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FBI SPYING ON CONGRESS

Question

Does the FBI collect information on Congressmen? Do you approve of spying on Congress?

ANSWER

Of course, I do not approve spying on Congress. Nor does the FBI. As I understand it, the FBI legitimately gets information on legislators in three situations:

1. When the legislator, like any other citizen, is the subject or victim of a criminal investigation,
2. When the legislator, like any other citizen, is being considered for an appointment to an executive or judicial post, or
3. When, like any other citizen, unsolicited information is received about the legislator.

Unsolicited information is received from time to time about individuals in public and private life. When such allegations do not appear reasonably related to the investigative jurisdiction of the FBI, the FBI tells its correspondent exactly that. The correspondence and the official reply are retained as a record of official FBI actions. Because it is not possible to predict, when information is received, whether the subject will or will not at some future time be given consideration for an executive or judicial appointment requiring an inquiry into his suitability, all such information voluntarily submitted is retained.

The FBI assures me, and I have no reason to doubt it, that such information is used only in criminal investigations and in suitability checks for prospective appointees and is never used to influence the judgement or action of any Member of Congress or anyone else.

Q. What is the President's reaction to the report on the story that the FBI is keeping files on Members of Congress?

A. I understand that FBI Director Kelley is in the process of making a report to the Justice Department about the nature of information the Bureau has in its files regarding Members of Congress. We will have nothing to say now.

(FYI: Attorney General Saxbe and former Attorney General Richardson were interviewed by ABC-TV this morning and both said they were not aware of any illegal practices by the FBI. Furthermore, Attorney General Saxbe said that he would welcome a Congressional investigation of the allegations and is expecting to testify before a House Judiciary Subcommittee on January 30. Rep. Don Edwards is Chairman of the Subcommittee.)

Q. Does the President approve of this kind of activity by the FBI?

A. Until we are sure of what the facts are, it would be premature to make any comment. ~~Committee the first~~ President is opposed to all illegality.

~~Q. Does the President have a general philosophy about the rights of privacy?~~

A. Yes, the President thinks the privacy of citizens, including Members of Congress, must be respected to the maximum degree, consistent with the performance of necessary government functions.

Q. Is the keeping of files on Congressmen a necessary government function? No --- that is not a function

A. ~~We have to find out what the facts are, and that process is underway.~~ ~~Highly~~ of govt. But it is possible that a necessary government function, either clearance for sec job, or criminal investigation.

PRESIDENTIAL KNOWLEDGE AND CONTROL RE FBI AND CIA

Question

Were you surprised by the press exposure of the existence of FBI files on Congressmen? Are you confident that you know and can control what is done by the CIA and FBI?

Answer

1. No organization as large as the federal government can be entirely free of error or completely beyond challenge for its acts.
2. But I am clear that
 - a) Government employees as a class are dedicated to serving the public interest.
 - b) The intelligence agencies perform valuable work that is indispensable for the national welfare.
 - c) That we are releasing information about occasional improprieties (as in the Attorney General's report on the counter intelligence program of prior administrations).
 - d) That I will continue to remind agency heads, as I have been doing, that I insist on scrupulous compliance both with the law and with the principles of our democracy.

FBI FILES

Question

How do you feel about FBI collection and retention of information on Congressmen and other citizens?

Answer

1. My commitment to the privacy of all citizens -- including Congressmen, of course -- is well known. I do not tolerate improper invasions of such privacy.
2. The question then is whether any particular file or information gathering process is proper.
 - A. Obviously it is proper to inquire into criminal activity.
 - B. Obviously it is proper to inquire into a person's suitability for judicial or executive office.
 - C. And obviously it is proper to receive unsolicited information bearing on crimes or suitability.
3. Files are retained for several reasons:
 - A. There is some doubt as to the legal authority to destroy them.
 - B. They may bear on future inquiries into suitability for office.
 - C. An informant might later claim incorrectly that he told the FBI about a crime which they did not pursue.
 - D. They record the activities of the investigators for future reference. When those who collect information know that their previous action will remain a matter of official record, they will be induced to consider at the outset the propriety of their proposed actions.
4. The whole matter is being studied. The Attorney General designate will -- when confirmed -- work with the FBI to see if new guidelines can be developed.
5. I want to make clear again that any improper intrusions into the privacy of our citizens will not be tolerated by me.

