

This document is made available through the declassification efforts
and research of John Greenewald, Jr., creator of:

The Black Vault



The Black Vault is the largest online Freedom of Information Act (FOIA)
document clearinghouse in the world. The research efforts here are
responsible for the declassification of hundreds of thousands of pages
released by the U.S. Government & Military.

Discover the Truth at: **<http://www.theblackvault.com>**

File #:

66- SJ- 1062

Serial Scope:

1 thru 12

14

17



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

STATEMENT OF
CLARENCE M. KELLEY
DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
BEFORE THE
SENATE SELECT COMMITTEE ON INTELLIGENCE
SEPTEMBER 22, 1976

ICC in 66-996

66-1062

SEARCHED.....	INDEXED.....
SERIALIZED.....	FILED.....
FBI — SAN JUAN	

[Signature]



Today marks my first appearance before the Senate Select Committee on Intelligence. I want to assure you that I sincerely welcome the opportunity to work with you.

I believe that we can and must develop a clear base of understanding between the Executive and Legislative Branches on the proper role of the FBI in the discharge of its complex national security responsibilities.

As the Supreme Court so aptly observed in its Keith Decision in 1972, "Unless Government safeguards its own capacity to function and to preserve the security of its people, society itself could become so disordered that all rights and liberties would be endangered."

Yet the maintenance of national security is a hollow victory unless it can be achieved with the least possible intrusion into the rights and privacy of our citizens. Balancing these imperatives will require the greatest study and serious thought.

Together, I feel we can reach a meaningful understanding which will best serve our country.

Since I became Director in 1973, there has been a continuous examination of all major aspects of the FBI's operations. One such study, initiated in 1974, established that a quality, rather than a caseload quantity, approach in the assignment of our manpower and other resources would produce better results.

Originally, this quality approach was tried on an experimental basis in four of our 59 field divisions. It proved so successful that we implemented it field-wide in 1975.

Today, the quality approach is being applied to all areas of jurisdiction, including those in the foreign intelligence and domestic security fields that are of prime interest to this Committee.

In July, 1973, we had 21,414 domestic security cases. By March 31, 1976, before the Attorney General's guidelines took effect, we had--through application of the quality approach--reduced this caseload to 4,868 investigative matters, a 78 percent reduction. As of September 20, 1976, this figure has been further reduced to 626. This includes investigations of 78 organizations and 548 individuals.

This reduction has been made possible largely because we have discontinued investigations of rank and file members. We are confident that the FBI can meet its responsibilities by focusing our investigations on the activities of organizations and on individuals who are in a policy-making position in those organizations or who have engaged in activities which indicate they are likely to use force or violence in violation of Federal law.

In effecting this reduction, we have kept these vital principles in mind:

First, there must be no sacrifice or compromise of the essential security needs of the United States.

Second, there must be the least possible intrusion on the rights and privacy of our citizens, including their sacred right of legitimate dissent.

Third, although domestic security cases differ in some respects from ordinary criminal investigations, these cases should be tied as closely as possible to actual or potential violations of Federal law. In furtherance of this objective, last month I transferred the supervision of all domestic security cases from our Intelligence Division to our General Investigative Division, which has responsibility over criminal matters.

In an effort to insure uniform adherence to the guidelines and laws applicable to these and all other areas of our jurisdiction, I have combined the Office of Planning and Evaluation and the Inspection Division. In this new Division I have created a Professional Responsibility Section. It will report directly to me.

I have also expanded the role of the Legal Counsel Division in reviewing all areas of FBI policies and operations. Legal Counsel will report directly to me and to the Associate Director.

The investigations transferred include those involving domestic organizations oriented toward violence and individuals affiliated with such groups, as well as civil unrest and demonstration matters and basic revolutionary groups dedicated to the overthrow of the Government. The General Investigative Division will also be responsible for several categories of criminal investigations formerly administered by the Intelligence Division. These are bombing matters, sabotage, passport and visa violations, and protection of foreign officials and official guests of the United States.

The guidelines which the Attorney General issued last March set forth standards and procedures for domestic security investigations. But, the FBI regards these to be minimum standards. FBI Headquarters has imposed stringent criteria to insure we use our manpower resources in the most productive manner.

There are a number of reasons why we have been able to bring about a major reduction in our domestic security caseload.

The decade of the 1960's was marked by protests, often violent, on our Nation's streets and campuses.

We entered the 1970s still engaged in an undeclared conflict in Vietnam which was unpopular with some segments of our population. Not in recent history had this country been so divided over an issue, and this division was not limited to rhetoric but included demonstrations that often erupted into violence.

There were deliberate criminal acts, including bombings and sabotage, by persons opposed to our involvement in Vietnam. The role of the FBI in this confrontation was clearly to thwart the efforts of those who resorted to violence as an expression of their opposition.

With the cessation of the Vietnam War in early 1973, a major cause for divisiveness in this country was eliminated, and the potential for violence was lessened, but not eliminated.

The FBI began closing thousands of investigations at that time as determinations were made that certain groups and individuals no longer were engaged in activities that were likely to involve violations of Federal law.

The FBI met the unusual challenges of the 1960s and early 1970s. The Senate Select Committee has examined these and other problems in the intelligence field which led

to the creation of this Oversight Committee; and as the Committee is aware, the FBI fully cooperated in that review.

You have my absolute assurance that your Committee will receive the same full cooperation in carrying out its responsibilities under Senate Resolution 400.

One of the tasks confronting this Committee is the formulation of a legislative charter defining the FBI's jurisdiction in the domestic security and intelligence fields. This will be a most precise and demanding undertaking.

As I remarked to Senator Church's Committee, the legislative charter must be sufficiently flexible that it does not stifle the FBI's effectiveness in combating the high incidence of crime and violence across the United States. The charter must clearly address the demonstrated problems of the past; yet, it must amply recognize the fact that times change and so also do the nature and thrust of our criminal and subversive challenges.

The fact that the Department of Justice has undertaken the formulation of operational guidelines governing this area of our activities does not in any manner diminish the need for legislation. The responsibility for conferring jurisdiction resides with the Congress.

TO: SAC:

<input type="checkbox"/> Albany	<input type="checkbox"/> Houston
<input type="checkbox"/> Albuquerque	<input type="checkbox"/> Indianapolis
<input type="checkbox"/> Alexandria	<input type="checkbox"/> Jackson
<input type="checkbox"/> Anchorage	<input type="checkbox"/> Jacksonville
<input type="checkbox"/> Atlanta	<input type="checkbox"/> Kansas City
<input type="checkbox"/> Baltimore	<input type="checkbox"/> Knoxville
<input type="checkbox"/> Birmingham	<input type="checkbox"/> Las Vegas
<input type="checkbox"/> Boston	<input type="checkbox"/> Little Rock
<input type="checkbox"/> Buffalo	<input type="checkbox"/> Los Angeles
<input type="checkbox"/> Butte	<input type="checkbox"/> Louisville
<input type="checkbox"/> Charlotte	<input type="checkbox"/> Memphis
<input type="checkbox"/> Chicago	<input type="checkbox"/> Miami
<input type="checkbox"/> Cincinnati	<input type="checkbox"/> Milwaukee
<input type="checkbox"/> Cleveland	<input type="checkbox"/> Minneapolis
<input type="checkbox"/> Columbia	<input type="checkbox"/> Mobile
<input type="checkbox"/> Dallas	<input type="checkbox"/> Newark
<input type="checkbox"/> Denver	<input type="checkbox"/> New Haven
<input type="checkbox"/> Detroit	<input type="checkbox"/> New Orleans
<input type="checkbox"/> El Paso	<input type="checkbox"/> New York City
<input type="checkbox"/> Honolulu	<input type="checkbox"/> Norfolk

<input type="checkbox"/> Oklahoma City
<input type="checkbox"/> Omaha
<input type="checkbox"/> Philadelphia
<input type="checkbox"/> Phoenix
<input type="checkbox"/> Pittsburgh
<input type="checkbox"/> Portland
<input type="checkbox"/> Richmond
<input type="checkbox"/> Sacramento
<input type="checkbox"/> St. Louis
<input type="checkbox"/> Salt Lake City
<input type="checkbox"/> San Antonio
<input type="checkbox"/> San Diego
<input type="checkbox"/> San Francisco
<input checked="" type="checkbox"/> San Juan
<input type="checkbox"/> Savannah
<input type="checkbox"/> Seattle
<input type="checkbox"/> Springfield
<input type="checkbox"/> Tampa
<input type="checkbox"/> Washington Field
<input type="checkbox"/> Quantico

TO LEGAT:

<input type="checkbox"/> Bern
<input type="checkbox"/> Bonn
<input type="checkbox"/> Brasilia
<input type="checkbox"/> Buenos Aires
<input type="checkbox"/> Caracas
<input type="checkbox"/> Hong Kong
<input type="checkbox"/> London
<input type="checkbox"/> Madrid
<input type="checkbox"/> Manila
<input type="checkbox"/> Mexico City
<input type="checkbox"/> Ottawa
<input type="checkbox"/> Paris
<input type="checkbox"/> Rome
<input type="checkbox"/> Tel Aviv
<input type="checkbox"/> Tokyo

RE:

Date _____

☐ For information ☐ Retention optional ☐ For appropriate action ☐ Surep, by _____

☐ The enclosed is for your information. If used in a future report, ☐ conceal all sources, ☐ paraphrase contents.

☐ Enclosed are corrected pages from report of SA _____ dated _____

Remarks:

SEARCHED.....	INDEXED.....
SERIALIZED.....	FILED.....
FBI — SAN JUAN	

Enc.
Bufile
Urfile

TO: SAC:

☐ Albany
☐ Albuquerque
☐ Alexandria
☐ Anchorage
☐ Atlanta
☐ Baltimore
☐ Birmingham
☐ Boston
☐ Buffalo
☐ Butte
☐ Charlotte
☐ Chicago
☐ Cincinnati
☐ Cleveland
☐ Columbia
☐ Dallas
☐ Denver
☐ Detroit
☐ El Paso
☐ Honolulu

☐ Houston
☐ Indianapolis
☐ Jackson
☐ Jacksonville
☐ Kansas City
☐ Knoxville
☐ Las Vegas
☐ Little Rock
☐ Los Angeles
☐ Louisville
☐ Memphis
☐ Miami
☐ Milwaukee
☐ Minneapolis
☐ Mobile
☐ Newark
☐ New Haven
☐ New Orleans
☐ New York City
☐ Norfolk

☐ Oklahoma City
☐ Omaha
☐ Philadelphia
☐ Phoenix
☐ Pittsburgh
☐ Portland
☐ Richmond
☐ Sacramento
☐ St. Louis
☐ Salt Lake City
☐ San Antonio
☐ San Diego
☐ San Francisco
☐ San Juan
☐ Savannah
☐ Seattle
☐ Springfield
☐ Tampa
☐ Washington Field
☐ Quantico

TO LEGAT:

☐ Bern
☐ Bonn
☐ Brasilia
☐ Buenos Aires
☐ Caracas
☐ Hong Kong
☐ London
☐ Madrid
☐ Manila
☐ Mexico City
☐ Ottawa
☐ Paris
☐ Rome
☐ Tel Aviv
☐ Tokyo

RE:

HEARINGS BEFORE THE SENATE
SELECT COMMITTEE

Date December 4, 1975

☐ For information ☐ Retention optional ☐ For appropriate action ☐ Surep, by _____
☐ The enclosed is for your information. If used in a future report, ☐ conceal all sources, ☐ paraphrase contents.
☐ Enclosed are corrected pages from report of SA _____ dated _____

Remarks:

For your assistance in responding to local press inquiries, attached is a copy of unedited excerpted remarks by Assistant to the Director--Deputy Associate Director James B. Adams while testifying before the Senate Select Committee on 12/2/75, concerning anti-FBI allegations made by Gary Rowe, former FBI informant.

