

COINTELPRO: THE FBI'S COVERT ACTION PROGRAMS AGAINST AMERICAN CITIZENS

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COINTELPRO: THE FBI'S COVERT ACTION PROGRAMS AGAINST AMERICAN CITIZENS

I. INTRODUCTION AND SUMMARY

COINTELPRO is the FBI acronym for a series of covert action programs directed against domestic groups. In these programs, the Bureau went beyond the collection of intelligence to secret action designed to "disrupt" and "neutralize" target groups and individuals. The techniques were adopted wholesale from wartime counterintelligence, and ranged from the trivial (mailing reprints of *Reader's Digest* articles to college administrators) to the degrading (sending anonymous poison-pen letters intended to break up marriages) and the dangerous (encouraging gang warfare and falsely labeling members of a violent group as police informers).

This report is based on a staff study of more than 20,000 pages of Bureau documents, depositions of many of the Bureau agents involved in the programs, and interviews of several COINTELPRO targets. The examples selected for discussion necessarily represent a small percentage of the more than 2,000 approved COINTELPRO actions. Nevertheless, the cases demonstrate the consequences of a Government agency's decision to take the law into its own hands for the "greater good" of the country.

COINTELPRO began in 1956, in part because of frustration with Supreme Court rulings limiting the Government's power to proceed overtly against dissident groups; it ended in 1971 with the threat of public exposure.¹ In the intervening 15 years, the Bureau conducted a sophisticated vigilante operation aimed squarely at preventing the exercise of First Amendment rights of speech and association, on the theory that preventing the growth of dangerous groups and the propagation of dangerous ideas would protect the national security and deter violence.²

Many of the techniques used would be intolerable in a democratic society even if all of the targets had been involved in violent activity, but COINTELPRO went far beyond that. The unexpressed major premise of the programs was that a law enforcement agency has the duty to do whatever is necessary to combat perceived threats to the existing social and political order.

¹ On March 8, 1971, the FBI resident agency in Media, Pennsylvania, was broken into. Documents stolen in the break-in were widely circulated and published by the press. Since some documents carried a "COINTELPRO" caption—a word unknown outside the Bureau—Carl Stern, a reporter for NBC, commenced a Freedom of Information Act lawsuit to compel the Bureau to produce other documents relating to the programs. The Bureau decided because of "security reasons" to terminate them on April 27, 1971. (Memorandum from C. D. Brennan to W. C. Sullivan, 4/27/71; Letter from FBI headquarters to all SAC's, 4/28/71.)

² The Bureau's direct attacks on speaking, teaching, writing, and meeting are discussed at pp. 28-33, attempts to prevent the growth of groups are set forth at pp. 34-40.

A. "Counterintelligence Program": A Misnomer for Domestic Covert Action

COINTELPRO is an acronym for "counterintelligence program."

Counterintelligence is defined as those actions by an intelligence agency intended to protect its own security and to undermine hostile intelligence operations. Under COINTELPRO certain techniques the Bureau had used against hostile foreign agents were adopted for use against perceived domestic threats to the established political and social order. The formal programs which incorporated these techniques were, therefore, also called "counterintelligence."^{2a}

"Covert action" is, however, a more accurate term for the Bureau's programs directed against American citizens. "Covert action" is the label applied to clandestine activities intended to influence political choices and social values.³

B. Who Were the Targets?

1. The Five Targeted Groups

The Bureau's covert action programs were aimed at five perceived threats to domestic tranquility: the "Communist Party, USA" program (1956-71); the "Socialist Workers Party" program (1961-69); the "White Hate Group" program (1964-71); the "Black Nationalist-Hate Group" program (1967-71); and the "New Left" program (1968-71).

2. Labels Without Meaning

The Bureau's titles for its programs should not be accepted uncritically. They imply a precision of definition and of targeting which did not exist.

Even the names of the later programs had no clear definition. The Black Nationalist program, according to its supervisor, included "a great number of organizations that you might not today characterize as black nationalist but which were in fact primarily black."^{3a} Indeed, the nonviolent Southern Christian Leadership Conference was labeled as a Black Nationalist "Hate Group."⁴ Nor could anyone at the Bureau even define "New Left," except as "more or less an attitude."⁵

Furthermore, the actual targets were chosen from a far broader group than the names of the programs would imply. The CPUSA program targeted not only Party members but also sponsors of the

^{2a} For a discussion of U.S. intelligence activities against hostile foreign intelligence operations, see Report on Counterintelligence.

³ See Senate Select Committee Report, "Alleged Assassination Plots Involving Foreign Leaders" and Staff Report: "Covert Action in Chile."

^{3a} Black Nationalist Supervisor deposition, 10/17/75, p. 12.

⁴ Memorandum from FBI Headquarters to all SAC's, 8/25/67, p. 2.

⁵ New Left Supervisor's deposition, 10/28/75, p. 8. The closest any Bureau document comes to a definition is found in an investigative directive: "The term 'New Left' does not refer to a definite organization, but to a movement which is providing ideologies or platforms alternate to those of existing communist and other basic revolutionary organizations, the so-called 'Old Left.' The New Left movement is a loosely-bound, free-wheeling, college-oriented movement spearheaded by the Students for a Democratic Society and includes the more extreme and militant anti-Vietnam war and anti-draft protest organizations." (Memorandum from FBI Headquarters to all SAC's, 10/28/68; Hearings, Vol. 6, Exhibit 61, p. 669.) Although this characterization is longer than that of the New Left Supervisor, it does not appear to be substantively different.

National Committee to Abolish the House Un-American Activities Committee⁶ and civil rights leaders allegedly under Communist influence or simply not "anti-Communist."⁷ The Socialist Workers Party program included non-SWP sponsors of antiwar demonstrations which were cosponsored by the SWP or the Young Socialist Alliance, its youth group.⁸ The Black Nationalist program targeted a range of organizations from the Panthers to SNCC to the peaceful Southern Christian Leadership Conference,⁹ and included most black student groups.¹⁰ New Left targets ranged from the SDS¹¹ to the Interuniversity Committee for Debate on Foreign Policy,¹² from all of Antioch College ("vanguard of the New Left")¹³ to the New Mexico Free University¹⁴ and other "alternate" schools,¹⁵ and from underground newspapers¹⁶ to students protesting university censorship of a student publication by carrying signs with four-letter words on them.¹⁷

C. What Were the Purposes of COINTELPRO?

The breadth of targeting and lack of substantive content in the descriptive titles of the programs reflect the range of motivations for COINTELPRO activity: protecting national security, preventing violence, and maintaining the existing social and political order by "disrupting" and "neutralizing" groups and individuals perceived as threats.

1. Protecting National Security

The first COINTELPRO, against the CPUSA, was instituted to counter what the Bureau believed to be a threat to the national security. As the chief of the COINTELPRO unit explained it:

We were trying first to develop intelligence so we would know what they were doing [and] second, to contain the threat. . . .

To stop the spread of communism, to stop the effectiveness of the Communist Party as a vehicle of Soviet intelligence, propaganda and agitation.^{17a}

Had the Bureau stopped there, perhaps the term "counterintelligence" would have been an accurate label for the program. The ex-

⁶ Memorandum from FBI Headquarters to Cleveland Field Office, 11/6/64.

⁷ One civil rights leader, the subject of at least three separate counterintelligence actions under the CPUSA caption, was targeted because there was no "direct evidence" that he was a communist, "neither is there any substantial evidence that he is anti-communist." One of the actions utilized information gained from a wiretap; the other two involved dissemination of personal life information. (Memorandum from J.A. Sizoo to W.C. Sullivan, 2/4/64; Memorandum from New York Field Office to FBI Headquarters, 2/12/64; Memoranda from FBI Headquarters to New York Field Office, 3/26/64 and 4/10/64; Memorandum to New York Field Office from FBI Headquarters, 4/21/64; Memorandum from FBI Headquarters to Baltimore Field Office, 10/6/65.)

⁸ Memorandum from FBI Headquarters to Cleveland Field Office, 11/29/68.

⁹ FBI Headquarters memorandum, 8/25/67, p. 2.

¹⁰ Memorandum from FBI Headquarters to Jackson Field Office, 2/8/71, pp. 1-2.

¹¹ Memorandum from FBI Headquarters to San Antonio Field Office, 10/31/68.

¹² Memorandum from FBI Headquarters to Detroit Field Office, 10/26/66.

¹³ Memorandum from FBI Headquarters to Cincinnati Field Office, 6/18/68.

¹⁴ Memorandum from FBI Headquarters to Albuquerque Field Office, 3/14/69.

¹⁵ Memorandum from FBI Headquarters to San Antonio Field Office, 7/23/69.

¹⁶ Memorandum from FBI Headquarters to Pittsburgh Field Office, 11/14/69.

¹⁷ Memorandum from FBI Headquarters to Minneapolis Field Office, 11/4/68.

^{17a} COINTELPRO Unit Chief deposition, 10/16/75, p. 14.

pansion of the CPUSA program to non-Communists, however, and the addition of subsequent programs, make it clear that other purposes were also at work.

2. Preventing Violence

One of these purposes was the prevention of violence. Every Bureau witness deposed stated that the purpose of the particular program or programs with which he was associated was to deter violent acts by the target groups, although the witnesses differed in their assessment of how successful the programs were in achieving that goal. The preventive function was not, however, intended to be a product of specific proposals directed at specific criminal acts. Rather, the programs were aimed at groups which the Bureau believed to be violent or to have the potential for violence.

The programs were to prevent violence by deterring membership in the target groups, even if neither the particular member nor the group was violent at the time. As the supervisor of the Black Nationalist COINTELPRO put it, "Obviously you are going to prevent violence or a greater amount of violence if you have smaller groups." (Black Nationalist supervisor deposition, 10/17/75, p. 24.) The COINTELPRO unit chief agreed: "We also made an effort to deter or counteract the propaganda . . . and to deter recruitment where we could. This was done with the view that if we could curb the organization, we could curb the action or the violence within the organization."^{17b} In short, the programs were to prevent violence indirectly, rather than directly, by preventing possibly violent citizens from joining or continuing to associate with possibly violent groups.¹⁸

The prevention of violence is clearly not, in itself, an improper purpose; preventing violence is the ultimate goal of most law enforcement. Prosecution and sentencing are intended to deter future criminal behavior, not only of the subject but also of others who might break the law. In that sense, law enforcement legitimately attempts the indirect prevention of possible violence and, if the methods used are proper, raises no constitutional issues. When the government goes beyond traditional law enforcement methods, however, and attacks group membership and advocacy, it treads on ground forbidden to it by the Constitution. In *Brandenburg v. Ohio*, 395 U.S. 444 (1969), the Supreme Court held that the government is not permitted to "forbid or proscribe advocacy of the use of force or law violation except where such advocacy is directed toward inciting or producing imminent lawless action and is likely to incite or produce such action." In the absence of such clear and present danger, the government cannot act against speech nor, presumably, against association.

3. Maintaining the Existing Social and Political Order

Protecting national security and preventing violence are the purposes advanced by the Bureau for COINTELPRO. There is another purpose for COINTELPRO which is not explicit but which offers

^{17b} Unit Chief deposition, 10/16/75, p. 54.

¹⁸ "Possibly violent" did not necessarily mean likely to be violent. Concededly non-violent groups were targeted because they might someday change; Martin Luther King, Jr. was targeted because (among other things) he might "abandon his supposed 'obedience' to 'white, liberal doctrines' (non-violence) and embrace black nationalism." (Memorandum from FBI Headquarters to all SAC's, 3/4/68, p. 3.)

the only explanation for those actions which had no conceivable rational relationship to either national security or violent activity. The unexpressed major premise of much of COINTELPRO is that the Bureau has a role in maintaining the existing social order, and that its efforts should be aimed toward combating those who threaten that order.¹⁹

The "New Left" COINTELPRO presents the most striking example of this attitude. As discussed earlier, the Bureau did not define the term "New Left," and the range of targets went far beyond alleged "subversives" or "extremists." Thus, for example, two student participants in a "free speech" demonstration were targeted because they defended the use of the classic four-letter word. Significantly, they were made COINTELPRO subjects even though the demonstration "does not appear to be inspired by the New Left" because it "shows obvious disregard for decency and established morality."²⁰ In another case, reprints of a newspaper article entitled "Rabbi in Vietnam Says Withdrawal Not the Answer" were mailed to members of the Vietnam Day Committee "to convince [them] of the correctness of the U.S. foreign policy in Vietnam."²¹ Still another document inveighs against the "liberal press and the bleeding hearts and the forces on the left" which were "taking advantage of the situation in Chicago surrounding the Democratic National Convention to attack the police and organized law enforcement agencies."²² Upholding decency and established morality, defending the correctness of U.S. foreign policy, and attacking those who thought the Chicago police used undue force have no apparent connection with the expressed goals of protecting national security and preventing violence. These documents, among others examined, compel the conclusion that Federal law enforcement officers looked upon themselves as guardians of the status quo. The attitude should not be a surprise; the difficulty lies in the choice of weapons.

D. What Techniques Were Used?

1. The Techniques of Wartime

Under the COINTELPRO programs, the arsenal of techniques used against foreign espionage agents was transferred to domestic enemies. As William C. Sullivan, former Assistant to the Director, put it,

This is a rough, tough, dirty business, and dangerous. It was dangerous at times. No holds were barred. . . . We have used [these techniques] against Soviet agents. They have used [them] against us. . . . [The same methods were] brought home against any organization against which we were targeted. We did not differentiate. This is a rough, tough business.²³

Mr. Sullivan's description—rough, tough, and dirty—is accurate. In the course of COINTELPRO's fifteen-year history, a number of in-

¹⁹ This attitude toward change is apparent in many of those Bureau activities investigated by the Committee. It played a large part in the Martin Luther King, Jr. case, which is the subject of a separate report.

²⁰ FBI Headquarters memorandum, 11/4/68.

²¹ Memorandum from FBI Headquarters to San Francisco Field Office, 11/1/65.

²² Memorandum from Cartha DeLoach to John Mohr, 8/29/64, pp. 1-8.

²³ William C. Sullivan testimony, 11/1/75, pp. 97-98.

dividual actions may have violated specific criminal statutes;²⁴ a number of individual actions involved risk of serious bodily injury or death to the targets (at least four assaults were reported as "results");²⁵ and a number of actions, while not illegal or dangerous, can only be described as "abhorrent in a free society."²⁶ On the other hand, many of the actions were more silly than repellent.

The Bureau approved 2,370 separate counterintelligence actions.²⁷ Their techniques ranged from anonymously mailing reprints of newspaper and magazine articles (sometimes Bureau-authored or planted) to group members or supporters to convince them of the error of their ways,²⁸ to mailing anonymous letters to a member's spouse accusing the target of infidelity;²⁹ from using informants to raise controversial issues at meetings in order to cause dissent,³⁰ to the "snitch jacket" (falsely labeling a group member as an informant),³¹ and encouraging street warfare between violent groups;³² from contacting members of a "legitimate group to expose the alleged subversive background of a fellow member,³³ to contacting an employer to get a target fired;³⁴ from attempting to arrange for reporters to interview targets with planted questions,³⁵ to trying to stop targets from speaking at all;³⁶ from notifying state and local authorities of a target's criminal law violations,³⁷ to using the IRS to audit a professor, not just to collect any taxes owing, but to distract him from his political activities.³⁸

²⁴ A memorandum prepared for the Justice Department Committee which studied COINTELPRO in 1974 stated that COINTELPRO activities "may" have violated the Civil Rights statute, the mail and wire fraud statutes, and the prohibition against divulging information gained from wiretaps. (Memorandum to H. E. Petersen, 4/25/74.) Internal Bureau documents show that Bureau officials believed sending threats through the mail might violate federal extortion statutes. (See, e.g., Memorandum from FBI Headquarters to Newark Field Office, 2/19/71.) Such threats were mailed or telephoned on several occasions.

²⁵ Memorandum from FBI Headquarters to Chicago Field Office, 1/30/70.

²⁶ Hearing of the Subcommittee on Civil Rights and Constitutional Rights 11/20/74, p. 11. The Petersen Committee, composed of Department of Justice attorneys and Bureau agents, was formed in 1974 at the request of Attorney General Saxbe to investigate COINTELPRO. Its conclusions are discussed on pp. 73-76.

²⁷ 3,247 actions were proposed.

²⁸ E.g., Memorandum from FBI Headquarters to San Francisco Field Office, 11/1/65.

²⁹ E.g., Memorandum from FBI Headquarters to San Francisco Field Office, 11/26/68.

³⁰ E.g., Memorandum from Los Angeles Field Office to FBI Headquarters, 12/12/68.

³¹ E.g., Memorandum from Newark Field Office to FBI Headquarters, 7/3/69. The term "snitch jacket" is not part of Bureau jargon; it was used by those familiar with the Bureau's activities directed against the Black Panther Party in a staff interview.

³² E.g., Memorandum from Columbia Field Office to FBI Headquarters, 11/4/70.

³³ E.g., Memorandum from FBI Headquarters to Chicago Field Office, 8/2/68.

³⁴ E.g., Memorandum from FBI Headquarters to Cleveland and Boston Field Offices, 5/5/64.

³⁵ E.g., Memorandum from FBI Headquarters to Minneapolis Field Office, 11/18/69.

³⁶ E.g., Memorandum from FBI Headquarters to San Antonio Field Office, 4/6/70.

³⁷ E.g., Memorandum from FBI Headquarters to Minneapolis Field Office, 11/19/70.

³⁸ E.g., Memorandum from Midwest City Field Office to FBI Headquarters, 8/1/68.

2. *Techniques Carrying A Serious Risk of Physical, Emotional, or Economic Damage.*

The Bureau recognized that some techniques were more likely than others to cause serious physical, emotional, or economic damage to the targets. Any proposed use of those techniques was scrutinized carefully by headquarters supervisory personnel, in an attempt to balance the "greater good" to be achieved by the proposal against the known or risked harm to the target. If the "good" was sufficient, the proposal was approved.³⁹ For instance, in discussing anonymous letters to spouses, the agent who supervised the New Left COINTELPRO stated:

[Before recommending approval] I would want to know what you want to get out of this, who are these people. If it's somebody, and say they did split up, what would accrue from it as far as disrupting the New Left is concerned? Say they broke up, what then. . . .

[The question would be] is it worth it? ^{39a}

Similarly, with regard to the "snitch jacket" technique—falsely labeling a group member as a police informant—the chief of the Racial Intelligence Section stated:

You have to be able to make decisions and I am sure that labeling somebody as an informant, that you'd want to make certain that it served a good purpose before you did it and not do it haphazardly. . . . It is a serious thing. . . . As far as I am aware, in the black extremist area, by using that technique, no one was killed. I am sure of that.⁴⁰

Moore was asked whether the fact that no one was killed was the result of "luck or planning." He answered:

"Oh, it just happened that way, I am sure."⁴¹

It is thus clear that, as Sullivan said, "No holds were barred,"⁴² although some holds were weighed more carefully than others. When the willingness to use techniques which were concededly dangerous or harmful to the targets is combined with the range of purposes and criteria by which these targets were chosen, the result is neither "within bounds" nor "justified" in a free society.⁴³

³⁹ Mechanically, the Bureau's programs were administered at headquarters, but individual actions were proposed and usually carried out by the field. A field proposal under the COINTELPRO caption would be routed to a special agent supervising that particular program. During most of COINTELPRO's history that supervisor was a member of the section at the Domestic Intelligence Division with investigative responsibility for the subject of the proposal. The supervisor's recommendation then went up through the Bureau hierarchy. Proposals were rarely approved below the level of Assistant Director in charge of the Division, and often were approved by one of the top three men in the Bureau.

^{39a} New Left supervisor testimony, 10/28/75, pp. 72, 74.

⁴⁰ George C. Moore testimony, 11/3/75, p. 62.

⁴¹ Moore, 11/3/75, p. 64.

⁴² Sullivan, 11/1/75, p. 97.

⁴³ James B. Adams testimony, 11/19/75, Hearings, Vol. 6, pp. 73, 75.

E. Legal Restrictions Were Ignored

What happened to turn a law enforcement agency into a law violator? Why do those involved still believe their actions were not only defensible, but right? ⁴⁴

The answers to these questions are found in a combination of factors: the availability of information showing the targets' vulnerability gathered through the unrestrained collection of domestic intelligence; the belief both within and without the Bureau that it could handle any problem; and frustration with the apparent inability of traditional law enforcement methods to solve the problems presented.

There is no doubt that Congress and the public looked to the Bureau for protection against domestic and foreign threats. As the COINTEL PRO unit chief stated:

At this time [the mid-1950s] there was a general philosophy too, the general attitude of the public at this time was you did not have to worry about Communism because the FBI would take care of it. Leave it to the FBI.

I hardly know an agent who would ever go to a social affair or something, if he were introduced as FBI, the comment would be, "we feel very good because we know you are handling the threat." We were handling the threat with what directives and statutes were available. There did not seem to be any strong interest of anybody to give us stronger or better defined statutes.⁴⁵

Not only was no one interested in giving the Bureau better statutes (nor, for that matter, did the Bureau request them), but the Supreme Court drastically narrowed the scope of the statutes available. The Bureau personnel involved trace the institution of the first formal counterintelligence program to the Supreme Court reversal of the Smith Act convictions. The unit chief testified:

The Supreme Court rulings had rendered the Smith Act technically unenforceable. . . . It made it ineffective to prosecute Communist Party members, made it impossible to prosecute Communist Party members at the time.⁴⁶

This belief in the failure of law enforcement produced the subsequent COINTELPROs as well. The unit chief continued:

⁴⁴ The unit chief stated: "The Bureau people did not think that they were doing anything wrong and most of us to this day do not think we were doing anything wrong." (Unit chief, 10/16/75, p. 102.) Moore felt the same way: "I thought I did something very important during those days. I have no apologies to make for anything we did, really." (Moore 11/3/75, p. 25.)

⁴⁵ Unit chief, 10/16/75, pp. 11, 12, 14.

⁴⁶ Unit chief, 10/10/75, pp. 12-14, Deputy Associate Director Adams' testimony on COINTELPRO noted that "interpretations as to the constitutionality of [the Smith Act of 1940] leave us with a statute still on the books that proscribes certain actions, but yet the degree of proof necessary to operate under the few remaining areas is such that there was no satisfactory way to proceed." (Adams testimony, 11/19/75. Hearings, Vol. 6, p. 71.) In fact, the Smith Act decisions did not come down until 1957. Perhaps the witnesses were referring to *Communist Party v. Subversive Activities Control Board*, 351 U.S. 115 (1956), which held that testimony by "tainted" Government witnesses required remanding the case to the Board.

The other COINTELPRO programs were opened as the threat arose in areas of extremism and subversion and there were not adequate statutes to proceed against the organization or to prevent their activities.⁴⁷

Every Bureau witness deposed agreed that his particular COINTELPRO was the result of tremendous pressure on the Bureau to do something about a perceived threat, coupled with the inability of law enforcement techniques to cope with the situation, either because there were no pertinent federal statutes,⁴⁸ or because local law enforcement efforts were stymied by indifference or the refusal of those in charge to call the police.

Outside pressure and law enforcement frustration do not, of course, fully explain COINTELPRO. Perhaps, after all, the best explanation was proffered by George C. Moore, the Racial Intelligence Section chief:

The FBI's counterintelligence program came up because there was a point—if you have anything in the FBI, you have an action-oriented group of people who see something happening and want to do something to take its place.⁴⁹

F. Command and Control

1. 1956-71

While that “action-oriented group of people” was proceeding with fifteen years of COINTELPRO activities, where were those responsible for the supervision and control of the Bureau? Part of the answer lies in the definition of “covert action”—*clandestine* activities. No one outside the Bureau was supposed to know that COINTELPRO existed. Even within the Bureau, the programs were handled on a “need-to-know” basis.

Nevertheless, the Bureau has supplied the Committee with documents which support its contention that various Attorneys General, advisors to Presidents, members of the House Appropriations Subcommittee, and, in 1958, the Cabinet were at least put on notice of the existence of the CPUSA and White Hate COINTELPROs. The Bureau cannot support its claim that anyone outside the FBI was informed of the existence of the Socialist Workers Party, Black Nationalist, or New Left COINTELPROs, and even those letters or

⁴⁷ Unit chief, 10/16/75, p. 15.

