

The original documents are located in Box 24, folder “Justice - Intelligence” of the Philip Buchen Files at the Gerald R. Ford Presidential Library.

Copyright Notice

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Gerald R. Ford donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.

*Wraft legis.
from Justice
on subpoena
power
for
CIA
Comm*

2/6/75

To: Max Friedersdorf

From: Phil Buchen



Feb. 6, 1975

To: Ken

From: Phil Buchen



JAN 17 1975

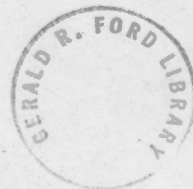
MEMORANDUM FOR PHILIP W. BUCHEN
Counsel to the President

Attached is draft legislation to confer subpoena and oath-giving authority upon the Rockefeller CIA Commission. It is based on the statute which conferred similar authority upon the Warren Commission (established to investigate the assassination of President Kennedy), P.L. 88-202, 77 Stat. 362 (approved December 13, 1963).

The Warren Commission was also accorded the power to confer immunity from prosecution, so as to compel testimony otherwise subject to Fifth Amendment privilege. We have not included such a provision in the attached draft, since we do not think it politic to seek it.

Laurence H. Silberman
Deputy Attorney General

Attachment



Resolved by the Senate and House of Representatives of
the United States of America in Congress assembled, That

(a) For the purposes of this joint resolution, the term "Commission" means the Commission appointed by the President by Executive Order 11828 dated January 4, 1975.

(b) The Commission, or any member of the Commission when so authorized by the Commission, shall have power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation by the Commission. The Commission, or any member of the Commission or any agent or agency designated by the Commission for such purpose, may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place within the United States at any designated place of hearing.

(c) In case of contumacy or refusal to obey a subpoena issued to any person under subsection (b), any court of the United States within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commission shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission, its member, agent, or agency, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

(d) Process and papers of the Commission, its members, agent, or agency, may be served either upon the witness in person or by registered mail or by telegraph or by leaving a copy thereof at the residence or principal office or place of business of the person required to be served. The verified return by the individual so serving the same, setting forth the manner of such service, shall be proof of the same, and the return post office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same. Witnesses summoned before the Commission, its members, agent, or agency, shall be paid the same fees and mileage that are paid witnesses



in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

(e) All process of any court to which application may be made under this Act may be served in the judicial district wherein the person required to be served resides or may be found.



Justice

THE WHITE HOUSE

WASHINGTON

May 16, 1975

MEMORANDUM FOR:

MR. BUCHEN

MR. HILLS

FROM:

JAMES A. WILDEROTTER *JA*

Attached is the Senate Select Committee's consolidated document request received yesterday by the Department of Justice.

The request purports to be very broad -- almost ridiculously so -- but a close reading suggests otherwise. It is once again interesting to compare those items not requested (but of which the Committee is aware) with those things requested -- some "glaring omissions" are apparent. For example, the inquiry with respect to the 1964 Democratic Convention is limited to the alleged surveillance of Martin Luther King. Fritz Schwarz is aware of other questionable aspects of the 1964 Convention -- particularly John Doar's request for information about members of the Mississippi Freedom Party Delegation (which opposed President Johnson and undertook a credentials fight that was in fact the only issue at the Convention) -- but has not requested any information about them. Again, although much information is sought about the Nixon-era activities of the Department's "Inter-Division Information Unit" (IDIU), the Select Committee has sought nothing with respect to the origin of IDIU. Mr. Schwarz is aware that the IDIU was established in 1967 by Ramsey Clark to implement Mr. Doar's suggestions that intelligence with respect to riots and demonstrations should be obtained from the Internal Revenue Service, the Office of Economic Opportunity's Poverty Program, etc.



CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

Justice

24 JUN 1975

The Honorable Edward H. Levi
The Attorney General
Department of Justice
Washington, D. C. 20530

Dear Mr. Levi:

As you are aware, the National Security Act of 1947 placed a mandate on the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure. In light of this responsibility, I am deeply concerned by the continued unauthorized disclosure of very sensitive classified information, including intelligence sources and methods. The most recent incident occurred in the Washington Star article of 18 June by James Deakin, which is enclosed. In what purports to be a quote of John D. Marks, there is information contained which was drawn from a classified deletion from the Marchetti and Marks manuscript. It is one of the 26 deletions out of 168 deletions which Judge Bryan, in the 1974 trial in the U. S. District Court for the Eastern District of Virginia, Alexandria, Virginia, ruled to have been proven to be classified by the U. S. Government. There are other items in the article which are even more serious and damaging to the U. S. Government.

As to the specific quote, I would like your advice as to whether appropriate legal action can be taken in view of the fact that the information concerned is covered by a protective order of the District Court. I have been informed that in all likelihood contempt action would require declassification of the information, as well as declassification of the exhibit in the Marchetti case which supported this information as being classified.

In my letter to you of 28 May 1975, I asked for your views as to legal action in connection with the article by Seymour Hersh in The New York Times on 25 May 1975. While the Department of Justice is still studying this



matter, again I have been informed that, in order to sustain contempt action, it would be necessary to declassify the classified exhibit in the Marchetti case which was quoted verbatim in the Hersh article.

In my letter to you of 10 February 1975, I requested your views as to possible criminal prosecution in connection with the book published by Philip B. F. Agee. In a letter from Acting Assistant Attorney General John C. Keeney to me dated 2 June 1975, I was advised that the Department of Justice recommended against prosecutorial action because of the difficulties that would be encountered during the course of discovery prior to the trial. Also with respect to the Agee book, I wrote to you on 3 March 1975 inquiring if any civil action was appropriate, including an injunction requiring review by the Agency pursuant to Agee's secrecy agreement, or the possibility of attaching royalties or any other civil relief. By your letter to me of 1 April 1975, you indicated that an injunction probably would not lie for failure to show irreparable injury. It was also indicated that any suit for damages would require the Agency to divulge, possibly in great detail, the scope of the operations which were disrupted.

On 14 January 1974, I submitted a legislative proposal to the Office of Management and Budget which would have provided criminal sanctions for the unauthorized disclosure of intelligence sources and methods. Throughout 1974 our representatives attempted to reach agreement not only as to the wording of such a legislative proposal, but also as to the appropriateness of such legislation being forwarded to the Congress. On 23 April 1975, I resubmitted this legislative proposal incorporating many of the revisions agreed upon by our representatives. While I believe I understand the reasons the Department of Justice still does not believe my legislative proposal should be approved by the Administration for submission to the Congress, I am firm in my belief that action to this end should be taken.

I have recited my efforts to have legal action taken to attempt to stem and deter unauthorized disclosure of intelligence sources and methods. The consistent advice from the Department of Justice has been that any of the possible courses of legal action would not be successful. On the other hand, I am faced with the dilemma that the Department of Justice opposes consideration by Congress of proposed legislation which would establish criminal sanctions for unauthorized disclosure of intelligence sources and methods. It is my view that now is an appropriate time for this proposed



legislation to be forwarded to the Congress while the Agency is under current investigation. It is my thought that, if the Congress is to do a thorough job, it is also their responsibility to look at constructive legislation that would assist the intelligence community in doing a more effective job. I think this proposed legislation, if enacted into law, would serve not only as a deterrent, but, in my opinion, would have a substantial chance of a successful prosecution given an appropriate factual situation.