66-1062

Enc. (1)
Bufile
Urfile

SEARCHED.....	INDEXED.....
SERIALIZED.....	FILED.....
DEC 6 1975	
FBI - SAN JUAN	

[Signature]

EXCERPTS OF REMARKS MADE BY
ASSISTANT TO THE DIRECTOR --
DEPUTY ASSOCIATE DIRECTOR JAMES B. ADAMS
TESTIFYING BEFORE THE
SENATE SELECT COMMITTEE
PERTAINING TO THE KU KLUX KLAN,
GARY ROWE, FORMER FBI INFORMANT, AND
PREVIOUS ATTEMPTS OF THE FBI
TO PREVENT VIOLENCE

DECEMBER 2, 1975

3 ~~OK~~
4 ~~OK~~
(cont) SAC ~~WCF~~

66-10621-17

SEARCHED.....	INDEXED.....
SERIALIZED.....	FILED.....
DEC 2 1975	
FBI - SAN JUAN	

942

QUESTION:You do use informants and do instruct them to spread dissention among certain groups that they are informing on, do you not?

MR. ADAMS: We did when we had the COINTEL programs which were discontinued in 1971, and I think the Klan is probably one of the best examples of a situation where the law was ineffective at the time. We heard the term, State's Rights used much more than we hear today. We saw with the Little Rock situation the President of the United States sending in the troops pointing out the necessity to use local law enforcement. We must have local law enforcement use the troops only as a last resort. When you have a situation like this where you do try to preserve the respective roles in law enforcement, you have historical problems.

With the Klan coming along, we had situations where the FBI and the Federal Government was almost powerless to act. We had local law enforcement officers in some areas participating in Klan violence. The incidents mentioned by Mr. Rowe--everyone of those he saw them from the lowest level--the informant. He didn't see what action was taken with that information as he pointed out during his testimony. Our files show that this information was reported to the police departments in every instance.

We also know that in certain instances the information upon being received was not being acted upon. We also disseminated simultaneously through letterhead

memorandum to the Department of Justice the problem. And here we were--the FBI--in a position where we had no authority in the absence of an instruction from the Department of Justice to make an arrest. Section 241 and 242 don't cover it because you don't have evidence of a conspiracy. It ultimately resulted in a situation where the Department called in U. S. Marshals who do have authority similar to local law enforcement officials.

So historically, in those days, we were just as frustrated as anyone else was, that when we got information from someone like Mr. Rowe--good information, reliable information--and it was passed on to those who had the responsibility to do something about it, it was not always acted upon as he indicated.

QUESTION: In none of these cases, then, there was adequate evidence of conspiracy to give you jurisdiction to act.

MR. ADAMS: The Departmental rules at that time, and still do, require Departmental approval where you have a conspiracy. Under 241, it takes two or more persons acting together. You can have a mob scene and you can have blacks and whites belting each other, but unless you can show that those that initiated the action acted in concert, in a conspiracy, you have no violation.

Congress recognized this and it wasn't until 1968 that they came along and added Section 245 to the Civil Rights Statute which added punitive measures against an

individual. There didn't have to be a conspiracy. This was a problem that the whole country was grappling with--the President of the United States, Attorneys General--we were in a situation where we had rank lawlessness taking place. As you know from the memorandum we sent you that we sent to the Attorney General the accomplishments we were able to obtain in preventing violence and in neutralizing the Klan and that was one of the reasons.

QUESTION:A local town meeting on a controversial social issue might result in disruption. It might be by hecklers rather than by those holding the meeting. Does this mean that the Bureau should investigate all groups organizing or participating in such meetings because they may result in violent government disruption?

MR ADAMS: No sir, and we don't....

QUESTION: Isn't that how you justify spying on almost every aspect of the peace movement?

MR. ADAMS: No sir. When we monitor demonstrations, we monitor demonstrations where we have an indication that the demonstration itself is sponsored by a group that we have an investigative interest in, a valid investigative interest in, or where members of one of these groups are participating where there is a potential that they might change the peaceful nature of the demonstration.

This is our closest question of trying to draw guidelines to avoid getting into an area of infringing on the 1st Amendment right, yet at the same time, being

aware of groups such as we have had in greater numbers in the past than we do at the present time. We have had periods where the demonstrations have been rather severe and the courts have said that the FBI has the right, and indeed the duty, to keep itself informed with respect to the possible commission of crime. It is not obliged to wear blinders until it may be too late for prevention. Now that's a good statement if applied in a clear-cut case.

Our problem is where we have a demonstration and we have to make a judgment call as to whether it is one that clearly fits the criteria of enabling us to monitor the activities. That's where I think most of our disagreements fall.

QUESTION: In the Rowe Case, in the Rowe testimony that we just heard, what was the rationale again for not intervening when violence was known about. I know we have asked this several times--I'm still having trouble understanding what the rationale, Mr. Wannall, was in not intervening in the Rowe situation when violence was known.

MR. WANNALL: Senator Schweiker, Mr. Adams did address himself to that and if you have no objections, I'll ask that he be the one to answer the question.

MR. ADAMS: The problem we had at the time, and it is the problem today, we are an investigative agency; we do not have police powers even like the U. S. Marshals do. The Marshals

since about 1795 I guess, or some period like that, had authorities that almost border on what a sheriff has. We are the investigative agency of the Department of Justice, and during these times the Department of Justice had us maintain the role of an investigative agency.

We were to report on activities. We furnished the information to the local police who had an obligation to act. We furnished it to the Department of Justice in those areas where the local police did not act. It resulted finally in the Attorney General sending 500 U. S. Marshals down to guarantee the safety of people who were trying to march in protest of their civil rights.

This was an extraordinary measure because it came at a time of Civil Rights versus Federal Rights and yet there was a breakdown in law enforcement in certain areas of the country. This doesn't mean to indict all law enforcement agencies in the South at the time either, because many of them did act upon the information that was furnished to them. But we have no authority to make an arrest on the spot because we would not have had evidence that was a conspiracy available. We could do absolutely nothing in that regard. In Little Rock the decision was made, for instance, that if any arrests need to be made, the Army should make them. And next to the Army, the U. S. Marshals should make them--not the FBI, even though we developed the violations. We have over the years as you know at the

Time there were many questions raised. Why doesn't the FBI stop this? Why don't you do something about it? Well, we took the other route and effectively destroyed the Klan as far as committing acts of violence and, of course, we exceeded statutory guidelines in that area.

QUESTION: What would be wrong, just following up on your point there, Mr. Adams, with setting up a program since it is obvious to me that a lot of our informers are going to have preknowledge of violence of using U. S. Marshals on some kind of long-range basis to prevent violence?

MR. ADAMS: We do. We have them in Boston in connection with the busing incident. We are investigating the violations under the Civil Rights Act, but the Marshals are in Boston. They are in Louisville, I believe, at the same time and this is the approach that the Federal Government finally recognized.

QUESTION: On an immediate and fairly contemporary basis that kind of help can be sought instantly as opposed to waiting till it gets to a Boston state. I realize a departure from the past and not saying it isn't, but it seems to me we need a better remedy than we have.

MR ADAMS: Well, fortunately we are at a time where conditions have subsided in the country even from the 60's and the 70's, or 50's and 60's. We report to the Department of Justice on potential trouble spots around the country as we learn of them so that the Department will be aware of them. The planning

for Boston, for instance, took place a year in advance, with state officials, city officials, the Department of Justice and the FBI sitting down together saying "How are we going to protect the situation in Boston"? I think we have learned a lot from the days back in the early 60's. But, the Government had no mechanics which protected people at that time.

QUESTION: Next I would like to ask, back in 1965, I guess during the height of the effort to destroy the Klans as you put it a few moments ago, I believe the FBI has released figures that we had something like 2,000 informers of some kind or another infiltrating the Klan out of roughly 10,000 estimated membership.

MR. ADAMS: That's right.

QUESTION: I believe these are FBI figures or estimates. That would mean that 1 out of every 5 members of the Klan at that point was an informant paid by the Government and I believe the figure goes on to indicate that 70 percent of the new members in the Klan that year were FBI informants. Isn't that an awful overwhelming quantity of people to put in an effort such as that? I'm not criticizing that we shouldn't have informants in the Klan and know what is going on to revert violence but it just seems to me that the tail is sort of wagging the dog. For example today we supposedly have only 1594 total informants, both domestic informants and potential informants. Yet, here we have 2,000 in just the Klan alone.

MR. ADAMS: Well, this number of 2,000 did include all racial matters and informants at that particular time and I think the figures

we tried to reconstruct as to the actual number of Klan informants in relation to Klan members was around 6 percent, I think after we had read some of the testimony on it. Isn't that right, Bill? Now the problem we had on the Klan is the Klan had a group called the Action Group. This was the group if you remember from Mr. Rowe's testimony that he was left out of in the beginning. He attended the open meetings and heard all the hoorahs and this type of information but he never knew what was going on because each one had an Action Group that went out and considered themselves in the missionary field. Theirs was the violence. In order to penetrate those you have to direct as many informants as you possibly can against it. Bear in mind that I think the newspapers, the President, Congress, everyone, was concerned about the murder of the three civil rights workers, the Lemul Penn case, the Violet Liuzzo case, the bombings of the church in Birmingham. We were faced with one tremendous problem at that time.

QUESTION: I acknowledge that.

MR. ADAMS: Our only approach was through informants. Through the use of informants we solved these cases. The ones that were solved. There were some of the bombing cases we never solved. They're extremely difficult, but, these informants as we told the Attorney General and as we told the President, we moved informants like Mr. Rowe up to the top leadership. He was the bodyguard to the head man. He was in a position where he could see that this could continue forever unless we could

create enough disruption that these members will realize that if I go out and murder three civil rights, even though the Sheriff and other law enforcement officers are in on it, if that were the case, and in some of that was the case, that I will be caught, and that's what we did, and that's why violence stopped because the Klan was insecure and just like you say 20 percent, they thought 50 percent of their members ultimately were Klan members, and they didn't dare engage in these acts of violence because they knew they couldn't control the conspiracy any longer.

QUESTION: I just have one quick question. Is it correct that in 1971 we were using around 6500 informers for a black ghetto situation?

MR ADAMS: I'm not sure if that's the year. We did have a year where we had a number like that of around 6000 and that was the time when the cities were being burned. Detroit, Washington, areas like this, we were given a mandate to know what the situation is, where is violence going to break out next. They weren't informants like an individual that is penetrating an organization. They were listening posts in the community that would help tell us that we have another group here that is getting ready to start another fire fight or something.

QUESTION: ... Without going into that subject further of course we have had considerable evidence this morning where no attempt was made to prevent crime when you had information that it was going to occur. I am sure there were instances where you have.

MR. ADAMS: We disseminated every single item which he reported to us.

QUESTION: To a police department which you knew was an accomplice to the crime.

MR. ADAMS: Not necessarily knew.

QUESTION: Your informant told you that, hadn't he?

MR. ADAMS: The informant is on one level. We have other informants and we have other information.

QUESTION: You were aware that he had worked with certain members of the Birmingham Police in order...

