

WEDNESDAY, NOVEMBER 19, 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, Hart of Michigan, Mondale, Huddleston, Hart of Colorado, Baker, Goldwater, Mathias and Schweiker.

Also present: Frederick A. O. Schwarz, Jr., chief counsel and Curtis R. Smothers, counsel to the minority.

The CHAIRMAN. The hearing will please come to order.

Our witnesses today are Mr. James B. Adams, the Deputy Associate Director of the FBI, and Mr. Raymond Wannall, who is the Assistant Director in charge of the Intelligence Division of the FBI.

Before I swear the witnesses, Senator Mondale has asked if he might make an opening statement. And for that purpose the Chair recognizes the distinguished Senator from Minnesota.

Senator MONDALE. Thank you very much, Mr. Chairman. I have always supported the FBI. It is clearly the finest, most professional law enforcement agency in the Nation and probably in the world. In apprehending robbers, foiling kidnappers, catching fugitives, the FBI has an outstanding record. This is based on my own experience with the FBI in my own state, where I served as attorney general. The vast bulk of its work is devoted to law enforcement and legitimate counterespionage.

In these fields the FBI deserves fully the admiration and respect which Americans traditionally held for the Bureau and its personnel. But in one area, domestic intelligence, the FBI, in my opinion, has clearly gone astray. It now appears that there was an underworld within the FBI which took the tools, techniques and zeal which was so effective against the real foreign threats and turned them in upon some of the American people.

Yesterday, this committee heard some of the most disturbing testimony that can be imagined in a free society. We heard evidence that for decades the institutions designed to enforce the laws and Constitution of our country have been engaging in conduct that violates the law and the Constitution. We heard that the FBI, which is part of the Department of Justice, took justice into its own hands by seeking to punish those with unpopular ideas. We learned that the chief law

enforcement agency in the Federal Government decided that it did not need laws to investigate and suppress the peaceful and constitutional activities of those whom it disapproved.

We heard testimony that the FBI, to protect the country against those it believed had totalitarian political views, employed the tactics of totalitarian societies against American citizens. We heard that the FBI attempted to destroy one of our greatest leaders in the field of civil rights, and then replace him with someone of the FBI's choosing.

From the evidence the committee has obtained, it is clear that the FBI for decades has conducted surveillance over the personal and political activities of millions of Americans. Evidently, no meeting was too small, no group too insignificant to escape their attention. It did not seem to matter whether the politics of these Americans were legal or radical or whether the participants were well known or obscure. It did not matter whether the information was intimate and personal. The FBI created indexes, more commonly called enemy lists, of thousands of Americans and targeted many of the Americans on these lists for special harassment. Hundreds of thousands of Americans were victims of this surveillance program. Most of this was done in secret. Much of it was kept from Congress and the Justice Department and all of it from the American people. No one outside the FBI has ever had an opportunity to know and appreciate the full extent of the domestic surveillance program that was then being conducted.

Thus we see that just as in the case of the CIA, the key issue was accountability; how we can assure that the secret instruments of government are accountable to the people, the Congress, and the law.

It is clear that the FBI's authority for these programs is essentially nonexistent. I am not persuaded that the secret Presidential orders of President Roosevelt support the domestic intelligence program, and even if they did, I do not believe that any President has the authority to order the FBI or anyone else to spy on Americans, to burgle their homes, to wiretap them, to open their mail, or to blackmail them.

One of the most disturbing aspects of this affair is that the FBI never paid very much attention to whether their activities were authorized or not, or whether they were legal and constitutional. One former senior intelligence officer has testified that he never once heard a discussion about legality or constitutionality. Most governments in history have relied on some form of police power to determine what views would prevail in their society. However, America was based on the revolutionary concept that the people should decide what is right and what is wrong, what is acceptable and what is not.

That is what we meant by a free government, and our forefathers were convinced that it can exist only through the greatest tolerance of speech and opinion. They placed their faith in the people to remain alert to encroachments on their liberty.

The founders of our country knew that the greatest danger to freedom comes from the efforts of government to suppress the opinions of its opponents. They set up a system which limited the powers of government, bound it in the constraints of the law, and prohibited it from infringing on the rights of people to free expression. And through the separation of power, the system of checks and balances, they tried to assure that the Executive would be accountable to the people through the Congress.

For the 200 years of our existence as a nation, the preservation of liberty has been a constant struggle. Whether it has been the Alien and Sedition Acts during the French Revolution, the Red Scare and the Palmer Raids of World War I, McCarthyism after World War II, or Army spying during the Vietnam war; the Government has let a fear of unorthodox opinion lead it into the trap of infringing upon the Constitution in the name of internal security.

The issues we confront today are a part of a continuing drama of American democracy. It is proof, if we ever needed it, that the price of liberty is eternal vigilance.

Revelations of abuse of power do not threaten domestic security. These hearings do not weaken the FBI. What weakens it is its failure to adhere to the proper role of law enforcement. Somehow it forgot that this was its job. It began to use its energy to spy on Americans whose only offense was in expressing opinions that some in the FBI did not like. It confused talk of violence with acts of violence, and all too often paid more attention to the talk than to the act.

The answer, of course, is that violence justifies prosecution, not surveillance. Our security is not improved by watching those who commit crimes. Security from violence lies in active and vigorous law enforcement against those who are committing crimes. Security from dangerous ideas, if we need any security, should come not from the FBI but from the merit of better ideas, and the good sense of the American people.

Our liberty is best protected by scrupulous adherence to the law and the Constitution by the agencies of Government. No Government agency likes to be the subject of public scrutiny. I know these have been difficult times for the present leadership of the FBI, many of whom were not involved in these programs at all. But if they have been spending a lot of time responding to congressional investigations, they cannot forget that this is the first time in 50 years that the FBI has been subjected to public scrutiny.

As painful as this process is, I hope the FBI itself would welcome the opportunity to let in some fresh air and come to grips with the problems in candor and not retreat into past patterns of stirring up public fears to distract our attention from the necessity of reform.

Mr. Chairman, may I say that yesterday, I am told, following our hearing, the FBI responded exactly in the spirit that I had hoped it would. If they can take this constructive approach, I have no doubt that the FBI will benefit from this attention. I want to see a strong FBI, an FBI strong in law enforcement, in the detection of crime, and in gathering of legal evidence for prosecution and conviction, but an FBI without abuses.

As we proceed with these hearings today, we should also bear in mind that the responsibility for the abuses we have uncovered does not rest on the FBI alone. We in the Congress have been derelict. It should not have taken until this date for us to discharge our responsibility for investigating the FBI and other domestic intelligence.

We should also realize that the FBI has been performing a function which many Americans, and at times the vast majority of Americans, have wanted to see undertaken. When popular opinion brands a group un-American and subversive merely because of its political views, all too often the FBI has responded to public expectations and from pressure from a higher authority in government.

While this does not excuse what happened, we should temper our criticism of the FBI's excesses by understanding that, in large part, it was only the instrument of our own intolerance. Indeed, I believe that is why our laws and the charter of the FBI must be carefully redrawn to protect the FBI's integrity from political pressures and hysteria.

Finally, it would be a mistake to regard the abuses of the FBI as those of evil men. The FBI has always been composed of dedicated and hard-working public servants who seek to do their jobs as best they can. The lesson we learn from this history is that we cannot keep our liberty secure by relying alone on the good faith of men with great power.

As Mr. Justice Brandeis once wrote :

Experience should teach us to be most on guard to protect liberty when government's purposes are beneficent. The greatest dangers to liberty lurk in the insidious encroachment of men of zeal, well-meaning but without understanding.

It is my hope that the FBI witnesses we will hear today can enlighten us as to how it can conduct internal security surveillance programs which do not infringe on our constitutional liberties. I hope they can suggest ironclad assurances that the abuses of the past will not be repeated. We need more protection than promises of self-restraint by men of good will.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Mondale. That is an excellent statement with which I would like to be fully associated.

Senator HART of Michigan. I would, Mr. Chairman, also, except that I want to make clear my family certainly did not support, encourage, or by its vocal position give any indication to the Bureau that they could do what they did. I don't want to go too far in suggesting that what we heard yesterday was simply responding by the Bureau to the mood of those years. In those years if we had known what you were doing, I lay dough, most families would have said stop it.

Senator MONDALE. That is true. I think one of the points that we might aver to is the Huston plan and the tremendous pressure the FBI was placed under to again resume techniques that it had abandoned in 1966. There is no question that they were getting private pressure from higher authority to do things. In that instance, they didn't want it.

The CHAIRMAN. Well, I was struck with the fact that the Huston plan, as illegal as it was, was limited to techniques far more restrictive than the far-reaching methods that were employed by the FBI during the years that we have reviewed in yesterday's hearings. They led beyond anything that was ever contained in any official document requesting additional authority from the President.

Now I think, Mr. Adams, Mr. Wannall, in addition to swearing you both, if you are going to have occasion to ask others who are with you to testify in response to certain questions, that it would be well at this time to swear them also. So if that is the case, anyone who anticipates that the may be testifying in this morning's hearing in response to questions, if you will all stand and take the oath at this time.

Do you and each of you solemnly swear that all of the testimony that you will give in these proceedings will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ADAMS. I do.

Mr. WANNALL. I do.

The CHAIRMAN. After yesterday's hearing I asked the staff to furnish me with the statutory authority that presently exists that could be said to relate to the FBI's intelligence activities, which was of course the subject of yesterday's hearings. And I am furnished in response to that request title XVIII, section 533, of the United States Code, which reads as follows:

The Attorney General may appoint officials: 1. to detect and prosecute crimes against the United States; 2. to assist in the protection of the person of the President; and 3. to conduct such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General.

Now yesterday, Mr. Wannall, we were told about a series of activities that were undertaken by the FBI, and indeed, initiated within the FBI, the purpose of which was to harass and discredit Dr. Martin Luther King. I am not referring to the results of any FBI investigative activity, but rather, I am referring to these kinds of initiatives that were undertaken for the purpose of either harassing or embarrassing or otherwise discrediting Dr. King himself. My first question is: was Dr. King, in his advocacy of equal rights for black citizens, advocating a course of action that in the opinion of the FBI constituted a crime?

TESTIMONY OF JAMES B. ADAMS, DEPUTY ASSOCIATE DIRECTOR OF THE FBI, AND RAYMOND WANNALL, ASSISTANT DIRECTOR, FBI INTELLIGENCE DIVISION

Mr. ADAMS. No, sir.

The CHAIRMAN. So he was not then thought to be engaged in any criminal activity. In fact, he was preaching, as I remember those days, nonviolence, was he not, as a method of achieving equal rights for black citizens?

Mr. ADAMS. That's right, his advocacy for civil rights.

The CHAIRMAN. His advocacy of civil rights was nonviolent and therefore legal in character.

Mr. ADAMS. That was not the basis of our investigation of him.

The CHAIRMAN. But as you have said, he was not engaging in any unlawful activity in connection with his advocacy of equal rights for black citizens. Is that correct?

Mr. ADAMS. Yes, sir.

The CHAIRMAN. Well, is it true that at one time the FBI undertook to discourage an American college from conferring an honorary degree on Dr. King?

Mr. ADAMS. Yes, sir.

The CHAIRMAN. On what legal basis does the FBI have a right to interfere, in an effort to discourage a college from conferring an honorary degree upon a man like Dr. Martin Luther King, who was not engaging in or suspected of engaging in criminal activity?

Mr. ADAMS. I know of no basis.

The CHAIRMAN. Why did the FBI do it?

Mr. ADAMS. Well, we have to approach two parts, in my estimation, Senator Church. One, the basis for our investigation of Martin Luther King, which was to determine Communist influence on him, my hands are tied in discussing that, somewhat on the basis that there is certain information which today, from an ongoing operation is sensitive and which, of course, we have made known to you and certain staff members. I would like to say on the basis that from our review we feel that we initially had a basis for investigating Martin Luther King. Now as far as the activities which you are asking about, the discrediting, I know of no basis for that and I will not attempt to justify it.

The CHAIRMAN. You never made a finding, did you, that Martin Luther King was a Communist?

Mr. ADAMS. No, sir, we did not. We were investigating Communist influence and the possible effect on him. We never made such a determination.

The CHAIRMAN. Very well. Then there was no justification for the FBI to interfere?

Mr. ADAMS. To discredit him.

The CHAIRMAN. In conferring an honorary degree upon him?

Mr. ADAMS. I cannot find any justification for that.

The CHAIRMAN. Is it true that the FBI on another occasion intervened in an attempt to prevent Dr. Martin Luther King from seeing the Pope?

Mr. ADAMS. I believe that is correct, sir. There were approximately 25 incidents, I believe, of actions taken in this regard. I think Mr. Schwarz has those available, that I would lump basically all of them into the same situation of I see no statutory basis or no basis of justification for the activity.

The CHAIRMAN. But what was the motive, there being no statutory or other valid basis? What was the motive for attempting to prevent Dr. Martin Luther King from visiting with the Pope?

Mr. ADAMS. In looking at absolute motive, I don't think the files which we have reviewed and made available to the committee, give me a clear picture of what the motive was. I think that there were, the motive was certainly known to Mr. Hoover. It was known to one top official who is no longer with the Bureau and maybe known to others, all of whom have been interviewed by the committee. Matters bearing on what might have been the real motive or the possible motive, I again feel, because of reasons of privacy and delicacy, are not a proper subject of discussion at a public hearing. I think we know what could have influenced this, but one, the primary individual, Mr. Hoover, is not with us. Individuals who were closest to him in this effort are not with us. And the committee itself has interviewed them. So I really am not in a position to discuss this motive issue.

The CHAIRMAN. Nevertheless, you would agree that whatever the motive, it was a very improper thing to do.

Mr. ADAMS. I cannot find any justification, no, sir.

