

*A Guide to the Microfilm Edition of*

**Federal Bureau of Investigation  
Confidential Files**

**FBI WIRETAPS, BUGS, AND BREAK-INS  
The National Security Electronic Surveillance Card File  
and the Surreptitious Entries File**

**UNIVERSITY PUBLICATIONS OF AMERICA**

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The National Security Electronic Surveillance  
Card File and the Surreptitious Entries File**

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# INTRODUCTION

In 1942, Federal Bureau of Investigation (FBI) Director J. Edgar Hoover informed FBI officials (both senior officials at FBI headquarters in Washington, D.C. and special agents in charge [SACs], the heads of FBI field offices) of his newly formulated policy governing requests to conduct break-ins (termed "black bag jobs" at the time, now called surreptitious entries). No break-ins were to be conducted without the explicit authorization of the director's office, and, since this requirement necessitated the creation of written records both requesting and authorizing break-ins, Hoover devised a special records procedure to separate break-in requests and authorization memoranda from other FBI records. Under this procedure, all memoranda submitted by SACs requesting such authorization were to be captioned "Do Not File." Thus captioned, these memoranda would not be serialized in the FBI's central records system to ensure their undiscoverable destruction in the future. Furthermore, once the director had approved the request, the Do Not File memorandum was then to be filed in the office of the FBI assistant director under whose supervision the particular investigation was being conducted. (Under Hoover's later order of March 1953, office files of FBI assistant directors were to be purged every six months.) SACs were to create only an original copy of the memorandum requesting the director's authorization to conduct a break-in. Then, upon receiving such authorization, they were to prepare "informal" memoranda recording the director's approval. These also were not indexed or recorded in FBI field office central files. SACs were required to maintain these memoranda in their office safes until the semi-annual inspection, at which time these "informal" memoranda were to be destroyed.

When devising this procedure, Hoover intended that there would not be permanent, retrievable records of the authorization of the agents' conduct of break-ins. This fail-safe system broke down, however, ironically owing to a later, seemingly innocent decision by Hoover. In October 1971, the director ordered his administrative assistant, Helen Gandy, to transfer the contents of the Black Bag Jobs folder, which contained a July 1966 memorandum describing the Do Not File procedure in detail, from one of the secret files he maintained in his office (the Personal and Confidential Files) to his second secret office file (the Official and Confidential File). Had this folder, as well as seven others originally filed in his Personal and Confidential File, not been transferred, it, along with the other Personal and Confidential File folders, would have been destroyed by Helen Gandy immediately after his death in May 1972 pursuant to Hoover's explicit instructions.

While Hoover assumed that the existence of his Official and Confidential File would not be known outside the bureau, this proved untrue. In February 1975, Attorney General Edward Levi, in testimony before a House Judiciary Subcommittee, described generally the contents of that file, most notably that it contained derogatory personal information on prominent Americans, including presidents and members of Congress. Thus apprised and

with the creation of the Senate Select Subcommittee on Intelligence Activities later that year having authority to investigate past FBI activities, committee staff obtained permission to review Hoover's Official and Confidential File. By this time it had been incorporated within the FBI's central records system.

### **“Do Not File” File Discovered**

During the review of the file's 164 folders, staff discovered that one, called Black Bag Jobs, contained the memorandum describing in detail the Do Not File procedure. In highly publicized hearings in November 1975, the committee released this memorandum, precipitating a number of dramatic news stories (most notably in the *New York Times* and *Newsweek*) reporting this illegal practice. Thus informed about what had been a highly secretive FBI activity, attorneys for the Socialist Workers Party (SWP), who had initiated a suit in 1973 for damages alleging illegal government surveillance of their client, now filed a motion for the release of all FBI documents pertaining to FBI break-ins involving their client. In responding, Justice Department attorneys discovered that FBI documents recording break-ins of SWP headquarters, as well as offices of other radical organizations, still existed in the New York field office. For inexplicable reasons, New York SAC Thomas Malone had failed to comply with Hoover's order to destroy regularly the contents of his office safe. Included in its contents were documents pertaining to FBI break-ins from 1954 through 1973.<sup>1</sup> Also in Malone's office safe were other break-in documents pertaining to a more current FBI investigation involving the so-called Weather Underground fugitives, an investigation captioned WEATHERFUG by the FBI. Because these break-ins had been conducted from 1970 to 1974 and came within the statute of limitations, the Justice Department brought this case before a federal grand jury. Initially focusing on the agents who conducted these illegal break-ins—Squad 47 headed by John Kearney—the investigation uncovered evidence that senior officials at FBI headquarters had known about and authorized this conduct. In consequence, the Justice Department sought and secured the indictment of three senior FBI officials for having authorized illegal activities: acting director L. Patrick Gray III, acting associate director W. Mark Felt, and assistant director Edward Miller. Gray successfully petitioned to have his case severed from that of Felt and Miller, claiming that he had not been informed of their authorization. This case never came to trial. The Justice Department's prosecution of Felt and Miller was successful. Although convicted for their illegal action (the jury accepted the prosecution's case that this had not been a “national security” matter), Felt and Miller never served their sentences. In one of his first major decisions as president following his inauguration in January 1981, Ronald Reagan pardoned Felt and Miller, claiming their actions were justified on national security grounds.