⁴⁸ One witness also pointed out that while the federal antiriot and antibombing statutes were not passed until 1968, inadequate statutes were not the only problem. Statutes directed at specific criminal acts would only have served to allow prosecution after the crime; they would not have prevented the act in the first place. He also stated that he did not believe it would be possible to pass a statute which would have given the Bureau the tools necessary to prevent violence by disrupting the growth of violence-prone organizations—“because of something called the United States Constitution.” When asked whether that answer implied that preventing the growth of an organization is unconstitutional, he answered, “I think so.” (Black Nationalist supervisor, 10/1/75, pp. 25-26.) He was the only Bureau witness who had reservations about COINTELPRO's constitutionality. Another witness gave a more typical response. When asked whether anybody at any time during the course of the programs discussed their constitutionality or legal authority, he replied, “No, we never gave it a thought.” (Moore, 11/3/75, p. 83.)

⁴⁹ Moore, 11/3/75, p. 79.

briefings which referred (usually indirectly) to the CPUSA and White Hate COINTELPROs failed to mention the use of techniques which risked physical, emotional, or economic damage to their targets. In any event, there is no record that any of these officials asked to know more, and none of them appears to have expressed disapproval based on the information they were given.

As the history of the Domestic Intelligence Division shows, the absence of disapproval has been interpreted by the Bureau as sufficient authorization to continue an activity (and occasionally, even express disapproval has not sufficed to stop a practice). Perhaps, however, the crux of the "command and control" problem lies in the testimony by one former Attorney General that he was too busy to know what the Bureau was doing,⁵⁰ and by another that, as a matter of political reality, he could not have stopped it anyway.⁵¹

2. Post-1971

Whether the Attorney General can control the Bureau is still an open question. The Petersen Committee, which was formed within the Justice Department to investigate COINTELPRO at Attorney General Saxbe's request, worked only with Bureau-prepared summaries of the COINTELPRO files.⁵² Further, the fact that the Department of Justice must work with the Bureau on a day-to-day basis may influence the Department's judgment on Bureau activities.⁵³

G. Termination

If COINTELPRO had been a short-lived aberration, the thorny problems of motivation, techniques, and control presented might be safely relegated to history. However, COINTELPRO existed for years on an "ad hoc" basis before the formal programs were instituted, and more significantly, COINTELPRO-type activities may continue today under the rubric of "investigation."

1. The Grey Area Between Counterintelligence and Investigation

The word "counterintelligence" had no fixed meaning even before the programs were terminated. The Bureau witnesses agreed that there is a large grey area between "counterintelligence" and "aggressive investigation," and that headquarters supervisors sometimes had difficulty in deciding which caption should go on certain proposals.⁵⁴

Aggressive investigation continues, and may be even more disruptive than covert action. An anonymous letter (COINTELPRO) can be ignored as the work of a crank; an overt approach by the Bureau

⁵⁰ Ramsey Clark testimony, 12/3/75, Hearings, Vol. 6, p. 249.

⁵¹ Nicholas deB. Katzenbach testimony, 12/3/75, Hearings, Vol. 6, p. 217.

⁵² These summaries were the point of departure for the Select Committee's investigation but were deemed unsatisfactory for a complete inquiry.

⁵³ For instance, the Department is defending litigation commenced against the Bureau by COINTELPRO victims who happen to have received their files through Freedom of Information Act requests. More such litigation may arise as more targets learn of Bureau actions taken against them.

⁵⁴ The New Left supervisor stated, "[The COINTELPRO caption was] as much as it was anything else, and administrative device to channel the mail to the Bureau . . . we get back to this old argument between the supervisors—not argument, but discussion, between the supervisors, it falls on yours, no, it doesn't, it's yours." (New Left Supervisor, 10/28/75, p. 49.)

("investigation") is not so easily dismissed.⁵⁵ The line between information collection and harassment can be extremely thin.

2. Is COINTELPRO Continuing?

COINTELPRO-type activities which are clearly not within the "grey area" between COINTELPRO and investigation have continued on at least three occasions. Although all COINTELPROs were officially terminated "for security reasons" on April 27, 1971, the documents discontinuing the program provided:

In exceptional circumstances where it is considered counter-intelligence action is warranted, recommendations should be submitted to the Bureau under the individual case caption to which it pertains. These recommendations will be considered on an individual basis.⁵⁶

The Committee requested that the Bureau provide it with a list of any "COINTELPRO-type" actions since April 28, 1971. The Bureau first advised the Committee that a review failed to develop any information indicating post-termination COINTELPRO activity. Subsequently, the Bureau located and furnished to the Committee two instances of COINTELPRO-type operations.⁵⁷ The Committee has discovered a third instance; four months after COINTELPRO was terminated, information on an attorney's political background was furnished to friendly newspaper sources under the so-called "Mass Media Program," intended to discredit both the attorney and his client.⁵⁸

The Committee has not been able to determine with any greater precision the extent to which COINTELPRO may be continuing. Any proposals to initiate COINTELPRO-type action would be filed under the individual case caption. The Bureau has over 500,000 case files, and each one would have to be searched. In this context, it should be

⁵⁵ The Bureau can and does reveal its interest in the subjects of investigation to employees, family members, and neighbors. The Black Nationalist supervisor explained, "Generally speaking, we should not be giving out information to somebody we are trying to get information from. As a practical matter sometimes we have to. The mere fact that you contact somebody about someone gives them the indication that the FBI is interested in that person." (Black Nationalist deposition, 10/17/75, p. 16). See also the statement of the Social Workers Party, 10/2/75, which details more than 200 incidents involving its members since COINTELPRO's termination. The SWP believes these to be as disruptive as the formal SWP COINTELPRO.

⁵⁶ Memorandum from Charles D. Brennan to William C. Sullivan, 4/27/71. Hearings, Vol. 6, Exhibit 55-3.

⁵⁷ In one instance, a field office was authorized to contact the editor of a Southern newspaper to suggest that he have reporters interview Klan members and write an article based on those interviews. The editor was also furnished information on Klan use of the polygraph to "weed out FBI informants." According to the Bureau, "subsequent publication of the Klan's activities resulted in a number of Klan officials ceasing their activities." (Letter from FBI to the Senate Select Committee 10/24/75.) The second case involved an anonymous letter and derogatory newspaper clipping which were sent to a Black Panther Party office in the Northeast to discredit a Panther leader's abilities. (Letter from FBI to the Senate Select Committee, 9/24/75.)

⁵⁸ It should be noted that Charles Colson spent seven months in jail for similar activity involving the client.

noted that a Bureau search of all field office COINTELPRO files revealed the existence of five operations in addition to those known to the Petersen committee.⁵⁹ A search of all investigative files might be similarly productive.

3. *The Future of COINTELPRO*

Attitudes within and without the Bureau demonstrate a continued belief by some that covert action against American citizens is permissible if the need for it is strong enough. When the Petersen Committee report on COINTELPRO was released, Director Kelley responded, "For the FBI to have done less under the circumstances would have been an abdication of its responsibilities to the American people." He also restated his "feeling that the FBI's counterintelligence programs had an impact on the crises of the time and, therefore, that they helped to bring about a favorable change in this country."⁶⁰ In his testimony before the Select Committee, Director Kelley continued to defend COINTELPRO, albeit with some reservations:

What I said then, in 1974, and what I believe today, is that the FBI employees involved in these programs did what they felt was expected of them by the President, the Attorney General, the Congress, and the people of the United States. . . .

Our concern over whatever abuses occurred in the Counterintelligence Programs, and there were some substantial ones, should not obscure the underlying purpose of those programs.

We must recognize that situations have occurred in the past and will arise in the future where the Government may well be expected to depart from its traditional role, in the FBI's case, as an investigative and intelligence-gathering agency, and take affirmative steps which are needed to meet an imminent threat to human life or property.⁶²

Nor is the Director alone in his belief that faced with sufficient threat, covert disruption is justified. The Department of Justice promulgated tentative guidelines for the Bureau which would have permitted the Attorney General to authorize "preventive action" where

⁵⁹ Letter from Attorney General Edward H. Levi to the Senate Select Committee, 5/23/75. These included: (1) 37 actions authorized between 1960 and 1971 "aimed at militant groups which sought Puerto Rican independence;" (2) "Operation Hoodwink," from October 1966 to July 1968, "aimed at putting organized crime elements in competition with the Communist Party USA;" (3) a 1961 program targeted against "a foreign-dominated group;" (4) two actions taken between January 1969 and March 1971 against "a foreign nationality group in the United States;" and (5) seven actions between 1961 and 1968 against members, leaders, and factions of "a foreign communist party."

The FBI's operations against "a foreign communist party" indicate that the Bureau, as well as the CIA, has engaged in covert action abroad.

⁶⁰ Clarence M. Kelley testimony, House Civil Rights and Constitutional Rights Subcommittee hearings, 11/20/74, pp. 44-45. This statement appears to be an explicit recognition that one purpose of COINTELPRO was to influence political events.

⁶² Clarence M. Kelley testimony, 12/10/75, Hearings, Vol. 6, p. 283, 284. Affirmative legal steps to meet an imminent threat to life or property are, of course, quite proper. The difficulty with the Director's statement, juxtaposed as it was with a discussion of COINTELPRO, is that the threats COINTELPRO purported to meet were not imminent, the techniques used were sometimes illegal, and the purposes went far beyond the prevention of death or destruction.

there is a substantial possibility that violence will occur and "prosecution is impracticable." Although those guidelines have now been dropped, the principle has not been rejected.

II. THE FIVE DOMESTIC PROGRAMS

A. *Origins*

The origins of COINTELPRO are rooted in the Bureau's jurisdiction to investigate hostile foreign intelligence activities on American soil. Counterintelligence, of course, goes beyond investigation; it is affirmative action taken to neutralize hostile agents.

The Bureau believed its wartime counterattacks on foreign agents to be effective—and what works against one enemy will work against another. In the atmosphere of the Cold War, the American Communist Party was viewed as a deadly threat to national security.

In 1956, the Bureau decided that a formal counterintelligence program, coordinated from headquarters, would be an effective weapon in the fight against Communism. The first COINTELPRO was therefore initiated.⁶³

The CPUSA COINTELPRO accounted for more than half of all approved proposals.⁶⁴ The Bureau personnel involved believed that the success of the program—one action was described as "the most effective single blow ever dealt the organized communist movement"⁶⁵—made counterintelligence techniques the weapons of choice whenever the Bureau assessed a new and, in its view, equally serious threat to the country.

As noted earlier, law enforcement frustration also played a part in the origins of each COINTELPRO. In each case, Bureau witnesses testified that the lack of adequate statutes, uncooperative or ineffective local police, or restrictive court rulings had made it impossible to use traditional law enforcement methods against the targeted groups.

Additionally, a certain amount of empire building may have been at work. Under William C. Sullivan, the Domestic Intelligence Division greatly expanded its jurisdiction. Klan matters were transferred in 1964 to the Intelligence Division from the General Investigative Division; black nationalist groups were added in 1967; and, just as the Old Left appeared to be dying out,⁶⁶ the New Left was gradually added to the work of the Division's Internal Security Section in the late 1960s.

Finally, it is significant that the five domestic COINTELPROs were started against the five groups which were the subject of intensified investigative programs. Of course, the fact that such intensive investigative programs were started at all reflects the Bureau's process of threat assessment: the greater the threat, the more need to

⁶³ Memorandum from Alan Belmont to L. V. Boardman, 8/28/56, Hearings, vol. 6, exhibit 12.

⁶⁴ 1,388 of a total of 2,370.

⁶⁵ Excerpt from materials prepared for the FBI Director's briefing of the House Appropriations Subcommittee, FY 1966, p. 2.

⁶⁶ According to Sullivan, membership in the Communist Party declined steadily through the '60s. When the CPUSA membership dropped below a certain figure, Director Hoover ordered that the membership figures be classified. Sullivan believes that this was done to protect the Bureau's appropriations. (Sullivan, 11/1/75, pp. 33-34.)

know about it (intelligence) and the more impetus to counter it (covert action). More important, however, the mere existence of the additional information gained through the investigative programs inevitably demonstrated those particular organizational or personal weaknesses which were vulnerable to disruption. COINTELPRO demonstrates the dangers inherent in the overbroad collection of domestic intelligence; when information is available, it can be—and was—improperly used.

B. The Programs

Before examining each program in detail, some general observations may be useful. Each of the five domestic COINTELPROs had certain traits in common. As noted above, each program used techniques learned from the Bureau's wartime efforts against hostile foreign agents. Each sprang from frustration with the perceived inability of law enforcement to deal with what the Bureau believed to be a serious threat to the country. Each program depended on an intensive intelligence effort to provide the information used to disrupt the target groups.

The programs also differ to some extent. The White Hate program, for example, was very precisely targeted; each of the other programs spread to a number of groups which do not appear to fall within any clear parameters.⁶⁷ In fact, with each subsequent COINTELPRO, the targeting became more diffuse.

The White Hate COINTELPRO also used comparatively few techniques which carried a risk of serious physical, emotional, or economic damage to the targets, while the Black Nationalist COINTELPRO used such techniques extensively. The New Left COINTELPRO, on the other hand, had the highest proportion of proposals aimed at preventing the exercise of free speech. Like the progression in targeting, the use of dangerous, degrading, or blatantly unconstitutional techniques also appears to have become less restrained with each subsequent program.

1. *CPUSA*.—The first official COINTELPRO program, against the Communist Party, USA, was started in August 1956 with Director Hoover's approval. Although the formal program was instituted in 1956, COINTELPRO-type activities had gone on for years. The memorandum recommending the program refers to prior actions, constituting "harassment," which were generated by the field during the course of the Bureau's investigation of the Communist Party.⁶⁸ These prior actions were instituted on an *ad hoc* basis as the opportunity arose. As Sullivan testified, "[Before 1956] we were engaged in COINTELPRO tactics, divide, confuse, weaken in diverse ways, an organization. . . . [Before 1956] it was more sporadic. It depended on a given office. . . ." ⁶⁹

In 1956, a series of field conferences was held to discuss the development of new security informants. The Smith Act trials and related proceedings had exposed over 100 informants, leaving the Bureau's

⁶⁷ For instance, the Southern Christian Leadership Conference was targeted as a "Black Nationalist-Hate Group." (Memorandum from FBI headquarters to all SAC's, 3/4/68, p. 4.)

⁶⁸ Memorandum from Alan Belmont to L. V. Boardman, 8/28/56, Hearings, Vol. 6, exhibit 12.

⁶⁹ Sullivan testimony, 11/1/75, pp. 42-43.

intelligence apparatus in some disarray. During the field conferences, a formal counterintelligence program was recommended, partly because of the gaps in the informant ranks.⁷⁰

Since the Bureau had evidence that until the late 1940s the CPUSA had been "blatantly" involved in Soviet espionage, and believed that the Soviets were continuing to use the Party for "political and intelligence purposes,"⁷¹ there was no clear line of demarcation in the Bureau's switch from foreign to domestic counterintelligence. The initial areas of concentration were the use of informants to capitalize on the conflicts within the Party over Nikita Khrushchev's denunciation of Stalin; to prevent the CP's efforts to take over (via a merger) a broad-based socialist group; to encourage the Socialist Workers Party in its attacks on the CP; and to use the IRS to investigate underground CP members who either failed to file, or filed under false names.

As the program proceeded, other targets and techniques were developed, but until 1960 the CPUSA targets were Party members, and the techniques were primarily aimed at the Party organization (factionalism, public exposure, etc.)

2. *The 1960 Expansion.*—In March 1960, CPUSA COINTELPRO field offices received a directive to intensify counterintelligence efforts to prevent Communist infiltration ("COMINFIL") of mass organizations, ranging from the NAACP⁷² to a local scout troop.⁷³ The usual technique would be to tell a leader of the organization about the alleged Communist in its midst, the target, of course, being the alleged Communist rather than the organization. In an increasing number of cases, however, both the alleged Communist and the organization were targeted, usually by planting a news article about Communists active in the organization. For example, a newsman was given information about Communist participation in a SANE march, with the express purpose being to discredit SANE as well as the participants, and another newspaper was alerted to plans of Bettina Aptheker to join a United Farm Workers picket line.⁷⁴ The 1960 "COMINFIL" memorandum marks the beginning of the slide from targeting CP members to those allegedly under CP "influence" (such civil rights leaders as Martin Luther King, Jr.) to "fellow travelers" (those taking positions supported by the Communists, such as school integration, increased minority hiring, and opposition to HUAC.)⁷⁵

3. *Socialist Workers Party.*—The Socialist Workers Party ("SWP") COINTELPRO program was initiated on October 12, 1961, by the headquarters supervisor handling the SWP desk (but with Hoover's concurrence) apparently on a theory of even-handed treat-

⁷⁰ As noted earlier, Bureau personnel also trace the decision to adopt counterintelligence methods to the Supreme Court decisions overturning the Smith Act convictions. As the unit chief put it, "The Supreme Court rulings had rendered the Smith Act technically unenforceable. . . . It made it ineffective to prosecute Communist Party members, made it impossible to prosecute Communist Party members at the time." (Unit chief, 10/16/75, p. 14).

⁷¹ Unit chief, 10/16/75, p. 10.

⁷² Memorandum from New Haven Field Office to FBI Headquarters, 5/24/60.

⁷³ Memorandum from Milwaukee Field Office to FBI Headquarters, 7/13/60, pp. 1-2.

⁷⁴ Memorandum from FBI Headquarters to San Francisco Field Office, 9/13/68.

⁷⁵ Sullivan, 11/1/75, p. 29.

ment: if the Bureau has a program against the CP, it was only fair to have one against the Trotskyites. (The COINTELPRO unit chief, in response to a question about why the Bureau targeted the SWP in view of the fact that the SWP's hostility to the Communist Party had been useful in disrupting the CPSUA, answered, "I do not think that the Bureau discriminates against subversive organizations.")⁷⁶

The program was not given high priority—only 45 actions were approved—and was discontinued in 1969, two years before the other four programs ended. (The SWP program was then subsumed in the New Left COINTELPRO.) Nevertheless, it marks an important departure from the CPUSA COINTELPRO: although the SWP had contacts with foreign Trotskyite groups, there was no evidence that the SWP was involved in espionage. These were, in C. D. Brennan's phrase, "home grown tomatoes."⁷⁷ The Bureau has conceded that the SWP has never been engaged in organizational violence, nor has it taken any criminal steps toward overthrowing the country.⁷⁸

Nor does the Bureau claim the SWP was engaged in revolutionary acts. The Party was targeted for its rhetoric; significantly, the originating letter points to the SWPs "open" espousal of its line "through running candidates for public office" and its direction and/or support of "such causes as Castro's Cuba and integration problems arising in the South." Further, the American people had to be alerted to the fact that "the SWP is not just another socialist group but follows the revolutionary principles of Marx, Lenin, and Engels as interpreted by Leon Trotsky."⁷⁹

Like the CPUSA COINTELPRO, non-Party members were also targeted, particularly when the SWP and the Young Socialist Alliance (the SWP's youth group) started to co-sponsor antiwar marches.⁸⁰

4. *White Hate*.—The Klan COINTELPRO began on July 30, 1964, with the transfer of the "responsibility for development of informants and gathering of intelligence on the KKK and other hate groups" from the General Investigative Division to the Domestic Intelligence Division. The memorandum recommending the reorganization also suggested that "counterintelligence and disruption tactics be given further study by DID and appropriate recommendations made."⁸¹

⁷⁶ Unit chief, 10/16/75, p. 40.

⁷⁷ Charles D. Brennan testimony, Senate Select Committee on Campaign Activities, 6/13/73, p. 10.

⁷⁸ Robert Shackelford testimony, 2/6/76, pp. 88–89.

⁷⁹ Memorandum from FBI Headquarters.

⁸⁰ For example, anonymous letters were sent to the parents of two nonmember students participating in a hunger strike against the war at a midwest college, because the fast was sponsored by the Young Socialist Alliance. The letters warned that the students' participation "could lead to injury to [their] health and damage [their] academic standing," and alerted them to their sons' "involvement in left wing activities." It was hoped that the parents would "protest to the college that the fast is being allowed" and that the Young Socialist Alliance was permitted on campus. (Memorandum from FBI headquarters to Cleveland Field Office, 11/29/68.)

⁸¹ Memorandum from J. H. Gale to Charles Tolsen, 7/30/64, p. 5. Opinion within the Division had been sharply divided on the merits of this transfer. Some saw it as an attempt to bring the Intelligence Division's expertise in penetrating secret organizations to bear on a problem—Klan involvement in the murder of civil rights workers—creating tremendous pressures on the Bureau to solve. Traditional law enforcement methods were insufficient because of a lack of

Accordingly, on September 2, 1964, a directive was sent to seventeen field offices instituting a COINTELPRO against Klan-type and hate organizations "to expose, disrupt, and otherwise neutralize the activities of the various Klans and hate organizations, their leadership, and adherents."⁸² Seventeen Klan organizations and nine "hate" organizations (e.g., American Nazi Party, National States Rights Party, etc.) were listed as targets. The field offices were also instructed specifically to consider "Action Groups"—"the relatively few individuals in each organization who use strong arm tactics and violent actions to achieve their ends."⁸³ However, counterintelligence proposals were not to be limited to these few, but were to include any influential member if the opportunity arose. As the unit chief stated:

The emphasis was on determining the identity and exposing and neutralizing the violence prone activities of "Action Groups," but also it was important to expose the unlawful activities of other Klan organizations. We also made an effort to deter or counteract the propaganda and to deter violence and to deter recruitment where we could. This was done with the view that if we could curb the organization, we could curb the action or the violence within the organization.⁸⁴

The White Hate COINTELPRO appears to have been limited, with few exceptions,⁸⁵ to the original named targets. No "legitimate" right wing organizations were drawn into the program, in contrast with the earlier spread of the CPUSA and SWP programs to non members. This precision has been attributed by the Bureau to the superior intelligence on "hate" groups received by excellent informant penetration.

Bureau witnesses believe the Klan program to have been highly effective. The unit chief stated:

I think the Bureau got the job done. . . . I think that one reason we were able to get the job done was that we were able to use counterintelligence techniques. It is possible that we eventually could have done the job without counterintelligence techniques. I am not sure we could have done it as well or as quickly.⁸⁶

This view was shared by George C. Moore, Section Chief of the Racial Intelligence Section, which had responsibility for the White Hate and Black Nationalist COINTELPROs:

I think from what I have seen and what I have read, as far as the counterintelligence program on the Klan is concerned, that it was effective. I think it was one of the most effective

Federal statutes and the noncooperation of local law enforcement. Others thought that the Klan's activities were essentially a law enforcement problem, and that the transfer would dilute the Division's major internal security responsibility. Those who opposed the transfer lost, and trace many of the Division's subsequent difficulties to this "substantial enlargement" of the Division's responsibilities. ("Unit chief, 10/16/75, pp. 45-47.)

⁸² Memorandum from FBI Headquarters to Atlanta Field Office, 9/2/64, p. 1.

⁸³ FBI Headquarters memorandum, 9/2/64, p. 3.

⁸⁴ Unit Chief, 10/14/75, p. 54.

⁸⁵ A few actions were approved against the "Minutemen," when it became known that members were stockpiling weapons.

⁸⁶ Unit Chief, 10/16/75, p. 48.

programs I have ever seen the Bureau handle as far as any group is concerned.⁸⁷

5. *Black Nationalist-Hate Groups*.⁸⁸—In marked contrast to prior COINTELPROs, which grew out of years of intensive intelligence investigation, the Black Nationalist COINTELPRO and the racial intelligence investigative section were set up at about the same time in 1967.

Prior to that time, the Division's investigation of "Negro matters" was limited to instances of alleged Communist infiltration of civil rights groups and to monitoring civil rights protest activity. However, the long, hot summer of 1967 led to intense pressure on the Bureau to do something to contain the problem, and once again, the Bureau heeded the call.

The originating letter was sent out to twenty-three field offices on August 25, 1967, describing the program's purpose as

. . . to expose, disrupt, misdirect, discredit, or otherwise neutralize the activities of black nationalist, hate-type organizations and groupings, their leadership, spokesmen, membership, and supporters, and to counter their propensity for violence and civil disorder. . . . Efforts of the various groups to consolidate their forces or to recruit new or youthful adherents must be frustrated.⁸⁹

Initial group targets for "intensified attention" were the Southern Christian Leadership Conference, the Student Nonviolent Coordinating Committee, Revolutionary Action Movement, Deacons for Defense and Justice, Congress of Racial Equality, and the Nation of Islam. Individuals named targets were Stokely Carmichael, H. "Rap" Brown, Elijah Muhammed, and Maxwell Stanford. The targets were chosen by conferring with Headquarters personnel supervising the racial cases; the list was not intended to exclude other groups known to the field.

