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OFFICE OF THE DEPUTY ATTORNEY GENERAL
WASHINGTON, D.C. 20530

November 14, 1974

*JOHN CARLSON
Please hold for
RN*

MEMORANDUM FOR: ~~Ronald Nessen~~
Press Secretary to the President

FROM: Laurence H. Silberman
Deputy Attorney General

SUBJECT: COINTELPRO

Attached for your use at your press briefing on Monday, November 18, are the following:

- A. Proposed questions and answers for your own use. I suggest that you refer all specific inquiries concerning the origin, scope, details etc. of COINTELPRO to the Department of Justice;
- B. Questions and answers which will be used by the Attorney General in his own press conference on that day;
- C. The COINTELPRO report to be released in conjunction with the Attorney General's press conference; and
- D. A memorandum from the Attorney General to the FBI Director which will also be released in conjunction with the Attorney General's press conference.

Attachments





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QUESTION:

Mr. Nessen, when was the President apprised of COINTELPRO? Did the President approve release of the COINTELPRO materials?

ANSWER:

Attorney General Saxbe briefed the President on COINTELPRO a few weeks ago. The President and the Attorney General agreed that the COINTELPRO materials should be released.

QUESTION:

Mr. Nessen, what was the President's reaction to COINTELPRO?

ANSWER:

The President was very disturbed by some of the activities carried out under COINTELPRO. However, he believes that disclosure of these activities, together with the positive steps taken by the Attorney General and the FBI Director, will prevent a recurrence of such activities.

B



DRAFT STATEMENT FOR THE ATTORNEY GENERAL'S NOVEMBER 18
NEWS CONFERENCE

SUBJECT: COINTELPRO

In January of this year during the course of my initial briefing on current issues facing the Department of Justice, I was informed of the existence of an FBI "Counterintelligence Program".

After ascertaining the general thrust of the counterintelligence programs, I directed Assistant Attorney General Henry Petersen to form a committee charged with the responsibility of conducting a complete study and preparing a report for me which would document the Bureau's activities in each of the separate counterintelligence programs. That study committee consisted of four Criminal Division representatives and three representatives from the Federal Bureau of Investigation, selected by Director Kelley.

The Committee's report to me stated that there were seven separate programs -- five directed at domestic organizations and individuals, and two programs directed at foreign intelligence services, foreign organizations and individuals connected with them. These programs were implemented at various times during the period from 1956 to 1971 when all programs were discontinued. The Committee further found that 3208 counterintelligence proposals were submitted of which 2340 were approved. In 516 instances, known results were ascertained.

It is not my intention at this time to detail for you the particulars of the seven programs inasmuch as you have been provided with a copy of the Committee's report which has been edited to delete national security information. That document describes fully the activities involved in each of the programs.

The materials released today disclose that, in a small number of instances, some of these programs involved what we consider today to be improper activities. I am disturbed about those improper activities. However, I want to stress two things: first, most of the activities conducted under these counterintelligence programs were legitimate -- indeed, the programs were in response to numerous public and even Congressional demands for stronger action by the Federal Government. Second, to the extent that there were, nevertheless, isolated excesses, we have taken steps to prevent them from ever happening again. In this connection, Director Kelley last December sent a memorandum to FBI personnel strongly reaffirming the Bureau policy that: "FBI employees must not engage in any investigative activity which could abridge in any way the rights guaranteed to a citizen of the United States by the Constitution and under no circumstances shall employees of the FBI engage in any conduct which may result in defaming the character, reputation, integrity, or dignity of any citizen or organization of citizens of the United States."

QUESTION:

When did these COINTELPRO activities first come to light? What have you done about it? Why have you withheld release of these materials until now? Have you been covering up COINTELPRO?

ANSWER:

As I understand it, the various COINTELPROs came to light following the burglary of an FBI office in Media, Pennsylvania in 1971. Materials with respect to one COINTELPRO -- COINTELPRO - New Left -- were released last fall in response to a Freedom of Information Act request.

When I became Attorney General in January, 1974, one of my first acts was to appoint a Committee to review the various COINTELPRO programs, and to report to me precisely what happened and what should be done about it. I discussed the results of that report with the FBI Oversight Subcommittee of the Senate Judiciary Committee last Spring, and more recently, I discussed it with Chairman Rodino and Ranking Minority Member Hutchison of the House Judiciary Committee.

The materials released today are released
with the specific approval of President
Ford.

QUESTION:

Why didn't you release the details of COINTELPRO after your meeting with the Senate FBI Oversight Subcommittee?

ANSWER:

When I met with the FBI Oversight Subcommittee last June, that Subcommittee unanimously requested me to withhold release of the COINTELPRO report for the time being. I am not aware of the reasons behind that request. More recently, I discussed the matter with the President, and determined to release the material at the earliest possible opportunity. The Senate Subcommittee, as well as the leadership of the House Judiciary Committee, are aware that these materials are being released today.

