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# What's that I hear? : domestic surveillance and counterintelligence on antiwar musicians in the 1960s

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Hear?: Domestic  
Surveillance and  
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on Antiwar  
Musicians in the...

September 2007

*What's That I Hear?:*

Domestic Surveillance and Counterintelligence on Antiwar Musicians in the 1960s

By

Kathryn L. Meiman

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## Table of Contents

Abstract	1
Introduction	2
The FBI	3
The “Dangers” of the Folksong	12
Phil Ochs	16
The Files	20
The Effect of FBI Interference	28
Conclusion	33
Bibliography	36
Appendix	38
Curriculum Vitae	51

## **Abstract**

During the 1960's era, the Federal Bureau of Investigation (FBI) engaged in numerous campaigns of intelligence gathering and counterintelligence against an unknown number of targets that were perceived as threats to the American government. Among these targets were numerous musicians who chose to voice protest against U.S. involvement in Vietnam through song. My paper examines the FBI's surveillance and counterintelligence activities carried out against these musicians, most notably folksinger Phil Ochs, and questions whether such efforts were necessary for maintaining national security, or were instead an attempt to compel a more favorable environment for war-making.

During the 1960's era, the Federal Bureau of Investigation (FBI) engaged in numerous campaigns of intelligence gathering and counterintelligence against an unknown number of targets that were perceived as threats to the American government. The decade was marked by extensive protesting around such issues as the Vietnam War and the Civil Rights movement, and at times protesters became, or were seen as violent. The FBI is charged with maintaining national security, and to do so, it must rely on a wide range of tactics in order to combat the dangers that face the United States, from within and abroad. Today, as always, we are assured by our government that the FBI uses only approved methods to conduct its investigations, but in past decades, the Bureau has not always followed government guidelines quite as closely. In the Sixties, the Federal Bureau of Investigation used its extensive resources to “expose, disrupt, and neutralize”<sup>1</sup> large numbers of protesters, including those who chose to speak out in the form of folk music. While these musicians sang songs and strummed guitars, the FBI utilized its manpower to investigate these individuals and at times to quiet their voices through a variety of methods. But was the FBI successful? And more importantly, did their actions protect the United States or endanger the nation? While these may be unanswerable questions, taking such a broad view may help us to get at a deeper and more complex issue—the difficult task of protecting national security in the United States while maintaining the democratic principles laid out in the Constitution.

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<sup>1</sup> FBI Memorandum from C.D. Brennan to W.C. Sullivan, 9 May 1968. This was the FBI's goal for their counterintelligence program, COINTELPRO.



## *The FBI*

The FBI has a long history of combating radicalism and subversion in the United States. Though originally formed as the Bureau of Investigation in 1908 as a federal detective force and a component of the Justice Department, the scope of its duties and power of the Bureau and its agents grew significantly over the decades to follow. As a federal agency, the Bureau of Investigation was expected to investigate matters that pertained to other branches of the Federal Government and crimes which had taken place in more than one state or across state lines. This meant that much of the Bureau's early work was "confined to anti-trust, revenue, and postal law violations, and to land frauds."<sup>2</sup> Starting around 1934, their reputation as detectives grew in the public eye when they were finally allowed to carry firearms and shootouts with bank robbers and gangsters began. Before the public knew them for their gun fights and car chases, however, they had already made significant strides in their war against political radicalism.

During the First World War, the Bureau of Investigation was forced to confront what the United States government considered subversive activities. The Bureau was expected to lead the fight against domestic threats, such as spies and saboteurs, although "enemy propaganda" was considered one of the most pressing threats. Anyone overheard making comments that seemed pro-German or anti-American was likely to become the target of an investigation. President Woodrow Wilson gave permission for such action in his Sedition Act of 1918, judging anyone

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<sup>2</sup> Watters, Pat, and Stephen Gillers, eds. *Investigating the FBI* (Garden City: Doubleday and Company, Inc., 1973), 37.

who “makes, displays, writes, prints, or circulates, or knowingly aids or abets in the making, displaying, writing, printing or circulating of any sign, word, speech, picture, design, argument, or teaching, which advises, advocates, teaches, or justifies any act of sedition . . .” to be acting illegally.<sup>3</sup> The Bureau of Investigation examined all possible threats in conjunction with this act, and aided with the Department of Justice’s Alien Enemy Bureau, which interned many German-Americans suspected of such radical and seditious behavior for the duration of the war. A draft was also in effect for men between the ages of 18 and 45, and those who did not report for duty when called were considered subversives as well.

The Sedition Act of 1918 was not the first wartime measure limiting the freedom of speech—there was, in fact, a long history of similar measures dating to the Alien and Sedition Acts in 1798. Questioned even in some higher circles of government, the most notable opposition to the Sedition Act of 1918 came in Supreme Court Justice Holmes’ dissenting opinion in *Abrams v. United States* regarding the law as a blatant violation of the First Amendment to the Constitution. Regardless of any opposition, however, the Bureau of Investigation followed orders from the top down. Over three days in September of 1918, with the aid of soldiers, sailors, and local police, Bureau agents arrested tens of thousands in draft raids targeting residents of New York City and Newark, New Jersey.<sup>4</sup> Although few draft evaders were engaging in actions against the United States, by avoiding conscription, the government categorized them as treasonous.

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<sup>3</sup> Quoted in Powers, Richard G. *Secrecy and Power: the Life of J. Edgar Hoover*. (New York: The Free Press, 1987), 73.

<sup>4</sup> Watters. *Investigating the FBI*, 41.

In 1919 the Bureau's interest in fighting radicalism took root. Russia had already been taken by the Communists, and when several package bombs addressed to prominent American politicians and other high ranking members of society were found, suspicions turned immediately to radical socialist and anarchist groups. Although the source of the bombs was never discovered, the U.S. government maintained that the placement of the explosives was the work of subversives within American society whose aim was to overthrow the democratically elected government in favor of socialism or anarchism. The Justice Department took charge of the investigation and set up the General Intelligence Division (GID) within the Bureau of Investigation to deal specifically with radicalism.<sup>5</sup> The creation of the GID gave the Bureau of Investigation a new aim—one which focused more closely on perceived threats to the American government and way of life. The man who had been appointed head of the GID, J. Edgar Hoover, would make sure that his branch within the Bureau of Investigation did not wane in importance at any time throughout his years with the Bureau.

Hoover's division worked extensively against what it saw as innumerable threats. The large immigrant population was a constant source of worry, as many were suspected of bringing communist and anarchist ideologies with them to America. Under the Immigration Act of 1918, "aliens who are members of or affiliated with any organization that entertains a belief in, teaches, or advocates the overthrow by force or violence of the Government of the United States shall be deported," and the GID was expected to make significant use of this law by

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<sup>5</sup> Ibid, 41.

considering all possible threats.<sup>6</sup> At the same time, all union activities were also probed for any connection to the Communist Party which was a source of great alarm due to the recent Bolshevik revolution. A security index was compiled, listing names of subversives to be detained in case of national emergency.<sup>7</sup> The GID, especially Hoover, spent considerable time researching communism in order to fully understand the threat it might pose to American democracy and to be able to recognize it in any form it might take. His perception of communism was that of an ideology antithetical to the principles of the United States: “with the existence of communism, patriotism disappears and the Utopian idea of the Communist is for one great international proletarian state.”<sup>8</sup> To Hoover and many others, it appeared that the ideology did not support the existence of the United States, and thus the United States could not tolerate the existence of communist ideology.

For his years of service in the GID, J. Edgar Hoover was rewarded with the position of Director of the Bureau of Investigation in 1924, and in 1935 he changed the name of his agency to the Federal Bureau of Investigation as it is known today.<sup>9</sup> Under his leadership, the Bureau was to continue its goal of rooting out subversives. Hoover again kept watch over possible infiltration of radicals during the Second World War, and compiled a list of 770 Japanese aliens for detention after the bombing of Pearl Harbor.<sup>10</sup> Such compiling of names for detention in the case of an emergency, especially in the form of Hoover’s Security Indexes, would prove a

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<sup>6</sup> Immigration Act of October 16, 1918, quoted in *Secrecy and Power*, pg. 97

<sup>7</sup> M. Wesley Swearingen, *FBI Secrets: An Agent’s Exposé* (Boston: South End Press, 1995), 26.

<sup>8</sup> Quoted in Powers, *Secrecy and Power*, 101.

<sup>9</sup> *Ibid*, 143.

<sup>10</sup> *Ibid*, 239.

longstanding practice in the FBI, both in and out of wartime. It was the post-World War II period, however, in which Hoover would develop and implement his most aggressive strategies against radical threats.

