

J. S. Peelman to Mr. Gallagher Memo
Re: HOUSE SELECT COMMITTEE
ON ASSASSINATIONS



O.S.

RECOMMENDATION:

That the captioned Committee be granted access to the information they seek, governed by the agreement with the Senate Select Committee on Intelligence Activities.

and jlf

APPROVED: _____

Director. <i>[Signature]</i>	Adm. Serv. _____	Legal Coun. _____
Assoc. Dir. <i>[Signature]</i>	Ext. Affairs _____	Plan. & Insp. _____
Dep. AD Adm. _____	Fin. & Pers. _____	Rec. Mgt. _____
Dep. AD Inv. <i>[Signature]</i>	Gen. Inv. <i>[Signature]</i>	S. & T. Serv. _____
	Ident. _____	Spec. Inv. _____
	Intell. _____	Training. _____

The Associate Director

11/4/76

Legal Counsel

HOUSE SELECT COMMITTEE ON ASSASSINATIONS

PURPOSE:

To advise of receipt of a letter addressed to the Attorney General dated 11/2/76 (copy attached), from Chairman of captioned Committee, for review of FBI files and Department of Justice files concerning the assassinations of President John F. Kennedy (JFK) and Dr. Martin Luther King, Jr. (MLK).

DETAILS:

[REDACTED]

HSCA

As to their access to FBI files, it is believed they should be granted access to the same extent that the Senate Select Committee on Intelligence Activities was granted. This position is consistent with what we understand has been in Departmental discussions with the Committee concerning this matter. Such access would include deletions or excisions of material which might disclose informants, sensitive sources or methods and involve obtaining third-agency clearance.

HSCA

[REDACTED], it is believed that this particular topic should be discussed with representatives of the Committee so that an understanding as to the needs of the Committee and the ability of the Bureau to comply can be met.

Enclosure

- ① - Mr. Gallagher - Enc.
- 1 - Mr. Leavitt - Enc.
- 1 - Mr. Mintz - Enc.
- 2 - Mr. Daly - Enc.

RECOMMENDATIONS - OVER

PVD:lad
(6)

62-117290-17

ENCLOSURE

(EP2)

Legal Counsel to the Associate Director
RE: HOUSE SELECT COMMITTEE ON ASSASSINATIONS

RECOMMENDATIONS:

(1) That the General Investigative Division in coordination with the Intelligence Division furnish their comments as to Committee access to FBI files.

(2) That the Office of Congressional Affairs in coordination with the General Investigative and Intelligence Divisions furnish a response to the Department concerning access to the files requested including a recommendation for a meeting with staff members to clear up questions they might have.

(3) That the Intelligence and General Investigative Divisions designate a supervisor to be a contact point for responses to Committee requests and advise Office of Congressional Affairs, Legal Counsel Division.

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FEDERAL BUREAU OF INVESTIGATION FOIPA DELETED PAGE INFORMATION SHEET

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_____ Page(s) withheld for the following reason(s):

For your information: IDENTICAL TO INFORMATION REFERRED TO DOJ FROM 62-117290-6 ENCLOSURE PAGE 1

The following number is to be used for reference regarding these pages:
62-117290-17 ENCLOSURE PAGE 4

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For your information: _____

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 62- 117290- 17 ENCLOSURE PAGE 5

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Memorandum

TO : Mr. R. J. Gallagher

FROM : J. G. Deegan *JGD*

SUBJECT : HOUSE SELECT COMMITTEE
ON ASSASSINATIONS

- 1 - Mr. R. G. Held
- 1 - Mr. J. B. Adams
- 1 - Mr. H. N. Bassett
- 1 - Mr. J. A. Mintz

DATE: 11/10/76

- 1 - Mr. T. W. Leavitt
- 1 - Mr. R. J. Gallagher
- 1 - Mr. J. O. Ingram
- 1 - Mr. J. G. Deegan
- 1 - Mr. P. V. Daly
- 1 - Mr. J. D. Maurice

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Admin. _____
- Comp. Syst. _____
- Ext. Affairs _____
- Files & Com. _____
- Gen. Inv. _____
- Ident. _____
- Inspection _____
- Intell. _____
- Laboratory _____
- Plan. & Eval. _____
- Spec. Inv. _____
- Training _____
- Legal Coun. _____
- Telephone Rm. _____
- Director Sec'y _____

approved
DDD

PURPOSE: To respond to Legal Counsel request for General Investigative and Intelligence Division comments regarding procedures to be utilized for complying with requests from captioned Committee; to recommend same procedures in complying with requests from the Senate Select Committee on Intelligence Activities be utilized; and to further recommend formation of new unit to handle such requests.

DETAILS: Memorandum Legal Counsel to the Associate Director 11/4/76 above caption, advised of request by the House Select Committee on Assassinations to review FBI and Department of Justice files concerning FBI investigation into the assassinations of President John F. Kennedy (JFK) and Dr. Martin Luther King, Jr. (MLK). Legal Counsel recommended captioned Committee be granted access to our files to the same extent the Senate Select Committee on Intelligence Activities was granted and that the General Investigative Division, in coordination with the Intelligence Division, furnish comments regarding Committee access to FBI file

Memorandum from Legal Counsel to Mr. J. B. Adams, 7/29/75 captioned "SENSTUDY 1975" advised that the proposed procedures concerning the handling of requests for documents by the Senate Select Committee had been approved by the Attorney General and the Senate Select Committee. A copy of the proposed procedures, attached to the 7/29/75 memorandum has been reviewed and the General Investigative and Intelligence Divisions agree the same procedures as to the degree of access to FBI information should be utilized when complying with requests from the House Select Committee on Assassinations. A copy of the 7/29/75 memorandum with proposed procedures is attached.

In order to immediately implement proposed procedures and to handle the large influx of anticipated requests, the following is recommended:

- (1) New unit be set up, unit chief to be designated, comprised of unit chief, 5 agent supervisors and 5 reviewer analysts, for expeditious handling of requests from captioned Committee, which could last as long as two years. Objective is formation of unit to develop expertise and background in handling such requests.

Enclosure
IDM:lek (11) 1-4

CONTINUED - OVER

11-16-76 12:50:45

ENCLOSURE

REC-5 11729-18

DEC 6 1976

3 enc

Memorandum to Mr. R. J. Gallagher
 Re: House Select Committee
 On Assassinations

(2) Initial manpower to be supplied by General Investigative and Intelligence Divisions. If necessary, additional special agent personnel will be assigned to handle.

(3) Initial staff to be comprised of Agents who will have responsibility to become knowledgeable in Lee Harvey Oswald, JFK and MLK investigations.

(4) New unit to be General Investigative Division operation assigned to Domestic Security Section and space to be allocated on 4th Floor, JEH Building.

RECOMMENDATIONS: (1) Same procedures*utilized in complying with requests from Senate Select Committee on Intelligence Activities be utilized in complying with requests from captioned Committee. *as to degree of access to FBI information-

TLL
1/20
 Director.....
 Asst. Dir. *DBK*
 Dep. AD Adm. *and*
 Dep. AD Inv. *gja*
 Ident.....
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m/xf

(2) Approval be granted to immediately implement recommendations 1 - 4, above, to handle captioned Committee requests.

TLL *Jan*
 APPROVED:
 Director.....
 Asst. Dir. *DBK*
 Dep. AD Adm. *and*
 Dep. AD Inv. *gja*
pu
m/xf
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UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir.	___
Dep. AD Adm.	___
Dep. AD Inv.	___
Asst. Dir.:	___
Admin.	___
Comp. Syst.	___
Ext. Affairs	___
Files & Com.	___
Gen. Inv.	___
Ident.	___
Inspection	___
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Laboratory	___
Legal Coun.	___
Plan. & Eval.	___
Spec. Inv.	___
Training	___
Telephone Rm.	___
Director Sec'y	___

- 1 - Mr. Mintz - Enc.
- 1 - Mr. Wannall - Enc.
- 1 - Mr. Cregar - Enc.

DATE: 7/29/75

- 1 - Mr. Hotis - Enc.
- 1 - Mr. Daly - Enc.

TO : J. B. Adams

FROM : Legal Counsel *J. B. Adams*

SUBJECT: SENSTUDY 1975

See me pls.
1) Attitude
2) Copy of [unclear]

On 7/25/75 at the request of Special Counsel for Intelligence Coordinator Michael Shaheen in the Department, a meeting was held between representatives of the FBI (SAs Paul B. Daly and John Thomas), representatives of the Senate Select Committee (John T. Elliff, Task Force head of the Domestic Task Force, Mark Gitenstein) and Michael Shaheen of the Department. At this meeting Mr. Shaheen advised that the proposed procedures concerning the handlings of requests for documents by the Senate Select Committee had been approved by the Attorney General and in the Senate Select Committee. (A copy is attached.)

Shaheen and Elliff indicated the purpose in meeting on the 25th along with an anticipated meeting on Monday, 7/28/75, was to assist the SSC in the planning of a superseding request in accordance with the newly established procedures concerning document requests. Both Shaheen and Elliff expressed concern at this time that the schedules set forth in the new agreement was such that in many instances the Bureau would not be able to respond in time to meet the deadlines. Additionally, Shaheen expressed concern that the provisions require that the Attorney General adjudicate any question as to the necessity of furnishing a document to the Committee and to make such a decision within 24 hours would be very burdensome.

