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Law brings order to our society -- it lets us know where we stand, and what we can expect. It is society's collective will, setting limits upon individual conduct in the interest of preserving the greater good for us all.

The law sets limits, too, upon government, to ensure that it, no less than our neighbors, does not usurp those rights and liberties we have deemed necessary to the enjoyment of our lives. Indeed, the Bill of Rights guarantees to every American that his government will not take measures to interfere with his right to speak his mind, his right to befriend and associate with whom he pleases, and take up whatever cause he chooses.

Ladies and Gentlemen, our constitutional rights have been violated. They have been violated repeatedly. They have been violated willfully. And they have been violated by that branch of government that has the duty to protect us.

Decency, security, and liberty alike demand that governmental officials shall be subjected to the same rules of conduct as the citizen. In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously. Our government is the potent, the omnipresent teacher. For good or for ill, it teaches

the whole people by its example. If
the government becomes a lawbreaker, it breeds
contempt for the law; it invites every man
to become a law unto himself; it invites
anarchy. To declare in the administration of
(a democracy such as ours) the end justifies
the means . . . would bring terrible retribution.
Against that pernicious doctrine, (we) resolutely
set (our) face. Brandeis

But government encroachments upon individual liberties,
while not as blatant as they were in colonial days, are
nonetheless just as real. We don't have agents of the
government sent out to smash a printing press or to

put a local politician in jail for something he said that offended the government as we have had in the past- But we do have acts on the part of the government which, while far more subtle, are no less serious erosions of Constitutional rights. They are carried out today not by malicious despots, but by civil servants with the best of intentions. Chief Justice Louis Brandeis in his famous dissent in the Olmstead case in 1928 put the matter this way:

"Experience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficant...The greatest dangers to liberty lurk in insidious encroachments by men of zeal, well-meaning but without understanding."

I have realized, in recent months, how wise this statement is. As you know, I have served for the last fifteen months as a member of the Senate Intelligence Committee. That committee concluded its work and issued several reports which I urge you to read. They show very well what Justice Brandeis was talking about.

I must admit that I approached my assignment on this Committee with a great deal of skepticism. I had spent most of my adult life working with law enforcement and working with government, and during that time, I developed a trust and respect for both.

So when the newspaper stories started coming out a few months ago about the misdeeds of the FBI and the abuses of the CIA, I took them very lightly. I thought they were written to sell newspapers.

The Committee's work, however, has convinced me that I was wrong. Abuses have occurred and they cannot be taken lightly. They resulted in the violation of the rights of many Americans. The governmental agencies under investigation by the committee perform most of their

obligations properly and with dignity. Acts have occurred, however, which can not be tolerated in a free society. Dr. Martin Luther King is a good example and can be considered as one abuse.

Perhaps the most egregious acts carried out against any individual were those undertaken by the FBI against Dr. King. The Committee's investigation disclosed, among other things:

---that the FBI continuously wiretapped his telephones and bugged the rooms where he stayed;¹

---that tapes of these conversations were used in an attempt to stop King from criticizing the FBI;²

---that the FBI attempted to convince officials at Marquette University not to award King with an honorary degree;³

---that FBI agents attempted to block a meeting King had scheduled with the Pope;⁴

---that FBI agents attempted to persuade three of King's supporters in the clergy that they should drop their support of him;⁵

---And, finally, that the FBI sent him an anonymous letter thirty days prior to his receiving the Nobel Peace Prize, which appeared to urge him to commit suicide.⁶ A copy of this letter was found among the papers of a former Associate Director of the FBI.

The point I wish to make here, however, is not what happened to Martin Luther King, but that what happened to Dr. Martin Luther King happened to other citizens of our country, not so famous and not so controversial, who came under attack from the government not because they had committed a crime, but because they dared to exercise rights guaranteed them under the Constitution.

One case involved a North Carolina man who was himself

not actively involved in any political activity nor suspected of committing any crime. But he bought a raffle ticket on a car from a right-wing group in this state which was under investigation by the FBI. As luck would have it, this individual won the car. But because the raffle had been conducted by a group under investigation, the FBI gave his name to the IRS, and had them run an audit on this individual's taxes.⁷ There was no indication that IRS would find anything irregular. The audit was ordered simply because of the man's involvement with a right-wing group.

