

Edward S. Miller

“ . . . carried the mantle of fidelity, bravery and integrity with unflagging energy and pride.”

by Susan Lloyd (1979-2004)

As Edward Samuel Miller said in his own words, “I was born on Veteran’s Day, Nov. 11, 1923, in East Pittsburgh, PA, but I remember nothing about that.” With that typically good-humored statement, Miller introduced himself to an Oral History Project interviewer in 2008. His Americana-like beginning, however, did not portend the well-respected, successful man, or the loyal and dedicated FBI Agent he would become as an adult.



Edward S. Miller

Miller was the third child of four children. He recalled that his family was poor during the Depression, just like every other family — “Not starving, but just plain poor.” In the first grade, he had an after-school job at a grocery store, sweeping up, and

making five cents each afternoon. One Christmas when he was a youngster, Miller received a ride-in fire truck from Santa. A day or so later it disappeared. Miller called that “the year Santa came twice to our house; once to bring it (the fire truck) and once to take it away.” When he asked his mother about it, she explained Santa needed the truck for a poor kid who didn’t receive any presents. Being the good son he was, Miller did not question her reasoning.

After his graduation from McKeesport High School in 1942, Miller needed one semester of higher algebra before he could attend Georgia Tech on a work-study program. He went back to high school after graduation to take the course but also got a job, working shifts in a steel mill as an apprentice machinist.

While in Pittsburgh one day in the fall of 1942, Miller was standing in front of the U.S. Post Office as a military recruiting band marched past him. Inspired, Miller turned and went inside the building and enlisted on the spot. He was assigned to the Army Air Corps and then was accepted into an Army program that sent soldiers to college to prepare them for engineering work during the war. He attended Kalamazoo College in Michigan for only one year but was able to complete two years worth of work.

The program ended for all troops with the Battle of the

Bulge in late 1944. Miller was assigned to the Signal Corps and served in the Pacific Theater as a platoon sergeant. He helped set up communications for the invasion of Okinawa in April 1945 and was then sent to support the occupation of Korea. He was awarded a Bronze Star and discharged in February 1946. He returned home to Pennsylvania.

In June 1946, he was preparing to attend the University of Texas when a friend, Bob Couy, asked him for a ride to Grove City College to take an entrance exam there. While waiting for Bob, Miller talked to the dean who convinced him to submit his application. Shortly thereafter, he became a student at the college.

Miller went to summer school but he and the other former GIs were looking forward to the fall when the girls would return to campus. Miller always sat in the front of the classroom so he could look at the girls’ faces instead of the backs of their heads. One Thursday, he turned around and there was Patricia Clark, sitting in the back of the room. He instantly fell in love with her even though they had not yet met. Soon, however, they began dating and continued dating after Pat’s graduation in 1948. Miller graduated in 1949 and they were married on Sept. 2, 1950.

Jobs were difficult to find in 1949 and Miller took a job selling soap for Proctor and Gamble to grocers in West Virginia. He was so good at sales that one store owner told him when he called for an appointment, “I don’t want to ever see you again, Miller.” He apparently had sold the grocer enough soap to last a lifetime. Miller’s next job was with Acacia Mutual Insurance in Washington, DC, but that was short-lived. A friend who was already an FBI Agent



Pat and Ed on their honeymoon

recruited Miller for the Bureau. Miller was sworn in as a Special Agent of the FBI in November 1950.

Miller's first office was Los Angeles, where he was initially assigned to the General Criminal Squad and later re-assigned to the Santa Monica Resident Agency. In December 1951, he was transferred to San Francisco, where all three of he and Pat's children were born during their 11-year stay there. After a brief stint in applicant matters, Miller went undercover for a year on a case he never discussed. Undercover work was unusual in those days and daily authorization was required for Miller to continue this assignment.

Miller transferred to the Espionage Squad in 1954 to help set up a program of intelligence collection that later became known as "Program C" and involved, among other things, surreptitious entries. After four years on the squad, he returned to the streets and served as the liaison agent to Alcatraz, taking a water barge out in the morning and back in the afternoon to cover leads on the island.

