corrosive influence and brainwashing of ultra-liberal and radical professors." An observation that follows says that "The important consideration, of course, is to protect the Bureau from possible embarrassment. Many of our 18-, 19- and 20-year-old men and women are highly intelligent, mature, and loyal citizens."

That is a nice observation. "This has recently been recognized by the Congress in lowering the voting age to 18 years. It is felt the same concept can logically be applied to the revolutionary conflict at home and particularly on campuses."

There follows a penciled notation or a pen notation, "I don't hold this view. [Signed] H," which I understand is the Director of the FBI. Could you tell this committee why Mr. Hoover did not like young people? [General laughter.]

Mr. BRENNAN. I think you have drawn that conclusion from that. I do not know whether I could agree that that was a conclusion that he had arrived at. I was reminded before that I should not engage in such

¹ See p. 328.

speculative conclusions as to why somebody else may have felt something of this nature.

Senator HART of Colorado. You do not know why he made that notation?

Mr. BRENNAN. I do not know.

Senator HART of Colorado. There was a lot of merriment around this town recently when a journalist inspected the Secretary of State's garbage. Did the FBI ever involve itself in trash or garbage surveillance?

Mr. BRENNAN. I believe we had a program some years ago which involved an assessment of trash.

Senator HART of Colorado. What kind of things were you looking for in the trash?

Mr. BRENNAN. Basically, as I recall, we were looking for notes or materials related to individuals we suspected to be intelligence agents of foreign countries or engaged in espionage activities in the United States, and anything that might give us a clue as to types of individuals in the United States that they might be in contact with.

Senator HART of Colorado. Mr. Brennan, in your many years at the Bureau, have you ever known a trained agent of a foreign power to put incriminating documents in his trash or garbage?

Mr. BRENNAN. It is conceivable.

Senator HART of Colorado. I did not ask the question whether it is conceivable. I said, did you have a specific case where that had happened? Colonel Abel or anyone else?

Mr. BRENNAN. Specifically, at the moment, I cannot recall any. Perhaps the FBI records might provide a better indication of whether they had achieved through that degree of investigative technique anything that was of a positive nature.

Senator HART of Colorado. Mr. Brennan, can you account for the reasons why the so-called Thomas Riha case caused the seriousness of the breach between the CIA and the FBI?

Mr. BRENNAN. Why it caused the breach?

Senator HART of Colorado. What having to do with Professor Riha accounted for the seriousness of the breach between the CIA and the FBI?

Mr. BRENNAN. Well, I think it was a breach which was totally out of proportion with the nature of the incident. Are you asking me now to relate back the incidents concerning the Professor?

Senator HART of Colorado. No. I want your judgment as to what was so important.

Mr. BRENNAN. Well, I feel that—again, you are asking me for a sort of an opinion or speculative observation—but I feel I am safe in saying that over the years through my observations in the FBI, Mr. Hoover had no close regard for the Central Intelligence Agency, and I believe that this particular incident constituted just a basis on which he could demonstrate to them his degree of arbitrary rule relative to the relationships between the two agencies, and I believe he seized upon that as an opportunity to be able to do so.

Senator HART of Colorado. But, to your knowledge, it had nothing to do with whether Professor Riha was an agent, double-agent, or was working for any agency of our Government or any other Government?

Mr. BRENNAN. No; and to my recollection, this is the sad part of it. It just—I mean Mr. Riha just apparently happened to pop into a

set of circumstances where the real vital question here was the fact that an FBI agent disclosed some information to a CIA agent which disturbed Mr. Hoover.

Senator HART of Colorado. Without going to great lengths—it is fairly crucial in the case because the purported FBI agent who spoke to the CIA agent said, “Calm this thing down. Get out to the press that Riha is alive and well.” Riha, as you know, disappeared and has never been found.

If an unnamed FBI agent knew something about Professor Riha that he was not telling anyone else, I think that is fairly important. You do not have any information on what happened to Professor Riha?

Mr. BRENNAN. My recollection is that he left this country voluntarily and that there was no indication or evidence to indicate that, as many alleged from that section of the country, that he had been spirited off by Communist agents.

As I recollect, he was possibly of Czechoslovakian background. He was in this country, teaching here, and he suddenly disappeared. The information which the FBI had available to it at that time indicated that he had voluntarily left, and there was no substantiation of any involvement in any intelligence activity or any spying. There was just no basis for the flap that arose, as I recall the incident, and this is why I say it would seem then to me to be a relatively ridiculous situation which blows up to the point where it then leads to a cutoff in relations between the two agencies.

Senator HART of Colorado. I am interested in the information you have given us, because neither the CIA nor the FBI nor the local law enforcement agencies had that information as to what happened to him. They still think he is a missing person.

Finally, Mr. Brennan, Senator Mondale had a discussion with you in which you talked about the pressures on the FBI and other agencies by elected officials. I feel very strongly, as he and other members of this committee do, that this is certainly a factor in some of the things that went wrong. Can you account for the fact that when that pressure occurs, from the White House or from elected officials, or from the Congress, for the FBI to do something—why professional agencies such as this cave in under that pressure? Why concoct, if you will, information to satisfy those inquiries, rather than tell the President of the United States the truth? Why dredge up and examine people’s trash, and everything else, to try to make the kind of case that the President of the United States or some Member of Congress wants to hear? Why not tell the Director of the FBI to tell the President of the United States that there is no case here?

Mr. BRENNAN. I don’t think the picture you have drawn quite applies to what prevailed in the FBI. I feel that Mr. Hoover, as Director of the FBI, was a very strong personality who at no time really hesitated to tell anybody in town what he felt, including the President of the United States. And I think that if he, at any time, had been directed to take upon himself, or on behalf of the FBI, activities which he personally objected to, for whatever reason, he would make these objections known.

Senator HART of Colorado. Mr. Angleton testified yesterday, and I think the records here today indicate that high level senior officials

in both the CIA and FBI seriously doubted, in fact never believed, that there was substantial foreign connection with domestic dissidents. Yet we have no record whatsoever that that case was ever laid before the President of the United States or his delegates.

Mr. BRENNAN. I cannot vouch for what Mr. Angleton had to say. I think, on the basis of my testimony here earlier today—I think I made it clear that in one instance we furnished the White House with a 40- to 50-page report which detailed the extent to which Americans involved in the antiwar movement were traveling in Communist countries and attending Communist conferences.

I think the only question was a continuing hammering of the fact of whether they were being furnished money. Are Communist funds subsidizing this activity? But I don't think the theory was held within the FBI, that there was no foreign involvement on the part of a number of individuals who were activists in the antiwar movement.

Senator HART of Colorado. I am past my time, Mr. Chairman.

The CHAIRMAN. Senator Schweiker.

Senator SCHWEIKER. Thank you, Mr. Chairman.

Mr. Brennan, I wonder if you would turn to exhibit 32.¹ I would like to just read a couple of paragraphs from that; then I would like to ask you a few questions about those paragraphs. This is a July 19, 1966 memo of Mr. DeLoach and Mr. Sullivan, and the unusual caption to the right of it says "Do Not File," in caps, underscored. And I am reading the third and fourth paragraphs—

The present procedure followed in the use of this technique calls for the Special Agent in Charge of a field office to make his request for the use of the technique to the appropriate Assistant Director. The Special Agent in Charge must completely justify the need for the use of the technique and at the same time assure that it can be safely used without any danger or embarrassment to the Bureau. The facts are incorporated in a memorandum which, in accordance with the Director's instructions, is sent to Mr. Tolson or to the Director for approval. Subsequently this memorandum is filed in the Assistant Director's office under a "Do Not File" procedure.

In the field, the Special Agent in Charge prepares an informal memorandum showing that he obtained Bureau authority and this memorandum is filed in his safe until the next inspection by Bureau Inspectors, at which time it is destroyed.

Now, I wonder if you could tell us a little bit about this rather unusual "Do Not File" procedure. How did this work, Mr. Brennan?

Mr. BRENNAN. I think the memorandum speaks for itself, Senator. In other words, what it is saying is that the special agent in charge of the field office would call the Assistant Director, relay to him the basis for his feelings that a certain action should be taken relative to a "black bag" job. The Assistant Director would prepare that memorandum, send it to Mr. Hoover for approval. The memorandum was not recorded in the usual recordkeeping functions of the FBI, but returned to the Assistant Director of the FBI and would be filed in his office, under a "Do Not File."

Senator SCHWEIKER. Let me ask you another question this way. If it had been filed in the normal procedure, and then somebody subsequently removed it from the normal file and destroyed it, why was it not done that way?

Mr. BRENNAN. There would have been a record of it.

¹ See p. 273.

Senator SCHWEIKER. In other words, each file of the FBI is serialized, and as new information is put in, a serial number is assigned. So is it not correct that if it had been filed in the normal procedure and then removed, there would have been a gap, as far as the number is concerned. Is that correct?

Mr. BRENNAN. Yes, sir.

Senator SCHWEIKER. I gather this is a procedure. How did the agents in the field know about this procedure? Was this in the manuals or rules and regulations, manuals of instructions? Or how did they know that this procedure was to be followed? Was it from memorandums like this? How did the field offices know about the "Do Not File" procedure, and the destruct mechanism?

Mr. BRENNAN. I frankly cannot answer that, Senator. I don't believe there was any reference in any manual or the like that referred to "black bag" jobs. Maybe there was, but I doubt it. And I did not have that much of a—well, I just didn't have any participation to a degree that—well, frankly, I don't know how they knew. Apparently, it was a very highly "need-to-know" type of operation.

Senator SCHWEIKER. All right. They do, of course, call it a procedure. So obviously, it had been invoked and was invoked, and they had a quote obviously indicating that that was a signal that this procedure was to be followed. I gather that one purpose of it was that if a "black bag" job went afoul, and somebody got hauled before a court, the Bureau or someone in the Bureau or an official of the Bureau could make a statement to the court, or to any other person investigating, to the effect that we searched our files and records, and there is nothing to indicate we did such and such. Would that be a fair assumption, on a "black bag" job?

Mr. BRENNAN. I think so, Senator.

Senator SCHWEIKER. And I think that it, of course, could apply in a lot of other areas as well.

As I see it, it looks to me as if the Bureau has had a better perfected technique of plausible denial than the CIA had, because number one, the Assistant Director makes a decision to follow the "Do Not File" procedure. The special agent is informed. He can put a special memo only in his personal safe. When the FBI investigator comes around, the Director or his Assistant Director is assured the procedure has been followed, because the inspector reads it in a safe. He knows his command and control is there, but he also knows it will be destroyed immediately after that. To me it is really the perfect coverup, and a lot more sophisticated and more refined than the plausible denial of the CIA.

I think that one other point that ties in here, of course, is that it would permit anybody to swear in an affidavit, in such a way for example, "He has caused a search to be made of the records of the Federal Bureau of Investigation, the United States Department of Justice, by the employees of the said Federal Bureau of Investigation, acting under his direction, and that said search discloses," and so on and so forth.

Now, the point I am making here—and I realize this does not directly involve you, Mr. Brennan—I want to be fair and make that very clear—is that anyone who went to court or filed an affidavit, or made a sworn statement to another Government agency or to a commission would be technically telling the truth because of the way

that wording is constructed. Yet, in fact, it would be nearly total deception.

And I think we have seen an illustration just recently in Dallas, where destruction of FBI documents has come to light. And I am not going to ask you about that, Mr. Brennan, because I understand there is an ongoing investigation, and it would not be appropriate. But I do want to say that I commend Director Kelley, because I think he is doing a good job. I think he is trying to get things straightened out, and I commend him for his approach in this area.

But I do think it is interesting that here we look at the chief investigative arm of the Government, and anytime that somebody at the Director or sub-Director level decides that they do not want anybody to know about something, there is a formal procedure whereby the whole apparatus jumps into line and can do it, and can deny in a court of law that such a thing ever occurred, and supposedly, technically be telling the truth.

And it just seems to me this is at the heart of our investigation here, because how can we, in Congress, even though we are investigating, know what is going on? We found the theory of plausible denial in our investigation of the CIA on the subject of assassinations. We find it here as a technique that the FBI used. It certainly makes it very difficult for bodies like the Warren Commission and Congress to do their jobs. And I think it is very significant, and I think the record should very clearly show that this procedure was used at the uppermost levels, and was used for certain purposes, and I think we just touched the tip of the iceberg as to what purposes and what motivation and what the situation was.

Now, Mr. Brennan, I would like to turn my attention to one or two other subjects for a moment, and that is that in the mail-opening that was discussed earlier, we now know, of course, that the CIA did not discuss at the meetings about the Huston plan the mail opening procedure. And I understand from preceding testimony that the Counterintelligence Program was not discussed at these same kinds of meetings. I wonder if you could tell us why the COINTEL Programs, or Counterintelligence Programs, were not discussed at these meetings?

Mr. BRENNAN. I don't believe they were pertinent to the basic purpose of the meetings. I believe the basic—in other words, as I interpret what happened relative to the Huston plan, you have to go back to the original question again being asked consistently by the White House. Are foreign, Communist elements subsidizing financially the activists in the antiwar movement? And part of the apparent inability to be responsive to that arises from what I perceive to be a degree of provincialism which existed among the various organizations of the intelligence community at that time. I think the general feeling being let us say, among the FBI, DIA, NSA, you know, we do our thing, you do yours, and let us not get involved in each other's area of operations here. And I think there was a feeling that possibly we could overcome what I would term that frame of provincialism if we could analyze each other's resources, techniques, and possibly broaden the scope of our own overall respective capacities. Perhaps we would do better toward being responsive to what the basic question of the White House was.

Senator SCHWEIKER. Did not the basic question also relate to radicals on campus and radicals domestically? And I have a hard time drawing the line between the distinction you just made and what I thought the White House group and Mr. Huston were focusing on, because Huston was focusing, when he testified before us, on violent revolutionaries, on what they were doing to our streets and to our campuses. And certainly, as I would understand the program you were working on, that would certainly go to the heart of the same kind of thing, whether you are talking about using a student as an FBI informant, or what.

Mr. BRENNAN. Right. I agree, Senator. But I feel that then, stemming from that, what you have is the question of, are you utilizing enough wiretaps, and are you utilizing enough bag jobs, are you utilizing enough of these sophisticated techniques that perhaps you'd used in the past which have since been cut back, and should there be reconsideration of an intensification of the use of these techniques?

Senator SCHWEIKER. I see my time has expired. That is all the questions I have, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Schweiker. Senator Morgan has asked to be recognized for one additional question.

Senator MORGAN. Mr. Brennan, to follow up on my line of questioning earlier, would you turn to exhibit 46,¹ on the second page, a memorandum from the Director of the FBI to the agent in charge in Albany, I believe.

Mr. BRENNAN. Yes, sir.

Senator MORGAN. And on the first page, there was a memorandum to you, requesting that this memorandum be sent to all stations which I assume you approved?

Mr. BRENNAN. Apparently so, yes.

Senator MORGAN. I beg your pardon?

Mr. BRENNAN. Apparently. That looks like my initials up there.

Senator MORGAN. All right. Now, Mr. Brennan, that memorandum included instructions as to how to keep surveillance on individuals that were designated as "Key Black Extremists," and "Key Black Extremist Organizations," did it not?

Mr. BRENNAN. Yes, sir.

Senator MORGAN. And among the things that were listed to be done was, number nine, that "the Federal income tax returns of all Key Black Extremists must be checked annually, in accordance with existing instructions." Do you find that?

Mr. BRENNAN. Yes, sir.

Senator MORGAN. That was one of the policies, was it not, to use tax returns for such purposes of surveillance, and whatever other purpose that you had?

Mr. BRENNAN. There was use of some tax returns; yes, sir.

Senator MORGAN. In other words, anyone who was designated by the Bureau as a person of interest would have his tax return checked annually, in accordance with instructions that were prepared—

Mr. BRENNAN. I don't think that's what that says, Senator. Doesn't it say that consideration shall be given?

Senator MORGAN. The beginning paragraph says: "The desirable coverage must include, but not be limited to, the following investiga-

¹ See p. 338.

tion." I am reading from the top of page 2—"must include, but not be limited to." And then item number nine was "The Federal income tax returns of all Key Black Extremists must be checked annually in accordance with existing instructions."

Mr. BRENNAN. Yes. Apparently that would apply to checking the income tax returns of the Key Black Extremists, or individuals designated as such.

Senator MORGAN. Mr. Chairman, I believe we will be following this up later, but I would like to comment for the record that this concerns me greatly, because if the Bureau decided that any given person should be on their list, then he could have his tax returns checked every year. And you know, even I might—I will put myself in there—I might belong to some organization that the Bureau might decide is extremist, and if so, I could have my tax returns checked every year. I think this raises an important question.

The CHAIRMAN. Well, indeed it does. And I have known you to oppose certain policies of the Government. Does that mean that you get your tax returns examined every year? This business of using the tax returns for surveillance and law enforcement purposes unrelated to the question of whether or not the citizen has paid his taxes, using it as a form of harrassment, you know, is a very serious question, Senator Morgan.

And maybe this is the appropriate time to say that next week the committee is going to explore this question of what we regard as improper practices, where the IRS has begun to use surveillance techniques for purposes other than determining whether the citizen concerned has paid his taxes, for purposes of harrassment. We are going to examine the ways that this is done in liaison with other agencies of the Government like the FBI.

Senator Tower has asked to be recognized.

Senator TOWER. Thank you, Mr. Chairman.

Mr. Brennan, the GAO report that was mentioned earlier today by Mr. Smothers raises a question which I believe is critical to our evaluation of the need for new tools and techniques on the domestic front, as apparently espoused by you today. From a law enforcement standpoint, a 3-percent rate of referral for prosecution of domestic intelligence cases is not terribly impressive. However, the report also noted—and I quote—"Who is to say that the Bureau's continuous coverage on such groups and their leaders has not prevented them to date from achieving their ultimate subversive and extremist goals?"

I also raise the question of whether, despite the limited number of criminals identified to date, this Congress should recognize the need for FBI activity extending beyond the strict parameters associated with law enforcement functions. Mr. Brennan, I ask your comment on the question of whether this committee should ask the Congress to clearly establish by statute a domestic surveillance role for the FBI.

Mr. BRENNAN. Yes. I think the FBI would welcome that type of clarification.

Senator TOWER. I mean, statutorily authorize a surveillance role that may not now be authorized, or may be proscribed by law as it now stands—consistent, of course, with the Constitution, and our theories of law and rights.

Mr. BRENNAN. I am not quite sure I understand what you mean, Senator.

Senator TOWER. We are talking right now about the FBI going beyond its authority. We are talking about aspects of FBI activity that might be considered unconstitutional. What I am trying to establish here is, should we recommend legislation that might perhaps remove some of the parameters that surround the FBI at the moment, and give specific authorization for surveillance under certain circumstances?

Mr. BRENNAN. Yes; I definitely feel you should.

Senator TOWER. Thank you.

The CHAIRMAN. Any other questions from the committee? Senator Hart?

Senator HART of Colorado. Mr. Brennan, the last question I asked you had to do with the degree of foreign involvement, particularly financing domestic disruptions. And why, if there were senior people in both CIA and FBI that believed that there was not substantial foreign involvement, that case was not made to the President? You said you could not speak for the CIA, but you thought the FBI consistently took the view that the domestic unrest had substantial foreign involvement.

The reference that I was referring to was your deposition before the committee. The question was asked, "Is it your judgment and was it your judgment at the time that there must have been a great deal more foreign money coming in?" Mr. Brennan: "Based on my experience, I personally did not believe that that was true. I felt that the extremist groups and the others who were involved in antiwar activities and the like at that time were of the middle- and upper-level income, and we characterized them generally as credit-card revolutionaries."

My question is why you and people like you in the FBI and the CIA did not flatly tell the White House that. That case never seemed to get up there. It was always what the President wanted to hear.

Mr. BRENNAN. I don't think that is true, Senator. As I indicated to you, we had ample evidence of the travel of leading activists in the antiwar movement to foreign countries, where they attended meetings of Communist groups abroad concerned with the so-called peace movement in the United States. We submitted a 40- to 45- or 50-page report dealing with the extent of this activity.

Senator HART of Colorado. Did that report include a statement such as I have just read? That is the question.

Mr. BRENNAN. We at one time were required to submit a report dealing with the extent of our knowledge of Communist funding. And I believe it was our observation therein that there was some evidence, for example, of one subversive group or one extremist group of individuals who were traveling to Cuba, who were thereby, let us say, entertained to a degree at the expense of the Cuban Government.

Senator HART of Colorado. Mr. Brennan, that is not my question. My question was, did these lengthy reports ever contain an observation such as you made to this committee that you did not believe there was substantial foreign funding?

Mr. BRENNAN. No. I don't feel that that would be appropriate for inclusion within an FBI report as to the expression of a belief.

The Bureau took the position it was a fact-finding agency, and it would stick to basically what it knew. But I don't think that, even if we had been asked, "what is your feeling about it," that the Bureau would have been able to respond that, "well, we happen to believe such and such."

Senator HART of Colorado. I assume your belief was not based on imagination, but your opinion was based upon facts. If you saw a set of facts that showed substantial foreign funding and then had a belief that there was no substantial foreign funding, I would think that you would be subject to dismissal.

Mr. BRENNAN. Yes. But if I gave you a report dealing with 15 separate organizations which relatively set forth the degree of information concerning whether or not they were receiving funds from foreign sources, I think that you would be able to draw the conclusion for yourself as to whether or not there was any extensive foreign funding.

Senator HART of Colorado. Not if you did not present the other side of the case, and I think it is a classic example of an agency's being given the obligation to tell the facts to the White House, and instead telling the White House exactly what it wanted to hear.

Mr. BRENNAN. I think you are asking, then, for interpretations, and the Bureau did not engage in interpretations.

Senator HART of Colorado. That is all, Mr. Chairman.

The CHAIRMAN. Senator Baker?

Senator BAKER. Mr. Chairman, just briefly, for the sake of clarification, I understood Senator Hart's question to be that it was your conclusion that there was no foreign involvement in these demonstrations. Is it your testimony that there was no foreign funding?

Mr. BRENNAN. Yes, sir.

Senator BAKER. Now, is there a distinction between these two?

Mr. BRENNAN. I think there is. I do not know whether I have confused the members of the committee. Clearly, what I again state is that we had developed no evidence to indicate any substantial Communist foreign funding of the antiwar movement in the United States. But on the other hand, we had extensive evidence of the leading activists, many of the leading activists of the antiwar movement, attending Communist conferences abroad where the matter of what should transpire relative to demonstrations in this country was discussed. And you may want to regard that as perhaps indirect guidance, or perhaps even more direct guidance, of what the antiwar movement should do in this country. Those, I think, are two separate and distinct things which led you, on the one hand, to say, "yes, there was extensive contact between American activists and foreign Communist elements, but no evidence that the foreign Communist elements were pouring money in in support of what was taking place here."

Senator BAKER. Thank you.

The CHAIRMAN. Senator Schweiker has a question.

Senator SCHWEIKER. Thank you, Mr. Chairman.

Mr. Brennan, as I recall, a few minutes earlier you testified that you were not aware that any "black bag" jobs were done after the January 6, 1967, memorandum of Mr. Hoover's. Is that correct?

Mr. BRENNAN. That is my recollection, Senator.

Senator SCHWEIKER. All right. Now, we have, of course, on file with the committee the fact that such a "black bag" job did occur in April of 1968, some time after that. Now, I realize you were Chief of the Internal Security Section at that time, in the 1968 time frame?

Mr. BRENNAN. Yes, sir.

Senator SCHWEIKER. And your immediate superior would have been the head of the Domestic Intelligence Division. Is that the correct chain of command?

Mr. BRENNAN. Yes, sir.

Senator SCHWEIKER. And then, the next step would have been Mr. Hoover himself?

Mr. BRENNAN. You have an intermediate step of Assistant to the Director.

Senator SCHWEIKER. Let's assume that basically, to your knowledge, it was not approved through you. If, in fact, as the FBI report shows, it did occur, someone in the sequential steps above you, one, two or three, would pretty well have had to have approved it for a "black bag" job to have occurred. Is that correct.

Mr. BRENNAN. Yes, sir.

Senator SCHWEIKER. It is really inconceivable to you that it really would not have occurred if one, two or three ladders above you did not somewhere give an OK to it? Would that be a fair assumption?

Mr. BRENNAN. Yes, sir.

Senator SCHWEIKER. I think again this points out the clear-cut situation where a memo says one thing, and yet one or two people at the top are doing something differently, whether it is setting up a "Do Not File" procedure, or going against a memo they issued. I think it pretty well gets to the heart of the problem here; and again realize, Mr. Brennan, I am not tying you into it. But I think it is important to put it into the record. That is all.

The CHAIRMAN. Thank you, Senator Schweiker.

I have just one other matter I would like to question you about before we close this morning. Our figures show, based upon the reports of the FBI, that when the agency decided greatly to increase its campus surveillance, it estimated that by its surveillance of all SDS members, 6,500 new cases would be opened. And it estimated that in its surveillance of all black groups on our campuses, 4,000 new cases would be opened.

Now, what does that mean, opening a case? Does that mean that you establish a file on the person? Give me a better understanding of what opening a case means. There is a human element here. What does it mean to the person on whom the case is opened? You have agents going on these campuses asking questions about certain people who are within this new 4,000 group of black students, or within this new 6,500 group of SDS members, and then a case is opened with each one of them. What does that mean? What are the mechanics?

Mr. BRENNAN. Well, the field office basically would have the responsibility of opening a case file on the organization.

The CHAIRMAN. Or on the individual?

Mr. BRENNAN. Well, let me try to give it to you in sequence, Senator.

The CHAIRMAN. All right.

Mr. BRENNAN. And—the field office—through investigative procedures, would attempt to develop sources and informants who could

give them information relative to the individuals who were the leaders of the organization, and through appropriate investigative techniques and efforts, attempt to determine who the individual members of an organization were; at which stage, an individual case would be opened on each individual member.

They now would be investigated with sort of a preliminary background investigation, to draw together the picture of the individual. But inherent in all of this, then, would be the need to make a determination at some point in time, is this merely a rank-and-file type of individual, or has this individual through his activities demonstrated a propensity for violence, or does he occupy a strong leadership position in the organization, and has he or she been responsible for public exhortations of violence?

The CHAIRMAN. Once a file is opened, and the individual is placed under surveillance, suppose it develops—as I am sure it did in a great many of these cases—that the individual is found not to be engaging in any unlawful activities, but simply expressing his opposition to the war, his opposition to being drafted to fight the war, or whatever. Then is the file destroyed?

Mr. BRENNAN. It is closed.

The CHAIRMAN. It is closed, Well, suppose that individual later wants to get a job, let us say, with the Government. He is grown up now, he has left the campus. He wants to get a job with the Government, and he applies for a job, and the FBI is asked to run a name check on him. Now, would that name check turn up that file, even though it were closed?

Mr. BRENNAN. I am not sure, Senator. I am not too familiar now with the operation of the name-check function, and the degree to which they would include types of information pertinent to the inquirer's interest.

The CHAIRMAN. Can you testify that such a name check would not turn up that name because the file had been closed?

Mr. BRENNAN. No; I don't think I could, Senator. As I say, I am not all that certain, and I would hate to really run around in areas where—

The CHAIRMAN. Do you see what I am concerned about?

Mr. BRENNAN. Yes; I understand.

The CHAIRMAN. Here a file is set up. The agency itself decides, after surveillance, that this young person has not violated any laws. The file is closed. Later, he tries to get a job with the Government. A name check is run by the FBI, and the FBI makes a little reference to the agency, and says, "this man's name appeared on a subversive file."

You see, this is an intensely human thing. These people who get caught up in this thing can be affected for the rest of their lives.

Well, I think today the testimony has established that the Huston plan called for a relaxation of restrictions that then applied to surveillance on the campuses, following its revocation by the President. And within a month or so thereafter, the FBI greatly expanded that surveillance. The 21-year limitation, which was meant to avoid student spying on students on the campuses, was eliminated, and informants were obtained on the campuses among the student body. Also, all SDS members were placed under surveillance, and 6,500 new cases were opened. Also, all black groups were placed under surveillance,

even though there was no previous evidence of violence or a tendency toward violence; and that involved the opening of 4,000 new cases.

My final question, Mr. Brennan, is, do you know whether this rather dramatic expansion of the FBI involvement on the campuses of the country began within a month or so after the President had revoked his authorization of the Huston plan, whether all of that was told to the President?

Mr. BRENNAN. I don't believe it would have been, Senator. I believe that the most that would have been done would have—possibly at the next appropriations testimony, where Mr. Hoover would be called upon to spell out what the areas of investigative interest the FBI had, that he, at that time, would have been subject to the congressional inquiry which would have enabled him to draw out the scope of our activities.

The CHAIRMAN. Tell me this. The record shows that Hoover was objecting to the Huston plan, and then shortly after the President revokes it, he is approving a big expansion of surveillance on the campuses, reducing the age from 21 to 18 and all of the other things we talked about. What accounted for the change of position? Why did he object to it in the Huston plan and then shortly thereafter turn around and approve it?

Mr. BRENNAN. I frankly don't know, Senator. There were inconsistencies of that type that went along from year to year, and Mr. Hoover was not the type that would call you in and explain to you why he changed his mind.

The CHAIRMAN. Then you have no explanation to give?

Mr. BRENNAN. No, sir.

The CHAIRMAN. Senator Tower has a comment.

Senator TOWER. I just want to make one comment, Mr. Chairman, consistent with Senator Morgan's objection to the chief counsel, Mr. Schwarz's line of questioning at the beginning of the session today. I would like simply to say for the record that the response that Mr. Brennan gave to Senator Huddleston's questions concerning Mr. Hoover's motivations for recommending rejection of the Huston plan was Mr. Brennan's opinion, and was speculative entirely.

I would like to further note—this should not be inferred as a criticism of Mr. Brennan, because he has got a perfect right to respond to questions as to what his opinion is—but I would point out that Mr. Hoover is not around to comment on what his motivations might have been at the moment. I think we should note that the witness' answer stands as an opinion, as speculative, and not a matter of fact.

Mr. SCHWARZ. Mr. Chairman, there are other FBI witnesses who have contrary opinions, of course, and we have spoken to some who believe that Mr. Hoover did have a genuine interest in the matters that he was talking about. So there is a difference of opinion among the people of the FBI.

Senator BAKER. I might ask, Mr. Chairman, whether anybody really knows why everybody was scared of J. Edgar Hoover. If this witness knows, we ought to let him say. We stopped him a minute ago before he had a chance to say.

The CHAIRMAN. Are you putting a question, Senator Baker?

Senator BAKER. Sure. Mr. Brennan, do you know? Did you ever discuss with Mr. Hoover why the President or anybody else had such

a concern or respect, or even fear, of him? I assume you do not, but nobody has asked that question.

Mr. BRENNAN. No, I don't.

Senator BAKER. I remember, Mr. Chairman, that this is a legend that has gone on for some time. But I rather suspect we may never find the answer.

Mr. BRENNAN. Well, I think it possibly arises, Senator, from reports of certain observations perhaps made by President Kennedy, when he was asked whether or not he intended to reappoint Mr. Hoover or to get rid of him. If I recollect correctly, his observation was—you know, you don't fire God. And I believe that President Johnson also was posed a further question as to whether or not he intended to keep Mr. Hoover on. I think he made a response of similar content.

Senator BAKER. Thank you.

The CHAIRMAN. At the birth of this country, John Adams resolved that our society must have a government of laws and not of men. This was necessary, he said, because the law, in all vicissitudes of Government, fluctuations of the passions or flights of enthusiasm, will preserve a steady, undeviating course. It will not bend to the uncertain wishes, imaginations and wanton tempers of man."

What we have heard this week reflects a sad change from this original conception, so rightly cherished by our Founding Fathers. Now we discover that even the mail of our citizens has been unlawfully read by secret intelligence agencies. Instead of all being equal before the law, we find that any number of citizens, from Presidential candidates on down, have had their letters opened, copied, photographed and filed in the vast vaults of the Federal agencies. We learn that other unlawful intelligence operations have also been concealed from Congress and from the President himself. This cannot be allowed. For as John Locke wisely knew, whenever law ends, tyranny begins.

This hearing is adjourned until 10 o'clock next Tuesday morning.

[Whereupon, at 12:50 p.m., the select committee adjourned, to reconvene at 10 a.m. Thursday, October 2, 1975.]

HEARINGS EXHIBITS ¹

Exhibit 1

**SPECIAL REPORT
INTERAGENCY COMMITTEE ON
INTELLIGENCE (AD HOC)**

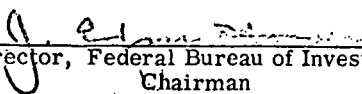
CHAIRMAN J. EDGAR HOOVER

JUNE, 1970

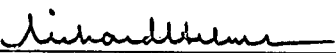
¹ Under criteria determined by the Committee, in consultation with the White House, the Department of Defense, the Department of Justice, the Central Intelligence Agency, and the Federal Bureau of Investigation, certain materials have been deleted from those documents, some of which were previously classified, to maintain the internal operating procedures of the agencies involved, and to protect intelligence sources and methods. Further deletions were made with respect to protecting the privacy of certain individuals and groups. These deletions do not change the material content of these exhibits.

June 25, 1970


This report, prepared for the President,
is approved by all members of this committee
and their signatures are affixed hereto.



Director, Federal Bureau of Investigation
Chairman



Director, Central Intelligence Agency



Director, Defense Intelligence Agency



Director, National Security Agency

PREFACE

The objectives of this report are to: (1) assess the current internal security threat; (2) evaluate current intelligence collection procedures; identify restraints under which U. S. intelligence services operate; and list the advantages and disadvantages of such restraints; and (3) evaluate current interagency coordination and recommend means to improve it.

The Committee has attempted to set forth the essence of the issues and the major policy considerations involved which fall within the scope of its mandate.

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PART ONESUMMARY OF INTERNAL SECURITY THREATI. MILITANT NEW LEFT GROUPSA. Assessment of Current Internal Security Threat

The movement of rebellious youth known as the "New Left," involving and influencing a substantial number of college students, is having a serious impact on contemporary society with a potential for serious domestic strife. The revolutionary aims of the New Left are apparent when their identification with Marxism-Leninism is examined. They pointedly advertise their objective as the overthrow of our system of government by force and violence. Under the guise of freedom of speech, they seek to confront all established authority and provoke disorder. They intend to smash the U. S. educational system, the economic structure, and, finally, the Government itself. New Left groups do not have a large enough number of rank-and-file followers, nor do they have a unity of purpose to carry out massive or paralyzing acts of insurrection. They do, on the other hand, have the will to carry on more militant efforts in local situations and an inclination to utilize more extreme means to attain their objectives.

1. Student Protest Groups. The Students for a Democratic Society (SDS) has, in the past year, split into several factions, including the Revolutionary Youth Movement (RYM), which has control over 30 chapters; and the Worker Student Alliance (WSA), which consists of 63 chapters. The WSA faction, dominated by the Progressive Labor Party (PLP) aims to build a worker-student movement in keeping with the PLP's aim of developing a broad worker-based revolutionary movement in the United States.

There are some 85 unaffiliated SDS chapters generally sympathetic to revolutionary tactics and goals. The trend of increased radical campus organizations is noticeable at campuses where recognition of SDS has been refused or rescinded and SDS members have banded together, with or without sanction, under a new title to attract student support. In addition, numerous ad hoc groups have been established on campuses and elsewhere to exploit specific issues.

The National Student Strike (NSS), also known as the National Strike Information Center, was formed following the entry of the United States forces into Cambodia and the deaths of four students at Kent State University. NSS, which helped to coordinate the nationwide student strike in May, 1970, has three regional centers and includes

among its leadership SDS members and other New Left activists. The NSS has established a nationwide communications system of "ham" radio stations on campuses to encourage student demonstrations and disruptions. This communications capability may have a significant impact on campus stability in the coming school year.

The Venceremos Brigade (VB), established to send United States youth to Cuba to aid in the 1970 harvests, has continually received favorable publicity in Cuban propaganda media. To date, over 900 members of the VB have visited Cuba and another group of approximately 500 members are expected to follow suit. While in Cuba, VB members were individually photographed and questioned in detail about their backgrounds. Because of their contacts with Cuban officials, these individuals must be considered as potential recruits for Cuban intelligence activities and sabotage in the United States.

The greatest threat posed to the security of the country by student protest groups is their potential for fomenting violence and unrest on college campuses. Demonstrations have triggered acts of arson by extremists against war-oriented research and ROTC facilities and have virtually paralyzed many schools. There has been a growing number of noncampus, but student-related, acts of violence which increase tensions between "town and gown" and which constitute a marked escalation of the scope and level of protest activities. Few student protests are currently related to exclusively campus issues; virtually all involve political and social issues. Increasingly, the battlefield is the community with the campus serving primarily as a staging area.

The efforts of the New Left aimed at fomenting unrest and subversion among civil servants, labor unions, and mass media have met with very limited success, although the WSA and its parent, the PLP, have attempted through their "Summer Work-Ins" to infiltrate and radicalize labor. The inability of these groups to subvert and control the mass media has led to the establishment of a large network of underground publications which serve the dual purpose of an internal communication network and an external propaganda organ.

Leaders of student protest groups have traveled extensively over the years to communist countries; have openly stated their sympathy with the international communist revolutionary movements in South Vietnam and Cuba; and have directed others into activities which support these movements. These individuals must be considered to have potential for

recruitment and participation in foreign-directed intelligence activity.

2. Antiwar Activists. The impetus and continuity for the antiwar movement is provided by the New Mobilization Committee to End the War in Vietnam (NMC) and the Student Mobilization Committee to End the War in Vietnam (SMC). The NMC is a coalition of numerous antiwar groups and individuals including communist "old left" elements. The SMC is under the control of the Trotskyist Socialist Workers Party (SWP).j1

The NMC and SMC have announced a policy of "nonexclusion" which places no limitation on the type of individuals allowed to participate in demonstrations. This policy opens the door for violence-prone individuals who want to capitalize on the activities of these groups. Both groups profess to follow a policy of nonviolence; however, the very nature of the protests that they sponsor sets the stage for civil disobedience and police confrontation by irresponsible dissident elements. Various individuals in NMC and SMC are calling for more militant protest activities, a subject to be discussed at national meetings by both groups in late June, 1970.

Although antiwar groups are not known to be collecting weapons, engaging in paramilitary training, or advocating terrorist tactics, the pro-Hanoi attitude of their leaders, the unstable nature of many NMC advocates and their policy of "nonexclusion" underscore the use of the antiwar movement as a conduit for civil disorder. This is further emphasized by the NMC leadership's advocacy of civil disobedience to achieve desired objectives.

There is no indication that the antiwar movement has made serious inroads or achieved any more than a slight degree of influence among labor unions, the mass media, and civil servants. One group, however, the Federal Employees for a Democratic Society (FEDS), offers a means of protest for recent radical graduates employed by the Federal Government.

The military and educational institutions are the prime targets of the antiwar movement. In addition to vandalism, arsons, and bombings of ROTC facilities, there has been stepped-up activity to spread antiwar sympathy among American servicemen from within through sympathetic members in the military and from without through such programs as "GI Coffeehouses" and the proposed National GI Alliance. The increasing access by members of the military to the underground press, the establishment of servicemen's unions, and organizations which facilitate desertions, have contributed significantly to the increasing instances of dissent in the military services.

NMC and SMC leaders are constantly speaking before student groups and endeavoring to use student radicals to further the antiwar movement. They have called for an end to the ROTC and have demonstrated, often violently, to force universities to halt war-related research projects.

[The NMC maintains close contact with the World Council for Peace and Stockholm Conference on Vietnam] A new organization dominated by NMC leaders, the Committee of Liaison with Families of Servicemen Detained in North Vietnam, emerged in January, 1970, after contacts with North Vietnamese representatives. It attempts to present a favorable picture of North Vietnamese treatment of American prisoners of war.

NMC leaders have frequently traveled abroad. It is therefore necessary to consider these individuals as having potential for engaging in foreign-directed intelligence collection.

[The Central Intelligence Agency (CIA), in its analysis of bloc intelligence, is of the view that the Soviet and bloc intelligence services are committed at the political level to exploit all domestic dissidents wherever possible.] This attack is being conducted through recruited agents, agents of influence, and the use of front groups. It is established bloc policy to deploy its forces against the United States as "the main enemy" and to direct all bloc intelligence forces toward ultimately political objectives which disrupt U. S. domestic and foreign policies.