Messrs. Elliff and Shaheen were advised by SA Daly that this would be true, pointing out that in many instances files are not readily available because of FOIA requests, needs of the Bureau's ongoing investigations and law suits in which it was necessary to view particular files. It was also pointed out that many of the requests of the Senate Select Committee necessitate the review of a number of files and/or numerous volumes of a particular file all of which are not necessarily available immediately. Mr. Shaheen advised that it was the Attorney General's desire that Senate Select Committee requests take precedence over all other matters including the Freedom of Information. It was pointed out to Mr. Shaheen that our responses to Freedom of Information Act are under deadline by law and; if

Enclosure

ST 110



PVD:lad 3/1975

(8)

ENCLOSURE CONTINUED 25 OVER

62-117290-18

Buy U.S. Savings Bonds Regularly on the Fourth Savings Plan

Legal Counsel to J. B. Adams Memorandum
RE: SENSTUDY 1975

this were to be the Attorney General's feelings, he should advise this Bureau in writing so that we would be in a position to use this statement of policy should this question arise during litigation. It was pointed out that in many areas of possible abuse set forth by the Senate Select Committee we have pending FOIA requests and/or litigation which require the availability of those files for responses.

Elliff indicated that it was the Committee's desire in their forthcoming superseding request to request material that had been previously furnished the Committee with the understanding that there would be less excisions made in compliance with the new agreement. He inquired as to whether the Bureau could advise him as to what material previously furnished was readily retrievable and could be furnished in accordance with a new request. He was advised by SAs Daly and Thomas that it was not possible at this time to give him a response, however, we would endeavor to make an analysis of prior requests to obtain this information and have it available for the meeting Monday, 7/28/75.

A general discussion was had concerning the new agreement especially concerning the type of material which might properly be excised and third agency problems. It was generally agreed upon that not only the identity of informants be excised but also information which might disclose the identity of informants might also be properly excised. Elliff indicated that the Committee did not wish to see many items referred to the Attorney General as is called for by the agreement for his decision and would rather at least on a preliminary basis where it was a question of the propriety of the excision that the discussion be held with ~~he~~ or one of his representatives before such a referral was made. Shaheen also indicated a desire that the referrals to the Attorney General be kept to a minimum. Regarding the "Third Agency" problems which are not addressed in the agreement there was no final decision arrived at. Elliff and Shaheen were under the impression that the clauses referring to foreign intelligence operations or foreign intelligence sources would handle this problem. They were advised that this was not the case. This was not true since even in these instances Senators on the Committee are given access after the Attorney General has made a determination that material involved "peculiarly sensitive foreign intelligence sources or peculiarly sensitive ongoing foreign

CONTINUED - OVER

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Legal Counsel to J. B. Adams Memorandum
RE: SENSTUDY 1975

intelligence operations." It was pointed out that this would require that many documents be referred to the Attorney General for his determination which would be contrary to Messrs. Elliff's and Shaheen's desires.

The meeting was held 7/28/75, Messrs. Gitenstein and Elliff of the Committee, Michael Shaheen and Steven K. Blackhurst of the Department, and SAs Paul V. Daly, [REDACTED] and Elmer Larson were in attendance. Regarding the "Third Agency" rule problem, we advised the Department and the Committee that we would continue to abide by this rule. The Committee presented a request dated July 28, 1975, captioned "Superseding Request for FBI Materials." This document amounted to a recapitulation of prior requests made by the Committee with a schedule for delivery set forth in accordance with the established guidelines for the production of documents. An item-by-item analysis of the request contained in the document was had and where necessary modifications concerning scheduled responses was made. It was obvious the intent of the Committee in making the superseding request was to have more documents made available in the Committee offices and also to have less excisions made on documents previously furnished the Committee based on prior requests. We were requested by Shaheen to prepare as soon as possible correspondence to the Attorney General setting forth instances where the deadlines set by the Committee could not be made. This prompted the provisions in the guidelines for the production of documents which require the Attorney General to notify the Committee Chairman and Vice Chairman within 24 hours of any expected delay beyond 96 hours of the request.

RECOMMENDATION:

Action. For information.

Request being handled separately -

JBA/R.J.

JMA

pen

unl

POD

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MPC
TJ

PROPOSED PROCEDURES

(1) The Domestic Task Force Leader* will submit periodically a list of specific materials, ~~xxxxxxx~~ pertaining to the inquiry being conducted under S.R. 21, to which the Committee staff wishes access or of which the Committee desires delivery. Any questions as to the ~~scope~~ ^{specificity,} of any portion of such list shall be identified by the Special Counsel and discussed at the time of acceptance of the list, between the DITL and the Special Counsel.

The first such list will be delivered to the Department of Justice within 48 hours of the adoption of this procedure, and will summarize and supersede all the presently outstanding requests; this list will be in priority order, "as fixed by the Committee, with fixed delivery/access dates specified. Those materials for which the Committee requests delivery or access shall be delivered to the Committee or made accessible in Room 4171 of the Hoover Building not later than within 48 96 hours of the date specified. The Committee Chairman and Vice Chairman shall be informed by the Attorney General, within 24 hours ^{each} of receipt of ~~the~~ request, of any delay beyond 48 96 hours, the expected length of the delay, and the specific reasons for the delay. Partial access or delivery shall be proffered, by the Bureau of/to any materials requested, while the balance of such materials are being prepared. A partial proffer shall not extend the time of full response set forth herein.

* Wherever used herein, the term Domestic Task Force Leader (DITL) is understood to include the Staff Director, the Chief Counsel and the Minority Counsel of the Senate Select Committee.

65-11729-78
ENCLOSURE
562

These procedures shall apply to all matters covered by paragraph 1. In the event of a specific problem arising with the applicability of these procedures to any matters in current litigation or any matters in which criminal prosecution is pending, or any matter which the Attorney General shall specifically designate as extraordinarily sensitive, a special procedure shall be undertaken.* Such specific problem areas shall be identified by the Attorney General to the Chairman and Vice Chairman by letter upon consideration of the lists submitted pursuant to this provision. The special procedure to be followed shall be proposed, defined, adopted, and followed after consideration by the SSC of the specific problem area and pertinent inquiry and discussion at the staff level.

(2) The following procedures shall apply (a) where delivery of materials requested might jeopardize FBI sensitive sources or ongoing operations, or (b) where the Domestic Task Force Leader requests access to materials, rather than delivery to the SSC.

(3) The Department will furnish access at the Hoover Building in Room 4171 to those materials requested:

(a) only to the members of the Committee, where it is determined by the Attorney General that the materials involve peculiarly sensitive foreign intelligence sources or peculiarly sensitive ongoing foreign intelligence operations.

* No restriction of currently operational arrangements is intended under this provision.

(b) In all other cases, to the appropriately cleared staff who will have access to all of the materials.

(c) An exception to (a) and (b) above is made for the identities of so-called "live" informants or potential informants as defined in the FBI Manual of Instructions as to which no access will be furnished unless the identity of the individual as an informant or potential informant has already been made known to the Committee, jointly agree on the limited disclosure of such identities to the Chairman and Vice Chairman.

(d) As to other information which would identify persons, as sources, who have provided or continue to provide information to the FBI, and as to whose identity the FBI has undertaken an obligation of confidentiality, the Committee and its staff shall preserve the confidentiality and shall make no use which would impair the confidentiality of this class of information to which access has been given, unless the identity of the individual as a source has already been made known to the Committee, or unless such information appears in materials which have been screened by the FBI as provided in paragraph 6 below.

* Examples of prohibited use are:

- (1) interviews of the source, as source
- (2) interviews or inquiries that would disclose the fact that the identity of a confidential source was made known to the staff.
- (3) public disclosure.

(4) Those materials to which the staff has access may be reviewed and studied in Room 4171 of the Hoover Building and such notes may be taken as deemed appropriate by the Staff.

(5) The Committee staff shall select from these materials to which access is herein provided, those materials which it deems pertinent to the Committee's inquiries and necessary for delivery to the Committee's offices.

(6) The Bureau shall make copies of such materials as are specified by the staff under the provisions of (5) above for transfer to the Committee's offices

(a) before the copies of such materials are taken to the Committee's offices, the Bureau shall, within 24 hours of the selection, make appropriate excisions and paraphrases of information which might, if inadvertently disclosed, endanger sensitive or sensitive FBI sources and/or ongoing operations.

(b) If the Task Force Leader has any objections to the excisions or paraphrases, the materials in issue will be forthwith conveyed by the Bureau, with a written statement of its grounds for its position, to the Special Counsel who shall resolve the matter by negotiation within 24 hours.

(c) In the event the matter is not resolved within 24 hours, the Special Counsel shall submit the matter forthwith to the Attorney General who shall notify the Chairman forthwith and arrange for an appropriate disposition.

(7) The Committee staff may remove to the office of SSC for appropriate use, any notes which they may make upon review of material screened by the FBI, as provided in (6) above, without such notes being reviewed by the Bureau. The Committee staff may remove notes on unscreened materials only if such notes are reviewed and cleared by the Bureau under the provisions of (5) (a) thru (c) above.

(8) The staff and the members of the Committee may examine the original materials to which the staff has been given access as extensively as necessary, in the Hoover Building at Room 4171, during normal FBI business hours; upon reasonable notice, special arrangements may be made for access at other times.

(9) These procedures are adopted subject to satisfactory experience in implementation. If after a fair trial the procedures herein do not operate suitably in the view of either the SSC or the Attorney General, the procedures may be unilaterally set aside by either the SSC or the Attorney General and other appropriate and suitable methods of procedure undertaken.