The CHAIRMAN. Is it true that after Dr. Martin Luther King had been nominated for the Nobel Peace Prize, that an anonymous letter was sent to him and to Coretta King, his wife, 34 days before he was to receive the Nobel Peace Prize? [See footnote p. 21.]

Mr. ADAMS. I do not think those dates are correct.

The CHAIRMAN. Well, it was sent——

Mr. ADAMS. It was before he was to receive it. I think 34 days—upon reconstruction by one of the members of my staff, 34 days would have been Christmas Day, and whether that 34 days——

The CHAIRMAN. It is hard to believe that such a letter would be written on Christmas Day.

Mr. ADAMS. It was not written on Christmas Day, but 34 days—the Nobel Peace Prize I think was on December 10, the letter—34 days from the date of the mailing of the letter as has been reconstructed, as best as possible, would have been Christmas Day.

The CHAIRMAN. Was the letter written and sent by the FBI?

Mr. ADAMS. We have no information to that effect. All we know is that the draft, or original, of what may have been the letter was found in papers of the FBI left after a former official departed the FBI. We know that based upon inquiries that we have conducted and you have conducted, we know that the letter was not—I mean it was in connection with other material. So I think we can assume——

The CHAIRMAN. Other materials which were sent.

Mr. ADAMS. That's right. So I can assume that the letter was sent. I have determined nothing from my review of the files, and neither has your staff, to my knowledge, or has been reported back to me which would indicate that this action was duly recorded in any file or was a part of any authorized program or anything else. This is a void that I do not think any of us has been satisfactorily able to resolve.

The CHAIRMAN. We know the letter appeared in the files. We know that the letter was received. We know it was associated with other matters that were sent by the FBI to Dr. Martin Luther King.

Mr. ADAMS. The letter was never in our files in the sense that it was entered into the official files of the FBI. It was among papers——

The CHAIRMAN. It was among papers.

Mr. ADAMS. Left by an individual who had departed.

The CHAIRMAN. That individual being Mr. Sullivan?

Mr. ADAMS. Yes, sir.

The CHAIRMAN. The letter read: "King, there is only one thing left for you to do. You know what it is. You have just 34 days in which to do it, this exact number has been selected for a specific reason. It has definite practical significance. You are done. There is but one way out for you."

Now, if you had received such a letter, how would you have interpreted it? What would you have thought it meant?

Mr. ADAMS. I have read that statement. I have heard the conclusions of your staff that it was a suicide urging. I can't find any basis upon which they drew that conclusion. I think that, approaching it from an objective standpoint, as I read it, I don't know what it means. I think rather than a conclusion it should be a speculation in a realm of possibilities as to what was intended, but I cannot—I don't understand the basis for it. It is a possibility, but I certainly would not reach such a conclusion from my reading of that statement.

The CHAIRMAN. Now, if you had received a letter of this kind and it had been directed to you, and you were in Dr. King's position and you read, "King, there is only one thing left for you to do. You know what it is. You have just 34 days in which to do it." Now, that hap-

pened to correspond to the time before which he was to receive the Nobel Peace Prize. What would you think that it meant?

Mr. ADAMS. I would have to consider what I was being accused of. I would have to consider what the facts were. I would have to consider what the intent was of the person writing such a note, coming just before Christmas. I don't know if it means, it is an urging to repent from something this person, whoever he was, that had sent it, I have no idea what it meant.

The CHAIRMAN. It is certainly no Christmas card, is it?

Mr. ADAMS. It is certainly no Christmas card.

The CHAIRMAN. It reads, "You are done. There is but one way out for you." What does that mean?

Mr. ADAMS. I don't know. I don't know if it means confession. I don't know if it means suicide, as has been raised. I have no idea. You have the statement. I am not in a position to say. I haven't interviewed anyone that was with him at the time he received it.

The CHAIRMAN. Would you disown this statement and say that any connection the FBI had with it was utterly improper and grotesque?

Mr. ADAMS. I certainly would say it was improper, and I can't justify its being prepared or sent, yes, sir.

Senator MONDALE. Mr. Chairman, if I might just interrupt.

The CHAIRMAN. Senator Mondale.

Senator MONDALE. What I asked the staff yesterday was what Dr. King took it to mean. I have no knowledge of what those who framed this letter intended, and those who were with him at the time he read it, including Congressman Young who was one of his assistants at the time, said that they took it to mean a suggestion that he take his own life.

Mr. ADAMS. I am not in possession of that information. I am being put in a position, I don't know what the staff determined. They did not report back to me on their findings.

The CHAIRMAN. The letter will speak for itself. You personally have disowned it.

Mr. ADAMS. Absolutely.

The CHAIRMAN. It was a highly improper thing for the FBI to be connected with in any way. Do you agree with that?

Mr. ADAMS. Yes, sir; yes, sir.

The CHAIRMAN. Now, without going through the many different and specific undertakings that were intended to publicly discredit Dr. King, because my time will not permit that, and others will want to question you on other specific matters, I have just one further question to put to you. Yesterday there was a document of the FBI which suggested that in the opinion of the Bureau, Dr. King was an unsuitable leader for the civil rights movement, and that another man should be looked for, and indeed, another candidate was actually suggested to Mr. Hoover as one who should be promoted in various ways so that he might assume the leadership of this movement.

Now, can you tell me of anything in the law, or any other justification, given the mission of the FBI, that would entitle it to decide who should lead political movements in this country or to undertake to degrade a man who had fought and won such leadership and had the support of a great many black people in this country, and white

people as well, and to substitute in his place someone of the FBI's selection or someone who stood in the FBI's favor? Can you think of any justification for such activity on the part of a law enforcement agency?

Mr. ADAMS. I can't think of any offhand; no, sir.

The CHAIRMAN. Neither can I, Senator Tower?

Senator TOWER. Thank you, Mr. Chairman.

What is your understanding of the underlying causes of the feud between Mr. Hoover and Dr. King?

Mr. ADAMS. Senator Tower, I feel if we got into any discussion of that, I think we would have to take into consideration certain material which I feel should not be disclosed publicly, and I would respectfully ask that a question of motive of Mr. Hoover and the spat with Mr. King should be discussed in executive session, if at all.

Senator TOWER. In 1965, Attorney General Katzenbach was informed by Mr. Hoover of the Bureau's surveillance of Dr. King. What was the Attorney General's reaction? What was his position once he was informed by Mr. Hoover of this surveillance?

Mr. ADAMS. I don't recall having seen it.

Senator TOWER. In other words, did the Attorney General give any direction to the Bureau in the matter that you know of?

Mr. ADAMS. Yes, sir. I know that, of course, on the wiretapping on Martin Luther King, it was approved by the Attorney General. I know that the President of the United States and the Attorney General specifically discussed their concern with Dr. King over Communist influence on him. I do know there was concern, but I don't tie in this date, 1965.

Senator TOWER. Do you know whether or not Mr. Hoover ever sought direct authorization from Mr. Katzenbach for this very sensitive surveillance of Dr. King?

Mr. ADAMS. I don't know. Attorney General Kennedy approved the actual surveillance that was instituted on Dr. King. I don't know of any correspondence between Attorney General Katzenbach—

Senator TOWER. Or any personal communication between them that would have indicated the level of the Attorney General's involvement?

Mr. ADAMS. No. If my recollection serves me correctly, as far as Attorney General Kennedy was concerned, he requested coverage on Dr. King. The Bureau responded with a request in writing, which is our normal procedure. He declined to approve that request, and then we came back later, a few months later, and requested it again, at which time he did approve. That is my recollection of that.

Senator TOWER. Why did the Attorney General change his mind? Do you have any idea, or is that again a matter of sensitivity?

Mr. ADAMS. I don't know why he actually changed his mind from originally requesting, then declining when it was submitted, and then approving it on the second go-round. It may be in the files. If it is, I would be glad to see what I could determine.

Senator TOWER. If you could, we would like to have that. [See footnote, p. 21.]

Mr. ADAMS. Yes, sir.

Senator TOWER. Mr. Adams, you have been familiar with the Bureau's domestic intelligence work for many years. How did the Bureau come to launch the COINTELPRO, and what in essence did COINTELPRO accomplish?

Mr. ADAMS. Well, the program as such, as I can reconstruct from the files, was indicated as concern over conspiratorial efforts of certain groups, and a decision made that perhaps more affirmative action should be taken to neutralize violence which was becoming of more concern to the FBI in that regard. I believe these are some of the basic considerations that went into the launching of the COINTELPRO.

Now, as far as the first one, which was the Communist Party, of course, there was the concern here to neutralize the effectiveness of the Communist Party in the United States. In fact, out of all of the COINTELPRO operations that were approved, 59 percent of them were directed at the Communist Party. The bulk of the concern initially was with the Communist Party, and it was a desire to create factionalism within the Communist Party and try to neutralize its efforts. The Communist Party—Congress itself still has a determination on the record as to the threat of the Communist Party in a statute. The Supreme Court has held that the Communist Party is an instrument of the Soviet Union. The Soviet Union certainly has not relinquished its interest in the United States as a target. All of these considerations went into should we do something not only to follow the activities of the Communist Party, but should we destroy its effectiveness in the United States. That was the first program, I believe, that was initiated.

Senator TOWER. Now, did the Bureau ever seek direction and counsel from the Attorney General on any of its COINTELPRO efforts or specific programs?

Mr. ADAMS. As best as I can reconstruct, Senator, there was no direct authority requested from any Attorney General for the initiation of these programs, and it is only a question, as your staff presented yesterday, that the Attorneys General, Presidents, Congress, had been made aware of certain aspects of programs after the fact and those were primarily concerned with the Communist Party, and on one other organization but not the New Left and these other types. So I cannot find any evidence, and I have no reason to believe, that there would be any evidence that the Bureau initiated these programs other than as an internal decision.

Senator TOWER. Were reports on these programs made to the Attorney General? Was he informed of them? Was he kept informed on a continuing basis?

Mr. ADAMS. He was kept informed by letters, which again the staff has alluded to, letters reporting certain developments. For instance, one of them that went to one Attorney General, reading of that letter outlined almost in complete detail Klan activities, activities taken to disrupt the Klan. It used terms of neutralize, disrupt. There were a clear explanation of what we were doing against the Klan in that regard.

Senator TOWER. How is it that you came to believe that you had the authority to neutralize or disrupt these organizations rather than proceed against them frontally through prosecuting them for violations of the law?

Mr. ADAMS. I guess you would have to say, in a position like this, that it is just the Smith Act of 1940, which is designed to prevent revolutionary groups from advocating the overthrow of the Government, and then subsequent interpretations as to the constitutionality

of it leaves us with a statute still on the books that proscribes certain actions, but yet the degree of proof necessary to operate under the few remaining areas is such that there was no satisfactory way to proceed, and it was an area where—

The CHAIRMAN. Will the Senator yield at that point, please? What you are saying, Mr. Adams, is that you did not operate within the law because the law didn't give you sufficient latitude. Therefore, you undertook direct action to disrupt and otherwise undermine these organizations.

Senator TOWER. Did you proceed on the assumption that these organizations would eventually break the law, and therefore you sought to neutralize and disrupt them before they did?

Mr. ADAMS. I can't say that, sir. I think that the investigations of them were based on this belief, that they might break the law or they were breaking the law. The disruptive activities, I can't find where we were able to relate to that. What it boils down to is what we have gotten into a question on before: in our review of the situation we see men of the FBI recognizing or having a good-faith belief that there was immediate danger to the United States.

Senator TOWER. All right, but to repair to Senator Church's question, you don't say that you really had specific legal authority?

Mr. ADAMS. No. And this is the hang-up with the whole program, and which we are not trying to justify, that there is some statutory basis. I would not make that effort whatsoever. All I'm trying to do is say that at the time it was initiated, we had men who felt that there was an immediate danger to the country. They felt they had a responsibility to act, and having felt this responsibility, did act. And this is the whole problem we have at the present time, because we do have one, we can see good evidence of their belief there was a threat. We had cities being burned; we had educational institutions being bombed. We had deaths occurring from all of these activities. We had a situation that we didn't know what the end was going to be.

We never can look around the corner in intelligence operations. We don't know if ultimately this might bring the destruction of the country. All we know is we had an extremely violent time. So I don't find any basis in my mind to argue with their good-faith belief they were faced with a danger.

Now, when they move over to the second area of responsibility, here is where we have the problem, and I think it is the whole purpose of this committee, the Attorney General, Mr. Kelley, all of us realizing we can't operate in these areas where we feel responsibility, but we don't have a mandate by Congress. So in that area, this feeling of responsibility I feel came from the fact that Presidents, as your staff said yesterday, Presidents, Congressmen, the Attorney General, no one really provided direction and guidance or instructions don't do this, do this, don't do that, or what are you doing and how are you doing it.

For instance, there is some feeling on the part of some that our whole domestic intelligence operations was secret. The COINTELPRO operation was. I mean, I think we all agree that this was, to be effective, they felt it should be secret. But back in our—this is printed appropriation testimony which went to the members of the committee. It was mailed out to newspapers, friends, anyone that was interested in it,

back in 1967 talking about Internal Security's operations, the New Left movement, Young Socialist Alliance, Chicago trial, nationwide demonstrations, student agitation, antiwar activities, the Committee of Returned Volunteers, Communist Party, U.S.A., Progressive Party, Socialist Party, extreme organizations, Black Panther Party.