According to the Black Nationalist supervisor, individuals and organizations were targeted because of their propensity for violence or their "radical or revolutionary rhetoric [and] actions":

Revolutionary would be [defined as] advocacy of the overthrow of the Government. . . . Radical [is] a loose term that might cover, for example, the separatist view of the Nation of Islam, the influence of a group called U.S. Incorporated. . . . Generally, they wanted a separate black nation. . . . They [the NOI] advocated formation of a separate black nation on the territory of five Southern states.⁹⁰

⁸⁷ Moore, 11/3/75, p. 31.

⁸⁸ Note that this characterization had no substantive meaning within the Bureau. See p. 4.

⁸⁹ Memorandum from FBI Headquarters to all SAC's, 8/25/67.

⁹⁰ Black Nationalist supervisor, 10/17/75, pp. 66-67. The supervisor stated that individual NOI members were involved with sporadic violence against police, but the organization was not itself involved in violence. (Black Nationalist supervisor, 10/17/75, p. 67.) Moore agreed that the NOI was not involved in organizational violence, adding that the Nation of Islam had been unjustly blamed for violence in the ghetto riots of 1967 and 1968: "We had a good informant coverage of the Nation of Islam. . . . We were able to take a very positive stand and tell the Department of Justice and tell everybody else who accused the Nation of

The letter went on to direct field offices to exploit conflicts within and between groups; to use news media contacts to disrupt, ridicule, or discredit groups; to preclude "violence-prone" or "rabble rouser" leaders of these groups from spreading their philosophy publicly; and to gather information on the "unsavory backgrounds"—immorality, subversive activity, and criminal activity—of group members.⁹¹

According to George C. Moore, the Southern Christian Leadership Conference was included because

... at that time it was still under investigation because of the communist infiltration. As far as I know, there were not any violent propensities, except that I note ... in the cover memo [expanding the program] or somewhere, that they mentioned that if Martin Luther King decided to go a certain way, he could cause some trouble. ... I cannot explain it satisfactorily ... this is something the section inherited.⁹²

On March 4, 1968, the program was expanded from twenty-three to forty-one field offices.⁹³ The letter expanding the program lists five long-range goals for the program:

(1) to prevent the "coalition of militant black nationalist groups," which might be the first step toward a real "Mau Mau" in America;

(2) to prevent the rise of a "messiah" who could "unify, and electrify," the movement, naming specifically Martin Luther King, Stokely Carmichael, and Elijah Muhammed;

(3) to prevent violence on the part of black nationalist groups, by pinpointing "potential troublemakers" and neutralizing them "before they exercise their potential for violence;"

(4) to prevent groups and leaders from gaining "respectability" by discrediting them to the "responsible" Negro community, to the white community (both the responsible community and the "liberals"—the distinction is the Bureau's), and to Negro radicals; and

Islam ... [that they] were not involved in any of the riots or disturbances. Elijah Muhammed kept them under control, and he did not have them on the streets at all during any of the riots." (Moore, 11/3/75, p. 36.)

When asked why, therefore, the NOI was included as a target, Mr. Moore answered: "Because of the potential, they did represent a potential ... they were a paramilitary type. They had drills, the Fruit of Islam, they had the capability because they were a force to be reckoned with, with the snap of his finger Elijah Muhammed could bring them into any situation. So that there was a very definite potential, very definite potential." (Moore, 11/3/75, p. 37.)

⁹¹ The unit chief, who wrote the letter on instructions from his superiors, concedes that the letter directed field offices to gather personal life information on targets, not for "scandalous reasons," but "to deter violence or neutralize the activities of violence-prone groups." (Unit chief, 10/16/75, p. 66.)

⁹² Moore, 11/3/75, pp. 37, 39, 40.

⁹³ Primary targets listed in this second letter are the Southern Christian Leadership Conference, the Student Nonviolent Coordinating Committee, Revolutionary Action Movement, Nation of Islam, Stokely Carmichael, H. "Rap" Brown, Martin Luther King, Maxwell Stanford, and Elijah Muhammed. CORE was dropped for reasons no witness was able to reconstruct. The agent who prepared the second letter disagreed with the inclusion of the SCILC, but lost. (Black Nationalist supervisor, 10/17/75, p. 14.)

(5) to prevent the long range growth of these organizations, especially among youth, by developing specific tactics to "prevent these groups from recruiting young people."⁹⁴

6. *The Panther Directives.*—The Black Panther Party ("BPP") was not included in the first two lists of primary targets (August 1967 and March 1968) because it had not attained national importance. By November 1968, apparently the BPP had become sufficiently active to be considered a primary target. A letter to certain field offices with BPP activity dated November 25, 1968, ordered recipient offices to submit "imaginative and hard-hitting counterintelligence measures aimed at crippling the BPP." Proposals were to be received every two weeks. Particular attention was to be given to capitalizing upon the differences between the BPP and US, Inc. (Ron Karenga's group), which had reached such proportions that "it is taking on the aura of gang warfare with attendant threats of murder and reprisals."⁹⁵

On January 30, 1969, this program against the BPP was expanded to additional offices, noting that the BPP was attempting to create a better image. In line with this effort, Bobby Seale was conducting a "purge"⁹⁶ of the party, including expelling police informants. Recipient offices were instructed to take advantage of the opportunity to further plant the seeds of suspicion concerning disloyalty among ranking officials.⁹⁷

Bureau witnesses are not certain whether the Black Nationalist program was effective. Mr. Moore stated:

I know that the . . . overall results of the Klan [COINTEL PRO] was much more effective from what I have been told than the Black Extremism [COINTELPRO] because of the number of informants in the Klan who could take action which would be more effective. In the Black Extremism Group . . . we got a late start because we did not have extremist activity [until] '67 and '68. Then we had to play catch-up. . . . It is not easy to measure effectiveness. . . . There were policemen killed in those days. There were bombs thrown. There were establishments burned with molotov cocktails. . . . We can measure that damage. You cannot measure over on the other side, what lives were saved because somebody did not leave the organization or suspicion was sown on his leadership and this organization gradually declined and [there was] suspicion within it, or this organization did not join with [that] organization as a result of a black power conference which was aimed towards consolidation efforts. All we know, either through their own ineptitude, maybe it emerged through counterintelligence, maybe, I think we like to think that that helped to do it, that there was not this development. . . . What part did counterintelligence [play?] We hope that it did play a part. Maybe we just gave it a nudge."⁹⁸

⁹⁴ Memorandum from FBI headquarters to all SAC's, 3/4/68, pp. 3-4.

⁹⁵ Memorandum from FBI Headquarters to Baltimore Field Office, 11/25/68.

⁹⁶ Memorandum from FBI Headquarters to all SAC's, 1/30/69.

⁹⁷ This technique, the "snitch jacket," was used in all COINTELPRO programs.

⁹⁸ Moore, 11/3/75, pp. 34, 50-52.

7. *New Left*.—The Internal Security Section had undergone a slow transition from concentrating on the “Old Left”—the CPUSA and SWP—to focusing primarily on the activities of the “New Left”—a term which had no precise definition within the Bureau.⁹⁹ Some agents defined “New Left” functionally, by connection with protests. Others defined it by philosophy, particularly antiwar philosophy.

On October 28, 1968, the fifth and final COINTELPRO was started against this undefined group. The program was triggered in part by the Columbia campus disturbance. Once again, law enforcement methods had broken down, largely (in the Bureau’s opinion) because college administrators refused to call the police on campus to deal with student demonstrations. The atmosphere at the time was described by the Headquarters agent who supervised the New Left COINTELPRO:

During that particular time, there was considerable public, Administration—I mean governmental Administration—[and] news media interest in the protest movement to the extent that some groups, I don’t recall any specifics, but some groups were calling for something to be done to blunt or reduce the protest movements that were disrupting campuses. I can’t classify it as exactly an hysteria, but there was considerable interest [and concern]. That was the framework that we were working with. . . . It would be my impression that as a result of this hysteria, some governmental leaders were looking to the Bureau.¹⁰⁰

And, once again, the combination of perceived threat, public outcry, and law enforcement frustration produced a COINTELPRO.

According to the initiating letter, the counterintelligence program’s purpose was to “expose, disrupt, and otherwise neutralize” the activities of the various New Left organizations, their leadership, and adherents, with particular attention to Key Activists, “the moving forces behind the New Left.” The final paragraph contains an exhortation to a “forward look, enthusiasm, and interest” because of the Bureau’s concern that “the anarchist activities of a few can paralyze institutions of learning, induction centers, cripple traffic, and tie the arms of law enforcement officials all to the detriment of our society.” The internal memorandum recommending the program further sets forth the Bureau’s concerns:

Our Nation is undergoing an era of disruption and violence caused to a large extent by various individuals generally connected with the New Left. Some of these activists urge revolution in America and call for the defeat of the United States in Vietnam. They continually and falsely allege police bru-

⁹⁹ As the New Left supervisor put it, “I cannot recall any document that was written defining New Left as such. It is my impression that the characterization of New Left groups rather than being defined at any specific time by document, it more or less grew. . . . Agreeing it was a very amorphous term, he added: “It has never been strictly defined, as far as I know. . . . It is more or less an attitude. I would think.” (New Left supervisor, 10/28/75, pp. 7–8.)

¹⁰⁰ New Left supervisor, 10/28/75, pp. 21–22.

tality and do not hesitate to utilize unlawful acts to further their so-called causes.

The document continues:

The New Left has on many occasions viciously and scurrilously attacked the Director and the Bureau in an attempt to hamper our investigation of it and to drive us off the college campuses.¹⁰¹

Based on those factors, the Bureau decided to institute a new COINTELPRO.

8. *New Left Directives*.—The Bureau's concern with "tying the hands of law enforcement officers," and with the perceived weakness of college administrators in refusing to call police onto the campus, led to a May 23, 1968, directive to all participating field offices to gather information on three categories of New Left activities:

(1) false allegations of police brutality, to "counter the wide-spread charges of police brutality that invariably arise following student-police encounters";

(2) immorality, depicting the "scurrilous and depraved nature of many of the characters, activities, habits, and living conditions representative of New Left adherents"; and

(3) action by college administrators, "to show the value of college administrators and school officials taking a firm stand," and pointing out "whether and to what extent faculty members rendered aid and encouragement."

The letter continues, "Every avenue of possible embarrassment must be vigorously and enthusiastically explored. It cannot be expected that information of this type will be easily obtained, and an imaginative approach by your personnel is imperative to its success."¹⁰³

The order to furnish information on "immorality" was not carried out with sufficient enthusiasm. On October 9, 1968, headquarters sent another letter to all offices, taking them to task for their failure to "remain alert for and to seek specific data depicting the depraved nature and moral looseness of the New Left" and to "use this material in a vigorous and enthusiastic approach to neutralizing them."¹⁰⁴ Recipient offices were again instructed to be "particularly alert for this type of data"¹⁰⁵ and told:

¹⁰¹ Memorandum from Charles D. Brennan to William C. Sullivan, 5/9/68.

¹⁰³ Memorandum from FBI headquarters to all SAC's, 5/23/68.

¹⁰⁴ Memorandum from FBI headquarters to all SACs, 10/9/68.

¹⁰⁵ This time the field offices got the message. One example of information furnished under the "Immorality" caption comes from the Boston field office; "[Informant] who has provided reliable information in the past concerning the activities of the New Left in the Metropolitan Boston area, has advised that numerous meetings concerning anti-Vietnam and/or draft activity are conducted by members sitting around the table or a living room completely in the nude. These same individuals, both male and female, live and sleep together regularly and it is not unusual to have these people take up residence with a different partner after a six or seven month period.

"According to the informant, the living conditions and habits of some of the New Left adherents are appalling in that certain individuals have been known to wear the same clothes for an estimated period of weeks and in some instances

As the current school year commences, it can be expected that the New Left with its anti-war and anti-draft entourage will make every effort to confront college authorities, stifle military recruiting, and frustrate the Selective Service System. Each office will be expected, therefore, to afford this program continuous effective attention in order that no opportunity will be missed to destroy this insidious movement.¹⁰⁶

As to the police brutality and "college administrator" categories, the Bureau's belief that getting tough with students and demonstrators would solve the problem, and that any injuries which resulted were deserved, is reflected in the Bureau's reaction to allegations of police brutality following the Chicago Democratic Convention.

On August 28, 1968, a letter was sent to the Chicago field office instructing it to "obtain all possible evidence that would disprove these charges" [that the Chicago police used undue force] and to "consider measures by which cooperative news media may be used to counteract these allegations." The administrative "note" (for the file) states:

Once again, the liberal press and the bleeding hearts and the forces on the left are taking advantage of the situation in Chicago surrounding the Democratic National Convention to attack the police and organized law enforcement agencies. . . . We should be mindful of this situation and develop all possible evidence to expose this activity and to refute these false allegations.¹⁰⁷

In the same vein, on September 9, 1968, an instruction was sent to all offices which had sent informants to the Chicago convention demonstrations, ordering them to debrief the informants for information "indicating incidents were staged to show police reacted with undue force and any information that authorities were baited by militants into using force."¹⁰⁸ The offices were also to obtain evidence of possible violations of anti-riot laws.¹⁰⁹

The originating New Left letter had asked all recipient offices to respond with suggestions for counterintelligence action. Those re-

for months. Personal hygiene and eating habits are equally neglected by these people, the informant said.

"The informant has noted that those individuals who most recently joined the movement are in most instances the worst offenders as far as moral and personal habits are concerned. However, if these individuals remain in the movement for any length of time, their appearance and personal habits appear to improve somewhat." (Memorandum from Boston Field Office to FBI Headquarters, 6/13/68.)

¹⁰⁶ Memorandum from FBI Headquarters to all SACs, 10/9/68.

¹⁰⁷ Memorandum from FBI Headquarters to Chicago Field Office, 8/28/68.

¹⁰⁸ Memorandum from FBI Headquarters to all SAC's, 9/9/68.

¹⁰⁹ Note that there was no attempt to determine whether the allegations were true. Ramsey Clark, Attorney General at the time, testified that he did not know that either directive had been issued and that "they are highly improper." He also noted that the Bureau's close working relationship with state and local police forces had made it necessary to "preempt the FBI" in cases involving the investigation of police misconduct; "we found it necessary to use the Civil Rights Division, and that is basically what we did." (Clark, 12/3/75, Hearings Vol. 6, pp. 254-255.)

sponses were analyzed and a letter sent to all offices on July 6, 1968, setting forth twelve suggestions for counterintelligence action which could be utilized by all offices. Briefly the techniques are:

(1) preparing leaflets designed to discredit student demonstrators, using photographs of New Left leadership at the respective universities. "Naturally, the most obnoxious pictures should be used";

(2) instigating "personal conflicts or animosities" between New Left leaders;

(3) creating the impression that leaders are "informants for the Bureau or other law enforcement agencies";

(4) sending articles from student newspapers or the "underground press" which show the depravity of the New Left to university officials, donors, legislators, and parents. "Articles showing advocacy of the use of narcotics and free sex are ideal";

(5) having members arrested on marijuana charges;

(6) sending anonymous letters about a student's activities to parents, neighbors, and the parents' employers. "This could have the effect of forcing the parents to take action";

(7) sending anonymous letters or leaflets describing the "activities and associations" of New Left faculty members and graduate assistants to university officials, legislators, Boards of Regents, and the press. "These letters should be signed 'A Concerned Alumni,' or 'A Concerned Taxpayer'";

(8) using "cooperative press contacts" to emphasize that the "disruptive elements" constitute a "minority" of the students. "The press should demand an immediate referendum on the issue in question";

(9) exploiting the "hostility" among the SDS and other New Left groups toward the SWP, YSA, and Progressive Labor Party;

(10) using "friendly news media" and law enforcement officials to disrupt New Left coffeehouses near military bases which are attempting to "influence members of the Armed Forces";

(11) using cartoons, photographs, and anonymous letters to "ridicule" the New Left; and

(12) using "misinformation" to "confuse and disrupt" New Left activities, such as by notifying members that events have been cancelled.¹¹⁰

As noted earlier, the lack of any Bureau definition of "New Left" resulted in targeting almost every anti-war group,¹¹¹ and spread to students demonstrating against anything. One notable example is a proposal targeting a student who carried an "obscene" sign in a demonstration protesting administration censorship of the school newspaper,

¹¹⁰ Memorandum from FBI Headquarters to all SAC's, 7/6/68.

¹¹¹ The New Left supervisor confirmed what the documents reveal: "legitimate" (nonviolent) antiwar groups were targeted because they were "lending aid and comfort" to more disruptive groups. According to the New Left supervisor:

"This [nonviolent groups protesting against the war] was the type of thing that the New Left, the violent portion, would seize upon. They could use the legitimacy of an accepted college group or outside group to further their interests." (New Left supervisor, 10/28/75, p. 39)

Nonviolent groups were thus disrupted so there would be less opportunity for a violent group to make use of them and their respectability. Professors active in "New Left matters," whether involved in violence or just in general protest, were targeted for "using [their] good offices to lend aid and comfort to the entire protest movement or to help disrupt the school through [their] programs." (New Left supervisor, 10/28/75, p. 69.)

and another student who sent a letter to that paper defending the demonstration.¹¹² In another article regarding "free love" on a university campus was anonymously mailed to college administrators and state officials since free love allows "an atmosphere to build up on campus that will be a fertile field for the New Left."¹¹³

None of the Bureau witnesses deposed believes the New Left COINTELPRO was generally effective, in part because of the imprecise targeting.

III. THE GOALS OF COINTELPRO: PREVENTING OR DISRUPTING THE EXERCISE OF FIRST AMENDMENT RIGHTS

The origins of COINTELPRO demonstrate that the Bureau adopted extralegal methods to counter perceived threats to national security and public order because the ordinary legal processes were believed to be insufficient to do the job. In essence, the Bureau took the law into its own hands, conducting a sophisticated vigilante operation against domestic enemies.

The risks inherent in setting aside the laws, even though the purpose seems compelling at the time, were described by Tom Charles Huston in his testimony before the Committee:¹¹⁴

The risk was that you would get people who would be susceptible to political considerations as opposed to national security considerations, or would construe political considerations to be national security considerations, to move from the kid with a bomb to the kid with a picket sign, and from the kid with the picket sign to the kid with the bumper sticker of the opposing candidate. And you just keep going down the line.¹¹⁵

The description is apt. Certainly, COINTELPRO took in a staggering range of targets. As noted earlier, the choice of individuals and organizations to be neutralized and disrupted ranged from the violent elements of the Black Panther Party to Martin Luther King, Jr., who the Bureau concedes was an advocate of nonviolence; from the Communist Party to the Ku Klux Klan; and from the advocates of violent revolution such as the Weathermen, to the supporters of peaceful social change, including the Southern Christian Leadership Conference and the Inter-University Committee for Debate on Foreign Policy.

The breadth of targeting springs partly from a lack of definition for the categories involved, and partly from the Bureau's belief that dissident speech and association should be prevented because they were incipient steps toward the possible ultimate commission of an act which might be criminal. Thus, the Bureau's self-imposed role as protector of the existing political and social order blurred the line be-

¹¹² Memorandum from FBI Headquarters, Minneapolis Field Office, 11/4/68.

¹¹³ Memorandum from FBI Headquarters to San Antonio Field Office, 8/27/68.

¹¹⁴ Huston was the Presidential assistant who coordinated the 1970 recommendations by an interagency committee for expanded domestic intelligence, including concededly illegal activity. The so-called "Huston Plan" is the subject of a separate report.

¹¹⁵ Tom Charles Huston testimony, 9/23/75. Hearings, Vol. 2, p. 45.

tween targeting criminal activity and constitutionally protected acts and advocacy.

The clearest example of actions directly aimed at the exercise of constitutional rights are those targeting speakers, teachers, writers or publications, and meetings or peaceful demonstrations.¹¹⁶ Approximately 18 percent of all approved COINTELPRO proposals fell into these categories.¹¹⁷

The cases include attempts (sometimes successful) to get university and high school teachers fired; to prevent targets from speaking on campus; to stop chapters of target groups from being formed; to prevent the distribution of books, newspapers, or periodicals; to disrupt news conferences; to disrupt peaceful demonstrations, including the SCLC's Washington Spring Project and Poor People's Campaign, and most of the large antiwar marches; and to deny facilities for meetings or conferences.

A. *Efforts to Prevent Speaking*

An illustrative example of attacks on speaking concerns the plans of a dissident stockholders' group to protest a large corporation's war production at the annual stockholders meeting.¹¹⁸ The field office was authorized to furnish information about the group's plans (obtained from paid informants in the group) to a confidential source in the company's management. The Bureau's purpose was not only to "circumvent efforts to disrupt the corporate meeting,"¹¹⁹ but also to prevent any attempt to "obtain publicity or embarrass" corporate officials.¹¹⁹

In another case,¹²⁰ anonymous telephone calls were made to the editorial desks of three newspapers in a Midwestern city, advising them that a lecture to be given on a university campus was actually being sponsored by a Communist-front organization. The university had recently lifted its ban on Communist speakers on campus and was experiencing some political difficulty over this decision. The express purpose of the phone calls was to prevent a Communist-sponsored speaker from appearing on campus and, for a time, it appeared to have worked. One of the newspapers contacted the director of the university's conference center. He in turn discussed the meeting with the president of

¹¹⁶ The usual constitutional inquiry is whether the government is "chilling" First Amendment rights by indirectly discouraging a protected activity while pursuing an otherwise legitimate purpose. In the case of COINTELPRO, the Bureau was not attempting indirectly to *chill* free speech or association; it was squarely attacking their exercise.

¹¹⁷ The percentage is derived from a cross-indexed tabulation of the Petersen Committee summaries. Interestingly, these categories account for 39 percent of the approved "New Left" proposals, which reflects both the close connection between antiwar activities and the campuses, and the "aid and comfort" theory of targeting, in which teachers were targeted for advocating an end to the war through nonviolent means.

¹¹⁸ The group was composed largely of university teachers and clergymen who had bought shares in order to attend the meeting. (Memorandum from Minneapolis Field Office to FBI headquarters, 4/1/70.)

¹¹⁹ Memorandum from FBI Headquarters to Minneapolis Field Office, 4/23/70; memorandum from Minneapolis Field Office to FBI Headquarters, 4/1/70.

¹²⁰ Memorandum from Detroit Field Office to FBI Headquarters, 10/26/60; Memoranda from FBI Headquarters to Detroit Field Office, 10/27/60, 10/28/60, 10/31/60; Memorandum from F. J. Baumgardner to Alan H. Belmont, 10/26/60.

the university who decided to cancel the meeting.¹²¹ The sponsoring organization, supported by the ACLU, took the case to court, and won a ruling that the university could not bar the speaker. (Bureau headquarters then ordered the field office to furnish information on the judge.) Although the lecture went ahead as scheduled, headquarters commended the field office for the affirmative results of its suggestion: the sponsoring organization had been forced to incur additional expense and attorneys' fees, and had received newspaper exposure of its "true communist character."

B. Efforts to Prevent Teaching

Teachers were targeted because the Bureau believed that they were in a unique position to "plant the seeds of communism [or whatever ideology was under attack] in the minds of unsuspecting youth." Further, as noted earlier, it was believed that a teacher's position gave respectability to whatever cause he supported. In one case, a high school teacher was targeted for inviting two poets to attend a class at his school. The poets were noted for their efforts in the draft resistance movement. This invitation led to an investigation by the local police, which in turn provoked sharp criticism from the ACLU. The field office was authorized to send anonymous letters to two local newspapers, to the city Board of Education, and to the high school administration, suggesting that the ACLU should not criticize the police for probing into high school activities, "but should rather have focused attention on [the teacher] who has been a convicted draft dodger." The letter continued, "[the teacher] is the assault on academic freedom and not the local police." The purpose of the letter, according to Bureau documents, was "to highlight [the teacher's] antidraft activities at the local high school" and to "discourage any efforts" he may make there. The letter was also intended to "show support for the local police against obvious attempts by the New Left to agitate in the high schools."¹²² No results were reported.

In another case,¹²³ a university professor who was "an active participant in New Left demonstrations" had publicly surrendered his draft card and had been arrested twice (but not convicted) in antiwar demonstrations. The Bureau decided that the professor should be "removed from his position" at the university. The field office was authorized to contact a "confidential source" at a foundation which contributed substantial funds to the university, and "discreetly suggest that the [foundation] may desire to call to the attention of the University administration questions concerning the advisability of [the professor's] continuing his position there." The foundation official was told by the university that the professor's contract would not be renewed, but in fact the professor did continue to teach. The following

¹²¹ It is interesting to note that after the anonymous calls to the newspapers giving information on the "communist nature" of the sponsor, the conference center director called the local FBI office to ask for information on the speaker. He was informed that Bureau records are confidential and that the Bureau could not make any comment.

