

Domestic Spying Abuses Said to Cover 40 Years

Relentless Growth

4-29-76

By Laurence Stern

Washington Post Staff Writer

An eloquent warning of the dangers of runaway police power in America was sounded on May 10, 1924 by the man who three days later launched J. Edgar Hoover on his half-century career as director of the FBI.

"There is always the possibility," said Attorney General Harlan Fiske Stone, "that a secret police may become a menace to free government and free institutions, because it carries with it the possibility of abuses of power which are not always quickly apprehended or understood."

In the ensuing 52 years Stone's admonition would remain as a reproof to the relentless expansion of federal police power to spy upon and conspire against ever-increasing numbers of Americans.

In the complicated historical mosaic portrayed by the Senate intelligence committee in its report released yesterday, the blame is passed in many directions for the burgeoning of wiretapping, bugging, political espionage, secret listing and physical surveillance of many thousands of American citizens.

It portrays successive chief executives responding to the pressures of war, national dissent and even the ambitions of political rivals by cranking up the apparatus of secret power.

President Roosevelt ordered the FBI to compile lists of citizens who cabled the White House to protest his war policies and ordered wiretapping of suspected "subversives."

Aides of President Truman received wiretaps of conversations of a high-ranking executive official with Justice Felix Frankfurter and columnist Drew Pearson.

President Eisenhower received reports on "purely political and social contacts" with foreign officials by Eleanor Roosevelt, Bernard Baruch and Justice William O. Douglas.

In the Kennedy administration reporters and congressional staffers were wiretapped and civil rights leader Martin Luther King Jr. was placed under intensive electronic surveillance.

President Johnson launched surveillance

See HISTORY, A14, Col. 1

HISTORY From A14

Barry Goldwater (R-Ariz.) and used the operations against his 1964 challenger, Sen. Barry Goldwater (R-Ariz.), and used the FBI to monitor the Democratic National Convention that same year for purely political reasons.

With this rich legacy of precedents, President Nixon authorized national security wiretaps of government officials and journalists at the midpoint of his tenure and embarked upon the sweeping domestic counterintelligence program outlined in the so-called Huston plan.

From administration to administration, according to the report, Hoover expanded his bureaucratic writ, carefully keeping memoranda for the file to justify the expansion of the FBI from its origins as a criminal enforcement agency to its role, at Hoover's height of power, as enforcer of the director's standards of political and moral orthodoxy.

"How did it happen? Who was responsible?"

The story is divided into three principal installments—the prewar and World War II period, the Cold War years and, finally, the racial and antiwar ferment of the 1960s and early 1970s.

The initial irony of Hoover's appointment as head of the Justice Department's Bureau of Investigation, is underscored in an exchange of correspondence between Attorney General Stone and civil libertarian Roger Baldwin, head of the American Civil Liberties Union, in 1924.

Hoover had succeeded in persuading both Stone and Baldwin that he played an "unwilling part" in the bureau's past excesses, which included the notorious Palmer raids on suspected subversives following World War I.

"I think we were wrong in our estimate of his [Hoover's] attitude," Baldwin wrote Stone.

Upon appointing Hoover as acting di-

rector of the old Bureau of Intelligence. Stone gave him this mandate: "The activities of the bureau are to be limited strictly to investigations of violations of law, under my direction or under the direction of an assistant attorney general regularly conducting the work of the Department of Justice."

Ten months later Stone was out of office and Hoover had 48 years more to redefine that mandate.

By the mid-'30s, under growing pressure from President Roosevelt, the FBI gradually renewed the old post-World War I programs to gather intelligence on the opinions and associations of American citizens, the report said.

In August 1936, according to a Hoover memo, President Roosevelt asked for more systematic gathering of intelligence about "subversive activities in the United States, particularly fascism and communism."

In that conversation, according to the memorandum, Hoover was already warning Roosevelt that Communists were taking control of the United Mine Workers, the American Newspaper Guild and the

Hoover's memo also asserted that he told the President the Communist Internationale had instructed its adherents to vote for Roosevelt and against Alfred Landon "because of the fact that Gov. Landon is opposed to class warfare."

This was the underlying formula for Hoover's communication with Presidents from which, cumulatively, his writ of authority grew and his methods evolved. By evoking the threat of Communist penetration, whether real or imagined, Hoover acquired ever greater leeway under vaguely worded presidential mandates to enlarge the political intelligence role that had no basis in law, the report demonstrated.