All of these items and statements about extremists, white extremists and hate-type groups, the Republic of New Africa, Minuteman, our coverage of subversive organizations—there are several groups, organizations, and movements which I discussed showed the wide coverage we must maintain to follow on their activities and changing tactics, and in spite of the proliferation of these organizations, our informant coverage at all levels has been of great value and assistance, enabling us to keep abreast of our investigative responsibilities. This is the same way through all of our public appropriation testimony. We have told the world we are investigating black hate groups, New Left groups. So, I merely mention this to try to put in the frame of reference of these men, feeling, they know we are investigating them. They didn't tell them, though, in sufficient detail other than scantily before the Appropriations Committee, what we were doing to disrupt these activities, and my feeling is that the men recognized the danger, they pointed out the danger to the world. They said, we are investigating these organizations, and they felt then that the comfortable climate of leave it up to the FBI, we should do something more. And that is what we are looking for guidelines on, the Attorney General, Mr. Kelley, you, to give us the guidelines under which we should operate.

Now, there are certain guidelines that we don't need to be given, we shouldn't do this. We don't have such activities today, programs designed to disrupt and neutralize in the domestic intelligence field. But beyond that, we need guidelines on what does the whole of Congress, representative of the people, by passing of legislation say this is the FBI's role in domestic intelligence.

Senator TOWER. Mr. Chairman, my time has long since expired. But I would like to note that I saw Mr. Kelley on the "Today Show" this morning indicating strong support for a response to congressional oversight, and that is a healthy attitude.

The CHAIRMAN. Well, I think it must come because, as you have conceded, you shouldn't have ever had to have had the guidelines that the Federal Government's chief law enforcement agency ought not to disobey the law, and really, you don't need explicit guidelines to tell you that, or you shouldn't. Wouldn't you agree?

Mr. ADAMS. I would say that looking at it today, we should have looked at it that way yesterday, but I do feel, I don't have any doubt about the good faith of people recognizing the danger, feeling they had a responsibility, no matter whose fault it was, our's internally or because we weren't given the supervision we should have been given, and taking what they considered to be appropriate action.

The CHAIRMAN. Senator Hart.

Senator HART of Michigan. I should apologize both to witnesses and my colleagues on the committee for scrambling around loosely, but in explanation to the witnesses, I have not been able to give attention to the evolution of the files that are now at hand until the last couple of days, and I am not sure what is in the files for the public

record, and which of the materials I have been shown in the last couple of days are still under seal. So just out of memory I am going to summarize certain activities which have been acknowledged that the Bureau undertook, but without being specific with respect to location and names. I do it for this reason: it is right that the committee and the press be worried about the treatment of a Nobel Prize winner, Dr. King; but there are an awful lot of people who never got close to a Nobel Prize whose names are Jones and Smith, that my review of the files show had violence done to their first amendment rights. Nobel Prize winners will always get protection, but Joe Potatoes doesn't, and the Committee should focus on him, too.

Included in these COINTELPRO activities were, anonymous letters, drafted by Bureau offices in the field, sent to headquarters in Washington, approved, and then put in the mail, intended to break up marriages, not of Dr. King but of Mary and John Jones because one or the other was thought to be a dissenter, might have dressed strangely or showed up at meetings in company of others who dressed strangely. Anonymous letters were sent to university officials and to the several newspapers in that city to prevent university facilities from being made available to a speaker of whom the Bureau disapproved, and it was not a topflight, bigname speaker.

In that case, an anonymous letter was sent to me making protest. Being an anonymous letter, it never occurred to me that it came from the Federal Bureau of Investigation. The series of anonymous letters, one with the spelling very poor, the grammar sloppy, and another more sophisticated; protesting the employment of a man by a city, alleging that he was a Communist or came from a Communist family, and there are loyal Americans out of work, what are you doing, mayor. And to the press, isn't this an outrage. And again the letter, the anonymous letter sent to me saying what are you going to do about this. There are loyal Democrats in this town who need work. And in that case I happened to have known the man about whom the protest was made, and the Bureau's facts were wrong as hell on that man's loyalty. He was as loyal as you or I. Now, yes or no, are those actions regarded now by the Bureau as within bounds?

Mr. ADAMS. No, sir.

Senator HART of Michigan. Why were they regarded as within bounds when they were approved by the Bureau?

Mr. ADAMS. Well, I think even under the guidelines of COINTELPRO, as established, the programs were not designed for the purpose of harassment of an individual. The memorandums indicate they were designed to disrupt the organizations. Some of the turndowns were turned down on this specific wording. This is mere harassment.

The rationale would have been—and of course, here, I say some of these you mentioned wouldn't even appear to me to meet the criteria of the program and should have been disavowed, even under the existence of the program. However, in the total context of the program, activities were to be directed toward the organization itself, but we do not do that at the present time.

Senator HART of Michigan. Yes. But everything I have summarized rather poorly, was approved by the Bureau at the time by headquarters, not by the field office agents.

Mr. ADAMS. I do not think that there were improper actions taken under the program, even under the program as it existed. Mr. Kelley has so stated his recognition of that fact. The Attorney General certainly has. Yet the majority of the actions taken, even the Department concluded were lawful and legal, proper investigation activities, but are—

Senator HART of Michigan. You see, my feeling is that it isn't a question of techniques that are bad. The concept of the program seems to do violence to the first amendment because everything you did sought to silence someone or threaten someone to silence, or deny someone a platform, or create an atmosphere in which people were in fact afraid to assemble. Now, sometimes law enforcement, legitimate law enforcement, has what we call this chilling effect, when it is legitimate law enforcement. Oftentimes that chilling effect is a necessary, though regrettable, side effect. But what I am talking about, and what these files are full of, are actions the only purpose of which is to chill. It isn't in pursuit of any crime at all. Indeed, when a court of general jurisdiction approved the use of that university premise by the speaker, the Bureau had stirred so much controversy with its anonymous letters, when that judge wrote an order, after the sponsoring group went to court, what was the Bureau's reaction from headquarters? Investigate the judge.

Mr. ADAMS. I'm not familiar with that fact.

Senator HART of Michigan. Well, neither was I until last night.

Mr. ADAMS. The instruction was to investigate the judge?

Senator HART of Michigan. This is the sort of thing that I came out of the hospital to find, and it is the sort of thing, as I said yesterday, that my children have been telling me for years you were busy doing, and I simply didn't believe them. And they were right and I was wrong.

Mr. ADAMS. Well, there were about 3,200 activities, and about 2,300 I believe or so were approved under the COINTELPRO, and over 59 percent were addressed to the Communist Party. That leaves 1,000. And out of 1,000, perhaps, I don't know what the actual figure was of ones that just clearly stand out as improper under the program, even as it existed at the time, but I do feel that—well, it is a very difficult area.

Senator HART of Michigan. My time is up, too. I am sure, but regarding the Communist Party, if your theory continues to be that any socially active group of citizens who organize, whether women's libbers or fight the bomb or anything else, might be a target for infiltration by the Communist Party and therefore you can move in your agents. That means, almost not as an overstatement, that any and every citizen's activity could be made the target of the kind of activity that I have just described, because every individual is apt, during his lifetime, to engage in violence. If that is justification, then you are justified in running surveillance on everybody.

Mr. ADAMS. Well, that was not—

Senator HART of Michigan. Everybody has that privilege, and that clearly is a police-state concept.

Mr. ADAMS. That is not our criteria.

Senator HART of Michigan. All right, but if the criteria is three or four of us get together and we have a sort of nutty idea, just the kind of thing the Communists would like to exploit, and therefore you

seek to justify shutting off the forum for that group or to survey it, the potential for Communist infiltration, then, if that continues to be your theory, then I say you are going to pursue the same wretched road that these files show you have been pursuing before. If that is the predicate, the fact that a Soviet or Marxist or Maoist Hottentot is liable to think there is an idea that we can exploit, then you people are going to be spending how many man-hours, how many tax dollars doing the kind of things that I summarized so briefly here? That, in my book, is the 20th century version of what the Founding Fathers intended to prevent when they wrote the first amendment. Is it the position of the Bureau when a Communist participates, associates with, and promotes an idea, that this justifies you trying to figure out if you can bust up a marriage if two of the people are in the group?

Mr. ADAMS. It does not, and it is not our criteria; no, sir.

Senator HART of Michigan. What does it justify?

Mr. ADAMS. It justifies our doing nothing in the way of COINTELPRO activities. I still feel it has a justification, that you agree with, to investigate the Communist Party. It is when you get into the disruptive areas, where the program does beyond investigation, that we have no statutory authority.

Senator HART of Michigan. Well, we have been emphasizing COINTELPRO. Would it justify tailing these people?

Mr. ADAMS. What, just a—

Senator HART of Michigan. Or putting an informant into the group?

Mr. ADAMS. If it is a Communist group?

Senator HART of Michigan. No, if it's me and somebody else that thinks we oughtn't to have something that a majority of people think we should. We organize and you people say, "Well, there is something the Communists can take and run with."

Mr. ADAMS. No, sir.

Senator HART of Michigan. Does that justify a surveillance of them?

Mr. ADAMS. It does not, and we would not. Before we would even open a preliminary inquiry, we should have an indication that the Communist Party has attempted to infiltrate or is infiltrating. In other words, where you have some evidence of a subversive group participating in the functions of that organization, and there are grey areas here, in the spectrum of anything where I am sure we have opened investigations where we should not because there has been scant evidence of such infiltration. And this is a supervisory problem. It is a criteria problem. And it is also an oversight problem which we are responding to.

Senator HART of Michigan. My time is up and I haven't gotten into some of the other material.

The CHAIRMAN. Well, Senator, you have not been with us—

Senator HART of Michigan. No, no, I just—

The CHAIRMAN. If you want more time, you have a lot of time stored up. If you want to use it now, go right ahead.

Senator HART of Michigan. Well, let me ask the justification for this sort of business. I have been talking about the things I have seen in the files that bear on direct denial of first amendment rights, and again, this does not deal with the treatment of a distinguished American. Indeed, it involves groups that are generally viewed with very

sharp disapproval. The ground rules for the treatment should be precisely the same, whether he is a good, popular guy, or a dirty, smelly guy. What was the purpose of the Bureau in trying to stir up strife—perhaps I shouldn't say what was the purpose—what possible justification for the Bureau trying to sic the Black Panthers on that outfit out in California, or between the Black Panthers and the Blackstone Rangers in Chicago? Was it with the hope that by fomenting it they would kill each other off?

Mr. ADAMS. Absolutely not, and I think the committee staff can inform you that during their review of all of these matters they haven't come up with one instance of violence resulting from any of these actions. In that particular case there was a communication in the same file, which I believe the staff had access to, which showed that we did get information that one of these groups was going to put out a contract on one of the others, and we notified the police and the individual of the fact that their life was in danger. None of our programs have contemplated violence, and the instructions prohibited it, and the record of turndowns of recommended actions in some instances specifically say that we do not approve this action because if we take it, it could result in harm to the individual. So, I think this is one charge—and the staff did not make such a charge, I might add, when they presented the picture—but I think any inference that we were trying to result in violence is wrong.

Senator HART of Michigan. Let me explain for the record why I reached the conclusion I did.

Mr. ADAMS. The wording of that memorandum—

Senator HART of Michigan. And why I continue to hold to that conclusion.

On January 30, 1969, the Bureau headquarters in Washington approved sending an anonymous letter to the leader of the Blackstone Rangers, Jeff Fort, which indicated that the Black Panthers had put a contract out on his life as a result of conflicts between the two organizations [exhibit 28¹]. Now, you say that was to warn him. I ask, wasn't the principal purpose of the letter to encourage the Rangers to shoot some or all of the leadership of the Panthers? Otherwise, what does this quote mean, and I will read it. It is from a memorandum from the Chicago office of the FBI asking approval to undertake this. Here is the way it reads: "It is believed that the above" this anonymous tip that a contract is out on you, "It is believed that the above may intensify the degree of animosity between the two groups and occasion Fort to take retaliatory actions which could disrupt the BBP," the Black Panthers "or lead to reprisals against its leadership. Consideration has been given to a similar letter to the Panthers alleging a Ranger plot against Panther leadership. However, it is not felt that this will be productive, principally because the Panthers at present is not believed as violence prone at the Rangers, to whom violent type activity, shooting and the like, are second nature." [Exhibit 29.²]

Now, how can you reach any conclusion other than a purpose was to generate the kind of friction that would induce the killing—

¹ See p. 430.

² See p. 432.

Mr. ADAMS. Well, if that purpose was for that rather than generating factionalism, disagreements, disrupting it, it would be contrary to the communication I referred to in the other file, the Black Panthers versus Ellis, where we notified the police of the contract, we notified the individuals of the contract and took every action at our command to prevent direct violence, and also the fact that the files showed that we turned down these situations where violence was involved.

Senator HART of Michigan. Well, we have differing views with respect to motives and the purpose of the Panther situation in Chicago. I still do not understand why we sought to set the Panthers and this US group in California against each other as they were. Also, I don't know whether it is in the record, open or not, what purpose other than to occasion violence moved the Bureau to approve of forged signatures of Communist Party personnel on letters addressed to Mafia-owned businesses attacking the employment practices of those businesses? Why would the Bureau think there was any value to be served in concocting a forged letter? Let us assume Phil Hart is a local Communist in this city. The Bureau forges Phil Hart's name to a racket-owned business, notorious for using muscle, protesting that fellow's business practices. Certainly it was not intended to improve the employment practices.

Mr. ADAMS. I think if the full communication were available, it did show a purpose unrelated to violence. I don't recall the exact wording now, but I think it was to create a lack of support or something like that. This was part of that HOODWINK program, I believe, that was one of four actions that were involved in HOODWINK, and I think there have been some public descriptions of that program that indicate that it was not the greatest thing coming down the pike.

Senator HART of Michigan. Well, that is the sort of thing I found that persuaded me to say very openly that I do not buy the idea that the American people ultimately are responsible for that kind of nonsense because I am certain that virtually every family in the country would have screamed in protest no matter how much they disliked Dr. King or the Panthers or the Communists.