¹²² Memorandum from FBI Headquarters to Pittsburgh Field Office, 6/19/69.

¹²³ Memorandum from FBI Headquarters to Pittsburgh Field Office, 5/1/70.

academic year, therefore, the field office was authorized to furnish additional information to the foundation official on the professor's arrest and conviction (with a suspended sentence) in another demonstration. No results were reported.

In a third instance, the Bureau attempted to "discredit and neutralize" a university professor and the Inter-University Committee for Debate on Foreign Policy, in which he was active. The field office was authorized to send a fictitious-name letter to influential state political figures, the mass media, university administrators, and the Board of Regents, accusing the professor and "his protesting cohorts" of "giving aid and comfort to the enemy," and wondering "if the strategy is to bleed the United States white by prolonging the war in Vietnam and pave the way for a takeover by Russia." No results were reported.¹²⁴

C. Efforts to Prevent Writing and Publishing

The Bureau's purpose in targeting attempts to speak was explicitly to prevent the "propagation" of a target's philosophy and to deter "recruitment" of new members. Publications and writers appear to have been targeted for the same reasons. In one example,¹²⁵ two university instructors were targeted solely because they were influential in the publication of and contributed financial support to a student "underground" newspaper whose editorial policy was described as "left-of-center, anti-establishment, and opposed [to] the University administration." The Bureau believed that if the two instructors were forced to withdraw their support of the newspaper, it would "fold and cease publication. . . . This would eliminate what voice the New Left has in the area." Accordingly, the field office was authorized to send an anonymous letter to a university official furnishing information concerning the instructors' association with the newspaper, with a warning that if the university did not persuade the instructors to cease their support, the letter's author would be forced to expose their activities publicly. The field office reported that as a result of this technique, both teachers were placed on probation by the university president, which would prevent them from getting any raises.

Newspapers were a common target. The Black Panther Party paper was the subject of a number of actions, both because of its contents and because it was a source of income for the Party.¹²⁶ Other examples include contacting the landlord of premises rented by two "New Left" newspapers in an attempt to get them evicted; ¹²⁷ an anonymous letter to a state legislator protesting the distribution on campus of an underground newspaper "representative of the type of mentality that is fol-

¹²⁴ Memorandum from Detroit Field Office to FBI Headquarters, 10/11/66; memorandum from FBI Headquarters to Detroit Field Office, 10/26/66.

¹²⁵ Memorandum from Mobile Field Office to FBI Headquarters, 12/9/70; memorandum from FBI Headquarters to Mobile Field Office, 12/31/70; memorandum from Mobile Field Office to FBI Headquarters, 2/3/71.

¹²⁶ In one example, a letter signed "A Black Parent" was sent to the mayor, the Superintendent of Schools, the Commander of the American Legion, and two newspapers in a northeastern city protesting a high school's subscription to the BPP newspaper. The letter was also intended to focus attention on the teacher who entered the subscription "so as to deter him from implementing black extremist literature and philosophy into the Black History curriculum" of the school system. (Memorandum from Buffalo Field Office to FBI Headquarters, 2/5/70.)

¹²⁷ Memorandum from Los Angeles Field Office to FBI Headquarters, 9/9/68; memorandum from FBI Headquarters to SAC, Los Angeles Field Office, 9/23/68.

lowing the New Left theory of immorality on certain college campuses";¹²⁸ a letter signed "Disgusted Taxpayer and Patron" to advertisers in a student newspaper intended to "increase pressure on the student newspaper to discontinue the type of journalism that had been employed" (an article had quoted a demonstrator's "vulgar language");¹²⁹ and proposals (which, according to the Bureau's response to a staff inquiry, were never carried out) to physically disrupt printing plants.¹³⁰

D. Efforts to Prevent Meeting

The Bureau also attempted to prevent target groups from meeting. Frequently used techniques include contacting the owner of meeting facilities in order to have him refuse to rent to the group;¹³¹ trying to have a group's charter revoked;¹³² using the press to disrupt a "closed" meeting by arriving unannounced;¹³³ and attempting to persuade sponsors to withdraw funds.¹³⁴ The most striking examples of attacks on meeting, however, involve the use of "disinformation."¹³⁵

In one "disinformation" case, the Chicago Field Office duplicated blank forms prepared by the National Mobilization Committee to End the War in Vietnam ("NMC") soliciting housing for demonstrators coming to Chicago for the Democratic National Convention. Chicago filled out 217 of these forms with fictitious names and addresses and sent them to the NMC, which provided them to demonstrators who made "long and useless journeys to locate these addresses." The NMC then decided to discard all replies received on the housing forms rather than have out-of-town demonstrators try to locate nonexistent addresses.¹³⁶ (The same program was carried out when the Washington Mobilization Committee distributed housing forms for demonstrators coming to Washington for the 1969 Presidential inaugural ceremonies.)¹³⁷

In another case, during the demonstrations accompanying inauguration ceremonies, the Washington Field Office discovered that NMC marshals were using walkie-talkies to coordinate their movements and

¹²⁸ Memorandum from Newark Field Office to FBI Headquarters, 5/23/69; memorandum from FBI Headquarters to Newark Field Office, 6/4/69.

¹²⁹ Memorandum from Detroit Field Office to FBI Headquarters, 2/28/69; memorandum from FBI Headquarters to Detroit Field Office, 3/27/69.

¹³⁰ For example, one proposal requested that the FBI Lab prepare a quart of solution "capable of duplicating a scent of the most foul smelling feces available," along with a dispenser capable of squirting a narrow stream for a distance of approximately three feet. The proposed targets were the physical plant of a New Left publisher and BPP publications prior to their distribution. Headquarters instructed the field office to furnish more information about the purpose for the material's use and the manner and security with which it would be used. The idea was then apparently dropped. (Memorandum from Detroit Field Office to FBI Headquarters, 10/13/70; memorandum from FBI Headquarters to Detroit Field Office, 10/23/70.)

¹³¹ Memorandum from FBI Headquarters to Los Angeles Field Office, 9/23/68.

¹³² Memorandum from FBI Headquarters to San Antonio Field Office, 5/13/69.

¹³³ Memorandum from FBI Headquarters to Indianapolis Field Office, 6/17/68.

¹³⁴ Memorandum from FBI Headquarters to all SAC's, 12/30/68.

¹³⁵ One of the 12 standard techniques referred to in the New Left memorandum discussed at pp. 25-26, disinformation bridges the line between "counter-intelligence" and sabotage.

¹³⁶ Memorandum from Chicago Field Office to FBI Headquarters, 9/9/68; memorandum from Charles Brennan to William C. Sullivan, 8/15/68.

¹³⁷ Memorandum from Washington Field Office to FBI Headquarters, 1/21/69.

activities. WFO used the same citizen band to supply the marshals with misinformation and, pretending to be an NMC unit, countermanded NMC orders.¹³⁸

In a third case¹³⁹ a midwest field office disrupted arrangements for state university students to attend the 1969 inaugural demonstrations by making a series of anonymous telephone calls to the transportation company. The calls were designed to confuse both the transportation company and the SDS leaders as to the cost of transportation and the time and place for leaving and returning. This office also placed confusing leaflets around the campus to show different times and places for demonstration-planning meetings, as well as conflicting times and dates for traveling to Washington.

In a fourth instance, the "East Village Other" planned to bomb the Pentagon with flowers during the 1967 NMC rally in Washington. The New York office answered the ad for a pilot, and kept up the pretense right to the point at which the publisher showed up at the airport with 200 pounds of flowers, with no one to fly the plane. Thus, the Bureau was able to prevent this "agitational-propaganda activity as relates to dropping flowers over Washington."¹⁴⁰

The cases discussed above are just a few examples of the Bureau's direct attack on speaking, teaching, writing and meeting. Other instances include targeting the New Mexico Free University for teaching, among other things, "confrontation politics" and "draft counseling training."¹⁴¹ In another case, an editorial cartoonist for a north-east newspaper was asked to prepare a cartoon which would "ridicule and discredit" a group of antiwar activists who traveled to North Vietnam to inspect conditions there; the cartoon was intended to "depict [the individuals] as traitors to their country for traveling to North Vietnam and making utterances against the foreign policy of the United States."¹⁴² A professor was targeted for being the faculty advisor to a college group which circulated "The Student As Nigger"

¹³⁸ Egil Krogh has stated to the Committee staff that he was in charge of coordinating D.C. law enforcement efforts during demonstrations, and gained the cooperation of NMC marshals to ensure an orderly demonstration. This law enforcement/NMC coordination was effected through the same walkie-talkie system the Bureau was disrupting. (Memorandum from FBI Headquarters to Washington Field Office, 1/10/69; staff summary of Egil Krogh interview, 5/23/75.)

¹³⁹ Memorandum from Cincinnati Field Office to FBI Headquarters, 12/20/68; memorandum from FBI Headquarters to Cincinnati Field Office, 12/29/68.

¹⁴⁰ Memoranda from New York Field Office to FBI Headquarters, 9/15/67, 9/26/67, and 10/17/67; memorandum from FBI Headquarters to New York Field Office, 9/29/67. By letter of January 14, 1976, the Bureau submitted specific instances of "action, other than arrest and prosecution, to prevent any stage of [a] crime or violent acts from being initiated" which had been taken. The examples were intended to aid in developing "preventive action" guidelines.

One of the examples was the prevention of the publisher's plan to drop flowers over the Pentagon: "A plan was thus thwarted which could well have resulted in tragedy had another pilot accepted such a dangerous flying mission and violated Federal or local regulations in flying low over the Pentagon which is also in the heavy traffic pattern of the Washington National Airport." The letter does not explain why it was necessary to act covertly in this case. If flying over the Pentagon violates Federal regulations, the Bureau could have arrested those involved when they arrived at the airport. No informant was involved; the newspaper had advertised openly for a pilot.

¹⁴¹ Memorandum from FBI Headquarters to Albuquerque Field Office, 3/19/69.

¹⁴² Memorandum from Boston Field Office to FBI Headquarters, 1/22/66.

on campus.¹⁴³ A professor conducting a study on the effect and social costs of McCarthyism was targeted because he sought information and help from the American Institute of Marxist Studies.¹⁴⁴ Contacts were made with three separate law schools in an attempt to keep a teaching candidate from being hired, or once hired, from getting his contract renewed.¹⁴⁵

The attacks on speaking, teaching, writing, and meeting have been examined in some detail because they present, in their purist form, the consequences of acting outside the legal process. Perhaps the Bureau was correct in its assumption that words lead to deeds, and that larger group membership produces a greater risk of violence. Nevertheless, the law draws the line between criminal acts and constitutionally protected activity, and that line must be kept.¹⁴⁶ As Justice Brandeis declared in a different context fifty years ago:

Our government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people, by its example. Crime is contagious. If the Government becomes a law-breaker, it breeds contempt for law: it invites every man to become a law unto himself. To declare that in the administration of the criminal law the end justifies the means—to declare that the Government may commit crimes in order to secure the conviction of the private criminal—would bring terrible retribution. Against the pernicious doctrine this Court should resolutely set its face. *Olmstead v. U.S.*, 277 U.S. 439, 485 (1927)

IV. COINTELPRO TECHNIQUES

The techniques used in COINTELPRO were—and are—used against hostile foreign intelligence agents. Sullivan's testimony that the "rough, tough, dirty business"¹⁴⁷ of foreign counterintelligence was brought home against domestic enemies was corroborated by George Moore, whose Racial Intelligence Section supervised the White Hate and Black Nationalist COINTELPROs:

You can trace [the origins] up and back to foreign intelligence, particularly penetration of the group by the individual informant. Before you can engage in counterintelligence you must have intelligence. . . . If you have good intelligence and

¹⁴³ Memorandum from FBI Headquarters to El Paso Field Office, 12/6/68.

¹⁴⁴ Memorandum from FBI Headquarters to New York Field Office, 3/19/65.

¹⁴⁵ Memorandum from FBI Headquarters to Cleveland and Boston Field Offices, 5/5/64.

¹⁴⁶ Mr. Huston learned that lesson as well:

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

"And so that has convinced me that you have just got to draw the line at the top of the totem pole, and that we would then have to take the risk—it is not a risk-free choice, but it is one that, I am afraid, in my judgment, that we do not have any alternative but to take." (Huston, 9/23/75, p. 45.)

¹⁴⁷ Sullivan, 11/1/75, pp. 97–98.

know what it's going to do, you can seed distrust, sow misinformation. The same technique is used in the foreign field. The same technique is used, misinformation, disruption, is used in the domestic groups, although in the domestic groups you are dealing in '67 and '68 with many, many more across the country . . . than you had ever dealt with as far as your foreign groups.¹⁴⁸

The arsenal of techniques used in the Bureau's secret war against domestic enemies ranged from the trivial to the life-endangering. Slightly more than a quarter of all approved actions were intended to promote factionalization within groups and between groups; a roughly equal number of actions involved the creation and dissemination of propaganda.¹⁴⁹ Other techniques involved the use of federal, state, and local agencies in selective law enforcement, and other use (and abuse) of government processes; disseminating derogatory information to family, friends, and associates; contacting employers; exposing "communist infiltration" or support of target groups; and using organizations which were hostile to target groups to disrupt meetings or otherwise attack the targets.

A. Propaganda

The Bureau's COINTELPRO propaganda efforts stem from the same basic premise as the attacks on speaking, teaching, writing and meeting: propaganda works. Certain ideas are dangerous, and if their expression cannot be prevented, they should be countered with Bureau-approved views. Three basic techniques were used: (1) mailing reprints of newspaper and magazine articles to group members or potential supporters intended to convince them of the error of their ways; (2) writing articles for or furnishing information to "friendly" media sources to "expose" target groups;¹⁵⁰ and (3) writing, printing, and disseminating pamphlets and fliers without identifying the Bureau as the source.

1. Reprint Mailings

The documents contain case after case of articles and newspaper clippings being mailed (anonymously, of course) to group members. The Jewish members of the Communist Party appear to have been inundated with clippings dealing with Soviet mistreatment of Jews. Similarly, Jewish supporters of the Black Panther Party received articles from the BPP newspaper containing anti-Semitic statements. College administrators received reprints of a *Reader's Digest* article¹⁵¹ and a *Barron's* article on campus disturbances intended to persuade them to "get tough."¹⁵²

Perhaps only one example need be examined in detail, and that only because it clearly sets forth the purpose of propaganda reprint mailings. Fifty copies of an article entitled "Rabbi in Vietnam Says With-

¹⁴⁸ Moore, 11/3/75, pp. 32-33.

¹⁴⁹ The percentages used in this section are derived from a staff tabulation of the Petersen Committee summaries. The numbers are approximate because it was occasionally difficult to determine from the summary what the purpose of the technique was.

¹⁵⁰ The resulting articles could then be used in the reprint mailing program.

¹⁵¹ Memorandum from FBI Headquarters to Minneapolis Field Office, 11/4/68.

¹⁵² Memorandum from FBI Headquarters to Boston Field Office, 9/12/68.

drawal Not the Answer," described as "an excellent article in support of United States foreign policy in Vietnam," were mailed to certain unnamed professors and members of the Vietnam Day Committee "who have no other subversive organizational affiliations." The purpose of the mailing was "to convince [the recipients] of the correctness of the U.S. foreign policy in Vietnam."¹⁵³

Reprint mailings would seem to fall under Attorney General Levi's characterization of much of COINTELPRO as "foolishness."¹⁵⁴ They violate no one's civil rights, but should the Bureau be in the anonymous propaganda business?

2. "Friendly" Media

Much of the Bureau's propaganda efforts involved giving information or articles to "friendly" media sources who could be relied upon not to reveal the Bureau's interests.¹⁵⁵ The Crime Records Division of the Bureau was responsible for public relations, including all headquarters contacts with the media. In the course of its work (most of which had nothing to do with COINTELPRO) the Division assembled a list of "friendly" news media sources—those who wrote pro-Bureau stories.¹⁵⁶ Field offices also had "confidential sources" (unpaid Bureau informants) in the media, and were able to ensure their cooperation.

The Bureau's use of the news media took two different forms: placing unfavorable articles and documentaries about targeted groups, and leaking derogatory information intended to discredit individuals.¹⁵⁷

A typical example of media propaganda is the headquarters letter authorizing the Boston Field Office to furnish "derogatory information about the Nation of Islam (NOI) to established source [name excised]":¹⁵⁸

¹⁵³ Memorandum from FBI Headquarters to San Francisco Field Office, 11/1/65.

¹⁵⁴ Levi 12/11/75, Hearings, Vol. 6, p. 318.

¹⁵⁵ "Name checks" were apparently run on all reporters proposed for use in the program, to make sure they were reliable. In one case, a check of Bureau files showed that a television reporter proposed as the recipient of information on the SDS had the same name as someone who had served in the Abraham Lincoln Brigade. The field office was asked to determine whether the "individuals" were "identical." The field office obtained the reporter's credit records, voting registration, and local police records, and determined that his credit rating was satisfactory, that he had no arrest record, that he "stated a preference for one of the two major political parties"—and that he was not, in fact, the man who fought in the Spanish Civil War. Accordingly, the information was furnished. (Memorandum from Pittsburgh Field Office to FBI Headquarters, 12/26/68; memorandum from FBI Headquarters to Pittsburgh Field Office, 1/23/69.)

¹⁵⁶ The Bureau also noted, for its files, those who criticized its work or its Director, and the Division maintained a "not-to-contact" list which included the names of some reporters and authors. One proposal to leak information to the *Boston Globe* was turned down because both the newspaper and one of its reporters "have made unfounded criticisms of the FBI in the past." The Boston Field Office was advised to resubmit the suggestion using another newspaper. (Memorandum from FBI Headquarters to Boston Field Office, 2/8/68.)

¹⁵⁷ Leaking derogatory information is discussed at p. 50.

¹⁵⁸ The Committee's agreement with the Bureau governing document production provided that the Bureau could excise the names of "confidential sources" when the documents were delivered to the Committee. Although the staff was permitted to see the excised names at Bureau headquarters, it was also agreed that the names not be used.

Your suggestions concerning material to furnish [name] are good. Emphasize to him that the NOI predilection for violence,¹⁵⁹ preaching of race hatred, and hypocrisy, should be exposed. Material furnished [name] should be either public source or known to enough people as to protect your sources. Insure the Bureau's interest in this matter is completely protected by [name].¹⁶⁰

In another case, information on the Junta of Militant Organizations ("JOMO", a Black Nationalist target) was furnished to a source at a Tampa television station.¹⁶¹ Ironically, the station manager, who had no knowledge of the Bureau's involvement, invited the Special Agent in Charge, his assistant, and other agents to a preview of the half-hour film which resulted. The SAC complimented the station manager on his product, and suggested that it be made available to civic groups.¹⁶²

A Miami television station made four separate documentaries (on the Klan, Black Nationalist groups, and the New Left) with materials secretly supplied by the Bureau. One of the documentaries, which had played to an estimated audience of 200,000, was the subject of an internal memorandum "to advise of highly successful results of counterintelligence exposing the black extremist Nation of Islam."

[Excised] was elated at the response. The station received more favorable telephone calls from viewers than the switchboard could handle. Community leaders have commented favorably on the program, three civic organizations have asked to show the film to their members as a public service, and the Broward County Sheriff's Office plans to show the film to its officers and in connection with its community service program.

This expose showed that NOI leaders are of questionable character and live in luxury through a large amount of money taken as contributions from their members. The extreme nature of NOI teachings was underscored. Miami sources advised the expose has caused considerable concern to local NOI leaders who have attempted to rebut the program at each open meeting of the NOI since the program was presented. Local NOI leaders plan a rebuttal in the NOI newspaper. Attendance by visitors at weekly NOI meetings has dropped 50%. This shows the value of carefully planned counterintelligence action.¹⁶³

The Bureau also planted derogatory articles about the Poor People's Campaign, the Institute for Policy Studies, the Southern Students Organizing Committee, the National Mobilization Committee, and a host of other organizations it believed needed to be seen in their "true light."

¹⁵⁹ Note that Bureau witnesses testified that the NOI was not, in fact, involved in organization violence. See pp. 20-21.

¹⁶⁰ Memorandum from FBI Headquarters to Boston Field Office, 2/27/68.

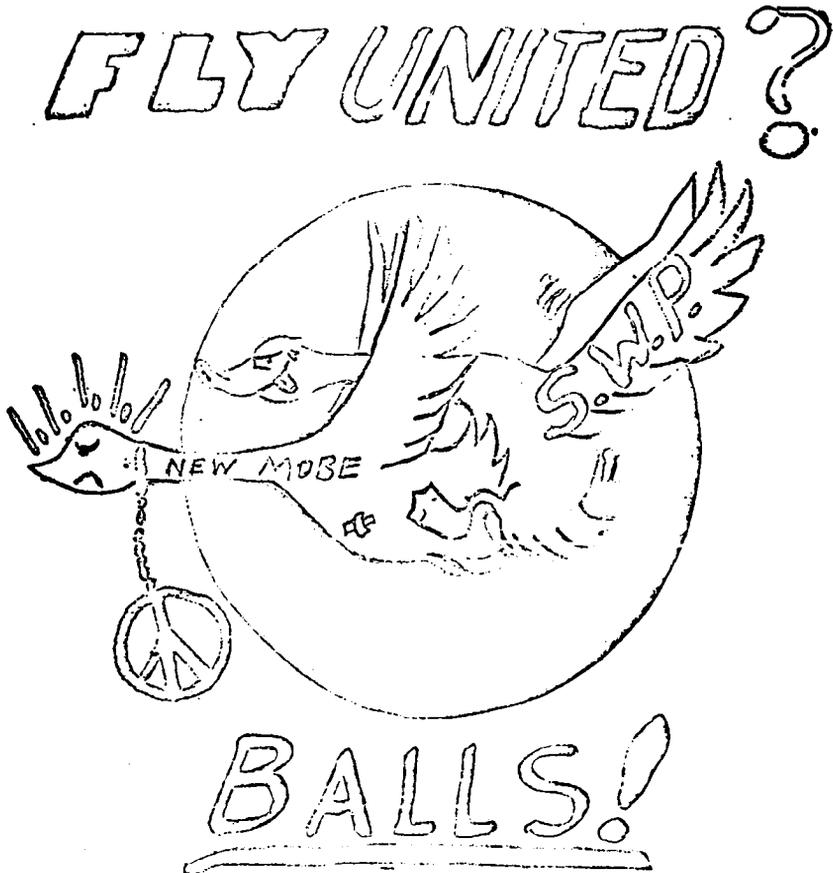
¹⁶¹ Memorandum from Tampa Field Office to FBI Headquarters, 8/5/68.

¹⁶² Memorandum from Tampa Field Office to FBI Headquarters, 2/7/69.

¹⁶³ Memorandum from G. C. Moore to William C. Sullivan, 10/21/69.

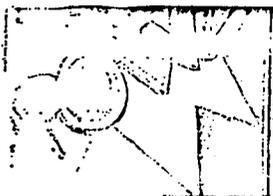
3. Bureau-Authored Pamphlets and Fliers.

The Bureau occasionally drafted, printed, and distributed its own propaganda. These pieces were usually intended to ridicule their targets, rather than offer "straight" propaganda on the issue. Four of these fliers are reproduced in the following pages.



Dig, it. It's time to pull the chain, brothers and sisters. If the peace movement in Amerika is to survive, the crap influence of the Socialist Workers Party and its bastard youth group - Young Socialist Alliance - must be flushed from New Mobe once and for all. Stagnant zeros like Freddie Halstead and Harry Ring, both members of the SWP Nat'l Committee, must be dumped. Let's get rid of the Carol Lipmans, Gus Horowitz and the Jeanra Misniks along with other SWP shits! DEMAND AN END TO SWP BALLING! Write New Mobe today at Suite 900, 1039 Vermont Ave., N.W., Washington, D.C.

NOTE: Memorandum from New York Field Office to FBI Headquarters, 1/14/70; memorandum from FBI Headquarters to New York Field Office, 1/20/70.



THE GIGANTIC "PICK THE FAG CONTEST" IS HERE!

* 504 Fabulous Prizes!

* Nothing To Buy!

* YOU can win!

* Hurry! Hurry!



CONTEST RULES: Simply pick the fagget from the following photos. Print your choice on the entry blank at the bottom of this page and pop it into the mail. YOU COULD EASILY WIN!