Sincerely,

/s/ W. E. Colby

W. E. Colby
Director

Enclosure

cc: ✓ The Honorable Philip W. Buchen
Counsel to the President

The Honorable Henry A. Kissinger
Assistant to the President for
National Security Affairs



Some items in this folder were not digitized because it contains copyrighted materials. Please contact the Gerald R. Ford Presidential Library for access to these materials.

THE WHITE HOUSE

WASHINGTON

July 1, 1975

PROPOSED STATEMENT FOR RON NESSEN TO ISSUE

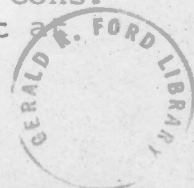
The President was asked yesterday about the Attorney General's point of view on one of the Rockefeller Commission's recommendations. This recommendation was that criminal investigations of conduct by CIA employees and the decision whether to prosecute should be made by the DOJ, after consideration of Agency views regarding the impact of prosecution on the national security. The Attorney General in his press conference of June 25 said he did not think he would ask the CIA for its views as to the effect on national security of cases where the Justice Department had decided there was a prosecutable offense and not a good defense. The Attorney General also said in regard to discussing beforehand with the President a decision on whether or not to proceed with a prosecution as follows:

"I would feel obligated to tell the President that -- that is, to communicate the position of the Department; but I would not expect the President to tell the Department what to do."

Against this background/^{the President} was asked the following questions and gave the following answers yesterday:

"Q: Mr. President, the Attorney General said that his view is that if his investigation which you put him in charge of determines that there was violation of law by anyone in the CIA or in the Government and that there is a reasonable prospect that a prosecution could be successful, that the Department of Justice should proceed and should not give particular weight to the question of any damage that a prosecution would do to the CIA as an organization or to what he called policy considerations about past officials. Do you have any problem with that point of view?

A: The President: I think the Attorney General has to take that position and if that situation develops I would certainly want to discuss the pros and cons. I would hesitate to make an abstract judgment at this point.



Q: But you would expect to be consulted on that?

A: The President: I should think that the President ought to not be -- I think I should be informed. On how you describe the discussion, I certainly ought to be informed if a prosecution is going to potentially harm the national interest. Whether I have the authority or should exercise it is another question, but I would expect to be informed."

The President believes his answers to these questions are consistent with the views of the Attorney General. Both the President and the Attorney General are in accord that the Department of Justice has the full responsibility for investigation of possible criminal conduct and for exercising the President's Constitutional responsibility to take care that the laws are faithfully executed.

THE WASHINGTON POST Wednesday, July 2, 1975

Levi Clarifies Stand On CIA Prosecution

Associated Press

Attorney General Edward H. Levi says that he, and not President Ford, will decide whether to bring criminal charges against CIA personnel involved in assassination plots or domestic wrongdoing. the President as saying Monday that he would "expect to be informed" by Levi prior to any prosecution of government officials for past CIA activities and "would certainly want to discuss the pros and cons" of

Justice

24 JUL 1975

Mr. Philip W. Buchen
Counsel to the President
The White House
Washington, D. C.

Dear Mr. Buchen:

By letter dated June 30, 1975, the Criminal Division received a request for information contained in files of the Rockefeller Commission; copies of which had been forwarded to the Attorney General at the direction of the President for appropriate review to determine whether information contained therein disclosed prosecutable violations of Federal criminal statutes.

Inasmuch as these materials were made available to this Division on an interim basis and only for the limited purpose of our review pursuant to the instructions of the President, it would appear that any determination as to the releasability of the requested materials under the Freedom of Information Act, 5 U.S.C. 552, as amended, would more properly be a matter within the purview of the Chief Executive. Accordingly, the attached letter from David Kraslow, Chief, Washington Bureau, Cox Newspapers is being forwarded for such a determination and subsequent direct response to the requester.



It is the view of this Division that, in addition to the fact that the requested material is classified, any release of this material during the pendency of our review and investigation could result in a future deprivation of an impartial adjudication on the facts of the case and impair or even preclude the conduct of a fair trial, should such a course of action be found to be warranted.

Sincerely,

RICHARD L. THORNBURGH
Assistant Attorney General

Attachment



Justice

Department of Justice
Washington, D.C. 20530

JUL 22 1975

Mr. Philip W. Buchen
Counsel to the President
The White House
Washington, D. C.

Phil
Dear ~~Mr.~~ Buchen:

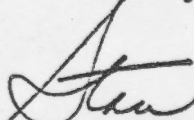
By letter dated July 10, 1975, the Department of Justice received a request for information contained in files of the Rockefeller Commission, copies of which had been forwarded to the Attorney General at the direction of the President for appropriate review to determine whether information contained therein disclosed prosecutable violations of Federal criminal statutes.

Inasmuch as these materials were made available to the Department on an interim basis and only for the limited purpose of our review pursuant to the instructions of the President, it would appear that any determination as to the releasability of the requested materials under the Freedom of Information Act, 5 U.S. 552, as amended, would more properly be a matter within the purview of the Chief Executive. Accordingly, the attached letter from Joseph F.M. Gatins, Globe Newspapers, Fairfax, Virginia, is being forwarded for such a determination and subsequent direct response to the requester.



It is our view that any release of this material during the pendency of this Department's review and investigation could result in a future deprivation of an impartial adjudication of the facts of the case and impair or even preclude the conduct of a fair trial should such a course of action be found to be warranted.

Sincerely,



J. Stanley Pottinger
Assistant Attorney General
Civil Rights Division



NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
Presidential Libraries Withdrawal Sheet

WITHDRAWAL ID 01405

REASON FOR WITHDRAWAL National security restriction
TYPE OF MATERIAL Letter(s)
CREATOR'S NAME Wilderotter, James
RECEIVER'S NAME Thornburgh, Richard
DESCRIPTION Files of the President's Foreign
Intelligence Advisory Board.,
(Sanitized version in file.)
CREATION DATE 11/13/1975
VOLUME 1 page
COLLECTION/SERIES/FOLDER ID . 001900269
COLLECTION TITLE Philip W. Buchen Files
BOX NUMBER 24
FOLDER TITLE Justice - Intelligence
DATE WITHDRAWN 08/12/1988
WITHDRAWING ARCHIVIST LET

unclassified/without attachment
~~TOP SECRET~~

Justice

UNCLASSIFIED UPON REMOVAL
OF CLASSIFIED ATTACHMENTS

November 13, 1975

Mr. Richard L. Thornburgh
Assistant Attorney General, Criminal Division
Department of Justice
Washington, D. C. 20530

Dear Mr. Thornburgh:

In response to your letter to Mr. Buchen of October 30, 1975, requesting a variety of documents from the files of the President's Foreign Intelligence Advisory Board (PFIAB) for use by the Criminal Division in connection with ongoing investigations, the attached volume is herewith provided.

Subsequent to receipt of your letter, coordination between Mr. Ronald Malone of your Division and the PFIAB staff resulted in a number of changes to the tabulation of documents identified in the original request; these changes are indicated by red-pencil notations on a copy of your letter, which is also appended.

Your attention is invited to the high security classifications and extreme sensitivity of the documents, as well as to the confidentiality of their nature, since many of them represent privileged communications between Presidents and their advisors. In addition to observance of the requirements for proper storage, appropriate clearances for those who are given access to the material, and strict application of the "need to know" principle in connection with their review, we request that no copies or extracts of any document be made without prior authorization of the PFIAB, and that if use of the material in any judicial proceeding is contemplated, you will promptly consult with this office.

