

The original documents are located in Box 15, folder “Intelligence - Interception of Non-Verbal Communications by FBI and NSA: General (3)” of the Loen and Leppert Files at the Gerald R. Ford Presidential Library.

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THE WHITE HOUSE

WASHINGTON

February 26, 1976

MEMORANDUM FOR:

JACK MARSH

FROM:

CHARLES LEPPERT, JR. *CLJr.*

SUBJECT:

House Subcommittee on Government
Information and Individual Rights

On Wednesday, February 25, 1976, the House Subcommittee on Government Information and Individual Rights, chaired by Rep. Bella Abzug met for the purpose of taking testimony in a public hearing on the interception of non-verbal communications by the FBI and NSA.

Attached is a list of five (5) witnesses who were summoned to appear and testify under a subpoena duces tecum. All the witnesses appeared, were called individually and sworn under oath, and questioned by the Subcommittee. Each witness upon questioning by the Chair refused to testify pursuant to the directions contained in a letter from either the Attorney General or the Under Secretary of Defense. Whereupon the Chair advised each witness by formal questioning of his procedural and constitutional rights and that his refusal to testify and produce the documents placed him in contempt of Congress.

Each witness was questioned principally by Rep. John Moss on whether the witnesses refusal to testify and produce the subpoenaed documents was based on some constitutional grounds or solely upon the instructions of his superior as evidenced by the letter referred to directing him not to testify. Each witness stated that he was relying on the letter directing him not to testify and each witness refused to answer any questions of Subcommittee Members with the exception of Joseph Tomba of NSA.

Mr. Tomba made an opening statement to the effect that his refusal to testify was based on the letter directing him not to testify and that even if he was not so directed that he had no documents or the capacity to produce the documents requested in the subpoena.

Each witness was represented by counsel, Irwin Goldbloom, of the Department of Justice and after being severely berated by Rep. John Moss and Rep. Abzug for their refusal to testify were asked to step aside subject to the call of the Chair.



After all witnesses were called the Subcommittee moved individually that each witness be cited for contempt of Congress and that the recommendation be forwarded to the full Government Operations Committee for action. On a roll call vote of 6 - 1 (one proxy) each witness was individually cited by the Subcommittee for contempt of Congress, for refusal to testify and produce documents pursuant to the subpoenas with the exception of Joseph Tomba who was merely cited in contempt of Congress for refusal to testify.

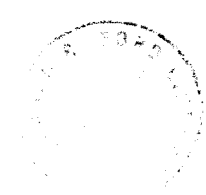
It is my understanding that the Full Committee will not act on these contempt citations until after the cable companies are called upon to testify pursuant to subpoenas. After the cable companies testify it is the intent of the Subcommittee to ask the Full Committee to take action on all contempt citations at one time.

Attached for your information is the packet of background information placed before each member of the Subcommittee along with a copy of the press release issued following the hearings.

Present at the Subcommittee meeting were Representatives Abzug, Moss, Moffett, Harrington, Maguire and McCloskey. Following the Subcommittee meeting I met with Chairman Jack Brooks. Brooks advises that the administration make an effort to provide Rep. Abzug with some of the information she's requested. Brooks says the cable companies and Joe Craig have already talked freely to her and her staff. Brooks states that with the information the staff has gleaned from their investigation plus that provided by the cable companies and Craig the Subcommittee has sufficient evidence to make a good case. Brooks recommends that the Administration provide the Subcommittee with information on the number of interceptions, the party intercepted and why. This in Brooks' judgment may satisfy Rep. Abzug. In any event he suggests that the Administration make an attempt to meet her requests rather than making every effort to delay and frustrate her proceedings.

Attachments

cc: Max Friedersdorf
Vern Loen



SUBCOMMITTEE ON GOVERNMENT INFORMATION AND INDIVIDUAL RIGHTS

Hearing on the Interception of Non-Verbal Communications

By the FBI and NSA

Wednesday, February 25, 1976

Room 2154 RHOB -- 9:30 a. m.

WITNESS LIST

JOE R. CRAIG
Former FBI Special Agent

JOHN P. LOOMIS
FBI Special Agent, Washington, D.C.

WALTER C. ZINK
FBI Special Agent, New York

DAVID G. JENKINS
FBI Special Agent, New York

JOSEPH J. TOMBA
National Security Agency Employee



MAJORITY MEMBERS
JACK BROOKS, TEX., CHAIRMAN
L. H. FOUNTAIN, N.C.
JOHN E. MOSS, CALIF.
DANTE B. PASCELL, FLA.
TORBERT H. MACDONALD, MASS.
WILLIAM S. MOORHEAD, PA.
WM. J. RANDALL, MO.
BENJAMIN S. ROSENTHAL, N.Y.
JIM WRIGHT, TEX.
FERNAND J. ST GERMAIN, R.I.
FLOYD V. HICKS, WASH.
DON FUGUA, FLA.
JOHN CONYERS, JR., MICH.
BELLA S. ABZUG, N.Y.
JAMES V. STANTON, OHIO
LEO J. RYAN, CALIF.
CARLIS COLLINS, ILL.
JOHN L. BURTON, CALIF.
RICHARDSON PREYER, N.C.
MICHAEL HARRINGTON, MASS.
ROBERT F. DRINAN, MASS.
EDWARD MEZVINSKY, IOWA
BARBARA JORDAN, TEX.
GLENN ENGLISH, OKLA.
ELLIOTT H. LEVITAS, GA.
DAVID W. EVANS, IND.
ANTHONY MOFFETT, CONN.
ANDREW MAGUIRE, N.J.
LES ASPIN, WIS.

NINETY-FOURTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON GOVERNMENT OPERATIONS
2157 Rayburn House Office Building
Washington, D.C. 20515

MINORITY MEMBERS
FRANK HORTON, N.Y.
JOHN H. ENLEBORN, ILL.
JOHN W. WYDLER, N.Y.
CLARENCE J. BROWN, OHIO
GILBERT DUDE, MD.
PAUL H. MC CLOSKEY, JR., CALIF.
SAM STEIGER, ARIZ.
GARRY BROWN, MICH.
CHARLES THONE, NEBR.
ALAN STEELMAN, TEX.
JOEL PRITCHARD, WASH.
EDWIN B. FORSYTHE, N.J.
ROBERT W. KASTEN, JR., WIS.
WILLIS D. GRADISON, JR., OHIO
MAJORITY—225-5051
MINORITY—225-5074

FROM THE SUBCOMMITTEE ON GOVERNMENT
INFORMATION AND INDIVIDUAL RIGHTS

FOR IMMEDIATE RELEASE
WEDNESDAY, FEBRUARY 25, 1976

FOR FURTHER INFORMATION CONTACT
TIM INGRAM AT (202) 225-3741

NEWS RELEASE

ABZUG PANEL RECOMMENDS CONTEMPT CITATION FOR FBI AND NSA EMPLOYEES

The Subcommittee on Government Information and Individual Rights, chaired by Congresswoman Bella S. Abzug (D-L-N.Y.), recommended to the House Committee on Government Operations today that three special agents of the Federal Bureau of Investigation, a former FBI agent, and an employee of the National Security Agency be cited for contempt of Congress.

The recommendation was approved by a 6-1 vote after the witnesses refused to testify at a subcommittee hearing on allegations that the FBI and NSA have systematically intercepted international communications of private U.S. citizens.

The witnesses based their refusal on written instructions from Attorney General Edward H. Levi and Deputy Secretary of Defense William P. Clements, Jr. In letters to Chairwoman Abzug, Levi and Clements said they were acting under orders from President Ford.