3. New Left Terrorist Groups. The Weatherman terrorist group, which emerged from a factional split of SDS during the Summer of 1969, is a revolutionary youth movement which actively supports the

revolutionary leadership role of the Negro in the United States. It has evolved into a number of small commando-type units which plan to utilize bombings, arsons, and assassinations as political weapons.

There has been evidence of Weatherman involvement in terrorist tactics, including the accidental explosion of a "Weatherman bomb factory" in New York City on March 6, 1970; the discovery of two undetonated bombs in Detroit police facilities on the same date; and the blast at New York City police installations on June 9, 1970.

While Weatherman membership is not clearly defined, it is estimated that at least 1,000 individuals adhere to Weatherman ideology. In addition, groups such as the White Panther Party, Running Dog, Mad Dog, and the Youth International Party (Yippies) are supporters of Weatherman terrorism but have no clearly definable ideology of their own.

Adherents to Weatherman ideology are also found within radical elements on campuses, among those living in off-campus communes, among New Left movement lawyers and doctors, and the underground press. Individuals who adhere to the Weatherman ideology have offered support and aid to hard-core Weatherman members, including 21 Weatherman members currently in hiding to avoid apprehension.

They identify themselves politically with North Vietnam, Cuba, and North Korea and consider pro-Soviet and pro-Chinese organizations as being aligned with imperialist powers. In addition, some of the Weatherman leaders and adherents have traveled to communist countries or have met in Western countries with communist representatives.

Weatherman leaders and other members of terrorist groups are not known at this time to be involved in foreign-directed intelligence collection activity. The fugitive and underground status of many of these people, as well as their involvement in activities which would likely bring them to the attention of American authorities, would be a deterrent to contacts by foreign intelligence organizations.

B. Assessment of Current Intelligence Collection Procedures

1. Scope and Effectiveness of Current Coverage. Although New Left groups have been responsible for widespread damage to ROTC facilities, for the halting of some weapons-related research, and for the increasing dissent within the military services, the major threat to the internal security of the United States is that directed against the civilian sector of our society.

Coverage of student groups is handled primarily through live informants and it is generally effective at the national level or at major meetings of these groups where overall policy, aims, and objectives of the groups are determined.

The antiwar movement's activities are covered through the FBI by live informants in all organizations of interest. This is supported by information furnished by all members of the intelligence community and other Federal, state, and local agencies. Key leaders and activists are afforded concentrated and intensified investigative coverage on a continuing basis and, in situations where there are positive indications of violence, electronic surveillances have been implemented on a selective basis. Informant and electronic coverage does not meet present requirements.

Although several SDS chapters on college campuses which adhere to Weatherman ideology have been penetrated by live informants, there is no live informant coverage at present of underground Weatherman fugitives. There is electronic coverage on the residence of a Weatherman contact in New York City and on the residence of an alleged Weatherman member in San Francisco; however, no information has been developed concerning the whereabouts of the 21 Weatherman fugitives.

2. Gaps in Current Coverage. Established, long-term coverage is not available within student protest groups due to the fact that the student body itself changes yearly, necessitating a constant turnover in the informants targeted against these groups. His idealism and immaturity, as well as the sensitive issues of academic freedom and the right to dissent, all serve to increase the risk that the student informant will be exposed as such.

Generally, day-to-day coverage of the planned activities of student protest groups, which are somewhat autonomous and disjointed, could be strengthened. [Advance notice of foreign travel by student militants is particularly needed.] Campus violence is generally attributable to small, close-knit extremist groups among radical students. Coverage of these latter groups is minimal. c7A

The antiwar movement is comprised of a great many organizations and people which represent varied political, moral and ethnic beliefs. Current manpower commitments preclude optimum coverage of all antiwar activities on a day-to-day basis.

Existing coverage of New Left extremists, the Weatherman group in particular, is negligible. Most of the Weatherman group has gone underground and formed floating, commando-type units composed of three to six individuals. The transitory nature of these units hinders the installation of electronic surveillances and their smallness and distrust of outsiders make penetration of these units through live informants extremely difficult.

Financially, the Weatherman group appears to be without a centralized source of funds. Wealthy parents have furnished funds to some of these individuals, including those in a fugitive status. Many members have also been involved in the thefts of credit and identification cards, as well as checks, and have utilized them for obtaining operating expenses.

3. Possible Measures to Improve Intelligence Collection.
To establish effective coverage of student protest groups would require the expansion of live informant coverage of individual campus chapters of these organizations. This would entail extensive use of student informants to obtain maximum utilization of their services for the periods of their college attendance.

Because of the great number of individuals and groups in the antiwar movement, an increase in the manpower assigned to these investigations would facilitate more intensive coverage. In addition, there are several key leaders involved in virtually all antiwar activities, including international contacts, against whom electronic surveillances and mail covers would be particularly effective.

Improvement of intelligence gathering against New Left terrorists depends on a combination of live informant coverage among key leaders and selective electronic surveillances. Because of the nature of the Weatherman groups, live informant coverage will most likely result through the defection of a key leader.

Extensive efforts have been undertaken which should produce a live informant capable of furnishing information as to the location of Weatherman fugitives and planned terrorist acts. In the event a commune is located, prompt installation of electronic coverage should produce similar results. Utilization of additional resources to expand and intensify this collection would be beneficial.

II. BLACK EXTREMIST MOVEMENT

A. Assessment of Current Internal Security Threat

1. Black Panther Party. The most active and dangerous black extremist group in the United States is the Black Panther Party (BPP). Despite its relatively small number of hard-core members--approximately 800 in 40 chapters nationwide--the BPP is in the forefront of black extremist activity today. The BPP has publicly advertised its goals of organizing revolution, insurrection, assassination and other terrorist-type activities. Moreover, a recent poll indicates that approximately 25 per cent of the black population has a great respect for the BPP, including 43 per cent of blacks under 21 years of age.

The Panther newspaper has a current circulation of approximately 150,000 copies weekly. Its pages are filled with messages of racial hatred and call for terrorist guerrilla activity in an attempt to overthrow the Government. The BPP has been involved in a substantial number of planned attacks against law enforcement officers, and its leadership is composed in large part of criminally inclined, violence-prone individuals.

Weapons are regularly stockpiled by the Party. During 1968 and 1969, quantities of machine guns, shotguns, rifles, hand grenades, homemade bombs, and ammunition were uncovered in Panther offices.

2. New Left Support for BPP. The BPP has received increasing support from radical New Left elements. During 1970, the BPP formed a working relationship with radical student dissenters by injecting the issue of Government "repression" of Panthers into the antiwar cause. Students for a Democratic Society (SDS) supported the BPP in a 1969 "united front against fascism." The probability that black extremists, including the BPP, will work closely with New Left white radicals in the future increases the threat of escalating terrorist activities. It would be safe to project that racial strife and student turmoil fomented by black extremists will definitely increase.

3. BPP Propaganda Appearances. Despite its small membership, the BPP has scored major successes in the propaganda arena. In

1969, BPP representatives spoke at 189 colleges throughout the Nation, while in 1967 there were only 11 such appearances. Although no direct information has been received to date indicating that the BPP has initiated any large-scale racial disorders, the year 1970 has seen an escalation of racial disorders across the Nation compared to 1969. This fact, coupled with an increasing amount of violent Panther activity, presents a great potential for racial and civil unrest for the future.

4. Appeal to Military. The BPP has made pointed appeals to black servicemen with racist propaganda. High priority has been placed on the recruitment of veterans with weapons and explosives training. The BPP has also called for infiltration of the Government. These activities, should they achieve even minimum success, present a grave threat.

5. BPP Philosophy and Foreign Support. The BPP relies heavily on foreign communist ideology to shape its goals. Quotations from Mao Tse-tung were the initial ideological bible of the BPP. Currently, the writings of North Korean Premier Kim Il-sung are followed and extensive use of North Korean propaganda material is made in BPP publications and training. The Marxist-oriented philosophy of the BPP presents a favorable environment for support of the Panthers from other communist countries.

BPP leaders have traveled extensively abroad including visits to Cuba, Russia, North Korea, and Algeria. International operations of the BPP are directed by Eldridge Cleaver, a fugitive from United States courts. Cleaver has established an international staff in Algeria, from where communist propaganda is constantly relayed to the BPP headquarters in Berkeley, California. He has also established close ties with Al Fatah, an Arab guerrilla organization, whose leaders have reportedly extended invitations to BPP members to take guerrilla training during 1970. Cleaver, in a recent conversation, indicated that North Koreans are conducting similar training for BPP members. Radical white students in Western Europe and the Scandinavian countries have organized solidarity committees in support of the BPP. These committees are the sources of financial contributions to the Party and provide outlets for the BPP newspaper.

6. Other Black Extremist Groups. The Nation of Islam (NOI) is the largest single black extremist organization in the United States with an estimated membership of 6,000 in approximately 100 Mosques. The NOI

preaches hatred of the white race and advocates separatism of the races. The NOI as a group has, to date, not instigated any civil disorders; however, the followers of this semi-religious cult are extremely dedicated individuals who could be expected to perform acts of violence if so ordered by the NOI head, Elijah Muhammed. When Muhammed, who is over 70 years of age, is replaced, a new leader could completely alter current nonviolent tactics of the organization. For example, Muhammed's son-in-law, Raymond Sharrieff, now among the top hierarchy of NOI, could rise to a leadership position. Sharrieff is vicious, domineering, and unpredictable.

There are numerous other black extremist organizations, small in numbers, located across the country. There is also a large number of unaffiliated black extremists who advocate violence and guerrilla warfare. One particular group, the Republic of New Africa (RNA), headquartered in Detroit, Michigan, calls for the establishment of a separate black nation in the South to be protected by armed forces. These groups, although small, are dedicated to the destruction of our form of government and consequently present a definite potential for instigating civil disorder or guerrilla warfare activity.

7. Black Student Extremist Influence. Black student extremist activities at colleges and secondary schools have increased alarmingly. Although currently there is no dominant leadership, coordination or specific direction between these individuals, they are in frequent contact with each other. Consequently, should any type of organization or cohesiveness develop, it would present a grave potential for future violent activities at United States schools. Increased informant coverage would be particularly productive in this area. Black student extremists have frequently engaged in violence and disruptive activity on campuses. Major universities which made concessions to nonnegotiable black student demands have not succeeded in calming extremist activities. During the school year 1969-70, there were 227 college disturbances having racial overtones. There were 530 such disturbances in secondary schools compared with only 320 during the previous school year.

8. Foreign Influence in the Black Extremist Movement. Although there is no hard evidence indicating that the black extremist movement is substantially controlled or directed by foreign elements, there is a marked potential for foreign-directed intelligence or subversive activity among black extremist leaders and organizations. These groups are highly susceptible to exploitation by hostile foreign intelligence services.

Currently the most important foreign aspect of the black extremist movement is the availability of foreign asylum, especially with regard to black extremists subject to criminal prosecution in the United States. Some foreign countries, such as Cuba, provide a temporary safe haven for these individuals. [Information has been received that passports and funds for travel have also been furnished by countries such as Cuba, North Korea, and _____ Communist intelligence services do not, at present, play a major role in the black extremist movement; however, all such services have established contact with individual black militants. Thus, the penetration and manipulation of black extremist groups by these intelligence services remain distinct possibilities.] Communist intelligence services are capable of using their personnel, facilities, and agent assets to work in the black extremist field. The Soviet and Cuban services have major capabilities available.]

B. Assessment of Current Intelligence Collection Procedures

There are some definite gaps in the current overall intelligence penetration of the black extremist movement. For example, although there appears to be sufficient live informant coverage of the BPP _____ additional penetration _____

_____ is needed. High echelon informant coverage could conceivably prevent violence, sabotage, or insurrection if such activity was planned by BPP leadership. Insufficient coverage of _____ BPP is offset to some extent by technical coverage _____

Penetration of leadership levels has been hindered in part by current BPP policies which prevent rank-and-file members from advancing to leadership roles.

Improvement in coverage of BPP financial activities could be made, particularly with regard to sources of funds and records. Information received to date indicates that financial support for the BPP has been furnished by both foreign individuals and domestic sources. Thus, a deeper penetration and correlation of foreign and domestic information received is essential to a full determination of BPP finances. Coverage of BPP finances has been hampered by fact that BPP leaders handle financial matters personally.

In view of the increased amount of foreign travel and contacts by BPP leaders abroad, there is a clear-cut need for more complete coverage of foreign involvement in BPP activities.

1. Other Black Extremist Organizations. Informant coverage of the NOI is substantial, enabling its activities to be followed on a current basis. Coverage of militant black student groups and individuals is very limited because of the sensitive areas involved. An effective source of such coverage would be reliable, former members of the Armed Forces presently attending college. Live informant coverage, particularly with respect to the activities and plans of unaffiliated black militants, needs to be increased. More sources both in the United States and abroad in a position to determine the amount of foreign involvement in black extremist activities need to be developed. Maximum use of communication interceptions would materially increase the current capabilities of the intelligence community to develop highly important data regarding black extremist activities.

III. INTELLIGENCE SERVICES OF COMMUNIST COUNTRIES

A. Assessment of Current Internal Security Threat

The threat posed by the communist intelligence services must be assessed in two areas: (1) direct intervention in fomenting and/or influencing domestic unrest; (2) extensive espionage activities.

Taken in complete context, these services constitute a grave threat to the internal security of the United States because of their size, capabilities, widespread spheres of influence, and targeting of the United States as "enemy number one." The largest and most skilled of these services is the Soviet Committee for State Security (KGB) which has roughly 300,000 personnel of whom some 10,000 are engaged in foreign operations.

1. Intervention in Domestic Unrest. There have been no substantial indications that the communist intelligence services have actively fomented domestic unrest. Their capability cannot, however, be minimized and the likelihood of their initiating direct intervention would be in direct relationship to the deterioration of the political climate and/or imminence of hostilities. The ingredients for a first-rate capability are present, including both the personnel and the ingrained philosophy and know-how for using such tactics.

Communist intelligence has shown a real capability to foment disorder in a number of trouble spots. The dissidence and violence in the United States today present adversary intelligence services with opportunities unparalleled for forty years. While fostering disorder and rebellion through communist parties and fronts is a potent weapon in the communist arsenal, their past success has been evident in clandestine recruitment efforts on campuses during times of unrest. H. A. R. (Kim) Philby, Guy Burgess, and Donald Maclean were all students at Cambridge during the depression period of the 1930's and were in the vanguard of what was then the New Left. Their recruitment and cooperation with Soviet intelligence wreaked havoc on British intelligence and also compromised U. S. security in those sectors where they had authorized access.

For instance, about 900 members of the Venceremos Brigade, a group of American youths, recently completed a round trip to Cuba. This travel was financed by the Cuban Government. While in Cuba, they were exhorted to actively participate in United States revolutionary activities upon their return to the United States.

A sabotage manual, prepared in [redacted] turned up in the hands of individuals responsible for recent bombings.

While the potential for widespread, well-organized incidents of violence generated and controlled by the Cuban intelligence service is considered minimal, isolated occurrences of this nature must be considered probable. The [redacted] services appear to have assumed the passive roles of observers and reporters.

The communist intelligence services maintain contacts and exert influence among a variety of individuals and organizations through the exploitation of ideological, cultural, and ethnic ties. Most of these liaisons are maintained with some degree of openness with individuals associated with the Communist Party, USA, various of its front groups, [other pro-Soviet organizations] nationality groups, and foreign-language newspapers. These contacts are exploited as sources for and propaganda outlets of communist intelligence services. Regarded individually, these efforts cannot be considered a major threat to our internal security; however, in total, they represent a sizable element of our population which can be influenced in varying degrees by communist intelligence service operations.

2. Intelligence Operations. Persistent and pervasive intelligence operations which have their inspiration and direction supplied by communist intelligence services represent a major threat to the internal security.

(DELETED)

B. Assessment of Current Intelligence Collection

I. Scope and Effectiveness. The scope of overall intelligence efforts is encompassed in the threefold goals of penetration, intelligence, and prosecution. Domestic implementation of these goals is delimited by agreement among United States intelligence agencies. Intelligence components of the United States military services are immediately concerned with protecting the integrity of their personnel and installations.

Methods used in these endeavors, employed in varying degrees by U.S. intelligence agencies dependent upon their specific tasks are: penetrations; defectors; double agent operations; physical, technical, and photographic surveillances; examination and analysis of overt publications; information supplied by friendly intelligence services; and COMINT.

(DELETED)

2. Gaps in Current Coverage

IV. OTHER REVOLUTIONARY GROUPS

A. Assessment of Current Internal Security Threat

1. Communist Party. The Communist Party continues as a distinct threat to the internal security because of its extremely close ties and total commitment to the Soviet Union. There are many thousands of people in the United States who adhere to a Marxist philosophy and agree with the basic objectives of the Communist Party although they do not identify themselves specifically with the organization. The Party receives most of its finances from the Soviet Union, adheres to Soviet policies explicitly, and provides a major outlet for Soviet propaganda. The Party will without question continue to implement whatever orders it receives from the Soviets in the future.

There is little likelihood that the Communist Party, USA, will instigate civil disorders or use terrorist tactics in the foreseeable future. Its strong suit is propaganda. Through its publications and propaganda it will continue its efforts to intensify civil disorders, and foment unrest in the Armed Forces, labor unions, and minority groups. The Party is on the periphery of the radical youth movement and is striving to strengthen its role in this movement and to attract new members through a recently formed youth organization, but it does not appear this group will achieve any substantial results for the Party in the future.

2. Socialist Workers Party and Other Trotskyist Groups.

These organizations have an estimated membership of [redacted]. The major Trotskyist organization, the Socialist Workers Party, has attained an influential role in the antiwar movement through its youth affiliate, the Young Socialist Alliance, which dominates the Student Mobilization Committee to End the War in Vietnam and which has more than doubled its size on college campuses in the past year. Trotskyist groups have participated in major confrontations with authorities both on and off campuses and have consistently supported civil disorders. At this time they do not pose a major threat to instigate insurrection or to commit terrorist acts. The propaganda of these groups, while emphasizing student unrest, is also aimed at creating dissatisfaction in labor organizations and in the Armed Forces. The Trotskyist organizations maintain close relations with the Fourth International, a foreign-based worldwide Trotskyist movement.

4. Puerto Rican Nationalist Extremist Groups. The radical Puerto Rican independence movement has spawned approximately ten violently anti-American groups committed to Puerto Rican self-determination. Revolutionary violence is a major aim of the estimated members of these groups and if sufficiently strong, they would not hesitate to mount armed insurrection. Since July, 1967, some 130 bombings in Puerto Rico and in the New York City area have been attributed to these extremists. American-owned businesses have been the main targets, but there has been a recent upsurge of violence against U.S. defense facilities in Puerto Rico.

B. Assessment of Current Intelligence Coverage

1. Scope and Effectiveness. Coverage of the Communist

Coverage of the Trotskyist and _____ groups

Current live informant coverage can furnish information on the general activities of these groups and it should serve to warn of policy changes in favor of insurrection or sabotage.

Informant penetration of the Puerto Rican independence groups provides information on the objectives of most of these organizations as well as the identities of their members. However, these sources have limited ability to provide advance information regarding violence committed by these groups or by individual members.

2. Gaps in Current Coverage.

Closer coverage at the policy-making levels of the Puerto Rican independence groups is needed to obtain more comprehensive information on persons involved in terrorist activities. The small memberships of many of these organizations is a major reason for the limited coverage.

3. Possible Measures to Improve Intelligence Collection.

The selective use of electronic surveillances would materially enhance the intelligence coverage of the policy-making levels of these organizations. A particular benefit of electronic surveillance in the Puerto Rican field could be the development of information identifying persons involved in terrorist activities. Communications intelligence coverage and travel control measures could be improved to provide greater awareness of the travel and other activities of individuals of security interest. Through the establishment of additional informant coverage on college campuses, the involvement of these organizations in the radicalization of students could be assessed with increased accuracy.

PART TWORESTRAINTS ON INTELLIGENCE COLLECTION

The Committee noted that the President had made it clear that he desired full consideration be given to any regulations, policies, or procedures which tend to limit the effectiveness of domestic intelligence collection. The Committee further noted that the President wanted the pros and cons of such restraints clearly set forth so that the President will be able to decide whether or not a change in current policies, practices, or procedures should be made.

During meetings of the Committee, a variety of limitations and restraints were discussed. All of the agencies involved, Defense Intelligence Agency (DIA), the three military counterintelligence services, the Central Intelligence Agency (CIA), the National Security Agency (NSA), and the Federal Bureau of Investigation (FBI), participated in these considerations.

In the light of the directives furnished to the Committee by the White House, the subject matters hereinafter set forth were reviewed for the consideration and decision of the President.

I. SPECIFIC OPERATIONAL RESTRAINTSA. Interpretive Restraint on Communications IntelligencePreliminary Discussion

Nature of Restriction

Advantages of Maintaining Restriction

Advantages of Relaxing Restriction

(DELETED)

B. Electronic Surveillances and Penetrations**Preliminary Discussion**

The limited number of electronic surveillances and penetrations substantially restricts the collection of valuable intelligence information of material importance to the entire intelligence community

Nature of Restrictions

Electronic surveillances have been used on a selective basis. Restrictions, initiated at the highest levels of the Executive Branch, arose as a result of the condemnation of these techniques by civil rights groups, Congressional concern for invasion of privacy, and the possibility of their adverse effect on criminal prosecutions.

Advantages of Maintaining Restrictions

1. Disclosure and embarrassment to the using agency and/or the United States is always possible since such techniques often require that the services or advice of outside personnel be used in the process of installation.

2. _____

3. Certain elements of the press in the United States and abroad would undoubtedly seize upon disclosure of electronic coverage in an effort to discredit the United States.

4. The monitoring of electronic surveillances requires considerable manpower and, where foreign establishments are involved, the language resources of the agencies could be severely taxed.

Advantages of Relaxing Restrictions

1. The U. S. Government has an overriding obligation to use every available scientific means to detect and neutralize forces which pose a direct threat to the Nation.

2. Every major intelligence service in the world, including those of the communist bloc, use such techniques as an essential part of their operations, and it is believed the general public would support their use by the United States for the same purpose.

3. The President historically has had the authority to act in matters of national security. In addition, Title III of the Omnibus Crime Control and Safe Streets Act of 1968 provides a statutory basis.

4. Intelligence data from electronic coverage is not readily obtainable from other techniques or sources. Such data includes information which might assist in formulating foreign policy decisions, information leading to the identification of intelligence and/or espionage principals and could well include the first indication of intention to commit hostile action against the United States.

5. Acquisition of such material from COMINT without benefit of the assistance which electronic surveillance techniques can provide, if possible at all, would be extremely expensive. Therefore, this approach could result in considerable dollar savings compared to collection methods.

DECISION: Electronic Surveillances
and Penetrations

_____ Present procedures on electronic coverage should continue.

_____ Present procedures should be changed to permit intensification of coverage of individuals and groups in the United States who pose a major threat to the internal security.

_____ Present procedures should be changed to permit intensification of coverage _____

_____ More information is needed.

NOTE: The FBI does not wish to change its present procedure of selective coverage on major internal security threats as it believes this coverage is adequate at this time. The FBI would not oppose other agencies seeking authority of the Attorney General for coverage required by them and thereafter instituting such coverage themselves.

C. Mail Coverage

Preliminary Discussion

The use of mail covers can result in the collection of valuable information relating to contacts between U. S. nationals and foreign governments and intelligence services. CIA and the military investigative agencies have found this information particularly helpful in the past. Essentially, there are two types of mail coverage: routine coverage is legal, while the second--covert coverage--is not. Routine coverage involves recording information from the face of envelopes. It is available, legally, to any duly authorized Federal or state investigative agency submitting a written request to the Post Office Department and has been used frequently by the military intelligence services. Covert mail coverage, also known as "sophisticated mail coverage," or "flaps and seals," entails surreptitious screening and may include opening and examination of domestic or foreign mail. This technique is based on high-level cooperation of top echelon postal officials.

Nature of Restrictions

Covert coverage has been discontinued while routine coverage has been reduced primarily as an outgrowth of publicity arising from disclosure of routine mail coverage during legal proceedings and publicity afforded this matter in Congressional hearings involving accusations of governmental invasion of privacy.

Advantages of Maintaining Restrictions

Routine Coverage:

1. Although this coverage is legal, charges of invasion of privacy, no matter how ill-founded, are possible.
2. This coverage depends on the cooperation of rank-and-file postal employees and is, therefore, more susceptible to compromise.

Covert Coverage:

1. Coverage directed against diplomatic establishments, if disclosed, could have adverse diplomatic repercussions.
2. This coverage, not having sanction of law, runs the risk of any illicit act magnified by the involvement of a Government agency.
3. Information secured from such coverage could not be used for prosecutive purposes.

Advantages of Relaxing RestrictionsRoutine Coverage:

1. Legal mail coverage is used daily by both local and many Federal authorities in criminal investigations. The use of this technique should be available to permit coverage of individuals and groups in the United States who pose a threat to the internal security.

Covert Coverage:

1. High-level postal authorities have, in the past, provided complete cooperation and have maintained full security of this program.
2. This technique involves negligible risk of compromise. Only high echelon postal authorities know of its existence, and personnel involved are highly trained, trustworthy, and under complete control of the intelligence agency.
3. This coverage has been extremely successful in producing hard-core and authentic intelligence which is not obtainable from any other source. An example is a case involving the interception of a letter to a _____ establishment in _____. The writer offered to sell information to the _____ and enclosed a sample of information available to him. Analysis determined that the writer could have given _____ information which might have been more damaging

DECISION: Mail Coverage

— Present restrictions on both types of mail coverage should be continued.

— Restrictions on legal coverage should be removed.

— Present restrictions on covert coverage should be relaxed on selected targets of priority foreign intelligence and internal security interest.

— More information is needed.

NOTE:

The FBI is opposed to implementing any covert mail coverage because it is clearly illegal and it is likely that, if done, information would leak out of the Post Office to the press and serious damage would be done to the intelligence community. The FBI has no objection to legal mail coverage providing it is done on a carefully controlled and selective basis in both criminal and security matters.

D. Surreptitious Entry

Preliminary Discussion

Nature of Restrictions

Use of surreptitious entry, also referred to as "anonymous sources: and "black bag jobs," has been virtually eliminated.

Advantages of Maintaining Restrictions

1. The activity involves illegal entry and trespass.
2. Information which is obtained through this technique could not be used for prosecutive purposes.
3. The public disclosure of this technique would result in widespread publicity and embarrassment. The news media would portray the incident as a flagrant violation of civil rights

Advantages of Relaxing Restrictions

1. Operations of this type are performed by a small number of carefully trained and selected personnel under strict supervision. The technique is implemented only after full security is assured. It has been used in the past with highly successful results and without adverse effects.

2. Benefits accruing from this technique in the past have been innumerable

3. In the past this technique, when used against subversives, has produced valuable intelligence material.

DECISION: Surreptitious Entry

_____ Present restrictions should be continued.

_____ Present restrictions should be modified to permit procurement.

_____ Present restrictions should also be modified to permit selective use of this technique against other urgent and high priority internal security targets.

_____ More information is needed.

NOTE: The FBI is opposed to surreptitious entry.

E. Development of Campus Sources

Preliminary Discussion

Public disclosure of CIA links with the National Student Association and the subsequent issuance of the Katzenbach Report have contributed to a climate adverse to intelligence-type activity on college campuses and with student-related groups. It should be noted that the Katzenbach Report itself does not specifically restrain CIA from developing positive or counterintelligence sources to work on targets abroad.

Restrictions currently in force limit certain other elements of the intelligence community access to some of the most troublesome areas: campuses, college faculties, foreign and domestic youth groups, leftist journalists, and black militants. It is recognized that these are prime targets of communist intelligence services and that the opportunity for foreign communist exploitation increases in proportion to the weakness of a U.S. counterintelligence effort.

Nature of Restrictions

The need for great circumspection in making contacts with students, faculty members, and employees of institutions of learning is widely recognized. However, the requirements of the intelligence community for increased information in this area is obvious from the concern of the White House at the absence of hard information about the plans and programs of campus and student-related militant organizations. At the present time no sources are developed among secondary school students and, with respect to colleges and universities, sources are developed only among individuals who have reached legal age, with few exceptions. This policy is designed to minimize the possibility of embarrassment and adverse publicity, including charges of infringement of academic freedom.

Advantages of Maintaining Restrictions

1. Students, faculty members, and others connected with educational institutions are frequently sensitive to and hostile towards any Government activity which smacks of infringement on academic freedom. They are prone to publicize inquiries by governmental agencies and the resulting publicity can often be misleading in portraying the Government's interest.

2. Students are frequently immature and unpredictable. They cannot be relied on to maintain confidences or to act with discretion to the same extent as adult sources.

Advantages of Relaxing Restrictions

1. To a substantial degree, militant New Left and antiwar groups in the United States are comprised of students, faculty members, and others connected with educational institutions. To a corresponding degree, effective coverage of these groups and activities depends upon development of knowledgeable sources in the categories named. In this connection, the military services have capabilities which could be of value to the FBI.

2. Much of the violence and disorders which have occurred on college campuses have been of a hastily planned nature. Unless sources are available within the student bodies, it is virtually impossible to develop advance information concerning such violence.

3. The development of sources among students affiliated with New Left elements affords a unique opportunity to cultivate informant prospects who may rise to positions of leadership in the revolutionary movement or otherwise become of great long-range value.

4. The extraordinary and unprecedented wave of destruction which has swept U. S. campuses in the past several months and which in some respects represents a virtual effort to overthrow our system provides a clear justification for the development of campus informants in the interest of national security.

5. Contacts with students will make it possible to obtain information about travel abroad by U. S. students and about attendance at international conferences.

DECISION: Development of Campus Sources

- _____ Present restrictions on development of campus and student-related sources should be continued.
- _____ Present restrictions should be relaxed to permit expanded coverage of violence-prone campus and student-related groups.
- _____ CIA coverage of American students (and others) traveling abroad or living abroad should be increased.
- _____ More information is needed.

NOTE: The FBI is opposed to removing any present controls and restrictions relating to the development of campus sources. To do so would severely jeopardize its investigations and could result in leaks to the press which would be damaging and which could result in charges that investigative agencies are interfering with academic freedom.

F. Use of Military Undercover Agents

Preliminary Discussion

The use of undercover agents by the military services to develop domestic intelligence is currently limited to penetration of organizations whose membership includes military personnel and whose activities pose a direct threat to the military establishment. For example, although the Navy has approximately 54 Naval ROTC units and numerous classified Government contract projects on various campuses across the country, the Naval Investigative Service conducts no covert collection on college campuses. The same is true of the other military services.

Nature of Restrictions

The use of undercover agents by the military investigative services to develop domestic intelligence among civilian targets is believed beyond the statutory intent of the Congress as expressed in Title 10, U. S. Code, and in current resource authorizations. The Delimitations Agreement (1949 agreement signed by the FBI, Army, Navy and Air Force which delimits responsibility for each agency with regard to investigations of espionage, counter-espionage, subversion and sabotage) reflects the current missions of the FBI and the military services. Further, there is a lack of assets to undertake this mission unless essential service-related counterintelligence missions are reduced. There is also concern for morale and disciplinary reactions within the services should the existence of such covert operations become known.

Advantages of Maintaining Restrictions

1. If the utilization of military counterintelligence in this mission is contrary to the intent of the Congress, discovery of employment may result in unfavorable legislation and further reductions in appropriations.
2. Lacking direct statutory authority, the use of the military services in this mission could result in legal action directed against the Executive Branch.
3. The use of military personnel to report on civilian activities for the benefit of civilian agencies will reduce the ability of the military services to meet service-connected intelligence responsibilities.

4. If expansion of the mission of the military services with regard to college campuses is to provide coverage of any significance, it will require corollary increases in resources.

5. Prosecutions for violations of law discovered in the course of military penetration of civilian organizations must be tried in civil courts. The providing of military witnesses will require complicated interdepartmental coordination to a much greater extent than the present and will serve, in the long run, to reduce security.

6. Disclosure that military counterintelligence agencies have been furnishing information obtained through this technique to nonmilitary investigative agencies with respect to civilian activities would certainly result in considerable adverse publicity. The Army's recent experience with former military intelligence personnel confirms this estimate. Since obligated service officers, first enlistees and draftees are drawn from a peer group in which reaction is most unfavorable, morale and disciplinary problems can be anticipated.

Advantages of Relaxing Restrictions

1. Lifting these restrictions would expand the scope of domestic intelligence collection efforts by diverting additional manpower and resources for the collection of information on college campuses and in the vicinity of military installations.

2. The use of undercover agents by the military counterintelligence agencies could be limited to localized targets where the threat is great and the likelihood of exposure minimal. Moreover, controlled use of trusted personnel leaving the service to return to college could expand the collection capabilities at an acceptable risk.

3. The military services have a certain number of personnel pursuing special academic courses on campuses and universities. Such personnel, who in many instances have already been investigated for security clearance, would represent a valuable pool of potential sources for reporting on subversive activities of campus and student-related groups.

DECISION: Use of Military
Undercover Agents

- _____ Present restrictions should be retained.
- _____ The counterintelligence mission of the military services should be expanded to include the active collection of intelligence concerning student-related dissident activities, with provisions for a close coordination with the FBI.
- _____ No change should be made in the current mission of the military counterintelligence services; however, present restrictions should be relaxed to permit the use of trusted military personnel as FBI assets in the collection of intelligence regarding student-related dissident activities.
- _____ More information is needed.

NOTE: The FBI is opposed to the use of any military undercover agents to develop domestic intelligence information because this would be in violation of the Delimitations Agreement. The military services, joined by the FBI, oppose any modification of the Delimitations Agreement which would extend their jurisdiction beyond matters of interest to the Department of Defense.

II. BUDGET AND MANPOWER RESTRICTIONS

The capability of member agencies, NSA, CIA, DIA, FBI, and the military counterintelligence services, to collect intelligence data is limited by available resources, particularly in terms of budget and/or qualified manpower. For some agencies fiscal limitations or recent cutbacks have been acute. Budgetary requirements for some agencies, other than the FBI, are reviewed and passed upon by officials who, in some instances, may not be fully informed concerning intelligence requirements.

The military services noted that cuts in budget requirements for counterintelligence activities have the effect of severely hampering the ability of these services to accomplish missions relating to coverage of threats to the national security. Budgetary deficiencies have occurred at a time when investigative work loads are increasing significantly.

Manpower limitations constitute a major restriction on the FBI's capabilities in the investigation of subversive activities. The problem is further complicated by the fact that, even if substantial numbers of Agents could be recruited on a crash basis, the time required to conduct background investigations and to provide essential training would mean several months' delay in personnel being available for use against the rapidly escalating subversive situation.

In the event, as a result of this report, additional collection requirements should be levied on the agencies involved, it would be necessary to provide for essential funding. For example,

DECISION: Budget and Manpower Restrictions

_____ Each agency should submit a detailed estimate as to projected manpower needs and other costs in the event the various investigative restraints herein are lifted.

_____ Each agency must operate within its current budgetary or manpower limitations, irrespective of action required as result of this report.

_____ More information is needed.

PART THREEEVALUATION OF INTERAGENCY COORDINATIONI. CURRENT PROCEDURES TO EFFECT COORDINATION

There is currently no operational body or mechanism specifically charged with the overall analysis, coordination, and continuing evaluation of practices and policies governing the acquisition and dissemination of intelligence, the pooling of resources, and the correlation of operational activities in the domestic field.

Although a substantial exchange of intelligence and research material between certain of the interested agencies already exists, much remains to be done in the following areas: (1) the preparation of coordinated intelligence estimates in a format useful for policy formulation; (2) the coordination of intelligence collection resources of the member agencies and the establishment of clear-cut priorities for the various agencies; and (3) the coordination of the operational activities of member agencies in developing the required intelligence.

II. SUGGESTED MEASURES TO IMPROVE THE COORDINATION OF DOMESTIC INTELLIGENCE COLLECTION

It is believed that an interagency group on domestic intelligence should be established to effect coordination between the various member agencies. This group would define the specific requirements of the various agencies, provide regular evaluations of domestic intelligence, develop recommendations relative to policies governing operations in the field of domestic intelligence, and prepare periodic domestic intelligence estimates which would incorporate the results of the combined efforts of the entire intelligence community.

Membership in this group should consist of appropriate representatives named by the Directors of the Federal Bureau of Investigation, the Central Intelligence Agency, the National Security Agency, the Defense Intelligence Agency, and the counterintelligence agencies of the Departments of the Army, Navy, and Air Force. In addition, an

5/15/71
RJC
RJC

appropriate representative of the White House would have membership. The committee would report periodically to the White House, and a White House staff representative would coordinate intelligence originating with this committee in the same manner as Dr. Henry Kissinger, Assistant to the President, coordinates foreign intelligence on behalf of the President. The chairman would be appointed by the President.

This interagency group would have authority to determine appropriate staff requirements and to implement these requirements, subject to the approval of the President, in order to meet the responsibilities and objectives described above.

DECISION: Permanent Interagency Group

_____ An ad hoc group consisting of the FBI, CIA, NSA, DIA, and the military counterintelligence agencies should be appointed and should serve as long as the President deems necessary, to provide evaluations of domestic intelligence, prepare periodic domestic intelligence estimates, and carry out the other objectives indicated above. The ad hoc group should be tasked to develop a permanent organization to carry out the objectives of this report.

_____ A permanent committee consisting of the FBI, CIA, NSA, DIA, and the military counterintelligence agencies should be appointed to provide evaluations of domestic intelligence, prepare periodic domestic intelligence estimates, and carry out the other objectives indicated above.

_____ No further action required.

_____ More information is needed.

NOTE: The FBI is opposed to the creation of a permanent committee for the purpose of providing evaluations of domestic intelligence, however, the FBI would approve of preparing periodic domestic intelligence estimates.

Domestic Intelligence Gathering Plan: Analysis and Strategy

July, 1970

Memorandum for: H. R. Haldeman
From: Tom Charles Huston
Subject: Domestic intelligence review

1. Background

A working group consisting of the top domestic intelligence officials of the FBI, CIA, DIA, NAS, and each of the military services met regularly throughout June to discuss the problems outlined by the President and to draft the attached report. The discussions were frank and the quality of work first-rate. Cooperation was excellent, and all were delighted that an opportunity was finally at hand to address themselves jointly to the serious internal security threat which exists.

I participated in all meetings, but restricted my involvement to keeping the committee on the target the President established. My impression that the report would be more accurate and the recommendations more helpful if the agencies were allowed wide latitude in expressing their opinions and working out arrangements which they felt met the President's requirements consistent with the resources and missions of the member agencies.

2. Mr. Hoover

I went into this exercise fearful that C.I.A. would refuse to cooperate. In fact, Dick Helms [Director of Central Intelligence] was most cooperative and helpful, and the only stumbling block was Mr. Hoover. He attempted at the first meeting to divert the committee from operational problems and redirect its mandate to the preparation of another analysis of existing intelligence. I declined to acquiesce in this approach, and succeeded in getting the committee back on target.

When the working group completed its report, Mr. Hoover refused to go along with a single conclusion drawn or support a single recommendation made. His position was twofold:

(1) Current operations are perfectly satisfactory and (2) No one has any business commenting on procedures he has established for the collection of intelligence by the F.B.I. He attempted to modify the body of the report, but I successfully opposed it on the

grounds that the report was the conclusion of all the agencies, not merely the F.B.I. Mr. Hoover then entered his objections as footnotes to the report. Cumulatively, his footnotes suggest that he is perfectly satisfied with current procedures and is opposed to any changes whatsoever. As you will note from the report, his objections are generally inconsistent and frivolous—most express concern about possible embarrassment to the intelligence community (i.e., Hoover) from public disclosure of clandestine operations.

Admiral Gayler and General Bennett were greatly displeased by Mr. Hoover's attitude and his insistence on footnoting objections. They wished to raise a formal protest and sign the report only with the understanding that they opposed the footnotes. I prevailed upon them not to do so since it would only aggravate Mr. Hoover and further complicate our efforts. They graciously agreed to go along with my suggestion in order to avoid a nasty scene and jeopardize the possibility of positive action resulting from the report. I assured them that their opinion would be brought to the attention of the President.