Deliberately, Congress was kept out of the picture as the expanded domestic intelligence program was chartered within the executive branch. Hoover insisted, in 1938, that no concurring legislation be sought "in order to avoid criticism or objections which might be raised to such an expansion by either ill-informed persons or individuals with some ulterior motive."

Congress, for its part, showed no keen appetite to get involved, according to the report.

When in November, 1939, Hoover told the House Appropriations Committee that he had set up a "general intelligence division" under presidential proclamation, no questions were asked. Nor did any member of Congress challenge Hoover's assertion the following year that he was empowered to investigate espionage, sabotage, neutrality violations and "any other subversive activities."

In the words of the Senate report, "Congress was simply choosing to avoid the issue of defining the FBI's intelligence jurisdiction."

Even though these events took place in the security-conscious atmosphere of impending war, they set the basic pattern

of Hoover's relations with Congress on not only legislative but budgetary matters over the remaining 32 years of his tenure. He died in 1972.

In 1940, Congress was ready to acquiesce to President Roosevelt's decision to conduct wiretapping against persons suspected of subversive activities despite the wiretapping prohibition in the 1934 Federal Communications Act.

Hoover told Congress that wiretapping was "of considerable importance" because of the dangers to national security, and the lawmakers agreed to leave the matter entirely to the discretion of the executive without statutory standards or requirement of a court warrant.

In 1941 Attorney General Francis Biddle approved a wiretap on the Los Angeles Chamber of Commerce, with the caveat that unless there were some evidence connecting the Chamber of Commerce with espionage, "I think the surveillance should be discontinued."

The entire range of illegal governmental activity—wiretapping, bugging, illegal entry and mail openings, which figured in the revelations of the Watergate scandal—was in full operation by the FBI during the World War II period.

With the end of World War II there was no corresponding reduction of the domestic intelligence programs of the FBI and military intelligence agencies. Instead, as the Senate report noted, these programs "set the pattern for decades to come."

As the Cold War era dawned, the FBI's investigative scope and powers, unchallenged by a deferential Congress, flourished in the atmosphere of fervid anti-communism. The admonition of Attorney General Stone that the bureau "is not concerned with political or other opinions of individuals . . . [but] only with such conduct as is forbidden by the laws of the United States." Seemed long forgotten.

By the mid-1950's the Cointelpro operations were launched to infiltrate, disrupt or discredit not only the Communist Party but a wide range of domestic dissident organizations with no connection to foreign powers.

It was also during this period, in 1947, that the Central Intelligence Agency was created by Congress and its operating turf—in deference to Hoover's strongly voiced insistence—was defined by statute as beyond the U.S. borders.

However, the CIA, enjoying the same

climate of executive... which the FBI's role... budget... illegal programs of domestic surveillance... it also embarked on its own illegal mail-opening operation.

Although President Truman succumbed himself to the anti-Communist zealotry of the time, the report... on his part to resist Hoover's pressure for control of investigations to monitor the... Truman wanted to leave the authority... loyalty of all federal employees...

in this area with the Civil Service Commission... Hoover's protests prompted Truman to... White House counsel Clark Clifford... Edgar will in all probability see this back-war... Congress to give him what he wants... it's dangerous.

As the anti-Communist emotions of the Cold War deepened, Hoover compiled in behalf of the Truman and then Eisenhower White Houses the precursors of the "enemies list" that acquired notoriety during the Watergate revelations.

It was first called the Security Index—a target list for detention in the event of national crisis—and renamed the Reserve Index in 1960.

It comprised "professors, teachers, and educators; labor union organizers and leaders; writers, lecturers, newsmen, and others in the mass media field." One of those it named was novelist Norman Mailer, the report said.

Hoover even kept his own secret lists of suspected members of the Communist underground which he refused to turn over to the Justice Department for fear of "leaks" and because the FBI conceded internally that it did not have "evidence,

whether admissible or otherwise, reflecting actual membership in the Communist Party."

The FBI and its companion agencies in the national security complex emerged from the 1950s fortified by the Cold War consensus and unchallenged, both in domestic and foreign operations, by Congress, according to the report.