Special Agents John P. Loomis, Walter C. Zink and David G. Jenkins, former Agent Joe R. Craig, and Joseph J. Tomba of the NSA were judged in contempt by Chairwoman Abzug for their failure to testify. In addition, all but Tomba were judged in contempt for failure to comply with committee subpoenas to produce documents relating to the interception of cables and telex communications.

"What the government has done today is tantamount to interference with witnesses before a congressional committee," said Ms. Abzug. "There is no valid claim for that interference. Executive privilege went out with the American Revolution. That is a privilege of monarchs, not presidents."

(more)



The Government Operations Committee has also subpoenaed documents and appearances of officials of three private cable companies in connection with the inquiry. Ms. Abzug said she had been informed by one of them, Western Union International, that it has been ordered by President Ford not to comply.

"It is absolutely unprecedented for a President to seek to extend his claim of executive privilege to a private company," said Ms. Abzug. She said the cable company witnesses would be called before the subcommittee next week.

As the witnesses, one by one, were called and refused to testify, Ms. Abzug informed them their stated reasons were not valid and that their continued refusal to answer questions would place them in contempt of Congress, subject to fine and imprisonment if convicted.

The witnesses said they were relying solely on their written instructions from their superiors and were not invoking any Constitutional right in refusing to comply with the subpoenas or answer questions.

The four present government employees were represented at the hearing by Irwin Goldbloom, Deputy Assistant Attorney General in the Civil Division of the Justice Department. Craig was represented by private counsel and also by Goldbloom.

Rep. John E. Moss (D-Calif.) a subcommittee member, said "the real contempt" at the hearing had been committed by Levi, Clements and Ford. "They have acted arrogantly and contemptuously of the people's representatives," he said. "This is the most arrogant display by government officials that I have ever seen."

If the full Government Operations Committee accepts the recommendation of the subcommittee, the recommendation will be sent to the House floor for a vote.

In addition to Chairwoman Abzug, the other Members of the Subcommittee are Representatives Leo J. Ryan (D-Calif.), John Conyers (D-Mich.), Torbert H. Macdonald (D-Mass.), John E. Moss (D-Calif.), Michael Harrington (D-Mass.), Andrew Maguire (D-N.J.), Anthony Moffett (D-Conn.), Sam Steiger (R-Ariz.), Clarence Brown (R-Ohio), and Paul N. McCloskey (R-Calif.). Ex officio members are Representatives Jack Brooks (D-Tex.) and Frank Horton (R-N.Y.).

BELLA, ABZUG, N.Y., CHAIRWOMAN
LEO J. RYAN, CALIF.
JOHN CONYERS, JR., MICH.
TORBERT H. MACDONALD, MASS.
JOHN E. MOSS, CALIF.
MICHAEL HARRINGTON, MASS.
ANDREW MACUIRE, N.J.
ANTHONY MOFFETT, CONN.

SAM STEIGER, ARIZ.
CLARENCE J. BROWN, OHIO
PAUL N. McCLOSKEY, JR., CALIF.
225-3741

NINETY-FOURTH CONGRESS

Congress of the United States

House of Representatives

GOVERNMENT INFORMATION AND INDIVIDUAL RIGHTS
SUBCOMMITTEE

OF THE

COMMITTEE ON GOVERNMENT OPERATIONS

RAYBURN HOUSE OFFICE BUILDING, ROOM B-349-B-C

WASHINGTON, D.C. 20515

February 20, 1976

BACKGROUND MEMORANDUM FOR OVERSIGHT HEARINGS OF THE GOVERNMENT INFORMATION AND INDIVIDUAL RIGHTS SUBCOMMITTEE ON THE INTERCEPTION OF NON-VERBAL COMMUNICATIONS BY INTELLIGENCE AGENCIES

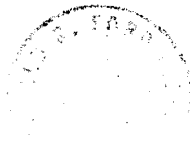
Wednesday, February 25, 1976
Room 2154, Rayburn
9:30 a.m.

This memorandum is prepared pursuant to Rule 2 of the Government Operations Committee House Rule XI, 2(b) and provides required information for the subcommittee's upcoming public hearings on the interception of cable and telex traffic by members of the Federal Bureau of Investigation and/or National Security Agency.

BACKGROUND

During the summer of 1975, articles in the New York Daily News alleged that the FBI and the National Security Agency had for years been intercepting cables being transmitted to or from the United States through various communications companies. Shortly thereafter, the subcommittee commenced an investigation of these allegations.

Following interviews of cable company personnel and former FBI Agent Joe R. Craig by subcommittee investigator Robert Fink, a hearing on the interception of such communications was scheduled for October 23, 1975. On October 22, the Chairwoman was approached first by Deputy Attorney General Harold Tyler and later by a group consisting of Jonathan Marsh, Counsellor to the President, General Lew Allen, head of the National Security Agency, and Dr. Albert Hall, Assistant Secretary of Defense (Intelligence). All of these people asked that the hearing not be held for national security reasons, though none would specify what these national security considerations were. Mr. Tyler also said that the testimony of certain witnesses might immunize them for subsequent prosecution, but he too did not specify just how this might happen. The next morning,



just before the hearing was scheduled to begin, Attorney General Levi approached the Chairwoman. He too asked that we not go forward with the hearing on the ground of national security, but declined to specify what were the exact considerations underlying his request.


Not desiring to compromise the national defense in any way, we took in open session only the testimony of telephone company representatives. In essence, they stated that it was their policy to permit national security taps to be made through their equipment if they were given a letter from the head of the FBI stating that a certain tap was necessary in the interest of national security, and that they never went behind such a request to ascertain whether there were in fact any national security considerations present.

We did not call any representatives of the cable companies on October 23. RCA Global and ITT Worldcom - the two largest cable companies - requested at the last moment that they be subpoenaed, though they had earlier indicated that they would appear voluntarily. As for the others, we felt it incumbent upon us to afford General Allen a chance to appear before the subcommittee to explain the considerations that he believed required an executive session or outright cancellation of the hearing. Such an invitation was extended to General Allen, and one of a like nature was also extended to Attorney General Levi. Neither has been willing to appear to discuss this issue.

Accordingly, we decided to go forward with our inquiry and obtained appropriate subpoenas from the full committee on January 22, 1976. Subpoenas duces tecum to three cable companies (ITT World Communications, RCA Global Communications, and Western Union International), one NSA employee (Joseph Tomba), three FBI agents (Walter Zink, John Loomis, and David Jenkins), and one former FBI agent (Joe Craig) were duly issued, returnable on February 18, 1976. (See attachment.)

Two of the cable companies - RCA Global and ITT Worldcom - have replied to the subpoena, essentially saying they have no documents, while supplying some recent correspondence. (See attachment.) Western Union International has responded by enclosing a letter addressed to their counsel from the Attorney General, in which he requests the company adhere to the executive privilege position invoked by the President. (See attachments.) The four witnesses currently employed by the executive branch and the one formerly employed by the executive branch have refused to comply, citing a memorandum from President Ford instructing the Secretary of Defense and the Attorney General "to decline to comply with the subpoenas." (Attachments.)

President Ford's Executive Order 11905 of February 18, 1976, expressly authorizes the National Security Agency to collect information on domestic activities of Americans through its international communications intercepts.



The relevant portion of Executive Order 11905 is as follows:

Section 5(b) Restrictions on Collection. Foreign intelligence agencies shall not engage in any of the following activities:

(2) Electronic surveillance to intercept a communication which is made from, or is intended by the sender to be received in, the United States, or directed against United States persons abroad, except lawful electronic surveillance under procedures approved by the Attorney General; provided, that the Central Intelligence Agency shall not perform electronic surveillance within the United States, except for the purpose of testing equipment under procedures approved by the Attorney General consistent with law.

