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THE WHITE HOUSE
WASHINGTON

Katie -

This letter was signed by the President today --- Jack Marsh handled the delivery of the letter -- it was hand carried by Mason Cargill to Charlie Leppert who was on the Hill. It is planned to make it public later.



Trudy

1/29/76

THE WHITE HOUSE

WASHINGTON

January 29, 1976

Dear Mr. Chairman:

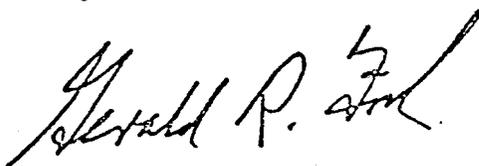
As you are aware, representatives of the Executive Branch with responsibilities in the intelligence area have reviewed the proposed report of the House Select Committee. It is my understanding they have communicated to you and Members of the Committee their views on the same.

I understand that there are still some issues regarding inclusion in the report of certain classified information which have not been resolved by your Committee and the various agencies of the Executive Branch concerned.

Pursuant to the agreement regarding public release of classified information, I await your submission of these unresolved issues to me so that I might determine whether or not the disclosure of the information involved would be detrimental to the national security.

With kindest personal regards, I am

Sincerely,



The Honorable Otis G. Pike
Chairman
Select Committee on Intelligence
House of Representatives
Washington, D. C. 20515



OFFICE OF THE WHITE HOUSE PRESS SECRETARY

THE WHITE HOUSE

EXCHANGE OF REMARKS
BETWEEN THE PRESIDENT
AND
GEORGE BUSH
UPON MR. BUSH BEING SWORN-IN AS
DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

CIA HEADQUARTERS
LANGLEY, VIRGINIA

11:07 A.M. EST

THE PRESIDENT: Thank you very, very much, Bill.

May I say at the outset that I fully concur with your observations and comments concerning the quality of the people, and I have no question whatsoever that they will give to George Bush, as they have to me, the fullest support and the greatest dedication.

Bill, as I told you and your family on Monday of my high regard for your 25 years of dedicated and distinguished service with the CIA at the time that I gave you the National Security Medal, I meant every word of it. You fully deserve it and I wish to congratulate and compliment you for this outstanding record.

For good reason, obviously, you have the full support and deep feeling of all of the people here and those of us not in the intelligence community are just as grateful for the fine service you have given to your agency and to your country.

General Douglas MacArthur once said that in war there is no substitute for victory. Let me assure you that in peace there is no substitute for intelligence. The time is long overdue for the men and women of the American intelligence community to receive the praise and the gratitude of the Nation that you have so conscientiously served. I have and I will continue to give voice publicly to that gratitude.

As every President since World War II, I depend on you as one of America's first lines of defense. Every morning as a result of your efforts an intelligence report is delivered to my desk which is complete, concise, perceptive and responsible.

MORE



As a result, I am fully aware of the tremendous effort, the tremendous teamwork that goes into it and all of the other intelligence reports that I receive that are so vital to the making of sound policy decisions on national security, and let me express my personal gratitude for this fine work.

The appointment of George Bush as your new Director matches a good man with a good team. George Bush assumes the leadership of the intelligence community at a very critical point in its history -- critical because national and international attention is focused on your work now as never before.

Because much of your work depends on secrecy and because secrecy adds a new aura of mystery and intrigue, there is the natural tendency for extraordinary attention to be paid to the intelligence community when allegations are made that it has not functioned as it should.

Past problems, any excesses, the abuses of the past have more than adequately been described. I am concerned about them as I know you are, but one thing is very, very certain -- we cannot improve this agency by destroying it.

Let me assure you also I have no intention of seeing the intelligence community dismantled, its operations paralyzed or its effectiveness undermined. The Administration fully intends to safeguard the effectiveness of this agency, the confidentiality of its information and the lives and honor of its agents and employees.

The irresponsible release of classified information by people who should know better must cease. A better balance must be struck between the right of the people to know and this country's commitment to survive and live in peace.

Accordingly, in the next few weeks after a great deal of study and consultation with experts in this field, I will announce my decisions on the steps I believe necessary to strengthen our foreign intelligence operations. My actions will be designed to insure that this Nation has what you and I know we must have -- the best intelligence capacity in the world.

These actions will be consistent with two very fundamental principles. First, the United States must have a strong and effective capability to gather, to evaluate foreign intelligence and conduct necessary covert operation; and second, these activities must be conducted in a Constitutional and lawful manner and never be aimed at our own citizens.

MORE



George Bush shares my commitment to these principles. As a former Member of Congress and as the son of a very great man, a distinguished statesman -- the late Senator Prescott Bush of Connecticut -- George has known all of his life that the people are sovereign and that their rights must be secure.

As a former representative of this Government to the People's Republic of China and as the former United States Ambassador to the United Nations, George Bush is in step with world development. I know from first-hand personal experience he is a man of enormous capability, sound moral judgment and has had an intense devotion to public service. He is fully prepared to guide the policy decisions of this agency and of the entire intelligence community with a depth and a breadth of knowledge that few others have.

George has said that he sees his first task as one of making a tremendous effort to restore public confidence in this fine agency. In that effort he has my full and total support.

I continue to believe that the Director of the Central Intelligence Agency must have direct personal access to the President. George will have this access on a very regular basis and whenever special circumstances require.

With his leadership and with your help, I believe we can make this agency an instrument of peace and an object of pride for all of our people. That is my goal and I know that each and every one of you share it with me.

Now it is my great privilege and pleasure to introduce Mr. Justice Stewart who will administer the oath of office.

(The oath was administered.)

