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In the Matter of	\$	
HOUSTON LIGHTING AND POWER COMPANY	\$	Docket No. 50-466 CP
Allens Creek Nuclear Generating	\$	
Station, Unit 1		

I.

By its "Order Scheduling Special Prehearing Conference" dated August 6, 1979, the Board ordered this Supplement to be filed by September 14, 1979. Pursuant to the Rules of Practice for Domestic Licensing Proceedings, this Petitioner is permitted to file his Supplement and List of Contentions not later than fifteen (15) days prior to the Special Prehearing Conference, now scheduled for October 15, 1979. 10 CFR § 2.714(b). Petitioner is allowed by law until September 30, 1979, to file this document, and therefore moves the Board to enter an amended order allowing all petitioners in this proceeding until September 30, 1979, to supplement their petitions and list their contentions. Although Petitioner has had inadequate time to prepare this Supplement and List of Contentions, he has tried in good faith to comply with the Order of August 6, 1979, by filing the following contentions on or before September 14, 1979. Petitioner intends to file additional timely Supplements to his Petition on or before September 30, 1979, in compliance with 10 CFR §2.714(b).

II.

1. Petitioner is a resident citizen of Houston, Harris County, Texas.
2. Petitioner resides permanently at 1739 Marshall, Houston, Texas.
3. Petitioner's residence, place of employment, and scope of daily activities are all within approximately forty-five (45) miles of the proposed Allens Creek Nuclear Generating Station, Unit 1.
4. Petitioner is a residential utility customer of HOUSTON LIGHTING AND POWER COMPANY.
5. Petitioner is a registered voter in Harris County, Texas.

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6. Petitioner owns his home and lot at 1739 Marshall, Houston, Harris County, Texas, the value of which will be measurably decreased by its proximity to the prosed Allens Creek plant.
7. Petitioner is a member of the MOCKINGBIRD ALLIANCE, an unincorporated civic association opposed to the construction of the Allens Creek plant, Petitioner's South Texas Nuclear Project, and the construction of all nuclear electric generating plants. Petitioner has twice spoken publicly before the Houston City Council, identified himself as a member of MOCKINGBIRD ALLIANCE, and opposed the inclusion of the costs of Construction Work In Progress (CWIP) in the electric rate base of HL&P (EXHIBIT 1), and has prepared and signed pleadings submitted to the Texas Public Utility Commission opposing the inclusion of the cost of the Allens Creek Plant an HL&P rate hike request now pending before Houston City Council and the Texas PUC. (EXHIBIT 2)
8. Petitioner has been the subject of illegal political spying, surveillance and harassment in Houston, Texas, for over nine (9) years, in derogation of his rights of privacy, political association, and legal political activities. (EXHIBIT 3)
9. Petitioner, individually and as a member of MICKINGBIRD ALLIANCE, seeks to pursue his constitutionally protected rights to freedom of association, political assembly, and to freedom of speech and to peacefully assemble with others for a redress of grievances, and particularly through public speaking, rallies, teach-ins, assemblies, meetings, pickets and marches, to continue to oppose the construction of Allens Creek plant, and to encourage others to do so.
10. Petitioner contends, as hereafter more fully described, that the Applicant's proposed plans for compliance at the Allens Creek plant with the regulatory requirements for "Physical Protection of Plants and Materials", set forth in Title 10 CFR, Part 73, do not adequately insure that Applicant's security plan will not unlawfully infringe on Petitioner's exercise of the constitutionally protected rights described in the foregoing Paragraph (9). Further, the Applicant's security plans and practices will, in conjunction with Applicant's coordinated security efforts with local, state and federal law enforcement

authorities, contravene the restriction of 10 CFR, Part 73, that the NRC regulatory scheme neither "authorizes or requires a licensee to investigate into or judge the reading habits, political or religious beliefs, or attitudes on social, economic or political issues of any person." 10 CFR, Part 73, Appendix B. "General Criteria for Security Personnel" , I.G.

11. Petitioner has no other means by which the inadequacy of Applicant's proposed security plans can be challenged than to directly intervene in this proceeding.
12. Petitioner's interest may be reasonably expected to assist in developing a sound record. Petitioner has done considerable research into the constitutionally impermissible acts and practices of the nuclear security industry, as evidenced by the attached exhibits, and will assist the Board in developing further evidence with which to judge the likelihood of Applicant's compliance with constitutional standards in its industrial security program at Allens Creek.
13. Petitioner's interest will not be adequately represented by existing parties, because no other petitioner, party or intervenor has raised contentions challenging the legality and sufficiency of Applicant's security plans. Petitioner's specific interest in freedom from illegal surveillance is sufficiently concrete and personal to assure adequate representation of this interest.
14. Petitioner's interest will not broaden the issues or delay the proceedings unnecessarily, as he seeks only to subject the Applicant's security program at Allens Creek to articulated and readily ascertainable constitutional standards.
15. The nature of Petitioner's right under the Atomic Energy Act of 1954, as amended, to be made a party to the proceeding, is that his health and safety will be adversely affected by the non-compliance of the Applicant's security plan, associated with the construction of the Allen's Creek plant, with constitutional guarantees protecting the rights of Petitioner set forth in Paragraph (9) above, and his rights to be free from unreasonable searches and seizures of his person, papers and effects, and to be free from arbitrary detention, surveillance, harassment or which deprives him of these liberties. 42 USC §2239.

16. Petitioners's interest in this proceeding is not a vague, undifferentiated interest in civil liberties, but a personal and concrete interest in his physical health and safety, and in the adverse effects on his health and safety which Applicant's security procedures will have if they are not designed to conform to constitutional requirements and the requirements of 10 CFR, Part 73. Specifically, Petitioner's interest is in freely participating, as an individual and as a member of MOCKINGBIRD ALLIANCE, in peaceful activities opposing and organizing public opposition to Applicant's Allens Creek plant, free from unlawful intimidation, harassment, surveillance or detention by Applicant's security personnel.
17. The effect of an order in this proceeding allowing Applicant to proceed with the construction of the Allens Creek plant under its present inadequate security plan would be to subject Petitioner to a real and unjustified risk of illegal harassment, intimidation, surveillance and detention by Applicant's security personnel and law enforcement acting in concert with them, in violation of the United States Constitution and 10 CFR, Part 73.

LIST OF CONTENTIONS

1. The Applicant's security plan and its "General Performance Requirements" fail to define the term "industrial sabotage" so as to insure that its onsite physical protection system and security organization will respond to any violent physical assaults on Allens Creek Plant in a different manner than to peaceful, legal protest gatherings. This potential for a violent and unjustified security response to peaceful protests is further complicated by the Applicant's inclusion of "deceptive actions... of several persons...well-trained...and dedicated individuals" within the definition of "industrial sabotage." 10 CFR §73.55(a)(1). Such a description could include a disciplined group of peaceful protestors outside the plant perimeter who posed no threat of sabotage, but who would be met by an unwarranted response, including perhaps deadly force, by Applicant's security personnel. This possibility is particularly enhanced by the tendency of security

personnel to classify even peaceful protestors who use lawful means to oppose nuclear plant construction as "terrorists." (EXHIBIT 4).

2. The Applicant's plans for compliance with the "Physical Security Organization" (10 CFR §73.55(b)) are not adequate to insure that its security personnel will not engage in illegal surveillance and intelligence-gathering against individuals and organizations opposed to the construction of Allens Creek including Petitioner and other members of MOCKINGBIRD ALLIANCE. In particular, the following "areas of knowledge, skills and abilities" considered in the Applicant's security training plan are not sufficiently definite to insure that illegal surveillance and harassment will not be directed against Petitioner (10 CFR, Part 73, Appendix B.II.D.):

- (a) " 9. Adversary group operations. No sufficient definition of the term "adversary group" is given so that Petitioner can determine whether MOCKINGBIRD ALLIANCE and his activities in it could be considered an "adversary group."
- (b) "10. Motivations and objectives of adversary groups." This area of expertise could ostensibly be acquired only by infiltration and surveillance of such groups. No standard is specified so that Petitioner can determine whether his participation in MOCKINGBIRD ALLIANCE would subject him to such surveillance.
- (c) "11. Tactics and force that might be used by adversary groups to achieve their objectives." Again, the acquisition of this knowledge could be gained by Applicant's security personnel only by infiltrating and surveilling such groups, which could arguably include MOCKINGBIRD ALLIANCE. Security employees of the nuclear power industry and those acting in concert with them have a history of infiltrating and harassing peaceful anti-nuclear groups, and Applicant is likely to engage in such unlawful activity unless definite standards and restrictions are included in Applicant's security program. The following list of such abuses, although not conclusive, is sufficient to document the need for such restrictions:

(1) Atomic Industrial Forum. Obtained background information

and progress reports on individuals and groups known to oppose nuclear power, including Sierra Club, Friends of the Earth, Environmental Action, and Ralph Nader, which were provided to local utilities. (EXHIBIT 5)

- (2) Georgia Power Company. Maintained a \$750,000 annual intelligence budget and nine full-time undercover agents to conduct surveillance of anti-nuclear groups, including Georgia Power Project and the Georgis Civil Liberties Union. (EXHIBITS 5, 6, 7, 8 and 9).
- (3) Pacific Gas and Electric. Collected and disseminated private information about nuclear opponents, and hired security consultant Jerry Ducote to steal anti-utility organizational files from the home of San Francisco resident Grace McDonald. (EXHIBITS 5 and 7).
- (4) Westinghouse Offshore Power System. Illegally attempted to obtain arrest records on Jacksonville, Florida nuclear power opponent Joseph Cury. (EXHIBIT 7 and 9).
- (5) Public Service Company of New Hampshire. Hired former State Police Lieutenant Donald Buxton to continue gathering intelligence about and characterizing as "terrorists" the Clamshell Alliance. (EXHIBITS 5, 9 and 10). Paid \$12,836 to Operational Systems Incorporated to develop a "contingency plan" for its Seabrook plant "that would include everything from nuclear terrorism to political demonstrations." (EXHIBIT 5).
- (6) Mountain Fuel Supply. Employed Federal Security Network Agency to spy on an anti-nuclear group in the Salt Lake City YWCA, including electronic listening devices. (EXHIBIT 8).
- (7) Atlantic Electric. Employed a "public relations man" to interrogate a woman who testified at a New Jersey hearing on a nuclear generating Station (EXHIBIT 10).
- (8) Public Service Electric and Gas Company. Filmed and conducted surveillance of demonstrators at the Salem Nuclear Power Plant (EXHIBIT 10).
- (9) Detroit Edison. Attempted to disseminate information on the Public Interest Research Group of Michigan (PIRGM) to university regents to discontinue the organization's student funding and anti-nuclear organizing efforts. (EXHIBIT 10).

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- (10) Jersey Central Power and Light. Two of the utility's employees gave fictitious addresses and posed as news photographers to infiltrate and photograph a anti-nuclear teach-in of New Jersey's SEA Alliance. (EXHIBIT 11).
- (11) Virginia Electric and Power Company. After denying for two years that undercover security agents were sent to infiltrate and gather intelligence on anti-nuclear groups (EXHIBIT 12), an security of VEPCO's construction contractor at its North Annan Plant admitted that he infiltrated meetings of the anti-nuclear Piedmont Alliance and the Virginia Sunshine Alliance in 1979. (EXHIBIT 13).

(d) "25. Surveillance and assessment systems and techniques." Applicant's security plan does not provide safeguards to insure that any surveillance systems and techniques will be restricted to constitutional standards, or will not result in illegal electronic surveillance, invasion of privacy, illegal detention or other impermissible surveillance techniques. Particularly, Applicant's plan does not restrict the use of contractor personnel or contacts with the following private security organizations which have engaged in illegal acts against nuclear power opponents in the past, or similar organizations:

- (1) Law Enforcement Intelligence Unit. A nationwide private intelligence network which has illegally collected and disseminated information to some 225 member organizations since 1976. (EXHIBITS 4, 5 and 10). The Texas Department of Public Safety is a member of the LEIU. (EXHIBIT 14).
- (2) Information Digest. Newsletter compiled by ex-police undercover agent John Rees, and distributed to police intelligence officers and private security consultants. (EXHIBITS 5, 7). Has disseminated false and derogatory information about the anti-nuclear Georgia Power Project (EXHIBIT 10) and Clam Shell Alliance (EXHIBIT 15).
- (3) Research West. Has provided information on nuclear power opponents gathered by burglaries to Pacific Gas and Electric and Georgia Power. (EXHIBIT 7).

(e) "58. Security coordination with local law enforcement authorities.

Applicant's security plan does not specify standards to assure

that the combined efforts of Applicant's security personnel and law enforcement agency's will be directed against industrial sabotage and theft of SSNM rather than interfering with legal and constitutionally protected activities by Petitioner, MOCKINGBIRD ALLIANCE, and other opponents of Allens Creek. Specifically, security safeguards should be required to insure constitutional standards will be maintained when the Applicant's security personnel communicate and cooperate with the following local law enforcement agencies at the Allens Creek Plant:

- (1). Texas Department of Public Safety. Has engaged in surveillance and harassment of Dallas area anti-nuclear activist Robert Pomeroy in an attempt to undermine his opposition to the Comanche Peak plant. (EXHIBITS 7, 10, 16 and 17).
- (2). Federal Bureau of Investigation. Has engaged in political surveillance of Petitioner (EXHIBIT 3), Clamshell Alliance, Abalone Alliance, Palmetto Alliance, collecting information from utility employees and sharing it with other utilities, including information obtained from the National Crime Information Center (NCIC) and distributed to Georgia Power Company and Alabama Power Company as well as investigations on over 2,000 individuals per year provided to the NRC and DOE. (EXHIBIT 18).
- (3). Department of Energy (DOE). Collected over 100 pages of documents in its Division of Nuclear Research and Applications, Office of Industry, State and Local Relations on attitudes of citizens groups in the Midwest opposed to nuclear power; conducted "community surveys" in the area of the Hartsville, Tennessee TVA nuclear power plant "to identify supporters or opponents of the plant"; and maintains "Investigative Files" on "individuals involved in miscellaneous investigative matters." (EXHIBIT 19).
- (4). Nuclear Regulatory Commission (NRC). Has collected intelligence in accordance with the recommendations of the 1974 Rosenbaum Report ("infiltration of the groups themselves...ongoing analysis of the attitudes of the people in the plant and the community around the plant"); the 1975 Mitre Report

(recommending surveillance of "any movement which organizes very large demonstrations" by maintaining "a close working relationship with the intelligence community"); the 1975 Barton Report (recommending "clearance procedures and continuing surveillance of potential dissidents which create the greatest danger to association and discussion") (EXHIBIT 20); to NUREG-0335(NRC-13), which recommends "development and operation of central intelligence gathering and analysis program dealing with potential threats to the nuclear industry" as well as a "program of rewards for information on potential adversary actions (paid informants. (EXHIBIT 21). In particular, these intelligence activities, which have escaped constitutional boundaries, are organized into the following categories (EXHIBIT 22):

(a) Contingency Planning Branch, Division of Safeguards.

In a briefing book prepared for testimony before the House interior Committee's Subcommittee on Energy and Environment in 1976, the NRC proposed contingency plans to counteract the legal activities of protest groups "loosely organized to promote a cause by mass rallies, public display, marches and pickets."

(b) Information Assessment Team. Notified nuclear plant operators and intelligence officials of a false report in 1976 that "motorcycle gangs and Indians" would take over the Zion Nuclear Station, and alerted Pennsylvania police to look for "terrorists" after high radioactivity levels were discovered at a nuclear plant there in 1976. (the readings were caused by a Chinese bomb test.)

(c) Manager of Special Projects, Contingency Planning Branch.

Cooperates with Air Force intelligence in collecting information on "demonstrations against nuclear facilities and weapon sites."

(f) "75. Response to civil disturbances (e.g., strikes, demonstrators)."

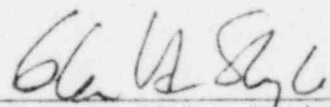
Applicant's security plan specifies no standards by which Petitioner can ascertain whether a peaceful protest will be met with security personnel force, including deadly force, necessary to quell a violent "civil disturbance."

3. The Applicant's plans for compliance with the "License Safeguards Contingency Plans" (10 CFR, Part 73, Appendix C), are inadequate to determine whether they will impinge upon Petitioner's constitutionally protected activities in opposition to the construction of the Allens Creek plant, including the following inadequacies:

- (a) Background. NRC regulations specify that the Applicant's contingency plan contain not only a description of the "Perceived Danger" to which the plan is directed, but also a discussion of the "general aims and operational concepts underlying the plan", a "delineation of the types of incidents covered in the plan", and a list of "terms and their definitions used in describing operational and technical aspects of the plan." (10 CFR, Part 73, Appendix C.1.) Applicant's plan does not comply with this requirement.
- (b) Generic Planning Base. Applicant's plan does not contain the required "identification of those events that will be used for signalling the beginning or aggravation of a safeguards contingency." Petitioner specifically objects to Applicant's failure to identify whether lawful activities which may be initiated by a peaceful demonstrations will be perceived as "threat indications - either verbal... or implied, such as escalating civil disturbances" which will activate the Contingency plans, including the use of deadly force. (10 CFR, Part 73, Appendix C.2.)
- (c) Licensee Planning Base. Applicant has failed to specify either a "listing of available law enforcement agencies" or "company policies and practices that govern ... response to incidents", including Applicant's policy on "Use of deadly force" or "Site security jurisdictional boundaries." Providing such information in compliance with 10 CFR, Part 73, Appendix C.3. would allow Petitioner to coordinate and plan its lawful activities so as to avoid inadvertently incurring the response, including deadly force, of the Applicant's security personnel to a perceived "threat indication" from a peaceful protest.

Dated 9/13/79

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Glen Van Slyke, Petitioner
1739 Marshall
Houston, Texas 77098

CERTIFICATE OF SERVICE

I certify that one original and twenty (20) copies of the foregoing Supplement to Petition to Intervene and List of Contentions, together with attached exhibits, were this day mailed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Docketing and Service Section.

Dated September 14, 1978

Chas H. Gyle

1130 286

NUCLEAR POWER AND CIVIL LIBERTIES

CAN WE HAVE BOTH?

Researched and Written by

Donna Warnock

Edited by

Kim Bossong

1978

SOURCE FOR THE FOLLOWING:

EXHIBIT 10
EXHIBIT 18
EXHIBIT 19
EXHIBIT 20
EXHIBIT 22

NOTE: Questions concerning the content of this report should be directed to Donna Warnock: 324 Westcott Street, Syracuse, New York 13210.

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 **Citizens' Energy Project**
1413 K Street, NW, 8th Floor, Washington, D.C. 20005

Council is urged to reject HL&P rate hike request

Ten persons have urged City Council to reject Houston Lighting & Power Co.'s request for a \$179.4 million rate increase.

A majority of the speakers before City Council Wednesday said they were members of anti-nuclear organizations, and opposed HL&P's plan to use a large portion of the rate increase to help finance construction of nuclear electric generating plants in Texas.

Bryan Baker and Caryl Ohrbach, both members of the Mockingbird Alliance, said HL&P is "gambling" large sums on the construction of the nuclear facilities.

They said the company is facing a tremendous amount of cost overruns on the South Texas Nuclear Project at Bay City.

Cham Dallas, a graduate student at the University of Texas School of Public Health here, said he was not a member of the anti-nuclear group, but opposed construction of the nuclear plants.

He said that in his opinion a mishap at the Bay City plant could endanger the health of the 2 million persons living in the Houston area.

HL&P requested the rate increase in July. Council has not yet set a public hearing on it.

Mayor Jim McConn said nuclear energy is a "viable alternative" as an energy source, and should be pursued in the absence of other alternative energy sources.

Several speakers urged council to support a shift to solar energy as an alternative source.

POOR ORIGINAL

EXHIBIT 1

1130 288



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

In Reply, please Refer to
File No.

6015 Federal Building
515 Rusk Avenue
Houston, Texas 77208

July 20, 1978

Mr. Glen E. VanSlyke, III
1739 Marshall
Houston, Texas 77098

Dear Mr. Van Slyke:

This is to confirm your letter dated June 11, 1978 in which you requested information under the Freedom of Information Act and Privacy Act in our files pertaining to you.

Enclosed herewith is one page of information from our files concerning you. For your information certain exemptions have been claimed in order to deny certain material to you. These exemptions are set out in the Freedom of Information Act which you cited in your original letter of request.

The Freedom of Information Act, Title 5, U.S. Code, 552, provides for exemptions under Subsections (b)(7)(c) which exemption has been claimed in denying certain materials to you as well as Subsections (b)(7)(d). An explanation of those exemptions are set out on a sheet attached hereto.

For your information, additional information about you which was located in the Houston files has been referred to FBI Headquarters as provided in Section 16.57(c) of the Code of Federal Regulations. You will be contacted directly by Headquarters concerning the releasability of that material.

You have 30 days from receipt of this letter to appeal to the Deputy Attorney General from any denial contained herein. Appeals should be directed in writing to the Deputy Attorney General, Washington, D.C., 20530.

Very truly yours,

CHARLES E. PRICE
Special Agent in Charge

Dana E. Caro

By:

DANA E. CARO, Assistant
Special Agent in Charge

Enc .

EXHIBIT 3



1130 289

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, HOUSTON (100-10839)

DATE: 5/7/70

FROM : [REDACTED] (b) (7)(c)

SUBJECT: NEW LEFT MOVEMENT

(b)(7)(d)

On 4/30/70, [REDACTED], Security Officer, Rice University, made available a list of names of students who he considers "radical students" on the Rice University campus. He stated that any demonstration activities occurring on the campus would normally involve any or all of the below listed students:

[REDACTED]

(b)(7)(c)

GLEN E. VAN SLYKE

Action: Index the above names for further reference.

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stitutional, the entrenched political power of the rich has been significantly reinforced.