QUESTION:

How does President Ford feel about the release?

ANSWER:

The President determined that the release of these materials at this time is in the national interest.

QUESTION: Do you intend to prosecute criminally any of the individuals involved in the improper activities you have mentioned?

ANSWER: Based on the materials in the FBI files concerning COINTELPRO and the thorough review of the committee I appointed, I have determined that criminal prosecution would be inappropriate and would not serve the ends of justice. This decision takes into account the following factors which bear upon the events in question: First, the historical context in which the programs were conceived and executed by the Bureau in response to public and even Congressional demands for action to neutralize the self-proclaimed revolutionary aims and violence prone activities of extremist groups which posed a threat to the peace and tranquility of our Nation in the 50's and 60's. Second, the fact that each of the COINTELPRO programs was personally approved and supported by the late Director of the FBI.

Third, the fact that the interferences with civil rights resulting from individually implemented program actions were of a nature generally not to merit prosecution under normal prosecutorial standards.

Obviously, if something has been concealed and later comes to light in specific cases, I will reconsider this policy. However, I am confident, based on facts now available to me, that our review was a thorough one and that my decision against prosecution is a correct one.

QUESTION: . Do Henry Petersen and Stan Pottinger agree
with your position on criminal prosecution?

ANSWER: Yes

QUESTION:

Have you considered referring this matter to the Special Prosecutor?

ANSWER:

No, it is not within the Special Prosecutor's charter. As the materials released make clear the various COINTELPRO programs continued under four Presidents and six Attorneys General between 1956 and 1971. COINTELPRO had nothing to do with Watergate.

QUESTION:

Do you intend to refer this matter to any new "Inspector General Office" or "Office of Special Review" you may create?

ANSWER:

The activities undertaken in the various COINTELPRO programs have already been thoroughly reviewed by representatives of the Criminal Division. I have no intention of having an Inspector General begin again to duplicate that effort.

QUESTION:

Will you represent FBI agents who may be sued in civil suits for their activities in the COINTELPRO area?

ANSWER:

Yes. As we have made clear, it is our policy to represent present or former Government officials for acts undertaken in the course of their official duties..

(Attach "Guidelines" for civil representation)

GUIDELINES

Normally, a public official will be afforded official representation in civil litigation when it appears to the Attorney General that:

- (1) The official is not currently the target of a Federal criminal investigation or prosecution for conduct related to the subject of the civil suit; and
- (2) He acted within what he reasonably believed at the time of the challenged conduct to be the scope of his official duties.

In addition, where representation is accorded to an official who is the target of unrelated Federal criminal investigations or prosecutions or who is likely to become the target of an investigation related to the subject of the civil suit, representation will normally be afforded only upon the public official waiving the attorney-client privilege insofar as necessary to allow the representing attorneys to turn over to the prosecuting authorities any incriminating information which comes to their attention in the course of defending the civil lawsuit. Finally, where there are multiple official defendants entitled to representation under the normal guidelines but having potentially conflicting defenses, appropriate accommodations will be made.

QUESTION:

How do you intend to respond to future requests for more details of COINTELPRO activities under the Freedom of Information Act?

ANSWER:

To the extent that information in the FBI files is not covered by an exemption of the Freedom of Information Act, it of course must be provided to the requestors. Even when an exemption is technically available, however, I will not assert it merely to prevent embarrassing disclosures concerning COINTELPRO activities.

QUESTION:

What are your private feelings about COINTELPRO? Do you regard the COINTELPRO activities to be "deeply disturbing in a free society," as stated in your report? Would you have approved COINTELPRO activities had you been Attorney General at the time?

ANSWER:

First, I think it is important that we consider COINTELPRO in light of the times. When the various COINTELPROs were undertaken, we were talking about such matters as the cold war, "fallout shelters," the murder of civil rights workers in Philadelphia, Mississippi and elsewhere, riots, lynchings, burnings, bombings, etc. There were often Congressional or press demands for stronger action by the Federal Government. Each COINTELPRO program was approved by the late J. Edgar Hoover.

Most of the activities conducted under the various COINTELPROs were entirely legitimate, proper and lawful. Never-

theless, there were at the same time incidents -- I should stress, isolated incidents -- of what I consider to be improper activities. These activities I cannot and will not condone. The words "deeply disturbing" are appropriate ones.

QUESTION:

COINTELPRO involved "interviews or contacting members". What limitations are now in use during routine investigations of individuals or groups?

ANSWER:

I think this is best answered in Director Kelley's December 5, 1973 memorandum to FBI personnel. (Attached)



FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

December 5, 1973

MEMORANDUM TO ALL SPECIAL AGENTS IN CHARGE

(A) CONDUCT AND ACTIVITIES OF EMPLOYEES -- In consideration of recently exposed events and the resultant atmosphere of public concern for the protection of individuals' rights to privacy, I feel it advisable to point out to you the continuing need to assure that citizens be given full recognition of their Constitutional rights and privileges.