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<sup>1</sup>FBI Director William Webster's February 1980 report to Attorney General Benjamin Civiletti summarized the principal findings of the inquiry launched in response to questions raised about FBI break-in activities. This inquiry had two important consequences. With the discovery of Malone's office file on break-ins, including FBI documents pertaining to break-ins involving the SWP, Justice Department attorneys belatedly complied with court-ordered discovery motions on illegal governmental activities involving the SWP. These break-in documents played a major role in Federal Judge Thomas Griesa's eventual August 25, 1986 ruling awarding the SWP \$264,000 in damages.

## **JUNE Documents and File 66-8160**

A “personal folder” was also discovered in Malone’s office safe, and documents originally filed there were eventually transferred to FBI headquarters in Washington, D.C., where they were maintained in the Special File Room, separate from other FBI documents, pursuant to the June Mail procedure. Under this procedure, documents submitted by field offices to headquarters and captioned “JUNE” were not filed in case files but were assigned to this special room. The purpose was to limit access to specially designated, very sensitive documents. When instituting the June Mail procedure in June 1949, Hoover directed that this caption be employed for specially sensitive communications recording information obtained from “sources illegal in nature” (wiretaps and bugs) or from other equally sensitive sources such as “secretaries to prominent officials discussing these officials and their attitudes.”

The discovery of the contents of Malone’s safe led Justice Department officials to initiate an inquiry to ascertain whether other FBI field offices retained additional break-in documents and why FBI officials had not complied earlier in 1973 with court-ordered discovery motions and congressional requests for any documents recording break-ins.

The various memorandum created in the course of this internal FBI investigation, notably the responses of FBI field offices to the query of whether they continued to maintain break-in documents, were originally incorporated in a new FBI file, classified 66-8160. With the completion of this inquiry, ordered initially by Attorney General Griffin Bell, the documents in 66-8160 were incorporated with the break-in documents that Malone had maintained between 1953 and 1974 and now constitute the FBI’s Surreptitious Entries File, 62-117166.<sup>2</sup>

Although this file is not a comprehensive record of all the break-ins conducted by the FBI since 1942, even an incomplete file provides insights into the scope and underlying purposes of the FBI’s use of this technique. Accordingly, a variety of research projects can be serviced by consulting this file. For one, historians of the FBI will be able to understand better the FBI’s surveillance objectives, the policies governing the FBI’s monitoring of radical political activities, and the kind of information senior FBI officials sought about radical activities and organizations. Since this information was illegally obtained and thus could not be used for prosecutive purposes, by identifying the targets and date of FBI break-ins, this file provides insights into how the FBI may have used information it collected. Was this information disseminated to influence public opinion and shape public policy? Was illegally obtained information laundered so that it could be used to convict?

The Surreptitious Entries File can also serve as a means of conducting comparative research: researchers of specific organizations can consult this file to ascertain whether information had been obtained through a break-in; others can compare FBI investigations, contrasting those where break-ins were employed (as recorded by this file) with those where this technique was not used. In addition, this file is an invaluable source for those researching either the history of the FBI or of twentieth-century American radicalism, the

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<sup>2</sup>Because the FBI has withheld all photocopies of the documents of targeted organizations obtained through these break-ins and has also heavily deleted the released documents, the editor has included the cover sheet to each folder from this file to provide researchers some sense of the actual contents of each folder and the bases for the FBI withholding claims.

more so since these documents had been created on the assumption that they could and would be safely destroyed. As in the case of the Nixon Oval Office tapes, the FBI's Surreptitious Entries File provides written documentation of what might have been intended to be only oral decisions, owing to the sensitivity of the activity and attendant desire to avert discovery.