The serious legal significance of the *First National Bank* decision concerns First Amendment doctrine. Essentially, it is this: if, as the Court says, the First Amendment rights of corporations and individuals are identical, then application of the principle must also be identical. The inevitable result is either that individual free-speech rights will shrink so that we all suffer, or that corporate free-speech rights will expand—so that we all suffer. One example, adequate if not perfect: it is now a fundamental principle, though it hasn't always been, that the state cannot suppress the circulation of, say, Socialist doctrine on the theory that it is, or may be, a threat to the political status quo, or that it is "fraudulent." At the same time, it is equally basic that corporate advertising is subject to limits, either because some products, cigarettes for example, are thought to be physically harmful, or that claims for some products are thought to be fraudulent. Those two divergent principles cannot exist side by side in the law's quest for symmetry, if both corporations and individuals are to share the same degree of protection under the First Amendment—especially when judges feel more strongly about corporations than they do about individuals. One of the principles must yield.

The one answer that serves the interest of the vast majority of the people is rejection of the concept of com-

mercial free speech, because activities designed to produce goods and services required for human life must be subject to the power of unlimited regulation in order to serve society's best interests. To bestow the protection of the First Amendment upon business cheapens its purpose.

I have one reservation and one paradox.

Corporations which serve as the vehicle for communication of information and ideas, and for cultural and artistic activities—newspapers, books, journals, art and films are some examples—must have special protection because of their intrinsic nature. This magazine, for example, though a business in corporate form, must be treated differently than Mobil Oil, which is also a business in corporate form. The difference is that government must be kept at all costs from regulating *The Nation's* business of publishing and be required at all costs to regulate Mobil's business of producing oil.

My paradox concerns Rehnquist's dissent. He is the Court's hard-line right winger and he has no taste for the idea of liberty. Do not think that in dissenting with White, Brennan and Marshall he has been converted to a liberal position on the right to regulate corporate speech. His position rests on the belief that the Constitution allows the states to suppress *everyone's* speech, including corporations. It is what he blandly calls his "limited application of the First Amendment to the States." He remains a menace to all of us. □

POOR ORIGINAL

INTELLIGENCE ON THE ATTACK

THE TERRORIST AS SCAPEGOAT

FRANK DONNER

Thanks in large part to the war in Vietnam and the squalor of Watergate, there has developed in this country a political movement temporarily hostile to the assumptions and processes of the intelligence agencies. As a result, American society is freer and more open today than it was ten or fifteen years ago. But repression has itself been repressed before in this country and lived to return upon us. There was an exposure of abuses to democracy in the 1920s, after the post-World War I hunting of radicals, but by 1930 the Fish Committee was able to rally a national counter-subversive constituency. The professional patrioteers have always called for intensified intelligence activities, and Fish was followed by Martin Dies, J. Edgar Hoover, the cold war that spawned McCarthyism and finally the frenzies of the 1960s. One must recognize, therefore, that the prospect for a revival of traditional political intelligence activities is quite realistic—that, in fact, present conditions favor it.

Intelligence as a means of containing movements of change is simply too powerful a weapon in a highly

Frank Donner is director of the American Civil Liberties Union research project on political surveillance and author of a forthcoming book on the subject (Knopf).

conservative economic and social order to be lightly abandoned. The continuing worldwide erosion of capitalist economic and social structures has placed a new urgency on the defense of the status quo, and intelligence, a process inherently secret, is an almost inevitable weapon of choice for a political order restrained by constitutional norms from taking direct and overt repressive action.

But how is such a revival of now discredited practices to be achieved? The trump card of intelligence is the *demos*: the agencies claim to act on the authority of a public that fears unseen foes—domestic Communists, foreign agents—and will assent to whatever measures are deemed necessary to frustrate designs on a sanctified American Way of Life. This way-of-life constituency, mobilized against political change by social fears, has historically nurtured the FBI's power. And even today the agency continues to rely on that protection, citing a transcendent "responsibility" to "society" or the "American people" as its defense against charges (typically condemned as "political") of abuse of power.

American conservatism—today called the New Right, though it is hardly new—is at root a politics of fear and negation. It cannot function without an enemy, a hostile "they," a scapegoat. Perhaps from overuse, the Communist menace, in its familiar guises, has consider-

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ably lost the power to chill. The presence of foreign spies is still being alleged to justify a free hand for the intelligence agencies, but those that have been exposed are seen to have operated at a level too modest to create a sense of national danger. Fortunately for security bureaucracy and its New Conservative constituency, a more promising scapegoat is at hand.

The primary contemporary candidate for expanded intelligence operations is terrorism, a phenomenon that has profoundly shocked popular consciousness in all countries of the West, even in those that are not theatres of terrorism. Its intent as a tactic is to generate fear and it has succeeded.* Like the word "subversive," "terrorist" has acquired vague and sinister overtones which recommend it for use in creating a climate favorable to the renewal of counter-subversion. This semantic murkiness is coupled with the fact that tactics associated with terrorism (hostage taking, bombing, skyjacking) are used in nonpolitical crimes, and that terror may be an intended element of such crimes, as in the case of kidnapping, robbery, extortion and rape. Thus bank robbery, the seizure of an airplane by a criminal fugitive, or the bombing of a gangster's car sow images that reinforce the consciousness and heighten the fears of political terrorism. Exploitation of terrorism as a major tactic in a psychological warfare campaign to restore intelligence recalls the saturation technique of the *pieds noirs* in their 1962 attempt to force a reversal of de Gaulle's decision to pull out of Algeria. A major theme in this propaganda assault is the warning that we have been left defenseless against European-style terrorism by Left-led dismantling of our intelligence structures. Scenarios of helplessness to prevent a seizure of the Capitol by a handful of *enragés* are floated in Congressional testimony. Aldo Moro's murder is attributed to Communist insistence on curbing Italy's political surveillance capability.

Political terrorism in its modern form—politically motivated exemplary violence, indifference to human life, symbolic targets, the intended creation of overwhelming fear—is not a serious problem in the United States. As pointed out in a 1976 report by the Task Force on Disorder and Terrorism of the National Advisory Commission on Criminal Justice Standards and Goals, not only has domestic terrorism been just that—totally divorced from such activities in other countries—but "it has been neither sustained nor effective." Moreover, the report concludes, "conditions in the United States do not seem to indicate a massive expansion of terroristic activity or radical change in its nature or its extension into formal guerrilla warfare."

There are other obstacles to the use of terrorism as a counter-subversive battle cry against the Left. According to the Task Force's chronology (1965-76) of incidents involving political violence, a substantial number are

* According to a December 5, 1977 Harris survey: 90 percent of Americans view terrorism as a serious problem; 76 percent see the reason for the growth of terrorism as "countries of the world have been too soft in dealing with terrorists." By 55 to 29 percent, Americans would support a "special world police force which would operate in any country to investigate, arrest and put to death terrorists"; by 55 to 31 percent, Americans favor the death penalty for terrorists.

attributable to right-wing and racist sources and thus useless as documentation for a counter-subversive offensive. Moreover, many groups linked to violence at both ends of the spectrum were transient products of the 1960s and are now defunct. And the problem is further complicated by the fact that groups on the Left which are oriented toward violence have a cultist nonideological thrust that resists even the most strained application of the "Communist" label. In this less than satisfactory situation, the intelligence propagandists nevertheless retain the Communists as a target on the ground that their present disavowals of terror are merely tactical deceptions to be abandoned when the time is ripe.

The propagandists also insist, despite a total lack of evidence, that the domestic version of terrorism is a manifestation of a worldwide phenomenon rooted in a shared ideology. The German Red Cells (successors to the Baader Meinhof gang), the Italian Red Brigades and the PLO are, so the argument runs, constituents of a common conspiracy which also embraces domestic groups such as New World Liberal Front (NWLF), Red Brigade and Weather Underground, all California-based. Improved channels of communication and financial support (from the Soviet Union) will in the future, it is alleged, establish the now-hidden connections between the domestic bombers and their transnational counterparts. Even if the threat is still inchoate, special intelligence initiatives are required to monitor and prevent its emergence; considering the gravity of the danger, it would be foolhardy to wait. Ideology satisfies a second, equally important, need: it preserves the expansive process of imputation developed by domestic intelligence over the past four decades. A nonterrorist organization can be tagged for surveillance as a terrorist front, a support group, a defender, a source of cadres, a suspected protector of fugitives; or—because it fails to denounce terrorism with sufficient vigor—as an apologist.

To maximize its leverage, the specter of terrorism must be tied to revolutionary violence, to "communism"—for it is precisely the image of bomb throwers that is identified in the nativist consciousness with revolutionary communism. Although historically an anarchist political tactic, bomb throwing has been popularly associated with all revolutionary movements. The 1919 bomb scares engendered the stereotype of the revolutionary, the bearded Bolshevik, armed with a smoking bomb. To be sure, the minuscule corps of left-wing bombers concentrate on property and seek to avoid injury to persons, thus falling short of the "reckless disregard of human life" formula of the 1920s. But that is a detail.

The preservation of the affective power of anti-communism at the grass roots has obvious value beyond enlisting popular support for domestic surveillance. More broadly, it consolidates a constituency in defense of capitalism and support for hawkish foreign policies and huge military budgets. Such political returns could hardly be expected from the modest political realities which establish that domestic terrorist groups have limited aims (prison reform, ecology, health care, reduction of utility rates) and that, historically, political violence in this country has not been insurrectionary in intent, although

bombings are frequently announced in the febrile rhetoric of revolution.* The terrorist group in this country with the most extensive bombing record is the nationalist anti-colonial FALN which seeks Puerto Rican independence and is notorious for its unique indifference to personal injury and possible death randomly inflicted by bombs planted in public places.

Despite these briefly summarized difficulties, intelligence apologists have, over the years, tried to graft terrorism or violence on this or that version of communism. In 1968 an HISC report, "Guerrilla Warfare Advocates in the United States," attributes much of ghetto violence of the 1960s to a network of schools set up behind the iron curtain to train U.S. Communist Party members in urban guerrilla tactics. No evidence was offered to support this contention, the absence of proof being explained by "court decisions which have nullified effective U.S. controls of the international movement of American Communist agents." Similarly, a 1973 HISC staff study concluded that kidnapping had become a favored political tactic of Marxist-Leninists. This version of domestic terrorism as the new communism, the menace in modern dress, is reflected in a bill submitted by Senators Thurmond and Eastland which seeks to amend (and incidentally revitalize) the dormant Internal Security Act of 1950 by inserting a new title dealing with terrorism. The substantive provisions of this new statute are prefaced by proposed Congressional findings that the entire world, including the United States, is threatened by a conspiratorial network of terrorist groups which receive training and logistical support from Marxist-Leninist governments and aid from subversive individuals and organizations in this country. This vast conspiracy, the statute declares, is designed to overthrow democratic governments everywhere and establish "a dictatorship of the proletariat under Marxist-Leninist doctrine." Both the objectives and the tactics, the findings conclude, constitute "a clear and present danger" to the lives and liberties of U.S. citizens and to the government of the United States and to state and local governments. Never has so little been used to justify so much.

The alarm concerning terrorism is not confined to the anti-radical grass-roots sector—it resounds throughout the law-enforcement community. With emergence of kidnapping as an occupational hazard of American businessmen abroad, detective and consultant agencies have developed new counter-terrorist specialties which include intelligence programs, surveillance-detection training and the organization of crisis management teams. One of the smaller agencies in the field, Rayne International, grosses \$1 million a year and issues a monthly newsletter, "Counterforce," to keep its clients abreast of all aspects of counter-terrorism. According to Richard Kobetsky, director of Behavioral Research for the International Association of Chiefs of Police (IACP), counter-terror-ism is "one of the fastest growing businesses in the country . . . a cash-in opportunity." Large corporations

* As Richard H. Hofstadter has noted (in Hofstadter and Michael Wallace, eds. *American Violence: Documentary History*, Vintage Books) "An arresting fact about American violence, and one of the keys to an understanding of its history, is that very little of it has been insurrectionary. Most of our violence has taken the form of action by one group of citizens against another group, rather than by citizens against the State."

have organized their own security seminars and training programs to deal with terrorism. A document prepared by the IACP, under contract with IBM's Security Department, stresses the need to develop a comprehensive counterintelligence program, including dossiers on potential bombers, kidnappers and extortionists. It adds that, since IBM has "successfully resisted unionization, likely specific radical efforts will center on attempts to organize and manipulate IBM workers." (The corporation repudiated the document after it was published as not reflecting management policies.) Recently James R. Shepley, president of Time, Inc., charging that American journalism is threatened by terrorism, cited the bombing of a journalist in Phoenix and the beating of a reporter in New York's Chinatown. Earlier, *Time* had denounced letters protesting a story from members of Synanon, a drug rehabilitation group, as terrorist threats.

Terrorism has also become a priority concern in government circles. A number of established and ad hoc bureaucracies, headed by a twenty-six-agency Working Group on Terrorism under the direction of a smaller Executive Coordinating Committee of the National Security Council, have emerged to deal on policy and operational levels with existing and potential terrorism. It is presumed, for example, that airplane hijacking and hostage-taking exploits similar to those involving West German and Japanese airliners at Mogadishu in Somalia and Dakar in Bangladesh will soon occur here. Preparations for this and other contingencies cover three areas: intelligence/identification, negotiations/crisis-management and commando liberation, an area for which the Defense Department has already organized a special assault capability. In all the studies of potential terrorist threats in this country, many of them financed by the Law Enforcement Assistance Administration (LEAA), the common theme is "intelligence is the first line of defense." Combating terrorism by developing intelligence resources is also a top FBI priority. The bureau has restructured its domestic intelligence operations in a new Domestic Security-Terrorism Section of the Criminal Investigative Division. In Congressional testimony and at a press conference in March 1978, Director William H. Webster stated that the "Bureau's domestic intelligence unit was under instructions to identify groups and movements with a potential for terrorism so as to be prepared for its emergence as a major factor in this country." Meanwhile, FBI brass instruct businessmen in "How to Protect Yourself Against Terrorists", a special anti-terrorist course has been instituted at the bureau's academy in Quantico, Va. and a hot line installed for instant advice.

Federal intelligence preparations and activity have been especially intense in the nuclear field. The fear of "high technology" terrorism has produced intelligence units within both the Nuclear Regulatory Commission (NRC) and the Department of Energy. The NRC Intelligence Assessment Team (IAT) has developed an interface with all other radical-watching elements of the domestic intelligence community. However, the present intelligence efforts by both the Energy Department and the NRC are not focused in suspected terrorism but on monitoring the anti-nuclear movements and activities of environmental-

ists and others concerned about nuclear proliferation. The IAT communicates such intelligence to utilities involved in nuclear projects, which themselves have become increasingly committed to surveillance programs, not for defense against terrorism but to spy on and neutralize their opponents. The Georgia Power Co., for example, has justified its surveillance activities against a consumer protection group on the ground that it is defending itself against "subversives," defined as "anyone who speaks out against Georgia Power." A major goal of the intelligence community—both public and private—is (ironically enough) to put terrorist trousers on nonviolent anti-nuclear protest movements. A clue to this priority is the marketability of such intelligence, as seized upon by a pseudo-left sect, the United States Labor Party (USLP), in its anti-communist intelligence aid against its rivals. The USLP's collaboration with the New Hampshire state police in singering the nonviolent anti-nuclear Clamshell Alliance as a terrorist front is a matter of record. Subsequently, the USLP published "Carter and the Party of International Terrorism," which claims that a terrorist apparatus, together with an array of government agencies, foundations and research institutes, along with the Rockefellers, is plotting a world nuclear holocaust.

In addition to private detective resources, utilities such as Georgia Power work closely with local police units which, as in the past when the federal presence was reduced, continue to conduct traditional anti-radical intelligence operations. These units have not escaped the criticisms and pressures that have forced a retreat in federal intelligence activities but, to an extent now not possible on the federal level, they have invoked law enforcement, peace-keeping and counter-terrorism as covers for their long-established radical watching. Courses in counter-terrorism—in at least one instance financed by the LEAA—have been incorporated into local police training curricula.

It seems plain that, as in the past, these urban intelligence units, using deceptive covers, will dominate political intelligence, at least until a federal presence is fully restored. Today, the cities and states are where the power and culture of counter-subversion holds undiminished sway. Surely it is a portent that in the 1978 race for governor of the nativist heartland, California, the two leading contenders for the Republican nomination are Los Angeles Police Chief Edward Davis, a general in the war on political and cultural dissent, and Atty. Gen. Evelle Younger, a one-time bureau agent who was involved in the 1941 Bridges wiretapping. (A third candidate is state Sen. John Briggs, a crusader against "gays, grass and godlessness.") Despite promises of reform and the shredding of files, a Los Angeles Police Department team in March 1978 invaded the City Council chamber to take still and videotaped photographs of witnesses against a proposed nuclear power plant. A claim that the picture-making was for purposes of police training was later admitted to be false.

The themes of decentralization and concealment of the political intelligence function are exemplified by a unit under Attorney General Younger's direction and control,

the Organized Crime and Criminal Intelligence Branch (OCCIB). Founded in 1970, ostensibly for "controlling and suppressing organized crime," it has devoted much of its resources to data collection on the backgrounds of leftists such as Joan Baez and Jerry Rubin. When the heat rose, its former targets ("revolutionaries," "subversives" and "militants") were metamorphosed into "terrorists." In 1975 it broadly characterized prison reform groups as "effective conduits of terrorist-type activities." OCCIB agents and affiliates infiltrated Chavez's United Farm Workers and the Abalone Alliance, a nonviolent, anti-nuclear group. The official in charge of the latter operation has been a lecturer in an OCCIB course on terrorism and "particularly [on] groups operating under the cover of a legitimate front . . . or legal activity." As for its claimed organized crime mission, the California Legislative Analyst's Office has repeatedly noted, in its annual evaluations, OCCIB's continuing focus on the activities of "militant groups and motorcycle gangs far removed from 'organized crime' activity for which the unit was established."

The OCCIB is the coordinating component of a nationwide intelligence network, the Law Enforcement Intelligence Unit. Organized in California in 1956, the LEIU was conceived primarily as a counter-subversive national structure, a network for the exchange of dossier-type information about radicals and radicalism. Urban intelligence units and the strong personalities who led them had formed the group in an attempt to declare a measure of independence from the FBI, which then dominated the field, and to restore urban operations to its former prominence. Although it comprises an estimated 225 representatives from major cities in the United States and Canada who are connected with law-enforcement agencies supported by public funds, LEIU insists that it is a purely private confederation of individuals with no official status or connection. While member agencies will respond to requests that they keep tabs on a mobile subject, LEIU's main interest is information exchange. Until the early 1970s its ideological preoccupation was un concealed: information about dissidents was regularly exchanged at regional meetings where also speakers lectured on subversion and the funding of radical groups by foundations. This emphasis was suppressed when the group applied for funding to convert a portion of its manual file collection to the federal computerized Interstate Organized Crime Index (IOCI). Under a law-enforcement cover, it has gone on accumulating data about noncriminal and ideological subjects. A more open acknowledgment of the concerns which brought it into being awaits only a change in climate.

The LEIU has carried out another task of counter-subversive intelligence: the recycling of blown informers and undercover operatives. Douglas Durham says that, before the FBI recruited him as an informer against the American Indian Movement (AIM), he was detailed by the Des Moines police, through an LEIU arrangement, to work undercover for police departments in Lincoln, Neb. and Cedar Rapids, Iowa. His assignments included the surveillance of leftists.

The extensive investigations and reports on federal domestic intelligence in the 1970s have concerned themselves primarily with its excesses, the propriety of its

standards for initiating an investigation, its scope and techniques. These matters have been the subject of guidelines like those imposed by Attorney General Levi in 1976. But it is universally admitted that the FBI today, as in the beginning, lacks clear authority to engage in any domestic intelligence activities. Congress must face the issue whether to grant or withhold investigative authority that goes beyond established, clearly understood law-enforcement jurisdiction and enters the political sphere. Should the bureau have the power to select targets, groups and individuals on ideological grounds; accumulate background information on their noncriminal activities; conduct yearlong nonstop investigations (including informer infiltration) of key targets; surveil individuals solely because of their association with such targets—in short, engage in practices beyond the scope of conventional criminal investigations? The bureau and its Justice Department spokesmen have insisted that not the probability of violence (the criminal standard) but the mere possibility of violence, however remote, requires that Congress approve domestic intelligence activities. This bid for an internal security mandate is accompanied by assurances of oversight to prevent the abuses of the past by linking security investigation more closely to criminal law objectives.

Though the need for a more extensive authorization is asserted primarily on the ground of prevention, a November 1977 GAO report based on an audit of 319 current cases reaffirms earlier findings that the bureau's activities had yielded "few visible results. . . . Only a few cases produced advance information of planned violent activities useful in solving related criminal investigations." The GAO

also observed that it was possible the FBI's "continuous coverage" might in itself have prevented the implementation of plans for violence by extremist groups—a view unreservedly endorsed by the bureau. It is possible, but it would appear that the predictable abuse of intelligence power to chill and repress legitimate dissent far outruns its protective benefits, whether measured in positive or negative terms. Given a society programmed for fear, traumatized by three assassinations and reluctant to take the political risks necessarily entailed in a commitment to constitutional democracy, and given the political stake of conservatism in the social myth of subversion, the outcome of this debate is uncertain. What alone is certain is that the institutionalization of domestic security as a police responsibility in a country faced with long-suppressed tensions and poised on the cusp of upheaval will ease the path to reaction. The history of the modern state justifies the fear that the present climate may well nurture planned provocation of violence and bombing in the United States to justify repression and to increase dependence on a secret political police. Authoritarian repression along such lines is a goal of European-style terrorists, who hope to polarize a society and precipitate confrontation. And a home-grown version of terrorism would presumably also welcome such a response, even though deliberately instigated by the state. For terrorism, especially in its infancy, thrives on martyrdom and the kind of lunacy that is characteristic of America when it deals with its ingrate enemies. The possibility of such a development offers a grim perspective for the survival of democracy in this country. □

LIBEL, A WEAPON FOR THE RIGHT

ISIDORE SILVER

In early March, a New York State Supreme Court Justice upheld the libel count of a lawsuit filed by Roy Cohn against NBC in connection with last year's "docudrama," *Tail Gunner Joe*. Cohn's temporary victory in itself may not be important; he will probably lose at some point later in the litigation. But the judge's finding, when considered with a spate of other recent libel litigation, is of real significance. It seems clear that figures prominent on the political Right are increasingly attracted to the libel weapon as a way to penalize, intimidate, and perhaps ultimately silence their critics, especially those in the mass media. Libel has been a familiar, even traditional, conservative weapon in political and economic struggles, and it is not surprising that, today, William Buckley Jr. sues some of his more vitriolic critics, that complaints against the police are being increasingly met by civil charges of defamation against complainants, or that Roy Cohn has

chosen to litigate the tumultuous 1950s. What is surprising is that the landmark 1964 ruling of the Supreme Court in *New York Times v. Sullivan* has not defeated such suits (indeed, plaintiffs have often prevailed). The resurrection of libel by conservatives in a variety of situations raises once again fundamental questions of freedom of the press.