The official line of the FBI was that the hardcore Communist underground had been crushed by its zealous enforcement activities. The danger then perceived to come from other groups, such as the Socialist Workers Party, whose members were supporters of Leon Trotsky in the political split of more than three decades earlier with Josef Stalin. The SWP became the target of an ongoing Cointelpro operation that inundated its headquarters and membership over the years with FBI agents.

But as the 1960s wore on, the bureau had richer targets — such as the Ku Klux Klan, the "New Left," and the black nationalist movement — for its weapon, Cointelpro.

Early in the Kennedy administration the bureau was employed in one of its most blatant political roles by the White House. This was the bugging and wiretapping of principals in the campaign by the Dominican Republic for a larger share of the U.S. sugar quota.

During the Kennedy administration FBI



Associated Press
J. Edgar Hoover with Hollywood star Shirley Temple during 1938 tour of FBI building

agents bugged and wiretapped a number of Americans, including former House Agricultural Committee Chairman Harold Cooley (D-N.C.), a Washington law firm, two registered lobbyists, Capitol Hill staffers and foreign officials seeking the quota, the report said. Attorney General Robert F. Kennedy specifically authorized a wiretap of Cooley's secretary, it added.

Electronic surveillance of the New York hotel room in which Cooley met with foreign officials produced a flow of extraneous political information that Hoover passed on to Attorney General Kennedy.

One example:

"A foreign official was reported to be in contact with two congressmen's secretaries for reasons other than business."

The report said the FBI's own evaluation of these wiretaps indicates that they "undoubtedly" contributed heavily to the administration's success in passing its sugar bill.

As the struggle for racial equality, first in the South and then in the black ghettos of the Northern cities, reached heavier levels of confrontation, the FBI found a new role. Under the direction of Robert Kennedy and his Civil Rights Division the FBI penetrated and mounted Cointelpro operations against the Ku Klux Klan.

Klansmen, like the Black Panthers and the antiwar dissidents, found themselves the targets of clandestine governmental activity designed not only to thwart racist activities but also to disrupt their organizations and, in some cases, jeopardize their marriages and home life.

In its offensive against the New Left the FBI expanded its arsenal of acronymic operations.

There was VIDEM (Vietnam Demonstration) and STAG (Student Agitation) programs under which the FBI gathered information against young radicals.

The FBI's operating definition of the New Left, as voiced by the head of its New Left intelligence unit, was defined as follows:

"It has never been strictly defined, as I know . . . It's more or less an attitude, I would think."

One bureau memorandum remarked that "the new Left has on many occasions viciously and scurrilously attacked the Director and the Bureau in an attempt to hamper our investigations and drive us off the college campuses."

This was the history from which the recently publicized excesses of the Nixon administration flowed.

But much of the history of those abuses came to light for the first time in the investigation of executive actions forced into the open by the Watergate scandal.

The Senate report concludes there is enough blame to go around.

Detailed Report

By George Lardner Jr.
Washington Post Staff Writer

The Senate intelligence committee charged yesterday that overzealous efforts to protect the national security have concealed government lawlessness over 40 years under both Democratic and Republican Presidents.

In a report on domestic spying by the FBI and other government agencies, the committee disclosed a steadily expanding pattern of unwarranted invasions of privacy, manipulation of the press, and violations of constitutional and statutory rights, all in the name of countering supposedly "subversive" activities.

The detailed, 396-page report showed improprieties at every level—sometimes commanded by the White House, sometimes condoned by Attorneys General, sometimes simply conceived by underlings who concealed their misdeeds from their superiors.

"Unsavory and vicious tactics have been employed—including anonymous attempts to break up marriages, disrupt meetings, ostracize persons from their professions and provoke target groups into rivalries that might result in deaths," the committee said.

"Intelligence agencies," the report added, "have served the political and personal objectives of Presidents and other high officials. While the agencies often committed excesses in response to pressure from high officials in the executive branch and Congress, they also occasionally initiated improper activities and then concealed them from officials whom they had a duty to inform."

The report said:

- Officials in the White House and the Justice Department, including then President Lyndon Johnson and Attorney General Nicholas deB. Katzenbach, were aware of some of the FBI's persistent efforts to discredit the Rev. Dr. Martin Luther King Jr. but made only tepid, "clearly inadequate" responses to the strong indications of FBI wrongdoing that they received.