MR. ADAMS: That's right. He furnished many other instances also.

QUESTION: So you really weren't doing a whole lot to prevent that incident by telling the people who were already a part of it.

MR. ADAMS: We were doing everything we could lawfully do at the time and finally the situation was corrected when the Department agreeing that we had no further jurisdiction, sent the U.S. Marshals down to perform certain law enforcement functions.

QUESTION: ...This brings up the point as to what kind of control you can exercise over this kind of informant and to this kind of organization and to what extent an effort is made to prevent these informants from engaging in the kind of thing that you were supposedly trying to prevent.

MR. ADAMS: A good example of this was Mr. Rowe who became active in an Action Group and we told him to get out or we were no longer using him as an informant in spite of the information he had furnished in the past. We have cases, Senator where we have had

QUESTION: But you also told him to participate in violent activities

MR. ADAMS: We did not tell him to participate in violent activities.

QUESTION: That's what he said.

MR. ADAMS: I know that's what he says, but that's what lawsuits are all about is that there are two sides to issues and our Agent handlers have advised us, and I believe have advised your staff members, that at no time did they advise him to engage in violence.

QUESTION: Just to do what was necessary to get the information.

MR. ADAMS: I do not think they made any such statement to him along that line either and we have informants who have gotten involved in the violation of a law and we have immediately converted their status from an informant to the subject and have prosecuted I would say off hand, I can think of around 20 informants that we have prosecuted for violating the laws once it came to our attention and even to show you our policy of disseminating information on violence in this case during the review of the matter the Agents have told me that they found one case where an Agent had been working 24 hours a day and he was a little late in disseminating the information to the police department. No violence occurred but it showed up in a file review and he was censured for his delay in properly notifying local authorities. So we not only have a policy, I feel that we do follow reasonable safeguards in order to carry it out, including periodic review of all informant files.

QUESTION: Mr. Rowe's statement is substantiated to some extent with an acknowledgment by the Agent in Charge that if he were going

to be a Klansman and he happened to be with someone and they decided to do something, he couldn't be an angel. These are words of the Agent. And be a good informant. He wouldn't take the lead but the implication is that he would have to go along or would have to be involved if he was going to maintain his liability as a ---

MR. ADAMS: There is no question that an informant at times will have to be present during demonstrations, riots, fistfights that take place but I believe his statement was to the effect that, and I was sitting in the back of the room and I do not recall it exactly, but that some of them were beat with chains and I did not hear whether he said he beat someone with a chain or not but I rather doubt that he did, because it is one thing being present, it is another thing taking an active part in a criminal action.

QUESTION: It's true. He was close enough to get his throat cut apparently.

QUESTION: How does the collection of information about an individual's personal life, social, sex life and becoming involved in that sex life or social life is a requirement for law enforcement or crime prevention.

MR. ADAMS: Our Agent handlers have advised us on Mr. Rowe that they gave him no such instruction, they had no such knowledge concerning it and I can't see where it would be of any value whatsoever.

QUESTION: You don't know of any such case where these instructions
 were given to an Agent or an informant?

MR. ADAMS: To get involved in sexual activity? No Sir.

SJ 694

NR003 SJ PLAIN

12:47PM URGENT JANUARY 7, 1976 GRB

TO DIRECTOR

FROM SAN JUAN

ATTENTION: LEGAL COUNSEL AND INTELLIGENCE DIVISIONS

SENSTUDY 75

REFERENCE BUREAU TELETYPE, DECEMBER 30, 1975.

SAC WARREN C. DE BRUEYS SCHEDULED TO ARRIVE EASTERN
AIRLINES FLIGHT 946 AT 7:36 PM, JANUARY 7, 1976, AT
FRIENDSHIP AIRPORT; WILL REPORT TO ROOM 3658 JEH BUILDING
AT 8:00 AM, JANUARY 8, 1976, AS INSTRUCTED. PHONE NUMBER
WHILE IN WASHINGTON WILL BE 941-4667.

END.

SENT

66-1062-14

SEARCHED	INDEXED
SERIALIZED	FILED

hes

F B I

Date: 1/7/76

Transmit the following in PLAINTEXT
(Type in plaintext or code)Via TELETYPE URGENT
(Priority)

TO: DIRECTOR

FROM: SAN JUAN

ATTENTION: LEGAL COUNSEL AND INTELLIGENCE DIVISIONS

SENSTUDY 75

REBUTEL 12/30/75.

SAC WARREN C. DE BRUEYS SCHEDULED TO ARRIVE EAL FLIGHT 946
AT 7:36 PM, 1/7/76 at FRIENDSHIP AIRPORT; WILL REPORT TO ROOM 3658 J
JEH BUILDING AT 8:00 AM 1/8/76 AS INSTRUCTED. PHONE NUMBER WHILE
IN WASHINGTON WILL BE 941-4667.

SENT

1 - SAN JUAN

WCD:mjb
(1)

SEARCHED	INDEXED
SERIALIZED	FILED

66-1062-14

Approved: WCD

Special Agent in Charge

Sent M Per

U.S. Government Printing Office: 1972 - 455-574

F B I

Date: 1/7/76

PLAINTEXT

Transmit the following in _____
(Type in plaintext or code)Via TELETYPE URGENT
(Priority)

TO DIRECTOR

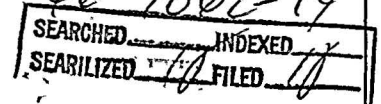
FROM SAN JUAN

ATTENTION: LEGAL COUNSEL AND INTELLIGENCE DIVISIONS
SENSTUDY 75

REFERENCE BUREAU TELETYPE, DECEMBER 30, 1975.

SAC WARREN C. DE BRUEYS SCHEDULED TO ARRIVE EASTERN
AIRLINES FLIGHT 946 AT 7:36 PM, JANUARY 7, 1976, AT
FRIENDSHIP AIRPORT; WILL REPORT TO ROOM 3658 JEH BUILDING
AT 8:00 AM, JANUARY 8, 1976, AS INSTRUCTED. PHONE NUMBER
WHILE IN WASHINGTON WILL BE 941-4667.
END.

WCD:mjb/rv



Approved: _____ Sent _____ M Per _____
Special Agent in Charge

(Mount Clipping in Space Below)

Ordenaron actos ilegales

at FBI

Por Bernard Ullmann

WASHINGTON, (AFP) -- La investigación sobre el FBI que desarrolla una comisión senatorial sobre servicios de informaciones se convirtió en un juicio postumo contra su antiguo patrón, Edgar Hoover, señalaron aquí los observadores.

Las investigaciones superaron todas las previsiones, y la lista de cargos contra Hoover, que dominó con mano de hierro durante 40 años al FBI parece interminable.

Después de los testimonios de ayer, resulta claro que Hoover realizaba sus maniobras ilícitas según instrucciones de los sucesivos presidentes, desde Franklin Roosevelt hasta Richard Nixon.

Entre las tareas al margen de la ley figuró la ordenada en 1940, por Roosevelt para vigilar a los partidarios de Charles Lindberg, el famoso piloto solitario que se oponía a la intervención norteamericana en la Segunda Guerra Mundial junto a los aliados.

Por su parte, el presidente Harry

Truman pedía a Hoover información sobre secretos políticos, para prevenir problemas y alguna vez escándalos que pudieran molestarlo.

Dwight Eisenhower pidió estar informado al día sobre las actividades de políticos sudistas que se oponían a la integración racial, en tanto Robert Kennedy, procurador de Justicia de su hermano John, autorizó personalmente escuchas ilegales sobre King y varios periodistas.

Durante la guerra de Vietnam, Johnson se valió de Hoover para vigilar a periodistas célebres, entre los cuales el comentarista Joseph Kraft, así como a los consejeros de Barry Goldwater, republicano abrumadoramente derrotado en las elecciones presidenciales de 1964.

Finalmente, Nixon pidió auxilio al FBI durante el escándalo Watergate, aunque en este caso Hoover reaccionó con cautela y evitó toda complicación personal y de sus agentes en el caso, que arrastró finalmente a Patrick Grey, sucesor del viejo patrón de los "intocables" a su muerte.

(Indicate page, name of newspaper, city and state.)

— "CLARIDAD"

— December 5, 1975

— Page 6

— (SEE ATTACHED)

Date:

Edition:

Author:

Editor:

Title:

Character:

or

Classification:

Submitting Office:

☐ Being Investigated

66-1062-12

SEARCHED	INDEXED
SERIALIZED	FILED
DEC 12 1975	
FBI - SAN JUAN	



(Mount Clipping in Space Below)

Benítez niega FBI, CIA interfieran

Por Dixie Bayó
Sub-directora de CLARIDAD

El comisionado residente de Puerto Rico en Washington, Jaime Benítez, aseguró que ninguna agencia de inteligencia norteamericana se inmiscuye en los asuntos del país, durante su comparecencia el pasado viernes en el programa Frente al Pueblo que se transmite por la televisora WIPR, Canal 6.

Benítez respondió así a la pregunta que se le formuló sobre el informe publicado en la prensa del país el pasado viernes 28 de una subcomisión del Senado norteamericano. El mismo concluía que el Partido Socialista Puertorriqueño estaba involucrado en una serie de supuestas actividades terroristas, a pesar de que no presentó evidencia que vinculara a ningún militante de ese partido con los mencionados hechos.

El informe se basó en el testimonio de dos testigos anónimos que a puertas cerradas testificaron el pasado mes de julio en el Senado norteamericano. Sin embargo este no fue dado a la publicidad hasta el viernes 28 de noviembre, por ordenes expresas de dicha comisión senatorial, fecha que coincidía con la apertura del Segundo Congreso del PSP aquí.

"No sé a qué responde que se haya pedido la publicación de ese informe en esa fecha, pero yo me vine a enterar de ese Congreso (Congreso del PSP) hoy (viernes) cuando llegue de Washington," explicó.

Seguidamente se le señaló al Comisionado Residente que en Puerto Rico existen agencias de inteligencia norteamericana que sí saben lo que está pasando en el país y en base a ello operan.

"Yo les puedo asegurar que la CIA (Agencia Central de Inteligencia) y el FBI (Buro Federal de Investigaciones) nada tienen que ver con la política nacional puertorriqueña, aquí no manda ni la CIA, ni el FBI", aseguró Benítez.

(Indicate page, name of newspaper, city and state.)

"Claridad"

12/1/75

Pg. 3

(See Attached)

Date:

Edition:

Author:

Editor:

Title:

Character:

or

Classification:

Submitting Office:

☐ Being Investigated

SEARCHED INDEXED
SERIALIZED FILED

DEC 3 1975

FBI - SAN JUAN

Brennan

cio make cc
for PSP file +
WJ

Por otro lado, el Comisionado Residente indicó que no existe ninguna contradicción para los dirigentes del PPD que alegan luchar por más autonomía para Puerto Rico mientras que por otro lado se atan más económicamente al gobierno de Estados Unidos.

"Yo creo que los puertorriqueños tienen derecho a todo lo que tienen los ciudadanos norteamericanos, y a Estados Unidos les conviene recordar nuestra autonomía para refutar así los planteamientos de Cuba en las Naciones Unidas," dijo.

Señaló además que no existe ningún malestar entre los senadores y congresistas norteamericanos como resultado del alto porcentaje de puertorriqueño sujetos al programa de cupones de alimentos.

"No, ningún legislador protesta, solamente el senador Allen ha dicho que los puertorriqueños valen más de la cuenta," indicó.