The Cold War reaffirmed Hoover's belief that communism was the greatest threat to the American way of life. During the years of hostilities between the United States and the Soviet Union, the FBI worked at a feverish pace to try to address any communist threat that might endanger the United States government or way of life. To Hoover, the threat was apparent and imminent: "in 1917 when the Communists overthrew the Russian government there was one Communist for every 2,277 persons in Russia. In the United States today there is one Communist for every 1,814 persons in the country."<sup>11</sup> Though these sheer numbers were not accurate predictors of the United States' likelihood of falling to Communism, Hoover's number-game worried a large number of politicians, not to mention some of the American public. To address the threat of Communism in America, he believed that subversives needed to be not only investigated, but neutralized in any way possible. In order to achieve both of these goals, the FBI created counterintelligence programs, becoming fully implemented in 1956. Though such work began much earlier in Hoover's career, starting that year, the FBI's counterintelligence work was centralized under a single plan known as the Counterintelligence Program or simply COINTELPRO. This program focused mainly on the workings of the Communist Party and others suspected of leftist political leanings. The FBI attempted to ascertain information

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<sup>11</sup> Quoted from Hoover's speech to Congress, 28 March 1947 in David Cunningham, *There's Something Happening Here: The New Left, the Klan, and FBI Counterintelligence* (Berkeley: University of California Press, 2004), 25.

about its targets' membership in or dealings with the Communist Party. But they were not simply gathering data. The FBI's counterintelligence program aimed to "expose, disrupt, misdirect, discredit or otherwise neutralize" the activities of the Communist Party by creating rifts within the group, exploiting disagreements within the party, and trying to discredit them in the eyes of the public.<sup>12</sup>

COINTELPRO tactics took many forms, including surveillance techniques such as wiretaps, and more active techniques such as "black bag jobs," sending of anonymous letters to promote distrust or fear, and writing and publishing negative information about members of the Communist Party in the national media through sympathetic media outlets. Counterintelligence techniques are significantly different from those that constitute intelligence gathering. The goal of such a program seeks to "actively restrict a target's ability to carry out actions (prevention), or to encourage acts of wrongdoing (facilitation)."<sup>13</sup> In comparison to simple intelligence gathering, counterintelligence work requires the carrying out of actions in response to the information gathered. Intelligence work is necessary for counterintelligence programs to exist, but not vice versa.

By the 1960s, the FBI had developed COINTELPROs that focused not only on the Communist Party, but had branched out to encompass numerous other groups that J. Edgar Hoover had identified as threats to national security. Under the broad headings which Hoover used to classify his targets, the Socialist Workers Party, the Ku Klux Klan and other "White Hate Groups," several black Civil Rights

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<sup>12</sup> David Cunningham, *There's Something Happening Here: The New Left, the Klan, and FBI Counterintelligence* (Berkeley: University of California Press, 2004), 6.

<sup>13</sup> Swearingen, *FBI Secrets*, 23.

organizations referred to by the Bureau as the “Black Nationalist-Hate Groups,” and the New Left, notably the anti-Vietnam war movement, were now considered to be the greatest threats to America.<sup>14</sup> Hoover saw any action that challenged the status quo as “subversive,” and protesters of any type drew his ire. The younger generation who wore long hair and spoke out against the Vietnam War appeared downright dangerous and, as quoted in the *New York Times*, Hoover alerted police that it was “vitally important to recognize that these militant extremists are not simply faddists or ‘college kids’ at play. Their cries for revolution and their advocacy of guerilla warfare evolve out of a pathological hatred for our way of life and a determination to destroy it.”<sup>15</sup> This belief fueled his decision to investigate protest of any type in attempt to quash it.

Hoover was all-powerful within the Bureau, personally directing and observing as many investigations as possible, and praising or punishing his agents for their work. Nicknamed “the Bulldog” for his bullying and pugnacious reputation, Hoover, it seemed, always got his man, and anyone he went after was eviscerated. Even the Executive Branch of the United States Government recognized him as a particularly bitter and vindictive foe, and most presidents chose not to challenge or fire him for fear that his attacks would turn on them and embarrassing information would be made public. Former President Lyndon Johnson’s apocryphal quote perhaps sums up the prevailing opinion best, “I’d rather have him inside the tent pissing out than outside pissing in.”<sup>16</sup>

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<sup>14</sup> Swearingen, *FBI Secrets*, 107.

<sup>15</sup> *The New York Times*, “Hoover Assails Campus ‘Terror’ Led By New Left,” 1 September 1968.

<sup>16</sup> Quoted in Powers, *Secrecy and Power*, 393.

Though J. Edgar Hoover demanded the respect of his agents, many feared the director as well. Loyalty to him and to the FBI were more important than anything else, and he was unforgiving of mistakes or any embarrassment to the Bureau by his agents. Agents who did not follow Hoover's rules or meet his expectations found themselves punished in a variety of ways.<sup>17</sup> These penalties could range anywhere from the docking of pay, reassignment to an unpopular post such as the London, Kentucky Field Office, or fire them, leaving a blight on their record which could keep former agents from finding adequate employment elsewhere. Stories were widespread of arbitrary firings based on the director's whims, about agents who were fired during training school for having a "pinhead," or worse yet, Hoover's firings of those who he felt had embarrassed the Bureau. A former Special Agent recalled the firing of a rookie agent "whose locked car had been broken into and his FBI manual stolen."<sup>18</sup> When the police brought his manual back to the FBI after the thief had been apprehended, the police were notified that the agent was no longer an employee of the FBI. Out of fears of these types of reprisals, agents often hesitated to speak up about wrongdoings or questionable actions on the part of other Bureau employees, and unsettling orders that they had received. Former Special Agent Bob Wall recalled taking photographs, copying license plate numbers, and recording speeches at demonstrations during the 1960s, and knowing that he was not monitoring any Communist threat, although that was still the official Bureau goal. Still, he says:

the Bureau's rationale carried over to all the people who were involved. It wasn't possible to go back to the office and simply report on one person

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<sup>17</sup> Watters. *Investigating the FBI*, 90.

<sup>18</sup> Watters. *Investigating the FBI*, 90.



whom we saw at this large demonstration and who was, according to Bureau records, a Communist. Rather we were bringing in each and every person we could photograph or whose license number we could get. We were opening investigations and compiling dossiers on people whose sole interest in the rally was that the war was going on and they wanted to see it end. . . I personally was becoming very disturbed by this shotgun approach.<sup>19</sup>

Agent Wall was not the only Bureau agent who recognized his complicity in what were, perhaps, unethical actions. Former Special Agent M. Wesley Swearingen expressed his own recognition of this conflict in his memoir *FBI Secrets: An Agent's Exposé*:

The fact is that the FBI was asking me to violate the Constitution of the United States in order to, paradoxically, protect the Constitution from the alien traditions we in the FBI defined as "un-American," "subversive," "and communistic." I was not sure what this rationale meant, but it sounded good to me. At the age of twenty-five, I was all for my country, right or wrong.<sup>20</sup>

Out of feelings of duty to country and fear of Hoover's retaliation, most agents simply followed the orders they were given and collected as much data as possible about anyone whose ideas or actions appeared questionable to the FBI.

Within COINTELPRO era files are hundreds of thousands of pages outlining the Bureau's counterintelligence work, including files on the numerous people who became direct targets of the FBI. Many activists within the movements were the subjects of surveillance, but even professors, labor organizers, and entertainers with leftist political leanings were targeted.<sup>21</sup> Furthermore, the FBI had become far more practiced in their counterintelligence techniques since their first COINTELPRO. They hoped to neutralize anyone that they saw as subversive: to decrease their target's influence by adversely affecting their popularity, credibility, and visibility in

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<sup>19</sup>, Ibid, 104.

<sup>20</sup> Swearingen, *FBI Secrets*, 24.

<sup>21</sup> Ibid, 41.

the public eye. Among those targeted were a number of musicians, but why would music, specifically folk music draw the attention of the FBI?

### *The “dangers” of the folksong*

Folk music is a term which encompasses many types of music. Generally, it is meant to refer to the music of the common people. It is shared music, traditionally through singing together with others, and is often simple, requiring little musical training. Such music, however, has frequently carried political messages in its lyrics, and as a result has often served as a challenge to the status quo. In American life, the folk tradition had served a political purpose since the American Revolution when songs were written to protest British policy, and worldwide, the tradition is much older.<sup>22</sup> In more recent times, specifically during the twentieth century, the use of such music has been recognized by numerous social movements. Folksongs have been given importance by many, but for John and Alan Lomax, scholars of the American folk tradition, it is “quite distinct from popular song (made to sell and sell quickly) and cultivated art (made, so much of it, to conform to prestige patterns).” They concluded: “This is truly a democratic art, painting a portrait of a people, unmatched for honesty and validity in any other record.”<sup>23</sup>

This music of the common people, takes many forms, but many of the best known folksongs are songs of protest. The large number of songs giving voice to dissent have been categorized by Serge Denisoff, who has studied music and social

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<sup>22</sup> Reuss, Richard A., and Joanne C. Reuss. *American Folk Music and Left-Wing Politics*. (Lanham: The Scarecrow Press, Inc., 2000) 2.

<sup>23</sup> Quoted in Eyerman, Ron and Andrew Jamison. *Music and Social Movements*. (Cambridge: Cambridge University Press, 1998), 40.

movements, as falling into two categories: magnetic and rhetorical. A magnetic song refers to the songs which “attract the non-participant to join the movement or reinforce the commitment level of adherents,” while a rhetorical song “focuses attention on individual indignation and dissent, but offers no solution.”<sup>24</sup> Both clearly stand up to some force with which they disagree, but this is not the only reason that such songs are powerful. The long history of folk’s tendency towards protest links generations in connecting the past with the present era. Along with the sense of tradition comes the feeling of unity with others who participate in the singing.

The use of folk music has been seen throughout the twentieth century as a rallying force for social movements. Joe Hill, an activist and folksinger for the Industrial Workers of the World, a union and radical socialist political organization of the early twentieth century, understood music’s usefulness as a tool: “A pamphlet, no matter how good, is never read but once, but a song is learned by heart and repeated over and over.”<sup>25</sup> Songs were often more effective at rallying people together than any single leader could hope to be. While Joe Hill had used folksongs for union organizing, members of the Civil Rights struggle used similar songs to help in their cause. According to Mary King, a member of the Student Non-violent Coordinating Committee (SNCC), these songs “had an unparalleled ability to evoke the moral power of the movement’s goals, to arouse the spirit, comfort the afflicted, instill courage and commitment, and to unite disparate strangers into a ‘band of brothers and sisters’ and a circle of trust.”<sup>26</sup>

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<sup>24</sup> Ibid, 43.

