

ing on K Street in Northwest Washington, D.C. Further details of these events involving electronic surveillance remain classified "Top secret."

Finally, there are two additional examples of political abuse of or by the FBI in the seventies. In July 1971, 3 months after the supposed end of FBI COINTELPRO operations, the FBI leaked to a newsman derogatory public record information about Daniel Ellsberg's lawyer [exhibit 37].¹ Copies of the article were sent to the Attorney General, the Deputy Attorney General, and Presidential Aide H. R. Haldeman with the specific approval of Director Hoover, with no indication it was generated by the FBI. Nevertheless, the committee should note that Charles Colson, who pleaded guilty to a civil rights offense for leaking information about Daniel Ellsberg's lawyer to a journalist, had said that he believed that the FBI was doing the same thing.

In May of 1970, the FBI provided derogatory public record information and other allegations about the Reverend Ralph David Abernathy, president of the Southern Christian Leadership Conference, to Vice President Agnew at his request [exhibit 38].² This occurred following a telephone conversation between FBI Director Hoover and Mr. Agnew during which, according to Bureau records, the Vice President "said he thought he was going to have to start destroying Abernathy's credibility."

In summary, political abuse of the FBI and by the FBI has extended over the years through administrations of both parties.

Senator TOWER. Thank you, Mr. Elliff.

Our witnesses this morning are Mr. Cartha DeLoach and Mr. Courtney Evans, former special agents of the FBI.

Mr. Evans and Mr. DeLoach, would you please seat yourselves at the witness table.

Senator TOWER. Gentlemen, would you please rise and raise your right hand?

Do you solemnly swear that the testimony you present before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. EVANS. I do.

Mr. DeLoach. I do.

Senator TOWER. Will your counsel please identify himself?

Mr. McNELIS. Charles A. McNelis, Washington, D.C., attorney with the firm of Welsh & Morgan.

Senator TOWER. And who are you counsel for?

Mr. McNELIS. Mr. DeLoach, Mr. Tower.

TESTIMONY OF COURTNEY EVANS AND CARTHA DeLOACH, FORMER FBI OFFICIALS ACCOMPANIED BY CHARLES A. McNELIS, COUNSEL

Senator TOWER. Gentlemen, I understand you have no statements to make. Proceeding with the questioning will be the chief counsel of the committee, Mr. Schwarz.

Mr. SCHWARZ. Mr. Chairman, I am going to attempt, and Mr. Smothers is going to attempt, to get out of the way certain facts re-

¹ See p. 486.

² See pp. 490 through 494.

lating to authorization, or lack of authorization, in the King matters. So we're not going to pursue the political abuse and propaganda areas which Mr. Elliff covered and to which these witnesses are here to respond. I'm going to deal with Mr. Evans and Mr. Smothers is going to deal with Mr. DeLoach.

Mr. Evans, beginning at the time of the commencement of the Kennedy administration, what was your job at the FBI?

Mr. EVANS. I was Assistant Director in charge of the Special Investigative Division.

Mr. SCHWARZ. Did you have an informal function as liaison to the Justice Department?

Mr. EVANS. Yes. Since I had known the new Attorney General as Chief Counsel for a Senate Select Committee, he called upon me from time to time after he became Attorney General for certain information. And the liaison relationship developed at this time.

Mr. SCHWARZ. Now before we get into specifics on the King matter, I would like to have you state for the record your understanding of the sorts of information you were authorized to provide to the Attorney General or other persons in the Department of Justice.

Mr. EVANS. The procedure was very definite, in line with Mr. Hoover's request, in that if a request was received from the Attorney General, or if information was received from him, this was put in memorandum form and presented to Mr. Hoover with some kind of recommendation as to action that should be taken; other times, just for his information. But action was taken only after that procedure was followed.

Mr. SCHWARZ. So the substance of that answer is that you are not authorized to provide information to an Attorney General without the specific permission of Mr. Hoover?

Mr. EVANS. Yes, that is correct.

Mr. SCHWARZ. Now was it your general understanding that Mr. Hoover believed that confidential matters, particularly relating to investigative techniques, ought not generally to be disclosed outside of the Federal Bureau of Investigation?

Mr. EVANS. I understood this policy to be very firm in that these matters were confidential within the Bureau itself.

Mr. SCHWARZ. And that meant confidential even with respect to the Department of Justice, which had nominal charge of the FBI.

Is that correct?

Mr. EVANS. That is correct insofar as my actions were concerned.

Mr. SCHWARZ. All right. Now, again before turning to specifics on the King matter, in the early sixties, the time when you served in the liaison role, what was your understanding of whether or not authorization was required from the Attorney General with respect first to taps, and second to bugs?

Mr. EVANS. It was my understanding at the time that any tap required the written authorization of the Attorney General, but that no such authorization was required for the use of microphone surveillances.

Mr. SCHWARZ. And when you say microphone surveillance, that's what the ordinary citizen calls a bug?

Mr. EVANS. Yes.

Mr. SCHWARZ. Now turning then to the taps on Dr. King, without getting to details on authorization, did Robert Kennedy at some point authorize placing a tap upon the home phone of Dr. King, upon the office of the SCLC in Atlanta, and upon the office of the SCLC in New York?

Mr. EVANS. I have no specific recollection. My memory has been refreshed by the record and I understand this is true. He did so approve them.

Mr. SCHWARZ. And in referring to the record, do you mean the documents dated October 7, 1963, and October 21, 1963, which are in the documents you have furnished previously?

Mr. EVANS. That is correct.

Mr. SCHWARZ. Now I'm going to come back to the details on those documents in a moment, but before doing so I would ask you some questions about July 1963, and whether or not Robert Kennedy suggested in July 1963 that the Bureau put a tap on Martin Luther King.

Mr. EVANS. These are events that occurred 12 years ago and my recollection is necessarily very dim with regard to them.

On the basis of documents that have been shown to me, however, my memory has been refreshed to some extent and it is my recollection that at that period of time in early 1963 there had been a rather frequent exchange of information between the Bureau and the Attorney General. The Bureau had frequently furnished information to the Attorney General with regard to the background and activity of certain associates of Dr. King, and it is my recollection that the action taken with regard to wiretaps resulted from this information.

Mr. SCHWARZ. All right. Now let's look at the documents that were shown to you to refresh your recollection, starting with the document dated July 16, 1963. [See footnote, p. 21.]

This is a document from you to Mr. Belmont reporting on a conversation with Robert Kennedy.

Is that correct?

Mr. EVANS. That's correct.

Mr. SCHWARZ. Would you either read into the record or summarize paragraphs 2 and 3?

Mr. EVANS [reading]. "The purpose of this contact with the Attorney General related to the possibility of effecting technical coverage on both—

Mr. SCHWARZ. Let's use the name of Mr. Y.

Mr. EVANS [continuing]. On Mr. Y and Martin Luther King. And on that occasion * * *." The memorandum reflects I told the Attorney General that I wasn't acquainted with the activities of Mr. Y, but that insofar as Dr. King was concerned, he traveled a great deal and I doubted for that reason whether surveillance of his home or office would be very productive. The memorandum reflects that I also raised the question as to the repercussions should it ever become known that a surveillance had been put on Dr. King. It was the Attorney General's view according to the memorandum that this did not concern him.

Mr. SCHWARZ. You might read into the record precisely the language of that third paragraph.

Mr. EVANS [reading]. "The AG said this did not concern him at all; that in view of the possible Communist influence in the racial situation, he thought it advisable to have as complete coverage as possible. I told him, under the circumstances, that we would check into the matter to see if coverage was feasible, and if so, would submit an appropriate recommendation to him."

Mr. SCHWARZ. Now within a week of that document, turning to a document dated June 25, 1963, in other words 9 days later, did the Attorney General tell you he had concluded that there should not be a wiretap placed upon Dr. King?

Mr. EVANS. That is correct.

And for the record, my memorandum was apparently misdated June 25; it should have been July 25.

Mr. SCHWARZ. All right. What was the reason for your offering testimony about the prior history of memos from the Bureau to the Attorney General, which had been pressuring him to do something about looking into allegations of Communist connections between certain persons and Dr. King? Why did you offer that testimony?

Mr. EVANS. I offered that testimony because I had no specific recollection of exactly what was said at the time with regard to the installations, and to try to put into perspective the conditions that existed at the time.

Mr. SCHWARZ. So even though the first of those documents can directly indicate that the Attorney General suggested the coverage on Dr. King, are you stating that there is a background to that which is inconsistent with the document? What are you stating, Mr. Evans?

Mr. EVANS. I am saying generally that there is a background that throws some question as to the exact nature of the request and the motivation for it, and to point out that the memorandum does not purport to be a complete story of all of the facts.

Mr. SCHWARZ. All right. Now turning to the terms under which the taps were actually put on in October, or authorized in October, would you turn to the document dated October 10, 1963, and read into the record the first sentence of the fourth paragraph, please.

Mr. EVANS [reading]. "After this discussion, the Attorney General said he thought we should go ahead with the technical coverage on King on a trial basis, and to continue it if productive results were forthcoming."

Mr. SCHWARZ. Now turning to the document of October 21, 1963, did the Attorney General in that document make more specific what he meant by a trial basis?

Mr. EVANS. Yes. He pointed out that by trial basis he was referring to 30 days.

Mr. SCHWARZ. Will you read into the record the fourth paragraph of the document dated October 21, 1963?

Mr. EVANS [reading]:

The Attorney General advised that he was approving the October 18, 1963, memorandum, but asked that this coverage and that on King's residence be evaluated at the end of 30 days in light of the results secured so that the continuance of these surveillances could be determined at that time. This will be done.

Mr. SCHWARZ. To your knowledge, was any evaluation of the taps authorized in October furnished to Robert Kennedy within 30 days, or at any time?

Mr. EVANS. I have no personal knowledge in this regard, but I would point out for the information of the committee that the assassination of President Kennedy occurred within that 30-day period, and that this had a great effect on what Robert Kennedy was doing.

Mr. SCHWARZ. Yes; but why didn't the Bureau furnish the evaluation to the Attorney General within the 30-day period as he requested in the document of October 21? Is that connected with the assassination?

Mr. EVANS. I don't know that. It was not a matter within my jurisdiction. I just don't know.

Mr. SCHWARZ. Turning to the bugs, with Robert Kennedy as Attorney General, was any authorization sought for the bugs that were placed on Dr. Martin Luther King from Robert Kennedy?

Mr. EVANS. Not to my knowledge.

Mr. SCHWARZ. And to your knowledge, was Robert Kennedy told about the bugs that were placed upon Martin Luther King?

Mr. EVANS. Not to my knowledge.

Mr. SCHWARZ. Finally, would you turn to the document dated March 4th, 1964. [See footnote p. 21.]

Mr. EVANS. Yes, this is the memorandum from Mr. Baumgardner to Mr. Sullivan.

Mr. SCHWARZ. Yes. Are certain instructions directed to you in that memorandum regarding Dr. King and the Attorney General?