En una aparente crítica al secretario del Departamento de la Vivienda José Enrique Arraras Benítez señaló que "para el político lo mejor es dejar de ser candidato para tantos puestos."

Por otra parte aseguró que se postulará para la reelección en la posición que ocupa ya que considera que su labor ha sido muy positiva.

Abogó por el restablecimiento de relaciones de Estados Unidos con Cuba "siempre y cuando

Cuba actúe con seriedad en el caso de Puerto Rico". Benítez repitió la posición expresada por el secretario de Estado, Henry Kissinger en el sentido de que Cuba se tiene que abstener de respaldar la lucha de independencia del pueblo puertorriqueño.

Durante la entrevista el dirigente del PPD se desbordó en elogios hacia el exgobernador Luis Muñoz Marín.

(Mount Clipping in Space Below)

EL FBI trata de mejorar su pisoteada reputación

Por NICHOLAS HORROCK

Hace algún tiempo, antes de que pasara la guerra de Vietnam y de que sobrevinieran el movimiento de los derechos civiles y el de la nueva izquierda, un agente especial del F.B.I. era uno de los héroes más populares en los Estados Unidos. Era fuerte, incorruptible, estaba bien entrenado, bien educado y siempre vestía impecablemente.

Defendía a su país, "en la paz y en la guerra".

Pero esta imagen empezó a desvanecerse hace ya algún tiempo. La semana pasada, James Adams, un agente especial de muy buena presencia y de trato impecable que es ayudante del Director de la F.B.I. tuvo que responder por tres décadas de pecados secretos cometidos por el F.B.I. en el nombre de la seguridad nacional.

El Comité Selecto del Senado sobre Asuntos Investigativos ha reunido una gran cantidad de datos sobre las operaciones investigativas domésticas del F.B.I. Ha confirmado que hubo robos, cartas falsificadas, extorsión, chantaje, vigilancia electrónica

(Original and one copy forwarded to
External Affairs Division on 12/3/75
w/ translation)

(Indicate page, name of newspaper, city and state.)

Page 20

"El Nuevo Dia"

San Juan,
Puerto Rico

Date: 12/1/75

Edition:

Author: Nicholas Horrock
Editor:

Title: The FBI Tries To
Improve its Waning
Reputation.

Character:

or

Classification:

Submitting Office: San Juan

☐ Being Investigated

66-1062-10

SEARCHED INDEXED
SERIALIZED FILED
DEC 3 1975
FBI - SAN JUAN

no autorizada e intentos de hacer surgir la violencia entre los militantes negros.

Uno de los hallazgos más importantes fue el de una campaña que duró seis años en la que se trató de desacreditar y deshonar al Reverendo Martin Luther King Jr. Llegaron hasta el punto de enviarle una grabación de incidentes supuestamente desagradables de su vida, grabación que habían obtenido mediante interceptaciones telefónicas no autorizadas y vigilancia secreta. El Sr. Adams admitió que esta venganza había sido ilegal e injustificada.

Clarence M. Kelley, el actual director del F.B.I. ha dicho que ha terminado con muchas de las prácticas que le granjearon a esta agencia una mala reputación. Algunas de las prácticas habían finalizado antes de que él tomara el mando en el 1973.

Un ejemplo es el programa de contra-espionaje conocido como "cointel" mediante el cual la agencia trató de sembrar la disensión en grupos de los que no aprobaba. Sus actividades eran en gran medida ilegales y el Sr. Kelley dijo que se les había puesto

término en el 1971. Miembros del comité del Senado dijeron, sin embargo, que habían encontrado que todavía se usaron después del 1971 algunas prácticas ilegales bajo el nombre de "investigaciones intensivas."

Aquí hay áreas no muy definidas. Aunque es claramente ilegal el enviar una carta falsificada para asustar a alguien, ¿será igualmente ilegal entrevistarse con su patrono para saber algo de su filiación política?

Algunas de las víctimas del viejo programa de contra-espionaje, como el Partido Socialista de Trabajadores, creen que la agencia utiliza preguntas que incomodan a la familia, llamadas telefónicas repetidas y una gran vigilancia para molestar y no para obtener información que se pueda usar en algún caso judicial.

El Procurador General Edward H. Levi ha impuesto controles más estrictos sobre la interceptación telefónica. Ha autorizado la vigilancia electrónica sobre la base de órdenes judiciales recientes

mientras él y el Congreso tratan de formular nuevas leyes al respecto.

Mucho de lo que hoy se considera equivocado en los métodos del F.B.I. fue resultado de la personalidad y de las actitudes de J. Edgar Hoover. Para muchos en los Estados Unidos, el Sr. Hoover era el símbolo de la ley y del orden por cinco décadas, un hombre que era el enemigo acérrimo de criminales y subversivos.

Pero durante los últimos cinco años ha surgido una imagen más siniestra del Sr. Hoover. Fue él quien ordenó a sus agentes que desacreditaran al Dr. King y fue él quien autorizó los trucos y los métodos usados por "cointel".

Ejercía un poder terrible sobre sus agentes y lo hacía desde una oficina toda llena de archivos privados que contenían secretos personales respecto a Presidentes, Congresistas y otros oficiales. Ningún hombre se pudo enfrentar al Sr. Hoover desde dentro del F.B.I. durante su largo mando.

El F.B.I. no se propuso por él sólo quebrantar las leyes. En el 1940 el Presidente Roosevelt dejó de lado

las libertades civiles y le ordenó al F.B.I. que utilizara la vigilancia electrónica en contra de agentes enemigos.

Durante los próximos treinta años otros Presidentes le pedían al F.B.I. que luchara en contra de lo que ellos consideraban amenazas provenientes del Partido Comunista, del Ku Klux Klan, del movimiento anti-bélico radical y del servicio de espionaje soviético.

Tanto los Presidentes como los Procuradores Generales utilizaron al Sr. Hoover y él también los utilizaba a ellos. El Sr. Hoover pedía autorización para casi todas las actividades de la agencia, pero ahora hay evidencia de que a menudo se excedía de la autorización dada. La mayoría de los Procuradores Generales no solían saber lo que hacía el Sr. Hoover.

Ahora el Sr. Levi le pide al director del F.B.I. que sea enteramente franco y no hay por qué pensar que Clarence Kelley no está accediendo a ello.

El Sr. Hoover murió en mayo del 1972 y muchos de

los hombres que sirvieron bajo él se han retirado. Ahora en el F.B.I. hay mayor libertad para hablar con la prensa, mayor libertad personal para los agentes y no hay evidencia de que se toleren prácticas como el echar a andar rumores sobre los hábitos sexuales de los opositores.

El Sr. Adams le pidió al comité del Senado la semana pasada que le diera al F.B.I. unas "guías" sobre cómo cumplir con sus responsabilidades de mantener la seguridad doméstica del país. Varios miembros del comité y otros funcionarios del Departamento de Justicia dijeron que la manera más sencilla sería que la agencia obedeciera las leyes que tiene que hacer cumplir.

Pero muchos congresistas creen que se deben hacer esfuerzos más permanentes para asegurarse a la nación que no habrá abusos la próxima vez que el país se enfrente a una crisis.

Esperan que nunca más un hombre logre una ascendencia de 50 años sobre el F.B.I. También es evidente que la agencia debe someterse a una fuerte vigilancia congresional.

Translation from "El Nuevo Dia", dated 12/1/75.

THE FBI TRIES TO IMPROVE ITS WANING
REPUTATION

By: Nicholas Horrock

Some time ago, prior to the conclusion of the war in Vietnam and the outgrowth of civil rights and the new ' left, a Special Agent of the FBI was one of the most popular heroes of the United States. He was strong, incorruptible, well-trained, well-educated and always dressed in an impeccable manner.

He defended his country "in times of peace and war." But this image started to fade for some time now. Last week, JAMES ADAMS, a Special Agent with a pleasant personality and very nice disposition, who is an Assistant to the FBI Director, had to respond for three decades of secret sins committed by the FBI in the name of national security.

The Senate Special Committee on Investigative Matters have gathered a large amount of information regarding domestic investigative operations of the FBI. It has confirmed that there had been robberies, forged letters, extortion, blackmail, unauthorized electronic surveillance and attempts to stir violence among black militants..

One of the most important findings was that of a six-year campaign to discredit and dishonor Reverend MARTIN LUTHER KING Jr. They even sent him a recording containing alleged unpleasant incidents of his life, which were obtained through unauthorized telephone tapping and secret surveillance. Mr. ADAMS admitted that the reprisal was illegal and unfair.

CLARENCE M. KELLY, the present FBI Director, has stated that he has put an end to many practices which brought a bad reputation upon the Agency. Some of the practices had ceased before he took over in 1973.

An example is the counter-intelligence program known as "cointel" through which the Agency tried to spread dissension among groups that did not meet FBI approval. Their

66-1062

activities were largely illegal and Mr. KELLY said they had come to an end in 1971. Members of the Senate Committee said, however, that some illegal practices were used after 1971 under the name of "intensive investigations."

In this respect, there are some areas which are not clearly defined. Although it is completely illegal to send a forged letter to scare someone, is it illegal as well to interview an employer to find out something about someone's political affiliation?

Some of the victims of the old counter-intelligence program, like the Socialist Workers Party, feel that the Agency use interrogation to disturb the family, continuous telephone calls and heavy surveillance to annoy and not to obtain information suitable for a judicial case.

Attorney General EDWARD H. LEVI have established strict controls on telephone tapping. He has authorized electronic surveillance on the basis of recent judicial orders, while he and Congress try to formulate new laws in that respect.

Much of what today is considered as a mistake in FBI methods, was the result of the personality and attitude of J. EDGAR HOOVER. To many people in the United States, Mr. HOOVER was the symbol of law and order for five decades; a man who was a vigorous enemy of criminals and subversives.

But during the last five years a more sinister image of Mr. HOOVER has emerged. He was the one who ordered his Agents to discredit Dr. KING and it was him who authorized the illegal methods used in "cointel."

He exercised a terrific power upon his Agents and he exercised his power from an office full of private files which contained personal secrets regarding Presidents, Congressmen and other officers. No man could confront Mr. HOOVER from inside the FBI during his long tenure.

The FBI did not break the law only due to his power. In 1940, President ROOSEVELT put aside civil rights and ordered the FBI to utilize electronic surveillance against the enemy agents.

During the next 30 years other Presidents asked the FBI to fight against what they considered threats coming from the Communist Party, the Ku Klux Klan, the radical anti-war movement, and the Soviet espionage service.

Presidents, as well as Attorney Generals, utilized Mr. HOOVER who, in turn, utilized them. Mr. HOOVER asked for authorization for almost all the Agency's activities, but there is evidence now that he very often exceeded the authorization granted. The majority of the Attorney Generals did not know what Mr. HOOVER was doing.

Now Mr. LEVI asks the FBI Director to be completely honest and there is no reason to think that CLARENCE KELLY is not agreeing to that.

Mr. HOOVER died in May, 1972, and many of the men who served under him have retired. Now in the FBI there is a greater freedom to speak to the press, greater personal freedom for the Agents and there is no evidence that the FBI tolerates practices like spreading rumors on the sexual habits of opponents.

Mr. ADAMS asked the Senate Committee last week to give the FBI some "guidelines" on how to fulfill its responsibilities to support the domestic security of the country. Several members of the Committee and other functionaries of the Department of Justice stated that the best way would be to have the Agency obey the laws that it has to enforce.

But many Congressmen believe that more lasting efforts should be made to assure the Nation that there will be no abuses if the country ever confronts another crisis.