As members of a Federal investigative agency, FBI employees must at all times zealously guard and defend the rights and liberties guaranteed to all individuals by the Constitution. Therefore, FBI employees must not engage in any investigative activity which could abridge in any way the rights guaranteed to a citizen of the United States by the Constitution and under no circumstance shall employees of the FBI engage in any conduct which may result in defaming the character, reputation, integrity, or dignity of any citizen or organization of citizens of the United States.

Fundamental to all investigations by the FBI is the need to protect the Constitutional rights of our citizens while still thoroughly and expeditiously discharging those responsibilities with which it is charged by statutes and Directives of the President and the Attorney General.

These principles must be kept in mind by you at all times. Again, the spirit as well as the letter of the law is our goal.

Clarence M. Kelley
Director

12/5/73
MEMORANDUM 56-73

QUESTION:

How can activities of a COINTELPRO type nature be prevented in the future?

ANSWER:

FBI Director Kelley last December sent out written instructions to Bureau employees which would prevent such activities from recurring. More importantly, Mr. Kelley and I have a firm understanding that Bureau activities of major policy significance will not be undertaken except, in appropriate circumstances, with my approval or, where necessary, approval of the President.

QUESTION:

Would you describe COINTELPRO as being in essence an FBI "Gestapo operation"?

ANSWER:

No -- in my judgement that characterization is unfair.

QUESTION:

Which specific FBI Associate Directors, Deputy Associate Directors, and Assistant Directors were involved in COINTELPRO activities? Who are the current FBI employees who were involved with COINTELPRO?

ANSWER:

I don't think it would be appropriate to "name names". The most important fact is that FBI Director Hoover initiated the programs and approved all major acts carried out under the programs.

QUESTION:

In what "very small number of instances" was COINTELPRO action initiated from the field without prior authorization by Bureau officials in Washington?

ANSWER:

As I understand it, some actions were initiated without prior approval when similar actions had been approved in the past in Washington. In these cases, the specific actions were apparently "ratified" after the fact by Bureau officials in Washington.

QUESTION:

Was Attorney General Mitchell advised of the terminations of the various COINTELPRO programs in 1971?

ANSWER:

As you know, the existence of the COINTELPRO programs was brought to light when documents obtained through the burglary of an FBI office in Media, Pennsylvania were given to the press. All Mr. Mitchell or anyone else had to do was to read about it in the papers.

QUESTION:

Were Attorneys General Kleindienst, Richardson and Bork advised of the past existence of COINTELPRO?

ANSWER:

I don't know whether Attorney General Kleindienst was. I know Attorney General Richardson and Acting Attorney General Bork were advised of COINTELPRO.

QUESTION:

Was L. Patrick Gray involved in COINTELPRO or aware of these activities?

ANSWER:

Mr. Gray went into the FBI one year after COINTELPRO was terminated. No mention of COINTELPRO was apparently contained in the "briefing book" prepared for him when he entered the Bureau.

QUESTION:

Did any of the United States Attorneys
know about any aspects of COINTELPRO?

ANSWER:

Not to my knowledge.

QUESTION:

Please describe the groups that were the subject of COINTELPRO-White Hate.

ANSWER:

I don't believe it is appropriate to name these specific groups. Let me just say that they were groups which espoused anti-black, anti-catholic or anti-semitic views; which demonstrated a real potential for violence.

QUESTION:

Please describe specifically the groups that were the subject of COINTELPRO-Black Extremists. Why was this program not started until 1967?

ANSWER:

Again, I don't believe I should name specific groups. The program was not started until 1967 because it was only then that the perceived threat came to a head.

Martin Luther King was not a target of COINTELPRO-Black Extremists.

QUESTION:

Were there any FBI activities of a
COINTELPRO nature regarding the various
target groups which pre-dated establishment
of the respective COINTELPROs.

ANSWER:

I don't know.

QUESTION:

Was there any connection between COINTELPRO-
New Left and action by the White Hate and
the Department to monitor anti-war activities?

ANSWER:

We have found no apparent connection.

QUESTION:

COINTELPRO involved "sending anonymous or fictitious materials to members of groups." Isn't this a pretty general description of more specific and dangerous activities?

ANSWER:

I don't know what you mean. If you are talking about mailing letter bombs, I can assure you that COINTELPRO involved nothing of that sort.

QUESTION:

COINTELPRO involved "dissemination of public record information to media sources." Why was this used in almost one quarter of the Communist Party, USA cases? What types of information were made available? What material was actually used by the media?

