

ST
Mr. W. R. Wannall

Mr. T. J. Smith

1 - Mr. Mintz
1 - Mr. Franck

3/25/74

1 - Mr. Bowers
1 - Mr. Wannall
1 - Mr. T. Smith

~~CONFIDENTIAL~~

ASSOCIATE ATTORNEY GENERAL DESIGNATE
RODINO COMMITTEE REQUEST FOR
ACCESS TO FBI FILES

Classified by SP-7 MAF/DB

Declassify on: OADR 7-18-88

INTERAGENCY COMMITTEE ON INTELLIGENCE
(AD Hoc)

Legal Counsel to E. S. Miller memorandum 3/20/74 captioned as above, pointed out probability of the Rodino Committee requesting broad access to FBI files and data relative to the impeachment investigation. Memo also recommended that matter be reviewed and that conference be arranged with [redacted] and the Deputy Attorney General to discuss policy to be followed by the FBI. Suggestion was also made that Special Prosecutor Leon Jaworski be made aware of the problem.

From the standpoint of Intelligence Division, requests for information by the Rodino Committee will likely involve several very sensitive areas of our operations and we feel that it is essential that some basic ground rules be established to preclude the public disclosure of data to the detriment of national security or national interest.

For example, the so-called Ad Hoc Committee report of July, 1970, which has also been erroneously called the "Huston Report," is a "Top Secret" document which was to be handled through Comint channels only. It contains some data which, if disclosed, could identify extremely sensitive live informant coverage. This report also goes into detail concerning surreptitious entry of foreign establishments. Such information could seriously affect conduct of foreign affairs. (U)

Yet, this report, and the data relating to it, will surely be of great interest to the impeachment investigation.

Another example is the file relating to the 17 wiretaps placed for the White House between 5/69 and 2/71 on newsmen and White House aides. Here the issue of current litigation and possibility of future litigation is involved. If this file is aired in a public forum, the Government stands to lose millions of dollars in damage suits and there will certainly be serious invasion of privacy of concerned individuals. (U)

1 - SPECOV (65-75085)

1 - COVE (65-75108)

1 - Ad Hoc Committee (62-113546)

TJS:mah (9)

ROUTE IN ENVELOPE

CONTINUED - OVER

NOT RECORDED
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ORIGINAL FILED IN 62-113546-70

5/5/82
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE
CLASSIFIED BY 1058 SP-6
DECLASSIFY ON: OADR
DATE 8/29/85
SP-7 MAF/DB

Memorandum for Mr. Wannall

RE:

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In the case of this file, disclosure by the Rodino Committee could hamper investigations by the Special Prosecutor.

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The same applies to the file relating to wiretaps placed relative to the so-called "Pentagon Spy Case," which involved a Navy Yeoman, misappropriating classified documents and possibly leaking them to columnist Jack Anderson.

There are likely to be other areas of interest to the Rodino Committee which involve FBI use of electronic surveillances or other sensitive techniques, and we should be prepared well in advance of any requests to properly respond. A request, for example, concerning FBI use of surreptitious entry would have to be dealt with on the basis of the fact the FBI has no records of surreptitious entries.

We should expect the entire gamut of possible requests relating to national security-type investigations and techniques since the use or mis-use of such techniques on behalf of or on instructions of the White House will certainly constitute some grounds or basis for accusation for illegal acts by the President. And notwithstanding the right of the Rodino Committee to explore all such accusations and possibilities, the effect of public disclosures in many instances could have serious consequences on our ability to fulfill national security responsibilities.

OBSERVATIONS:

Intelligence Division agrees with necessity of conference between Bureau representatives and the Deputy Attorney General. Intelligence Division also agrees with suggestion that the Special Prosecutor be advised of need to develop and establish a necessary policy and that he be invited to participate in discussions.

Intelligence Division stands ready to assist in or take part in necessary discussions.

ACTION:

That this be forwarded to Legal Counsel in response to his memorandum of reference.

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