

Documents on Domestic

6/27/73

The following documents, released by the Senate select Watergate committee yesterday, are memos discussing a domestic intelligence-gathering plan — which included possible burglaries, wiretaps and mail searches—that President Nixon said he approved in mid-July, 1970, but then rescinded on July 28, 1970.

The plan was drafted at the President's direction by a federal interagency committee, according to Thomas Charles Huston, then a presidential aide, who typed up the plan and corresponded about it with various federal agencies and presidential assistant H. R. (Bob) Haldean in a series of memos.

The first memo, dated July 14, 1970, indicates President Nixon's approval of the plan, as submitted by Huston.

July 14, 1970

~~TOP SECRET~~
MEMORANDUM FOR: MR. HUSTON
SUBJECT:
Domestic Intelligence Review

The recommendations you have proposed as a result of the review have been approved by the President.

He does not, however, want to follow the procedure you outlined on page 4 of your memorandum regarding implementation. He would prefer that the thing simply be put into motion on the basis of this approval.

The formal official memorandum should, of course, be prepared and that should be the device by which to carry it out.

I realize this is contrary to your feeling as to the best way to get this done. If you feel very strongly that this procedure won't work you had better let me know and we'll take another stab at it. Otherwise let's go ahead.

H. R. HALDEMAN

(In May, 1973, President Nixon, in first informing the nation of this plan, said that he had rescinded it on July 28, 1970, just five days after word to implement it had gone out from Huston to the various agencies.

(The rest of the memos released yesterday by the Senate committee, however, are dated after July 28, 1970.

(The first, dated Aug. 5, 1970, refers to a scheduled meeting at which Haldean was to discuss the plan with the late FBI Director J. Edgar Hoover and then Attorney General John N. Mitchell.)

THE WHITE HOUSE
WASHINGTON

August 5, 1970

Top Secret
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Eyes Only
Memorandum For H. R. Haldean
From: Tom Charles Huston

Intelligence Plan

Released

Subject: Domestic Intelligence

In anticipation of your meeting with Mr. Hoover and the Attorney General, I would like to pass on these thoughts:

1. More than the FBI is involved in this operation. NSA, DIA, CIA, and the military services all have a great stake and a great interest. All of these agencies supported the options selected by the President. For your private information, so did all the members of Mr. Hoover's staff who worked on the report (he'd fire them if he knew this.)

(Paragraph 2. has been deleted by the Senate committee for national security reasons.)

3. We are not getting the type of hard intelligence we need at the White House. We will not get it until greater effort is made through community-wide coordination to dig out the information by using all the resources potentially available. It is, of course, a matter of balancing the obvious risks against the desired results. I thought we balanced these risks rather objectively in the report, and Hoover is escalating the risks in order to cloak his determination to continue to do business as usual.

4. At some point, Hoover has to be told who is President. He has become totally unreasonable and his conduct is detrimental to our domestic intelligence operations. In the past two weeks, he has terminated all FBI liaison with NSA, DIA, the military services, Secret Service — everyone except the White House. He terminated liaison with CIA in May. This is bound to have a crippling effect upon the entire community and is contrary to his public assurance to the President at the meeting that there was close and effective coordination and cooperation within the intelligence community. It is important to remember that the entire intelligence community knows that the President made a positive decision to go ahead and Hoover has now succeeded in forcing a review. If he gets his way it is going to look like he

is more powerful than the President. He had his say in the footnotes and RN decided against him. That should close the matter and I can't understand why the AG is a party to reopening it. All of us are going to look damn silly in the eyes of Helms, Gayler Bennett, and the military chiefs if Hoover unilaterally reverse a Presidential decision based on a report that many people worked their asses off to prepare and which, on its merits, was a first-rate, objective job.

5. The biggest risk we could take, in my opinion, is to continue to regard the violence on the campus and in the cities as a temporary phenomenon which will simply go away as soon as the Scranton Commission files its report. The one statement that Rennie Davis made at HEW which I thought made sense was that the Attorney General was kidding himself when he said the campuses would be quiet this fall. Davis predicted that at least 30 would be closed down in September. I don't like to make predictions, but I am not at all convinced, on the basis of the intelligence I have seen, that we are anyway near over the hump on this problem, and I am convinced that the potential for even greater violence is present, and we have a positive obligation to take every step within our power to prevent it.

