

Apêndice

A – Conclusões do Relatório Final do Church Committee (Parcial)

IV. CONCLUSIONS AND RECOMMENDATIONS

A. CONCLUSIONS

The findings which have emerged from our investigation convince us that the Government's domestic intelligence policies and practices require fundamental reform. We have attempted to set out the basic facts; now it is time for Congress to turn its attention to legislating restraints upon intelligence activities which may endanger the constitutional rights of Americans.

The Committee's fundamental conclusion is that intelligence activities have undermined the constitutional rights of citizens and that they have done so primarily because checks and balances designed by the framers of the Constitution to assure accountability have not been applied.

Before examining that conclusion, we make the following observations.

—While nearly all of our findings focus on excesses and things that went wrong, we do not question the need for lawful domestic intelligence. We recognize that certain intelligence activities serve perfectly proper and clearly necessary ends of government. Surely, catching spies and stopping crime, including acts of terrorism, is essential to insure “domestic tranquility” and to “provide for the common defense.” Therefore, the power of government to conduct *proper* domestic intelligence activities under effective restraints and controls must be preserved.

—We are aware that the few earlier efforts to limit domestic intelligence activities have proven ineffectual. This pattern reinforces the need for statutory restraints coupled with much more effective oversight from all branches of the Government.

—The crescendo of improper intelligence activity in the latter part of the 1960s and the early 1970s shows what we must watch out for: In time of crisis, the Government will exercise its power to conduct domestic intelligence activities to the fullest extent. The distinction between legal dissent and criminal conduct is easily forgotten. Our job is to recommend means to help ensure that the distinction will always be observed.

—In an era where the technological capability of Government relentlessly increases, we must be wary about the drift toward “big brother government.” The potential for abuse is awesome and requires special attention to fashioning restraints which not only cure past problems but anticipate and prevent the future misuse of technology.

—We cannot dismiss what we have found as isolated acts which were limited in time and confined to a few willful men. The failures to obey the law and, in the words of the oath of office, to “preserve, protect, and defend” the Constitution, have occurred repeatedly throughout administrations of both political parties going back four decades.

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—We must acknowledge that the assignment which the Government has given to the intelligence community has, in many ways, been impossible to fulfill. It has been expected to predict or prevent every crisis, respond immediately with information on any question, act to meet all threats, and anticipate the special needs of Presidents. And then it is chastised for its zeal. Certainly, a fair assessment must place a major part of the blame upon the failures of senior executive officials and Congress.

In the final analysis, however, the purpose of this Committee's work is not to allocate blame among individuals. Indeed, to focus on personal culpability may divert attention from the underlying institutional causes and thus may become an excuse for inaction.

Before this investigation, domestic intelligence had never been systematically surveyed. For the first time, the Government's domestic surveillance programs, as they have developed over the past forty years, can be measured against the values which our Constitution seeks to preserve and protect. Based upon our full record, and the findings which we have set forth in Part III above, the Committee concludes that:

Domestic Intelligence Activity Has Threatened and Undermined The Constitutional Rights of Americans to Free Speech, Association and Privacy. It Has Done So Primarily Because The Constitutional System for Checking Abuse of Power Has Not Been Applied.

Our findings and the detailed reports which supplement this volume set forth a massive record of intelligence abuses over the years. Through a vast network of informants, and through the uncontrolled or illegal use of intrusive techniques—ranging from simple theft to sophisticated electronic surveillance—the Government has collected, and then used improperly, huge amounts of information about the private lives, political beliefs and associations of numerous Americans.

Affect Upon Constitutional Rights.—That these abuses have adversely affected the constitutional rights of particular Americans is beyond question. But we believe the harm extends far beyond the citizens directly affected.

Personal privacy is protected because it is essential to liberty and the pursuit of happiness. Our Constitution checks the power of Government for the purpose of protecting the rights of individuals, in order that all our citizens may live in a free and decent society. Unlike totalitarian states, we do not believe that any government has a monopoly on truth.

When Government infringes those rights instead of nurturing and protecting them, the injury spreads far beyond the particular citizens targeted to untold numbers of other Americans who may be intimidated.