Mr. EVANS. Yes.

Mr. SCHWARZ. And were you instructed to deliver something to the Attorney General?

Mr. EVANS. Yes, I was.

Mr. SCHWARZ. And was that a memorandum containing information derogatory to Dr. King?

Mr. EVANS. That is my understanding.

Mr. SCHWARZ. And did you deliver that memorandum to Robert Kennedy?

Mr. EVANS. I have no specific recollection that I did so. I noted on the memorandum I took the action I was instructed to take and therefore on the basis of that handwritten notation, I assume today that I did follow those instructions.

Mr. SCHWARZ. Well, let me put in the record that the handwritten notation says, "done 3/10/64," and that's in your handwriting.

Mr. EVANS. It is.

Mr. SCHWARZ. Were you given a second instruction in the memorandum of March 4, 1964, the second one in addition to the instruction to deliver material to Robert Kennedy?

Mr. EVANS. Yes, I was.

Mr. SCHWARZ. Would you read into the record the second sentence of the paragraph No. 2 at the bottom of page 2 of the March 4 memo.

Mr. EVANS.

It is also believed Mr. Evans should indicate to the Attorney General that if King was to become aware of our coverage of him, it is highly probable that we will no longer be able to develop such information through the means employed to date, that we, of course, are still desirous of continuing to develop such information.

Mr. SCHWARZ. Now did you carry out that belief as it is expressed in the document, the belief that you should make such an indication to the Attorney General?

Mr. EVANS. The answer to that question is identical to the answer as to whether or not I delivered it; namely that I have no present recollection that I did, but I interpret the notation in my handwriting, "done" to mean I followed explicitly the instructions that were given to me.

Mr. SCHWARZ. One final question, Mr. Chairman. Mr. Evans, would you examine the document dated April 14, 1964, which I have previously shown to you, and turn to the fourth page of it. [See footnote p. 21.] Senators, this is the document that led up to the Mr. X exchange we had 2 weeks ago, the report from New York that Mr. X was not proven to be a Communist to which the Director responds, "well, Mr. X is not proven not to be a Communist, so continue to investigate him."

On page 4, a reference is made to a man that we have agreed to call Mr. A. Was Mr. A the principal alleged Communist connection with Dr. King?

Mr. EVANS. That is my understanding.

Mr. SCHWARZ. I will now read into the record what is said about Mr. A and the report from the New York field office to the Director. [reading]

Mr. A is not now under CP discipline in the civil rights field. There has been no indication, however, that Mr. A has not continued his ideological adherence to communism.

Were you told, and to your knowledge was the Attorney General told, at any time by the FBI that Mr. A, whose alleged connection and control by the Communists had been the justification put forward for the tap of Dr. King, was found by the New York office to "not be now under a CP discipline in the civil rights field?"

Mr. EVANS. Not to my knowledge.

Mr. SCHWARZ. Nothing further, Mr. Chairman.

Senator TOWER. The next line of questioning will be directed to Mr. DeLoach. The Chair recognizes the counsel to the minority, Mr. Smothers.

Mr. SMOTHERS. Thank you, Mr. Chairman.

Mr. DeLoach, I would like, before turning directly to the King matters, to examine with you the role of the Crime Records Division, and your role personally as head of the Crime Records Division. Then, upon completion of the King matters, I would like to turn briefly to your knowledge of the FBI's activities regarding the 1964 Atlantic City Democratic Convention. Beginning with the Crime Records Division, Mr. DeLoach, when did you become head of the Crime Records Division of the FBI?

Mr. DELOACH. I believe, Mr. Smothers, that was 1959, sir.

Mr. SMOTHERS. And how long did you serve in that capacity?

Mr. DELOACH. Until December 1965, when I became Assistant to the Director.

Mr. SMOTHERS. What was the function of the Crime Records Division during your tenure?

Mr. DELOACH. Liaison with the Congress, Mr. Smothers, the handling of the Top 10 Fugitive Program, dealing with the communications media of the United States, preparation of memorandum for Mr. Hoover and other Bureau officials, matters of that nature.

Mr. SMOTHERS. Would it be an incorrect characterization to say that the Crime Records Division handled much of the Bureau's public relations effort?

Mr. DeLoach. That was part of it, sir.

Mr. SMOTHERS. With respect to that public relations effort, was it a part of your job to insure that stories or television programs were reviewed, and to make sure you were constantly in touch with information regarding the Bureau that was reaching the public?

Mr. DeLoach. That is correct, sir.

Mr. SMOTHERS. Was part of your responsibility also related to the use of liaison with the media, in connection with the Bureau's COINTELPRO activities?

Mr. DeLoach. I can't satisfactorily answer the question specifically, Mr. Smothers. I do recall after my mind being refreshed by a memorandum you have shown me that part of the COINTELPRO, or Counterintelligence Program, the Domestic Intelligence Division did have a segment or phase of it called the mass media program, and from time to time the Domestic Intelligence Division would prepare memoranda and send to Mr. Hoover for his approval and then over to me information which was to be given to newspapers in connection with that program.

Mr. SMOTHERS. Then would it be fair to say, Mr. DeLoach, that if the Domestic Intelligence Division wished to have a story planted against a COINTELPRO target, that it would have been your responsibility and the responsibility of the Crime Records Division to facilitate this?

Mr. DeLoach. Only if it pertains to the communications media.

Mr. SMOTHERS. You're talking about press and television.

Mr. DeLoach. That would have been the only part of it.

Mr. SMOTHERS. Did the Crime Records Division also have responsibility for the name checks program?

Mr. DeLoach. No sir, that would have been in the General Investigative Division, I believe, Mr. Smothers. The Crime Records Division did have responsibility for preparing summaries of information for Mr. Hoover whenever he instructed that it be done, and also, for those individuals that were requesting appointments with Mr. Hoover from time to time. But that was the only responsibility they had with respect to name checks. Name checks *per se* were over in another division of the FBI.

Mr. SMOTHERS. Did you have any contact, Mr. DeLoach, with the White House in connection with requests for information on individuals, members of the press, or public personalities?

Mr. DeLoach. After the assassination of President John F. Kennedy, Mr. Smothers, Mr. Johnson became President and requested Mr. Hoover, through Mr. Hoover, that I assume the responsibility of liaison with the White House in addition to my other duties. From time to time we did receive extensive requests for name checks from the Secret Service and from White House personnel concerning those individuals that the President desired to appoint to jobs or committees or commissions, or those individuals who were being invited to go to state functions at the White House and matters of that nature.

Mr. SMOTHERS. In this connection——

Mr. DeLoach. And incidentally, Mr. Smothers, that would not have been handled by the Crime Records Division as such. It would have been handled by the name check section, which would have been in another division.

Mr. Smothers. But to the best of your knowledge, there is some blurring of the lines here, isn't there? Didn't you have frequent contact with Mr. Jenkins, Mr. Moyers, Mr. Watson, at the White House in connection with these kinds of requests?

Mr. DeLoach. I would say rather infrequent contact, Mr. Smothers. I did have contact with them from time to time. They would call me from time to time. It was rather infrequent. The greater majority of that would be handled by straight requests from the Secret Service to the name check section of the FBI.

Mr. Smothers. If we were trying to establish the point of contact in the Bureau for political matters, liaison information regarding political groups, and information regarding individuals and their political positions, where would the point of contact have been during your tenure? Would it have been you, Mr. DeLoach?

Mr. DeLoach. Well, what you term "political information," Mr. Smothers, was not exactly political information to us. I was an investigator, not a politician, and information was brought to my attention. I didn't know whether it was political or not. We didn't know what was in the minds of the White House personnel or the President of the United States requesting such information. But with Mr. Hoover's instructions we followed it.

Mr. Smothers. After your review of some of the information this committee has provided you, have you now concluded that some of those requests were indeed political?

Mr. DeLoach. Well, again Mr. Smothers, I'm not a politician, and I did not know what was on the minds of the White House personnel, or the President, so I cannot answer your question.

Mr. Smothers. Let's move on then to the King matter. We had previously called your attention to a memorandum originated by you dated November 27, 1964. The memorandum reports on a meeting with Mr. Roy Wilkins, the Executive Secretary of the National Association for the Advancement of Colored People, and the subject matter of the conversation was apparently Dr. King. Let me read from that memorandum for you just two brief excerpts, and then I will ask several questions regarding the state of your knowledge of these matters.

Mr. DeLoach. Certainly, sir.

Mr. Smothers. The first on page 2, and you are writing this:

I told him [Mr. Wilkins] that the Director, of course, did not have in mind the destruction of the civil rights movement as a whole. I told him the Director sympathized with the civil rights movement as exemplified by the Director's provision of the FBI's many brilliant accomplishments in this field. I added, however, that we deeply and bitterly resented the lies and falsehoods told by King and that if King wanted war, we certainly would give it to him.

Later in the memorandum you report:

I want to reiterate once again less strongly that if King wanted war, we were prepared to give it to him and let the chips fall where they may.

Wilkins stated that this would be most disastrous, particularly to the Negro movement, and that he hoped this would never come about. I told him that the monkey was on his back and that of the other Negro leaders. He stated he realized this, we shook hands and he returned to New York.

Mr. DeLoach, what was the nature of this war or threatened war between the Bureau and Dr. King as you understood it?

Mr. DeLoach. I will be glad to relate that to the best of my recollection, Mr. Smothers. As well as I can remember, Dr. King in Albany, Ga., while there was considerable rape, strife, and violence going on at that particular time, made the statement publicly that Southern born, reared and educated FBI agents were not to be trusted, were biased and could not properly conduct civil rights investigations. Mr. Hoover, to the best of my knowledge, became very resentful of this, as did personnel of the FBI, because they felt it was extremely difficult under conditions at that particular time to conduct civil rights investigations, very difficult to get information from all parties, all sources. You're damned if you do and damned if you don't in conducting such investigations. However, Mr. Hoover also felt that this cast a slur, it was an aspersion upon the integrity of FBI agents. So, consequently, Mr. Hoover, later on—I'm trying to recollect to the best of my memory—had a press conference with about approximately 22 women, I think the National Capital Press Club at that time, and made the statement that he considered Dr. King to be a notorious liar.

I was with Mr. Hoover at the time, as I believe was Inspector Robert E. Wick. I passed Mr. Hoover a note indicating that in my opinion he should either retract that statement or indicate that it was off-the-record. He threw the note in the trash. I sent him another note. He threw that in the trash. I sent a third note, and at that time he told me to mind my own business. However, the statement was made at that time.

Following that statement, when it became public, the girls could hardly wait to leave to get to the telephone. Dr. King made the statement publicly that Mr. Hoover, apparently bowing under the pressure of his work, had become senile. This further angered Mr. Hoover and at that time we had a full-scale feud going on with many pawns in between two men of great stature: Dr. King on the one hand, who was the symbol of leadership of 12 million blacks in the United States; and Mr. Hoover on the other hand, who, in my opinion, had built the greatest investigative agency in the world. I personally considered it—while the facts were somewhat objective in saying that Dr. King was wrong about Southern born, reared, and educated agents, because I have yet to have anyone show me any investigative case in which the FBI has shirked a civil rights investigation or any other investigation whether they were Southern born, Eastern, or what have you. But I considered this to be unfortunate in the public relations image of the FBI because you cannot win in such a feud.