THE INVESTIGATION

Our investigation is concerned with the interception of two distinct but related types of communications -- cables and telex messages. Cables are wire messages between the United States and a foreign country sent through one of the cable companies; that is, the message is carried or telephoned to the cable company's office, from which it is sent to the cable company's office in the recipient location. A "cable" is a foreign version of what we call a "telegram" when it is sent domestically.

A telex message, on the other hand is similar to a telephone call, though in writing. The customer, who may be a private business, an embassy, or even a private individual, has a telex machine in his office. By dialing the telex number of another telex machine in another customer's office, the customer may transmit a written message directly to the other machine, without the necessity of having any employee of the cable company handle or retransmit the message. Far more foreign messages are sent and received via telex than by cable, especially when the senders are regularly engaged in overseas business.

Though the Church Committee investigated this area, its Shamrock Report was addressed only to the interception of cables. The report made absolutely no mention of telex interceptions. In our inquiry, we intend to go into the following issues.

1) Telex Communications. Everything stated in the Shamrock Report concerning the interception of international cable traffic applies equally to telex, the subcommittee has been told. Statistics supplied by the FCC indicate telex is a far more important means of international communication than cable.

2) The legality of cable companies' delivering communications to federal agencies. The companies will argue that they have done nothing inconsistent with section 605 of the Communications Act, as they have responded to demands from a "lawful authority." If such is the case, corrective legislation may be called for.

3) Shamrock's Replacement? Operation Shamrock, according to the Senate Select Committee report, was terminated on May 15, 1975 (which, perhaps coincidentally, coincides with the Senate Select Committee's initial approach to the NSA). Circumstantial evidence suggests that Shamrock, under another name, continues through the use of other technology which is wholly within NSA's capability and which probably does not require going through the facilities of the cable companies.

4) The FCC's responsibility in monitoring the communications carriers activities vis-a-vis their supplying communications to federal intelligence agencies.

WITNESSES

Joe R. Craig, ex-FBI Special Agent; John P. Loomis, Walter C. Zink, and David G. Jenkins, FBI Special Agents; Joseph J. Tomba, National Security Agency employee.



THE WHITE HOUSE

WASHINGTON

February 17, 1976

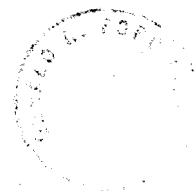
MEMORANDUM FOR:

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

18 February 1976

Honorable Jack Brooks
Chairman, Committee on
Government Operations
U.S. House of Representatives
Washington, D. C. 20515

Dear Mr. Chairman:

The subpoenas issued by you on February 4, 1976, require officials of this Department to produce records of the Department 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. The request for Department records has been presented to me in accordance with DoD Directive 5400.4, "Provision of Information to Congress."

The records subpoenaed include documents of an extremely sensitive nature the disclosure of which would be detrimental to the national security. Accordingly, the President has invoked executive privilege with respect to the subpoenaed documents.

While we are fully cognizant of the need of Congressional Committees to obtain relevant information upon which to base legislative judgments, we cannot, consistent with our responsibility for the security of the Nation and the conduct of its foreign relations, permit the disclosure of the information sought. Disclosure would not only reveal some of our most sensitive foreign intelligence procedures but could also jeopardize the lives of individuals assisting in our foreign intelligence efforts. Moreover, disclosure could impair sensitive diplomatic efforts in which the United States is presently engaged. Accordingly, we must decline to furnish this information to the Committee on Government Operations.

It is possible that, given time for appropriate officials of the Executive Branch to review the documents covered by this far-reaching subpoena, there may be some documents of which the public interest would permit production and disclosure.

Sincerely,

H. P. Clement





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

February 18, 1976

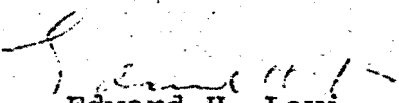
Special Agent John P. Loomis
Federal Bureau of Investigation
Washington, D. C. 20535

Dear Mr. Loomis:

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.

Yours very truly,


Edward H. Levi
Attorney General



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

February 18, 1976


Special Agent Walter C. Zink
Federal Bureau of Investigation
New York, New York 10021

Dear Mr. Zink:

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.

Yours very truly,


Edward H. Levi
Attorney General





Office of the Attorney General

Washington, D. C. 20530

February 18, 1976

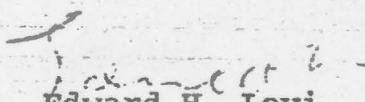
Special Agent David G. Jenkins
Federal Bureau of Investigation
New York, New York 10021

Dear Mr. Jenkins:

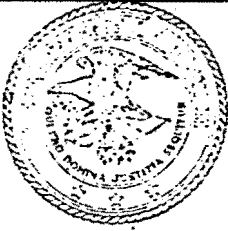
You are hereby informed that President Ford has asserted executive privilege with respect to the documents described in the subpoena of the House Government Information and Individual Rights Subcommittee of the Government Operations Committee, dated February 4, 1976, and directed to you. The President 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.

Yours very truly,


Edward H. Levi
Attorney General





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

February 18, 1976

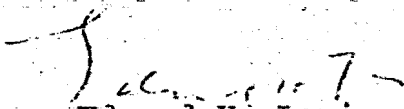
Mr. Joe R. Craig
6113 Brandon Avenue
Springfield, Virginia 22150

Dear Mr. Craig:

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.

Yours very truly,


Edward H. Levi
Attorney General



ORIGINAL

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE
UNITED STATES OF AMERICA

To Robert S. Fink

You are hereby commanded to summon Thomas S. Greenish, Executive Vice President,
Western Union International, One Western Union International Plaza, New York, N.Y.,
or any subordinate employee of such company having custody of the items
described in the attached schedule.

to be and appear before the Government Information and Individual Rights
Subcommittee of the Government Operations

Committee of the House of Representatives of the United States, of which the Hon. _____

Bella S. Abzug is chairman, and to bring with
him the items specified in the schedule attached hereto and made a part
hereof; in Room B349-C Rayburn House Office Building

~~in their chamber~~ in the city of Washington, on or before February 18, 1976

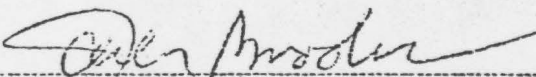
_____, at the hour of 10:00 a.m.
produce and deliver such items to said subcommittee, or such
then and there to ~~testify touching matters of inquiry committed to said Committee and have~~
representative of said subcommittee as may be designated by its chairwoman.
~~not to depart without leave of said Committee~~

Herein fail not, and make return of this summons.

Witness my hand and the seal of the House of Representatives

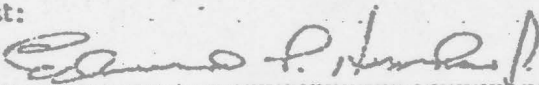
of the United States, at the city of Washington, this

4th day of February, 1976.



JACK BROOKS, Chairman.
Committee on Government Operations

Attest:



Clerk.



SCHEDULE

Any and all records* in his possession, under his dominion or control, or within his means to produce, concerning or relating to the interception by, examination by, requests by or from, or delivery to or for any employee or agent of any department, agency, bureau, or other entity of the United States, since January 1, 1947, of--

(1) information as to the existence, contents, substance, purport, effect, meaning, sender, or recipient of any interstate or foreign communication by wire, cable, radio, carrier frequency, or other means; and

(2) information as to users or customers of Western Union International, including but not limited to information as to the identity of such users or customers and the communications line distribution channel numbers of such users or customers.