### **Symbol Number Sensitive Source Index/National Security Electronic Surveillance Card File**

The Symbol Number Sensitive Source Index, currently identified as the National Security Electronic Surveillance Card File, is described in the *Federal Register* as

Contains cards recording electronic surveillance previously authorized by the FISC [Foreign Intelligence Surveillance Court under the court order authorization provisions of the Foreign Intelligence Surveillance Act of 1978]; current and previous assets in the foreign counterintelligence field; and a historical inactive section which contains cards believed to record non-consensual physical entries in national security cases; previous toll billings, mail covers and leased lines [used to transmit information intercepted through microphone installations]. The inactive section also contains cards reflecting previous Attorney General approvals and denials for warrantless electronic surveillance in the national security cases.

While this quote accurately describes current FBI electronic surveillance policy and procedures (as required under the court-ordered authorization provisions of the Omnibus Crime Control and Safe Streets Act of 1968 and the Foreign Intelligence Surveillance Act of 1978), it is not wholly accurate for the index cards created prior to 1968 for this renamed file. Prior to 1968, all FBI microphones (bugs) were not directly authorized by the attorney general and prior to 1965, when Attorney General Nicholas Katzenbach created the ELSUR Index, all FBI wiretaps authorized under President Franklin D. Roosevelt's 1940 order, as modified by President Harry S Truman, were not so directly listed. Furthermore, the released index cards from the inactive section of this Index/File do not record either the specific approval or denial of the attorney general and do not list all authorized taps and bugs installed by the FBI since 1941, when this Index/File was created.

In 1941 the Symbol Number Sensitive Source Index listed only those "sensitive" sources frequently cited in reports that FBI field offices submitted to FBI headquarters. To limit the risk that the specific sources of FBI-obtained information could be publicly compromised, FBI Director J. Edgar Hoover had devised the "symbol number" reporting procedure. Rather than identifying by name the specific source of their information when filing their reports (whether informer, wiretap, bug, mail cover/intercept, or break-in), FBI agents were to use a symbol and a number, consisting of the initials of the reporting FBI office and a consecutively assigned number, e.g., CHI (for Chicago) 263. Indices for these symbol numbers were then maintained in the field office and could be consulted should an agent reading a report need to identify the specific source of the reported information. The Symbol Number Sensitive Source Index maintained at FBI headquarters listed only the more frequently cited symbol numbers of "sensitive" sources (wiretaps, bugs, and break-ins).

When processing the Freedom of Information Act (FOIA) request submitted by the editor of this micropublication for this Index/File, the FBI withheld all cards in the active

section and all cards in the inactive section when the target was an individual, justifying this latter decision on personal privacy grounds. Thus, of the 13,500 cards comprising the inactive section of this Index/File, only approximately 700 cards were released—for targets identified as organizations. Even so, the FBI then also deleted information identifying the assigned symbol numbers and locations of the wiretap, bug, or break-in and also if the name of the organization contained a geographic description or address, any of which might identify where the tap, bug, or break-in occurred. The released cards do, however, identify the targeted organizations by name and the date of both the installation and the discontinuance of a tap, bug, or break-in.

Despite the relative paucity of information reprinted on each card, the Index/File is a valuable research finding aid because of the identification of some of the organizations who had been targets of these illegal investigative techniques and because of when the information was obtained. Researchers interested either in specific organizations or in FBI activities might profitably consult the Index/File first to resolve whether and for what duration the FBI wiretapped or bugged specific organizations, and then attempt to resolve what uses FBI officials made of this illegally obtained information. The Index/File serves as an excellent source of FBI investigative priorities and tactics.