MORE



DIRECTOR BUSH: Mr. President, members of the President's Cabinet, distinguished Members of Congress and other guests and fellow employees:

First, let me express my appreciation to you, Mr. President, for coming out here for this occasion. We are honored by your presence.

And I also want to thank Bill Colby for the marvelous cooperation that he has given me over the past few weeks. I wish him well as he leaves this agency to which he gave so much.

Mr. President, I accept enthusiastically the challenge that you have given me. I will work hard to earn the confidence that you and the U.S. Senate have placed in me. I will not turn my back on the past for from the past we have learned a lot about what an intelligence agency must do to maintain the confidence of the people in an open society. But the emphasis now will be on the future, and because of its dedicated people, this agency is the finest intelligence agency in the world. They will have my total support and I have much to learn and I will work hard at that. But I pledge to my associates here this full support.

I am determined to protect those things that must be kept secret and I am more determined to protect those unselfish and patriotic people who, with total dedication, serve their country, often putting their lives on the line, only to have some people bent on destroying this agency expose their names. This must stop, and I will do my level best to play a role in that.

I am equally determined, Mr. President, to take a new look at some of the practices that may have made great sense in the past, but that now must be reviewed and rethought to see if they are necessary and to see if they are indeed compatible with moral judgment of our countrymen. And this won't be easy work, but as you said, sir, restoration of public confidence is essential if we are to get on about our important work here.

And lastly, Mr. President, our goal here is to provide you and others with intelligence. We are not in the policy business. We will call them as we see them, and we will be objective and our estimate will continue to come to you without hint of bias. They will be the product of the best intelligence in the entire world.

I pledge to you that no politics, no policy bias, will color the collective judgment of the CIA. This is the way you want it, this is the way the CIA operates, and this is the way our country must have it.

MORE



Many have said to me since this nomination that, well, you are taking on a difficult -- and somewhat more pessimistic say--taking on an impossible task. That may be true in one sense, but I consider myself fortunate indeed to have been confirmed for this challenging job. I want this job -- I want to do it well, and I like the dedication and love of country that I find here. And I am proud to be a part of the CIA.

Thank you very much.

END

(AT 11:20 A.M. EST)



For Nessen

The agreement with the President and the Pike Committee covered release or publication of classified materials supplied to the Committee by the Executive Branch. The agreement called for the Committee to discuss with the agency involved the desire by the Committee to release or publish any particular classified material (information) and to receive the views of the agency. The agreement further provided:

"...the items in disagreement shall be referred to the President for his review and if he personally determines and certifies in writing that the items in disagreement would, if disclosed, be detrimental to national security, then such material will not be published by the committee. Such determination by the President shall not in any way prejudice the rights of the committee for recourse to the court." (Hearings before the Select Committee on Intelligence, U.S. House of Representatives, 94th Congress, First Session, Part 2, September 30, 1975, Page 767)

This agreement is very similar to the "Case Act Amendment" procedures (1 U.S.C. 112 (b)) which provide that the Administration shall transmit to the Congress international agreements, but this can be done under an injunction of secrecy, which can only be removed by the President.



Draft Statement on Intelligence

For over a year, the Nation has engaged in the most extensive investigation in our history into the activities of the CIA and other intelligence units of our government. Hearings, testimonies, revelations, and freshly disclosed secrets -- all have piled up in an exhausting and almost numbing sequence.

In a democracy, sunshine is often the best disinfectant for abuses by the government. The investigations into our past have made us wiser now than we were a year ago. But it is equally important not to become transfixed by the past. We must also act for the future.

I have thoroughly studied this matter and tonight I want to announce my plans for strengthening the Intelligence Community.

-- First, I am establishing by Executive Order a new command structure for foreign intelligence. The duplication, overlapping responsibility and confusion of the past is to be ended. Henceforth, overall policy directions for intelligence will rest in only one agency: the National Security Council. Day-to-day management of intelligence will be conducted by a new committee called the Committee on Foreign Intelligence chaired by the Director of Central Intelligence, George Bush.



And to monitor the performance of our intelligence operations, I am creating a new independent Oversight Board to be made up of private citizens. Former Ambassador Robert D. Murphy will chair the Board and two other distinguished citizens -- Stephen Ailes and Leo Cherne-- will serve as members. All three of these units -- the National Security Council, the Committee on Foreign Intelligence and the Oversight Board -- will be responsible to me, so that the President will continue to be ultimately accountable for our intelligence activities.

-- Second, to improve the performance of the intelligence agencies and as a step to restore public confidence in their actions, I have issued in my public Omnibus Executive Order, policy guidelines for the foreign intelligence agencies. Also, I am acting to prevent any further abuses of the basic rights of American citizens. By this Executive Order, I am placing a comprehensive set of restrictions on the foreign intelligence agencies. I will soon meet with Congressional leaders to map out legislation covering electronic surveillance and mail openings against U.S. citizens. I will also support legislation now being studied in the Senate that would prohibit attempts on the lives of foreign leaders during peacetime.

-- Third, I will tomorrow send to the Congress special legislation to safeguard certain intelligence secrets. This legislation would make it a crime for a government employee who is given special access to highly classified information



on intelligence sources and methods to reveal that information improperly.

In taking these actions, I have been guided by two imperatives.

As Americans, we must not and will not tolerate actions by our government which abridge the rights of our citizens. Nothing is more precious in this country than our basic freedoms.

At the same time, it is imperative that we maintain a strong and effective intelligence capability in the United States. Some have urged that we place so many restrictions on the Intelligence Community that it would be totally ineffective. I will not preside over the dismantling of the CIA and the other intelligence agencies.