*The term "records" as used herein includes, but is not limited to, writings, documents, contracts, agreements, memoranda, reports, correspondence, lists, tables, receipts, minutes, and electronic records and recordings.



ORIGINAL

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE
UNITED STATES OF AMERICA

To Robert S. Fink

You are hereby commanded to summon Thomas S. Greenish, Executive Vice President,
Western Union International, 1 Western Union International Plaza,
New York, N.Y. 10004

to be and appear before the Government Information and Individual Rights
Subcommittee of the Government Operations

Committee of the House of Representatives of the United States, of which the Hon. _____

Bella S. Abzug is chairman, _____

in their chamber in the city of Washington, on February 25, 1976, and any adjourned
date or dates, at the hour of 9:30 a.m.

then and there to testify touching matters of inquiry committed to said Committee; and he is
not to depart without leave of said Committee.

Herein fail not, and make return of this summons.

Witness my hand and the seal of the House of Representatives
of the United States, at the city of Washington, this

4th day of February, 1976

Jack Brooks
JACK BROOKS, Chairman,
Committee on Government Operations

Attest:

Edmund P. ...
Clerk.



LEBOEUF, LAMB, LEIBY & MACRAE

140 BROADWAY

NEW YORK, N.Y. 10005

TELEPHONE 212 269-1100

CABLE ADDRESS

LEBWIN, NEW YORK

TELEX: 423416

LEON A. ALLEN, JR.
JOSEPH E. BACHELDER, III
ERNEST S. BALLARD, JR.
G. S. PETER BERGEN
DAVID P. BICKS
TAYLOR R. BRIGGS
KEITH BROWN
CHARLES N. BURGER
WILLIAM O. DUBOIS
JACOB FRIEDLANDER
DONALD J. GREENE
JAMES A. GREER, II
JOHN L. GROSE
DOUGLAS W. HAWES
CARL D. HOBELMAN
MICHAEL IOVENKO
JAMES F. JOHNSON, 4TH
RONALD D. JONES
LEX K. LARSON*
ADRIAN C. LEIBY
GRANT S. LEWIS

CAMERON F. MACRAE
CAMERON F. MACRAE, III
GERARD A. MAHER
SHEILA H. MARSHALL
JAMES G. MCELROY
JAMES P. McGRANERY, JR.*
L. MANNING MUNTZING*
HENRY V. NICKEL*
JAMES O'MALLEY, JR.
J. MICHAEL PARISH
PAUL G. RUSSELL
HAROLD M. SEIDEL
CHARLES P. SIFTON
HALCYON G. SKINNER
JOSEPH S. STRAUSS
SAMUEL M. SUGDEN
EUGENE B. THOMAS, JR.*
LEONARD M. TROSTEN*
ARVIN E. UPTON*
HARRY H. VOIGT*
H. RICHARD WACHTEL
GERARD P. WATSON

RANDALL J. LEBOEUF, JR.

1929-1975

1757 N STREET, N.W.

WASHINGTON, D.C. 20036

TELEPHONE 202 457-7500

TELEX: 440274

February 18, 1976

*RESIDENT PARTNERS WASHINGTON OFFICE

*NOT ADMITTED TO THE NEW YORK BAR

Mr. Eric L. Hirshhorn
Staff Director
Subcommittee on Government
Information and
Individual Rights
Room B349C Rayburn
Washington, D.C. 20515

Re: Subpoena dated February 4,
1976 addressed to George
Knapp, President, ITT World
Communications Inc.

Dear Mr. Hirshhorn:

Pursuant to our telephone conversation on Tuesday,
I am enclosing herewith certain documents from the files
of this firm's client, ITT World Communications Inc.,
which are related to the subject matter of the Subcommit-
tee's investigation and which I understand you are
interested in reviewing. In brief description, they
are a provision from a typical ITT Worldcom tariff setting
forth the Company's undertaking with regard to maintaining
the confidentiality of communications handled by it and
typical copies of undertakings executed by ITT Worldcom
employees with regard to the same subject.

In addition to the above, the Company's file search
has to date turned up non-privileged documents only in the
following categories, all of which I understand are outside
the area of the Subcommittee's interest at present:



Mr. Eric L. Hirshhorn

February 18, 1976

- 2 -

1. Files relating to court subpoenas, Internal Revenue summonses and Department of Justice civil investigative demands served on the Company;
2. Files relating to information required by the Federal Communications Commission in connection with the exercise of its regulatory functions with regard to ITT World Communications Inc.;
3. Files relating to civil defense contingency planning with respect to ITT World Communications Inc.'s telecommunications facilities in the event of war, and
4. Files relating to the provision of telecommunications services to United States Government agencies.

In addition to the above, there is a brief exchange of communications with the Department of State dating from May of last year relating to the delivery of messages to South Vietnam. These communications resulted from concern expressed by Senator Kennedy that undelivered messages addressed to refugees from the South might expose relatives of the refugees to danger. I would be happy to discuss this or any of the foregoing categories with you more at length if you have any questions as to what they include.

As I told you on the 'phone, ITT Worldcom's search of its files is continuing. We have, for example, not received files from several offices outside New York City. When the search is complete (and in all events prior to the date of Mr. Knapp's testimony) I will write you further to report on any additional information which that search produces.

Finally, you have asked specifically whether any written statements were taken from employees of ITT Worldcom, prior to this firm's being retained in connection with this matter, as a result of the newspaper articles published



Mr. Eric L. Hirshhorn

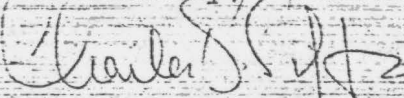
February 18, 1976

- 3 -

last summer with respect to alleged interception of international message traffic. I have checked again following your request and am informed that no such statements were taken.

A written statement by the General Attorney of ITT Worldcom was furnished your Subcommittee by letter of this firm dated October 22nd of last year. In addition, this firm has had correspondence with both the FCC and the Senate Select Committee in connection with their related investigations.

Yours truly,



Charles P. Sifton

CPS/cw
Enclosures



RULES AND REGULATIONS

04

•RULE 46

Secretary of
Telegrams
and Records

.01 Employees of either Company are forbidden, under Section of the Communications Act of 1934, and under other provisions of law, from disclosing the existence, contents, substance, purport, or meaning of any telegram, to any person other than the sender, agent or attorney, or the addressee, his agent or attorney, or except in response to a subpoena issued by a court of competent jurisdiction, or on legal demand of other lawful authority.

.02 Employees of either Company shall not disclose the contents of, or any information in regard to, any telegram filed with either Company, to the sender or addressee thereof, or their respective agents or attorneys, unless and until such persons are properly identified.

.03 All other reports and records will be maintained in strict privacy.

Issued May 26, 1950

Effective July 1, 1950

Issued by:

Alfred A. Hennings, Superintendent of Tariffs,
67 Broad Street, New York 4, N.Y.



ITT World Communications Inc.

J. R. McNitt
President

67 Broad Street
New York, N. Y. 10004
Telephone (212) 797-3302

September 23, 1974

Dear Fellow Employee:

The attached Rules of Conduct are for all ITT Worldcom employees. I ask that you read and understand them. They provide for the safety, security and welfare of all employees, as well as for the Company. The discipline and decorum that they lend to us is of benefit to all.

Very truly yours,


J. R. McNitt

Att.



RULES OF CONDUCT

Listed below are general regulations to be followed by ITT World Communications employees. These regulations may be amended and additional regulations may be added in the future.