ANSWER:

I imagine that the tactic was used against the Communist Party, USA because it was effective - by and large, the American people don't like people who are known to believe in the violent overthrow of the Government. I understand that news articles were made available. I don't know what was actually used by the media.

QUESTION:

Why was the tactic of "leaking informant based or non-public information to media sources" used only for black extremist and white hate groups?

ANSWER:

I don't know. It is possible there was not much public record information available in the case of these groups.

QUESTION:

COINTELPRO involved "advising local, state and Federal authorities of civil and criminal violations by group members." How many arrests, prosecutions and convictions resulted from these actions?

ANSWER:

I have no way of knowing. Of course, prosecution of state and local offenses is a matter for the discretion of the state and local prosecuting authorities.

QUESTION:

COINTELPRO involved "informing family or others of radical or immoral activities." Was this done officially, anonymously, or under false identification?

ANSWER:

Apprently anonymously.

QUESTION:

COINTELPRO involved "use of informants to disrupt group activities." What is the distinction between disruption activities and "agents provocateurs"? Does this report now substantiate that FBI informers constituted significant proportions of some groups memberships?

ANSWER:

Agents provocateurs in essence set up situations of "entrapment" -- they initiate or encourage illegal activities. None of this was apparently done under COINTELPRO. I don't believe the report released today substantiates the rumors that FBI informers constitute significant proportions of some group memberships.

QUESTION:

COINTELPRO involved "establishing sham organizations for disruptive purposes". Why was this done in only COINTELPRO-White Hate Groups?

ANSWER:

As I understand it, this activity involved establishing "notional" organizations -- that is, non-existing organizations consisting only of a letterhead and possibly a post office box. Apparently information would be mailed to various members of White Hate groups.

QUESTION:

Did COINTELPRO activities involve
illegal electronic surveillances or
illegal surreptitious entries?

ANSWER:

To the best of my knowledge, no.

QUESTION:

Has the knowledge of these COINTELPRO activities affected the position of the FBI and the Department of Justice on amendments to the Freedom of Information Act?

ANSWER:

No.

QUESTION:

What assurances are there that the foreign intelligence activities mentioned in the report deserved to be considered as classified information?

ANSWER:

It is my understanding that each such item has been reviewed by our Departmental Classification Committee, which has determined that the classifications are appropriate.

C



PRESS RELEASE

Attorney General William B. Saxbe and Federal Bureau of Investigation Director Clarence M. Kelley today jointly announced that President Ford has authorized the release of the details of certain counterintelligence programs conducted by the FBI during the period from 1956 to 1971 against several domestic and foreign based subversive or disruptive groups, organizations and individuals. These efforts -- which carried the designation "COINTELPRO" -- were targeted against the Communist Party USA, the Socialist Workers Party, White Hate Groups, Black Extremist Organizations, and the New Left; as well as certain espionage operations and hostile foreign-based intelligence services. The materials released today follow and significantly expand upon materials previously released in December, 1973 by Director Kelley concerning the counterintelligence program conducted against radical and violent elements as part of COINTELPRO -- New Left.

November 18, 1974

FBI COINTELPRO ACTIVITIES

I. INTRODUCTION

In Fall, 1973 the Department of Justice disclosed certain documents relating to a "counterintelligence" program of the Federal Bureau of Investigation entitled "COINTELPRO - New Left." Among the documents disclosed was a directive indicating that the FBI had also instituted six other counterintelligence programs ("COINTELPRO"), to wit: Espionage; White Hate Groups; Communist Party, USA; Special Operations; Black Extremists and the Socialist Workers Party. Based on these disclosures, additional requests have been made for numerous other documents relating to these FBI COINTELPRO activities. This paper is in response to those requests.

In January, 1974 Attorney General William Saxbe requested Assistant Attorney General Henry Petersen to form a committee to review these FBI COINTELPRO activities. The Committee was chaired by Assistant Attorney General Petersen, and consisted of four Criminal Division representatives and three FBI representatives selected by FBI Director Clarence Kelley.

In June, 1974 the various COINTELPRO programs were discussed at length by Attorney General Saxbe and FBI Director Kelley with the FBI Oversight Subcommittee of the Senate Judiciary Committee. At the request of the Senate Subcommittee, release of the COINTELPRO materials has been withheld until this time. More recently, the COINTELPRO activities of the FBI were discussed by Attorney General Saxbe and Director Kelley with Chairman Rodino and Ranking Minority Member Hutchinson of the House Judiciary Committee.

II. THE COINTELPRO PROGRAMS

A. Origin, Scope and Objectives of COINTELPRO Activities

The term "COINTELPRO" is a generic term used by the FBI to describe seven separate "counterintelligence" programs which the Bureau implemented at different times during the period from 1956 to 1971, when all were discontinued. Five of these programs were directed at domestic-based groups and individuals -- Communist Party, USA, the forerunner of all other COINTELPROS (1956-1971); Socialist Workers Party (1961-1970); White Hate Groups (1964-1971); Black Extremists (1967-1971); and New Left (1968-1971). The documents authorizing these five programs define their objective as being either simply the disruption of the

group's activities; or the disruption, exposure and neutralization thereof.