Sincerely,

James A. Wilderotter
Associate Counsel
to the President

Enclosure:

Volume w/ Tabs 1 thru 40,
.....

Unclassified upon removal of the attachments and special handling caveats

~~TOP SECRET~~

UNCLASSIFIED UPON REMOVAL
OF CLASSIFIED ATTACHMENTS

Justice

THE WHITE HOUSE

WASHINGTON

January 26, 1976

MEMORANDUM FOR: THE ATTORNEY GENERAL

FROM: PHILIP W. BUCHEN *P.W.B.*
Counsel to the President

SUBJECT: Prohibiting Surreptitious Entries
by the CIA

This memorandum is in response to your inquiry concerning restrictions currently in effect to prohibit the CIA from conducting, either independently or with any other government entity, an illegal surreptitious entry or "break-in."

On August 29, 1973, following a review of the legality and propriety of certain CIA activities by the CIA's Inspector General and General Counsel, Director Colby issued a series of internal directives. Two of these directives dealt with surreptitious entries against CIA employees, ex-employees and "United States citizens not connected with the CIA" (Tab A). The directive pertaining to CIA employees and ex-employees prohibits surreptitious entries only "outside Agency property." The directive with respect to "other United States citizens" unfortunately contains a number of ambiguities. For example, it is not cast in terms of a prohibition per se, but states merely that surreptitious entries may not be justified under the "protection of intelligence sources and methods" authority. Again, it is silent with respect to individuals such as resident aliens or foreign nationals within the United States.

Last month, Mr. Colby issued an internal directive to all CIA employees dealing with "restrictions on CIA activities within the United States or related to United States citizens and organizations" (Tab B). The directive does not specifically address the subject of surreptitious entries. However, it is replete with instructions to the effect that the Agency must



operate in accordance with the law. For example, Section I. a. (5) states that:

"In addition to specific provisions of this regulation that relate to the conduct of CIA activities, no CIA activity or action by CIA employees shall be authorized which would abridge the Constitutional or legal rights of United States citizens, whether in the United States or abroad."

In my judgment, the August, 1973 directives and the more recent "restrictions" directive, taken together, probably represent a complete prohibition, in practice, against illegal entries within the United States or against individuals entitled to the protection of the U. S. Constitution. However, I believe it desirable that a clearer and more specific prohibition be issued. As you know, there is currently under consideration a comprehensive Executive Order with respect to the intelligence community; the draft includes specific restrictions on certain intelligence activities. Although the current draft does not contain a specific reference to surreptitious entries, it can easily be amended to include such a prohibition.



[This is an unclassified version of the original memorandum. A minor deletion was necessary to permit the production of this unclassified version.]

MEMORANDUM

SUBJECT: Projects [cryptonym, cryptonym, cryptonym]

No surveillance, telephone tap, or surreptitious entry will be conducted against employees or ex-employees of the Agency outside Agency property. In the event that threats to intelligence sources and methods appear from Agency employees or ex-employees, the appropriate authorities will be advised, and the Agency will cooperate with the appropriate authorities in the investigation of possible violation of law.



[This is an unclassified version of the original memorandum. A minor deletion was necessary to permit the production of this unclassified version.]

MEMORANDUM

SUBJECT: Projects [cryptonym, cryptonym, cryptonym]

No surveillance, telephone tap, surreptitious entry or other action will be taken by Agency personnel in the United States against United States citizens not connected with CIA, under the claimed authority of "protection of intelligence sources and methods." This provision of the law lays a charge and duty on the Director and the Agency to act so as to protect intelligence sources and methods. It does not give it authority to take action with respect to other American citizens. If a threat or exposure of intelligence sources and methods occurs, the Agency can appropriately assemble its information on the topic and conduct such steps within its organization as may be appropriate. With respect to outsiders, the appropriate lawful authorities must be approached for assistance on the matter, e.g., the FBI or local police.



TABLE OF CONTENTS

1.	RESTRICTIONS ON CIA ACTIVITIES WITHIN THE UNITED STATES OR RELATED TO U.S. CITIZENS AND ORGANIZATIONS	1
a.	POLICY	1
b.	RELATIONS WITH FEDERAL, STATE, AND LOCAL AGENCIES	2
(1)	General	2
(2)	Dissemination of Foreign and Counter-intelligence Information	3
(3)	Law Enforcement Organizations and Officials	3
(4)	Support to Department of Defense (DoD) Intelligence Elements	4
(5)	Narcotics Intelligence	4
(6)	CIA Participation in Interagency Domestic Intelligence Discussions	5
(7)	Detailed Personnel	5
(8)	Logistics Support	5
(9)	Limitations on Safehouses	5
(10)	Relations with the U.S. Postal Service	5
(11)	Relations with the U.S. Secret Service	5
(12)	Relations with Immigration and Naturalization Service	6
c.	ACTIVITIES IN THE UNITED STATES OR RELATED TO U.S. CITIZENS	6
(1)	General	6
(2)	Investigations in the United States	7
(a)	Personnel Security Investigations	7
(b)	Special Investigations	8
(c)	Records Required	8
(3)	Surveillance in the United States	8
(a)	Surveillance of Foreign Nationals in the United States	8
(b)	Physical Surveillance	9
(c)	Technical Surveillance	9
(d)	U.S. Mail	9
(e)	Infiltration of Organizations of Americans	9
(4)	Polygraphing of U.S. Citizens	9
(5)	Testing of Conversation Monitoring Equipment in the United States	9
(6)	Foreign Economic Activities of U.S. Citizens and Firms	10
(7)	Experiments to Influence Human Behavior	10
(8)	Proprietary Companies	10
(9)	Federal Income Tax Information	10
d.	IDENTITY DOCUMENTATION	10



1. RESTRICTIONS ON CIA ACTIVITIES WITHIN THE UNITED STATES OR RELATED TO U.S. CITIZENS AND ORGANIZATIONS

a. POLICY

- (1) This regulation provides instructions to ensure that CIA's current and future activities within the United States or related to U.S. citizens and organizations remain within a strict interpretation of its legislative charter and the Constitution of the United States. It incorporates instructions issued by the Director of Central Intelligence during the period August 1973 through June 1974, and reflects the findings and recommendations of the Commission on CIA Activities Within the United States as approved by the President. This regulation will not be amended without the approval of the Director.
- (2) This regulation will be brought to the attention of all personnel.
- (3) To ensure that CIA activities are in compliance with the law, Deputy Directors and Heads of Independent Offices shall consult with the Office of General Counsel on all activities whose legality is not clearly established.
- (4) The Inspector General is authorized to review all activities undertaken by CIA and shall have unrestricted access to all information relevant to these reviews. Any activities or proposed activities that may raise questions of compliance with the law or with CIA regulations or that otherwise appear improper will be brought directly to the attention of the Director by any of the command or staff components or by the IG and will be subject to the Director's decision. Inspector General reports will be provided to the National Security Council and to the President's Foreign Intelligence Advisory Board.
- (5) In addition to specific provisions of this regulation that relate to the conduct of CIA activities, no CIA activity or action by CIA employees shall be authorized which would abridge the Constitutional or legal rights of U.S. citizens, whether in the United States or abroad.
- (6) Any employee who has knowledge of past, current or proposed CIA activities that might be construed to be illegal, improper, or outside CIA's legislative charter,



or who believes that he or she has received instructions that in any way appear illegal, improper, or outside CIA's legislative charter, is instructed to inform the Director or Inspector General immediately.