These regulations are issued for the health, safety and welfare of the employees and the Company. Violation of these regulations will result in disciplinary action up to and including discharge.

1. SECURITY

A. Information -

Information made available to the Company and its employees by the U. S. Government remains the property of the Government and will not be divulged outside the Company. Information bearing a Government security classification will be controlled in strict accordance with regulations issued by the Government as implemented by the Manager Security. All Government classified information in the hands of or received by employees will be turned over to the Manager Security for control and use guidance.

Information which would disclose or tend to disclose the Company's business methods, practices or procedures will not be disclosed to persons outside the Company. Information marked "PERSONAL AND CONFIDENTIAL" or "SYSTEM CONFIDENTIAL" is privileged information and will not be disclosed outside the Company, or inside the Company unless the person having possession of the information determines that another has a need to know the information. Information will be safeguarded in a secure manner which will prevent its unauthorized disclosure.

In accordance with F.C.C. Regulations, communications handled by the Company are confidential and cannot be divulged without proper authority.

B. Office Equipment -

Equipment including office machines and devices used in the operations of the Company business will be properly safeguarded to prevent disclosure of the operations or theft.



C. Premises -

Real property which is owned, leased or controlled by the Company will be secured to prohibit the entry of unauthorized persons. Proper controls, including challenging persons not recognized as Company employees, will be instituted for area security.

2. PROPERTY DAMAGE

Willful damage of Company property or the property of another employee or any willful act causing disruption or destruction of communications traffic will result in summary discharge.

3. GAMBLING

Employees are forbidden to engage in accepting or wagering bets in any form whatsoever on Company premises.

4. INSUBORDINATION

Willful failure to obey instructions issued by supervision, whether written or verbal, will be deemed insubordination.

5. TIME AND ATTENDANCE

Employees are forbidden to punch another employee's time card. Time card entries will be altered only by supervisory personnel. Tardiness and absences require a valid excuse and notification to the Company in accordance with the Employee Attendance Procedures. Excessive absence or tardiness will be dealt with in accordance with established procedures.

6. FALSIFICATION OF RECORDS

Falsification of time cards, personnel records or other official Company documents will not be condoned.

7. WORK AREA

Each employee will remain at his normal work area during assigned duty tours and will not leave without supervisory authorization.

8. RESTRICTED AREAS

Fire escapes, fire wells, and fire towers will not be used except for



the emergency purposes for which intended. Lounges and rest areas are established to afford a location for employees to relax during authorized break periods; they will not be used for lounging prior or subsequent to a tour of duty.

9. SOLICITING AND SELLING

The distribution, solicitation or sale of any article, including but not limited to merchandise, food, beverage, subscription or donation on Company premises is prohibited without prior authorization. Authorization may be granted only by the Group Executive through the Director Administration or Industrial Relations; or, in cases under their authority, by the Membership and Contributions Committee. All requests must be submitted in writing.

10. USE OF LOCKERS AND DESKS

Lockers and desks are assigned by the Company to the employee. They remain the property of the Company and are subject to periodic inspection with or without prior notification.

A. Lockers -

Only one locker will be assigned to afford the employee a secure space in which to store clothing, safety equipment, toilet articles, and hand tools used for Company business. One employee will not allow another employee to use his locker for any purpose whatsoever. Lunch which will be eaten during the current tour of duty may also be stored. Employees may use a padlock as an additional locking device on the locker assigned to them; however, when this prerogative is exercised, the employee must furnish the Manager Security with a key or the combination to the additional lock. Keys or combinations must be tagged or marked with the employee's full name, clock number, locker number and job position.

B. Desks -

Desks are assigned for the storage of office supplies and equipment and small minimal value items of a personal nature.

11. COMMUNICATIONS FACILITIES

Company owned, operated or controlled means of communications, i.e., telephones, telex, are for the use of Company business only. Their use for private affairs is prohibited. Exceptions may be granted at the dis-



cretion of supervision as individual needs arise. No employee will be granted blanket authority for use of Company owned, operated or controlled means of communications except for the purpose of conducting Company business.

12. ATTIRE

The attire of all employees shall be conducive to the type of work performed and, at the discretion of the Company, in conformance with normal business practice.

13. SAFETY

A. Intoxicants -

No employee shall report for scheduled work under the influence of alcohol or drugs, and no employee shall store any drugs or alcoholic beverages on Company premises.

B. Weapons -

The possession of fire arms or other weapons, ammunition or explosives while on Company property is prohibited.

C. Smoking -

Smoking is allowed in authorized areas only, and adequate safety precautions must be taken in those areas.

D. Fighting and Disorderly Conduct -

- (1) Fighting or threatening, harassing, intimidating, or coercing any employee is prohibited.
- (2) Horseplay or malicious mischief or any act which endangers the safety of any employee or threatens to cause damage to ITT Worldcom property is prohibited.

E. Use of Company Equipment -

The unwarranted, unauthorized, or careless use of equipment, machinery or any other Company item is strictly prohibited. Only those persons authorized to operate equipment, machinery, etc., are permitted to do so.



F. Accidents and Injuries -

All injuries, regardless of how minor they may be, must be reported to your immediate supervisor at the time they occur.

G. Safety Devices -

All employees are required to use any and all safety devices required for their job(s).



I, _____, am in receipt of
the ITT Worldcom working rules and regulations (Rules of Con-
duct). I have read them and I understand them. I also under-
stand that the regulations as presented to me are basic and
not all inclusive.

(Date)

Employee Signature

Supervisor/Manager Signature





ENGAGEMENT FORM.

Form 113
30313

12

I, Abilio A. Gomes

the undersigned, having been engaged by THE COMMERCIAL CABLE COMPANY
as Operator at a salary of

\$95.00 per month, payable at the end of each

and every month, commencing from January 1st, 1927 do hereby agree

to faithfully conform in all respects to THE COMPANY'S Rules, Regulations and Conditions of

Service, and all supplementary orders from time to time issued (vide COMPANY'S Rule and

Regulation Book and Order Book), and do promise and declare that I will observe the strictest

secrecy in relation to all messages, accounts, communications, intelligence, business and other

matters whatsoever from time to time transmitted, kept, made, communicated or done by or to

me, or coming to my knowledge in the course of or during my employment, and that I will

never at any time, either when in the employ of the Company or after I shall have left such employ-

ment, upon any pretense or account whatsoever, without the consent of the Board of Directors of

the Company, disclose, divulge or make known to any person or persons connected with the

establishment or establishments for the time being of the Company, or to any other person or persons

whomsoever, of any such messages, accounts, communications, intelligence, business or other matters

aforesaid, or the purport thereof respectively, or anything in any matter relating thereto, unless

compelled so to do by some Court of Law or Equity, or other competent tribunal.

This engagement is terminable by One month notice

in writing being given on either side.

Dated this second day of May 1927

Signature Abilio A. Gomes

Engaged at New York

Witness J. Dunlop Asst. Supt.

Approved this 2nd day of May 1927.

Witness: J. Goldhammer Vice-President and General Manager

John V. L. Knight



CONDITIONS OF EMPLOYMENT

EXAMINATION - Applicant must pass a physical examination before acceptance.

ASSIGNMENT OF INVENTIONS - In consideration of my employment hereafter by the said Company during such time as may be mutually agreeable to the said Company and myself, I hereby assign and agree to assign to said Company, its successors, assigns or nominees, all my rights to inventions which, during the period of my employment by said Company or by its predecessors or successors in business, I have made or conceived or may hereafter make or conceive, either solely or jointly with others, in the course of such employment or with the use of said Company's time, material or facilities, or relating to any subject matter with which my work for said Company is or may be concerned, and I further agree, without charge to said Company, but at its expense, to execute, acknowledge and deliver all such further papers, including applications for patents, as may be necessary to obtain patents for said inventions in any and all countries and to vest title thereto in said Company, its successors, assigns or nominees.