I was responsible for recommending to Mr. Hoover that he have a meeting with Dr. King and that we try to settle the situation, and Dr. King would not return my telephone calls. I did talk personally with Mr. Andrew Young, who I believe is now a Congressman. We agreed to a mutual informal meeting between Mr. Hoover and Dr. King. There was a meeting in Mr. Hoover's office which was attended by Reverend Abernathy, Congressman Young, one other individual, and Dr. King, Mr. Hoover, and myself. It was more of a love feast; it was not a confrontation. It was a very amicable meeting, a pleasant meeting between two great symbols of leadership; Mr. Hoover, on

the one hand, telling Dr. King that, in view of your stature and reputation and your leadership with the black community, you should do everything possible to be careful of your associates and be careful of your personal life, so that no question will be raised concerning your character at any time. Dr. King on the other hand told Mr. Hoover that he would attempt to cooperate with the FBI in civil rights investigations in the future, and that there would be no difficulty involved. Dr. King left Mr. Hoover's office after approximately 1 hour and 17 minutes and issued a press release more or less concerning the peaceful meeting between Dr. King and Mr. Hoover. That, in essence, Mr. Smothers, was the situation. I would like to repeat, it was a love feast more or less, rather than a bitter confrontation between these individuals.

Mr. SMOTHERS. Is it your testimony and your belief then, Mr. DeLoach, that this dispute between King and Hoover culminating in the Bureau's determination to remove Dr. King as a leader in the civil rights movement was the result of some unfortunate, and maybe childish, reaction to who said what about whom? Is that all there is to it?

Mr. DeLoach. Well, I think unfortunately, Mr. Smothers, there was a very unfortunate feud that went on, and I hope as Assistant Director, the head of the Crime Records Division in charge of the Bureau's public image, that it had not occurred in the least, but it did and it went on.

Mr. SMOTHERS. Was this feud, this alleged telling of lies, the basis for the wiretaps on Dr. King?

Mr. DeLoach. I was not in the Domestic Intelligence Division at the time, Mr. Smothers. I was not on the operational side of the FBI. I was strictly in the administrative side, the Crime Records Division, and it would be difficult for me to answer that question. I can only speculate, as Mr. Evans has previously testified, as shown by the record, and as indicated by Mr. Schwarz, that the reason for the electronic surveillance was brought about by a simple intelligence operation rather than any feud or personal pettiness.

Mr. SMOTHERS. Do you have any knowledge of the involvement of Mr. Walter Jenkins in the approval of these wiretaps, or did you ever discuss them with him?

Mr. DeLoach. I don't recall discussing with Mr. Jenkins the approval or disapproval of wiretaps, Mr. Smothers.

Mr. SMOTHERS. To the best of your knowledge, was he involved in or knowledgeable of the taps?

Mr. DeLoach. Would you repeat the question?

Mr. SMOTHERS. To the best of your knowledge, was Mr. Jenkins either involved in, or knowledgeable of, the taps against Dr. King and the authorization of these taps?

Mr. DeLoach. Mr. Smothers, you have refreshed my memory by showing me memoranda several days ago showing that on one occasion, Mr. Hoover instructed me to take written information, prepared by the Domestic Intelligence Division, over to Mr. Jenkins for the information of the President concerning the fruits of, I believe, one or two of those surveillances.

Mr. SMOTHERS. Just passing briefly, then, to the 1964 Democratic Convention, were you in charge of, or responsible for, coordination of surveillance at that convention?

Mr. DeLoach. Well, the word "surveillance" connotes a rather unsavory term, Mr. Smothers. That's not a correct term.

Mr. SMOTHERS. Investigation of individual groups participating in the convention?

Mr. DeLoach. Well, to relate to you, as refreshed again by the memoranda you have shown me, and my recollection of the situation 12 years ago, over 12 years ago; Mr. Jenkins called one day, called me, and asked if the FBI would send a team of men to Atlantic City during the convention. I told him in my opinion that this was something that he or the President should discuss with Mr. Hoover. Mr. Jenkins or the President, to the best of my recollection, later called Mr. Hoover and asked that this be done. Mr. Hoover then gave me instructions to proceed to Atlantic City and to gather a team of men to go there to assist in gathering intelligence concerning matters of strife, violence, et cetera.

Mr. SMOTHERS. Did your investigation go beyond matters of strife and violence? Did you in fact report on political matters as a result of your investigation of the 1964 convention?

Mr. DeLoach. Mr. Smothers, we passed on to the Secret Service, we passed on to Mr. Jenkins and Mr. Moyers. Those are the only individuals I recall that we did pass information to, all information that we received. Again, I am not a politician. I was an investigator.

Mr. SMOTHERS. I have nothing further at this time, Mr. Chairman.

Senator TOWER. I would urge my colleagues to adhere to the 10-minute rule because of the lateness of the hour. The questions will begin at the end of the table with Senator Hart of Colorado.

Senator HART of Colorado. Thank you, Mr. Chairman.

Mr. DeLoach. I would like to confine my questions to the period Mr. Smothers touched on, August 22 through August 28, 1964, at Atlantic City. It is my understanding that the special squad, as you described, was established at the request of Mr. Jenkins. Is that correct?

Mr. DeLoach. Either at Mr. Jenkins' request, or if the President called Mr. Hoover later on, it would have been the President's specific request. But I told Mr. Jenkins that either he or the President should call Mr. Hoover concerning the matter.

Senator HART of Colorado. Was there any written request from the White House about this operation?

Mr. DeLoach. Senator, I do not recall any written request.

Senator HART of Colorado. What was the purpose, as Mr. Jenkins outlined it to you, of this operation?

Mr. DeLoach. He gave me no specifics, as I recall, Senator. He just indicated he wanted a team of men there because the President might have expected violence, or strife, or something of that nature.

Senator HART of Colorado. That latter part is your speculation, or what he said?

Mr. DeLoach. Senator, I do not recall. It has been 12 years ago, but let me put it in this perspective. The President of the United States, following the assassination of President John F. Kennedy, became somewhat obsessed with the fact that he himself might be assassinated. As a matter of fact, strangely enough to the FBI, the President would call from time to time, as would his assistants, and indicate that an FBI agent should be on Air Force One when Air Force One would take off for foreign countries or would take off for

distant cities in the United States. FBI agents, for the first time in the history of the FBI—we have never served as bodyguards, we were investigators, we determined facts, we do not offer bodyguard assistance—found themselves on street corners with Secret Service agents that the President's line of motorcade would come through on that particular street. This became somewhat of a lengthy practice, Senator. So it was very apparent to personnel of the FBI that the President was obsessed with fear concerning possible assassination, and he therefore was asking the FBI to supplement Secret Service. Now, to further that, before leaving for Atlantic City, I called the Director of the Secret Service, Mr. James Rowley, and told him of the President's request, and told him that we would be there to assist his men in reporting information to them concerning possible violence.

Senator HART of Colorado. Did you and Mr. Jenkins talk about the flow of political information?

Mr. DeLoach. I have never talked with anyone at the White House, to the best of my knowledge, concerning the fact that the FBI should furnish political information, Senator.

Senator HART of Colorado. Did you discuss with Mr. Jenkins the Mississippi Freedom Party delegation and the credentials dispute?

Mr. DeLoach. Senator, I've been shown no memorandums, and I know nothing—I recall nothing which would point out that Mr. Jenkins had mentioned this specific group to me prior to leaving for Atlantic City. I do recall, and I have here certain memorandums, which the committee has shown me, which showed that while at Atlantic City, there were definite potential indications of strife and violence. These were reported to Mr. Jenkins.

Senator HART of Colorado. Well, we'll get to that in a minute.

To whom did you report while you were in Atlantic City?

Mr. DeLoach. Senator, the committee reported, at least the group of men that I had, the special agents, reported matters to Mr. Jenkins and Mr. Moyers, and they also reported to the Secret Service. They reported some parts of it to the State police.

Senator HART of Colorado. Well, I meant specifically in the White House. Did you have a direct telephone line in your residence to the White House, to Mr. Johnson's office?

Mr. DeLoach. I'd be glad to explain that, Senator. At one time, to the best of my recollection, Mr. Johnson instructed that about 65 telephones be placed around Washington to people he would try to contact from time to time. I have seven children, Senator, and it was necessary for me to put a rule in my own home that no child could talk on the phone for over 3 minutes; but in most families that have children of that nature, particularly teenagers, those rules are often broken. I had a teenager who talked one night for 18 minutes to one of her friends. The President was trying to get me to discuss a matter concerning an applicant type investigation, concerning an appointment he wanted to make. He became very irate. The next morning when my family and I were trying to go to church, we were met in the driveway of my home by two men from the White House. They told me they had instructions from the President to put a direct line in my home. I told them to go ahead and put it in the den, and they said no, the President said put it in your bedroom. [General laughter.]

Senator HART of Colorado. Did you have any direct contact with President Johnson while you were in Atlantic City?

Mr. DeLoach. No, sir, not to the best of my knowledge, and I had no direct line from Atlantic City to the White House.

Senator HART of Colorado. All right. On August 29, 1964, immediately after the close of the convention, you wrote a summary memorandum for Mr. Mohr [exhibit 39¹]. The lead paragraph goes as follows: "In connection with the assignment of the special squad to Atlantic City, N.J.," it gives the dates, "at the direction of the President, I wish to report the successful completion of this assignment. By means of informant coverage, by use of various confidential techniques, by infiltration of key groups through use of undercover agents, and through utilization of agents using appropriate cover as reporters, we were able to keep the White House fully apprised of all major developments during the convention's course." About those techniques, did you use wiretaps?

Mr. DeLoach. Senator, to the best of my recollection, there was one electronic surveillance, an ongoing surveillance which would have been in Atlantic City or any other city where Dr. King might have been, if domestic intelligence had recommended it and Mr. Hoover had approved it. There was an electronic surveillance at that time on Dr. King, and now that you've refreshed my memory from showing me memorandums of 12 years ago, there was an additional electronic surveillance on the Student Nonviolent Coordinating Committee I believe, sir. Let me make it very clear, Senator, that I did not place either one of those electronic surveillances, but I was aware that they were there.

Senator HART of Colorado. Who placed them?

Mr. DeLoach. That would have been the Domestic Intelligence Division, the Newark office, following the instructions of the Domestic Intelligence Division.

Senator HART of Colorado. So there was more than one ongoing operation. That is to say, you had the special squad and you were using other resources of the Department as well.

Mr. DeLoach. Both were ongoing surveillances, electronic surveillances, as far as I can recall, Senator.