- (7) Information, allegations, or complaints of violations of the criminal provisions of the United States Code by CIA officers and employees, or relating to CIA affairs, shall be reported immediately by any employee to the Inspector General, who shall inform the General Counsel. Information, allegations, or complaints of violations of Title 18 of the United States Code involving Government officers and employees shall be expeditiously reported to the Attorney General by the General Counsel in compliance with 28 U.S.C. 535. Such report to the Attorney General shall include an evaluation prepared by the Inspector General of the impact, if any, of a prosecution on the national security or on foreign relations of the United States, including intelligence operations which may be jeopardized or intelligence sources and methods which may be compromised thereby. CIA will not exercise a prosecutorial function.
- (8) The provisions of any previously published CIA regulatory issuance inconsistent with the provisions of this regulation are superseded by this regulation and such issuances will be revised promptly to eliminate any such inconsistencies. All regulatory issuances restricting CIA's activities as previously promulgated remain in force. Any apparent inconsistencies will be brought to the attention of the Director.

b. RELATIONS WITH FEDERAL, STATE, AND LOCAL AGENCIES

- (1) General. When requests are received for continuation or initiation of activities in support of or in cooperation with state, local or other federal agencies whose legality and propriety have not been previously established, the cognizant Operating Official will seek guidance from his Deputy Director or the Head of an Independent Office in accordance with the provisions of HN 7-13, dated 25 April 1974. If the Deputy Director approves the activity, he will forward the report on the activity to the Inspector General. The Inspector General, after requesting and receiving the written opinion of the General Counsel, will recommend continuation, termination or modification



of the activity as he may deem appropriate. Where there is disagreement by the Deputy Director, the Inspector General or the General Counsel, the report will be forwarded to the Director for resolution.

- (2) Dissemination of Foreign and Counterintelligence Information. The dissemination of foreign and counterintelligence information may be made directly to the interested federal agency. Dissemination of such information beneficial to local law enforcement agencies will be made only through the FBI.
- (3) Law Enforcement Organizations and Officials. No CIA support will be given to the Law Enforcement Assistance Administration (LEAA) or state or local police organizations of the United States. Subject to this limitation, the following relationships may be entered into, however, where the purpose is to support legitimate activity of the CIA:
 - (a) LEAA assistance may be requested through the Office of Security for evaluative information on equipment and techniques with respect to terrorist problems.
 - (b) Contact may be maintained with and assistance sought from state and local police organizations in the course of normal background and security investigations, for the protection of CIA personnel and installations, and in connection with other matters permissible within the CIA charter.
 - (c) Contact also may be maintained with police department bomb squads to observe their techniques in identifying, handling, and disarming terrorist bombs and to discuss technical aspects of countering explosive devices. The principal purpose will be to obtain information on bomb handling and not to train the local police departments.
 - (d) Attendance may be authorized at explosive ordnance disposal conferences and similar briefings or seminars to keep abreast of new developments in terrorist techniques and countermeasures.
 - (e) It is appropriate for CIA to have individual relationships with state and local police organizations for cooperation in training CIA employees in the United States preparatory to their assignment abroad. It

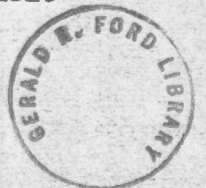


should be clearly indicated that this is a training relationship, and no assistance will be given to police organizations in the course of training CIA personnel.

(4) Support to Department of Defense (DoD) Intelligence Elements. CIA is authorized to provide technical guidance, training, equipment and other similar assistance to DoD intelligence elements related to their appropriate operational responsibilities abroad provided such assistance is coordinated with the appropriate Deputy Director. CIA may similarly provide such assistance to DoD intelligence activities within the United States, and assistance to DoD U.S.-based counterintelligence operations that are directed against foreign intelligence targets, if such assistance has been approved by the Deputy Director for Operations.

(5) Narcotics Intelligence

- (a) No CIA narcotics intelligence collection operations shall be specifically directed at individual U.S. citizens abroad. Information incidentally acquired in the course of normal foreign intelligence collection or of operations against foreign narcotics intelligence activities may be provided to the Drug Enforcement Administration (DEA) and other federal agencies. The general purpose of furnishing such information is for intelligence and not prosecutorial purposes.
- (b) Field installations shall alert headquarters as soon as it becomes apparent that an anti-narcotics operation or a report intended for formal dissemination has domestic U.S. implications or leads. Such information, including the identity of U.S. citizens, may be given to DEA. The foreign operation as such shall remain, however, under CIA control.
- (c) CIA may provide technical equipment for overseas operations of DEA as approved by the Deputy Director for Operations. CIA will not provide any support to DEA domestic operations, except that CIA may give to DEA technical briefings unrelated to any pending investigation in the United States. Technical equipment for DEA operations abroad may be provided only under the following conditions:
- (1) The equipment is not operated by CIA personnel.



- (2) The request for support is accompanied by full explanation of the planned use of the equipment and of the authority under which it will be used.
- (3) The request is approved by the Deputy Director for Operations with the concurrence of the Office of General Counsel.
- (6) CIA Participation in Interagency Domestic Intelligence Discussions. CIA participation in interagency discussions on domestic intelligence will be restricted to the provision of foreign intelligence that might bear upon the matters being considered.
- (7) Detailed Personnel. CIA personnel may be detailed to other federal agencies and the Office of the President when a detail contributes to furtherance of activities within the charter of CIA or as expressly authorized by law. CIA employees so detailed to another government agency will be responsible to the host agency and will not report to CIA on the internal affairs of that agency. The head of the host agency and any subsequent successor will be informed of the detailees' association with CIA.
- (8) Logistics Support. CIA assistance to other government agencies in procurement or contractual work is subject to the provisions of approved CIA procurement instructions concerning such assistance to other government agencies, and the provisions of the Economy Act.
- (9) Limitations on Safehouses. CIA safehouses within the United States shall not be used by state or local agencies. Federal agencies may utilize such safehouses only on foreign related matters and then only with the approval of the Director.
- (10) Relations with the U.S. Postal Service. CIA may provide technical assistance to the U.S. Postal Service, such as briefing the service on CIA's knowledge of letter bombs. CIA will comply with all United States postal laws and regulations.
- (11) Relations with the U.S. Secret Service. CIA may provide assistance to the U.S. Secret Service in the performance of its protective duties in accordance with Public Law 90-331 dated 6 June 1968, which authorizes such assistance



from other government agencies. In addition, other normal liaison relationships may be maintained between CIA and the Secret Service.