Understanding the arcane "law" of libel is not nearly so important as grasping the nature and politics of libel litigation. In retrospect, there is much to be said for Justice Goldberg's concurring view in *Sullivan* that there should be an "absolute, unconditional privilege to criticize official conduct. . . ." Had the Supreme Court adopted that position, at least the Cohn and police suit cases would have been untenable. Justice Brennan's majority opinion in *Sullivan* condemned the most notorious historical example of misuse of libel law by American public officials, the Sedition Act of 1798 which denied "the right of freely examining public characters and measures. . . ." He did not recount the multifarious instances of *state* (rather than federal) abridgment of the Madisonian principle that "free public discussion of the stewardship of public officials" is a fundamental attribute of self-government.

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EXHIBIT 5

**Is the United States Spying on
the Anti-Nuclear Movement?**

1130 296

by Rory O'Connor

Illustration by Anthony Shultz

Are US federal agencies currently directing and operating a domestic surveillance and intelligence-gathering network aimed at the anti-nuclear movement? There is mounting evidence that this may be the case. Not surprisingly, the Central Intelligence Agency (CIA) and the Federal Bureau of Investigation (FBI) are the leading candidates for the role of coordinating agency. In addition, the Law Enforcement Assistance Administration (LEAA), a special federal funding agency established by the Omnibus Crime and Safe Streets Act of 1968, is believed to be the conduit for at least some of the vast sums of money involved.

Lawyers for the estate of Karen Silkwood, the Kerr-McGee nuclear power plant technician killed in a mysterious automobile accident in Oklahoma in late 1974, claim that a nationwide "secret surveillance system" has been illegally spying on nuclear facility workers and other Americans for the past five years. A civil suit filed eighteen months ago by the Silkwood family charges that Kerr-McGee conspired with the FBI to suppress information about unlawful surveillance activities aimed at the late technician/union organizer. Evidence uncovered recently by investigators working with the Silkwood lawyers also suggests that there may have been CIA involvement in Silkwood's death.

The Silkwood side has sources believed to have been actually involved in illegal surveillance. According to these sources, this national spy system involves nuclear corporation security personnel, local police intelligence units, state bureaus of investigation, members of a quasi-private "old boy" intelligence club known as the Law Enforcement Intelligence Unit (LEIU), the FBI, LEAA and CIA.

Although anti-nuclear forces have long suspected that they were the objects of illegal surveillance, the Silkwood lawyers are the first to claim that they have uncovered an extensive, nationally-coordinated spying effort. Recently, however, more and more of the above elements have begun to fit themselves into the larger puzzle, as details about both public and private anti-nuclear intelligence operations slowly emerge.

In August 1974, for example, a Texas state agency acknowledged that it had compiled a dossier on the head of a local citizens' group organizing against a proposed power plant near Dallas. Later that same year, local newspapers revealed that the Baltimore Police Department's intelligence squad had "watched, photographed and sometimes infiltrated a wide variety of citizens' organizations," including community groups opposing electricity rate increases and a nuclear power plant in Calvert Cliffs, Maryland.

In January 1975, at the behest of the Virginia Electric and Power Company (VEPCO), a Virginia state legislator introduced a bill that proposed allowing VEPCO to establish its own police force, with powers

of arrest anywhere in the state and access to confidential citizen's records normally available only to state and local police.

At about the same time, a cozy arrangement was reported between the Atomic Industrial Forum, a nuclear industry association, and a consulting firm known as Charles Yulish Associates. Internal memos showed conclusively that the Yulish firm was to provide background information and regular progress reports to local utilities on individuals and groups known to oppose nuclear power. Among the groups targeted were the Sierra Club, Environmental Action, Friends of the Earth, Another

Mother for Peace, and Ralph Nader.

More recently, the *Atlanta Journal* showed in September 1977 that the Georgia Power Company was engaged in a massive anti-nuclear surveillance program, with a \$750,000 annual budget and nine full-time undercover agents, taken from the ranks of such public agencies as Army Intelligence, the Treasury Department, and the Georgia Bureau of Investigation. Although Georgia Power president Robert W. Scherer told the *Journal* that "We don't run a Gestapo," his company did admit to maintaining files on individuals and groups considered "subversive." These included the left-



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leaving Georgia Power Project, the liberal Georgia Civil Liberties Union, the ubiquitous Ralph Nader and even reporters unsympathetic to nuclear power.

Sources told *Journal* reporters Tom Baxter and Mike Christensen that Georgia Power's surveillance team used equipment "better than that used by any police detective unit in the state," that some of the information gathered came through "questionable national intelligence sources," that reports on anti-nuclear activists were sent to other private security departments and law enforcement agencies, and that "a national network exists to circulate secret information on so-called dissidents."

Georgia Power also employed at least two private intelligence outfits that specialize in political spying and information gathering. The two, Research West and *Information Digest*, have also been used in California by the state's largest utility, Pacific Gas and Electric.

In California, however, spying has not been limited to the private sector. Just last month, Los Angeles's police commission charged that the Los Angeles Police Department was harassing anti-nuclear advocates who testified before the City Council on the proposed San Onofre nuclear power plant. The LAPD filmed the testimony and claimed that they were simply making a police training film. Los Angeles Police Chief Daryl Gates later admitted to the commissioners that this was a lie. Given such activities and cover stories, it's not surprising that groups like the L.A.-based Citizens Commission on Police Repression suspect that "The LAPD is working with the utilities," as one spokesperson put it.

More ominously, the Abalone Alliance, a Clamshell-inspired anti-nuclear group that peacefully occupied the site of the Diablo Canyon Nuclear Power Plant in San Luis Obispo County on August 7, 1977, found out two months later that two of its forty-seven occupiers were police plants. "The undercover agents were the only ones who ever even mentioned the possibility of violence," said Raye Fleming of the Abalones. "One in particular seemed to want to incite it. He tried to smuggle wire-cutters onto the site, and attempted to get us to change our route at the last minute. But what can we do? We don't have either the funds or the knowhow to check everybody out."

Closer to home, many people are now aware that last spring's charges by Governor Meldrim Thomson of New Hampshire and by the *Manchester Union-Leader* of "terrorist" involvement in the Clamshell Alliance were based entirely on "intelligence" supplied by two Boston members of the right-wing US Labor Party (USLP), (also known as the National Caucus of Labor Committees). According to documents obtained by the Clamshell, the USLP briefed New Hampshire State Police Lieutenant Donald Buxton on April 3, 1977, shortly before the last occupation of the Seabrook site.

Sources say that Lieutenant Buxton was

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...from page 101
er to Boston at the suggestion of one
Herbert Bean, who was the highest ranking
State Police detective in New Hampshire
until he took a job in the private sector
recently. Bean's new post? Security admin-
istrator for the Public Service Company of
New Hampshire, the utility that plans to
build the twin 1150 megawatt nuclear power
plants at Seabrook that the Clamshell
Alliance has pledged to stop.

Lately, PSC has taken a more direct
approach to its "security" problem with the
Clamshell. *The Real Paper* has learned that
private security firm known as Operation-
1 Systems Incorporated (OSI) was granted

contract last year by PSC to prepare a
contingency plan to deal with potential
security problems at Seabrook. According
to documents on file with the Federal
Energy Regulatory Commission, PSC paid
\$2,836 to Operational Systems for what is
described as "security systems." Two other
firms, Sutton and Systematics General,
were also contracted to do security work for
smaller amounts.

Operational Systems Inc. is the most inter-
esting of the three, however, because of its
officers and directors. OSI is a security con-
sulting and "systems integrator" company
that spun out of a huge Texan conglomerate
named Tracor. Two of its directors,
Richard Velde and Paul Wormeli, were high
administrators in the LEAA. Wormeli, who
is listed as a vice-president of OSI, also
served as the coordinator of Project Search
for five years.

According to Wormeli, Project Search
was basically a "consortium of states"
dedicated to exploring "the application of
advanced technology to criminal justice
needs." The consortium received LEAA
funds to develop a prototype computerized
network to "facilitate information-sharing
between states," according to Senate hear-
ings on the subject. Operation of the com-
puter prototype developed by Project Search
was later taken over by the FBI, "pursuant
to the directive of Attorney General John
Nichols of December 10, 1970." That
prototype has since become the FBI's
National Crime Information Center
(NCIC).

Project Search, however, continues to
exist, funding various projects on criminal
justice information technology. One of its
projects included the development of yet
another interstate criminal justice computer
network. In 1971, in coordination with the
LEU and with 1.3 million in federal dollars
applied by the LEAA, Search began devel-
opment of the computerized Interstate
Organized Crime Index (IOCI).

Although the alleged intent of the LEU
and Project Search in establishing the IOCI
was to create an interstate network of data
on organized crime, few observers think that
IOCI files are limited strictly to mob
figures. As one congressional investigator
noted, "The LEU is not interested in
organized crime, they're interested in
political dissent. We all know that they use

...to keep the LEU as a
publicly funded "private" computerized
information-retrieval system with LEAA
money. Wormeli became a deputy adminis-
trator at the LEAA. When the Carter
administration took over, he left LEAA and
moved back to the private sector.

According to Wormeli, OSI became
independent of Tracor in July 1977, with
headquarters in Arlington, Virginia. Three
months later, a regional office was set up in
Boston, staffed by a number of ex-LEAA
men who jumped from the public to the
private sector in October 1977, when the
LEAA regional offices were dismantled.

Boston regional manager George Camp-
bell confirmed that OSI had a security con-
tract with PSC, revealing that it was to
provide a "contingency plan" to the utility.
For what contingencies? "It's a general plan
on how a facility would handle various
emergencies," said Campbell. "That could
include anything from nuclear terrorism to
political demonstrations." According to
both Campbell and John Keeley of the
Boston OSI office, the PSC contract "came
out of the Arlington office," and "all work
was done prior to the establishment of the
Boston office."

Contacted by phone for comment, Paul
Wormeli confirmed that OSI had done work
for PSC last year, but refused to give any
details other than to note that the job had
been finished. Wormeli also confirmed that
he met with Governor Meldrim Thomson
and Commission on Crime and Delinquency
head Roger Crowley in the governor's office
shortly after the last Seabrook occupation,
but he claimed that the meeting and the sub-
sequent contract were unrelated.

According to a source within the New
Hampshire state government, security plan-
ning for the Seabrook site was one item on
the agenda. Mr. Crowley is unavailable for
comment due to a prolonged illness, and
Thomson's office has remained silent on the
matter. Wormeli also refuses to divulge any
details, other than to say that the meeting
was "in a totally different context" from the
PSC contract, and was merely a "courtesy
meeting initiated by Mr. Crowley." "I don't
like to talk about the work I do," Wormeli
explained. "If I did, I wouldn't have any
clients. I didn't even know there was a
Clamshell Alliance."

The purpose of the current Silkwood civil
suit is to prove that the late Karen Silk-
wood was the victim of an illegal domestic
intelligence-gathering operation, funded by
federal money and controlled by federal
agencies. An undercover FBI agent, Jacqui
Stronj (who posed for years as a newspaper
reporter and wrote a pro-nuclear book), has
admitted hearing from security operatives
that illegal surveillance was performed
against Silkwood and her associates. And
just last month, when Stronj and her FBI
contact, special agent Lawrence Olson, were
questioned about aspects of their under-
cover work, they were instructed not to
answer by a Justice Department lawyer, on
grounds of "national security."

If Federal District Judge Frank Ther-

US Spying

(Continued from previous page)
eventually allows testimony about the
McGee surveillance, the Silkwood lawyers
think that they can prove that the actual spy-
ing was done by four Oklahoma City
Intelligence Unit policemen. The Oklahoma
City PD is an active member in the LEU.
The key to the Silkwood lawyers' theory is a
newly discovered intelligence training school
in Fort Lauderdale, Florida, known as the
Audio Intelligence Development Corpora-
tion. It is their contention that AID, which
has trained foreign intelligence agents from
Iran, Venezuela and Chile in the past, and
which specializes in the design, manufac-
ture, sale and training in the use of highly
sophisticated spying equipment, is asso-
ciated with Central Intelligence.

According to court documents filed by the
Silkwood attorneys, and verified in a per-
sonal interview with Daniel Sheehan, a Har-
vard Law graduate who has been directing
the case, AID is a CIA front that has a cover
as a "private" electronic surveillance equip-
ment corporation. Sheehan says that such
intelligence fronts came increasingly into
play in domestic spy circles after both the
CIA and the FBI were caught in 1970
engaging in illegal surveillance against
domestic citizens' groups. As a result of this
public embarrassment, both agencies for-
mally stopped having their direct employ-
ees engage in domestic surveillance. Instead,
claim the Silkwood lawyers, "an elaborate
scheme was established by means of which
the same domestic spying operations were
'contracted out' to domestic surveillance
organizations — giving the Central
Intelligence Agency and the FBI 'deniability'
with respect to their operations."

Although its charter prohibits CIA
involvement in domestic intelligence, this
hasn't stopped the agency in the past.
Apparently, two highly sensitive areas of
domestic surveillance remained under
indirect CIA control after the public scan-
dals of the early Seventies. These two areas
both involved nuclear materials and were
considered by the CIA to be of vital national
security concern. They were the safeguard-
ing of the domestic communications system
that targets and communicates with Ameri-
can's nuclear missiles, and the protection of
domestic nuclear power facilities.

Both of the above matters were consid-
ered by the CIA to have international
dimensions and purely military aspects. As a
result, the agency insisted on retaining
absolute control over their protection, no
matter what its charter said. But the
public-shy CIA also had to search out a
means of conducting the necessary domestic
surveillance, having access to the data
collected, and still being able to deny
involvement, should the surveillance be dis-
covered.

Therefore, at least according to the Silk-
wood attorneys, a system was established
that would accomplish those three goals.
Here's how it may work.

First, a purely private business corpora-

POOR ORIGINAL

Audio Intelligence Development Corporation of Fort Lauderdale. These "private corporations" have the cover of researching, developing and producing electronic surveillance equipment and selling it to individuals and organizations.

Second, the federal government begins sending money to corporations like AID, through the LEAA, to finance research and development of electronic surveillance equipment.

Third, AID begins to use the federal monies to research new and quite sophisticated surveillance equipment, such as the so-called harmonica-amplifier electronic monitoring device, which can be hooked up to any telephone and used to wiretap any other telephone in the world simply by dialing its number. The harmonica-amplifier also can act as a bugging device even when the receiving phone is hung up, since it is equipped with an "override" that prohibits the usual "cutoff" switch that is normally engaged when the receiver is down. In this manner, the receiving telephone can become an electronic monitoring device in the home, even when no one is using the phone.

Fourth, AID and similar groups begin selling the equipment and giving free training to agents of whatever organization purchases its equipment. (One recently reported AID sale of equipment was to

Once the methodology was developed on the state and federal level, municipal law enforcement intelligence units began to get in on the act, also using LEAA money. Sheehan charges that the state and municipal law enforcement intelligence operatives then returned from their training in Florida to conduct illegal surveillance against "political dissidents, members of politically unpopular local citizens' groups and essentially anyone the CIA or FBI wanted placed under surveillance."

All information collected by agents of the domestic spy system, including that resulting from the tapping, break-ins and surveillance in the Silkwood case, would then be given to the local LEIU member, who would in turn put it on the federally funded IOCI computer developed by Paul Wormell and Project Search.

Finally, charge the Silkwood attorneys, the CIA equipped the LEIU computer with an electronic device that allows the agency to remove information from the computer without any "draw-down" on the system, which would cause a withdrawal of data to be noticed. The information drawn from the LEIU files is then used by the CIA as a basic data bank from which intelligence estimates are prepared by the agency to protect nuclear facilities and the US nuclear missile communications system.

It would not be restricted to emergency situations. It could have a chilling effect on First Amendment discussion, particularly in the nuclear area." Over the past five years or so, as the dangers of nuclear power have motivated increasing numbers of people to act to stop nuclear proliferation, the chill wind of such federally sponsored "continuing surveillance" has abruptly changed direction and is now blowing directly in the face of anti-nuclear activists.

Faced with such overwhelming and coalescing opposition, the nuclear industry and the federal intelligence apparatus have been forced into a "national security" posture in an attempt to regain the momentum toward establishing a nuclear-powered energy economy. Confronted with the growing force of the anti-nuclear movement, industry, government, the military and law enforcement agencies have linked up in an effort to neutralize future protests and demonstrations. That governmental/corporate effort is being conducted under the guise of protecting America from unspecified and ill-defined "nuclear terrorism."

The report that has just been cited is but one of many commissioned by the NRC on the subject of threats to licensed nuclear facilities. One such report, submitted in September 1975 by the Mitre Corporation, included on its consulting team the late William Sullivan and Charles D. Brennan, men who had formerly directed the FBI's previous illegal domestic surveillance program, COINTELPRO. One of the recommendations of the Mitre report, naturally, is that the NRC "maintain a close working relationship with the intelligence community. . . . In-depth information about terrorist and other threatening groups [italics mine] should be obtained by NRC from these agencies, including any information indicating a potential threat to the industry generally, or to a specific company."

Obviously there are certain justifiable security concerns surrounding the operation and maintenance of any nuclear power facility. Nobody in their right mind wants plutonium to be readily available, either to the odd kook or the dedicated revolutionary, and it's quite clear that there must be some adequate level of security precautions in the nuclear arena. But the fear of "terrorist" attacks on nuclear stations — a valid fear — is being manipulated by both the government and the utility companies, and the cost appears to be too high.

While claiming to protect US citizens, it appears instead that the federal government may in fact be involved in stripping away our most precious constitutional rights and guarantees. If simply being "controversial" may be enough to qualify one for classification as a potential "terrorist," then the price we are paying for "cheap" nuclear fuel is simply too high. There seems to be no middle ground in the explosive area of nuclear power, where civil liberties and adequate security concerns clash. Instead of choosing to eliminate the First Amendment, wouldn't we do better to stop the proliferation of nuclear power instead?

Lawyers for the estate of Oklahoma nuclear plant worker Karen Silkwood claim that a nationwide 'secret surveillance system' has been illegally spying on nuclear facility workers and other Americans for the past five years. They believe Silkwood's death was brought about by this domestic intelligence-gathering operation.

Michael Townley, an American who acts as a Chilean secret agent, Townley is believed to have purchased a radio surveillance device from AID for the DINA, as the Chilean secret police were then called. The Justice Department has charged Townley as a conspirator in the September 1976 assassination of Orlando Letelier, a former Chilean diplomat whose car was blown up in Washington, D.C.)

Once the operations of AID and other training centers were under way, say Silkwood's lawyers, the LEAA began sending "block grants" to domestic state bureaus of investigation. These state-level law enforcement agencies generally have at least one officer who is also a member of the nationwide "private" organization known as the Law Enforcement Intelligence Unit. The LEIU consists of roughly 225 members, all of which are associated with the intelligence units of large municipal or state law enforcement agencies.

Attorney Sheehan says that at least a portion of the LEAA block-money grants given to state intelligence units was used to purchase surveillance equipment from organizations like AID. Other portions, says Sheehan, were used to transport the state agencies' LEIU members from Florida for training in the use of this equipment.

"The system is really neat," says Danny Sheehan, who acquired his own investigative skills while working with F. Lee Bailey. "The illegality of its CIA supervision is covered by several factors. First you have 'front' organizations like AID, to provide distance from the actual events. Then you have an allegedly private police organization, the LEIU, with its own federally funded computer. The "private" status of the LEIU ensures that it is not subject to any federal or state freedom of information laws or regulation. Finally, the CIA involvement is covered by two of the Executive Department's most closely guarded secrets — its ability to wiretap and monitor with such devices as the harmonica-amplifier, and its ability to withdraw information from intelligence computer systems such as IOCI without leaving a trace. This entire system appears to be what Karen Silkwood and her union associates at the Kerr-McGee nuclear facility were up against, just before her death."

As noted in a special Nuclear Regulatory Commission report released in October 1975, "the possibility of continuing surveillance is probably the most severe civil liberties effect of a plutonium recycle decision. The surveillance would act at all times

1130 300

Ga. Utility Kept Files On Critics

By Bill Richards

ATLANTA — The Georgia Power Co., one of the nation's largest electric utilities, ran a sophisticated intelligence-gathering operation here whose targets allegedly included Ralph Nader, environmental and consumer activists, the Georgia chapter of the American Civil Liberties Union and the press.

Allegations of misuse of Georgia Power's security apparatus, which included a nine-member intelligence-gathering unit, have touched off an investigation by the Georgia Public Service Commission and threats of lawsuits from several persons allegedly included in Georgia Power's intelligence files.

According to allegations by former senior members of the utility's investigative unit and copies of documents made available to The Washington Post, Georgia Power covertly gathered intelligence on persons and groups believed to be opponents of the company beginning in 1973.

Company records indicate that security officers conducted a three-day "background investigation" into a Nader group. While company security officials denied last week that any such investigation took place, two former members of the Georgia Power investigative unit said they recalled that a warning investigator was sent to Washington to attend a Nader-sponsored conference.