We continue to live in a world that is hostile to our freedoms. We are fortunate in that we have many friends and that we are the most powerful nation on earth. But we also have several potential adversaries -- adversaries who will take advantage of us if we drop our guard.

The United States is a peace-loving nation, and our foreign policy is designed to lessen the threat of war and of aggression. In recent years, we have made substantial progress toward that goal -- in the Middle East, in Europe, in Asia and elsewhere around the world. Yet we also recognize that the best way to



secure the peace is to be fully prepared to defend our interests. I believe in peace through strength.

A central pillar of our strength is, of course, our armed forces. These forces must be second to none. But another great pillar must be our Intelligence Community -- the dedicated men and women who gather vital information around the world and carry out missions that advance our interests in the world.

There surely have been mistakes made in the past. But those mistakes can and are being corrected. Now our goal must be to strengthen the CIA and our other intelligence capabilities units so that they will remain in the front lines of our defense for the future. That is my goal.

Ladies and gentlemen, I will be pleased now to answer your questions.



THE WHITE HOUSE

WASHINGTON

February 17, 1976

MEMORANDUM FOR:

THE HONORABLE DONALD S. RUMSFELD
THE HONORABLE EDWARD H. LEVI

I have been advised of the subpoenas of February 4, 1976, from the House Committee on Government Operations requiring officials of your respective agencies, as well as private corporations, to produce records relating to interception or examination by the United States of information concerning interstate or foreign communications by wire, cable, radio or otherwise, and information as to users of communications common carriers.

Upon review of the subpoenas, I have concluded that the scope of the records sought is so extremely broad as to encompass records containing the most sensitive national security information and that the public interest requires that the records not be disclosed to the Committee. As President of the United States, I am therefore instructing you to decline to comply with the subpoenas.

Gerald R. Ford



THE SECRETARY OF DEFENSE
WASHINGTON, D. C. 20301

February 18, 1976

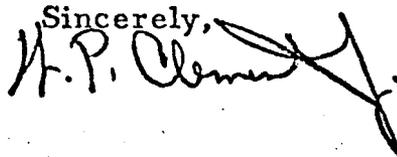
Mr. Joseph Tomba
National Security Agency
Fort George G. Meade, Maryland 20765

Dear Mr. Tomba:

You are hereby informed that President Ford has asserted executive privilege with respect to the documents described in the subpoena of the House Government Information and Individual Rights Subcommittee of the Government Operations Committee, dated February 4, 1976, and directed to you. The President has concluded that the public interest requires that these documents not be produced and delivered either by you or by any person having custody or control over them.

Accordingly, you are hereby instructed not to produce and deliver the said documents.

Sincerely,

A handwritten signature in dark ink, appearing to read "H.P. Clement". The signature is written in a cursive style with a large, sweeping flourish at the end.



Department of Justice

FOR IMMEDIATE RELEASE
THURSDAY, FEBRUARY 19, 1976

CR

The Department of Justice will not prosecute former CIA Director Richard Helms and others for their role in a 1971 break-in at a photographic studio in Fairfax City, Virginia, Attorney General Edward H. Levi announced today.

Mr. Levi said that the Department's decision was based on the recommendations of Deputy Attorney General Harold R. Tyler, Jr., and Assistant Attorney General J. Stanley Pottinger, head of the Civil Rights Division.

Mr. Pottinger investigated the case for possible criminal liability under federal civil rights statutes.

U.S. Attorney William B. Cummings, of the Eastern District of Virginia, Alexandria, concurred in the recommendations.

The Department's investigation involved the surreptitious entry by CIA agents and Fairfax City police into a photographic studio on February 19, 1971.

The Federal statute under which prosecution was considered is Section 242 of Title 18, United States Code

The leading case interpreting that statute, Screws v. United States, 325 U.S. 91; 104 (1945), requires proof that the accused willfully deprived an individual of a specific and well-defined constitutional right.



After studying the facts carefully and interrogating the witnesses at length, the Department concluded that the evidence did not meet the standard set by the Screws case to establish a criminal violation of the statute.

####



Chapter 13.—CIVIL RIGHTS

Sec.

241. Conspiracy against rights of citizens.
 242. Deprivation of rights under color of law.
 243. Exclusion of jurors on account of race or color.
 244. Discrimination against person wearing uniform of armed forces.
 245. Federally protected activities.

AMENDMENTS

1968—Pub. L. 90-284, title I, § 102, Apr. 11, 1968, 82 Stat. 75, added item 245.

§ 241. Conspiracy against rights of citizens.

If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They shall be fined not more than \$10,000 or imprisoned not more than ten years, or both; and if death results, they shall be subject to imprisonment for any term of years or for life. (June 25, 1948, ch. 645, 62 Stat. 696; Apr. 11, 1968, Pub. L. 90-284, title I, § 103(a), 82 Stat. 75.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 18, U. S. C., 1940 ed., § 51 (Mar. 4, 1909, ch. 321, § 19, 35 Stat. 1092).

Clause making conspirator ineligible to hold office was omitted as incongruous because it attaches ineligibility to hold office to a person who may be a private citizen and who was convicted of conspiracy to violate a specific statute. There seems to be no reason for imposing such a penalty in the case of one individual crime, in view of the fact that other crimes do not carry such a severe consequence. The experience of the Department of Justice is that this unusual penalty has been an obstacle to successful prosecutions for violations of the act.

Mandatory punishment provision was rephrased in the alternative.

Minor changes in phraseology were made.

AMENDMENTS

1968—Pub. L. 90-284 increased limitation on fines from \$5,000 to \$10,000 and provided for imprisonment for any term of years or for life when death results.