The other two COINTELPRO programs were in the area of foreign counterintelligence -- Espionage or Soviet-Satellite Intelligence, which was in effect from 1964 to 1971; and Special Operations, which was in effect from 1967 to 1971. According to Bureau documents, the overall objectives of these two programs were to encourage and stimulate a variety of counterintelligence efforts against hostile foreign intelligence sources, foreign Communist organizations and individuals connected with them.

B. The Background and Context of COINTELPRO Activities

A fair, accurate and comprehensive understanding of the various COINTELPRO activities undertaken by the FBI is possible only in light of the context and climate in which the programs were established.

As indicated above, COINTELPRO - Communist Party, USA was the predecessor -- and in some respects the model -- of subsequent FBI COINTELPRO activities. The Communist Party, USA program grew out of the "Red Scare" of the early and middle 1950's. This era of American political history was characterized by the growth and decline of "McCarthyism;" numerous and well-publicized "spy trials;" and, in general,

a prevailing view in Congress and the American people that the Federal Government should take appropriate steps against domestic subversion. The period was also characterized by a widespread concern that subversive elements, spearheaded by the Communist Party, were not only pervasive, but were also in varying degrees effective in such areas as sabotage and espionage. Moreover, although domestically-based, it was clear that the operations and activities of the Communist Party USA were in fact directed by foreign countries. Indeed, the fact of foreign (Soviet) direction and control of the Communist Party USA was recognized by the Supreme Court in Communist Party USA v. United States, 368 U.S. 871.

The original COINTELPRO was, then, conceived as a "counter-intelligence" effort in the purest sense. Moreover, the overwhelming bulk of the activities carried out under the program were legitimate and proper intelligence and investigative practices and techniques. What was new in the COINTELPRO effort was primarily the targeting of these activities against one specified group or category of organizations. Although, as discussed in more detail below, some COINTELPRO activities involved isolated instances of practices that can only be considered deeply disturbing in a free society, it is important to understand that these improper activities were not the purpose or indeed even the major characteristic of the FBI's COINTELPRO efforts.

COINTELPRO - Socialist Workers Party, undertaken in 1961, appears to have been a direct outgrowth of the earlier effort targeted against the activities of the Communist Party, USA. Later COINTELPRO activities were based on the Communist Party, USA model, but reflected the changing threats to domestic order that emerged in the decade of the 1960's.

The next COINTELPRO undertaken was against White Hate Groups. This program, which began in 1964, grew out of the disruptive and harrassing activities of these groups in their attempt to subvert the civil rights movement. The activities of these groups were characterized by lynchings, burnings, bombings, and the like -- a climate of violence and lawlessness which society and its law enforcement mechanisms seemed incapable of countering.

The next COINTELPRO undertaken was against Black Extremists in 1967. As in the case of the White Hate Groups, the activities of these extremist groups were marked by violence, arson and bombings. In addition, the activities of many of these extremist groups included police shootings and, as is well known, the fostering and fomenting of riots and other civil disturbances in cities all across the land.

Finally, many of these activities were led by or included individuals who publicly proclaimed their association with the political doctrines or leadership of hostile countries, including Communist nations.

The last domestic COINTELPRO was instituted in 1968 against the "New Left". The origin and purposes of this effort were best described by FBI Director Kelley in a press release on December 7, 1973:

"In the late 1960's, a hard-core revolutionary movement which came to be known as the "New Left" set out, in its own words, to bring the Government to its knees through the use of force and violence.

"What started as New Left movement chanting of Marxist-Leninist slogans in the early years of their 'revolution' developed into violent contempt, not only for Government and Government officials, but for every responsible American citizen.

"During these years, there were over 300 arsons or attempted arsons, 14 destructive bombings, 9 persons killed, and almost 600 injured on our college campuses alone. In the school year 1968-69, damage on college campuses exceeded 3 million dollars and in the next year mounted to an excess of 9.5 million.

"In this atmosphere of lawlessness in the cities mobs overturned vehicles, set fires, and damaged public and private property. There were threats to sabotage power plants, to disrupt transportation and communications facilities. Intelligence sources informed the FBI of plans that were discussed to poison public water supplies.

"At this time of national crisis, the Government would have been derelict in its duty had it not taken measures to protect the fabric of our society. The FBI has the responsibility of investigating allegations of criminal violations and gathering intelligence regarding threats to the country's security. Because of the violent actions of the leadership of the New Left, FBI officials concluded that some additional effort must be made to neutralize and disrupt this revolutionary movement. This effort was called the 'Counterintelligence Program - New Left' or 'COINTELPRO-New Left.'