Other entries into the security unit's monthly case log, a portion of which was shown, copies of documents made available to The Post last week, showed similar requests for investigations of "news media" and others apparently outside the normal scope of the company's operations.

Former company security officers who were part of the investigative section told The Post that among the names included in Georgia Power's investigative files were one of the state's leading consumer attorneys, the head of the state ACLU chapter and several persons who opposed construction of a Georgia Power nuclear plant.

According to the former security officials and Georgia Power records on file here with the Federal Power Commission, the utility also maintained links with shadowy private intelligence-gathering organizations in Washington and on the West Coast.

WASHINGTON POST
Nov 7, 1977

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EXHIBIT 6.

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1130 301

POOR ORIGINAL

Georgia Utility

GEORGIA. From A1

The extent of the Georgia Power intelligence operation was first made public by The Atlanta Journal in September. After the Journal article appeared, Georgia Power Vice President George W. Edwards denied in a letter to the paper that his company had ever engaged in "spying on innocent private citizens."

In an interview at the utility's corporate headquarters here last week Georgia Power officials said no secret intelligence gathering is now under way by the company except for files on persons who made threats against Georgia Power employees or company property.

But a company spokesman acknowledged that files on non-criminal opponents of the utility may have been opened by the Georgia Power security unit "for a few days" in the past.

Terry Ledford, a spokesman for Georgia Power, said the opening of files on persons normally outside the range of company security interest may have been considered necessary during the "years of turbulence." Ledford described this period as ranging from the late 1960s through the early 1970s. He said any such files would have been destroyed some time ago.

However, Ledford confirmed reports to The Post by other informed sources that on the evening of the appearance of the Journal article Georgia Power security officials and a company attorney spent 12 hours combing through the security files and that a number of documents were removed.

Arthur Benson, head of Georgia Power's security office, denied that any of the documents removed from the files had been destroyed and said all of the papers were eventually returned to the security office. Benson acknowledged, however, that no record was made of which files were taken and the only way he could tell they were all back was that "I haven't found anything missing."

Georgia Power has declined requests from reporters to be allowed to examine the security files. The company has also refused to make available copies of the security department's

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QUALITY

Environments

AT A BIG trade-association conference of the Atomic Industrial Forum, a slim, attractive blonde woman sat tucked away in a remote corner of the Shoreham Americana Hotel. Above her was written the perplexing message: "Worried About Those Beyond the Fringe?" Corporate executives were flocking to her corner.

"The fringe," it turned out, was portrayed by a series of pictures depicting masses of people, all of them so out of focus that only their most general outlines were perceptible. Sticks and clubs could be made out in the pictures, and several bearded, long-haired figures wore expressions of hatred and anger. Their faces were distorted and disfigured. It was as if they were going through some sort of collective, irrational catharsis, some highly disturbing group nightmare.

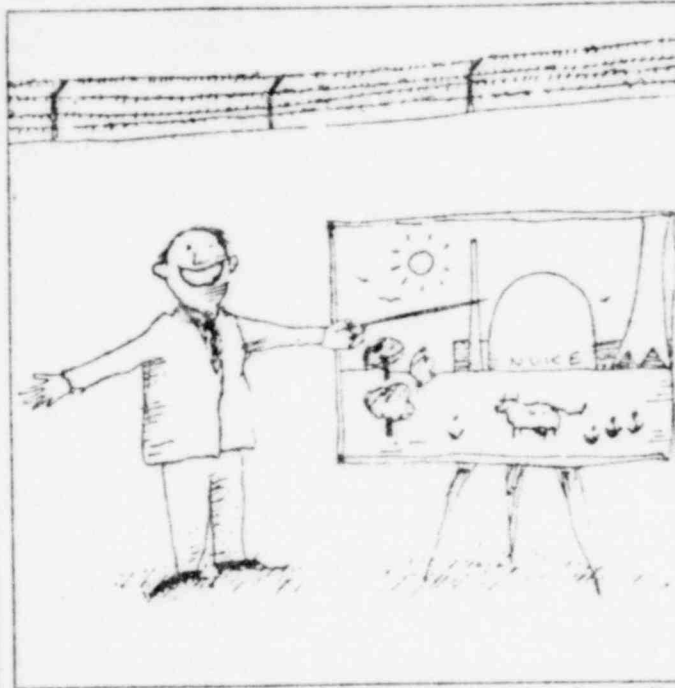
"Irrational behavior by forces from without is creating a new scenario for nuclear plant security," read a brochure the blonde woman was handing out to the eager executives. "So, if you're becoming increasingly concerned about those beyond the fringe, Overly has the products to protect your people and plant. Overly does what others don't."

In fact, others do. Overly Manufacturing of Greensburg, Pennsylvania, may consider itself unique, but it is one of many companies selling security devices and political-intelligence data on private citizens to electric-utility companies operating massive nuclear power stations. The utilities, mindful of the rising chorus of criticism and doubts about nuclear power, have fueled this security/intelligence industry by indicating interest in its wares.

The last several years, nuclear-powered utilities have been exposed for spying on law-abiding citizens and groups. Secret dossiers have been compiled on consumer and environmental organizations. Union meetings have been infiltrated; dirty tricks and advanced sur-

THE SHIFTY EYE OF REDDY KILOWATT

by Richard P. Pollock



Susanna Natti

veillance devices have been used. Reddy Kilowatt may be watching you.

"We . . . don't run a Gestapo," thundered Georgia Power Company president Robert W. Scherer in an interview with the *Atlanta Journal*. But Scherer had a rough time dispelling that notion after it was disclosed that his utility had kept files on citizens and groups considered opponents of the firm's interests.

Last winter, Georgia Power was operating an extensive plainclothes section in two unmarked suites in downtown Atlanta. The offices coordinated nine full-time investigators and operated on a budget of \$750,000 a year. The operatives were drawn from Army intelligence, the Bureau of Alcohol, Tobacco and Firearms and the Georgia Bureau of In-

vestigation. They owned equipment that only the most advanced intelligence operations enjoy—James Bond gimmicks like changeable headlights and taillights on their cars that, at the flip of a switch, could alter the configuration of the car's lights to confuse any party under surveillance.

The targets of the Georgian investigators ranged from Ralph Nader and the director of the Georgia Civil Liberties Union to news reporters unsympathetic to nuclear power.

The utility and its neighbor, the Alabama Power Company, also received information from many law-enforcement agencies, including the FBI's National Crime Information Center, that link most police departments around the country by computer.

In December of 1977, William Lovin, a former Georgia

Power security operative, boasted to NBC-TV news correspondent Paul Altmeyer, "I could get anything I wanted on your background—by going directly to a sheriff or possibly a chief of police in this state—or anything that had been fed into the national computer."

"And there was no hesitancy on the part of the police or the sheriff to give [this kind of information] to you?" queried Altmeyer.

"Well, their only hesitancy was this," Lovin replied. "They'd say, 'When we give you the computer printout . . . as soon as you've transcribed it, burn it.'"

Utilities are also turning to private intelligence firms that dabble in political spying. The two most prominent outfits are Research West of the San Francisco Bay area and *Information Digest*, a newsletter compiled by a former police undercover agent in Washington, D.C.

Georgia Power Company and the Pacific Gas & Electric Company of California have acknowledged that they have used both firms. While *Information Digest* seems to merely publish details on purported "leftists and their sympathizers," Research West has had a history of more active operations—principally burglaries.

The House Subcommittee on Oversight and Investigations of the Commerce Committee is investigating Research West and surveillance of citizens by nuclear utilities. The subcommittee will hold hearings on these issues next month; it has already subpoenaed records from PG&E and Research West. Importantly, the subcommittee is looking into the possibility of FBI cooperation with the private investigators and utilities. News reports indicate that Research West may not cooperate with Congress and has not furnished subpoenaed documents.

One of Research West's more famous operatives was Jerry Ducote, a former district leader of the John Birch Society. Ducote worked for Re-

EXHIBIT 7.

MAY 1978
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search West when it functioned under the name of Western Research.

By his own admission, Ducote has performed burglaries against targets he considered "left wing." He says with some pride that he has broken into homes and offices 17 times. One of Ducote's most recent targets was Grace McDonald, a 90-year-old San Francisco woman who lobbies for municipal ownership of utilities. "We went into the basement of her home," Ducote said during one televised interview. "We picked up a list of her supporters throughout the state who were people working on her various committees. We picked up the documentation [my clients] were looking for."

Pacific Gas & Electric has filed reports to the Securities and Exchange Commission showing that between 1971 and 1976 the utility paid nearly \$90,000 to Research West. The largest sum (about \$25,000) was paid in 1976, when California anti-nuclear activists fought to get the Nuclear Safeguards Act passed by statewide referendum. PG&E described the Research West agents as "investigative consultants."

Georgia Power spent more than \$113,000 in 1976 for outside "security services," a portion of which went to Research West. The Atlanta-based utility refuses to divulge details of the types of services it received from the intelligence firm.

A study conducted by the Critical Mass Energy Project, a Washington, D.C.-based consumer organization, revealed that the nation's 58 electric utilities that now operate nuclear power plants spent more than \$2.8 million in 1976 alone for "outside security expenditures." Twelve of the utilities paid more than \$50,000 each for private detective services and investigative agencies in that year, according to documents filed with the Securities and Exchange Commission.

In contrast, among the top 60 non-nuclear electric utilities, only one company found it necessary to use private security firm.

The notion that safeguard-

ing the nation's commercial nuclear power facilities might mean abridging constitutionally guaranteed civil liberties surfaced in a meaningful way around 1974. That year, the Texas Department of Public Safety acknowledged that it had compiled a dossier on Robert W. Pomeroy, a 37-year-old commercial-airline pilot who had founded an organization called the Citizen's Association for Sound Energy. Pomeroy's sin was his criticism of the Dallas Power & Light Company's decision to build its Comanche Peak nuclear plant.

Copies of Pomeroy's dossier were sent by a state police agency to Pomeroy's supervisors at Continental Airlines, where they eventually found their way to the pilot himself. The police ultimately apologized to Pomeroy, but the officials refused to say how many other people or organizations opposed to nuclear power in Texas they had monitored.

Several months after the Pomeroy disclosures, union organizers at the Kerr-McGee plutonium plant in Oklahoma began raising questions about the health and safety of atomic workers at the facility. Karen Silkwood, an employee at Kerr-McGee, had apparently secured sensitive documents about management and quality control at the plutonium facility. En route to a meeting with a representative of her union's international office and a *New York Times* correspondent, Silkwood was killed in a car crash, and her documents were never recovered. As the story of Silkwood's death gained national prominence, Congressional hearings on the tragedy were held in Washington. In the Silkwood hearings, the FBI admitted it had been maintaining files on nuclear critics. The Bureau claimed its surveillance was strictly limited to alleged "Communist" or "revolutionary" groups. But that claim was a little hard to swallow in the case of Joe Cury.

Joseph Cury was a grocer from Jacksonville, Florida, who was running for a seat on the

local city council. He was an outspoken critic of the Westinghouse Offshore Power System (OPS), which was planning to build four nuclear power plants off the coast of Florida outside of Jacksonville. Cury discovered that several people linked to the Westinghouse Electric Company were trying, through FBI friends, to obtain private arrest records from his past from his home town of Allentown, Pennsylvania. These law-enforcement records are strictly off-limits to corporations like Westinghouse, which have no official access to them.

William Stanton, a former FBI agent, was at the time president of OPS. Cury accused Stanton of masterminding the move to obtain the unauthorized police records, in hope of discrediting his campaign and costing Cury the election.

As it turned out, the assistant chief of police in Allentown was a friend of Joseph Cury's. When he received the request for the records, he traced it back to Jacksonville and short-circuited the inquiry.

One of the most authoritative reports on the nuclear-security risk was conducted by John H. Barton, a consultant commissioned by the Nuclear Regulatory Commission to do a study on it. The Barton report concluded that "the public's response to a nuclear emergency could be one of reaction against dissent." And for the public itself? Citizens might have to tolerate area-wide searches, seizures of property, detailed searches of homes, restriction of travel, massive "preventive" detention of suspected dissidents, press censorship and orders to "shoot to kill."

If you think this sounds a bit like the government's response to the Watts riots, you're right. But then nobody ever said the nuclear state would be gentle.

Richard Pollock is director of the Critical Mass Energy Project. He has written for The Progressive, The Washington Post and other publications.

Organizing Notes

Volume 3, Number 3

April-May, 1979

Nuclear Power Opponents Respond to Spying

California

The Los Angeles police spying lawsuit, *Coalition Against Police Abuses (CAPA) v. Gates* was amended May 15, 1979, to include charges that LAPD officer Cheryl Bell infiltrated several local anti-nuclear groups. The named plaintiff is the Committee on Nuclear Information, a group at the California State University at Los Angeles which Bell once headed as president. The suit claims that she also infiltrated the LA and Pasadena chapters of the Alliance for Survival.

Bell "joined" the anti-nuclear movement in 1977, just after large demonstrations were held in San Luis Obispo and San Diego. She quickly became very active in meetings, actions and demonstrations. Her identity was revealed a year and a half later when a roster of police academy graduates was anonymously made available to CAPA. **Contact:** Linda Valentino, Citizens Commission on Police Repression, 633 South Shatto, Los Angeles, CA 90005 (213) 487-1720.

Georgia

In Atlanta, Neill Herring has filed a motion requesting that the NRC reopen intervention proceedings to suspend the Georgia Power Company's permit to build the Vogtle Nuclear Plant (VNP). The NRC recognized Herring as an intervenor several years ago when the Power Company sought its license to permit the construction of the nuclear facility.

The motion to reopen, filed April 4, 1979, "contends that VNP entails unconstitutional restrictions upon Intervenor's civil liberties" and cites "attempts at suborning sabotage, penetration of the Georgia Power Project [an anti-nuclear group], surveillance of legal political gatherings and denial of employment rights." The request is based primarily on Herring's charge that the company filed false statements during the original proceedings in 1976. An NRC response is pending. A copy of the motion is available from the Campaign.

Iowa

Members of the Iowa Socialist Party (ISP), based in Iowa City, have charged that four letters received from a group calling itself the Eastern Iowa Anti-Nuke Vigilantes are "a clear attempt to discredit the legitimate anti-nuclear movement." Two days after the largest anti-nuclear demonstration in Iowa, ISP received the first letter, in which the "vigilantes" claimed responsibility for several acts of sabotage at the Duane Arnold Energy Center construction site. Another letter, sent to a TV reporter, threatened that plutonium would be released into the air in Cedar Rapids if the Arnold plant was not immediately closed and decommissioned.

Before the letters were received, ISP filed a request with the FBI under the FOIA, seeking all letters threatening terrorism at the nuclear facility. The FBI denied the request, stating that such threats are still under investigation. **Contact:** Steve Marsden, ISP, Box 924, Iowa City, Iowa 52240 (319) 337-4895.

Michigan

A statewide safe energy rally, held April 21 in Midlands, Michigan, was videotaped by the Midlands (city) police department. Police Captain Hial Meyer said, "We, as a matter of policy, any time there is a group gathering like this, cover it with video tape." Since no problems were experienced, the police officer claimed the department would reuse the tape. "No, it will not be put on file. I see no reason for even reviewing it." **Contact:** Sr. Carol Gilbert, 1326 Cherry Street, Saginaw, MI 48601 (517) 753-1819.

New Hampshire

On December 1, 1978, Robin Read of the Clamshell Alliance in Portsmouth, wrote to Col. Harold Knowlton, Director of the New Hampshire State Police, requesting information regarding the department's involvement with the Law Enforcement Intelligence Unit (LEIU). Read also asked if the police continue to receive information on the Clamshell Alliance from the U.S. Labor Party, the *Intelligence Digest*, or Rep. Larry McDonald (as was documented by reports from the State Police file on the Clamshell Alliance which was released to the nuclear power opponents in 1977). (See *Organizing Notes*, Vol. 1, No. 4 and Vol. 2, No. 7 and 9.)

FIRST CLASS MAIL

EXHIBIT 8

1130 305 Continued on Page 2)

Gregory H. Smith, Deputy Attorney General, responding for Knowlton, failed to address Read's questions. Smith wrote, "We are not required to disclose the contents of that information or the police methods in gathering the information. . . . I can assure you . . . that the actions of the State Police in these matters have been legal and proper." **Contact:** Robin Read, Clamshell Alliance, 62 Congress Street, Portsmouth, NH 03801 (603) 436-5414.

New Jersey. The arrest of SEA Alliance activist Clay Colt has provoked a heated controversy in *Ocean County*, New Jersey, because of possible threats to the civil liberties of concerned citizens attending public meetings. On April 1, an undercover policeman was recording the license plate numbers of cars driven by people attending a forum on nuclear power. The policeman refused to show his credentials to a group of people after stating that he was a detective with the township police.

Colt, who was aware of the extensive surveillance carried out in the past by Jersey Power and Light Company, insisted that the Detective show his I.D. The SEA Alliance member reached for the pad on which the numbers were written. Upon touching the pad, Colt was handcuffed, held overnight and charged with "assault." A hearing on the charge will be held May 10.

The officer later admitted that he was recording the numbers for "intelligence gathering" at the request of the state police. **Contact:** Clay Colt, PO Box 271, Mt. Vernon, NJ 07976.

New York. A class-action lawsuit charging that the city police spied on an April 18 anti-nuclear demonstration was filed in *Buffalo*, New York on April 19, 1979, on behalf of Jonathan Welch and Daniel Pholtzer. Police Photographer Nelson D. Pasquale told reporters covering the rally that the police department always photographs demonstrations and that the pictures are routinely sent to the Anti-Subversive Squad (ASS).

The lawsuit seeks an injunction restraining the police from engaging in surveillance or taking pictures at future meetings or demonstrations. It also seeks an order requiring the police commissioner to turn over and eventually destroy all ASS files regarding demonstrations within the past three years. The class action suit is seeking \$500,000 in damages, plus costs and attorneys fees. **Contact:** Barbara Morrison, Jay, Klaf and Morrison, Ellicott Square Building, Buffalo, NY 14203 (706) 856-6300.

Pennsylvania. On March 26, the Pennsylvania Public Utility Commission heard arguments in *Keystone Alliance et al. v. Philadelphia Electric Company et al.* The Philadelphia plaintiffs requested that the PUC investigate the company's surveillance program, which was made public last summer by a company official. A decision to initiate a formal investigation is still pending. (See *Organizing Notes*, Vol. 3, No. 2; Vol. 2, No. 7 and 8) **Contact:** David Kairys, Kairys, Rudovsky, Maguigan, 1415 Walnut Street, Philadelphia, PA 19102 (215) 563-8312

Texas. On April 4, 1979, the Nuclear Regulatory Commission refused an appeal by the National Lawyers Guild, *Houston Chapter*, to be recognized as an intervenor in the Allens Creek licensing process. The Licensing Appeals Board upheld an earlier decision to refuse recognition to the NLG because the group would not provide a listing of chapter members and their addresses. (See *Organizing Notes*, Vol. 3, No. 2) The Guild's petition to intervene argued that spying and harassment of Guild members and other political activists could be expected to occur if the nuclear facility was built outside of Houston. **Contact:** Glen Van Slyke or Alan Vomacha, NLG, 4803 Montrose, Houston, TX 77006 (713) 236-8208.

Utah. Efforts by the Mountain Fuel Supply (MFS) of *Salt Lake City* to obtain a rate increase from the Utah Public Service Commission have been challenged by a group of people who were the targets of surveillance by MFS two years ago. The utility critics argue that consumers' money was used to pay for the spying and therefore the company should not be granted the rate increase.

Realizing that he and MFS had acted improperly, Bruce Conklin made the surveillance public in June 1978. Conklin, former head of the Federal Security Network Agency (which provided security for the company), said that in 1977 he sat in a van and watched the Salt Lake City YWCA building, where an anti-nuclear group was meeting. Two FSNA employees attended the meeting wearing body bugs to transmit the proceedings of the meeting to the van. Officials for MFS justified the spying by saying that they were apprehensive about protests at the time and that "we've since found out that the majority of the protestors are concerned citizens . . . [and] peaceful." **Contact:** Brian M. Barnard, attorney for the utility critics, 214 East Fifth South, Salt Lake City, Utah 84111 (801) 328-9531.

Washington On April 23, the Washington Senate passed SB 2584, which would give nuclear facility operators the power to create police forces which could function with the authority usually reserved for local and state police. (See *Organizing Notes*, Vol. 3, No. 2). Before passage, the bill was substantially amended through the efforts of the Seattle Coalition on Government Spying, the Crabshell Alliance and other environmental organizations.

The amended version requires facility operators to enforce county regulations rather than granting them the authority to establish regulations of their own, as originally proposed. Any arrests by facility police would be litigated in city or state courts. Another amendment limits company access to police records, allowing access only to the criminal records of prospective employees. SCOGS charges that, while the amendment may seem to protect individual privacy, a "loophole" may have been created because the amendment does not explicitly deny to facility operators all access to police intelligence records.

SB 2584 is now being considered by the House Rules Committee as HB 825. **Contact:** Kathleen Taylor, SCOGS, 2101 Smith Tower, Seattle, WA 98104 (206) 624-2180.

1130 306

INTELLIGENCE REPORT

EXHIBIT 9

SUBJECT OR TITLE OF INCIDENT RECEIVED EVALUATION OF SOURCE

CONFIDENTIAL ☐

APR 14 2 48 PM '77

RELIABLE ☐ UNRELIABLE ☐ UNKNOWN ☐

SEABROOK DEMONSTRATION

NH STATE POLICE
HEADQUARTERS

INFORMATION ACQUIRED BY:

INVESTIGATION ☐ DOCUMENTS ☒ INFORMER ☒

ADPTRS.

USE

ONLY: CIU:

DATE: 4-14-77

On April 12, 1977, Captain Richard Campbell instructed me to make contact with

Larry Sherman
and
Graham Lowry

of the U. S. Labor Party at 120 Boylston Street, Room 230, Boston, Mass. 02116. The Captain informed me that Colonel Doyon wanted any information concerning the planned demonstration at Seabrook that the above two men may have.