3. Threat Assessment

The first 23 pages of the report constitute an assessment of the existing internal security threat, our current intelligence coverage of this threat, and areas where our coverage is inadequate. All agencies concurred in this assessment, and it serves to explain the importance of expanded intelligence collection efforts.

4. Restraints on Intelligence Collection

Part Two of the report discusses specific operational restraints which currently restrict the capability of the intelligence community to collect the types of information necessary to deal effectively with the internal security threat. The report explains the nature of the restraints and sets out the arguments for and against modifying them. My concern was to afford the President the strongest arguments on both sides of the question so that he could make an informed decision as to the future course of action to be followed by the intelligence community.

I might point out that of all the individuals involved in the preparation and consideration of this report, only Mr. Hoover is satisfied with existing procedures.

Those individuals within the F.B.I. who have day-to-day responsibilities for domestic intelligence operations privately disagree with Mr. Hoover and believe that it is imperative that changes in operating procedures be initiated at once.

I am attaching to this memorandum my recommendations on the decision the President should make with regard to these operational restraints. Although the report sets forth the pros and cons on each issue, it may be helpful to add my specific recom-

mendations and the reasons therefore in the event the President has some doubts on a specific course of action.

5. Improvement in Interagency Coordination

All members of the committee and its working group, with the exception of Mr. Hoover, believe that it is imperative that a continuing mechanism be established to effectuate the coordination of domestic intelligence efforts and the evaluation of domestic intelligence data. In the past there has been no systematic effort to mobilize the full resources of the intelligence community in the internal security area and there has been no mechanism for preparing community-wide domestic intelligence estimates such as is done in the foreign intelligence area by the United States Intelligence Board. Domestic intelligence information coming into the White House has been fragmentary and unevaluated. We have not had for example, a community-wide estimate of what we might expect short- or long-term in the cities or on the campuses or within the military establishment.

Unlike most of the bureaucracy, the intelligence community welcomes direction and leadership from the White House. There appears to be agreement with the exception of Mr. Hoover, that effective coordination within the community is possible only if there is direction from the White House. Moreover, the community is pleased that the White House is finally showing interest in their activities and an awareness of the threat which they so acutely recognize.

I believe that we will be making a major contribution to the security of the country if we can work out an arrangement which provides for institutionalized coordination within the intelligence community and effective leadership from the White House.

6. Implementation of the President's Decisions

If the President should decide to lift some of the current restrictions and if he should decide to authorize a formalized domestic intelligence structure, I would recommend the following steps:

(A) Mr. Hoover should be called in privately for a stroking session at which the President explains the decision he has made, thanks Mr. Hoover for his candid advice and past cooperation, and indicates he is counting on Edgar's cooperation in implementing the new decisions.

(B) Following this Hoover session, the same individuals who were present at the initial session in the Oval Office should be invited back to meet with the President. At that time, the President should thank them for the report, announce his decisions, indicate his desires for future activity, and present each with an

autographed copy of the photo of the first meeting which Ollie took.

(C) An official memorandum setting forth the precise decisions of the President should be prepared so that there can be no misunderstanding. We should also incorporate a review procedure which will enable us to ensure that the decisions are fully implemented.

I hate to suggest a further imposition on the President's time, but think these steps will be necessary to pave over some of the obvious problems which may arise if the President decides, as I hope he will, to overrule Mr. Hoover's objections to many of the proposals made in this report. Having seen the President in action with Mr. Hoover, I am confident that he can handle this situation in such a way that we can get what we want without putting Edgar's nose out of joint. At the same time, we can capitalize on the goodwill the President has built up with the other principals and minimize the risk that they may feel they are being forced to take a back seat to Mr. Hoover.

7. Conclusion

I am delighted with the substance of this report and believe it is a first-rate job. I have great respect for the integrity, loyalty, and competence of the men who are operationally responsible for internal security matters and believe that we are on the threshold of an unexcelled opportunity to cope with a very serious problem in its germinal stages when we can avoid the necessity for harsh measures by acting swift, discreetly, and decisively to deflect the threat before it reaches alarming proportions.

I might add, in conclusion, that it is my personal opinion that Mr. Hoover will not hesitate to accede to any decision which the President makes, and the President should not, therefore, be reluctant to overrule Mr. Hoover's objections. Mr. Hoover is set in his ways and can be bull-headed as hell, but he is a loyal trooper. Twenty years ago he would never have raised the type of objections he has here, but he's getting old and worried about his legend. He makes life tough in this area, but not impossible—for he'll respond to direction by the President and that is all we need to set the domestic intelligence house in order.

OPERATIONAL RESTRAINTS ON INTELLIGENCE COLLECTIONA. Interpretive Restraints on Communications Intelligence. (pp. 23-25)Recommendation:

Present interpretation should be broadened to permit and program for coverage by NSA of the communications of U. S. citizens using international facilities.

Rationale:

The FBI does not have the capability to monitor international communications. NSA is currently doing so on a restricted basis, and the information it has provided has been most helpful. Much of this information is particularly useful to the White House and it would be to our disadvantage to allow the FBI to determine what NSA should do in this area without regard to our own requirements. No appreciable risk is involved in this course of action.

B. Electronic Surveillances and Penetrations. (pp. 26-28)Recommendation:

Present procedures should be changed to permit intensification of coverage of individuals and groups in the United States who pose a major threat to the internal security.

ALSO, present procedures should be changed to permit intensification of coverage of foreign nationals and diplomatic establishments in the United States of interest to the intelligence community.

Rationale:

At the present time, less than 65 electronic penetrations are operative. This includes coverage of the CPUSA and organized crime targets, with some few authorized against subjects of pressing internal security interest.

Mr. Hoover's statement that the FBI would not oppose other agencies seeking approval for and operating electronic surveillances is gratuitous since no other agencies have the capability.

Everyone knowledgeable in the field, with the exception of Mr. Hoover, concurs that existing coverage is grossly inadequate. CIA and NSA note that this is particularly true of diplomatic establishments, and we have learned at the White House that it is also true of New Left groups.

C. Mail Coverage (pp. 29-31)

Recommendation:

Restrictions on legal coverage should be removed.

ALSO, present restrictions on covert coverage should be relaxed on selected targets of priority foreign intelligence and internal security interest.

Rationale:

There is no valid argument against use of legal mail covers except Mr. Hoover's concern that the civil liberties people may become upset. This risk is surely an acceptable one and hardly serious enough to justify denying ourselves a valuable and legal intelligence tool.

Covert coverage is illegal and there are serious risks involved. However, the advantages to be derived from its use outweigh the risks. This technique is particularly valuable in identifying espionage agents and other contacts of foreign intelligence services.

D. Surreptitious Entry (pp. 32-33)

Recommendation:

Present restrictions should be modified to permit procurement of vitally needed foreign cryptographic material.

ALSO, present restrictions should be modified to permit selective use of this technique against other urgent and high priority internal security targets.

6/15/72

Rationale:

Use of this technique is clearly illegal: it amounts to burglary. It is also highly risky and could result in great embarrassment if exposed. However, it is also the most fruitful tool and can produce the type of intelligence which cannot be obtained in any other fashion.

The FBI, in ~~the~~ Mr. Hoover's younger days, used to conduct such operations with great success and with no exposure. The information secured was invaluable.

NSA has a particular interest since it is possible by this technique to secure materials with which NSA can break foreign cryptographic codes. We spend millions of dollars attempting to break these codes by machine. One successful surreptitious entry can do the job successfully at no dollar cost.

Surreptitious entry of facilities occupied by subversive elements can turn up information about identities, methods of operation, and other invaluable investigative information which is not otherwise obtainable. This technique would be particularly helpful if used against the Weathermen and Black Panthers.

The deployment of the Executive Protector Force has increased the risk of surreptitious entry of diplomatic establishments. However, it is the belief of all except Mr. Hoover that the technique can still be successfully used on a selective basis.

E. Development of Campus Sources (pp. 34-36)Recommendation:

Present restrictions should be relaxed to permit expanded coverage of violence-prone campus and student-related groups.

ALSO, CIA coverage of American students (and others) traveling or living abroad should be increased.

5/15/73

Rationale:

The FBI does not currently recruit any campus sources among individuals below 21 years of age. This dramatically reduces the pool from which sources may be drawn. Mr. Hoover is afraid of a young student surfacing in the press as an FBI source, although the reaction in the past to such events has been minimal. After all, everyone assumes the FBI has such sources.

The campus is the battle-ground of the revolutionary protest movement. It is impossible to gather effective intelligence about the movement unless we have campus sources. The risk of exposure is minimal, and where exposure occurs the adverse publicity is moderate and short-lived. It is a price we must be willing to pay for effective coverage of the campus scene. The intelligence community, with the exception of Mr. Hoover, feels strongly that it is imperative that we increase the number of campus sources this fall in order to forestall widespread violence.

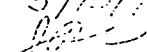
CIA claims there are no existing restraints on its coverage of over-seas activities of US nationals. However, this coverage has been grossly inadequate since 1965 and an explicit directive to increase coverage is required.

F. Use of Military Undercover Agents (pp. 37-39)Recommendation:

Present restrictions should be retained.

Rationale:

The intelligence community is agreed that the risks of lifting these restraints are greater than the value of any possible intelligence which could be acquired by doing so.

5/1/67


BUDGET AND MANPOWER RESTRICTIONS

(pp. 40-41)

Recommendation:

Each agency should submit a detailed estimate as to projected manpower needs and other costs in the event the various investigative restraints herein are lifted.

Rationale:

In the event that the above recommendations are concurred in, it will be necessary to modify existing budgets to provide the money and manpower necessary for their implementation. The intelligence community has been badly hit in the budget squeeze (I suspect the foreign intelligence operations are in the same shape) and it may be necessary to make some modifications. The projected figures should be reasonable, but will be subject to individual review if this recommendation is accepted.

MEASURES TO IMPROVE DOMESTIC INTELLIGENCE OPERATIONS

(pp. 42-43)

Recommendation:

A permanent committee consisting of the FBI, CIA, NSA, DIA, and the military counterintelligence agencies should be appointed to provide evaluations of domestic intelligence, prepare periodic domestic intelligence estimates, and carry out the other objectives specified in the report.

Rationale:

The need for increased coordination, joint estimates, and responsiveness to the White House is obvious to the intelligence community. There are a number of operational problems which need to be worked out since Mr. Hoover is fearful of any mechanism which might jeopardize his autonomy. CIA would prefer an ad hoc committee to see how the system works, but other members believe that this would merely delay the establishment of effective coordination and joint operations. The value of lifting intelligence collection restraints is proportional to the availability of joint operations and evaluation and the establishment of this inter-agency group is essential.

EXHIBIT 3

July 14, 1970

MEMORANDUM FOR: MR. HUSTON

SUBJECT: Domestic Intelligence Review

The recommendations you have proposed as a result of the review have been approved by the President.

He does not, however, want to follow the procedure you outlined on page 4 of your memorandum regarding implementation. He would prefer that the thing simply be put into motion on the basis of this approval.

The formal official memorandum should, of course, be prepared and that should be the device by which to carry it out.

I realize this is contrary to your feeling as to the best way to get this done. If you feel very strongly that this procedure won't work you had better let me know and we'll take another stab at it. Otherwise let's go ahead.

H. R. HALDEMAN

EXHIBIT 4

Retyped from indistinct original23.7 Tom Huston
memorandum

THE WHITE HOUSE

WASHINGTON

July 23, 1970

MEMORANDUM FOR:

RICHARD HELMS, DIRECTOR
CENTRAL INTELLIGENCE AGENCY

SUBJECT: DOMESTIC INTELLIGENCE

The President has carefully studied the Special Report of the Interagency Committee on Intelligence (Ad Hoc) and made the following decisions:

1. Interpretive Restraint on Communications Intelligence.
National Security Council Intelligence Directive Number 6 (NSCID-6)

2. Electronic Surveillances and Penetrations.

Also, coverage of foreign nationals and diplomatic establishments in the United States of interest to the intelligence community is to be intensified.

3. Mail Coverage. Restrictions on legal coverage are to be removed. Restrictions on covert coverage are to be relaxed to permit use of this technique on selected targets of priority foreign intelligence and internal security interest.

4. Surreptitious Entry. Restraints on the use of surreptitious entry are to be removed. The technique is to be used to permit procurement of vitally needed foreign cryptographic material and against other urgent and high priority internal security targets.

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5. Development of Campus Sources. Coverage of violence-prone campus and student-related groups is to be increased. All restraints which limit this coverage are to be removed. Also, CIA coverage of American students (and others) traveling or living abroad is to be increased.

6. Use of Military Undercover Agents. Present restrictions are to be retained.

7. Budget and Manpower. Each agency is to submit a detailed estimate as to projected manpower needs and other costs required to implement the above decisions.

8. Domestic Intelligence Operations. A committee consisting of the Directors or other appropriate representatives appointed by the Directors, of the FBI, CIA, NSA, DIA, and the military counter-intelligence agencies is to be constituted effective August 1, 1970, to provide evaluations of domestic intelligence, prepare periodic domestic intelligence estimates, carry out the other objectives specified in the report, and perform such other duties as the President shall, from time to time, assign. The Director of the FBI shall serve as chairman of the committee. Further details on the organization and operations of this committee are set forth in an attached memorandum.

The President has directed that each addressee submit a detailed report, due on September 1, 1970, or the steps taken to implement these decisions. Further such periodic reports will be requested as circumstances merit.

The President is aware that procedural problems may arise in the course of implementing these decisions. However, he is anxious that such problems be resolved with maximum speed and minimum misunderstanding. Any difficulties which may arise should be brought to my immediate attention in order that an appropriate solution may be found and the President's directives implemented in a manner consistent with his objectives.

TOM CHARLES HUSTON

Attachment

cc: The President
H.R. Haldeman

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ORGANIZATION AND OPERATIONS OF THE INTERAGENCY
GROUP ON DOMESTIC INTELLIGENCE AND
INTERNAL SECURITY (IAG)

1. Membership. The membership shall consist of representatives of the FBI, CIA, DIA, NSA, and the counter-intelligence agencies of the Departments of the Army, Navy, and Air Force. To insure the high level consideration of issues and problems which the President expects to be before the group, the Directors of the respective agencies should serve personally. However, if necessary and appropriate, the Director of a member agency may designate another individual to serve in his place.
2. Chairman. The Director of the FBI shall serve as chairman. He may designate another individual from his agency to serve as the FBI representative on the group.
3. Observers. The purpose of the group is to effectuate community-wide coordination and secure the benefits of community-wide analysis and estimating. When problems arise which involve areas of interest to agencies or departments not members of the group, they shall be invited, at the discretion of the group, to join the group as observers and participants in those discussions of interest to them. Such agencies and departments include the Departments of State (I & R, Passport); Treasury (IRS, Customs); Justice (BND, Community Relations Service), and such other agencies which may have investigative or law enforcement responsibilities touching on domestic intelligence or internal security matters.
4. White House Liaison. The President has assigned to Tom Charles Huston staff responsibility for domestic intelligence and internal security affairs. He will participate in all activities of the group as the personal representative of the President.
5. Staffing. The group will establish such sub-committees or working groups as it deems appropriate. It will also determine and implement such staffing requirements as it may deem necessary to enable it to carry out its responsibilities, subject to the approval of the President.

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6. Duties. The group will have the following duties:

- (a) Define the specific requirements of member agencies of the intelligence community.
- (b) Effect close, direct coordination between member agencies.
- (c) Provide regular evaluations of domestic intelligence.
- (d) Review policies governing operations in the field of domestic intelligence and develop recommendations.
- (e) Prepare periodic domestic intelligence estimates which incorporate the results of the combined efforts of the intelligence community.
- (f) Perform such other duties as the President may from time to time assign.

7. Meetings. The group shall meet at the call of the Chairman a member agency, or the White House representative.

8. Security. Knowledge of the existence and purpose of the group shall be limited on a strict "need to know" basis. Operations of, and papers originating with, the group shall be classified "Top Secret-Handle Via Comint Channels Only."

9. Other Procedures. The group shall establish such other procedures as it believes appropriate to the implementation of the duties set forth above.

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EXHIBIT 5

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

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. C. D. DeLoach *CD*

FROM : W. C. Sullivan *WCS*

SUBJECT: MR. TOM CHARLES HUSTON
STAFF ASSISTANT TO THE PRESIDENT

DATE: ~~June~~ 20, 1969

Reference is made to the enclosed memorandum from W. C. Sullivan to Mr. DeLoach dated June 18, 1969.

Mr. Huston did come in yesterday. The first thing he said was that he had made a mistake in going to Mr. J. Walter Yeagley as Yeagley did not seem to know anything about the New Left. Mr. Huston then went on to say that President Nixon called him in and discussed with him in some detail the need for the President to know in greater depth the details concerning the revolutionary activities stemming from the New Left. In particular, said Mr. Huston, President Nixon is interested in all information possible relating to foreign influences and the financing of the New Left. He said he was requested by the President to also go to other members of the intelligence community to develop whatever materials they may have within their jurisdiction.

Mr. Huston said that on completing his work, it will be presented to the President for his use.

I told Mr. Huston that I was not in any position to make commitments in this matter, that if he had such a request to make it would be necessary for him to put it in writing and address his letter to the Director who made the decisions in such areas. Mr. Huston said that he would do this.

RECOMMENDATION:

REC-71

For the information of the Director.

Enclosure

WCS:lm1 (5)

FROM
AUG 5 1975

FBI

This document is prepared to respond to your request and is not for dissemination outside your Committee. It is not to be included in official proceedings by your Committee and the contents may not be disclosed to unauthorized personnel without the express approval of the FBI.

EXHIBIT 6

THE WHITE HOUSE

WASHINGTON

June 20, 1969

PERSONAL AND CONFIDENTIAL

MEMORANDUM FOR THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION

FROM: Tom Charles Huston
Staff Assistant to the President

The President has directed that a report on foreign Communist support of revolutionary protest movements in this country be prepared for his study. He has specifically requested that the report draw upon all the resources available to the intelligence community and that it be as detailed as possible.

"Support" should be liberally construed to include all activities by foreign Communists designed to encourage or assist revolutionary protest movements in the United States.

On the basis of earlier reports submitted to the President on a more limited aspect of this problem, it appears that our present intelligence collection capabilities in this area may be inadequate. The President would like to know what resources we presently have targeted toward monitoring foreign Communist support of revolutionary youth activities in this country, how effective they are, what gaps in our intelligence exist because of either inadequate resources or a low priority of attention, and what steps could be taken, if he directed, to provide the maximum possible coverage of these activities.

I have asked CIA, NSA, and DIA to submit their contributions to me by Monday, June 30th. I would appreciate it if the Bureau would provide their response to the President's request by that date.

Since the Bureau has primary responsibility in this area, I would like to discuss the matter further with your staff after I have had an opportunity to evaluate the initial contributions. The President has assigned a high priority to this project, and I want to insure that he receives the most complete report that it is possible to assemble.

TCH
Tom Charles Huston

PERSONAL AND CONFIDENTIAL

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FBI

EXHIBIT 7

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

5010-104

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. W. C. Sullivan

DATE: June 30, 1969

FROM : C. D. Brennan

SUBJECT: FOREIGN SUPPORT FOR REVOLUTIONARY PROTEST
MOVEMENTS IN THE UNITED STATES

The Director approved my memorandum of 6/23/69 which advised we were preparing a report for Mr. Tom Charles Huston, Staff Assistant to the President, at his request regarding our coverage of foreign communist support of revolutionary youth activities in the United States to reach him by 6/30/69. We advised Mr. Huston such a report would be forthcoming.

Our report sets forth the traditional channel for communist support of revolutionary activity in this country by the established basic revolutionary groups under foreign domination such as the Communist Party, USA, and the Socialist Workers Party. We also cover the establishment of hostile intelligence operations directed at the United States by the Soviet Union, Cuba and Communist China.

Next we show the newer, bolder avenues of support and direction being utilized by revolutionaries, often without any attempt to conceal their purpose. These include international conferences which in this period of history are ostensibly for peace in Vietnam but which also have the usual underlying goal of destroying United States prestige in world affairs. The case of international travel and communication with revolutionary intent by the Left and Black organizations (Chicanos) from the United States and abroad is then set forth.

The section dealing with our coverage of the above threats to our internal security clearly shows our strong reliance upon the use of five interrelated and planned intelligence techniques conducted by the highly selective and limited use of clandestine coverage.

Brennan (2)

JUN 5 1969

FBI

CONFIDENTIAL

This document is prepared in response to your request and is not for dissemination outside your Committee. Its use is limited to official proceedings by your Committee and the content may not be disclosed to unauthorized personnel without the express approval of the FBI.

Memorandum to Mr. W. C. Sullivan
RE: FOREIGN SUPPORT FOR REVOLUTIONARY PROTEST
MOVEMENTS IN THE UNITED STATES

Our report shows that the FBI has been aware from the inception of the New Left and black extremist movements that they pose new and unique threats to our internal security. It shows we have readjusted our investigative intelligence efforts to cope with the new problems created. It stresses the fact that these movements are developing increasingly into hard-core revolutionary elements which will demand still greater attention in the form of increased coverage as it appears there will be increasingly closer links between these movements and foreign communists in the future.

We have prepared a transmittal letter to Mr. Huston submitting our report. Inasmuch as this document is not going directly to the President, no copy is being forwarded to the Attorney General at this time.

ACTION:

With your approval, the attached report and letter will be forwarded to Mr. Huston.

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FBI

EXHIBIT 8

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

5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. DeLoach

FROM : W.C. Sullivan *3/9*

SUBJECT: INTERAGENCY COMMITTEE ON INTELLIGENCE
(ESTABLISHED BY THE PRESIDENT ON JUNE 5, 1970)

DATE: June 5, 1970

This memorandum is for the record and for possible reference use by the Director.

Following his conference with the President this morning, the Director advised me that the President had appointed him Chairman of a special Intelligence Committee for the purpose of coordinating a more effective intelligence-gathering function as a joint effort on the part of the Bureau, Central Intelligence Agency (CIA), National Security Agency (NSA) and the Defense Intelligence Agency (DIA) to insure that comprehensive information is being obtained for the President's use which will provide him with a world-wide picture of New Left and other subversive activities.

The Director advised me that among those present at the meeting with the President were Richard Helms, Director of the CIA; Admiral Noel A. M. Gayler, head of the NSA; General Donald V. Bennett, head of the DIA; and Mr. T. C. Huston, White Staff Assistant, all of whom the President had designated to serve on the Committee under the direction of the Director. Additionally, there were present Assistant to the President H. R. Haldeman; John D. Ehrlichman, Assistant to the President for Domestic Affairs; and Robert H. Finch, Secretary of the Department of Health, Education and Welfare.

The Director stated he wanted immediate action on this. He advised me that he wanted all of the men on the Committee contacted and instructed to be in his office for a Committee meeting at 11:00 a.m. Monday morning, 6/8/70. This has been arranged and has been made the subject of a separate memorandum.

RECEIVED FROM

AUG 5 1975

FBI

This document is prepared in response to your request and is not for dissemination outside your Committee. Its use is limited to official proceedings by your Committee and the content may not be disclosed to unauthorized personnel without the express approval of the FBI.

Memorandum to Mr. DeLoach

RE: INTERAGENCY COMMITTEE ON INTELLIGENCE
(ESTABLISHED BY THE PRESIDENT ON JUNE 5, 1970)

The Director also instructed that a working committee meeting comprising the same individuals should be scheduled for Tuesday, June 9, and he instructed me to serve in his place at that meeting to insure that the instructions he issues to the Committee on Monday are carried through in specific detail by members of the Committee on Tuesday. Arrangements have also been made for this meeting to be held Tuesday afternoon at 3:30 p.m. utilizing the facilities of the United States Intelligence Board conference rooms.

The Director further instructed that this working committee should henceforth meet each Tuesday and Friday for the purpose of implementing his instructions with the aim of completing a draft paper by June 22, 1970, which the Director and others may review for approval and sign prior to its presentation to the President on July 1, 1970. Arrangements for this will be implemented at the working committee meeting on Tuesday, June 9, 1970. The Director will be promptly furnished with a report on each meeting.

RECOMMENDATION:

For the information of the Director and for the record.

RECEIVED FROM

AUG 10 1975

FBI

EXHIBIT 9

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

5010-106

UNITED STATES GOVERNMENT

Memorandum

ROUTE IN ENVELOPE

TO : Mr. DeLoach *DL*

DATE: June 5, 1970

FROM : ~~W. C. Sullivan~~SUBJECT: INTERAGENCY COMMITTEE ON INTELLIGENCE
(ESTABLISHED BY THE PRESIDENT, JUNE 5, 1970)

Pursuant to the Director's instructions and relative to his role as head of the above-captioned Committee, I have set up a meeting to take place in the Director's office at 11 am Monday, 6/8/70.

I talked personally to the following individuals who will be there: Mr. Richard Helms, Director of the Central Intelligence Agency, General Donald V. Bennett, Director of the Defense Intelligence Agency; Admiral Noel Gaylor, Director of the National Security Agency; and Mr. Tom Huston, Staff Assistant to the President at the White House.

The first three mentioned indicated they would like to take one of their assistants with them; however, they had not decided which one, therefore, the names are not available. As soon as they make the decision, I will submit the names of these assistants in a separate memorandum.

The details for the meeting of the working group are being worked out. At this point it is expected it will be held at 3:30 pm on Tuesday afternoon. This also will be the subject of separate memorandum.

RECOMMENDATION:

For the information of the Director.

WCS:chs *chs*
(5)

RECEIVED 11/11/70

AUG 5 1970

FBI

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

5010-108

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. C. D. DeLoach

DATE: 6/6/70

FROM : W. C. Sullivan

SUBJECT: INTERAGENCY INTELLIGENCE COMMITTEE
(Established By The President June 5, 1970)

Reference is made to my memorandum to you dated June 5, 1970, captioned as above which indicated that the Director will meet with the heads of the Central Intelligence Agency, the National Security Agency, the Defense Intelligence Agency and a representative of the White House staff in the Director's office, at 11:00 a.m. 6-8-70. In accordance with the Director's instructions I will be present. Unless there is an objection I will have with me Mr. C. D. Brennan, Chief of the Internal Security Section which will have the responsibility of preparing our portion of the report on the New Left and related matters. I believe Mr. Brennan should hear and will benefit from the Director's remarks.

I have been advised that as of this date the heads of the other agencies do not now plan to have any of their assistants with them except Admiral Gaylor of NSA who will bring an assistant, Benson Buffram.

It occurred to me that in addition to the remarks the Director has in mind he may wish to give consideration to some of the major points in the enclosed statement prepared for him.

RECOMMENDATION:

That this memorandum and the enclosed statement be furnished to the Director.

Enclosure

WCS:sal
(6)

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INTERAGENCY INTELLIGENCE COMMITTEE MEETING

I am sure you gentlemen will all agree with me that our meeting with the President on Friday was of very special significance. The President clearly recognizes that we are confronted today with unique and complex problems arising from subversive activities on an international scale. There is a distinct relationship between these activities and much of the disorder and violence which increasingly threatens our internal security. The President made it abundantly clear that he expects us, as members of the intelligence community, to do more than we have been doing to bring the worldwide picture of these problems into better perspective for him.

Having been designated by the President as Chairman of the Committee to meet this challenge, I feel a special responsibility. First, I would like to state that I agree completely with the President's view of the situation. Consider what has transpired in the 1960s. We have witnessed the emergence of widespread racial unrest which threatens to grow much worse before it gets better. We have also seen the emergence of a new left militancy which has conspired massive mob rule in action. From what we have learned to date it is apparent these are not solely domestic problems. There are definite foreign links to our domestic disorders.

Yet, the foreign aspect of the problem is different than that which we experienced in the past. Prior to the 1960s, foreign-directed intelligence and espionage activities constituted the main threat to our security. We in the intelligence community geared ourselves accordingly and met that problem successfully. We coordinated our activities in doing so. But the nature of the problem was such that it left us to a marked degree free to operate independently in regard to our respective problem areas.

Today, it is mandatory that we recognize the changed nature of the problem confronting us. Unless we do so, we will be incapable of fulfilling the responsibility levied upon us by the President.

The plain fact is that there currently are thousands of individuals inside this country who want to see our form of government destroyed. They have in fact pledged themselves publicly to achieving this goal. They have put their words

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into actions constituting revolutionary terrorism, and the total effect of their actions to date has been disastrous.

In addition, they are reaching out seeking support from this nation's enemies abroad to further their objectives. Thus the links to Cuba, China, and Iron Curtain countries already have been established and promise to grow because of the equal determination of various international communist elements to destroy our form of government.

In contrast to the rigidly structured subversive organizations of past experience, the current subversive forces threatening us constitute widespread, disjointed, and varied autonomous elements, the destructive potential of which is manifold.

Individually, those of us in the intelligence community are relatively small and limited. Unified, our own combined potential is magnified and limitless. It is through unity of action that we can tremendously increase our intelligence-gathering potential and, I am certain, obtain the answers the President wants.

I am establishing a working committee to insure that we achieve the desired unity. It will be the job of the committee to (1) assess the overall nature of the problem as we know it today, (2) examine individually and together the respective resources of each Agency to insure full utilization of them for the benefit of all, and (3) devise coordinated procedures designed to penetrate the current nebulous areas of subversive activities here and abroad as they relate to our domestic problems.

The first meeting is set for tomorrow afternoon, Tuesday, June 9th, and you have been furnished the details as to the time and place.

The working committee will hereafter meet each Tuesday and Friday for the purpose of preparing a comprehensive study to be completed in rough draft form by June 22, 1970, for presentation to the President on July 1, 1970, in final form. This should serve as the foundation of our committee's existence and purpose and as the basis for a coordinated intelligence effort best suited to serve the country's interest at this time of crisis.

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AUG 5 1975 -

EXHIBIT 10

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

5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. DeLoach

FROM : W. C. Sullivan

DATE: June 8, 1970

SUBJECT: INTERAGENCY COMMITTEE ON INTELLIGENCE
(ESTABLISHED BY THE PRESIDENT, JUNE 5, 1970)
MEETING IN DIRECTOR'S OFFICE, 11 AM, JUNE 8, 1970

This memorandum is to record meeting of captioned Committee in the Director's Office 11 am, Monday, 6/8/70, which was chaired by the Director with the following persons present: Mr. Richard Helms, Director of the Central Intelligence Agency (CIA); General Donald V. Bennett, Director of the Defense Intelligence Agency (DIA); Admiral Noel Gaylor, Director of the National Security Agency (NSA); and his Assistant Mr. Benson K. Buffham; Mr. Tom Huston, Staff Assistant to the President at the White House; as well as Racial Intelligence Section Chief George C. Moore and myself.

The Director pointed out to the Committee that the President, in establishing this special intelligence Committee, recognized definite problems arising from subversive activities on the international scale and expected the Committee to coordinate and plan so that the world-wide picture could be better brought into perspective for the President. The Director stated that he well recognized the importance of the work of this Committee and he stated that along with organized crime this is equally important.

The Director further commented concerning the foreign aspect of today's subversive domestic problem and stated that prior to the 1960's, the main threat to our security was foreign-directed intelligence espionage activities but today we have a different problem marked by highly organized dissident groups seeking to destroy our form of Government.

In outlining the work of the Committee, the Director pointed out: (1) The situation should be thoroughly explored to determine exactly what the problem is. (2) Each agency must explore the facilities which must and can be used in order to develop facts for a true intelligence picture. The Director noted the President mentioned restrictions which were hampering our intelligence operations; accordingly we should list for the President in detail such

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AUG 5 1970
WCS:chs (5)
Classified by [redacted]
Excluded from GDS, Category [redacted]
Date of declassification is indefinite

Memorandum to Mr. DeLoach
 RE: INTERAGENCY COMMITTEE ON INTELLIGENCE
 (ESTABLISHED BY THE PRESIDENT, JUNE 5, 1970)
 MEETING IN DIRECTOR'S OFFICE, 11 AM, JUNE 8, 1970

restraints and restrictions together with the pros and cons involved so that the President can make a decision as to which ones should be utilized. (3) The Director stated it was most important that the foreign connections of domestic problems be determined pointing out that we know Cuba, Red China and the Soviet-bloc are deeply in the picture. The Director also commented the importance of ascertaining what is happening in foreign countries concerning this same subversive problem and how it has been dealt with by those countries; for example, the Director mentioned that the water cannon had been used most effectively against the hippies in Paris, as well as elsewhere and maybe the application of this tactic should receive consideration. In this regard, the Director commented the picture of what goes on abroad would more appropriately come within the purview of the CIA, DIA and NSA.

The Director stated he was establishing a working subcommittee headed by Assistant Director William C. Sullivan and composed of designated representatives of the other agencies present and the first meeting would be at 3:30 pm; 6/9/70 at the U. S. Intelligence Board Meeting Room and subsequent thereto a meeting would be held every Tuesday and Friday in order to draw together the raw material in order to present a final report to captioned Committee for scrutiny and evaluation on 6/22/70. The submission of the final report to the President will be on 6/30 or 7/1/70. The Director emphasized it was most vital that all agencies give this matter top priority.

Following the Director's initial remarks, those officials present commented that the aims and goals presented by the Director were realistic and that all present would cooperate in the fullest in getting organized and getting on with the highly important task which faces the special Committee.

During the discussion all agreed that the initial primary problem facing the Committee was to concentrate upon methodology in intelligence collection. The Director stated although brevity is the key, a detailed listing of all the items which are currently obstructing the FBI and other intelligence agencies in attaining their goals must be set out clearly with pros and cons so that the President is able to make a determination as to what he is willing to let us do. Some of the matters to be considered in this regard mentioned by the

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AUG 5 1975

- 2 -

CONTINUED - OVER

FBI

Memorandum to Mr. DeLoach

RE: INTERAGENCY COMMITTEE ON INTELLIGENCE
(ESTABLISHED BY THE PRESIDENT, JUNE 5, 1970)
MEETING IN DIRECTOR'S OFFICE, 11 AM, JUNE 8, 1970

Director were: _____

and _____ (2) limitations on telephone surveillances

It was agreed that the President is extremely anxious for the utmost degree of cooperation among all the agencies in coordination of this matter and the Director pointed out that there is certainly no problem with respect to coordination and the Director wanted it understood that the President expects the group to work together as a team.

At the close of the meeting, the Director again emphasized that the importance of this matter dictated that each agency put its top experts to work on this matter and that it be given the highest priority in order that this deadline is met as expected by the President.

ACTION:

You will be advised as to the results of the meeting of the working committee which takes place tomorrow, 6/9/70, at 3:30 pm.

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UNITED STATES GOVERNMENT

Memorandum

TO : MR. DE LOACH

DATE: 6/9/70

FROM : W. C. SULLIVAN

SUBJECT: INTERAGENCY COMMITTEE ON INTELLIGENCE
(ESTABLISHED BY THE PRESIDENT, JUNE 5, 1970)

My memorandum 6/8/70 set forth the members of the working group of captioned committee, which will hold its first meeting in the United States Intelligence Board Conference Room at 3:30 p.m., Tuesday, 6/9/70, with the exception of the Defense Intelligence Agency members.

Set forth below are the Defense Intelligence Agency (DIA) working group member and the member from each of the three military services. The additional names listed are the alternates for each of the agencies.

DIA - Mr. James E. Stilwell,
Deputy Chief, Office of Counterintelligence and
Security, DIA

Lieutenant Colonel Donald F. Philbrick

Army - Colonel John W. Downie,
Director of Security, Assistant Chief of Staff
for Intelligence, Department of the Army

Mr. Elihu Braunstein

Navy - Captain Edward G. Rifenburg,
Director, Naval Investigative Service,
Naval Intelligence Command

Mr. Harry Warren

Air Force - Colonel Rudolph C. Koller, Jr.,
Commander, 1127 U.S. Field Activities Group,
Assistant Chief of Staff, Intelligence, Air Force

Colonel D. E. Walker

ACTION:

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MAY 1962 EDITION
GSA GEN. REG. NO. 27
UNITED STATES GOVERNMENT

Memorandum

TO : Mr. C. D. DeLoach

DATE: June 10, 1970

FROM : Mr. W. C. Sullivan

SUBJECT: INTERAGENCY COMMITTEE ON INTELLIGENCE
(ESTABLISHED BY THE PRESIDENT JUNE 5, 1970)
MEETING OF THE WORKING SUBCOMMITTEE JUNE 9, 1970

This memorandum records the results of the Working Subcommittee meeting on June 9, 1970.

Mr. Tom C. Huston, White House, spelled out the desires of the President, furnishing members with a "Top Secret" outline (copy attached). This outline addresses itself to the Purpose, Membership, Procedures, and Objectives of the Committee's Review. In his oral presentation, Huston emphasized the President was not interested in being told what the current problem is, but rather what the future problems will be and what must be done to counter them. He stressed the Committee should provide the President with the pros and cons of any restraints so that he can decide what action is to be taken.

It was agreed that all papers and reports prepared by the Committee will be classified "Top Secret - Handle Via Comint Channels Only" because of the President's desire that the existence and work of the Committee be tightly controlled. (The reference to Comint Channels refers to communications intelligence and insures that this matter will be handled in a secure manner.)

At the meeting various members discussed the restraints currently in effect which limit the community's ability to develop the necessary intelligence. In accordance with the President's instructions, the next meeting of the Working Subcommittee will consider all restraints restricting intelligence collection efforts across the board, as well as submissions on defining and assessing the existing internal security threat, both domestic and foreign.

It was agreed that the Working Subcommittee would next meet at 1:30 p.m., June 12, 1970, in the Conference Room of the U. S. Intelligence Board. Results of this meeting will be promptly furnished the Director.

ACTION:

1. Provide information.

enclosure 5/11/70
WCS:lag/chsh

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CONFIDENTIAL

WORKING GROUP
INTERAGENCY COMMITTEE ON INTELLIGENCE

(As of 10 a.m., June 9, 1979)

FBI

- ✓ Mr. William C. Sullivan
- Mr. Donald E. Moore
- Mr. George C. Moore
- Mr. William O. Cregar
- Mr. Fred J. Cassidy

Central Intelligence Agency (CIA)

Mr. Richard Edles

- ✓ Mr. James Angleton

Defense Intelligence Agency (DIA)

- ✓ Mr. James H. Stillwell

Lieutenant Colonel Donald F. Philbrick

Department of the Army

- ✓ Colonel John W. Downie

Mr. Elihu Braunstein

Department of the Navy

✓ Captain Edward G. Rifenburg

NOV 5 1979 Mr. Harry Farrea

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Department of the Air Force

✓ Colonel Rudolph C. Keller, Jr.

Colonel D. E. Walker

National Security Agency

✓ Mr. Benson K. Buffham

Mr. James Gensler

Mr. Leonard J. Hundo

White House

✓ Mr. Tom C. Huston
Phone: Code 145, Extension 2527

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ICI -1
June 10, 1970

INTERAGENCY COMMITTEE ON INTELLIGENCE
WORKING SUBCOMMITTEE

Minutes of
First Meeting
Room 7E-26, CIA Headquarters Building
June 9, 1970, 3:30 to 4 p.m.

William C. Sullivan
Assistant Director, Federal Bureau of Investigation
Presiding

MEMBERS PRESENT

Mr. Richard Helms, DCI
Mr. James Angleton, CIA
Mr. James Stilwell, DIA
Col. John Downie, Army
Col. Rudolph Koller, Air Force
Mr. Tom C. Huston, White House
Capt. Edward Rifenburgh, Navy
Mr. Benson K. Buffham, NSA
Mr. George C. Moore, FBI
Mr. Donald E. Moore, FBI
Mr. William O. Cregar, FBI, Secretary

Observers:

Mr. Charles Sither, OSI
Lt. Col. Donald F. Philbrick, DIA
Mr. Elihu Braunstein, Army
Mr. Harry Warren, Navy
Col. D. E. Walker, Air Force
Mr. James Gengler, NSA
Mr. Leonard J. Nunno, NSA
Mr. Fred J. Cassidy, FBI

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IC1-M-1
June 10, 1970

1. Prefatory Remarks

Prefatory remarks of William C. Sullivan circulated to all members at the meeting.

2. Background to the Creation of Committee

Mr. Tom C. Huston of the White House briefed the Committee on the President's concern over the emergence of the threat from sporadic violence and anarchism from the New Left, as well as the President's concern as to whether the intelligence community is doing everything possible to cope with the problem. Mr. Huston emphasized that an effort must be made for community-wide analysis and assessment of information so as to be in a position to advise the President as to what is going to happen in the future and what position the intelligence community will be in to be aware of these developments. An outline defining the purpose and membership of the Committee, as well as procedures and objectives of the Committee's review, was distributed at the meeting by Mr. Huston.