"While there is no way to measure the effect of the FBI's attempt at counter-subversion, I believe that it did have some impact on the crisis at that time.

"Now, in the context of a different era where peace has returned to the college campuses and revolutionary forces no longer pose a major threat to peace and tranquility of our cities, some may deplore and condemn the FBI's use of a counterintelligence program -- even against hostile and arrogant forces which openly sought to destroy this nation.

"I share the public's deep concern about the citizen's right to privacy and the preservation of all rights guaranteed under the Constitution and Bill of Rights."

As indicated in Director Kelley's statement -- and as is apparent in the case of all COINTELPRO activities -- "there is no way to measure the effect of the FBI's attempt at counter-subversion." Unfortunately, no empirical data exist with respect to the effectiveness of the various COINTELPRO efforts undertaken in countering the threats perceived to the domestic

order. Perhaps the nature of intelligence work is such that no such objective measure exists.

C. Authorization and Implementation of COINTELPRO Activities

According to FBI documents, all seven programs implemented under COINTELPRO were specifically authorized by former FBI Director J. Edgar Hoover. COINTELPRO programs were apparently not reported to any of the Attorneys General in office during the periods in which they were implemented. Only certain aspects of the Bureau's efforts to penetrate and disrupt the Communist Party USA and White Hate Groups -- apparently conducted under COINTELPRO although not specifically stated as such (the term "COINTELPRO" was used only inside the Bureau), were reported to at least three Attorneys General and key White House staff of two Presidents between 1958 and 1969. It must be emphasized that none of the activities so reported involved any improper conduct. One additional Attorney General during this period was briefed on the Bureau's "counterattack" against the Communist Party USA. Finally, Bureau documents disclosed that the House Appropriations Subcommittee was briefed on the Bureau's counterintelligence programs including the character of COINTELPRO and examples of specific activities undertaken in connection with this program, as early as 1958. Under the directives establishing the programs, no counterintelligence action could be initiated by the field without specific prior Bureau authorization. Except in a very small number of instances this policy was

strictly adhered to. The great majority of actions were either approved or disapproved at the Assistant Director level or above, while a very small number were acted on at a lower level.

D. Statistical Analysis of COINTELPRO Activities

As indicated above, the maximum time span of all seven COINTELPRO programs covered the period 1956 to 1971. All programs, however, were not in effect during this entire period.

With respect to the five programs directed at domestic-based organizations and individuals, a total of some 3,208 proposals for counterintelligence activity were submitted by the various FBI field offices for consideration from the inception of the programs in 1956 to their termination in 1971 -- more than half of them arising under the Communist Party USA program. Some 2340 of these proposals, or approximately 73%, were approved and implemented. Of those proposals which were approved and implemented, known results were obtained in only some 516, or approximately 22%.

The individual statistics on each of these five programs are as follows:

<u>Organization</u>	<u>Proposals</u>	<u>Approved & Implemented</u>	<u>Known Results</u>
Communist Party USA	1850	1388	222
Socialist Workers Party	72	46	13
White Hate Groups	365	255	128
New Left	381	289	77
Black Extremists	<u>540</u>	<u>362</u>	<u>76</u>
TOTALS	3208	2340	516

With respect to the two other "COINTELPRO" programs, Special Operations and Espionage or Soviet-Satellite Intelligence -- both of which related to operations primarily targeted against hostile foreign intelligence services, foreign organizations and individuals connected with them -- no statistics are set forth in this report. Because of the nature of these activities, all documents relating to "Espionage or Soviet-Satellite Intelligence" are classified Secret, and a very substantial part of the documents relating to "Special Operations" are likewise classified Secret. Publication of these statistics would be inappropriate in terms of the national security.

E. Analysis of Types of Activity Conducted Under COINTELPRO Domestic-Based Programs

Reports with respect to the five domestic based COINTELPRO programs disclosed a close similarity in the types

of activities conducted under each program. In general, the activities common to all programs may be grouped into approximately a dozen categories. As indicated above, the overwhelming bulk of these activities were clearly legitimate and proper undertakings, within the scope of the FBI's ongoing responsibilities, and are listed as "COINTELPRO" activities only because they were reported as such. They may be characterized as follows:

- (1) Sending anonymous or fictitious materials to members or groups

The vast majority of these actions consisted of items of information designed to create dissention and cause disruption within the various groups. Of the total number of actions implemented under all five domestic based programs, approximately 40% fell under this category.

- (2) Dissemination of public record information to media sources

Actions implemented under this category consisted primarily of making public source material available to friendly media representatives for the purpose of using such material in a newspaper, magazine, or radio or television program in order to expose the aims and activities of the various groups. This type of activity represented approximately 20% of all actions implemented under domestic COINTELPRO efforts.