SECRECY - In accordance with applicable law no employee is to divulge, either directly or indirectly, any message or part of a message which he may receive in the discharge of his duties, or which may become known to him in any other manner, or give any information in respect to the same.

CERTIFICATION - I certify that the foregoing answers are true to the best of my knowledge and belief, and I authorize the said Company to investigate any of the information. I realize any misrepresentation of facts may be cause for dismissal. I have read or have had read to me the foregoing Conditions of Employment.

P. J. B. T. ...
SIGNATURE OF APPLICANT

10/23/57
DATE

The above applicant has assured me that he/she has read or has had read to him/her the above conditions of employment, has full knowledge thereof and has set forth his/her signature in agreement therewith.

Vincent La Vista Jr
SIGNATURE OF INTERVIEWER OR PERSONNEL OFFICER

10/23/57
DATE



Stroock & Stroock & Lavan
61 Broadway
New York, New York 10006

TELEPHONE (212) 425-5200
TELEX STROOCK 620367
CABLE ADDRESS "PLASTROOCK"

WASHINGTON, D.C. 20036
1100 CONNECTICUT AVENUE, N.W.
TELEPHONE (202) 293-1990
CABLE ADDRESS
PLASTROOCK-WASHINGTON, D.C.

PARIS 8^e, FRANCE
18-20 PLACE DE LA MADELEINE
TELEPHONE 742-23-33
CABLE ADDRESS
PLASTROOCK-PARIS


February 18, 1976

Eric L. Hirschhorn, Esq.
Counsel, Subcommittee of the
Government Operations
Rayburn House Office Building, Room B-349-B-C
Washington, D. C. 20515

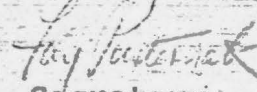
Dear Mr. Hirschhorn:

Further with respect to the attached subpoena addressed to Western Union International, there is attached hereto the order of the President, signed on his behalf by Edward H. Levi, Attorney General, that Western Union International not produce any documents responsive to such subpoena.

Very truly yours,


Norman Hammer

By


Secretary

NH:fp
Encl.



BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE
UNITED STATES OF AMERICA

To Robert S. Fink

You are hereby commanded to summon Thomas S. Greenish, Executive Vice President
Western Union International, One Western Union International Plaza, New York, N.Y.
or any subordinate employee of such company having custody of the items
described in the attached schedule.

Government Information and Individual Rights
to be and appear before the Subcommittee of the Government Operations

Committee of the House of Representatives of the United States, of which the Hon.

Bella S. Abzug is chairman, and to bring with

him the items specified in the schedule attached hereto and made a part

hereof: In Room B349-C Rayburn House Office Building

~~xxx in other chamber~~ in the city of Washington, on before February 19, 1976

at the hour of 10:00 a.m.

produce and deliver such items to said subcommittee, or such
then and there ~~xxx xxxxxx touching matters of inquiry committed to said Committee, and he is~~
representative of said subcommittee as may be designated by its chairwoman.
~~xxx not to depart without leave of said Committee.~~

Herein fail not, and make return of this summons.

Witness my hand and the seal of the House of Representatives

of the United States, at the city of Washington, this

4th day of February 1976

JACK BROOKS,
Committee on Government Operations

Chairman.

Attest:

E. P. [Signature]

Clerk.

Copy received:

Shrock + Shrock + Lavin
by Norman [Signature] Feb 9, 1976



SCHEDULE

Any and all records* in his possession, under his dominion or control, or within his means to produce, concerning or relating to the interception by, examination by, requests by or from, or delivery to or for any employee or agent of any department, agency, bureau, or other entity of the United States, since January 1, 1947, of--

(1) information as to the existence, contents, substance, purport, effect, meaning, sender, or recipient of any interstate or foreign communication by wire, cable, radio, carrier frequency, or other means; and

(2) information as to users or customers of Western Union International, including but not limited to information as to the identity of such users or customers and the communications line distribution channel numbers of such users or customers.

*The term "records" as used herein includes, but is not limited to, writings, documents, contracts, agreements, memoranda, reports, correspondence, lists, tables, receipts, minutes, and electronic records and recordings.





Office of the Attorney General

Washington, D. C. 20530

February 17, 1976

Norman Hammer, Esquire
Stoock & Stoock & Lavan
61 Broadway
New York, New York 10006

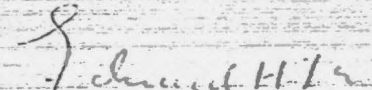
Re: Subpoenas served on Western
Union International

Dear Mr. Hammer:

This is to inform you that the President has invoked executive privilege with respect to documents described in the subpoenas of the Committee on Government Operations, acting on behalf of its Subcommittee on Government Information and Individual Rights, dated February 4, 1976.

Accordingly, on behalf of the President, I hereby request that Western Union International honor this invocation of executive privilege, and that it not produce and deliver documents described by the said subpoenas.

Very truly yours,


Edward H. Levi
Attorney General



CAHILL GORDON & REINDEL

EIGHTY PINE STREET

NEW YORK, N.Y. 10005

FLOYD ABRAMS
HENRY G. BISGAIER
CARL M. BORNHANN
WALTER C. CLIFF
JOSEPH P. CONWAY
MARSHALL COX
THOMAS F. CURNIN
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O. CARLYSLE McCANDLESS
DENIS McINERNEY
LAWRENCE J. McKAY
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IRWIN SCHNEIDERMAN
H. RICHARD SCHUMACHER
DUDLEY B. TENNEY
ROBERT USADI
JERROLD G. VAN CISE
JOHN R. VAUGHAN
PAUL W. WILLIAMS
RALPH O. WINGER
GARY W. WOLF
JOHN R. YOUNG
R. ANTHONY ZEIGER

TELEPHONE 212-944-7400
TELEX 127068

HAROLD F. REINDEL
DON B. STOOKEY
COUNSEL

WASHINGTON, D.C. OFFICE
FEDERAL BAR BUILDING WEST
1819 H STREET, N.W.
WASHINGTON, D.C. 20006

EUROPEAN OFFICE
4, PLACE DE LA CONCORDE
75008 PARIS, FRANCE

RADIO AND CABLE ADDRESSES
"COTTOFRANK NEWYORK"
"COTTOFRANK WASHINGTON"
"COTTOFRANK PARIS"

February 18, 1976

Dear Mr. Hirschorn:

This will serve to supplement the recent telephone conversations you have had with my partner, Mr. Schumacher, concerning the subpoena duces tecum dated February 4, 1976 which your Subcommittee recently addressed to our client, RCA Global Communications, Inc. ("RCA Globcom").

In response to the previous requests made to it by Mr. Fink of your Subcommittee's staff and by Brit Snider, Esq., of the staff of the Senate's Select Committee on Intelligence, our client searched its records for contemporaneous writings concerning the subject of those investigations, and this search failed to uncover any.

RCA Globcom's records do, of course, include correspondence with your Subcommittee and with the Senate Committee and recent internal memoranda of counsel relating to the conduct and subject matter of their investigations, but a further review has disclosed no other responsive documents except those of which copies are attached. They are a Company memorandum dated August 8, 1975 and an exchange of correspondence with the Common Carrier Bureau of the Federal Communications Commission in November and December of last year.