3. Classification Matters

The Chairman asked for comments regarding the level of classification for papers or reports prepared by the Committee. Mr. Buffham of NSA suggested the adoption of a code word. After some discussion, Mr. Helms, Director of CIA, recommended the classification "Top Secret - Handle Via Count Channels Only." In addition, Mr. Helms suggested the maintenance of a "Bigot List" reflecting the names of all persons in each member agency or department who will work on or have knowledge of the work of the Committee. The Committee unanimously concurred in adopting both suggestions.*

*Members are requested to furnish their "Bigot List" to the Secretary at the meeting of June 12, 1970.

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4. Requirements for Next Meeting

It was agreed that at the next meeting members will table a list of those restraints which they consider hamper their intelligence-collection activities. The list should include the pros and cons of these restraints.

Mr. Buffham noted that in the outline distributed by Mr. Huston the Committee was called upon to define and assess the existing internal security threat. Mr. Buffham felt this was something that should be worked on immediately by the experts from the member agencies or departments. Mr. Huston suggested that the FBI prepare such a paper from the domestic standpoint and CIA from the foreign standpoint. All members concurred, and it was agreed CIA and FBI will distribute these papers for the Committee's consideration at the next meeting.

5. Security of Committee's Work

Members took cognizance of the necessity for tight security to insure the existence and work of the Committee not become known to unauthorized persons. As a result, it was agreed that the Committee would continue to meet in the CIA Headquarters Building.

6. Next Meeting

The next meeting will be at 1:30 p.m., June 12, 1970, Room 7D-64, CIA Headquarters Building.*

*Members please note change in room number.

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EXHIBIT 12

TOP SECRET

USIB SUB-COMMITTEE ON DOMESTIC INTELLIGENCE

I. Purpose

- (A) To define and assess the existing internal security threat.
- (B) To evaluate the collection procedures and techniques presently employed and to assess their effectiveness.
- (C) To identify gaps in our present collection efforts and recommend steps to close these gaps.
- (D) To review current procedures for inter-community coordination and cooperation and to recommend steps to improve these procedures.
- (E) To evaluate the timeliness of current intelligence data and to recommend procedures to increase both its timeliness and usefulness.
- (F) To assess the priorities presently attached to domestic intelligence collection efforts and to recommend new priorities where appropriate.

II. Membership

- (A) FBI, Chairman
- (B) CIA
- (C) NSA
- (D) DIA
- (E) Military Services
- (F) The White House

SECRET ROOM

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III. Procedures

- (A) Although the sub-committee will be officially constituted within the framework of USIB, it will in fact be an independent, ad hoc, inter-agency working group with a limited mandate.
- (B) Operational details will be the responsibility of the chairman. However, the scope and direction of the review will be determined by the White House member.]
- (C) The sub-committee will submit its reports to the White House and not to USIB. Report will be due by July 1, 1970.
- (D) To insure that the President has all the options available for consideration, the WH member may direct detailed interrogatories to individual agencies in order to ascertain facts relevant to policy evaluation by the President. Information resulting from such interrogatories will, if the contributing agency requests, be treated on a confidential basis and not be considered by the sub-committee as a whole.

IV. Objectives of the Review

- (A) Maximum coordination and cooperation within the intelligence community. The sub-committee may wish to consider the creation of a permanent Domestic Intelligence Operations Board, or some other appropriate mechanism to insure community-wide evaluation of intelligence data.
- (B) Higher priority by all intelligence agencies on internal security collection efforts.
- (C) Maximum use of all special investigative techniques, including increased agent and informant penetration by both the FBI and CIA.

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- (D) Clarification of NSA's role in targeting against communication traffic involving U.S. revolutionary leaders and organizations.
- (E) Maximum coverage of the overseas activities of revolutionary leaders and of foreign support of U.S. revolutionary activities.
- (F) Maximum coverage of campus and student-related activities of revolutionary leaders and groups.
- (G) More detailed information about the sources and extent of financial support of revolutionary organizations.
- (H) Clarification of the proper domestic intelligence role of the Armed Services.
- (I) Development of procedures for translating analyzed intelligence information into a format useful for policy formulation.

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EXHIBIT 13

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

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. C. D. DeLoach

DATE: June 15, 1970

FROM : Mr. W. C. Sullivan

SUBJECT: INTERAGENCY COMMITTEE ON INTELLIGENCE
(ESTABLISHED BY THE PRESIDENT JUNE 5, 1970)
MEETING OF THE WORKING SUBCOMMITTEE JUNE 12, 1970

This memorandum records the results of the Working Subcommittee.

At the meeting of June 12, 1970, the Committee agreed on an outline for the report to be furnished to the President by July 1, 1970. This report will cover three specific areas of interest: (a) an assessment of the current internal security threat along with the likelihood of future violence; (b) a listing of the current restraints which deter the development of the type of information the President desires; (c) an evaluation of interagency coordination.

With regard to an assessment of the current internal security threat, the Committee agreed the President does not desire a recitation of history but rather desires information as to what the problem is and an estimate of what the future problem will be.

The White House representative advised the restraints portion of the Committee report to the President should include, in addition to identifying the restraints and a listing of the pros and cons of removing or modifying the restraints, a brief paragraph allowing the President to indicate what action he desires be taken. Specifically, this would provide the President the opportunity to indicate whether he desired the restraints to be continued, relaxed, or that he needed additional information upon which to make a decision. It was the sense of the Committee regarding the third portion of the report that a permanent operations committee was needed to coordinate operations, prepare estimates of potential violence during future demonstrations, and to develop new policies. The creation of such a committee was endorsed by the White House representative who indicated such a committee would probably be desired by the President.

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CONTINUED - OVER -

Memorandum Sullivan to DeLoach
Re: INTERAGENCY COMMITTEE ON INTELLIGENCE

The next meeting is scheduled for June 17, 1970, at which time the Committee will consider the first draft of the report.

ACTION:

For information.

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MAY 5 1975

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13
 IS
 VOICE OF CONSCIENCE
 VOL. 13, NO. 1

Minutes of
 Special Meeting
 Conference Room 7D-80
 CIA Headquarters Building
 June 12, 1970, 1:30 to 3:30 p.m.

William C. Sullivan
 Assistant Director, Federal Bureau of Investigation
 Presiding

MEMBERS PRESENT

Mr. Tom C. Huston, White House
 Mr. James Angleton, CIA
 Mr. James Stilwell, DIA
 Col. John Downie, Army
 Mr. Charles Sither, Air Force
 Capt. Leonard Rifenbush, Navy
 Mr. Benson K. Ruffalo, NSA
 Mr. George C. Moore, FBI
 Mr. Donald E. Moore, FBI
 Mr. William O. Cregar, FBI, Secretary

Observers:

Col. Rudolph Koller, Air Force
 Lt. Col. Donald F. Philbrick, DIA
 Mr. Elihu Braunstein, Army
 Mr. Harry Warren, Navy
 Mr. James Gessler, NSA
 Mr. Leonard J. Russo, NSA
 Mr. Richard Ober, CIA
 Mr. Fred J. Cassidy, FBI

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, 1970

1. Approval of Minutes of the First

The minutes of the first meeting were approved with no changes.

2. Distribution of FBI Submission Entitled "Defining and Assessing the Existing Internal Security Threat - Domestic"

The FBI contribution was circulated to all members. It was suggested by Mr. Huston of the White House that the report be tabled to permit an in-depth reading by all members and that the contents of the submission be discussed at the next meeting. In this regard, Mr. Huston reiterated that the assessment paper should not be lengthy; should assess the current threat and estimate what the future threat will be.

3. CIA's Submission Entitled "Defining and Assessing the Existing Internal Security Threat - Foreign"

The CIA representative advised his Agency's submission would be circulated to all members in time for an in-depth discussion at the next Committee meeting.

4. Distribution and Discussion of "List of Restraints Inhibiting Intelligence-Collection Efforts"

The restraints papers submitted were read by all members. Mr. Huston indicated that the FBI submission was in the form he desired. He suggested the restraints portion of the report be patterned after the FBI submission with a concluding paragraph after each individual restraint providing the President with the option of continuing or modifying the restraint or asking for additional information on which to base a decision.

5. Preparation of Report

A suggested outline distributed to all members was read and approved. It was agreed that the FBI would prepare

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the first draft to be circulated to all members on June 16, 1970, following submission of inputs to all members no later than 10 a.m., June 15, 1970.

Committee members discussed the advisability of recommending the establishment of a permanent intelligence operations committee. Mr. Huston suggested the report address itself to this and include (1) how the committee would be constituted, (2) to whom it would report, (3) procedural matters, and (4) the committee's area of responsibility to include operations, preparation of estimates, and development of policy recommendations.

6. Next Meeting

The next meeting will be held on Wednesday, June 17, 1970, in the U. S. Intelligence Board Conference Room 7E-26.*

*Members please note change in room number.

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EXHIBIT 14

13, 1970

INTERAGENCY COMMITTEE ON INTERNAL SECURITY
WORKING SUBCOMMITTEE

AGENDA
Third Meeting
USIS Conference Room 7E-20
on Wednesday, June 17, 1970, at 1:00 p.m.

-
1. Approval of Minutes of Second Meeting William C. Sullivan
 2. Discussion of Documents by FBI and CIA Entitled "Critique and Assessment of the Existing Internal Security Threat" All Members
 3. Discussion of Documents Submitted by All Agencies Entitled "List of Restraints Inhibiting Intelligence-Collection Efforts" All Members
 4. Review of First Draft of Committee Report Formulated to All Members June 16, 1970 William C. Sullivan
 5. Date and Place of Next Meeting

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ICI-5-3
June 19, 1970

INTERAGENCY COMMITTEE ON INTELLIGENCE
WORKING SUBCOMMITTEE

Minutes of
Third Meeting
Conference Room 10-25
CIA Headquarters Building
June 18, 1970, 2 to 6 p.m.

William C. Sullivan
Assistant Director, Federal Bureau of Investigation
Presiding

MEMBERS PRESENT

Mr. Tom C. Huston, White House
Mr. James Angleton, CIA
Mr. James Stillwell, DIA
Col. John Bowate, Army
Mr. Charles Sather, Air Force
Capt. Edward Richmond, Navy
Mr. Benson K. Saffham, FBI
Mr. Charles D. Brennan, FBI
Mr. George C. Moore, FBI
Mr. William C. Cregar, FBI, Secretary

Observers:

Col. D. E. Walker, Air Force
Mr. Elihu Braunstein, Army
Mr. Harry Warren, Navy
Mr. B. L. Willard, Navy
Mr. James Gouzier, NSA
Mr. Leonard J. Russo, DOD
Mr. Richard Ober, CIA
Mr. Fred J. Casady, FBI

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IC1-M-3
June 19, 19701. Approval of Minutes of Second Meeting:

The minutes of the second meeting were approved with no changes.

2. Items Two and Three on the Agenda

The Chairman suggested that items two and three appearing on the agenda for the third meeting not be discussed inasmuch as the information contained therein had been incorporated into the draft report. The Committee concurred in this suggestion.

3. Review of First Draft of Committee Report

Detailed discussion developed regarding the draft. All members contributed valuable suggestions in ways to improve the report. It was agreed that the FBI would attempt to incorporate suggested changes into a second draft. This draft is to be circulated to all members as soon as possible, after which the recipients will attempt to obtain appropriate high-level concurrence within their respective agencies or departments.

4. Date and Place of Next Meeting

The next meeting will be held on Tuesday, June 23, 1970, in the U. S. Intelligence Board Conference Room 7E-26.

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

5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. C. D. DeLoach

DATE: June 19, 1970

FROM : W. C. Sullivan

SUBJECT: INTERAGENCY COMMITTEE ON INTELLIGENCE
(ESTABLISHED BY THE PRESIDENT JUNE 5, 1970)
MEETING OF THE WORKING SUBCOMMITTEE June 18, 1970

In two previous meetings of the above-captioned committee general discussions took place and the ground work was prepared for dealing with the substance of the report. Yesterday, a third meeting was held which extended throughout the afternoon and into the early evening. Memoranda has been prepared and submitted to the Director on the previous two meetings. Yesterday, the members of the four intelligence organizations worked out the report. I received the impression that Admiral Noel Gaylor of National Security Agency may have been a moving force behind the creation of this committee. The Program which we discontinued a few years ago was raised immediately and figured prominently in the discussion.

At the very beginning, the White House representative made it very clear to all members that the report had to be a working subcommittee report and any opinions, observations, conclusions or recommendations of individual agencies should not and could not be set forth with one exception. He said that the President did want a definitive recommendation relative to creating a group or committee which could deal with operational problems and objectives of the member agencies and present estimates, evaluations, and interpretations on the current security threats and problems, resulting from the student-professorial revolutionary activities, black extremism and related security matters. He said the President is of the opinion that all government agencies involved in intelligence activities would have something to contribute and that through such a group or board authority would be exercised to better coordinate the collection of intelligence.

The men representing the Army, Air Force, Navy, National Security Agency and Defense Intelligence Agency went into great detail concerning intelligence operations, techniques, procedures, devices and et cetera, following a detailed discussion concerning the nature of the security threat to the United States today.

While all present were very friendly and cooperative to each other, nevertheless, the fact remains that in such a complex area as intelligence operations, difficult and serious issues are bound to come up concerning which there will be disagreements.

Document is prepared in response to your request and is not for disclosure outside your Committee. It is not to be disclosed to unauthorized persons and the content may not be disclosed to unauthorized persons without the express approval of the FBI.

REC-81
CONTINUED - OVER

Memorandum to Mr. DeLoach

RE: INTERAGENCY COMMITTEE ON INTELLIGENCE
 (ESTABLISHED BY THE PRESIDENT JUNE 5, 1970)
 MEETING OF THE WORKING SUBCOMMITTEE June 18, 1970

In view of this it is probably fortunate that no member was permitted to make any decisions, recommendations, or conclusions, et cetera, in that the President reserves this right for himself only. Each controversial issue has been so set up in writing that the President may quickly and simply indicate whether he wants or does not want any changes made.

Contingent upon what the President decides, it is clear that there could be problems involved for the Bureau. For example, the reactivation of the _____ Program, et cetera.

We are completing the first draft of this report now. As soon as this is done, the report with a cover memorandum explaining the various issues involved will be furnished to the Director either late today or early tomorrow morning.

RECOMMENDATION:

For the information of the Director.

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EXHIBIT 16

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

5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. C. A. Tolson

DATE: 6/20/70

FROM : W. C. Sullivan

SUBJECT: INTERAGENCY COMMITTEE ON INTELLIGENCE
(ESTABLISHED BY THE PRESIDENT, JUNE 5, 1970)

Attached for the Director's consideration is a copy of a first draft of the report prepared by the working committee in connection with captioned matter.

The first 36 pages of this draft present an assessment of the present internal security threat under appropriate captions. This is material with which the Director is thoroughly familiar and it is not believed he need spend too much time reviewing it unless he so desires. There is nothing controversial in this portion of the report.

Material relating to investigative restraints and limitations discussed by the working committee is set forth in Section V (pages 37-59). This material is set forth in accordance with the President's request, with the pros and cons outlined and with no recommendations of any kind made by the committee. It is clear that in this portion we have controversial issues affecting the Bureau as well as the other agencies on the committee.

The final section of the report (pages 60-65) sums up, in accordance with the President's request, the committee's observations concerning current procedures to effect interagency coordination and suggested measures to improve coordination of intelligence collection through the establishment of a permanent interagency committee chaired by the Director or a person designated to act for him.

I do not agree with the scope of this proposed committee nor do I feel that an effort should be made at this time to engage in any combined preparation of intelligence estimates. I can see that a committee could be helpful if it was limited to meeting periodically to determine how to better coordinate operational activities against particular targets in the intelligence field.

The working committee is scheduled to meet again at 2 P.M., Tuesday, June 23, in order to reach agreement on a final draft of this report.

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Memorandum to Mr. C. A. Tolson
 RE: INTERAGENCY COMMITTEE ON INTELLIGENCE

OBSERVATIONS:

If committee agreement is not reached at Tuesday's meeting on the controversial points involved, it would appear we have four possible courses of action:

(1) We can offer no objection to the report and wait to see what the President decides (I think this would be unwise)

(2) The Director can voice his objections to the President verbally.

(3) The Bureau can take a position in writing in the report opposing any relaxation of the investigative restraints discussed on the grounds that the arguments supporting these restraints outweigh the arguments opposed.

(4) The Bureau can take a position in writing in the report that it is opposed to the extensive scope and ramifications of the proposed new committee, while at the same time noting that we would have no objection to a committee which would be limited to meeting periodically in order to effect a better operational coordination among member agencies with regard to particular targets in the intelligence field.

RECOMMENDATIONS:

(1) That approval be given for the Bureau to include in the final committee report a statement opposing the relaxation of investigative restraints which affect the Bureau.

(2) That the Bureau take a position at Tuesday's meeting of the working committee that it is opposed to a new committee of the scope described in the attached draft, but that we would not object to a committee limited to better coordination specific intelligence operations or problems.

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Memorandum to Mr. C. A. Tolson
RE: INTERAGENCY COMMITTEE ON INTELLIGENCE

RECOMMENDATIONS CONTINUED:

(3) That, in addition, the Director give consideration to expressing his objections verbally to the President.

(4) That, if the Director's schedule permits, final meeting of Director's committee take place in his office at 11 a.m., Thursday, June 25. At that time the Director can inquire if other committee members have any further comments and, if not, he can present them with a copy of the final report. (If the Director does not wish to present this report personally to the President, we will prepare appropriate transmittal letter for liaison to handle.)

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EXHIBIT 17

ICI-A-3
June 19, 1970INTERAGENCY COMMITTEE ON INTELLIGENCE
WORKING SUBCOMMITTEEAGENDA
Fourth Meeting
USIB Conference Room 7E-26
on Tuesday, June 23, 1970, at 2 p.m.

-
- | | |
|----------------------------------------------------------------------------------------------|--------------------------------------------|
| 1. <u>Approval of Minutes of
Third Meeting</u> | William C. Sullivan |
| 2. <u>Review of Second Draft of
Committee Report to be
Circulated to All Members</u> | William C. Sullivan |
| 3. <u>Date and Place of Next Meeting</u> | <u>3 PM</u> Thursday
in Hoover's office |

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UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Tolson

DATE: June 24, 1970

FROM : Mr. W. C. Sullivan

SUBJECT: INTERAGENCY COMMITTEE ON INTELLIGENCE (AD HOC)
(ESTABLISHED BY THE PRESIDENT, JUNE 5, 1970)

The final meeting of the working committee was held on 6-23-70 and there is attached a proposed final draft of a report for the Director's review.

During the final working committee session, a number of changes were made in the prior draft which the Director has seen. Significant changes include the following:

1. Two of the investigative restraints previously listed have now been completely eliminated.

2. The FBI's objections to the six remaining restraints have been spelled out specifically in appropriate footnotes which include the basis for our position. In addition, some of the key wording in the narrative has been modified in accordance with the observations the Director made to me Monday. For instance, the term "restrictions" in the decisions section relating to electronic surveillances (page 28) has been changed to "procedures." In the same write-up (page 26), reference to electronic surveillances having been "substantially reduced in recent years" has been taken out.

3. In the section dealing with evaluation of interagency coordination (pages 42-43), the reference to restrictions on FBI and CIA Headquarters Liaison contacts has been removed and the specific reference to the Director as the proposed chairman of an interagency committee has been deleted. Instead, the report merely indicates that the chairman would be named by the President.

AUG 5 1970
Enclosure

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Memorandum W. C. Sullivan to Mr. Tolson
 RE: INTERAGENCY COMMITTEE ON INTELLIGENCE (AD HOC)

4. The prior draft contained a number of proposals relative to a permanent interagency committee including a full-time working group staffed by the various intelligence agencies. In the proposed final draft, these proposals have been toned down somewhat and the proposed full-time working group is mentioned only in passing as a possible future eventuality.* In fact, after considerable discussion the wording of this whole section was framed with a view of eliminating any suggestion that the proposed interagency committee would interfere with the internal operations of any individual agency. In addition, a footnote was added expressing the Bureau's specific views concerning any such committee or group.

5. The section on budget and manpower restrictions (pages 40-41) was revised to make it clear that the FBI does not have any problem with regard to review and approval of its budgetary requests.

Copies of this proposed final draft are being furnished to the member agencies for their review so that all interested parties will be fully cognizant of its contents in advance of the final meeting of the Director's Committee in his office at 3 p.m., Thursday, June 25, 1970. Those present will be Mr. Richard Helms, CIA; Lt. General D. V. Bennett, DIA; and Vice Admiral Noel Gaylor, NSA. Each man will no doubt be accompanied by an aide.

ACTION:

Upon approval, this report will be printed and assembled and then delivered to the Director's Office with a transmittal letter to the President in time for the Director's meeting. Due to the extremely sensitive nature of the report, each copy is being numbered and a record will be kept of each recipient. The Director will note that at the beginning of the President's copy there will be a form to be signed by each agency's head indicating approval of the report.

*Since the concept of a full-time working staff was all but eliminated, a footnote was not taken regarding this item.

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EXHIBIT 18

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

Memorandum

TO : Mr. Tolson

DATE: June 26, 1970

FROM : Mr. W. C. Sullivan *WCS*SUBJECT: INTERAGENCY COMMITTEE ON INTELLIGENCE (AD HOC)
(ESTABLISHED BY THE PRESIDENT, JUNE 5, 1970)

The Director, as Chairman of captioned committee, held the final committee meeting in his office on the afternoon of 6/25/70. Present were the other committee members; namely, Mr. Richard Helms, Director of Central Intelligence Agency; Lieutenant General D. V. Bennett, Director of Defense Intelligence Agency; and Vice Admiral Noel Gayler, Director of National Security Agency. Also present were Mr. Tom C. Huston, White House Presidential Assistant who had served in a liaison capacity with the committee; Assistant Director designate C. D. Brennan of the Domestic Intelligence Division; and the writer, W. C. Sullivan.

The purpose of the meeting was to review in final form which the President had instructed the committee to prepare to assess the current internal security threat to the country and evaluate the capacity of the intelligence community to deal with that threat.

The Director opened the meeting by commending the committee members for the outstanding effort and cooperative spirit they had displayed in working together to compile the comprehensive report.

The Director then furnished each committee member a copy of the report and carefully covered in a concise manner all of the items dealt with in the report. On each and every point the Director solicited observations by each committee member to insure that they fully understood every issue analyzed and were in complete agreement with the contents of the report. In this connection, Mr. Helms and Admiral Gayler suggested three minor additions be made. After securing the concurrence of all committee members, the Director instructed that this be done immediately.

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FBI

Mémorandum to Mr. Tolson
RE: INTERAGENCY COMMITTEE ON INTELLIGENCE (AD HOC)
(ESTABLISHED BY THE PRESIDENT, JUNE 5, 1970)

With that, all committee members signified their full and unqualified approval of the full report and so indicated by affixing their signatures thereto along with the Director's as Chairman of the committee. The Director stated that he would arrange for the transmittal of the report to the White House promptly on 6/26/70.

The Director instructed each committee member to insure that all working copies of the report at the agencies involved should be destroyed and fixed this responsibility on the agency heads who were members of the committee along with the responsibility of insuring that copies of the final report retained by them for reference should be afforded the utmost security.

The Director then concluded the meeting by thanking the respective members of the committee and so dismissed the committee.

RECOMMENDATION:

For information./

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TOP SECRET

June 25, 1970

The President
The White House
Washington, D. C.

Dear Mr. President:

The Interagency Committee on Intelligence (Ad Hoc), which you established on June 5, 1970, has completed its assessment of the current internal security threat and related matters. A special report setting forth the findings of the Committee is attached.

This report is divided into three parts. Part One sets forth a summary of the current internal security threat. Part Two summarizes various operational restraints on intelligence collection and lists both the advantages of maintaining these restrictions and the advantages of relaxing them. Part Three provides an evaluation of interagency coordination, including suggested measures to improve the coordination of domestic intelligence collection.

This report has been approved by all of the members of the Committee representing the Central Intelligence Agency, the Defense Intelligence Agency, the National Security Agency, and the Federal Bureau of Investigation.

Sincerely yours,

Enclosure

WCS/mea
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JUN 30 1970

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EXHIBIT 19

THE WHITE HOUSE
WASHINGTON

July 9, 1970

MEMORANDUM FOR: Mr. Richard Helms
Director, Central Intelligence Agency

SUBJECT: Domestic Intelligence and Internal Security Affairs

In the future, I would appreciate it if your agency would address all material relating to matters of domestic intelligence or internal security interest to my exclusive attention.

The President is anxious to centralize the coordination at the White House of all information of this type, and your cooperation in this regard would be appreciated.

Dr. Kissinger is aware of this new procedure.

Tom Charles Huston
TOM CHARLES HUSTON

2 Feb 71

John Dean contacted
me by phone today
that he should be addressed
rather than Hudson
(who is incidentally now on Dean's
staff). *Richard Helms*

EXHIBIT 20

— 24.3 Richard Helms memorandum

SECRET/SENSITIVE

23 July 1970

MEMORANDUM FOR THE RECORD

SUBJECT: Discussion with Attorney General Mitchell on Domestic Intelligence

1. During a private meeting with the Attorney General on 27 July 1970, it became clear, to my great surprise, that he had heard nothing whatever about the President's instructions on "Domestic Intelligence" until that very morning. In other words, the Attorney General had not been told of the meeting at the White House on 5 June 1970 or of the ad hoc committee meetings chaired by the FBI which had followed or about the report which was sent to the President around 1 July, setting forth constraints on domestic intelligence collection. As I understand it, the Attorney General first heard about these matters when the Director of the FBI complained to him about a memorandum from Mr. Tom Charles Huston which must be essentially the same text as the one I received under date of 23 July 1970 (#SC 05875-70).

2. I told the Attorney General that we had put our backs into this exercise, because we had thought that he knew all about it and was behind it. The Attorney General was frank with me. In addition, he said that he had told Mr. Hoover to "sit tight" until he (the Attorney General) had an opportunity to discuss this whole matter with the President upon his return to Washington from San Clemente next week.

3. In connection with the problems involved in domestic intelligence collection, I again suggested to the Attorney General that he have a talk with Mr. Sam J. Papich who, I pointed out, has now fully retired from the FBI. The Attorney General again wrote down Mr. Papich's name.

RMH
Richard Helms
Director

Distribution:

Orig - ECI's file
1 cc - ER w/SC 05875-70

SECRET/SENSITIVE

EXHIBIT 21

25.3 Richard Helms memorandum

MEMORANDUM FOR: Mr. McManis

Per your telephone request, I am returning
herewith Mr. Huston's memorandum to me, Subject:
Domestic Intelligence, dated July 23, 1970.

Richard Helms
Richard Helms

28 July 1970
(DATE)

EXHIBIT 22

25.7 Tom Huston memorandum

THE WHITE HOUSE
WASHINGTON

August 5, 1970

EYES ONLY

MEMORANDUM FOR H. R. HALDEMAN

FROM: TOM CHARLES HUSTON

SUBJECT: DOMESTIC INTELLIGENCE

In anticipation of your meeting with Mr. Hoover and the Attorney General, I would like to pass on these thoughts:

1. More than the FBI is involved in this operation. NSA, DIA, CIA, and the military services all have a great stake and a great interest. All of these agencies supported the options selected by the President. For your private information, so did all the members of Mr. Hoover's staff who worked on the report (he'd fire them if he knew this.)

3. We are not getting the type of hard intelligence we need at the White House. We will not get it until greater effort is made through community-wide-coordination to dig out the information by using all the resources potentially available. It is, of course, a matter of balancing the obvious risks against the desired results. I thought we balanced these risks rather objectively in the report, and Hoover is escalating the risks in order to cloak his determination to continue to do business as usual.

4. At some point, Hoover has to be told who is President. He has become totally unreasonable and his conduct is detrimental to our domestic intelligence operations. In the past two weeks, he has terminated all FBI liaison with NSA, DIA, the military services, Secret Service -- everyone except the White House. He terminated liaison with CIA in May. This is bound to have a crippling effect upon the entire community and is contrary to his public assurance to the President at the meeting that there was close and effective coordination and cooperation within the intelligence community. It is important to remember that the entire intelligence community knows that the President made a positive decision to go ahead and Hoover has now succeeded in forcing a review. If he gets his way it is going to look like he is more powerful than the President. He had his say in the footnotes and RN decided against him. That should close the matter and I can't understand why the AG is a party to reopening it. All of us are going to look damn silly in the eyes of Helms, Gayler, Bennett, and the military chiefs if Hoover can unilaterally reverse a Presidential decision based on a report that many people worked their asses off to prepare and which, on its merits, was a first-rate, objective job.

5. The biggest risk we could take, in my opinion, is to continue to regard the violence on the campus and in the cities as a temporary phenomenon which will simply go away as soon as the Scrantom Commission files its report. The one statement that Rennie Davis made at HENW which I thought made sense was that the Attorney

General was kidding himself when he said the campuses would be quiet this fall. Davis predicted that at least 30 would be closed down in September. I don't like to make predictions, but I am not at all convinced, on the basis of the intelligence I have seen, that we are anyway near over the hump on this problem, and I am convinced that the potential for even greater violence is present, and we have a positive obligation to take every step within our power to prevent it.

6. Hoover can be expected to raise the following points in your meeting:

(a) "Our present efforts are adequate." The answer is bullshit. This is particularly true with regard to FBI campus coverage.

(b) "The risks are too great; these folks are going to get the President into trouble and RN had better listen to me." The answer is that we have considered the risks, we believe they are acceptable and justified under the circumstances. We are willing to weigh each exceptionally sensitive operation on its merits, but the Director of the FBI is paid to take risks where the security of the country is at stake. Nothing we propose to do has not been done in the past -- and in the past it was always done successfully.

(c) "I don't have the personnel to do the job the President wants done." The answer is (1) he has the people and/or (2) he can get them.

(d) "I don't object to NSA conducting surreptitious entry if they want to." The answer is that NSA doesn't have the people, can't get them, has no authority to get them, and shouldn't have to get them. It is an FBI job.

(c) "If we do these things the 'jackals of the press' and the ACLU will find out; we can't avoid leaks." Answer: We can avoid leaks by using trained, trusted agents and restricting knowledge of sensitive operations on a strict need to know basis. We do this on other sensitive operations every day.

(f) "If I have to do these things, the Attorney General will have to approve them in writing." This is up to the AG, but I would tell Hoover that he has been instructed to do them by the President and he is to do them on that authority. He needn't look for a scape goat. He has his authority from the President and he doesn't need a written memo from the AG. To maintain security, we should avoid written communications in this area.

(g) "We don't need an Inter-Agency Committee on Intelligence Operations because (1) we're doing fine right now -- good coordination, etc. -- and (2) there are other existing groups which can handle this assignment." The answer is that we are doing lousy right now and there aren't other groups which can do the job we have in mind because: (1) they don't meet; (2) they don't have the people on them we want or have some people we don't want; (3) they don't have the authority to do what we want done; (4) ultimately this new operation will replace them; and (5) they aren't linked to the White House staff.

There are doubtless another dozen or so specious arguments that Hoover will raise, but they will be of similar quality. I hope that you will be able to convince the AG of the importance and necessity of getting Hoover to go along. We have worked for nearly a year to reach this point; others have worked far longer and had abandoned hope. I believe we are talking about the future of this country, for surely domestic violence and disorder threaten the very fabric of our society. Intelligence is not the cure, but it can provide the diagnosis that makes a cure possible. More importantly, it can provide us with the means to prevent the

deterioration of the situation. Perhaps lowered voices and peace in Vietnam will defuse the tense situation we face, but I wouldn't want to rely on it exclusively.

There is this final point. For eighteen months we have watched people in this government ignore the President's orders, take actions to embarrass him, promote themselves at his expense, and generally make his job more difficult. It makes me fighting mad, and what Hoover is doing here is putting himself above the President. If he thought the Attorney General's advice should be solicited, he should have done so before the report was sent to the President. After all, Hoover was chairman of the committee and he could have asked the AG for his comments. But no, he didn't do so for it never occurred to him that the President would not agree with his footnoted objections. He thought all he had to do was put in a footnote and the matter was settled. He had absolutely no interest in the views of NSA, CIA, DIA, and the military services, and obviously he has little interest in our views, or apparently even in the decisions of the President. I don't see how we can tolerate this, but being a fatalist, if not a realist, I am prepared to accept the fact that we may have to do so.

Tom
TOM CHARLES HUSTON

EXHIBIT 23

MEMORANDUM

THE WHITE HOUSE
WASHINGTONCONFIDENTIAL

August 7, 1970

MEMORANDUM FOR H. R. HALDEMAN

SUBJECT: DOMESTIC INTELLIGENCE REVIEW.

Mr. Hoover has departed for the West Coast where he plans to vacation for three weeks. If you wait until his return to clear up the problems surrounding our Domestic Intelligence operations, we will be into the new school year without any preparation.

The situation in Portland is beginning to look very tense -- the American Legion Convention could become the first battleground for a new wave of youthful violence. Coming just as the school year begins, it could serve as a catalyst for widespread campus disorders.

I recommend that you meet with the Attorney General and secure his support for the President's decisions, that the Director be informed that the decisions will stand, and that all intelligence agencies are to proceed to implement them at once.

Tom
TOM CHARLES HUSTON

EXHIBIT 24

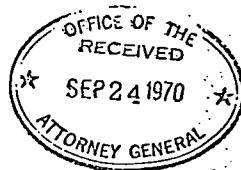
THE WHITE HOUSE
WASHINGTON

September 18, 1970

TOP SECRET

MEMORANDUM FOR

THE ATTORNEY GENERAL



Pursuant to our conversation yesterday, September 17, 1970, I suggest the following procedures to commence our domestic intelligence operation as quickly as possible.

1. Interagency Domestic Intelligence Unit. A key to the entire operation will be the creation of a interagency intelligence unit for both operational and evaluation purposes. Obviously, the selection of persons to this unit will be of vital importance to the success of the mission. As we discussed, the selection of the personnel for this unit is an appropriate first step for several reasons. First, effective coordination of the different agencies must be developed at an early stage through the establishment of the unit. Second, Hoover has indicated a strong opposition to the creation of such a unit and, to bring the FBI fully on board, this seems an appropriate first step to guarantee their proper and full participation in the program. Third, the unit can serve to make appropriate recommendations for the type of intelligence that should be immediately pursued by the various agencies. In regard to this third point, I believe we agreed that it would be inappropriate to have any blanket removal of restrictions; rather, the most appropriate procedure would be to decide on the type of intelligence we need, based on an assessment of the recommendations of this unit, and then to proceed to remove the restraints as necessary to obtain such intelligence.

To proceed to create the interagency intelligence unit, particularly the evaluation group or committee, I recommend that we request the names of four nominees from each of the intelligence agencies involved. While the precise composition of the unit may vary as we gain experience, I think that two members should be appointed initially from each agency in addition to your personal representative who should also be involved in the proceedings. Because of the interagency aspects of this request, it would probably be best if the request came from the White House. If you agree, I will make such a request of the agency

-2-

heads; however, I feel that it is essential that you work this out with Hoover before I have any dealings with him directly.

2. Housing. We discussed the appropriate housing of this operation and, upon reflection, I believe that rather than a White House staffer looking for suitable space, that a professional intelligence person should be assigned the task of locating such space. Accordingly, I would suggest that a request be made that Mr. Hoover assign an agent to this task. In connection with the housing problem, I think serious consideration must be given to the appropriate Justice Department cover for the domestic intelligence operation. We discussed yesterday using IDIU as a cover and as I indicated I believe that that is a most appropriate cover. I believe that it is generally felt that IDIU is already a far more extensive intelligence operation than has been mentioned publicly, and that the IDIU operation cover would eliminate the problem of discovering a new intelligence operation in the Department of Justice. However, I have reservations about the personnel in IDIU and its present operation activities and would suggest that they either be given a minor function within the new intelligence operation or that the staff be completely removed. I have had only incidental dealings with the personnel, other than Jim Devine, and cannot speak to their discretion and loyalty for such an operation. I do not believe that Jim Devine is capable of any major position within the new intelligence operation. However, I do believe that he could help perpetuate the cover and he has evidenced a loyalty to you, the Deputy and other key people in the Department of Justice, despite his strong links with the prior Administration. I would defer to your judgement, of course, on any recommendation regarding Jim Devine's continued presence in such an intelligence operation.

3. Assistant to Attorney General. We also discussed the need for you to have a right hand man to assist in running this operation. It would seem that what is needed is a man with administrative skills, a sensitivity to the implications of the current radical and subversive movements within the United States, and preferably, some background in intelligence work. To maintain the cover, I would think it appropriate for the man to have a law degree in that he will be a part of the Department of Justice. You suggested the possibility of using a prosecutor who had had experience with cases of this type. Accordingly, I have spoken with Harlington Wood to ask him to submit the names of five Assistant U. S. Attorneys who have had experience in dealing with demonstrations or riot type cases and who are mature individuals that might be appropriately given a sensitive

assignment in the Department of Justice. I did not discuss the matter in any further detail with Wood other than to request the submission of some nominees. I would also like to suggest that we request names from the various intelligence agencies involved for personnel that might be appropriately involved in this activity or who might serve as your assistant.

In summary, I recommend the following immediate action:

- (1) You meet with Hoover, explain what must be done, and request his nominees for the interagency unit.
- (2) You request that Hoover assign an agent to the task of locating appropriate housing for the operations.
- (3) I request that other involved intelligence agencies submit nominees for the interagency unit.
- (4) I request from the agencies names of appropriate personnel for assignment to the operation.

Finally, I would suggest that you call weekly meetings to monitor the problems as they emerge and to make certain that we are moving this program into implementation as quickly as possible.



JOHN DEAN

N.B. Bob Haldeman has suggested to me that if you would like him to join you in a meeting with Hoover he will be happy to do so.

EXHIBIT 25

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : The Attorney General

DATE: Dec. 4, 1970

FROM : Robert C. Mardian
Assistant Attorney General
Internal Security Division *RCM*

SUBJECT: Intelligence Evaluation Committee Status Report

As a result of my discussions with Director Hoover of the FBI and Director Helms of the CIA and in consultation with Justice Sharpe and John Dean, it was decided to limit the first meeting of the Evaluation Committee to representatives of the CIA, the FBI, Justice Sharpe, John Dean and myself. John Doherty, Deputy Assistant Attorney General, Internal Security Division, also attended. Director Helms designated James Angleton, Chief of the Counter-Espionage Section of the CIA as his representative and Director Hoover designated Inspector George C. Moore, Branch Chief of his Internal Security Division as his representative.

Our first meeting was held in John Dean's office on Thursday, December 3, between the hours of 9 AM and 12 Noon. I indicated that the purposes of the meeting were (1) to reach an agreement as to the goal sought to be attained by the Committee, (2) to identify the membership of the Committee, and (3) to define the role Justice Sharpe was to play and to reach agreement with respect to his housing and staff needs.

After considerable discussion, it was the unanimous opinion of those present that the goal sought was to provide for access by one authority to all of the intelligence in the possession of the United States Government respecting revolutionary terrorist activities in the United States and to evaluate this intelligence to determine (a) the severity of the problem and (b) what form the Federal response to the problem identified should take. We also agreed that this evaluation would, of necessity, disclose the sufficiency of our present intelligence resources, as well as the priorities which the government should attach to the problem.

-2-

We also reached unanimous agreement with respect to the question of the composition, initially at least, of the Committee. Although we could identify approximately thirteen separate intelligence units within the government, it was concluded that participation by all of them would be cumbersome and counter-productive. Recognizing that we would need to bring in other intelligence units at a subsequent date, we agreed that the Committee would be limited for the present to the following:

1. Central Intelligence Agency
2. Federal Bureau of Investigation
3. National Security Agency
4. Department of Defense
5. Treasury Department (Secret Service)

Both the CIA and FBI representatives were in agreement that Colonel Downey of the Army would be the most effective person to work with from the Department of Defense provided he would be permitted to report directly to the Office of the Secretary of Defense rather than through the chain of command in the Army. No recommendations with respect to the representatives of the National Security Agency or the Secret Service were made.