It was implemented in some 360 instances in connection with the Communist Party USA program; in six instances in connection with the Socialist Workers Party; in 26 instances in connection with Black Extremists; in 15 instances in connection with White Hate Groups; and in 25 instances in connection with the New Left.

(3) Leaking informant based or non-public information to media sources

Most of the actions implemented in this category related to the leaking of investigative material to friendly media sources for the purpose of exposing the nature, aims and membership of the various groups. There were no instances of this type of activity in connection with the Socialist Workers Party program, and relatively few in connection with the Communist Party USA and New Left programs. Approximately one-seventh of the actions implemented under the Black Extremists program, and one-sixth of the actions implemented under the White Hate Groups program fell under this category.

(4) Advising local, State and Federal authorities of civil and criminal violations by group members

This activity -- totally legal -- represented approximately 8% of the total number of actions implemented under all five domestic based programs.

(5) Use of informants to disrupt a group's activities

Most of the actions implemented under this category were for the purpose of using informants to disrupt the activities of various groups by sowing dissention and exploiting disputes. No statistics are available as to the number of instances of this type of activity in connection with the Communist Party USA program, but it seems that informants were used in this program to cause disruption but not as agents provocateurs. This type of activity represented less than two percent of the activities undertaken in connection with the four other domestic based COINTELPRO programs.

(6) Informing employers, credit bureaus and creditors of members' activities

The majority of actions implemented under this category consisted of notifying credit bureaus, creditors, employers and prospective employers of members' illegal, immoral, radical and Communist Party activities in order to affect adversely their credit standing or employment status. No statistics are available as to the number of instances in which this type of activity was used in connection with the Communist Party USA program, although the Bureau has reported that it was used in a number of instances. It was used in only a small number of instances in connection with the four other domestic based COINTELPRO programs, namely in one instance in connection with the Socialist Workers Party, seven instances in

connection with Black Extremists, 15 instances in connection with White Hate Groups, and 20 instances in connection with the New Left, or a total of some 43 instances in all domestic based COINTELPRO programs other than the Communist Party USA.

(7) Informing or contacting businesses and persons with whom members had economic dealings of members' activities

The majority of actions implemented under this category consisted of notifying persons or businesses with whom members had economic dealings of the members' association with the various groups involved for the purpose of adversely affecting their economic interests. No instances of this type of activity were reported in connection with the Communist Party USA program. It was implemented in only one instance in connection with the Socialist Workers Party program, in 62 instances in connection with the Black Extremists, 14 instances in connection with the White Hate Groups, and eight instances in connection with the New Left, or a total of some 85 instances in all domestic based programs.

(8) Interviewing or contacting members

This type of activity -- again, totally legal -- was implemented in only a small number of instances for the purpose of letting members know that the FBI was aware of their activity and also in an attempt to develop them as informants. No instances of this type of activity were reported in

connection with the Communist Party USA, Socialists Workers Party and Black Extremists programs, and in only eleven instances in connection with White Hate Groups and in one instance in connection with the New Left. It should be noted that many FBI field offices carried on this activity routinely but did not attribute it to a counterintelligence function but rather to the routine investigation of individuals or organizations.

(9) Attempting to use religious and civil leaders and organizations in disruptive activities

The majority of actions implemented under this category involved furnishing information to civic and religious leaders and organizations in order to gain their support and to persuade them to exert pressure on state and local governments, employers and landlords to the detriment of the various groups. No instances of this type of activity were reported in connection with the Communist Party USA program. It was used in only 2 instances in connection with the Socialist Workers Party program, in 36 instances in connection with Black Extremists, in 13 instances in connection with White Hate Groups and in 10 instances in connection with the New Left, or a total of some 61 instances in connection with all domestic based programs.

(10) Activity related to political or judicial processes

This type of activity represents less than one half of one percent of all COINTELPRO activities -- a total of only 12 instances in connection with all five domestic based programs.

Although small in number, these 12 instances are among the most troubling in all of the COINTELPRO efforts. Consequently, in the interest of full disclosure, they are described in detail as follows: tipping off the press that a write-in candidate for Congress would be attending a group's meeting at a specific time and place; leaking information to the press that a group official was actively campaigning for a person running for public office; furnishing the arrest and conviction record of a member of a group who was candidate for a local public office to a friendly newspaper which published the information; sending an anonymous letter to a political candidate alerting him that a group's members were active in his campaign and asking that he not be a tool of the group; sending an anonymous letter to a local school board official, purporting to be from a concerned parent, alerting him that candidates for the school board were members of a group; mailing an anonymous letter to a member of a group who was a mayoralty candidate in order to create distrust toward his comrades; furnishing background of

a group who was a candidate for public office, including arrests and questionable marital status, to news media contacts; furnishing public source data on a group to a local grand jury chairman who had requested it in connection with the grand jury's probe of the shooting of police by group members; furnishing information concerning arrests of an individual to a court that had earlier given this individual a suspended sentence and also furnishing this same information to his employer who later discharged the individual; making an anonymous telephone call to a defense attorney, after a Federal prosecution had resulted in a mistrial, advising him (apparently falsely) that one of the defendants and another well known group individual were FBI informants.