CROSS REFERENCES

- Action for neglect to prevent, see section 1986 of Title 42, The Public Health and Welfare.
 Conspiracy to commit offense or to defraud United States, see section 371 of this title.
 Conspiracy to interfere with civil rights, see section 1985 of Title 42, The Public Health and Welfare.
 Proceedings in vindication of civil rights, see section 1988 of Title 42, The Public Health and Welfare.

§ 242. Deprivation of rights under color of law.

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more than \$1,000 or imprisoned not more than one year, or both; and if death results shall be sub-

ject to imprisonment for any term of years or for life. (June 25, 1948, ch. 645, 62 Stat. 696; Apr. 11, 1968, Pub. L. 90-284, title I, § 103(b), 82 Stat. 75.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on title 18, U. S. C., 1940 ed., § 52 (Mar. 4, 1909, ch. 321, § 20, 35 Stat. 1092).

Reference to persons causing or procuring was omitted as unnecessary in view of definition of "principal" in section 2 of this title.

A minor change was made in phraseology.

AMENDMENTS

1968—Pub. L. 90-284 provided for imprisonment for any term of years or for life when death results.

CROSS REFERENCES

Civil action for deprivation of rights, see section 1983 of Title 42, The Public Health and Welfare.

Equal rights under the law, see section 1981 of Title 42, The Public Health and Welfare.

Minor offenses tried by United States magistrates as excluding offenses punishable under this section, see section 3401 of this title.

Proceedings in vindication of civil rights, see section 1988 of Title 42, The Public Health and Welfare.

§ 243. Exclusion of jurors on account of race or color.

No citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States, or of any State on account of race, color, or previous condition of servitude; and whoever, being an officer or other person charged with any duty in the selection or summoning of jurors, excludes or fails to summon any citizen for such cause, shall be fined not more than \$5,000. (June 25, 1948, ch. 645, 62 Stat. 696.)

LEGISLATIVE HISTORY

Reviser's Note.—Based on section 44 of title 8, U. S. C., 1940 ed., Aliens and Nationality (Mar. 1, 1875, ch. 114, § 4, 18 Stat. 336).

Words "be deemed guilty of a misdemeanor, and" were deleted as unnecessary in view of definition of misdemeanor in section 1 of this title.

Words "on conviction thereof" were omitted as unnecessary, since punishment follows only after conviction.

Minimum punishment provisions were omitted. (See reviser's note under section 203 of this title.)

Minor changes in phraseology were made.

CROSS REFERENCES

Bribery and graft—

Acceptance or solicitation by judicial officer, see section 201 of this title.

Bribes to judicial officers, see section 201 of this title.

Civil rights generally, see section 1981 et seq. of Title 42, The Public Health and Welfare.

Exclusion or excuse from jury service, see section 1863 of Title 28, Judiciary and Judicial Procedure.

Grand jurors, number of and summoning additional jurors, see section 3321 of this title.

Juries generally, see section 1861 et seq. of Title 28, Judiciary and Judicial Procedure.

Manner of drawing jurors, see section 1864 of Title 28, Judiciary and Judicial Procedure.

Qualifications of jurors, see section 1861 of Title 28, Judiciary and Judicial Procedure.

Summoning jurors, see section 1867 of Title 28, Judiciary and Judicial Procedure.

FEDERAL RULES OF CIVIL PROCEDURE

Jurors, see rule 47, Title 28, Appendix, Judiciary and Judicial Procedure.

FEDERAL RULES OF CRIMINAL PROCEDURE

Grand jury, see rule 6, Appendix to this title.

Trial jurors, see rule 24.

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MY
17 MONTHS
ON THE
CIA WATCH

A Backstage
Journal
By Daniel Schorr



THE WHITE HOUSE

WASHINGTON

July 22, 1976

MEMORANDUM FOR: RON NESSEN

FROM: PHILIP BUCHEN *P*

SUBJECT: Litigation to Restrain American Telephone and Telegraph Company from Complying with Subpoena from the Moss Subcommittee

To keep you informed, attached are the following:

1. A copy of a memorandum from Edward Levi to the President;
2. A copy of a letter to Chairman Staggers of the Committee on Interstate and Foreign Commerce;
3. A copy of a letter from the President to Chairman Moss of the Subcommittee on Oversight and Investigations;
4. A copy of a letter from the President to the President of AT&T;
5. A memorandum from the President to the Attorney General; and
6. A draft statement prepared by Mike Duval for the President to issue (this was prepared before it was decided that the President would use additional time today to send his letter to Chairman Moss, and if it were to be used tomorrow, it would need to be revised and refined).



Chairman Moss at the time he was advised he would be receiving a letter from the President this morning, was invited to meet with the President at 3:30 or 4:00 p.m. this afternoon. After Chairman Moss had read the letter from the President, he responded

with his letter and left it up to the President as to whether or not he wanted a meeting. In light of the contents of the Moss letter to the President, the President concurred in recommendations from Marsh, Scowcroft and me that no useful purpose would be served by having the meeting between the President and Chairman Moss and so it was not held.

Instead, a suit was filed by the Department of Justice against AT&T and certain of its officers for declaratory judgment that they may not furnish to the Congress the subpoenaed documents involving foreign intelligence surveillances without consent of the Executive branch and asking for a temporary restraining order and an injunction against furnishing the documents pending final decision.

The suit was simultaneously filed in the Federal District Court, the U. S. District Court for the District of Columbia and in the U. S. Court of Appeals for the District of Columbia. Hearings on the petition for a temporary restraining order was scheduled to begin at 5:00 p.m. this afternoon.*

Attachments

* The order has been granted by the U.S. District Court Judge, pending further hearings next week!





