

Dear Jim, C.A.75-1996 - claim to burdensomeness 9/25/76

There is a refrain going through all FBI affidavits, the claim to interference with the FBI's law-enforcement purposes by compliance with FOIA. Dagan has argued it. They also lie about it with the numbers. And while there is a volume, the claim is spurious, the situation designed to become what it has.

The Wx Post has a story yesterday headlined "Domestic Inquiries Cut 97%." This story reports the testimony of the previous day by Kelley before the Senate Intelligence Committee.

His figures for domestic-intelligence investigation, anathema to our system and for the period subsequent to their real exposure, are illuminating.

On July of 1973, the Watergate-exposure era, there were 21,414 domestic-intelligence cases.

The present figure is 626.

And, of course, the court has not gone up in smoke. Except over official crimes.

This reduction represents the release of a very large number of agents and clerical employees. They could and should have been used in FOIA/PA work and they were available, prior to the amending of the Act, for such training as may have been required.

This is to say that it is false to swear that FOIA interfered with the FBI's other work, especially law enforcement.

On this basis I wonder if you want to move to expunge these affidavits as all falsely sworn, in this way and in others to which I testified or you established in cross examination? I can see that we may be better off with them in the record. I raise the question only.

In the investment of the FBI's manpower, the Post's sources say the very large figure was reached by "opening a file on everybody who gets on a radical group's mailing list." This, of course, includes me. The reduction is attributed to weeding out of "garbage cases." Of course the classic example is SWP. They contoured with that enormous time-waster until recently. That only could have supplied all the help needed for FOIA work.

There was an acceleration in the reduction of this wasted work after 3/31/76. But by then the reduction had been 78%. Certainly some of this released work-force could and should have been available for FOIA work, including this case.

All of this was known to the defendant before the execution of these false, deceptive, misleading and propagandistic affidavits. It was known to the Department, which issued guidelines restricting domestic-intelligence investigations effective 3/31/76 and the FBI, which had made a 78% reduction in domestic-intelligence cases before then.

Best,

Domestic Inquiries Cut 97%

FBI Chief Testifies

By John M. Gattino

Washington Post Staff Writer

FBI Director Clarence M. Kelley revealed yesterday that the bureau has reduced the number of domestic security investigations from 21,414 in July, 1973, to a present 626 cases, involving 78 organizations and 548 individuals.

He described the 97-per cent reduction in his first appearance before the new Senate Intelligence Committee, set up to monitor the activities of the FBI and the Central Intelligence Agency.

In his testimony, Kelley attributed the drop to such factors as a new FBI policy of emphasizing "quality over quantity" in the bureau's caseload and changing social conditions that have ended campus unrest and the Vietnam protest movement.

He did not openly link the slash in domestic security cases to efforts to correct the FBI's past abuses in this area. Recent press and congressional disclosures have shown that during the 1960s, the FBI used its powers to probe domestic security threats as a pretext to harass persons and groups that it regarded as political extremists.

Instead, Kelley only referred obliquely in his testimony to a "change in philosophy."

See KELLEY, A26, Col. 1

KELLEY, From A1

within the FBI. He also noted that the reduction "has been made possible largely because we have discontinued investigations of rank-and-file members" of suspect organizations.

Under a policy shift announced by Kelley on Aug. 11, the FBI is now concentrating its domestic security investigations on the leaders of organizations involved in alleged subversive activities or on individuals whose actions indicate they are likely to use violence in violation of federal laws.

In short, FBI sources said privately, the cut in domestic investigations was accomplished largely by weeding out what have become known in bureau parlance as "garbage cases." One source described them as "opening a file on everybody who gets on a radical group's mailing list."

This weeding out resulted partly from the stringent guidelines for domestic security investigations imposed on the FBI earlier this year by Attorney General Edward H. Levi. Last week, under the guidelines, Levi ordered the bureau to end its 38-year investigation of the Socialist Workers Party, a small Trotskyite group.

In effect, the guidelines require that the FBI, before it begins a domestic security probe, have strong grounds for believing that a federal crime may be involved. These rules also prohibit the bureau from keeping an individual or group under surveillance solely for the purposes of gathering intelligence or because it thinks the suspect might do something illegal in the future.

However, Kelley told the Senate committee that the FBI regard Levi's guidelines as "only minimum stand-

ards." Most of the reductions in security cases, he said, were due to the changes and "stringent criteria" that he has instituted since becoming FBI director in July, 1973.

"By March 31, 1976, before the Attorney General's guidelines took effect, we had—through application of the quality approach—reduced this caseload to 4,868 investigative matters, a 78 per cent reduction," he said.

The further reduction to 626 cases, Kelley added, resulted in part from application of the guidelines and in part from "even more vigorous pursuit of the policy that we forsake numbers in favor of quality cases that have a significant impact on reducing crime in the security field."

Kelley also sketched for the committee the aims of his recently ordered FBI reorganization that shifted responsibility for domestic security cases from the intelligence division to the general investigative division, which pursues a broad range of crimes from bank robbery and kidnaping to forgery and embezzlement.

At the time, Kelley said he had made the change "for the express purpose that domestic security investigations be managed like all other criminal cases." In his testimony yesterday though, he backed away from this point somewhat and said that security cases could not be handled in the same manner as crimes for profit.

An important consideration in security cases, he said, is prevention of violent acts. As a result, Kelley contended, successful security work must involve a certain amount of surveillance and intelligence gathering rather than waiting for a specific crime to be committed before action is taken.

Requests for answers under Act 12/11/71, 3/23/71, 10/20/70

8/13/70 p 2
Citation of Act 3/23/71 (DHH)

3/22/71

10/20/70

8/20/70 - several

8/13/70 per key request 3/69

7/1/70 - Ferris, "Missile" - show they recognize w/ 1 dec Act

6/12/70 (2)

5/14/70 (4)

4/22/70

3/20/70 (3 times on 1 page)

3/19/70 "

2/12/70 w/ the provision of memo on letter from Poloff
phonetic (w/ me) III on 1 p.

12/29/69
sent in 1 ✓

25 118
from when
supplied

4/10/69
revised all of
the last requests ✓

4/1/70 official denied + appeal of requests
Request where of 25 118 forms

5/14/70 - they don't want to respond to requests for forms - w/ 91.3
not in files 3 25 118 but the "requests have been made with some time ago
P2, P3 no w/ response to 1969 requests by promise of answers - Ferris
4/22/70 - show 1 more request under Act + need 25 118 forms if they are going
to wait on them

8/20/70 - my complaint re non-implication to Mitchell on long evidence
in studies re statement that "I have been given access to the entire file"
gone into army then also on P20 changed by my P. 3 show they had
other photos they now deny having. P3 pretends to have only 1 file
on P20 p 4 - great piece of what was not supplied seen after assumption
in P20 p 5 - they say "wanted later in a year or a half or later to only
Request 9/3/69 p 5 they "ultimately denied the three parts of my
request 8/13/70 - ask assumption I'd see all

more important marked in blue

3/23/71 Shows trying with furniture & set - long delay
8/20/70 " " " " " " " "