In 1962, Miller was transferred to FBI Headquarters to work in the Administrative Division, then the Inspection Division and finally the General Criminal Division. On Christmas Day 1966, he was sent to Mobile for 10 months as Assistant Special Agent in Charge and then was transferred to Honolulu as Assistant Special Agent in Charge. In January 1969, he was transferred to Chicago as criminal Assistant Special Agent in Charge.

Miller expected to become Special Agent in Charge of the Cleveland Division, but instead he was appointed to Deputy Assistant Director in the Inspection Division. He reported to FBI Headquarters in October 1969 to work directly under Assistant Director W. Mark Felt.

In September 1971, Miller was promoted to Acting Assistant Director of the Domestic Intelligence Division. Seven months later, on May 2, 1972, FBI Director J. Edgar Hoover died and L. Patrick Gray, an Assistant Attorney General, was appointed to be the Acting Director.

Gray was under considerable pressure from the White House to end the chaos created by the radical Weathermen Underground, a group that emerged in the late 1960s. During that period, mass demonstrations and violent riots erupted throughout the country and were the basis of a widespread strategy to destabilize the country. The Weathermen, later known as the Weather Underground, was one of the more revolutionary groups and openly advocated the overthrow of the government.

During a meeting in September 1972, Gray told Miller he had decided to re-authorize surreptitious entries and met with the Special Agents in Charge so they could be briefed on the reauthorization of the program. Miller's Intelligence Division continued its work on Weather Underground matters, periodically using these tactics. In October 1973, Miller was promoted to Deputy Associate Director in charge of all investigative operations. In 1974, when he was the third man at the top of the FBI hierarchy, Ed Miller retired.

In retirement, Miller continued his service to the nation and his community. He lectured to classes at the FBI Academy and was well known for handing out hundreds of copies of the U.S. Constitution to his students over the years. He served as a magistrate for the City of Fairfax in the mid-1970s, as a Deputy Clerk of the Court in Fairfax, and worked with the Fairfax City Crime Solvers from 1977 until 2011. He was the chair of his Home Owner's

Association for 30 years and served as chair of the City of Fairfax Advisory Board for four years. He was a religious man, a news junkie, and most of all, a family man devoted to his wife and children.

Life was good and Miller was enjoying retirement until one Thursday in April 1978, four

years after his retirement. That's when he learned he had been indicted in the U.S. District Court for the District of Columbia.

COINTELPRO: Indictment & Trial

In 1936, President Roosevelt met with Director Hoover to talk about espionage, sabotage and subversion. He wanted Hoover, "to take charge of these problems" and authorized him, as the Director of the FBI, to do so. Based on this authorization, the Bureau engaged in surreptitious activities while conducting foreign intelligence and counterespionage investigations.

The Smith Act of June 1940 had given the government a powerful weapon to use against radicals by making it illegal to advocate the overthrow of the government by force or to organize and belong to a group that had such a goal. By the mid-1950s, however, the constitutionality of the Smith Act was in question. With its pending demise, Hoover called upon his domestic intelligence experts for a new strategy to use against the Communist Party.

Emerging from these sessions in 1956 was a plan known as COINTELPRO (Counter Intelligence Program), a campaign instituted initially to undermine the Communist



Mark Felt and Ed Miller

Party and its members, using the motto — “Do to the Communists what they were doing to us.”

The use of the Presidential delegation of authority to the Director of the FBI for surreptitious activities remained in place until 1966. It was then that Hoover met with Attorney General John Mitchell, who concurred with the Bureau’s continued participation in wiretaps and microphone surveillances, but not surreptitious entries. Hoover ordered the termination of these entries in 1966, but Gray revived them in September 1972. After the Senate failed to confirm him as the Director, Gray resigned his position on April 27, 1973.

The media had a field day when it became known that the FBI used COINTELPRO-like tactics against domestic terrorist groups. Sectors of Congress called for an investigation and, in 1975, Senator Church and Congressman Pike conducted joint hearings, resulting in a report that was highly critical of the FBI’s conduct. At the start of the Carter administration in January 1977 the Department of Justice moved to take action.