Dave Dellinger



Che Guervra*



Mark Rudd



Herbert Marcuse

CHECK THESE COLLOSSAL PRIZES!

- * GRAND PRIZE..... Seven full days in Hanoi - Expenses paid!
- * SECOND PRIZE..... Fourteen full days in Hanoi!
- * THIRD PRIZE..... A weekend with Josie Duke in a genuine fire-damaged Columbia University dormitory!
- * FOURTH PRIZE..... Two weekends with tubby little Josie!
- * ADDITIONAL PRIZES..... 500 rolls of red toilet tissue, each sheet bearing the picture of Chairman Mao in living color!

*****MAIL TODAY*****

FAG CONTEST,
Post Office Box 220, Old Chelsea Station,
New York, New York (10011)

The REAL Fag pictured above is.....

Name.....Address.....Zip.....

(*Note: Che, unfortunately, was disconnected from the world last year.)

NOTE: Memorandum from New York Field Office to FBI Headquarters, 2/7/69; memorandum from FBI Headquarters to New York Field Office, 2/14/69.

FLASH FLASH FLASH FLASH FLASH FLASH

DESPERATE DAVE DANGLES DINGUS

Murdercusly Mangles MOBE

SEP 21
1969

Washington, D. C. Jan. 20 - Speaking in his usual high pitched voice, Dave Dellinger, National Chairman of the National Mobilization Committee (MOBE), today claimed that the anti-inaugural demonstrations called by his organization had been responsible in getting the Paris peace talks going again.

Dellinger made this startling disclosure before an audience of newsmen in the dingy Hawthorne School which housed many of his followers. A cluster of the latter stood behind their Guru sniffing and fingering wilted flowers. Dellinger, looking pale - more fairy-like than ever - tried to control the squeaks in his voice to no avail. "How many demonstrators did MOBE bring to the inaugural?" he was asked.

"At least 10,000," he answered.

"Bullshit", was heard in several sections of the room.

Dellinger shuffled his notes. "Let's make that 5,000."

"Bullshit".

"Would you believe 5,000?" Silence. Dave rolled his eyes at the ceiling: "I'm not going to play at numbers," he chirped. "What matters is that MOBE accomplished so much. We did get the peace talks going. We did break some windows in the National Geographic Society building. Despite police brutality, our brave people managed to throw cans and sticks at the President." His voice went higher - sounding like glass bells in a soft summer breeze. "We shook the establishment, gentlemen."

Associated Press stood up. "We understand MOBE is broke. That you lost control of the thing. That SDS and many other organizations in the peace movement refused to back you. That you have no idea how MOBE funds were spent."

Dellinger put a finger in his mouth and sucked it reflectively. Some minutes passed before he spoke. "MOBE is solvent, boys. As of this morning, we have \$1.54 in the treasury. The price of peace is high." He tried to look grim. "SDS, of course, is just a bunch of dirty college kids with grass for brains. We didn't want them or need them." He formed his lips into a cute bow. "I must go now. We're hitching a ride back to New York today unless we can raise bus fare."

He shoved four fingers into his mouth and was led slowly from the room humming "We Shall Overcome."

NOTE: Memorandum from New York Field Office to FBI Headquarters, 1/21/69; memorandum from FBI Headquarters to New York Field Office, 1/24/69.

SDS - The American Komiks!

My folks busted their humps to send me to college



1

But I took up with SDS, the Third World and Revolution. I dug the grass bit and balling them radical chicks



2

I blew my mind on Mao, Che and Harousse. Man, it was a revolution all over the scene. We even burned the library, not to mention flags and draft cards



3

It wasn't all easy, though. I got the clmp from the chicks...end last Fall I called a TPP pig a mother-fucker and he broke my front teeth. My folks sent bread for new choppers



4

In May, I hit a capitalist with a bottle and the bastard broke my nose. Our chief acid head, Mark Rudd, told us to smuggle up to our black brothers so



5

I went to a Panther rally and they broke my new teeth and the other arm. I got 30 days for being a bum. Well, SDS is dead now. The Panthers hate our guts and the Army won't have me. I wonder if the folks still live in the same old place?



6

SDS - STUDENTS FOR A DEMOCRATIC SOCIETY -

NOTE: Memorandum from New York Field Office to FBI Headquarters, 8/5/69; memorandum from FBI Headquarters to New York Field Office, 8/11/69.

B. Effects to Promote Enmity and Factionalism Within Groups or Between Groups

Approximately 28% of the Bureau's COINTELPRO efforts were designed to weaken groups by setting members against each other, or to separate groups which might otherwise be allies, and convert them into mutual enemies. The techniques used included anonymous mailings (reprints, Bureau-authored articles and letters) to group members criticizing a leader or an allied group;¹⁶⁴ using informants to raise controversial issues; forming a "notional"—a Bureau-run splinter group—to draw away membership from the target organization; encouraging hostility up to and including gang warfare, between rival groups; and the "snitch jacket."

1. Encouraging Violence Between Rival Groups

The Bureau's attempts to capitalize on active hostility between target groups carried with them the risk of serious physical injury to the targets. As the Black Nationalist supervisor put it:

It is not easy [to judge the risks inherent in this technique]. You make the best judgment you can based on all the circumstances and you always have an element of doubt where you are dealing with individuals that I think most people would characterize as having a degree of instability.¹⁶⁵

The Bureau took that risk. The Panther directive instructing recipient officers to encourage the differences between the Panthers and

¹⁶⁴ This technique was also used in disseminating propaganda. The distinction lies in the purpose for which the letter, article or flier was mailed.

¹⁶⁵ Black Nationalist supervisor, 10/17/75, p. 40.

U.S., Inc. which were "taking on the aura of gang warfare with attendant threats of murder and reprisals,"¹⁶⁶ is just one example.

A separate report on disruptive efforts aimed at the Panthers will examine in detail the Bureau's attempts to foment violence. These efforts included anonymously distributing cartoons which pictured the U.S. organization gloating over the corpses of two murdered Panthers, and suggested that other BPP members would be next,¹⁶⁷ and sending a New Jersey Panther leader the following letter which purported to be from an SDS member:¹⁶⁸

"To Former Comrade [name]

"As one of 'those little bourgeois, snooty nose'—'little schoolboys'—'little sissies' Dave Hilliard spoke of in the 'Guardian' of 8/16/69, I would like to say that you and the rest of you black racists can go to hell. I stood shoulder to shoulder with Carl Nichols last year in Military Park in Newark and got my a——whipped by a Newark pig all for the cause of the wineheads like you and the rest of the black pussycats that call themselves Panthers. Big deal; you have to have a three hour educational session just to teach those . . . (you all know what that means don't you! It's the first word your handkerchief head mamma teaches you) how to spell it.

"Who the hell set you and the Panthers up as the vanguard of the revolutionary and disciplinary group. You can tell all those wineheads you associate with that you'll kick no one's ' . . . a—,' because you'd have to take a three year course in spelling to know what an a— is and three more years to be taught where it's located.

"Julius Lester called the BPP the vanguard (that's leader) organization so international whore Cleaver calls him racist, now when full allegiance is not given to the Panthers, again racist. What the hell do you want? Are you getting this? Are you lost? If you're not digging then you're really hopeless.

"Oh yes! We are not concerned about Hilliard's threats.

"Brains will win over brawn. The way the Panthers have retaliated against US is another indication. The score: US-6: Panthers-0.

"Why, I read an article in the Panther paper where a California Panther sat in his car and watched his friend get shot by Karenga's group and what did he do? He run back and write a full page story about how tough the Panthers are and what they're going to do. Ha Ha—B—S—.

"Goodbye [name] baby—and watch out. Karenga's coming.

¹⁶⁶ Memorandum from FBI Headquarters to Baltimore Field Office, 11/25/68.

¹⁶⁷ Memorandum from San Diego Field Office to FBI Headquarters, 2/20/69; memorandum from San Diego Field Office to FBI Headquarters, 3/27/69; memorandum from FBI Headquarters to San Diego Field Office, 4/4/69.

¹⁶⁸ Memorandum from Newark Field Office to FBI Headquarters, 8/25/69. According to the proposal, the letter would not be typed by the field office stenographic pool because of the language. The field office also used asterisks in its communication with headquarters which "refer to that colloquial phrase . . . which implies an unnatural physical relationship with a maternal parent." Presumably the phrase was used in the letter when it was sent to the Panthers.

“ ‘Right On’ as they say.”

An anonymous letter was also sent to the leader of the Blackstone Rangers, a Chicago gang “to whom violent type activity, shooting, and the like, are second nature,” advising him that “the brothers that run the Panthers blame you for blocking their thing and there’s supposed to be a hit out for you.” The letter was intended to “intensify the degree of animosity between the two groups” and cause “retaliatory action which could disrupt the BPP or lead to reprisals against its leadership.”¹⁶⁹

EDITOR :

What’s with this bull—— SDS outfit? I’ll tell you what they has finally showed there true color White. They are just like the commies and all the other white radical groups that suck up to the blacks and use us. We voted at our meeting in Oakland for community control over the pigs but SDS says no. Well we can do with out them mothers. We can do it by ourselves.

OFF THE PIGS POWER TO THE PEOPLE

Soul Brother Jake

In another case, the Bureau tried to promote violence, not between violent groups, but between a possibly violent person and another target. The field office was given permission to arrange a meeting between an SCLC officer and the leader of a small group described as “anti-Vietnam black nationalist [veterans’] organization.” The leader of the veterans’ group was known to be upset because he was not receiving funds from the SCLC. He was also known to be on leave from a mental hospital, and the Bureau had been advised that he would be recommitted if he were arrested on any charge. It was believed that “if the confrontation occurs at SCLC headquarters,” the veterans’ group leader “will lose his temper, start a fight,” and the “police will be called in.” The purpose was to “neutralize” the leader by causing his commitment to a mental hospital, and to gain “unfavorable publicity for the SCLC.”¹⁷⁰

At least four assaults—two of them on women—were reported as “results” of Bureau actions. The San Diego field office claimed credit for three of them. In one case, US members “broke into” a BPP meeting and “roughed up” a woman member.¹⁷¹

In the second instance, a critical newspaper article in the Black Panther paper was sent to the US leader. The field office noted that “the possibility exists that some sort of retaliatory actions will be taken against the BPP.”¹⁷² The prediction proved correct; the field office reported that as a result of this mailing, members of US assaulted a Panther newspaper vendor.¹⁷³ The third assault occurred after the

¹⁶⁹ Memorandum from Chicago Field Office to FBI Headquarters, 1/12/69; memorandum from FBI Headquarters to Chicago Field Office, 1/30/69.

¹⁷⁰ Memorandum from Philadelphia Field Office to FBI Headquarters, 11/25/68; memorandum from FBI Headquarters to Philadelphia Field Office, 12/9/68.

¹⁷¹ Memorandum from San Diego Field Office to FBI Headquarters, 4/10/69, p. 4.

¹⁷² Memorandum from San Diego Field Office to FBI Headquarters, 11/12/69.

¹⁷³ Memorandum from San Diego Field Office to FBI Headquarters, 11/12/69.

San Diego Police Department, acting on a tip from the Bureau that "sex orgies" were taking place at Panther headquarters, raided the premises. (The police department conducted a "research project," discovered two outstanding traffic warrants for a BPP member, and used the warrants to gain entry.) The field office reported that as a "direct result" of the raid, the woman who allowed the officers into the BPP headquarters had been "severely beaten up" by other members.¹⁷⁴

In the fourth case, the New Haven field office reported that an informant had joined in a "heated conversation" between several group members and sided with one of the parties "in order to increase the tension." The argument ended with members hitting each other. The informant "departed the premises at this point, since he felt that he had been successful, causing a flammable situation to erupt into a fight."¹⁷⁵

2. *Anonymous Mailings*

The Bureau's use of anonymous mailings to promote factionalism range from the relatively bland mailing of reprints or fliers criticizing a group's leaders for living ostentatiously or being ineffective speakers, to reporting a chapter's infractions to the group's headquarters intended to cause censure or disciplinary action.

Critical letters were also sent to one group purporting to be from another, or from a member of the group registering a protest over a proposed alliance.

For instance, the Bureau was particularly concerned with the alliance between the SDS and the Black Panther Party. A typical example of anonymous mailing intended to separate these groups is a letter sent to the Black Panther newspaper:¹⁷⁶

In a similar vein, is a letter mailed to Black Panther and New Left leaders.¹⁷⁷

Dear Brothers and Sisters,

Since when do us Blacks have to swallow the dictates of the honky SDS? Doing this only hinders the Party progress in gaining Black control over Black people. We've been —— over by the white facists pigs and the Man's control over our destiny. We're sick and tired of being severly brutalized, denied our rights and treated like animals by the white pigs. We say to hell with the SDS and its honky intellectual approaches which only perpetuate control of Black people by the honkies.

The Black Panther Party theory for community control is the only answer to our problems and that is to be followed and enforced by all means necessary to insure control by Blacks over all police departments regardless of whether they are run by honkies or uncle toms.

The damn SDS is a paper organization with a severe case of diarrhea of the mouth which has done nothing but feed us

¹⁷⁴ Memorandum from San Diego Field Office to FBI Headquarters, 12/3/69.

¹⁷⁵ Memorandum from New Haven Field Office to FBI Headquarters, 2/18/70.

¹⁷⁶ Memorandum from San Francisco Field Office to FBI Headquarters, 8/27/69; memorandum from FBI Headquarters to San Francisco Field Office, 9/5/69.

¹⁷⁷ Memorandum from Detroit Field Office to FBI Headquarters, 2/10/70; memorandum from FBI Headquarters to Detroit Field Office, 3/3/70.

lip service. Those few idiots calling themselves weathermen run around like kids on halloween. A good example is their "militant" activities at the Northland Shopping Center a couple of weeks ago. They call themselves revolutionaries but take a look at who they are. Most of them come from well heeled families even by honky standards. They think they're helping us Blacks but their futile, misguided and above all white efforts only muddy the revolutionary waters.

The time has come for an absolute break with any non-Black group and especially those —— SDS and a return to our pursuit of a pure black revolution by Blacks for Blacks.

Power!

Off the Pigs!!!!

These examples are not, of course, exclusive, but they do give the flavor of the anonymous mailings effort.

3. Interviews

Interviewing group members or supporters was an overt "investigative" technique sometimes used for the covert purpose of disruption. For example, one field office noted that "other [BPP] weaknesses that have been capitalized on include interviews of members wherein jealousy among the members has been stimulated and at the same time has caused a number of persons to fall under suspicion and be purged from the Party."¹⁷⁸

In another case, fourteen field offices were instructed to conduct simultaneous interviews of individuals known to have been contacted by members of the Revolutionary Union. The purpose of the coordinated interviews was "to make possible affiliates of the RU believe that the organization is infiltrated by informants on a high level."¹⁷⁹

In a third instance, a "black nationalist" target attempted to organize a youth group in Mississippi. The field office used informants to determine "the identities of leaders of this group and in interviewing these leaders, expressed to them [the target's] background and his true intentions regarding organizing Negro youth groups." Agents also interviewed the target's landlords and "advised them of certain aspects of [his] past activities and his reputation in the Jackson vicinity as being a Negro extremist." Three of the landlords asked the target to move.¹⁸⁰ The same field office reported that it had interviewed members of the Tougaloo College Political Action Committee, an "SNCC affiliated" student group. The members were interviewed while they were home on summer vacation. "Sources report that these interviews had a very upsetting effect on the PAC organization and they felt they have been betrayed by someone at Tougaloo College. Many of the members have limited their participation in PAC affairs since their interview by Agents during the summer of 1968."¹⁸¹

4. Using Informants To Raise Controversial Issues

The Bureau's use of informants generally is the subject of a separate report. It is worth noting here, however, that the use of inform-

¹⁷⁸ Memorandum from Indianapolis Field Office to FBI Headquarters, 9/23/69.

¹⁷⁹ Memorandum from FBI Headquarters to all SACs, 10/28/70.

¹⁸⁰ Memorandum from Jackson Field Office to FBI Headquarters, 11/27/68.

¹⁸¹ *Ibid.*

ants to take advantage of ideological splits in an organization dates back to the first COINTELPRO. The originating CUPSA document refers to the use of informants to capitalize on the discussion within the Party following Khrushchev's denunciation of Stalin.¹⁸²

Informants were also used to widen rifts in other organizations. For instance, an informant was instructed to imply that the head of one faction of the SDS was using group funds for his drug habit, and that a second leader embezzled funds at another school. The field office reported that "as a result of actions taken by this informant, there have been fist fights and acts of name calling at several of the recent SDS meetings." In addition, members of one faction "have made early morning telephone calls" to other SDS members and "have threatened them and attempted to discourage them from attending SDS meetings."¹⁸³

In another case, an informant was used to "raise the question" among his associates that an unmarried, 30-year old group leader "may be either a bisexual or a homosexual." The field office believed that the question would "rapidly become a rumor" and "could have serious results concerning the ability and effectiveness of [the target's] leadership."¹⁸⁴

5. Fictitious Organizations

There are basically three kinds of "notional" or fictitious organizations. All three were used in COINTELPRO attempts to factionalize.

The first kind of "notional" was the organization whose members were all Bureau informants. Because of the Committee's agreement with the Bureau not to reveal the identities of informants, the only example which can be discussed publicly is a proposal which, although approved, was never implemented. That proposal involved setting up a chapter of the W.E.B. DuBois Club in a Southern city which would be composed entirely of Bureau informants and fictitious persons. The initial purpose of the chapter was to cause the CPUSA expense by sending organizers into the area, cause the Party to fund Bureau coverage of out-of-town CP meetings by paying the informants' expenses, and receive literature and instructions. Later, the chapter was to begin to engage in deviation from the Party line so that it would be expelled from the main organization "and then they could claim to be the victim of a Stalinist type purge." It was anticipated that the entire operation would take no more than 18 months.¹⁸⁵

The second kind of "notional" was the fictitious organization with some unsuspecting (non-informant) members. For example, Bureau informants set up a Klan organization intended to attract membership away from the United Klans of America. The Bureau paid the informant's personal expenses in setting up the new organization, which had, at its height, 250 members.¹⁸⁶

The third type of "notional" was the wholly fictitious organization, with no actual members, which was used as a pseudonym for mailing

¹⁸² Memorandum from FBI Headquarters to New York Field Office, 9/6/56.

¹⁸³ Memorandum from Los Angeles Field Office to FBI Headquarters, 12/12/68, p. 2.

¹⁸⁴ Memorandum from San Diego Field Office to FBI Headquarters, 2/2/70.

¹⁸⁵ Memorandum from New York Field Office to FBI Headquarters, 7/9/64.

¹⁸⁶ Memorandum from C. D. Brennan to W. C. Sullivan, 8/28/67.

letters or pamphlets. For instance, the Bureau sent out newsletters from something called "The Committee for Expansion of Socialist Thought in America," which attacked the CPUSA from the "Marxist right" for at least two years.¹⁸⁷

6. Labeling Targets As Informants

The "snitch jacket" technique—neutralizing a target by labeling him a "snitch" or informant, so that he would no longer be trusted—was used in all COINTELPROs. The methods utilized ranged from having an authentic informant start a rumor about the target member,¹⁸⁸ to anonymous letters or phone calls,¹⁸⁹ to faked informants' reports.¹⁹⁰

When the technique was used against a member of a nonviolent group, the result was often alienation from the group. For example, a San Diego man was targeted because he was active in draft counseling at the city's Message Information Center. He had, coincidentally, been present at the arrest of a Selective Service violator, and had been at a "crash pad" just prior to the arrest of a second violator. The Bureau used a real informant to suggest at a Center meeting that it was "strange" that the two men had been arrested by federal agents shortly after the target became aware of their locations. The field office reported that the target had been "completely ostracized by members of the Message Information Center and all of the other individuals throughout the area . . . associated with this and/or related groups."¹⁹¹

In another case, a local police officer was used to "jacket" the head of the Student Mobilization Committee at the University of South Carolina. The police officer picked up two members of the Committee on the pretext of interviewing them concerning narcotics. By pre-arranged signal, he had his radio operator call him with the message, "[name of target] just called. Wants you to contact her. Said you have her number."¹⁹² No results were reported.

The "snitch jacket" is a particularly nasty technique even when used in peaceful groups. It gains an added dimension of danger when it is used—as, indeed, it was—in groups known to have murdered informers.¹⁹³

For instance, a Black Panther leader was arrested by the local police with four other members of the BPP. The others were released, but the leader remained in custody. Headquarters authorized the field office to circulate the rumor that the leader "is the last to be released" because "he is cooperating with and has made a deal with the Los Angeles Police Department to furnish them information concerning the BPP."

¹⁸⁷ Memorandum from F. J. Baumgardner to W. C. Sullivan, 1/5/65.

¹⁸⁸ Memorandum from FBI Headquarters to San Diego Field Office, 2/14/69.

¹⁸⁹ Memorandum from FBI Headquarters to Jackson Field Office, 11/15/68.

¹⁹⁰ Memorandum from FBI Headquarters to New York Field Office, 2/9/60.

¹⁹¹ Memorandum from San Diego Field Office to FBI Headquarters, 2/17/69; memorandum from FBI Headquarters to San Diego Field Office, 3/6/69; memorandum from San Diego Field Office to FBI Headquarters 4/30/69.

¹⁹² Memorandum from San Diego Field Office to FBI Headquarters, 1/31/69; memorandum from FBI Headquarters to San Diego Field Office, 2/14/69.

¹⁹³ One Bureau document stated that the Black Panther Party "has murdered two members it suspected of being police informants." (Memorandum from FBI Headquarters to Cincinnati Field Office, 2/18/71.)

The target of the first proposal then received an anonymous phone call stating that his own arrest was caused by a rival leader.¹⁹⁴

In another case, the Bureau learned that the chairman of the New York BPP chapter was under suspicion as an informant because of the arrest of another member for weapons possession. In order to "cast further suspicion on him" the Bureau sent anonymous letters to BPP headquarters in the state, the wife of the arrested member, and a local member of CORE, saying "Danger-Beware-Black Brothers, [name of target] is the fink who told the pigs that [arrested members] were carrying guns." The letter also gave the target's address.¹⁹⁵

In a third instance, the Bureau learned through electronic surveillance of the BPP the whereabouts of a fugitive. After his arrest, the Bureau sent a letter in a "purposely somewhat illiterate type scrawl" to the fugitive's half-brother:

Brother:

Jimmie was sold out by Sister [name—the BPP leader who made the phone call picked up by the tap] for some pig money to pay her rent. When she don't get it that way she takes Panther money. How come her kid sells the paper in his school and no one bothers him. How comes Tyler got busted up by the pigs and her kid didn't. How comes the FBI pig fascists knew where to bust Lonnie and Minnie way out where they were.

—Think baby.¹⁹⁶

In another example, the chairman of the Kansas City BPP chapter went to Washington in an attempt to testify before a Senate subcommittee about information he allegedly possessed about the transfer of firearms from the Kansas City Police Department to a retired Army General. The attempt did not succeed; the committee chairman adjourned the hearing and then asked the BPP member to present his information to an aide. The Bureau then authorized an anonymous phone call to BPP headquarters "to the effect that [the target] was paid by the committee to testify, that he has cooperated fully with this committee, and that he intends to return at a later date to furnish additional testimony which will include complete details of the BPP operation in Kansas City."¹⁹⁷

In the fifth case, the Bureau had so successfully disrupted the San Diego BPP that it no longer existed. One of the former members, however, was "politicking" for the position of local leader if the group is ever reorganized." Headquarters authorized the San Diego field office to send anonymous notes to "selected individuals within the black community of San Diego" to "initiate the rumor that [the target],

¹⁹⁴ Memorandum from San Diego Field Office to FBI Headquarters, 2/11/69; memorandum to San Diego Field Office from FBI Headquarters, 2/19/69.

¹⁹⁵ Memorandum from New York Field Office to FBI Headquarters, 2/14/69; memorandum from FBI Headquarters to New York Field Office, 3/10/69.

¹⁹⁶ Memorandum to FBI Headquarters from SAC, Newark, 7/3/69; memorandum to Newark Field Office from FBI Headquarters, 7/14/69.