- The FBI continued to investigate the NAACP for at least 25 years for signs of Communist subversion although no

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evidence was ever uncovered to contradict an initial 1941 finding that the civil rights organization had a "strong tendency" to "steer clear of Communist activities."

- The Kennedy administration initiated an FBI investigation of lobbying over pending sugar legislation in 1961 which led to Attorney General Robert F. Kennedy's approval of wiretaps on the home phones of the clerk of the House Agriculture Committee, three Agriculture Department officials, and the home and business phones of a registered foreign agent. The investigation also involved the bugging of a New York hotel room occupied by House Agriculture Chairman Harold Cooley (D-N.C.).

- An FBI document boasted that a "pretext" phone call to the mother of "black power" advocate Stokely Carmichael—telling her that members of the Black Panther Party intended to kill her son—left her "shocked." According to the 1968 memo, the FBI felt that it had been responsible for Carmichael's flight to Africa the next day.

- President Truman and his aides regularly received tidbits of political intelligence labeled "Personal and Confidential" from FBI Director J. Edgar Hoover, including inside information gleaned from wiretaps on individuals such as a former Roosevelt White House aide who was trying to influence the Truman administration's appointments. The target of the tap, which had nothing to do with national security, was not named in the report but was reliably reported to be Washington lawyer Thomas G. (Tommy) Corcoran.

- As part of the FBI's Cointelpro (counterintelligence program), an anonymous letter was sent to the wife of a Ku Klux Klansman informing her that her husband had "taken the flesh of another unto himself," and identifying the other as a woman named Ruby, with her "lust-filled eyes and smart aleck figure."

Although many of the excesses in the report dealt with wiretaps, bugs and improper use of the mail, the committee also said the more widespread use of informants was badly in need of legislative controls and restrictions.

- The FBI's current budget, the report disclosed, includes more than \$74 million for its "domestic security informants," more than twice what it spends on informants against organized crime. Confidential domestic security spies cost even more in the late 1960s and early 1970s when the CIA, military intelligence agencies and even the electronically minded National Security Agency were working with the FBI to compile information about the vaguely defined "New Left" and black activists.

"The paid and directed informant has been the most extensively used technique in FBI domestic intelligence investigations," the committee found. According to a recent General Accounting Office study, they were used in 83 per cent of the cases sampled.

As of last June, the report continued, the FBI had 1,500 domestic intelligence informants. In 1972, the bureau had more than 7,000 recruits in its "ghetto informant" program alone.

There are no statutes or published

regulations governing the use of informants, and the FBI can use them guided only by the bureau's own internal directives, the report said.

"In the absence of clear and precise written provisions directly applicable to informants," the committee added, "FBI intelligence informants have engaged in violent and other illegal activity."

One who penetrated the Klan occasionally joined his colleagues in kicking people off buses and in using baseball bats, clubs, chains and pistols on Freedom Riders in Alabama.

Another informant assigned to a right-wing paramilitary group in California called the Secret Army Organization "became an innovator of various harassment actions."

He took part in the firebombing of an automobile and conducted "surveillance" of a San Diego State University professor during which an SAO subordinate who was with him took out a gun and fired into the professor's home, wounding a young woman.

Warning that its findings cannot be dismissed as isolated acts limited in time and confined to a few willful men, the committee proposed 96 specific remedies that would, for the first time, put statutory limits and bounds on the government's asserted right to conduct investigations in areas where there is no crime.

Speaking of the abuses uncovered during the prolonged and highly secretive 15-month committee investigation, Sen. Walter Mondale (D-Minn.), chairman of the panel's domestic intelligence subcommittee, called for "fundamental reform of our domestic intelligence system—laws to replace vague executive orders; stronger lines of accountability and control; supervision of the courts where the privacy of Americans is threatened by wire-taps, bugs, mail openings and break-ins; and effective remedies for citizens whose rights are violated."

"All this happened," Mondale told reporters at a news briefing yesterday, "because intelligence agencies were ordered to break the law, felt they had a right to break the law, and even felt they had a duty under some higher claim of so-called national security to break the law."

The committee blamed the abuses on

what seems to have been a complete breakdown of the traditional system of checks and balances.

Not only did the executive branch fail to supervise its own intelligence agencies, the report said, but Congress seldom questioned the use to which its appropriations were being put, and the courts have proven themselves "reluctant to grapple" with the few domestic intelligence issues that have come before them.

