

30 August 1975

Executive Registry

75-38524

Honorable Edward H. Levi
Attorney General
Department of Justice
Washington, D.C. 20530

Dear Mr. Levi:

This letter is in regard to the memorandum from the President, dated 16 August 1975, wherein he instructed that the Attorney General and the Director of Central Intelligence prepare and coordinate, as necessary, the internal procedures and guidelines suggested in Recommendations 6, 14, 18 and 30 of the Report of the Commission on CIA Activities Within the United States. Further, the President instructed that such was to be completed by 31 August. Accordingly, set forth below are my proposals for compliance with the President's instructions.

Recommendation 6 states:

The Department of Justice and the CIA should establish written guidelines for the handling of reports of criminal violations by employees of the Agency or relating to its affairs. These guidelines should require that the criminal investigation and the decision whether to prosecute be made by the Department of Justice, after consideration of Agency views regarding the impact of prosecution on the national security. The Agency should be permitted to conduct such investigations as it requires to determine whether its operations have been jeopardized. The Agency will not exercise a prosecutorial function.

My General Counsel and the Assistant Attorney General, Criminal Division have recently corresponded regarding this subject. In a letter dated 29 July 1975 we stated that the Central Intelligence Agency intends to comply fully with 28 U.S.C. 535 as well as the memorandum from the Attorney General on this subject dated 9 February 1971. In addition, an Agency regulation adopting this position will state:



Approved For Release 2004/10/20 : CIA-RDP80M01133A000900130004-2

Information, allegations, or complaints of violations of the Criminal Provisions of the United States Code by CIA officers and employees, or relating to CIA affairs, shall be reported immediately by any employee to the Inspector General, who shall inform the General Counsel. Information, allegations, or complaints of violations of Title 18 of the United States Code involving Government officers and employees shall be expeditiously reported to the Attorney General by the General Counsel in compliance with 28 U.S.C. 535. Such report to the Attorney General shall include an evaluation prepared by the Inspector General of the impact, if any, of a prosecution on the national security or on foreign relations of the United States, including intelligence operations which may be jeopardized or intelligence sources and methods which may be compromised thereby. CIA will not exercise a prosecutorial function.

This matter has been discussed with your Criminal Division.

Recommendation 14 states:

- a. A capability should be developed within the FBI, or elsewhere in the Department of Justice, to evaluate, analyze, and coordinate intelligence and counterintelligence collected by the FBI concerning espionage, terrorism, and other related matters of internal security.
- b. The CIA should restrict its participation in any joint intelligence committees to foreign intelligence matters.
- c. The FBI should be encouraged to continue to look to the CIA for such foreign intelligence and counterintelligence as is relevant to FBI needs.

It is my view that the proposed National Security Council Intelligence Directive 9, entitled Central Intelligence Agency Foreign Intelligence Operations Within the United States and Clandestine Operations Abroad Affecting U.S. Citizens Abroad, is responsive to paragraphs b. and c. of this recommendation. I assume that paragraph a. does not require agreement between us.

Recommendation 18 states:

a. The Director of Central Intelligence should issue clear guidelines setting forth the situations in which the CIA is justified in conducting its own investigation of individuals presently or formerly affiliated with it.

b. The guidelines should permit the CIA to conduct investigations of such persons only when the Director of Central Intelligence first determines that the investigation is necessary to protect intelligence sources and methods the disclosure of which might endanger the national security.

c. Such investigations must be coordinated with the FBI whenever substantial evidence suggesting espionage or violation of a federal criminal statute is discovered.

The Director of the FBI and the DCI have recently corresponded regarding this subject. In a letter from the Director to the DCI dated 27 August 1975, the Bureau set out their understanding of our agreement regarding this matter. I agree with the terms therein and intend to comply therewith. In addition, an Agency regulation will reflect these agreements as follows:

CIA will undertake no activities in the United States directed at the collection of intelligence information on domestic activities of U.S. citizens or organizations, except in connection with the protection of its personnel and installations and in the conduct of employee and other security investigations.

Investigations in the United States. Under the limited circumstances specified below, and as authorized in paragraph c(1)(c) above, CIA is authorized to conduct investigations within the United States.

(a) Personnel Security Investigations. CIA may conduct investigations of CIA applicants and other individuals being considered for CIA security clearances or approvals, or being considered for involvement in CIA operations. Routine reinvestigations of employees, other persons holding

security clearances or approvals, and persons involved in CIA operations may be conducted from time to time. When necessary for security reasons, the investigations will be conducted without revealing CIA or U.S. Government interest. Such investigations will be conducted by federal government personnel.

(b) Special Investigations

- (1) Only the Director may approve investigation of allegations of unauthorized disclosure of classified information by individuals presently or formerly affiliated with CIA. Such authorization will be given only upon determination by the Director that intelligence sources and methods may be jeopardized by the disclosure and that the information relating to the unauthorized disclosure was acquired as a result of affiliation with CIA. Such investigations must be coordinated with the FBI when substantial evidence suggests espionage or the violation of a federal statute.
- (2) The above does not preclude the Director from exercising his statutory authority to fulfill his responsibility for CIA's proper administration. In this regard the Director may authorize such inquiries as are necessary, proper, and legal to resolve allegations reflecting adversely on an employee's suitability for continued employment.

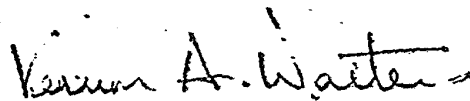
Recommendation 30 states:

The Director of Central Intelligence and the Director of the FBI should prepare and submit for approval by the National Security Council a detailed agreement setting forth the jurisdiction of each agency and providing for effective liaison with respect to all matters of mutual concern. This agreement should be consistent with the provisions of law and with other applicable recommendations of this report.

It is my view that the proposed National Security Council Intelligence Directive 9, entitled Central Intelligence Agency Foreign Intelligence Operations Within the United States and Clandestine Operations Abroad Affecting U.S. Citizens Abroad, is responsive to this recommendation.

A copy of this letter is attached to the DCI's 30 August 1975 letter to the President. I await your concurrence or comments.

Sincerely,



Vernon A. Walters
Lieutenant General, USA
Acting Director

cc: Criminal Division

According to ISAS/DDA the following distribution was made:

Orig-Attorney General

cy-Criminal Division/DOJ

Additional copies were distributed as an attachment to the DCI's letter to the President of 30 Aug 75.