<sup>25</sup> Ibid, 59. Quoted from a letter from Joe Hill to the editor of *Solidarity*, December 1914.

<sup>26</sup> Ibid, 45. Quoted from Mary King’s memoir, *Freedom Song*.

The long history of folk music's use by organizers, however, as well as its achievement of many of the successes named above, have led to its consideration as a threat to society, or to the status quo on many occasions. Many governments throughout history have worked to quell dissent, including music of protest, and the United States government has been no different. The investigation of folk music and musicians has gone on in several eras, but much of it has been handled by J. Edgar Hoover's FBI. During the early 1940s, Hoover began to compile a file on Woody Guthrie, a well-known folksinger. Though Guthrie had worked for the United States government at times, having been commissioned to write songs about the building of federal dams, and later, during World War II, writings songs against fascism with his band the Almanac Singers, he had also participated with and expressed sympathies for the Communist Party.<sup>27</sup>

The FBI's investigation of Woody Guthrie began with a tip from a confidential informant who suggested that Guthrie was a communist. The Special Agent in Charge of the San Francisco FBI office sent a letter to J. Edgar Hoover dated June 9, 1941, letting him know about the informant's letter and that Guthrie was currently employed by the United States Department of the Interior. Hoover responded by sending a memo to the Department of the Interior outlining his belief that the folksinger was a Communist as well as the fact that he was employed by the government. The Department of the Interior responded directly to Hoover, assessing "In view of the fact that Mr. Guthrie is no longer an employee of this Department, no

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<sup>27</sup> Reuss and Reuss. *American Folk Music and Left-Wing Politics*, 210.

investigation is requested," but the director did not agree.<sup>28</sup> Hoover's subsequent response to the Special Agent of the San Francisco office implies that an investigation should continue:

It appears. . . that Guthrie is no longer an employee of another government agency and in the event that the files of your field division reflect the desirability of conducting investigation into his activities and sympathies in order to determine whether they are inimical to the best interests of this government you are at liberty to do so.<sup>29</sup>

Hoover appears to leave the investigation at the discretion of the SAC, but clearly seems to suggest that the investigation should continue. The director did not believe that a lack of proof regarding one's membership in the Communist party did not mean that one was not a Communist, and thus refused to terminate investigations until proof had been ascertained one way or another.<sup>30</sup> To emphasize, any suggestion of ties to communism drew the attention of the FBI, and could keep its attention for a long time. Woody Guthrie would not be the only musician to draw the attention of the Bureau through his music.

During the 1960s, a revival in the popularity of folk music brought protest music to the forefront. The political climate of the country was turbulent over numerous issues, but especially regarding the Civil Rights movement and the Vietnam War, and many musicians allied themselves with these causes. Folk singers frequently wrote songs surrounding these issues, often pointing the finger at the U.S. government as the source of many problems. Additionally, many of the songs became the rallying cries of protesters in the streets. Loudly disagreeing with the

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<sup>28</sup> Letter from First Assistant Secretary, Department of the Interior to J. Edgar Hoover, 30 July 1941.

<sup>29</sup> Letter from J. Edgar Hoover to Special Agent in Charge of San Francisco office, 17 October 1941.

<sup>30</sup> Powers, *Secrecy and Power*, 226.

government, however, especially in times of war, was not something that J. Edgar Hoover accepted readily, and his prior experience in cracking down on such behavior made it difficult for him to leave protest singers alone.

This conflict between the FBI and folk musicians can be seen as just one aspect of the fight between the “Establishment” (American society and culture, capitalism, the U.S. Government, and those who held power and influence), and the New Left (an umbrella term to describe social activists of the era). To the FBI, the New Left destabilized the United States by creating a disturbance, empowering the enemy through their protest of U.S. involvement in Vietnam, and otherwise denouncing the government of the United States. To members of the New Left, the FBI was an uncertain threat—they seemed to be everywhere, but one was never sure. For Phil Ochs, a folksinger—or as he preferred a “topical” songwriter—agents of the FBI *were* always there, however, and his case file suggests a great deal about the FBI’s actions against protest singers more generally<sup>31</sup>. While Ochs was anything but typical, his file readily invites comparison, and makes him an ideal case study in researching the FBI’s repression of musicians during the 1960s era.

### ***Phil Ochs***

Phil Ochs first appeared on the Federal Bureau of Investigation’s radar in 1963. Ochs was only a moderately well-known folk singer on the New York City folk circuit at the time. His university background was in journalism, having spent

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<sup>31</sup> Schumacher, Michael. *There But for Fortune: the Life of Phil Ochs* (New York: Hyperion, 1996), 67.

several years at Ohio State, and he remained close to these roots in his songwriting, as his songs had a habit of turning to the news of the day. Beyond this, Ochs was also writing for a number of publications that focused on folk music and which had small circulations within the folk community. It was one of these articles that first attracted the FBI. This article in *Mainstream* magazine was about the folksinger Woody Guthrie, who had inspired many of the young folk-musicians of the day. What Phil did not know was that Woody Guthrie had long been a fixture on the FBI's security index for his association with the Communist Party, and that his own association with Guthrie would lead to an investigation by the FBI.

Although it was common knowledge that Guthrie had been a controversial figure in the eyes of the FBI, he was a hero to the musicians of the folk revival that was growing ever more popular in New York City at that time. Besides this, Woody Guthrie was bedridden and practically unresponsive by this time due to the progression of a neurological disease, Huntington's chorea. Although he posed no threat directly, his politics were considered dangerous enough to J. Edgar Hoover's FBI that musicians who associated themselves with Guthrie were often investigated. Phil Ochs and a number of other folk musicians had taken to visiting him at the hospital, sharing their time and their songs. This article, entitled "The Guthrie Legacy," drew the attention of the FBI, and by December of 1963, Ochs' file was opened. In a memorandum from the Special Agent in Charge (SAC) of the New York Field Office to the Director of the FBI, the agent describes Phil's article and the accompanying poem as "eulogies on folk singer and guitarist WOODIE [sic] GUTHRIE," and indicates that Guthrie is also the subject of an FBI investigation.

Although the memo does not describe what else might have roused FBI interest, it does go on to give what information had been uncovered on Ochs:

OCHS does not specifically describe himself in these writings, but their content shows that he has conversed with guitarists and folksingers. . . An article on page 40 of the same issue "Mainstream" entitled "Off the Record" by JOSH DUNSON describes PHILLIP OCHS as a "topical song writer." NYO Indices reflect no information concerning PHILLIP OCHS. Central Records of Selective Service System, 205 East 42<sup>nd</sup> Street, NYC were checked on 10/28/63, by SA [censored] and reflected no Selective Service registration in the New York area for PHILLIP OCHS. . . . [censored] were checked on 10/28/63 by SA [censored] and they reflected that PHILLIP OCHS, 139 Thompson Street, NYC [censored] His social security number 299-34-0051.<sup>32</sup>

Guthrie's folk music had distinctly political content, and that Phil Ochs was also a folk singer seemed particularly unsettling to the FBI. Musicians had the ability to disseminate ideas widely, among other political talents, and in the eyes of the Bureau, this made them dangerous. Agents of the FBI attempted to speak to Phil at this time, but were unable to reach him, and finally, in a later memo, they agreed that "no further attempts will be made to contact [Ochs] in this case."<sup>33</sup>

Phil was well accustomed to the folk tradition of protest through music, having discovered the genre in college. Prior to his time at Ohio State University, he had enjoyed all types of music, but listened mostly to popular music, namely Elvis Presley and Buddy Holly records. His tastes evolved quickly when a college roommate, Jim Glover, introduced him to the music of Woody Guthrie and the Weavers. Though Phil had come from a largely apolitical family, Jim had grown up

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<sup>32</sup> FBI memorandum from New York Special Agent in Charge to the Director of the FBI, 5 December 1963. Subsequent pages of this memo also describe Ochs' records with the Board of Elections, the NYC Bureau of Motor Vehicles, and a description of Phil as given by a neighbor in his apartment building who pegged him as a "tall, youthful, and 'beatnik type.'"

<sup>33</sup> FBI memorandum from New York Special Agent in Charge to the Director of the FBI, 9 January 1964.



in a household with parents who identified themselves as Marxists and who listened almost solely to folk music.<sup>34</sup> Phil took to eating dinner as often as possible with Jim's family, and absorbed as much as he could, talking politics with Jim and Mr. Glover until he too was well-versed in leftist theory. The music caught on with Phil as well, and became an inspiration for the way he wrote his own songs. Making light of hypocrisy and injustice in his music became a powerful way to express his own political beliefs to others, and Phil found that when he added a bit of irony, the message really stuck with people. His well-known song *Draft Dodger Rag* illustrates his writing style with its injection of humor into what might otherwise be a sobering experience, and one which many of his contemporaries faced:

I'm just a typical American boy from a typical American town  
I believe in God and Senator Dodd and keeping old Castro down  
And when it came my time to serve I knew better dead than red  
But when I got to my old draft board, buddy, this is what I said:

Sarge, I'm only eighteen, I got a ruptured spleen and I always carry a purse  
I got eyes like a bat, my feet are flat, and my asthma's getting worse  
Oh think of my career, my sweetheart dear, and my poor old invalid aunt  
Besides, I ain't no fool, I'm goin' to school, and I'm working in a defense  
plant.<sup>35</sup>

Humor in folksong was not unique to Phil Ochs' music; indeed it was a longstanding technique as seen in most of Joe Hill's songs and even some of Woody Guthrie's; but Phil's more specific journalistic penchant for taking the news of the day and holding it up to the light was not utilized by many others during his day.