Instead, the committee suggested, the main brake guarding against worse excesses was simply the "flap potential," the fear that illegal activities would become public knowledge.

"As far as legality is concerned, morals, or ethics, (it) was never raised by myself or anyone else," the FBI's former assistant director of intelligence, William C. Sullivan, told the committee. "I think this suggests really in government that we are amoral. In government—I am not speak-

ing for everybody—the general atmosphere is one of amorality."

The prolonged committee inquiry was launched last year in the wake of news reports and disclosures concerning both the FBI and the Central Intelligence Agency.

It was supposed to be completed last September, but deadlines kept slipping as the senators and their 120-member staff pored over thousands of pages of testimony, taken largely in secret, and tens of thousands of seven more secret documents and memoranda reluctantly supplied by the executive branch.

Ironically, the findings come at a time when the impetus for reform appears to be only a shadow of what it was last year.

Mondale and others among the 11-member committee spent much of their time at yesterday's briefing acknowledging the difficult fight they now face simply to win establishment of a permanent oversight committee with exclusive legislative and budget-making authority.

Without such a new committee, said Sen. Howard H. Baker Jr. (R-Tenn.), "all this is for naught."

Absent from the session were Chairman Frank Church (D-Idaho), who is campaigning for the Democratic presidential nomination, and Sens. John G. Tower (R-Tex.) and Barry Goldwater (R-Ariz.) who refused to sign the report.

Goldwater denounced it in a six-page appendix as "a voluminous and rambling treatise which pillories the nation's domestic intelligence agencies, fixes individual culpability, ignores agency efforts at reform, and urges the adoption of recommendations and findings unsubstantiated by fact."

The report was far more revealing and explicit than the repetitive and somewhat ponderous volume on foreign intelligence activities that the committee issued Monday. Staff members said this was due in part to the committee's insistence on disclosures of abuses directly affecting American citizens in contrast to clandestine U.S. activities abroad.

Other highlights of the report dealt with:

THE KING INVESTIGATION

At the August 1963 March on Washington, King told the country of his "dream" that someday "all of God's children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to join hands and sing in the words of the old Negro spiritual: Free at last, free at last, thank God Almighty, I'm free at last."

The FBI's Domestic Intelligence Division rated the performance as "demagogic" and concluded that it had made King the "most dangerous and effective Negro leader in the country."

Shortly afterwards, in a campaign that continued until after King's assassination, the FBI decided to "take him off his pedestal" and rated him as a threat because he might "abandon his supposed 'obedience' to white liberal doctrines [nonviolence]" someday.

Following a nine-hour meeting at FBI headquarters in December of 1963, FBI agents planted a microphone in King's bedroom at the Willard Hotel here and during the next two years installed at least 14 more "bugs" in hotel rooms King

occupied across the country. Attorney General Kennedy, who had authorized taps on King's telephones earlier in 1963, was apparently never explicitly told of the microphone surveillances, the committee said, but Kennedy did receive reports containing unattributed information from that surveillance from which he might have concluded that microphones were the source.

Another ostensible excuse for the investigations swirling about King was the suspicion that one of his key advisers might be a Communist sympathizer.

When the FBI's New York field office concluded that the adviser was not, FBI headquarters responded with what the committee described as a theory of "guilty until proven innocent."

The FBI headquarters reply memo stated: "The bureau does not agree with the expressed belief of the field office that (deleted) is not sympathetic to the party cause. While there may not be any evidence that (deleted) is a Communist, neither is there any substantial evidence that he is anti-Communist."

In 1964, a "sterilized" tape, apparently containing compromising, sexually explicit excerpts from King's hotel rooms, was "anonymously" mailed to King with

an anonymous letter that he reportedly took as a suicide suggestion.

According to former FBI Assistant Director Sullivan, the purpose of the mailing was "to blackmail King into silence to stop him from criticizing Hoover to diminish his stature. In other words, if it caused a break between Coretta and Martin Luther King, that would diminish his stature. It would weaken him as a leader," the report said.

At around the same time that it mailed the "sanitized" tape to King, the FBI was also apparently offering tapes and transcripts to reporters, the committee found.

SEE NO EVIL

The campaign to discredit King was also offered by the committee as an example of the neglect that Presidents, Attorneys General and other Cabinet officers have, until recently, accorded to clear evidence of improper domestic activities by intelligence agencies.