UNITED STATES GOVERNMENT

Memorandum

TO : The Associate Director

DATE: 11/23/76

FROM : Legal Counsel *jm*

SUBJECT: HOUSE SELECT COMMITTEE ON ASSASSINATIONS

- Assoc. L. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.: _____
- Adm. Serv. _____
- Ext. Affairs _____
- Fin. & Pers. _____
- Gen. Inv. _____
- Ident. _____
- Inspection _____
- Intell. _____
- Lab. _____
- Leg. Coun. _____
- Plan. & Eval. _____
- Rec. Mgnt. _____
- Spec. Inv. _____
- Training _____
- Telephone Rm. _____
- Director Sec'y _____

*Rec'd
11/23/76
FD 4436*

The purpose of this memorandum is to advise of instructions by the Department concerning captioned Committee request.

DETAILS:

Attached memorandum from Michael M. Uhlmann, Assistant Attorney General, Office of Legislative Affairs, dated November 11, 1976, sets forth stipulation reached between the Committee and the Department of Justice: that all requests for access to Department of Justice personnel or files must be in writing. There have been attempts by staff members of their Committee to make personal contacts with Departmental employees according to aforementioned memorandum. In compliance with the instructions of the Department, Bureau personnel should not entertain oral requests by captioned Committee and if contacted, personnel should refer the caller to the Office of Congressional Affairs, Legal Counsel Division.

RECOMMENDATION:

For information.

Enclosure

- 1 - Mr. Held - Enclosure
- 1 - Mr. Adams - Enclosure
- 1 - Mr. McDermott - Enclosure
- 1 - Each Assistant Director - Enclosure
- 2 - Mr. Daly - Enclosure

APPROVED:

jm
Director _____
Asst. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____

- Adm. Serv. _____
- Ext. Affairs _____
- Fin. & Pers. _____
- Gen. Inv. _____
- Ident. _____
- Intell. _____

- Legal Coun. _____
- Plan. & Insp. _____
- Rec. Mgnt. _____
- S. & T. Serv. _____
- Spec. Inv. _____
- Training _____

REC 61

EX-113

62-11729-19

5 DEC 6 1976

PVD:mcz
(18) *mcz*
84 4 1977 *jm*



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

LEGAL COUNSEL

UNITED STATES GOVERNMENT

Memorandum

TO : The Associate Director

DATE: 12/3/76

FROM : Legal Counsel *[Signature]*

SUBJECT: HOUSE SELECT COMMITTEE ON ASSASSINATIONS

Assoc. Dir.	_____
Dep. AD Adm.	_____
Dep. AD Inv.	_____
Asst. Dir.:	
Adm. Serv.	_____
Ext. Affairs	_____
Fin. & Pers.	_____
Gen. Inv.	_____
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Spec. Inv.	_____
Training	_____
Telephone Rm.	_____
Director Sec'y	_____

The purpose of this memorandum is to advise of a letter from Attorney General Levi to Thomas M. Downing, Chairman of captioned Committee, dated November 17, 1976, and a letter from Michael M. Uhlmann to the Chairman dated November 18, 1976, (copies attached).

DETAILS:

By letter dated November 17, 1976, Attorney General Levi advised that personnel of the Department of Justice and the FBI have been working to inventory and assemble materials that fall within the Committee's request and that arrangements to make them readily accessible are proceeding.

By letter dated November 18, 1976, Assistant Attorney General Michael M. Uhlmann advised the Chairman that there are approximately 50,000 pages of material in the Dr. Martin Luther King, Jr., file and approximately 90,000 pages in the President Kennedy assassination file. Mr. Uhlmann advised that the material in these volumes will be made available at FBI Headquarters for review by this Committee and staff except for areas where disclosure will be subject to legal limitations or other restraints of a compelling nature. These letters were furnished by Mr. Uhlmann to SA Paul V. Daly, Office of Congressional Affairs, Legal Counsel Division, on 11/26/76.

RECOMMENDATION:

For information.

APPROVED:

Adm. Serv.	_____	Legal Coun.	_____
Ext. Affairs	_____	Fin. & Pers.	_____
Fin. & Pers.	_____	Rec. Mgnt.	_____
Gen. Inv.	_____	S. & T. Serv.	_____
Ident.	_____	Spec. Inv.	_____
Intell.	_____	Training	_____

Enclosures (2) ENCLOSURE EX-113

REC 61 62-117290

- 1 - Mr. Gallagher (enc. 2)
- 1 - Mr. Peelman (enc. 2)
- 1 - Mr. Lawn (enc. 2)

- 1 - Mr. Mintz (enc. 2)
- 2 - Mr. Daly (enc. 2)
- 1 - Mr. Coulson (enc. 2)

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DOCS (8)

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

LEGAL COUNSEL

FBI/DOJ

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FEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

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62-117290-20 ENCLOSURE PAGES 1-3

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FEDERAL BUREAU OF INVESTIGATION FOIPA DELETED PAGE INFORMATION SHEET

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 Congressional document - outside the purview of the FOIA.

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1 - Mr. Gallagher
1 - Mr. Peelman

Assistant Attorney General
Office of Legislative Affairs ~~FEDERAL GOVERNMENT~~

December 13, 1976

Director, FBI

1 - Mr. Ingram
1 - Mr. Lawn
2 - Mr. Mintz (Att:
Mr. Daly)

SELECT COMMITTEE ON ASSASSINATIONS
UNITED STATES HOUSE OF REPRESENTATIVES (HSCA)



HSCA

Enclosed for your approval and forwarding to the Committee is an original of a memorandum together with seventy-six pages of information which have previously been released to other requesters under the Freedom of Information Act. A copy of the memorandum is furnished for your record.

and encl.
RECORDED COPY (1/23/77) 118

It is being pointed out to HSCA, that the FBI has no retrieval capability, at the present time, to extract complete, specific, topical information from the entire Kennedy investigative file. However, this file is being prepared for the access of HSCA and it is felt that HSCA's thorough review of documents contained therein will provide the information it seeks.

Enclosures (77)

DJC:giw (10)
1 - 62-109060

62-117290-20X1

APPROVED: <i>[Signature]</i>	Ext. Affairs _____	Laboratory _____
Assoc. Dir. _____	Fin. & Pers. _____	Legal Coun. _____
Dep. AD Adm. _____	Gen. Inv. _____	Plan. & Insp. _____
Dep. AD Inv. _____	Ident. _____	Rec. Mgnt. _____
Asst. Dir.: _____	Intell. _____	Spec. Inv. _____
Adm. Serv. _____		Training _____

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Adm. Serv. _____
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- Rec. Mgnt. _____
- Spec. Inv. _____
- Training _____

ENCLOSURE

60 MAR 12 1981

Telephone Rm. _____ MAIL ROOM TELETYPE UNIT

22 MAR 10 1981
TO BE HAND DELIVERED BY
OFFICE OF CONGRESSIONAL AFFAIRS
(LEGAL COUNSEL DIVISION)

Delivered 12/15/76
to Mr. Ann 13/Kor
D.C.

1 - Mr. Gallagher
1 - Mr. Peelman

December 13, 1976

1 - Mr. Ingram
1 - Mr. Lawn
2 - Mr. Mintz (Att: Mr. Daly)

**SELECT COMMITTEE ON ASSASSINATIONS
UNITED STATES HOUSE OF REPRESENTATIVES (HSCA)**

RE:

[REDACTED]

HSCA

[REDACTED]

The material being furnished at this time relating to [REDACTED] has been previously furnished to requesters under the Freedom of Information Act. It includes seventy-three pages of laboratory data and a three page letter to the Honorable J. Lee Rankin, dated August 12, 1964, for a total of seventy-six pages.

HSCA

Since a topical index is not maintained at FBI Headquarters whereby this Bureau can readily and completely retrieve all references contained in our files [REDACTED]

n/s

[REDACTED] the complete Kennedy investigative file is being prepared for the access of HSCA staff members as previously agreed upon. As this file is made available, a thorough review of its documents by HSCA staff members will permit them to retrieve the desired information.

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Adm. Serv. _____
- Ext. Affairs _____
- Fin. & Pers. _____
- Gen. Inv. _____
- Ident. _____
- Inspection _____
- Intell. _____
- Laboratory _____
- Legal Coun. _____
- Plan. & Eval. _____
- Rec. Mgnt. _____
- Spec. Inv. _____
- Training _____
- Telephone Rm. _____
- Director Sec'y _____

1 - Assistant Attorney General
Office of Legislative Affairs

1 - 62-8109060

DJC:gjw (10)

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ENCLOSURE

62-117290-20X1
SEE NOTE PAGE TWO.

SELECT COMMITTEE ON ASSASSINATIONS

NOTE:

HSCA



FOIA/PA Section, Records Management Division, advises that the seventy-six pertinent pages now being furnished to HSCA have previously been furnished to other requesters under FOIA. These documents include the following:

Fifty-four pages of laboratory work sheets.

Laboratory Work Sheet of two pages, lab #PC-78243 BX JV GH, recorded 11/26/63 KO, with two back-up pages.

Laboratory Work Sheet, recorded 11/26/63 KO, relating to Q19 through Q29.

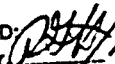

Laboratory Work Sheet, lab #PC-78378 BX HB, recorded 12/4/63, with five back-up pages.

Laboratory Work Sheet, lab #PC-80185 BX HB, dated 4/9/64, with five back-up pages.

Laboratory Work Sheet, recorded 8/7/64, re piece of curbing with one back-up page.

Three page letter of 8/12/64 to Honorable J. Lee Rankin.

With respect to additional documents, the Kennedy investigative file is being prepared for the access of the Committee. Review of this file by the Committee in accordance with previously agreed upon procedure, should provide the additional information it seeks.