Senator HART of Colorado. Not by this special squad, but were operating out of another Bureau office?

Mr. DeLoach. They were operating at the instructions of FBI headquarters, the Domestic Intelligence Division, but were not part of the responsibilities of the special squad, Senator.

Senator HART of Colorado. They were not operating under your supervision?

Mr. DeLoach. No, sir, they were not, but we did get the fruits of those particular surveillances, Senator.

Senator HART of Colorado. On the second page of that memorandum it says additionally, "We utilized highly successful covers with cooperation of" blank, and then it goes on to say, "furnishing us credentials." What is the name that goes in that blank?

Mr. DeLoach. Senator, I'd be glad to answer that question if the chairman insists upon it. I want to cooperate to the fullest extent with the Committee.

¹ See p. 495.

Senator HART of Colorado. Well, Mr. Chairman, I'll read in the blank if you like.

Senator TOWER. I'm informed that's already in the record.

Senator HART of Colorado. In a wrap-up memorandum to Callahan on this whole operation, dated January 28, 1975, based upon interviews with you and others, they talk about coverage of CORE and SNCC and so forth, and say "the cooperation of management of NBC News, our agents were furnished NBC press credentials" [exhibit 40].¹ Is that correct?

Mr. DeLoach. Senator, that is correct to some extent. But let's put it in a very objective light. There was one agent that accompanied me to Atlantic City from FBI headquarters, who had a friend among the employees of NBC who were attending the convention. On one occasion this agent expressed to the friend, that he saw from time to time during the 6 days that we were in Atlantic City, the fact that it was difficult to obtain sufficient information to report to the White House on Secret Service matters concerning violence and strife. The agent was given, whether at his request or not, or whether it was voluntarily given, a couple of pieces of cardboard where you filled in your own name, and as to the uses of these, the extent of the usage, I don't know, Senator.

Senator HART of Colorado. You don't know how many of your agents used bogus press credentials?

Mr. DeLoach. I do not, sir.

Senator HART of Colorado. Well, at the same time it says one of our "reporters," so there must have been several.

Mr. DeLoach. There could have been, Senator, but I have no recollection of that.

Senator HART of Colorado. Well, were you aware of the fact that this was going on?

Mr. DeLoach. Senator, the memorandum clearly reflects that, so I must have been.

Senator HART of Colorado. Let me go very briefly into this matter of whether you were a politician or an investigator. In your memorandum you say, during our convention coverage we disseminated 44 pages of intelligence to Walter Jenkins, and you attached those to Mr. Mohr.

Additionally, I kept Jenkins and Moyers constantly advised by telephone of minute by minute developments. This enabled them to make spot decisions and could adjust convention plans to meet potential problems before serious trouble developed.

We have no way of knowing, of course, whether that was political trouble or some other kind of trouble.

"We also prepared thumbnail sketches on all key dissident groups"—one might ask how you qualify to be a dissident group—

... expected at the convention, and we maintained separate files on the activities of King, Communist Party Groups, area hoodlums, informants, the Mississippi Freedom Democratic Party and other groups. We alerted White House representatives regarding compromise proposals proceeding of the MFDP. Through a highly confidential source we learned that CORE and SNCC had been advised that the President was bringing pressure to bear on the delegates of 15 states to preclude their support of a move to bring the Mississippi Delegates to the floor of the convention. We advised Jenkins that the MFDP delegates flatly rejected the compromise proposal to seat the MFDP delegation.

¹ See pp. 503 and 509.

It goes on and on like that, and there are a couple of more quotes from the summary done by the Bureau in 1975 of this effort.

Mr. DeLoach. I believe you mean 1964, Senator, instead of 1975?

Senator HART. I'm sorry. No, it's a January 1975 study done by Mr. Bassett for Mr. Callahan. The Bureau files reflect a memorandum from Mr. Hoover wherein Walter Jenkins, Special Assistant to the President, called and stated the President wanted him to call the Director to say that the job that the Bureau had done in Atlantic City was the finest the President had ever seen. In discussions with you, presumably by the authors of the memorandum, and this is a quote from a special agent in charge, "It was obvious that DeLoach wanted to impress Jenkins and Moyers with the Bureau's ability to develop information which would be of interest to them." The author denies that this was for political reasons, but states: "I do recall, however, on one occasion I was present when DeLoach was on a lengthy telephone conversation with Walter Jenkins. They appeared to be discussing the President's 'image.' At the end of the conversation DeLoach told him something to the effect, 'that man sounded a little political to you, but this doesn't do the Bureau any harm.'"

One final quotation, Mr. Chairman, and I'll be done. A letter from Mr. DeLoach to Mr. Moyers, addressed, Dear "Bishop", which I assume is either a nickname or a code name, "Thank you for your very thoughtful and generous note concerning our operation in Atlantic City. Please be assured that it was a pleasure to be able to be of assistance to the President, and all the boys that were with me felt honored in being selected for the assignment. I think everything worked out well, and I'm certainly glad that we were able to come through with vital tidbits from time to time which were of assistance to you and Walter," etc., etc., Signed, C. D. DeLoach [exhibit 41].¹ That's all.

Senator TOWER. Senator Schweiker?

Mr. DeLoach. Senator, may I inject just one note here, if I may, please?

Senator TOWER. All right.

Mr. DeLoach. I'd like to answer a few of those statements, if I may, Senator, with due respect. You're talking about tidbits of information. First, let me say that the name Bishop given to Moyers, because of his ministerial background. He was called that, I called him that, and so did a number of other people. But with respect to tidbits of information and the information furnished to Mr. Moyers and to Mr. Jenkins, let me give you several examples. One example was—and this was the coverage on the Student Nonviolent Coordinating Committee Headquarters, "While I don't want any killing, I don't mind if someone gets a little scorched. I do not want any more killing." Another quote, "If the Mississippi Freedom Democratic Party is not seated, the Independent Citizens Committee will rush a motorcade from Philadelphia to assert pressure on the convention." Another one, "If the Mississippi Freedom Democratic Party is not seated by the Democratic Credentials Committee, the leadership of CORE and the Student Nonviolent Coordinating Committee will abandon their vigil and resort to direct action."

¹ See p. 510.

There was an instance where information was picked up and passed on that an Atlantic City hoodlum who requested that a strong arm man come to Atlantic City from New Jersey for the purpose of taking care of a few people who needed to have their skulls cracked. One individual in CORE was quoted as stating, "that if all persons arrested in civil rights riots were not given amnesty, then direct action would be taken to dramatize the cause of racial strife." Another one, "Seven to thirteen busloads of demonstrators are coming in tonight, the night of the 9th, a do or die effort."

We reported to Mr. Jenkins and to Mr. Moyers and to the Secret Service, of course. "Banning the most unusual circumstances," this is on August 27, 1964, and was taken from the memorandum which you have shown me, which came originally from FBI files, "Banning the most unusual circumstances, the FBI feels the potential for difficulties is considerably less than there was the previous 2 days." Another report was that was passed on, "Apprehension concerning personal safety continues to be expressed by members of the Mississippi Freedom Democratic Party."

Senator, the only thing I'm trying to point out is we passed on all information. We did not decide what was political or what represented potential strife and violence. Not being politicians, we let other people decide that. We were an investigative agency and we passed on all data.

Senator HART of Colorado. To that I can only respond, here I have copies of 44 reports that went up; if they are not political documents, I don't know what are.

Senator TOWER. Senator Schweiker?

Senator SCHWEIKER. Thank you very much, Mr. Chairman.

Mr. DeLoach, I want to read from a memorandum. This is a memorandum that you addressed to Mr. Hoover. I don't want to mention the name of the political leader involved for obvious reasons. I will read aloud just a paragraph. This is forwarding some personal and derogatory material relating to a political leader. You were writing a memorandum from Mr. DeLoach to Mr. Hoover. The last part of this reads, "I told Jenkins," that is, Walter Jenkins of the White House, that Director Hoover indicated I should leave this attachment with him if he desired, to let the President personally read it. Jenkins mentioned he was sufficiently aware of the facts that he could verbally advise the President of the matter. Jenkins was of the opinion that the FBI could perform a good service to the country if this matter could somehow be confidentially given to members of the press. I told him the Director had this in mind, however also believed we should obtain additional information prior to discussing it with certain friends.

Have you had a chance to see that paragraph?

Mr. DeLoach. Yes, sir; Senator.

Senator SCHWEIKER. Obviously it's personal and derogatory material. My question to you is, as a matter of policy and procedure, how often was this kind of personal discrediting of a political figure used? How would you describe that particular memorandum and its significance?

Mr. DeLoach. Senator, to the best of my knowledge, this is the only time that the White House refers to such a possibility insofar as Dr. King was concerned. The only other possible recollection I could have after 12 years would be the previous reference of the counterintelligence program, where the Domestic Intelligence Division would prepare a memorandum under the mass media category of that program

and send it to Mr. Hoover for approval, suggesting that someone in the various organizations which were promoting strife and violence, something of that nature be given to the press. That is my only recollection, Senator.

Senator SCHWEIKER. In the deposition you were shown the letter to Marvin Watson from J. Edgar Hoover, dated November 8, 1966 [exhibit 42¹]. "Reference is made to your request regarding authors of books dealing with the assassination of President Kennedy. Attached are summary memoranda setting forth pertinent information contained in the FBI files concerning the following individuals." Then seven individuals are listed, some of their files, of course, not only included derogatory information, but sex pictures to boot. It also says, a copy of this communication has not been sent to the Acting Attorney General.

Certainly here is some kind of a pattern; whenever somebody was in disagreement or in political difference, first the name check, then derogatory material, and then photographs, were sent out. I know specifically that Congressman Boggs' son has testified that the White House passed material of this nature to him that was being received here from the FBI. As you recall, we came across another letter several months later on another of the critics' personal files. I think it is January 30, 1967. Here, almost 3 months apart, is an ongoing campaign to personally derogate people who differed politically. In this case it was the Warren Commission. This wasn't a pattern to you? Wasn't this standard operating procedure when they were out to get somebody politically?

Mr. DeLoach. No, Senator, I recall no specific pattern in that regard. You have shown me the memoranda concerning the request on the part of the President of the United States for the FBI to furnish name checks concerning critics of the Kennedy assassination. Those instructions, after being shown to Mr. Hoover, and Mr. Hoover instructed that it be done, were complied with. What the White House did with those, I don't know.

Senator SCHWEIKER. Well, the question is what does a name check normally include? Does it normally include all of the adverse material that is in the files on a particular person, whether it's substantiated or unsubstantiated? What in general does a name check include?

Mr. DeLoach. It would include information in a file concerning the individual, the subject of the inquiry, Senator. If there was no information, it simply would be stamped and sent back to the White House. As I say, at that particular time, I was not in charge of the name-check section. I'm not totally familiar with what all it did include. But that is my understanding.

Senator SCHWEIKER. Well, it's true you were not in charge, but on these carbon copies it was marked "Sent direct to Mr. DeLoach."