The Senate report alluded, for instance, to November of 1964 when Washington Post executive editor Benjamin C. Bradlee, then Washington bureau chief of Newsweek magazine, told Attorney General Katzenbach and Assistant Attorney General Burke Marshall that the FBI had approached one of his reporters and offered an opportunity to hear some "interesting" tapes involving King.

Katzenbach told the committee he had

been shocked and that he and Marshall informed President Johnson who took the matter very seriously and promised to contact Hoover.

Alluding to Bradlee without naming him in the report, the committee said the only record of this episode in FBI files is a memo by top-ranking Hoover deputy Cartha DeLoach. In it, the report stated, DeLoach quoted Johnson's press secretary, Bill Moyers, as having said that the President "felt that [Bradlee] lacked integrity." Moyers told the Senate committee he couldn't remember the incident but said it would be fair to conclude that the President had been upset by the fact that [Bradlee] revealed the bureau's conduct rather than the bureau's conduct itself.

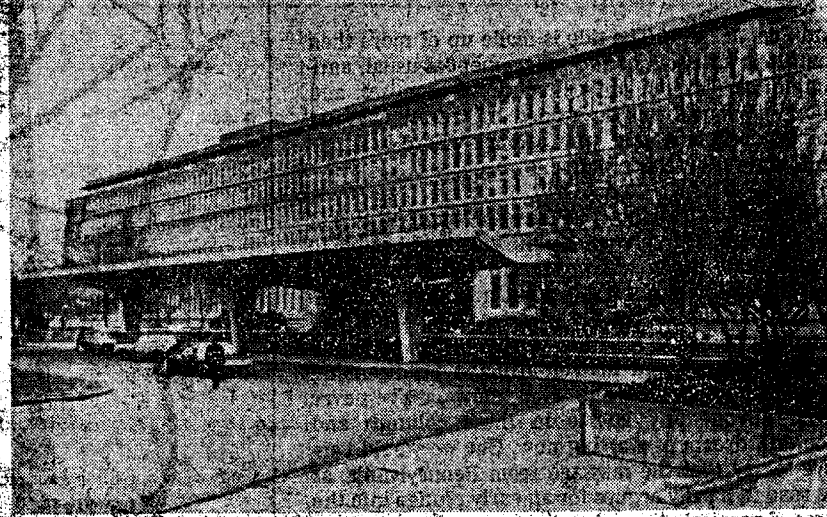
On another occasion, the committee reported, the FBI gave Johnson White House aide Walter Jenkins a bureau report unfavorable to Dr. King.

According to a Jan. 14, 1964, memo to Hoover, Jenkins stated that he was of the opinion that the FBI could perform a good service to the country if this matter could somehow be confidentially given to members of the press. In an interview with the Senate committee staff, Jenkins denied having made such a suggestion; the report said Jenkins pleaded illness when asked to testify formally and has failed to answer written interrogatories submitted to him "for response under oath."



ROBERT F. KENNEDY authorized taps in '63

MARTIN LUTHER KING JR. target of FBI campaign



Illustrating CIA growth, top photo shows Washington headquarters building in 1960. At bottom, a view of one of agency's new buildings at Langley, Va., in 1976.

Strong CIA Oversight Loses

By Walter Pincus

Washington Post Staff Writer

The Senate Rules Committee yesterday brushed aside recommendations for a powerful permanent intelligence oversight committee and voted 5 to 4 to establish a select committee with authority to continue investigations of the intelligence community only for another 15 months.

As proposed by Rules Committee Chairman Howard W. Cannon (D-Nev.), the new select committee would report back to the Senate on July 1, 1977, after looking into exactly the same areas explored during the just

completed 15-month inquiry by the select committee of Sen. Frank Church (D-Idaho).

The Cannon proposal was substituted for a permanent oversight committee recommended by the Church committee and approved in March by the Government Operations Committee. The permanent committee would have had legislative and budgetary authority over the Central Intelligence Agency and all other intelligence agencies.

The membership of the committee proposed by Cannon would be largely drawn from the four committees

that already oversee parts of the intelligence community.

Two members would be drawn from the Armed Services, Judiciary, Appropriations and Foreign Relations committees and three other members would be named by the majority and minority leaders.