- (12) Relations with the Immigration and Naturalization Service. The entrance or departure of foreigners under the sponsorship of CIA into and from the United States will be conducted in accordance with normal immigration procedures or as provided for in section 7 of the CIA Act of 1949, as amended (50 U.S.C. 403h). If special circumstances require that a foreign national under sponsorship of CIA enter or leave the United States without using his true identity, it will be done only with the approval of the Immigration and Naturalization Service.

c. ACTIVITIES IN THE UNITED STATES OR RELATED TO U.S. CITIZENS

- (1) General. Pursuant to its foreign intelligence and counter-intelligence responsibilities, CIA is authorized to engage in certain activities within the United States in conformity with requirements of law and National Security Council directives including the following:
- (a) CIA is authorized to collect by overt means foreign intelligence information from persons and organizations within the United States on a witting and voluntary basis. The accumulation and use of names for this purpose will be limited to the foreign intelligence objectives of CIA.
 - (b) CIA will undertake no activities in the United States directed at the collection of intelligence information on domestic activities of U.S. citizens or organizations, except in connection with the protection of its personnel and installations and in the conduct of employee and other security investigations [see paragraph c(2)(b)(1) below].
 - (c) CIA is authorized to establish and use support mechanisms and proprietary organizations within the United States in support of its foreign intelligence mission.
 - (d) CIA operations to be conducted abroad pursuant to its counterintelligence responsibilities which are directed specifically at U.S. citizens will be coordinated with the FBI and/or with other federal agencies, as appropriate.



- (e) In the course of collecting foreign intelligence, interception of communications shall not be directed specifically at U.S. citizens. Such material, incidentally acquired, may be passed to the appropriate federal agency.
- (f) With due regard to the assessed reliability of the information and the statutory responsibilities of the Director for the protection of intelligence sources and methods:
- (1) Security or counterintelligence information relating to foreign nationals in the United States or to non-governmental U.S. citizens, derived as a by-product of CIA activities, will be made available to the FBI and/or other federal agencies as appropriate.
 - (2) In the case of United States personnel who are employed by the federal government in a civilian capacity or who are members of the military services, such information will be reported to the security authorities of the parent organizations and, as appropriate, to the FBI. In instances concerning a U.S. Secret Service protectee, such information will also be furnished to the U.S. Secret Service.
- (g) At the request of the FBI, CIA is authorized to provide the FBI support in carrying out the FBI's responsibilities within the United States as they relate to foreign intelligence and counterintelligence action against foreign nationals.
- (2) Investigations in the United States. Under the limited circumstances specified below, and as authorized in paragraph c(1)(b) above, CIA is authorized to conduct investigations within the United States.
- (a) Personnel Security Investigations. CIA may conduct investigations of CIA applicants and other individuals being considered for CIA security clearances or approvals, or being considered for involvement in CIA operations. Routine reinvestigations of employees, other persons holding security clearances or approvals, and persons involved in CIA operations may be conducted from time to time. When necessary for security reasons, the investigations will be conducted without



revealing CIA or U.S. Government interest. Such investigations will be conducted by federal government personnel.

(b) Special Investigations.

(1) Only the Director may approve investigation of allegations of unauthorized disclosure of classified information by individuals presently or formerly affiliated with CIA. Such authorization will be given only upon determination by the Director that intelligence sources and methods may be jeopardized by the disclosure and that the information relating to the unauthorized disclosure was acquired as a result of affiliation with CIA. Such investigations must be coordinated with the FBI when substantial evidence suggests espionage or the violation of a federal statute.

(2) The above does not preclude the Director from exercising his statutory authority to fulfill his responsibility for CIA's proper administration. In this regard the Director may authorize such inquiries as are necessary, proper, and legal to resolve allegations reflecting adversely on an employee's suitability for continued employment.

(c) Records Required. A record must be prepared for all investigations undertaken by CIA to reflect that the investigation was duly authorized, by whom it was authorized, the factual basis for undertaking the investigation, and the results of the investigation.

(3) Surveillance in the United States. CIA is authorized to conduct physical and technical surveillance within the United States only under limited circumstances but in no event in violation of the law.

(a) Surveillance of Foreign Nationals in the United States. CIA will not conduct surveillance of foreign nationals in the United States except in connection with foreign intelligence or counter-intelligence operations, and then in coordination with the FBI, as appropriate. Limited physical surveillance of a person involved with the foreign national is authorized to the extent necessary to identify that person.

- (b) Physical Surveillance. CIA will not undertake physical surveillance of individuals currently or formerly employed by CIA, contractors, contractors' employees, or related personnel within the United States without first obtaining written approval of the Director.
- (c) Technical Surveillance. CIA will not direct any intercept of wire or oral communications against U.S. citizens within the United States. Such operations will not be conducted against U.S. citizens abroad without prior approval of the Attorney General.
- (d) U.S. Mail. CIA will not engage in any opening of U.S. mail, mail covers, or any acts in violation of U.S. postal laws and regulations. To the limited extent that CIA may need mail cover information in furtherance of its legitimate activities, it shall make such requests of the FBI.
- (e) Infiltration of Organizations of Americans. CIA will not infiltrate (join for the purpose of reporting on) dissident groups or other organizations of Americans in the absence of a written determination by the Director that such action is necessary to meet a clear danger to CIA facilities, operations, or personnel and that adequate coverage by law enforcement agencies is unavailable.
- (4) Polygraphing of U.S. Citizens. CIA internal polygraphing programs authorize polygraph examinations of U.S. citizens on a voluntary basis and are restricted to CIA applicants, employees, individuals being considered for or holding CIA security clearances or approvals, or other persons involved in CIA operations. Polygraph examinations of other U.S. citizens will be conducted only with their consent and only with the prior written approval of the Director.
- (5) Testing of Conversation Monitoring Equipment in the United States. To ensure that arrangements for testing of equipment for monitoring conversations will be conducted in the United States only in conformity with applicable statutes and the Constitutional rights of U.S. citizens, the OGC must be consulted in each instance.



- (6) Foreign Economic Activities of U.S. Citizens and Firms. No operational or analysis project will be undertaken specifically to cover the foreign economic activities of a particular U.S. citizen or firm. This restriction would not preclude studies of foreign economic activities that include analyses of the roles of U.S. firms, for example: foreign demand for U.S. grain; U.S. technology transfer to the USSR; foreign discrimination against U.S. firms; and studies evaluating the importance of the U.S. in worldwide economic activities, such as shipping and energy. To the extent that information on the economic activities of U.S. citizens or firms abroad is incidentally acquired in the course of CIA's normal foreign intelligence activities and is significant to other U.S. agencies, it may be forwarded to such agencies with the approval of the Deputy Director concerned.
- (7) Experiments to Influence Human Behavior. No experiment using drugs or other techniques to influence human behavior will be undertaken on individuals unaware of the nature and possible consequences of the tests being performed. Experiments on subjects who have given informed consent will be undertaken only with the Director's specific approval and will adhere to the guidelines of the National Commission for the Protection of Human Subjects for Biomedical and Behavioral Research which was established under Public Law 93-348 dated 12 July 1974.
- (8) Proprietary Companies. CIA proprietary companies shall not operate on a commercially competitive basis with United States businesses, except to the extent necessary to establish commercial credibility. No investments by a proprietary company will be made on the basis of any substantive intelligence obtained from CIA.
- (9) Federal Income Tax Information. CIA must strictly adhere to established legal procedures governing access to federal income tax information. All requests for federal income tax information will be forwarded to the Office of General Counsel after approval by the appropriate Deputy Director. The Office of General Counsel will process the request in accordance with the Internal Revenue Code and U.S. Treasury regulations.
- d. IDENTITY DOCUMENTATION. The Deputy Director for Operations in consultation with the Office of General Counsel shall strictly



control the issuance, accountability and recovery of identity documentation procured or produced by CIA for its operations or in response to requests from other agencies.