Mr. ADAMS. Sir—

Senator HART of Michigan. If they had known that tax money and Federal personnel were busy around the country, notwithstanding bank robberies that were going on at the same time, pounding out that kind of correspondence and inciting that kind of conflict and curbing speech.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Hart.

Senator Mondale is next.

Senator MONDALE. Mr. Adams, I realize that you were not a part of this particular event. But being an experienced FBI hand, I wonder if you could help us understand the psychology that led to this kind of memorandum.

Mr. ADAMS. I feel it coming, but go ahead.

Senator MONDALE. This is a memorandum to the Director. It has been referred to before. It calls for removing King from his pedestal and replacing him by someone else. The memo is dated January 8, 1964, and was written a week following the time that King was named man of the year by Time Magazine. [See footnote p. 21.]

This memo, as you know, received the following comment from Mr. Hoover: "I am glad to see that light, though it has been delayed, has come to the Domestic Intelligence Division," and so on. I would just quote part of the language and maybe you can help us understand the psychology that led to it. The first part of the memo says: "We have got to remove King from his pedestal." Then it says:

The Negroes will be left without a national leader of sufficiently compelling personality to steer it in a proper direction. This is what could happen but need not happen if the right kind of national negro leader could at this time be gradually developed so as to overthrow Dr. King and be in the position to assume the role of leadership of the Negro people when King has been completely discredited.

For some months I have been thinking about this matter. One day I had an opportunity to explore this from a philosophical and sociological standpoint with X [the name of the leader] whom I have known for some years. As I previously reported, he is a very able fellow and one on whom I can rely. I asked him to give the matter some attention, and if he knew any Negro of outstanding intelligence or ability, let me know and we would have a discussion.

He has submitted to me the name of the above-named person. Enclosed with this memorandum is an outline of X's biography, which is truly remarkable. In scanning this biography, it will be seen that X does have all of the qualifications of the kind of a Negro I have in mind to advance to positions of national leadership.

And skipping:

I want to make it clear at once that I don't propose that the FBI in any way become involved openly as the sponsor of a Negro leader to overshadow Martin Luther King. If this thing can be set up properly without the Bureau in any way becoming directly involved, I think it would be not only a great help to the FBI, but would be a fine thing for the country at large.

While I'm not specifying at this moment, there are various ways in which the FBI could give this entire matter the proper direction and development. There are highly placed contacts at the FBI who it might be very helpful to further such a step. This can be discussed at a later date when I have probed more fully into the possibilities and this recommendation is that approval be given for me to explore the whole matter as set forth above.

And to that Mr. Hoover says:

I'm glad to see the light has finally come. I have struggled for months to get over the fact that the communists were taking over the racial movements but our experts here couldn't or wouldn't see it.

Now I think you testified earlier that you do not accept this as proper FBI activity, but can you help us understand how at one point in American history someone thought it was proper, apparently including the Director?

Mr. ADAMS. I would have to say for one thing that this gets into the real motive of the discrediting of Martin Luther King, which I don't feel can be fully explored. I think that the people most directly involved in that are not available, because I don't know from my experience what they had in mind in this regard. I have no doubt from this memorandum and other memorandums that the two individuals involved felt very strongly that Martin Luther King was a threat to the success of the Negro movement and that steps should be taken to get him out of that—what the reason for it was or the motivation, I am just not in a position to say. I do say it is improper to inject yourself into that type of activity, but I don't know what the real motive was.

Senator MONDALE. Dr. King was investigated, as I think you testified earlier, because of fears of Communist influence upon him?

Mr. ADAMS. Yes.

Senator MONDALE. Is that a proper basis for investigating Dr. King or anyone else?

Mr. ADAMS. It is, where you have information indicating that the Communist Party is and has made efforts to try to influence an individual. I would say that that would normally be considered within the current criteria.

Senator MONDALE. You would consider that to be a valid basis for investigating today?

Mr. ADAMS. The movement itself, but not the individual.

Senator MONDALE. How do you investigate a movement without investigating individuals?

Mr. ADAMS. You do get into a gray area. The main thing would be if we had an organization today that we saw the Communist Party gravitating to, trying to work in positions of leadership, we would be interested in opening an investigation on Communist infiltration of that organization to see if it was affecting it.

Senator MONDALE. All right, now let's go back specifically. I gather there never was any question raised about whether Dr. King was a Communist. That was never charged.

Mr. ADAMS. Not as a Communist Party member, no, sir.

Senator MONDALE. That's right. Or that he was about to commit, or had committed acts of violence?

Mr. ADAMS. No.

Senator MONDALE. But the reason for investigating him apparently was that he was subject to Communist influence. Now what makes that a justified reason for investigating him? Is it a crime to be approached by someone who is a Communist?

Mr. ADAMS. No.

Senator MONDALE. What is the legal basis for that investigation?

Mr. ADAMS. The basis would be the Communist influence on him and the effect it would have on the organization. It would be in connection with our basic investigation of the Communist Party.

Senator MONDALE. Well, as I understand the law to read, it is not a crime to be a member of the Communist Party.

Mr. ADAMS. That is correct.

Senator MONDALE. How can it be a crime to know someone who is a member of the Communist Party?

Mr. ADAMS. It is not.

Senator MONDALE. How do you investigate something as tenuous as that? What is the basis for it legally?

Mr. ADAMS. Well, it falls into the area of, one, the intelligence jurisdiction of the activities of the Communist Party to have a situation where an individual in an organization, a leader of an organization, efforts are being made to influence him and to achieve control over the organization, and it is part of the overall investigation of the party trying to exert this influence as to are they successful, are they taking over the black movement or the civil rights movement. It is just like we tried to make clear in investigations that were more prevalent years ago but still occur on the Communist influence in labor unions. We tried to tell everybody we interview we are not interested in labor matters. We are not trying to inquire into that. We are interested in the effect of the Communist Party on this union.

Senator MONDALE. Mr. Adams, I am trying to get at the legal basis in this particular case for investigating Dr. King on the grounds that he might be subject to Communist influence. Can you cite any legal basis for that, or is it based entirely upon a generalized authority thought to exist in the FBI to investigate internal security matters?

Mr. ADAMS. It would fall also in the Presidential directives of investigating subversive activities.

Senator MONDALE. Then the question would return to what authority the President had.

Mr. ADAMS. That's right.

Senator MONDALE. Now Dr. King was investigated, among other things, for matters of, I think you call it delicacy. Would that be a basis for investigating an American citizen by the FBI?

Mr. ADAMS. No.

Senator MONDALE. Would you say then that those investigations were improper?

Mr. ADAMS. I don't believe that there is an allegation that we investigated him for that. I think there were certain by-products of information that developed and I think at a point you had a situation where the tail was wagging the dog, perhaps, but I don't see any basis for such investigation. And I find it very difficult to get into a discussion of this in view of the prohibitions that I think—

Senator MONDALE. You answered my question. That by itself would not be a basis for investigation.

Mr. ADAMS. No, sir.

Senator MONDALE. Would you agree with me, Mr. Adams, that this area of the assignment that the FBI had been tasked, which they thought they possessed or could use to investigate Americans; is an exceedingly vague, difficult, if not impossible, area to define? It is not an area where there were allegations of crime or suspicion that crimes were about to be committed, or that violence was about to be committed, but rather this whole generalized area, to investigate Americans in terms of ideas that they have or might be persuaded to have, ideas that might hold potential for danger to this country. This vague area has got the FBI into an awful lot of trouble, including today's hearings.

Mr. ADAMS. Yes, sir.

Senator MONDALE. And because of that, there is a very important need to sit down and redefine the guidelines, and have those guidelines known specifically by all, so that the FBI can know precisely what it can do and what it cannot do.

Mr. ADAMS. I think this is why the country is fortunate in this particular time to have an Attorney General who is a legal scholar and a lawyer of unquestioned repute who has indicated a willingness to address these problems, which, as the staff has determined, was not always the case over the years. But we have an Attorney General, we have a Director, who has offered his complete cooperation, just as he has to the committee in this inquiry, that we are not trying to avoid embarrassment. The only thing we are trying to hold back are identities of informants and sensitive, ongoing operations that we have, a concern on the part of Congress that not only recognizes there have been abuses, but recognizes that there still always has to be some degree of flexibility.

We are going to have situations where you have a "Weatherman" working for the waterworks, and in college he was a scientific student, and he makes a comment to a fellow employee that there is going to be some spectacular event that is going to bring the attention of the world on this city.

Senator MONDALE. Wouldn't you have probable cause then to investigate the commission of a crime?

Mr. ADAMS. We might have to investigate, but to disrupt, we have the authority to tell the supervisor of the waterworks, you had better get him out of there before the city water is poisoned and 100,000 people die, and I think the committee is going to find the same problems we do in coping with that situation, and even the Attorney General in his speech in Ottawa pointed out that there is still possibly a necessity for some flexibility to take appropriate action under extreme conditions. But it should be controlled. It is like Mr. Kelley says, go to the Attorney General, explore the legal issues, lay the problem up there. It should not be handled internally in the FBI.

Senator MONDALE. But do you also agree that the Congress ought to redefine the rules legislatively?

Mr. ADAMS. Yes; because the problem I have with it is we talk about oversight, and Mr. Kelley and the Attorney General and I believe this committee agrees that we should have joint oversight which would avoid the proliferation of hearings and the sensitive knowledge among many people which always poses the risk of an inadvertent leak of information. But yet even with oversight, under the plan you discussed yesterday, or some of the observations that were discussed yesterday, having people, conservative, liberal, black, and the other qualifications you put in, can a committee speak for the will of Congress? At one time we had Congressmen making speeches all over the country, if we don't stop these bombings, if somebody doesn't do something about it this country is in trouble. Is that the will of Congress?

Until it is embodied in legislation where the whole will of Congress is expressed, we are going to have problems.

Senator MONDALE. I am glad to hear that, because there is a way Congress speaks. It is not through the buddy system or a person. It speaks through the law.

Mr. ADAMS. That's right.

Senator MONDALE. And now for the first time we have this whole issue; it is not denied by the FBI. The elements are known. What I hear you saying is that you would like the Congress now to define, and redefine specifically and carefully, what it is we expect the FBI to do, and what it is we wish to prevent the FBI and will prohibit the FBI from doing.

Mr. ADAMS. Right. What is our role in society? After World War II, if you'll remember, a congressional committee met and raised all sorts of storm over the fact that there was not enough in the way of intelligence investigations. Never again should it happen in the United States that we be caught with our pants down. After the Kennedy assassination, if you recall, the FBI was properly criticized for having too restrictive dissemination policies in connection with Secret Service because they depend upon us for the intelligence necessary to provide protection for the President against extremist groups. We did that, but just before the recent incidents in California, there was going

to be committee concern, not this committee, over has there been too much dissemination.

So the FBI is in the position of, at different times in our history, being damned for doing too much and damned for doing too little. And it is because of reacting to what we try to judge is what they want us to do, and this is what we are not in a position to do. We need the will of Congress expressed in some definitive measure, yet providing the latitude, because as you have seen from these problems, there are many that there are no black and white answers to. There have to be occasions where, when you are confronted with an extreme emergency, someone can act, and I don't think you or anyone else wants to tie the hands of law enforcement when today we have over 10 million serious crimes in the United States. We have 1 million crimes a year involving violence, and there has to be a capability to react. But we need to know in better terms what is our role in this, especially in domestic intelligence.

Senator MONDALE. Thank you, Mr. Chairman.

Senator TOWER [presiding]. Senator Schweiker.

Senator SCHWEIKER. Thank you, Mr. Chairman. Mr. Adams, in 1966 a letter written by the Bureau to Marvin Watson, Special Assistant to the President at the White House, and the gist of this letter was, in reference to his request, and I want to make it clear it was his request, not the Bureau's, authors of books that were critical of the Warren Commission report on the assassination of President Kennedy, were requested to file any pertinent personal data information, dossiers, et cetera, on seven individuals whose names I will not discuss.

Do you have any knowledge as to why the White House requested this kind of material on the Warren Commission critics?

Mr. ADAMS. I don't recall. I am familiar with the material. I did review it some time ago when we were testifying before the House Committee in February, but I don't recall that I saw in there any specific motivation on the part of the White House group requesting this information.

Senator SCHWEIKER. Now, in the same letter it also says a copy of this communication has not been sent to the Acting Attorney General.

Mr. ADAMS. Yes.

Senator SCHWEIKER. Number one, is that a normal procedure, when you get requests of this kind that the Acting Attorney General is bypassed, and why was the Attorney General bypassed in this instance?

Mr. ADAMS. This is not a normal procedure. It is not the procedure followed today. There was a period of time where, at the President's directions, Mr. Hoover reported more directly to him in certain areas, and it was apparently a feeling that he did not want the Attorney General to know certain things.

Senator SCHWEIKER. One of the dossiers specifically included photographs of sexual activities.

Mr. ADAMS. Yes, sir.

Senator SCHWEIKER. And my question is, how is that relevant to being a critic of the Warren Commission? What standard do we use when we just pass photographs of sexual activities to the White House? Is this a normal proceeding when a dossier is requested? Is this normally included, or did they specifically request photographs of this kind, or what light can you shed on this?

Mr. ADAMS. I can't shed much. I know they requested information on him. I think there was other material concerning that individual of a security nature that was included. Why the information in that respect was submitted I am unable to answer. I do know at the time there was a lot of concern following the Warren Commission report. Had all the answers been explored? Was the Soviet Union involved? Was Cuba involved? And who were the critics who now are attacking this? But I have seen nothing which would explain the rationale for requesting the material.