APPROVED: 	Ext. Affairs _____	Laboratory _____
Assoc. Dir. _____	Fin. & Pers. _____	Legal Coun. _____
Dep. AD Adm. _____	Gen. Inv. 	Plan. & Insp. _____
Dep. AD Inv. _____	Ident. _____	Rec. Mgmt. _____
Asst. Dir.: _____	Intell. _____	Spec. Inv. _____
Adm. Serv. _____		Training _____

1 - Mr. Adams
 1 - Mr. Gallagher
 1 - Mr. Mintz
 1 - Mr. Peelman
 December 10, 1976

Assistant Attorney General
 Office of Legislative Affairs

Director, FBI

FEDERAL GOVERNMENT

1 - Mr. Lawn
 2 - Mr. Daly
 1 - Mr. Coulson

HOUSE SELECT COMMITTEE ON ASSASSINATIONS

I wish to express my concern regarding the eventual dissemination of material obtained from FBI files by the House Select Committee on Assassinations. The Committee through its staff will be given access to sensitive materials in connection with their inquiry into the assassinations of President John F. Kennedy and Dr. Martin Luther King, Jr.

In the past Congressional committees have agreed to refrain from publishing certain information such as the names of our Special Agents below the level of Section Chief. In the course of conducting both of these investigations, information was obtained from concerned citizens which was of value in our inquiries. The dissemination of the names of these individuals, our Special Agents, and certain other sensitive information, could be detrimental to the investigative interest of this Bureau.

I am aware of no restrictions placed upon this Committee regarding official disclosure of materials obtained during the Committee's inquiries. I feel this matter should be discussed with appropriate Committee personnel, and I would like to arrange a meeting between you and your staff and representatives of this Bureau to discuss my concerns.

MAILED 6
 DEC 10 1976

And

62-117290-21
 REC-39
 ET DEC 14 1976

Note: In the past the Bureau has had agreements with the Senate Select Committee and other committees of Congress regarding the eventual dissemination of information obtained from Bureau files. Legal Counsel Division is concerned with the problem of dissemination and particularly with the dissemination of Agents' names. In the past Congressional committees have agreed to the dissemination of the names of Agent personnel at the level of Section Chief and above. It is felt that a meeting with the Department of Justice and ultimately with the Committee staff is necessary to secure the Bureau's interest.

Assoc. Dir. _____	APPROVED:	Adm. Serv. _____	Legal Coun. _____
Dep. AD Adm. _____	Director _____	Ext. Affairs _____	Plan. & Insp. _____
Dep. AD Inv. _____	Assoc. Dir. _____	Fin. & Pers. _____	Rec. Mgt. _____
Asst. Dir.:	Dep. AD Adm. _____	Gen. Inv. _____	S. & T. Serv. _____
Adm. Serv. _____	Dep. AD Inv. _____	Ident. _____	Spec. Inv. _____
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Legal Coun. _____			
Plan. & Eval. _____			
Rec. Mgt. _____			
Spec. Inv. _____			
Training _____			
Telephone Rm. _____			
Director Sec'y _____			

57 DEC 20 1976

FBI

Date: 10/18/76

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL AIRMAIL
(Precedence)

TO: DIRECTOR, FBI
ATTENTION: GENERAL INVESTIGATIVE DIVISION

FROM: SAC, SACRAMENTO (62-34) (C)

SUBJECT: ~~HOUSE-SENATE INVESTIGATION INTO DEATHS OF FORMER PRESIDENT JOHN F. KENNEDY AND MARTIN LUTHER KING~~

House Select Committee on Assassinations

On 10/15/76, RICHARD SPRAGUE, Special Counsel for the House and Senate investigation into the deaths of President JOHN F. KENNEDY and MARTIN LUTHER KING, telephonically advised SA WILLIAM LOGAN CURTIS that he had recently met with officials of the U. S. Department of Justice. He indicated to them that he might request the assistance of certain FBI Agents to help in his investigation. They asked if he had in mind Agents who had worked on the YABLONSKI murder investigation, to which he responded in the affirmative. REC-60

Mr. SPRAGUE asked SA CURTIS if he would be agreeable to assisting in this investigation if details could be worked out between him and FBIHQ.

Mr. SPRAGUE was advised that SA CURTIS would be interested however, this decision could only be made NOV 11 1976 by FBIHQ. It was further related that SA CURTIS would only consider this if there was a pay increase, moving and travel expenses for SA CURTIS and his family were paid, and upon completion of the investigation, SA CURTIS could return to the Sacramento Division.

This is being furnished to the Bureau for information purposes.

2 - Bureau
2 - Sacramento (1 - 62-34)
(1 - Personnel File - SA WILLIAM LOGAN CURTIS)

WLC:jk

JAN 14 1977

Special Agent in Charge

Sent _____ M Per _____

ST
RECORDS UNIT

Handwritten notes and signatures:
62-117290-22
NOV 11 1976
JAN 18 1977
DEC 16 1976
XEROX
cc [unclear]
cc [unclear]

UNITED STATES GOVERNMENT

Memorandum

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Adm. Serv. _____
- Ext. Affairs _____
- Fin. & Pers. _____
- Gen. Inv. _____
- Ident. _____
- Inspection _____
- Intell. _____
- Laboratory _____
- Legal Coun. _____
- Plan. & Eval. _____
- Rec. Mgnt. _____
- Spec. Inv. _____
- Training _____
- Telephone Rm. _____
- Director Sec'y _____

TO : Mr. Gallagher *AG*

DATE: 12/10/76

FROM : J. S. Peelman/

- 1 - Mr. Gallagher
- 1 - Mr. Ingram
- 1 - Mr. Peelman
- 1 - Mr. Lawn
- 1 - Mr. Decker (Attn: Mr. Bailey) *AG*

SUBJECT: REPRODUCTION OF MATERIAL
CONGRESSIONAL INQUIRY UNIT

PURPOSE: To recommend that attached Reproduction of Material form be approved as an interim procedure for use by the Congressional Inquiry Unit in making available, for immediate review to the House Select Committee (HSC) on Assassinations, complete excised copies of pertinent Kennedy - King files totaling in excess of 700 volumes.

RECOMMENDATION: That the attached Reproduction of Material form be approved as an interim procedure in lieu of making notations on each original serial of these Kennedy - King files as to number of copies prepared as set out in the Manual of Rules and Regulations.

APPROVED:	Adm. Serv. _____	Legal Coun. _____
Director _____	Ext. Affairs _____	Plan. & Insp. _____
Assoc. Dir. _____	Gen. Inv. <i>g/kvn</i>	Spec. Inv. _____
Dep. AD Adm. _____	Ident. _____	Training _____
Dep. AD Inv. _____	Intell. _____	

DETAILS: Manual of Rules and Regulations, Part II, Section 4-0 sets out in part ". . . when Xerox copies or other photo copies are made of material, the date and number of copies prepared must be set forth on the original." *W*

The Congressional Inquiry Unit is currently reproducing all of the files relating to the Kennedy - King assassinations which constitute in excess of 700 volumes. This is being done on an expedite basis to honor the HSC's requests as approved by the Office of Legislative Affairs, Department of Justice, for immediate access. Because of the need for expeditious reproduction of these files, the process of noting number of reproductions and date on each original serial would be burdensome, time-consuming and impractical. As an interim

Enclosure *Y-71* DE-47 REC-76
UCL:sas (6) *ST-102*

62-117290 - 23
DEC 28 1976

CONTINUED - OVER

SEE RECORDS MANAGEMENT DIV. ADDENDUM

84 6

1977. Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

FBI/DOJ

UNITED STATES GOVERNMENT

Memorandum

TO : The Associate Director

DATE: 12/20/76

FROM : Legal Counsel *[Signature]*

SUBJECT: HOUSE SELECT COMMITTEE ON ASSASSINATIONS

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Adm. Serv. _____
- Ext. Affairs _____
- Fin. & Pers. _____
- Gen. Inv. _____
- Ident. _____
- Inspection _____
- Intell. _____
- Laboratory _____
- Legal Coun. *[Signature]*
- Plan. & Eval. _____
- Rec. Mgnt. _____
- Spec. Inv. _____
- Training _____
- Telephone Rm. _____
- Director Sec'y _____

The purpose of this memorandum is to advise of an article concerning the House Select Committee on Assassinations that appeared in the Los Angeles Times on 12/15/76.

DETAILS:

Attached hereto is a Xerox copy of an article that appeared in the Los Angeles Times on 12/15/76, on page 16, part I.

The attached article captioned "Assassination Probe Will Study Slayings of Giancana, Rosselli for Possible Link" by Norman Kempster, details certain investigative techniques and intentions of this Committee. The article indicates that the Committee plans to purchase two tiny transmitters to be hidden in the clothing of an investigator during the questioning of a potential witness. When combined with a stress evaluator this device will permit the Committee to "...subject individuals to secret lie detector tests." Richard A. Sprague, Committee Staff Director, indicated that witnesses "...including present or former government officials would be asked to submit voluntarily to a polygraph test. The stress evaluator can be used when a person does not agree to a polygraph." Sprague indicated that the Committee might even reveal the identity of CIA Agents if necessary to tell the full story. Sprague also indicated that the FBI and the CIA had agreed to give the Committee access to "raw files" of the two agencies.

Enclosure

- 1 - Mr. Adams (enc.)
- 1 - Mr. Gallagher (enc.)
- 1 - Mr. Leavitt (enc.)
- 1 - Mr. Moore (enc.)
- 1 - Mr. Mintz (enc.)
- 1 - Mr. Lawn (enc.)
- 2 - Mr. Daly (enc.)
- 1 - Mr. Coulson (enc.)

