

Phillips SA

8/26/82

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(m) Whether the FBI has searched SAC confidential files and safes.

The FBI is unsure what plaintiff is referring to when he talks about SAC (i.e., Special Agent in Charge) confidential files. Plaintiff may be referring to materials on highly sensitive investigations and personnel matters which are maintained in the offices of the SACs. Those materials are kept in safes for security purposes.

In the instant cases, the FBI did undertake a search of the SAC safes in both the Dallas and New Orleans Field Offices. Any records that were located therein which pertained to the JFK assassination or which were responsive to the Associate Attorney General decision of December 16, 1980, were processed and, if nonexempt, were provided to plaintiff.

(n) Whether all records identified on "see" references have been provided.

As I have stated before in these cases,^{*/} all releasable information pertinent to plaintiff's FOIA request has been provided to him. This includes records identified by way of "see" references. Furthermore, as I stated in paragraphs 21 and 24 of my fourth declaration, plaintiff was provided -- by agreement of the FBI -- with copies of all the indices search slips prepared by the Dallas and New Orleans Field Offices. Plaintiff thus has the capability for determining what files (including those identified by way of "see" references) were searched and processed by the FBI in these cases.

^{*/} See, e.g., Fifth Declaration of John N. Phillips, ¶ 3, attached to Defendant's Reply to Plaintiff's Opposition to the Motion for Partial Summary Judgment, filed on July 2, 1982.

Extra copies - not
in other set?

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It was assumed that some kind of statistical sample of FBI records would ultimately be made permanent and transferred to the National Archives. To assure that historically important records, which might be missed by such a sample, were preserved, a list of approximately 4,000 Exceptional Cases was developed. Contributions to the list were sought from the research communities through their journals and newsletters and through letters sent to some 600 scholars. In addition, the team members provided Exceptional Cases from their research and their work with the case files. (Section 3.)

Based upon the proportional sampling technique employed nearly one-half of the case files examined came from 33 classifications. Case files from two classifications — 100 (Domestic Security) and 105 (Foreign Counterintelligence) — comprise more than 10% of the 18,000 case files. Although it is commonly assumed that FBI case files are bulging dossiers, two-thirds of the sample are less than one-fourth inch thick. Another common assumption that most FBI case files are rich historical sources is not supported by the 18,000 case files in the data base. Indeed, only 26.5% of the sample have any research potential. (Section 4.)

Information on the case files in the data base was used to generate "classification profiles" that formed part of the background material relied upon in making appraisal recommendations. (Section 5 and Appendix A.) The data base also was used to test several hypotheses about FBI case files. Contrary to what one might expect, more criminal related case files are opened than security related ones, although it is clear the latter tend to have greater research potential. An analysis of the data base revealed only one time period — the 1940s for security related classifications — when research potential was significantly greater than any other time period. Another analysis disclosed that Field Office/Office of Origin case files tend to have more research potential than Field Office/Auxiliary Office case files, and that the research potential of Field Office/Office of Origin case files is identical to Headquarters. A comparison of selected Field Office/Office of Origin case files with Headquarter counterparts shows that 60% had identical research potential ratings; and where the research potential rating differed, a higher research potential was marked for Headquarters case files. Finally, "fat files" clearly had greater research potential than "thin files", and proved to be the best single predictor of research potential. This analysis also suggested that a "fat file" or multi-section file should consist of two or more sections. (Section 4.)

Several studies of special topics such as indices, abstracts, non-textual records, and the like were conducted. The permanent value of main subject index cards is determined by the disposition instructions for related case files. A variety of other indices, including some relating to electronic surveillance activities, have research potential and should be retained. Generally, the value of non-textual records derives from whether or not the related case file is to be permanently retained. With few exceptions, disposal of computer tapes is not authorized at this time, although in some areas they are of permanent value. A review of the Bureau's abstract system indicated that only abstracts arranged by "source" and those related to the SIS program in Latin America should be permanently retained. (Appendix A.)

Based upon analyses of the case files in the data base, examination of other

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2.3 Records maintained separately from main file room

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Some records are maintained separately from the related case file or are maintained as a separate series outside the main file room. They include records in Special File Rooms, H.SUR materials, personnel and budget records, FBI National Academy records, public inquiries, automated and audiovisual materials, and materials maintained under the personal control of the Special Agents in Charge.

In 1948, a Headquarters Special File Room was established to hold "all files that have an unusually confidential or peculiar background . . . including all obscene enclosures." Until recently there were several rooms considered special records rooms. The criteria for records to be placed in the Special File Room have changed through the years, but the following categories have usually been in a special file room: June mail, electronic surveillance materials (H.SUR), informant files, sensitive materials on Bureau employees and prominent people, undercover operations records, foreign source records, and several small sensitive series of records. Access to the room and the records is limited to a small number of employees. The Field Offices have special file rooms for informant files and H.SUR materials. The records in special file rooms are controlled through the central records system.