June 25, 1976

SUBJECT:

FBI BURGLARIES SINCE 1971

Horrock and Crewdson of the NYT have had stories for the last two days on a "network" of break-ins and burglaries perpetrated by the FBI nationwide since 1971.

Is the President concerned and what does he plan to do about it?

The President is of course concerned about these allegations. As I understand it, the Justice Department has an ongoing investigation into the subject, and if the Attorney General feels the issue warrants Presidential action, then I am sure he will pursue it with the President.

(Buchen looking in to it.)

ME

BACKGROUND INFORMATION REGARDING FBI DIRECTOR
KELLEY CONFIRMING BREAK-INS

7/15/75

This is a very sensitive area because it has to do with national security and you should be very careful what you say in answer to any questions that come up at today's briefing. Director Kelley did not consult or notify Attorney General Levi that he was going to have the press conference, although Levi had asked Kelley some weeks ago for a report on "surreptitious entries" by the FBI. By coincidence, Levi appearing before the Godfrey Sperling breakfast club this morning and was subjected to a barrage of questions about Kelley's statements. He danced all around the subject matter and successfully avoided being pinned down in certain key areas such as -- "Is any break-in by the FBI illegal?" A: You have to look at the facts of each case. "Have you directed Kelley not to use break-ins as an investigative technique?" A: Kelley himself said he had authorized none since becoming Director.

In a letter Attorney General Levi sent to Senator Kennedy in which national security electronic surveillance was discussed, Levi quoted the President as saying that "any intrusions (surreptitious entries) should be as minimal as possible. It is often impossible to plant listening devices without, in effect, breaking into the place where the devices will be installed. As the result of the Levi letter which, of course, was cleared by the Counsel's office, you cannot say the President is opposed to "surreptitious entries" or break-ins for national security purposes. The Justice Department, in ~~fact~~^{fact} filed a brief in the Ehrlichman case in support of the break-in of Ellsberg's psychiatrist's office.

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MRO-51, #1; FBI Ltr 3/1/02

By dal NARA Date 4/19/02

If you really get pressed about the President's position, you can safely say the President is opposed to any illegal activity, as he has said many times. But, don't let yourself be drawn into saying that a surreptitious entry is an illegal activity, because in national security cases, it may not be.

The Supreme Court ruling in the Keith case in 1972, it made it illegal to wiretap "domestic radicals" without a showing of a significant foreign connection has eliminated a lot of these questionable practices, but there are still foreign embassies and the employees of the embassies to be concerned with.

Attached is some Q and A which I worked out with the Attorney General that may get us off the hook.

- Q. Has the President indicated his concern about the FBI breaking into homes and offices to try to get national security information?
- A. I noticed in those stories that FBI Director Kelly had said that he had not authorized any such activity since he has been Director. And, I think the President's views on the rights of citizens to enjoy their privacy unmolested by law enforcement agencies is well known. Understand that Attorney General Levi has asked Director Kelley for a report on these activities and that he has also asked the Criminal Division of the Justice Department to inquire as to what the facts are. If it is information which is developed which should be brought to the attention of the President, the President is confident that the Attorney General will do so.
- Q. Has the President talked to the Attorney General today?
- A. Not that I am aware of.
- Q. Does he expect to?
- A. As far as I know, he has no specific plans to contact the Attorney Genral. They see each other from time to time in Cabinet meetings and other White House meetings.
- Q. Has the President given any instructions to the FBI not to engage in surreptitious entries?
- A. There have been discussions by the White House and the Justice Department regarding national security intelligence gathering.

July 16, 1976

SUBJECT: TWO FBI QUESTIONS

Twenty-five children riding in a schoolbus in Chowchilla, California and their bus driver disappeared yesterday. The bus was found abandoned, with no trace of the children or driver, or the abductors. The children range in ages from 5 to 15.

What is the Administration doing about the disappearance of the children?

I understand that the local police have contacted the FBI, and the FBI has made an offer of any help they can provide in the case. As yet, the police have not determined the motive of the apparent abduction.

* * * * *

UPI carried a Detroit News story quoting Federal sources as saying that , given the immunity granted to two people regarding the disappearance of Jimmy Hoffa, some indictments were about to be made.

Is the FBI preparing to make indictments against anyone in the Hoffa case?