Senator SCHWEIKER. I think what concerns the committee is, that whenever you get to the nitty-gritty of investigations—and it doesn't relate to the Warren Commission, I will leave that alone—we get back to something like a photograph or a tape recording or some letter referring to some kind of human weakness or failing that is really very irrelevant to the investigation, is sandwiched in here. It just seems to me that it was a tactic. This just happens to be the Warren Commission I singled out, but it was a tactic that was used rather frequently as a lever, or for reasons which I am trying to discover, as an instrument of investigative policy. Would you differ with that or dispute that? What rationale would you use? Do we use sexual activities as a standard criterion for investigations?

Mr. ADAMS. We do not use sexual activities as a criterion, but during the course of our investigation—we did have an investigation on that individual at one time—and during the course of the investigation, in checking the records of a local police department or a district attorney's office, they had conducted an investigation for a criminal act involving these photographs, and they made that available to us. So it went into our files. Now, the request of the President, he is the Chief Executive of the United States. He in effect has custody of everything. There are problems involved when the man who is in charge of everything requests information. I would like to add, however, that following the cleansing effect of Watergate that I don't know of any such requests coming over to the FBI anymore. There is a direct line between the Attorney General and the Director, and the Director certainly recognizes that in a case of extreme disagreement he would have the alternative to tell the Attorney General, I need to go directly to the President, or feel I should, but we do not have this line of communication at the present time.

Senator SCHWEIKER. It seems that if they had just listed what was alleged in the other investigation, that certainly would have sufficed for whatever purpose. But it seems to me that when you enclose living photographs, you are really attempting to discredit these critics. What other purpose would a photograph of this nature have, other than to discredit critics?

Mr. ADAMS. I can't answer that.

Senator SCHWEIKER. One area that I think this gets into, which we really touched on in the assassination probe Mr. Adams, is where the Bureau stops when they get some of these requests. You touched on it a moment ago. The President asked for something. I don't know in this case whether or not the President asked to see photographs of this nature, but the point is, nobody said no and he got them. So the question is, where do you see the Bureau's responsibility, and

what can this committee do to insure that there is some kind of a test, that we either put in the law or that the FBI applies, that prevents the White House from using police power in this way?

Mr. ADAMS. I don't think Congress can ever fill the responsibility of trying to draw up guidelines, even in conjunction with the executive branch, to guarantee that all abuses won't take place. The organization is made up of human beings, and these things occur. Certain corrective actions are self-initiated, such as this. The President, for instance, you know we had an incident a few years ago about investigating a newsman, where we were requested, and if I recall from our information, we thought he was being considered for an appointed position which would have been a logical basis. As facts turned out, that was not the purpose that the information was requested. To stem or stop abuses like that, the President, the current administration, has issued instructions that any requests for investigations under the special inquiry or White House investigation such as for appointment must clear through the office of his counsel, in other words, not let the lower line people come over and say we need this information or we need this request. They come through the office of Phil Buchen through an employee that is assigned to that office with responsibility.

Now, we do still make certain name check requests for the White House, and those, too, have to clear through his office. So we do have that. Then we have the responsibility, if we get something which on its face appears political or improper, then our responsibility under that would be to go to the Attorney General and ask him to intercede by finding out is this a proper request on the Bureau. And I can assure you, that as Mr. Kelley has testified and has made it perfectly clear, he has not had any such improper requests and he would go right to the Attorney General if it was necessary. Otherwise he would reject the request.

Senator SCHWEIKER. What steps are you taking to make sure that we catch some of these things in the present that maybe we either overlooked or did not catch or somehow got sidetracked in the past?

Mr. ADAMS. We have been working with the Attorney General and his staff. It started even when Attorney General Saxbe was there, to look at all of our procedures, all of our investigative operations. Are they proper? Do they fit criteria? Do we have a legal basis for them? And we have guidelines, committees which have been established in the Department, that meet every day on questions of the overwhelming problem of collection and maintenance of information. What do we get? Why do we get it? What should we do with it?

I feel there is a very active program going on in that regard, and I feel certain that it will continue to make sure that we are aware of everything and take appropriate action.

Senator SCHWEIKER. I wonder if you might share some of these with the staff so that we may have the advantage of taking a look at those, too.

Mr. ADAMS. I would have to secure the approval of the Attorney General on the guidelines. He did tell the House committee which originally raised the question on maintenance of information, that once we get something and they are nearing completion in the Department, that he does intend to take it up with Congress. So I am sure there would be no problem at that point in bringing it to this committee as well.

Senator SCHWEIKER. It seems to me that the problems in the past have arisen, in not having clearly defined standards. I think this is the crux of it.

Mr. ADAMS. That is true.

Senator SCHWEIKER. That's all I have, Mr. Chairman.

Senator TOWER. Mr. Adams, what use does the Bureau presently make of its intelligence informants, and have they ever been used as provocateurs or as magnets for action?

Mr. ADAMS. No, sir.

Well, you asked two questions.

Senator TOWER. Yes.

Mr. ADAMS. Let me take the last one first, provocateurs. Our policy has not—or our policy has been to discourage any activities which in any way might involve an informant doing something that an agent cannot do, which would be in the area of being a provocateur, which basically is entrapment. And we have had some allegations of entrapment come up. We feel we have satisfactorily answered them. This is a very technical legal field which boils down, of course, to the fact that if a person is willing to do something, and the Government merely provides the opportunity, that is not legally entrapment. So if a person comes to us and says, "I have been asked to participate in a break-in of a Federal building, I would like to help you," then the law basically would indicate we have the authority to continue to let him operate. The question comes up if he assumes the whole direction and causes people to do something which they would not otherwise have done. That is the entrapment issue. So we are very alert to this. We have instructions, clear guidelines, instructions to our field offices that they are not to use an informant for anything that an agent cannot legally do. I don't say there haven't been some mistakes in that regard, but I don't know of any at the present time.

Senator TOWER. Senator Huddleston?

Senator HUDDLESTON. Thank you, Mr. Chairman.

First, I think to keep this activity in proper perspective, it might be well to remember that even though a great deal of the testimony and the questioning has been relating to the question of Dr. King, this is by no means an isolated situation. Dr. King's case is indeed a classic example, utilizing all of the various techniques of the Bureau, both in intelligence gathering, and action against an individual in order to discredit him or embarrass him, and indeed destroy him. But the record is replete, and indeed, here is an entire sheaf of similar targets who are certainly not as well known. Some of them are high school students, some of them are high school teachers, college students, college teachers, broadcasters and journalists, people whose names would be almost totally unfamiliar to the vast majority of Americans. So the activity was not confined to those that are immediately recognizable public figures.

I want to just proceed along the question of informants that Senator Tower just raised for just a moment or two. You say that your informants are not expected to do anything that an agent himself could not do. In the gathering of information do you have any safeguard at all, any rule as to how the informant proceeds in order to gather the information you are looking for?

Mr. ADAMS. Only that he proceed through legal means.

Senator HUDDLESTON. Is that specifically stated to him when he is employed?

Mr. ADAMS. Yes, sir.

Senator HUDDLESTON. Are most informers paid on the basis of a regular fee or regular salary, or are they paid on the basis of the information they gather?

Mr. ADAMS. Even those who are paid on what you could say a salary, that salary is determined on a COD basis as to the value of the information furnished. In other words, in a criminal case for instance, you could have a person come in and give you the identity of three individuals who just robbed a bank. You might pay him a lump sum amount, and never go back to him. In the security field where informants do finally manage to work into a revolutionary type organization, their continued activities on our behalf do set up more of a program for payment.

Senator HUDDLESTON. If information that may be supplied to you happens to be of a sensational nature or of a surprising nature, do you ever question the informer on how he obtained it?

Mr. ADAMS. I am sure this takes place. In any handling of an informant over a sustained period of time, you do have a rapport which they don't just come in and say Joe Blow said this, Joe Blow did that. There is a conversation that goes through, which I feel certain would, if it looked like he had something that came from some improper source, I think the agent would say, "Where did you get this?"

Senator HUDDLESTON. If you found it had been taken improperly or if some improper action had been taken, would it be put in the files?

Mr. ADAMS. If he violated the law, we would have an open investigation if it were within our jurisdiction.

Senator HUDDLESTON. Now the Bureau disseminates this information on individuals that is collected in various ways. How many other agencies can request, for instance, an individual check that would result in your supplying to it information from these personal intelligence files?

Mr. ADAMS. Every agent in the Federal Government under the employee security program has an obligation to check with the FBI; doing name check search of our files to see if there is any subversive, derogatory information which might militate against appointing that individual to a Federal position.

Senator HUDDLESTON. Do you take any precautions as to how they will use that information once it is supplied to them by your agents?

Mr. ADAMS. All we do is indicate to them on the report that it is the property of the FBI and is not to be disseminated outside their agency.

Senator HUDDLESTON. You have no way of knowing whether or not indeed it is?

Mr. ADAMS. No, sir, we do not.

Senator HUDDLESTON. What internal precautions do you have against the Bureau itself misusing information that it gains from other agencies?

Mr. ADAMS. Strong prohibitions. First, we don't allow access to files except on a need-to-know basis. Any employee of the FBI knows that if he improperly divulges information or leaks information out of the files, he will be subject to administrative action. We had a case where an agent obtained an identification record and made it out

improperly, and I think that agent was separated from the rolls. But we had asked, and of course we share in CIA's request to this extent, that there be a criminal penalty attached to misuse of information and leaking it or making it available outside of an agency. This is another issue before Congress.

Senator HUDDLESTON. There is also an instance that the committee has evidence of, where the Bureau at least proposed taking information gained from the Internal Revenue Service and drafting a letter, a fraudulent letter, over a forged signature of a civil rights leader, mailing it to the contributors of that organization indicating that there was some tax problem and hoping to discourage further contributions. Did this in fact happen, to your knowledge?

Mr. ADAMS. I am not familiar with that case. I can easily say it would not be proper.

Senator HUDDLESTON. But you don't know whether it happened or whether the act was carried out?

Mr. ADAMS. I do not know.

Senator HUDDLESTON. Mr. Adams, getting on to another subject, one of the techniques used very frequently by the Bureau in its attempt to discredit individuals was to utilize the press. It was customary to send anonymous letters on many occasions to editors, broadcasters, commentators, and columnists around the country containing information, or suggesting information, about an individual that the Bureau wanted to discredit in some way. There is also some evidence that the Bureau utilized within the press itself, on a regular contact basis, certain columnists or broadcasters for the purpose of disseminating information that the FBI wanted to get out about individuals. How extensively was this utilized?

Mr. ADAMS. I don't believe it was very extensive. In fact, I think there were probably very few incidents where untrue information was put out. That is my recollection. On disseminating public source information there were a number of instances of that which is still proper to date under our guidelines. I just don't know of many instances where untrue information was used, and I do not know of too many instances overall where that was done.

Senator HUDDLESTON. Do you know of any instances—how many actual journalists or practitioners were regular disseminators of FBI information?

Mr. ADAMS. I don't know of any today that are, in that regard. I know there have been situations where it happened and people still do. They come to us and say, we would like to do an article on organized crime. Can you be of assistance? And if we can be of assistance within the guidelines established by the Attorney General, we do assist. We have a pull and a tug over privacy acts and freedom of information and also the need to know, but we try to satisfy.

Senator HUDDLESTON. Do you know of any at the present time or in the past who have been paid by the FBI for their services?

Mr. ADAMS. Not personally. I don't know of any.

Senator HUDDLESTON. Not personally? Do you know of any evidence that indicates that?

Mr. ADAMS. That's what I mean. I don't have any evidence that indicates that.

Senator HUDDLESTON. I think it would be helpful to our inquiry if we could review, or you would review, the files and make a determination as to whether or not it might be the case, that the FBI has paid journalists who are amenable to disseminating information supplied by the FBI.

Mr. ADAMS. I am told we have. I don't know what files we have reviewed, but we have reviewed them and we haven't found any.

Senator HUDDLESTON. You haven't found any. What is the mass media program of the FBI?

Mr. ADAMS. To try to get the truth out, to get a proper picture of the FBI's jurisdiction, its activities.

Senator HUDDLESTON. Is it also to suppress other publications or other commentators or journalists who might be disseminating other views?

Mr. ADAMS. No.

Senator HUDDLESTON. Did the FBI not take some action against a number of newspapers, most of them student newspapers that they thought should be suppressed?

Mr. ADAMS. We may have in the past. I don't recall any specific case. You are talking about some of the "Weatherman" support papers or Black Panther paper. I don't know of any in that regard, but I'm not saying that such action was not taken.

Senator HUDDLESTON. Are you familiar with the special correspondence list?

Mr. ADAMS. Yes.

Senator HUDDLESTON. What is this list?

Mr. ADAMS. My recollection is that the special correspondence list was a list of individuals that had requested from time to time various Bureau publications and were kept on a continuing list and such communications were mailed to them.

Senator HUDDLESTON. It was a list that was considered to be friendly towards the FBI view?

Mr. ADAMS. Yes. I would say anyone on that list would normally be friendly.

Senator HUDDLESTON. Do you have knowledge of a number of instances in which the Bureau carrying out its COINTELPRO activities utilized the existing press in order to attempt to discredit some individual?

Mr. ADAMS. I don't have an idea of the number, but I don't think there were very many.

Senator HUDDLESTON. Do you have a list of the instances in which the Bureau attempted to discredit other publications?

Mr. ADAMS. No; I don't know.

Senator HUDDLESTON. Do you know that they did occur?

Mr. ADAMS. I can ask. I get, "No," as far as any knowledge in that regard.

Senator HUDDLESTON. As far as knowledge.

Mr. ADAMS. That means knowledge of what we have come up with in our current review, I would assume.

Senator HUDDLESTON. It seems to me that this is an area in which we are particularly troubled and rightly should be. If there is any right that is specifically called for in our Constitution, and has been upheld and reaffirmed in court decision after court decision, it is the

right to publish in this country. The first amendment speaks not only of freedom of speech, but also freedom of the press. And yet it seems that we have a pattern here of the chief law enforcement agency of the country attempting to suppress that very right.