Not surprisingly, many of these folk artists that Phil Ochs was discovering had also been targeted by the FBI as subversives. Woody Guthrie had a file of 109 pages,

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<sup>34</sup> Eliot, Marc. *Death of a Rebel: a Biography of Phil Ochs*. (New York: Franklin Watts, 1989), 20.

<sup>35</sup> Phil Ochs. *I Ain't Marching Anymore*. Rec. 1965.

beginning in 1941 and running through his death in 1967. The FBI investigated Guthrie extensively due to his participation with the Communist party, as well as his lyrics drawing attention to injustice in America. The extent of the FBI's files on other folk singers, for instance, Pete Seeger, is uncertain at this time, though it is known that he was blacklisted from television and got little radio airplay despite his popularity. Seeger had been a contemporary of Guthrie's, and a member of the groups "the Weavers" and "the Almanac Singers," besides performing folk music on his own. But while we can examine the file of Woody Guthrie, researchers cannot obtain the Pete Seeger file until the time of Seeger's death. Only with time will more details about the FBI's targets and actions become available. (See Appendix 1A). The early passing of Phil Ochs, however, has given us a window into the actions of the FBI in their war against subversion in America. The files tell of the tactics the FBI used to collect their intelligence, some legal, some possibly illegal, and of the actions that they carried out against their targets.

### *The Files*

After the speed of the initial inquiry into Phil Ochs' life and activity following the 1964 *Mainstream* article, the FBI slowed its investigation of him. From this time on, however, the FBI made frequent reports on Phil's activities and whereabouts. His police file appears regularly, citing every run in with the authorities, most for minor infractions. Charges range from vagrancy to felony possession of marijuana. These contents of his file suggest that the FBI had an interest in Ochs' criminal record,

possibly to determine whether he should be considered for placement on the Security Index for detention in case of national emergency.

Though his file appears to have been closed for a period of time following the January 1964 decision not to pursue Ochs further, it was reopened in January of 1966. While seven pages have been extracted from the Phil Ochs file at this point under (b)(1) exemptions, they appear to refer to a tour of Canada based on the surrounding pages. Phil's music was political as always, but at this time, he was promoting his album "Phil Ochs in Concert." The back jacket of the record had been designed to display eight short poems by Mao Tse-tung and Phil's question, "Is this the enemy?,"<sup>36</sup> which may have been what invited the attention of the six Special Agents of the FBI who observed Ochs at this time. Though the poems of Mao Tse-tung expressed wonder at the beauty of nature, the pain of loss, and the hope of peace—feelings that Phil believed were universal—Mao's name alone would have been enough to capture the attention of the FBI. This cluster of files ends with the New York Special Agent in Charge determining once again that "in view of the above, further action concerning this matter does not appear warranted at this time, and the subject's case is being closed in the NYO [New York Office]."<sup>37</sup> The number of FBI agents who observed Ochs, in Canada no less, is the most surprising aspect of these selected files. Although, in theory, the FBI may have seen merit in investigating the possibility that Phil Ochs was involved with communism based upon the poem by

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<sup>36</sup> Schumacher, *There But for Fortune*, 67.

<sup>37</sup> FBI memorandum from New York Special Agent in Charge to the Director of the FBI, 18 February 1966.

Mao Tse-tung, sending six agents to observe a show does not appear to be a proportional response.

Ochs' file was not closed, however. Another file dated two days earlier declared him a "Security Matter," and a more complete dossier was compiled. Several Special Agents had observed him, this time at a gig in Philadelphia "as he sang topical folk songs at a street rally protesting the United States participation in the war in Viet Nam."<sup>38</sup> A lengthy appendix to this file gives descriptions of numerous organizations, considered subversive, that Ochs was involved with. The efforts of the Bureau to fill in details of his life may have made sense, but his categorization as a "Security Matter" was less obvious. To receive such a classification, it seems his music and his presence at a protest against the Vietnam War was enough to label him a danger to the United States. If such minor and common actions on Ochs' part could land him on this index, one wonders how many other musicians may have been classified as Security Matters as well.

After his inclusion by Hoover as a Security Matter, however, the FBI's interest in Phil Ochs waned for a time. The bulk of the FBI's surveillance on Ochs took place several years later, when following the 1968 Democratic National Convention in Chicago, he came under the Bureau's scrutiny once again. During this time, he had been working with the Youth International Party (YIP), demonstrating with his friends Abbie Hoffman and Jerry Rubin. The YIP was a radical organization working to politicize the countercultural youth and Yippies demonstrated in very different ways than most other protest organizations. Many of their actions involved

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<sup>38</sup> Bureau File 100-441278, 16 February 1966.

guerrilla theater in the tradition of theater of the absurd seeking to attract attention. Often extremely dramatic, speaking and acting symbolically, the Yippies would not explain or clarify their behavior, leaving interpretation up to the viewer. Their outlandish actions drew many people to the organization and garnered the attention, both good and bad, of many others. During the Chicago demonstrations against the Democratic National Convention, the YIP lampooned the American political process by nominating a pig as their candidate for President of the United States. Besides buying the pig with the help of Yippies Jerry Rubin and Stew Albert, Phil Ochs was there when they announced the candidacy of "Pigasus" outside the Chicago Civic Center. Protesting the nomination of Hubert Humphrey, Jerry Rubin asked the assembled crowd, "Why vote for half a hog when you can have the whole thing?" All were promptly arrested (including Pigasus).<sup>39</sup> But although other protests turned violent, in carnage that was described by the investigating Walker commission as "a spontaneous police riot," Phil was not involved in any other altercations during the Convention, and actually spent some of his time in Chicago supporting Eugene McCarthy in his run for the nomination.<sup>40</sup> Still, literally hundreds of the pages in his file focus on this one event, citing informants, requesting further information regarding his involvement, and attempting to reach him for comment.

It was J. Edgar Hoover himself who suggested that the Phil Ochs file be reopened at this time. He instructed his agents:

Appropriate investigation of his activities should be conducted in order to bring this case up to date. . . During your investigation remain particularly

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<sup>39</sup> Schumacher, Michael. *There But For Fortune*, 196.

<sup>40</sup> Cunningham, *There's Something Happening Here*, 55, quoted from the Walker Report.

alert to subject's writings and public statements which would indicate his attitude toward violence to attain anti-United States objectives. Submit the results of your security matter investigation in a summary report and furnish your evaluation as to whether the subject's name should be included in the security index.<sup>41</sup>

Per the director's request, the Ochs file was reopened and the FBI made their most concerted effort to speak to Phil Ochs regarding his supposed subversive activities.

Agents tracked Phil Ochs down at his brother's home in California in the days immediately following Hoover's directives. Michael Ochs remembered that at the time, he did not take the Agents' queries seriously. They arrived at Michael's home unannounced,

Phil always used my address as his mailing address, and I was living in Topanga right after the Chicago conventions. Two agents actually came to my house, and I couldn't take them seriously. It was like right out of central casting. I mean, one of them was an Efrem Zimbalist professorial type, and the other was of the Steve McQueen type, and I was being a smart ass. The Steve McQueen guy was like "Let me at him, let me at him" and the other one is saying, "no, this is America." And I just got the giggles. It was just so, it was like a bad B movie. . . they said, "well, get word to your brother that we want to speak to him," so Phil sent word back "tell them I'll meet them at Death Valley at a certain date and a certain time at high noon."<sup>42</sup>

The FBI does not report the conversation of these two Special Agents with Michael Ochs, but does claim that Phil "advised that he would not discuss his activities with the agents."<sup>43</sup> Though Phil Ochs seems to brush off the FBI's interest, it really shook him rather deeply. For a man who loved old films, shrugging off danger like an old cowboy was the appearance he wanted to put forth, but in reality, it scared him and fueled his paranoia.

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<sup>41</sup> FBI correspondence from J. Edgar Hoover to Special Agent in Charge of the New York Field Office, dated 1 October 1968.

<sup>42</sup> Ochs, Michael. Telephone interview. 21 Mar. 2007.

<sup>43</sup> FBI correspondence, 1 October, 1968.

The FBI's efforts to track Ochs' whereabouts did not end at this time. A Bureau teletype from September of 1968 explains that "New York has assigned one Special Agent full time to this matter and two SA's [Special Agents] part time"<sup>44</sup> to investigate the events surrounding the Chicago Democratic National Convention. The documents sent in the days surrounding this teletype give information received from informants regarding Phil Ochs' current location ("speculated that if subject was in California. . . he might possibly be in the Big Sur area. . ."), that he had no known gigs coming up, analyses of phone bills that had been accrued over the course of his trip to Chicago, and reassurance of "San Francisco continuing to give investigation to locate subject vigorous attention."<sup>45</sup> Each of these tactics for information gathering takes significant time, effort, and manpower to research the life of one man. Instead of investigating any crime that they knew had taken place, however, the FBI was looking for possible offenses under which they could prosecute Ochs and other protesters. The FBI went on to collect several informant reports and contacted any businesses which operated on an interstate basis during the convention, hoping that evidence might emerge under which Ochs and others might be tried for violations of the new Anti Riot Law of 1968 which made it illegal to cross state lines "with the intention of inciting a riot" or other violations related to the interstate commerce clause.<sup>46</sup> All eight transportation companies contacted denied that the protests had harmed their businesses, unknowingly depriving the FBI of evidence necessary to

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<sup>44</sup> FBI teletype from the New York FBI Field Office to the Director of the FBI and the Chicago Field Office, dated 26 September 1968.

<sup>45</sup> FBI teletype from the New York FBI Field Office to the Director of the FBI and the Chicago Field Office, dated 26 September 1968. Informant report of 25 September 1968.