REC-46

62-117290-24

24 DEC 28 1976

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CONTINUED - OVER



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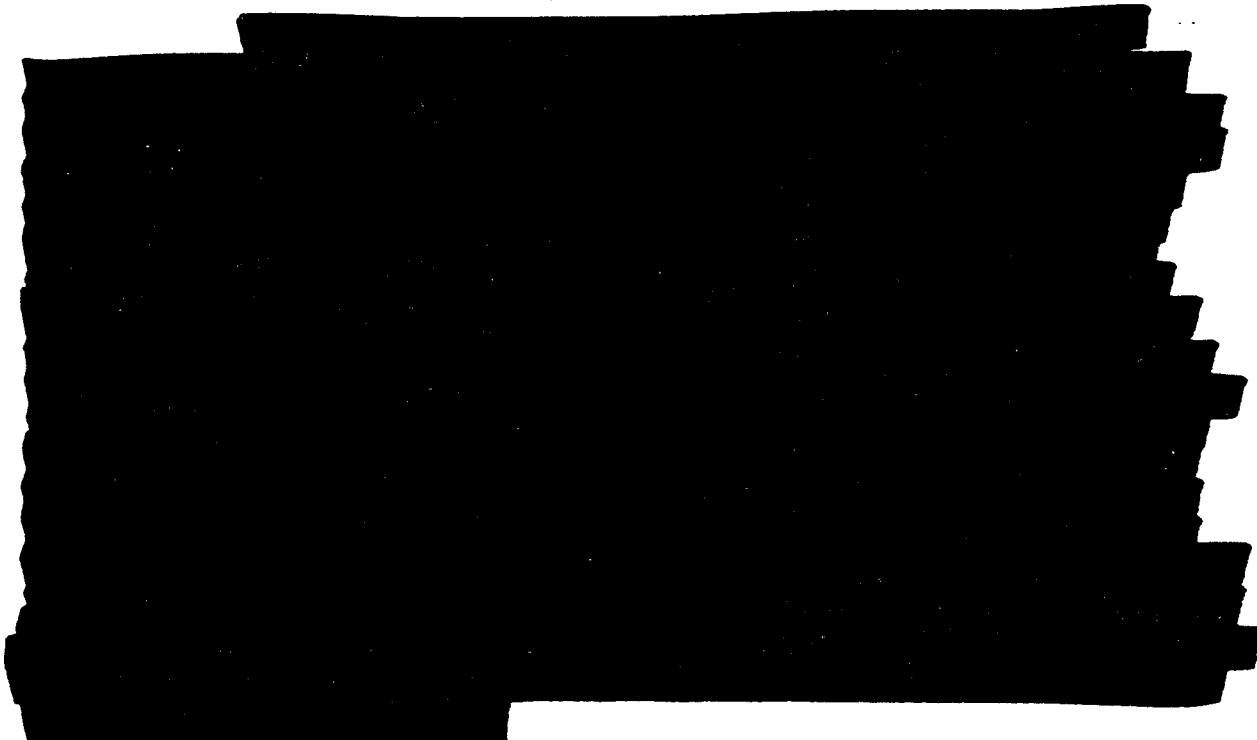
(10)

1977

84

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Legal Counsel to the Associate Director Memo
RE: HOUSE SELECT COMMITTEE ON ASSASSINATIONS



HSCA
↓
CONGR'L
MTRL

RECOMMENDATION:

Doc For information.

Doc

per

-2-

APPROVED:

Director *[Signature]*
Assoc. Dir. *[Signature]*
Dep. AD Adm. *[Signature]*
Dep. AD Inv. *[Signature]*

Adm. Serv. _____
Ext. Affairs _____
Fin. & Pers. _____
Gen. Inv. _____
Ident. _____
Intell. _____

Legal Coun. *[Signature]*
Plan. & Insp. _____
Rec. Mgt. _____
S. & T. Serv. _____
Spec. Inv. _____
Training _____

Assassination Probe Will Study Slayings of Giancana, Rosselli for Possible Link

BY NORMAN KEMPSTER

Times Staff Writer

WASHINGTON—A new congressional committee plans a thorough investigation of the murder of Sam Giancana and John Rosselli to find out if the mobsters' deaths were linked to the assassination of President John F. Kennedy.

Richard A. Sprague, staff director of the House assassinations committee, said Tuesday that the panel would explore the relationship between the President and the two mob figures as part of its investigation of the killings of Kennedy and civil rights leader Dr. Martin Luther King.

"In the investigations of both King and Kennedy, any other murder that has the appearance of relevancy must be investigated as well," Sprague, a former Philadelphia prosecutor, said during a breakfast meeting with The Times' Washington bureau.

Outlining his plans for the \$6.5 million-a-year inquiry he has proposed, Sprague said that his staff would use extensively two types of lie detectors: the usual polygraph, which must be physically attached to the witness, and a "stress evaluator," which its developers claim can indicate truth or falseness of tape-recorded statements.

The committee also plans to purchase two tiny transmitters that can be hidden in the clothing of an investigator during the questioning of a potential witness. When combined with the stress evaluator, this device will permit the committee to subject individuals to secret lie detector tests.

Sprague said that witnesses, including present or former government officials, would be asked to submit voluntarily to a polygraph test. "The stress evaluator can be used when a person does not agree to the polygraph," he said.

Discussing the value of the poly-



Richard A. Sprague

AP Photo

ator "can subject someone to a test and have the person remain mute, yet on the basis of the questions and the reading of the emotional responses, he can pinpoint where people met, on what occasions, who met them."

He said that no "bona fide" conclusion could be reached if a person refused to take a polygraph test. But he added, "from an investigator's standpoint, it might then make us question why not, and dig in that particular area more thoroughly."

Sprague said that the purpose of the investigation was to answer the many questions that have been raised since the Warren Commission concluded that Lee Harvey Oswald was the lone assassin of Kennedy and since James Earl Ray pleaded guilty to the murder of King.

He said the committee would make public—chiefly through public hear-

ings, even if the disclosures might affect individuals or government agencies only indirectly connected to the murders.

Sprague said the committee might even reveal the identity of undercover CIA agents, if necessary to tell the full story.

Sprague said last week that the committee would hire its own investigators because it could not rely on the FBI and the CIA to do its leg work. He said that the agencies had withheld information from the Warren Commission on at least two occasions.

In elaborating on the matter Tuesday, Sprague said his staff has discovered instances in which federal agencies withheld information from the commission in addition to the previously disclosed situations. He declined to elaborate but he promised to supply details later.

"It is important to trace through each and every step that has the appearance of relevancy, even if it shows that the reason for the nondisclosure was for some other motive than involvement in the murders," he said.

It was in that connection that Sprague said the committee must conduct its own investigation of the deaths of Giancana, who was shot at least seven times in the basement of his Chicago home last year, and of Rosselli, who was killed and stuffed into an oil drum that later was found floating in Biscayne Bay near Miami earlier this year.

Giancana, reported once to have been second in command in the Chicago mob previously headed by Al Capone, and Rosselli, alleged to have been Giancana's West Coast lieutenant and who was once arrested for fixing card games at the Friars Club in Los Angeles, shared both friends and enemies with Kennedy.

Judith Campbell Exner, a woman

UNITED STATES GOVERNMENT

Memorandum

TO : The Associate Director

DATE: 12/13/76

FROM : Legal Counsel *JM*

SUBJECT: HOUSE SELECT COMMITTEE ON ASSASSINATIONS

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Adm. Serv. _____
- Ext. Affairs _____
- Fin. & Pers. _____
- Gen. Inv. _____
- Ident. _____
- Inspection _____
- Intell. _____
- Laboratory _____
- Legal Coun. _____
- Plan. & Insp. _____
- Rec. Mgt. _____
- Spec. Inv. _____
- Training _____
- Telephone Rm. _____
- Director Sec'y _____

PURPOSE:

To advise of request from the Assistant Attorney General, Office of Legislative Affairs, for Bureau to draft a letter concerning retention of Bureau information relevant to that Committee's investigation.

DETAILS:

Assistant Attorney General Michael Uhlmann, Office of Legislative Affairs, on 12/10/76, advised SA Paul V. Daly of this Division that Douglas Marvin, Counselor to the Attorney General, requested that the FBI prepare a draft letter for the Attorney General to be sent to the Chairman of captioned Committee indicating that the FBI would not destroy material relevant to that Committee's inquiry. At this time, the prime interest of the Committee is, of course, the FBI's investigation into the assassinations of President John F. Kennedy and Dr. Martin Luther King.

In view of the nature of this request, it is believed appropriate that Records Management Division prepare response.

RECOMMENDATION:

That Records Management Division expeditiously prepare a draft letter for the Attorney General responding to the aforementioned.