The Justice Department has informed me that there are no indictments imminent

ME

THE WHITE HOUSE

WASHINGTON

September 24, 1976

MEMORANDUM FOR: RON NESSEN
FROM: JEANNE HOLM 
SUBJECT: Possible Press Inquiry

This is to advise you of a matter that apparently is receiving press attention in Atlanta, Georgia, that I think you should know about in case you are questioned. Last Saturday, September 18, 1976, I was in Atlanta, Georgia at the Atlanta Hilton Hotel to give a speech to the Georgia Women's Forum at the invitation of Governor Busbee. The Governor also attended the banquet.

At approximately 10:30 p.m., I returned to my room in the hotel to obtain a duplicate copy of my banquet remarks, to make them available to the press. On arriving at my room, I noticed that the entire lock had been removed from the door. I notified the hotel desk, who informed the assistant manager and the security personnel who came to the room and opened the door. On entering the room, we discovered that no personal belongings or anything from my brief case ~~was~~ missing, but there was some evidence that the telephone may have been tampered with. There was some discussion of the possibility that there had been an attempt to tap the phone. The security officer advised me that he had notified the local office of the FBI and the secret service.

Upon returning on Monday to my office, I notified the White House representative of the FBI, Mr. Sanders.

This morning I received a call from Fred Graham, CBS News, who advised me that he had heard that my room had been entered in Atlanta and asked for the details. I told him what I knew about it. He said it had apparently appeared in the Atlanta press. He asked whether or not a tap had been put on my phone. I said I had no knowledge of that having been done. He indicated that he planned to contact the assistant manager of the hotel to get further details.

I have heard nothing further from the FBI.

While he is best remembered as a leader of the textile industry who provided jobs for thousands and as a philanthropist who befriended individuals, churches, hospitals, educational institutions, and numerous charities. I remember him as a grassroots conservative who hated waste and loved hard work. He gave of himself to both individuals and groups who worked hard and placed thrift high on their list of priorities.

His death marks the fading of an era which was led by men of Mr. Cannon's caliber. America still sorely needs men like him. Long live Charles A. Cannon.

BOYS' CHORUS OF SHANLEY HIGH SCHOOL, FARGO, N. DAK.

Mr. ANDREWS of North Dakota. Mr. Speaker, today the city of Washington, D.C., is playing host to the Red Coats, the Red Coats in this case being the boys' chorus of Shanley High School in Fargo, N. Dak. This is an outstanding group of young Americans who have worked hard selling candy and doing other things to make enough money to be able to make this tour.

While here they are taking in the historic significance of Washington, D.C., their Nation's Capital. They sang at the Cherry Blossom Festival and they sang on the steps of the Lincoln Memorial. They sang at the National Shrine. They met Patrick Cardinal O'Boyle this morning.

They are doing all the things which give them insight to this Nation of theirs and why it is a great nation. But they, after all, Mr. Speaker, are the reason why this is a great American country and why it will continue to be great. It is a privilege to have them here in Washington and to play host to them.

DIRECTOR OF THE FBI J. EDGAR HOOVER SHOULD RESIGN

(Mr. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOGGS. Mr. Speaker and my colleagues, I apologize for my voice. I have a cold.

What I am going to say I say in sorrow, because it is always tragic when a great man who has given his life to his country comes to the twilight of his life and fails to understand it is time to leave the service and enjoy retirement.

Mr. Speaker, I am talking about Mr. J. Edgar Hoover, the Director of the Federal Bureau of Investigation. The time has come for the Attorney General of the United States to ask for the resignation of Mr. Hoover.

When the FBI taps the telephones of Members of this body and of Members of the Senate, when the FBI stations agents on college campuses to infiltrate college organizations, when the FBI adopts the tactics of the Soviet Union and Hitler's Gestapo, then it is time—it is way past time, Mr. Speaker—that the present Director thereof no longer be the Director.

The greatest thing we have in this Nation is the Bill of Rights. We are a great country because we are a free country under the Bill of Rights. The way Mr.

Hoover is running the FBI today it is no longer a free country.

I was astonished to read in the paper this morning where Mr. Mitchell says that he is a law-and-order man; therefore, Mr. Hoover, being a law-and-order man, will stay on. If law and order means the suppression of the Bill of Rights, infiltration of college campuses, the tapping of the telephones of Members of Congress of the United States, then I say "God help us."

I ask again that Mr. Mitchell, the Attorney General of the United States, have enough courage to demand the resignation of Mr. Hoover.

CRITICISM OF FBI SHOULD BE SUPPORTED BY FACTS

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I listened with great care to the statements made by the distinguished majority leader. Some of the allegations are a matter of fact, that is, whether certain wiretapping was done or whether it was not done, but there was one statement, if I listened correctly, that I do not think is a fair accusation and I would vigorously protest what I believe the gentleman from Louisiana stated.