On the same date, I called Mr. Lowry and made an appointment for 2:00 P.M. on April 13, 1977.

On April 13, 1977, I met with

Larry Sherman
31 Monroe Terrace
Dorchester, Mass.
Tel. 617-436-6289

at the Labor Party Headquarters. A few minutes later we were joined by

Graham Lowry
27 Moultrie Street
Dorchester, Mass.
Tel. 617-436-1129

POOR ORIGINAL

These two very well informed gentlemen felt that the planned demonstration on April 30, 1977 at the site of the Seabrook Nuclear Power Plant is nothing but a cover for terrorist activity. Not all of the logistical details are known at this time, but the method of operation will be the same as recently used at a bloody anti-nuclear power plant demonstration in West Germany. The Seabrook site will be the major focal point of a coordinated national demonstration. There are a number of other demonstrations planned to coincide with Seabrook throughout the country, but it is felt by the national organizers that if Seabrook is stopped, all nuclear plants will be stopped. The support for this terrorist group is based on the east coast, and is essentially the same network which worked with the Fourth of July Bicentennial Committee, and is now working with the Clamshell Alliance. The number of participants is unknown; it is felt that they may get 5,000 recruits but they would like 20,000 or more. As of this time the recruitment is

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D BY:

SIGNED:

ID#

DATE:

INTELLIGENCE REPORT

SUBJECT OR TITLE OF INCIDENT SEABROOK DEMONSTRATION	EVALUATION OF SOURCE RELIABLE <input type="checkbox"/> UNRELIABLE <input type="checkbox"/> UNKNOWN <input type="checkbox"/> INFORMATION ACQUIRED BY: INVESTIGATION <input type="checkbox"/> DOCUMENTS <input checked="" type="checkbox"/> INFORMER <input checked="" type="checkbox"/> HDQTRS. USE ONLY: CIU:
	CONFIDENTIAL <input type="checkbox"/> DATE: 4-14-77

falling below expectations.

The major participants have been training for this activity for sometime. The basic method of operation will be to divide into "affinity groups" of five to seven people with one person designated as the "spoke" or, spokesperson for the group. They will assemble on the Hampton Falls common, cross Route 1, and travel south on the Rail Road tracks to the Seabrook site. They then plan to seize the construction site. It is essential to their plans that a confrontation take place. They have publicly stated that the only way they will leave the site is if they are killed. They have told their recruits to bring gas masks and food enough for seven days. The New Hampshire leaders are not known and they are instigating most of the action. The leaders feel that even if the turnout is small, those who do show up will be well trained and dedicated, and will have the effect of shock troops.

The rationale behind their actions is to prove that a nuclear site is vulnerable to attack and because it is (based on a recent decision by a North Carolina judge - which is being contested) not eligible for limited insurance coverage and therefore, would be unable to afford unlimited coverage.

They are trying to gain respectability by involving educators, legitimate environmental groups and local political leaders such as Dudley Dudley, but essentially their aim is the destruction of property and possibly bombing.

After their confrontation, they are planning a national meeting to outline the future strategy.

It is not felt that Labor will be involved in this action.

POOR ORIGINAL

A possible course of action to defuse this situation would be to better educate the general public as to what is going on, and to bring an injunction by the New Hampshire Attorney General to prohibit the demonstration so that he may ask questions as to origin, people involved, and the financial backing of this group.

Lowry and Sherman agreed to provide any further information they may learn of.

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Attached please find publications, including intelligence reports, published

D BY: <i>R/C</i>	SIGNED: <i>Donald R. Burton</i>	ID# <i>144</i>	DATE: <i>4/14/77</i>
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INTELLIGENCE REPORT

SUBJECT OR TITLE OF INCIDENT	EVALUATION OF SOURCE	CONFIDENTIAL <input type="checkbox"/>
	RELIABLE <input type="checkbox"/> UNRELIABLE <input type="checkbox"/> UNKNOWN <input type="checkbox"/>	
	INFORMATION ACQUIRED BY:	
	INVESTIGATION <input type="checkbox"/> DOCUMENTS <input checked="" type="checkbox"/> INFORMER <input checked="" type="checkbox"/>	
	HDQTRS.	
EABROOK DEMONSTRATION	USE	
	ONLY: CIU: -	DATE: 4-14-77

by the U.S. Labor Party.

The opinion repeatedly expressed by these well informed men was that the state of New Hampshire should do everything possible to avoid a confrontation. A confrontation is exactly what the demonstrators want.

The attached counter intelligence report provides the names of the national organizers, many of whom are from the Massachusetts area.

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ED BY: *GL* *BM* SIGNED: *Donald R. Bunker* ID# 144 DATE: 4/14/77

JCP&L Photogs Admit Posing As Newsmen

By JAN BARRY

Two photographers working for Jersey Power & Light Co. have admitted representing themselves as news photographers at an anti-nuclear power teach-in near the utility's nuclear generating plant in Ocean Co. last Sunday.

The two Warren County men gave differing versions of why they claimed to be covering the event for the Easton Express and the "Phillipsburg Forum," the latter a fictitious newspaper, as well as listing false telephone numbers and a home address.

Utility spokesmen have denied any responsibility for the incident.

Just panicked, I guess," Louis Eiler of Belvidere, told an Atlantic

Press reporter who queried him last week after initially being told Wheeler on Sunday that he was working for the Easton Express. Both Wheeler and JCP&L officials say that, in fact, he was on assignment by the utility to photograph the Lacey Township teach-in sponsored by a local environmental group and the SEA Alliance, a statewide nuclear power organization.

While signing a teach-in sign-in sheet, Eiler also listed an address in Easton, beside his notation of the Easton Express, said a teach-in organizer — an address which the editor of the Pennsylvania Daily says does not exist.

Wheeler's associate, Craig Mayham of Mt. Meadows, later admitted to a local newspaper last Sunday to be working for the "Phillipsburg Forum," as well as giving nonworking telephone numbers. The editor of the weekly Forum in nearby Gettysburg, who expressed great concern that the misrepresentation might have involved that newspaper, says there is no newspaper of that name in Phillipsburg.

"It was poor judgment on my part," Mayham said. He says he made up the misrepresentation on the spur of the moment to counter a questioner. "You say what you have to to get a job done," said Mayham.

JCP&L spokesman Sam Laird, expressing surprise at the incident, denied that the two photographers had been sent to spy on the nuclear power protesters — a statement echoed by Mayham and Wheeler. The latter has been on contract with the utility for the past two years, mainly covering retirement dinners and other company affairs, Laird said.

Wheeler, however, was previously sent to photograph a balloon-released demonstration outside JCP&L's Ocean County nuclear plant at Oyster Creek last August. He was also assigned to cover last Sunday's teach-in, at which a utility spokesman gave a presentation, said Laird. "We didn't know what to expect, so I asked him to be there to take pictures. We did not instruct him to take photographs of license plate numbers," said Laird.

The misrepresentation incident came to light when a SEA Alliance member spotted a photographer apparently taking photos of license plates. In an apparent repetition of a filming incident last August at a SEA Alliance demonstration near Public Service Electric & Gas Co.'s nuclear plant in Salem County. A PSE&G official promptly admitted that surveillance, although the utility now says it has since destroyed the film from that incident.

Mayham claims, on the contrary, that he was only photographing bumper stickers on automobiles parked outside the building where the teach-in was being held. When suddenly asked what he was doing, he admits, he then claimed to be a news photographer.

Adding to the confusion of identities and assignments at the teach-in, which drew about 100 persons including a large utility delegation headed by JCP&L President Shepard Bartnoff, State Police spokesmen say that they had plainclothes "observers" at the event, possibly including a photographer.

State Police Capt. J.P. McGann, who characterized the teach-in as "peaceful," said he didn't know why the department was assigned to cover the event.

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EXHIBIT 11

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Area Power Firms Keep File on Critics

By Joanne Omang

Washington Post Staff Writer

Electric utilities in the Washington metropolitan area keep files on their critics, listing where they meet and what is said and done—in public. Any implication that there is more in the files than that, the companies say, is wrong.

"We attend their meetings but not undercover," said Jim Buck, who is with the Virginia Electric and Power Co. in Richmond, summing up the general attitude. "We have informational files on the people and what they say, but we don't go into their background. We'd be derelict in our duty to the public if we didn't keep some sort of track."

Officials at Vepco, Potomac Electric Power Co. and Baltimore Gas and Electric Co. are unanimous in resenting what they see as an attempt to make the mere existence of files appear sinister. They say their critics also keep files and attend company meetings, sometimes incognito, and there is no public outcry about that.

Opponents of nuclear power plant construction and others critical of utilities' impact on the environment concede there is no proof as yet that any illegally or covertly obtained information is included in local utility files. Still they are concerned.

"We were astonished to learn that even back in 1973, (Vepco) would send someone to monitor a little movie we were showing in a high school auditorium," said June Allen, president of the North Anna Environmental Coalition. "We hardly amounted to anything then."

Vepco has been plagued since 1971 with bomb threats at its nuclear plant construction site on the North Anna River. Confidential documents of the Nuclear Regulatory Commission, (NRC), obtained by the Committee for Science in the Public Interest under a Freedom of Information Act request, list 29 bomb threats there between 1971 and 1976.

Utilities are reluctant to talk about bomb threats, reasoning that publicity creates more of them. In 1975, Vepco asked the Virginia state legislature to give the utility police powers of arrest as well as to allow it to have access to citizen criminal records. They wanted these new powers, they said, to comply with federal security regulations regarding new employees at nuclear installations.

The request was turned down. Vepco has no plans to reintroduce the bill, spokesman Buck said, even though NRC documents show that 18 of the 29 North Anna bomb threats oc-

curred last year. This was far more than occurred at any other plant in the country. "We don't need it," Buck said. "We now have access to the records of the central (police) criminal record exchange."

He added that the exchange was used only for background checks on prospective employees and not on Vepco's critics.

A Baltimore Gas spokesman said the firm has a three-man investigative team within its security department to investigate thefts and set up security procedures. The team does not investigate company critics nor attend their meetings, the spokesman said.

Baltimore Gas "years ago" had access to police files on prospective employees, the spokesman said, but does so no longer. Neither does the company receive police information on activist groups, he said.

The work of compiling the utility files is generally handled by the public relations departments, the companies said. Hal Stroube, who was Vepco's public affairs officer from 1972 to 1976 and is now a private consultant, said his staff "covered meetings like reporters." Written reports of the proceedings went to the Atomic Industrial Forum and Edison Electric Institute, both national trade associations, and were disseminated in those organizations' bulletins, he said.

"I watched letters to the editor, went to meetings, got on mailing lists of these groups and so on, trying to understand what the concerns were that these antinuclear people had, so we could answer them," Stroube said. "Damn few of those meetings got any publicity in the papers, so we would go ourselves."

It would be irresponsible not to keep track of antinuclear protest groups, the officials said.

"I'd have to be pretty dumb not to want to know who was involved in that demonstration at Seabrook (N.H., where 1,400 protesters were arrested last May), and what they did and whether they were violent or nonviolent or what, so that when our turn came I'd have some idea how to handle it," Stroube said.

To call that counterintelligence or Watergate-style surveillance, he went on, is "ridiculous, unfounded. It does the utilities a real disservice."

The antinuclear groups are unconvinced. "We know that Vepco has fired people who exposed construction problems at the nuclear plants," said June Allen of the North Anna Environmental Coalition. "I'm not worried really about the files themselves. It's what it's more than that."

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B1

A-Plant Worker In Va. Infiltrated Protest Groups

By Glenn Frankel

Washington Post Staff Writer

A top security official at the North Anna nuclear plant infiltrated antinuclear groups in Virginia earlier this year at a time when the organizations were planning a civil disobedience-style protest at the plant.

Assuming a false last name and occupation, Charles Pickett, senior security supervisor at the plant for Stone & Webster Engineering Corp., attended at least three strategy sessions of the Piedmont Alliance for Safe Energy of Charlottesville and the Virginia Sunshine Alliance of Richmond during April and May.

Piedmont Alliance members say Pickett participated in discussions of tactics to be used during and after the protest, which took place June 3 and at which 120 persons were arrested. He also sat in on a session in which a member reported on negotiations for the protest between the antinuclear organizations, law enforcement officials and representatives of Virginia Electric and Power Co., owner and operator of the plant.

Alliance members say they were tipped off to Pickett by a plant worker who said the security supervisor boasted of infiltrating the group. They confronted Pickett at a June 2 rally in Louisa County, where he admitted he worked for Stone & Webster but denied he was a spy.

In a brief telephone interview late last week, Pickett said he had "a personal basis" for attending the meetings but refused further comment.

Spokesmen for Vepco and for the Boston-based Stone & Webster, which had contracted with Vepco to design and build the North Anna plant, denied they directed Pickett to spy or gather information on the antinuclear groups.

The North Anna incident comes at a time when civil liberties groups say they are concerned about an increasing number of cases of utilities and



CHARLES PICKETT
... at June antinuclear rally

law enforcement agencies spying on antinuclear activists.

"We're finding a tremendous increase in the use of security and undercover techniques," said John Shattuck, director of the Washington legislative office of the American Civil Liberties Union.

"While this may seem to be a small incident, the facts aren't clear and I wouldn't be at all surprised if it was part of a larger security operation that Vepco had put into effect."

The short, strange career of Charles Pickett, antinuclear activist, began

See PICKETT, B5, Col. 1

PICKETT, From B1

last February when the Piedmont Alliance received a letter signed by "Charles Martin," expressing interest in civil disobedience.

Alliance members recall "Martin" first started coming to the group's bi-weekly public meetings in Charlottesville sometime in April. He stood out, they said, because he had relatively short hair and wore dark glasses, even indoors.

"He looked like a redneck lost among a bunch of hippies," said Woody Greenberg, a reporter for the Charlottesville Daily Progress, who met "Martin" at the June rally. "He wore reflector-type shades—and you just don't see those at most protest rallies."

The antinuclear activists said "Martin" did little talking at the meetings, which were devoted to preparing for the June 3 protest at the plant. But he did describe experiences he claimed to have had a year earlier at the large-scale protests at the Seabrook nuclear plant site in New Hampshire. Those protests served as both model and inspiration for the Virginia demonstrators.

Alliance member Donal Day, a University of Virginia researcher, recalls that "Martin" suggested those arrested not provoke authorities by refusing to accept bail.

"He warned us that the judge would probably hand out more severe sentences if we practiced 'bail solidarity' and overcrowded the jail," said Day. "In effect he was making it easier on the officials."

At one of the meetings, Richard Dulce, a Virginia graduate student who is the group's treasurer, recalled mak-

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North Anna

Worker Infiltrated Meetings of Nuclear Protesters

ing a lengthy report on the negotiations he and representatives of other antinuclear groups were having with Vepco the state police and law enforcement officials in Louisa County, where the North Anna plant is located.

"I gave people my impressions of how the negotiations were going and what we should do," said Dulee. "It was information that could have been useful to Vepco."

"Martin" volunteered to attend a May meeting in Richmond of the Virginia Sunshine Alliance, a coalition group, at which final plans for the protest were set.

He accompanied James Sprinkle, a Madison, Va., construction worker, to the meeting. Sprinkle, who said he was suspicious of "Martin" because of his appearance, recalled that "Martin" told him he was a self-employed landscaper and again recounted his experiences at Seabrook on the way to the meeting.

But when they got to Richmond, Sprinkle said, "Martin" told him he felt sick and waited outside in the car.

"I got really paranoid that he was contacting Vepco while we were in there," said Sprinkle. "But I felt we had nothing to hide from him. So when he kept asking me questions on the way home about what we'd discussed in there, I told him exactly what we'd talked about."

Soon afterward, Day said he heard from a friend at North Anna that someone there was bragging about attending Piedmont alliance meetings. After some investigating Day Greg discovered that it was Pickett who was doing the boasting.

Dulee then checked with directory assistance and found Pickett's address in Montpelier, Va., was the same as

that of "Charles Martin."

Piedmont Alliance members said that when they confronted "Martin" at the June 2 rally, he admitted his real name and that he worked for Stone & Webster. Pickett then told the antinuclear activists that he had used the alias to protect his job.

"That didn't add up," said Day. "If he was so concerned about his job, then why was he bragging around the plant about what he'd don't?"

Day and others told Pickett not to show up again at antinuclear meetings. None of the activists say they have seen him since the rally.

"He was very nervous that last day," said Sprinkle. "He knew he'd been caught on our ground and I think he thought we'd come over to stomp him out, even though we're nonviolent."

Alliance members, who insist all of their meetings and actions are public,

say they would have welcomed Pickett's participation if he had been open about who he was and what he wanted.

"His infiltrating us was kind of silly because there's nothing to infiltrate," said Sprinkle. "I don't think he was trying to instigate anything but I do think he was trying to gather information on us and he wasn't very good at it."

THE SECRET LEIU MEMBERSHIP LIST

The following confidential membership list of the LEIU was compiled in October 1972 and is probably still at least 90 percent accurate. The following abbreviations are used: Co.—County; P.D.—Police Department; D.A.—District Attorney; S.D.—Sheriff's Department.

ALABAMA Dept. Public Safety	El Centro P.D. El Dorado Co. S.D. Emeryville P.D. Falmouth P.D. Fresno P.D. Fresno Co. S.D. Fullerton P.D. Garden Grove P.D. Hayward P.D. Humboldt Co. S.D. Huntington Beach P.D. Imperial Co. S.D. Kern Co. S.D. Lodi P.D. Long Beach P.D. Los Angeles P.D. Los Angeles Co. D.A. Los Angeles Co. S.D. Marin Co. D.A. Marin Co. S.D. Modesto P.D. Monterey P.D. Monterey Park P.D. Napa P.D. Napa Co. S.D. Newport Beach P.D. Oakland P.D. Ontario P.D. Orange Co. D.A. Oxnard P.D. Palm Springs P.D.	Fairfield P.D. Pasadena P.D. Piedmont P.D. Placer Co. S.D. Pomona P.D. Redlands P.D. Redwood City P.D. Richmond P.D. Riverside Co. S.D. Sacramento P.D. Sacramento Co. S.D. San Bernardino Co. S.D. San Diego P.D. San Diego Co. D.A. San Francisco P.D. San Joaquin Co. S.D. San Jose P.D. San Leandro P.D. San Luis Obispo Co. S.D. San Mateo P.D. San Mateo Co. D.A. San Mateo Co. S.D. San Pablo P.D. San Rafael P.D. Santa Ana P.D. Santa Barbara P.D. Santa Barbara Co. S.D. Santa Clara P.D. Santa Clara Co. D.A. Santa Clara Co. S.D. Santa Cruz Co. S.D.	Tulare Co. D.A. Tulare Co. S.D. Ventura P.D. Ventura Co. D.A. Ventura Co. S.D. Vernon P.D. Walnut Creek P.D.	De Kalb Co. P.D. Muscogee Co. S.D. State Division of Investigation
ALASKA State Troopers			HAWAII Hawaii P.D. Honolulu P.D.	
ARIZONA Dept. Public Safety Phoenix P.D. Scottsdale P.D. Tucson P.D.		COLORADO Boulder P.D. Bureau of Investigation Denver P.D. Jefferson Co. S.D. Littleton P.D.	IDAHO Boise P.D. Dept. of Law Enforcement	
ARKANSAS Little Rock P.D.			ILLINOIS Chicago P.D. Cook Co. State Attorney's Office Rockford P.D. Skokie P.D. State Police	
CALIFORNIA Alameda P.D. Alameda Co. D.A. Alameda Co. S.D. Albany P.D. Anaheim P.D. Berkeley P.D. Buena Park P.D. Butte Co. S.D. Concord P.D. Contra Costa Co. S.D. Daly City P.D.		CONNECTICUT Hartford P.D. New Haven Police Service State Police	INDIANA State Police	
		DELAWARE State Police	IOWA Bureau of Criminal Investigation Cedar Rapids P.D. Des Moines P.D.	
		FLORIDA Dade Co. Public Safety Dept. Dept. of Law Enforcement Duval Co. S.D.		

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KANSAS Bureau of Investigation Wichita P.D.	MINNESOTA Bloomington P.D. Bureau of Criminal Apprehension Minneapolis P.D.	NEW JERSEY State Comm. of Investigation State Police	OREGON Eugene P.D. Medford P.D. Multnomah Co. D.A. Multnomah Co. S.D. Portland P.D. State Police	Salt Lake Co. S.D.
KENTUCKY Louisville Div. of Police State Police	MISSISSIPPI Highway Safety Patrol	NEW MEXICO Albuquerque P.D. State Police	PENNSYLVANIA Philadelphia Co. D.A. State Police	VERMONT State Police
LOUISIANA Jefferson Parish S.D. New Orleans P.D. Shreveport P.D. State Police	MISSOURI Gladstone Public Safety Dept. Kansas City P.D. State Highway Patrol St. Louis Co. Dept. of Police St. Louis Metropolitan Police Dept.	NEW YORK Buffalo P.D. Mount Vernon Police Dept. Nassau Co. P.D. Nassau Co. D.A. New York City Police Dept. Rochester P.D. Suffolk Co. P.D. Waterfront Commission -N.Y. Harbor	RHODE ISLAND State Police	VIRGINIA Fairfax Co. P.D.
MAINE State Police	NEBRASKA Lincoln P.D. State Patrol	OHIO Bureau of Criminal Identification & Investigation Cincinnati P.D. Cleveland P.D. State Highway Patrol	TENNESSEE Nashville Metro P.D.	WASHINGTON Seattle P.D. State Patrol Tacoma P.D.
MARYLAND Baltimore P.D. State Police	NEVADA Clark Co. S.D. Las Vegas Metro P.D. Reno P.D. Sparks P.D. State Gaming Control Board Washoe Co. D.A. Washoe Co. S.D.	OKLAHOMA State Bureau of Criminal Investigation	TEXAS Amarillo P.D. Beaumont P.D. Corpus Christi P.D. Dallas P.D. Department of Public Safety Fort Worth P.D. San Antonio P.D. Wichita Falls P.D.	WISCONSIN State Dept. of Justice
MASSACHUSETTS Dept. of Attorney General State Police			UTAH Salt Lake City P.D.	WYOMING State Attorney General
MICHIGAN Dept. of Attorney General Detroit P.D. East P.D. State Police Warren P.D.			CANADA ONTARIO Canada Department of Manpower & Immigration Niagara Regional Police Force Ontario Provincial Police Toronto Metro P.D. Windsor City P.D.	
			QUEBEC Montreal Regional Comm. P.D.	