In the light of Mr. Schumacher's discussion with you we have interpreted the subpoena duces tecum as not calling for

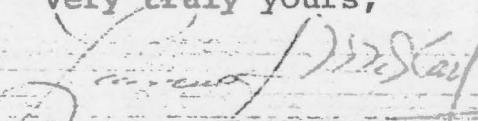


the production of the subpoenas, court orders, and the like which RCA Globcom receives in the ordinary course of its business. Although our client has not been able to locate, in the time available to it, all such process received since 1947, such process has issued from time to time from the Department of Justice, including the Federal Bureau of Investigation and offices of United States Attorneys, and from the Department of the Treasury.

We also have interpreted the subpoena duces tecum as not calling for the production of the reports which the Company periodically files with the Federal Communications Commission pursuant to law or regulation. Some of these documents, we are advised, include data, usually in statistical form, about aggregate numbers of customers and the like.

In order that we may respond to the Subcommittee's subpoena by the close of business today, I am having this letter and its enclosures transmitted by telecopier to our Washington office for delivery to you by hand. The original is being posted in New York today. I trust that this procedure will be satisfactory.

Very truly yours,


Lawrence J. McKay

Subcommittee on Government Information
and Individual Rights of the

Committee on Government Operations

U.S. House of Representatives

Room B-349C

Rayburn House Office Building

Washington, D.C. 20515

Attention: Eric Hirschorn, Esq.

[Enclosures]



To Distribution Below

Location

Date August 8, 1975

From E. F. Murphy

Location

Telephone

Subject

Recent newspaper articles have carried stories to the effect that the international record carriers, including RCA Globcom, were making certain traffic available to U.S. Government representatives. This is to confirm my understanding that each of the operating centers subject to your respective jurisdictions has been checked and it has been ascertained there is no such activity under way within RCA Globcom and that no communication traffic of any kind is being made available to any unauthorized person or entity.

As you are aware, Section 605 of the Communications Act of 1934, as amended, provides in pertinent part that except as authorized by law,

"...no person receiving, assisting in receiving, transmitting, or assisting in transmitting, any interstate or foreign communication by wire or radio shall divulge or publish the existence, contents, substance, purport, effect, or meaning thereof, except through authorized channels of transmission or reception."

Any request to divulge or publish a communication contrary to Section 605, whether such request is made by federal authorities, or others, in keeping with our established procedures, should immediately be referred to the Law Department, and no further action should be taken on the request pending advice of the Law Department.

To: Messrs. Angliss
Hepburn
Tuft

Driver,
Cactano
Jamason
Mortara

cc: Messrs. Becken
Peterson
Ende
Schneider
DeRosa ✓

McHenry
Shawy
Voss
Stackhouse

E. F. Murphy



RELATIVE

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

November 10, 1975

NOV 12 1975

IN REPLY REFER TO

9520

RCA Global Communications, Inc.
60 Broad Street
New York, New York 10004

Attention: Francis J. DeRosa Vice
President & General Counsel

ITT World Communications, Inc.
62 Broad Street
New York, New York 10004

Attention: Joseph J. Jacobs, Vice
President & General Attorney

Western Union International, Inc.
One WU Plaza
New York, New York 10004

Attention: Robert E. Conn, Senior
Vice President

The Western Union Telegraph Company
7 Lake Street
Upper Saddle River, New Jersey 07456

Attention: Richard Hostetler, Vice
President & General Counsel

Gentlemen:

Allegations have recently appeared in the press and during Congressional hearings alluding to the fact that certain carriers have permitted or assisted government agents to inspect and copy telegraph messages or to intercept telex communications. Such allegations raise questions of possible violations of federal statutes including Section 605 of the Communications Act and Chapter 119 of Title 18 of the United States Code. Pursuant to our responsibilities under the Communications Act, we would appreciate your response to the following questions:

American Telephone and
Telegraph Company
195 Broadway
New York, New York 10007

Attention: Thomas Scandlyn
Vice President

French Telegraph Cable
Company
25 Broad Street
New York, New York 10004

Attention: Jacques A. Berenger
General Manager

U.S. - Liberia Radio Corp.
1200 Firestone Parkway
Akron, Ohio 44300

Attention: Harvey E. Firestone

TET Telecommunications Corp.
1247 Pennsylvania Ave., N.W.
Washington, D.C. 20006

Attention: David Lubetzky



1. Has your company ever divulged the existence or contents of telegraph messages to government agents or provided government agents information for use in intercepting telex traffic except as authorized by Chapter 119, Title 18, United States Code, Section 605 of the Communications Act, or other federal statute?
2. If the answer to number 1 is yes, or if no based on a claim of express authority under a federal statute, please supply full information as to the times, surrounding circumstances, reasons for such action and your views as to the lawfulness of such actions under the Communications Act, particularly Section 605.

We would appreciate your response no later than December 1, 1975.

Sincerely,

Walter Hinchman

Walter Hinchman
Chief, Common Carrier Bureau



CAHILL GORDON & REINDEL

EIGHTY FINE STREET

NEW YORK, N.Y. 10005

TELEPHONE JIC 2-47 7400

TELEX 127069

HAROLD F. REINDEL
DON B. STOEKEY
COUNSEL

WASHINGTON, D.C. OFFICE
FEDERAL BAP BUILDING WEST
1819 H STREET, N.W.
WASHINGTON, D.C. 20006

EUROPEAN OFFICE
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75008 PARIS, FRANCE

RADIO AND CABLE ADDRESSES
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JOHN R. VAUGHAN
PAUL W. WILLIAMS
RALPH O. WINGER
GARY W. WOLF
JOHN R. YOUNG
R. ANTHONY ZEIGER

December 3, 1975

Dear Mr. Hinchman:

I write, as counsel for RCA Global Communications, Inc., in response to your letter No. 9520 of November 10, 1975.

The matters to which your letter refers have recently been the subject of investigations by the Senate's Select Committee to Study Governmental Operations with Respect to Intelligence Activities of the United States and, to a lesser extent, by the Subcommittee on Government Information and Individual Rights of the Committee on Government Operations of the House of Representatives. Present and retired employees of RCA Global Communications, Inc. provided testimony at a closed session of the Senate Select Committee and supplied information to the staff of the House subcommittee. The committees also obtained data, we understand, from many sources, including other carriers and agencies and personnel of the Government.

We assisted in the presentation of the material by the RCA Global employees and were advised by the staff of the Senate Select Committee that the matters under investigation involved classified information concerning the communications intelligence activities of the United States and were not to be disclosed except as the Committee chose to disclose them. As you are aware, 18 U.S.C. § 793 (1970), precludes disclosure of classified information relating to communications intelligence activities except to Congressional committees or to persons authorized by the President or by the President's designee for the conduct of the nation's communications intelligence activities.



On October 29, 1975 Senator Frank Church of Idaho, Chairman of the Senate's Select Committee, issued a statement concerning the results of his Committee's investigation. I enclose for your information a copy of that statement as it was supplied to our counsel by the Select Committee together with an expression of the Committee's appreciation for RCA Globcom's cooperation in the investigation. In view of the matters noted in the preceding paragraph, we do not believe that we can amplify or comment upon Senator Church's statement.

We trust that you will understand our inability to respond further. We believe, however, that RCA Global's actions have not been inconsistent with Communications Act § 605.