In another case, the FBI ordered an audit on a college professor in a midwestern city in order to

keep him occupied and in town, so that he could not participate in plans for an antiwar demonstration in Chicago.⁸

In case after case, the FBI sent paid informants into groups of every political persuasion, to report on their activities. Among them was Dr. Carl McIntyre's American Christian Action Council, where the FBI placed two paid informants.⁹ Another was the Women's Liberation Movement.¹⁰ Still another was the Citizens Panel on the Merits of an Anti-Ballistic Missile System, where the FBI had three paid sources.¹¹ This group was a citizens group in the Washington area organized to debate the merits of an ABM system. The FBI had no evidence prior to

to placing informants in any of these groups that they were committing any crime. Moreover, after the infiltrations had taken place, no evidence of criminal activity was developed. It was simply a matter of the FBI wanting to know what these groups were up to. And they were using our tax money to do it. FBI also used informants to, in what I think was the most reprehensible use of them, help it disrupt organizations. The Report of the Committee states that FBI techniques against the Klan, "included----creating new Klan Chapters to be controlled by Bureau informants." (Page 87).

The Committee also found three cases where the FBI had sent anonymous letters to the husband or wife of

a political activist they had targeted for investigation, stating in often crude and vulgar language, that their spouse was being unfaithful to them.¹² In two of these cases, the FBI reports indicate that the couples wound up obtaining a divorce and the FBI Program was classified as a success.

Anonymous letters were also sent to college presidents informing them of antiwar, or anti-establishment activities on the part of their faculty members.¹³ Anonymous letters were sent to the parents of college students to inform them -- that their own children had been participating in protest demonstration.¹⁴

Fictitious letters were sent ~~by~~ the FBI to rival black groups in order to provoke hostility.¹⁵ A fictitious letter was sent to the Mayor of Detroit stating that a black man he had appointed to the local Board of Transportation was a Communist.¹⁶ Another fictitious letter went to the Black Panthers in New Jersey telling them that food which had been donated to them was poisoned.¹⁷

The FBI also used the press to its own advantage, by writing its own news stories and getting its contacts in the media to place them in the newspapers. During the Poor People's Campaign, in 1968, for example, the Bureau wrote stories about the number of cars and buses which had been purchased by the leaders of the demonstration, and

about the large number of unsupervised teenagers that appeared to populate Resurrection City.¹⁸ An even more reprehensible use of this technique was proposed by the Cincinnati field office of the FBI in 1968. It amounted to a full-scale press campaign against Antioch College in Ohio. In a letter to the FBI Director, the field office recommended that the Bureau attempt to "expose the pseudo intellectual image of Antioch...by discreetly ~~determining~~ ^{ascertaining} the achievement of (former students) since leaving Antioch."¹⁹ The results would then be furnished to the Cincinnati Enquirer, the town's leading newspaper, for an article questioning the quality of education at Antioch. The Bureau then proposed to send copies

of the article to the parents of present students at the college.

These sort of activities on the part of the FBI are clear examples of the violations of the rights of Americans which have taken place in this country. And these incidents, I am sad to say, were not always confined to agents at the lower eschelons. The Committee's investigation revealed that for years the Bureau deliberately misled the Congress and the American people on a number of significant national issues.

One issue on which Americans, myself included were misled by was the number of Communists operating in the United States. William Sullivan, a former Associate

Director of the FBI, told the Committee that in 1944 there were about 80,000 members of the Communist Party within the United States. And to quote Mr. Sullivan: "The Bureau publicized it...We would give it to all the ultra-conservative organizations, this figure. They would put it out in their literature and it went all over the country. We played it up..."²⁰

But Sullivan stated that the number gradually began to drop, and when it reached 37,000, Mr. Hoover sent out a memorandum stating that the number would hereafter be classified. By 1971, Mr. Sullivan said, the number had dropped to around 2800 members of the Communist Party in the United States, and of these only

about 900 were active.

Sullivan also testified under oath that at one point in the early 1960's, he had been asked to prepare for Mr. Hoover an analysis of the extent to which Communists were controlling the civil rights movements. Sullivan responded that his report stated that Communists had been distinctly unsuccessful in winning converts to its cause. But Mr. Hoover did not like the report, since he disagreed with this conclusion, and had it rewritten. Sullivan stated that he gave Hoover what he wanted to hear, because "that was the way to survive."²¹

The Committee also learned that Mr. Hoover would occasionally order certain questionable electronic

surveillances by the FBI to be turned off on the day that he was to appear before a congressional committee so that he would not have to admit to them if asked.²² When Hoover left the witness table, however, the surveillance would be resumed.

I can honestly tell you that I found it almost incomprehensible that employees of the FBI, not to mention its Director, could have been responsible for such acts. It ran contrary to all of my experience-- the FBI simply did not operate like that. But I cannot ignore what I have seen in black and white, and what I have heard from FBI employees.