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EXHIBIT
FOR IDENTIFICATION
FBI DECEMBER, 1977
DATE

ANTI-NUCLEAR POWER

In three weeks time, opponents of nuclear power plants will mount the first mass demonstration of the year at the site of a proposed power plant in New Hampshire. Depending on their success or failure, other actions in different parts of the United States where nuclear powered electrical generating plants are either in operation or planned can be expected.

The New Hampshire demonstration is being organized by the Clamshell Alliance (CA), operating from P.O. Box 162, Seabrook, NH [603/964-6514 and 436-5414]. The Clamshell Alliance is calling for massive civil disobedience ["nonviolent direct action"] and plans to occupy the Seabrook nuclear power plant site on April 30, 1977.

Formed in July 1976, as an outgrowth of the Seacoast Anti-Pollution League, the CA organized a series of rallies and demonstrations that culminated in a Hampton Falls rally on August 22, 1976, in which over one thousand people participated. From this rally, 180 demonstrators moved onto the Seabrook site and announced they were not planning on leaving. The "civil disobedience" group were arrested on trespass charges. After their convictions in the District Court, most appealed to the Superior Court: five who did not appeal were sentenced to 40 days hard labor.

This year the CA organizers hope that 5,000 people will attend the rally and that 1,800 will occupy the nuclear power plant construction site.

The Clamshell Alliance includes some fifteen anti-nuclear power and ecology groups such as Concerned Citizens of Seabrook, the Granite State Alliance, the Alternative Energy Coalition of the North Shore, Brattleboro Political Action, the Portsmouth People's Energy Commission, and Nuclear Objectors for a Pure Environment (NOPE) of Montague, MA.

Leadership roles in the CA have been taken by the Alternative Energy Coalition (AEC), 31 Federal Street, Greenfield, NH [603/777-5580] and two individuals, Guy Chichester, formerly with the Seacoast Anti-Pollution League, and Sam Lovejoy of NOPE.

It will be recalled that NOPE leader Lovejoy surrendered himself to police on 2/22/74 after loosening the bracing cables of a preliminary weather tower at the Montague, MA, nuclear power plant site. The \$50,000 tower collapsed. In a prepared statement to the press, Lovejoy admitted "full responsibility for sabotaging that outrageous symbol of a future nuclear powerplant." After a week-long trial in which Lovejoy defended himself as having acted in the public interest, the judge directed acquittal on grounds of a faulty indictment which charged him with destruction of personal, rather than real property. Lovejoy then told the press, "The publicity *** was a great victory, and we've entered the issue of civil disobedience into the environmental movement."

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ANTI-NUCLEAR (CONT.)

During 1975 and 1976, Lovejoy worked to forge anti-nuclear power alliances with activist groups such as the War Resisters League (WRL), Women Strike for Peace (WSP), and Ralph Nader's Critical Mass. In an article in mid-1976 published in *Grass Roots*, the newspaper of the People's Party, he described how he suggested sabotage of a nuclear power plant's electrical transmission lines to the Project Survival group in San Luis Obispo, CA.

This month, the concept of destruction of property as "civil disobedience" has been both espoused and expanded by "public citizen" Ralph Nader in an interview published in the *Village Voice* [4/4/77]: in which he said:

"What activists are trying to do is make new law based on the settled Anglo Saxon tradition of self-defense that stretches back through Blackburn's commentaries," Nader replied. "That is, if someone tries to break into your house you can retaliate lawfully. In the case of a nuclear reactor, the self-defense is projective. But what are you going to do, wait until radioactivity is all over the place? Shouldn't you destroy property before it destroys you? Here you are violating a minor law to get judgment on a more important one, the way they did in the civil-rights movement when they sat at those lunch counters."

"You know," he said, gesturing sharply out the window of his office, "if it hadn't been for those demonstrators, the war would still be going on. The government was afraid of civil war. I'll make a prediction: If they don't close these reactors down, we'll have civil war within five years. There'll be a big accident, say, out West somewhere, and those conservative ranchers will find out that their land and their cattle are worthless and they'll use their guns."

With acts of civil disobedience being planned against nuclear energy facilities in California, Oregon, South Carolina and New York (on Long Island), it can be expected that the Clamshell Alliance's militant "Declaration of Nuclear Resistance" (which follows as page 116) will proliferate.

As for last year's Seabrook demonstration, the American Friends Service Committee (AFSC) is providing the Clamshell Alliance with training in "nonviolent civil disobedience." AFSC's support is also giving the CA something of a national organizing capability.

The tactics for this year's training sessions parallel those for the 1976 occupation of which one participant reported:

"Every participant in the occupation had to identify her/himself before hand, undergo a training session in non-violence and join an affinity group [based on one's place

ANTI-NUCLEAR (CONT.)

of residence], that would stay together during the entire demonstration***. The affinity groups created a mechanism for democratic decision making during the action. Thus, each affinity group had its own designated spokesperson (or 'spoke') as the connecting links of a wheel. The spoke would represent her/his affinity group in a centralized decision making body. S/he would also carry information back and forth between the affinity group and the coordinating body, so that the decisions of the latter would be based on the input of the collective affinity groups."

The advantages of this type of organization at a demonstration were outlined in the following terms: ...

"*** a large number was not the Clamshell's first priority. Instead of a mass demonstration distinguishable only by its size, they wanted a tightly knit group that would gain the experience of collective action, maintain a nonviolent discipline, guard against police agents, and then remain together as an organizing group *** [for] when the hard work of building support for the next occupation would begin."

Militant action to stop nuclear powered electrical generating plants has occurred in European countries for several years. In 1974, at Wyhl in West Germany, 28,000 people occupied the site of a proposed nuclear power station in a nature preserve. For more than two years, the site has been continuously occupied by demonstrators: construction of the nuclear plant has been effectively stopped.

The Wyhl demonstrations and perpetual sit-in has been the model for the Clamshell Alliance organizers. The Wyhl demonstrations have been given considerable publicity in recent months by *WIN* magazine, associated with the War Resisters League (WRL), and it has been reported that the Clamshell Alliance has established "fraternal relations" with the West German anti-nuclear activists.

Although the CA is in contact with groups such as the 7-year old New England Coalition on Nuclear Pollution which has fought nuclear power plants in the courts, the Clamshell Alliance is committed to achieving its goal through direct action in violation of the law culminating on physical occupation of the site of the Seabrook plant.

The Clamshell Alliance's statement of principles follows:

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WE THE PEOPLE demand an immediate and permanent halt to the construction and export of nuclear power plants.

Nuclear power is dangerous to all living creatures and their natural environment. It is designed to concentrate energy, resources and profits in the hands of a powerful few. It threatens to undermine the principles of human liberation on which this nation was founded.

A nuclear power plant at Seabrook, New Hampshire — or elsewhere in New England — would lock our region on this suicidal path. As an affiliation of a wide range of groups and individuals, the Clamshell Alliance is unalterably opposed to the construction of this and all other nuclear plants. We recognize that:

1. The present direction in energy research and development is based on corporate efforts to recoup past investments, rather than on meeting the real energy needs of the people of America.

2. There is a malignant relationship between nuclear power plants and nuclear weapons. The arms industry has used the power plants as a shield to legitimize their technology, and the reactor industry has spawned nuclear bombs to nations all over the world, as well as, potentially, to terrorist groups and even organized crime.

3. Nuclear plants have proven to be an economic catastrophe. They are wasteful and unreliable, and by their centralized nature tend to take control of power away from local communities.

4. The much-advertised "need" for nuclear energy is based on faulty and inflated projections of consumption derived from a profit system that is hostile to conservation. The United States is 6 percent of the world's population consuming 30 percent of its energy resources. With minimal advances in conservation, architecture and recycling procedures, the alleged "need" for nuclear energy disappears.

5. The material and potential destructiveness of nuclear power plants is utterly horrifying. It ranges from cancer-causing low-level radiation to the possibility of major meltdown catastrophes to the creation of deadly plutonium which must be stored for 250,000 years, to destruction of our lakes, streams and oceans with hot water. The murderous contingencies have already filled many volumes, and they cannot be countenanced by a sane society. No material gain — real or imagined — is worth the assault on life itself that atomic energy represents.

WE THEREFORE DEMAND:

1. That not one more cent be spent on nuclear power reactors except to dispose of those wastes already created and to decommission those plants now operating.

2. That American energy resources be focused entirely on developing solar, wind, tidal, geothermal, wood and other forms of clean energy in concert with the perfection of an efficient system of recycling and conservation.

3. That any jobs lost through cancellation of nuclear construction be immediately compensated for in the natural energy field. Natural energy technology is labor-intensive (as opposed to nuclear, which is capital-intensive) and create more jobs — permanent and safe — than the atomic industry could ever promise. Any dislocation caused by shift from nuclear to natural energy must be absorbed by capital, not labor.

4. That a supply of energy is a natural right and should in all cases be controlled by the people. Private monopoly must give way to public control.

5. That in concert with public ownership, power supply should be decentralized, so that environmental damage be further minimized, and so that control can revert to the local community and the individual.

We have full confidence that when the true dangers and expense of nuclear power are made known to the American people, this nation will reject out of hand this tragic experiment in nuclear suicide, which has already cost much in health, environment quality, and material resources.

The CLAMSHELL ALLIANCE will continue in its uncompromising opposition to any and all nuclear construction in New England.

Our stand is in defense of the health, safety and general well-being of ourselves and of future generations living things on this planet.

We therefore announce that should nuclear construction still be in progress at Seabrook, New Hampshire,

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Information Digest

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ATOM POWER FOR OBJECT OF INQUIRY

Agency Says It Destroyed Dossier on Texas Pilot

Special to The New York Times
AUSTIN, Tex., Aug. 4—The Texas Department of Public Safety has acknowledged having compiled a dossier on a commercial airline pilot who heads a group opposed to a proposed nuclear power plant near Dallas.

The police agency says it has since destroyed the dossier, but it refuses to say how many other persons or organizations opposed to nuclear power in Texas it had investigated and whether it continues to maintain their files.

"This would breach the confidentiality of our files," said Jim Robinson, a spokesman for the department. He added that the department's records were available only to other law enforcement agencies.

Word of the dossier became public last week when Robert W. Pomeroy, a 37-year-old pilot for the Continental Airlines, gave copies of the dossier to attorneys for the Federal Atomic Safety and Licensing Board of the Atomic Energy Commission at a hearing last Wednesday at Glen Rose, about 45 miles southwest of Fort Worth and 75 miles northwest of Dallas. Glen Rose, known principally for its fossilized dinosaur tracks, is the proposed site of the Comanche Peak nuclear plant, to be built by the Dallas Power & Light Co. and other Texas utility companies.

Information Exchange

Mr. Pomeroy, a Continental pilot for several years, said he had received a copy of the department's report from his immediate supervisor, who received it from his supervisor in Los Angeles. Continental apparently requested a copy of the report from the department in exchange for biographical information about the former Marine Corps pilot.

Mr. Pomeroy, who lives in Farmers Branch, a suburb of Dallas, founded the 40-member Citizens Association for Sound Energy last January, shortly before a public hearing on the proposed nuclear plant before the Dallas City Council on Jan. 14.

Kate Robinson Butler Is Dead; Public

Kate Robinson Butler, 68, died Saturday afternoon after a long illness. Mrs. Butler, president of WBBM-TV, died at her home in Buffalo, N.Y. Her husband, Robert Butler, died in 1968. Mrs. Butler was a member of the Buffalo Chapter of the American Legion and the Buffalo Chapter of the United Daughters of America. She was married to Mr. Butler in 1909.

In World War I, Mrs. Butler served as treasurer of Liberty Loan drives in Buffalo. She also helped raise money for the University of Buffalo.

Pomeroy "a gross violation by a state agency," and said he would call Colonel Speir and Mr. Pomeroy next month before the State Senate Jurisprudence Committee, of which he is chairman. The committee is looking into alleged violations of privacy against Texas citizens.

Mr. Schwartz also said he suspected that the police agency's investigation was prompted by a "request from the very industry being opposed" by Mr. Pomeroy—the Texas utility companies.

Mr. Hardesty said Colonel Speir told Governor Wallace that the utility companies "absolutely did not" request the investigation of nuclear power opponents.

A spokesman for the Texas Attorney General's Office said it would be difficult to prove that investigations such as the one of Mr. Pomeroy were illegal.

But Mr. Pomeroy said he was "damned mad and disgusted" and that he had accepted an offer by the Texas chapter of the American Civil Liberties Union to represent him.

"I'm going to have to do something in the courts, because just them giving me a public apology and saying that they've destroyed my files

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Surviving are a daughter, Mrs. Bruce Wallis, and two grandchildren.

A memorial service will be held tomorrow at 2 P.M. at the Westminster Presbyterian Church in Buffalo.

RUDOLPH INGRISCH

Rudolph Ingrisch, who retired in 1971 as chairman and chief executive officer of Blawie & Smith, Inc., manufacturer of heavy machinery and power equipment, died Friday in West Haven, Conn. He was 64 years old and lived in Deerfield Beach, Fla.

Mr. Ingrisch, who had been with the company for 21 years, graduated from the Columbia School of Business and the Harvard School of Business Administration.

Surviving are his widow, Gertrude, a daughter, Barbara Freeman, and two grandchildren.

JOHN A. RATHBUN

John Alden Rathbun, retired Buffalo district manager of Texaco Inc., died yesterday in Beaufort, N.C., where he had been living. He was 66 years old.

Mr. Rathbun was a graduate of Yale's Sheffield Scientific School.

Surviving are his widow, the former Shirley van Voorhis, three daughters, and a previous marriage, three brothers, a sister and six grandchildren.

Deaths

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Surviving are his widow, the former Shirley van Voorhis, three daughters, and a previous marriage, three brothers, a sister and six grandchildren.

JOHANSON—Dorothy E. born 1917, 1434 W. 10th, Minneapolis, Minn.; husband, Walter E. Johanston, 1434 W. 10th, Minneapolis, Minn.; children, Walter E. Johanston, 1434 W. 10th, Minneapolis, Minn.; and Dorothy E. Johanston, 1434 W. 10th, Minneapolis, Minn.

JOHN—Edward J. born August 2, 1912, in Des Moines, Ia.; married, 1934, to Mary E. Johnson, 1434 W. 10th, Minneapolis, Minn.; children, Walter E. Johnson, 1434 W. 10th, Minneapolis, Minn.; and Dorothy E. Johnson, 1434 W. 10th, Minneapolis, Minn.

KAPLAN—Ch. born 1912, 1434 W. 10th, Minneapolis, Minn.; husband, 1934, to Mary E. Kaplan, 1434 W. 10th, Minneapolis, Minn.; children, Walter E. Kaplan, 1434 W. 10th, Minneapolis, Minn.; and Dorothy E. Kaplan, 1434 W. 10th, Minneapolis, Minn.

KAPLAN—Irving born 1912, 1434 W. 10th, Minneapolis, Minn.; husband, 1934, to Mary E. Kaplan, 1434 W. 10th, Minneapolis, Minn.; children, Walter E. Kaplan, 1434 W. 10th, Minneapolis, Minn.; and Dorothy E. Kaplan, 1434 W. 10th, Minneapolis, Minn.

KAUFMAN—C. Maxwell & E. E. born 1912, 1434 W. 10th, Minneapolis, Minn.; husband, 1934, to Mary E. Kaufman, 1434 W. 10th, Minneapolis, Minn.; children, Walter E. Kaufman, 1434 W. 10th, Minneapolis, Minn.; and Dorothy E. Kaufman, 1434 W. 10th, Minneapolis, Minn.

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A POLICE AGENCY ASSAILED IN TEXAS

State Unit Admits Compiling
File on Nuclear Critic

Special to The New York Times

AUSTIN, Tex., SEPT. 28

A subcommittee of the Texas senate is considering legislation to limit the intelligence activities of the state police agency.

The admission that the Texas Department of Public Safety compiled a dossier on an airline pilot, Robert W. Pomeroy, because of his opposition to a proposed nuclear power plant near Fort Worth has precipitated a major state controversy.

This week State Senator Oscar Mauzy of Dallas convened a Jurisprudence subcommittee hearing to investigate the state police agency. That hearing on Monday and others that have been planned are designed, he said, "to document instances in which the Department of Public Safety trampled on the rights of citizens of Texas and to recommend legislative action to make sure that this does not happen again."

Col. Wilson E. Speir, director of the state police agency, warned at the hearing that legislators should not "overrestrict the proper use of the intelligence function in law enforcement."

Quotes Comic Strip

Colonel Speir concluded his statement by quoting the assertion of a leading character in a recent comic strip that "ever since Watergate, people treat intelligence work as if it were a no-no. Which must be good news for the bad boys around the world who are waiting for the United States to crack."

Meanwhile, David A. Dimick, the intelligence agent who compiled the dossier on Mr. Pomeroy and gave a copy of it to the security department of Continental Airlines, testified at the hearing that he considered it "in the realm of possibility" that Mr. Pomeroy might crash his passenger plane into a nuclear power plant. Mr. Pomeroy called that "so ludicrous as to defy an answer."

Mr. Dimick, a 25-year-old former highway patrolman and former narcotics agent, said he believed he had dismissed the

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A.L.A.

ala St Laurent
his perfect line-for-life

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Mr. Dimick, a 28-year-old former highway patrolman and former narcotics agent, said he believed he had discussed the possibility of such an action with the airline, although he said he did not personally subscribe to it. Mr. Pomeroy, a 37-year-old former Marine corps captain, came to the attention of the state police agency after he spoke at a Dallas City Council meeting last January, shortly after he formed the group, called Citizens Association for Sound Energy, to oppose construction of a nuclear power plant near Glen Rose, 35 miles southwest of Fort Worth, by a consortium of companies that included the Dallas Power and Light Company.

Mr. Pomeroy said he had received a copy of Mr. Dimick's dossier on him from his immediate supervisor at Continental Airlines and decided to make it public.

Agent's Testimony -

The Pomeroy controversy generated charges that the state police had overstepped their bounds and had initiated political investigations of numerous Texas citizens at the behest of the politically and financially powerful.

W. A. Cowan, agent in charge of the 50-man Department of Public Safety's intelligence section, testified that the agency has been re-evaluating intelligence files since 1972 and said that after the Pomeroy case, the agency had begun a wholesale destruction of "noncritical" intelligence files. The files were not even examined individually but rather were "boxed, sealed, and committed to an incinerator," he said.

The Rev. Dwight Brown, minister of the First Unitarian Church of Dallas, a church labeled subversive in Mr. Dimick's report on Mr. Pomeroy, told the subcommittee that the agency's "massive paper-shredding operation has probably made it much more difficult for this committee to determine the extent to which past activities of the D.P.S. unjustifiably invaded the rights of citizens in their pursuit of lawful political activity."

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Mr. Brown, whose church was cited in Mr. Dimick's report because it was the forum for a debate between Mr. Pomeroy and a spokesman for Dallas Power and Light, continued:

"Although this paper shredding may not in a legal sense constitute destruction of evidence, in a moral sense, and in the view of many citizens, it does constitute a massive admission of guilt on the part of the D.P.S. and raises questions of the most serious kind about the extent to which the D.P.S. may have been involved in surveillance activities which were improper or even unlawful."

Mr. Pomeroy himself seems a minor character at the hearing. He said in response to a question from a committee member that he did not know what he would have done if his employer had asked him to give up his nuclear power protest or lose his job.

"I've got a good job and I like what I'm doing," Mr. Pomeroy said. "If I thought I was going to lose it, I'd have to think awfully long and hard. Airline pilots are pretty useless when they leave the employ of one airline. You're done when you're fired from an airline."

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The five moods of
sophistication. The
Two Piece Chemis
linal details. High f
Oh! La, La! Young

Charge it at Ohrbach's NEW YORK: 34th St. M
Mon-Sat 10 W 9:30. PARAMUS, N.J.: Bergen Mall, N

THE FEDERAL BUREAU OF INVESTIGATION ENTERS THE NUCLEAR AGE

"Over the years, we have been warned about the dangers of subversive organizations ... organizations that would incite and perpetuate violence, pit one American group against another ... there is an organization that does fit those descriptions. It is the organization (the F.B.I.) that has been most active in its warnings to be on guard against such organizations."

-- Senator Phillip Hart

The Federal Bureau of Investigation has amassed files and indices on over 6.5 million American citizens, political organizations, and events. It has a cross-reference index that contains over 59 million cards and it employs 8,313 Special Agents in 59 Field Offices and 500 Resident Agencies across the country to do its legwork. In 1978, the Bureau operated on a total budget of \$513 million, of which \$402.6 million was used to finance domestic security and criminal investigations (including \$2 million for undercover operations).

The degree to which the agency is involved in surveillance of the anti-nuclear movement and other persons and organizations suspected of being threats to nuclear facilities can only be guessed at. Aside from the fact that much of the Bureau's activity is veiled under the cover of "national security", access to information is also frustrated by the fact that many FBI investigations/programs are disguised by the use of such vague labels as terrorism, sabotage, national defense, or internal security. However, enough data has been gathered by the authors to confirm that the FBI is heavily involved in nuclear power intelligence gathering and surveillance.