Mr. ADAMS. I haven't seen—I think any effort to manipulate the press of this country, I just don't see any possibility in that regard, and I don't see the logic of anyone even attempting such.

Senator HUDDLESTON. But it did happen.

Mr. ADAMS. It may have happened in——

Senator HUDDLESTON. In a rather extensive field.

Mr. ADAMS. I disagree with that rather extensive field. I just don't know the extent that you are talking to here.

Senator HUDDLESTON. We are talking about the cases where——

Mr. ADAMS. Are you lumping in cases where we disseminated public source information? Are you lumping in a case where we may have gone to a——

Senator HUDDLESTON. I think disseminating public source information is somewhat different from furnishing a TV commentator with derogatory information about a specific individual, who has been targeted as one that apparently the Bureau thinks is dangerous or that his ideas ought to be suppressed.

Mr. ADAMS. Is that manipulating the press, though? Here you have a situation where an individual is going around the country advocating off-the-pig or kill-the-police or something like that. And a newspaperman was furnished, say some background information on him which would have been in the area of public source material which he could use in an article. Are we really, if the information is true, the final decision, it would seem to me, would be the newspaperman as to whether he would use any such information.

I think if we concealed our motives from the newspaperman, or furnished false information, which I think we did in one anonymous letter or something that I saw in all of this, I would say that was improper.

Senator HUDDLESTON. Or——

Mr. ADAMS. I think newsmen have sources. I think——

Senator HUDDLESTON. Or convincing a cartoonist, for instance, to draw a derogatory cartoon about a college professor who certainly did not constitute a threat to the violent overthrow of the Government.

Mr. ADAMS. If anyone accuses us of having any great success in trying to influence the press, I think that their objectivity stands very high.

Senator HUDDLESTON. I think the point is not whether there was success or not, there was an effort made. I'm glad to hear you acknowledge now that it is almost an impossibility. But more than that it seems to me at the beginning when these type of techniques were used, it seemed to indicate a lack of confidence, or faith in the American people to believe that they could not hear ideas that might be contrary to their own without being seriously damaged. One of the great freedoms we have is the freedom of hearing other ideas, whether we agree with them or not. I think this is an area that we are concerned with and one technique which I hope is being discontinued and one that will be, by the time these hearings conclude, and by the time proper legislation is drawn.

Mr. ADAMS. Well, I think you can be assured that any such techniques in that area died with COINTELPRO in 1971.

Senator HUDDLESTON. That is comforting.

Mr. ADAMS. Yes.

The CHAIRMAN [presiding]. Thank you, Senator. I have been forced in and out by virtue of votes and other committee business. I am not sure which Senators have had their opportunity to question and which have not.

Senator Goldwater, were you next?

Senator GOLDWATER. I will not take much time. I apologize for not having been here in the last 2 days. It is going well, I have heard. We have heard testimony regarding the voluminous records, I believe 500,000, maintained by the Bureau. How in your view have these records come to be kept? For what purpose have they been kept, and has the Bureau ever undertaken to destroy or prune down any of these records?

Mr. ADAMS. We have a number of records. We are a businesslike organization. We record our activities. And as the staff knows, they had access to a lot of recorded material that is the product of what the FBI has done over the years. When we conduct an investigation, we maintain the results. We do have destruction procedures where, after the passage of certain time limits approved by the Archives authority, we are allowed to destroy certain files. Other information we are required to put on microfilm. There is a regular standard procedure for the destruction of FBI files. This has been suspended, of course, during the initiation of these hearings and our files probably have increased considerably during this period because we are not allowed to destroy anything since the committee commenced its hearings. But we do have procedures for destruction of files. They are approved by the Archives. A problem inherent in that is maintaining information. What should we keep? What should we obtain during an investigation? What should we record? In the past we have been pretty consistent in recording everything we thought was relevant to the investigation. The passage of the Privacy Act put certain restrictions in. We cannot collect or maintain anything unless it is relevant to an ongoing matter of which we have investigative jurisdiction.

But beyond even the Privacy Act, the Attorney General instituted a guidelines committee in this area that we have been meeting diligently with every day and hopefully have tried to avoid this idea that we are for no good reason maintaining gossip, scandal, unnecessary, and irrelevant material. So once these guidelines are in some sort of final form, not to be adopted, then the Attorney General has indicated that he is going to take it up with the various congressional committees to get their input into it, after which they will be published.

Senator GOLDWATER. Well, now these dossiers, I think you can call them that probably.

Mr. ADAMS. I prefer not to, but I accept the fact that that is how they are referred to.

Senator GOLDWATER. What do you call them?

Mr. ADAMS. I call them files. To me, I guess we all have our little hang-ups, but to me that is usually used in some sinister connotation. It is probably not to you. But I will use whatever terminology you want to use on this.

Senator GOLDWATER. I hope what you have on me is not called a dossier.

Mr. ADAMS. No, sir; it's a collection of material.

[General laughter.]

Mr. ADAMS. Of which you are aware.

Senator GOLDWATER. That's right. Now let me ask you, the information you have would probably be on computer tape?

Mr. ADAMS. No, sir.

Senator GOLDWATER. It's not. Information that IRS would have, is that computerized?

Mr. ADAMS. It may be. I'm not familiar with the extent of theirs. We do have certain computer activities, such as the National Crime Information Center, or we have. I guess, 7 or 8 million records. This is not the usual file material. This consists of individuals concerning whom a warrant is outstanding, stolen property, material such as this, and also some documented criminal history information in the nature of prior arrest history, but not what I think you are referring to in the way of file material, reports, intelligence, this type of information.

Senator GOLDWATER. What I am trying to get at, is there a central source of computerized material that would include your information, the information that IRS may have gathered, information that had been gathered off of personnel records of the Pentagon?

Mr. ADAMS. No, sir.

Senator GOLDWATER. There's no such list that you know of?

Mr. ADAMS. I don't know what other agencies have, but the FBI does not have such a list, does not have such capability to interface with such a list, if such a list exists.

Senator GOLDWATER. Do you feel rather safe in saying then that no agency of Government has put together such a computerized total of all the information on the people that you have surveilled?

Mr. ADAMS. Oh, I think it is safe to say I don't know of any. Today I am not saying what does exist or doesn't exist elsewhere.

Senator GOLDWATER. In addition to the 500,000 records that you have, would I be correct in saying that you have 50 million data cards and that there's \$82 million spent on intelligence in the fiscal year 1975 to maintain this library?

Mr. ADAMS. No; I don't think that is correct. I think the figure of \$82 million is what our budget people have drawn up as being the total cost in a given year of our intelligence operations, security, criminal, organized crime, the whole intelligence field. But I don't relate it to the maintenance of any data cards.

Senator GOLDWATER. Now one other area, and I think it probably, according to the records, goes back to 1970. How did the Bureau come to place the so-called Women's Lib movement under surveillance, and I say so-called because I think we discovered that there was no such organized movement.

Mr. ADAMS. There were a lot of movements. It is my recollection—I have not reviewed the file in detail, but it is my recollection that the case was originally opened because of indications that certain groups were attempting to infiltrate or control the Women's Liberation movement. The investigation was conducted and was terminated several years ago, as far as I know.

Senator GOLDWATER. Do you know of any actions that were taken by the Bureau as to the women's liberation movement except to monitor it?

Mr. ADAMS. No. And the monitoring was for the purpose of determining the infiltration, and I don't know of any actions taken against them.

Senator GOLDWATER. That's all I have, Mr. Chairman. Thank you.

The CHAIRMAN. Thank you, Senator Goldwater.

Senator Hart, have you had an opportunity to question?

Senator HART of Colorado. No; I have not.

The CHAIRMAN. Senator Hart.

Senator HART of Colorado. Thank you, Mr. Chairman. In the testimony yesterday developed by the staff concerning the last few days of Martin Luther King's life, we learned that the Bureau in March of 1968 developed information to be given to the press criticizing Dr. King for staying in a white-owned and operated hotel, the Holiday Inn in Memphis, instead of the Lorraine.

At some point during Dr. King's stay in Memphis, he moved from the Holiday Inn to Lorraine. To your knowledge, Mr. Adams, was that information ever given to the press? [See footnote p. 21.]

Mr. ADAMS. I have been unable to determine that. This question was raised to me by the Civil Rights Division of the Department. Apparently, they had had some inquiry along the same lines several months ago. But my recollection of it at the time, we saw that this action had been proposed and the memorandum bore the initials, I believe it was the initials, statement handled, and the initials of the agent in the external affairs division who assumed the responsibility of saying handle it and initiated it. They contacted him and he said that he had no recollection of the matter but the fact that he did say, "handled" didn't mean that he was able to do anything with it. He was just clearing that memorandum so it would show action was taken, and he doesn't know if he gave it to anyone or not.

Senator HART of Colorado. Well, suffice it to say that the facts are that subsequent to the time the Bureau developed this information to pass on to the press, it did appear in the local papers in Memphis.

Mr. ADAMS. There was some statement in the local papers, not according to the terminology of the proposed statement that was to be given to him. There was some comment made, if I recall, that Martin Luther King gave a press conference following the riots that followed one of his appearances, and that he gave that press conference in a hotel, the Holiday Inn Hotel. But it didn't have any, at least the newspaper article itself didn't have any direct relation to acts taken.

Senator HART of Colorado. Well, according to some historians and people who have commented on the circumstances, they were fairly explicit in stating that the local press was critical of him during that period of staying in the white hotel, but I don't want to make a big issue out of that. What was the name of the agent that you talked to?

Mr. ADAMS. I didn't talk to him personally. People in the Bureau that were working on this did and I believe his name was Linbaugh.

Senator HART of Colorado. If you could provide that name to us, I would appreciate it.

Mr. ADAMS. I would be glad to.

Senator HART of Colorado. Mr. Adams, was any effort made during this entire COINTELPRO period to objectively define what the "New Left" meant? What was your understanding of the "New Left?"

Mr. ADAMS. They did have a definition of the New Left distinguishing it from the Old Left. It was primarily to distinguish it in the area that the New Left was trying to separate itself from the old hide-bound policies of the Communist Party or some of its links to the Communist Party. Perhaps Mr. Wannall has a better definition of that.

Senator HART of Colorado. It very definitely included those who were opposed to the war, organized groups that opposed the war and felt strongly about racial injustice in this country, leaving the Communist Party aside.

Mr. ADAMS. People involved in the New Left movement were, of course, also involved in the anti-Vietnam war effort.

Senator HART of Colorado. What do you mean also? That's what I'm trying to get out. What was the New Left? If you didn't oppose the war and you weren't involved in civil rights groups, who else might you have been?

Mr. ADAMS. Well, the New Left did involve a revolutionary philosophy. It wasn't related solely to the anti-Vietnam effort.

Senator HART of Colorado. Thomas Jefferson embodied a revolutionary philosophy.

Mr. ADAMS. That's right. And the New Left activity exceeded Thomas Jefferson's philosophy in that it did fit in with the basic Communist philosophy.

Senator HART of Colorado. Every group that was placed under the efforts of the COINTELPRO supported the violent overthrow of this country?

Mr. ADAMS. The concept of COINTELPRO was directed toward those organizations. I would have to refresh my memory on each one of the organizations that were targets of it, but they were basically New Left, Communist Party, Social Workers Party, black extremists, white hate groups, those were the five basics.

Senator HART of Colorado. The Southern Christian Leadership Conference?

Mr. ADAMS. The Southern Christian Leadership Conference, I don't know if it was involved specifically in COINTELPRO. Three minor actions were taken against the Southern Christian Leadership Conference.

Senator HART of Colorado. Well, its leader, I think you could say, for 8 years was subject to a lot more than three minor actions.

Mr. ADAMS. That's right, and that gets into the other area that the activities taken against him were primarily COINTELPRO-type activities but weren't really under the control of—

Senator HART of Colorado. You're saying that basically every organization and individual that was swept into the five COINTELPRO nets supported the violent overthrow of this country?

Mr. ADAMS. Well, not just the violent overthrow of the Government. It would have been organizations that were threatening and fomenting violence. I don't believe it had to be related to the actual overthrow of the Government.

Senator HART of Colorado. Is a street demonstration violent?

Mr. ADAMS. It depends on where you are in relation to what is taking place. If there are a lot of activities in connection with street demonstrations that are not violent, and there are a lot of street demonstrations that have resulted in deaths, so it just depends on the activity taking place and the circumstances. Our problem is we are given the responsibility by the Attorney General to monitor demonstrations which have the potential of violence. The question is, how do you find out, at what point do you get in any monitor demonstrations to determine if that has a potential violence?

Senator HART of Colorado. Well, obviously we have received testimony to the effect that the FBI went out of its way to foment violence itself, to encourage disruptions internally, to encourage hostilities and conflict between and among these groups in the hope that violence would occur. Therefore you could go back to the Director or the press or whomever and say, look, this is a violent group.

Mr. ADAMS. I accept the allegation but I don't accept the fact. The conclusion, from what I have seen in reviewing these files in connection with our investigations, is that we don't foment violence. We don't permit as a matter of policy our informants to act as provocateurs to engage in violence. I am not denying it may have happened, but the FBI does not foment violence, and the FBI, you know, has no—

Senator HART of Colorado. You are using present tense verbs.

Mr. ADAMS. We didn't then. I don't agree that our actions in any event were designed to foment violence.

Senator HART of Colorado. I think there is plenty of documentation of the attempt to set the Black Panthers against the Blackstone Rangers in Chicago.