W. E. Colby
Director



Justice

THE WHITE HOUSE
WASHINGTON

March 19, 1976

~~SECRET~~

Dear Mr. Thornburgh:

This is in response to your letter of February 27 requesting access to those references in a White House document entitled "Findings Pursuant to Section 662 of the Foreign Assistance Act of 1961, as Amended, Concerning Operations Abroad to Help Implement Foreign Policy and Protect National Security," which concern CIA's authority and mandate to participate in narcotics intelligence collection as a matter affecting the national security.

As Mr. Wilderotter has discussed with you, the document involved concerns a number of matters beyond the interest of the Criminal Division. After reviewing the entire document myself, I can advise that there is a reference which could be regarded as concerning CIA's authority and mandate to participate in narcotics intelligence collection as a matter affecting the national security. We will be pleased to give Departmental Attorney Dougald McMillan access to that part of the document, as you requested. I suggest that Mr. McMillan contact Mrs. Jeanne Davis, Executive Secretary of the National Security Council, to arrange a mutually convenient time.

Please let me know how we can be of further assistance.

Sincerely,

Philip W. Buchen

Philip W. Buchen
Counsel to the President

DECLASSIFIED
E.O. 12958 Sec. 3.6

MR 94-152, #3; NSCL W/TA 9/8/98

By Ut NARA, Date 6/6/00

The Honorable Richard L. Thornburgh
Assistant Attorney General
Criminal Division
Department of Justice
Washington, D. C. 29530

CLASSIFIED BY Signer
EXEMPT FROM GENERAL DECLASSIFICATION
SCHEDULE OF EXECUTIVE ORDER 11652 EX-
EMPTION CODE AND CATEGORY (S) OF (U)
AUTOMATICALLY DECLASSIFIED ON

(Reference made to 50 CFR 17.102)

~~SECRET~~

THE WHITE HOUSE

WASHINGTON

March 1, 1976

Determined to be an administrative marking
Cancelled per E.O. 12356, Sec. 1.3 and
Archivist's memo of March 16, 1983.

By KR NARS date 8/3/88

MEMORANDUM FOR:

JIM WILDEROTTER

FROM:

PHIL BUCHEN *P.*

Kindly handle the attached matter dealing with
the Criminal Division's request for a copy of
a White House paper.

Is this one of the documents in the Nixon
collection?

Attachment



February 27, 1976

~~SECRET~~

Philip W. Buchen
Counsel to the President
The White House
Washington, D.C.

Dear Mr. Buchen:

In connection with the Criminal Division's inquiry into various activities of the CIA, we have encountered references to a White House paper entitled "Findings Pursuant to Section 662 of the Foreign Assistance Act of 1961, as Amended, Concerning Operations Abroad to Help Implement Foreign Policy and Protect National Security". The reference concerns the CIA's authority and mandate to participate in narcotics intelligence collection as a matter affecting the national security.

It is requested that Departmental Attorney Dougald McMillan be given access to this document. Ms. Hope Byrne has discussed this matter with Mr. Wilderotter of your office.

Your prompt attention to this request will be appreciated.

Sincerely,

RICHARD L. THORNBURGH
Assistant Attorney General

DECLASSIFIED
E.O. 12958 Sec. 3.8

MR 94-153, #4; CIA DOT 4/16/97

By lit NARA Date 3/10/97

CLASSIFIED BY
EXEMPT FROM DECLASSIFICATION
SCHEDULE 11552
EXEMPTION CODE
AUTOMATICALLY DECLASSIFIED ON

~~SECRET~~



THE WHITE HOUSE
WASHINGTON

file

January 29, 1976

Shirley:

Re: Dept. of Justice, Dec. 1 ltr.
requesting access for Douglas
McMillan.....etc. (includes
5 items)

Mr. Wilderotter advised that the letter
is rendered moot by the court's decision
of January 7 in the Nixon Paper's case.
He has talked with Doug Marvin of
Justice and another letter in lieu of this
will be forthcoming.

Peg



Department of Justice
Washington 20530

December 1 1975

*Copies sent to
Burger
Nile committee
Holloman
Miller +
request made to
DOJ as to
how they*

Mr. Philip W. Buchen
Counsel to the President
The White House
Washington, D. C.

Dear Mr. Buchen:

In connection with inquiries of the Criminal Division into various activities of the Central Intelligence Agency, please provide Departmental attorney Dougald McMillan with access to records and minutes of the following:

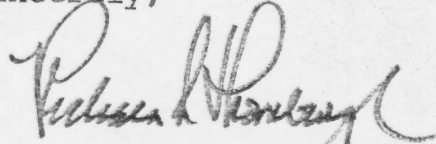
- (1) White House Task Force on Narcotics created October 29, 1969.
- (2) Working Group of White House Task Force on Narcotics.
- (3) Cabinet Committee on International Narcotics Control (CCINC).
- (4) Working Group of CCINC.
- (5) Subcommittees of CCINC.

Mr. McMillan has discussed this matter with Mr. Wilderotter of your office.



Your expeditious handling of this request will be appreciated.

Sincerely,

A handwritten signature in dark ink, appearing to read "Richard L. Thornburgh". The signature is fluid and cursive, with a large, sweeping flourish at the end.

RICHARD L. THORNBURGH
Assistant Attorney General



The Attorney General

April 14, 1976

Director, FBI

**U. S. SENATE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES (SSC)**

Enclosed is the original of a memorandum concerning an interview of FBI Special Agent Kenneth M. Raupach by Senator Richard S. Schweiker and SSC Staff Members. Also enclosed is a copy of the memorandum for forwarding to Mr. James A. Wilderotter, Associate Counsel to the President.

Enclosures (2)

62-116395

**1 - The Deputy Attorney General
Attention: Michael E. Shaheen, Jr.
Special Counsel for
Intelligence Coordination**



APR 19 1976

TO: Michael Duval
Assistant to the Counsellor
to the President

FROM: Michael E. Shaheen, Jr.
Special Counsel for Intelligence
Coordination

SUBJECT: Senate Select Committee Staff Interviews

Attached for your information is a copy of a memorandum prepared by the Federal Bureau of Investigation regarding an interview of FBI Special Agent Kenneth M. Rappach by Senator Richard S. Schweiker and Senate Select Committee Staff Members.





UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

62-116395

April 14, 1976

U. S. SENATE SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES (SSC)

RE: INTERVIEW OF FBI SPECIAL AGENT (SA)
KENNETH M. RAUPACH BY SENATOR
RICHARD S. SCHWEIKER AND SSC STAFF
MEMBERS

The following concerns an interview on March 31, 1976, of SA Kenneth M. Raupach by Senator Richard S. Schweiker and SSC Staff Members.

SA Raupach was released from his confidentiality agreement with the FBI for the purpose of the interview, which was to be confined to his knowledge of the John F. Kennedy assassination.

SA Raupach's account of the interview follows:

"At approximately 1:50 p.m., SA Raupach appeared at the office of SSC Staff Member Paul Wallach, and an assistant seated Raupach at a desk and furnished several documents for him to review. Within a few minutes and prior to Raupach's completing the review of these documents, Paul Wallach appeared with SSC Staff Members Michael Epstein and James Johnston. SA Raupach accompanied these men to another office where the interview was to take place. Court Reporter Susan Harris was present and was completing the setting up of her recording equipment. Within a few minutes Senator Schweiker appeared and was introduced to SA Raupach. Before commencing the interview Senator Schweiker placed SA Raupach under oath; however, SA Raupach was not advised of his rights.