Cannon said that under his formula select committee members could take back to the permanent committees information on any wrongdoing and these committees could effect change through their budgetary authority.

Sen. Dick Clark (D-Iowa) See OVERSIGHT, A14, Col. 7

OVERSIGHT, From A1

criticized the Cannon plan. The members, he said, would come from the very committees that have not exerted effective oversight in the past.

The Rules Committee vote yesterday was a victory for Sen. John C. Stennis (D-Mass.), chairman of the Armed Services Committee, who strongly opposed establishing any new committee that would reduce his committee's jurisdiction over the intelligence agencies.

Cannon is a member of the Armed Services Committee.

Yesterday's action sets the stage for a fight on the Senate floor where Church and a majority of his committee will attempt to revive their idea of an oversight committee with legislative and budgetary authority over intelligence agencies.

That battle is expected to take place on May 10, for the Church-proposed committee, said the Cannon oversight panel, would have

According to informed sources, the Ford administration, at CIA urging, is searching for a way to organize a joint House-Senate intelligence committee.

Cannon said he favored such an approach and his proposed panel would explore that possibility.

The House dropped con-

sideration of any new approach to intelligence oversight when its own select committee collapsed in January.

During the Senate Rules Committee consideration of the oversight bill, the Church committee's foreign intelligence report was made public.

Church and the majority of his colleagues had hoped disclosures from their investigation would fuel support for a strong committee.

Clark, who led the fight "no way to back up its recommendations" without control over intelligence agency budgets.

"It doesn't change in any significant form the oversight of the past," Clark said, "and that was weaker than desirable."

Cannon defended his measure. "Is the problem to cut off a dog's head if he has done something wrong? I'm trying to solve the problem without taking the kind of steps that might jeopardize the intelligence community," he said.

The Rules chairman said the wrongs of the past are being remedied "by steps taken by the executive branch... and we will have an opportunity to try this (the select committee) and see. They have to report back next year."

Before approving the Cannon proposal, the Rules Committee yesterday passed several amendments to the Church-backed resolution.

The amendments, proposed by Sen. Robert C. Byrd (D-W.V.a.), weakened the authority a permanent committee would have. Byrd said his amendments were aimed at perfecting the Church-backed measure in case it was approved.

Sen. Robert F. Griffin (R-Mich.) introduced an amendment under which the committee would have to get the approval of the full Senate before it could release information that the President did not want published.

81TH CONGRESS
2d Session

SENATE

REPORT
No. 91-755

**INTELLIGENCE ACTIVITIES AND THE
RIGHTS OF AMERICANS**

BOOK II

FINAL REPORT
OF THE
SELECT COMMITTEE
TO STUDY GOVERNMENTAL OPERATIONS
WITH RESPECT TO
INTELLIGENCE ACTIVITIES
UNITED STATES SENATE
TOGETHER WITH
**ADDITIONAL, SUPPLEMENTAL, AND SEPARATE
VIEWS**



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Senators' Reforms Would

By John M. Goshko

Washington Post Staff Writer

The Senate intelligence committee's proposals for protecting Americans from "big brother government" called for imposing strict limits on who and what can be investigated by federal agencies in the name of national security.

Its 96 recommendations advocated a complete overhaul of the system that enabled a number of agencies, operating under vaguely defined authority, to violate individual rights by ignoring "the distinction between legal dissent and criminal conduct."

If adopted, the recommendations would change the ground rules for domestic intelligence-gathering far beyond any reforms thus far instituted or proposed by the Ford administration.

They reach, for example, considerably beyond the guidelines recently fashioned by Attorney General Edward H. Levi to curb abuses by the FBI in its security investigations.

The committee said the FBI should be clearly recognized as the federal agency "primarily responsible" for domestic security investigations "which, even when limited as we propose, could give rise to abuse."

It would bar other agencies—the Central Intelligence Agency, the Defense Department, the National Security Agency, the Internal Revenue

Service and the Postal Service—from domestic intelligence activities except in the most limited and precisely specified circumstances.

In regard to the FBI, "to prevent the excessively broad, ill-defined and open-ended investigations shown to have been conducted over the past four decades, new priorities and rules of conduct should be spelled out for the bureau's personnel, it said."

In the committee's view, this means that the FBI should focus on clearly "dangerous conduct," abandoning arbitrary investigations of people for exercising their constitutional rights of free association and advocacy of unpopular causes.