The reprinted Index/File is, as previously indicated, not a record of all FBI wiretaps, bugs, and break-ins, as all cards on individuals have been withheld. Nor does the Index/File fully record all wiretaps or bugs of organizations. Thus, for example, there is no card identifying the wiretapping of the National Lawyers Guild, the subject of intensive FBI interest in the last 1940s and early 1950s. Either the FBI wiretap of the Guild's Washington office was captioned under the name of the Guild's executive secretary, Robert Silberstein; the cards of organizations subject to such surveillance in the Washington D.C. area were not included in this Index/File; or a card on this wiretap was not included in the Index/File. Those cards enclosed also would seem to confirm that the FBI had not wiretapped or bugged the Communist party—even once. However, because of the FBI's ongoing investigative interest in the Communist party, any cards of wiretaps or bugs, even for the 1940s, would not be incorporated in the inactive section. Also, officials or prominent members of organizations targeted during FBI "espionage" or "internal security" investigations would likely be captioned under their names, even though the focus of the FBI investigation was on their affiliated organization or group. This is the case in the FBI's investigation of German espionage activities wherein Inga Arvad, John G. O'Brien, and Lilliam Moorehead were wiretapped.

Despite these caveats, this record of FBI wiretaps, bugs, and break-ins is an invaluable research source and can be profitably consulted when researching a variety of projects involving U.S. history after 1941.

**Athan Theoharis**  
**Professor of History**  
**Marquette University**

# EXPLANATION OF EXEMPTIONS

The Freedom of Information Act (FOIA), under which these documents were requested, processed, and released, allows the FBI and other federal agencies to delete and withhold a variety of types of information. These exemptions—listed below and on the following page—authorize the Bureau to withhold any classified information (exemption [b] [1]), any material “related solely to the internal rules and practices of the FBI,” such as informant coding symbols ([b] [2]), any records that would invade someone’s personal privacy by, for instance, discussing their sexual habits ([b] [7] [c]), or material that would “reveal the identity of a confidential source or reveal confidential information furnished only by the confidential source” ([b] [7] [d]), among others. Whichever exemption or exemptions the FBI is claiming in withholding a certain passage or document is cited as such in the margin of a partially released document or on the top line of the “deleted page” sheets, which are inserted when a single page or entire document is withheld. Deleted page sheets also appear in place of referral documents, memos prepared by agencies other than the FBI and which the FBI forwarded to the originating agency for separate (and subsequent) FOIA processing.

## SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b) (1) Information which is currently and properly classified pursuant to Executive Order 12356 in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods
- (b) (2) materials related solely to the internal rules and practices of the FBI
- (b) (3) information specifically exempted from disclosure by statute (see continuation page)
- (b) (4) privileged or confidential information obtained from a person, usually involving commercial or financial matters
- (b) (5) inter-agency or intra-agency documents which are not available through discovery proceedings during litigation; documents, the disclosure of which would have an inhibitive effect upon the development of policy and administrative direction; or documents which represent the work product of an attorney-client relationship
- (b) (6) materials contained in sensitive records such as personnel or medical files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy
- (b) (7) investigatory records compiled for law enforcement purposes, the disclosure of which would: (A) interfere with law enforcement proceedings; (B) deprive a person of the right to a fair trial or an impartial adjudication, or give one party of a controversy an undue advantage by exclusive access to such information; (C) constitute an unwarranted invasion of the personal privacy of another person; (D) reveal the identity of a confidential source or reveal confidential information furnished only by the confidential source; (E) disclose investigative techniques and procedures, thereby impairing their future effectiveness; and (F) endanger the life or physical safety of law enforcement personnel
- (b) (8) information collected by Government regulatory agencies from financial institutions
- (b) (9) geological and geophysical information, including maps, produced by private companies and filed by them with Government agencies.

**SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552**

- (d) (5) information compiled in reasonable anticipation of a civil action proceeding**
- (j) (2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals, except records of arrest**
- (k) (1) information which is currently and properly classified pursuant to Executive Order 12356 in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods**
- (k) (2) investigatory material compiled for law enforcement purposes, other than criminal, which would reveal the identity of an individual who has furnished information pursuant to a promise that his identity would be held in confidence**
- (k) (3) material maintained in connection with providing protective service to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056**
- (k) (4) required by statute to be maintained and used solely as statistical records**
- (k) (5) investigatory material compiled solely for the purpose of determining suitability eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his identity would be held in confidence**
- (k) (6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process**
- (k) (7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his identity would be held in confidence**

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# HOW TO CITE FBI RECORDS

Citations of FBI records should give the reader sufficient information to access the same material if desired. Although FBI files contain many different types of records, the following examples should suffice for most of them. They should include document type, "sender" to "recipient," date, caption/subject, headquarters or field office city, and classification-file number-subfile (if applicable)-serial number.