They hope that a man would never be able to rule the FBI for 50 years. It is also evident that the Agency should be the subject of a strong congressional vigilance.

NR045 WA PLAIN

1023PMNITEL 10/9/75 GHS

TO ALL SACS

FROM DIRECTOR

INTERVIEWS OF FBI EMPLOYEES BY CONGRESSIONAL COMMITTEES

BY MEMORANDUM TO ALL EMPLOYEES DATED MAY 28, 1975,
CAPTIONED "INTERVIEWS OF FBI EMPLOYEES," ALL EMPLOYEES WERE
ADVISED OF THE NECESSITY OF SECURING FBI HEADQUARTERS APPROVAL
PRIOR TO SUBMITTING TO INTERVIEWS BY REPRESENTATIVES OF CON-
GRESSIONAL COMMITTEES. THE NECESSITY OF SECURING THIS AP-
PROVAL IS PROMPTED BY THE EMPLOYMENT AGREEMENT ALL EMPLOYEES
HAVE SIGNED.

YOU WERE ADVISED THAT CONGRESSIONAL STAFF MEMBERS
WERE CONDUCTING INTERVIEWS OF FORMER AND/OR CURRENT EMPLOYEES
AND THAT THIS BUREAU HAD PLEDGED ITS COOPERATION WITH CON-
GRESS. OUR COOPERATIVE EFFORTS, OF COURSE, MUST BE CONSISTENT
WITH BUREAU PROCEDURES.

RECENTLY, WE HAVE HAD ATTEMPTS BY CONGRESSIONAL
COMMITTEE STAFF MEMBERS TO INTERVIEW CURRENT EMPLOYEES WITHOUT
PRIOR CONTACT WITH FBI HEADQUARTERS. YOU ARE AGAIN REMINDED

*mentioned at
all agents conference
10-10-75 ghl*

No Action taken

11:00pm

10-9-75

Rmn

#3
#4

66-1062-9
66-1077
ghl

PAGE TWO

THAT IF A REPRESENTATIVE OF A CONGRESSIONAL COMMITTEE SHOULD
CONTACT A BUREAU EMPLOYEE, THAT EMPLOYEE SHOULD DECLINE TO
RESPOND TO QUESTIONS POSED TO HIM AND ADVISE THE CONGRES-
SIONAL STAFF MEMBER OF THE NECESSITY OF RECEIVING FBI
HEADQUARTERS APPROVAL BEFORE RESPONDING TO QUESTIONS.
ENDHOLD

NR 003 WA FLAIN

SECRET WITEL 9/26/75 PMJ

TO ALL SACS

FROM DIRECTOR

LEGAL ADVICE FOR PRESENT OR FORMER BUREAU EMPLOYEES.

IN RESPONSE TO OUR REQUEST, THE ATTORNEY GENERAL ADVISED THAT LEGAL REPRESENTATION FOR EMPLOYEES WOULD BE MADE AVAILABLE FOR PRELIMINARY ADVICE. SHOULD CASES ARISE WHERE A FORMER OR PRESENT EMPLOYEE REQUIRES MORE PROTRACTED AND SUBSTANTIAL LEGAL REPRESENTATION, IT IS THE POSITION OF THE DEPARTMENT THAT SPECIAL COUNSEL MAY BE RETAINED FOR SUCH EMPLOYEES AT DEPARTMENT EXPENSE. GUIDELINES ARE BEING DRAWN BY THE DEPARTMENT TO COVER THESE MATTERS.

HOWEVER, SHOULD THE DEPARTMENT SUBSEQUENTLY CONCLUDE THAT SUCH CASES INVOLVE MATTERS OUTSIDE THE SCOPE OF A PRESENT OR FORMER EMPLOYEE'S DUTIES, OTHER CONSIDERATIONS WOULD APPLY.

ALL LEGATS ADVISED SEPARATELY.

END

WOLF

no action taken 10:50pm 9/26/75 SJ

lee

index

66-1062-8

Robert

66-8882

SEARCHED	INDEXED
SERIALIZED	FILED
SEP 28 1975	
FBI - SAN JUAN	

Peter

NR 033 WA CODE

10:06PM 9/4/75 NITEL AJN

TO ALL SACS

FROM DIRECTOR (62-116395)

PERSONAL ATTENTION

SENSTUDY 75

REBUTEL MAY 2, 1975.

PURPOSES OF INSTANT TELETYPE ARE TO (1) REITERATE THAT FBI HAS PLEDGED FULL COOPERATION WITH THE SENATE SELECT COMMITTEE (SSC) AND WISHES TO ASSIST AND FACILITATE ANY INVESTIGATIONS UNDERTAKEN BY THE SSC WITH RESPECT TO THE FBI; AND (2) SET FORTH NEW PROCEDURE RELATING TO SSC STAFF INTERVIEWS OF CURRENT AND FORMER FBI EMPLOYEES.

FOR INFORMATION OF THOSE OFFICES WHICH HAVE NOT PREVIOUSLY HAD CURRENT OR FORMER EMPLOYEES IN ITS TERRITORY INTERVIEWED BY THE SSC, THE BUREAU FREQUENTLY LEARNS FROM THE SSC OR OTHERWISE THAT FORMER EMPLOYEES ARE BEING CONSIDERED FOR INTERVIEW BY THE SSC STAFF. INSTRUCTIONS ARE ISSUED FOR THE FIELD OFFICE TO CONTACT THE FORMER EMPLOYEE TO ALERT HIM AS TO POSSIBLE INTERVIEW, REMIND HIM OF HIS CONFIDENTIALITY AGREEMENT WITH THE BUREAU AND SUGGEST THAT IF HE IS CONTACTED FOR

66-1062-7

SEARCHED	INDEXED
SERIALIZED	FILED
SEP 4 1975	
FBI - SAN JUAN	

SSC (LAST) / C

PAGE TWO

INTERVIEW, HE MAY CONTACT THE LEGAL COUNSEL DIVISION BY COLLECT CALL FOR FURTHER INFORMATION. IN THE USUAL CASE, AS CIRCUMSTANCES UNFOLD, THE FORMER EMPLOYEE IS TOLD (1) THAT HE HAS A RIGHT TO LEGAL COUNSEL, BUT THAT THE BUREAU CANNOT PROVIDE SAME; (2) THAT THE BUREAU HAS WAIVED THE CONFIDENTIALITY AGREEMENT FOR THE INTERVIEW WITHIN SPECIFIED PARAMETERS; AND (3) THAT THERE ARE FOUR PRIVILEGED AREAS IN WHICH HE IS NOT REQUIRED TO ANSWER QUESTION. THESE AREAS ARE RELATING TO INFORMATION WHICH MAY (A) IDENTIFY BUREAU SOURCES; (B) REVEAL SENSITIVE METHODS/TECHNIQUES; (C) REVEAL IDENTITIES OF THIRD AGENCIES, INCLUDING FOREIGN INTELLIGENCE AGENCIES, OR INFORMATION FROM SUCH AGENCIES; AND (D) ADVERSELY AFFECT ONGOING BUREAU INVESTIGATIONS.

HERETOFORE, BUREAU HAS OFFERED INTERVIEWEES CONSULTATION PRIVILEGES WHEREBY A BUREAU SUPERVISOR WOULD BE AVAILABLE NEARBY, ALTHOUGH NOT ACTUALLY AT INTERVIEW, SO INTERVIEWEE MIGHT CONSULT WITH HIM SHOULD QUESTIONS ARISE AS TO PARAMETERS OF INTERVIEW OR PRIVILEGED AREAS. THE CONSULTANT DID NOT ACT AS A LEGAL ADVISOR.

EFFECTIVE IMMEDIATELY, BUREAU WILL NO LONGER PROVIDE

PAGE THREE

ON-THE-SCENE PERSONNEL FOR CONSULTATION PURPOSES TO ASSIST EITHER CURRENT OR FORMER EMPLOYEES. PROSPECTIVE INTERVIEWEES SHOULD BE TOLD THAT, IF THEY DESIRE ASSISTANCE OF THIS NATURE DURING AN INTERVIEW, THEY MAY CONTACT EITHER PERSONALLY (IF INTERVIEW IS IN WASHINGTON, D. C.) OR BY COLLECT CALL, THE ASSISTANT DIRECTOR OF THE INTELLIGENCE DIVISION, MR. W. R. WANNALL, OR, IN HIS ABSENCE, SECTION CHIEF W. O. CREGAR.

THIS CHANGE IN PROCEDURE SHOULD NOT BE CONSTRUED AS LESSENING THE ASSISTANCE WE ARE FURNISHING TO CURRENT AND FORMER EMPLOYEES.

FOR YOUR ADDITIONAL INFORMATION, I AM WORKING WITH THE DEPARTMENT IN EXPLORING AVENUES TO ARRANGE LEGAL REPRESENTATION, WHEN NECESSARY, FOR CURRENT AND FORMER EMPLOYEES WITHOUT EXPENSE TO THEM. YOU WILL BE KEPT ADVISED OF DEVELOPMENTS IN THIS REGARD.

END

HOLD

NR033 WA CODE

10:06PM 9/4/75 NITEL AJN

TO ALL SACS

FROM DIRECTOR (62-116395)

PERSONAL ATTENTION

SENSTUDY 75

REBUTEL MAY 2, 1975

PURPOSES OF INSTANT TELETYPE ARE TO (1) REITERATE THAT FBI HAS PLEDGED FULL COOPERATION WITH THE SENATE SELECT COMMITTEE (SSC) AND WISHES TO ASSIST AND FACILITATE ANY INVESTIGATIONS UNDERTAKEN BY THE SSC WITH RESPECT TO THE FBI; AND (2) SET FORTH NEW PROCEDURE RELATING TO SSC STAFF INTERVIEWS OF CURRENT AND FORMER FBI EMPLOYEES.

FOR INFORMATION OF THOSE OFFICES WHICH HAVE NOT PREVIOUSLY HAD CURRENT OR FORMER EMPLOYEES IN ITS TERRITORY INTERVIEWED BY THE SSC, THE BUREAU FREQUENTLY LEARNS FROM THE SSC OR OTHERWISE THAT FORMER EMPLOYEES ARE BEING CONSIDERED FOR INTERVIEW BY THE SSC STAFF. INSTRUCTIONS ARE ISSUED FOR THE FIELD OFFICE TO CONTACT THE FORMER EMPLOYEE TO ALERT HIM AS TO POSSIBLE INTERVIEW, REMIND HIM OF HIS CONFIDENTIALITY AGREEMENT WITH THE BUREAU AND SUGGEST THAT IF HE IS CONTACTED FOR

66-1062-7
18
18

Wes

PAGE TWO

INTERVIEW, HE MAY CONTACT THE LEGAL COUNSEL DIVISION BY COLLECT CALL FOR FURTHER INFORMATION. IN THE USUAL CASE, AS CIRCUMSTANCES UNFOLD, THE FORMER EMPLOYEE IS TOLD (1) THAT HE HAS A RIGHT TO LEGAL COUNSEL, BUT THAT THE BUREAU CANNOT PROVIDE SAME; (2) THAT THE BUREAU HAS WAIVED THE CONFIDENTIALITY AGREEMENT FOR THE INTERVIEW WITHIN SPECIFIED PARAMETERS; AND (3) THAT THERE ARE FOUR PRIVILEGED AREAS IN WHICH HE IS NOT REQUIRED TO ANSWER QUESTION. THESE AREAS ARE RELATING TO INFORMATION WHICH MAY (A) IDENTIFY BUREAU SOURCES; (B) REVEAL SENSITIVE METHODS/TECHNIQUES; (C) REVEAL IDENTITIES OF THIRD AGENCIES, INCLUDING FOREIGN INTELLIGENCE AGENCIES, OR INFORMATION FROM SUCH AGENCIES; AND (D) ADVERSELY AFFECT ONGOING BUREAU INVESTIGATIONS.