<sup>46</sup> *The New York Times*, "8 Go on Trial Today in Another Round in Chicago Convention Strife," 24 Sept. 1969.

prosecute breach of interstate commerce laws, and although a Special Agent observed Phil Ochs and Jerry Rubin together one week before the protest, he heard no evidence that would suggest that they were in violation of Anti Riot laws.<sup>47</sup> Based upon the difficulty of gaining evidence on Ochs, the Bureau decided to change his classification in their files to that of a “secondary subject.”<sup>48</sup>

The FBI had no evidence by which to request prosecution of Phil Ochs, but they continued to gather intelligence about him for the remainder of his life. Some gathering was simply the compiling of articles that had been published about him though other actions included direct surveillance and contacting of informants as well as Ochs’ friends, neighbors, and business associates to obtain information. In June of 1972, the FBI took to simply compiling a list of all of Ochs’ activities that might be considered questionable, sending a thirteen page summary of these actions to the FBI Headquarters in Washington.<sup>49</sup> Among the suggestions of Ochs’ subversive nature were the notes that he had participated in a student rally at Ohio State University on 7 May 1965, was mentioned in an article in *Insurgent* magazine (the magazine of the W.E.B. DuBois Clubs of America) which had “praised the current popular music that was protest music” and “singled out for special praise was Phil Ochs.” He had also “denounced the US” at a Norwegian rally against US policy on Human Rights Day in December of 1966. Other strikes against Ochs included the mention that he had been invited to entertain at coffee houses “for GI’s facing orders for Vietnam,” that he had “sang several songs” during the demonstrations against Nixon’s Inauguration in

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<sup>47</sup> FBI document dated 25 September 1968.

<sup>48</sup> FBI Airtel via registered mail dated 25 October 1968.

<sup>49</sup> FBI Correlation Summary, dated 2 June 1972.



January of 1969 and most specifically, that “at one point in the performance, Ochs called Nixon and Johnson ‘Traitors’ and said that Nixon should be in jail, not in the White House.” Interestingly, not all of these notes mention actions by Phil Ochs himself, but sometimes pertain to an unfavorable impression of Ochs because of who is alternatively holding him in esteem. The article in *Insurgent* magazine was not written by Ochs, but because he was praised in a publication of an organization that the FBI considered subversive, it seemed incriminating in the eyes of the FBI. In other words, through no action of his own, in this case, Phil Ochs was, in a way, considered guilty by association. By these standards, any musician could be investigated based upon the reputation of the magazines in which they were mentioned.

Information gathered by the FBI regarding Phil Ochs ultimately did not remain limited within the Bureau. Due to some of Ochs’ lyrics which worried the FBI, the United States Secret Service was alerted of a possible threat that Phil Ochs posed to the President of the United States. A concerned mother in Arkansas had alerted the local FBI field office of lyrics she had overheard on a Phil Ochs album belonging to her son. Based upon her complaint, the FBI listened to Ochs’ album “Rehearsals for Retirement” and believed that they too heard a threat. Specifically, an FBI document cites the lyrics that disturbed the agents as coming from the song “Pretty Smart On My Part” and stating:

I can see them coming. They are training in the mountains. They talk Chinese and spread disease. They will hurt me – bring me down. Some time

later when I feel a little better we will assassinate the President and take over the government. We will fry them.<sup>50</sup>

Although Phil Ochs had meant for the song to be a commentary on the ways that paranoia, personal insecurities, and hypermasculinity in American society leads people to destructive and violent beliefs and behaviors, the FBI did not catch the irony in his lyrics. Ochs had not been advocating the violence he sang about, though taken out of context, it is easy to see how agents of the FBI could have misconstrued his words. As a result of this aspect of the investigation, the Bureau contacted the Secret Service of the United States to alert them of a possible threat on the life of the President. Later, in July of 1972, the FBI again warned the Secret Service of Phil Ochs as a possible danger, but this time, their reasoning was less detailed, classifying him vaguely as: “Potentially dangerous because of background, emotional instability or activity in groups engaged in activities inimical to U.S.”<sup>51</sup>

### *The Effect of FBI Interference*

The last several years of Phil’s life make up a sad story, and it is impossible to know how much of an impact the FBI’s surveillance and interference had on him. To begin with, he felt intense paranoia about the FBI. He was convinced that they were after him, and told others of his suspicions, but his worries were mostly brushed off by those around him. Says Phil’s brother and former manager Michael Ochs: “he was very paranoid about the FBI, and I thought he was paranoid, just paranoid. I thought . . . oh come on, Phil, you’re not big enough or important enough for them to really

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<sup>50</sup> Correspondence from Little Rock Field Office to Director of the FBI, dated 22 October 1969.

<sup>51</sup> Correspondence from Acting Director of the FBI to the Director of the United States Secret Service, dated 27 July 1972.

take seriously. We hadn't done anything. . . . I was very naïve and then later when I found out he was under surveillance, I was actually surprised.”<sup>52</sup> Phil maintained that the FBI was monitoring him, regardless of the disbelief of those around him, and also believed that he would be assassinated, possibly on the orders of the Bureau.

The FBI's effect is particularly difficult to gauge because so much in the files remains censored and because many actions taken by the FBI were not likely to be included in the files. According to evidence uncovered in J. Edgar Hoover's personal files after his death, his memoranda outlined a “do not file” order for black-bag jobs (the technique of breaking into the home of a target for the purpose of planting bugs, examining personal papers and effects, and taking photographs of evidence that the FBI might use against them) as well as other activities that might appear of questionable legality if discovered. These documents with “do not file” orders were put on colored paper to distinguish them, and marked “This Memorandum is for Administrative Purposes—To Be Destroyed After Action is Taken and Not Sent to Files.”<sup>53</sup> Not filing such reports was common practice, as M. Wesley Swearingen, a former Special Agent of the FBI who had carried out hundreds of these black bag jobs reiterated in his memoirs.<sup>54</sup> Besides this lack of information remaining in the files from “Do Not File” orders, any information gathered through wiretaps was often attributed in files as having come from anonymous or confidential informants, leaving no trace of the illegal activity.<sup>55</sup> One page in Ochs' file suggests that electronic

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<sup>52</sup> Ochs, Michael. Telephone interview. 21 Mar. 2007.

<sup>53</sup> Theoharis, Althan G., and John S. Cox. *The Boss: J. Edgar Hoover and the Great American Inquisition*. (Philadelphia: Temple University Press, 1988), 175, 330.

<sup>54</sup> Swearingen, *FBI Secrets*, 24.

<sup>55</sup> Watters. *Investigating the FBI*, 301.

surveillance may have been carried out against him, but this possibility is uncertain at best.<sup>56</sup>

The questions that we are left with are as impossible for us to answer with any certainty as they were for Phil. Was the FBI responsible for Ochs' inability to get radio airplay? The agency was certainly in touch with his record companies, using informants within the organization to obtain information of Phil's whereabouts. The influence of such an informant within the company could have impacted how much of the company's efforts would be put into publicity for Phil, and might have also had something to do with why he had difficulty getting the record company to rent venues for his concerts, which he was left many times to rent on his own (an uncommon practice, even at that time). Still, we cannot prove the FBI's influence on these matters, and they could easily be accounted for by alternate explanations.

For Phil, however, more frightening events that he often attributed to the FBI or CIA involved his trips abroad. At the end of a trip to Australia and New Zealand, Phil had hoped to head to Vietnam to meet with Jane Fonda and tour the country. The visit to Vietnam was meant to be food for thought, as well as the inspiration for more music, but an intruder broke into Ochs' hotel room when he was at dinner, stealing all of his valuables and his money. Unable to continue on to Vietnam, he bought a ticket home with the American Express card that he had taken to dinner, his

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<sup>56</sup> In the Phil Ochs file, an FBI document dated 1 December 1971 states that an informant has received two phone calls from Phil during a trip to South America and details these conversations briefly. In speaking to Michael Ochs, he believes that the only two people that Phil might have called at this time would have been him or Andy Wickham, a friend of Phil's. Michael Ochs asserted that he had not contacted the FBI, and did not believe that Wickham could have been an informant either.

only remaining source of funds.<sup>57</sup> While Phil might have fallen victim to just another thief preying on American tourists, he believed that the theft was carried out specifically to keep him from making his planned visit to Vietnam. Though such a possibility exists, nothing in the Phil Ochs FBI file offers any evidence to support this conclusion.

Most terrifying for Ochs, however, was his assault during a trip to Africa. Phil left for a grand tour of Africa in September of 1973, planning to visit Ethiopia, Kenya, Tanzania, Malawi, and South Africa.<sup>58</sup> During the tour, he had several concerts planned in cities across Africa, and along the way, Phil befriended many local musicians, writing and performing songs with them in several African dialects. He felt comfortable and welcome in Africa until a stop in Dar-es-Salaam, Tanzania. While walking on the beach by himself one evening, Phil was assaulted by three men “who jumped him from behind, strangling him and beating him to unconsciousness before robbing him and leaving him for dead.”<sup>59</sup> The attack left Ochs with ruptured vocal cords and much of the damage to his voice was permanent. Beyond the physical damage, the emotional strain on Phil was intense. He was convinced that the attack had been calculated by the perpetrators, knowing that his livelihood was his music, and was even more certain that the action had been carried out at the orders of the FBI or CIA. Once again, however, the Phil Ochs FBI files are silent on this matter. The Bureau had monitored most of his travel including trips to Europe, South America, and Australia, and this trip notably goes unmentioned. Three pages of the

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<sup>57</sup> Schumacher, *There But For Fortune*, 269.

<sup>58</sup> Schumacher, *There But For Fortune*, 279.

<sup>59</sup> *Ibid*, 280.

file in a relatively close time frame are also missing from the file with an explanation that they are in the possession of another government agency. Still, it is unlikely that those files contain any mention of the Africa tour, and even if the FBI were involved in Phil's attack, it is unlikely that an illegal action such as that would be filed, based on J. Edgar Hoover's "do not file" order.