MEMORANDUM

Re: Assertion of Executive Privilege With Respect to a House Committee Subpoena to American Telephone and Telegraph Company.

Attached are a draft letter to the House Committee on Interstate and Foreign Commerce asserting a claim of Executive Privilege with respect to information subpoenaed from the American Telephone and Telegraph Company (AT&T), a draft letter to that Company reaffirming its obligation not to disclose the information subpoenaed, and a memorandum to the Attorney General instructing him to take such action as is necessary to prevent unauthorized disclosure of the information. I am submitting these to you pursuant to the procedures established in former President Nixon's Memorandum, Establishing a Procedure to Govern Compliance with Congressional Demands for Information, dated March 24, 1969.

Beginning in World War II the United States arranged with AT&T to provide facilities and services necessary to conduct electronic surveillances in national security cases. Due to the unique position of that Company with respect to telephone and other communications lines in the United States, it is necessary to rely on its services to identify precisely the lines servicing the targets of surveillance. Accordingly, the Government has been obliged to secure the assistance of AT&T in conducting these surveillances and to supply that Company with extremely sensitive national security information in order to obtain these services. Arrangements were made orally until 1969. Since then, the Federal Bureau of Investigation has provided AT&T with written requests for services, including special lease lines. These requests obligate the government to pay AT&T the going commercial rate for the lease lines. The letters provide information which would identify the target of the surveillance and the location



of the facility in which monitoring will be done. The letter specifically advises AT&T: "You are not to disclose the existence of this request. Any such disclosure could obstruct and impede the investigation."

On June 22, 1976 the Committee on Interstate and Foreign Commerce of the House of Representatives subpoenaed records of AT&T relating to its assistance to the government in national security electronic surveillances, specifically requesting copies of all lease line letters. As detailed in the attached materials, compliance with this subpoena by AT&T would compromise existing national security electronic surveillances, disclose sensitive intelligence sources and methods, disclose the government's foreign intelligence capabilities, and jeopardize the foreign relations of the United States. It is clear that such a disclosure would be contrary to the public interest.

I recommend that the President assert Executive Privilege as to these records and instruct AT&T, as a contract agent of the Executive Branch of the Federal Government, to decline to comply with the subpoena.

Edward H. Levi
Attorney General





THE WHITE HOUSE

WASHINGTON

July 22, 1976

Dear Mr. Chairman:

Your Committee's subpoena of June 22, 1976, addressed to the President of the American Telephone and Telegraph Company, requests the production of documents concerning activities which that Company undertook, under contract with the Executive Branch of the United States Government, in the interest of the national security. Acting upon request of the Executive Branch, under the authority of the President of the United States, the American Telephone and Telegraph Company, contracted to provide services essential to securing information vital to the protection of the national security and foreign policy of the United States. Due to the unique position of that Company with respect to telephone and other communications lines in the United States, it has been necessary for the Executive Branch to rely on its services to assist in acquiring certain information necessary to the national defense and foreign policy of the United States. To secure these services, the Executive Branch has supplied to the American Telephone and Telegraph Company sensitive national security information with the understanding that such information would not be disclosed except to the extent necessary to provide the required services.

In receiving, acting upon and retaining this information, the American Telephone and Telegraph Company was and is an agent of the United States acting under contract with the Executive Branch. The Committee's subpoena to the Company is therefore directed in substance and effect, to agents acting on my behalf. I have determined that compliance with the subpoena would involve unacceptable risks of disclosure of extremely sensitive foreign intelligence and counterintelligence information and would be detrimental to the national defense



and foreign policy of the United States and damaging to the national security. Compliance with the Committee's subpoena would, therefore, be contrary to the public interest. Accordingly, I have instructed the American Telephone and Telegraph Company, as an agent of the United States, to respectfully decline to comply with the Committee's subpoena.

At the same time I am transmitting a letter to The Honorable John E. Moss, Chairman of your Committee's Subcommittee on Oversight and Investigations to which the subpoenaed documents were to be furnished. A copy of such letter is enclosed. I trust that such letter will result in a withdrawal of the subpoena in question, because the proposal made by me will enable the Subcommittee to obtain the information desired for its purposes without the adverse consequences which compliance with the subpoena would have.

Sincerely,

The Honorable Harley O. Staggers
Chairman, Committee on Interstate
and Foreign Commerce
U.S. House of Representatives
Washington, D. C. 20515

cc: The Honorable Samuel L. Devine
The Honorable John E. Moss
The Honorable James M. Collins



THE WHITE HOUSE

WASHINGTON

July 22, 1976

Dear Mr. Chairman:

Enclosed is a copy of the letter I am sending at this time to Chairman Staggers of the Committee on Interstate and Foreign Commerce. It deals with the subpoena of June 22, 1976, which was issued over his signature to the President of American Telephone and Telegraph Company (AT&T) and which calls for delivery of documents to your Subcommittee. I fully understand your desire for some procedure by which you can obtain information relevant to your inquiry. In accordance with the last paragraph of my letter to Chairman Staggers, I am here proposing to you a means for your Subcommittee to receive the information needed for your purposes without risking disclosure of extremely sensitive foreign intelligence and counterintelligence information that would be damaging to the national security.

You and members of your staff have had intensive discussions with representatives of the Department of Justice in an effort to determine the manner in which the Federal Bureau of Investigation could satisfy the needs of your Subcommittee without your having to acquire documents covered by the subpoena to AT&T. In the course of those discussions you have distinguished between "foreign intelligence surveillance," for which a definition has been agreed upon, and "domestic surveillance." An inventory will be furnished to you and the FBI of the respective dates of subpoenaed documents held by AT&T which emanated from FBI requests for interception of communications. The FBI will identify from this inventory those items by dates which were "foreign intelligence surveillances" and those which were "domestic surveillances."