Mr. DeLoach. Strictly in a liaison capacity, Senator.

Senator SCHWEIKER. You were passing it on. I recognize that.

Mr. DeLoach. Certainly.

Senator SCHWEIKER. So that you were a conduit in this case, and that is why I'm asking you in these terms. Did it also normally include sexual activities of the person involved, as we've twice seen evidence that it did?

¹ See p. 511.

Mr. DeLoach. Senator, I did not prepare the name-check memorandum, as I testified previously, and I'm not aware of the fact of what information was contained in those memorandums.

Senator SCHWEIKER. Here's another memorandum that I had a chance to review just briefly with you during the deposition. I'll just briefly read from it. It's a memorandum from you to Mr. Tolson, dated April 4, 1967, and it says: "In this connection, Marvin Watson called me"—that's you—"late last night and stated the President"—President Johnson—"had told him in an off moment that he was now convinced that there was a plot in connection with the assassination"—this is the Kennedy assassination. You go on to say, "Watson requested that any further information that we could furnish in this connection would be most appreciated by him," the President. Then you say, "I reminded Watson that the Director had sent over to the White House some weeks back all of the information in our possession in connection with the CIA's attempts to use former agent Robert Maheu and his private detective outfit, in contacts with Sam Giancana and other hoodlums relative to fostering a plot to assassinate Castro." The interesting thing to me is, why did you at that time, and why did the White House, consistently link the Kennedy assassination to the attempts against Castro? Here they are both discussed in the same paragraph. They are hooked together in the same paragraph.

I note that at the time of your deposition, you said you could not recall. I just wondered if, since we had our deposition hearing, anything might have come to light which would refresh your memory or help reconstruct why the White House, you, or Watson might have thought there was a link between the Kennedy assassination and attempts to kill Castro?

Mr. DeLoach. Well, Senator, you have shown me that memorandum, and I appreciate being allowed to be refreshed concerning the matter. The only possible reason it could have been brought up is because of Mr. Watson's remark quoting the President, that the President felt that a certain agency may have been involved in a conspiracy. I felt this to be sheer speculation, and Mr. Watson did not follow up, neither was any information furnished to the FBI to follow up, the sheer speculation. That's the only reason why I can think I brought up the name of the Agency.

Senator SCHWEIKER. You testified that the FBI was asked to put out a statement saying Lee Harvey Oswald acted in a singular capacity—without any plot involved. Is that correct?

Mr. DeLoach. That's absolutely correct, sir, and it should be a matter of record in the FBI files.

Senator SCHWEIKER. The White House was asking the FBI to put out this statement. Is that not correct?

Mr. DeLoach. That's correct, Senator.

Senator SCHWEIKER. Do you have any recollection about the time frame during which the White House asked the FBI to put out that statement?

Mr. DeLoach. Senator, I don't. But out of sheer speculation, it would have to be, I think, 1966, 1967, 1968.

Senator SCHWEIKER. You don't know whether it comes before or after this memorandum here that I just read?

Mr. DeLoach. I do not, sir.

Senator SCHWEIKER. Mr. DeLoach, did you brief Attorney General Ramsey Clark on the COINTELPRO activities?

Mr. DeLoach. Shortly after Mr. Clark became Attorney General or Acting Attorney General, Mr. Clark instructed me on one occasion to brief him, to assist him in his knowledge concerning FBI activities to brief him concerning all ongoing programs. I do distinctly recall that on one occasion briefing Mr. Clark concerning programs of the FBI; I did generally brief him concerning COINTELPRO, or the Counterintelligence Program; yes, sir.

Senator SCHWEIKER. How would you describe the extent and the depth of the briefing in terms of his fully understanding what was going on? Not necessarily all the specific details, the names or places; but in terms of the import, the thrust, the purpose, the objectives of it—how do you feel the briefing conveyed that?

Mr. DeLoach. Senator, I can't fully answer that question because nothing's been shown to me to refresh my memory concerning a conversation that took place 7, 8, 9 years ago. However, I do recall that at the same time, I do specifically recall that, again at Mr. Clark's instruction, I briefed him concerning electronic surveillances that had been previously authorized by Attorneys General and were on at the time that he was to take office. At that specific time, I believe it was Mr. Clark that laid down the policy that we were to keep the Attorney General's office advised more frequently concerning justification of such surveillances.

Senator SCHWEIKER. Thank you, Mr. Chairman. My time is up.

Senator TOWER. Senator Morgan?

Senator MORGAN. Mr. Evans, I believe you testified that you were the liaison officer with the Attorney General throughout most of the Kennedy administration.

Mr. Evans. Yes, sir.

Senator MORGAN. And you testified in response to Mr. Schwarz's question, that you did confer with the Attorney General in July of 1963 with regard to some wiretaps and technical surveillance of Martin Luther King.

Mr. Evans. Yes, sir.

Senator MORGAN. But up until that time, for nearly 3 years or 2½ years, you had regularly briefed the Attorney General on the FBI. Had you not?

Mr. Evans. No; that is not a correct characterization.

Senator MORGAN. How often did you brief him?

Mr. Evans. I never briefed him with reference to the activities of the FBI as a whole. Mr. Hoover ordinarily met with the Attorney General and I assume for that purpose. My role was to respond to a specific request from the Attorney General for action by the FBI, or to supplement a written record that the FBI had sent to the Attorney General where some action was necessary.

Senator MORGAN. To put it your way, during that period of time you had responded to his request on numerous occasions prior to July 1963, had you not?

Mr. Evans. That is correct.

Senator MORGAN. Had you ever, at any time, declined to furnish the Attorney General any information that he requested?

Mr. Evans. I never did, after I cleared it with Mr. Hoover.

Senator MORGAN. Did you misinform the Attorney General of any activities of the FBI of which he had inquired?

Mr. EVANS. Not to my recollection.

Senator MORGAN. On July 16, 1963, according to your memorandum, at his request you contacted him. Is that correct?

Mr. EVANS. That is correct.

Senator MORGAN. During that time he told you that Mr. Burke Marshall was concerned about some of the activities of Martin Luther King, with regard to possible Communist influence of the civil rights movement.

Mr. EVANS. That is my recollection.

Senator MORGAN. Was Mr. Burke Marshall present?

Mr. EVANS. I don't remember.

Senator MORGAN. Do you have any recollection as to who was present?

Mr. EVANS. No; I do not. My memorandum doesn't reflect. I assume it was only the Attorney General.

Senator MORGAN. The fact is at that time there had been little or no evidence of Communist involvement with Martin Luther King's activities, had there?

Mr. EVANS. Senator, I can respond to you by saying that my knowledge in this area was necessarily very limited. My jurisdiction within the FBI had nothing to do with internal security matters. Consequently, the only knowledge I had in that area was when a particular incident or situation would arise wherein I was requested to take action either by the FBI or by the Attorney General. So I am not knowledgeable enough to characterize that.

Senator MORGAN. Mr. Evans, I find it hard to believe that a man who occupied the very important position of liaison between Mr. Hoover and the Attorney General would not be knowledgeable, at least generally, about what was going on. It is true that never more than two or three known Communists were ever involved with Martin Luther King's operation. Is that not true?

Mr. EVANS. That is the extent of the information that was called to my attention, yes.

Senator MORGAN. You never received any information that their involvement was to any extent further than occasional moral encouragement?

Mr. EVANS. I don't know that I am qualified to characterize it in that manner.

Senator MORGAN. Well, to your knowledge, those two or three that you did know about were not leaders in the Martin Luther King movement, were they?

Mr. EVANS. They were leaders to the extent that it was my understanding that they exercised great influence with Dr. King.

Senator MORGAN. Isn't it true that the records reflect, and you've reviewed these records, that the extent of their involvement was conversations with Martin Luther King by telephone, and maybe one or two meetings with him?

Mr. EVANS. I think generally that is it, although I don't know that one or two meetings is necessarily correct.

Senator MORGAN. But at any rate, in July of 1963, the Attorney General asked you, or asked the Bureau, to engage in a technical surveillance of Dr. King, did he not?

Mr. EVANS. That is correct.

Senator MORGAN. And you advised them at that time you didn't think that was practical or feasible, because he was traveling a great deal and due to possible repercussions if their surveillance were discovered?

Mr. EVANS. The record so reflects; yes, sir.

Senator MORGAN. The Attorney General responded that he was not afraid of the repercussions, because he feared the dangers of Communist influence?

Mr. EVANS. Yes, sir.

Senator MORGAN. So thereafter, acting on his directions, you did submit a request for approval for wiretaps, did you not, or the Bureau did?

Mr. EVANS. The Bureau did, yes. I had no personal involvement.

Senator MORGAN. When that request was submitted, Mr. Schwarz asked you if the Attorney General did not turn it down. He did turn it down, didn't he?

Mr. EVANS. That is my understanding.

Senator MORGAN. But according to your memorandum of October 10, 1963, he turned it down because of the reason you had stated to him previously: the difficulty in obtaining or following through on such technical surveillance, and the possible repercussions.

Mr. EVANS. It was just my understanding that he had second thoughts about this matter, and was not going to approve it.

Senator MORGAN. He noted that the last thing we could afford was to have a discovery of a wiretap on King. You stated that in your memorandum of October 10, 1963?

Mr. EVANS. Yes, sir, that is correct.

Senator MORGAN. And in one other place you stated that his reasons were substantially those that you had given to him in the beginning?

Mr. EVANS. I assume that to be true; yes, sir.

Senator MORGAN. All right, but later on he did approve technical surveillance of Dr. King in a number of places.

Mr. EVANS. That is my understanding.

Senator MORGAN. And you testified that you did not advise the Attorney General of the bugs that were placed in his hotel rooms and around the country.

Mr. EVANS. I did not.

Senator MORGAN. Do you know whether he was advised of that fact?

Mr. EVANS. No; I do not.

Senator MORGAN. Do you not know if he was given information obtained by this type of surveillance?

Mr. EVANS. On the basis of the memorandums that have been shown to me, it appears that one or more documents were transmitted to him which logically could have arisen from such sources. But I have no personal knowledge that he was ever told specifically the identity of the source.

Senator MORGAN. You say you have no personal knowledge, but logically it could have been concluded that it came from such sources. And the truth is that it could only come from such sources. Isn't it, Mr. Evans?

Mr. EVANS. Not necessarily.

Senator MORGAN. From where else could it have come?

Mr. EVANS. It could well have come from a live individual present at the time.

Senator MORGAN. How long did you continue in your role of briefing the Attorney General?

Mr. EVANS. Until December 1964.

Senator MORGAN. After December, what role did you assume? Did you retire from the Bureau then?

Mr. EVANS. I retired from the Bureau.

Senator MORGAN. I have a few questions for Mr. DeLoach.

Mr. DeLoach, I believe you testified that you knew nothing about the name-check business.

Mr. DeLoach. That's not exactly correct, sir. I said it was not under my jurisdiction at the particular time the questions were concerned.