What we can ascertain from the files is that the FBI did not murder Phil. Although there is little doubt that Phil's death was self-inflicted, uncertainty as to the FBI's actions towards him have led to conspiracy theories claiming the Bureau sent someone to kill Phil and stage his suicide. Although the rumor probably was spawned from Phil's fear that he would be assassinated, the files suggest that the FBI knew nothing of Ochs' death until the newspapers reported it. In the typical fashion of a large bureaucratic organization, some agents filed these newspaper clippings as evidence necessary to close the file, while others, up to a month after Phil's passing were still suggesting that he be considered dangerous because of "background, emotional instability or activity in groups engaged in activities inimical to U. S."<sup>60</sup> Such a lack of recognition on the part of the FBI regarding Phil's death suggests that the FBI was not directly involved. (See Appendix 1G).

Indirectly, however, it is impossible to know what type of impact the FBI had on Phil Ochs' health and well-being. Phil's father, Jacob Ochs, had been a victim of a mental illness, and like his father, Phil began to manifest signs toward the end of his life that his psychological state was unstable. He had been paranoid about the FBI

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<sup>60</sup> Correspondence between the Director of the FBI to the Director of the United States Secret Service, 5 May 1976.

and CIA for many years, but his paranoia now reached a fever pitch: “The last time I talked to him was at an outside café. . . It was the summertime, and everybody was sitting there in their shirtsleeves. Phil showed up in a heavy winter overcoat, barefoot and filthy and loaded down with newspapers. All he would talk about was how the FBI was hunting him,” noted a friend.<sup>61</sup> Although it seems unlikely that the Bureau was “hunting him” at this time, they had certainly spent a lot of time over past years following Ochs, investigating his associations, questioning his friends, family, and neighbors, and so on. In all likelihood, Phil’s mental illness had by this time clouded his judgment and increased his paranoia, but the FBI’s past actions could have easily led to such extreme worry about what they might want from him.

At the same time, Phil’s suicide was likely precipitated by his mental illness, including his extreme depression. Depression stemmed from Phil’s feelings of having failed in his career. He had never achieved stardom: his records did not sell in great numbers as his friend Bob Dylan’s did; his songs were not played on the radio; and although he had been fairly successful as a touring artist, he saw himself as a failure. If the FBI had any influence over Phil’s “failed” career, then perhaps they hold more of the blame for the tragedy of his unraveling and eventual suicide. It is impossible to tell for certain, however, and even the “what if” of Phil’s career left unfettered by the FBI could still have resulted in the same eventual end.

Overall, the FBI felt that they had justification for their actions against protesters, including musicians. Their goal was to protect the United States from any

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<sup>61</sup> Quoted in Schumacher, *There But For Fortune*, 279.

threat to the government and the American way of life, and placing importance on neutralizing dangers was certainly warranted. In many ways, however, the lengths to which they went in their investigations seem unwarranted. There was concern that Communism or any other radical ideology might pose some danger to the country, but the overwhelming FBI response to perceived threats was excessive overall. Most of the surveillance on Phil Ochs turned up nothing of significance, certainly nothing that was a prosecutable offense, but they still spent portions of thirteen years and significant manpower to gather intelligence about him. The same can likely be said of most others that the FBI investigated for their music. Still, Ochs was certainly an outspoken critic of the United States government's foreign policy and allied himself with protest organizations whose activities had occasionally devolved into violence. Without more specific knowledge of his actions and whereabouts, the FBI might argue that they could have let a national threat endanger the welfare of the United States.

Regardless of their intentions, the Federal Bureau of Investigation's actions may have affected the life of Phil Ochs adversely, and we cannot know how many other lives were impacted by their actions. Based on the small number of other files released, we can ascertain that the Bureau was keeping files on numerous musicians, but we will never know how many, or to what extent intelligence and counterintelligence activity was carried out against them. From documents we do possess, we know that many of the best known artists of the protest era were targeted,



among them Bob Dylan, Richie Havens, Arlo Guthrie, and Ravi Shankar.<sup>62</sup> This list is by no means exhaustive, on the contrary, we have no way of knowing how many other musicians lives and careers were affected by Bureau investigations and intervention. We cannot know what the musicians of the protest era might have been able to foment without the interference of the Federal Bureau of Investigations. What is certain, however, is that the FBI has overstepped their bounds many times in the past, leading to the certain violation of American citizens' civil liberties. Only by bringing to light these past actions of the FBI can we prevent similar programs from being carried out, both in the present day and in the future.

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<sup>62</sup> As noted in the Jimi Hendrix FBI File, accessible online in the FBI's FOIA Electronic Reading Room at [http://foia.fbi.gov/foiaindex/hendrix\\_james\\_marshall.htm](http://foia.fbi.gov/foiaindex/hendrix_james_marshall.htm).

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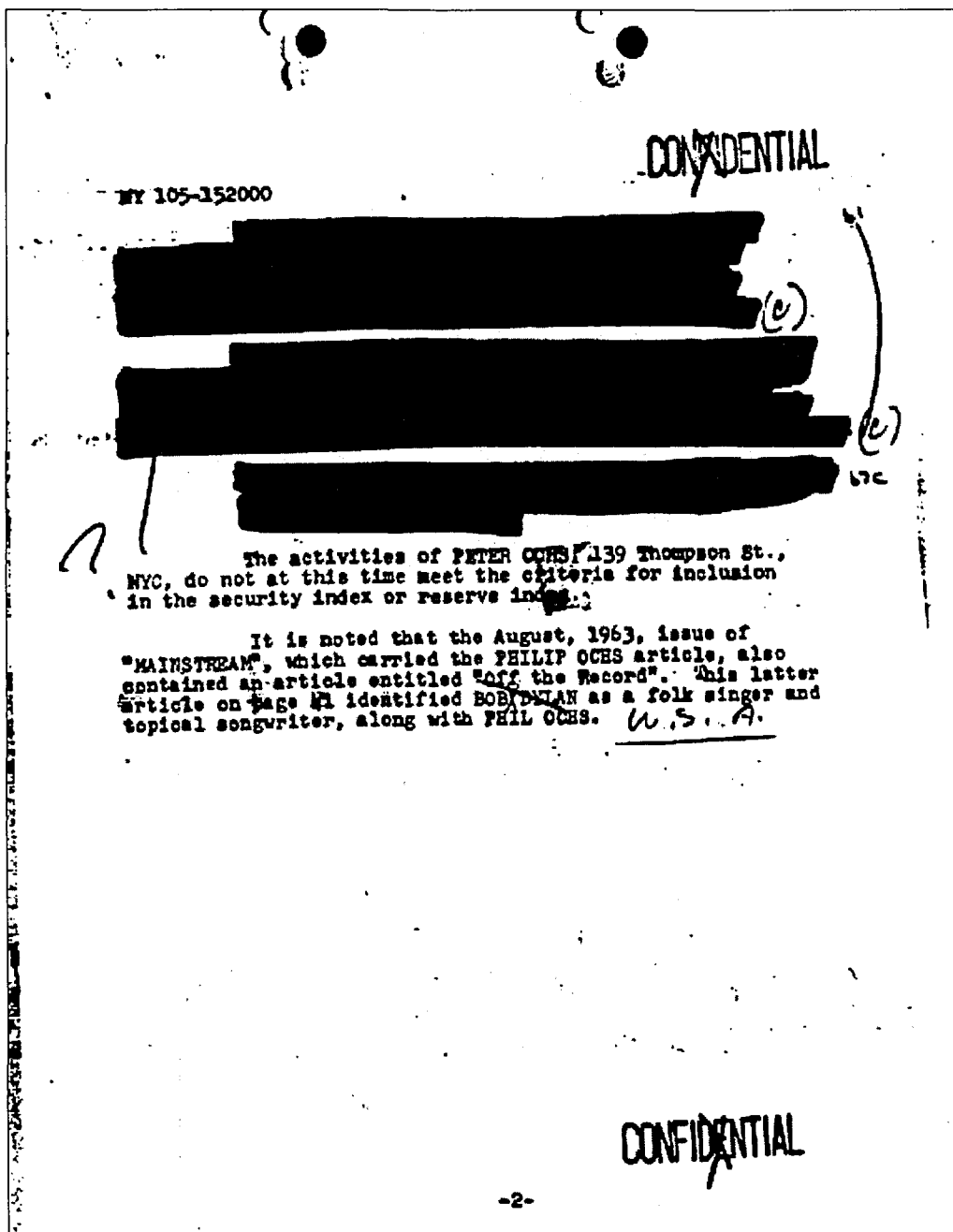
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**Figure 1A:** The second page of FBI memorandum from New York Special Agent in Charge to the Director of the FBI, 5 December 1963. Bob Dylan's name has been crossed off in a manner which indicates that this document has also been placed in his file. Markings like this allow researchers to ascertain some of the other targets of the FBI. Through the Freedom of Information Act, however, only the files of deceased persons may be requested by researchers.

Appendix

12-7-79

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**FEDERAL BUREAU OF INVESTIGATION  
FOIPA DELETED PAGE INFORMATION SHEET**

7 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

Deleted under exemption(s) b1 with no segregable material available for release to you.

Information pertained only to a third party with no reference to you or the subject of your request.

Information pertained only to a third party. Your name is listed in the title only.

Document(s) originating with the following government agency(ies) \_\_\_\_\_, was/were forwarded to them for direct response to you.

\_\_\_\_\_ Page(s) referred for consultation to the following government agency(ies); \_\_\_\_\_ as the information originated with them. You will be advised of availability upon return of the material to the FBI.