Mr. ADAMS. Well, I don't consider that plenty of evidence. I think the evidence to the contrary is that one of the organizations, when we got word that the Black Panthers versus United Slaves, we notified the local police that this activity was going to take place, and the individual, so that we would prevent the killing, which had come to our attention and was going to take place, and then the turndowns of various COINTELPRO actions, there were specific statements made, that this action will not be approved because it might result in harm to an individual, physical harm, and we have no indication from any of these actions under COINTELPRO that any violent act occurred, and I have not been presented with any by the staff from their far more extensive inquiry.

Senator HART of Colorado. June 3, 1968, a memorandum from the special agent in charge of Cincinnati to the Director of the FBI, captioned Counterintelligence Program, Disruption of the New Left, a five-page memorandum having to do with Antioch College in Ohio [exhibit 30¹]. It is a long description of the college and background. There is a recommendation on page 3: "Cincinnati recommends that counterintelligence action be taken to expose the pseudointellectual image of Antioch," and it gives specific ways of doing that, then the next page, page 4, the desired result of action, "force Antioch to defend itself as an educational institution." Where in the laws of this country or the charter of the Federal Bureau of

¹ See pp. 434 through 438.

Investigation does it say that that agency should be forcing any educational institution to defend itself?

Mr. ADAMS. I know of none.

Senator HART of Colorado. You would say this is stepping beyond the bounds of your authority?

Mr. ADAMS. I would say—I'm not familiar with the total action of what was there, but just on the surface I don't see any basis for it.

Senator HART of Colorado. It is my understanding that field officers participating in COINTELPRO activities were required to send results in status letters and in annual reports. Is that correct?

Mr. ADAMS. Yes.

Senator HART of Colorado. What kind of results generally were you looking for? What was considered success?

Mr. ADAMS. Well, it would be considered success, if in one instance an action was taken to create factionalism in the highest level of the Communist Party, and the results were that we were advised that the Communist Party influence declined appreciably as a direct result of factionalism created at that level. That to us was a concrete result. We had other results that you get in various degrees. The above is an extremely favorable degree. We had others, I think one was alluded to yesterday or today where a letter went out setting up marital strife on the part of someone. I don't see any basis or justification for that. I think that is the other extreme. I think in the middle there were ones that fell into a different degree. The only thing that I feel is we had 3,000 actions recommended. I don't know if the document shows whether this Antioch one was approved or not. I doubt that it was approved.

Senator HART of Colorado. I believe it was. We can document that.

Mr. ADAMS. OK. Because there would be one. I would say that the judgment in approving is in question. But out of 3,000 recommended, the fact that 2,000 approved shows that there was some concern to try to keep these to a proper level, and I think the actual number of grossly improper activities fortunately is rather small. I think there are a lot in there. The whole program, we feel, should have been discontinued, and we don't have a program like it now, and we wouldn't institute a program like it now.

Senator HART of Colorado. It would be helpful to us if now or in the future you could recommend what steps we should take, both as the committee and this Congress, to make sure that doesn't happen, aside from just the assurances we are being given here.

Mr. ADAMS. Well, the main recommendation I make is that we don't wind up on the point we have been on in the past years, that one time in our history Congress is saying we ought to be doing something to stop violence in the streets, murders, blowing up of buildings; and at another time they are saying you shouldn't have done what you did, and that we make a mistake when we react and try to identify one area and say that is the voice of the people. What we need is a legislative mandate which is the will of Congress in order to tell us what our role should be in this area. I think that the main thing that would come out of all of this, I hope, is some more definitive guideline where we all know what the will of the people is as expressed by Congress.

Senator HART of Colorado. I believe my time is up.

Senator TOWER [presiding]. Mr. Adams, to return to the business of informants which I initiated and was interrupted by a vote, who selects an informant?

Mr. ADAMS. The basic responsibility is on our special agent personnel who develop informants, the agent on the street.

Senator TOWER. Does the special agent in charge in a given area have control over the activities of an informant or a veto on the use of a particular informant?

Mr. ADAMS. Not only the special agent in charge, but FBI headquarters. We maintain the tightest possible control of the utilization of informants. We require Bureau approval to utilize a person as an informant.

Senator TOWER. The special agent in charge has the power to veto the use of an informant?

Mr. ADAMS. Yes, sir.

Senator TOWER. Does headquarters know who all the informants are?

Mr. ADAMS. Absolutely. We do not allow hip-pocket informants. We require—

Senator TOWER. You don't have the agents informed by their own special informants?

Mr. ADAMS. Absolutely not.

Senator TOWER. Are the criteria different for paid and for nonpaid informers?

Mr. ADAMS. We have some informants over the years that have refused to accept payment, but generally the criteria for both, I mean for ones that are paid, is that it must be on a c.o.d. basis, evaluated as to the value of the information.

Senator TOWER. What protections are afforded to informants?

Mr. ADAMS. Protections afforded them individually?

Senator TOWER. Yes.

Mr. ADAMS. The greatest protection in the world we can afford them is to maintain the confidential relationship which they have adopted with the FBI, and the fact that those citizens of the United States who, for whatever reason, decide to cooperate with the FBI and cooperate with their Government in the criminal and security field, have that confidentiality maintained. Beyond that confidentiality we are unable to afford them any protection, any physical protection. We have had informants murdered through disclosure. We have had them subjected to other violence and criminal activities, and the only protection beyond maintaining the confidentiality is once we have used them or had to expose them for some purpose, we do have procedures for relocation and maintenance of them, which is utilized quite frequently in the top hoodlum and the Cosa Nostra-type investigations.

Senator TOWER. It is my understanding now that 83 percent of all cases involve some use of informants, so that means that the use is pretty widespread and apparently very essential. What kind of guidance does the FBI give to these informants? Do you give them any special training? Could you describe that kind of relationship in terms of guidelines, control, authority that you have?

Mr. ADAMS. Well, when an individual is being developed as an informant, our main concern is whether he provides reliable information and that the information he collects is collected by legal means. We don't permit an informant to engage in any activity that an agent couldn't do legally himself. In other words, you can't have an extension of the agent out here engaging in illegal acts, and the agent saying I abide by the law. This creates some problems, of course, in the criminal field where you don't recruit informants from Sunday schools. You recruit informants in areas where they do have knowledge of criminal activities. But we even had to open investigations and prosecute some of our informants, because we do not bend from this, that they are not going to enjoy favorite status as a result of their relationship with us. So the agent covers all of this with an informant during the discussions.

We secure background information on the informants. We do this to insure, as best as possible, we are dealing with a reliable, stable individual even though he may be engaged in an unstable activity. We go through this period and consider them more or less, in different terminology, probationary, potential, verifying information that he furnishes us, and everytime when they report on the status of an informant, they have to tell us what percentage of his information has been verified by other means, by other informants or sources. So we do have a continuing indoctrination which is supervised at FBI headquarters.

Senator TOWER. You said you don't recruit your informants from Sunday school class. Being an ex-Sunday school teacher, I resent that, but—

Mr. ADAMS. I am talking in the criminal field. Many of our security informants come from a very fine background.

Senator TOWER. But this leads me into this. Sometimes, then, you might recruit people that you know have committed criminal acts.

Mr. ADAMS. That's true.

Senator TOWER. Do you promise him immunity from future prosecution in many instances to secure their cooperation?

Mr. ADAMS. No. Now, the only exception to that would be we may have an ongoing, it is what you call an informant—I believe your question is addressed to someone that we are actually considering in an informant status.

Senator TOWER. Yes.

Mr. ADAMS. We do have situations where during an investigation we target on one individual, the lower rung, and the U.S. Attorney and the Department offer immunity. We don't. And say, you cooperate, and we go up the ladder to the next level, and in some of these cases we have gone up through successive stages until we get the main honcho who we feel is the proper target of our investigation.

Senator TOWER. Getting on another subject, does the FBI still request bank audits?

Mr. ADAMS. Bank audits? Do you mean do we still have access to bank records?

Senator TOWER. Yes.

Mr. ADAMS. Yes, sir, we do.

Senator TOWER. And do you obtain access with or without warrants?

Mr. ADAMS. We obtain access without warrants.

Senator TOWER. Without warrants?

Mr. ADAMS. Yes, sir.

Senator TOWER. Is the subject notified in advance by the FBI when you obtain one without a warrant?

Mr. ADAMS. No, sir.

Senator TOWER. Are they notified by the bank, or is he notified subsequently by the FBI?

Mr. ADAMS. No. We do get subpoenas in many cases, not warrants, but we do get subpoenas in many cases, but in some cases a bank will make available to us records without subpoena. When it comes time for utilizing that information we do issue a subpoena for the information.

Senator TOWER. Do you have legal authority to gain access to these records?

Mr. ADAMS. Yes, sir, we do.

Senator TOWER. Without a subpoena, without a court document?

Mr. ADAMS. There is no law that I know of that forbids us access.

There have been several court decisions, including some circuit courts that disagree with each other, but I think the current finding is that the bank records are the records of the bank and this does not violate any first amendment or other amendments in connection with it.

Senator TOWER. Do you make similar requests of S. & L.'s and others, and credit unions and other financial institutions?

Mr. ADAMS. I would assume the same would provide there.

The CHAIRMAN [presiding]. Thank you, Senator Tower.

I just have a question or two. We are going to try to conclude this morning because the committee has a hearing, a business meeting at 2 o'clock this afternoon and for the information of the members, that meeting will take place in room 3110 of the Dirksen Senate Office Building. And while I am making announcements, I think I should say that tomorrow between the hours of 9 o'clock in the morning and 1 o'clock in the afternoon, the committee will report its findings and make its recommendations to the Senate in connection with our investigation into alleged involvement of the United States in certain assassination plots, and attempts directed against foreign leaders.

The committee, as you know, has made an exhaustive investigation of this issue. It has taken some 6 months, 75 witnesses have been interrogated, over 8,000 pages of testimony have been taken, mountains of documents have been analyzed and digested, and the report will be a detailed accounting to the American people of that evidence, together with the findings and recommendations of the committee. Initially these disclosures will be made to the Senate in secret session, after which the report will be made public as previously approved by committee vote. Therefore, it is anticipated that at 2:30 tomorrow afternoon in this room, the caucus room, following that secret session of the Senate, the committee will meet with the press for the purpose of answering such questions as the press may wish to address to the committee on the assassination report.

Now, the last few questions I would like to put to you, Mr. Adams, have to do with some confusion in my mind concerning the purpose of the FBI in monitoring the women's liberation movement. What was the purpose of that surveillance? Why were you involved in monitoring that movement?

Mr. ADAMS. It was basically, as I recall, I have not reviewed the files, but from the information that I have acquired, it would indicate there were groups that were believed to be infiltrating and attempting to exert control over it. That investigation was based or initiated on this fact.

The CHAIRMAN. But you never found, did you, that the Women's Liberation Movement was seriously infiltrated, influenced, or controlled by Communists.

Mr. ADAMS. No, and the case was closed. I would put them in the position of comments we have made earlier about the press, that I don't think anyone is going to dominate or control. That is a very independent group.

The CHAIRMAN. Well, we are trying to keep the country that way.

Mr. ADAMS. That's right.

The CHAIRMAN. And the kind of thing that disturbs me is what the documents reveal. If you will turn to exhibit 7.¹

Mr. ADAMS. Yes.

The CHAIRMAN. Then, if you will turn to where you find the caption "Origin, Aims, and Purposes," a description of the Women's Liberation Movement in Baltimore, Md. I call your attention to this because it seems to typify the whole problem of this generalized kind of surveillance over the activities of American citizens. Here is the report. If you will read with me this paragraph:

The women's liberation movement in Baltimore, Md. began during the summer of 1968. There was no structure or a parent organization. There were no rules or plans to go by. It started out as a group therapy session with young women who were either lonely or confined to the home with small children, getting together to talk out their problems. Along with this they wanted a purpose and that was to be free women from the humdrum existence of being only a wife and mother. They wanted equal opportunities that men have in work and in society. They wanted their husbands to share in the housework and in rearing their children. They also wanted to go out and work in whatever kind of jobs they wanted, and not be discriminated against as women.

Now, can you find anything in that report that in any way suggests that these women were engaged in improper or unlawful activity?

Mr. ADAMS. Not in that one. I believe there was another report, though, giving the origin of it, which went into a little more description of what our basic interest was.

The CHAIRMAN. Can you tell me, because this is the report I have.

Mr. ADAMS. Well, I am given here——

The CHAIRMAN. What other, if there was some sinister activity connected with this group that isn't laid out in the document——

Mr. ADAMS. I was given a workpaper here which read:

Women's Liberation Movement. Investigation of captioned movement was initiated by our New York Office in April 1969, as the Women's Libber movement is described as a loosely structured women's movement comprised of individuals with varying ideologies from liberal to New Left persuasion, some of whom had exhibited an affiliation with and/or sympathy for several organizations of investigative interest to this Bureau; namely, the Students for a Democratic Society, Black Panther Party, the Vietnam Peace Parade Committee, Venceremos Brigade, the Socialist Workers Party, with its youth group the Young Socialist Alliance.

The CHAIRMAN. May I stop you at this point?

Mr. ADAMS. Yes.

¹ See p. 360.

The CHAIRMAN. You are reading from a paper which has to do with the origination of an investigation coming out of New York, are you not?

Mr. ADAMS. Yes.

The CHAIRMAN. I am reading from a document that relates to the Women's Liberation Movement in Baltimore, and the findings concerning it in the summer of 1968. My question hasn't to do with whatever original purpose the FBI sought by initiating this kind of surveillance in New York, but with a finding made concerning the Women's Liberation Movement in Baltimore which I have just read to you. I think you would agree with me that women do have the right to get together to talk about humdrum existence and equal opportunities with men and equal opportunities for work in our society, don't they? That is not a subversive activity.