6. Hoover can be expected to raise the following points in your meeting:

(a) "Our present efforts are adequate." The answer is bullshit! This is particularly true with regard to FBI campus coverage.

(b) "The risks are too great; these folks are going to get the President

into trouble and RN had better listen to me." The answer is that we have considered the risks, we believe they are acceptable and justified under the circumstances. We are willing to weigh each exceptionally sensitive operation on its merits, but the Director of the FBI is paid to take risks where the security of the country is at stake. Nothing we propose to do has not been done in the past — and in the past it was always done successfully.

(c) "I don't have the personnel to do the job the President wants done." The answer is (1) he has the people and/or (2) he can get them.

(d) "I don't object to NSA conducting surreptitious entry if they want to." The answer is that NSA doesn't have the people, can't get them, has no authority to get them, and shouldn't have to get them. It is an FBI job.

(e) "If we do these things the 'jackals (sic) of the press' and the ACLU will find out; we can't avoid leaks." Answer: We can avoid leaks by using trained, trusted agents and restricting knowledge of sensitive operations on a strict need to know basis. We do this on other sensitive operations every day.

(f) "If I have to do these things, the Attorney General will have to approve them in writing." This is up to the AG, but I would tell Hoover that he has been instructed to do them by the President and he is to do them on that authority. He needn't look for a scape goat. He has his authority from the President and he doesn't need a written memo from the AG. To maintain security, we should avoid written communications in this area.

(g) "We don't need an Inter-Agency Committee on Intelligence Operations because (1) we're doing fine right now — good coordination, etc.—and (2) there are other existing groups which can handle this assignment." The answer is that we are doing lousy right now and there aren't other groups which can do the job we have in mind because: (1) they don't meet; (2) they don't have the people on them we want or have some people we don't want; (3) they don't have the authority to do what we want done; (4) ultimately this new operation will replace them; and (5) they aren't linked to the White House staff.

There are doubtless another dozen or so specious arguments that Hoover will raise, but they will be of similar quality. I hope that you will be able to convince the AG of the importance and necessity of getting Hoover to go along. We have worked for nearly a year to reach this point; others have worked far longer and had abandoned hope. I believe we are talking about the future of this country, for surely domestic violence and disorder threaten the very fabric of our society.

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

CONFIDENTIAL

August 7, 1970

MEMORANDUM FOR H. R. HALDEMAN

SUBJECT: DOMESTIC INTELLIGENCE REVIEW.

Mr. Hoover has departed for the West Coast where he plans to vacation for three weeks. If you wait until his return to clear up the problems surrounding our Domestic Intelligence operations, we will be into the new school year without any preparation.

The situation in Portland is beginning to look very tense -- the American Legion Convention could become the first battleground for a new wave of youthful violence. Coming just as the school year begins, it could serve as a catalyst for widespread campus disorders.

I recommend that you meet with the Attorney General and secure his support for the President's decisions, that the Director be informed that the decisions will stand, and that all intelligence agencies are to proceed to implement them at once.

John
TOM CHARLES HUSTON

One of the documents released yesterday by the Watergate committee.

Intelligence is not the cure, but it can provide the diagnosis that makes a cure possible. More importantly, it can provide us with the means to prevent the deterioration of the situation. Perhaps lowered voices and peace in Vietnam will defuse the tense situation we face, but I wouldn't want to rely on it exclusively.

There is this final point. For eighteen months we have watched people in this government ignore the President's orders, take actions to embarrass him, promote themselves at his expense, and generally make his job more difficult. It makes me fighting mad, and what Hoover is doing here is putting himself above the President. If he thought the Attorney General's advice should be solicited, he should have

done so before the report was sent to the President. After all, Hoover was chairman of the committee and he could have asked the AG for his comments. But no, he didn't do so for it never occurred to him that the President would not agree with his footnoted objections. He thought all he had to do was put in a footnote and the matter was settled. He had absolutely no interest in the views of NSA, CIA, DIA, and the military services, and obviously he has little interest in our views, or apparently even in the decisions of the President. I don't see how we can tolerate this, but being a

fatalist, if not a realist, I am prepared to accept the fact that we may have to do so.

Tom
TOM CHARLES HUSTON

MEMORANDUM
THE WHITE HOUSE
CONFIDENTIAL

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Tom
TOM CHARLES HUSTON

(The next memo went to the Internal Revenue Service which had been asked, as part of the domestic intelligence plan, to review the income tax compliance of certain individuals and organizations.)