Free government depends upon the ability of all its citizens to speak their minds without fear of official sanction. The ability of ordinary people to be heard by their leaders means that they must be free to join in groups in order more effectively to express their grievances. Constitutional safeguards are needed to protect the timid as well as the courageous, the weak as well as the strong. While many Americans have been willing to assert their beliefs in the face of possible govern-

B – Memorando de 04/03/1968 de J. Edgar Hoover com objetivos do COINTELPRO (parcial)

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Nationalist activity, and interested in counterintelligence, to coordinate this program. This Agent will be responsible for the periodic progress letters being requested, but each Agent working this type of case should participate in the formulation of counterintelligence operations.

GOALS

For maximum effectiveness of the Counterintelligence Program, and to prevent wasted effort, long-range goals are being set.

1. Prevent the coalition of militant black nationalist groups. In unity there is strength; a truism that is no less valid for all its triteness. An effective coalition of black nationalist groups might be the first step toward a real "Mao Mau" in America, the beginning of a true black revolution.
2. Prevent the rise of a "messiah" who could unify, and electrify, the militant black nationalist movement. Malcolm X might have been such a "messiah;" he is the martyr of the movement today. Martin Luther King, Stokely Carmichael, and Elijah Muhammad all aspire to this position. Elijah Muhammad is less of a threat because of his age. King could be a very real contender for this position should he abandon his supposed "obedience" to "white, liberal doctrines" (nonviolence) and embrace black nationalism. Carmichael has the necessary charisma to be a real threat in this way.
3. Prevent violence on the part of black nationalist groups. This is of primary importance, and is, of course, a goal of our investigative activity; it should also be a goal of the Counterintelligence Program. Through counterintelligence it should be possible to pinpoint potential troublemakers and neutralize them before they exercise their potential for violence.
4. Prevent militant black nationalist groups and leaders from gaining respectability, by discrediting them to three separate segments of the community. The goal of discrediting black nationalists must be handled tactically in three ways. You must discredit these groups and individuals to, first, the responsible Negro community. Second, they must be discredited to the white community,

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both the responsible community and to "liberals" who have vestiges of sympathy for militant black nationalist simply because they are Negroes. Third, these groups must be discredited in the eyes of Negro radicals, the followers of the movement. This last area requires entirely different tactics from the first two. Publicity about violent tendencies and radical statements merely enhances black nationalists to the last group; it adds "respectability" in a different way.

5. A final goal should be to prevent the long-range growth of militant black nationalist organizations, especially among youth. Specific tactics to prevent these groups from converting young people must be developed.

Besides these five goals counterintelligence is a valuable part of our regular investigative program as it often produces positive information.

TARGETS

Primary targets of the Counterintelligence Program, Black Nationalist-Hate Groups, should be the most violent and radical groups and their leaders. We should emphasize those leaders and organizations that are nationwide in scope and are most capable of disrupting this country. These targets should include the radical and violence-prone leaders, members, and followers of the:

Student Nonviolent Coordinating Committee (SNCC),
Southern Christian Leadership Conference (SCLC),
Revolutionary Action Movement (RAM),
Nation of Islam (NOI)

3 Offices handling these cases and those of Stokely Carmichael of SNCC, H. Rap Brown of SNCC, Martin Luther King of SCLC, Maxwell Stanford of RAM, and Elijah Muhammad of NOI, should be alert for counterintelligence suggestions.

INSTRUCTIONS

The effectiveness of counterintelligence depends on the quality and quantity of positive information available regarding the target and on the imagination and initiative of Agents working the program. The response of the field to the Counterintelligence Program against the Communist Party, USA, indicates that a superb job can be done by the field on counterintelligence.

Counterintelligence operations must be approved by the Bureau. Because of the nature of this program each operation must be designed to protect the Bureau's interest so that there is no possibility of embarrassment to the Bureau. Beyond this the Bureau will give every possible consideration to your proposals.

NOTE:

See memorandum G. C. Moore to Mr. W. C. Sullivan captioned as above dated 2/28/68, prepared by TJD:rmn.