(11) Establishing sham organizations for disruptive purposes

This type of activity was utilized only in connection with the White Hate Groups program and was implemented in only five instances primarily for the purpose of using the organizations to send out material intended to disrupt various such groups.

(12) Informing family or others of radical or immoral activity

The majority of actions implemented under this category involved the sending of anonymous communications to family members or groups to which individuals belonged ad-

vising them of immoral or radical activities on the part of various individuals. These activities represent a little more than one percent of all COINTELPRO activities -- a total of some thirty instances in all domestic-based programs. This type of activity was reported to have been used infrequently in connection with the Communist Party USA program, and was not used in connection with the Socialist Workers Party program. It was reported to have been used in twelve instances in connection with the Black Extremists program, in two instances in connection with White Hate Groups, and in 16 instances in connection with the New Left.

In addition to the above twelve categories, it was found that a small number of miscellaneous actions, approximately 20 instances in all the domestic-based programs, were implemented which did not fit in any specific category. Again, it is appropriate in the interests of full disclosure that these activities be set forth in detail. The most egregious examples of these miscellaneous types of activity are as follows: making arrangements for local authorities to stop two group members on a narcotics pretext and by prearrangement having a police radio operator indicate that another individual wanted them to call her with purpose of having this individual come under suspicion as a police informer; use of "citizen band" radio, using the same frequency being used by demonstrators, to provide disinformation; making telephone calls to parents of members of a group

advising them of the connection of their son with the group; or advising the mother of a group leader that his actions would put him in danger; forging of a group's business card for informant purposes; reproducing a group leader's signature stamp; obtaining tax returns of members of a group; reproducing a group's recruiting card; and investigating the love life of a group leader for dissemination to the press.

F. Foreign Intelligence Activities

Two programs in the area of foreign counterintelligence - "Special Operations" and "Espionage" or "Soviet-Satellite Intelligence" - were implemented by the FBI under "COINTELPRO." The overall objective of each was to encourage and stimulate a variety of counterintelligence efforts against hostile foreign intelligence services; and, in the case of "Special Operations," also against foreign Communist organizations and individuals connected with them.

(1) Special Operations

The title "Special Operations" does not designate a program directed against a specific target. Rather, the title and the file on it are of a control character, and the file contains copies of correspondence of an informative or coordinating nature relating to ongoing intelligence operations and/or investigations primarily targeted against hostile

foreign intelligence services, foreign Communist organizations and individuals connected with them. A very substantial part of this file is classified "Secret." Although it is not appropriate to provide statistics as to the precise number of actions implemented under this program, it can generally be stated to include approximately ten general types of activity, such as operations involving travel of confidential informants abroad; extended utilization of cooperative individuals and informants abroad; anonymous mailings for the purpose of disrupting activities of a suspected agent of a foreign intelligence service; etc.

(2) Espionage or Soviet-Satellite Intelligence

This program, although officially designated a COINTELPRO program, emphasized intelligence gathering and counterintelligence efforts already being pursued in connection with the Bureau's ongoing foreign intelligence responsibilities. It did not curtail any activity or in any way change the scope of counterintelligence efforts already in effect and continuing today. It was primarily intended to inspire initiative and to encourage ingenuity in the Bureau's continuing counterintelligence efforts against hostile foreign intelligence services.

In the interest of the national security, no statistics or examples of the types of actions implemented under this program may appropriately be disclosed.

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Office of the Attorney General

Washington, D. C. 20530

MEMORANDUM

FOR: Clarence M. Kelley
Director
Federal Bureau of Investigation

FROM: William B. Saxbe

As we have discussed, the activities and investigative techniques used in the COINTELPRO programs raise many disturbing questions with respect to the proper scope of the Bureau's activities; the propriety of certain investigative techniques utilized by the Bureau, and the relationship of the Bureau and this office.

I am pleased that your memorandum of December 5, 1973 to FBI employees recognizes these concerns and states the Bureau policy to be that "FBI employees must not engage in any investigative activity which could abridge in any way the rights guaranteed to a citizen of the United States by the Constitution and under no circumstances shall employees of the FBI engage in any conduct which may result in defaming the character, reputation, integrity, or dignity of any citizen or organization of citizens of the United States."

In view of your stated policy, I am confident that investigative activity of the Bureau will be conducted within proper limits; and that, in accord with our agreement with respect to major policy issues generally, you will consult with the Attorney General on questions of policy in that regard which may arise in the future.