¹⁹⁷ Memorandum from Kansas City Field Office to FBI Headquarters, 10/16/69; memorandum from FBI Headquarters to San Francisco Field Office, 11/3/69.

who has aspirations of becoming the local Black Panther Party Captain, is a police informant.”¹⁹⁸

In a sixth case, a letter alleging that a Washington, D.C., BPP leader was a police informant was sent “as part of our continuing effort to foment internal dissension within ranks of Black Panther Party.”¹⁹⁹

Brother :

I recently read in the Black Panther newspaper about that low dog Gaines down in Texas who betrayed his people to the pigs and it reminded me of a recent incident that I should tell you about. Around the first part of Feb. I was locked up at the local pigpen when the pigs brought in this dude who told me he was a Panther. This dude who said his name was [deleted] said he was vamped on by six pigs and was brutalized by them. This dude talked real bad and said he had killed pigs and was going to get more when he got out, so I thought he probably was one of you. The morning after [name] was brought in a couple of other dudes in suits came to see him and called him out of the cell and he was gone a couple of hours. Later on these dudes came back again to see him. [Name] told me the dudes were his lawyers but they smelled like pig to me. It seems to me that you might want to look into this because I know you don't want anymore low-life dogs helping the pigs brutalize the people. You don't know me and I'm not a Panther but I want to help with the cause when I can.

A lumpen brother

In a seventh case, the “most influential BPP activist in North Carolina” had been photographed outside a house where a “shoot out” with local police had taken place. The photograph, which appeared in the local newspaper, showed the target talking to a policeman. The photograph and an accompanying article were sent to BPP headquarters in Oakland, California, with a handwritten note, supposedly from a female BPP member known to be “disenchanted” with the target, saying, “I think this is two pigs oinking.”²⁰⁰

Although Bureau witnesses stated that they did not authorize a “snitch jacket” when they had information that the group was *at that time* actually killing suspected informants,²⁰¹ they admitted that the risk was there whenever the technique was used.

¹⁹⁸ Memorandum to FBI Headquarters from San Diego Field Office, 3/6/70; memorandum from FBI Headquarters to San Diego Field Office, 3/6/70.

¹⁹⁹ Memorandum from Charlotte Field Office to FBI Headquarters, 3/23/71; memorandum from FBI Headquarters to Charlotte Field Office, 3/31/71.

²⁰⁰ Memorandum from Charlotte Field Office to FBI Headquarters 3/23/71; memorandum FBI Headquarters to Charlotte Field Office, 3/31/71.

²⁰¹ In fact, some proposals were turned down for that reason. See, e.g., letter from FBI Headquarters to Cincinnati Field Office, 2/18/71, in which a proposal that an imprisoned BPP member be labeled a “pig informer” was rejected because it was possible it would result in the target's death. But note that just one month later, two similar proposals were approved. Letter from FBI Headquarters to Washington Field Office, 3/19/71, and letter from FBI Headquarters to Charlotte Field Office, 3/31/71.

It would be fair to say there was an element of risk there which we tried to examine on a case by case basis.²⁰²

Moore added, "I am not aware of any time we ever labeled anybody as an informant, that anything [violent] ever happened as a result, and that is something that could be measured." When asked whether that was luck or lack of planning, he responded, "Oh, it just happened that way, I am sure."²⁰³

C. Using Hostile Third Parties Against Target Groups

The Bureau's factionalism efforts were intended to separate individuals or groups which might otherwise be allies. Another set of actions is a variant of that technique; organizations already opposed to the target groups were used to attack them.

The American Legion and the Veterans of Foreign Wars, for example, printed and distributed under their own names Bureau-authored pamphlets condemning the SDS and the DuBois Clubs.

In another case, a confidential source who headed an anti-Communist organization in Cleveland, and who published a "self-described conservative weekly newspaper," the *Cleveland Times*, was anonymously mailed information on the Unitarian Society of Cleveland's sponsorship of efforts to abolish the House Committee on Un-American Activities. The source had "embarrassed" the Unitarian minister with questions about the alleged Communist connections of other cosponsors "at public meetings."²⁰⁴

It was anticipated that the source would publish a critical article in her newspaper, which "may very well have the result of alerting the more responsible people in the community" to the nature of the movement and "stifle it before it gets started."²⁰⁵

The source newspaper did publish an article entitled "Locals to Aid Red Line," which named the Minister, among others, as a local sponsor of what it termed a "Communist dominated plot" to abolish the House Committee.²⁰⁶

One group, described as a "militant anticommunist right wing organization, more of an activist group than is the more well known John Birch Society," was used on at least four separate occasions. The Bureau developed a long-range program to use the organization in "counterintelligence activity" by establishing a fictitious person named "Lester Johnson" who sent letters, made phone calls, offered financial support, and suggested action:

In view of the activist nature of this organization, and their lack of experience and knowledge concerning the interior workings of the [local] CP, [the field office proposes] that efforts be made to take over their activities and use them in such a manner as would be best calculated by this office to

²⁰² Black Nationalist supervisor, 10/17/75, p. 39.

²⁰³ Moore, 11/3/15, p. 64.

²⁰⁴ The minister has given the Select Committee an affidavit which states that there was an organized attempt by the Bureau's source to disrupt the Church's meetings, including "fist fights." Affidavit of Rev. Dennis G. Kuby, 10/19/75.

²⁰⁵ Memorandum from Cleveland Field Office to FBI Headquarters, 10/28/64; memorandum from FBI Headquarters to Cleveland Field Office, 11/6/64.

²⁰⁶ Memorandum from FBI Headquarters to Cleveland Field Office, 11/6/64.

completely disrupt and neutralize the [local] CP, all without [the organization] becoming aware of the Bureau's interest in its operation.²⁰⁷

"Lester Johnson" used the organization to distribute fliers and letters opposing the candidacy of a lawyer running for a judgeship²⁰⁸ and to disrupt a dinner at which an alleged Communist was to speak.²⁰⁹ "Johnson" also congratulated the organization on disrupting an anti-draft meeting at a Methodist Church, furnishing further information about a speaker at the meeting,²¹⁰ and suggested that members picket the home of a local "communist functionary."²¹¹

Another case is slightly different from the usual "hostile third party" actions, in that both organizations were Bureau targets. "Operation Hoodwink" was intended to be a long-range program to disrupt both La Cosa Nostra (which was not otherwise a COINTELPRO target) and the Communist Party by "having them expend their energies attacking each other." The initial project was to prepare and send a leaflet, which purported to be from a Communist Party leader to a member of a New York "family" attacking working conditions at a business owned by the family member.²¹²

D. Disseminating Derogatory Information to Family, Friends, and Associates

Although this technique was used in relatively few cases it accounts for some of the most distressing of all COINTELPRO actions. Personal life information, some of which was gathered expressly to be used in the programs, was then disseminated, either directly to the target's family through an anonymous letter or telephone call, or indirectly, by giving the information to the media.

²⁰⁷ Memorandum from Detroit Field Office to FBI Headquarters, 10/18/66, p. 2.

²⁰⁸ Memorandum from Detroit Field Office to FBI Headquarters, 1/19/67.

The lawyer was targeted, along with his law firm, because the firm "has a long history of providing services for individual communists and communist organizations," and because he belonged to the National Lawyers Guild.

²⁰⁹ Memorandum from FBI Headquarters to Detroit Field Office, 1/16/67.

²¹⁰ Memorandum from FBI Headquarters to Detroit Field Office, 1/10/67.

²¹¹ Memorandum from FBI Headquarters to Detroit Field Office, 11/3/66.

²¹² Memorandum from F. J. Baumgardner to William C. Sullivan, 10/4/66; memorandum from FBI Headquarters to New York Field Office, 10/5/66.

A similar proposal attempted "to cause dissension between Negro numbers operators and the Italian hoodlum element" in Detroit. The Bureau had information that black "numbers men" were contributing money to the local "black power movement." An anonymous letter containing a black hand and the words "watch out" was sent a minister who was "the best known black militant in Detroit." The letter was intended to achieve two objectives. First, the minister was expected to assume that "the Italian hoodlum element was responsible for this letter, report this to the Negro numbers operators, and thereby cause them to further resent the Italian hoodlum element." Second, it is also possible that [the minister] may become extremely frightened upon receipt of this letter and sever his contact with the Negro numbers men in Detroit and might even restrict his black nationalist activity or leave Detroit. (Memorandum from the Detroit Field Office to FBI Headquarters, 6/14/68; Memorandum from FBI Headquarters to Detroit Field Office, 6/28/68.)

Several letters were sent to spouses; three examples follow.²¹³ The names have been deleted for privacy reasons.

The first letter was sent to the wife of a Grand Dragon of the United Klans of America ("Mrs. A"). It was to be "typed on plain paper in an amateurish fashion."²¹⁴

"My Dear Mrs. (A),

"I write this letter to you only after a long period of praying to God. I must cleanse my soul of these thoughts. I certainly do not want to create problems inside a family but I owe a duty to the klans and its principles as well as to my own menfolk who have cast their divine lot with the klans.

"Your husband came to [deleted] about a year ago and my menfolk blindly followed his leadership, believing him to be the savior of this country. They never believed the "stories that he stole money from the klans in [deleted] or that he is now making over \$25,000 a year. They never believed the stories that your house in [deleted] has a new refrigerator, washer, dryer and yet one year ago, was threadbare. They refuse to believe that your husband now owns three cars and a truck, including the new white car. But I believe all these things and I can forgive them for a man wants to do for his family in the best way he can.

"I don't have any of these things and I don't grudge you any of them neither. But your husband has been committing the greatest of the sins of our Lord for many years. He has taken the flesh of another unto himself.

"Yes, Mrs. A, he has been committing adultery. My menfolk say they don't believe this but I think they do. I feel like crying. I saw her with my own eyes. They call her Ruby. Her last name is something like [deleted] and she lives in the 700 block of [deleted] Street in [deleted.] I know this. I saw her strut around at a rally with her lustfilled eyes and smart aleck figure.

"I cannot stand for this. I will not let my husband and two brothers stand side by side with your husband and this woman in the glorious robes of the clan. I am typing this because I am going to send copys to Mr. Shelton and some of the klans leaders that I have faith in. I will not stop until your husband is driven from [deleted] and back into the flesh-pots from wherein he came.

²¹³ Letters were also sent to parents informing them that their children were in communes, or with a roommate of the opposite sex; information on an actress' pregnancy by a Black Panther was sent to a gossip columnist; and information about a partner's affair with another partner's wife was sent to the members of a law firm as well as the injured spouses.

Personal life information was not the only kind of derogatory information disseminated; information on the "subversive background" of a target (or family member) was also used, as were arrest records.

²¹⁴ Memorandum from Richmond Field Office to FBI Headquarters, 8/26/66.

"I am a loyal klanswoman and a good churchgoer. I feel this problem affects the future of our great country. I hope I do not cause you harm by this and if you believe in the Good Book as I do, you may soon receive your husband back into the fold. I pray for you and your beautiful little children and only wish I could tell you who I am. I will soon, but I am afraid my own men would be harmed if I do."

"A God-fearing klanswoman"

The second letter was sent to the husband ("Mr. B") of a woman who had the distinction of being both a New Left and Black Nationalist target; she was a leader in the local branch of the Women's International League for Peace and Freedom, "which group is active in draft resistance, antiwar rallies and New Left activities," and an officer in ACTION, a biracial group which broke off from the local chapter of the Congress of Racial Equality and which "engaged in numerous acts of civil disruption and disobedience."²¹⁵

Two informants reported that Mr. B had been making suspicious inquiries about his wife's relationship with the Black males in ACTION. The local field office proposed an anonymous letter to the husband which would confirm his suspicions, although the informants did not know whether the allegations of misconduct were true. It was hoped that the "resulting marital tempest" would "result in ACTION losing their [officer] and the WILPF losing a valuable leader, thus striking a major blow against both organizations."²¹⁶

Accordingly, the following letter,^{216a} written in black ink, was sent to the husband:

²¹⁵ Memorandum from St. Louis Field Office to FBI Headquarters, 1/30/70.

²¹⁶ Memorandum from St. Louis Field Office to FBI Headquarters, 1/30/70.

Note that there is no allegation that ACTION was engaged in violence. When the target was interviewed by the staff, she was asked whether ACTION ever took part in violent activities. She replied that someone once spat in a communion cup during a church sit-in and that members sometimes used four letter words, which was considered violent in her city. The staff member then asked about more conventionally violent acts, such as throwing bricks or burning buildings. Her response was a shocked, "Oh, no! I'm a pacifist—I wouldn't be involved in an organization like that." (Staff interview of a COINTELPRO target.)

^{216a} Memorandum from St. Louis Field Office to FBI Headquarters, 1/30/70.

Dear Mr. B

Look man I guess your old lady
 doesn't get enough at home or
 she wouldn't be shucking and
 jiving with our Black Men in
 ACTION, you dig? Like all she
 wants to intergrate is the bed room
~~and~~ ~~we~~ Black Sisters aint gonna
 take no second best from our
 men. So lay it on her, man -
 or get her the hell off Newstead.
 A Soul Sister

A letter from the field office to headquarters four months later reported as a "tangible result" of the letter that the target and her husband had recently separated, following a series of marital arguments:

This matrimonial stress and strain should cause her to function much less effectively in ACTION. While the letter sent by the [field office] was probably not the sole cause of this separation, it certainly contributed very strongly.²¹⁷

The third letter was sent to the wife of a leader of the Black Liberators ("Mrs. C"). She was living in their home town with their two daughters while he worked in the city. Bureau documents describe Mrs. C. as a "faithful, loving wife, who is apparently convinced that her husband is performing a vital service to the Black world. . . . She is to all indications an intelligent, respectable young mother, who is active in the AME Methodist Church."²¹⁸

The letter was "prepared from a penmanship, spelling style to imitate that of the average Black Liberator member. It contains several accusations which should cause [X's] wife great concern." It was expressly intended to produce "ill feeling and possibly a lasting distrust" between X and his wife; it was hoped that the "concern over what to do about it" would "detract from his time spent in the plots and plans of his organization."²¹⁹

The letter was addressed to "Sister C":

²¹⁷ Memorandum from St. Louis Field Office to FBI Headquarters, 6/17/70.

²¹⁸ Memorandum from St. Louis Field Office to FBI Headquarters, 2/14/69, p. 1.

²¹⁹ Memorandum from St. Louis Field Office to FBI Headquarters, 2/14/ 69, pp. 2-3.

~~Sister C~~

⊂ The Black Liberator are trained to respect Black Women and special are wives and girls. Brother C keeps telling the Brothers this but he don't treat you that way. I only been in the organization 12 months but C has been making it here with Sister Marva Bass & Sister Tony and then he gives ~~his~~ ^{his} fine bout their better in bed than you ~~is~~ and ~~how~~ how he keeps you off his back I send you a little dillyg over now on then.

He says he gotta send you money the Draft board gonna chuck him in the army smethin. This aint rite and were sayin that is treatin you wrong -

A Black Liberator

The Petersen Committee said that some COINTELPRO actions were "abhorrent in a free society." This technique surely falls within that condemnation.²²⁰

²²⁰ House Judiciary Committee, Subcommittee on Civil and Constitutional Rights, Hearings, 11/20/74, p. 11.

E. Contacts with Employers

The Bureau often tried to get targets fired, with some success.²²¹ If the target was a teacher, the intent was usually to deprive him of a forum and to remove what the Bureau believed to be the added prestige given a political cause by educators. In other employer contacts, the purpose was either to eliminate a source of funds for the individual or (if the target was a donor) the group, or to have the employer apply pressure on the target to stop his activities.

For example, an Episcopal minister furnished "financial and other" assistance to the Black Panther Party in his city. The Bureau sent an anonymous letter to his bishop so that the church would exert pressure on the minister to "refrain from assistance to the Black Panther Party."²²² Similarly, a priest who allowed the Black Panther Party to use his church for its breakfast program was targeted; his bishop received both an anonymous letter and three anonymous phone calls. The priest was transferred shortly thereafter.²²³

In another case, a black county employee was targeted because he had attended a fund raiser for the Mississippi Summer Project and, on another occasion, a presentation of a Negro History Week program. Both functions had been supported by "clandestine CP members." The employee, according to the documents, had no record of subversive activities; "he and his wife appear to be genuinely interested in the welfare of Negroes and other minority groups and are being taken in by the communists." The Bureau chose a curiously indirect way to inform the target of his friends' Party membership; a local law enforcement official was used to contact the County Administrator in the expectation that the employee would be "called in and questioned about his left-wing associates."²²⁴

The Bureau made several attempts to stop outside sources from funding target operations.²²⁵ For example, the Bureau learned that SNCC was trying to obtain funds from the Episcopal Church for a "liberation school." Two carefully spaced letters were sent to the Church which falsely alleged that SNCC was engaged in a "fraudulent scheme" involving the anticipated funds. The letters purported to be from local businessmen approached by SNCC to place fictitious orders for school supplies and divide the money when the Church paid the bills.²²⁶ Similar letters were sent to the Interreligious Foundation for Community Organizing, from which SNCC had requested a grant for its "Agrarian Reform Plan." This time, the letters alleged kickback approaches in the sale of farm equipment and real estate.²²⁷

Other targets include an employee of the Urban League, who was fired because the Bureau contacted a confidential source in a foundation which funded the League; ²²⁸ a lawyer known for his representation

²²¹ There were 84 contacts with employers or 3 percent of the total.

²²² Memorandum from New Haven Field Office to FBI Headquarters, 11/12/69.

²²³ Memorandum from FBI Headquarters to San Diego Field Office, 9/11/69.

²²⁴ Memorandum from FBI Headquarters to San Francisco Field Office, 9/29/64.

²²⁵ The FBI also used a "confidential source" in a foundation to gain funding for a "moderate" civil rights organization. (Memorandum from G. C. Moore to W. C. Sullivan, 10/23/68.)

²²⁶ Memorandum from New York Field Office to FBI Headquarters, 6/18/70.

²²⁷ Memorandum from New York Field Office to FBI Headquarters, 8/19/70.

²²⁸ Memoranda from FBI Headquarters to Pittsburgh Field Office, 3/3/69 and 4/3/69.

of “subversives,” whose nonmovement client received an anonymous letter advising it not to employ a “well-known Communist Party apologist”;²²⁹ and a television commentator who was transferred after his station and superiors received an anonymous protest letter. The commentator, who had a weekly religious program, had expressed admiration for a black nationalist leader and criticized the United States’ defense policy.²³⁰

F. Use and Abuse of Government Processes

This category, which comprises 9 percent of all approved proposals includes selective law enforcement (using Federal, state, or local authorities to arrest, audit, raid, inspect, deport, etc.); interference with judicial proceedings, including targeting lawyers who represent “subversives”; interference with candidates or political appointees; and using politicians and investigating committees, sometimes without their knowledge, to take action against targets.

1. Selective Law Enforcement

Bureau documents often state that notifying law enforcement agencies of violations committed by COINTELPRO targets is not counter-intelligence, but part of normal Bureau responsibility. Other documents, however, make it clear that “counterintelligence” was precisely the purpose. “Be alert to have them arrested,” reads a New Left COINTELPRO directive to all participating field offices.²³¹ Further, there is clearly a difference between notifying other agencies of information that the Bureau happened across in an investigation—in plain view, so to speak—and instructing field offices to find evidence of violations—*any* violations—to “get” a target. As George Moore stated:

Ordinarily, we would not be interested in health violations because it is not my jurisdiction, we would not waste our time. But under this program, we would tell our informants perhaps to be alert to any health violations or other licensing requirements or things of that nature, whether there were violations and we would see that they were reported.²³²

State and local agencies were frequently informed of alleged statutory violations which would come within their jurisdiction.²³³ As noted above, this was not always normal Bureau procedure.

A typical example of the attempted use of local authorities to disrupt targeted activities is the Bureau’s attempt to have a Democratic Party fund raiser raided by the state Alcoholic Beverage Control Commis-

²²⁹ Memorandum from FBI Headquarters to New York Field Office, 7/2/64.

²³⁰ Memorandum from FBI Headquarters to Cincinnati Field Office, 3/28/69.

²³¹ Memorandum from FBI Headquarters to all SAC’s, 10/9/68.

²³² Moore, 11/3/75, p. 47.

²³³ Federal agencies were also used. For instance, a foreign-born professor active in the New Left was deported by the Immigration and Naturalization Service at the Bureau’s instigation. (Memorandum from FBI Headquarters to San Diego Field Office, 9/6/68.) The Bureau’s use of the IRS in COINTELPRO is included in a separate report. Among other actions, the Bureau obtained an activist professor’s tax returns and then used a source in a regional IRS office to arrange an audit. The audit was intended to be timed to interfere with the professor’s meetings to plan protest demonstrations in the 1968 Democratic convention.

sion.²³⁴ The function was to be held at a private house: the admission charge included "refreshments." It was anticipated that alcoholic beverages would be served. A confidential source in the ABC Commission agreed to send an agent to the fund raiser to determine if liquor was being served and then to conduct a raid.²³⁵ (In fact, the raid was cancelled for reasons beyond the Bureau's control. A prior raid on the local fire department's fund raiser had given rise to considerable criticism and the District Attorney issued an advisory opinion that such affairs did not violate state law. The confidential source advised the field office that the ABC would not, after all, raid the Democrats because of "political ramifications.")²³⁶

In the second case, the target was a "key figure" Communist. He had a history of homosexuality and was known to frequent a local hotel. The Bureau requested that the local police have him arrested for homosexuality; it was then intended to publicize the arrest to "embarrass the Party." Interestingly, the Bureau withdrew its request when the target stopped working actively for the Party because it would no longer cause the intended disruption.²³⁷ This would appear to rebut the Bureau's contention that turning over evidence of violations to local authorities was not really COINTELPRO at all, but just part of its job.

2. *Interference With Judicial Process*

The Bureau's attempts to interfere with judicial processes affecting targets are particularly disturbing because they violate a fundamental principle of our system of government. Justice is supposed to be blind. Nevertheless, when a target appeared before a judge, a jury, or a probation board, he sometimes carried an unknown burden; the Bureau had gotten there first.

Three examples should be sufficient. A university student who was a leader of the Afro American Action Committee had been arrested in a demonstration at the university. The Bureau sent an anonymous letter to the county prosecutor intended to discredit her by exposing her "subversive connections"; her adoptive father was described as a Communist Party member. The Bureau believed that the letter might aid the prosecutor in his case against the student. Another anonymous letter containing the same information was mailed to a local radio announcer who had an "open mike" program critical of

²³⁴ The fund raiser was targeted because of two of the candidates who would be present. One, a state assemblyman running for reelection, was active in the Vietnam Day Committee; the other, the Democratic candidate for Congress, had been a sponsor of the National Committee to Abolish the House Committee on Un-American Activities and had led demonstrations opposing the manufacture of napalm bombs. (Memorandum from FBI Headquarters to San Francisco Field Office, 10/21/66.)

²³⁵ Memorandum from FBI Headquarters to San Francisco Field Office, 11/14/66.

²³⁶ *Ibid.*

²³⁷ Memorandum from New York Field Office to FBI Headquarters, 2/23/60; memorandum from FBI Headquarters to New York Field Office, 3/11/60; memorandum from New York Field Office to FBI Headquarters, 11/10/60; memorandum from FBI Headquarters to New York Field Office, 11/17/60.

local "leftist" activity. The letter was intended to further publicize the "connection" between the student and the Communist Party.²³⁹

In the second example, a Klan leader who had been convicted on a weapons charge was out on bail pending appeal. He spoke at a Klan rally, and the Bureau arranged to have newsmen present. The resulting stories and photographs were then delivered to the appellate judges considering his case.²⁴⁰

The third instance involved a real estate speculator's bequest of over a million dollars to the three representatives of the Communist Party who were expected to turn it over to the Party. The Bureau interviewed the probate judge sitting on the case, who was "very cooperative" and promised to look the case over carefully. The judge asked the Bureau to determine whether the widow would be willing to "take any action designed to keep the Communist Party from getting the money." The Bureau's efforts to gain the widow's help in contesting the will proved unsuccessful.²⁴¹

3. Candidates and Political Appointees

The Bureau apparently did not trust the American people to make the proper choices in the voting booth. Candidates who, in the Bureau's opinion, should not be elected were therefore targeted. The case of the Democratic fundraiser discussed earlier was just one example.