Senator MORGAN. Well, whether or not it was under your supervision, you knew about it and your successor, Mr. Bishop, was responsible for it? Didn't Mr. Bishop succeed you in that role?

Mr. DeLoach. No, sir. Mr. Wick succeeded me as Assistant Director in charge of the Crime Records Division. Mr. Bishop came later, after Mr. Wick retired.

Senator MORGAN. But the name-check system was a system whereby the names of individuals could be pulled out of all of their criminal records files, and put together, wasn't it?

Mr. DeLoach. Senator, I believe that I testified that the Crime Records Division had only certain minor responsibilities with respect to preparing memorandums, in-house for the most part, concerning name checks. The name-check section was over in one of the investigative divisions of the FBI.

Senator MORGAN. But you were familiar with that; were you not?

Mr. DeLoach. Basically, Senator, I knew what was going on, yes, sir.

Senator MORGAN. It was often used against defense attorneys by a prosecuting attorney who would call for a name check against a defense attorney; wasn't it?

Mr. DeLoach. I have no knowledge of that, Senator.

Senator MORGAN. Do you know that it's not true?

Mr. DeLoach. I am not aware of what you're talking about, Senator. I am sorry.

Senator MORGAN. Isn't it a fact when U.S. attorneys would be involved in litigation and defense attorneys would be defending individuals of some repute, quite often you would conduct a name check on the defense attorney to find what information you could about him, at the request of U.S. attorneys?

Mr. DeLoach. That may have happened in the field, Senator. I don't have any specific recollections of it happening at the seat of government, at FBI headquarters. However, if the Attorney General requested such information, we would furnish it to him. Here again, this would be handled by the name-check section and most probably not by the Crime Records Division.

Senator MORGAN. The truth is that you did a full background memo on Leonard Bodine, who was attorney for Dr. Spock in 1968.

Mr. DeLoach. The Crime Records Division?

Senator MORGAN. Yes. Was it Crime or the Federal Bureau of Investigation? Don't pin it down.

Mr. DeLoach. Senator, I don't recall any specific memorandum on Mr. Bodine. It may have been prepared but I don't recall it.

Senator MORGAN. You're not in a position to say that it didn't happen?

Mr. DeLoach. I don't recall any such memorandum, Senator. It may have been shown to me, but I don't recall it at this time, Senator.

Senator MORGAN. It was shown to you in your deposition; wasn't it?

Mr. DeLoach. It could have been. I had approximately 750 or over 700 memorandums shown to me, Senator.

Senator MORGAN. You just don't recall that one at all.

Mr. DeLoach. That's correct, sir.

Senator MORGAN. Let me go on, Mr. Chairman, if I could have a minute or two. Mr. DeLoach, is it a matter of routine for the Bureau to do a background check, or to gather information, on all candidates who vie for the U.S. Congress or the U.S. Senate?

Mr. DeLoach. Senator, to the best of my recollection there was such a program where information was furnished to Mr. Hoover concerning candidates for the Congress, and if such a candidate were elected, Mr. Hoover would send him a note of congratulations.

Senator MORGAN. The information sent Mr. Hoover also contained summaries of the candidate's background, personal habits, and whether or not he might be friendly toward the Bureau; did it not?

Mr. DeLoach. I recall specifically that it contained a paragraph or a statement or a sentence, what have you, as to whether or not they were friendly to the Bureau, yes, sir.

Senator MORGAN. They were also used in your lobbying with Congressmen on the Hill. One of the purposes of having this information was that it might be helpful in dealing with the Congress. Is that correct?

Mr. DeLoach. I am certain that's correct, sir.

Senator MORGAN. That practice not only extended to members of the Congress but to candidates for State office, did it not, such as candidates running for attorney general of a State, or even Governors?

Mr. DeLoach. I don't recall that, Senator.

Senator MORGAN. Well, I'll ask you, sir, if you didn't do one on me in 1968 when I filed for the office of the attorney general of the State of North Carolina?

Mr. DeLoach. I don't recall that specifically, but I'm sure if it was done, I'm sure there was no derogatory information.

Senator MORGAN. You are sure that it was done on me and other candidates because it was the practice at that time; wasn't it?

Mr. DeLoach. I can't state that, Senator, because I cannot recall such a practice concerning State officers.

Senator MORGAN. You followed it up by sending so-called liaison agents to various conferences of State officials. Liaison agents who submitted memorandums to the criminal records file concerning the activities of those officials at these national conferences; didn't they?

Mr. DeLoach. Senator, I do not recall such a program concerning State officials. To me that would be a considerable waste of time. It may have been done in some minor instances, but I do not recall it and I say again I'd like to reiterate it would be a considerable waste of time considering the backbreaking responsibilities of the FBI.

Senator MORGAN. I'll agree with you that it would be a considerable waste of time and a contemptible action, but I will also state to you that you did it, and you made memorandums as to whether or not the officials were considered friendly or unfriendly to the Bureau. Thank you.

Mr. DeLoach. You have information I do not have.

Senator MORGAN. It is in my file.

Senator TOWER. Senator Baker?

Senator BAKER. Mr. Chairman, thank you very much. I am sorry I haven't been here for the entire testimony of these witnesses, because I am sure it has been very helpful. This is not my first opportunity to question Mr. DeLoach. I remember previously in 1973 in the Watergate inquiry, that we had an opportunity to interview him, and I have here with me an abstract of the substance of that interview at that time. Mr. DeLoach, do you remember that interview?

Mr. DeLoach. I do.

Senator BAKER. Do you remember what response you gave me, at the time, as to whether you had any telephonic link or communication between the Democratic National Convention in 1964 and the White House?

Mr. DeLoach. Senator, I believe you asked me the question whether I had a direct telephone to the White House from Atlantic City, and I believe I answered in the negative. That would be my answer today again, sir.

Senator BAKER. I don't have the full transcript here. I'm not trying to trap you.

Mr. DeLoach. Certainly. I understand, Senator.

Senator BAKER. But do you remember whether you indicated there was effective communication link between the FBI observation post at that convention and the White House?

Mr. DeLoach. There was a definite effective link between the office maintained by the special squad in Atlantic City and those individuals, Mr. Jenkins and Mr. Moyers, as assigned by the President to their offices, Senator.

Senator BAKER. Do you recall telling me at that time that your contacts with the White House were Mr. Jenkins, Mr. Califano, Mr. Moyers, and Mr. Marvin Watson?

Mr. DeLoach. I do not remember saying Mr. Califano. I could have, Senator, and I do not remember saying Mr. Watson. To my knowledge, to the best of my recollection, I met Mr. Watson only once in Atlantic City and I don't recall any contacts with him.

Senator BAKER. The information I have here is not the original transcript. The staff memorandum is that your reply in that respect was on page 9, line 21 of your testimony. Your contacts at that time in the White House were Walter Jenkins, Joe Califano, William Moyers, and Marvin Watson. Do you know anything now that would dispute that in your mind or contradict that in your mind?

Mr. DeLoach. I distinctly recall communicating and the agents on the squad being in communication with Mr. Jenkins and Mr. Moyers.

But Senator, may I say when you interrogated me approximately 2 years ago, 10 years had elapsed since the Democratic National Convention in 1964. I had been shown no memorandums whatsoever to refresh

my memory and I was testifying strictly on recollection of another era 10 years ago.

Senator BAKER. And your memory and recollection has been refreshed now.

Mr. DeLoach. To the extent of what you just read to me and it's entirely possible that I did talk to Mr. Califano and Mr. Watson. I do recall meeting Mr. Watson on one occasion at the convention, but I do not recall transmitting anything to him and I do not recall transmitting anything to Mr. Califano.

Senator BAKER. Do you know whether or not the FBI had made a practice of similar observation at other political conventions in the past, or was this unique in the 1964 Democratic National Convention?

Mr. DeLoach. Senator, I think the FBI historically has attempted to maintain its intelligence responsibilities as laid down in the Executive order of 1939 with respect to any matter concerning strife or violence that would interrupt a convention, or any other time and possibly information previous to that. Now to go further, the FBI covered the 1968 Democratic convention from a local standpoint, a local field office standpoint in Chicago because they anticipated such massive amounts of violence which actually did occur. The FBI, as I recall, and although I was not in the Bureau, I left the Bureau as you recall, in July 1970, which has been almost 6 years; but I do know that the FBI covered the convention, the Republican convention in 1972 in Miami, because, again, I understand there was a potential for considerable violence and strife.

Senator BAKER. Without trying to differentiate between the coverage of the several conventions, haven't they covered virtually every Republican and Democratic convention since 1936?

Mr. DeLoach. Senator, I can't answer that.

Senator BAKER. To your knowledge?

Mr. DeLoach. To my knowledge I do not know, sir, and I would say that so far as I know, the 1964 convention was the first time that the special squad was sent to a convention. Otherwise, it had been handled by the local field office.

Senator BAKER. One other question on the telephone link in 1964. I have here a letter from A.T. & T. dated September 17, 1975 [see exhibit 43¹], addressed to this committee saying in part that, "private lines for security purposes were established from the FBI and Secret Service temporary communications center, Atlantic City to FBI headquarters in the District of Columbia and to the White House PBX." Does that conform with your understanding? Was there, in fact, an FBI line directly to the White House PBX?

Mr. DeLoach. Not to my mind, Senator. We had a direct line to the Washington, to the FBI headquarters.

Senator BAKER. Well, the letter is unclear. It says, it was established to the FBI headquarters and to the White House, PBX for the FBI and the Secret Service. I don't know if that means they were done for the FBI at both places, or to just one. You have no recollection?

Mr. DeLoach. Senator, I do not recall any specific instance where we had a direct line to the White House from Atlantic City. We did have a direct line between Atlantic City and FBI headquarters in Washington.

¹ See p. 512.

Senator BAKER. Do you know anything about an FBI surveillance of Senator Goldwater and his staff during the time of the 1964 Convention?

Mr. DeLoach. Would you repeat that?

Senator BAKER. Yes, sir. Do you have any personal knowledge of FBI surveillance of Senator Goldwater or his staff during the 1964 Convention?

Mr. DeLoach. I have no personal recollection whatsoever and I would doubt seriously whether such thing ever happened. I would have known about it if it had happened. Let me go one step further, if I may, Senator.

The statement has been made here today concerning name checks, or investigations, so to speak. I forgot whether they said name checks or investigations concerning Senator Goldwater's staff, and I believe that occurred in 1963 or 1964, the request was made of me to make so-called name checks of Senator Goldwater's staff. I came back and told Mr. Hoover about it and Mr. Hoover said, what do you recommend, and I told him I recommended we do nothing, and he said, I agree with you. And that's exactly what we did, nothing. I told the White House nothing.

Senator BAKER. Mr. DeLoach, for my own personal information, tell me in a general way how you received authorization at the FBI to install technical surveillance, a telephone tap? What procedure did you go through?