In regard to these past "domestic surveillances" on which you requested information, the FBI will furnish your Subcommittee with the memoranda on which the Attorney General had based authorization for such surveillances, including any renewal thereof. No changes or deletions will be made from the memoranda furnished you other than possibly minor ones made necessary because of an ongoing investigation of particular sensitivity.



From the inventoried items which have been designated as "foreign intelligence surveillances," your Subcommittee may select sample items for any two calendar years of your choice. In regard to the items so selected, representatives of your Subcommittee will be given access at the FBI to copies of memoranda on which the Attorney General has based his authorization for the surveillances, including any renewal thereof. Those copies will be edited only by deleting names, addresses, line or telephone numbers and other information which would disclose targets of the surveillances, sources of information about the targets, and methods of surveillance; but to the extent that none of the foregoing would be compromised, generic identifications will be substituted for the respective deletions, including an indication of whether an individual targeted for foreign intelligence or counterintelligence purposes was a United States citizen.

On the basis of the foregoing information, I believe your Subcommittee will have no difficulty in concluding that the FBI has properly divided the inventoried items into "domestic surveillances" which are your concern and "foreign intelligence surveillances" which you have indicated to the Department of Justice are not your concern. However, if representatives of your Subcommittee who have been given access to the edited memoranda should have a question as to whether unedited portions conform to the original document, as to whether generic identification of deleted contents is reasonable and accurate, or as to whether the surveillance involved is a "foreign intelligence surveillance," then your Subcommittee may raise such question with the Attorney General. He, in turn, will personally review both the edited memoranda on which you have raised a question and the original documents. Then he shall certify to your Subcommittee in writing whether or not each of your questions is well-founded, and to the extent he finds any is well-founded, he will include in his certification information sufficient to resolve your question.

If for some reason any aspect of the certification made by the Attorney General is in the judgment of your Subcommittee insufficient for its purposes, then the matter may be brought to me so that I can discuss it with you and make a decision.

The designation and qualifications of the representatives of your Subcommittee who shall have access to edited memoranda at the FBI and the schedule for accomplishing



the foregoing steps shall be substantially in accord with the understandings you have already reached with the Department of Justice. Of course, you as Chairman and the ranking Minority Member of the Subcommittee shall likewise have access to information made available at the FBI.

By following these procedures, your Subcommittee will obtain access just to material relevant to its investigation, and it will be able to determine from examples selected by it the basis on which AT&T has been requested to provide the FBI with access to telephone lines handling communications. Thus your Subcommittee may promptly accomplish its task while duly avoiding risks to extremely sensitive foreign intelligence and counter-intelligence information, the disclosure of which would be detrimental to the national defense and foreign policy of the United States.

Upon the withdrawal of the subpoena which has been issued, the Attorney General and the FBI will implement the proposals made by me in this letter, and I have issued instructions accordingly. I am advised that you have most recently extended the return date for the subpoena until Friday, July 23, 1976. If your Subcommittee will concur in my proposal today, or prior to such later return date as you may set for the subpoena, then my proposal will be implemented immediately, and it will be unnecessary for me to take any further steps in regard to the determinations and instructions which are reported in my letter to Chairman Staggers.

My letter to Chairman Staggers and this letter to you have been written after full and careful consideration on my part of the problems raised by the subpoena and by the effects of disclosing the sensitive foreign intelligence information involved. Also, these letters are based on advice and recommendations to me from the National Security Council, from members of the President's Foreign Intelligence Advisory Board, and from the Attorney General. I believe that the position taken by me and the proposals



I have made are necessary and desirable in the public interest and that they are in the best interests of both the Executive and the Congress. Therefore, I look forward to your favorable response.

Sincerely,



The Honorable
John E. Moss
Chairman, Subcommittee on Oversight
and Investigations
House Interstate and Foreign
Commerce Committee
U. S. House of Representatives
Washington, D. C. 20515

cc: The Honorable Harley O. Staggers
The Honorable Samuel L. Devine
The Honorable James M. Collins





THE WHITE HOUSE

WASHINGTON

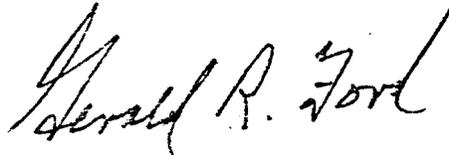
July 22, 1976

Dear Mr. Lindholm:

Pursuant to agreement reached with the American Telephone and Telegraph Company, the Executive Branch of the United States Government has, from time to time, contracted for facilities and services necessary to secure information vital to the national defense and foreign policy of the United States. Given the unique position of the Company with respect to telephone and other communications lines in the United States, it has been necessary to use its services and to provide extremely sensitive information, in connection with each request for assistance. This information has been provided by the Executive Branch on condition that the Company is "not to disclose the existence of this request."

I have been advised that the Committee on Interstate and Foreign Commerce of the U. S. House of Representatives has subpoenaed records of the American Telephone and Telegraph Company containing information furnished to the Company by the Executive Branch of the Federal Government to carry out the services for which the Government has contracted with the Company. I have determined that compliance with this subpoena would not be in the public interest because of the sensitivity of this information to the national defense and foreign policy of the United States. Accordingly, you are not authorized, under your agreement with the Executive Branch of the United States Government, to provide this information to the Committee.