Socialist Workers Party candidates were routinely selected for counterintelligence, although they had never come close to winning an election. In one case, a SWP candidate for state office inadvertently protected herself from action by announcing at a news conference that she had no objections to premarital sex; a field office thereupon withdrew its previously approved proposal to publicize her common law marriage.^{241a}

Other candidates were also targeted. A Midwest lawyer whose firm represented "subversives" (defendants in the Smith Act trials) ran for City Council. The lawyer had been active in the civil rights movement in the South, and the John Birch Society in his city had recently mailed a book called "It's Very Simple—The True Story of Civil Rights" to various ministers, priests, and rabbis. The Bureau received a copy of the mailing list from a source in the Birch Society and sent an anonymous follow-up letter to the book's recipients noting the pages on which the candidate had been mentioned and calling their attention to the "Communist background" of this "charlatan."²⁴² The

²³⁹ Memorandum from FBI Headquarters to Minneapolis Field Office, 7/22/69; memorandum from FBI Headquarters to Minneapolis Field Office, 4/9/69. Charles Colson spent seven months in jail for violating the civil rights of a defendant in a criminal case through the deliberate creation of prejudicial pre-trial publicity.

²⁴⁰ Memorandum from FBI Headquarters to Miami Field Office, 6/23/66; memorandum from Miami Field Office to FBI Headquarters, 9/30/66.

²⁴¹ Memorandum from New York Field Office to FBI Headquarters, 4/5/67. The Bureau also obtained legal advice from a probate attorney on how the will could be attacked; contacted other relatives of the deceased; leaked information about the will to a city newspaper; and solicited the efforts of the IRS and state taxing authorities to deplete the estate as much as possible.

^{241a} Memorandum from Atlanta Field Office to FBI Headquarters, 7/13/70.

²⁴² Memorandum from Detroit Field Office to FBI Headquarters, 9/15/65; memorandum from FBI Headquarters to Detroit Field Office, 9/22/65.

Bureau also sent a fictitious-name letter to a television station on which the candidate was to appear, enclosing a series of informative questions it believed should be asked.²⁴³ The candidate was defeated. He subsequently ran (successfully, as it happened) for a judgeship.

Political appointees were also targeted. One target was a member of the board of the NAACP and the Democratic State Central Committee. His brother, according to the documents, was a communist, and the target had participated in some Party youth group activities fifteen years earlier. The target's appointment as secretary of a city transportation board elicited an anonymous letter to the Mayor, with carbons to two newspapers, protesting the use of "us taxpayers' money" in the appointment of a "known Communist" to a highly paid job; more anonymous letters to various politicians, the American Legion, and the county prosecutor in the same vein; and a pseudonymous letter to the members of the transportation board, stating that the Mayor had "saddled them with a Commie secretary because he thinks it will get him a few Negro votes."²⁴⁴

4. Investigating Committees

State and Federal legislative investigating committees were occasionally used to attack a target, since the committees' interests usually marched with the Bureau's.

Perhaps the most elaborate use of an investigating committee was the framing of a complicated "snitch jacket." In October 1959, a legislative committee held hearings in Philadelphia, "ostensibly" to show a resurgence of CP activity in the area.²⁴⁵ The Bureau's target was subpoenaed to appear before the committee but was not actually called to testify. The field office proposed that local CP leaders be contacted to raise the question of "how it was possible for [the target] to escape testifying" before the committee; this "might place suspicion on him as being cooperative" with the investigators and "raise sufficient doubt in the minds of the leaders regarding [the target] to force him out of the CP or at least to isolate and neutralize him." Strangely enough, the target was not a bona fide CP member; he was an undercover infiltrator for a private anti-Communist group who had been a source of trouble for the FBI because he kept getting in their way.

A more typical example of the use of a legislative committee is a series of anonymous letters sent to the chairman of a state investigating committee that was designated to look into New Left activities on the state's college campuses. The target was an activist professor, and the letters detailed his "subversive background."

G. Exposing "Communist Infiltration" of Groups

This technique was used in approximately 4 percent of all approved proposals. The most common method involved anonymously notify-

²⁴³ Memorandum from FBI Headquarters to Detroit Field Office, 10/1/65.

²⁴⁴ Memorandum from Detroit Field Office to FBI Headquarters, 10/24/66; memorandum from FBI Headquarters to Detroit Field Office, 11/3/66.

²⁴⁵ According to the documents, "operating under the direction of New York headquarters," a document was placed in the record by the Committee which according to the "presiding officer," indicated that the CP planned to hold its national convention in Philadelphia. The field office added, "This office is not aware of any such plan of the CP." Memorandum from Philadelphia Field Office to FBI Headquarters, 11/3/59; memorandum from FBI Headquarters to Philadelphia Field Office, 11/12/59.

ing the group (civil rights organization, PTA, Boy Scouts, etc.) that one or more of its members was a "Communist,"²⁴⁶ so that it could take whatever action it deemed appropriate. Occasionally, however, the group itself was the COINTELPRO target. In those cases, the information went to the media, and the intent was to link the group to the Communist Party.

For example, one target was a Western professor who was the immediate past president of a local peace center, "a coalition of anti-Vietnam and antidraft groups." He had resigned to become chairman of the state's McCarthy campaign organization, but it was anticipated that he would return to the peace center after the election. According to the documents, the professor's wife had been a Communist Party member in the early 1950s. This information was furnished to a newspaper editor who had written an editorial branding the SDS and various black power groups as "professional revolutionists." The information was intended to "expose these people at this time when they are receiving considerable publicity to not only educate the public to their character, but disrupt the members" of the peace organization.²⁴⁷

In another case, the Bureau learned through electronic surveillance of a civil rights leader's plans to attend a reception at the Soviet Mission to the United Nations. (The reception was to honor a Soviet author.) The civil rights leader was active in a school boycott which had been previously targeted; the Bureau arranged to have news photographers at the scene to photograph him entering the Soviet mission.²⁴⁸

Other instances include furnishing information to the media on the participation of the Communist Party Presidential candidate in a United Farm Workers' picket line:²⁴⁹ "confidentially" telling established sources of three Northern California newspapers that the San Francisco County CP Committee had stated that the Bay area civil rights groups would "begin working" on the area's large newspapers "in an effort to secure greater employment of Negroes;"²⁵⁰ and furnishing information on Socialist Workers Party participation in the Spring Mobilization Committee to End the War in Vietnam to "discredit" the antiwar group by tying it "into the subversive movement."²⁵¹

²⁴⁶ Note that the "Communist" label was loosely applied, and might mean only that an informant reported that a target had attended meetings of a "front" group some years earlier. As noted earlier, none of the "COINTELPRO" labels were precise.

²⁴⁷ Memorandum from FBI Headquarters to Phoenix Field Office, 6/11/68.

²⁴⁸ Memorandum from William C. Sullivan, 2/4/64; memorandum from FBI Headquarters to New York Field Office, 2/12/64.

²⁴⁹ The target was not intended to be the United Farm Workers, but a local college professor expected to participate in the picket line. The Bureau had unsuccessfully directed "considerable efforts to prevent hiring" the professor. Apparently, the Bureau did not consider the impact of this technique on the United Farm Workers' efforts. Memorandum from San Francisco Field Office to FBI Headquarters 9/12/68; Memorandum from FBI Headquarters to San Francisco Field Office, 9/13/68.

²⁵⁰ Memorandum from San Francisco Field Office to FBI Headquarters, 4/16/64.

²⁵¹ Memorandum from San Francisco Field Office to FBI Headquarters, 3/10/67; memorandum from FBI Headquarters to San Francisco Field Office, 3/14/67.

V. COMMAND AND CONTROL: THE PROBLEM OF OVERSIGHT

A. *Within the Bureau*1. *Internal Administration*

The Bureau attempted to exercise stringent internal controls over COINTELPRO. All counterintelligence proposals had to be approved by headquarters. Every originating COINTELPRO document contains a strong warning to the field that "no counterintelligence action may be initiated by the field without specific Bureau authorization." The field would send a proposal under the COINTELPRO caption to the Seat of Government—the Bureau term for headquarters—where it would be routed to the Section Chief of the section handling the particular COINTELPRO program.²⁵²

The recommendation would then be attached to the proposal, beginning the process of administrative review. The lowest level on which a proposal could be approved was the Assistant Director, Domestic Intelligence Division, to whom the Section Chief reported *via* the Branch Chief. More often, the proposal would go through the Assistant to the Director and often to the Director himself.

2. *Coordination*

The Counterintelligence programs were coordinated with the rest of the section's work primarily through informal contacts, but also through section meetings and the Section Chief's knowledge of the work of his entire section.

Further, although the initial COINTELPRO was an effort to centralize what had been an *ad hoc* series of field actions, the programs continued to be essentially field-oriented with little target selection by headquarters. However, the Section Chief would attempt to make sure targets were being effectively chosen by occasionally sending out directives to field offices to intensify the investigation of a particular individual or group and to consider the subject for counterintelligence action.²⁵³

3. *Results*

Participating field offices were required to send in status letters (usually every ninety days) reporting any tangible results. They were instructed to resolve any doubts as to whether a counterintelligence action caused the observed result in their favor. Nevertheless, results were reported in only 527 cases, or 22 percent, of the approved actions. When a "good" result was reported, the field office or agent involved frequently received a letter of commendation or incentive award.²⁵⁴

²⁵² The CPUSA, SWP, and New Left programs were handled in the Internal Security Section; the White Hate program was first handled in a short-lived three-man "COINTELPRO unit" which, during the three years of its existence, supervised the CP and SWP programs as well, and then was transferred to the Extremists Section; the Black Nationalist program was supervised by the Racial Intelligence Section. The Section Chief would then route the proposal to the COINTELPRO supervisor for each program. Occasionally the Section Chief made a recommendation as to the proposal; more often the supervisor made the initial decision to approve or deny.

²⁵³ No control file was maintained of these directives. Since these directives were sent out under the investigative caption, the first time the COINTELPRO caption would be used was on the field proposal which responded to the directives.

²⁵⁴ (Unit chief, 10/16/75, p. 167.) There is no central file of such awards, so the number is retrievable only by searching each agent's personnel file.

4. *Blurred Distinction Between Counterintelligence and Investigation*

It is possible that some actions did not receive headquarters scrutiny simply because the field offices were never told precisely what "counterintelligence" was. Although Bureau procedures strictly required COINTELPRO proposals to be approved at headquarters and a control file to be maintained both in the field and at headquarters, the field offices had no way to determine with any certainty just what was counterintelligence and what was investigation. Many of the techniques overlap: contacts with employers, contacts with family members, contacts with local law enforcement, even straight interviewing, are all investigative techniques which were used in COINTELPRO actions.²⁵⁵ More importantly, actions in the Rev. Martin Luther King case which cannot, by any stretch of the language, be called "investigative" were *not* called COINTELPRO, but were carried under the investigative caption.²⁵⁶

The Bureau witnesses agree that COINTELPRO has no fixed definition, and that there is a large grey area between what is counterintelligence and what is aggressive investigation. As the Black Nationalist supervisor put it, "Basically actions taken to neutralize an individual or disrupt an organization would be COINTELPRO; actions which were primarily investigative would have been handled by the investigative desks," even though the investigative action had disruptive effects.^{256a} Aggressive investigation continues, and in many cases may be as disruptive as COINTELPRO, because in an investigation the Bureau can and does reveal its interest. An anonymous letter (COINTELPRO) can be discarded as the work of a crank; but if the local FBI agent says the subject of an investigation is a subversive an employer or family member pays attention.

5. *Inspection*

The Inspection Division attempted to ensure that standard procedures were being followed. The Inspectors focused on two things: field office participation, and the mechanics of headquarters approval. However, the Inspection Division did not exercise oversight, in the sense of looking for wrongdoing. Rather, it was an active participant in COINTELPRO by attempting to make sure that it was being efficiently and enthusiastically conducted.²⁵⁷

²⁵⁵ According to Moore, even the "snitch jacket"—labeling a group member as an informant when he is not—is not solely a counterintelligence technique, but may be used, in an ordinary investigation, to protect a real informant, "Maybe . . . you had an informant whose life was at stake because somebody suspected him and the degree of response . . . might be the degree that you would have to use in order to sow enough suspicion on other people to take it away from your informant." (Moore, 11/3/75, p. 70)

²⁵⁶ See Dr. Martin Luther King Report.

^{256a} Black Nationalist deposition, 10/17/75, p. 15.

²⁵⁷ As Moore put it, "This was a program, and whenever the Bureau had a program, you had to produce results because it was scrutinized by the inspectors, not only during your own inspection on a yearly basis, but also scrutinized in the field during field inspections." (Moore, 11/3/75, p. 43.) The New Left supervisor, who received copies of the inspection reports, stated that "it would be an innocuous type report in every instance I can recall." (New Left supervisor, 10/28/75, p. 72)

For example, one Domestic Intelligence Division inspection report on the "White Hate" programs noted under "Accomplishments" that the decline in Klan organizations is attributable to "hard-hitting investigations, counterintelligence

(Continued)

As the Assistant Director then in charge of the Inspection Division testified, the "propriety" of COINTELPRO was not investigated. He agreed that his job was to "determine whether the program was being pursued effectively as opposed to whether it was proper," and added, "There was no instruction to me, nor do I believe there is any instruction in the Inspector's manual that the Inspector should be on the alert to see that constitutional values are being protected."²⁵⁸

B. Outside the Bureau: 1956-1971

There is no clear answer to the question whether anyone outside the Bureau knew about COINTELPRO. One of the hallmarks of COINTELPRO was its secrecy. No one outside the Bureau was to know it existed.²⁵⁹ A characteristic instruction appeared in the Black Nationalist originating letter:

You are also cautioned that the nature of this new endeavor is such that under no circumstances should the existence of the program be made known outside the Bureau and appropriate within-office security should be afforded to sensitive operations and techniques considered under the program.²⁶⁰

Thus, for example, anonymous letters had to be written on commercially purchased stationery; newsmen had to be so completely trustworthy that they were guaranteed not to reveal the Bureau's interest; and inquiries of law enforcement officials had to be under investigative pretext. In approving or denying any proposal, the primary consideration was preventing "embarrassment to the Bureau." Embarrassment is a term of art. It means both public relations embarrassment—criticism—and any revelation of the Bureau's investigative interest to the subject, which may then be expected to take countermeasures.²⁶¹

(Continued)

programs directed at them, and penetration . . . by our racial informants." The report then lists several specific actions, including the defeat of a candidate with Klan affiliations; the removal from office of a high Klan official; and the issuance of a derogatory press release. (Inspection, Domestic Intelligence Division, 1/8-26/71, pp. 15, 17-19.)

²⁵⁸ Mark Felt testimony, 2/3/76, pp. 56, 65.

²⁵⁹ For security reasons, no instructions were printed in the Manual. In service training for intelligence agents did contain an hour on COINTELPRO, so it may be assumed that most agents knew something about the programs.

For instances in which Attorneys General, the Cabinet, and the House Subcommittee on Appropriations were allegedly informed of the existence of the CPUSA and Klan COINTELPROs.

²⁶⁰ Memorandum from FBI Headquarters to all SAC's, 8/25/67.

²⁶¹ One example of the lengths to which the Bureau went in maintaining secrecy may be instructive. The Bureau sent a letter to Klan members purporting to be from the "National Intelligence Committee"—a super-secret Klan disciplinary body. The letter fired the North Carolina Grand Dragon and suspended the Imperial Wizard, Robert Shelton. Shelton complained to both the local postal inspector and the FBI resident agency (which solemnly assured him that his complaint was not within the Bureau's jurisdiction). The Bureau had intended to mail a second "NIC" letter, but the plans were held in abeyance until it could be learned whether the postal inspector intended to act on Shelton's complaint. The Bureau, therefore, contacted the local postal inspector, using their investigation of Shelton's complaint as a pretext, to see what the inspector intended to do. The field office reported that the local inspector had forwarded the complaint to regional headquarters, which in turn referred it to a Chief Postal Inspector in Washington, D.C. The Bureau's liaison agent was then sent to that office to determine what action the postal authorities planned to take. He returned with the information that the Post Office had referred the matter to the Fraud Section of the Department of Justice's Criminal Division, under a cover

This secrecy has an obvious impact on the oversight process. There is some question whether anyone with oversight responsibility outside the Bureau was informed of COINTELPRO. In response to the Committee's request, the Bureau has assembled all documents available in its files which indicate that members of the executive and legislative branches were so informed.²⁶²

1. Executive Branch

On May 8, 1958, Director Hoover sent two letters, one to the Honorable Robert Cutler, Special Assistant to President Eisenhower, and the other to Attorney General William Rogers, containing the same information. The Attorney General's letter is captioned "COMMUNIST PARTY, USA-INTERNAL SECURITY." The letters are fairly explicit notification of the CPUSA COINTELPRO:

In August of 1956, this Bureau initiated a program designed to promote disruption within the ranks of the Communist Party (CP) USA . . . Several techniques have been utilized to accomplish our objectives.²⁶³

The letters go on to detail use of informants to engage in controversial discussions, after which "acrimonious debates ensued, suspicions were aroused, and jealousies fomented"; and anonymous mailings of anti-communist material, both reprinted and Bureau-prepared, to active CP members.²⁶⁴ (Two examples of the Bureau's product were enclosed.) "Tangible accomplishments" achieved by the program were "disillusionment and defection among Party members and increased factionalism at all levels."²⁶⁵ However, the only techniques disclosed were use of informants and anonymous propaganda mailings. There is no record of any reply to these letters.

letter stating that since Shelton's allegations "appear to involve an internal struggle" for Klan control, and "since the evidence of mail fraud was somewhat tenuous in nature," the Post Office did not contemplate any investigation. Neither, apparently, did the Department. The Bureau did not inform either the Postal Inspector or the Criminal Division that it had authored the letter under review. Instead, when it appeared the FBI's role would not be discovered, the Bureau prepared to send out the second letter—a plan which was discontinued when the Klan "notional" was proposed.

Memorandum from Charlotte Field Office to FBI Headquarters, 5/9/67; memorandum from FBI Headquarters to Charlotte Field Office, 5/24/67; memorandum from Charlotte Field Office to FBI Headquarters, 5/31/67; memorandum from Atlanta Field Office to FBI Headquarters, 6/7/67; memorandum from Atlanta Field Office to FBI Headquarters, 6/13/67; memorandum from Birmingham Field Office to FBI Headquarters, 6/14/67; memorandum from Charlotte Field Office to FBI Headquarters, 6/28/67; memorandum from FBI Headquarters to Atlanta and Charlotte Field Offices, 6/29/67; memorandum from Atlanta Field Office to FBI Headquarters, 6/27/67; memorandum from Bernard Rachner to Charles Brennan, 7/11/67; memorandum from Charlotte Field Office to FBI Headquarters, 8/22/67; memorandum from FBI Headquarters to Charlotte Field Office, 8/21/67.

²⁶² These documents were also made available to the Petersen Committee. The Petersen Committee twice asked the Bureau for documents showing outside knowledge, and twice was told there were none. Only as the Petersen report was ready to go to press did the Bureau find the documents delivered. (Staff interview with Henry Petersen.)

²⁶³ Memorandum from Director, FBI to the Attorney General, 5/8/58.

²⁶⁴ Memorandum from Director, FBI to the Attorney General, 5/8/58.

²⁶⁵ Memorandum from Director, FBI to the Attorney General, 5/8/58.

On January 10, 1961, letters from the Director were sent to Dean Rusk, Robert Kennedy, and Byron R. White, who were about to take office as Secretary of State, Attorney General, and Deputy Attorney General, respectively. The letters enclosed a top secret summary memorandum setting forth the overall activities of the Communist Party, USA, and stated, "Our responsibilities in the internal security field and our counterattack against the CPUSA are also set out in this memorandum."²⁶⁶

The five-page memorandum contains one section entitled "FBI Counterattack." This section details penetration of the Party at all levels with security informants; use of various techniques to keep the Party off-balance and disillusioned; infiltration by informants; intensive investigation of Party members; and prosecution. Only one paragraph of that report appears at all related to the Bureau's claim that the CPUSA COINTELPRO was disclosed:

As an adjunct to our regular investigative operations, we carry on a carefully planned program of counterattack against the CPUSA which keeps it off balance. Our primary purpose in this program is to bring about disillusionment on the part of individual members which is carried on from both inside and outside the Party organization. [Sentence on use of informants to disrupt excised for security reasons.]

In certain instances we have been successful in preventing communists from seizing control of legitimate mass organizations and have discredited others who were secretly operating inside such organizations. For example, during 1959 we were able to prevent the CPUSA from seizing control of the 20,000-member branch of the National Association for the Advancement of Colored People in Chicago, Illinois.²⁶⁷

The only techniques disclosed were use of informants and COMINFIL exposure. There is no record of any replies to these letters.

On September 2, 1965, letters were sent to the Honorable Marvin Watson, Special Assistant to President Johnson and Attorney General Katzenbach (whose letter was captioned "PENETRATION AND DISRUPTION OF KLAN ORGANIZATIONS—RACIAL MATTERS"). These two-page letters refer to the Bureau's success in solving a number of cases involving racial violence in the South. They then detail the development of a large number of informants and the value of the information received from them.

One paragraph deals with "disruption":

We also are seizing every opportunity to disrupt the activities of Klan organizations. Typical is the manner in which we exposed and thwarted a "kick back" scheme a Klan group was using in one southern state to help finance its activities. One member of the group was selling insurance to other Klan members and would deposit a generous portion of the premium refunds in the Klan treasury. As a result of action we took, the insurance company learned of the scheme and cancelled all the policies held by Klan members, thereby cutting off a siz-

²⁶⁶ Memorandum from Director, FBI to the Attorney General, 1/10/61.

²⁶⁷ Memorandum from Director, FBI to the Attorney General, 1/10/61, p. 4.

able source of revenue which had been used to finance Klan activities.²⁶⁸

Notifying an insurance company of a kick back scheme involving its premiums is not a "typical" COINTELPRO technique. It falls within that grey area between counterintelligence and ordinary Bureau responsibilities. Nevertheless, the statement that the Bureau is "seizing every opportunity to disrupt the activities of Klan organizations" is considered by the Bureau to be notification of the White Hate COINTELPRO, even though it does not distinguish between the inevitable and sometimes proper disruption of intensive investigation and the intended disruption of covert action.

On September 3, 1965, Mr. Katzenbach replied to the Director's letter with a two-paragraph memorandum captioned "Re: Your memorandum of September 2, regarding penetration and disruption of Klan organizations." The body of the memorandum makes no reference to disruption, but praises the accomplishments of the Bureau in the area of Klan penetration and congratulates Director Hoover on the development of his informant system and the results obtained through it. The letter concludes:

It is unfortunate that the value of these activities would in most cases be lost if too extensive publicity were given to them; however, perhaps at some point it may be possible to place these achievements on the public record, so that the Bureau can receive its due credit.²⁶⁹

The Bureau interpreted this letter as approval and praise of its White Hate COINTELPRO. Mr. Katzenbach has said that he has no memory of this document, nor of the response. He testified that during his term in the Department he had never heard the terms "COINTEL" or COINTELPRO, and that while he was familiar with the Klan investigation, he was not aware of any improper activities such as letters to wives.²⁷⁰ Mr. Katzenbach added:

It never occurred to me that the Bureau would engage in the sort of sustained improper activity which it apparently did. Moreover, given these excesses, I am not surprised that I and others were unaware of them. Would it have made sense for the FBI to seek approval for activities of this nature—especially from Attorneys General who did not share Mr. Hoover's political views, who would not have been in sympathy with the purpose of these attacks, and who would not have condoned the methods?²⁷¹

The files do not reveal any response from Mr. Watson.

On December 19, 1967, Director Hoover sent a letter to Attorney General Ramsey Clark, with a copy to Deputy Attorney General Warren Christopher, captioned "KU KLUX KLAN INVESTIGATIONS—FBI ACCOMPLISHMENTS" and attaching a ten-page memorandum with the same caption and a list of statements and pub-

²⁶⁸ Memorandum from Director, FBI to the Attorney General, 9/2/65, p. 2.

²⁶⁹ Memorandum from Nicholas deB. Katzenbach to J. Edgar Hoover, 9/3/65.

²⁷⁰ Nicholas deB. Katzenbach testimony, 12/3/75, Hearings, Vol. 6, pp. 206-207.

²⁷¹ Katzenbach, 12/3/75, Hearings, Vol. 6, p. 217.

lications regarding the Ku Klux Klan "and the FBI's role in investigating Klan matters." The memorandum was prepared "pursuant to your conversation with Cartha DeLoach of this Bureau concerning FBI coverage and penetration of the Ku Klux Klan."²⁷²

The memo is divided into eleven sections: Background, Present Status, FBI Responsibility, Major Cases, Informants, Special Projects, Liaison With Local Authorities, Klan Infiltration of Law Enforcement, Acquisition of Weapons and Dynamite of the Ku Klux Klan, Interviews of Klansmen, and Recent Developments.