The group agreed that the Attorney General should speak personally to Secretary Laird, Secretary Kennedy, and Admiral Gayler and request that they designate their representatives to the Committee and that a specific request be made for Colonel Downey as the representative of the Secretary's office rather than of the Army. I informed you of this request orally after the meeting yesterday and am awaiting your reply.

We agreed that it was absolutely imperative that there be no discussion or communication of our activities except between the participants and the heads of their respective agencies and between the Committee and you and the White House designees.

We also agreed that in the event of a leak the governmental response would simply be that the activities of the Committee were an attempt

-3-

to upgrade the intelligence-gathering activities of the IDIU which had heretofore been made public and that Justice Sharpe had been employed as a consultant by the Attorney General to assist in this endeavor.

The Committee determined that Justice Sharpe would be housed in FOB #7 for convenience and that he would be furnished secretarial support from the Department of Justice and technical advice as needed from the Deputy Assistant Attorney General, Internal Security Division, John Doherty.

The meeting concluded with the further agreement to meet again as soon as possible after designation of the representatives by Defense, NSA, and Treasury.

cc: Mr. Ehrlichman
Mr. Waldeman

EXHIBIT 26

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

UNITED STATES GOVERNMENT

Memorandum

TO : Assistant Attorney General
Internal Security Division

JMA
FROM : Director, FBI

DATE: February 3, 1971

SUBJECT: INTELLIGENCE EVALUATION COMMITTEE
INTERNAL SECURITY - MISCELLANEOUS

Reference is made to your letter dated February 2, 1971, which consisted of a draft of a "proposed charter" of the captioned organization which has been provided to this Bureau for review and comments.

In this regard it is requested that an appropriate change be made in the wording of paragraph IV entitled "Staff" to clearly show that the FBI will not provide personnel for the proposed permanent intelligence estimation staff. The wording would then be consistent with our position as stated in my letter dated January 27, 1971, prompted by manpower and budgetary problems.

Although we are unable to provide any personnel support, you may be assured of our continuing full cooperation in providing all relevant intelligence which might be of assistance to the Committee in fulfilling its responsibilities.

62-113887

RECEIVED
FEB 5 1971
INTERNAL SECURITY DIVISION

44-03-2	
DEPARTMENT OF JUSTICE	
11	FEB 5 1971
R.A.O.	
INTERNAL SECURITY	

Liaison & Policy Planning



UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

D R A F T

TO : See Addressees Below

DATE: February 10, 1971

FROM : Robert C. Mardian ^{UM}
Assistant Attorney General
Internal Security Division

SUBJECT: Intelligence Evaluation Committee

I. AUTHORITY:

Interdepartmental Action Plan for Civil Disturbances.

II. MISSION:

To provide intelligence estimates to the responsible Government departments and agencies on a need-to-know basis in order to effectively evaluate and anticipate problems to appropriately respond to civil disorders. In carrying out this mission, the Committee shall have access to all pertinent intelligence in the possession of the United States Government.

III. MEMBERSHIP:

Members of the Committee shall consist of representatives of the following departments and agencies: Department of Defense; Department of Justice; Central Intelligence Agency; Federal Bureau of Investigation; Secret Service; National Security Agency, and, when necessary, representatives of other departments or agencies designated by the Committee.

IV. STAFF:

The Committee will be supported by a permanent intelligence estimation staff* consisting of representatives from membe

* The Federal Bureau of Investigation advised it would not provide personnel for this staff.

D R A F T

-2-

departments and agencies and headed by an executive director appointed by the Committee.

V. PROCEDURES AND FUNCTIONS:

The permanent staff will perform the following functions:

1. When requested by the Committee, the Departments or Agencies represented shall furnish to the Committee staff all pertinent information relevant to the stated request of the Committee. Such requests for intelligence data shall first be approved by the Committee. The Executive Director of the permanent staff may initiate requests for information from member agencies subject to review and approval by the committee.
2. Prepare estimates from time to time as directed by the Committee.
3. Report information gaps to the Committee as such gaps are identified.
4. Recommend to the Committee no less often than monthly subjects for intelligence estimation.
5. Prepare other relevant studies and reports as directed by the Committee.
6. Provide for the security of information received and the protection of all sources of information.

VI. OFFICE SPACE AND FACILITIES:

The Department of Justice shall provide necessary office space, supplies, and incidental administrative support.

ADDRESSEES:

Inspector George C. Moore
Mr. Benson Buffham
Mr. Thomas J. Kelley
Colonel John W. Downey
Mr. Richard Ober

EXHIBIT 27

Form CJ-156
(Ed. 4-26-65)

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : THE ATTORNEY GENERAL

DATE: February 12, 1971

FROM : Robert C. Mardian
Assistant Attorney General *RM*
Internal Security Division

SUBJECT: Intelligence Evaluation Committee

Attached is the final draft of the charter of the Intelligence Evaluation Committee which has the approval of the entire IEC staff, other than the representative of the Federal Bureau of Investigation. The Bureau advises, as you will note from the attached memorandum, that they will not provide personnel to work with the Committee staff for the purposes stated in the charter. Also attached are two memoranda from the Director to me, dated January 27, 1971 and February 3, 1971, in which he states his reasons for being unwilling to participate.

Although it might be possible to continue the work of the Committee without the FBI evaluator, in view of the fact that most of the intelligence information available is Bureau information, I do not think that the quality of the intelligence estimates would be sufficiently improved to warrant continuing our effort without their cooperation. I think all of the present members of the Committee other than the FBI member agree with the above assessment.

Pending your further advice, however, we will continue to operate on the basis of the exception noted with reference to Bureau participation.

cc: Honorable John Ehrlichman
Honorable H.R. Haldeman

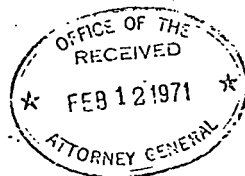


EXHIBIT 28

U.S. GOVERNMENT MEMORANDUM
DEPARTMENT OF JUSTICE
June 11, 1973

To: Colonel Werner E. Michel, Chief, Counterintelligence and
Security Division, The Pentagon

From: Henry E. Petersen, Assistant Attorney General,
Criminal Division

Subject: Intelligence Evaluation Committee (IEC)

The IEC has been engaged in evaluating the potential for violence during various domestic situations. Now that the war in Vietnam has ended demonstrations carrying a potential for violence have virtually ended; therefore, I feel that the IEC function is no longer necessary.

Accordingly, effective immediately, the IEC is no longer in existence. If, in the future, estimates are needed concerning the potential for violence in a given situation, such estimates can be handled by ad hoc groups set up for that purpose.

From: Hearings before the Subcommittee on Constitutional Rights
of the Committee on the Judiciary, United States Senate
93rd Congress, Second Session on S. 2318, April 9 and 10,
1974, issue on Military Surveillance pg. 221.

EXHIBIT 29

MEMORANDUM FOR MITCHELL, EHRLICHMAN, HALDEMAN
Unsigned on Justice Department Stationary
Dated January 19, 1971

"All those who have been involved in the project firmly believe that the starting point for an effective domestic intelligence operation should be the implementation of the Special Report of the Interagency Committee on Intelligence (Ad Hoc Committee Report of June 3, 1970).

"Since the inception of this current project the general climate of public reaction, the has been significantly altered by the incidents which have confronted the Army in its intelligence operation. According, the current activities of the working group would be subject to extreme adverse public media and congressional reaction if discovered.

... "As noted above, there is considerable doubt as to how significant a contribution the proposed committee would make to existing domestic intelligence operations without implementation of the Ad Hoc Committee Report.

"Based on these observations, we have concluded and strongly recommend that the existing plan for establishing a physical office with a committee chairman and staff be rescinded and future meetings of the working group be called on an Ad Hoc basis in John Dean's office; that any deficiencies in intelligence should be called to the attention of the existing agencies and corrections should be made through the normal structure. If this fails to produce the requisite intelligence, it is then recommend that the questions raised by the Ad Hoc Committee Report be re-examined to determine how either partial or full implementation of the recommendations in that report might be accomplished."

It was further recommended that the group adopt the problem-solving approach whereby appropriate agencies develop intelligence estimates of problems the group anticipates the government must face in the near future.

There was also a discussion of "cover" for Justice Morrell Sharp and Doherty since they were both recognized in the EOB.

EXHIBIT 30

ROUTE IN ENVELOPE

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

5010-104

UNITED STATES GOVERNMENT

Memorandum

1 - Mr. Sullivan
1 - Mr. Mohr

Tolson
Sullivan
Mohr
Bishop
Hannon, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : C. D. Brennan

DATE: March 25, 1971

FROM : W. R. Wannall

JUNE

1 - Mr. Dalbey
1 - Mr. Rosen
1 - Mr. Brennan

SUBJECT: DIRECTOR'S MEETING 3/31/71 WITH 1 - Mr. Wannall
ATTORNEY GENERAL, MR. RICHARD 1 - Mr. McDonnell
HELMS AND ADMIRAL NOEL GAYLER

We have had no indication from any source as to the reason why Attorney General asked the Director to meet with him, Mr. Helms and Admiral Gayler on 3/31/71. Since Mr. Helms is Director of Central Intelligence Agency (CIA) and Admiral Gayler is Director of National Security Agency (NSA), both of which agencies are deeply involved in production of foreign intelligence, it would appear that the meeting will probably cover this subject matter.

One of the most pressing problems of the Administration relates to the control of activities of criminal subversives, such as the Weatherman group, the East Coast conspiracy and the Black Panthers. Production of intelligence relating to the proposed activities of such groups has ramifications both in the domestic field and the foreign field, the latter because of indications of possible foreign direction and control of these radical militants.

Memorandum for Mr. Brennan
Re: DIRECTOR'S MEETING 3/31/71 WITH
ATTORNEY GENERAL, MR. RICHARD
HELMS AND ADMIRAL GAYLER

While Bureau has primary responsibility for internal security matters which includes production of domestic intelligence, recognizing the possible foreign ramifications of the present problem relating to criminal subversives, it is felt we should take advantage of any resources of NSA and CIA which can be tapped for the purpose of contributing to the solution of this problem.

Our principal sources for production of intelligence in this area are electronic surveillances and live informants. We have telephone surveillances and microphone surveillance targeted specifically for the production of intelligence in this field. Among our live informants and sources, over are targeted specifically against criminal subversive individuals and organizations. In addition, we have approximately potential informants and sources in various stages of development for this same purpose, many of whom are currently providing significant intelligence data. In various ghetto areas where criminal subversives are concentrated we have over 6200 ghetto informants, persons residing in the areas or having contacts therein, who have agreed to provide us with any information of interest to the FBI which comes to their attention

As noted above, we feel that the foregoing matter is the one most likely for discussion during the 3/31/71 meeting; however, any matter in the foreign intelligence collection field would appear to be a possible subject for discussion, in view of the presence of Mr. Helms and Admiral Gayler and considering their primary missions.

ACTION:

Foregoing is submitted for the information of the Director.

Memorandum

TO : Mr. C. D. Brennan

FROM : W. R. Wannall ^{WRW} J U N E

SUBJECT: DIRECTOR'S MEETING 3/31/71 WITH
ATTORNEY GENERAL, MR. RICHARD
HELMS AND ADMIRAL NOEL GAYLER

1 - Miss Holmes
1 - Mr. Sullivan
1 - Mr. Mohr
1 - Mr. Dalbey

DATE: 3/29/71

1 - Mr. Rosen
1 - Mr. C.D. Brennan
1 - Mr. W.R. Wannall
1 - Mr. W.J. McDonnell

Memorandum 3/25/71 in captioned matter reported that we have 13 telephone surveillances and one microphone surveillance targeted specifically for the production of intelligence relating to activities of domestic criminal subversive individuals and organizations. The Director has asked that these electronic surveillances be identified.

The microphone surveillance covers the residence in San Francisco of Huey P. Newton, Supreme Commander, Black Panther Party.

The 13 telephone surveillances are:

1. Black Panther Party Headquarters, Chicago, Illinois.
2. Black Panther Party Headquarters, Los Angeles, California.
3. Black Panther Party Headquarters, San Francisco, California.
4. Black Panther Party Headquarters, Oakland, California.
5. Black Panther Party Headquarters, New Haven, Connecticut.
6. Black Panther Party Headquarters, Bronx, New York.
7. Junta of Military Organizations, Tampa, Florida (a black extremist organization).
8. Huey P. Newton's residence, San Francisco, California. (He is Supreme Commander of the Black Panther Party).
9. Communist Party USA Headquarters, New York City.

WRW/WJM:dgo
(9)

CONTINUED - OVER

Memorandum, W.R. Wannall to Mr. C.D. Brennan
RE: DIRECTOR'S MEETING 3/31/71 WITH
ATTORNEY GENERAL, MR. RICHARD
HELMS AND ADMIRAL NOEL GAYLER

10. Jewish Defense League Headquarters, New York City.

11. Worker Student Alliance Headquarters, Chicago,
Illinois (affiliate of Students for a Democratic Society, a
New Left extremist group).

12. Nancy Sarah Kurshan's residence, Cleveland,
Ohio (the New Left extremist activist).

13. Nancy Barrett Frappier's residence,
San Francisco, California (contact point of the underground
Weatherman, New Left extremist, violence-prone terrorist group).

ACTION:

The above is submitted in compliance with the
Director's request.

Wannall
CD
Helms
Wannall
Wannall

EXHIBIT 31

OFFICE OF THE DIRECTOR



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20535

Mr. Tolson	.....
Mr. Mohr	.....
Mr. Casper	.....
Mr. Callahan	.....
Mr. Conrad	.....
Mr. Felt	.....
Mr. Gale	.....
Mr. Rosen	.....
Mr. Tavel	.....
Mr. Walters	.....
Tele. Room	.....
Miss Holmes	.....
Miss Gandy	.....

April 12, 1971

MEMORANDUM FOR THE FILES

John H. Helms
On March 29, 1971, I attended a meeting with the Attorney General, Mr. Richard Helms, Director of the Central Intelligence Agency (CIA), and Admiral Noel A. Gaylor, Director of the National Security Agency.

This meeting had been requested by Mr. Helms and was for the purpose of discussing a broadening of operations, particularly of the very confidential type in covering intelligence both domestic and foreign.

There was some discussion upon the part of Mr. Helms of further coverage of mail.

I stated to the Attorney General, Mr. Helms, and Admiral Gaylor that I was not at all enthusiastic about such an extension of operations insofar as the FBI was concerned in view of the hazards involved. The Attorney General stated that he thought before he could make any final decision in this matter, Mr. Helms should make an in-depth examination of exactly what he and Admiral Gaylor desired and then submit to the Attorney General and myself the results of this examination, and he, the Attorney General, would call another meeting of this particular group and make the decision as to what could or could not be done.

Mr. Helms said he would take care of this very promptly.

John Edgar Hoover
John Edgar Hoover
Director

JEH:EDM (1)

EXHIBIT 32

UNITED STATES GOVERNMENT

ROUTE IN ENVELOPE

Memorandum

- 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
- Mr. Holmes
- Miss Gandy

Mr. C. D. DeLoach

DATE: July 19, 1966

W. C. Sullivan

DO NOT FILE

"BLACK BAG" JOBS

1 - Mr. DeLoach
1 - Mr. Sullivan

The following is set forth in regard to your request concerning what authority we have for "black bag" jobs and for the background of our policy and procedures in such matters.

We do not obtain authorization for "black bag" jobs from outside the Bureau. Such a technique involves trespass and is clearly illegal; therefore, it would be impossible to obtain any legal sanction for it. Despite this, "black bag" jobs have been used because they represent an invaluable technique in combating subversive activities of a clandestine nature aimed directly at undermining and destroying our nation.

The present procedure followed in the use of this technique calls for the Special Agent in Charge of a field office to make his request for the use of the technique to the appropriate Assistant Director. The Special Agent in Charge must completely justify the need for the use of the technique and at the same time assure that it can be safely used without any danger or embarrassment to the Bureau. The facts are incorporated in a memorandum which, in accordance with the Director's instructions, is sent to Mr. Tolson or to the Director for approval. Subsequently this memorandum is filed in the Assistant Director's office under a "Do Not File" procedure.

In the field the Special Agent in Charge prepares an informal memorandum showing that he obtains Bureau authority and this memorandum is filed in his safe until the next inspection by Bureau inspectors, at which time it is destroyed.

Memorandum to Mr. C. D. DeLoach
Re: "BLACK BAG" JOBS

We have used this technique on a highly selective basis, but with wide-range effectiveness, in our operations. We have several cases in the espionage field,

Also through the use of this technique we have on numerous occasions been able to obtain material held highly secret and closely guarded by subversive groups and organizations which consisted of membership lists and mailing lists of these organizations.

This applies even to our investigation of the "black bag" job we obtained the records in the possession of three high-ranking officials of a organization in . . . These records gave us the complete membership and financial information concerning the operation which we have been using most effectively to disrupt the organization and, in fact, to bring about its near disintegration.

Memorandum to Mr. C. D. DeLoach
re: "BLACK BAG" JOBS

In short, it is a very valuable weapon which we have used to combat the highly clandestine efforts of subversive elements seeking to undermine our Nation.

RECOMMENDATION:

For your information.

H

No more such techniques must be used.

No more such techniques must be used.

EXHIBIT 33

January 6, 1967

MEMORANDUM FOR MR. TOLSON
MR. DE LOACH

I note that requests are still being made by Bureau officials for the use of "black bag" techniques. I have previously indicated that I do not intend to approve any such requests in the future, and, consequently, no such recommendations should be submitted for approval of such matters. This practice, which includes also surreptitious entrances upon premises of any kind, will not meet with my approval in the future.

Very truly yours,

John Edgar Hoover
Director

JLH:EDM (7)

EXHIBIT 34

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

copy filed

VII-13-3-b(FBI)-4-D1

1975 SEP 24 TH 2 26

SEP 24 1975
SELECT COMMITTEE ON
INTELLIGENCE ACTIVITIES



Honorable Frank Church, Chairman
United States Senate Select Committee
on Intelligence Activities
Washington, D. C. 20510

Dear Senator Church:

By letter of September 22, 1975, from Mr. John Elliff of your Committee staff, Mr. Elliff requested certain information with respect to surreptitious entries conducted by the Federal Bureau of Investigation against domestic targets. Attached and transmitted herewith is a memorandum prepared by the Federal Bureau of Investigation in response to that request.

Sincerely,

MICHAEL E. SHAHEEN, JR.
Special Counsel for Intelligence Coordination



UNITED STATES DEPARTMENT OF JUSTICE
 FEDERAL BUREAU OF INVESTIGATION
 WASHINGTON, D. C. 20535

(IS-3) 62-116395

September 23, 1975

UNITED STATES SENATE SELECT COMMITTEE
 TO STUDY GOVERNMENTAL OPERATIONS
 WITH RESPECT TO INTELLIGENCE ACTIVITIES (SSC)
 RE: SURREPTITIOUS ENTRIES - DOMESTIC TARGETS

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

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

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

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

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

Re: Surreptitious Entries - Domestic Targets

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

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

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

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

Re: Surreptitious Entries - Domestic Targets

2. One white hate group was the target of an entry in March, 1966.

A recent survey of policies and procedures of the General Investigative and Special Investigative Divisions at FBIHQ with respect to surreptitious entries, disclosed that with the exception of entries made for the purpose of installation of authorized electronic surveillances, the technique of surreptitious entry has not been used in criminal investigations.

A list of specific targets has been prepared for review by Senators Church and Tower, and appropriate FBIHQ officials are available for a discussion of this list.

EXHIBIT 35

May 9, 1975

Honorable Hugh E. Kline
Clerk
United States Court of Appeals for
the District of Columbia Circuit
United States Court House
Washington, D. C. 20001

Re: United States v. Ehrlichman
(D.C. Cir. No. 74-1882)

Dear Mr. Kline:

This letter states the views of the Department of Justice concerning an issue raised in this case: the legality of forms of surveillance in the United States without a warrant in cases involving foreign espionage or intelligence. Copies are enclosed for distribution to the Court.

It is the position of the Department that such activities must be very carefully controlled. There must be solid reason to believe that foreign espionage or intelligence is involved. In addition, the intrusion into any zone of expected privacy must be kept to the minimum and there must be personal authorization by the President or the Attorney General. The Department believes that activities so controlled are lawful under the Fourth Amendment.

In regard to warrantless searches related to foreign espionage or intelligence, the Department does not believe there is a constitutional difference between searches conducted by wiretapping and those involving physical entries into private premises. One form of search is no less serious than another. It is and has long been the Department's view that warrantless searches involving physical entries into private premises are justified.

-2-

under the proper circumstances when related to foreign espionage or intelligence (See Brief, p. 45, n. 39).

The discussion by the Special Prosecutor (Brief, Part IB) raises questions which, in our view, are not presented by this case. The physical entry here was plainly unlawful, as the Special Prosecutor argues, because the search was not controlled as we have suggested it must be, there was no proper authorization, there was no delegation to a proper officer, and there was no sufficient predicate for the choice of the particular premises invaded. For these reasons, we fully support the Special Prosecutor in concluding that the entry and search here were unlawful.

Respectfully submitted,

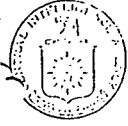
JOHN C. KEENEY
Acting Assistant Attorney General

Enclosures

EXHIBIT 36

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

OFFICE OF THE DIRECTOR



26 February 1970

Personal and Confidential

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

Dear Mr. Hoover:

Mr. _____ has orally informed me that you wish to have the identity of the FBI agent who was the source of certain information communicated to an employee of this Agency. Mr. _____ This information regarding the disappearance of one Thomas Riha was in turn passed to _____

In view of your personal interest in this matter, I instructed Mr. _____ to report to me in person.

I have reviewed this complicated case in detail with Mr. _____ and have requested him to reveal the identity of his source. As a point of honor and personal integrity, Mr. _____ was adamant that he could not disclose the identity of his source. Under further pressure from me, Mr. _____ maintained his position, stating that in defense of it he was prepared to submit his resignation immediately.

Mr. _____ explained that the _____ cases had been given extensive news coverage, much of it being sensational in nature. He stressed that there was embarrassing public speculation as to the possible involvement of the CIA and the FBI in Riha's disappearance.

AUG 3 1970

FBI

I hope sincerely that this recent incident will not impair our mutual efforts in making certain that we have not overlooked factors possibly having a significant bearing on U.S. intelligence and internal security interests. I shall pursue this matter through our respective liaison offices.

In closing, Mr. Hoover, I wish to state that this Agency can only fully perform its duties in the furtherance of the national security when it has the closest coordination and teamwork with the Federal Bureau of Investigation. Furthermore, it is necessary that we continue to conduct our business in an atmosphere of mutual respect. I trust that we can coordinate closely any future developments or actions in these cases, in order to prevent the airing in public of conflicts or differences between the two agencies. I feel strongly that there are representatives of the news media who are eager to exploit alleged differences on a national scale. Disturbing as this experience has been, I wish to thank you in the interests of our common cause for having communicated with me in such a forthright and candid manner.

Sincerely,

Richard Helms

Richard Helms
Director

*This is not a return
to Bureau and Director*
Attachments - 2/s

RECEIVED
AUG 5 1975

FBI

Following are typewritten clarifications of the handwritten comments of J. Edgar Hoover on the attached document:

Page 2, left margin - [] acted properly. II"

Page 2, bottom of page - "I do not agree. [] violated the third agency rule & refused to identify the alleged FBI agent who was the source of the information. II"

Page 3, end of 3rd paragraph - "Helms forgets it is a two way street. II"

Page 3, bottom of page - "This is not satisfactory. I want our Denver Office to have absolutely no contacts with CIA. I want direct liaison here with CIA to be terminated & any contact with CIA in the future to be by letter only. II"

EXHIBIT 37

February 26, 1970

BY LIAISON

Re: [Handwritten Signature]

Honorable Egil Krogh, Jr.
Deputy Assistant to the President
for Domestic Affairs
The White House
Washington, D. C.

~~NO LEFT MOVEMENT INTEREST~~

Dear Mr. Krogh:

Pursuant to your request of February 23, 1970,
there are enclosed 13 memoranda concerning sources of funds
utilized by revolutionary groups.

M

Sincerely yours,

M

Enclosures (13)

ENCLOSURE
ENCLOSURE ATTACHED

EX-103

REC 85

RLS:ms
(9)

100-47697-14
372
9 FEB 27 1970

100-47697-70 15

[Handwritten notes and checkmarks]

ms

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Curt. ms

MAR 12 1970

February 26, 1970

PROGRESSIVE LABOR PARTY

The Progressive Labor Party (PLP) is an active communist party in the United States which adheres to the revolutionary doctrine of the Chinese Communist Party and its leader Mao Tse-tung. Funds for the PLP are obtained from dues paid by members of the organization.

The PLP also derives income from the sale of its magazine "Progressive Labor," and its monthly newspaper "Challenge." PLP has forwarded bulk mailings of these publications directly to Peking, China, in the past. The PLP in January, 1970, printed 16,000 copies of "Challenge," and in February, 1970, 12,000 issues of "Progressive Labor."

EJS:mst
(8)

February 26, 1970

REPUBLIC OF NEW AFRICA

The Republic of New Africa (RNA), a black extremist, separatist organization, was formed in Detroit, Michigan, in March, 1968.

RNA activity has been curtailed from its inception by lack of funds.

GIT:ekw
(8)

WJL CB
PK

February 26, 1970

STUDENT NATIONAL COORDINATING COMMITTEE

The Student National Coordinating Committee is a black extremist nonmembership organization which was founded in 1960 and which until July, 1969, was known as the Student Nonviolent Coordinating Committee. The group is currently led by H. Rap Brown who serves as National Chairman.

The organization is currently active in Atlanta, Georgia; Cincinnati, Ohio; and New York City. The organization's national office is located in New York City where it maintains an office provided by the Saint Peter's Episcopal Church at 380 West 40th Street. The group operates nationally with less than 50 members and is consistently reported to be in dire financial condition.

Additional revenue is obtained through the payment of dues by Student National Coordinating Committee affiliates and recently efforts have been made by the New York organization to publish a news bulletin entitled "National SNCC" which it is intended would sell for 35¢ a copy. Publication of this news letter has not met with success and to date only one issue is known to have appeared.

PEN:fb
(8)

Handwritten signatures and initials:
 W. J. [unclear]
 [unclear]
 [unclear]
 G. J. [unclear]

STUDENT NATIONAL COORDINATING COMMITTEE

February 26, 1970

COMMUNIST PARTY, USA

RCP:pab, *qpk*
(8)

*cut to
B*

Wed

February 26, 1970

SOCIALIST WORKERS PARTY

The Trotskyist Socialist Workers Party (SWP) is headquartered in New York City and is the largest and most active of the communist splinter groups. Through its youth affiliate, the Young Socialist Alliance (YSA), the SWP exerts control over the Student Mobilization Committee to End the War in Vietnam (SMC), a broad-based student antiwar group. The SWP also maintains fraternal ties with the Fourth International, a European Trotskyist organization.

Its primary source of funds is the monthly sustainer of fifteen dollars extracted from each member. In addition, monies are also realized from the sale of publications, collections in support of SWP political candidates, concert collections at large public rallies, and through the control of front organizations

FGB:ser
(3)

WCS
7/3
MAY

February 26, 1970

YOUNG SOCIALIST ALLIANCE

The Young Socialist Alliance (YSA) is the youth organization of the Socialist Workers Party (SWP) and has been described by the SWP as the main recruiting ground for the SWP.

A YSA publication in an article outlining the organizational concepts of the YSA states that the membership and each local chapter are responsible for financial support to the organization through such activities as payment of minimal dues based on ability to pay, literature sales and fund raising projects.

The YSA is subsidized by the SWP which furnishes varying amounts of money to the YSA on a continuing basis.

DPW:ser
(8) *ser*

Wey *AS* *WAV*
2/27

February 26, 1970

STUDENT MOBILIZATION COMMITTEE TO
END THE WAR IN VIETNAM

The Student Mobilization Committee to End the War in Vietnam (SMC) is controlled and dominated by the Young Socialist Alliance (YSA) which is the youth organization of the Socialist Workers Party (SWP). The SMC has local chapters in all sections of the United States and affords the YSA a broad base organization for popular support.

The SMC local activity is financed by the individual chapter concerned and in turn these local groups contribute toward the expenses of any national action sponsored or supported by the SMC. The local chapters organize their own fund raising projects and are assisted by contributions from their members and supporters.

ser
DPW/jan
(8)

WEX *DS*
CS
SCW
DPW

February 26, 1970

VENCEREMOS BRIGADE

The Venceremos Brigade (VB) was organized in June, 1969, for the purpose of supporting the Cuban revolution by assisting in the current sugar cane harvest. It is headquartered in New York City and is composed of the National Executive Committee, regional recruiters and the brigade members who travel to Cuba. The Executive Committee is composed of individuals representing a variety of New Left groups, which groups have also provided organizational support. To date a total of 782 individuals have been identified as having traveled to Cuba under VB auspices.

With regard to finances, the VB Executive Committee instructed the regional recruiters that each region would be responsible for raising travel funds for transportation of participants to _____ at which points the Cuban Government would assume financial responsibility. All excess funds were to be sent to the national office.

Money to support travel expenses was obtained through various fund raising affairs sponsored by the organizations lending support to the VB. These projects included bazaars, film showings, and coffees. In addition, information has been developed disclosing that each traveler provided his own funds for transportation and incidental expenses, and in some instances they were arbitrarily assessed a proportionate amount to cover the travel expenses for those without funds.

FBG:bjp/LM
(8)

WEL *cut* *7/29*

February 26, 1970

STUDENTS FOR A DEMOCRATIC SOCIETY

Weatherman Faction

Weatherman national leaders, such as William Ayers, Mark Rudd, and Jeffrey Jones, since their election as Students for a Democratic Society (SDS) national secretaries in June, 1969, have appeared as speakers on a number of college campuses throughout the country. They have received honorariums from these colleges ranging from \$200 to \$750 for their speaking engagements.

This faction is and has been in severe financial crisis since late Fall of 1969. Because of its violent and militant activities, former sources of funds are no longer available.

Weatherman members live in residences called "collectives," and the rent they pay usually is very nominal. Weatherman members, because they are in severe financial straits, often receive money from their parents to help defray expenses. Most of the time, however, members of the collectives move frequently from one place to another to avoid paying rent. The individuals in the various collectives take almost daily trips to "liberate" (steal) whatever they need, such as food, clothing, and housewares, at local supermarkets and other stores.

WNP:LL
(8)

sch

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9774

Students for a Democratic Society**Worker Student Alliance Faction**

This faction of SDS has obtained operating funds through the sale of literature and requests for donations through its publication, "New Left Notes." Donations amounting to from \$1 to \$50 have been received from many Worker Student Alliance (WSA) members located throughout the United States.

Students for a Democratic Society

The WSA faction recently has held National Council meetings in New Haven, Connecticut, and Los Angeles, California. The rental fees for the auditoriums where the meetings were held are upon donations from delegates, who paid sums ranging from \$5 to \$15. It was stressed at both meetings by WSA leaders that this faction is in dire need of funds with which to operate.

Revolutionary Youth Movement Faction

This faction of SDS has no operating funds on a national level at this time. Local Revolutionary Youth Movement (RYM) chapters operate on their own, and any funds they need come from local members. During the Fall of 1969, Michael Shtinsky, considered to be one of the top leaders of this faction, made a number of speeches on college campuses where he received honorariums averaging \$200 for each engagement.

Cambridge Iron and Steel Company

The Cambridge Iron and Steel Company, Cambridge, Massachusetts, was created in early 1969 to support such organizations as SDS in the Cambridge and Boston areas.

February 26, 1970

UNDERGROUND PUBLICATIONS

The New Left relies heavily on printed propaganda. The New Left has an enormous propaganda mill churning out publications demeaning the "Establishment" and glamorizing the "rebels." There are over 200 New Left underground newspapers published on a regular basis in the United States.

The central theme which pervades these papers is a criticism of the "Establishment" in general and law enforcement, the draft, and the Vietnam War in particular. Featured articles are aimed primarily at the "beatnik types" and morbidly curious who may be intrigued by the activities of the New Left. Also featured are obscene photographs and psychedelic drawings as well as announcements of interest to sex deviates and hallucinatory drug users. Youth, particularly students, are the main target of these publications, which are effective vehicles for agitation and recruitment in that they reach a large portion of the student population.

For the most part, the underground papers are in poor financial condition and often miss publication dates due to a lack of funds. Papers circulated in large urban areas are usually solvent, while those in university communities are struggling to keep in business. Generally, funds are received from advertising, subscriptions, donations, and benefits. Volunteer labor is used in most instances.

Attempts by New Left leaders to unite these underground papers into some type of network have been unsuccessful to date, since there are no concrete political philosophies agreeable to all. While the editors share similar goals, they diverge widely as to the means. However, over 100 underground papers are affiliated with the radical Liberation News Service which provides news packets concerning New Left activities.

In a few instances, authorities have prosecuted publishers for printing obscene material. However, minor fines or probation have been the general result and have been offset by an increase in the paper's circulation.

TPD:ml
(8)

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TW

February 26, 1970

NATION OF ISLAM

Approximately 100 Temples or Mosques of this fanatical all-Negro cult exist in the United States today with a total membership in excess of The membership supports this organization. Principal income is derived from membership dues, special membership assessments and from sale of its official publication "Muhammad Speaks."

ERS:hls
(8)

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Gertner

February 26, 1970

BLACK PANTHER PARTY

The sources of income for the Black Panther Party (BPP) are many and varied. In the initial years of its existence from 1966 to 1969, one of its chief sources of income was the proceeds from criminal acts perpetrated by individual members who split with the Party. More recently, the chief source of funds for the BPP has been numerous and regular contributions from individuals, radical groups and sympathizers in the United States and overseas. These individual contributions have increased greatly since December, 1969.

ABF:ekw
(8)

ekw

WJ *JS* *A*
PR

BLACK PANTHER PARTY

Sizable donations are known to have been made to the BPP by several prominent individuals and personalities.

The BPP also receives income from the regular sale of its weekly newspaper and from the sale of revolutionary paraphernalia such as pamphlets, posters, buttons, and greeting cards.

Another source of income for the BPP is fees received for public speeches and appearances made by its representatives, particularly at institutions of learning. The fees received by its representatives for these appearances vary but have ranged as high as \$1,000 for a single appearance of BPP Chairman Bobby Seale. During 1969 representatives of the BPP made a total of 138 appearances at various institutions of learning.

Another source of income for the BPP is proceeds received from various public benefits and rallies held specifically for the purpose of raising money for the regular defense funds of the BPP established to pay legal expenses.

While no firm evidence has been developed to date, it is noted that there has been an increasing number of articles of a pro-Arab nature appearing in the BPP newspaper

BLACK PANTHER PARTY

and every effort is being made to determine whether the Arabs are supporting the Black Panthers from a monetary standpoint. It is noted that Eldridge Cleaver, the BPP Minister of Information and a fugitive from justice, is presently residing in Arab territory and is supported by them.

February 26, 1970

**THE NEW MOBILIZATION COMMITTEE
TO END THE WAR IN VIETNAM**

The New Mobilization Committee to End the War in Vietnam (NMC) maintains its headquarters at 1029 Vermont Avenue, Suite 900, Northwest, Washington, D. C. It also maintains an office at 17 East Seventeenth Street, New York City.

The NMC is not an individual membership organization. It is a coalition of many organizations which are located throughout the United States. These organizations include the Communist Party, Socialist Workers Party, Women Strike for Peace, Chicago Peace Council, Los Angeles Peace Action Council, Student Mobilization Committee to End the War in Vietnam, and the American Friends Service Committee.

NMC's primary function at the present time is to protest the United States intervention in Vietnam.

The NMC receives financial support in the form of donations from sympathetic individuals and organizations.

In September, 1969, it was reported that the following individuals were described as being among the principal individual financial donors to the NMC:

SSC:pab
(8)

W.P.V.

C. C. ...

EXHIBIT 38

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. W. C. Sullivan
FROM : C. D. Brennan

1 - Mr. DeLoach
1 - Mr. J. P. Mohr
1 - Mr. Felt
DATE: March 12, 1970
1 - Mr. Casper
1 - Mr. W. C. Sullivan
1 - Mr. C. D. Brennan
1 - Mr. Shackelford

SUBJECT: NEW LEFT MOVEMENT - FINANCES
IS - MISCELLANEOUS

PURPOSE:

To obtain authority for the attached airtel to the field requesting financial information concerning New Left groups.

BACKGROUND:

By memorandum C. D. Brennan to W. C. Sullivan, dated 11/7/69, the Director approved a letter to all offices pointing out the recurring allegations that various tax exempt charitable foundations have contributed large sums of money, directly or indirectly, to the Movement. It was also pointed out similar allegations recur concerning financial "angels." The field was instructed to be particularly alert to such allegations and any information developed along such lines should be promptly reported to the Bureau with recommendations as to whether additional investigation is warranted.

By letter dated 2/26/70, in response to a specific request, we furnished the White House with material concerning income sources of revolutionary groups. Such an inquiry is indicative of the high-level interest in the financial aspects of revolutionary activity.

Because of the sensitive nature of any direct intensive financial investigation of large foundations or funds, prominent wealthy individuals who limit their activities to financial support, or politically oriented groups such as the Vietnam Moratorium Committee, embarrassment to the Bureau would likely result. It must also be noted such financial support is so diverse as to frequently be in the form of furnishing bail money to persons jailed during disturbances, purchase of equipment,

Enclosure 100-446997-70

REC-89 5-170

MAR 17 1970 16

RFS:mst
(8)

EX-117/

CONTINUED - OVER

ENCLOSURE

38 MAR 1970

Memorandum to Mr. W. C. Sullivan
RE: NEW LEFT MOVEMENT - FINANCES

and underwriting costs of large rallies or meetings. Such aid rarely would be picked up in our review of bank records of the organizations involved.

OBSERVATIONS:

In order to put these recurring allegations into perspective and be in position to be responsive to future high-level inquiries along this line, it would be desirable to obtain from the field a comprehensive survey of known instances of financial aid by foundations or funds, prominent or wealthy individuals, or politically oriented groups, at the same time it would be a propitious instance to reiterate the Bureau's interest in these matters on a continuing basis.

RECOMMENDATION:

The attached airtel to the field be forwarded containing instructions along the above lines.

MS
WISS
[Handwritten initials and marks]

EXHIBIT 39

1 - Mr. DeLoach
3/16/70

Airtel

1 - Mr. J. P. Mohr
1 - Mr. Felt
1 - Mr. Casper
1 - Mr. W. C. Sullivan
1 - Mr. C. D. Brennan
1 - Mr. Shackelford

To: SAC, Albany

From: Director, FBI (100-446997-70)

PERSONAL ATTENTION

NEW LEFT MOVEMENT - FINANCES
IS - MISCELLANEOUS
BUDED 4/1/70

ReBulet dated 11/10/69.

The above referenced letter directed your attention to the need to develop information indicative of support of the New Left Movement by tax-exempt charitable foundations or financial "angels." Allegations of this type of support, as well as support by politically oriented groups such as the Vietnam Moratorium Committee to End the War in Vietnam continue to circulate.

Because of interest in the sources of funds of subversive and revolutionary groups exhibited by high officials of the Government it is essential to get the above allegations into proper perspective.

You are instructed to survey your files to determine any instances where financial support, including gifts of equipment or facilities, has been furnished to New Left groups or individuals by 1) tax-exempt charitable foundations or funds; 2) prominent or wealthy individuals, or other individuals who have contributed over \$1,000 in a single contribution; 3) politically oriented groups including unions. Such support would include and not be limited to, furnishing bail money to arrested demonstrators, furnishing printing equipment or office space, and underwriting the cost of conventions or rallies. Individuals and organizations listed should be documented where possible.

REC-89

2 - All Offices (PERSONAL ATTENTION)

EX-117

RLS:mst
(126)
MAR 20 1970

100-446997-70
MAR 17 1970
SEE NOTE PAGE TWO

MAR 16 1970
COMM-FBI

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

MAIL ROOM [] TELETYPE UNIT []

Airtel to SAC, Albany
RE: NEW LEFT MOVEMENT - FINANCES
100-446997-70

This survey is expected to be exhaustive and thorough. The results should be prepared in a letterhead memorandum under the caption of this communication. The deadline of 4/1/70 must be complied with.