- 2 - Mr. Decker
(1 - Mr. Awe)
- 2 - Mr. Gallagher
(1 - Mr. Lawn)
- 1 - Mr. Mintz
- 2 - Mr. Daly

APPROVED:

Director _____
 Assoc. Dir. *JM*
 Dep. AD Adm. _____
 Dep. AD Inv. *JM*

Adm. Serv. _____
 Ext. Affairs _____
 Fin. & Pers. _____
 Gen. Inv. _____
 Ident. _____
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 Legal Coun. *JM*
 Plan. & Insp. _____
 Rec. Mgt. _____
 S. & T. Serv. _____
 Spec. Inv. _____

REC-87 62-117290-25

DEC 28 1976

PVD:lad LAD
(8)

LEGAL COUNSEL
JM

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Decker *ASJ/KWD*

FROM : J. W. Awe *JWA*

SUBJECT: HOUSE SELECT COMMITTEE
ON ASSASSINATIONS

DATE: 12/17/76

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:

- Adm. Serv. _____
- Ext. Affairs _____
- Fin. & Pers. _____
- Gen. Inv. _____
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- Laboratory _____
- Legal Coun. _____
- Plan. & Eval. _____
- Rec. Mgnt. _____
- Spec. Inv. _____
- Training _____
- Telephone Rm. _____
- Director Sec'y _____

PURPOSE:

The purpose of this memorandum is to obtain approval to send the attached letter to the Attorney General with a Letterhead Memorandum enclosed indicating the FBI would not destroy material relevant to the Committee's inquiry. This is in accordance with Legal Counsel memorandum to Associate Director dated 12/13/76. *25*

DETAILS:

Referenced memorandum requested the Records Management Division to prepare a draft letter for the Attorney General that could be sent to the chairman of captioned Committee indicating that the FBI would not destroy material relevant to the Committee's inquiry. The prime interest of the Committee is the FBI's investigation into the assassinations of President John F. Kennedy and Dr. Martin Luther King, Jr.

Accordingly, there is attached a letter to the Attorney General with an appropriate Letterhead Memorandum relative to this matter which is self-explanatory.

REC-876 2-11729-26

RECOMMENDATION:

ST-108

7 DEC 29 1976

That approval be given to send the attached letter to Attorney General with the enclosed Letterhead Memorandum.

Enclosure

1 - Mr. Mintz
Attention: Mr. P.V. Daly

JWA:evp
(5)

APPROVED:

JOI/KWD

Director _____
Assoc. Dir. *DOO*
Dep. AD Adm. _____
Dep. AD Inv. *DM*

Adm. Serv. _____
Ext. Affairs _____
Fin. & Pers. _____
Gen. Inv. *GRSP*
Ident. _____
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Legal Coun. *JA*
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S. & T. Serv. _____
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Training _____



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The Attorney General

December 20, 1976

Director, FBI

2

FEDERAL GOVERNMENT

HOUSE SELECT COMMITTEE
ON ASSASSINATIONS

The Assistant Attorney General Michael Uhlmann, Office of Legislative Affairs, advised Special Agent Paul V. Daly of the FBI that Douglas Marvin, Counselor to the Attorney General, requested that the FBI prepare a draft letter for the Attorney General to be sent to the Chairman of the House Select Committee on Assassinations indicating that the FBI would not destroy material relevant to that Committee's inquiry. The prime interest of the Committee is the FBI's investigation into the assassinations of President John F. Kennedy and Dr. Martin Luther King, Jr.

In accordance with this request, there is attached a Letterhead Memorandum that may be provided to the chairman of the Committee regarding this matter. Also enclosed is a copy of the Bureau's Records Retention Plan as approved by the National Archives and Records Service.

Enclosures (2)

MAILED 2 ST-108
DEC 23 1976
FBI

REC-87 62-117290-27

DEC 29 1976

NOTE: This is in accordance with Legal Counsel memorandum to the Associate Director dated 12/13/76 regarding captioned matter which requested the Records Management Division to prepare a draft letter regarding this matter.

1 - Mr. Mintz
Attention: Mr. P.V. Daly

APPROVED: _____	Adm. Serv. _____	Legal Coun. _____
Director _____	Ext. Affairs _____	Plan. & Insp. _____
Assoc. Dir. _____	Fin. & Pers. _____	Rec. Mgnt. _____
Dep. AD Adm. _____	Gen. Inv. _____	S. & T. Serv. _____
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	Intell. _____	Training _____

- Assec. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
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- Adm. Serv. _____
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- Spec. Inv. _____
- Training _____

JWA:evp
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JOI/and
ENCLOSURE
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DEC 29 1976
FBI/DOJ

December 20, 1976

DISPOSITION OF FBI FILES

OR HISTORICAL

Federal regulations (41 CFR 101-11) require that records of continuing value are preserved and that records no longer of current use are disposed of promptly. In connection with these regulations, the FBI follows an active destruction program for obsolete material in accordance with the Records Retention Plan established by the National Archives and Records Service (NARS). Destruction relating to investigative matters generally applies to: (a) cases in which there was no prosecution, (b) perpetrators of violations not developed, and (c) investigation revealed allegations were unsubstantiated or not within the FBI's jurisdiction.

Additionally, NARS has provided authority for all FBI field offices to destroy investigative matters when the case is closed since the field is required to forward to FBI Headquarters the originals, duplicates, or summarizations of substance of all significant aspects of pertinent investigative matters. However, this authority has not been completely delegated to the field since they have a need to maintain certain files for investigative reference. For this purpose, the field may destroy files after they have been closed for: (a) six months in Auxiliary (or lead) Offices and (b) ten years in Office of Origin (controlling offices).

The FBI, however, is taking great care to insure that no files are destroyed that involve litigation or matters that would be of interest to a Congressional inquiry. In accordance with the House Select Committee on Assassinations, the FBI's investigation into the assassinations of President John F. Kennedy and Dr. Martin Luther King, Jr. would be of prime interest to the Committee. Therefore, FBI Headquarters advised all field offices on November 24, 1976, that all files regarding these matters (even though they are duplicated at FBI Headquarters with all pertinent and significant data) should not be destroyed.

- Assec. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Adm. Serv. _____
- Ext. Affairs _____
- Fin. & Pers. _____
- Gen. Inv. _____
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- Plan. & Eval. _____
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- Spec. Inv. _____
- Training _____
- Telephone Rm. _____
- Director Sec'y _____

JWA:evp3
(7)

JOE/KUK

APPROVED

Director _____
 Assoc. Dir. _____
 Dep. AD Adm. _____
 Dep. AD Inv. _____

Adm. Serv. _____
 Ext. Affairs _____
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 Training _____

MAIL ROOM

TELETYPE UNIT

ENCLOSURE

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XXXXXX

FEDERAL BUREAU OF INVESTIGATION FOIPA DELETED PAGE INFORMATION SHEET

_____ Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

- Deleted under exemption(s) _____ with no segregable material available for release to you.
- Information pertained only to a third party with no reference to you or the subject of your request.
- Information pertained only to a third party. Your name is listed in the title only.
- Document(s) originating with the following government agency(ies) _____, was/were forwarded to them for direct response to you.

_____ Page(s) referred for consultation to the following government agency(ies); _____ as the information originated with them. You will be advised of availability upon return of the material to the FBI.

35 Page(s) withheld for the following reason(s):
Information in this serial has been flagged for classification review.

For your information: You will be advised of the release determination of this material pending completion of the classification review.

The following number is to be used for reference regarding these pages:
62- 117290- 27 ENCLOSURE PAGES 1-35

XXXXXX
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XXXXXX

XXXXXXXXXXXXXXXXXXXXX
X DELETED PAGE(S) X
X NO DUPLICATION FEE X
X FOR THIS PAGE X
XXXXXXXXXXXXXXXXXXXXX

UNITED STATES GOVERNMENT

Memorandum

TO : The Associate Director

DATE: 12/17/76

FROM : Legal Counsel *JM*

SUBJECT: HOUSE SELECT COMMITTEE ON ASSASSINATIONS (HSCA)

Assoc. Dir.	_____
Dep. AD Adm.	_____
Dep. AD Inv.	_____
Asst. Dir.:	
Adm. Serv.	_____
Ext. Affairs	_____
Fin. & Pers.	_____
Gen. Inv.	_____
Ident.	_____
Inspection	_____
Intell.	_____
Laboratory	_____
Legal Coun.	_____ <i>JM</i>
Plan. & Eval.	_____
Rec. Mgnt.	_____
Spec. Inv.	_____
Training	_____
Telephone Rm.	_____
Director Sec'y	_____

PURPOSE:

To advise of meeting with HSCA.

SYNOPSIS:

Meeting held with representatives of HSCA to discuss various matters including background investigations to be conducted by FBI. No agreement was reached. Main problem from HSCA's standpoint is the Executive Branch requirements concerning security clearances prior to access to Executive Branch material.

RECOMMENDATION:

That the FBI agree to accept the returned summaries of background inquiries for retention for the life of the HSCA. (This provision will be included in the Memorandum of Understanding, if approved.)

Enclosure

APPROVED:

Director	_____ <i>JM</i>	Adm. Serv.	_____	Legal Coun.	_____ <i>JM</i>
Assoc. Dir.	_____	Ext. Affairs	_____	Plan. & Eval.	_____
Dep. AD Adm.	_____	Fin. & Pers.	_____	Rec. Mgnt.	_____
Dep. AD Inv.	_____	Gen. Inv.	_____ <i>JM</i>	S. & T. Serv.	_____
		Ident.	_____	Spec. Inv.	_____ <i>9/79</i>
		Intell.	_____	Training	_____

- 1 - Mr. Adams - Enc.
- 1 - Mr. Decker - Enc.
- 1 - Mr. Fehl - Enc.
- 2 - Mr. Gallagher - Enc. (1 - Mr. Lawn)
- 1 - Mr. Leavitt - Enc.
- 1 - Mr. Mintz - Enc.
- 2 - Mr. Daly - Enc.
- 1 - Mr. Coulson - Enc.