One starting point for consideration is the nuclear involvement of the late William Sullivan and Charles D. Brennan. Sullivan had been the Director of the Office of National Narcotics Intelligence and later the Assistant Director of the FBI. With the assistance of Charles Brennan, Sullivan headed the FBI's COINTELPRO operations during the 1960's and early 1970's (COINTELPRO is the code name for a Bureau counter-intelligence program that relied upon a range of covert and illegal actions to disrupt the political activity of anti-war activists, leftists, and the civil rights movement; its tactics included IRS tax audits, harassment arrests, attempts to defame organization leaders, and police raids). Sullivan was also the lobbyist for the FBI's Huston Plan (a federal intelligence community program to use burglary, wiretaps, electronic surveillance, and mail coverage against "individuals and groups in the U.S. who pose a threat to the internal security"; after a short life, the program was scratched by FBI head J. Edgar Hoover).

Following his retirement from the FBI in 1971 after a falling out with Hoover (who Sullivan felt was becoming too cautious about conducting surreptitious entries and covert operations), Sullivan went to work on the Rosenbaum Report for the Atomic Energy Commission. He was a member of the small team of consultants which prepared the study under the aegis of Dr. David Rosenbaum; and Rosenbaum, interestingly, had previously served under Sullivan at the Office of National Narcotics Intelligence. As noted earlier, their final Report placed primary emphasis on intelligence-gathering and infiltration of suspect groups as

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a deterrent to nuclear theft along with "ongoing analysis of the attitudes of the people in the (nuclear) plant and the community around the plant".

Both Rosenbaum and Sullivan's former colleague Charles Brennan worked on the Mitre Report for the Nuclear Regulatory Commission several years later. That study recommended surveillance of any group that organizes large demonstrations and any person "expressing undue and unusual interest in plant activities and the like." In other words, Sullivan and Brennan, with the assistance of Rosenbaum, have set the stage for the revival of the COINTELPRO program in nuclear intelligence operations. The sequence of events reminds one of the old French adage: "The more things change, the more they remain the same."

The FBI's involvement in anti-nuclear intelligence goes far beyond the activities of its alumni Sullivan and Brennan, however. And that involvement has been extensive. Although the FBI received its authorization for nuclear intelligence operations from the 1954 Atomic Energy Act, it began exercising an interest in the nuclear area long before that statute was enacted. For example, the FBI used physical and electronic surveillance to spy on J. Robert Oppenheimer from 1941 through at least 1954. Oppenheimer is known as "the father of the atomic bomb". According to documents released under the Freedom of Information Act to the Chicago Sun-Times, the FBI at one time had three cars cruising Princeton, New Jersey to tail the scientist.

The FBI also investigated the Federation of American Scientists (FAS) from 1946-1950 during the period when FAS sought civilian control of atomic energy in the form of an Atomic Energy Commission. During that time, the Army gave the FBI a report that among those FAS officers involved in "communist front activity" were J. Robert Oppenheimer, Harlow Shapley (former President of the American Association for the Advancement of Science), and Nobel Prize-winner Harold Urey. The FBI closed its FAS investigation in 1950 with precious little substantive information in its FAS dossier.

More recently, the FBI's nuclear interests have apparently picked up. Possibly in response to the bad publicity it received after the revelations of the wrong-doing under the COINTELPRO program, the agency began looking about in the early 1970's for new reasons to justify continuance of many of its old operations. Nuclear power was among the issues the FBI seized upon; a new era was unfolding. Indicative of the new direction the agency was chartering for itself was its 1974 Annual Report; the document noted, in part, that:

"...publicity concerning the possibility of nuclear blackmail by terrorists has made available to the public detailed information relative to nuclear energy, radioactive material, and storage and transport of nuclear weapons. This has resulted in an increase in the number of investigations involving possible violations of the Atomic Energy Act. This trend is expected to continue."

More recently, the FBI has turned its attention to the anti-nuclear movement. In response to the question of whether the FBI investigates groups that occupy nuclear facilities (such as the Clamshell Alliance in New England, the Abalone

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Alliance in California, and the Palmetto Alliance in South Carolina), the answer is an emphatic "Yes". According to James Adams, FB. Deputy Assistant Director, "(W)hen they step on that government facility it is trespass. And, under the Atomic Energy Act, the FBI has the investigative responsibility to investigate trespass on an ERDA facility." 3 1

Adams has also commented that "I would be incorrect if I took the position that we don't have anything in our files dealing with the peaceful uses of nuclear energy pro or con." 3 4 On whether the agency maintains dossiers on nuclear opponents, Adams has been less specific: "not ... solely on an individual's opposition to the use or expansion of nuclear energy. However, such information may be developed and maintained incidental to other investigative activity ... it could become a relevant issue ." 3 5

The justification for the FBI's interest in anti-nuclear activity is traceable at least partially to the "communist threat" theory. Adams has explained that "the Communist Party of the United States, which is dominated and controlled by the Soviet Union ... has as a program to try to discourage the use of nuclear energy in the United States." 6 4 Therefore, the FBI apparently rationalizes, if any other organization has an anti-nuclear stance, it automatically becomes suspect under the Bureau's investigation of the Communist Party. In early 1977, FBI Director Clarence Kelly underscored Adams' remarks when he reported that spying by agents of Communist countries in the U.S. continued "unabated" explaining that their targets included scientific and technical resources. Given the "level of the threat currently posed", Kelly announced, the FBI "will have to be much more diligent with "full utilization of all existing counter-intelligence resources."

Consistent with this attitude, the FBI has been providing both the Department of Energy and the Nuclear Regulatory Commission with advance warnings about individuals and groups that it believe may pose threats to nuclear facilities. FBI files include the results of over 2,000 investigations per year for ERDA/DOE and the NRC. 7 7 In fact, the FBI has consistently conducted more investigations for the nuclear energy agencies than for most other federal agencies and in 1975 it surpassed them all. 8 Every FBI Field Office has one or more Special Agents who are assigned to act as liaison officers to the Nuclear Regulatory Commission, Department of Energy, and local nuclear facilities. Through this link, as well as at the national level, a flow of safeguards information passes from hand to hand. In addition, information about the more than 200 bomb threats against nuclear facilities in the U.S. is maintained in the agency's National Bombing Data Center in the organized crime division.

In 1976, the General Accounting Office released a report on its 18-month study of the FBI's domestic intelligence investigations. The GAO found that utility employees were regularly used as "confidential informants" in the FBI's investigations. As discussed later, many utilities have apparently developed file-keeping systems to monitor local anti-nuclear activities. Presumably, this information has been among that provided to the FBI. The data received by the Bureau goes into the permanent FBI files and is disseminated to other federal, state, and local law enforcement agencies.

The FBI also received arrest records and other information from various police agencies around the country. This data is recorded in the agency's National Crime Information Center (NCIC) computer (whose funding the Carter

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Administration reinstituted after earlier rejection on civil liberty grounds by the Ford Administration). The NCIC links federal, state, and local law enforcement agencies and allows police in 48 states access to its 6½ million records.

In 1976, the Scientists Institute for Public Information conducted a study on NCIC noting that because of the large number of NCIC terminals (between 6,600 and 7,000) there are serious security and privacy problems. There is no independent auditing of what information is placed in the NCIC data banks and there have been several cases already where the computer has been abused.

For example, the Georgia Power Company and the Alabama Power Company have both received information from the computer. According to former Georgia Power security officer William Lovin: "I could get anything I wanted on your background -- by going directly to a sheriff or possibly a chief of police in this state -- or anything that had been fed into the national computer." The only stipulation was that the material be burned after it was transcribed.

Not surprisingly, Congressman John Moss (D-CA) has called the NCIC computer "the beginning of the creation of a national police force (which) poses a threat to the civil liberties and privacy of every citizen."

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D.O.E. SNOOPS

"if we have it in the files, we give it out ..."

-- a DOE official

I. A Few Choice Selections:

"Hyperactive fellow" was the term an NRC staffer used to describe Illinois State Representative Richard Mugalian in one of the files released to the authors under the federal Freedom of Information Act by the Department of Energy (formerly the Energy Research & Development Administration -- i.e. ERDA).

Another ERDA memo reported that all of Kansas' major office holders support nuclear power except for the Attorney General -- "the only Democrat in the group."

A third file stated that "the political climate in Missouri seems to be generally hostile to utilities". The file further commented that according to a Missouri utility representative, former Attorney of Jackson County (Missouri) Teasdale was "excessively and irrationally hostile towards utilities." And a supporter of the citizens' initiative for a nuclear moratorium in the state was described by the file's contents as a "gadfly".

Further similar DOE/ERDA files came to light when an Iowa group called Free Environment got its hands on one page of ERDA's records describing anti-nuclear activities in that state; the file was entitled simply "IOWA". The citizen organization pressured ERDA to release the full records for the state on Iowa's nuclear program and policies; subsequently, ERDA released over 100 pages of materials to Steve Freedkin of the group. A large portion of the documents contained notes prepared by Ruth W. Gussman, an analyst in the agency's Division of Nuclear Research and Applications who had been assigned to the Office of Industry, State & Local Relations when she developed the data. Her notes contained information on current nuclear power generation and the prospects for additional capacity along with information about anti- and pro-nuclear activities in ten midwestern states.

The Plant Siting Commission in Ohio was described as being hostile for "its demands for information and its reviews beyond areas which the utilities deem appropriate for its charter". Gussman also reported that the prime mover in the Ohio safe energy initiative was Ohioans for Utility Reform -- a coalition composed of eighteen groups (these included Operation Push, the Ohio Council of Churches, the Ohio Coalition of Senior Citizens' Organizations, Council 455 of the Communications Workers of America, the International Chemical Workers, Western Block, and the Richland County Labor Council). "Despite their impressive names," Gussman recorded, "some of these organizations represent a small number of people."

The last point may appear insignificant. However, when juxtaposed against reviews of organizations sympathetic to nuclear power, it can be easily seen that DOE/ERDA's records carry a heavy editorial bias -- possibly great enough

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to be considered distortions and fabrications of information. For example, consider the rather positive commentary on the people working to defeat the California Nuclear Safeguards Initiative and keep nuclear alive in that state:

"A broadly-based coalition of labor, industry, utilities, farm, science, and minority groups has been formed to counteract the initiative efforts ... At present, the group wishes to avoid seeming to subvert the democratic process by urging the electorate against signing petitions, but should the initiative effort qualify for the ballot, the coalition will be prepared to move out with a campaign."

The Gussman documents also described a question/answer television show on nuclear power which was aired in Iowa on March 12, 1974; the show featured William H. Smith (the Assistant Manager of Information & Security at the AEC's Ames Laboratory) and Skip Laitner (then a member of Citizens United for Responsible Energy). The following day, Smith reported to Gary Pitchford of the AEC's Chicago Operations office that the program was unusually animated. He said:

"I would not say, however, that we left the opposition battered and bleeding."

"Skip Laitner is an articulate spokesman and has a tremendous capacity for recalling a prodigious amount of information ... Skip tended to monopolize the evening, interrupting all participants, and reiterating previous charges. This, I think, must have been irritating to the viewing audience."

The authors followed up on documents released to Free Environment by requesting similar records for all the other states. DOE attorney Nancy Speck responded that "they (i.e. DOE) might have gotten rid of them ... as a result of this other (i.e. Free Environment's) request. They might have discovered that they were collecting information they shouldn't have."

Later, when Ruth Gussman was asked how she responded to industry requests for information such as that found in the above-described documents, she replied: "if we have it in the files, we give it out."

II. Agency Surveys:

It would appear that DOE/ERDA has relied on a number of methods to acquire the information that accumulates in the agency's files. Among these have been numerous surveys.

For example, in 1975, the Social Impact Assessment Group at the Oak Ridge National Laboratory (which is operated by the Union Carbide Corporation at Oak Ridge, Tennessee) conducted a study in conjunction with ERDA of the community around the proposed site of the Hartsville nuclear power plant. (The plant was to be constructed by the Tennessee Valley Authority near Dixon Springs, Tennessee; it would consist of four 1100 MWe units and be located just 35 miles east of Nashville in Trousdale County on the Cumberland River.)

The community survey was conducted to collect data and assess attitudes, expectations, and group membership. It looked at "stress indicators, group

formation, and intergroup relations" in order to develop a "theoretical framework for social impact analysis which, among other things, would specify the types of major impacts to be expected at each stage in the life-cycle of a power generating facility." Additional goals included:

"specification of the characteristics of the most intensely-affected segments of the community population and assessment of the feasibility and effectiveness of amelioration strategies that might reduce adverse impacts."

The project conducted two attitudinal surveys in Hartsville and Trousdale County in 1975; the second was conducted just a month before licensing hearings were scheduled for the proposed plant. Among other things, the surveys focused on:

- sources of information about events in the town and the proposed plant and the perceived reliability of these sources
- attitudes toward the proposed plant and toward T.V.A.
- perceived likelihood of various outcomes that could accompany the plant and the desirability of these outcomes
- basic demographic information about respondents such as age, education, and occupation.

In addition, the surveyors presented the respondents with information favorable to nuclear power and to the proposed plant.

Not surprisingly, one of the purposes of the surveys was admittedly "to identify supporters or opponents of the plant." The exact use to which this information would be put to, however, was not made clear. But a number of events that followed closely on the heels of the survey suggest possible uses that were made of the data.

On June 4, 1976, not long after the survey was completed, evidentiary hearings were held in Nashville regarding the proposed Hartsville Nuclear Power Plant. There had been a great deal of activity surrounding the hearings and anti-nuclear activists had cause to suspect that their phones had been tapped. The telephone company manager refused to respond to requests to investigate the possibility. On June 3, the night before the hearings, the home of a member of Concerned Citizens of Tennessee in Hartsville was broken into and footlockers were ripped open and searched -- apparently as part of a search for documents. The felon was never apprehended.

III. DOE's File System:

Under its Privacy Act guidelines, ERDA/DOE is subjected to a number of restrictions in its file-gathering activities. For example, it cannot:

"collect, maintain, use, nor disseminate information concerning an individual's religious or political beliefs or activities or his membership in associations or organizations, unless (i) the individual has volunteered such information for his own benefit; (ii) the information is expressly authorized by statute to be collected, maintained, used, or disseminated; or (iii) the activities involved are

pertinent to and within the scope of an authorized investigation or adjudication activity."

Although the guidelines seem reasonable on the surface, they actually allow ERDA/DOE a great deal of discretion; and upon examination, one may wish to question whether the agency should be allowed such generous leeway. In some cases, it appears that DOE has flagrantly violated its own guidelines.

DOE has an elaborate filing system for the information it gathers. It also has a liberal dissemination authority. The catch-all title "Investigative Files -- ERDA (now DOE)" has been used to identify records kept on:

"current and former ERDA and contractor employees who are the subject of investigations and individuals involved in miscellaneous investigative matters."

No further explanation or guidelines have been provided by the agency of what constitutes a "miscellaneous investigative matter". It could be presumed, however, that if such investigative files were solely pertinent to violations of the law -- as the agency's limited authorization for investigations would restrict such data to be -- then they would have been included in the earlier category pertaining to such matters instead.

The Investigative Files are generated by what had been the Office of Internal Review and are now in the Inspector General's office. That office conducts investigations of alleged improprieties of ERDA/DOE: "guys that are making it with the secretary," explained one ERDA official. The Karen Silkwood case was among the "improprieties" relegated to this section.

The Investigative Files contain "reports, memoranda, letters, and (when applicable) performance evaluation of the assigned investigator". As with other files, these are open to law enforcement agencies as well as to the General Accounting Office, Congressional oversight committees, the Department of Justice, and to federal, state and local agencies investigating equal employment opportunity complaints.

ERDA/DOE's Security Correspondence Files covered people "of interest to Energy Research & Development Administration officials". No further descriptive guidelines are provided. The files, according to DOE/ERDA, are composed of "correspondence from individuals, news media, and information reports" (which could include reports from informants and agents). These files were indexed by the individual's name and are available to federal law enforcement and investigative agencies.

Information found in the above-described files can include data received from the FBI as well as from other sources. For instance, in 1965, the Atomic Energy Commission contracted with Wackenhut Services, the third largest detective firm in the country, to guard AEC's Nevada Test Site and provide "other related services" (unspecified). The contract totalled \$50,941,000 as of December 1976 (monthly rate was about \$27,000).

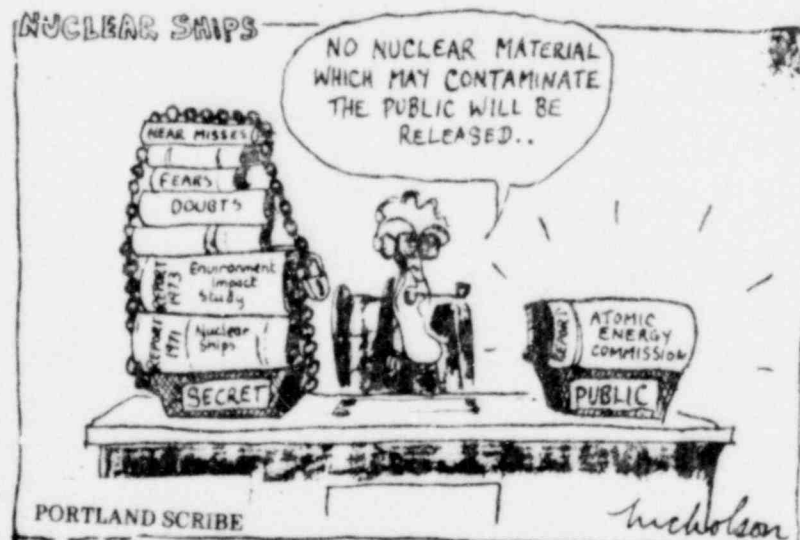
In a contract amendment written to comply with the 1974 Privacy Act, ERDA/DOE finally specified to Wackenhut in 1976 that it should:

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"comply with the Privacy Act of 1974 and the rules and regulations issued pertinent to the Act in the design, development, or operation of any system of records on individuals in order to accomplish an agency function when the contract specifically identifies (i) the system or systems of records and (ii) the work to be performed by the contractor."

There are several problems with the above. The first is simply that the Privacy Act is written in generally broad terms and the subsequent DOE/ERDA guidelines have not greatly added to the statute's specificity. Perhaps more importantly, the amendment may, in effect, exempt Wackenhut from Privacy Act regulations for its "other related services" to the NRC and ERDA/DOE since these are not specifically spelled out in the contract. As noted earlier, Wackenhut apparently relies for some of its information on the records of the Church League of America which include the files of former Senator Joseph McCarthy; the Church League is reported to claim to have the largest collection of files on communists and the new left in this country; it would appear that most of this information is unverified. Thus, one can only speculate what Wackenhut's "other related services" might entail and how the Privacy Act loopholes might allow the use of incorrect or otherwise impermissible information sources and files.

POOR ORIGINAL



POOR ORIGINAL

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RECOMMENDATIONS FOR THE POLICE STATE

"The first and one of the most important lines of defense against groups which might attempt to illegally acquire special nuclear materials to make a weapon is timely and in-depth intelligence."

-- The Rosenbaum Report

There have been several government reports, working papers, and studies that have recommended the use of intelligence in assessing and deterring the nuclear threat. Most noted are the Rosenbaum, Mitre, and Barton reports, all of which the government attempted to suppress.

The first to become public was the Rosenbaum Report^{A-7} which was released by Senator Abraham Ribicoff on April 26, 1974. It had been prepared as a secret working paper for the Atomic Energy Commission. When the A.E.C. learned of Ribicoff's plans to disseminate the document to the press, one Commission member phoned to urge the Senator to "sit on it".

The Rosenbaum Report concluded:

"The First and one of the most important lines of defense against groups which might attempt to illegally acquire special nuclear materials to make a weapon is timely and in-depth intelligence. Such intelligence may involve electronic and other means of surveillance, but its most important aspect is infiltration of the groups themselves. It is not the AEC's business to conduct this sort of intelligence-gathering; (the responsibility appropriately belongs to other agencies) including the FBI, CIA, and NSA (which) focus their attention upon this particular threat to our national defense and security.

"Since safeguards are really the protection of the system against events which are determined more by people and their attitudes from day to day than by the outcome of many fixed decisions of some time past, what is done on one day affects the nature of the result on the next ... There must also be an ongoing analysis of the attitudes of the people in the plant and the community around the plant."

The conclusions of the Rosenbaum Report were reinforced by "The Threat to Licensed Nuclear Facilities",^{A-8} a study prepared by the Mitre Corporation for the Nuclear Regulatory Commission in 1975. Stressing again that the safeguards system must be prepared at its weakest point, the NRC consultants threw up their arms in the air and said that the stakes are so great and the range of possible saboteurs so wide that the potential threat couldn't even be characterized. The number of members and strengths of groups are not accurate barometers of its potential for nuclear violence, they argued, since any single incident could be devastating. For that matter, said Mitre, any group which organizes large demonstration is suspect since, despite its own position on violence, it could "attract extremists to the cause." Communities surrounding nuclear plants

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should be monitored as well for suspicious actions such as "individuals expressing undue and unusual interest in plant activities and the like." Mitre urged the NRC to distribute the intelligence data it gathered to the security officers at each nuclear facility.

Among the observations to be found in the Mitre Report are the following key thoughts:

"We believe that our country is likely to continue to have fewer violent domestic insurgent problems than most other large Western countries. The primary issue of interest here, however, is not that of the number of groups or their numerical strength, since even one major incident would be very serious.

"Some future revolutionary groups in this country may be made up of educated, intelligent, highly-motivated youth ... It might also include members who have had training in various engineering and scientific specialties including nuclear ... It is unlikely that such a group would come to the notice of law enforcement authorities before it conducted its first violent operation. Thus, the safeguards system must be prepared at its weakest point to stand an unexpected attack from a group skilled in both technology and weapons, domestically-based, and with inside collaborators.

"Any movement which organizes very large demonstrations at nuclear sites might attract extremists to the cause. Such demonstrations could escalate, either by accident or design, to confrontations and clashes with police forces. Increased militancy of a clandestine nature, including the use of explosives might follow.

"A group intent on destroying a nuclear plant to cause a sizeable public exposure to radioactivity would probably try to learn as much as possible about the relevant engineering details ahead of time. The success or failure of an attack might depend in large measure on such information, much of which is now available to the public ... We recognize that the public itself has a significant need-to-know about many aspects of the licensed nuclear fuel cycle. A balance must be struck therefore, between the need to inform the public and the need to keep sensitive information out of malicious hands.