HERETOFORE, BUREAU HAS OFFERED INTERVIEWEES CONSULTATION PRIVILEGES WHEREBY A BUREAU SUPERVISOR WOULD BE AVAILABLE NEARBY, ALTHOUGH NOT ACTUALLY AT INTERVIEW, SO INTERVIEWEE MIGHT CONSULT WITH HIM SHOULD QUESTIONS ARISE AS TO PARAMETERS OF INTERVIEW OR PRIVILEGED AREAS. THE CONSULTANT DID NOT ACT AS A LEGAL ADVISOR.

EFFECTIVE IMMEDIATELY, BUREAU WILL NO LONGER PROVIDE

PAGE THREE

ON-THE-SCENE PERSONNEL FOR CONSULTATION PURPOSES TO ASSIST EITHER CURRENT OR FORMER EMPLOYEES. PROSPECTIVE INTERVIEWEES SHOULD BE TOLD THAT, IF THEY DESIRE ASSISTANCE OF THIS NATURE DURING AN INTERVIEW, THEY MAY CONTACT EITHER PERSONALLY (IF INTERVIEW IS IN WASHINGTON, D. C.) OR BY COLLECT CALL, THE ASSISTANT DIRECTOR OF THE INTELLIGENCE DIVISION, MR. W. R. WANNALL, OR, IN HIS ABSENCE, SECTION CHIEF W. O. CREGAR.

THIS CHANGE IN PROCEDURE SHOULD NOT BE CONSTRUED AS LESSENING THE ASSISTANCE WE ARE FURNISHING TO CURRENT AND FORMER EMPLOYEES.

FOR YOUR ADDITIONAL INFORMATION, I AM WORKING WITH THE DEPARTMENT IN EXPLORING AVENUES TO ARRANGE LEGAL REPRESENTATION, WHEN NECESSARY, FOR CURRENT AND FORMER EMPLOYEES WITHOUT EXPENSE TO THEM. YOU WILL BE KEPT ADVISED OF DEVELOPMENTS IN THIS REGARD.

END

HOLD

NR024 WA CODE 3:20 AM 6-14-75

PM NITEL 6-13-75 VLJ

TO ALL SACS

FROM DIRECTOR (62-116464)

PERSONAL ATTENTION

HOUSTUDY 75.

REBUTELS MAY 2, 20, 1975, "SENSTUDY 75."

BUFILE 62-116464 AND CODE NAME "HOUSTUDY 75" DESIGNATED
FOR ALL MATTERS RELATING TO HOUSE SELECT COMMITTEE TO STUDY
GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES
AND BUREAU'S HANDLING OF MATTERS PERTAINING THERETO. USE
THIS FILE NUMBER AND CAPTION FOR MATTERS RELATING TO HOUSE
COMMITTEE AS SEPARATE FROM SENSTUDY 75 FOR MATTERS RELATING
TO SENATE COMMITTEE.

END

FBI SJ HXC ACK FOR ONE HOLDING

Recd 3:35 AM
6/14/75 NA
WCB

ASA C
#3
#4
SAC (INT. SEC.)

66-1062-6

SEARCHED	INDEXED
SERIALIZED	FILED
JUN 14 1975	
FBI — SAN JUAN	

WCB

NR024 WA CODE 3:20 AM 6-14-75

PM NITEL 6-13-75 VLJ

TO ALL SACS

FROM DIRECTOR (62-116464)

PERSONAL ATTENTION

HOUSTUDY 75.

REBUTELS MAY 2, 20, 1975, "SENSTUDY 75."

BUFILE 62-116464 AND CODE NAME "HOUSTUDY 75" DESIGNATED
FOR ALL MATTERS RELATING TO HOUSE SELECT COMMITTEE TO STUDY
GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES
AND BUREAU'S HANDLING OF MATTERS PERTAINING THERETO. USE
THIS FILE NUMBER AND CAPTION FOR MATTERS RELATING TO HOUSE
COMMITTEE AS SEPARATE FROM SENSTUDY 75 FOR MATTERS RELATING
TO SENATE COMMITTEE.

END

FBI SJ HXC ACK FOR ONE HOLDING

66-1062-6

SEARCHED	INDEXED
SERIALIZED	FILED
JUN 14 1975	
FBI - SAN JUAN	

165

NR022 WA CODE

7:35PM NITEL 6-13-75 VLJ

TO ALL SACS

FROM DIRECTOR (62-116464)

PERSONAL ATTENTION

HOUSTUDY 75.

REBUTELS MAY 2, 20, 1975, "SENSTUDY 75."

BUFILE 62-116464 AND CODE NAME "HOUSTUDY 75" DESIGNATED
FOR ALL MATTERS RELATING TO HOUSE SELECT COMMITTEE TO STUDY
GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES

AND BUREAU'S HANDLING OF MATTERS PERTAINING THERETO. USE
THIS FILE NUMBER AND CAPTION FOR MATTERS RELATING TO HOUSE
COMMITTEE AS SEPARATE FROM SENSTUDY 75 FOR MATTERS RELATING
TO SENATE COMMITTEE.

END

H

FBISJ, SAA ACK FOR ONE GA

n/p
8:40 pm
6/13/75
[Signature]

#2 [Signature]
#3 [Signature]
#4 [Signature]
SAC (Inst) [Signature]

66-1062-5

SEARCHED <input checked="" type="checkbox"/>	INDEXED <input checked="" type="checkbox"/>
SERIALIZED <input checked="" type="checkbox"/>	FILED <input checked="" type="checkbox"/>
JUN 18 1975	
FBI — SAN JUAN	

[Signature]



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

May 28, 1975

MEMORANDUM TO ALL EMPLOYEES

RE: INTERVIEWS OF FBI EMPLOYEES

All employees are advised that Congress is conducting an inquiry into activities of the Federal Bureau of Investigation. Congressional staff members are conducting interviews of former and current FBI employees. This Bureau has pledged its cooperation with the Congress.

You are reminded of the FBI Employment Agreement (copy attached) with which you agreed to comply during your employment in the FBI and following termination of such employment.

Also, you are reminded of Title 28, Code of Federal Regulations, Section 16.22 (copy attached), which reads as follows:

"No employee or former employee of the Department of Justice shall, in response to a demand of a court or other authority, produce any material contained in the files of the Department or disclose any information relating to material contained in the files of the Department, or disclose any information or produce any material acquired as part of the performance of his official duties or because of his official status without prior approval of the appropriate Department official or the Attorney General in accordance with Section 16.24."

Also, you are reminded of Department of Justice Order Number 116-56, dated May 15, 1956, (copy attached) which, among other things, requires an employee upon the completion of his testimony to prepare a memorandum outlining his testimony.

Our cooperative efforts, of course, must be consistent with the above cited authority. Therefore, if you are contacted for purpose of interview or testimony you are to request approval as required by the Employment Agreement and await authorization before furnishing information, testimony, or record material.

Enclosures (3)

Clarence M. Kelley 66-1062-4
Clarence M. Kelley
Director

SEARCHED.....	INDEXED.....
SERIALIZED.....	FILED.....
JUN 13 1975	
FBI - SAN JUAN	

165



EMPLOYMENT AGREEMENT

As consideration for employment in the Federal Bureau of Investigation (FBI), United States Department of Justice, and as a condition for continued employment, I hereby declare that I intend to be governed by and I will comply with the following provisions:

(1) That I am hereby advised and I understand that Federal law such as Title 18, United States Code, Sections 793, 794, and 798; Order of the President of the United States (Executive Order 11652); and regulations issued by the Attorney General of the United States (28 Code of Federal Regulations, Sections 16.21 through 16.26) prohibit loss, misuse, or unauthorized disclosure or production of national security information, other classified information and other nonclassified information in the files of the FBI;

(2) I understand that unauthorized disclosure of information in the files of the FBI or information I may acquire as an employee of the FBI could result in impairment of national security, place human life in jeopardy, or result in the denial of due process to a person or persons who are subjects of an FBI investigation; or prevent the FBI from effectively discharging its responsibilities. I understand the need for this secrecy agreement; therefore, as consideration for employment I agree that I will never divulge, publish, or reveal either by word or conduct, or by other means disclose to any unauthorized recipient without official written authorization by the Director of the FBI or his delegate, any information from the investigatory files of the FBI or any information relating to material contained in the files, or disclose any information or produce any material acquired as a part of the performance of my official duties or because of my official status. The burden is on me to determine, prior to disclosure, whether information may be disclosed and in this regard I agree to request approval of the Director of the FBI in each such instance by presenting the full text of my proposed disclosure in writing to the Director of the FBI at least thirty (30) days prior to disclosure. I understand that this agreement is not intended to apply to information which has been placed in the public domain or to prevent me from writing or speaking about the FBI but it is intended to prevent disclosure of information where disclosure would be contrary to law, regulation or public policy. I agree the Director of the FBI is in a better position than I to make that determination;

(3) I agree that all information acquired by me in connection with my official duties with the FBI and all official material to which I have access remains the property of the United States of America, and I will surrender upon demand by the Director of the FBI or his delegate, or upon separation from the FBI, any material relating to such information or property in my possession;

(4) That I understand unauthorized disclosure may be a violation of Federal law and prosecuted as a criminal offense and in addition to this agreement may be enforced by means of an injunction or other civil remedy.

I accept the above provisions as conditions for my employment and continued employment in the FBI. I agree to comply with these provisions both during my employment in the FBI and following termination of such employment.

(Signature)

(Type or print name)

Witnessed and accepted in behalf of the Director, FBI, on

, 19 ____, by _____

(Signature)



Office of the Attorney General
Washington, D. C. 20530

January 18, 1973

ORDER NO. 501-73

RULES AND REGULATIONS

Title 28—JUDICIAL
ADMINISTRATION

Chapter I—Department of Justice

[Order 501-73]

PART 16—PRODUCTION OR DISCLOSURE
OF MATERIAL OR INFORMATION

Subpart B—Production or Disclosure
in Response to Subpenas or Demands
of Courts or Other Authorities

This order delegates to certain Department of Justice officials the authority to approve the production or disclosure of material or information contained in Department files, or information or material acquired by a person while employed by the Department. It applies where a subpoena, order or other demand of a court or other authority, such as an administrative agency, is issued for the production or disclosure of such information.

By virtue of the authority vested in me by 28 U.S.C. 509, 510; and 5 U.S.C. 301, Subpart B of Part 16 of Chapter I of Title 28, Code of Federal Regulations, is revised, and its provisions renumbered, to read as follows:

Subpart B—Production or Disclosure in Response
to Subpenas or Demands of Courts or Other
Authorities

Sec.

- 16.21 Purpose and scope.
- 16.22 Production or disclosure prohibited unless approved by appropriate Department official.
- 16.23 Procedure in the event of a demand for production or disclosure.
- 16.24 Final action by the appropriate Department official or the Attorney General.
- 16.25 Procedure where a Department decision concerning a demand is not made prior to the time a response to the demand is required.
- 16.26 Procedure in the event of an adverse ruling.

AUTHORITY: 28 U.S.C. 509, 510 and 5 U.S.C. 301.