ENCLOSURE

PVD:lad LAD
(11)

CONTINUED - OVER

17 DEC 30 1976



Legal Counsel to the Associate Director
RE: HOUSE SELECT COMMITTEE ON ASSASSINATIONS (HSCA)

DETAILS:

At the request of the Assistant Attorney General Michael Uhlmann, Office of Legislative Affairs, on 12/14/76, SA Paul V. Daly of this Division and SA Jack C. Lawn, General Investigative Division, met with Mr. Uhlmann, Kenneth E. Brooten, Staff Counsel, HSCA, and Steven Fallis, Deputy Chief Counsel, HSCA. Also in attendance were [REDACTED] and [REDACTED] all of CIA, Michael E. Shaheen, Jr., Counsel on Professional Responsibility, his assistant, Steven Blackhurst, and Special Assistant to the Attorney General, Morris Rosenberg. (b)(3) (b)(7)(c)

At the meeting the HSCA representatives raised objections to the attached Memorandum of Understanding drafted by the Department to serve as a basis for the FBI to conduct background investigations. There were three basic objections, which are as follows.

(1) The HSCA desired that the FBI retain the copy of the background investigation which was furnished to the HSCA. The HSCA would return the background summary to the FBI for retention purposes. The retention period would be for the life of the HSCA. It appears the basic reason for this position is to insure that the exact material furnished the HSCA as a result of a background investigation would be available during the time span of the HSCA. It was explained to them that we do retain an exact copy of what is furnished but this was not satisfactory to the HSCA representatives.

(2) The HSCA desired that the FBI state in the Memorandum of Understanding affirmatively that they will notify the HSCA whenever a staff member or member is the object of a criminal or national security investigation. The agreement at this point provides for such notification when it has been determined that it would not impede or compromise the particular investigation. The staff members were informed that we could not agree to such a proposal. It was, however, pointed out to them that the Memorandum of Understanding clearly states the Bureau's policy of informing the Chairman or his designated representative

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Legal Counsel to the Associate Director
RE: HOUSE SELECT COMMITTEE ON ASSASSINATIONS (HSCA)

of information of this nature and that their concern addressed only the exception to this rule. They agreed after a discussion that there could not be a blanket statement creating an affirmative duty on the FBI to notify in all instances. They will, however, attempt to draft an acceptable alternative statement in this regard which will be reviewed by the Department and we will be furnished a copy.

(3) The Committee objected to any reference concerning procedures governing access to material in the possession of the HSCA being based on clearances. This point was the main topic of discussion during the meeting and remains unsolved. The HSCA's contention is that they do not want to sign an agreement in which the Executive Branch dictates to the Legislative the terms of access to information that the Legislative believes it has a right to. It was pointed out that to remove the portion of the Memorandum of Understanding dealing with this problem would, of course, raise serious questions as to the legal authority for the FBI to conduct background investigations for staff members of the HSCA. This is based on the premise that our authority to conduct such investigations results from instructions of the Attorney General which instructions, insofar as the Department of Justice is concerned, are based on Title 28, CFR 17.1, et seq, which sets forth procedures concerning access and the handling of classified material.

Mr. Rosenberg agreed with the Bureau's position in this regard and reinforced the argument that to remove that portion of the agreement would raise serious questions as to the authority to conduct such investigations.

By way of observations as to objection #3, it appears obvious that the HSCA and the Executive Branch are at odds concerning a fundamental authority of the Congress to obtain classified material and the Executive Branch to protect same. It appears that this particular problem may not be solved at the staff level but be the subject of a conference with the Chairman and Ranking Minority Member of the HSCA.

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Legal Counsel to the Associate Director
RE: HOUSE SELECT COMMITTEE ON ASSASSINATIONS (HSCA)

Also, during the meeting, Mr. Fallis stated it was his understanding based on what the Attorney General had informed Richard Sprague, Staff Director of the HSCA, that the FBI was not destroying any material. Mr. Fallis was advised that this was not true and that the FBI was destroying material with the approval of House and Senate leaders and the approval of the Attorney General. Mr. Fallis then asked on behalf of Mr. Sprague that the FBI not destroy material.

He was informed that the FBI could not agree to this and it was explained to him in a general fashion the kind of material being destroyed. He was also advised that we had instructed the field offices and Headquarters' personnel that relevant material to the assassinations not be destroyed. He asked for a letter from the Bureau setting forth its Archival retention plan for the HSCA. It is to be noted that the Records Management Division is preparing such a letter for the Attorney General's approval and forwarding to the HSCA.

CIA VERSION

MEMORANDUM OF UNDERSTANDING

FEDERAL BUREAU OF INVESTIGATION BACKGROUND INVESTIGATIONS
FOR THE HOUSE SELECT COMMITTEE ON ASSASSINATIONS

The Federal Bureau of Investigation (FBI) will conduct background investigations at the request of the Chairman of the Select Committee on Assassinations (SCA) of applicants, employees or any persons engaged by contract or otherwise to perform services for the SCA who during the course of their employment require access to classified information. These investigations shall only be conducted pursuant to the agreement between the Attorney General and the SCA to ascertain facts and information relevant to the employee's trustworthiness and suitability for clearance for access to information classified under the provisions of Executive Order 11652 and where necessary for clearance for access to compartmented information in accordance with the standards set forth in Director of Central Intelligence Directive 1/14.]

Requests for investigations by the FBI shall be made in writing from the Committee Chairman to the Director of the FBI enclosing a completed Standard Form 86 (Security Investigation Data for Sensitive Position) which provides the necessary background data and a set of the individual's fingerprints for a check of FBI Identification Records. To enable the FBI to comply with Section (e)(3) of the Federal Privacy Act of 1974 and in keeping with the spirit of this Act, the request shall be accompanied by a statement signed by the subject of the investigation acknowledging that he or she has consented to the investigation with the knowledge that facts or information gathered shall be retained consistent with the FBI Records Retention Plan.

The SCA is to secure signed releases from the person under investigation authorizing the FBI to review educational, credit, and employment records. If a person furnishes information disclosing a medical problem or if such information is developed through investigation, the FBI will advise the SCA. The SCA will advise whether further investigation is desired and will either furnish to the FBI a release to review necessary medical records and interview the physician or advise if it desires the FBI to contact the persons under investigation for the appropriate medical releases.

62-11729-26
ENCLOSURE

MEMORANDUM OF UNDERSTANDING

Page 2

Subject to the Federal Privacy Act of 1974, persons interviewed during these investigations may be assured that to the extent permitted by law information identifying such persons will be kept confidential.

The FBI will furnish summary memoranda and supporting materials containing the results of its investigation to the Committee Chairman or his designated representative and retain a record of the person to whom such information is furnished. The Committee Chairman will insure that access to these summary memoranda and supporting materials is restricted to persons directly involved in making a determination as to the person's trustworthiness and suitability for clearance for access to classified information. The SCA shall maintain records of the identities of persons receiving access to the aforementioned materials and such records shall be furnished to the FBI upon request. The SCA shall not reproduce or disseminate any of the aforementioned materials without the express consent of the FBI unless otherwise provided for in this agreement.

The Chairman will insure that summary memoranda and supporting materials and any copies will be destroyed within ninety (90) days of their receipt unless written notice has been given to the Director of the FBI that an additional period of time, not exceeding ninety (90) days, is needed to complete a decision relating to clearance. [The Chairman will notify the Director of the FBI when these materials have been destroyed pursuant to this paragraph.] *return & retain*

Under no circumstances should the SCA allow the person who is the subject of an investigation direct access to the summary memorandum and supporting material. If necessary to discuss the contents of the summary memorandum and supporting material with the applicant or employee, the SCA will insure that the confidentiality of the sources contained therein is protected. Any request by the individual for access to the memorandum will be referred to the FBI for processing in accordance with the Privacy Act of 1974.

MEMORANDUM OF UNDERSTANDING

Page 3

Information obtained during a background investigation will be retained at FBI Headquarters and FBI field offices in accordance with the FBI Records Retention Plan. The Director of the FBI will insure that access to investigatory files, compiled pursuant to this agreement, is limited to FBI personnel who require it for the conduct of their official responsibilities.

The FBI will inform the Chairman or his designated representative of any adverse information developed during the original background investigation. The FBI will also provide the Chairman or his designated representative with any adverse information and supporting materials which subsequently come to the attention of the FBI that question the trustworthiness and suitability of any employee or any persons covered by this agreement engaged by contract or otherwise to perform services for the SCA. Upon such notification and upon request by the SCA, the SCA shall have access to the summary memoranda and supporting materials from the original background investigation. Information obtained during background investigations conducted pursuant to this agreement will not be disseminated outside the FBI except when necessary to fulfill obligations imposed by law, FBI regulation or presidential directive or executive order. When a request is received from a Federal agency for background information concerning a current employee or contractor of the SCA, if the individual concerned has given written consent authorizing the SCA to be notified, the FBI will notify the SCA of the request for background information, except where the request concerns the individual's employment application to the agency requesting the background information. Notification by the FBI to the SCA will not extend to a criminal or national security investigation until it is determined that notification would not impede or compromise the investigation.

When a tentative decision is made to employ an individual, the Chairman or his designated representative shall furnish a copy of the aforementioned summary memoranda and supporting materials to the Director of Central Intelligence (DCI). The DCI will insure that the summary memoranda and supporting materials furnished to the DCI pursuant to this agreement will be returned to the SCA within ninety (90) days of its receipt.

MEMORANDUM OF UNDERSTANDING

Page 4

No person employed by the Committee shall be given access to any classified information or material until appropriate procedures for granting clearance for access to classified information have been established and clearance granted. The SCA will provide the FBI and the DCI with a list of persons cleared for access to classified information and the SCA will advise the FBI and the DCI when an individual granted a clearance terminates employment with the SCA or no longer requires access to classified information.