"There is no possible, simple, numerical characterization of the threat to licensed facilities. There is unlikely to be any single, simple answer which will assure us of complete safety against malicious action. The threat is intrinsically complicated, being linked to the ingenuity of the threatener ... The fate of nuclear power in our country and the world hinges upon finding an adequate answer.

"We recommend that NRC maintain a close working relationship with the intelligence community and keep intelligence agencies aware of the information needed by NRC to meet its safeguard responsibilities. In-depth information about terrorist and other threatening groups should be obtained by NRC from these agencies including any information indicating a potential threat to the industry generally, or to a specific company generally. NRC should have personnel

qualified to evaluate this information and to act on it, because it is through such liaison that early warning signs of a potential threat may be received. NRC should insure that the appropriate information is disseminated to security officers at each nuclear facility to enable them to take the necessary action."

The NRC had the foresight not to totally overlook the civil liberty implications of nuclear safeguards. On October 17-18, 1975, it sponsored a "Working Conference on the Impact of Intensified Nuclear Safeguards and Civil Liberties" at Stanford Law School. Under an NRC contract, Stanford professor John H. Barton prepared a paper^A summarizing the Conference discussion. The conclusions, which one reporter^A pointed out were politely couched in the future tense ("After all, NRC paid for the study")^A warn that the government will increase surveillance, wiretapping, use of informants, clearances, and psychological testing. All Constitutional limitations would be threatened, particularly freedom of association and speech.

Barton noted, in part, that:

"the government will seek to prevent nuclear theft and sabotage by watching groups thought likely to carry out such actions in the future. NRC would presumably assign responsibility for such surveillance to the FBI -- some incremental increase in the use of wiretapping and of informers is a likely response to the plutonium hazards.

"Many of the proposed safeguards procedures are extensions of activities in which the federal government and some of its private contractors are already engaged.

"In constitutional language, the most serious effects are on freedom of association and discussion (particularly on nuclear issues) and on privacy. It is clearance procedures and continuing surveillance of potential dissidents which create the greatest dangers to association and discussion."



POOR ORIGINAL

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SAFEGUARDS SYSTEMS CONCEPTS FOR NUCLEAR MATERIAL TRANSPORTATION

Final Report

POOR ORIGINAL

Subsystem No. 2 - Intelligence Management:

Objective: To obtain information on potential adversary actions so that action may be taken to counter them; to provide a source of information for the monitoring and upgrading of safeguards system performance.

Design Requirements:

- Development and operation of a central intelligence gathering and analysis program dealing with potential threats to the nuclear industry (this design requirement should cover fixed facilities as well as the transport sequence).
- Development of procedures for response to identified potential threats or conspiracies.
- Program of rewards for information on potential adversary actions.

Organizations Involved: Federal Government, licensee, local and state governments.

Discussion: It will be possible to discover and halt some potential adversary actions by obtaining and analyzing information on indications such actions might take place. At present, law enforcement agencies are obtaining information on persons and groups which have the potential for conducting an action against an SSNM shipment. The recommended subsystem would provide a mechanism for the acquisition and organization of relevant data and for analysis specifically directed at identifying threats of malevolent action against SSNM. It would require the designation of a control agency responsible for the intelligence function, the definition of procedures for routing appropriate data to the designated agency and the identification of what data are appropriate and what sources they may be obtained from. Techniques for analyzing the data and performing threat assessment would be a part of the system as well as procedures for responding appropriately to the elements of identified threats.

~~EXHIBIT 21~~

THE N.R.C. JOINS THE ACT

"To the extent that we have civil liberties at all today, it is because we have not had to ask questions like whether it is better to torture a suspected terrorist than let a city go up in flames."

-- Russell Ayres, Esquire

The roots of the Nuclear Regulatory Commission's involvement in intelligence-gathering and surveillance as a safeguard measure appear to be traceable to a series of events over a period of years. These include a number of studies done by the Mitre and BDM corporations as well as a progression of real and imagined threats to nuclear facilities. The NRC's surveillance network further appears to have grown in direct response to the agency's own perception of the intensity of organized anti-nuclear activity in this country.

I. The BDM Report:

One of the first known ventures by the NRC into the area of espionage and intelligence-gathering following its creation under the 1974 Energy Reorganization Act was the commissioning of a study by the BDM corporation; the study was entitled "Analysis of the Terrorist Threat to the Commercial Nuclear Industry."

The BDM Corporation, a Virginia-based think tank and research firm, prepared a series of in-depth studies in 1975 profiling the people and groups who might pose a threat to nuclear power facilities. It reviewed ten classes of persons and organizations who might be threats; the review was based on a set of 475 profiles of individuals it had compiled plus a survey of some 200 publications from 1968-1973. The classes included domestic groups, individuals, ad hoc groups of two or more individuals, criminals, dissident employee(s), sociopathic groups, separatist groups, revolutionary groups, reactionary extremists, violent issue-oriented groups, and anarchists.

In describing the "violent issue-oriented groups", BDM noted:

"The characteristics of this group are that it is libertarian, issue-oriented and has democratically-selected leadership. The group has reasonable cohesion and addresses its appeals to the educated and the middle class in its efforts to attract supporters. The motivations (attack objectives) of this group type are protest and public statement and the targets attacked by this group are symbolic and protected. The tactics (types of attack) used by this group have usually been legal and within the system. They have focused on protest and demonstration and violent tactics have tended to be spontaneous and relatively short-term. The resources of this group are significant. The organization reflects a reasonable degree of discipline and capacity for detailed planning. It has a high level of knowledge and understanding about the target. Its personnel are sufficient in numbers and have the necessary skills and training technically. However, it lack weapons and tactical assault knowledge, both of which it could secure.

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"An illustration of this type of group is SANE which was founded after World War II. It is composed of professionals and other individuals who come from the educated and middle class sectors of the community. The group's efforts have been largely devoted to demonstrations and sponsoring educational programs.

"When nuclear power becomes widespread in its use, a raised 'consciousness' might result on the part of anti-nuclear groups ... and possible hostage actions might result."

In the event that the above was not clear on this point, BDM and presumably the NRC define "violent issue-oriented groups" to include those same organizations others would call environmentalists or public interest groups.

Among the NRC's earlier programs for dealing with such violent issue-oriented organizations was the development of a number of classroom programs for the agency's security staff. The classes allocate two hours to the nuclear threat and its tactics and motivation. The Mitre Report and the BDM study are the reading materials along with the publications "On Organizing Urban Guerilla Units" and "Women as Terrorists" (both issued by the International Association of Chiefs of Police. The course material teaches that the types of individuals who might become threats are disgruntled employees, mobs, demonstrators, organized crime, and terrorists; the individuals in these groups, the course professes, may have no criminal record, no delinquency history, may be well-educated, welcome martyr status, may be organized and in groups, possess military skills, and may be women.

II NRC's Views on "Protest Groups":

In late February 1976, the Contingency Planning Branch in NRC's Division of Safeguards prepared a briefing book for Kenneth Chapman to use for his appearance before the House Interior Committee -- Subcommittee on Energy and the Environment. The book, which have been treated by the agency as "classified, confidential national security information", included the following description of "Protest Groups":

"Characteristics: Included in this level are those groups, loosely organized to promote a cause by mass rallies, public display, marches & pickets. Violence emanating from their operations tends to stem from spontaneous reactions to confrontations during rallies or marches. Violence has reached significant proportions, however, during or following mass rallies in the form of vandalism, arson, bombings, and looting. Protest groups rally to draw attention to their cause and attract sympathizers. The larger the rally, the more attention is focused on the injustices perceived by the group. Activities of these groups have, on many occasions, included seizure of public or private property, sit-downs, occupation of areas, blocking traffic and entryways to facilities, and confrontations with police or other authorities. Violence-oriented groups have sprouted from protest groups. These splinter groups fall into the level of terrorists.

"Incentive: Real or perceived injustices to individuals, groups, or society are incentives for banding together into protest groups. Mass action is most frequently triggered by some event which is dis-

tasteful or repugnant to the group. As an example, protest groups that are particularly interested in the protection of the environment may target the facilities and operations of the nuclear power industry due to suspected or perceived threats to the environment in the form of heat generation, radioactivity, etc.

"Tactics: Mass rallies, demonstrations, marches, picket lines, public appearances and public disruption are the tools of the protest group. Violence, whether or not planned, usually has been the result of confrontation or a follow-on activity from mass rallies and demonstrations. These groups could attempt disruption and confusion at a fixed site or attempt to disrupt a convoy by blocking roads or inflicting damage on transport vehicles or their contents. Attention of the press and public is an essential element in their plans. Heavily populated areas or locations subject to a high degree of public visibility are more subject to operations of protest groups.

"Threat: There is no reason to believe that groups interested in ecology or concerned with other subjects could not rally to harass the nuclear power industry. The greatest threat would probably be blocking access routes to facilities, bombing support facilities and disrupting shipments to arouse the public. This type of group is more likely to toss a bomb or molotov cocktail at vehicles transporting material than to launch a violent attack on sensitive facilities at fixed installations.

"Terrorist organizations ... have the capability or could very likely obtain it to carry out malevolent acts which could result in drastic consequences for the nuclear power industry and the Nation. Obtaining possession of nuclear material to be used for threat and extortion (although this is a more extreme action than has been executed previously by such groups) could be a potent means for promoting the goals of terrorists."

III. Rapid Growth of the NRC Intelligence Network:

Another early benchmark date in the evolution of NRC's surveillance program was the so-called "Memorial Day Alert". On May 12, 1976 Anthony Fanelli of the Federal Protective Service in Chicago told the F.B.I. that he had learned through unidentified sources that a "motorcycle group" and "some Indians" were going to take over the Zion nuclear station on May 30, 1976.

The following day, the NRC issued this report to its licensees:

"The FBI liaison agent of the Chicago Field Office advised IE:III (Chicago) that a rumor emanating from Wisconsin, received through three sources of unknown reliability, indicated plans are being made by "motorcycle gangs and Indians" to take over the Zion Station during the Memorial Day weekend."

On May 18-19, an FBI confidential source (who reportedly had provided reliable information in the past and who was extremely knowledgeable regarding motorcycle gangs and groups in northern Illinois) told the Bureau he didn't know of

any such plans. Nonetheless, less than two weeks later, on May 25, the NRC headquarters announced that it wanted the threat "considered a probability rather than a possibility". The agency's decision was apparently based on reports of threats to facilities in Washington State and California that had been received by United Engineers and Constructors. In addition, an anonymous bomb threat was made to the North Anna, Virginia nuclear plant and reports were received of persons "under suspicious circumstances in the vicinity of two power plants in Connecticut."

The NRC responded to the situation by issuing an alert to every nuclear facility in the country for the period from Friday May 28 through Tuesday June 8, 1976 -- the day of the California Nuclear Safeguards Initiative vote. It became known as the "Memorial Day Alert". The NRC requested its licensees to report "any security-related or even occurrence" at each nuclear facility.

News of the alert was leaked to the press leading to coast-to-coast wire service stories. Anti-nuclear forces have since suggested that the entire alert if not just the leak of it was designed to influence voters in the California referendum. The referendum failed, nuclear power was given the green light in California, and the suspected attacks never materialized. And at least two NRC officials were not surprised by the last; Richard McCormack and Tom Carter told the authors they would never have classified the affair as an "incident" in the first place.

However, the episode stimulated the agency to begin the build-up of an ever-more intricate intelligence network inside the NRC itself with links to the rest of the intelligence community. On May 27, 1976, the NRC moved to consolidate its operations and improve its capabilities through the formation of the Information Assessment Team (IAT); the IAT was composed of representatives from the Office of Inspection and Enforcement, Office of Nuclear Reactor Regulation, and Nuclear Safety and Safeguards. NRC Chairman Marcus Rowden explained that the IAT would:

"...encompass all functions necessary to effectively compile and evaluate all available, pertinent intelligence data concerning licensed nuclear facilities and materials; including, specifically, the development of intelligence liaison with all agencies which might serve to provide such intelligence. The Directors of the above three offices determine appropriate responses to threat information and implement same. Such actions primarily are the joint responsibilities of IE and NRR for reactors and IE and NMSS for fuel activities. The Directors of these offices coordinate such activities with the Executive Director for Operations..."

Based on its determination, the Information Assessment Team can trigger the national Incident Response Plan to counter any actual or potential nuclear threat or hazards, even when the threat is "not immediate" or has "relatively insignificant effects". The plan, which details procedures for notifying other agencies with emergency responsibilities, was first employed during the Memorial Day weekend period in 1976. Subsequently, the IAT was called on again and again for similar incidents.

For example, on June 15, 1976, a reporter from the San Jose Mercury-News called the San Francisco NRC office to tell them about a photocopy of a flyer he had received "anonymously in the mail". The NRC concluded that the flyer contained "an apparent threat against the Diablo Canyon nuclear facility near San Luis Obispo, California. The flyer was printed by Friends of the Future, a non-violent citizen group which had been active in the California Nuclear Safeguards Initiative campaign. The NRC's report on the supposed implications of the flier read like the writing of a dire paranoid:

"The flyer...referred to the fact that Mothers for Peace, in San Luis Obispo had been waging a legal battle for two years, but said 'stronger action is necessary'. The group made a vow that Diablo Canyon will 'never go into operation'. The flyer said the group's 'immediate goal is July 4' but did not elaborate.

"The San Francisco NRC office notified the NRC's Information Assessment Team that the Pacific Gas and Electric Company was 'investigating the letter' and would advise the NRC of any further developments."

In the summer of 1976, the NRC was alerted to unusually high levels of radiation at a nuclear power plant in Pennsylvania. Within minutes, the NRC contacted the Energy Research & Development Administration which in turn called the FBI who put local police on notice to look for possible terrorists. The high readings were later found to be reflections of fallout from a recent Chinese bomb test.

On December 2, 1976, Joseph Yardumian (Manager of "Special Projects" in the NRC's Contingency Planning Branch) met with members of the U.S. Air Force Office of Investigations.⁶⁶ The Air Force group was headed by Charles Torpy, the Deputy Director of Counter-Intelligence. Torpy told Yardumian that the Air Force could provide the NRC with "analysis and support capabilities" to serve its intelligence needs. The meeting was held with the approval of the NRC's Kenneth Chapman who reasoned that since the agency was responsible for safeguards and licensing extends to export, import and proliferation, the NRC would necessarily become a consumer of Air Force intelligence. Chapman followed the Yardumian-Torpy meeting with a letter to the Commander of the Air Force Office of Special Investigation, Colonel Ray C. Tucker Jr.⁶⁷ Among other topics, he requested intelligence on the following:

- threats, theft, or sabotage against nuclear facilities, nuclear weapon sites, nuclear transport
- extortion threats using nuclear weapons or devices
- rumored or actual illicit sale of nuclear materials
- terrorist capabilities, characteristics and tactics (including inter-group operations)
- analysis of trends in terrorist activities
- "sophisticated capers"
- white collar crime
- demonstrations against nuclear facilities and weapon sites
- nuclear proliferation

On December 20, 1976, Chapman issued a memorandum to the members of the Information Assessment Team entitled "NRC's Interface with the Intelligence

Community". The memo authorized members of the IAT to engage in liaison activities with other agencies. According to the memo, NMSS, IE, and NRR were:

"responsible for the effective compilation and evaluation of all pertinent intelligence data concerning domestic licensed nuclear facilities and material, whether adversary is U.S. or foreign; including, specifically, the development of working liaison with all agencies which might serve to provide such intelligence"

The inclusion of "foreign" in the memo is significant in that it confirms what became apparent in the Air Force exchange: that the NRC's intelligence staff was to work with agencies other than the one authorized by the Atomic Energy Act to investigate nuclear matters -- i.e. the FBI. The "foreign" clause enabled the IAT to work with the Central Intelligence Agency, the National Security Agency, the Defense Intelligence Agency, and the military intelligence services as specified by Chapman.

From these agencies, Chapman solicited intelligence on national and international terrorist groups; data pertaining to tactics, capabilities and equipment employed by terrorist groups in the U.S. and abroad; chronology of terrorist activities against military, industrial, and government facilities; data concerning threats or incidents involving foreign nuclear installations. He also contacted these above-noted agencies as well as others asking for the same info originally requested from the Air Force as well as information on thefts of conventional and military weapons such as automatic rifles, grenades, etc. and on thefts of radiological monitoring devices or handling equipment.

The intelligence available to the Information Assessment Team was broadened in early 1977 when the NRC and ERDA initiated an "Agreement on Special Information". The Agreement was signed in February 1977 by Edward B. Giller, ERDA's Deputy Assistant Administrator for National Security and in March by NMSS Director Chapman on behalf of the NRC. The Agreement formalizes procedures for the mutual exchange of intelligence ("special information") on terrorist activities, threats, thefts, sabotage, nuclear weapons design, manufacture, and utilization. The memo outlines the different responsibilities for ERDA and NRC.

It reads, in part:

"...NRC has responsibilities for safeguards, including contingency plans for dealing with threats, thefts, and sabotage relating to licensed nuclear material, high-level radioactive waste from licensed activities, and issuance of licenses for import/export of nuclear materials and related facilities. To support its decision-making in fulfillment of its responsibilities, NRC may require certain special information bearing on these matters.

"ERDA develops, receives, and evaluates certain nuclear-related information for the United States. Included in the information are nuclear-related data, intelligence, and technology which are special information, yet could have bearing on decisions taken by NRC in execution of its responsibilities described above. NRC does not in the course of its normal operations develop information of this type. Both

ERDA and NRC do require and receive information, including special information, from sources outside their organizations.

"ERDA and NRC will make each other aware of, and share on a controlled basis, such information as they may possess when it is relevant to the execution of their individual responsibilities ... Sharing of intelligence information will be subject to applicable provisions of E.O.11905 and its implementing directives, applicable directives of the Director of Central Intelligence, and any other applicable intelligence community controls."

To maintain such information as well as information on other matters, the NRC maintains what it calls "Protection Support Files and Associates Records" which include information regarding NRC facilities and NRC contractor facilities' security programs and associated records. They also include information on individuals visiting NRC facilities; NRC employees and NRC-related identification files maintained for access purposes; actual or suspected violations of laws administered by NRC; copies of investigative reports from other government agencies; records of individuals' firearms; and other documents relating to the safeguarding of national security information. The information is kept in file folders and on forms, and is indexed and accessible by name, facility, badge number, identification card number, chronologically or a combination thereof. The files are used to provide licensees and contractors with the information necessary to maintain an adequate security program and for any necessary routine uses.

The NRC's Division of Security is the central point for exchanging "hard copy" intelligence with the Intelligence Community. Except when the material arrives in code, it is turned over immediately to NRC operations which have a "need to know". These include a very limited number of persons -- at least in theory. The actual practice is less clear.

IV. NRC Denials:

According to J.M. Felton, Director of the Division of Rules and Records in the NRC's Office of Administration, "The NRC does not maintain separate files on organizations," who are opposed to nuclear power. However, if an individual or organization has ever written to the NRC, "copies of this correspondence and the agency's response thereto would be maintained as part of the general files of the NRC".

The authors sought access to NRC files on citizen groups and others who might be the subject of monitoring by the agency. Robert B. Minogue, acting for Lee V. Gossick (the NRC's Executive Director for Operations) responded with an invitation to submit a formal information request under the federal Freedom of Information Act "specifying particular individuals or groups by name or identifying particular 'events'". If done, he said that he would be "happy" to process the request.

Accordingly, files on a number of organizations and events were requested. These included the Clamshell Alliance and the occupation of the proposed nuclear

power plant site in Seabrook, New Hampshire. The materials received were obviously incomplete so the authors issued a strong protest to the gency. The NRC wrote back that, in rechecking their files, they had overlooked the materials that he been received from the FBI. ...

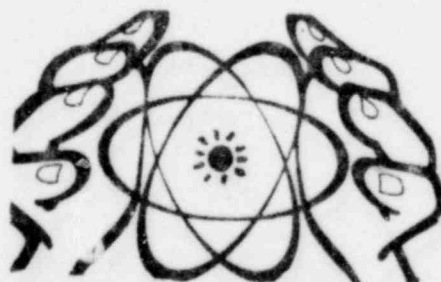
Over and over again, the NRC has denied having any role in intelligence-gathering. Likewise, time and time again, there have been indications to the contrary. For example, in 1976, the NRC hired a consultant to report on "Establishing a Tactical Intelligence Function Within the Office of Inspection and Enforcement, NRC, September 20, 1976" (prepared under contract AT(49-24) by Operational Systems, Inc, 1600 Wilson Blvd, Arlington, Virginia 22209). The report turned:

"It is important to note that the mere establishment of IAT ...in and of itself infers that information is being collected, investigations are being conducted, and files are being maintained. Consequently, it behooves NRC to move without delay in correcting any difference particularly insofar as they pertain to the Privacy Act of 1974 and 44 U.S.C., primarily sections 2101, 2909, and 3301. These sections establish requirements and procedures for Federal Agencies to follow insofar as records and files management, retention, review, and disposal are concerned. Suffice to say at this point that Federal law provides severe penalties for violations of or failure to comply with provisions of the above."

And in October 1977, Barrett Riordan, the Director of the NRC's Office of Planning and Analysis, resigned from the Nuclear Regulatory Commission, offering this scalding criticism:

"...I view the increasing involvement of the NRC in Executive Branch national security and intelligence affairs, with their attendant need for secrecy, as basically at odds with the goal of regulation conducted openly and with full public participation. Certainly, the NRC has a legitimate and necessary role in the national security arena, but such activities are seductive and contagious and capable of compromising the integrity of the entire regulatory mission if not carefully controlled." ⁵³

Will the NRC control its involvement in the intelligence field in the future? Has it done so in the past? As long as the facts about protection of commercial nuclear power plants is kept from public scrutiny by the veil of national security, there cannot be any guarantees that the nuclear police state is not just around the corner.



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