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Kelley Confirms FBI Kept Hill Files

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FBI director Clarence M. Kelley yesterday confirmed that the bureau keeps files containing information volunteered by the public on members of Congress, as it does on other persons.

Kelley's statement, issued as a press release, appeared to conflict with his testimony before a unit of the House Judiciary Committee last year.

Asked several times if the FBI maintains files on members of Congress, Kelley said in the hearings on Feb. 28, 1974, that the only such files are those that result from investigations of criminal activity or applications made by congressmen for jobs.

Responding to a question from Rep. Jerome R. Waldie (D-Calif.), Kelley said:

"Insofar as a dossier or anything else you want to see as a description of it, Congressman, I have not personally

gone through our files, but I have been assured time after time there is none, and there is none now being maintained, I will tell you that."

Kelley did not refer to this testimony in his statement yesterday. Asked about it by telephone, he said he had not reviewed the testimony and therefore could not comment on it.

Asked if the existence of the congressional files had come as a surprise, Kelley said he did not want to respond because he would fully explain the matter in House Judiciary Committee hearings scheduled to begin Jan. 30.

Responding to a story in Sunday's Washington Post, Kelley said in his statement yesterday:

"In connection with recent allegations that the FBI is currently improperly soliciting information concerning members of Congress or misusing information in FBI files concerning members of Congress, I wish to state unequivocally that such statements are

erroneous and without any basis in fact."

The Post story did not say the information about congressmen had been used improperly.

It quoted several congressmen as saying the existence of the information in the files alone represented a lever over members of Congress.

"It's a threat even if it is just there, and not leaked or gathered for blackmail," said Sen. Alan Cranston (D-Calif.).

In a written statement released to the press yesterday, Kelley said information on congressmen is maintained in various files at FBI headquarters in Washington.

"Such files exist because they relate to an investigation or a background check, correspondence with the member of Congress, or information not so-

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elicited by the FBI, but volunteered by the public.

"In this latter category," Kelley said, "unsolicited information is received from time to time making allegations concerning members of Congress as well as other individuals in public and private life."

If the allegations fall under the FBI's investigative jurisdiction, Kelley said, they are investigated. If not, he said, the person who volunteered the information is told by letter that the matter does not appear to come within the FBI's jurisdiction.

The correspondence and FBI response are filed for "record purposes," Kelley said.

In the handling of these allegations, Kelley said, congressmen are treated substantially the same as other citizens.

"However, when information is received concerning employees of the federal government or those serving as government officers in any of the three branches of government, as a matter of practice it would be submitted by FBI field divisions to the FBI headquarters in Washington so that it would be available in the event a check of our records is necessary," Kelley said.

He added that these checks are conducted routinely when persons are considered for appointment to government jobs.

"It is not possible to predict, when information is received, whether the individual whom it concerns will or will not at some time in the future be given consideration for such appointments. Therefore, all such information

voluntarily submitted is retained for record purposes."

The volunteered information is used to assist in investigations and background checks and is never used to influence the judgment or actions of a congressman, Kelley said.

Kelley did not characterize the type of information volunteered and filed on congressmen. However, an FBI spokesman was quoted by United Press International Monday as saying FBI files contain information on the personal lives of congressmen, including reports on their loyalty, character and reputation.

In last year's hearings by the House Judiciary's Civil Rights and Constitutional Rights Subcommittee, Kelley was asked by Rep. Waldie: "Are there any files in the Federal Bureau of Investigation involving members of Congress?"

Kelley answered, "There are files wherein members of Congress have been involved in an application for some job, yes. There are files regarding some charges made and investigations conducted relative to illegal activity."

As far as other files on congressmen are concerned, "... There is none now being maintained. I will tell you that," he said.

"But I want to press you a little bit further than that," Waldie said. "I want to make certain you have made an affirmative effort to ascertain their existence or non-existence. Have you done that?"

"I have, yes," Kelley said.

"You have been informed there are none in existence?" Waldie asked.

"Yes, sir," Kelley said.

During 1973 Senate Judiciary Committee hearings, Kelley's predecessor, L. Patrick Gray III, said in testimony and in a letter submitted for the rec-

ord that beyond criminal investigations of congressmen and correspondence with them, the only congressional files contain information helpful to agents when conducting official business with them.

In requesting information from FBI field offices on congressional candidates, Gray said, "No covert collection methods were used."

In FBI documents made available to The Washington Post yesterday by Sen. Lowell P. Weicker Jr. (D-Conn.), a member of the former Senate Watergate committee, the FBI requested its field offices in 1970 to provide information on new candidates for the House, Senate, and state governorships from background data and FBI files.

"This matter should, of course, be handled extremely discreetly, the documents said, "and the information should be submitted to the bureau on a strictly informal basis..."

In another development yesterday, Rep. Don Edwards (D-Calif.), chairman of the House Judiciary's Subcommittee on Civil and Constitutional Rights, said witnesses to be called for the subcommittee's hearings beginning Jan. 30 include Kelley, Deputy Attorney General Laurence H. Silberman, former FBI officials Cartha D. DeLoach and John P. Mohr, and Helen P. Gandy, personal secretary to the late J. Edgar Hoover.

"The subject is much larger than the FBI's maintaining files on members of Congress," Edwards said. "No American's personal or political life is the concern of a government agency," he said.

Edwards added, "Unless there is evidence of a criminal law violation, the FBI may not maintain records on private or public persons."