August 14, 1970

Memorandum For: ROGER V. BARTH
Assistant to the
Commissioner, IRS

Subject: Ideological Organizations

Could you give a progress report on the activities of the Compliance Divisions in reviewing the operations of Ideological Organizations?

I would be interested in knowing what progress has been made since July 1, 1969, when we first expressed our interest in this matter.

Thank you.

TOM CHARLES HUSTON

September 19, 1970
MEMORANDUM FOR: Honorable
Tom Charles
Huston
The White
House
FROM: Commissioner
of Internal
Revenue

In response to your memorandum

dated August 14, 1970, we have prepared the attached status report on the Special Service Group. I would stress that knowledge of the existence and operations of this Group should be carefully limited.

RANDOLPH W. THROWER
Attachment

STATUS REPORT ON
SPECIAL SERVICE GROUP

In August 1969 the Senate Committee on Government Operations held open hearings on several controversial organizations, including the Black Panther Party, Student National Coordinating Committee, Republic of New Africa, and Students for Democratic Society. Information developed during these hearings established that various organizations, categorized as extremists on the right or left, presented problems to the Internal Revenue in the organizations were not in compliance with Internal Revenue laws. Information developed in these hearings indicated that extremist organizations were receiving financial support from various sources. Some of the individuals involved in the forefront of these organizations filed tax returns reflecting very nominal income, or did not file at all, although they were obviously expending substantial amounts of funds.

Recognizing the responsibilities of the Internal Revenue Service to administer taxing statutes without regard to the social or political objectives of individuals or organizations, a decision was made to establish a method of accumulating and disseminating information on all activist groups to insure that the organizations and the leaders of the leaders of the organizations are complying with Internal Revenue Service, functioning under the Assistant Commissioner (Compliance), a special compliance group was established to receive and analyze all available information on organizations and individuals promoting extremist views and philosophies. The identification of organizations and individuals included in the program is without regard to the philosophy of political posture involved; rather, it is directed to the notoriety of the individual or organization and the probability of publicity that might result from their activities and the likelihood that this notoriety would lead to inquiries regarding their tax status. Another important consideration was the degree of probability that the individuals might be deliberately avoiding their tax responsibilities.

The staff responsible for this activ-

ity was first designated as the Activist Organizations Group, but it recently was changed to "Special Service Group" to avoid any erroneous impression of its objectives. The function of the Special Service Group is to obtain, consolidate and disseminate any information on individuals or organizations (including major financial sponsors of the individuals or organizations) that would have tax implications under the Internal Revenue laws. Liaison has been established with all investigative and law enforcement agencies and with Senate and House Investigating Committees. The Group also subscribes to various underground publications as a source of information individuals, activities of organizations on matters involving taxable income of having or seeking tax exempt status, and identity of individuals or exempt organizations providing financial support to activist groups. In the case of "financial support" our interest is to be able to determine that donors do not receive tax benefit from the financial assistance where such benefit is not clearly allowable by law.

As information is accumulated on the activities or financial support of particular organizations or taxable income of individuals it is referred to the appropriate field office of the Internal Revenue Service for enforcement action. Field offices may be asked to investigate the activities of organizations which have been held to



JOHN W. DEAN III
... documents released

be exempt as charitable organizations; they may be asked to investigate the income tax liability of individuals who have openly expended substantial sums of money without obvious means of support or they may be asked to investigate alleged violations of the firearms statutes falling within the jurisdiction of the Alcohol, Tobacco and Firearms Division.

It is important to note that although various types of information about organizations or individuals is obtained by the Service from cooperating agencies, only that information relating to tax status is recorded and disseminated to field offices. The sole objective of the Special Service Group is to provide a greater degree of assurance of maximum compliance with the Internal Revenue laws by those involved in extremist activities and those providing financial support to these activities.

To date the efforts of the Special Service Group has been confined to manual compilation and consolidation of information on approximately 1,025 organizations and 4,300 individuals. Data on 26 organizations and 43 individuals has been referred to the field for enforcement action. While it is still too early to have completed many of the field investigations, criminal investigations are under way on 4 individuals and 1 organization. Delinquent tax returns have been obtained from 2 organizations with combined tax liability of \$29,559. On the basis of information furnished by this "group" application for exempt status has been denied to 8 organizations. It is the view of officials of the Internal Revenue Service that this "intelligence" activity and field enforcement is necessary to avoid allegations that extremist organizations ignore taxing statutes with impunity.