The Bureau's continuing interest in the financial aspects of New Left Movement investigations, both organizations and individuals, is being reiterated. You should remain continually alert for information of this type and insure it is promptly reported to the Bureau under the above caption.

NOTE:

See memorandum C. D. Brennan to W. C. Sullivan, dated 3/12/70, captioned as above, prepared by RLS:mst.

EXHIBIT 40

The Attorney General

July 27, 1970

Director, FBI

INTERAGENCY COMMITTEE ON INTELLIGENCE

There is enclosed a copy of a letter dated July 23, 1970, with attachment, addressed to me from Mr. Tom Charles Huston, White House Presidential Assistant.

For your information, on June 5, 1970, the President established an ad hoc interagency committee on intelligence chaired by me and also including the Directors of the Central Intelligence Agency, the Defense Intelligence Agency, and the National Security Agency. Mr. Huston served in a liaison capacity with the committee. This committee was requested by the President to submit a report assessing the current internal security threat, providing an evaluation of intelligence collection procedures, identifying gaps in our present collection efforts with recommended measures to close such gaps, and reviewing current procedures for interagency coordination with recommended steps to improve such procedures.

The final report of this committee was completed on June 25, 1970, and delivered to the President. This report set forth eight specific areas (corresponding to the eight numbered paragraphs in the attached letter from Mr. Huston) which had been reviewed by the committee. The first six related to current restraints on intelligence collection procedures; the seventh was concerned with target and manpower needs in the event the various restraints were relaxed; and the eighth area dealt with the possible establishment of a permanent interagency committee on domestic intelligence. In each area the report of the committee was presented to show the advantages and disadvantages of any changes in current policies and also to allow the President to indicate his desires.

Enclosures - 2

ALS, RDC:sfw/cdn

(5)

The Attorney General

As set out in the attached letter from Mr. Horton it is noted that the President has directed the relaxation of our investigative restraints directly affecting the responsibilities of the FBI. These include:

1. Intensified use of electronic surveillances and penetrations to effect coverage of individuals and groups in the United States who pose a major threat to the internal security.

I must clear the FBI's opposition to the relaxation of our present policy of selected coverage on major internal security threats through the use of this technique. I pointed out that the FBI believes electronic surveillance coverage is adequate at this time, but that we would not object to other agencies seeking the authority of the Attorney General for any coverage required by them and thereafter instituting such coverage themselves.

2. Removal of instructions on legal mail coverage and relaxation of covert mail coverage to permit use of this technique on selected targets of priority foreign intelligence and internal security interest. In this connection, in the report of June 23, 1976, I must clear the FBI's strong objection to implementing any covert mail. It is the FBI's position that if covert mail coverage is implemented, it is likely that information would leak out of the post office to the press and that serious damage would be done to the intelligence community because of the very nature of this coverage. We have no objection to legal mail coverage, provided it is used on a careful, controlled and selective basis in both criminal and security matters.

3. The removal of restraints on the use of surreptitious entry, and against other urgent and high priority targets.

RECEIVED FROM

625 8 85

FBI

The Attorney General

4. An increase in coverage of violence-prone campus and student-related groups and the removal of all restraints which limit such coverage. In the report of June 25, 1970, the FBI specifically objected to removing any of the present controls and restrictions relating to the development of campus sources. It was pointed out that to relax these restrictions would severely jeopardize our investigations and could result in leaks to the press which would be damaging and which could lead to charges that investigative agencies are interfering with academic freedom.

In connection with the proposed establishment of a permanent interagency committee on domestic intelligence, in the report of June 25, 1970, I specifically made clear my opposition to such a committee while pointing out that the FBI would approve of preparing periodic domestic intelligence estimates.

Despite my clear-cut and specific opposition to the lifting of the various investigative restraints referred to above and to the creation of a permanent interagency committee on domestic intelligence, the FBI is prepared to implement the instructions of the White House at your direction. Of course, we would continue to seek your specific authorization, where appropriate, to utilize the various sensitive investigative techniques involved in individual cases.

The Attorney General

I would appreciate a prompt expression of your views concerning the matter, noting the request set forth in Mr. Huston's letter that an interagency committee be constituted by August 1, 1970. We are taking no action to implement the instructions contained in Mr. Huston's letter pending your reply.

EXHIBIT 41

Mr. Tolson

10/29/70

The Executives Conference

EXECUTIVES CONFERENCE - 10/29/70

Those in attendance at the Conference today included Messrs. Mohr, Sullivan, Bishop, Brennan, Callahan, Casper, Conrad, Felt, Gale, Rosen, Tavel, Walters and Beaver.

The Conference examined the question of whether the current situation demands intensification of certain security-type investigations. In particular, reference was made to (1) lifting of the existing moratorium on report writing and investigation in Priority II and Priority III, Security Index cases, (2) the intensification and expansion of investigations of black, white and ethnic group extremists and

These items are being individually considered below.

lifting of existing moratorium on report writing and investigation in Priority II and Priority III, Security Index cases.

There are approximately 10,690 individuals currently included in Priority II and Priority III of the Security Index. Virtually no investigation has been conducted regarding approximately 6,934 of these individuals since the imposition of the moratorium in February, 1969. Many of these individuals have changed residence and/or employment and their whereabouts are unknown. To fulfill our current responsibilities, we should know where they are.

- 1 - Mr. Mohr
1 - Mr. Sullivan
1 - Mr. Beaver
1 - Mr. Casper
1 - Each Assistant Director

CMH:hr
(10)

66-2551-1747
EX-112
OCT 29 1970
CONTINUED - OVER

Memorandum to Mr. Tolson
 RE: EXECUTIVES CONFERENCE - 10/29/70

If the moratorium is rescinded, the field will be required to reopen approximately 2,213 Priority II cases for reports and approximately 1,769 Priority III cases to verify residence and employment. Opening of these cases would be staggered with a proportionate number opened each month to insure all are reopened by June 30, 1971.

Black Student Unions and similar groups on college campuses.

In 1967, black students began forming their own groups to project their demands, many of which indicate a commitment to black nationalism. These groups are autonomous and have a strong sense of common purpose. The Black Panther Party has made open efforts to organize the Black Student Unions nationally and other black extremist groups have used these organizations to project their extremism and separatism.

Campus disorders involving black students increased 23 per cent in the 1969-70 school year over the previous year indicating that these groups represent a real potential for violence and disruption. In the past, we have opened cases on these organizations following evidence of black extremist activities; however, in view of the vast increase in violence on college campuses, it is felt that every Black Student Union and similar group, regardless of their past or present involvement in disorders, should be the subject of a discreet preliminary inquiry through established sources and informants to determine background, aims and purposes, leaders and key activists. It is estimated that this would cause the field to open approximately 4,000 cases involving organizations and the key activists and leaders connected therewith.

Students for a Democratic Society (SDS) and militant New Left campus organizations.

At the end of the 1969-70 academic year, the various factions of the SDS, excluding the Weathermen faction, which has become an organization in its own right, consisted of a membership of approximately 2,500 individuals. In addition to the SDS groups, there are about 252 totally independent groups on college campuses which are pro-communist New Left-type and are followers of the SDS ideology. It is estimated

Memorandum to Mr. Tolson
 RE: EXECUTIVES CONFERENCE - 10/29/70

that the membership of these organizations consists of about 4,000 members. At the present time, we are conducting investigations of all of these organizations but have not, in the past, initiated investigations of the individual members of such organizations, with the exception of the key activists and individuals who are known to be violence prone.

Major campuses across the nation have been completely disrupted by violent demonstrations, bombings, arson and other terroristic acts perpetrated by these organizations. It is, therefore, proposed that cases be opened on all individuals belonging to such organizations to determine whether they have a propensity for violence. If this proposal were implemented, it is estimated that the field would be required to open approximately 6,500 new cases.

Jewish Defense League (JDL)

The JDL is an anti-New Left and black nationalism organization, the violent nature of which has been illustrated by its direction of attacks against diplomatic establishments in the New York area and alleged implication in bombings of offices of foreign countries. Members have participated in an

Memorandum to Mr. Tolson
RE: EXECUTIVES CONFERENCE - 10/29/70

attempted hijacking of an international flight. This militant group of Jewish youth claims a national membership of 8,000 with chapters in approximately 20 of the major metropolitan areas of the country. We presently have under investigation those JDL members identified as being in leadership positions, participants in acts of violence or active in organizational affairs. In view of the violence-prone nature of the organization, it is felt that investigations of individuals should also include the lower level membership exclusive of those who appear as members only because of financial assistance they afford. This would result in the opening of approximately 500 additional cases.

Memorandum to Mr. Tolson
RE: EXECUTIVES CONFERENCE -- 10/29/70

RECOMMENDATION:

If the Director approves, appropriate instructions will be issued to the field to implement the above programs designed to expand our security investigative coverage of extremist elements.

O.K.
R.

EXHIBIT 42

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

UNITED STATES GOVERNMENT

Memorandum

TO : MR. C. D. BRENNAN *CB*

DATE: November 3, 1970

- (2)
- Tolson
 - DeLoach
 - Mohr
 - Bishop
 - Casper
 - Callahan
 - Conrad
 - Felt
 - Gale
 - Rosen
 - Tavel
 - Walters
 - Soyars
 - Tele. Room
 - Holmes
 - Gandy

FROM : MR. G. C. MOORE *GM*

SUBJECT: BLACK STUDENT GROUPS
ON COLLEGE CAMPUSES
RACIAL MATTERS

To recommend that attached airtel to all offices be sent regarding discreet preliminary inquiries on all Black Student Unions (BSU) and similar groups on college campuses.

On 10/29/70 the Executive Conference approved a program to conduct discreet preliminary inquiries, limited to established sources, on BSUs and similar groups, their leaders, and key activists to determine if the activities of these groups and individuals warrant further active investigations.

RECOMMENDATION:

If approved, the attached airtel will be sent to all offices regarding the above cases.

CEG:ekw
(7)

- 1 - Mr. W. C. Sullivan
- 1 - Mr. J. P. Mohr
- 1 - Mr. C. D. Brennan
- 1 - Mr. Casper
- 1 - Mr. G. C. Moore
- 1 - Mr. Glass

REC-157-13116-43
NOV 12 1970

ST-113

FBI
RACIAL INT. SECT.

APR 5 - 1971

sent
11-5-70

61 NOV 20 1970

UNRECORDED COPY FILED IN 157-13116-43

November 4, 1970

Airtel

- 1 - Mr. W. C. Sullivan
- 1 - Mr. J. P. Mohr
- 1 - Mr. C. D. Brennan
- 1 - Mr. Casper
- 1 - Mr. G. C. Moore
- 1 - Mr. Glass

To: SAC, Albany

From: Director, FBI

PERSONAL ATTENTION

BLACK STUDENT GROUPS ON
COLLEGE CAMPUSES
RACIAL MATTERS
 BUDED: 12/4/70

Increased campus disorders involving black students pose a definite threat to the Nation's stability and security and indicate need for increase in both quality and quantity of intelligence information on Black Student Unions (BSU) and similar groups which are targets for influence and control by violence-prone Black Panther Party (BPP) and other extremists. The distribution of the BPP newspaper on college campuses and speakers of the BPP and other black extremist groups on campuses clearly indicate that campuses are targets of extremists. Advance information on disorders and violence is of prime importance. We must target informants and sources to develop information regarding these groups on a continuing basis to fulfill our responsibilities and to develop such coverage where none exists.

Effective immediately, all BSUs and similar organizations organized to project the demands of black students, which are not presently under investigation, are to be subjects of discreet, preliminary inquiries, limited to established sources and carefully conducted to avoid criticism, to determine the size, aims, purposes, activities, leadership, key activists, and extremist

NOV 5 - 1970

COMM-FBI

EX-113

REC-84

157-2176 42

2 - All Offices

CEG:ekw
(121)

SEE NOTE PAGE TWO

NOV 10 1970

58 APR 1971

Airtel to SAC, Albany et al
BLACK STUDENT GROUPS ON COLLEGE CAMPUSES

interest or influence in these groups. Open individual cases on officers and key activists in each group to determine background and if their activities warrant active investigation. Submit results of preliminary inquiries in form suitable for dissemination with recommendations regarding active investigations of organization, its leaders, and key activists. These investigations to be conducted in accordance with instructions in Section 87D of the Manual of Instructions regarding investigations of organizations connected with institutions of learning.

Each office submit by airtel to reach Bureau by 12/4/70, a list of BSUs and similar groups by name and school which are or will be subjects of preliminary inquiries. This program will include junior colleges and two-year colleges as well as four-year colleges. In connection with this program, there is a need for increased source coverage and we must develop network of discreet quality sources in a position to furnish required information. Bear in mind that absence of information regarding these groups in any area might be the fault of inadequate source coverage and efforts should be undertaken immediately to improve this coverage.

A prior inquiry or investigation of a group or individual is no bar to current inquiries and inquiries should not be postponed until submission of airtel due 12/4/70. Initiate inquiries immediately.

I cannot overemphasize the importance of expeditious, thorough, and discreet handling of these cases. The violence, destruction, confrontations, and disruptions on campuses make it mandatory that we utilize to its capacity our intelligence-gathering capabilities.

Above instructions supersede instructions in Bureau letter to all offices 1/31/69, same caption.

NOTE: See memorandum G. C. Moore to Mr. C. D. Brennan, dated 11/3/70, captioned "Black Student Groups on College Campuses. Racial Matters," prepared by CEG:ekv.

EXHIBIT 43

UNITED STATES GOVERNMENT

Memorandum

- Tolson _____
- Sullivan _____
- Mohr _____
- Bishop _____
- DeLoach _____
- Casper _____
- Callahan _____
- Conrad _____
- Felt _____
- Gale _____
- Rosen _____
- Tavel _____
- Walters _____
- Soyars _____
- Tele. Room _____
- Holmes _____

- 1 - Mr. W. C. Sullivan
- 1 - Mr. J. P. Mohr
- 1 - Mr. J. J. Casper

DATE: 11/3/70

TO : Mr. C. D. Brennan

- 1 - Mr. W. M. Felt
- 1 - Mr. C. D. Brennan
- 1 - Mr. R. L. Shackelford

FROM : R. L. Shackelford

SUBJECT: SECURITY INVESTIGATIONS OF INDIVIDUALS WHO ARE MEMBERS OF THE STUDENTS FOR A DEMOCRATIC SOCIETY AND MILITANT NEW LEFT CAMPUS ORGANIZATIONS

- 1 - Mr. W. N. Prouse
- 1 - Mr. W. H. Floyd
- 1 - Mr. D. P. White
- 1 - Mr. R. J. Stilling

PURPOSE:

To obtain approval of attached airtel to all offices which instructs the field to initiate investigation of all members of the Students For a Democratic Society (SDS) and procommunist New Left-type campus organizations.

BACKGROUND:

Memorandum dated 10/29/70 from the Executives Conference to Mr. Tolson recommended that investigation be initiated of individual members of the SDS and members of procommunist New Left campus organizations who follow SDS ideology. The recommendation was approved by the Director.

At the end of the 1969-70 academic year the factionalized SDS, with the exclusion of the Weatherman faction, had a membership of about 2,500 individuals. The procommunist New Left-type campus organizations have a membership of about 4,000. The purpose of the investigations of these individuals is to determine the propensity for violence by members of the above organizations. Attached is an airtel to all offices advising of investigation of all members of the SDS and militant New Left campus organizations.

In order that the Bureau remain aware of the number of such cases handled by the field, the field is being instructed to include figures as to cases opened and cases closed on the administrative pages of the quarterly New Left reports. No handbook or manual changes are necessary.

RECOMMENDATION:

EX-108 REC-76

That attached airtel be approved and sent.

Enclosure

RJS:jlh

61 NOV 10 1970

114-43100-3413

Handwritten signatures and initials: *Walters*, *DeLoach*, *Callahan*, *Conrad*, *Felt*, *Gale*, *Rosen*, *Tavel*, *Walters*, *Soyars*, *Tele. Room*, *Holmes*, *WBS*

- 1 - Mr. W. C. Sullivan
- 1 - Mr. J. P. Mohr
- 1 - Mr. J. J. Casper
- 1 - ~~Mr. M. Felt~~ M. Felt

Airtel

- 1 - Mr. C. D. Brennan
- 1 - Mr. R. L. Shacteiffo
- 1 - Mr. W. H. Prouse
- 1 - Mr. W. H. Floyd
- 1 - Mr. D. P. White
- 1 - Mr. R. J. Stilling

To: SAC, Albany

From: Director, FBI (100-439043)

PERSONAL ATTENTION

SECURITY INVESTIGATIONS OF INDIVIDUALS WHO ARE MEMBERS OF THE STUDENTS FOR A DEMOCRATIC SOCIETY AND MILITANT NEW LEFT CAMPUS ORGANIZATIONS

Effective immediately, the field is instructed to initiate investigation of all members of the Students for a Democratic Society (SDS) and members of procommunist, militant New Left-type campus organizations who follow SDS advocacy of revolution and violence.

NOV 22 1970
COMM-FBI
COMM-FBI

REC-47

31/

Members of the SDS to be investigated should include all members of the various factions of the organization. The Bureau is aware that many SDS chapters are unstructured, and formal membership is not a requisite for participation in SDS activity. As you are aware, SDS and other similar subversive campus-oriented groups are clearly symptomatic of violence and Marxist-Leninist revolution on the Nation's campuses. As their intent has crystallized, the adherence to this philosophy of revolution and violence is, of necessity, more fervent among members and followers. These groups undoubtedly are the breeding ground for revolutionaries, extremists and terrorists. Logic and good judgment should be used in these investigations, bearing in mind the objective as to identify potential and actual extremists, revolutionaries and terrorists and to assess their threat to the internal security of the Government.

9 NOV 10 1970

Each office should include on the administrative pages of future quarterly New Left Movement reports information as to the number of individual cases opened and the number of individual cases closed in this category during the pertinent period of the New Left Movement reports.

2 - All Offices (PERSONAL ATTENTION)

- Adm. _____
- Asst. Dir. _____
- Ident. _____
- Insp. _____
- Intell. _____
- Lab. _____
- Legal Coun. _____
- Plan. & Insp. _____
- Rec. Mgmt. _____
- Tech. Serv. _____
- Training _____
- Off. Liaison _____
- Comm. _____
- Crime. Inv. _____
- Ident. _____
- Intell. _____
- Lab. _____
- Legal Coun. _____
- Plan. & Insp. _____
- Rec. Mgmt. _____
- Tech. Serv. _____
- Training _____
- Off. Liaison _____
- Comm. _____
- Crime. Inv. _____

NOV 12 1970

MAIL ROOM TELETYPE UNIT

SEE NOTE PAGE TWO

Airtel to Albany

Re: Security Investigations of Individuals
Who are Members of the Students for a
Democratic Society and Militant New
Left Campus Organizations

100-439048

Each individual investigated should be considered for inclusion on the Security Index. In the event your investigation establishes that the subject meets the criteria, his name should be recommended for inclusion on the Security Index.

NOTE:

See memorandum Mr. R. L. Shackelford to Mr. C. D. Brennan, dated 11/3/70, captioned as above, prepared by RJS:jlm.

UNITED STATES GOVERNMENT

Memorandum

MR. TOLSON

DATE: September 2, 1970

FROM: W. M. FELT

SUBJECT: SECURITY INFORMANTS
RACIAL INFORMANTS
#169-91

Tolson	✓
DeLoach	✓
Mohr	✓
Bishop	✓
Casper	✓
Callahan	✓
Conrad	✓
Felt	✓
Gale	✓
Rosen	✓
Sullivan	✓
Tavel	✓
Walters	✓
Winters	✓
Tele. Room	✓
Holmes	✓
Gandy	✓

PURPOSE:

To recommend consideration be given to returning to previous standards permitting field to develop security and racial informants among students 18 years of age and older with full individual justification and Bureau approval.

BACKGROUND:

Our current rule is that "Students under age 21 years" are not to be developed either as security informants or racial informants except under highly unusual circumstances. Former rule of "under 18" was modified when two student informants went sour.

CURRENT DEVELOPMENTS:

Never in our history have we been confronted with as critical a need for informant coverage. Terrorist violence is all around us and more has been threatened. Even our own doors are being threatened by Weatherman fanatics. Bombings, assassination of police officers, kidnapping and torture murder are all part of the picture. These violence-oriented black and white savages are at war with the Government and the American people.

Careful surveys have been made during inspections conducted in New Left and Racial fields. In every instance Inspector left strong instructions with SACs to develop more and better informants. These offices have informally indicated, however, that their productivity would be greatly enhanced by a lowering of the age requirements cited above.

16 SEP 21 1970

Particularly critical is the need for reliable information about the activities of violence-oriented groups on campuses. We know the New Left and the Black Panthers are currently recruiting 18-year-old freshmen students. The Students for a Democratic Society have actually reserved for recruiting purposes a room in the Student Union Building at near-by University of Maryland. If we could develop informants among these new members we could guide them to key

WMF:wmj (5) - Messrs. Silliman, Mohr, Brennan CONTINUED - OVER

your contacts to unauthorized persons and without the

1200
S. Maguire

Sheffield
6/1/70

10/1/70

REC-19 124 391

UNRECORDED COPY FILED IN

1970 MAY 19 11:11
Sullivan

Memo for Mr. Tolson
Re: Security Informants
Racial Informants

positions. By the time they are 21 years of age they are almost ready to leave college and have been subjected to the corrosive influence and brainwashing of ultra-liberal and radical professors.

OBSERVATIONS:

The important consideration, of course, is to protect the Bureau from possible embarrassment. Many of our 18, 19 and 20-year-old men and women are highly intelligent, mature, and loyal citizens. This has recently been recognized by the Congress in lowering the voting age to 18 years. It is felt the same concept can logically be applied to the revolutionary conflict at home and particularly on campuses.

I don't hold this view. H

Development of all security and racial informants, regardless of age, is very closely supervised at the Seat of Government. It is felt that selective use of the 18 through 20-year-old age bracket on specific SAC recommendation and with close scrutiny at the Seat of Government can be of tremendous benefit. These matters will continue to be very carefully looked into during all field inspections.

RECOMMENDATION:

That the appropriate Manual citations be changed to read "Students under age 18. . . ." If approved, to be implemented by Domestic Intelligence Division.

WCS

[Signature]

[Signature]

ADDENDUM (9/3/70), WCS:CSH - *WCS*

I strongly urge the approval of this recommendation. As the memorandum states, these are indeed critical times. No one can predict with accuracy the outcome of the revolutionary struggle going on in this country at this time. Those under 20 years of age are playing a predominant role in campus violence. Two of the subjects in the University of Wisconsin case are under 20. Logic dictates that we concentrate on the actual participants and where the action actually is.

W.C. Sullivan

CSH

I am opposed

9/4 -2-

O.K. but I want any between 18 & 21 yrs to be approved by Soyers also.

O.K. but I want any between 18 & 21 yrs to be approved by Soyers also.

H

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535



In Reply, Please Refer to
No.

September 15, 1970

) (A) TRAINING - LEGAL INSTRUCTORS --

The following significant decisions reported in August, 1970, should be read by all Legal Instructors: U.S. v. Proba, 312 F. Supp. 466 (1970) (D.C.) (Civil Aeronautics Board regulation permitting airline personnel to open suspicious package is constitutional; an airline official's position makes him a credible and reliable informant); U.S. v. Durkins, 425 F2d 836 (1969) (2d Cir.) (example of strong affidavit for search warrant, based principally on information from confidential informant; permissible to delay execution of search warrant (within ten-day limit) until suspect is in premises); U.S. v. Mitchell, 425 F2d 1353 (1970) (3th Cir.) (example of finding probable cause for arrest from combination of Spinelli and Draper circumstances); U.S. v. Robertson, 425 F2d 1365 (1970) (5th Cir.) (no Miranda warnings required for street interrogation of suspect concerning automobile tag and title registration with defect indicating car possibly stolen); U.S. v. Goad, 462 F2d 86 (1970) (10th Cir.) (arrest of suspect standing in doorway to home, by officers standing outside will not support incidental search of home); U.S. v. Main, 312 F. Supp. 736 (1970) (D.C., Del.) (affidavit for search warrant stated probable cause but contained much of what court labeled "excess verbiage"); U.S. v. Ayers, 426 F2d 524 (1970) (2d Cir.) (lineup requires warning of right to counsel separate and distinct from Miranda warnings given for interrogation); U.S. v. Campbell, 426 F2d 547 (1970) (2d Cir.) (recording of telephone conversation made by consent of one party thereto is admissible in evidence); U.S. v. Bednarski, 312 F. Supp. 913 (1970) (D.C., Mass.) (no Miranda warnings required for use in evidence of books and records voluntarily given to officer by suspect during noncustodial interview); Dess v. Montana, 312 F. Supp. 1325 (1970) (D.C., Mont.) (illustrative discussion of standing to protest unreasonable search and seizure); U.S. v. McKinnon, 426 F2d 345 (1970) (5th Cir.) (search of vehicle at tow-in garage 30 minutes after arrest of accused on highway could not be justified as incident to arrest); Camitoli v. Wainwright, 426 F2d 368 (1970) (5th Cir.) (seizure of package thrown from vehicle lawfully pursued by police was proper as taking of thing abandoned); Woodbury v. Beto, 426 F2d 923 (1970) (5th Cir.) (officers searching suspect's home under search warrant for narcotics taken in armed robbery properly seized gun, not mentioned in warrant, as instru-

mentality of robbery); U.S. v. Kroslack, 426 F2d 1129 (1970) (7th Cir.) (defendant's right against self-incrimination is violated when officer testifies that defendant, on interview, refused to talk); Bosley v. U.S., 426 F2d 1257 (1970) (D. C.) (Miranda requires officers to warn an arrested suspect of his rights as soon as practicable after arrest); U.S. v. Gonzalez-Perez, 426 F2d 1283 (1970) (5th Cir.) (search of arrestee is incident to arrest when made shortly after at jail or place of detention rather than at actual time and place of arrest; search of woman's pocketbook sitting on coffee table in room in which she was arrested on narcotics charges was proper).

(Security Letters on attached pages)

9/15/70

SAC LETTER 70-48

- 2 -

(B) NEW LEFT AND BLACK EXTREMIST TERRORISM - INFORMANT COVERAGE -- You have been advised in the past of the growing incidents of terroristic acts by the New Left and black extremists and the need for intensification of our investigations and development of new sources to combat these escalating problems.

However, a review of the New Left Movement - Violence airtels submitted monthly by each field office indicates generally that your informant coverage of terrorist organizations and individuals is grossly inadequate.

You are, therefore, instructed to immediately institute an aggressive policy of developing new productive informants who can infiltrate the ranks of terrorist organizations, their collectives, communes and staffs of their underground newspapers. The Bureau fully recognizes that the development of sources to penetrate these groups is made extremely difficult because of their immoral conduct and use of drugs. It calls for initiative and new approaches to develop the needed intelligence information.

Concerning black extremists, it is essential that quality informants are developed at a regular rate. These informants should be the type who can obtain advance information concerning planned acts of violence or who are in a position to furnish information concerning contemplated acts of violence.

You should include in Item 4 of your monthly airtel on "New Left - Violence; Internal Security - Miscellaneous (Weatherman)," as outlined in Bureau airtel to all offices May 13, 1970, constructive plans to implement the program outlined above concerning New Left terrorist organizations through informant development. Recommendations relating to the development of a specific source or plan of action should be submitted to the Bureau by separate communication.

9/15/70
SAC LETTER 70-48

(C) SECURITY AND RACIAL INFORMANTS -- Never in our history have we been confronted with as critical a need for informant coverage. Terroristic violence surrounds us and more has been threatened. Bombings, assassination of police officers, kidnapping and murder are all part of the picture. Fanatics are at large who are at war with the Government and the American people. Particularly critical is the need for reliable information about the activities of violence-oriented youthful groups on campus.

As you are aware, you have been previously instructed not to use campus student informants under the age of 21. In view of current circumstances, you are authorized to develop student security and racial informants who are 18 years of age or older. This presents you with a tremendous opportunity to expand your coverage, which is expected. However, in no way are your obligations to exercise selectivity and tight control lessened in this most sensitive area.

Appropriate manual and handbook changes are forthcoming.

Very truly yours,

John Edgar Hoover

Director

EXHIBIT 45

Memorandum

MR. C. D. BRENAN

MR. G. C. MOORE

- 1 - Mr. J. P. Mohr
- 1 - Mr. C. D. Brennan
- 1 - Mr. A. Rosen
- Date: November 2, 1970
- 1 - Mr. J. J. Casper
- 1 - Mr. G. C. Moore
- 1 - Mr. R.L. Shackelford
- 1 - Mr. J.C. Michela

RACIAL CONFERENCE, OCTOBER 22-23, 1970,
 RECOMMENDATION TO MODIFY INSTRUCTIONS
 CONCERNING RECORDINGS OF BLACK AND NEW
 LEFT PUBLIC APPEARANCES
 44-38861-11

To obtain authority to send attached airtel to all field offices concerning the recording of public appearances of black and New Left extremists.

Memorandum G. C. Moore to Mr. W. C. Sullivan 5/21/69 obtained authority to instruct the field to expand the use of concealed recording devices in covering such appearances. Since that time, the field has reported a large number of such appearances and Special Agents in Charge (SACs) have always demonstrated sound judgment in affording such coverage under secure conditions. On a number of occasions, because of extremely short notice concerning appearances, there has been insufficient time to obtain Bureau authority. Because of this, valuable evidentiary material has been lost. Recordings are the best possible evidence of extremist statements actually made in the event of prosecutive action. This matter was discussed in depth at captioned conference with field supervisors. It was the unanimous recommendation of those supervisors that present instructions concerning such recordings should be modified in one respect to allow SACs to arrange on their own initiative for recordings.

The recommendation has merit. SACs have uniformly demonstrated excellent judgment in making such recordings to date and should be given authority to record public appearances by black and New Left extremists whenever full security can be assured except when such appearances are at educational institutions. When at educational institutions, the field must still obtain prior Bureau authority. This will give the field necessary flexibility to record public appearances even when advance notice is extremely short. The modification will in no way supersede or conflict with authority to record statements given in individual cases under investigation such as the Antiriot Law investigations which arose out of violence at the 8/68 Democratic National Convention on subjects known as the "Chicago 7" and their defense attorneys William M. Kunstler and Leonard I. Weinglass.

Enclosure
 JCH:ekw (9)
 11-5-70

CONTINUED - OVER

DEC 16 1970

Your Committee and the FBI are advised to maintain proper control of this document and to disseminate it without the express approval of the FBI.

1-10-71
 1-11-71
 1-12-71

[Handwritten signatures and initials]

DEC 8 1970

Memorandum to Mr. C. D. Brennan
RE: RACIAL CONFERENCE, OCTOBER 22-23, 1970,
RECOMMENDATION TO MODIFY INSTRUCTIONS CONCERNING
RECORDINGS OF BLACK AND NEW LEFT PUBLIC APPEARANCES

ACTION:

If approved, attached airtel will be sent to
all field offices in accordance with the above. No Manual
changes are necessary.

John

W *OK*
W *H*
J

1/5
W

11/5/70

Airtel

- 1 - Mr. W. C. Sullivan
- 1 - Mr. J. P. Mohr
- 1 - Mr. C. D. Brennan
- 1 - Mr. A. Rosen
- 1 - Mr. J. J. Casper

To: SAC, Albany

PERSONAL ATTENTION

From: Director, FBI

USE OF CONCEALED RECORDING DEVICES
IN COVERING PUBLIC APPEARANCES BY
BLACK AND NEW LEFT EXTREMISTS

- 1 - Mr. G. C. Moore
- 1 - Mr. R. L. Shackelford
- 1 - Mr. J. C. Nichola

ReBulet to all offices 5/22/69 which set forth instructions to expand the use of concealed recording devices by a Special Agent or proven source in covering public speaking engagements by black and New Left extremists. These instructions required Bureau authority prior to use of such concealed recording devices.

Effective upon receipt of this communication, Special Agents in Charge (SACs) may, on their own initiative, authorize the use of concealed recording devices by a Special Agent or proven source in covering public appearances by black and New Left extremists except when such appearances are at educational institutions. All other instructions set forth in ReBulet remain in effect.

In the event of appearances at educational institutions, prior Bureau authority must still be obtained before utilizing concealed recording devices.

It is reiterated that such recording devices are to be utilized only when full security can be assured. Information developed as a result of such coverage must be promptly furnished to the Bureau in form suitable for dissemination in accordance with instructions set forth in relet.

2 - All Offices

JCM:fb
(127)

SEE NOTE PAGE TWO

15 1970 ROOM TELETYPE UNIT

Airtel to SAC, Albany
RE: USE OF CONCEALED RECORDING DEVICES
IN COVERING PUBLIC APPEARANCES BY
BLACK AND NEW LEFT EXTREMISTS

Each SAC must personally insure that maximum possible use is made of this extremely valuable investigative technique.

The foregoing in no way supersedes or conflicts with instructions to record statements by subjects of individual cases under investigation. In that regard, recipients should refer to Chicago airtel to all continental offices and San Juan dated 5/29/69 captioned "David T. Bellinger, aka, et al (Travel of Defendants), ARL - Conspiracy."

NOTE:

See memorandum G. C. Moore to Mr. C. D. Brennan dated 11/2/70, captioned "Racial Conference, October 22-23, 1970, Recommendation to Modify Instructions Concerning Recordings of Black and New Left Public Appearances," prepared by JCM:ekw.

EXHIBIT 46

UNITED STATES GOVERNMENT

Memorandum

TO : MR. C. D. BRENNAN

FROM : MR. G. C. MOORE

SUBJECT: KEY BLACK EXTREMIST PROGRAM
RACIAL MATTERS

- 1 - Mr. W. C. Sullivan
- 1 - Mr. J. P. Mohr
- 1 - Mr. C. D. Brennan
- 1 - Mr. Casper
- DATE: December 22, 1970
- 1 - Mr. Conrad
- 1 - Mr. R. D. Cotter
- 1 - Mr. G. C. Moore
- 1 - Mr. Glass

Tolson
 Sullivan
 Mohr
 Bishop
 DeLoach
 Casper
 Callahan
 Conrad
 Felt
 Gale
 Rosen
 Tavel
 Walters
 Soyars
 Tele. Room
 Holmes
 Gandy

To recommend that the attached airtel be sent to all offices setting up a Key Black Extremist (KBE) Program to intensify our coverage on certain black extremists.

Because of the violence potential of all black extremists, we have required that the field give priority attention to the investigations of all black extremists. The information submitted by the field indicates that there is a need for intensified coverage on a group of black extremists who are either key leaders or activists and are particularly extreme, agitative, anti-Government, and vocal in their calls for terrorism and violence. Leaders of the violence-prone Black Panther Party have indicated that the "revolution" is entering the beginning phases of actual armed struggle and our investigations indicate there are certain extremists more likely to resort to or to order terrorism as a tactic and therefore require particular attention.

Intensified coverage to bring to bear the total capabilities of the Bureau on investigations of these individuals is warranted. We should cover every facet of their current activities, future plans, weaknesses, strengths, and personal lives to neutralize the effectiveness of each KBE. The finances, travel, utterances, and possible violation of Federal and local law of these individuals should receive the closest investigative and supervisory attention.

Following the receipt of an investigative summary report, reports on these individuals should be submitted every 90 days, with interim letterhead memoranda, in order that our intensified coverage can be better followed and dissemination made on a timely basis. About 90 cases are involved in this intensified coverage.

RECOMMENDATION:

REC-3

That the attached airtel be sent to each field office.

Enclosure

CEG:ckw
(9)

SF-103
 [Handwritten initials and stamps, including a large circular stamp with illegible text]

December 23, 1970

Airtel

REC-3

157-2115-3721

- 1 - Mr. W. C. Sullivan
- 1 - Mr. J. P. Mohr
- 1 - Mr. C. D. Brennan
- 1 - Mr. Casper
- 1 - Mr. Conrad
- 1 - Mr. R. D. Cotter
- 1 - Mr. G. C. Moore
- 1 - Mr. Glass

To: SAC, Albany

From: Director, FBI

KEY BLACK EXTREMIST PROGRAM
RACIAL MATTERS

During your investigations of black extremist organizations and individuals, you have furnished information indicating that certain individuals are extremely active and most vocal in their anti-Government statements and their calls for terrorism and violence. Although the violence potential in all black extremists necessitates continued priority attention by all offices, there are certain individual leaders and activists who can be considered as Key Black Extremists (KBE).

At this time, the Bureau is designating those on the attached list as KBEs. The term KBE does not require that an individual usually hold an official position in an organization but is to include others of equal importance because of their influence as black extremists.

An intensified investigation of each person on the attached list must be immediately instituted with the objective of developing complete and detailed information on their day-to-day activities and future plans. Each office must continually remain alert for additions to the KBE list. Submit all recommendations to make specific subjects KBE to the Bureau for approval. These cases must be given intensive investigative attention and close supervision by all offices. Maintain a high level of

RECEIVED COMMUNICATIONS SECTION 12/23/70

Enclosure

2 - All Offices (Enclosure)

CLG:ekw
(123)

SEE NOTE PAGE THREE

50 JAN 2 3 1971
FBI

MAIL ROOM TELETYPE UNIT

Airtel to SAC, Albany
KEY BLACK EXTREMIST PROGRAM

informant coverage on the subjects. All avenues of investigative attention must be explored and necessary recommendations to the Bureau must be made promptly.

The desirable coverage must include, but not be limited to, the following investigation: These investigations must be conducted with initiative and imagination in order that the desired results are achieved. Each of these cases will receive close scrutiny at the Bureau.

(1) All KBEs must be included in Priority I of the Security Index. If not already so included, promptly submit FD-122.

(2) All KBEs must be included in the Black Nationalist Photograph Album (BNPA). Promptly submit photograph and required background on each KBE not presently in the BNPA and when a subject is designated a KBE.

(3) All aspects of the finances of a KBE must be determined. Bank accounts must be monitored. Safe deposit boxes, investments, and hidden assets must be located and available information regarding them must be reported.

(4) Continued consideration must be given by each office to develop means to neutralize the effectiveness of each KBE. Any counterintelligence proposal must be approved by the Bureau prior to implementation.

(5) Obtain suitable handwriting specimens of each KBE to be placed in the National Security File in the Laboratory. When possible, obtain specimens from public records, law enforcement agencies, and similar sources. Send specimens to the Bureau under separate cover letter by registered mail for the attention of the FBI Laboratory. When they are of value as evidence, so state in the transmittal letter and request their return after copies have been made. Specimens should be sufficient to permit future comparisons by the Laboratory.

Airtel to SAC, Albany
KEY BLACK EXTREMIST PROGRAM

(6) Particular efforts should be made to obtain records of and/or reliable witnesses to, inflammatory statements made which may subsequently become subject to criminal proceedings. Promptly record all such information in interview report form.

(7) Where there appears to be a possible violation of a statute within the investigative jurisdiction of the Bureau, the substantive violation character should be included in subsequent communications and the possible violation vigorously investigated in accordance with existing instructions.

(8) Particular attention must be paid to travel by a KBE and every effort made to determine financial arrangements for such travel.

Travel information must be submitted to the Bureau and interested offices by appropriate communication to permit coverage of the KBE. It will be the responsibility of the office of origin to insure that the activities of the KBE are covered by auxiliary offices.

(9) The Federal income tax returns of all KBEs must be checked annually in accordance with existing instructions.

If no investigative summary report has been submitted in each case, such a report must be submitted to the Bureau by 2/15/71. Thereafter, an investigative report should be submitted at least every 90 days. Furthermore, appropriate communications suitable for dissemination should be promptly submitted in the interim to keep the Bureau fully advised of the activities of each KBE. The words (Key Black Extremist) should be included in the character of each communication submitted except those communications (including reports) which are prepared for dissemination.

NOTE: See memorandum G. C. Moore to C. D. Brennan, dated 12/22/70, captioned as above, prepared by CEG:ekw.

EXHIBIT 47



F X
U.S.

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505
OFFICE OF THE DIRECTOR

26 February 1970

Personal and Confidential

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

Dear Mr. Hoover:

Mr. [redacted] has orally informed me that you wish to have the identity of the FBI agent who was the source of certain information communicated to an employee of this Agency. Mr. [redacted] This information regarding the disappearance of one Thomas Riha was in turn passed to [redacted]

In view of your personal interest in this matter, I instructed Mr. [redacted] to report to me in person.