023 02-5

C – Memorando de 27/09/1968 com preocupações e propostas de ação contra o BPP

UNITED STATES GOVERNMENT		Memorandum	
TO :	Mr. W. C. Sullivan	DATE:	9/27/68
FROM :	G. C. Moore		
SUBJECT:	COUNTERINTELLIGENCE PROGRAM BLACK NATIONALIST - HATE GROUPS RACIAL INTELLIGENCE (BLACK PANTHER PARTY)		
		1 - Mr. C. D. DeLoach 1 - Mr. W. C. Sullivan 1 - Mr. G. C. Moore 1 - [REDACTED] 1 - [REDACTED] 1 - [REDACTED]	
PURPOSE:			
To obtain authority for the attached letter to those field divisions having Black Panther Party (BPP) activity instructing that the counterintelligence program against this organization be <u>accelerated</u> and that each office submit concrete suggestions as to future action to be taken against the BPP.			
The extremist BPP of Oakland, California, is rapidly expanding. It is the most violence-prone organization of all the extremist groups now operating in the United States. This group has a record of violence and connections with foreign revolutionaries. It puts particular emphasis on not only verbal attacks but also physical attacks on police.			
OBSERVATIONS:			
The information we are receiving from our sources concerning activities of the BPP clearly indicates that more violence can be expected from this organization in the immediate future. It therefore, is essential that we not only accelerate our investigations of this organization, and increase our informants in the organization but that we take action under the counterintelligence program to disrupt the group. Our counterintelligence program may bring about results which could lead to prosecution of these violence-prone leaders and active members, thereby thwarting their efforts to perpetrate violence in the United States.			
Enclosure 100-448006		CONTINUED - OVER	
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RACIAL INTELLIGENCE
(BLACK PANTHER PARTY)

SCOPE OF PROPOSED COUNTERINTELLIGENCE PROGRAM:

As stated above, the attached letter will instruct the field to submit positive suggestions as to actions to be taken to thwart and disrupt the BPP. Instructions are and will be reiterated that no action is to be taken without prior Bureau authority.

These suggestions are to create factionalism between not only the national leaders but also local leaders, steps to neutralize all organizational efforts of the BPP as well as create suspicion amongst the leaders as to each others sources of finances, suspicion concerning their respective spouses and suspicion as to who may be cooperating with law enforcement. In addition, suspicion should be developed as to whom may be attempting to gain control of the organization for their own private betterment, as well as suggestions as to the best method of exploiting the foreign visits made by BPP members. We are also soliciting recommendations as to the best method of creating opposition to the BPP on the part of the majority of the residents of the ghetto areas.

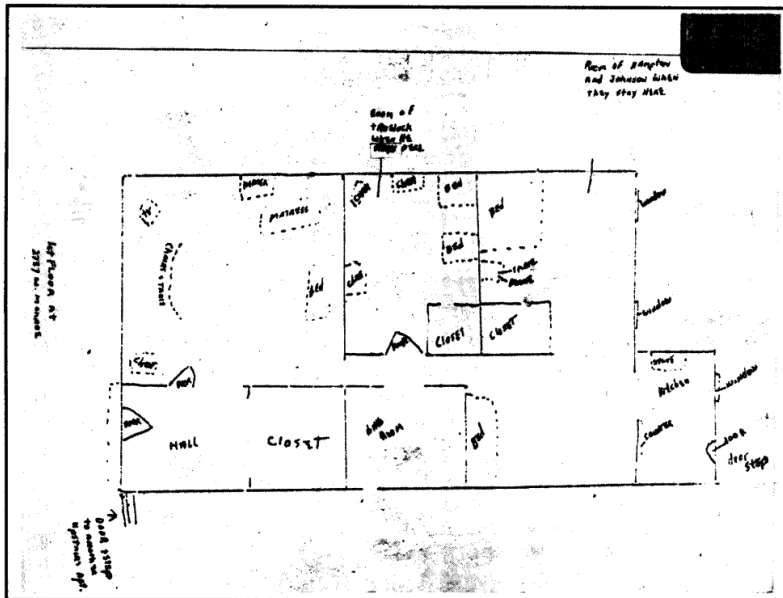
RECOMMENDATION:

That attached letter, in accordance with the above, be approved.

WCS

Fonte: Churchill e Wall (1990: 124-125)

D – Planta do apartamento de Fred Hampton desenhada por informante



Fonte: Churchill e Wall (1990: 139)