I mention them to you today to remind you that the rights and liberties which this

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Union was formed to secure cannot be taken for granted.

And that government cannot always be trusted to respect

them. ^{at} Yes, we have the freedom to think and speak what

we please, but we have had the FBI infiltrate Carl

McIntyre's religious group. ^{at} Yes, we have the freedom

C to associate with whom we choose, so long as it is not

for a criminal purpose, but we have had the IRS auditing

the taxes of a man who bought a raffle ticket from a

right wing group. ^{at} Yes, we have freedom of the press,

but we also have had the FBI planting stories in

newspapers attacking things it didn't like. ^{at} Yes, we

C say that people cannot be deprived of their livelihood

without due process of law, but we have had the FBI write

anonymous letters resulting in people losing their jobs and job opportunities. ^{of} And yes, we say that everyone is entitled to privacy in his marital and family affairs, but we have had the FBI write anonymous letters which result in homes being broken and children being alienated from their parents.

I, for one, am glad that we have learned these things. I think their impact on the future will be healthy. Not only will people in these agencies be more conscious of the impact of their activities on people's rights, but I think the average citizen will be more inclined to question governmental actions more carefully.

I hope so.

Again, in the words of Justice Brandeis:

"The makers of the Constitution undertook to secure conditions favorable to the pursuit of happiness...They conferred, as against the Government, the right to be let alone--the most comprehensible of rights and the right most valued by civilized man. To protect that right, every unjustifiable intrusion by the Government upon the privacy of the individual, whatever the means employed, must be deemed a violation of the Fourth Amendment."

Where we have such an "unjustifiable intrusion", and yet, by our silence or inaction, we condone it or allow it, our own personal liberty must necessarily be circumscribed by the possibility that at some point in the future, the same intrusion may be visited upon us.

Harland Fiske Stone, who became Attorney General in 1924, became alarmed at the power of the FBI to inhibit political freedom. He set the proper tone for the FBI before he appointed J. Edgar Hoover as director:

There is always the possibility that a secret police may become a menace to free government and free institutions, because it carries with it the possibility of abuses of power which are not always quickly apprehended or understood. ...It is important that its activities be strictly limited to the performance of those functions for which it was created and that its agents

themselves be not above the law or
beyond its reach...The Bureau of Investi-
gation is not concerned with political
or other opinions of individuals. It is
concerned only with their conduct and then
only with such conduct as is forbidden
by the laws of the United States. When a
police system passes beyond these limits,
it is dangerous to the proper administration
of justice and to human liberty, which it
should be our first concern to cherish.

FOOTNOTES

¹Vol. 6, Hearings Before the Senate Intelligence Committee, FBI, p. 31.

²Testimony of William C. Sullivan, former Assistant Director of the FBI, 11/1/75, p. 102.

³Vol. 6, Committee hearings, FBI, pp. 65-66; also Sullivan deposition, p. 87.

⁴Vol. 6, Committee hearings, FBI, p. 66.

⁵Sullivan testimony, 11/1/75, p. 85.

⁶Vol. 6, Committee hearings, FBI, p. 33.

⁷Committee report on IRS Intelligence Activities (to be published in two weeks), citing IRS and FBI memoranda.

⁸Vol. 6, Committee hearings, FBI, pp. 614-615.

⁹Testimony of James Adams, FBI official, Vol. 6, Committee hearings, p. 137; also see Committee report on the Use of Informants (to be published), citing FBI memoranda.

¹⁰Vol. 6, Committee hearings, FBI, pp. 360-367.

¹¹Committee Report on Use of Informants (to be published in two weeks), citing FBI memoranda.

¹²Vol. 6, Committee hearings, FBI, pp. 398-402, 403-405, 617-621.

¹³Committee report on COINTELPRO, (to be published in two weeks), citing three FBI memoranda.

¹⁴Vol. 6, Committee hearings, FBI, p. 612-613.

¹⁵ Ibid., pp. 430-433

¹⁶ Committee Report on COINTELPRO, (to be published in two weeks), citing FBI memoranda.

¹⁷ Vol. 6, Committee hearings, pp. 440-442.

¹⁸ Ibid., pp. 774-775, 779-780.

¹⁹ Ibid., pp. 434-439.

²⁰ Sullivan testimony, 11/1/75, pp. 33-34.

²¹ Ibid., p. 47.

²² Committee report on Electronic Surveillance (to be published in two weeks), citing FBI memoranda.