

UNITED STATES GOVERNMENT

SECRET

Memorandum

TO : Mr. W. R. Wannall

FROM : F. S. Putman, Jr.

1 - Mr. N. P. Callahan
1 - Mr. J. B. Adams
1 - Mr. R. E. Gebhardt
DATE: 10/2/74

1 - Mr. J. J. McDermott
1 - Mr. W. R. Wannall
1 - Mr. W. W. Hamilton

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SUBJECT: TESTIMONY BY WHITE HOUSE COUNSEL
J. FREDERICK BUZHARDT BEFORE THE
SENATE SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES
5/7/74 ALLEGING FBI CONDUCTED
SURREPTITIOUS ENTRIES

1-16-80
CLASS. & EXT. BY 5180RCB/...
REASON: FCIM II, 1-2.4.2 (2)
DATE OF REVIEW: 1-2-94

Classified "Secret" since it discusses highly sensitive investigative techniques. (u)

Reference is made to memorandum McDermott to Jenkins 9/24/74 captioned as above.

Referenced memorandum set forth review of testimony of J. Fred Buzhardt before the Senate Select Committee on 5/7/74, during which Buzhardt stated that unidentified surreptitious entries had been performed by the FBI since January, 1969. While the Intelligence Division has no definite information which would identify the surreptitious entries referred to by Buzhardt, the following information may be of some pertinence.

On 5/17/73, Buzhardt was contacted by former Assistant Director E. S. Miller pursuant to the request of then Acting Director Ruckelshaus at which time Buzhardt requested we provide him with a comprehensive outline of the history and activities of the Interagency Committee on Intelligence (Ad Hoc), which was established by former President Nixon in 1970. A "special report" prepared by this Committee was included in material found in the papers of [redacted] former White House aide. The Ad Hoc Committee was established under the chairmanship of former Director Hoover following conference between Mr. Hoover and former President Nixon on 6/5/70. Its purpose was to make recommendations for the more effective coordination of the intelligence gathering efforts of the U. S. intelligence community. The Committee issued a 43-page "special report" which was delivered to the White House 6/26/70 summarizing the internal security threat facing the U. S. and reviewing limitations on intelligence collection. It should be

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Date of Declassification Indefinite

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noted that this report discusses surreptitious entries as an intelligence gathering technique and stated that this technique had been used in the past with highly successful results. The FBI was not specifically identified as an agency utilizing this technique. A footnote was added to the report to the effect that the FBI was opposed to surreptitious entry of Embassies for the purpose of obtaining cryptographic materials because the increase in the number of police guarding these Embassies adds to the operational hazards. ~~(S)~~ (U)

By memorandum dated 7/23/70, Tom Charles Huston advised that the President had reviewed this "special report" and desired a relaxation of restraints in a number of areas and the creation of a permanent Interagency Committee on Domestic Intelligence.. This reply of Huston's became known as the so-called "Huston Plan." The restraints referred to in the "special report" included limitations on the use of electronic surveillance of foreign establishments, the use of student informants on college campuses, covert and overt coverage of the mail and surreptitious or illegal entries. ~~(S)~~ (U)

By letter dated 5/18/73, Acting Director Ruckelshaus furnished Buzhardt a letterhead memorandum (LHM) together with five attachments summarizing the history and activities of the Ad Hoc Committee. Assistant Attorney General Petersen advised the Department had no objection to our furnishing this information to Buzhardt. ~~(S)~~ u

OBSERVATION:

It appears that Buzhardt's testimony relating to surreptitious entries since 1969 could have been based on the statement in the "special report" of the Ad Hoc Committee that surreptitious entries had been used relative to gathering code material from Embassies. ~~(S)~~ (U)

As a matter of fact the use of such surreptitious entries were forbidden by Mr. Hoover in 1967 and have not been allowed since that time. There is a fine point, however, between what

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we semantically call surreptitious entry and what we call trespass. Most of our microphone installations involve trespass and the Department is well aware of this. However, we do not consider this type of entry to be identical to that which is called surreptitious entry (bag jobs), where the purpose of the entry is for tangible information such as documents or other such material. (C)

But even here, there is at least one case, which has even been publicized, wherein we entered the premises to install a microphone and the Agents, while there, photographed documents. This was a terrorist case and was approved by former Acting Director L. Patrick Gray. Because of the publicity, Buzhardt would have known about this and could have been referring to that particular case which was in 1972.

We can say, however, that the FBI has had no program of surreptitious entry as referred to in the above-mentioned "special report" since 1967, when it was banned by Mr. Hoover.

ACTION:

None. For information.

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