The first statement in the memorandum which might conceivably relate to the White Hate COINTELPRO appears under the heading "FBI Responsibility":

. . . We conduct intelligence investigations with the view toward infiltrating the Ku Klux Klan with informants, neutralizing it as a terrorist organization, and deterring violence.²⁷³

The Bureau considers the word "neutralize" to be a COINTELPRO key word.

Some specific activities which were carried out within the Bureau under the COINTELPRO caption are then detailed under the heading "Special Projects." The use of Bureau informants to effect the removal of Klan officers is set forth under the subheadings "Florida," "Mississippi," and "Louisiana." More significantly, the "Florida" paragraph includes the statement that, "We have found that by the removal of top Klan officers and provoking scandal within the state Klan organization through our informants, the Klan in a particular area can be rendered ineffective."²⁷⁴ This sentence, although somewhat buried should, if focused upon, have alerted the recipients to actions going beyond normal investigative activity. Other references are more vague, referring only to "containing the growth" or "controlling the expansion" of state Klans.²⁷⁵ There is no record of any reply to this letter, which Clark does not remember receiving:

Did [these phrases in the letter] put me on notice? No. Why? I either did not read them, or if I did read them, didn't read them carefully. . . . I think I didn't read this. I think perhaps I had asked for it for someone else, and either bucked it on to them or never saw it.²⁷⁶

²⁷² Memorandum from Director, FBI to the Attorney General, 12/19/67, p. 1.

²⁷³ Memorandum from Director, FBI to the Attorney General, 2/19/67, p. 4.

²⁷⁴ Memorandum from Director, FBI to the Attorney General, 12/19/67, p. 8.

²⁷⁵ The paragraph under the subheading "Tennessee" includes the statement that, through a highly placed Bureau informant, "we were able to control the expansion of the Klan." The paragraphs under the subheading "Virginia" states that, after the United Klans of America began an intensive organizational effort in the state, "We immediately began an all-out effort to penetrate the Virginia Klan, contain its growth, and deter violence." The specific examples given, however, are *not* COINTELPRO actions, but liaison with state and local authorities, prosecution, cooperation with the Governor, and warning a civil rights worker of a plot against his life. The paragraph under the subheading "Illinois" contains nothing relating to COINTELPRO activities, but refers to cooperation with state authorities in the prosecution of a Klan official for a series of bombings. (Memorandum from Director, FBI, to the Attorney General, 12/19/67, pp. 8-10.)

²⁷⁶ Clark, 12/3/75, Hearings, Vol. 6, p. 235.

He added, "I think that any disruptive activities, such as those you reveal, regarding the COINTEL program and the Ku Klux Klan, should be absolutely prohibited and subjected to criminal prosecution."²⁷⁷

Finally, on September 17, 1969, a letter was sent to Attorney General Mitchell, with copies to the Deputy Attorney General and the Assistant Attorneys General of the Criminal Division, Internal Security Division, and Civil Division, captioned "INVESTIGATION OF KLAN ORGANIZATIONS—RACIAL MATTERS (KLAN)," which informs the recipients of the "significant progress we have recently made in our investigation of the Ku Klux Klan." The one page letter states that, "during the last several months,²⁷⁸ while various national and state leaders of the United Klan of America remain in prison, we have attempted to negate the activities of the temporary leaders of the Ku Klux Klan."²⁷⁹

The only example given is the "careful use and instruction of selected racial informants" to "initiate a split within the United Klans of America." This split was evidenced by a Klan rally during which "approximately 150 Klan membership cards were tacked to a cross and burned to signify this breach."²⁸⁰

The letter concludes, "We will continue to give full attention to our responsibilities in an effort to accomplish the maximum possible neutralization of the Klan."²⁸¹ There is no record of any replies to these letters.

While the only documentary evidence that members of the executive branch were informed of the existence of any COINTELPRO has been set forth above, the COINTELPRO unit chief stated that he was certain that Director Hoover orally briefed every Attorney General and President, since he wrote "squibs" for the Director to use in such briefings. He could not, however, remember the dates or subject matter of the briefings, and the Bureau was unable to produce any such "squibs" (which would not, in any case, have been routinely saved). Cartha DeLoach, former Assistant to the Director, testified that he "distinctly" recalled briefing Attorney General Clark, "generally . . . concerning COINTELPRO."²⁸² Clark denied that DeLoach's testimony was either true or accurate, adding "I do not believe that he briefed me on anything even, as he says, generally concerning COINTELPRO, whatever that means."²⁸³ The Bureau has failed to produce any memoranda of such oral briefings, although it was the habit of both Director Hoover and DeLoach to write memoranda for the files in such situations.²⁸⁴

2. *The Cabinet*

The Bureau has furnished the Committee a portion of a briefing paper prepared for Director Hoover for his briefing of the Cabinet,

²⁷⁷ Clark, 12/3/75, Hearings, p. 221.

²⁷⁸ The White Hate COINTELPRO had been going on for five years.

²⁷⁹ Memorandum from Director, FBI to the Attorney General, 9/17/69.

²⁸⁰ *Ibid.*

²⁸¹ *Ibid.*

²⁸² DeLoach, 12/3/75, Hearings, Vol. 6, p. 183.

²⁸³ Clark, 12/3/75, Hearings, Vol. 6, p. 232.

²⁸⁴ Unit Chief, 10/14/75, p. 136; and 10/21/75, p. 42.

presided over by President Eisenhower, dated November 6, 1958. There is no transcript of the actual briefing. The briefing as a whole apparently dealt with, among other things, seven programs which are "part of our overall counterintelligence operations" and which are "specific answers to specific problems which have arisen within our investigative jurisdiction." Six of the programs apparently related to espionage. The seventh deals with the CPUSA :

To counteract a resurgence of Communist Party influence in the United States, we have a seventh program designed to intensify any confusion and dissatisfaction among its members. During the past few years, this program has been most effective. Selective informants were briefed and trained to raise controversial issues within the Party. In the process, many were able to advance themselves to higher positions. The Internal Revenue Service was furnished the names and addresses of Party functionaries who had been active in the underground apparatus. Based on this information, investigations were instituted in 262 possible income tax evasion cases. Anticommunist literature and simulated Party documents were mailed anonymously to carefully chosen members.²⁸⁵

This statement, although concise, would appear to be a fairly explicit notification of the existence of the CPUSA COINTELPRO. There are no documents reflecting any response.

3. Legislative Branch

The Bureau has furnished excerpts from briefing papers prepared for the Director in his annual appearances before the House Appropriations Subcommittee. During the hearings pertaining to fiscal years 1958, 1959, 1960, 1961, 1963, 1966, and 1967,²⁸⁶ these briefing papers were given to the Director to be used in top secret, off-the-record testimony relating to the CPUSA and White Hate COINTELPROs. No transcripts are available of the actual briefings, and it is, therefore, not possible to determine whether the briefing papers were used at all, or, conversely, whether the Director went beyond them to give additional information. Additionally, portions of the briefing papers are underlined by hand and portions have been crossed out, also by hand. Some sections are both underlined and crossed out. The Bureau has not been able to explain the meaning of the underlining or cross marks. However, if the briefing papers were used as written, the Subcommittee was informed of the existence of the CPUSA and Klan COINTELPROs.

The FY 1958 briefing paper is in outline form. Under the heading "auxiliary measures directed against Communist Party-USA" is a paragraph entitled "FBI counterintelligence program to exploit Party 'split':"

The Bureau also recently inaugurated a newly devised counterintelligence program which is designed to capitalize upon

²⁸⁵ Excerpt from FBI Director's briefing to the President and his cabinet, 11/6/58, pp. 35-36.

²⁸⁶ The actual dates of the hearings would be 1957, 1958, 1959, 1960, 1962, 1965, and 1966.

the "split" presently existing in the leadership of the Communist Party-USA. Among other objectives, efforts are being made by the Bureau, through informants and other techniques, to keep these rifts open, and to otherwise weaken the party where possible to do so in an anonymous manner. The Internal Revenue Service has been given the names of 336 communist underground subjects, so that the agency may be able to entertain prosecutions for filing of false income tax returns or other violations within the jurisdiction of that Service.

The FY 1959 briefing paper on the CPUSA deals primarily with informant penetration, but includes the statement that "to counteract [CPUSA] activities the FBI for years has had a planned intensive program designed to infiltrate, penetrate, disorganize, and disrupt the Communist Party, USA."²⁸⁷ In covering informant activities, the paper includes the statement "they [informants] have likewise worked to excellent advantage as a disruptive tactic."²⁸⁸ The one specific example cited has been deleted by the Bureau because it tends to identify an informant.

The FY 1960 briefing paper is even more explicit. The pertinent section is entitled "FBI's Anti-Communist Counterintelligence Program." It details use of informants to engage in controversial discussions "to promote dissension, factionalism and defections" which "have been extremely successful from a disruptive standpoint."²⁸⁹ One paragraph deals with propaganda mailings "carefully concealing the identity of the FBI as its source";²⁹⁰ another paragraph states that "Communist Party leaders are considerably concerned over this anonymous dissemination of literature."²⁹¹

The FY 1961 briefing paper, again titled "FBI's Counterintelligence Program", states that the program was devised "to promote dissension, factionalism and defections within the communist cause."²⁹² The only technique discussed (but at some length) is anonymous propaganda mailings. The effectiveness of the technique, according to the paper, was proven from the mouth of the enemy that the mailings "appear to be the greatest danger to the Communist Party, USA."²⁹³

The FY 1963 briefing paper, captioned "Counterintelligence Program," is extraordinarily explicit. It reveals that:

Since August, 1956, we have augmented our regular investigative operations against the Communist Party-USA with a "counterintelligence program" which involves the applica-

²⁸⁷ Excerpt from FBI Director's briefing of the House Appropriations Subcommittee, FY 1959, p. 54.

²⁸⁸ Excerpt from FBI Director's briefing of the House Appropriations Subcommittee, FY 1959, p. 58.

²⁸⁹ Excerpt from FBI Director's briefing of the House Appropriations Subcommittee, FY 1960, p. 76.

²⁹⁰ Excerpt from FBI Director's briefing of the House Appropriations Subcommittee, FY 1960, p. 76.

²⁹¹ Excerpt from FBI Director's briefing of the House Appropriations Subcommittee, FY 1960, p. 77.

²⁹² Excerpt from FBI Director's briefing of the House Appropriations Subcommittee, FY 1961, p. 80.

²⁹³ Excerpt from FBI Director's briefing of the House Appropriations Subcommittee, FY 1961, p. 81.

tion of disruptive techniques and psychological warfare directed at discrediting and disrupting the operations of the Party, and causing disillusionment and defections within the communist ranks. The tangible results we are obtaining through these covert and extremely sensitive operations speak for themselves.²⁹⁴

The paper goes on to set forth such techniques as disrupting meetings, rallies, and press conferences through causing the last-minute cancellation of the rental of the hall, packing the audience with anti-communists, arranging adverse publicity in the press, and giving friendly reporters "embarrassing questions" for Communists they interviewed. The briefing paper also mentions the use of newsmen to take photographs which show the close relationship between the leaders of the CPUSA and officials of the Soviet Union, using informants to sow discord and factionalism, exposing and discrediting Communists in such "legitimate organizations" as the YMCA and the Boy Scouts, and mailing anonymous propaganda.²⁹⁵

The briefing paper for FY 1966 again refers to "counterintelligence action:" "We have since 1956 carried on a sensitive program for the purpose of disrupting, exposing, discrediting, and otherwise neutralizing the Communist Party-USA and related organizations."²⁹⁶ The paper cites two examples. The first is an operation conducted against a Communist Party functionary who arrived in a (deleted) city to conduct a secret two-week Party school for local youth. The Bureau arranged for him to be greeted at the airport by local television newsmen. The functionary lost his temper, pushing the reporter away and swinging his briefcase at the cameraman, who was busily filming the entire incident. The film was later televised nationally. The second technique is described as "the most effective single blow ever dealt the organized communist movement." The description has been deleted "as it tends to reveal a highly sensitive technique."²⁹⁷ The COINTELPRO unit chief also stated that this one single action succeeded in causing a "radical decrease" in CPUSA membership, but refused to tell the Committee staff what that action was because it involved foreign counterintelligence.²⁹⁸

The final briefing paper, for FY 1967, refers to the CPUSA program and its expansion in 1964 to include "Klan and hate-type organizations and their memberships." It continues, "counterintelligence action today is a valuable adjunct to investigative responsibilities and the techniques used complement our investigations. All information related to the targeted organizations, their leadership and members, which is developed from a variety of sources, is carefully reviewed for its potential for use under this program."²⁹⁹

²⁹⁴ Excerpt from FBI Director's briefing of the House Appropriations Subcommittee, FY 1963.

²⁹⁵ Excerpt from FBI Director's briefing of the House Appropriations Subcommittee, FY 1963.

²⁹⁶ Excerpt from FBI Director's briefing of the House Appropriations Subcommittee, FY 1966, p. 62. This is the first time the targeting of non-Party members can be inferred.

²⁹⁷ Excerpt from FBI Director's briefing of the House Appropriations Subcommittee, FY 1966, p. 63.

²⁹⁸ Unit chief, 10/16/75, p. 113.

²⁹⁹ Excerpt from FBI Director's briefing of the House Appropriations Subcommittee, FY 1967, p. 71.

Examples cited are the Bureau's preparation of a leaflet on the W.E.B. DuBois Clubs entitled "Target... American Youth!" sponsored by the VFW; alerting owners of meeting locations to their use by Communists; alerting the Veterans Administration to a Klan member's full-time employment in order to reduce his pension, and the IRS to the fact that he failed to file tax returns; exposing the insurance kick back scheme also referred to in the 1965 letters to Watson and Katzenbach; and increasing informant coverage by duplicating a Klan business card given to prospective members.³⁰⁰

C. Outside the Bureau: Post-1971.

In the fall of 1973, the Department of Justice released certain COINTELPRO documents which had been requested by NBC reporter Carl Stern in a Freedom of Information Act request following the Media, Pennsylvania, break-in. In January 1974, Attorney General Saxbe asked Assistant Attorney General Henry Petersen to form an intradepartmental committee to study COINTELPRO and report back to him.³⁰¹ The committee was composed of both Department attorneys and Bureau agents. The Department lawyers did not work directly with Bureau documents; instead the Bureau prepared summaries of the documents in the COINTELPRO control file, which did not include the identities or affiliations of the targets, and the Department members were allowed to do a sample comparison to verify the accuracy of the summaries.

A revised and shortened version of the report of the Petersen Committee was made public in November 1974. The public report was prefaced by a statement from Attorney General Saxbe which stated that while "in a small number of instances, some of these programs involved what we consider today to be improper activities," most of the activities "were legitimate."^{301a} The public version did not examine the purposes or legality of the programs or the techniques, although it did state some COINTELPRO activities involved "isolated instances" of practices that "can only be considered abhorrent in a free society."³⁰²

The confidential report to Attorney General Saxbe examined the legal issues at some length. It emphasized that many COINTELPRO activities "were entirely proper and appropriate law enforcement procedures."³⁰³ These included the following:

notifying other Government authorities of civil and criminal violations of group members; interviewing such group members; disseminating public source material on such individuals and groups to media representatives; encouraging informants to argue against the use of violence by such groups; and issuing general public comment on the activities, policies

³⁰⁰ Excerpt from FBI Director's briefing of the House Appropriations Subcommittee, FY 1967, pp. 72-73.

³⁰¹ Although portions of the Committee's report were made public in April 1974, Petersen has testified that the purpose of the report was simply to inform the Attorney General. The inquiry was not intended to be conclusive and certainly was not an adversary proceeding. "We were doing a survey rather than conducting an investigation." (Henry Petersen testimony, 12/11/75, Hearing, Vol. 6, p. 271.)

^{301a} William Saxbe statement, Civil Rights and Constitutional Rights Subcommittee of the House Committee on the Judiciary, 11/20/74, p. 9.

³⁰² Petersen committee report, CR/CR Hearings, 11/20/74, p. 11.

³⁰³ Petersen committee report, CR/CR, Hearings, 11/20/74, p. 26.

and objectives of such groups through testimony at legislative hearings and in other formal reports.³⁰⁴

On the other hand, the report concluded that many other COINTEL PRO activities designed to expose, disrupt, and neutralize domestic groups "exceeded the Bureau's investigative authority and may be said to constitute an unwarranted interference with First Amendment rights of free speech and associations of the target individuals and organizations."³⁰⁵

Department attorneys prepared two legal memoranda, one viewing COINTELPRO as a conspiracy to deprive persons of First Amendment rights under 18 U.S.C. 241, and the other rejecting that view.³⁰⁶ The committee itself reached the following conclusion:

While as a matter of pure legal theory it is arguable that these programs resulted in Section 241 violations, it is the view of the committee that any decision as to whether prosecution should be undertaken must also take into account several other important factors which bear upon the events in question. These factors are: 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 cities in the mid and late sixties; second, the fact that each of the COINTEL PRO programs was personally approved and supported by the late Director of the FBI; and third, the fact that the interferences with First Amendment rights resulting from individual implemented program actions were insubstantial. Under these circumstances, it is the view of the committee that the opening of a criminal investigation of these matters is not warranted.³⁰⁷

The report also concluded that there were "substantial questions" as to the liability of various former and present officials to civil suit "under tort theories of defamation of interference with contract rights."³⁰⁸

The Departmental committee's crucial conclusion was that the interferences with First Amendment rights were "insubstantial." It appears to have reached that conclusion by ignoring the declared goals of the programs: cutting down group membership and preventing the "propagation" of a group's philosophy. Further, the committee brushed over dangerous or degrading techniques by breaking down the categories of actions into very small percentages, and then concluded that, if only 1 percent of the actions involved poison pen letters to spouses, then the activity was "insubstantial" as compared to the entirety of COINTEL proposals, even though, as to the individuals in that category, the invasion might be very substantial indeed.

³⁰⁴ Petersen Committee Report, pp. 26-27.

³⁰⁵ Petersen Committee Report, p. 27.

³⁰⁶ Petersen Committee Report, p. 21.

³⁰⁷ Peterson Committee Report, pp. 21-22.

³⁰⁸ Petersen Committee Report, p. 22.

Another weakness in the Petersen committee report is its characterization as legitimate of such techniques as "leaking" public source material to the media, interviewing group members, and notifying other government authorities of civil and criminal violations. The term "public source material" is misleading, since the FBI's files contain a large amount of so-called public source data (such as arrest records, outdated or inaccurate news stories) which should not be "leaked" outside the Bureau to discredit an individual.³⁰⁹ Interviews can be conducted in such an intrusive and persistent manner as to constitute harassment. Minor technical law violations can be magnified when uncovered and reported by the FBI to another agency for the purpose of disruption rather than objective law enforcement.³¹⁰ Claims that a technique is legitimate *per se* should not be accepted without examining the actual purpose and effect of the activity.

Although the Petersen committee's report concluded that "the opening of a criminal investigation of these matters is not warranted,"³¹¹ the Committee did recommend broad changes in Bureau procedures. First, the report urged that "a sharp distinction . . . be made between FBI activities in the area of foreign counterintelligence and those in the domestic field."³¹² The committee proposed that the Attorney General issue a directive to the FBI:

prohibiting it from instituting any counterintelligence program such as COINTELPRO without his prior knowledge and approval. Specifically, this directive should make it unmistakably clear that no disruptive action should be taken by the FBI in connection with its investigative responsibilities involving domestic based organizations, except those

³⁰⁹ For instance, the 20-years-past "Communist" activities of a target professor's wife were found in "public source material," as were the arrest records of a prominent civil rights leader. Both were leaked to "friendly" media on condition that the Bureau's interest not be revealed.

³¹⁰ See, e.g., the attempt to get an agent on the Alcohol Beverage Control Board to raid a Democratic Party fundraiser.

³¹¹ The Civil Rights Division refused to endorse this conclusion, although it was under heavy pressure from top Department executives to do so. Assistant Attorney General J. Stanley Pottinger was first informed of the Petersen committee report a week before its public release; and no official of the Civil Rights Division had previously examined any of the COINTELPRO materials or summaries. After the report's release, the Civil Rights Division was permitted a short time to review some of the materials. (Staff summary of interview with Assistant Attorney General Pottinger, 4/21/76.)

Under these restrictions the Civil Rights Division was not able to review "everything in the voluminous files," but rather conducted only a "general survey of the program unrelated to specific allegations of criminal violations." Assistant Attorney General Pottinger advised Attorney General Saxbe, upon the completion of this brief examination of COINTELPRO, that the Division found "no basis for making criminal charges against particular individuals or involving particular incidents." Although some of the acts reviewed appeared "to amount to technical violations," the Division concluded that "without more" information, prosecutive action would not be justified under its "normal criteria." However, Pottinger stressed that a "different prosecution judgment would be indicated if specific acts, more fully known and developed, could be evaluated in a complete factual context." (Memorandum from J. Stanley Pottinger, Assistant Attorney General, to Attorney General Saxbe, 12/13/74.)

³¹² Petersen Committee Report, Subcommittee on Civil and Constitutional Rights, Hearings, 11/20/74, p. 25.

which are sanctioned by rule of law, procedure, or judicially recognized and accepted police practices, and which are not in violation of state or federal law. The FBI should also be charged that in any event where a proposed action may be perceived, with reason, to unfairly affect the rights of citizens, it is the responsibility of the FBI as an institution and of FBI agents as individuals to seek legal advice from the Attorney General or his authorized representative.³¹³

Attorney General Saxbe did not issue such a directive, and the matter is still pending before Attorney General Levi.³¹⁴

VI. EPILOGUE

On April 1, 1976, Attorney General Levi announced the establishment of a special review committee within the Department of Justice to notify COINTELPRO victims that they were the subjects of FBI activities directed against them. Notification will be made "in those instances where the specific COINTELPRO activity was improper, actual harm may have occurred, and the subjects are not already aware that they were the targets of CONINTELPRO activities."³¹⁵

The review committee has established guidelines for determining which COINTELPRO activities were "improper," but it will be difficult to make that determination without giving an official imprimatur to questionable activities which do not meet the notification criteria. For example, there is little point in notifying all recipients of anonymous reprint mailings that they received their copy of a *Reader's Digest* article from the FBI, but the Department should not suggest that the activity itself is a proper Bureau function. Other acts which fall within the "grey area" between COINTELPRO and aggressive investigation present similar problems.³¹⁶

Nevertheless, a Departmental notification program is an important step toward redressing the wrongs done, and carries with it some

³¹³ Petersen Committee Report, Subcommittee on Civil and Constitutional Rights hearings, 11/20/74, p. 28.

³¹⁴ Attorney General Levi has proposed a series of guidelines on domestic intelligence. A set of "preventive action" guidelines was prepared which would have authorized the Bureau to take "nonviolent emergency measures" to "obstruct or prevent" the use of force or violence upon the Attorney Generals' authorization. These guidelines have now been abandoned because the Attorney General determined that it was not possible to frame general language which would permit proper (and indeed ordinary) law enforcement measures such as increased guards around building or traffic control during a demonstration while preventing COINTELPRO type activity.

³¹⁵ Department of Justice release, 4/1/76.

³¹⁶ The notification guidelines read as follows:

1. The review of the COINTELPRO files should be conducted by the existing Shaheen committee.
2. An individual should be notified in those instances where an action directed against him was improper and, in addition, there is reason to believe he may have been caused actual harm. In making this determination in doubtful cases, the committee should resolve the question in favor of notification.
3. Excluded from notification should be those individuals who are known to be aware that they were the subjects of COINTELPRO activities.
4. An advisory group will be created to pass upon those instances where the committee is uncertain as to whether notification should be given, and otherwise to advise the committee as requested.
5. The manner of notification should be determined in each case to protect rights to privacy.

additional benefits. For the first time, Departmental attorneys will review the original files, rather than relying on Bureau-prepared summaries. Further, the Department will have acknowledged—finally—that COINTELPRO was wrong. Official repudiation of the programs is long overdue.

The American people need to be assured that never again will an agency of the government be permitted to conduct a secret war against those citizens it considers threats to the established order. Only a combination of legislative prohibition and Departmental control can guarantee that COINTELPRO will not happen again. The notification program is an auspicious beginning.

6. Notification should be given as the work of the committee proceeds, without waiting for the entire review to be completed.

7. In the event that the committee determines in the process of review that conduct suggests disciplinary action or referral of a matter to the Criminal or Civil Rights Divisions, the appropriate referral should be made.

8. No departure from these instructions will be made without the express approval of the Attorney General. The committee may request such departure only through and with the recommendation of the advisory group.

(Letter from Department of Justice to the Select Committee, 4/23/76.)