The first hammer fell on John J. Kearney, Supervisory Special Agent of New York Squad 47, who was indicted on April 7, 1977. Squad 47 was created to find fugitives from the Weathermen and Weather Underground cases. DOJ’s press release stated, “The indictment resulted from a DOJ investigation of allegations that illegal investigative techniques were used by FBI

Agents assigned to Squad 47.” On the day of Kearney’s arraignment, a group of 400 to 500 Agents gathered in New York’s Foley Square outside the federal courthouse in a show of support. Several defense funds were initiated, including the Citizen’s Legal Defense Fund for the FBI, created by an impressive group of well-known public figures, and the Special Agent’s Legal Defense Fund, sponsored by the Society of Former Special Agents of the FBI.

On April 10, 1978, he and Pat were listening to the news when they heard the report that Miller and fellow former FBI officials Gray and Felt had been indicted on felony charges for authorizing burglaries against relatives and friends of the Weather Underground movement. Almost simultaneously, the charges against Kearney were dropped.

Felt and Miller had their own show of support on April 20, 1978, the day of their arraignments. A crowd of more than 1,000 lined up outside the U.S. District courthouse in Washington, DC, to cheer as they emerged. Supporters

came from all over the country, including a number of New York Agents who chartered buses to Washington. Miller was extremely grateful to his supporters and the donors to the legal defense funds, particularly to his peers in the Society of Former Special Agents of the FBI. His legal fees were enormous. By some accounts, the money raised for the defense funds exceeded \$2 million.

The trial for Felt and Miller began on Sept. 15, 1980. Gray had been severed as a defendant in that trial and was awaiting a separate trial. He had denied any involvement or authorization of the entries and for the rest of his life, claimed he never gave Miller or anyone else the authorization to conduct surreptitious entries.

Although Felt and Miller took responsibility for the break-ins, their defense was that the authority had been re-established by Gray in September 1972 and also the entries were legal because of foreign involvement. Foreign involvement was addressed in the Keith Decision in June 1972, which deemed it was lawful to conduct searches if those searches were conducted against a foreign entity. The

legal interpretation was that foreign involvement meant money; in the Felt-Miller case, however, involvement could not be proved because foreign financial support and controls could not be proved.

In an unprecedented action, former President Nixon and four former



FBI Special Agents show support for Ed Miller (center) following his arraignment

U.S. Attorneys General testified for the defense that they would have given authorization at the time, if asked, for the surreptitious entries. Only former U.S. Attorney General Ramsey Clark testified he would not have authorized the entries under any circumstances.

On Nov. 6, 1980, one day after Ronald Reagan’s election to be President, Mark Felt and Ed Miller were convicted and sentenced to pay fines of \$5,000 and \$3,500, respectively. Following their convictions, the government dismissed the indictment against Gray.

Shortly after Reagan was inaugurated, Special Counsel Edwin Meese (who later became Attorney General) contacted Miller’s attorney to ask if he would accept a pardon and on April 15, 1981, Reagan issued a full and unconditional pardon to both men. Although many encouraged them to appeal, they ultimately decided against it because of the estimated cost to do so.

After Miller was pardoned, former President Nixon sent him a good bottle of champagne, accompanied by a personal note that read, “Justice ultimately prevailed.

Congrats for sticking with it and thanks for your service to the nation.”

Fitting Words

Ed Miller died on July 1, 2013, at the age of 89.

His home office remains as it was — with its framed Statement of Pardon from Reagan; a framed un-cashed check to John Mitchell for his witness fees; the bottle of champagne from Richard Nixon; and several hundred books on the FBI, law enforcement, the law and the Constitution, politics and many other subjects.

In a letter to the Miller family after Miller’s death, a retired Agent aptly wrote, “I was one of the one thousand Agents present outside of the U.S. District Court in Washington, DC, on April 20, 1978, to support Ed. It was

an amazing display of support for an FBI Leader, one who carried the mantle of Fidelity, Bravery and Integrity with unflagging energy and pride.”

Those were fitting words to describe a remarkable man.

(Note from the author: My appreciation to Miller’s widow, Patricia Clark Miller, for her generosity and hospitality in participating in several interviews for this article. Thanks also go to retired Supervisory Special Agent John Kearney for his time and assistance. Portions of Cartha (Deke) DeLoach’s book, Hoover’s FBI: The Inside Story by Hoover’s Trusted Lieutenant, were used for the COINTELPRO portion of Miller’s story, as were the Society’s Oral History Project interviews of Ed Miller and John Kearney.)



The Miller family in a recent Christmas photo