Sincerely,



Mr. W. L. Lindholm
President
American Telephone and
Telegraph Company
195 Broadway
New York, New York 10007



THE WHITE HOUSE

WASHINGTON

July 22, 1976

MEMORANDUM FOR

THE ATTORNEY GENERAL

I have today determined that the public interest requires that certain information supplied by the Executive Branch to the American Telephone and Telegraph Company in order to secure its assistance in the conduct of electronic surveillances necessary to the national defense and foreign policy of the United States not be disclosed and have instructed the Company not to furnish this information to the Committee on Interstate and Foreign Commerce of the House of Representatives, notwithstanding that Committee's subpoena of June 22, 1976. I have also advised the Chairman of the Committee of this decision.

You are hereby authorized and directed, on my behalf, to undertake such action in the courts or by further discussion with the Committee and the American Telephone and Telegraph Company as may be appropriate to prevent the disclosure of this sensitive information.

Gerald R. Ford







Department of Justice

FOR IMMEDIATE RELEASE
FRIDAY, JULY 23, 1976

AG

In an affidavit filed by the Federal Bureau of Investigation, the number of letters prepared for transmittal to telephone companies requesting leased lines to conduct electronic surveillance was disclosed.

These numbers do not correspond to the actual number of targets subject to electronic surveillance.

The number of wiretaps and microphones used for the past ten years is as follows:

<u>Year</u>	<u>Telephone</u>	<u>Microphone</u>
1975	122	24
1974	190	42
1973	123	40
1972	108	32
1971	101	16
1970	102	19
1969	123	14
1968	82	9
1967	113	0
1966	174	10
1965	233	67

These figures show that there was an actual decrease in the number of persons subject to electronic surveillance.

OVER



There are several reasons why there is no correlation between the number of leased line letters and the number of persons under electronic surveillance.

The increase in leased line letters in 1974 and 1975 was primarily due to an agreement between American Telephone and Telegraph Company and the Justice Department and an updating of leased lines held by AT&T affiliates.

Previous to this agreement, coverage was sometimes instituted without written correspondence. Current policy now requires a written request for a leased line.

Further, because of the Attorney General's policy to review requests for electronic surveillance carefully and deliberately, telephone and microphone coverage would sometimes lapse while additional information to justify the surveillance was requested and further consideration undertaken. New letters then would become necessary to reinstitute coverage for the long lapse period.

No American citizen has been the subject of electronic surveillance since the Attorney General made an announcement to this effect in mid-1975.

####

Via LDX TO Palm Springs

THE WHITE HOUSE
WASHINGTON

November 9, 1976

TO: BRENT SCOWCROFT
RON NESSEN

FROM: BUD MCFARLANE *Bud*

Subject: Press Guidance on
Inquiries concerning
Philip Agee



NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
Presidential Libraries Withdrawal Sheet

WITHDRAWAL ID 05737

REASON FOR WITHDRAWAL National security restriction
TYPE OF MATERIAL Memorandum
CREATOR'S NAME Mr. Clift
RECEIVER'S NAME Brent Scowcroft

CREATION DATE 11/08/1976
VOLUME 1 page
COLLECTION/SERIES/FOLDER ID . 020402164
COLLECTION TITLE RON NESSEN PAPERS (WH Press Secretary's
Office)
BOX NUMBER 300
FOLDER TITLE Intelligence (4)-(5)

DATE WITHDRAWN 03/31/1993
WITHDRAWING ARCHIVIST HJR

Serialized 9/29/04

38

MEMORANDUM

NATIONAL SECURITY COUNCIL

6058

~~SECRET~~

INFORMATION

November 8, 1976

MEMORANDUM FOR BRENT SCOWCROFT

FROM: Mr. Clift 

25X1

SUBJECT: UK Expulsion of Philip Agee -- Press Guidance

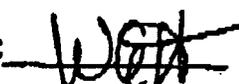
Embassy London has informed Washington (at Tab B)  was told by FCO Deputy Under Secretary Richard Sykes on November 5 that on November 11 or 12 Philip Agee and Mark Hosenball -- both US citizens -- would be advised that they are no longer welcome to stay in the UK. Sykes emphasized that the Government had decided on this course of action on the basis of activities of these individuals with respect to the UK.

Noting that there might be press speculation that other countries had influenced this decision, Sykes said that the Government had made the decision "for reasons of their own" and asked that the US Government not comment to these press reports. He asked that the US respond only that "it had been informed of the decision a few days earlier." The Foreign Office believes it important that all appropriate elements of the US Government -- including the White House Staff -- which might be contacted by the press be alerted to provide similar responses. If the press pushed the matter, Sykes suggested that they be referred to the British embassy here.

In keeping with this British request, I am forwarding (at Tab A) a contingency Q and A for use by the White House Press Office should this matter be raised.

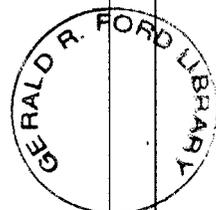
RECOMMENDATION

That you approve the Q and A at Tab A for Cathie DeSibour's further action with the White House Press Office.

APPROVE  APPROVED AS REVISED _____

~~SECRET~~

GDS



Presidential Library Review of NSC Equities is Required

DECLASSIFIED w/portions exempted

AUTHORITY NLF-NP-3-8-1-6 9/29/04
BY bl NARA, DATE 10/27/09



EXPULSION OF US CITIZEN FROM UK

Q: There are reports from London that the British Government is expelling former CIA employee Philip Agee and another American citizen, Mark Hosenball. Was the US Government involved in this decision?

A: The British Government informed the United States Government of this decision a few days ago.