If my recollection is accurate, the gentleman said that the FBI is turning its operations into Gestapo-type activities. I categorically deny that the FBI does carry on such activities. I suggest that the gentleman from Louisiana submit proof before he makes such a charge or to buttress such an allegation by facts in the future.

The history of the FBI is a fine one. They may have made mistakes from time to time. They are humans, as we are. But this country is fortunate that we have had the FBI over the years, and we are fortunate that that organization has had Mr. Hoover as its head for such a long period of time.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.
April 2, 1971.

The Honorable the SPEAKER,
U.S. House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's office at 1:20 p.m. on Friday, April 2, 1971 said to contain a Message from the President wherein he transmits to the Congress his report on the operations in 1970 of the International Coffee Agreement of 1968 in accordance with the provisions of Title III, Section 305 of Public Law 90-634, the International Coffee Agreement Act of 1968, and of Section 3 of Public Law 91-694, the International Coffee Agreement Act of 1968, as amended and extended, together with a letter from the Secretary of State.

With kind regards, I am,

Sincerely,

W. PAT JENNINGS,

REPORT ON OPERATIONS OF INTERNATIONAL COFFEE AGREEMENT OF 1968—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Ways and Means:

To the Congress of the United States:

I transmit herewith my report on the operations in 1970 of the International Coffee Agreement of 1968.

Events during 1970 once again demonstrated the capacity of the Agreement to protect the interests of both its consumer and producer members. The International Coffee Council acted decisively in August to curb a precipitous increase in world coffee prices caused by damage to the Brazilian coffee crop in mid-1969. At the same time the judicious measures adopted by the Council enabled producing countries to maintain their foreign exchange earnings from coffee exports at a level consistent with the objectives of the Agreement.

I am also pleased to inform the Congress that we have reached an agreement with Brazil relating to our trade with that country in soluble coffee, which settles the U.S. complaint against Brazil under Article 44 of the International Coffee Agreement. This Agreement improves the competitive conditions of access to Brazilian green coffee by U.S. soluble coffee processors in a manner which safeguards the interests of consumers.

In terms of the bilateral accord, which will be valid as long as the United States continues to implement the International Coffee Agreement, Brazil will make available for sale to American soluble coffee manufacturers an appropriate quantity of green coffee free of Brazilian contribution quota. American firms will qualify to purchase this coffee, which will be of suitable quality, in proportion to their historical production of soluble coffee. The enclosed letter from the Secretary of State provides a more detailed account of the settlement and the negotiations which led up to it.

In the light of the Agreement's benefit to American consumers in 1970, its undoubted value to the developing coffee producing countries, and the resolution of our problem with Brazil, I urge timely Congressional action to extend the necessary implementing legislation until September 30, 1973, when the 1968 International Coffee Agreement terminates. Prompt passage will reaffirm to the Agreement's 41 exporting members the strength of our commitment to their economic development. Expedient approval will, moreover, remove any uncertainty on the part of our own industry as well as foreign countries concerning the future of international coffee cooperation.

RICHARD NIXON.

FBI BREAK-IN OF ALEXANDRIA APARTMENT

The FBI is responding as follows to questions about Bureau agents breaking-in to an Alexandria apartment:

There is a warrant outstanding for the arrest of Patty Hearst. The FBI had reason to believe that she was occupying the [REDACTED] apartment in Alexandria which was entered Saturday night by Bureau agents. A search warrant was not needed because there were no plans to search anything. Therefore, the arrest warrant gave the Bureau the jurisdiction to enter the apartment. The Bureau is presently conducting an administrative inquiry now to determine what the facts are in the case. (Such an inquiry is an in-house operation and there is no reason for the White House to even know about it).

As to any questions raised about the harassment of the Socialists Workers, that is a matter that is presently under litigation and the Press Office should not comment on it. Reevaluation of the Bureau's activities came as a result of the judge's order directing the Bureau to turn over the material to the plaintiffs. *Without commenting specifically on this case, the President does not approve of any activity that would violate a person's Constitutional rights.*

The New York Times has a story today which says the FBI has, on occasion, kidnapped foreign intelligence agents who had entered the United States illegally in order to try to force them to talk. Story says this hasn't happened since the mid-60's, however. Recommend any questions be referred to Justice.