EDWARD P. LEVI
Attorney General

THOMAS N. DOWNING
Chairman

dated _____

dated _____

XXXXXX
XXXXXX
XXXXXX

FEDERAL BUREAU OF INVESTIGATION FOIPA DELETED PAGE INFORMATION SHEET

_____ Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

- Deleted under exemption(s) _____ with no segregable material available for release to you.
- Information pertained only to a third party with no reference to you or the subject of your request.
- Information pertained only to a third party. Your name is listed in the title only.
- Document(s) originating with the following government agency(ies) _____, was/were forwarded to them for direct response to you.

_____ Page(s) referred for consultation to the following government agency(ies); _____ as the information originated with them. You will be advised of availability upon return of the material to the FBI.

 Page(s) withheld for the following reason(s):
 Congressional document - outside the purview of the FOIA.

- For your information: _____
- The following number is to be used for reference regarding these pages:
 62- 117290- 29

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X DELETED PAGE(S) X
X NO DUPLICATION FEE X
X FOR THIS PAGE X
XXXXXXXXXXXXXXXXXXXXX

- 1 - Mr. Adams - Enc.
- 1 - Mr. Gallagher - Enc.
- 1 - Mr. Leavitt - Enc.

November 18, 1976

Assistant Attorney General
Office of Legislative Affairs

- 1 - Mr. Mintz - Enc.
- 2 - Mr. Daly - Enc.

Director, FBI

FEDERAL GOVERNMENT

HOUSE SELECT COMMITTEE ON ASSASSINATIONS

Reference is made to Chairman Thomas N. Downing's request contained in his letter of November 2, 1976, addressed to the Attorney General, requesting certain information concerning the assassinations of President John F. Kennedy and Dr. Martin Luther King, Jr.

You referred the aforementioned request to the FBI for comments concerning access to FBI files. In this regard, I believe that this Committee should be granted the same degree of access for appropriately cleared personnel as was granted to the House Select Committee on Intelligence Activities (HSC) and the Senate Select Committee on Intelligence Activities (SSC). I am taking the liberty of enclosing a copy of the agreement between the Attorney General and Chairman Frank Church of the SSC concerning access to FBI files.

[REDACTED]

[REDACTED]

O.S.
HSCA

DELIVERED TO COMMITTEE 11-18-76

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Adm. Serv. _____
- Ext. Affairs _____
- Fin. & Pers. _____
- Gen. Inv. _____
- Ident. _____
- Inspection _____
- Intell. _____
- Laboratory _____
- Legal Coun. _____
- Plan. & Eval. _____
- Rec. Mgnt. _____
- Spec. Inv. _____
- Training _____
- Telephone Rm. _____
- Director Sec'y _____

It would appear advantageous to meet with representatives of the Committee so that they might generally be informed as to the FBI's filing system and in a general fashion, concerning the FBI's investigations into the two assassinations identified in their letter so that the Committee might better understand what information is in the possession of the FBI.

ENCLOSURE
ENCLOSURE
TO BE HAND DELIVERED BY
OFFICE OF CONGRESSIONAL AFFAIRS
(LEGAL COUNSEL DIVISION)

SEE NOTE PAGE 2

PVD:lad
(9) AD
MAIL ROOM TELETYPE UNIT
56 JAN 12 1977

Delivered to Mr. [unclear] 1/22/77
O.C.A., C.C.S.
FBI/DOJ

Assistant Attorney General
Office of Legislative Affairs

NOTE: By memorandum dated 11/4/76, Legal Counsel to the Associate Director, the Intelligence Division and the General Investigative Division were requested to furnish their observations concerning the request for access to FBI files by captioned Committee. The General Investigative Division in two separate memoranda dated 11/8/76 and 11/10/76, respectively, made conflicting recommendations; one granting access under the agreement that existed between the Attorney General and Chairman Church of the SSC and the other denying access. The Department, as is set forth in Legal Counsel memorandum to the Associate Director dated 10/15/76, has preliminarily discussed the access to FBI files with Chairman Downing and Staff Director Richard Sprague. According to Larry Callaghan, Deputy Assistant Attorney General, Office of Legislative Affairs, who was present at this meeting, the standard for access offered was the same as the aforementioned agreement, although no commitment was made. Concerning access to the material involving the assassination of Dr. King, Michael E. Shaheen, Jr., Counsel, Office of Professional Responsibility, has informed Callaghan that he has no objection to captioned Committee gaining access to that material despite the pending inquiry by his office.

APPROVED:

Director *[Signature]*
 Assoc. Dir. *[Signature]*
 Dep. AD Adm. *[Signature]*
 Dep. AD Inv. *[Signature]*

Adm. Serv. _____	Legal Coun. <i>[Signature]</i>
Ext. Affairs _____	Plan. & Insp. _____
Fin. & Pers. _____	Rec. Mgt. _____
Gen. Inv. <i>[Signature]</i>	S. & T. Serv. _____
Ident. _____	Spec. Inv. _____
Intell. <i>[Signature]</i>	Training _____

EMERGED INVESTIGATIONS

(1) The Domestic Task Force Leader* will submit periodically a list pertaining of ~~specific~~ materials, ~~with respect to~~ the inquiry being conducted under S.R. 21, to which the Committee staff wishes access or of which the Committee desires delivery. Any questions as to the ^{specificity} ~~scope~~ ~~of~~ ~~materials~~ of any portion of such list shall be identified by the Special Counsel and discussed at the time of acceptance of the list, between the DTFL and the Special Counsel.

The first such list will be delivered to the Department of Justice within 48 hours of the adoption of this procedure, and will summarize and supersede all the presently outstanding requests; this list will be in priority order, as fixed by the Committee, with fixed delivery/access dates specified. Those materials for which the Committee requests delivery or access shall be delivered to the Committee or made accessible in Room #171 of the Hoover Building not later than within 48 96 hours of the date specified. The Committee Chairman and Vice Chairman shall be informed by the Attorney General, within 24 hours each of receipt of ~~the~~ request, of any delay beyond 48 96 hours, the expected length of the delay, and the specific reasons for the delay. Partial access or delivery shall be proffered, by the Bureau of/to any materials requested, while the balance of such materials are being prepared. A partial proffer shall not extend the time of full response set forth herein.

* Whenever used herein, the term Domestic Task Force Leader (DTFL) is understood to include the/Chief Counsel and the Minority Counsel of the Senate Select Committee.

ENCLOSURE

62-117290-10

These procedures shall apply to all matters covered by paragraph 1. In the event of a specific problem arising with the applicability of these procedures to any matters in current litigation or any matters in which criminal prosecution is pending; or any matter which the Attorney General shall specifically designate as extraordinarily sensitive, a special procedure shall be undertaken.* Such specific problem areas shall be identified by the Attorney General to the Chairman and Vice Chairman by letter upon consideration of the lists submitted pursuant to this provision. The special procedure to be followed shall be proposed, defined, adopted, and followed after consideration by the SSC of the specific problem area and pertinent inquiry and discussion at the staff level.

(2) The following procedures shall apply (a) where delivery of materials requested might jeopardize FBI sensitive sources or ongoing operations, or (b) where the Domestic Task Force Leader requests access to materials, rather than delivery to the SSC.

(3) The Department will furnish access at the Hoover Building in Room 4171 to those materials requested:

(a) only to the members of the Committee, where it is determined by the Attorney General that the materials involve peculiarly sensitive foreign intelligence sources or peculiarly sensitive ongoing foreign intelligence operations.

* No restriction of currently operational arrangements is intended under this provision.

(b) In all other cases, to the appropriately cleared staff who will have access to all of the materials.

(c) An exception to (a) and (b) above is made for the identities of so-called "live" informants or potential informants as defined in the FBI Manual of Instructions as to which no access will be furnished unless the identity of the individual as an informant or potential informant has already been made known to the Committee, jointly agree on the limited disclosure of such identities to the Chairman and Vice Chairman.

(d) As to other information which would identify persons, as sources, who have provided or continue to provide information to the FBI, and as to whose identity the FBI has undertaken an obligation of confidentiality, the Committee and its staff shall preserve the confidentiality and shall make no use which would impair the confidentiality of this class of information to which access has been given, unless the identity of the individual as a source has already been made known to the Committee, or unless such information appears in materials which have been screened by the FBI as provided in paragraph 6 below.

* Examples of prohibited use are:

- (1) interviews of the source, as source
- (2) interviews or inquiries that would disclose the fact that the identity of a confidential source was made known to the staff.

(3) public disclosure

(4) Those materials to which the staff has access may be reviewed and studied in Room 4171 of the Hoover Building and such notes may be taken as deemed appropriate by the Staff.

(5) The Committee staff shall select from those materials to which access is herein provided, those materials which it deems pertinent to the Committee's inquiries and necessary for delivery to the Committee's offices.

(6) The Bureau shall make copies of such materials as are specified by the staff under the provisions of (5) above for transfer to the Committee's offices

(a) before the copies of such materials are taken to the Committee's offices, the Bureau shall, within 24 hours of the selection, make appropriate excisions and paraphrases of information which might, if inadvertently disclosed, endanger sensitive or sensitive FBI sources and ongoing operations.

(b) If the Task Force Leader has any objections to the excisions or paraphrases, the materials in issue will be forthwith conveyed by the Bureau, with a written statement of its grounds for its position, to the Special Counsel who shall resolve the matter by negotiation within 24 hours.

(c) In the event the matter is not resolved within 24 hours, the Special Counsel shall submit the matter forthwith to the Attorney General who shall notify the Chairman forthwith and arrange for an appropriate disposition.

(7) The Committee staff may remove to the office of SSC for appropriate use, any notes which they may make upon review of material screened by the FBI, as provided in (6) above, without such notes being reviewed by the Bureau. The Committee staff may remove notes on unscreened materials only if such notes are reviewed and cleared by the Bureau under the provisions of (6) (a) thru (c) above.