Subpart B—Production or Disclosure
in Response to Subpenas or Demands
of Courts or Other Authorities

§ 16.21 Purpose and scope.

(a) This subpart sets forth the procedures to be followed when a subpoena, order, or other demand (hereinafter referred to as a "demand") of a court or

other authority is issued for the production or disclosure of (1) any material contained in the files of the Department, (2) any information relating to material contained in the files of the Department, or (3) any information or material acquired by any person while such person was an employee of the Department as a part of the performance of his official duties or because of his official status.

(b) For purposes of this subpart, the term "employee of the Department" includes all officers and employees of the United States appointed by, or subject to the supervision, jurisdiction, or control of, the Attorney General of the United States, including U.S. attorneys, U.S. marshals, and members of the staffs of those officials.

§ 16.22 Production or disclosure prohibited unless approved by appropriate Department official.

No employee or former employee of the Department of Justice shall, in response to a demand of a court or other authority, produce any material contained in the files of the Department or disclose any information relating to material contained in the files of the Department, or disclose any information or produce any material acquired as part of the performance of his official duties or because of his official status without prior approval of the appropriate Department official or the Attorney General in accordance with § 16.24.

§ 16.23 Procedure in the event of a demand for production or disclosure.

(a) Whenever a demand is made upon an employee or former employee of the Department for the production of material or the disclosure of information described in § 16.21(a), he shall immediately notify the U.S. attorney for the district where the issuing authority is located. The U.S. attorney shall immediately request instructions from the appropriate Department official, as designated in paragraph (b) of this section.

(b) The Department officials authorized to approve production or disclosure under this subpart are:

(1) In the event that the case or other matter which gave rise to the demanded material or information is or, if closed, was within the cognizance of a division of the Department, the Assistant Attorney General in charge of that division. This authority may be redelegated to Deputy Assistant Attorneys General.

(2) In instances of demands that are not covered by paragraph (b) (1) of this section:

(1) The Director of the Federal Bureau of Investigation, if the demand is one made on an employee or former employee of that Bureau for information or if the demand calls for the production of material from the files of that Bureau, and

(11) The Director of the Bureau of Prisons, if the demand is one made on an employee or former employee of that Bureau for information or if the demand calls for the production of material from the files of that Bureau.

(3) In instances of demands that are not covered by paragraph (b) (1) or (2) of this section, the Deputy Attorney General.

(c) If oral testimony is sought by the demand, an affidavit, or, if that is not feasible, a statement by the party seeking the testimony or his attorney, setting forth a summary of the testimony desired, must be furnished for submission by the U.S. attorney to the appropriate Department official.

§ 16.24 Final action by the appropriate Department official or the Attorney General.

(a) If the appropriate Department official, as designated in § 16.23(b), approves a demand for the production of material or disclosure of information, he shall so notify the U.S. attorney and such other persons as circumstances may warrant.

(b) If the appropriate Department official, as designated in § 16.23(b), decides not to approve a demand for the production of material or disclosure of information, he shall immediately refer the demand to the Attorney General for decision. Upon such referral, the Attorney General shall make the final decision and give notice thereof to the U.S. attorney and such other persons as circumstances may warrant.

§ 16.25 Procedure where a Department decision concerning a demand is not made prior to the time a response to the demand is required.

If response to the demand is required before the instructions from the appropriate Department official or the Attorney General are received, the U.S. attorney or other Department attorney designated for the purpose shall appear with the employee or former employee of the Department upon whom the demand has been made, and shall furnish the court or other authority with a copy of the regulations contained in this subpart and inform the court or other authority that the demand has been, or is being, as the case may be, referred for the prompt consideration of the appropriate Department official and shall respectfully request the court or authority to stay the demand pending receipt of the requested instructions.

§ 16.26 Procedure in the event of an adverse ruling.

If the court or other authority declines to stay the effect of the demand in response to a request made in accordance with § 16.25 pending receipt of instructions, or if the court or other authority rules that the demand must be complied with irrespective of instructions not to produce the material or disclose the information sought, in accordance with § 16.24, the employee or former employee upon whom the demand has been made shall respectfully decline to comply with the demand. "United States ex rel Touhy v. Ragen," 340 U.S. 462.

Dated: January 11, 1973.

RICHARD G. KLEINDIENST,
Attorney General.

[FR Doc.73-1071 Filed 1-17-73; 8:45 am]

OFFICE OF THE ATTORNEY GENERAL

WASHINGTON, D. C.

May 15, 1956

ORDER NO. 116-56

It is the policy of the Department of Justice to extend the fullest possible cooperation to congressional committees requesting information from departmental files, interviews with department employees, testimony of department personnel, or testimony of Federal prisoners. The following procedures are prescribed in order to effectuate this policy on a basis which will be mutually satisfactory to the congressional committees and to the Department. [This order supersedes the Deputy Attorney General's Memorandum No. 5, dated March 23, 1953, and his Memorandum No. 97, dated August 5, 1954. It formalizes the Attorney General's press release of November 5, 1953, establishing procedures to permit committees of the Congress and their authorized representatives to interview and to take sworn testimony from Federal prisoners. It supplements Order No. 3229 (Revised) dated January 13, 1953, and Order No. 3464, Supplement No. 4 (Revised) dated January 13, 1953 (with Memorandum of "Authorization Under Order No. 3464 Supplement No. 4 (Revised)" dated January 13, 1953), insofar as said orders have reference to procedures to be followed in the Department's relations with congressional committees. In support of this order, reference should be had to the President's letter dated May 17, 1954, addressed to the Secretary of Defense, and to the Attorney General's Memorandum which accompanied it.]

A. REQUESTS FOR INFORMATION FROM DEPARTMENT FILES

1. Congressional committee requests for the examination of files or other confidential information should be reduced to writing, signed by the chairman of the committee, and addressed to the Deputy Attorney General, who is responsible for the coordination of our liaison with Congress and congressional committees. The request shall state the specific information sought as well as the specific objective for which it is sought. The Deputy Attorney General will forward the request to the appropriate division where a reply will be prepared and returned for the Deputy Attorney General's signature and dispatch to the chairman of the committee.

2. If the request concerns a closed case, i. e., one in which there is no litigation or administrative action pending or contemplated, the file may be made available for review in the Department, in the presence of the official or employee having custody thereof. The following procedure shall be followed in such cases:

a. The reply letter will advise the committee that the file is available for examination and set forth the name, telephone extension number, and room number of the person who will have custody of the file to be reviewed;

b. Before making the file available to the committee representative all reports and memoranda from the FBI as well as investigative reports from any other agency, will be removed from the file and not be made available for examination; provided however that if the committee representative states that it is essential that information from the FBI reports and memoranda be made available, he will be advised that the request will be considered by the Department. Thereafter a summary of the contents of the FBI reports and memoranda involved will be prepared which will not disclose investigative techniques, the identity of confidential informants, or other matters which might jeopardize the investigative operations of the FBI. This summary will be forwarded by the division to the FBI with a request for advice as to whether the FBI has any objection to examination of such summary by the committee representative. The file will not be physically relinquished from the custody of the Department. If the committee representative desires to examine investigative reports from other government agencies, contained in the files of the Department, he will be advised to direct his request to the agency whose reports are concerned.

3. If the request concerns an open case, i. e., one which litigation or administrative action is pending or contemplated, the file may not be made available for examination by the committee's representative. The following procedure shall be followed:

a. The reply letter should advise the committee that its request concerns a case in which litigation or administrative action is pending or contemplated, and state that the file cannot be made available until the case is completed; and

b. Should briefly set forth the status of the case in as much detail as is practicable and prudent without jeopardizing the pending contemplated litigation or administrative action.

B. REQUESTS FOR INTERVIEWS WITH DEPARTMENTAL PERSONNEL

1. Requests for interviews with departmental personnel regarding any official matters within the Department should be reduced to writing, signed by the chairman of the committee, and addressed to the Deputy Attorney General. When the approval of the Deputy Attorney General is given, the employee is expected to discuss such matters freely and cooperatively with the representative, subject to the limitations prescribed in A respecting open cases and data in investigative reports;

2. Upon the completion of the interview with the committee representative the employee will prepare a summary of it for the file, with a copy routed to his division head and a copy routed to the Deputy Attorney General.

C. EMPLOYEES TESTIFYING BEFORE CONGRESSIONAL COMMITTEES

1. When an employee is requested to testify before a congressional committee regarding official matters within the Department the Deputy Attorney General shall be promptly informed. When the Deputy Attorney General's approval is given the employee is expected to testify freely subject to limitations prescribed in A respecting open cases and data in investigative reports;

2. An employee subpoenaed to testify before a congressional committee on official matters within the Department shall promptly notify the Deputy Attorney General. In general he shall be guided in testifying by Order 3229 (Revised) and the President's letter of May 17, 1954, cited at the beginning of this Order.

3. Upon the completion of his testimony the employee will prepare a memorandum outlining his testimony with a copy routed to his division head and a copy routed to the Deputy Attorney General.

D. REQUESTS OF CONGRESSIONAL COMMITTEES FOR THE TESTIMONY OF FEDERAL PRISONERS

Because of the custodial hazards involved and the extent to which their public testimony may affect the discipline and well-being of the institution, it is the policy of the Department not to deliver Federal prisoners outside the penal institution in which they are incarcerated for the purpose of being interviewed or examined under oath by congressional committees. However, when it appears that no pending investigation or legal proceeding will be adversely affected thereby and that the public interest will not be otherwise adversely affected, Federal prisoners may be interviewed or examined under oath by congressional committees in the institution in which they are incarcerated under the following procedures, and with the specific advance approval of the Deputy Attorney General.

1. Arrangements for interviewing and taking of sworn testimony from a Federal prisoner by a committee of the Congress or the authorized representatives of such a committee shall be made in the form of a written request by the chairman of the committee to the Deputy Attorney General.

2. Such written request shall be made at least ten (10) days prior to the requested date for the interview and the taking of testimony and shall be accompanied by written evidence that authorization for the interview or the taking of sworn testimony was approved by vote of the committee. Such request shall contain a statement of the purpose and the subjects upon which the prisoner will be interrogated as well as the names of all persons other than the representatives of the Department of Justice who will be present.

3. A member of the interested committee of the Congress shall be present during the entire time of the interrogation.

4. The warden of the penal institution in which the Federal prisoner is incarcerated shall, at least forty-eight (48) hours prior to the time at which the interview takes place, advise the Federal prisoner concerned of the proposed interview or taking of sworn testimony; and shall further advise that he is under the same, but no greater obligation to answer than any other witness who is not a prisoner.

5. The warden of the penal institution shall have complete authority in conformity with the requirements of security and the maintenance of discipline to limit the number of persons who will be present at the interview and taking of testimony.

6. The warden or his authorized representative shall be present at the interview and at the taking of testimony and the Department of Justice shall have the right to have one of its representatives present throughout the interview and taking of testimony.

7. The committee shall arrange to have a stenographic transcript made of the entire proceedings at committee expense and shall furnish a copy of the transcript to the Department of Justice.

E. OBSERVERS IN ATTENDANCE AT COMMITTEE HEARINGS

In order that the Department may be kept currently advised in matters within its responsibility, and in order that the Deputy Attorney General may properly coordinate the Department's liaison with Congress and its committees, each division that has an observer in attendance at a congressional hearing, will have the observer prepare a written summary of the proceeding which should be sent to the division head and a copy routed to the Deputy Attorney General.

/s/ Herbert Brownell, Jr.