\_\_\_\_\_ Page(s) withheld for the following reason(s):  
\_\_\_\_\_  
\_\_\_\_\_

For your information: \_\_\_\_\_

The following number is to be used for reference regarding these pages:  
100-441378-3 enclosure

XXXXXX  
XXXXXX  
XXXXXX

XXXXXXXXXXXXXXXXXXXX  
DELETED PAGE(S)  
NO DUPLICATION FEE  
FOR THIS PAGE  
XXXXXXXXXXXXXXXXXXXX

FBI/DOJ

Figure 1B: The FBI's "FOIPA Deleted Page Information Sheet." The Phil Ochs file contains several pages which have been deleted from the released file as "non-segregable." The seven pages described here have been deleted for (b)(1) exemptions, which expire after twenty-five years.

Appendix

FEDERAL BUREAU OF INVESTIGATION

Date 9/17/68

by SA [redacted] was advised of their personal identities and of their capacities as Special Agents of the Federal Bureau of Investigation (FBI).

[redacted] was advised that he was being interviewed by the FBI regarding his activities on August 23, 1968, as subject's activities related to violations of Antiriot or other Federal laws.

At 3:30 p.m. [redacted] was advised by SA [redacted] in the presence of [redacted] of his rights as they appear on the Form "Interrogation; Advice of Rights." [redacted] read and acknowledged that he understood these rights but declined to sign this form in the presence of SAs [redacted].

[redacted] advised that on or about August 21, 1968, a friend by the name of [redacted] asked [redacted] if he would be willing to transport a pig in his jeep. [redacted] said he would and [redacted] then instructed him to go to an alley on the morning of August 23, 1968, where he would see a group of people with a pig. [redacted] described the alley as being on the west side of North Wells Street, approximately two blocks south of North Avenue. [redacted] stated that he believed the reason [redacted] asked him to do it was because they were friends and because [redacted] had an old jeep, which would accommodate the situation. [redacted] described his car as being a 1957 Millies Jeep Station Wagon, blue and white in color. [redacted] further stated that he went through with the request because [redacted] was a friend of his and because it sounded like a fun thing to do, although at that time he did not know exactly what was to be done.

[redacted] described [redacted] as being a white male, approximately twenty-three to twenty-five years of age, height six feet, weight 150 to 160 pounds.

[redacted]

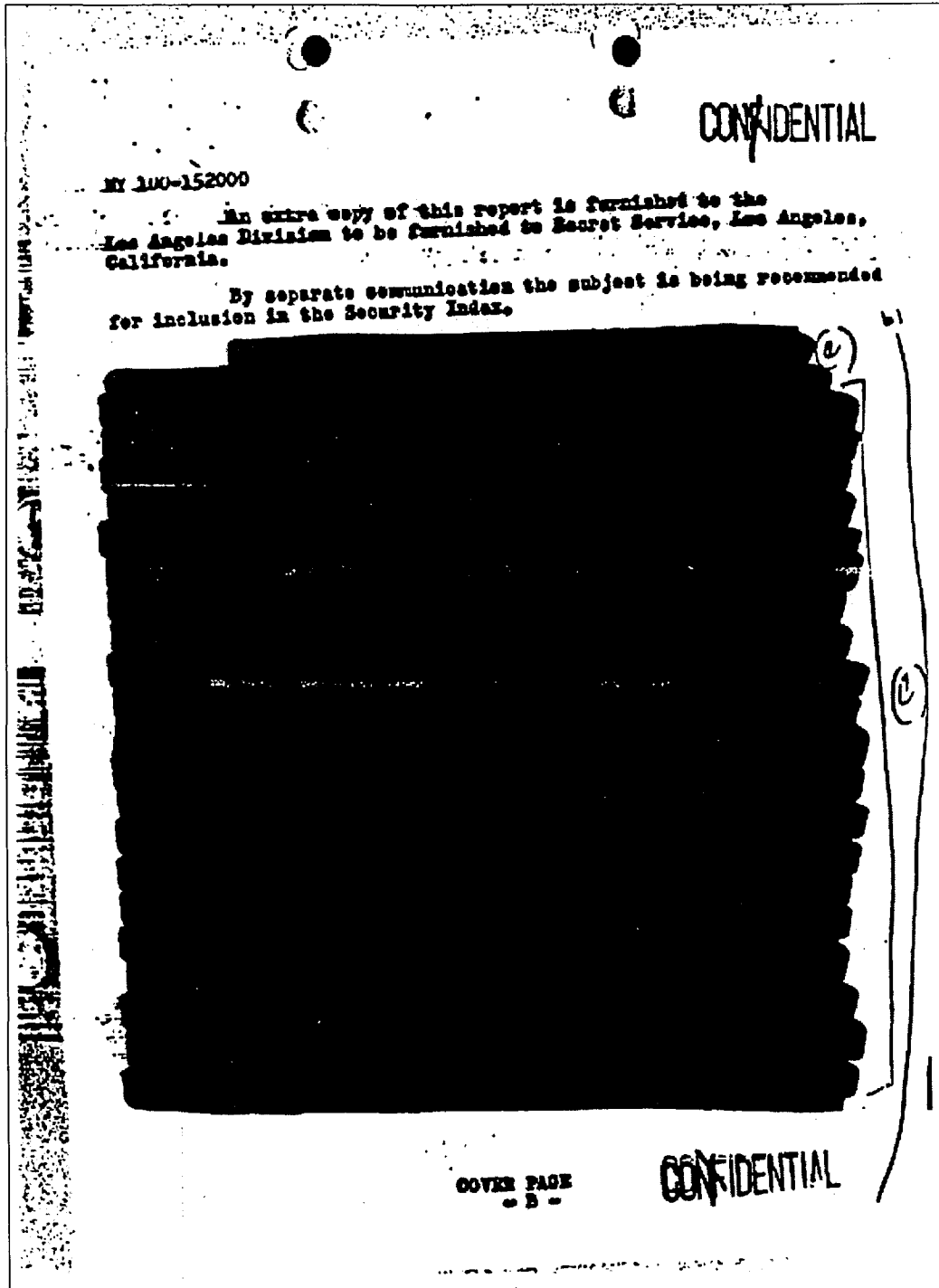
---

On 9/16/68 at Chicago, Illinois File # CG 176-576

by SA [redacted] S [redacted] Date dictated 9/17/68

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.


Figure 1C: A portion of an FBI Informant's Report, dated 17 September 1963. This page demonstrates the (b)(7)(c) and (b)(7)(d) exemptions meant to keep the identities of Special Agents and Informants secret.



*Figure 1D: A portion of an FBI Report on Phil Ochs, dated 24 December 1968. This page shows the extent of censorship among pages of the FBI's files. Almost no text remains un-censored.*

Appendix

FD-376 (Rev. 4-25-64)

 UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

In Reply, Please Refer to  
File No. **BUREAU 100-441378**

Director  
United States Secret Service  
Department of the Treasury  
Washington, D. C. 20220

~~SECRET~~

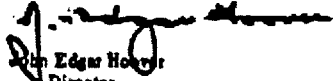
Re: Philip David Ochs

Dear Sir:

The information furnished herewith concerns an individual who is believed to be covered by the agreement between the FBI and Secret Service concerning Presidential protection, and to fall within the category or categories checked.

- Has attempted or threatened bodily harm to any government official or employee, including foreign government officials residing in or planning an imminent visit to the U. S., because of his official status.
- Has attempted or threatened to redress a grievance against any public official by other than legal means.
- Because of background is potentially dangerous; or has been identified as member or participant in communist movement; or has been under active investigation as member of other group or organization inimical to U. S.
- U. S. citizens or residents who defect from the U. S. to countries in the Soviet or Chinese Communist blocs and return.
- Subversives, ultrarightists, racists and fascists who meet one or more of the following criteria:
  - Evidence of emotional instability (including unstable residence and employment record) or irrational or suicidal behavior;
  - Expressions of strong or violent anti-U. S. sentiment;
  - Prior acts (including arrests or convictions) or conduct or statements indicating a propensity for violence and antipathy toward good order and government.
- Individuals involved in illegal bombing or illegal bomb-making.

Photograph  has been furnished  enclosed  is not available  
 may be available through \_\_\_\_\_

Very truly yours,  
  
John Edgar Hoover  
Director

1 - Special Agent in Charge (Enclosure(s) (2) (RM)  
U. S. Secret Service, Los Angeles

Enclosure(s) (2) (RM) Upon removal of classified enclosures, if any, this transmittal form becomes UNCLASSIFIED.

Figure 1E: A message regarding Ochs from the Director of the FBI to the United States Secret Service, dated 20 December 1968. In sending this message, Hoover is suggesting that Phil Ochs should be considered a danger to the President of the United States.



**CONFIDENTIAL**

**FEDERAL BUREAU OF INVESTIGATION**

FD-203 (Rev. 12-10-67)

REPORTING OFFICE <b>LOS ANGELES</b>	OFFICE OF ORIGIN <b>LOS ANGELES</b>	DATE <b>7/28/71</b>	INVESTIGATIVE PERIOD <b>4/26/71 - 7/27/71</b>
TITLE OF CASE <b>PHILIP DAVID OCHS, aka</b>		REPORT MADE BY [REDACTED] b7c	TYPED BY [REDACTED] mb
Classified by <b>SP5 RJG</b> Declassify on: <b>OADR</b> <b>apt</b> <b>6/25/83</b>		CHARACTER OF CASE <b>BH - YIP</b>	
ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE			

**REFERENCES:** Summary report of SA [REDACTED] b7c dated 12/20/68, at New York City.

**ADMINISTRATIVE**

PHILIP OCHS is also subject of Bufile 176-44, Los Angeles file 176-40.