Example: memo, SAC [Special Agent in Charge], Boston to Director, FBI, 12/10/50, WILLIAM JONES, JOHN SMITH-VICTIM, Bureau File 7-xxxx-124.

Example: letter, SAC, Atlanta to Chief of Police, Atlanta, 1976 TRAINING SCHEDULE, 1-xxxx-124.

The types of documents usually found in FBI files are as follows:

(1) Letters: A communication sent from FBIHQ to a field office, from a field office to FBIHQ, from one field office to another or from either FBIHQ or a field office to any outside agency or person.

(2) Memorandum: A communication (on FBI memorandum paper) to the Attorney General and other departmental officials; from one official to another at FBIHQ, or from one employee to another within a field territory. It is also applicable to the omnibus types, such as memoranda to all SACs.

(3) Letterhead Memorandum (LHM): A memorandum on letterhead stationery; it should normally require a cover communication for transmittal.

(4) Report: A written document containing the results of an investigation. It is almost always prepared in a field office.

(5) Cover Page: The page(s) containing administrative data, leads and informant evaluations not found in LHMs or reports. Cover page(s) are not disseminated outside the FBI.

(6) Teletype: A communication transmitted by machine.

(7) Airtel: An intra-FBI communication with highest priority of those sent through the mail. Originally conceived as a teletype sent via airmail, it may be in teletype phraseology.

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## Reel 1

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0670 Summary of Inquiry into the Nondisclosure of FBI Black Bag Jobs in the Socialist Workers Party Civil Litigation. June 25, 1980. 31pp.  
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- 0386 Microphones—policy brief. August 17, 1966. 116pp.
- 0502 Memoranda—surreptitious entries involving domestic targets. 32pp.
- 0534 Memoranda—Department of Justice Civil Rights Project. 3pp.
- 0537 Memoranda—Civil Rights Division, Criminal Investigation of Surreptitious Entries. 99pp.
- 0636 News conference of Clarence M. Kelley, director, Federal Bureau of Investigation. July 14, 1975. 30pp.
- 0666 Hearings. U.S. Intelligence Agencies and Activities Domestic Intelligence Programs. 6pp.
- 0672 House of Representatives Hearings before the Select Committee on Intelligence, staff interview. November 5, 1975. 33pp.
- 0705 "FBI's Role in Protecting America," an address by Clarence M. Kelley, director, Federal Bureau of Investigation, at the University of Kansas, Lawrence, Kansas. March 29, 1974. 14pp.
- 0719 "Washington Straight Talk" transcripts. n.d. 5pp.
- 0724 Boston Symposium. November 9, 1973. 25pp.
- 0749 Memoranda—surreptitious entries involving domestic targets. n.d. 20pp.
- 0769 Intelligence Activities Senate Resolution 21. Hearings before the Select Committee to Study Governmental Operations with respect to Intelligence Activities of the United States Senate, Ninety-Fourth Congress, First Session, Vol. 6, Federal Bureau of Investigation. n.d. 44pp.
- 0813 News conference of Clarence M. Kelley, director, Federal Bureau of Investigation. July 14, 1975. 30pp.
- 0843 Memoranda—surreptitious entries. n.d. 175pp.

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- 0001 Memorandum to the director, Federal Bureau of Investigation re: surreptitious entry investigation. n.d. 3pp.
- 0004 Memorandum—Civil Rights Division criminal investigation of surreptitious entries. n.d. 16pp.

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0437 Thomas Malone "personal folder" documents ("JUNE"). n.d. 616pp.

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- 0001 June 3, 1960–January 1, 1960. 60pp.  
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0963 Investigative Techniques and Equipment Training. August 19, 1963–October 25, 1956. 46pp.  
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1108 Memos—extant FBI field office reports on ongoing FBI wiretaps and bugs. June 13, 1946–January 12, 1953. 70pp.

# **Federal Bureau of Investigation Confidential Files**

**Communist Activity in the Entertainment Industry**

**The “Do Not File” File**

**FBI Wiretaps, Bugs, and Break-ins**

**The J. Edgar Hoover Official and Confidential File**

**The Louis Nichols Official and Confidential File  
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**McCarthy Era Blacklisting of School Teachers, College  
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