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30 JUN 1975

MEMORANDUM FOR: Inspector General

VIA : Deputy Director for Administration

SUBJECT : Transfer of Presidential Commission Files  
to the Senate Select Committee

1. Reference is made to the recent discussions concerning the transfer of Presidential Commission files to the Senate Select Committee vis a vis the Third Agency Rule.

2. As you well know, the Third Agency Rule became a matter of considerable discussion and interpretation early on in our relations with the Presidential Commission. It became particularly critical with the arrival of Messrs. Robert Olson and James Roethe of the Commission at Headquarters Building for the purpose of reviewing Office of Security files. Attachment A clearly points out that Mr. Olson and Mr. Roethe were briefed on the existence of, and our interpretation of, the Third Agency Rule. Messrs. Olson and Roethe reviewed a number of files, about 28 in number, probably no more than half the files reviewed contained documents of other agencies. They asked for, and were given, sterilized copies of certain documents from the reviewed files, but these documents were not documents of Third Agencies.

3. During our continuing research for alleged illegal domestic activities, the Office of Security was alert to projects involving other government agencies. A number of projects involving other government agencies were identified (see Attachment B) and action was taken to advise the other agency that information had been passed or might be passed to the Presidential Commission concerning their involvement (see Attachment C). Unfortunately, we were not able to visit every agency on every subject of interest prior to the publication of the Commission's report. We did not review income tax checks

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4. Parallel to the above, staff studies were initiated by this Office in conjunction with other concerned Agency offices about the Third Agency Rule. The Office of Security's position concerning the rule and its interpretation was formulated into a memorandum, dated 10 April 1975, addressed to the General Counsel. Attached herewith as Attachment D is a copy of that memorandum. We do not have any information in our possession or know of any reason which would alter that position.

5. Unfortunately, the Office of Security cannot from its own records identify documents of other agencies forwarded to the Commission. We sent all our reports and summaries, some of which contained copies of memoranda originated by Third Agencies, to the Inspector General, the focal point for the gathering and release of information pertaining to alleged illegal domestic activities. We can identify a number of reported projects or operations containing Third Agency information but we have no idea whether such documents were forwarded.

6. The Office of Security strongly recommends that this Agency adhere to the Third Agency Rule in the release of Agency produced reports and documents in the possession of the Commission to the Committee. We recognize this recommendation may entail considerable time and effort to locate and review each document passed; however, we feel we must be consistent with the regulation in question and past practices.

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Charles W. Kane  
Director of Security

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OS/CD/ADC/CD/fms (30 June 1975)

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