Mr. ADAMS. Well, but what you have here is the set up of our investigative activity. We had New York, which was the office of origin of the investigation. You have other offices that were checking to determine what influence there was. In addition, in New York—to the New York office, lay the fact that interwoven with the Women's Liberation Movement goal for equal rights for women, there was an advocacy certainly of militancy and violence in achieving their goals. Now, Baltimore is one office, and I believe that even there in one of the reports—

The CHAIRMAN. You keep taking me back to New York.

Mr. ADAMS. Right.

The CHAIRMAN. And I keep taking you back to Baltimore. And the reason I do that is because if you turn 2 pages back from this particular report, which has to do with the Baltimore organization, the question is whether based upon that finding the investigation should continue of the Baltimore group, and the decision is that you will continue to follow and report on the activities of the group. And I just wondered why?

Mr. ADAMS. This is a problem that we have, that we do have organizations where sometimes the—the Women's Liberation group is not a good example because that was washed out, but we do have organizations where—

The CHAIRMAN. What was washed out? Not the Women's Liberation Movement?

Mr. ADAMS. No, the investigation indicated there was no concern or no reason to be concerned about it. But where you do have an organization that has branches in many areas of the country, and you start with one place and it looks like you have a subversive organization, you do have to see, well, is this carried out throughout the organization or is it just one chapter or one group? In other words, not even an organizational problem.

The CHAIRMAN. But you see, the trouble with that is in this Baltimore organization you say in your own report that it was independent, there was no structure or parent organization, no rules or plans, so it isn't a part of a nationally controlled and directed organization by your own admission.

Mr. ADAMS. I believe this report had some subsequent pages that aren't included in here that did show some additional activity or influence.

The CHAIRMAN. I am told by the staff that this summary is accurate, and the only other thing contained was that these women had affiliations with an organization that had protested the war in Baltimore.

Mr. ADAMS. I think there were some other items.

The CHAIRMAN. That is the only other association that we have been able to determine. Apparently the women's liberation movement is no longer under suspicion by the FBI and the case has been closed. What happens when the case is closed? Are those women's names still left in the files? Are they forevermore contained?

Mr. ADAMS. Yes.

The CHAIRMAN. In the system?

Mr. ADAMS. Yes.

The CHAIRMAN. Pretty soon you will have us all in the system. If there is no way, even after surveillance has been terminated, to eliminate the references of individuals through the files of the system, you will one day have us all, won't you?

Mr. ADAMS. Well, I would say as part of a normal business record, when we do make a judgment that an organization should be investigated and we investigate it, and then we find activities but we make a conclusion that there is no additional problem here, this is a record of our official action. Now, if we destroy it, at what point do we get into a situation of being accused of doing things and then destroying things to keep from showing what we do? The critical thing is whether we are able, and we do set up safeguards, where information in our files is not misused at a later date, and that is what these guideline committees are all about.

The CHAIRMAN. Do you have any idea of how many names of Americans you keep in your files all as a result of the cumulative effect of all these surveillances in all of these cases?

Mr. ADAMS. No; I don't.

The CHAIRMAN. It's in the millions, isn't it?

Mr. ADAMS. We have 6½ million files.

The CHAIRMAN. You have 6½ million files?

Mr. ADAMS. Yes, sir.

The CHAIRMAN. And there are surely names of more than one person typically in a file, aren't there?

Mr. ADAMS. But it is a rather large country.

The CHAIRMAN. That's a large number of files to start with, and if you have multiple names in them, you are quickly up into 20, 30, 40 million.

Mr. ADAMS. Right. But many of these files are applicant files. They are not all subversive files. They are not all criminal files. We have a million crimes of violence each year. There is a million people.

The CHAIRMAN. I wish you had more time to spend on those crimes of violence.

Mr. ADAMS. I do, too.

The CHAIRMAN. There we agree.

Mr. ADAMS. Right.

The CHAIRMAN. What I worry about is this. You say there's no way to know when to close a file. These were surveillance files, originally opened to determine whether organizations might have subversive connections. There are names in these files, so some demagogue comes along and says that the name of some public figure is contained in a

certain file to be found in the subversive files of the FBI, and there it is. He has not made a misstatement at all. But to the American people that man's name and reputation have been scarred.

Mr. ADAMS. And I hope this committee recognizes that and recommends legislation that would enforce strong punitive or criminal violations against misuse of information in the files. We feel this way, CIA feels this way. We recognize we have a lot of sensitive information in it. We fire our employees if we find them misusing information. We feel we need additional sanctions in this area. I don't think we can ever stop the accumulation of information. I don't know an investigative agency in the world, a law enforcement agency, that does not have to accumulate information. And we are working on guidelines as to how to get rid of the irrelevant information, how to eliminate material that really does not need to be kept. We hope we will be able to come to Congress with these guidelines before too long, which will help address itself to just some of these problems.

The CHAIRMAN. Well, you may be assured that the committee shares your objective in this regard and we will be working with you and the Department of Justice and others to try and change the laws to give a greater measure of protection to the first amendment rights of the American people.

I have no further questions. Are there any other questions?

Senator Mondale?

Senator MONDALE. Mr. Adams, earlier, in inquiring about the basis for investigating Dr. King, I thought I heard two basic justifications. One was suspicion and fear of Communist influence or infiltration. The second was, "that he constituted a threat to the success of the Negro movement." Did I understand that second basis?

Mr. ADAMS. No. The first I was talking about was not suspicion but information indicating Communist influence. The second was on this question of motivation that you have raised. I don't know what their motive was to get to some of these other activities in order to discredit and remove him, but it was a question. Apparently they must have felt that he was a threat to either, as shown in the files the President and Attorney General expressed concern about the civil rights movement and his continued affiliation with some of these people.

Senator MONDALE. Would you agree that it would not be a proper basis for an investigation for the FBI or any other Government official to be concerned about the success of the negro movement?

Mr. ADAMS. I have no problem.

Senator MONDALE. All right. So let us take the one ground that appears to have justified the investigation of Dr. King and the investigation of the women's liberation movement—the fear that "dangerous influence might infiltrate these organizations." Suppose it is true. Suppose that a Communist did have influence over Dr. King, or suppose an SDS member infiltrated and became a dominant influence in a chapter of the women's liberation movement and you established it as a fact. What would you do? Assuming that we can't get into this harassing and so on, you agree that that no longer has any validity. What do you have?

Mr. ADAMS. We have potential violations which might arise, which rarely come to fruition and haven't for many years, but we do have an intelligence responsibility under the directives from the President

and the Attorney General. That is, when a revolutionary group, like the Communist Party, has taken over control of a domestic group and the Communist Party is operated by the Soviet Union. We would furnish that information as we do. Every copy of our reports goes to the Department of Justice.

Senator MONDALE. Right; but I just want to use the King case because, as I understood, he was being investigated for the reason that it was feared that a Communist or those who were suspected of being Communists, or known to be Communists, were gaining influence over him. Suppose you established that. What present use or need is there for that information?

Mr. ADAMS. I feel that the President, the Attorney General, the executive branch, needs to know the extent of a foreign-directed Communist organization, its influence and effect on the United States of America.

Senator MONDALE. All right; so if such information is valid, and an investigation to seek it is necessary, is there any limit on the investigative authority of the FBI?

We have just heard about the women's liberation movement where we were fearful that New Left, SDS types might have an influence. That justified that investigation. We now have your statement that we were fearful that some Communists might have influence over Dr. King, and therefore, he was thoroughly investigated. Are there any limits then on who can be investigated?

Mr. ADAMS. Well, the only limits are that we must relate it to a statutory basis of one of the Presidential guidelines we have or the criteria we have, which criteria are receiving scrutiny at the present time by Congress. They have in the past by the Department of Justice, and this is the area of guidelines. This whole area of domestic scrutiny is what we need guidelines in.

Senator MONDALE. Right; and you would agree, we talked about this earlier, that being a Communist is not a crime.

Mr. ADAMS. No, it has not been a crime.

Senator MONDALE. So that the whole basis for this has to apparently stem from a Presidential directive which you think has tasked you to do this.

Mr. ADAMS. Yes.

Senator MONDALE. Just a few other points. In 1970, November 6, 1970, a telegram from Newark to the Director went forth proposing that the following telegram be sent: [Exhibit 31.¹]

Word received food donated to party by anti-liberation white pigs contains poison. Symptoms cramps, diarrhea, severe stomach pains. Destroy all food donated for convention suspected of poison, however, still required to meet quota. Signed, Ministry of Information.

This was a telegram that was to be sent from Oakland, Calif., to the Jersey City, N.J., headquarters. The telegram went on further.

It is suggested that the Bureau then consider having the laboratory treat fruit, such as oranges with mild laxative-type drug by hypodermic needle or other appropriate method, and ship fruit as a donation from a fictitious person in Miami to the Jersey City headquarters.

The answer then from the Director of the FBI—

¹ See pp. 440 through 442.

The Bureau cannot authorize the treating of fruit to be shipped to Jersey City because of lack of control over the treated fruit in transit. However, Newark's proposed telegram regarding food collected for the Revolutionary People's Constitutional Convention has merit.

How did you ever get to a point like that?

Mr. ADAMS. I don't know. What was the response from Newark and then the final answer taken?

Senator MONDALE. It was turned down because they couldn't control transit, but they thought it was a good idea. Do you think that's a good idea?

Mr. ADAMS. No; I don't. I think that—

Senator MONDALE. How did we ever get to the point that this kind of insane suggestion was considered, a suggestion which violated everyone's civil liberties and was based on Government-sponsored fraud? How does anyone ever consider something like that?

Mr. ADAMS. I don't know.

Senator MONDALE. One final point. When we interviewed one of your former employees, he referred to something I never heard of before called a no-contact list. He did it jokingly, because he said, when the Pope agreed to see Martin Luther King, he was sure he would be put on the no-contact list thereafter. Can you tell me what this list is?

Mr. ADAMS. Not in any specific detail. I know that at one time there was a, there would be a list that if an agent interviewed an individual and this individual created a storm or a ruckus and we didn't want some other agent stumbling out there and interviewing the same person, that we would make sure that they were aware of the fact that further contacts of this individual would result in a problem.

Senator MONDALE. All right. Now in a memo to Clyde Tolson, it refers to a conference on August 26, 1971, with certain—it looks like about 10 members of the FBI. And this is what it says: [Exhibit 32.¹]

Pursuant to your instruction, members of the conference were briefed concerning recent attempts by various newspapers and reporters to obtain information about or from FBI personnel. Members were specifically advised that there would be absolutely no conversations with or answers from any of the representatives of the Washington Post, New York Times, Los Angeles Times, CBS and NBC. The only acceptable answer to such inquiries is no comment.

Now Senator Huddleston earlier asked about efforts to influence newspapers and media outlet. Does a decision not to answer questions from certain selected media outlets trouble you?

Mr. ADAMS. It is not the policy today. I think this has been aired in the past. There was a period of time wherein Mr. Hoover, in reacting to criticism from some of these newspaper men, where he felt he hadn't been given a fair shake, or for some other reason, that he felt that they should be told no comment, and he instructed they be told no comment. The motivations I am not in a position to discuss, but I can tell you that there has been no such policy in the last several years that I know of.

Senator MONDALE. If you could submit the no-contact list for us, if you can find it, I would appreciate it.

I have some other questions I will submit for the record, Mr. Chairman.

The CHAIRMAN. Very well. I just have one final follow-up question on Senator Mondale's interrogation. I continue to be somewhat fas-

¹ See p. 443.

minated by how long these investigations go, and when, if ever, they are stopped. Apparently they never come out of the files, whatever is found. But Senator Mondale raised the point of a suspicion that in the Martin Luther King case, that he was getting advice from a person who had or was thought to have Communist leanings. And so without using the name, because we are trying to protect privacy as we conduct this investigation—

Mr. ADAMS. I think we have a little more problem than that, too, Senator.

The CHAIRMAN. I am using a Mister X in place of the name. What I am trying to get at is what the criteria is for pursuing an investigation, and this is the kind of a statement that leaves me so perplexed. This has to do with a reply to the New York office by headquarters here in Washington. The part I read to you is as follows:

The Bureau does not agree with the expressed belief of the New York office that Mr. X is not sympathetic to the party cause. While there may not be any direct evidence that Mr. X is a Communist, neither is there any substantial evidence that he is anti-Communist.

And so the directions are to continue the investigation of this matter. In cases of this kind, do you pursue the investigation until you prove the negative?

Mr. ADAMS. No. I believe in that particular case, if it is the one I am thinking about, that there was evidence that at one time he had been a Communist and that there was a question of whether the office felt—well, it's like we have had some situations where a person comes out and publicly disavows their former leanings. Do you take them at words right away after they have been engaged in violent activities, or do you wait until you determine that they really have carried through the disavowed practice? That's a gray area. This one seems that on the wording itself, would seem like an extreme philosophy, leaning toward everyone has to prove in the United States they are not a Communist, and I can assure that is not a policy of the Bureau and does not fit into the criteria of our general investigative matters.

I just feel that there is more to it than just that brief paragraph.

The CHAIRMAN. That particular kind of philosophy has come up in our life from time to time. I remember during the days of McCarthyism in this country, we came very close to the point where people had to prove that they were not now nor ever been a Communist in order to establish themselves as patriotic citizens.

Mr. ADAMS. That's right. That's true.

The CHAIRMAN. And when I see standards of this kind or criteria of this kind emerging, it worries me very much.

I have no further questions. I want to thank you both. If there are no further questions, I want to thank you both for your testimony this morning. It has been very helpful to the committee, and the committee will stand adjourned until 2 p.m.

We will stand adjourned in public session. Our next public session will be 2:30 tomorrow afternoon for purposes of press questioning on the assassination report.

[Whereupon, at 1:07 p.m., the committee adjourned, to reconvene at 2:30 p.m., Thursday, November 20, 1975.]

