

DEPARTMENT OF STATE

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LETTER FROM SECRETARY RUSK TO SENATOR EDWARD M. KENNEDY

April 5, 1966

Dear Senator Kennedy:

I appreciate your thoughtful letter of March 23 concerning a New York Times article on that day discussing the proposed travel abroad of Professor H. Stuart Hughes. I share your concern for the freedom of Americans to travel abroad without any surveillance on the part of American diplomatic missions. I am, of course, deeply disturbed that reports reflecting adversely on Professor Hughes came into the area of public discussion. I have caused a thorough inquiry to be made into this matter and have given a good deal of personal attention to it.

Your letter posed a series of questions which I will now undertake to answer.

You inquired first as to "the relationship between the Passport Office and the investigatory agencies of government, both in the granting of passports and in the surveillance of those who have received passports". First of all, I wish to emphasize most strongly that no question of surveillance or investigation by the Department of State or any American diplomatic post abroad is involved. The Department of State has traditionally been the agency of the Government to which other Departments turn for cooperation and assistance in aspects of their responsibilities relating to areas outside the United States. These have included requests for information the Department may receive concerning individuals travelling abroad. Requests of this kind have been sent routinely to the Passport Office in the Department. Also routinely, such requests have been passed on to our diplomatic missions abroad, with a request that the mission should forward to the Department any information that it may receive in normal course of business during the travel of an American citizen. The diplomatic missions have not been asked to conduct any surveillance or to engage in any investigative process. They have merely been asked to transmit certain information they may receive which, in the absence of a request from the Department, they might have no occasion to report.

The second question contained in your letter inquired as to the authority for requests to Embassies to transmit information concerning private U.S. citizens travelling abroad. This authority derives fundamentally from the statutes creating the Department of State and providing for the exercise of responsibilities by the heads of Executive Departments. These statutes are to be found in U. S. C. Title 5, sections 22 and 151. There is a further provision of law dealing expressly with action by American diplomatic posts abroad to comply with requests coming from agencies of the government other than the Department of State. That provision is contained in U. S. C. Title 22, section 846, which reads as follows:

The Honorable
Edward M. Kennedy,
United States Senate.

"The officers and employees of the Service shall, under such regulations as the President may prescribe, perform duties and functions in behalf of any Government agency or any other establishment of the Government requiring their services, including those in the legislative and judicial branches, but the absence of such regulations shall not preclude officers and employees of the Service from acting for and on behalf of any such Government agency or establishment whenever it shall, through the Department, request their services."

The third question in your letter inquired as to "who is assigned the responsibility in our Embassies to survey the activities of American citizens abroad, and how is such information gathered?" As I have emphasized earlier, no question of surveillance of Americans is involved. Nor do our diplomatic posts make special efforts to secure or ferret out information in response to requests from the Department that have been made on behalf of other government agencies. Instead, the diplomatic post simply forwards any information it may receive from items appearing in the local press, reports that may come to the attention of the post, or other routine receipt of information.

The fourth question in your letter inquired as to the number of instances during the last year in which requests were sent to diplomatic missions for reporting on the travel of Americans abroad. The records of the Department show that there were approximately 150 such requests.

During the last week the Attorney General and I have reviewed with care the procedures of the Departments of State and Justice. We appreciate having the benefit of discussions with you on this whole matter. The following guidelines will govern henceforth the actions of our two Departments regarding requests for the transmission of information concerning American citizens travelling abroad; (1) such requests will be made by the Department of Justice only in cases where an important national interest would be served by the transmission of information that may be received; (2) as in the past, American diplomatic missions will engage in no surveillance; a mission will, on appropriate instructions from the Department of State, simply forward relevant information that may come to its attention; (3) requests for information will be initiated in the Department of Justice by a responsible officer, and the dispatch of a requesting message from the Department of State to a diplomatic mission will be handled by a responsible officer of this Department; (4) any such requesting message will be limited strictly to what is required for fulfilling the reporting function; (5) requests for information and any reports received in response will be handled on a restricted basis both at origin and destination, with distribution closely controlled to assure appropriate protection.

I believe these are sound guidelines that will advance the objectives we have in mind, to meet the legitimate needs of the government for information and to protect the rights of American citizens.

Sincerely yours,

/s/

Dean Rusk

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