Mr. DeLoach. Senator to the best of my recollection, as I say most of my experience was in the Crime Records Division which has been previously described to you as the public relations arm of the Bureau, but later on I became Assistant to the Director. An interested division, say the Domestic Intelligence Division, for example, would receive a communication from a field office of the FBI indicating a recommendation that a wiretap be placed on a specific individual, and containing justification in that communication. Now, the Domestic Intelligence Division would then prepare a memorandum to Mr. Hoover where they would reflect fully the name of the individual and the proposed justification. It would go up the line, through the various officials to Mr. Hoover's office, and attached to that communication would be a letter of communication to the Attorney General requesting his approval and setting forth the so-called justification.

Senator BAKER. From Hoover to the Attorney General?

Mr. DeLoach. Yes, sir, that is correct, sir. Mr. Hoover, if he approved it, I would then ask one of his secretaries. I believe it was Ms. Edna Holmes for the most part, to take this communication to the Attorney General's office and to wait there for the answer—or to go back after it personally for personal delivery and personal return to Mr. Hoover's office regarding the wishes of the Attorney General concerning the matter. When she received a telephone call, or when she was given the approval by the Attorney General, she would bring that communication back to Mr. Hoover and he would route it back to the interested division.

Senator BAKER. Generally the memorandum from Hoover to the Attorney General would carry an approval space for the Attorney General's name or initials on the bottom, is that correct?

Mr. DeLoach. I believe so, sir. Let me say that he always either gave approval or disapproval of such a matter on a personal basis.

Senator BAKER. And the FBI never did wiretaps, to your knowledge, without the approval of the Attorney General?

Mr. DeLoach. I can't recall any instances, Senator, no. It was a very established policy, I believe Mr. Evans will agree with me here, that you must have the agreement of the Attorney General to establish an electronic surveillance.

Senator BAKER. As far as you know, that was adhered to strictly?

Mr. DeLoach. So far as I know; yes, sir.

Senator BAKER. I take it that on occasion there may have been requests by Attorneys General to the Bureau to initiate technical surveillance?

Mr. DeLoach. Yes; I believe there have been such instances.

Senator BAKER. Do you know of any such instances related to newsmen or radio or television personalities which involved wiretaps?

Mr. DeLoach. Senator, the only recollection I could have was with respect to the Nixon administration where the Attorney General, Mr. Mitchell, called over to FBI headquarters on one occasion and indicated, or instructed, that the President wanted this done and it should be done.

Senator BAKER. Who was that about?

Mr. DeLoach. I don't recall that, sir.

Senator BAKER. I've just been notified that my time has expired. I would like to pursue that line of questioning further, but Mr. Chairman, if I may, I would ask instead that the witness provide us with a list of newsmen or women who may have been wiretapped by the Bureau during the time that he was there.

Mr. DeLoach. Senator, with due respect to that and in complete courtesy to you and the committee, again reasserting my desire to be of complete cooperation, I have been out of the FBI for many years now. It would be better if that request could be directed to FBI headquarters, I believe, sir.

Senator BAKER. Well, I think we could help you with that. We'll show you a memorandum and ask you if you can verify it.

Mr. DeLoach. Yes, sir.

Senator BAKER. Thank you.

Senator Tower. Senator Hart of Michigan.

Senator HART of Michigan. Mr. Chairman, I am developing a dilemma this morning. I thought, with a deep conviction, that the worst thing we could have at the FBI would be a politician. Now I'm beginning to wonder if that isn't what we need, more than anything else, someplace along the line. As I hear you, your statement to us is that because you're a policeman, you can't make any judgment as to the propriety of if a request comes to you from the White House or the Attorney General.

Mr. DeLoach. Senator, may I say something there, please?

Senator HART of Michigan. Sure.

Mr. DeLoach. The FBI has always been established as simply an investigative agency. The FBI does not make recommendations, has never made recommendations, insofar as investigative activities are concerned, and in my opinion in the future should not make recommendations; but it should simply investigate, determine the facts, and furnish the facts to the Attorney General and/or the Department of Justice, including the U.S. attorneys, where the final approval should

be given as to prosecution or not. Under no circumstances, in my opinion, should the FBI ever become a determining factor whether there should be prosecution or action taken concerning a specific matter. They should simply ascertain the facts. They should pass on all data.

Senator HART of Michigan. Yes. But if the White House calls you and asks you to do a check on a critic, is there any hope that somebody in the Bureau would be willing at least to question, or second-guess the White House, as to whether this relates to national security or the enforcement of criminal laws, or if it really is a misuse of the FBI?

Mr. DELOACH. Senator, I think there are several things that need to be done here, if I may say so, sir, if you'll allow me to. First, the guidelines, as laid down in the Executive order for domestic intelligence jurisdiction in 1939 by President Roosevelt, and later reiterated by President Truman, represents strictly an Executive order. The FBI has been operating in the domestic intelligence field without any guidelines or statutory authority from the Congress for many, many years. This needs to be done, and this should be the responsibility of this committee with respect to those recommendations. I am not trying to throw this off on the committee. I am simply stating facts. But I strongly feel that this committee should take that responsibility and should lay down definite guidelines for the FBI, not only pertaining to domestic intelligence jurisdiction, Senator, but also with respect to the questions being asked of us as witnesses today.

Senator HART of Michigan. Were you aware of any instances where requests to the FBI made by the White House, or by other administration officials in the executive branch, were rebuffed by Mr. Hoover, by yourself, or anybody else in the Bureau, on the basis that the request was an improper use of the FBI?

Mr. DELOACH. Senator, I do not recall any specific instances. I'm sure there have been. I do know that on occasion requests from the Department of Justice were considered by Mr. Hoover to be not within the jurisdiction of the FBI, and he sent one of us lesser lights over to discuss the matter with the appropriate Assistant Attorney General, and/or the Attorney General and either the request was withdrawn or the Department insisted upon it and we did it. But information from the White House, I am sure, was rebuffed by Mr. Hoover from time to time, too. But I have no specific recollection.

Senator HART of Michigan. I think the record is left hanging a little with respect to the Bureau's reactions to requests made by the White House for name checks on Senator Goldwater's staff. It is my impression—

Mr. DELOACH. Well, Senator, we felt that to be purely political and that's why I made the recommendation to Mr. Hoover.

Senator HART of Michigan. I'm told the next day he went ahead and did it.

Mr. DELOACH. We did no name checks, Senator. We furnished no information, as far as I know, to the best of my recollection.

Senator HART of Michigan. I stand corrected. You are correct.

Mr. DELOACH. Thank you, sir.

Senator HART of Michigan. That is an instance where the Bureau rebuffed a request as inappropriate.

Mr. DELOACH. Thank you, sir.

Senator HART of Michigan. Now, the incident I had in mind bore on another public figure, Spiro Agnew. A request was made to get telephone records of candidate Agnew. What happened on that request?

Mr. DELOACH. I received a call from Mr. James Jones, who was the top assistant to the President at the time. Senator, to the best of my recollection, late one evening, and he indicated the President wanted information concerning either Mr. Nixon or Mr. Agnew insofar as toll calls being made from Albuquerque, N.Mex. were concerned. I told Mr. Jones I felt this was not a correct thing to do, particularly at this time of night, and while we would try to comply with the President's specific request, we would not do it that night. The President then called me personally in my office late that night and indicated that did he understand my refusal to Mr. Jones correctly, and I said, yes, he did. I said, I thought that it would be wrong for us to try to obtain such information that late at night. The President then proceeded to tell me that he was the Commander in Chief and that when he needed information of that nature, he should get it. However, the conversation ensued that I reiterated my objections to it, and the President indicated all right, try to get it the following day. The Domestic Intelligence Division did get in touch with Albuquerque, and did obtain toll call slips. Now, this was no electronic surveillance, Senator. This was merely a matter of going to the telephone company and getting the results of toll calls made from a certain number several days prior to that to Washington, D.C. I believe there were five all total and this has been made a matter of record in FBI files.

Senator HART of Michigan. I thought I was throwing you a slow ball. I thought that was a case where you did reject the request. Apparently the rejection hinged on, it is too late at night, we'll do it in the morning.

Mr. DELOACH. You're absolutely right, Senator.

Senator HART of Michigan. There was the period when, as opposition to Vietnam mounted in this country, the Senate Committee on Foreign Relations under Chairman Fulbright, prepared for public hearings.

Do you recall the incident involving the White House request that the Bureau monitor statements by the Senate Foreign Relations Committee members in those television hearings?

Mr. DELOACH. Yes, Senator, my memory's been refreshed by committee staff showing me memorandums in that regard. That was a specific request from the White House? As I recall, sir, it was not a request to monitor the television program. It was a request to have an agent present at the hearings. We refused to do that. We had agents sit by a television set and monitor the hearings and then later furnished reports to the White House in that regard.

Senator HART of Michigan. Whether it was an agent present in a hearing room or sitting elsewhere in front of a television set, the request was that the Bureau monitor a legislative hearing, a congressional hearing. The Bureau was then to analyze statements by members of that committee questioning our Vietnam involvement to see if parallels could be found between them and statements by Communists.

Mr. DeLoach. Senator, I believe those were the expressed instructions by the White House as given to the FBI.

Senator HART of Michigan. How did you hear those instructions? Were they instructions of a neutral sort to see whether such parallels exist, or to see if you can't find some parallels?

Mr. DeLoach. I don't recall specifically, Senator. I received the instructions I believe, or Mr. Hoover received them and gave them to the Domestic Intelligence Division, but as to the philosophy there, I don't recall.

Senator HART of Michigan. Do you recall any discussion as to the propriety of responding to that request?

Mr. DeLoach. Well, I think we were somewhat upset by it, but again we complied with the instructions of the White House.

Senator HART of Michigan. Did you resolve your upset by concluding that maybe some of the Senators or witnesses were acting as agents of the international Communist conspiracy?

Mr. DeLoach. I would doubt that very seriously, Senator. I was not aware of what was thought at the White House, but I would doubt that very seriously.

Senator HART of Michigan. You were upset but you went ahead, why, just because the White House asked you?

Mr. DeLoach. We complied with the instructions of the President of the United States, Senator. Mr. Hoover approved it, after getting the instruction from the President, and we followed our orders.

Here again, Senator—

Senator HART of Michigan. I pause only because I suspect this isn't the kind of exciting action we associate with Dr. King's experience with the Bureau. But to me, this one is equally bad. Communists and I espouse many similar goals. I hope they are sincere and I hope I am sincere. But if you get up to make a speech advocating improvements in civil rights or the elimination of hunger, I am sure some Communist is making the same speech somewhere else.

Mr. DeLoach. That could be, sir.

Senator HART of Michigan. I would hope that the Bureau is not viewing somebody like me as a potential threat just because somebody like that other fellow is saying the same thing. That is my concern here.

For the record, Mr. Chairman, I think, and in fairness to the Bureau, we should invite the Bureau to furnish specific instances where requests have been made by Presidents of the United States or persons acting in their behalf—requests to undertake an investigation or some activity which the Bureau has declined and continues to decline on the grounds that it involved neither national security, nor the enforcement of the Federal criminal laws.