OCHS was personally observed departing from New York City on 10/25/70, to Paris, France, by SA [REDACTED] at the John F. Kennedy International Airport (JFKIA). b7c

OCHS was personally observed arriving in New York City from Dublin, Ireland, on 11/16/70, by SA [REDACTED] SA [REDACTED] SA [REDACTED] and SA [REDACTED].

SEARCHED	SERIALIZED	INDEXED	FILED	RECORDED	INDEXED	FILED	RECORDED	INDEXED	FILED
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PENDING OVER ONE YEAR  YES  NO  
 PENDING PROSECUTION OVER 90 DAYS  YES  NO

APPROVED **[Signature]** SPECIAL AGENT IN CHARGE

COPIES MADE **[Signature]**

DO NOT WRITE IN SPACES BELOW

**100-441378-16** REC-51 EX-114

**6 AUG 5 1971**

AGENCY **AS10**

Seq. No. **6-1-71**

DATE **7/28/71**

**CONFIDENTIAL**


**62 AUG 11 1971**

**COVER PAGE**

Figure 1F: An FBI Report dated 5 August 1971 exhibiting the close tabs that the FBI usually kept on Phil Ochs while traveling.

Appendix

FD-376 (Rev. 12-17-75)  
Form of the Director



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D. C. 20535

May 3, 1976

Director  
United States Secret Service  
Department of the Treasury  
Washington, D. C. 20223

In Reply, Please Refer to  
File No. 100-70269


RE: PHILIP DAVID OCHS

Dear Sir:

The information furnished herewith concerns an individual or organization believed to be covered by the agreement between the FBI and Secret Service concerning protective responsibilities, and to fall within the category or categories checked.

- Threats or actions against persons protected by Secret Service.
- Attempts or threats to redress grievances.
- Threatening or abusive statement about U. S. or foreign official.
- Participation in civil disturbances, anti-U. S. demonstrations or hostile incidents against foreign diplomatic establishments.
- Illegal bombing, bomb-making or other terrorist activity.
- Defector from U. S. or indicates desire to defect.
- Potentially dangerous because of background, emotional instability or activity in groups engaged in activities inimical to U. S.

Photograph  has been furnished  enclosed  is not available.

Very truly yours,  
  
Clarence M. Kelley  
- Director

1 - Special Agent in Charge (Enclosure(s))  
U. S. Secret Service  
Enclosure(s)

Figure 1G: Further FBI correspondence to the Secret Service regarding Phil Ochs dated 5 May 1976. The Director of the FBI suggests that Phil should be considered potentially dangerous, but at the time that this document was created, Phil had been dead for nearly one month.

Appendix

Number of Pages	Reason Withheld	Reference
1	(b)(7)(d)	176-44-1, page 3
3	(b)(7)(d)	177-44-16, pages 10-12
1	(b)(7)(d)	176-44-16, enclosure
2	(b)(7)(c), (b)(7)(d)	176-44-18, pages 15-16
1	(b)(7)(c), (b)(7)(d)	176-44-26, page 6
1	(b)(7)(c)	100-441378, NR [no reference], dated 4-7-64
7	(b)(1)	100-441378, 4 enclosure
1	(b)(1)	100-441378, 3 enclosure
1	(b)(1), (b)(7)(d)	100-441378-NR, 7-23-70, enclosure page 2
1	(b)(1)	100-441378-NR, 11-17-70, page 2
2	"Documents originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you."	100-441378-NR, 10-13-71
1	"Documents originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you."	100-441378-NR, 10-10-75
1	(b)(7)(c)	100-441378-NR, 10-10-75
<b>23 Total Pages Withheld</b>		

**Figure 2A:** *Pages deleted from the Phil Ochs file as non-segregable material.*

## Appendix

### **Figure 3A: *Accessing and Understanding the FBI's files***

Much of the difficulty in researching the FBI's files lies in the fact that they are available to researchers only after the subject's death. As a result, the FBI's records on many musicians from the Vietnam War era will not be available for some time. Even after their release, however, most files remain heavily censored. Through the Freedom of Information Act (FOIA) and the subsequent Privacy Act which was passed in 1974, it has become possible to request a file from the FBI as well as numerous other governmental offices and departments, but while the passage of these acts has been a boon to researchers, the amount of information released to the public is still at the discretion of the FBI. Specifically, there are exemptions within the act which allow certain items to remain classified within the files regardless of the public's interest in having that information.

The heavy black lines of the censor's pen obscure the names of Special Agents who conducted the investigations, informants, and any details that might help to identify these persons. In my own research, I have found that most pages bear at least some of these exemptions, and some been censored in full. These instances employ only the standard FBI codes to explain the missing text. The most common exemptions, generally (b)(7)(c) or (b)(7)(d), are peppered across almost every page of Phil Ochs' file with no further explanation of the withholdings. B(7) exemptions generally refer to "records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information" according to the "FBI's Explanation of Exemptions." More

specifically, a C exemption covers information that “could reasonably be expected to constitute an unwarranted invasion of personal privacy,” while a D exemption omits information that “could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the lawful course of a criminal investigation, or by an agency conducting a national security intelligence investigation, information furnished by a confidential source.”<sup>63</sup> Further explanation or clarification do not accompany these notations within the FBI files, however, so interpreting what might be obscured by censorship of the file is a difficult task. (See Appendix 1C).

Far less common are (b)(1) exemptions, though to stumble across them is far more intriguing. These exemptions are “specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and. . . are in fact properly classified pursuant to such Executive order.”<sup>64</sup> In other words, by presidential order, the information is to be kept secret in the interest of national security, though how dangerous any of that material could be is often debatable. The Phil Ochs file contains more than sixty pages with material censored under the (b)(1) exemption. (See Appendix 1B).

Submitting the FOIA request is often the easiest part of the process in researching the FBI’s records. Although the FBI released the Phil Ochs file to me

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<sup>63</sup>Explanation of Exemptions, <http://foia.fbi.gov/exempt.htm>.

<sup>64</sup> Ibid.

rather quickly, when 449 pages arrived in no particular order it was hard to know where to begin. Some sections of the file are chronologically organized, while others are clearly filed at random, and the missing pages become harder to interpret. Most likely, the censored pages are related to those falling before and after them, but without any classifying information displayed, it is difficult to know where they belong within the file. Only through becoming familiar with the file over the course of days or weeks does it become easier to understand what the files have to tell.

Becoming privy to the tricks of interpreting the FBI's files is also a complicated task without any guidance. Jon Wiener, a professor at the University of California at Irvine who has done extensive research of other FBI files, most notably John Lennon's, was able to give me some important advice: "You should have no b1 exemptions for any material more than 25 years old."<sup>65</sup> Nowhere else was I to come across this information, but in fact, (b)(1) exemptions expire after 25 years. As Phil died in 1976, 25 years had certainly passed, but these exemptions had not been addressed in the file. The file that the FBI had released to me was in the form in which it had been released in 1981, and more than 60 pages were affected by this type of exemption. I was eligible to receive a re-released file from the FBI, but it meant submitting a more detailed FOIA request and another wait. Still, I was lucky to have been alerted to my own rights as a requester in this case. Much of the difficulty with this type of research is finding out what information you are entitled to by law.

The greatest challenge in looking at these files, however, is not simply the censorship, but learning to interpret what these gaps in the data mean. At times, the

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<sup>65</sup> E-mail from Jon Wiener, Feb 13, 2007.

the gaps are too large to infer from the context. Other pages are simply deleted by the FBI, determined to be “non-segregable” pages, meaning it has been determined that nothing on the page can be released without endangering national security. (See Appendix 1B, 2A). It is hard to know what to make of large passages of missing text. The exemptions suggest what the gaps could contain—data identifying a source perhaps, or a withholding due to reasons of national security—but these explanations are exceedingly vague. Numerous passages have been withheld on account of “executive order,” and it is easy to imagine almost anything in those pages, but in reality it is as likely that they will be revealed to be run-of-the-mill information which the FBI had no real interest in keeping secret. In the course of researching John Lennon’s FBI file, Professor Wiener has spent more than 20 years in litigation to get pages in the file declassified. A 1997 settlement required the FBI to release numerous pages that had been classified in their entirety, but although the declassifications were a win for researchers everywhere, much of the content released was not relevant to the investigation of John Lennon. Within the file, for example, a declassified page contained an informant’s report of a meeting of the Youth International Party (YIP). The page, instead of giving us any information about John Lennon, contributes details like:

“there is a girl there named Linda who acts as a servant [sic] for Tom and Frank. Linda’s parrot interjects ‘Right On’ whenever the conversation gets rousing. Tom is trying to train it to say ‘eat shit’ whenever he argues with anyone but the bird now says it to him whenever he sees him.”<sup>66</sup>

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<sup>66</sup> FBI Informant Report as released by the FBI in a 1997 settlement, as pictured in Wiener, Jon. *Gimme Some Truth: the John Lennon FBI Files*. (Berkeley: University of California Press, 1999), 251.

While it is an amusing anecdote, this information does not pertain to the file in any relevant way, and its release does not reveal much more about the FBI's actions against John Lennon. In other words, there are often fewer answers to our burning questions within the files than we would like.



*Curriculum Vitae*

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b. February 18, 1983 in Pittsburgh, Pa

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Father: John C. Meiman

**EDUCATION**

M.A. in American Studies 2007  
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Lehigh University American Studies Masters Fellowship 2005-2006  
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Teaching Assistant to Instructor Hunter Smith 2006  
**Course:** "Great Cases in American Legal History."  
*Johns Hopkins University Center for Talented Youth, Easton, PA*

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**END OF TITLE**