Very truly yours,

H. Richard Schumacher

Hon. Walter Minchman
Chief, Common Carrier Bureau
Federal Communications Commission
Washington, D. C. 20554





NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755

Serial: N0174
18 February 1976

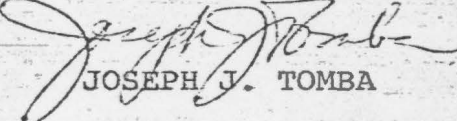
Mr. Robert S. Fink
Staff, Government Information and
Individual Rights Subcommittee of the
Government Operations Committee
U. S. House of Representatives
Washington, DC 20515

Dear Sir:

By letter from Mr. Donald H. Rumsfeld, a copy of which is attached, I have been instructed not to produce and deliver the documents described in the subpoena dated 4 February 1976. Mr. Rumsfeld's instruction is based upon an assertion of executive privilege by the President of the United States.

Accordingly, I respectfully decline to produce and deliver the said documents.

Very truly yours,


JOSEPH J. TOMBA





UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

February 18, 1976

Address Reply to the
Division Indicated
and Refer to Initials and Number

Mr. Robert S. Fink
Staff, Government Information and
Individual Rights Subcommittee of the
Government Operations Committee
U. S. House of Representatives
Washington, D. C. 20515

Dear Sir:

By letter from Mr. Edward H. Levi, a copy of which is attached, I have been instructed not to produce and deliver the documents described in the subpoena dated February 4, 1976. Mr. Levi's instruction is based upon an assertion of executive privilege by the President of the United States.

Accordingly, I respectfully decline to produce and deliver the said documents.

Yours very truly,

David G. Jenkins

Enclosure





UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

February 18, 1976

Address Reply to the
Division Indicated
and Refer to Initials and Number

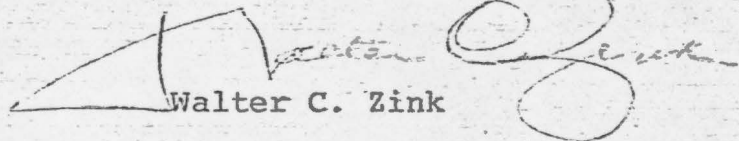
Mr. Robert S. Fink
Staff, Government Information and
Individual Rights Subcommittee of the
Government Operations Committee
U. S. House of Representatives
Washington, D. C. 20515

Dear Sir:

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Accordingly, I respectfully decline to produce and deliver the said documents.

Yours very truly,


Walter C. Zink

Enclosure





UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

February 18, 1976

Address Reply to the
Division Indicated
and Refer to Initials and Number

Mr. Robert S. Fink
Staff, Government Information and
Individual Rights Subcommittee of the
Government Operations Committee
U. S. House of Representatives
Washington, D. C. 20515

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Accordingly, I respectfully decline to produce and deliver the said documents.

Yours very truly,

John P. Loomis

Enclosure





UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the
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and Refer to Initials and Number

February 18, 1976

Mr. Robert S. Fink
Staff, Government Information and
Individual Rights Subcommittee of the
Government Operations Committee
U. S. House of Representatives
Washington, D. C. 20515

Dear Sir:

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Accordingly, I respectfully decline to produce and deliver the said documents.

Yours very truly,

Joe R. Craig

Enclosure

FOLEY, LARDNER, HOLLABAUGH & JACOBS

815 CONNECTICUT AVENUE, N. W.

WASHINGTON, D. C. 20006

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777 EAST WISCONSIN AVENUE
MILWAUKEE, WIS. 53202

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TELEX 26-819
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February 18, 1976

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Eric L. Hirschhorn, Esquire, Counsel
Mr. Robert Fink, Investigator
Government Information and Individual
Rights Subcommittee of the
Government Operations Committee
U. S. House of Representatives
Washington, DC 20515

Re: Subpoena Duces Tecum Served
February 6, 1976 -- Joe R. Craig

Dear Messrs. Hirschhorn and Fink:

This is in response to the above mentioned subpoena.

You will recall that when Mr. Fink served the subpoena, I informed him that Mr. Craig had retired from the Federal Bureau of Investigation and hence does not have "in his possession, under his dominion or control" any records demanded by the "SCHEDULE" attached to the subpoena.

I attach a copy of a letter, dated today, to Mr. Craig from Attorney General Edward H. Levi stating that the President has asserted executive privilege in this matter, and further stating: "Accordingly, you are hereby instructed not to produce and deliver said documents."

As you know, Mr. Craig, although retired, is still subject to the strictures and limitations set forth in the EMPLOYMENT AGREEMENT executed on August 27, 1973 between Mr. Craig and the Bureau. I understand that a copy of that AGREEMENT has already been supplied to your Subcommittee.

Best personal regards.

Very truly yours,

Marcus A. Hollabaugh
Marcus A. Hollabaugh
Counsel for Joe R. Craig

MAH:swl
Enclosures





UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

November 3, 1975

BY LIAISON

Honorable Bella S. Abzug
Chairwoman
Subcommittee on Government Information
and Individual Rights
~~Committee on Government Operations~~
House of Representatives
Washington, D. C.

Dear Mrs. Chairwoman:

This is in response to your letter of October 30, 1975, requesting that I appear before your Subcommittee to explore my reasons for not permitting the appearance of former Special Agent Joe R. Craig regarding alleged interceptions of cable traffic by the National Security Agency and the Federal Bureau of Investigation.

As you were previously advised, the subject of your inquiry pertains to a matter under active investigation by the Criminal Division of the Department of Justice. In keeping with its long-standing policy in such matters, the Department declined to make Mr. Craig available for testimony. If any further clarification of this policy is desired, it would seem more appropriate that you direct your inquiries to the Department of Justice.

As you requested, I have attached a copy of a secrecy agreement signed by Mr. Craig. Our employees are orally reminded of the contents of this agreement upon termination of employment; no additional agreement is signed at that time.

Sincerely yours,

Clarence M. Kelley
Clarence M. Kelley
Director

Enclosure



EMPLOYMENT AGREEMENT

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

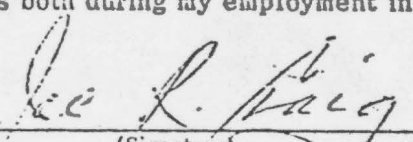
(1) That I am hereby advised and I understand that Federal law such as Title 18, United States Code, Sections 793, 794, and 798; Order of the President of the United States (Executive Order 11652); and regulations issued by the Attorney General of the United States (28 Code of Federal Regulations, Sections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

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

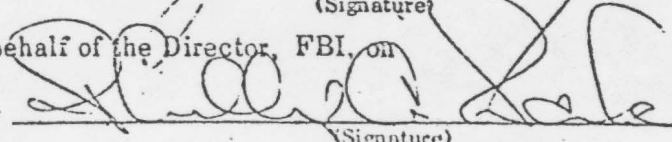
(3) I agree that all information acquired by me in connection with my official duties with the FBI and all official material to which I have access remains the property of the United States of America, and I will surrender upon demand by the Director of the FBI or his delegate, or upon separation from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

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

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


(Signature)

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


(Signature)

Aug 27, 1973, by





UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

October 21, 1975

Honorable Bella S. Abzug
Chairwoman
Subcommittee on Government Information
and Individual Rights
Committee on Government Operations
House of Representatives
Washington, D. C. 20515

Dear Mrs. Chairwoman:

Reference is made to your letter of October 18, 1975, directed to Mr. Joe R. Craig requesting his testimony before your Committee on October 23, 1975, concerning activities of this Bureau which may have affected "the privacy of communications entrusted to common carriers." Since the subject matter of your inquiry pertains to a matter under active investigation by the Criminal Division of the Department of Justice, Departmental policy requires that we decline to grant your request for the testimony of Mr. Craig.

Sincerely yours,

A handwritten signature in cursive script, reading "Clarence M. Kelley", is written over the typed name.

Clarence M. Kelley
Director