Q: Is the US behind these expulsions? Is this an attempt to hound Agee, in particular, for his anti-CIA activities?

A: Action involving these two Americans was the result of a decision by the British Government. I am unaware of the reasons for that decision. You may be able to obtain further information from the British Embassy.

11/8/76



NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
Presidential Libraries Withdrawal Sheet

WITHDRAWAL ID 05738

REASON FOR WITHDRAWAL National security restriction
TYPE OF MATERIAL Cable
CREATOR'S NAME AMEMBASSY London
RECEIVER'S NAME Secretary of State

CREATION DATE 11/1976
VOLUME 2 pages
COLLECTION/SERIES/FOLDER ID . 020402164
COLLECTION TITLE RON NESSEN PAPERS (WH Press Secretary's
Office)
BOX NUMBER 300
FOLDER TITLE Intelligence (4)-(5)

DATE WITHDRAWN 03/31/1993
WITHDRAWING ARCHIVIST HJR

Saintiz 9/29/04

~~SECRET~~

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ROUTINE
JSA772
DE RUDTC #7863 3110022
R 060020Z NOV 75
FM AMEMBASSY LONDON

DECLASSIFIED w/ portions exempted

AUTHORITY RDC NLF-NP-3-8-2-5 9/25/04

BY NSC/State Guidelines
NARA, DATE 10/27/09

TO SECSTATE WASHDC 7383

~~SECRET~~ LONDON 17863

EXDIS
E.O. 11652: GDS
TAGS: PINK
SUBJECT: FCD APPROACH ON EX-CIA EMPLOYEE

RICHARD

25X1

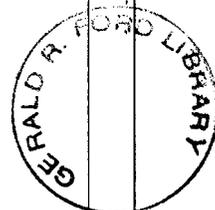
25X1

1. [REDACTED] SYKESGU DEPUTY UNDER SECRETARY, FCD, [REDACTED] REPORTED THAT HMG HAD DECIDED THAT ON 11 OR 12 NOVEMBER PHILIP AGEE AND MARK HOSENBALL (BOTH U.S. CITIZENS) WOULD BE TOLD THAT THEY ARE NO LONGER WELCOME TO STAY IN THE U.K. THIS INFORMATION WAS ALSO BEING SENT TO THE BRITISH EMBASSY IN WASHINGTON TO BE PASSED TO APPROPRIATE PERSONS IN THE USG.

2. SYKES EMPHASIZED THE FACT THAT HMG HAD DECIDED ON THIS COURSE OF ACTION ON THE BASIS OF ACTIVITIES OF THESE INDIVIDUALS WITH RESPECT TO THE U.K. HE NOTED THAT THERE MIGHT BE PRESS REPORTS SUGGESTING THAT OTHER COUNTRIES HAVE INFLUENCED THIS DECISION. HE REITERATED THAT QTE HMG HAD MADE THIS DECISION FOR REASONS OF THEIR OWN. UNQTE ON THIS BASIS SYKES ASKED THAT THE USG NOT COMMENT WHEN IT HITS THE PRESS EXCEPT TO RESPOND THAT QTE HMG HAD INFORMED THE USG OF THE DECISION A FEW DAYS AGO. UNQTE HE FEELS IT IMPORTANT THAT ALL APPROPRIATE ELEMENTS OF THE USG (INCLUDING THE WHITE HOUSE STAFF) WHICH MIGHT BE CONTACTED BY THE PRESS BE ALERTED TO PROVIDE SIMILAR RESPONSES. IF THE PRESS ASKS THE REASON FOR THE DECISION, THEY CAN BE REFERRED TO THE BRITISH EMBASSY IN WASHINGTON FOR AN EXPLANATION.

3. FYI: SYKES SAID THAT AGEE AND HOSENBALL PROBABLY WOULD BE GIVEN A FORTNIGHT TO CLEAN UP THEIR AFFAIRS. THEY ALSO HAVE THE RIGHT TO APPEAL TO AN ADMINISTRATIVE PANEL OF THREE RETIRED SENIOR CIVIL SERVANTS WHO WOULD

Presidential Library Review of NSC & DOS Equities is Required



RECALLED
PAGE 01

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DTG:060020Z NOV 76

PSN:046290

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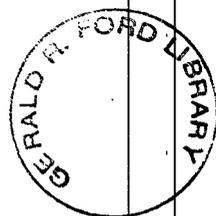
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HEAR EVIDENCE IN CAMERA. SYKES WAS SURE THAT THE EVIDENCE WOULD BE SUFFICIENT TO REJECT THE APPEAL. IF AGEE AND HOSENBALL REQUESTED BRITISH ASSISTANCE IN GETTING PERMISSION TO LAND IN ANOTHER COUNTRY, THE FCO WOULD PROBABLY ASSIST, QTE EVEN IF THE COUNTRY IS CUBA. UNQTF

PIERS
AT

25X1



RECALLED

PAGE 02

OF 02

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DTG:060020Z NOV 76

PSN:046290

~~SECRET~~

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PLAYBOY ENTERPRISES, INC.

December, 1976

RN
It is my pleasure to send you an advance reprint of Laurence Gonzales' article MR. DEATH, which appears in our January 1977 issue of PLAYBOY.

I feel that this article might be of special interest to you. If you care to comment on it, the Editors of PLAYBOY would be pleased to consider your letter for publication, and we'd be most appreciative if, when possible, you could limit your response to 150 words.

Cordially,

John Blumenthal
Associate Editor

JB:kp
Enclosure



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.

MR. DEATH

*we all know the cia has secret
weapons. now meet the man who
spent 20 years designing them*

article

By LAURENCE GONZALES