DECLASSIFIED

E.O. 12356, Sec. 3.4.

MR 92-52 FBI Mr. 10/1/92 (CIA concurrence)

By KBA NARA, Date 12/11/92



SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC)

RE: INTERVIEW OF FBI SA KENNETH M. RAUPACH BY SENATOR AND SSC

"At this time SA Raupach had copies of the following documents (previously furnished to him) which the Senator and Staff Members wished to question him about: memorandum to Mr. J. Edgar Hoover from James J. Rowley, Director, U. S. Secret Service, dated February 13, 1967; memorandum A. Rosen to C. D. DeLoach dated February 15, 1967, bearing SA Raupach's initials; letter to James J. Rowley from Mr. Hoover dated February 15, 1967, bearing SA Raupach's initials; memorandum to Mr. Tolson from C. D. DeLoach dated March 17, 1967; routing slip from the Office of J. Edgar Hoover checked to several Assistant Directors and marked 'eyes only'; memorandum dated March 21, 1967, which revealed results of an interview with Attorney Edward P. Morgan; memorandum A. Rosen to Mr. DeLoach dated March 22, 1967, bearing SA Raupach's initials; letter to Mrs. Mildred Stegall, The White House, dated March 22, 1967, bearing SA Raupach's initials; and memorandum from Clyde Tolson to Director Hoover dated March 27, 1967. These documents concerned an allegation made to former Chief Justice Earl Warren by former columnist Drew Pearson that a lawyer named Ed Morgan had a client who informed Morgan that Robert Kennedy had organized a group who went to Cuba to kill Castro and that all were killed or imprisoned except one person who escaped; that subsequently Castro decided to use the same procedure to kill President Kennedy; and that he hired Oswald to do the job. These documents revealed this information was furnished to James J. Rowley, who in turn furnished it to the Director of the FBI, and showed the action taken by the FBI.

"The interview was initiated by Michael Epstein who asked SA Raupach what his Bureau experience has been. He was informed that SA Raupach had been assigned in the General Investigative Division, Training Division,



SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC)

RE: INTERVIEW OF FBI SA KENNETH M. RAUPACH BY SENATOR AND SSC

Inspection Division, and the Special Investigative Division and had been primarily engaged in handling criminal matters. SA Raupach was also asked when he first started handling or supervising investigation regarding the assassination of President Kennedy. Epstein was informed that SA Raupach first became involved with this matter on March 2, 1964, when he was assigned to the General Investigative Division for the primary purpose of assisting SA Richard D. Rogge. In addition, it was explained that there were three different phases of the assassination investigation: the Lee Harvey Oswald phase, which was handled at that time by the Domestic Intelligence Division; the Jack L. Ruby phase, which was handled by the Civil Rights Section of the General Investigative Division; and the remainder, which was handled by SA Rogge and SA Raupach.

"Epstein referred to the memorandum prepared by James J. Rowley, Director, U. S. Secret Service, which was furnished to Director Hoover. He specifically inquired of SA Raupach whether or not he had ever heard of an allegation like this before or of any similar accusations. SA Raupach responded by saying this was the first occasion during the period of time he handled the assassination matters that he had ever heard of this allegation. The question was then posed as to why the FBI took no further action or conducted any investigation. Epstein was informed that this was a result of investigation conducted by our Domestic Intelligence Division, which ascertained that no evidence was uncovered that the Cuban Government had any involvement in the assassination and that if Attorney Edward P. Morgan were interviewed, he would not reveal his source of information due to attorney-client relationship. Therefore, this information was furnished to Mr. Rowley and also to the Acting Attorney General.



SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC)

RE: INTERVIEW OF FBI SA KENNETH M. RAUPACH BY SENATOR AND SSC

"Mr. Wallach interceded and asked who made this decision and whether SA Raupach made the decision. He was informed this decision was the result of a judgment rendered by SA Raupach's superiors to take this action. SA Raupach was asked to identify these superiors and they were named as Rex Shroeder, Section Chief; J. R. Malley, Inspector; and Mr. A. Rosen, Assistant Director, all of whom were assigned to the General Investigative Division. Subsequently, SA Raupach prepared a communication to Mr. Rowley advising him of the position the FBI was taking. This action, of course, was approved by Director Hoover.

"James Johnston referred SA Raupach's attention back to the memorandum Raupach prepared February 15, 1967, which indicated the FBI was not conducting any investigation concerning the allegation. He drew SA Raupach's attention to the action paragraph which indicated there was attached for approval a letter to Mr. Rowley and a letter to the Acting Attorney General. The last sentence in this paragraph said, 'Consideration was given to furnishing this information to The White House but since this information does not concern, or is not pertinent to the present administration, no letter being sent.' Mr. Johnston desired to know if SA Raupach had made this determination. He was informed that SA Raupach could not recall who made this decision but felt that it was an overall agreement reached by his superiors. Mr. Johnston wanted to know the reason for this decision, and he was informed that SA Raupach could not recall the specific reason.

"SA Raupach's attention was drawn to Mr. C. D. DeLoach's memorandum to Mr. Tolson dated March 17, 1967. This concerns Mr. DeLoach's conversation with Mr. Marvin Watson, who was Special Assistant to the President.



SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC)

RE: INTERVIEW OF FBI SA KENNETH M. RAUPACH BY SENATOR AND SSC

Mr. Watson discussed with Mr. DeLoach matters concerning Edward P. Morgan. This information was specifically set forth in paragraph 3. In addition, Mr. Watson indicated that the President wanted Morgan interviewed concerning any knowledge he had regarding the assassination of President Kennedy. As a result of this request, Morgan was interviewed. In addition, according to Mr. DeLoach's memorandum, Mr. Watson had requested that the result be furnished to him in a blind memorandum.

"One of the Staff Members asked who specifically ordered the interview. SA Raupach responded by saying it could have been he but he did not recall it and, therefore, it was more likely that one of his superiors ordered the interview. An SSC Staff Member asked who conducted the interview, and he was informed that it was handled by Agents of the Washington Field Office, the exact identities of these Agents not being known to SA Raupach. Michael Epstein asked if it was not usual for the results of interviews to be placed on letterhead memoranda. In response, SA Raupach answered affirmatively but pointed out that in this instance the specific request was for a blind memorandum, as indicated by the President.

"SA Raupach's attention was directed to page 4 of the memorandum containing results of interview of Edward P. Morgan. Paragraph 2 contains information relating to wiretapping in Las Vegas, Nevada, involving Robert A. Maheu. SA Raupach was asked if he was aware of the fact this wiretap had been in effect and that it had been placed in behalf of CIA's efforts to obtain intelligence information concerning Cuba through the hoodlum element, including Sam Giancana. SA Raupach responded by saying he had no information concerning this. SA Raupach was asked if he



SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC)

RE: INTERVIEW OF FBI SA KENNETH M. RAUPACH BY SENATOR AND SSC

was ever aware of the fact that CIA had personally contacted Maheu during the Fall of 1960 for purposes of using Maheu as a 'cutout' in contacts with Sam Giancana in connection with the CIA's clandestine efforts against Castro. SA Raupach responded that, prior to the receipt of information contained in this communication, he had no knowledge that such activities took place.