I have reviewed this complicated case in detail with Mr. [redacted] and have requested him to reveal the identity of his source. As a point of honor and personal integrity, Mr. [redacted] was adamant that he could not disclose the identity of his source. Under further pressure from me, Mr. [redacted] maintained his position, stating that in defense of it he was prepared to submit his resignation immediately.

Mr. [redacted] explained that the [redacted] cases had been given extensive news coverage, much of it being sensational in nature. He stressed that there was embarrassing public speculation as to the possible involvement of the CIA and the FBI in Riha's disappearance.

AUG 5 1975

FBI

The purpose of Mr. [redacted] conference with the District Attorney of Denver was to solicit his good offices to remove pressures and the possible serving of a subpoena on [redacted]. He also sought to orient the District Attorney properly so that he would not continue to have an erroneous impression of the roles of the CIA and the FBI, thereby eliminating further adverse publicity.

Mr. [redacted] affirms that before going to District Attorney McKeivitt he called upon the FBI [redacted] Mr. [redacted] and sought to coordinate with him our respective interests. He also solicited Mr. [redacted] to accompany him to the District Attorney.

*to be reviewed
1/2 C*

Mr. [redacted] states that Mr. [redacted] refused absolutely to cooperate in this matter. Instead, Mr. [redacted] engaged in an oral exchange during which he remarked that our representative in Boulder was "lying" and then proceeded to challenge the veracity of Mr. [redacted]. Subsequently, Mr. [redacted] conferred with the District Attorney alone. He was successful in persuading the District Attorney to make a favorable public statement which had the effect of putting this issue regarding [redacted] and other rumors to rest as far as the public was concerned.

I have carefully reviewed the statements of Mr. [redacted]. I feel that poor judgment was employed in passing the information in question to [redacted] and later to the District Attorney. This should only have been done with specific FBI approval. I wish to assure you that I do not condone violations of the third agency rule, and I am taking steps to impress once again this elementary fact upon all Agency officials.

With regard to Mr. [redacted] I have no reason to doubt that he has acted honestly. I believe that he has reported to me in good faith. He is sincerely interested in preserving a sound working relationship between the CIA and the FBI. Nevertheless, because a situation of this sort adversely affects the relationship between the two agencies, I am taking administrative action in this matter with regard to Mr. [redacted].

RECEIVED
AUG 5 1945
FBI

*I do not agree
with the fact that [redacted]
[redacted]
[redacted]*

I hope sincerely that this recent incident will not impair our mutual efforts in making certain that we have not overlooked factors possibly having a significant bearing on U.S. intelligence and internal security interests. I shall pursue this matter through our respective liaison offices.

In closing, Mr. Hoover, I wish to state that this Agency can only fully perform its duties in the furtherance of the national security when it has the closest coordination and teamwork with the Federal Bureau of Investigation. Furthermore, it is necessary that we continue to conduct our business in an atmosphere of mutual respect. I trust that we can coordinate closely any future developments or actions in these cases, in order to prevent the airing in public of conflicts or differences between the two agencies. I feel strongly that there are representatives of the news media who are eager to exploit alleged differences on a national scale. Disturbing as this experience has been, I wish to thank you in the interests of our common cause for having communicated with me in such a forthright and candid manner.

Sincerely,

Richard Helms

Richard Helms
Director

*This is not satisfactory
I want our Director's office
Attachments - a/s*

REIVED
AUG 5 1975
- FBI

Handwritten notes and scribbles, including the number 3.

Following are typewritten clarifications of the handwritten comments of J. Edgar Hoover on the attached document:

Page 2, left margin - "acted properly. H"

Page 2, bottom of page - "I do not agree. Violated the third agency rule & refused to identify the alleged FBI agent who was the source of the information. H"

Page 3, end of 3rd paragraph - "Helms forgets it is a two way street. H"

Page 3, bottom of page - "This is not satisfactory. I want our Denver Office to have absolutely no contacts with CIA. I want direct liaison here with CIA to be terminated & any contact with CIA in the future to be by letter only. H"

EXHIBIT 48

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. C. D. DeLoach

DATE: 3/6/70

FROM : Mr. W. C. Sullivan

SUBJECT: RELATIONSHIPS WITH
CENTRAL INTELLIGENCE AGENCY
(POSITIVE INTELLIGENCE)

Item Number 37 in the material submitted to the Director discusses CIA criticisms which could generate from Agency belief that Bureau has failed to cooperate and offer necessary assistance in collection of positive intelligence in the United States. Memorandum is to deal with specific cases believed by evidence lack of cooperation and to briefly comment on policy of cooperation we have adopted with CIA.

SYNOPSIS:

Mentioned Item points out CIA belief that more aggressive action should have been taken in field of collecting positive intelligence in the United States. notes Bureau's action in this field, for the most part, has been restricted to compliance with requests by State Department when political crises occur in some country. He points out CIA belief that acquiring needed data would mean increased technical surveillance coverage, development of informants

cites two specific cases occurring in 1969 where Bureau declined CIA's request for technical coverage, suggesting to Agency that it make its request directly to the Attorney General. Review of specific cases mentioned set forth with Director's comments relative thereto being noted. Our policy of cooperation with CIA most recently delineated to field by SAC Letter 66-10 (B) - copy attached. SAC letter calls for guarding our jurisdiction but shows our willingness to cooperate with CIA.

OBSERVATIONS AND ACTION - OVER

Memorandum to Mr. C. D. DeLoach
RE: RELATIONSHIPS WITH
CENTRAL INTELLIGENCE AGENCY

CIA has repeatedly raised the issue in the past of our coverage in the positive intelligence collection area and we can reasonably expect similar issues to be raised in the future.

RECOMMENDED ACTION:

That we prepare a carefully worded letter to CIA outlining policy and the basic elements of intelligence and counterintelligence work affecting the United States and forthrightly ask CIA if it is satisfied with the status quo and if not what do they have to suggest as changes.

EXHIBIT 49

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

UNITED STATES GOVERNMENT

Memorandum

- Tolson _____
- DeLoach _____
- Mohr _____
- Bishop _____
- Casper _____
- Callahan _____
- Conrad _____
- Felt _____
- Gale _____
- Rosen _____
- Sullivan _____
- Tavel _____
- Trotter _____
- Tele. Room _____
- Holmes _____
- Gandy _____

TO : Mr. C. D. DeLoach

DATE: March 7, 1970

FROM : W. C. Sullivan

- 1 - Mr. DeLoach
- 1 - Mr. Sullivan
- 1 - Liaison
- 1 - Mr. Haynes

SUBJECT: RELATIONSHIPS WITH CIA
THE PRESIDENT'S FOREIGN INTELLIGENCE
ADVISORY BOARD AND JOHN MC CONE

~~Item number 30 in the material submitted to the~~
 X Director discusses a dispute we had with CIA in May, 1963, as a result
 of a communication the Bureau sent to the President's Foreign
 Intelligence Advisory Board (PFIAB). It was pointed out that
 in our communication to PFIAB we attributed certain information
 to McCone, then Director of CIA, concerning the matter of
 X increasing wire taps on [redacted] McCone
 charged that the information attributed to him was not so
 because he had never made any such statement and he could
 prove it. The fact was that the information relating to
 McCone had been given us by one of his subordinates who had
 indicated the information originated with McCone. McCone
 maintained that we should have checked with him before going
 on record that any information had originated with him.

~~A review of the file in this matter~~
 X in April, 1963, [redacted] had discussed
 with Richard Helms and James Angleton of CIA McCone's alleged
 X position with the PFIAB; that he was in favor of across the
 board telephone taps on [redacted]. The
 Bureau, of course, was opposed to this and advised Helms that
 we would request to make our position known before the board.
 At the conclusion of the meeting in April, 1963, Helms
 specifically asked what he should tell McCone and
 told him he should tell McCone exactly what had occurred at
 the meeting; that the Bureau was opposed to across the board
 wire taps and the Bureau intended to so advise PFIAB.

RECOMMENDED ACTION:

None. We do not believe, in light of the facts set forth, that CIA will make an issue of this matter.

RHH:wmk/sef
(5)

Ref
ds
Wells
[Handwritten initials and marks]

EXHIBIT 50

49

20 March 1970

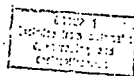
The Honorable J. Edgar Hoover
Director
Federal Bureau of Investigation
Washington, D. C.

Dear Mr. Hoover:

We have completed our review of domestic positive intelligence collection engendered by your letter of 11 March 1970. We warmly welcome periodic reexamination by our two agencies of the implementation of the 1966 agreement and the collection of positive intelligence which you proposed. I concur also with your comments that there is a need for close coordination of our efforts in the field of positive and counterintelligence collection. To be most effective, I agree that it is essential for this Agency, together with your Bureau, to conduct a continuing analysis of clandestine collection activity. The product is of growing importance to the national security and to the United States Intelligence Community. Therefore we endorse your proposal for a reexamination and bespeak your desires as to how this might be conducted.

With regard to the 1966 set of ground rules, which you sent to the then Director, Vice Admiral William F. Raborn, Jr., the competent work of our respective representatives did, in fact, produce an effective and realistic agreement. I welcome your statement that no major problems have been encountered since its adoption.

I feel strongly that there are other related subjects, of similar importance to the national security, which warrant periodic reexamination since they have a direct bearing on domestic-clandestine collection of positive intelligence.



As a result of our review, engendered by your letter, I believe that the following subjects are deserving of your personal consideration:

(1) Audio coverage.

For several years your Bureau had been receptive to requirements and leads which resulted in valuable coverage.

On 2 October 1969, two related requests for audio coverage were submitted by this Agency pertaining to positive intelligence targets.

Your Bureau replied that henceforth the Agency should refer all such cases directly to the Attorney General for approval.

It is suggested that the question of audio coverage be reopened between representatives of your Bureau and this Agency. I would welcome your thoughts and observations on this subject.

(2) Mail Coverage. Another much needed intelligence tool is mail coverage. Its importance has been proven in the past. I have the impression that it has been discontinued, and I would suggest that our representatives should confer and examine together whether this asset might be deployed against communications of the New Left, and identified foreign agents.

(3) CIA Technical Services. A significant expenditure of this Agency's money and personnel has been committed to research and development for the improvement of technical aids. This Agency has provided your Bureau with an appreciation of our resources and capabilities, and has offered you at cost or gratis our most sophisticated equipment.

Although we will continue these services, we would welcome any suggestions from your Bureau for improvement in the technical field including proposals how these assets can be better employed.

(4) Courtesy in Positive Intelligence Requirements and Reporting. Since the collection and reporting of sensitive foreign intelligence is, as you say, only incidental to your main internal security and counterintelligence responsibilities, I realize that your personnel are somewhat at a disadvantage in carrying out the evaluating and reporting processes necessary for the conduct of positive intelligence. At our 1956 conference, we offered to institute positive intelligence training courses, including reports writing and

analysis, for FBI personnel. In soliciting your views on the desirability of this type of training, I wish to reiterate our willingness to provide such instruction.

(5) Seminars on Opposition Services. Given the growing sophistication and increased capabilities of hostile intelligence services, it is suggested that CIA and FBI experts in this field meet as required at our respective Headquarters, the Washington and New York Field Offices, in order to keep abreast of new developments, update operational, operational tasks, and diverse missions of opposition services. I know that you will agree with me that no opportunities for improvement should be overlooked which might help to negate the efforts of hostile services who are charged with undermining the security of the United States. These sessions should also provide an opportunity to explore and devise new means to penetrate and neutralize these inimical forces.

(3) New Light and Social Matters. There is already a substantial exchange of information in this field. Limitations of manpower raise a serious question as to whether both agencies can keep pace with future unpredictable developments. The increasingly close connection between these forces in the United States and hostile elements abroad has been well established by both of our agencies. I feel it would be in our mutual interest to determine how we can best employ more wisely our limited manpower, knowing that this problem, which embraces bombings, hijacking, assassination, and the demanding of law enforcement officers, is international in scope.

(4) Relations with Domestic Field Offices and Local Attaches. I do not feel that there are any serious conflicts in this area but there may be room for improving the quality of liaison in order to expand positive intelligence collection. Given the changing situations both here and abroad, periodic re-examination of field relations could assist both agencies to make mutually-agreed adjustments.

Mr. Hoover, I wish to assure you that I value highly your personal judgment in affairs bearing on the national security. I know that your experience is derived from a unique lifetime of dedicated service to our country. In this spirit, I welcome sincerely your observations on the foregoing agenda and solicit your thoughts regarding any other item which you deem worthy of the attention of your Bureau and this Agency.

Faithfully yours,

Richard Helms
Director

EXHIBIT 51

4-T
March 31, 1970

Honorable Richard Helms
Director
Central Intelligence Agency
Washington, D. C.

Dear Mr. Helms:

I have carefully reviewed your letter of March 20 setting out your observations with respect to various matters of mutual interest. I certainly appreciate your kind comments concerning me and I share your convictions as to the need for close coordination of our intelligence collection activities in behalf of the national security.

Your letter suggested nine particular areas which might be the subject of further discussions aimed at improving the coordination of our operations. A number of these topics are highly sensitive and complex and I will therefore make no effort here to set forth my views in detail. However, in response to your letter and as a prelude to any direct discussions on these matters, certain observations on my part may be appropriate.

With regard to electronic surveillance and mail coverage, there is no question as to the frequent value of such operations in developing needed intelligence. On the other hand, the use of these measures in domestic investigations poses a number of problems which may not be encountered in similar operations abroad. There is widespread concern by the American public regarding the possible misuse of this type coverage. Moreover, various legal considerations must be borne in mind, including the impact such coverage may have on our numerous prosecutive responsibilities. The FBI's effectiveness has always depended in large measure on our capacity to retain the full confidence of the American people. The use of any investigative measures which infringe on traditional rights of privacy must therefore be scrutinized most carefully. Within this framework, however, I would be willing to consider any proposals your Agency may make.

Your offer to make available certain technical equipment developed by the Agency is most welcome and I fully reciprocate your willingness to cooperate in the exchange of relevant scientific data. I am prepared to designate appropriate representatives of the FBI Laboratory to meet with CIA technical personnel at any mutually convenient time.

With respect to the inclusion of positive intelligence courses in our training curricula, I am sure you will recognize that our training programs must be designed primarily to fulfill our own widespread and demanding responsibilities. While I appreciate your offer, I do not feel it would be feasible at this time to include the proposed courses in our training schedules. I would certainly have no objection to the holding of seminars between specialists of our two agencies in selective areas of interest when justified by specific circumstances.

There is already a considerable exchange of information between our agencies concerning New Left and racial extremist matters. Frequently, as you have pointed out, there have been substantial connections between subversive and extremist elements in the United States and their counterparts abroad. We will continue to furnish your Agency information being developed by the Bureau which might have a bearing on your intelligence requirements. At the same time, we are definitely in need of additional information from your Agency as to the foreign aspects of the extremist movement in the United States, including foreign funding and support of local extremist organizations. While I do not believe there is any need for detailed discussions on this point, if you have any specific suggestions to make we would be pleased to consider them.

Similarly, I am not aware of any major problems which exist at this time in connection with the coordination of our field liaison operations. It has been my long-standing policy that serious questions affecting the coordination of our activities with other Government agencies should be handled and controlled at a headquarters level in order to avoid administrative confusion and misunderstanding.

In line with my letter of March 11 and the observations contained in your letter of March 20, I will in the immediate future designate appropriate officials of the Bureau to meet with your representatives for detailed discussions of these matters. It is my earnest hope that such conferences will lead to a sharpened understanding of the responsibilities and objectives of our respective agencies and will serve to promote more effective cooperation in our joint commitment to the national intelligence needs.

Sincerely yours,

J. Edgar Hoover

EXHIBIT 52

UNITED STATES GOVERNMENT

Memorandum

- 1 - Mr. DeLoach
- 1 - Mr. Sullivan
- 1 - Mr. Conrad

4-4

Mr. C. D. DeLoach

DATE: April 14, 1970

FROM: W. C. Sullivan

SUBJECT: RELATIONS WITH CENTRAL INTELLIGENCE AGENCY (CIA)

Reference my memorandum 3/30/70 summarizing proposals of CIA Director Helms regarding FBI-CIA coordination in intelligence collection activities. Director approved meetings between CIA and Bureau representatives to further explore these matters.

On afternoon of 4/13/70, Inspector D. E. Moore and myself met briefly with Mr. James Angleton, Chief, Counterintelligence Staff, CIA, and Mr. [redacted] of his staff. This session was strictly exploratory in nature and was aimed at defining the scope and limitations of our discussions with CIA on the points in question. Angleton noted that CIA Director Helms will be closely following the outcome of these discussions and is personally interested in resolving any current problems in this area.

Mr. Angleton indicated that CIA would like to direct initial attention to two of the items cited by Helms, namely, the question of audio (electronic surveillance) coverage and the suggestion that FBI and CIA specialists hold periodic seminars to coordinate our information. The Bureau's position regarding electronic surveillance coverage, as outlined in the Director's letter to Helms of 3/31/70, was reiterated with emphasis upon the problems such coverage often pose with regard to prosecution as well as adverse public reaction to this type coverage.

I made the point that the Bureau has not received the necessary support in this area from responsible quarters; that in the past the Bureau had a substantial amount of coverage of this type in the interest of both our own counterintelligence responsibilities as well as the national security interest but that we have had to retrench in recent years largely as a result of the lack of support for such operations.

Angleton noted that in response to CIA's request for electronic coverage of two [redacted] in the Fall of 1969, the Bureau had requested that they take this matter up with the

WCS:mea
(4)

Classified by 12
Exempt from GDS, Category 2 - CONTINUED COVER
Date of Declassification Indefinite
4-11-75

57 APR 24 1970

Memorandum for Mr. DeLoach
 RE: RELATIONS WITH CIA

Attorney General. He said that CIA has been giving the question of approaching the Attorney General considerable thought but this would involve a whole new set of procedures and policy considerations which would have to be carefully considered. Angleton said that his staff was in the process of drawing up a proposal on this point for Mr. Helms to consider and that they would probably have something specific for the Bureau to consider at a subsequent meeting.

Concerning the proposed seminar, in line with the Director's letter to Helms 3/31/70, I pointed out that we would certainly have no objection to such conferences where the occasion justified them. From Angleton's remarks, it appears that CIA is primarily interested here in the _____ and would like to furnish the Bureau with details of an extensive research project CIA has undertaken in recent years to correlate all available source information regarding _____. This _____ apparently would not involve any commitment by the Bureau and would represent essentially an opportunity for us to see what CIA has done in this field and how it might tie in with any current Bureau interest. When CIA submits any firm proposals in this regard, we will submit specific recommendations.

Angleton said that CIA would be in touch with us when they have firmed up various proposals and at that time Inspector Moore and myself will meet with them again as required. The Director, of course, will be kept fully informed and no commitments will be made without his prior approval.

ACTION:

For information.

[Handwritten signatures and initials: "Jim", "WAS", "✓", "WBS"]

EXHIBIT 53

5- (10)

(10)

21 NOV 1955

MEMORANDUM FOR: Chief of Operations

SUBJECT: Project HTLINGUAL

1. The HTLINGUAL project outline is attached. It is self-explanatory as a project with the exception that having been aware of the previous operation, you undoubtedly will have certain questions which we hope to answer in this cover memorandum.

2. The personnel required for the project on the part of the Security Office is approximately the same as the number and grades of those currently used with the exception that Security is running the project through full-time use of some employees and part-time of others who should be on other regular Security jobs. Their total time is between seven and eight people full-time. With the personnel freeze and the mounting backlog, Security cannot continue the present operation without a staff increase as indicated.

3. The only added function that will be performed by Security in the new project is that more letters will be opened. They are presently able to open only a very limited number. Under the new set-up with full-time employees, Security will be able to obtain the addressor and addressee on the total correspondence as against approximately 75 percent at the present time.

4. The added space is necessary to enable the opening of more letters. Presently letters are opened without the knowledge of the Post Office Department on a completely surreptitious basis, namely, swiping a letter, processing it at night and returning it the next day. The processing is after hours in the Security Office's New York office. This not only involves overtime but is impossible to handle on any increased scale. It will be necessary to get an added room for this processing with permanent equipment. The cost for

this added room is included; however, it is not known whether added space may be obtained without cost. In order to acquire more letters for processing, added room may be necessary at the airport in New York. This cost is included; however, again it may not be necessary to expend any money since the Post Office may be able to handle the matter for us. In other words, it is necessary to get the mail delivered to a separate room where no other Post Office employees are present. At the present time, an unwitting Post Office employee is working with our people. The item for space in Washington, while possible, is not probable, since this space does not need to be at any particular point in the Washington area.

5. Our Security people are documented as Iden 27

So far there

has been no suspicion in the main post office in New York or at the airport that they are other than Iden 27. The cover story is that they are doing certain research work on foreign mail for the Iden 28

6. The Table of Organization within the CI Staff is not an estimate--it is based upon actual work production for similar work in Registry.

7. The courier cost attributed to this project is not solely a project expense since the same courier can also handle Security pouches from New York. The cost of the courier at the present time is borne by the Security Office.

8. The equipment cost will not be a recurring item with the exception of "Miscellaneous", which covers large amounts of film for microfilming the letters.

9. The scope of this project could be greatly expanded, since it does not cover a substantial amount of mail which comes into other post offices and since it is envisioned that only a relatively small percentage of

- page three -

project as currently envisioned, a detailed analysis can be made to determine whether it should be abandoned, expanded, or maintained at its present scope. It is our opinion that the Agency will desire to expand the project to the maximum extent possible within the limits of security and the limits of the Post Office Department's cooperation.

10. It is desired to point out that the Security Office advises that they cannot continue the project unless added slots are made available to them. From the DD/P standpoint, we believe that we are not at the stage of either developing the project as indicated or discontinuing it, since the material is not being exploited nearly to the extent that it could be.

11. The cost of the project appears large; however, from the above analysis you can see that this cost is almost entirely the salaries of staff employees, including headquarters processing. The cost of many of the Agency's projects would appear very high if the total staff personnel (including headquarters) cost was added to them.

Signed: James Angleton

James Angleton
James Angleton
Chief, Counter Intelligence Staff

Attachment (1)

DC/CI:Iden 4 :jbr (18 Nov 55)

Distribution:

Orig & 1 - Addressee

1 - CI/SIU

1 - C/CI Chrono

1 - To be informally handed to Iden 15

by Iden 4

11/21/55: Note by Mr. Angleton on the cover sheet to COP:

Dick: The work on this was done by Iden 4 and Iden 20

EXHIBIT 55

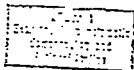
MEMORANDUM FOR THE RECORD 8 April 1969

Office of the Chief Postal Inspector

MEMORANDUM FOR THE RECORD

SUBJECT: HTLINGUAL

1. On 7 April 1969 I ran into Bill COTTER as he was leaving Headquarters Building during the early afternoon. He asked for a few words and then proceeded to tell me that he was on his way out for the last time and would be sworn in as Chief Postal Inspector the same evening.
2. COTTER said that in his conversation with the DDP, COTTER had mentioned his concern about the future of HTLINGUAL, and the DDP had told him to discuss it in detail with the CI Staff.
3. COTTER then expressed himself to me as follows: COTTER comes to the Post Office Department from the Agency and in fact knows how HTLINGUAL works, whereas the former Chief Postal Inspector, Henry MONTAGUE, theoretically knew only that the operation was a "cover," which was permitted under the regulations. This placed MONTAGUE in a position to testify under oath on the Hill in such a way as to -- in effect -- protect HTLINGUAL. COTTER will not be in such a position and will be particularly vulnerable in the event of a flap in view of his own past affiliation with the Agency.
4. At the moment COTTER feels that he will probably have to brief the Postmaster General in all fairness to the PMG and the DCI, who placed COTTER in his new job. COTTER plans, however, to enter into his new job without making any internal inquiries relating to HTLINGUAL, and he will do nothing unless the operation is mentioned to him by MONTAGUE (who will be gone in a few days), or in some other context. In any event, COTTER will ultimately take a look at the operation, but, before taking any action, will contact the CI Staff for



a discussion. COTTER regards HTLINGUAL as CI Staff business rather than Office of Security business.

5. It is noted that the Long Committee, which was causing the Bureau and the Post Office Department some difficulty, is no longer functioning and that Mr. COTTER is under no immediate threat from the Congress to justify the activities of his Department. While Mr. COTTER will undoubtedly inspect the HTLINGUAL activity in his new capacity and may even find it necessary to brief the Postmaster General, he has given us assurance that he will consult with us prior to taking any action. Therefore, the CI Staff sees no requirement for concern at this time and would not want any action taken to suspend the HTLINGUAL operation.

SA/C/CI

Orig to DDP; DCI on 24 apr w/note from

CCI on cover sheet: This is a new memo on the subject -
the first one did not take into account
the facts set forth in paras. 4 and 5. J. A.

✓ 1 copy - SA/CCI chron
" CI/SIG

19 May 1971

MEMORANDUM FOR THE RECORD

SUBJECT : DCI's Meeting Concerning HTLINGUAL

1. At 10:00 A.M. this date, Mr. Helms convened the following in his office to discuss the HTLINGUAL operation: the DDP, the C/CI, the D/S, the DC/CI, and C/CI/Project.

2. The DCI opened the meeting with a reference to an inquiry as to possible mail tampering by Government agencies, addressed to the Chief Postal Inspector, Mr. Cotter, by Dr. Jeremy J. Stone on behalf of the Federation of American Scientists. On the question as to what may have prompted the letter, the DDP mentioned the possibility that the information might have come from Herbert Scoville, a member of the Federation's Council who, while in CIA employ, had been briefed on the Project. It was stated that Mr. Scoville had not been a consumer of HTLINGUAL material for many years, and could not know that HTLINGUAL had continued beyond the time when he was informed of it. The DCI stated that he was not over-concerned about Mr. Scoville.

3. The DCI then asked, who outside of CIA knows about the HTLINGUAL operation or gets its material. The C/CI replied: only the FBI. The D/S added, "and the little gray man." He explained that a postal clerk had been engaged since the beginning to bring the bags to the room in the airmail facility where the material is screened for "take"; that the man had been checked and cleared by Security, and was paid a \$50 monthly bonus for this duty. (The D/S did not state what this clerk knew about the activity beyond the screening and copying of exteriors.)

4. The DCI then asked, who in the POD knows the full extent of the operation - beyond cover surveillance. The C/CI replied that only Mr. Cotter knows, for he had been witting while with CIA and the O/S. The previous Chief Postal Inspector, Mr. Montague, had never wanted to know the extent of examination actually done, and was thus able to deny on oath before a congressional committee that there was any tampering. Mr. Cotter would be un-

able to make such denial under oath. In an exchange between the DCI and the DDP it was observed that while Mr. Cottar's loyalty to CIA could be assumed, his dilemma is that he owes loyalty now to the Postmaster General.

5. When the DCI mentioned the theft of FBI documents from their Media, Pa., office, the DDP stated that he had been informed that the copy of the letter mentioned in the press had come from HTLINGUAL. The C/CI/Project interposed, with apologies to the DDP, that it had been positively verified from the Project's record, and a memo^m had been written to the effect, that the Project had never seen the letter, and that, as a piece of domestic mail, the letter would not have been available to HTLINGUAL, which has access only to an international airmail facility.

6. Mr. Helms stated that he would accept the evidence of the HTLINGUAL record, but he then asked, how long has the FBI known about the operation and how long have they been getting its material. The C/CI replied that FBI awareness came in 1958 when, in January, they requested permission from Chief Postal Inspector Stevens to examine mail to/from the USSR. Stevens had advised CIA of the request and had sanctioned CIA's revealing the operation to the FBI and thereafter servicing the Bureau with items of national security interest. This was five years after the operation had started in 1953.

7. Mr. Helms asked whether the FBI passes the material to other agencies, or outside its headquarters office. The D/CI replied that it did not, in accordance with the original agreement; that the unit receiving the material passes only sanitized leads within the Bureau whenever investigation is warranted.

8. The DCI then inquired how many persons in the FBI know about the operation or are privy to its take. The C/CI/Project stated that he had originally been told that only a small unit of two or three see and handle the material, and that this had been confirmed by the FBI liaison officer, Mr. Papich, about three years ago. The DCI stated that he wants to know how many and who

in the FBI know about it now.

9. On the question of continuance, the DDP stated that he is gravely concerned, for any flap would cause CIA the worst possible publicity and embarrassment. He opined that the operation should be done by the FBI because they could better withstand such publicity, inasmuch as it is a type of domestic surveillance. The D/S stated that he thought the operation served mainly an FBI requirement. The C/CI countered that the Bureau would not take over the operation now, and could not serve essential CIA requirements as we have served theirs; that, moreover, CI Staff sees the operation as foreign surveillance.

10. Mr. Helms then asked what should be done: do we want to continue the operation in view of the known risks? The C/CI replied that we can and should continue to live with them.

11. The DCI then stated that he would have to discuss the matter with Mr. Cotter, and requested the D/S to arrange a meeting. After that meeting, he said, he would determine whether Mr. Blount should be informed.

12. As the meeting closed, the DCI told the C/CI/Project to monitor the operation most discreetly, and bring any problem or difficulty directly to him.

13. The meeting ended at about 10:45.

EXHIBIT 57

100-100-100
FILE
OK

3 June 1971

MEMORANDUM FOR THE RECORD

SUBJECT : Meeting at DCI's Office Concerning
HTLINGUAL

1. At 10:30 a.m. this date, Mr. Helms convened in his office the DDP, the C/CI, the D/S, and C/CI/Project to report on recent action taken by him concerning the HTLINGUAL operation.

2. Mr. Helms stated that on Monday he had briefed Attorney General Mitchell on the operation. (Note: Mr. Helms may have meant Tuesday, 1 June, Monday having been a holiday). Mr. Helms indicated that Mr. Mitchell fully concurred in the value of the operation and had no "hang-ups" concerning it. When discussing the advisability of also briefing Postmaster General Blount, Mr. Mitchell encouraged Mr. Helms to undertake such a briefing.

3. The DCI then indicated that yesterday, 2 June 1971, he had seen Postmaster General Blount. Mr. Blount's reaction, too, was entirely positive regarding the operation and its continuation. He opined that "nothing needed to be done", and rejected a momentarily held thought of his to have someone review the legality of the operation as such a review would, of necessity, widen the circle of witting persons. Mr. Helms explained to the PMG that Mr. Cotter, the Chief Postal Inspector, has been aware of the operation for a considerable period of time by virtue of having been on the staff of CIA's New York Field Office. Mr. Helms showed the Postmaster General a few selected examples of the operation's product, including an item relating to ElGrudge Cleaver, which attracted the PMG's special interest. A mention by Mr. Helms of the "little gray man" in New York (the postal clerk at the Airmail Facility in Jamaica who provides the mail to our intercept personnel) brought forth Mr. Blount's remark that he hoped that this man would not retire prematurely to take advantage of the Post Office Department's currently offered attractive bonuses for early retirement.

4. In an aside, Mr. Osborne mentioned that he had seen Mr. Cotter since Mr. Helms' meeting with the Post-

master General and that Mr. Cotter reported that he felt that his stock with the Postmaster General had gone up several notches.

5. It was obvious that all present were gratified by the favorable reception Mr. Helms had met in briefing the two mentioned Cabinet officers.

6. The DCI took the occasion to stress again the security aspects of the operation and stipulated that, in the event of any sort of security flap or even a suspicion that a leak of some sort had occurred, the intercept operation was to cease immediately and our men were to be withdrawn to the New York City base. Mr. Helms wished to convey the importance of stopping first and investigating later. If a subsequent investigation showed that indeed no damage had occurred, it would then be possible to resume the operation.

7. Both Mr. Helms and Mr. Karamessines recommended tight control over the number of Agency persons cleared for, and witting of, the operation.

8. The meeting ended at 10:40 a.m.

EXHIBIT 58

22 July 1971

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MEMORANDUM FOR THE RECORD

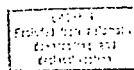
SUBJECT: Project SRPOINTER

1. The following is to record my knowledge of events regarding the SRPOINTER Project during the last few months. Approximately May 1970, I was required to designate certain slots to be released by IOS during FY-1972. Among these, I designated three slots for SRPOINTER based on the premise that these slots and the Project contributed nothing to the Office of Security, but were of direct interest to and in support of the DD/P.

2. At approximately the same time, it was learned that [redacted] had contacted Mr. Karanessines and advised that he would like to see SRPOINTER abolished, since he felt that with all of the various Congressional investigations being conducted in various areas, SRPOINTER was vulnerable to possible compromise. He advised that if SRPOINTER was not abolished, he felt that it was necessary for him to brief Postmaster General Blount on the Project.

3. It is understood that the DD/P was amenable to the idea of abolishing SRPOINTER, but the Chief, CI Staff, did not concur and indicated that he would appeal to the DCI on the basis of the value of the information being obtained by SRPOINTER.

4. It is understood that sometime later, a meeting was held by the DCI at which time he agreed that efforts should be made to continue SRPOINTER. It was subsequently learned that the DCI discussed the Project with the Attorney General who stated that he was convinced of the value of the Project if the Postmaster



General concurred. Subsequently, the DCI met with Postmaster General and briefed him on the Project. The Postmaster General advised that if the DCI and the Attorney General were convinced of the value of the Project, he would concur in the continuance of the Project, but that the Agency must understand that the Project should be kept in such a status that it could be discontinued immediately if it appeared that a compromise was imminent. He also suggested that we determine the status of the Post Office representative assigned to the Project, since many Post Office employees were retiring under the liberalized retirement program in the Post Office. I subsequently had the New York Field Office check this and was advised that the Postal representative assigned to the Project had no intention of retiring.

5. In regard to the three slots for SRPOINTER, I had previously indicated to the Director of Security that during discussions with the DD/P, he should indicate that if the Project was to continue, it would be necessary for the DD/P to give us the three slots which we would be losing. After the decision of the DCI, the Director of Security stated that he felt that, since the DCI had now made the Project an Agency Project as opposed to merely DD/P, that it would probably be better to approach the Executive Director-Comptroller on the basis of returning the three slots to our T/O. He advised the DD/P of this, and the DD/P concurred. Subsequently the Director of Security stated that he had discussed it with the DD/S, who concurred and suggested that the Office of Security prepare an appropriate memorandum to the Executive Director-Comptroller.

Iden 18
Deputy Director of Security (IOS)

EXHIBIT 59

15 February 1973

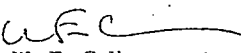
MEMORANDUM FOR THE RECORD

SUBJECT: Mail Intercept Program

1. The attached memorandum from Chief, CI was orally briefed to the Director (and the DDCI), he was shown the activity reflected on page 12, and he read the entire attachment giving random examples of production. I used the attached Talking Paper as a basis of presentation to the Director. The Director expressed his agreement with the desirability that this project be passed to the FBI and his lack of conviction that the product to CIA is worth the risk of CIA involvement. He directed the DDCI to discuss the activity with the Acting Director, FBI, with a view to offering the FBI the opportunity to take over the project, including the offer of detailing the CIA personnel involved to the FBI to implement it under FBI direction and responsibility.

2. Since Mr. William Cotter had indicated that he was unwilling to continue to collaborate on the project beyond 15 February unless it were cleared with appropriate superior authority, the Director agreed that the activity would be suspended unless Mr. Cotter would accept its continuance for the time being under our assurances that the matter is being prosecuted at a very high level.

3. Mr. Osborn advised Mr. Cotter of this conclusion, and Mr. Cotter requested that the project be suspended until appropriate resolution of the problems involved. This has been done.


 W. E. Colby

Attachments

WEC:blp
 Original - C/CI via DD/P
 1 - Director of Security

SEARCHED BY
 INDEXED BY
 SERIALIZED BY
 FILED BY

14 February 1973

TALKING PAPER

SUBJECT: Mail Intercept Program

1. A program of intercepting mail between the United States and the USSR has been in existence in New York since 1952. This program has provided information of interest to the FBI, as we understand it, dealing with Soviet activities vis-a-vis the United States and with respect to Americans who maintain active contacts with Soviet and other Communist areas. The program was most recently briefed to then Attorney General Mitchell and Postmaster General Blount in June 1971.

2. Considerable efforts are made to conduct this operation on a totally secure basis, but it is of course possible that it leak. While the recording of the addresses and return addresses is totally legal, the opening of first-class mail is in conflict with 39 U. S. Code, Section 4057. A contention can be made that the operation is nonetheless within the constitutional powers of the President to obtain foreign intelligence information or to protect against foreign intelligence activities (powers statutorily recognized in 18 U. S. C., Section 119, with respect to bugging and wiretapping.

3. The political risk of revelation of CIA's involvement in this project is in any case substantial. In my view, this political risk is not justified by the operation's contribution to foreign intelligence and counterintelligence collection. It may well be justified by the contribution it makes to the FBI's responsibilities for internal security, a matter best judged by the FBI. If this is viewed as sufficient, I recommend strongly that the project be assumed by the FBI rather than running the extra risk of possible public revelation of its association with CIA. CIA would naturally provide any support desired by the FBI and would hope to receive such material as might be of value to CIA from the FBI.

4. Pending resolution of the above, the project is suspended.

The Project

I. A. The mail intercept Project is a basic counterintelligence asset designed to give US intelligence agencies additional insight into Soviet intelligence activities and interests. It provides information about Soviet-American contacts and insight into Soviet realities and the scope of Soviet interests in the academic, economic, scientific and governmental fields unavailable from any other source. The Project adds a dimension and a perspective to Soviet interests and activities which cannot be obtained from the limited resources available to this Agency and the FBI.

B. The Project is particularly productive in supporting both the Agency and the FBI in pursuing investigative and operational leads to visiting Soviet students, exchange scientists, academicians and intellectuals, trade specialists and experts from organizations such as the USSR Institute of the USA. The basis for exploiting the Project for this purpose is the knowledge we have from every Soviet Bloc intelligence service defector that each visitor to the West is approved by the respective Security Service. The Project, limited to mail to and from the USSR and the USA, is basically concerned with individuals the KGB approves because it controls them, their passports, their foreign exchange, their education, etc. Based on KGB and GRU defector information, it is presumed that the visitor is a KGB agent or cooperating with the KGB, i.e., a "cooptec." It is also known that no Soviet can maintain correspondence to the United States without KGB approval.

C. In many instances the Project provides the only means of detecting continuing contact between KGB controlled exchange students and Americans. The concern is the spotting and assessing and ideological missionary work these Soviet students do while in the US. The Soviet student not only maintains correspondence when he goes back to the USSR but often returns to serve in the US in an official capacity as a scientist, trade representative or diplomat and renews his contacts. The US internal security concern is illustrated by the fact that of the academically active 32 Soviet exchange students in the US during the academic year 1971-1972 reliable collateral sources have identified 11 as coopted KGB agents and 19 as

coopted GRU agents. To date 10 of the 55 Soviet exchange students here for the academic year 1972-1973 have been identified as KGB cooptees.

D. The Project provides information otherwise unavailable about the Soviet contacts and travel of Americans to the USSR which is often important when checking applicants for Agency or other Government employment and in confirming reports from Clandestine Service, Domestic Contact Service and FBI agents, contacts and informants.

E. Project material recorded for 18 years gives basic information about Soviet individuals and institutions useful to the analyst looking for specific leads and in gauging trends in Soviet interests and policies.

F. In addition to the obvious value of the Project to the CS, the FBI recently advised us when we were reviewing its current requirements that the Project information is extremely valuable with respect to information about East-West exchange students. Project information helps the FBI develop sources and assess Soviet students. The FBI anticipates the Project will provide insight into the developing trade relations where no FBI coverage is possible. The FBI has benefitted from leads to American students who have been in the USSR and, in particular, from the knowledge that the sons and daughters of CPUSA and Front Group officials who they expect will be the left leaders in 5 to 10 years have studied in the USSR. Often there are no other leads to this information. The FBI also notes that quite often the Project information permits it to correlate lead information which has been outstanding for several years.

II. A. The Project originated in the Spring of 1952 when the then SR Division of the CS (now SB) began to examine the positive, operational and counterintelligence information potential which might be obtained from a systematic monitoring of postal communications between the United States and the Soviet Union.