MEMORANDUM
THE WHITE HOUSE

September 21, 1970

MEMORANDUM FOR: H. R. HALDEMAN
SUBJECT: IRS & Ideological Organizations

I am attaching a copy of a report from the IRS on the activities of its "Special Service Group" which is supposed to monitor the activities of ideological organizations [e.g., Jerry Rubin Fund, Black Panthers, etc.] and take appropriate action when violations of IRS regulations turn up. You will note that the report is long on words and short on substance.

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

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

by IRS as a result of their field audits.
(signed) TH
TOM CHARLES HUSTON

MEMORANDUM
THE WHITE HOUSE

August 25, 1970

MEMORANDUM FOR
H. R. HALDEMAN
SUBJECT: SUBVERSIVE ACTIVITIES
CONTROL BOARD

On Monday, August 24, the Senate approved the budget for SACB by a vote of 44 to 28. The principal objec-

tion—as might be expected—was that the Board has nothing to do to justify the \$400,000 a year budgeted. Among those supporting Senator Proxmire in this argument were John Williams, Peter Dominick, and Len Jordan—conservatives all.

In defending the appropriation, Senator McClellan for the majority and Senator Hruska for the minority argued that the Administration intends to make effective use of the Board. Senator McClellan was quite specific in his opinion that the current internal security threat requires prompt and effective action from the Administration.

The appropriations measure should come down for the President's signature later this week. I believe that we should now proceed to fill the two vacancies on the Board and give serious consideration to the Executive Order expanding the powers of the Board.

I have recommended to Harry Fleming that we reappoint John Mahan as Chairman and Otto Otepka as member of the Board. Mahan is under the patronage of Mike Mansfield whose support is crucial. Moreover, he is a competent enough fellow who is a team player and will cooperate with us completely. Otepka's reappointment strikes me as imperative.

There is some question whether we should appoint a Republican as Board chairman. Normally, I would think so, but I believe the unique circumstances we face with this Board suggest otherwise. Otepka is too controversial to be chairman, Paul O'Neal is too impetuous, and John Patterson is too old. We can work well with Mahan and I see no reason for replacing him as chairman. The fact that he is a Democrat and close to Mansfield is a plus in my opinion.

As soon as a decision is made on

these nominations, I plan to meet with John Ashbrook and Dick Ichord to discuss some of the legislative proposals pending before the House Internal Security Committee which pertain to the activities of the Board. Once we get a feel for what these people believe we should do, we will be in a position to re-evaluate the alternatives open to us. The point, however, which we need to keep in mind is that we cannot afford to let the Board sit idle or content itself with investigating old line Communist fronts which are largely irrelevant to our current problem.

After the bombing at Madison, I suspect that the public is fully prepared to accept the concept that the Federal Government ought to take an active interest in the activities of violent-action organizations, as we propose in the Executive Order.

(Signed) T. H.
TOM CHARLES HUSTON

(The next memo suggests using the interagency intelligence network to help stop airplane hijackings. White House aide Peter Flanagan, who often served as liaison with the business community, had been detailed by some higher White House official to deal with the hijacking problem.)

MEMORANDUM
THE WHITE HOUSE

September 10, 1970

MEMORANDUM FOR H. R. HALDEMAN

I understand that in the course of Peter Flanagan's meeting on steps to minimize the risk of future air hijackings the question of increased use of intelligence information arose and that the Bureau is to submit recommendations in this regard.

It strikes me that this exercise will amount to nothing more than a retracing of the steps we took in June to no avail. This is but one more example of the crying need for inter-community coordination on a systematic and formal basis. In this area, for example, there are resources yet untapped, i.e., Customs, the military services, etc., which will remain untapped so long as Mr. Hoover runs a one-man show.

I don't know the extent of Peter's experience in intelligence matters, but he should be aware that paper plans don't always translate into effective action.

I might add that we haven't seen anything yet. If this incident in the Midwest poses problems, wait until some of our home-grown fedayeen decide to emulate their peers.

(Signed) T. H.
TOM CHARLES HUSTON

THE WHITE HOUSE

September 18, 1970

TOP SECRET

THE ATTORNEY GENERAL

Pursuant to our conversation yesterday

day, September 17, 1970, I suggest the following procedures to commence our domestic intelligence operation as quickly as possible.