Senator Tower. The staff will be so directed.

Senator HART of Michigan. Let me tell you what my very able staff man is telling me in this memo. Let me return to the question regarding the name checks on the staff of Senator Goldwater in 1964. You said no information was provided. Was that because you refused or because you did the check and found nothing? Let me read from an FBI memorandum indicating the check was done and you reported back to Mr. Moyers the negative results. This is dated January 31, 1975. "A record copy of a letter to Mr. Moyers dated October 27, 1964,

is in the file and was hand delivered by Mr. DeLoach on October 28, 1964. This letter advised that there was no derogatory information in our files on 13 of the individuals mentioned." I assume those 13 were Goldwater staffers. "But on two others there was, and those two and the information bearing on them were furnished the White House." [Exhibit 52].¹ Does that refresh your recollection?

Mr. DeLoach. To the best of my recollection, Senator, as I recall the incident, no information was given to the White House concerning Senator Goldwater's staff. Not because of the fact that we did not have information in the Bureau's files, but simply because the Bureau did not desire to be involved in such a request.

Senator HART of Michigan. We will put this in the record. Somebody is marching out of step here, somebody is clearly out of step. This memorandum says that there were two individuals, whose names I won't state.

Mr. DeLoach. Were those members of the Senator's staff, sir?

Senator HART of Michigan. Yes.

Mr. DeLoach. I can only recall, to the best of my recollection, sir.

Senator HART of Michigan. I would ask that with the deletion of the names that would be made part of the record, and your clarification will be welcome.

Senator Tower. Without objection, that will be made part of the record at exhibit 52.

Mr. DeLoach, did the FBI institute physical surveillance of Mrs. Claire Chennault on October 30, 1968, at the direction of the President of the United States?

Mr. DeLoach. Senator, to the best of my recollection on that specific case, the Executive Director, I believe the Executive Secretary of the National Security Council, Mr. J. Bromley Smith, called me on one occasion and indicated the President of the United States wanted this done. I told Mr. Smith that I thought what he should do is call the Attorney General concerning this matter, and I believe either Mr. Hoover or I later received a call from the Attorney General indicating that this should be done.

Senator Tower. Was it done?

Mr. DeLoach. There was a physical surveillance on Mrs. Chennault, yes, sir.

Senator Tower. What did it include?

Mr. DeLoach. The usual physical surveillance, as I recall, Senator, following her to places where she went in the city of Washington, and as I recall a statement made this morning, also a trip that she made to New York.

Senator Tower. Did it involve the constant monitoring of any and all of her incoming and outgoing telephone calls?

Mr. DeLoach. I believe the instructions of the President and the specific instruction and approval of the Attorney General, that a wiretap was placed on her telephone, sir.

Senator Tower. So during the period of time between October 30, and November 7, all of her telephonic communications were monitored by the Bureau?

¹ See p. 539.

Mr. DeLoach. I don't recall the specific dates, Senator, but I do know that such surveillance was established.

Senator Tower. Who was the Attorney General at the time?

Mr. DeLoach. In 1968, sir?

Senator Tower. Yes, sir.

Mr. DeLoach. I believe that would have been Mr. Clark.

Senator Tower. Would the FBI have undertaken this surveillance on its own initiative had they not been directed by the Attorney General to do so?

Mr. DeLoach. That was the reason I referred Mr. Smith to the Attorney General. I felt that we should have the Attorney General's concurrence, and as I testified earlier, to my knowledge the FBI did not place wiretaps on individuals unless it had the approval of the Attorney General. The answer therefore would be "no."

Senator Tower. Turning to Dr. King, was Attorney General Katzenbach ever informed of the Bureau's surveillance on Dr. King?

Mr. DeLoach. Senator, I cannot answer that. I did not maintain liaison with Attorney General Katzenbach, and I was not on the operational side of the house at the time, side of the FBI. Consequently, I cannot answer that.

Senator Tower. Did the White House, did the President or anyone acting in his behalf at any time request or receive political intelligence on Members of the U.S. Senate?

Mr. DeLoach. Senator, there may have been such instances on the part of the White House, requests from them. I don't recall specific instances, but there could have been.

Senator Tower. Was such intelligence gathering ever undertaken?

Mr. DeLoach. I don't recall any instance where the President of the United States requested the FBI to specifically investigate a Senator or a Member of the Congress unless that person was being considered for an appointment to a commission or a committee. Now, I do recall one specific instance where the White House specifically requested the FBI, they made the request, I believe, of Mr. Hoover, that Senators or Members of the Congress entering a certain establishment, diplomatic establishment, that those matters be brought to the attention of the President.

Senator Tower. Mr. Evans.

Mr. Evans. Yes, sir.

Senator Tower. During your tenure as the liaison with Attorney General Kennedy, did he direct you to place Hanson Baldwin of the New York Times under surveillance?

Mr. Evans. I believe, Senator, on the basis of the record that has been exhibited to me, that this was a request from the Attorney General to Mr. Hoover. It did not come to me personally.

Senator Tower. Who implemented that? Was that under your—

Mr. Evans. That was not under my jurisdiction. I would be glad to explain the very limited knowledge I had of the whole affair, if you like.

Senator Tower. I would like to know why he was placed under surveillance.

Mr. Evans. That, sir, I cannot answer for you. My knowledge does not go to that area.

Senator TOWER. Were any other journalists or personalities in the mass media placed under surveillance by orders of the Attorney General or the President, to your knowledge?

Mr. EVANS. The only other example that I might cite is that in connection with the Baldwin coverage there was also coverage of one of his assistants.

Senator TOWER. Thank you, Mr. Evans. Do counsel have any questions? Mr. Schwarz.

Mr. SCHWARZ. Mr. DeLoach, we've been talking largely about requests from the White House for name check information or information about critics. Has the Bureau, in your experience, volunteered to the White House information about persons believed to be critical of the White House?

Mr. DELOACH. Mr. Schwarz, I've been gone from the FBI for approximately not quite 6 years, and my recollection therefore is somewhat hazy concerning the matter, but I don't recall any specific memorandums. It may have happened, but I don't recall.

Mr. SCHWARZ. Didn't we show you a memorandum which showed you precisely that, relating to a person who had written a play critical of President Lyndon Johnson?

Mr. DELOACH. Mr. Schwarz, the committee staff has showed me over 700 memorandums. I do not recall the specific memorandum.

Mr. SCHWARZ. All right. There is such a memorandum, but you turned it over and it was volunteered.

Senator TOWER. Do you have any questions, Mr. Smothers?

Mr. SMOTHERS. Nothing, Mr. Chairman.

Senator TOWER. Thank you, Mr. DeLoach and Mr. Evans.

Mr. DELOACH. Senator, I would like, if I may, to say one thing. Senator Morgan in his remarks or closing comments made it appear somewhat that I personally was responsible for keeping tabs on him. I would like the record to reflect that I have never met Senator Morgan, I knew nothing about him, and I certainly did not keep any tabs on him.

Senator TOWER. I don't think he intended to mean that you had done so personally, but that the Bureau had and it was in his file. So that is an established fact. Thank you very much, gentlemen, for appearing and cooperating with the committee.

The witnesses this afternoon—let's have order please—the witnesses this afternoon will be former Attorney General Katzenbach and former Attorney General Clark. The committee will stand in recess until 2 p.m. this afternoon.

[Whereupon, at 12:45 p.m., the committee recessed, to reconvene at 2 p.m., the same day.]

AFTERNOON SESSION

Senator TOWER. Will the committee please come to order. Our witnesses this afternoon are former Attorneys General Nicholas Katzenbach and Ramsey Clark. They are here not only to provide us with factual information, but I believe they have some views which we should value considering their experience on reform measures that the committee might consider.

I have been asked to announce that the general counsel of the committee, Mr. Schwarz, has disqualified himself from participating in

the questioning of Mr. Katzenbach and has disqualified himself from any preparation in the questioning of Mr. Katzenbach, in that he has represented Mr. Katzenbach on occasion in a legal connection.

Gentlemen, would you rise and be sworn, please? Do you solemnly swear that the testimony you're about to give before this committee is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CLARK. I do.

Mr. KATZENBACH. I do.

Senator TOWER. Do you gentlemen have counsel with you?

Mr. KATZENBACH. No. I have friends who are lawyers here, but I'm not being represented by counsel.

Senator TOWER. And you, Mr. Clark?

Mr. CLARK. No, I'm here by myself.

Senator TOWER. We will first hear opening statements by the witnesses. Mr. Katzenbach, you may proceed if you wish.

TESTIMONY OF NICHOLAS deB. KATZENBACH

Mr. KATZENBACH. Thank you, Mr. Chairman. As you know, I have submitted a long statement to the committee and I would like now just to read a brief summary of it.

Senator TOWER. Your full statement will be printed in the record and you may summarize if you like.

Mr. KATZENBACH. Thank you, Mr. Chairman.

[The prepared statement of Nicholas deB. Katzenbach follows:]

STATEMENT OF NICHOLAS deB. KATZENBACH, FORMER ATTORNEY GENERAL OF THE UNITED STATES

Mr. Chairman and members of the select committee, this committee has uncovered and publicly exposed activities of the Federal Bureau of Investigation which were unlawful, grossly improper and a clear abuse of governmental authority. According to the testimony before this committee, some of those activities took place while I was Attorney General or Deputy Attorney General.

Some of those revelations have surprised me greatly. Some, such as the extent of the FBI's attempt to intimidate, to harass and to discredit Dr. Martin Luther King have shocked and appalled me. Those activities were unlawful and reprehensible. They served no public purposes. They should be condemned by this Committee.

My surprise and shock stem more from the fact that these activities occurred with the apparent knowledge and approval of J. Edgar Hoover than from the fact that I, as Attorney General or Deputy Attorney General, was unaware of them. Mr. Hoover dedicated his life to building a Federal Bureau of Investigation which enjoyed a great and deserved reputation for integrity, efficiency and dedication to public service. Even in a world which he believed was questioning and rejecting some of the values which Mr. Hoover so esteemed—patriotism, respect for law, sexual mores grounded in marriage and family, the work ethic, I would not have expected him to risk the Bureau's reputation—his life's work—by resorting to unlawful or improper tactics.

I was aware of the fact that the Director held political views far more conservative than my own or those of the administrations which I served. I knew that on occasion he promoted those views on the Hill, without consultation with me and sometimes in opposition to administration policy. I knew the intensity of his views on the dangers of communism, on the decline of moral standards, on the evils of permissiveness, on the lack of respect for law and order. I knew that as Mr. Hoover grew older and the country changed—for the worse, in his view—the intensity of those feelings and his frustration at what was taking place grew. I knew that Mr. Hoover was extremely sensitive to any criticism whatsoever and that he deeply and personally resented public criticism by civil rights leaders, and especially that made by Dr. King.