Attorney General

NR036 WA CODE

6:29PM NITEL 5-20-75 PAW

TO ALL SACS

FROM DIRECTOR (62-116395)

PERSONAL ATTENTION

SENSTUDY - 75.

REBUTEL MAY 2, 1975.

IN CONNECTION WITH WORK OF THE SENATE AND HOUSE SELECT COMMITTEES, ITS REPRESENTATIVES MAY CONTACT YOUR OFFICE FOR INFORMATION.

IN ONE RECENT INSTANCE, A REPRESENTATIVE OF THE SENATE SELECT COMMITTEE TELEPHONICALLY INQUIRED AS TO IDENTITY OF SAC IN A PARTICULAR OFFICE DURING 1970.

IN HANDLING SUCH INQUIRIES INSURE ESTABLISHING BONA FIDES OF REPRESENTATIVE BY SHOW OF CREDENTIALS ON PERSONAL CONTACT OR, IF TELEPHONIC CONTACT, BY TELEPHONING BACK TO COMMITTEE. UNLESS INFORMATION IS OF A PUBLIC NATURE, AS IN THE INSTANCE CITED ABOVE, OBTAIN FBIHQ CLEARANCE PRIOR TO SUPPLYING ANY INFORMATION. FBIHQ MUST BE EXPEDITIOUSLY ADVISED OF ALL INFORMATION FURNISHED.

END

JXC FBI SJ GA

*No action taken
Rmm 5/20/75*

ASAC
#3
#4
#5

66-1062-3

SEARCHED	INDEXED
SERIALIZED	FILED
MAY 20 1975	
FBI - SAN JUAN	

SAC *lms*
(L-57)

NR036 WA CODE

6:29PM NITEL 5-20-75 PAW

TO ALL SACS

FROM DIRECTOR (62-116395)

PERSONAL ATTENTION

SENSTUDY - 75.

REBUTEL MAY 2, 1975.

IN CONNECTION WITH WORK OF THE SENATE AND HOUSE SELECT COMMITTEES, ITS REPRESENTATIVES MAY CONTACT YOUR OFFICE FOR INFORMATION.

IN ONE RECENT INSTANCE, A REPRESENTATIVE OF THE SENATE SELECT COMMITTEE TELEPHONICALLY INQUIRED AS TO IDENTITY OF SAC IN A PARTICULAR OFFICE DURING 1970.

IN HANDLING SUCH INQUIRIES INSURE ESTABLISHING BONA FIDES OF REPRESENTATIVE BY SHOW OF CREDENTIALS ON PERSONAL CONTACT OR, IF TELEPHONIC CONTACT, BY TELEPHONING BACK TO COMMITTEE. UNLESS INFORMATION IS OF A PUBLIC NATURE, AS IN THE INSTANCE CITED ABOVE, OBTAIN FBIHQ CLEARANCE PRIOR TO SUPPLYING ANY INFORMATION. FBIHQ MUST BE EXPEDITIOUSLY ADVISED OF ALL INFORMATION FURNISHED.

END

JXC FBI SJ GA

CIRCULATED

66-1062-3

SEARCHED	INDEXED
SERIALIZED	FILED
MAY 2 1975	
FBI - SAN JUAN	

lca

4/9/75

SENATE SELECT COMMITTEE
SENSTUDY 75

Members:

Democrats

Frank Church - Idaho, Chairman

Gary Hart - Colorado

Philip A. Hart - Michigan

Walter D. Huddleston - Kentucky

Walter F. Mondale - Minnesota

Robert Morgan - North Carolina (Freshman)

Republicans

Howard R. Baker, Jr. - Tennessee, Vice Chairman

Barry M. Goldwater - Arizona

Charles M. C. Mathias, Jr. - Maryland

Richard S. Schweiker - Pennsylvania

John G. Tower - Texas

65-1062-2

SEARCHED.....	INDEXED.....
SERIALIZED.....	FILED.....
MAY 27 1975	
FBI - SAN JUAN	

144D

HOUSE COMMITTEE TO INVESTIGATE INTELLIGENCE
AGENCIES

Members:

Democrats

Lucian N. Nedzi - Michigan, Chairman

Ronald V. Dellums - California

Don Edwards - California

Robert N. Giamo - Connecticut

James V. Stanton - Ohio

Michael J. Harrington - Massachusetts

Morgan F. Murphy - Illinois

Republicans

Robert McClory - Illinois

David C. Treen - Louisiana

Robert W. Kasten, Jr. - Wisconsin

UNITED STATES GOVERNMENT

Memorandum

TO : ALL AGENTS

DATE: 5/13/75

FROM : SAC, SAN JUAN

SUBJECT: THE SELECT SENATE COMMITTEE STUDY TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES -1975

The above-captioned matter relates to Bureau handling of requests from The Select Senate and House Committees to Study Governmental Operations regarding Governmental Operations. It is possible that staff members of the Select Committees may seek an interview with current and former FBI employees. In fact, the Senate Select Committee Staff has already interviewed several former employees and it is likely that others will be contacted.

The Bureau has pledged full cooperation with the Committee and has stated its desire to assist and facilitate any investigations undertaken by the Committee with respect to the FBI; however, we do have an obligation to insure that sensitive sources and methods as well as current sensitive investigations are fully protected. Should any former FBI employee contact any member of this office relative to his obligation not to divulge information obtained by virtue of his past FBI employment, he should be instructed to contact Legal Counsel, FBI Headquarters, by collect call. It should be emphasized, however, that any conversation that you have with the former FBI employee should be in keeping with the FBI pledge to cooperate with said Committee. This procedure should insure proper protection (as stated) as well as facilitate the work of the Select Senate Committee. The foregoing, of course, applies to current employees of this office. Any contact should be divulged to the Special Agent in Charge and all contacts with the Legal Counsel should be made through the Special Agent in Charge or, in his absence, through the Assistant Special Agent in Charge.

- 1 - 66-12
- ① - 66-NEW
- 1 - Each Headquarters City Agent
- 1 - SAC
- 1 - ASAC
- 1 - #3 Supervisor
- 1 - #4 Supervisor
- 1 - Each Senior Resident Agent (RM)

WCD:mjb
(75)

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Spec Index
66-10625-1

SEARCHED	INDEXED
SERIALIZED	FILED
MAY 14 1975	
FBI - SAN JUAN	

WCD



5010-110

NR074 WA CODE

1137PM NITEL 5-2-75 MSE

TO ALL SACS

FROM DIRECTOR (62-116395)

PERSONAL ATTENTION

SENSTUDY 75

CAPTIONED MATTER PERTAINS TO BUREAU'S HANDLING OF REQUESTS FROM SENATE AND HOUSE SELECT COMMITTEES TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES. IN CONNECTION WITH WORK OF THESE COMMITTEES, STAFF MEMBERS MAY SEEK TO INTERVIEW CURRENT AND FORMER FBI EMPLOYEES.

RECENTLY, THE SENATE SELECT COMMITTEE (SSC) STAFF HAS INTERVIEWED SEVERAL FORMER EMPLOYEES AND IT IS ANTICIPATED THAT MANY MORE SUCH PERSONNEL WILL BE CONTACTED.

THE FBI HAS PLEDGED FULL COOPERATION WITH THE COMMITTEE AND WE WISH TO ASSIST AND FACILITATE ANY INVESTIGATIONS UNDERTAKEN BY THE COMMITTEE WITH RESPECT TO THE FBI. HOWEVER, WE DO HAVE AN OBLIGATION TO INSURE THAT SENSITIVE SOURCES AND METHODS AND ONGOING SENSITIVE INVESTIGATIONS ARE FULLY

*Reviewed
11:45 PM
5/2/75
M. L. L.*

*Suggest
comment
not all
get into
it*

*ASA
2 #3
3 #4*

[Signature]

64-1042

SEARCHED	INDEXED
SERIALIZED	FILED
MAY 2 1975	
FBI - SAN JUAN	

SAC [Signature]
Lsr

PAGE TWO

PROTECTED. SHOULD ANY FORMER EMPLOYEE CONTACT YOUR OFFICE AND HAVE ANY QUESTION REGARDING HIS OBLIGATION NOT TO DIVULGE INFORMATION OBTAINED BY VIRTUE OF HIS PAST FBI EMPLOYMENT, HE SHOULD BE INSTRUCTED TO CONTACT LEGAL COUNSEL, FBIHQ, BY COLLECT CALL. YOUR CONVERSATIONS WITH FORMER EMPLOYEES MUST BE IN KEEPING WITH OUR PLEDGE. IT IS BELIEVED SUCH A PROCEDURE WOULD INSURE PROPER PROTECTION AND ALSO FACILITATE THE WORK OF THE SSC.

THE ABOVE PROCEDURE ALSO APPLIES TO CURRENT EMPLOYEES OF YOUR OFFICE. HOWEVER, CONTACT WITH THE LEGAL COUNSEL SHOULD BE HANDLED THROUGH THE SAC.

END

FBISJ SAA ACK FOR THREE THX AND CLR

NR074 WA CODE

1137PM NITEL 5-2-75 MSE

TO ALL SACS

FROM DIRECTOR (62-116395)

PERSONAL ATTENTION

SENSTUDY 75

CAPTIONED MATTER PERTAINS TO BUREAU'S HANDLING OF REQUESTS FROM SENATE AND HOUSE SELECT COMMITTEES TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES. IN CONNECTION WITH WORK OF THESE COMMITTEES, STAFF MEMBERS MAY SEEK TO INTERVIEW CURRENT AND FORMER FBI EMPLOYEES.

RECENTLY, THE SENATE SELECT COMMITTEE (SSC) STAFF HAS INTERVIEWED SEVERAL FORMER EMPLOYEES AND IT IS ANTICIPATED THAT MANY MORE SUCH PERSONNEL WILL BE CONTACTED.

THE FBI HAS PLEDGED FULL COOPERATION WITH THE COMMITTEE AND WE WISH TO ASSIST AND FACILITATE ANY INVESTIGATIONS UNDERTAKEN BY THE COMMITTEE WITH RESPECT TO THE FBI. HOWEVER, WE DO HAVE AN OBLIGATION TO INSURE THAT SENSITIVE SOURCES AND METHODS AND ONGOING SENSITIVE INVESTIGATIONS ARE FULLY

orig Rotten to [unclear]

66-1062

SEARCHED	INDEXED
SERIALIZED	FILED
MAY 2 1975	
FBI — SAN JUAN	

de

PAGE TWO

PROTECTED. SHOULD ANY FORMER EMPLOYEE CONTACT YOUR OFFICE AND HAVE ANY QUESTION REGARDING HIS OBLIGATION NOT TO DIVULGE INFORMATION OBTAINED BY VIRTUE OF HIS PAST FBI EMPLOYMENT, HE SHOULD BE INSTRUCTED TO CONTACT LEGAL COUNSEL, FBIHQ, BY COLLECT CALL. YOUR CONVERSATIONS WITH FORMER EMPLOYEES MUST BE IN KEEPING WITH OUR PLEDGE. IT IS BELIEVED SUCH A PROCEDURE WOULD INSURE PROPER PROTECTION AND ALSO FACILITATE THE WORK OF THE SSC.

THE ABOVE PROCEDURE ALSO APPLIES TO CURRENT EMPLOYEES OF YOUR OFFICE. HOWEVER, CONTACT WITH THE LEGAL COUNSEL SHOULD BE HANDLED THROUGH THE SAC.

END

FBISJ SAA ACK FOR THREE THX AND CLR