It also means, the recommendations added, a far tighter rein on such "intrusive" investigative techniques as electronic surveillance and the use of informers.

To ensure that the FBI is acting properly, the recommendations continued, domestic intelligence activities must be clearly under "the control, oversight and review" of the Attorney General.

As additional controls, the committee recommended the FBI director serve "a single term of not more than eight years" and that the Attorney General "should consider" exercising his power to appoint assistant FBI directors.

Other proposals for assisting the attorney general in his oversight func-

tions called for the FBI and other agencies with a domestic investigative function, to have an inspector general appointed by the agency head and a general counsel, nominated by the President and confirmed by the Senate.

The recommendations argued that the Senate should create a permanent intelligence oversight committee as a watchdog on both domestic and foreign intelligence activities.

The committee's report holds the view that "the natural tendency of government is toward abuse of power" and that this abuse in the domestic intelligence field "has threatened and undermined the constitutional rights of Americans to free speech, association and privacy."

In this respect, the report noted, "The committee's approach to FBI domestic security investigations is basically the same as that adopted by the Attorney General's guidelines for domestic security investigations. Both are cautious about any departures from the maxim that the FBI should conduct only criminal investigations."

The guidelines put into effect by Levi on April 5 are aimed primarily at preventing the FBI from becoming involved again in activities such as the counter intelligence programs carried out between 1956 and 1971.

Cointelpro, ordered by the late FBI director, J. Edgar Hoover, was aimed

Exceed Administration's

at disrupting allegedly extremist groups on the left and right by harassing their members. Its targets included the Communist Party, Ku Klux Klan, Black Panthers and various civil rights and antiwar groups.

As the committee report pointed out, its recommendations parallel the Justice Department guidelines in many areas. But there are places where they diverge or where the committee speaks on matters not mentioned in the guidelines.

For example, on one fundamental point—the basis for initiating an investigation—the Levi guidelines stated that security investigations are conducted to ascertain information about activities of individuals or groups "which involve or will involve the use of force or violence and which involve or will involve the violation of federal law" as they apply to four principal areas.

These areas of activity are defined as (1) overthrowing the government, (2) interfering with the activities in the United States or a foreign government, (3) impairing for the purpose of influencing U.S. official policies the functioning of federal or state government or interstate commerce, and (4) depriving persons of their civil rights.

Although generally agreeing with these broad categorical limits, the committee found the guidelines too vague in some areas and suggested more precise limitations.

"The Attorney General's guidelines have been read by FBI officials as authorizing intelligence investigations of 'subversives' (individuals who may attempt to overthrow the government in the indefinite future)," the report noted. "While the Justice Department, under its current leadership, might not adopt such an interpretation, a different Attorney General might."

The committee said it would prohibit investigation of so-called "subversives" because the term is "so vague as to constitute a license to investigate almost any activity of practically any group that actively opposes the policies of the administration in power."

Similarly, the committee endorsed a provision in the Justice guidelines requiring so-called "preventive intelligence investigations" to be based on being planned. But the committee would specifically limit such investigations "to situations where information indicates that the prohibited activity will 'soon' occur."

In another area—the carrying out of investigations—the guidelines prohibited FBI agents from incitement to riot, illegal entry and the anonymous dissemination of information designed to hold "an individual or group up to scorn, ridicule or disgrace."

Again, the committee recommendations are more specific and far-reaching, declaring that the FBI should be prohibited from using against Ameri-

cans such tactics as these:

Disseminating any information to the White House, other federal officials, the news media or any other person for political or discrediting purposes; interfering with lawful speech, publication, assembly, organization or association of Americans; necessary investigative techniques; maintaining information beyond that required for legitimate investigative purposes, on the political beliefs, political associations or private lives of Americans.

The guidelines and committee recommendations are in general agreement that electronic surveillances, in matters involving domestic security, require a judicial warrant where the consent of one party to the conversation has not been obtained.

The guidelines permit the use of informers in security investigations when approved by FBI headquarters and subject to periodic review. The committee, while finding that the informer system "was a principal source of excesses," shield away from proposing that a court order be required for the use of informers.

"Instead," it said, "we propose a requirement of approval by the Attorney General based upon a probable cause standard. Because of the potential for abuse, however, we believe the warrant issue should be thoroughly reviewed after two years' experience."