B. In November 1952 an agreement was reached with the then Chief Postal Inspector Clifton GARNER to surveil and photograph postal covers (exteriors) at the New York City postal

facility which processed airmail to and from the USSR. As agreed with New York Postal Inspector Henry MONTAGUE, examination of mail covers by CIA personnel documented as Post Office Department officials was begun on 17 February 1955.

C. Occasional exploratory openings conducted at a secure CIA installation nearby proved so rewarding that continuation on a highly selective basis was deemed necessary in the national security interest.

D. In May 1954 Mr. Allen W. DULLES, DCI, and Mr. Richard HELMS, the Chief of Operations, DDP, took the first initiative in the series of briefings to insure that each Administration has known the Project existed. They advised Postmaster General Arthur E. SUMNERFIELD that an examination was being made of the "covers" of mail to and from the Soviet Union (such examination is legal). While Mr. SUMNERFIELD did not comment specifically, it was clear that he was in favor of the activity.

E. When the yield from the activity transcended the interests of the Soviet Division, responsibility for it was transferred in 1955 to the Counter Intelligence Staff of the DDP, where it has remained to the present.

F. In January 1958, the FBI requested the Postal Inspection Service's permission to examine mail to and from the Soviet Union. CIA was advised of the Bureau's request and arranged in February 1958 to regularly provide the Bureau with items of internal security interest. The FBI is the only non-CIA agency which receives copies of the material in its raw form.

G. In February 1961 Mr. DULLES and Mr. HELMS discussed the "mail surveillance" activity with Postmaster General Edward DAY and Chief Postal Inspector MONTAGUE. Mr. DAY agreed that the activity should continue and made the caveat that the Post Office Department need not know the extent of the mail examination.

H. The first US postal official to be fully aware of the clandestine aspect of the mail surveillance was ex-CIA employee Mr. William COTTER upon his appointment in April 1969 as Chief Postal Inspector. Mr. COTTER knows about the Project because of his duties while with CIA.

I. In early June 1971 Mr. HELMS, DCI, briefed Attorney General MITCHELL and Postmaster General BLOUNT and showed selected samples of information obtained. This was the first time officials at this level were briefed about the details of the operation. Both Cabinet members concurred in the continuation of the activity. Mr. HELMS advised Mr. BLOUNT that Mr. COTTER knew about the operation as a result of his CIA service.

J. The present Postmaster General has not been briefed by any CIA official.

II. A. From its initiation the security risk associated with this undertaking has been fully recognized. The security mechanics of this Project which were carefully laid initially are continuously reexamined and, with the possible exceptions noted below, it is believed that security is as tight as it possibly can be.

B. Mail is examined only in a vault area within a restricted secure area of Federal Building No. 111 at JFK International Airport.

C. Prior to June 1972 a CIA Technical Services Division (TSD) technician participated in opening the mail to establish if it had been previously opened. Until the TSD laboratory was closed in June 1972, a considerable amount of valuable postal intelligence and chemical censorship information on the Soviet Union was collected.

D. In every instance, the openings are made as technically secure as possible following standard surreptitious entry procedures evolved by the Agency. Expertly resealed envelopes are returned promptly to the mail flow, with the delay never exceeding 24 hours.

E. Control over copies of the examined letters in the Project office at Headquarters is stringent. Each item is logged. Each person, translator, analyst, and cleared recipient directly involved in the Project or with Project material is thoroughly briefed and continually impressed with the sensitivity of the Project. Routing of material is via sealed envelope, by hand, to named recipients only.

Material is permanently stored in a vaulted area, under the Project manager's control.

F. The compartmented unit within the FBI's Domestic Intelligence Division, which receives copies of the Project materials, observes rigid security procedures, restricting the materials to a limited number of Special Agent Supervisors in that Division who regularly handle equally or more sensitive information and are aware of the sensitivity of this material. FBI Field Offices receive only disguised Project information and even then a cautionary statement is included and highlighted. The fact that CIA is the source of the information is protected by sourcing the information to a coded identification. The raw Project materials are never placed in case files, are never reproduced and never sent to FBI Field Offices.

G. The "flap" potentials in this Project are essentially the same hypothetical problems this Agency and the FBI face every day in our operations. However, to give a perspective to problems we have considered, the following areas of concern are noted:

1. A disgruntled Post Office department employee at the Jamaica Airmail Facility near JFK International Airport, New York, where the screening of the mail takes place, could allege that sacks of mail are removed to a locked room. He could only speculate as to the reasons for the removal, however. (In the event of surprise forced entry into the examining room at the airport during the CIA officers' working hours, the only observable activity would be the copying of selected exteriors which is legal.)

2. Over the years, texts of examined mail have been made available on a restricted and need-to-know basis to individuals within the clandestine Service. Because of short-term rotational assignment tenure, it has been necessary to make a fairly large number of persons witting of the Project material but not to the mechanics of acquisition. An individual who becomes disgruntled or who loses all appreciation for security could disclose that mail was being examined. With very few exceptions, however, no one could pinpoint where the examination is done and verify that it is done by CIA.

3. Selected items of mail to be opened are transported by one of the covert CIA examining officers from the Airmail Facility to the Federal Building at JFK International Airport. Conceivably the persons transporting these letters could become involved in an accident or be attacked by thugs, disclosing possession of the mail outside the Facility, but the reason would be unknown.

4. Copies of the examined mail are couriered weekly from the Federal Building at JFK International Airport to the New York City Field Office of CIA's Office of Security for transmittal to Headquarters. It is possible that these copies could fall into unauthorized hands if the vehicle used was involved in an accident or if the individuals transporting the letters were subjected to a holdup.

5. Copies of the letters are forwarded by the Office of Security in New York to a Headquarters-controlled post office box by registered mail. A mail robbery or train/aircraft accident is possible, resulting in the loss of the mail.

ii. Past incidents or publicity about US Government interest in mail coverage which caused some concern with respect to Project activities are cited to give some additional background.

1. In mid-April 1965 there were press accusations that the Internal Revenue Service had been examining mail to attempt to uncover information about foreign asset holdings of US citizens who were seeking to evade or were delinquent in their taxes. Congressman Burward G. HALL (R-Mo) also claimed that he had received unevaluated information that other agencies were "snooping" into the mails. Senator Russell B. LONG's Congressional Sub-Committee to the Joint Committee on Internal Revenue tax conducted hearings into these accusations. In May 1965 then Postmaster General GRONOUSKI stated publicly that the Post Office Department had cooperated with requests for mail cover examination from a number of Federal agencies including the Food and Drug Administration, the Internal Revenue Service, and the Department of Justice. Mr. GRONOUSKI

stated that he would henceforth limit severely the number of officers in the Post Office Department who could authorize examination of the mail. It should be noted that Senator LONG's Sub-Committee dealt primarily with the examination of the mail by the Internal Revenue Service and the Department of Justice. The Post Office Department was not unduly concerned by the Congressional hearings and press accusations, and CIA's mail examining Project was not affected.

2. On 4 June 1968 the late columnist Drew PEARSON wrote: "Senate investigators have discovered that the CIA not only watches suspicious mail, but actually opens the letters as part of its secret intelligence work." There is no indication that either Congress or the general public reacted to these allegations.

3. On 13 January 1971 Jeremy STONE, Director of the Federation of American Scientists, Washington, D.C., addressed a letter to William J. COTTER, referred to above, who was then and is now the Chief Postal Inspector, raising some very precise questions apparently designed to assist him with respect to legislation STONE had in mind regarding entry into domestic and foreign mail. Mr. COTTER forwarded a copy of the letter to Mr. Howard OSBORN, Director of Security, CIA, soliciting advice about what his reply to STONE's questions should include. Concern over the "flap potential" for the Agency which the letter might engender prompted Mr. BELMS to brief both Mr. BLOUNT, the Postmaster General, and Mr. MITCHELL, the Attorney General, in early June 1971. To our knowledge STONE's letter was never answered.

IV. The following is a tabulation of Agency personnel briefed on the Project from 1952 to 31 December 1972 and their current status.

- A. Total number of persons briefed since inception 456*
 thereof currently on duty in DDP area 276
 (Note: only 90 persons are currently active recipients of Project material; see separate breakdown)

on duty in other Directorates

terminated (retired/resigned/deceased).... 156

*Excludes Project personnel, TSD personnel involved in the technical aspects, and Office of Security operating personnel in field and at Headquarters

B. Active recipients of Project material in DDP area (as of 31 December 1972)

CI Staff	46
Soviet Bloc Division	29
Western Hemisphere Division	5
Africa Division	5
Foreign Resources Division	5
Near East Division	1
Total DDP	89

Office of Security	1
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TOTAL	90
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V. Present consumers of Project material and the type of information they receive is as follows. In addition to current information, the Project provides file data dating back to 1955. The Project maintains a compartmented machine record system which includes about two million names of persons involved in USA-USSR contact. Institutional and organization files are also maintained for reference and analytical purposes. The analysts in the Project office reference and collate information to assist CI Operations and the Operating Divisions

A. CI Staff components which oversee and coordinate exploitation of the Project material receive material of interest to the operational divisions, as well as the following:

Specific requirements which indicate operational methods.

Specific requirements which indicate operational methods.

B. The Soviet Bloc Division uses Project material for operational leads and counterintelligence investigation. It extracts and supplies information for basic files, personality dossiers, and certain machine record programs. SB Division receives materials to/from or concerning the following types of information:

Specific requirements which indicate operational methods.

Specific requirements which indicate operational methods.

C. The AF Division receives Project material identifying and concerning:

Specific requirements which indicate operational methods.

D. The WH Division receives Project material which:

Specific requirements which indicate operational methods.

E. The Information Services Division (ISD) and the DDP Area Divisions concerned receive extracted information identifying foreign students in the USSR. Dissemination is by sterile memorandum which does not identify the Project as the source.

F. The FBI requests and receives information and leads from the Project material to/from, identifying, or concerning:

1. Current and former Soviet officials assigned to the US and UN.

2. Other Soviets in the US - students, scientists, writers, etc. (current and former).
3. US students, scientists in the USSR, and subsequent contacts (especially students who were sponsored by subversive organizations, and subversive individuals who have received special invitations or special treatment from the Soviets).
4. CPUSA and front organization officials' and members' contacts with, and travel in, the USSR.
5. US defectors in the USSR.
6. Contacts of radicals and subversives with the USSR.
7. Contacts with the USSR of militant, dissident, and protest groups.
8. Exchanges between US and USSR scientists.
9. Contacts with the Soviet Red Cross, particularly those by individuals rather than by the institutions because experience has shown that the Soviets have used Red Cross cover to help establish illegal entrants into the US.
10. Cubans and pro-Castro individuals in the US, USSR, or third countries.
11. Soviet Committee for Cultural Relations Abroad (contacts with emigres and emigre organizations in the US).
12. Correspondence between US nationals and aliens in the US with individuals attending such institutions as the Central Komsomol School and the Friendship University, including aliens in the US who have previously been in the USSR as students.

The dissemination of Project material, i.e., the number of reports sent to the FBI's Domestic Intelligence Division subsequent to the agreement of January 1958 totalled 41,138 by 31 October 1972. On the average one report usually consists of

three (3) individual items with a summary and translation, as appropriate, which also provides some correlated and analytical references based on Project file material.

As of 31 December 1972 the FBI's active watchlist of names of interest consisted of approximately 200 of the approximately 600 names watchlisted. (The number of names watchlisted varies from month to month.)

6. The processing and dissemination statistics for the calendar years 1971 and 1972 are as follows:

	<u>1971</u>	<u>1972</u>
Total items through facility	4,375,000	4,350,000
Total items CIA screened	2,260,000	2,308,000
Total exteriors recorded	25,000	35,000
Total interiors (contents) recorded	10,500	8,700
Total interiors for intelligence exploitation	8,750	8,200
Total for technical examination	1,750	500
Total selected on basis watchlist	6,220	5,000
Total (approximate) examined, analyzed, translated, summarized, etc. (includes items on file not previously processed)	9,000	8,060
Total (approximate) items disseminated within DDP	5,000	3,850
Total items disseminated to FBI	2,000	1,400

The Project is operated using the following personnel:

1. Two (2) officers of the Office of Security (New York Field Office) who are engaged full time in screening and selecting items to open and then opening, photocopying and resealing the items.

3. Seven (7) officers and two (2) clerks of the DOD Counter Intelligence Staff man the Project office at Headquarters and are engaged full time in processing items. This processing includes translation, summarizing, correlating and indexing the information.

IV. The total cost of the operation is approximately \$260,000 per annum. Salaries account for approximately \$175,000 of the total cost with the remaining funds spent on film and other reproduction costs, travel and equipment maintenance.

X. Attached are random samples of the production from the Project.

EXHIBIT 60

§ 1697

TITLE 18.—CRIMES AND CRIMINAL PROCEDURE

Page 4322

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 18, U. S. C., 1940 ed., §§ 304, 306, 309 (Mar. 4, 1909, ch. 321, §§ 101, 103, 106, 35 Stat. 1123, 1124; June 22, 1934, ch. 716, 48 Stat. 1207).

Section consolidates sections 304, 306, and 309 of title 18, U. S. C., 1940 ed. Reference to persons causing, procuring, aiding or assisting was omitted as such persons are principals under section 2 of this title.

Minor changes were made in phraseology.

AMENDMENTS

1970—Subsec. (c), Pub. L. 91-375 substituted "section 601 of title 39" for "section 500 of title 39".

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by the Board of Governors of the United States Postal Service and published by it in the Federal Register, see section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of Title 39, Postal Service.

STUDY OF PRIVATE CARRIAGE OF MAIL; REPORTS TO PRESIDENT AND CONGRESS

Congressional findings of need for study and reevaluation of restrictions on private carriage of letters and packets contained in this section and submission by United States Postal Service of reports to President and Congress for modernization of law, regulations, and administrative practices, see section 7 of Pub. L. 91-375, set out as a note under section 601 of Title 39, Postal Service.

§ 1697. Transportation of persons acting as private express.

Whoever, having charge or control of any conveyance operating by land, air, or water, knowingly conveys or knowingly permits the conveyance of any person acting or employed as a private express for the conveyance of letters or packets, and actually in possession of the same for the purpose of conveying them contrary to law, shall be fined not more than \$150. (June 25, 1948, ch. 645, 62 Stat. 777.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 18, U. S. C., 1940 ed., § 305 (Mar. 4, 1909, ch. 321, § 102, 35 Stat. 1124).

Same changes were made as in section 1694 of this title.

§ 1698. Prompt delivery of mail from vessel.

Whoever, having charge or control of any vessel passing between ports or places in the United States, and arriving at any such port or place where there is a post office, fails to deliver to the postmaster or at the post office, within three hours after his arrival, if in the daytime, and if at night, within two hours after the next sunrise, all letters and packages brought by him or within his power or control and not relating to the cargo, addressed to or destined for such port or place, shall be fined not more than \$150.

For each letter or package so delivered he shall receive two cents unless the same is carried under contract. (June 25, 1948, ch. 645, 62 Stat. 777.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 18, U. S. C., 1940 ed., § 323 (Mar. 4, 1909, ch. 321, § 200, 35 Stat. 1120).

Changes were made in phraseology.

§ 1699. Certification of delivery from vessel.

No vessel arriving within a port or collection district of the United States shall be allowed to make entry or break bulk until all letters on board are delivered to the nearest post office, except where waybilled for discharge at other ports in the United States at which the vessel is scheduled to call and the Postal Service does not determine that unreasonable delay in the mails will occur, and the

master or other person having charge or control thereof has signed and sworn to the following declaration before the collector or other proper customs officer:

I, A. B., master _____, of the _____, arriving from _____, and now lying in the port of _____, do solemnly swear (or affirm) that I have to the best of my knowledge and belief delivered to the post office at _____ every letter and every bag, packet, or parcel of letters on board the said vessel during her last voyage, or in my possession or under my power or control, except where waybilled for discharge at other ports in the United States at which the said vessel is scheduled to call and which the Postal Service has not determined will be unreasonably delayed by remaining on board the said vessel for delivery at such ports.

Whoever, being the master or other person having charge or control of such vessel, breaks bulk before he has arranged for such delivery or onward carriage, shall be fined not more than \$100. (June 25, 1948, ch. 645, 62 Stat. 777; July 3, 1952, ch. 553, 66 Stat. 325; Aug. 12, 1970, Pub. L. 91-375, § 6(j) (15), 84 Stat. 778.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 18, U. S. C., 1940 ed., § 327 (Mar. 4, 1909, ch. 321, § 204, 35 Stat. 1127).

Minor changes were made in phraseology.

AMENDMENTS

1970—Pub. L. 91-375 substituted "Postal Service" for "Postmaster General" in two instances.

1952—Act July 3, 1952, provided for only the unloading of mail from a vessel as can be expedited by discharge at such port.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by the Board of Governors of the United States Postal Service and published by it in the Federal Register, see section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of Title 39, Postal Service.

CROSS REFERENCES

Foreign letters carried out of the mails, see section 602 of Title 39, Postal Service.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 39 section 602.

§ 1700. Desertion of mails.

Whoever, having taken charge of any mail, voluntarily quits or deserts the same before he has delivered it into the post office at the termination of the route, or to some known mail carrier, messenger, agent, or other employee in the Postal Service authorized to receive the same, shall be fined not more than \$500 or imprisoned not more than one year, or both. (June 25, 1948, ch. 645, 62 Stat. 778.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 18, U. S. C., 1940 ed., § 322 (Mar. 4, 1909, ch. 321, § 109, 35 Stat. 1120).

Minor changes were made in phraseology.

§ 1701. Obstruction of mails generally.

Whoever knowingly and willfully obstructs or retards the passage of the mail, or any carrier or conveyance carrying the mail, shall be fined not more than \$100 or imprisoned not more than six months, or both. (June 25, 1948, ch. 645, 62 Stat. 778.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 18, U. S. C., 1940 ed., §§ 324, 325 (Mar. 4, 1909, ch. 321, §§ 201, 202, 35 Stat. 1127).

Sections 324 and 325 of title 18, U. S. C., 1940 ed., were consolidated with changes of phraseology necessary to effect consolidation.

Words "carriage, house, driver or", "car, steamboat", and "or vessel" were omitted as covered by "any carrier or conveyance".

The punishment provision is derived from said section 324 rather than from section 325 which provided only a fine of not more than \$100 and related only to ferrymen.

CROSS REFERENCES

Temporary employees of the postal service or carriers with custody, see section 1008 of Title 39, Postal Service.

§ 1702. Obstruction of correspondence.

Whoever takes any letter, postal card, or package out of any post office or any authorized depository for mail matter, or from any letter or mail carrier, or which has been in any post office or authorized depository, or in the custody of any letter or mail carrier, before it has been delivered to the person to whom it was directed, with design to obstruct the correspondence, or to pry into the business or secrets of another, or opens, secretes, embezzles, or destroys the same, shall be fined not more than \$2,000 or imprisoned not more than five years, or both. (June 25, 1948, ch. 645, 62 Stat. 778.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 18, U. S. C., 1940 ed., § 317 (Mar. 4, 1909, ch. 321, § 194, 35 Stat. 1125; Feb. 25, 1925, ch. 318, 43 Stat. 877; Aug. 26, 1935, ch. 603, 49 Stat. 807; Aug. 7, 1939, ch. 557, 53 Stat. 1256).

Section 317 of said title 18, U. S. C., 1940 ed., was incorporated in this and section 1708 of this title.

Minor changes were made in phraseology.

§ 1703. Delay or destruction of mail or newspapers.

(a) Whoever, being a Postal Service officer or employee, unlawfully secretes, destroys, detains, delays, or opens any letter, postal card, package, bag, or mail entrusted to him or which shall come into his possession, and which was intended to be conveyed by mail, or carried or delivered by any carrier or other employee of the Postal Service, or forwarded through or delivered from any post office or station thereof established by authority of the Postmaster General or the Postal Service, shall be fined not more than \$500 or imprisoned not more than five years, or both.

(b) Whoever, being a Postal Service officer or employee, improperly detains, delays, or destroys any newspaper, or permits any other person to detain, delay, or destroy the same, or opens, or permits any other person to open, any mail or package of newspapers not directed to the office where he is employed; or

Whoever, without authority, opens, or destroys any mail or package of newspapers not directed to him, shall be fined not more than \$100 or imprisoned not more than one year, or both. (June 25, 1948, ch. 645, 62 Stat. 778; May 24, 1949, ch. 139, § 37, 63 Stat. 95; Aug. 12, 1970, Pub. L. 91-375, § 6(j)(16), 84 Stat. 778.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 18, U. S. C., 1940 ed., §§ 318, 319 (Mar. 4, 1909, ch. 321, §§ 195, 196, 35 Stat. 1125, 1126).

Section consolidated sections 318 and 319 of said title 18, U. S. C., 1940 ed. The embezzlement and theft provisions of each were incorporated in sections 1709 and 1710 of this title.

Minor changes were made in phraseology.

AMENDMENTS

1970—Subsec. (a). Pub. 91-375, § 6(j)(16) (A), inserted "secretes, destroys," preceding "detains" as a substitute for ", or secretes, or destroys any such letter, postal card, package, bag, or mail" deleted following "Postmaster General", substituted "Postal Service officer or employee" for "postmaster or Postal Service employee", and inserted "or the Postal Service" following "Postmaster General".

Subsec. (b). Pub. L. 91-375, § 6(j)(16) (B), substituted "Postal Service officer or employee" for "postmaster or Postal Service employee".

1949—Subsec. (a). Act May 24, 1949, § 37 (a), substituted "secretes" for "secrets" following "Postmaster General".

Subsec. (b). Act May 24, 1949, § 37 (b), substituted "newspapers" for "newspaper".

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by the Board of Governors of the United States Postal Service and published by it in the Federal Register, see section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of Title 39, Postal Service.

§ 1704. Keys or locks stolen or reproduced.

Whoever steals, purloins, embezzles, or obtains by false pretense any key suited to any lock adopted by the Post Office Department or the Postal Service and in use on any of the mails or bags thereof, or any key to any lock box, lock drawer, or other authorized receptacle for the deposit or delivery of mail matter; or

Whoever knowingly and unlawfully makes, forges or counterfeits any such key, or possesses any such mail lock or key with the intent unlawfully or improperly to use, sell, or otherwise dispose of the same, or to cause the same to be unlawfully or improperly used, sold, or otherwise disposed of; or

Whoever, being engaged as a contractor or otherwise in the manufacture of any such mail lock or key delivers any finished or unfinished lock or the interior part thereof, or key, used or designed for use by the department, to any person not duly authorized under the hand of the Postmaster General and the seal of the Post Office Department or the Postal Service, to receive the same, unless the person receiving it is the contractor for furnishing the same or engaged in the manufacture thereof in the manner authorized by the contract, or the agent of such manufacturer—

Shall be fined not more than \$500 or imprisoned not more than ten years, or both. (June 25, 1948, ch. 645, 62 Stat. 778; Aug. 12, 1970, Pub. L. 91-375, § 6(j)(17), 84 Stat. 778.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 18, U. S. C., 1940 ed., § 314 (Mar. 4, 1909, ch. 321, § 191, 35 Stat. 1125).

Reference to persons aiding, causing, or assisting was omitted. Such persons are principals under section 2 of this title.

Mandatory punishment provision was rephrased in the alternative.

Minor changes were made in phraseology.

AMENDMENTS

1970—Pub. L. 91-375 inserted "or the Postal Service" following "Post Office Department" in first and third pars.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by the Board of Governors of the United States Postal Service

EXHIBIT 61

19 MAY 1973

SUBJECT: Interagency Committee on Intelligence (Ad Hoc)
Chairman, Mr. J. Edgar Hoover, June 1970

1. On Friday, 5 June 1970, the President held a conference with Directors and officials of the intelligence community. This resulted in the establishment of the subject Ad Hoc Committee.

2. The White House representative to the Working Subcommittee of the Interagency Committee on Intelligence was Tom C. Huston. He stated that the President's primary concern was to strengthen and improve American intelligence operations in every way possible in order that the product be far better than it was at that time. He said that the critical security needs of the day required this. He also stressed that this was the first time that a President had taken this constructive leadership step in the intelligence field. The President, he said, believed that the American intelligence community, in spite of its achievements, had never fully realized its great potential nor had it functioned to the maximum of its capacity.

3. In the same vein, the Committee was informed that it had been given by the President a unique and unparalleled opportunity to make a great and enduring contribution to intelligence operations and thereby to the national security posture as a whole. The Committee was assured that there were no obstacles of any kind in its path.

4. The first meeting of the Interagency Working Subcommittee was chaired by W. C. Sullivan of the FBI and attended by Mr. Helms. The following personnel attended:

FBI	Donald E. Moore who was subsequently succeeded by Charles D. Brennan. Mr. Fred J. Cassidy was added to FBI representation
	George C. Moore
NSA	Benson K. Buffham
Navy	Capt. Edward Rifenburgh
AF	Col. Rudolph Koller
Army	Lt. Col. John Downie

DIA James Stillwell

CIA James Angleton

Mr. Helms gave a brief resume of the President's conference and turned the meeting over to Mr. Sullivan. Mr. Sullivan echoed the remarks of Mr. Huston and stated that the deadline for the first draft of the Committee Report would be due at the close of business, 22 June 1970, and the final version was to be on the President's desk on 1 July 1970.

5. The Interagency Working Subcommittee met a total of four times, to wit: 9, 12, 18, and 23 June. The agenda which was gradually formulated in response to the President's request covers all matters set forth in the Special Report which was submitted by Mr. J. Edgar Hoover to the President and which was signed by Mr. J. Edgar Hoover, FBI; Mr. Richard Helms, CIA; Lt. General D. V. Bennett, USA, Director, DIA; and Vice Admiral Noel Gayler, USN, Director, NSA. Minutes of each meeting were maintained and submitted for approval during the course of each succeeding meeting. The CIA representative, Mr. James Angleton, was assisted by Mr. Richard Ober of the Agency, and Mr. William O. Cregar of the FBI, functioned as secretary for the Working Subcommittee.

6. Mr. Huston kept reminding the Working Subcommittee that its duty was to present the most thorough program and options to the President and he expressed at times annoyance when the subject of political considerations were introduced into the discussion.

7. By way of background, it should be noted that Mr. Sullivan and Mr. Huston had been in frequent contact on these matters before, because Mr. Sullivan was extremely displeased by the number of restrictions which had been placed on the FBI by Mr. Hoover.

8. It should also be noted that Mr. Huston informed the members of the Working Subcommittee that his role would be comparable on domestic affairs to that of Dr. Kissinger on foreign affairs. After the report had been submitted, he issued an instruction from the White House that all material relating to matters of domestic intelligence or internal security interest be directed to his exclusive attention. (See attachment).

9. Mr. Hoover was known to have voiced his most strenuous personal objections to the Attorney General regarding the establishment of the Committee. It is our understanding that the Attorney General interceded on Mr. Hoover's behalf at the White House and that Mr. Huston was eventually relieved of his duties.

10. Subsequently, with the emergence of Mr. Mardian as Assistant Attorney General for Internal Security, the Intelligence Evaluation Committee was formed which held its first meeting on 3 December in Mr. Dean's office at the White House. In attendance were interagency representatives.

IEC Membership

CIA:	Richard Ober
White House:	John W. Dean III
Justice:	Robert C. Mardian
FBI:	George C. Moore
Treasury:	Eugene Rossides
NSA:	Benson K. Buffam
Defense:	Colonel John Downie
Secret Service:	Thomas T. Kelly

11. Intelligence Evaluation Committee met seven times between 3 December 1970 and 20 July 1971. The work of the Committee has been carried on by a permanent interagency staff, the Intelligence Evaluation Staff, which has met regularly under the Chairmanship of the Department of Justice official (currently Mr. Bernard A. Wells) from January 1971 to the present. The Agency representative, Richard Ober, contributes intelligence on foreign aspects of papers prepared by the staff. Staff papers are distributed to the White House (Mr. John Dean) and to the heads of the participating Agencies.

12. In time, Mr. Mardian returned to the question of the report and had many discussions with Mr. Sullivan and Mr. Dean on these matters at a time when Mr. Sullivan was having his problems with Mr. Hoover.

13. To the best of our knowledge, the origin of this exercise began when Mr. John Dean was at the Department of Justice and was concerned with the May Day demonstrations (May 1, 1970). He was subsequently transferred as Counsel to the President where he continued his close relations with Mr. Mardian. It is our understanding

that widespread civil disorders prompted the President to address himself to this problem. It should also be noted that the President and the Attorney General were aware of the complete breakdown of personal liaison between the FBI and the intelligence community.

14. The question of gaps in intelligence collection is embodied in correspondence between Mr. Hoover and the Director of Central Intelligence of March 1970. Prior to that period in January and February 1970, Director Helms conferred with Attorney General Mitchell regarding the inadequacies of domestic collection. Also on 13 February 1970, Admiral Gayler, Director of the National Security Agency, saw the Attorney General to protest the Bureau's withdrawal from sensitive domestic operations of vital importance to the National Security Agency.

15. William C. Sullivan resigned from the FBI on 6 October 1971 (Washington Post, May 17, 1973, page 20). Robert C. Mardian left the Department of Justice to work on the President's re-election campaign on April 1972 (according to information from FBI and Department of Justice officials). Executive Registry states on the evening of 17 May 1973, that after checking the records, there is no indication of any memorandum prepared by Mr. Helms concerning the 5 June 1970 meeting with the President.

16. Most of the gaps in collection still remain as set forth in the Report. There are two subjects of possible concern:

a. International airmail to and from the Union of Socialist Soviet Republics and the United States has been screened by this Agency under conditions of maximum security control at a single international air facility in this country beginning in November 1952. In some instances, data on the envelopes were recorded, and in some cases the envelopes were opened, contents recorded and resealed. This activity was suspended in February 1973.

b. The second concerns itself with the [redacted]

16 April 1971: The Agency proposed to the FBI the installation of technical coverage of the [redacted]

23 April 1971: FBI Director Hoover turned down the proposal

- 23 April 1971: CIA Director Helms sent a letter to Attorney General Mitchell requesting that the FBI turn-down be reversed.
- 24 April 1971: The Attorney General reversed the FBI decision.
- 26 April 1971: Technical equipment was delivered from the Agency to the FBI.
- 18 May 1971: All of the devices which had been installed in the [redacted] during the period 27 April to 18 May were tested and all were working.
- 3 Feb. 1972: Coverage was stopped at Agency request because Hoover had advised that he was to testify in Congress and would advise the Congress that the installation in the [redacted] was initiated at CIA request.
- 8 Dec. 1972: The Agency requested the FBI reinstitute coverage of the [redacted]
- 20 Dec. 1972: The Department of State requested the FBI institute all possible coverage of the [redacted]
- 22 Dec. 1972: Coverage was partially reinstated.
- 26 Dec. 1972: Reinstatement of coverage completed.
- 16 Feb. 1973: CIA requested the FBI to discontinue the coverage.
- 22 Feb. 1973: [redacted]

James Angleton

THE WHITE HOUSE
WASHINGTON

July 9, 1970

SECRET

MEMORANDUM FOR: Mr. Richard Helms
Director, Central Intelligence Agency

SUBJECT: Domestic Intelligence and Internal Security Affairs

In the future, I would appreciate it if your agency would address all material relating to matters of domestic intelligence or internal security interest to my exclusive attention.

The President is anxious to centralize the coordination at the White House of all information of this type, and your cooperation in this regard would be appreciated.

Dr. Kissinger is aware of this new procedure.

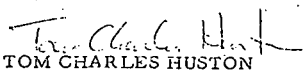

TOM CHARLES HUSTON

EXHIBIT 62

2.1 TOM CHARLES HUSTON MEMORANDUM, SEPTEMBER 21, 1970,
SSC EXHIBIT NO. 42, 3 SSC 1338-1345 WITH ATTACHMENTS

1338

EXHIBIT No. 42

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

Dean

September 21, 1970

MEMORANDUM FOR: H. R. HALDEMAN

SUBJECT: IRS & Ideological Organizations

I am attaching a copy of a report from the IRS on the activities of its "Special Service Group" which is supposed to monitor the activities of ideological organizations [e.g., Jerry Rubin Fund, Black Panthers, etc.] and take appropriate action when violations of IRS regulations turn up. You will note that the report is long on words and short on substance.

Nearly 18 months ago, the President indicated a desire for IRS to move against leftist organizations taking advantage of tax shelters. I have been pressing IRS since that time to no avail.

What we cannot do in a courtroom via criminal prosecutions to curtail the activities of some of these groups, IRS could do by administrative action. Moreover, valuable intelligence-type information could be turned up by IRS as a result of their field audits.

TH
TOM CHARLES HUSTON

Attachment

EXHIBIT 63

PRESIDENTIAL TALKING PAPER

Meeting with J. Edgar Hoover, Richard Helms, Lt. Gen. Bennett (DIA)
and Adm. Gayler, (NSA)

THE PROBLEM

The magnitude of the internal security problem we face today may perhaps best be described in semantic terms. We have moved from the "student activism" which characterized the civil rights movements in the early '60s through the "protest movements" which rallied behind the anti-war banner beginning with the March on the Pentagon in 1967 to the "revolutionary terrorism" being perpetrated today by determined professionals.

We are now confronted with a new and grave crisis in our country -- one which we know too little about. Certainly hundreds, perhaps thousands, of Americans -- mostly under 30 -- are determined to destroy our society. They find in many of the legitimate grievances of our citizenry opportunities for exploitation which never escape the attention of demagogues. They are reaching out for the support -- ideological and otherwise -- of foreign powers and they are developing their own brand of indiginous revolutionary activism which is as dangerous as anything which they could import from Cuba, China, or the Soviet Union.

The internal security problem we face today is complicated by many factors:

HUSTON
CIA
B-16
2/28/75

FOLDER TITLE:

HRH SECURITY/FBI

ROOM NUMBER:

522

CONTAINER NUMBER:

12-1

- ** first, unlike the traditional Communist party organization, the new revolutionary groups are not tightly structured and disciplined -- which means they are less susceptible to successful penetration and surveillance.
- ** second, the mobility of the new revolutionaries and their ability to maintain distant communication links requires far broader coverage than has been traditionally required.
- ** [third, our people -- perhaps as a reaction to the excesses of the McCarthy era -- are unwilling to admit the possibility that "their children" could wish to destroy their country. This is particularly true of the media and the academic community.]
- ** fourth, the newer revolutionary organizations place a high premium on violence. Terrorism has replaced subversion as the immediate threat.

THE REQUIREMENT

The Government must know more about the activities of these groups and we must develop a plan which will enable us to curtail the illegal activities of those who are determined to destroy our society.

The immediate problem is the increasing recourse to terrorism. This must be halted before innocent people are killed.

-3-

THE PRESIDENT'S CONCERN

I want each of you to know personally that this Administration is committed to the preservation of internal stability in this country. I do not intend to sit idly by while self-appointed revolutionaries commit acts of terrorism throughout the land. I want a government-wide program to insure that every resource of the Federal government is being mobilized to halt these illegal activities. Our new anti-bombing legislation is an important first step, but it is an "after-the fact" measure. Good intelligence is the best way to stop terrorism -- we must identify the terrorists before they have the opportunity to act.

THE MANDATE

Based on my review of the information which we have been receiving at the White House, I am convinced that we are not currently allocating sufficient resources within the intelligence community to the collection of intelligence data on the activities of these revolutionary groups. We need more hard information upon which to make decisions about courses of action open to the Government in dealing with these problems as they arise.

Consequently, I would like Dick Helms to designate the USIB representatives from the FBI, CIA, NSA, DIA and military services to serve on a special sub-committee to review the collection efforts of

the intelligence community in the internal security area and to recommend to me additional steps which can be taken to strengthen our capabilities in this regard.

This sub-committee should work with Tom Huston, a member of my staff, in preparing its report for my consideration.

I would suggest that the FBI be named as the lead agency chairman of the sub-committee.

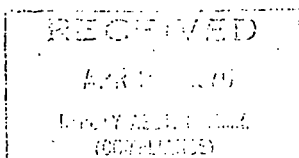
Tom Huston can provide the sub-committee with detailed information on the scope of the review which I have in mind. I would like to have the sub-committee report to me by the end of the month.

CONCLUSION

The Department of Justice, which has the operational capacity to contribute to our understanding about the seriousness of this problem, should reorient its priorities so as to reflect the concern which I have just expressed. We need to insure that the fullest possible inter-agency cooperation is being realized and that all our resources are being utilized to gather the types of information which will enable us to halt the spread of this terrorism before it gets completely out of hand.

I know that you will cooperate in every way in seeing that this joint effort is mounted at once.

EXHIBIT 64

DISCLOSURE ON A NEED-TO-KNOW BASIS ONLY

CP:GD

April 8, 1970

MEMORANDUM FOR FILE:

SUBJECT: Students for a Democratic Society -- List of Contributors

Paul Wright of ACC and Joe Hengemuhle of the FBI called to ask whether the FBI could furnish the White House the list of SDS contributors which was furnished to the FBI by IRS. The FBI has been requested by the White House to furnish a report on the funding of various militant organizations. They would like to send the information we gave about SDS to the White House.

I advised that from a disclosure standpoint, if the White House staff wanted this on behalf of the President, there was no disclosure problem; but in view of the sensitive nature of the matter and of other investigations and problems, I wanted to check this with Mr. Green to get his approval.

I told Mr. Hengemuhle (who also wanted to give the information to the Attorney General) that there was no problem here. An Assistant Attorney General had requested the information from us in accordance with the disclosure regulations. Since the Attorney General was over the Assistant Attorney General, there certainly was no problem in furnishing the data to him.

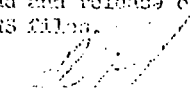
I called Mr. Green concerning this matter and he will let me know as soon as possible.



D. O. Virdin

cc: Mr. Green
Mr. Wright
Mr. Snyder

At a meeting on April 10, 1970, in the Commissioner's office, I told Mr. Green that the FBI wanted to know today whether they could furnish our report to the White House. The White House needed the data today. Mr. Green said to tell the FBI to go ahead and release our information and they could state that it came from IRS files.



D. O. Virdin

EXHIBIT 65

18 February 1969

MEMORANDUM FOR: The Honorable Henry A. Kissinger
The Assistant to the President
for National Security Affairs
The White House

SUBJECT: Student Unrest

1. Herewith is a survey of student dissidence world-wide as requested by the President.

2. In an effort to round-out our discussion of this subject, we have included a section on American students. This is an area not within the charter of this Agency, so I need not emphasize how extremely sensitive this makes the paper. Should anyone learn of its existence it would prove most embarrassing for all concerned.

3. Also per the President's request, I am prepared to give a thirty minute briefing based on this study whenever it meets his convenience.

Richard Helms
Director

Attachment - 1

"Restless Youth", Copy No. 1
No. 0555/69.

OCI/PCorse rden:da - 17/2/69

Rewritten: RHM/acc - 18/2/69

Distribution: Orig & 1 - addressee

1 - DCI

1 - ER (has copy of att)

1 - RB/I

1 - O/DCI File

TOP SECRET
SECRET

- 2 -

3. I have thought long and hard about the latter aspect of this problem. As the consequence, I am emboldened to make a suggestion which lies outside the range of my responsibilities: Recognizing that the Federal Bureau of Investigation operates at present on a restricted basis in collecting information on United States radicals, you may wish to consider having the Bureau authorized to use more advanced investigative techniques in dealing with this problem.

4. You and Mr. Roston now have the only two copies of this report which are outside the custody of this Agency.

(Signed) Richard Helms

Richard Helms
Director

Attachment - 1

Copy No. 1 - No. 6513/68 - RESTLESS YOUTH.

cc: Mr. Walt Roston w/attachment (Copy No. 2)

RHelms/ead - 3/2/68

Distribution: Orig-~~4~~1 - addressee
1 - Mr. Corscadden
1 - ER
(- DS)/H

4 September 1963

MEMORANDUM FOR: The President

1. Some time ago you requested that I make occasional round-up reports on youth and student movements worldwide. Responding to this request, and guided by comments and suggestions from Walt Rostow, we have prepared the attached study. You will, of course, be aware of the peculiar sensitivity which attaches to the fact that CIA has prepared a report on student activities both here and abroad.

2. I feel that this is a good and careful report, probably the best that can be done at this time. I am disappointed, however, as perhaps you will be, by our inability to be more precise about the motivation and direction of this worldwide movement. Some of this ambiguity derives from the somewhat unfocused nature of the movement itself. Beyond that, my fear is that we may be lacking that precision of information which would make a more positive report possible.