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Two Bureau record keeping practices, "June Mail" and "Do Not File" memoranda, have received widespread attention. The SAC Letter no. 69 of June 29, 1949, established a separate filing procedure for information from or relating to the Bureau's "most sensitive sources" to ensure that such information would not appear in the case file. Such mail was to be sealed in an envelope marked "June" (a codeword used because the program began in June). The envelope in turn was placed in another envelope addressed to the Director, Personal and Confidential. The same SAC Letter specified that "June Mail" was "to be used only for the most secretive sources, such as Governors, secretaries to high officials who may be discussing such officials and their attitudes, or when referring to highly controversial or unusual investigative techniques." The latter refers to electronic surveillance or surreptitious entries and was used as a euphemism to conceal the existence of such activities.

From the beginning most of the June mail procedures related to information from techniques (especially electronic surveillance) used in security cases. In 1964 some information relating to criminal intelligence, such as ~~Let~~ Nostra and Top Echelon Criminal Informants, was also authorized to be handled under June procedures. A May 26, 1970, SAC Letter further broadened the definition of June mail by leaving to the discretion of each SAC what should be considered June mail. FBI Headquarters Memo 52-70, dated November 7, 1978, discontinued the June designation but required continued special handling and separate filing of sensitive material. In 1976 extant June mail was indexed into the Central Records System.

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"Do Not File" procedures began with a Hoover memorandum dated April 11, 1940. He instructed that memoranda "written merely for informative purposes" would be prepared on blue forms, would not be filed, nor would carbons or abstracts be prepared for those documents. Later, the Do Not File memoranda were typed on pink paper with various annotations indicating that the document should be destroyed after appropriate action, should be returned to the writer, or should be retained in the Director's office.

Do Not File documents were used in sensitive matters, such as illegal break-ins and political gossip, but they were used also for policy making and administrative documents in which restricted circulation and filing was desired by the Bureau. Sometimes Do Not File restrictions were struck out by the writer or an Assistant Director, and the documents were in fact serialized and filed in a regular case file.

Hoover and the Executive Conference of the Bureau (composed of Assistant Directors who regularly reviewed FBI policies and procedures, recommended appropriate action, and forwarded the recommendations to Mr. Hoover) attempted to control the growth and filing of the Do Not File materials, and after February 1950, the colored Do Not File memoranda procedure was stopped. However, the procedure was still used on occasion, particularly by L. Patrick Gray, after the discontinuance of the colored forms. As has been the case from the earliest days of the Bureau, documentation of very routine administrative business is not serialized or filed in case files.

Electronic surveillance (ELSUR) refers to both telephone surveillance (wiretap or technical surveillance) and microphone surveillance (bug or electronic listening device). Both techniques have been used by the Bureau since the 1930's, though the legal bases for them changed through the years. The Bureau always considered ELSUR records as sensitive materials. Until recently they were filed in special file rooms, SAC safes, in special drawers in the operational divisions, and with the Do Not File and June mail procedures. In fact most of the records handled as June mail were ELSUR materials.

In the FBI Headquarters Memo 52-78 dated November 7, 1978, the June designation was discontinued, but the memorandum required continued special handling and separate filing of sensitive ELSUR materials. At present, ELSUR records are filed in regular case files (many times as sub-files), indexed in the ELSUR Index, and if the materials are placed in the Headquarters Special File Room, there are cross reference sheets in the case files.

The ELSUR Index maintained in all Field Offices and at Headquarters, was begun in 1966 and includes the names of people who were monitored by the Bureau or were the proprietors of premises in which an ELSUR was conducted since January 1, 1960. There is no procedural cross referencing between the ELSUR Index and the General Index, but it is likely that the subjects of ELSUR operations appear in the General Index as a result of investigative operations.

The personnel records of the FBI are classification 67, but they are maintained separately from the main file room by a unit of the Records Management Division in Headquarters or by the SAC in the Field Offices. There are three categories of files identified numerically by a classification 67 number. The first are the Official Personnel Folders for both out-of-service and in-service personnel. The second category is employment applications, and the third is Special and General Files. The latter include personnel policy matters such as training, overtime, and performance ratings.

Headquarters budget records are maintained in and outside the Central Records System. Approximately 300 feet of budget records, that date from 1939 to the present, are maintained outside of the Central Records System. Some of these records are duplicates of documents included in classification 66 but these

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