1. Interagency Domestic Intelligence Unit. A key to the entire operation will be the creation of an interagency intelligence unit for both operational and evaluation purposes. Obviously, the selection of persons to this unit will be of vital importance to the success of the mission. As we discussed, the selection of the personnel for this unit is an appropriate first step for several reasons. First, effective coordination of the different agencies must be developed at an early stage through the establishment of the unit. Second, Hoover has indicated a strong opposition to the creation of such a unit and, to bring the FBI fully on board, this seems an appropriate first step to guarantee their proper and full participation in the program. Third, the unit can serve to make appropriate recommendations for the type of intelligence that should be immediately pursued by the various agencies. In regard to this third point, I believe we agreed that it would be inappropriate to have any blanket removal of restrictions; rather, the most appropriate procedure would be to decide on the type of intelligence we need, based on an assessment of the recommendations of this unit, and then to proceed to remove the restraints as necessary to obtain such intelligence.

To proceed to create the interagency intelligence unit, particularly the evaluation group or committee, I recommend that we request the names of four nominees from each of the intelligence agencies involved. While the precise composition of the unit may vary as we gain experience, I think that two members should be appointed initially from each agency in addition to your personal representative who should also be involved in the proceedings. Because of the interagency aspects of this request, it would probably be best if the request came from the White House. If you agree, I will make such a request of the agency heads; however, I feel that it is essential that you work this out with Hoover before I have any dealings with him directly.

2. Housing. We discussed the appropriate housing of this operation and, upon reflection, I believe that rather than a White House staffer looking for suitable space, that a professional intelligence person should be assigned the task of locating such space. Accordingly, I would suggest that a request be made that Mr. Hoover assign an agent to this task. In connection with the housing problem, I think serious consideration must be given to the appropriate Justice Department cover for the domestic intelligence operation. We discussed yesterday using IDIU as a cover and as I indicated I believe that that is a most appropriate cover. I believe that it is

generally felt that IDIU is already a far more extensive intelligence operation than has been mentioned publicly, and that the IDIU operation cover would eliminate the problem of discovering a new intelligence operation in the Department of Justice. However, I have reservations about the personnel in IDIU and its present operation activities and would suggest that they

either be given a minor function within the new intelligence operation or that the staff be completely removed. I have had only incidental dealings with the personnel, other than Jim Devine, and cannot speak to their discretion and loyalty for such an operation. I do not believe that Jim Devine is capable of any major position within the new intelligence operation. However, I do believe that he could help perpetuate the cover and he has evidenced a loyalty to you, the Deputy and other key people in the Department of Justice, despite his strong links with the prior Administration. I would defer to your judgement, of course, on any recommendation regarding Jim Devine's continued presence in such an intelligence operation.

3. Assistant to Attorney General. We also discussed the need for you to have a right hand man to assist in running this operation. It would seem that what is needed is a man with administrative skills, a sensitivity to the implications of the current radical and subversive movements within the United States, and preferably, some background in intelligence work. To maintain the cover, I would think it appropriate for the man to have a law degree in that he will be a part of the Department of Justice. You suggested the possibility of using a prosecutor who had had experience with cases of this type. Accordingly, I have spoken with Harlington Wood to ask him to submit the names of five Assistant U.S. Attorneys who have had experience in dealing with demonstrations or riot type cases and who are mature individuals that might be appropriately given a sensitive assignment in the Department of Justice. I did not discuss the matter in any further detail with Wood other than to request the submission of some nominees. I would also like to suggest that we request names from the various intelligence agencies involved for personnel that might be appropriately involved in this activity or who might serve as your assistant.

In summary, I recommend the following immediate action:

(1) You meet with Hoover, explain what must be done, and request his nominees for the interagency unit.

(2) You request that Hoover assign an agent to the task of locating appropriate housing for the operations.

(3) I request that other involved intelligence agencies submit nominees for the interagency unit.

(4) I request from the agencies names of appropriate personnel for assignment to the operation.

Finally, I would suggest that you call weekly meetings to monitor the problems as they emerge and to make certain that we are moving this program into implementation as quickly as possible.

(Signed) John
JOHN DEAN

N.B. Bob Haldeman has suggested to me that if you would like him to join you in a meeting with Hoover he will be happy to do so.