"It was at this time that Mr. Johnston asked why the document was classified 'Top Secret.' SA Raupach was not immediately aware of the reason; however, Senator Schweiker noted that the original incoming communication from Mr. Rowley was classified 'Secret.' Thereafter, SA Raupach stated he could only assume that information which was contained in the memorandum and attributed to CIA was in all probability classified 'Top Secret' when received; therefore, this same classification had to be used. It was shortly after this comment that Mr. Johnston left the room and did not return.

"Following this, among other statements, Senator Schweiker said it appeared odd to him that when John Foster Dulles was on the Warren Commission, after being Head of the CIA, he did not bring this information regarding the CIA's activities to the attention of the Warren Commission.

"SA Raupach was asked if he knew Sam Papich. SA Raupach responded that he did know him, but not well. He was aware of the fact that Papich was formerly assigned to the Liaison Section of the Domestic Intelligence Division and has retired. SA Raupach was also asked if he ever had any direct dealings with Papich. SA Raupach's response was that he could not recall any, especially

SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC)

RE: INTERVIEW OF FBI SA KENNETH M. RAUPACH BY SENATOR AND SSC

anything that dealt with the assassination of President Kennedy. In fact, most of SA Raupach's dealings in coordination of matters between the two divisions were generally handled either through SA Robert Lenihan or SA Bill Branigan. SA Raupach was asked whether Lenihan was still with the Bureau, and he stated that Lenihan was retired and his present location was unknown to Raupach.

"There were several other questions pertaining to the assassination which were asked of SA Raupach; however, due to the number of questions that were involved and the continual referral to various documents that were in his possession, SA Raupach could not recall all of these for record purposes. SA Raupach did note that on two occasions during the interview Senator Schweiker had to leave for voting.

"On several occasions during the course of the interview it was mentioned by SA Raupach that the scope of the work involved in the assassination was tremendous; therefore, it would be difficult to recall exact happenings and, due to the lapse of time, recollection of specific points pertaining to the assassination has diminished.

"This fact was acknowledged by the Staff and the Senator and they expressed their appreciation for the cooperation extended. The interview was terminated at 4:30 p.m."



THE WHITE HOUSE
WASHINGTON

*File
Justice*

April 26, 1976

MEMORANDUM FOR: MICHAEL SHAHEEN
 JUSTICE DEPARTMENT

FROM: MIKE DUVAL *D*

SUBJECT: FBI REPORTS

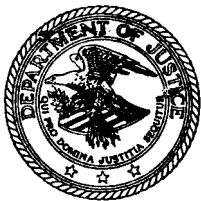
I have reviewed the latest two FBI reports you sent to me concerning the Senate Select Committee reports. They were very useful as the ICG considered the Administration position concerning these reports.

Insofar as both the Senate and House Select Committees seem to be either completed or winding down their activities, I suggest that any future correspondence from the Bureau be directed to Phil Buchen. If you have something that clearly involves the new reorganization of our foreign intelligence agencies, then, of course, I should receive a copy.

Thanks.

cc: Phil Buchen ✓
 Jack Marsh





OFFICE OF THE DEPUTY ATTORNEY GENERAL
WASHINGTON, D.C. 20530

TO - Phil Buchan
F42
Mike

APR 19 1976

TO: ~~Michael Duval~~
Assistant to the Counsellor
to the President

Mike

FROM: Michael E. Shaheen, Jr.
Special Counsel for Intelligence
Coordination

SUBJECT: Senate Select Committee Staff Interviews

Attached for your information is a copy of a memorandum prepared by the Federal Bureau of Investigation regarding an interview of FBI Special Agent Kenneth M. Raupach by Senator Richard S. Schweiker and Senate Select Committee Staff Members.



Justice

THE WHITE HOUSE

WASHINGTON

July 9, 1976

MEMORANDUM FOR: BRENT SCOWCROFT
FROM: PHIL BUCHEN *P.W.B.*
SUBJECT: Attorney General's letter to the
President on Intelligence Oversight
Board Report

Following receipt of your memorandum of July 3, 1976, I prepared a memorandum to the President which included, among other materials, copies of the attachments to your memorandum. It also included a copy of the Intelligence Oversight Board Report and earlier comments on that report which I had made to Jim Connor on May 19, 1976. The memorandum contains my recommendation to the President. That recommendation involves a memorandum from the President to George Bush that interprets his findings of January 10, 1975, so as to include the activities in Thailand that were the subject of the IOB report and directs George to supplement his previous reports to the appropriate committees of Congress to whatever extent may be necessary in George's judgment to make clear that the earlier finding was broad enough to include the later phase of the operation in question. My understanding is that you prefer not to review my memorandum before it goes to the President.

Based on the last paragraph of your memorandum to me of July 3, I did assure the President in my memorandum that the proper guidelines for the conduct of OAG business were about to be promulgated. In that connection, I have reviewed your tentative draft of those guidelines and I recommend that paragraph 4 dealing with "proposals" be amended to include two new subparagraphs. One should be subparagraph "b" to replace the language now appearing in your draft for that subparagraph. The other should be a new subparagraph "d". The proposed texts of both are contained on the attached pages.

Attachment

cc: Rob Roy Ratliff



expenditures to effectuate an orderly and safe withdrawal from the operation if circumstances should require its termination or substantial curtailment) as found by the President to be important to the national security, which is to be the basis of reports to the appropriate committees of the Congress; and

- (3) A form for the President to sign if he accepts the recommendation, which shall include the required finding, cite the documents reviewed by the President, and delegate to the Director of Central Intelligence the authority and responsibility to make the required reports in a timely fashion to the appropriate committees of the Congress with a direction that the Director provide to the President and OAG a record of the time, manner and content of each report made (including the time and nature of each offer or attempt to report which may have preceded the actual report) and the reactions or responses received.

Suggested revisions of subparagraph "b" of paragraph 4 of the Operations Advisory Group Guidelines and added subparagraph "d" of paragraph 4.

b. Proposals for special activities to be recommended to the President and proposals for approval by OAG of sensitive intelligence collection operations shall include:

- (1) A brief opening summary paragraph;
- (2) Succinct outline of the proposal and the need or justification for the proposal;
- (3) Statement and analysis of expenditures required;
- (4) Statement of alternatives, risks, and previous coordination in developing the proposal (including OAG Working Group consideration);
- (5) If proposal involves a special activity, references to all OAG and Presidential documents or records of each operation previously approved by the President that is related to, or will be changed or expanded by, the proposed special activity; and
- (6) If proposal involves a special activity, believed not to require an additional finding or reports under Section 662 of the Foreign Assistance Act of 1961, as amended, a statement of the reasons.
- (7) A statement of whether the proposal if adopted should be followed by consultations with members of Congress or reports to committees of Congress other than under Section 662 of said Act and the extent and nature of such consultations or reports.

* * * *

d. If a special activity is to be recommended to the President, the recommendation shall include a copy of the proposal and the dissents and comments of OAG members and observers, and, in the absence of a statement under subparagraph (6) of paragraph 4-a acceptable to the Attorney General, the recommendation shall also include:

- (1) A statement on which the President may base a finding that the operation recommended is important to the national security of the United States;
- (2) A description and scope of the operation (including in every appropriate case a statement of the necessity for activities and